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PROCEEDINGS AND DEBATES OF THE 102d CONGRESS, FIRST SESSION

SENATE—*Friday, March 22, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

But if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel.—I Timothy 5:8.

Gracious God, our Father in Heaven, we thank Thee for our families, and we pray for them—for spouses and children who so often are hostages to relentless Senate schedules. Help all of us to keep our priorities in order and not to allow anything, however important, to alienate us from Thee or from our families. As this recess begins, help us to make time—take time—for our loved ones.

In His name who is incarnate love,

The Lord bless you, and keep you:

The Lord make His face to shine upon you, and be gracious unto you:

The Lord lift up His countenance upon you, and give you peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 22, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, it is my understanding that the Journal of the proceedings has been approved.

The ACTING PRESIDENT pro tempore. The leader is correct.

SCHEDULE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders, there will be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

It is my understanding that the conferees on the appropriations bills reached agreement and the House is now proceeding to take up the results of those agreements. I expect that both measures will be cleared by the House in the next few hours and be sent to the Senate for action here.

So I anticipate that the Senate will consider and I hope enact both of the supplemental appropriations bills today. It is my intention to seek consent of the Members of the Senate to proceed with respect to both measures by voice vote.

I believe that the first supplemental appropriations bill, that dealing with Operation Desert Storm, is noncontroversial. The second measure, while including some measures on which there was some disagreement during Senate debate, has been satisfactorily resolved, at least as to most Senators, although I understand that some are disappointed with the results.

So I hope we can proceed to do this by voice vote. That will require the consent of all Senators. Obviously, as Senators know, under our rules, if Senators seek a rollcall vote, they have a right, or if a Senator wishes to offer an amendment to an amendment in disagreement, that right exists as well.

So Senators should be aware that the two appropriations bills are now in the process of being acted upon in the House of Representatives. I expect they will be received here in the Senate early this afternoon. It is my hope to deal with them promptly by consent without the necessity for a rollcall vote. I will shortly be seeking the consent of all Senators to do so.

CAMPAIGN FINANCE REFORM

Mr. MITCHELL. Mr. President, and I say to my colleagues, earlier this week the Senate Rules Committee reported out campaign finance reform legislation. After several days of hearings on various proposals, the committee reported S. 3, the Democratic bill, and S. 6, the Republican bill.

The Rules Committee was set to report out S. 3 alone when Senator DOLE inquired about the possibility of the committee reporting both the Democratic bill and the Republican bill to set the stage for a bipartisan compromise. In a spirit of comity, and out of a strong desire to reach an acceptable compromise on this issue, the chairman of the Rules Committee, Senator FORD, agreed to that approach, and it is one with which I agree.

The Rules Committee will formally file its report on S. 3 over the recess and when we return to session after Easter, both bills will be on the Senate Calendar.

As I have stated publicly on many occasions on the Senate floor and in other public places, and as I have testified before the Rules Committee, I place a very high priority on passing campaign finance reform legislation this year. To do that, I intend to go the extra mile to reach a bipartisan agreement, if it is at all possible.

• This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

Over the last several days, members of my staff have been meeting with members of the Republican leader's staff to review the issues and to discuss the means by which we can bridge our differences. Later today, I will meet with Senator DOLE to discuss how we will proceed in our effort to put together a bipartisan agreement.

We made an effort toward that end last year. Senator DOLE and I appointed a task force of experts to recommend a compromise solution and then we named a bipartisan group of Senators to meet to discuss a compromise after the Rules Committee reported campaign finance reform legislation.

Our efforts failed, but we did narrow our differences and we did reach a better understanding of those differences which remain. I will renew that effort this year, and I hope that after discussing the matter with Senator DOLE, we can agree on the best way to proceed.

Of course, we all understand that these discussions cannot continue indefinitely. I hope that we can reach a bipartisan agreement, but if we cannot, I intend to move this legislation forward, in any event, building on the bipartisan support we had last year and advancing this legislation as far as we can.

The American people no longer have confidence in our election finance system. They demand change and there should be change.

I am determined to pass comprehensive campaign finance reform legislation in this Congress, and I look forward to working with the Republican leader and all Senators in this effort.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 10 minutes each.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, in the event that no Senators wish to speak in morning business, and we will now make an effort to determine whether that is the case, then I want to advise Senators of my intention to place the Senate in recess subject to the call of the Chair pending action in the House on the appropriations bills, as I earlier described.

I will now put in a brief quorum call while we attempt to find out whether any Senators are interested in addressing the Senate. If so, obviously, they will be free to do so for as long as they wish. If not, we will go into recess for a period of time awaiting House action.

Mr. President, I now suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL GUARD COMBAT "ROUNDOUT" BRIGADES

Mr. FORD. Mr. President, I rise today to express my concern about what I consider to be misleading information being circulated about the National Guard combat "roundout" brigades which were called up for Operations Desert Shield and Desert Storm. As most of us know, three such brigades were federalized—the 256th from Louisiana, the 155th from Mississippi and the 48th from Georgia. These units are aligned with Active component divisions and, under current doctrine and mobilization plans, each is programmed to be the third brigade of its parent Active component division.

Over the past several months, we have heard much about the readiness of these roundout brigades. We have been told that they were not ready and could not perform their assigned missions. It is my firm belief that we do not have all the facts—that we have not been told the whole story, and that the unfavorable press these units are receiving is completely unwarranted.

To the 14,000-plus soldiers of these three brigades, we owe a great debt of gratitude. Those soldiers are committed service members who volunteered to serve their country, responded to its call, and went where they were told.

It is important at the outset to recognize, first, that the three brigades had met the Army's prescribed standards of readiness prior to Desert Shield and, second, that postmobilization training has always been an essential part of any mobilization and deployment process. I would further point out that, had the Army proceeded with its existing roundout brigade policy at the time of mobilization, the brigades could have been deployed to Saudi Arabia and trained along side of their Active peers.

However, upon mobilization the Army changed the plan, the rules and the process of postmobilization training. The Army threw out the brigades postmobilization training plans and substituted one of their own, despite the fact that the brigade plans were developed in conjunction with and approved by the respective active division commanders.

Minimum training readiness levels were increased from C–3 to C–1 for the Guard brigades; minimum readiness levels for Guard combat units were increased at mobilization from C–3 to C–1—even though the standards did not exist prior to that time. The Army changed the essential tasks the brigades were required to perform and increased MOS readiness requirements. Finally, the Army issued a new logistics automation program to the brigades and demanded competency prior to validation of readiness. Each of these constituted a new requirement which was nonexistent prior to Desert Shield and Desert Storm and which—let us be honest here—would take time for any unit to meet. The 48th Brigade has now been fully validated as combat ready at the highest levels. The other two brigades are in various stages of completing that training.

Clearly, and I believe National Guard leadership would agree, the Guard needed postmobilization training. Just how much is a direct function of what the difference was between premobilization and postmobilization requirements, but the Guard has proven it can and will meet standards put before it.

I will address this subject in greater detail at a later time. The Guard has identified shortfalls in its training regimen and will move promptly to remedy them. I encourage each of my colleagues to keep an open mind on this issue, obtain all the facts and then let the facts speak for themselves.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SHAME ON YOU, SONY

Ms. MIKULSKI. Mr. President, I wanted to come to the Senate floor to tell you and my colleagues about a drama that has unfolded in Baltimore, come to a head in Baltimore, and it tells the story of how a big, foreign-owned corporation has set about wrecking the American dream of a small woman entrepreneur. The story is a simple one.

A woman comes to this country from the Philippines and her first name is Sony. Her last name is Florendo. She goes about working hard to save a few pennies to open a small downtown restaurant in Baltimore. Through her own great recipies and sweat equity, she builds a business, and she calls it Sony's.

In comes Sony Electronics and tells her she cannot do business using their name. They then proceed to take her into court, threaten her with all kinds of lawsuits, and finally the other day they won. And Sony Florendo's restaurant is no longer in Baltimore now. It is S. Florendo.

Well, you know, I just do not think that is right. I do not think megacorporations with megabucks ought to crush a small entrepreneur who in no way jeopardizes their operation nor, by the very nature of the products they sell, poach on that reputation.

This woman's business sold delightful Asian food. It did not sell TV's; it did not sell radios. And it in no way was poaching on the reputation of Sony electronic products.

Well, Mrs. Florendo has no legal remedies anymore. The law just was not on her side. But I will tell you, this Senator is on her side. I have just written to Sony Corp., and I want to tell you what I said:

> DEAR MR. MORITA: Shame on you, Sony.
>
> Shame on you for forcing Mrs. Resurrecion "Sony" Robles-Florendo to remove her name from her restaurants in my hometown of Baltimore, Maryland, I want you to voluntarily and immediately reconsider this decision.
>
> Your company won't let Mrs. Sony Florendo use her own good name to sell her own good food in her own country that allows you to trade freely even as you treat her unfairly.
>
> I've known Sony Florendo for years. I can't understand how this woman is a threat to Sony Corporation. She is a fine and decent woman who serves delicious food at a small downtown restaurant at Harborplace and at a suburban mall—I've been there and eaten there. She sells food, not electronics or anything that competes with your company.
>
> Sony Corporation has billions of dollars. Why are you bullying her?
>
> You brought a $3 million trademark lawsuit against Mrs. Florendo in 1984. You knew she couldn't afford to take on your high priced lawyers. But she tried to work with you. She even changed her restaurants' name from "Sony's" to "Sony Florendo's." Even that wasn't good enough.
>
> Do you think Phillips Petroleum should follow your lead and sue Phillip's Crab House? Does Scott Paper Company have to sue Scott's Hobby and Crafts Shop?
>
> Sony Corporation may have the law on its side. But you do not have common sense or even common decency on your side. I can't believe that Sony can sign a $1 billion contract with Michael Jackson and still feel your corporation is threatened by having a couple of "Sony Florendo's" restaurants in Baltimore.
>
> You should voluntarily reconsider this harassing, humiliating and heavy handed decision. Let Sony Florendo use her good name. Then you might restore your own good name as well.
>
> I look forward to your prompt response.

Mr. President, Sony Corp. won the legal battle with Mrs. Florendo, but guess what, her restaurants are open today. Her good spirit is there. She loves this country. She loves this country, and she earns a living, and she puts people to work.

Though Sony Corp. might have won the lawsuit, Mrs. Florendo wins the battle. She is about hard work, sweat equity. She had to change the restaurant's name, but if you talk to her, she is ready to go; she is not going to be stopped.

I regretted that I had to do this, and most of all, I regretted that while this woman was trying to earn a living, establish her own reputation, and care for her family, she had to go through all of this for the past several years.

Mr. President, I hope that the high-priced lobbyists out there for Sony Corp. have heard my words, and I think I speak for all of Maryland and all of America.

Sony Florendo has BARBARA MIKULSKI, and I believe the U.S. Senate, on her side.

Mr. President, I ask unanimous consent that an article from the Baltimore Sun be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, March 19, 1991]

ELECTRONICS GIANT FINALLY BEATS A WOMAN NAMED SONY

(By Cindy Harper-Evans)

It's been four years since "Big Sony vs. Little Sony" headlines appeared in local and international papers, highlighting the unseemly controversy between small Baltimore restaurateur Sony Florendo and giant Japanese electronics manufacturer Sony Corp.

But to Mrs. Florendo, owner of two Philippine-Asian restaurants and a catering operation bearing her name, the battle she fought in the U.S. District Court just a few blocks from her main office on Park Avenue is still very real.

Today, Mrs. Florendo must take the name "Sony" off the signs on her restaurants at Harborplace and Owings Mills, her banquet hall on Belair Road and her main office downtown. She says she is still struggling to decide the new name of the restaurant she has owned since 1982.

"Oh, I don't know. Maybe it will be S.R. Florendo or maybe just S. Florendo," she said yesterday, her voice choking at the thought of changing the restaurant's name from "something that has been mine since I was a child."

The name change is part of the deal Mrs. Florendo reached with Sony Corp. in 1987 to drop the $2.9 million lawsuit it had filed against her for alleged trademark infringement, unfair competition and deliberate confusion of consumers.

Originally, Mrs. Florendo's restaurants were called "Sony's." In response to the court order, she initially changed the name to "Sony Florendo's." She had until today to get rid of the "Sony" nickname altogether from all of her signs and advertising.

Mrs. Florendo has not yet ordered new signs and a new letterhead for her restaurants or decided how they will be designed.

"She is trying to put off the inevitable—to think about other things," her husband, Gerardo Florendo, said.

Sony Corp.'s hard stance with a small entrepreneur is not unusual; the company makes a habit of defending its trademark aggressively. It has won infringement cases against businesses that sell everything from chocolate to bicycles.

But the Japanese manufacturer's actions have had a big effect on Mrs. Florendo, 54, who was born Juana Evelina Resurrecion Robles in Cabanatuan, the Philippines, a few years before World War II began.

The hardest times in her life "all have to do with the Japanese," Mrs. Florendo said, her head shaking in disbelief and her eyes welling with tears as she begins to tell a story she says she has never shared publicly.

When she was 4, Mrs. Florendo's father was taken prisoner by Japanese soldiers. He was picked up at a restaurant in Manila while he was having lunch, she said.

Her father was interrogated and tortured for 10 days, Mrs. Florendo said. She said he was about to be killed but was released after he was able to prove to his captors through a newspaper article that he was a judge.

"My grandfather had his spinal column smashed by Japanese and had to live as an invalid for the rest of his life. Cousins were slapped so hard on the side of their faces by the Japanese that they lost some of their hearing," Mrs. Florendo said.

At the age of 5, she had her "first negotiation with the Japanese," Mrs. Florendo recalled.

The Robles family owned one of the two pianos in their town. One day Japanese soldiers came and took the Robles' piano back to their barracks.

"I was able to convince a soldier to come and pick me up so I could still practice the piano," Mrs. Florendo recalled.

"That time I was able to negotiate, but with Sony Corp., there was no compromise because it had to do with money," Mrs. Florendo said.

Several years ago, Mrs. Florendo said, she wanted to deal with her hurt over the Sony Corp. experience by starting an organization to help small entrepreneurs engaged in expensive legal battles.

"It was not possible for me to fight Sony because each day my husband, my son and I spent away from my restaurant, it meant something was not getting done or we had to pay someone to take our places. That is very expensive," Mrs. Florendo said. In addition, she said, the legal fees were exorbitant.

But Mrs. Florendo said she gave her idea up.

"It was very painful for me to keep remembering my experience. It made me very angry, though I try not to be," she said.

"But one thing I've learned from all this is that when you are honest about what you do, you can survive even the biggest fall," she said.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Ms. MIKULSKI. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 11:34 a.m., recessed subject to the call of the Chair; whereupon at 12:30 p.m., the Senate reassembled when called to order by the Presiding Officer [Mr. KERREY].

The PRESIDING OFFICER (Mr. KERREY). The Senator from Indiana is recognized.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. COATS. Mr. President, a couple days ago I offered an amendment on H.R. 1281, the dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm with some other related items. My amendment sought to strike section 203 of that legislation, and I was pleased that a majority of my colleagues supported it and by a 56-to-44 vote we did strike that section. As I indicated 2 days ago, the reason for offering that amendment was that I felt section 203 had no place in this particular legislation.

It directs the Department of Defense to spend money that it does not want to spend on a project that it does not feel is necessary, and spend it at a particular place, which it may or may not want, to conduct any of the proposed overhaul of the U.S.S. *Kennedy*.

We had a spirited debate with a number of my colleagues, particularly my colleagues from Pennsylvania. As I said, I was pleased that the Senate adopted my amendment to strike by a 56-to-44 vote.

Subsequent to that, because a similar attempt in the House had failed, the conference made a determination to reinstate section 203. So the conference report back now before us has reinstated that language.

I obviously am tempted to offer an amendment in disagreement, but I can see the handwriting on the wall. The House recently took up this matter and by more than a 3-to-1 margin, defeated a motion to recommit the bill for the purpose of restriking section 203.

So we are engaged in what will be a fruitless exercise here, even if the Senate were to go ahead and support my additional amendment to strike it again. It will simply bounce back to the House, and, as I said, when it is defeated over there by more than a 3-to-1 margin we can read the handwriting on the wall.

The reason I raise this amendment at this time is not because I am making a judgment as to whether the U.S.S. *Kennedy* should enter into a Service Life Extension Program at a cost of $1 billion, or undergo an overhaul, as the Navy requests, at a cost of $550 million. That ought to be reason enough—a $500 million impact on the taxpayer.

But it was not my primary reason, nor was my primary reason to indicate that this work, if it takes place and when it takes place, should be done at the Philadelphia Naval Shipyard, or anywhere else. That may be a secondary reason which at some point the Navy has to consider, and maybe this body must consider. But that also was not my primary reason.

My primary reason for offering the amendment to strike was simply to say this is not the procedure or the process that we ought to use to make these kinds of decisions. We have established in this body an authorizing process whereby we can call up the appropriate agencies—in this case, the Department of Defense and the Secretary of the Navy and others—to make a valid determination as to whether or not this work ought to be done and how it can be done most cost effectively and efficiently.

I also brought it up because, as I said on Wednesday, it was a very clever way of circumventing the base-closing process. By designating a specific amount of work to be done at a specific place, you are in effect removing a specific military location from the effect of the Base-Closing Procedure Commission's decision to close it.

I have no idea whether or not the second Base-Closing Commission would recommend the Philadelphia Naval Yard be closed. Apparently, the Senators from Pennsylvania thought it might. They came up with an ingenious way of circumventing that decision. I do not think that is proper procedure. I do not think that is the kind of thing we ought to tolerate. I do not think this is the way in which we ought to legislate.

I have led the effort, along with Senator MCCAIN, to give the President line-item veto authority. He needs the authority for the very reason that section 203 is in here, that Members of this body have traditionally and historically tried to circumvent the regular process of bringing an issue before the body for a determination as to whether it should go forward or not because they do not want it to stand the light of public debate, public scrutiny, and an up or down vote, fearing that they will not be successful in winning that vote.

So instead, it is attached to an appropriation which is a popular appropriation that they know the President is going to sign; he is not going to oppose the appropriation to pay for Desert Shield and Desert Storm. We all know this is legislation that the country needs, and that the President was going to eventually sign. This is the place where we can slip all our little goodies in that we do not want to bring before the body, because we are afraid they will not succeed.

It is this very practice which I think ought to cause us to forfeit the ability that we have to appropriate here on this kind of a basis in favor of a line-item veto authority for the executive branch, which I think would put an end to this kind of practice.

I am just getting sick and tired of picking up the paper every day after we pass an appropriations, and watching this list of pork barrel special interest money spending projects be listed to the public. It is an embarrassment to go home and hear: "What are you people doing there"; to have to answer those kinds of questions. "When are you going to be honest and up front with the American people? When are you going to put your favors on the line, whether you are for something or against something, and stop this multibillion-dollar grab bag of slipping stuff in at the end that the public does not have any way of finding out about until the end?"

I am just putting my fellow Senators on notice that as the appropriations bills come through, I am not going to hesitate to come down here and point out pork barrel special interest projects that have not been authorized, that have no place on the appropriations, and that would never stand the scrutiny of the light of day of public debate, because this thing takes place over and over, and the toll mounts in terms of the impact on the budget. The country is about bankrupt. Everybody knows that. Yet we keep spending beyond what we even agreed to on the budget.

I heard all these great speeches about how this new budget we passed last year is going to finally impose the discipline. Already, here we are; it is March, 2½ months into the new Congresss. Because these expenditures come under the definition of emergency, then, they do not have to conform to the requirements of the new budget process.

So what we find in here are things that are not emergencies at all. Some of this is valid and very appropriate. But a lot of things that have no business being labeled dire emergencies have found their way into this bill as a way of circumventing the process.

I think we ought to be embarrassed about what we do. The public is fed up with this process. It is all the more reason why we ought to enact a line-item veto authority to save us from ourselves. We ought to give that to the President. We need that check and balance, because it seems that we just cannot resist the temptation to take items which we know would not be passed if handled on an individual basis, slip them into these things, declare them an emergency, hope the press or the public does not find out about it until after it is passed, and then we go home to wink at our constituents and say, "I brought home a little more pork."

That is not the way to run this country. We are running this country into a massive deficit. I just again want to point out that if there is ever a justification for line-item veto, if we as a body have ever forefeited our right to claim that we are responsible in terms of how we handle the taxpayers' money, it is through things like this.

I will not offer this amendment. I can see the handwriting on the wall. It is not going to pass.

This legislation needs to pass, because it contains some important items. But I hope we can show a little more discipline around this place and not take advantage of this clever little procedure to slip something over on the public. Frankly, it is not getting by them anymore. They are disgusted and I am disgusted. We ought to be embarrassed.

I yield the floor.

Mr. SPECTER. Mr. President, I take strong exception to the remarks made by my colleague from Indiana. As was pointed out to him repeatedly during our debate on the Senate floor 2 days ago, section 203 is not designed to benefit the people of Pennsylvania at the expense of the rest of our taxpaying Americans. Section 203, which says that the Department of Defense may spend prior year funds only on the Service Life Extension Program [SLEP] on the U.S.S. *Kennedy* at the Philadelphia Naval Yard, will not cost the American taxpayer a dime. The money for SLEP of the U.S.S. *Kennedy* is money that has been appropriated and authorized in accordance with the Navy's fiscal year 1991 request—money that will, in fact, save the American taxpayer money.

If the Navy has changed its mind with respect to SLEP, this is a matter for the U.S. Congress to decide. Furthermore, as the Navy delays expenditure of funds provided for SLEP, the planned date for commencement of work on the U.S.S. *Kennedy* is further delayed beyond 1993 at additional cost both in defense capability and to the U.S. taxpayer.

The Senator from Indiana represents that it will cost $1.2 billion to SLEP the U.S.S. *Kennedy*. This estimate is simply wrong, and inconsistent with the estimates the Navy itself has been using. The latest estimate we have received is $870 million—a figure we believe to be accurate. The Senator has also chosen not to reveal the fact that the alternative to SLEP, a complex overhaul, will only cause the Navy to return to Congress 5 years from now and ask for another $550 million to do another complex overhaul. Not only will this cost more than a SLEP of the U.S.S. *Kennedy*, but it will keep the ship out of service longer and will only extend the service life 10 years as opposed to 15 to 20 years with a single SLEP. According to Navy documents I included in the RECORD on Wednesday, March 20, 1991, during a SLEP an aircraft carrier receives structural repairs to the basic hull, power generation, main propulsion, and auxiliary systems, including cooling systems and electrical distribution. This same document says that "a study of the work package on SLEP has concluded that a series of shorter availabilities [COH] is not a substitute in that the OPNAV objectives could not be met." I don't know why the Senator from Indiana and the Department of Defense have chosen to ignore these facts concerning the cost effectiveness of SLEP, but it is for this very reason that the Congress controls the purse strings of the American taxpayer, not the Department of Defense.

What the Senator from Indiana also fails to mention either because he is misinformed or has chosen to neglect the long-term consequences of his action, is that the Navy wants to cancel the Service Life Extension Program to create justification for closing the Philadelphia Naval Yard. The Navy is at a loss to provide data which shows that it will save the American taxpayer money if the Philadelphia Naval Yard is closed. In fact the estimates available to us in the Navy's environmental impact statement show that it will cost at least $140 million to close the yard over and above the costs of hazardous waste cleanup which could exceed $200 million. The only thing the Navy gains by discontinuing the SLEP Program and closing the Philadelphia Naval Yard is justification in the future to build new and more expensive nuclear carriers.

The Senator from Indiana has also failed to mention that it costs upwards of $1.4 billion to SLEP a nuclear aircraft carrier, not to mention the costs associated with disposal of the spent nuclear fuel and the difficulties in identifying an acceptable disposal site. My colleagues may be interested to know that in the 2-year budget request for fiscal year 1992 and fiscal year 1993, the Navy has requested $850 million in advanced procurement for CVN-76, the newest nuclear carrier. I am advised that when all costs are computed, it costs approximately $4 billion to purchase a new nuclear carrier. These are all issues which will be reviewed as Congress considers the fiscal year 1992 funding request for the first installment on the Department of Defense's new force structure plan. The base closure process will also address many of these issues.

Mr. President I suggest to my colleague from Indiana that the Senate conferees acted correctly in retaining this important provision so that the SLEP Program can be preserved and congressional direction with respect to the expenditure of money on the U.S.S. *Kennedy* upheld.

THE SUPPLEMENTAL DAIRY AMENDMENT

Mr. KOHL. Mr. President, I come to the floor to express my disgust at the decision to drop from the supplemental the dairy amendment which this Senate adopted on a 60-40 vote.

I wish my colleagues—and the administration—could meet the dairy farmers of Wisconsin. These are decent people, hard-working people, people who love their land and their life style and want to preserve it. They are productive people, people who have made it possible for Americans to have milk and cheese at low prices, people who have fed our country and the world for generations. These people are the backbone of America.

Well last night we turned our back on them.

The prices that dairy farmers are getting have fallen by over 25 percent in the last few months. Twenty-five percent. One quarter of their income is gone. Not many people shed tears about that because there is still milk in the stores and cheese on the shelves. But consumers know that the prices they pay for dairy products have not gone down—in fact, in some cases they have gone up—despite this drop in milk prices.

Now Mr. President, some of us tried to do something about that. Working with Senator LEAHY, the chairman of the Agriculture Committee, we offered an amendment to provide a little more support for our farmers, $1.20 per hundredweight of milk for most farmers. That is not a lot, Mr. President, but it would have helped our farmers—and it would not have hurt anyone else.

Our amendment was budget neutral. It would not cost the Treasury one red cent. Our amendment was crafted to protect consumers and to protect people who participate in the WIC program. No one would have been hurt by our amendment and some people would have been helped.

But the administration would not agree to it. They sent up a veto message because the amendment would make changes in Federal milk marketing orders, because it would disturb some economic theory, they have.

Well I have a theory too, My theory is that when you can help some people without hurting anyone else you ought to do it. And that is what our amendment did.

Now, the administration is willing to help Jordan—sell them arms, give them aid despite the fact that they hurt our effort in the Persian Gulf. The administration will bail out the S&L industry and ask taxpayers to save the banking industry—but it will not do anything for the people who earn the money that goes into those banks and S&L's.

Mr. President, that does not make sense. It cannot be explained to the dairy farmers in my State or my region.

In the 2 years I have been in the Senate, I have seen some amazing things, Mr. President, but this takes the cake. I gave some serious thought to asking the Senate to vote on this issue again. But I know how to count—and I know that we would not prevail. But this is one Senator who wants the record to reflect that he would vote against this supplemental.

This is also one Senator who wants the administration to understand that they have broken faith with America's dairy farmers. They have also broken faith with those of us who are being asked to support an extension of fast track for GATT. In fact, I talked to Ambassador Hills about that issue this morning. While I would like to believe her promises that dairy farmers will be protected in the GATT negotiations, what I saw yesterday makes that a lot harder to do. And I told her that this morning.

So, Mr. President, let me conclude by making this point very clear: What was done last night was not only a defeat for dairy farmers, but a defeat for American values. It was a defeat for protecting an American way of life.

Mr. President, this issue will not go away. Unlike the administration, I am not prepared to leave our dairy farmers helpless—unable to make a living on today's milk prices. And I do not think that the 60 Members of this body who supported our efforts will be, either. I hope that somehow, some day, the administration will decide to recognize that dairy farmers deserve and demand their help.

I yield the floor.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:45 p.m., recessed subject to the call of the Chair; whereupon, the Senate reassembled at 11:46 a.m. when called to order by the Presiding Officer [Mr. KOHL].

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEREGULATION AT THE FCC

Mr. KERREY. Mr. President, I ask unanimous consent that an article that was in Wednesday's New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEREGULATION AT THE FCC

(By Edmund L. Andrews)

WASHINGTON, March 18.—As an advocate of deregulation. Alfred C. Sikes, chairman of the Federal Communications Commission, has a sweeping agenda for relaxing many longstanding regulations throughout the communications industries and encouraging new technology.

But last week's impasse on rerun rights for television networks casts substantial doubt on whether he can forge a majority from an increasingly fractious panel to accomplish his goals.

Mr. Sikes, a one-time Missouri television broadcaster, has been widely praised for his grasp of the issues, but his corporate style tends to grate on some of the other strong-willed, politically ambitious commissioners.

The machinations leading up to the last week's deadlock reflect a deep division among the five F.C.C. commissioners, in terms of both political philosophy and personal animosities. On one side are Mr. Sikes, 51 years old, and Commissioner James H. Quello, 76, a former radio executive in Detroit who also favors relaxing regulatory barriers. On the other are three commissioners—Sherrie P. Marshall, Ervin S. Duggan and Andrew C. Barrett—who may yet hand Mr. Sikes a humiliating defeat on the rerun issue.

The split is important because it could impede progress on other issues; a fragmented commission is far more likely to be paralyzed by intense, well-finished lobbying from competing interest groups. Yet, rapidly changing markets and technology have greatly increased the pressure on the F.C.C. to tackle a wide range of questions:

Whether to relax restrictions on long-distance pricing by the American Telephone and Telegraph Company.

Eliminating rules that limit the number of radio and television stations a single company may own.

Reallocating portions of the radio spectrum to new technologies, like interactive television.

Increasing the authority of local government to regulate prices charged by cable television operators.

Where some commissioners stand on these issues remains unclear. What is clear is that resentments are smoldering everywhere. "Collegiality at the F.C.C. is, in my judgment, a pale shadow of its former self," Mr. Duggan said in a recent speech. "I feel like a member of the Hungarian Parliament before reform: I am given one proposal and asked to vote only yes or no."

He added that he was not blaming Mr. Sikes personally, but he complained that the F.C.C. staff, which provides the crucial legwork in policymaking, acts at the behest of the chairman and not for the commissioners as a group.

Mr. Sikes, for his part, said he felt frustrated. "What I've seen develop over the last few months is the use of divide-and-conquer tactics, very-well placed leaks and people creating rumors and then spreading them around," he said in an interview Friday.

But he added that despite the wide split on the rerun issue, he is confident that "the fissures are not so deep as to preclude us from handling important matters."

PHILOSOPHICAL DIFFERENCES

It is too early to predict whether the three commissioners will continue to vote as a block, but all of them have fundamental philosophical differences with Mr. Sikes.

Mr. Duggan, who is 51, a former journalist who once worked in President Lyndon B. Johnson's White House, remains a devout Democrat on many issues and tilts toward traditional regulation in broadcast and telephone issues. He has become a persistent thorn in Mr. Sikes's side by repeatedly objecting to deregulation moves.

Mr. Sikes's fiercest opponent is Commissioner Marshall, 37, a former White House aide under President Ronald Reagan with strong contacts throughout the Bush Administration. A leading figure in the unsuccessful effort to help persuade the Senate to approve John Tower as Secretary of Defense, she was Mr. Sikes's chief rival to become F.C.C. chairman in 1989; the two do not like each other.

Mr. Barrett, 49, is a Republican who served for 11 years as a commissioner on the Illinois Commerce Commission, which regulates utilities.

The immediate issues is whether to retain rules, imposed in 1970, which bar the television networks from obtaining rerun rights to the shows they broadcast. The rules were adopted in the wake of Government antitrust concerns and are intended to prevent the networks from using their access to primetime viewers to bully producers and studios. The Hollywood studios have fiercely defended the rules, but the networks and the Bush Administration argue that they are outdated and should be repealed.

Ms. Marshall has long been the most persistent champion for Hollywood forces in the current debate even though her colleagues in the White House favor the networks' position. "I believe what's driving her is her hatred of Al Sikes," said one industry lobbyist, who insisted on anonymity.

"I don't hate Al and I don't even dislike him," Ms. Marshall said. "I will decide this issue on the merits and not on the basis of personalities."

CHRISTIAN EVANGELICAL INFLUENCE

Last week, both Mr. Duggan and Ms. Marshall teamed up to endorese a surprise proposal to continue restrictions on the networks. The proposal—circulated without advance notice to Mr. Sikes—came from Commissioner Barrett. Mr. Barrett's relations with Mr. Sikes are at best cool.

Mr. Sikes favors a three-year phase-out of the rules, which were imposed in 1970.

Mr. Duggan, who joined the commission last year, is best known for supporting measures to curb what the F.C.C. calls "indecent programming," meaning with strong sexual content. His nomination was fueled in large measure by support from Christian evangelical groups.

"SHCMOOZING" WON'T HELP

In the debate over syndication rights, Mr. Duggan has repeatedly said he wants to protect "less powerful" interests in the entertainment industry, like independent producers, writers and directors. But he has also expressed a broader sympathy for traditional regulation.

Supporters of Mr. Sikes praise him for his ability to cultivate good relations with Congress, but some also say he has run the F.C.C. like a chief executive, failing to cultivate his fellow commissioners.

In reply, Mr. Sikes said he was "absolutely certain that there are times when I've been less attentive than I should have been." But he added: "We've got some philosophical differences up here that can't be papered over. You can't just eliminate them by going down the hall and schmoozing."

Mr. KERREY. Mr. President, this article is written by Edmund Andrews, and it references a quandary, a conflict, that exists at the Federal Communications Commission. I must say that I am not only concerned by this conflict, and the inability of the FCC to make a decision about what, to me, is an issue of very important economic interests in the country. On the one hand, the networks want the right to be able to gain revenues from the syndication of television shows, and on the other, the studios and independent producers do not want them to have that right. There is a big conflict going on now, and the administration is taking a position in support of the networks. This article merely describes an effort on the part of three people at the FCC to offer an amendment that would actually preserve the status quo, slightly modified.

I am not concerned myself about which side the FCC comes down on in this issue. It is not a matter that is going to make a great deal of difference in the lives of the people of Nebraska. Trying to decide who gets the revenue from reruns essentially is what the FCC is trying to decide. What concerns me is the nature of the decision-making process of the FCC. One of the Commissioners, Ms. Sherrie Marshall, is quoted in the article saying, "I do not hate the Chairman; I do not even dislike him."

Well, everyone that I have talked to who observes the FCC now disputes that. In fact, they are in a stalemate at the FCC because Miss Marshall does, in fact, hate the Chairman of this five-person Board. Mr. President, all of us who have worked in a democracy know that if you have a five-person board, and one person is angry and wants to get the Chairman, this little five-person board is going to have a difficult time functioning. Indeed, that is what has happened.

You say, what is the big deal, what is the consequence of that? Well, Mr. President, the Commerce Committee recently voted out of committee a piece of legislation that would allow the regional Bell operating companies to get in the business of manufacturing telecommunications equipment. It has been a very contentious issue for years.

I support that piece of legislation. I have taken the position, in fact as Governor of the State of Nebraska, when I was the lead Governor for telecommunications, that we should move to eliminate the restrictions that are imposed by a consent decree that was established at the time that AT&T was divested and broken up and felt that it would be far better for the FCC to make those regulatory decisions rather than having a Federal judge make those decisions.

I must tell you that having taken that position since 1985, and having been an advocate for it for the past 6 years, what is going on in the FCC shakes my confidence. In fact I am not so certain any longer that the FCC is the best place. Certainly they have a staff. Certainly they have the resources. Certainly it would make sense on paper for the FCC to be doing it, but if there is fracture and having difficulty making decisions, it may be that the Federal judge, Judge Greene, ought to be left with the power to make those decisions. I regret that. I believe it would be better under normal circumstances, particularly when it relates to manufacture, that the FCC be making decisions.

Fundamental to our shifting this authority to the FCC is the belief they have the capacity to determine when a telephone company is cross subsidizing a manufacturing operation and thus competing in an unfair fashion with a small entrepreneur that is trying to deliver manufactured goods to Americans.

I am very troubled not just by this article but by getting it confirmed by other people. This is perhaps the most rapidly growing sector of our economy; this is the information industry. Not only is it important for us economically, but it is important for us socially as well.

Those of us who are parents are constantly troubled by what we see on commercial television and what we see in our movie houses. We very often find ourselves saying we do not want our children to be exposed to, in effect, the violence we have seen in the last 20 years. So, I believe in many ways the FCC may be the most important appointed body that we have in the entire Federal Government.

So, Mr. President, I simply call this to the attention of my colleagues as well as to the attention of the citizens of the State of Nebraska. This five-person body, it seems to me as a consequence of one individual and her personal animosity toward the chairman, is determined to make it awfully difficult for this Commission to make the kinds of judgments that we need so the economy can grow, so we get the kinds of applications that those of us who are parents trust are good applications.

I thank the chair.

JAPAN'S CONTRIBUTION TO DESERT STORM

Mr. DOLE. Mr. President, I am pleased that we appear to be moving to final action on both H.R. 1281 and H.R. 1282—the two supplemental appropriations bills—in a form that will be acceptable to the President.

One matter dealt with in these bills is the contribution of our Desert Storm coalition partners to the cost of the operations. We have been rightly concerned about the failure or tardiness of some of our partners in meeting their commitments.

Since we have criticized some of them—perhaps for good reason—we do have the obligation to take note of real progress in this area. So I am pleased to ask unanimous consent to include in the RECORD a letter I have just received from Japanese Ambassador Murata, informing me that Japan has made another major contribution of $6 billion toward its overall pledge of $13 billion—most of it coming directly to the United States that brings the amount already delivered by Japan or in the pipeline to $11 billion.

I congratulate the Japanese Government on this timely step, and look forward optimistically to receiving word of payment of the final $2 billion of its pledge.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBASSY OF JAPAN,
Washington, DC, March 22, 1991.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR REPUBLICAN LEADER DOLE: I am pleased to announce that this week, Japan made another disbursement of ¥793.91 billion to the United States in fulfillment of its pledge of financial support to the multinational forces in the Gulf. This amount represents approximately $6 billion (at $1.00=¥130, the exchange rate used for the supplementary budget).

This transfer of funds constitutes the first installment on the pledge made by Japan in late January to add ¥1,170 billion ($9 billion) to its earlier contribution of $2 billion, for the multinational forces in the Gulf. A predominant portion of the additional contribution will be received by the U.S., as was the case for the first $2 billion contribution. These contributions, together with the $2 billion for economic assistance to the three front-line States, bring Japan's total financial contribution in the context of the Gulf crisis toapproximately $13 billion.

The Government of Japan has committed itself to the multinational coalition in recognition of its growing responsibility in the world community, and in light of the importance of the Japan-U.S. relationship. I look forward to working with you toward strengthening our relationship in the future.

Sincerely yours,

RYOHEI MURATA,
Ambassador of Japan.

THE RESTORATION OF LUBAVITCH

Mr. MOYNIHAN. Mr. President, the Members of the Senate are familiar with the remarkable scope of activities conducted by the International Lubavitcher Movement. This dynamic organization has grown into a major contemporary spiritual force from a tiny group of intrepid Chassidic Jews who gathered over two centuries ago in the White Russian village of Lubavitch.

Rabbi Noson Gurary, the director of Lubavitch activities in western New York State, has embarked on a remarkable project to restore the ancient shtetel—village—of Lubavitch as the centerpiece of a world convention center committed to "the promotion and maintenance of human rights, dignity, justice and spiritual freedom."

I have reviewed Rabbi Gurary's plans and thought my colleagues would be interested in knowing of this unique plan to establish a facility "recalling the architectural history of the region" which will include housing for visiting scholars among other facilities. This envisioned facility will include a multimedia museum and a wide range of educational and cultural programs. I rise to commend Rabbi Gurary's efforts and to wish him every success in this innovative undertaking.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,197th day that Terry Anderson has been held captive in Lebanon.

POSTWAR THOUGHTS

Mr. HARKIN. Mr. President, many articles have written suggesting that those of us who voted for continued use of economic sanctions against Saddam Hussein were wrong. We Americans like to treat activities as sporting events, with winners and losers. We won the war, so those who voted against the immediate use of force must be losers or so the thinking seems to go.

Two excellent editorials in the Des Moines Register eloquently and convincingly defused this winners and losers syndrome. We will never know if economic sanctions might have worked. We still do not know the full costs of the war, and cannot compare the likely results of waiting versus immediate military action. I ask that these two editorials be included at the conclusion of my remarks.

We have won the war. Now we must win the peace. We must address long-term issues such as democratization of Kuwait and hopefully Iraq, installation of peacekeeping forces under U.N. auspices, resolution of the Israeli-Arab dispute, and restricting an arms race in both conventional and weapons of mass destruction in the Middle East. Ambassador John McDonald of the Iowa Peace Institute wrote one prescription for ending the war and restoring peace just before the cease-fire was announced. Again, I commend his analysis to my colleagues.

Finally, John Isaacs, the president of Council for a Livable World, delivered a speech recently addressing the post-cold war and post-Persian Gulf challenges of the 1990's. The council has been one of the most effective organizations in Washington working to end the nuclear arms race. Mr. Isaacs raises a number of provocative ideas for the United States to consider as it reexamines its foreign policy agenda for the next decade.

I ask unanimous consent that all four of these items be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Mar. 6, 1991]

AT WAR OVER THE GULF WAR

In the afterglow of the easy victory in the gulf, some Republicans gleefully are trying to use the war to discredit the opposition.

"Democrats who voted to give sanctions more time and voted against the defense buildup will have a lot to answer for," crowed Guy Vander Jagt of Michigan, head of the Republican Congressional Campaign Committee.

Wait a minute. Why should those who wanted to give sanctions more time have anything to answer for? Since when is seeking honorable alternatives to war anything to be ashamed of? In a sane world, it should be something to be proud of.

But we're not talking about a sane world. We're talking politics.

"They ought to have the courage to say, 'We blew it, we were wrong,'" taunted Republican Senator Phil Gramm of Texas. The political logic goes something like this: The war was a success; therefore, those who opposed resorting to war were wrong.

That logic is specious. Just because the war succeeded doesn't preclude the possibility that other means might have succeeded. Without taking anything away from the wartime performance of the president, his generals and the troops, it remains true that the war represents a lost opportunity.

Before the bombing began, a united world had Iraq in the grip of an embargo and blockade probably tighter than any applied to any aggressor in history. It was an opportunity to demonstrate that the community of nations could deal with an outlaw without using force. It was a rare chance to try moving the world beyond war.

The sanctions clearly hurt Iraq worse than Saddam Hussein let on. Note that when Saddam was desperately trying to negotiate a conditional withdrawal from Kuwait, the condition he wanted most was the lifting of sanctions.

Patience never has been an American virtue, and Congress voted in favor of war after sanctions had been given only five months. The war went miraculously well, and now those who voted for it are basking in the glory won by the troops. That's fair enough.

But proponents of the war should be cautious about hailing its success. It's too soon to know whether the war will be beneficial to U.S. interests in the long run.

While an impressive military accomplishment, the war took tens of thousands of lives, mostly Iraqis. It left Kuwait in ruins. Six million barrels of oil a day go up in smoke from the flaming wellheads that may burn for years to come. The ruling family that has returned to power in Kuwait has declared martial law and may suppress any move toward democracy.

In Iraq, the aggressor Saddam is still in power. He uses what's left of his armies to massacre rebels.

What was gained from the war? Perhaps a great deal if President Bush's far-reaching postwar initiative can overcome age-old grievances. Perhaps little or nothing if the war only breeds further conflict, as is usual with wars.

It may be years before the final result is known. It is simply too soon to exult over the gulf war as an unqualified triumph.

Was the war a success? Yes, in a military sense. In a larger sense, war is never a success. Each war is one of civilization's failures.

[From the Des Moines Register, Mar. 13, 1991]

FINGER POINTING IN THE GULF: SET THE RECORD STRAIGHT

In the exuberance of victory, some U.S. political leaders have made some silly statements that shouldn't pass uncorrected.

President Bush, for instance, described the troops in the gulf as "the finest fighting force this nation has ever known." Given the advanced weaponry at their disposal, the troops of the gulf war were the most lethal force the nation has ever assembled, but to call them the finest fighting force covers a lot of territory.

Were they finer than the forces at Anzio? At Omaha Beach? At Iwo Jima? At Pork Chop Hill? At Khe Sanh? At Argonne Forest? At Gettysburg? At Buena Vista? At Saratoga? Surely the gulf troops would not want it implied that they were better than those predecessors.

It should be enough to say that the gulf troops upheld the finest tradition of American fighting forces, which is honor aplenty.

Then there was the president's assertion in his victory speech that "We lifted the yoke of aggression and tyranny from a small country that many Americans had never even heard of, and we ask nothing in return."

Nothing? Nothing but a reliable supply of cheap oil.

True, some noble motives were involved in the fight against Iraqi aggression, but the fact that the Persian gulf has half the world's known oil reserves had a little bit to do with it. If the United States fought wars purely to reverse aggression, the 82nd Airborne would be dropping into the Himalayas to expel China from Tibet. The 1st Armored would be rolling into Lebanon to kick out Syria.

Great powers sometimes go to war to protect their vital interests. The United States need not apologize for that. Indeed, it has much to be proud of in its conduct of the gulf war. But it's not healthy for a nation to ascribe saintly motives to actions taken in its self-interest.

Finally, there are Republicans who assert that anyone who voted against authorizing the use of force in the gulf was "wrong." That's flawed logic. The war succeeded in driving Iraq from Kuwait, but it is possible that continued economic pressure might have succeeded also, if given more time.

Besides, as columnist Richard Cohen notes on this page, if fingers are to be pointed at who was right and who was wrong, there are more things to consider than just the war vote on Jan. 12. Who was wrong, for instance, in misjudging Saddam Hussein's intentions? Who was trying to block sanctions against Saddam, right up to the invasion of Kuwait, so Iraq could buy more U.S. grain?

Who was in charge of the diplomacy that apparently gave Saddam the impression the United States would not intervene if he invaded Kuwait? April Glaspie, the U.S. ambassador to Iraq during the critical months before the invasion, has been kept under wraps.

Did U.S. diplomatic bungling result in a war that need not have happened? Now that the war is over, it's appropriate to find out, beginning with an invitation for Glaspie to testify before Congress.

LET'S BEGIN TO PLAN FOR PEACE

(By John McDonald, President, Iowa Peace Institute)

Where are we in the peace process? Actually our government seems to have made little progress to date, having focused its energies almost entirely on fighting the war.

The State Department and President Bush have said repeatedly that our fundamental war aim, as set forth in UN Security Resolution 660, is to ensure that Iraq "immediately and unconditionally" withdraws from Kuwait. Resolution 661 then goes beyond that and calls for the restoration of the "sovereignty, independence and territorial integrity" of Kuwait. It has been clear, since January 16, however, that some, but not all, of the Coalition forces have other war aims, i.e. the destruction of Iraq's nuclear, gas, chemical weapons and missile capability, as well as its air force, navy and ground forces. In addition, as we have seen from official reports of the war, an enormous amount of infrastructure in Iraq, such as bridges, highways, power plants, water systems, etc., has been destroyed.

One could argue that this destruction is justified in order to carry out Security Council Resolutions 674 and 678, which call, respectively, for the restoration of "peace, security and stability in the region" and "to restore international peace and security in the region". It would certainly be difficult to restore "international" peace and security in the region, if Saddam Hussein remained in power after his armed forces withdrew from Kuwait.

However, such mass destruction, plus the mounting number of civilian casualties in Iraq, have changed the tenor of the war and caused ever increasing numbers of Muslims throughout the world to increase their anger towards, and criticism of, the United States.

Unfortunately, the U.S. Government allowed an opportunity to explore Saddam Hussein's credibility, to slip through its fingers and pass to the Soviet Union, when it refused to negotiate with Iraq, that country's heavily conditioned offer of February 15, to withdraw from Kuwait.

Yet it is critically important today that the world recognize that the United States' ultimate goal is peace in the Gulf and stability in the region. With these aims in view the United States should take the following actions:

1. Announce, for all Arabs to hear, that we have no plans to occupy Baghdad or to rule Iraq.

2. State that we have no intention of dismembering Iraq or allowing any other nation or collection of nations to violate its international borders and break up that country into smaller pieces.

3. Inform the Iraqi people that we want them to decide their own future, after the war is over. However, if they decide to move towards a democratic state, for example, along the lines proposed by the Joint Action Committee, (a coalition of 16 different exiled Iraqi political groups which is calling for a transitional government to be established after Saddam Hussein's death or ouster and free elections in a year) we, and others, will help, under United Nations auspices, to rebuild their war damaged country.

4. We should take the lead at the United Nations Security Council now, and propose the negotiation of the following four resolutions, which would go into effect at the time Iraq begins its unconditional withdrawal from Kuwait, recognizing the chaos that will exist in Iraq and Kuwait at the end of the conflict and the need to bring stability to the region:

a. The Security Council should establish a U.N. Peacekeeping Force in Kuwait which would supervise Iraq's withdrawal and insure that the border between the two countries would remain a peaceful one. This military force should be made up primarily of military personnel from Arab League member states. The five permanent members of the Security Council (US, UK, USSR, France and China) would not be represented in this peacekeeping force.

b. The Security Council should establish a temporary, nonmilitary, United Nations Advisory Group in Kuwait City, to assist the returning Kuwait government and help the returning refugees. This advisory group could also supervise a referendum in Kuwait, six months after the withdrawal, to determine the kind of government the citizens of Kuwait would like to establish.

c. The Security Council should establish, as soon as possible, a major, non-military, United Nations Advisory Group in Baghdad, made up primarily of experts from the Specialized Agencies of the U.N., who would be responsible for providing emergency help to the civilian population, evaluating the damage to the civilian economy, coordinating foreign assistance from all sources and helping the transitional government rebuild the destroyed civilian infrastructure and the economy.

d. The Security Council should schedule an International Peace Conference, three months after the Iraqi withdrawal is completed, to take place in Geneva, Switzerland. Countries invited to attend, as members, would be the 15 nations of the Security Council, Iraq and Kuwait and the countries on their borders, those member nations providing military or financial assistance to the Allied Coalition, Israel and the PLO. Other members of the United Nations would have Observer status. The Agenda should have the following substantive issues for discussion:

1. A review of the implementation of the Security Council Resolutions mentioned in paragraph 4,

2. The lifting of the UN embargo,

3. The exchange of prisoners of war,

4. Iraq's land and oil claims against Kuwait,

5. Kuwait's claims for war damage against Iraq,

6. Human rights violations against Iraq,

7. The future role of former "guest" workers in Kuwait, Iraq and Saudi Arabia,

8. Future security arrangements in the Gulf including the removal of all foreign troops from Saudi Arabia and the future role of the Gulf Cooperation Council,

9. Conventional arms control measures in the region and the need for a nuclear free zone,

10. The Israeli-Palestinian conflict, based on UN Security Council Resolution 242.

If we start today, taking the actions recommended here, we have a better chance of not only winning the war but also of winning the peace!

POST COLD-WAR, POST PERSIAN GULF WAR FLASHPOINTS: ASSESSING THE CHALLENGES OF THE 1990's

(John Isaacs, President, Council for a Livable World)

It is well that war is so terrible, or we should grow too fond of it.—GEN. ROBERT E. LEE.

BEWARE HUBRIS

The Persian Gulf war was a tremendous victory for the United States. Saddam Hussein has been decisively defeated. This country should move quickly to the next stage, analyzing the lessons of the Gulf war and planning for the future.

One lesson that is particularly critical: the United States, a clear victor in Iraq, the Middle East and internationally, had best beware excessive hubris. Military force worked splendidly against Iraq. However, this conflict's unique conditions are not likely to be repeated. There are grave risks for this country to think that projection of military force will be the answer to a wide variety of future crises.

As we begin grappling with the lessons of this war, we also have to focus on where the United States and the world should be heading after the end of the Cold War and the decline of the Soviet military threat. Last year, this country began to move toward a foreign policy agenda for the 21st century. That process was interrupted by the country's—and the world's—single minded focus on Saddam Hussein's land grab in the Middle East.

A few stipulations: the United States was correct to oppose Saddam Hussein's aggression:

Let me first, as lawyers in a trial might do, stipulate certain facts that those on the left and right might agree on, adding a few interpretative comments along the way. Most importantly, we can all agree that Saddam Hussein is an evil man. Whether he goes down in history, as President Bush would like us to think, on par with the evil of Adolf Hitler or a less dangerous tyrant such as Benito Mussolini, is a topic best left to historians.

Saddam runs a very repressive dictatorship which relies on murder to keep opposition in line. He and his secret police have no compunction about resorting to torture of political opponents or Kuwaiti resisters. His August 2 invasion was not his first aggressive act against another state; In 1980, he launched what turned out to be an eight-year war against Iran merely to gain territory. During the Reagan years, the United States supported Saddam against an Iran run by the Ayatollah Khomeini. In 1990, the Bush Administration signaled that the Iraqi-Kuwaiti border dispute was not our concern.

Saddam Hussein also resorted, against all international norms, to lethal chemical weapons, first against undefended Iranian troops and then against his own Kurdish minority. Once again, the United States turned a blind eye toward his heinous actions. I might add that organizations such as Council for a Livable World long concerned about banning poison gas weapons from the face of the earth did not hold back our criticism. Lastly, in the recently concluded war, Saddam launched Scud missiles as a weapon of terror against Israeli civilians.

I run through these stipulations to emphasize our opposition both to Saddam Hussein and to his belligerence. I think the United States should continue to oppose aggression and repression in the future. We should not hesitate to work to obstruct Indonesian atrocities in East Timor or China's destruction of the "Democracy Movement" or Khadaffi's aggression in Chad or Soviet repression in the Baltic states. We should make it clear that when a strong nation acts to gobble up a weaker neighbor—whether the Soviets in Afghanistan or India in Goa or China in Tibet—we stand against such aggression.

But we should be careful about the means we choose to make known our opposition. Sending in 530,000 soldiers generally will not be the best response.

The Persian Gulf war: George Bush turns Murphy's Law on its head:

Murphy's Law states that everything that can go wrong, will go wrong. With President Bush's decision from August 2, 1990, on the other hand, everything that could go right, did go right. Bush built an effective international coalition, worked through the United Nations to enhance that worldwide consensus, directed one of the most effective sanctions and embargo policies in history and convinced Saudi Arabia to change its long-standing policy of avoiding a Western presence. In addition, the Soviet Union voted with the United States at every critical juncture, Israel refrained from entering the war despite maximum provocation, and every diplomatic and military decision worked.

One American maxim is that nothing succeeds like success. The American public, while skeptical at first, rallied around each of Bush's moves—and disagreed with policies espoused by groups such as Council for a Livable World that preferred to rely on a defensive military posture in Saudi Arabia and a sanctions policy to force Iraq out of Kuwait. Bush's 91 percent favorable rating in USA Today at the end of the war attests to the popularity of his policy.

What lessons should the United States draw from this war?

I feel that the United States will draw the wrong lessons from the Persian Gulf war. The United States may decide that military power worked against Iraq and will work in the next crisis. The prevailing wisdom at this point is that the success in the Middle East has wiped away the old Vietnam syndrome. One difficulty is that people have contrary views on what that "syndrome" really is.

To me, the essential lesson of Vietnam is that the United States should rarely intervene militarily around the world, particularly when the population which we purport to save is not sure that it wishes to be saved by this country. Moreover, we should have a clearly defined goal that is widely supported by the American people. In Iraq, these conditions prevailed, by and large.

However, it would be a serious mistake to try to translate that support for this situation to a future emergency. I would argue that circumstances in the just-concluded conflict were unique and not likely to be repeated in the future:

Iraq clearly embodied all that was evil: there was no Ho Chi Minh who could claim to be an authentic revolutionary hero;

Iraq was trying to dominate critical energy supplies on which the entire world depended;

Iraq had virtually no allies in the international community; the Soviet Union all but abandoned its ally except for a few flailing peace attempts;

As a result of its political isolation, no country was available to resupply Iraq or to provide a safe rear area the way that China and the Soviet Union did for North Vietnam;

The United States had four months in which to move troops and supplies to the region, unhindered by Iraqi forces;

The allied forces quickly achieved total air supremacy after January 17;

The desert environment turned out to be superbly suited for American military strength, leaving Iraqi targets open to our air power and the desert terrain allowing for speed of maneuver.

Future conflicts are not likely to be so clear cut, nor will so many advantages accrue to our side. For example:

A civil war in Yugoslavia,

A North Korean incursion into the South,

A spreading rebellion in the Philippines,

A Soviet military crackdown in Lithuania,

A South African civil war,

A seizure of power by Colombian drug lords.

All these confict would be different, and less hospitable, to the intervention of 530,000 Americans. Nor are the on-going conflicts listed in Appendix I so easily resolvable by massive military force.

The United States and the world faces a unique opportunity:

For four-and-a-half decades, the United States and the Soviet Union competed for influence and power around the globe. Many local disputes became international because of clashing superpower interests.

The Soviet Union no longer remains a military threat to Europe. It has lost its strongest Eastern European ally, East Germany, to a reunited Germany under the NATO banner. Its forces are being ejected from Poland, Hungary and the rest of the Warsaw Pact nations. On February 25, 1991, the Warsaw Pact announced it was formally disbanding as a military alliance. The Soviet dominance in Eastern Europe is at an end.

The Soviet Union's status as an economic superpower is also kaput. Capitalism's triumph over the communist economic system is evident. Today, internal dissolution is the greatest Soviet threat.

These internal problems limit that ability of the Soviet Union to intervene in trouble spots around the world, either military or economically. As C.I.A. director Willian Webster testified a year ago to the House Armed Services:

The changes are probably already irreversible in several critical respects: Perhaps most importantly, there is little chance that Soviet hegemony could be restored in Eastern Europe . . . Even if a hardline regime were able to retain power in Moscow, it would have little incentive to engage in major confrontations with the United States. New leaders would be largely preoccupied with the country's urgent domestic problems, and would be unlikely to indulge in a major military buildup.

In the year since this statement, the Soviet economic situation has further deteriorated. While the Soviet leadership has adopted more repressive internal policies, and has provoked military clashes in the Baltic states, it still remains a less pressing threat—except that its nuclear arsenal can still devastate the world.

For decades, the treat of a nuclear holocaust growing out of a superpower confrontation was one of the primary concerns of mankind. In an adversarial bipolar relationship with the Soviet Union, in which a nuclear arms competition was a major part, it was critical to stop and reverse that arms race.

The situation has now changed in fundamental ways. Today a catastrophe seems much less likely to have its origins in superpower actions, and more likely to arise out of actions taken by third powers over which neither superpower may have much control. In such a conflict, the massive nuclear destructive capacities of the United States and the Soviet Union will be largely irrelevant.

In this new world order, the incentive for a Soviet-American arms race and for each side trying to achieve or maintain a favorable balance of forces vis-a-vis the other will be much reduced. Other factors, particularly economic difficulties in both countries as well as the internal political dynamic in the Soviet Union, will increasingly help to restrain that arms race.

A SEVEN-POINT PLAN FOR A FUTURE UNITED STATES FOREIGN POLICY

The United States should work to strengthen international institutions, particularly the United Nations:

The end of the Cold War provides new opportunities to breathe life into international institutions long hampered by the U.S.-Soviet rivalry. The United States, the Soviet Union and most of the rest of the world cooperated through the United Nations to oppose Iraqi aggression in the Middle East. This hopeful precedent, plus the key role the U.N. played in reducing the conflicts in Angola, Afghanistan and Southeast Asia, should provide a model on which to build in the future.

The United States should work to enhance the role of the United Nations. As a first step, the United States should pay its long-standing debt to the U.N: We should support a permanent peacekeeping force, complete with extensive logistical and transport arrangements so that such a force could be rapidly deployed to trouble spots. It would be particularly useful if a U.N.-sponsored force could take over the peacekeeping functions in the Middle East as rapidly as possible in order to lead to an early removal of the bulk of United States and allied forces from the region.

With the increasingly complex world order, the United States should increase its effort to effect international measures to prevent the proliferation of nuclear chemical and biological weapons, as well as ballistic missile technologies:

One of the greatest terrors to allied forces in the Persian Gulf was the threat by Saddam Hussein to use chemical weapons. Allied troops, Israel and the world were indeed fortunate to be spared the use of such heinous weapons.

Also alarming was the drive by tyrants such as Saddam and Khaddafi to develop a nuclear weapons capacity. While the Israelis took care of the Iraqi nuclear threat in the early 1980's and allied bombers took care of the latest threat, the bombers cannot return forever.

Some steps to consider include:

Tough international restrictions on equipment and materials used to construct weapons of mass destruction;

Effective sanctions legislation in this country to penalize countries and companies that aid third parties in building weapons of mass destruction and acquiring sophisticated conventional weapons;

An end to U.S. and Soviet nuclear testing as an inducement for other countries to sign on to the nuclear non-proliferation regime;

Work diplomatically to ease the conflicts among the most dangerous proliferators: North Korea, South Asia and the Middle East.

Expand the nuclear non-proliferation regime to include France and China.

Halt U.S. production of nuclear weapons material.

Bring to a rapid conclusion the international Chemical Weapons Convention under negotiation in Geneva; This can rid the world of all poison gas weapons.

A moratorium on the sale of conventional weapons:

The United States, in conjunction with other supplier countries, should impose an immediate moratorium on the sale or transfer of conventional weapons to the Middle East and other volatile regions. The allied forces should not have had to face weapons that they had helped to supply to Iraq.

There should be an early agreement by the United States, the Soviet Union, China, France, Great Britain and other countries to refrain from selling sophisticated conventional weapons in the broad region from Marrakeck to Bangladesh. This agreement should bar selling new weapons Syria and Pakistan, to Libya and India, but also to Saudi Arabia, Kuwait and Israel. If we arm Saudi Arabia, then Israel will want more. If Israel is provided additional weapons, the Syrians will look to their suppliers for arms in response.

An agreement must be reached quickly if we are to stop the replacement of weapons recently destroyed in the war or bolstering present arsenals. The Soviet Union's arms industry is lusting to replace Iraq's battlefield losses. Similarly, "merchants of death" in this country (to resurrect the old post-World War I term) are lining up to market their wares that proved so successful in the recent war. The Egyptians are interested in Hawk missiles and F-16 fighter jets. Israel wants F-15 fighter upgrades. Bahrain and Turkey are said to be interested in Patriot missiles. The United Arab Emirates likes the M-1 tank. Saudi Arabia may want all of the above. As the Wall Street Journal recently pointed out, if the region is allowed to rebuild its arsenals, "It [the war] could happen again." (March 4, 1991, p. 1).

The first signs from the Bush administration are not hopeful. While talking about the need to avoid a renewed regional arms race, the Administration is seeking congressional approval of a $1.6 billion sale of F-16 aircraft to Egypt. The Washington Post of March 7, 1991 reports that the Administration is considering more than $18 billion in new arms sales to five Desert Storm "winning" countries: Saudi Arabia, United Arab Emirates, Bahrain, Egypt and Turkey.

General Norman Schwarzkopf, in his post-ground combat press briefing of February 27, 1991, told reporters that Iraq no longer poses a military threat to the region, "unless," he ominously added, "someone chooses to rearm them in the future." (New York Times, February 28, 1991. p. A8).

The United States and the Soviet Union should deeply reduce nuclear weapons:

We should advocate reductions in numbers of Soviet nuclear weapons since there is likely to be greater danger in a disintegrating Soviet empire with 20,000 weapons on is soil—if not under is firm control—than in an empire with perhaps fewer than 1,000. The U.S. should reduce its nuclear weapons as well. Completion of the START I agreement is a good first step, followed by rapid negotiations for a START II and beyond. It is time to work towards an adequate deterrence level of as few as a thousand nuclear weapons. Building thousands of unneeded nuclear weapons beyond any prudent need should be a policy relegated to the past. If the negotiators of arms agreements persist in talking forever, the past practice of spending years laboriously negotiating a treaty and its verification components may become less relevant in a world where other political and economic forces may lead to faster and deeper reductions.

While we have succeeded in meeting the military challenge, we are failing the economic challenge:

While we have trumped Soviet power and demonstrated that German and Japanese economic strength have their limits, we continue to fall behind the economic superpowers. The United States has poured resources into military technology that played such an important role in the Persian Gulf. But the money spent developing the Patriot or the Tomahawk is money that has not been spent on high definition television or flat panel monitors for computers. The expanded military research of the past decade has siphoned off dollars and engineers that could have helped keep pace with the Japanese and Germans. According to a recent New York Times article, military research now takes up 70 percent of America's federal research spending, up from 50 percent a decade ago (March 4, 1991, p. D8).

Raytheon has produced a superb Patriot missile, but has struggled to produce competitive Caloric stoves or Speed Queen washing machines and dryers. Grumman Corporation has produced wonderful aircraft but failed to produce busses for city traffic.

"Why can't we make a VCR when we can make a Patriot missile?," recently asked Clyd Prestowitz, president of Economic Strategy Institute. Because "we really care about making Patriot missiles." (New York Times, March 4, 1991). The chief executive of Sematech, a Texas technology consortium, added: "If the nation determined that economic security was as important as military security, 'we could catch up in the commercial arena as well.'" (New York Times, March 4, 1991).

Yale's Paul Kennedy in 1987 developed a thesis that imperial powers have accelerated their decline by diverting too much resources to military force rather than economically productive activities. The United States has been guilty of just such a diversion. Certainly, we were able to surmount the Soviets, who wasted an even greater proportion of their resources on the military than we did. Certainly we were able to smash the Iraqi military force. But we continue to fall farther and farther behind the economic race. Kennedy points out that throughout history, nations whose economic strength was ebbing have used military victories as "misguided signs that their power was intact." (New York Times, March 4, 1991). The Soviet's 1979 invasion of Afghanistan was only the most recent example.

It is good we were able to prompt other countries to pay for the bulk of the costs of our Persian Gulf war, that is, if one is comfortable with the risk that American forces will become the world's mercenaries, perhaps to be known as the Hessians of the 21st century.

We should redirect money and research to rebuilding the American infrastructure, enhancing economic competitiveness, improving our educational system, providing adequate health care to all Americans, cleaning up the environment and preparing for the economic challenges of the future.

The United States should continue moving toward a reduced, but highly mobile arms forces:

There is no reason for the military budget to be more than a fraction of today's $300 billion spending level. The rapid victory over the Republican Guard shows how strong our forces are and how we have built in a considerable margin of safety. Beware the so-called experts in Congress who are trying to use our victory as an excuse to raise military spending.

While we sent a huge number of troops to the Middle East, it was actually less than 18 percent of our active and reserve troops. Ony 10 to 13 of our air wings participated in the conflict, compared to the total 36 active and reserve wings we have now. We fired about 160 out of 5,765 Patriots in our inventory and only 290 Tomahawks out of 3,063 [see Appendix II]. If we can succeed over the fourth largest army with a small proportion of our military force, consider how we could do against the seventh or 12th largest.

The substantial portion of the military budget devoted to support NATO and to oppose the Soviet military threat can still be substantially reduced. The Pentagon estimated that up to 60 percent of its total budget—about $170-$180 billion—was oriented towards a European mission. While the Soviet Union has adopted more repressive internal policies, the Warsaw Pact has collapsed as military alliance and the two Germanies have united under the NATO banner. The bulk of our 300,000 troops stationed in Europe, a significant chunk of which were redeployed to the Middle East, should be brought home and demobilized.

The segment of the budget spent on strategic nuclear programs—some 12 percent to 15 percent—can also be pared back. There is no reason to move to a new generation of land based strategic nuclear missiles. A B-2 stealth bomber at $865 million a copy makes no sense for a conventional role in third world contingencies. The F-117 stealth fighter/bomber, on the other hand, is already performing well. Brilliant Pebbles and other strategic defense initiative technologies—totally separate from the largely successful Patriot system—are irrelevant to the Middle East. The Strategic Defense Initiative request should be pared way back.

The need to transport personnel and supplies quickly to the Middle East highlights the requirement to make policy choices within the military budget. It is evident that transport planes and fast-sealift ships have a critical role to play in third world conflicts. The Marine Corps pre-positioned ships have been a great success in the Middle East war. In general, though, the Pentagon has starved lift capacity in favor of more glamorous systems. Weapons choices should be redirected to systems easier to transport. The U.S. could build many ground support or fighter aircraft for the price of one super-sophisticated B-2 designed to evade Soviet air defenses (compared to 40 F-16 Falcons for the same price). Minesweepers have also been neglected.

The United States should devote more energy to diplomatic solutions and economic assistance and less to military solutions:

An immediate priority is to try to accomplish diplomatically what is not possible militarily. That is, if the United States can build on the success in the Persian Gulf by brokering an Israeli-Arab concordat and an Israeli-Palestinian solution, we may be able to avoid the expenditure of military treasure. President Bush's announcement March 6 that he would pursue such a diplomatic solution is a positive step. We should assist the fledgling democracies of central Europe to overcome 45 years of communist domination. One of many downsides of our central focus on Iraq since last August is that we have failed to help Eastern European countries strengthen their economies.

The United States has an opportunity unique since the onset of the Cold War. We can build toward a more secure, stable and peaceful world. My hope is that we remember our limitations, and not just our strengths in the years ahead. This year, we turned back one evil in the world; unfortunately, many other evils remain.

Woodrow Wilson entered World War I to win the battle for democracy. The U.S. entry into the war helped turn the tide for the allied cause. The dreams from this war to end all wars quickly turned into the nightmare of Adolf Hitler. Winston Churchill rallied a dispirited Great Britain to achieve a noble victory in World War II, only to follow that triumph with the dissolution of the British empire.

To repeat what I stated at the beginning: the success in Iraq was enhanced by a series of unique conditions that are not likely to be repeated. There are grave risks for this country to think that projection of military force will be the answer to future crises.

If we can avoid the "disease of victory" by working diplomatically and economically for a better world where military intervention is the very last resort, then we will have accomplished something truly long-lasting.

APPENDIX I—WARS ACROSS THE GLOBE THROUGH THE END OF 1990

Definition of War: any armed conflict involving at least one government and causing at least 1,000 deaths per year. The deaths may result from any one or combination of three causes: direct military casualties; famine, or disease. As with most war deaths, the totals are only estimates.

The wars are listed in the chronological order in which they began. For example, Guatemala's conflict is listed first because it is the oldest, beginning in 1966.

Location	Year war began	Number of deaths	Percentage of deaths that are civilians
1. Guatemala	1966	140,000	71
2. Ethiopia	1974	570,000	88
3. Angola	1975	314,000	94
4. El Salvador	1979	73,000	70
5. Mozambique	1981	1,050,000	95
6. Lebanon	1982	63,000	65
7. Peru	1983	20,000	50
8. South Africa	1983	10,000	100
9. India	1983	16,000	75
10. Sudan	1984	506,000	99
11. Sri Lanka	1984	30,000	60
12. Columbia	1986	22,000	64
13. Somalia	1988	55,000	91
14. Liberia	1990	10,000	90
15. Tibet	1990	2,000	100
16. Kuwait	1990	1,000	100
Total		2,909,000	91

Source: William Eckhardt, Research Director, Lentz Peace Research Laboratory, St. Louis, Missouri.

APPENDIX II—ON FUTURE DESERT STORMS

Some have suggested that the United States could not conduct Operation Desert Storm in 1995, after the force structure is cut according to current plans. By any measure, however, the war against the world's fourth largest army (after the Soviet Union and China) required only a small part of our military machine:

	Used in Desert Storm	1992 actual	1995 plan	Percent used
Troops	530,000	3,000,000	2.55	20
Army divisions	7 to 8	28(18)	18(12)	44
Air Force wings	10 to 13	36(24)	26(15)	50
Aircraft carriers	6	13	12	50

In other words, even with the 1995 cuts, we would need only 20 percent of our troops and up to 50 percent of our total forces to conduct another Desert Storm.

Furthermore, we should not have to provide such a large proportion of any future U.N. operations. The U.S. might once again have to provide the quick reaction capability to stop future aggressors initially, until coalition partners could join the battle. The fact remains that the large U.S. military force was built primarily to stop a Soviet surprise attack. We could clearly afford to reduce by 50 percent as proposed last year by the year 2000 and still ably protect the U.S.

As another indication of the limited effect of the Persian Gulf war, consider the missiles consumed versus the weapons authorized prior to the war:

	Total authorized	Expended in war (approx.)	Percent
ATACMS	536	87	16
Hellfire missiles	44,938	1,063	2.4
TOW missiles	143,426	208	.15
HARM missiles	14,895	2,033	13.6
Tomahawk	3,083	290	9.4
Maverick	22,605	5,000	22
Patriot	5,765	158	2.7

While some of these missiles are older (many of the Patriots are only capable of downing airplanes, not missiles), this indicates that the relatively short Gulf war did not deplete much of our inventory. The world's fourth largest army was defeated with less than 20 percent of our smart weapons inventory.

THE ALLIES AND THEIR PLEDGES

Mr. RIEGLE. Mr. President, we are all thankful that the United States was victorious in the war in the Persian Gulf. While there were, tragically, deaths of American service personnel, our casualties were low and the ground war ended after only 100 hours.

To win the battle so decisively, the United States sent more than half a million soldiers to the Persian Gulf region. Our forces comprised the vast majority of not only ground forces in the campaign, but represented the bulk of air and sea power as well. While some of our allies, including Great Britain, France, and Egypt, participated with a significant commitment of combat forces, many of America's friends, with vital interests in the region, were not active partners in the allied military effort.

For example, in 1989, only 10.8 percent of the oil consumed in the United States came from the Persian Gulf. On the other hand, the gulf region was the source of 29.4 percent of Western European supplies and a notable 58.9 percent of Japanese petroleum in that year. Ironically, while America consumed little gulf oil and carried the burden of protecting the free world's source of oil, many of our allies had arguably greater interests, but supplied no troops. Japan and Germany were constitutionally prevented from sending ground forces and most European nations simply chose not to do so.

To compensate the United States for carrying the lion's share of the fighting to liberate Kuwait, several nations pledged $54.5 billion to the United States and international coalition. Our allies were eager to show their support for the U.S.-led effort by pledging large sums for America's sacrifice. Even though many of the nations which promised monetary assistance did not send combat forces, America is grateful for the pledges it received. Unfortunately, thus far, less than half of the pledges have actually been delivered. As of March 15, America had only collected $19.6 billion of the more than $50 billion pledged.

I am pleased that yesterday. Japanese Foreign Minister, Taro Nakayama, in a meeting with Secretary of State James Baker, announced that Japan, which has sent only $1.3 billion of the total $10.7 billion promised, will today deliver an installment of $5.7 billion of the balance of its latest commitment of $9 billion to the United States. This still leaves several billion dollars until the full amount is actually remitted. Furthermore, what was originally a $9 billion pledge, may in fact be reduced by up to $400 million do to a recalculation based on the current exchange rate between yen and dollars.

The United States and Japan share many interests around the world and we must share the costs. But, at the same time the Japanese Government increased its commitment to the coalition by $9 billion, it decreased its defense budget by almost three quarters of a billion dollars. Japan's contribution to the international coalition for Desert Storm is a welcome development, but it still must do more to carry its fair share of the continuing defense burden all over the world.

Germany promised the United States $6.6 billion in support of Operation Desert Storm/Desert Shield—and we are grateful. But, once again, several weeks after the conflict ended, Germany has delivered only slightly more than two-thirds of its total pledge. This, sadly, represents the largest percentage of a pledge paid by any nation.

Of all the nations which committed themselves to assisting the coalition, Germany's contribution is indeed meaningful because Germany currently is also carrying the financial burden of the reunification of Germany. While all Americans support and sympathize with Germany as it strives to raise the living standards of its new citizens in the East, we must insist that Germany also carry its fair share of the allied defense effort.

That trend of unpaid pledges does not end with Germany and Japan. Kuwait and Saudi Arabia, the coalition members on whose behalf American soldiers fought and died, are each more than $10 billion behind in their contributions. Although total Saudi in-kind contributions—gasoline, food—are still being collected and totaled and Kuwait faces an enormous national reconstruction effort, Americans sacrificed profoundly on their behalf and expect full remittance on what was pledged.

The Senate has not ignored the issue of the unmet pledges. Earlier this week, the Senate drew a clear line—the United States will not follow through with arms sales to the nations which have not fulfilled their commitments to the United States and its coalition partners.

Once again, Mr. President, I would like to thank our allies for participating in the international efforts to restore peace and stability to the gulf. But, at the same time, I want to reiterate that the burdens and costs of the war must be shared. And, thus, while many of our friends around the world have pledged a great deal to Operation Desert Shield/Desert Storm, their responsibility continues. America must insist upon full payment of all pledges.

MERCHANT MARINE AND THE PERSIAN GULF CONFLICT

Mr. RIEGLE. Mr. President, I rise today to pay tribute to some of the unsung heros of our Armed Forces. The men and women of the merchant marine served selflessly in the Persian Gulf war alongside our courageous servicemen and women of the Army, Navy, Marines, Air Force, and Coast Guard.

The significant contribution of the merchant marine to our military efforts in the gulf is one which should be acknowledged. From the very beginning of the conflict, the merchant marine travelled over thousands of miles to transport necessary supplies to the Middle East.

Beginning on August 10, 1990—a little over a week after Iraq invaded Kuwait—the Maritime Administration [MARAD] begin activating ships to be sent to the region. During the critical days of Operation Desert Shield the Maritime Administration contributed one ship per day out of reserve or retired forces in order to respond to the urgency for the rapid deployment of supplies. The first merchant marine vessel to arrive in the Persian Gulf delivered 15,000 tons of cargo—a load that would take one C-5 transport plane over 220 trips.

By the end of the war, almost 80 of the 96 Ready Reserve Forces [RRF] had been activated carrying approximately 1.7 million tons of cargo. Today, it is estimated that over 75 percent of all military equipment and ordinance was delivered abroad merchant marine vessels.

Throughout the crisis, over 3,000 civilian mariner jobs were created by Operation Desert Shield and Operation Desert Storm. Our military efforts in the Persian Gulf represented one of the most immense sealift operations in history, and certainly the largest challenge to United States seapower and logistical capabilities since the Vietnam war.

A constituent of mine from Michigan who is in the merchant marine raised a concern about mail delivery to personnel on the ships. Early in the massive sealift effort, the Maritime Administration received several complaints about delays and lack of delivery of mail to merchant vessels. This is a very serious problem, because postal service is the one link these sailors have with their family and friends at home. The Navy and Maritime Administration acknowledged that there were some difficulties with mail delivery early in Operation Desert Shield. In January and February, thought, coordination between these departments improved and with this the mail service has improved. I would like to urge the Pentagon to pay particular attention to mail delivery during times of international conflict which is so important to the morale of Americans abroad.

We owe a debt of gratitude to the devoted men and women that make up our merchant marine for their service to our country. They have confirmed by their performance in the Persian Gulf that reliable sealife capacity is indispensable to our national security.

The merchant marine, the unsung heroes of this conflict, deserve to go down in history with all members of our Armed Forces for their bravery and for the inestimable contribution they made to our victory in the Persian Gulf.

THE B-2 BOMBER SUCCESSFULLY PASSES BLOCK 2 FLIGHT TESTS

Mr. SEYMOUR. Mr. President, the Secretary of Defense recently certified to Congress that the B-2 advanced technology bomber passed a critical low-observable flight test.

The Secretary also wrote that during the early stages of block two testing, "flying quantities were satisfactory," and the Air Force detected no "significant technical or operational problems."

This achievement, Mr. President, simply represents the latest in a series of facts about the promise and the performance of the B-2 bomber that have consistently disproven the charges made by the congressional critics of this program.

First, the critics told us that this single bat-winged plane would not fly. But the B-2 bomber first took off for a smooth long flight in July 1989.

Second, the critics told us that no strategic bomber could fly undetected by increasingly sophisticated enemy radars. But dozens of Air Force simulation tests and our penetration of advanced Iraqi air defenses have demonstrated the feasibility of stealth aircraft in action.

Third, the critics told us that we could save the taxpayers billions of dollars by terminating B-2 bomber production. But then we found out that canceling the system could cost just as much as completing it.

Finally, the critics held the hope that the B-2 could never fly low, avoid mountainous terrain, and pinpoint its targets. But today, the Secretary of Defense told us that new testing validated the B-2 flying low, avoiding mountainous terrain, and pinpointing its targets.

Mr. President, the time has come for Congress to state that slogans and myths cannot substitute for sound public policy. In deciding whether to fully fund the B-2 bomber, will we defend false ideologies or will we defend our ability to address the new and distant threats to America's security? Just ask Saddam Hussein about the relationship between our success against the fourth largest army in the world and the deployment of stealth technology.

The tragedy of war diminishes only to the extent that we stand prepared to deter it, and our deterrent capability of the future will be largely invested in the full-scale production of the B-2 bomber.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. KERREY. Mr. President, I now ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:53 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 1:47 p.m., when called to order by the Presiding Officer [Mr. FORD].

The PRESIDING OFFICER. The senior Senator from West Virginia [Mr. BYRD] is recognized.

OPERATION DESERT SHIELD/DESERT STORM SUPPLEMENTAL APPROPRIATIONS ACT, 1991—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 1282 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1282) making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their repective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, March 22, 1991.)

Mr. BYRD. Mr. President, the conference agreement on H.R. 1282, the Desert Shield/Desert Storm supplemental for fiscal year 1991, largely reflects the Senate position. In total, the agreement provides appropriations amounting to $42,625,822,000, the same amount as was provided in the Senate-passed bill.

The protections of the $15 billion in U.S. funding that were provided in the Senate bill are still intact. There will be no commingling of the U.S. funds with the foreign contributions. The United States funds will be placed into the Persian Gulf regional defense fund and will only be drawn down if allied contributions fall short of meeting the funding needs provided in the bill to the Department of Defense.

We fully expect that allied contributions will be sufficient to meet all of the incremental costs of Desert Shield/Desert Storm and thereby prevent the need for any of the $15 billion in U.S.

funds to be used. As of yesterday, allied contributions totaled $26.8 billion, still slightly less than half of what has been promised.

I am pleased to announce to my colleagues that the House agreed to the provisions that were strongly supported on the Senate floor, which would reduce to a minimum the transfer of new arms to the region, the making of any American commitments for new permanent basing in the region, and withholding support for new arms sales to those nations that have not yet fulfilled their promised contributions to this victorious coalition.

Specifically, I would like to call my colleagues' attention to section 107, which is an attempt to gain some control over the continued proliferation of arms in the Middle East. This section requires the administration to seek the approval of the Congress if it wishes to sell, give, or otherwise transfer equipment, supplies, or material to any nation in the region. We have changed the approval mechanism to require formal notification to the appropriate committees of the intent to sell.

Section 108 calls on the President to submit a report to the Congress with a schedule for the withdrawal of troops from the theatre and details of the costs associated with that withdrawal. The required report will include a detailed discussion of any commitments, made or contemplated, to provide a continuing military presence in the region.

The administration objected to section 108(b)(4) as being an unacceptable intrusion into the President's foreign policymaking powers because we asked for a discussion of any "arrangement that is expected to result from negotiations between the United States and the government of such a country." We have eliminated that clause.

Section 109 prohibits the use of funds to provide sales, credits or guarantees for defense articles or services to any country that has not met its commitment to the United States. If a country has the money to purchase expensive new weapons systems, then it must have the money to fulfill its pledges to the United States. It simply does not make sense to allow nations, now that the war is over, to put America at the end of the line with every other priority ahead of the contribution they pledged to the United States.

It does not make sense to allow nations, now that the war is over, to put America at end of the line with every other priority ahead of the contribution that they pledged to the effort.

In order to give the administration more flexibility we have changed the phrase "has not made such contributions," to "has not fulfilled its commitment." But it means the same thing, Mr. President.

Mr. President, the Congress and the Appropriations Committee have acted swiftly and very responsibly on this vital funding measure to support our Armed Forces and their gallant efforts in the Persian Gulf.

Mr. President, the Congress and the Appropriations Committee have acted swiftly and responsibly on this vital funding measure to support our armed forces and their gallant efforts in the Persian Gulf. I want to, first of all, commend Congressman JAMIE WHITTEN and the members of the House Appropriations Committee, on both sides, for the cooperation, courtesy, always, the dedication to which those Members and with which those Members applied themselves to acting on these bills. I compliment the House on keeping the bills relatively clean, as supplemental appropriation bills, and I think the House is entitled to great credit, particularly the Appropriations Committee in the House of Representatives.

I also commend the ranking member of the Appropriations Committee in the Senate, Mr. HATFIELD, for his fine cooperation and constructive efforts, advice, and wisdom on this measure. I wish to pay special thanks to the chairman and ranking member of the Defense Subcommittee, Mr. INOUYE and Mr. STEVENS, for their superb efforts, and I also thank their staffs. I want to compliment every subcommittee chairman and every ranking member of every subcommittee on the Appropriations Committee for the dispatch, for the excellence of their work, for the promptitude of their attentions to these needs.

I have been in a good many conferences on appropriations through the years. I think this probably is the best conference that I have been a part of. I am talking about both appropriation bills. We only started on the conferences last evening a little after 5 o'clock. We took up first Desert Storm, and we worked on it about 45 minutes and then delegated the staffs in both Houses to work on the matters in dispute. Then we moved quickly to another location and took up the dire emergency supplemental. And we broke a couple of times, and we finished our work on both bills, I believe, before midnight.

It was my intention all along, and I insisted all along, that we would not do just one and leave the other bill go over 2 weeks until after the break. We had to do them both or none. And both committees in both Houses took hold of the plow and plowed ahead, and we accomplished that objective, as I say, in almost record time. There were some very spirited discussions. Not everyone got what he wanted, but that is what we do in these conferences. We have to give, take, and reach compromise. That is the art of the legislative process. I compliment both committees on a job well done. It has been a fine example of bipartisan action in the Nation's interest.

I should mention, in thanking the staffs, that the staffs worked throughout the night last night. I went to bed at 1:30 this morning, but at that time the staffs were still here working. I came in later in the morning, and I asked my staffs, "what time did you get home?" They said, "we have not been home," most of them.

So, it was excellent work on the part of the staffs on both sides of the aisle and both sides of the Capitol, and they are entitled to commendations. They worked hard to produce this conference report, and after I yield to Mr. HATFIELD, my friend on the other side of the aisle, we will join in urging the adoption of the conference report.

The PRESIDING OFFICER. Are there further statements?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, the Senate has before it for consideration the conference reports on H.R. 1281, the dire emergency fiscal year 1991 supplemental appropriations bill and H.R. 1282, Desert Storm supplemental appropriations bill.

As the chairman has indicated, both of these bills were conferenced with the House yesterday afternoon and evening. I must say that at the beginning of those conferences, I was not optimistic that both would be concluded successfully in such relatively short order.

I commend our chairman, Senator BYRD, and other colleagues on the conference, and the House chairman, Mr. WHITTEN, his ranking member, Mr. MCDADE, and their colleagues on the House side, for working so diligently and expeditiously to reach agreement on a number of difficult and contentious issues.

I believe Senator COCHRAN is to be especially congratulated for his work on the export enhancement issue. Mr. President, I sometimes feel that those who are not on the Appropriations Committee, perhaps, do not have a full realization of the structure of our committee and the uniqueness of our committee. As Chairman BYRD knows, we have, of course, the largest committee of any standing committee of the Senate, with 29 members. For a quorum in our committee, we have to get a number larger than some other committees. And, therefore, it is, first of all, in size and scope, a very, very unique committee. It is also the committee that has to produce a piece of legislation, the only legislation that really is mandated to pass the Senate at any time, in any session. You have to pass an appropriation bill to keep the Government flowing and functioning.

Mr. President, there is another unique character to our committee. In a sense our committee is a confederation. Chairman BYRD is the chairman of the full committee, but there are 12 subcommittees, each with a chairman, and they have the right to be addressed as Mr. Chairman or Madam Chairman.

Unlike the Confederacy in the War Between the States, this one really functions, and functions efficiently. I sometimes wonder if Jefferson Davis had had the Appropriations Committee kind of structure during that particular war, it might have turned out differently. It is a fact that we are 13 committees functioning as one committees. There are 13 chairman, 13 ranking minority members, each with their expertise, and each with his or her particular assignment of committee stature and committee leadership. And in all of this kind of structural complexity, Chairman BYRD orchestrated this fantastic and unbelievable and expeditious handling of two very, very important, and also very difficult, pieces of legislation.

So I just wanted to make that commentary about the uniqueness of this committee. I think one other thing that makes it unique is that, not all committees, but certainly I have known committees that drew a very sharp distinction between majority and minority staff. I can honestly say there is not a person who is a staff member of our committee that I do not feel at total freedom to go to and ask for information or assistance or help.

Very frankly, I say to Chairman BYRD, there are times when I would have to stop and say to myself, now is that minority or is that majority, because so many of our people on this committee as far as staff is concerned started with the majority in the 1970's and as the Republicans became the majority party in the 1981 session, we continued all of those members of the staff that had been hired by the previous majority party, certainly not for any great virtue or credit to our side but because we desperately needed their expertise, the continuity that Democratic-hired staff had, especially when we as Republicans had not had the leadership role for so long and there were five of our Members, as I recall, who were freshmen Members of this committee for the first time in their lives and three of them became chairmen without a day of previous service in the Senate.

So it was mutually convenient but nevertheless it was that kind of action. Then later when we lost the Senate, with hopes of regaining it someday, and Senator Stennis became the new chairman, the Democrats then became the majority party, he too continued the staff that had been in place, some of it going back to the former Democratic majority days and some of it hired by the interim Republican majority staff days, and so forth.

But anyway, our committee staff, I think, is very unique in that we do function as a total committee with that staff serving all the members of the committee and not just members on the one side of the committee.

Both of these bills passed the House by wide margins earlier today. We are informed that the administration has no objection to H.R. 1281, the dire supplemental, as of this moment. I might also report that I have had conversation with Mr. Darman during the noontime and he expressed satisfaction with the product that had been worked out through the House.

H.R. 1281 provides supplemental funding for numerous emergency activities identified by the President as related to Operation Desert Storm, as well as additional funding for veterans medical care, compensation, and pensions; $150,000,000 additional funding for the State share of administrative expenses related to unemployment compensation; a $100,000,000 Federal payment to the District of Columbia; up to $1,500,000,000 for food stamps; funding for the personnel benefits package authorized in legislation passed yesterday; $232,000,000 for the supplemental security income program; $623,000,000 for atomic energy defense activities of the Department of Energy, including funds for cleanup operations at the Rocky Flats facility; $20,000,000 for the Ready Reserve Fleet of the Maritime Administration; and other items.

H.R. 1282 provides up to $42,625,822,000, the amount recommended by the Senate for the costs of Operation Desert Shield/Desert Storm. The differences between the House and Senate on the funding issues in this bill were rather narrow, and the conferees reached agreement in short order. The conference agreement also includes provisions similar to sections 105, 106, and 107 of the Senate bill. The administration raised several concerns about these provisions, and I believe, as I say, they have been resolved satisfactorily.

Mr. President, I really did not expect to be here this afternoon discussing the successful conclusions of conference on these two measures. Yesterday afternoon I did not think it would be possible to meet our goal of clearing both of these measures for the White House prior to our Easter recess for signature. I am proud that we have been able to do so.

Again, I congratulate the leadership of both Houses, of the committee, and particularly Chairman BYRD because there were times in that conference when our spirits began to lag and Chairman BYRD said, onward, forward; we are going to accomplish the goal. Again it demonstrates the leadership this Senator has provided the Senate from many and different offices and under many and different conditions.

I think our fellow conferees obviously as good supporters of our leadership deserve a great deal of credit on both sides and in both Houses.

Mr. BYRD. Mr. President, the distinguished Senator from Oregon has made reference to the Confederate States of America and Jefferson Davis. He also made a reference to the staff of the Appropriations Committee being very nonpartisan. As to the staff of the committee, I am very proud to say that this committee which has jurisdiction over appropriations bills, 13 of them, plus supplemental appropriations bills, which cover costs of this great Government, has only 80 staff members and 29 members, as Mr. Hatfield has said.

Yet there are several other committees in this Senate with much fewer members with much larger staffs, as the distinguished Senator, who today presides over the Senate with a degree of dignity and skill and aplomb that is so rare as a day in June, will quickly testify he has to deal in the Rules Committee as chairman. The Rules Committee has to deal with all these appropriation budgets.

So I am sure he would be one among many who would say that this committee does a good job holding down the costs and certainly as compared to what those costs might be and are in some committees.

As to Jefferson Davis, the Confederate, I will tell you he started out with an extremely serious flaw in his Constitution. He could not possibly win with a line-item veto in that Confederate Constitution. That was one thing that was against him. I will have to say this, however, it was never used. So I just leave that as a little postscript.

Mr. President, I ask unanimous consent it be in order to consider en bloc the amendments in disagreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I do admire Senator BYRD's work. I have a Member on this side of the aisle who had asked for a rollcall vote. I do not believe that will take place. I certainly hope it will not take place. I do not think there will be sufficient seconds if it does take place.

Will the Senator allow me an additional 2 or 3 minutes so I might get that? I have been advised by staff under my duties as the assistant leader I must respectfully request that. I shall not object. Perhaps someone else will rise to speak for a moment. He is to contact me momentarily.

Mr. BYRD. Very well, if no one else seeks recognition.

The PRESIDING OFFICER. The Chair understands that there has been no vote now on the conference report. That will be withheld until somewhat later.

Mr. COCHRAN. Mr. President, if the distinguished chairman of the committee has yielded the floor, I seek recognition.

The PRESIDING OFFICER. Does the distinguished Senator from West Virginia yield the floor?

Mr. BYRD. Mr. President, I do yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me just take advantage of this opportunity to express my appreciation to the distinguished Senator from Oregon for his kind words about this Senator's contribution to the work of the conference last night and with specific reference to the export enhancement program.

I might say that there were a number of members of the conference actively involved in trying to help shape the final product as it relates to that provision of the bill. I am just delighted that we were successful in working out an agreement with the conferees so that we do have a provision in the conference report that lifts the cap on the availability of funds for that important export program. It is going to provide important benefits to American agriculture and enhance our trade prospects in the international marketplace.

Let me also express my firm conviction that the successful completion of this conference was due mainly to the expert leadership and guidance of the distinguished Senators from West Virginia and Oregon. I was there most all of the time during which the legislation was discussed and differences of opinion expressed, and the way in which they went about leading the Senate conferees to make sure that our interests as an institution were protected, the legislation that had been passed by this body was taken into careful account and studied by the House conferees, is certainly worthy of strong praise and respect. I want to express that.

When we bring a conference report back to the Senate, many Members just realize that the work has been completed, and it is not an occasion for much speechmaking. And so they usually do not get the praise that they deserve.

They have talked about the work that other people did and staff and all the other members. But they deserve the credit for bringing this work product back so that the administration can sign the bill and we can carry forward with the funding of these programs. They did a masterful piece of work.

May I say, too, just in response to the observation about the former distinguished Senator from the State of Mississippi, Jefferson Davis, that if he had had the resources to work with when he was in his position as President of the Confederacy that the Senate has at this time, maybe he would have had better luck in trying to be the leader of that struggling Confederacy.

Let me just say as a matter of personal pride, it is the honor of this Senator to be able to sit at the desk that was used by Jefferson Davis when he was a Member of this great body. This is the desk that Jefferson Davis used when he was in the Senate. As Senators know, by custom in the Senate, the senior Senator from the State of Mississippi sits at this desk.

One little interesting piece of trivia about the desk is that here on the side, if you look carefully, you can see where over 100 years ago, or about that time, they had to replace a piece of wood in the side here.

The reason for that was that, as Union soldiers were in the Capitol using this facility—this Chamber, of course, was not here then, but in the Old Senate Chamber this desk was located there—one of the Union soldiers happened to notice by looking at the brass plate on the top of the desk, "Davis."

And he said, "That is Jefferson Davis' desk." He had his rifle with the bayonet attached and he gouged it with the point of the bayonet. One of the Senate employees rushed up and said, "What are you doing?" He said, "That is Davis' desk, the President of the Confederacy." He said, "Wait a minute. That is not his desk; that is the desk of the United States Senate. That is Federal Government property and you are here to protect it."

And so, after being remonstrated, the soldier withdrew. But, nonetheless, he had damaged the desk, and it is repaired with an inlay of wood here in the side now.

But it is a great honor to sit here and be a part of this institution and to participate in the work of the Senate. I also note that it was the distinguished Senator from Oregon who introduced the legislation a few years ago to restore the citizenship, the U.S. citizenship, of Jefferson Davis. We remember that.

Mr. BYRD. Will the Senator yield?

Mr. COCHRAN. I am happy to yield.

Mr. BYRD. I call attention to the fact that it was the Senator from Mississippi who was so gentle and yet so effective in helping to bring the sides together last night in connection with the Export Enhancement Program and the dairy amendment which were very thorny issues, and I want to thank him.

Mr. COCHRAN. I thank the distinguished Senator.

Mr. BYRD. Mr. President, I urge the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Unanimous consent has been granted to consider the amendments in disagreement en bloc.

Mr. BYRD. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 17, 18, 19, 20, 21, 24, 32, 33, and 34.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The amendments in disagreement agreed to en bloc are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "509,600,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 18 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$62,300,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$815,600,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$217,450,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with amendments as follows: Restore the matter stricken by said amendment, amended to read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $30,100,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $39,000,000.

On line 17, page 4 of the House of Representatives engrossed bill, H.R. 1282, delete "$311,900,000" and insert "$663,500,000".

On line 6, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$16,000,000" and insert "$25,200,000".

On line 12, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$34,600,000" and insert "$34,800,000".

On line 18, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$101,200,000" and insert "$59,600,000".

On line 21, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$400,000,000" and insert "$645,500,000".

On line 24, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$419,100,000" and insert "$422,800,000".

On line 3, page 6 of the House of Representatives engrossed bill, H.R. 1282, delete "$2,700,000" and insert "$15,400,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "for operation and maintenance, $6,000,000,000; for Procurement, $1,872,700,000, to remain available for obligation until September 30, 1993: *Provided*, That the Secretary of Defense shall not make any transfer from the Persian Gulf Regional Defense Fund or from the Defense Cooperation Account for combat costs until the seventh day after notifying the Committees on Appropriations and Armed Services of the Senate and House of Representatives of any such transfer".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 107. (a) All equipment, supplies, and other materials (including construction equipment and construction materials described in subsection (b)) of the United States that, after August 1, 1990, were transported to or procured by the United States in the Middle East for the use of the Armed Forces of the United States or the use of the armed forces of any other member country of the multinational coalition participating in Operation Desert Storm shall, to the maximum extent practicable, be removed from the Middle East to the United States or to any United States military installation outside the United States and the Middle East as soon as practicable in conjunction with the removal of such forces of the Armed Forces of the United States from the Middle East.

(b) The construction equipment and construction materials referred to in subsection (a) are construction equipment and construction materials used in the construction of military facilities for the Armed Forces of the United States in the Middle East in connection with Operation Desert Storm.

(c) Subsection (a) does not apply to any equipment, supply, or material that—

(1) is to be transferred to a foreign government under the provisions of subsection (e); or

(2) has negligible value; or

(3) is to remain under the control of United States forces in the region; or

(4) is to be stored in the Middle East as prepositioned equipment and material for the use of the Armed Forces of the United States; or

(5) has been expended, depleted, or rendered unusable; or

(6) has been formally notified to Congress prior to March 20, 1991, under the Arms Export Control Act.

(d) The President should attempt to obtain reimbursement from the government of each country in the Middle East for the cost to the United States of materials referred to in subsection (a) that are not removed from that country because of impracticality.

(e) Except as deemed essential by the Commander-in-Chief of the United States Central Command for the conduct of the war in the Persian Gulf prior to a permanent cease-fire, no equipment, supply, or material referred to in subsection (a) or which was captured from Iraq by United States forces in the context of Operation Desert Storm may be transferred to the government or any entity of any foreign country in the Middle East except as provided through the regular notification procedures of the Committees on Appropriations, the Committees on Armed Services, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

(f) The President shall notify Congress of the proposed storage of any equipment, supply, or material referred to in subsection (a) in a prepositioned status referred to in subsection (c)(4).

(g) The President shall report to the Committees on Appropriations and Armed Services of the House of Representatives and Senate sixty days after the enactment of this Act, on the quantity, condition, value, disposition, and manner of seizure of all enemy equipment falling under the control or the possession of the United States, as well as all enemy equipment falling under the control of allied forces, within the Desert Storm Theater of operations.

(h) For the purposes of this provision, the term "material" shall include all lethal and non-lethal instruments of war and their supporting elements, components and subcomponents.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 108. (a) Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified forms, on the redeployment of the forces of the Armed Forces of the United States that were deployed in the Persian Gulf area in connection with Operation Desert Storm.

(b) The report shall contain the following information:

(1) A detailed specification of the costs of the reduction in such forces.

(2) The schedule for returning such forces to the United States or other locations from which the forces were deployed to the Persian Gulf area in connection with Operation Desert Storm.

(3) The size and composition of any element of the Armed Forces of the United States that will remain in the Persian Gulf area after fiscal year 1991.

(4) A detailed discussion of any arrangement for a United States military presence that has been made or is expected to be made to the Government of any country in the Middle East.

(c) In this section, the term "Operation Desert Storm" means Operation Desert Shield, Operation Desert Storm, and any related successive operations of the Armed Forces of the United States.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 of the aforesaid bill, and concur therein with amendments as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 109. None of the funds appropriated or otherwise made available by this Act or any other provision of law shall be available for sales, credits, or guarantees for defense articles or defense services under the Arms Export Control Act to any country that has made a commitment to contribute resources to defray any of the costs of Operation Desert Storm and that has not fulfilled its commitment.

SEC. 110. The establishment of the Persian Gulf Regional Defense Fund by this Act and the establishment of a working capital account pursuant to title I of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 shall be treated for all purposes as establishment of the same account in the Treasury.

On page 10, delete lines 1, 2, 3, and 4 of the House of Representatives engrossed bill, H.R. 1282, and insert:

SEC. 104. None of the funds appropriated to the Persian Gulf Regional Defense Fund shall be used for fuel price increases.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1991—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 1281 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1281) making due emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, March 22, 1991.)

Mr. BYRD. Mr. President, the conference agreement on H.R. 1281, the fiscal year 1991 dire emergency supplemental appropriation bill, contains appropriations totaling $4.8 billion in budget authority and $2.6 billion in budget outlays. The amounts are within the committee's allocation for fiscal year 1991, under either CBO or OMB scoring, and therefore will not generate a sequester.

Among the major programs in the bill are mandatory appropriations for:

Food Stamps, $1.5 billion;

Coast Guard retired pay, $14.5 million;

VA compensation and pensions, $712.6 million;

VA readjustment benefits, $250 million; and

Vaccine injury compensation, $17 million.

Title I of the bill contains appropriations which have been designated as emergencies by the President and are so designated in the conference agreement. A number of these emergency appropriations are to reimburse non-DOD agencies for their incremental Desert Shield costs. Also included are appropriations of $650 million in aid to Israel and $200 million in aid to Turkey; as well as an appropriation of $150 million for unemployment compensation administrative expenses, and the removal of the cap on the Export Enhancement Program.

Title II of the conference agreement contains funding for urgent items that are funded within our discretionary caps. Among these items are:

Social Security administrative costs, $232 million;

Judiciary salaries, $79.1 million;

Payment to the District of Columbia, $100 million;

Infant mortality initiative, $25 million;

VA medical care, $25 million;

Agriculture Stabilization and Conservation Service, $46.9 million;

Bureau of Reclamation, $25 million;

Atomic Energy defense activities, $623 million; and

Operations for low-income housing, $75 million.

Title V of the bill provides funding totaling $655 million from the defense cooperation account to cover the costs of new benefits for our military personnel and veterans. This amount is $155 million above the Senate-passed bill and includes several new provisions agreed to by the administration and for which authorizations have been passed.

Mr. President, as is always the case, there was give and take in the conference. The Senate position did not prevail on every amendment, but I believe that the conferees did the best we could and reached acceptable compromises on our differences with the House.

The conference thoroughly debated the dairy amendment. Senator LEAHY very ably explained his amendment to the House conferees, and after a thorough airing of views on this amendment, it became apparent that the House conferees were not prepared to accept the amendment. Mr. WHITTEN pointed out that the amendment was legislative in nature and, therefore, should be taken up in an authorization bill rather than as an amendment to an appropriation bill. Apparently several authorizing committees—Government Operations, Energy and Commerce, and Agriculture—in the House has advised Mr. WHITTEN of their objections to the Senate dairy amendment.

Senator LEAHY, who chairs the Agriculture Committee, expressed his intention to mark up a dairy support bill immediately after the Senate returns on April 8.

Also of concern to me was the possibility that the costs of the Senate dairy amendment could be charged against the Appropriations Committee if the amendment was enacted in an appropriation bill.

As is often the case, there was a substantial difference between OMB and CBO scoring of the dairy amendment. The Director of OMB sent a letter to me, dated March 21, 1991, in which he addresses, among other matters, the dairy amendment. In relevant part, the Director's letter states:

> The higher milk prices would reduce the purchasing power of food stamps in FY 1991 and increase outlays in FY 1992 for food stamps and other mandatory nutrition programs by $300 million. (These costs are significant, will increase the deficit, and could create Budget Enforcement Act complications.)

Again, I wish to express my appreciation for the efforts of the distinguished ranking member of the committee, my good friend from Oregon, Senator HATFIELD, for his able assistance and support in presenting the Senate position on the Senate amendments to our House counterparts. I also thank all of the subcommittee chairmen and ranking members who very ably negotiated agreements with the House in their areas of subcommittee jurisdiction.

Again, I want to thank Mr. WHITTEN, the distinguished chairman of the House Appropriations Committee, and Mr. MCDADE, the ranking member, as well as Mr. MURTHA and all of the House conferees for their participation in the conference. These gentlemen are very knowledgeable in all matters that came before the conference and were most helpful in assuring that the conference agreement could be reached in such a short time.

I also want to thank Mr. Darman for his cooperation and helpfulness throughout.

Let me close by saying that I am pleased with the conference agreement. In large part, sustains the Senate's position; it is within the committee's allocation; and it will be signed by the President, as Mr. HATFIELD has indicated. I urge all Senators to support this conference agreement.

URANIUM MILL TAILINGS REMEDIAL ACTION PROGRAM

Mr. DOMENICI. Mr. President, the conference committee on the supplemental before us agreed to accept Senate language on the Uranium Mill Tailings Remedial Action Program. It has come to my attention that we may have created something of a problem and I wanted to clarify a point or two with the ranking member of the Energy and Water Appropriation Subcommittee.

Mr. HATFIELD. Mr. President, I would be happy to clarify the language for the Senator from New Mexico.

Mr. DOMENICI. It is my understanding that the DOE will redirect funds from other mill tailings activities. In this case, the Grand Junction project. Is that correct?

Mr. HATFIELD. It is.

Mr. DOMENICI. It is also my understanding that Gunnison and Rifle sites may not be ready to use this money. They do not have preconstruction regulatory approvals. Specifically, the Nuclear Regulatory Commission concurrence on remedial action plans will come no earlier than July for Rifle and September for Gunnison. In addition, the NEPA process will not be complete for Gunnison until October. My question is, did the committee intend the DOE to move forward in the absence of these steps?

Mr. HATFIELD. We certainly do not. We do hope the DOE and the NRC will move as quickly as they can, however.

Mr. DOMENICI. I also want to clarify that we do not intend to affect the work which is already going on at these sites which is aimed at addressing the immediate health and safety concerns at both sites.

Mr. HATFIELD. That is certainly correct. We expect that work to go forward as it has already been planned.

Mr. DOMENICI. I thank the Senator.

DISTRICT OF COLUMBIA CHAPTER

• Mr. BOND. Mr. President, I rise to comment on the conference report's language on the $100 million supplemental for the District of Columbia.

While I support the additional funds because I believe Mayor Dixon has made the tough choices and is willing to take the heat, I have continually stated that. I want to see specific action before releasing the funds. That is why I was strongly supportive of the language we put into the Senate bill which held up the funds until the Mayor certified that her cuts—or at least cuts equal to her's—were enacted.

Unfortunately, the conference report does not retain this protection. Istead, it requires that the funds be released by May 1—regardless of whether the Mayor has certified the cuts have been made.

Mr. President, I am not worried that Mayor Dixon will not do her part. But I am concerned that this sends the wrong signal to those who would oppose her. Thus I want to put on notice those who would hope that further budget cuts can be avoided—or that cuts can be reinstated—that this Senator will not stand idly by and allow that to happen.

Mr. President, I fully support the efforts of Mayor Dixon. She has inherited an extraordinarily difficult situation, and as a former Governor who inherited a similar nearly $300 million deficit when I took office in 1981, I am very sympathetic to her plight. She will need a firm hand and a stiff spine to make it through these first 12 months. Unfortunately, I do not believe the signals sent by the language in this report help her.•

Mr. BURDICK. Mr. President, when H.R. 1281 was passed by the Senate earlier this week, I discussed several important agricultural provisions. At this time, I address the provision in the bill stating that certain funds may not be used for the restoration of the birthplace of Lawrence Welk. None of the funds made available in the 1991 Agricultural Appropriations Act will be used for restoration of the birthplace. Restoration has been accomplished using private resources. Rather the funds provided are for additional rural development work connected with the project including the construction and furnishing of a German-Russian interpretive center, tourism planning and promotion, and the creation and expansion of tourism related businesses.

This funding was made available through an authorized program which has been operating for years. The program provides grants to facilitate the development of business and industry in rural areas. The applicant must apply for the funds through the Department of Agriculture's Farmers Home Administration under the rules and regulations set out for the program. And only if it meets eligibility criteria will the application be funded.

The funding was initiated in the Senate subcommittee responsible for rural development spending. It was approved by the subcommittee, approved by the full Committee on Appropriations in the Senate, approved by the full Senate, approved by the conference committee, and finally signed by the President. It was handled no differently than numerous other provisions of the agricultural and other appropriations bills. The entire process from subcommittee action to approval of the law was almost 2 months in duration.

In summary, the area around Lawrence Welk's birthplace is by and large a farming area. It has been plagued by drought for several years. The people are attempting to pick themselves up by their bootstraps to get a new business going—tourism. And it is a promising business. The site has had visitors from all over the United States and several foreign countries. But without additional assistance to accommodate the visitors, increase the draw, and promote the tourism industry, the effort could fail. As a result, the rural population would continue to dwindle and the rural development opportunity will be lost. I believe this project is precisely what the National Commission on Agricultural and Rural Development Policy had in mind when it recommended just 3 months ago, that the Federal Government should promote innovation and experimentation in rural development methods and strategies.

DAIRY RELIEF

Mr. DASCHLE. Mr. President, I rise today to express my profound disappointment with the outcome of yesterday's conference on the 1991 dire emergency supplemental appropriations bill.

The emergency supplemental contained a budget-neutral provision designed to address the crisis facing the Nation's dairy farmers. However, during last night's negotiations, the administration threatened to veto the bill unless that modest provision was deleted. During the same negotiations, the administration insisted that the bill reverse the Senate language banning aid to Jordan.

The ultimate irony—the ultimate insult—is that we would reward the Jordanian Government for its irresponsible behavior during the Persian Gulf war. That we would reward the Jordanian Government for going to such great lengths to undercut United States policy. All this at the same moment we are turning our backs on American dairy farmers.

The Senate dairy provision, which I coauthored with the chairman of the Agriculture Committee and other distinguished colleagues, was approved in the Senate by a vote of 60 to 40. The Congressional Budget Office confirmed that the provision was budget-neutral. There would have been no cost to the Government or the taxpayer. Yet, killing this amendment and clearing the way for $57 million in aid to Jordan was of the highest priority to the administration.

The farmers of this Nation have to be very discouraged at the message the administration has sent. They have been told that they do not merit Government attention, even when it does not cost the Government a dime. Yet the Jordanian Government, whose leader violated the international embargo against Iraq and said American troops waged a "savage and large-scale war" against "brotherly Iraq," deserves 57 million of our taxpayers' dollars.

American family farmers are struggling to maintain their way of life—a life that has fed this country and much of the world for centuries. Meanwhile, the White House has just told everyone in America that the future of Jordan is more important than the future of the family farm.

Jordan threw out insult after insult, road block after road block, and the White House considers them to be a better friend than the family farmer. Is this going to be the new world order? Will we give aid to countries whose leaders knife us, and turn our back on our own people?

Analyzing the events of last night, it appears the White House's answer is "yes," and I suggest the President and his staff take a long, hard look at their priorities. But my answer is no, and I and my colleagues will be back to fight on another day to ensure that this country lives up to its commitment to family farmers.

GENERAL SERVICES ADMINISTRATION

Mr. METZENBAUM. Mr. President, I rise to inquire about a provision contained in the dire supplemental conference report which restricts the General Services Administration's use of funds to purchase land and build a new Naval Systems Commands headquarters in northern Virginia.

I have been following this project very closely. I would appreciate a clarification as to the intent of the conference report language. I want to make certain that it is not a backdoor way to raise the price tag for this project.

Frankly, I am concerned because cost estimates for this project have a way of zooming around like a roller coaster. Initially, GSA priced the project at $821 million for 3 million square feet of office space and land. Then there was a figure of $679.6 million for the same amount of office space without the land. Next, the project was scaled back to $300 million for 1 million square feet of occupiable office space, including land.

Mr. President, $300 per square foot was and is an outrageously high figure for any project. After all, this is not the Taj Mahal.

R.S. Means, an expert in construction pricing in the Nation, puts the average cost to build office space in the Washington, DC, area at between $64 and $84 per square foot. Even though these figures reflect gross square footage costs and do not include land prices, you can still see that there is a significant price difference between the Navy project and the costs of building private office space.

Mr. President, the costs of land acreage for this project were also outrageously high. GSA estimates for a square foot of land were $78. That may be appropriate for downtown DC, but it is beyond my comprehension that you could be buying land in northern Virginia at such costs.

I know of land in a close-in suburb of Cleveland that was just purchased for $70,000 an acre. There are 43,560 square feet in an acre. That translates to less than $2 a square foot. While Cleveland area land costs are different than those in the Washington metropolitan area, one can easily see that a $78 per square foot price tag for land is very high indeed.

I have undertaken on my own to explore land costs in northern Virginia. I still don't have those figures as yet. But I am working on it.

Mr. President, I objected to the $300 million price tag when the prospectus for the project came up for approval in the Senate Environment and Public Works Committee. Senators MOYNIHAN and WARNER worked out a compromise with me to cap the project at $240 million for 1 million square feet of occupiable office space.

As you know, the fiscal year 1991 Treasury appropriations bill which the House and Senate agreed to last year included the $240 million figure with an added proviso permitting GSA to come back to the authorizing and appropriating committees for an additional $10 million, if that proved necessary. Due to an enrolling error, this language never appeared in the final law but it is corrected in the legislation which is currently before us.

Just recently, the General Accounting Office released a report on the Navy project which said that GSA's figures for the project were high. One of the points GAO made in its report was that GSA could save money if it first acquired the land and then solicited bids for design and construction instead of buying the whole package from a single developer.

The Administrator of GSA, Mr. Richard Austin, wrote me this week saying that GSA would, in fact, withdraw its current solicitation for offers. GSA will now buy land that the Navy believes is the most appropriate site and will then solicit bids on design and construction.

This all sounds very prudent to me. Mr. Austin believes this new course of action is in the best interest of the Government. I agree with him and believe that in the end the Government will save money.

Mr. President, I am not concerned about the technical corrections language contained in this conference report. It only restores into law what the Senate and House agreed to spend on the Navy project last year. However, I would appreciate hearing from the distinguished chairman of the Subcommittee on Treasury, Postal Service and General Government as to the purpose of including another provision which bars the GSA from awarding a final contract for site acquisition or construction until the authorizing and appropriations committees give approval in writing and GAO submits a report to Congress that the new solicitation for offers is in the best interests of the Government.

My only interest in all of this is to help save the Government some money. That is why I sincerely hope that this language in the conference report will not delay the project nor result in additional money being appropriated for it. I am hopeful that the project can actually be completed for even less than the $240 million level to which we have agreed.

Mr. DECONCINI. I appreciate my friend and colleague from Ohio's efforts to get this Navy project completed in the most cost-effective manner possible. I am sympathetic to the concerns he has raised. It is certainly not the intent of the chairman of the Subcommittee on Treasury Appropriations, with jurisdiction over GSA, to raise the cost of the naval project with this new provision above the $240 million that has been appropriated. Like the Senator from Ohio, I hope the actual costs wind up lower.

The intent behind the language is simple. We have a $240 million appropriation included in the conference report for a 1-million square foot naval headquarters project. This funding level was based on a project whereby GSA would, through open competition, select an appropriate developer who could provide the land, design and construction as a single package. As you know, GSA announced earlier this week that it would cancel its current solicitation for offers and proceed with the project in a different manner.

I just want to be sure that the Appropriations Committee has all the facts as to what ultimate action GSA will now take on this project before we permit it to obligate any of the funds we have appropriated. I do not want to delay the project nor make the project more expensive. As a matter of fact, in consultation with the distinguished Senator from Ohio, the conferees have included language in the statement of managers to clarify that it is not the intent to increase appropriations for this project with this new provision.

Mr. METZENBAUM. I appreciate my friend's remarks and with his assurances, I have no objections to this provision. Indeed, I look forward to working with him to make certain that the Navy project is pursued and completed in the most cost-effective way possible.

EASTERN MEDITERRANEAN AID

Mr. DECONCINI. Mr. President, I would like to comment briefly on the bill now before us, H.R. 1281.

Iraq's invasion and occupation of Kuwait is a shocking example of what can happen when a military imbalance exists between neighboring countries. Though H.R. 1281 contains additional aid to Turkey, it is not our intention of creating another such imbalance in the Eastern Mediterranean.

Our support for the 10 to 7 ratio of aid to Turkey and Greece remains steadfast.

Mr. SIMPSON. Mr. President, I rise briefly today to express my sincere appreciation to the distinguished chairman of the Appropriations Committee for his leadership in including in the Senate version of this bill the direction to spend previously appropriated funds to finally complete construction of the Buffalo Bill Reservoir near my hometown of Cody, WY. In the last Congress, I sponsored this legislation and it is particularly gratifying to see it come to fruition.

I also express my deep appreciation for the work of my senior colleague, Senator MALCOLM WALLOP. He has been ever diligent and persuasive through his work as ranking member of the authorizing committee, in shepherding the placement of this language in the Senate version of the bill. When this bill went to conference, it had the strong bipartisan support of the Senate conferees. I specifically want to mention the great assistance that we received from the ranking member of the Appropriations Committee, my friend, Senator MARK HATFIELD. It also had the bipartisan support of many members of the House leadership and House Appropriations conferees. I particularly want to thank my colleague, CRAIG THOMAS. He sponsored this free standing bill in this Congress, and did superb work in the House to gain its passage. It is personally gratifying to have received such broad cooperation from both Houses of Congress and from both parties on this worthy project which means so much to the people of my State, and the members of our delegation.

As my colleagues know, this project has been on a 50-50 cost share with the State of Wyoming, and Wyoming has ponied up its share long ago. It is now 90 percent complete. While we have been waiting for the Congress to act on this, people around the area have been suffering a number of construction-related problems. One of the most troubling is the massive increase in the dust levels resulting from the draw down of the reservoir in anticipation of the final construction phase. That can now begin and those good people will finally get some relief.

I am also pleased that $25 million was appropriated in this legislation to fund drought relief to the Western States. These funds will go a long way in helping the Western States deal with the water emergency which, if it worsens, could lead to dire consequences for the entire Nation.

I thank the Chair.

The PRESIDING OFFICER. Is there further debate? The question now is on agreeing to the conference report.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I yield the floor. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. WARNER. Will the Chair kindly advise the Senator from Virginia the parliamentary situation in the Senate at this time?

The PRESIDING OFFICER. The conference report on H.R. 1281 is the pending business.

Mr. WARNER. Mr. President, will there be time for any Senators to debate this conference report, to ask questions?

The PRESIDING OFFICER. There is no time limitation as it relates to the present legislation.

Mr. WARNER. I thank the Chair. I wonder if I might address to the distinguished managers a question or two? We have had this conference report but a very short period. The Senator from Virginia has just been given a copy. I just would like to make one or two observations.

I refer to what appears to be page 44, the top of the page, amendment No. 52, which states, "Restore House language which calls for a service life extension program for the U.S.S. *Kennedy* at Philadelphia Naval Shipyard."

Given the rather decisive vote by the Senate yesterday, would the managers kindly tell me what was the evolution by which this now reappears in this conference report?

I direct my question to either manager.

Mr. BYRD. Mr. President, that was negotiated by Senator STEVENS and Senator INOUYE in their positions of chairman and ranking member of the Appropriations Subcommittee on Defense.

Mr. WARNER. I respect the distinguished chairman's view that that was negotiated. Again, to what extent was the vote of the Senate taken into consideration, and the debate which directed the Senate's attention to the fact this action in many respects circumvents what we anticipate will soon be a base closure package?

Mr. BYRD. Mr. President, the leader and the managers were in that meeting when we initially met for the consideration of the Desert Storm supplemental. I chaired that conference. And we, after 45 minutes, broke up and proceeded as we did in the second conference with the various subcommittee chairmen working with their counterparts on the House and Senate side, with their respective staffs, to resolve the differences between the two Houses in their respective jurisdictional areas.

What was said during the discussions on this particular item in the area which was under the jurisdiction of the Defense Appropriations Subcommittee and therefore under the chairmanship and ranking membership of Senators INOUYE and STEVENS, I am not privy to. I can only say they reached agreement with the House conferees and brought their recommendations back to the full conference later and it was agreed to.

Mr. WARNER. Mr. President, I fully recognize the distinguished chairman and distinguished ranking member have widespread responsibility and indeed have to delegate much of the detail work to the respective chairmen and ranking members of the subcommittees. In no way do I wish by this colloquy to inflict any embarrassment whatsoever on my two good friends, but I must say I felt yesterday the debate in the U.S. Senate on this very precise issue was quite clear.

I hesitate to speak to it in the sense that, hidden down in here, my State could well be the beneficiary, had this not been put in here. But my major concern is, as the Senate eventually considers a base closure package, this will be a precedent. This will be a precedent and other Senators will be asked, why did you not take a similar stance with respect to a military installation in your State? Had you taken such forceful action as did the delegations from the State of Pennsylvania, you might well have avoided the facility in your State being included on that base closure package.

I am not suggesting Philadelphia would have been on it, but it definitely in my judgment sets a most dangerous precedent as we try a most difficult task of bringing about a shrinking of our overall defense infrastructure in the United States, a shrinking that is dictated largely by budgetary constraints and not by the threat or the need for armed forces. Again, it is dictated by the budgetary constraints.

I view this action as one that could well be undercutting the eventual effort as we try to bring the defense budget into line with the guidance given by the President and the final guidance determined by the Congress relative to that portion of our Nation's budget that is devoted to defense.

I then pass on, Mr. President, and direct my question to, again, page 44, section 204, which I will read.

Section 204:

> Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 100-463) for fiscal year 1989, $200 million shall be made available to the Department of the Navy and shall be obligated not later than 60 days from the enactment of this act for the V-22 Osprey tilt rotor aircraft program: *Provided*, That notwithstanding any other provision of law, these funds shall remain available until such time as they are expended for the V-22 Osprey tilt rotor aircraft program.

That is a program that has had a very controversial existence here in the Congress of the United States. I personally think our country should look favorably toward going ahead with that program, but my personal view is but one thought in this body of 100.

What concerns me here is the action. As I understand this amendment, the action directed by the Congress is in direct conflict to the pending advice, request, if I may say, directed by that individual principally charged with the configuration of our defense program, namely the Secretary of Defense. He has pending before the Congress certain actions and this paragraph completely decides the issue without the benefit of the Armed Services Committee of this body and its counterpart in the House reviewing the Secretary of Defense's opinion with respect to this program, and taking into consideration the views of all Senators and all Members of the House of Representatives.

That gravely concerns me, Mr. President, because I recognize the hour, the day, the time, the likelihood of the attendance, and what I am certain is going to transpire here momentarily. But I certainly want to indicate that with a major program like this one, which is the subject of intense interest, both pro and con, which goes to the very heart of the ability of the President and the Secretary of Defense to configure our military forces today and for the future, which goes to the very heart of the ability of the President and the Secretary of Defense to make that configuration within the budget constraints, this makes a decision in direct conflict with what I understand to be the present intention of the Secretary of Defense, which intention has been made known to the Congress in certain pending requests.

Mr. President, there are other provisions in this conference report which, likewise, make decisions which I feel should be deferred until such time as the collective judgment of the Armed Services Committee, working with the Senate as a whole, is exercised. That is a decision process I think should be followed on some of the major decisions which are made in this conference report.

I just wished to be recognized and I have been given the opportunity to state my deep concern.

I feel the present leadership of the Appropriations Committee, the distinguished Senator from West Virginia and the distinguished Senator from Oregon [Mr. HATFIELD] worked very closely with Senator NUNN and myself and the respective chairmen of the Defense Subcommittee.

But there just comes a time when this Senator becomes gravely concerned about certain actions as taken by the Appropriations Committee, which actions, in my judgment, circumvent to an extent, and to an important extent, the process of authorization and subsequent action by the Appropriations Committee.

But I recognize the urgency of this bill, and commend the distinguished chairman and ranking member for a lot of hard work. Nothing is perfect in the legislative process, but I did not want to let this matter go unnoted.

I thank the Chair. I thank the Members for their indulgence of the Senator from Virginia.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to consider en bloc all amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF AMENDMENTS IN DISAGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House to the amendments of the Senate Nos. 2, 31, 33, 34, 36, 38, 40, 43, 45, 46, 47, 49, 51, 53, 55, 56, 58, 60, 66, 69, 70, 71, 74, 81, 82, 86, 90, 96, 97, 100, 102, 104, 105, 107, and 108.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments in disagreement, agreed to en bloc, are as follows:

> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment as follows: Strike all on line 8, page 2 of the House engrossed bill, and all that follows through line 20, page 2.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

Section 634 of the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1991, Public Law 101-506, is hereby repealed.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows:

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$24,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", $1,400,000, to remain available until expended.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,100,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $3,000,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$5,180,000, of which $2,000,000 shall remain available until expended and of which $3,180,000 is".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows:

Section 524(c)(9) of title 28, United States Code, is amended by adding the following new subsection:

"(E) Subject to the notification procedures contained in section 606 of Public Law 101-515, and after reserving the amounts authorized in subparagraph (D) above, an unobligated balance remaining in the Fund on September 30, 1991, and on September 30, 1992, shall be available to the Attorney General, without fiscal year limitation, to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution, and correctional activities of the Department of Justice.".

SEC. 102.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 43 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$68,730,000, of which $750,000, to remain available until September 30, 1992, shall be transferred to the National Commission on Judicial Discipline and Removal, and".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 45 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$3,630,000 to remain available until expended".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 46 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert "$2,000,000 to remain available until expended".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 47 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$1,600,000 to remain available until expended".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SMALL BUSINESS ADMINISTRATION—GENERAL PROVISION

Notwithstanding any other provision of law, the Administrator of the Small Business Administration shall not withhold disaster assistance under section 7 of the Small Business Act to nurseries or greenhouses which suffered damage as a result of disasters (as defined in the Small Business Act) that occurred between October 1, 1990 and March 1, 1991.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 201. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for 1991 shall not apply in the case of flag or general officers serving as practicing physicians.

SEC. 201A. Of the funds made available to the Department of Defense for Chemical Agents and Munitions Destruction, Defense, an amount not to exceed $2,000,000 shall be available only for an off-island leave program: *Provided*, That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations, prescribe travel and transportation allowances for travel performed by participants in the off-island leave program: *Provided further*, That funds appropriated for the off-island leave program shall remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 204. Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 100-463) for fiscal year 1989, $200,000,000 shall be made available to the Department of the Navy and shall be obligated not later than sixty days from the enactment of this Act for the V-22 Osprey tilt rotor aircraft program: *Provided*, That notwithstanding any other provision of law, these funds shall remain available until such time as they are expended for the V-22 Osprey tilt rotor program.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 55 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 206. Section 8126 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1907), is amended by inserting after "September 30, 1990", the following ", unless the Secretary of Defense submits a report by May 31, 1991 to the Committees on Appropriations of the House and Senate indicating what additional positions he intends to fill above those positions assigned to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as of September 30, 1990".

SEC. 207. Of the amount appropriated in title II of Public Law 101-165 (103 Stat. 1118) to the Department of Defense for the provision of logistical support and personnel services for the 1990 Goodwill Games, the amount of $500,000 shall be used to provide such services for the 1991 Special Olympics to be held in the State of Minnesota in July, 1991, and shall remain available for obligation for such purposes until September 30, 1991.

SEC. 208. The Secretary of Defense shall transfer $8,000,000 from the appropriation "Research, Development, Test and Evaluation, Defense Agencies" appropriated in title IV of the Department of Defense Appropriations Act, 1990 (P.L. 101-165) for the Center for Commerce and Industrial Expansion to appropriations available to the Department of Education which shall be obligated by that Department as a grant for the Center for Commerce and Industrial Expansion as authorized in section 4 of Public Law 101-600: *Provided*, That such funds shall remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert ": *Provided*, That these funds shall remain in the United States Treasury and shall be transferred to the District of Columbia government immediately upon certification by the Mayor of the District of Columbia to the Committees on Appropriations of the Senate and House of Representatives that spending reductions and revenue enhancements in amounts not less than $216,000,000 in the aggregate are being implemented and all approvals by the Council of the District of Columbia, as required by law, have been secured: *Provided further*, That these funds shall be transferred to the District of Columbia government no later than May 1, 1991".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

CONSTRUCTION, GENERAL

Using funds appropriated for "Construction, general" in the Energy and Water Development Appropriations Act, 1991, Public Law 101–514, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work during fiscal year 1991 which would be terminated solely for policy reasons as a result of the proposed phaseout of the sections 103, 107, 111, and 208 Continuing Authorities Programs: *Provided*, That, from within funds appropriated to "General investigations" by the Energy and Water Development Appropriations Act, 1991, Public Law 101–514, the Secretary shall make $300,000 available to implement the provisions of the "Coastal Wetlands Planning, Protection and Restoration Act" (Public Law 101–646).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 60 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

Of the amount appropriated under this heading in the Energy and Water Development Appropriations Act, 1991 (Public Law 101–514), up to $11,930,000 shall be available for Buffalo Bill Dam Modification, Wyoming, as proposed in the United States Department of the Interior Budget Justifications, fiscal year 1991, for the Bureau of Reclamation.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 66 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert ": *Provided*, That funds appropriated by the Department of Health and Human Services Appropriations Act, 1991, for rural health outreach grants, may not be used to provide forward or multiyear funding: *Provided further*, That none of the funds available for ongoing activities within community health centers or maternal and child health block grant programs under Public Law 101–517 shall be reprogrammed, redirected or reallocated for any other purposes".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

FAMILY SUPPORT ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Amounts provided under this heading in the Department of Health and Human Services Appropriations Act, 1991, for cash and medical assistance may be used to provide grants to private nonprofit agencies, for private sector resettlement activities, as authorized by law.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert ", and such funds shall be awarded no later than June 1, 1991: *Provided*, That the requirements of the Paperwork Reduction Act of 1980 and section 431 of the General Education Provisions Act are waived with regard to grants made with fiscal year 1991 appropriated funds under title III, part H of the Carl D. Perkins Vocational and Applied Technology Act".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

In the appropriations language under this heading in the Department of Education Appropriations Act, 1991, delete the words "if authorized," and the words "if such a grant is specifically authorized in law" and insert after "Standards" the following: ": *Provided*, That funding for the National Board for Professional Teaching Standards shall be expended under the terms, conditions, and limitations provided for in part G of title IV of H.R. 5932 as passed the House of Representatives on October 26, 1990".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 74 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

ARCHITECT OF THE CAPITOL

ADMINISTRATIVE PROVISION

(TRANSFER OF FUNDS)

Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, and subject to enactment of authorizing legislation, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of rental, lease, or other agreement, of temporary storage and warehouse space for use by the Library of Congress during fiscal year 1991, and to incur incidental expenses in connection with such use.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 81 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Of the loan funds previously made available under title V of the Housing Act of 1949, up to $35,000,000 shall be made available for section 502(g), Deferred Mortgage Demonstration.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 82 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

PUBLIC LAW 480

Title I of the Public Law 480 program allowed for the repayment of loans for the sale of agricultural commodities in foreign or local currencies until December 31, 1971. Since that time, until the law was changed in the 1985 farm bill, all sales have been on dollar credit terms. In view of the present financial situation, it is impossible for many countries to repay their loan in dollars. Therefore, the President may use the authority in section 411 and section 604 of the Agricultural Trade Development and Assistance Act of 1954 to renegotiate the payment on Public Law 480 debt in eligible countries in Latin America, the Caribbean and sub-Saharan Africa.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 86 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows:

GENERAL SERVICES ADMINISTRATION

Notwithstanding any other provision of this or any other Act, none of the funds made available to the General Services Administration may be obligated or expended for the award of a final contract for site acquisition or construction of the Naval System Commands headquarters project without (1) a written report that the new Solicitation for Offers for the project is in the best interests of the United States, and (2) advance approval in writing of the House Committee on Public Works and Transportation, the Senate Committee on Environment and Public Works, and the House and Senate Committees on Appropriations.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 90 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

CONGREGATE SERVICES

Funds appropriated under this head in Public Law 101–507 (104 Stat. 1362) and all unobligated balances of prior year appropriations under such head, shall be made available for the revised Congregate Housing Services program under section 802 of the Cranston-Gonzalez National Affordable Housing Act and shall remain available until expended: *Provided*, That any entity that receives assistance under a contract under the Congregate Housing Services Act of 1978 that expires in fiscal year 1991, and is otherwise eligible for assistance under such section 802, shall continue to receive assistance under such section 802: *Provided further*, That each such entity shall be provided such assistance for a 1-year term notwithstanding section 802(b)(2), and the dollar amount of such assistance to such entity shall not be less than the dollar amount of assistance that would be indicated by the rate at which such assistance was made available to such entity in the contract that expires in fiscal year 1991: *Provided further*, That notwithstanding the last sentence of section 802(g), the Secretary of Housing and Urban Development shall expedite the processing of such entity's application for continued assistance so that funding of the entity will continue without hiatus.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

Section 837(c) of the Cranston-Gonzalez National Affordable Housing Act is amended by adding at the end thereof the following:

"Any such amounts that shall not have been obligated by March 20, 1991, shall be made available in accordance with the terms of the appropriation under the head 'Supplemental Assistance for Facilities to Assist the Homeless' in Public Law 101–507 (104 Stat. 1351, 1364)."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 97 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert:

All previously obligated funds appropriated to the Department of Housing and Urban Development under the respective heads "Community development grants" and "Urban development action grants" for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of sections 1405 (b)(4) and (b)(6) of Public Law 101–510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated.

In addition to any other rescission provided for in this Act, of the funds made available under the head "Annual contributions for assisted housing" in the Department of Housing and Urban Development in prior years, an additional $23,000,000 are rescinded: *Provided*, That $20,000,000 of such amount shall be from amounts for projects to be developed for the elderly and handicapped under section 202 of the United States Housing Act of 1959, as amended, and $3,000,000 of such amount shall be from amounts for section 8 voucher assistance for tenants affected by public housing relocation activities.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 307. Notwithstanding any other provision of law, no funds shall be expended by the Administrator of the Environmental Protection Agency to enforce the March 18, 1991, deadline contained in the regulations published in the Federal Register on November 16, 1990, (40 CFR, parts 122, 123, 124), pertaining to group applications for stormwater discharges, until such deadline is extended to September 30, 1991.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 102 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 309. PERSIAN GULF ENVIRONMENTAL TECHNICAL ASSISTANCE.

(a) INTERNATIONAL FRAMEWORK.—Congress strongly encourages the President to seek the establishment of an international framework agreement to—

(1) provide for environmental monitoring, assessment, remediation and restoration in the Persian Gulf region of effects of the recent war; and

(2) provide for the payment, by the host country, of appropriate Federal agencies utilized to establish or implement this agreement.

(b) REPORTS.—

(1) Within 60 days of enactment of this Act, the President shall submit to the Committees on Appropriations of the Senate and House of Representatives an unclassified report identifying the actions taken to implement these provisions and any costs and payments, and

(2) by March 1, 1992, and subject to the receipt of payment by the Environmental Protection Agency under subsection (a)(2), the Administrator of the Environmental Protection Agency, in consultation with appropriate agencies, shall submit to Congress an unclassified report providing a comprehensive evaluation of environmental effects of the Persian Gulf conflict identified pursuant to this provision.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 104 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 311. SYRIA.

(a) It is the sense of the Congress that—

(1) The successful conclusion of the war in the Persian Gulf provides an opportunity to begin building a lasting peace in the Middle East;

(2) A crucial element of peace in this unstable region is the willingness of Arab states to negotiate with Israel, recognizing her right to live in peace;

(3) The United States should continue to urge Arab states to negotiate peace with the State of Israel;

(4) One of those Arab states, Syria, continues to undermine goodwill and peace in the region by depriving the 4,000 Jews living in Syria of the right to emigrate;

(5) Syrian Jews continue to live in a climate of fear and insecurity, still denied fundamental civil and human rights;

(6) A Jew living in Syria, in order to travel, must leave a large sum of money and members of his immediate family as insurance for his return;

(7) Jews suspected of having traveled "illegally" or even of planning to do so have been arrested, interrogated, and subjected to lengthy imprisonment;

(8) Syrian President Hafez Assad continues to deny the basic right of free emigration, a violation of the Universal Declaration of Human Rights, to which Syria is a signatory.

(b) The Congress—

(1) condemns the Government of Syria for continuing to deny the basic human right of free emigration;

(2) calls upon the Government of Syria—

(A) to allow all Syrian Jews to emigrate freely,

(B) to release from prison Jews suspected of having travelled "illegally" or of planning to do so;

(3) urges the Administration to continue to make known to Syrian authorities the importance of respecting the human rights of the Jewish community, especially the right to emigrate, in determining future policy toward Syria.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 105 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 312. REAL ESTATE SETTLEMENT PROCEDURES.

(a) Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsection:

"(j) TRANSITION.—

"(1) ORIGINATOR LIABILITY.—A person who makes a federally related mortgage loan shall not be liable to a borrower because of a failure of such person to comply with subsection (a) with respect to an application for a loan made by the borrower before the regulations referred to in paragraph (3) take effect.

"(2) SERVICER LIABILITY.—A servicer of a federally related mortgage loan shall not be liable to a borrower because of a failure of the servicer to perform any duty under subsection (b), (c), (d), or (e) that arises before the regulations referred to in paragraph (3) take effect.

"(3) REGULATIONS AND EFFECTIVE DATE.—The Secretary shall, by regulations that shall take effect not later than April 20, 1991, establish any requirements necessary to carry out this section. Such regulations shall include the model disclosure statement required under subsection (a)(2).".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 107 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

TITLE V—CERTAIN MILITARY PERSONNEL AND VETERANS BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses necessary for the benefits provided in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991, for fiscal year 1991 through fiscal year 1995, not to exceed $655,000,000 appropriated, to be derived by transfer only by the Secretary of Defense, with the approval of the Director of the Office of Management and Budget, from current and future balances in the Defense Cooperation Account to the following accounts in chapters I and II of this title in not to exceed the following amounts:

CHAPTER I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

For an additional amount for the payment of special death gratuities for service members participating in the Servicemen's Group Life Insurance program, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $15,000,000;
Military personnel, Navy, $4,000,000;
Military personnel, Marine Corps, $4,000,000;
Military personnel, Air Force, $2,000,000.

For an additional amount for the payment of death gratuities, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $2,000,000;
Military personnel, Navy, $1,360,000;
Military personnel, Marine Corps, $570,000;
Military personnel, Air Force, $1,070,000.

For an additional amount for the payment of a temporary increase in the rate of special pay for duty subject to hostile fire or imminent danger, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $101,000,000;
Military personnel, Navy, $24,000,000;
Military personnel, Marine Corps, $29,000,000;
Military personnel, Air Force, $19,000,000.

For an additional amount for the payment of special pay for health professionals recalled to active duty or involuntarily retained on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $7,900,000;
Military personnel, Navy, $400,000;
Military personnel, Air Force, $1,700,000.

For an additional amount for the payment of increased amounts attributable to the removal of the 60-day limitation on the amount of leave that may be paid to survivors of military members who die on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $580,000;
Military personnel, Navy, $140,000;
Military personnel, Marine Corps, $160,000;
Military personnel, Air Force, $100,000.

For an additional amount for the payment to retired members of the Armed Forces recalled to active duty during a war or nationals emergency at the highest grade previously held and to allow these members to retire in the highest grade held, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $50,000;

Military personnel, Navy, $14,000;
Military personnel, Marine Corps, $17,000;
Military personnel, Air Force, $10,000.

For an additional amount for the payment of the basic allowance for quarters to military reservists without dependents, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $22,100,000;
Military personnel, Navy, $3,200,000;
Military personnel, Marine Corps, $5,500,000;
Military personnel, Air Force, $5,200,000.

For an additional amount for the payment of family separation allowances, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $20,000,000;
Military personnel, Navy, $16,900,000;
Military personnel, Marine Corps, $5,900,000;
Military personnel, Air Force, $8,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

For an additional amount for the payment of increased costs of the Civilian Health and Medical Program of the Uniformed Services, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, $15,400,000;
Operation and maintenance, Navy, $17,700,000;
Operation and maintenance, Air Force, $14,900,000;

For an additional amount to provide transitional health care coverage upon deactivation for reservists on active duty during the Persian Gulf Conflict, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, $15,900,000;
Operation and maintenance, Navy, $6,370,000;
Operation and maintenance, Air Force, $2,730,000;

DEPARTMENT OF EDUCATION

GUARANTEED STUDENT LOANS

(TRANSFER OF FUNDS)

For an additional amount for "Guaranteed student loans", for fiscal year 1991, $3,106,000; for fiscal year 1992, $5,932,562; for fiscal year 1993, $2,262,250; for fiscal year 1994, $506,250; for fiscal year 1995, $506,250 as authorized in section 372, provided that if these amounts in any fiscal year are not sufficient to provide for the benefits authorized, any additional amounts necessary shall be available from otherwise appropriated funds from this account.

STUDENT FINANCIAL ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Student financial assistance", for fiscal year 1991, $1,290,000; for fiscal year 1992, $3,165,000; for fiscal year 1993, $3,165,000; for fiscal year 1994, $3,165,000; for fiscal year 1995, $3,165,000 as authorized in section 372, provided that if these amounts in any fiscal year are not sufficient to provide for the benefits authorized, any additional amounts necessary shall be available from otherwise appropriated funds from this account.

CHAPTER II

DEPARTMENT OF VETERANS AFFAIRS

(TRANSFER OF FUNDS)

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", for the following amounts and fiscal years specified: fiscal year 1991, $200,000; fiscal year 1992, $600,000; fiscal year 1993, $700,000; fiscal year 1994, $700,000; fiscal year 1995, $700,000, to remain available until expended.

VETERANS EDUCATION BENEFITS

For an additional amount for purposes of funding chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code, for fiscal years 1991 through 1995, $655,000,000, less the total of the amounts appropriated for fiscal years 1991 through 1995 in the preceding paragraphs of this title.

CHAPTER III

For an additional amount for emergency expenses not otherwise provided for in this Act, $50,000,000 of which $30,000,000 may be available for Family Education and Support Services as authorized in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 and of which $20,000,000 may be available for Child Care Assistance as authorized in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991: *Provided*, That the Secretary of Defense may transfer these sums as necessary to the appropriate operation and maintenance appropriations to be merged with and made available for the same purposes and the same time period as the appropriations to which transferred: *Provided further*, That this transfer authority shall be in addition to any other transfer authority contained in this Act.

GENERAL PROVISION

SEC. 501. (a) The authority provided in this title to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for fiscal year 1991 through fiscal year 1995.

(b) Amounts transferred from the Defense Cooperation Account shall be merged with and be available for the same purposes as the appropriations to which transferred.

(c) The Secretary of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives before making any transfer from the Defense Cooperation Account. No transfer may be made until the seventh day after such committees receive the notification required by this subsection to be submitted for such transfer.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 108 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 502. PROHIBITION ON CERTAIN ASSISTANCE FOR JORDAN.

(a) PROHIBITION.—Except as otherwise provided in this section, none of the funds appropriated or otherwise made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, may be obligated or expended for assistance for Jordan.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) assistance for refugees; or

(2) assistance to finance the training or studies outside Jordan of students whose course of study or training program began before the date of enactment of this Act.

(c) WAIVER.—The prohibition contained in subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the Government of Jordan has taken steps to advance the peace process in the Middle East, or that furnishing assistance to Jordan would be beneficial to the peace process in the Middle East.

(d) DEFINITIONS.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(e) REPEALS.—(1) The ninth proviso under the heading "Economic Support Fund" of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is hereby repealed.

(2) The tenth proviso under the heading "Economic Suppport Fund" of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is hereby repealed.

(3) Any provision of law not repealed by this subsection that earmarks economic or military assistance for Jordan shall have no force or effect upon the date of enactment of this Act.

Mr. BYRD. Mr. President, I ask unanimous consent that all action in relation to both of these supplementals be reconsidered, en bloc, and laid on the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair, and I thank all Senators.

Mr. CHAFEE. Mr. President, I would like to make a few comments, if I might.

The PRESIDING OFFICER. Does the Senator from West Virginia yield the floor?

Mr. BYRD. Yes.

Mr. CHAFEE. Mr. President, I am very glad that the dairy provisions were removed from the bill that went over to conference with the House. Those provisions, in my judgment, would have greatly increased the cost for the WIC Program and, as a result, there would have been fewer women and children able to be served under the WIC Program.

I commend those managers of the bill for concurring in the view that those provisions were not in the best interests of those underprivileged in our society who would have been injured by the dairy provisions that were approved here in the Senate.

Mr. President, if we have completed the appropriations measures, I ask unanimous consent that I might proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 773 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 59. Joint resolution designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The enrolled joint resolution was subsequently signed by the Acting President pro tempore [Mr. BINGAMAN].

At 1:35 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes on the amendments of the Senate to the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans' compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 12, 13, 18, 28, 37, 44, 62, 64, 65, 72, 73, 77, 78, 79, 80, 83, 84, 85, 87, 95, 99, 101, 103, and 106 to the bill, and agrees thereto; and that it recedes from its disagreement to the amendments of the Senate numbered 2, 31, 33, 34, 36, 38, 40, 43, 45, 46, 47, 49, 51, 53, 55, 56, 58, 60, 66, 69, 70, 71, 74, 81, 82, 86, 90, 96, 97, 100, 102, 104, 105, 107, and 108 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1281) making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 26 and 27, and agrees thereto; and that it recedes from its disagreement to the amendments of the Senate numbered 17, 18, 19, 20, 21, 24, 32, 33, and 34 to the bill, and agrees thereto, each with amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 106. A concurrent resolution providing for an adjournment of the two Houses from March 22 until April 9, 1991.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 22, 1991, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 59. Joint resolution designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

REPORT OF COMMITTEES

The following reports of committees were submitted:

By Mr. SARBANES, from the Joint Economic Committee:

Special Report of the Joint Economic Committee on the 1991 Economic Report of the President (Rept. No. 102–27).

By Mr. PRYOR, from the Special Committee on Aging:

Special Report entitled "Developments in Aging, Volumes I and II (Rept. No. 102–28).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Small Business:

James F. Hoobler, of New York, to be Inspector General, Small Business Administration.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

(Pursuant to a previous order of the Senate, the above Inspector General nomination was further referred to the Committee on Governmental Affairs for not to exceed 20 days.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SANFORD:

S. 767. A bill to designate certain lands in the State of North Carolina as wilderness, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. BRYAN, Mr. GORTON, Mr. GORE, Mr. BAUCUS, Mr. INOUYE, Mr. LEVIN, Mr. BURNS, Mr. AKAKA, Mr. CRANSTON, Mr. SEYMOUR, Mr. BINGAMAN, and Mr. CONRAD):

S. 768. A bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the establishment of a national electric vehicle program for the United States and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 769. A bill to establish the National Infrastructure Corporation and the National Infrastructure Advisory Council to provide financing for public works improvements, and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 770. A bill to require the Federal Deposit Insurance Corporation to treat certain deposits of the Freedom National Bank of New York as insured deposits; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL:

S. 771. A bill to amend the Carl D. Perkins Vocational and Applied Technology Education Act to permit the Secretary of Education to waive certain requirements with respect to the distribution of funds to secondary school programs to permit certain postsecondary institutions to receive such funds, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. BRADLEY, and Mr. COCHRAN):

S. 772. A bill to amend title V of Public Law 96–550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mr. MCCAIN, Mr. BOND, and Mr. DANFORTH):

S. 773. A bill to amend title XIX of the Social Security Act to create a new part under such title to provide access to services for medically underserved populations not currently served by federally qualified health centers, by providing funds for a new program to allow federally qualified health centers and other qualifying entities to expand such centers' and entities' capacity and to develop additional centers; to the Committee on Finance.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 774. A bill to amend the Solid Waste Disposal Act to provide for State management of solid waste; to reduce and regulate the interstate transportation of solid wastes; and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, Mr.

Graham, Mr. Akaka, Mr. Daschle, Mr. Thurmond, and Mr. Jeffords):

S. 775. A bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans Affairs.

By Mr. KENNEDY:

S. 776. A bill to require that humanitarian assistance to Cambodia be provided through international organizations and private and voluntary organizations and to prohibit assistance to combat forces seeking to overthrow the Government of Cambodia; to the Committee on Foreign Relations.

By Mr. KOHL:

S. 777. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

By Mr. GORE (for himself and Mr. Hollings) (by request):

S. 778. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself, Mr. Packwood, Mr. Mitchell, Mr. Dole, Mr. Pell, Mr. Kohl, Mr. Durenberger, Mr. Mack, Mr. Kerry, Mr. Akaka, Mr. Adams, Mr. Reid, Mr. Wellstone, Mr. Lieberman, Mr. Graham, Mr. Cranston, Mr. Gore, Mr. Glenn, Mr. Inouye, Mr. Seymour, Mr. Bradley, Mr. D'Amato, Mr. Specter, Mr. Grassley, Mr. Levin, Mr. Kennedy, Mr. Simon, Mr. Kasten, and Mr. Stevens):

S.J. Res. 110. A joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379(xxx); to the Committee on Foreign Relations.

By Mr. BRADLEY (for himself and Mr. Hatch):

S.J. Res. 111. A joint resolution marking the seventy-fifth anniversary of chartering by Act of Congress of the Boy Scouts of America; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANFORD:

S. 767. A bill to designate certain lands in the State of North Carolina as wilderness; to the Committee on Agriculture, Nutrition, and Forestry.

WESTERN NORTH CAROLINA WILDERNESS PROTECTION ACT

Mr. SANFORD. Mr. President, I rise to introduce the Western North Carolina Wilderness Protection Act. It has been a long time since the people of my State and their elected Representatives here in Washington have come together so clearly on the issue of wilderness designation.

Last year, the Agriculture, Nutrition, and Forestry Committee's Conservation and Forestry Subcommittee, chaired by my able colleague Mr. Fowler, completed hearings on this bill. Unfortunately, in the waning hours of the 101st Congress, this legislation unexpectedly failed to come before the Senate for a vote.

I must note the hard work of Congressman Cass Ballenger who has introduced this legislation, H.R. 35 in the House. Representative Ballenger, who ushered this bill through the House last year, showed great foresight and initiative in developing this legislation.

The areas of my State to be protected by this bill are of great importance to my constituents and the many thousands of visitors that enjoy the wonderful mountains of North Carolina each year. Roughly 24 million people live within a 250-mile radius of the areas in question, which include a 7,140 acre tract known as the Harper Creek area, and the 5,710 acres of Lost Cove. I strongly support the designation of these tracts as part of the wilderness system. They lie within North Carolina's 10th Congressional District, represented by Congressman Ballenger.

Both of the areas mentioned in this legislation are accessible from the Blue Ridge Parkway and would provide the public with much needed wilderness recreation benefits as this region becomes more popular. Trails through the forests make these treasures even more accessible.

Mr. President, this is no new issue. The 1984 North Carolina Wilderness Act designated several properties as wilderness study areas. Then, in 1987, after a thorough multiyear analysis by the Service under their forest planning process, Lost Cove and Harper Creek were recommended for inclusion as wilderness.

Lost Cove is a clearly defined basin surrounded by ridges, which is an uncommon combination in our State. A mostly steep and rugged tract with excellent scenic qualities, it includes the thousand-foot Big Lost Cove Cliffs that can be clearly seen from the parkway. The 80-foot falls of Lost Cove Creek, and Hunt Fish Falls are among the great waterfalls located here. The area is also a black bear sanctuary and provides high-quality habitat for both trophy status and native trout.

Lost Cove was logged around the turn of the century but has not been logged since that time, except for 75 acres around 1970. The area does contain a single low-standard road capable of access by four-wheel drive vehicle. And, the cove also contains pockets of virgin forest, and comprises part of the Grandfather Mountain Window. The elevation varies from 1,700 to 3,900 feet.

Separated from Lost Cove only by a dirt road, the Harper Creek acreage also affords beautiful views of Grandfather Mountain and the surrounding mountains. More high falls and imposing rock formations characterize this area; Harper Falls, North and South Harper Falls, and the Little Lost Cove Cliffs all add to this place of natural wonders. The exposed rocks are among the oldest in the Appalachian Mountains—over 1 billion years old. Like Lost Cove, this tract is a black bear sanctuary and contains excellent trout water.

Much of the Harper Creek area was also logged in the early 1900's and no subsequent logging has occurred, with the exception of about 488 acres in 1970. Pockets of old growth forest remain on the steepest ground. The area contains no roads, and covers about half of the Harper Creek watershed. Elevations here vary from 1,600 to 3,400 feet at Little Lost Cove Cliffs.

According to the Forest Service, both Lost Cove, and Harper Creek "provide a high sense of remoteness" and will help meet the demand for additional wilderness recreation area. In addition to supporting several high-quality trout streams, the area is popular for various types of hunting and fishing; these uses would certainly continue upon wilderness designation.

Mr. President, as I noted in the beginning of my remarks, strong local support exists in North Carolina for the designation of these two areas as wilderness. My congressional colleagues and I have received hundreds of letters in support of this move, and only a few in opposition. Such local agreement about wilderness values is rare and should send a clear message to the Senate about the merits of this bill.

Again, I wish to commend Congressman Ballenger for his efforts on behalf of the Western North Carolina Wilderness Protection Act. I urge my Senate colleagues to support this worthy, bipartisan effort.

By Mr. ROCKEFELLER (for himself, Mr. Bryan, Mr. Gorton, Mr. Gore, Mr. Baucus, Mr. Inouye, Mr. Levin, Mr. Burns, Mr. Akaka, Mr. Cranston, Mr. Seymour, Mr. Bingaman, and Mr. Conrad):

S. 768. A bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the establishment of a national electric vehicle programs for the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL ELECTRIC VEHICLE ACT

• Mr. ROCKEFELLER. Mr. President, today I am introducing omnibus electric vehicle legislation. The bill responds to the challenges we face to reduce this Nation's dependence on imported oil and to reduce the transportation sector's negative impact on air quality.

Federal policies that promote alternative fuel vehicles can help our country achieve our environmental and energy security goals. In 1988, 65 of our colleagues joined me in cosponsoring the Alternative Motor Fuels Act, Public Law 100-494, which covered alcohol and natural gas vehicles. Now, electric vehicle technology can also play a key role in national policy.

Electric vehicles could be one of the single most effective means of improving air quality. There are no tailpipe emissions from the vehicles during operation. In addition, the power for electric vehicles comes from abundant electricity produced domestically from a broad mix of fuels.

Electric vehicle technology has reached the point at which our efforts can make a real difference. By removing remaining barriers to commercialization, we can assist market forces. We can bring about much earlier and more widespread use of electric vehicles. And we can help ensure that America reaps the very substantial energy security and environmental benefits of electric vehicles.

What we are aiming at is no less than an automobile revolution. To achieve that revolution, the bill covers every step from laboratory research on batteries, to the equipping of service stations to service electric vehicles, to cost-shared, on-the-road demonstrations.

The proposed legislation creates cost-sharing partnerships among the Federal Government, industry, and State and local governments to cooperatively address all aspects of electric vehicle development: research and development needs, including advanced batteries; infrastructure requirements to ensure that services and systems will be available to support electric vehicles; and the reduction of market barriers by providing financial assistance for the initial purchase of electric vehicles.

Mr. President, the courageous troops of Desert Storm have done their job. Now it is time for Congress and the President to do their job.

The decade of energy policy neglect must end. Of course the conflict in the gulf was over more than oil. But no one has suggested that Saddam Hussein invaded Kuwait to increase his supply of sand.

Many of us have fought for years for energy independence, but in the last decade, other voices have prevailed.

The magnificent performance of the troops of Desert Storm has given us a breathing space in which to change America's course on energy policy. If we want truly to keep the faith with our troops, we must remove forever the threat of energy and economic blackmail.

All of us know that our enormous dependence on imported oil can be traced to the automobile. With the bill I am introducing, we take a major step on the road back to energy security. I urge my colleagues to join me in cosponsoring this legislation, and I look forward to its speedy enactment.●

By Mr. MOYNIHAN:

S. 769. A bill to establish the National Infrastructure Corporation and the National Infrastructure Advisory Council to provide financing for public works improvements, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL INFRASTRUCTURE CORPORATION AND ADVISORY COUNCIL

● Mr. MOYNIHAN. Mr. President, today I am introducing legislation that represents an idea whose time has come. This is another attempt to respond to the recommendations of the National Council on Public Works Improvement. The Council's work was well received, but there has been little interest in legislation to address the problems raised in the Council's February 1988 report "Fragile Foundations." I will repeat for my colleagues the nine specific recommendations put forth in this report. They were:

A national commitment, shared by all levels of government and the private sector, to increase capital spending by as much as 100 percent above the current levels.

Clarification of the respective roles of State, local, and Federal governments in the construction and management of infrastructure in order to focus responsibility and increase accountability.

More flexible administration of Federal and State mandates to allow cost-effective methods of compliance.

Quicker spending of the Federal highway, transit, airport, and waterways trust funds to achieve their intended statutory purposes.

Financing a larger share of the cost of public works through user fees.

Removal of unwarranted limits on the availability of tax-exempt financing for State and local self-help efforts.

Strong incentives for maintenance of capital assets and the use of low-capital techniques such as demand management, coordinated land-use planning, and waste reduction and recycling.

More support for research and development to accelerate technological innovation and for training of public works professionals.

A rational capital budgeting process at all levels of government.

In the last two Congresses, Mr. President, I introduced legislation dealing with the concept of a National Infrastructure Corporation. What I had in mind at the time was not an entity to rival existing programs, but rather something to supplement them.

Here's how it would work. The key focus would be to assist State revolving funds who qualify under criteria established by Congress. State and local officials would identify infrastructure projects within their States. They would then contact their regional National Infrastructure Corporation officials to arrange for financing 50 percent of the project's cost. Projects would be funded for the planning and construction phases, until such time as the consumer enjoys the service and pays the required user fee. The Corps of Engineers would play its traditional role of monitoring the projects construction on behalf of the Corporation.

Clearly we have done very little in the area of user fee technology, and it is time to do just that. Once the project is up and running with the selected user fee, the interim financing provided by the State revolving fund and the Corporation then returns to their respective agencies; and they resume the quest for new projects meeting the criteria.

This legislation will create new jobs in a cost-effective manner based on consumer acceptance of the projects and the benefits they will provide. It has been shown over and over again, State-by-State, that a key obstacle has been the interim financing for a number of projects that have consumer acceptance as I've said, and even perhaps with a user fee already designed.

Mr. President, we have seen in many States the creation of State revolving funds. This was commented on in our subcommittees hearings as well. This trend should be encouraged, the Federal Government's role should be to supplement this development and to provide matching funds as is the case here for these interim loan financing for innovative infrastructure concepts.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point, and that it be appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Infrastructure Corporation and Advisory Council Act of 1991".

SEC. 2. FINDINGS.

Congress finds that—

(1) capital investment represented in our Nation's roads, bridges, mass transportation, airports, ports, waterways, water supply, wastewater treatment, and solid waste disposal facilities is estimated to be about $1.4 trillion, slightly over 20 percent of the country's total public and private capital infrastructure;

(2) most of this basic infrastructure has been in place for at least 20 years, if not a century, and needs either major rehabilitation or replacement;

(3) shifts in population and transportation patterns have overburdened infrastructure in the major urban centers and left small, rural areas and States struggling to provide adequate services from shrinking economic resources;

(4) Federal, State, and local governments face major budgetary challenges;

(5) delays due to highway congestion in major urban regions already impact our economy at a cost estimated to be $30 billion annually, almost one-half of the roughly $65

billion total spent by Federal, State, and local governments for highways in 1987;

(6) reversing the downward trend in infrastructure outlays will not be easy, and that will require innovative shifts in governmental policies and spending priorities;

(7) policymakers at all levels of governments must have, as a real option, user fees to support development goals;

(8) many communities that must make major investments in public works are exploring user fees as one way of attracting investment capital; and

(9) a program to provide transitional funding for innovative infrastructure projects must be established to ensure that the planning, design, and construction of such projects can progress to the state of permanent financing underwritten by publicly supported user fees.

SEC. 3. PURPOSES.

The purposes of this Act are to establish the National Infrastructure Corporation—

(1) to provide, in equal partnership with each State having an eligible State infrastructure revolving fund established pursuant to the requirements of this Act loans to such State for the purpose of making interim financing available to it for the planning, designing, and construction of State nominated infrastructure projects, such loans to be made through a national revolving loan fund established by this Act;

(2) to make such interim financing available particularly in those cases where the long-term financing of such projects by the State will be through the use of user fees imposed by such State, and where significant public benefit will accrue due to the innovative character of a State project nominated for assistance under this Act;

(3) to develop and coordinate Federal infrastructure policy, evaluate roles for public/private entities in implementing this policy, and propose actions necessary to carry out the policy;

(4) to establish the National Infrastructure Institute and other infrastructure education programs which promote the study of infrastructure matters; and

(5) to establish the National Infrastructure Advisory Council to provide views of the private sector and non-Federal public entities.

SEC. 4. DEFINITIONS.

As used in this Act, the term—

(1) "infrastructure" means any physical service by the public or private sector that supports the various functions of society;

(2) "interim funding" means financial assistance provided to fund the initial phase of an infrastructure project, including planning, designing, and constructing, and which is provided on a loan basis, at the market rate existing at the time of the loan, and subject to repayment in accordance with a time schedule;

(3) "user fee" means a charge imposed in connection with the use of an infrastructure service, including a toll charge and a developer fee;

(4) "innovative character" means, with respect to an infrastructure project, a project which serves as an example for cost-effective benefits, new technology, high utilization, and user friendly adaptability; and

(5) "national priority list" means the list established pursuant to section 12(i) designating infrastructure projects and the priority for financing to be accorded such project.

SEC. 5. NATIONAL INFRASTRUCTURE CORPORATION.

(a) ESTABLISHMENT.—There is established the National Infrastructure Corporation (hereinafter referred to as the "Corporation").

(b) COMPOSITION.—The Corporation shall comprise the following components—

(1) a Board of Directors;

(2) the National Infrastructure Advisory Council established by this Act;

(3) the National Infrastructure Institute established by this Act; and

(4) such other offices, divisions, or departments determined by the Board of Directors as necessary to carry out the purposes of this Act.

SEC. 6. POWERS OF CORPORATION.

(a) FUNCTIONS, POWERS, AND DUTIES VESTED IN BOARD.—Except as otherwise provided by this Act, the functions, powers, and duties of the Corporation are vested in the Board of Directors (hereinafter referred to as the "Board").

(b) MEMBERSHIP OF BOARD.—The Board is composed of the following members, or their designated representatives:

(1) Secretary of the Army;

(2) Secretary of the Interior;

(3) Secretary of Transportation;

(4) Secretary of Commerce; and

(5) Administrator of the Environmental Protection Agency.

(c) CHAIR; PRESIDENT.—The Chair of the Board shall be designated by the President of the United States on an annual basis. In addition, the President of the United States shall appoint a President of the Corporation, with the advice and consent of the Senate. The President of the Corporation shall serve for a term of 4 years, and shall serve as chief executive officer of the Corporation on a full-time basis. Any individual appointed as President of the Corporation shall be experienced in construction lending.

(d) HEADS OF AGENCIES.—The Chair of the Board shall request the heads of Federal departments and agencies to participate with the Board when matters affecting the responsibilities of such departments and agencies are considered by the Board.

SEC. 7. ADVISORY COUNCIL.

(a) THE NATIONAL INFRASTRUCTURE ADVISORY COUNCIL.—For the purpose of providing the Board with the views of the private sector and non-Federal public entities concerning matters within the purview of this Act, there is established the National Infrastructure Advisory Council (hereinafter referred to as the "Council").

(b) MEMBERSHIP.—The Council shall be composed of such individuals as are designated by the following entities, one by each such entity:

(1) National Governors' Association;

(2) National Conference of Mayors;

(3) National League of Cities;

(4) National Association of Counties;

(5) National Conference of State Legislatures; and

(6) National Association of Regional Councils.

(c) PRIVATE SECTOR.—(1) The Council shall also include five representatives of the private sector to be selected as follows—

(A) two individuals selected by the Senate Committee on Environment and Public Works;

(B) two individuals selected by the House of Representatives Committee on Public Works; and

(C) one individual selected by the President of the United States.

(2) No individual shall be selected to serve on the Council unless such individual has been active in infrastructure related disciplines.

(d) MEETINGS.—The Council shall meet and report to the Board on infrastructure matters at least twice annually.

(e) CHAIR.—The Council shall elect a Chair from among its members.

SEC. 8. COORDINATION.

(a) ADMINISTRATIVE PROVISIONS.—For the purpose of coordinating Federal infrastructure policy, preparing needs assessments, developing guidelines and procedures, and executing the responsibilities vested in it by this Act, the Board, at the direction of the President of the Corporation, shall—

(1) hold such hearings, sit and act at such times and and places, take such testimony, receive such evidence, and publish or otherwise distribute so much of its proceedings and reports as it may deem advisable;

(2) acquire, furnish, and equip such office space as is determines necessary;

(3) be authorized to use the United States mails in the same manner and upon the same conditions as other Federal departments and agencies;

(4) employ and fix the compensation of such personnel as it deems advisable, in accordance with the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code;

(5) employ an Executive Director responsible for the administration and management of the Council; and

(6) incur such necessary expenses and exercise such other powers and duties as are consistent and reasonably required to perform its functions.

(b) RECORDS.—To the extent permitted by law, all appropriate records and papers of the Board may be made available for public inspection.

(c) INFORMATION.—Upon the request of the Board, the head of any Federal department or agency is authorized—

(1) to furnish the Board such information as may be necessary for carrying out its functions and as may be available to or procurable by such agency, and

(2) to detail to temporary duty with such Board on a reimbursable basis such personnel within its administrative jurisdiction as the Board determines necessary for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(d) RESPONSIBILITIES OF PRESIDENT OF CORPORATION.—The President of the Corporation, acting under the supervision of the Board, shall be responsible for the—

(1) appointment and supervision of personnel;

(2) assignment of duties and responsibilities among such personnel; and

(3) use and expenditures of funds.

(e) LIMITATION ON STAFF.—The President of the Corporation shall limit the full-time staff of the Board to 50 full-time employees. The President of the Corporation is authorized to establish regional offices to coordinate with States and appropriate State infrastructure revolving funds.

(f) MEETINGS.—At the direction of the President of the Corporation, the Board shall meet at the call of the Chair, and at such other time or times as may be provided by the bylaws of the Corporation, but not less than quarterly. A majority of the Board shall constitute a quorum, and any substantive action by the Board shall require a majority vote of all its members. The Board shall adopt, and may from time to time amend, such bylaws as it determines are necessary for the proper management and functioning of the Corporation. Each member of the Board shall receive a monthly report from the President of the Corporation.

(g) MEETINGS OPEN TO PUBLIC.—(1) All meetings of the Board held to conduct official business of the Corporation shall be open to the public, and shall be preceded by reasonable public notice. Pursuant to such bylaws as it may establish, the Board may close a meeting if the meeting is likely to disclose—

(A) information which is likely to adversely affect financial or securities markets or institutions; and

(B) information, the premature disclosure of which, would be likely to—

(i) lead to speculation in securities, commodities, utilities, or land; or

(ii) impede—

(I) the ability of the Corporation to establish infrastructure project selection criteria; or

(II) its ability to negotiate a contract for financial assistance.

(2) The determination to close any meeting of the Board shall be made in a meeting of the Board, open to the public, and preceded by reasonable notice. The Board shall prepare minutes of any meeting which is closed to the public and such minutes shall be made promptly available to the public, except for those portions thereof which, in the judgment of the Board, may be withheld in accordance with paragraph (1).

SEC. 9. POWERS OF CORPORATION.

In carrying out the provisions of this Act, the Corporation shall have the power, consistent with the provisions of this Act—

(1) make loans in accordance with this Act;

(2) to adopt and alter a corporate seal, which shall be judicially noticed;

(3) to make agreements and contracts with persons and private or governmental entities, except that the Corporation shall not provide any financial assistance except as otherwise specifically authorized by this Act;

(4) to make provision for and designate such committees, and the functions thereof, as the Board may determine necessary or desirable;

(5) to make use of services, facilities, and property of any Federal agency or instrumentality, with its approval and on a reimbursable basis, in carrying out the provision of this Act;

(6) to create, organize, and manage divisions and departments within the Corporation;

(7) to perform or authorize studies, prepare or cause the preparation of reports, and convene meetings and conferences, and defray the costs and expenses thereof; and

(8) to exercise all other lawful powers necessarily or reasonably related to the Corporation.

SEC. 10. AUDIT.

(a) GENERAL ACCOUNTING OFFICE.—The financial transactions of the Corporation shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit, and shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. A report on each such audit shall be made by the Comptroller General to Congress. The Corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General.

(b) BOOKS AND RECORDS.—The Corporation shall maintain adequate books and records to support its financial transactions. Such books and records shall be maintained in accordance with recommended accounting practices.

SEC. 11. REPORTS.

The Corporation shall submit to the President and the Congress, within 60 days after the end of each fiscal year, a complete and detailed report with respect to the preceding fiscal year, setting forth—

(1) a summary of the Corporation's operations, including loans made, for such preceding fiscal year;

(2) the Corporation's revenues and expenditures for such fiscal year and the Corporation's balance sheet as of the end of such fiscal year, each in accordance with the categories and classifications established by the Corporation;

(3) a schedule of the Corporation's obligations and capital securities outstanding at the end of such fiscal year, with a statement of the amounts issued and redeemed or paid during such fiscal year;

(4) the status of projects receiving funding; and

(5) an updated national priority list established pursuant to section 12(i).

SEC. 12. NATIONAL INFRASTRUCTURE REVOLVING FUND.

(a) ESTABLISHMENT.—There is established a National Infrastructure Revolving Fund (hereafter in this Act referred to as the "Fund") within the Treasury of the United States for the purpose of providing interim financing in accordance with subsection (b).

(b) AVAILABILITY OF FUND.—Moneys in the Fund shall be available for use by the Corporation in carrying out the provisions of this Act, and, subject to the provisions of section 13, in providing interim financing for certain State nominated major infrastructure projects with an innovative character during their planning, designing, and construction phases. Moneys made available as loans to any State under this Act shall be used by such State for the purpose of enabling such State to plan, design and construct major infrastructure projects. Such moneys shall be available from the Fund without fiscal year limitation. Payments from the Fund directed by the Corporation are hereby appropriated.

(c) INTEREST ON FUND.—Interest received on moneys in the Fund, together with interest and payments on loans from the Fund, shall be deposited in, or credited to, the Fund and shall be available for use in the same manner, to the same extent, and for the same purposes as are moneys appropriated to the Fund by this section.

(d) OFF-BUDGET.—The receipts and disbursements of the Fund shall not be included in the totals of the budget of the United States as submitted by the President or of the congressional budget and shall be exempt from any general budget limitation imposed by law on expenditures and net lending (budget outlays) of the United States Government.

(e) EXPENDITURES AUTHORIZED.—The Corporation is authorized—

(1) subject to the provisions of section 13, to make interim loans from the Fund to the appropriate State infrastructure revolving fund established pursuant to section 13 on the condition that—

(A) annual principal and interest payments on such loan for a project will commence as directed by the Secretary, but in no event later than 12 months after completion of the project,

(B) the State receiving such financial assistance demonstrates to the Corporation that the State has access to sufficient continuing financial resources to allow for timely repayment of all such loans and interest, and to allow for proper short- and long-term maintenance of the facilities to be constructed, including financial resources through dedicated revenues and user fees, and

(C) all such loans to a State shall be credited to the State infrastructure fund; and

(2) to expend from the Fund such amounts as may be necessary to carry out the provisions of this Act.

(f) LIMITATION.—Financial assistance provided under this Act to any innovative infrastructure project nominated for construction by a State having an infrastructure revolving fund established pursuant to section 13 shall not exceed 50 percent of the total project costs necessary to carry out the planning, designing, and construction of such project.

(g) REQUIREMENTS.—No financial assistance shall be available under this Act for any project unless such project is to receive financial assistance from a State infrastructure revolving fund established pursuant to section 13, and the applicant for such assistance has demonstrated to the Board that such project meets the requirements of this Act and the criteria of the Board.

(h) CRITERIA.—The Board shall establish—

(1) criteria for determining those projects which shall be eligible to receive interim financing pursuant to this Act;

(2) criteria for determining what interim planning, designing, and construction costs for infrastructure projects shall be eligible for consideration in calculating the total cost of a project for the purposes of this Act;

(3) criteria, including innovation and overall public benefit, for determining compliance with the definition of infrastructure contained in this Act;

(4) criteria for providing financing for projects made up of noncontiguous elements such as regional innovative waste treatment and transportation plans, where the different elements of such project are well coordinated with one another and are directed ward a common goal;

(5) criteria for establishing and financing State infrastructure revolving fund and enabling such fund to determine who shall be eligible for financial assistance thereunder.

(6) criteria for ranking all appror projects on the national priority list established pursuant to subsection (i);

(7) criteria for project selection, which criteria shall be established after consideration of all applicable environmental laws, and labor laws relating to employee compensation, benefits and rights; and

(8) such other criteria as the Board deems to be appropriate for purposes of carrying out this Act.

(i) PROJECT PROPOSALS.—The Board shall accept project proposals only from a State having an infrastructure revolving fund established pursuant to section 13. The Board shall place infrastructure projects, nominated by the States and approved by the Board, on a national priority list for financing under this Act, and may provide interim planning, designing, and construction financing to projects on such list. In determining the relative priority of a project, the Board shall take into account whether the project is eligible for funding from other sources and the likelihood that it will receive such other funding in an amount sufficient to allow the project to proceed and to be completed.

SEC. 13. LOAN AGREEMENTS.

(a) GENERAL RULE.—To receive a loan from the Fund under this Act, a State shall enter into an agreement with the Corporation which shall include but not be limited to the specifications set forth in subsection (b) of this section.

(b) SPECIFIC REQUIREMENTS.—The Corporation shall enter into an agreement under this section with a State only after the State has established to the satisfaction of the Corporation that—

(1) the State will make loan and interest payments in accordance with a payment schedule established jointly by the Corporation and such State, and will deposit the proceeds of all loans received pursuant to this Act in the infrastructure revolving fund established by such State in accordance with this Act;

(2) the State will deposit in its revolving fund, from State moneys, an amount equal to 50 percent of the total amount of all loans received by such State pursuant to this Act;

(3) the State will enter into binding commitments to provide financial assistance in accordance with the requirements of this Act for the planning, designing and construction of a State major infrastructure with an innovative character for which a loan is received from the Corporation pursuant to this Act in an amount equal to 100 percent of the amount of each such loan within 1 year after the receipt of such loan; and

(4) the State will make annual reports to the Corporation on the actual use of moneys in such State infrastructure revolving fund.

(c) REQUIREMENTS FOR OBLIGATION OF LOAN FUNDS.—Before a State may receive a loan pursuant to this Act, such State shall first establish an infrastructure revolving fund which complies with the requirements of this Act.

(d) ADMINISTRATION.—Each State infrastructure revolving fund shall be administered by an instrumentality of the State with such powers and limitations as may be required to operate such fund in accordance with the requirements and objectives of this section.

(e) PROJECTS ELIGIBLE FOR ASSISTANCE.—The proceeds of each State revolving fund shall be used only for providing financial assistance for planning, designing or constructing major infrastructures with an innovative character designated by such State. The fund shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for providing such financial assistance.

SEC. 14. PROGRAM.

(a) BOARD TO IMPLEMENT.—The Board shall design and implement a program to provide technical, legal, and financial consulting services to infrastructure project providers requesting such services. This program shall include widespread publicity of the services the Corporation can provide.

(b) SERVICES AND ASSISTANCE.—The Board is authorized to provide such services and assistance to any—

(1) State or agency designated by the State;

(2) political subdivision or governmental entity thereof, including any municipality of any State;

(3) multistate entity that possesses legal powers necessary to carry out activities under this Act;

(4) Indian tribe or Indian tribal organization; and

(5) person, if such services relate directly to the planning and implementation of projects to provide public works infrastructure facilities or services for the general public on a not-for-profit basis.

(c) TYPES OF SERVICE.—Such services and assistance shall take the form of—

(1) assistance in obtaining construction financing for infrastructure projects, either from the Corporation or from other sources;

(2) education and training programs for infrastructure project managers;

(3) long-range planning and needs assessments for infrastructure project systems;

(4) technical consulting and decision support services to assist infrastructure project providers in designing and infrastructure construction and maintenance programs; and

(5) designing, in consultation with States and appropriate agencies thereof, user fee programs which would be undertaken with community acceptance based on public benefits flowing from such projects.

(d) ASSISTANCE.—The Board is authorized to solicit requests for assistance from individuals and organizations described in subsection (b) through an outreach program.

SEC. 15. COMPLIANCE WITH FEDERAL REQUIREMENTS.

No financial assistance shall be made available to any State pursuant to this Act for any project unless such State has first entered into an agreement with the Board pursuant to which such State agreed to abide by all applicable Federal environmental laws, labor standards, civil rights laws, and other requirements designated by the Board and generally applicable to federally financed and assisted construction projects, including section 1 of the Act of March 3, 1931 (40 U.S.C. 276a), in connection with work on such project.

SEC. 16. PROGRAM FOR RESEARCH.

(a) IMPLEMENTATION.—The Corporation is authorized to design and implement a comprehensive program for research and development and technology transfer in connection with matters involving public works infrastructure.

(b) ADVISORY COMMITTEE.—The Corporation is authorized to convene a Research and Development Advisory Committee (hereinafter referred to as the "Committee") to make recommendations to the Board and the Council regarding the scope, content, design, and funding of such program. The Committee shall be made up of representatives of—

(1) the National Academy of Engineering;

(2) existing university research programs active in public works infrastructure;

(3) private institutions with active public works infrastructure research and development programs;

(4) major public works providers that would be the potential users of new technologies produced by a research and development program; and

(5) other individuals that the Board deems to be appropriate.

SEC. 17. FURNISHING ASSISTANCE.

(a) INFRASTRUCTURE TECHNOLOGY TRANSFER AND INFORMATION ASSISTANCE PROGRAM.—For the purposes of furnishing assistance to State and local governments, the Board shall establish and implement an infrastructure technology transfer and information assistance program.

(b) PROCEDURES.—The Board shall establish procedures to coordinate, receive, and channel requests for assistance and information on infrastructure and infrastructure technology.

(c) CONSULTATION.—The Board shall consult with the National Research Council, the National Technical Information Service, appropriate Federal agencies, non-Federal and other private entities in developing and implementing such program.

(d) CLEARINGHOUSE.—The Board is authorized, in consultation with the National Technical Information Service, to provide a clearinghouse to meet requests from States and local governments, industrial organizations, public and private foundations, nonprofit organizations, or other persons, for information and other data on technology programs and research and development programs relating to infrastructure, including the referral of such requests and inquiries directly to the appropriate Federal agency for response.

(e) ANNUAL REPORT.—The Board shall prepare and submit an annual report to the Congress on the effectiveness of the programs under this Act.

SEC. 18. FIVE-YEAR PROGRAM.

(a) INFRASTRUCTURE RESEARCH AND DEVELOPMENT PROGRAM.—The Board is authorized to carry out a 5-year program to promote the use of innovative technology in the design, construction, improvement, rehabilitation, use, operation, and management of infrastructure. In carrying out the program, the Board is authorized to determine appropriate projects to undertake, and to encourage Federal agencies to carry out such projects under the program.

(b) FEDERAL EXPENSE.—Projects constructed pursuant to the program established pursuant to subsection (a) shall be at the expense of the United States Government.

SEC. 19. INSTITUTE.

(a) NATIONAL INFRASTRUCTURE INSTITUTE.—The Board is authorized to establish a National Infrastructure Institute to support, through the establishment of regional centers, infrastructure innovation programs in institutions of higher education.

(b) REGIONAL CENTERS.—The Board is authorized to establish four regional centers to assist in carrying out subsection (a). Such centers shall be entitled to equal funding by the Corporation.

SEC. 20. EDUCATION PROGRAM.

(a) DEVELOPMENT OF PROGRAM.—The Board is authorized to develop and implement a national infrastructure education program.

(b) PARTS OF PROGRAM.—Any program established pursuant to subsection (a) shall consist of—

(1) a program focused on improving the awareness of the importance of infrastructure in the Nation's primary and secondary schools, and

(2) a program focused on the advancement of environmental and civil engineering in the Nation's institutions of higher education.

SEC. 21. INFRASTRUCTURE VALUE AND WORTH STUDY.

(a) VALUE AND WORTH OF INFRASTRUCTURE.—The Board shall commission a study to determine the value and worth of infrastructure, and to develop and recommend alternative economic processes to determine the feasibility and viability of Federal infrastructure projects. In preparing such study, the Board shall consider alternatives to traditional cost-benefit analyses.

(b) REPORT.—The Board shall report to the Congress on the results of its findings based on each such study within 6 months after the date of enactment of this Act.

SEC. 22. INVESTMENTS IN INFRASTRUCTURE.

(a) ESTABLISHMENT OF COMMISSION.—There is established the Commission to Promote

THE PAPER AND INK USED IN THE ORIGINAL PUBLICATION
MAY AFFECT THE QUALITY OF THE MICROFORM EDITION

Investment in America's Infrastructure (hereafter referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 7 members appointed as follows:

(A) 3 members appointed by the Majority Leader of the Senate;

(B) 3 members appointed by the Speaker of the House of Representatives; and

(C) 1 member appointed by the President of the United States.

(2) Individuals appointed to the Commission shall have appropriate backgrounds in finance, construction lending, actuarial disciplines, pensions, and infrastructure policy disciplines.

(c) FUNCTION OF COMMISSION.—It shall be the function of the Commission to conduct a study for the purpose of determining the feasibility and desirability of creating a type of infrastructure security which would permit the investment of pension funds in funds utilized to design, plan, and construct infrastructures in the United States. The Commission can include recommendations as to private sector as well as recommendations for innovative public policy alternatives to assist infrastructure investment at all levels of government.

(d) REPORT.—Within 180 days following the date of the enactment of this Act, the Commission shall report its findings and recommendations to the Congress and to the President of the United States.

(e) EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem, in the same manner as persons employed intermittently in the Government service are allowed under section 5703 of title 5, United States Code.

(f) COMMISSION STAFF.—Subject to such rules and regulations as may be adopted by the Commission, the Chairman may—

(1) appoint and fix compensation of an executive director, a general counsel, and such additional staff as is deemed necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent for the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 23. AUTHORIZATIONS.

(a) AUTHORIZED AMOUNTS.—There is authorized to be appropriated to the Fund for the purposes of carrying out this Act $750,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, and 1996.●

By Mr. D'AMATO:

S. 770. A bill to require the Federal Deposit Insurance Corporation to treat certain deposits of the Freedom National Bank of New York as insured deposits; to the Committee on Banking, Housing, and Urban Affairs.

FREEDOM NATIONAL BANK NOT-FOR-PROFIT CORPORATION DEPOSITORS PROTECTION ACT

● Mr. D'AMATO. Mr. President, today I would like to offer this small piece of legislation that will rectify a large injustice created by the Federal Deposit Insurance Corporation when it refused to reimburse in full certain not-for-profit corporations' accounts located at Freedom National Bank. My legislation, the Freedom National Bank Not-for-Profit Corporation Depositors' Protection Act of 1991, seeks to protect the intended beneficiaries of the charitable not-for-profit organizations who believed they had fully insured and fully protected accounts at Freedom National Bank.

Freedom National was one of the Nation's largest minority-owned banks with deposits of approximately $90.8 million and branches in the Harlem and Bedford Stuyvesant communities of New York City. Freedom National was founded in 1964 by Brooklyn Dodger Jackie Robinson after other banks refused to lend him money. Freedom National, located in a poor black community, had become a symbol of hope to the people of the community.

In an effort to support economic independence in the black community, many local charitable groups had maintained their operating accounts at Freedom National. I have been informed that at least nine charitable groups had multiple accounts, exceeding $100,000 in the aggregate.

On November 9, 1990, the Office of the Comptroller of the Currency declared Freedom National Bank insolvent and appointed the FDIC as its receiver. In the process of liquidating the bank, the FDIC determined that the multiple accounts belonged to a single depositor—the charitable organization behind the accounts. As a result, the FDIC only paid each not-for-profit organization a total of $100,000, notwithstanding the fact that the organization may have had multiple accounts, each designated for a separate purpose, and each with a balance under $100,000.

These charitable organizations were attempting to demonstrate their support of Freedom National Bank by putting their money in that institution. By putting less than $100,000 in each of the accounts, the charitable organizations believed that the funds in the accounts were federally insured and protected in full. It was not the intention of the charitable organizations to jeopardize these account funds. Unbeknownst to the charitable groups, however, in the process of paying out the insured depositors, the FDIC would not consider that there were many intended beneficiaries of the charitable accounts.

On November 29, 1990, I wrote to Bill Seidman, Chairman of the FDIC, to urge the FDIC to look behind the charitable organization to see the intended beneficiaries of the separately designated accounts. As I stated in the letter, it had been represented to me that the intent behind the charities was to allocate the funds in each account for a different charitable purpose. I would like to include a copy of this letter in the RECORD.

On November 30, 1990, the FDIC board agreed to an advance payment of 50 percent of the proven claims of uninsured depositors and other creditors of the bank, allegedly as an attempt to minimize the effects of the bank's closing on the community. As far as the balance of the uninsured deposits, the FDIC concluded that Freedom National did not meet either of the two conditions that would have permitted the FDIC to provide financial assistance to the insolvent bank. One condition is that the assistance transaction is less costly than a liquidation and the other is that the failed institution is deemed essential to its community.

On January 15, 1991, the FDIC announced that it "lacked the authority and the flexibility under existing law to fully reimburse all depositors at Freedom National."

Mr. President, my legislation carves out the not-for-profit organizations as an exception to the FDIC's policy not to fully reimburse all of the depositors at Freedom National Bank. Depriving these not-for-profit organizations full reimbursement is effectively denying many of my constituents valuable and important community services that the account funds were earmarked for.

I have here a list of these accounts that were sent to me by the Fort Greene Senior Citizens Council of Brooklyn, NY. I would also like to make a copy of this list part of the RECORD. Among the accounts listed are day care facilities for more than 200 children from low-income families, and services providing for serving daily meals to over 8,000 elderly people. The United Negro College Fund also had set up separate accounts for 50 different colleges which the FDIC treated as a single account. In a fashion that made Scrooge look like a Girl Scout, the FDIC's failure to pay out the full amount in these accounts occurred 2 weeks before Thanksgiving.

As a senior member of the Banking Committee, I am particularly sensitive to the inequity that resulted from the FDIC's decision not to fully reimburse the charitable organizations with accounts at Freedom National. The Banking Committee has been holding numerous hearings concerning deposit insurance reform and financial restructuring. Many of the committee's discussions revisit the FDIC's policy of paying out uninsured depositors when failure to do so would cause systemic risk to the banking system. This policy is commonly known as too big to fail.

In these discussions at the Banking Committee hearings, the example of the FDIC's failure to pay out all of the

Freedom National depositors has frequently been juxtaposed with the FDIC's payout to the uninsured depositors of the Bank of New England. The FDIC's inequitable treatment of these two institutions is startling.

In a Banking Committee hearing about the failure of the Bank of New England, Bill Seidman told the committee that the FDIC had decided to protect approximately $2 billion in uninsured deposits at a cost of between $200 to $300 million. The majority of the uninsured accounts at the Bank of New England were accounts of other large banks. Seidman went on to say that it would have cost the FDIC between $8 to $10 million to cover all of the uninsured deposits at Freedom National. Many of the uninsured accounts at Freedom National Bank were charitable organizations who thought they had structured the accounts so that they would be fully insured.

The treatment of the Bank of New England uninsured depositors and the Freedom National depositors is clearly disparate and clearly inequitable. Whether the inequity is due to the FDIC's applying the "too big to fail policy" in the case of the Bank of New England and not in the case of Freedom National Bank is no solace to the intended beneficiaries of the charitable organizations' accounts.

It is widely believed that banking reform is required to avoid this type of inequitable treatment. With my legislation, I would like to take an interim step and protect the people who had entrusted the funds of charitable, not-for-profit organizations at a small community bank that was not too big to fail.

Mr. President, I ask for unanimous consent that, at the conclusion of my remarks that the text of my bill and the two letters I reference be printed in their entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL INSURED DEPOSITS.

For purposes of the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq), the deposits of the Freedom National Bank of New York that—

(1) were deposited by a charitable organization, as such term is defined by New York State law; and

(2) were deposits of such bank on the date of its closure by the Office of the Comptroller of the Currency,

shall be considered to have been insured deposits, as such term is defined in section 3 of the Federal Deposit Insurance Act.

U.S. SENATE,
Washington, DC, November 29, 1990.

L. WILLIAM SEIDMAN,
Chairman, Federal Deposit Insurance Corporation, Washington, DC.

DEAR BILL: I understand that the Federal Deposit Insurance Corporation ("FDIC") is presently considering the claims of various charitable organizations which had aggregate deposits exceeding $100,000 in various accounts at Freedom National Bank. These claims arose as a result of the Office of the Comptroller of the Currency closing Freedom National Bank on November 9, 1990 and appointing the FDIC as receiver of the bank.

At least nine New York charities, including the United Negro College Fund, are faced with the predicament of trying to collect funds deposited in Freedom National Bank on behalf of various charities. I have been personally contacted by the individuals at Fort Greene Senior Citizens Council. Fort Greene Senior Citizens Council is trying to collect the remaining $216,512 that was deposited among the 24 accounts it maintained at Freedom National Bank on behalf of various charities.

My banking counsel informs me that the rules for federal deposit insurance coverage provide that associations created for charitable purposes shall be insured separately from the accounts of the persons or entities comprising the association (12 CFR 330.9(c)). I urge you to examine closely your authority and exercise whatever discretion you have to protect these charities.

Fort Greene Senior Citizens Council has represented to me that they set up each of the 24 checking accounts at Freedom National Bank for a separate charitable service. The individuals from Fort Greene Senior Citizens Council who set up these 24 accounts intended each account to be a separate account for a specific charitable service and designated separate subtitles for each of these accounts. These individuals also believed that they were setting up the accounts properly and that each account would be guaranteed up to the $100,000 FDIC limit.

Perhaps if the individuals at Fort Green Senior Citizens Council had consulted legal counsel prior to setting up the accounts, they would have structured the accounts differently. Obviously it is too late for these considerations, however. At this point, it is important to look through the names on the charitable accounts and determine whether the intent behind them is to allocate the funds in each account for a different charitable purpose. If the FDIC does not pay out on the charitable accounts, many will suffer as the result of a legal technicality. Among those who will suffer from FDIC's failure to pay out on the full balance of each of the accounts rather than aggregating them will be the intended recipients of the charitable funds and the New York taxpayers.

It would be ironic for the FDIC to now deny claims of a few million dollars in funds to support elderly, educational and child care services after having made whole depositors who had accounts totalling $37 million at the Bahamian branch of National Bank of Washington just three and a half months earlier.

I am available to discuss this situation with you further. I only hope that it is as obvious to you as it is to me that the claims of these charities should be carefully and fully considered. Thank you for your attention.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

Account name	Account No.	Funding source	Held by FDIC
Fort Greene Senior Citizens Council, D/B/A Bedford Avenue Day Care, 40 Breevort Place, Brooklyn, NY.	0203–8714	HRA/ACD	$61,956.35
Fort Greene Senior Citizens Council, Inc., Young Minds, 972 Fulton Street, Brooklyn.	0203–8293	HRA/ACD	115,808.46
Fort Greene Senior Cit. Council, Title XX 1990–91, 966 Fulton Street, Brooklyn.	0203–8838	HRA/OSS	....
Fort Greene Senior Citizens, Bedford D.C.C. Family Day Care, 40 Brevoort Place, Brooklyn.	0203–4816	USDA	275.23
Fort Greene Senior Citizens Council, Bedford Day Care Center, 40 Brevoort Place, Brooklyn, NY.	0203–1302	USDA	3,576.69
Fort Greene Senior Citizens Council, Young Minds Day Care, 966 Fulton Street, Brooklyn.	0202–7232	USDA	5,909.05
Fort Greene Senior Citizens Council, DFA Transportation & Nutrition, 966 Fulton Street, Brooklyn, NY.	0203–8846	DFA	....
Fort Greene Senior Citizens Council, DFA Trans & Nutrition Serv. 1988, 966 Fulton Street, Brooklyn.	0203–4883	DFA	271.33
Fort Greene Senior Citizens Council, DFA Transportation, 966 Fulton Street, Brooklyn, NY.	0203–3615	DFA	1,311.08
Fort Greene Senior Citizens Council, DFA Transportation & Nutrition, 966 Fulton Street, Brooklyn, NY.	0203–7548	DFA	98.21
Fort Greene Senior Citizens Council, DFA Trans. Nutrition Service 1989, 966 Fulton Street, Brooklyn, NY.	0203–6053	DFA	46.38
Fort Greene Senior Citizens Council, DFA Transportation and Nutrition, 966 Fulton Street, Brooklyn, NY.	0203–2252	DFA	129.66
Fort Greene Senior Citizens Council, Weekend Meas, 966 Fulton Street, Brooklyn, NY.	0202–9170	DFA Citimeals	2,996.54
Fort Greene Senior Citizens Council, DFY 1989, 966 Fulton Street, Brooklyn.	0203–6428	NYS Division for Youth	8,930.33
Fort Greene Senior Citizens Council, D.F.A 1988, 966 Fulton Street, Brooklyn, NY.	0203–5057	......do	1,657.55
Fort Greene Senior Citizens Council, Breakfast/Brunch 1990, 966 Fulton Street, Brooklyn, NY.	0203–8307	NYS Office for Aging	3,080.47
Fort Greene Senior Citizens Council, Drop In Center 451 1990, 966 Fulton Street, Brooklyn, NY.	0203–8315	......do	1,058.11
Fort Greene Senior Citizens, Inc., Seniors Contribution and Fundraising, 966 Fulton Street, Brooklyn, NY.	0202–8891	Seniors fund raising	688.18
Fort Greene Young Minds, 972 Fulton Street, Brooklyn, NY.	0203–1787	Parent's fund raising	2,147.89
Fort Greene Senior Citizens, Choir Fund, 966 Fulton Street, Brooklyn, NY.	2019–8624	Seniors choir	50.00
Fort Greene Senior Citizens Council, No. 1, 966 Fulton Sreet, Brooklyn, NY.	0203–0187	Board fund raising	....

Account name	Account No.	Funding source	Held by FDIC
Fort Greene Senior Citizens Council, Inc., CNSL No. 1–A, 966 Fulton Street, Brooklyn, NY.	0203–0195	......do	....
Fort Greene Senior Citizens Council, Sick Committee, 966 Fulton Street, Brooklyn, NY.	2018–6852	Seniors fund raising ...	2.37

FORT GREENE SENIOR CITIZENS COUNCIL, INC.
Brooklyn, NY, November 30, 1990.
MS. LAURA SIMONE,
Office of U.S. Senator D'Amato, Hart Senate Office Building, Washington, DC.

DEAR MS. SIMONE: Attached are the listing of accounts which you requested. Since I will be out of the office for a while, please call me this afternoon.

Thank you for your interest in this issue.

Sincerely

GRACE HAREWOOD,
Executive Director.●

By Mr. KOHL:

S. 771. A bill to amend the Carl D. Perkins Vocational and Applied Technology Education Act to permit the Secretary of Education to waive certain requirements with respect to the distribution of funds to secondary school programs to permit certain postsecondary institutions to receive such funds; and for other purposes; to the Committee on Labor and Human Resources.

TECHNICAL AMENDMENT TO CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

● Mr. KOHL. Mr. President, as we all know, in the last session of Congress, we reauthorized the Carl Perkins Vocational Education Act. During that reauthorization process I was very concerned about certain programs falling through the cracks of the legislative process. One very valuable program did fall through the cracks—a unique dropout intervention program offered by an adult vocational technical school that serves high school students and that provides accredited high school diplomas to such students. At the time of the reauthorization I engaged in a colloquy with the good Senator from Rhode Island, Senator PELL, chairman of the Subcommittee on Education. I would like that to be inserted in the RECORD at the end of my statement. In this discussion, we agreed that this type of dropout intervention program was one that the Senate intended to be funded under the new Perkins formula.

I have been working with the Department of Education as they draft the regulations for the Carl Perkins Act to ensure that this dropout intervention program offered to high school students through this postsecondary institution is eligible for funding. Unfortunately, I have been informed that the language of the law may not qualify this program for funding. Therefore, I rise today on behalf of myself and my colleague from Wisconsin, Senator KASTEN, to correct an oversight Congress made in the reauthorization of the Carl Perkins Act. By adopting my bill, thousands of at-risk youth will continue to be served by the unique program, Project Second Chance, administered by the Milwaukee Area Technical College. The project has the support of the Milwaukee public schools and the State superintendent of public instruction.

It was not the intent of Congress to defund this program. It was not the intent of Congress that we allow more Milwaukee youth to drop out of school without intervention.

This is an exceedingly limited amendment, which I believe will only affect this particular program. I urge my fellow Senators to join with us in correcting this mistake made several months ago.

Mr. President, I ask unanimous consent that the colloquy and the bill language be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRIBUTION OF FUNDS TO CERTAIN POSTSECONDARY VOCATIONAL INSTITUTIONS.

Section 231 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341) is amended by adding at the end thereof the following new subsection:

"(e) POSTSECONDARY INSTITUTIONS.—Notwithstanding the allocation requirements of section 231 (a) or (d), the Secretary shall permit a State to reserve and allocate a reasonable and appropriate level of funds made available under this section for unique dropout intervention programs offered by adult vocational technical schools that serve high school students and that provide accredited high school diplomas to such students."

Mr. KOHL. Mr. President, I want to commend my distinguished colleague and friend from Rhode Island, Mr. PELL, for his leadership in bringing before the Senate the Carl D. Perkins Vocational Educational Reauthorization Act.

Our Nation is faced with the challenge of ensuring that we will continue to have a work force with the education and training necessary as we move into a technologically demanding society. Enhanced academic skills are needed. The great majority of workers must be able to read, write, and perform basic mathematical operations, as well as have problem-solving skills. In addition, advanced skills and occupational training are essential. Vocational education is a vital component in meeting the requirements necessary for developing a skilled and competitive work force.

In looking at the language in S. 1109, I have a few questions for my colleague concerning the language in title II, and would appreciate it if my friend from Rhode Island would comment upon the kinds of programs included under two sections of the bill. The first, in section 222, concerns the State reserve for areas with severe problems, and says that "a State may distribute funds under this section for high school programs in community colleges for 16–18 year olds and which provide high school diplomas." The second, in section 241, concerns grants awarded for postsecondary and adult programs which may be used for programs at postsecondary institutions serving high school students age 16–18 and providing a high school diploma.

Mr. PELL. I will be happy to help my colleague from Wisconsin [Mr. KOHL] in clarifying the committee's intent in adding this language.

Mr. KOHL. I thank the Senator. In Wisconsin, we have a program which was created to stem the increasing numbers of students dropping out of high school. The program is coordinated by a postsecondary institution, MATC [the Milwaukee Area Technical College], but works solely with high school dropouts, ages 16, 17, and 18. The program is called "Second Chance." In the past, Project Second Chance, coordinated by the Milwaukee Area Technical College, has qualified for Federal funding under the Perkins Vocational Education Program. I want to be certain that Project Second Chance will remain eligible for funds under this bill.

In this program outreach specialists work cooperatively with about 60 high schools in the Milwaukee area, including public and private community-based organizations in order to identify dropouts. A key to the success of the program has been the role of a counselor, who works together with program participants to design an individualized educational and training plan for each student and then follows each student's progress as they work through the program. In addition, each student is provided with a support system, which may include his or her family members, peers, educators, and counselors, as they progress through the program. As a result of this attention, and as a result of this fact that grading is done every 4 weeks, rather than once a semester, academic difficulties are identified early on. Counselors quickly become aware of problems: If a student starts to miss class or if his or her grades begin to fall, the counselor knows about it and is ready to ask "Why?"

Mr. PELL. I understand that the program brings together the resources of a college, high schools, community-based organizations, and local businesses.

Mr. KOHL. That is right. The program has been quite successful. It has received national recognition, ans has been cited as an exemplary program. It is a program which would be useful for other communities seeking ways of reaching those who have dropped out of high school. In the last 4 years, Project Second Chance had identified and contracted over 3,000 students, encouraging them to return to school; 669 have reenrolled in MATC's high school or in community-based organizations. Over 970 have reenrolled in the Milwaukee public schools. Over 300 have received job training and/or job placement; 38 students have received their GED and 82 have received high school diplomas. Of those receiving a high school diploma, over 50 percent have gone on to a postsecondary education program.

Mr. PELL. This is exactly the type of program the committee had in mind when drafting this language. I would hope that with the language we have added, which discusses the use of funds for postsecondary institutions having programs for secondary students, a program such as Second Chance will be able to continue to receive Perkins funding.

Mr. KOHL. I appreciate the assistance of my colleague in helping the people of Wisconsin understand the intent of the Senate in adding this language.●

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. BRADLEY):

S. 772. A bill to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, and for other purposes; to the Committee on Energy and Natural Resources.

CHACOAN OUTLIERS PROTECTION ACT

● Mr. DOMENICI. Mr. President, I rise today to introduce the Chacoan Outliners Protection Act of 1991. This legislation would expand the Chaco culture archeological protection sites to include an additional 4,996 acres containing structures and artifacts associated with the Chacoan Anasazi Indian culture of the San Juan Basin of New Mexico.

The San Juan Basin is an area of major significance to the cultural history of North America. It is here that a people that we now call the Anasazi, which is Navajo for "the ancient ones," mysteriously appeared, flourished, and suddenly disappeared in the space of 400 years, from 900 to 1300 A.D. The center of this civilization was Chaco Canyon, a remote and barren site.

The Anasazi built many pueblos and structures around Chaco Canyon and established a large network of outlying communities, known as Chacoan outliers. The Chacoan outliers were spread over an area of over 30,000 square miles and linked by an extensive system of roads.

Archeologists debate the purpose of Chaco Canyon and its outlying communities. The traditional view is that Chaco was a trade center, but an emerging body of evidence, bolstered by the archeo-astronomy work of the solstice project, points to Chaco as a religious and ceremonial site.

Chaco Canyon has long been recognized as being a nationally and internationally significant site. In 1907, Chaco Canyon was designated a National Monument. The United Nations demonstrated the international significance of Chaco Canyon when it recently designated Chaco Canyon and five Chacoan outliers as world heritage cultural properties.

In 1980, I introduced and the Congress passed the Chaco Culture National Historical Park Establishment Act, which became Public Law 96-550. This act enlarged the park and re-established it as the Chaco Culture National Historical Park, consisting of the main body of the park and three noncontiguous units. The act also mandated procedures for the protection, preservation, and administration of archeological remnants of the Chacoan culture.

When Chaco Canyon was first afforded Federal protection in 1907, numerous archeological sites were known to exist outside the boundaries of the National Monument. Their relationship to Chaco Canyon, however, was unclear. Archeologists subsequently determined that many of these sites—some as far as 100 miles from Chaco Canyon—were part of the Chacoan culture.

To the untrained eye, the physical remains of the Chacoan outliers are difficult to discern. At some of the sites, walls still stand. At most sites, however, the magnificent structures of the Anasazi people have collapsed into a mound of rubble, which over the years have been buried by the desert sands.

Unfortunately, over the years, many of these sites were vandalized by unscrupulous pot-hunters or degraded by development activities.

In order to protect these outliers, the Chaco Culture National Historical Park Establishment Act designated 33 sites as Chaco culture archeological protection sites. The Secretary of the Interior is charged with managing these sites in order to preserve them and provide for their interpretation and study. Activities that would endanger the cultural values of the sites are prohibited.

Ownership of the lands containing the archeological protection sites is a checkerboard of private, State, Federal, and Indian interests. The Indian interests include trust, allotted, and fee parcels. In addition, some surface and subsurface ownerships are divided between two or more entities. Therefore, the Act mandated that these lands be protected by cooperative agreements, rather than Federal acquisition, where possible.

The Chacoan outliers are not included in the National Park System. Rather, they are managed primarily by the Bureau of Indian Affairs and the Bureau of Land Management. These entities are responsible for resource protection and preservation at the sites.

The Chacoan Outliers Protection Act will expand the existing Chaco culture archeological protection sites system to add a total of 7 new sites to the 33 existing sites in the Chaco culture archeological protection sites system. Those sites are: Casamero; Chimney Rock; Guadelupe; Manuelito-Atsee Nitsaa; Manuelito-Kin Hochoi; Navajo Springs; and Salmon Ruins.

Included in these new archeological protection sites is the first Forest Service site, Chimney Rock in southern Colorado. The Manuelito sites have been designated as "Priority 1 National Historic Landmarks" because severe erosion has damaged the sites.

The bill also will expand the boundaries of 13 of the existing protection sites by a total of 2,328 acres.

The sites to be expanded are: Allentown; Andrews Ranch; Bee Burrow; Coolidge; Dalton Pass; Great Bend; Grey Hill Spring; Haystack; Hogback; Newcomb; Peach Springs; San Mateo; and Standing Rock.

Three sites—Las Ventanas, Morris 41, and Squaw Springs—would be deleted from the system, and four sites—Jaquez, Muddy Water, Section 8, and Skunk Springs/Crumbled House—would be reduced by a total of 219 acres.

The net results of the changes to be made by the Chacoan Outliers Protection Act would be to increase the number of Chaco culture archeological protection sites from 33 to 37 and to increase the acreage of the system by 4,996 acres to 13,767 acres.

The bill also includes technical changes to the Chaco Culture National Historical Park Establishment Act to clarify that some sites lie outside the San Juan Basin, to correct the spelling of the name of the Jaquez site, and to direct that maps of the sites be filed with various agencies that have management responsibility for the sites.

These changes, which are the result of 9 years of research by Federal, State, and Indian archeologists, were recommended by the Interagency Management Group for the Chaco Culture Archeological Prtotection Sites, consisting of the National Park Service, the Bureau of Indian Affairs, the Bureau of Land Management, the Forest Service, the Navajo Nation, and the State of New Mexico. They also are in accordance with the 1983 Joint Management Plan for the Chaco culture archeological protection sites.

This bill is similar to S. 798 of the 101st Congress, which was approved by the Senate last year. Unfortunately, it was not acted upon by the House.

I am pleased that Senators BINGAMAN and BRADLEY are joining me as cosponsors of the Chacoan Outliers Protection Act of 1991 and that Representative RICHARDSON is introducing similar legislation in the House of Representatives.

Mr. President, the Chacoan Outliers Protection Act would preserve sites of major cultural significance for future generations and assure that the sites are protected from further degradation. These sites are part of the cultural heritage of all Americans and we must act to preserve them, for cultural resources, once lost, can never be restored or regained.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chacoan Outliers Protection Act of 1991".

SEC. 2. AMENDMENT OF PURPOSES.

Subsection (b) of section 501 of Public Law 96-550, relating to the Chaco Culture Archaeological Protection Sites, is amended by striking "San Juan Basin;" and inserting "San Juan Basin and surrounding areas;".

SEC. 3. ADDITIONS TO ARCHAEOLOGICAL PROTECTION SITES.

Subsection (b) of section 502 of Public Law 96-550 is amended to read as follows:

"(b) Thirty-seven outlying sites are hereby designated as 'Chaco Culture Archaeological Protection Sites'. The thirty-seven archaeological protection sites totaling approximately thirteen thousand seven hundred sixty-seven acres identified as follows:

Name:	*Acres*
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jaquez	26
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierro's Site	440
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Spring/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angels	40
Upper Kin Klizhin	60."

SEC. 4. MAP.

A map entitled "Chaco Culture Archaeological Protection Sites" generally depicting the thirty-seven outlying sites shall be kept on file and available for public inspection in the office of the Headquarters of the Chaco Culture National Historical Park, the office of the State Director of the Bureau of Land Management in Santa Fe, New Mexico, the Office of the Area Director of the Bureau of Indian Affairs in Window Rock, Arizona, and the offices of the State Historic Presevation Officers of Arizona and New Mexico.●

By Mr. CHAFEE (for himself, Mr. McCAIN, Mr. BOND, and Mr. DANFORTH):

S. 773. A bill to amend title XIX of the Social Security Act to create a new part under such title to provide access to services for medically underserved populations not currently served by federally qualified health centers, by providing funds for a new program to allow federally qualified health centers and other qualifying entities to expand such centers' and equities' capacity and to develop additional centers; to the Committee on Finance.

HEALTH CARE SERVICES TO CRITICALLY UNDERSERVED POPULATIONS

Mr. CHAFEE. Mr. President, today I join with several of my colleagues in introducing legislation to provide critical health care services to our Nation's medically underserved populations.

In recent years we have witnessed rising concern about the problems in our health care system, and a growing number of Americans agree that the time has come to move forward with solutions. Some fear that our businesses will continue to lose their competitive edge in international markets in part because of the skyrocketing cost of providing health insurance to employees. Others are appalled at the prospect of health care costs which are projected to consume up to 25 percent of our GNP in the near future.

Still others express concern over the 30 million Americans who do not have health insurance, one third of those being children. We have attempted to address this aspect of our health care problem in recent years by increasing Medicaid coverage for our most vulnerable citizens: low-income children and pregnant women. I have been a strong supporter of these expansions. Yet, insurance, be it public or private, is of little help if providers are unavailable or unwilling to accept it.

Likewise, we all have heard about rural areas in this country where there are no physicians to deliver infants or provide prenatal care. We have heard of pregnant women coming to inner-city hospital emergency rooms in labor, having had absolutely no prenatal care. We have been shocked at the increasing number of children who are not receiving critical immunizations. Thus, often the problem is not that they are uninsured, but that there is a shortage of providers who will accept them as patients.

I firmly believe that we must strive to assure that every American has access to appropriate and affordable health care services. The proposal we are introducing today is designed to assist in achieving this goal.

This legislation creates a part B in the Medicaid Program. The purpose of this new part is to bolster existing cost-effective, high quality health care delivery systems such as community health centers, and to encourage the creation of similar entities.

Under our legislation, health centers can apply to the Secretary of Health and Human Services for funds to enhance their ability to provide health care services to those who are medically underserved. These funds can be used to increase services, recruit and train staff, purchase necessary supplies and equipment, renovate and expand facilities, and with the approval of the Secretary, expand to new sites.

Since our purpose is to get the highest quality and greatest value for our health care dollar, the vast majority of funds will go to federally qualified health centers [FQHC's]. We are focusing on FQHC's because they have a proven track record. They provide cost-efficient primary, preventive, and acute care services.

FQHCs must be located in medically underserved areas or health manpower shortage areas. This requirement guarantees that they are located where they are most needed. They are community-based—the governing board must have at least 51 percent participation by consumers. They must provide a full range of primary and preventive care services, and they must either provide services to all who request care, or if they are at capacity, place them on a waiting list.

They are required to collect for services provided to individuals who have insurance, and charge a sliding-scale fee to uninsured individuals based on their ability to pay. Most importantly, they provide quality care; FQHC physicians must be board certified or board-eligible, and the centers must be recertified by the Secretary of HHS annually.

Who will be helped? Those who are currently underserved. Those who are eligible for public programs such as Medicaid. Even those covered by a private insurance plan. Why? Because if they live in a medically underserved area, they all have one thing in common; they may not be able to find a physician or health care provider to take them.

This legislation will cost $2.8 billion over the next 5 years. Community health centers currently provide health care services to approximately 6 millon individuals. Waiting lists at these centers average about 6 months. The National Association of Community Health Centers estimates that this proposal will allow them to serve an additional 7.5 million patients by 1996.

While the facilities eligible for these funds under our legislation are primarily FQHCs, we have included a 10 percent set aside for other organizations that meet most of the same requirements. This provision is intended to encourage local communities to redesign how care is provided to the underserved.

All too often, there is no coordination of services, and patients do not receive the most appropriate care. A prime example of this is those individuals who receive most of their health care services through hospital emergency rooms. Under this proposal, a group of providers could establish a referral center for nonemergency care. While this proposal may not be the answer to all of our system's shortcomings, it will be an important component of any comprehensive solution.

If we are serious about reforming our health care system, we must take a hard look at our existing delivery systems. We must choose the services and the providers that are delivering the most cost effective, high quality and appropriate care, and we must encourage and support them. This bill does just that. I urge my colleagues to join with us in sponsoring this legislation.

I ask unanimous consent that a section by section analysis of the bill and the text be included in the record immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) at least 30 million Americans lack access to even the most basic health services;

(2) access to health care is especially difficult for those Americans who—

(A) live in medically underserved rural communities or inner city neighborhoods;

(B) lack public or private health insurance coverage and the ability to pay directly for care;

(C) must move for work purposes, such as migrant farmworkers;

(D) are members of minority groups, or who speak limited English; or

(E) are members of other vulnerable groups, including persons who are homeless or are high-risk pregnant women, infants and children;

(3) the consequences of poor access to health care is evidenced in elevated infant and childhood mortality rates, dangerously low childhood immunization rates, overutilization of hospital emergency rooms or other inappropriate providers of primary care services, and hospitalization rates for preventable conditions that are significantly higher than the national average;

(4) efforts to provide access to essential health care services for medically underserved Americans will not only contribute to improved health status, but will also result in less unnecessary care and reduced overall costs of health care; and

(5) the federally qualified health centers, including the community and migrant health centers which serve more than 6 million needy Americans, provide an effective and proven model for extending access to all medically underserved Americans.

SEC. 2. ESTABLISHMENT OF NEW PART UNDER THE MEDICAID PROGRAM TO PROVIDE FUNDS FOR A NEW FEDERALLY QUALIFIED HEALTH CENTERS GRANTS PROGRAM.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by inserting after the title heading the following new part title:

"PART A—PAYMENT TO STATES FOR MEDICAL ASSISTANCE".

(b) PURPOSE.—Section 1901 of the Social Security Act (42 U.S.C. 1396) is amended—

(1) in the first sentence—

(A) by striking "and (2)" and inserting "(2)"; and

(B) by striking "self care," and inserting "self care; and (3) grants to assist entities in providing health care services to medically underserved individuals,"; and

(2) by amending the second sentence to read as follows: "The sums made available under this section shall be used for making payments—

(A) under this part to States which have submitted, and had approved by the Secretary, State plans for medical assistance; and

(B) under part B to entities meeting the requirements under such part.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall become effective on October 1, 1991.

SEC. 3. ESTABLISHMENT OF NEW PROGRAM TO PROVIDE FUNDS TO ALLOW FEDERALLY QUALIFIED HEALTH CENTERS AND OTHER ENTITIES OR ORGANIZATIONS TO PROVIDE EXPANDED SERVICES TO MEDICALLY UNDERSERVED INDIVIDUALS.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as amended by the Omnibus Budget Reconciliation Act of 1990, is amended by adding at the end the following new part:

"PART B—GRANTS TO QUALIFIED ENTITIES FOR HEALTH SERVICES

"HEALTH SERVICES ACCESS PROGRAM

"SEC. 1941. (a) ESTABLISHMENT OF HEALTH SERVICES ACCESS PROGRAM.—From amounts appropriated under section 1901 of part A of this title, the Secretary shall, acting through the Bureau of Health Care Delivery Assistance, award grants under this section to federally qualified health centers (hereinafter referred to as 'FQHC's') and other entities and organizations submitting applications under this section (as described in subsection (c)) for the purpose of providing access to services for medically underserved populations (as defined in section 330(b)(3) of the Public Health Service Act) or in high impact areas (as defined in section 329(a)(5) of the Public Health Service Act) not currently being served by a FQHC.

"(b) ELIGIBILITY FOR GRANTS.—(1) The Secretary shall award grants under this section to entities or organizations described in this paragraph and paragraph (2) which have submitted a proposal to the Secretary to expand such entities or organizations operations (including expansions to new sites (as determined necessary by the Secretary)) to serve medically underserved populations or high impact areas not currently served by a FQHC and which—

"(A) have as of January 1, 1991, been certified by the Secretary as a FQHC under section 1905(l)(2)(B); or

"(B) have submitted applications to the Secretary to qualify as FQHC's under section 1905(l)(2)(B); or

"(C) have submitted a plan to the Secretary which provides that the entity will meet the requirements to qualify as a FQHC when operational.

"(2)(A) The Secretary shall also make grants under this section to public or private nonprofit agencies, health care entities or organizations which meet the requirements necessary to qualify as a FQHC except, the requirement that such entity have a consumer majority governing board and which have submitted a proposal to the Secretary to provide those services provided by a FQHC as defined in section 1905(l)(2)(B) and which are designed to promote access to primary care services or to reduce reliance on hospital emergency rooms or other high cost providers of primary health care services, provided such proposal is developed by the entity or organizations (or such entities or organizations acting in a consortium in a community) with the review and approval of the Governor of the State in which such entity or organization is located.

"(B) The Secretary shall provide in making grants to entities or organizations described in this paragraph that no more than 10 percent of the funds provided for grants under this section shall be made available for grants to such entities or organizations.

"(c) APPLICATION REQUIREMENTS.—(1) In order to be eligible to receive a grant under this section, a FQHC or other entity or organization must submit an application in such form and at such time as the Secretary shall prescribe and which meets the requirements of this subsection.

"(2) An application submitted under this section must provide—

"(A)(i) for a schedule of fees or payments for the provision of the services provided by the entity designed to cover its reasonable costs of operations; and

"(ii) for a corresponding schedule of discounts to be applied to such fees or payments, based upon the patient's ability to pay (determined by using a sliding scale formula based on the income of the patient);

"(B) assurances that the entity or organization provides services to persons who are eligible for benefits under title XVIII, for medical assistance under a State plan approved under this title or for assistance for medical expenses under any other public assistance program or private health insurance program; and

"(C) assurances that the entity or organization has made and will continue to make every reasonable effort to collect reimbursement for services—

"(i) from persons eligible for assistance under any of the programs described in subparagraph (B); and

"(ii) from patients not entitled to benefits under any such programs.

"(d) LIMITATIONS ON USE OF FUNDS.—(1) From the amounts awarded to an entity or organization under this section, funds may be used for purposes of planning but may only be expended for the costs of—

"(A) assessing the needs of the populations or proposed areas to be served;

"(B) preparing a description of how the needs identified will be met;

"(C) development of an implementation plan that addresses—

"(i) recruitment and training of personnel; and

"(ii) activities necessary to achieve operational status in order to meet FQHC requirements under 1905(l)(2)(B).

"(2) From the amounts awarded to an entity or organization under this section, funds may be used for the purposes of paying for the costs of recruiting, training and compensating staff (clinical and associated administrative personnel (to the extent such costs are not already reimbursed under this title or any other State or Federal program)) to the extent necessary to allow the entity to operate at new or expanded existing sites.

"(3) From the amounts awarded to an entity or organization under this section, funds may be expended for the purposes of acquiring facilities and equipment but only for the costs of—

"(A) construction of new buildings (to the extent that new construction is found to be the most cost-efficient approach by the Secretary);

"(B) acquiring, expanding, or modernizing of existing facilities;

"(C) purchasing essential (as determined by the Secretary) equipment; and

"(D) amortization of principal and payment of interest on loans obtained for purposes of site construction, acquisition, modernization, or expansion, as well as necessary equipment.

"(4) From the amounts awarded to an entity or organization under this section, funds may be expended for the payment of services but only for the costs of—

"(A) providing or arranging for the provision of all services through the entity necessary to qualify such entity as a FQHC under section 1905(l)(2)(B);

"(B) providing or arranging for any other service that a FQHC may provide and be reimbursed for under this title; and

"(C) providing any unreimbursed costs of providing services as described in section 330(a) of the Public Health Service Act to patients.

"(e) PRIORITIES IN THE AWARDING OF GRANTS.—(1) The Secretary shall give priority in awarding grants under this section to entities which have, as of January 1, 1991, been certified as a FQHC under section 1905(l)(2)(B) and which have submitted a proposal to the Secretary to expand their operations (including expansion to new sites) to serve medically underserved populations for high impact areas not currently served by a FQHC. The Secretary shall give first priority in awarding grants under this section to those FQHCs or other entities which propose to serve populations with the highest degree of unmet need, and which can demonstrate the ability to expand their operations in the most efficient manner.

"(2) The Secretary shall give second priority in awarding grants to entities which have submitted applications to the Secretary which demonstrate that the entity will qualify as a FQHC under section 1905(l)(2)(B) before it provides or arranges for the provision of services supported by funds awarded under this section, and which are serving or proposing to serve medically underserved populations or high impact areas which are not currently served (or proposed to be served) by a FQHC.

"(3) The Secretary shall give third priority in awarding grants in subsequent years to those FQHCs or other entities which have provided for expanded services and project and are able to demonstrate that such entity will incur significant unreimbursed costs in providing such expanded services.

"(f) RETURN OF FUNDS TO SECRETARY FOR COSTS REIMBURSED FROM OTHER SOURCES.—To the extent that an entity or organization receiving funds under this part is reimbursed from another source for the provision of services to an individual, and does not use such increased reimbursement to expand services furnished, areas served, to compensate for costs of unreimbursed services provided to patients, or to promote recruitment, training, or retention of personnel, such excess revenues shall be returned to the Secretary.

"(g) TERMINATION OF GRANTS.—(1)(A) With respect to any entity that is receiving funds awarded under this section and which subsequently fails to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) or is an entity that is not required to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) but fails to meet the requirements of this section, the Secretary shall terminate the award of funds under this section to such entity.

"(B) Prior to any termination of funds under this section to an entity, the entities shall be entitled to 60 days prior notice of termination and, as provided by the Secretary in regulations, an opportunity to correct any deficiencies in order to allow the entity to continue to receive funds under this section.

"(2) Upon any termination of funding under this section, the Secretary may (to the extent practicable)—

"(A) sell any property (including equipment) acquired or constructed by the entity using funds made available under this section or transfer such property to another FQHC, provided, that the Secretary shall reimburse any costs which were incurred by the entity in acquiring or constructing such property (including equipment) which were not supported by grants under this section; and

"(B) recoup any funds provided to an entity terminated under this section.

"(h) LIMITATION ON AMOUNT OF EXPENDITURES.—The amount of funds that may be expended under this title to carry out the purposes of this part shall be for fiscal year 1992, $200,000,000, for fiscal year 1993, $400,000,000, for fiscal year 1994, $600,000,000, for fiscal year 1995, $800,000,000, for fiscal year 1996, $800,000,000, and for fiscal years thereafter such sums as provided by Congress.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective with respect to services furnished by a federally qualified health center or other qualifying entity described in this section beginning on or after October 1, 1991.

SEC. 4. STUDY AND REPORT ON SERVICES PROVIDED BY COMMUNITY HEALTH CENTERS AND HOSPITALS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall provide for a study to examine the relationship and interaction between community health centers and hospitals in providing services to individuals residing in medically underserved areas. The Secretary shall ensure that the National Rural Research Centers participate in such study.

(b) REPORT.—The Secretary shall provide to the appropriate committees of Congress a report summarizing the findings of the study within 90 days of the end of each project year and shall include in such report recommendations on methods to improve the coordination of and provision of services in medically underserved areas by community health centers and hospitals.

(c) AUTHORIZATION.—There are authorized to carry out the study provided for in this section $150,000 for each of fiscal years 1992 and 1993.

SECTION-BY-SECTION ANALYSIS

SECTION 1: FINDINGS

Finds that: more than 30 million low-income Americans including children, women of childbearing age, migrant workers and their families, homeless persons, persons infected with HIV, working poor families and the elderly living in the community are medically underserved and lack access to basic health services; million of underserved persons are either completely uninsured or else dependent on public insurance such as Medicaid; the consequences of poor access to health care are costly and preventable disease and disability; and that federally qualified health centers (FQHCs) are an effective and proven model for extending basic health care.

SECTION 2: ESTABLISHMENT OF A NEW PART UNDER THE MEDICAID PROGRAM

Establishes a new Part B under Title XIX of the Social Security Act to fund the expansion and development of health care services provided in federally qualified health centers and other entities furnishing care to low-income and medically underserved persons. This new part of Medicaid is designed to address the problem of lack of access to services even for those eligible for Medicaid by reinforcing cost efficient, high quality providers of service.

SECTION 3: ESTABLISHMENT OF A NEW PROGRAM TO PROVIDE FUNDS TO FEDERALLY QUALIFIED HEALTH CENTERS AND OTHER ORGANIZATIONS

(a) General: Establishes a new section under part B of Medicaid to finance grants to FQHCs and other qualified entities and organizations.

(b) Eligibility: Grants may be given to expand the services provided in existing FQHCs qualified under Section 1905(l)(2)(B) of the Act as well as entities that have applied to qualify as FQHCs; and to establish new FQHCs where none (or an inadequate number) now exist.

Also permits the Secretary to use up to 10 percent of funds available under part B in any Fiscal year to finance the expansion or development of primary health service programs by public or private non/profit organizations and agencies which are located in (or serving) medically underserved areas and populations and which meet all service requirements and assurances for qualification as FQHCs other than consumer-majority governing board requirements.

Requires that in awarding funds to new and existing grantees the Secretary shall include funds for needs assessment, service development, recruitment and retention of personnel, and the unreimbursed cost of furnishing services to patients which are made available once service development funds have been provided under the program.

(c) Applications Requirements: Requires that FQHCs eligible to apply for grants under Section (b) to meet certain requirements including: maintenance of schedule of charges for services, and a charge discount system based on patients ability to pay; participation in Medicare and Medicaid; and maintenance of a system for collecting reimbursement for services from public and private insurers.

(d) Limitations: Limits use of funds to: needs assessment and planning; service develoment; recruitment and training of personnel; activities necessary to achieve operating status; acquiring, expanding or modernizing sites and other capital related costs (as approved by the Secretary); and coverage of unreimbursed costs of providing services attributable to program expansion or implementation supported by grants made under the program.

(e) Priorities: In awarding grants under the program, the Secretary shall give priority to qualified FQHCs as of January 1, 1991, with highest priority to those FQHCs proposing to expand activities to populations with the highest degree of unmet need. Second priority is to be given to those entities which assure that they will qualify as FQHCs when operational.

(f) Return of Funds: Requires entities and FQHCs receiving funds under the program to return excess revenues to the Secretary or else have excess revenues charged against subsequent grants.

(g) Termination: Requires the Secretary to terminate grants of entities that fail to meet funding requirements under this part.

(h) Limitation on Expenditures: Limits expenditures under part B to $200 million in FY 1992, $400 million in FY 1993, $600 million in FY 1994, and $800 million in FY 1995 and $800 million in FY 1996.

SECTION 4: STUDY

Authorizes a study on the relationship between community health centers and hospitals, in meeting the needs of medically underserved areas, both rural and urban. The study shall evaluate the recommendations as to improve their coordination.

Mr. DOMENICI. Mr. President, before the distinguished Senator from Rhode Island, Mr. CHAFEE, leaves the floor, I wonder if he would answer one question for me and permit me, if the answer is what I think it is, to make an observation regarding his bill.

Is this the bill wherein the Senator attempts to significantly increase the community health center health delivery system by moving that over to an entitlement and over the long run increase the capacity of that program?

Mr. CHAFEE. That is right. What we have done, as the distinguished Senator knows—and he has been a great supporter of community health centers—we provide grants to pay for the operation of these centers, but grant dollars cannot be used for capital expansions. So we have established, under the Medicaid Program, a part B, through which these centers would receive funds for training and recruitment of personnel for capital investment, and expansion of the current number of community health centers.

Mr. DOMENICI. Mr. President, let me just say to the Senator from Rhode Island, about 2 years ago I did an economic evaluation of the community health center service delivery system, and I was startled. I found that of all of the public efforts to deliver health care to those who are unfortunate and needy, none comes even close to delivering health care of a primary nature, not hospital care but health care, to the poor that is of a higher quality at a lower rate and lower cost to the taxpayer than this program. I found, for about $500 million a year, we are taking care of in excess of 7.5 million of the unfortunate people in this country.

This program is an interesting one because it came along under Lyndon Johnson's poverty programs and, though few of them have remained, this one has stayed in place. I had the privilege of saving it in 1981 from the Block Grant Program. Personally, I had observed it as mayor of our city, Albuquerque, and I thought we should save it. I did everything I could, and I think in the waning months of a conference I said, why do we not leave it freestanding? It has its share of management problems, as do all programs of this type. But if we are looking for a system that currently is in place with thousands of health professionals delivering to millions of Americans primary care at a very low per unit of care, this is it.

The reason I am not on the bill that the Senator introduced, although I was heard to say 2 years ago that the reason the program has not grown is because it is an appropriated account and we have not had enough money, if it were an entitlement, I said, it would probably already be taking care of many more of our poor people.

The good Senator from Rhode Island has built on that notion. As I understand it, he is putting a portion of that program in as an entitlement, and thus it will get some automatic Medicaid funding. I do not quite understand the mechanics, but I was not prepared yet to be part of a new entitlement program. Because of the budget process and the fact we have to pay for new programs that are entitlements, I told the Senator I would say something positive about his measure, and I think I have. I will continue to be very positive about community health centers as a health delivery system for the poor on the primary health side.

I told the Senator from Rhode Island that if he would prepare a multiyear reauthorization of an expanded community health center proposal with some public training of our doctors, which is already on the books, expand that, I would put that in perhaps 2 weeks from now, and the Senate would have an opportunity to look at both approaches, expanding it under the current appropriated account mechanism, with more emphasis on training doctors for the public service through our public health training corps, and we will get an opportunity in this next year or year and a half to see if, some way or another, this system does not fit into the health delivery expansion that we want to do in Congress. If we choose one of these two approaches, we will, indeed, take care of many of our poor people in the most economic way. I am not sure we should do it all this way, but certainly more than today would be an appropriate way to begin to address the problem.

So I thank the Senator for his diligence and the efforts that he puts forth here today and I hope some good will come from it.

Mr. CHAFEE. Mr. President, I will be very brief. I thank the Senator from New Mexico, who has long been active in his support for the community health centers.

One of the reasons I am bringing this legislation before the Senate today is, yes, I am a strong advocate for these centers.

I think it is great. It will be a great achievement if we can accomplish it. But I also want to bring to the Senate's attention the community health centers. Not enough Senators, I believe, are aware of the great service that these community health centers provide, and the cost effectiveness of them. Many say, well, you have the emergency rooms and hospitals.

For an individual to receive preventive care or primary care in a hospital emergency room is just not the most appropriate setting. It is terribly expensive to serve that individual, and all too often they are not able to properly serve that individual because they are crowded, and they are involved with other true emergencies.

So the proper way to go is an expansion of these community health centers. We have 14 in my State, all providing tremendous services to the low-income and otherwise underserved populations. As I say, all too often we have people with insurance—it might be Medicaid, Medicare—but there is not an adequate number of physicians in what we call underserved areas. This must be true in many of the rural areas of the country likewise.

Mr. President, I hope that this proposal that I have brought forward will receive a thorough consideration. Certainly, I am going to do everything I can to seek its approval. I thank the Chair.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

• Mr. DANFORTH. Mr. President, I rise today in support of Senator CHAFEE's legislation. This bill focuses on an issue of grave importance to all of us: Providing access to needed medical care for low income individuals. Presently, there are between 31 million and 37 million people in this country without any health insurance at all. This is a tragedy which cannot be tolerated.

Community health centers are a proven model for extending care to those in need. They do so in a cost effective, low-tech manner, and they focus on early detection and prevention. For every dollar spent on a Medicaid patient in a community health center, the Government saves $1.61. This is a startling statistic which reveals that money spent on community health centers is invested wisely. In Missouri alone, community health centers served 122,536 people in 1989. Sixty-three percent of these people were uninsured, and therefore, community health centers are a major force in caring for the 617,000 Missourians who lack health insurance.

For these reasons, I support Senator CHAFEE's proposal for a capped entitlement. These funds will give grants under a new part B of Medicaid for the development and expansion of community health centers. I believe that it is wise health policy to redirect resources now spent in other more wasteful ways to community health centers where these funds will be spent cost-effectively.

Mr. President, I used the word "redirect" purposefully because I do not believe that this country needs or can afford to spend any more of its resources on health care. Almost every other developed nation in the world insures that all of its citizens are insured at a cost far below that of the United States. In 1987, we spent over $500 billion on health care. Half a trillion dollars was close to 11.2 percent of our gross national product [GNP]. Last year, it is estimated that we spent $660 billion, and this was close to 11.9 percent of our GNP. The Health Care Financing Administration estimates that this percentage will leap to 15 percent by the year 2000. The United States spends more money and covers less of its citizens than most of our developed neighbors. Our health care system is broken and badly needs repair.

Under the leadership of the distinguished Senator from Rhode Island, a group of Senators have been meeting once a week for months to discuss the issue of health care reform. One of the principal purposes of this group is to focus on the need to contain health care costs. In fact, the theory of the group, and one of the reasons that I have been an enthusiastic member, is the collective realization that we have spent enough on health care. We need to restructure the system in order to cover those most in need. It is easy to think up ideas on how to spend more on health care. The tough choices will be in how to limit this spending, how to restructure the system so as to cover everyone for the same aggregate amount that we spend now.

In the context of spending the same aggregate amount on health care, I enthusiastically support the concept of placing more resources in Federal Qualified Community Health Centers. By definition, community health centers are located in underserved areas where people are isolated from medical care because of geographic, financial, or cultural barriers. These centers truly represent community values because they are governed by community boards. Services are available to all with charges based upon one's ability to pay, and most importantly from my perspective, health centers provide low-tech, primary services. I believe that a bias against primary services has developed in our health care system, and we must struggle against an overemphasis on expensive, state-of-the-art technology.

For 25 years, community health centers have been providing primary care for almost one-fourth of the medically needy in this country. Forty nine percent of community health center patients are uninsured. Therefore, community health centers are truly on the front line of our society's effort to take care of the 37 million people without insurance. If we are trying to address the problem of the uninsured in this Nation, then placing resources into those institutions which have been shouldering the burden of the uninsured for 25 years seems to be a wise expenditure.

I congratulate the Senator from Rhode Island for his leadership in the Republican Health Task Force and for his sponsorship of this needed legislation. I hope that this bill will be one segment of a broader effort to restructure our health care system in a manner that contains cost while spreading access to those in need.•

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 774. A bill to amend the Solid Waste Disposal Act to provide for State management of solid waste; to reduce and regulate the interstate transportation of solid wastes; and for other purposes; to the Committee on Environment and Public Works.

STATE REGULATION AND MANAGEMENT OF SOLID WASTE ACT

• Mr. BREAUX. Mr. President, every day the average American throws away 3.5 pounds of trash. By the end of this year, Americans will throw away 160 million tons of waste. Since very few communities have enacted recycling programs, currently only 11 percent of our solid waste is recycled, the majority of our waste goes directly into landfills which are perilously close to capacity in most States.

In fact, since the late 1970's over two-thirds of our Nation's landfills have been shutdown. At the same time as landfill space is running out, local opposition to the siting of landfills and other solid waste facilities is increasing. This is the so called not in my backyard syndrome or NIMBY. As a means to keep landfills from filling up to fast, some communities have doubled fees that private garbage hualers have to pay for right to dump trash in the landfill. The result is that more waste is being shipped to other States for disposal. At least 28,000 tons of garbage travels our Nation's highways every day in route from cities in New York, Pennsylvania, and New Jersey to other parts of our country.

An example of this occurred in 1989 in my State of Louisiana when a 63 car train load of sewage sludge from the city of Baltimore found its way to several small Louisiana towns for disposal. The citizens of Shriever, Labadieville, and Donaldsonville rightfully did not want this foul smelling cargo which was eventually accepted by a landfill in another State. Who could blame any community for rejecting such a train? It sometimes seems that Louisiana which is known as the sportsman's paradise, is in danger of becoming the dumper's paradise. I feel very strongly that Louisiana and other States should not be forced to become the dumping ground for the rest of the Nation, particularly when they are taking care to site and maintain solid waste disposal facilities.

Traditionally, the responsibility for garbage disposal has rested with State and local Governments—but the State's ability to care for its citizens is undermined by the current system. For example, in Louisiana parishes are trying to site landfill capacity, but at the same time, a privately owned solid waste disposal facility is accepting waste from Baltimore. Private contractors can agree to accept out-of-State waste from anywhere in the country with the State having little say in the matter.

Many States resent their status as a dumping ground for other State's garbage, and rightfully so. States are beginning to establish legal barriers to the importation of solid waste from another State. Such barriers include refusing waste from States that fail to sufficiently address their own waste disposal problems and the charging of higher fees on out-of-State waste. The legal status of such State-imposed barriers is questionable.

A 1978 Supreme Court case, City of Philadelphia versus New Jersey, held that a New Jersey State law banning out-of-State waste from being disposed of within that State was unconstitutional as a violation of the interstate commerce clause of the Constitution. The Court found that although, relatively valueless, trash is commerce. The intent of the New Jersey law was to conserve its landfill space. However, the court found that the means New Jersey chose to preserve that space burdened out-of-State commercial interests. And, under the commerce clause, the States are restricted in their ability to regulate interstate commerce when such regulation places an "undue burden" on that commerce.

The Philadelphia case makes clear that a State, acting on its own, may not unduly burden interstate commerce by banning the importation of out-of-State waste. Congress, on the other hand, is specifically given the authority under the Constitution to regulate interstate commerce. This authority is broad and far reaching, and Congress may use it to authorize State imposed bans on waste shipments.

Mr. President, it is time to get the garbage crisis under control. Waste should not be moving long distances between States, creating potential health hazards, unpleasant odors, noise, increased traffic and impeding the ability of States to effectively manage their own wastes. A State should continue to have the primary responsibility to care for its citizens by assuring solid waste management capacity. Congress must provide the means by which a State can assure its solid waste management needs are met.

Therefore, I am introducing legislation which will require each State to develop a solid waste management plan. This bill is similar to legislation I introduced in the 101st Congress. The plan submitted by each State will project how the State will manage solid waste generated within its borders for 20 years. The plan must demonstrate that solid waste will be managed in accordance with the following priorities: The State must first take steps to reduce the amount of waste generated within its borders; next, the State must encourage recycling, energy and resource recovery; and only as a final option, should the State consider landfills, incinerators, and other options of disposal. The State will be required to demonstrate that it complies with the waste management hierarchy and has issued all appropriate permits for capacity sufficient to manage the solid waste for rolling 5-year periods. The Federal Government, working with the State, will be required to provide technical and financial assistance to local communities to meet the requirements of the plan. The plan shall also provide that if the State accepts out-of-State waste, such waste will be managed in accordance with the plan and shall be accepted only if doing so will not impede the ability of the State to manage its own solid waste.

A State with an approved plan will then have the authority to refuse to accept out-of-State waste for purposes of solid waste management, other than for transportation, and to charge higher fees on out-of-State waste based on the origin of such waste. Half of the proceeds from the out-of-State fees will go to the locality where the garbage is being disposed and may only be used for solid waste management activities.

By giving the States with approved solid waste management plans the authority to exlude out-of-State waste, I expect the States to be better equipped, through providing and utilizing solid waste management capacity, to develop the capability to effectively manage its own wastes within its borders. I expect this power to be exercised to discourage garbage exports as a disposal practice and to encourage each State to manage its own solid waste. The interstate barriers will be particularly helpful in encouraging States to make significant strides toward minimizing the amount of waste generated within their borders and to increasing recycling efforts since waste exports will be a less attractive waste management option.

Mr. President, the interstate war over garbage is on going. Congress needs to take clear and decisive action to give the States the powers they need to protect Americans from public health threats associated with interstate shipment of solid waste.•

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. THURMOND, and Mr. JEFFORDS):

S. 775. A bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

VETERANS COMPENSATION COST-OF-LIVING ADJUSTMENT ACT

• Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am introducing today S. 775, the proposed Veterans Compensation Cost-of-Living Adjustment Act of 1991. I am joined in doing so by a bipartisan group of Veterans' Affairs Committee members—Senators DECONCINI, ROCKEFELLER, GRAHAM, AKAKA, DASCHLE, THURMOND, and JEFFORDS.

I am especially pleased to note that this is the first veteran's bill that my good friend, TOM DASCHLE, has cosponsored since becoming the newest member of our committee. Senator DASCHLE, who was an active member of the Veterans' Affairs Committee in the House, already has played an important role in significant veterans' legislation in the Senate, such as the landmark agent orange law we enacted February 6 of this year. I and the other members of the committee welcome the Senator from South Dakota and look forward to working with him.

Mr. President, this bill would require the Secretary of Veterans Affairs to increase, effective December 1, 1991, the rates and limitations for compensation paid to veterans with service-connected disabilities and for dependency and indemnity compensation [DIC] paid to the survivors of certain service-connected disabled veterans by the same percentage as the increase that will be made in Social Security and VA pension benefits. The compensation COLA would become effective on the same date as the increase for those benefits takes effect.

At this time, the Congressional Budget Office estimates that the COLA will be 5.3 percent. This is a preliminary estimate, though, and I expect the actual increase will be revised from this estimate. The President's budget estimated at the beginning of February that the increase will be 5.2 percent. The Congressional Budget Office estimates that a 5.3-percent COLA would cost $486 million in budget authority and $438.3 million in outlays.

Mr. President, we have a fundamental obligation to address the needs of the 2.2 million service-disabled veterans and 320,952 survivors who depend on these compensation programs. The needs and concerns of these veterans and survivors are uniquely related to service to our Nation, and addressing their needs continues to be my No. 1 priority in veterans' affairs. In my 21 years in the Senate, I consistently have led the effort to provide COLA's in compensation and DIC benefits in order to ensure that the value of these top-priority service-connected VA benefits is not eroded by inflation. Most recently, Congress enacted Public Law 102–3 on February 6, 1991, providing a 5.4-percent increase in these same benefits for the current fiscal year, effective January 1, 1991.

I am proud that Congress has provided annual increases in these rates every fiscal year since 1976 and I urge my colleagues to continue to support these regular increases.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(1) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1991, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations in sections 314, 315(1), 362, 411, 413, and 414 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Amendments of 1991 (Public Law 102–3; 105 Stat. 7). The increase shall be made in such rates and limitations as in effect on November 30, 1991, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1991, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1991, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsections (a)(2)(A) and (b) as increased under this section.•

• Mr. ROCKEFELLER. Mr. President, I am proud to be an original cosponsor of the Veterans Cost-of-Living Adjustment [COLA] Act of 1992. This is important legislation that reaffirms our country's commitment to our veterans.

Recent events in the Persian Gulf have reminded us of the enormous debt of gratitude that our Nation owes the veterans returning from the Operation Desert Storm, and all veterans who have bravery served our country in the Armed Forces.

As a member of the Senate Veterans' Affairs Committee, I feel privileged to work on veterans' issues. Over the years, I have fought hard for measures to strengthen veterans' health care programs and pushed for initiatives on veterans' employment and retraining. Our committee will face some challenges in preparing the VA to meet the changing needs of veterans in the 21st century. On the health care side, we must look ahead toward the special needs for our aging veterans population. We need to be ready and able to provide compassionate options to meet increasing demands of long-term care, including strengthening home care programs. Training programs for veterans, like training programs for all Americans, must be more flexible to respond to the rapid changes in our modern workplace. Our veterans need to learn new skills which will enable them to find jobs now, and to be adapt to new technologies so that they will have jobs in the future as well. These are bold challenges that we must address.

But we also need to be watchful on a basic issue—the cost-of-living adjustments [COLA] for our disabled veterans. I believe it is important each year for Congress to review this need and to act on legislation to provide a COLA to help veterans keep pace with the cost of living.

Last year, Congress unfortunately adjourned before enacting the veterans' COLA. This was a mistake. Recognizing the importance of this issue, the first bill introduced in the Senate by Majority Leader MITCHELL was legislation for the veterans' COLA, and I was proud to be an original cosponsor of this bill. Congress acted swiftly and by February 6, 1991, the President signed legislation providing the COLA for veterans.

Our veterans will be receiving their COLA in their April benefit check. The COLA will be retroactive to January 1, 1991.

This year, I am strongly supporting the COLA legislation because I want to ensure that Congress takes the action required to provide our veterans with their COLA in a timely manner. Our veterans truly deserve it.●

By Mr. KENNEDY:

S. 776. A bill to require that humanitarian assistance to Cambodia be provided through international organizations and private and voluntary organizations and to prohibit assistance to combat forces seeking to overthrow the Government of Cambodia; to the Committee on Foreign Relations.

ANTI-KHMER ROUGE ACT

Mr. KENNEDY. Mr. President, the events of the past 8 months in the Persian Gulf make it more important than ever to review our policy in other parts of the world to ensure that we are working with, and not against, the forces of freedom. One area where our policy is clearly contrary to that goal is in Cambodia.

In fact, current United States policy toward Cambodia is still supporting the genocidal Khmer Rouge in their bid to seize control of that country. By continuing to fund the non-Communist military forces of Prince Norodom Sihanouk and Son Sann in their struggle to overthrow the Hun Sen government, the United States is paving the way for the militarily powerful Khmer Rouge to return to power.

This policy is senseless and indefensible.

The gulf war has taught America two vital lessons. First, that the United States should not pursue a policy that supports the forces of tyranny and brutality. Second, that we should not underestimate the ruthlessness of an aggressive military force that is seeking to expand its power.

During Pol Pot's brutal reign of terror between 1975 and 1979, nearly a third of the Cambodian population was murdered. During the past year, the Khmer Rouge have been pursuing a military strategy similar to the one that enabled them to take Phnom Penh in 1975. Terrorist attacks against civilians have been stepped up and supply routes have been choked—with the result that food and medical supplies are in short supply across the country.

Last August, the permanent members of the United Nations Security Council agreed to a framework for a comprehensive political settlement for Cambodia under which the United Nations would supervise disarmament and the country's administration and hold elections.

While we are all hopeful that a peaceful resolution will be forthcoming under this plan, there is no guarantee that this will occur. And every day we continue supporting the war in Cambodia, we contribute to the deaths of innocent civilians and the return of Pol Pot back to power. It is time to end our support for the war, before this impoverished country loses its ability to escape the Khmer Rouge.

Earlier this month, the administration released a report on military cooperation between the non-Communist resistance and the Khmer Rouge. This report is particularly important because current law requires the President to terminate United States assistance to any Cambodian organization that he determines is cooperating tactically or strategically with the Khmer Rouge in military operations.

Regrettably, the administration's report is an inexplicable whitewash. The administration acknowledges reports of tactical cooperation and military coordination between the non-Communist resistance and the Khmer Rouge, but downplays the significance of this cooperation and then fails to make a formal determination that such cooperation occurred.

The report's conclusion bears no relation to the evidence presented—or to the large amount of additional evidence of military cooperation which the administration failed to include in the report. Moreover, although the administration cites coordinated military activities, it refuses to apply the law requiring the President to terminate U.S. assistance.

The concept of a non-Communist resistance as an autonomous military entity fighting a civil war independently of the Khmer Rouge is a fiction. All three rebel groups are funded by China. All three are fighting to overthrow the Phnom Penh government, and they support and benefit from each other's military offensives.

Moreover, even if the rebel groups were autonomous military entities, the United States would have no business funding the non-Communist resistance, since their military victory would inevitably lead to a Khmer Rouge government. Any support for the military defeat of the Hun Sen government is counterproductive.

Democratic elections need to be held in Cambodia. But if the Hun Sen government falls, the Khmer Rouge will return to power, and that result would be the worse of all possibilities in Cambodia.

The Foreign Operation Act for fiscal year 1991 provides $20 million for humanitarian and development assistance for Cambodians. Of this, $7.5 million is for non-lethal assistance to the non-Communist resistance. About $12 million is reserved for economic and humanitarian assistance for Cambodians after a needs assessment by the Agency for International Development.

As the Khmer Rouge and the non-Communist resistance continue their offensive, Cambodian civilians suffer the heaviest casualties. Every day, men, women, and children are killed by the rebels or are maimed by land mines. The rebels' terrorist campaign against the civilian population resulted in thousands of casualties last year alone.

In the past, AID has used humanitarian and economic assistance to develop districts in Cambodia under the control of the non-Communist resistance. This aid has excluded other districts not under the control of the non-Communists.

To avoid this inequality, funding for humanitarian assistance should be distributed to international and private and voluntary organizations working in Cambodia. In addition, the services rendered by these organizations should be provided to civilians in all parts of the country.

The measure we are introducing today would help to stave off the Khmer Rouge and assist the civilian victims of Cambodia's tragic civil war.

The legislation has two central components.

First, it would terminate all assistance to entities seeking to overthrow the Government of Cambodia by force.

Second, it would require humanitarian assistance earmarked for Cambodia to be provided through international and private voluntary organizations. In addition, it would require that such assistance be used to maximize relief for civilian victims of the civil war in all parts of the country, irrespective of their political beliefs. Isolated districts would not be selected for enhanced assistance that is not provided to other districts with the same needs.

The legislation would become effective 30 days after enactment into law.

The United States should lose no time in responding to the current situation in Cambodia. If we want to ensure that the Khmer Rouge do not return to power, and if we are sincere in our concern for the civilian victims of this tragic civil war, we should make certain that our policies are not undermining the very people we are seeking to protect.

It is time to terminate United States policies toward Cambodia which assist the genocidal Khmer Rouge in their efforts to regain control over that war-torn country. Let us put ourselves on the side of freedom and liberty for the Cambodian people.

By Mr. KOHL:

S. 777. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

MORTGAGE REVENUE BOND FINANCING

• Mr. KOHL. Mr. President, I rise today to introduce legislation that will help Wisconsin and several other States extend one of our most successful veterans programs to Persian Gulf war participants and others. This bill will amend the eligibility requirements for mortgage revenue bond financing for State veterans housing programs.

Wisconsin uses this tax-exempt bond authority to assist veterans in purchasing their first home. Under rules adopted by Congress in 1984, this program excluded from eligibility veterans who served after 1977 or who had been out of service for more than 30 years. This bill would simply remove those restrictions.

Wisconsin and the other eligible States simply want to maintain a principle that we in the Senate have also strived to uphold—that veterans of the Persian Gulf war should not be treated less generously than those of past wars. This bill will make that possible.

Finally, Mr. President, I'd like to thank the Wisconsin Department of Veterans Affairs for their assistance on this bill, as well as my colleague, Congressman JIM MOODY, who introduced identical legislation in the House, H.R. 1250.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (4) of section 143(l) of the Internal Revenue Code of 1986 (defining qualified veteran) is amended to read as follows:

"(4) QUALIFIED VETERAN.—For purposes of this subsection, the term 'qualified veteran' means any veteran who meets such requirements as may be imposed by the State law pursuant to which qualified veterans' mortgages bonds are issued."

(b) The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.•

By Mr. GORE (for himself and Mr. HOLLINGS) (by request):

S. 778. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and inspector general, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NASA AUTHORIZATION ACT

• Mr. GORE. Mr. President, I am today introducing, by request, the National Aeronautics and Space Administration Authorization Act for Fiscal Year 1992. I am joined by the distinguished chairman of the Committee on Commerce, Science, and Transportation, Senator HOLLINGS.

Mr. President, throughout the last year NASA has come under a great deal of scrutiny by the Congress, the media, and the American people. Very simply, after a series of postponed launches of the space shuttle and the Hubble Space Telescope debacle last summer, the U.S. space program has lost some of the luster that it gained during the successful missions of earlier years.

In an effort to help put the space program back on track, Norm Augustine was selected last year to lead the Advisory Committee on the Future of the U.S. Space Program. The resulting report detailed a broad-brushed approach for returning the civil space program back to a level of national pride and international preeminence. While calling for a balanced space program, the Advisory Committee's report clearly established space science as the having the highest priority, maintained at or above the current fraction of the NASA budget. Other recommendations called for a strong "Mission to Planet Earth," focusing on environmental measurements, a "Mission from Planet Earth," with the long-term goal of human exploration of Mars, a significantly expanded technology development program, and development of a new, unmanned heavy-lift launch system.

The Advisory Committee reached a number of other important conclusions and recommendations, but foremost was the call for real growth in NASA's annual budget of 10 percent. While this was the desired objective, the members of the Advisory Committee recognized that fiscal limitations could limit the availability of funding of this magnitude for NASA programs. Thus, they urged that space exploration activities, including future missions to the Moon and Mars, be conducted on a "go as you pay" approach, placing this on a lower priority basis than NASA's space science missions.

This legislation, which would provide authority to carry out the President's fiscal year 1992 budget request for NASA, reflects the administration's response to the recommendations of the Augustine Committee report. The budget calls for a total of $15.754 billion for NASA in fiscal year 1992, an increase of nearly $1.9 billion over the current fiscal year. The majority of these funds have been requested to support on-going programs, incuding the restructured Space Station Program, continued flight of the Space Shuttle fleet, a strong aeronautics program, and continued development of a variety of space science and applications missions, including those related to the "Mission to Planet Earth."

The President's bill also requests funds to begin two new programs, the new launch system, a joint NASA/DOD expendable launch vehicle expected to be available by the turn of the century, and a recoverable life sciences satellite, known as Lifesat, intended to define radiation protection requirements for the long-term habitation and exploration of space. Another new item in the fiscal year 1992 budget is the Assured Shuttle Availability Program, an effort to focus funds to high priority improvements in the space shuttle. This effort will help enable NASA to enhance shuttle safety and operational efficiency, particularly important as NASA attempts to increase the number of flights to 9 in fiscal year 1992 and fiscal year 1993, to a maximum of 10 flights by fiscal year 1993.

Mr. President, we all agree on the importance of a budget that will support a strong civil space and aeronautics program for the United States. And the President's budget request for fiscal year 1992 for NASA, with a 13.6-percent increase, is very ambitious. Unfortunately, it comes at a time when new funds available for the coming fiscal year have been made scarce by last year's budget agreement and will be hard to obtain for NASA.

As chairman of the Science, Technology, and Space Subcommittee, I look forward to beginning our series of hearings on the NASA budget request shortly after the Easter recess. It is my sincere hope that through these hearings, we can begin to develop a plan for NASA to continue its space science, technology, and exploration programs. I hope that we can then move quickly to consideration of an authorization bill by the Commerce Committee, in order that the policies and priorities established in our bill can be incorporated into the appropriations bill when it is drafted later this summer.

Mr. President, the Congress has an unusual opportunity this year to shape the future of the U.S. Space Program. As I mentioned earlier, the Augustine Committee has offered a series of recommendations for the future direction of the civil space program. Yet, those recommendations may not fit into the funding profile available to NASA, as it was established by last year's budget agreement. It is therefore incumbent upon the Congress to determine the appropriate manner in which those program recommendations are prioritized into a more limited funding profile. Such guidance is essential if we are to ensure program stability, which is critical to NASA's future.

Mr. President, I appreciate the opportunity to make this brief statement. Before concluding, I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD at the end of my statement, and as well that a summary of the major provisions, prepared by NASA, be included following the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FISCAL YEAR 1992 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

SEC. 101. That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1991:

(a) For "Research and development," for the following programs:

(1) Space Station Freedom, $2,028,900,000;

(2) Space transportation capability development, $879,800,000;

(3) Physics and astronomy, $1,140,600,000;

(4) Life sciences, $183,900,000;

(5) Planetary exploration, $627,300,000;

(6) Space applications, $982,800,000;

(7) Technology utilization, $32,000,000;

(8) Commercial use of space, $118,000,000;

(9) Aeronautical research and technology, $591,200,000;

(10) Transatmospheric research and technology, $72,000,000;

(11) Space research and technology, $421,800,000;

(12) Safety, reliability and quality assurance, $33,600,000;

(13) Tracking and data advanced systems, $22,000,000;

(14) Academic Programs, $64,600,000;

(b) For "Space flight, control and data communications," for the following programs:

(1) Space Shuttle production and operational capability, $1,288,900,000;

(2) Space transportation operations, $3,023,600,000;

(3) Expendable launch vehicles, $341,900,000;

(4) Space and ground network, communications and data systems, $953,899,796 of which $32,674,796 shall be used only for the purpose of reducing all outstanding debt to the Federal Financing Bank, for the Tracking and Data Relay Satellite System (TDRSS) loan;

(c) For "Construction of facilities," including land acquisition, as follows:

(1) Construction of Space Station Processing Facility, Kennedy Space Center, $35,000,000;

(2) Modification for Earthquake Protection, Downey/Palmdale, CA, Johnson Space Center, $4,400,000;

(3) Modifications for Safe Haven, Vehicle Assembly Building, High-Bay 2, Kennedy Space Center, $7,500,000;

(4) Rehabilitation of Crawlerway, Kennedy Space Center, $3,000,000;

(5) Restoration of Shuttle Landing Facility Shoulders, Kennedy Space Center, $4,000,000;

(6) Restoration of the High Pressure Gas Facility, Stennis Space Center, $6,500,000;

(7) Construction of Addition for Flight Training and Operations, Johnson Space Center, $13,000,000;

(8) Construction of Advanced Solid Rocket Motor Program Facilities (various locations), $150,000,000;

(9) Modernization of Industrial Area Chilled Water System, Kennedy Space Center, $4,000,000;

(10) Rehabilitation and Expansion of Communications Duct Banks, Kennedy Space Center, $1,400,000;

(11) Replace 15 KV Load Break Switches, Kennedy Space Center, $1,300,000;

(12) Repair Site Water System, White Sands Test Facility, $1,300,000;

(13) Replace Central Plant Chillers and Boiler, Johnson Space Center, $5,700,000;

(14) Modifications to X-Ray Calibration Facility (XRCF), Marshall Space Flight Center, $5,200,000;

(15) Restoration and Modernization of High Voltage Distribution System, Goddard Space Flight Center, $7,000,000;

(16) Construction of Earth Observing System Data Information System Facility, Goddard Space Flight Center, $17,000,000;

(17) Modernization of Main Electrical Substation, Jet Propulsion Laboratory, $5,500,000;

(18) Restoration of Utilities, Wallops Flight Facility, $3,500,000;

(19) Repair and Modernization of the 12-foot Pressure Wind Tunnel, Ames Research Center, $25,000,000;

(20) Upgrade of Outdoor Aerodynamic Research Facility, Ames Research Center, $3,300,000;

(21) Modernization of 16-foot Transonic Tunnel, Langley Research Center, $3,400,000;

(22) Modifications to the High Pressure Air System, Langley Research Center, $11,700,000;

(23) Rehabilitation of Central Air System, Lewis Research Center, $5,600,000;

(24) Rehabilitation of Icing Research Tunnel, Lewis Research Center, $2,600,000;

(25) Construction of Data Interface Facility, White Sands Test Facility, $4,000,000;

(26) Rehabilitation of Tracking and Data Relay Satellite System (TDRSS) Ground Terminal, White Sands Test Facility, $5,700,000;

(27) Repair of facilities at various locations, not in excess of $1,000,000 per project, $31,700,000;

(28) Rehabilitation and modification of facilities at various locations, not in excess of $1,000,000 per project, $34,800,000;

(29) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $750,000 per project, $12,900,000;

(30) Environmental compliance and restoration, $36,000,000;

(31) Facility planning and design, not otherwise provided for, $34,000,000;

Because of changes to the Davis-Bacon Act, the total amount authorized for subsections (1) through (29) is reduced by $5,700,000.

(d) For "Research and program management," $2,452,300,000;

(e) For "Inspector General," $14,600,000;

(f) Notwithstanding the provisions of subsection 101(i), appropriations hereby authorized for "Research and development" and "Space flight, control and data communications" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $750,000, unless the Administrator or the Administrator's designee has notified the Committee on Science, Space and Technology of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate, of the nature, location, and estimated cost of such facility.

(g) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development," for "Space flight, control and data communications" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts may be entered into under "Inspector General" and under "Research and program management" for maintenance and operation of facilities, and for other services to be provided, during the next fiscal year.

(h) Appropriations made pursuant to subsection 101(d) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and his determination shall be final and conclusive upon the accounting officers of the Government.

(i)(1) Funds appropriated pursuant to subsections 101(a), (b), and (d) may be used for the construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities, provided the cost of each such project, including collateral equipment, does not exceed $200,000.

(2) Funds appropriated pursuant to subsections 101 (a) and (b) may be used for unforeseen programmatic facility project needs, provided the cost of each such project, including collateral equipment, does not exceed $750,000.

(3) Funds appropriated pursuant to subsection 101(d) may be used for repair, rehabilitation or modification of facilities con-

trolled by the General Services Administration, provided the cost of each project, including collateral equipment, does not exceed $500,000.

ADMINISTRATOR'S REPROGRAMMING AUTHORITY

SEC. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (31), inclusive, of subsection 101(c)—

(a) at the discretion of the Administrator or the Administrator's designee, may be varied upward 10 percent, or

(b) following a report by the Administrator or the Administrator's designee to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the circumstances of such action, may be varied upward 25 percent, to meet unusual cost variations.

The total cost of all work authorized under paragraphs (a) and (b) shall not exceed the total of the amounts specified in Section 101(c).

SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES

SEC. 103. Where the Administrator determines that new developments or scientific or engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities; the Administrator may transfer not to exceed ½ of 1 percent of the funds appropriated pursuant to Section 101(a) and 101(b) to the "Construction of facilities" appropriation for such purposes. The Administrator may also use up to $10,000,000 of the amounts authorized under Section 101(c) for such purposes. The funds so made available pursuant to this section may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No such funds may be obligated until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report describing the nature of the construction, its cost and the reasons therefor.

LIMITATIONS ON AUTHORITY

SEC. 104. Notwithstanding any other provision of this Act—

(a) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science, Space, and Technology or the Senate Committee on Commerce, Science, and Transportation,

(b) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 101(a), 101(b) and 101(d),

(c) no amount appropriated pursuant to this Act may be used for any program which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt by each such committee, of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

TITLE

SEC. 105. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1992."

TITLE II—AMENDMENT TO THE SPACE ACT ON PROTECTION OF INFORMATION DEVELOPED UNDER SPACE ACT AGREEMENTS

SEC. 201. Section 303 of the National Aeronautics and Space Act of 1958, as amended, is amended by adding "(a)" after "303", by removing "and" before "B,", and by adding after "national security" the following: ", and (C) information described in subsection (b), below." At the end of subsection 303(a), add the following new section:

(b) The Administrator, for a period of up to five years after the development of information that results from activities conducted under an agreement entered into under the authority of section 203(c)(5) and section 203(c)(6) of this Act, and that would be a trade secret or commercial or financial information that is privileged or confidential under the meaning of section 552(b)(4) of Title 5, United States Code, if the information had been obtained from a non-Federal party participating in such an agreement, may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of Chapter 5 of Title 5, United States Code.

SECTIONAL ANALYSIS OF A BILL

(To authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes)

SECTION 101

Subsections (a), (b), (c), (d), and (e) would authorize to be appropriated to the National Aeronautics and Space Administration, funds, in the total amount of $15,753,999,796 as follows: (a) for "Research and development," a total of 14 program line items aggregating the sum of $7,198,500,000; (b) for "Space flight, control and data communications," a total of 4 line items aggregating the sum of $5,508,299,796; (c) for "Construction of facilities," a total of 31 line items aggregating the sum of $480,300,000; (d) for "Research and program management," $2,452,300,000; and (e) for "Inspector General," $14,600,000.

Section 1001(c) includes a reduction of $5,700,000 in facilities projects consistent with Administration proposals to make regulatory reforms under and legislative changes to the Davis-Bacon Act.

Subsection (f) would authorize the use of appropriations for "Research and development" and "Space flight, control and data communications" without regard to the provisions of subsection 101(i) for: (1) items of a capital nature (other than the acquisition of land) required at locations other than NASA installations for the performance of research and development contracts; and (2) grants to nonprofit institutions of higher education, or to nonprofit organizations, whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Moreover, each such grant shall be made under such conditions as the Administrator shall find necessary to ensure that the United States will receive benefit therefrom adequate to justify the making of that grant.

In either case, no funds may be used for construction of a facility in accordance with this subsection, the estimated cost of which, including collateral equipment, exceeds $750,000, unless the Administrator notifies the specified committees of the Congress, of the nature, location, and estimated cost of such facility.

Subsection (g) Would provide that, when so specified and to the extent provided in an appropriation Act, any amount appropriated for "Research and development," "Space flight, control and data communications," or for "Construction of facilities" may remain available without fiscal year limitation. Subsection (2) states that amounts appropriated for the "Inspector General" and "Research and program management" appropriations are available for contracts for maintenance and operation of facilities and for other services for this fiscal year and for the next fiscal year.

Subsection (h) would authorize the use of not to exceed $35,000 of the "Research and program management" appropriation for scientific consultation or extraordinary expenses, including representation and official entertainment expenses, upon the authority of the Administrator, whose determination shall be final and conclusive.

Subsection (i)(1) would provide that of the funds appropriated for "Research and development," "Space flight, control and data communications," and "Research and program management," not in excess of $200,000 per project (including collateral equipment) may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities.

Subsection (i)(2) would provide that not to exceed $750,000 per project of "Research and development" and "Space flight, control and data communications" funds may be used for facility repair or modification due to unforeseen programmatic needs.

Subsection (i)(3) would provide that not in excess of $500,000 per project (including collateral equipment) of funds appropriated for "Research and program management" may be used for work on facilities owned or leased by the General Services Administration.

SECTION 102—ADMINISTRATOR'S REPROGRAMMING AUTHORITY

Section 102 would authorize upward variations of the sums authorized for the "Construction of facilities" line items of 10 percent at the discretion of the Administrator or the Administrator's designee, or of 25 percent following a report by the Administrator or the Administrator's designee to the Committee on Science, Space and Technology of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate on the circumstances of such action, for the purpose of meeting unusual cost variations. However, the total cost of all work authorized under these line items may not exceed the total sum authorized for "Construction of facilities" under subsection 101(c).

SECTION 103—SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES

Section 103 would provide that not more than ½ of 1 percent of the funds appropriated for "Research and development" and "Space flight, control and data communications" may be transferred to and merged with the "Construction of facilities" appropriation, to be available for the construction of facilities and land acquisition at any location if the Administrator determines that new developments or scientific or engineering changes in the national aeronautical and space program have occurred; and that such changes require the use of additional funds for the purpose of construction, expansion or modification of facilities at any location; and that deferral of such action until the next authorization Act is enacted would be inconsistent with the interest of the Nation in aeronautical and space activities. Additionally, up to $10,000,000 of "Construction of facilities" funds may be used for these purposes. However, no such funds may be obligated until 30 days have passed after the Administrator or the Administrator's designee has transmitted to the Committee on Science, Space and Technology of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a written report containing a description of the construction, its cost, and the reasons therefor.

SECTION 104—LIMITATIONS ON AUTHORITY

Section 104 would provide that, notwithstanding any other provision of this Act—

(a) No amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science, Space and Technology or the Senate Committee on Commerce, Science and Transportation,

(b) No amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 101(a), 101(b) and 101(d), and

(c) No amount appropriated pursuant to this Act may be used for any program which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt by the House Committee on Science, Space and Technology and the Senate Committee on Commerce, Science, and Transportation of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

SECTION 105—TITLE

Section 105 would provide that the Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1992."

TITLE II—AMENDMENT TO THE SPACE ACT ON PROTECTION OF INFORMATION DEVELOPED UNDER SPACE ACT AGREEMENTS

The purpose of Section 201 is to amend section 303 of the National Aeronautics and Space Act of 1958, as amended, to provide NASA withe the authority to protect certain information, including withholding from public disclosure, resulting from research and development activities under an agreement entered into by NASA under section 203(c)(5) or section 203(c)(6) of such Act. The protection would be for a period of up to five years after the development of information, and would apply to any information that would be a trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of Title 5, United States Code, if obtained from a non-federal party participating in such agreements.

This authority is virtually the same (except for structural changes necessary to interface with the Space Act) as that provided in section 3133(a)(7) of Public Law 101-189 for the protection of the same information as that resulting from agreements entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). The Congress, in providing such authority in Public Law 101-189, recognized that the lack of protection for such information was a significant reason for companies' reluctance to enter into cooperative research and development agreements with the Federal laboratories, and expressed a desire to make such agreements more effective instruments for cooperative research (Conference Report 101-331, November 7, 1989, accompanying H.R. 2461; discussion of Technology Transfer (secs. 3031-3133)).

NASA uses the authority provided in section 203(c)(5) or 203(c)(6) of the National Aeronautics and Space Act of 1958, as amended, to enter into agreements that are virtually identical to, and produce the same results as, those authorized by section 12 of the Stevenson-Wydler Technology Innovation Act of 1980. The continuing use of such Space Act authority by NASA was expressly recognized in the House-Senate Conference Report for H.R. 3773 (which became Pub. L. 99-502 amending the Stevenson-Wydler Technology Innovation Act of 1980 to provide the section 12 authority therein) by the statement:

> "This authority [to enter into cooperative research and development agreements] is optional in both [House and Senate] versions and is not intended to affect previously existing cooperative agreement authority, such as the Space Act provisions, which for almost three decades have permitted NASA laboratories to enter into cooperative agreements."

Thus, section 201 is intended to provide the same protection for the same type of information resulting from the same type of agreements entered into by NASA under its Space Act authority as those entered into by other agencies under the authority provided by section 12 of the Stevenson-Wydler Technology Innovation Act. This is in furtherance of the Congressional intent to make such agreements instruments for cooperative research, irrespective of the specific authority relied on in entering into such agreements.

No additional protection is sought for information obtained from a non-federal party participating in such agreements (as distinguished from information resulting from NASA's activities under the agreement) in that adequate protection is considered to exist under subsection (b)(4) of 5 U.S.C. 552 for such information.●

● Mr. HOLLINGS. Mr. President, the recent months have proven to be difficult ones for the U.S. civil space program. In addition to a long, highly publicized series of hydrogen leaks and cracks in the fleet of space shuttles, the $2.1 billion Hubble space telescope was found to be flawed, and Congress directed the National Aeronautics and Space Administration [NASA] to redesign the space station *Freedom* in order to eliminate the growing numbers of technical problems and to reduce the total project cost.

Yet, while NASA was working to address these important problems, others in the administration sought to initiate long-term space exploration projects costing hundreds of billions of dollars. Unfortunately, the National Space Council has attempted to pursue a program of human exploration of the Moon and Mars without giving us any idea of how to pay for such an initiative. This type of approach is precisely why the Congress must take a strong leadership role in ensuring that the space program has the appropriate priorities as we proceed through this decade of the 21st century.

Mr. President, it is essential that we continue with a vigorous space and aeronautics program. I firmly believe that a balanced program that will ensure continued pursuit of space science, technology, and exploration programs is critical to the future success of this of this Nation.

However, it is equally important that our efforts in space are consistent with our ability to pay for them. The future benefits of our exploration and utilization of space will be wasted if future generations continue to be burdened with the debt this administration insists on accumulating.

Working with limited resources therefore will be the key issue for NASA during the coming fiscal year. In that regard, the President's budget for NASA requests an increase of $1.9 billion over current funding levels, to nearly $15.8 billion in fiscal year 1992. While some will say that this is necessary to ensure the continued growth in our space programs, it represents nearly 20 percent of the increased funds to be made available under last year's budget agreement to all nondefense discretionary programs in fiscal year 1992.

Mr. President, when the Commerce Committee begins our hearings on the details of the NASA fiscal year 1992 authorization bill, our efforts will be directed toward securing as much of the proposed increase as possible. However, realities dictate that we likely will be forced to consider a more realistic funding plan for NASA. Recognition of these constraints is necessary to ensure the long-term stability of NASA's space and aeronautics programs. We want to avoid any future disruption in these important programs.

It is therefore critical that we work to develop a consensus on the needs of the U.S. space program. We all have wish lists. There are many things each one of us would like to see our astronauts do, there are several planets we would like to explore, and there are countless stars in the universe we would like to study. But the space program, like all others, must function within a set of agreed-upon priorities. This is our mission in the coming months.

Mr. President, in this vein, I join the chairman of the Science, Technology, and Space Subcommittee in introducing today, by request, the fiscal year 1992 NASA authorization legislation proposed by the administration. This legislation should serve to continue the dialog on NASA funding, and I hope my colleagues will join us in working to establish realistic priorities that will ensure the success of the U.S. space program in fiscal year 1992 and beyond.•

By Mr. MOYNIHAN (for himself, Mr. Packwood, Mr. Mitchell, Mr. Dole, Mr. Pell, Mr. Kohl, Mr. Durenberger, Mr. Mack, Mr. Kerry, Mr. Akaka, Mr. Adams, Mr. Reid, Mr. Wellstone, Mr. Lieberman, Mr. Graham, Mr. Cranston, Mr. Gore, Mr. Glenn, Mr. Inouye, Mr. Seymour, Mr. Bradley, Mr. D'Amato, Mr. Specter, Mr. Grassley, Mr. Levin, Mr. Kennedy, Mr. Simon, and Mr. Kasten):

S.J. Res. 110. Joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379; to the Committee on Foreign Relations.

REPEAL OF UNITED NATIONS RESOLUTION 3379

• Mr. MOYNIHAN. Mr. President, for more than 15 years Resolution 3379, the obscene 1975 U.N. General Assembly resolution which found Zionism to be a form of racism and racial discrimination, has damaged the reputation of the United Nations, maligned the State of Israel, given license to anti-Semitism and interfered with the search for a lasting peace in the Middle East. There are those who have continued to urge that this resolution should be repealed, but this has sometimes been a lonely struggle, considered by many to be quixotic. Some even argued that it was better to keep quiet about this obscene resolution. Overall there has been an inability to understand just how dangerous this resolution was to the State of Israel.

A few weeks ago, however, I was able to report a significant development in the continuing efforts to repeal Resolution 3379. We had heard repeated hints of a Soviet willingness to join us in seeking to rescind this vicious canard which they once initiated and worked so hard to adopt. Almost a year ago, on March 30, 1990, I chaired a hearing before the Committee on Foreign Relations entitled "Revoking the U.N. Zionism Resolution." At that hearing an administration witness testified that the Soviets no longer supported Resolution 3379. For almost a year Soviet representatives have continued to signal this important change of policy in meetings behind closed doors.

Now, apparently for the first time, they have chosen to do so in public. The February 15 issue of the Long Island Jewish World reports that Soviet Ambassador to the United Nations Yuliy Vorontsov declared at a recent press conference that "the idea of the Zionism resolution was false, it should be repealed."

On November 10, 1975, I took the floor of the General Assembly, as the Permanent Representative of the United States, to state that, "The United States of America declares that it does not acknowledge, it will not abide by, it will never acquiesce to this infamous act." Now, the Soviet Ambassador to the United Nations seconds my words. Support for Resolution 3379 is a legacy which the Soviet Union brings to the quest for peace in the Middle East. It is a poisonous legacy, one which they must repudiate. Openly. Unequivocally. Mr. President, Ambassador Vorontsov's reported remarks go a long way toward meeting this challenge. Indeed, his statement presents a welcome opportunity for Secretary of State Baker to propose to the Soviet Foreign Minister that our nations take the lead this fall in cosponsoring the General Assembly a resolution rescinding Resolution 3379.

I am introducing a joint resolution today which calls upon the United States and the Soviet Union to join together to lead a fight to repeal Resolution 3379. As I have noted, the Soviet Union has a special responsibility to help us lead this battle. What better way could there be for the Soviet Union to show that it is sincere in its desire for peace?

Mr. President, I urge my colleagues to join me in cosponsoring this joint resolution and ask unanimous consent that the text be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

Whereas United Nations General Assembly Resolution 3379 (XXX), which equates Zionism with racism—

(a) has been unhelpful in the context of the search for a settlement in the Middle East;

(b) is inconsistent with the Charter of the United Nations;

(c) remains unacceptable as a misrepresentation of Zionism; and,

(d) has served to escalate religious animosity and incite anti-Semitism;

Whereas the United States vigorously opposed the adoption of Resolution 3379 and has never acquiesced to its content;

Whereas the Soviet Union vigorously supported the adoption of Resolution 3379 but has now stated that it no longer supports the resolution;

Whereas the Soviet Union has expressed a desire to participate in the search for a just lasting peace in the Middle East and should demonstrate its commitment to peace by working to repeal Resolution 3379: Now, therefore, be it hereby

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).•

• Mr. PACKWOOD. Mr. President, I rise today to introduce a resolution calling for the repeal of U.N. General Assembly Resolution 3379. Resolution 3379 condemns Zionism as a form of racism, and just as it was a travesty when it passed the United Nations 15 years ago, it remains a terrible miscarriage of justice today.

I would like to commend my good friend from New York, Mr. Moynihan, for his tireless opposition to Resolution 3379 since its passage in 1975. As the U.S. Permanent Representative to the United Nations at the time of its passage, he has relentlessly pursued its repeal.

When the United Nations passed Resolution 3379, it struck at the basic principle of the State of Israel—to provide a safe haven for Jews all over the world. Moreover, the negative impact of this resolution continues to be evidenced today because its existence is a major impediment to the peace process in the Middle East.

With the cessation of war in the Persian Gulf, we now have a historic opportunity for peace in the Middle East. But, how can peace proceed when the United Nations continues to condemn Zionism as a form of racism? As a first step, the United Nations should move quickly to repeal General Assembly Resolution 3379 or risk losing what could be a real opportunity for peace in the region.

The United States opposed this resolution when it passed in 1975 and continues to do so today. Many nations, for whatever reason, voted in favor of Resolution 3379 in 1975. Already, the Soviet Union, which was an outspoken supporter of Resolution 3379, has reversed its position and publicly called for the resolution's repeal.

I am especially encouraged by statements of Mr. Yuliy Vorontsov, the Soviet Ambassador to the United Nations, who has expressed his strong support for repeal of the resolution. I call on other countries to express their support for its repeal as well.

Mr. President, I urge my colleagues to join me in cosponsoring this resolution.•

By Mr. BRADLEY (for himself and Mr. Hatch):

S.J. Res. 111. A resolution marking the 75th anniversary of chartering by act of Congress the Boy Scouts of America; to the Committee on the Judiciary.

MARKING THE 75TH ANNIVERSARY OF THE BOY SCOUTS

• Mr. BRADLEY. Mr. President, on June 15, 1916, President Wilson signed into law a bill authorizing a congressional charter for the Boy Scouts of America. The charter gave special protection and recognition to the Boy Scouts, and represented congressional support for the goals and principles of Scouting. Today I am introducing legislation to mark the 75th anniversary of this historic charter. I ask my colleagues to join me in saluting the Boy Scouts of America by again showing congressional support for Scouting.

In the summer of 1989, I attended the Boy Scouts Jamboree at Fort A.P. Hill, VA, where thousands of young people from all over the world met to celebrate Scouting. That day, I saw that Scouting continues to thrive by teaching children the principles and skills that will guide them throughout their lives. I also saw how Scouting has changed since my days in Scouting. Scouts were participating in the traditional aspects of Scouting that I grew up with: camping, athletics and community service. But I also saw how Scouts were addressing the problems of drug abuse, school dropouts, and pollution. Scouting continues to adapt and to evolve, and is helping our children to address the problems of the 1990's.

Scouting is able to evolve because it is grounded in timeless ideals. What does it mean to be a Boy Scout? On one level, it means that Boy Scouts stand for a set of goals and principles. A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent. It means that a Scout pledges to be physically strong, mentally awake, morally straight.

These principles have a lot of staying power. They are not merely rules of conduct. They aren't principles that work only within the circle of the troop or the circle of the campfire; they're much broader than that. The values you learn as a Scout are like a compass. They can help you find your way through difficult and sometimes unchartered terrain.

Scouting is a way to be open to individual strengths as well as individual differences. Scouting is a way to discover that each individual has the capability to respond to challenges, whether physical or mental. Scouting is a way to understand that each individual has the ability to meet adversity and to overcome hardship. Scouting is a way to understand that each individual has something valuable and unique to contribute to his community.

The values of Scouting are durable. They can provide a way to see and to deal with a changing world. And they can last a lifetime. I ask my colleagues to join me in saluting the Boy Scouts of America for their contribution to our children and to our Nation.●

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DOLE, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 9, a bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy.

S. 32

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 32, a bill to increase the rate of special pension payable to persons on the Medal of Honor Roll, and for other purposes.

S. 134

At the request of Mr. PACKWOOD, his name was added as a cosponsor of S. 134, a bill to establish a U.S. Marshals Association.

S. 311

At the request of Mr. ROTH, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 311, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 360

At the request of Mr. BUMPERS, the names of the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

S. 576

At the request of Mr. DECONCINI, the name of the Senator from North Dakota [Mr. CONRAD] was added as cosponsor of S. 576, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide on-site day-care facilities for dependents of their employees.

S. 693

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 693, a bill to amend the Internal Revenue Code of 1986 to allow individuals who are involuntarily unemployed to withdraw funds from individual retirement accounts and other qualified retirement plans without incurring a tax penalty.

S. 720

At the request of Mr. KENNEDY, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. JOHNSTON, the names of the Senator from North Carolina [Mr. SANFORD], and the Senator from Mississippi [Mr. COCHRAN] were added as "Year of the Wetlands".

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 69

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 69, a joint resolution to designate the week commencing May 5, 1991, through May 11, 1991, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. DOMENICI, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Maine [Mr. COHEN], the Senator from Florida [Mr. GRAHAM], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from Maryland [Ms. MIKULSKI], the Senator from Oregon [Mr. PACKWOOD], the Senator from Montana [Mr. BAUCUS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Ohio [Mr. GLENN], the Senator from Mississippi [Mr. LOTT], the Senator from Hawaii [Mr. AKAKA], the Senator from Vermont [Mr. LEAHY], the Senator from Indiana [Mr. LUGAR], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 97, a joint resolution to recognize and honor members of the Reserve components of the Armed Forces of the United States for their contribution to victory in the Persian Gulf.

SENATE CONCURRENT RESOLUTION 12

At the request of Mr. LEVIN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Concurrent Resolution 12, a concurrent resolution to express the sense of the Congress that the civil rights and civil liberties of all Americans, including Arab Americans, should be protected at all times, and particularly during times of international conflict of war, and for other purposes.

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. MACK, the names of the Senator from Washington [Mr. GORTON], the Senator from North Dakota [Mr. CONRAD], the Senator from Ohio [Mr. GLENN], the Senator from California [Mr. SEYMOUR], the Senator from South Dakota [Mr. DASCHLE], the Senator from Montana [Mr. BURNS], the Senator from Texas [Mr. BENTSEN], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution urging Arab States to recognize, and end the state of belligerency with, Israel.

SENATE RESOLUTION 81

At the request of Mr. BRADLEY, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Arizona [Mr. MCCAIN], the Senator from Wyoming [Mr. WALLOP], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Resolution 81, a resolution commending the Baltic States for their efforts to regain independence and urging measures to support such efforts.

SENATE RESOLUTION 82

At the request of Mr. SMITH, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of Senate Resolution 82, a resolution to establish a Select Committee on POW/MIA Affairs.

ADDITIONAL STATEMENTS

JOHN VOELKER

• Mr. RIEGLE. Mr. President, I am deeply saddened by the death of a great Michigan citizen and a very dear long time friend, John Voelker. John had a vast number of talents and accomplishments, among them being his extraordinary talent as a writer. Under the pen name of Robert Traver, John wrote numerous books and articles, the most famous being "Anatomy of a Murder," which was later made into a movie starring Jimmy Stewart, George C. Scott, and Lee Remick.

In the course of one of his many books on the joys of fishing, John wrote:

> I fish, because in a world where most men seem to spend their lives doing things they hate, my fishing is at once an endless source of delight and an act of small rebellion.

Between John's writing, his fishing, and his story telling, John was an endless source of delight to everyone who knew him and who knew his work. That delight will live on for generations to come.

In addition to the already mentioned accomplishments, John was a dedicated public servant, having been an attorney for 63 years and also a member of the Michigan Supreme Court. His toughness and his fairness as a jurist are as legendary as his writing and fishing.

Several years ago, I had the distinct honor of visiting John at his camp in upper Michigan. That is a day that I will never forget. John was a marvelous host. That day he taught me to fly fish. Needless to say, his patience was endless, surpassed only by his sense of humor.

CBS Correspondent Charles Kuralt said that John Voelker was the greatest man he had met in his first 20 years on the road for CBS News. Knowing John, he would want us to celebrate his passing with a good drink in one hand, a fishing pole in the other, and good humor on our lips. I salute that great man and celebrate a life well lived.•

DEINDUSTRIALIZATION

• Mr. MACK. Mr. President, last month, widely read economics columnist Warren Brookes wrote an article in the Washington Times which shocked the conventional wisdom that the United States has been losing its industrial base for the last decade or so. His February 14 column, entitled "Whatever Happened to Deindustrialization?", reported the results of a recent Commerce Department study. Brookes observed that, according to that report, manufacturing share of GNP in the 1980's—the measure of the size of the U.S. industrial sector—matched that of the heyday of manufacturing activity in the 1960's.

It's relevant to take note of this article today because the Republican members of the Joint Economic Committee have just released their annual report for 1991. Not surprisingly, the JEC report affirms what the Commerce Department has found. And that is that the policies of lower taxes, less unnecessary government regulations, and more economic freedom which were championed by Republicans during the 1980's rejuvenated the entire economy, including our industrial sector.

Mr. President, I ask that the Warren Brookes article of February 14, 1991, be printed in the RECORD. I also suggest that my colleagues read the Republican version of the JEC annual report which will be made available to their offices shortly.

The article follows:

[From the Washington Times, Feb. 14, 1991]

WHATEVER HAPPENED TO DEINDUSTRIALIZATION?

(By Warren Brookes)

It came as no surprise to readers of this column, but last week's front-page story in the New York Times had to be a shocker to its "dominant-media-culture" readers.

The Times reported that at the end of the much-maligned Reagan decade of the '80s, "manufacturing productivity—the measure of output per hours worked—climbed to a record level in 1990.

"What is more, factories making everything from chemicals to cars now account for a robust 23.3 percent of the nation's gross national product . . . [This] matches the level of output achieved in the 1960s, when American factories hummed at a feverish clip."

At the same time, the Times wrote, "a related report by the Bureau of Labor Statistics showed that manufacturing productivity grew at an average annual rate of 3.6 percent during the 1980s, almost three times as fast as in the 1970s."

In fact, during the 1980s, the United States enjoyed its best manufacturing competitiveness performance of any decade since World War II. Said the Times, "The new data put United States manufacturers on a par with those of Japan and Western Europe."

That is why the U.S. share of world manufacturing exports rose in the 1980s, along with the U.S. share of total industrial employment for all 24 nations that make up the Organization for Economic Cooperation and Development.

If these facts surprise you, you are not alone. During the 1980s, Americans were fed a diet of non-stop nonsense about the alleged "McDonaldizing" of the U.S. economy. One of the principal sources of this claptrap, Professor Barry Bluestone of the University of Massachusetts, had the gall to tell the New York Times, "The warnings I and others raised in the early 1980s were listened to. Manufacturing became more competitive. I find this rather gratifying."

Give us a break, Barry! Mr. Bluestone and his partner, Bennett Harrison of Boston College, were trumpeting the "deindustrialization" and "low-pay jobs" myths all through the 1986 pre-election propaganda drive and were among the principal "scholarly" resources for the congressional Joint Economic Committee.

Hardly a month went by, back then, without some new, largely fictitious JEC horror story about the collapsing U.S. industrial and job base showing up on network news. Mr. Bluestone and Mr. Harrison published a book on this in time for the 1988 election campaign.

If only they were now as intellectually above board as Princeton economists William Baumol and Sue Anne Batey Blackman and New York University economist Edward Wolff, who in 1989 authored a Massachusetts Institute of Technology Press book, "Productivity and American Leadership: The Long View."

In it, the authors admit they had once promoted the myths of the U.S. industrial decline and were surprised when they took a more careful look. In careful statistical analysis, they blew away the central Bluestone/Harrison myths:

"The conclusion [about deindustrialization] is fundamentally illusory, i.e., there has been virtually no change in the share of real national output constituted by services." In fact, revised data now show that this share rose from 21.1 percent in 1980 to 23.3 percent in 1990. (See table.)

More important, Baumol & Co. found "there is no sign that the U.S. is shifting into services any more rapidly than other industrialized economies." Indeed, from 1973, the U.S. share of total industrial jobs of member nations of the Organization for Economic Cooperation and Development rose from 25.6 percent to 29.0 percent, while the U.S. share of OECD manufacturing output rose from 36 percent to 38.7 percent.

In fact, the U.S. shift into service employment has been the second-lowest of the 19 largest OECD countries. From 1965 to 1980, U.S. service employment share rose 10 percent, while Japan's rose 31 percent and Canada's rose 14 percent.

Baumol & Co. also say the basic reason for these global shifts to service-sector employment is what they call "the cost disease" of government and government-provided services.

"The cost-disease model helps to explain a widely noted (and deplored) phenomenon. This is the fact that despite a rapidly rising real cost of a number of stagnant services, their quality has deteriorated markedly. For example, street cleaning in the cities has become poorer, and the streets grown dirtier. Postal deliveries have become less frequent."

As government's share of industrialized democracies has risen, their total overall productivity performance has fallen sharply. From 1947 to 1976, while total U.S. productivity rose an average of 2.2 percent a year, productivity in government-owned or-operated industries was negative 0.2 percent.

The central message of the Baumol book supports the new Commerce Department study: Contrary to myths, the U.S. industrial economy is alive, well and growing. Our weakest link is government.●

BUILDING DEMOCRACY SHOULD BE THE PRIORITY IN YUGOSLAVIA

● Mr. DECONCINI. Mr. President, in the past few weeks Yugoslavia has gone through a period of turmoil unsurpassed in its post-World-War II history. As talks on the country's future have foundered, military units have at various times and places been put on a high state of alert, and the threat of civil unrest and ethnic violence has loomed large. As I prepare to lead a United States delegation under the auspices of the Helsinki Commission to Yugoslavia early next week, there is certainly reason for deep concern regarding the future of that beautiful, proud, and historic country. However, continued efforts by the Federal Government of Prime Minister Markovic to bring about true economic reform, decisions at the republic and Federal levels to exercise restraint at the very moment when open conflict seems most likely, and yesterday's decision by the Federal Presidency that negotiations will resume next week between the republics on the structure of a future Yugoslav community, all, in my mind, demonstrate a willingness on the part of the Yugoslav peoples to find a peaceful solution to their problems. The future of Yugoslavia, Mr. President, is for the Yugoslavs themselves to determine and for us to view in accordance with our own CSCE commitments on relations between states. Our main concern should be to see that decisions are made in a peaceful and democratic fashion, without resort to the use of force. When I go to Yugoslavia, I hope that all Yugoslavs, regardless of nationality, religion, or political persuasion, will agree with me on this critical point.●

THE 1949 DEPORTATION FROM LATVIA

● Mr. D'AMATO. Mr. President, I rise today to commemorate one of the darkest moments in the history of Soviet-occupied Latvia. Forty-two years ago, on March 25, 1949, 42,076 residents of Latvia were deported to Siberia during Joseph Stalin's forced collectivization of farmlands. Many thousands of those deported were children, literally torn from their schoolrooms and herded into cattle cars bound on the long journey from which few would return alive.

Latvia in 1949 was a country already ravaged by war and occupation by the two most barbaric regimes of our time; Stalin's Russia, and Hitler's Germany. In addition to the countless thousands who died in the war or fled to asylum in the West, Latvia had already lost at least 15,000 citizens in Stalin's first mass deportation on June 14, 1941. And then, as the Latvian people were struggling to rebuild their nation out of the rubble, came this heinous act of a bloodthirsty tyrant—an act which in addition to its tragic human toll also broke the back of Latvia's agrarian economy. "For our people," wrote the Popular Front of Latvia 2 years ago, "this wound will never truly heal."

Mr. President, while the United States is preparing to help shape a new world order in the Middle East, an order based on respect for the sovereignty of nations and on intolerance of aggression, the leaders of the Soviet Union appear to be clinging to the old order established by Stalin. The blood of Latvian citizens has once again been spilled, and I fear more may yet be spilled, by Stalin's successors as they strive to prevent Latvia from breaking out of the prison he created.

As we reflect with rightful pride upon our victory against Saddam's army of occupation last month, let us turn our attention to the last lingering occupation of World War II. Let the brutal memory of 1949 strengthen us in our resolve to help Latvia, Lithuania, and Estonia end the 50-year nightmare and begin the long-delayed process of healing and rebuilding.●

TRIBUTE TO ROBERT L. ASACK

● Mr. DECONCINI. Mr. President, I want to take this opportunity to pay tribute to an individual who will be leaving Federal service in the near future. That individual is Robert L. Asack, the Deputy Assistant Commissioner for Aviation Operations of the U.S. Customs Service. Bob Asack's many contributions to this Nation's antidrug efforts are memorable, for this Senator. He joined the U.S. Customs Service in 1971. From that time forward, Bob Asack rose through the ranks to become one of the highest ranking enforcement officials in the Customs Service.

I like to think of Bob Asack as the father of our Nation's air interdiction program. He formulated this program in its infancy, when no one in their wildest imagination could have predicted the enormity of drug smuggling this country would one day face. He developed the Customs air program into the highly successful drug interdiction program it is today. Some of his many accomplishments include: The design of the Blue Book, the regional program which was the first long-term strategy for air interdiction; refined the air interdiction modular concept of interception, tracking, and apprehension; creation of the Customs Command, Control, Communication, and Intelligence Centers [C3I] concept; and implementation of the defense-in-depth strategy.

As an early supporter of the air interdiction concept, I worked closely with Bob Asack and helped shepherd that concept into its ultimate implementation. I, too, saw the great value this program could provide as a deterrent to illegal drug smuggling. I am happy to say, that as Bob Asack leaves Federal service, his vision of the great deterrence effect of the Customs air program has been realized. Our Nation's borders have become almost impenetrable and air smuggling through our borders is the lowest in the history of the drug war. Mr. President, the accomplishments of Bob Asack and his contributions to the antidrug efforts will not be forgotten. This war has not yet been won, maybe it never will. But, we can all take pride in the fact that fine public servants like Bob Asack have dedicated their professional careers to helping us try to win that war.

I know Senator DOMENICI joins me in this praise of the accomplishments of Bob Asack. We wish Bob the best of luck in his future endeavors. Hopefully, now he will have the time to enjoy one of his favorite pastimes, deep-sea fishing.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $1.7 billion in budget authority, and under the budget resolution by $1.3 billion in outlays. Current level is $1 million below the revenue target in 1991 and over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $325.7 billion, $1.3 billion below the maximum deficit amount for 1991 of $327.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 19, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through March 15, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 12, 1991, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., AS OF MAR. 15, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,187.5	−1.7
Outlays	1,132.4	1,131.1	−1.3
Revenues:			
1991	805.4	805.4	[3]
1991–95	4,690.3	4,690.3	[3]
Maximum Deficit Amount	327.0	325.0	−1.3
Direct Loan Obligations	20.9	20.6	−.3
Guaranteed Loan Commitments	107.2	106.9	−.3
Debt Subject to Limit	4,145.0	3,357.2	−787.8
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) current level excludes $1 billion in budget authority and $1.2 billion in outlays for Operation Desert shield; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3 billion for the Internal Revenue Service provision in the Treasury-Postal Service appropriations bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS MAR. 15, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations and trust funds	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session: Extending IRS deadline for Desert Storm troops (Public Law 102–2)			−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses: Veterans' education, employment and training amendments (H.R. 180)	2	2	
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−6,307	799	
VI. Economic and technical assumption used by committee for budget enforcement act estimates	15,900	31,300	−29,500
On-budget current level	1,187,484	1,131,115	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	1,731	1,281	1

Note.—Numbers may not add due to rounding.●

NATIONAL VOLUNTEER WEEK

● Mr. BRADLEY. Mr. President, our Nation's greatest resource is its people. Nowhere is this more evident that in our tradition of voluntarism—the thousands of people who contribute their time, energy and talents to improve the lives of others. The week of April 21 marks "National Volunteer Week." I ask my colleagues to join me in celebrating voluntarism and in recognizing "National Volunteer Week."

Everyday, in towns across the country, volunteers work in schools, hospitals, shelters, parks and service organizations. They work with children, the elderly, the handicapped, and those who just need help in getting back on their feet. They ask for nothing back, other than to improve the quality of life for others.

In New Jersey, the volunteers of Chilton Memorial Hospital epitomize the spirit of voluntarism in America. Every day, volunteers perform vital service throughout the hospital. But most important, they help to brighten the lives of those who are facing a difficult and often frightening period of illness. They also give much needed support to the families, who might otherwise bear the burdens of a loved one's illness alone.

Volunteers enrich our lives and our communities. They deserve our gratitude and our appreciation for their selfless and compassionate response to so many of the challenges facing our Nation.●

S. 481—RESEARCH IN DESALTING WATER

● Mr. BRYAN. Mr. President, I rise today in support of legislation introduced by my colleague, Senator SIMON, S. 481, a bill authorizing research into the desalting of water and water reuse. As a Representative from a western desert State facing its fifth year of drought, I firmly support research into the feasibility of large-scale use of desalination plants. Water in a desert community is a precious resource. Weather patterns, population increases, and depletion of our primary water sources have combined to bring us to a critical situation. These current factors have accelerated our interest in desalination plants as a more economical solution to our thirst.

As world attention has focused on the Middle East, our attention has been drawn to the use of desalination plants in this arid zone. Almost 60 percent of the world's desalination water capacity is located in the Middle East with 30 percent in Saudi Arabia alone. The success of these plants has heightened our awareness that as the pioneers in many areas of improved desalination technology, we need to turn our attention to large-scale seawater desalination.

There are now about 750 desalination plants in the United States, which account for 10 percent of the capacity of the world's desalinated water. This water is used primarily for industrial purposes, and secondarily for drinking water. There are desalination plants in 46 States and on 2 island territories. Currently, the amount of desalinated water produced in this country is equivalent to about 1.4 percent of the 15,000 mgd—million gallons per day—that is consumed for domestic and industrial proposes.

The amount of water consumed, that is water withdrawn for use and not available for reuse, breaks down as follows:

Eighty-one percent of freshwater consumed in this country irrigates 58 million acres of farmland, mostly in the West; 60 percent of this water comes from major surface diversions; the rest comes from ground water aquifers.

Eight percent of all freshwater is consumed by industry.

Seven percent of all freshwater consumption is for domestic purposes. Average domestic use in this country is believed to be between 120 and 150 gallons per day per person.

Four percent accounts for rural freshwater consumption. About 90 percent of all rural water systems depend on ground water from about 12 million private wells for drinking water, livestock, and other uses.

In addition to quantity of water used, the quality of water is important. Water quality problems tend to be greater where the frequency of water reuse is higher, such as in the West where water is limited, and along waterways adjacent to heavy industry. In coastal areas, most freshwater aquifers become increasingly brackish as they extend offshore. Increasing salinity levels in coastal wells have plagued Long Island, NY, Florida, and southern California.

As the demand for freshwater increases and the quality of existing supplies deteriorates, the use of desalination technologies will increase. While desalination can be costly, improvements in technology—plant designs, heat transfer technology, scale prevention, and corrosion resistance—have had impacts on lowering costs of desalination. In comparison to other suggested options—tankers carrying water from Canada, major water pipeline construction, international and interstate projects, and dragging icebergs down from the Arctic—the costs of desalination look much more appealing.

With the unpredictable rainfall in the West, it is only prudent to look at desalination as a long-term viable solution to our water shortage problem. In the past we have built dams and other water diversions; however, these projects are becoming more expensive and time consuming to construct. In addition, the environmental impacts of these structures are becoming more visible and must be considered. Along with the desalination implementation, conservation measures must be enforced. The indiscriminate waste of this precious resource must end. The attitude that there will always be enough has contributed to our present predicament.•

SENATE RESOLUTION 81—URGING THE PRESIDENT TO ESTABLISH OFFICES IN THE BALTICS

• Mr. BRADLEY. Mr. President, last night the Senate unanimously passed a resolution I introduced commending the Baltic States for their efforts to regain their independence and urging the President to establish offices in the Baltic States to facilitate diplomatic relations, technical assistance and other mutually beneficial activities.

Several times this year this body turned its attention away from our men and women winning the war against Iraqi aggression and responded to the unfolding crisis in the Baltic States. Clearly, those who planned and executed the violent repression in Lithuania and Latvia hoped that we would be too preoccupied to oppose them or that we be too inhibited by the Soviet Union's qualified support for the coalition. Instead, we pointed out that the principles which the President invoked in defending Kuwait apply to the Baltics as well. There too, we saw small nations invaded and occupied by their larger, repressive neighbors.

I introduced the first resolution late on the night of January 11, 1991, condemning the Soviet action which had just begun. Together, we also adopted a second resolution calling for a review of our economic assistance to the Soviet Union in light of the occupation. In addition, many of my colleagues made very strong and eloquent statements about the situation here on the floor of the Senate.

The Senate's actions have had an important impact on the situation. Many of us have met with representatives of the Baltic States and Russian and Soviet Democrats over the last years. All the ones I have talked to have told me that our resolutions, our attention to the problem, our efforts to find tools in American foreign policy, have slowed the Soviet repression. Conservative forces in the Soviet Union, I have heard from many sides, are not restrained by domestic voices of reason, democracy, and morality. They do, however, look abroad, and gauge the limits of what they can do by the reaction of democratic bodies with the will and power to counter their moves, like the U.S. Senate.

Senate Resolution 81, urging the establishment of offices in the Baltic States, continues our long-standing policy of defending the Baltic States and promoting democracy. More broadly, by passing this resolution, the Senate has urged the President to bring American policy in line with the new realities in the Soviet Union.

From the beginning of the cold war until Gorbachev came to power, we saw and dealt with the Soviet Union as an unchanging, culturally uniform, political monolith. Six years of Gorbachev's rule have forced a softening of this perception, but American policy has been slow to reflect the new reality of a politically diverse Soviet Union.

Despite Gorbachev's recent efforts to recentralize control, political power has spread to the republics and local governments, and the inherent diversity of the Soviet Union is once again becoming politically meaningful. If Gorbachev, or any Soviet leader, is serious about reform and eventual integration into the world economic and political community, then he must encourage and foster this process, not use the military, the KGB, censorship and other repressive measures to resist it.

Our role in fostering this process is limited, but there are steps the United States can and should take. For example, we should not consider most-favored-nation status, any kind of economic assistance or Soviet membership in the IMF and World Bank until we have seen irreversible political and economic changes.

We should also reevaluate our relationship with the Baltic States, whose annexation by the Soviet Union we have never recognized. The Balts have been fighting to keep their cause in front of policymakers and the public for more than 50 years.

In the Congress, we have passed resolutions commending the Baltic States' pursuit to freedom. Many of us in the Congress and in the administration have met with the leaders of the Baltic States, and made a commitment to help their struggle. We condemned the violence that took place in January, and urged that our relationship with the Soviet Union be reviewed in the light of the Soviet brutality.

The State Department did not forget the Baltic States either. On every official map of the Soviet Union, in small print, was the phrase, "The United States does not recognize the incorporation of the Baltic States into the Soviet Union."

It is time to put substance behind Congress' commitments and the words on our maps. Last month, all three Baltic States held plebiscites which showed overwhelming support across ethnic lines for independence from the Soviet Union.

In Lithuania, 76 percent of the eligible voters participated and 90 percent of those voted for independence.

In Latvia, 88 percent of eligible voters participated and 74 percent of those voted for independence.

In Estonia, 83 percent of eligible voters participated and 74 percent of those voted for independence.

International law and principled international relations have always been on the side of Baltic independence. The electoral results reaffirm our longstanding policy.

Offices like the ones I urged the President to establish are consistent with that policy. They could help American businesses find opportunities in the Baltics, develop market economies and build the institutions and traditions that are the basis of democracy.

Furthermore, tangible evidence of our support for the Baltics encourages other nations that are in the process of reform to demonstrate their commitment to democracy and free markets. Nowhere are those values more in doubt than the Soviet Union; the Soviet transition will be encouraged if the Balt's independence and ties to the West allow them to reassert their historical role as the conduit of commerce and ideas between Russia and the West.

International law and United States policy have been reinforced by the vote for independence in the Baltics. It is time for the President to offer a concrete response by acting on this resolution and establishing relations that give substance to our longstanding commitments.

While calling on the President to take these useful steps, this resolution also recognizes the constraints that are imposed by the continuing Soviet occupation. Full recognition is not possible as long as the Baltic States do not control their borders, do not have the authority to grant visas and are still in the process of self-determination.

The Baltic States enjoy a special status under international law, but we should not forget that other republics of the Soviet Union are also struggling to redefine their relationship with the Soviet Union. The results of the plebiscites on a Russian President, an independent mayor of Moscow, support for Ukranian independence, and in one region of the Urals on private property—not to mention a six-republic boycott of the entire vote—show that Gorbachev does not have a mandate for change imposed by repression from the top down. Rather, the people want change to take place from below, by legitimate local and regional political bodies.

Georgia deserves special mention because it was the first Soviet Republic to suffer brutal military repression in recent years. Tanks, gas, and shapened shoves were used to break up a peaceful protest in the central square of Tblisi on April 9, 1989. The bloodshed and deaths were even greater than in the Baltics, and Georgia's quest for freedom and independence has been thwarted by the same sorts of lies, covert activities, economic pressures, and other coercive techniques that the Soviets have used against the Baltics independence movements. For instance, the Soviets have been inciting interethnic strife, including armed opposition to the Georgian governments by Ossetian separatists in the north and Abkhozian nationalists in the west.

A democratically elected government in Tblisi has been striving to keep these centrally-instigated tensions and provocations from escalating into much more violent and bloody conflict. It has scheduled a plebiscite of its own on independence on March 31, and we will be paying close attention to how it is conducted and the results.

Mr. President, I am proud that my colleagues unanimously joined Senator BIDEN, Senator HATCH, myself and others in urging the President to take this step in the Baltics. It is important not only as an expression of our intent to see the process of democratization, reform and self-determination continue in the Baltic States and the Soviet Union, it will serve as a marker for other legislation that deals with Eastern Europe and the emerging democracies of Europe that my colleagues on the Foreign Relations Committee will be working to complete this year. I have been a strong supporter of aid for countries that are struggling with the difficult transition to democracy. I continue to support measures which direct U.S. assistance to countries that have made the commitment. There is no better investment than an investment in democracy.

The Baltic States have made a fundemental commitment to democracy, and we have a long-standing commitment to the Baltics. The time has come for us to put substance behind our words of support for the Baltic States.

I ask that a copy of Senate Resolution 81, with its additional cosponsors be printed in the RECORD following my remarks.

The resolution follows:

SENATE RESOLUTION 81—COMMENDING THE BALTIC STATES FOR THEIR EFFORTS TO REGAIN INDEPENDENCE

Mr. BRADLEY (for himself, Mr. BIDEN, Mr. HATCH, Mr. RIEGLE, Mr. LEVIN, Mr. BYRD, Mr. MCCAIN, Mr. WALLOP, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 81

Whereas the United States has never recognized the illegal annexation of the Baltic states of Estonia, Latvia, and Lithuania by the Soviet Union as a result of the 1939 Pact between Hitler and Stalin;

Whereas the Baltic states have recently completed plebiscites to determine the extent of public support for their independence, and such plebiscites were conducted freely and fairly according to observers who monitored the voting;

Whereas the overwhelming majority of people in each Baltic State expressed support for independence;

Whereas support and eventual recognition of legitimate governments would be consistent with the long-standing United States policy of not recognizing the forcible annexation of Estonia, Latvia, and Lithuania in 1940; and

Whereas the United States can take useful steps toward recognition by establishing United States Government offices in the Baltic States to facilitate diplomatic relations, technical assistance, cultural exchanges, and other mutually beneficial programs; Now therefore, be it

Resolved, That the Senate—

(1) commends the governments and peoples of the Baltic states on their use of democratic processes to regain their independence; and

(2) urges the President, if so requested by the government of any Baltic State, to establish offices in that state to facilitate diplomatic relations, technical assistance, cultural exchanges, and other mutually beneficial programs.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.●

MEASURING CHICAGO'S JOB-SKILLS DEFICIT

● Mr. SIMON. Mr. President, there is a business-oriented publication called Chicago Enterprise, published by the civic committee of the Commercial Club of Chicago.

In its March edition, there is an article by Patrick Barry titled, "Measuring Chicago's Job-Skills Deficit."

The last two sentences of the that report are questions that are important to the future of Chicago, but they are also extremely important to the future of the Nation.

He writes:

> 650,000 English-speaking Chicago adults lack 6th-grade reading and writing skills and 375,000 non-native English speakers have similar deficits. In the technology-driven 1990s, can any city carry a million low-skilled adults and expand its economy at the same time?

That is a question the Nation has to ask.

Senate Resolution 2, sponsored by our colleague Senator TED KENNEDY, contains a literacy portion of the bill that could move our Nation ahead, at least modestly.

I wish we were in a situation to propose less modest answers, but this legislation, for the first time, would launch this Nation on a comprehensive effort to attack adult illiteracy.

That's important for Chicago. It's important for the Nation.

Mr. President, I ask to insert the full article in the RECORD at this point.

The article follows:

[From Chicago Enterprise, March 1991]

MEASURING CHICAGO'S JOB-SKILLS DEFICIT

(By Patrick Barry)

Civic leaders last month took a step toward building a training machine to meet Chicago's desperate need for workforce development. Breakfasting on fruit salad and quiche in Harris Bank's 37th floor dining room, 180 people finally heard some hard numbers about the troubled skills-training system and some fresh ideas on how to fix it.

It was not the first big meeting on the subject and must not be the last because, as the president of the Chicago Council on Urban Affairs, Ann Seng, pointed out, "to do nothing is to invite the decline of Chicago's economy."

The report issued that morning, "Chicago Challenge: Workforce Development," paints a frightening picture. Chicago invests some $260 million a year in adult workforce development, but with 20 disparate programs using the funds, few performance standards in place and no master plan to coordinate efforts, the skills pipeline produces hardly a trickle of job-ready graduates.

That creates "tremendous uneasiness" in the business community, said Ronald Gidwitz, chairman of the Economic Development Commission of the City of Chicago (EDC), which co-sponsored the report with Seng's group and the Civic Committee of The Commercial Club of Chicago. He said Chicago will have some 5,000 openings in metalworking jobs this year but provides training to only 756 people to fill the slots. "We face a major challenge retaining that industry," Gidwitz said.

He also produced sobering numbers from his own firm, Helene Curtis Inc. Last year, it filled 140 jobs at its downtown headquarters and West Side manufacturing complex. Of 8,000 applicants, 60 percent were rejected for lack of a high school education or the ability to read and write. Then, 790 prospects were interviewed to find enough qualified people to work the keyboards and computerized machinery that are standard issue in every modern workplace.

Screening 58 people for every hire is not the kind of ratio that impresses companies considering relocating to Chicago. Nor does it make sense for growing firms to stay here if they must mount rigorous searches for talent and then spend heavily on remedial training of their recruits.

What would impress companies is a civic job-training mechanism that asks business what skills they need and then develops programs to deliver those skills. That is the core recommendation of the Chicago Challenge report. The city has the beginnings of this capability in the City Colleges' new Productive Chicago initiative and some programs funded by the Mayor's Office of Employment and Training. Also in place is a network of programs at neighborhood libraries, Cook County Jail, proprietary schools, mental health centers, public housing developments and many workplaces.

The programs reach about 175,000 adults each year with both literacy and vocational training. But, like Soviet factories that cranked out product without regard to demand, most programs put their emphasis on enrollment and forget about the objective: matching skilled people to good jobs. Chicago trains far too many cosmetologists and not enough machinists and nurses. Literacy programs, instead of pointing graduates down job-training paths, simply end. "Lacking an overall plan or system," the report states, "there is no compulsion or motivation for [programs] to work together."

The report suggests a straightforward process to reverse the situation. First, create a leadership team on workforce development in Chicago. Second, create a coordinated and accountable workforce development system at the state level. Finally, develop a fund to pay for a focused and substantial pilot effort in Chicago.

Many prospects for the leadership team were at the meeting last month; put them together on a regular basis and the venture will be off to a good start. Pulling the team together and giving it a mandate will take leadership, of course. For that, said Ann Seng, "we are looking to the mayor's office."

The governor's involvement is also crucial. The city and state should be working on parallel tracks, folding existing programs together, tightening performance standards and developing tracking systems that show where money is spent, how many graduates are produced and where more effort is needed. Just before leaving office, former Gov. James Thompson created an Illinois Statewide Task Force on Human Resource Development. A few words from Gov. Jim Edgar could keep that task force on track.

A natural result of serious planning would be a pilot project to test new ideas. The report suggests creation of a $7 million pool by combining existing money from state government's Prairie State 2000 program, the Department of Commerce and Community Affairs' industrial training initiative and a portion of federal Job Training Partnership Act funding.

Easier said than done? Perhaps. As Civic Committee Executive Director Larry Howe pointed out, Chicago is "a prisoner of its own history," shackled by layers of bureaucracy, rigid labor contracts and decades of unresponsive programs. Hammering together a top-notch effort will inevitably bruise egos.

It will be an unwieldly undertaking but the alternative is uglier. The Challenge report estimates that 650,000 English-speaking Chicago adults lack 6th-grade reading and writing skills and 375,000 non-native English speakers have similar deficits. In the technology-driven 1990s, can any city carry a million low-skilled adults and expand its economy at the same time?●

S. 15—THE VIOLENCE AGAINST WOMEN ACT OF 1991

● Mr. **AKAKA**. Mr. President, I rise today to decry the increasing incidence of domestic violence against women.

In my own State of Hawaii, three women were murdered, two women were held hostage, and one woman was stabbed during domestic disputes last month. In the city and county of Honolulu alone, 22 women have been killed in documented domestic violence cases since 1988. Arrests for domestic violence in the city have increased from three per week in 1986 to four per day in 1990.

These deplorable acts of violence against women in Hawaii reflect an overall escalation in violent crimes against women nationwide. More than 1 million women a year require medical attention because of injuries resulting from domestic assaults. And over 50,000 women were murdered by their male partners during the 1980's.

These statistics, as appalling as they are, do not convey the personal horror experienced by individual women victimized by domestic violence and the fear that these women share as a consequence.

All forms of physical and emotional violence are abhorrent. I feel that domestic violence is particularly reprehensible, because these crimes are committed by men whom women have trusted and loved and to whom they have confided. It is the abuse of this trust that is helping to undermine our families and communities.

Indeed, women are not the only victims of domestic violence. Children are emotionally scarred by watching their mothers beaten by their fathers. We also know that men who commit spousal abuse were often raised in violent families. The abuse experienced in one generation is being rampantly spread to another, perpetuating a destructive cycle of violence.

In order to reverse the increasing tide of domestic violence, we must enact tough Federal penalties and establish effective prevention programs. For this reason, I am proud to be an original cosponsor of S. 15, the Violence Against Women Act of 1991. This comprehensive legislation is intended to address the staggering increase nationwide in all violent crimes against women, including rape, sexual abuse, date rape, and domestic violence. Title II of S. 15, the Safe Homes for Women Act, focuses upon spousal abuse.

The Safe Homes for Women Act would create the first Federal laws barring spousal abuse. It proposes stiff criminal penalties. Under the bill, it would be a Federal crime for an abuser to follow his spouse across State lines and continue the abuse. The legislation also provides civil rights remedies for victims that would prescribe Federal criminal penalties and require abusers to pay financial restitution to their victims. It is only right that victims be accorded protection from abuse by Federal law, in addition to local statutes, and be compensated for the medical care and lost income resulting from abuse.

Despite increased awareness and sensitivity in our communities to the problem of domestic violence, and an increase in the filing and prosecution of criminal complaints against abusive partners, many incidents of domestic abuse go unreported. One can only reason that this is in part of a result of the sense of isolation, low-level of self-esteem, and fear of continued abuse experienced by the victims of domestic violence.

To increase women's trust in the system designed to protect them, S. 15 would provide funds to encourage States and local governments to implement proarrest programs and policies in police departments. In addition, moneys would be provided to educate judges in criminal and other courts about spousal abuse and to improve judicial handling of such cases.

This legislation recognizes that it is equally important to prevent abuse as it is to punish it. Grants would be provided for public awareness campaigns about domestic violence. It also increases the funds available to shelter the abused and provides funds to increase the availability of services to domestic violence victims.

Mr. President, I urge my colleagues to support S. 15, and urge its expeditious consideration in the Senate.●

ARMENIAN NATIONALISM AND THE FERMENT OF FAITH

● Mr. **SIMON**. Mr. President, for reasons I don't need to spell out to the Senate at this point, through the years, I have felt very close to the Armenian community in the United States.

While paging through the Christian Century, I came across an article by Vigen Guroian, associate professor of theology and ethics at Loyola College in Baltimore. It talks of a trip that he made to Armenia but, also, gives some of the background of the situation in Armenia.

You do not need to concur in every political or religious sentiment expressed by Mr. Guroian to appreciate that his article offers insights into what is taking place in Armenia, one of the republics of the Soviet Union.

I ask to insert the article into the RECORD at this point.

The article follows:

ARMENIAN NATIONALISM AND THE FERMENT OF FAITH

(By Vigen Guroian)

In August 1990, Mikhail S. Gorbachev sent a message to His Holiness Vazken I, Catholicos of All Armenians, pleading with him "to use the influence, authority, rich life experience and the higher feelings of your humanitarianism and your responsibility for the fate of the Armenian people, to work for the immediate ending of ethnic violence and fighting in the Transcaucasian region." The message revealed the deep historical and cultural relationship of the Armenian Church to the Armenian nation. It was also a reminder of the long-established Soviet practice of prevailing upon that church to assist the central government in imposing its policies.

This dual role for the church—self-described soul of the nation and partner with the Soviet authorities—developed not only under Soviet rule but over half a millenium of Ottoman domination. Over the years the Armenian Church learned simultaneously to sanctify the existing social and political order and represent itself as the one institution above all others upon which the well-being of the Armenian people depended. The Soviet authorities built upon and modified this dual role to suit their own purposes.

The Armenian Church, in turn, internalized the Soviet bureaucratic structure and gave the regime unqualified public support. Over the past 70 years Armenian hierarchs have labored to link the communist myth of the Bolshevik revolution and a fraternity of Soviet peoples with the Armenian national-religious myth of a people born out of the church and nurtured in that church's bosom. The central symbol of the latter myth is also a historical fact. The fourth-century Armenian kingdom was the first to establish Christianity as a state religion.

As late as February 1988, in the midst of the heated national movement to annex the autonomous region of Nagorno-Karabagh, Vazken I could be heard drawing together the Soviet and Armenian myths. During an interview published in the Moscow newspaper Moskovky Novosti he said: "Mutual respect and trust form the basis of relations between the church and the state. There is no evidence to prove otherwise." He invoked the powerful symbol of the Armenian homeland with "Etchmiadzin as the headquarters of the spiritual life" of Armenians everywhere. He boasted of full churches that attracted believers and nonbelievers alike, thus proving that the church is so interwined with the traditions of the people that it stands with them as witness to the fact that "we are a people, we prevailed and we conquered."

The behavior of the church since the elevation of Vazken I in 1955 might be described as pragmatic accommodation—a middle position in a spectrum ranging from total obeisance to and collaboration with the state at one end to minimal support and evasion of state restrictions at the other. Through this pragmatic accommodation, the Armenian hierachy sought to preserve a traditional moral and liturgical role in the national life. The price paid for even such a symbolic role has been a static, secularized, ecclesial body largely gutted of any deep piety or serious theology. In 1972, a decade before Gorbachev and glasnost,the Armenia Church had only six bishops, eight monks, about 30 archimandrites and roughly 100 priests in all of the Soviet Union. These served 3.5 to 4 million Soviet Armenians. The church figures have not changed significantly, though hopes are high for the future. There are, for example, only 33 operating churches in the whole of Armenia today for over 3 million Armenians. There is no real theology being done. As author Claire Seda Mouradian commented in a recent article on the Armenian Church: "One looks in vain for essays about christology ecclesiology, or Christian morality." Problems of dogma, rites and liturgy are dealt with almost exclusively "from a national and secular view, in the context of the quest for the historical patrimony."

Yet despite the Armenian Church's stagnation, something quite remarkable has been happening in Armenia amid the political and social upheavals over environmental issues, Nagorno-Karabagh, and especially the pogroms in Azerbaijan and the catastrophic earthquake of December 1988. A religious awakening is under way. There is little statistical data to support this theory. Most of what is known about it in the West comes by way of diaspora Armenians traveling to and from Armenia. It is not difficult to verify, however, that hundreds of baptisms are done each week at the See of Holy Etchmiadzin, the historic birthplace of Armenian Christianity. I saw the building in which these baptisms occur during a recent visit. On that occasion, a former student of mine who recently completed a year of training at the seminary in Etchmiadzin explained to me how hundreds of people line up on the weekends to be baptized. In streets and marketplaces people can be seen wearing shiny new Armenian crosses. Vazken I had pointed out that 70 percent of all infants are now being baptized, compared with 20 percent 30 years ago.

While in Armenia I visited St. Sarkis Church, the home parish of the bishop of Yerevan, Karekin in Nersissian. In recent months vesper services have been held at St. Sarkis on Wednesday and Friday evenings, followed either by a lecture from a seminarian or priest on a religious topic or, more frequently, by choral practice. The entire parish is the choir. On the evening I was there the parish was earnestly rehearsing for a visit from representatives of the World Council of Churches. The rehearsal was profoundly moving: I was struck by the enormous crowd, the small children, the people's piety and reverence before icons and crosses, and most of all the voices singing hymns newly learned with remarkable clarity and fervor.

Armenia's religious awakening is by no means uniform, however. The new religious ferment takes a variety of forms, including a minority Catholic community and Hare Krishna sects. During the 19th century, Protestant missionaries made considerable headway among Armenians who had been discouraged by the deadening traditionalism of the Armenian Church. That Protestant evangelical movement has persisted in the Western diaspora, with congregations in most of the major centers of Armenian diaspora life. Within Armenia itself Protestant Christianity could post a significant challenge to the Armenian Church. It is viewed already by some church leaders as not merely a challenge but a threat, and it may well become so. Even Orthodox Armenian believers exude an evangelical piety which, if sufficiently frustrated by an ossified Orthodoxy, could be won over by a lively and experimental Protestantism. The vast majority of Armenians will most likely remain with the Armenian Church, though the shape that church might take in the future is an open question.

The Armenian Church did not have to cope with religious pluralism during the Soviet period. Ironically, it was effectively shielded from it by the state's official atheism. Meanwhile, the Soviets tolerated a church willing to reduce its public expressions to a minimalistic ritualism and willing to cooperate with the authorities. In exchange, the church was allowed a monopoly of religous institutional presence. The result is a church as ill prepared to compete in a religious free market as the Communist Party is in a political one. In fact, the last place the Soviet structure remains totally intact in Armenia is the Armenian Church. Likewise, the last place democratization is understood is within the church, even though in theory and by constitution the Armenian Church is among the most democratic of the Orthodox churches.

While Soviet culture is being rejected by great numbers of Armenians today, it goes on living within the church. Many Armenians have turned to religion as a way of sorting out the decadence of Soviet culture, seeking firm ground upon which to stand and live with hope. They think that religion is the basis for any moral reformation of society. Sadly, the Armenian Church lingers far behind the rest of the society in refuting a corrupt Soviet culture.

Although it is unlikely in the short term that any new Armenian Church will emerge out of the old one, several comments made by Vazken I in a September 5, 1990, television address provide the oportunity to speculate about another scenario for the Armenian Church. The patriarch congratulated the newly elected noncommunist Armenian Parliament for its declaration of an independent Armenia:

"This is the time for our people, both in our fatherland and in the diaspora, to emerge with a new spirit, abandoning the old molds of thinking and working, and following the words of the . . . Apostle: 'You must remove the old yeast of sin so that you will be entirely pure'" [1 Cor. 5:7].

His remarks suggest a new model of a national church that would welcome vital, autonomous, secular institutions of government and culture as lifting from its shoulders the burden of being the sole symbol of national unity. With this new model, the Armenian Church would realize that its former real or imagined responsibilities for preserving the memory of the nation's rich past need no longer be its sole or even its primary concern. I recall a conversation with a young priest at Etchmiadzin who said to me: "The church will be much healthier and of true service to the gospel of Jesus Christ when one head is removed from the Patriarchal Eagle." He was referring to the two heads of the symbol of the Patriarchate representing the church's spiritual leadership of the nation and its role as custodian of the nation's temporal life and culture.

While this priest was committed to ministering to the immediate physical as well as spiritual needs of the people, he knew all too well the history of the national church. Under the millet or community system, the Ottomans had placed in the hands of the religious leadership the responsibility of overseeing and administering the internal lives of their religious-ethnic communities. What came of necessity grew into habit. Armenian hierarchs conceived of themselves as princes not only of the church but of the nation. As the Russian Orthodox theologian and historian John Meyendorff has pointed out, in the 19th century the reversal in the scale of values within what had already for some time become Orthodox national cultures was completed. "The 'nation' and its interests began to be considered as ends in themselves," and the churches internalized these nationalist aspirations in such a way that those aspirations became the primary goals of the churches as well. In effect, "the Orthodox churches accepted de facto control by secular national interests." The temptations to blur the discontinuities between Soviet atheist culture and Christian faith only compounded this secularization of the faith.

I suggested to the young priest that the church itself is in a diaspora among its own people. To my surprise, he welcomed and heartily embraced that description. (I had not expected such a metaphor to be understood in Armenia, as it is not yet intelligible to most Armenians in the diaspora.) In order to understand the church in Armenia as in a diaspora, one must realize, in the face of a massive myth depicting even present-day Armenia as a Christian nation, that Armenian Christendom no longer exists. One must also understand the mission of the church as biblical and not nationalistic.

When I asked the wife of the priest of a historic church in the city of Etchmiadzin whether she thought Armenia as a Christian nation, she hesitated and then said, "Yes." I asked in what way that was so. "Armenians are hospitable," she said. While this was an answer worth exploring—hospitality is a powerful theme in biblical faith—it is not adequate. She knew it was not plausible either and said so later. In fact, it became clear that she held what can only be described as an apocalyptic view of the present times. She identified the Soviet empire as the harlot in Revelation 18, "drunk with the blood of the saints and the blood of the martyrs of Jesus Christ." In her view only a remnant of the true faith remained. Glasnost and perestroika were "a good provision" to gather the faithful before the Second Coming. Yet the myth of an Armenian Christendom haunted her and remained a powerful part of her own symbolic construction of social and religious reality.

During my visit to Armenia, the complex relationship between faith and peoplehood was repeatedly brought home to me. Kevork and Anahid are a couple who lost their 12-year-old son and nearly lost their daughter in the earthquake. On the night I spent with them, I noticed that several feet from the foot of their bed was a small household "altar." Hung on the wall from top to bottom were a picture of their son, photographs of family and friends in which the son was present, a crucifix, and the flag of the short-lived independent Armenian Republic of 1918–1920 (it has since become the flag of the new Armenian Republic). On a table against the wall were placed a votive candle, belongings of the son pulled out from the rubble, and a miniature volume of the Gospel of Mark.

Earlier, Kevork had made known to me his own personal struggle with faith and doubt. We had claimed a hill in Yerevan to a memorial to the 1.5 million martyrs and victims of the Turkish genocide perpetrated against the Armenians. Kevork told me that he had virtually exhausted himself in an argument with God. The earthquake, he believes—as do many Armenians—was set off deliberately by the Russians with an underground nuclear explosion to punish the Armenians for their defiance of Soviet authority. Anahid had had a recurring dream of God in the clouds and horses ascending into those clouds, where God's face was hidden. From out of the clouds God spoke: "I did not bring this catastrophe upon you." Even so, Kevork refused to exonerate God from responsibility for the earthquake. God was yet to blame, he exclaimed, "for he did not prevent the hand of men from doing such a thing to the Armenian people." I asked Kevork whether he was speaking of the earthquake or the genocide. "Both!" he answered.

Kevork's argument with God is on behalf not only of himself and his personal loss but of the victim nation—once victim of genocide, recently victim of a devastating earthquake. If faith is to be forged out of such tragedy, faith must illumine not only meaning for personal suffering, but for an entire nation's experience of affliction. (In October 1990, Kevork and Anahid's ten-year-old daughter Lillit visited the U.S. for a second time to receive corrective surgery for a head injury suffered during the earthquake. In accordance with the wishes and instructions of her parents, Lillit was baptized.)

Kevork was not the only Armenian I met who embodied such a union of faith and peoplehood. Meline and Dikran are two young professionals who live in one of the major cities in Armenia. She is a professor of philology and ancient Greek and he is a professor of architecture. They describe themselves as Christian democrats and teach their children at home. They say they are for the restoration of Christianity. Their views came the closest to those I heard from Russian religious dissidents in Moscow. I asked Meline and Dikran what they thought of Vaxken I and Etchmiadzin. There was a long silence. They were really quite taken aback and unsure what to say to a stranger. So I shifted my query to what they thought the role of the Armenian Church should be in the future.

Dikran was emphatic. He wanted the church to join the political struggle for democracy and to oppose communism outright. I asked him if this was not a dangerous confusion of religion and politics, church and state. Was it not an invitation for the church to subordinate its primary mission of preaching the gospel of Jesus Christ to political and nationalistic purposes? He asked me, "What do you think the relationship of church and state should be?" I suggested that one problem with the Armenian Church in the past, whether under Ottoman or Soviet rule, was that it was too closely aligned with the state and wanted to assume the leadership of the nation. "Is it wrong for there to be an English Church?" Dekron countered. "No," I answered, but I also indicated that I think it is a mistake for any church to accept the status of an established church—in this case, a model based on the Constantinian-Theodosian union of church and state. With startling alacrity. Erna agreed that the church had been compromised over the centuries by the various transmutations of the Constantinian-Theodosian model. Dikran was less willing to follow the logic. He insisted that the role of the chruch is "to build the nation."

This couple's disagreement is a microcosm of the tremendous struggle among believers in Armenia over how to relate faith, church and nationalism. Many secular nationalists are quite content with an Armenian Church stuck in a medieval vision of Christendom, so long as the church does not challenge their own agendas. Under these conditions it is perfectly permissible and even desirable for the church to continue making vague pronouncements exhorting the nation to be proud of its past and hopeful about its future. In addition, a large number of believers hold to a narrow pietism and naïve traditionalism which leave them incapable of envisioning a church other than the existing one. But even Dikran wanted an activist church that would risk its comfort in order to move the nation toward real democracy—an entirely different matter.

While Catholicos Vazken's metaphor of the leaven and his call for the abandonment of old molds and for overcoming the spirit of "narrow nationalism" may mark the beginning of a new mind and mission for the Armenian Church, I remain deeply skptical. Much, in fact, may depend initially not upon the disposition of Vazken I or the hierarchy but upon whether Christian Armenians in the diaspora offer their support to the faithful in Armenia through educational materials and resources for mission and evangelization. Yet diaspora Armenians must also report honestly and self-critically to their kin on the true nature of their own often-envied religious experience within free societies.

Perhaps Armenian-Americans will simultaneously find the will to commence the crucial business of sorting out what it means to be a Christian and a church in a nation that, although permitting religious freedom, is one in which religious bodies suffer profound spiritual enervation, the deconstructive impact of denominationalism and a secular hegemony which wears pluralism like a reversible vest.

I hope that the Armenian Church in America and in the rest of the diaspora may itself be regenerated and reformed under the influence of the religious awakening in Armenia. The various admixtures of faith and nationalism in the minds and hearts of Armenians need to be taken into account, but the awakening in Armenia itself is quite real. That lively and experiential faith reveals just how thin and pale much of disapora Armenian Christianity is. Amid this religious ferment. Armenian national identity could well undergo some healthy transformations. Finally, there is reason to hope that the Armenian Church abroad and in Armenia will learn anew what it means to be free and faithful in Christ. Only then will it cease being the handmaid of nationalism and secular authority and instead be the spiritual leaven that raises and purifies the character of its people.•

ADJOURNMENT OF THE TWO HOUSES OVER THE EASTER RECESS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 106, now at the desk.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 106) providing for an adjournment of the two Houses from March 22 until April 9, 1991.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDENT pro tempore. The question is on agreeing to concurrent resolution.

The concurrent resolution (H. Con. Res. 106) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. MARSHALS ASSOCIATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 55, S. 134, a bill to establish a U.S. Marshals Association.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 134) to establish a United States Marshals Association.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Marshals Association Establishment Act".

SEC. 2. ESTABLISHMENT AND PURPOSE OF ASSOCIATION.

(a) ESTABLISHMENT.—There is established the United States Marshals Association (hereafter in this Act referred to as the "Association"). The Association is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Association are—

(1) to elevate and strengthen public knowledge of law enforcement in general, and the United States Marshals Service in particular;

(2) to promote the exchange of information among private and public institutions and individuals about law enforcement and justice systems issues;

(3) to organize symposia, studies and research for such purposes;

(4) to study the history of law enforcement;

(5) to produce, sell and distribute educational materials;

(6) to accept and administer private gifts or property for the benefit of, or in connection with, the activities and services of the United States Marshals Service; and

(7) to promote the general welfare of law enforcement.

SEC. 3. BOARD OF DIRECTORS OF THE ASSOCIATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Association shall have a governing Board of Directors (hereafter referred to in this Act as the "Board"), which shall consist of not less that 3, nor more than 20 Directors, each of whom shall be a United States citizen and be knowledgeable or experienced in law enforcement matters. The Director of the United States Marshals Service (hereafter referred to in this Act as the "Director") shall be an ex officio nonvoting member of the Board. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(b) APPOINTMENT AND TERMS.—The Directors of the Board may be appointed with the advice of the Director of the United States Marshals Service. The Directors shall be appointed for terms of 4 years. A vacancy on the Board shall be filled in the manner in which the original appointment was made. No individual may serve more than two consecutive terms as a Director.

(c) CHAIRMAN.—The chairman shall be elected by the Board from its members for a 2-year term.

(d) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Board shall meet at the call of the Chairman at least twice a year. If a Director of the Board misses three consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b).

(f) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Association in keeping with the objectives of the Association.

(g) GENERAL POWERS.—(1) The Board may complete the organization of the Association by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Association and the provisions of this Act; and

(C) undertaking of other such acts as may be necessary to carry out the provisions of this Act.

(2) The following limitations apply with respect to the appointment of officers and employees of the Association:

(A) Officers and employees may not be appointed until the Association has sufficient funds to pay them for their services. Officers and employees of the Association shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS–18 of the General Schedule.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board who (i) shall serve, at the direction of the Board, as its chief operating officer, and (ii) shall be knowledgeable and experienced in matters relating to law enforcement.

(h) ADVISORY COUNCIL.—In addition to the Board of Directors, the Chairman of the United States Marshals Association may appoint an Advisory Council of up to 15 members. Members of the Advisory Council have no vote in the internal affairs of the Association.

SEC. 4. MEMBERSHIP.

(a) ELIGIBILITY.—Eligibility for membership shall be limited to persons and organizations demonstrating support of the stated purpose, goals and functions of the United States Marshals Association. Categories of membership shall be as follows:

(1) Regular member shall be limited to persons actively or formerly employed in the United States Marshals Service.

(2) Associate member is one who is qualified by training and/or experience in Federal, State, local or foreign law enforcement.

(3) Honorary member shall be limited to persons who have an outstanding record of public or private service.

(4) Corporate member shall be limited to non-Government, public, private or nonprofit organizations which support the United States Marshals Association concerns.

(5) Sponsoring member shall be limited to official Government entities.

(b) APPLICATION.—Application for membership shall be made in writing on the form provided for that purpose.

(c) SPONSORSHIP.—Applicants or nominees for membership in any category except that of sponsoring agency must be sponsored by a regular member. Except in the case of prospective honorary members, acceptance of applicants or nominees shall be determined by a majority vote of the Board of Directors.

(d) DUES FOR MEMBERS.—Membership dues shall be established by the Board of Directors. Dues or fees must accompany a prospective member's application. No fees or dues shall be required in the case of honorary members or sponsoring agencies.

(e) VOTING.—A member shall have voting status and may serve on the Board of Directors.

(f) SUSPENSION OR EXPULSION OF MEMBERS.—A member may be suspended or expelled for nonpayment of dues or fees in arrears for 60 days, for good cause, or other reasons by a vote of two-thirds of the full Board of Directors in accordance with procedures prescribed in Robert's Rules of Order. No member who has been suspended or expelled from the Association may be readmitted to membership within 1 year, and readmission thereafter shall require the consent of the Board of Directors.

SEC. 5. RIGHTS AND OBLIGATIONS OF THE ASSOCIATION.

(a) IN GENERAL.—The Association—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Virginia or wherever else deemed necessary; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Association.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Association.

(b) SEAL.—The Association may use the United States Marshals Service seal, insignia, badge, and other materials unique to the United States Marshals Service, a Government agency, only with the express written permission of the Director of the United States Marshals Service.

(c) POWERS.—To carry out its purposes under section 2, the Association shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in the State of Virginia or wherever else deemed necessary, and including the power—

(1) to accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Association.

A gift, devise, or bequest may be accepted by the Association even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Association.

SEC. 6. ADMINISTRATIVE SERVICES AND SUPPORT.

The Director may provide personnel, facilities, and other administrative services to the Association, including reimbursement of expenses under section 3, not to exceed then current Federal Government per diem rates, for a period of up to 5 years from the date of enactment of this Act, and may accept reimbursement therefor, to be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 7. VOLUNTEER STATUS.

The Director may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Association, the Board, and/or the officers and employees of the Board, without compensation from the Department of Justice, as volunteers in the performance of the functions authorized herein.

SEC. 8. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled "An Act for audit of accounts of private corporations established under Federal law," approved August 30, 1964 (Public Law 88-504, 36 U.S.C. 1101-1103), the Association shall be treated as a private corporation established under Federal law.

(b) REPORT.—The Association shall, as soon as practicable after the end of each fiscal year, transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN ASSOCIATION ACTS OF FAILURE TO ACT.—If the Association—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 2(b); or

(2) refuses, fails, or neglects to discharge its obligations under this Act, or threatens to do so,

the Attorney General of the United States may petition for such equitable relief as may be necessary or appropriate.

SEC. 9. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Association nor shall the full faith and credit of the United States extend to any obligation of the Association.

SEC. 10. NONDISCRIMINATION.

(a) EMPLOYMENT PRACTICES.—Notwithstanding section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) or section 101(5)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(5)(B)), the United States Marshals Association and any agent of such Association shall be considered an employer for purposes of title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 if the Association is engaged in an industry affecting commerce and meets the minimum employee requirements set forth in the Acts.

(b) MEMBERSHIP PRACTICES.—

(1) PROHIBITED PRACTICES.—It shall be unlawful for the United States Marshals Association, on the basis of the race, color, religion, sex, national origin, age, or disability, of an individual, to—

(A) fail or refuse to accept the individual into membership;

(B) expel the individual from membership;

(C) suspend the membership of the individual; or

(D) discriminate against the individual with respect to any of the benefits or obligations of membership.

(2) ENFORCEMENT.—

(A) RIGHT OF ACTION.—Any person may bring a civil action to enforce paragraph (1) in any appropriate judicial district under section 1391 of title 28, United States Code.

(B) INJUNCTIVE RELIEF.—In any civil action brought under this paragraph, the court may grant as relief any permanent or temporary injunction, temporary restraining order, or other equitable relief as the court determines appropriate.

SEC. 11. AMENDMENT AND REPEAL.

The Congress expressly reserves the right to repeal or amend this Act at any time.

Mr. THURMOND. Mr. President, I am pleased that the Senate is considering today S. 134, which I introduced along with Senator BIDEN. This legislation would establish a U.S. Marshals Association.

In 1989, the U.S. Marshals Service celebrated its bicentennial anniversary. Created by the First Congress in the Judiciary Act of 1789, the U.S. marshals and the Federal judicial system were established in the same legislation. George Washington appointed the first 13 marshals, and for the next 150 years the marshals were the only Federal agency authorized to make arrests and enforce Federal law.

Though best known as the frontier lawmen, U.S. marshals were the first Secret Service men, and even took the population census every 10 years until 1870. Because they perform general purpose law enforcement duties, marshals are often confused with the CIA, FBI, the county sheriff, and other law enforcement agencies.

U.S. marshals, appointed by the President, are under the jurisdiction of the Justice Department. Last year, the 2,694 marshals—including 94 marshals and 2,600 sworn deputies—arrested 15,000 Federal fugitives and approximately 10,000 State fugitives—more than all other Federal law enforcement agencies combined. They protected 505 judicial facilities and 1,611 judges and magistrates. Their responsibilities include not only ensuring security and proper decorum in the courtroom, but also providing personal protection for judges, U.S. attorneys, jurors, and witnesses while away from the court facilities when warranted. Their court security officers detected 55,970 weapons at courthouse checkpoints, and they administered the Witness Security Program with its 5,500 protected witnesses and 6,000 witness family members. The Marshals' National Prisoner Transportation Network transported 92,000 defendants to 333,987 court appearances, and last year the marshals managed more than $1 billion in property seized from alleged lawbreakers in the National Asset Seizure and Forfeiture Program.

I feel it is only appropriate to elevate and strengthen public knowledge of law enforcement in general, and the U.S. Marshals Service in particular by introducing this legislation to establish a U.S. Marshals Association. The legislation is modeled after similar legislation which established the National Fish and Wildlife Foundation and the National Park Foundation. Governed by a board of directors, the association would be a charitable and nonprofit corporation and would not be an agency or establishment of the United States. The directors would serve for terms of 4 years, and the legislation requires that they be knowledgeable and/or experienced in law enforcement matters. Regular membership shall be limited to persons actively or formerly employed in the U.S. Marshals Service. Associate membership will be open to those who are qualified by training and/or experience in Federal, State, and local law enforcement.

I urge my colleagues to approve this legislation.

Mr. BIDEN. Mr. President, I am proud to be an original cosponsor of S. 134, a bill introduced by Senator THURMOND, which would establish a U.S. Marshals Association.

The U.S. Marshals Service has served the Federal justice system for more than 200 years. The Judiciary Act of 1789, which established the Federal judicial system, also created the office of the U.S. marshal. President George Washington appointed the first 13 U.S. marshals, whose primary function was to enforce Federal law. For more than a century, the U.S. marshals and their deputies were the only nationwide civilian police force, serving the President, Congress, and the Federal courts.

The role of the U.S. marshal has changed considerably throughout their 200-year history. During their first century, they were frontier lawmen, responsible for establishing law and order in the newly populated territories. Later, they helped to enforce prohibition and desegregation in the schools.

Today the U.S. Marshals Service is involved in all stages of the Federal justice system. They are responsible for fugitive investigations, the custody and care of all Federal prisoners until they are tried, prisoner transportation, and the protection of Federal judges, jurors, and other persons serving the court. They also administer the Witness Security Program, which protects 5,500 witnesses and more than 6,000 of their family members.

It is particularly important that the public recognize the invaluable role that the Marshals Service has played—and continues to play—in our Federal judicial system. S. 134 would establish the Marshals Service as a Federal, nonprofit corporation. The primary purpose of the U.S. Marshals Association would be to elevate public knowledge of law enforcement, and the U.S. Marshals Service in particular. It would operate similar to the approximately 30 other Federal corporations, including the National Fish and Wildlife Foundation.

I urge my colleagues to join with Senator THURMOND and myself in working for passage of this legislation. It would provide the recognition and support the U.S. Marshals Service deserves.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute?

The amendment in the nature of a substitute was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the bill will be read for a third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 134) was passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELATIVE TO IRAQ

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 45, Senate Joint Resolution 94, a joint resolution relative to Iraq.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 94) relative to Iraq.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the resolving clause, and insert the following:

That, in addition to the conditions contained in the Iraq Sanctions Act of 1990 (Public Law 101-513), the President shall not lift any sanction in effect against Iraq as of March 19, 1991, unless and until the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Senate Committee on Foreign Relations that Iraq has released all prisoners of war and has accounted, as fully as possible, for all those missing in action, including Kuwaiti civilians and military personnel captured during the Iraqi occupation of Kuwait; and, be it further resolved that, in addition to conditions imposed on Iraq by United Nations Security Council resolutions, the President shall make every effort to ensure that United Nations and other multilateral sanctions against Iraq remain in effect until Iraq has released all prisoners of war and has accounted, as fully as possible, for all those missing in action, including Kuwaiti civilians and military personnel captured during the Iraqi occupation of Kuwait.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, as amended, and the preamble, are as follows:

S.J. RES. 94

Whereas the United States, as world's leading democracy, was at the forefront of the United Nations' effort to liberate Kuwait from the hand of a destructive tyrant, Saddam Hussein;

Whereas the American people are deeply committed to the brave men and women serving in the armed forces of this Nation and to the liberation of those held against their will by the Government of Iraq;

Whereas over half of a million of America's servicemen and women risked their very lives to liberate the people of Kuwait, and to prevent further aggression by Saddam Hussein;

Whereas eight thousand one hundred and seventy-seven Americans missing or imprisoned during the Korean War have yet to be accounted for by the Democratic People's Republic of Korea;

Whereas two thousand two hundred and eighty-five Americans missing or imprisoned during the Vietnam conflict have yet to be accounted for by the Socialist Republic of Vietnam or by the Lao People's Democratic Republic;

Whereas the American people owe no greater obligation than to stand up for those who have been captured or are missing in action while risking their lives in defense of country;

Whereas thousands of innocent Kuwaitis are reportedly still being held by the Iraqis; and

Whereas a complete return of all those known to be captured by the Government of Iraq and a fullest possible accounting of those known to be missing in action in the Persian Gulf is of the highest national priority: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the conditions contained in the Iraq Sanctions Act of 1990 (Public Law 101-513), the President shall not lift any sanction in effect against Iraq as of March 19, 1991, unless and until the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Senate Committee on Foreign Relations that Iraq has released all prisoners of war and has accounted, as fully as possible, for all those missing in action, including Kuwaiti civilians and military personnel captured during the Iraqi occupation of Kuwait; and, be it further resolved that, in addition to conditions imposed on Iraq by United Nations Security Council resolutions, the President shall make every effort to ensure that United Nations and other multilateral sanctions against Iraq remain in effect until Iraq has released all prisoners of war and has accounted, as fully as possible, for all those missing in action, including Kuwaiti civilians and military personnel captured during the Iraqi occupation of Kuwait.

Mr. BROWN. Mr. President, the victory that all Americans achieved on the battlefield in the Persian Gulf is one every citizen of this Nation can take great pride in. The message was clearly sent that no one nation, no one dictator, can stand against a world united for peace and democracy.

But our work has not ended there, nor should it. Not until every missing American is accounted for to the greatest extent possible. I am greatly encouraged by the return of American, as well as other allied, prisoners of war who were held in Iraq, and of Iraqi efforts to date to account for those missing in action. But, having served in Vietnam, I know we must not remove the pressure on the Iraqi Government until all prisoners it holds are returned, and those missing in action are accounted for as fully as possible.

For Americans and most of the other allies, the work on this score is near completion. The Pentagon informs me its latest count shows 21 Americans are missing in action, 14 of them missing in a downed C-130 aircraft. However, for thousands upon thousands of missing Kuwaitis and for their families, the work is only beginning.

The horrors suffered by the people of Kuwait only began on August 2. Reports of Iraqi inhumanity are so gruesome they are difficult to believe. Consider:

> During the early days of the occupation, 10 Kuwaiti citizens were randomly shot for every Iraqi soldier killed by the resistance. [Christian Science Monitor. March 4, 1991]
>
> More than 300 premature babies were left to die after Iraqi forces looted incubators from at least three of Kuwait City's main hospitals. [Amnesty International USA. December 18, 1990 statement]
>
> Enraged Iraqi soldiers killed a deaf/dumb man simply becaue he failed to answer their loud knocks at his door. [Christian Science Monitor. March 4, 1991]
>
> Kuwait's largest hospital reports torture victims, bullet-riddled bodies with their hands tied behind their backs and young men who had been chopped with axes. [Washington Post. March 1, 1991]
>
> In the final days of the occupation alone, an estimated 8,000 Kuwaitis were kidnapped and taken to Iraq as prisoners of the fleeing soldiers. [Christian Science Monitor. March 4, 1991]

That is why Senate Joint Resolution 94 is so very important, both for Americans still missing in action and for our allies. As you may have noticed, it is a simple piece of legislation that adds as a condition to existing sanctions, the release of all prisoners of war and the fullest possible accounting for those missing in action—including the thousands of Kuwaiti citizens captured and abducted during the war with Iraq.

Saddam's regime is under intense pressure, both from within and from without. But allowing economic sanctions to be lifted before the fullest possible accounting is made for all those involved in the conflict would be a mistake.

Let me note, I have every confidence in the administration and in its handling of the situation in Kuwait. However, adding this condition to those that already exist will further strengthen the administration's hand against this brutal tyrant and his government.

Mr. President, I ask unanimous consent that the following articles detailing the horrors of the Iraqi occupation be printed in full at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 4, 1991]

KUWAITIS TELL OF ATROCITIES DURING HARSH IRAQI RULE

(By Peter Ford)

KUWAIT CITY. "We are so happy we do not want to go to sleep."

Capt. Ali, who asked not to be further identified, grinned broadly as he and his Kuwait Army colleagues talked late into Saturday night over endless glasses of sweet tea in the light of a flickering lantern.

But their joy at freedom was tempered by the grim and ugly matters they were discussing, as they recalled the horrors of seven months of Iraqi occupation.

Every Kuwaiti this reporter has met has had a tale of sorrow to recount: a relative killed by Iraqi soldiers, a neighbor tortured, a home ransacked, a friend disappeared.

Over the weekend, streams of Kuwaitis knocked at the United States Embassy door in search of news of the estimated 8,000 people kidnaped in the last few days of the occupation and allegedly taken to Iraq as hostages by fleeing soldiers.

"My cousin was in his house on Friday. Two Iraqi soldiers called him out onto the pavement and said they wanted to talk to him. He went with them, and he hasn't been seen since," say Ali Khaled, a public prosecutor.

Although the fate of the hostages is unknown, they are not believed to be dead, unlike unnumbered thousands of their countrymen.

The occupation forces' brutal lack of respect for life and property is evident throughout Kuwait City, from looted and destroyed homes and accounts of Iraqi occupation policy by Kuwaitis who suffered from it.

Human tragedy struck both in an organized fashion and accidentally.

A great deal of planning, for example, apparently went into the torture inflicted on resistance fighters whose mutilated corpses were photographed by comrades working in the city morgue and graveyard.

The Iraqis' policy of shooting 10 Kuwaitis for every one soldier killed in the early days of the occupation—which resistance leaders say convinced them to halt sniping attacks on Iraqi troop—was also deliberate.

Retribution was also visited on any house from which shots were thought to have been fired, or which belonged to a member of the Kuwaiti armed forces, as burned or shelled homes attest.

Iraqi military rule was harsh, and harshly enforced. This reporter was shown documents taken from a Security Force office which recorded the execution of three men on Jan. 31. Their crimes, the document read, were to have possessed a car telephone, a photocopier, and two typewriters.

But tragedy also struck almost incidentally. A deaf-and-dumb man was shot dead by Iraqi soldiers furious he had not opened the door at their knocking, neighbors said. A 17-year-old boy's back was broken as he was caught between soldiers seeking to arrest him and relatives trying to keep hold of him, an uncle said.

The city shows signs, and stories abound, of casual brutality. The public graveyard has been defaced, for example; a man said he had been tortured for a week for refusing to give up his car to a soldier who had demanded it.

Thievery on a mass scale has left thousands of shops and homes denuded of everything that was not nailed down, and much that was.

Any house left unoccupied or unguarded was likely to be looted, Kuwaitis say.

Doors have been smashed down, and apartments stripped of valuables, throughout the city. Anything left behind has been trashed, torn up, cracked, or simply tossed out of broken windows.

Hospitals were emptied of equipment and medicines, public offices left without a stick of furniture, the university library shelves are bare; only the card index is left, scattered all over the floor.

Those who lived through the occupation, whatever role they played in resisting it, seem to have experienced the same fears and insecurities, to judge by their comments.

"We were dying a little bit each day, step by step," says Captain Ali. "And sometimes we doubted that the allies would really go through with the war."

For Walid Hasawi, a teacher at the Kuwait Institute of Technology: "I never felt safe for the whole seven months. When I slept, I was just putting my head on my bed. You never know if they might come."

That insecurity affected French professor Muhammad al-Shatti, too. "You were psychologically tortured all the time. You would go to get gas and not know if you would be dead the next minute. We counted our lives in minutes."

The buildings damaged in Kuwait City have been burned rather than blown up, and what the capital needs is a massive clean up rather than a reconstruction. But the human effect will be harder to efface.

"Men were shot in front of their families, in front of their little children," says Muhammad al-Muttawa, a resistance worker. "Those children will grow up, but they will never forget what they saw the Iraqis do."

[From the Washington Post, Mar. 1, 1991]

KUWAITI DOCTORS CHARGE TORTURE, KILLINGS BY OCCUPIERS

KUWAIT CITY, February 28.—In the Arab culture, Kalid Shalawi observed, it is a sign of weakness for a man to cry. But he wept unashamedly today as he described seven months of bloody occupation by the Iraqi army.

"Sometimes I sit alone and start crying over what has happened in Kuwait. It is worse even than people thought," Shalawi said.

As acting chief of the medical section of Mubarak Hospital, Kuwait's largest, Shalawi said he saw the worst of the occupation—victims of torture, bullet-riddled bodies that came into the surgical wing with hands tied behind backs, young men who had been chopped with axes.

The hospital's deputy administrator Yousef Nassafi, was abducted by Iraqi soldiers last Friday, his colleagues at Mubarak said, and is presumed to have been taken to Iraq as a hostage.

Virtually every Kuwaiti interviewed in the street during spontaneous demonstrations to celebrate liberation said they had relatives or friends who had been abducted and taken to Iraq as hostages. Most of them suggested that about 5,000 persons had been seized but some, including resistence leaders, estimated that the retreating army may have force-marched as many as 20,000 toward Iraq.

Medical chief Shalawi said he thought he had become accustomed to gruesome death until the body of a woman in her thirties was brought in with the top of the skull neatly sawed off, exposing the brain. That, he said, epitomized the brutality of the Iraqi army and secret police, the Mukhabarat.

Three other senior doctors at Mubarak Hospital attested in interviews that they saw the body of the woman, Rusha Kabundi, which bore signs of other forms of torture and had been shot three times in the chest. They said her body was dumped in front of the home where her three children live.

"They are psychopaths," declared Shalawi, who said he had been forced to provide morphine for three secret police interrogators who were addicts. He said at least 250 victims of torture and execution were brought to this hospital but that many more where simply buried by their families after the Iraqis dumped them in front of their homes as object lessons for the resistance movement.

Shalawi and doctors at three other hospitals in Kuwait City told a gynecologist at Mubarak Hospital, Isham Obedad, who was accused by the Iraqis in September of poisoning soldiers he treated. Obedad was tortured, executed and his body dumped at his house, said doctors who saw the body. They said that his fingernails had been pulled out and his flesh burned with lighted cigarettes.

At the al-Amiri Hospital, Ammar Baroon, a surgeon, said that just before the launching of the allies' ground offensive, the number of executions by the occupiers increased. Baroon said most of the victims he saw had been shot in the neck, head or mouth, with their hands tied behind them.

Many of the victims remain unidentified and the bodies unclaimed, he said. Police "bring the bodies to us, throw them on the floor and leave," Baroon said.

The doctor described how secret police also brought in seriously injured captives—who obviously had been tortured in interrogation—and ordered the physicians to treat them without asking any questions that could be helpful in diagnosis and treatment. He said the terrified doctors usually ministered to the patients in silence.

When asked why the Iraqis sought medical treatment for people they had handled so brutally, Baroon replied, "They wanted more information" and, hence, conscious victims.

Doctors interviewed said most executions appeared to have been carried out as punishment for people carrying Kuwaiti currency or Kuwaiti flags or who were suspected of helping resistance fighters.

Basma Yousef, head nurse at Mubarak Hospital, said the victims of the most savage tortures she had seen—including those with eyes gouged out or who had been burned with acid or had their ears cut off—appeared to have been accused of taking part in guerrilla warfare.

At the Kuwaiti Maternity Hospital, part of the al-Sabah medical complex, obstetrician Mohammed Mahfouz said the Iraqis periodically looted equipment that was in short supply in Iraq. But he said the hospital was able to function throughout the occupation.

Mahfouz said the Iraqis did not steal any infant incubators, as they were alleged to have done early in the war, but he added that they did take some advanced equipment for sonar scanning and for in vitro fertilization.

"Their argument seemed to be, 'Now that Kuwait is Iraq's 19th province, it doesn't need these things as much as the capital does.' Then it was off to Baghdad," Mahfouz said.

Mahfouz said the Iraqis asked one of his colleagues, Isham Abadan, whether he had treated resistance fighters, and when Abadan said he had not, they tortured him and then executed him in front of his house in the presence of his parents and two brothers.

Another physician at the maternity hospital, Jassin Salakawi, said that during the first month of occupation the hospital received 30 to 40 rape victims, many of them Filipinos working here on contract. But he said, reports of rape appeared to diminish as the occupation wore on, and, in the last month, the hospital received no rape cases.

Many of those interviewed offered names of people who they said had been taken to Iraq, including some of 100 allegedly abducted by the Iraqis Friday during prayers at a mosque in the Shuwaikh neighborhood.

Khalil Abdul Aziz, a welder, said, "This man [President Saddam Hussein] is an animal. Why does he do this to women and children?"

Rooftops and parking lots at the city's hospital compounds bristled with antiaircraft guns. This, the doctors said, turned all the patients into "human shields." One of the hospitals overlooked a Persian Gulf beach lined with bunkers and firing pits built in anticipation of an amphibious assault by U.S. Marines.

Throughout the capital, roadblocks now are manned by hard-eyed, gun-toting young resistance members, who stop cars in search of Iraqi sympathizers and what they said were Iraqi army holdouts still in the city.

The Associated Press added from the United Nations:

Kuwaiti Ambassador Mohammad Abulhasan said Iraq had failed to cooperate in disclosing the conditions or whereabouts of what he estimated were 22,000 abducted Kuwaiti civilians and 8,632 Kuwaiti prisoners of war.

He said 22,000 Kuwaiti civilians were abducted from the emirate after Iraq's Aug. 2 invasion—including 5,000 taken hostage in the 48 hours before Iraq conceded defeat.

The envoy complained that the Iraqis "are not forthcoming" as to the information on the civilians and POWs. "This [is] the reason that we are very much doubtful of the intention of Iraq."

"Don't foreget, more than 24 hours elapsed since they have been defeated and left Kuwait, there are no signs at all of their readiness to cooperate in this field," he said.

AMNESTY INTERNATIONAL URGES END TO TORTURE AND KILLINGS IN IRAQ: MAJOR REPORT DETAILS WIDESPREAD HUMAN RIGHTS VIOLATIONS

WASHINGTON, DC.—Amnesty International has called on the Iraqi government to follow the release of hundreds of Western nationals by ending the imprisonment, torture and killing of thousands of people in Kuwait.

In its first comprehensive report on human rights violations in Kuwait since the invasion on August 2, Amnesty International details how Iraqi forces have tortured and killed many hundreds of victims, taken several thousand prisoners and left more than 300 premature babies to die after looting incubators from at least three of Kuwait City's main hospitals.

The report catalogues 38 methods of torture used by the Iraqi military, including cutting off people's tongues and ears, shooting them in the limbs, applying electric shocks to their bodies, and raping them.

"The Iraqi forces' brutality in Kuwait has shocked many people in the past four months," Amnesty International said, "but such abuses have been the norm for people in Iraq for more than a decade."

Amnesty International said it welcomed the release of the Western nationals, but feared that the plight of thousands of victims of gross human rights violations in Kuwait and Iraq might now be forgotten. The organization called on governments to appeal to Iraq to stop the gross human rights violations.

Most of the abuses detailed in the report took place in the first three months after the invasion, when dissent among Kuwaitis and other nationals was widespread and its suppression ruthless. Reports of violations continue to reach Amnesty International almost daily, although the severity of the early suppression appears to have crushed much of the opposition that led to arrest, torture and killing.

The organization said it has collected compelling evidence supporting earlier reports of the killing of premature babies by Iraqi soldiers. "We heard rumors of these deaths as early as August," the organization said, "but only recently has there been substantial information on the extent of the killings."

The organization's investigation team interviewed several doctors and nurses who worked in the hospitals where the babies died. All had seen the dead bodies and one doctor had even helped to bury 72 of them in a cemetery near the hospital. In some hospitals, unofficial records were kept of the number of people who had been killed, including the babies.

Amnesty International's report—released today—has been submitted to all members of the United Nations Security Council, which has requested information on the human rights situation in Kuwait, and to the Iraqi government.

The organization, which takes no position on the disputed territory, again called on the Iraq government to allow the International Committee of the Red Cross into Kuwait to provide protection and assistance to all people in need.

The 82-page report was based both on medical evidence and on in-depth interviews with more than 100 people from about a dozen countries. Since the invasion, Amnesty International investigators have travelled to Bahrain and Saudi Arabia to talk to victims and the doctors who treated them, relatives and eyewitnesses. They have interviewed dozens more in several other countries.

"Time and again, we were told that the most common way soldiers killed people was to take the victim to his family's doorstep, have his relatives identify him, and then shoot him in the back of the head," Amnesty International said.

Some people were killed because they resisted the "Iraqization" of their country by carrying Kuwaiti money or refusing to pledge allegiance to Saddam Hussein. Others were killed simply for refusing to help soldiers loot medical equipment or while trying to flee the country.

The investigators also talked to scores of people who had been arrested in their homes or on the streets. Most of those arrested were Kuwaitis, although many from other Middle Eastern, Asian, European and North American countries were also held.

The team collected the names of some 1,000 people who were arrested, but believes the true figure to be much higher. Thousands of people—some as young as 13—are reported to still be held in Iraq and Kuwaiti prisons, detention ceners and homes; others were killed shortly after their arrest, in police stations, before firing squads, or at their homes.

[From the Washington Post, Mar. 7, 1991]

A KNOCK AT THE DOOR, AND A FAMILY IS GONE

(By William Claiborne)

KUWAIT CITY, March 6.—When Iraqi secret police banged on their door at 8 a.m. Nov. 14, Ahmed Matar, his wife and three of their children were sleeping in their comfortably appointed home in the middle-class suburb of Misrif.

Matar's sister, Adla Aidan, who lives nextdoor in the fashion of many extended families in the Arab world, first realized something was wrong when she heard her brother shout, "They're coming! They're coming! They want to take us!" Matar, barefoot and wearing only his nightclothes, had jumped over a wall separating the houses, she said.

Then the 46-year-old schoolteacher disappeared, Aidan said. Moments later, Iraqi secret police led Matar's wife and children away.

To their terrified neighbors, that morning was another stark and covincing demonstration by the Iraqi occupiers of Kuwait just how fragile were the things they had grown accustomed to: their comfort, their stability, their sense of security, their happiness—in short, life as they knew it.

Like 24 other families and scores of individuals in the Misrif neighborhood, the Matar family vanished without a trace.

The Maters joined a still undetermined number of Kuwait is—some unofficial estimates range up to 20,000 or more—who were abducted by Iraqis and are believed to have been killed as object lessons to members of the Kuwaiti resistance or transported to prisons in Iraq to instill fear in a resentful, subjugated populace.

To a large degree, the resistance groups fighting Iraq's occupation of Kuwait were made up of members of the emirate's educated middle class, and many well-to-do neighborhoods, like Misrif, were similarly devastated by reprisal arrests and kidnappings by the Iraqi secret police, or Muhabarat.

The Matars' missing persons reports, filed by a relative, are among hundreds that have been submitted to a clearing center opened Monday at the Palace of Weddings here by the Kuwaiti government, the Red Crescent Society and the Kuwaiti Committee for Human Rights.

When the secret police arrived, Matar's daughters, Munira, 10, and Marian, 4, were sleeping in the bedroom they shared, Aidan said as she showed this reporter around the now still home. An oversized Raggedy Anne and a plastic Donald Duck dominate the girls' room. A Christmas stocking, inscribed, "I've been a good girl this year," hangs on a wall next to twin beds, which are covered with frilly pink duvets.

A boy, Isa Matar, 14, slept in a bedroom next to his mother's and father's room. There are posters of Michael Jackson and the Dream Warriors rock group on the walls of his bedroom.

Another bedroom is decorated with photographs of European soccer stars clipped from sports magazines. It would have been occupied that November morning by Khalid, 17, but the chubby, outgoing high school student had been arrested 25 days earlier by the Muhabarat on suspicion of being a member of the resistance.

Adla Aidan said she believes her brother ran away because he was afraid the secret police would find a pistol he had buried in the backyard that morning. She said she doubts that he ever thought his wife and children would be taken away.

Aidan said she went to her brother's house and found an Iraqi soldier with an AK-47 rifle threatening to kill Fatma Matar if she did not tell him where her husband had run. In charge, Aidan said, was a portly Muhabarat officer, about 25 years old, who said his name was Faris.

Faris, Aidan said, told the two women to gather the children and all of their valuables—especially any cash and gold. They were driven to Ahmadi, an oil-producing center south of Kuwait City, where suspects were interrogated and processed for transport to Iraq.

There, Aidan said, she found Khalid Matar, dressed in pajamas, his nose broken and twisted out of shape and his face so swollen that he was almost unrecognizable.

"He was always such a big boy, and he had become so thin. He looked at me and said, "If you cry, I'll ask them to take you out of here,'" Aidan recalled.

Eventually, Aidan said, the police told her she could leave Ahmadi, but that Fatma and the children had to remain in custody. That was the last she saw of them, she said.

When she returned to her home, Aidan said, she received a telephone call from her brother, who said he was hiding at a friend's house. Remembering that a policeman at the Ahmadi interrogation center had told her that the police were no longer interested in detaining the family, she urged Ahmed Matar to go to Ahmadi and collect his wife and children.

Later, she said, she was told by another woman, who had been arrested and interrogated at Ahmadi and released, that Khalid Matar had been separated from his family and that his parents, sisters and brother had been transported to the southern Iraq port city of Basra.

"They've gone to Basra, and Ahmed, too, because I sent him to the police," said Aidan, her voice choking and tears welling in her eyes. "They took no clothes with them. There was no telephone call. That is the last we heard of them."

The Matar missing persons reports at the clearing center, with color snapshorts of 4-year-old Marian and 10-year-old Munira smiling brightly, are buried among stacks of similar documents on long tables. Relatives and friends of missing Kuwaitis lined up at them today to make their desperate inquiries.

Nadar Awadi, a human-rights lawyer, leafed through the reports and sadly shook his head. The human-rights committee will collect all the information, Awadi said, "We will take the reports and do what we can." But then he asked: What can it do to bring back thousands of Kuwaitis who have been kidnapped and transported to a hostile country that has no accountability and is unlikely to ever admit to the crimes it committed during its seven-month occupation of Kuwait?

"I don't know what will become of these unfortunate people." he said.

Aidan says she still has hope for her brother and his family. But she was unable to hold back tears as she walked through the musky and airless rooms of Ahmed Matar's once-happy family home.

Dead tropical fish float in an unattended living-room aquarium. Khalid's bicycle leans against the side of the house where he left it before his arrest four months ago. Toys lay scattered on the floor of Munira and Marian's room, and videocassetts and rock music tapes are strewn carelessly in Isa's room, exactly the way he left them.

"We don't know why this has happened. We don't know where they are, or if they are still alive. We hear runmors that they may be in Basra, or that they may be here, or there. But we don't know. All we can do is pray for them," Aidan said.

The Associated Press reported from Geneva:

The 43-nation U.N. Human Rights Commission today condemned Iraq for using torture and summary executions during its occupation of Kuwait.

Iraq was alone in voting against the resolution, which also denounced what it called Baghdad's "failure to treat all prisoners of war and detained civilians in accordance with humanitarian law."

The three-page resolution, introduced by Kuwaiti Ambassador Jaber Ahmed Sabah, "strongly condemns the Iraqi authorities and occupying forces for their grave violations of human rights against the Kuwaiti people and nationals of other states and in particular the acts of torture, arbitrary arrests, summary executions and disappearances."

The PRESIDENT pro tempore. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDENT pro tempore. The joint resolution having been read the third time, the question is, Shall it pass?

So the joint resolution (S.J. Res. 94), as amended, was passed.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. FORD. Mr. President, I ask unanimous consent that the RECORD remain open until 4 p.m. today for statements and introduction of legislation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR TUESDAY, APRIL 9, 1991

Mr. FORD. Mr. President, I ask unanimous consent that on Tuesday, April 9, following the prayer, the Journal of the proceedings be deemed to have been approved to date; that the call of the calendar be waived, and no motions or resolutions come over under the rule, and that the morning hour be deemed to have expired.

I further ask unanimous consent that following the time for the two leaders there be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the Republican leader, the Senate stand in adjournment as under the provisions of House Concurrent Resolution 106.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CONFERENCE REPORTS

Mr. DOLE. Mr. President, I wanted to comment briefly on the excellent job that I felt was done by the appropriators in their conference that lasted, I guess, until about midnight last night. I was in contact with some of the conferees by telephone.

I particularly wanted to thank the conferees on both sides for their positive action with reference to the export enhancement program. I thank the Presiding Officer.

I want to thank the distinguished Senator from Mississippi, Senator COCHRAN; Senator DOMENICI of New Mexico; and the Senator from Oklahoma, Senator NICKLES; and the Senator from North Dakota, Senator BURDICK; along with the chairman of the House Appropriations Committee who I know feels strongly about the program. He does not care much for it. But in the final analysis the Senate did prevail.

I would also particularly thank the Speaker, Congressman TOM FOLEY. He lives in a district that produces a great deal of wheat. I had a telephone conversation with Mr. FOLEY last evening about 9 o'clock. I think he may have discussed the importance of this program with the chairman of the Appropriations Committee on the House side, Mr. WHITTEN.

But in any event, I also want to congratulate the conferees for their ability to bring everybody together and get it done and it will be signed by the President and they have removed any questionable features in H.R. 1281, and I congratulate the conferees and extend my thanks.

CIVIL RIGHTS: NEW ADVERTISING PITCH, BUT NO BILL

Mr. DOLE. Mr. President, last week, House Democrats were busy devising a new marketing strategy for their so-called civil rights bill.

Fearing a nosedive in public credibility, they were desperately trying to shift the focus of the quota debate by giving the quota bill a fancy new name—the Civil Rights and Women's Equity in Employment Act of 1991.

Mr. President, the American people will not be fooled by the cynical ploy.

Slapping on a new label does not change the product: It is the same design, same bill, same quotas.

As the House Democrats busily pump out their advertising copy, I have noticed that their colleagues on the Senate side have been unusually quiet.

No Senate bill has been introduced.

No speeches have been made.

A Labor Committee hearing was scheduled, only to be postponed to sometime after the Easter recess.

And an eerie silence hangs over the Senate Democratic caucus like a thick London fog.

Mr. President, could it be that Senate Democrats realize that the American people will not be fooled by a slick Madison Avenue gimmick?

Could it be that Senate Democrats understand that hiring quotas and big-dollar lawyer's fees may make some people happy, but they just don't wash with the overwhelming majority of Americans?

Could it be that Senate Democrats now realize that two or three self-annointed civil rights experts do not have a monopoly on what civil rights should mean in America.

And could it be, Mr. President, that Senate Democrats have finally come to realize that President Bush was right after all—that we can have equal opportunity and civil rights for all Americans without creating a racial spoils system and without transforming title VII into a national tort law?

Mr. President, only time will tell.

Senate Democrats are smart to be laying low. And they are right to second-guess a bill that will force quotas and million-dollar lawsuits down the throats of our Nation's employers.

As we head into the Easter recess, Senate Democrats are at a crossroads.

They can choose to follow the lead of their House colleagues and participate in an orgy of spin control and marketing wizardry.

Or they can join with President Bush and pass a bill that takes a fair and responsible approach to solving the very real problems of racial discrimination and sexual harassment.

Mr. President, many of us feel we have a fairly unblemished record in support of civil rights legislation. But this is not civil rights legislation.

So I think there is an understanding by some in this body that hiring quotas and big dollar litigation may make some people happy, but they just do not wash with the overwhelming majority of the Americans.

So it seems to me we are going to have to broaden the base. We cannot have three or four self-annointed civil rights experts offering what they consider a civil rights bill. We ought to bring the full civil rights community into the act. And we ought to bring in the business community and others who may be concerned about quotas.

Mr. President, I think it is smart to lay low on this issue as some of my colleagues are doing on the other side of the aisle. No doubt about it. This issue is starting to register with the American people. Civil rights, yes; quotas, no.

And if we are going to have a rerun of last year's debate, I challenge my colleagues on the other side of the aisle to bring out the same bill that was brought out here last year. If it is passed, it will be vetoed and I guarantee the veto will be sustained. We are not ready for quota legislation in the United States of America. When you have unlimited damages and unlimited jury trials and a complete overhaul of title VII, that is, in effect, a quota bill, notwithstanding some little disclaimer that may be contained in the bill.

ADJOURNMENT UNTIL 2:30 P.M., TUESDAY, APRIL 9, 1991

The PRESIDENT pro tempore. Under the previous order, and also under the provisions of House Concurrent Resolution 106, the Senate now stands in adjournment until 2:30 p.m., Tuesday, April 9, in this year of our Lord 1991.

At 3:04 p.m., the Senate adjourned until Tuesday, April 9, 1991, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate March 22, 1991:

DEPARTMENT OF STATE

RAYMOND GEORGE HARDENBERGH SEITZ, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

DEPARTMENT OF JUSTICE

WILLIE GREASON, JR., OF MISSOURI, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI VICE WILLIAM S. VAUGHN, RETIRED.

JOSE R. MARIANO, OF GUAM, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES MARSHAL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF 4 YEARS VICE EDWARD M. CAMACHO, TERM EXPIRED.

LARRY J. JOINER, OF MISSOURI, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF MISSOURI VICE LEE KOURY, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be lieutenant colonel

JOSEPH S. BATLUCK, 169-42-8938
RALPH G. BENSON, 483-54-5740
THOMAS E. COOK, 429-94-7099
HUGH L. DUKES, 256-78-5130
MICHAEL R. DURHAM, 439-70-5475
STANLEY ESTERLINE, 572-54-6185
JAMES P. FOLEY, 077-38-5084
NEIL E. FREY, 547-60-8922
CHARLES E. GUNTI, 413-64-1330
JEROME A. *. HABEREK, 037-34-0306
STEPHEN J. HEETLAND, 480-58-9773
JANET Y. HORTON, 478-68-8932
DIANA M. JAMES, 164-28-0310
JAMES B. *. JOY, 577-48-5291
PHILIP D. KALYANAPU, 039-36-4330
RONALD J. KELLER, 399-36-7768
JAMES F. KLEFFMAN, 484-36-9652
KENNETH J. LEINWAND, 050-42-4271
LAWRENCE R. MACK, 185-36-9807
BENJAMIN C. MANNING, 512-40-5217
DAVID E. MCLEAN, 420-64-0804
JERRY L. ROBINSON, 255-90-6186
CECIL F. RYLAND, 416-54-8930
JESSE L. THORNTON, 460-76-3354
RONAL VANSCHENKHOF, 143-34-0750

MEDICAL CORPS

To be lieutenant colonel

DAVID W. *. ANDERSON, 502-56-0270
ROBERT A. ARCIERO, 062-50-1010
JULIAN E. *. ARMSTRONG, 584-56-9833
THOMAS L. *. ASHCOM, 160-40-5015
THEODORE *. ATKINSON, 587-90-7099
JOHN M. BAUMAN, 264-15-2266
JAY R. *. BISHOP, 585-46-8485
CLIFFORD P. *. BLACK, 404-72-3041
HERMAN M. *. BLANTON, 449-04-2181
DAN W. *. BOLTON, 513-46-1172
ANDREA C. *. BRADFORD, 424-72-6536
DONALD M. BRADSHAW, 183-42-5796
ERIC A. BREWNER, 320-52-2610
ARTHUR E. *. BROWN, 014-38-6631
BRENT P. *. BRUDERER, 528-68-3476
PATRICIA A. *. BURDEN, 075-48-7147
LAWRENCE P. BURGESS, 164-46-7093
RUBY J. *. CAIN, 248-82-3338
WILLIAM E. CALDWELL, 410-74-8582
MELVIN B. *. CARTER, 530-44-9920
PAUL E. CASINELLI, 035-34-3353
WILFRE *. CASTROREYES, 584-64-2086
BENJAMIN CHACKO, 149-48-0763
JAMES E. *. CHAPMAN, 255-90-0099
CHRISTOPHER CHENEY, 025-40-4089
JOHN H. *. CHILES, 499-52-7179
KEVIN *. CHRISTENSEN, 457-02-4615
JOHN G. *. CHRISTIE, 078-34-8006
JAMES A. COFFEY, 146-48-3380
ANTHONY W. COLPINI, 219-70-1705
CASS W. CONAWAY, 298-50-0043
WALTER C. CONNOR, 424-66-8297
RICHARD M. *. CONRAN, 047-40-6111
PATRICIA A. *. CORNETT, 562-02-2110
WILLIAM A. *. CROSLAND, 258-76-8081
MARK A. CROWE, 458-98-1698
HARRY Q. DAVIS, 403-82-1338
ROBERT F. *. DEFRAITES, 434-96-8055
DARCELLE M. *. DELRIE, 436-90-0907
GREGORY J. *. DENNIS, 487-64-6924
MONTE S. DIRKS, 504-68-1132
DAVID L. *. DOERING, 416-64-5677
THOMAS P. *. DOVE, 057-38-9956
NANCY S. *. DOW, 511-60-9873
MARSHAL V. *. DRESSEL, 176-38-1441
JAMES F. DUNN, 225-78-5237
WALTER E. *. EGERTON, 246-92-0058
LOUI D. ELFRINK, 521-72-4336
MICHAEL H. *. ENGHARDT, 433-84-6581
TED D. *. EPPERLY, 518-68-7160
DONALD A. *. GAGLIANO, 330-46-5599
NEAL S. GAITHER, 047-52-4967
LYNN C. *. GARNER, 117-46-0907
PATRICE T. *. GASPARD, 434-90-5167
CARL A. *. GEYER, 035-36-2826
SCOTT D. GILLOGLY, 093-44-0697
GARY A. *. GOFORTH, 416-80-5460
RICHARD *. GONZALEZ, 584-66-9506
ELDER GRANGER, 430-04-1583
PETER H. GREENMAN, 112-42-8815
GLENN C. *. GRIFFITHS, 154-38-6517
LOUIS H. *. GUERNSEY, 220-60-6529
JOHN H. HAGMANN, 219-58-7661
ALAN W. *. HALLIDAY, 166-46-3706
THOMAS G. *. HARDAWAY, 460-76-5416
FREDERICK *. HARLASS, 538-44-3524
GERALD HARRINGTON, 492-54-4256
DAVID W. *. HAUSE, 396-42-8469
DENNIS L. *. HAYDEN, 544-54-6955
LESLIE *. HEDDLESTON, 233-86-2879
HOWARD S. HEIMAN, 130-46-3089
MEREDYTH C. *. HIRSCH, 259-78-4296
CURT *. HOFER, 332-36-2336
CHARLES S. *. HORN, 230-76-3154
RODERICK F. HUME, 259-90-1056
PIERCE B. IRBY, 245-74-1705
PATRICIA *. JEFFREYS, 433-02-6722
PATRICK H. *. JUDSON, 228-66-2284
KEVIN N. KEENAN, 001-48-9461
PATRICK W. *. KELLEY, 048-50-1860
KEVIN J. *. KELLY, 174-44-6772
JEROME N. *. KOPELMAN, 110-44-2245
RICHARD W. KRUSE, 181-36-3540
HOMER J. *. LEMAR, 458-06-4249

LESTER F. *. LIBOW, 065-46-9394
PATRI *. LILLISHEARNE, 251-02-1172
EDWARD J. *. LISECKI, 112-44-7586
MILAGROS *. LOPEZ, 041-50-5070
MICHAEL F. LYONS, 519-66-0750
DAVID L. *. MANESS, 414-90-6406
VINCENT E. *. MARTIN, 227-68-2946
WINSTON K. *. MARTIN, 227-68-8462
ALICE M. *. MASCETTE, 086-42-3182
MARIA A. *. MAYORGA, 458-96-1233
MARY A. *. MCAFEE, 163-44-5379
PETER R. *. MCNALLY, 005-56-8636
JOE *. MENDIOLA, JR, 459-02-6948
CYNTHIA L. *. MEYER, 468-66-3123
MICHAEL E. *. MULLIGAN, 018-44-0425
MICHAEL J. *. MULVANEY, 015-44-6901
DANIEL G. *. NEHLS, 319-50-8363
JANET A. *. NEUTZE, 155-36-7666
ROBERT J. *. NEWMAN, 539-46-5475
MICHAEL V. *. NOVIA, 195-40-1660
JOHN H. *. NOWLIN, 458-96-1671
MARY A. OHARA, 082-42-3252
JOHN R. OLSEN, 575-64-2533
DEBORAH J. *. OMORI, 228-74-9294
DANIEL P. *. OTCHY, 150-46-6280
THADDEUS P. OZIMEK, 191-44-6799
MARC A. *. PARADIS, 019-46-7116
WILLIAM A. *. PHILLIPS, 152-48-9547
JERRY L. *. PLUSS, 523-66-0769
MARK E. *. POTTER, 354-48-3171
SWARNALAT *. PRASANNA, 420-08-8480
RICARDO J. *. RAMIREZ, 584-78-1778
LEWIS D. *. RANDINO, 203-34-5313
MARK H. *. RATERINK, 375-56-6026
DEBORAH B. *. RAYBUCK, 175-46-9463
JOHN P. *. REASONER, 043-50-3844
MARY E. *. REID, 265-88-4415
KENNETH M. RICHARDS, 448-60-3403
KEVIN M. *. ROGAN, 019-44-4305
PHILIP L. *. ROGERS, 212-64-7743
JOE A. *. SALINAS, 453-88-4732
ALEC H. *. SCHMIDT, 266-80-8892
GEORGE D. *. SHANKS, 455-08-8196
JAMES A. *. SHERWOOD, 105-40-6000
RUBEN D. *. SIERRA, 584-60-0494
MILTON T. *. SMITH, 223-76-3306
WILEY A. SMITH, 420-76-3328
ROYCE K. *. SOLANO, 239-80-4268
JAMES L. SPINELLI, 272-54-0972
CARL C. *. STACY, 443-58-2748
THOMAS S. *. STANTON, 564-98-5660
LUKE M. *. STAPLETON, 411-94-4734
HENRY P. *. STIKES, 416-76-3766
CURTIS D. *. STOLDT, 293-48-2302
HARLAN T. *. STRATTON, 307-52-3815
LINDA C. *. TAGGART, 587-96-4714
IAN M. THOMPSON, 500-56-1781
MARGARET *. TOBIASSON, 190-32-0784
LAWRENCE J. *. TREMPER, 371-56-6241
ANTHONY R. *. TRUXAL, 161-46-2344
AMY M. TSUCHIDA, 576-70-8235
WILLIAM P. *. TYNAN, 028-40-0158
THURMAN R. *. VAUGHAN, 465-96-4320
DALE S. VINCENT, 451-08-6484
JUDY M. VINCENT, 455-84-1119
DAVID L. *. WARD, 232-80-6941
VICTOR W. *. WEEDN, 454-98-7910
HARRY C. *. WEISER, 442-52-5867
CHERYL A. WESEN, 220-48-1610
INDIRA *. WESLEY, 332-52-5681
WARREN L. WHITLOCK, 237-94-4165
PAUL E. WHITTAKER, 216-50-7475
HERBERT L. *. WILLIAMS, 408-98-9007
JOHN P. *. WOHLER, 517-52-8426
TERENCE R. *. WOODS, 324-50-0861
BRUCE A. *. WOOLMAN, 515-60-4143
WILLIAM G. *. WORTHAM, 521-70-4131
RONALD T. *. YUKO, 298-54-5061

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be major

DENISE J. *. ARN, 372-60-7203
CHARLES W. *. BACCUS, 300-46-9605
BRIAN D. BAILEY, 507-76-1911
ALAIN C. *. BALMANNO, 152-50-2684
ROBERT J. BARHAM, 251-02-1566
DIANE E. *. BEAVER, 491-70-1850
WILLIAM E. *. BOYLE, 240-78-0402
GARY J. BROCKINGTON, 247-96-2724
JANET W. *. CHARVAT, 435-13-0064
DANA K. CHIPMAN, 587-15-5096
WILLIAM F. CONDRON, 068-56-1130
BRIAN D. *. DIGIACOMO, 097-38-9194
DAVID N. *. DINER, 275-58-6464
STEVEN K. *. FORJOHN, 138-52-3196
KARL M. GOETZKE, 438-74-2917
ALLEN K. GOSHI, 576-80-5813
KENNETH T. *. GRANT, 253-98-8300
CURTIS L. *. GREENWAY, 293-50-3312
NATALIE L. *. GRIFFIN, 033-44-4765
JAY L. *. GRYTDAHL, 476-70-7398
STEPHEN D. HARVEY, 512-64-8346
MARK E. HENDERSON, 212-66-4137
BOBBY G. *. HENRY, 578-78-5518
THOMAS *. HERRINGTON, 587-54-1068
PAUL P. *. HOLDEN, 011-48-0839
WILLIAM A. *. HUDSON, 071-56-1812
RICHARD A. *. JAYNES, 554-80-0650
MUSETTA T. *. JOHNSON, 204-52-0279
THOMAS R. *. JOHNSTON, 455-86-4780
RUSSELL S. JOKINEN, 371-66-9587
DARYLE A. JORDAN, 244-02-2158
MICHAEL P. KELLY, 548-23-6285
JOHN C. *. KENT, 264-31-7843
STEVEN A. LAMB, 530-66-1856
JAMES E. MACKLIN, 405-84-9011
REYNOLD *. MASTERTON, 261-37-1369
HOWARD O. MCGILLIN, 198-48-0036
EDITH MEYERS, 168-54-6538
THOMAS P. *. MOLLOY, 299-62-5719
FRANCES E. *. OLMSTED, 094-38-4763
WILLIAM D. *. PALMER, 476-78-1909
MICHAEL A. PARNELL, 095-52-5332
MARSHA A. *. SAJER, 195-50-2009
DANIEL P. SHAVER, 228-96-0761
MARK P. *. SPOSATO, 056-46-5886
SANDRA B. *. STOCKEL, 296-58-1978
KATHRYN STONE, 264-37-7330
STEVEN T. STRONG, 311-68-1150
CRAIG E. *. TELLER, 318-44-2513
DARYL *. WALKER, 401-86-7897
MICHAEL L. *. WALTERS, 271-54-6644
DONNA L. *. WILKINS, 237-08-8366
BARRY L. *. WILLIAMS, 153-42-7692
JAMES R. *. WILLSON, 443-52-8874
DONNA M. WRIGHT, 106-42-6381

MEDICAL SERVICE CORPS

To be major

BRYANT H. *. ALDSTADT, 202-46-1930
JEFFREY H. ALLAN, 341-44-9870
SALLYE J. ALLGOOD, 523-88-2123
GERARD P. ANDREWS, 198-52-4670
BRETT C. *. ARMSTRONG, 452-27-0578
JORGE BACELISBRITO, 540-64-5919
DAVID A. *. BAKER, 054-46-0722
PAUL T. BARTONE, 011-44-7894
ROBERT A. *. BENSON, 367-54-8468
JOHN A. *. BIRRER, 517-62-8470
CHERYL A. *. BITHER, 517-72-0207
PATRICIA L. BOATNER, 228-62-7614
WILLIAM H. BOISVERT, 200-36-9072
EDMUND BONIEWICZ, I, 214-60-6129
REGINALD L. *. BOOKER, 346-48-2532
DOUGLAS A. *. BOOM, 256-11-0720
KEVIN J. BRESHIKE, 395-62-4754
CLIFFORD D. *. BROWN, 534-46-0538
SCOTT A. BURGESS, 325-60-1254
VICTOR W. BURNETTE, 201-46-4806
CRAIG A. BUSS, 179-50-5129
MARK K. *. BYNUM, 260-13-4961
PATRICK T. *. BYRNE, 217-54-3917
ROBERT A. *. BYRNE, 218-54-8331
ELVIN P. *. CARLSON, 502-62-7852
STEVEN H. CARPENTER, 228-80-2232
JON R. *. CARTER, 235-88-9079
JAMES W. *. CARTWRIGHT, 373-52-1424
RICHARD A. *. CASSIDY, 310-52-1058
MICHAEL S. *. CHURCH, 534-62-4654
ALLISON P. *. CLARK, 219-62-7032
KATHLEE *. CLENDENNEN, 371-54-0382
THOMAS C. *. CLINES, 097-54-3749
KIM M. COWDEN, 174-46-8450
TERRY K. *. COX, 354-46-4371
WILLIAM T. CRAFTON, 402-72-0344
MARTA S. *. DAVIDSON, 572-11-0580
EARL C. DRIVER, 225-82-3222
JAMES V. *. ENGLISH, 520-64-4471
STEPHEN M. FONTENOT, 549-84-7409
DEXTER R. *. FREEMAN, 257-92-9825
BEAU J. *. FREUND, 517-88-8882
GREGORY A. *. GAHM, 573-35-6348
MICHAEL K. *. GAMMELL, 541-60-3003
JAMES W. *. GIER, 411-94-3034
DAVID E. *. GODFREY, 542-74-6988
SCOTT W. *. GORDON, 272-52-4583
DAVID L. GREEN, 505-80-7341
REBECCA GREENWALD, 262-45-9422
MICHAEL C. GUNN, 243-94-5797
JOSEPH A. HALL, 230-94-8180
RONALD A. HAMILTON, 240-02-5014
EDMUND K. *. HARAGUCHI, 576-74-4307
JEFFREY D. *. HAUN, 230-74-9540
LYNN W. *. HENSELMAN, 148-52-7323
STEPHANIE HIGGINS, 099-56-1512
MICHAEL E. HOOTEN, 456-98-1318
JOHN P. *. HUGHES, 138-48-3228
NICHOLAS H. INMAN, 436-84-1543
DAVID B. *. JACKSON, 411-78-9868
PATTI L. *. JOHNSON, 345-52-3774
CASPER P. *. JONES, 310-56-3251
JOHN D. JONES, 407-72-1824
STEVEN P. JONES, 225-82-3647
ROSALINE JORDAN, 022-44-8079
MICHAEL E. KIEFFER, 150-52-4285
TOMMY C. KINNAIRD, 430-13-6977
CAROLYN G. KNOTT, 081-56-3085
ROBERT M. *. KOORS, 282-50-7879
GEORGE W. KORCH, 019-40-5694
WILLIAM L. *. KRANZER, 192-36-9044
MICHAEL J. *. KRUKAR, 180-52-1396
DENNIS E. *. KYLE, 412-94-4433
RENE R. *. LEBLANC, 532-62-9418
MICHAEL J. *. LEGGIERI, 202-48-6842
DALE H. *. LEVANDOWSKI, 554-94-3213
EDWARD A. *. LINDEKE, 197-36-6065
THOMAS M. *. LOGAN, 440-62-4543
GAIL M. LONG, 528-02-4987
STEVEN L. *. LORD, 258-84-5530
BRIAN J. *. LUKEY, 404-92-9065
MICHAEL D. LYNCH, 132-50-7327
KENT W. MANEVAL, 163-40-3530
ROBERT *. MASSEY, 433-02-8648
ANWAR R. *. MATEEN, 297-58-4161
JEROME K. *. MAULTSBY, 147-52-0170
RICHARD *. MCCUTCHEON, 502-56-3152
WILLIAM M. MCDEVITT, 194-42-8217
MERRIL *. MCGOWANSHAW, 263-37-7756
SARAH P. MCMENAMIN, 418-80-2736
MICHAEL K. *. MCNIECE, 545-80-9624
MARK A. MILLER, 171-52-7982
REGINALD A. *. MILLER, 163-42-7572
FREDER MITTELSTEDT, 502-58-8257
DARYL S. MOYER, 183-40-4390
JAMES A. *. MUNDY, 224-96-9204
OPHELIA *. MUNN, 238-04-2312
RAUL E. *. MUSTELIER, 524-86-4676
WILLIAM *. NAUSCHUETZ, 361-48-0300
RONALD H. *. NELSON, 529-72-0612
SHIRLEY *. PALMATIER, 495-58-5001
ROSS H. *. PASTEL, 046-52-6741
DAVID L. PATTERSON, 183-48-7792
MARK J. PERRY, 263-31-1827
GROVER C. PETERS, 443-54-8209
DOUGLAS S. *. PHELPS, 488-70-1792
JAMES J. PICANO, 038-30-2056
WILLIAM R. PRESCOTT, 204-50-2806
CARLTON T. *. PYANT, 239-11-9822
CLENDON P. *. RAINES, 250-13-7830
PAULINE M. *. REHRER, 194-46-2514
MICHAEL L. REISS, 161-48-8985
TIMOTHY J. RHODES, 431-15-4992
JAMES L. ROSENGREN, 373-60-4228
REGINA L. RUSSELL, 401-98-4114
ROBERT E. *. SAUNDERS, 116-48-9627
JOHN J. SCHAFER, 076-54-0606
ROBERT P. *. SCHAUDIES, 200-44-8333
MARTIN J. *. SETTER, 396-56-2900
JOHN C. *. SHERO, 444-70-6464
CARL B. *. SMITH, 489-72-7716
COLEEN K. SMITH, 314-68-7660
DOROTHY A. *. SMITH, 019-38-7526
SCOTT E. SMITH, 218-74-7113
PORTIA STAINBROOK, 254-96-4546
BARBARA V. *. STEERS, 020-40-5689
TONY L. *. STORY, 463-08-4839
FREDERIC SWIDERSKI, 001-46-7672
ALLAN K. *. TERRY, 504-58-9027
LEE S. THOMPSON, 527-25-2708
EDWARD A. *. TORKILSON, 131-46-5862
PATRICK J. *. TRACY, 306-72-8782
MARGARET A. *. TRIBBLE, 460-88-7975
MICHAEL R. TRIVETTE, 246-98-1585
MONA L. *. TYREE, 225-74-0781
GRACE M. UZOMBA, 077-48-7790
MARK A. *. VAITKUS, 278-56-6306
GREGORY L. *. VRENTAS, 515-58-1615
MELVIN *. WASHINGTON, 231-88-5653
DAVID F. *. WEST, 097-44-8048
RICHARD K. WHITTLE, 446-54-6749
RONALD E. *. WILSON, 253-90-0787
CAROL E. *. WRIGHT, 415-92-8076
JEFFREY *. ZIMMERMAN, 275-52-6012

ARMY MEDICAL SPECIALIST CORPS

To be major

VICKI W. BELCHER, 516-84-0915
ANNETTE L. BERGERON, 018-52-0495
MARY CARSTENSEN, 481-62-3395
ELISE M. *. DEWIT, 569-86-5513
TERESA T. *. DILLON, 445-62-0841
TIMOTHY W. FLYNN, 504-92-0632
JANE E. *. FREUND, 157-46-8642
PATRICIA T. *. HARVEY, 467-15-4050
WILLIAM J. HOWARD, 153-56-4558
JOHN T. *. HURLEY, 571-82-7420
CASSANDRA L. *. LEWIS, 510-58-3356
LEO H. MAHONY, 143-58-4144
ANN L. *. PHILOPENA, 229-90-6943
JANICE K. *. RAUSCH, 347-58-8687
CECILIA D. *. THOMAS, 462-29-6593
KEITH L. *. WARD, 462-94-9423

VETERINARY CORPS

To be major

RONALD C. *. BELL, 537-56-9396
GARY D. COLEMAN, 405-96-8463
JEFFREY S. *. EGGERS, 514-64-3398
JAMES J. *. ELLIOTT, 522-86-8109
MARLYN D. *. GOODBARY, 441-54-4515
RANDALL *. GREENFIELD, 538-62-0242
VINCENT C. *. GRESHAM, 553-90-3028
LESLIE G. HUCK, 479-70-1408
CORNEL L. *. KITTELL, 369-50-6560
ERIC J. *. LINN, 271-50-6451
MARK J. *. MARTINEZ, 494-66-0241
MARK R. *. MASON, 501-54-2871
THOMAS W. *. MAYER, 422-78-7589
RONALD E. *. NIELSEN, 528-82-0449
STEVEN D. *. OSBORN, 313-70-9236
JOHN W. *. PROCTOR, 424-82-5729
JARRETT N. *. SCHMIT, 393-62-0225
KEITH R. *. VESELY, 328-46-5234

BOB E. *. WALTERS, 496-64-7410
BRUCE H. *. WILLIAMS, 257-19-7862

ARMY NURSE CORPS

To be major

VIRGINIA M. *. ABBOTT, 006-50-6723
[redacted]
CAROLYN J. *. AMBROSE, 236-84-9932
PATRICIA *. ANDERSON, 443-50-8272
CHERYL A. *. APPLING, 262-25-3443
BETTY D. *. ARCHIE, 240-80-1344
STEVEN G. *. ARETZ, 042-50-6288
VIVIAN T. *. ASHFORD, 403-82-1221
RODNEY D. *. BARNES, 447-52-1489
SANDRA T. *. BEACH, 547-27-6627
LISA M. BECKMANN, 476-82-8569
BETH A. *. BERES, 482-74-9616
KATHLEEN E. *. BERRY, 049-48-1085
DEBORAH K. *. BETTS, 262-27-5406
JEROME *. BLACK, 587-56-8956
SUZAN L. *. BLACKWELL, 462-08-6566
LOIS *. BORSAYTRINDLE, 203-38-6059
GARY M. *. BOUDREAU, 033-40-4799
PATRICIA A. BOULLIE, 516-64-7478
ROBERT D. *. BOWMAN, 471-64-9941
DEBRA A. *. BRADFORD, 448-46-9595
SYBI *. BRADLEYDALLAS, 226-86-6642
KARIN *. BUCHANAN, 354-56-7750
HOWARD L. *. BURTNETT, 410-90-5596
TIMOTHY M. *. BUSHEY, 025-50-3227
BOBBI L. *. BYRN, 466-25-0359
CORDELI *. CADEOLIVER, 208-44-4035
VI *. CAMPBELLHEMMING, 157-48-6206
KATHLEEN J. *. CARROLL, 545-27-9132
JUDITH K. *. CLARK, 434-98-7801
ELMER W. *. COMBS, 416-78-9809
MICHAEL J. *. COOK, 392-46-3024
CATHERINE A. *. COOPER, 141-48-4238
ROXANE M. *. CORDEIRO, 575-72-3199
DOROTHY H. *. COX, 267-21-1640
BILL N. *. CREASMAN, 435-92-7174
MYRA D. *. CROSS, 406-68-6803
CAROL S. *. DAHN, 363-60-8763
DANNY L. *. DAVISON, 483-72-0005
RAMONA S. *. DECKER, 095-48-9212
JANE M. *. DENIO, 485-68-1779
CHARLOTTE L. *. DEPEW, 366-48-8647
KATHRYN J. *. DOLTER, 479-82-6336
DENNIS M. *. DRISCOLL, 002-36-0810
DEBRA A. *. ECKHART, 216-66-0516
ERIC E. *. EDWARDS, 115-48-0402
ANNE M. *. ELLIOTT, 226-96-0631
BARRY J. *. ELLIS, 257-74-5537
RAMONA M. *. FIOREY, 258-02-8133
KATHRYN A. *. FISCHER, 469-78-8645
JOYCE *. FLEMING, 303-68-7925
MARGARET C. *. FLOM, 355-50-3590
THOMAS R. *. FORBIS, 412-90-3430
LEANA A. *. FOXJOHNSON, 369-64-7692
SOPHIE F. *. FRANCIS, 074-52-6981
LISE C. *. FUCHS, 095-46-6256
JANICE A. FULTON, 031-40-5041
KAREN M. *. GAUSMAN, 184-46-5181
WILLIAM L. *. GILLIS, 138-60-6148
JAMES E. GLIDDEN, 484-74-5644
JIMAL B. *. HALES, 339-44-1041
LILLIE L. *. HALL, 569-80-5316
DENISE M. *. HARDEN, 399-50-3120
RAE M. HARTMANN, 521-08-7648
CHARLES F. *. HATHAWAY, 280-50-1640
CHRISTY A. *. HAYES, 469-72-0527
PHYLLIS A. HILL, 487-74-6253
PATRICIA D. *. HOROHO, 238-23-7767
LEIGH P. *. HUBBARD, 585-10-5264
ROBIN T. *. ILER, 222-44-0011
DOUGLAS G. *. JACKSON, 566-78-0954
KIMBALL *. JOHNSON, 528-88-6686
CHARLES J. *. KELLER, 492-64-5618
JAMES L. *. KING, 571-92-5457
THOMAS J. *. KOWELL, 565-44-1898
KEITH A. *. KRAUSE, 503-74-8105
JAMES M. *. LARSEN, 503-82-9438
MARY A. *. LAUSCH, 390-60-8580
BOBBY R. *. LAWS, 412-88-9935
BARBARA J. *. LAWSON, 009-32-6321
ODIS D. *. LEWIS, 465-84-0101
NANNETT *. LIBERATORE, 200-44-7062
KAREN K. *. LINDELL, 585-04-6158
NICKY R. *. LINVILLE, 410-88-3823
GERALD *. LUPINOS, 217-46-3902
SUE A. *. MAHR, 287-52-9375
STEPHEN M. *. MAKS, 558-80-4073
PATRICIA D. *. MALEK, 261-31-9799
MICHAEL MARSCHEAN, 091-52-3518
MILDRED M. *. MAYES, 241-92-2322
MICHAEL D. *. MCCARTHY, 250-96-8493
MICHAEL L. *. MCCOY, 450-06-2822
CAROL S. *. MCMANUS, 457-98-3469
KATHY E. *. MIKLAS, 145-42-5356
SHEILA D. *. MITCHELL, 335-54-7728
MICHAEL J. *. MOORE, 502-58-5988
JACK E. *. MORELAND, 466-98-8236
SUSAN C. *. MORELAND, 024-42-8648
CONNIE K. *. MORENO, 462-78-8869
ROBERT K. *. MOY, 451-98-8824
ROLAND D. *. NADEAU, 044-46-0226
CLAYTON J. *. NEIL, 370-44-6211
LORI B. *. NEWMAN, 516-90-5533
JIMMY C. *. NUCKOLLS, 512-54-7290
WAYNE C. *. NYGREN, 131-42-2668
TERESA A. PARSONS, 449-82-1867
PATRICIA *. PATRICIAN, 170-54-7997
SHARON R. *. PFIFFNER, 522-76-7624
WANDA *. PLANADEBALL, 584-88-1864
ANNETTE B. *. QUICK, 115-50-3145
CHANTALLE RAHAMAN, 121-42-6135
SUSAN E. *. RIVADULLA, 236-76-3969
LINDA D. *. ROBINETTE, 514-62-2009
ELLEN H. *. ROGERS, 031-40-9287
JUDITH G. *. ROZELLE, 585-30-4049
MARY P. *. RUPPERT, 524-78-3770
J. C. *. RUSSELL, 401-88-5235
LUCERO *. SALICRU, 456-78-8854
LINDA D. *. SALLEE, 564-76-4309
ROSE M. *. SALTER, 263-45-2650
MARY A. *. SCHWENKA, 245-11-7722
MARLYN L. *. SCOTT, 185-44-4944
LYNN M. *. SILLS, 291-52-9383
IRAHAN E. *. SLAUGHTER, 423-64-7895
LYNN A. *. SLEPSKI, 008-44-6175
KATHY A. *. SMITH, 422-76-7073
MARK R. *. SMITH, 282-62-5736
MARY E. *. SMITH, 272-46-9076
JAIME E. *. SORIA, 333-58-9211
VICTORIA L. *. SOUZA, 431-04-1167
BEATRICE *. STEPHENS, 018-46-2328
CHARLOTT STEVENSON, 446-62-4134
ROBERTA N. *. TAYLOR, 227-78-5671
JUDY *. TOLLENAERE, 230-64-3378
TARA K. *. TRINRUD, 374-68-9914
NICHOLAS C. *. TUMA, 388-54-4998
MITCHELL D. *. TURNER, 513-60-7441
ALAN D. *. WAGNER, 503-74-0654
MINNIE R. *. WALLER, 241-84-5303
LINDA J. *. WANZER, 573-96-1497
DONNA F. *. WASHINGTON, 202-52-6810
LINDA S. *. WEAVER, 192-44-8646
BECKY J. WHITTEMORE, 517-84-7267
TERRY C. *. WICKS, 479-74-8539
DAVID *. WILLIAMS, 024-48-2357
JONI L. *. WILLIAMS, 513-64-5379
JANET L. *. WILSON, 509-66-5305
NANCY A. *. ZAVACKI, 542-70-3125

HOUSE OF REPRESENTATIVES—*Friday, March 22, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As the days go on we join with many others in the celebration of homecoming for the women and men who have served their country in distant places. We join in the happiness and pride of their families and communities as they honor their devotion to duty and their willingness to serve. And even as we recall their joy we pray that Your blessing and comforting spirit, O gracious God, would be with those families who have lost sons or daughters and may Your peace that passes all human understanding be with them and be their constant support and strength now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from North Carolina [Mr. TAYLOR] to come forward and lead the House in the Pledge of Allegiance.

Mr. TAYLOR of North Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 1285. An act to resolve legal and technical issues relating to Federal postsecondary student assistance programs and to prevent undue burdens on participants in Operation Desert Storm, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the joint resolution (S.J. Res. 59) joint resolution designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

> S. 534. An act to authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; and
>
> S. 565. An act to authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

The message also announced that, pursuant to Public Law 99-83, the Chair, on behalf of the President pro tempore, appoints Stan Rose of Kansas, to the Commission for the Preservation of America's Heritage Abroad.

CONGRESS SHOULD START CONCERNING ITSELF WITH THE GOOD OLD U.S.A.

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the FDIC, the insurance fund that protects America's bank deposits, needs $3 billion from the Treasury. That is right. The Bank of New England has gone belly up, forcing the FDIC for the first time in its history to borrow money.

Mr. Speaker, does this sound familiar? Starting to ring a little bit like the savings and loan situation?

But that is not all. The FDIC will need to borrow $70 billion in the next 2 years. Now, if that is not enough to freeze your assets, listen to what the Chairman of the FDIC, Mr. Seidman, says. He says that this tab will not be placed on the American taxpayers.

Well, tell me, Mr. Speaker, where does Mr. Seidman think we are going to get this money? From the Man from Glad or E.T.? The American taxpayers are going to get that money.

The truth is that the supply-side trickle has turned into the supply-side flood. Banks, bridges, and roads are falling apart in America, and Congress had better start concerning themselves with the good old U.S.A. and leave a little bit go overseas for a while.

NATIONAL LITERACY ACT DEMONSTRATES WISDOM

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, I would like to congratulate this body for the wisdom demonstrated when we passed the National Literacy Act earlier this week. With the Nation's spotlight now shining on our children's education, the National Literacy Act will allow this light to also shine on the 30 million adult Americans who cannot read or write. One needs only to look at my district, with less than 38 percent of adults earning a high school diploma, to see the stark consequences of illiteracy. The impact of illiteracy transcends the individual and affects the whole community. An illiterate population hampers economic development and employment because potential employees cannot read and write.

Although my district represents the problem, thanks to the work of thousands of committed individuals and innovative programs, my district is successfully combating illiteracy. We have exemplary programs, but, in the past due to a shortage of funding and technical assistance, we have only reached 19 percent of the needy population. Passage of the National Literacy Act will give our States and local communities the resources they need to reach the other 81 percent of the needy adult population. I am now confident we can reach our goal of a fully literate population by the year 2000, and that all of our citizens will be prepared to meet the challenges of the 21st century.

TRIBUTE TO LADY BIRD JOHNSON ON HER EFFORTS FOR BEAUTIFICATION

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, along Rock Creek this morning the daffodils are announcing that spring is here. The cherry blossoms are ready to burst out next week, if the Sun is warm upon our face and the winds are receptive, and the timid tulips are just beginning to push their heads upward. Already the forsythia, the early harbinger of spring, has reminded us that a new season is upon us. Soon we will bask in the glory of the azaleas, the dogwoods, and then the reluctant roses.

All of this reminds us that nature has endowed us with a wealth of beauty, and that Lady Bird Johnson encouraged our Nation to beautify again this unique land. When it is springtime in the Capital, we can remember that it was Lady Bird's efforts to renew and rededicate our citizens to give new life to this seed and soil in America. All America is grateful for her efforts. We are better people when we remember

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and nurture the great inherent beauty of this land.

THE ADMINISTRATION SUPPORTS A VETO OF H.R. 5

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, less than 3 months into the session, the House Labor-Management Subcommittee will have concluded hearings and approved legislation that will have a disastrous effect on American business.

H.R. 5 is designed to increase the power of organized labor at the expense of American workers. The bill hinders job creation and competitiveness and must be stopped.

Secretary of Labor, Lynn Martin, testified before the subcommittee last week and said that the President's advisors recommended a veto of H.R. 5. The Secretary said:

> The administration opposes H.R. 5 and if the bill were presented to the President, his senior advisors would recommend a veto. This legislation would overturn fifty years of law and experience in private sector bargaining. This process, though not painless, has served the public interest well, and has contributed to the economic well-being of this country by reducing labor strife and encouraging dispute settlement.

Support the administration and oppose H.R. 5.

INTRODUCTION OF BILL TO PENALIZE VIOLATORS OF THE U.N. SANCTIONS AGAINST IRAQ

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the Washington Post reported that as many as 110 German firms may have violated the U.N. economic sanctions against Iraq. And I suspect that these German firms were not alone.

So today, I, and 12 of my colleagues, are introducing a resolution granting the President the authority to ban foreign companies who have violated the U.N. economic sanctions against Iraq from doing business within the United States for up to 3 years.

Those sanctions were imposed to settle the Persian Gulf conflict peacefully, or at least to make a war less painful with less loss of precious life by reducing the readiness of Saddam's war machine. Violating the sanctions undermined the efficacy of those sanctions, lessened the chance that war could be avoided, and arguably may have cost additional military and civilian casualties.

We did not send half a million of our finest young men and women to the deserts of Saudi Arabia for corporate profit or private greed.

Mr. Speaker, these criminal acts of collusion with the enemy cannot go unanswered.

PORK BARREL POLITICS HAS CRUEL CONSEQUENCES

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, this morning's news reports that 700 jobs in Washington. DC, are being transferred to Parkersburg, WV. The senior Senator from West Virginia is quoted as being pleased with his success.

We have heard a lot of talk recently about fairness. How fair is this latest example of pork-barreling?

More than 50 percent of the jobs at the Bureau of Public Debt which are being transferred are held by minorities. The town of Parkersburg has a 2-percent minority population.

Where is the fairness in taking away minority jobs? And why do we hear so little protest from politicians who just a few days ago were ready to impose quotas on the Resolution Trust Corporation?

Mr. Speaker, this is the second such pork barrel transfer. The other involved the fingerprinting division of the Justice Department. There, some 70 percent of the workers are minorities, and the new office will be in Clarksburg, WV, where the minority population is 5 percent.

The Democrats' domestic agenda of pork barrel politics often has cruel consequences. Why so little protest?

☐ 1010

CAMPAIGN FINANCE REFORM NEEDED NOW MORE THAN EVER

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, this morning, just a few minutes ago, hearings began on the question of reforming the laws, the election laws, by which we come to Congress. These hearings are being held under the able leadership of the gentleman from Connecticut [Mr. GEJDENSON] and the gentleman from California [Mr. THOMAS].

There are a number of proposals which have been made to reform campaign finance laws. They generally take the form of limits on spending—and, since these cannot be mandated, they have to be encouraged by granting candidates lesser charges for television time, postal costs, and so forth—tax credits for small donations and the like.

One factor that I am particularly devoted to, and I believe it appears in most of the bills, is some reduction of the influence of political action committees in the Federal election and reelection effort.

Mr. Speaker, I can think of no single thing that we can do, Democrats and Republicans in this body, more important than to pass some reform of the campaign finance laws to encourage the people of America to take part in politics and the political system. This, I think, perhaps more than anything else, would encourage greater turnout at the polls.

FAIRNESS IN SOURCE INCOME TAXATION

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, imagine opening your mailbox 10 years into retirement and receiving a notice that you owe thousands of dollars of taxes and penalties to a State where you worked briefly, and paid taxes, 20 or 30 years ago. If you thought it was some sort of mistake, and tossed such a notice into the garbage, you could soon find your pension income and even your automobile seized by that State.

Does this scenario sound implausible? Impossible? Illegal? Of course it does, yet chances are that every Member of this Congress has received letters from retirees in his or her district who have found themselves in precisely the situation I've described.

On January 3, 1991, I introduced H.R. 431, a bill that puts an absolute ban on the unfair practice of taxing nonresidents' pension income. Today I introduce new legislation which solves the problems I've described without an absolute ban on pension income taxation. This legislation would simply force States with source income taxes to treat taxpayers fairly.

Any State intent on maintaining such taxes could do so only if it provided taxpayers with one, advance notice of the tax, two, a taxing formula that does not include income from other States, and three, an opportunity for retirees to prepay the tax before they leave the State.

Mr. Speaker, this legislation does nothing more than provide simple fairness and decency to our senior citizens and to all American taxpayers who may live in more than one State during their lifetime. I urge my colleagues to join me in support of this legislation.

COSPONSORSHIP OF JOINT RESOLUTION ON AUTOMATIC REMOVAL OF CONVICTED FEDERAL JUDGES

(Mr. SANGMEISTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANGMEISTER. Mr. Speaker, several weeks ago, U.S. District Judge Robert F. Collins of New Orleans was charged with bribery, obstruction of justice, and conspiracy. According to the Justice Department, Judge Collins and an alleged accomplice planned to share a $100,000 bribe from a drug trafficker in exchange for favorable consideration during his sentencing. Judge Collins, while innocent until proven guilty, has become the sixth Federal judge to be criminally accused—all in recent times. That is why today I am introducing a joint resolution to provide for the automatic removal of judges convicted of serious crimes.

Former Judge Walter Nixon, Jr., who was convicted of perjury and sentenced to 5 years in prison, continued to collect his yearly $89,500 in salary until impeached and removed, expressing all the while his intention to return to the Federal bench. We must hold the men and women in our judicial system to a much higher standard than mere conviction of serious crime. But if a judge is convicted, the American taxpayer should not bear the financial burden of an impeachment process that is too long, too costly, and, in such cases, redundant.

Prof. Raoul Berger of Harvard Law School has said, "Impeachment has sunk in this country to the ouster of dreary little judges for squalid misconduct." In the case of convicted judges, I could not agree more. If you agree, please cosponsor my joint resolution to provide for the automatic removal of convicted judges.

A SALUTE TO ANTHONY "TONY" TARTARO, A GREAT AMERICAN

(Mr. SOLOMON asked and was given permission to address the House.)

Mr. SOLOMON. Mr. Speaker, last weekend I had the privilege to travel to Saudi Arabia and Kuwait and to meet with hundreds and hundreds of young men and women serving in our military. I told them just how proud Americans back home were of the job they did in the gulf.

And all of the soldiers I spoke with personally, each and every one, wanted me to bring back a message to the American people. They wanted to say how proud they were that the American people back home were devoted to their cause.

One great example of just how much support there was for our American soldiers is represented by one of our court reporters here, a House reporter of debate, Anthony "Tony" Tartaro. Tony has worked here for 24 years. He served our country during World War II and he knows how important support on the homefront is. He took the time and effort to send at his own expense literally dozens and dozens of packages to many of our troops in the gulf. Employees of this House who were there told him just how much they appreciated it. I think Anthony "Tony" Tartaro is a living example of the kind of American pride and patriotism that helped sustain out troops over there in Saudi Arabia, Kuwait, and Iraq.

I personally take off my hat to Anthony "Tony" Tartaro, a great American, a man who proudly wears an American flag lapel pin every day.

THE DEATH OF AMERICA'S CHILDREN

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, last week, Health and Human Service Secretary Louis Sullivan addressed a conference at Hampton University. In his speech, he noted an alarming and ominous fact: For the first time ever, more of America's teenage boys—black and white—are dying from gunshots than from all natural causes combined.

In delivering his message, Secretary Sullivan noted that, "As a black man and a father of three, this reality shakes me to the core of my being." Well, Secretary Sullivan, as a mother and grandmother, this not only shakes me, but scares me and angers me as well. I am disturbed to say the least about the fact, but I am even more perplexed by the reaction—or lack thereof—to it.

I don't know that this grim statistic has sunk into many people's minds; there certainly hasn't been the kind of uproar that should accompany a pronouncement of this magnitude. As parents, we try to immunize our children against childhood diseases; in fact, in many instances, these immunizations and inoculations are federally mandated. As a nation, we spend millions of dollars per year on research and treatment of leukemia and other deadly diseases—and I am not advocating that we spend one dime less. But where is the similar determination to eradicate deaths by gunshot? Where is the hue and cry for an end to this madness? At best the response has been a muted, "Tsk, tsk, tsk." If this news is not sufficient to get the parents of America to say, "Enough is enough," then I don't know what is. Any parent that is not outraged, frightened, and called to action should question his or her commitment to their children.

Many have suggested that in the aftermath of the Persian Gulf war, and our Nation's singular commitment to our troops and their efforts, that now is the time to focus that same kind of national unity of purpose on domestic issues. What better problem to tackle as a nation than the health and safety of our young people?

Solving this deadly dilemma will take all of us working together. Parents will have to take more interest in the lives of their children and instill high moral values in their offspring. Cities and States will have to step up efforts to combat crime and drugs, as well as provide adequate job training and employment services for young people. The U.S. Congress needs to move immediately to enact gun control legislation, such as H.R. 282, which I introduced to mandate registration of all firearms, or to pass the Brady bill which seeks a 7-day cooling off period prior to the purchase of a gun.

If we as a nation make the hard choices, if we as individuals decide to do something, great or small, to improve the quality of life in this country, to save our next generation, then we will all have accomplished something that is truly worthy of our praise and admiration.

BRAVE AMERICANS DESERVE COMMEMORATIVE COIN

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, last night I had the privilege of going to Manchester, NH, to participate in a telethon that raised in excess of $400,000 for support of the troops. I congratulate everybody involved. It is really exciting. I am very proud to have been an American.

I also would like today to honor brave men and women who had the courage to put their lives on the line in the name of liberty and freedom. Our soldiers, sailors, pilots, and all the personnel people involved that carried out the successful Operation Desert Storm, I feel, need to be recognized for their achievement.

Therefore, I, along with 70 of my colleagues, make an invitation to any Member who would like to join. We feel it is only fitting that the United States mint a special commemorative coin to honor these brave people. Their courage and devotion against oppression that we will remember and these virtues will be embodied in this coin. This coin will forever memorialize America's overwhelming victory in the Persian Gulf.

In addition to commemorating this achievement, this bill takes the profits from the sale of the coins and gives 50 percent to the United Service Organization. The USO was founded in 1941 and continues to serve the members of our Armed Forces. It operates over 170 facilities worldwide, taking care of over 2 million active military personnel. We can show the men and women in military that we care for their well-being, at a time when they put their lives on the line for the United States. The other 50 percent will be given to reduce the deficit, another tremendous daily reminder of how important this function is for our future in this country.

□ 1020

APRIL GLASPIE, A DEDICATED PUBLIC SERVANT

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, yesterday our Ambassador to Iraq, April Glaspie, appeared before the Foreign Affairs Committee.

Her testimony was clear, articulate, and direct. If she was as tough minded and plain spoken in her conversations with Saddam Hussein as she was in answering hostile questions from some members of the committee, I have no doubt that Saddam was left with the unmistakable message that the United States would stand behind its friends in the gulf.

Throughout this crisis, I seem to recall some Members as being unsure and hesitant about using military force in the gulf. Yesterday some of those same Members sounded like real war hawks.

Ambassador Glaspie stood up to the badgering like a real trooper. She is a dedicated public servant, a credit to the State Department and to the United States of America.

GOLDEN PIG AWARD TO PHILADELPHIA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, we have all heard of the infamous Golden Fleece award. Well, today we ought to give the Golden Pig Award to some of those people from Pennsylvania, particularly the Philadelphia area, for what they are doing in the dire emergency supplemental.

The U.S. Department of the Navy asked for $500 million to refurbish the U.S.S. *Kennedy*, but in this dire emergency supplemental we are not going to spend $500 million to refurbish the U.S.S. *Kennedy* at the Philadelphia shipyards, we are going to spend $1.2 billion to literally rebuild the thing. That is $700 million more than the Department of the Navy wanted to refurbish that aircraft carrier.

Now, why are we spending $700 million more than the Department of the Navy wants? Because it provides jobs for the Philadelphia delegation at the Philadelphia shipyards. That is pure unadulterated pork at a time we cannot afford it. We cannot afford it, and yet they are going to spend $700 million more than the Navy requested, and many of these people who are pushing for that extra $700 million do not even support our Defense Department in most cases.

I think it is a tragedy.

THE SORKIN FAMILY, SOVIET REFUSENIKS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in May 1989, Roman and Svetlana Sorkin and their children received exit visas to emigrate from the Soviet Union. A few days before their departure, Soviet officials told Roman he could not leave for secret reasons. The Sorkin family exit visa had been canceled.

To hasten their departure, Svetlana participated in hunger strikes sponsored by the Women again Refusal organization. She has written to President Gorbachev, to the British Prime Minister and numerous other officials, all to no avail.

Svetlana is now faced with a dilemma. She might have to file an exit visa application without her husband and it is her only chance of getting herself and her children out of the Soviet Union.

She might also have to send her three young children alone to Israel to boarding schools and orphanages until her husband is given permission to depart by the Soviets and they can leave for Israel together.

Mr. Speaker, this is one of the numerous instances of human rights abuses occurring in the Soviet Union today.

HEROIC EAGLE SCOUT CANDIDATE HENRY NICOLS

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOEHLERT. Mr. Speaker, 17-year-old Eagle Scout Candidate Henry Nicols today released detailed plans for his final requirement to earn his Eagle Scout rank. Henry, who is a member of Scout Troop 1254 in Cooperstown, NY, has decided to do a community AIDS education program. He plans to lead other Scouts in his Troop to collect, develop, and distribute AIDS information to school-aged children, elementary and high school teachers, and community groups.

Henry, has a special interest in AIDS education. He was recently diagnosed as having Acquired immune deficiency syndrome. He would now like to share his experience and knowledge in dealing with the disease of AIDS with school and community groups and will solicit speaking invitations.

Henry, who has a bleeding disorder, and uses a blood clotting concentrate to help stop his bleeding, was exposed to thousands of donors and to the AIDS virus in 1983 prior to the routine screening of blood for the AIDS virus.

A Scout since age 8, Henry is an experienced backpacker. He hiked across the Grand Canyon at age 13, has climbed both the northern and southern ends of the Appalachian Trail, canoed hundreds of miles in white water and recently climbed on the Matterhorn in Switzerland as a guest of the Make-A-Wish Foundation of central New York. His final requirement to earn his Eagle rank requires that he perform a project that is a community service and demonstrates leadership.

A senior at the Cooperstown Central School who expects to attend college in the fall, Henry informed School Superintendent Douglas Bradshaw of his condition shortly after his diagnosis. As required by the Cooperstown Board of Education policy, the school health team met to determine the appropriate educational setting. The health team has determined that there is no reason for Henry not to continue full attendance at this time.

Henry, school officials, members of the health team and his physician and family have been meeting with faculty, staff, and students at Cooperstown Central School to continue the process of AIDS education begun on a formal basis in Cooperstown 3 years ago.

Frederick P. Siegal, M.D., an AIDS specialist at Long Island Jewish Medical Center and one of Henry's physicians, supports Henry's decision to disclose his medical condition with the understanding that the only need for people to know about Henry's illness is Henry's desire to tell them.

All current medical information indicates that AIDS is spread by direct contact with blood, semen, or vaginal secretions of an infected person. Most often this happens through intimate sexual contact, needle sharing while using intravenous drugs, or an infected woman passing the virus to her unborn child during pregnancy. Henry is not a risk to the community. However, Dr. Siegal cautioned Henry that there might be ignorant people who would be biased toward AIDS patients who might make his life difficult.

Henry explained his desire to speak about AIDS with his friends and community by saying:

> It has been hard for me and for my family not to be able to discuss AIDS openly.
>
> There is no reason for me not to be able to discuss my medical condition if I choose to do so. An intelligent and informed community should have no problems in dealing with AIDS patients as human beings—human beings who need help.
>
> I would like to help my community understand AIDS.
>
> I would like to help other AIDS patients who may still be afraid of discrimination.
>
> It is time that we de-mystify AIDS as a disease. Knowledge and understanding will help us in dealing with this serious problem.
>
> As an Eagle Scout I think that I should be a leader. I couldn't remain silent.

FOR ADDITIONAL INFORMATION

Henry Nicols, 607–547–9357.

Hank or Joan Nicols, 607–547–9357, Parents.

Kathy Grossman, 315–475–WISH, Make-A-Wish Foundation Co-Chairperson.

Frederick P. Siegal MD, 718–470–8930, Treating Physician, Author of "AIDS, A Medical Mystery," AIDS researcher, oncologist, Long Island Jewish Medical Center.

Thomas L. Wright, 607–432–6491, BSA Scout Executive, Otschodela Council Boy Scouts of America, Oneonta, NY.

Douglas Bradshaw, 607–547–5364, School Superintendent, Cooperstown Central School, Cooperstown, NY.

Marilyn Lyman, 315–425–1641, Director, Educational Services, American Red Cross, Syracuse, NY.

INCREASING SCIENTIFIC COOPERATIVE GOVERNMENT-INDUSTRY AGREEMENTS ALSO INCREASE OUR INTERNATIONAL COMPETITIVENESS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, Life Technologies, Inc., based in Gaithersburg, MD, and Los Alamos National Laboratory have signed one of the first cooperative research and development agreements [CRADA] between a private sector corporation and the Department of Energy.

Working together in this joint Government-industry venture, researchers will seek to create faster and less costly techniques for determining the precise composition of DNA fragments and the sequencing of the human genome. Yesterday, along with my colleagues from New Mexico, BILL RICHARDSON and JOE SKEEN, I had the privilege of attending the signing ceremony of this precedent-setting CRADA.

The development of CRADA's allows for the full use of one of our greatest national resources—Federal laboratories. There are over 400 Federal labs throughout the Nation, employing one of every six scientists in the country. The potential exists for Federal labs, through a CRADA, to provide a large human resource base and a vital source of knowledge for technological development.

To further support such technology transfer, I have introduced legislation to provide copyright protection to Federal computer software created through a CRADA. By continuing to support technology transfer programs, we will create the framework for a new era of scientific cooperation between the public and private sectors and also increase our international competitiveness.

MUST OUR SOLDIERS DIE ON THE STREETS?

(Mr. EDWARDS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Oklahoma. Mr. Speaker, a short time ago the President of the United States came to this Chamber and he called upon the Congress to enact within 100 days the legislation that was needed to try to make this country the kind of country we wanted our soldiers to be able to come home to.

I am reminded of that speech by an incident that happened just a couple days ago that was on the front page of the Washington Post, and that was the story about a young soldier who had served 7 months in the Persian Gulf, came back alive and unhurt, went back to his hometown and in the process of moving his family back to a home where they could live together, was shot down on the streets.

It seems to me that we have an obligation to take seriously the President's call to take serious action in this body to make America safe. It is a tragedy when a young American can go serve in a war against the fourth largest military power in the world and come back unhurt and be killed senselessly on the streets of Detroit.

Mr. Speaker, we must pass an anticrime bill and we must do it very, very quickly.

CONFERENCE REPORT ON H.R. 1281, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS ACT OF 1991

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes:

CONFERENCE REPORT (H. REPT. 102–29)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1281) "making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 32, 35, 39, 42, 48, 52, 54, 57, 75, 92, 93, 94, and 98.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 19, 20, 23, 26, 27, 29, 30, 41, 61, 63, 67, 68, 88, 89, and 91, and agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:, *to remain available until expended* ; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$6,239,000* ; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,143,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,081,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert:

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $74,000.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $56,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $62,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force," $32,000,000.

And the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$25,000,000*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:: *Provided, That this section may not apply to projects at installations recommended for clo-*

sure by the Secretary of Defense pursuant to title XXIX of Public Law 101–510: Provided further, That the budget authority subject to the deferrals disapproved herein shall be made available for obligation effective April 16, 1991; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 12, 13, 18, 28, 31, 33, 34, 36, 37, 38, 40, 43, 44, 45, 46, 47, 49, 51, 53, 55, 56, 58, 60, 62, 64, 65, 66, 69, 70, 71, 72, 73, 74, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 90, 95, 96, 97, 99, 100, 101, 102, 103, 104, 105, 106, 107, and 108.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES,
DAVID R. OBEY (EXCEPT AMENDMENTS 31 AND 32),
EDWARD R. ROYBAL,
TOM BEVILL,
JOHN P. MURTHA,
BOB TRAXLER,
WILLIAM LEHMAN,
JULIAN C. DIXON,
VIC FAZIO,
W.G. (BILL) HEFNER,
JOSEPH M. MCDADE (EXCEPT AMENDMENTS 31 AND 32),
JOHN T. MYERS,
LAWRENCE COUGHLIN,
BILL GREEN,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
J. BENNETT JOHNSTON,
QUENTIN BURDICK,
PAT LEAHY,
JIM SASSER,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
BROCK ADAMS,
MARK O. HATFIELD,
TED STEVENS,
JAKE GARN,
THAD COCHRAN,
ROBERT W. KASTEN, Jr.,
ALFONSE M. D'AMATO,
WARREN RUDMAN,
PETE V. DOMENICI,
SLADE GORTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Amendment No. 1: Appropriates $310,000 as proposed by the Senate instead of $2,951,000 as proposed by the House.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

Strike all on line 8, page 2 of the House engrossed bill, H.R. 1281, and all that follows through line 20, page 2.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House has proposed $2,775,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration. The Senate had proposed $632,000 for this item. The conference agreement strikes both the House and Senate amounts proposed for this item. In addition, the conference agreement strikes the appropriation of $310,000 for the Operations and Administration account of the International Trade Administration.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

Amendment No. 3: Deletes an appropriation of $1,610,000 proposed by the House and stricken by the Senate for the Scientific and Technical Research and Services account of the National Institute of Standards and Technology.

The House had included a total of $7,336,000 for emergency expenses borne by the International Trade Administration, National Oceanic and Atmospheric Administration, and National Institute of Standards and Technology in support of Operation Desert Shield/Storm. The Senate had included $942,000 for ITA and NOAA.

The conferees have reluctantly agreed not to include any funding to reimburse Department of Commerce agencies for Operation Desert Shield/Storm emergency expenses. The conferees have not been able to appropriate funds because of the Administration's inconsistent treatment of the Department of Commerce vis-a-vis other Executive Branch agencies such as the Department of State, Agency for International Development, Department of Treasury and the Department of Justice. For example, the Administration refuses to agree to emergency designation for appropriations for the International Trade Administration that are for the same purposes and at the same overseas locations as those requested for the Department of State.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Amendment No. 4: Deletes a provision, proposed by the House and stricken by the Senate, making $10,000,000 of the appropriation for the Salaries and Expenses account available notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended.

The Department of State has requested $24,000,000 for fiscal year 1992 to implement the Immigration Act of 1990. In addition, a reprogramming has been submitted to the Committees on Appropriations, which has been approved by the House Committee on Appropriations, to provide $6,300,000 to begin the implementation of this legislation during the current fiscal year. As part of its plans, the Department intends to centralize in one location in the United States most immigrant visa processing activities. The closures of Pease Air Force Base in New Hampshire and Lexington Army Depot in Kentucky offer the government the opportunity to obtain property and buildings for such a facility, possibly at little or no cost. Therefore the Senate Committee on Appropriations hereby approves the reprogramming of $6,300,000 and the managers direct the State Department to develop plans to locate the centralized visa processing facility at either Pease Air Force Base or the Lexington Army Depot.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Amendment No. 5: Inserts a provision making the $9,300,000 appropriated for Emergencies in the Diplomatic and Consular Service available until expended. The House had proposed this provision together with a provision waiving section 15(a) of the State Department Basic Authorities Act of 1956. The Senate has proposed that both of these provisions be deleted from the bill.

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 6: Appropriates a total of $5,800,000 of which $1,400,000 is to be derived by transfer from "Radio Construction" as proposed by the Senate instead of a total of $6,800,000 of which $1,400,000 is to be derived by transfer from "Radio Construction" as proposed by the House.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY OPERATION DESERT SHIELD/DESERT STORM

Amendment No. 7: Deletes language proposed by the House and stricken by the Senate. The House provided $333,600,000 for various missile and ammunition programs to be derived by transfer from the Defense Cooperation Account.

The conferees have included all procurement funding relating to the Persian Gulf War in the conference agreement on H.R. 1282, the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991. Additional information concerning these programs may be found in that document.

CHAPTER II

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Amendment No. 8: Changes chapter number as proposed by the Senate.

CHAPTER III

FUNDS APPROPRIATED TO THE PRESIDENT

Amendment No. 9: Changes chapter number as proposed by the Senate.

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Amendment No. 10: Deletes House language waiving the requirement for authorization prior to obligation or expenditure of funds.

ECONOMIC SUPPORT FUND

Amendment No. 11: Inserts $850,000,000 for the "Economic Support Fund", as proposed by the Senate, instead of $650,000,000, as proposed by the House.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts the words "of which $650,000,000".

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which inserts an earmark of $200,000,000 in "Economic Support Funds" only for Turkey and waives the requirement for authorization prior to obligation or expenditure of funds.

Amendment No. 14: Inserts the word "sums", as proposed by the Senate, instead of "sum", as proposed by the House.

Amendment No. 15: Deletes the article "a".

Amendment No. 16: Inserts the word "transfers", as proposed by the Senate, instead of "transfer", as proposed by the House.

Amendment No. 17: Inserts the word "sums", as proposed by the Senate, instead of "sum", as proposed by the House.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which permits "Economic Support Fund" assistance to Turkey to be used for military purposes.

Amendment No. 19: Deletes House language related to the provision of "Economic Support Fund" monies for Israel which waived the requirement for authorization prior to obligation or expenditure of funds, as proposed by the Senate.

CHAPTER IV

LEGISLATIVE BRANCH

Amendment No. 20: Changes chapter number as proposed by the Senate.

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

Amendment No. 21: Appropriates $6,239,000 for salaries, Capitol Police instead of $6,164,000 as proposed by the House and $6,328,000 as proposed by the Senate. Funds for six police K-9 positions are included, but to be filled by vacancies or by upgrading current patrolmen. The salary funds allowed, $13,000, are based upon the differential salaries between patrolmen and trained (K-9) technican positions. Conversion from the civilization program is not allowed. Also, funds for the 10 freight handler positions requested for the off-site delivery center are allowed, an increase of five positions, $62,000, over the House bill.

The conferees expect that the allocations of these additional K-9 resources will be made by a professional assessment of the overall security requirements of the Capitol complex. The Committees on Appropriations will reevaluate the need for K-9 positions during consideration of the fiscal year 1992 Legislative Appropriations bill.

Amendment No. 22: Provides that $3,143,000 of the $6,239,000 for salaries, Capitol Police, is appropriated to the Sergeant at Arms of the House of Representatives instead of $3,130,000 as proposed by the House and $3,232,000 as proposed by the Senate. The increase over the House bill is for the additional salary costs of six police K-9 positions.

Amendment No. 23: Provides that $3,096,000 of the $6,239,000 for salaries, Capitol Police, is appropriated to the Sergeant at Arms and Doorkeeper of the Senate as proposed by the Senate instead of $3,034,000 as proposed by the House. The conferees have agreed to provide funds for 10 additional freight handlers at the off-site delivery center.

GENERAL EXPENSES

Amendment No. 24: Appropriates $1,081,000 for general expenses, Capitol Police, instead of $978,000 as proposed by the House and $1,138,000 as proposed by the Senate. The conferees have included $103,000 to equip six additional K-9 teams, including $15,000 for the acquisition of dogs, $68,000 for vehicles, and $20,000 for equipment, uniforms, and supplies.

LIBRARY OF CONGRESS

Amendment No. 25: Appropriates $74,000 for salaries and expenses instead of $88,000 as proposed by the Senate, and deletes $351,000 proposed by the Senate for furniture and furnishings, Library of Congress. The conferees have agreed to provide funds to fill nine authorized, unfunded police positions at the Library of Congress.

CHAPTER V

PANAMA CANAL COMMISSION

Amendment No. 26: Changes chapter number as proposed by the Senate.

CHAPTER VI

DEPARTMENT OF THE TREASURY

Amendment No. 27: Changes a chapter number as proposed by the Senate.

U.S. CUSTOMS SERVICE

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $1,825,000 for salaries and expenses.

CHAPTER VII

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

Amendment No. 29: Changes chapter number.

Amendment No. 30: Appropriates $25,000,000 for medical care as proposed by the Senate, instead of $46,000,000 as proposed by the House.

The conferees agree that the amount provided is necessary to cover costs that have been and will be incurred by the VA because of events in the Persian Gulf. The supplemental appropriation includes $4,000,000 for post-traumatic stress disorder. The conferees direct the Department to submit a plan within 15 days of enactment of this bill proposing how the balance of these funds will be allocated.

Concern has been expressed recently regarding emergency needs of the National Cemetery System (NCS). The 1991 NCS budget of $53,545,000 is eleven percent above the 1990 level. The conferees note that the VA has eliminated the common service reimbursement from the National Cemetery System to the medical care appropriation. This action has the effect of providing an additional $1,000,000 for cemetery activities in 1991. It is also noted that the VA reduced the NCS program by $1,261,000 as part of the general reduction applied to certain activities in the general operating expenses (GOE) account in 1991. If additional funds are needed, a reprogramming proposal from other activities in the GOE appropriation to restore that general reduction will receive expeditious consideration. It is anticipated that, within the budgetary allocation, the 1992, NCS funding level will be increased above the requested level so as to continue providing a dignified resting place for our recent and past heroes.

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

Section 634 of the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1991, Public Law 101-506, is hereby repealed.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes Senate language which provided for adjustments in the dairy program and technical changes to the 1990 farm bill.

The agreement also removes the cap on the Export Enhancement Program as proposed by the Senate. The conferees will expect the Department to assure that the benefits of the program go to the producer and not to the exporter.

The conferees will expect the Department to use the Commodity Credit Corporation and section 32 authority to remove surplus milk products from domestic markets and donate such products as a bonus to domestic feeding programs such as WIC, commodity supplemental feeding, elderly feeding (including meals-on-wheels) and programs for the homeless. Such donations shall be in addition to regular purchases.

The conferees discussed the Export Enhancement Program needs and strongly urge that 100 million pounds of nonfat dry milk and 100 million pounds of butter be exported under the Export Enhancement Program during the remainder of 1991. The conferees also expect that added emphasis be given to the export of vegetable oils, poultry and rice under the Export Enhancement Program.

Amendment No. 32: Deletes Senate language which had the effect of maintaining the Special Supplemental Food Program for Women, Infants and Children caseload at current levels if adjustment to the dairy program would have caused negative impacts. The House had no similar provision.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows:

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House had proposed an appropriation of $1,000,000 for Economic and Statistical Analysis which the Senate deleted from the bill. The conference agreement restores the amount proposed by the House and adds a provision making these funds available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$24,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The House had proposed a rescission of $9,600,000 from the excess balances in the Economic Development Revolving Fund and the Senate had proposed a rescission of $20,000,000 from such balances in the Fund. The conference agreement rescinds $24,000,000 in excess balances in the Economic Development Revolving Fund.

Amendment No. 35: Deletes a provision proposed by the Senate that would have permitted the Secretary of Commerce to transfer excess balances in the Economic Development Revolving Fund to meet needs in other Commerce Department appropriation accounts, pursuant to the reprogramming procedures contained in section 606 of Public Law 101-515. The House bill contained no provision on this matter.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", $1,400,000, to remain available until expended.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,100,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For additional amount for "Operations, research, and facilities", $3,000,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate had proposed an appropriation of $3,000,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration. Of this amount, $1,400,000 is for the increased cost of fuel to maintain flying hours for P-3 hurricane hunter aircraft and steaming hours for NOAA ocean and fisheries research vessels and $1,600,000 is for replacement of furniture and computers destroyed by a recent fire at a NOAA facility in Germantown, Maryland, and rental of temporary space for employees displaced by the fire. The House bill contained no similar provision.

The conference agreement includes the $3,000,000 appropriation for the National Oceanic and Atmospheric Administration proposed by the Senate. The agreement also includes appropriations not included in either bill of $1,400,000 for Export Administration and $1,100,000 for the United States Travel and Tourism Administration.

The funds included in the conference agreement for Export Administration will fund certain ongoing costs of the Bureau of Export Administration resulting from the Persian Gulf conflict, including additional analysis and administrative reviews of license applications to Third World countries and the Middle East, support of the Department's Gulf Reconstruction Center and additional training and workload requirements for special agents in export enforcement activities.

The amount included in the conference agreement for the United States Travel and Tourism Administration will provide resources necessary to reimburse the Claims, Judgments and Relief Acts Fund in the Department of Treasury as a result of a judgment rendered against the United States for certain construction costs of the USA Pavilion at the Louisiana World's Fair in 1984.

DEPARTMENT OF COMMERCE—GENERAL PROVISION

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment enabling the Census Bureau to use $750,000 appropriated in the Periodic Censuses and Programs account for fiscal year 1991 to provide the Federated States of Micronesia technical assistance and training for census taking and other data collection efforts. The House bill contained no provision on this matter.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$5,180,000, of which $2,000,000 shall remain available until expended and of which $3,180,000 is*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the requested transfer of $3,180,000, as recommended by both the House and the Senate, to provide $314,000 for protection of witnesses, $2,262,000 to comply with provisions of the Americans with Disabilities Act, and $604,000 for a Geographic Information System.

The conference agreement also includes $2,000,000 in new budget authority above the request, instead of $4,000,000 as recommended in the Senate amendment, to provide technical assistance related to implementation of the Americans with Disabilities Act. The House Bill contained no such provision.

Amendment No. 39: Deletes a technical correction proposed by the Senate and not in the The House Bill. The correction is addressed in amendment No. 38.

RADIATION EXPOSURE COMPENSATION ACT

The conferees concur with the language included in the Senate report that requires a report to be submitted on administration of the Radiation Exposure Compensation Act by the Justice Department. The conferees agree that the fact that the Department is administering this program in no way commits them to funding actual compensation payments. The conferees expect the Administration to forward a proposal to the Congress on which agency shall be reponsible to fund payments.

DEPARTMENT OF JUSTICE—GENERAL PROVISIONS

ASSETS FORFEITURE FUND

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Section 524(c)(9) of title 28, United States Code, is amended by adding the following new subsection:

"(E) Subject to the notification procedures contained in section 606 of Public Law 101-515, and after reserving the amounts authorized in subparagraph (D) above, any unobligated balances remaining in the Fund on September 30, 1991, and on September 30, 1992, shall be available to the Attorney General, without fiscal year limitation, to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution, and correctional activities of the Department of Justice.".

SEC. 102.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House Bill contained a general provision, Sec. 101, stricken by the Senate, which made unobligated balances in the Assets Forfeiture Fund available to initiate a new grant program authorized in the Crime Control Act of 1990 and to fund training enhancements and vehicle/equipment needs of the Drug Enforcement Administration and the Federal Bureau of Investigation.

The conference agreement restores Sec. 101, but amends the House language to make the unobligated balances in the Assets Forfeiture Fund available only for procurement of vehicles, equipment, and other non-construction capital investment-type items for Justice Department activities involved in the war on drugs and violent crime.

WITNESS FEES FOR PRISONERS

Amendment No. 41: Deletes House language as proposed by the Senate.

The conference agreement includes a general provision, Sec. 102, proposed in the House Bill, which prohibits the use of funds appropriated in FY 1991 and prior years to pay fact witness fees to individuals who are incarcerated, but deletes the phrases "pursuant to a writ of habeas corpus ad testificandum" as proposed in the Senate amendment. The Senate amendment broadens the House language to include all inmates, and not just those held in State prisons.

DEPARTMENT OF STATE—GENERAL PROVISION

Amendment No. 42: Deletes a provision proposed by the Senate that would have required that $1,250,000 of the funds made available to the State Department through Title IV of this bill be used only for payment of processing fingerprint and identification records and name checks as required by Public Law 101-515. The House bill contained no provision on this matter. The conferees note that the House and Senate Appropriations Committees have received a communication from the Department of State stating the Department's unequivocal intention to pay the Federal Bureau of Investigation for fingerprint records and name check services as required under Public Law 101-515. In addition, the conferees understand that the appropriate officials responsible for financial management in the State Department and the FBI are working to establish the precise amounts owed for such services for fiscal year 1990 and fiscal year 1991.

THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$68,730,000, of which $750,000, to remain available until September 30, 1992, shall be transferred to the National Commission on Judicial Discipline and Removal, and*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House Bill provided $69,520,000 for the requested increases of $5,114,000 in new mandatory budget authority for the FY 1991 judges pay raise and the cost of the 20 new judges to be appointed in FY 1991, and $64,406,000 in new discretionary budget authority for geographical pay increases and to implement the Judicial Improvements Act of 1990.

The Senate amendment provided for the requested mandatory increases, but reduced discretionary authority by $1,540,000.

The conference agreement provides $67,980,000 in budget authority for the Courts as recommended by the Senate. In addition, the conference agreement provides for the transfer of $750,000 to the National Commission on Judicial Discipline and Removal. This Commission, whch was established in the Judicial Improvements Act of 1990, is tasked with investigating and studying the problems and issues involved in the tenure (including discipline and removal) of Article III judges.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Maritime Administration

READY RESERVE FORCE

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which appropriates $20,000,000 to the Maritime Administration for the Ready Reserve Force. The House bill contained no similar provision.

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said amendment insert the following: *$3,630,000 to remain available until expended*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides an appropriation of $3,630,000, instead of $2,000,000 as proposed by the Senate and $1,000,000 as proposed by the House, and makes these funds available until expended. The conferees agree that these funds are to be used for the purpose of providing technical assistance related to implementation of the Americans with Disabilities Act.

Federal Trade Commission

SALARIES AND EXPENSES

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said amendment insert the following: *$2,000,000 to remain available until expended.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides an appropriation of $2,000,000 as proposed by the House, instead of $1,000,000 as proposed by the Senate, and also makes these funds available until expended.

Securities and Exchange Commission

SALARIES AND EXPENSES

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum proposed by said amendment insert the following: *$1,600,000 to remain available until expended.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides an appropriation of $1,600,000, instead of $2,000,000 as proposed by the House and $1,000,000 as proposed by the Senate, and also makes these funds available until expended.

Small Business Administration

SALARIES AND EXPENSES

Amendment No. 48: Deletes language proposed by the Senate which would have earmarked funds previously appropriated to the Small Business Administration for the Service Corps of Retired Executives (SCORE). The House bill contained no similar provision.

The conferees note that the House and Senate Appropriations Committees have received a communication from the Small Business Administration assuring the Committees that, with the transfer of $1.5 million into SBA's Salaries and Expenses account made available in this bill, the Administration unequivocally intends to fund the SCORE program at $2,767,000. This is the amount indicated in the conference report accompanying Public Law 101-515.

Small Business Administration General Provision

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SMALL BUSINESS ADMINISTRATION—GENERAL PROVISION

Notwithstanding any other provision of law, the Administrator of the Small Business Administration shall not withhold disaster assistance under section 7 of the Small Business Act to nurseries or greenhouses which suffered damage as a result of disasters (as defined in the Small Business Act) that occurred between October 1, 1990 and March 1, 1991.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment added a general provision which would grant authority to the Small Business Administration to provide disaster assistance loans for greenhouses and nurseries that suffered damage as a result of the November 1990 floods in Washington State. The House bill contained no similar provision.

The conference agreement adds a general provision which grants authority to the Small Business Administration to provide disaster assistance loans for greenhouses or nurseries which suffered damage as a result of disasters that occurred between October 1, 1990 and March 1, 1991. The conferees recommend that the Small Business Committees of the House and Senate make a thorough review of this entire matter and consider proposing an amendment to section 7 of the Small Business Act which would make nurseries and greenhouses eligible on a permanent basis for SBA disaster assistance.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

Operation and Maintenance

Amendment No. 50: Restores the heading "OPERATION AND MAINTENANCE" and appropriation language as proposed by the House as follows:

	House	Senate	Conference
O&M, Army	$95,220,000	0	$56,000,000
O&M, Navy	173,880,000	0	62,000,000
O&M, Marine Corps	4,000,000	0	0
O&M, Air Force	76,400,000	0	32,000,000

Deletes the House provision appropriating $58,000,000 for Research, Development, Test and Evaluation, Army. This issue is addressed in the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991.

These funds are to be used for increased CHAMPUS costs associated with Operation Desert Shield/Desert Storm.

CHAMPUS

The House included an appropriation of $270,000,000, allocated to the Army, Navy, and Air Force, associated with increased CHAMPUS costs. The Senate did not include any funds since the Department did not request an additional allowance.

The conferees agree that additive CHAMPUS funds are needed over the $80,000,000 included in the Desert Storm supplemental. Therefore, $150,000,000 is included for additive CHAMPUS costs. Of these funds, $56,000,000 is for the Army, $62,000,000 is for the Navy, and $32,000,000 is for the Air Force. Of the $56,000,000 provided for the Army, $5,000,000 is to be used only to pay the increased costs associated with the Fort Bragg Mental Health Demonstration Project. This project's total fiscal year 1991 funding is $12,000,000.

SPECIAL OLYMPICS

The conferees agree to include a provision that directs the Department to make available $500,000 for the Special Olympics Games from the funds previously appropriated for the Goodwill Games.

AIR BATTLE CAPTAIN

The conferees agree that the Army should continue, for the remainder of FY 1991, its demonstration program to place helicopter pilots graduated from the University of North Dakota in advanced helicopter pilot training.

REPAIR AND REFURBISHMENT OF READY RESERVE FORCE VESSELS

The Conferees understand that the 71 Ready Reserve Force (RRF) vessels activated by the Navy for Operation Desert Shield are to be returned to deactivated RRF status upon redeployment to the U.S. Further, the

Conferees understand that the Navy is obligated to repair and refurbish these vessels prior to deactivation, thereby insuring their prompt availability for use in future conflicts. As such, the Conferees direct that at least half of these vessels be allocated to Navy shipyards to perform the required repair and refurbishment.

CIVIL AIR PATROL

The conferees strongly support the report language on the Civil Air Patrol as proposed by the House. In addition, the conferees direct the Air Force to provide the fiscal year 1991 funds to the Civil Air Patrol on a timely basis and to work with the Civil Air Patrol on their funding requirement for fiscal year 1992.

USE OF U.S. INTELLIGENCE SYSTEMS AND RESOURCES FOR PERSIAN GULF ENVIRONMENTAL AND ECOLOGICAL ASSESSMENTS

The catastrophic environmental and ecological damage done in the Persian Gulf region and beyond resulting from the sabotage of Kuwaiti oil wells and associated facilities is without precedent in modern history. As a consequence of this unique situation, the Conferees strongly urge the Director of Central Intelligence to support the overall United States national government damage assessment effort by assembling a special Community-wide task force, in order to (1) identify all intelligence systems and analytical assets capable of assessing the nature, impacts, and extent of such damage; and (2) direct expeditiously and on a high priority basis those systems and assets to conduct such assessments. Further, under appropriate precautions to safeguard the security of intelligence assets, sources and methods, the Director of Central Intelligence is requested to (1) cooperate closely with the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Director of the National Oceanographic and Atmospheric Administration and other federal departments and agencies in sharing resources, information, and analytical work and assessments that might result from the efforts on this matter; (2) make sharing arrangements to draw upon the information and analysis being done by other nations on this matter; and (3) provide a preliminary report, in both classified and unclassified forms, on the activities he has initiated on this matter 60 days after the enactment of this Act.

GENERAL PROVISIONS

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 201. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for 1991 shall not apply in the case of flag or general officers serving as practicing physicians.

SEC. 201A. Of the funds made available to the Department of Defense for Chemical Agents and Munitions Destruction, Defense, and amount not to exceed $2,000,000 shall be available only for an off-island leave program: Provided, That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations, prescribe travel and transportation allowances for travel performed by participants in the off-island leave program: Provided further, That funds appropriated for the off-island leave program shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 52: Restores House language which calls for a service life extension program for the U.S.S. KENNEDY at the Philadelphia Naval Shipyard.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 204. Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 100–463) for fiscal year 1989, $200,000,000 shall be made available to the Department of the Navy and shall be obligated not later than sixty days from the enactment of this Act for the V-22 Osprey tilt rotor aircraft program: Provided, That notwithstanding any other provision of law, these funds shall remain available until such time as they are expended for the V–22 Osprey tilt rotor program.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree to direct the Department of Defense to obligate the $200,000,000 provided for the program.

Amendment No. 54: Restores the House language making a transfer of funds for the AOE fast combat support ship program.

The House recommended a provision (section 205) transferring $237,000,000 from the AOE program funded in 1991 to other AOE ships funded in prior years for potential cost overruns. The House report noted that no claims have been agreed upon at this time, but directed the Navy to proceed expeditiously to resolve this matter and complete the ships. The Senate provided no funds because there has no determination of total government liability. The conferees understand that, even though government liability is currently estimated at $29,300,000, the Secretary of the Navy supports the transfer as proposed by the House in order that the Navy may proceed expeditiously to complete the ships. The conferees agree with the provision of the House noting the Secretary's support.

The conferees are concerned that providing funding in advance of any known requirement may be interpreted as a demonstration of congressional intent that this amount represents the government's liability. The conferees emphatically reject such an interpretation. Further, in order to assure a proper accounting of the government's liability, the conferees direct the General Accounting Office to monitor the resolution of claims in this instance. The Navy shall not obligate any of these funds for payment of claims until each specific obligation has been determined by GAO to be an appropriate cost to the government.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 206. Section 8126 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1907), is amended by inserting after "September 30, 1990", the following ", unless the Secretary of Defense submits a report by May 31, 1991 to the Committees on Appropriations of the House and Senate indicating what additional positions he intends to fill above those positions assigned to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity conflict as of September 30, 1990".

SEC. 207. Of the amount appropriated in title II of Public Law 101–165 (103 Stat. 1118) to the Department of Defense for the provision of logistical support and personnel services for the 1990 Goodwill Games, the amount of $500,000 shall be used to provide such services for the 1991 Special Olympics to be held in the State of Minnesota in July, 1991, and shall remain available for obligation for such purposes until September 30, 1991.

SEC. 208. The Secretary of Defense shall transfer $8,000,000 from the appropriation "Research, Development, Test and Evaluation, Defense Agencies" appropriated in Title IV of the Department of Defense Appropriations Act, 1990 (P.L. 101–165) for the Center for Commerce and Industrial Expansion to appropriations available to the Department of Education which shall be obligated by that Department as a grant for the Center for Commerce and Industrial Expansion as authorized in Section 4 of Public Law 101–600: Provided, That such funds shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House of the amendment of the Senate.

CENTER FOR COMMERCE AND INDUSTRIAL EXPANSION

The conferees have included bill language to transfer unobligated funds that have been declared to be excess from the Department of Defense to the Department of Education to execute Section 4 of Public Law 101–600.

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That these funds shall remain in the United States Treasury and shall be transferred to the District of Columbia government immediately upon certification by the Mayor of the District of Columbia to the Committees on Appropriations of the Senate and House of Representatives that spending reductions and revenue enhancements in amounts not less than $216,000,000 in the aggregate are being implemented and all approvals by the Council of the District of Columbia, as required by law, have been secured: Provided further, That these funds shall be transferred to the District of Columbia government no later than May 1, 1991.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes bill language proposed by the Senate that conditions the availability of these funds on the Mayor's certification to the Committees on Appropriations that spending reductions and revenue enhancements amounting to at least $216,000,000 have been implemented and that all approvals by the Council of the District of Columbia, as required by law, have been secured. The House included similar language in its report. The conference action also includes bill language requiring that the payment to the District of Columbia government be made no later than May 1, 1991.

According to its announced schedule the District Council will consider the fiscal year 1991 supplemental on April 9, 1991. The conferees intend to request the General Accounting Office to review that legislation in order to advise the Committees whether the legislation enacted meets the stated goal of reducing spending or contains revenue enhancements that, in the aggregate, total not less than $216,000,000.

CHAPTER IV

The conferees agree with the language in the Senate Report relating to petitions filed with the National Marine Fisheries Service to declare five species of Columbia and Snake River salmon as threatened or endangered under the Endangered Species Act.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

Amendment No. 57: Restores House language stricken by the Senate that provides that funds included in the FY 1991 Energy and Water Development Appropriations Act for the Passaic River Mainstem, New Jersey, project may be used only for that project.

CONSTRUCTION, GENERAL

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

CONSTRUCTION, GENERAL

Using funds appropriated for "Construction, general" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work during fiscal year 1991 which would be terminated solely for policy reasons as a result of the proposed phaseout of the sections 103, 107, 111, and 208 Continuing Authorities Programs: Provided, That, from within funds appropriated to "General investigations" by the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, the Secretary shall make $300,000 available to implement the provisions of the "Coastal Wetlands Planning, Protection and Restoration Act" (Public Law 101-646).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate that directs the Secretary of the Army to continue work during fiscal year 1991 on those activities under sections 103, 107, 111, and 208 of the Corps of Engineers Continuing Authorities Programs being terminated solely for policy reasons as a result of the proposed phaseout of those sections of the Continuing Authorities Program. The Senate language has been amended to correct the name of the account under which these programs are funded.

The conference agreement also includes language proposed by the Senate that directs the Secretary of the Army to make $300,000 of the funds appropriated in the FY 1991 Energy and Water Development Appropriations Act available to implement the provisions of the Coastal Wetlands Planning, Protection and Restoration Act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

Amendment No. 59: Appropriates $25,000,000 for the Construction Program of the Bureau of Reclamation to meet the emergency needs of areas affected by the continuing drought in the West instead of $30,000,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

Of the amount appropriated under this heading in the Energy and Water Development Appropriations Act, 1991 (Public Law 101-514), up to $11,930,000 shall be available for Buffalo Bill Dam Modification, Wyoming, as proposed in the United States Department of the Interior Budget Justifications, fiscal year 1991, for the Bureau of Reclamation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate which would permit the expenditure of funds appropriated in fiscal year 1991 for the Buffalo Bill Dam modification project in Wyoming. The Senate language has been amended to delete the heading.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

The conferees agree that the Secretary of Energy shall use such sums as are necessary from amounts previously provided to the State of Hawaii for geothermal resource verification and characterization to conduct the necessary environmental assessments and/or environmental impact statement (EIS) for the geothermal initiative to proceed. This shall be done consistent with the guidance in Senate Report 101-378 and funds not expended for this purpose shall be applied to the characterization effort originally specified in that report. The work contemplated by the Federal Government and State of Hawaii is resource verification and characterization. This is research work not development or project construction work and is not a "major federal action" and therefore would not require an EIS pursuant to the National Environmental Policy Act (NEPA). However, the environmental sensitivity of this geothermal resource is so acute that the process required in an EIS is important, and shall be complied with in this case.

The Secretrary is directed to conduct the EIS in cooperation with the appropriate agencies of the State of Hawaii which have already begun state goethermal master planning and environmental impact assessments in compliance with NEPA requirements. The conferees further agree that the law does not require such an EIS and that this action does not set a precedent for action in similar situations in the future. Rather, this action is taken only because of the unique sensitivity of the geothermal resource in Hawaii.

The conferees agree with the Senate Report language regarding the distribution of funds for the Uranium Mill Tailings Remedial Action [UMTRA] program.

ATOMIC ENERGY DEFENSE ACTIVITIES

The conferees agree with the Senate Report language regarding the use of funds for B Plant at Hanford.

Amendment No. 61: Appropriates $623,000,000 as proposed by the Senate instead of $603,000,000 as proposed by the House.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate regarding the availability of $10,000,000 in community impact assistance to several communities in Colorado.

CHAPTER V

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amendment No. 63: Appropriates $150,000,000 from the Unemployment Trust Fund as proposed by the Senate instead of $200,000,000 as proposed by the House.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that all funds appropriated under this heading are designated to be "emergency requirements" for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The House bill included no similar provision.

DEPARTMENTAL MANAGEMENT

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $4,000,000 from the Unemployment Trust Fund for costs associated with Operation Desert Shield/Operation Desert Storm for carrying out the Transition Assistance Program. The House bill included no funds for this purpose.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PROGRAM OPERATIONS

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *:Provided, That funds appropriated by the Department of Health and Human Services Appropriations Act, 1991, for rural health outreach grants, may not be used to provide forward or multiyear funding: Provided further, That none of the funds available for ongoing activities within community health centers or maternal and child health block grant programs under Public Law 101-517 shall be reprogrammed, redirected or reallocated for any other purposes*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language proposed by the Senate to clarify that funds appropriated in fiscal year 1991 for rural health outreach grants may not be used for multiyear awards.

The conferees have also included language to make clear that the Department is prohibited from reprogramming, redirecting or reallocating funds in community health centers or the maternal and child health program.

The conferees are aware that a number of community health centers have not received their full 1991 award because funds have been reserved pending resolution of the Department's proposed reallocation of funds for the infant mortality initiative. The conferees expect funds that have been withheld from these grantees to be released immediately.

VACCINE INJURY COMPENSATION

Amendment No. 67: Appropriates $17,000,000 as proposed by the Senate for payment of claims resulting from vaccines administered prior to fiscal year 1989. The conference agreement also provides $1,000,000 in additional funding from the Vaccine Compensation Trust Fund for administrative costs of the program, as proposed by the Senate. The House bill did not include either of these provisions.

The conferees are concerned that Federal financial liability under the vaccine compensation program as currently structured vastly exceeds estimates made at the time of enactment. The conferees urge the authorizing committees to review the program as quickly as possible to determine what statutory changes should be made to bring the program in line with original Congressional intent.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 68: Deletes language proposed by the House which would have legislatively released $100,000,000 from the contingency reserve. After House passage of the supplemental appropriations bill, the Office of Management and Budget released $100,000,000 from the contingency reserve. The Conferees remain concerned about the significant workload increases which SSA has experienced in fiscal year 1991. Therefore, the Conferees urge the Office of Management and Budget to closely monitor this situation and release additional contingency funds as necessary to provide SSA with needed resources to maintain a high level of service to the public.

FAMILY SUPPORT ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

FAMILY SUPPORT ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Amounts provided under this heading in the Department of Health and Human Services Appropriations Act, 1991, for cash and medical assistance may be used to provide grants to private nonprofit agencies for private nonprofit agencies for private sector resettlement activities, as authorized by law.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes without prejudice language in the Senate bill which would have designated $1,700,000 of funds already appropriated for refugee and entrant assistance for an expanded Cuban private sector initiative. Instead, the conference agreement includes bill language to clarify that cash and medical assistance funds may be used to provide grants to private nonprofit agencies, as permitted under authorizing law. However, no funds for such grants may be derived from States facing shortfalls in cash and medical assistance. This bill language would allow the Department of Health and Human Services to award grants such as those envisioned in the Senate language. The conferees believe the Office of Refugee Resettlement is the appropriate entity to make the selection of grantees.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *, and such funds shall be awarded no later than June 1, 1991: Provided, That the requirements of the Paperwork Reduction Act of 1980 and section 431 of the General Education Provisions Act are waived with regard to grants made with fiscal year 1991 appropriated funds under title III, part H of the Carl D. Perkins Vocational and Applied Technology Act.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement inserts language proposed by the Senate requiring that funds appropriated in the Department of Education Appropriations Act, 1991, for grants to tribally controlled vocational schools be awarded not later than June 1, 1991. The House bill provided that these funds become available on April 1, 1991 but did not specify when the awards should be made. The conference agreement also adds new language which permits an accelerated review process by waiving certain administrative requirements.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

In the appropriations language under this heading in the Department of Education Appropriations Act, 1991, delete the words "if authorized," and the words "if such a grant is specifically authorized in law" and insert after "Standards" the following: ": Provided, That funding for the National Board for Professional Teaching Standards shall be expended under the terms, conditions, and limitations provided for in Part G of Title IV of H.R. 5932 as passed the House of Representatives on October 26, 1990".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The regular 1991 Appropriations Act for the Department of Education provides $5,000,000 for the National Board for Professional Teaching Standards subject to the passage of authorizing legislation. Legislation authorizing this grant passed the House of Representatives late in the 101st Congress but did not become law. The Senate bill included language releasing these funds. The conference agreement accepts this proposal but requires that the funds be spent as would have been provided if the House passed authorization bill had become law.

CHAPTER VI

LEGISLATIVE BRANCH

SENATE

ADMINISTRATIVE PROVISIONS

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate regarding inscriptions on the sides of Senators' mobile offices.

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate regarding transfers of certain Senate leadership funds.

ARCHITECT OF THE CAPITOL

ADMINISTRATIVE PROVISION

(TRANSFER OF FUNDS)

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

ARCHITECT OF THE CAPITOL

ADMINISTRATIVE PROVISION

(TRANSFER OF FUNDS)

Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, and subject to enactment of authorizing legislation, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of rental, lease, or other agreement, of temporary storage and warehouse space for use by the Library of Congress during fiscal year 1991, and to incur incidental expenses in connection with such use.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree there is an acute need for temporary storage at the Library of Congress. In the meantime, the special collections backlog cannot be processed. The language provides that the Architect may lease such space for use by the Library of Congress, subject to the enactment of authorizing legislation, and that funds may be transferred for such purpose.

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(DISAPPROVAL OF DEFERRALS)

Amendment No. 75: Restores House language which makes the disapproval of deferrals effective on April 16, 1991.

Amendment No. 76: Amends language proposed by the House and stricken by the Senate by requiring deferred funds to be made available for obligation effective April 16, 1991, except for projects at bases recommended for closure by the Secretary of Defense in his report to Congress of April 15, 1991. The conferees agree to this provision because the construction moratorium/prohibition has been extended on three occasions for a total of 15 months with no assurance that it will not be extended beyond April 16, 1991. The conferees also object to the Department's continued disregard for the Impoundment Control process which requires that deferral of budget authority be reported to Congress. Consequently, the Comptroller General has found it necessary on two occasions to report such deferral of budget authority under section 1015(a) of the Impoundment Control Act.

LAND CONVEYANCE

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for conveyance of surplus land and facilities known as the U.S. Army Charles Melvin Price Support Center Wherry Housing Annex. The land conveyance is made to the Missouri Housing Development Commission on the condition that property will be used for low-income and transitional housing for the homeless.

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which transfers $93,000 from the Cooperative State Research Service Buildings and Facilities account to the Special Research Grants program of the Cooperative State Research Service for the University of Maine to purchase scientific instrumentation equipment. The House has no similar provision.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks up to $1,000,000 from funds previously appropriated to the Animal and Plant Health Inspection Service contingency fund to carry out, in the State of Maine, an inspection, quarantine, eradication, and control program concerning the necrotic strain of potato virus Y (PVY-N). The House had no similar provision.

Recently, the Animal and Plant Health Inspection Service issued a proposed rule establishing user fees to cover costs of the agricultural quarantine and inspection program. Only two weeks were allowed for public comment with an implementation date of April 1, 1991. Due to the additional administrative requirements to the airline industry, the conferees expect the Animal and Plant Health Inspection Service to delay implementation until comments can be adequately reviewed and to allow the industry time to reconcile necessary administrative actions to comply with the final rulemaking. Also, the conferees are concerned with implementing domestic user fees without specific approval of the Congress. Accordingly, the conferees expect the Animal and Plant Health Inspection Service not to include domestic user fees until the Congress has considered them.

COMMODITY CREDIT CORPORATION

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $1,400,000 for disaster payments authorized by the Disaster Assistance Act of 1989 for producers who suffered crop losses resulting from Hurricane Hugo. The House has no similar provision.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Of the loan funds previously made available under title V of the Housing Act of 1949, up to $35,000,000 shall be made available for section 502(g), Deferred Mortgage Demonstration.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that "up to" $35,000,000 shall be available for a rural housing deferred mortgage demonstration program. The Senate amendment provided "not less than" $35,000,000 for the program. The House had no similar provision.

PUBLIC LAW 480

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

PUBLIC LAW 480

Title I of the Public Law 480 program allowed for the repayment of loans for the sale of agricultural commodities in foreign or local currencies until December 31, 1971. Since that time, until the law was changed in the 1985 farm bill, all sales have been on dollar credit terms. In view of the present financial situation, it is impossible for many countries to repay their loans in dollars. Therefore, the President may use the authority in section 411 and section 604 of the Agricultural Trade Development and Assistance Act of 1954 to renegotiate the payment on Public Law 480 debt in eligible countries in Latin America, the Caribbean and sub-Saharan Africa.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides authority to the President to use section 411 and section 604 of the Agricultural Trade Development and Assistance Act of 1954 to renegotiate the payment on Public Law 480 debt in eligible countries in Latin America, the Caribbean and sub-Saharan Africa. The House had no similar provision.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

TRADE ENHANCEMENT DEMONSTRATION PROJECT

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that extends the availability of funds for the trade enhancement demonstration project in Arizona.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $4,980,000 in liquidating cash for highway traffic safety grants and increasing the limitation on obligations for alcohol safety incentive grants by $4,980,000.

FEDERAL RAILROAD ADMINISTRATION

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that extends the availability of funds for mandatory passenger rail service payments.

CHAPTER X

GENERAL SERVICES ADMINISTRATION

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

GENERAL SERVICES ADMINISTRATION

Notwithstanding any other provision of this or any other Act, none of the funds made available to the General Services Administration may be obligated or expended for the award of a final contract for site acquisition or construction of the Naval Systems Commands headquarters project without (1) a written report that the new Solicitation for Offers for the project is in the best interests of the United States, and (2) advance approval in writing of the House Committee on Public Works and Transportation, the Senate Committee on Environment and Public Works, and the House and Senate Committees on Appropriations.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This provision requires the Administrator of General Services to secure advance approval in writing from the House Committee on Public Works and Transportation, the Senate Committee on Environment and Public Works, and the House and Senate Appropriations Committees before the award of a final contract for site acquisition or construction of the Naval Systems Commands headquarters project.

The provision also requires the Administrator of General Services, in consultation with the Comptroller General of the United States, to submit a written report within 30 days of enactment, to the House of Representatives and the Senate, which identifies whether modifying or canceling the current Solicitation for Offers for the Naval Systems Commands headquarters in Northern Virginia is in the best interests of the United States. The report shall consider (1) the costs incurred to date in preparing and conducting the current Solicitation for Offers by both the General Services Administration and the Department of the Navy; (2) the additional costs to the Federal Government that will be incurred when a new Solicitation for Offers for this project is conducted; and (3) any other additional costs arising out of the decision to modify or cancel the current Solicitation for Offers.

It is the intention of the conferees that the modification or withdrawal of the current Solicitation for Offers will not delay the progress of the Naval Systems Commands headquarters project. This provision shall not have the effect of increasing funds appropriated for this project.

EFFECTIVE OFFICE OF THE PRESIDENT

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate making $330,000 appropriated in Public Law 101-509 available until expended for the rehabilitation of the Official Residence of the Vice President.

CHAPTER XI

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

Amendment No. 88: Appropriates $712,584,000 for compensation and pensions as proposed by the Senate, instead of $303,084,000 as proposed by the House.

READJUSTMENT BENEFITS

Amendment No. 89: Appropriates $250,000,000 for readjustment benefits as proposed by the Senate.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

CONGREGATE SERVICES

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

CONGREGATE SERVICES

Funds appropriated under this head in Public Law 101–507 (104 Stat. 1362) and all unobligated balances of prior year appropriations under such head, shall be made available for the revised Congregate Housing Services program under section 802 of the Cranston-Gonzalez National Affordable Housing Act and shall remain available until expended: Provided, That any entity that receives assistance under a contract under the Congregate Housing Services Act of 1978 that expires in fiscal year 1991, and is otherwise eligible for assistance under such section 802, shall continue to receive assistance under such section 802: Provided further, That each such entity shall be provided such assistance for a 1-year term notwithstanding section 802(b)(2), and the dollar amount of such assistance to such entity shall not be less than the dollar amount of assistance that would be indicated by the rate at which such assistance was made available to such entity in the contract that expires in fiscal year 1991: Provided further, That notwithstanding the last sentence of section 802(g), the Secretary of Housing and Urban Development shall expedite the processing of such entity's application for continued assistance so that funding of the entity will continue without hiatus.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The committee of conference has agreed to permit unobligated congregate services funds to be available to begin new congregate services projects, consistent with modifications carried in the National Affordable Housing Act of 1990. The conferees have also included language providing that all existing projects in the program continue to receive assistance.

REHABILITATION LOAN FUND

Amendment No. 91: Deletes language proposed by the House and stricken by the Senate transferring unobligated balances in the rehabilitation loan fund to the Department's revolving fund (liquidating programs). The committee of conference has agreed to delete, without prejudice, this language pending consideration of the 1992 budget.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Amendment No. 92: Restores language proposed by the House and stricken by the Senate requiring that $500,000 of the 1991 research and technology appropriation be available for the National Commission on Manufactured Housing.

ADMINISTRATIVE PROVISIONS

Amendment No. 93: Restores language proposed by the House and stricken by the Senate regarding a waiver of the number of persons in a facility developed under the supportive housing for persons with disabilities program.

Amendment No. 94: Deletes language proposed by the Senate modifying House bill language regarding the waiver of the project size limitation in the supportive housing for persons with disabilities program.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate modifying language included in the 1991 Appropriations Act exempting the City of West Hollywood, California, from certain restrictions on the use of rental rehabilitation funds.

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Section 837(c) of the Cranston-Gonzalez National Affordable Housing Act is amended by adding at the end thereof the following:

"Any such amounts that shall not have been obligated by March 20, 1991, shall be made available in accordance with the terms of the appropriation under the head 'Supplemental Assistance for Facilities to Assist the Homeless' in Public Law 101–507 (104 Stat. 1351, 1364)."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that the 1991 funds for the supplemental assistance for facilities to assist the homeless program should remain available for the purposes for which they were appropriated.

PREVIOUSLY OBLIGATED FUNDS

Amendment No. 97: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

All previously obligated funds appropriated to the Department of Housing and Urban Development under the respective heads "Community development grants" and "Urban development action grants" for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of sections 1405 (b)(4) and (b)(6) of Public Law 101–510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated.

In addition to any other rescission provided for in this Act, of the funds made available under the head "Annual contributions for assisted housing" in the Department of Housing and Urban Development in prior years, an additional $23,000,000 are rescinded: Provided, That $20,000,000 of such amount shall be from amounts for projects to be developed for the elderly and handicapped under section 202 of the United States Housing Act of 1959, as amended, and $3,000,000 of such amount shall be from amounts for section 8 voucher assistance for tenants affected by public housing relocation activities.

The managers on the part of the Senate will move to concur in the amendment of the House the amendment of the Senate.

TITLE III

GENERAL PROVISIONS

Amendment No. 98: Deletes language proposed by the Senate which would allow funds appropriated in the Department of Transportation and Related Agencies Appropriations Act, 1991, to be used to initiate a multiyear contract for the Automated Surface Observing System (ASOS) program.

The conferees expect the Department of Transportation to expeditiously submit a request for reprogramming to utilize fiscal year 1990 or prior year funds for the ASOS program. In addition, the conferees direct the Federal Aviation Administration to report within 30 days on the steps the agency will take to address the problems experienced in the ASOS procurement and to tighten the review process leading up to contract award or related actions.

Amendment No. 99: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would amend Public Law 100–297 to change the deadline for holding the White House Conference on Indian Education, contingent on the initial meeting of the Advisory Committee established for planning and conducting the Conference, and to specify the consultatory role of the Advisory Committee. The House had no such provision.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 307. Notwithstanding any other provision of law, no funds shall be expended by the Administrator of the Environmental Protection Agency to enforce the March 18, 1991, deadline contained in the regulations published in the Federal Register on November 16, 1990, (40 CFR, Parts 122, 123, 124), pertaining to group applications for stormwater discharges, until such deadline is extended to September 30, 1991.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides for a temporary time extension for submission of group applications for stormwater discharge permits my municipalities, as proposed by the Senate, with an amendment which also allows other local units of government and other operators of industrial sites additional time to utilize this streamlined regulatory procedure. The conferees agree that the Environmental Protection Agency shoud encourage participation in this efficient permitting process through informational efforts and technical assistance to all parties eligible, and particularly those that do not have access to the expertise needed to fully comply with the regulations.

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amending Section 533 of the fiscal year 1991 Foreign Operations, Export Financing and Related Programs Appropriations Act. The language prohibits funds of the Agency for International Development from being used for projects involving commercial timber extraction in primary tropical forest areas unless certain conditions are met.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 309. PERSIAN GULF ENVIRONMENTAL TECHNICAL ASSISTANCE.

(a) INTERNATIONAL FRAMEWORK.—Congress strongly encourages the President to seek the establishment of an interntional framework agreement to—

(1) provide for environmental monitoring, assessment, remediation and restoration in the Persian Gulf region of effects of the recent war; and

(2) provide for the payment, by the host country, of appropriate Federal agencies utilized to establish or implement this agreement.

(b) REPORTS.—

(1) Within 60 days of enactment of this Act, the President shall submit to the Committees on Appropriatins of the Senate and House of Representatives an unclassified report identifying the actions taken to implement these provisions and any costs and payments, and

(2) by March 1, 1992, and subject to the receipt of payment by the Environmental Protection Agency under subsection (a)(2), the Administrator of the Environmental Protection Agency, in consultation with appropriate agencies, shall submit to Congress an unclassified report providing a comprehensive evaluation of environmental effects of the Persian Gulf conflict identified pursuant to this provision.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees deplore the environmental terrorism employed by the Government of Iraq during the Persian Gulf War. These tactics and collateral war damage have caused serious environmental damage to the region. The conferees therefore have included language which strongly encourages the President to seek the establishment of an international agreement to address these problems, utilize Federal expertise, and provide payment by the host country for implementing this program.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language that makes a technical change to section 658J of the Child Care and Development Block Grant Act of 1990 (P.L. 101-508) to require that funds be obligated but not necessarily expended by States by the end of the fiscal year following the appropriation. The House bill included no similar provision.

SENSE OF CONGRESS RESOLUTION CONCERNING SYRIA

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 311. SYRIA.

(a) It is the sense of the Congress that—

(1) The successful conclusion of the war in the Persian Gulf provides an opportunity to begin building a lasting peace in the Middle East;

(2) A crucial element of peace in this unstable region is the willingness of Arab states to negotiate with Israel, recognizing her right to live in peace;

(3) The United States should continue to urge Arab states to negotiate peace with the State of Israel;

(4) One of those Arab states, Syria, continues to undermine goodwill and peace in the region by depriving the 4,000 Jews living in Syria of the right to emigrate;

(5) Syrian Jews continue to live in a climate of fear and insecurity, still denied fundamental civil and human rights;

(6) A Jew living in Syria, in order to travel, must leave a large sum of money and members of his immediate family as insurance for his return;

(7) Jews suspected of having traveled "illegally" or even of planning to do so have been arrested, interrogated, and subjected to lengthy imprisonment;

(8) Syrian President Hafez Assad continues to deny the basic right of free emigration, a violation of the Universal Declaration of Human Rights, to which Syria is a signatory.

(b) The Congress—

(1) condemns the Government of Syria for continuing to deny the basic human right of free emigration;

(2) calls upon the Government of Syria—

(A) to allow all Syrian Jews to emigrate freely,

(B) to release from prison Jews suspected of having traveled "illegally" or of planning to do so;

(3) urges the Administration to continue to make known to Syrian authorities the importance of respecting the human rights of the Jewish community, especially the right to emigrate, in determining future policy toward Syria.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides a sense of the Congress resolution that Syrian Jews be allowed to emigrate freely. The Senate had proposed a sense of the Senate resolution, and the House had no similar provision.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 312. REAL ESTATE SETTLEMENT PROCEDURES.

(a) Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsection:

"(j) TRANSITION.—

"(1) ORIGINATOR LIABILITY.—A person who makes a federally related mortgage loan shall not be liable to a borrower because of a failure of such person to comply with subsection (a) with respect to an application for a loan made by the borrower before the regulations referred to in paragraph (3) take effect.

"(2) SERVICER LIABILITY.—A servicer of a federally related mortgage loan shall not be liable to a borrower because of a failure of the servicer to perform any duty under subsection (b), (c), (d), or (e) that arises before the regulations referred to in paragraph (3) take effect.

"(3) REGULATIONS AND EFFECTIVE DATE.—The Secretary shall, by regulations that shall take effect not later than April 20, 1991, establish any requirements necessary to carry out this section. Such regulations shall include the model disclosure statement required under subsection (a)(2).".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

TITLE IV—TECHNICAL CORRECTIONS

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate regarding technical corrections and enrolling error corrections to certain fiscal year 1991 appropriations acts. The amendment would modify these acts to reflect the final Congressional agreement of the 101st Congress.

TITLE V—CERTAIN MILITARY PERSONNEL AND VETERANS BENEFITS

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE V—CERTAIN MILITARY PERSONNEL AND VETERANS BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses necessary for the benefits provided in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991, for fiscal year 1991 through fiscal year 1995, not to exceed $655,000,000 appropriated, to be derived by transfer only by the Secretary of Defense, with the approval of the Director of the Office of Management and Budget, from current and future balances in the Defense Cooperation Account to the following accounts in chapters I and II of this title in not to exceed the following amounts:

CHAPTER I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

For an additional amount for the payment of special death gratuities for service members participating in the Servicemen's Group Life Insurance program, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $15,000,000;
Military personnel, Navy, $4,000,000;
Military personnel, Marine Corps, $4,000,000;
Military personnel, Air Force, $2,000,000.

For an additional amount for the payment of death gratuities, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $2,000,000;
Military personnel, Navy, $1,360,000;
Military personnel, Marine Corps, $570,000;
Military personnel, Air Force, $1,070,000.

For an additional amount for the payment of a temporary increase in the rate of special pay for duty subject to hostile fire or imminent danger, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $101,000,000;
Military personnel, Navy, $24,000,000;
Military personnel, Marine Corps, $29,000,000;
Military personnel, Air Force, $19,000,000.

For an additional amount for the payment of special pay for health professionals recalled to active duty or involuntarily retained on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $7,900,000;
Military personnel, Navy, $400,000;
Military personnel, Air Force, $1,700,000.

For an additional amount for the payment of increased amounts attributable to the removal of the sixty-day limitation on the amount of leave that may be paid to survivors of military members who die on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $580,000;
Military personnel, Navy, $140,000;
Military personnel, Marine Corps, $160,000;
Military personnel, Air Force, $100,000.

For an additional amount for the payment to retired members of the Armed Forces recalled to active duty during a war or national emergency at the highest grade previously held and to allow these members to retire to the highest grade held, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $50,000;
Military personnel, Navy, $14,000;
Military personnel, Marine Corps, $17,000;
Military personnel, Air Force, $10,000.

For an additional amount for the payment of the basic allowance for quarters to military reservists without dependents, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $22,100,000;
Military personnel, Navy, $3,200,000;
Military personnel, Marine Corps, $5,500,000;

Military personnel, Air Force, $5,200,000.

For an additional amount for the payment of family separation allowances, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $20,000,000;
Military personnel, Navy, $16,900,000;
Military personnel, Marine Corps, $5,900,000;
Military personnel, Air Force, $8,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

For an additional amount for the payment of increased costs of the Civilian Health and Medical Program of the Uniformed Services, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, $15,400,000;
Operation and maintenance, Navy, $17,700,000;
Operation and maintenance, Air Force, $14,900,000.

For an additional amount to provide transitional health care coverage upon deactivation for reservists on active duty during the Persian Gulf Conflict, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, $15,900,000;
Operation and maintenance, Navy, $6,370,000;
Operation and maintenance, Air Force, $2,730,000.

DEPARTMENT OF EDUCATION

GUARANTEED STUDENT LOANS

(TRANSFER OF FUNDS)

For an additional amount for "Guaranteed student loans", for fiscal year 1991, $3,106,000; for fiscal year 1992, $5,932,562; for fiscal year 1993, $2,262,250; for fiscal year 1994, $506,250; for fiscal year 1995, $506,250 as authorized in section 372, provided that if these amounts in any fiscal year are not sufficient to provide for the benefits authorized, any additional amounts necessary shall be available from otherwise appropriated funds from this account.

STUDENT FINANCIAL ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Student financial assistance", for fiscal year 1991, $1,290,000; for fiscal year 1992, $3,165,000; for fiscal year 1993, $3,165,000; for fiscal year 1994, $3,165,000; for fiscal year 1995, $3,165,000 as authorized in section 372, provided that if these amounts in any fiscal year are not sufficient to provide for the benefits authorized, any additional amounts necessary shall be available from otherwise appropriated funds from this account.

CHAPTER II

DEPARTMENT OF VETERANS AFFAIRS

(TRANSFER OF FUNDS)

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", for the following amounts and fiscal years specified: fiscal year 1991, $200,000; fiscal year 1992, $600,000; fiscal year 1993, $700,000; fiscal year 1994, $700,000; fiscal year 1995, $700,000, to remain available until expended.

VETERANS EDUCATION BENEFITS

For an additional amount for purposes of funding chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code, for fiscal years 1991 through 1995, $655,000,000, less the total of the amounts appropriated for fiscal years 1991 through 1995 in the preceding paragraphs of this section.

CHAPTER III

For an additional amount for emergency expenses not otherwise provided for in this Act, $50,000,000 of which $30,000,000 may be available for Family Education and Support Services as authorized in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 and of which $20,000,000 may be available for Child Care Assistance as authorized in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991: Provided, That the Secretary of Defense may transfer these sums as necessary to the appropriate operation and maintenance appropriations to be merged with and made available for the same purposes and the same time period as the appropriations to which transferred: Provided further, That this transfer authority shall be in addition to any other transfer authority contained in this Act.

GENERAL PROVISION

SEC. 501. (a) The authority provided in this title to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for fiscal year 1991 through fiscal year 1995.

(b) Amounts transferred from the Defense Cooperation Account shall be merged with and be available for the same purposes as the appropriations to which transferred.

(c) The Secretary of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives before making any transfer from the Defense Cooperation Account. No transfer may be made until the seventh day after such committees receive the notification required by this subsection to be submitted for such transfer.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree to appropriate $655,000,000 by transfer from the Defense Cooperation Account for emergency expenses necessary for military personnel and veterans benefits as authorized by the National Defense Supplemental Authorization Act for Fiscal Year 1991.

In addition, the conferees agree to appropriate $50,000,000 for Family Education and Support Services and for Child Care Assistance as authorized by the National Defense Supplemental Authorization Act for Fiscal Year 1991.

PROHIBITION ON CERTAIN ASSISTANCE TO JORDAN

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 502. PROHIBITION ON CERTAIN ASSISTANCE FOR JORDAN.

(a) PROHIBITION. —Except as otherwise provided in this section, none of the funds appropriated or otherwise made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, may be obligated or expended for assistance for Jordan.

(b) EXCEPTIONS. —Subsection (a) shall not apply to—

(1) assistance for refugees; or

(2) assistance to finance the training or studies outside Jordan of students whose course of study or training program began before the date of enactment of this Act.

(c) WAIVER.—The prohibition contained in subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the Government of Jordan has taken steps to advance the peace process in the Middle East, or that furnishing assistance to Jordan would be beneficial to the peace process in the Middle East.

(d) DEFINITIONS.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(e) REPEALS.—(1) The ninth proviso under the heading "Economic Support Fund" of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is hereby repealed.

(2) The tenth proviso under the heading "Economic Support Fund" of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is hereby repealed.

(3) Any provision of law not repealed by this subsection that earmarks economic or military assistance for Jordan shall have no force or effect upon the date of enactment of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree to prohibit fiscal year 1991 foreign assistance funds from being provided to Jordan. Exceptions to this prohibition are provided for refugees and assistance to finance the ongoing training of studies of students outside Jordan. The President may waive the prohibitions on funds for Jordan if he determines and certifies to the appropriate congressional committees that the Government of Jordan has taken steps to advance the peace process in the Middle East, or that furnishing assistance to Jordan would be beneficial to the peace process.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1991 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 budget estimates, and the House and Senate bills for 1991 follow:

Budget estimates of new (obligational) authority, fiscal year 1991	$4,376,212,000
House bill, fiscal year 1991	4,136,377,100
Senate bill, fiscal year 1991	4,654,031,100
Conference agreement, fiscal year 1991	4,786,058,100
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1991	+409,846,100
House bill, fiscal year 1991	+649,681,000
Senate bill, fiscal year 1991	+132,027,000

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES,
DAVID R. OBEY (except amendments 31 and 32),
EDWARD R. ROYBAL,
TOM BEVILL,
JOHN P. MURTHA,
BOB TRAXLER,
WILLIAM LEHMAN,
JULIAN C. DIXON,
VIC FAZIO,
W.G. (BILL) HEFNER,
JOSEPH M. MCDADE (except amendments 31 and 32),
JOHN T. MYERS,
LAWRENCE COUGHLIN,
BILL GREEN,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
J. BENNETT JOHNSTON,

Quentin Burdick,
Pat Leahy,
Jim Sasser,
Frank R. Lautenberg,
Tom Harkin,
Barbara A. Mikulski,
Brock Adams,
Mark O. Hatfield,
Ted Stevens,
Jake Garn,
Thad Cochran,
Robert W. Kasten, Jr.,
Alfonse M. D'Amato,
Warren Rudman,
Pete V. Domenici,
Slade Gorton,
Managers on the Part of the Senate.

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CONFERENCE REPORT ON H.R. 1282, OPERATION DESERT SHIELD/DESERT STORM SUPPLEMENTAL APPROPRIATIONS ACT, 1991

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 1282) making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes:

Conference Report (H. Rept. 102–30)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1282) "making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 6, 7, 8, 10,15, 16, 29, 30, and 31.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 22, 23, 25, 28, and agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$15,082,750,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$2,758,500,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,205,000,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,701,000,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$203,000,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 17, 18, 19, 20, 21, 24, 26, 27, 32, 33, and 34.

For consideration of the House bill and all Senate amendments:

Jamie L. Whitten,
John P. Murtha,
Norman D. Dicks,
Charles Wilson,
W.G. (Bill) Hefner,
Les AuCoin,
Martin Olav Sabo,
Julian C. Dixon,
Bernard J. Dwyer,
Joseph M. McDade,
Bill Young,
Bob Livingston,
Jerry Lewis,

And as additional conferees solely for the consideration of Senate amendments No. 32 and No. 34:

David R. Obey,
Sidney R. Yates,
Managers on the Part of the House.

Robert C. Byrd,
Daniel K. Inouye,
Ernest F. Hollings,
J. Bennett Johnston,
Pat J. Leahy,
Jim Sasser,
Dennis DeConcini,
Dale Bumpers,
Frank R. Lautenberg,
Tom Harkin,
Ted Stevens,
Jake Garn,
Bob Kasten,
Al D'Amato,
Warren Rudman,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1282) making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991 incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 102–10 and Senate Report 102–23 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. In addition, the conference agreement incorporates some of the provisions of both the House and Senate versions of the Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991. The language and allocations set forth in House Report 102–9 and Senate Report 102–24 should be complied with unless specifically addressed to the contrary.

PERSIAN GULF REGIONAL DEFENSE FUND

Amendment Nos. 1 and 2: Delete House language which allowed the merger of the Persian Gulf Regional Defense Fund and the Defense Cooperation Account.

Amendment No. 3: Deletes Senate language which allowed for the transfer of funds from these accounts by the Secretaries of Defense and Transportation with the approval of the Director of the Office of Management and Budget.

Amendment No. 4: Appropriates by transfer not to exceed $42,625,822,000 as proposed by the Senate instead of not to exceed $42,588,372,000 as proposed by the House.

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

(Transfer of Funds)

Military Personnel, Army

Amendment No. 5: Appropriates by transfer $4,863,700,000 as proposed by the House instead of $4,849,000,000 as proposed by the Senate.

Military Personnel, Navy

Amendment No. 6: Appropriates by transfer $797,400,000 as proposed by the House instead of $792,000,000 as proposed by the Senate.

Military Personnel, Marine Corps

Amendment No. 7: Appropriates by transfer $983,400,000 as proposed by the House instead of $978,000,000 as proposed by the Senate.

Military Personnel, Air Force

Amendment No. 8: Appropriates by transfer $1,278,200,000 as proposed by the House instead of $1,271,000,000 as proposed by the Senate.

OPERATION AND MAINTENANCE

(Transfer of Funds)

Operation and Maintenance, Army

Amendment No. 9: Appropriates $15,082,750,000 by transfer instead of $16,393,750,000 as proposed by the House and $14,981,400,000 as proposed by the Senate.

The conferees agree to fund the fuel price increase costs but not the costs of items already provided by our allies in the form of assistance-in-kind. This rationale applies to all the Operation and Maintenance appropriations.

Amendment No. 10: Restores House language which earmarks $350,000 for the 1991 Memorial Day Celebration.

Operation and Maintenance, Navy

Amendment No. 11: Appropriates $2,758,500,000 by transfer instead of $3,009,500,000 as proposed by the House and $2,391,000,000 as proposed by the Senate.

Operation and Maintenance, Marine Corps

Amendment No. 12: Appropriates $1,205,000,000 by transfer instead of $1,330,000,000 as proposed by the House and $1,197,000,000 as proposed by the Senate.

Operation and Maintenance, Air Force

Amendment No. 13: Appropriates $3,701,000,000 by transfer instead of $4,080,000,000 as proposed by the House and $3,026,000,000 as proposed by the Senate.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

Amendment No. 14: Appropriates $203,000,000 by transfer instead of $236,000,000 as proposed by the House and $173,000,000 as proposed by the Senate.

OPERATION AND MAINTENANCE, NAVY RESERVE

Amendment No. 15: Restores heading and appropriates by transfer $16,000,000 as proposed by the House.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

Amendment No. 16: Restores heading and appropriates by transfer $55,000,000 as proposed by the House.

PEARL HARBOR ATTACK COMMEMORATION

The Conferees urge the Navy to consider delaying inactivation of the USS *Missouri* so that it may serve as a suitable platform from which to commemorate the 50th anniversary of the bombing of Pearl Harbor. The Conferees suggest that the Navy, utilizing the minimal ship's complement to maintain navigational safety, should make all necessary preparations to ensure that the USS *Missouri* arrives at Pearl Harbor well in advance of December 7, 1991.

SMALL, DISADVANTAGED, AND NATIVE AMERICAN BUSINESS CONCERNS

The conferees agree with House report language concerning the use of small and disadvantaged business concerns in Defense contracts or subcontracts awarded for the reconstruction of Kuwait's civil infrastructure.

The conferees further direct the same consideration be given to Native American businesses and enterprises.

TIDEWATER, NORFOLK, VA

The House included $500,000 in operation and maintenance, Navy, to implement and staff an enhanced telephone system for the Tidewater Family Services Center. The House also included $10,000,000 in operation and maintenance, Defense Agencies, for an automated telephone appointment system to coordinate appointments among Tidewater medical facilities.

Because Tidewater is the largest military catchment area and was severely impacted by Operation Desert Shield/Desert Storm, the conferees agree to include $500,000 for the enhanced telephone system for the Tidewater Family Services Center and $4,000,000 to plan and implement an automated telephone appointment system to coordinate medical care. The conferees want to ensure that this system is consistent with the new Tidewater catchment area management project and not an alternative to the Composite Health Care System computer system.

ECONOMIC ADJUSTMENT

Of the $200,000,000 provided in the fiscal year 1991 Department of Defense Appropriations Act, $25,000,000 will be provided for loan guarantees to small businesses in communities impacted by the deployment of forces for Operation Desert Shield/Desert Storm. Each small business loan guarantee is limited to a maximum amount of $50,000. The Department will submit a report to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act specifying what selection criteria were used to determine which small businesses qualify and which communities are to receive these loan guarantees. This program should be administered by the Office of Economic Adjustment in the Department of Defense in consultation with the Small Business Administration.

CIVIL RESERVE AIR FLEET (CRAF)

The conferees agree with the Senate language that the Department continue its aircraft modification program. Additionally, the conferees encourage the Department to expeditiously complete the congressionally mandated mobility study.

FUEL PRICE INCREASES

The conferees agree to include a general provision that would fund costs of price increases for fuel purchased in fiscal year 1991 only from the Defense Cooperation Account.

ASSISTANCE-IN-KIND

The conferees agree that the Department's funding request for logistics support has been offset, in part, by assistance-in-kind provided by the United States allies. The conferees conclude that the cost of items already borne by our allies need not be funded in this supplemental.

CRITICAL LANGUAGES

The classified annex accompanying this report includes language addressing critical language requirements.

PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The table below is the conference agreement for Procurement and Research, Development, Test and Evaluation. The agreement includes some items that were funded in the Dire Emergency Supplemental in the House version of the bill. The conference agreement on that bill does not include these items.

The conference agreement reflects the most recent estimates from the Department of Defense of requirements for restocking supplies and avoiding production breaks that might result from procurement decisions made during Operation Desert Shield/Desert Storm. The conferees note that when the original Supplemental was submitted, the war had not yet ended. In some cases, the Department planned to "surge" production to meet wartime requirements using multiple shifts. Such surgest would be followed by a steep drop in production rates and employment as the Department shifted back to peacetime production levels. For example, this would have been the case with respect to the proposed production of 60,000 Multiple Launch Rocket System rockets.

Now that the war is over, the urgency and necessity to surge production rates in order to restock inventory levels that have been drawn down during Operation Desert Shield/Desert Storm have been eliminated. With the risk of further conflict greatly reduced, inventory levels may be restored at a more moderate and cost effective pace. Therefore, the conferees urge the Department to exercise prudence and sound business judgment in executing these procurements. Specifically, the conferees urge the Department to minimize disruptions in production rates and employment levels and to hold intact the provisions and requirements of on-going multiyear contracts and contract procurement options.

The conference agreement for Procurement and Research, Development, Test and Evaluation is as follows:

Appropriation/line item	Quantity (ammo in thousands)	Amount
ARMY		
Aircraft Procurement: CH–47 Mod		$7,100,000
Total		7,100,000
Missile Procurement:		
Patriot	283	166,200,000
Patriot Reprogramming Restoral		114,000,000
Patriot QRP		10,000,000
ATACMS	32	50,000,000
Hellfire	3,150	86,600,000
TOW 2A	2,000	22,900,000
TOW 2B	2,500	61,900,000
MLRS Rocket	20,286	151,900,000
Total		663,500,000
Procurement of Weapons and Tracked Combat Vehicles M1 Tank Mods		26,300,000
Total		26,300,000
Procurement of Ammunition:		
Ctg. 25MM, APFSDS–T, M919	550	84,400,000
Ctg. 25MM, AP Training, M910	1,191	23,800,000
Ctg. 25MM, HEI–T, M792	1,000	20,000,000
Ctg. Tank, 105MM, APFSDS–T, M900A1	8	16,000,000
Ctg. Tank, 120MM, APFSDS–T, M829A1	47	80,100,000
Ctg. Tank, 120MM, HEAT–MP–T, M830	30	50,000,000
Ctg. Tank, 120MM, TP–T, M831	27	26,000,000
Ctg. Tank, 120MM, TPCSDS–T, M865	30	22,000,000
Proj, Arty, 155MM, HE, M107	118	22,500,000
Proj, Arty, 155MM, ADAM	3.5	18,000,000
Proj, Arty, 155MM, Illum, M485	18	4,500,000
Prop Chg, 155MM, Red Bag, M119	125	20,000,000
Ctg, Mortar, 120MM	66	29,600,000
Hydra 70 Rockets	70	24,400,000
EOD Explosive Items		20,000,000
Small Arms		20,700,000
Ctg. 30 MM, Target Practice	450	5,000,000
Ctg. 30 MM, HEDP	4,520	22,600,000
Total		509,600,000
Other Procurement:		
Classified Program		15,000,000
Countermine Equipment		11,300,000
IREMBASS	2	10,000,000
DEPMED		12,000,000
LSDIS	25	10,000,000
Command/Control Consoles	15	4,000,000
Total		62,300,000
Research, Development, Test and Evaluation, Army:		
JSTARS		7,900,000
Patriot QRP		22,200,000
Total		30,100,000
NAVY		
Aircraft Procurement:		
Magic Lantern	2	9,200,000
Spares and Repair Parts		16,000,000
Total		25,200,000
Weapons Procurement:		
Tomahawk	291	378,300,000
HARM	941	193,800,000
TOW 2A	300	3,500,000
Maverick	36	2,700,000
SLAM	7	6,300,000
CBU–78 Gator	.2	6,000,000
FMU–140 Proximity Fuze for Rockeye	29	138,200,000
Tether Band Kits for Rockeye	12	500,000
MK–83 Laser Guided Bomb Kit	.8	16,000,000
MK–83 1000 Pound Practice Bomb	6	32,500,000
MK–83 1000 Pound General Purpose Bomb	23	34,400,000
2.75" Rocket Illuminating Warhead	1	500,000
Ctg. 20MM, SAPHEI, PGU–28	156	1,200,000
Ctg. 25MM, HEI, PGU–25	23	700,000
Ctg. 25MM, API, PGU–28	66	1,000,000
Total		815,600,000
Other Procurement:		
RR–144 Chaff Cartridge	560	1,800,000
MJU–22 Infrared Decoy Flare	10	1,400,000
MJU–27 Infrared Decoy Flare	18	1,800,000
CCU–63	528	800,000
BOL Chaff	1,500	4,100,000
Special Purpose Support System		16,200,000
Spares and Repair Parts		8,700,000
Total		34,800,000
Procurement, Marine Corps		
Ctg. Mortar, 81MM, HE/MO	73	18,700,000
Ctg. Mortar, 81MM, Smoke	32	8,200,000
Ctg. Mortar, 81MM, Illum	58	13,000,000
Prop Chg, 8 Inch, Red Bag	18	4,200,000
Ctg. Tank, 120MM, APFSDS–T, M829A1	5	8,000,000
Proj, Arty, 155MM, ADAM	3.5	18,000,000
Small Arms		5,000,000
Spares and Repair Parts		20,000,000
Hawk Modifications		17,350,000
Helicopter Passive Night Vision Devices		15,000,000
Total		127,450,000
AIR FORCE		
Aircraft Procurement:		
Spares and Repair Parts		26,700,000

Appropriation/line item	Quantity (ammo in thousands)	Amount
War Consumables		15,200,000
Classified Program		17,700,000
Total		59,600,000
Missile Procurement:		
Maverick	5,255	388,900,000
HARM	1,100	226,600,000
Classified Program		30,000,000
Total		645,500,000
Other Procurement:		
Ctg, Impulse, ARD–863	375	800,000
CBU–89 Gator	1.2	41,400,000
CBU–15 Electro-Optic Guided Glide Bomb	.1	16,200,000
GBU–24 Laser Guided Bomb Kit	1.2	102,000,000
GBU–27 Laser Guided Bomb Kit	.8	68,000,000
CBU–87 Combined Effects Munition	10	150,500,000
MK–13 1000 Pound Bomb (Area Denial)	.9	14,600,000
FMU–139 Fuze Cables	154	5,200,000
ALA–17 infrared Decoy Flare	.3	100,000
MJU–7 Infrared Decoy Flare	20	700,000
M206 Infrared Decoy Flare	100	1,500,000
Long Range Interrupter		200,000
MJU–10 Infrared Decoy Flare	2	100,000
Pallets		15,000,000
Nets		6,500,000
Total		422,800,000
Research, Development, Test and Evaluation, Air Force: JSTARS		39,000,000
Total		39,000,000
DEFENSE AGENCIES		
Procurement:		
Remotely Piloted Vehicles	12	12,700,000
SOF Communications Equipment Mods		2,700,000
Total		15,400,000
Grand total		3,484,250,000

MK–82 500 POUND BOMBS

The Conferees direct the Departments of the Navy and Air Force to provide a full accounting of the number of MK–82 500 pound bombs consumed between August 1990 and February 1991. Those numbers should include not only those that were fired, but also those that are now unusable because of shipping, handling or other reasons.

The Conferees further agree that the Department of Defense should replace MK–82 500 pound bombs consumed during Operation Desert Shield and Desert Storm consistent with its future inventory objectives.

LIGHT AND SPECIAL DIVISION INTERIM SENSOR

With respect to the Light and Special Division Interim Sensor, the conferees direct the Army to explain and justify the proposed procurement strategy to the Committees on Appropriations prior to obligation of funds.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The House included $1,200,000 for costs associated with the deployment of the STINGRAY system. The Senate deleted this funding. The House agrees with the Senate position. The conferees agree that only those costs associated with the deployment of the STINGRAY system may be accommodated within available funds.

The conferees have included a total of $7,900,000 for costs associated with the deployment of the Joint Surveillance Target Attack Radar System (JSTARS) ground station modules.

The conferees have included a total of $22,200,000 for the Patriot Quick Response Program. This includes $16,700,000 for developing remote launch capabilities, radar receiver enhancements, and navigational enhancements; and $5,500,000 for missile guidance enhancements. The conferees have also provided $10,000,000 in the Missile Procurement, Army appropriation to procure Global Positioning System receivers for the navigational enhancements component of the Patriot QRP. The conferees direct the Secretary of the Army to report to the Committees on Appropriations with his plan for future upgrades to the Patriot system, to include future enhancements for remote launch and for improved deployability.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The conferees do not agree with the Senate earmark of $9,200,000 of previously appropriated funds for Magic Lantern, but have instead provided funds in the Aircraft Procurement, Navy appropriation for this purpose. The $5,617,000 of unobligated funds remaining in the joint unclassified Navy/Marine Corps mine warfare program should be used to meet the objectives discussed in the conference report accompanying the DOD Appropriations Act of fiscal year 1991.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The conferees have included a total of $39,000,000 for costs associated with the deployment of the Joint Surveillance Target Attack Radar System (JSTARS) aircraft.

The conferees direct that $26,000,000 of the supplemental RDT&E funds provided for the JSTARS program may not be obligated or expended until the Appropriations Committees of the Senate and House of Representatives receive certain information previously promised by the Air Force. This information is to describe in detail the effects of the Persian Gulf deployment of the two JSTARS aircraft on the engineering and technical support required for the program and the impacts of the deployment on other aspects of the program in fiscal years 1991 and 1992.

PROCUREMENT OF AMMUNITION, ARMY

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$509,600,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OTHER PROCUREMENT, ARMY

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$62,300,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

WEAPONS PROCUREMENT, NAVY

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$815,600,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

PROCUREMENT, MARINE CORPS

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$127,450,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVAULATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $30,100,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $39,000,000.

And on line 17, page 4 of the House of Representatives engrossed bill, H.R. 1282, delete "$311,900,000" and insert in lieu thereof "$663,500,000";

And on line 6, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$16,000,000" and insert in lieu thereof "$25,200,000";

And on line 12, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$34,600,000" and insert in lieu thereof "$34,800,000";

And on line 18, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$101,200,000" and insert in lieu thereof "$59,600,000";

And on line 21, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$400,000,000" and insert in lieu thereof "$645,500,000";

And on line 24, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$419,100,000" and insert in lieu thereof "$422,800,000";

And on line 3, page 6 of the House of Representatives engrossed bill, H.R. 1282, delete "$2,700,000" and insert in lieu thereof "$15,400,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

REVOLVING AND MANAGEMENT FUNDS

(TRANSFER OF FUNDS)

ARMY STOCK FUND

Amendment No. 22: Appropriate $214,000,000 by transfer as proposed by the Senate instead of $57,000,000 as proposed by the House.

AIR FORCE STOCK FUND

Amendment No. 23: Appropriates $57,000,000 by transfer as proposed by the Senate instead of $214,000,000 as proposed by the House.

COMBAT COSTS OF OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF FUNDS)

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *for Operation and maintenance, $6,000,000,000; for Procurement , $1,872,700,000, to remain available for obligation until September 30, 1993: Provided, That the Sec-*

retary of Defense shall not make any transfer from the Persian Gulf Regional Defense Fund or from the Defense Cooperation Account for combat costs until the seventh day after notifying the Committees on Appropriations and Armed Services of the Senate and House of Representatives of any such transfers

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that the Secretary of Defense shall notify the Committee on Appropriations and Armed Services prior to any transfers.

GENERAL PROVISIONS

Amendment No. 25: Deletes House language "transferred to the Fund". This is in accordance with action taken in Amendment Nos. 1 and 2.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds "and from the Defense Cooperation Account".

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds "and from the Defense Cooperation Account".

Amendment No. 28: Deletes House language which would have provided that any funds in excess of $15,000,000,000 in the Fund would have reverted to the Defense Cooperation Account while the $15,000,000,000 in the Fund would have reverted to the Treasury.

Amendment No. 29: Deletes Senate language which required the Secretary of Defense to notify the Committees on Appropriations and Armed Serices seven days in advance before making any transfer from the Defense Fund or Cooperation Account.

Amendment No. 30: Restores House language which allows medical providers to voluntarily waive the patient CHAMPUS copayment for dependents of active duty personnel from August 2, 1990, until the termination of Operation Desert Shield/Desert Storm.

Amendment No. 31: Resores House language requiring that the Mitchel Field Health Care Facility in the State of New York be funded only from the Operation and Maintenance, Navy appropriation, and not included under the congressionally imposed ceiling on the Uniformed Services Treatment Facility (USTF) account.

The conferees agree that Mitchel Field should not have been included in the congressionally imposed ceiling on the USTF account in fiscal year 1991 and will only be funded by the Navy which originally initiated this satellite facility contract.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

SEC. 107. (a) All equipment, supplies, and other materials (including construction equipment and construction materials described in subsection (b)) of the United States that, after August 1, 1990, were transported to or procured by the United States in the Middle East for the use of the Armed Forces of the United States or the use of the armed forces of any other member country of the multinational coalition participating in Operation Desert Storm shall, to the maximum extent practicable, be removed from the Middle East to the United States or to any United States military installation outside the United States and the Middle East as soon as practicable in conjunction with the removal of such forces of the Armed Forces of the United States from the Middle East.

(b) The construction equipment and construction materials referred to in subsection (a) are construction equipment and construction materials used in the construction of military facilities for the Armed Forces of the United States in the Middle East in connection with Operation Desert Storm.

(c) Subsection (a) does not apply to any equipment, supply, or material that—

(1) is to be transferred to a foreign government under the provision of subsection (e); or

(2) has negligible value; or

(3) is to remain under the control of United States forces in the region; or

(4) is to be stored in the Middle East as prepositioned equipment and material for the use of the Armed Forces of the United States; or

(5) has been expended, depleted, or rendered unusable; or

(6) has been formally notified to Congress prior to March 20, 1991, under the Arms Export Control Act.

(d) The President should attempt to obtain reimbursement from the government of each country in the Middle East for the cost to the United States of materials referred to in subsection (a) that are not removed from that country because of impracticality.

(e) Except as deemed essential by the Commander-in-Chief of the United States Central Command for the conduct of the war in the Persian Gulf prior to a permanent cease-fire, no equipment, supply, or material referred to in subsection (a) or which was captured from Iraq by United States forces in the context of Operation Desert Storm may be transferred to the government or any entity of any foreign country in the Middle East except as provided through the regular notification procedures of the Committees on Appropriations, the Committees on Armed Services, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

(f) The President shall notify Congress of the proposed storage of any equipment, supply, or material referred to in subsection (a) in a prepositioned status referred to in subsection (c)(4).

(g) The President shall report to the Committees on Appropriations and Armed Services of the House of Representatives and Senate sixty days after the enactment of this Act, on the quantity, condition, value, disposition, and manner of seizure of all enemy equipment falling under the control or the possession of the United States, as well as all enemy equipment falling under the control of allied forces, within the Desert Storm theater of operations.

(h) For the purposes of this provision, the term "material" shall include all lethal and non-lethal instruments of war and their supporting elements, components and subcomponents.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides for various procedures to be followed in the disposition of equipment, supplies, and other materials from Operation Desert Storm. The phrase "maximum extent practicable" in this section is clarified to mean that if the cost of removal and/or transporting specific materials, supplies, or equipment out of the Persian Gulf region exceeds the acquisition value of such materials, supplies, or equipment, then the provision does not apply to the specific items in question.

This section is not intended to apply to any Kuwaiti equipment, material, or supplies that came into the possession of the United States Armed Forces.

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 108. (a) Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified forms, on the redeployment of the forces of the Armed Forces of the United States that were deployed in the Persian Gulf area in connection with Operation Desert Storm.

(b) The report shall contain the following information:

(1) A detailed specification of the costs of the reduction in such forces.

(2) The schedule for returning such forces to the United States or other locations from which the forces were deployed to the Persian Gulf area in connection with Operation Desert Storm.

(3) The size and composition of any element of the Armed Forces of the United States that will remain in the Persian Gulf area after fiscal year 1991.

(4) A detailed discussion of any arrangement for a United States military presence that has been made or is expected to be made to the government of any country in the Middle East.

(c) In this section, the term "Operation Desert Storm" means Operation Desert Shield, Operation Desert Storm, and any related successive operations of the Armed Forces of the United States.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 109. None of the funds appropriated or otherwise made available by this Act or any other provision of law shall be available for sales, credits, or guarantees for defense articles or defense services under the Arms Export Control Act to any country that has made a commitment to contribute resources to defray any of the costs of Operation Desert Storm and that has not fulfilled its commitment.

SEC. 110. The establishment of the Persian Gulf Regional Defense Fund by this Act and the establishment of a working capital account pursuant to title I of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 shall be treated for all purposes as establishment of the same account in the Treasury.

and on page 10, delete lines 1, 2, 3 and 4 of the House of Representatives engrossed bill, H.R. 1282, and insert in lieu thereof the following:

"SEC. 104. None of the funds appropriated to the Persian Gulf Regional Defense Fund shall be used for fuel price increases.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides certain restrictions on the availability of sales, credits, or guarantees for defense articles or defense services under the Arms Export Control Act to countries that have not fulfilled their commitment to defray costs of Operation Desert Storm.

The conferees also agree to include language which treats the Persian Gulf Regional Defense Fund and the working capital account established in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 as the same account in the Treasury.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1991 recommended by the Committee of Conference, with comparisons to the fiscal year 1991 budget estimates, and the House and Senate bills for 1991 follow:

Budget estimates of new (obligational) authority, fiscal year 1991	$15,000,000,000
House bill, fiscal year 1991	15,000,000,000
Senate bill, fiscal year 1991	15,000,000,000
Conference agreement, fiscal year 1991	15,000,000,000
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1991	
House bill, fiscal year 1991	
Senate bill, Persian Gulf Regional Defense Fund	

For consideration of the House bill and all Senate amendments:

JAMIE L. WHITTEN,
JOHN P. MURTHA,
NORMAN D. DICKS,
CHARLES WILSON,
W.G. (BILL) HEFNER,
LES AUCOIN,
MARTIN OLAV SABO,
JULIAN C. DIXON,
BERNARD J. DWYER,
JOSEPH M. MCDADE,
BILL YOUNG,
BOB LIVINGSTON,
JERRY LEWIS,

And as additional conferees solely for the consideration of Senate amendments No. 32 and No. 34:

DAVID R. OBEY,
SIDNEY R. YATES,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
J. BENNETT JOHNSTON,
PAT J. LEAHY,
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
TED STEVENS,
JAKE GARN,
BOB KASTEN,
AL D'AMATO,
WARREN RUDMAN,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
Managers on the Part of the Senate.

MAKING IN ORDER AT ANY TIME TODAY CONSIDERATION OF CONFERENCE REPORT ON H.R. 1281, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS ACT OF 1991, AND CONFERENCE REPORT ON H.R. 1282, OPERATION DESERT SHIELD/DESERT STORM SUPPLEMENTAL APPROPRIATIONS ACT, 1991

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order at any time today, notwithstanding sections 302(f) and 311(a) of the Congressional Budget Act, to consider the conference reports and amendments in disagreement, and motions to dispose of amemdments in disagreement, on the bills:

H.R. 1281, making dire emergency supplemental appropriations for fiscal year 1991, and for other purposes, and

H.R. 1282, making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year 1991, and for other purposes, and that the conference reports and the Senate amendments thereto be considered as read when called up for consideration.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object, but I want to clarify a point with regard to the budget waivers of sections 302(f) and 311(a): It is my understanding that these are merely technical waivers and they relate primarily to the fact that the Technical Corrections Act has not yet been passed but in fact is embodied in the appropriations bill that we are dealing with today, and should that appropriations bill be signed into law, that there will be no violations of the Budget Act and therefore would, in normal circumstances, eliminate the need for these waivers. Is my understanding correct?

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman.

Mr. Speaker, the gentleman is correct. May I say this request is the same as what we had agreed to on the rule during initial consideration of the bills in the House. We tried to conform the conference agreements so that there is no problem with budget limits. We went back and changed the agreements so that they would be within all limitations and the waivers sought here are technical. Also, we have asked for agreement in advance.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I understand we do have an agreement in advance, but am I correct that this relates largely to the fact that the Senate was not able to get the Technical Corrections Act passed until this bill and so therefore this is largely related to the lack of a technical corrections act?

Mr. WHITTEN. The answer is yes. The two waivers of the Budget Act included in this request are technical and not substantive; they do not bust the budget.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT ON H.R. 1281, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM, FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS ACT OF 1991

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House, I call up the conference report on the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as read.

(For conference report and statement see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 1281, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the result of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say to my colleagues that we have today a great opportunity to make progress in handling the affairs of this Nation.

Last evening it was decided, after talking to our colleagues who had made arrangements to go back to their districts that we would convene conference on this bill. The Members worked to about midnight and staff worked all night in order to bring you this conference agreement on this important matter.

What we bring you is within the budget ceiling limits that are in existence. And at the time we met last night, the last word I said was that if we only need to talk very briefly and extend our remarks because we have a conference report that should have no objection made because it represents the sound agreements that were reached, in my judgment, without exception.

The staff was up all evening. I hope we can make good progress and get through early today.

I have told Members that if we would do that, we would get through before 2:00 this afternoon because I know my colleagues have made arrangements to go home and to do other things. So we worked throughout the night, trying to accommodate our colleagues by not delaying this matter.

May I point out at this time we are bringing up two conference agreements today and continue to keep the two bills together, in tandem one after the other, as we have from the beginning, at the request of many of our colleagues and of the administration. We deal with them separately but we have carried the two along in tandem, which I think is sound business and many of my colleagues also seemed to think so.

May I say that this agreement provides supplemental funds which are essential and, as I say, they are within all the limits that we have imposed on ourselves.

In brief, the agreement provides needed supplemental funds for the consequences of Operation Desert Shield/Desert Storm, unemployment compensation, social security, veterans compensation and benefits, veterans readjustment benefits, drought assistance, nuclear weapons plant environmental cleanup, initiative to combat infant mortality, food stamps, military personnel benefits.

We worked with the Senate to dispose of the 108 amendments and have produced a good conference agreement that is acceptable to the President and within the budget limits.

Our colleagues on the Senate side have different rules from us—at least they do not have any rules about tying one thing to another. During my entire political life here in the House, I have looked after the dairy interests because they are so vital to the wellbeing of this country and all its sections. Our colleagues on the other side tied a legislative bill dealing with the dairy program which was before the legislative committee, to the appropriations bill. There was no way in the world under our rules that that could be handled over here. Three legislative committees had made an objection to it being handled in any appropriations bill. Not only that, but if we did try it there was no way to get unanimous consent to bring it up. In conclusion, we have finally worked this matter out to where we are providing for increased sales of dairy products, which should be a real benefit to the dairy producers.

The conference agreement removes the cap on the Export Enhancement Program. The Department of Agriculture is expected to assure that the benefits of the program go to the producer and not to the exporter.

The Department is expected to use the Commodity Credit Corporation and section 32 authority to remove surplus milk products from domestic markets and donate such products as a bonus to domestic feeding programs such as WIC, commodity supplemental feeding, elderly feeding—including meals-on-wheels—and programs for the homeless. Such donations shall be in addition to regular purchases.

The conference agreement strongly urges that 100 million pounds of nonfat dry milk and 100 million pounds of butter be exported under the Export Enhancement Program during the remainder of 1991. Added emphasis is expected to be given to the export of vegetable oils, poultry, and rice under the Export Enhancement Program.

The other thing I call your attention to is some of the problems that we have with our wheat situation. If we would make it into bread we could sell it direct. But in early August the executive branch prohibited further sales to the people in Iraq, and that caused some of our trouble.

Now, that was sound at the time. But I do think thought should be given to review that order now, because to punish a people will just exaggerate the situation for those people. Certainly I am not telling the President what to do. I am calling the attention of the executive branch that they might give some consideration to a review of the matter.

Now, why do I say that? In 1974, 1975, and 1976 we refused to send anything to Russia. It is said because of what they were doing in Afghanistan.

That did not punish Russia. It just meant that they bought their wheat and grain somewhere else, and we just played into the hands of our competition.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, I want to compliment the gentleman. The House conferees made sure that the cap on the export enhancement program was lifted as a part of this bill.

Mr. WHITTEN. I say we lifted it, but we did not say turn it over to the exporters or to the processors.

Mr. GLICKMAN. That is correct.

Mr. WHITTEN. Another thing, we planned on holding it down because that is not a farm program, it is a program for the middleman.

Mr. GLICKMAN. As chairman of the subcommittee that has jurisdiction over this program, I assure you we are going to keep effective oversight over the program. But by lifting the cap, we will allow continuing export sales to occur, which will help the price of wheat over the next several months. And I compliment the gentleman.

Mr. WHITTEN. I appreciate the gentleman saying that, but I cannot help but say this: that the Commodity Credit Corporation already had the authority to keep our export markets if they would just use it.

Mr. GLICKMAN. I thank the gentleman.

Mr. WHITTEN. At this point in the RECORD I would like to insert a comparative table reflecting this conference agreement.

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	FY 1991 DIRE EMERGENCY AND OTHER SUPPLEMENTAL APPROPRIATIONS						
	TITLE I - EMERGENCY SUPPLEMENTAL APPROPRIATIONS						
	CHAPTER I						
	DEPARTMENT OF COMMERCE						
	International Trade Administration						
	Operations and administration		2,951,000	310,000		-2,951,000	-310,000
	National Oceanic and Atmospheric Administration						
	Operations, research, and facilities		2,775,000	632,000		-2,775,000	-632,000
	National Institute of Standards and Technology						
	Scientific and technical research and services		1,610,000			-1,610,000	
	Total, Department of Commerce		7,336,000	942,000		-7,336,000	-942,000
	DEPARTMENT OF JUSTICE						
	Federal Bureau of Investigations						
101-44	Salaries and expenses	4,633,000	4,633,000	4,633,000	4,633,000		
	Immigration and Naturalization Service						
101-44	Salaries and expenses	3,103,000	3,103,000	3,103,000	3,103,000		
	Total, Department of Justice	7,736,000	7,736,000	7,736,000	7,736,000		
	DEPARTMENT OF STATE						
	Administration of Foreign Affairs						
101-44	Salaries and expenses	39,700,000	39,700,000	39,700,000	39,700,000		
101-44	Emergencies in the diplomatic and consular service	9,300,000	9,300,000	9,300,000	9,300,000		
	Total, Department of State	49,000,000	49,000,000	49,000,000	49,000,000		
	RELATED AGENCIES						
	United States Information Agency						
101-44	Salaries and expenses	4,400,000	5,400,000	4,400,000	4,400,000	-1,000,000	
	(By transfer)		(1,400,000)	(1,400,000)	(1,400,000)		
	Total, Chapter I:						
	New budget (obligational) authority	61,136,000	69,472,000	62,078,000	61,136,000	-8,336,000	-942,000
	(By transfer)		(1,400,000)	(1,400,000)	(1,400,000)		
	(CHAPTER II)						
	DEPARTMENT OF DEFENSE - MILITARY						
	Procurement (by transfer from the Defense Cooperation account)						
	Missile procurement, Army		(269,300,000)			(-269,300,000)	
	Procurement of ammunition, Army		(29,600,000)			(-29,600,000)	
	Procurement, Marine Corps		(34,700,000)			(-34,700,000)	
	Total, Chapter II:						
	(By transfer from the Defense Cooperation account)		(333,600,000)			(-333,600,000)	
	CHAPTER II						
	DISTRICT OF COLUMBIA						
	Federal Funds						
101-44	Federal payment to the District of Columbia	3,565,000	3,565,000	3,565,000	3,565,000		
	CHAPTER III						
	FUNDS APPROPRIATED TO THE PRESIDENT						
	Bilateral Economic Assistance						
	Agency for International Development						
101-44	Operating expenses of the Agency for International Development	6,000,000	6,000,000	6,000,000	6,000,000		
101-60 101-53	Economic support fund	850,000,000	650,000,000	850,000,000	850,000,000	+200,000,000	
	Total, Agency for International Development	856,000,000	656,000,000	856,000,000	856,000,000	+200,000,000	
	CHAPTER IV						
	LEGISLATIVE BRANCH						
	JOINT ITEMS						
	Capitol Police Board						
	Capitol Police						
	Salaries:						
101-44	Sergeant at Arms of the House of Representatives	5,147,000	3,130,000	3,232,000	3,143,000	+13,000	-89,000
101-44	Sergeant at Arms and Doorkeeper of the Senate	5,171,000	3,034,000	3,096,000	3,096,000	+62,000	
	Total, salaries	10,318,000	6,164,000	6,328,000	6,239,000	+75,000	-89,000
101-44	General expenses	1,186,000	978,000	1,138,000	1,081,000	+103,000	-57,000
	Total, joint items	11,504,000	7,142,000	7,466,000	7,320,000	+178,000	-146,000

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	LIBRARY OF CONGRESS						
101-44	Salaries and expenses	260,000	....	88,000	74,000	+74,000	-14,000
101-44	Furniture and furnishings	351,000	....	351,000	....	....	-351,000
	Total, Library of Congress	611,000	....	439,000	74,000	+74,000	-365,000
	Total, Chapter IV: New budget (obligational) authority	12,115,000	7,142,000	7,905,000	7,394,000	+252,000	-511,000
	CHAPTER V						
	RELATED AGENCIES						
	Panama Canal Commission						
101-44	Panama Canal Revolving Fund: (Limitation on operating and capital expenses)	....	(80,000,000)	(80,000,000)	(80,000,000)	....	....
	CHAPTER VI						
	DEPARTMENT OF THE TREASURY						
	Bureau of Alcohol, Tobacco and Firearms						
101-44	Salaries and expenses	2,028,000	2,028,000	2,028,000	2,028,000	....	....
	United States Customs Service						
101-60	Salaries and expenses	1,828,000	....	1,825,000	1,825,000	+1,825,000	....
	United States Secret Service						
101-44	Salaries and expenses	4,906,000	4,906,000	4,906,000	4,906,000	....	....
	Total, Chapter VI: New budget (obligational) authority	8,762,000	6,934,000	8,759,000	8,759,000	+1,825,000	....
	CHAPTER VII						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Health Service and Research Administration						
....	Medical care	....	46,000,000	25,000,000	25,000,000	-21,000,000	....
	Departmental Administration						
101-60	General operating expenses	12,000,000	12,000,000	12,000,000	12,000,000	....	....
	Total, Chapter VII: New budget (obligational) authority	12,000,000	58,000,000	37,000,000	37,000,000	-21,000,000	....
	Total, Title I: New budget (obligational) authority	953,578,000	801,113,000	975,307,000	973,854,000	+172,741,000	-1,453,000
	(By transfer)	....	(1,400,000)	(1,400,000)	(1,400,000)	....	....
	(By transfer from the Defense Cooperation account)	....	(333,600,000)	....	....	(-333,600,000)	....
	TITLE II - SUPPLEMENTAL APPROPRIATIONS						
	CHAPTER I						
	DEPARTMENT OF COMMERCE						
	Bureau of the Census						
....	Salaries and expenses (by transfer)	....	(1,000,000)	(1,000,000)	(1,000,000)	....	....
	Economic and Statistical Analysis						
....	Salaries and expenses	....	1,000,000	....	1,000,000	....	+1,000,000
	Economic Development Administration						
....	Economic development revolving fund (rescission)	....	-9,600,000	-20,000,000	-24,000,000	-14,400,000	-4,000,000
	International Trade Administration						
....	Operations and administration	....	1,500,000	1,500,000	1,500,000	....	....
	Export Administration						
....	Operations and administration	....	....	....	1,400,000	+1,400,000	+1,400,000
	United States Travel and Tourism Administration						
....	Salaries and expenses	....	....	....	1,100,000	+1,100,000	+1,100,000
	National Oceanic and Atmospheric Administration						
....	Operations, research, and facilities	....	....	3,000,000	3,000,000	+3,000,000	....
	Total, Department of Commerce	....	-7,100,000	-15,500,000	-16,000,000	-8,900,000	-500,000
	DEPARTMENT OF JUSTICE						
	Legal Activities						
....	Salaries and expenses, general legal activities	....	....	4,000,000	2,000,000	+2,000,000	-2,000,000
101-3	(By transfer)	(3,180,000)	(3,180,000)	(3,180,000)	(3,180,000)	....	....
101-3	Salaries and expenses, United States Attorneys (by transfer)	(1,903,000)	(1,903,000)	(1,903,000)	(1,903,000)	....	....
101-3	Salaries and expenses, United States Marshals Service (by transfer)	(1,025,000)	(1,025,000)	(1,025,000)	(1,025,000)	....	....
101-3	Fees and expenses of witnesses	9,203,000	9,203,000	9,203,000	9,203,000	....	....
	Total, Department of Justice	9,203,000	9,203,000	13,203,000	11,203,000	+2,000,000	-2,000,000
	DEPARTMENT OF STATE						
	International Commissions						
....	International fisheries commissions	....	100,000	100,000	100,000	....	....

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	THE JUDICIARY						
	Supreme Court of the United States						
101-3	Salaries of justices	54,000	54,000	54,000	54,000		
	United States Court of Appeals for the Federal Circuit						
101-3	Salaries of judges	51,000	51,000	51,000	51,000		
	United States Court of International Trade						
101-3	Salaries of judges	36,000	36,000	36,000	36,000		
	Courts of Appeals, District Courts, and Other Judicial Services						
	Salaries and expenses:						
101-3	Salaries of judges	5,114,000	5,114,000	5,114,000	5,114,000		
101-3	Other salaries and expenses	64,406,000	64,406,000	62,866,000	63,616,000	-790,000	+750,000
	Total, salaries and expenses	69,520,000	69,520,000	67,980,000	68,730,000	-790,000	+750,000
101-3	Fees of jurors and commissioners	5,600,000	5,600,000	5,600,000	5,600,000		
101-3	Court security	530,000	530,000	530,000	530,000		
	Total, Courts of Appeals, District Courts, and Other Judicial Services	75,650,000	75,650,000	74,110,000	74,860,000	-790,000	+750,000
	Administrative Office of the United States Courts						
101-3	Salaries and expenses	2,450,000	2,450,000	2,450,000	2,450,000		
	Federal Judicial Center						
101-3	Salaries and expenses	1,633,000	1,633,000	1,633,000	1,633,000		
	Total, The Judiciary	79,874,000	79,874,000	78,334,000	79,084,000	-790,000	+750,000
	RELATED AGENCIES						
	Department of Transportation						
	Maritime Administration						
	Ready Reserve Force			20,000,000	20,000,000	+20,000,000	
	Board for International Broadcasting						
101-3	Grants and expenses	8,000,000	8,000,000	8,000,000	8,000,000		
	Equal Employment Opportunity Commission						
	Salaries and expenses		1,000,000	2,000,000	3,630,000	+2,630,000	+1,630,000
	Federal Communications Commission						
	Salaries and expenses		1,000,000	1,000,000	1,000,000		
	Federal Trade Commission						
	Salaries and expenses		2,000,000	1,000,000	2,000,000		+1,000,000
	Legal Services Corporation						
	Payment to the Legal Services Corporation		1,000,000	1,000,000	1,000,000		
	Securities and Exchange Commission						
	Salaries and expenses		2,000,000	1,000,000	1,600,000	-400,000	+600,000
	Small Business Administration						
	Salaries and expenses (by transfer)		(1,500,000)	(1,500,000)	(1,500,000)		
	Total, Related agencies	8,000,000	15,000,000	34,000,000	37,230,000	+22,230,000	+3,230,000
	Total, Chapter I:						
	New budget (obligational) authority	97,077,000	97,077,000	110,137,000	111,617,000	+14,540,000	+1,480,000
	Appropriations	(97,077,000)	(106,677,000)	(130,137,000)	(135,617,000)	(+28,940,000)	(+5,480,000)
	Rescissions		(-9,600,000)	(-20,000,000)	(-24,000,000)	(-14,400,000)	(-4,000,000)
	(By transfer)	(6,108,000)	(8,608,000)	(8,608,000)	(8,608,000)		
	CHAPTER II						
	DEPARTMENT OF DEFENSE - MILITARY						
	Operation and Maintenance						
	Operation and maintenance, Army		95,220,000		56,000,000	-39,220,000	+56,000,000
	Operation and maintenance, Navy		173,880,000		62,000,000	-111,880,000	+62,000,000
	Operation and maintenance, Marine Corps		4,000,000			-4,000,000	
	Operation and maintenance, Air Force		76,400,000		32,000,000	-44,400,000	+32,000,000
	Total, Operation and maintenance		349,500,000		150,000,000	-199,500,000	+150,000,000
	Research, Development, Test and Evaluation						
	Research, development, test and evaluation, Army		58,000,000			-58,000,000	
	Total, Chapter II:						
	New budget (obligational) authority		407,500,000		150,000,000	-257,500,000	+150,000,000
	CHAPTER III						
	DISTRICT OF COLUMBIA						
	Federal Funds						
	Federal payment to the District of Columbia		100,000,000	100,000,000	100,000,000		
	CHAPTER IV						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
	Construction program		30,000,000	20,000,000	25,000,000	-5,000,000	+5,000,000

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF ENERGY						
	Atomic Energy Defense Activities						
101-3	Operating expenses	487,300,000	467,300,000	487,300,000	487,300,000	+20,000,000	....
101-3	Plant and capital equipment	135,700,000	135,700,000	135,700,000	135,700,000	....	....
	Total, Atomic energy defense activities	623,000,000	603,000,000	623,000,000	623,000,000	+20,000,000	....
	INDEPENDENT AGENCIES						
	Delaware River Basin Commission						
....	Salaries and expenses	....	39,000	39,000	39,000	....	....
	Susquehanna River Basin Commission						
....	Salaries and expenses	....	39,000	39,000	39,000	....	....
	Total, Chapter IV: New budget (obligational) authority	623,000,000	633,078,000	643,078,000	648,078,000	+15,000,000	+5,000,000
	CHAPTER V						
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
101-60 101-3	State unemployment insurance and employment service operations (limitation on trust fund transfer)	(150,000,000)	(200,000,000)	(150,000,000)	(150,000,000)	(-50,000,000)	....
	Departmental Management						
....	Assistant Secretary for Veterans Employment and Training (Limitation on trust fund transfer)	....	....	(4,000,000)	(4,000,000)	(+4,000,000)	....
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Health Resources and Services Administration						
....	Program operations: Infant mortality targeted initiative	....	25,000,000	25,000,000	25,000,000	....	....
....	Vaccine injury compensation	....	....	17,000,000	17,000,000	+17,000,000	....
....	(By transfer)	....	....	(1,000,000)	(1,000,000)	(+1,000,000)	....
	Total, Health Resources and Services Administration	....	25,000,000	42,000,000	42,000,000	+17,000,000	....
	Social Security Administration						
101-3	Supplemental security income program	232,000,000	232,000,000	232,000,000	232,000,000	....	....
101-3	Limitation on administrative expenses: Trust funds	(232,000,000)	(232,000,000)	(232,000,000)	(232,000,000)	....	....
	Total, Chapter V:						
	New budget (obligational) authority	232,000,000	257,000,000	274,000,000	274,000,000	+17,000,000	....
	(By transfer)	....	....	(1,000,000)	(1,000,000)	(+1,000,000)	....
	(Limitation on trust funds)	(382,000,000)	(432,000,000)	(386,000,000)	(386,000,000)	(-46,000,000)	....
	CHAPTER VI						
	LEGISLATIVE BRANCH						
	HOUSE OF REPRESENTATIVES						
	Payments to Widows and Heirs of Deceased Members of Congress						
....	Gratuities, deceased Members	....	125,100	125,100	125,100	....	....
	CHAPTER VIII						
	DEPARTMENT OF AGRICULTURE						
	Cooperative State Research Service						
....	Cooperative State Research Service (by transfer)	....	....	(93,000)	(93,000)	(+93,000)	....
	Animal and Plant Health Inspection Service						
101-3	Special fund, user fees	13,000,000	13,000,000	13,000,000	13,000,000	....	....
	Food Safety and Inspection Service						
101-3	Salaries and expenses	8,000,000	8,000,000	8,000,000	8,000,000	....	....
	Agricultural Stabilization and Conservation Service						
....	Salaries and expenses	....	46,900,000	46,900,000	46,900,000	....	....
101-3	(By transfer)	(66,900,000)	....	....	....	....	....
	Commodity Credit Corporation						
....	Disaster payments	....	....	1,400,000	1,400,000	+1,400,000	....
	Soil Conservation Service						
101-50	Watershed and flood prevention operations (rescission)	-10,000,000	....	....	....	....	....
	Food and Nutrition Service						
	Food stamp program:						
101-3	Expenses	200,000,000	200,000,000	200,000,000	200,000,000	....	....
101-3	Subject to budget request	1,300,000,000	1,300,000,000	1,300,000,000	1,300,000,000	....	....
	Total, Chapter VIII:						
	New budget (obligational) authority	1,511,000,000	1,567,900,000	1,569,300,000	1,569,300,000	+1,400,000	....
	Appropriations	(1,521,000,000)	(1,567,900,000)	(1,569,300,000)	(1,569,300,000)	(+1,400,000)	....
	Rescissions	(-10,000,000)	....	....	....	....	....
	(By transfer)	(66,900,000)	....	(93,000)	(93,000)	(+93,000)	....
	CHAPTER IX						
	DEPARTMENT OF TRANSPORTATION						
	Coast Guard						
101-3	Retired pay	14,500,000	14,500,000	14,500,000	14,500,000	....	....

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	National Highway Traffic Safety Administration						
....	Highway traffic safety grants (Highway Trust Fund) (liquidation of contract authorization)	....	....	(4,980,000)	(4,980,000)	(+4,980,000)	....
....	Alcohol safety incentive grants (limitation on obligations)	....	....	(4,980,000)	(4,980,000)	(+4,980,000)	....
	Total, Chapter IX:						
	New budget (obligational) authority	14,500,000	14,500,000	14,500,000	14,500,000	....	....
	(Liquidation of contract authorization)	....	....	(4,980,000)	(4,980,000)	(+4,980,000)	....
	(Limitation on obligations)	....	....	(4,980,000)	(4,980,000)	(+4,980,000)	....
	CHAPTER XI						
	DEPARTMENT OF VETERANS AFFAIRS						
	Veterans Benefits Administration						
101-60 101-44	Compensation and pensions	712,584,000	303,084,000	712,584,000	712,584,000	+409,500,000	....
101-60	Readjustment benefits	250,000,000	....	250,000,000	250,000,000	+250,000,000	....
	Total, Veterans Benefits Administration	962,584,000	303,084,000	962,584,000	962,584,000	+659,500,000	....
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
101-50	Annual contributions for assisted housing: Rescissions	-539,112,000	-275,815,000	-275,815,000	-298,815,000	-23,000,000	-23,000,000
....	Assistance for the renewal of expiring section 8 subsidy contracts	....	155,815,000	155,815,000	155,815,000	....	....
101-3	(By transfer)	(155,815,000)	....	....	....	....	....
101-50	Rental rehabilitation grants (rescission)	-70,000,000	....	....	....	....	....
101-50	Congregate services (rescission)	-9,500,000	....	....	....	....	....
....	Payments for operation of low-income housing projects	....	75,000,000	75,000,000	75,000,000	....	....
101-3	Homeownership and opportunity for people everywhere grants (HOPE grants)	165,000,000	....	....	....	....	....
101-3	HOME investment partnerships program	500,000,000	....	....	....	....	....
	Total, Housing programs	46,388,000	-45,000,000	-45,000,000	-68,000,000	-23,000,000	-23,000,000
	Homeless Assistance						
	Shelter plus care:						
101-3	Section 8 moderate rehabilitation, single room occupancy (by transfer)	(24,000,000)	....	....	....	....	....
101-3	Section 202 rental assistance	18,000,000	....	....	....	....	....
101-3	Homeless rental housing assistance program	80,000,000	....	....	....	....	....
	Total, Homeless assistance	98,000,000	....	....	....	....	....
	Community Planning and Development						
101-50	Urban development action grants (rescission)	-13,518,000	....	....	....	....	....
101-50	Urban homesteading (rescission)	-13,397,000	....	....	....	....	....
101-50	Rehabilitation loan fund (rescission)	-135,000,000	....	....	....	....	....
	Total, Community planning and development	-161,915,000	....	....	....	....	....
	Total, Chapter XI:						
	New budget (obligational) authority	945,057,000	258,084,000	917,584,000	894,584,000	+636,500,000	-23,000,000
	Appropriations	(1,725,584,000)	(533,899,000)	(1,193,399,000)	(1,193,399,000)	(+659,500,000)	....
	Rescissions	(-780,527,000)	(-275,815,000)	(-275,815,000)	(-298,815,000)	(-23,000,000)	(-23,000,000)
	(By transfer)	(179,815,000)	....	....	....	....	....
	Total, Title II:						
	New budget (obligational) authority	3,422,634,000	3,335,264,100	3,628,724,100	3,762,204,100	+426,940,000	+133,480,000
	Appropriations	(4,213,161,000)	(3,620,679,100)	(3,924,539,100)	(4,085,019,100)	(+464,340,000)	(+160,480,000)
	Rescissions	(-790,527,000)	(-285,415,000)	(-295,815,000)	(-322,815,000)	(-37,400,000)	(-27,000,000)
	(Liquidation of contract authorization)	....	....	(4,980,000)	(4,980,000)	(+4,980,000)	....
	(Limitation on trust funds)	(382,000,000)	(432,000,000)	(386,000,000)	(386,000,000)	(-46,000,000)	....
	(By transfer)	(272,823,000)	(8,608,000)	(9,701,000)	(9,701,000)	(+1,093,000)	....
	TITLE V - CERTAIN MILITARY PERSONNEL AND VETERANS BENEFITS						
....	Military personnel and veterans benefits (by transfer from the Defense Cooperation account)	....	....	(500,000,000)	(655,000,000)	(+655,000,000)	(+155,000,000)
....	Family education and support	....	....	30,000,000	30,000,000	+30,000,000	....
....	Child care assistance	....	....	20,000,000	20,000,000	+20,000,000	....
	Total, Title V:						
	New budget (obligational) authority	....	....	50,000,000	50,000,000	+50,000,000	....
	(By transfer from the Defense Cooperation account)	....	....	(500,000,000)	(655,000,000)	(+655,000,000)	(+155,000,000)
	Grand total:						
	New budget (obligational) authority	4,376,212,000	4,136,377,100	4,654,031,100	4,786,058,100	+649,681,000	+132,027,000
	Appropriations	(5,166,739,000)	(4,421,792,100)	(4,949,846,100)	(5,108,873,100)	(+687,081,000)	(+159,027,000)
	Rescissions	(-790,527,000)	(-285,415,000)	(-295,815,000)	(-322,815,000)	(-37,400,000)	(-27,000,000)
	(Liquidation of contract authorization)	....	....	(4,980,000)	(4,980,000)	(+4,980,000)	....
	(Limitation on obligations)	....	....	(4,980,000)	(4,980,000)	(+4,980,000)	....
	(Limitation on trust funds)	(382,000,000)	(432,000,000)	(386,000,000)	(386,000,000)	(-46,000,000)	....
	(By transfer)	(272,823,000)	(10,008,000)	(11,101,000)	(11,101,000)	(+1,093,000)	....
	(By transfer from the Defense Cooperation account)	....	(333,600,000)	(500,000,000)	(655,000,000)	(+321,400,000)	(+155,000,000)

Mr. WHITTEN. Mr. Speaker, I reserve the balance of my time.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this conference report.

Mr. Speaker, who would have ever thought that in one evening, the appropriations conference committees would have completed consideration of 108 Senate amendments and produced both a conference report on this dire emergency supplemental and then finished the Desert Storm supplemental which will follow?

This conference report comes to the floor less than 24 hours from the time conferees were appointed late yesterday. While yesterday, due to the number of troubling amendments added by the Senate, this ship looked like it might be sinking, today this ship is, in my view, seaworthy.

And while I do not necessarily support every decision that was made, I am prepared to support the conference report.

In total, this conference report provides nearly $4.8 billion, compared with $4.1 billion when it passed the House on March 7 by a vote of 365 to 43. The increases are due in large part to higher funding for veterans programs.

Like the bill that passed the House, this conference report provides funding for programs designated to be emergencies by the Congress and the President. These include:

The sum of $85 million for increased security and antiterrorism costs of agencies like the State Department, AID, Secret Service, and the Capitol Police, due to Desert Storm.

The sum of $650 million for Israel and $200 million for Turkey for their Desert Storm related costs.

The sum of $150 million for State unemployment insurance administration.

It also provides for other fiscal year 1991 supplementals requested by the administration, including $623 million for Rocky Flats plutonium production and environmental restoration.

Within the fiscal year 1991 spending caps, certain other supplementals are provided, like the $100 million for the District of Columbia, $150 million for CHAMPUS, $25 million for Veterans medical care, and $25 million for measures against the drought in the West.

According to staff's best estimate, we are within the 1991 spending caps.

In fact, at the end of conference, we were about $29 million over the domestic cap, and we went back and made reductions to bring it within the caps. So the vote of the House yesterday, 398–2, to instruct the conferees to stay within the spending caps, paid off.

The conference report also provides needed mandatory supplementals, including $1.5 billion for food stamps, and $963 million for veterans compensation, benefits and readjustment.

The bill also funds the military personnel and veterans package that was authorized yesterday in the amount of $655 million over a period of 5 years, to be paid for out of the defense cooperation account.

That consists of $374 million for enhanced military personnel benefits and $281 million for enhanced veterans benefits.

And finally, the conference report includes the technical corrections that were passed by the House in February but never acted on by the Senate.

Mr. Speaker, the two most contentious items addressed by the conference last night included Jordan and the dairy program. For Jordan, the agreement that was worked out cuts off aid for Jordan in fiscal year 1991, but gives the President the flexibility to waive that prohibition if Jordan takes steps to advance the peace process in the Middle East.

On dairy, regrettably, the Leahy amendment was dropped, and I expressed my disagreement with that outcome by noting my exception to that amendment when I signed the conference report. Unfortunately, three House committee chairmen made it clear yesterday that they would fight the bill if it contained the Leahy amendment. They would oppose all unanimous-consent requests, they would oppose the measure of the Rules Committee, and they would oppose it on the floor.

Once we had that signal, it was clear that even if the Leahy amendment survived conference, no bill that contained it would get written into law. So the Leahy amendment wasn't going to happen on this bill. It is my hope that the attention focused on the needs of the dairy farmer will cause a rapid legislative response, which will start the next week Congress is in session.

In addition, under the Export Enhancement Program, there is report language urging the Agriculture Department to use the Commodity Credit Corporation to donate surplus milk products to domestic feeding programs and to use EEP to export 100 million pounds of nonfat dry milk and 100 million pounds of butter in 1991.

With that one major exception, I believe the conference did yeoman's work to produce a conference report that this House should have not trouble supporting, and I urge my colleagues to support its adoption.

□ 1040

Mr. Speaker, I want to close by offering my commendation to my colleagues for the work that they did and also to the staff of the Committee on Appropriations. Normally they are very bright-eyed looking. If they look a little red eyed today, Mr. Speaker, it is because they have been working incessantly starting all day yesterday until this very moment without any rest to get this measure ready to come to the floor.

I hope my colleagues will support this conference report overwhelmingly.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman from Mississippi [Mr. WHITTEN] for yielding.

Mr. Speaker, I, too, support this conference report, but I want to call something to the attention of the House that I think is a very serious matter with regard to the budget agreement. Whatever some official down at OMB determines is an emergency will be so designated, and what they determine is not an emergency will not be designated as an emergency.

Mr. Speaker, in the part of the bill that the subcommittee that I chair handles, there are some items under the Commerce Department that OMB said were not an emergency. These items, however, are the same kind of items that were designated as emergency items under the State Department. I will give my colleagues some examples. The International Trade Administration had to move its employees out of Kuwait as a result of the conflict, and then they had to move their employees back into that country to try to help American businesses compete for the contracts that will come under the reconstruction effort. They had unanticipated needs totalling $2.951 million, as a result of the conflict, and I cannot see anything more clearly caused by Operation Desert Shield/Desert Storm.

NOAA had an expenditure of $2.775 million, and that had to do with the oilspill, Weather Service support to our military forces in the Persian Gulf and increased fuel costs. Mr. Speaker, the Defense Department cannot handle and does not have the kind of people with the expertise that is necessary to evaluate and advise on cleanup operations for an oilspill. DOD probably never had to handle one quite like this before in its history, so they called on NOAA. That is an emergency situation. NOAA furnished the people, and then some official down at OMB says, "Take that out of other programs."

Mr. Speaker, what this is going to lead to, is that we are going to have to start putting into appropriations bills that even the President cannot use as an emergency matter, money that was designated for another purpose or that was not specifically designated for the purpose that he is going to be using it for. This is a serious deficiency, I think, in the budget agreement, and it is going to lead to more problems for the administration instead of less. This is not the way they ought to administer the budget agreement. In addition, the budget agreement should provide for some different mechanism for determining what is an emergency and what is not an emergency. However, Mr. Speaker, I do support the conference report, but these items, and also the $1.6 million proposed by the House to put some employees of the National Institute of Standards and Technology in the Gulf States to try to make sure that standards adopted by such countries will not, in effect, prevent American businesses from competing for contracts in the reconstruction effort, are important and were unanticipated. They will not be funded because some official at OMB has decided that they are not emergencies under the budget agreement.

Mr. McDADE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I want to thank the distinguished gentleman from Pennsylvania [Mr. McDADE] for yielding me this time. I begin first by complimenting the conferees on accepting the Senate version related to the import enhancement program and raising the cap. That is a big improvement. It eliminates some difficulties that we would have had. It saves the taxpayers money, and it makes the program more effective for American farmers and agriculture exporters, but primarily, Mr. Speaker, I wanted to comment upon the provisions related to military and economic aid to Jordan.

Mr. Speaker, as my colleagues know, the dire emergency supplemental appropriations bill blocks $55 million in economic and military aid to Jordan, although language was added which allows President George Bush to resume aid if he determines that Jordan is cooperating in the peace process. Some United States foreign policy mavens and foreign governmental officials are critical of this type of restriction on aid to Jordan. They argue that the United States has been attempting to promote democracy in countries like Jordan, and therefore, must be tolerant of dissent or even anti-American hostility against our military or foreign policy.

Let's be perfectly clear about this situation. It is not American intent to stifle all criticism of the United States among the officials or population of nations receiving our foreign assistance: We expect differences of opinion among people living in democracies or emerging democracies. However, this Member of Congress, probably most Members of Congress, and clearly most Americans, want to make it clear that no country on Earth has an entitlement to our foreign aid. To the extent that we can afford to appropriate funds for foreign assistance, it ought to be allocated when it meets two fundamental criteria. First, it is for friendly countries which need the aid and whose governments are our cooperative allies. Second, it should be provided when it is clearly in the national interest of the United States. Exceptions to this two-part rule should be rare indeed. Of course there will always be disaster or emergency conditions where Americans will respond generously for humanitarian reasons.

Nevertheless, the Jordanian people and King Hussein and people throughout the world need to understand quite clearly that United States foreign assistance is not an entitlement. They also need to understand that the Congress of the United States, reflecting American sentiment, do not intend to routinely send foreign assistance to countries that are routinely anti-American in their demonstrations and actions.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, with respect to the admonishments the gentleman was raising with respect to Jordan and King Hussein, I think he should point out as well that with reference to the part of the provision which he thought was good, Jordan, in order to obtain foreign aid, must advance the peace process in the Middle East. I would assume that includes advancing the peace process with the Government of Israel.

Mr. BEREUTER. Mr. Speaker, I think that is exactly right. That would be my understanding, too, and I compliment the conferees on these provisions.

☐ 1050

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Speaker, I would say that we are very disappointed that the dairy provisions are deleted from this bill. With respect to the dairy farmers, we have an emergency out in our part of the country.

Mr. Speaker, I appreciate the opportunity to make those remarks.

Mr. WHITTEN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, may I say in response to that statement that the Senate added legislative matter. Under their rules, they can do that; under our rules, we could not consider it. We would have to have unanimous consent, and we had three legislative committees file an objection. We have done the best we could, in that we have provided for additional sales of milk and milk products and the use of section 32 funds and Commodity Credit Corporation funds. So with the limitation of what is possible and under the rules of the House, we have done the very best we could.

Mr. McDADE. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I do not want to belabor this point, but I think the point needs to be hit again. I think it is very, very important.

First of all, I would like to say to the media, Mr. Brokaw, Mr. Rather, Mr. Jennings, and whoever might be listening, that this is something they ought to be paying attention to, as should the entire American population.

In Pennsylvania, they have a shipyard, and they are going to refurbish the U.S.S. *Kennedy*. The Department of Defense and the Navy asked for $500 million for a partial refurbishing. The delegation from that area has been able to get almost a complete overhaul or rebuilding of the U.S.S. *Kennedy*, and that is going to cost $1.2 billion, $700 million more than the Defense Department asked for, at a time when we are probably going to face a $350 billion deficit this year.

When we talk about waste and pork, this is it, not little things like a half-million-dollar Lawrence Welk memorial or library, whatever it was. We are talking about $700 million, and they want it because they want to provide more jobs at the Philadelphia shipyard, not because they care about defense, because many of these Members who are pushing for this never supported defense, or almost never. I think two or three of them opposed the President on Desert Storm. But the fact of the matter is that this is pure unadulterated pork.

Yesterday in the other body they took $700 million out, and as I understand it, when that was taken out, Members of the other body got hold of the Secretary of Defense and asked him to come over, and it involved almost a shouting match because they wanted him to relent and say that he wanted the $1.2 billion for the SLEP Program, the complete refurbishing. As I understand it, to his credit, the Secretary of Defense said to the Senators involved, "No, we only need $500 million for this, and that's all we are going to ask for." So there was a lot of heated argument and exchanges at that time.

The fact of the matter is that last night in the conference committee they went back and put that $700 million back in. That is pure pork for the Philadelphia shipyard and for that delegation from there. I think that is an absolute shame, and I am going to try to get a recommittal motion so we can have another vote on this thing. I probably will not be successful because I am not on the committee. But I want the Members to know that this is really a travesty at a time when we are facing monumental deficits, the largest possibly in American history, $350 billion in 1 year, and they are going to stick $700 million that the Defense Department does not want back in the bill.

That is wrong. It is dead wrong, and you should be ashamed of that. I respect many of my colleagues who are involved in this because they are very fine Congressmen, but this should not be done.

Mr. Speaker, the national debt that we have is about $3 trillion plus. This year they expect the deficit to be $314 billion, but most of us believe it is going to be $350 billion. That is one-ninth of the total debt this country has incurred since the beginning of the Republic. That is one-ninth in 1 year, and for us to be spending $700 million unnecessarily when the Defense Department does not want it is really wrong. We should be scrutinizing every single expenditure this year with a fine-tooth comb, and I intend to at least do my part to do that.

Mr. Speaker, I just want to say to my colleagues from Pennsylvania and from elsewhere in this country that if they put pork in there, I am going to do my dead level best to at least bring it to the attention of the American people, and the media should also pay attention to this.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on the bill, H.R. 1281, making dire emergency supplemental appropriations for fiscal year 1991 and for other purposes. This bill provides urgently needed funds to meet a variety of critical needs from food stamps and unemployment assistance to veterans compensation and pension programs.

In addition, the conference report includes $25 million to help the Bureau of Reclamation to meet Federal obligations to help respond to the emergency drought conditions which currently exist throughout a variety of areas in the West.

Most of the 17 reclamation States have suffered from extreme drought conditions over the last 5 years. Key water storage reservoirs in a number of States are at record low levels, resulting in sharp reductions in water deliveries to agricultural, municipal, and industrial water customers.

In California, which is also experiencing its 5th year of drought and its 4th critically dry year, reservoir storage statewide is roughly half its historical average. As a result, the Bureau of Reclamation has advised its agricultural and urban customers that deliveries of water from the Federal central valley project [CVP] will be cut by up to 75 percent of normal supplies.

The recent rainfall has done little to reduce the need for this critical measure. We are in the midst of the 5th consecutive year of drought. Despite the recent rains, the storage levels of California's reservoirs are just slightly higher than they were in 1977—the driest year of record and when the State of California had 7 million fewer residents. And, while 1991 will not be the driest year of record, it will be one of the driest the State has experienced—perhaps, the fourth driest year of record, based on current estimates. That's positive, but our State is still facing a drought emergency.

Since the end of February, before the latest wave of winter storms, total storage within the central valley project has increased just 5 percent, from 49 percent of average storage levels to 54 percent. This is far less than the increase in precipitation, which has increased from 25 to 57 percent of average levels. Most of the precipitation has been in the coastal regions and in the south, rather than in the northern part of the State where most of our storage facilities are located and which supplies most of the water needs for California. For example, storage in the San Joaquin River systems is up to nearly 65 percent of the average levels, but storage in the Sacramento system is just barely more than half the average annual storage levels and far less than the storage levels reached last year. Storage in the Sacramento system is at 1.8-million-acre feet, compared to a 3.3-million-acre feet average and 2.7-million-acre feet last year.

In recognition of the emergency drought conditions, the conference report provides $25 million for the Bureau of Reclamation to launch a number of drought-response initiatives. Examples of such initiatives include drilling wells and purchasing and delivering water for wildlife refuges, making authorized project modifications to assure water deliveries at low-reservoir levels, providing alternate sources of water to municipal and industrial users and to increase fish and wildlife survival rates, and constructing temporary saltwater intrusion barriers, particularly in the Sacramento-San Joaquin Delta, to protect water quality and thereby increase availability of project water.

Only authorized activities are to be undertaken using the funds provided in the conference report. This provision does not authorize any new activities that were included in the drought bill the House passed yesterday.

Mr. Speaker, this is not a bailout for the California or any other drought stricken area. This appropriation simply enables the Federal Government to do its part to help lessen the economic and environmental consequences of the worst drought on record. The State of California intends to put more than $100 million into drought relief activities—nearly three-quarters of which will complement work in California financed by this appropriation.

Finally, Mr. Speaker, none of the funds in this appropriation will be used for drought impacted, crop loss assistance. This appropriation will simply help the Bureau mitigate against future losses to fish and wildlife habitat, help provide additional water supplies to municipal and industrial users and help limit future crop damage by funding a variety of measures that will help make the most of the limited water supplies currently available.

Mr. Speaker, I greatly appreciate the cooperation and leadership of the chairman of the full Appropriations Committee, Mr. WHITTEN, as well as the support and cooperation of the chairman of the Appropriations Subcommittee on Energy and Water Development, Mr. BEVILL, the ranking minority member, Mr. MYERS, and our Senate colleagues on the conference committee, particularly Senator JOHNSTON. Without their assistance, this drought emergency assistance would not be possible.

Mr. Speaker, this is a good bill, and I urge adoption of the conference report.

Mr. Speaker, the conference agreement on H.R. 1281 contains several items that involve the legislative branch.

In title I, legislative items are included in chapter IV. They include:

First, Capitol Police salaries—$6,239,000. These funds include overtime expenses of our security forces, many of whom have been working 12 hours per day, 7 days per week during the current situation where overall security throughout the Government is very intense.

In addition, there are funds for six additional K–9 teams which are needed for additional duties at the Hart Building and the south barricade.

Also, we have provided funds for 10 more freight handlers at the off-site delivery center. These positions are needed to make the process of screening our incoming deliveries more efficient and to reduce waiting time.

Second, police expenses—$1,081,000 has been allowed for additional equipment and supplies for our police.

Third, Library of Congress—$74,000 has been allowed to fill nine unfunded police positions. This will alleviate the necessity for overtime at the Library building entrances, where security has been increased.

In title II, legislative items are included in chapter VI. They include:

First, two Senate housekeeping items, one dealing with the lettering on Senators' mobile district offices, and the other with Senate leadership funds.

Second, the traditional gratuity for a deceased Member, in this case for the widow of Silvio Conte.

Third, an administrative provision which provides, subject to authorization, that the Architect of the Capitol may lease space for use by the Library of Congress. There is an acute and immediate need for this space.

Fourth, a provision which extends the availability of certain funds for contracts to purchase talking book machines for blind and physically handicapped patrons of the Library of Congress.

These items are all needed, Mr. Chairman. We did reduce the funding requests by over $4 million. But we had to provide increased security funds because our personnel need the support and our tourists and facilities require our best efforts to protect and safeguard their well-being.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the conference report and to say a few things about funding for veterans' programs. The gentleman from Michigan [Mr. TRAXLER] and the gentleman from New York [Mr. GREEN] are to be commended for their efforts to address the needs of veterans in this supplemental. Not only did they ensure that the funds requested by the administration for compensation and pension benefits, $713 million and Readjustment Benefits—$250 million—included in the bill, they also obtained most of the funds I had requested for the operation of our VA hospitals and regional offices.

In order to make sure that veterans returning from Operation Desert Storm and veterans from previous wars get the benefits and services they deserve on a timely basis, the VA must have trained people. They must have health specialists, more adjudicators, and other people to process claims.

The House added $46 million for medical care and $12 million for veterans claim processing to the request of the administration. These amounts will not resolve all of the benefit and medical care delivery problems which currently exist. These amounts are simply a downpayment, some start up money, to make sure that the Department of Veterans Affairs can handle the increased demand for benefits and services from Persian Gulf war veterans.

These funds are much needed by the Department. However, because the Secretary of Veterans Affairs had not requested them, the Secretary informed the Budget Committee in the House and other committee leaders that the medical funds were not needed. My colleagues know better than that. The Secretary should be the first to know the long delays many veterans face in trying to get outpatient appointments, and to get their benefit claims processed. He apparently did find out recently the deplorable condition of our national cemeteries.

As a result of the Secretary's position, the other body reduced the funds for VA hospitals from $46 million to $25 million. I very much regret that this occurred. The other body should have accepted the $46 million contained in the House-passed bill.

Again, I want to thank my good friend and distinguished colleague, BOB TRAXLER, and the very able chairman of the Subcommittee on VA, HUD and independent agencies, BILL GREEN, for their cooperation and understanding.

Mr. ANDERSON. Mr. Speaker, I rise in support of the conference report on H.R. 1281, the Dire Emergency Supplemental Appropriations Act for 1991.

Of particular interest to me is that section of the bill permitting the U.S. Army Corps of Engineers to utilize funds appropriated in fiscal year 1991 for preconstruction engineering and design of the Los Angeles-Long Beach Harbors project for completion of the feasibility study for this project.

This congressional action will, once and for all, complete the Corps of Engineers' feasibility study of phase I of the Los Angeles-Long Beach 2020 expansion plan.

I want to thank Congressman WHITTEN, chairman of the Appropriations Committee, Congressman BEVILL, chairman of the Energy and Water Development Subcommittee, Congressman FAZIO, my California colleague who serves on the Appropriations Committee, and Hunter Spillan, staff assistant on the Energy and Water Development Subcommittee, for all their help to me with this matter which is so important to my congressional district.

I urge all of my colleagues to vote in support of this badly needed legislation.

Mr. ROE. Mr. Speaker, I rise in support of the H.R. 1281 conference agreement and I want to take this opportunity to thank the distinguished chairman of the committee and all the House conferees for working with the Committee on Public Works and Transportation to resolve, to our mutual satisfaction, various provisions that the Senate included in its version of the dire emergency supplemental appropriation bill.

Included in chapter I of title II of the Senate bill was a provision authorizing the Secretary of Commerce to transfer unobligated balances from the economic development revolving fund to "other accounts in the Department of Commerce. * * *" The section specifically stated that the transfer would be effectuated "notwithstanding section 203 of the Public Works and Economic Development Act of 1965." The House had no comparable provision.

On behalf of our committee, I strongly urged the House conferees to insist on the House position. As a matter of process, the Senate provision constituted legislation under our jurisdiction. Furthermore, on substantive grounds, the Senate provision was objectionable because it permitted EDA funds to be used for non-EDA programs, contrary to longstanding congressional policy.

I am pleased to report that the Senate language is not included in the conference report.

Chapter VI of the Senate bill also contained a provision authorizing the Architect of the Capitol to procure on behalf of the Library of Congress temporary storage and warehouse space. As you recall, an identical provision which was included in the House-reported bill was struck on a point of order because it was legislation in an appropriations bill.

During discussion of the point of order, I stressed that the primary concern of the Committee on Public Works and Transportation was one of process. First of all, the matter was included without consultation with our committee. More importantly, this issue can and should be handled through the normal legislative process.

Based on this, I urged the conferees not to include the Senate provision. I am pleased to report that the final language authorizing the Architect to lease space for use by the Library is subject to enactment of authorizing legislation. I believe this approach fully protects the prerogatives of our committee.

Lastly, both bills contained language regarding development of the Northern Virginia Naval Systems Command Headquarters. We had no objection to either provision since both included our committee in the approval process. While the conference agreement represents a modification, it, too, requires advance approval by our committee. Accordingly, that language is acceptable.

Mr. Speaker, appropriation bills should not circumvent the authorization process. This is the message I carried as I raised these various matters. I am pleased to say that our message has been heard and our concerns satisfied.

Mr. MCDADE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. BURTON of Indiana. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BURTON of Indiana moves to recommit the conference report on the bill, H.R. 1281, to the Committee on Conference, with instructions that the conferees agree to the amendment of the Senate numbered 52.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 91, nays 295, not voting 45, as follows:

[Roll No. 60]

YEAS—91

Allard
Archer
Baker
Ballenger
Barrett
Barton
Bateman
Bereuter
Bliley
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Coble
Combest
Cox (CA)
Crane
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Fawell
Fields
Gallegly
Gilchrest
Gillmor
Goss
Gradison
Grandy
Guarini
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hyde
James
Kasich
Klug
Kyl
Leach
Martin
McCandless
McEwen
McMillan (NC)
Meyers
Miller (WA)
Moorhead
Nichols
Nussle
Patterson
Pease
Petri
Porter
Ramstad
Rhodes
Riggs
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Sensenbrenner
Shaw
Shays
Slaughter (VA)
Smith (OR)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Upton
Valentine
Vander Jagt
Walker
Washington
Wylie
Zeliff
Zimmer

NAYS—295

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Atkins
Bacchus
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gray
Green
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jefferson
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Richardson
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rose
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Serrano
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—45

Ackerman
Armey
Aspin
AuCoin
Barnard
Beilenson
Boxer
Bustamante
Clay
Clinger
Conyers
Dannemeyer
DeLay
Dingell
Dwyer
Flake
Ford (TN)
Gingrich
Hatcher
Jacobs
Jenkins
Johnston
LaFalce
Lent
Levine (CA)
Lewis (FL)
Lloyd
Manton
Marlenee
Matsui
McCollum
Mfume
Miller (OH)
Ray
Reed
Ridge
Rostenkowski
Sharp
Smith (TX)
Stallings
Stenholm
Tanner
Torricelli
Udall
Waxman

☐ 1125

The Clerk announced the following pairs:

On this vote:

Mr. Lewis of Florida for, with Mrs. Boxer against.

Mr. Marlenee for, with Mr. Barnard against.

Messrs. HORTON, LAGOMARSINO, BERMAN, and PAXON changed their vote from "yea" to "nay."

Messrs. RHODES, BLILEY, BARRETT, RIGGS, HENRY, ALLARD, and CAMPBELL of California changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 340, nays 48, not voting 43, as follows:

[Roll No. 61]

YEAS—340

Abercrombie
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Atkins
Bacchus
Baker
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Burton
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dornan (CA)
Downey
Durbin
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Goodling
Gordon
Goss
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hastert
Hayes (IL)
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Hoyer
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Johnson (CT)
Johnson (SD)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Markey
Martin
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Regula
Rhodes
Richardson
Riggs
Rinaldo
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Rowland
Roybal
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schulze
Schumer
Serrano
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stearns
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—48

Allard
Archer
Ballenger
Barton
Bunning
Callahan
Combest
Crane
DeLay
Dellums
Dorgan (ND)
Dreier
Duncan
Dymally
Fawell
Gonzalez
Gradison
Grandy
Hall (TX)
Hancock
Hansen
Hayes (LA)
Hefley
Houghton

Hubbard
Huckaby
Hughes
Lehman (CA)
Miller (CA)
Moorhead
Nussle
Pallone
Panetta
Penny
Peterson (MN)
Petri
Roth
Russo
Savage
Schroeder
Sensenbrenner
Smith (OR)
Solomon
Stark
Stump
Upton
Valentine
Walker

NOT VOTING—43

Ackerman
Armey
Aspin
AuCoin
Barnard
Boxer
Bustamante
Clay
Clinger
Dannemeyer
Dingell
Dwyer
Flake
Ford (TN)
Gingrich
Hatcher
Jacobs
Jenkins
Johnston
LaFalce
Lent
Levine (CA)
Lewis (FL)
Lloyd
Manton
Marlenee
Matsui
McCollum
Mfume
Miller (OH)
Ray
Reed
Ridge
Ritter
Rostenkowski
Sharp
Smith (TX)
Stallings
Stenholm
Tanner
Torricelli
Udall
Waxman

☐ 1135

The Clerk announced the following pairs:

On this vote:

Mr. Dwyer for, with Mr. Ray against.

Mrs. Lloyd of Tennessee for, with Mr. Lewis of Florida against.

Mr. HERTEL changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. Pursuant to the order of the House of today, the amendments in disagreement are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 2: Page 2, line 19, strike out [$2,775,000] and insert *$632,000*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 2, and concur therein with an amendment, as follows:

Strike all on line 8, page 2 of the House engrossed bill, H.R. 1281, and all that follows through line 20, page 2.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 12, 13, 18, 28, 37, 44, 62, 64, 65, 72, 73, 77, 78, 79, 80, 83, 84, 85, 87, 95, 99, 101, 103, and 106 be considered en bloc, be considered as read, and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The texts of the various Senate amendments referred to in the unanimous consent request are as follows:

Senate amendment No. 12: Page 7, line 4, strike out [which] and insert: *of which $650,000,000*

Senate amendment No. 13: Page 7, line 5, after "Israel" insert: *, and of which $200,000,000 may be obligated and expended notwithstanding section 10 of Public Law 91–672 only for the Republic of Turkey*

Senate amendment No. 18: Page 7, line 8, after "Israel" insert: *and the Republic of Turkey*

Senate amendment No. 28: Page 8, after line 22, insert:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, $1,825,000.

Senate amendment No. 37: Page 10, after line 23, insert:

DEPARTMENT OF COMMERCE—GENERAL PROVISION

Notwithstanding any other provision of law, of the funds appropriated to Department of Commerce, Bureau of the Census, "Periodic censuses and programs" in Public Law 101–515, $750,000 shall be available to provide the Federated States of Micronesia technical assistance and training for census taking and other data collection efforts: Provided, That such assistance shall include but not be limited to statistical training in planning and data collection, processing and analysis, equipment and supplies, long-term training, and subsistence expenses for trainees.

Senate amendment No. 44: Page 15, after line 5, insert:

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

READY RESERVE FORCE

For an additional amount for "Ready reserve force", $20,000,000, to remain available until expended.

Senate amendment No. 62: Page 21, after line 11, insert:

COMMUNITY IMPACT ASSISTANCE

Of the funds provided to the Department of Energy for fiscal year 1991, not more than $10,000,000 shall be made available to the State of Colorado for community impact assistance payments to the cities of Broomfield, Westminster, Thornton, and Northglenn, Colorado.

Senate amendment No. 64: Page 22, line 11, after "502–504)"insert: *: Provided, That all funds provided under this head are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

Senate amendment No. 65: Page 22, after line 17, insert:

DEPARTMENTAL MANAGEMENT

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

In addition to the amounts which are available for the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of sections 2001–10 and 2021–26, title 38, of the United States Code, not to exceed $4,000,000 may be derived from that account for unbudgeted costs associated with Operation Desert Shield/Operation Desert Storm for carrying out the Transition Assistance Program under section 1144 of title 10, United States Code.

Senate amendment No. 72: Page 24, after line 2, insert:

SENATE

ADMINISTRATIVE PROVISIONS

Section 3(f)(3) under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1975 (Public Law 93–371; 2 U.S.C. 59(e)), as amended by Public Law 94–32, is amended by striking subparagraph (B) and inserting the following:

"(B) Either of the following inscription shall be clearly visible on three sides of such mobile office in letters not less than three inches high:

" 'UNITED STATES GOVERNMENT VEHICLE

" 'FOR OFFICIAL USE ONLY';

"OR

" 'MOBILE OFFICE OF SENATOR

" 'FOR OFFICIAL USE ONLY' ".

Senate amendment No. 73: Page 24, after line 2, insert:

(a) Upon the written request of the Majority or Minority Leader of the Senate, the Secretary of the Senate shall transfer during any fiscal year, from the appropriations account appropriated under the headings "Salaries, Officers and Employees" and "Offices of the Majority and Minority Leaders", such amount as either Leader shall specify to the appropriations account, within the contingent fund of the Senate, "Miscellaneous Items".

(b) The Majority and Minority Leaders of the Senate are each authorized to incur such expenses as may be necessary or appropriate. Expenses incurred by either such leader shall be paid from the amount transferred pursuant to subsection (a) by such leader and upon vouchers approved by such leader.

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray expenses incurred in carrying out subsections (a) and (b).

Senate amendment No. 77: Page 25, after line 24, insert:

LAND CONVEYANCE

(a) CONVEYANCE.—Subject to the conditions set forth in paragraph (b), the Secretary of the Army shall convey, at no cost, to the Missouri Housing Development Commission all right, title, and interest in the United States in and to the land known as the U.S. Army Charles Melvin Price Support Center Wherry Housing Annex in Pine Lawn, Missouri, comprising approximately 13.2 acres and all improvements thereon.

(b) CONDITION.—The conveyance provided for in paragraph (a) may be made only on condition that the Missouri Housing Development Commission agrees to operate and maintain the property and to use it for low-income and transitional housing for the homeless. The property shall revert to the Army if the Commission ceases to use the property for the described purpose.

(c) DEADLINE FOR CONVEYANCE.—The conveyance under paragraph (a) shall be made no later than ninety days after the date of enactment of this section.

Senate amendment No. 78: Page 26, after line 2, insert:

COOPERATIVE STATE RESEARCH SERVICE

Of the $62,867,000 provided in Public Law 101–506 for grants to States and other eligible recipients under the Cooperative State Research Service Building and Facilities account, $93,000 is transferred to the Special Research Grants program of the Cooperative State Research Service for the University of Maine to purchase necessary scientific instrumentation to assist in car-

rying out agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i).

Senate amendment No. 79: Page 26, after line 10, insert:

Of the amount previously made available under this account for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions, up to $1,000,000 shall be used to carry out, in coordination with the Maine Department of Agriculture, an inspection, quarantine, eradication, and control program in the State of Maine concerning the necrotic strain of potato virus Y (PVY–N).

Senate amendment No. 80: Page 26, after line 20, insert:

COMMODITY CREDIT CORPORATION

For disaster payments as authorized by the Disaster Assistance Act of 1989 (7 U.S.C. 1421 note), as amended, $1,400,000: Provided, That such payments shall be available only for damages attributable to Hurricane Hugo and consistent with section 104(a)(5) of such Act.

Senate amendment No. 83: Page 27, after line 10, insert:

FEDERAL HIGHWAY ADMINISTRATION

TRADE ENHANCEMENT DEMONSTRATION PROJECT

Funds made available under this head for fiscal year 1991 shall remain available until expended.

Senate amendment No. 84: Page 27, after line 10, insert:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of additional obligations incurred carrying out the provisions of 23 U.S.C. 408, to remain available until expended, $4,980,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act or any other Appropriations Act for fiscal year 1991 shall be available for the planning or execution of programs the total obligations for which are in excess of $19,980,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408.

Senate amendment No. 85: Page 27 after line 10, insert:

FEDERAL RAILROAD ADMINISTRATION

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

Funds made available under this head for fiscal year 1991 shall remain available until expended.

Senate amendment No. 87: Page 27, after line 20, insert:

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

Of the funds provided under this heading in the Executive Office Appropriations Act, 1991, Public Law 101–509, $330,000 shall remain available until expended for the rehabilitation of the Official Residence of the Vice President.

Senate amendment No. 95: Page 30, after line 21, insert:

Section 17(f) of the United States Housing Act of 1937 (42 U.S.C. 1437o(f)), as amended by Public Law 101–507 (104 Stat. 1369) is further amended by striking "or City of West Hollywood, California and by inserting at the end thereof, the following new sentence: "This subsection shall also not apply to requirements relating to rents imposed on a structure by the City of West Hollywood, California.". Section 17(f) as amended by the immediate foregoing amendment shall apply retroactively to any structure assisted with section 17 rental rehabilitation funds in the City of West Hollywood, California.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 99: Page 33, after line 16, insert:

SEC. 306. (a) Section 5502(a) of title V, part E of Public Law 100–297, is amended to read as follows:

"(a) the President shall call and conduct a White House Conference on Indian Education (hereinafter in this part referred to as the 'Conference') which shall be held not earlier than a date which shall be 9 months after the date of the initial meeting of the Advisory Committee established pursuant to section 5506 of this part and not later than 12 months after the date of said meeting."

(b) Section 5506(b) of title V, part E of Public Law 100–297, is amended by adding the following new sentence: "The Advisory Committee shall be consulted on, and shall advise the Task Force and the Congress on, all aspects of the Conference and actions which are necessary for the conduct of the Conference.".

Senate amendment No. 101: Page 33, after line 16, insert:

SEC. 308. Section 533(c)(3)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is amended by—

(1) striking "industrial" and inserting in lieu thereof "commercial"; and

(2) inserting "unless an environmental assessment:

"(i) identifies potential on biological diversity;

"(ii) demonstrates that all timber extraction will be conducted according to an environmentally sound management system which maintains the ecological functions of the natural forest and minimizes impacts on biological diversity; and

"(iii) demonstrates that the activity will contribute to reducing deforestation"

before the period at the end thereof.

Senate amendment No. 103: Page 33, after line 16, insert:

SEC. 310. CHILD CARE BLOCK GRANT TECHNICAL AMENDMENT.

Section 658J of the Child Care and Development Block Grant Act of 1990 is amended by striking out "expended" and inserting in lieu thereof "obligated".

Senate amendment No. 106: Page 33, after line 16, insert:

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. INTERNATIONAL AFFAIRS.

(a) The appropriation "Foreign Military Financing Program" as contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513) is amended by striking out "$4,663,420,800" and inserting in lieu thereof "$4,259,920,800".

(b) Upon the enactment of this Act, the order issued by the President on November 9, 1990, pursuant to sections 251 and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is hereby rescinded. Any action taken to implement this order shall be reversed, and any sequestrable resource that has been reduced or sequestered by such order is hereby restored, revived, or released and shall be available to the same extent and for the same purpose as if the order had not been issued.

SEC. 402. MILITARY CONSTRUCTION.

In Public Law 101–519, the Military Construction Appropriations Act, 1991, sections 131 and 132 are hereby repealed.

SEC. 403. GENERAL SERVICES ADMINISTRATION.

In Public Law 101–509, the Treasury, Postal Service, and General Government Appropriations Act, 1991, under the heading "General Services Administration, Real Property Acivities, Federal Buildings Fund, Limitations on Availability of Revenue, New Construction" at the end of the listing for the District of Columbia add the following project:

"General Services Administration, Southeast Federal Center, Headquarters, $148,500,000: Provided, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works", and under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue, New Construction, Virginia, Norhern Virginia Naval Systems Commands" strike "$273,000,000" and insert in lieu thereof "$240,000,000: Provided, That $10,000,000 in additional funds may be obligated upon the advance approval of the House and Senate Committees on Appropriations and the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: Provided further, That no more than $250,000,000 shall be available for acquisition, through direct purchase and construction of 1,000,000 square feet of occupiable space: Provided further, That acquisition of an additional 1,000,000 square feet either through direct purchase, construction, or lease, shall only be permitted upon the advance approval of a prospectus by the House Committee on Public Works and Transportation and Senate Committee on Environment and Public Works".

SEC. 404. REPEAL; RESTORATION OF OBLIGATION AUTHORITY.

(a) Section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1991, is repealed.

(b) The Secretary of Transportation shall restore any reductions in obligation authority made under section 329 prior to its repeal.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendments of the Senate numbered 12, 13, 18, 28, 37, 44, 62, 64, 65, 72, 73, 77, 78, 79, 80, 83, 84, 85, 87, 95, 99, 101, 103, and 106, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 31: Page 9, after line 19, insert:

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

Section 634 of the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1991, Public Law 101–506, is hereby repealed.

SEC. 101. EMERGENCY DAIRY ADJUSTMENTS.

(a) ADJUSTMENTS TO CLASS I PRICE.—

(1) MINIMUM BASIC FORMULA PRICE.—The Secretary of Agriculture shall, with respect to milk marketed during the period beginning on the first day of the first month after the date of enactment of this Act and ending December 31, 1991, provide that the basic formula price used for the purpose of computing the price of Class

I milk under milk marketing orders may not be less than the basic formula price determined for the month of August 1990, as determined by the Secretary of Agriculture.

(2) EQUITABLE DISTRIBUTION OF FUNDS.—Notwithstanding any other provision of law, the Secretary of Agriculture—

(A) shall provide for the uniform national pooling of funds (on a monthly basis) equal to the difference between the price of Class I milk as determined under this subsection and the price of Class I milk that would be determined if this subsection were not in effect, multiplied by the quantity of Class I milk that is marketed under milk marketing orders during such month;

(B) shall distribute such funds (less than amount provided for in subparagraph (D)) on a monthly basis to all producers under milk marketing orders at a uniform rate per hundredweight;

(C) is authorized to make such temporary modifications in the operation of milk marketing orders as are necessry to carry out the provisions of this subsection; and

(D) shall deposit a total of $32,000,000 of such funds into the general treasury of the United States (but no more than $6,000,000 per month) to be applied by the Secretary of the Treasury during the fiscal years 1991 and 1992 against the obligations of the Commodity Credit Corporation incurred as a result of the administration of this subsection or the operation of the dairy program under the Agricultural Act of 1949 and the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(3) DEFINITIONS.—As used in this subsection—

(A) the term "basic formula price" shall mean the basic formula price as defined under regulations contained in parts 1001 through 1139, respectively, of title 7 of the Code of Federal Regulations;

(B) the term "Class I milk" shall mean all milk classified as Class I milk in accordance with regulations contained in parts 1001 through 1139, respectively, of title 7 of the Code of Federal Regulations;

(C) the term "milk marketing orders" shall mean the milk marketing orders issued pursuant to section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(D) the term "producer" shall mean any person defined as a producer under regulations contained in parts 1001 through 1139, respectively, of title 7 of the Code of Federal Regulations.

(4) REGULATIONS.—The Secretary of Agriculture shall promulgate regulations amending Federal milk marketing orders as necessary to carry out the provisions of this subsection. The procedural requirements of paragraphs (3), (4), (9), (17), (18), and (19) of section 608c of title 7 of the United States Code and the provisions of section 553 of title 5 of the United States Code shall not apply with respect to the provisions of this subsection.

(5) REDUCED INTEREST RATE LOANS.—

(A) GUARANTEED LOANS.—Of the amounts available for operating loan guarantees under section 351 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999), the Secretary of Agriculture shall, during the period beginning on the first day of the first month after the date of enactment of this Act and ending December 31, 1992, make available loan guarantees of not less than $2,000,000, but not more than $5,000,000, to eligible producers for the purpose of assisting an eligible producer to upgrade the producer's production facilities to be suitable for purposes of producing milk which can be marketed under milk marketing orders.

(B) ELIGIBLE PRODUCERS.—Producers eligible to receive loans under paragraph (1) shall be limited to persons who produce milk that cannot be marketed for fluid purposes.

(b) SOLIDS CONTENT OF BEVERAGE MILK.—

(1) SOLIDS CONTENT.—Notwithstanding any other provision of law—

(A) all milk that is in final package form for beverage use shall contain not less than 8.7 percent milk solids not fat;

(B) all lowfat milk that is in final package form for beverage use shall contain not less than 10 percent milk solids not fat; and

(C) all skim milk that is in final package form for beverage use shall contain not less than 9 percent milk solids not fat.

(2) DEFINITION OF MILK.—The term "milk" as used in this subsection means sweet milk of cows.

(c) HEIFER EXPORTS.—

(1) IN GENERAL.—Section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended—

(A) by redesignating subsections (j) and (k) as subsections (k) and (l) respectively; and

(B) by inserting after subsection (i) the following new subsection:

"(j) HEIFER EXPORTS.—

"(1) IN GENERAL.—If the Commodity Credit Corporation estimates that the savings to the Corporation achieved from carrying out this subsection during the calendar years 1991 through 1995 exceed the cost to the Corporation of carrying out this subsection during such calendar years, the Corporation shall encourage the export of heifers to foreign countries during each of such calendar years through the export enhancement program established under section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651).".

(2) FUNDING.—This subsection shall be carried out using savings achieved as the result of this section.

(d) DAIRY PRODUCT EXPORTS.—In addition to any programs to export dairy products which have been announced by the Secretary of Agriculture prior to the date of enactment of this Act, the Secretary shall sell for export 60,000,000 pounds of butter in fiscal year 1991 and 35,000,000 pounds of butter in fiscal year 1991.

(e) PAYMENTS TO MILK PRODUCERS.—The Secretary of Agriculture shall make available to producers of milk who cannot market their milk for fluid purposes a payment of $0.50/cwt on all milk marketed by such producers during the period beginning on the date of enactment of this Act and ending on December 31, 1991. In order to be eligible to receive such payment, such producers must submit an application to the Secretary of Agriculture requesting such payment and containing such other information as may be required by the Secretary.

SEC. 102. PLANTING OF COVER CROPS.

(a) RICE.—Section 101B(e)(4)(B)(i) of the Agricultural Act of 1949 (7 U.S.C. 1441–2(e)(4)(B)(i)) is amended by striking "of the crop acreage base established for the crop. This requirement shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary." and inserting "of the crop acreage base established for the crop or to devote such acreage to native cover which results in the same environmental benefits as such planted cover. The minimum planting requirement shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. In carrying out this clause, the Secretary shall take into consideration guidelines established by the State technical committees established in subtitle G of title XII of the Food Security Act of 1985.".

(b) COTTON.—Section 103B(e)(4)(B)(i) of the Agricultural Act of 1949 (7 U.S.C. 1444–2(e)(4)(B)(i) is amended by striking "of the crop acreage base established for the crop. This requirement shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary." and inserting "of the crop acreage base established for the crop or to devote such acreage to native cover which results in the same environmental benefits as such planted cover. The minimum planting requirements shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. In carrying out this clause, the Secretary shall take into consideration guidelines established by the State technical committees established in subtitle G of title XII of the Food Security Act of 1985.".

(c) FEED GRAINS.—Section 105B(e)(4)(B)(i) of the Agricultural Act of 1949 (7 U.S.C. 1444f(e)(4)(B)(i)) is amended by striking "of the crop acreage base established for the crop. This requirement shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary." and inserting "of the crop acreage base established for the crop or to devote such acreage to native cover which results in the same environmental benefits as such planted cover. The minimum planting requirement shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. In carrying out this clause, the Secretary shall take into consideration guidelines established by the State technical committees established in subtitle G of title XII of the Food Security Act of 1985.".

(d) WHEAT.—Section 107B(e)(4)(B)(i) of the Agricultural Act of 1949 (7 U.S.C. 1445b–3a(e)(4)(B)(i)) is amended by striking "of the crop acreage base established for the crop. This requirement shall apply with respect to arid areas (including summer fallow areas), as determined by the Secretary." and inserting "of the crop acreage base established for the crop or to devote such acreage to native cover which results in the same environmental benefits as such planted cover. The minimum planting requirement shall not apply with respect to arid areas (including summer fallow areas), as determined by the Secretary. In carrying out this clause, the Secretary shall take into consideration guidelines established by the State technical committees established in subtitle G of title XII of the Food Security Act of 1985.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

Section 634 of the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1991, Public Law 101–506, is hereby repealed.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 33: Page 10, strike out lines 11 to 14.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 33, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,000,000, to remain available until expended.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 34: Page 10, line 19, strike out [$9,600,000] and insert: *$20,000,000.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 34, and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$24,000,000.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentlemen from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 36: Page 10, after line, insert:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $3,000,000, to remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 36, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", $1,400,000, to remain available until expended.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,100,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $3,000,000, to remain available until expended.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 38: Page 11, line 6, strike out [$3,180,000] and insert: *$7,180,000 of which $3,180,000.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 38, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$5,180,000, of which $2,000,000 shall remain available until expended and of which $3,180,000 is.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 40: Page 11, line 25, strike out all after "101." over to and including "102." in line 19 on page 12.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 40, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Section 524(c)(9) of title 28, United States Code, is amended by adding the following new subsection:

"(E) Subject to the notification procedures contained in section 606 of Public Law 101–515, and after reserving the amounts authorized in subparagraph (D) above, any unobligated balances remaining in the Fund on September 30, 1991, and on September 30, 1992, shall be available to the Attorney General, without fiscal year limitation, to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution, and correctional activities of the Department of Justice.".

SEC. 102.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 43: Page 14, line 14, strike out [$69,520,000] and insert: *$67,980,000.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 43, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$68,730,000, of which $750,000, to remain available until September 30, 1992, shall be transferred to the National Commission on Judicial Discipline and Removal, and".*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 45: Page 15, line 14, strike out [$1,000,000] and insert: *$2,000,000*.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 45, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment insert the following: *$3,630,000 to remain available until expended.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

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The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 46: Page 15, line 22, strike out [$2,000,000] and insert: *$1,000,000*.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 46, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment insert the following: *$2,000,000 to remain available until expended.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 47: Page 16, line 8, strike out "$2,000,000" and insert: *$1,000,000*.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 47, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment insert the following: *$1,600,000 to remain available until expended.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 49: Page 16, after line 22, insert:

SMALL BUSINESS ADMINISTRATION—GENERAL PROVISION

Notwithstanding any other provision of law, the Administrator of the Small Business Administration shall not withhold disaster assistance under section 7 of the Small Business Act to greenhouses or nurseries (including but not limited to those whose business operations are described in SIC code 0181) that suffered damage as the result of severe storms or flooding and are located in areas declared to be major disaster areas by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act pursuant to the notice [FEMA–883–DR] dated November 26, 1990, and related determinations.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 49, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SMALL BUSINESS ADMINISTRATION—GENERAL PROVISION

Notwithstanding any other provision of law, the Administrator of the Small Business Administration shall not withhold disaster assistance under section 7 of the Small Business Act to nurseries or greenhouses which suffered damage as a result of disasters (as defined in the Small Business Act) that occurred between October 1, 1990 and March 1, 1991.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 51: Page 18, strike out lines 2 to 6, and insert:

SEC. 201. Of the funds made available to the Department of Defense for Chemical Agents and Munitions Destruction, Defense, an amount not to exceed $2,000,000 shall be available only for an off-island leave program: Provided, That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations, prescribe travel and transportation allowances for travel performed by participants in the off-island leave program: Provided further, That funds appropriated for the off-island leave program shall remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 51, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 201. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for 1991 shall not apply in the case of flag or general officers serving as practicing physicians.

SEC. 201A. Of the funds made available to the Department of Defense for Chemical Agents and Munitions Destruction, Defense, an amount not to exceed $2,000,000 shall be available only for an off-island leave program: Provided, That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations, prescribe travel and transportation allowances for travel performed by participants in the off-island leave program: Provided further, That funds appropriated for the off-island leave program shall remain available until expended.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 53: Page 18, strike out all after line 17 over to and including line 2 on page 19, and insert:

SEC. 204. Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 100–463) for fiscal year 1989 under the heading, "Aircraft Procurement, Navy", $2,000,000 shall be made available to the Department of the Navy and shall be obligated not later than sixty days from the enactment of this bill for the V–22 Osprey tilt rotor aircraft program: Provided, That notwithstanding any other provision of law, these funds shall remain *available until such time as they are expended for the V–22 Osprey tilt rotor program.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 53, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 204. Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 100–463) for fiscal year 1989, $200,000,000 shall be made available to the Department of the Navy and shall be obligated not later than sixty days from the enactment of this Act for the V–22 Osprey tilt rotor aircraft program: Provided, That notwithstanding any other provision of law, these funds shall remain available until such time as they are expended for the V–22 Osprey tilt rotor program.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman form Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 55: Page 20, after line 2, insert:

SEC. 205. Section 8126 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1907), is amended by striking out "None of the funds" and all that follows through "1990" and inserting in lieu thereof "The Secretary of Defense shall provide a report by May 31, 1991, indicating what additional positions he intends to fill above those positions assigned to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as of September 30, 1990".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 55, and concur therein with an amendment, as follows:

In lieu of the matter and inserted by said amendment, insert:

SEC. 206. Section 8126 of the Department of Defense Appropriations Act, 1991 (Public Law 100–511; 104 Stat. 1907), is amended by inserting after "September 30, 1990", the following ", unless the Secretary of Defense submits a report by May 31, 1991 to the Committees on Appropriations of the House and Senate indicating what additional positions he intends to fill above those positions assigned to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as of September 30, 1990".

SEC. 207. Of the amount appropriated in title II of Public Law 101–165 (103 Stat. 1118) to the Department of Defense for the provision of logistical support and personnel services for the 1990 Goodwill Games, the amount of $500,000 shall be used to provide such services for the 1991 Special Olympics to be held in the State of Minnesota in July, 1991, and shall remain available for obligation for such purposes until September 30, 1991.

SEC. 208. The Secretary of Defense shall transfer $8,000,000 from the appropriation "Research, Development, Test and Evaluation, Defense Agencies" appropriated in Title IV of the Department of Defense Appropriations Act, 1990 (P.L. 101–165) for the Center for Commerce and Industrial Expansion to appropriations available to the Department of Education which shall be obligated by that Department as a grant for the Center for Commerce and Industrial Expansion as authorized in Section 4 of Public Law 101–600: Provided, that such funds shall remain available until expended.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 56: Page 20, line 10, after "pended" insert: *: Provided, That these funds shall remain in the United States Treasury and shall be transferred to the District of Columbia government immediately upon certification by the Mayor of the District of Columbia to the Committees on Appropriations of the Senate and House of Representatives that spending reductions and revenue enhancements in amounts not less than $216,000,000 in the aggregate are being implemented and all approvals by the Council of the District of Columbia, as required by law, have been secured.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 56, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That these funds shall remain in the United States Treasury and shall be transferred to the District of Columbia government immediately upon certification by the Mayor of the District of Columbia to the Committees on Appropriations of the Senate and House of Representatives that spending reductions and revenue enhancements in amounts not less than $216,000,000 in the aggregate are being implemented and all approvals by the Council of the District of Columbia, as required by law, have been secured: Provided further, That these funds shall be transferred to the District of Columbia government no later than May 1, 1991.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 58: Page 20, after line 25, insert:

CONSTRUCTION, GENERAL

Using funds appropriated for the "Construction, General Continuing Authorities Programs" in the Energy and Water Development Appropriations Act, 1991, Public Law 101–514, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work during fiscal year 1991 which would be terminated solely for policy reasons as a result of the proposed phase out of the sections 103, 107, 111, and 208 Continuing Authorities Programs Provided, That, from within funds appropriated to "General Investigations" by the Energy and Water Development Appropriations Act, 1991, Public Law 101–514, the Secretary shall make $300,000 available to implement the provisions of the "Coastal Wetlands Planning, Protection and Restoration Act" (Public Law 101–646),

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

CONSTRUCTION, GENERAL

Using funds appropriated for "Construction, general" in the Energy and Water Development Appropriations Act, 1991, Public Law 101–514, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work during fiscal year 1991 which would be terminated solely for policy reasons as a result of the proposed phaseout of the sections 103, 107, 111, and 208 Continuing Authorities Programs: Provided, That, from within funds appropriated to "General investigations" by the Energy and Water Development Appropriations Act, 1991, Public Law 101–514, the Secretary shall make $300,000 available to implement the provisions of the "Coastal Wetlands Planning, Protection and Restoration Act" (Public Law 101–646).

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 60: Page 21, after line 6, insert:

ADMINISTRATIVE PROVISION

Of the amount appropriated under this heading in the Energy and Water Development Appropriations Act, 1991 (Public Law 101-514), up to $11,930,000 shall be available for Buffalo Bill Dam Modification, Wyoming, as proposed in the United States Department of the Interior Budget Justifications, fiscal year 1991, for the Bureau of Reclamation.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

Of the amount appropriated under this heading in the Energy and Water Development Appropriations Act, 1991 (Public Law 101-514), up to $11,930,000 shall be available for Buffalo Bill Dam Modification, Wyoming, as proposed in the United States Department of the Interior Budget Justifications, fiscal year 1991, for the Bureau of Reclamation.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 66: Page 22, line 23, after "25,000,000" insert: *: Provided, That funds appropriated by the Department of Health and Human Services Appropriations Act, 1991, for rural health outreach grants, may not be used to provide forward or multiyear funding*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 66 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *: Provided, That funds appropriated by the Department of Health and Human Services Appropriations Act, 1991, for rural health outreach grants, may not be used to provide forward or multiyear funding: Provided further, That none of the funds available for ongoing activities within community health centers or maternal and child health block grant programs under Public Law 101-517 shall be reprogrammed, redirected or reallocated for any other purposes*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 69: Page 23, after line 14, insert:

FAMILY SUPPORT ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Of the amount provided under this heading in the Department of Health and Human Services Appropriations Act, 1991, $1,700,000 shall be available for an expanded Cuban Private Sector Initiative.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

FAMILY SUPPORT ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Amounts provided under this heading in the Department of Health and Human Services Appropriations Act, 1991, for cash and medical assistance may be used to provide grants to private non-profit agencies for private sector resettlement activities, as authorized by law.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 70: Page 23, line 19, after "1991" insert: *, and such funds shall be awarded no later than June 1, 1991.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *, and such funds shall be awarded no later than June 1, 1991: Provided, That the requirements of the Paperwork Reduction Act of 1980 and section 431 of the General Education Provisions Act are waived with regard to grants made with fiscal year 1991 appropriated funds under title III, part H of the Carl D. Perkins Vocational and Applied Technology Act.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 71: Page 23, after line 19, insert:

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

In the appropriations language under this heading in the Department of Education Appropriations Act, 1991, delete the words "if authorized" and the words "if such a grant is specifically authorized in law".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

In the appropriations language under this heading in the Department of Education Appropriations Act, 1991, delete the words "if authorized," and the words "if such a grant is specifically authorized in law" and insert after "Standards" the following: ": Provided, That funding for the National Board for Professional Teaching Standards shall be expended under the terms, conditions, and limitations provided for in Part G of Title IV of H.R. 5932 as passed the House of Representatives on October 26, 1990".

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 74: Page 24, after line 8, insert:

ARCHITECT OF THE CAPITOL

ADMINISTRATIVE PROVISION

(TRANSFER OF FUNDS)

Notwithstanding any other provision of law and subject to approval by the Joint Committee on the Library, the Architect of the Capitol is authorized (1) to procure, through a rental, lease, or other agreement, not more than 25,000 square feet of temporary storage and warehouse space outside the Capitol Grounds for use by the Library of Congress during fiscal year 1991, and (2) to incur incidental expenses in connection with such use. Subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts for the purposes of the preceding sentence may be tranferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care". Amounts so transferred shall be available for expenditure upon vouchers approved by the Architect of the Capitol.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 74, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

ARCHITECT OF THE CAPITOL

ADMINISTRATIVE PROVISION

(TRANSFER OF FUNDS)

Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, and subject to enactment of authorizing legislation, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of rental, lease, or other agreement, of temporary storage and warehouse space for use by the Library of Congress during fiscal year 1991, and to incur incidental expenses in connection with such use.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 81: Page 26, after line 20, insert:

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Of the loan funds previously made available under title V of the Housing Act of 1949, not less than $35,000,000 shall be made available for section 502(g), Deferred Mortgage Demonstration.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Of the loan funds previously made available under title V of the Housing Act of 1949, up to $35,000,000 shall be made available for section 502(g), Deferred Mortgage Demonstration.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 82: Page 27, after line 4, insert:

PUBLIC LAW 480

During fiscal year 1991, the President may not use authority provided in Section 604 of Title VI of the Agricultural Trade Development and Assistance Act of 1954.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 82 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

PUBLIC LAW 480

Title I of the Public Law 480 program allowed for the repayment of loans for the sale of agricultural commodities in foreign or local currencies until December 31, 1971. Since that time, until the law was changed in the 1985 farm bill, all sales have been on dollar credit terms. In view of the present financial situation, it is impossible for many countries to repay their loans in dollars. Therefore, the President may use the authority in section 411 and section 604 of the Agricultural Trade Development and Assistance Act of 1954 to renegotiate the payment on Public Law 480 debt in eligible countries in Latin America, the Caribbean and sub-Saharan Africa.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amemdment No. 86: Page 27, strike out lines 12 to 20.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 86, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

GENERAL SERVICES ADMINISTRATION

Notwithstanding any other provision of this or any other Act, none of the funds made available to the General Services Administration may be obligated or expended for the award of a final contract for site acquisition or construction of the Naval Systems Commands headquarters project without (1) a written report that the new Solicitation for Offers for the project is in the best interests of the United States, and (2) advance approval in writing of the House Committee on Public Works and Transportation, the Senate Committee on Environment and Public Works, and the House and Senate Committees on Appropriations.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 90: Page 29, after line 3, insert:

CONGREGATE SERVICES

Funds appropriated under this head in Public Law 101–507, 104 Stat. 1362, and all unobligated balances of prior year appropriations under such head, shall be made available for the revised Congregate Housing Services Program under section 802 of the Cranston-Gonzalez National Affordable Housing Act and shall remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 90, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

CONGREGATE SERVICES

Funds appropriated under this head in Public Law 101–507 (104 Stat. 1362) and all unobligated balances of prior year appropriations under *such head, shall be made available for the revised Congregate Housing Services program under section 802 of the Cranston-Gonzalez National Affordable Housing Act and shall remain available until expended: Provided, That any entity that receives assistance under a contract under the Congregate Housing Services Act of 1978 that expires in fiscal year 1991, and is otherwise eligible for assistance under such section 802, shall continue to receive assistance under such section 802: Provided further, That each such entity shall be provided such assistance for a 1-year term notwithstanding section 802(b)(2), and the dollar amount of such assistance to such entity shall not be less than the dollar amount of assistance that would be indicated by the rate at which such assistance was made available to such entity in the contract that expires in fiscal year 1991: Provided further, That notwithstanding the last sentence of section 802(g), the Secretary of Housing and Urban Development shall expedite the processing of such entity's application for continued assistance so that funding of the entity will continue without hiatus.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 96: Page 30, after line 21, insert:

Section 837 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11403 note) is amended by striking subsection (c).

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 96, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

Section 837(c) of the Cranston-Gonzalez National Affordable Housing Act is amended by adding at the end thereof the following:

"Any such amounts that shall not have been obligated by March 20, 1991, shall be made available in accordance with the terms of the appropriation under the head 'Supplemental Assistance for Facilities to Assist the Homeless' in Public Law 101–507 (104 Stat. 1351, 1364)."

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 97: Page 30, strike out all after line 22 over to and including line 4 on page 31, and insert:

All previously obligated funds appropriated to the Department of Housing and Urban Development under the respective heads "Community development grants" and "Urban development action grants" for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of sections 1405 (b)(4) and (b)(6) of Public Law 101–510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 97, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

All previously obligated funds appropriated to the Department of Housing and Urban Development under the respective heads "Community development grants" and "Urban development action grants" for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of sections 1405(b)(4) and (b)(6) of Public Law 101–510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated.

In addition to any other rescission provided for in this Act, of the funds made available under the head "Annual contributions for assisted housing" in the Department of Housing and Urban Development in prior years, an additional $23,000,000 are rescinded: Provided, That $20,000,000 of such amount shall be from amounts for projects to be developed for the elderly and handicapped under section 202 of the United States Housing Act of 1959, as amended, and $3,000,000 of such amount shall be from amounts for section 8 voucher assistance for tenants affected by public housing relocation activities.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 100: Page 33, after line 16, insert:

SEC. 307. Notwithstanding any other provision of law, no funds shall be expended by the Administrator of the Environmental Protection Agency to enforce the March 18, 1991, deadline contained in the regulations published in the Federal Register on November 16, 1990, (40 CFR, parts 122, 123, 124), pertaining to group applications from municipalities for stormwater discharges, until such deadline is extended to September 30, 1991.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 100, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 307. Notwithstanding any other provision of law, no funds shall be expended by the Administrator of the Environmental Protection Agency to enforce the March 18, 1991, deadline contained in the regulations published in the Federal Register on November 16, 1990, (40 CFR, Parts 122, 123, 124), pertaining to group applications for stormwater discharges, until such deadline is extended to September 30, 1991.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 102: Page 33, after line 16, insert:

SEC. 309. PERSIAN GULF ENVIRONMENTAL TECHNICAL ASSISTANCE.—

(a) INTERNATIONAL FRAMEWORK.—Congress strongly encourages the President to seek the establishment of an international framework agreement to—

(1) provide for environmental monitoring, assessment, remediation and restoration in the Persian Gulf region of effects of the recent war; and

(2) provide for the payment, by the host country, of appropriate Federal agencies utilized to establish or implement this agreement.

(b) REPORTS.—

(1) Within 60 days of enactment of this Act, the President shall submit to the Committees on Appropriations of the Senate and House of Representatives an unclassified report identifying the actions taken to implement these provisions and any costs and payments, and

(2) By March 1, 1992, the Administrator of the Environmental Protection Agency, in consultation with appropriate agencies, shall submit to Congress an unclassified report providing a comprehensive evaluation of environmental effects of the Persian Gulf conflict identified pursuant to this provision.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 102, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

Sec. 309. Persian Gulf Environmental Technical Assistance.—

(a) International Framework.—Congress strongly encourages the President to seek the establishment of an international framework agreement to—

(1) provide for environmental monitoring, assessment, remediation and restoration in the Persian Gulf region of effects of the recent war; and

(2) provide for the payment, by the host country, of appropriate Federal agencies utilized to establish or implement this agreement.

(b) Reports.—

(1) Within 60 days of enactment of this Act, the President shall submit to the Committees on Appropriations of the Senate and House of Representatives an unclassified report identifying the actions taken to implement these provisions and any costs and payments, and

(2) by March 1, 1992, and subject to the receipt of payment by the Environmental Protection Agency under subsection (a)(2), the Administrator of the Environmental Protection Agency, in consultation with appropriate agencies, shall submit to Congress an unclassified report providing a comprehensive evaluation of environmental effects of the Persian Gulf conflict identified pursuant to this provision.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. Whitten].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 104: Page 33, after line 16, insert:

SEC. 311. SYRIA.

(a)(1) The successful conclusion of the war in the Persian Gulf provides an opportunity to begin building a lasting peace in the Mideast;

(2) A crucial element of peace in this unstable region is the willingness of Arab states to negotiate with Israel, recognizing her right to live in peace;

(3) The United States should continue to urge Arab states to negotiate peace with the State of Israel;

(4) One of those Arab states, Syria, continues to undermine goodwill and peace in the region by depriving the 4,000 Jews living in Syria the right to emigrate;

(5) Syrian Jews continue to live in a climate of fear and insecurity, sitll denied fundamental civil and human rights;

(6) A Jew living in Syria, in order to travel, must leave a large sum of money and members of his immediate family as insurance for his return;

(7) Jews suspected of having traveled "illegally" or even of planning to do so have been arrested, interrogated, and subjected to lengthy imprisonment;

(8) Syrian President Hafez Assad continues to deny the basic right of free emigration, a violation of the Universal Declaration of Human Rights, to which Syria is a signatory.

(b) It is the sense of the Senate that the Senate—

(1) Condemns the Government of Syria for continuing to deny the basic human right of free emigration;

(2) Calls upon the government of Syria—

(A) to allow all Syrian Jews to emigrate freely,

(B) to release from prison Jews suspected of having traveled illegally or of planning to do so;

(3) Urges the Administration to continue to make known to Syrian authorities the important role that human rights in the Jewish community, especially the right to emigrate, will play in determining future policy toward Syria.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 104, and concur therein with an amendment, as follows;

In lieu of the matter inserted by said amendment, insert:

SEC. 311. SYRIA.

(a) It is the sense of the Congress that—

(1) The successful conclusion of the war in the Persian Gulf provides an opportunity to begin building a lasting peace in the Middle East;

(2) a crucial element of peace in this unstable region is the willingness of Arab states to negotiate with Israel, recognizing her right to live in peace;

(3) The United States should continue to urge Arab states to negotiate peace with the State of Israel;

(4) One of those Arab states, Syria, continues to undermine goodwill and peace in the region of depriving the 4,000 Jews living in Syria of the right to emigrate;

(5) Syrian Jews continue to live in a climate of fear and insecurity, still denied fundamental civil and human rights;

(6) A Jew living in Syria, in order to travel, must leave a large sum of money and members of his immediate family as insurance for his return;

(7) Jews suspected of having traveled "illegally" or even of planning to do so have been arrested, interrogated, and subjected to lengthy imprisonment;

(8) Syrian President Hafez Assad continued to deny the basic right of free emigration, a violation of the Universal Declaration of Human Rights, to which Syria is a signatory.

(b) The Congress—

(1) condemns the Government of Syria for continuing to deny the basic human right of free emigration;

(2) calls upon the Government of Syria—

(A) to allow all Syrian Jews to emigrate freely,

(B) to release from prison Jews suspected of having travelled "illegally" or of planning to do so;

(3) urges the Administration to continue to make known to Syrian authorities the importance of respecting the human rights of the Jewish community, especially the right to emigrate, in determining future policy toward Syria.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. Whitten].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 105: Page 33, after line 16, insert:

SEC. 312. REAL ESTATE SETTLEMENT PROCEDURES.

(a) Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsection:

"(j) Transition.—

"(1) Originator liability.—A person who makes a federally related mortgage loan shall not be liable to a borrower because of a failure of such person to comply with subsection (a) with respect to an application for a loan made by the borrower before the regulations referred to in paragraph (3) take effect.

"(2) Servicer liability.—A servicer of a federally related mortgage loan shall not be liable to a borrower because of a failure of the servicer to perform any duty under subsection (b), (c), (d), or (e) that arises before the regulations referred to in paragraph (3) effect.

"(3) Regulations and effective date.—The Secretary shall, be regulations that shall take effect not later than August 21, 1991, establish any requirements necessary to carry out this section. Such regulations shall include the model disclosure statement required under subsection (a)(2).".

(b) Section 16 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2614) is amended by striking "section 8 or 9" and inserting "section 6, 8, or 9".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Whitten moves that the House recede from its disagreement to the amendment of the Senate numbered 105, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 312. REAL ESTATE SETTLEMENT PROCEDURES.

(a) Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsection:

"(j) Transition.—

"(1) Originator liability.—A person who makes a federally related mortgage loan shall not be liable to a borrower because of a failure of such person to comply with subsection (a) with respect to an application for a loan made by the borrower before the regulations referred to in paragraph (3) take effect.

"(2) Servicer liability.—A servicer of a federally related mortgage loan shall not be liable to a borrower because of a failure of the servicer to perform any duty under subsection (b), (c), (d), or (e) that arises before the regulations referred to in paragraph (3) take effect.

"(3) Regulations and effective date.—The Secretary shall, by regulations that shall take effect not later than April 20, 1991, establish any requirements necessary to carry out this section. Such regulations shall include the model disclosure statement required under subsection (a)(2).".

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

The was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 107: Page 33, after line 16, insert:

TITLE V—CERTAIN MILITARY PERSONNEL AND VETERANS BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses necessary for the benefits provided in S. 578, for fiscal year 1991 through fiscal year 1995, not to exceed $500,000,000 is appropriated, to be derived by transfer only by the Secretary of Defense, with the approval of the Director of the Office of Management and Budget, from current and future balances in the Defense Cooperation Account to the following accounts in chapters I and II of this title in not to exceed the following amounts:

CHAPTER I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

For an additional amount for the payment of special death gratuities for service members participating in the Sericemen's Group Life Insurance program, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $15,000,000;
Military personnel, Navy, $4,000,000;
Military personnel, Marine Corps, $4,000,000;
Military personnel, Air Force, $2,000,000

For an additional amount for the payment of death gratuities, for the following accounts in the amounts and fiscal year specified:

FISCAL YEAR 1991

Military personnel, Army, $2,800,000;
Military personnel, Navy, $1,900,000;
Military personnel, Marine Corps, $800,000;
Military personnel, Air Force, $1,500,000;

FISCAL YEAR 1992

Military personnel, Army, $2,100,000;
Military personnel, Navy, $1,700,000;
Military personnel, Marine Corps, $600,000;
Military personnel, Air Force, $1,600,000;

FISCAL YEAR 1993

Military personnel, Army, $2,100,000;
Military personnel, Navy, $1,700,000;
Military personnel, Marine Corps, $600,000;
Military personnel, Air Force, $1,600,000;

FISCAL YEAR 1994

Military personnel, Army, $2,100,000;
Military personnel, Navy, $1,700,000;
Military personnel, Marine Corps, $600,000;
Military personnel, Air Force, $1,600,000;

FISCAL YEAR 1995

Military personnel, Army, $2,100,000;
Military personnel, Navy, $1,700,000;
Military personnel, Marine Corps, $600,000;
Military personnel, Air Force, $1,600,000;

For an additional amount for the payment of a temporary increase in the rate of special pay for duty subject to hostile fire or imminent danger, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army $101,000,000;
Military personnel, Navy, $24,000,000;
Military personnel, Marine Corps, $29,000,000;
Military personnel, Air Force, $19,000,000.

For an additional amount for the payment of special pay for health professionals recalled to active duty or involuntarily retained on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $9,500,000;
Military personnel, Navy, $500,000;
Military personnel, Air Force, $2,000,000.

For an additional amount for the payment of increased amounts attributable to the removal of the sixty-day limitation on the amount of leave that may be paid to survivors of military members who die on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $580,000;
Military personnel, Navy, $140,000;
Military personnel, Marine Corps, $160,000;
Military personnel, Air Force, $100,000.

For an additional amount for the payment to retired members of the Armed Forces recalled to active duty during a war or national emergency at the highest grade previously held and to allow these members to retire in the highest grade held, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $50,000;
Military personnel, Navy, $14,000;
Military personnel, Marine Corps, $17,000;
Military personnel, Air Force, $10,000.

For an additional amount for payment to the Department of Veterans Affairs for the Readjustment Benefits Program for the following accounts in the amounts and fiscal years specified:

FISCAL YEAR 1992

Reserve personnel, Army, $1,624,000;
Reserve personnel, Navy, $1,190,000;
Reserve personnel, Marine Corps, $1,050,000;
Reserve personnel, Air Force, $280,000;
Reserve personnel, Army National Guard, $2,436,000;
Reserve personnel, Air National Guard, $420,000;

FISCAL YEAR 1995

Reserve personnel, Army, $464,000;
Reserve personnel, Navy, $340,000;
Reserve personnel, Marine Corps, $300,000;
Reserve personnel, Air Force, $80,000;
Reserve personnel, Army National Guard, $696,000;
Reserve personnel, Air National Guard, $120,000;

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

For an additional amount for the payment of increased costs of the Civilian Health and Medical Program of the Uniformed Services for the following accounts in the amounts and fiscal years specified:

FISCAL YEAR 1991

Operation and maintenance, Army, $14,400,000;
Operation and maintenance, Navy, $16,700,000;
Operation and maintenance, Air Force, $13,900,000;

FISCAL YEAR 1992

Operation and maintenance, Army, $8,600,000;
Operation and maintenance, Navy, $10,100,000;
Operation and maintenance, Air Force, $8,300,000;

For an additional amount to provide transitional health care coverage upon deactivation for reservists on active duty during the Persian Gulf Conflict, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, $15,900,000;
Operation and maintenance, Navy, $6,370,000;
Operation and maintenance, Air Force, $2,730,000;

CHAPTER II

DEPARTMENT OF VETERANS AFFAIRS

(TRANSFER OF FUNDS)

VETERANS BENEFITS ADMINISTRATION

Compensation and Pensions

For an additional amount for "Compensation and pensions", for the following amounts and fiscal years specified: fiscal year 1991, $200,000; fiscal year 1992, $600,000; fiscal year 1993, $700,000; fiscal year 1994, $700,000; fiscal year 1995, $700,000, to remain available until expended.

Readjustment Benefits

FISCAL YEAR 1995

For an additional amount for "Readjustment benefits", $11,000,000, to remain available until expended.

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

Medical Care

For an additional amount for "Medical care", for the following amounts and fiscal years specified: fiscal year 1991, $1,500,000; fiscal year 1992, $1,300,000; fiscal year 1993, $1,100,000; fiscal year 1994, $700,000; fiscal year 1995, $300,000.

VETERANS EDUCATION BENEFITS

For an additional amount for purposes of funding chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code, for fiscal years 1991 through 1995, $500,000,000, less the total of the amounts appropriated for fiscal years 1991 through 1995 in the preceding paragraphs of this section.

CHAPTER III

For an additional amount for emergency expenses not otherwise provided for in this Act, $50,000,000 of which $30,000,000 may be available for Family Education and Support Services as authorized in S. 578 and of which $20,000,000 may be available for Child Care Assistance as authorized in S. 578: Provided, That the Secretary of Defense may transfer these sums as necessary to the appropriate operations and maintenance appropriations to be merged with and available for the same purposes and the same time period as the appropriations to which transferred: Provided further, That this transfer authority shall be in addition to any other transfer authority contained in this Act.

GENERAL PROVISION

SEC. 501. (a) The authority provided in this title to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for fiscal year 1991 through fiscal year 1995.

(b) Amounts transferred from the Defense Cooperation Account shall be merged with and be available for the same purposes as the appropriations to which transferred.

(c) The Secretary of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives before making any transfer from the Defense Cooperation Account. No transfer may be made until the seventh day after such committees receive the notification required by this subsection to be submitted for such transfer.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recedâe from its disagreement to the amendment of the Senate numbered 107, and conâcur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE V—CERTAIN MILITARY PERSONNEL AND VETERANS BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses necessary for the benefits provided in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991, for fiscal year 1991 through fiscal year 1995, not to exceed $655,000,000 appropriated, to be derived by transfer only by the Secretary of Defense, with the approval of the Director of the Office of Management and Budget, from current and future balances in the Defense Cooperation Account to the following accounts in chapters I and II of this title in not to exceed the following amounts:

CHAPTER I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

For an additional amount for the payment of special death gratuities for service members participating in the Servicemen's Group Life Insurance program, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $15,000,000;
Military personnel, Navy, $4,000,000;
Military personnel, Marine Corps, $4,000,000;
Military personnel, Air Force, $2,000,000.

For an additional amount for the payment of death gratuities, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $2,000,000;
Military personnel, Navy, $1,360,000;
Military personnel, Marine Corps, $570,000;
Military personnel, Air Force, $1,070,000.

For an additional amount for the payment of a temporary increase in the rate of special pay for duty subject to hostile fire or imminent danger, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $101,000,000;
Military personnel, Navy, $24,000,000;
Military personnel, Marine Corps, $29,000,000;
Military personnel, Air Force, $19,000,000.

For an additional amount for the payment of special pay for health professionals recalled to active duty or involuntarily retained on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $7,900,000;
Military personnel, Navy, $400,000;
Military personnel, Air Force, $1,700,000.

For an additional amount for the payment of increased amounts attributable to the removal of the sixty-day limitation on the amount of leave that may be paid to survivors of military members who die on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $580,000;
Military personnel, Navy, $140,000;
Military personnel, Marine Corps, $160,000;
Military personnel, Air Force, $100,000.

For an additonal amount for the payment to retired members of the Armed Forces recalled to active duty during a war or national emergency at the highest grade previously held and to allow these members to retire in the highest grade held, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $50,000;
Military personnel, Navy, $14,000;
Military personnel, Marine Corps, $17,000;
Military personnel, Air Force, $10,000.

For an additional amount for the payment of the basic allowance for quarters to military reservists without dependents for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $22,100,000;
Military personnel, Navy, $3,200,000;
Military personnel, Marine Corps, $5,500,000;
Military personnel, Air Force, $5,200,000.

For an additional amount for the payment of family separation allowances, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, $20,000,000;
Military personnel, Navy, $16,900,000;
Military personnel, Marine Corps, $5,900,000;
Military personnel, Air Force, $8,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

For additional amount for the payment of increased costs of the Civilian Health and Medical Program of the Uniformed Services, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, $15,400,000;
Operation and maintenance, Navy, $17,700,000;
Operation and maintenance, Air Force, $14,900,000.

For an additional amount to provide transitional health care coverage upon deactivation for reservists on active duty during the Persian Gulf Conflict, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, $15,900,000;
Operation and maintenance, Navy, $6,370,000;
Operation and maintenance, Air Force, $2,730,000.

DEPARTMENT OF EDUCATION

GUARANTEED STUDENT LOANS

(TRANSFER OF FUNDS)

For an additional amount for "Guaranteed student loans", for fiscal year 1991, $3,106,000; for fiscal year 1992, $5,932,562; for fiscal year 1993, $2,262,250; for fiscal year 1994, $506,250; for fiscal year 1995, $506,250 as authorized in section 372, provided that if these amounts in any fiscal year are not sufficient to provide for the benefits authorized, any additional amounts necessary shall be available from otherwise appropriated funds from this account.

STUDENT FINANCIAL ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Student financial assistance", for fiscal year 1991, $1,290,000; for fiscal year 1992, $3,165,000; for fiscal year 1993, $3,165,000; for fiscal year 1994, $3,165,000; for fiscal year 1995, $3,165,000 as authorized in section 372, provided that if these amounts in any fiscal year are not sufficient to provide for the benefits authorized, any additional amounts necessary shall be available for otherwise appropriated funds from this account.

CHAPTER II

DEPARTMENT OF VETERANS AFFAIRS

(TRANSFER OF FUNDS)

VETERANS BENEFITS ADMINISTRATION

Compensation and Pensions

For an additional amount for "Compensation and pensions", for the following amounts and fiscal years specified: fiscal year 1991, $200,000; fiscal year 1992, $600,000; fiscal year 1993, $700,000; fiscal year 1994, $700,000; fiscal year 1995, $700,000, to remain available until expended.

VETERANS EDUCATION BENEFITS

For an additional amount for purposes of funding chapter 30 of title 38, United States Code. and chapter 106 of title 10, United States Code, for fiscal years 1991 through 1995, $655,000,000 less the total of the amounts appropriated for fiscal years 1991 through 1995 in the preceding paragraphs of this title.

CHAPTER III

For an additional amount for emergency expenses not otherwise provided for in this Act, $50,000,000 of which $30,000,000 may be available for Family Education and Support Services as authorized in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 and of which $20,000,000 may be available for Child Care Assistance as authorized in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991: Provided, That the Secretary of Defense may transfer these sums as necessary to the appropriate operation and maintenance appropriations to be merged with and made available for the same purposes and the same time period as the appropriations to which transferred: Provided further, That this transfer authority shall be in addition to any other transfer authority contained in this Act.

GENERAL PROVISION

SEC. 501. (a) The authority provided in this title to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for fiscal year 1991 through fiscal year 1995.

(b) Amounts transferred from the Defense Cooperation Account shall be merged with and be available for the same purposes as the appropriations to which transferred.

(c) The Secretary of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives before making any transfer from the Defense Cooperation Account. No transfer may be made until the seventh day after such committees receive the notification required by this subsection to be submitted for such transfer.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 108: Page 33, after line 16, insert:

SEC. 502. PROHIBITION ON CERTAIN ASSISTANCE FOR JORDAN

(a) PROHIBITION.—Except as otherwise provided in this section, none of the funds appropriated or otherwise made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, may be obligated or expended for assistance for Jordan except pursuant to appropriate congressional notification procedures.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) assistance for refugees; or

(2) assistance to finance the training or studies outside Jordan of students whose course of study or training program began before the date of enactment of this Act.

(c) WAIVER.—Notwithstanding subsection (a), funds appropriated or otherwise made available

for fiscal year 1991 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) may only be obligated or expended for Jordan if the President determines and certifies to the appropriate congressional committees that the Government of Jordan has taken steps to advance the peace process in the Middle East.

(d) DEFINITIONS.—For purposes of this subsection—

(1) the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

(2) the term "appropriate congressional notification procedures" means—

(A) with respect to the Committees on Appropriations of the House of Representatives and of the Senate, the procedures of section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, and

(B) with respect to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(e) REPEAL.—(1) The ninth proviso of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is hereby repealed.

(2) Any other provision of law that earmarks economic or military assistance for Jordan shall have no force or effect upon the date of enactment of this Act.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 108, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 502 PROHIBITION ON CERTAIN ASSISTANCE FOR JORDAN.

(a) PROHIBITION.—Except as otherwise provided in this section, none of the funds appropriated or otherwise made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, may be obligated or expended for assistance for Jordan.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) assistance for refugees; or

(2) assistance to finance the training or studies outside Jordan of students whose course of study or training program began before the date of enactment of this Act.

(c) WAIVER.—The prohibition contained in subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the Government of Jordan has taken steps to advance the peace process in the Middle East, or that furnishing assistance to Jordan would be beneficial to the peace process in the Middle East.

(d) DEFINITIONS.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(e) REPEALS.—(1) The ninth proviso under the heading "Economic Support Fund" of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is hereby repealed.

(2) The tenth proviso under the heading "Economic Support Fund" of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is hereby repealed.

(3) Any provision of law not repealed by this subsection that earmarks economic or military assistance for Jordan shall have no force or effect upon the date of enactment of this Act.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, on rollcall 60 and rollcall 61, I was unable to cast my vote as I was unavoidably detained in Baltimore participating in Grove Park Elementary School's Third Annual Oratorical Contest. Had I been present, I would have voted "nay" to the motion to recommit with instructions to conference the report making dire emergency supplemental appropriations (rollcall 60 and "yea" on agreeing to the conference report (rollcall 61), consistent with my support given to the House-passed version of the dire supplemental appropriations passed previously in the House.

CONFERENCE REPORT ON H.R. 1282, OPERATION DESERT SHIELD/DESERT STORM SUPPLEMENTAL APPROPRIATIONS ACT, 1991

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the bill (H.R. 1282) making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 1282, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring before the House the conference agreement for the 1991 Desert Shield/Desert Storm appropriations bill. This conference agreement establishes a new $42.6 billion account, the Persian Gulf Regional Defense Fund, into which is transferred foreign contributions from the Defense Cooperation Account, and also $15 billion from appropriated funds from the General Fund of the Treasury. The bill requires Defense Cooperation Account moneys to be used before the U.S. appropriation can be used.

Appropriations are then made by transfer to separate accounts to pay the incremental costs of the Department of Defense and the Coast Guard associated with the war in the Persian Gulf.

Thus the Committee and the Congress retain the normal prerogatives over appropriations.

Any balances remaining in this Fund after all expenses have been paid will be returned to the Treasury.

Mr. Chairman, this is a very good agreement, and I urge that it be adopted.

At this point in the RECORD I would like to insert a comparative table reflecting the conference agreement.

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	FY 1991 DESERT SHIELD/DESERT STORM SUPPLEMENTAL						
	CHAPTER I						
	DEPARTMENT OF DEFENSE - MILITARY						
101-43	Persian Gulf regional defense fund	15,000,000,000	15,000,000,000	15,000,000,000	15,000,000,000		
	Military Personnel (by transfer from the Defense Cooperation account)						
	Military personnel, Army		(4,863,700,000)	(4,849,000,000)	(4,863,700,000)		(+14,700,000)
	Military personnel, Navy		(797,400,000)	(792,000,000)	(797,400,000)		(+5,400,000)
	Military personnel, Marine Corps		(983,400,000)	(978,000,000)	(983,400,000)		(+5,400,000)
	Military personnel, Air Force		(1,278,200,000)	(1,271,000,000)	(1,278,200,000)		(+7,200,000)
	Total, Military personnel		(7,922,700,000)	(7,890,000,000)	(7,922,700,000)		(+32,700,000)
	Operation and Maintenance (by transfer from the Defense Cooperation account)						
	Operation and maintenance, Army		(16,393,750,000)	(14,981,400,000)	(15,082,750,000)	(-1,311,000,000)	(+101,350,000)
	Operation and maintenance, Navy		(3,009,500,000)	(2,391,000,000)	(2,758,500,000)	(-251,000,000)	(+367,500,000)
	Operation and maintenance, Marine Corps		(1,330,000,000)	(1,197,000,000)	(1,205,000,000)	(-125,000,000)	(+8,000,000)
	Operation and maintenance, Air Force		(4,080,000,000)	(3,026,000,000)	(3,701,000,000)	(-379,000,000)	(+675,000,000)
	Operation and maintenance, Defense Agencies		(236,000,000)	(173,000,000)	(203,000,000)	(-33,000,000)	(+30,000,000)
	Operation and maintenance, Navy Reserve		(16,000,000)		(16,000,000)		(+16,000,000)
	Operation and maintenance, Air National Guard		(55,000,000)		(55,000,000)		(+55,000,000)
	Total, Operation and maintenance		(25,120,250,000)	(21,768,400,000)	(23,021,250,000)	(-2,099,000,000)	(+1,252,850,000)
	Procurement (by transfer from the Defense Cooperation account)						
	Aircraft procurement, Army		(7,100,000)	(7,100,000)	(7,100,000)		
	Missile procurement, Army		(311,900,000)	(311,900,000)	(663,500,000)	(+351,600,000)	(+351,600,000)
	Procurement of weapons and tracked combat vehicles, Army		(26,300,000)	(26,300,000)	(26,300,000)		
	Procurement of ammunition, Army		(437,000,000)	(425,800,000)	(509,600,000)	(+72,600,000)	(+83,800,000)
	Other procurement, Army		(30,300,000)	(26,300,000)	(62,300,000)	(+32,000,000)	(+36,000,000)
	Aircraft procurement, Navy		(16,000,000)	(16,000,000)	(25,200,000)	(+9,200,000)	(+9,200,000)
	Weapons procurement, Navy		(1,065,100,000)	(1,057,300,000)	(815,600,000)	(-249,500,000)	(-241,700,000)
	Other procurement, Navy		(34,600,000)	(34,600,000)	(34,800,000)	(+200,000)	(+200,000)
	Procurement, Marine Corps		(68,000,000)	(64,200,000)	(127,450,000)	(+59,450,000)	(+63,250,000)
	Aircraft procurement, Air Force		(101,200,000)	(101,200,000)	(59,600,000)	(-41,600,000)	(-41,600,000)
	Missile procurement, Air Force		(400,000,000)	(400,000,000)	(645,500,000)	(+245,500,000)	(+245,500,000)
	Other procurement, Air Force		(419,100,000)	(419,100,000)	(422,800,000)	(+3,700,000)	(+3,700,000)
	Procurement, Defense Agencies		(2,700,000)	(2,700,000)	(15,400,000)	(+12,700,000)	(+12,700,000)
	Total, Procurement		(2,919,300,000)	(2,892,500,000)	(3,415,150,000)	(+495,850,000)	(+522,650,000)
	Research, Development, Test and Evaluation (by transfer from the Defense Cooperation account)						
	Research, development, test and evaluation, Army		(1,200,000)		(30,100,000)	(+28,900,000)	(+30,100,000)
	Research, development, test and evaluation, Air Force				(39,000,000)	(+39,000,000)	(+39,000,000)
	Total, Research, Development, Test and Evaluation		(1,200,000)		(69,100,000)	(+67,900,000)	(+69,100,000)
	Revolving and Management Funds (by transfer from the Defense Cooperation account)						
	Army Stock Fund		(57,000,000)	(214,000,000)	(214,000,000)	(+157,000,000)	
	Air Force Stock Fund		(214,000,000)	(57,000,000)	(57,000,000)	(-157,000,000)	
	Total, Revolving and management funds		(271,000,000)	(271,000,000)	(271,000,000)		
	Other Department of Defense Appropriations (by transfer from the Defense Cooperation account)						
	Combat Operations						
	Operation and Maintenance		(5,000,000,000)	(7,000,000,000)	(6,000,000,000)	(+1,000,000,000)	(-1,000,000,000)
	Procurement		(1,300,000,000)	(2,750,000,000)	(1,872,700,000)	(+572,700,000)	(-877,300,000)
	Total, Combat Operations		(6,300,000,000)	(9,750,000,000)	(7,872,700,000)	(+1,572,700,000)	(-1,877,300,000)
	Total, Chapter I:						
	New budget (obligational) authority	15,000,000,000	15,000,000,000	15,000,000,000	15,000,000,000		
	(By transfer from the Defense Cooperation account)		(42,534,450,000)	(42,571,900,000)	(42,571,900,000)	(+37,450,000)	
	CHAPTER II						
	DEPARTMENT OF DEFENSE - MILITARY (by transfer from the Defense Cooperation account)						
	Military construction, Army		(36,000,000)	(36,000,000)	(36,000,000)		
	CHAPTER III						
	DEPARTMENT OF TRANSPORTATION						
	Coast Guard (by transfer from the Defense Cooperation account)						
101-43	Operating expenses	(18,921,430)	(18,922,000)	(18,922,000)	(18,922,000)		
	Grand total:						
	New budget (obligational) authority	15,000,000,000	15,000,000,000	15,000,000,000	15,000,000,000		
	(By transfer from the Defense Cooperation account)	(18,921,430)	(42,589,372,000)	(42,626,822,000)	(42,626,822,000)	(+37,450,000)	

Mr. Speaker, I reserve the balance of my time.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this conference report and urge its adoption by an overwhelming vote. Mr. Speaker, both the House and the Senate have worked within basically the same framework to take care of the funding requests required by Operation Desert Storm/Desert Shield, and that framework is reflected in this conference report.

Mr. Speaker, I do not know of any controversy with respect to this conference report. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURTHA], the chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. MURTHA. Mr. Speaker, before the House is the conference report for the Desert Shield/Desert Storm supplmental bill for fiscal year 1991.

This conference report is quite close to the version of the supplemental bill that passed the House earlier this month.

The major features of this conference report are as follows:

It places a ceiling of $42.6 billion on the total funds that can be used to pay the incremental costs of Operation Desert Shield/Desert Storm and allocates these funds by appropriation account.

It appropriates $15 billion in new budget authority to the newly created Persian Gulf regional defense fund.

It places the following restrictions on this fund:

First, the new budget authority can be obligated only after the gift fund money is exhausted;

Second, any balances of new budget authority remaining in the fund unexpended after all expenses have been paid will be returned to the treasury.

Third, as gift fund money is received, the defense fund balance is restored to the $15 billion level.

Fourth, requires that the fuel price increase apply only to fuel consumed in direct support of Operation Desert Shield/Desert Storm.

Also the conferees reduced the category of "near term investment" cost by $2.8 billion and provided combat costs at the lower end of the scale of the costs-per-day rate estimated by the Defense Department.

The conferees made some minor adjustments in the details of the mix of equipment included for procurement. These adjustments were made in light of more recent information provided by the Pentagon.

We included bill language which prohibits foreign military sales to any country which has pledged contributions to the defense cooperation account but has not yet fulfilled that commitment.

Regarding foreign contributions, I am happy to report that $5.7 billion of the Japanese pledge is scheduled to arrive today. Also, Saudi Arabia has reaffirmed its commitment to fulfill its financial obligations to this effort.

Regarding veterans benefits, those funds are included in the dire emergency supplemental and not in this bill.

Mr. Speaker, I urge support for this conference report.

Mr. SMITH of Florida. Mr. Speaker, I want to begin by commending the chairman of the Appropriations Committee, Mr. WHITTEN and the other House conferees for their work in bringing this bill so expeditiously to the floor. I also want to commend our troops who, through their skill in battle, managed to defeat the enemy so quickly and, thereby, keep the human and financial costs of the war as low as possible.

It is often said that this institution is incapable of acting expeditiously but if there were ever an example of the kind of action the Congress is capable of undertaking, this particular legislation is it. In this conference report, we have carefully examined and cut to its absolute essentials the incremental cost of Operation Desert Storm. It is a credit to this Congress that this legislation has survived the legislative process in both bodies as a relatively clean bill. This entire experience is a reaffirmation of the strength of the procedural reforms in the budget process we so rigorously fought for at the end of the last Congress.

Rather than elaborate and comment upon the specific appropriation aspects of the conference report, a task that has been so ably performed by other Members on the House floor, I would like to focus on the language of the bill that deals with the transfer to other States of captured Iraqi weapons and American military equipment transported to the region as a result of the crisis.

Two weeks ago, I introduced, along with 37 other Members of this House, The Spoils of War Act which addresses just this issue of the transfer of captured Iraqi weapons. Very simply, The Spoils of War Act insures that Congress will have the opportunity to exercise its traditional role in reviewing arms sales and transfers including the transfer of captured Iraqi equipment. In addition, The Spoils of War Act requires that the transfer of any U.S. weapons brought to the Middle East as part of Operation Desert Storm will be subject to stringent congressional review procedures.

For several weeks we have been hearing reports that there are plans afoot to transfer captured Iraqi weapons to coalition partners, including Syria, as payment in kind for their participation in Operation Desert Storm. I should point out that in as much as Syria is on the State Department's list of nations who sponsor terrorism, such a transaction involving the United States would be clearly illegal.

I am concerned, however, that in the course of our withdrawal from the region, we will leave to the Kuwaitis or Saudis responsibility for the disposal of captured equipment that has not been destroyed. I would remind my fellow Members that the only state in the region, besides Iraq, that is armed primarily with Soviet weapons is Syria. Only Syria would get the full benefit of a larger transfer of captured Iraqi arms.

I have just returned from Kuwait and Saudi Arabia where I was told by General Schwarzkopf that there are literally acres of stockpiled Iraqi military equipment just sitting in the desert. While I was told much of this equipment is being destroyed, we cannot preclude the possibility that some of these weapons will be transferred or transshipped to third countries.

I am proud to say that the language of The Spoils of War Act has largely been added to this conference report. The other body decided to include something to the effect of The Spoils of War Act in its Desert Storm supplemental. I want to thank the chair of the Subcommittee on Foreign Operations, Mr. OBEY, for his work in fine tuning the language regarding The Spoils of War that is in the conference report that was before the House today. I want to commend those Members who supported this conference report. I hope this legislation will begin the process of restricting the wholesale transfer of weapons in the Middle East.

Mr. HUGHES. Mr. Speaker, I rise in opposition to the conference report on H.R. 1282, the dire emergency appropriations bill. Many of the spending provisions that are in this bill are neither dire nor emergency. In addition, our colleagues in the other body had the good sense to add to the bill a provision to cut off aid to our former ally Jordan, yet the version before us today allows the President to continue providing aid if he so desires.

We have spent the past decade cutting domestic programs. Homelessness, rising crime rates, a decaying transportation infrastructure, and declining academic achievement are just a few of the problems here at home that need more of our resources.

With all due respect to the President, for he has proven himself to be an excellent Commander in Chief, the State Department has made some pretty bad choices about who in the Middle East deserves foreign aid. If you will remember back to July 27, 1990, 5 days before Saddam Hussein invaded Kuwait, the Bush administration was urging this Congress to trust its judgment and to continue supplying Iraq with U.S. taxpayer subsidized export credits—even as Saddam's troops were massing along the Kuwaiti border. In 1989, we supplied Iraq with $1 billion in export credit guarantees.

The time has come to say "no" to dictators and monarchs. If we must spend this money on foreign countries, then why not Poland, Czechoslavakia, or our Latin American allies in fighting the war on drugs. I know this is a radical idea, but we could even spend some of this money in New Jersey, a State whose taxpayers get the least for what they pay in Federal taxes.

Better yet, I have an even more radical idea. We could simply not spend the money, after all I do believe we have a slight deficit problem here at home.

King Hussein is not a reliable ally. Instead of properly criticizing the atrocities committed by Saddam, or even just staying neutral, he sided with Saddam and falsely accused U.S. forces of waging war against all Moslems. In addition, U.S. forces found evidence that Jordan was supplying ammunition to Iraqi forces long after the U.N. embargo was put in place.

Cutting off aid to Jordan, until such a time in the future that such aid would appear to be a wise investment, is merely common sense. It is unthinkable that U.S. tax dollars continue to flow to a country that tried to undermine the U.N. effort to liberate Kuwait and that supplied munitions that were aimed at U.S. troops and Kuwaiti civilians.

Since it appears that we will allow the President to continue to supply aid to Jordan, I am introducing legislation to ban all United States aid to Jordan and to end Jordan's MFN trading status. Unlike similar legislation that has been introduced, my bill cuts off all aid until such time as this Congress believes that the aid should be restored.

Mr. McDADE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 379, nays 11, not voting 41, as follows:

[Roll No. 62]

YEAS—379

Abercrombie
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Atkins
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Johnson (CT)
Johnson (SD)
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Markey
Martin
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Regula
Rhodes
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stark
Stearns
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—11

Collins (IL)
Conyers
Dellums
Dymally
Gonzalez
Hayes (IL)
Nussle
Owens (NY)
Savage
Washington
Waters

NOT VOTING—41

Ackerman
Armey
Aspin
AuCoin
Barnard
Boxer
Bustamante
Clay
Clinger
Dannemeyer
Dingell
Dwyer
Flake
Ford (TN)
Gingrich
Hatcher
Jacobs
Jenkins
Johnston
Jones (NC)
LaFalce
Lent
Levine (CA)
Lewis (FL)
Lloyd
Manton
Marlenee
Martinez
Matsui
McCollum
Miller (OH)
Ray
Reed
Ridge
Rostenkowski
Smith (TX)
Stallings
Stenholm
Torricelli
Udall
Waxman

□ 1213

Mr. CONYERS changed his vote from "yea" to "nay."

Mr. STUMP changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. REED. Mr. Speaker, I was unavoidably detained this morning in a meeting with my constituents in Rhode Island, and as a result I missed this mornings' votes. Had I been here I would have voted in favor of both H.R. 1281, dire emergency supplemental appropriations bill for fiscal year 1991 and H.R. 1282, the dire emergency supplemental for Operation Desert Storm as I voted when the original bills were considered in the House.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the order of the House of today, the amendments in disagreement are considered as having been read.

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 17: Page 4, line 24, strike out [$437,000,000] and insert: *$425,800,000*.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 17, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$509,600,000*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 18: Page 5, line 3, strike out [$30,000,000] and insert: *$26,300,000.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 18, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$62,300,000.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 19: Page 5, line 9, strike out [$1,065,100,000] and insert: *$1,057,300,000.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 19, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$815,600,000.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 20: Page 5, line 15, strike out [$68,000,000] and insert: *$64,200,000.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 20, and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$127,450,000.*

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 21: Page 6, strike out lines 4 to 10.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 21, and concur therein with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

RESEARCH, DEVELOPMENT, TEXT AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $30,100,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $39,000,000.

And on line 17, page 4 of the House of Representatives engrossed bill, H.R. 1282, delete "$311,900,000" and insert in lieu thereof "$663,500,000";

And on line 6, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$16,000,000" and insert in lieu thereof "$25,200,000";

And on line 12, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$34,600,000" and insert in lieu thereof "$34,800,000";

And on line 18, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$101,200,000" and insert in lieu thereof "$59,600,000";

And on line 21, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$400,000,000" and insert in lieu thereof "$645,500,000";

And on line 24, page 5 of the House of Representatives engrossed bill, H.R. 1282, delete "$419,100,000" and insert in lieu thereof "$422,800,000";

And on line 3, page 6 of the House of Representatives engrossed bill, H.R. 1282, delete "$2,700,000" and insert in lieu thereof "$15,400,000".

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 24: *Page 6, line 25, strike out all after "amounts:" over to and including "$6,300,000,000" in line 2 on page 7 and insert: for Operation and maintenance, $7,000,000,000; for Procurement, $2,750,000,000.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 24, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *for Operation and maintenance, $6,000,000,000; for Procurement, $1,872,700,000, to remain available for obligation until September 30, 1993: Provided,* That the Secretary of Defense shall not make any transfer from the Persian Gulf Regional Defense Fund or from the Defense Cooperation Account for combat costs until the seventh day after notifying the Committees on Appropriations and Armed Services of the Senate and House of Representatives of any such transfer.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 26: *Page 8, line 4, after "Fund" insert: and from the Defense Cooperation Account.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein:

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 27: *Page 8, line 8, after "Fund" insert: and from the Defense Cooperation Account.*

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 27, and concur therein.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 32: *Page 10, after line 18, insert:*

SEC. 105. (a) All equipment, supplies, and other materials (including, to the maximum extent practicable, construction equipment and construction materials described in subsection (b)) of the United States that, after August 1, 1990, were transported to or procured by the United States in the Middle East for the use of the Armed Forces of the United States or the use of the armed forces of any other member country of the multinational coalition participating in Operation Desert Storm shall be removed from the Middle East to the United States or to any United States military installation outside the United States and the Middle East as soon as practicable in conjunction with the removal of such forces of the Armed Forces of the United States from the Middle East.

(b) The construction equipment and construction materials referred to in subsection (a) are construction equipment and construction materials used in the construction of military facilities for the Armed Forces of the United States in the Middle East in connection with Operation Desert Storm.

(c) Subsection (a) does not apply to any equipment, supply, or material that—

(1) is to be transferred to a foreign government and has negligible value, or

(2) is to remain under the control of United States forces in the region, or

(3) is to be stored in the Middle East as prepositioned equipment and material for the use of the Armed Forces of the United States; or

(4) has been expended, depleted, or rendered unusable.

(d) The President shall attempt to obtain reimbursement from the government of each country in the Middle East for the cost to the United States of materials referred to in subsection (a) that are not removed from that country because of impracticality.

(e) No equipment, supply, or material referred to in subsection (a) or which was captured from Iraq by United States forces in the context of Operation Desert Storm may be transferred to the government or any entity of any foreign country in the Middle East unless the President first notifies Congress of the proposed transfer and, after the date on which Congress receives the notification, Congress enacts a bill or joint resolution specifically authorizing the proposed transfer.

(f) The President shall notify Congress of the proposed storage of any equipment, supply, or material referred to in subsection (a) in a prepositioned status referred to in subsection (c)(3).

(g) The President shall report to the Committees on Appropriations and Armed Services of the House and Senate sixty days after the enactment of this Act, on the quantity, condition, value, disposition and manner of seizure of all enemy equipment falling under the control or the possession of the United States, as well as all enemy equipment falling under the control of allied forces, within the Desert Storm theater of operations.

(h) For the purposes of this provision, the term "material" shall include all lethal and non-lethal instruments of war and their supporting elements, components and subcomponents.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 32, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

SEC. 107. (a) All equipment, supplies, and other materials (including construction equipment and construction materials described in subsection (b)) of the United States that, after August 1, 1990, were transported to or procured by the United States in the Middle East for the use of the Armed Forces of the United States or the use of the armed forces of any other member country of the multinational coalition participating in Operation Desert Storm shall, to the maximum extent practicable, be removed from the Middle East to the United States or to any United States military installation outside the United States and the Middle East as soon as practicable in conjunction with the removal of such forces of the Armed Forces of the United States from the Middle East.

(b) The construction equipment and construction materials referred to in subsection (a) are construction equipment and construction materials used in the construction of military facilities for the Armed Forces of the United States in the Middle East in connection with Operation Desert Storm.

(c) Subsection (a) does not apply to any equipment, supply, or material that—

(1) is to be transferred to a foreign government under the provisions of subsection (e); or

(2) has negligible value; or

(3) is to remain under the control of United States forces in the region; or

(4) is to be stored in the Middle East as prepositioned equipment and material for the use of the Armed Forces of the United States; or

(5) has been expended, depleted, or rendered unusable; or

(6) has been formally notified to Congress prior to March 20, 1991, under the Arms Export Control Act.

(d) The President should attempt to obtain reimbursement from the government of each country in the Middle East for the cost to the United States of materials referred to in subsection (a) that are not removed from that country because of impracticality.

(e) Except as deemed essential by the Commander-in-Chief of the United States Central Command for the conduct of the war in the Persian Gulf prior to a permanent cease-fire, no equipment, supply or material referred to in subsection (a) or which was captured from Iraq by United States forces in the context of Operation Desert Storm may be transferred to the government or any entity of any foreign country in the Middle East except as provided through the regular notification procedures of the Committees on Appropriations, the Committees on Armed Services, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

(f) The President shall notify Congress of the proposed storage of any equipment, supply, or material referred to in subsection (a) in a prepositioned status referred to in subsection (c)(4).

(g) The President shall report to the Committees on Appropriations and Armed Services of the House of Representatives and Senate sixty days after the enactment of this Act, on the quantity, condition, value, disposition, and manner of seizure of all enemy equipment falling under the control or the possession of the United States, as well as all enemy equipment falling under the control of allied forces, within the Desert Storm theater of operations.

(h) For the purposes of this provision, the term "material" shall include all lethal and non-lethal instruments of war and their supporting elements, components and subcomponents.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 33 Page 10, after line 18, insert:

SEC. 106. (a) Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified forms, on the redeployment in the forces of the Armed Forces of the United States that were deployed in the Persian Gulf area in connection with Operation Desert Storm.

(b) The report shall contain the following information:

(1) A detailed specifications of the costs of the reduction in such forces.

(2) The schedule for returning such forces to the United States or other locations from which the forces were deployed to the Persian Gulf area in connection with Operation Desert Storm.

(3) The size and composition of any element of the Armed Forces of the United States that will remain in the Persian Gulf area after fiscal year 1991.

(4) A detailed discussion of any arrangement for a United States military presence that has been made or is expected to be made to the government of any country in the Middle East, including any such arrangement that is expected to result from negotiations between the United States and the government of such a country.

(c) In this section, the term "Operation Desert Storm" means Operation Desert Shield, Operation Desert Storm, and any related successive operations of the Armed Forces of the United States.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 33, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 108. (a) Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified forms, on the redeployment of the forces of the Armed Forces of the United States that were deployed in the Perisan Gulf area in connection with Operation Desert Storm.

(b) The report shall contain the following information:

(1) A detailed specification of the costs of the reduction in such forces.

(2) The schedule for returning such forces to the United States or other locations from which the forces were deployed to the Persian Gulf area in connection with Operation Desert Storm.

(3) The size and composition of any element of the Armed Forces of the United States that will remain in the Persian Gulf area after fiscal year 1991.

(4) A detailed discussion of any arrangement for a United States military presence that has been made or is expected to be made to the government of any country in the Middle East.

(c) In this section, the term "Operation Desert Storm" means Operation Desert Shield, Operation Desert Storm, and any related successive operations of the Armed Forces of the United States.

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate Amendment No. 34: Page 10, after line 18, insert:

SEC. 107. None of the funds appropriated or otherwise made available by this Act or any other provision of law shall be available for sales, credits, or guarantees for defense articles or defense services under the Arms Export Control Act to any country that has made a commitment to contribute resources to defray any of the costs of Operation Desert Storm and has not made such contributions.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 34, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 109. None of the funds appropriated or otherwise made available by this Act or any other provision of law shall be available for sales, credits, or guarantees for defense articles or defense services under the Arms Export Control Act to any country that has made a commitment to contribute resources to defray any of the costs of Operation Desert Storm and that has not fulfilled its commitment.

SEC. 110. The establishment of the Persian Gulf Regional Defense Fund by this Act and the establishment of a working capital account pursuant to title I of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 shall be treated for all purposes as establishment of the same account in the Treasury.

, and on page 10, delete lines 1, 2, 3 and 4 of the House of Representatives engrossed bill, H.R. 1282, and insert in lieu thereof the following:

"SEC. 104. None of the funds appropriated to the Persian Gulf Regional Defense Fund shall be used for fuel price increases.".

Mr. McDADE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, MARCH 22, 1991, TO TUESDAY, APRIL 9, 1991, AND ADJOURNMENT OR RECESS OF THE SENATE FROM FRIDAY, MARCH 22, 1991, OR SATURDAY, MARCH 23, 1991, TO TUESDAY, APRIL 9, 1991

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 106) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 106

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, March 22, 1991, it stand adjourned until 12 o'clock meridian on Tuesday, April 9, 1991, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, March 22 or Saturday, March 23, 1991, pursuant to a motion made by the Majority Leader, or his designee, it stand in recess or stand adjourned until 2:30 post meridian on Tuesday, April 9, 1991, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, due to an illness in the family, I was unable to participate in the business of the House of Representatives on March 22, 1991. Had I been present, I would have voted as follows:

March 22, 1991:

Rollcall 60. To recommit the conference report to H.R. 1282, "no."

Rollcall 61. H.R. 1282, dire emergency supplemental, "no."

Rollcall 62. H.R. 1281, Desert Storm supplemental, "yea."

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I wish to inform Members as to what to expect for the rest of the day. It is my understanding that the only possibility of an additional vote would occur if the other body were to change these reports that we have now sent over to them approved. The one area in which there could be an amendment, although we do not know that there will be an amendment, would be in the area that the House considered earlier today and did not make a change.

□ 1220

If that were to happen, if it were to pass in the other body, then there could be the need for further votes here. But we do not know that that will be the case, and Members, if they would leave now and not be here for the rest of the afternoon, could probably avoid further votes. But we cannot make an ironclad guarantee that there will not be further votes. But that will be the only possibility of a vote.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the distinguished majority leader for yielding.

It is highly unlikely that they will make a change over there, we are informed. Is that the gentleman's understanding?

Mr. GEPHARDT. Yes, that is my understanding as well.

Mr. SOLOMON. But to be safe, it would be necessary to stay around just in case?

Mr. GEPHARDT. If one wanted to be 100 percent safe they would not leave.

Mr. SOLOMON. If you were Congressman BILL NATCHER you would stay here?

Mr. GEPHARDT. If I were Congressman BILL NATCHER, as always I would be here, and present, and ready.

Mr. SOLOMON. I thank the gentleman.

PERMISSION FOR SPEAKER TO DECLARE RECESSES TODAY

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses today, subject to the call of the Chair.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 10, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 10, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, April 9, 1991, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COMMEMORATING THE 50TH ANNIVERSARY OF THE U.S. ENTRY INTO WORLD WAR II

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, December 9, 1991, will mark the 50th anniversary of the U.S. entry into World War II. Some 16 million Americans fought in this war and 405,000 made the ultimate sacrifice with their lives in the service of this country and its pursuit of global freedom.

As we turn our attention to honoring the men and women who fought bravely in the Persian Gulf, somehow, we, Americans, have failed to honor the sacrifices of Americans in World War II. Strangely, there is no memorial in Washington, DC, that honors the bravery of American Veterans of World War II.

So, today, I wish to introduce the World War II Veterans' Memorial and Museum Act of 1991. This bill provides for the establishment of a memorial on Federal land within the District of Columbia to honor members of the Armed Forces who served in World War II.

This legislation would authorize the construction of a memorial and museum with the approval of the Secretary of the Interior in consultation with Commission of Fine Arts, the National Capital Planning Commission, the National Archives, and the Smithsonian Institution. An advisory commission, which will include World War II veterans and eminent historians of the period, will be appointed by the President and both Chambers of Congress to obtain financial and public support for the development of the museum.

Recognizing the difficult budgetary situation in which this country finds itself, I have addressed the need to generate the revenue to finance this memorial. Today, I also am introducing the World War II Commemorative Coin Act of 1991, a bill that authorizes the minting of coins to commemorate the 50th anniversary of the U.S. involvement in World War II. Surcharges received from the sale of the coins shall be deposited in a separate account until Congress authorizes the establishment of the memorial. Under the provisions of this bill, 100 percent of the surcharges will be paid to the Commission to establish the memorial.

Future generations of Americans will benefit from the lessons of World War II imparted by this memorial. Only a national memorial can honor veterans both deceased and living who carried this Nation to victory and preserved the principles of democracy in a free world.

THE COBRA DISPLACED FAMILY AMENDMENTS ACT

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today I am introducing the COBRA Displaced Family Amendments Act of 1991. This legislation would assist qualified spouses of workers and their dependents to maintain access to health care in the case of death, divorce, or legal separation.

Access to quality health care is one of the major issues facing this Nation. Many rational proposals to provide universal access to health care have been introduced this session. The long-term solution to the health care access problem will likely require a move away from employer-based coverage toward a single payer system.

Unfortunately the Bush administration has yet to meet a proposal for increasing access to health care that they find acceptable. If these differences cannot be resolved, then Congress must—in the short term—look for ways of filling gaps in the existing employer-based system. This bill I am introducing today does exactly that.

This bill would allow a limited number of people, who currently face the loss of group insurance coverage, to remain in their employer-based health plan while not affecting the budget agreement designed to reduce Federal deficit spending. I urge my colleagues to join me in cosponsoring this legislation.

PROTECT THE TURTLES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, again the Japanese are continuing to be spoilers of the environment and, are protesting the United States effort to protect the endangered hawksbill sea turtle. Wisely, Secretaries Robert Mosbacher and Manuel Lujan both have acted under American law to stop this senseless slaughter of hawksbill sea turtles. Hopefully, President Bush will discuss this matter with Prime Minister Kaifu at their next meeting. If no immediate agreement is reached, then I hope President Bush would impose sanctions on Japan for this carnage.

Japan signed the 1975 Convention on International Trade in Endangered Species, but it continues to do as Japan pleases through a loophole in the Convention. Japan has imported 252,000 hawksbill turtle shells since 1981 to use in eyeglass frames, combs, jewelry, and the pretties for fashion-conscious Japanese.

Japan has threatened to retaliate United States efforts, perhaps with pearls. Turtles cannot be equated with pearls. If the Japanese want to retaliate against the United States for protecting the turtles—then let them go play marbles with their pearls.

PROTECT OUR CHILDREN FIRST

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, one of the things I think we should look at in this difficult period is what would happen if the average American family sat down at the kitchen table in economic downturn times who would they really penalize first. What we would find is the American family would absolutely never say, "Well, we'll have the children do without shots," or, "We'll have the children do without shoes," or, "We won't have the children go to school because if they go to school it costs us more money."

The average American family knows how to set its budget priorities, even in difficult times, and the last thing that they would take on are their children. They would attempt to hold their children as harmless as possible from any economic downturn.

Unfortunately, something happens to that common sense when it gets to Washington, DC. Here we are in a very difficult economic time, running tremendous deficits, and we are lashed in with a budget that forces us to throw children overboard first. They are going to inherit this debt, which is outrageous, and we are now shortchanging them with the ability to be able to pay off that debt.

If we do not focus on this we are going to be in great trouble for America's future, and I see no way we can continue to be competitive. The CEO's of American corporations are now talking about this, and I certainly hope that this body over the recess talks to the average American family, and I think they will see that this kind of budgetary sense makes sense.

Protect children first. Hold them harmless. They did not cause the debt and they should not be the ones focused upon to bear the brunt of it.

DISASTER ASSISTANCE TO GREENHOUSES AND NURSERIES

(Mr. SWIFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWIFT. Mr. Speaker, the Senate version of the supplemental appropriations bill included a provision that would grant the Small Business Administration authority to provide disaster assistance loans for greenhouses and nurseries that suffered damage as a result of the November 1990 floods in Washington State. That provision and the accompanying report language clarified that the terms "greenhouses" and "nurseries" included, but were not necessarily limited to, those enterprises whose business operations are described in SIC Code 0181, a four-digit code assigned to the industry category in the Standard Industrial Classification Manual published by the Office of Management and Budget and in effect on November 26, 1990.

☐ 1230

The bill and report language of the conference report is broader than what was in the Senate documents, but does not make specific reference to the SIC Code 0181 or other industry classification codes. I have discussed this with Mr. SMITH, the chairman of the appropriate subcommittee of Appropriations in the House, and he agrees that the term "greenhouses and nurseries" still is intended to include, but not be limited to, those enterprises whose business operations are described in SIC Code 0181.

THIS TIME OUR TROOPS KNEW AMERICA WAS SOLIDLY BEHIND THEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, our troops coming home from the Persian Gulf will never forget the love and support they have gotten from the American people back home.

As an example of that love and support I would like to read you a letter from 14-year-old Jennifer Dancy from Elizaville, NY, which was printed in the Hudson Register-Star.

Jennifer wrote this letter because she was so worried about the effect the antiwar demonstrations might have on our troops.

And Mr. Speaker, she had good reason to worry.

When I visited the troops a few days before Desert Storm began, and again last weekend, they expressed the same concerns to me personally.

We all remember how troop morale and America's resolve was undermined by press coverage and antiwar protests during the Vietnam war.

The same thing could very easily have happened in this war, with CNN bringing scenes of flag burners right to our troops in the desert.

All I can say, Mr. Speaker, is thank God this time our troops knew America was solidly behind them, and thank God for young patriots like Jennifer Dancy.

And now, I would like to read you her letter.

For the anti-war supporters

This is hereby for those who are protesting against the war in Saudi Arabia.

War has broken out, January 16th, 1991, at 7:00 p.m. The shock and threat of war has hit us, and we accept that fact. We all believe differently. Some believe war is wrong, some believe it is right. But is it wrong or right? Or is it something that has to be done? We've tried peace, we've tried waiting. We've tried to negotiate. We've tried everything, and at last we've declared war.

We are at war. There is no changing it. I wish we could, but the best we Americans can do is support our fellow American troops. Protestors can not stop the war, neither can supporters. All of you protestors are putting doubt in our soldiers and their family and friends. Why can't you accept that we are in war and that America fights for what it believes? America must prove we are a world power and a strong country.

By protesting, it shows our weaknesses. Of course we can share our opinions, this is America, we have that right. We have the right to protest. But is protesting right? Instead of protesting, support our troops. In the end you would be doing a lot more.

Don't burn the flag, hang one. Don't make anti-war signs, put up encouraging ones. Don't protest against war and our soldiers, support it because we cannot change it. So, why not make the best of it? Hang those yellow ribbons. Show the soldiers we care! For one day, they shall be home. There will be deaths, there will be hearts broken. But this is America and they are fighting for our future and our independence.

So if you want to go protest, nobody is stopping you. But just remember this: Our family and friends are over there fighting for us. And here you are supporting Saddam Hussein by showing him how we Americans are weak.

For then we may pull out, but we will pull out as failures. If they come out with our support and love, they'll know they've accomplished something. This is America, no one can walk all over us. For you supporters, keep supporting. That's the best we can do. And as for you protestors, think it over. These are Americans. They need our support, not anti-war treaties. And as for you American troops, we love you all, and God bless you!

Sincerely,

JENNIFER DANCY,
A 14-year-old American Supporter.

Mr. Speaker, I would say to you that with the wisdom of 14-year-olds like Jennifer Dancy, the future of America is in good hands.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I would just like to ask the gentleman if he could possibly confirm some of the findings that I came back with from visiting the Persian Gulf. I had the chance to meet with some Americans not far from Khafji in Saudi Arabia, and the message that came through loudly and clearly was that those who had been veterans of the Vietnam war said that what they had experienced, having been part of Operation Desert Storm, was the difference between night and day in the treatment that they had received as members of the Marine Corps and serving in Operation Desert Storm versus their service in Vietnam. And I wondered; that is a brilliant letter the gentleman has submitted for the RECORD, and I appreciate hearing it from this young 14-year-old woman, and I wondered if the gentleman has in his district found what I have found, an overwhelming level of support and a confidence on the part of those who are now proudly serving in the military, especially as it is compared to their experience in Vietnam.

Mr. SOLOMON. I know the gentleman is going to Kuwait next week. I was there last weekend. And to answer the gentleman's question, I carried with me 400 yards of yellow ribbon signed by 6,000 Americans from northern New York with messages to the troops over there. That meant so much to them, because they knew that American people back home were as committed to them as they were to standing up for the rights of the United States of America and, yes, what a difference it made.

Mr. DREIER of California. If the gentleman will yield further, the thing that struck me when I was meeting with those Americans was that one stood up and said, "I have four necessities: Food, water, warmth, and mail." And when those tons and tons of mail were flowing in there to the Persian Gulf, it obviously provided a great deal of inspiration.

Mr. Speaker, I thank my friend for yielding and congratulate him on taking this special order.

Mr. SOLOMON. Mr. Speaker, as a former marine myself, I appreciate the gentleman's remarks. I know his father was a marine, too.

THE HUMAN AND ENVIRONMENTAL COSTS OF THE PERSIAN GULF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, as the U.N. Security Council prepares to debate the terms for a formal end to the war in the Persian Gulf and as we weigh the cost of our share of the allied effort there, let us take a moment to reflect upon the human and environmental costs of war borne by the people of the region.

Before our colleagues leave the Chamber, I want them to be assured that so many people who were antiwar in their sentiments were, indeed, very overwhelmingly supportive of the troops and that the two are not mutually exclusive. I know it will be a consolation to him, because I detected some doubt of that fact in his remarks.

Mr. Speaker, the Iraqi citizens have borne the full brunt of Hussein's aggression. According to a U.N. report released Wednesday, food prices have risen 1,000 percent, and some foods can only be obtained by prescription from a doctor. Clean water is scarce. Sewage lies in puddles on the streets of Iraqi cities.

The United Nations has labled the situation near apocalyptic, and it is calling for immediate action to prevent imminent disaster.

☐ 1240

In Kuwait, fires destroyed 6 million barrels of oil each day. Smoke and soot threatened fragile ecosystems as far away as northern India. Over 1 million gallons of crude oil, Mr. Speaker, is an amount six times the size of the *Exxon Valdez* oilspill, blackened the beaches and wildlife habitats of gulf coastal areas.

I was pleased that our colleague, the gentleman from Florida [Mr. GOSS] offered a resolution the other day declaring Hussein an ecoterrorist in what we did there which was ecoterrorism. It is indeed that, but it was also predictable and likely, and a consequence of war that we cannot ignore.

It is as important to people's lives, their living and dying, as the air they breathe and the water they drink. Mr. Speaker, I believe our troops deserve accolades for their bravery in their performance in the Persian Gulf.

Today, Mr. Speaker, tens of thousands of Iraqi men and women and children need our allied help to save them from starvation and disease. We must act quickly, with food and medical assistance, to prevent a catastrophe. I hope that the resolution that the United Nations has for lifting of humanitarian embargo will be passed. It is very critical to the lives of these people.

Today, as we pass the supplemental for Desert Shield, we should do so with the knowledge that the needs of the people of Iraq have just begun.

Our colleagues will return to the floor to talk more about the damage to the environment that has been caused in the Persian Gulf. We lay it at the doorstep of Saddam Hussein, but it cannot be ignored by the United States that these fires are burning and that people are having difficulty breathing in that region, and that an area as closed in as the Persian Gulf has a tragedy six times, as I said before, six times the *Exxon Valdez*. More on that later, Mr. Speaker.

CONGRATULATIONS TO FORMER PAGE ANDREA SIMKINS

(Mr. CARPER asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. CARPER. Mr. Speaker, I want to echo the sentiments of the gentlewoman from California [Ms. PELOSI]. I would also like to take this opportunity to address a difficult subject.

Each year, as my colleagues know, the Veterans of Foreign Wars of the United States, and its ladies auxiliary, conduct a Voice of Democracy Broadcast Script Writing Contest, which is a nationwide contest. This year, more than 138,000 secondary school students participated in the contest, competing for 14 national scholarships, which total over $60,000 in value.

This was distributed again to the top 14 winners from around the country. The contest theme this year was "Democracy—The Vanguard of Freedom." Each State was entitled to have 1 representative selected to compete for the 14 scholarships. The winning contestants from each State came to Washington, DC, earlier this month for the final judging, as a great of the Veterans of Foreign Wars.

The representative from Delaware in this competition was Andrea Simkins, who a year or so ago was actually a page here in the House of Representatives. She is now a junior in high school in Wilmington, DE. I will submit for inclusion in the RECORD her speech, which I personally find inspiring. I suspect other people will also. Her speech is as follows:

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Andrea Simkins, Delaware winner, 1990/91 VFW Voice of Democracy Scholarship Program)

From the collapse of the walls of Jericho to the demise of the Berlin Wall, the bells of democracy are constantly ringing when bringing down the barriers of repression. From the rebellious students of Tiananmen Square to the apartheid policy in South Africa, people, both young and old, rich and poor, regardless of color or creed, are striving for a more democratic society. Since the time of antiquity, man has desired freedom and independence and now it is not just an inspiration—it is a reality.

As we, this fortunate generation of young Americans, venture through each day, enjoying the fruits and rights of our great democracy, we often forget to reflect upon the many hardships our ancestors endured in order to endow us with these great and priceless privileges. It has been almost one hundred years since the first of twelve million immigrants passed through the golden doors of opportunity at Ellis Island and felt the true reality of freedom. They realized, just as I realize today, that the difference in countries is not so mch the terrain, or the poeple, but instead, it is the spirit of freedom and liberty and the opportunity to enhance one's dignity through sweat and labor, free enterprise and above all, individual incentive and courage. As I gaze over my great-grandparents names on the Wall of Fame at the Ellis Island Museum, tears come to my eyes because I relaize that this democratic country generously opened its arms to my great-grandparents so that they could taste all the freedoms from oppression, and, in turn, bestow upon me, three generations later, the wonderful opportunity for life, liberty and freedom of expression, so that I may, with effort, achieve almost anything to which I may aspire. I look forward to the day I can cast my vote for the candidate of my choice, knowing that each and every vote truly does count. In 1845 it was only one vote which made Texas part of the United States, Five years later it was only one vote which admitted California to the Union and in 1875 one vote changed France from a monarchy to a republic.

America strives to help its many immigrants rebuild and restore their dreams in a democratic society. Our mighty country has become the role model of the world, encouraging others to follow in our footsteps and lead the way to a brighter future for all. Through each struggle and strife, America has offered a helping hand in order to promote solutions along a more democratic way of life. I get an overwhelming patriotic feeling when I think of America's forefathers who struggled for our independence and carved my destiny as a citizen of a democratic country. President John F. Kennedy in his Inaugural Address of January 1961 stated, ". . . the same revolutionary beliefs for which our forebears fought are still at issue around the globe."

From the creators of our Constitution to the numerous American winners of the Nobel Prize, we have strived for the betterment of not only America, but of the world. Americans have willingly come to aid other countries and help establish a democratic way of life, as evidenced by over 10,000 volunteers who have devoted their time to help others by joining the Peace Corps. President Woodrow Wilson had a vision when he stated to Congress, ". . . democracy . . . releases the energies of every human being." It is not by chance that Delaware, the first state to ratify our Constitution, chose as its motto "Liberty and Freedom."

Democracy has always been synonymous with freedom and so the wall came tumbling down in Germany on November 9, 1989 and once again mankind restored its faith in a democratic way of life. The triumphant sounds of freedom and democracy had once again been heard and the integrity of an independent nation had been preserved with the removal of such a barrier. We shall soon hear more cracks in the walls, emancipating those who have been kept behind them, allowing people an exodus from tyranny and dictatorship. To all who yearn for democracy, 'America is the beacon of hope, the vanguard of freedom and my wish, is that all walls will be replaced with liberty, freedom and the pursuit of happiness, a reality reachable for mankind throughout the world.

AMERICA HAS NO CLEAR RIGHT TO STRIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, the right to strike was a crowning achievement of Lech Walesa, who is now the President of Poland. Before he became President, the height of the organization of the Solidarity movement in Poland, Lech Walesa was able to negotiate in a Communist government of Poland, the right to strike, which existed nowhere else in any competitive country.

The right to strike was negotiated by Lech Walesa, and it was clearly a right to strike without any impediments. In the language of the negotiations achieved by Mr. Lech Walesa, they clearly prohibited the hiring of permanent replacements for striking workers.

I salute Lech Walesa, who is here in the United States visiting our country at this time. As most will recall, when Mr. Walesa came as a citizen sometime ago, he was one of the few citizens allowed to address a joint session of Congress. We all stood and cheered, on both sides of the aisle, Democrats and Republicans, workers and nonworkers, people of all income levels. We cheered the hero from Poland. At that time, his greatest achievement was the fact that he had gotten the right to strike for the workers of Poland.

In America, we do not have a clear right to strike. Mr. Walesa, who modeled much of his own policies and his own movement on our democracy, will be shocked to know that our workers really do not have a clear right to strike in America.

At this point in history, we need to take steps to make certain that the American workers have the right to strike. H.R. 5, which is now pending in the Committee on Education and Labor, H.R. 5 which has now passed the first hurdle, it has now passed out of the Subcommittee on Labor Relations, and H.R. 5 will be marked up in the full Committee on Education and Labor shortly after we return from the recess. H.R. 5 would do a very important thing. H.R. 5, which currently now has 202 cosponsors, would prohibit employers from hiring permanent replacements for workers who are out on strike. It would prevent employers from discriminating against workers who exercise their legal right to strike.

Here is the problem. American workers have good reason to believe that they have the right to strike. Unfortunately, we do not have that right. Congress intended to give every American worker, or every American, the right to strike. When Congress enacted the National Labor Relations Act of 1935, Congress made it clear that the law specifically singles out the right to strike as an activity which is to be protected from employer reprisals or interference.

Here is the language in the act: "Nothing in this act shall be construed so either to interfere with, impede, or diminish, in any way, the right to strike, or to effect limitations or qualifications on that right".

When the National Labor Relations law was enacted, it was understood from that language that we were guaranteeing the right to strike. It had to be the linchpin of the whole system of collective bargaining in this country. It was essential, in order to maintain what we call an even playing field, the workers could not have an even playing field with the employers, if the employers could replace them with permanent workers. It was understood by Congress that that was what we meant when we said that nothing should impede the right to strike.

Unfortunately, the Supreme Court rendered a decision in 1938 which is called the McKay Radio Act Decision. In that decision, the Court ruled that while an employer is prohibited from firing a worker for engaging in a legal strike, the employer can, nevertheless, permanently replace that worker. The employer can permanently replace the worker. If the Supreme Court makes that ruling, and if it sticks, as it has down through the years each time it has been challenged, then the right to strike is not there anymore. If we can be permanently replaced, if any worker who goes on strike knows not only can the employer hire temporary workers while the strike is going on who has to yield to the strike once the strike is settled, but can hire permanent replacements, and permanent replacements means when the strike is settled, if the permanent people are there, they have to stand in line and wait until they die or resign or are fired before they can get their job back. We have to deal with the situation where the permanent replacements have all the rights of regular workers. One of the rights that they acquire is the right to decide whether to continue a strike or not, or whether to have a union or not. The permanent replacement wipes out the basic right to strike. That is why Lech Walesa, the President of Poland, when he was leading the workers of Poland, he insisted on an agreement where the language clearly states that the right to strike means that they cannot be replaced by permanent replacements. This is what H.R. 5 is all about. It is very simple. It is a bill that does not have much language. It just clarifies once and for all, unequivocably, that every American worker shall have the right to strike.

□ 1250

The American people believe now that we have a right to strike. The American people are overwhelmingly in favor of the right to strike. Recent polls show that whether you are talking to Democrats or Republicans, college graduates or not, if you are talking to people with high incomes, everybody in America, the majority of every class, every group, believes that the right to strike is fundamental to our democracy. Everybody supports the right to strike.

Why is it that we have a situation where since 1938 that right to strike has been jeopardized? The Supreme Court ruling started a process. Ironically the language in the Supreme Court ruling really was not addressed to the actual ruling, just on the side. They made an aside comment which said that employers had a right to replace strikers permanently, but that comment on the side which has been challenged time and again in the courts by labor unions has stood.

Unfortunately, it was not a big problem for years. All the way from 1938 to 1980 you had no major problems with the fact that employers, the bosses, had the right to replace strikers permanently. It was only in the 1980's when the greed mongers came to power in the corporations, you know, in

America we have people who came in the 1980's who really knew nothing about manufacturing or producing products. They did not really care. They were financial experts. They were concerned about taking over the assets of a company or a plant and using those assets to maximize their profits by buying and selling parts of a company or plant, by engaging in leveraged buyouts, junk bonds. A whole new culture came to power in the 1980's. These greed mongers had a great need to get rid of unions. In order to make a company more profitable, you need to get rid of the unions. You could sell it at a higher price. These people were not concerned with manufacturing or anything, but wanted to buy and sell plants and companies. They wanted to get rid of unions and they could tell a potential buyer, "I have a company here and it is free from unions. You don't have to be bothered with that. It won't be a drag on your profits. You will get a higher price."

Unfortunately, however, they got a boost from the Government. President Ronald Reagan in 1981 when he fired 12,000 PATCO strikers started a process.

Now, most of us were confused. We did not think it had anything to do with the right to strike, because PATCO workers worked for the Federal Government, and it was an illegal strike to begin with. It was not quite clear, but other policies that followed in the Reagan administration led the way to the greed mongers concluding that they could go after unions and hire people to bust unions by using the strikers replacement law.

The permanent replacement of strikers started and there was an avalanche of cases where management made a clear decision that they wanted to get rid of the unions. They provoked a strike, and when the strike took place they proceeded to replace the strikers.

The United Paper Workers International Union is one example. They have confronted a number of employers who have used permanent scabs to break strikes and to bust union locals, include Boise Cascade, Georgia Pacific, Alaska Lumber and Pulp, and the International Paper Co. They have all used the striker replacement provision in order to bust unions.

Magic Chef, the maker of household appliances and stoves, in January 1983, Magic Chef permanently replaced 1,300 members of the Molders Union when they struck the kitchen range manufacturer after the company refused to negotiate an expiring contract with the union. There were 1,300 people went on strike and all were replaced, wiping out the union.

Phelps Dodge in July 1983, the steelworkers and 13 other unions representing 2,400 workers went on strike against the Phelps Dodge Copper Mining Co. The strikers were permanently replaced and the unions were decertified, wiped out.

Continental Airlines, after taking over Continental Airlines in 1983 the infamous Frank Lorenzo demanded huge concessions and when the unions resisted, he put the airline into chapter 11 bankruptcy and abrogated his contracts with the union. To protest his action, 3,500 pilots, machinists and flight attendants went on strike in protest, and all of them were permanently replaced. The strike was called off 2 years later, but Lorenzo still refused to hire any of the striking workers back.

Eastern Airlines in March 1989, again Mr. Frank Lorenzo, he fired and permanently replaced 30,000 striking machinists, pilots, and flight attendants.

When Lorenzo proved unable to hire enough replacements to restore the airline to its prestrike operating level, he declared bankruptcy, rather than to hire back the strikers who could have saved the airline. Eventually Lorenzo lost control of Eastern Airlines, as we all know, and Eastern Airlines went into bankruptcy, wiping out the total operation and all the jobs that were there for the people who previously worked for Eastern Airlines.

Colt Firearms, in January 1986, 1,100 members of the United Autoworkers Local 376 went on strike against the firearms company and permanent replacements were hired by the company. Months later, the striking workers made an unconditional offer to return to work but Colt refused and not a single striking worker was allowed to return.

The Greyhound Co., a strike which still continues in a rather shadowy area, in November 1983, 12,000 members of the Amalgamated Transit Union went on strike to protest company demands for a 7.8-percent cut in wages. The company immediately hired permanent replacements when the workers went on strike. That intimidated certain strikers to return to work at greatly reduced wages.

In March 1990, the company decided they had not had enough blood from the workers, so they forced the workers to strike again. Greyhound had begun hiring and training permanent scabs months before the strike, months before they goaded the workers to strike. They had begun the process of hiring and training permanent replacements. Revenue negotiators settled with the strikers after they could not hire enough workers to run Greyhound, but the Greyhound Co. filed for bankruptcy and is now in bankruptcy court.

The Chicago Tribune Co. is another example. In June 1985, 1,000 mailers, printers, and pressmen struck the newspaper and were permanently replaced. The strikers offered to return to work, but the company refused and would not let a single striker return.

The New York Daily News strike, in 1990 the Tribune Co. intentionally precipitated a strike at the Daily News. They did this for the express purpose of busting the 10 unions to make the paper a more attractive property for potential buyers. In the case of the Daily News, they made no secret of that fact that management wanted to goad the union into a strike. Management for several years had made it quite clear that they wanted a situation where the union was on its knees or the union was completely eliminated in order to be able to sell the Daily News at a higher cost and achieve a greater profit on the sale.

The company spent an incredible $30 million to recruit and to train permanent scabs prior to the strike and did not even maintain a pretense of waiting to negotiate to avert a strike.

The plan all along had been to foment a strike, hire permanent scabs and destroy the unions which legally represented the Daily News employees.

Unfortunately for the management of the Daily News, unfortunately for them, the people of New York who would like to defend the right to strike who are in favor of continuing the right to strike, who are incensed and angered by the fact that a company was deliberately attempting to wipe out a union, the people of New York rose up and they refused to buy copies of the Daily News. The Daily News could not sell copies of its newspaper. The advertisers refused to advertise in a paper that was not being sold, and the Daily News management was forced to crawl on its knees around the world to look for a buyer at a much lower price. They not only did not get the higher price they sought with the greater profits by wiping out the union, but they had to give away the paper almost, and they are still in the process of making concessions to a Mr. Maxwell, a gentleman from Australia, who is buying the Daily News at a bargain basement rate from a company that could not break the union. They could not break the union because the people of New York refused to cooperate with their strike breaking, refused to give any credence to the part of the law which allows the permanent replacement of strikers.

□ 1300

The right to strike was reaffirmed in New York City, was reaffirmed by the people who rallied from all unions all over the city to the aid of the Daily News workers. The right to strike was reaffirmed because a network went out all over the city to all the areas of the city and adjoining suburbs not to buy the Daily News because it was a union-busting company, they were denying their workers the right to strike. I think we are going to find, as H.R. 5 proceeds, that all Americans assume this is basic, that we have the right to strike, and all of them are shocked when they find that the right to strike is really not there.

H.R. 5 will restore to American workers a right that workers in other nations have long enjoyed. They did not have the right to strike in Poland until Lech Walesa led the Solidarity movement. But most of the free world, the industrialized nations of the world do have the right to strike, unequivocally stated, and they clearly say that you cannot replace strikers with permanent workers. You cannot replace them with permanent workers in Canada, you cannot replace them with permanent workers in Japan, in France, in the Netherlands, in Germany, in Greece, in Italy, in Belgium, in Spain, and in Sweden. You cannot replace strikers. They have the right to strike, and there is no loophole which allows the management to take away that right. In all the world, in just 3 industrialized nations do we have a situation where the right to strike is complicated or wiped out by a permission to replace the striking workers with permanent employees.

Those three nations are South Africa, Great Britain, and the United States. The United States which is the leader of democracy, the United States which Lech Walesa patterned his Solidarity movement after, the United States which inspired Lech Walesa when he came here and spoke to us here in a joint session of the Congress. He then made it quite clear that Thomas Jefferson and the leaders of the resolution that created the United States were his heroes and his inspiration.

He made it clear that the continuing industrialization policy of our Government was the model that they wanted in Poland, not only in Poland but all around the world where aspiring democracies, the nations that have gotten out from under the yoke of communism, are looking to the United States for leadership. They will be shocked to find that we treat our workers in a way which is inconsistent, first of all with our own intent of Congress and second with the standards of all industrialized nations of the world.

The provisions of H.R. 5 are there to correct this. The provisions of H.R. 5 are similar, the language is now similar to the language that Lech Walesa and the Solidarity movement used in Poland. The 1982 law in Poland which Lech Walesa won legalized collective bargaining included clear provisions which guaranteed the right to strike and barred, clearly barred and prohibited the hiring of permanent replacement workers.

It is long past time that we followed Poland's example, we follow Solidarity's example and give back to Americans this critical right to strike.

Very simple language: The bill will be before the House sometime in late April, early May. The markup will take place as soon as we return from our recess.

This is a bill which every Member of the House should consider closely, they should consult with other Members, they should consult with constituents back home, they should discover and review what the polls have shown.

The opinion polls have shown that the American people believe that all workers have the right to strike, and those who find that that is not so are shocked and would like to see that they are guaranteed the right to strike.

A national opinion poll was conducted last year by Penn Shawn Associates. It found that Americans overwhelmingly support the right to strike and they oppose the hiring of permanent replacements.

Seventy-seven percent of Americans support the right to strike. Even Republicans and workers who do not belong to unions. Sixty-nine percent of people who classified themselves as being members of the Republican Party said they support the right to strike. Seventy-four percent of the people who do not belong to unions said they support the right to strike. Sixty-five percent of Americans believe that employers should be prohibited from hiring permanent workers to replace striking workers.

Conservatives, Republicans, people of all income levels, persons with incomes above $50,000, everybody assumes that we have that basic right, and when they find we do not have it, they support the effort to guarantee a right to strike to all Americans.

In closing, Mr. Speaker, I would like to lament the fact that signals from the White House, certain persons from the White House, have indicated that if the bill passes the Congress, if it goes through the process of passing the House, since it already has 202 cosponsors in the House we assume it will pass in the House. If it passes the Senate as well, we will assume that the same sentiment that drives the American people will be felt in the Senate and we assume passage. There are signals from the White House, not the President, but certainly other people have said that the bill will be vetoed. I would like to make certain that all of us understand that to veto such a bill is to set a very bad example to the rest of the industrialized nations of the world. To veto such a bill is to place our workers at a disadvantage with the workers in competing nations. To veto such a bill is not in the best American tradition. It is a violation of the intent of Congress when it first established the National Labor Relations Act.

I hope that when the bill reaches the floor, all of my colleagues will unite to give back in unequivocal, clear terms the right to strike to all Americans.

THOMAS PAINE MEMORIAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY], is recognized for 10 minutes.

Mrs. LOWEY of New York. Mr. Speaker, it is important for us to take time to celebrate our history and remind ourselves of the heroes without whom this great country would not be what it is today. In so doing, I believe that we can renew our dedication to the principles which make America special: Our wholehearted embrace of freedom, our unyielding commitment to individual liberty, and our unshakable faith in natural law and justice.

Today, I am introducing legislation to pay homage to one of the greatest of American heroes, Thomas Paine. Through his writings and his action, he gave voice to these principles, and helped bring them to life with the founding of our country. I can think of no more appropriate honor than for a monument to be built to Thomas Paine in this capital city of the Nation he helped to found.

The bill I am introducing will authorize construction of a monument to Thomas Paine at no cost to the taxpayers. The Thomas Paine National Historical Society, based in Paine's home of New Rochelle, NY, will raise the necessary funds for construction of the monument. The society should be commended for their continuing efforts to preserve the memory and legacy of Thomas Paine. They maintain his farmhouse in New Rochelle, a National Landmark, along with a library and museum. They also conduct ongoing educational programs.

Next month, they will be cohost of a daylong symposium featuring noted scholars from around the world, which was made possible by a National Endowment for the Humanities grant to the Society, the New Rochelle Public Library, and the College of New Rochelle. This is a truly admirable organization, with whom I am pleased to have the opportunity to work. The society is ready to take on the task of making the memorial authorized by this bill a reality.

It is my sincere hope that we will be able to pass this legislation this year, which marks the 200th anniversary of Paine's seminal trace "The Rights of Man". This powerful vision of a society based on justice and natural law remains one of the shining lights to which supporters of liberty from around the world turn for inspiration. Furthermore, his strong opposition to slavery was years ahead of the general wisdom which ultimately led to the abolition of that barbaric institution.

When Paine published his pamphlet "Common Sense," in early 1776, the idea of independence was not yet a popular one. But his words spread like wildfire, and his impassioned arguments gave rise to the movement which culminated in the Declaration of Independence. "The sun never shined," he wrote, "on a cause of greater worth."

Thomas Paine was not content, however, to sit by and watch others do the work for the cause which he had inspired. He joined the Continental Army, serving with distinction under the command of Gen. George Washington. At one of the darkest hours of that war, as the American troops' morale was at its lowest, General Washington called on Paine to boost their spirits. Writing on the head of a marching drum, Thomas Paine penned the words which would become the beginning of his book "The Crisis:" The words were, "these are the times that try men's souls."

When President Bush announced to the Nation that the Persian Gulf war was underway, he turned to those words as a rallying cry, as Americans have time and time again throughout our history. Thomas Paine's vision has never stopped inspiring this Nation, whose independence was his greatest cause. The war has ended now, and our troops will soon be coming home to a well-deserved hero's welcome. I hope that as we honor them, we might also take time to pay a long-overdue honor to Thomas Paine, who gave such strong and impassioned voice to the ideals for which they fought.

RECESS

The SPEAKER pro tempore (Mr. LaRocco). Pursuant to the order of the House earlier today, the Chair declares the House in recess subject to the call of the Chair.

Bells will be rung 15 minutes before the House reconvenes.

(Accordingly, at 1 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.)

□ 1549

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LaRocco) at 3 o'clock and 49 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 106. Concurrent resolution providing for an adjournment of the two Houses from March 22 until April 9, 1991.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1281) "An Act making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.".

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 2, 31, 33, 34, 36, 38, 40, 43, 45, 46, 47, 49, 51, 53, 55, 56, 58, 60, 66, 69, 70, 71, 74, 81, 82, 86, 90, 96, 97, 100, 102, 104, 105, 107, and 108 to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1282) "An Act making supplemental appropriations and transfers for 'Operation Desert Shield/Desert Storm' for the fiscal year ending September 30, 1991, and for other purposes.".

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 17, 18, 19, 20, 21, 24, 32, 33, and 34, to the above-entitled bill.

AUTHORIZING RELEASE OF A CERTIFIED COPY OF EXECUTIVE SESSION TRANSCRIPT OF COMMITTEE ON HOUSE ADMINISTRATION OF FEBRUARY 20, 1974

Mr. ROSE. Mr. Speaker, I ask unanimous consent that the House direct the Clerk to furnish a certified copy of a February 20, 1974, executive session transcript of the Committee on House Administration to the chairman of the committee, and that the chairman and ranking minority member, acting jointly, be authorized to release the transcript as they deem appropriate.

□ 1550

The SPEAKER pro tempore. (Mr. LaRocco). Is there objection to the request of the gentleman from North Carolina?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, I shall not object; we are in agreement. This has been worked out, and it will give us, to a degree, a precedent in handling these sometimes sensitive materials in the future.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DESIGNATION OF HON. STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS UNTIL APRIL 9, 1991

The Speaker pro tempore laid before the House the following communication from the Speaker:

The Speaker's Rooms,
House of Representatives,
Washington, DC, March 22, 1991.

I hereby designate the Honorable Steny H. Hoyer to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 9, 1991.

Thomas S. Foley,
Speaker of the House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Lloyd (at the request of Mr. Gephardt) for today on account of personal business.

Mr. Manton (at the request of Mr. Gephardt) for today on account of illness in the family.

Mr. Lewis of Florida (at the request of Mr. Michel) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Solomon) to revise and extend their remarks and include extraneous material:)

Mr. Walker, for 60 minutes, today.

Mr. Solomon, for 5 minutes, today.

(The following Members (at the request of Mr. Owens of New York) to revise and extend their remarks and include extraneous material:)

Ms. Pelosi, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mrs. Lowey of New York, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Solomon) and to include extraneous matter:)

Mr. Gekas.
Mr. Broomfield.
Mr. Bereuter.
Mr. Duncan.
Mr. Houghton.
Mr. Gilman in two instances.
Mr. Fish.
Mrs. Johnson of Connecticut.
Mr. Hammerschmidt.
Mr. McDade.
Mr. McEwen.
Mr. Camp.
Mr. Emerson in three instances.
Mr. Lewis of California.
Mr. Machtley.

(The following Members (at the request of Mr. Owens of New York) and to include extraneous matter:)

Mr. Roe.
Mr. Swett.
Mr. Ortiz.
Mr. Matsui.
Mr. Ford of Michigan.
Mrs. Schroeder.
Mr. Waxman.
Mr. Bonior in two instances.
Mr. Skelton in two instances.
Ms. Waters.
Mr. Solarz.
Mr. LaFalce.
Mr. Slattery.
Mr. Evans.

Mr. ATKINS.
Mr. NEAL of Massachusetts.
Mr. REED.
Mr. WOLPE.
Mr. KOLTER.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 59. Joint resolution designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

ADJOURNMENT

Mr. ROSE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 106, the House stands adjourned until Tuesday, April 9, 1991, at 12 noon.

Thereupon (at 3 o'clock and 51 minutes p.m.), pursuant to House Concurrent Resolution 106, the House adjourned until Tuesday, April 9, 1991, at 12 noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1990 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85–804:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, March 12, 1991.
Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85–804, enclosed is the calendar year 1990 report entitled Extraordinary Contractual Actions to Facilitate the National Defense.

Section A, Department of Defense Summary, indicates that 21 contractual actions were approved and that ten were disapproved. Those approved include actions for which the Government's liability is contingent and cannot be estimated.

Section B presents those actions which were submitted by the Army, Navy, and Air Force with an estimated or potential cost of $50,000 or more. A list of contingent liability claims is also included where applicable. The Defense Communications Agency, Defense Mapping Agency, and the Defense Nuclear Agency reported no actions while the Navy, Strategic Defense Initiative Organization, and the Defense Logistics Agency each indicated at least one action either not involving a specific dollar cost or awaiting final cost determination.

Sincerely,

D. O. COOK,
Director.

Enclosure: As stated.

CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85–804 TO FACILITATE THE NATIONAL DEFENSE, CALENDAR YEAR 1990

SECTION A—DEPARTMENT OF DEFENSE SUMMARY

SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85–804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY–DECEMBER 1990

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested (thousands)	Amount approved (thousands)	Number	Amount
Department of Defense, total	21	19,900	24,500	10	20,532,447.08
Amendments without consideration	4	19,900	24,500	4	13,896,529.08
Other:					
Correction of mistakes				2	372,685.00
Essential to national defense				1	5,400,000.00
Advance payment					863,233,000.00
Contingent liabilities	19				
Army, total	2	19,900	24,500	2	5,542,123.00
Amendment without consideration	1	19,900	24,500		
Other:					
Correction of mistakes				1	142,123.00
Essential to national defense				1	5,400,000.00
Contingent liability	1				
Navy, total	14			4	10,690,834.00
Amendments without consideration	1	(1)	(1)	3	10,460,272.00
Other:					
Correction of mistakes				1	230,562.00
Contingent liabilities	13				
Air Force, total	4			1	549,616.00
Amendment without consideration				1	549,616.00
Contingent liabilities	4				
Strategic Defense Initiative Organization, total	1				
Contingent liabilities	[2] 1	(3)	(3)		
Defense Logistics Agency, total				3	3,749,874.08
Amendment without consideration				1	305,553.62
				[4] 1	2,581,087.46
Advance payment				1	863,233.00
DCA, total					
DMA, total					
DNA, total					

[1] Westinghouse Airship Industries declared bankruptcy under British law prior to a final agreement on the terms and value of the approved action. Westinghouse and Airship Industries are discussing the alternatives which may be available to complete the action.

[2] The contingent liability for McDonnel-Douglas Corp. that was approved for indemnification for hazardous risks involved in the performance of launch services did not request a specific dollar amount.

[3] Unlimited.

[4] This amendment without consideration request for LDH Instandsetzungswerke GMBH has not been approved as yet pending a cost analysis and audit for the possible receipt of proposal preparation expenses.

SECTION B—DEPARTMENT SUMMARY

Contractual Actions With Actual or Potential Cost of $50,000 or More Taken Pursuant to Public Law 85–804 to Facilitate the National Defense, January–December 1990

U.S. ARMY

Contingent Liabilities

Provisions to idemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in one contract; the potential cost of the liabilities can not be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear armed missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:	*Number*
Operation of Government owned ammunition plants	1
Total	1

Contractor: Action Manufacturing Company.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $24,500,000.

Service and activity: U.S. Army Armament, Munitions and Chemical Command (AMCCOM) and U.S. Army Materiel Command (AMC), Philadelphia, Pennsylvania.

Description of product or service: Munitions and Fire Control Devices.

Background: On September 19, 1989, Action Manufacturing Company (Action) submitted its Request for Extraordinary Contractual Relief based on the theory of essentiality. Action maintains that it is essential to the national defense. The September 19, 1989, claim asserts that certain contracts should be reformed by increasing the contract price. In addition, Action requested the payment of certain vendor debts, award of additional contracts, and forgiveness of debts owed to the Government. The relief requested totalled approximately $10.2 million. On December 23, 1989, Action amended its request to include unliquidated progress payments of $9.7 million. It also revised its cost to complete existing contracts, raising the total relief request to $19.9 million.

Justification: Action asserts that both its ability to continue performance on its present contracts and its continued operation as a source of supply for future defense articles are essential to the national defense. Action alleges that losses on existing contracts have caused a severe cash flow problem. Further, because of those financial difficulties, Action's existence as a viable Government contractor has been threatened. Therefore, Action concludes that extraordinary contractual relief is appropriate in this case. Both AMCCOM and AMC have recommended that the requested relief be granted. Each relies on the conclusion that Action's existing contracts and its continued operation as a source of supply for future contracts are essential to the national defense.

Action is currently the sole source producer of eight mobilization base munition items. In addition, it is the sole competitor on four other mobilization base munition items. Since its end items are utilized by other AMC munition plants, the loss of Action as a producer of munition items would have a substantial impact on the Army.

Action's essentiality to the Army may be considered according to the following four categories: Mobilization Base; Loss of Competition; Impact on Army Ammunition Plants and Arsenals; and impact on Readiness. While any of these four categories could provide a convincing argument for Action's essentiality to the national defense, the combination of all four leaves no doubt as to the importance of Action's survival to the Army. Its loss would result in a serious financial impact and an even more serious lessening of the Army's readiness posture. Action, therefore, clearly meets the criteria for essentiality set forth in the statute, the executive order, and the implementing regulation.

Decision: By unanimous decision of the Army Contract Adjustment Board, an amendment without consideration is hereby authorized under FAR 50.302-1. The Board concludes that continued performance of existing contracts, and the continued operation of Action Manufacturing Company as a source of supply, are both essential to the national defense within the meaning of FAR 50.302-1. This relief is subject to certain conditions, as described below.

AMCCOM is authorized and directed to enter into a supplemental agreement with Action Manufacturing Company. The supplemental agreement shall convert the existing contracts into cost type contracts. In addition, AMCCOM is authorized to pay all existing debts of Action Manufacturing Company. As part of AMCCOM's settlement of Action's debts, it is authorized to repay the Bank's operating capital costs, provided the Bank releases Action from all debts owed the Bank. The total cost of this supplemental agreement shall not exceed $24,500,000. The money necessary to fund the said relief shall be placed in a controlled account to be administered and paid out by direction of the procuring contracting officer or his designee in such manner as he determines what is necessary to assure the completion of performance under the agreement.

AMCCOM is authorized to recognize an amount not to exceed $640,000, as an allowable cost under the contract converted to cost type contracts for Action Manufacturing Company's 1990 Federal Income Taxes. Action agrees to waive all claims of whatever nature that is may have against the Government arising out of or under any current contracts. Action agrees to such audits and inspections as deemed necessary by the procuring contracting officer or his designee, at his sole discretion, prior to and upon completion of the supplemental agreement. Without prior procuring contracting officer approval, salaries, and all other compensation of the active or retired officers, directors, and management personnel of Action and all of its divisions and subsidiaries shall not exceed existing levels until the supplemental agreement has been completed. Without prior procuring contracting officer approval, no dividend or other equity distribution to shareholders of Action shall occur until the supplemental agreement has been completed. Action intends to obtain approval from the procuring contracting officer prior to any sale of its assets or of any of its subsidiaries' assets. Action is authorized to sell properties located at Vineland, and Bermuda and Large Streets. The proceeds of this sale shall be provided to the Bank. Any additional proceeds will be applied to reduce the amounts claimed or invoiced under the supplemental agreement. Action shall not make any capital expenditures prior to procuring the approval of the contracting officer. The decision to approve such capital expenditures shall reside solely with AMCCOM. Should any capital expenditures be approved by the procuring contracting officer, Action will utilize any and all cash reserves generated during the performance of the supplemental agreement to liquidate those expenditures. No new debt shall be incurred by Action without procuring approval from the contracting officer and prior to the completion of the supplemental agreement. In addition, AMCCOM will take all necessary steps to establish alternate sources for items produced by Action and is hereby authorized to require Action to enter into an agreement with the above terms and conditions as AMCCOM believes are necessary to protect the interests of the Government.

After consideration of the evidence submitted by Action, AMCCOM, and AMC, the Board finds that Action is indeed essential to the national defense. This determination applies to both Action's performance on existing contracts as well as its continued operation as a source of supply.

Contractor: Z.A.N. Company.

Type of action: Correction of Mistake.

Actual or estimated potential cost: $142.123.

Service and activity: U.S. Army Tank-Automotive Command (TACOM). Ridgewood, New York.

Description of product or service: Oil Seal Pump Rings.

Background: On June 1, 1978, TACOM awarded contract #0748 for the manufacture and delivery of 1,834 oil seal pump rings to Z.A.N. Company (ZAN) a cost of $32.10 per unit (based on government furnished silver rings). Contract #0748 provided that within 40 days of award, the Government could increase the quantity of oil seal pump rings which were to be manufactured and delivered "by an additional number of units not be exceed 100% of the original contract quantity" and that the "price for such option quantity shall be no higher than the original contract unit price." On June 21, 1978, 20 days after the award. TACOM exercised its option and increased the quantity of oil seal pump rings which were to be manufactured and delivered by 100% (an increase of from 1,834 to 3,668 pumps). Because TACOM increased the quantity of oil seal pump rings by 100%, the contract price increased from $58,871.40 to $117,742.80.

Contract #0748 required that the initial quantity of 1,834 of oil seal pump rings be delivered within 360 days of the contract award date. On May 30, 1979, 364 days after the contract award, ZAN had not delivered any oil seal pump rings. By letter dated May 30, 1979, TACOM's contracting officer notified ZAN of the following:

"The Government considers your failure to make satisfactory progress under Contract DAAE07-78-C-0748, a condition that is endangering performance of the contract in accordance with its terms. Therefore, unless such condition is cured within (10) ten days after receipt thereof, the Government may terminate the contract for default under General Provisions Number 11."

On June 22, 1979, 23 days after the Government had notified ZAN that it had failed to make satisfactory progress on the contract and had 10 days to cure this deficiency, ZAN had not delivered any oil seal pump rings under contract #0748. TACOM, therefore, issued a contract modification stating the following:

"Contract DAAE07-78-C-0748 entered into by and between the UNITED STATES OF AMERICA * * * and ZAN Company (hereinafter called, 'the Contractor') under date of 1 June 1978 is hereby terminated.

The acts or omissions constituting the default consist of the Contractor's failure to deliver the items under the subject contract as required.

The terminated quantities of this contract may be repurchased by the Government against the account of the Contractor, who will be held liable for any excess costs. Further, the Government reserves all rights and remedies provided by law or under the contract in addition to those stated above."

Approximately seven weeks later, TACOM resolicited bids on the defaulted contract for all oil seal pumps, since the rings were in short supply. The following bids were opened on September 29, 1979: Target Fabricating, $12.21 per unit; Quality Instruments, 41.60 per unit; Kan-Du Tool, 48.92 per unit; Mil-Park Engineering, 49.49 per unit; Progressive Manufacturing, 54.16 per unit; Peterson Machine, 59.00 per unit; Highland Manufacturing, 59.00 per unit; and Allied Sales and Engineering, 63.79 per unit.

On October 5, 1979, the contracting officer wrote a letter to the lowest bidder. Target Fabricating, suggesting that Target review its bid to determine if a mistake had been made since Target's bid was significantly below those received from other companies. TACOM attempted to receive a affirmation of the accuracy of Target's bid on at least two other occasions, but was ultimately unsuccessful.

During the latter part of 1979, an industrial specialist reviewed the abstract of bids resulting from this solicitation. Because none of the bidders, except Allied Sales and Engineering, had ever manufactured this part, and the industrial specialist believed that the material cost of the part was $42.66, he recommended that all bidders be asked to review the technical date package. The bidders were contacted to ascertain whether they would extend the acceptance period for their bids beyond November 26, 1979. All of the bidders, except Quality Instruments and Allied Sales and Engineering, declined to extend the acceptance period due to an unexpected increase in the price of silver, which was necessary for plating the oil seal pump rings.

A pre-award survey on Quality Instruments, the second lowest bidder, resulted in unsatisfactory findings on financial capability, which resulted in it being deemed "nonresponsible." Although first contacting the Small Business Administration (SBA) relative to applying for a certificate of competency pursuant to applicable regulations, Quality instruments ultimately failed to apply for a certificate of competency within the applicable time frame. On December 27, 1979, TACOM received a letter from the SBA wherein SBA informed TACOM that it considered the matter closed. Later that same day, the only remaining bidder, Allied Sales and Engineering, notified TACOM that it would not accept the contract due to the skyrocketing price of silver.

Contracting officials at TACOM then met on January 16, 1980, and concluded that they had no choice but to cancel the solicitation and resolicit with an invitation containing an economic price adjustment (EPA) clause. Without an EPA clause, the contracting officials believed that bidders would grossly inflate their bids as protection against spiraling silver prices. Additional bids were received following the issuance of Solicitation Number DAAE07-80-B-4636. A pre-award survey of Quality Instruments revealed that it did not have any "Government property control procedure" or any secure area for the storage of silver. Quality Instruments also declined to furnish financial data within the time frame necessary to complete the survey. After TACOM determined that it was "nonresponsible," Quality Instruments again failed to file for a certificate of competency from the SBA within the applicable time period, thereby eliminating itself from the competition. When the awarding of the contract was delayed by the referral to SBA, Highland Manaufacturing declined to extend the period for acceptance of its bid. As the low responsive, bidder, Hart Precision Products, Inc. (Hart) was awarded Contract Number DAAE07–80–C–B305 (B305). Because the total price for Hart's contract was $258,704.04, the Government incurred excess reprocurement costs of $140,608.84.

Under the resolicited contract, an offeror had the option of submitting a bid which included furnishing silver for the plating or a bid based upon government furnished silver; Hart submitted a bid based upon Government furnished silver. Accordingly, Hart's contract price did not reflect the extraordinary increase in the cost of silver between the award of ZAN's contract and that of the reprocurement. By letter dated July 16, 1980, ZAN was notified that the units required under TACOM contract #0748 had been repurchased from Hart and that ZAN was to make payment in the sum of $140,608.84 for the excess costs due to the necessity for a repurchase. In response, ZAN filed a lawsuit in the United States Claims Court contesting both the termination for default of contract #0748 and the decision to assess reprocurement costs.

The United States Claims Court held that the contracting officer's decision to terminate the contract for default was not appealed in a timely fashion by ZAN and, therefore, not subject to review by the Claims Court. The Claims Court did retain jurisdiction of the issues relating to the reprocurement, specifically the excusability of ZAN's default and the alleged failure of the Government to mitigate damages as required. The Claims Court ultimately entered a default judgment for the Government, dismissing all portions of ZAN's lawsuit for failure to prosecute and abide by Court orders in October of 1986. In July 1988, ZAN then submitted the instant application for Public Law 85–804 relief using many of the same arguments used in its Claims Court suit.

Justification: ZAN contends that it should be granted relief due to the Government's failure to mitigate the reprocurement costs by not awarding the repurchase contract to the lowest responsive bidder. ZAN's rationale for the requested relief is that because of such an obviously vast difference between the unit prices bid by ZAN ($32.10) and Hart ($70.53) involving the inclusion of the EPA clause, the assessment of excessive reprocurement costs are both unfair and inequitable. ZAN also alleges that its inability to meet the scheduled delivery requirements was due to the Government's misinterpretation of the contract requirements relative to the silver plating process which purportedly arose during the administration of a prior contract between the Government and ZAN. Termination of the subject contract was improper according to ZAN. In addition, it contends that because of these Governmental actions, which resulted in an increase in the cost of performance, there should be an adjustment made to the contract in the interest of fairness.

Decision: Generally, in a reprocurement, the Government is entitled to the difference between the original contract price and the reprocurement contract price subject to its duty to mitigate damages. Whether or not the duty to mitigate has been met affects the assessment of excess costs of reprocurement. In order to show mitigation of damages, the Government must establish that: (1) supplies similar to those terminated were repurchased; (2) excess costs in a specified amount were incurred; and (3) reasonable actions were taken to minimize these costs.

The first phase under the duty to mitigate requirement is satisfied since supplies similar to those required by the terminated contract (#0748) were provided under the repurchase contract (B305). ZAN was obligated to provide 3,668 units, and Hart delivered 3,668 units as required by the repurchase contracts. Regarding the issue of specified reprocurement costs incurred, these costs represent the difference between the unit price of $32.10 awarded to ZAN under #0748 and the unit price of $70.53 awarded to Hart under B305, which is $142,423.30. As for the requirement that the Government must have taken reasonable actions to minimize the incurred reprocurement costs, ZAN alleges that the Government failed in its duty to mitigate damages when the repurchase contract (B305) was awarded to Hart at a unit price of $70.53 which ZAN characterizes as not having obtained the lowest responsive bid. According to ZAN, following the termination for default, the Government was obligated to award the repurchase contract to Target Fabricating (Target), the low bidder at $12.21 per unit. It is ZAN's contention that despite the fact that Target failed to confirm its bid after the Government determined that Target had made a mistake in bid, Target should have been awarded the repurchase contract. ZAN also alleges that in the alternative, the Government should have awarded the repurchase contract to Quality Instruments (Quality), the second lowest bid, though Quality had been found to be nonresponsible. There are, consequently, the alleged Government actions which caused ZAN to sustain increased costs.

The facts do not lend support to ZAN's contentions. The chronology of post termination actions taken by the Government does not suggest that unreasonable efforts were taken to repurchase the terminated units. ZAN's contention that the Government should have awarded to Target, whose bid was totally outside the competitive range, is wholly without merit. The facts indicate that Target's bid was $29.39 per unit lower than the next lowest bid. The Government's industrial specialist's opinion was that the material cost for the part being procured was $42.66. Therefore, Target's bid was clearly a mistake and, since the Government was fully aware of this fact, an award to Target would have been completely improper, given the likelihood of a future inability to complete the required performance.

Alternatively, ZAN's contention is that if no award was made to Target, the award should have been offered to Quality Instruments. This contention is also without merit, however, because Quality Instruments was found to be nonresponsible in both repurchasing attempts. Quality failed in two instances to allow the prescribed procedure for being declared competent by SBA. TACOM does not have the authority to award an offer to a bidder found to be nonresponsible

ZAN's contentions relative to a prior contract with TACOM and alleged misunderstandings in connection therewith, which ultimately should have resulted in the termination for default of contract #0748 being set aside, are not cognizable under Public Law 85–804. ZAN had a remedy under the disputes clause of the contract. ZAN did not appeal in a timely manner. Therefore, little authority can be exercised by any party to terminate contract #0748 for default. As a result, the repurchase award to Hart can be seen to be both reasonable and proper under the circumstances. ZAN was treated equitably and fairly in this matter as the repurchase contract reflected the actual costs incurred by the Government. Justifiably, there had been no basis shown or argued for considering this case for entitlement to Public Law 85–804 relief.

A denial decision is, therefore, reached regarding ZAN's application since its status for national defense purposes is not in the paramount interests of the United States Government.

Contractor: Operation of 18 Government Owned Ammunition Plants.

Type of action: Contingent Liability.

Actual or estimated potential cost: 0.

Service and activity: U.S. Army Armament, Munitions, and Chemical Command.

Description of product or service: Propellants, Explosives, and Munitions Items.

Background: The operating contractors of 18 Army ammunition plants have requested that the Army include an indemnification clause under Public Law 85–804 in their contracts for the operation and maintenance of those plants. The ammunition plants and the current operating contractors are as follows: Olin Corporation; Mason & Hanger-Silas Mason Co., Inc., Day & Zimmerman, Inc.; ICI Americas, Inc.; Uniroyal Chemical Co., Inc.; Thiokol Corporation; Martin Marietta Ordnance Systems; Mason Chamberlain, Inc.; Hercules, Inc.; Ravenna Arsenal, Inc.; and Federal Cartridge Co. Each operating contractor has submitted a separate request to each plant operating under a contract that is to include an indemnity provision. The contractors have further requested that the indemnity be extended to subcontractors at any tier and be applicable to certain contracts performed for third parties pursuant to the U.S. Army Armament, Munitions and Chemical Command (AMCCOM) plant utilization policy. Under their contracts, the contractors operate and maintain plants which produce propellants, explosives and other chemicals or load, assemble, and pack ammunition and other munition items.

Justification: In view of the availability, cost and terms of private insurance to cover operating risks and hazards, adequate insurance to cover such dangers is not available to the contractors. The contractors' financial responsibility and their individual programs for workers' compensation insurance was also considered. On the basis of this review, the use of an indemnification clause is seen as necessary to the national interest.

Decision: Pursuant to the authority vested by Public Law 85–804, and Executive Order 10789, as amended, AMCCOM is granted the right to include the indemnification clause set forth in FAR 52.250–1 in operating contracts and successor contracts for the abovementioned ammunition plants. Its inclusion is also authorized in subcontracts under the operating contracts, provided the pass-through indemnification is limited to unusually hazardous risks and provided the contracting officer approves the indemnification in writing. The contracting officer is authorized to extend the protection offered by the indemnification clause to activities performed by the contractor (and by contractors at any tier) under third party contracts in which the ultimate purchaser of the items manufactured or processed under such contracts is an agency of the U.S. Government. The agency shall be considered the ultimate purchaser in any case where the agency has purchased the items for fulfillment of a foreign military sales agreement entered into by the Government. Finally, liabilities associated with activities performed under predecessor contracts may only be covered by the instant grant of indemnification if the terms of the present contracts in which AMCCOM intends include the approved indemnification clause.

It is not possible to determine the actual or estimated cost to the Government as a result of the use of this indemnification clause to the extent that the liability of the Government, if any, will depend upon the occurrence of an incident described as an unusually hazardous risk. To conclude, the contractual documents executed pursuant to this authorization shall comply with the requirements of FAR Subparts 28.3 and 50.4 as implemented by the Department of Defense and the Department of the Army

Contractor: Magnesys.

Type of action: Essential to National Defense.

Actual or estimated potential cost: $5,400,000.

Service and activity: Subcontractor to Honeywell, Santa Clara, California.

Description of product or service: Bubble Memory Technology.

Background: Magnesys, the only full-scale manufacturer of bubble memory technology systems in the United States, is in need of immediate financial support from the U.S. Army. Through anticipated contracts and subcontracts with the Army, Air Force, and CIA, Magnesys is scheduled to provide the U.S. military and intelligence agencies with basic research, sophisticated components, and systems for data storage and retrieval. In particular, Magnesys will supply the bubble memory cartridge for the AN/UGC–144 communications terminal manufactured by Group Technologies Corporation ("GTC") and will provide advanced technical research to the CIA concerning ultradense, vertical Bloch line ("VBL") data storage. In addition, Magnesys will potentially supply bubble memory alternatives for a presently unreliable tape recording system used by the Army. Unforseen delays, however, regarding both the AN/UGC–144 terminal options and spare bubble memory cartridges have damaged Magnesys' financial position and threaten the very existence of the company.

Bubble memory technology was invented in the late 1960s by AT&T. Briefly stated, bubble memory is a complex method of information storage and retrieval through which data is stored in microscopic, bubblelike magnetic regions on the surface of a garnet crystal. Bubbles are created from electrical signals by a bubble generator within the memory itself; with the use of an internal detector, the data recorded on the crystal can be retrieved and reconverted into electrical impulses.

Magnesys was formed in 1983 by a core group of physicists and engineers who left Intel Magnetics. Initial funding of approximately $3 million for Magnesys was supplied by several investors, including Citicorp Venture Capital and John Hancock Venture Capital Management. Over the last several years, these original investors and a number of others have invested a total of $14 million. From the outset, Magnesys has concentrated its research and development efforts on improving bubble memory technology. In the past six years, Magnesys has solved a number of difficult problems in bubble memory storage and retention and has succeeded in integrating bubble memory components into high reliable and rugged subsystems.

Magnesys' initial marketing plans focused largely on the industrial automation market. Despite intense competition from manufacturers of conventional memory systems, Magnesys has been able to establish a foothold in the industrial market; currently, Magnesys' bubble memories are being used in a number of harsh industrial environments which include the following: 1) use on Goodyear's factory floor in the production of Goodyear Eagle Tires, where the bubble systems have withstood high levels of carbon residue; 2) use on the automated bakery production lines of Sara Lee, Inc., where the bubble systems have endured high temperatures, flour and dust; 3) use by Systems West in its Shipboard Satellite Retrieval System; and 4) use by Ford Motor Company on its specialized track testing system.

Justification: Although these industrial applications represent an emerging niche for Magnesys' bubble memories, the most important applications for bubble technology are in the military arena, where the durability, reliability and flexibility of the bubble systems make them ideal for demanding military conditions, and in the intelligence field, where the bubble systems' portability, erasability, and ultradense potential make them invaluable. Magnesys has arrived relatively recently in these military and intelligence markets but has already demonstrated exceptional promise. Earlier this year, Magnesys successfully completed first article testing ("FAT"), environmentally qualification testing ("QUAL"), and Tempest testing.

Moreover, the Federal Government clearly recognizes the tremendous potential of Magnesys' technological expertise in a variety of contexts, including research. Magnesys' has very recently signed a Small Business Innovation Research ("SBIR") contract with the Defense Advanced Research Projects Agency ("DARPA") for further research and development of "Fastrack," an innovative method of enhancing the data transfer rates of bubble memories. In addition, Magnesys is a member of a federally-funded consortium that also includes Jet Propulsion Laboratory ("JPL") and Boston University, this consortium is pursuing the development of "vertical Bloch line" technology, an advanced method of storing data in the walls of magnetic domains, with dramatic ramifications for the intelligence community.

The permanent loss of Magnesys' bubble memory technology to the United States would be a particularly severe blow since bubble memories are uniquely suited for military and intelligence applications. Simply put, there is no memory storage system that can deliver service and reliability under harsh military conditions in a manner comparable to that of this technology. As the need for sophisticated, resilient, and often non-volatile memory components increases, so will the need for a dependable domestic producer of such products. Further, continuing research on the ultradense "vertical Bloch line" technology, now being conducted by Magnesys JPL and Boston University for the CIA, will allow intelligence, military, and space system designers to achieve more compact and powerful computer-based systems. Recent research both at Magnesys and at the Carnegie-Mellon Magnetics Technology Center strongly indicates that "vertical Bloch line" storage of data will dramatically augment the density capabilities of bubble memories. When this improved method of storage is perfected, bubble memories will far surpass conventional semiconductors, floppy discs, and hard discs in memory capacity for a given volume and in cost-effectiveness while retaining their undisputed predominance in ruggedness and reliability.

Decision: After an exhaustive review of Magnesys' request, the Government finds that the request must be denied. Magnesys fails to meet the criteria for essentially since there are other producers of bubble memories, i.e., Sagem in France, Hitachi in Japan, and MemTech in the United States. Therefore, the bubble memory cartridge is not unique and the item can be reproduced elsewhere.

In addition, it is claimed that relief is needed in part to fund advanced technical research concerning ultradense vertical Bloch line data storage. However, neither the AN/UGC–144 program nor the Army have need for this advanced technology at the present time. It is also noted that funds will be used to continue production of the bubble memory components for the AN/UGC–144, but there is a proposal for these components currently under review by the Government.

U.S. NAVY

Contingent Liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 13 contracts: the potential cost of the liabilities can not be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:	*Number*
Lockheed Missiles and Space Co., Inc	4
Westinghouse Electric Corporation	2
General Electric Company	2
Kearfott Guidance and Navigation Corp	1
General Dynamics Corporation	3
Newport News Shipbuilding and Drydock Co	1
Total	13

Contractor: Westinghouse Airship Industries.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: To be determined.

Service and activity: Naval Air Systems Command.

Description of product or service: Operational Development Model Airship System.

Background: On June 5, 1987, NAVAIR awarded Contract N00019–87–C–0016 to a joint venture. Westinghouse—Airship Industries (W–AI), for the production of an Operational Development Model Airship System. At the time of the contract award, NAVAIR expected the contract to be performed without significant change and considered the requirements and technology to be understood. As a result, a firm fixed price type contract was considered appropriate. The contract was to be incrementally funded at a firm fixed price of $168,929,574. The Navy budgetary planning at the time of the contract award included the amount necessary to cover the airship program. However, shortly after the contract award, the Fiscal Year 1988 budget was cut from $31 million to $18 million. Congress ultimately appropriated $19.1 million (including $1.1 million from Air Force) for Fiscal Year 1988 funds for contractual requirements.

Budgetary restraints forced the Airship Progam's exclusion from the Department of Navy's Fiscal Year 1989 and 1990 budgets and fiscal planning documents for Fiscal Year 1991 and beyond. The Fiscal Year 1989 Appropriation Act did, however, provide limited funds, of which $24.1 million was made available for contractural requirements. Congress, in accompanying reports, stipulated that the Defense Advanced Research Projects Agency (DARPA) was to assume management for the program and provide necessary funding commencing in Fiscal Year 1990. DARPA's Fiscal Year 1990 budget request did not include funds for the airship program. Congress, however, authorized and appropriated funding for the program in Fiscal Year 1990, of which $28.4 million was allocated for contractual requirements. By letter dated May 10, 1990, the Deputy Under Secretary of Defense for Acquisition stated that Fiscal Year 1991 funding for the airship program would be provided from within the Air Defense Initiative Program (ADI). It is now planned to transfer sponsorship of the airship program from DARPA to ADI.

The incremental funding provisions of the contract, set forth in Special Provision H-23, entitled "Allotment of Funds," established the funding schedule, which is a major factor in determining the price. This provision requires the contractor to base his performance of the contract on the assumption that termination liability will not exceed the amounts shown for the dates set forth in the H-23 provision. The provision further states that if the Government fails to obligate any installment by the time specified, the contractor will continue performance only to the extent that he would not be required to incur obligation (termination liability) beyond the amount already provided by the Government.

Justification: The original contract was for a single operational development model airship built to commercial standards, incorporating a government furnished. E-2C radar (APS-139) and combat support system. The concept of operations was to turn the operational development model airship over to a Navy battle group commander to use as he deemed necessary, including deployment missions with the battle group for periods up to 30 days. The results of these evaluation deployment periods would then be incorporated into the Full Scale Engineering Development airship specification. This new specification, probbly significantly different from the current operational development model specification, would form the basis of a competition for a Full Scale Engineering Development Airship.

Subsequently, the Assistant Secretary of the Navy (Research, Engineering and Development), now a part of the Assistant Secretary of the Navy for Research, Development and Acquisition, decided to eliminate the requirement for the E-2C avionics system. Under the change to DARPA sponsorship, and the planned Air Defense Initiative Program sponsorship, the airship will initially be used as a flying test platform for an advanced development radar/combat system. The projected test mission will last approximately 18 months. Ownership of the airship will then revert to the Navy to install a government furnished mission avionics suite. This suite may be in support of anti-submarine warfare, anti-air warfare, or any other operational mission. The Full Scale Engineering Development design specification would still be written using test and evaluation results. Changes in the scope of the program have also resulted in a need for revisions to the ground support requirements, utilization of contractor support, and rescheduling of the first flight.

Additionally, the changes to the sponsorship of the airship program from DARPA to the Air Defense Initiative Program may prompt futher design changes, which are anticipated to be significant. The most significant technical modification is a potential change in operating altitude to accomodate the air defense initiative mission. The contract currently specifies a required operating altitude of 5,000 feet. DARPA and the Air Defense Initiative Program have indicated a desire to extend the operating altitude to 10,000 feet in order to increase the radar horizon. By their very nature, airships are very sensitive to altitude. Thus, in order to carry an equivalent payload from 5,000 to 10,000 feet for the same period of time, a 20 to 30 percent increase in the volume of the airship is required with its attendant weight structure and size. The increase in the operational altitude of the airship forces the use of a pressurized car because of the requirement that the airship tolerate updrafts of as much as 5,000 feet. At 13,000 feet the airship must be pressurized. Since the current rectangular design is inefficient for a pressurized vehicle the airship car would have to be significantly modified into a more cylindrical design to accomodate pressurization loads.

The changes to the funding schedule and the stop work orders have not yet been negotiated, and their effects are unknown. A delay in the negotiation of the effects of the funding schedule changes cannot continue. Because of the series of inadequate funding allotments, airship delivery is now expected in 1993. Inadequate funding, a later delivery schedule, and provisions for progress payments are causing Westinghouse-Airship industries' subcontractor, Airship Industries, Inc., to have cash flow problems, making it difficult to finance the airship program. As a result, Westinghouse has indicated in a letter to NAVAIR dated March 1, 1990, its unwillingness to provide any financial assistance directly to Airship Industries, Inc.

Decision: The Navy Contract Adjustment Board finds that adequate legal authority, other than Public Law 85-804, does not exist within the Department of Navy to restructure this contract from a firm fixed price to a cost reimbursement type contract, which indicates the lack thereof to consider this action as necessary for national defense purposes. The Board, therefore, exercises the authority granted under Public Law 85-804 and hereby authorizes the Naval Air Systems Command to issue a modification to contract N00019-87-C-0016. This would finalize a firm fixed price amount to establish a baseline configuration to be verified by a program management review in August 1990, and would provide for the balance of the contract to be peformed on a cost reimbursement (completion) basis. In order that the Board be given proper assurance that the firm fixed price portion of the contract has been completely identified and priced, the amendment shall contain a provision which releases the Navy from any and all claims, demands, or causes of action, known or unknown under this contract or in any way related to this contract, up to the date of execution of the amendment. In addition, the Naval Air Systems Command shall ascertain that the contractor has an accounting system adequate for a cost reimbursement contract, including access to relevant records of Airship Industries prior to the issuance of the amendment. The Naval Air Systems Command shall also immediately submit to the Board a schedule of events and milestones for the conversion action which includes, among other actions, steps necessary to produce an agreed-to Statement of Work among the Navy, the Air Defense Initiative Program, and Westinghouse-Airship Industries for incorporation in the conversion modification. A business clearance and a copy of the proposed conversion modification shall be submitted for review and approval to the Assistant Secretary of the Navy (Research, Development and Acquisition) prior to the execution of the modification.

U.S. AIR FORCE

Contingent Liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in four contracts; the potential costs of the liabilities can not be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessles, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:	*Number*
General Dynamics	2
Non Craf International Airlift	1
Craf International Airlift	1
Total	4

Contractor: Sutron Corporation.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: 549,616.

Service and activity: Air Defense Logistics Command, McClellan AFB, California.

Description of product of service: Wind-measuring System.

Background: A contract for an electronic wind-measuring system was awarded to Sutron Corporation on September 28, 1985, in the amount of $6.5 million. The procurement of the electronic wind-measuring system was under a firm fixed price two-step procedure, which exclusively utilized a performance specification. The Government did not contemplate any research and development effort under this procurement since other offerors also submitted technical proposals applying hot wire technology to manufacture an electronic wind-measuring system. However, the contract did require contractor and Government testing procedures. During initial testing, Sutron submitted various Engineering Change Proposals (ECP's) to redesign the electronic wind-measuring system. This resulted in additional design and development on the part of Sutron in order for this system to meet contract specifications.

Sutron Corporation submitted a claim on February 5, 1990, under The Contract Disputes Act of 1978 and FAR 33.2 in the amount of $549,616. The basis of the claim is against the Air Force for establishing gust performance requirements during initial testing for the wind-measuring system that were beyond those performance requirements originally set forth in the specification. Sutron Corporation contends that no requirements exists in the basic specification that sensors must have an accuracy standard with respect to gusts. However, the Government disagrees with Sutron's position in that gusts are a subset of wind speed and wind direction accuracy requirements.

The FMQ-13 system (hereafter known as the electronic wind-measuring system) measures, displays, and records horizontal wind speed, wind direction, and wind gust information. The electronic wind-measuring system consists of a sensor assembly, indicator, and recorder. The electronic wind-measuring system utilizes electronic means in lieu of mechanical means as does the current AN/GMQ-20 (hereafter known as the mechanical wind measuring propeller system). The mechanical wind measuring propeller system is not considered obsolete; however, the electronic wind measuring system employs different technology to measure wind speed and direction than the mechanical wind measuring propeller system. Although the electronics and display system, etc., of other wind systems (like the mechanical wind measuring propeller systems available today) have been significantly improved, how these mechanical propeller systems measure wind speed and direction is the same.

The Government's initial testing at Scott AFB, IL was designed to test the equipment in an operational environment. Sutron was advised that testing would occur. In this case, the contractor was fully aware that the electronic wind-measuring system was set up with sensors at each end of the runway. The system was compared to the mechanical wind-measuring propeller system at that location to assess the accuracy in an operational location under normal operating conditions. This type of test is essential due to the nature of the function performed by the system. The wind system readings determine the advisability of an aircraft being allowed to land. Human lives and expensive equipment depend on the accuracy of the sensor as part of the electronic wind-measuring system in all potential conditions. This type of testing is specifically accomplished in the actual operating environment. As much as we would like to control the weather, the electronic wind-measuring sytem had to be tested in an environment in which it would most likely be employed.

The Administrative Contracting Officer's concern with Sutron's financial viability (for letter dated September 15, 1989, and audit report dated September 1, 1989) provides evidence that Sutron was well aware of the reasons for the rejection of progress payments. In fact, every effort was made by administrative personnel to improve Sutron's financial situation. However, no evidence was revealed that Sutron was attempting to solve any of its financial problems in an effort to both reduce debt and increase shareholder equity.

SM-ALC/PMZHB's letter dated November 13, 1989, informed Sutron that it failed to make progress in performing satisfactory test runs at Scott AFB and that the configuration of the electronic wind-measuring system that was undergoing testing prior to October 20, 1989, did not meet Air Weather Service operational requirements (due to erroneous mean wind, gusts, and directional results). To correct weather tracking problems, Sutron voluntarily replaced its existing sensors at Scott AFB on October 20, 1989; however, the new sensors did not have laminar flow bars on either side of the Sensors. For the Government to approve the sensors without laminar flow bars, Sutron was requested to submit a no-cost ECP #6 on this new configuration in order to continue proper testing procedures and maintain configuration trackability.

By letter dated November 15, 1989, Sutron noted that the Government would have to pay for ECP #6 since gust accuracy requirements reflect new government requirements not listed in prior specifications. The Government approved of testing procedures without laminar flow bars. However, Sutron's costs associated with ECP #6 were disallowed since these costs were associated with the costs included with the applicable firm fixed price line item in the contract.

Justification: As to the contractor's claim that there is no accuracy requirement for gusts, a scientific definition and that used by the Air Weather Service, National Weather Service, and the Federal Aviation Administration, the Federal Meteorological Handbook 1B "Surface Observations" (Chapter 10, paragraph 10.3) defines gusts as rapid fluctuations in wind speed with a variation of 10 knots or more between peak and lull. As such, "gusts" are a component of "wind." Therefore, no separate gust accuracy requirements are required. Since the specification clearly sets forth various wind speeds under the heading "accuracy," it is hard to believe that any reasonable person would doubt that testing of the electronic wind-measuring system would be based on the accuracy levels stated by the contractor. Therefore, it is clear the Sutron's distinction between gusts and wind is flawed; the "gust accuracy levels" are fully covered by the wind speed and direction specifications in the contract. The fundamental problem has been Sutron's inability to meet the mean wind speed and direction specifications. Consequently, this resulted in increased performance costs on the part of Sutron.

Sutron was advised that testing by the Government would take place, but the exact specifics were not revealed. In this case, the contractor was fully aware that the electronic wind-measuring system was set up with sensors at each end of the runway at Scott AFB. The system was compared to the mechanical wind-measuring propeller system at the location to assess the accuracy in an operational location under normal operating conditions. This type of test is essential due to the nature of the function performed by the system. The wind system readings determine the advisability of an aircraft being allowed to land, with human lives and expensive equipment depending upon the accuracy of the sensor in all potential conditions.

Sutron states that the Air Force directed analysis and isolation of the gust problem; that is not true. What the Air Force did do was tell Sutron that the system would not pass Government testing because it was not accurate due to erroneous mean wind speed as well as gust and direction results during certain rain conditions. As a result, the Air Force needed assurances from Sutron to provide a resolution to this problem before progress payments could be resumed.

The Air Force requested that progress reports be made, commencing on July 10, 1989, since the risks were considered to be low at the time. For the Government to continue progress payments, the key was to solve the rain problem (consisting of over-registering speed and gusts). Sutron did not solve its rain problems in accordance with accuracy and testing requirements, however. It was determined that if the performance of this contract was in any way endangered by Sutron's failure to make progress or attain satisfactory financial stability, a suspension of progress payments would result.

Decision: The specification clearly sets forth various wind speeds under the heading "Accuracy." It is, therefore, difficult to believe that any reasonable person would doubt that testing of the electronic wind-measuring system would be based on the accuracy levels (or lack of gust accuracy levels) stated by Sutron. It is clear that levels are fully covered by the wind speed and direction guidelines found in the contract. It is certainly probable that Sutron's posture is taken in an effort to overcome financial difficulty rather than out of an expressed concern that the contract fails to specify gust accuracy levels. The Government is not required to provide Sutron with specifics of testing specifications because the specifications clearly identify necessary testing requirements. Since accuracy requirements in the specification fully cover gust accuracy, Sutron's contention that the Air Force directed Sutron to establish new requirements outside the scope of the specification is insubstantial and unmeritorious. Also, no unconditional promise was made to provide progress payments to Sutron, which furthers the protection of Government rights.

Based on the above information, the procuring contracting officer finds that Sutron's claimed amount has no factual basis, rendering it nonessential to the national defense.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

921. A letter from the Director, Administration and Management, Office of the Secretary of Defense, transmitting the calendar year 1990 report on "Extraordinary Contractual Actions to Facilitate the National Defense," pursuant to 50 U.S.C. 1434; to the Committee on Armed Services.

922. A letter from the Inspector General, Department of Health and Human Services, transmitting the audit report of the Superfund financial activities of the National Institute of Environmental Health Sciences for fiscal years 1987 through 1989, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Energy and Commerce.

923. A letter from the Inspector General, Department of Health and Human Services, transmitting the audit report of the Superfund financial activities of the Agency for Toxic Substances and Disease Registry for fiscal years 1987 through 1989, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Energy and Commerce.

924. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Israel for defense articles and services (Transmittal No. 91-18), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

925. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification that the President's intention to exercise authority under section 506(a) of the Foreign Assistance Act of 1961, as amended, that provided military assistance to Israel had been delayed due to circumstances in the Persian Gulf, and that delivery of the items had been completed, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

926. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 91-17), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

927. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 91-16),

pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

928. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 91–15), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

929. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's third report on United States-Soviet Reciprocity in Matters Relating to Embassies, pursuant to 22 U.S.C. 4301 nt.; to the Committee on Foreign Affairs.

930. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal years 1989 and 1990, pursuant to 22 U.S.C. 2694(2); to the Committee on Foreign Affairs.

931. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Egypt that may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

932. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Israel that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

933. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

934. A letter from the Cochairman, Franklin Delano Roosevelt Memorial Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

935. A letter from the Privacy Officer, Interstate Commerce Commission, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

936. A letter from the Chairman, National Labor Relations Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

937. A letter from the Chairman, National Labor Relations Board, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

938. A letter from the Chairman, National Transportation Safety Board, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

939. A letter from the Director, Peace Corps, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

940. A letter from the Director, Office of Personnel Management, transmitting notification of an amendment to the project plan for the Pacer Share personnel management demonstration project; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITTEN: Committee of Conference. Conference report on H.R. 1281 (Rept. No. 102–29). Ordered to be printed.

Mr. WHITTEN: Committee of Conference. Conference reported on H.R. 1282 (Report No. 102–30). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself and Mr. BEREUTER):

H.R. 1596. A bill to protect indigenous peoples throughout the world; to the Committee on Foreign Affairs.

By Mr. ANDREWS of Texas (for himself and Mr. MCGRATH):

H.R. 1597. A bill to amend the Internal Revenue Code of 1986 to repeal the 30-percent gross income limitation applicable to regulated investment companies; to the Committee on Ways and Means.

By Mr. APPLEGATE:

H.R. 1598. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans' Affairs.

By Mr. UPTON:

H.R. 1599. A bill to amend title 23, United State Code, to increase the minimum allocation highway funding requirement from 85 to 90 percent; to the Committee on Public Works and Transportation.

By Mr. ROYBAL:

H.R. 1600. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct an initial feasibility study of an Alaska-California underocean, fresh water pipeline; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 1601. A bill to amend the National Historic Preservation Act and the National Historic Preservation Act Amendments of 1980 to strengthen the preservation of our historic heritage and resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BERMAN (for himself, Mr. CLAY, Mr. MILLER of California, Mr. STARK, and Mr. WAXMAN):

H.R. 1602. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt actions under State law against persons who engage in unfair insurance claims practices; to the Committee on Education and Labor.

By Mr. BONIOR (for himself, Mr. ABERCROMBIE, Mr. BORSKI, Mr. BROWN, Mr. DEFAZIO, Mr. DELLUMS, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. GOSS, Mr. HENRY, Mr. LENT, Mr. LEWIS of California, Mr. MANTON, Mr. NOWAK, Mr. PAYNE of Virginia, Mr. PENNY, Mr. RHODES, Mr. SARPALIUS, Mr. SCHUMER, Mr. VISCLOSKY, and Mr. WALSH):

H.R. 1603. A bill to support democracy and self-determination in the Baltic States and the republics within the Soviet Union; to the Committee on Foreign Affairs.

By Mr. BROOKS (for himself, Mr. EDWARDS of California, Mr. BOUCHER, and Mr. CAMPBELL of California):

H.R. 1604. A bill to amend the National Cooperative Research Act of 1984 to reduce the liability for joint ventures entered into for the purpose of producing a product, process, or service; to the Committee on the Judiciary.

By Mr. COUGHLIN:

H.R. 1605. A bill to authorize the use by States of Federal-aid highway funds to relieve congestion or improve air quality; to the Committee on Public Works and Transportation.

By Mr. DE LA GARZA (for himself, Mr. COLEMAN of Missouri, Mr. STENHOLM, Mr. GUNDERSON, Mr. HARRIS, Mr. OLIN, Mr. PENNY, Mr. WALSH, and Mr. HOPKINS):

H.R. 1606. A bill to change the submission date for the report on milk inventory management programs; to the Committee on Agriculture.

By Mr. FAZIO:

H.R. 1607. A bill to provide for the extension of the Tehama-Colusa Canal in California; to the Committee on Interior and Insular Affairs.

By Mr. FEIGHAN (for himself, Mr. GILMAN, Mr. GEJDENSON, Mr. WOLPE, Mr. JOHNSTON of Florida, Mr. MURPHY, Mr. BLAZ, Mr. LEVINE of California, Mr. MILLER of Washington, Mr. BEREUTER, Mr. ORTON, Mr. ENGEL, and Mr. HOUGHTON):

H.R. 1608. A bill to promote the development of microenterprises in developing countries; to the Committee on Foreign Affairs.

By Mr. HERTEL (for himself and Mr. HOCHBRUECKNER):

H.R. 1609. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for compensatory damages paid to any government for damages to the environment resulting from a spill of any hazardous material; to the Committee on Ways and Means.

By Mr. HUCKABY:

H.R. 1610. A bill entitled "the Rice Fair Trade Act of 1991"; to the Committee on Ways and Means.

By Mr. HUGHES:

H.R. 1611. A bill to terminate United States Foreign assistance for Jordan; jointly, to the Committees on Foreign Affairs, Agriculture, Banking, Finance and Urban Affairs, Intelligence (Permanent Select), and Ways and Means.

By Mr. HUGHES (for himself and Mr. MOORHEAD):

H.R. 1612. A bill to amend section 108 of title 17, United States Code, to eliminate the library reproduction reporting requirement; to the Committee on the Judiciary.

By Mr. HUGHES (for himself and Mr. MOORHEAD) (both by request):

H.R. 1613. A bill to authorize appropriations for the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. JENKINS:

H.R. 1614. A bill to provide for the tariff reclassification of durene; to the Committee on Ways and Means.

H.R. 1615. A bill to provide for the temporary suspension of duty on sewing machine needles and spring-beard needles; to the Committee on Ways and Means.

H.R. 1616. A bill to extend the existing suspension of duty on crude feathers and down; to the Committee on Ways and Means.

H.R. 1617. A bill to extend the temporary suspension of duties for hosiery knitting machines, hosiery knitting machine parts, hosiery knitting needles, and to include in the suspension other hosiery knitting machine parts used in forming stitches; to the Committee on Ways and Means.

By Mr. JENKINS (for himself, Mr. PICKLE, Mr. ARCHER, Mr. DOWNEY, Mr. MATSUI, Mr. ANDREWS of Texas, Mr. VANDER JAGT, Mr. FORD of Tennessee, Mr. GUARINI, Mr. CRANE, Mr. ANTHONY, Mr. DORGAN of North Dakota, Mr. GRADISON, Mrs. KENNELLY, Mr. COYNE, Mr. THOMAS of California, Mr. CARDIN, Mr. CHANDLER, Mr. SHAW, Mr. SUNDQUIST, Mrs. JOHNSON of Connecticut, Mr. GRANDY, and Mr. BUNNING):

H.R. 1618. A bill to amend the Internal Revenue Code of 1986 to make permanent the tax credit for increasing research activities; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 1619. A bill to suspend temporarily the duty on N-[(4-chlorophenyl)-ammino)-carbonyl]-2,6-difluorobenzamide; to the Committee on Ways and Means.

H.R. 1620. A bill to suspend temporarily the duty on synthetic staple fibers containing 84 percent or more by weight of vinyl chloride and 14 percent or more by weight of vinyl acetate; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, and Mrs. KENNELLY):

H.R. 1621. A bill to temporarily suspend the duty on certain lead fuel test assemblies; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 1622. A bill to restore the grave marker allowance for veterans; to the Committee on Veterans' Affairs.

By Ms. KAPTUR (for herself, Mr. DORGAN of North Dakota, Mr. SISISKY, Mr. HORTON, Mr. MCDERMOTT, Mr. MYERS of Indiana, Mr. MCNULTY, Mr. LIPINSKI, Mr. HARRIS, Mr. RANGEL, Mr. GUARINI, Mr. FASCELL, Mr. SANDERS, Mr. HERTEL, Mr. JONTZ, Mr. DORNAN of California, Mr. WHITTEN, Mr. ERDREICH, Mr. LANTOS, Mr. GILMAN, Mr. SMITH of Florida, Mr. BOUCHER, Mr. KOPETSKI, Mr. ZELIFF, Mr. BENNETT, Mr. HOCHBRUECKNER, Mr. LANCASTER, Ms. SLAUGHTER of New York, Mr. BILIRAKIS, Mr. HYDE, Mrs. MEYERS of Kansas, Mr. FROST, Mr. ROE, Mr. EMERSON, Mr. MACHTLEY, Mr. SMITH of New Jersey, Mr. HUGHES, Mrs. BYRON, Mr. LAGOMARSINO, Ms. NORTON, and Mrs. BOXER):

H.R. 1623. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States' involvement in World War II; to the Committee on Banking, Finance and Urban Affairs.

By Ms. KAPTUR (for herself, Mr. LIPINSKI, Mr. RANGEL, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. FASCELL, Mr. HERTEL, Mrs. LLOYD, Mr. JONTZ, Mr. MCNULTY, Mr. LANTOS, Mr. SMITH of Florida, Mr. MCGRATH, Mr. BOUCHER, Mr. BENNETT, Mr. HOCHBRUECKNER, Mr. LANCASTER, Ms. SLAUGHTER of New York, Mr. BILIRAKIS, Mr. BRUCE, Mr. HYDE, Mrs. MEYERS of Kansas, Mr. FROST, Mr. ROE, Mr. MACHTLEY, Mr. EMERSON, Mr. HUGHES, Mr. MURPHY, Mr. LAGOMARSINO, Mr. KANJORSKI, Ms. NORTON, and Mrs. BOXER):

H.R. 1624. A bill to provide for the establishment of a memorial on Federal land within the District of Columbia to honor members of the Armed Forces who served in World War II, and to express the sense of Congress concerning the United States' participation in that conflict; jointly, to the Committees on Veterans' Affairs and House Administration.

By Mr. KENNEDY (for himself and Mr. MARKEY):

H.R. 1625. A bill to amend the Truth in Lending Act and the Equal Credit Opportunity Act to prohibit credit card issuers from taking adverse actions against consumers on the basis of the location of the consumer's residence, to prohibit the unfair acceleration of outstanding balances on consumer credit card accounts and limit the extent to which credit card issuers can change the terms of the account agreement unilaterally, arbitrarily, and without adequate notice to the consumer, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LAFALCE:

H.R. 1626. A bill to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition of a child and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights; jointly, to the Committees on Education and Labor, Post Office and Civil Service, and House Administration.

By Mr. LENT (for himself, Mr. DOWNEY, Mr. MRAZEK, Mr. MCGRATH, Mr. HOCHBRUECKNER, and Mr. SCHEUER):

H.R. 1627. A bill to provide primary commercial television service by very high frequency television stations to metropolitan areas with large populations that do not currently receive such service, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LOWEY of New York (for herself, Mr. ACKERMAN, Mr. BOEHLERT, Mr. DIXON, Mr. DOWNEY, Mr. ENGEL, Mr. FISH, Mr. FLAKE, Mr. GILMAN, Mr. GREEN of New York, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. LAFALCE, Mr. LENT, Mr. MANTON, Mr. MCDERMOTT, Mr. MCNULTY, Ms. MOLINARI, Mr. MRAZEK, Mr. NOWAK, Mr. PAXON, Mr. RANGEL, Mr. ROE, Mr. SCHEUER, Mr. SCHUMER, Mr. SERRANO, Mr. SOLARZ, Mr. TOWNS, Mr. WALSH, and Mr. WEISS):

H.R. 1628. A bill to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes; to the Committee on House Administration.

By Mr. MCDADE (for himself, Mr. MACHTLEY, Mr. ZELIFF, Mr. HERTEL, Mr. STEARNS, Mrs. VUCANOVICH, Mr. GOSS, Mr. EMERSON, Mrs. MORELLA, Mr. KYL, Ms. KAPTUR, Mr. INHOFE, Mr. LIGHTFOOT, Mr. WILSON, Mr. CARPER, Mr. GILLMOR and Mr. DELAY):

H.R. 1629. A bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance coverage for self-employed individuals; to the Committee on Ways and Means.

By Mr. MCGRATH:

H.R. 1630. A bill to suspend temporarily the duty on Ethyl Carbamate; to the Committee on Ways and Means.

H.R. 1631. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of linear alkylbenzene sulfonic acid; to the Committee on Ways and Means.

H.R. 1632. A bill to suspend temporarily the duties on Cyclohexane, 1,1-bis(1-methylethoxy)- ; Benzenepropanoic acid, 2-chloro-4,5-difluoro-.beta.-oxo-, ethyl ester; and 2-Acetylbenzo(b)thiophene; to the Committee on Ways and Means.

By Mr. MCHUGH (for himself, Mr. GREEN of New York, Mr. HALL of Ohio, Mr. EMERSON, Mr. BERMAN, Mr. BEREUTER, Mr. FEIGHAN, Mr. SMITH of New Jersey, Mr. LEVINE of California, Mr. MILLER of Washington, Mr. ORTON, and Mr. LEWIS of California):

H.R. 1633. A bill to assist in implementing the plan of action adopted by the World Summit for Children; jointly, to the Committees on Foreign Affairs, Education and Labor, and Energy and Commerce.

By Mr. MARKEY:

H.R. 1634. A bill entitled the "Environmental Health Research Act of 1991"; to the Committee on Energy and Commerce.

By Mr. MOODY:

H.R. 1635. A bill to expand the limited prohibition against the financing, by the Export-Import Bank of the United States, of the export of defense articles or services; jointly, to the Committees on Banking, Finance and Urban Affairs, and Foreign Affairs.

By Mr. MORRISON (for himself, Mrs. LLOYD, Mr. SCHIFF, Mr. CHANDLER, Mr. SKEEN, Mr. STALLINGS, and Mrs. VUCANOVICH):

H.R. 1636. A bill to authorize private sector participation in designing, constructing, owning, and operating facilities to provide supplies, equipment, materials, or services to support Department of Energy waste cleanup and modernization missions; to the Committee on Energy and Commerce.

By Mr. MURPHY (for himself, Mr. PERKINS, Mr. KOLTER, Mr. APPLEGATE, Mr. GAYDOS, Mr. YATRON, Mr. POSHARD, Mr. WISE, Mr. MCCLOSKEY, Mr. BEVILL, Mr. STAGGERS, Mr. BOUCHER, Mr. WILLIAMS, and Mr. MILLER of California):

H.R. 1637. A bill to make improvements in the Black Lung Benefits Act; to the Committee on Education and Labor.

By Mr. OBERSTAR:

H.R. 1638. A bill to amend title II of the Social Security Act to provide for a limitation on the reduction in widow's and widower's insurance benefits currently provided in the case of the early retirement of the deceased spouse, and to provide that widow's and widower's insurance benefits, as well as old-age insurance benefits, may be increased by the application of the delayed retirement credit, and to provide for the treatment of such benefits in cases of simultaneous entitlement; to the Committee on Ways and Means.

H.R. 1639. A bill to amend section 224 of the Social Security Act to permit an individual who is entitled both to disability insurance benefits and to other periodic benefits, and who is consequently subject to benefit reduction under that section, to lessen the amount of such reduction by taking into account certain noncovered earnings in the year of his or her disability and the 5 preceding years; to the Committee on Ways and Means.

H.R. 1640. A bill to amend title II of the Social Security Act to provide for improvements in wife's and husband's insurance benefits; to the Committee on Ways and Means.

H.R. 1641. A bill to amend title II of the Social Security Act to provide for improvements in widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mr. ORTIZ:

H.R. 1642. A bill to establish in the State of Texas the Palo Alto Battlefield National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OWENS of Utah (for himself, Mr. WELDON, Mrs. MEYERS of Kansas, and Mr. DELLUMS):

H.R. 1643. A bill to clarify the liability of lending institutions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PANETTA:

H.R. 1644. A bill to amend the Walsh-Healey Act to provide that contracts for processed food will be covered by that act; to the Committee on the Judiciary.

By Ms. PELOSI (for himself, Mr. STARK, Mr. WAXMAN, Mr. McDERMOTT, Mr. SIKORSKI, and Mrs. UNSOELD):

H.R. 1645. A bill to amend the provisions of law relating to continuation of health care benefits in the case of certain family members, and for other purposes; jointly to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. PERKINS:

H.R. 1646. A bill to amend the Internal Revenue Code of 1986 to repeal the taxation of Social Security benefits and tier 1 and tier 2 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 1647. A bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to reduce Social Security taxes and to provide for the establishment of individual's Social Security retirement accounts funded by payroll deductions and employer contributions equal to the amount of the tax reduction; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 1648. A bill to amend section 1821 of title 28, United States Code, to provide that incarcerated individuals not receive witness fees; to the Committee on the Judiciary.

By Mr. SCHEUER (for himself, Mr. HORTON, Mr. ACKERMAN, Mr. MRAZEK, Mr. BEILENSON, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mrs. MINK, Mr. JONTZ, Mr. SCHAEFER, Mr. BILBRAY, Mr. JEFFERSON, and Mr. TORRICELLI):

H.R. 1649. A bill to provide for United States penalties for foreign persons violating the United Nations sanctions against Iraq; jointly, to the Committees on Foreign Affairs, Government Operations, and Ways and Means.

By Mr. SOLOMON:

H.R. 1650. A bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible; to the Committee on the Judiciary.

By Mr. SOLOMON (for himself, Mr. TAUZIN, Mr. WALKER, Mr. McEWEN, and Mr. TRAFICANT):

H.R. 1651. A bill to deny funds to programs that do not allow the Secretary of Defense access to students on campuses or to certain student information for recruiting purposes; jointly, to the Committees on Education and Labor and Armed Forces.

By Mr. THOMAS of California (for himself, Mr. ANNUNZIO, Mr. LEWIS of California, Mr. SMITH of Texas, Mr. COYNE, Mrs. JOHNSON of Connecticut, Mr. TOWNS, Mr. SMITH of New Jersey, Mr. BILBRAY, Mrs. UNSOELD, Mr. RAMSTAD, Mr. KLUG, Mr. JONES of Georgia, Mr. HERGER, Mr. CUNNINGHAM, Mr. QUILLEN, Mr. HORTON, Mr. GUARINI, Mr. VANDER JAGT, Mr. DORGAN of North Dakota, and Mr. MATSUI):

H.R. 1652. A bill to amend the Internal Revenue Code of 1986 to extend for 5 years the energy investment credit for solar energy and geothermal property and to allow such credit against the entire regular tax and the alternative minimum tax; to the Committee on Ways and Means.

By Mr. TOWNS (for himself, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. BARNARD, Mr. BEREUTER, Mr. BOEHLERT, Mr. BOUCHER, Mr. BROWN, Mr. BRUCE, Mr. CALLAHAN, Mr. CAMPBELL of California, Mr. CHAPMAN, Mr. CLINGER, Mr. COBLE, Mr. COLEMAN of Missouri, Mr. DARDEN, Mr. DE LUGO, Mr. DERRICK, Mr. DIXON, Mr. DORGAN of North Dakota, Mr. DUNCAN, Mr. EMERSON, Mr. ENGLISH, Mr. ESPY, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. FROST, Mr. FUSTER, Mr. GEKAS, Mr. GINGRICH, Mr. GRANDY, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HERGER, Mr. HORTON, Mr. HOYER, Mr. JACOBS, Mr. JENKINS, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, Mr. JONTZ, Mr. KOLBE, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LAUGHLIN, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. McCLOSKEY, Mr. McDADE, Mr. McEWEN, Mr. McNULTY, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MURTHA, Mr. OBERSTAR, Mr. ORTIZ, Mr. NEAL of North Carolina, Mr. OWENS of New York, Mr. PARKER, Mrs. PATTERSON, Mr. PENNY, Mr. PERKINS, Mr. PRICE, Mr. QUILLEN, Mr. RAHALL, Mr. RAY, Mr. RICHARDSON, Mr. RITTER, Mr. ROBERTS, Mr. ROE, Mr. ROSE, Mr. ROWLAND, Mr. SABO, Mr. SARPALIUS, Mr. SCHIFF, Mr. SHUSTER, Mr. SKEEN, Mr. SLATTERY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPENCE, Mr. STAGGERS, Mr. STALLINGS, Mr. TALLON, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. THOMAS of Georgia, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. VOLKMER, Mr. WHEAT, Mr. WHITTEN, Mr. WILLIAMS, Mr. WISE, Mr. WOLF, and Mr. WYLIE):

H.R. 1653. A bill to amend title 5, United States Code, to allow periods of certain service performed as an employee under certain Federal-State cooperative programs to be creditable for purposes of civil service retirement; jointly, to the Committee on Post Office and Civil Service and Government Operations.

By Mr. VALENTINE (for himself and Mr. PRICE):

H.R. 1654. A bill to provide for construction and lease-purchase acquisition, on government-owned land, of a building to provide housing for the Environmental Protection Agency in the Research Triangle Park, NC, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. VUCANOVICH:

H.R. 1355. A bill to amend the Internal Revenue Code of 1986 to provide that no deduction shall be allowed for certain taxes paid to States which tax nonresidents on pension income in an unfair manner; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. COLEMAN of Texas, and Mr. RANGEL):

H.R. 1656. A bill to amend the Public Health Service Act with respect to providing financial assistance for certain trauma centers operating in geographic areas with a significant incidence of violence arising from the abuse of drugs; to the Committee on Energy and Commerce.

By Mr. WISE (for himself and Mr. CONDIT):

H.R. 1657. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to prevent reprogramming of moneys available for discretionary grants and to limit the amount of the special discretionary fund that may be expended in connection with Federal entities; to the Committee on the Judiciary.

By Mr. ZELIFF (for himself, Mr. HORTON, Mr. McNULTY, Mr. MACHTLEY, Mr. LAGOMARSINO, Mr. SANTORUM, Mr. EMERSON, Mr. POSHARD, Mr. LIPINSKI, Mr. RAMSTAD, Mr. CLEMENT, Mr. HOBSON, Mr. FRANKS of Connecticut, Mr. SAXTON, Mr. ZIMMER, Mr. ALLARD, Mr. GILCHREST, Mr. CUNNINGHAM, Mr. HAMMERSCHMIDT, Mr. BROOMFIELD, Mr. ROHRABACHER, Mr. SWETT, Mr. CHANDLER, Mr. FALEOMAVAEGA, Mr. ESPY, Mr. ANNUNZIO, Mr. DOOLITTLE, Mr. BILIRAKIS, Mrs. VUCANOVICH, Mr. HUBBARD, Mr. KASICH, Mr. KOLBE, Mr. ABERCROMBIE, Mr. SCHAEFER, Mr. CAMP, Mr. BREWSTER, Mr. GINGRICH, Mr. EDWARDS of Oklahoma, Ms. SNOWE, Mr. THOMAS of Wyoming, Mr. HERGER, Mr. LAUGHLIN, Mr. SPRATT, Mr. BURTON of Indiana, Mr. TAYLOR of Mississippi, Mr. SPENCE, Mr. BATEMAN, Mr. SLAUGHTER of Virginia, Mr. BALLENGER, Mr. HUNTER, Mr. DeLAY, Mr. McCOLLUM, Mr. WEBER, Mr. LEWIS of California, Mr. TOWNS, Mr. UPTON, Mr. LIVINGSTON, Mr. IRELAND, Mr. TAYLOR of North Carolina, Mr. BARRETT, Mr. BEREUTER, Mr. GIBBONS, Mr. SCHEUER, Mr. SLATTERY, Mr. BENNETT, Mr. HUTTO, Mr. MURPHY, Mr. TALLON, Mr. SKEEN, Mr. HANCOCK, Mr. STALLINGS, Mr. STAGGERS, Mr. MORAN, Ms. KAPTUR, Mr. BUNNING, Mr. BARNARD, Mr. LANCASTER, Mr. HASTERT, Mr. PAXON, Mr. GOSS, Mr. VANDER JAGT, and Mr. JAMES):

H.R. 1658. A bill to provide for minting of coins in commemoration of Operation Desert Storm; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BRYANT (for himself and Mr. SMITH of New Jersey):

H.J. Res. 207. Joint resolution commemorating the 75th anniversary of the chartering, by an act of Congress, of the Boy Scouts of America; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. BROWN, Mr. LANTOS, Mr. WEISS, Mr. WOLPE, Mr. PAYNE of New Jersey, Mr. MOODY, Mr. PENNY, Mr. PORTER, Mr. MRAZEK, and Mr. DELLUMS):

H.J. Res. 208. Joint resolution concerning the political and human rights situation in Kenya; to the Committee on Foreign Affairs.

By Mr. SANGMEISTER (for himself, Mr. POSHARD, Mr. LIPINSKI, Mr.

Jontz, Mr. Klug, Mr. Livingston, Ms. Kaptur, Mrs. Meyers of Kansas, Mr. Sisisky, and Mr. Santorum):

H.J. Res. 209. Joint resolution proposing an amendment to the Constitution of the United States to provide for the automatic removal of Federal judges upon their conviction of serious crimes; to the Committee on the Judiciary.

By Mr. RUSSO (for himself, Mr. Annunzio, Mr. Downey, Mr. Miller of California, Mr. Panetta, Mr. Foglietta, Mr. Fazio, Ms. Pelosi, Mr. Guarini, Mr. DeFazio, Mr. Costello, Mr. Schumer, Mrs. Boxer, Mr. Poshard, Mr. Durbin, Mr. Wyden, and Mr. Kopetski):

H.J. Res. 210. Joint resolution designating May 18, 1991, as "Joe DiMaggio Day"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Con. Res. 106. Concurrent resolution providing for an adjournment of the two Houses from March 22 until April 9, 1991; considered and agreed to.

By Mr. BROOMFIELD (for himself, Mr. Henry, and Mr. Porter):

H. Con. Res. 107. Concurrent resolution commending and supporting the efforts of the administration to obtain the release of the hostages seized in Lebanon; to the Committee on Foreign Affairs.

By Mr. FIELDS:

H. Con. Res. 108. Concurrent resolution expressing the sense of the Congress that the President, in planning and negotiating Iraq's postwar settlements with the United States and its allies, insist that 20 percent of Iraq's future oil revenues be used pay various costs of the Persian Gulf war; to the Committee on Foreign Affairs.

By Mr. OWENS of Utah:

H. Con. Res. 109. Concurrent resolution commemorating the 30th anniversary of the signing of the Antarctic Treaty on June 22, 1991, and encouraging the United States to support efforts to achieve an international agreement establishing Antarctica as a region closed to commercial minerals development and related activities for at least 99 years at the upcoming meeting of the parties to the Antarctic Treaty, April 22 through 27, 1991, in Madrid, Spain; jointly, to the Committees on Foreign Affairs, Merchant Marine and Fisheries, and Interior and Insular Affairs.

By Mr. PERKINS:

H. Con. Res. 110. Concurrent resolution expressing the sense of the Congress that Kuwait give preference to United States suppliers of both services and materials in rebuilding Kuwait, and that the United States should provide a preference in awarding subcontracts to businesses in areas with a large number of veterans or high unemployment; to the Committee on Foreign Affairs.

By Mr. ROE (for himself, Mr. Hammerschmidt, Mr. Oberstar, and Mr. Clinger):

H. Con. Res. 111. Concurrent resolution urging the President and the U.S. Trade Representative not to propose or support the inclusion of civil air transport services under the General Agreement on Trade in Services that is being negotiated under the auspices of the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ROSE:

H.R. 1659. A bill for the relief of James A. Strickland; to the Committee on the Judiciary.

H.R. 1660. A bill to provide that the death of Edwin J. Boughter (U.S. Army, ret.) was the result of a service-connected disability; to the Committee on the Judiciary.

H.R. 1661. A bill to allow a claim against the United States under chapter 171 of title 28, United States Code, for damages for the death of Maj. Michael J. Wall; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. Hughes, Mr. Kopetski, Mr. Sangmeister, Mr. Staggers, Mr. Synar, Mr. Beilenson, Mr. Engel, Mr. Gonzalez, Mr. Guarini, Mr. Hochbrueckner, Mr. Kennedy, Mr. Kostmayer, Mr. Lehman of California, Mr. Moran, Mr. Rinaldo, Mr. Roe, Mr. Smith of Florida, Mr. Solarz, and Mrs. Unsoeld.

H.R. 62: Mr. Valentine and Mr. Thomas of Wyoming.

H.R. 63: Mr. Hochbrueckner.

H.R. 64: Mr. Smith of Florida, Mr. Hughes, and Mr. Shaw.

H.R. 68: Mr. Gillmor, Mr. Paxon, Mr. Rohrabacher, Mr. Schaefer, Mr. Wise, and Mr. Kolter.

H.R. 74: Mr. Hyde, Mr. Schaefer, Mr. Levine of California, and Mr. Hefner.

H.R. 78: Mr. Solomon.

H.R. 179: Mr. LaFalce and Mr. Serrano.

H.R. 200: Mr. Downey.

H.R. 252: Mr. Smith of Florida, Mr. Conyers, Mr. Valentine, Mr. DeFazio, Mr. Chandler, and Mr. Martinez.

H.R. 317: Mrs. Roukema.

H.R. 325: Mr. Dellums and Mr. Weiss.

H.R. 330: Ms. Pelosi and Mr. Machtley.

H.R. 357: Mr. Wise.

H.R. 392: Mr. Torricelli, Mr. Dooley, Ms. Snowe, and Mr. Scheuer.

H.R. 431: Mr. Lowery of California and Mr. Inhofe.

H.R. 448: Mr. Dooley.

H.R. 501: Mr. Sanders and Mr. Scheuer.

H.R. 519: Mr. Quillen and Mr. Machtley.

H.R. 520: Mr. Scheuer, Mr. Weiss, Mr. LaFalce, Mr. Guarini, and Mr. Ray.

H.R. 544: Mr. Davis, Mr. Erdreich, Mr. Fazio, Mr. Guarini, Mr. Jefferson, Mr. Levin of Michigan, Mr. Perkins, Mr. Machtley, Mr. Mrazek, and Mr. Weiss.

H.R. 585: Mr. Weiss, Mr. Sanders, Mr. Swett, Mr. Jefferson, and Mr. Jones of Georgia.

H.R. 658: Mr. Vento, Mr. Johnston of Florida, and Mr. Weiss.

H.R. 661: Mr. Bustamante, Mr. Kennedy, Mr. Mfume, Mr. Engel, Mr. Gillmor, Mrs. Unsoeld, Mr. Solomon, Mr. Coughlin, Mr. Barton of Texas, and Mr. Serrano.

H.R. 667: Mr. Mfume, Mrs. Lowey of New York, Mr. Espy, Mrs. Morella, Mr. Whitten, Mr. Dorgan of North Dakota, Mr. Coyne, Mrs. Unsoeld, Mr. Montgomery, Mr. Bevill, Mr. Derrick, Mr. Miller of Washington, Mr. Owens of Utah, Mr. Weiss, Mr. Hayes of Louisiana, Mr. Schulze, Mr. Parker, Mr. Murphy, Mr. Boehlert, Mr. Orton, and Mr. Blaz.

H.R. 668: Mr. Bennett, Mr. Guarini, Mr. Miller of California, Ms. Pelosi, Mr. Hyde, Mr. Torres, Mr. LaFalce, Mr. Rangel, Mr. Kolter, and Mr. Valentine.

H.R. 683: Mr. Paxon, Mr. Guarini, Mr. McNulty, Mr. Lagomarsino, Mr. Fish, and Mr. Jefferson.

H.R. 684: Mr. Guarini, Ms. Long, Mr. Barnard, Mr. Dornan of California, Mr. Montgomery, Mr. Paxon, Mr. Livingston, Mr. Jacobs, Mr. Vander Jagt, Mr. Herger, Mr. Lent, Mr. Gordon, Mr. Henry, Mr. McGrath, Mr. Bilbray, Mr. Bateman, Mr. Machtley, Mr. McNulty, Mr. Lagomarsino, Mr. Klug, Mr. Doolittle, Mr. Carper, Mr. Kolbe, Mr. Costello, Mr. Santorum, Mr. Frost, Mr. Horton, Mr. Hefley, Mr. Regula, Mr. Schiff, Mr. Fish, Mr. Bilirakis, Mr. Walsh, Mr. Valentine, Mr. Bustamante, Mr. Ballenger, Mr. Hyde, Mr. Dannemeyer, Mr. Upton, Mr. Cox of California, Mr. Dwyer of New Jersey, Mr. Cunningham, Mr. Spence, Mr. Bevill, Mr. Jefferson, Mr. Eckart, Mr. DeLay, Mr. Zimmer, Mr. Nussle, Mr. Boehner, and Mr. Slaughter of Virginia.

H.R. 730: Mr. Kennedy, Mr. Bryant, and Mr. Frank of Massachusetts.

H.R. 744: Mr. Fazio, Mr. Weiss, and Mr. Levin of Michigan.

H.R. 830: Mr. Weiss.

H.R. 840: Mr. Richardson, Mr. Staggers, Mrs. Lloyd, and Mr. Vento.

H.R. 845: Mr. Petri and Mr. Gunderson.

H.R. 865: Mr. Weiss.

H.R. 866: Mr. Morrison.

H.R. 888: Mr. Lewis of Georgia and Mr. Ravenel.

H.R. 906: Mr. Owens of New York.

H.R. 907: Mr. Obey, Mr. Bonior, and Mr. Moorhead.

H.R. 908: Mr. Sanders, Mr. Quillen, and Mr. Poshard.

H.R. 911: Mr. Bacchus, Mr. Broomfield, Mr. Bunning, Mr. Burton of Indiana, Mr. Dickinson, Mr. Donnelly, Mr. Fawell, Mr. Hall of Ohio, Mr. Horton, Mr. Hyde, Mr. Jenkins, Mr. Lipinski, Ms. Long, Mr. Martin, Mr. Moakley, Mr. Montgomery, Mr. Moorhead, Mrs. Morella, Mr. Penny, Mr. Rahall, Mr. Rogers, Mr. Shays, Mr. Slattery, Mr. Smith of Florida, Mr. Vander Jagt, Mr. Walsh, and Mr. Wolf.

H.R. 916: Mr. Machtley.

H.R. 917: Mr. Neal of North Carolina, Mr. Eckart, Mr. Taylor of Mississippi, Mrs. Morella, Mr. Huckaby, Mr. Johnston of Florida, Mr. Darden, Mr. Ramstad, Mr. Santorum, Mr. Taylor of North Carolina, Mr. Jones of Georgia, Mr. Hochbrueckner, Mr. Stump, Mr. Rose, Mr. Weber, and Mr. James.

H.R. 951: Mr. Sensenbrenner and Mr. Packard.

H.R. 993: Mr. Espy, Ms. Norton, Mr. Walsh, and Mr. Santorum.

H.R. 997: Mr. Dymally.

H.R. 999: Mr. Ballenger.

H.R. 1004: Mr. Shaw, Mr. Ravenel, and Mr. Goss.

H.R. 1007: Mr. Guarini, Mr. Chandler, Mr. Costello, Mr. Bruce, Mr. Peterson of Minnesota, Mr. Oberstar, Mr. McCloskey, Ms. DeLauro, Mr. Kopetski, and Mr. Morrison.

H.R. 1016: Mr. Erdreich, Mr. Cox of California, Mr. Schaefer, and Mr. McNulty.

H.R. 1067: Mr. Moody, Mr. Traxler, Mr. Machtley, Mr. Darden, Mr. Owens of Utah, Mr. Condit, Mr. Sabo, Mr. Pickett, Mr. Brown, Mr. Towns, Mr. Erdreich, Mr. Swett, Mr. Schiff, Mr. Emerson, Mr. Gilman, Mr. Gillmor, Mr. Kanjorski, Mr. Spence, Mr. Bustamante, Mr. Carr, Mr.

REED, Mr. MCDADE, Mr. RICHARDSON, Mr. GAYDOS, Mr. PARKER, Mr. BARRETT, Mr. CLINGER, Mr. MURPHY, Mr. TRAFICANT, Mr. STALLINGS, Mr. RAMSTAD, Mr. MCHUGH, Mr. JONES of Georgia, Mr. HATCHER, Mr. BLILEY, Mr. PAXON, Mr. BARNARD, Mr. HARRIS, Mr. ENGEL, Mr. THOMAS of Wyoming, Mr. SIKORSKI, Mr. FRANKS of Connecticut, Mr. HANCOCK, Mr. FRANK of Massachusetts, Mr. FLAKE, Mr. SCHEUER, and Mr. CLAY.

H.R. 1074: Mr. MOAKLEY, Mr. MAVROULES, and Mr. PARKER.

H.R. 1075: Mr. PETERSON of Minnesota.

H.R. 1079: Mr. GILLMOR.

H.R. 1107: Mr. ANDREWS of Maine, Mr. BORSKI, Mr. HALL of Texas, Mr. MCMILLEN of Maryland, Mr. MATSUI, Mrs. MINK, Mr. MOLLOHAN, Mr. OWENS of Utah, Mr. PRICE, Mr. SMITH of Florida, Mr. SPRATT, Mr. CARR, Mr. VALENTINE, Mr. BEREUTER, Mr. CAMPBELL of Colorado, Mr. BRUCE, Mr. BOUCHER, Mr. COOPER, Mr. MANTON, Mr. GILCHREST, and Mr. ATKINS.

H.R. 1124: Mr. FAZIO, Mr. FRANK of Massachusetts, Mr. HORTON, Mr. TAYLOR of Mississippi, and Mr. WILSON.

H.R. 1154: Mr. COSTELLO, Mr. WALSH, Mr. FOGLIETTA, Mr. LANTOS, Ms. LONG, Mr. DICKS, Mr. MCEWEN, Mr. DE LUGO, Mr. ENGEL, Mr. KOPETSKI, Mr. PARKER, Mr. GILLMOR, Mr. WEISS, Mr. SCHEUER, Mr. VALENTINE, and Mr. SERRANO.

H.R. 1156: Mr. SCHEUER and Mr. WAXMAN.

H.R. 1167: Mrs. MINK.

H.R. 1178: Mr. MARKEY, Mr. FRANK of Massachusetts, and Mr. DE LUGO.

H.R. 1186: Mr. RAHALL, Mr. RINALDO, Mr. RIDGE, Mr. MCCURDY, Mr. HUBBARD, Mr. SPRATT, Mr. WEISS, Mr. BOUCHER, Mr. STAGGERS, Mr. GRAY, and Mr. KOPETSKI.

H.R. 1189: Mr. DOOLEY, Mr. MOODY, Mr. ENGEL, Mr. JEFFERSON, Ms. NORTON, Mr. WEISS, Mr. KOPETSKI, and Mr. Erdreich.

H.R. 1196: Mr. PAYNE of Virginia, Mr. ZIMMER, and Mrs. UNSOELD.

H.R. 1201: Mr. POSHARD.

H.R. 1202: Mr. AUCOIN, Mr. DOWNEY, Mr. NCNULTY, Mr. OBERSTAR, Mr. WALSH, Mr. PERKINS, and Mr. MATSUI.

H.R. 1227: Ms. LONG, Mr. MURPHY, Mr. STOKES, Mr. MFUME, Mr. JEFFERSON, Mr. OWENS of New York, and Mr. SANTORUM.

H.R. 1230: Mr. MOORHEAD.

H.R. 1238: Mr. YATRON, Mrs. BOXER, Mr. JEFFERSON, Mr. FROST, Mr. HOCHBRUECKNER, Mr. OWENS of New York, Mr. VALENTINE, and Mr. ECKART.

H.R. 1248: Mr. ROGERS, Mr. UPTON, Mr. BUSTAMANTE, Mr. ERDREICH, Mr. DELAY, Mr. VALENTINE, Mr. STALLINGS, and Mr. PARKER.

H.R. 1251: Mr. LAFALCE, Mrs. MEYERS of Kansas, Mr. GUNDERSON, Mr. WILSON, Mrs. BOXER, Mr. LEVINE of California, Mr. STUDDS, and Ms. NORTON.

H.R. 1252: Mrs. MEYERS of Kansas, Mr. GUNDERSON, Mr. WILSON, Mrs. BOXER, Mr. LEVINE of California, Mr. STUDDS, and Ms. NORTON.

H.R. 1253: Mrs. MEYERS of Kansas, Mr. GUNDERSON, Mr. WILSON, Mrs. BOXER, Mr. LEVINE of California, Mr. STUDDS, and Ms. NORTON.

H.R. 1289: Mr. RAHALL and Mr. COSTELLO.

H.R. 1300: Mr. DWYER of New Jersey, and Mr. POSHARD.

H.R. 1341: Mr. WISE, Mr. SANDERS, Mr. EVANS, Ms. KAPTUR, Mr. WOLPE, Mr. PARKER, and Mr. FAZIO.

H.R. 1356: Mr. WILSON.

H.R. 1361: Mr. BARNARD, Mr. BORSKI, Mr. ENGEL, and Mr. SLATTERY.

H.R. 1381: Mr. BRYANT, Ms. KAPTUR, Mr. WOLPE, Mr. PAYNE of Virginia, and Mr. DELLUMS.

H.R. 1400: Mr. COUGHLIN, Mr. HANCOCK, Mr. KYL, Mr. WALSH, Mr. HENRY, Mr. REGULA, Mr. MCGRATH, and Mr. SUNDQUIST.

H.R. 1406: Mr. POSHARD, Mr. GORDON, Mr. RAMSTAD, Mr. COSTELLO, Mr. CUNNINGHAM, Mr. JONES of Georgia, Mr. ROHRABACHER, Mr. LAGOMARSINO, Mr. FASCELL, Mr. LIGHTFOOT, Mr. COMBEST, Mr. KYL, Mr. TALLON, Mr. HENRY, Mr. CHAPMAN, Mr. FEIGHAN, Mr. LIVINGSTON, Mr. GIBBONS, Mr. GOSS, Mr. IRELAND, Mr. HORTON, Mrs. VUCANOVICH, Mr. FAZIO, Mr. THOMAS of Georgia, Mr. ANDREWS of New Jersey, Mr. ALLARD, Mr. ZIMMER, Mr. HEFNER, Mr. ROTH, Mr. MARTINEZ, Mr. DOOLITTLE, Mr. WILSON, Mr. MINETA, Mr. SMITH of Texas, Mrs. LLOYD, Mr. JOHNSON of South Dakota, Mr. QUILLEN, Mr. DE LUGO, Mr. SIKORSKI, Mr. SYNAR, Mr. DAVIS, Mr. BROOKS, Mr. GEREN of Texas, Mr. SARPALIUS, Mr. CARR, Mr. ORTIZ, Mr. DURBIN, Mr. RICHARDSON, Mr. LENT, Mr. OXLEY, Mr. LAUGHLIN, Mrs. JOHNSON of Connecticut, Mr. PARKER, Mr. BEVILL, Mr. JEFFERSON, Mr. MOORHEAD, Mr. STEARNS, Mr. WALSH, Mr. DANNEMEYER, Mr. MACHTLEY, Mr. HALL of Texas, Mr. MURTHA, and Mr. PAYNE of New Jersey.

H.R. 1412: Mr. SCHULZE, Mr. PAXON, Mr. BOUCHER, Mr. SOLOMON, Ms. LONG, Mr. NAGLE, Mr. DUNCAN, Mr. TAYLOR of North Carolina, Mr. PICKETT, Mr. SMITH of Oregon, Mr. VANDER JAGT, and Mr. WISE.

H.R. 1417: Mr. OWENS of Utah and Mrs. MEYERS of Kansas.

H.R. 1428: Mr. BRYANT, Mr. FEIGHAN, Mr. ANDREWS of New Jersey, and Mr. MCCURDY.

H.R. 1429: Mr. DANNEMEYER and Mr. IRELAND.

H.R. 1439: Mr. DANNEMEYER.

H.R. 1446: Mr. GUARINI.

H.R. 1450: Mr. PORTER, Mr. DARDEN, Mr. HUCKABY, Mr. WILLIAMS, Mr. NEAL of North Carolina, Mr. DELAY, Mr. CRANE, Mr. CARPER, Mr. PAYNE of Virginia, Mr. ZIMMER, Mr. ERDREICH, and Mr. FAZIO.

H.R. 1454: Mr. JACOBS, Mr. KENNEDY, Mr. STOKES, Mr. GEJDENSON, Mr. CARR, Mr. DONNELLY, Mr. STARK, Mr. ROWLAND, Ms. SLAUGHTER of New York, Mr. FAZIO, and Mr. BONIOR.

H.R. 1460: Mr. BONIOR, Mr. ECKART, Ms. PELOSI, and Mr. WEISS.

H.R. 1473: Mr. HANCOCK, Mr. TOWNS, Mr. BARNARD, Mr. QUILLEN, Mr. LENT, MR. FUSTER, Mr. GOSS, and Mr. VOLKMER.

H.R. 1494: Mr. LAFALCE.

H.R. 1502: Mr. NAGLE, Mr. BOUCHER, Mr. HOCHBRUECKNER, Mr. RAVENEL, Mr. STARK, Mr. BERMAN, Mr. SMITH of Florida, Mr. MCDERMOTT, Mr. UDALL, Ms. WATERS, Mr. LAFALCE, Mr. COSTELLO, and Mr. PANETTA.

H.R. 1523: Mr. HASTERT, Mr. BARTON of Texas, and Mr. HYDE.

H.R. 1543: Mr. MILLER of Ohio.

H.R. 1565: Mr. HENRY.

H.R. 1572: Mr. PICKETT, Mr. DANNEMEYER, and Mr. BAKER.

H.J. Res. 2: Mr. SENSENBRENNER.

H.J. Res. 87: Mr. BRUCE, Mr. SLAUGHTER of Virginia, Ms. NORTON, Mr. ANTHONY, and Mr. GONZALEZ.

H.J. Res. 102: Mr. WILSON, Mr. TAUZIN, Mr. SMITH of Florida, Mr. LAFALCE, Mr. LIPINSKI, and Mr. FORD of Michigan.

H.J. Res. 103: Mr. WILSON, Mr. HALL of Texas, Mr. SLAUGHTER of Virginia, Mr. FALEOMAVAEGA, Mr. STAGGERS, Mr. SKEEN, and Mr. RAMSTAD.

H.J. Res. 107: Mr. MOORHEAD and Mr. SCHAEFER.

H.J. Res. 109: Mr. APPLEGATE, Mr. BUSTAMANTE, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. FIELDS, Mr. HEFNER, Mr. HORTON, Mr. IRELAND, Mr. LANTOS, Mr. MAVROULES, and Mr. MCDERMOTT.

H.J. Res. 144: Mr. MILLER of California, Mr. NEAL of North Carolina, Mr. NUSSLE, Mr. NATCHER, Mr. LEVIN of Michigan, Ms. HORN, Mrs. MORELLA, Mr. TRAXLER, Mr. BUSTAMANTE, Mr. STARK, Mr. LEACH, Mr. HALL of Ohio, Mr. BATEMAN, Mr. SLATTERY, Mr. DE LA GARZA, Mr. DOWNEY, Mrs. KENNELLY, Mr. BENNETT, Mr. MCCLOSKEY, Mr. DICKS, Mr. GORDON, Mr. WAXMAN, Mrs. BOXER, Mr. MCHUGH, Mr. SABO, Mr. WYDEN, Mr. HOCHBRUECKNER, Mr. MRAZEK, Mr. LANTOS, Mr. ANDERSON, Mr. MATSUI, Mr. PALLONE, Mr. FOGLIETTA, Mr. KOSTMAYER, Mr. SAXTON, Mr. FAZIO, Mr. TORRES, Mr. SAVAGE, Mr. PAYNE of New Jersey, Mr. YATRON, Mr. UDALL, Mr. BEVILL, Mr. FORD of Tennessee, Mr. MINETA, Mr. TALLON, Mr. SMITH of Florida, Mr. BILBRAY, Mr. PETRI, Mr. BOUCHER, Mrs. PATTERSON, Mr. FALEOMAVAEGA, Ms. NORTON, Mr. GILCHREST, Mr. KENNEDY, Mr. DREIER of California, Mr. MARKEY, Mr. PACKARD, Mr. GUNDERSON, Mr. HOUGHTON, Mr. ERDREICH, Mr. MACHTLEY, Mr. BROWDER, Mr. RHODES, Mr. GALLO, Mr. LEHMAN of California, Mr. ABERCROMBIE, Mr. MCNULTY, Ms. DELAURO, and Mr. ZELIFF.

H.J. Res. 147: Mr. MOORHEAD.

H.J. Res. 160: Mr. HORTON, Mr. OXLEY, Mr. SMITH of Florida, Mr. BROWDER, Mr. MCMILLEN of Maryland, Mr. WYDEN, Mr. CALLAHAN, Mr. HARRIS, Mr. BILBRAY, Mr. CRAMER, Mr. POSHARD, Mr. BEVILL, Mr. BENNETT, Mr. LANCASTER, Mr. LIPINSKI, Mr. EMERSON, Mr. MURPHY, Mr. PAYNE of New Jersey, Mr. MOORHEAD, Mr. BUSTAMANTE, Mr. BREWSTER, Ms. KAPTUR, Mrs. KENNELLY, Mr. KILDEE, Mr. DARDEN, Mr. GUARINI, Mr. HASTERT, Mr. JONES of North Carolina, Mr. HYDE, Mr. PURSELL, Mr. MCCLOSKEY, and Mr. MCHUGH.

H.J. Res. 162: Ms. WATERS and Mr. KENNEDY.

H.J. Res. 170: Mrs. LLOYD, Mrs. BYRON, Ms. HORN, Mr. MATSUI, Mr. HAMMERSCHMIDT, Mr. FISH, Mr. ROWLAND, Mr. SAVAGE, Mr. BURTON of Indiana, Mr. LEVIN of Michigan, Mr. HYDE, Mr. MCDERMOTT, Mr. KASICH, Mr. ERDREICH, Mr. WOLF, Mrs. VUCANOVICH, Mr. MCDADE, Mr. SLATTERY, Mr. YOUNG of Alaska, Mr. SPRATT, Mr. WYDEN, Mr. QUILLEN, Mr. DYMALLY, Mr. KOLTER, Mr. LEWIS of California, Mr. BENNETT, Mr. GOODLING, Mr. SCHEUER, Mr. NAGLE, Mr. THOMAS of Georgia, Mr. OWENS of New York, Mrs. PATTERSON, Mr. LANCASTER, Mr. ROBERTS, Mr. UDALL, Mr. PORTER, Ms. LONG, Mr. ANNUNZIO, Mr. SMITH of Florida, Mr. COBLE, Mr. PETERSON of Florida, and Mr. WALSH.

H.J. Res. 181: Mr. ANNUNZIO, Mr. BEVILL, Mr. BILBRAY, Mr. BLILEY, Mr. CLEMENT, Mrs. COLLINS of Illinois, Mr. ERDREICH, Mr. FASCELL, Mr. GUARINI, Mr. HARRIS, Mr. HORTON, Mr. JONTZ, Ms. KAPTUR, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIPINSKI, Mrs. LLOYD, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MANTON, Mr. MACHTLEY, Mrs. MINK, Mr. NEAL of Massachusetts, Ms. NORTON, Ms. OAKAR, Mr. OWENS of Utah, Mr. QUILLEN, Mr. SKEEN, Mr. SPRATT, Mr. TALLON, Mr. TOWNS, Mr. VANDER JAGT, Mr. VOLKMER, Mr. WILSON, and Mr. YATES.

H.J. Res. 182: Mr. ANNUNZIO, Mr. BENNETT, Mr. BONIOR, Mr. BUSTAMANTE, Mr. COSTELLO, Mr. DORGAN of North Dakota, Mr. DURBIN, Mr. GORDON, Mr. GUARINI, Mr. LEHMAN of Florida, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mr. MURPHY, Mr. OWENS of Utah, Mr. PANETTA, Mr. QUILLEN, Mr. ROSE, Mr. RUSSO, Mr. SKEEN, Ms. SLAUGHTER of New York, Mr. UDALL, Mrs. UNSOELD, Mr. WASHINGTON, Mr. WOLF, Mr. YATES, Mr. ALEXANDER, Mr. BILBRAY, Mr. BUNNING, Mr. BURTON of Indiana, Mr. DE LA GARZA, Mr. DE LUGO, Mr. ECKART, Mr. ENGEL, Mr. JOHNSON of South Dakota, Mr. KILDEE, Mr. MCGRATH, Mr. SOLARZ, Mr. TANNER, Mr. TAYLOR of Mississippi, and Mr. VENTO.

H.J. Res. 194: Mr. WAXMAN, Mr. PRICE, Mr. WEISS, Mr. WILSON, Mr. WEBER, Mr. HEFNER, Mr. THOMAS of Georgia, and Mr. BILBRAY.

H. Con. Res. 81: Mr. GILCHREST, and Mr. HUTTO.

H. Con. Res. 85: Mr. STENHOLM, Mr. SCHEUER, and Mr. MACHTLEY.

H. Con. Res. 88: Mr. HORTON, Mr. MINETA, Mr. DURBIN, Mr. STEARNS, Mr. SENSENBRENNER, Mr. LENT, Mr. ARMEY, Mr. FISH, Mr. KENNEDY, Mr. EDWARDS of Texas, Mr. SABO, Mr. ENGEL, Mr. CRAMER, Mr. BUSTAMANTE, Mr. CONDIT, Ms. SLAUGHTER of New York, Mr. ANDREWS of Maine, Mr. ANTHONY, Ms. DELAURO, Mr. FAZIO, Mr. HOAGLAND, Mrs. KENNELLY, Mr. PRICE, Mr. SLATTERY, Mr. PAYNE of Virginia, Mr. SIKORSKI, Mr. TORRICELLI, Mr. ANDREWS of New Jersey, Mr. AUCOIN, Mr. GLICKMAN, Mr. HUBBARD, Mr. MCHUGH, Mr. PENNY, Mr. WILLIAMS, and Mr. COX of California.

H. Con. Res. 89: Mrs. MEYERS of Kansas, Mr. GUNDERSON, Mr. WILSON, Mrs. BOXER, Mr. LEVINE of California, Mr. STUDDS, and Ms. NORTON.

H. Res. 101: Mr. PERKINS, Mr. FORD of Michigan, Mr. FALEOMAVAEGA, Mr. HAYES of Illinois, Mr. KOLTER, Mr. BROWDER, and Ms. SNOWE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

44. By the SPEAKER: Petition of the Saddle Brook Township Council, NJ, relative to awarding a fifth star to Generals Colin Powell and Norman Schwarzkopf; to the Committee on Armed Services.

45. Also petition of six State legislators of Minnesota, relative to Canadian immigration regulations; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

A TRIBUTE TO COL. DONALD W. KLOVSTAD

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Col. Donald W. Klovstad who is departing McClellan AFB, CA, on March 30, 1991. He served as the Associate Director of Financial Management, Sacramento Air Logistics Center. His new position is Chief of Quality for the Air Force.

Col. Klovstad was born November 1, 1946, in Fort Worth, TX, and graduated from Castleberry High School in 1964. He completed studies at Oklahoma State University in January 1969, graduating with a bachelor of science degree in marketing, and received his commission through the ROTC program there.

After receiving his commission, he assumed duties as a supply officer and had various assignments with Pacific Air Force and Tactical Air Command, including tours at Ching Chang Kang AB, Taiwan, and Langley AFB, VA. In 1974 he attended the Air Force Institute of Technology, Wright-Patterson AFB, OH, graduating with a master of science degree in logistics. Then he became the logistics advisor to the Deputy Chief of Staff for Civil Engineering, Alaskan Air Command, Elmendorf, AK, from 1975 to 1978. He spent another 2 years at Elmendorf as Director of Logistics for the 531st Air Control and Warning Group, supporting 13 remote radar stations throughout the State.

Col. Klovstad entered the Education with Industry Program in 1979, spending a year working with Montgomery Ward in Chicago, IL. In 1980 he took an assignment at Air Force Headquarters as action officer for supply policy where he was the program manager for the development and funding of the European Distribution System and acquisition of the C–23A aircraft. In 1983 he became the HQ USAF congressional liaison. From 1986 to 1987 he served as the Commander, 8th Supply Squadron, Kunsan AB, Korea, supporting the F–16 aircraft. The 8th Supply Squadron was selected as "Best in PACAF" in 1987.

Col. Klovstad's assignments at SM–ALC include serving as Chief of Logistics Research and Systems Division in the Plans and Programs Directorate, System Program Manager for Communications-Electronics, and Resources Management Division Chief in the Materiel Management Directorate.

During his most recent assignment he was involved in the design and implementation of SM–ALC's reorganization. Col. Klovstad was responsible for the creation of a directorate which acts as the point of contact of policy, guidance, and procedures to the product directorates and other key organizations. The directorate is responsible for the center's plans and programs, budget, and resources, including land, facilities, and manpower.

Col. Klovstad's achievements go beyond his work at the base and into the Sacramento community. He has been involved in a multitude of studies and action groups which were tasked with assisting the impact of any force reduction of McClellan AFB personnel to the surrounding community. He has made it his goal to ensure negative effects to Sacramento and the base population are reduced as much as possible, while still ensuring the Air Force mission is accomplished.

Colonel Klovstad is a graduate of Squadron Officers' School and Air Command and Staff College, both located at Maxwell AFB, AL, and the Industrial College of the Armed Forces, Fort McNair, Washington, DC. His military awards and decorations include the Meritorious Service Medal with four oak leaf clusters, the Air Force Commendation Medal, the National Defense Service Medal, the Vietnam Service Medal, and the Vietnam Campaign Medal. He was twice selected as the Air Force Outstanding Supply Officer of the Year and once as NORAD Officer of the Year. Col. Klovstad is married to the former Frances Sinclair Cumming of Hampton, VA. They have one daughter, Martha, 13, and have lived in Sacramento, CA, for the past 4 years.

I know my colleagues join me today in offering our sincere congratulations and appreciation to Col. Donald W. Klovstad on the occasion of his new assignment. His devotion, skills, and extraordinary contributions to the public sector and the mission of the U.S. Air Force are a shining example to all in our country's service. I would like to extend my best wishes for the future to Col. Klovstad and his wife, Frances.

SALUTING KERRI DELMONICO

HON. JOHN F. REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. REED. Mr. Speaker, I rise today to salute Kerri Delmonico, a distinguished young woman from Johnston, RI, who has remained undefeated in tennis competition throughout her 4 years at Emmanual College. She is to be honored this week for her noteworthy achievement. Emmanuel College will hold a ceremony to retire her tennis racket Saturday, March 23.

Kerri has been an outstanding athlete and student throughout her high school and college careers. In addition to her tennis, she has been a star player on the basketball team and active in community service. She has worked with the youth of Rhode Island for several years and has participated as an instructor at several youth sport camps.

Mr. Speaker, I ask you and my colleagues to join me in saluting Kerri Delmonico on her athletic accomplishments. I know Kerri will continue her public service and athletic activities and in so doing will further distinguish herself and her community.

THE INTRODUCTION OF THE ENVIRONMENTAL HEALTH RESEARCH ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. MARKEY. Mr. Speaker, I rise today to introduce legislation which would authorize funding for the National Institute of Environmental Health Sciences [NIEHS] to conduct basic research on the effects of air pollution on human health and to establish an educational program for health care providers to recognize and treat the problems that result from those effects.

NIEHS has already contributed indispensable data from long-term population studies on air pollution's health effects, and this legislation will allow NIEHS to continue their invaluable research in the under-studied area of human health risks from air pollutants. Past research on air pollutants indicates strong evidence that they are very damaging to the environment. Yet, the extent of the damage on the human body is dangerously unknown and unidentified. It is critical to the long-term health of the public to understand the effects on the human body of the various air pollutants that affect the Nation, especially the millions who live in areas with poor air quality, like the Nation's growing urban areas.

The Environmental Protection Agency [EPA] does important work on the air quality issue, but they do not provide data on the long-term health impacts experienced by people who are exposed in their everyday environment to air pollutants. Research in these areas will prove to be essential to EPA, especially in the wake of the enactement of the Clean Air Act, as air quality standards will soon be evaluated and determined and toxic air substances will be examined and regulated. Only by acquiring more scientific data on the human health dangers resulting from air toxins can we expect to aid people affected with respiratory illnesses, and begin to educate people on preventive measures they can take.

In addition to authorizing funding for the NIEHS for these environmental health studies, this legislation will authorize funding for the NIEHS to conduct an educational and training program for health care providers in the area of environmental health. NIEHS currently sponsors a program of grants to prepare graduate students in a range of scientific disciplines to conduct research on the impacts of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

air pollution, but does not include medical students; in fact medical schools now rarely focus on the issues raised by this legislation. By working with medical educators and students, the NIEHS will be able to promote the correct diagnosis and treatment of medical problems resulting from air pollution.

Without a feasible program that builds a base of doctors who are trained to recognize and correctly treat the damage caused by airborne pollutants, the serious health effects of short-term and long-term exposure to air pollution will be difficult to control. This legislation will help health care personnel to recognize fully how to aid those who are afflicted with air pollution related ailments.

Mr. Speaker, I introduce the Environmental Health Research Act of 1991 in an effort to promote research by experts at the National Institute of Environmental Health Sciences in an area which has received inadequate attention or study. Basic research and the education of health care providers on the dangers of air pollutants will prove to be an investment in public health and begin a trend of education and prevention which will lead to a healthier and more productive Nation.

A TRIBUTE TO MAJ. BUTCH LAURION

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Maj. Butch Laurion, master chief radioman, U.S. Navy. Major Laurion is set to retire from naval service on July 1, 1991 after 31 years of active duty.

Major Laurion entered the naval service on August 9, 1960. His major duty assignments have been aboard the U.S.S. *Staten Island*, the U.S.S. *Skipjack*, and the U.S.S. *Ranger*. In recent years Major Laurion has been director fo the senior enlisted academy. As director, he has been responsible for the training and direction of over 1,000 enlisted persons from four different branches of our Armed Forces.

His awards and decorations include the Navy Commendation Medal with gold star, Navy Achievement Medal. In addition, he has received the Good Conduct Medal with four bronze stars, Meritorious Unit Commendation, National Defense Service Medal, Antarctic Service Medal, Armed Forces Expeditionary Medal, and the Sea Service Deployment Ribbon. Master Chief Laurion has served in all three warfare specialties and wears the post command master chief badge.

It is with great pleasure that I join Maj. Butch Laurion in celebrating his retirement from 31 years of dedicated naval service. I wish Major Laurion, his wife Kathy, and his three children, Michael, Paige, and Chad, the best of luck and happiness in all future endeavors.

METROPOLITAN CORRECTIONAL CENTER CELEBRATES 15 YEARS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on Tuesday, April 2, 1991, the Metropolitan Correctional Center will be hosting an open house to celebrate its 15th anniversary, in Miami, FL.

This event is one of three scheduled during April 1991. The MCC has invited law enforcement agencies, as well as local, State, and Federal Government officials. Two other tours will be conducted for the general public and employee families.

Following a welcome address by Warden Stephen F. Pontesso, the guests will be treated to a comprehensive tour and critique lasting about 2½ hours. The tour will include an opportunity to experience the actual process of commitment. Visitors will observe the secure unit, as well as the Federal prison industries, food service department, inmate visiting area, chapel, recreation area, commissary store, and the staff development center.

I would like to extend my thanks to Warden Stephen Pontesso, Associate Wardens Jim Zanges, Salvadore Seanez, and Michael Stone, and Executive Assistant Charles Davis for sharing with the community the wonderful work they perform as a vital part of the judicial system.

NUTRITION INFORMATION FOR THE TROOPS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. DE LA GARZA. Mr. Speaker, I am particularly pleased that S. 725, which passed the House yesterday, contains my recommendation to require the Secretary of Agriculture to conduct outreach projects using various methods to inform the families of junior enlisted Armed Forces personnel that they might be eligible for food stamp benefits. We know that some of the families of military personnel are eligible, based on their income and household size, for participation in the Food Stamp Program. Approximately 3,000 active duty military households were participating in the Food Stamp Program at the time Iraq invaded Kuwait last August.

However, some military families, including both regular military and the families of reservists and National Guardsmen that are called to active duty, may not be aware that they might be eligible for food stamp benefits. If they could be helped by participation in the Food Stamp Program, these households should have the opportunity to choose whether or not they wish to participate. Without the knowledge that they might be eligible, they are denied the choice. The provision requires the Secretary of Agriculture to consult with the Secretary of Defense in conducting these projects. I would hope that the Defense Secretary would lend his full support to this effort so that our troops will have better information about a Federal program that could render additional support to them as they serve our country.

The best use of resources in conducting these outreach projects would be to target the families of junior enlisted personnel. Based on income, it is likely that the families of some personnel in only the first three or four enlisted ranks would qualify for food stamp benefits. I would not expect the families of the more senior personnel to be targeted by these outreach projects. Furthermore, I would not expect families stationed overseas, where the Food Stamp Program is unavailable, to be part of any of the outreach projects. However, I would expect USDA to conduct projects informing the households of junior enlisted regular military personnel assigned to units stationed on established military facilities within the United States of their possible eligibility for food stamp benefits.

The families of personnel called to active military duty from National Guard and Reserve units present particularly compelling cases. They often suffer a significant reduction in their income. Many of these families do not live close to a military facility and are unable to take advantage of the lower prices at a commissary and post exchange. I expect USDA to specifically target the families of the junior enlisted personnel of a number of these activated units.

I understand that USDA has prepared a flyer describing USDA food assistance programs and indicating where people can find out whether or not they are eligible to participate. Mailing this flyer to the households of the junior enlisted personnel would be the best actual notice, and I strongly urge USDA to incorporate this method in at least some of the outreach projects.

The provision requires that USDA report to the Congress on the effectiveness of the various methods used in these outreach projects. I know that we are all interested in supporting the military forces and families that make great personal sacrifices to defend our national security. This report will be valuable to us as we seek ways to best support our Armed Forces.

HONORING CHARLES BATES, JR.

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. McEWEN. Mr. Speaker, it is with great pride that I rise today to honor Charles Bates, Jr. On March 31, 1991, after 35 years of defense related service, he begins a well-deserved retirement.

Charles Bates has dedicated his whole career to developing the science of ergonomics, the man-machine interface which has contributed significantly to Air Force projects.

Mr. Speaker, because of the work of Charles and men and women like him, we see how tremendously important our defense industry is. During Operation Desert Storm we witnessed, firsthand, the military significance of the technology that collects vast amounts of information, reduces it to manageable bits, and presents it to the airman or soldier for proper split-second decisionmaking.

That same technology has filtered into our civilian lives in many ways. America's commercial aviation industry shares much of that technology, providing for the safest means of travel in the world. Medicine, communication, education, design and manufacturing, and, of course, our very homes all have numerous examples of technology available. Thanks to Charles and others like him, that technology makes our lives easier, more productive, and enjoyable.

Mr. Speaker, we need to recognize Charles and our other Government professionals, as the behind-the-scenes heroes of Desert Storm.

Mr. Bates served a tour in the U.S. Army Air Force beginning in 1946. He graduated from Kansas State University in 1954 with a master's degree in industrial psychology. Mr. Bates also has additional graduate training in industrial training, side-looking radar, and photo interpretation.

In 1956, Mr. Speaker, Mr. Bates began his civilian Federal service career with the Air Force Aerospace Medical Research Laboratory—now named Crew Systems Directorate, Armstrong Laboratory—in the Crew and Systems Branch at Wright-Patterson Air Force Base. He was assigned as a project engineer directly supporting Air Force weapon system development. In this capacity, he was involved in crew station design for the Snark, Atlas, Navaho, B–52, B–70, Skybolt, and Hound Dog Programs. Participation in the development and test activities of these programs led to a research program to quantify the contribution of the human component to system reliability.

Mr. Speaker, by 1962 Mr. Bates received a promotion to Chief Performance Requirements Branch. His new responsibility was human engineering support of Air Force advanced system development, including analysis and experimental activity on human performance problems peculiar to advanced systems.

Mr. Bates was also project engineer for the human performance aspect of the Manned Orbiting Laboratory Program. This program initiated the early work in visually coupled systems, including the development of the first airborne qualified helmet-mounted sight/helmet-mounted display, and provided the initial human performance data for multisensory real-time reconnaissance program development.

In 1975, as Chief of the Human Engineering Division, he supervised activities dealing with a wide range of human performance issues in the Air Force. These included the organization and pursuit of a workload measurement program, visually coupled airborne systems simulators, strategic aircraft man-in-the-loop design simulation, and basic research in human visual performance.

Charles was rewarded for his diligence and hard work and recognized for his managerial abilities, being selected for the rank of Senior Executive Service in August 1983.

Today, I have mixed emotions about the retirement of Charles Bates, Jr. Charles will leave Government service with his retirement, a reward for his labor. On the other hand, America will miss the 35 years of experience he takes with him.

Mr. Speaker, I know I join my colleagues and the many friends of Charles Bates, Jr., in extending sincere congratulations and gratitude to a person who has contributed so much to our Nation's defense. May he enjoy his retirement and may it be as rewarding as his working years.

A TRIBUTE TO FORMER MEMBERS OF CONGRESSIONAL BLACK CAUCUS

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. GRAY. Mr. Speaker, I rise today to ask my colleagues to recognize and utilize an all-too-often forgotten resource of the U.S. House of Representatives: the collective wisdom and experience of our former Members. Specifically, I want to focus my remarks, and the attention of my colleagues, on the wealth of insight and knowledge embodied in the 12 living former Members of Congress who are African-American.

These are men and women who helped to shape the policies of our Nation over the past 35 years; who poked and prodded at administrations that dragged their feet on civil rights and economic empowerment; who raised their voices and those of their constituencies when our nation took an errant path; and who broke the barriers against African-Americans in the political arena in so many States.

These 12 individuals represented districts in eight States: California, Georgia, Massachusetts, Michigan, Indiana, Texas, Maryland and New York; as well as the District of Columbia. They came to the Congress from different backgrounds—some clergy, some lawyers, some businesspersons, some civil rights leaders and community activists.

Edward Brooke, the only black ever to win popular election to the Senate, had been the attorney general in Massachusetts. Yvonne Braithwaite Burke, also a lawyer, was in the California State Assembly. Shirley Chisholm, before she served in New York's State Assembly, was a specialist in child care. George Crockett was a judge in the Recorder's Court in Detroit, MI. Charles Diggs was the owner of an undertaking business in Detroit. Walter Fauntroy was a minister and leader of the civil rights campaigns of the 1960's. Katie Hall was a schoolteacher before she served in the Indiana House and Senate. Gus Hawkins served 28 years in the California Assembly. Lawyer Barbara Jordan coordinated a project to help the unemployed before serving in the Texas State Senate. Parren Mitchell was a professor and urban affairs specialist in Maryland. Alton Waldon, trained in law, also served on the New York City Housing Department, Police Force, and in the New York State Assembly. Andrew Young, a minister, was director of the Southern Christian Leadership Conference.

These 12 Members each found their own path to the Congress and to their role as national legislators.

What makes this group of former Members special, however, is not their differences of geographic origin or educational or job background. Nor is it the diversity of views or perspectives they represented while they served in the Congress.

What makes these living former Members of the Congressional Black Caucus so valuable to us is the unique quality that every African-American Member of Congress brings with him or her: the strong sense of identity and purpose born of our heritage of discrimination and neglect. They knew when they arrived not only how far they had come, but also how far they, and this Nation, still had to go to ensure a just and equitable society. They recognized, and acted on, the premise that our Constitution had never been fully realized for all Americans. They accepted as their obligation and their mission in Congress the task of changing that fact—sometimes through introducing legislation, sometimes through organizing constituencies and coalitions; sometimes through civil disobedience and protest.

Collectively, the living former members of the Congressional Black Caucus represent 142 years of congressional experience—an enormous cache of information and insight.

But more important than the years they represent within this body are the accomplishments they represent—from the drafting of the civil rights programs of the 1960's to the struggle to save the safety net of the 1980's; from fighting apartheid in South Africa to fighting racism in our own Federal Government agencies; from establishing opportunities for minority business enterprises to crafting the Nation's education policy; from new policy initiatives in Africa, the Caribbean, Central America to the establishment of the Martin Luther King, Jr. Holiday.

IMMIGRATION AND NATURALIZATION SERVICE CELEBRATES ITS 100TH ANNIVERSARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the U.S. Immigration and Naturalization Service [INS] on their centennial. For over 100 years, this agency has helped process millions of immigrants who came to our shores to find a better way of life.

The United States has become what noted author Ben Wattenberg has called the first universal nation because we admit more legal immigrants each year than all the other countries in the world combined.

As one who sought political refuge in this wonderful country, I truly believe that America is the only nation where you will find such a broad range of races, nationalities and cultures from every corner of the earth united by their desire to live and prosper under freedom.

The INS was created by a second general immigration law adopted in March, 1891. That law provided for medical inspection of all arriving immigrants. It also barred entry of paupers, polygamists, and those suffering from certain diseases. This replaced the first general immigration law passed in 1882 which had required a head tax of 50 cents for each immigrant.

Immigration to the United States mushroomed after 1880. Between 1881 and 1920, 23½ million immigrants were admitted for permanent residence—with over 90 percent coming from Europe. This was the great age of immigration to the United States before laws placing the first limits on immigrants were passed in the 1920's.

Since that time, the immigration laws have been broadened to insure that immigrants from all over the world would be treated equally. Exceptions were also made for political refugees and other special cases such as war orphans, war brides and displaced persons.

Miami has been a leading port of entry for those coming to our Nation since 1960. The mass exodus of refugees from Cuba beginning in 1959 helped make Miami one of the biggest INS offices in the Nation. The Miami INS district now has over 1,000 employees in 27 offices throughout Florida and the Bahamas.

I wish to recognize Miami INS District Director Richard B. Smith, Associate District Director George Waldrup, Head of Naturalization Elaine Watson, Johnnie Fripp, Cheryl Phillips, Cathy Sheerin and the many other dedicated INS employees who will be celebrating this important agency's centennial in Miami on March 27, 1991.

HOUSE JOINT RESOLUTION ON KENYA

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. KENNEDY. Mr. Speaker, today I am introducing a joint resolution that responds to the continuing human rights abuses in Kenya. At a time when the world is increasingly united on fundamental issues like human rights, Kenya has continued its reign of repression and fear.

The U.S. has been particularly sensitive to Kenya's denial of civil and political rights for its citizens. Less than a year ago the administration suspended all remaining fiscal year 1990 military assistance to the Government pending improvements in its political and civil rights policies, while the Congress included a provision in the foreign operations appropriations bill, Public Law 101–513, that supported the suspension, expanded it to include economic support funds and conditioned the sanction on similar policy improvements.

The Kenyan Government took a few steps forward. The secret ballot was restored, arbitrary expulsion from KANU, Kenya's only party, was abolished, and the tenure of judges was restored. Yet these steps fell far short of international expectations.

President Bush in turn released $5 million of the $10 million withheld from the 1990 military assistance package as a reward for Kenya's cooperation in the Persian Gulf war and its assistance in Chad. Soon after the funds were released, the Kenyan Government moved further down its repressive track by arresting many more persons affiliated with the multiparty movement. As I now understand it, the President intends to release the remaining funds and request additional funds for those programs in fiscal year 1992.

This resolution preempts this decision. It condemns Kenya's actions, suspends the remaining $5 million in military assistance and prohibits all future military and economic support assistance pending Kenya's meeting the political and civil rights conditions outlined in the text.

The resolution would require Kenya to ensure safeguards for political and civil rights for all Kenyan citizens, including freedom of expression. It would require the Government to secure the independence of the Judiciary. And it would call upon President Moi to preserve political and civil rights for all imprisoned or detained persons. The resolution is similar to one introduced in the Senate, and has already gained significant support in both Houses.

International attention has also been focused on Kenya's human rights policies. The Danish Government recently suspended assistance pending improvements in civil and political rights, and many other OECD nations have also expressed their intolerance of President Moi's policies.

We have the opportunity through this resolution to join in the growing chorus, but we must ensure that our message is clearly defined. Over the past few months the U.S. has sent conflicting messages about U.S. policy toward Kenya, and certainly President Moi's actions over the past year indicates the vagueness in our message. The Congress has been steadfast in its criticism of the Kenyan Government, but President Bush has validated the tradeoff of Kenya's poor human rights policy for President Moi's adoption of a convenient foreign policy.

This resolution would reorient U.S. intentions. It will state loud and clear that U.S. foreign aid is not an entitlement. It will clearly articulate our expectations regarding human rights, and ensure that the President and Congress share the responsibility of formulating future U.S. policy toward Kenya.

Gibson Kuria, Gitbuto Imanyara, Charles Rubia, Kenneth Matiba, and many others have sacrificed their freedom in the hope that all Kenyans may one day live in an open society. We can help in their cause by supporting this resolution.

I would urge my colleagues to use our leverage to promote an improvement to the quality of human rights in Kenya.

Help pass this resolution and help the people of Kenya.

A TRIBUTE TO LT. COL. DUANE C. ROBERTS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Lt. Col. Duane C. Roberts, retiring Director of Public Affairs for the Sacramento Air Logistics Center, McClleIan Air Force Base, CA. Colonel Roberts is retiring from the U.S. Air Force after 24 years of service.

During the past 4 years, Colonel Roberts, with steadfast personal commitment, continuous planning, and implementation of modern communications techniques and methods, contributed to the reputation and recognition of public affairs as a strong, efficient, and professional operation.

Under Colonel Robert's leadership, Sacramento Air Logistics Command Center Public Affairs received the Air Force Logistics Command Commanders Excellence award for the command's best overall public affairs program, best public affairs community relations program, best public affairs media relations program, and best public affairs environmental program.

Originally from Wyoming, Colonel Roberts received his commission through the Air Force ROTC Program at Brigham Young University, Provo, UT, where he received his bachelor of arts in communications in 1967.

For 3 years, he served as a full-time missionary for the Church of Jesus Christ of Latter Day Saints in France and Switzerland. He received his master of arts in communication in 1977.

Colonel Roberts has previously been assigned as: director of allied public information programs for Italy, Greece, Turkey, and the Mediterranean area of NATO; chief of Pictorial/Broadcast Branch, Secretary of the Air Force Office of Public Affairs; chief of combat documentation and commander of the 600th Photo Squadron in Vietnam; and commander of Air Force audiovisual services in Japan.

Colonel Roberts is a member of the Public Relations Society of America, the Sacramento Area Chamber of Commerce, the Radio and Television News Directors Association, the board of directors for the Sacramento Air Logistics Center Commander's LOGSTAR program, is Church of Latter Day Saints sponsor for 10 congregations, the COMSTOCK club, and the Church of Latter Day Saints business board of directors.

Colonel Roberts has eight children and is married to the former Susan Plotts of Tacoma, WA.

I know my colleagues join me today in offering our sincere congratulations and appreciation to Lt. Col. Duane C. Roberts on the occasion of his well-earned retirement from active duty military service. His devotion, skills, and extraordinary contributions to the military sector are a shining example to all in our country's service. I would like to extend my best wishes for the future to Duane Roberts and his wife Susan.

PUT AN END TO THE GOVERNMENT SUBSIDIZATION OF RUNAWAY INDUSTRIES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation to bring an end to the practice of Government purchases of foreign goods that do not adhere to Federal procurement standards within the United States.

As many of my colleagues know, there has been a mass exodus in recent years by the American agricultural produce industry to foreign nations, particularly developing countries. The attractiveness of these countries for agricultural processing is very simple. They can employ workers willing to work under some of the worst conditions in the world for extremely low wages. This same produce, grown in the United States and processed in these countries, is being sold to the U.S. Government and paid for by taxpayer dollars.

I do not believe that the U.S. Government should be supporting exploitative labor practices by indirectly subsidizing this practice. There is no reason why we should be paying for agricultural products, produced in foreign countries, by firms paying less than subsistence wages and that are allowing sweat-shop like conditions. This is not only wrong morally but fiscally. In addition the safety of the food is now endangered by the poor decontamination procedures used in many of these countries. This is not a phenomenon that the Federal Government should support. But that is just what is happening.

Further, farmers and agricultural workers in the United States must be able to compete on an even playing field. Why should the U.S. Government help subsidize a foreign industry that is competing unfairly with American firms? Thousands of agricultural workers have lost their jobs due to this unfair advantage. By requiring foreign firms to show that they are adhering to minimum labor standards, this advantage will be taken away from companies using exploitative labor practices. To put it simply, we need a fair competitive structure in which American industry and labor can compete.

My bill would ensure that any foreign agricultural producer supplying produce to the U.S. Government adheres to the procurement laws of the United States. The bill would amend the Walsh-Healey Government Contracts Act of 1936 to include foreign processed agricultural produce. The Walsh-Healey Act forbids the purchase of any product, except domestic agricultural produce and all foreign goods, from a company that does not meet minimal labor standards under the Fair Labor Standards Act. The act was designed to ensure that the Federal Government was purchasing goods from firms that practiced minimum labor standards. The act states that the Federal Government, acting as a consumer, imposes upon itself the restraint that it will not enter into contracts for the purchase of goods, materials, et cetera, unless certain minimum labor standards are observed in the manufacture of such goods and materials.

My bill would simply add agricultural produce to those products purchased by the Federal Government for coverage under the act. Last year, the Department of Labor testified that this bill would undermine the current general agreements on tariffs and trade negotiations by requiring that foreign countries adhere to minimum standards contained in the Walsh Healey Government Contracts Act. This is entirely incorrect. The bill does not undermine GATT negotiations because the Walsh-Healey Act is a self-denying act. The bill simply states that you may practice these labor conditions but the American Government is not going to support them.

Second, the Department of Labor contends that the enactment of this legislation would result in overly-burdensome enforcement procedures. This also shows a lack of understanding of the content of the bill. The legislation requires that the company must submit documents to the Labor Department outlining their pay scales, safety inspections, et cetera. The bill leaves it up to the individual firm seeking the contract to prove that they are meeting Walsh-Healey standards. If they cannot prove that they are abiding by the standards under the Fair Employment Practices Act, their contract is rescinded and they are barred from future contracts for a period of years upon the discretion of the Secretary. This language does not force the Department to conduct onsight visits. If a complaint is filed, a hearing will commence to determine whether minimum standards are met. This is already contained in Walsh-Healey and is currently applied to firms here in the United States.

One last issue to consider in this context is that if the Labor Department cannot enforce these minimum labor and food safety standards as they claim, then maybe these companies should not be able to sell these food products to the Federal Government for consumption by our children and Armed Forces who are in the primary recipients.

Simply, this legislation states that if you want an advantage of a Government contract, then we should be able to place minimum standards on its manufacture as we do within the United States. This is an application of our Federal procurement regulations which is currently applied to all other industries within our borders. Why should we create an unfair competitive advantage for foreign contracts?

Let us withdraw the Federal Government's support in the exploitation of labor, unfair competitive advantages and the subversion of procurement standards applied domestically. I strongly urge my colleagues to support this bill.

Following is the text of my bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COVERAGE.

(a) IN GENERAL.—The first section of the Act of June 30, 1936 (referred to as the Walsh-Healey Act) is amended—

(1) by inserting after “$10,000” the following: “or for processed food in any amount exceeding $1,000”,

(2) in paragraph (a), by inserting before the semicolon the following: “or in the case of processed food for which a contract is made or entered into, the contractor is the processor”,

(3) in paragraph (b)—

(A) by inserting after “performance of the contract” the following: “or in the processing of food for which a contract is made or entered into”, and

(B) by inserting before the semicolon at the end the following: “or in the case of persons employed outside the United States or its territories in the processing of food, will be paid, without subsequent deduction or rebate on any account, not less than the minimum wage in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938”,

(4) in paragraph (d), by inserting after “in such contract” the following: “or will be employed by the contractor in the processing of food included in such contract”,

(5) in paragraph (e)—

(A) by inserting after “articles,” the following: “processed food,”,

(B) by striking out “manufactured or” and inserting in lieu thereof “manufactured, processed, or”, and

(C) by inserting before the period at the end of the first sentence a comma and the following: “except that in the case of contractors engaged in processing food outside the United States or its territories, such contractors shall be required to comply with the standards established by the Secretary of Labor under sections 3(1) and 12 of the Fair Labor Standards Act of 1938”, and

(6) by adding at the end of the following:

“(f) For purposes of this Act, the term ‘process’ in all its forms when used with the term ‘food’ means the canning, preserving, pickling, drying, freezing, smoking, or other alteration of the food.”.

SEC. 2. REVIEW.

(a) IN GENERAL.—Section 4 of such Act (41 U.S.C. 38) is amended—

(1) by adding after the first sentence the following: “The Secretary shall establish a mechanism to review and evaluate compliance with this Act by contractors who process food in the United States and outside the United States and its territories.”, and

(2) by inserting before the last sentence the following: “The Secretary may require contractors who process food outside the United States and its territories to provide written evidence to provide assurance of compliance with this Act.”.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall report to the Congress on the application of the Act of June 30, 1936 (referred to as the Walsh-Healey Act) to contractors who process food.

SEC. 3. CONFORMING AMENDMENTS.

(a) SECTION 9.—Section 9 of such Act (41 U.S.C. 43) is amended—

(1) by striking out “, or to agricultural or farm products processed for first sale by the original producers”, and

(2) by striking out “nor to any contracts made by the Secretary of Agriculture for the purchase of agricultural commodities or the products thereof” and inserting in lieu thereof “nor to any contracts made by the Secretary of Agriculture for the purchase of raw agricultural commodities”.

(b) SECTION 10.—Section 10 of such Act (41 U.S.C. 43a) is amended—

(1) in subsection (b), by inserting before the period at the end the following: “or any processor of food to which such wage determination is applicable”, and

(2) in subsection (c), by inserting after ““manufacturer”,” the following: ““processor”,”.

ARKANSAS VOICE OF DEMOCRACY WINNER—ELIZABETH BARNES

HON. JOHN PAUL HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. HAMMERSCHMIDT. Mr. Speaker, for the past 44 years, the Veterans of Foreign Wars of the United States and its ladies auxiliary have conducted a Voice of Democracy contest among secondary school students.

The contest theme this year is Democracy—The Vanguard of Freedom.

The 1991 Arkansas winner is Elizabeth Joy Barnes, daughter of educators Jim and Edna Barnes of the Third Congressional District city of Fort Smith.

Elizabeth is in her junior year, an honor roll student at Southside High School. Her interests include debate, drama, and choir.

It is a pleasure to share her award-winning essay with my colleagues of the Congress.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Elizabeth J. Barnes, Arkansas Winner, 1990-91 VFW Voice of Democracy Scholarship Program)

As a very young child, I had no concept of democracy. I knew that my family could go to church wherever we chose. I knew that people around me were free to express their opinions. And, I knew that when I grew up, I could be anything I wanted to be. Naively, I assumed that everyone, everywhere, shared these freedoms that I took for granted.

It wasn't until my father's work took us overseas to Taiwan, the Republic of China, that I began to realize how lucky I was to be a citizen of the United States of America. While in Taiwan, I observed the reluctance of the Taiwanese people to speak their opinions, especially of the government. No political cartoons poked fun at officials. No demonstraters marched for their rights. People were not allowed to travel to mainland, communist China, or even to mail letters to relatives there. It really hit home when one day in church, an elderly man began weeping for his family on the mainland. He cried, "God, let me see my family before I die!" As I watched, I began to understand the meaning of democracy, and I was proud to be able to say, "I am from America."

It was wonderful to be in Taiwan when the government took a major step toward democracy by lifting martial law! Suddenly, people had the freedoms that they had dreamed of—a multi-party system was established, demonstrations became common, and travel between Taiwan and communist China was finally possible.

But even as Taiwan rejoiced, people in mainland China, and in countries all over the world, were still under oppression.

In this past year that I've been back in America, I have appreciated more each day the rights and privileges that I have under our democratic government. I know that I can speak and write freely. And, in the next presidential election, I can vote freely. But, as I enjoy these privileges, I can't forget the rest of the world.

I have watched country after country press toward the goal of democracy. The lifting of martial law in the Republic of China, the fight for solidarity in Poland, the reunification of Germany—these have been turning points, steps toward democracy. I have been proud to be a part of the country that is the example of democracy for the world to follow. But, this country is far more than just an example—it is an encouragement, a protector to countries struggling toward freedom.

Woodrow Wilson once said, "The world must be made safe for democracy." The United States is the only nation capable of so making the world safe. I am proud that we have been willing to do just that. I am proud of the brave men and women who fought to make this country free, to keep this country free, and who now fight to bring freedom to countries around the world. We, as Americans, must always be prepared to fight for democracy, so that we can truly, from across the globe, "Let freedom ring!"

SADDAM HUSSEIN'S CRIMES CALL FOR U.N. EFFORT TO PUNISH HIM

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. BENNETT. Mr. Speaker, the enclosed editorial from the Florida Times-Union expresses my views and the views of most of my constituents that Saddam Hussein should be brought to trial for his crimes and as promptly as possible. I have joined with other Members of Congress in a resolution to this effect which I include following the editorial already mentioned.

SADDAM HUSSEIN'S CRIMES CALL FOR U.N. EFFORT TO PUNISH HIM

The barbarism of Saddam Hussein's forces toward human beings in Kuwait was far and away the worst of the crimes that Saddam engineered.

But the thousands of people who were killed, many after gruesome torture, represent only one facet of one of the most reprehensible assaults of one nation upon another in the history of humanity.

The scale of the economic and cultural crimes of Saddam against Kuwait—vandalism is far too gentle a word for it—may be without parallel.

The starkest and most highly publicized of these was his torching of nearly 600 oil wells. The smoke is so thick from the fires still burning out of control that it has dimmed the sun as much as 600 miles away. On occasion, it has blotted out the noonday sun in Kuwait City and literally turned day into night.

Nobody is certain how many months it will take to put out the fires, or how many years it will be before all the wells are once more pumping oil.

Then there is the environmental tragedy of the millions of gallons of oil fouling Kuwait's front door as well as the rest of the Persian Gulf, destroying seabirds and marine life.

A week ago, reporter Carl Nolte of the San Francisco Chronicle summed up the destruction in Kuwait City this way:

"Ten days after liberation, there is still no electric power, no water. There are no stores, no restaurants, no banks, no traffic lights, no mail service, nothing like ordinary life. The streets are filthy. Cats fight over garbage across from the American Embassy. It is the same garbage that was there a week ago, and the way things are going it will be there next week."

A look at just two disparate institutions in Kuwait City—the National Museum and the Kuwait Zoo—demonstrates how methodically and comprehensively Saddam's soldiers and civilians went about their task of looting a country and destroying what they didn't steal.

Some of the archaeological and art treasures of the museum dated back 3,000 years and contained invaluable relics of ancient civilizations stretching from Rome to India. Oddly enough, the best chance to see relics from that museum is to come to America, where a large sampling of its collections are now on tour and thereby escaped Saddam's ruthlessness.

The Iraqis ransacked the museum's galleries, and burned what they could not plunder. They drove some 17 truckloads of the relics to Iraq and set the remainder ablaze shortly before being chased from the city by U.S. forces on Feb. 26.

At the zoo, which once held 52 species of mammals and 80 species of birds, 90 percent of the animals have disappeared. Some reportedly were taken to the Baghdad zoo, but others were callously slaughtered. Iraqi soldiers shot 63 monkeys out of trees, leaving only seven alive. They also killed two zebras, all the gazelles and ostriches and several camels—plus a baby water buffalo that they ate.

The plundering of Kuwait began long before it was certain that the U.S.-led multinational force would actually launch an offensive campaign to liberate Kuwait. The destruction was stepped up when it became obvious that Iraqi forces would lose the war.

One can only conclude that Saddam, early on, was determined to reduce once-rich Kuwait to a backwater society that he would use only as an oil producer for his own enrichment in money and in power.

His crimes are awesome. He should not go unpunished. The U.N. Security Council should concentrate on finding ways to administer that punishment.

It is a universal precept that when a crime occurs, one seeks the criminal. That principle should not be abandoned in the case of one of history's worst criminals.

H. CON. RES. 81

Whereas the Government of Iraq without provocation invaded and illegally occupied the territory of Kuwait on August 2, 1990;

Whereas the Government of Iraq has repeatedly refused to comply with United Nations resolutions calling on a complete and unconditional withdrawal from Kuwait;

Whereas the Government of Iraq has brutally and illegally raped and pillaged Kuwait and its people;

Whereas Saddam Hussein has ordered the systematic execution of Kuwaiti citizens;

Whereas Iraq has launched over 35 unprovoked attacks against Israel, a neutral nation not involved in the war;

Whereas Saddam Hussein ordered the most massive dumping of oil ever into the sea and created an environmental disaster that could last for generations;

Whereas the Government of Iraq's treatment of allied and United States prisoners-of-war is repugnant and violates the 1949 Geneva Conventions concerning the treatment of prisoners-of-war; and

Whereas Saddam Hussein has implemented a "scorched earth" policy toward Kuwait, destroying all oil production capabilities and rendering Kuwaiti land virtually useless: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Saddam Hussein and his subordinates should be held legally and financially accountable for the illegal and unprovoked invasion of Kuwait and the subsequent brutal treatment of Kuwait and Kuwaiti people;

(2) Saddam Hussein and his subordinates should be held legally and financially accountable for the brutal treatment of allied and United States prisoners-of-war;

(3) Saddam Hussein and his subordinates should be held legally and financially accountable for launching unprovoked SCUD attacks against Israel and Israeli civilians;

(4) Saddam Hussein and his subordinates should be held legally and financially accountable for dumping oil into the ocean and for the destruction of oil fields; and

(5) the United Nations should take all appropriate steps upon completion of the war to try Saddam Hussein and his subordinates for war crimes following and including the invasion of Kuwait.

DESERT STORM VERSES ADDED TO THE NAVY HYMN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. SKELTON. Mr. Speaker, recently, Vice Adm. H.G. Chiles, Jr., of the U.S. Navy, sent me a copy of the Navy Hymn, "Eternal Father; Strong to Save," together with two new verses written by Candy Sorretino of St. Marks Catholic Church in Kempsville, VA. These new verses concern our troops in Desert Storm, and I insert herein the historic first verse plus the two new verses.

ETERNAL FATHER, STRONG TO SAVE

(Navy Hymn)

Eternal Father, strong to save,
Whose arm hath bound the restless wave,
Who bidd'st the mighty ocean deep
Its own appointed limits keep;
Oh, hear us when we cry to Thee
For those in peril on the sea!

Lord, guard our troops in Desert Storm
Who into battle are now borne.
On sand, on sea, and in the air,
Let each one know your loving care.
And when they stand alone at night,
May each soul trust in your great might.

God, for the loved ones left behind,
Your peace and friendship may they find.
May St. Mark be a haven for
Those crushed in spirit by the war.
Bless all who on our troops depend,
Wives, children, husbands, parents, friends.

HOLLIDAY, TX, CENTENNIAL CELEBRATION

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. SARPALIUS. Mr. Speaker, I would like to recognize Holliday, TX, which has officially declared its centennial celebration.

Holliday was named after one of the heroes who fought bravely against the fierce Army of Mexico for the independence of Texas. It was at this place in Texas, Holliday, that the soldier came to escape almost certain death from a brutal massacre in Goliad. It it had not been for individuals such as Captain Holliday, the independence of Texas may have never come to exist.

Holliday is a milestone, a turning point, and invaluable memoir marking the end of one era for Texas and the beginning of another. It is a historic link between Texas past and Texas present. Its stable economy and sense of pride stems from both its Texas and American heritage. The smiles and the warm personalities characteristic of Holliday are the true elements of the city. This winning attitude perfected by a century of meticulous structuring indicates an almost certain future for the people of Holliday, TX, and their prosperity.

Holliday is certainly the place to catch a glimpse of Texas in its most natural habitat. I ask that my colleagues join me in honoring the individuals whose dreams and leadership have made Holliday, TX, a beacon of Texas past, present and future.

SENATOR AND MRS. SHERMAN WINN HONORED BY THE TEMPLE BETH AHM ISRAEL FOR 26 YEARS OF SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on June 2, 1991, Temple Beth Ahm Israel will honor two of its members, Senator and Mrs. Sherman Winn, for their 26 years of service to the South Florida community. A testimonial dinner will be held at the Omni International Hotel in Miami, FL. Our esteemed U.S. Senator BOB GRAHAM and Florida Gov. Lawton Chiles, who both served with Senator Winn in the Florida Legislature, are serving as honorary cochairman of the event.

Senator Sherman Winn has been serving the South Florida community since 1965 when he was elected mayor of North Miami. He was elected to the Florida House in 1970 and the Florida Senate in 1972 and 1981. He was director of the Florida Division of Hotels and Restaurants from 1981 until 1983. Since 1984, Senator Winn has been serving as the executive director of the Greater Miami Hotel and Motel Association. In 1984, he was elected to the Dade County Board of County Commissioners. He was reelected in 1986 and 1990. He is well respected for his efforts in the areas of tourism and human services. He is an ex-officio member of the public health trust, which oversees the operation of Jackson Memorial Hospital.

Roslyn Workman Winn, from Mt. Vernon, NY, married Sherman on January 30, 1944. She is the mother of four children. She has encouraged her husband's efforts in public service for the past 26 years. Mrs. Winn actively supports the Home of the Sages for retired rabbis in New York. Fifteen years ago, in 1976, the Winns joined Temple Israel of Miramar, now Beth Ahm Israel.

In 1989, Temple Beth Ahm and Temple Israel of Miramar merged to form Temple Beth Ahm Israel. With over 600 families, it is the largest conservative synagogue in Southwest Broward County. It offers a full range of services to the Jewish community including a preschool program, Hebrew school, youth programs, adult education, and senior citizen activities. Its youth programs have received national recognition at the 1990 United Synagogue Convention. The temple is undertaking a building program for a new sanctuary and social hall. Ground breaking is planned for May 5, 1991.

I would like to thank Temple Beth Ahm Israel and all those people who contributed to the programming of this event including: Rabbi Avraham Kapnek, Hazzan Eric Lindenbuam, and Administrator David Israel. Also involved in this important event are: Dr. Barney Greensberg, president; Larry Willis, executive vice president; Milton Senfeld and Normin Prafin, gabbaims; Dr. David Grad, principal; Ellin Heilig, director ECP/Camp Chai; Rayna Engle, youth director; Diane Salamon, Sisterhood president; Michael Zall, Men's Club president, Barbara Heck and Sandi Rutner. Recognition must also go to Jackie Bofill of Senator Winn's office for helping to coordinate the many people involved in this event.

A TRIBUTE TO KENAN ERIM

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. SOLARZ. Mr. Speaker, I would like to take a moment to remember a very special man, the great archeologist, Kenan Erim. Kenan was a classics professor at New York University and was responsible for delighting the world with the discovery and restoration of the magnificent and marvelous ancient Turkish city of Aphrodisias. He toiled for 30 years to unearth the wonders of antiquity and majesty that lay beneath the earth for almost twenty centuries. I had the honor and great pleasure of visiting Kenan at this captivating city and was treated to a personal tour of Aphrodisias. It was an experience I will never forget.

A dear friend of both Kenan Erim and me, Ms. Madeleine C. Lejwa, who is a lover of antiquity and a world renowned expert on the arts, has taken the time to write a tribute to Kenan. I would like to share her eloquent words with my colleagues.

IN REMEMBERANCE OF KENAN TEVFIK ERIM

(By Madeleine Chalette Lejwa)

When the life of a singular man of learning comes to a sudden end, those whose lives he touched in various ways reflect on the significance of his former presence. They examine the impact of his existence and interpret it. His personality becomes sharply focused, his voice more audible. And, most important, his contribution to the advancement of knowledgement is clarified.

If genius is the ability to perceive and articulate that which is hidden to most, then Kenan Erim was a genius. If greatness is the infinite capability to conceive audacious goals, to pursue noble causes and to endure privation for their sake, then Kenan Erim achieved greatness.

His life was a paradigm of the fate of all visionaries, whom destiny has chosen to suffer disillusion, anguish and hardship, in return for which their names are inscribed in the pages of history, and they become immortal.

Kenan Erim was a modern man, steeped in antiquity. His life was a love affair with Aphrodisias and Aphrodite, from whom he derived his inspiration and strength. Like the Greek poet Mimnermus, he asked, "What life is there, what delight, without golden Aphrodite?" So it is fitting that his remains repose in the soil of his beloved Aphrodisias, the goddess's own city, near the majestic

Tetrapylon, whose resurrection was completed and celebrated just three weeks before his death.

Now his spirit will dwell among the poplar and pomegranate groves he loved so much. It will soar upward with the birds in whose songs he delighted, and unite with the fragrance of the wild flowers, which gave him such joy. It will enter the "music of the spheres" he harkened to while contemplating the starry sky, and invoke the sounds of Karl Orff's cantata, "The Triumph of Aphrodite," which often filled the evening air.

Kenan Erim was a demanding mentor and sharp critic and, therefore, often an irritant to others. But he applied the same keen scrutiny to himself. He was an eloquent speaker and an uncompromising doer and, as Homer said in the Odyssey, "What he did, he did well."

Classical archaeology was his calling. He revered the classical past and saw it as the bedrock on which our present and future must rest. His love of sculpture led him to explore, uncover and interpret ancient Aphrodisias. His was not a task but a mission. Thirty years of strife gradually weakened his heart, but did not diminish his resolve to resurrect the city's splendid monuments, statuary and other treasures.

That he succeeded so brilliantly was due to his erudition, his unfailing instinct and his divining, almost mystical insight into the past, as if he had lived in Aphrodisias before. Like Kalchas, the reader of signs in the Iliad, he seemed to "know the things that were and the things that would be and the things that had been before."

Unbeknownst to those who saw him only as a scholar, Kenan Erim was a man of many parts. He had exquisite taste, which applied to all things. He loved good food and good music, and was an expert on early cinema. He had a talent for mimicry and a sense for wit and humor. He knew how to laugh. He was also a melancholy romantic, who would recite pages of poetry of many ages. And he knew how to cry. He was always appreciative but never effusive, friendly but distant, and—always—a person of dignity. What was once said about another classical scholar, Thomas More, can be said of Kenan Erim: he was "A Man for All Seasons."

Now that he has crossed the earthly frontier into a realm beyond our knowledge, it is important to preserve his spirit. To pay tribute to him is to safeguard the future of his beloved Aphrodisias. To honour him is to continue his mission.

NOVEMBER 1990.

ELIMINATION OF THE LIBRARY PHOTOCOPYING REPORT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. HUGHES. Mr. Speaker, I am pleased to introduce a housekeeping measure designed to save the taxpayers money by eliminating a recurring report about library reproduction of copyrighted works. The bill simply deletes paragraph (i) of section 108 of the Copyright Act of 1976, which established the 5-year review as part of the 1976 general revision of the copyright laws.

Currently, section 108(i) directs the Register of Copyrights to prepare and file a report every 5 years "setting forth the extent to which this section has achieved the intended statutory balancing of the rights of creators, and the needs of users." The Register is also directed to "describe any problems that may have arisen, and present legislative or other recommendations, if warranted."

The Register of Copyrights filed reports in 1983, David Ladd, Register; and 1988, Ralph Oman, Register. The reports presented useful information to the Congress. In 1983, the Register made several detailed recommendations for the Congress to consider. The House and Senate chose not to act upon the recommendations. Hearings were not even held on the recommendations. In the 1988 report, the Register recommended elimination of the report requirement, unless the focus of the report were changed by statute.

Mr. Speaker, the 5-year reports submitted by two Registers of Copyrights in 1983 and 1988 fulfill the original congressional charge. Congress wanted to have oversight of library photocopying developments to determine whether it had struck the appropriate balance between the rights of creators and the needs of the public for access to copyrighted works. We have now had more than 12 years of experience under the library reproduction provisions of section 108. While publishers and librarians may occasionally differ about the enforcement of section 108 in specific cases, it is clear that Congress struck a fair balance between the public and proprietary interests.

I am informed by the Register of Copyrights that a preliminary survey of the publishing and library communities indicates they would agree that the section 108(i) report could be eliminated. Many say another report would be useless and redundant. Of course, if any legislative issues arise about library reproduction of copyrighted works, Congress can air them through the usual procedure of legislative hearings. And if a specific problem in the library photocopying area arises that Congress wants the Register of Copyrights to report on in depth, Congress can simply request that he do so, and he will comply with alacrity, as he has done on numerous other occasions. We do not need a legislative directive on the books to prompt action. Let's save the taxpayers several hundred thousand dollars by passing this simple, noncontroversial bill.

I thank the ranking minority Member, the gentleman from California [Mr. MOORHEAD] of my subcommittee, the Subcommittee on Intellectual Property and Judicial Administration, for cosponsoring the measure. The bill, after it is referred to the Subcommittee, will be processed in the near future.

I urge support for the proposal. Any questions about the bill may be addressed to the Subcommittee on Intellectual Property and Judicial Administration, 207 Cannon Building, Washington, DC, telephone (202) 225-3926.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 108 of title 17, United States Code, is amended by deleting paragraph (i).

DIPLOMACY REGARDING CYPRUS SETTLEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. HAMILTON. Mr. Speaker, I wish to bring to the attention of my colleagues the following letter that I received from the Department of State on March 15, 1991, regarding the Cyprus problem. In this letter, Assistant Secretary of State for Legislative Affairs, Janet Mullins, discusses the Secretary of State's recent meetings with Cypriot Foreign Minister Iacovou and the opportunities the Department of State sees at this time for making progress toward the resolution of the Cyprus problem.

The text of the State Department's letter follows:

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Because of your interest in Cyprus, I wanted to tell you of Secretary Baker's recent conversation with Cypriot Foreign Minister George Iacovou, and the Department of State's continuing activities with respect to the Cyprus question.

Foreign Minister Iacovou met with Secretary Baker on March 1 for about 45 minutes, during which they had a thorough exchange of views. Secretary Baker told the Foreign Minister that the United States continues to support actively the efforts of the United Nations Secretary General, and that we have reason to believe discussions between UN representatives and Cypriot leaders hold the possibility of progress toward completing an outline for a settlement. The Secretary also noted that he has discussed the Cyprus issue in the past with Turkish President Ozal, and that he would do so again when he sees him in mid-March.

Subsequent to this meeting, Foreign Minister Iacovou met with Assistant Secretary Seitz and Ambassador Ledsky. In addition, the Foreign Minister later met with Ambassador Ledsky to discuss a possible package of reciprocal interim steps which could supplement the efforts of the UN Secretary General.

We see a moment of opportunity in the next few months. The United States will do all it can at the highest levels to encourage the leaders of the two Cypriot communities to take advantage of this moment and arrive at the compromises necessary to complete the negotiation—under UN auspices—of a just and lasting settlement to the Cyprus problem.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

FREEDOM AND DEMOCRACY IN THE BALTIC STATES AND SOVIET UNION

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. BONIOR. Mr. Speaker, the visit of Polish Lech Walesa reminds us of the exhilaration we all felt as freedom swept across Eastern Europe. Over the past 2 years, we watched with hope and optimism as regime after repressive regime was toppled by the will of the people. Unfortunately, this tide of freedom has yet to reach the Baltic States and Soviet Union.

The violent crackdown in the Baltics, the arrest of opposition leaders, and the suppression of the media are just some of the means Moscow is using to deny democracy and self-determination. At this critical period of time I feel it is essential for the United States to unequivocally state its support for the millions of brave people who are struggling for their basic human rights.

Today, I am introducing legislation to establish a long-term policy that will promote freedom and democracy in the Baltic States and Soviet Union. This legislation has bipartisan support and is endorsed by a number of organizations who have championed the case of freedom for many years.

In summary, the bill reaffirms our support for the independence of the Baltic States. Furthermore, it declares our support for the Soviet republics seeking independence and individual representation in international organizations. This bill also stipulates that the United States should shape its foreign assistance to help those republics whose governments are democratically elected.

It is designed to encourage a peaceful resolution of conflicts between the central Soviet Government, and the Baltic States and Soviet Republics. It also serves notice to Moscow that the threatened or actual use of force to suppress the democracy movement will be viewed as an obstacle to full normalization of relations with the United States. Finally, it requires the State Department to submit a comprehensive report to Congress on the actual and threatened use of force against the Baltic States, Soviet Republics, or autonomous regions within the Soviet Union.

The time has come for us to go on record to express our desire to see the process of democratization completed in the Baltic States and Soviet Union. I urge my colleagues to cosponsor this legislation.

At this time, I would like to include in the RECORD several letters from organizations who have endorsed this legislation.

JOINT BALTIC AMERICAN
NATIONAL COMMITTEE,
March 20, 1991.

Hon. DAVID BONIOR,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONIOR: I am writing on behalf of the Joint Baltic American National Committee to thank you for introducing legislation to support democracy and self determination in the Baltic countries and republics of the Soviet Union. As you know, the Baltic countries of Estonia, Latvia and Lithuania reasserted their right to democracy and independence last spring. Since taking these first steps towards freedom, the people of Estonia, Latvia and Lithuania have endured constant intimidation and repression on the part of the Soviet Union, culminating in the first weeks of this year in a bloody occupation by Soviet "black beret" troops of several buildings in the capitals of Latvia and Lithuania.

In his State of the Union address President Bush stated that it is his goal to help the Baltic countries rather than to punish the Soviet Union. The Joint Baltic American National Committee shares that goal—we believe that the best way to help Estonia, Latvia and Lithuania realize their independence is through providing assistance to the democratic governments and the private sector of the Baltic countries as they privatize and make their transition to a market economy. The bill that you are proposing has these same interests and goals at its foundation.

The Joint Baltic American National Committee has initiated efforts to authorize and appropriate funds to assist Estonia, Latvia and Lithuania in making the transition back to democracy more smoothly. If adopted by the Congress this measure would provide for the promotion of democratic ideals in Estonia, Latvia and Lithuania through Congress to Congress exchange programs, reconstruction and ecological programs, and educational and technical assistance programs. We feel very strongly that the best way to promote democracy in Eastern Europe is through programs such as these which teach people to help themselves. We would like to thank you once again for your commitment to the promotion of democracy and self-determination in the Baltic countries and in republics of the Soviet Union. We hope for your continued support.

Sincerely,
OLGERTS R. PAVLOVSKIS, PH.D.,
Chairman.

CONGRESS OF RUSSIAN-AMERICANS, INC.,
Washington, DC, March 20, 1991.

Hon. DAVID BONIOR,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BONIOR: Thank you for sponsoring our resolution supporting democracy and self-determination in the republics of the USSR. The Congress of Russian-Americans commends you on recognizing the need for legislation directing foreign aid to the republics and encouraging democracy in the USSR. This should always be the policy of the United States.

We also commend you for requiring the Secretary of State to provide detailed reports on the use of Central Government force before foreign assistance will be offered.

Once again we thank you. If there is anything we can do to help, do not hesitate to call.

Sincerely,
EUGENIA ORDYNSKY,
Executive Director.

ARMENIAN ASSEMBLY OF AMERICA,
Washington, DC, March 19, 1991.

Hon. DAVID BONIOR,
U.S. House of Representatives,
Washington, DC.

Hon. JERRY LEWIS,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMEN BONIOR AND LEWIS: The Armenian Assembly of America deeply appreciates your leadership in introducing legislation "to support democracy and self-determination in the Baltic States and Republics within the Soviet Union."

This legislation codifies United States support for democracy as opposed to totalitarianism in the Soviet Union and positions the United States squarely against the actual or threatened use of force by the Soviets against the Republics. For Armenians, the pursuit of self-determination in Nagorno-Karabakh brought vicious programs, economic blockades which continue to this day, and joint Soviet and Azerbaijani military actions which continue to kill and deport families in and around the region. Following Armenia's Declaration of Independence last August, the central Soviet government has tightened the screws on the Republic of Armenia even further. In fact, despite President Gorbachev's December 1988 pledge to rebuild the entire earthquake zone by December 1990, only ten percent of the planned Soviet costruction is complete (Soviet crews having been pulled out) and the 1991 Soviet budget cuts out funds for reconstruction.

This same type of Soviet behavior has occurred in other Republics and regions where advocates of democracy have succeeded. If the past is any guide to the future, the Republics which boycotted or voted contrary to the central government in last Sunday's referendum are in for more of the same.

Considering the circumstances in the Soviet Union, we hope your colleagues will agree that this legislation is a measured, appropriate response—legislation which Congress should pass overwhelmingly. The Armenian Assembly of America unequivocally and wholeheartedly supports this bill, and we look forward to working for its enactment.

Sincerely,
VAN Z. KRIKORIAN,
Director, Government and Legal Affairs.

UKRAINIAN NATIONAL
ASSOCIATION, INC.,
Washington, DC, March 20, 1991.

Hon. DAVID E. BONIOR,
U.S. House of Representatives,
Washington, DC.

Hon. JERRY LEWIS,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMEN BONIOR AND LEWIS: The Ukrainian National Association applauds your leadership in introducing legislation "to support democracy and self-determination in the Baltic States and Republics within the Soviet Union."

United States foreign policy must be based on support for democracy and self-determination and should recognize that the democratic movements in the Soviet Union exist only in the republics. The Soviet Union, as an empire, is simply incapable of democratic reform because, as Dr. Zbigniew Brzezinski recently testified at a CSCE hearing, democracy and empire are inconsistent.

To effectively promote the democratization of the USSR, the United States must target its assistance programs at the republic and lower levels. The long-term interests of the United States will only be served if it is identified with the democratic movements in the republics and not the repressive policies of the central government.

On July 16, 1990, the Ukrainian Parliament voted 355-4 in support of the Declaration on the State Sovereignty of Ukraine. During the year, the parliaments in each of the other 14 republics enacted similar declarations of sovereignty or independence. Your legislation effectively addresses this changing situation in the Soviet Union and provides the framework for assisting the development of democratic institutions. The Ukrainian National Association fully supports the provisions of your bill and will work for its enactment.

Sincerely,

EUGENE M. IWANCIW,
Director, Washington Office.

NATIONAL HOSTAGE REMEMBRANCE DAY

HON. JOHN F. REED

OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, March 22, 1991

Mr. REED. Mr. Speaker, recently, our Nation observed an important day. As you are all aware, this past Saturday, March 16, was National Hostage Remembrance Day.

I rise today to express my belief that every day we must remember these hostages and work to seek their release. March 16 marked the sixth year of captivity for Associated Press Bureau Chief Terry Anderson, the longest held of the American hostages in Beirut. As we rejoice at the sight of former American prisoners of war returning from the Persian Gulf, we must not forget the six Americans being held hostage in Lebanon, and their foreign counterparts. Along with Mr. Anderson, Americans being held hostage include: Thomas Sutherland, Joseph Cicippio, Edward Tracy, Allan Steen, and Jesse Turner. We must also not forget William Buckley and William Higgins, who were hostages in Beirut and are now presumed dead.

In conjunction with out observance of National Hostage Remembrance Day, many Americans have been working to ensure that these hostages aren't forgotten. One such campaign was undertaken by students at Burrillville High School, in my home district of Rhode Island. I am proud that these students, under the direction of their teacher, Ms. Nancy J. Villatico, have taken a heartfelt interest in this important matter. I share their hope that somehow the hostages will find out that the thoughts and prayers of many Americans, such as Ms. Villatico's sociology class at Burrillville High School, are with them.

With the international cooperation that was present throughout Operation Desert Shield and Operation Desert Storm, I believe that the atmosphere is conducive to serious discussions about the release of these prisoners. I hope that my colleagues will join me in remembering these hostages and work to bring them home.

HONORING MOTLEY COUNTY'S CENTENNIAL CELEBRATION

HON. BILL SARPALIUS

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, March 22, 1991

Mr. SARPALIUS. Mr. Speaker, I would like to recognize the citizens of Motley County, TX, who will be celebrating the county's centennial celebration this year.

Motley County abounds in historic rugged beauty, as a century of prevalence so aptly demands. For 69 years Motley County was the home of the famed Matador Land and Cattle Co., Ltd. whose phenomenal empire claimed a million acres in four different counties, and at one time this enterprise branded over 20,000 cattle a year.

The tradition lives on for the descendants of these great settlers as cattle and horses still produce over one half the county's agricultural income. The innovative thinking of the people in Motley County have brought farming and ranching in this county from horse and wagon to the modern machinery of todays century enabling it to complete not only with its neighbors but with others throughout the country and abroad.

This county is also one of the few distiguished areas of the country where deer, antelope, audad, quail, and turkey still roam the territory. The wide, tree-shaded avenues in the town of Roaring Springs, where the Indians often roamed and camped, is still an inviting attraction for today's citizens. Also, this setting in Roaring Springs is an excellent way to reminisce upon an entire century gone by.

Motley County has made a generous contribution to the American tradition of agricultural independence, all the time preserving its environmental heritage. This county deserves to be saluted for its pioneer spirit and innovative way of thinking that helped make it a wonderful place to live for 100 years.

Mr. Speaker, I urge my colleagues to join me in saluting Motley County on its centennial celebration.

THE EMPLOYEE LEAVE ACT OF 1991

HON. JOHN J. LaFALCE

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, March 22, 1991

Mr. LAFALCE. Mr. Speaker, last year I authored a bill intended to serve as a compromise on the important issue of family and medical leave. Today I am introducing a similar bill in the 102d Congress.

I believe that my bill, the Employee Leave Act of 1991, represents an opportunity for Congress to do more than just score political points with regard to this issue. Last year the House passed H.R. 770—reintroduced as H.R. 2 this year—by a vote of 237 to 187. The Senate, by voice vote, approved the House bill, absolutely unchanged. There was therefore no need for a conference. Objecting to a new mandate on employers, the President vetoed the bill and his veto was sustained in the House, where the 232 to 195 vote to override fell approximately 50 votes short of the two-thirds margin needed to override the veto.

Like many of our colleagues, I agreed with the nearly unanimous conclusion of the business community that H.R. 770 sought to go too far, too fast. My views on this issue were influenced by the results of research carried out by my staff regarding leave policies in a number of industrialized countries and in the various States. That research indicated that if H.R. 770 had been enacted, U.S. policies would have gone farther, in a number of respects, than those in effect in most other nations.

However, unlike what we heard last year from the business community and the White House, I do not object philosophically to legal mandates on employers. Indeed, in appropriate circumstances, legislatures not only have a right, they have an obligation, to require certain kinds of behavior in our economy. We have mandates regarding child labor, minimum wages, and in any number of other areas. Therefore, after the veto last year was sustained, I prepared a bill—H.R. 5500 in the 101st Congress—and introduced it as a possible compromise position which might either gain the approval of the White House or, failing that, find sufficient support in Congress to override a veto. But it was too late in the session to revisit this issue, so now we are starting over in the 102d Congress.

I strongly believe that this year we have a much better chance of actually enacting legislation in this area. I am hopeful that the members of the business community and the administration will be more willing to listen to those of us who believe the United States present policies in this area need revision and improvement.

Notwithstanding these hopes, I do not expect that either business interests or the White House will endorse H.R. 2 as it now stands. To be sure, Congress could move forward with that bill and force the President into another veto, perhaps giving some individuals political points that might come from that scenario. But would Congress be able to override that veto and actually make law? I think not. And I think Congress would gain far more points with the American public if we did in fact make law, especially if it is a good law, with or without the President's concurrence.

Mr. Speaker, I hope that my bill can serve as a point of departure for finding the right policy mix which can either avoid a veto by the President, or, failing that, garner enough widespread support to produce sufficient votes to override another veto. A summary of my bill follows. I hope that our colleagues will give this proposal very serious consideration as we continue to work on this important issue.

SUMMARY: THE EMPLOYEE LEAVE ACT OF 1991

Provides an aggregate of up to 10 weeks of unpaid maternity/paternity leave for both newborn and newly adopted children (leave is available to either mother or father, but not both at the same time). H.R. 2 provides up to 12 weeks for both parents, although not simultaneously, unless both parents work for the same employer, in which case leave would be limited to an aggregate of 12 weeks.

Provides up to 10 weeks every two years to care for seriously ill children, or for the employee's own serious illness. H.R. 2 provides up to 12 weeks during a 12 month period.

Mandates that the Federal Government provide up to 10 weeks of leave for the care of a spouse or a parent, but does not mandate this for other government or private sector employers; H.R. 2 provides *all* employees (including Federal, State, local and private sector employees) up to 2 weeks in a year for these purposes.

Requires employers to continue providing an employee with health insurance coverage while on leave, and encourages but does not mandate that employers continue paying health insurance premiums for such employees (the bill does provide that the Federal Government must continue paying health insurance premiums for Federal employees; H.R. 2 requires that the employer maintain health insurance benefits at the employer's expense, during leave).

Like H.R. 2, permits employers to require that employees utilize available paid vacation, sick or other leave, before using the new leave mandated under the bill, with time taken with such available other leave counting toward the time limits provided in the bill.

Like H.R. 2, exempts employers with fewer than 50 employees.

To cut down on added court congestion, permits enforcement only through Administrative Law Judges at the Department of Labor; H.R. 2 permits enforcement through the bringing of civil cases in the courts as well as through Administrative Law Judges.

Provides that no leave will be available if an able-bodied spouse is at home; under H.R. 2, leave would be available even if a spouse able to provide the care were at home.

Requires that employees provide at least 30 day advance notice when feasible, and at least 7 days notice of intent to return required. H.R. 2 requires only "reasonable and practicable" advance notice and has no requirement of notice of intent to return from leave.

Fines for violations can be up to double back pay, rather than quadruple, as in H.R. 2.

Directs the Secretary of Labor and the Comptroller General to conduct studies of leave policies (without specifying any particular area of attention) and report back to Congress, with such legislative recommendations as seem appropriate, by the end of 1993; H.R. 2 creates a new Federal Commission to conduct studies, and specifically targets the question of what the impact of extending leave provisions to employers with fewer than 50 employees might be.

BILL TO EXPAND BOUNDARIES OF PALO ALTO BATTLEFIELD NATIONAL HISTORIC SITE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. ORTIZ. Mr. Speaker, I rise in strong supporrt of a bill I am introducing today that would expand the boundaries of the Palo Alto Battlefield National Historic Site.

The Palo Alto Battlefield is the site of one of the two most important battles of the Mexican-American War fought on American soil in 1846. The historical significance of this war was great, as it led to the signing of the Treaty of Guadalupe-Hidalgo in 1848, granting the United States the land from the Gulf of Mexico to the Pacific Ocean. This caused the retreat of Mexican sovereignty from the territories they occupied in the West, and encouraged the expansion of United States settlement in that direction.

The commemoration and interpretation of the Battle of Palo Alto and the Mexican-American War is strongly supported by individuals and groups within the Brownsville, TX area and within Mexico.

It is fitting to commemorate the bravery of all who fought there by preserving this landmark in the spirit of international amity with the United States of Mexico. The battle fought on this field represents the rupture of relations between the United States and Mexico, which are still in the process of healing today, and reminds us that we must strive for brotherhood, unity, and peace with our neighbors to the south.

Two future Presidents served in this campaign: Gen. Zachary Taylor, who was in charge at the time of this battle, and Lt. Ulysses S. Grant, who gained valuable experience during this war that he would later use to lead the Union Forces in the American Civil War.

This war served as a test-case for the first West Point-trained soldiers, and the U.S. Army's success assured the academy's continued funding.

It was during this battle that the U.S. Army explored the use of light and heavy artillery rather than large calvary and infantry maneuvers, and explosive shells against the Mexican Army's solid shot. These new battle techniques contributed to the development of American warfare.

The Mexican-American War was the first to be reported by telegraph. Also, this was the first war in which railroads and steamboats were used to transport troops and war supplies. U.S. Army surgeons introduced ether as an anesthetic for the wounded, and combat photography made its debut. Samuel Colt's new revolver was introduced into the fight, resulting in a major contract for his company with the War Department. The occupation of Matamoros, Mexico during the war led to the development of nearby Brownsville as an important military/economic center.

In addition to the considerable local support, there has been a great desire on the part of Mexico to preserve this area in order to commemorate the site in honor of those Mexicans who perished in the Battle of Palo Alto. It is probable that both Mexican and American remains are buried at this site. Anthropological exploration of the area indicates that many artifacts dating from the battle still remain undiscovered. As a benefit for historic research purposes, the landscape, setting, and ground cover remain largely undisturbed, and alteration of the terrain has been minimal. It would be desirable to protect this historic area in light of the archaeological evidence that in all probability lies below the battle site.

Presently, an upright cannon, set up in 1914 by Gen. James Parker of the 1st Calvary Brigade at Fort Sam Houston, commemorates the battlefield site. In 1893, a local Brownsville patriotic group erected a marble marker which later disappeared. It was reported that two Mexican survivors of the battle were in attendance at the ceremonies presenting this marble marker.

It is my hope that necessary funding will soon be provided to implement proposed activities at the site which will enhance visitorship.

Also included in this bill is a provision directing the Secretary of the Interior to conduct a special resource study of the site of the Battle of Palmito Hill, the last battle of the Civil War. The study will evaluate the significance of the battle in American history, the integrity of the site, and protection and interpretive options for this area.

I am proud to have these areas of historical significance located in my congressional district and I urge my colleagues to join me in supporting this important legislation.

INTERNATIONAL CULTURAL SURVIVAL ACT OF 1991

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. GILMAN. Mr. Speaker, today I am reintroducing legislation (H.R 1596) that will help prevent the further destruction and elimination of cultures and societies around the world. Most of us, regardless of our political leanings, assume that indigenous peoples and tribal societies are bound to disappear—destined to the dustbin of history. Most of us would assume that this process is as lamentable as it is inevitable.

Historical processes do not make small traditional societies disappear. Greed and a lack of understanding, however, do. Such groups are weak and tempting targets to the development programs that they are presumed to hinder or in the name of states that they are assumed to subvert.

There is no reason, however, that indigenous and tribal peoples cannot survive, both physically and culturally, the rapid changes that contact with expanding industrial societies and economic and political institutions brings.

Seen as impediments to progress and development, small societies throughout the world are facing extinction. Those that survive are often decimated by diseases introduced by outsiders and denied a political voice. Usually deprived of their lands and means of livelihood, they are forced to adapt to a national society whose language they do not speak. Without education, technical or other modern-day skills, they generally suffer permanent poverty, political marginality and cultural alienation.

As the push to exploit the resources of the Earth reaches the remaining untouched areas of the world, contact with isolated societies is inevitable—but their destruction is not. These vulnerable societies need the benefits of modern life, but to survive they need the ability to choose how much they will adapt and how long the process will take.

Their survival is important for our own; it is imperative that we prevent their extinction. They perceive us as barbaric and strange, too. Yet, not only do we share a common humanity, but we can benefit from each other's knowledge. Indigenous peoples have rich storehouses of information about nature, man and the balanced relationship of the two. From their beliefs about the spiritual world to their traditional knowledge of rain forests, healing and agriculture, these societies provide the opportunity for new interpretations about the world and ourselves.

Toward that end, I have introduced this bill to help indigenous and tribal peoples have as much control as possible over their destinies—to retain their rights and culture as they adapt to the modern world. In this way we can insure that progress and development are by all the people and for all the people.

Accordingly, I invite my colleagues to support the International Cultural Survival Act of 1991 (H.R. 1596) and I request that a full text of this measure be inserted at this point in the RECORD:

H.R. 1596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Indigenous Peoples Protection Act of 1989".

SEC. 2. FINDINGS.

(a) DETERIORATING SITUATION FACING INDIGENOUS AND TRIBAL PEOPLES.—The Congress makes the following findings:

(1) The situation of indigenous and tribal peoples in developing countries is deteriorating world-wide.

(2) Many of these populations face severe discrimination, denial of human rights, loss of cultural and religious freedoms, or in the worse cases, cultural or physical destruction.

(3) If current trends in many parts of the world continue the cultural, social, and linguistic diversity of humankind will be radically and irrevocably diminished.

(4) In addition, immense, undocumented repositories of ecological, biological, and pharmacological knowledge will be lost, as well as an immeasurable wealth of cultural, social, religious, and artistic expression, which together constitute part of the collective patrimony of the human species.

(5) The pressures on indigenous and tribal peoples, about 10 percent of the world's population, include denial of political and civil rights and of opportunities for self-determination, destruction of natural resources necessary for survival, and ethnic, racial, and economic marginalization.

(6) In many cases, unsound development policy that results in destruction of natural resources seriously jeopardizes indigenous and tribal peoples' physical survival and their cultural autonomy, frequently also undermining the possibility for long-term sustainable economic development.

(7) The loss of the cultural diversity for indigenous and tribal peoples is not an inevitable or natural process.

(8) In light of United States concern and respect for human rights and basic human freedoms, including rights to express cultural and religious preferences, as well as the United States desire for sustainable economic development, it is incumbent on the United States to take a leadership role in addressing indigenous and tribal peoples' rights to physical and cultural survival.

(b) DEFINITION OF INDIGENOUS AND TRIBAL PEOPLES.—Indigenous and tribal peoples in developing countries are those populations that are ethnically, culturally, or socially distinct from the politically dominant society on the regional or national level. These peoples are often (but not invariably) minorities, and invariably have little, if any, political representation or influence in governments. Many such peoples are marginally integrated into market economies and practice traditional, partially or wholly subsistence-based forms of economic activity. Examples of indigenous or tribal peoples include lowland South American Indians, Basarwa of Botswana and Namibia, Mayan Indians in Central America, and registered tribes in India.

SEC. 3. PROMOTING AND PROTECTING THE RIGHTS OF INDIGENOUS AND TRIBAL PEOPLES.

The Secretary of State and the Administrator of the Agency for International Development shall ensure—

(1) that United States foreign policy and foreign assistance vigorously promote the rights of indigenous and tribal peoples throughout the world; and

(2) that United States foreign assistance is not provided for any project or program detrimental to the rights of indigenous or tribal peoples or to their livelihood.

The rights of indigenous and tribal peoples to be promoted and protected pursuant to this section include the right to maintain their cultural, religious, and other traditions, customs, and institutions.

SEC. 4. BASELINE REPORT ON INDIGENOUS AND TRIBAL PEOPLES.

(a) PURPOSE.—The purpose of this section and section 5 is to help—

(1) guide future United States foreign assistance and other actions that could affect indigenous and tribal peoples, and

(2) permit United States actions that would assist these peoples.

(b) PREPARATION OF REPORT.—The Administrator of the Agency for International Development, in consultation with the Secretary of State, shall prepare a report on indigenous and tribal peoples in developing countries. This report shall include the following:

(1) A description of the economic, political, and social situation of indigenous and tribal peoples.

(2) A discussion the effects of United States bilateral foreign assistance and United States-supported multilateral assistance on indigenious and tribal peoples, including a description of those projects and activities currently being funded by the Agency for International Development—

(A) which have a positive impact on indigenous and tribal peoples, or

(B) which have a negative impact on indigenous and tribal peoples.

(3) A comprehensive strategy for regularly monitoring and improving the situation of indigenous and tribal peoples, including—

(A) a description of the methodology and the guidelines to be used in carrying out the monitoring required by section 5, and

(B) a description of the specific actions that the Agency for International Development proposes to take to improve the situation of indigenous and tribal peoples.

(c) CONSULTATION WITH NGOS.—The Administrator shall consult with nongovernmental organizations with experience in monitoring and reporting on indigenous and tribal peoples, and with other interested persons, throughout the preparation of the report required by subsection (b), but in particular—

(1) in determining the scope of that report; and

(2) in developing the methodology to be used in preparing that report.

(d) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit the report prepared pursuant to subsection (b) to the Congress.

SEC. 5. MONITORING REGARDING INDIGENOUS AND TRIBAL PEOPLES.

(A) MONITORING.—The Agency for International Development (in consultation with the Department of State), on a regular basis, shall collect information concerning and shall analyze the situation of indigenous and tribal peoples in developing countries.

(b) USE OF NGOS.—In carrying out subsection (a), the Agency shall, wherever appropriate, use nongovernmental organizations with experience in monitoring and reporting on indigenous and tribal peoples.

(c) ANNUAL REPORTS TO CONGRESS.—Following completion of the report required by section 4, the Administrator of the Agency for International Development shall submit to the Congress, not later than February 1 each year, a report which—

(1) presents the findings resulting from the monitoring of indigenous and tribal peoples carried out pursuant to subsection (a);

(2) updates the information provided in the report submitted pursuant to section 4; and

(3) describes the activities which the Agency for International Development proposes to fund for the coming fiscal year to address the problems facing indigenous and tribal peoples in developing countries, specifying which activities will be carried out by the Agency and which will be carried out by nongovernmental organizations.

SEC. 6. ANNUAL HUMAN RIGHTS REPORTS.

In each report submitted to the Congress pursuant to sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, the Secretary of State shall include a description of each country's practices regarding the observation of and respect for the internationally recognized human rights of indigneous and tribal peoples in that country.

JAPAN'S FAILURE IN THE GULF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. BEREUTER. Mr. Speaker, in the aftermath of the Persian Gulf war we are now beginning the long process of evaluating the successes and failures of the coalition. It is altogether fitting and proper that the nations of the alliance should begin to assess their actions. In doing so, much can be learned about the quality of the political and military leadership among the coalition partners.

This Member would ask to place into the RECORD a recent editorial that appeared in the March 9, 1991 edition of the Omaha World-Herald. The editorial rightly notes that Japan will only gain the respect it seeks if it is willing to assume its international responsibilities. Our Japanese friends would do well to reflect upon this insightful editorial.

[From the Omaha World-Herald, Mar. 9, 1991]

JAPAN'S PERSIAN GULF LESSON

Some Japanese citizens now seem to realize that their government blew it during the international effort to contain Saddam Hussein. Tokyo had a chance to demonstrate that it is truly a great power, and it failed the test.

The newspaper Yomiuri Shimbun said in an editorial that Japan stands to gain the most from stability in the Persian Gulf. The editorial then said: "So what did the second richest country in the world do? It sent money—no personnel, not transport, not even a lousy medical team—it just sent money."

Professor Hideo Sato, dean of the international relations department at Tsukuba University, said, "It became very clear that Japanese politicians and bureaucrats hardly understand the expectations on Japan from the rest of the world."

Japan uses vast amounts of Middle East oil. Almost 70 percent of its supply comes from the gulf region. But it took heavy lobbying from Secretary of State James Baker to persuade the Japanese to pledge funds to help with what evolved into Operation Desert Storm. It wasn't until the fighting was over that Japan's government finally came through with parliamentary approval for nearly $9 billion to pay some of the costs of driving Iraq from Kuwait.

Someday, Japan may be a great power. But only if it learns the lesson that being a great power brings with it certain international responsibilities that cannot be evaded without losing respect.

SUPPORT REFORM OF THE BLACK LUNG PROGRAM

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. MURPHY. Mr. Speaker, today along with several of my distinguished colleagues, I am introducing legislation to reform the Black Lung Benefits Program. For far too long, this program has been neglected and abused by those entrusted to oversee the health and welfare of disabled miners and their families. A decade of Reagan era politics has crippled this program, wreaking havoc and misery on thousands of sick and infirm people who depend on the program as a vital means of support.

If, as many of us believe, we must spend our time in this decade undoing the injustices of the eighties, then this legislation is the perfect start. This bill returns the Black Lung Program to a level playing field, and makes compassion for the miner and his dependents the key criteria to awarding benefits. In the zest to find budget savings, the Government has become blind to the problems of those most in need. I, for one, think that we can no longer afford to pay off the national debt on the backs of America's disabled miners. Let me take a few minutes to explain our proposal.

The proposal exempts claimants from having to repay benefits received for at least 2 years prior to a final decision on an ineligible claim. If the claimant was previously required by the Secretary to repay benefits as an overpayment, the Secretary will refund to the claimant the amount he or she overpaid.

The next section prohibits any party adverse to the claimant from submitting more than one opinion from an examining, consulting physician. The adverse party would also be prohibited from submitting more than one x ray reading to supplement their opinion.

Section 4 permits the Secretary to grant an award to a survivor/dependent of a deceased miner if the miner worked 25 years or more in one or more mine, the miner's death was due in whole or part to black lung, the miner was receiving black lung benefits, or had a claim pending at the time of his death. It also allows a widow to continue receiving a late miner's benefits regardless of whether or not she remarries, and notwithstanding the length of time she was married to the deceased miner.

The bill also stipulates that for claims filed between July 1, 1973, and April 1, 1980, a 10-year veteran of the mines is presumed to have black lung if they can produce a single, positive x ray or biopsy/autopsy, a single set of positive ventilatory studies showing an impairment, a single set of positive blood gas studies or other medical evidence by a physician showing a totally disabling respiratory impairment. The presumption is rebuttable only if evidence is presented that establishes a miner's ability to continue mine work, or his continued employment since filing a claim.

Section 6 orders the Secretary to review any claim, including those pending and denied, filed under part C before April 1, 1980. During this review, additional evidence is prohibited from being introduced if the Secretary determines what is available is sufficient to award benefits under the act. If the Secretary determines that the evidence on file does not meet criteria necessary for approval, an opportunity for the claimant to provide additional evidence will be provided.

The bill makes provisions for a person who has filed more than one claim after April 1, 1980, with each having been denied. In this case, that person shall be granted a de novo hearing before an administrative law judge on the merits of the last claim.

Section 7 establishes a contingency fee system allowing a claimant's attorney to be paid up to 25 percent of the benefits paid to that person. Eligibility for payment of representation fees begins at the date of the person's retirement or from the date that an attorney takes this person on as a client. If the claim is denied and the attorney continues to represent the claimant, he will be paid no more that 25 percent of the benefits payable from the date an appeal is filed to the date the claimant prevails or the attorney no longer represents that person.

And finally, section 8 eliminates the adversarial role of the responsible operator by mandating the payment of all claims out of the industry financed black lung disability trust fund upon enactment of this act.

I ask that the House promptly take up this legislation so that justice can be restored to the many people who no longer believe that they can look to Washington for fairness and protection. Thank you for your time and attention.

BLACK LUNG BILL SUMMARY

SECTION 2

Exempts claimants from having to repay benefits received for at least 2 years prior to a final decision on an ineligible claim. If the claimant was previously required by the Secretary to repay benefits as an overpayment, the Secretary will refund to the claimant the amount he or she overpaid.

SECTION 3

Prohibits any party adverse to the claimant from submitting more than one opinion from an examining, consulting physician. The adverse party would also be prohibited from submitting more than one X-ray reading to supplement their opinion.

SECTION 4

Permits the Secretary to grant an award to a survivor/dependant of a deceased miner if the miner worked 25 years or more in one or more mine, the miner's death was due in whole or part to Black Lung, the miner was receiving Black Lung benefits or had a claim pending at the time of his death. Allows a widow to continue receiving a late miner's benefits regardless of whether or not she remarries, and not withstanding the length of time she was married to the deceased miner.

SECTION 5

For claims filed between July 1, 1973 and April 1, 1980, a 10 year veteran of the mines is presumed to have Black Lung if they can produce a single, positive X-ray or biopsy/autopsy, a single set of positive ventilatory studies showing an impairment, a single set of positive blood gas studies or other medical evidence by a physician showing a totally disabling respiratory impairment. The presumption is rebuttable only if evidence is presented that establishes a miner's ability to continue mine work, or his continued employment since filing a claim.

Orders the Secretary to review any claim, including those pending and denied, filed under part C before April 1, 1980. During this review, additional evidence is prohibited from being introduced if the Secretary determines what is available is sufficient to award benefits under the act. If the Secretary determines that the evidence on file does not meet criteria necessary for approval, an opportunity for the claimant to provide additional evidence will be provided.

SECTION 6

If a person has filed more than one claim after April 1, 1980 and each has been denied, that person shall be granted a de novo hearing before an Administrative Law Judge on the merits of the last claim.

SECTION 7

Establishes a contingency fee system allowing a claimant's attorney to be paid up to 25% to the benefits paid to that person. Eligibility for payment of representation fees begins at the date of the person's retirement or from the date that an attorney takes this person on as a client. If the claim is denied and the attorney continues to represent this claimant, he will be paid no more that 25% of the benefits payable from the date an appeal is filed to the date the claimant prevails or the attorney no longer represents that person.

SECTION 8

Eliminates the adversarial role of the responsible operator by mandating the payment of all claims out of the industry financed Black Lung Disability Trust Fund upon enactment of this act.

HONORING TELECOMMUNICATOR AWARD NOMINEES

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. TORRES. Mr. Speaker, the California Public Radio Association [CPRA] annually recognizes those members of the association who have performed at a superior level during the previous year. On April 18, 1991, CPRA will be holding its annual awards dinner in Anaheim, CA. Awards will be presented to the most deserving public-safety professionals in three categories: Telecommunicator of the year, outstanding performance, and supervisor of the year. The top three finalists in each category will be featured at the awards ceremony.

Three of the nominees are Joan Klopfenstein for telecommunicator of the year, Gabriela Navarro for outstanding performance, and Anna Olivarez for supervisor of the year. Each one, as you will note from their brief biographies, has displayed a devotion to their positions well beyond the call of duty. I know we wish each one of them well in the competition, but more than that, Mr. Speaker, I know that every Member of Congress joins with me today in thanking them for their unselfish contributions to serving the public—often in times of intense personal stress.

JOAN KLOPFENSTEIN, NOMINEE FOR TELECOMMUNICATOR OF THE YEAR AWARD

Joan has been with the City of La Habra Heights Volunteer Fire Department for 25 years. All of this time has been in a volunteer capacity. Most of her dispatching time is done from her home. She has a 2-way radio for dispatching and has 2 emergency lines and 1 business line for the Fire Department installed in her home. Since starting her career in 1966, she has been invaluable to the department by always being available at all hours of the day and night even when she isn't "officially" on duty. She responded to their departments dispatch station immediately after the Whittier and Upland earthquakes to assist the volunteer firefighters at that location. (The dispatch station is only open during the day.) She has considerable knowledge about troubleshooting radio repairs and is available for assistance any time of the night or day. In addition to her volunteer duties with the Fire Department, she is also very active in her Church and Community. She recently went to Guatemala with her church to build dormitories for a school and was one of the two cooks that cooked all the meals for the volunteers. She was also instrumental in planning the City of La Habra Heights "Operation We Care" troop support and represented the Fire Chief at their "Operation Chuch Wagon" troop support. Because of her high level of commitment to the City of La Habra Heights Volunteer Fire Department, Joan was promoted to Battalion Chief on August 25, 1990. Joan has been described as an "outstanding individual, always pleasant and helpful, and generous with her time and talents." Considering that she has put in 25 years of volunteer dispatching time, that seems to be an understatement describing the Dispatcher of the Year.

GABRIELA NAVARRO, NOMINEE FOR OUTSTANDING PERFORMANCE AWARD

Gabriela began her employment with the Oxnard Police Deparment in November 1980 as a dispatcher. She was promoted to Supervisor in 1986. Gabriela not only puts in many, many hours in the Communications center, but is also within a year of obtainig her law degree from the Ventura College of Law. As if dispatching is not stressful enough, add the stress of studying for a law degree and 2 teenage children. And she still finds time to put in lots of hours of overtime. Gabriela has received many Department recognitions for Outstanding performance in handling numerous stressful incidents. She is always professional and is very able to handle multiple tasks at one time. In addition to her duties as a Dispatch Supervisor, Gabriela must also dispatch and train new personel. She frequently puts on all 3 hats at the same time. Gabriela knows when to take control of a situation, coordinate and utilize all available resources, and follow it to conclusion. Her ability to speak Spanish has been an asset to the Oxnard Police Department, which is evidenced with the call she received the Outstanding Performance Award.

ANNA OLIVAREZ, NOMINEE FOR SUPERVISOR OF THE YEAR AWARD

Anna started with the South Bar Regional Public Communications Authority 11 years ago in January, 1980. She feels as though she has grown up in the profession since she started with the South Bay right out of high school. Anna was promoted to Shift Supervisor in April of 1983. Not only does Anna work full-time, she also attends Cal State, Dominguez Hills full-time. Currently she is only 6 units away from her Bachelors Degree in Public Administration. As if those two full-time achievements are not enough, she also finds time to take care of her 10 month old daughter. Anna has received Attendance Awards for her excellent attendance record. Anna consistently holds the respect, trust and confidence of her shift members, both professionally and personally. She is consistently available to her shift members to discuss problems or concerns they may have. Anna is currently serving on South Bay's strategic planning committee and contributes insightful thoughts and ideas. She is a key link between the various levels within the South Bay Authority, having an excellent rapport with dispatch personnel and professional relationships with the management of the police and fire departments which they serve. Anna also has a deep commitment to her country and community. She headed a drive to collect articles to be sent to our troops during the Persian Gulf crisis and assisted in a Christmas drive to help underprivileged families. One of her dispatchers gave her the ultimate praise, she stated ". . . (she) has a good attitude and can always be counted on to remain calm in a crisis. She is thoughful in giving praise as well as constructive criticism." With that type of tribute, she is well deserving of the Supervisor of the Year award.

HONORING FOARD COUNTY CENTENNIAL ANNIVERSARY

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. SARPALIUS. Mr. Speaker, I would like to bring special recognition to the citizens of Foard County, TX, as they prepare to celebrate their centennial anniversary this year. Although the county is small with a population of 2,100, the spirit of the people today is as large as it was 100 years ago.

The farming community of Foard County has proven its will to compete and endure as it has survived a century of the natural hardships that are so much a part of the Texas climate. The continued agricultural significance of Foard County is an example of people who will not quit.

Not surprisingly, Foard County has even endured the more recent trend of urbanization—leaving the farm for life in the big city. The fact that this county has retained a consistent population only goes to show that home is truly where the heart is. By making this county their home, the citizens of Foard County have not only carried forth their ancestral heritage, they have also upheld the Texas tradition of rural independence.

The people of Foard County also boast on the richness of historical remnants that lie within the borders of its county. The low rolling plains located near the Pease River made an excellent dwelling place for the remains of the native American civilization. Remains of the Comanche are housed in museums located throughout the county. Foard is also the place where the last major Indian battle before the Civil War was fought. These remains and landmarks are among the few remaining memoirs, indications of a time gone by.

At a time that can be deemed so appropriate I extend a well deserved thanks to the people of Foard County for their personal commitment to the agricultrual industry and for their contribution to the preservation of our American heritage.

REMARKS BY COMMISSIONER JAMES H. QUELLO

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. McEWEN. Mr. Speaker, I take this opportunity to rise to bring to my colleagues attention a recent speech by James H. Quello, Commissioner of the Federal Communication Commission. Mr. Quello, who served as a battalion commander during the final 2 years of the Second World War with the 180th Infantry Battalion of the famous "Thunderbird" 45th Division in Europe, offers some insightful comments on the national support for Operation Desert Storm. His reflections on the role of the press in wartime are also worth remembering. I would like to have the speech entered in the RECORD at this time.

REMARKS BY COMMISSIONER JAMES H. QUELLO BEFORE THE OKLAHOMA ASSOCIATION OF BROADCASTERS, TULSA, OK, FEBRUARY 8, 1991

"You Can't Be the Land of the Free Without the Home of the Brave.—President George Bush

I'm always glad to visit Oklahoma and Oklahoma broadcasters, particularly at this agonizing time with our nation at war. Oklahoma is the proud home of the famous "Thunderbird" 45th infantry division. Your division was officially designated by U.S. Military Historian, General S.L.A. Marshall, as the best infantry division in Europe during World War II. As some of you older veterans may recall, it was the only infantry division that produced two distinguished Corp. Commanders—Lt. General Troy Middleton and his former artillery division commander, Lt. General James McClean.

As I have reminded everyone I have ever known from Oklahoma, I served in the 180th infantry regiment of the 45th Division as an infantry battalion exec and battalion commander during 1944 and 1945. I believe World War II was the last military engagement where a patriotic American public wholeheartedly supported our troops and war efforts. I believe this type of public support is absolutely essential for the effective conduct and successful conclusion of any war—but more about that aspect later. (In the meantime, please notice my lapel pin with the Thunderbird insignia between the American and Oklahoma flags.) Incidentally, Oklahoman Dawson "Tack" Nail, venerable executive editor of Communications Daily and TV Digest, won a bronze star in Korea as an artillery forward observer with the 179th infantry regiment of the 45th.

It's also a special pleasure to appear before a state broadcasting association. As many of you know, I don't have to search for any mutuality of interest. I was a Michigan broadcaster for 27 years and a former president of the Michigan Association of Broadcasters. As president, I proposed the annual (now highly successful) Congressional dinner 34 years ago. Thirty four years ago! Should I even admit it! I feel much too young to be that old—and I find myself comforted when a good old friend says "Remember, the sweetest music is played on the oldest violins." Another benefit of senior citizenship is a kinder, noncompetitive treatment you receive from your associates and others. There is even increased recognition for your contributions. I appreciate what I humorously refer to as my "preposthumous" awards.

In my numerous appearances before educational, communications and public groups, I usually update and personally evaluate major FCC regulatory issues. However, I'm asking your special indulgence today. Our war in the mideast transcends regulatory issues in importance and future impact. All else pales in comparison.

I'm asking that you indulge this veteran Thunderbird hawk in a departure from your normal convention expectations.

At a recent National Religious Broadcasters breakfast, President Bush, himself a distinguished air combat veteran, left an indelible impact on my mind with a memorable statement "You can't have the land of the free without the home of the brave." I thought it should have been headlined and repeated over and over again. I missed seeing or hearing it in the press.

I don't believe we can effectively implement "the home of the brave" without overwhelming support on the home front. That means understanding the inescapable casualties, confusion and mistakes of ground and air combat. To achieve such support, I believe it also entails sensible wartime restraints as to reporting on troop locations, military equipment and even the number and cause of casualties. I want to see the positive attitude and support I knew in Africa, Sicily, Italy, France and Germany with the Ninth Infantry and 45th Infantry Divisions. We need the positive spirit and press support of World War II not the kind of adversarial reporting of Vietnam that over-zealously discredited the government and military of our own country, and undermined our efforts. It caused an inglorious, unnecessary defeat of American forces for the first time in the proud history of our nation. I believe the negative reporting on "a Vietnam deception," the Tet offensive, and on General Westmoreland represented shoddy, inaccurate, sensationalized journalism. The reports distorted and discredited our efforts and disserved the nation. This subject was fuly treated in my "Press Under Fire" speech in March 1985.

Undoubtedly, my attitude on public support and press restraint have been shaped by my wartime experience. I believe combat veterans can understand the confusion, local disasters and casualties which are an integral part of combat. I think veterans understand the necessity of censoring locations, troop movements, casualties and losses—any information that may lend encouragement to the enemy.

Even with the positive, supportive press and protective censorship of World War II, reporters around the headquarters of combat units often represented an inconvenient intrusion. I admit that I enjoyed talking briefly to the famous Ernie Pyle and AP reporter in Africa and Sicily. But even genial Ernie, who was the leading proponent of the now coveted combat badge and $10.00 montly extra in World War II for soldiers in combat, asked in Africa "What's holding you up from taking Bizerte?" I impudently replied "We will be glad to follow you in." No sooner had I spoken when we saw a jeep frantically racing and zigzagging toward our wooded area with two German 88s zeroing in. Fortunately, the jeep reached a covered wooded area. Normally Ernie's syndicated writings empathized with the frantic, dangerous, life of the front line dogfaces. He was universally revered. I was delighted when the VFW presented me an Ernie Pyle plaque after the war for distinguished service to veterans.

I have many vivid memories of World War II—some pleasant, some inspiring and some tragic. Among the more inspiring was General Patton's very first profane fight talk to the entire Ninth Division before embarking for overseas. (Recite if time and interest permit.) As an aside, the phrase "We are going to kill their men and debase their women" was omitted from future fight talks. We didn't know whether George was officially censored or just caught hell from his wife. Probably both.

Among other vivid memories was the German bombing and strafing during the initial months of the African campaign. We defined our air superiority as "for every plane the Germans have in the air, we have two on the ground." As one who temporarily experienced the effect of air bombing and strafing, there is no way the large Iraqi army can prevail against overwhelming allied air superiority. 'Every Iraqi truck, tank and troop movement will be subject to devastating allied air attack day or night. Another memory: Our confused opposed crossing of the Rhine at Worms, Germany—Three days earlier we could have crossed unopposed. Reporters could have had a field day with that situation—not realizing that we had to wait for other troops to secure our flanks before crossing.

The most tragic memory was seeing the inhumanities of Dachau immediately after its capture, the emaciated stacks of bodies, ashes, bones in the furnaces and a carload backlog of corpses. I will carry with me for life a horrible mental photograph of the scene. It gives me a greater appreciation for the desperate stake Israel has in guaranteeing its own security against hostile surroundings and particularly against Saddam Hussein, the Hitler of the 90s. A little Hitler perhaps, but with the same grandiose designs and brutal demeanor.

I also remember the house-to-house fighting in Nuremburg and particularly the leaflets the discerning Mayor, Karl Holtz, had distributed throughout the city. The leaflets read "We Must Fight to the Last Man against Russian savagery, British arrogance and American irresponsibility." He had us figured.

My most vivid memory was the last big battle of World War II involving the 45th Division. I was the Battalion Commander of the First Battalion, 180th infantry that drew the unfortunate and surprise assignment of taking the German SS College in the Northern outskirts of Munich. I have attached a clipping from the 45th Division paper of May 13, 1945 that substantiates the story. I'm grateful to Nancy Carey, then Commissioner Washburn's legal assistant, who found the story after a month of research. As veteran war stories tend to get more heroic with each passing year, I'm glad to have this prima facie evidence of my battalion involvement in this historic struggle. In summary, we took the SS College late at night after a hectic battle. Every company commander was wounded, four officers in one company hit, 90 Germans killed, many more wounded.

After 32 months overseas experience in WW II with friendly, though at times intrusive, war correspondents and enjoying complete support from a patriotic home front, it was difficult for me to understand the adversarial press in Vietnam. I could not accept what I perceived as a frantic zeal to discredit the military and the government of our own country, destroy morale and undermine national will.

I am concerned again with what I initially sensed as an adversarial press attitude in the Middle East. I noticed negative, sometimes ludicrous probing questions at official briefings. Fortunately, there is good news: the American public has maintained its perspective during this crisis. As evidence of this, a recent "Good Morning America" poll on press coverage of the war received over 62,000 calls from across the nation. Of those responding, 82% said that the press is *not* doing a responsible and fair job of reporting the way. Only 17% felt that the press is being responsible and fair.

As a former broadcaster and newscaster, I have consistently supported full first amendment rights. I usually prefer to be on the journalists' side. I condone press restrictions reluctantly, but find it necessary in wartime and particularly in combat conditions. But the Supreme Court historically has held that in "exceptional cases," the government can restrict the dissemination of such information as "the sailing dates of transports or the number and location of troops." The Pentagon's press guidelines fall squarely in this category.

I want to emphasize that I am not ignoring the right of dissent in a free society. President Bush acknowledged as much in his State of the Union address. And there has been no shortage of dissent. But America's brave young men and women are currently committed to a struggle for a just cause in which their lives are on the line—a commitment that began only after our nation went through the democratic process of congressional debate. In my view, once we have troops in the field, we must give them wholehearted home front support.

I'm delighted that current public opinion polls strongly support the President, our national commander-in-chief, and also the military briefings of the press. According to the recent Times-Mirror poll, for example, 8 out of 10 Americans support the Pentagon's restrictions on journalists covering the Persian Gulf war. The majority of our responsible citizens and thousands of old veterans (like me) are opposed to another Vietnam-type press. A more discerning and sophisticated TV public seems more capable than ever of reaching independent judgments on issues of vital national interest. The public will no longer believe an adversarial press emphasizing the negative, trivializing our military efforts, questioning our reason for military involvement and headlining and repeating every casualty, accident or human error to prove their point and thus inadvertently giving comfort to the enemy.

Casualties, confusion and errors are inherent to all parties in combat. Even without combat, any area containing over 400,000 troops will have the usual accidents and noncombat conflicts.

As for me, I can't understand adversarial attitudes when America is committed to a just cause that is strongly supported by an unprecedented coalition of other countries.

President Bush rejected Saddam Hussein's attempt to characterize the conflict as a religious war. He told the National Religious Broadcasters "This war has nothing to do with religion per se. It has, on the other hand, everything to do with what religion embodies—good versus evil, right versus wrong, human dignity and freedom versus tyranny and oppression."

We must not give comfort or aid to a ruthless enemy dictator whose principal objective is to divide American public opinion and undermine America's will. In fact, it seems his only hope of winning at this time is headlining our casualties, repeating body counts, showing anti-war demonstrations, and emphasizing our errors. These are all morale boosters for Saddam Hussein who has complete control over his press.

I hope Hussein saw the Giant's all pro linebacker, Lawrence Taylor, tell the nation on TV "This is no time for protest demonstrations. It's time to support our troops in the Middle East and support our country." I also hope Hussein saw the American patriotic fervor at half-time during the Super bowl game and the many pro-American demonstrations. A solid, united America is exactly what is needed to convince Hussein of the hopelessness of his position.

In this time of national need, I hope Oklahoma broadcasters can emulate the patriotic fighting tradition of your distinguished Thunderbird division. Anyone who has had the privilege of serving in the 45th fully appreciates that Oklahoma is the home of the brave.

All Americans, in our own way, must support our troops and our country in a war against a deceitful, tyrannical dictator with ambitions (now shattered) for world domination who possesses the brutal, genocidal, anti-humanitarian instincts of Adolf Hitler.

In the process, let us keep the highest priority on winning the war and secondly, on disseminating detailed press information. We can learn from the security systems in force in Great Britain, Saudi Arabia, Turkey, Egypt, Kuwait and Israel, the countries most experienced in Middle East intrigue and intelligence capabilities. This will include practical wartime press limitations. We should especially notice the effective security and censorship system of Israel, a country with a desperate stake in survival and a courageous people vastly outnumbered by surrounding enemies and potential enemies.

I'll be glad to discuss Washington communications developments in DAB, HDTV, regulatory enforcement cable effective competition, fin/syn (limited), telco-cable, MFJ, etc. with you at an informal post-reception or dinner gathering.

Please forgive this unabashedly patriotic Thunderbird veteran for allotting the highest priority to our present wartime commitment and for lauding citizen support of our efforts. Our cause is just. With superior fighting men and technology, dedicated, appreciative allies, strong support from a patriotic home front, we will win the war and hasten the longed-for peace. We will prove to the world and to ourselves that America, the land of the free, is truly the home of the brave!

[From the 45th Division News (Printed in Germany), May 13, 1945]

Last Big Fight Pitted 180th Inf. Against SS Men

When most of the rest of Munich had seen occupied and other troops were beginning to take it easy, 1st Bn. 180th Inf., was starting the toughest fighting it had been since the Siegfried Line.

G–2 reports told them there were two battalions of SS men holed up in the old SS college and the only way to approach it was over 1,000 yards of open ground. To make the first battalion bitter was their recollection they had passed through the 3rd Bn. the day before, and the 3rd had rounded up a thousand prisoners with practically no trouble.

The SSers were prepared to fight for their old alma mater. They had dug nice dugouts in the open field, where they could sweat out the shelling, then come out into trenches to fire on the advancing Americans. Their defense consisted of rifle, burp gun, machine gun and SS fire at close range.

To assist A and B Companies in the assault, the 20th Armored Division contributed about a dozen tanks—and the men in them were in their third day of combat.

The morning's attack got under way with fire from our artillery, our 60 and 81 mm mortars and chemical mortars from 2nd Chemical Bn. The fire was not precisely adjusted, and the attack got nowhere. Observation hadn't been good.

First Bn. tried it again that afternoon.

"We showed them a powerhouse", reports Maj. James H. Quello, Detroit Company's A and B were behind and between the tanks. Two hundred yards behind came the armored infantry and half tracks. Co. C tailed the armored infantry.

"Then we got the best artillery support I've ever seen", continued the major. They were dropping smoke and fire just 100 yards in front of the tanks. The mortars, as usual, were right on the money."

Tanks and Infantry went forward, firing to beat hell. The SS men lay in their holes until the tanks had passed, then got up to fire at the backs of the infantrymen.

Co. B went into the barracks and started mopping up, and Co. A outflanked its opposition going through to B's right, were it belonged.

Some of the stalwart SS men had taken off when they saw what was coming, but many stayed. Seventy-five were taken prisoner and 80 killed.

One of the prisoners had been run over by a tank covered with dirt, and just his mouth and nose were showing. He walked away with his captors, which might indicate how tough the 1st opponents were.

The fight was filled with incident Pfc's Homer Bearden and William Trimmier, Co. D heavy MG men with Co. A set up their gun to find they were directly across from a German SS not far away. A duel ensued between SS and MG. The 30 obviously couldn't hurt the gun, but Bearden and Trimmier kept the lead running for an hour, all through the fighting, and kept the SS's crew flat on their bellies, their gun out of the fight.

First Lt. William F. Jennings, New York City, took over one of the companies after four of its officers had been shot reorganized it on the spot, and led it in the attack.

Capt. Edward L. Kerker, Shawnee, Okla., jumped into a hole to get out of sniper fire, found five SS men there and took them prisoner.

The CO of Co. B led his men after he had been hit in the hip, and didn't quit until he was shot a second time.

Apparently, this was the last tough battle the 45th was to fight in the European war.

LOWEY-ROS-LEHTINEN RESOLUTION GAINS BROAD SUPPORT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mrs. LOWEY of New York. Mr. Speaker, I strongly urge all Members of the House to cosponsor House Concurrent Resolution 88. This resolution—which is already cosponsored by 112 of our colleagues—calls upon the Arab States to end their state of belligerency and the economic boycott against Israel, and to enter into direct negotiations with her. That is an essential first step to achieving a just and lasting peace on the Middle East. House Concurrent Resolution 88 also expresses the sense of this House that our Government urge the Arab members of the allied coalition to move promptly to fulfill these goals.

I ask that the text of the resolution as well as a list of its current cosponsors be printed at this time in the Record.

H. Con. Res. 88

Whereas the State of Israel declared its independence on May 14, 1948;

Whereas the armies of 6 Arab nations, Egypt, Syria, Jordan, Saudi Arabia, Lebanon, and Iraq, invaded Israel immediately after its declaration of independence with the intention of destroying Israel as a nation;

Whereas Israel has fought additional wars against several Arab nations which have continued to seek its elimination and destruction;

Whereas United Nations Security Council Resolutions 242 and 338 have addressed the Arab-Israeli conflict, calling for a just, lasting, and durable peace for all states in the area;

Whereas Israel and Egypt entered into direct negotiations culminating in a peace treaty signed on September 17, 1978;

Whereas all other Arab states continue to maintain a state of belligerency with Israel, refusing to recognize Israel's right to exist;

Whereas Israel suffered some 39 SCUD missile attacks fired by Iraq during the Gulf War;

Whereas the United States was allied with numerous Arab states in the diplomatic and military effort to eject Iraq from Kuwait; and

Whereas, the continued state of belligerency between the Arab states and Israel threatens all peoples of the Middle East: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) all Arab nations which have refused to recognize Israel and have maintained a state of belligerency with the state of Israel should recognize Israel, end the economic boycott against Israel, end the state of belligerency with Israel, and enter into direct negotiations with Israel to achieve these objectives; and

(2) the United States should use all available means to influence and encourage the Arab states which were allied with the United States in the Gulf War to achieve the objectives under paragraph (1).

CURRENT COSPONSORS OF HOUSE CONCURRENT RESOLUTION 88, INTRODUCED BY CONGRESSWOMAN LOWEY WITH CONGRESSWOMAN ROS-LEHTINEN, MARCH 22, 1991

Bennett, Hochbrueckner, Manton, Ms. Boxer, Annunzio, McGrath, Yates, Lehman (FL), Hall (OH), Beilenson, Smith (FL), Levine (CA), Neal (NC), Schumer, LaFalce, Bacchus, Santorum, Weiss, Goss, Waxman, Ms. Morella, Saxton, Lightfoot, Mrazek, Bateman, Cardin, Lowery (CA), Frost, McNulty, Weber, Kyl, Burton, Gilman, Paxon, and Porter.

Johnston, Jefferson, Hall (TX), Ramstad, Ms. Horn, DeFazio, Frank (MA), Cunningham, Berman, Stallings, Bruce, Kostmayer, Zimmer, Fawell, Anderson, Atkins, Dwyer, Scheuer, Pallone, Abercrombie, Owens (UT), Sisisky, Lewis (GA), Miller (WA), Udall, Dicks, Wise (WV), Unsoeld, Carr, Matsui, McDermott, Neal (MA), Tauzin, Miller (CA), Ms. Pelosi, Inhofe, and Richardson.

Horton, Mineta, Durbin, Stearns, Sensenbrenner, Lent, Armey, Fish, Kennedy, Edwards (TX), Sabo, Engel, Cramer, Bustamante, Condit, Slaughter, Andrews (ME), Anthony, Ms. DeLauro, Fazio, Hoagland, Ms. Kennelly, Price, Slattery, Payne (VA), Sikorski, Torricelli, Andrews (NJ), AuCoin, Glickman, Hubbard, McHugh, Penny, Williams, and Cox.

JOE DiMAGGIO DAY

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. RUSSO. Mr. Speaker, recent events in the Persian Gulf have given us new heroes and a reason for renewed pride in America; however, we can never forget our heroes of the past. Joseph Paul DiMaggio represents the best of our Nation. During another American war, he stood for all that was right about America. The Yankee Clipper became the best and perhaps the most well-rounded athlete in the history of America's greatest pastime. Through it all he remained quiet, shy, and conservative. He did not seek the limelight but it found him in the form of millions of adoring fans who still hold him in the highest esteem today.

At the age of 76 Joe DiMaggio remains one of the most respected and loved public figures in America. I rise today to introduce a resolution which honors Joe DiMaggio, one of America's living legends, by commemorating the 50th anniversary of the longest hitting streak in the history of baseball. It was in 1941 that DiMaggio batted safely in his 56th consecutive game—a record that has never been approached, and one that probably will never be broken. My resolution designates May 18, 1991, as "Joe DiMaggio Day," in recognition of this special achievement.

As a further testament to this great achievement, I am including a copy of Dave Anderson's February 4, 1991, New York Times article entitled "For Joe D, 1941 Glows Golden Now."

FOR JOE D, 1941 GLOWS GOLDEN NOW

(By Dave Anderson)

Only a few baseball players are identified forever with a year: Babe Ruth with 1927, Bobby Thomson with 1951, Roger Maris with 1961. Even fewer endure long enough to celebrate the golden anniversary of their year. But for Joe DiMaggio now, it's as if it were 1941 when he batted safely in 56 consecutive games—a record that has never really been approached, a record that probably will never be broken.

"But if I thought after 50 years I'd be going to half a dozen banquets, I would have quit hitting after 40 games," he joked Sunday night. "Don't get me wrong. I love that record."

That record must love him, too. They belong together. Baseball's most majestic record is held by its most majestic personality. Up on the Sheraton Center dais at the New York Baseball Writers dinner, his silver hair glistened above his tuxedo. He's 76 years old now. But he's still Joe D. The Yankee Clipper. Joltin' Joe. The Jolter. Or, as Ernest Hemingway wrote of him in "The Old Man and The Sea," the great DiMaggio.

"Joe, Joe DiMaggio," the voice of Betty Bonney had sung earlier while black-and-white film clips of his career were shown, "we want you on our side."

Another 1941 personality, Leo Durocher, who managed the Brooklyn Dodgers to the National League pennant that year before losing to the Yankees in the World Series, understood DiMaggio's majesty. Honored for having been the manager of the 1951 Giants that won the pennant on Thomson's homer, Durocher is 85 now, gaunt and gravel-voiced.

"I read a squib that a certain athlete was getting a million-eight and he couldn't make it," Durocher said. "Joe, do you think you could make it on a million-eight?"

DiMaggio smiled gently. His highest baseball salary was $100,000. Now he earns more than that at memorabilia shows to sign, in his graceful flow, baseball's most coveted autograph. But when Durocher finished telling stories about Jim (Dusty) Rhodes and Larry MacPhail, he glanced at DiMaggio.

"You've got the coup de grace here," Durocher said. "The greatest ballplayer of all time."

After introducing DiMaggio, Mel Allen, reached for a box containing DiMaggio's award.

"It's a piece of Waterford crystal, the only one of its kind," Allen said. "In the shape of a baseball glove."

But when Allen took the crystal out of its box, it was shaped like a vase, not a glove.

"Maybe this," Allen said, holding up the vase as if to catch a fly ball, "is how he did it."

After the films clips of DiMaggio's career had been shown an hour earlier, more than 1,000 people stood and applauded, then he stood and raised both arms in appreciation. Now, as he arrived at the lecturn, another standing ovation erupted before he congratulated the other honorees. He told his joke about wishing the had stopped after 40 games, then he stared fondly at the crystal vase.

"I had a collection of about 25 of these pieces," he said. "I gave them to my sister in San Francisco. You know what happened. The earthquake destroyed all of them. But this piece I'm going to keep."

He told stories about sportwriters of his time. About how at the dogtrack at spring training, Grantland Rice always had the winner because he bet every dog in the race. About how on a fishing trip Jimmy Cannon didn't reel in a marlin because he was too busy reading a book. Then he told about hitting a home run off Bobo Newson, a big right-hander of his era who in his travels pitched briefly for the Philadelphia Athletics, then owned and managed by Connie Mack.

"I hit it into the upper deck in old Shibe Park," he recalled. "But when Bobo got back to the duggout, Mr. Mack told him, "Mr. Newsom, please sit next to me."

"Mr. Mack said, 'Mr. Newson, what kind of pitch did you throw DiMaggio? Bobo told him a fastball. Mr. Mack said, 'Mr. Newsom, I want you to throw DiMaggio nothing but curveballs.' The next time up, Bobo threw me that wrinkel he called a curve. It didn't break more than 2 inches. This time I really got hold of it. I hit it over the roof.

"Going around the bases, I saw Bobo take a few steps toward the A's dugout and yell, 'Mr. Mack, he hit yours farther than he hit mine."

Those homers occurred in 1946, five years after the streak in the year for which Joe DiMaggio will always be identified, will always be remembered. But now, in closing, he alluded to the rule measure of his career: that during his 13 seasons from 1936 to 1951 (with three years in the Army), the Yankees won 10 American League pennants and 9 World Series.

"One day somebody's going to come along and break that record and take it away," Joe DiMaggio said, meaning his 56-game streak. "But one thing they won't take away is the Yankee success during my era."

THE MICROENTERPRISE DEVELOPMENT ACT OF 1991

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. FEIGHAN. Mr. Speaker, today I am pleased to join my colleague, BEN GILMAN, in introducing the Microenterprise Development Act of 1991.

This legislation is an effort to ensure that U.S. foreign aid dollars make a difference in the lives of people throughout the developing world. Today, more than a billion people in the developing world are living in poverty, with incomes of less than $370 a year. Nearly 40,000 children die each day from malnutrition and disease. These statistics are tragic and deeply troubling.

Over the past several years, Mr. GILMAN and I have engaged in an intense debate and discussion with the Agency for International Development on the topic of microenterprise and its incredible potential as a development strategy. It is our belief that microenterprise development offers the poor an opportunity to play a central role in undertaking strategies for small-scale, self-sustaining businesses that can bring them out of poverty.

We have been particularly impressed by projects like the Grameen Bank of Bangladesh, the Badan Kredit Kecamatan [BKK] in Indonesia, and ADEMI in the Dominican Republic, which have proven successful credit programs that have lent money directly to the poor. Repayment rates in these programs are 95 percent or higher indicating that it is possible to bank on the poor.

The goals of this bill are to continue and to expand AID's commitment to microenterprise development; to expand the amount of assistance going to credit activities designed to reach the poorest sector of the developing world; and finally to increase the percentage of credit going to women beneficiaries.

The bill calls for not less than $85 million to be spent on microenterprise development assistance in each of the next 2 fiscal years. The bill also calls for AID to devote a significant portion of its assistance to poverty lending activities. For fiscal year 1992, the bill calls for not less than $20 million to be spent for credit activities and institutional support for poverty lending. That amount will be increased to $30 million in 1993. The bill also calls for AID to establish a monitoring system for its microenterprise activities and to report to the Congress on its strategy for accomplishing the objectives outline in the bill.

The Subcommittee on International Economic Policy and Trade has held two hearings on this program in the last 6 months. I am pleased to have the support of Chairman SAM GEJDENSON as well as several other members of the subcommittee who have joined me as original cosponsors of the bill. I ask that a copy of the bill appear in the RECORD at the end of my statement.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microenterprise Development Act of 1991".

SEC. 2. FINDINGS.

The Congress makes the following findings and declarations:

(1) More than a billion people in the developing world are living in poverty, with incomes of less than $370 a year.

(2) According to the World Bank, mortality for children under 5 averaged 121 per thousand for all developing countries.

(3) Nearly 40,000 children die each day from malnutrition and disease.

(4) Poor people themselves can lead the fight against hunger and poverty through the development of self-sustaining microenterprise projects.

(5) Women in poverty generally are less educated, have a larger workload, and have less access to economic opportunity than their male counterparts. Directly aiding women in the developing world has a positive effect on family incomes, child nutrition, and health and education.

(6) Microenterprise development offers the opportunity for the poor to play a central role in undertaking strategies for small scale, self-sustaining businesses that can bring them out of poverty.

(7) The World Bank estimates that there are over 400,000,000 self-employed poor in the developing world and projects that, by the year 2020, 95 percent of African workers will be employed in the informal sector.

(8) For many people, lack of credit creates an obstacle to the development of self-sustaining enterprises.

(9) Projects like the Grameen Bank of Bangladesh, the Badan Kredit Kecamatan in Indonesia, and ADEMI in the Dominican Republic have been successful in promoting credit programs that have lent money directly to the poor. Repayment rates in these programs are 95 percent or higher indicating that it is possible to "bank on the poor".

(10) The Agency for International Development has been a leader in small and microenterprise development in the past 20 years.

(11) The Congress earmarked funds for fiscal years 1988, 1989, 1990, and 1991 for microenterprise development activities and has called upon the Agency for International Development to take steps to ensure that its microenterprise activities included a credit component designed to reach the poorest sector of the developing world.

(12) In 1989, the Agency for International Development created the Office of Small and Microenterprise Development within the Bureau for Private Enterprise to lead and coordinate the Agency's microenterprise efforts.

(13) In March 1990, the Agency for International Development reported that new spending for microenterprise development was $58,800,000 for 1988 and $83,300,000 for 1989 and that the average loan size for the credit component of the program averaged $329 for 1988 and $387 for 1989. However, less than 10 percent of the spending for the 1988 program, and less than 7 percent of the spending for the 1989 program, was for loans of under $300.

(14) A February 1991 report by the General Accounting Office indicated that data in that March 1990 report was of "questionable validity" and that the Agency for International Development did not have a system to track detailed information concerning its microenterprise credit activities. Furthermore, the General Accounting Office found that none of the three missions that it visited targeted their microenterprise projects specifically to women or to the poorest 20 percent of the population, as recommended by the Congress.

(15) The Congress recognizes that provision of credit alone may not be sufficient to generate opportunities for successful microenterprise development and that assistance focused in the areas of institutional development, technical assistance, training, and policy reform may also be appropriate for assisting microenterprise development.

(16) The Agency for International Development has indicated its willingness to explore the idea of holding a series of regional workshops on microenterprise development. The Congress encourages the Agency to include in these workshops opportunities for training Agency personnel and United States and indigenous private and voluntary organizations in activities designed to reach the poorest of the poor.

SEC. 3. PURPOSE.

The purpose of this Act are—

(1) to provide for the continuation and expansion of the commitment of the Agency for International Development to microenterprise development;

(2) to increase the amount of assistance going to credit activities designed to reach the poorest sector in developing countries; and

(3) to increase the percentage of such credit that goes to women beneficiaries.

SEC. 4. ASSISTANCE FOR MICROENTERPRISE DEVELOPMENT.

(a) GENERAL AUTHORITY.—The President, acting through the Administrator of the Agency for International Development, is authorized to provide assistance for programs of credit and other assistance for microenterprises in developing countries. In addition to providing financial resources for direct credit activities of indigenous financial intermediaries, assistance under this Act may include assistance for institutional development of such intermediaries (including assistance to enable private and voluntary organizations to develop the capability to serve as financial intermediaries), technical assistance, training, and policy reform. Microenterprise credit and related activities assisted under this Act shall be carried out primarily through those indigenous financial intermediaries and private and voluntary organizations that are oriented toward working directly with the poor and women.

(b) ELIGIBILITY CRITERIA FOR FINANCIAL INTERMEDIARIES.—The mission of the Agency for International Development that is responsible for a country receiving assistance under this Act shall establish criteria for determining the financial intermediaries that will receive assistance under this Act, taking into account the following:

(1) The extent to which the recipients of credit from the intermediary lack collateral.

(2) The extent to which the recipients of credit from the intermediary do not have access to the local formal financial sector.

(3) The extent to which the recipients of credit from the intermediary have relatively limited amounts of fixed assets.

(4) The extent to which the recipients of credit from the intermediary are among the poorest people in the country.

(5) The extent to which interest rates charged by the intermediary on loans reflect the real cost of lending.

(6) The extent to which the intermediary reaches women as recipients of credit.

(7) The extent to which the intermediary is oriented toward working directly with the poor and women.

(c) LOWER TIER FOR POVERTY LENDING ACTIVITIES.—A significant portion of the amount made available each fiscal year to carry out this Act shall be used to support direct credit assistance by, and the institutional development of, those financial intermediaries with a primary emphasis on assisting those people living in absolute poverty, especially women.

(d) FOCUS ON WOMEN.—The Office of Small and Microenterprise Development in the Agency for International Development shall include in its annual action plans a strategy for increasing the access of women in developing countries to credit and other microenterprise development activities, with the goal of increasing to at least 50 percent the percentage of microenterprise credit that goes to women beneficiaries. This strategy shall be developed in consultation with the Agency's women in Development Office.

SEC. 5. FUNDING SOURCES.

(a) SOURCES.—Funds to carry out this Act shall be derived from the following sources:

(1) Funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to the functional development assistance accounts).

(2) Funds available to carry out chapter 10 of part I of that Act (relating to the Development Fund for Africa).

(3) Funds available to carry out chapter 4 of part II of that Act (relating to the economic support fund).

(4) Local currency accruing as a result of assistance provided under chapter 1 of part I, chapter 10 of part I, of chapter 4 of part II of that Act.

(5) Local currency proceeds available for use under section 306(a)(9) of the Agricultural Trade Development and Assistance Act of 1954 (as amended by section 1512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)).

(6) Local currency which accrues as a result of assistance provided under the Agricultural Trade Development and Assistance Act of 1954 as in effect immediately before the effective date of the amendment made by section 1512 of the Agricultural Development and Trade Act of 1990.

(7) Local currency generated under subsection (b) of this section.

(b) AUTHORITY TO GENERATE LOCAL CURRENCIES.—In order to generate local currencis for use in providing assistance under this Act, the President is authorized to use funds made available to carry out chapter 1 of part I, chapter 10 of part I, or chapter 4 of part II of the Foreign Assistance Act of 1961 to provide assistance to the governments of developing countries on a loan basis repayable in local currencies, at a rate of exchange to be negotiated by the President and the foreign government. Such loans shall have a rate of interest and a repayment period determined by the President. Section 122 of the Foreign Assistance Act of 1961 shall not apply with respect to loans pursuant this subsection.

(c) NONAPPLICABILITY OF CERTAIN LAWS.—Local currencies used under this section shall not be subject to the requirements of section 1306 of title 31, United States Code, or other laws governing the use of foreign currencies owned by, owed to, or accruing to the United States.

SEC. 6. FUNDING LEVELS FOR FISCAL YEARS 1992 AND 1993.

(a) MINIMUM LEVEL OF ASSISTANCE.—The Administrator of the Agency for International Development shall use not less than $85,000,000 for fiscal year 1992, and not less than $85,000,000 for fiscal year 1993, for microenterprise assistance pursuant to this Act.

(b) ASSISTANCE FOR THE POOREST SECTORS.—

(1) MINIMUM FUNDING LEVEL.—Of the amounts used pursuant to subsection (a), not less than $20,000,000 for fiscal year 1992 and not less than $30,000,000 for fiscal year 1993 shall be used to support loans having a purchasing power equal to or less than $300 (in United States dollars).

(2) CRITERIA FOR ATTRIBUTION TO MINIMUM FUNDING LEVEL.—In addition to amounts made available for direct credit activities involving loans having a purchasing power equal to or less than $300 (in United States dollars), amounts used for institutional development of a financial intermediary described in section 4(c) shall be considered to support such loans for purposes of paragraph (1) to the same extent as the aggregate amount loans by such institution represents loans having a purchasing power equal to or less than $300 (in United States dollars).

(c) USE OF LOCAL CURRENCIES.—In order to meet the minimum funding requirements of this section, local currencies described in section 5(a) may be used in lieu of an equivalent amount of dollars.

SEC. 7. MONITORING OF MICROENTERPRISE ASSISTANCE ACTIVITIES.

The Administrator of the Agency for International Development shall develop a monitoring system to evaluate the Agency's microenterprise development activities, including their effectiveness in reaching the poor and women in their overall impact on economic development in each beneficiary developing country. In developing this system, the Administrator shall consult with the Congress and with appropriate private and voluntary organizations.

SEC. 8. REPORT TO CONGRESS.

The Administrator of the Agency for International Development shall report to the Congress annually on the Agency's microenterprise development activities, including the Agency's strategy for complying with the minimum funding requirements of section 6 (a) and (b).

THE NATIONAL COOPERATIVE PRODUCTION AMENDMENTS OF 1991

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. BROOKS. Mr. Speaker, I am pleased to introduce today the National Cooperative Production Amendments of 1991. The legislation is an important step in revitalizing American competitiveness in a highly demanding international marketplace.

Our antitrust laws have always placed great emphasis on individual initiative, and rightly so—it is because of such initiative and entrepreneurial spirit that we have led the way to technological leadership in new ideas. But ideas need to be implemented into commercially viable products and services; and in that arena, we have sadly begun to fall behind other nations.

We must surely recognize that American firms now face unprecedented challenges in the global marketplace. Innovations in many fields—including superconductivity, high definition television, robotics and computer-aided design—must be at the forefront of our technological agenda if we are to keep our hardfought manufacturing leadership from slipping away to our major trading partners.

In reviewing the competitive challenges ahead, let us recognize a number of realities: First, the costs of developing certain new technology and bringing it to the marketplace may exceed the resources of a single firm. Second, the economics of high-tech manufacturing have shifted to short product life-cycles and the need for rapid response to consumer demands for variety and "customization." Third, because competing products may now give a technology innovator no more than 6 months to a year of "exclusivity," American firms must develop and initiate marketing strategies and production scheduling with much greater dispatch than in the past. Fourth, and most important, American style competition can coexist with cooperative efforts to enhance innovation and serve as the spur to greater manufacturing success as in the past. The bill that I am introducing reflects my belief—following extensive hearings and deliberations last Congress—that there is no automatic contradiction between antitrust, which ensures healthy interfirm competitive rivalry and productivity, and properly structured cooperative joint ventures.

The legislation that I am sponsoring is identical to the predecessor bill, H.R. 4611, which passed this body by voice vote in the 101st Congress. The measure simply extends to production joint ventures the coverage and requirements of the National Cooperative Research Act of 1984 [NCRA]—legislation that provided similar antitrust clarification for research and development joint ventures. Consistent with the NCRA, my legislation creates no exemption to the antitrust laws; its amendments to the NCRA simply build upon the disclosure system established in the 1984 act for voluntary prescreening of production joint ventures by the Federal antitrust agencies.

It should be noted that existing antitrust law and policy also raises little threat to production joint ventures. Under current law, joint ventures are generally evaluated pursuant to the rule of reason—a judicially created test that seeks to balance the procompetitive effects against the anticompetitive effects of any practice before concluding whether a violation of the antitrust laws has occurred. The rationale for such favored treatment is that joint ventures can increase efficiency, facilitate entry into new markets, or create new productive capacity that would not otherwise be achievable. So long as a joint venture is bona fide, the rule of reason is generally applied to all agreements comprising the venture, including collateral agreements. Only where the joint venture serves as a guise for horizontal competitors to attempt to restrict competition will the venture be viewed as a "naked restraint of trade" and judged under the per se rule.

I am delighted to be joined by my friend and colleague, the gentleman from California, DON EDWARDS, as the chief cosponsor of this legislation. His leadership is crucial for this effort, as it was in 1984 when Congress passed the National Cooperative Research Act.

I urge all of the Members to join with us in moving for swift passage of this important legislation.

DESERT STORM FUNDING

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. JOHNSON of South Dakota. Mr. Speaker, as one who did not vote to pursue the recent foreign policy choices for the Middle East that were made by the President and Congress, I do not now view the funding bills before us with enthusiasm. However, I do agree that having made the decision to go to war in the gulf, we have no choice but to pay the bills that have accrued as a consequence of that policy.

As is so often the case, an up or down vote is required on conference reports which contain much that is necessary and urgent, and much which is not essential or even a step in the wrong direction in my view.

The supplemental appropriations for Desert Storm provides nearly $43 billion to cover the costs of our Persian Gulf operations. The entire cost is supposed to be covered by our allies, but the bill provides for a maximum of $15 billion to be paid by American taxpayers in the event that allied contributions are inadequate. Desert Storm funding covers costs in five essential areas: First, military personnel costs including imminent danger pay, and reserve callup expenses; second, operations and maintenance costs, including fuel costs, return equipment costs, uniforms, chemical protection costs, and hospital ship and other support costs; third, weapons systems, including Patriot missile, HARM and Tomahawk missile replacements; fourth, combat costs including equipment maintenance, prisoner support, medical transportation, ammunition, missiles, and replacement equipment; and fifth, miscellaneous costs, including spare parts, Coast Guard expenses, and military construction.

I support provisions in this bill which would bar weapons sales to the six allies who have promised to help pay for this war, unless their pledges are paid in full. So far, less than half the funds due from Saudi Arabia, Kuwait, Germany, Japan, the United Arab Emirates, and South Korea have actually been received.

An even more difficult vote is the vote to be cast on the dire emergency supplemental appropriations bill for fiscal year 1991, however, all in all, this too is now must pass legislation as it pays for our antiterrorist expenses, critically needed veterans' costs associated with Desert Storm, funding for the veterans' disability COLA, and shortfalls in funding for unemployment insurance and supplemental security income. The emergency bill also provides the funding for the Presidents' infant mortality initiative, nuclear waste cleanup, drought relief, and housing programs. Of absolutely essential importance, is also the inclusion of an expansion of the Export Enhancement Program [EEP] which is critical to our GATT negotiations, and which has played a vital role in maintaining our international grain markets—virtually every bushel of wheat sold this year has been under EEP. At a time when our grain prices are at record lows, we need all the assistance we can secure in order to improve prices. According to the Office of Management and Budget, the increase in EEP funding should have no negative impact on the Federal budget, since the slightly higher market prices this expansion will cause, will reduce the Federal Government's exposure to deficiency payment costs.

I am also pleased that this emergency bill will disallow some pork barrel spending which has crept into our Federal budget in the past, such as the Lawrence Welk home project.

I am frustrated and angry, however, over the President's demand that very modest assistance to dairy farmers be left out of this particular bill in order to avoid having the entire legislation vetoed. We have an absolute dire emergency among the family dairy farms in this country and immediate action is necessary in order to avoid losing large numbers of producers. Last year, President Bush threatened to veto any farm bill which contained two-tiered dairy pricing system—an approach which would have guaranteed a $13.20 price for family dairy farmers while actually saving the taxpayers money. Now we find that it is unacceptable to the White House to include the short-term assistance necessary to tide dairy farmers over until USDA can complete its recommendations on significant changes in the dairy program. It seems to me to be a very fundamental distortion of national priorities for the President to insist that this bill give him some leaway in providing financial assistance to Jordan, but virtually nothing is done to give assistance to our own American family dairy industry.

While we have met a dead end in our efforts to provide immediate relief to dairy farmers in this particular legislation, I will continue to do all in my power as a Member of the House Livestock and Dairy Subcommittee to push for changes in the Dairy Program which will allow for a decent return to family dairy farmers.

While I have not second-guessed the President's handling of the gulf war, and in fact, commend him for some things which were very well done, I do also want to express my frustration that the war strategy has involved more financial assistance to the Nations of the Middle East region than I believe is necessary or appropriate, especially given the miserable State of the Federal budget and the unmet needs of our own people. I am hopeful that once these war expenses are behind us, that our Nation will turn its attention to the enormous backlog of domestic problems we currently face—from the farm-ranch economy and health care to education, economic development, veterans, senior citizen, and environmental needs.

WOMEN IN THE MILITARY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today in celebration of women's history month and the cessation of the war in the gulf and to commend the admirable women who have served in the military during these trying times and throughout the history of our Nation. The women who left their children, husbands, and lives behind to proudly represent this great democracy and face down the heinous dictator, Saddam Hussein, deserve the utmost respect.

Never before in an armed conflict have there been so many women in the battlefield arena. An example to the entire country, these women in two well-documented cases were asked to leave newborn babies behind to free Kuwait. An extreme example, but one that nonetheless captures the spirit of these women.

Six percent of the American forces in the gulf were women; approximately 32,700 soldiers whose inestimable bravery and sacrifice have made us proud. I hold in the highest esteem the women who represented, and in a few tragic cases, gave their lives for our country. Never before have women held so many vital positions in the armed services. Serving in positions from tank maintenance to helicopter piloting to doctor and nurse, we are an indispensable part of the fighting forces of our country.

In January I received a letter from a constituent whose mother, now 60, has been an Army Reserve nurse for the past 13 years. Her unit was called up to report the day before Thanksgiving. The letter and article were very moving, describing the many people dependent on this matriarch of an extended family. Her dedication to country, spirit, and love for all those around her are exemplary. Thank you, Nancy Dunwell, for your correspondence, and thank you, Jeannine Dahl, for your service to your country.

Women have in many ways been the backbone of our military forces since the Revolutionary War. The tradition of women in the military, both in supporting roles and as service members, goes back to the founding of this great Nation. Women have served as nurses, undercover and saboteur agents, seamstresses and cooks.

There are women who have disguised themselves as male soldiers, and occasionally as marines, until medical attention when wounded found them out. I applaud their tenacity and pioneering spirit which has led to the full incorporation of women in today's military. Some of the numerous women who disguised themselves as men are Molly Pitcher—no one knows her true identity—who served in a primarily nursing capacity, but when in 1778 she discovered a gun position that had ceased firing on the British, she acted as gunner and rammer until a replacement arrived. There were others; in the War of 1812, Lucy Brewer, a.k.a. George Baker, served aboard the U.S.S. *Constitution* for 3 years, and was later to be acknowledged by the Marine Corps as the first girl marine.

There is also the famous case of Dr. Mary Walker, one of the first female physicians in the country. She is the only woman to ever receive the Congressional Medal of Honor. It was tendered in recognition of the many years spent volunteering for the Army in various medical capacities, although her gender precluded her official recognition as a medical officer.

Chronic manpower shortages occasioned the first use of women in the military. In 1898, during the Spanish-American War, 1,500 women were nurses under a civilian contract after an epidemic of typhoid fever swept the Army. This led to the Army Nurse Corps in 1901, with the Navy Corps following suit in 1908.

Women were more fully utilized during the two World Wars, with World War II seeing the first class of female officers. In 1948 Congress passed the Women's Armed Services Act. But this did not ensure equality. It was not until the seventies and the newly All Volunteer Force had difficulty recruiting enough men that real equality began. Slowly many restrictions were lifted and even the gates of the Academies were opened.

Fresh in our memories are the two women who were prisoners of war and the six who gave their lives in the gulf. Casualties may have been limited, but one life lost is one life too many. Let them be an inspiration to we at home who still need to fight for equal opportunity and equal rights.

A TRIBUTE TO WHITTLE COMMUNICATIONS' CHANNEL ONE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. DUNCAN. Mr. Speaker, Whittle Communications, which is based in my district in Knoxville, TN, introduced an exciting and innovative education program last year.

The program is called "Channel One." It brings by television a 12-minute news report into school classrooms across the country. Despite some opposition, Whittle's Channel One has been a great success.

Now, more than 7,000 schools have decided to receive the program, and the prospects for more schools signing up appear favorable.

In a time when government budgets are tight, Whittle shows that the private sector can make a signficant contribution to education. Schools agreeing to show the Channel One program receive video equipment and satellite and cable hookups. Otherwise, many of these schools would probably never obtain this kind of equipment.

Chris Whittle, the founder of Whittle Communications, has shown great acumen and vision in developing the idea of Channel One. It demonstrates his strong commitment to education.

I am very pleased to know Chris Whittle personally and am proud to count him as one of my constituents and friends. I congratulate him on an outstanding first year and wish him continued success with Channel One.

Mr. Speaker, I ask that this article from the March 5 USA Today appear in the RECORD.

[From the USA Today, Mar. 5, 1991]

DESPITE STATIC, CHANNEL ONE HAS STRONG FIRST YEAR

(Mr. Michelle Healy)

Channel One, the controversial news show beamed to students in classrooms, marks its first anniversary today still chased by critics while closing in on its marketing goals.

The 12-minute show, which critics say force-feeds teenagers two minutes of commercials, now has 7,085 schools signed up for standard three-year contracts, says Gary Belis, spokesman for the show's producer, Knoxville, Tenn.-based Whittle Communications.

One of those schools faces a new challenge. In a move that could come in another two weeks, the California State Department of Education plans to withhold state allocations from San Jose's Overfelt High School equal to the two minutes students spend watching commercials each day. Overfelt was the state's first public school to sign on for Channel One, defying an order from superintendent of instruction Bill Honig.

William L. Rukeyser, special assistant to Honig, says the school stands to forfeit between $30,000 and $50,000.

Challenges notwithstanding, Channel One is within sight of its first-year goal of signing up 8,600 schools, Belis says.

Schools say Channel One keeps students current with news, and they're attracted as well by the $50,000 Channel One equipment package—TVs, two VCRs, satellite dish and cable wiring—for any school that signs up.

At Desert View Middle School in El Paso, students use the equipment to produce Desert View Channel One, an in-house news show.

And at Overfelt, teachers use the equipment to develop a staff training program.

With finances as tight as they are, "there's no way the state of California would have bought me the TVs, cabling and equipment to do this," says Overfelt principal Elias Chamorro. The deal provides "an incredible amount of benefits . . . at no cost to us."

Increasing numbers of school officials seem to agree.

The School District of Philadelphia—the nation's fifth largest—last month gave schools the OK to sign up.

"There seems to be tremendous interest," says spokesman Willam C. Thompson.

"They realize that children generally do not watch news. That the progamming here is of high quality, and that by using the technology, we're creating a technology highway" to other educational programming, he says.

But others say the program forces a captive, impressionable audience to sit through commercials for products such as Gillette razors, Trident gum and Dorito tortilla chips.

"The prime intent is to use the public schools to sell a product and we are opposed to that," says Arnold Fege, National PTA.

New York and Rhode Island have banned public school contracts with the show. California's Honig has told schools that signing up violates the state's constitution. Honig says Overfelt is selling time bought by taxpayers by contracting for the newscast and commercials.

Responds Overfelt principal Chamorro: "We've gone through local legal counsels and they've assured us we have not done anything illegal."

The California challenge is but one blemish on Channel One's first-year face. Others:

Albert Shanker, president of the American Federation of Teachers, resigned from Whittle's high profile Council of Advisers in October, saying he accepted the position in order to be a watchdog for education.

But his involvement appeared to some as an endorsement, says AFT spokeswoman Kate Mattos. "To clarify that, he stepped off."

Skepticism reigns about the number of schools signed.

"They say they have 7,000 schools, but has anyone seen a list of school names?" asks Gary Marx, American Association of School Administrators.

Belis showed USA TODAY a copy of the list at the paper's request; checks with a dozen randomly picked schools showed all were receiving or about to receive the show.

A boycott of Channel One by students at North High School, Fargo, N.D., late last year lasted only two days, but student complaints about the show's quality still exist, says principal Ed Raymond.

"It's still being shown, but not very many are watching," Raymond says. "It's suited for junior high, not senior high."

Supporters believe Channel One's presence during the Persian Gulf war proved its value.

It "has made students more than aware," says Ann L. Herron, Principal, Trezevant High School, Memphis.

Channel One executive producer Cynthia Samuels says the war "really focused" her staff's sense of responsibility: "We are the way many kids are learning about (war)."

Educational benefits like these are worth the trade-off with commercials, some say.

Like any technology, "this is a tool," says Philadelphia's Thompson. "We have the faith in our teachers to use the tool. We control the switch."

AMERICAN LEGION'S TRIBUTE TO HAMILTON FISH

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. FISH. Mr. Speaker, ever since my father, former Representative Hamilton Fish, passed away January 18, I have been touched by the many glowing tributes paid him by so many friends and admirers. Particularly meaningful was the special order February 5, organized by Mr. GILMAN and Mr. RANGEL in which several Members paid tribute to my father.

My father was a founder of the American Legion and a loyal member all his life, so it was fitting that this fine organization pay tribute to him. The remarks of Michael J. Kogutek, past national commander of the American Legion, do so admirably and give us insight into the legion's founding and the preparation of the preamble to its constitution. I am grateful to Commander Kogutek, and insert his remarks into the CONGRESSIONAL RECORD.

REMARKS OF MICHAEL J. KOGUTEK AT MEMORIAL SERVICES FOR HON. HAMILTON FISH, WEST POINT, NY, JANUARY 26, 1991

I rise on this very sad occasion as the official representative of national commander Bob Turner and all of the more than three million members of the American Legion, to pay tribute to our comrade who was one of our last surviving founders . . . the honorable Hamilton Fish.

Among his many accomplishments during a truly remarkable life that spanned the equally remarkable modern history of this country, perhaps the one he was the most proud of was his part in the founding of the American Legion at the close of World War One in 1919.

After a distinguished period of service with the American Expeditionary forces in France, where he commanded a mostly black volunteer unit of New York's 369th infantry regiment . . . and during which he won the silver star and the French Croix de Guerre for gallantry . . . Hamilton Fish was among those visionary men who saw the needs they and their fellow veterans would face upon return home. The need for continuing medical care, the need for jobs, housing . . . and the need to keep America strong and free, both within and without.

In May of 1919, Hamilton Fish was one of those gathered at the St. Louis Caucus, to continue the planning and discussions that had taken place in Paris. As you all know, the result was the founding of the American Legion. Yes, Hamilton Fish was there at the birth of this great organization. Not only was he there, but he was an architect of this organization by his coauthorship of the preamble to the Legion's constitution . . . the statement of principles and ideals which have guided the American Legion for 72 years.

Perhaps you would like to know a bit about just how that preamble came to being, and the important part he played. The following are excerpts from a letter Hamilton Fish wrote to a Legion staff member in 1947:

"Strange as it may seem, no accurate statement regarding the formulation of the preamble has ever been published as far as I know. Briefly, I was a member of the committee to draft the constitution at the St. Louis Caucus. The chairman of that committee was authorized to appoint a sub-committee to draw up the preamble. He appointed me as chairman of a committee of three—the two others to be appointed by me from the committee on the constitution.

"I appointed Col. John C. Greenway, who fought with the rough riders during the Spanish War and was a colonel in world war one. He was a Yale athlete and a successful engineer from Arizona. Mr. George N. Davis, who was then of Portland, Oregon, later of Wilmington, Delaware, was the other.

"The preamble was written entirely by the three members of the sub-committee. We virtually locked ourselves in the room for 16 hours and wrote and re-wrote the preamble, each one of us contributing certain parts. I submitted the final draft to the committee on the constitution which accepted it without any change whatever. It was then adopted by the St. Louis caucus in exactly the same form."

Well, so masterful was that expression of the Legion's reason for being and character that the document has never required alteration except for one single letter—when the word in the phrase "great war" was changed to "wars" after World War Two.

I would like to read that short preamble to you, for *its* words . . . far better than mine . . . say so much about the man who wrote them:

"For God and country, we associate ourselves together for the following purposes: to uphold and defend the constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preseve the memories and incidents of our associations in the great wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good-will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness."

During his distinguished 25 years as a representative in Congress from his native New York, Hamilton Fish kept those lofty ideals uppermost as he worked tirelessly as a champion of veterans rights and benefits.

One of the first bills he introduced in Congress provided for the return of the remains of an unknown soldier from France to be interred in Arlington Cemetery. It was the last piece of congressional legislation signed by an ailing President Woodrow Wilson. Hamilton Fish was designated to place the only wreath on the then new tomb of the unknown soldier in a massive ceremony at Arlington on November 11, 1921.

Now, 70 years later, Hamilton Fish is laid to rest as a soldier not unknown . . . but one known far and wide . . . as soldier, statesman, veteran, patriot . . . a comrade, founder, and honorary past national commander of the American Legion.

Hamilton Fish leaves a legacy each and every legionnaire has and will always continue. When we recite at the beginning of each of our meetings, the words he so carefully crafted to guide us in our devotion to mutual helpfulness and our service to God and country. He served his country well. Now, he serves God.

PROLIFERATION PROFITEERS: PART 7

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. STARK. Mr. Speaker, for far too long we have not taken seriously enough the burgeoning threat of nuclear non-proliferation. In the Middle East, the subcontinent, the Koreas and elsewhere, there is the growing possibility of regional nuclear wars. Until recently Iraq's efforts were the most threatening. I hope that the setbacks we have dealt Baghdad do not distract us from addressing the proliferation problem in its many other locations.

In the aftermath of Operation Desert Storm, let us seize the moment and act once and for all to securely tighten international export controls on goods and technology useful for making the Bomb. India, Pakistan, Israel, Brazil, Argentina, and South Africa all relied heavily on the assistance of Western companies to advance their nuclear weapons programs. We need to put an end to this proliferation profiteering.

For the last 6 days, I have placed into the CONGRESSIONAL RECORD case studies of foreign firms selling nuclear equipment, materials, technology, or dual-use items—without the proper safeguards—to Saddam Hussein. Today, our last day before the Easter recess, I will enter into the RECORD the seventh in the series of this "Dirty Dozen."

To help stop the kinds of activities described in these case studies, I have introduced the Nuclear Non-Proliferation Enforcement Act (H.R. 830). This legislation would put import sanctions on foreign firms found furthering the spread of nuclear weapons to developing countries. The bill has 22 cosponsors and the support of leading experts in the nuclear nonproliferation field.

TWELVE FOREIGN FIRMS REPORTEDLY ENGAGED IN NUCLEAR WEAPONS-RELATED TRADE WITH IRAQ

FIRM 7: LEYBOLD AG (GERMANY)

Leybold AG, formerly Leybold-Heraeus GmbH, is a German industrial manufacturing firm of approximately 5000 employees that does contract work for Europe's URENCO nuclear consortium. In mid-1988, Iraq acquired a high temperature smelting furnace worth approximately $7.5 million from the company. The furnace was one of three sold by Leybold to an unnamed German company (possibly Export-Union), which exported the equipment to Iraq. A spokesman for the company said that no export permit was required for the equipment because it was "a purely domestic transaction." Leybold apparently also sold vacuum pumps and non-corrosive valves for Iraq's uranium enrichment program. In 1987, Leybold was investigated by the German government for illegally exporting to Pakistan plans for building a nuclear facility that could be used to make nuclear weapons.

SOUTHWICK GIRLS' BASKETBALL TEAM, BEST SEASON EVER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, it gives me great pleasure to pay tribute to the Southwick High School Girls' Basketball Team for their most successful season in school history.

Led by All-American, Rebecca Lobo, the Rams of Southwick finished second in the State tournament, losing to powerful North Attleboro. No Southwick team had ever advanced to the State final before. Ms. Lobo finished her career with 2,710 points, a Massachusetts high school record. Ms. Lobo will attend the University of Connecticut next year and we wish her continued success.

Earlier this week, I had the pleasure of meeting Ms. Lobo and other students from Southwick High School who were visiting the Capitol. I was very impressed with their sincere interest in the legislative process.

The Southwick High School Girls' Basketball Team has proven once again what hard work and dedication can bring. I am sure that this first appearance in a State final will not be their last.

TRIBUTE TO MR. DANIEL J. HANSON, SR.

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. MCEWEN. Mr. Speaker, on February 1, Mr. Daniel J. Hanson, Sr., retired after 23 years of service with the American Road and Transportation Builders Association. From his first involvement in transportation as the first city traffic engineer of Peoria, IL, through his 15-year tenure as chief executive officer of the American Road and Transportation Builders Association, and finally as president of that organization for his final 2 years of service, he has assisted this Nation build and rebuild the surface transportation system.

Dan was a voting member of the National Advisory Committee on Uniform Traffic Control Devices, and he currently serves on the District of Columbia's Advisory Committee on Traffic Safety as vice chairman. It was Dan Hanson's efforts that made the 1982 Federal motor fuels user fee, a fee entirely dedicated to transportation spending, increase a reality. For this effort, Dan Hanson received CIT Corp.'s "Rebuilding America Award." Dan was most recently honored as the private sector winner of the ARTBA Award.

Among other associations, Dan Hanson is a member of the American Transportation Advisory Council, which he originally founded, the American Society of Association Executives, and the ENO Foundation for Transportation's Board of Consultants.

Mr. Speaker, I ask my colleagues to join me in commending my dear friend, Mr. Dan Hanson. It is with great respect and pride that I salute the outstanding achievements and contributions of Dan Hanson.

ARTBA'S PRESIDENT EMERITUS RETIRES

After 23 years of service with the American Road and Transportation Builders Association, Daniel J. Hanson, Sr., retired on February 1 of this year.

Hanson joined the association, then known as the American Road Builders Association, in 1968 as deputy executive vice president, a post he held until 1973. From 1973 through 1988 he served as the association's chief executive officer. He has served the last two years as ARTBA president emeritus.

During his term as ARTBA president, Dan Hanson was one of the transportation construction industry's leading advocates in Washington, D.C. He was a frequent expert witness before Congressional committees and a speaker at numerous professional conferences and association meetings.

In the mid-70s, Hanson helped organize the American Transportation Advisory Council (ATAC), an ARTBA-sponsored permanent Washington coalition of nearly 80 national organizations and firms concerned with the future of transportation in the United

States. As ATAC "quarterback," he led efforts that resulted in the publication of three widely-circulated ATAC reports on the nation's transportation capital needs.

A participant in many Congressional battles over federal highway funding for transportation development, in 1982 Dan Hanson helped garner industry support for a proposal by then U.S. Secretary of Transportation Drew Lewis to increase the federal motor fuels user fee by five-cents-per-gallon. This effort was successful only after a long fought battle. In recognition of his work, in 1985 Hanson was honored as the first private-sector recipient of the CIT Corporation's "Rebuilding America Award."

Since assuming his role as the association's president emeritus. Hanson has concentrated his efforts on legislative activities and coordination of ATAC events. He also served as the ARTBA representative to the "Transportation 2020" Advisory Committee on Highway Policy.

Before joining ARTBA, Hanson spent 16 years in the traffic engineering field. He was the first city traffic engineer for Peoria, Ill. In 1958, he was the recipient of a national "Getting Results Through Engineering" award presented by the Association of Casualty and Surety Companies.

As traffic commissioner for St. Louis County, Mo., Hanson coordinated the highway and traffic engineering activities of the county's 97 incorporated cities, towns and villages.

For over three years he was deputy director for traffic engineering ad operations in the District of Columbia's Department of Highways and Traffic, where he received an oustanding performance rating from the D.C. government.

Long active in urban planning and highway organizations, Hanson served for many years on committees of the Highway Research Board, National Safety Council, Institute of Traffic Engineers, National Joint Committee on Uniform Traffic Control Devices and Transportation Research Board.

He was a voting member of the National Advisory Committee on Uniform Traffic Control Devices and is a past chairman of the Washington, D.C., "Road Gang." He currently serves as vice chairman of the District of Columbia's Advisory Committee on Traffic Safety.

Dan Hanson has belonged to the American Society of Association Executives, the ENO Foundation for Transportation's Board of Consultants, the Institute of Transportation Engineers, the District of Columbia Police Boys Club and the Kenwood Golf & Country Club.

A native of Chicago, Ill., Dan attended the University of Illinois, where he earned a bachelor's and a master's degree in civil engineering. He is a registered professional engineer in Illinois, Missouri and the District of Columbia.

Dan and his wife "Moe" reside in Washington D.C., and have two children, Polly and Duke.

Dan plans to continue this work in the transportation field as a legislative consultant.

TRIBUTE TO RUTH ANN PLASS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Ms. Ruth Ann Plass. Ms. Plass has been selected by the Ira Township Sesquicentennial Committee to receive the committee's Community Service Award for 1991.

Ms. Plass was chosen for this recognition because of her numerous contributions to her community. It is a tribute to her commitment and her giving nature that she has been selected to receive this honor.

After 29 years of dedicated service, Ms. Plass retired from the U.S. Post Office in Fair Haven on August first of last year. In keeping with her giving nature, she added her own unique touch to this position. When children came into the post office Ms. Plass would give them their "mail", which consisted of cookies or other goodies. Needless to say, she endeared herself to all the children by this generosity.

Ms. Plass, formerly Ms. Ruth Ann Perry, served her community in many other ways as well. She was chairperson of the Red Feather Drive—the equivalent of today's United Way—for 15 years and was awarded their "Outstanding Citizen Award" in 1960. During World War II, she worked on Red Cross blood drives and on the Ira Township War Chest for the benefit of those in military service who would soon be returning home. She served on the Ira Township Planning Commission for 6 years and on the Board of Review for the last 20 years.

For these many years Ms. Plass has helped to define the character of her community. She does more than follow. Her scope is broader than herself. Her energy and compassion touch others and indeed help to shape their lives. She shares her warmth with her entire community.

I am honored to recognize Ms. Plass on the floor of the House. I wish her and her husband of 40 years, Harold, continued peace, love, and happiness.

HONORING DICKENS COUNTY CENTENNIAL CELEBRATION

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. SARPALIUS. Mr. Speaker, I would like to extend congratulations to the citizens of Dickens County who are celebrating their centennial anniversary in April. This small rural county, with a population of 2,600, has developed some outstanding names in the ranching industry such as the Spur Headquarters, Matador and the Pitchfork Ranches.

The determination of Dickens County to succeed in ranching and farming comes at a time when such dedication serves as a morale boost for all others involved in agriculture. The agricultural industry is one of those fields that is difficult to succeed in if you do not have that extra surge of inspiration that is so often characteristic of the people of Dickens County.

Determination was the driving force behind the establishment of Dickens County, when several hardy individuals chose to take the road less traveled which led to the taming of the rugged south plains of Texas. Dickens County has come a long way in terms of living and working conditions. Settlers forced this once unsettled territory to an progressive attitude that still lives in the spirit of Dickens County.

In today's Dickens County, the county still remains small in population and the mainstay of the economy is still centered around farming and ranching, just as it was 100 years ago. Dickens County has a population of 2,600 people, and their attitude toward innovative ideas that create jobs will lead to population growth. As highly urbanized areas become population dense, rural areas with innovative ideas will offer the treasured luxury of space which will become increasingly attractive and valuable. Dickens' spaciousness is a commodity the citizens are and should be proud to call theirs.

Mr. Speaker I ask my fellow colleagues to join me in saluting Dickens County for a century of excellence. It is an honor to represent Dickens County in the 13th Congressional District of Texas.

TRIBUTE TO CAPT. JOHN W. TOWNES III AND THE CREW OF THE USS "ROBERTS"

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Capt. John W. Townes III and the crew of the U.S.S. *Roberts,* who next week I will have the opportunity to welcome home from a tour in the Persian Gulf conflict. This guided missile frigate is homeported at the Naval Education and Training Center [NETC], Newport, RI, in my congressional district.

Last August 15, the *Roberts* and its crew departed Newport for what turned out to be a 7-month tour in the Middle East. A primary mission of the *Roberts* was boarding foreign vessels to enforce the economic blockade of Iraq. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The *Roberts'* sailors performed their blockade duties with professionalism and a true sense of purpose.

Mr. Speaker, last week I visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Roberts* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Roberts'* crew, who stood by so courageously as their loved ones were put at risk halfway around the world. In fact, some 10 newborn babies in the Newport area await the return of fathers they have never set eyes on. These 80 families with relatives aboard the *Roberts* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

NATIONAL ALZHEIMER'S DISEASE MONTH

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. DERRICK. Mr. Speaker, I rise today to inform my colleagues once again of the need to establish a special designation for National Alzheimer's Disease Month for 1991 and 1992. Representative BILL LOWERY has once again offered his proposal to do so and I am proud to join him as his original cosponsor of the bill. As some of my colleagues may recall, we have successfully approved a resolution commemorating November as Alzheimer's Disease Month for 8 years now and I trust that we can send a similar bill to the President this summer.

Why are we still promoting public awareness of Alzheimer's disease? The awesome fact is that Alzheimer's disease affects millions of Americans. Many of these patients become so debilitated that they require total care, 24 hours a day, for the rest of their lives. That means the lives of millions more caregivers are also affected by this horrible disease.

Services such as adult day care, in-home and nursing home care, respite care, and legal and financial counseling can lessen the physical and financial burden for families and other caregivers. However, these services are expensive and are usually developed when the need is great and when public awareness of Alzheimer's disease and other types of dementia is high. Even if appropriate services are available and affordable, families may still not be able to find them. There are many reasons why this can be the case, but we can address one large problem by promoting public awareness of the disease, the types of services available to victims, and possible treatments. Heightened public interest played a large part in achieving $140 million of Federal funding in fiscal year 1990 for biomedical research on Alzheimer's disease; I believe our special month will encourage widespread awareness of the services that are already available and those that should be developed.

I urge my colleagues to join me in cosponsoring Congressman LOWERY's resolution to establish November 1991 as National Alzheimer's Disease Month.

INTRODUCTION OF THE FAIRNESS IN HEALTH INSURANCE COVERAGE FOR THE SELF-EMPLOYED ACT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. McDADE. Mr. Speaker, today I am introducing legislation to make health insurance coverage more affordable and available to millions of self-employed Americans, their spouses, and dependents and to provide for greater fairness in the Tax Code.

The Fairness in Health Insurance Coverage for the Self-Employed Act would amend the Internal Revenue Code of 1986 to permit self-employed business owners to deduct the full costs of health insurance for themselves and their families. Current law discriminates against the self-employed with respect to the deductibility of health insurance costs. Employers, regardless of the legal form of their business, may deduct as a business expense the costs of providing health insurance to their workers. However, owners of incorporated businesses are eligible to deduct the full amount of costs for their own health insurance. In contrast, self-employed business owners are allowed a deduction of only 25 percent for themselves, their spouses, and dependents—a gross inequity requiring correction. Since this unfair and inadequate provision is scheduled to expire at the end of this year, we should take this opportunity to remedy this inequality. Accordingly, the legislation I propose would provide for the full deductibility of health insurance costs for the self-employed, their spouses, and their dependents and would make such a deduction permanent. This change to existing law would ensure that the self-employed could deduct the costs of their health insurance annually as incorporated businesses currently do.

Clearly, current law is discriminatory in its treatment of self-employed business owners as it relates to the deductibility of health insurance costs. This inequity imposes added hardships on self-employed businesses. First, it discourages self-employed business owners from providing health insurance for themselves and their families because of the enormous financial burden associated with obtaining adequate coverage at a reasonable and affordable cost. Firms with fewer than 25 employees, many of which are unincorporated, pay on average between 30 to 40 percent higher premiums than businesses with more than 25 employees. The Government Accounting Office estimates that premiums for these smallest firms are growing 50 percent faster than those for larger firms. Second, it places them at a disadvantage in attracting and retaining skilled employees because they are unable to offer handsome and competitive benefits packages. Third, the lack of adequate health insurance coverage leaves both self-employed business owners, their families, and their employees without protection against disease, illness, and disability and without access to preventive treatment, placing them at greater risk of exposure. The absence of these individuals from work—whether for brief or extended periods due to neglect of medical attention or lack of access to adequate treatment—tends to disrupt the daily operations of a business and could threaten its long-term economic viability.

While the change envisioned by this initiative appears minor, its impact could be significant for it has the potential to benefit the roughly three million full- and part-time self-employed Americans who are estimated to lack health insurance. Furthermore, the families of the self-employed, who are also subject to the unfair 25 percent deduction, logically must account for a significant proportion of the between 30 and 40 million Americans without health coverage. This simple change could provide a strong incentive for self-employed business owners to provide or expand health insurance coverage for themselves, their spouses, their dependents and workers who may be without the benefit of an employer-sponsored health insurance plan. To underscore this point, research indicates that over 40 percent of uninsured Americans work in firms with fewer than 25 employees. Thus, Mr. Speaker, in addition to the fairness and common sense of making the deduction apply equally to all employers, their spouses, and dependents, the enactment of such a change would move the nation a big step closer toward the goal of having all Americans covered by health insurance.

I urge my colleagues to join me in helping to bring health coverage to millions of deserving Americans and correcting a grave inequity in the Tax Code.

LEGISLATIVE HISTORY ON REPEAL OF RURAL ECONOMIC DEVELOPMENT PROJECT IN STRASBURG, ND

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. SLATTERY. Mr. Speaker, on January 31, 1991, I was joined by 25 of my colleagues in introducing H.R. 772, legislation "to repeal the authority to use $500,000 from the appropriation for rural development grants for the restoration of the birthplace of Lawrence Welk." Since then, over 100 Members of Congress have signed on as cosponsors.

Along with 20 of my colleagues, I also sent President Bush a letter urging him "to rescind the appropriation included in H.R. 5268, the fiscal year 1991 appropriations measure for agriculture, rural development and related agencies, that earmarks $500,000 in rural economic development funds for a German-Russian Interpretive History Center and attendant economic development activities at the birthplace of Lawrence Welk in North Dakota."

The President responded through the Office of Management and Budget with a letter that said, "we support your legislative efforts and those of your colleagues to remove the $500,000 earmark."

In an effort to move this legislation more quickly through the legislative process, I asked the Rules Committee to make in order an amendment to the dire emergency supplemental appropriations bill that would repeal the appropriation. The Rules Committee agreed to my request, and the House passed the Slattery amendment by a standing vote.

Under the amendment, "none of the funds appropriated or otherwise made available by that Act—the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, H.R. 5268—or by any other act may be used for the restoration of the birthplace of Lawrence Welk."

Since Public Law 101–506 does not mention specifically the Welk approporiation, the only place it is mentioned is in the conference report that accompanies H.R. 5268, which says, "The Strasburg Economic Development Corp. and Welk Heritage Inc. in North Dakota are restoring Lawrence Welk's birthplace to promote tourism, create jobs, and create businesses which do not currently exist. This appropriation includes $500,000 to assist in this effort."

My intent was and continues to be saving the Federal Treasury $500,000 by repealing the earmark for $500,000 in rural economic development funds for a German-Russian Interpretive History Center and attendant economic development activities at the birthplace of Lawrence Welk in North Dakota. The phrase in my bill and in my amendment, "the birthplace of Lawrence Welk," refers to this earmark in its entirety.

My legislative efforts, which are supported by the Office of Management and Budget, over 100 of my colleagues and thousands of Americans throughout the country, have been consistent with regard to the amendment supported by both the House and the Senate, the bill I introduced, H.R. 772, and the letter I sent to the President urging him to utilize his rescission authority to repeal the appropriation.

I expect that the appropriate agency will take into account the legislative history supporting the language included in the dire emergency supplemental appropriations bill of 1991 and the position of the Office of Management and Budget in determining how it will implement this legislation.

SPECIAL MEDICAL NEEDS FOR OLDER POPULATION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. ROYBAL. Mr. Speaker, yesterday I introduced legislation which I believe will greatly enhance this Nation's ability to provide for the special medical needs of our large and ever-growing older population. It will establish the proper prominent position of geriatrics, the field of medicine dealing with the problems and diseases of older people, in graduate medical education supported by the Medicare Program.

In 1965, by amending the Social Security Act, we established Medicare, the health insurance program for the aged. This vitally important program has been instrumental in improving the quality of health care offered our Nation's senior citizens. Medicare support of graduate medical education has helped our Nation to strengthen what is and has been the best medical education system in the world. It has offered opportunities to thousands of young doctors to learn specialized skills so that they might go on to offer Americans the best medical care available.

There is, however, a sad irony to the success enjoyed by Medicare's support for graduate medical education. Medicare is the health insurance program for the elderly. Yet, not $1 of what this year will be some $4 billion in Medicare money paid in support of medical education, is required to go toward training in geriatrics. In fact, most institutions receiving reimbursement from Medicare for graduate medical education offer little or nothing in the field of geriatric medicine. The number of graduate fellowships in geriatrics pales in comparison to those in other medical specialities. For example, in 1989, while there were some 1,600 doctors doing graduate fellowships in cardiology, there were a mere 86 doing a fellowship in geriatrics.

A report by the Department of Health and Human Services projected a need of up to 10,000 physician faculty members to meet the educational responsibilities of medical schools in aging. The same report indicates current staffing levels are woefully short of these needs. Currently, only about 700 full-time equivalent physician faculty are involved in teaching some aspect of geriatric medicine, 7 percent of the projected need. It is truly a sad commentary that, despite the population served by medicare and the critical shortage of geriatricians, there is so little graduate training in geriatrics supported by Medicare.

To begin to address this clear shortcoming, the legislation I am introducing today will make Medicare reimbursement for reasonable direct costs associated with graduate medical education conditional upon a hospital or skilled nursing facility having in place within 3 years a rotation in the field of geriatric medicine for all residents within its medical residency training programs, except pediatrics, as well as a certain number of fellowships in geriatrics. It mandates that our graduate medical education system recognize and respond to the large and growing need for physicians specially trained in the needs of our skyrocketing elderly population. Recognizing the overwhelming need for increased attention to the special needs of the thousands of mentally impaired, developmentally disabled, and mentally retarded elderly Americans, this legislation also requires the Secretary of Health and Human Services to encourage an emphasis on these areas within the residency programs and fellowships to be established.

I urge my colleagues to join me in supporting this timely and important legislation, which will place the study of aging in its proper prominent place in this Nation's health insurance program for the aged at no additional cost to the American taxpayer.

The full text of this bill follows:

H.R. 1582

SECTION 1. REQUIRING INSTITUTIONS TO INCLUDE A ROTATION IN GERIATRIC MEDICINE FOR RESIDENTS AS A CONDITION OF PAYMENT FOR DIRECT MEDICAL EDUCATION COSTS UNDER THE MEDICARE PROGRAM.

(a) REQUIREMENT.—Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) is amended by adding at the end of the following new subparagraph:

"(T)(i) Such regulations shall not recognize as reasonable any amounts for the direct costs of approved educational activities for approved medical residency training programs of a provider of services unless the provider has in effect—

"(I) a medical residency training program that includes a rotation in the field of geriatric medicine for all residents other than those being trained in a distinct program of general pediatrics, and

"(II) a program of two-year medical fellowships in the field of geriatric medicine meeting the requirement of clause (ii).

"(ii) The Secretary shall assign to each hospital and skilled nursing facility with an approved medical residency training program a minimum number of two-year fellowships described in clause (i)(II) that the institution must maintain to meet the requirement of this clause. In assigning that number—

"(I) the total number of such fellowships for cost reporting periods beginning during the first fiscal year in which this subparagraph applies is 1,000, and for cost reporting periods beginning thereafter is 2,000, and

"(II) such total number shall be allocated among institutions with approved medical residency training programs based on the number of inpatient-bed-days which are attributable to patients who are entitled to benefits under part A of this title.".

"(b) SPECIAL EMPHASIS ON DISABLED IN GERIATRIC MEDICINE ROTATION AND FELLOWSHIP PROGRAMS.—The Secretary of Health and Human Services shall encourage institutions in conducting medical residency training programs and fellowship programs under section 1861(v)(1)(T) of the Social Security Act to provide special emphasis during the rotation in geriatric medicine described in such section and in such fellowship programs on the problems and special medical and health needs of elderly individuals who are mentally impaired, developmentally disabled, or mentally retarded.

"(c) EFFECTIVE DATE.—Subparagraph (T) of section 1861(v)(1) of the Social Security Act (as added by the amendment made by subsection (a)) shall apply to costs incurred in cost reporting periods beginning on or after the first fiscal year that begins more than three years after the date of the enactment of this Act.

COL. JOHN C. CRUDEN'S DISTINGUISHED CAREER

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. EVANS. Mr. Speaker, I would like to take the time to honor a very special man who is now embarking on a new field of service to our Nation.

Since 1988, Col. John Cruden has served as chief legislative counsel to the Department of the Army. As many of my fellow colleagues can attest, John has performed his duties exceptionally. He has certainly lived up to the high ideals and standards of the U.S. Army.

John began his 23 years of military service when he graduated from the U.S. Military Academy in 1968. He started his career serving with the airborne rangers and special forces in Germany and Vietnam. From there, John began his legal career, graduating summa cum laude from the University of Santa Clara Law School. After law school, he graduated from the Judge Advocate General's School where he was selected as the outstanding graduate of that class. Even more impressively, he also received his masters in government and foreign affairs from the University of Virginia at the same time. As you might of guessed, John graduated from that program with honors.

The rest of John's legal career stretches across a wide variety of assignments that are almost too numerous to mention. He has done everything from being a Federal prosecutor to serving as chief of the administrative and civil law division of the Judge Advocate General's School. From his service in Vietnam to his impressive legal career, John has blazed a path that few can match.

It was just last week that I learned that John is retiring from the Army. While John could easily rest on his laurels and retire from government service, he has chosen not to. In total character, he has decided to continue his long-time commitment to public service in the Justice Department. John was just named by the Assistant Attorney General for Environment and Natural Resources to the position of chief of the environmental enforcement section. The Department will be lucky to have John's distinguished counsel.

I hope that John's commitment to service will set a standard that many of us in public service can only hope to approach.

RECOGNIZING THE WOMEN SERVING IN THE MILITARY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. SMITH of Florida. Mr. Speaker, I rise today to pay tribute to women serving in the armed services.

As we near the end of Women's History Month, it is only appropriate that we pay tribute to the women currently serving in our Armed Forces. Currently, approximately 230,000 women serve our country as members of the Armed Forces. They serve at home and abroad, working for the continued safety of our Nation.

During the recent war in the Persian Gulf, approximately 6 percent of those serving were women. These women served alongside the other coalition forces and did so with distinction and valor. Sadly, some of our women gave their lives, others served time as prisoners of war. All the women in our Armed Forces, today, as well as in years past, deserve our recognition.

Please join me in recognizing the women serving in Armed Forces.

TRAUMA CENTERS: A NECESSARY PARTNER IN THE WAR ON DRUGS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. WAXMAN. Mr. Speaker, today I am pleased to introduce H.R. 1656, the Trauma Care Center Preservation Act of 1991. The purpose of the act is to help stop the closure of trauma centers due to increases in drug related violence. The legislation authorizes $150 million in emergency assistance to trauma centers in fiscal year 1992.

Trauma centers—like their MASH predecessors in the Korean and Vietnam wars—are on the front lines of the drug war. The violence of the illicit drug culture is increasing. The number of patients suffering penetrating trauma—generally gun and knife wounds—is also increasing. The responsibility for providing medical care to these patients, including many law enforcement officers, falls on the nation's trauma care centers.

In recent years, trauma centers have experienced an increase in uncompensated medical costs because a growing number of patients injured by the drug war are unable to pay for care. As a result, many trauma centers have been placed in financial jeopardy. Many private hospitals have withdrawn from trauma center systems. Many public hospitals—particularly those accepting increasing numbers of trauma patients after the withdrawal of private hospitals—are approaching a stage of medical collapse.

Indeed, in the past 2 years, trauma centers have closed in Chicago, Miami, Philadelphia, Houston, and Los Angeles.

While the President's national drug strategy did not address the important role trauma centers play in the drug war, it is a simple fact that drug related violence is a major factor in the decline of trauma care nationwide.

The closing of trauma centers is a serious threat to any community. When a trauma center closes, its lifesaving services are denied to all patients. Victims include law enforcement officers wounded in the line of duty. They include the thousands injured in automobile accidents—a risk each of us, our families and constituents face daily.

Mr. Speaker, if we are to effectively wage a war on drugs, we dare not allow the Nation's trauma care system to fail.

Legislation similar to H.R. 1656 was passed by the House last year as an amendment to H.R. 5269, the Comprehensive Crime Control Act 1990. Unfortunately this provision was dropped from the final crime control package in the closing hours of the 101st Congress.

Mr. Speaker, the problem of drug related crime continues to threaten the Nation's trauma care system. With the passage of H.R. 1656 funding for this program can become part of the fiscal year 1992 appropriation for national drug abuse control.

I ask that a copy of H.R. 1656 be printed in the RECORD at this point.

H.R. 1656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trauma Center Revitalization Act".

SEC. 2. ESTABLISHMENT OF PROGRAM OF GRANTS REGARDING TRAUMA CENTERS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

"PART D—TRAUMA CENTERS OPERATING IN AREAS SEVERELY AFFECTED BY DRUG-RELATED VIOLENCE

"SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

"(a) IN GENERAL.—The Secretary may make grants for the purpose of providing financial assistance for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence arising from the abuse of drugs. Grants under this subsection may be made only to such trauma centers.

"(b) MINIMUM QUALIFICATIONS OF CENTERS.—

"(1) SIGNIFICANT INCIDENCE OF TREATING PENETRATION WOUNDS.—

"(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the population of patients that has been served by the center for the period specified in subparagraph (B) includes a significant number of patients who were treated for wounds resulting from the penetration of the skin by knives, bullets, or other weapons.

"(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

"(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

"(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center involved is located;

"(B) is established by the State or political subdivision in which such center is located;

"(C) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c).

"SEC. 1242. PRIORITIES IN MAKING GRANTS.

"In making grants under section 1241(a), the Secretary shall give priority to any application—

"(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

"(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

"(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 2-year period specified in section 1242(b)(1)(B); or

"(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

"SEC. 1243. COMMITMENT REGARDING CONTINUED PARTICIPATING IN TRAUMA CARE SYSTEM.

"The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

"(1) the center will continue participation in the system described in subsection (b) of such section throughout the 3-year period beginning on the date that the center first receives payments under the grant; and

"(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

"(A) the amount of assistance provided to the center under subsection (a) of such section; and

"(B) an amount representing interest on the amount specified in subparagraph (A).

"SEC. 1244. GENERAL PROVISIONS.

"(1) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 3. CONFORMING AMENDMENTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the manner preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1991, or upon the date of the enactment of this Act, whichever occurs later.

TRIBUTE TO JACQUELINE JACKSON ON THE ANNIVERSARY OF HER BIRTH

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Ms. WATERS. Mr. Speaker, it is with great pleasure that I extend warmest birthday greetings to a respected activist for social concerns worldwide, my dear friend, Jacqueline Jackson. Many people know Jackie as the wife of District of Columbia Senator Jesse Jackson. But her role, as a supporter of equal rights for all people, extends past the concept of "the power behind the man." Jackie is first and foremost an African-American woman and mother who carries the staff of stability for her family while fighting for justice for women around the world. Her understanding of the needs of all women is unquestioned. She has devoted 28 years of her life to working side by side with her husband and supporting her family while advocating the causes of civil rights, quality education, economic freedom, social justice, democracy, and international peace.

Jacqueline is a positive leader in her own right. She was instrumental in bringing the African National Congress and the Mandela delegation to the United States to gain financial and political support for the battle against apartheid from Congress. As a feminist and an organizer of women's groups, she has rallied for child care, equality in employment, and freedom of choice. A dynamic speaker, Jackie has addressed thousands worldwide on issues ranging from international relations in Syria, to teen pregnancy in Chicago. Her diversity—a business manager, advisor, spiritual partner of PUSH, Inc., Presidential campaign organizer, wife and mother, makes her an exceptional human being.

To pay homage to Jackie, one must acknowledge her values. Raised in a religious black home, God and family came first, with respect for self and others closely following. The morals of her upbringing are the same morals she has instilled in her own children. Hers is a character that cherishes the accomplishments that togetherness, hard work, and sacrifice can bring.

To fully appreciate the accomplishments of Jacqueline Jackson, one must reflect upon her life partnership. For without Jackie, the roads traveled by Jesse would be longer, the journey lonelier, and the struggle that much greater. Jackie is a testament of true marital partnership. The Bible states in Ephesians chapter V, verse 31 "* * * shall a man leave his father and mother, and shall be joined unto his wife, and they two shall be one flesh." And from that belief, as mortar bonds the bricks that build a home's foundation, so does Jackie bond her husband and children, maintaining something precious to the African-American culture—a strong family structure.

I am thankful that on March 17, 1991, I had the chance to celebrate the birth of a woman, a friend, a sister of my African ancestry, who takes pride in who and what she is. Her faith in God directs her future, yet she does not forget from whence she came. Jacqueline's responsibilities to her family and her people are as great as her contributions yet, she carries it all well, with the love, dignity, and honor she has come to deserve. Jacqueline Jackson is a woman of quality that epitomizes the very essence of what makes African-American women so special.

TRIBUTE TO PIL LUNN AND LAWRENCE SCHWARTZ

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. ATKINS. Mr. Speaker, it is with great pleasure that I rise today to recognize two individuals from the State of Massachusetts whose recent actions epitomize the true meaning of the word "hero."

On May 28, 1990, Pil Lunn, 13, of Lowell, helped save his counsin, Peuo Tuy, 11, from drowning. Peuo was fishing and fell approximately 12 feet from the top of the wall into the Pawtucket Canal. When Pil heard the calls for help from Pil, a nonswimmer, he immediately and unselfishly jumped into the rushing water to save her.

The two young children struggled to stay above water in an effort to stay alive. They called for help, and had already dangerously submerged numerous times. Then Mr. Lawrence Schwartz, 37, came to their rescue. Risking his life, as had Pil just minutes before, he jumped into the canal to try and bring the youths to safety. The three of them finally struggled back to a wall, and held on until rescue personnel arrived.

Pil and Lawrence were rightfully recognized on March 7, 1991, by the Carnegie Hero Fund Commission with a medal for their bravery and heroic acts. For these two heroes, I am sure that no further recognition is necessary. Nevertheless, Mr. Speaker, I am proud that such bravery and selflessness is in the heart of my district, and am proud to tell you and my other colleagues of the courage of these remarkable citizens.

A SALUTE TO THE FIRST FEMALE SHIPBUILDERS AT THE QUINCY FORE RIVER AND BETHLEHEM-HINGHAM SHIPYARDS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. DONNELLY. Mr. Speaker, I rise to pay special tribute to the 2,000 women shipbuilders who answered the Nation's call to duty in the dark days of World War II. We were involved in a war which called upon our Nation to come together in order to protect our American ideals. These women, whose fathers, husbands, brothers, and friends were on the front lines, took up the heavy task of building ships in the Quincy and Hingham Shipyards during World War II.

These women were recently honored in a ceremony in Quincy, MA. The city of Quincy officially declared March 12, 1991, as "Winnie the Welder Day." This commemorative event served as a "thank you" which was long overdue.

"Winnie the Welder" was the nickname given to these women who labored in the shipyards as supervisors, welders, painters, pipe coverers, crane operators, burners, scrapers, nurses, sheet metal workers, and cafeteria workers. The "Winnies" put in long hours and performed diligently under adverse conditions. Winnie worked day in and day out to maintain our Nation's naval forces for about $1 a day. Nobody could question Winnie's work ethic as she tirelessly labored to pick up where the men had left off. When the call came, the tenacious Winnie was ready. She devoted herself to helping her country without hesitation of delay, often spending the day at the shipyard and serving at the United States Organizations clubs at night.

Winnie can teach us all a lesson. Her devotion to our country in time of crisis was selfless and admirable. The "Winnies" of this country helped to bolster the morale of Americans on the homefront. They deserve this long awaited recognition.

Though they have long since removed their welding masks and kerchiefs, and though they have all gone their separate ways, I hope that we never forget their vital role in World War II and their great accomplishment. I ask my colleagues to join with me in extending our endless gratitude to these women to whom we so fondly refer to as "Winnie the Welder." These women embody the spirit and character of the American ideal.

BILL TO REPEAL INTERNAL REVENUE CODE SECTION 851(b)(3)

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. ANDREWS of Texas. Mr. Speaker, today I am introducing legislation, cosponsored by my colleague on the Ways and Means Committee, Mr. McGRATH, to repeal an antiquated provision of the Internal Revenue Code which unfairly shackles the hands of mutual fund managers responsible for prudently managing the investments of their shareholders.

This bill would repeal IRC section 851(b)(3) which requires that a mutual fund derive less than 30 percent of its gross income from the sale or other disposition of stock or securities held for less than 3 months. This test, known as the 30-percent test, originated over 50 years ago during a completely different financial era, and has no justification in today's financial environment.

The House of Representatives previously expressed its view that section 851(b)(3) should be repealed, and in 1987, passed a repeal provision. However, after the October 1987 market plunge, the reconciliation title which included the repeal provision was dropped entirely for reasons unrelated to the 30-percent provision.

The Treasury Department has previously testified before the House in favor of repeal, arguing that the 30-percent test does not serve any pressing tax policy goal and is counterproductive to the efficient operation of the market.

The arguments for repeal are as strong today as they were in 1987.

First, the 30-percent test disadvantages middle income investors: A mutual fund permits the middle class investors to pool their assets and obtain the benefits of professional investment management and portfolio diversification. Today, there are over 20 million American mutual fund shareholders. The 30-percent test is a serious impediment to these shareholders which is not applicable to the more wealthy direct investor who can receive professional investment management services through a variety of arrangements.

Second, fund managers may be forced to act contrary to the best interests of shareholders: Holding an investment for 3 months or longer may be contrary to prudent investment principles. For example, in periods of market volatility, a surge in stock prices might make certain securities sales advisable, but if the securities have not been held for 3 months, the 30-percent test might preclude their sale. Similarly, a fund manager might be obliged to turn down an attractive tender offer for a security owned by the fund, if it could result in a violation of the test.

Third, circumstances outside of a fund manager's control may cause a fund to violate the 30-percent test: Not surprisingly, the 50-year-old test increasingly operates in a capricious and unexpected fashion. The 30-percent test applies to a fund's gross gain; there is no offset for losses. One large gain, caused by an unexpected tender offer or a dramatic price increase of a stock held for less than 3 months, can cause a violation of that provision.

Fourth, other pooled investments do not face a similar restriction: Bank common trust funds and collective investment funds are two examples of pooled investment funds which frequently compete with mutual funds but which are not burdened by any rule similar to the 30-percent test.

Fifth, compliance and administrative costs are substantial: In recent years the increased use of new financial instruments, such as options, futures, and options on futures, has given rise to a number of complex questions regarding the circumstances under which the holding period of an investment may be suspended or terminated for purposes of the 30-percent test.

Mr. Speaker, I also want to advise my colleagues on what will not happen as a result of repeal:

Repeal would not have any significant impact on market volatility. Any concern that releasing mutual funds from this archaic rule would increase market volatility is unfounded: There is no empirical connection between the amount of trading and market volatility; and even if there were a convincing relationship between them, repeal of the 30-percent test would not necessarily increase market volatility because the test applies to only a small segment of equity investment.

The Treasury Department has noted that some have argued that the 30-percent test serves "to protect shareholders of RIC's [regulated investment companies] by limiting speculative trading or portfolio 'churning.'" The Department properly refutes that concern and has argued that the regulation of the relationship between corporations and their shareholders should be achieved through the securities laws, rather than the tax system.

Furthermore, portfolio churning is contrary to the interest of a portfolio manager, who is generally compensated on the basis of the fund's yield. Frequent trading would reduce the yield of the fund, and hence would reduce the manager's compensation.

We hope to work with Chairman ROSTENKOWSKI to include this bill in the simplification effort in the Committee on Ways and Means. Repeal of the 30-percent test is consistent with the simplification standards set forth by the chairman. For instance, repeal of the test would substantially reduce the tax compliance and administrative burdens faced by mutual funds. Such a change would also reduce tax-motivated behavior and provide more consistent tax treatment for investors in different types of investment vehicles.

Mr. Speaker, I urge my colleagues to join me in eliminating this unnecessary—and harmful—provision of the Internal Revenue Code.

CAMBODIAN NEW YEAR'S CELEBRATION, APRIL 20, 1991

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, in celebration of the Cambodian New Year's celebration, I wish to express the following sentiments.

Whereas our Nation has grown and prospered as a haven for millions of immigrants and refugees from all nations of the world who have endured grave hardships to journey to America to start a new life for themselves and their families with a dream of freedom and prosperity; and

Whereas Cambodian refugees are one of the newest group of immigrants to settle in Massachusetts, bringing with them not only hopes and dreams, but also cherished traditions from ancient and valued culture which enriches our own multilayered culture; and

Whereas the most joyous traditional holiday of the Cambodian community is the full celebration for New Year's, and in Fall River Cambodians and Americans of many ethnic heritages will together observe this special holiday;

Now, therefore, I, Congressman BARNEY FRANK, join with Arts Unlimited and the Cambodian community of Greater Fall River in encouraging all our citizens to join in the spirit of welcoming and sharing the festivities of the "Cambodian New Year's Celebration April 20, 1991."

FETAL POLICY REVERSAL A VICTORY FOR WOMEN WORKERS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. KLECZKA. Mr. Speaker, March 20, in UAW versus Johnson Controls, Inc., the U.S. Supreme Court unanimously decided workplace fetal protection policies are sexually discriminatory.

These unnecessary schemes deserve to be relegated permanently to the trash heap of labor history. For too long women have been "placed on pedestals" as objects too frail for challenging jobs which, incidentally, offer high compensation. Although steps to reverse this situation where taken with passage of title VII of the Civil Rights Act of 1964 and the Pregnancy Disability Act [PDA] of 1978, new exclusions were devised offsetting this progress. The most notorious is the so-called fetal protection policy forcing women to choose between family and job.

The tactic adopted by Johnson Controls of Milwaukee barred all women, except those that could prove they were sterile or had been sterilized, from working in the company's lead battery division. This position is compensated at a lucrative $15 to $20 an hour, and is in high demand. The opportunity for women to achieve economic independence was made more difficult by this unjustifiable policy, which excludes all capable but fertile women from working in the division. Indeed, the policy forced one plaintiff to obtain a surgical sterilization because she simply could not afford to lose her job in the lead division.

Those who advocate such policies say they are benign, gender-neutral rules which happen to affect some women occasionally. This is untrue. The language of the company's policy avoids any mention of "men" or "males," though evidence shows sperm can be damaged by lead exposure, contributing to high lead levels in newborns.

The motives underlying fetal protection policies are questionable at best, for longstanding Federal law requires that workplaces be made safe for all employees, and permits gender-based employments screening only if absolutely relevant to job performance. The PDA's 1978 amendment to title VII, cited by the Court in its refutation of fetal protection policies, clearly says that unless pregnant employees differ from others "in their ability or inability to work," they must be "treated the same" as other employees "for all employment-related purposes." The Court's March 20 decision reaffirms this sound principle, shattering yet another section of the glass ceiling which even today prevents women from recognizing their full potential in the workplace.

The Supreme Court should be applauded for its unanimous ruling that fetal protection policies unlawfully discriminate against women. I am certain this historic and important decision will create more opportunities for women seeking challenging jobs and economic independence.

A PLAN FOR IRAQI WAR REPARATIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. FIELDS. Mr. Speaker, today I am introducing a resolution that guarantees Iraq will begin to pay its immeasurable debt to the nations and people that it has hurt. Saddam Hussein caused the deaths of American and allied soldiers and Kuwaiti citizens. He can never compensate for these murders or the pain felt by the people who have lost loved ones. No amount of money can bring a mother's love to an orphan, or erase the vivid nightmares of torture.

Honestly, I am sickened by his actions. He did his best to destroy the identity of Kuwait, destroying records and buildings. He falsely designated this sovereign nation as the 19th province of Iraq. He caused the largest oilspill in history in the Arabian Gulf, causing immeasurable damage to the environment and gulf wildlife. And upon realization of Iraq's inevitable defeat, Iraqi troops set fire to over 500 Kuwaiti oil wells, further damaging the environment, and impairing Kuwait's resources to rebuild.

We are all well aware of these artocities. Saddam Hussein must pay for the damage, destruction, and suffering that he and his soldiers have caused. Not only must we insist on reparations, but we must set out a plan that will assure payment of this debt.

I urge the President, in planning and negotiating Iraq's post-war settlements with the United States and its allies, to insist that 20 percent of Iraq's future oil revenues be used to pay for the damage. Iraq's 1989 oil revenues were around $15 billion. Twenty percent of this would be $3 billion. This amount is not enough to pay all damages. But it is a start. Oil is a guaranteed source of income that we have every right to tap.

Mr. Speaker, I ask my colleagues to join me in supporting the measure that I am introducing today. I am not just saying what needs to be done, but presenting a plan to accomplish it.

DENIAL OF TAX BREAKS ON ENVIRONMENTAL DAMAGES PAYMENTS

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. HERTEL. Mr. Speaker, the Exxon settlement agreement is being heralded as the largest settlement ever for environmental law violations. Perhaps, for that reason we should feel appeased.

Yet, if one breaks down the $1 billion damages agreement, it comprises an expenditure of only $90.00 per gallon of crude oil pollution cleanup. Hardly is this a large sum when viewing the wide-scale devastation of over 350 miles of shoreline in Prince William Sound and its adjacent waters. Ninety dollars a gallon is a miniscule amount to pay for the massive injuries to Alaska's fish and wildlife—injuries from which it may take many species decades to recover. And, some are already trying to account for intangible losses, estimated at as much as $3 billion.

Exxon's stake in the damages settlement is diminished on two counts: first, by the tax deductibility of the civil penalty; second, by the 10-year timeframe for restoration payments. Tax breaks associated with the civil penalty agreement will relieve Exxon of over $300 million in tax liability—resulting in a loss of that amount in Federal revenue. The Congress would certainly have no trouble putting that $300 million to good use toward research and protection of our Nation's valuable resources.

While I would agree that forcing years of litigation over the Valdez environmental catastrophe would not be in the interest of continued cleanup of the sound, I would take issue with the President of Exxon, who at various times, and again at the disclosure of the pending settlement agreement last week, seemed more interested in the bottom line than anything else. I would contend that while the damages agreement is large, it is not severe. Nor by Exxon's officials' own admissions, will it penalize the financial operations of the corporation. In fact, it is the environment that has been most drastically penalized.

For these reasons, I am introducing legislation to prohibit tax deductions for compensatory damage payments in cases of injury to the environment from the spill of hazardous substances. This legislation would bar the ability of companies found liable for catastrophic environmental injuries to enjoy the relief of tax deductions for amounts paid as damages. When one considers the trauma to which Prince William Sound has been exposed, the virtual destruction of the ecosystem for as yet undetermined periods of time, I believe this is a modest proposal. After all, why should a massive business expense deduction be allowed to withhold hundreds of millions of dollars in Federal revenue, when a party to an environmental suit has been found liable?

THE DESERT STORM AUTHORIZATION

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today in strong support of the provisions of the Desert Storm authorization which will aid our returning service personnel and our veterans. I want to commend Chairman MONTGOMERY and Chairman ASPIN for their work to see these additional benefits included in H.R. 175. The servicemen and women in the gulf have achieved an outstanding victory through professional conduct and training. The men and women who so recently denied a dictator of the spoils of aggression, and all of the other men and women who have served this country in the armed services, deserve outstanding benefits here at home.

Increased education benefits under the Montgomery GI bill, new policies for mothers and single fathers with infants, transitional health care, housing allowances, increased availability of home loans—all of these measures will ease the transition of personnel from the sands of Saudi Arabia back to the United States.

The real benefits of these provisions go beyond aid to individuals serving in the gulf, but also their families. The family support required for an individual to serve in our Armed Forces, to enlist in the Reserves knowing that they may be called for active duty, must be solid. The benefits and compensation increases authored by Chairman MONTGOMERY, Chairman ASPIN and the members sitting on the Veterans' Affairs and Armed Services Committees give affirmation to the vital role that families play in supporting our Armed Forces.

I urge the adoption of H.R. 1175.

BOOMFIELD CALLS FOR INTENSIFIED U.S. EFFORTS TO WIN RELEASE OF HOSTAGES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. BROOMFIELD. Mr. Speaker, as we continue to revel in the success of allied forces in Operation Desert Storm, it is important that we keep in mind another group of courageous Americans: The hostages seized in Lebanon. Six Americans, along with individuals from several other countries, are still being held captive.

In his March 6 speech before a joint session of Congress, President Bush called attention to the plight of the hostages seized in Lebanon saying "We have not forgotten them, and we will not forget them." Since then, the administration has further intensified its efforts to obtain the release of the hostages. During his recent trip to the Middle East, Secretary Baker made the hostage issue a priority item in his discussions with Arab leaders.

Today, I am introducing a concurrent resolution to commend the intensified efforts of the administration to obtain the release of the hostages, and to urge the President to continue to give high priority to achieving this objective. Congressman PAUL HENRY, whose leadership on this issue has played a major role in keeping our Government focused on the plight of the hostages, joins me in introducing this resolution.

In addition to the purposes mentioned above, this resolution urges the President to continue to seek the recovery of the remains of William Buckley and Lt. Col. William Higgins, two Americans who were seized hostage in Lebanon and were later brutally killed by their captors.

It also condemns those holding Americans and other individuals hostage for flagrantly violating fundamental precepts of human rights and common decency; appeals to the government of any country which has influence with the captors of the hostages to use the influence to win the release of the hostages; calls upon the international community to cooperate in establishing means for holding accountable individuals who engage in hostage-taking; and encourages all nations and international organizations to accelerate their efforts to obtain the safe and unconditional release of the hostages.

I urge my colleagues on both sides of the aisle to support this resolution.

FORT HAYS STATE UNIVERSITY

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. ROBERTS. Mr. Speaker, today I take great pride in congratulating the Fort Hays State University Women's Basketball Team for winning the 1991 NAIA National Basketball Championship and becoming the first Kansas women's team to win the national title.

The Lady Tigers won the championship game 57 to 53. They were led by Coach John Klein, who was voted NAIA Women's Basketball Coach of the Year.

Today, I ask my colleagues to join me in congratulating this talented and hardworking team. The Fort Hays Lady Tigers include: LeAnne Bryant, Cimarron, KS; Jennifer Dinkel, Victoria, KS; Petrece Faulkner, Bryon, IL; Jodi Hitti, Leavenworth, KS; Kammie Holmes, Gary, IN; Julie Kizzar, Lyons, KS; Kari Laufenberg, Alma Center, WI; Kristi Leeper-Meis, Protection, KS; Deb Smith, Waverly, NE; Barb Steinlage, Centralia, KS; Lisa Toburen, Manhattan, KS; Annete Wiles, Hunter, KS and DeAnn Wiles, Hunter, KS.

Also assisting Coach Klein in this Kansas victory was Tom Burkhart, assistant coach, Sandy Norman, manager, and Tom Spicer, director of athletics.

HONORING WOMEN'S HISTORY MONTH

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mrs. KENNELLY. Mr. Speaker, I rise today during Women's History Month to commend Weaver High School in Hartford, CT. Weaver High, in honor of Women's History Month, is holding a National Women's History Assembly to commemorate the achievements and contributions of women not only in Hartford but across the Nation.

I find it fitting that this school, committed to the young men and women of Hartford, has taken this opportunity to illustrate the many successes women have made as a result of their changing roles in society. Certainly family roles—those of nurturing, of caregiving—are still very much a part of women's lives, but there can be no doubt that women's responsibilities have expanded far beyond that. Women have stepped into the public arena in almost every sector of society. In fact, this forum honors women in different sectors of the public arena. Gayle King, a Hartford news anchor, and Deborah Adams, a Hartford Courant journalist are two of the women to be honored at this forum. Both in the media, they are responsible for providing us with the news we hear and read. We all know how important a responsible media is to the public and the vital role it plays. These women are well respected for their talent and professionalism. Weaver High School recognizes that as does the greater Hartford community and the people of Connecticut who see and read their work each day.

When I think of talent and professionalism, I again think of the many thousands of women who served in the gulf. It is particularly important that we remember them during Women's History Month. They have shown to all of us that women have made progress and dramatic in-roads. We all feel a sense of pride in the women who proved so gallant and skillful in the gulf War. Military services have come to rely heavily on the contributions of military women in non-traditional occupations. Women's skills are indispensable to the Nation's security. Women's contributions to our Nation's security have not just changed in terms of increased numbers but in terms of their specific roles.

The theme of Women's History Month this year is "Nurturing Tradition, Fostering Change." Weaver High School has for many years, under the guidance of Principal Eddie Davis, provided more than just a traditional core curriculum to its students. It offers its students a wide variety of courses to expand their knowledge and leadership abilities. Greater opportunity can lead to greater success not only in an educational environment but beyond.

Mr. Speaker, I commend Weaver High School for holding the National Women's History Assembly which recognizes the many contributions women have made on both a local and national level.

ENERGY STRATEGY FOR OUR NATION'S FUTURE

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Ms. HORN. Mr. Speaker, today I am joining several of my colleagues in cosponsoring a bill to establish a comprehensive and forward looking energy strategy for our Nation's future, H.R. 560.

This legislation seeks to insure that our country meets its energy needs for the 1990's and into the 21st century. It does this by promoting energy conservation and efficiency, supporting the development of alternative energy sources, and increasing the strategic petroleum reserve [SPR]. In addition, it supports further research and development in several important areas, including enhanced recovery from current oil wells.

There is a consensus that, to be effective, an energy policy must take all these steps. That is why it is necessary for Congress to introduce comprehensive energy legislation.

Unfortunately, the administration's much awaited National Energy Strategy [NES] failed to address many of the most critical issues in maintaining our Nation's energy security.

While the President's strategy calls for increasing domestic production of fossil fuels, decreasing energy consumption through conservation and improved efficiency, and exploring alternative fuels and energy sources, it requires relatively little action in areas other than increased domestic production and energy generation. The rhetorical goals expressed in the strategy were good, but the steps to implement most of them were lacking. This is a disappointment to those of us who expected leadership from the White House on an issue of critical national importance. We were ready to join with the President in providing our country with the energy strategy it needs to carry us into the next century.

Almost the entire focus of the President's strategy is increased domestic production of oil and nuclear energy. This is to be accomplished by opening previously closed wilderness and coastal areas to oil exploration, while setting the stage for a doubling of nuclear power capacity over the next 30 years. These two proposals are particularly striking given that so little action is proposed either to curb demand for fossil fuels and electrical power, or to deal with the pervasive problem of nuclear waste disposal. As there are not sufficient oil reserves within our Nation's borders to meet our current daily need for oil, increased domestic oil production cannot, by itself, solve our energy problems. It is necessary to improve our efforts at conservation and efficiency in order to curb our appetite for foreign oil.

For example, in transportation, where almost two-thirds of our Nation's oil use occurs, the actions called for in this strategy fall far short of cutting demand for gasoline in our cars and small trucks. This is by far the largest use of oil in our economy. There is no push to improve corporate average fuel efficiency [CAFE] standards, considered by many experts to be the only way to curb our Nation's appetite for gasoline. Although estimates of fuel savings by increasing the CAFE standards vary depending on how much additional efficiency is required, the estimates range from one-half a million barrels per day (mbd) to 2 or 3 mbd. This is a large savings. It is comparable to, and perhaps even higher than, the barrels per day expected from the entire Arctic National Wildlife Refuge [ANWR], should the most optimistically forecast reserves be found there. In addition, any savings from increased efficiency have the added advantage of being permanent, once the new CAFE standards are incorporated into our Nation's fleet. These savings will not run out in a decade or two, as will the oil from our Nation's reserves, once it is pumped. Moreover, increased efficiency does not put any environmentally sensitive areas of our Nation at risk.

Equally disturbing in the administration's proposal is the push to expand nuclear power. Although the many problems associated with the nuclear industry in the United States have not adequately been addressed, the President's energy strategy calls for doubling the percentage of our Nation's power obtained from nuclear power plants. Concerns about safety and disposal of nuclear waste have led to the decline of our Nation's nuclear industry. No new plants are scheduled to go online after 1992; there have been no new orders for nuclear plants since 1978. Some plants sit idle, partly completed. It is therefore unrealistic to plan on increased electrical demand being met by nuclear power. Which communities will accept these new nuclear power plants? Which designs will be incorporated into them, and will they be safe? Where will we put the waste generated by these plants? Where will we put the nuclear waste already generated by nuclear power plants and weapons facilities? These are a few of the questions that need to be answered before we can take seriously any plan to increase nuclear power.

There is also only an obligatory mention of alternative energy sources such as solar, geothermal, wind and alternative fuels. These additional energy sources, if developed to their full potential, can enable our Nation to rely less on fossil fuels, especially imported oil, for our energy needs.

In contrast to the administration's initiative, H.R. 560 represents a balanced approach to setting our Nation's energy policy. It addresses the need for more domestic energy production by increasing Federal R&D for enhanced oil recovery from currently producing or sealed off oil wells and for alternative energy sources. Currently less than 50 percent of the oil in the ground can be extracted by conventional means; therefore, most of the oil in our Nation's oil wells remains untapped. By enhancing recovery, we can make use of wells already discovered and capital already spent, to obtain additional petroleum.

Along with getting the most out of our Nation's oil wells, there is a need to develop alternative energy sources including renewable resources such as solar energy, as well as fuel cells, which will enable our Nation to use one energy resource it has in abundance—natural gas. These energy sources, while independent of foreign supplies, have the added advantage of causing less pollution than comparable amounts of oil. There will be less air pollution, less damage to the environment, and fewer greenhouse gases than if oil were used instead.

In addition, this legislation will increase energy conservation and efficiency. One of the largest users, and wasters, of energy is the Federal Government. This bill will require the Department of Energy [DOE] to focus its efforts on increasing the energy efficiency of our Federal buildings and facilities. In the long run, this will save taxpayer money since all energy saved through conservation and increased efficiency is energy that in the future will not have to be bought.

This legislation also increases the strategic petroleum reserves [SPR]. The SPR is what stands between this Nation having the oil it needs in times of crises, and our country not having sufficient oil to meet our daily needs. It is important that we have a national reserve sufficient to insure our ability to carry on in times of war or interrupted foreign supplies. The necessity of this reserve was demonstrated recently during the Persian Gulf War. Although oil supplies were not significantly affected by the crisis, the President made available a small portion of the SPR to help stabilize the oil market, and hence the price. By increasing the SPR to 2 billion barrels from its current 590 million barrels, we will give our Nation added insurance against the interruption of supplies. This legislation would increase the storage capacity of SPR so that we can fill it rapidly in times of oil excess and lower prices.

This bill will require action in a number of other areas, including energy conservation R&D, energy conservation grant programs, alternative fuels for vehicles, Western Hemisphere energy cooperation, and various price and incentive proposals.

In conclusion, there is a critical need for our Nation to face up to its long-term energy requirements and plan ahead to meet the energy needs of a growing economy in the next century. This requires leadership and purpose. While the administration's proposal is one step in that direction, it is not comprehensive enough in the areas of conservation, efficiency, or development and utilization of alternative energy sources. For this reason, it is necessary for Congress to develop a plan of broader scope with increased use of conservation, efficiency and sources of energy other than oil. H.R. 560 can serve as a vehicle for the development of a congressional, and national, energy policy for our country.

TUSCALOOSA COUNTY MAN AND WOMAN OF THE YEAR

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. HARRIS. Mr. Speaker, I would like to bring to the attention of my colleagues two outstanding members of my hometown—Mrs. Barbara Spencer and Mr. John L. Williams. In recognition of their many contributions to the community, the Tuscaloosa County Concerned Citizens Organization honored Mr. Williams and Mrs. Spencer as Tuscaloosa County's Man and Woman of the Year. Dedicated to the memory of the service to mankind of Dr. Martin Luther King, Jr., this special tribute is presented each year to citizens who uphold these ideals of helping their fellow man.

Mrs. Barbara Spencer is director of computer services of the Tuscaloosa County Board of Education. She has served the school board for more than 25 years. Barbara is married to Edward Spencer and they have three fine children.

Mr. John Williams is owner and operator of Williams Alterations and Cleaners and People's Shoe Renewal and Repair Shop. He is a graduate of Tuskegee University and is retired from Central Foundry. He is married to Rosie Williams and the father of two children.

Both of these individuals represent the best of what people aspire to be—civic leaders and humanitarians. I congratulate them on this well-deserved recognition.

"360 DEGREES OF AFRICA"—SOUTH CENTRAL COMMUNITY TELEVISION

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. DIXON. Mr. Speaker, I would like to extend my congratulations and appreciation to Continental Cablevision's South Central Los Angeles Community Television [SCCTV] for their inspiring and exciting program, "360 Degrees of Africa."

In celebration of Black History Month, Amandilo Cousin created this 52-hour, live, interactive program which celebrates African-American life. The program was presented on SCCTV Cable channel 28, and included live telephone interviews so that subscribers could speak directly with panelists and other program participants.

I commend the talented efforts of the supervising coproducer Melvonna Ballenger; public access producers Michael Brown, Shirley Brown, Khadija Cousin, Lorna Crosse, Lee Elliot, Timolin Langin, Crystal McCarey, Marilyn McConnie, Althea Mitchell, Roosevelt Richards, and Shabba Shabaka; and members of the news team Jim Adkins, Angela Cranon, Manuel DeLaRosa, Jake Jacobs, Rabia Sneed, Jacquie Stephens, and Ralph Sutton.

"360 Degrees of Africa" is innovative programming that succeeded in bringing the South Central community closer together. Local vendors of south central Los Angeles provided sponsorship of the program, and residents of the community were able to voice their needs and concerns.

During the "Politics and Community Issues" segment, I was a guest at the "360 Degrees of Africa" town hall meeting with elected officials. The viewing audience shared their thoughts about issues and asked vital questions about legislative measures which affect our community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in wishing Continental Cablevision and South Central Community Television much continued success with their future programming endeavors.

NATIONAL BLACK LEADERSHIP INITIATIVE ON CANCER

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to express my sincere appreciation for the crucial work of the National Black Leadership Initiative On Cancer [NBLIC]. The northeast region of the NBLIC is planning its third annual conference to be held on Wednesday, April 17, 1991, in Manhattan.

The theme of this year's Northeast Conference, "The Guerilla War Against Cancer," illustrates the seriousness of the NBLIC's role. The NBLIC was established by the National Cancer Institute as an outreach initiative to install a national system to increase cancer prevention and also to attempt to reduce the high incidence of cancer among blacks. The northeast region of the NBLIC targets community leaders in cities with a high black populations so that they may encourage participation in programs aimed at increased black American awareness of cancer prevention methods.

I commend the National Black Leadership Initiative On Cancer for its efforts to diminish the threat of cancer. I should also like to join my colleagues in extending our best wishes to the northeast region of the NBLIC targets community leader in cities with a high black population so that they may encourage participation in programs aimed at increasing black American awareness of Cancer Prevention Methods.

I commend the National Black Leadership Initiative on Cancer for its efforts to diminish the threat of cancer. I should also like to join my colleagues in extending our best wishes to the northeast region of the NBLIC on the occasion of its third annual conference.

A TRIBUTE TO TONY McEWEN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding contributions and fine public service of Tony McEwen of San Bernardino, CA. Tony will be honored next month as he celebrates 50 years of dedicated service to New York Life Insurance Co. on April 8.

Antone McEwen was born on August 12, 1909 in Oakley, ID and graduated from Draper Business College in 1932. He spent the first 8 years of his insurance career as an agent with Union States Life Insurance Co., which later merged into Provident Life of Bismark, ND. In 1941, he began his long and successful career with New York Life which continues to this day.

Tony has served in a number of capacities and been recognized by the industry during his long and successful insurance career. He has served as president of the San Bernardino Estate Planning Council, the San Bernardino Life Underwriters Association, and Arrowhead Chapter of Chartered Life Underwriters. He is also a life member of the New York Life Insurance Co. Top Club, a qualifying member of the Million Dollar Round Table, and a member of the Agents Advisory Council of New York Life Insurance Co. In addition, he has been recognized as "Man of the Year" by both the Lions Club and the New York Life San Bernardino General Office. He is also the past recipient of the National Quality Award by the National Association of Life Underwriters and the New York Life Grandslammer Award.

Over the years, Tony has also been active in a number of business and community service organizations. He has served as president of the San Bernardino Chamber of Commerce, director of the San Bernardino Community Hospital, president of the San Bernardino Executive's Association, vice chairman of the Arrowhead United Fund, chairman of the San Bernardino Social Planning Council, director of the San Bernardino Redevelopment Agency, and treasurer of San Bernardino AID. He has also served as a member of the advisory board of the Salvation Army and the San Bernardino grand jury.

Mr. Speaker, I ask that you join me and our colleagues as we honor the fine achievements of Tony McEwen. He is a model of professional and community service and activism. It is fitting that the House honor him today for his successful and selfless career in the life insurance industry.

CONGRATULATIONS E. JAMES FERLAND

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues an exceptional man who is being honored on Tuesday, March 26, 1991, by the Better Business Bureau, in Newark, NJ, with its Ethics in Business Award.

The Ethics in Business Award honors and brings to public attention a person who exemplifies or promotes an issue concerning ethical behavior in business practice, either through their actions of those of their corporation. By being given this award it is being acknowledged by friends and peers that E. James Ferland has been a major contributor in setting industry standards.

Jim joined the Public Services Enterprise Group, Inc., and its principal subsidiary PSE&G as president and chief executive officer in 1986, and a year later assumed the role of chairman. Not only has he maintained the role as executive but serves as a member on many boards such as: the First Fidelity Bancorporation, Mutual Benefit Life Insurance Co., Newark Museum, New Jersey State Chamber of Commerce, and numerous other professional, corporate, and civic organizations.

Jim Ferland is the third recipient of the Ethics in Business Award. I am pleased to be among the many of Jim's colleagues and friends who commend him on a job well done, after almost 30 years with a career in business.

Mr. Speaker, I know my colleagues will want to join me as I congratulate E. James Ferland on being the recipient of the Ethics in Business Award. He is well deserving of this honor.

INTRODUCTION OF SUPERFUND LIABILITY CLARIFICATION ACT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. OWENS of Utah. Mr. Speaker, lender liability is of great concern to me. Not only because certain legal decisions in regard to this matter are potentially impacting commerce, but primarily because I believe that the intent of the Superfund Act must be safeguarded. I am introducing legislation today, along with my colleague, Congressman CURT WELDON, to focus the debate once again on protecting the environment, the public health safety, while trying to clarify who qualifies for exemptions from hazardous waste cleanup liability.

The liability issues under Superfund are extremely complex. Once a site has been found to be contaminated, the EPA is responsible to aggressively pursue the potential responsible parties. It is imperative that the Superfund center on the premise that the polluter pays. This is a fair premise.

The only trouble is that every contaminated site has its own unique history and character. Many histories include innocent parties to the contamination. Protection for these individuals was included in the 1986 Superfund reauthorization. But in looking for responsible parties to pay for cleanup costs, and in an endeavor to make the polluter pay, many legally innocent parties have been unfairly pursued only because they have money.

The recalcitrance of some responsible parties, and the lack of funds to clean up sites first and establish liability second, has caused all litigious, adversarial process which costs us all dearly. It has created a nightmare where investigations on the ground are designed for litigation, sometimes at the expense of an expeditious and permanent remedial solution.

The discussions I have had with lenders and innocent landowners indicate they are more than anxious to act in good faith and follow the rules. They just do not know what the rules are any longer. The dynamic interpretation of these rules by the courts has exacerbated the confusion. With this bill, my colleague and I attempt to clarify the path to protecting public health and the innocent.

Last Congress I introduced H.R. 5927 to foster continued debate regarding lender liability and the innocent landowner defense. In spite of the Superfund Act having been reauthorized until 1996 by the Omnibus Reconciliation Act of 1990, lender liability continues to foster discussion. Whether the fears surrounding lender liability have been impacting commerce has been very hard to prove. But enough concern has been expressed that I believe the perceptions regarding lender liability are sincere. Perceptions can sometimes become reality which is why lender liability should be addressed this year.

Since last fall, EPA has been drafting a rule in response to the concerns of Congress. Although the draft rule is still under administrative review, the rule appropriately balances the mandate to protect the public and the environment while clarifying the lending community's concerns. I commend EPA's effort.

Our bill provides statutory support to the rule by more clearly defining the concerns raised in last year's court decisions. It more clearly defines "indicia of ownership," and "owner or operator". It describes what the "participation in management" does not include. The bill describes what the term "primarily to protect a security interest" means, with respect to indicia of ownership in a vessel or facility, and what "acquiring a vessel or facility through foreclosure" means. The rest of the definitions focus on "extension of credit," "insured depository institution," "mortgage lender," and "Federal lending institutions."

Our bill maintains the liability already in Superfund by holding persons liable who, by any act or omission, causes or contributes to a release or threatened release of a hazardous substance from or at a vessel or facility.

The "innocent landowner defense" is clarified by describing the minimum requirements toward meeting the "all appropriate inquiry" standard through a "phase I environmental audit." In order to protect the consumer of these environmental audits, a State certification is required under the criteria developed through regulations by EPA. The bill requires that business standards be established through regulation for environmental audits through the American Society for Testing and Materials along with EPA. The "phase I environmental audit" in this bill will defer to the new standards once regulations are promulgated.

These environmental audits are not intended to be required for single resident or multifamily dwellings, but are intended to be used for commercial or industrial properties. I also propose that State environmental agencies maintain adequate data bases reflecting known contaminated sites, underground storage tanks, and permits under the Resource Conservation and Recovery Act [RCRA]. Access to this information is critical to a successful environmental audit.

Although there currently is no national policy describing when environmental audits would be most useful, I propose that audits be conducted prior to loans and prior to or immediately after foreclosure. Continued discussion regarding this matter is still needed.

As I have discussed the lender liability issue with my constituents and national associations, there is still much confusion between requirements under ongoing programs such as the Underground Storage Tank Program and activities under RCRA. I suggest that financial covenants in loans be worded strongly to protect both borrowers and lenders.

It is my hope that by offering this bill, constructive dialog will ensure this year. I hope it will create a foundation that will help lenders and innocent parties, without jeopardizing the intent of protecting the environment and the public.

It is my intent to offer a framework that deals with fairness, timelines, and the Nation's future funding needs. It is not my intent to release noninnocent parties from their environmental responsibilities. Superfund is working. The liability risk has raised the Nation's conscience toward identifying sites and reducing health risks. As we discuss banking reforms, I ask my colleagues to bear in mind that lender liability under Superfund is an environmental issue, not just a banking issue. I urge my colleagues to address the fear and genuine concern among lenders and support action on this bill. I look forward to the dialog ahead of us and to being actively involved.

CELEBRATING ST. KATHERINE'S CHURCH "OVERCOME CELEBRATION"

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. MFUME. Mr. Speaker, it is a great honor for me to come before the House of Representatives today to mark the second anniversary of the overcome holiday celebration. The Overcome Holiday Celebration is being sponsored by Father Peter Bramble and the parishioners and friends of St. Katherine's Church in Baltimore.

The overcome celebration uses the sacrificial and exemplary life of the Reverend Dr. Martin Luther King, Jr., as the central symbol of the history and sacrifice of the African-American community.

Central to this theme is the concept that African-Americans have historically overcome great adversity in their quest to gain equal opportunity and justice before the law and respect and common decency from his/her country. From this struggle, the black community has learned and must continue to prepare itself for the opportunities and challenges in the future.

The African-American community must draw upon every aspect of its history in order to properly focus on our task of self-sufficiency. Our community must continue to learn from old thinking, incorporate modern teachings and strategies, and synthesize these learned principles more efficiently. These are just some of the themes that ebb and flow throughout the entire overcome holiday celebration.

In closing, I am proud that such a progressive and energetic church is located in my district. I wish Father Bramble and his entire committee the best and look forward to incorporating this holiday in my personal celebration of Easter.

SUSPENSION OF DUTIES ON INSECT CONTROL AGENT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am reintroducing legislation today to allow temporary duty-free entry of an insect growth regulator diflubenzuron, known by the brand name of Dimilin. No comparable product is made in the United States, and Uniroyal Chemical of Connecticut is the only importer.

Dimilin is a unique pest control agent that inhibits the ability of the insect's egg or larvae to hatch. Its primary uses include control of the gypsy moth, mosquito, and boll weevil control. In fact, the USDA has approved Dimilin as only one of three products considered "very safe" for use in treatment of the boll weevil. It is not toxic to birds, bees, or fish and has low biological accumulation in the environment.

It is important to note that nearly one-third of all Dimilin used in the United States is purchased by State gypsy moth eradication programs, thus eliminating the 13.5 percent duty would serve as a considerable savings to State governments as well as other consumers.

This legislation was introduced last year and passed the House, however it was dropped in conference after an objection was raised by another importer of pest control products. The objection was withdrawn and, in fact, the objecting party now supports suspending duties on Dimilin. This proposed duty suspension was very carefully scrutinized by Department of Commerce officials during the last Congress and I hope that it can be enacted this year.

SUSPENSION OF DUTIES ON CERTAIN FIBERS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am introducing legislation to provide a temporary suspension of duties on staple fibers composed of at least 84 percent vinyl chloride and 14 percent vinyl acetate, known by the generic name as vinyon fibers. Vinyon fibers are used in the manufacture of specialty paper, such as teabags and meat casings, and other nonwoven products. The sole domestic producer of vinyon discontinued the product in 1989, leaving a German company as the only available source of the material.

Vinyon has special properties that make it particularly useful as a bonding agent. For instance, the use of vinyon fiber in tea bag paper enables an instantaneous fusing of the papers wherever heat and pressure are applied. It is also exceptionally water resistant.

While it is not available domestically, vinyon is currently dutiable at a column 1 rate of 4.9 percent ad valorem. The current duty on the material increases the cost of manufacturing products requiring its use, with the additional cost borne ultimately by American consumers.

The bill I am introducing today would allow duty-free entry through the end of 1995 to fibers with tolerance of plus- or minus-1 percent from the standard 85 percent vinyl chloride, 15 percent vinyl acetate formulation of the material.

TRIBUTE TO H. PATRICK SWYGERT

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. GRAY. Mr. Speaker, I rise to bring to the attention of this body H. Patrick Swygert, who will be inaugurated and installed on April 5, as the 15th president of the University at Albany, State University of New York. We in Philadelphia are very proud of our native son whose vision and leadership have been recognized by his appointment to this new position.

Pat Swygert was born and went to public schools in Philadelphia. He graduated from Howard University with an A.B. in history, received a J.D cum laude from the Howard University School of Law in 1968.

From there, his first calling was to public service. He served as law clerk to Chief Judge William J. Hastie of the U.S. Court of Appeals for the Third Circuit; administrative assistant to our distinguished colleague, Congressman CHARLES B. RANGEL of New York; special assistant district attorney in Philadelphia and later as consul general to the U.S. Civil Service Commission, where he received in 1978 the Commissioner's Award for Distinguished Federal Service.

Mr. Swygert than took on a commitment to higher education which has been marked by a distinguished career and his rise to the presidency of one of this country's leading universities. He began as an assistant professor of law at Philadelphia's Temple University in 1972. He was promoted to professor of law in 1976, acting dean in 1977, and ultimately to executive vice president of Temple, a comprehensive State-related research university of 33,000 students, 1,700 presidentially appointed faculty and 13 schools and colleges including law, medicine, dentistry, and 508-bed tertiary care hosptial.

Since his days as a student demonstrating and sitting in for civil rights, Pat Swygert has always been involved in the important causes of our times. He continues to show his commitment to the community. He was integrally involved in improving the quality of life for Philadelphians. He served on the board of the Southeastern Pennsylvania Transportation Authority; the board of WHYY-TV, the public television and radio station in Philadelphia, the board of directors of the Urban League of Philadelphia; the American Bar Association, and the National Bar Association.

I ask all my colleagues to join me in congratulating H. Patrick Swygert. His vision and leadership makes him well suited to carry the University at Albany, State University of New York into the 21st century. Philadelphia's loss has been Albany's gain. I extend the very best wishes for his continuing success.

VOTING IS A TREASURED PRIVILEGE

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Ms. LONG. Mr. Speaker, the right to vote is so often stated as the freedom on which our country was founded. However, when given the opportunity to vote last fall, only 35 percent of eligible American citizens turned out at the polls.

In contrast, when the residents of the Soviet Union recently had the opportunity to express the direction they wish their country to take, 76 percent of the citizens in participating republics turned out to vote.

If voting is such a treasured privilege, why do so few Americans participate? Apathy is an obvious cause for low turnout. There is a prevailing attitude that other people will cast the correct votes and a single vote will not make a difference. But, obviously, if the 65 percent of voters who did not make the effort to vote last November showed up next time, the results could be dramatically different.

Many argue that voters will turnout when something important is at stake. Well, I ask you, what could be more important than ensuring that your opinions and views are represented in Congress, where the laws and policies of this land are formed.

Especially at a time when the young men and women of our country have died protecting the freedom of another country, we must stop taking the rights and freedoms of this country for granted.

There is much to be gained by American citizens becoming more informed and involved in our democratic process. Elected officials who are voted into office by a large percentage of the population would represent the values and priorities of more of our citizens. The anticipated result would be a cyclical effect of local, State, and Federal governments acting more in accordance with the citizens of their area and receiving more support from the community.

Mr. Speaker, I encourage the people of this country to make their voices heard and vote at every opportunity.

COURAGEOUS YOUNG NORTH DAKOTAN

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, in a world where some allege that no one seems to care anymore, I wanted to tell my colleagues of one courageous, young North Dakotan who proved 1 night last week that there are still people around with the values that make us proud.

Last week, Gary Kaiser, a young 24-year-old man from Fargo, ND, was in Minneapolis, MN, with some friends. Coming out of a night spot around midnight, Gary saw a mugger running with a purse he had just stolen, and a woman was screaming for the man to stop.

Mr. Kaiser attempted to intervene on behalf of the woman and during the ensuing scuffle, he was stabbed in the neck by the mugger. The stab wound severed an artery in Mr. Kaiser's neck, and he nearly bled to death.

After several hours of surgery at a Minneapolis hospital, he is now recovering.

Gary Kaiser, when asked about the incident, said:

> I learned from my father that you help people in need, and this poor gal was definitely in need. It was one of those things that you don't even think about. I just jumped in the way and got involved. By no means do I think of myself as a hero.

My colleagues, I just wanted to tell you the story about a young North Dakotan of whom I am very proud. He demonstrates again that all across this country, there are still people who do care about other people, who will stand up and demonstrate enormous courage. In this case, Mr. Kaiser nearly lost his life, because he intervened when someone he did not even know was being robbed. That represents real American values and I salute Gary Kaiser for his heroism.

TRIBUTE TO THE ELLWOOD CITY LIONS CLUB

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. KOLTER Mr. Speaker, I rise today before the House of Representatives to honor and pay special tribute to the Ellwood City Lions Club on behalf of the charter's 50th anniversary.

The Ellwood City Lions Club, located in Ellwood City, PA, in my Fourth Congressional District, is deserving of very special recognition because of the fine community service this organization provides.

The long list of community help that the Ellwood City Lions Club has contributed to the local citizens cannot be related here in its entirety, but some projects deserve special mention.

When the American steel industry collapsed in the early 1980's, for example, the Ellwood City Lions fed 500 unemployed workers a month for 1 year.

In addition, the Ellwood Lions provide annual assistance to the blind, the handicapped and to those who need help freeing themselves from the ravages of drug abuse.

Ellwood Lions also help area youth deal with the special problems of life encountered by the young, and the charter provides one scholarship a year to a deserving high school student, in addition to selecting one outstanding high school "Student of the Month."

The Ellwood City Lions provide eyeglasses for the needy, medical equipment for area hospitals, and best of all, leadership for our young people.

Chartered Oct. 17, 1940 as the Ellwood City Lions Club, the Ellwood Lions joined the world's largest service club—with charters located even behind the Iron Curtain—and has served the community in an exemplary fashion ever since.

Mr. Speaker. To recount the unselfish deeds of the Ellwood City Lions Club would be an imposing task. Therefore, it is my great privilege to honor the Ellwood City Lions Club today before this U.S. Congress and to call attention to this charter's noteworthy and dedicated community service.

BATTLE CREEK URBAN LEAGUE

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to the Battle Creek Area Urban League on the occasion of its silver anniversary.

Battle Creek Urban League is one of 113 affiliates of the National Urban League, a remarkable organization that for 78 years has been committed to community self-help and to advocacy on behalf of those who are the victims of poverty and discrimination. The provision of human services, the building of interracial coalitions, and the promotion of an open and integrated society are the principal missions of the Urban League—both on national and community levels.

In Battle Creek, the Urban League got its start in 1965 when a study committee chaired by Evelyn Golden produced a report on the economic and cultural conditions of black people. This report documented wide gaps between Battle Creek's white and black populations in employment, health, education and housing. After generating a great deal of community support and a $6,000 grant from the W.K. Kellogg Foundation, the Battle Creek Area Urban League began its operation in 1966 with Milton Robinson as its first executive director.

For the past 25 years, the Battle Creek Area Urban League has been committed to the elimination of racial discrimination and to the economic and political empowerment of minorities and the disadvantaged. The Urban League volunteers and board members give active expression to their commitment to social and political change through a vast array of programs, including the FORE Dropout project, cooperative efforts with Kellogg Community Colleges' Job Connection Center, voter registration drives, the Labor Education Advancement Program, the Youth Employment and Education Initiative Program, and a community forum on "Strategies for Strengthening the Black Family."

Mr. Speaker, the Battle Creek Area Urban League, under the current leadership of its outstanding Executive Director Joyce Brown, has an intense commitment to advocacy on behalf of those who are the most economically vulnerable. I feel privileged to be able to represent the Battle Creek Urban League in Michigan's Third Congressional District, and I know my colleagues will want to join in congratulating the League on the occasion of its 25th anniversary, and in expressing our heartfelt appreciation for the league's extraordinary record of service and commitment.

LIFE TECHNOLOGIES, INC., ENTERS INTO PRECEDENT-SETTING COLLABORATION WITH FEDERAL LABORATORY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mrs. MORELLA. Mr. Speaker, I had the privilege yesterday of attending the historic signing ceremony of the first cooperative research and development agreement [CRADA] for human genome research between a private sector corporation and a national laboratory.

The agreement joins Life Technologies, Inc., headquartered in Gaithersburg, MD, with the Department of Energy's Los Alamos National Laboratory in New Mexico. Life Technologies and Los Alamos will work together to develop novel technology to sequence DNA much more rapidly and at a lower cost than is now possible. This collaboration seeks to tackle one of the primary goals of the Human Genome Project—the determination of the precise chemical structure of every human gene.

The different areas of expertise of these two CRADA collaborators create a natural partnership for the advancement of human genome research. Life Technologies will seek to develop new enzymes and modified nucleotides essential for sequencing DNA using a novel technique patented by Los Alamos scientists. The new technique will be used to sequence large fragments of human DNA. Los Alamos will develop further technology and instrumentation of their DNA sequencing technique.

This CRADA, and its accompanying potential for the development of products that will significantly move forward the pace of human genome research, came into fruition largely as a result of the perseverance of Dr. J. Stark Thompson, president and chief executive officer of Life Technologies. Also playing key roles for Life Technologies were Mr. John Thompson, senior vice president and general manager; Mr. John Cogan, vice president, corporate development; Dr. George A. Lowke, vice president, research and development; Dr. John Harding, project manager, human genome project; and Ms. Carol Lavrich, director, corporate development. Life Technologies is a prime source of research tools for scientists engaged in the Human Genome Project and is a leading supplier of the reagents used by scientists to examine the structure and function of human genes.

I commend Life Technologies, Los Alamos National Laboratory, and the Department of Energy for their efforts to strengthen our Nation's biotechnology industry. By continuing to support technology transfer programs, such as CRADA's, we will create the framework for a new era of scientific cooperation between the public and private sectors and also increase our international competitiveness.

REGIONAL ANTIDISCRIMINATION AND CREDIT CARD DISCLOSURE ACT OF 1991

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. KENNEDY. Mr. Speaker, today Congressman EDWARD MARKEY of Massachusetts and I are introducing the Regional Antidiscrimination and Credit Card Disclosure Act of 1991. This legislation is intended to solve a disturbing problem that has recently reared its head in New England: regional redlining. It is a direct response to reports last month that the First National Bank of Chicago canceled almost 8,000 accounts of credit card customers from New England and reduced credit on over 1,000 others. The bank took action after conducting a special review of New England cardholders because of downward trends in the region's economy.

The First Chicago incident demonstrates that at least some lenders use geography as a basis to decide who does and does not receive credit. There is a clear injustice here that calls for a remedy. Discrimination based on where someone lives is as wrong was discrimination based on race, religion, or gender.

I of course recognize that New England is in the midst of a very painful recession. I also appreciate that prudent lenders must be sensitive to such macroeconomic realities. However, the existence of a recession is not alone a reason to cut credit to thousands of New Englanders. Frankly, I think it's un-American. All citizens of this country are entitled to be judged by the same standards, regardless of where they live. A lender's decision to revoke or reduce credit ought to be based on whether a credit card holder can continue to pay his or her bills each month, not whether his or her region is in a recession.

The problem of regional redlining is not only morally unfair. It is also economically unwise. If our region is going to climb out of its current economic trough, then working families will need to maximize their access to credit. To the extent that such access is limited, the recession will be prolonged. This is a result that no one wants, and that everyone should try to prevent.

The Regional Antidiscrimination and Credit Card Disclosure Act of 1991 will, I hope, plug the legal loopholes that currently allow regional redlining to take place. The bill contains five essential provisions, which are the following:

First, it will make it unlawful for credit card issuers to discriminate against consumers on the basis of the geographic region in which the consumer lives, as well as based on where they live within a region—for instance, within a particular zip code area or census tract.

Second, it will ban arbitrary and capricious reductions in credit—including reductions based on region or other criteria related to residence.

Third, it clarifies in law that reductions in credit will only be allowed when a consumer's, not a region's, financial health has declined.

Fourth, it requires that consumers receive at least 60 days' notice of any reduction in their credit.

Fifth, and lastly, the bill provides for a mandatory review by the Federal Reserve of standards used to assess the riskiness of potential customers, so that no irrelevant or unjust standards are used.

Mr. Speaker, in the midst of the current recession, lenders are reevaluating and tightening their lending and credit standards. That is understandable; no one wants them to issue loans and credits that are destined to fail. However, the question is not whether lenders should tighten their belts, but how. Doing so by regional redlining is not the way to maintain safe and sound operations. It is unfair, and should be stopped. I urge my colleagues to support Mr. MARKEY'S and my legislation.

DEATH OF A HERO

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. BILBRAY. Mr. Speaker, it was saddening to me to read of the death of Army Specialist Anthony Riggs. This skilled member of the Patriot missile teams, did not die in Iraq, Saudi Arabia, or Kuwait. He did not die as a result of warfare in the sand of the Middle East. He died in the war zone of our inner cities.

Riggs, a former Las Vegas high school student, was in Detroit helping to move his wife. As he loaded the car with her belongings, someone shot him five times and stole his car. He was later pronounced dead at the hospital.

Is this a fitting end for someone who saved so many lives? Night after night we saw our Patriot missiles plucking Saddam's Scuds out of the sky. The service that Riggs and his unit performed saved countless of lives. Yet, after 7 months of being in a combat area, home was not the haven that he and others dreamt of. How can we continue to profess our superiority and strength at home when we cannot even protect our own here at home? This was not the way for a hero to die. Home should have provided him with safety and security, not death.

I am certain that Anthony Riggs will not be the last casualty. As we again focus on our domestic economy, I hope that we see the reality of the war zone that many Americans live in right here at home. While we were beating the Iraqis, the murders did not go away, they just did not make the front page as often. It took the death of a war hero to help us remember the war we are still facing at home; the battle for our cities. I hope that Anthony Riggs has finally found the safety and security that he sought for so many months.

SUSPENSION OF DUTIES ON NUCLEAR FUEL TEST ASSEMBLIES

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mrs. JOHNSON of Connecticut. Mr. Speaker, an important company from my home State of Connecticut, ABB Atom, Inc., provides engineering, testing, and assembly of nuclear fuel facilities and currently imports fuel test assemblies into the United States for testing by U.S. utilities. Present law permits articles imported for testing to be entered into the United States free of customs duties, under bond, provided the article is exported or destroyed with 3 years. Unfortunately, ABB's test assemblies do not qualify under this provision because the test program requires 4 to 6 years, coinciding with the life cycle of nuclear fuel rods in nuclear power plants.

The present 3-year statutory limit does not accommodate the longer test period required for the test assemblies, imposing customs duties totalling several hundred thousand dollars. Clearly, this is an unintended situation and, along with my friend Representative BARBARA KENNELLY, I am introducing legislation today to create an exception, allowing duty-free entry for nuclear test assemblies which meet the duty-free test import provision in all respects but for the time limit. The gentleman from Pennsylvania, JOHN HEINZ, is introducing identical legislation in the other body.

There are a number of potential benefits to the United States from ABB's test program. ABB has proven that the fuel assemblies consume fuel more efficiently than competing products, lowering fuel costs for utilities and their consumers. Moreover, if the tests proceed satisfactorily, ABB will begin producing its fuel assemblies in commercial quantities in the United States. Doing so would create employment opportunities and generate economic activity in Oregon, California, and Missouri, as well as Connecticut. I hope the bill will be considered in conjunction with duty suspension bills introduced this session.

INTRODUCTION OF LEGISLATION TO RESTORE REMEDIES FOR UNFAIR CLAIMS PRACTICES BY INSURANCE COMPANIES

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. BERMAN. Mr. Speaker, today I am introducing legislation to restore the ability of workers to sue their insurance companies to recover damages for the loss of health, life, property, or income resulting from unfair claims practices.

In 1987, the U.S. Supreme Court held, in Pilot Life Insurance Co. versus Dedeaux that the Employee Retirement Income Security Act [ERISA] preempts remedies under State common law for unfair insurance claims practices. As a result of this decision, Americans whose health, disability, life or other insurance is provided through employee benefit plans can at best sue to compel their insurance companies to pay legitimate claims that were unfairly denied. But insurance companies pay no penalty for having unfairly delayed or denied a claim or cancelling workers' coverage altogether, and that is why they are increasingly doing so with impunity.

Since appearing on "60 Minutes" regarding this issue last fall, I have heard from literally hundreds of victims around the country. I am appalled by this state of affairs, and I hope my colleagues will share my concern.

The legislation I am introducing today with my colleagues, Mr. CLAY, Mr. MILLER of California, Mr. STARK, and Mr. WAXMAN, would clarify that ERISA does not preempt State laws which provide remedies against insurance companies which, in the administration of an employee benefit plan or in the processing of insurance claims thereunder, engage in unfair insurance claims practices.

By making insurance companies pay the consequences of their unfair practices, my bill would create a potent incentive for insurance companies to treat their policy holders fairly. And it's about time.

I am certainly deeply troubled by the plight of millions of Americans who have no health insurance at all, and I have long supported national health insurance to cover all Americans. But in the meantime, I am greatly concerned that many Americans who do have health insurance are getting a great deal less than they thought.

Eighty-five percent of the Americans who have health insurance get it through their jobs. For these working men and women who have every reason to think they are protected against big medical bills, the fact of the matter is that if they get sick, their claims can be denied and their coverage even canceled at great cost to their financial, physical, and emotional well-being. All they can do is to sue to compel payment of their claims and reinstatement of their coverage; they cannot seek monetary damages for the consequences of the insurance companies' actions.

This intolerable situation also creates enormous consequences for the Federal budget and for American taxpayers. Insurance companies know that their denial of benefits will force insureds to turn to taxpayer-supported medical assistance programs. The practice of shifting catastrophic medical care cases to the public sector despite the existence of insurance is becoming widespread, especially in AIDS cases. But an insured who has obtained medical services through Medicare or Medicaid has no incentive to recover those benefits from the insurer on behalf of the State, and the Federal and State governments rarely intervene to seek reimbursement from the insurers.

By clarifying the right to recover extra-contractual damages, my bill would go a long way toward eliminating this practice.

Redress under State law need not be seen as the enemy of efforts to encourage formation of employee benefit plans. Far from it. At some point, the interest of justice for those who are covered under employee benefits plans must be considered, or else to what avail are those plans?

American workers and their families are being shortchanged by the Supreme Court's interpretation of ERISA. They must have legal recourse against insurance companies, beyond the simple payment of benefits due. My bill clarifies that State common-law and statutory remedies against bad faith are available to the victims of unfair claims practices. I look forward to working with my colleagues for the passage of this important legislation.

LEGISLATION TO CUT OFF FLOW OF UNITED STATES TAX DOLLARS TO JORDAN

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. HUGHES. Mr. Speaker, today I am introducing legislation to cut off the flow of United States tax dollars to Jordan.

We have spent the past decade cutting domestic programs. Homelessness, a decaying transportation infrastructure and declining academic achievement are just a few of the problems here at home that need more of our resources.

King Hussein attempted to play both sides of the gulf war. He has shown once again that he is not a leader, but someone who seeks to appease public opinion so that he can stay in power. Before opening our checkbook once again, we must look closely at our past policy of supporting undemocratic governments in the hope of bringing stability to the Middle East. First we backed the Shah of Iran, then Saddam Hussein and now King Hussein of Jordan. Each time, the result has been that weapons have ended up in the hands of a hostile government. The time has come for us to quit propping up Middle East monarchs.

King Hussein is not a reliable ally. Instead of properly criticizing the atrocities committed by Saddam, or even just staying neutral, he sided with Saddam and falsely accused U.S. forces of waging war against all Moslems. In addition, United States forces found evidence that Jordan was supplying ammunition to Iraqi forces long after the United Nations embargo was put in place.

Cutting off aid to Jordan, until such a time as the Congress is convinced that aid would be a wise investment, is merely common sense. It is unthinkable that United States tax dollars continue to flow to a country that tried to undermine the United Nations effort to liberate Kuwait and supplied munitions to Iraqi forces.

The bill I am introducing today will ban all United States aid to Jordan and to end Jordan's MFN trading status. Unlike similar legislation that has been introduced, my bill would not allow the President to restart the aid on national security grounds, since the administration has already requested $27 million in additional aid to Jordan.

TRIBUTE TO THE STAMAS FAMILY IN MEMORY OF THEIR MOTHER AND GRANDMOTHER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. CAMP. Mr. Speaker, it is with deep reflection that I stand before this House today as we honor Greece's long struggle for independence, which began on March 25, 1871. It is an important event that reminds me of a family from my district and a story they once told me.

At the turn of the century on Samos Island off the coast of Greece a girl named Thetis was born. Eventually, her family moved to the city Smyrna in Asia Minor, which is now Turkey. In 1922, Turkish oppressors burned the city of Smyrna. Her father helped fight these aggressors, but lost his life while his family escaped. Thetis, along with the rest of her family, was pushed to the sea. Many foreign ships were traveling in the area that day, including an American merchant marine ship. It was this ship that rescued Thetis and her family from the waters off the city of Smyrna. The ship took them to Samos Island, where they had family and friends. From that day, Thetis has had a deep sense of gratitude and appreciation for the country that helped save her and her family.

Thetis' future husband, James Stamas, came to the United States with his brothers in search of the American dream. He worked on the railroads and put himself through barber school. When the United States became involved in World War I, James enlisted in the Army and served his new country. Upon his return from the war, he eventually opened a sandwich and candy store in Alma, MI. With the success of his business, he returned to his homeland, where he met his wife Thetis. On the 4th of July, 1926, our Independence Day, James and Thetis were married in Greece. Together they returned to the United States and arrived in New York City on Armistice Day 1926. At noon that day, the city fell quite in a moment of silence to observe Armistice Day. Thetis looked out her hotel window in amazement at this site in her new found country.

Today, her daughter is a successful businesswoman and her son and his family operate a thriving restaurant in Midland, MI, that has been in business for over 30 years. Regrettably, Thetis passed away this last December. She and her entire family will always be proud of their Greek ancestry and their struggles to obtain freedom.

Mr. Speaker, it has been a special honor for me to make this tribute. The Stamas family embodies the true spirit of the Greek and American people. Their appreciation of liberty, and duty to country and family is an example for us all to follow.

A RESOLUTION CONCERNING TROPICAL DEFORESTATION IN PAPUA NEW GUINEA (PNG), THE ROLE OF JAPAN AND OTHERS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. PORTER. Mr. Speaker, I invite Members to cosponsor H.J. Res. 204, a resolution I introduced yesterday which notes the findings of the Commission of Inquiry Into Aspects of the Forest Industry in Papua New Guinea [PNG] and calls for the appropriate officials to proceed with judicial and political remedies to end the chronically corrupt situation.

PNG constitutes the eastern half of the island of New Guinea and, together with Irian Jaya—province of Indonesia—comprises the largest relatively intact expanse of tropical forest outside of the Amazon. Statistics indicate that Southeast Asia, including PNG, is the source of three-fourths of the world trade in tropical timber.

Virtually all of the 3.3 million people living in PNG are affected by the timber industry. These people are dependent on forests for their survival and prosperity—98 percent of the total land area is owned by local community groups, and the communal ownership of the land provides some leverage over land-use decisions, but the leaders of these groups have been bribed and coerced into giving away land rights cheaply.

In 1987, the Government of PNG commissioned an investigation under its Commissions of Inquiry Act—the Commission of Inquiry into Aspects of the Timber Industry. The Commission was to investigate timber industry practices and the industry's affects on the local population in PNG.

The Commission of Inquiry produced a 20 volume, 6,000 page report detailing severe abuses and illegal activities by companies operating there, including defrauding the government of timber royalties, export duties and tax revenues; bribery of high-level government officials; violations of regulations intended to reduce damage caused by the construction of roads and the operation of logging; falsification of species, quality, volume, and value of exported timber; violating land rights and cheating landowners of proper royalties and benefits, and others.

The Commission also mentioned the fact that Japan, a country which imports more wood and timber products than any other country, has been using foreign aid dollars to build roads and bridges to increase logging by Japanese companies implicated in the Commission's findings.

While the activities detailed in the findings are unbelievably wicked and confusing—given the magnitude and the depth of suggested corruption—the irony now lies in the fact that the findings of the Commission of Inquiry were not made public, nor have they formed the basis for criminal proceedings and other activities to ensure that illegal corporations are banned from logging and trading. In fact, many of the companies cited in the findings are still doing business in PNG.

I believe the fate of PNG people and forest resources and any prospects for the proper administration of the international tropical timber trade depend on the recognition of the foregoing facts, and the urgent adoption of remedial actions.

The resolution which I introduced yesterday in the House, which was simultaneously introduced by Senator GORE in the other body, calls upon the Government of PNG to make public the findings and to take immediate action to implement the recommendations of the Commission. The resolution notes that the United States, although it has minimal public and private activities in PNG at this time, should encourage, through multilateral and bilateral arrangements, technical and financial assistance to achieve these ends. Such arrangements should include training and strengthening the institutional capacities within the PNG Government, educating landowners and providing funds for less-damaging extractive economies which sustain the environment.

The resolution calls upon the Government of Japan to investigate the activities of the Japanese parties mentioned in the findings and to better monitor its trade to ensure that all timber traded comes from sustainable sources. Finally, the resolution states that it should be the policy of the United States to call upon the International Tropical Timber Organization to create a system whereby all internationally traded tropical timber is authenticated to ensure its true origin, species, volume, value and price, and to implement an urgent plan of action to ensure that all timber trade by the year 1994 comes only from sources managed without harm to the environment and societies in timber-exporting nations.

I am pleased to inform Members that through the auspices of a Global Legislators for a Balanced Environment [GLOBE], of which I am a member and Senator GORE is chairman, we have been able to coordinate formal legislative actions on this matter in both the European Parliament and the Japanese Diet.

Please join me in support of the important matters addressed in H.J. Res. 204.

INTRODUCTION OF THE REGIONAL ANTIDISCRIMINATION AND CREDIT CARD DISCLOSURE ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. MARKEY. Mr. Speaker, today, representative KENNEDY and I are introducing the Regional Antidiscrimination and Credit Card Disclosure Act of 1991, a bill that is aimed at protecting credit card holders from discrimination based on where they live and prohibiting credit issuers from unilaterally terminating credit cards or reducing credit limits. The recent example of First Chicago Corp., the third largest bank card issuer in the Nation, which singled out card holders in New England for differential treatment, demonstrates that at least some card issuers use geography as a basis for discriminating between who does and does not merit access to credit.

Not only is such regional redlining unfair on its face, it can exacerbate a downward economic spiral within a region by tightening credit unfairly and disproportionately. New England is undergoing a serious and painful recession. While some consumers are clearly unable to keep up payments on credit cards, others are demonstrably able to do so. Should these latter be penalized because of where they live?

New England is in a credit crunch. Much of the pain is attributable to tougher enforcement of capital standards and other prudent regulatory practices. As catastrophic as this has been for many small businesses and their employees, it could pale next to a credit card crackdown on New England consumers whose only fault is the location of their home.

While it is important that issuers of credit—especially bank issuers of credit—monitor default rates carefully and make prudent and informed credit decisions, discrimination based upon characteristics that do not necessarily bear upon each borrowers' ability to pay is inequitable. This may not rise to the level of racial or sexual discrimination in the minds of many—and I agree that those forms of discrimination are especially invidious—but discrimination based on where you live is nevertheless improper. This is particularly true where such discrimination serves as a surrogate for other forms of discrimination.

The bill we are introducing today would make it unlawful for credit card issuers to discriminate against consumers on the basis of the geographic region in which the consumer lives—unless the credit card business itself is limited to a particular geographic area. It would also make it illegal for credit card issuers to discriminate against consumers based upon where they live within a region, based for example on zip code or census tract. People living in Chelsea and Malden, MA, should be treated no differently than those living in wealthy suburbs like Weston and Dover, MA.

The bill would also bring long overdue reforms to credit card regulations. First, it would ban arbitrary or capricious reductions in credit—including, for instance, reductions based on region or ZIP Code. Second, it would clarify regulations so that reductions in credit would only be permitted when a consumer's—not a region's—financial health has declined. Third, it would require credit card issuers to give consumers at least 60 days notice on any reduction in their credit. And, fourth, it would require a mandatory review by the Federal Reserve of standards used to assess the riskiness of potential customers, to ensure that no irrelevant or unjust standards are used.

Credit card issuers are under a great deal of economic pressure in the current economy. They are understandably searching for ways to cut losses and hedge bets. But regional redlining is clearly unfair. I urge support of this commonsense measure.

TRIBUTE TO MR. JIMMY DELSHAD

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. WAXMAN. Mr. Speaker, on April 17, 1991, the Federation of Jewish men's clubs and the Men's Club of Sinai Temple are hosting a tribute to honor the outstanding community service of Mr. Jimmy Delshad.

A man who believes in giving before receiving, Jimmy Delshad has made great contributions to our community. He serves as vice president of the men's club, a member of Sinai Temple's board of directors, and chairman of the membership committee. He was selected as Sinai Temple Men's Club's Man of the Year in 1990. Jimmy has also created, produced, and directed "Around the World with Music," an annual event sponsored by the Men's Club.

An immigrant from Iran at the age of 19, Jimmy settled in Los Angeles and pursued an education in the field of computer science at USC. While attending college, he formed an international club society with his brothers, Mike and Fred, to promote cultural exchanges among foreign students. Jimmy and his brothers also formed "The Delshad Trio" and performed for charity organizations.

Jimmy met his beloved Lonnie when he was an activist in the student Zionist organization. He and Lonnie have been married for 20 years and have been members of Sinai Temple since 1972. They have been ardent supporters of Akiba Academy and Sinai Temple Day School for 11 years. Their children Debra, age 17, and Daniel, age 15, are products of Akiba Academy.

A long time resident of Beverly Hills, Jimmy is the president and CEO of his own computer manufacturing company, which he founded 13 years ago.

I ask my colleagues to join me in congratulating Jimmy Delshad on this special occasion, recognizing his many contributions to our community, and wishing him and his family continued success and fulfillment in all of their endeavors.

JOHN BRYANT AND CHRIS SMITH COMMEMORATE THE 75TH ANNIVERSARY OF THE CONGRESSIONAL CHARTER FOR THE BOY SCOUTS OF AMERICA

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. BRYANT. Mr. Speaker, today, along with my colleague and fellow Eagle Scout Chris Smith, I am introducing a joint resolution to honor the 75th anniversary of the charter of the Boy Scouts of America.

On June 15, 1916, President Woodrow Wilson signed into law the legislation authorizing a congressional charter for the Boy Scouts of America. This June 15, we will celebrate the diamond anniversary of that event.

We ask our colleagues to join us in honoring scouting whose "purpose * * * shall be to promote * * * the ability of boys to do things for themselves and others, to train them in scoutcraft, to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods now in common use by the Boy Scouts."

We believe it fitting to express congressional appreciation for the public service performed by the Boy Scouts in enriching the lives of our Nation's young men.

A BSA survey during the 101st Congress shows that 332 of us were involved in Scouting in one way or another—as scouts, leaders or both; and we are sure that all of us have benefited from Scouting's influence in some way.

Scouting will endure because its goals and principles are timeless—honor, hard work, dignity, generosity, compassion, and patriotism. In a manner to last a lifetime, Scouting provides a way to deal with an ever-changing world, in a manner to last a lifetime.

We trust you will join us in honoring the 75th anniversary of the charter of the Boy Scouts of America—the first congressional charter granted to an organization serving the needs of America's youth.

BRUTALITY IN THE STREETS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. de LUGO. Mr. Speaker, I rise to join my colleagues to state my deep sense of horror, frustration and despair in the wake of the recent brutality perpetrated by members of the Los Angeles Police Department in the beating of a man, Rodney King, handcuffed and defenseless, as he lay on the city streets.

My horror mirrors that of any civilized person who would see this senseless beating that was inflected by men hired to enforce justice.

My frustration results from the realization that as we live through the final decade of the 20th century, America still grapples with the dark forces of repression and injustice.

My despair surfaces as I wonder whether this great nation will ever emerge from the mire of lawlessness and injustice that led to such brutality on the streets of Los Angeles. How can we, as a nation, criticize the brutalities we have witnessed in the Persian Gulf when we have this happen right here in America.

Unfortunately, the City of Angels is not the only place where law enforcement officials victimize those whom they are supposed to protect.

My colleague, the gentleman from California, Mr. DYMALLY, has told of the brutal slaying of two American Samoans who lived in his district, who were shot 20 times, 8 of them in the back.

Here in the region of our Nation's capital, charges of police brutality have been raised in incidents in the counties surrounding the District.

Fortunately, we in the U.S. Virgin Islands have been spared the hideous brutality we have witnessed in Los Angeles and other locations.

We, as citizens, must demand an end to this savagery. We must see that officers who use their authority to brutalize are stopped. We must see that those departments and agencies where these actions are suspected are investigated and, if found guility, brought to justice.

PROHIBITING WITNESS FEES TO PRISONERS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. ROGERS. Mr. Speaker, today I am introducing legislation which will prevent the payment of Federal witness fees to Federal, State, and local prisoners.

Every day, we spend $28 million to enforce this Nation's Federal laws, to prosecute and adjudicate the accused, and to incarcerate those convicted of Federal crimes. Protecting the rights and safety of our citizens is an expensive and necessary obligation. However, it is not an obligation which requires the taxpayer to foot the bill for dubious expenses.

On January 8, 1991, the Supreme Court ruled that State prisoners were entitled to fact witness fees for their appearance at Federal trials. This opinion reversed longstanding practice on the part of the Justice Department, which argued that prisoners should not be paid as witnesses.

The Court's decision will require the Justice Department to annually provide between $8 and $11 million in fees it did not expect to pay to a class of individuals which does not deserve to be paid. These witness fees were intended to compensate for the inconvenience and lost income caused by attendance at a Federal trial. For the most part, prisoners are not gainfully employed, they suffer no inconvenience, and they have no additional costs to defray.

Though the Court's decision relates to the case of a State prisoner, it makes clear that current Federal law does not exclude prisoners in general from eligibility for fact witness fees. This is a ridiculous policy which, if not changed, will cost taxpayers millions of dollars each year.

My bill would simply prohibit individuals who are incarcerated from being eligible for fact witness fees or any other subsistence allowances, for example, food and lodging, provided under the law.

The legislation also would prohibit fees from being paid to individuals who are not prisoners, but whom the Government feels it must detain to guarantee their appearance at trial. Often the Government must pay to detain witnesses in hotels, out of concern that they will not appear as needed. Witnesses who place that unnecessary cost burden on the judicial system should not be entitled to fees for their attendance.

The Congress has taken stopgap action to prevent the use of funds to pay fact witness fees to prisoners, by including a prohibition which I added to H.R. 1281, the dire emergency supplemental appropriations bill. However, this provision only applies to funds appropriated in fiscal year 1991 and prior years.

The bill I am introducing amends the United States Code to permanently make prisoners ineligible for fact witness fees. I urge the House Committee on the Judiciary and the Congress to promptly approve my legislation.

CROATIAN DEMOCRATIC UNION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. ROHRABACHER. Mr. Speaker, I submit the following letter from the Croation Democratic Union.

CROATIAN DEMOCRATIC UNION

President George Bush,
The White House, Washington, DC.

DEAR MR. PRESIDENT, Croatians throughout the United States and Canada gathered recently in San Pedro, California for the 3d Convention of the Croatian Democratic Union of the United States and Canada. One of our main objectives in North America is to inform our leaders as to who Croatians are, what we believe and stand for, and to impress our views upon our government leaders in this great nation that gave us our freedom when many of us sought refuge from communist repression in Yugoslavia. As we have now seen in the Persian Gulf, the coalition forces, under your solid and firm leadership, stopped naked aggression. That aggression is now rearing its ugly head in one of the last vestiges of communism in the world—Yugoslavia.

The current volatile political situation in Yugoslavia has arisen because the reactionary conservative communist elements at the highest levels of the Yugoslav Government would like to save the present socioeconomic system of Yugoslavia and its political order at any cost short of civil war.

The strategy to achieve this is (1) to preserve the stability by carrying out the economic reforms with the assistance of the United States and Western Europe, and (2) vigorous enforcement of the federal (including military) laws that no longer reflects the societal infrastructure and the political will of more than half of the country in the democratic republics of Croatia, Slovenia, Bosnia and Hercegovina, and Macedonia.

Following in the steps and sharing in the experience of similar reactionary forces in the Soviet Union, this last-ditch effort of the 'Communist Alliance' to save Yugoslavia is at loggerheads with the progressive democratic forces present in the Western republics. The sovereign right of the republics and self-determination of peoples expressed in freely, democratically held elections is diametrically opposed to the deliberate and desperate attempts to save Yugoslavia with its present centralistic regime under the guise of "federalism" that will merely replace the "unitarism" in the implementation of the historically chartered political designs of a Great Serbia and eventual assimilation and/or elimination of peoples who will stand up and defend themselves against these last vestiges of imperialism and despotism on the European continent.

At issue here is the faith and destiny of "captive nations" whose sovereignty, political independence, and the right of self-determination cannot be denied under the pretext of protecting the privileged position of the minorities of their occupiers and/or exploiters. We no longer can afford to view this mortal struggle between democracy and despotism as merely disputes or squabbles of ethnic groups. On the contrary, the line of demarcation—indeed the theoodosian line—is once again clearly drawn. Croatia, the "bulwark of Christianity," has become the "bulwark of democracy." The two irreconcilable worlds are on the brink of explosion. Only an urgent, energetic, and decisive action on the part of the United States and the European Community can still prevent the civil war in Yugoslavia.

Dr. Franjo Tudman, President of the Republic of Croatia and the leader of the Croatian Democratic Union, has informed us that the present political situation in Yugoslavia is critical. He has called on the patriotism of all the citizens of Croatia to be calm but vigilant; and, if need be, to be preapred to defend the freedom, sovereignty and democracy of Croatia. It would, indeed, be tragic and a serious set back in our quest for freedom, human rights, free-market economy and self-determination if the people of Croatia, and other democratically elected governments, would be undermined by the reactionary forces of a failed communist ideology.

The United States now has the historic opportunity and the moral duty to act in a preventive manner so that tomorrow there will be no need to engage the American and Allied Troops in another effort to restore peace and order in the heart of Europe.

Today, under your able leadership, the United States and the Free World is sharing the burden to establish a new world order for a peaceful international community based on the shared values of peace with justice and human dignity. A small, but, nonetheless, significant and important part of that burden is carried by the people of Croatia in their struggle to defend freedom and democracy. Mr. President, let us not forget the brave people of Croatia.

Wishing you the continued success and Godspeed in your awesome responsibilities as the proven leader of the Free World, we remain.

Respectfully Yours,

Michael Primorac,
John Nogalo.

PEGGY AND DR. EDGAR WAYBURN HEALERS OF PLANETARY SCOPE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Ms. PELOSI. Mr. Speaker, it is an honor for me to rise today to celebrate the contributions of two extraordinary members of our Bay Area community—Peggy and Edgar Wayburn.

Their rare partnership has influenced many lives. As a medical doctor and environmentalist, Ed Wayburn has worked tirelessly to preserve our natural resources for generations to come. As an accomplished writer and environmental leader in her own right, Peggy has been a nurturer of ideas to protect our planet.

They possess remarkable vision about the future and understand better than most how fragile and how remarkeable the Earth is. They have worked for many years to educate the public about the importance of conservation and taught us to cherish our natural legacy.

From the moment Ed stepped into Congressman Phillip Burton's office with his modest proposal for what is now the Golden Gate National Recreation Area, Ed Wayburn has been an environmental giant in our community. Millions of people visit the GGNRA each year because of the collaboration of Ed and friends like Amy Meyer.

Anyone who knows the Wayburns knows that their vision is a shared one. Together, they have been responsible for focusing our attention on San Francisco Bay, the giant redwoods, Alaska and other areas of natural beauty.

When we were children, we were told that everything in nature is connected. The Wayburns make that point very clearly in their comprehensive view of healthy people in a healthy planet.

Because of their enormous contributions, their great vision and their gentle manner, they are truly healers of planetary scope.

REAUTHORIZE THE PATENT AND TRADEMARK OFFICE

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. HUGHES. Mr. Speaker, today Representative CARLOS MOORHEAD, the ranking Republican on the Judiciary Subcommittee on Intellectual Property and Judicial Administration, and I are introducing legislation, by request of the administration, to reauthorize the Patent and Trademark Office [PTO]. The statutory authority for PTO will expire at the end of September of this year and Congress must act to reauthorize the PTO if it is to continue to operate beyond that time.

Legal protection for intellectual property is the fuel for inventiveness and is provided for in the United States Constitution. Congress has delegated authority for the administration of our patent and trademark laws to the Patent and Trademark Office in the U.S. Department of Commerce. The bill Mr. MOORHEAD and I introduce today would authorize appropriations for PTO for fiscal years 1992 and 1993. It would also extend authority to PTO to raise funds through user fees.

The Subcommittee on Intellectual Property and Judicial Administration, which I chair, will hold hearings early this Congress and process reauthorizing legislation that the committee and Congress can be confident will serve the public interest. I would note, parenthetically, that by introducing this bill today, I have not endorsed the contents of the proposed legislation. The Department of Commerce continues to propose approaches to the administration of our intellectual property system that this committee has previously rejected. Existing authorization for PTO contains limitations on the use of appropriated funds, restrictions on the PTO automation program and other management instructions. It is my intention to assure, through legislation, that past problems do not resurface.

The subcommittee will examine how to improve the operation of the PTO; how to most equitably distribute the burden of patent user fees, including among small and large entities; and what safeguards are necessary to assure PTO's continued accountability to Congress and to the American public. In addition, the subcommittee will reexamine the propriety—from a policy and constitutional perspective—of almost complete user fee funding for PTO operations.

I look forward to working with Chairman JACK BROOKS, Representative CARLOS MOORHEAD and with my other colleagues on this proposed legislation. In addition, my subcommittee will seek the views of members of the public, including the very inventors, commercial enterprises and other organizations who use the intellectual property system to the betterment of our society.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, an outstanding young individual from the Fifth Congressional District of Illinois who has completed a major goal in his scouting career. On Thursday, March 21, 1991, in Chicago, IL, Thomas D. Klimek was honored as an eagle scout court of honor.

It is important to note that less than 2 percent of all young men in America attain the rank of eagle scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities. Thomas has earned many badges and awards including the arrow of light, the highest award that can be earned by a Webelos scout. In addition, he has demonstrated strong leadership abilities within his troop. For example, Thomas has held various positions including troop historian, quartermaster, den chief, and senior patrol leader. This young man has clearly earned his rank and deserves special recognition.

In light of the commendable leadership and courageous activities performed by this fine young man, I ask you, my fellow colleagues, to join me in honoring Thomas D. Klimek for attaining the highest honor in scouting—the rank of eagle. Let us wish him the very best in all of his endeavors.

TRIBUTE TO DALLAS COOPER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. SKELTON. Mr. Speaker, it is with sadness that I report the death of S. Sgt. Dallas R. Cooper of Russellville, MD., who died December 14, 1990, in a National Guard helicopter crash in Cleveland, TX. The unit aboard was formed as a part of Operation Desert Shield. The helicopters were to be delivered to a ship carrying supplies to the Persian Gulf. The crew would then return to Fort Leonard Wood for 3 more weeks of training before being deployed in Saudi Arabia. The unit specializes in transporting medical evacuation equipment.

Dallas served in the Army from 1974–81. He joined the National Guard in 1981. Before becoming a civil service technician, he worked at the Missouri State Penitentiary for 2 years. He was a staff sergeant with the 1267th Medical Company in Jefferson City, MO. Sergeant Cooper had joined the 1267th from another National Guard Unit after it had been activated.

During his years in the service, Dallas Cooper received numerous awards; the Army Commendation Medal, the Meritorious Ribbon, the State Emergency Duty Ribbon and the Senior Air Crewman Badge.

Dallas is survived by his wife, Diana and two sons, Shane and Travis. He will be deeply missed by all who knew him.

THE PLIGHT OF LEILA GORDIEVSKAYA

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 22, 1991

Mr. McEWEN. Mr. Speaker, I rise today to bring the plight of Leila Gordievskaya, and her daughters Masha and Anyuta, to the attention of my colleagues. Their continued persecution at the hands of the Soviet Government, at whose direction the KGB has harassed and hounded them since 1985, followed the defection of KGB officer Oleg Gordievsky, Leila's husband and the girls' father, to the United Kingdom.

These victims of past intelligence affairs are treated as criminals despite committing no crime. They wish only to leave the Soviet Union and join Oleg in the West. The constant harassment of the KGB, and the repeated refusal of this request to emigrate, betrays any spirit of liberalization in the Soviet Union.

The Governments of the United States and the United Kingdom have repeatedly contacted the Soviet Government on behalf of Leila Gordievskaya and her daughters, but they have had no success. The KGB is using this poor family as an example for other KGB agents to consider before they think of moving to the West.

Mr. Speaker, I urge my colleagues to join me in contacting Soviet President Gorbachev to express the concern that we have with the unacceptable treatment of Leila Gordievsky and her daughters, and urge his personal intervention on their behalf. They must be permitted to emigrate to the West because the KGB has proven that they will continue to punish them for a former agent's defection.

Mr. Speaker, I would like to take this opportunity to place an article in the RECORD which further describes this unfortunate case.

LOVE CAPTIVES OF CRUEL KGB

This mother and her two daughters are damning proof that innocent people are still under the jackboot of the KGB.

They have committed no crime, yet they are hounded around the clock on the Kremlin's orders.

With Mikhail Gorbachev's full knowledge the family has been subjected to the most inhuman harassment by KGB guards, who ring their home and follow them wherever they go.

Their telephone is tapped, private mail intercepted and friends intimidated until they stay away.

Leila Gordievsky and her daughters have committed the sin of wanting to join her husband in the West.

Their miserable existence in Moscow is damning proof that the Soviet Union under Mikhail Gorbachev still subjugates and terrorises its citizens.

Both Mrs. Thatcher and Mr. Bush have privately discussed their plight with the Soviet leader. He has done nothing.

DOUBLE AGENT

In the Kremlin's eyes, daughters Masha 10, and Anyuta, nine must pay for the sins of their father.

He is Soviet defector Oleg Gordievsky, a KGB officer for 25 years who has been working as a double agent for MI6 and has been sentenced to death in his absence by Moscow.

Last week British Euro MP Lord Bethel slipped past the KGB guards to talk to Mrs. Gordievsky in Moscow.

She told him: "I have done nothing against the Soviet Union. I have broken no law.

"Because of what my husband did in 1985, I have for five years been treated like a criminal, and am separated from the man I love."

As far as I am concerned, Mr. Gorbachev's reforms do not exist. I have done nothing against the Soviet Union. I have broken no law.

But, because of what my husband did in 1985, going over to the British side, I have for five years been treated like a criminal and am separated from the man I love.

In November 1985 they sentenced Oleg to death for treason. He had escaped to England, so they could not carry out the sentence. So they made up their minds to take it out on me and our two little girls. There is no "liberalisation" in Russia for us. The KGB are holding us hostage, making us pay for what Oleg did.

I was in a state of shock after the death sentence. That is why I agreed to divorce him. They told me: "Leila, you're not an idiot. He's a young man. Do you think he's spent all these months without a woman?"

They said he was having an affair with an English secretary. Then they said that he had married her. And, of course, there was no way I could ask him about it.

I know that men fall out of love with their wives. It happens. But whatever he thought about me, he would never abandon the girls. He worships them. I knew that he would be in touch, if only for them.

They said: "Divorce him and it will be easier for you. You can go back to your maiden name. Do it, and we'll leave you along."

So I agreed. If it had been just me. I would have refused. But the girls were starting kindergarten and I knew that the name "Gordievsky" would mark them for life.

FOLLOWED EVERYWHERE

The KGB did not keep their word. They've kept up their round-the-clock watch on me for more than five years. I am followed everywhere I go, usually by two men in a car and two on foot.

It means a full team of about 12 men, working shifts, and others recording my phone calls and anything I say in the flat. They must know me better than they know their own wives.

I know now that Oleg was writing to me and sending me money. But nothing ever reached me. For some reason he sent the letters to his sister Marina's address and she handed them all straight back to the KGB—without even telling me that she had done it.

I imagine that they scared her into it. She is a Party member and she has told me that, as far as she is concerned, she has no brother any more. They probably said to her: "Give us all his letters, or we'll take your Party card." That would mean losing her job. She has a family of her own. What would you do in her place?

At least two people have lost their jobs because of me. One was the concierge in my old flat. They asked her to help them check on the people who visited me and she refused. Why? Because she is a decent person, that's all. So they fired her.

It's been like that with all my friends. One by one they have dropped away. Every time I speak to anybody the KGB call them in the next day for questioning.

I used to have good friends, friends who loved me, but all that has gone. I just can't subject people to that sort of pressure. It means I can't work either. How could I do a job with four KGB men hanging around me all the time?

It must cost the Soviet government a fortune. So I protest! Not about the violation of my freedom, but as a taxpayer.

I know people have tried to help me. Even Margaret Thatcher and George Bush, I am told, have asked for me to be released.

In the beginning, I know, there was not much hope, under the old policies. But we are told that all this has changed, that the Soviet Union is free, that there is democracy. Well, as far as I'm concerned, nothing has changed.

The first word I had from Oleg, after nearly two and a half years without any contact at all, was at the end of 1987.

The KGB handed me a long letter from him. And in recent months we have been able to speak on the telephone. Everyone now, including the KGB, knows that we want to live together in Britain as a family.

STRANGE PROPOSAL

There was one thing they wanted out of me those first two years. They wanted me to write to Oleg: "I will not join you in England." Then, when the British asked the Soviet government to release us, they could say: "She doesn't want to go." But they never got those words out of me.

I said to myself and to them: "Until I hear otherwise from Oleg's own mouth, I will still be his wife." I told them that, even if I saw it in a document that he had divorced me or remarried. I would not believe it—until I heard it from his lips.

Then they came up with this strange proposal: "We will cancel the death sentence. The Soviet Union will pardon him. He can come back and join you and the girls in Moscow."

I laughed at them. It was absurd. The KGB do not forgive people for what Oleg did. They insisted that it was serious. And they wanted me to talk him into accepting the deal.

I wouldn't do it. Even if it's true, even if Gorbachev himself signs the pardon, what happens if Gorbachev dies and the head of the KGB takes his place?

They would shoot him then and I would be the one who had lured him back here to be shot. I won't take such a sin upon my conscience.

So here we are, the three of us, living off my father's pension and in my father's flat, in the flat where Oleg asked me to marry him 11 years ago.

And so I say to Mr. Gorbachev: "I don't want a fuss, a campaign. I don't want people recognizing me in the street. I don't want to be a political refugee who rejects her citizenship. I love my country, in spite of the terrible things it has done in the past.

"I just want to live with my little girls with my husband in England. Isn't five years separation enough? And so I say to you: Please, for God's sake, let us go."

FOR WIFE AND FAMILY

The three car-loads of KGB heavies eyed me suspiciously as I arrived at the gate of the bleak housing estate on the outskirts of Moscow where Lella Gordievsky and her daughters live, writes Nicholas Bethell.

The heavies looked away when I said to them: "Good morning." by the time I left they had withdrawn to a safe distance.

The KGB men's retreat surprised Lella. Usually, they stayed close to the front door. It was a sign, she felt that they were embarrassed at the thought of foreign visitors, or even by the fact that they were there at all.

But there seems no sign that the Soviet government is ready to resolve what is essentially a human rights problem in a civilised way.

In the past couple of years, most cases of East-West "family separations" have been solved.

STUBBORN

But the Gordievsky case seems to be the exception proving the rule that glasnost and perestroika still have a long way to go.

The KGB may have given up hope that Mr. Gordievsky can be enticed back to the Soviet Union because of his undoubted love for his wife and daughters, but he is not optimistic that they will be released.

The problem threatens to become a nagging thorn in the side of Britain's otherwise improving relations with Russia.

In Moscow last week I found some sympathy among influential Russians for the British argument.

It specifies that whatever may be said about Oleg Gordievsky's act in defecting to Britain, Leila and her small daughters have committed no crime and do not deserve to be penalised for something done by another.

Konstantin Luenchenko, deputy chairman of the Supreme Soviet's legal committee, has agreed to meet Mrs. Gordievsky to discuss her case. Another Supreme Soviet member, Alexander Lushnikov, said he would raise the matter in a parliamentary question to the KGB's chief, General Kryuchkov.

The KGB's stubborn hostility to Mr. Gordievsky contrasts sharply with the far more relaxed attitude I detected among many other senior Soviet figures.

The Soviet Union that Mr. Gordievsky betrayed during the Brezhnev years is now, among most of the country's citizens, deeply discredited. Among these people the stigma of "traitor" is not seen with such horror as it would have been in other times, or in other societies.

One Soviet representative joked that if Mr. Gordievsky were to return to Moscow and run for the Supreme Soviet on the basis of having been a British spy, he would be elected overwhelmingly.

If his wife Leila and her daughters are finally released, it will be a break with KGB tradition, dating from the 1917 revolution, which has stuck to the view that relatives of "enemies of the people" should be held responsible for the family member's crimes—and punished along with them.

British officials had told Soviet counterparts their attitude over this case violates various international norms, including the UN Declaration on Human Rights and the Helsinki Agreement—hardly in the spirit of improved East-West relations.

Leila Gordievsky's remarkable statement in today's Sunday Express marks the end of more than five years of quiet diplomacy by the British Government, as well as a remarkable restraint of silence on the part of the couple themselves.

They hoped the Soviet government could be gently persuaded to issue exit permits to Liela and her two daughters, ten-year-old Masha and nine-year-old Anyuta.

The failure of these efforts has now persuaded the separated husband and wife to speak up about their five year agony and their longing to be reunited as a family.

PESSIMISM

That is why Oleg contacted me, why Leila was ready to talk when I called her on her tapped telephone from my Moscow hotel and why she agreed to see me for several hours in her flat last week.

"I am not optimistic that they will release my family," said Oleg Gordievsky.

"The KGB is still a very powerful organisation and Gorbachev still seems to be in awe of it. And its members still represent the worst type of *homo sovieticus*—men with no compassion, no toleration.

"I can only see the KGB letting my family go as part of a package of agreements with Western intelligence.

"The KGB would like to enter into such agreements on drugs and terrorism or on the exchange of personnel on training courses. This would be good for their image *vis-a-vis* the Soviet people.

"The only other way there could be a positive solution is if Gorbachev and the leadership were to conclude that my family's detention was doing serious damage to the Soviet Union's image abroad.

"They do not think it has yet reached that stage."

HOUSE OF REPRESENTATIVES—*Tuesday, April 9, 1991*

The House met at 12 noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 29, 1991.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Tuesday, April 9, 1991.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend David Powers, Dennis Union Church, Dennis, MA, offered the following prayer:

Eternal God, Lord of all the nations, we bow in gratitude for every evidence of Your generosity in our lives and our land—yet conscious, too, of many needs demanding our attention today.

Engage our hearts and minds in doing justice and peace for all who ache for a springtime of new life. We pray Your continued blessings on the United States of America.

Strengthen all those committed to our Nation's life: those who govern, or defend, or struggle for an even better country. Grace this Congress with insight, courage, compassion, integrity.

Hold this House, and all who serve inside these walls within Your care. And use us as instruments in birthing a brand new day, through the power of Your Spirit alive in us. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY] to lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 134. An act to establish a U.S. Marshals Association; and

S.J. Res. 94. Joint resolution relative to Iraq.

INTRODUCTION OF REVEREND POWERS

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, I would like very briefly to call to the attention of the Members of the House the fact that today's eloquent and moving opening prayer was offered by the Reverend David Powers, director of the Dennis Union Church in Dennis, MA.

Reverend Powers came to Dennis and Cape Cod 13 years ago after a distinguished and varied educational and professional career. After undergraduate work at Carleton College, he continued his studies at Harvard Divinity School and the Pontifical Gregorian University in Rome. Before coming to Dennis, he preached for many years in Vermont.

Although I would ordinarily question the sanity of anyone who voluntarily leaves Cape Cod to come to Washington, DC, even for a brief period of time in April, I am sure I am speaking for all Members in welcoming Reverend Powers this morning and thanking him for his words of wisdom and prayer. Lord knows we need it.

HOUR OF MEETING ON THURSDAY, APRIL 11, 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, April 10, 1991, it adjourn to meet at noon on Thursday, April 11, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MAKING IN ORDER ON APRIL 10, 1991, CONSIDERATION OF H.R. 1047, VETERANS' COMPENSATION PROGRAMS IMPROVEMENT ACT OF 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, April 10, 1991, to consider a motion pursuant to clause 1 of rule XXVII on H.R. 1047, the Veterans' Compensation Programs Improvement Act of 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MAKING IN ORDER ON APRIL 11, 1991, CONSIDERATION OF S. 534 AND S. 565, GOLD MEDALS TO GENERALS SCHWARZKOPF AND POWELL

Mr. GRAY. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday, April 11, to consider motions pursuant to clause 1 of rule XXVII on Senate 534, to award a gold medal to Gen. H. Norman Schwarzkopf, and Senate 565, to award a gold medal to Gen. Colin L. Powell.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VISCLOSKY). The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills on Tuesday, March 26, 1991:

H.R. 1281. An act making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, Unemployment Compensation Administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 1282. An act making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 1285. An act to resolve legal and technical issues relating to Federal postsecondary student assistance programs and to prevent undue burdens on participants in Operation Desert Storm, and for other purposes; and

S. 725. The Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN HEINZ, SENATOR FROM THE STATE OF PENNSYLVANIA

Mr. McDADE. Mr. Speaker, I offer a privileged resolution (H. Res. 119) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> Resolved, That the House has heard with profound sorrow of the death of the Honorable John Heinz, a Senator from the Commonwealth of Pennsylvania.
>
> Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.
>
> Resolved, That a committee be appointed on the part of the House to join a committee appointed on the part of the Senate to attend the funeral.
>
> Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. McDADE] is recognized for 1 hour.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know I speak on behalf of every Member of the House in expressing profound sorrow and deep regret at the tragic death last week of Senator JOHN HEINZ of Pennsylvania. The resolution I offer today on behalf of the members of the Pennsylvania delegation states that the House will adjourn later today as a mark of respect to the memory of Senator HEINZ.

I know that many Members of the House would like to express their feelings on the character and accomplishments of Senator HEINZ at the the appropriate time. I have organized, along with my colleagues from Pennsylvania, a special order 1 week from today, Tuesday, April 16, at the close of business to honor Senator HEINZ.

Our sympathies go out to all the victims of the brutal aircraft accident which took the lives of Senator HEINZ and six other people on April 4. We all mourn the loss of human life, and pray for the families of the deceased and the recovery of those injured in the accident.

I had the privilege to work closely with JOHN HEINZ on issues of importance to Pennsylvania when he served as a Member of this House in the early 1970's and since 1976 when he was elected to the U.S. Senate. Those of us in Congress knew JOHN HEINZ as an effective legislator, a particularly strong defender of the elderly, and an influential voice on trade, health, and environmental issues.

His constituents knew him as a diligent defender of their interests. The accident which took his life came as he was preparing for a hearing on unscrupulous telemarketing sales scams which have been bleeding millions of dollars from elderly Americans. This kind of issue, one where he crusaded against injustice, was typical of the kind of commitment he had to the people of this Nation.

JOHN HEINZ was a man who seemed to have it all—a loving family, great personal charm, intelligence, political popularity, considerable wealth, a record of legislative accomplishment and a vitality that always seemed to endure. It is difficult to comprehend his absence. Congress has lost a valuable Member, the people of Pennsylvania have lost a tireless protector of their rights and the Nation has lost an irreplaceable public servant.

JOHN HEINZ could have easily spent his life on the sidelines living a life of leisure. Instead, he chose to dedicate his time, talents, and energy to public service. As a result, we are all richer. This country is a better, more caring place because of JOHN HEINZ.

Our sympathies go out to his wife, Teresa, and his three sons, John, Andre, and Christopher.

□ 1210

Mr. Speaker, I yield to the distinguished whip of the Democratic Party, the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY. Mr. Speaker, let me thank the senior Member of the Republican delegation in the House of Representatives for yielding to me. I would like to join with the gentleman in supporting his resolution.

I have a lot of memories about JOHN HEINZ, fighting to get a bill passed, but none more vivid in my mind than my memories of him on a tennis court, sending a great passing shot down the line. One of the best times that JOHN and I had together was playing in a celebrity tennis tournament run for the benefit of the Children's Hospital in Philadelphia, sponsored by the Philadelphia Urban League. It was an event that said a lot about JOHN HEINZ.

He was known for his work for the elderly. In fact, he was interested in helping all Americans of all ages. That is why he was such a strong supporter of the Urban League.

It certainly explains his work on behalf of the elderly.

In the 6 years that his party controlled the Senate, Senator JOHN HEINZ chaired the Special Aging Committee, and because of his work there he won a seat on the National Commission on Social Security Reform. This allowed him to work on achievement so logical that you wonder why nobody thought of it before: removing employment barriers for the elderly, ending penalties for workers older than 65, and barring mandatory retirement.

He made his mark in health care, too, particularly by getting tough new rules for nursing homes taking Medicare and Medicaid patients.

It would have been fitting that one who did so much to ensure a productive old age would have been allowed decades more of productive life and public service.

But it was not to be.

William Penn, the founder of our State, the Commonwealth of Pennsylvania, which JOHN HEINZ so ably represented, wrote of the death of any individual when he said:

> They that love beyond the world cannot be separated by it. Death is but crossing the world as friends do the seas. They live in one another still.

The death of JOHN HEINZ does not erase our memory of his good works, his public service, and his contributions to the Commonwealth of Pennsylvania and to this great Nation. He and his work live on in our memories and will until we cross that sea ourselves to join him on that far shore.

Our prayers and our sympathy are with his lovely wife, Teresa, and their children and the rest of his family. Their loss is our loss and, indeed, the Nation's.

Mr. McDADE. Mr. Speaker, I thank the gentleman for his very kind and moving comments.

Mr. Speaker, I yield to my good friend, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I thank the gentleman, my leader, for yielding to me.

JOHN HEINZ was a great leader for Pennsylvania. He was a true friend of all Pennsylvanians. I think what I heard over and over again from my constituents in the last several days is the following: "He didn't have to do that. He didn't have to work for us. He didn't have to fight for the elderly, but he did."

That is the true mark of a great leader. He never sought a great deal of recognition. His motto was, "Let's get the job done. Don't worry who gets credit."

He also fought for the elderly and for the young, but he fought for all Pennsylvanians. Over and over again my constituents are mourning his loss because they truly believe that they lost a true friend, a true leader, and they truly believe that he was the man they wanted most of all to represent them. That is why he had the overwhelming victories that he had in Pennsylvania, and the last victory was a huge victory on his part, beating all others in the State as far as votes cast and votes that he received.

He will be greatly missed by his family, but he will be missed by all Pennsylvanians who believe that we were part of his family.

Mr. McDADE. Mr. Speaker, I thank my friend for his very moving comments.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Speaker, I thank the gentleman for yielding to me.

I say to my friend, the gentleman from Pennsylvania [Mr. McDADE], the dean of the Pennsylvania delegation, and I thank the gentleman for taking this time, it is with heavy heart that we even address the issue.

JOHN HEINZ, just the name, invokes so many memories that I know the gentleman from Pennsylvania [Mr. McDADE] shares over the last 16 or 17 years. We remember that dynamic smile of JOHN HEINZ. That we will always remember.

I remember his days in the House when he used to carry pad and pencil, and at every delegation meeting was taking notes. One time I asked him about that and he said, "You know, if you both hear something and write it or jot it down, it doubles the memory and you can remember a lot more."

I know that months afterward if I were to ask him about a meeting and I would say, "Now, who was the speaker?"

He would say it was Charlie Jones or whoever it was. He had a marvelous memory and a dedication to service.

The reason he expended that effort was that he wanted to be the best Representative that Pennsylvania had. That showed as he went on to run for the Senate. I remember very well his first Senate campaign. One time the pilot landed—he was bouncing around the State in a helicopter and landed that helicopter in my back yard in Malvern because he had several speeches, because that was the only way he could cover the State. As a matter of fact, he loved aircraft and he loved flying. It is kind of a shame that that activity that he loved so much was part of his final moments.

I also remember very fondly when JOHN was king of the Hill. Remember there was an athletic competition and JOHN HEINZ was the outstanding House Member athlete.

He was very proud. He was proud of his family. He was proud of his wife who stood beside him and was, as we all know, a bright, vivacious, intelligent, dedicated woman and was such an inspiration to him, as were his children.

We also remember the time that one of his boys was in an accident and was injured very badly and the empathy and the pain that was written in his emotion, in his very physical being, expressed what kind of an empathetic human being that he was, and he carried that empathy to his constituency and as was stated here, the poor and elderly of America.

He and I had been working on a hearing on Medicare fraud to be held in Philadelphia.

I think of his actions and his influence on international trade. He and I thought very much alike along those lines.

I was just thrilled to have an articulate, intelligent spokesman for our point of view in the Senate and in the Senate Finance Committee, and of course, being on the Ways and Means Committee we worked together on many things.

His synergism was marvelous, because I guess our feelings ran parallel on so many issues and in so many things.

He will long be remembered for the influence he had. When we talked about trade, he wanted—and we all hear that trite phrase, "a level playing field."

☐ 1220

He wanted the American steelworker to have the same opportunity to sell his goods around the world as other people do.

Now, if that required a level playing field, then JOHN HEINZ wanted a level playing field. If it required tilting the playing field our way a little bit, then he wanted it tilted. But he was an intelligent, articulate spokesman for that sometimes forgotten man, the steelworker.

I referred to the steelworker because the tides of international commerce which washed over the United States of America and eliminated hundreds of thousands of jobs in America, it was sometimes difficult for the average steelworker to comprehend some of those international tides and trends that were sweeping his job away.

But JOHN HEINZ had a great deal of empathy and understanding, not only for their position but did everything he could to ease the pain as it washed over and leveled that playing field so that the American steelworker would have a job in the future, so that America would be his vision of America, as a dynamic, producing nation, not just a serviceman to the world, not just flipping hamburgers and doing service jobs.

His legacy will long be remembered not only in this House and in the Senate but in the small towns and villages across the United States of America.

Mr. Chairman, I am proud of the fact that you took this time. I appreciate your giving us the opportunity to informally say a few words about our beloved departed Senator JOHN HEINZ.

Mr. McDADE. Mr. Speaker, I thank my dear friend for sharing those reminiscences with us which bring to bear some of the vitality of our dear friend, JOHN HEINZ.

Mr. Speaker, I am very pleased to yield to the distinguished gentlewoman from Ohio, Ms. MARY ROSE OAKAR.

Ms. OAKAR. Mr. Speaker, I want to thank the gentleman from Pennsylvania for yielding to me.

Mr. Speaker, I of course represent a good portion of Ohio, but my mother was born in Pennsylvania. So in a sense I have always felt a real affinity toward that wonderful State.

Mr. Speaker, I wanted to join our colleagues in paying tribute to the late great Senator HEINZ. Of course, we are deeply saddened not only of his death but all those in that terrible crash, including the children who died.

Mr. Speaker, it seems as if Senator HEINZ' path and my own legislatively seemed to cross very often. I recall Senator HEINZ coming to Cleveland, OH, my own district, along with Senator METZENBAUM, to discuss and openly support the plight of the working person, the steelworker, the manufacturing worker, who seemed to be forgotten. He was so supportive of the concept that America must have a strong industrial base, which of course he did not want to see us lose. He was a conferee very often with respect to issues that we all cared about, housing, the FIRREA bill, the Defense Production Act, et cetera.

But I guess I knew him best for his work on the Select Committee on Aging, not only when he chaired the committee but when he was the minority leader of that committee.

He introduced very fine, decent legislation that took into consideration the quality of life for our older Americans. He was a member of the bipartisan Pepper Commission, as I was, and the numerous hours of hearings and meetings and seminars that the 15-member Commission sat through. I always found that he had a very, very great interest in the area of health care and wanted to provide accessibility to the 37 million Americans who do not have, in this country, access to health care. I think it would be a real tribute, no matter what means we use, to dedicate a bill in his honor because he really was very, very dedicated to this area of accessibility to affordable health care for all of our people.

Mr. Speaker, he was one of the most conscientious members of the Pepper Commission. He added greatly to the debate, which we in Congress will have to face.

Finally, I want to say that I did not ever have the pleasure of meeting his wife or his children, but they were always near and dear to his heart and he frequently referred to them in the course of discussion over some of these issues. It seemed that they mirrored the concern that he had not only for his family but for the American people.

I know my family in Pennsylvania are all good Democrats, but I know that they, my uncle and other relatives who do live there, did have an enormous respect for his moderate voice.

Mr. Speaker, he will be sorely missed.

I think many of the pieces of legislation and amendments that he passed are part of the living legacy that we will all have with and for our good friend, Senator JOHN HEINZ. I thank the gentleman for yielding.

Mr. McDADE. I thank the gentlewoman for her very beautiful comments.

Mr. Speaker, I yield to the distinguished deputy whip, the gentleman from Pennsylvania [Mr. WALKER.]

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I rise in favor of the privileged motion that the gentleman has offered on behalf of the Pennsylvania delegation as dean of the delegation. It is indeed a fitting tribute to JOHN HEINZ.

Of course, JOHN HEINZ' friends are saddened by his tragic loss, but even those who did not have the privilege of knowing JOHN personally should feel diminished by this loss. The Nation and the Commonwealth of Pennsylvania have lost a true advocate. He was an advocate for Pennsylvania, he was someone who was certain to give the Nation many more years of leadership and contributions, had he lived.

Mr. Speaker, he made certain that what he did in the Congress was the kind of thing where he knew what his constituents were thinking. He was the first U.S. Senator in Pennsylvania to utilize town meetings as part of his representative approach. He moved around the State in order to understand what people were thinking.

Pennsylvania being a diverse State, those opinions did not necessarily always gell in all areas of the State. But you can be certain that once JOHN took a position, he advocated it fully.

Mr. Speaker, I remember an instance in the Congress where he and I were on different sides of the issues. He was in the Senate, and I was here in the House. But the Senate had passed a bill, and he wanted badly to get it through. I remember him coming over on the House floor and sitting right behind me for the better part of an afternoon to let me know that despite the fact that I was in opposition, he was letting me know where he stood on the issue.

So he was a real fighter. When you happened to be on a different side of an issue with JOHN HEINZ, you knew you were in for a real fight.

His moving around the State to find out what people were thinking did characterize his approach to public service. It is ironic that that is exactly what he was doing when he died. He was approaching issues that were of concern to him at the present time.

As he moved around the State, he was someone who made a lot of friends, and I remember that in Lancaster County he developed many friends over the years, starting with my predecessor and your former colleague, Ed Eshelman, who was a great advocate of JOHN HEINZ in Lancaster County; introduced him around the county.

I remember even as I was on Ed Eshelman's staff, I was a member of the Congressman's staff, JOHN HEINZ coming into Lancaster County, and he was there for dinner. Somehow the planes got mixed up, and he was not able to get out that evening.

So, my wife and I had just moved into a house. We offered JOHN to come over and stay at our house for the evening. The only room that we had to offer him was piled full of boxes. And he came in and stayed in this room. My wife was terribly embarrassed: Here was one of the richest men in the world, and where she was putting him up was in this room full of boxes.

Mr. Speaker, it did not faze JOHN in the least. He had a grand time with us. We got him on the plane early in the morning. He left, and he never forgot the episode.

So he is someone we will miss as his friends. We certainly want to extend our sympathy to his wife, his family, and to the families of all those who were killed as part of this tragic incident.

Mr. MCDADE. I thank my good friend for sharing those reminiscences.

Mr. Speaker, I yield to my good friend, the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. I thank my friend from Pennsylvania [Mr. MCDADE] for yielding, and for having offered this resolution, which I certainly rise in strong support of, as I am sure the entire House will, because it recognizes in a way that only this Chamber can recognize the contributions that JOHN HEINZ made during his public life, part of which was served here in this body among us.

I recall in 1971, when I first came to Congress, that JOHN HEINZ was in the class which we called the 92d Congress class.

□ 1230

JOHN came slightly later as my friend remembers, because of a special election, but he was warmly received into our class, and, even though he then transferred across the hall, to the Senate side, he still remained a Member of the 92d Congress class, which includes, among others, Secretary Kemp, and the gentleman from New York [Mr. RANGEL], and the gentleman from California [Mr. DELLUMS], and many others.

However, Mr. Speaker, I like to think of what the gentleman from Pennsylvania just momentarily ago said, which is that JOHN HEINZ, by reason of his privileged background, by reason of his having been "born and bred to the purple," could have stood along the sidelines.

He could have very well clipped coupons, as we say, and enjoyed life to the fullest, and hardly anyone would have ever criticized that. But JOHN HEINZ—and I might say also Pete DuPont, another Member of the 92d Congress class who later became Governor of Delaware and also a member of one of the great American families—did not stand along the sidelines. They contributed. They put their intellect and talents to work, their energy to work, to make America a better place in which we can live and raise our families.

So, Mr. Speaker, when the gentleman's special order is taken, I intend to speak at greater length on behalf of JOHN HEINZ, but I just want to make mention that while JOHN went on to different things in a different chamber, and he moved into different legislative paths than this gentleman from Kentucky did, I will always remember JOHN as a good, generous, hardworking, decent, contributing person, and his death is a great tragedy to this country.

I would join with all of our colleagues in extending to his wife and the family, and to Pennsylvania, our condolences at this grievous loss.

Mr. MCDADE. Mr. Speaker, I thank the gentleman from Kentucky [Mr. MAZZOLI]. We know that he and Senator HEINZ were warm friends, and we appreciate his participation.

Mr. Speaker, I yield to my friend, the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I thank my good friend, and chairman and dean of our delegation, the gentleman from Pennsylvania [Mr. MCDADE], for offering this privileged resolution.

Mr. Speaker, the news hit all of us like a thunderbolt. JOHN HEINZ, Pennsylvania's senior Senator, was killed in a midair collision over Lower Merion Township.

JOHN HEINZ has always loomed so large over Pennsylvania, one of the most popular politicians in the history of the State. He had served Pennsylvania on Capitol Hill for over 20 years, first as a Member of the House of Representatives, 1971–76, then as a Senator, (1977–91). Yet at the time of his death, JOHN HEINZ was only 52. He had accomplished a great deal in so short a time.

Pennsylvania, and the entire Nation, were well-served during JOHN's tenure. During the past 5 years, I had the opportunity to work with him on several issues of importance to Pennsylvanians. I always found him to be knowledgeable, dedicated, and unfailingly gracious.

JOHN HEINZ's wit and good humor taught me much about what it means to serve in Congress. He taught all of us that you can do a tough job with grace and style, lessons worth learning in the often cutthroat atmosphere of Washington, DC. He knew his issues, and never shied away from hard work. On issues like trade, the environment, and aging, he took a back seat to no one. But he was always a gentleman when the battles were over, win or lose.

I remember back in the early 1980's, when JOHN HEINZ eagerly took control of the Senate Select Committee on Aging. He quickly began highlighting the problems of America's senior citizens. He held hearings, and brought the problems of our senior citizens to the forefront. He showed all lawmakers, Republican and Democrat, how much our aging citizens needed our help.

In the last 2 years, when the Pentagon threatened to eliminate funding for the V-22 Osprey and close the Philadelphia Naval Shipyard, JOHN HEINZ stood up for Philadelphia and Pennsylvania. He bucked his own President and Secretary of Defense with his resolute support for the Osprey and the yard. This much is certain: We could not have kept the V-22 alive, and the navy yard open, without his help.

That is the way JOHN HEINZ was: a fighter until the end. He would stop at nothing to help the State he loved. If he had to go toe to toe with George Bush and Dick Cheney, so be it. He was a leader who always put Pennsylvania first.

He was a model Senator, a master of any situation. When he met with foreign leaders, he was a statesman, representing America graciously and eloquently. But he was no less eloquent when meeting with constituents at town meetings or on the campaign trail.

JOHN HEINZ was born to a wealthy Pennsylvania family. He could have spent his life with the rich and famous, tending to the lucrative family business and socializing with high society. But JOHN HEINZ wanted to help people. He dedicated his life to public service, and he came to Washington to help his fellow Pennsylvanians have a better life.

It was an honor to know JOHN HEINZ, and I will miss him. America is a better place because of his good work.

Mr. Speaker, let me join with my colleagues in paying tribute to their No. 1 friend in Pennsylvania. What a terrible tragedy occurred last Thursday afternoon as JOHN HEINZ was doing what he has done so frequently in our State, and that is criss-crossing the State, visiting every small town and city, in an attempt to reach out to his constituents.

On Thursday, JOHN HEINZ was coming into Philadelphia because that evening he had a town meeting scheduled in the heart of my district where I had intended on being with him in Media Borough as he reached out to some 300 people once again, as he had done so frequently throughout his career as both a Member of the House and a Member of the other body.

In Pennsylvania JOHN HEINZ was No. 1. He was No. 1 because he cared about all of our State, whether it was fighting for our parks, such as Gettysburg, or Valley Forge, or the Independence historical sites, or whether it was fighting for a university system, like Penn State, and the major universities and colleges of which we are so proud, or fighting for the coal miners' protection up in the Northeast, or fighting for the steel industry out West. Mr. Speaker, JOHN HEINZ was there covering the bases for our constituents whether it was fighting for the farmers in the central part of Pennsylvania, or whether it was fighting to help get funding for the Tinonium wildlife preserve in Philadelphia in my district. JOHN HEINZ was our leader. JOHN HEINZ was someone we could count on to take care of those priorities that Pennsylvania has as a Commonwealth, fighting for defense work, most recently leading the battle to save the Philadelphia Navy Yard, and to fight for the full funding of the V-22 Osprey and the Philadelphia International Airport as a major transportation center in our Commonwealth, as he did for the Pittsburgh Airport in the other part of our State.

Mr. Speaker, I think the best tribute to JOHN HEINZ' leadership in our State was his success in the ballot box. When JOHN HEINZ ran for reelection most recently several years ago, he received the largest plurality of any official in our Commonwealth by winning by over 1 million votes. The voters of Pennsylvania I think spoke in words that no one else could put down of how well they respected that man as their leader, whether it was the Republicans, or the Democrats, or the blue-collar steelworkers, or the industrial workers from our heartland of our Commonwealth, whether it was the women in our State who saw JOHN HEINZ as an advocate for their issues, or whether it was the farmers in the central part of Pennsylvania who saw JOHN HEINZ fighting for their concerns. He, in fact, was a representative of our entire State, and no one could match his ability to garner the support of the voters of Pennsylvania.

In addition, on a national level JOHN HEINZ also established a reputation which I think is second to none in fighting for senior citizen priorities and concerns, fighting for banking reform, programs for the poor as a member of the Banking and Housing Committee, especially dealing with issues affected and affecting public housing in this Nation, and he certainly was a champion for environmental issues, especially the rain forest issue which played such an important priority position in JOHN HEINZ' series of objectives.

Mr. Speaker, I had the pleasure of working with Senator HEINZ last year on a key piece of legislation that would benefit a group of Americans very close to my heart, the emergency responders, the firefighters, and paramedics and EMT's, across this country. It was JOHN HEINZ who introduced the fire service bill of rights in the Senate and had that bill of rights pass the Senate. Unfortunately in this case I failed the Senator because he could not get the bill fully through the House in time to have it made into law, but we will continue that battle this year and will be successful for those 3 million heroes around this country that he fought so eloquently for in the last session of Congress.

As was said by so many of our colleagues today, JOHN HEINZ could have lived the life of the rich and famous, but he chose to help others. JOHN HEINZ was the model public official. As a third-term Member of the Pennsylvania delegation and someone who relied very heavily on his advice and consultation, JOHN HEINZ was a model to me, and JOHN HEINZ was a model, I think, for anyone who chooses to accept the life of a public servant in this great Nation. JOHN HEINZ was more than a politician. JOHN HEINZ was more than a Senator. JOHN HEINZ was a true statesman and a real gentleman.

Mr. Speaker, we are going to miss him deeply.

Mr. MCDADE. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania [Mr. WELDON]. His remarks helped us understand the legacy that the Senator left in this great Nation.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RITTER], my friend.

Mr. RITTER. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. MCDADE] for yielding, and I rise in support of his privileged motion.

Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to my friend, Senator JOHN HEINZ. The news of his death this past Thursday was truly a shock, and I frankly still have a hard time believing that he is no longer with us.

During his life, much was made of JOHN HEINZ' financial wealth, but in the wake of his death we remember him, not for his financial wealth, but for the wealth of service that he gave to his State and his country.

Despite its sylvan beauty, Pennsylvania is in many ways a tough and gritty State. Among its green, rolling hills are valleys filled with farms, steel mills, and factories, and the hardworking people who make them work. Those are the people who elected JOHN HEINZ first to the House, and then to the Senate, and he was their champion. He became part of this Pennsylvania fabric. We would read press reports about people referring to JOHN HEINZ as patrician, but to those who knew him he was down to Earth literally and figuratively.

For us in the Pennsylvania delegation, Mr. Speaker, he was also a champion. From his work to end unfair trade practices that crippled our steel industry, to his commitment to caring for our Nation's elderly, JOHN HEINZ was truly a man for the people. JOHN HEINZ was on the cutting edge of bringing America into the global economy, bringing American industry and American workers into the global economy, and bringing them in from a position of strength. He was a champion of manufacturing, of production, of making things, and he led the Congress in the pursuit of the policy issues that would strengthen "Made in America."

Seventeen hours a day, 7 days a week. That is how I remember JOHN HEINZ, a whirlwind of energy who always had time for a few minutes of conversation or a quick joke when things got too serious.

□ 1240

He was tireless in his service to the people of Pennsylvania and tireless in his dedication to his friends, his colleagues, and his constituents.

I remember that in 1978, when I first ran for Congress and JOHN had just come into the Senate 2 years before, JOHN traveled to a rally at the Blue Valley Farm Show in a building out in Bangor, PA, in my district, and he was to be my special guest. He barely knew who I was back then, but he came in the middle of a driving snowstorm, flew in, and gave me in the campaign a tremendous boost, as we were then trying to unseat a long-time entrenched incumbent. He must have met during the course of his stay there everyone in the place. They loved him, and I think he loved doing it.

Over the next 13 years we worked together on dozens of issues, and I was always taken by the gentleman's intelligence, his wit, and his dedication to public service. JOHN HEINZ was a frequent visitor to the Lehigh Valley. He had his patented town meetings, and we will always remember him in Allentown, in Bethlehem, in Easton, in Bangor, in Emmaus, or wherever, with his sleeves rolled down, his tie down a bit, his collar unbuttoned, with that handsome, dynamic, athletic, bright-eyed look. That is the image that is going to live in our hearts for a long time to come.

Right now my thoughts and sympathies are with his lovely wife Theresa and with his children as they try to cope with their immeasurable loss. It is a loss that is shared by JOHN's friends and by the people of the Lehigh Valley, my congressional district, by the people of Pennsylvania, and by this whole Nation.

Mr. Speaker, he will be missed, but his legacy of hard work and dedication, his sense of humor, and his public service will live on.

Mr. McDADE. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania [Mr. RITTER] for participating. His remarks will enrich this RECORD.

Mr. KOSTMAYER. Mr. Speaker, I would like to say a few words about the loss of my dear friend and colleague from Pennsylvania, Senator JOHN HEINZ.

Senator HEINZ, a tireless champion of Pennsylvanians, died a tragic death last week while in service to his State.

I had the pleasure of working with Senator HEINZ on a variety of issues affecting our State, including the preservation of jobs at an Amtrack facility, amendments to the community development block grant program that secured funds for local governments, and the protection of Pennsylvania's steel industry.

Born to wealth and privilege, he is perhaps best known for reaching out to those, like the elderly and disabled, who knew no such advantages. On countless occasions, Senator HEINZ proved himself to be a man of deep integrity and compassion. His dedication to public service, and his work on behalf of peole who are often disenfranchised from the political process, will be long remembered by his many friends in Pennsylvania and across our Nation.

Senator HEINZ will be missed, not merely as a good politican but as a good man. Congress has suffered a loss that won't be soon forgotten.

Mr. SHUSTER. Mr. Speaker, Pennsylvania has tragically and suddenly lost one of its great leaders, Senator JOHN HEINZ. Typically, JOHN was working his way across the State to serve Pennsylvanians when his plane was lost last Thursday. I join my colleagues in the Pennsylvania delegation in expressing our great sorrow and shared sense of loss at the passing of this distinguished Pennsylvanian.

The unique life of JOHN HEINZ will serve as a living legend to those who had the privilege of working with him. JOHN HEINZ was one of those people who had it all. Wealth, fame, a loving and devoted family. But he knew that the essence of a rich life comes from within and is measured by how the lives of others have been affected for the better. For 20 years, first in Congress and then in the Senate, he served as a champion for the poor, the aged, the sick, and those who lacked adequate housing for their families.

In fact, the day before his life ended, JOHN HEINZ was in Altoona, in my district, receiving an award from the residents of Blair Towers, a housing project for the elderly, for his efforts on their behalf. He was beloved by those who so greatly benefited from his concern and caring.

It is comforting at times like this to recognize that a life well lived is the greatest gift. JOHN's legacy will live on in the memories of those he served so capabily.

I extend my deepest sympathy to his widow, Theresa, and his three sons.

Mr. McDADE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. VISCLOSKY). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE JOHN HEINZ

The SPEAKER pro tempore (Mr. VISCLOSKY). Pursuant to House Resolution 119, and on behalf of the Speaker, without objection, the Chair appoints as members of the funeral committee of the late JOHN HEINZ, the following Members on the part of the House:

Mr. McDADE of Pennsylvania;
Mr. GAYDOS of Pennsylvania;
Mr. COUGHLIN of Pennsylvania;
Mr. YATRON of Pennsylvania;
Mr. SHUSTER of Pennsylvania;
Mr. MURTHA of Pennsylvania;
Mr. GOODLING of Pennsylvania;
Mr. SCHULZE of Pennsylvania;
Mr. MURPHY of Pennsylvania;
Mr. WALKER of Pennsylvania;
Mr. CLINGER of Pennsylvania;
Mr. GRAY of Pennsylvania;
Mr. RITTER of Pennsylvania;
Mr. COYNE of Pennsylvania;
Mr. FOGLIETTA of Pennsylvania;
Mr. KOSTMAYER of Pennsylvania;
Mr. BORSKI of Pennsylvania;
Mr. GEKAS of Pennsylvania;
Mr. KOLTER of Pennsylvania;
Mr. RIDGE of Pennsylvania;
Mr. KANJORSKI of Pennsylvania;
Mr. WELDON of Pennsylvania; and
Mr. SANTORUM of Pennsylvania.

There was no objection.

OPPOSE H.R. 5, A BILL THAT WILL LEAD TO MORE LABOR DISPUTES, AND MORE STRIKES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, this week the Aviation Subcommittee will be holding a hearing and subcommittee markup on H.R. 5, the Striker replacement bill. H.R. 5 would ban the hiring of permanent replacement workers in any strikes, lawful or unlawful, violent or nonviolent.

The proponents cite strikes in the airline industry as well-publicized examples of why we need this legislation. The facts show otherwise. According to the Air Transport Association "from 1981 to 1990, there were only 7 strikes—less than one per year, and considerably less than the previous decade when 26 strikes occurred." This in spite of the airline industry being heavily unionized with roughly 60 percent of its work force belonging to a union, much more than the U.S. work force as a whole.

For the airline industry, labor costs represent its largest operating expense—almost $50,000 per employee—double the national average for employee compensation. Last year, the airlines experienced their worst year, losing $2 billion with little hope of improvement for 1991.

While the airline industry is experiencing huge losses, we do not need H.R. 5 which provides a recipe for increasing labor costs, losing American jobs permanently to foreign workers overseas, as well as flexibility to bargain in good faith.

Oppose H.R. 5. It is anticompetitive.

HORSE STABLES IN MANASSAS

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOAGLAND. Mr. Speaker, my subject for today is a proposed Government expenditure of $80,000—$80,000 for what, you might ask.

Nine additional riding stables at the Manassas National Battlefield Park. The park currently has three stables.

Why does Manassas need nine additional horse stables, you might ask. That would be a good question.

The answer is unclear. The National Park Service has stated that the stables are needed to provide housing for National Park Service horses.

But the Secret Service states that the "addition to the existing structure" is essential for training personnel for the Vice Presidential Protective Division.

I believe we have more modern transportation facilities for use in protecting the Vice President.

Reports in the press claim that the nine additional riding stables are really for training equestrian Secret Service agents to accompany the Vice President and his family—avid horseback riders—and other top administration officials on outings. The Vice President's office claims that the National Park Service is using the Vice President as a cover to go forward with a program that has been under consideration for some time, and rejected in 1987. National Park Service Director William Penn Mott rejected the plan for housing for horses because it would violate the historic character of the park.

Mr. Speaker, I know we have housing problems in this country, but for horses? Throughout the Midwest, and I am sure in other areas of the country also, our national park system has needs that would more directly serve the public.

Mr. Speaker, in the correspondence that follows, which I ask be made part of the RECORD, I urge Secretary Lujan to save $80,000 of the taxpayer's dollars:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 1991.

Hon. MANUEL LUJAN, Jr.,
U.S. Department of the Interior, Washington, DC.

DEAR SECRETARY LUJAN: I am writing to express my concern about reports that the National Park Service is planning to spend $80,000 to add nine riding stables to the current three at the Manassas National Battlefield Park for Vice President Dan Quayle and other top-level administration officials. Although administration officials have denied in the media that the expansion is "for the Vice President," I am enclosing a June 8, 1990 letter from Joseph T. Petro, Special Agent in Charge, U.S. Secret Service, in which he states that "the addition to the existing structure is essential" for training personnel for the Vice Presidential Protective Division.

This expenditure is particularly questionable now given that the National Park Service faces a backlog of several billion dollars of much needed restoration and maintenance of visitors' centers and trails. Throughout the midwest, our National Park system has needs that would more directly serve the public. Moreover, the Administration is requesting zero for urban parks and zero for the rivers and trails conservation program. These cuts lead many to question the consistency of a fiscal policy that closed national parks and other government services last October because of budget cuts, but required three rangers to accompany the Quayle family on a horseback excursion through the park.

I am concerned that the expansion of the Manassas Battlefield stables may be inconsistent with your American battlefield preservation and restoration initiative as well as the park's general management plan which provides for restoring the park to its original Civil War state. You will recall that former National Park Service Director William Penn Mott rejected a 13-stall, $500,000 equestrian center in 1987 because it would violate the historic character of Manassas. I would also note that Manassas is currently the only battlefield park with an equestrian program for rangers and that this program uses 15% of the park's budget. I understand that other parks are able to be patrolled on foot or by a patrol car.

In sum, Mr. Secretary, I urge you to reject these expansion plans to promote the wise expenditure of limited taxpayer dollars and to protect the park's historic and natural integrity.

I appreciate your interest and I look forward to hearing from you.

Sincerely,

PETER HOAGLAND.

DEPARTMENT OF THE TREASURY,
UNITED STATES SECRET SERVICE,
Washington, DC, June 8, 1990.

Mr. JAMES M. RIDENOUR,
Director, National Park Service, Department of the Interior, Washington, DC.

DEAR DIRECTOR RIDENOUR: On June 4, 5 and 6, 1990, the Vice Presidential Protective Division participated in extensive horseback riding exercises at Rock Creek and Manassas Battlefield Parks. These are two of the locations where Vice President, Mrs. Quayle and their children often horseback ride. The training, which involved more than 40 people, included horsemanship and practical riding problems with an emphasis on emergency medical care and evacuation. In order to make these exercises as realistic as possible, the Fire and Rescue units from Washington, D.C. and Prince William County and a Vice Presidential helicopter from the U.S. Marine Corps were utilized.

Whenever a training exercise involves so many people and separate organizations, coordination becomes essential. In this regard, I would like to commend to you the outstanding work performed by the U.S. Park Police Horse Mounted Training Unit and the National Park Service Rangers at Manassas. Both units endured three long, hot and physically demanding days to make these exercises meaningful for us. The success of this training was the result of the competence, professionalism and patience of Sergeant Alex Wynnyk and his staff along with Rangers Carl Hanson, Denis Ayers and Barbara Mauller. They not only coordinated the complex practical exercises, but also provided valuable and very necessary horsemanship training for our agents. We are grateful to them for their contributions.

This training has also demonstrated the continuing necessity for additional horse stalls and work space at the Manassas Battlefield Park. In order to conduct this training in the future, the addition to the existing structure is essential. We appreciate your support in approving the construction of this facility which is to begin on October 1, 1990.

Again, please express our gratitude to all the National Park Service and U.S. Park Police personnel who were involved in this training. It was most beneficial in helping us to maintain a safe environment for the Vice President and his family when they participate in horseback riding activities. We look forward to working with the outstanding individuals of both organizations in the future.

Sincerely,

JOSEPH T. PETRO,
Special Agent in Charge.

EXCESSIVE LEGAL FEES IN S&L BAILOUT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, last week it was reported that the FDIC has paid the partners of a Wall Street law firm fees of up to $600 per hour. This is not only ridiculous, it is scandalous. No wonder most Americans are absolutely fed up with the bailout of these banks and savings and loan associations. No wonder most Americans are beginning to wonder if our Federal bureaucracy can do anything in an efficient, economic manner.

Most of our large Federal departments and agencies have hundreds or even thousands of lawyers on their payrolls already. Yet it seems that every time they get anything complicated or any significant lawsuit, they feel they have to hire outside counsel.

I wonder if some of these Government lawyers are hoping to get in good with these big firms so they can get high-paying jobs later by sending business to them now.

This whole situation of outside legal fees should be investigated. I wonder how much of it is going to firms with former high-ranking Government lawyers now on their payrolls.

To hopefully start the discussion on this and help correct the situation, I am today introducing a bill to limit the fees of outside counsel hired by our Federal Government to $125 an hour. My bill would also limit the fees a firm can get from the Federal Government in any 1 year to $1 million.

Mr. Speaker, we can get good, well-qualified lawyers for fees like this. We almost have to believe that someone needs his head examined for agreeing to pay fees like $600 per hour.

INTRODUCTION OF A RESOLUTION CALLING ON THE PRESIDENT TO SEEK AN INTERNATIONAL RESOLUTION ON DRIFTNETS

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, today I am urging my colleagues to support a sense-of-the-Congress resolution that will call on the President to seek an international moratorium on the use of large-scale driftnets, while still striving for a permanent ban on these 20-to-30-mile-long curtains of death.

Without a moratorium—and ultimately a permanent ban—we will never close the loopholes that allow Japan, Taiwan, and Korea to continue the horrendous practice of destroying hundreds of thousands of salmon, marine mammals and seabirds while the United States Government stands idly by.

We have a U.N. resolution calling for a moratorium by June 30, 1992—but mark my words: Unless Congress and the administration keep the pressure on these countries, they will look for an "out." This wasteful and destructive practice will live on—and the senseless killing will go on.

☐ 1250

TRIBUTE TO DUKE UNIVERSITY BLUE DEVILS—THE BEST BASKETBALL TEAM IN THE UNITED STATES

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, I rise today to recognize the best basketball team in the United States, the Duke University Blue Devils, from Durham, NC., the Second Congressional District.

Mr. Speaker, these true scholar-athletes proved that college athletic teams can be exciting and successful, without compromising athletic standards.

I am extremely proud of Coach Mike Krzyzewski, truly one of America's outstanding college basketball coaches, as well as his charges. His student athletes are the positive role models that our school-aged youngsters need to see in order to know that studying and success go together.

Duke has established high standards, both educationally and athletically. I hope that other universities that aspire to Duke's athletic success will also try to emulate Duke's academic success.

Mr. Speaker, I again offer hardy congratulations to the victors, for both their victories on the court and their victories in the classroom.

TRIBUTE TO "SONNY" CARTER

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, last week Astronaut "Sonny" Carter, Senator John Tower and his daughter, and 20 other fine Americans lost their lives in a tragic commuter aircraft crash on the Georgia coast. We mourn each and every one of these fine Americans, but today I want to pay respects to my constituent Astronaut Carter.

Mr. Speaker, Astronaut Sonny Carter was an outstanding individual. He graduated from Emory Medical School in Atlanta, played professional soccer, graduated No. 2 in his class at the Navy's Top Gun School, was the first flight surgeon to ever land a plane on an aircraft carrier, was an astronaut aboard the *Discovery*, and, at the time of his death, was training for a shuttle mission scheduled for this December.

Navy Capt. Sonny Carter was known and loved by everyone who knew him. His life demonstrated what hard work, a natural ability, and a great attitude could accomplish. He was an inspirational speaker who spoke to audiences whenever he was invited and whenever he had the opportunity He was on this ill-fated flight to address the State convention of the National Rotary Club on Jekyl Island, GA.

Sonny Carter will be missed in middle Georgia and across America. His memory will always live on in all of our hearts. Our prayers today are with his wife, his two young children, other relatives, and friends.

RESOLUTION TO HALT MASSACRE OF IRAQI KURDISH POPULATION

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today I am introducing a resolution calling on the President to take immediate action to halt the massacre of the Iraqi Kurdish population. We are moving much too slowly to stop this tragedy. Hundreds of thousands of Kurds have fled their homes, thousands have died, and thousands more are at imminent risk of death from starvation, disease, exposure, and further attack by Saddam Hussein's helicopter gunships and ground troops.

The reluctance of the administration to act by firing upon Saddam's helicopters earlier as they ruthlessly attacked the civilian Kurdish population has already cost innumerous lives. If we hesitate any longer, there will be no one left to benefit from the proposed U.N. buffer zones in Iraq.

Mr. Speaker, President Bush rightly could and did claim the moral mantel for America in our important effort to defeat Saddam Hussein. He should not allow that victory to be compromised now by abandoning the Kurdish population, who so desperately needs help from the international community.

Mr. Speaker, I submit for the RECORD the text of my introduction, and urge Members to support immediate protection and assistance for the Iraqi Kurds.

H. CON. RES. 112

Whereas Saddam Hussein has brutally attacked the Kurdish population of northern Iraq with helicopter gunships and armored ground forces in retaliation for their rebellion against his dictatorship;

Whereas the civil conflict in Iraq has displaced hundreds of thousands of Iraqis, primarily members of the Kurdish minority population;

Whereas many of these displaced persons, as well as those Kurds and other rebel groups still in Iraq are at imminent risk of death due to starvation, exposure, injury and disease;

Whereas the medical personnel stationed currently with the multilateral forces in the Persian Gulf area could provide urgently needed medical care on a timely basis;

Whereas Iraq has continued to keep its borders closed to international relief efforts, severely impeding efforts to ameliorate human suffering: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the President should immediately request the deployment of United Nations forces in Iraq to escort international humanitarian relief providers, such as the Red Cross, the Red Crescent, the U.N. Children's Fund and other U.N. relief agencies and private voluntary humanitarian relief organizations to provide services to Kurds and other Iraqis;

(2) the President should call upon coalition medical teams stationed in the Persian Gulf to provide humanitarian relief and medical assistance to Iraq's Kurdish population in areas where urgently needed;

(3) the President should call upon the United Nations to station peacekeeping forces in Iraq to protect the Kurdish population and other groups who have suffered attacks by Iraqi government forces.

UNITED STATES-MEXICO FREE TRADE AGREEMENT IS GOOD FOR UNITED STATES

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the United States-Mexico free-trade agreement is good for the United States, but the agreement is in deep trouble.

Mr. Speaker, it is good for the United States for the following reasons: First, the world is moving into trading blocs, and we have to do the same in our hemisphere to protect American jobs and American industry. Second, a more competitive Mexico will mean less undocumented workers from Mexico coming to the United States. Third, there will be a more reliable source of petroleum from our friend south of the border. Fourth, this will provide for enhanced political stability with Mexico, a nation that is our friend, that has been governed by a President who is courageous, who has taken significant actions in the area of drug cooperation, in the area of the environment, and in the areas of environmental and other strong economic standards.

Mr. Speaker, there are several issues that need to be dealt with—the issue of worker protection, the issue of clean air at the border, and the issue of wage disparity. These can be done in parallel negotiations to the free-trade agreement, rather than adding amendments to the fast track procedure.

Mr. Speaker, this is good legislation. It is good to have free trade with Mexico. They are our most important trading partner. Again, this House should approve the United States-Mexico free-trade agreement.

DAVID O. MAXWELL'S PLATINUM PARACHUTE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, we have all heard about the golden parachute. Let me go one better and talk about the platinum parachute, 27 million dollars' worth of pure platinum.

David O. Maxwell, who has just left as Chairman of the Federal National Mortgage Association, Fannie Mae, on his way out pocketed $27 million in salaries and bonuses.

Mr. Speaker, Fannie Mae is not strictly a Federal agency, but it is federally chartered and is identified by the American people with the Federal Government.

This $27 million appears to me an obscenely and extravagantly excessive payment to any person associated with Federal Government, including Mr. Maxwell, who was a success in turning Fannie Mae around.

Mr. Speaker, consider only that the President of the United States makes less than 10 percent of that money, and Gen. Colin Powell, our Chairman of the Joint Chiefs of Staff, less than 5 percent of that generous payout. Consider the burdens that those gentlemen bear compared to the duties which Mr. Maxwell had at Fannie May. There is no comparison.

Mr. Speaker, at a time when the housing stock of this Nation is in such shambles and disrepair, and needs to be corrected, how can we possibly allow $27 million to be paid out to the former head of any agency dealing with the Nation's housing? How much good could this money do for housing in Louisville and Jefferson County and the Nation?

Mr. Speaker, I hope there is some way Congress can rescind this $27 million platinum parachute. But if this outrage cannot be withdrawn by Congress, I hope that Fannie Mae officials, of Mr. Maxwell himself, will be shamed enough by this gross tale of mispayment to rescind the money and use it for public housing or other more appropriate uses.

AMERICAN DEFENSE WORKERS NEED AMERICAN SUPPORT AND ASSISTANCE

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, this is a time when America needs to address not simply foreign policy issues, but domestic issues. The politics for administrations are when they do not have solutions for domestic issues, to go abroad. But we are a country that cannot afford to squander these months ahead, as defense workers and others find themselves without jobs.

Mr. Speaker, it is important for the United States to lead the world toward freedom in Eastern Europe and elsewhere, but in eastern Connecticut and around this country, as defense workers face unemployment, a lack of health care, the inability to send their children to college, they look to the Federal Government and find their needs are being rejected.

Mr. Speaker, American defense workers built this country. American workers financed the freedom that is now being enjoyed in Eastern Europe and across the globe, and they ought not be left behind. We need the administration to join with the Congress to address issues like health care, the cost of college education, and to see that there are jobs for American workers, so we can continue to lead the free world.

□ 1300

RESTRUCTURING OF THE U.S. URANIUM ENRICHMENT INDUSTRY

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, a secure uranium supply is necessary to national security, continued leadership in nuclear technology, and our economic growth. Uranium enrichment represents a critical factor in this supply line. I urge Congress to promote the goal of privatization of this industry.

Directing the U.S. uranium enrichment enterprise toward a competitive private status assures an economical supply of nuclear fuels. The worldwide supply of enriched uranium has grown steadily since the 1970's. The European suppliers consistently price their product below that of the United States. For example, the United States' largest private competitor, Eurodif, has lowered its prices while the United States has raised theirs. The Soviet Union also sets their prices at 5 percent below the current United States price.

This ultimate goal allows the United States to increase its market share on the global nuclear stage by forcing the industry to engage in more efficient research and development and eliminate unnecessary costs which might not be cut while under Government supervision.

Let us work toward the restructuring and promotion of the U.S. uranium enrichment industry and help America remain the leaders of a new energy standard.

AMERICANS, NOT THE EMIR, DESERVE FIRST CALL FOR ATTENTION

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, President Bush is trying to shed his image of favoring the wealthy at the expense of working Americans.

But his latest actions in Kuwait only magnify this preference.

The Army Corps of Engineers is in Kuwait rebuilding the Emir's palace at the President's request.

Meanwhile, my constituents have had devastating flooding problems for years.

But could these Americans get the President to send corps' experts to save their homes?

Last fall, 273 homes were destroyed by a flood in Highland, IN.

Those homes belonged to Americans who work hard to make each mortgage payment. They displayed yellow ribbons and American flags in their front yards. They believe in democracy.

Mr. Speaker, I have a great deal of respect and sympathy for the people of Kuwait who have seen their country ravaged by an unjust occupation.

I would, however, like to ask the President: Does the Emir make mortgage payments? Does the Emir believe in democracy?

My constituents, and the many like them across the Nation, are people who work hard. They pay their taxes and are loyal to our Nation.

It is these Americans—and not the Emir—who deserve first call for the attention, time, and resources of this Government.

TAKE KITCHEN TABLE COMMON SENSE INTO ACCOUNT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, every American family has difficult times economically, but I doubt that there is one family in America, no matter where they came from, that, as they sat at their kitchen table trying to figure out how to make ends meet, would say, "I know what let's do, let us not give the kids their shots this year, or let us not send them to school this year, or let us not fully feed them this year. That is how we will make the ends meet."

I do not think there is an American family that does not struggle to the very end to try and hold children harmless from any kind of economic downturn, because they understand their children are their future, and you are what your children become.

But let me tell the Members, something happens from Americans' kitchen tables to America's Capitol Hill, because somehow we end up with a budget that does just the reverse. Indeed, we do scrimp on vaccinations, so we have a measles epidemic. We want to make those children pay for this budget debt. We have not fully funded Head Start. Last year it was promised that it would be fully funded in 5 years. The President's budget now shows that if we continue at the increments he put it, we would fully fund Head Start by the year 2050. Well, I do not think I will be here to see it, I do not think, nor will anyone else. And heaven only knows how far it will get delayed next year.

Of course, it is the same with the WIC program. We made plans to fully fund it better, and we found out that if you feed children they do better. Amazing. But it got cut, too, not to the commitments that were made.

I think it is time that we start budgeting in this Capitol the same way that people budget at their kitchen table, that we hold our children harmless. They did not create the debt. They did not vote for anyone who created the debt and, unfortunately, they are going to inherit the debt.

We had better give them the tools to be able to compete and do it. So I hope as we look at the budget this week we certainly take kitchen table common sense into account.

INTRODUCTION OF THE OIL COMPANY FAIR TAX PAYMENT ACT OF 1991

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, as this Nation moves forward on an energy policy, let us end the huge tax subsidies to multinational companies doing business abroad.

Mr. Speaker, I rise today to introduce the Oil Company Fair Tax Payment Act of 1991. Its objective is to level the playing field between oil companies and other energy producers doing business here at home and those oil companies doing business abroad. It seeks to eliminate the unfair tax advantages that encourage companies to go abroad rather than invest here at home in new energy sources production.

It is not a punitive bill, but one that will serve to recover billions of dollars of lost revenues rightly owed to the American public, especially at a time when oil profits have been high and oil company policy has been to make America more dependent on foreign oil rather than moving America toward self-reliant energy production here at home.

What domestic producer of energy that only receives a tax deduction of 34 percent can compete with the dollar-for-dollar, 100-percent tax credit that oil corporations now receive for working outside of the United States?

The multinational oil corporations represent nearly 2.9 percent of U.S. companies abroad, yet account for 34 percent of the total tax credits claimed through the IRS.

As the administration has advocated, the energy marketplace has to be cleaned. Tax subsidies to multinational corporations through tax credits must be ended for oil produced abroad.

AWARD SEAWOLF CONTRACT TO ELECTRIC BOAT

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, the Electric Boat facility located in Quonset Point, RI, exemplifies the best in my home State.

Here, thousands of highly skilled workers using the best technology available have built the bulk of our Nation's *Los Angeles* and *Trident* submarines. The unique hull fabrication techniques developed by these fine men and women have maintained our Nation's technological superiority for almost 20 years. Electric Boat's Groton facility in Connecticut has also been performing at outstanding levels of success.

Last week, I visited the Groton facility. At the Electric Boat plants in Quonset Point and Groton, I saw that these workers have the skill and the know-how to get the job done. Electric Boat has consistently met its contract deadlines and continues to drive costs down.

Today, this state-of-the-art facility's long-term stability is in doubt. The people who have worked at the Quonset Point and Groton yards may soon face a similar fate as those Americans who were employed by our once vibrant domestic shipbuilding industry. Unless the Navy is allowed to build additional *Seawolf* submarines to counter a continuing Soviet submarine buildup, there is insufficient work for two shipyards. Currently, the Navy is in the process of deciding which yard will be awarded the second sub.

In these difficult budgetary times, the Navy must spend its funds wisely. And the wisest investment is to award the *Seawolf* contract to Electric Boat.

ENFORCE AGREEMENT CONCERNING IRAQI HELICOPTERS

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, the agreement signed by General Schwarzkopf and Saddam Hussein's military prohibits the use of helicopter gunships except for administrative purposes by the Iraqis. Yet, these helicopters are being used as we speak to drop napalm and phosphorus bombs on Kurdish civilians as one of the 20th century's great tragedies unfolds before our eyes.

Why does not the President enforce the agreement, Mr. Speaker? His failure to do so after encouraging Kurdish Iraqis to revolt makes a mockery of his high-sounding moralizing during the Gulf war. To call Saddam Hussein Hitler and then to stand aside while he murders the Kurds brings shame on America.

I say to President Bush: "Enforce the agreement. The whole world is waiting and watching."

□ 1310

DEMOCRACY IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, because of the wisdom of our President, the courage of our military personnel, and the power of our weapons, the United States has proven again that it is the last best hope for suffering humanity longing to live in decency and freedom. Since the close of the Second World War, we have not always been on the side of democracy. Yes, mistakes were made in supporting less than free governments, in order to isolate Communist tyranny until it disintegrated from the weight of its own evil. But where freedom has existed in these 20 years was dependent on the commitment and strength of the United States of America, our people, and our leaders.

Today we have a greater chance to influence events and further the cause of freedom on this planet than at any time in history. We should not shrink from this tremendous responsibility that God has placed upon our shouders. As the cold war fades, being anti-Communist is no longer the overriding consideration for those who love liberty. It is time for us, as Americans, again to be recognized by people everywhere as the primary champions of democracy and freedom. Our influence can and should be a boon to all humankind. No people should be written off the list due to expediency.

Now while our influence in the Middle East is unprecedented, we should use our prestige to push for democratic reform and to solve some of the long festering conflicts that have threatened the peace of the region and the stability of the world.

Americans should loudly applaud, for example, the courageous commitment recently made by the royal family of Kuwait. The Emir has placed Kuwait unambiguously on the path to freedom and democracy. Free elections will be held in 1992. There is no greater tribute to our service personnel, no greater thanks to the people of our country, no greater expression of friendship that could have been articulated than this endorsement of our shared democratic values.

This was not an easy step for the Emir and for the royal family. Democracy is the best path, but it is not always the easiest path. Let us pledge that we will stick with Kuwait—its leaders and its people—as it faces the task of rebuilding and laying a democratic foundation.

Democracy is long overdue in the Middle East. In other parts of the world, history records that peace, democracy, and human progress march together. It has been reported that President Bush spoke to the Emir about democratic reform. It was friend to friend. Today Mr. Speaker we can be proud of our President and proud to have the royal family and the people of Kuwait as our friends and allies.

RECOGNITION OF POW PETE PETERSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS. Mr. Speaker, we have chosen this day to recognize America's 80,000 former prisoners of war.

I rise to do so by recognizing the one among those 80,000 that I know best.

His name is PETE PETERSON.

PETE PETERSON served our country for 26 years as a pilot in the U.S. Air Force; he won 18 medals; he rose to the rank of colonel.

PETE completed 66 bombing missions as a combat pilot in Vietnam. In 1966, on his 67th mission, he was shot down near Hanoi. For the next 6½ years, he was a prisoner of the North Vietnamese.

Words cannot describe the torture PETE endured during those long, long years. The interrogations never stopped. Several times he was tortured until he passed out from the pain.

The form of the torture varied.

Sometimes he was tied to a bed and kept in solitary confinement for several weeks. He was fed one meal a day of grass soup and rice, or he was not fed at all. He ached with hunger.

Sometimes PETE was forced to kneel for days with his arms held high in the air, until his knees were so swollen that he could not stand.

And other times they gagged him, clamped his legs in irons, and manacled his hands behind his back. Then they tied his elbows together, making him feel as though his chest was being torn apart. Then they pulled his face and his legs off the floor, curling his body like the rungs of a rocking chair. Then they sat on him and rocked.

And sometimes the worst torture of all was the sheer monotony, the unending monotony, the numbing monotony of a life suspended in captivity. PETE lived in a cell 10 feet by 12 feet. He had no furniture. He slept on a straw mat. He had nothing to read. He was forbidden to talk.

Back home, in Florida, a world away, PETE'S wife Carlotta endured another kind of torture. For years, she didn't know if PETE was alive or dead. And when he was finally listed as POW, she didn't know if he would ever return. Sometimes her children were laughed at in school because their father had been captured while fighting an unpopular war.

The torture finally ended for PETE, Carlotta, and their children in 1973, when PETE was released and returned home.

Today, PETE rarely speaks of those years. He smiles at the simplest pleasures. He values life in all its glory, and he still loves and serves our country.

Yet PETE PETERSON still bears the scars of his captivity. His elbows are marked forever by the ropes of his interrogators. His broken arm was never properly set. His right hand is still numbed by the nerve damage caused by the manacles of his wrist.

I thought of those scars as I watched PETE agonize over the recent conflict in the Persian Gulf. I heard him speak out again and again against the barbaric treatment of American POW's by Saddam Hussein. I listened late at night as he called and comforted the frightened families of those newest POW's.

What courage it must have taken for PETE to survive those 6½ years of torture and confinement. And what even greater courage it must have taken for him to risk ripping open all those old wounds by reliving all the pain of the last war during the struggle to win and end this latest one.

As an American, I am proud to have the privilege to honor each and every one of the 80,000 former American POW's. I am proudest of all to honor the one I know best.

My friend, my roommate, my colleague from Florida's Second Congressional District, Congressman PETE PETERSON.

□ 1320

SALUTING RABBI DR. BARUCH A. POUPKO ON THE OCCASION OF HIS 50TH JUBILEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, I am very pleased to salute Rabbi Dr. Baruch A. Poupko on the occasion of his 50th jubilee. Since he was ordained in 1941, he has served the Congregation Shaare Torah in Pittsburgh, PA. Over these many years, he has set an outstanding example for our community through his dedication to human rights and the rights of Soviet Jewry.

A graduate of Yeshiva University, Rabbi Poupko has held a number of prominent positions over the years locally and worldwide, including national president, Religious Zionist of America, vice president, Rabbinical Council of America, president, Rabbinic Council of Pittsburgh, co-founder and chairman of the Pittsburgh Conference on Soviet Jewry, chairman of the Rabbinic Fellowship of Greater Pittsburgh, to name just a few.

Born in Veliz, U.S.S.R., he left Russia at the age of 13, but has never forgotten his family's homeland or his ties to his Jewish brethren in the Soviet Union. Over many years, Rabbi Poupko has worked to mobilize public support for Soviet Jewry, and has been a tireless advocate for the rights of Soviet Jews to emigrate freely from the U.S.S.R.

Through Rabbi Poupko's efforts, the Shaare Torah Congregation became the first synagogue to display across its doorway the now famous "Save Soviet Jewry" banner. He has spoken to groups around the world as a multilingual author, teacher, and lecturer. He has often traveled to Israel, Poland, the U.S.S.R., Australia, and numerous other nations, and has never missed an opportunity to encourage international support for the rights of Soviet Jewry.

Combined with the efforts of countless men and women around the world, I know that Rabbi Poupko must take great pleasure from the remarkable growth in the number of Soviet Jews who have been able to emigrate freely from the Soviet Union over the past few years. Between 1982 and 1986, an average of only 1,000 Soviet Jews were allowed to leave the Soviet Union. Since 1987, this number has steadily grown. In 1990, the world witnessed an historic exodus of Soviet Jewry as over 190,000 individuals left the U.S.S.R. While much remains to be done, I believe that Rabbi Poupko deserves our recognition for his role in working to mobilize public support for the rights of Soviet Jewry.

Mr. Speaker, Rabbi Poupko continues to contribute much to the city of Pittsburgh, our Nation, and the international community. As his Congressman, I am very pleased to wish him the very best as he celebrates his 50th jubilee year.

DEVELOPING A SUCCESSFUL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to speak today about a process for developing a successful America. You know, we Americans face a great challenge. We have just lived through an extraordinary military victory, a victory in which a 21st century military defeated a 20th century military; so on the one hand we are inclined to be very proud, very certain and very confident, yet I think we have to confront the reality of General Moore of the Marine Corps who said that this is a victory that was 1 percent smart weapons and 99 percent smart people.

It was not the Tomahawk missile or the M-1 tank or the Apache helicopter or the F-117 Stealth fighter bomber. It was the mechanic who maintained them. It was the photo analyst who looked at the satellite reconnaissance photographs. It was the planner who orchestrated all the different things happening simultaneously. It was the logistician who got food and ammunition and fuel to the right place at the right time. It was an American team that had been recruited, trained, and prepared, and 99 percent of the victory goes to the people who were ready to serve their country and 1 percent to the very smart weapons that were in a different league than the Iraqis.

Yet we have to face the reality that it is not enough just to feel good about what happened in Desert Storm. If education, the welfare state, drugs and violent crime, health care and bureaucratic decay continue to undermine America, then in a decade we are not going to have nearly as smart a people and we are not going to be economically as competitive as we were militarily.

Without reforms, we will not be able to sustain a 21st century military in a decaying 20th century America.

The imperative is to rethink and reform our culture, our institutions and our Government. I believe that imperative is clear. If you look at the gap between the quality of our military and most of our inner cities, if you look at the gap between the quality of training for air and land battle and equality of education in most of our larger city schools, if you look at the difference between the health care we were prepared to provide on the battlefield for one of our young men and women and the health care they might get in some of the neighborhoods in America which are underserved and too expensive. I think it is clear that we have a lot of catching up to do, and ironically it is not getting the military to catch up with the rest of America, it is getting the rest of America to catch up with the military.

In the last few months I have visited with a number of people, companies and systems that are beginning to develop a successful 21st century America. I was very privileged to spend 2½ days at the Milliken Co. on their annual retreat where their top management looks at qualify and develops new approaches in management.

I recently visited the Southwire Corp. in Carrollton, GA, which last year had no increase in the cost of its health care for its 5,000 employees because it undertook the right steps and did the right things, and I looked at the program Southwire has for quality which is making it a national leader in producing steel, aluminum and copper wire and other heavy metal industry, and I could tell you from having seen Milliken and Southwire, both industrial corporations, that they are competitive in the world market today because they are taking the steps to reform their culture of management, to reform the way they approach their workers and to get everyone involved.

I recently visited Dundee Mills in Griffin, GA, which has an adult education renewal program which is literally bringing thousands of adults back to get an education they did not get when they were younger. It is developing a system where they get the GED equivalent of a high school diploma, where they are learning how to read and write, and in many cases seeing someone in their 30's and 40's for the first time be able to read is a truly emotional experience.

Similarly in Griffin, I went to the Elbow Learning Center, where volunteers where helping children in a poor neighborhood to truly learn, and to stand in an old house now occupied by some volunteers and watch some 7-, 8-, and 9-year-olds work with computers, going by every afternoon for a voluntary tutorial program was truly an example of success in America.

I have seen Carrollton High School, in Carrollton, GA, which is one of the finest high technology high schools in America, wiring together the news from Cable News Network, computers, students, offering an opportunity to take what is happening this morning and tie it into the learning process, thereby making it more real for students, making students more aware of the complexity of the world, giving students a chance to work on computers and offering Japanese from Nebraska by televisions from the University of Nebraska, wiring together the world in a learing opportunity.

I recently visited Clark/Atlanta University, which is similarly developing a worldwide capacity for tele-education, wiring together, working with the U.S. military and others to wire together areas so that people can talk to each other and have conferences by television with dramatically lower cost than physically having to travel.

Finally, I looked at the West Georgia College Earning by Learning Program, a very bold experimental program in which West Georgia College undertook to pay second and third graders $2 a book for every book they read last summer and had such an impact with almost no overhead, with 46 adult volunteers and 1 adult paid only $500 to hold the program together, using public libraries as a source of books. In 5 counties and public housing projects, they had 282 students who read an average of 16 books, and they paid out a total of $7,200 for 3,602 books that were read by young people, and these were poor children who were at risk, whose teachers thought they probably would not learn how to read and write.

In each of these cases, people are better off and success is being achieved, yet in every case success is occurring despite government, not because of government.

You know, it is one of the great ironies of our time that instead of Government reinforcing and strengthening success, in all too many cases we are paying taxes to support bureaucracies whose policies and regulations undermine and cripple success. In all too many cases, government is wedded to programs that do not work, policies that do not work, values that do not work, and so we are spending millions of dollars out of our tax pockets in order to set up a system that fails and then we are seeing businesses, individuals and foundations, pay thousands of dollars to create success in the shadow of Government failures.

My assertion today is that we can learn by studying the people, the neighborhoods, the companies and the foundations that are succeeding. We can apply the principles of success to develop a process for a successful America. This shift to emphasizing success and emphasizing a process of discovering and applying the principles of success will be a very big change from the bureaucratic welfare state.

You know, Washington has been focused on failure and on trying to create a domestic agenda that will magically solve everything. The news media focuses on failure.

I have often said that if Thomas Edison had invented the electric light in the age of the bureaucratic welfare state, that it would have been reported on the television news with the following:

> The candle-making industry has been threatened today.

And the entire report would have been about how dangerous electricity is, how uncertain this new invention is and there would have been at least 3 spokesmen from the past appearing on television to argue that we should not try this fancy new thing called an electric light.

□ 1330

And so I would suggest that if we shift from focusing on failure to focusing on success and from focusing on trying to develop an agenda to developing a process, that there will be a powerful increase in our ability to get things done not only in Washington but across the country.

Let me explain: I believe that there is a very simple, direct process for a successful America. I would describe it as a circle, what you might call the circle of American success; literally a circle that anyone can draw with four quarters drawn with just two lines to the circle.

The first quarter is technology. Technology, remember, is 75 percent people and only 25 percent hardware. It is not just the computer but how you use it; not just the Space Shuttle but how you use it.

The real breakthroughs in technology, the real differences again between the air/land battle doctrine of the American military and the Iraqi military were not just the differences between the M-1 tank and the Soviet T-72 tank, but it was in also the difference in the people who applied it, how we train the people and the kind of system we developed. The difference in health care very often is not just the medicines, but it is the doctors, the nurse, the radiologist, the anesthetist. It is the entire process by which we apply medicine.

So the first quadrant of the circle is technology.

The second quadrant is economic and management principles. It can be stated very simply: Imagine you are asked to go to Moscow to give a speech to the Russian people about how they should change their system. Almost every American would recommend that they have less bureaucracy, less red tape, less centralized control. Almost every American would advocate private property, entrepreneurship, free enterprise. Virtually every American would suggest that rationing does not work and that a market does. Almost every American would suggest that the Russians have a change in their system, to have a tax code that encourages work, that encourages success, that encourages savings, and that encourages investment.

And imagine you took your speech which you had outlined to give in Russia, and we told you at the last minute that instead of giving it in Russia, we are going to ask you to give it to the Postal Service headquarters or we were going to ask you to give it to the Health Care Financing Administration, or we were going to ask you to give it to the large bureaucracy and procurement at the Pentagon, or we were going to ask you to give it to the New York City government. The principles would be the same, yet you would feel a little foolish saying exactly what you would have told the Russians to the American Government.

So the second layer is economic and management principles, the whole concept of what it is that has worked for America.

The third quadrant of the circle is quality, a concept popularized by Ed Deming and Phil Crosby.

Deming, you will remember, is the management professor who went to Japan in the late 1940's and taught the Japanese the model of systematic management which today has led Japanese industrial corporations to be the most succcessful in the world. It is a grand irony of the American system that the Japanese listened more intently to the American professor than the Americans did.

Today, having watched and examined and explored why Toyota does so well, why Mitsubishi does so well, why Sony does so well, there is a universal agreement, I think, among analysts that it is the approach to quality and the way in which those corporations have rethought management that makes them so formidable as competitors. Literally, when they get up in the morning they approach their jobs differently.

I believe the development of quality as a management principle is as big a breakthrough for the 21st century as Taylor's concept of scientific management, Henry Ford's assembly line, and Alfred Sloan's concept of the corporation General Motors were for the 20th century.

Just as those three people, Taylor, Ford, and Sloan, invented the modern industrial system that dominated the 20th century, I believe that Deming and Crosby and their Japanese counterparts in the development of quality have created a productivity revolution for the 21st century.

Now, that is very important because if it is true, as for example, Phil Crosby suggests, that somewhere between 17 and 35 percent of all American production is remaking something that you messed up, going back and redoing it, and if you could simply learn, and he puts it, to do the right thing right the first time, you would save a tremendous amount.

We talked about budget problems in the Federal Government or the State or city governments; if we could get 17 to 35 percent more productivity by applying the quality approach, we would not have any budget problems. We would in fact have a dramatically more effective and more powerful system of government than we do today.

So the concept of quality—I can just give you one example, and that is that everybody is involved in a quality environment, every worker has a role, every worker is a stakeholder who has a stake in the future of their job and knows how well they do their company work is a function of what happens to their future because, in the world market, if you are not actively competing, you are going to be out of business, you are going to be out of a job.

There are corporations today that get 23 to 25 recommendations for improvement from every employee. Literally, some corporations with 13,000 employees get 23 recommendations from every employee, almost 300,000 recommendations on how to improve the company.

A lot of them are small things, but the cumulative effect of each little item adding up is enormous. That means they are implementing almost 1,000 improvements every work day.

Imagine if we were to go to the Postal Service, which has 750,000 employees, and challenged them to just come up with two new ideas for better postal service per employee this year; that would be 1.5 million ideas from the people who are doing the job.

Imagine if we went to schoolteachers and we said, "Tell us how you would change education from the classroom out and what you would change"? I happened to say this over the weekend in a speech, and I heard a second-grade teacher come up and she said, "First of all I would cut out 50 percent of the redtape that I have to spend my time filling out records, so that I could spend an extra half-hour to an hour a day on the children." She knew what she would do, but she does not work in a system which encourages a quality production and quality performance by getting every person involved in improving the job.

So the first three quadrants are technology; second, economic and management principles; and third, quality.

The fourth quadrant of our circle of American success is American culture. Here I want to say what may be the most abstract, but I think also the most profound, statement about what makes the American system work.

Bureaucracy does not fit the American culture. It fits fine in a country where people wake up in the morning wanting to obey the rules. Bureaucracy works fine in a place where people say, "Tell me how much the speed limit is so I can obey it." You can see this in Germany. German people are very rule-oriented. So they worked out a deal with their politicians; they will not allow politicians to set a speed limit on the autobahn because they would have to obey it. So if they will not obey it, they will not have one.

Since they will not obey it, they do not have one because if they had one they would have to obey it. That would make them very unhappy. So they told their politicians do not set one.

By contrast, if you talk to most Americans, they want to know what the speed limit is so they can know how much faster they can go. You can check almost every American in a 15-mile-per-hour zone would see if they can get by with 20, and if they are in a 55-mile-per-hour zone maybe they can get by with 60. I have been testing it out.

I have asked audience after audience, "How many of you in the last month have gone faster than the speed limit?" Ninety percent of the hands go up every time. And yet we have tried for a half-century to create a bureaucracy strong enough to force Americans to change their behavior, and I think that has been exactly the wrong approach. Because America, more than any other country in the world, is a country made up of people who have left the rules behind.

We are precisely the people who decided to cross the Atlantic or the Pacific rather than to obey the government and rather than automatically follow the rules. And you see this in our popular literature. Virtually all of our detective novels are about people who go out on their own and break the rules in order to solve the case. You see it in the great mythology of the western.

Over and over again the American system is a system where rules are important, but at the margin they are not as important as getting the job done.

I want to suggest that what we need to do is to reverse what we have been doing for a generation.

For the last generation we have been trying to have a Government strong enough that the bureaucracy could force people to change. Instead, I want to suggest we ought to start by studying American culture and then redesigning Government to help Americans succeed. I think there are nine basic values that are at the core of American culture. I just want to share them for a moment.

The first value is national safety. I think Americans are convinced that the world is dangerous and they frankly want Americans to be stronger than anybody else because they want to keep America safe. They have seen what Kuwait City looks like. They do not want to have that happen to them. They have seen what has happened to the Kurds. They do not want that to happen to them.

So national safety is a very powerful value for the American people.

The second is personal safety. I think the American people are sick and tired of being frightened.

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They are tired of worrying about their child going to school and buying drugs in the playground. They are tired of the idea that violence and the drug culture are literally eroding civilization and our great cities, and so personal safety is a value almost as powerful as national safety.

Third, Americans believe in working. This is the most work-oriented society on the planet. Indepth interviews of people on welfare find most of them would rather work. Senior citizens over 65 get enraged when they discover that the Government today punishes them if they continue to work after 65 because it takes away Social Security money to offset what they are earning, exactly the wrong idea for a country that wants to be healthy. We ought to be encouraging people to work, not to discourage it. Just as people discover that if they are on welfare and they are getting Medicaid, and they go to work, they actually lose real disposable income because suddenly they lose all of their health care which had been free; they lose a lot of their food stamps; they lose a lot of their aid to families with dependent children; they have to pay for public housing, which had been free; and so we have designed a welfare system which is antiwork, and we designed Social Security rules which are antiwork, and yet working, I would argue, is the No. 3 value in America, and that is why we ought to change the Government to encourage working rather than trying to discourage people from doing what they naturally believe in.

The fourth value is saving, and over 80 percent of American people want an individual retirement account. They instinctly understand the value of savings. Part of it goes back to the Bible, the concept of 7 fat years followed by 7 lean years.

So, let me go back to that famous Walt Disney cartoon about the grasshopper and the ant and which one survives the winter. But the basic underlying belief in saving goes very deep in the American people, and again I think they are bothered that our Tax Code punishes saving and rewards borrowing.

The fifth is investing. Very few Americans take their savings, and put them out back, and hide them by burying them in the back yard. Very few Americans put their savings in their mattress. Americans want their savings to earn, whether it is interest, or dividends, or a rise in equity. Americans have an instinct that says, "When I save, I want to invest it. I want to have more in the future because I invested intelligently."

In addition, most Americans understand that investing is important for the future. We talk about investing in education so one can have a better future, if they are a child. We talk about investing in a small business so one can be better off later on in life than when they are a young person. Talk about investing in a home so they can build up their equity.

Americans believe in investing, and Americans instinctively understand that, if we do not invest in a new factory and invest in new machinery, we are not going to create a new job, and we are not going to have the kind of take home pay we want.

Sixth, Americans believe in learning. We do not necessarily believe in education. We certainly do not like to go and sit in classrooms and get lectured. But we love to learn. No country in the world buys more self-help books than Americans. No country in the world learns quicker when something happens. Most Americans could not find Kuwait on July 30 last year, and by August 5, most Americans could find Kuwait.

In addition, we understand instinctively that one has to learn all their life, that learning does not end at high school, it does not end at vo-tech school, it does not end at college, or it does not even end with a Ph.D. degree, or a law degree or a doctorate degree. One has to learn all their life. When one becomes 90 years old, the doctor is going to change the prescription, the Medicare system is going to change the regulations, and the hospital is going to change where the pharmacy is located. We are always going to have to learn, and so we are a country that believes in learning even at times when we are a little suspicious of education in too structured a form.

Seventh, we believe in health, and increasingly, as the babyboomers grow older, they really want to stay healthy enough to avoid debilitating diseases. They want to stay healthy enough to avoid going to a nursing home. There is a deep, passionate desire in this country to lead an active, vigorous, healthy life, and I believe health is going to become an even more powerful value in the years to come.

Eighth, we believe in the environment. We believe in the environment for two reasons. First, as a matter of quality of life, we are now a wealthy enough country that, if we want to protect the grizzly bear, we can afford it. If we want to have a wilderness area to go hike in we can afford it. We may only go once or twice in our lives, but we like every day that it is out there for the time we do want to go.

But there is a second reason the environment is a powerful value, and that is public health. Everyone I know becomes environmentalist the moment they are told there is going to be a toxic waste dump put next to their house. There is a tremendous drive as a part of our health values toward having a healthy environment, and I believe that that value is here to stay.

Ninth, we believe in honesty, and let me be quite candid. I believe that one of the reasons Washington has had such a difficult problem with scandals in the last 5 or 6 years is that the politicians and the political system are behind the curve on looking at how much things are changing. I believe that it is accurate to say that in the age of computers and information and travel, the requirement of honesty is higher than it has ever been in human history.

I say to my colleagues, "Imagine. You go across the planet. You carry a piece of plastic. You give that piece of plastic to somebody in order to get goods and services, and they take it. Two hundred years ago you had to carry gold, and someone would have tested it to make sure it wasn't counterfeit. Yet today, we expect such extraordinary levels of honesty that a stranger will give another stranger a car. Anyone who has ever had a rental car experienced this. You show them two pieces of plastic: Your driver's license and a credit card. They give you a car. You drive out. Now that has to presume a level of honesty that is extraordinary, and so increasingly honesty is an important value."

So the circle of American success I have described is technology first, economic and management principles second, quality third, and American culture fourth. All over the country there are people who are applying that circle to become successful. One can see companies that are going into technology, and they are revolutionizing the way they function, and, if we were to go to the best, most sophisticated companies in America about using computers, and then go to any level of government, local, school board, city government, county government, State government, or here in Washington, the Federal Government, and look at the difference between the most advanced information systems in the country and the biggest information systems in the country, and consistently government is the biggest user of information, we can see part of what happens to our tax dollars and part of why government is so ineffective.

I say to my colleagues, "If you go out and look at people who are applying incentives and initiatives to get young people to learn, including many poor people, programs in New York City and elsewhere where folks have come in, and they're so worried about the collapse of the schools that they are personally getting involved and personally trying to help change things, when you go and look at the best recycling programs in America, when you go and look at the most effective and least expensive prisons all over the country, there are people and institutions that are successful, but they are consistently successful despite the government. They represent a set of principles and a way of thinking about getting the job done which is fundamentally different than the way the government works and the principles we have been applying in Washington."

Now I think that there are five key steps that politicians and citizens should follow in the next few years to establish a process for a successful America.

First, we should find people and institutions who are succeeding, and we should go out and try to find out everything in our own districts which is succeeding, everything across the country, in areas in which it is succeeding.

Second, we ought to learn what principles they are using to succeed. Why are they being successful? What is it that they are doing different from people who are not succeeding?

Third, we should network those who are succeeding with other successes so they can swap ideas, reinforce morale, and build momentum. Just bringing successes together creates a whole new momentum and a whole new dynamic for even more success.

Fourth, we should publicize the successes to remind others that we can succeed and to increase hope, to educate people about the principles that work. We need more stories about the people who are learning rather than stories about people who are failing to learn. We need more stories about the recycling centers that are successful and fewer stories about the systems that are not working, and the reason here is not Pollyanna. It is not so we all go around like Disneyworld singing happy songs and being positive. It is an objective fact that what most Americans today do is accept the fact that the bureaucratic welfare state is collapsing. Most Americans accept today the fact that the inner city is too violent, too dangerous, there are too many drugs. Most Americans today know that health care is too expensive, too chaotic, and too inefficient. It does not help to tell them once again what they already know. That frankly increases just a collapse of morale. That makes people more pessimistic.

What people want to know is: So what do we do about it? How can we improve our education? If the system is not working, what do we do to improve it? If we need to recycle, how can we recycle to help the environment? If we need to have safer streets, where in America are there safer streets, and what are the principles that make them safe? Again and again, if we need better health care, who is succeeding? Who is delivering the best health care at the least cost in America so we can copy them?

Now this is the exact opposite of the current system. The current system is congressional hearings about failure covered by reporters eager to make sure the evening news leads with a failure. Well, what that does is it minimizes the ability of the country to talk to itself about the values, and the habits and the systems that work, and yet what we want to learn is what works.

Fifth, we need to apply the principles that work to our larger institutions such as education and health care and to the structure of the government itself.

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We need to take all the lessons which we are learning, for example, from IBM, Xerox, Federal Express, Motorola, Milliken, and all the companies that have been winning the Baldrige Award for excellence and quality and apply those principles to the civil service and the Federal Government. Those principles need to be applied to the Health Care Financing Administration; those principles need to be applied to the Post Office. We need to be as prepared to try to get to excellence in government as we are prepared to try to encourage our manufacturing companies to be excellent. We need to be willing to think about those principles as they apply to education and health care and welfare and law and order, as well as other areas.

If we will do these five principles, if we will find people who are succeeding, if we learn the principles they are using and network them together and publicize the successes and apply the principles that work to our government and to our larger institutions, I believe America can have an extraordinarily successful 21st century. The difference a successful America will make in your life and in the lives of your children is unbelievable.

Imagine a country where we would apply technology intelligently so you did not go to a nursing home because you had a user-friendly system that you could keep in your own home, a system that was responsive to you, a system that allowed you and your family to literally take care of people dramatically, in a way that is far easier than we have ever done before in history. Imagine an America where every person could learn rapidly on their own schedule and at their own convenience the things they want to know because the technology is there for those things to happen. Imagine an America where the Post Office is as effective as Federal Express and the United Parcel Service and where the kind of efficiency and the kind of pleasantness and the kind of customer orientation occurs in government that you expect in the private sector.

Imagine an America where the police and the neighborhoods work together to apply the principles that we describe today, so that you would have applied that circle of American success so that we destroyed the drug trade, so that we eliminated violent crime and we allowed people to do what they did only 30 years ago, walk around alone at night with absolute safety in our biggest cities. That is an enormously different America than the America which is gradually decaying in our larger cities. And imagine an America which applied to the environment all the principles of this circle of success so we had a good, sound economy and a good, healthy environment.

But beyond America, let us look honestly at what is at stake in the world. We have made an enormous difference in history. We contained the Soviet empire, we defeated Nazi Germany and imperial Japan, and we recently projected power 9,000 miles to the Persian Gulf, yet if we do not reform America, we are not going to be able to have that kind of effectiveness in the future. No one should kid themselves, an America whose school systems are decaying, whose health care is too expensive, whose Tax Code is antiwork and anti-investment, whose bureaucracy is ineffective, and whose population is increasingly threatened by violent crime and drugs, is not an America which is going to lead the world by 2010 or 2020. And if we decay at home, our military power will inevitably decay, our prestige will decay, and let me say bluntly that there is no other country that can replace us.

The United States is the only country large enough, complicated enough, and ethnically diverse enough to be a leader on the planet, and if we do not lead the planet, I think by sometime around 2030 or 2040 we will see a level of violence comparable to World War I, except that this time the war will be fought with nuclear and chemical weapons and it will indeed be a tragic and a terrible world.

On the other hand, I honestly believe that if we Americans have the will power, if we have the moral courage, if we have the discipline to insist on real reforms here at home, if we are prepared to learn the lessons of success, if we are prepared to go out and do what is necessary to discover the people who are succeeding and help them to succeed even more, if we encourage everyone who wants to succeed to study the people who are succeeding and to apply to government the lessons of success, then I believe we are going to have an extraordinary increase in economic productivity in the United States and we are going to have a tremendous increase in confidence as a culture, and I believe it is possible that by 2050 we will literally have led the planet to peace, to prosperity, and to freedom.

That is a pretty extraordinary moment in the history of the human race. We just saw the first of the 21st century in action in Desert Storm. We just saw the first worldwide television coverage by CNN. We are living on a planet that is growing smaller and smaller, and what is at stake is whether or not America will reform itself so that as America succeeds, it has an opportunity to lead everyone else toward success.

In closing, let me encourage my colleagues to join in this search for success, and let me encourage people who may read this special order or who are watching it on C-SPAN to send me their examples of success. If you know of a local company that is succeeding, if you know of a local school that is succeeding, or a local hospital, a local doctor, if you know of local individuals who are doing successful things, then write me because I would like to pull together in a series of special orders examples of people who are succeeding and the principles that make them successful. I would like to begin to communicate the idea that Americans are in fact beginning to create the 21st century, but they are currently doing it despite their Government, and if we get behind them and if we here in Washington will change the Government to reinforce success, then I think in fact we can have an extraordinary 21st century for all of us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to.

Mr. DORNAN of California (at the request of Mr. MICHEL) from today through April 19, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:

Mr. FAWELL, for 60 minutes, on April 17.

Mr. MCDADE, for 60 minutes, on April 16.

Mr. SANTORUM, for 60 minutes, on April 16.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. LEACH, for 60 minutes, today.

The following Members (at the request of Mrs. UNSOELD) to revise and extend their remarks and include extraneous material:

Mr. BACCHUS, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of Utah, for 60 minutes, today.

Mr. ASPIN, for 60 minutes, on May 7.

Mr. LEHMAN of California, for 60 minutes, on April 24.

Mr. RUSSO, for 60 minutes, on May 21.

Mr. DEFAZIO, for 60 minutes each day, on April 10 and 11.

Mr. FALEOMAVAEGA, for 60 minutes each day, on April 10 and 11.

Mr. OWENS of New York, for 60 minutes each day on April 22, 23, 24, 25, 26, 29, and 30, and on May 1, 2, and 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. DUNCAN) and to include extraneous material:

Mr. BROOMFIELD.
Mr. GEKAS.
Mr. MACHTLEY in 10 instances.

The following Members (at the request of Mrs. UNSOELD) and to include extraneous material:

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN in 10 instances.
Mr. ANNUNZIO in six instances.
Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. DE LA GARZA in 10 instances.
Mr. TRAFICANT in four instances.
Mr. MARTINEZ.
Mr. ROE.
Mr. BONIOR.
Mr. LAFALCE.
Mr. DYMALLY.
Mr. MILLER of California.
Mr. YATRON.
Mr. SWETT.
Mr. BILBRAY.
Mr. LANTOS.
Mr. MAZZOLI in three instances.
Mr. LUKEN in two instances.
Mr. TRAXLER.
Mr. CLAY.
Mr. SERRANO.
Mr. SLATTERY.
Mr. KILDEE in two instances.
Mr. GLICKMAN.
Mr. FAZIO.
Mr. KOSTMAYER.
Mr. MRAZEK.
Mr. MATSUI.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 134. An act to establish a United States Marshals Association, to the Committee on the Judiciary.

S.J. Res. 94. Joint resolution relative to Iraq; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1281. An act making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 1282. An act making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 1285. An act to resolve legal and technical issues relating to Federal postsecondary student assistance programs and to prevent undue burdens on participants in Operation Desert Storm, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 725. An act entitled the "Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991."

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

On March 22, 1991:

H.R. 1316. An act to amend chapter 54 of title 5, United States Code, to extend and improve the Performance Management and Recognition system, and for other purposes.

On March 29, 1991:

H.R. 1281. An act making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 1282. An act making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes; and

H.R. 1285. An act to resolve legal and technical issues relating to Federal post-secondary student assistance programs and to prevent undue burdens on participants in Operation Desert Storm, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 56 minutes p.m.), pursuant to House Resolution 119, the House adjourned until tomorrow, Wednesday, April 10, 1991, at 2 p.m. in memory of the late Honorable JOHN HEINZ of Pennsylvania.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

941. A letter from the Department of Energy, transmitting the 1991 annual report on the high-level radioactive waste management demonstration project at the Western New York Service Center, West Valley, NY, pursuant to 42 U.S.C. 2021a note; to the Committee on Science, Space, and Technology.

942. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize appropriations for the planning, construction, acquisition, alteration, repair of facilities, and other public improvements of Agriculture Research Service facilities at Beltsville, MD; Riverside, CA; New Orleans, LA; Greenport, NY; and Yakima, WA; to the Committee on Agriculture.

943. A letter from the Comptroller of the Department of Defense, transmitting notification that the Department plans to transfer an additional $146.1 million to the operation and maintenance appropriations for the modernization and expansion of automated data processing systems; to the Committee on Appropriations.

944. A letter from the Director, Office of Management and Budget, transmitting a report that certain appropriations to the Department of Veterans Affairs have been reapportioned on a basis that indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

945. A letter from the Congressional Inquiry Division, Department of the Army, transmitting notification of the decision not to convert to contractor performance and to retain the in-house operation of the Training and Audio Visual Support Center at Fort Eustis, VA, pursuant to Public Law 100–463, section 8061 (102 Stat. 2270–27); to the Committee on Armed Services.

946. A letter from the Secretary, Department of Defense, transmitting the 1991 joint military net assessment produced jointly by the Department of Defense and the intelligence community, pursuant to 10 U.S.C. 113(j); to the Committee on Armed Services.

947. A letter from the Secretary, Department of Defense, transmitting the 1991 report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 note; to the Committee on Armed Services.

948. A letter from the Secretary of Defense, transmitting selected acquisition reports [SARS] for the quarter ending December 31, 1990, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

949. A letter from the Secretary of Defense, transmitting a request for T45TS Defense Enterprise Program baseline approval, pursuant to 10 U.S.C. 2437; to the Committee on Armed Services.

950. A letter from the Office of Legislative Liaison, Department of the Air Force, transmitting a copy of a news release regarding the closure of Pease Air Force Base, NH; to the Committee on Armed Services.

951. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1992 and 1993; to the Committee on Armed Services.

952. A letter from the Department of Housing and Urban Development, transmitting the 1991 consolidated annual report on the community development programs administered by the Department, pursuant to 42 U.S.C. 5313(a); to the Committee on Banking, Finance and Urban Affairs.

953. A letter from the Chairman, Federal Finance Institutions Examination Council, transmitting its 1990 annual report, pursuant to 31 U.S.C. 719(c)(3); to the Committee on Banking, Finance and Urban Affairs.

954. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Asian Development Bank Act to authorize consent to and authorize appropriations for the U.S. subscription to the special capital increase of the Asian Development Bank, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

955. A letter from the Deputy Director, Federal Deposit Insurance Corporation, transmitting a report of covered assets as of September 30, 1990 required by the Coastal Barrier Improvement Act of 1990; to the Committee on Banking, Finance and Urban Affairs.

956. A letter from the Chairman, Federal Trade Commission, transmitting the 13th annual report on the administration of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Banking, Finance and Urban Affairs.

957. A letter from the Chairman, National Credit Union Administration, transmitting its annual report on operations and financial information, pursuant to 12 U.S.C. 1752a(d); to the Committee on Banking, Finance and Urban Affairs.

958. A letter from the Executive Director, Resolution Trust Corporation, transmitting the Corporation's annual report of covered property as of September 30, 1990; to the Committee on Banking, Finance and Urban Affairs.

959. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the U.S. quota in the International Monetary Fund, to authorize acceptance of the proposed amendments to the Fund's articles of agreement, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

960. A letter from the Secretary of Housing and Urban Development, transmitting a copy of Radon in HUD Assisted Multifamily Housing: Policy Recommendations to Congress; to the Committee on Banking, Finance and Urban Affairs.

961. A letter from the Executive Director, Neighborhood Reinvestment Corportation, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation; to the Committee on Banking, Finance and Urban Affairs.

962. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the Department of Finance Revenue's Federal Match Program," pursuant to D.C. Code section 47–117(d); to the Committee on the District of Columbia.

963. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Receipts and Disbursements of the Public Service Commission's Agency Trust Fund for Fiscal Year 1990," pursuant to D.C. Code section 47–117(d); to the Committee on the District of Columbia.

964. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of the Metropolitan Police Department's Use of Overtime for Fiscal Years 1988 Through 1990," pursuant to D.C. Code section 47–117(d); to the Committee on the District of Columbia.

965. A letter from the Chairperson, National Advisory Council on Adult Education, transmitting the annual report of the National Advisory Council or Adult Education, pursuant to 20 U.S.C. 1209(d); to the Committee on Education and Labor.

966. A letter from the Chairman, National Commission on Libraries and Information Science, transmitting a copy of the Principles of Public Information as adopted; to the Committee on Education and Labor.

967. A letter from the Secretary of the Interior, transmitting the annual report on the Youth Conservation Corps Program in the Department, fiscal year 1990, pursuant to 16 U.S.C. 1705; to the Committee on Education and Labor.

968. A letter from the Secretary of Education, transmitting activites of the Education for Homeless Children and Youth Program for the period October 1, 1989 through September 30, 1990; to the Committee on Education and Labor.

969. A letter from the Secretary of Health and Human Services, transmitting a draft of

proposed legislation to extend the authorizations of appropriations for programs under the Native American Programs Act of 1974, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Education and Labor.

970. A letter from the Administrator, Energy Information Administration, transmitting the Department's activities of the Administration for calendar year 1990, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

971. A letter from the Secretary of Health and Human Services, transmitting a report, "AIDS Knowledge and the Effectiveness of AIDS Prevention Interventions in Minority Communities"; to the Committee on Energy and Commerce.

972. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees as of September 1990 who are performing services for which reimbursement is provided under section 21(a) or section 43(b), pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

973. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 91-23), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

974. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Norway (Transmittal No. 7-91), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

975. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b); to the Committee on Foreign Affairs.

976. A letter from the Administrator, Agency for International Development, transmitting a report on women in development for fiscal year 1989 through fiscal year 1990; to the Committee on Foreign Affairs.

977. A letter from the Deputy Director, Defense Security Assistance Agency, tranmitting a listing of all outstanding letters of offer to sell any major defense equipment for $1 million or more as of December 31, 1990; to the Committee on Foreign Affairs.

978. A letter from the President, Inter-American Foundation, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal year 1992 and 1993 for the Inter-American Foundation; to the Committee on Foreign Affairs.

979. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO in February 1991, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

980. A letter from the Executive Director, Marine Mammal Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

981. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

982. A letter from the Director of Management and Budget, transmitting OMB cost estimate for pay-as-you-go calculations; to the Committee on Government Operations.

983. A letter from the Employee Benefits Manager, Farm Credit Bank of Columbia, transmitting notice that the audit for the period ending August 31, 1990 is in progress and should be concluded in the next few weeks; to the Committee on Government Operations.

984. A letter from the Farm Credit Administration, transmitting its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

985. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

986. A letter from the Administrator, General Services Administration, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

987. A letter from the President, Inter-American Foundation, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

988. A letter from the Corporation Secretary, Legal Services Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

989. A letter from the Chairman, National Commission on Migrant Education, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

990. A letter from the Executive Director, National Mediation Board, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

991. A letter from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

992. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

993. A letter from the Secretary of Transportation, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

994. A letter from the Director, Selective Service System, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

995. A letter from the Executive Secretary, Uniformed Services University of the Health Sciences, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552(b)(j); to the Committee on Government Operations.

996. A letter from the Chairman, Federal Election Commission, transmitting the Commission's legislative recommendations for 1991, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

997. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

998. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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1003. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1004. A letter from the Commissioner, Office of Navajo and Hopi Indian Relocation, transmitting a draft of proposed legislation to reauthorize appropriations for the Navajo and Hopi Relocation Commission; to the Committee on Interior and Insular Affairs.

1005. A letter from the Assistant Attorney General for Legislative Affairs, transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1992 and for other purposes; to the Committee on the Judiciary.

1006. A letter from the Attorney General, transmitting a report on the amounts deposited in the U.S. trustee system fund, and a description of expenditures from the fund for the period of October 1, 1989 to September 30, 1990; to the Committee on the Judiciary.

1007. A letter from the Federal Judicial Center, transmitting the 1990 annual report of the Federal Judicial Center, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

1008. A letter from the Secretary, Department of the Interior, transmitting the annual report, fiscal year 1990, of the Fish and Wildlife Service on the expenditures for the conservation of endangered or threatened species, pursuant to 16 U.S.C. 1544; to the

Committee on Merchant Marine and Fisheries.

1009. A letter from the Secretary, Department of Transportation, transmitting a report concerning the establishment of a plan for closing existing gaps in radar coverage along the coastline of the United States on the Gulf of Mexico, pursuant to Public Law 101–225, section 208(2) (103 Stat. 1913); to the Committee on Merchant Marine and Fisheries.

1010. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report for the fiscal year 1990, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

1011. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

1012. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled, "The Title 38 Personnel System in the Department of Veterans Affairs," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

1013. A letter from the Administrator, General Services Administration, transmitting informational copies of lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1014. A letter from the Secretary of Energy, transmitting the 14th annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to 15 U.S.C. 2513; to the Committee on Science, Space, and Technology.

1015. A letter from the Administrator, National Aeronautics and Space Administration, transmitting activities of the National Space Grant and Fellowship Program, pursuant to 42 U.S.C. 2486j; to the Committee on Science, Space, and Technology.

1016. A letter from the Secretary of Veterans Affairs, transmitting a letter of explanation regarding the Department of Veterans Affairs' financial needs as a result of the gulf war; to the Committee on Veterans' Affairs.

1017. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974 for period ending December 31, 1990, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

1018. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide for the Commissioner of Labor statistics to be classified as Executive Level IV, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Education and Labor.

1019. A letter from the Administrator, Federal Aviation Administration, transmitting the report of progress on developing and certifying the traffic alert and collision avoidance system [TCAS], pursuant to Public Law 100–223, section 203(b) (101 Stat. 1518); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

1020. A letter from the Chairman, Physician Payment Review Commission, transmitting the Commission's annual report, pursuant to 42 U.S.C. 1395–1(c)(1)(D); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of March 22, 1991]

Mr. DE LA GARZA: Committee on Agriculture. Allocation of budget totals for fiscal year 1991; submitted pursuant to section 302 of the Congressional Budget Act of 1974 (Rept. 102–31). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Submitted April 9, 1991]

By Mr. MOAKLEY:

H.R. 1662. A bill to amend the Federal Trade Commission Act to require food advertising to meet the requirements applicable to nutritional labeling of food; to the Committee on Energy and Commerce.

By Mr. ANTHONY (for himself, Mr. ARCHER, Mrs. JOHNSON of Connecticut, Mr. ANDREWS of Texas, Mr. SHAW, Mr. JENKINS, Mr. VANDER JAGT, Mr. GRADISON, Mr. SUNDQUIST, Mr. FORD of Tennessee, Mr. SCHULZE, Mr. PICKLE, Mr. GUARINI, Mr. COYNE, Mr. MOODY, Mr. MATSUI, Mr. CHANDLER, Mr. GRANDY, Mr. THOMAS of California, Mr. DORGAN of North Dakota, Mr. DOWNEY, Mr. CRANE, and Mrs. KENNELLY):

H.R. 1663. A bill to amend the Internal Revenue Code of 1986 to resolve finally and permanently the application of the regulations under section 861 of such code to research and experimental expenditures; to the Committee on Ways and Means.

By Mrs. BOXER:

H.R. 1664. A bill to protect employees who report violations of Federal laws and regulations; to the Committee on Education and Labor.

H.R. 1665. A bill to amend title 5, United States Code, to ensure that whistleblowers are protected from having to submit, without just cause, to psychological or psychiatric evaluations or counselling; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN:

H.R. 1666. A bill to limit fees paid to outside attorneys who represent the Federal Government; to the Committee on Government Operations.

By Mr. FASCELL (for himself, Mr. LEHMAN of Florida, Mr. IRELAND, Mr. SMITH of Florida, Mr. GOSS, Mr. GIBBONS, Mr. LEWIS of Florida, Mr. PETERSON of Florida, Mr. BACCHUS, Mr. JOHNSTON of Florida, Mr. BILIRAKIS, and Mr. BENNETT):

H.R. 1667. A bill to permanently prohibit the Secretary of the Interior from preparing for or conducting any activity under the Outer Continental Shelf Lands Act on certain portions of the Outer Continental Shelf off the State of Florida, to prohibit activities other than certain required environmental or oceanographic studies under the Outer Continental Shelf Lands Act within the part of the eastern Gulf of Mexico planning area lying off the State of Florida, and for other purposes; jointly to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. FRANK of Massachusetts:

H.R. 1668. A bill to provide for the partial cancellation or repayment of Perkins and Stafford loans for student borrowers who perform a year or more of full-time, low-paid service as Peace Corps and VISTA volunteers, and comparable full-time, low-paid service with a tax-exempt community service organization in the private sector; to the Committee on Education and Labor.

By Mr. GRAY (for himself, Mr. CLAY, Mr. MARTINEZ, Mr. OWENS of New York, Mrs. SCHROEDER, Mr. HAYES of Illinois, Mr. PAYNE of New Jersey, Mr. WASHINGTON, Mr. SERRANO, Mr. CONYERS, Mr. DELLUMS, Mr. LAFALCE, Mr. ROYBAL, Mr. RANGEL, Mr. COYNE, Mr. FOGLIETTA, Mr. KOPETSKI, Mr. FORD of Tennessee, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. MOODY, Mr. SCHEUER, Mr. AUCOIN, Mr. WYDEN, Mr. LEHMAN of Florida, Mr. DYMALLY, Mr. DIXON, Ms. PELOSI, Mr. FASCELL, Mr. SMITH of Florida, Mr. SOLARZ, Mr. NOWAK, Mr. MANTON, Mr. PICKETT, Mrs. LLOYD, Mr. TOWNS, Ms. KAPTUR, Mr. JONES of Georgia, Mr. HOAGLAND, Mr. MFUME, Mr. COLEMAN of Texas, Mr. WEISS, Mr. ACKERMAN, Ms. NORTON, Mr. DICKS, Mr. SCHUMER, Mr. JEFFERSON, Mr. MATSUI, Mr. MAZZOLI, Mr. LAUGHLIN, and Mr. BONIOR):

H.R. 1669. A bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes; to the Committee on Education and Labor.

By Mr. HOAGLAND:

H.R. 1670. A bill to require the agreement of a State before allowing gaming to be conducted on newly acquired Indian lands located within 45 miles of that State; to the Committee on Interior and Insular Affairs.

By Ms. KAPTUR:

H.R. 1671. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of foreign oil and gas income; to the Committee on Ways and Means.

H.R. 1672. A bill to extend until January 1, 1995, the existing temporary suspension of duty on umbrella frames; to the Committee on Ways and Means.

By Mr. KOSTMAYER:

H.R. 1673. A bill to amend the Toxic Substances Control Act to require schools to test for radon contamination; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself and Mr. RINALDO):

H.R. 1674. A bill to amend the Communications Act of 1934 to reauthorize the Federal Communications Commission and for other purposes; to the Committee on Energy and Commerce.

By Mr. SAXTON (for himself, Mrs. MORELLA, Mr. DWYER of New Jersey, Mr. GALLO, Mr. SMITH of New Jersey, Mr. WELDON, and Mr. ZIMMER):

H.R. 1675. A bill to amend title 39 of the United States Code to grant local governments the discretion to assign mailing addresses to sites within their jurisdiction; to the Committee on Post Office and Civil Service.

By Mr. SENSENBRENNER:

H.R. 1676. A bill to provide for 2-year Federal budget cycles; jointly, to the Committees on Government Operations and Rules.

By Mr. SLATTERY (for himself, Mr. SOLARZ, Mr. VALENTINE, Mr. HORTON, Mr. PENNY, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. JEFFERSON, Mr. Serrano, Mr. Dornan of California, Mr. Upton, Mr. Lancaster, Mr. Hughes, Mr. Roe, Ms. Pelosi, Mr. Engel, Mr. Emerson, Mrs. Vucanovich, Mr. Bilbray, Mr. Owens of New York, and Mr. Wheat):

H.R. 1677. A bill to amend the Internal Revenue Code of 1986 to make changes to the earned income tax credit to provide equitable treatment for military families overseas and to clarify and improve current law; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 1678. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

By Mr. STUDDS:

H.R. 1679. A bill to protect, restore, and conserve important fish habitat; to the Committee on Merchant Marine and Fisheries.

By Mrs. UNSOELD:

H.R. 1680. A bill to require a report on improved fisheries enforcement capabilities; to the Committee on Merchant Marine and Fisheries.

By Mr. LEVINE of California:

H. Con. Res. 112. Concurrent resolution expressing the sense of the Congress that the United Nations should provide escort assistance to humanitarian relief efforts in Iraq and should deploy U.S. peacekeeping forces to stop the civil war in Iraq; to the Committee on Foreign Affairs.

By Mrs. UNSOELD (for herself, Mr. Manton, Mr. Wyden, Mr. de Lugo, Mr. Kopetski, Mr. Swift, Mrs. Mink, Mr. Costello, Mr. Miller of California, Mr. McDermott, Mr. DeFazio, Mr. Beilenson, Mr. Miller of Washington, Mr. Towns, and Mr. Levine of California):

H. Con. Res. 113. Concurrent resolution to express the sense of the Congress that the President should seek an international moratorium on the use of large-scale driftnets called for in U.N. Resolution 44–225, while working to achieve the U.S. policy of a permanent ban on large-scale driftnets; to the Committee on Merchant Marine and Fisheries.

By Mr. McDADE:

H. Res. 119. Resolution expressing the profound sorrow of the House of Representatives on the death of the Honorable John Heinz, a Senator from the Commonwealth of Pennsylvania; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

46. By the SPEAKER: Memorial of the Legislature of the State of South Dakota, relative to the acquisition of land by the Government of the United States; to the Committee on Agriculture.

47. Also, memorial of the Legislature of the Commonwealth of Puerto Rico, relative to health benefits "CHAMPUS"; to the Committee on Armed Services.

48. Also, memorial of the House of Representatives of the State of Illinois, relative to returning service men and women; to the Committee on Armed Services.

49. Also, memorial of the Legislature of the State of Washington, relative to timber-related jobs; to the Committee on Education and Labor.

50. Also, memorial of the Legislature of the State of Oregon, relative to Government-funded wages in lieu of welfare benefits; to the Committee on Education and Labor.

51. Also, memorial of the General Assembly of the State of Delaware, relative to American POW's in Southeast Asia; to the Committee on Foreign Affairs.

52. Also, memorial of the General Assembly of the State of Colorado, relative to Ukrainian independence; to the Committee on Foreign Affairs.

53. Also, memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to Operation Desert Storm; to the Committee on Foreign Affairs.

54. Also, memorial of the General Assembly of the State of Illinois, relative to the Baltic States; to the Committee on Foreign Affairs.

55. Also, memorial of the General Assembly of the State of Illinois, relative to Israel; to the Committee on Foreign Affairs.

56. Also, memorial of the Legislature of the State of Guam, relative to war reception suffered by the people of Guam during World War II; to the Committee on Interior and Insular Affairs.

57. Also, memorial of the Legislature of the State of Washington, relative to safety of life and property at sea; to the Committee on Merchant Marine and Fisheries.

58. Also, memorial of the General Assembly of the State of Nebraska, relative to Social Security benefits; to the Committee on Ways and Means.

59. Also, memorial of the Legislature of the State of Iowa, relative to agricultural products; to the Committee on Ways and Means.

60. Also, memorial of the Legislature of the State of Utah, relative to the Federal highway and airport trust funds; jointly, to the Committees on Public Works and Transportation and Government Operations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 62: Mr. Santorum and Mr. Bryant.

H.R. 64: Mr. Lewis of Georgia.

H.R. 66: Mr. Wise, Mr. Thomas of Wyoming, Mr. Pickett, Mr. Gallo, Mr. Anderson, Mr. Guarini, Mr. Smith of New Jersey, and Mr. Mrazek.

H.R. 77: Mr. Fish, Mr. Bilbray, and Mr. Allard.

H.R. 78: Mr. Barrett, Mr. Smith of New Jersey, Mrs. Johnson of Connecticut, Mr. Hansen, Mr. Riggs, Mr. McCrery, Mr. Nichols, Mr. Chandler, Mr. Derrick, Mr. Hyde, Mr. Hall of Texas, and Mr. Poshard.

H.R. 82: Mr. Engel.

H.R. 102: Mr. Green of New York, Mr. Weiss, Mr. Frank of Massachusetts, Mr. Sarpalius, Mr. Emerson, Mr. Dannemeyer, Ms. Norton, and Mr. Hertel.

H.R. 117: Mr. Eckart and Mr. Jacobs.

H.R. 179: Mr. Torres, Mrs. Bentley, Mr. Ackerman, Mr. Ford of Tennessee, and Mr. Kennedy.

H.R. 252: Mr. Russo, Mr. Edwards of California, Mr. Fish, Mr. Ackerman, Mr. Ford of Tennessee, Mr. Hayes of Illinois, Mr. Miller of California, Mr. Downey, and Mr. Machtley.

H.R. 306: Mr. Ramstad.

H.R. 310: Mr. Stump, Mr. Fawell, Mr. Engel, Mr. Wolf, Mr. Jefferson, Mr. Martin, Mr. Ramstad, and Mr. Dannemeyer.

H.R. 371: Mr. Owens of Utah and Mr. Gillmor.

H.R. 416: Mr. Mrazek, Mr. Rangel, Mr. Bilbray, Mr. de Lugo, and Mr. Hertel.

H.R. 447: Mr. Torres: Mr. Wise, and Mr. Mfume.

H.R. 489: Mr. Bliley.

H.R. 506: Mr. Stark and Mr. Serrano.

H.R. 525: Mr. Ramstad, Mr. Weiss, and Mr. Espy.

H.R. 548: Mr. Jefferson, Mr. LaFalce, Mr. Martinez, Ms. Horn, Mr. Hoagland, Mr. Lancaster, and Mr. Weiss.

H.R. 553: Mr. Chapman and Mr. Hughes.

H.R. 601: Mr. Abercrombie, Mr. Weldon, Mr. Hughes, Mrs. Boxer, Mr. Horton, Mr. Hoagland, and Mr. Scheuer.

H.R. 645: Mr. Jacobs, Mr. Evans, Mr. Oberstar, and Mr. Kennedy.

H.R. 672: Mr. Engel, Mr. Machtley, and Mr. Skelton.

H.R. 706: Mr. Bustamante, and Mr. Smith of Texas.

H.R. 710: Mr. Matsui, Mr. Boehlert, and Mr. Johnson of South Dakota.

H.R. 739: Mr. Jefferson, and Mr. Traxler.

H.R. 769: Mr. Jones of Georgia and Mr. Lipinski.

H.R. 784: Mr. Gingrich, Mr. Sangmeister, and Mr. Glickman.

H.R. 791: Mr. Roe.

H.R. 793: Mrs. Boxer, Mr. Borski, Mr. Darden, Mr. Fazio, Mr. Inhofe, Mr. Natcher, Mr. Sanders, Mr. Schaefer, Mr. Scheuer, Mr. Weiss, and Mr. Weldon.

H.R. 799: Mr. Emerson, Mr. AuCoin, Mr. Weiss, and Mr. Machtley.

H.R. 801: Mr. Emerson, Mr. AuCoin, Mr. Weiss, and Mr. Machtley.

H.R. 802: Mr. Emerson, Mr. AuCoin, Mr. Weiss, and Mr. Machtley.

H.R. 803: Mr. Emerson, Mr. AuCoin, Mr. Weiss, and Mr. Machtley.

H.R. 814: Mr. Johnston of Florida, Mr. Panetta, Mr. Gilman, Mr. Scheuer, Mr. Fish, Mr. Jefferson, Mr. Andrews of Maine, Mr. Wyden, Ms. Oakar, Mr. Mineta, Mr. Conyers, Mr. Wolpe, Mr. Cardin, and Mr. Huckaby.

H.R. 849: Mr. Wheat, Mr. Frank of Massachusetts, Mr. Ford of Michigan, Mr. Martinez, Mr. Pease, Mr. Berman, Mr. Synar, Mr. Mineta, Mr. Kostmayer, Mr. Penny, Mr. Olin, Mr. Bryant, Mr. Scheuer, Mr. Ackerman, Mr. Chapman, Mr. Mrazek, Mr. Clay, Mr. Gordon, Mr. Dwyer of New Jersey, Mr. Smith of Florida, Mr. Vento, Mrs. Schroeder, Mr. Durbin, Mrs. Mink, Mr. Frost, Mr. Evans, Mrs. Lloyd, Mr. Lehman of Florida, Mr. Lancaster, Mr. Bonior, Mr. Torricelli, Mr. Kolter, Mr. Oberstar, Mr. LaFalce, Mr. Kanjorski, Mr. Valentine, Mr. Neal of North Carolina, Mr. Hughes, Mr. Kildee, Mr. DeFazio, Mr. Slattery, Mr. Lewis of Georgia, and Mr. Conyers.

H.R. 870: Mr. Weiss, Mr. Stark, and Mr. Dooley.

H.R. 871: Mr. Weiss, Mr. Stark, and Mr. Dooley.

H.R. 872: Mr. Mfume, Mr. Weiss, Mr. Sabo, Mr. Stark, and Mr. Dooley.

H.R. 873: Mr. Mfume, Mr. Weiss, Mr. Stark, and Mr. Dooley.

H.R. 888: Mr. Weiss, Mr. Engel, Mr. Tallon, Mr. Anthony, and Mr. Hammerschmidt.

H.R. 908: Mr. Engel and Mr. Sarpalius.

H.R. 924: Mr. Armey, Mr. Rahall, Mr. Gordon, Mr. Bruce, Mr. Marlenee, Mr. Montgomery, Mr. Hammerschmidt, Mrs. Vucanovich, Mr. Walsh, Mr. Espy, Mr. Solomon, Mr. McCrery, Mr. Goodling, Mr. Natcher, Mr. English, Mr. Rhodes, Mr. Quillen, and Mr. Herger.

H.R. 961: Mr. Taylor of Mississippi, Mr. Regula, Mr. Lancaster, Mr. LaRocco, and Mr. Costello.

H.R. 976: Mr. Scheuer, Mr. Engel, Mr. Payne of New Jersey, Mr. Fish, Mr. Gallo, and Mr. Foglietta.

H.R. 994: Mr. Washington, Mr. Ford of Tennessee, and Mr. Mfume.

H.R. 997: Mr. Faleomavaega and Mr. de Lugo.

H.R. 1022: Mr. Erdreich, Mr. DeFazio, Mr. Blaz, Mr. Fish, and Mr. Ackerman.

H.R. 1048: Mrs. Unsoeld, Mr. Kopetski, Mr. DeFazio, Mr. Sangmeister, Mr. Durbin, and Mr. Hyde.

H.R. 1059: Mr. Weiss, Mr. DeFazio, Mr. Jefferson, Mr. Fish, Mr. Jontz, and Mr. Kolter.

H.R. 1069: Mr. Sanders.

H.R. 1074: Mr. Erdreich, Mr. Walsh, Mr. Condit, Mr. Kildee, Mr. Emerson, Mr. Kennedy, Mr. Lewis of Georgia, and Mr. Hertel.

H.R. 1092: Ms. Kaptur, Mr. Machtley, and Mr. Taylor of Mississippi.

H.R. 1112: Mr. Moakley, Mrs. Boxer, Mr. Eckart, Mr. Frost, Ms. Pelosi, Mr. Owens of Utah, Mr. AuCoin, Mr. de Lugo, Mr. Hochbrueckner, Mr. Berman, Mr. Sikorski, Mr. Price, Mr. Hughes, Mr. Slattery, Mr. Martinez, Mr. Moody, Mr. Engel, and Mr. Payne of New Jersey.

H.R. 1124: Mr. Lancaster, Mr. Roe, Mr. Solomon, Mr. Boucher, Mr. Hyde, and Mr. Faleomavaega.

H.R. 1130: Mr. Pease, Mr. Annunzio, Mr. Jacobs, Mr. Frank of Massachusetts, Mr. Vento, and Mr. Obey.

H.R. 1149: Mr. Frost, Mr. Walsh, Mr. Thomas of Wyoming, and Mr. Roe.

H.R. 1154: Mr. Guarini, Mr. Ackerman, Mr. Rangel, Mr. Feighan, Mr. Hamilton, Mr. Lewis of Georgia, Mr. Waxman, and Mr. Hertel.

H.R. 1178: Mr. Roe, Mr. Gejdenson, and Mr. Mineta.

H.R. 1197: Mr. de Lugo, Mr. Engel, Mr. Espy, Mr. Matsui, Mr. Owens of Utah, Mr. Poshard, Mr. Rangel, and Mr. Serrano.

H.R. 1202: Mr. Jefferson, Mr. Olin, Mrs. Collins of Michigan, Mr. Torres, Mr. Owens of New York, Mrs. Mink, Mr. Gordon, Mr. Gunderson, Mr. Neal of Massachusetts, Mr. Hertel, Mr. Fuster, Mrs. Boxer, Mr. Boucher, Mrs. Schroeder, Mr. Markey, Mr. Bryant, Mr. Synar, Mr. Dellums, Mrs. Unsoeld, Mr. Conyers, Mr. Kopetski, Mr. Rangel, Mr. Serrano, Mr. Jacobs, Mr. Towns, Mrs. Collins of Illinois, Mr. Payne of New Jersey, Mr. Hyde, Mr. de Lugo, and Mr. Hughes.

H.R. 1233: Mr. Young of Florida.

H.R. 1234: Mr. Hochbrueckner, Mr. Weiss, Mr. Gejdenson, Mr. Engel, Mrs. Boxer, and Mr. Hertel.

H.R. 1240: Mr. Kildee, Mr. Pease, Mr. Traxler, Mr. Engel, and Mr. Vento.

H.R. 1273: Mr. Kostmayer, Mr. Lantos, Mr. Smith of Florida, Mr. Roe, Mr. Bilbray, and Mr. Frost.

H.R. 1289: Mr. Rangel, Mr. Emerson, and Mr. Conyers.

H.R. 1300: Mr. Solarz.

H.R. 1304: Mr. Gallo, Mrs. Collins of Illinois, Mr. Gordon, Mr. Lehman of California, Mr. Payne of Virginia, Mr. Horton, Ms. Kaptur, Mr. Hochbrueckner, Mr. Kleczka, Mr. Lent, Mr. Pease, Mr. Fuster, Mr. Mazzoli, Mr. Cardin, Mr. Dickinson, Mr. Bereuter, Mr. Schumer, Mr. Abercrombie, Mrs. Morella, Mr. Neal of North Carolina, Mr. Smith of New Jersey, Mr. Ravenel, Mr. Bilbray, Mr. Livingston, and Mr. Martinez.

H.R. 1305: Mr. Gordon, Mr. Lehman of California, Mr. LaFalce, and Mrs. Boxer.

H.R. 1306: Mr. Bilbray, Mr. Roe, and Mr. Machtley.

H.R. 1317: Mr. Lewis of Florida, Mr. Herger, Mr. Stearns, Mr. Ravenel, Mr. Barnard, Mrs. Lloyd, Mr. Machtley, Mr. Upton, Mr. Engel, Mr. Jefferson, Mr. Bryant, and Mr. Hertel.

H.R. 1319: Mr. Cox of California and Mr. Zimmer.

H.R. 1326: Mr. Santorum, Mr. Johnson of South Dakota, Mr. DeFazio, and Mr. Jontz.

H.R. 1341: Mr. Dwyer of New Jersey, Mr. Jefferson, Mr. Slattery, Mr. Traxler, Mr. Engel, and Mr. Feighan.

H.R. 1385: Mr. Perkins, Mr. Tallon, Mr. Frost, Mr. Quillen, Mr. Jefferson, Mr. Bilbray, Mr. Scheuer, Mr. Martin, Mr. Kolter, and Mr. Neal of North Carolina.

H.R. 1400: Mr. Franks of Connecticut, Mr. Hansen, Ms. Molinari, Mr. Lowery of California, Mr. Rhodes, Mr. Lagomarsino, Mr. Allard, Mr. Emerson, Mr. Barton of Texas, Mr. Goss, Mr. Oxley, Mr. Rinaldo, Mr. Martin, and Mr. Riggs.

H.R. 1445: Mr. Rogers, Mr. Hefner, Mr. Slattery, Mr. Wilson, and Mr. Lancaster.

H.R. 1446: Mrs. Unsoeld.

H.R. 1453: Mr. Bustamante and Mr. Frost.

H.R. 1472: Mr. Smith of Oregon, Mr. Machtley, Mr. Saxton, Mr. Coble, Mr. Barrett, Mr. Rahall, Mr. Burton of Indiana, Mr. Kyl, Mr. Huckaby, Mr. Armey, and Mr. Inhofe.

H.R. 1494: Mr. Hochbrueckner, Mr. Paxon, and Mr. Eckart.

H.R. 1504: Mr. Owens of Utah, Mr. Matsui, Mr. Ackerman, Mr. Manton, Mr. Rangel, Mr. Mazzoli, Mr. Hertel, Mr. de Lugo, Mr. Serrano, Mr. Yates, Ms. Norton, Mr. Mrazek, Mr. Bilbray, Mr. Abercrombie, and Mr. AuCoin.

H.R. 1549: Mr. Dornan of California, Mr. Goss, Mr. Costello, Mr. Towns, and Mr. Rangel.

H.R. 1550: Mr. Thomas of California.

H.R. 1601: Mr. Beilenson, Mr. Moakley, Mr. Richardson, Mr. Boucher, Mr. Wilson, and Mr. Lewis of Georgia.

H.R. 1606: Mr. Martin, Mr. Kopetski, Mr. Rogers, Mr. Swift, Mr. Emerson, Mr. Boehlert, Mr. Sanders, and Mr. Boehner.

H.R. 1637: Mr. Kanjorski.

H.R. 1651: Mr. Hefley, Mr. Santorum, Mrs. Vucanovich, Mr. Dornan of California, Mr. Kyl, Mr. Skeen, Ms. Molinari, Mr. Baker, Mr. Gilman, and Mr. Hyde.

H.R. 1658: Mr. Pickett, Mr. Ritter, Mr. Fish, Mr. Moorhead, Mr. Natcher, Mr. Jefferson, and Mr. Ackerman.

H.J. Res. 2: Mr. Smith of New Jersey and Mr. Pursell.

H.J. Res. 27: Mr. Coble.

H.J. Res. 66: Mr. Ford of Michigan, Mr. Oberstar, Mr. Erdreich, Mr. Frank of Massachusetts, Mr. Coleman of Texas, Mr. Murtha, Mr. Zimmer, Ms. Collins of Michigan, Mr. Regula, Mr. Stark, Mrs. Lowey of New York, Mr. Ballenger, Mr. Bilbray, Mr. Tanner, Mr. Hamilton, Mrs. Bentley, Mr. Hefner, Mrs. Vucanovich, Mr. Davis, Mr. Gunderson, Mr. Inhofe, Mr. Borski, Mr. Franks of Connecticut, Mr. Hayes of Illinois, Mr. Torricelli, Mr. Rhodes, Mr. Bruce, Mr. Traficant, Mr. Cardin, Mr. Levin of Michigan, Mr. Stallings, Mr. McCollum, Mr. Solarz, Mr. Valentine, Mr. Smith of Florida, Mr. Hefley, and Mr. Engel.

H.J. Res. 69: Mr. McDermott, Mr. Smith of New Jersey, Mr. Stark, Mr. Ballenger, Mr. Bliley, Mr. Rangel, Mr. Martinez, Mr. Lantos, Mr. de Lugo, Mr. Emerson, and Mr. Saxton.

H.J. Res. 95: Mr. McMillen of Maryland, Mr. Hall of Ohio, Ms. Norton, Mr. Wolpe, Mr. Frank of Massachusetts, Mr. Levine of California, Mr. Hayes of Illinois, Mr. AuCoin, Mr. Murtha, Mr. Kennedy, Mr. Jontz, and Mr. Coble.

H.J. Res. 107: Mrs. Vucanovich, Mr. Roe, Mr. Gallo, Mr. Hamilton, Mr. Smith of Oregon, Mr. Thomas of Georgia, and Mr. Kasich.

H.J. Res. 123: Mr. Ramstad, Mr. Wolpe, Mr. Stokes, Mr. Manton, Mr. Schumer, Ms. Molinari, Mr. Green of New York, Mrs. Lowey of New York, Mr. Coble, Mr. Towns, Mr. Smith of New Jersey, Mr. Paxon, Mr. Mfume, Mrs. Meyers of Kansas, Mr. Hochbrueckner, Mr. Andrews of Maine, Mr. Oxley, Mr. de la Garza, Mr. Bacchus, Mr. Ortiz, Mr. Lancaster, Mr. DeFazio, Mr. Washington, Mr. Emerson, Mr. Gilchrest, Mr. McGrath, Mr. Owens of New York, Mr. Coyne, Mr. Fish, Mr. Fazio, Mr. Young of Florida, Mr. Quillen, Mr. Taylor of Mississippi, Mr. Stallings, Mr. Serrano, Mr. LaFalce, and Mr. Waxman.

H.J. Res. 141: Ms. Slaughter of New York, Mr. Slattery, Mr. Markey, Mr. Levin of Michigan, Mr. Fazio, Mr. Pallone, Mr. Bilirakis, Mr. Annunzio, Mr. Applegate, Mr. Bevill, Mrs. Collins of Illinois, Mr. Pickle, Mr. Mavroules, Mr. Carr, Mr. Bustamante, Mr. Roe, Mr. Quillen, Mr. Smith of Florida, Mr. Volkmer, Mr. Carper, Mr. Wilson, Mr. Ravenel, Mr. Yatron, Ms. DeLauro, Mr. Riggs, Mr. Serrano, Mr. Rahall, Mr. de Lugo, Mr. Udall, Mr. Ray, Mr. Weber, Mr. Dicks, Mr. Reed, Mr. Cramer, Mr. Dwyer of New Jersey, Mr. Ramstad, Mr. Faleomavaega, Mr. Davis, Mr. Kolter, Mr. Kennedy, Mr. Franks of Connecticut, Mr. Mazzoli, Mr. Emerson, Mr. Kopetski, Mr. Fuster, Mr. Foglietta, Mr. Washington, Mr. Kildee, Mr. Hefner, Mr. Martin, Mr. Traficant, Mr. Traxler, Mr. Neal of North Carolina, Mr. Ackerman, Mr. McDade, Mr. Miller of Washington, Mr. Miller of California, Mr. Lewis of Georgia, Mr. Dingell, Mr. Upton, Mr. Mfume, Mr. Lewis of Florida, Mr. Matsui, Mr. Inhofe, Mr. Dixon, Mr. Jones of North Carolina, Mr. Murphy, Mr. Morrison, Mr. Bacchus, Mr. Lancaster, Mr. Tallon, Mr. Hayes of Louisiana, Mr. Natcher, Mr. Dymally, Mr. Johnson of South Dakota, Mr. Panetta, and Mr. Spence.

H.J. Res. 154: Mr. Chapman, Mrs. Byron, Mr. Hughes, Mr. Abercrombie, Mr. Moorhead, Mr. Roybal, Mr. Scheuer, Mr. Pickle, Mr. Bilbray, Mr. Derrick, Mr. Hamilton, Mr. Gallo, Mr. Hoyer, Mr. Saxton, Mr. Smith of Florida, Mr. Faleomavaega, Mr. Stallings, Mr. Swett, Mr. Peterson of Florida, Mr. Tauzin, Mr. Stark, Mr. Morrison, Mr. Kildee, Mr. Traxler, Mr. Schumer, Mr. Wise, Mrs. Meyers of Kansas, Mr. Borski, Mr. Rose, Mr. Bennett, Mr. Smith of Texas, Mr. Engel, Mr. Dixon, Mr. Rahall, Mr. Mfume, Mr. Udall, Mr. Browder, Mr. McHugh, Mr. Martin, Mr. Dicks, Mr. Downey, Mr. Hansen, Mr. Coleman of Missouri, Mr. Sanders, Mr. Paxon, Mr. Shays, Ms. Slaughter of New York, Mr. Donnelly, Mr. Skaggs, Mr. Wylie, Mr. Mollohan, Mr. Porter, and Mr. Hammerschmidt.

H.J. Res. 156: Mr. Quillen, Mr. Laughlin, Mr. Fazio, Mr. Gradison, Mr. Durbin, Mr. Bliley, Mr. Panetta, Mr. Tanner, Mr. Stallings, Mr. Goodling, Mr. Livingston, and Mr. Hammerschmidt.

H.J. Res. 169. Ms. Kaptur, Mr. Condit, Mr. Quillen, Mr. Bliley, Mr. Lancaster, Mr. Hayes of Louisiana, Mrs. Byron, Mr. Fish, Mr. Blaz, Mr. Martinez, Mr. Thomas of Georgia, Mr. Abercrombie, Mr. Alexander, Mr. Anderson, Mr. Applegate, Mr. AuCoin, Mr. LaRocco, Ms. Long, Mr. Manton, Mr. Mazzoli, Mr. Murphy, Mr. Pickle, Mr. Sanders, Mr. Serrano, Mr. Spratt, Mr. Staggers, Mr. Taylor of Mississippi, Mr. Bennett, Mr. Bevill, Mr. Engel, Mr. Cooper, Mr. Bonior, Mr. Feighan, Mr. Foglietta, Mr. Goodling, Mr. Hastert, Mr. Hall of Ohio, Mr. HAYES of Illinois, Mr. HENRY, Ms. HORN, Mr. JONTZ, Mr. JONES of North Carolina, Mr. LAFALCE, Mr. LEVIN of Michigan, Mr. MCEWEN, Mr. MATSUI, Mr. MOODY, Mr. OWENS of New York, Mr. POSHARD, Mr. SCHEUER, Mr. SLATTERY, Mr. SOLARZ, Mr. SWETT, Mr. TALLON, Mr. TOWNS, Mr. TRAFICANT, Mr. VOLKMER, Mr. WEISS, Mr. WYDEN, Mr. YOUNG of Alaska, Mr. WAXMAN, Mr. YATRON, and Mr. ZIMMER.

H.J. Res. 171: Mr. ABERCROMBIE, Mr. GILLMOR, Mr. SANDERS, Ms. ROS-LEHTINEN, Mr. POSHARD, Mr. OWENS of Utah, Mr. RAVENEL, Mr. TRAXLER, Mr. CHANDLER, Mr. MCCRERY, Mr. MATSUI, Mr. BREWSTER, Mr. TAYLOR of North Carolina, Mr. FRANKS of Connecticut, Mr. RITTER, Mr. FALEOMAVAEGA, Mr. WEISS, Mr. GRANDY, Mrs. MEYERS of Kansas, Mr. FEIGHAN, Mr. ROSE, Mr. DICKINSON, Mr. SLATTERY, Mr. JOHNSON of South Dakota, Mrs. VUCANOVICH, Mr. PERKINS, Mr. ENGEL, Mr. BILBRAY, Mr. ALLARD, Mr. HUNTER, Ms. OAKAR, Mr. YOUNG of Alaska, Mr. SCHIFF, Mr. ZIMMER, Mr. CALLAHAN, Mr. LAFALCE, Mr. PICKETT, Mr. MANTON, Mr. SAXTON, Mr. MOODY, Mr. BEVILL, Mr. DWYER of New Jersey, Ms. MOLINARI, Mr. STUDDS, Mr. WAXMAN, Mr. GINGRICH, Mr. MFUME, Mr. HUCKABY, Mr. DORGAN of North Dakota, and Mr. ROWLAND.

H.J. Res. 180: Mr. ACKERMAN, Mr. BENNETT, Mr. BLILEY, Mr. BUSTAMANTE, Mrs. BYRON, Mr. DANNEMEYER, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DE LUGO, Mr. FLAKE, Mr. FORD of Michigan, Mr. HALL of Ohio, Mr. JONTZ, Mr. KILDEE, Mr. LANCASTER, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. MCMILLEN of Maryland, Mrs. MEYERS of Kansas, Mr. PALLONE, Mr. PETRI, Mr. QUILLEN, Mr. ROE, and Mr. TORRICELLI.

H.J. Res. 185: Mr. BENNETT, Mr. HORTON, Mr. SPENCE, Mr. MFUME, Mr. QUILLEN, Mr. BLILEY, Mr. MOORHEAD, Mr. HARRIS, Mr. POSHARD, and Mr. LIPINSKI.

H.J. Res. 201: Mr. WILSON, Ms. LONG, Mr. CLEMENT, Mr. IRELAND, Mr. ALEXANDER, Mr. MCGRATH, Mr. MARTINEZ, Mr. BLILEY, Mr. SWETT, Mr. RANGEL, Mr. MCDERMOTT, Mr. SERRANO, Mr. WOLF, Ms. NORTON, Mr. WAXMAN, Mr. WOLPE, and Mr. SMITH of Florida.

H. Con. Res. 61: Mr. JEFFERSON, Mr. FALEOMAVAEGA, Mr. LANTOS, Mr. GORDON, Mr. SWETT, Mr. MCMILLEN of Maryland, and Mr. JONES of Georgia.

H. Con. Res. 92: Mr. OXLEY, Mr. ECKART, Mr. WALSH, Mr. JONES of North Carolina, Mr. BRUCE, Mr. RAHALL, Mr. MCCLOSKEY, and Mr. OWENS of Utah.

H. Con. Res. 101: Mr. LIPINSKI, Mr. HORTON, Mr. CLEMENT, Mr. COSTELLO, Mrs. BOXER, and Mr. SERRANO.

H. Con. Res. 102: Mr. NEAL of North Carolina, Mr. PORTER, Mr. BATEMAN, Mr. PETRI, Mr. MACHTLEY, Mr. RIGGS, Mr. ENGEL, Mr. KOLBE, Mr. BALLENGER, and Mr. JEFFERSON.

H. Res. 64: Mr. LENT and Mr. MACHTLEY.

H. Res. 100: Mr. HEFLEY and Mr. DELAY.

H. Res. 101: Ms. DELAURO, Mrs. PATTERSON, and Mr. POSHARD.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

46. By the SPEAKER: Petition of borough of Hi-Nella, PA, relative to the Philadelphia Navy Yard; to the Committee on Armed Services.

47. Also, petition of the city of Pomona, CA, relative to Armed Forces serving in the Persian Gulf; to the Committee on Armed Services.

48. Also, petition of city of Woodbury, NJ, relative to the Philadelphia Naval Shipyard; to the Committee on Armed Services.

49. Also, petition of the Legislature of Rockland County, New City, NY, relative to the Doherty case; to the Committee on the Judiciary.

50. Also, petition of Board of Chosen Freeholders of the county of Monmouth, NJ, relative to medical care for combat wounded veterans; to the Committee on Veterans' Affairs.

51. Also, petition of Offshore Governors' Forum, relative to the Insular Policy Report; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

52. Also, petition of Legislature of Rockland County, New City, NY, relative to U.S. Coast Guard presence in the Hudson River; to the Committee on Merchant Marine and Fisheries.

SENATE—*Tuesday, April 9, 1991*

The Senate met at 2:30 p.m. and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me * * *.—Psalm 23:4.

Gracious Father in Heaven, we are unspeakably grateful for the wisdom—the insight of King David concerning life beyond this life. Death is but a shadow through which we pass between life here-and-now and life eternal. We do not walk alone through this valley for the Lord, our Shepherd, is with us.

Loving Father, may peace cover, comfort, and console Mrs. Heinz, her sons, all of their loved ones and the Senator's staff who mourn the loss of this beloved gentleman statesman. We thank Thee for the memory of Senator JOHN HEINZ, his quiet gentleness, his toughness, his tireless perseverance in pursuing his concern for the elderly, the environment, international trade, and those less fortunate than most of us. Thank Thee for his leadership in his party and the Senate, his faithful, effective, long service to his State, the Nation, and the world. May the issues he so doggedly confronted continue to be championed by his peers.

In His name who promised, "* * * I go to prepare a place for you. And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also."—John 14:2,3.

Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that today, following the time reserved for the two leaders, there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, today there will be no rollcall votes. The Senate will conduct morning business during which Senators may speak on any subject. I know that many Senators wish to offer eulogies to our late colleagues, Senator HEINZ and Senator Tower.

On Wednesday, the Senate will not be in session to permit Senators to attend Senator HEINZ' funeral, which will be held in Pittsburgh.

On Thursday, it is my hope that the Senate will be able to proceed to the consideration of Calendar item No. 38, S. 207, the CFTC authorization bill. I had previously announced my intention to proceed to that bill today, but in veiw of intervening events and continuing disagreements on the bill, I believe it better to defer that until Thursday. It is my hope that we can proceed to it on Thursday.

On Friday, the Senate will not be in session. At 10 o'clock on Friday morning, in the National Cathedral, there will be a memorial service for Senator HEINZ, and I know that many Senators will wish to attend that service.

DEATHS OF SENATOR JOHN HEINZ AND FORMER SENATOR JOHN TOWER

Mr. MITCHELL. Mr. President, and Members of the Senate, the tragic and untimely deaths of our colleagues, Senator HEINZ of Pennsylvania and Senator Tower, are a shocking and painful reminder to all of us that our lives and fates are in the hands of God.

Senator Tower's daughter was with him in the aircraft and tragically shared his fate.

The accident that took Senator HEINZ' life claimed the lives of six others as well.

Memorial services and funeral services are our society's means of marking the end of a human life. Those ceremonies give friends and families a focus for their grief and meaning and dignity to the life that has been lived and has now ended.

But nothing can dim the pain of loss for family and close friends.

On behalf of the Senate, I express our deep sympathy for the families of all who lost their lives in these tragic accidents.

Senator Tower served the people of the State of Texas in this body with distinction for many years. As chairman of the Armed Services Committee for the first 4 years of the 1980's, he presided over and directed one of the greatest military buildups of our history.

His commitment to the security of our Nation was total and absolute. His experience and knowledge were a source of continuing guidance to President Reagan and to President Bush. Senator Tower's service on the Foreign Intelligence Advisory Board ensured that the fruits of his years of experience were available to the Nation until his untimely death.

The death of Senator JOHN HEINZ has cost the Nation one of its most dedicated public servants. Senator HEINZ chose service in the Senate over the many other opportunities open to him.

In 20 years in the Congress, including service in both the House and the Senate, JOHN HEINZ' career illustrated the American ideal of returning to the Nation in public service the prosperity and freedom that so many Americans enjoy.

I had the honor of serving with Senator HEINZ on the Finance Committee. His commitment to the health care of the elderly was reflected in the concern he showed for stability of the Medicare system. His concern about the steady erosion of good jobs for working men and women was reflected in his interest in fair trade.

When he served as chairman of the Senate Select Committee on the Aging, JOHN HEINZ took a leading role in developing the 1983 Social Security program package which has ensured the continuing stability of the retirement income provisions of that program to this day. His concern about the well-being of older Americans was reflected in his work on the Senate Finance Committee's pension subcommittee, as well as his continuing and active role on the Aging Committee.

His work and his example showed that there is no generation gap in the United States: He gave as much care to the interests and needs of older Americans as any political leader—indeed, as any leader anywhere—and he made the rest of the Senate pay attention to those concerns as well.

Senator HEINZ' dedication to working men and women was reflected in his continuing and energetic efforts to ensure that our Nation's trade policies were not pursued at the expense of the workers of Pennsylvania or the rest of America.

He recognized that every element of our Nation's economy, including its manufacturing jobs as well as its newer technologies, deserved the fair treatment of the Congress if all our people were to benefit from the expansion of our economy.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

JOHN HEINZ served the Senate with true distinction and commitment for over 14 years. He was an effective ally and an honorable opponent in legislative activities.

His personal commitment to his duty kept him in close and constant touch with people all over Pennsylvania. The heavy schedule of travel, meetings and hearings during the last recess reflected that commitment, even as it cost him his life.

Pennsylvania has lost a dedicated and effective representative. America has lost a public servant of integrity and conviction.

His wife Teresa and his sons have the most sincere condolences of the Senate, and our prayers in their time of need.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

RELATIVE TO THE DEATH OF JOHN HEINZ, A SENATOR FROM THE COMMONWEALTH OF PENNSYLVANIA—SENATE RESOLUTION 92

Mr. SPECTER. Mr. President, in the absence of the distinguished Republican leader, Senator DOLE, who is unavoidably out of the Chamber, I have sought recognition, and I thank the Chair.

Mr. President, I offer a resolution for our distinguished colleague, Senator JOHN HEINZ, as follows:

Whereas the Honorable John Heinz served Pennsylvanians in the United States Senate and the United States House of Representatives with devotion and distinction; and

Whereas his efforts on behalf of Pennsylvania and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his state and nation of an outstanding lawmaker.

Resolved, That the Senate expresses profound sorrow and deep regret on the death of the Honorable John Heinz, late a Senator from Pennsylvania.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

Mr. President, our colleague, Senator HEINZ, had a brilliant record academically, in business, as a Federal legislator, as a family man, and as a friend. His life demonstrated an extraordinary commitment to his country, to his State, to people generally—really, to the world. His contribution to the Congress, both the House and the Senate, is well known from the pages of the CONGRESSIONAL RECORD where he put an indelible mark.

His loss is a terrible one for his wife Teresa, their sons John IV, Andre, and Christopher, and for all of us who survive him in the Senate.

Not so well known about JOHN HEINZ are some facts that those of us who worked with him so closely know. He always carried a file with him. If you observe the working habits of Senators, like people generally, their habits vary. JOHN HEINZ was never without a large working folder so that whenever he had a spare moment, or even less, he was hard at work on the vast number of items which were on his agenda.

For those of us who had the opportunity to visit JOHN HEINZ in his office, his desk was a model of neatness and organization, with dozens of folders, each one identified. No matter what anyone's workload might have been, it was always a wonder to see how many individual items Senator HEINZ was working on at the same time.

He always carried a briefcase when he went home, and it did not make any difference what the hour was. I seldom went home with him at the end of regular working hours, but we traveled to our homes a few blocks apart, where we lived in Georgetown, as a matter of custom on the late night sessions of this body. Most do not realize that the hours of the U.S. Senate are very long indeed, and that it is frequently our practice to adjourn in the wee hours of the morning, anywhere from midnight, to 2 a.m., 3 a.m., 6:30 a.m. But whatever time JOHN HEINZ departed this Chamber—when it was our custom to ride home together I was the driver—JOHN HEINZ always had a briefcase.

Few know the details of his very prodigious State travel. Last week, when the Senate was in recess and many people were doing many different things, JOHN HEINZ was at work, as usual. Last Wednesday I spent the better part of 2 hours with Senator HEINZ in Altoona, PA, when our paths crossed as we sat with a group of people in Altoona from 1:20 until 3:10 in the afternoon. The next day he was back at work in Williamsport, PA. Then en route to Philadelphia, the extraordinarily tragic event occurred where his chartered plane collided with a helicopter, causing the untimely death of Senator HEINZ as well as four pilots and two schoolchildren on the ground in Merion, PA.

I think, Mr. President, that Senator HEINZ had as extraordinary a record as has been accomplished in the U.S. Congress, in the Senate or in the House. I doubt that there is any really good occasion, but this is probably as good an occasion as can be found, to comment on certain news media criticism in reporting on the death of such a distinguished public servant. The obituary columns recycled ancient unsourced criticisms which might have come under a caption "He wasn't absolutely perfect."

When I noted that material, I said to myself, "Isn't there any point when a person, even a public figure, who has less rights than others, is spared?"

I decided to make this brief comment when my son, Shanin Specter, who had noted the same material said to me: "This reinforces the reasons against going into public service."

America very much needs role models like JOHN HEINZ in public life. I know the reactions of my own sons, Shanin and Stephen, to the treatment of public figures. I do not know the reactions of Senators JOHN HEINZ' sons, John, Andre, and Christopher. But I hope they and others will be motivated to emulate an extraordinary role model like Senator JOHN HEINZ.

I fully appreciate the rights of any to express themselves in any way they choose. Those are rights which we all possess, and I have just exercised some of mine.

I can only say, Mr. President, that Pennsylvania is in a state of absolute shock over what has happened. In Philadelphia, the regular programming was interrupted when a series of people appeared on radio and television programs, commenting on their own recollections of an extraordinary public servant. I know that the city of Pittsburgh and, for that matter the entire State, is overwhelmed with grief at the passing of such an extraordinary young man who had the world at his disposal. All of the attributes of quality found their way into Senator JOHN HEINZ' life. He touched this body very deeply. He touched me very deeply, and I know he will long be remembered.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Does the Senator intend to seek the adoption of the resolution he has just submitted? May I suggest that would be appropriate. I note the presence of the distinguished Republican leader on the floor. Might I suggest, with his consent, that I and the Republican leader and all Senators on both sides of the aisle be added as cosponsors to the resolution? Would that be agreeable to the Senator from Pennsylvania and the Republican leader?

Mr. SPECTER. I thank the distinguished majority leader. That is entirely agreeable.

I send the resolution to the desk. Under the circumstances articulated by the distinguished majority leader, I urge its adoption.

The ACTING PRESIDENT pro tempore. That will be the order.

The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 92) relative to the death of Senator John Heinz, a Senator from the Commonwealth of Pennsylvania.

Whereas the Honorable John Heinz served Pennsylvania in the United States Senate and the United States House of Representatives with devotion and distinction; and

Whereas his efforts on behalf of Pennsylvanians and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his state and nation of an outstanding lawmaker.

Resolved, That the Senate expresses profound sorrow and deep regret on the death of the Honorable John Heinz, late a Senator from Pennsylvania.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 92) was agreed to.

The preamble was agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRIBUTE TO JOHN HEINZ AND JOHN TOWER

Mr. DOLE. Mr. President, I thank my colleagues for permitting me to speak at this time.

The Senate is in mourning today as we return to a Chamber and a city where JOHN HEINZ and John Tower served with great distinction and ability.

With JOHN HEINZ' tragic death, each Member of this body has lost a good friend.

JOHN's staff has lost a leader of integrity and intelligence.

The people of Pennsylvania have lost a tireless and effective champion.

America's elderly have lost one of their best friends.

And Teresa and John, Andre, and Christopher, have lost a loving and devoted husband and father, and our heart goes out to them.

JOHN HEINZ was a public servant who brought uncommon energy and dedication to his job. I remember many committee meetings, and many sessions on this floor where his leadership and diligence were instrumental in getting the job done, and getting it done right.

Once JOHN HEINZ grabbed hold of an issue—and it was usually a tough and complex one—he would not let go.

He gave his all to this job from the very moment he took office, and he was still working, as Senator SPECTER just pointed out, still on his way to more meetings, still giving his all, when we lost him.

JOHN's tragic death occurred not far from Philadelphia, the city where America was born, and I have no doubt that when George Washington, Benjamin Franklin, and America's forefathers gathered over 200 years ago to write the Constitution, they hoped that leaders such as JOHN HEINZ would one day give themselves to serving their country.

What impressed me most about JOHN HEINZ was what brought him to Washington. It was not money. It was not thirst for power or fame; rather, it was a sense of duty.

Many in JOHN's position might have chosen a life devoted to making more money. But JOHN, however, chose a life devoted to making a difference. And what a positive difference he made for Pennsylvania, for working men and women, for the elderly, for the sick, and for America.

While the Senate was still reeling from the death of JOHN HEINZ, we learned of the loss of our former colleague, John Tower, and his daughter, Marian.

John Tower served in this Chamber for nearly a quarter of a century, and in that time, few in this city did more to ensure our national security.

During his 4 years as chairman of the Senate Armed Services Committee, John Tower was President Reagan's right hand in rebuilding our national defense, and the difference that his leadership made could be seen in our victory in the gulf.

When John Tower retired from the Senate he had every right to return to his beloved Texas, and to focus on his personal career. Instead, he continually answered the call of his Nation, serving for 2 years as chief negotiator for the United States at the strategic arms reduction talks, and as chairman of the Special Review Board on the Iran-Contra Affair.

John was there when President Reagan needed him, and was there for President Bush, serving as a close friend and adviser. Many of us joined the President yesterday in attending funeral services in Texas, and in extending our sympathies to John's daughters, Jeanne and Penny.

Mr. President, it has been a sad week: two friends, so committed to public service and to our country are gone.

Oliver Wendell Holmes once said that "To live fully is to be engaged in the passions of one's time."

Today, as we mourn the death of JOHN HEINZ and John Tower, we can take heart in the fact that here were two men who lived life fully. For here were two men who truly embraced the passions of their time.

Mr. President, I reserve the remainder of my time.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

TRIBUTE TO A FRIEND—SENATOR JOHN HEINZ

Mr. PRYOR. Mr. President, it is with sadness that I stand here today to pay tribute to my friend and our friend and our colleague, Senator JOHN HEINZ of Pennsylvania. It is very difficult today to find the right words to convey the sense of loss that I and the entire U.S. Senate feel at this moment. His death has left a void in this Congress that will be impossible to fill.

Senator JOHN HEINZ and I served on a number of committees together. The Finance Committee, the Governmental Affairs Committee, the Special Committee on Aging, where I had the good fortune to share the leadership with a person of his commitment and his expertise and his compassion.

It was on the Aging Committee, too, where I saw JOHN HEINZ, Mr. President, at his best. He was and he will remain without peers in his dedication to issues affecting the elderly, particularly the poor and the frail in our society. It is there that the loss of JOHN HEINZ as a public servant, I think, will be felt most keenly.

All of the issues affecting the elderly for which Senator HEINZ fought are far too numerous to mention. So instead I will merely give a few highlights of his long, distinguished career on the Aging Committee.

In 1985, Senator HEINZ, then the chairman of the Aging Committee, was one of the very first Members of Congress to examine the phenomenon of quicker and sicker discharges from the hospitals that were endangering the health and well-being of many frail Medicare beneficiaries. He was instrumental in the passage of watershed nursing home reform legislation in 1987, thereby ensuring that nursing home patients, all across America, not just Pennsylvania, would have a better quality of life.

When the Medicare Catastrophic Act was being considered by the Senate, Senator HEINZ worked to include a prescription drug benefit, as well as protection for low-income elderly for Medicare's out-of-pocket costs.

During the debate on the repeal of the catastrophic law, Senator HEINZ fought long and hard to retain some of those benefits, prescription drug coverage among them. Although most of the law was eventually repealed, Mr. President, prescription drug coverage today remains as one of the greatest health care needs of the elderly of

America. And Senator JOHN HEINZ retained that commitment to help the elderly pay for those prescription drugs necessary to carry on their lives.

JOHN HEINZ also went after fraud. He went after abuse in the Medicare system, conducting investigation after investigation, in the selling and marketing of pacemakers, in the reuse of kidney dialysis machinery. Senator HEINZ sponsored the legislation that eventually expanded the Medicare Program to include a hospice benefit, as well as a bill that gave Medicare beneficiaries the opportunity to enroll in health maintenance organizations.

Health care, however, is not the only area where our colleague JOHN HEINZ had an impressive list of achievements. He was active in combating age discrimination, championing legislation to eliminate mandatory retirement at age 65. He and I had the honor of working together to ensure that older Americans across our country be guaranteed retirement pay when a plant closes down and other workers are eligible to receive retirement and severance benefits.

His tireless efforts to remove the Social Security Trust Funds from deficit reduction calculations were finally successful last year, Mr. President, as he believed that the funds in the trust were being used to mask the true size of the Federal deficit.

But by far, Mr. President, I think that JOHN HEINZ will be remembered in this body because of his tenacity and his dedication. To the millions that were tired, and disabled, Social Security recipients, his unmatched commitment to beneficiaries of all ages illustrates why Senator JOHN HEINZ will be missed by all of his colleagues.

I encourage my colleagues to take just a moment to reflect on and appreciate all that JOHN HEINZ stood for and all that he accomplished.

Mr. President, I would like to insert into the RECORD following my statement a statement that Senator HEINZ would have delivered on the morning of Friday, April 5, 1991, at a field hearing of the Senate Committee on Aging in Philadelphia, PA. Of course, this statement was never delivered by Senator HEINZ, but I consider it a fitting tribute to him to have that statement made a part of the RECORD.

Mr. President, I ask unanimous consent that Senator HEINZ' statement of April 5 that was to be delivered be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE SPECIAL COMMITTEE ON AGING HEARING "BLEEDING MEDICARE DRY: THE GREAT SALES SCAM" PHILADELPHIA, PA, APRIL 5, 1991, U.S. SENATOR JOHN HEINZ

Good morning. This is the first in a series of hearings that will be held examining how unscrupulous and greedy Medicare providers are bleeding millions of dollars from the Medicare program, and in some cases, endangering the lives of our senior citizens.

As today's hearing title suggests, our focus will be on a scam perpetrated by telemarketing durable medical equipment suppliers. These are Medicare providers who establish "telephone boiler rooms" where teenagers and others with no medical background are given lists with the names and telephone numbers of unsuspecting senior citizens. Call after call is made to induce seniors to accept what is described as "free" medical equipment—equipment that is rarely needed or beneficial and may even be dangerous. Getting a senior to accept even more equipment means a cash bonus for those in the boiler room.

Sadly this equipment, which is never free, often has little or no therapeutic value. As more of it is pushed through the front doors of senior citizens, the pockets of more and more unscrupulous providers are lined with millions of Medicare dollars—money that could be used for services and equipment that really is needed.

These greedy entrepreneurs have studied the Medicare system and developed clever schemes. Their scam is simple: They work the phone to sell "free" equipment to senior citizens. Their purpose is clear: to rip-off Medicare for as much as they can get, close their doors when Medicare realizes what they are doing, and then start dialing again the next day under another name. These kinds of scams are helping cause a hemorrhaging Medicare program.

Medicare is a program where costs are out of control. A program where millions of dollars are lost every day to providers who think of new ways to perpetrate rip-offs and scams against unsuspecting senior citizens, while Federal caretakers sit idly by and fail to do the corrective surgery needed to stop the bleeding of Medicare.

Our witnesses today will describe a story of intrigue ranging from how seniors are called and equipment is pushed on them, to a former DME employee who will describe how he was hired as a delivery man, was called a Medical Technician, but ultimately was a salesman, and the government witnesses will explain how the Department of Health and Human Services allows these practices to continue.

It seems that each year brings with it a new way to scam our elderly and taxpayer pocketbooks through Medicare. Unscrupulous durable medical equipment telemarketers with dollar signs in their eyes are blind to the threat their equipment often poses to our seniors or the harassment they cause. I am concerned about the negative image telemarketers have given to durable medical equipment industry.

Ladies and gentlemen, during the past few years budget deficits have resulted in Congressional action racheting down on Medicare reimbursement while we have put Medicare recipients through a meatgrinder. Frankly, this is one Senator who refuses to allow the wheel on the grinder to continue. I will not support further beneficiary cuts or cost-sharing increases for moderate-income Americans until I am convinced that we have rid the Medicare program of the scam artists who are solely interested in a fast buck—not helping seniors remain independent.

Mr. PRYOR. To the end, Mr. President, Senator JOHN HEINZ was working to make the world a better place for all Americans.

Mr. President, in conclusion, we have all heard that knowledge is power. Senator JOHN HEINZ had that knowledge. He worked to acquire it. He worked at knowing the subject matter which he was dealing with, and the most complex issues that face us as a country and that face this body as a U.S. Senate.

Mr. President, he had something more, something a great deal more than that knowledge. He had an extraordinary compassion for people, people who were helpless, old, sick, frail, or lonely. He exercised that compassion in such a noble way that I will always remember that depth of commitment and the depth of this compassion that JOHN HEINZ had. Truly, he was one of those rare Americans that believed in and practiced that service to humanity is the best work of life.

Mr. President, in addition, I would like to ask unanimous consent that a statement prepared by the Aging Committee staff on Senator HEINZ' accomplishments in the field of elderly legislation and causes, and also those involving health care and related issues, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR JOHN HEINZ

1. AGE DISCRIMINATION: MANDATORY RETIREMENT

Senator Heinz championed legislation to eliminate the requirement that older Americans must retire at age 65.

2. AGE DISCRIMINATION: PROTECTING PENSION BENEFITS

Senator Heinz joined forces with Senator Pryor and others to ensure that where a plant was closed, and workers were eligible to receive retirement and severance benefits, older workers could not be denied their full retirement pay.

3. HEALTH CARE: HOSPICE BENEFIT

Legislation was enacted under the direction and sponsorship of Senator Heinz to add hospice coverage to the Medicare program, thereby ensuring that terminally ill Medicare beneficiaries may spend their remaining days in their own homes rather than in an institution.

4. HEALTH CARE: NURSING HOME REFORMS

Senator Heinz sponsored legislation that Congress enacted to ensure that nursing home residents cannot be bound and tied to their beds or wheelchairs. The Heinz legislation was designed to prevent nursing home patients from being treated like second class citizens.

These reforms also required safety measures be built into nursing home facilities to protect the lives of their residents.

5. HEALTH CARE: HEALTH MAINTENANCE ORGANIZATIONS

The Congress enacted legislation introduced by Senator Heinz to provide Medicare recipients a lower-cost alternative to fee-for-service medicine. Senator Heinz was also responsible for legislative changes designed to improve administrative and quality assurance oversight of the risk contract HMO program.

6. HEALTH CARE: HOME DIALYSIS FOR ESRD PATIENTS

Senator Heinz was responsible for legislation providing Medicare payments for staff assistants for home hemodialysis patients too sick to travel safely to dialysis facilities for their treatment, on a demonstration basis.

7. HEALTH CARE: MEDICARE PRESCRIPTION DRUG COVERAGE

Senator Heinz was successful in adding an amendment to the Medicare Catastrophic Coverage Act to provide prescription drug coverage for Medicare beneficiaries.

8. HEALTH CARE: UNCOVERING FRAUD

As Chairman of the Senate Special Committee on Aging, Senator Heinz led a number of investigations into fraudulent acts under the Medicare program. His investigation into how "Pacemakers" are sold and marketed was instrumental in educating the Congress on such abusive practices.

9. HEALTH CARE: MEDIGAP FRAUD AND ABUSE REFORM

Senator Heinz, along with Senator Pryor and other members of Congress, was responsible for a comprehensive reform of the market for Medigap insurance, and a strengthening of federal oversight of Medigap laws, to prevent aged beneficiaries from being taken advantage of by abusive sales practices and to improve the quality of the supplemental insurance.

10. HEALTH CARE: COST CONTAINMENT IN MEDICARE

Senator Heinz was a strong supporter of legislation enacting prospective hospital payment under Medicare and subsequent legislation reforming the manner in which Medicare pays physicians (i.e., RBRVS). Both of these measures are designed to slow the rate of increase in Medicare costs, thereby helping to prevent any erosion in Medicare benefits for elderly and disabled beneficiaries.

11. PENSIONS: REDUCING THE TIME FOR VESTING

Congress passed legislation sponsored by Senator Heinz that lowered the period of time an employee had to work before being eligible for pension benefits.

12. SOCIAL SECURITY: OFF BUDGET

The President signed into law legislation to remove the Social Security Trust Funds from deficit reduction calculations. John Heinz joined forces with Fritz Hollings and Pat Moynihan to lead the effort to accomplish this goal. Senator Heinz was determined to protect the trust funds and to ensure that they were not being used to mask the size of the federal budget.

13. SOCIAL SECURITY: DISABILITY

Senator Heinz was deeply committed to ensuring that the nation's disabled citizens were treated with both compassion and equity in their dealings with the federal government. He fought tirelessly to ensure that disabled children were not evaluated under a stricter standard when applying for disability benefits than were adults. His efforts in this area were confirmed when the Supreme Court in the historic *Zebley* decision required the SSA to change its standard for evaluating childhood disability under the SSI program.

Heinz also introduced legislation to reform SSA's entire disability determination process and authored legislation which liberalized disability rules for disabled widows.

14. SOCIAL SECURITY: EARNINGS TEST

Senator Heinz believed that the Social Security Earnings Test which reduces benefits $1 for every $3 earned over $9,720 for those aged 65 to 69 contradicted the work ethic that this nation believes in. He cosponsored legislation to repeal the test and called for its elimination on the Senate floor and in the Finance Committee.

15. SOCIAL SECURITY: TRUST FUNDS

Throughout the 1980's and into the 1990's Senator Heinz endeavored to protect the Social Security Trust Funds so that they were not used for political purposes and to ensure that benefits would continue to be payable to beneficiaries both today and tomorrow.

Mr. PRYOR. Mr. President, I am very proud this afternoon to be able to stand in the U.S. Senate, and have seated beside me Mr. Jeff Lewis, who is JOHN HEINZ' chief of staff for the Special Committee on Aging. Mr. Lewis was to be with Senator HEINZ at the Special Committee on Aging hearing in Philadelphia on April 5. I know that this Senate—all of us alike, on both sides of the aisle—extend to Jeff, to Senator HEINZ' personal staff, to his committee staff, and to all of those that he touched along life's way, along with Senator HEINZ' wonderful family, our prayers, and our thoughts during this very trying hour.

Mr. President, I thank the Chair. I yield the floor.

Mr. PRESSLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota [Mr. PRESSLER] is recognized.

THE DEATH OF SENATOR JOHN HEINZ

Mr. PRESSLER. Mr. President, I rise to pay tribute to Senator JOHN HEINZ. I served with him on two committees. In fact, the first event that I held after being elected to the Senate was hosted by Teresa and JOHN HEINZ in their home.

I think he was one of the greatest Members of the U.S. Senate. Indeed, Senator SPECTER has mentioned his capacity for hard work. I recall Senator HEINZ coming to South Dakota to hold hearings. I recall one such hearing in Sioux Falls which was on the rural elderly. He came prepared with detailed questions about different counties. Obviously, he had spent several hours preparing.

I also traveled with him to Aberdeen, SD, again in a long meeting with members of the medical profession. He asked complicated questions on how part A and part B Medicare were affecting smaller cities and hospitals. And people were amazed that this heir to a huge fortune and prominent Member of the Senate knew in such detail, county-by-county, hospital-by-hospital, some of their problems. He did his homework so well and was so dedicated to the work he was engaged in.

My wife Harriet comes from western Pennsylvania. She and I have long felt a special relationship with JOHN and Teresa HEINZ because of that fact.

THE DEATH OF FORMER SENATOR JOHN TOWER

Mr. PRESSLER. Mr. President, I pay tribute to former Senator Tower and his daughter. Their loss has given us a deep sense of sorrow.

Just recently I completed reading his book, "Consequences." I had dictated a letter to him, thanking him for his accurate remarks regarding myself. His comments pleased me. I never signed that letter. Ironically, it is still in my office.

During his four terms of Senate service, John Tower set a great example for us with his tenacity and leadership.

John Tower and JOHN HEINZ set a clear example of distinguished, devoted public service. I pay tribute to both of them.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Maine.

THE DEATHS OF SENATOR JOHN HEINZ AND FORMER SENATOR JOHN TOWER

Mr. COHEN. Mr. President, as we have heard, last week the tranquility of the Senate's recess was shattered by two concussive explosions: The deaths of JOHN HEINZ and John Tower. And the news came with merciless swiftness. Both men were airborne, both pursuing engagements and duties. An air pocket perhaps, or even a wind shear in the one tragedy; a pilot's miscalculation in the other. A few seconds of terror, and then disintegration. Two colleagues, two friends, were snatched from us by death's cold hand with little opportunity to grieve the loss of one before being forced to face the horror of losing the other.

A total of 21 people died in the crash that killed John Tower; 7 more died in the one involving JOHN HEINZ, including 2 schoolchildren.

As Senator DOLE mentioned, yesterday a number of Senators traveled to Dallas to attend a memorial service for John Tower and his lovely daughter, Marian, who was better known to her friends and associates as Pooh. Tomorrow we are going to make another sad journey, this time to Pittsburgh for JOHN HEINZ.

As the world spins relentlessly on its axis and the events rush at us with a terrifying velocity, we are forced to pause and to reflect how thin is the membrane that separates this life from another, and how quickly our hearts can be stopped, our voices silenced, the threads of mortal existence severed. Death forces us to stand mute—momentarily—in its long shadow.

Yesterday's ceremony was a celebration of John Tower's life and that of his daughter. There were reminiscences by those who knew both the father and the daughter well. We listened to some inspiring poetry written by John's mother, the celestial voices of the Highland Park United Methodist Church Choir and a soul-touching solo by Fred McClure.

We learned some facets about John's life that go unnoticed by strangers—

the light and fun-loving side, the family-loving side.

Most people see only the surfaces of others: their physiques, their clothes, mannerisms, and idiosyncracies. They see only the faces that are prepared for others to meet. Most people saw in John Tower only his English tailored suits, the stiff collared, and cuffed shirts. They saw his shortness of height, his brusqueness of manner.

They saw hard, sharp edges—of intellect to be sure, but of temperament, too. And they took a snapshot of the man; he was caught in the freeze frame of their judgment.

However, those who worked for John Tower and those who knew him saw a different man. Behind the formality, indeed, an uncommon gentility, was a very warm and generous man who cared deeply for his family, for his friends, and most especially for his country. There was a mental and intellectual toughness in him and a love for the richness of language. He was part poet, part preacher, and pure patriot.

More than any other Member of the Senate—with the exception of Scoop Jackson, his friend—it was John Tower who stayed the course during the 1970's and the 1980's when it was unpopular to speak out for a strong national defense. He was labeled a hawk who never met a weapons system he did not like. And yet, as chairman of the Armed Services Committee, he was the only member that I can recall who ever voted to terminate a weapons system built in his own State. When he called upon his colleagues to identify what State-grown or State-nurtured program they were willing to put on the defense budget chopping block, not one came forward—no one. It was a sound of no Senator speaking.

John Tower's critics said he was a captive of the Pentagon. And yet it was John Tower who initiated the first study on reforming the structural organization of the Joint Chiefs of Staff. That reorganization was subsequently signed into law and known as the Goldwater-Nickles bill, but it was John Tower who was the first one willing to take on the Pentagon; yet, he received little credit for it.

On the way to the memorial service, I began rereading his book "Consequences." With every word, I could hear his rich baritone voice and the way he would roll certain words, his cadence. The book has been described by some and dismissed by others as simply a vendetta. I do not find it to be so. Yes, he does hit back at those who hurt him, But John Tower's goal in life was never to get even, but to get it right.

"Consequences" is not just a book by a former Senator. It is not even a book just about the Senate. It is a book about a life. It is a story of a boy sprung from the love of a mother-poet and a father-preacher. It is a story about Texas where politics, in John's own words, "is a contact sport," perhaps like roller derby played with brass knuckles. It is about a man with a small body and a large mind and an even bigger heart.

What leaps from the pages of his book is honesty. You will find admissions of personal failings and deficiencies, but they are trifling when compared to the contribution he made to Texas, to this institution, to his family, and most importantly, to this Nation.

Dag Hammarskjöld, the former Secretary General of the United Nations, kept a diary entitled "Markings." It was published after he died in a plane crash in 1961—the same year John Tower was sworn into the U.S. Senate.

Hammarskjöld believed that in his diary entries he gave the only true profile that could be drawn of him. There were others, like the poet W.H. Auden, who disagreed.

Perhaps it is impossible for anyone to draw a true account or a self-portrait, since we look at ourselves through a one-way mirror of the mind. But I believe that you will find in "Consequences" a portrait of John Tower that comes closer to the man than any profile ever sketched by journalistic friend or foe.

There is, in his book, the history of John's life. You will find in its pages a sense of honor, duty, and country. Those words meant a great deal to him.

He was, like all of us, flawed. But there was a nobility of being in John Tower—not a nobility of blood, but a nobility of purpose, of spirit. There was in him what the ancient Greeks called "Arete."

John Tower never asked favors. "He never gave any quarter. He stood foursquare and unafraid. He never hesitated and he never retreated or failed to speak out against hyprocrisy." And like Lt. Col. William Travis at the Alamo, he never surrendered.

He was my friend, and I am truly saddened by his death. And yet I take some comfort in the words of Robert G. Ingersoll, who wrote:

> And yet, after all, what would this world be without death? It may be from the fact that we are all victims, from the fact that we are all bound by a common fate; it may be that friendship and love are born of that fact; but whatever that fact is, I am perfectly satisfied that the highest possible philosophy is to enjoy today, not regretting yesterday, and not fearing tomorrow. So, let us suck this orange of life dry, so that when death does come, we can politely say to him, "You are welcome to the peelings. What little there was we have enjoyed."

John Tower feasted on life, and he left little for death to scavenge. But he left a great deal for us to ponder.

One of his proudest moments occurred when he took the oath of office in 1961, with Lyndon Baines Johnson in the chair, and his father, a minister, giving the opening prayer.

A copy of that prayer adorned John's office wall for 24 years. It is a prayer for each of us, and for all time:

> Our Heavenly Father, we give Thee thanks for this great nation. We thank Thee for our heritage, for those intrepid men across the years who have given their lives in war and in peace that this nation, under God, may lead the races of men out of the lowlands of despair to the mountain peaks of freedom. May we merit the love and respect of free people everywhere as we give to the world spiritual and economic leadership. Bless, we pray Thee, this great deliberative body. May the decisions here made bring honor to our country and lasting peace to our world. May each member of this body feel the tremendous responsibility of these decisive days. With the man of God, may we remember "Righteousness exalteth a nation but sin is a reproach to any people." Give us faith and courage as a nation to face up to the need of this age * * *

Those final words, which began a quarter century of Senate service, served as an inspiration to the man who was called "the Little Giant" from Texas. "Give us faith and courage as a nation to face up to the need of this age."

Tower was his name, and for me, he did.

AGRICULTURE IN THE GATT

Mr. BAUCUS. Mr. President, within the next several weeks, the Senate will likely vote on the administration's request for fast-track trade negotiating authority. A number of Senators have announced that they oppose extension of fast track because they are concerned that the interests of American farmers would be harmed by international trade negotiations.

Mr. President, no Senator pays more attention to the welfare of American farmers than do I. Agriculture is far and away the major industry in Montana. More than half of the jobs in my State are—directly or indirectly—linked to agriculture. I have repeatedly fought to protect farmers interests in the Agriculture Committee and here on the Senate floor.

But, far from being cause for concern, international trade negotiations are the best hope for maintaining a strong and growing farm economy in the United States.

AGRICULTURE IS AN EXPORT INDUSTRY

Mr. President, we must keep in mind that agriculture is America's No. 1 export industry. In most years, the United States is the world's No. 1 agriculture exporter. Recently, U.S. agricultural exports have averaged close to $40 billion per year. Further, if all agricultural trade barriers were eliminated worldwide, U.S. exports would rise by $8 to $10 billion annually.

Already, the United States exports about 75 percent of its wheat crop and 40 percent of its soybean crop as well as significant quantities of rice, beef, corn, and many other commodities. Nationally, more than one out of every three cultivated U.S. acres raises crops for export.

Increasingly, exports have a direct impact on prices of U.S. farm commodities. As this chart of wheat exports and wheat prices illustrates, good export markets means good prices for farmers. Since 1965, wheat prices have risen and fallen with exports. And this relationship is not just true for wheat. For example, economists estimate that beef exports to Japan have raised the price of the average American steer by $56. Thus, exports work to restore the strength of rural America while holding down the cost of the farm program by keeping prices high.

EUROPEAN TRADE BARRIERS

Unfortunately, not all news is good in agriculture export markets. A number of countries, including the EC, Japan, and Korea, maintain trade barriers that cut deeply into United States agricultural exports.

The EC is probably the worst offender. In the mid-1970's, the EC was the world's largest net importer of agricultural exports. By the mid-1980's, the EC was the world's largest net agricultural exporter—rivaling the United States. The EC employed a web of trade barriers, including import levies, export subsidies, and domestic supports, to complete this transformation.

The scope of the EC farm program literally dwarfs that of the United States. For example, in 1990 the EC spent about $11 billion on export subsidies alone. The United States spent only $10.4 billion to fund its entire farm program. According to last year's national trade estimate, the EC farm program contribute $7 billion to the U.S. trade deficit each year.

The EC farm program robs American farmers of markets, depresses farm prices, and costs U.S. agriculture billions of dollars each year.

THE GATT NEGOTIATIONS

This array of costly agricultural trade barriers worldwide led the United States to seek international trade negotiations to eliminate agricultural trade barriers. Starting in 1986, the United States and its trading partners launched a major round of trade negotiations under the auspices of the General Agreement on Tariffs and Trade—the GATT. A major objective of the round—known as the Uruguay round—is to eliminate agricultural trade barriers.

I applaud the administration for launching these negotiations and I have closely followed their progress. I have not agreed with every decision the administration has made during this period. For example, I believe that the administration should have spent more time focusing on the most serious agricultural trade barrier—export subsidies—and less time supporting the abstract principle of free trade. But fundamentally these negotiations are sound and worth continuing.

CONGRESSIONAL OBJECTIONS

A number of my colleagues, however, have raised concerns that I would like to address briefly.

First, some have argued that the huge disparity between the U.S. farm program and the EC farm program make formula cuts unwise. In other words, they are concerned that a 75-percent cut in both the United States and the EC farm program would leave EC farmers better off because they start from a higher base.

This a valid criticism. However, it is a criticism of the current state of affairs, not the negotiations. The EC treasury and consumers already spends three to five times as much as the U.S. supporting agriculture and the disparity is growing.

Moreover, the United States has cut its farm program by 55 percent over the last 4 years and further cuts are contemplated in the 1990 farm bill. Without international trade negotiations, the disparity will grow worse. Only trade negotiations hold out the promise of leveling the playing field for American farmers. But the huge size of the EC's farm program does point up the need for an agreement to require very deep cuts in agricultural subsidies—particularly export subsidies.

Second, others of my colleagues have argued that some farm commodities, such as peanuts, may not fair well if all trade barriers were eliminated. Most farm commodities, including soybeans, wheat, corn, and beef, seem likely to benefit from free trade. But some commodities may experience competitive problems. I don't believe these concerns should stop us from going forward with trade negotiations, since most of the agricultural community stands to benefit. But I do support my colleagues' efforts to make special arrangements to address the concerns of producers of these commodities.

THE BUDGET AGREEMENT

All Senators from agriculture States would be well advised to support extension of fast-track negotiating authority. As I have argued on this floor previously, without fast-track negotiating authority, no trade agreement would likely be concluded.

But terminating the fast track would have another less obvious impact on American agriculture. In last year's budget agreement, we included a provision that required the Administration to increase agriculture supports if an agricultural trade agreement is not reached. Specifically, if by June 30, 1992, the United States has not entered into an adequate agricultural trade agreement, the Secretary is required to take a number of steps, including increasing spending on export programs by $1 billion and extending marketing loans to all major commodities. The Secretary is also directed to consider other discretionary steps, but the increase in farm spending is mandatory.

This provision puts famrers in a win-win situation regarding the Uruguay round. Either we conclude a sound GATT agreement that increases agricultural exports or we increase farm program benefits to compensate. Farmers benefit either way.

In fact, the only way that farmers could lose is if the Congress creates a third option by terminating the fast track. If the Congress disapproves extension of fast-track negotiating authority, the President is allowed to waive the new spending. If Congress gave the opening. I am confident that the Office of Management and Budget would use it to press for further cuts in the farm program.

Mr. President, I ask unanimous consent that this portion of last year's budget agreement be printed in the RECORD directly following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(see exhibit 1.)

CONCLUSION

Mr. BAUCUS. Mr. President, if American agriculture is to prosper in the next century, we must expand export markets. The U.S. market for agricultural products is not likely to grow much in the foreseeable future, but farm productivity continues to increase each year.

Inevitably, this means we will need fewer and fewer farmers each year unless we can find new markets for our agricultural products.

The only course that offers a brighter future is putting our faith in international trade negotiations to open new markets for U.S. agricultural products. In order to conduct those negotiations, I urge my colleagues to support an extension of fast-track negotiating authority.

EXHIBIT 1

SEC. 1302 READJUSTMENT OF SUPPORT LEVELS.

(a) FAILTURE TO ENTER INTO AGREEMENT—If by June 30, 1992, the United States does not enter into (within the context of section 1102(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902)) an agricultural trade agreement in the Uruguay Round of multilateral trade negotiations under the General Agreement on Tariffs and Trade (GATT), agricultural acreage limitation and price support and production adjustment propams and export promotion levels shall be reconsidered and adjusted by the Secretary of Agriculture (hereafter in this section referred to as the "Secretary") in accordance with subsection (b), as appropriate to protect the interests of American agricultural producers and ensure the international competitiveness of United States agriculture.

(b) REQUIRED MEASURES.—Pursuant to subsection (a), in order to protect the interests of American agricultural producers and ensure the competitive position of United States agriculture, the Secretary—

(1) is authorized to waive any minimum level for any acreage limitation program required or authorized for any of the 1993

through 1995 crops of wheat, feed grains, upland cotton, or rice established under section 107B(e), 105B(e), 103B(e), or 101B(e) of the Agricultural Act of 1949 (as amended by sections 301, 401, 501, and 601 of the Food, Agriculture, Conservation, and Trade Act of 1990), respectively;

(2) shall increase by 1,000,000,000 for the period beginning October 1, 1993, and ending September 30, 1995, the level of export promotion programs authorized under the Agricultural Trade Act of 1978 (as amended by section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990), in addition to any amounts otherwise required or made available under such programs; and

(3) shall permit producers to repay price support loans for any of the 1993 through 1995 crops of wheat and feed grains at the levels provided under sections 107B(a)(4) and 105B(a)(4) of the Agricultural Act of 1949, respectively.

(c) FAILURE OF AGREEMENT TO ENTER INTO FORCE.—If by June 30, 1993, an agricultural trade agreement under the Uruguay Round of multilateral trade negotiations under the General Agreement on Tariffs and Trade has not entered into force for the United States, agricultural price support and other programs and export promotion levels shall be reconsidered and adjusted by the Secretary in accordance with subsection (d), if the Secretary determines such action is appropriate to protect the interests of American agricultural producers and ensure the international competitiveness of United States agriculture.

(d) SPECIFIC MEASURES.—

(1) MEASURES TO BE CONSIDERED.—Pursuant to subsection (c), the Secretary shall consider—

(A) waiving all or part of the requirements of this title, and the amendments made by this title, requiring reductions in agricultural spending;

(B) increasing the level of funds made available for the programs authorized under the Agricultural Trade Act of 1978; and

(C) permitting producers to repay price support loans for any of the 1993 through 1995 crops of wheat and feed grains at the levels provided under sections 107B(a)(4) and 105B(a)(4) of the Agricultural Act of 1949, respectively.

(2) AUTHORITY.—The Secretary is authorized to implement the measures specified in subparagraphs (A), (B), and (C) of paragraph (1). This authority shall be in addition to, and not in place of, any other authority under any other provision of law.

(3) IMPLEMENTATION.—If the Secretary determines the action is appropriate pursuant to subsection (c), the Secretary shall implement measures specified in subparagraph (A) of paragraph (1) and either or both of the measures specified in subparagraph (B) or (C) of paragraph (1).

(e) LIMITATION.—This section shall not be construed to authorize the Secretary to reduce the level of income support provided to agricultural producers in the United States.

(f) TERMINATION.—The provisions of subsections (a) and (b) shall cease to be effective if the President certifies to Congress that the failure referred to in subsection (a) to enter into an agricultural trade agreement in the Uruguay Round of multilateral trade negotiations under the GATT is a result in whole or in part of the provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191), or essentially similar provisions, not applying or in effect not applying during the period ending May 31, 1991 (or during the period June 1, 1991, through May 31, 1993, if the condition of section 1103(b)(1)(B)(i) is satisfied) to implementing bills submitted with respect to such an agreement entered into during the applicable period under section 1102(b) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902(b)).

Mr. BAUCUS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

TRIBUTE TO FORMER SENATOR JOHN TOWER AND SENATOR JOHN HEINZ

Mr. LIEBERMAN. Mr. President, I join my colleagues in their expressions of remorse and condolence on the passing of Senators John Tower and JOHN HEINZ.

I did not have the privilege of serving in this Chamber while John Tower was a Member. I knew him by reputation and I followed his work. I simply associate myself with those who have spoken here this afternoon in paying tribute to his leadership in this Chamber, his fearless and often controversial advocacy of a strong national defense, which is part of the reason why today we see the Soviet Union in collapse and is part of the reason why in the last few months we enjoyed the remarkable victory we did in the Persian Gulf.

John Tower was a brilliant individual who served his State and Nation admirably, and, while in the course of that service, one who speaks his mind often becomes controversial and has detractors as well as supporters, there is no doubt in my mind that history will treat the services of John Tower very, very favorably.

Mr. President, it was an honor in these last 2 years to serve in this Chamber with Senator JOHN HEINZ and to get to know him. Like everyone here, I was jolted, unsettled, shaken by his sudden death. I served with him on the Governmental Affairs Committee where he was a persistent and tireless fighter in the name of governmental efficiency, in the cause of a Government that serves people but does so in the least wasteful and most honorable way possible.

Tribute has been paid here to Senator HEINZ' advocacy on behalf the elderly of our Nation. That is so true, and the record speaks for itself. Mr. President, you know because you worked with him in his advocacy of a strong and fair trade policy for the United States of America, which quite literally protected tens of thousands of jobs for Americans in this country.

It is obvious that JOHN HEINZ did not need public service. He could have lived, in the most simple terms, a very comfortable and satisfactory life without the pressure, the travail, the demands of public life. But he was, in a classic sense and in the best American traditions of public service, called to serve the public, and he did so honorably and effectively, and all of us here and all of the people of Pennsylvania and this Nation owe him a debt and will miss him dearly.

Mr. President, I want to say that, coming from Connecticut and particularly coming from New Haven, we have a special sense of loss at JOHN HEINZ' passing. He was a 1960 graduate of Yale University and maintained an active and generous interest in that great institution. He supported it generously, was a leading patron of our art gallery, and in that sense contributed to the quality of life of the people of Connecticut, and we will continue to benefit from that generosity and thank him for it.

My wife and I join with all those here who extend sympathy to his wife Teresa and to their children and fervently hope that they truly will know no further sorrows.

Mr. SARBANES. Mr. President, I rise to join my colleagues in expressing deep grief and sadness at the death of our colleague, JOHN HEINZ and to express my most heartfelt sympathies to his wife and his children.

I was a relatively recently elected Member of the U.S. House of Representatives, having been elected in 1970, when JOHN HEINZ was chosen at a special election on the 2d of November 1971. We then were both elected to the U.S. Senate in 1976. So I served together with JOHN HEINZ in the U.S. Congress ever since 1971, virtually the entire time that I have been a Member of the Congress.

Over those many years we worked together on many issues. We served together on the Senate Banking, Housing and Urban Affairs Committee, and served even more closely together as Members of its Subcommittee on International Finance and Monetary Policy. When the Republicans controlled the Senate from 1981 to 1986 he chaired the subcommittee and I served as ranking member. When the Democrats took over control of the Senate in 1987 I chaired the subcommittee and he served as ranking member.

During his tenure as chairman of the International Finance Subcommittee from 1981 to 1986, Senator HEINZ established himself as a leader in the Senate on such issues as export controls on high technology, the Export-Import Bank, and export promotion. As chairman of the subcommittee he was a principal author of the International Lending Supervision Act of 1983, the Export Administration Act reauthorization of 1985, and the Export-Import Bank Amendments Act of 1986.

I had the privilege of becoming chairman of the International Finance Subcommittee in 1987. Senator HEINZ served then as the ranking member. In that Congress the International Finance Subcommittee produced a large portion of the Omnibus Trade and Competitiveness Act of 1988. I had the privilege of working closely with Senator HEINZ in crafting a major revision of the Export Administration Act, significant new measures dealing with exchange rate policy and international debt, as well as the export promotion programs of the Commerce Department and the Export-Import Bank. Taken together with his work on the Finance Committee, Senator HEINZ played an exceptionally large role in the passage of that major piece of legislation.

In the last Congress the subcommittee again undertook a major revision of the Export Administration Act, which was passed by the Congress last October but was subsequently pocket-vetoed by the President. Senator HEINZ again played a critical role in the passage of that legislation. The Senate has passed that bill again this year and it is now awaiting action in the House. It is my hope that the Congress can complete action on that legislation and that it will be signed into law.

The final enactment of this legislation would be an appropriate tribute to Senator HEINZ. It might be fairly said that over the past decade no Member of Congress played a larger role in the development of U.S. export control policy than Senator HEINZ. He brought to this difficult and complex issue a balanced perspective that sought to weigh the need of U.S. exporters to compete in international markets against the genuine U.S. security interest in controlling the export of sensitive technology. The depth of his interest in the issue is reflected in the book he just published in March of this year on the U.S. export control system entitled "U.S. Strategic Trade: An Export Control System For The 1990's."

Mr. President, JOHN HEINZ' commitment to serving the Nation was extraordinary. It was felt very deeply. I can remember on many occasions working into the late hours of the evening with him on difficult and complex matters which might not be the headline issues of the day but were important to our national interest.

Often a legislator accomplishes a great deal of his contribution in handling issues of that sort. JOHN HEINZ was very good at it. I can remember working with him on housing legislation, securities legislation, on international financial institutions, on export policy, on which he was a recognized expert. To think of someone at 52 years of age—JOHN HEINZ would have been 53 this October—with literally years yet ahead of him to serve his State and to serve his Nation, taken from us in this tragic way cannot help but bring us all up short in terms of realizing how much our fate is beyond our control.

I listened carefully to JOHN HEINZ' colleague from Pennsylvania, Senator SPECTER, who spoke earlier of Senator HEINZ setting an example for young people to follow. I think he did that here in the Senate. He was favored by circumstance and he recognized in the very finest sense an accompanying responsibility. He delivered on that responsibility in his tenure, first in the House of Representatives and then here in the U.S. Senate. He carried out the responsibilities of his office with uncommon vigor and dedication. He was an extraordinarily able Member of this body. I hope his family finds comfort in the contributions he made. Certainly those of us who were privileged to serve with him will always remember his leadership, and his commitment. He will be deeply and sorely missed in this body.

As one who was privileged to serve with JOHN HEINZ throughout his entire career in the Congress of the United States, I extend my very deepest and heartfelt sympathies to his wife Teresa and to his three sons.

JOHN TOWER

Mr. SPECTER. Mr. President, we were all reeling from the tragic airplane crash involving Senator JOHN HEINZ last Wednesday, April 4, when the very next day, April 5, the news media brought a report of the tragic death of former Senator John Tower and his daughter and 21 others in a plane crash in the State of Georgia.

I had long admired Senator Tower before coming to this body. While here, I had the distinct honor of working with Senator Tower in the U.S. Senate. I found him to be brilliant and decisive, tenacious, always impeccably dressed, an extraordinary individual in every sense of the word.

Senator Tower did much to aid in the rearming of America in the 1980's, which I think was instrumental in our tremendous victory in the gulf. I think it was instrumental in leading to arms reduction agreements with the Soviet Union on INF, and the significant progress made on strategic arms reduction.

His contribution to the Senate, to the Congress, and to America has been very profound indeed. I remember well dealing with John Tower as a striking, tough opponent. When anyone articulated a view that disagreed with one of Senator Tower's positions, a battle royal was on. I recall in the spring of 1982 offering a sense-of-the-Senate resolution for a summit meeting between President Reagan and the Soviet General Secretary Brezhnev. It seemed to me that that was something which was within the purview of the Senate and something which ought to be done. It followed one of President Reagan's famous Saturday radio addresses where he talked about the need for preparedness and great military strength. It seemed to me a summit meeting would be a good idea. Given the Senate's responsibilities on ratification of treaties and responsibilities for foreign affairs generally, it would be a good proposal to offer.

I had no idea of the texture of the resistance which would be encountered from my colleague, Senator John Tower. We have Tuesday caucuses with the parties, as all Senators know, and Senator Tower made a point to bring the matter up at one of those caucuses. It got the issue a great deal of attention—there are a lot more people at caucuses than are present on the Senate floor at any given moment.

It was a very fascinating experience to be on the other side of a controversial issue from Senator Tower—always fair, always direct, not necessarily gentle, but always appropriate. It was a real experience to work with him.

I recall another occasion where later one night he had an item which came to the attention of the floor under the black box category, something that very seldom occurs on the Senate floor. I, among others, was interested in the details. I recall going back into the cloakroom, sitting with Senator Tower for a protracted period of time as I heard his views on governmental secrecy and the importance of black box or the importance of nondisclosure. It was quite a fascinating discussion which occurred that night in the Senate cloakroom. We did not all agree when the discussion was ended, but it was always a remarkable experience to deal with Senator Tower on a governmental issue.

There was always the overwhelming sense of his thorough understanding of every issue and a very profound appreciation of public policy concerns, especially the complexities of national security and defense issues.

I recall his departure from the Senate when quite a number of our colleagues stood and complimented Senator Tower. I recall even better the bruising confirmation battle which occurred in this Chamber in early 1989, and I know that this body mourns for him deeply at this point. There is certainly unanimity in the Senate today on his outstanding contribution to this body to our country.

The PRESIDING OFFICER. The Senator from Vermont.

PRIVILEGE TO SERVE WITH

Mr. LEAHY. Mr. President, I will be speaking on both of our departed colleagues with whom I had the opportunity and privilege to serve, both Senator HEINZ and Senator Tower.

DEATH OF SENATOR JOHN HEINZ

Mr. GORE. Mr. President, elsewhere in the RECORD of our proceedings today I will speak at length on my friend JOHN HEINZ. I would like to say on this occasion how deeply grieved I am at this untimely death.

I have listened to many thoughtful statements this afternoon. I, too, would like to express my condolences to Teresa Heinz, to their three children, to the entire Heinz family, and acknowledge sincerely and in a heartfelt way what a special friend JOHN HEINZ was to us all. Having had the opportunity to work closely with him on a number of issues, especially environmental issues affecting the global environment—one of JOHN's many passions and one to which he brought a special intensity of interest, a special energy and dedication—I can merely underscore what so many others have already said. This was an extraordinary man who brought his heart, his energy, his intelligence, and drive to public service in ways that only he could. I admired him greatly. I enjoyed him as a friend. I appreciated what he stood for as a person.

Like all of my colleagues, I will truly miss him. It is a cliche but let me say it anyway. Words are inadequate in every respect to express what we are all feeling about the death of JOHN HEINZ.

Mr. President, my heart goes out to his family.

DEATH OF FORMER SENATOR JOHN TOWER

Mr. GORE. Mr. President, although I did not have the opportunity to work closely or serve with former Senator John Tower, I did have an opportunity as a Member of the House of Representatives to serve on the Arms Control Observer group at a time when Senator Tower was our chief negotiator in Geneva. I developed a great respect for his efforts in that project and that endeavor.

My sympathy and condolences are extended to his family, and I join the comments of so many others in acknowledging with sadness his untimely death.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. HARKIN. Mr. President, I rise today with great sadness to remember an exemplary Member of this body, a proud Pennsylvanian, and a great American—Senator JOHN HEINZ. JOHN HEINZ was a Senator who fought not only for the issues he believed in but for the region of the Nation he proudly represented. His loss is a loss to this body, to his State, and to the Nation.

JOHN was the cochair of the Northeast-Midwest Coalition in the Senate, and I had the privilege to serve in that organization with him. JOHN was strongly dedicated to the Rust Belt. He worked tirelessly on legislation to strengthen the economy of that area. Because the Corn Belt experiences some of the same problems as the Rust Belt, I had the opportunity to work closely with JOHN on several matters of shared importance to both of our regions.

For example, last Congress Senator HEINZ and I coauthored legislation tightening up on the federally subsidized irrigation program, a program which currently punishes areas with an abundant supply of water, like ours. Through this and other efforts, I gained a strong appreciation and admiration for the time and work that Senator HEINZ spent on the regional concerns of the Northeast and Midwest.

Personally, JOHN HEINZ was friendly and accessible. Though his background was one of wealth and privilege, he had the ability to reach beyond his social class. He worked hard for the many working people of his State.

JOHN HEINZ also had an Iowa connection—his mother was born in Cedar Rapids and his Iowa ancestry on his mother's side went back a few generations. He reminded me of his Iowa ties on several occasions over the years. I know countless Iowans join the Nation in mourning JOHN's loss.

Mr. President, my sincere and heartfelt sympathies go out to Mrs. Heinz and her children, to his family, staff, friends, and supporters. My thoughts are with those closest to JOHN during this difficult time.

In closing, I want to mention that I am especially moved that Senator HEINZ' family has asked memorial contributions be directed in part for the promotion of programs addressing infant and child health. Through this effort—and through memorial donations toward saving the Amazonian rainforest—JOHN's family has assured that in saluting his memory we will be helping to secure our world's future.

TRIBUTE TO SENATOR HEINZ

Mr. WELLSTONE. Mr. President, I rise to pay tribute to the memory of one of our own, to the late Senator JOHN HEINZ of Pennsylvania. We are all saddened by his untimely death.

I only had the privilege of serving with JOHN a short time. However, during that time I was struck by his diligence and hard work. He served this body with dedication and commitment.

Everyone who knew JOHN was enriched by their association with him. With a hands-on style, he fought hard for and enthusiastically devoted himself to the State of Pennsylvania.

JOHN was a dedicated public servant and a visionary. He further touched the lives of others by his commitment to many philanthropic organizations. A member of the U.S. Senate for 15 years, he leaves lasting and significant contributions to his State and the Nation.

I extend my deepest sympathy to his wife Teresa, his three children, Henry John IV, Andre, and Christopher; and to the citizens of Pennsylvania.

Admired and loved by family, friends, and colleagues, all of us will miss this dynamic man.

JOHN GOODWIN TOWER

Mr. BENTSEN. Mr. President, the sudden, accidental deaths of a colleague and a former colleague remind us that fate can sometimes be quite cruel. The shock and sadness we feel are magnified by memories of long friendships and recent encounters.

Today I want to talk about the life John Tower lived and the public service he gave, not the tragedy which took his life and that of his daughter Marian.

For 14 years we served together in this body, representing the people of Texas. We came from different parties and had different voting records, but we worked together in a spirit of cooperation that grew over the years. Especially on issues important to our State, we had an excellent working relationship.

When John Tower was first elected to the Senate in 1961, he told a newspaper reporter that he intended to remain in that seat "as long as the people of Texas will have me." Elected as a Republican, at age 35, to a seat that was originally held by Sam Houston, John Tower seemed to face long odds of even being reelected, much less serving four terms. But John Tower proved the skeptics and critics wrong, and not for the last time.

As a member and later chairman of the Senate Armed Services Committee, he demonstrated time and again his commitment to a strong national defense, second to none. He developed an expertise which was widely recognized and built a record of achievements in the early 1980's which helped permit our subsequent military successes in Panama and the Persian Gulf.

He was a patriot to the core of his being. In World War II, he enlisted in the Navy at the age of 17 and served throughout the war on a gunboat in the Pacific. Ever the Texan, pictures of him from that time plainly show cowboy boots peeking out from under his naval uniform.

After the war, John remained in the Naval Reserve and worked his way up the enlisted ranks. When he retired from the Senate, he was the only active enlisted reservist in the Congress. He brought to this body his keen understanding of and appreciation for the problems facing enlisted personnel in our Armed Forces.

After leaving the Senate, he remained in public service as our chief negotiator on strategic nuclear armaments. And when the Iran-Contra scandal was uncovered, it was John Tower who headed the special review board that told President Reagan, and the rest of us, just how we got into that mess, and how we could avoid similar problems in the future.

John Tower failed to win a final victory, however, when he was denied confirmation as Secretary of Defense in the new Bush administration. I supported John because I knew him well, and recognized his extraordinary qualifications for that post, and because I could not square the man I had worked with so closely with the negative reports which surfaced about him.

That was a painful period for him, and for us as an institution. But John Tower moved on and undertook new challenges—until last Friday's tragedy.

Mr. President, let us now remember and honor him for his long record of service and his devotion to our Nation.

Let us remember his keen mind and hard work. Let us praise his unwavering patriotism and his achievements in strengthening our defense posture. And as we recall his combativeness, let us acknowledge that he always put our country first.

JOHN HEINZ

Mr. BENTSEN. Mr. President, we are all shocked and saddened by the tragic and untimely death of our colleague from Pennsylvania, Senator JOHN HEINZ.

I know that I speak for many when I say that JOHN will be sorely missed, not just by those of us who knew him, but by the millions of Americans who benefited from his years of work here in the Congress. He had done much, but he had much yet that he wanted to do.

During the last few months alone JOHN was deeply involved in many of the most difficult issues before the Finance Committee, where I have had the privilege of working with him for the past 12 years: He was vigorously protecting the Social Security trust funds from misuse in the budget accounting process by working with Senator MOYNIHAN and others to establish the famed "firewall."

He showed his concern for those with severe health problems, for example through his efforts to extend home care to the most frail of dialysis patients.

And, of course, his role as ranking member of the Aging Committee and as a member of the Pepper Commission vividly demonstrated the intensity of his commitment to quality health care for the elderly, the disabled, and their families.

Today we moved forward with our work on health issues in the Finance Committee, thinking often of JOHN as we will in the days and years to come. I think he would be pleased that we are launching a series of hearings on one of the most challenging problems facing the American people and their elected officials—access to affordable health care for the millions of Americans who lack insurance coverage. It was an issue in which he had invested himself.

His compassion was also visible in his handling of trade matters. When the Finance Committee was working on the 1988 Trade Act, in which he played a major role, we invited then-Secretary of Commerce Baldrige to talk with us about possible changes in the antidumping and countervailing duty laws. During that meeting, JOHN showed an extraordinary mastery of the details and the legal complexities. But he did not see these trade issues just in terms of statistics and theories. He was driven by their effect on real people and their daily lives. In the same vein, he was one of the strongest supporters of the targeted jobs tax credit. He was a good friend and an able Senator. We will miss him.

IN HONOR OF SENATOR JOHN HEINZ

Mr. CONRAD. Mr. President, I rise today to express my deep sorrow at last week's horrible tragedy that took from us a valued friend and colleague, Senator JOHN HEINZ. I wish to express my heartfelt condolences to his family, friends and staff for their heartache caused by his untimely death.

Mr. President, JOHN HEINZ was a hard working, energetic and effective Senator, with an acute sense of public duty. He fought vigorously for his constituents in Pennsylvania, and for many issues and ideas in which he believed strongly.

JOHN HEINZ will be remembered by all of us for many reasons. As a member of the Finance and Banking Committees, he concentrated on halting unfair foreign trading practices and strengthening the competitive position of American industry. He made numerous contributions as a member of the Committee on Governmental Affairs. And he had many exceptional accomplishments on the Special Committee on Aging.

I, for one, will recall his hard work on behalf of the elderly in this country. Although he chaired the Special Committee on Aging before I came to this body, I came to respect his work as the highest ranking Republican member of that committee. And I have grown to appreciate his many contributions as the committee's chairman.

During the early 1980's when many sought to deregulate the nursing home industry, JOHN HEINZ refused to jump on the bandwagon. He fought to achieve a bipartisan compromise that not only retained nursing home regulation, but also insured the improvement of the quality of care that those who reside in nursing homes can expect to receive.

JOHN HEINZ was a principal mover in the reforms that helped repair the fiscal condition of the Social Security trust funds. Not only was he a member of the National Commission on Social Security Reform, but he played a lead role in pushing the legislation produced by the Commission through both the Senate and the House-Senate conference committee in 1983. This was a contribution of monumental importance to the millions of Americans who already receive Social Security benefits, and the additional millions who expect one day to draw Social Security payments.

He also wrote legislation that prompted Medicare peer review organizations to evaluate more home-based and nursing home care. He documented fraud and abuse in the medical device industry. And he successfully fought to eliminate mandatory retirement in most professions.

JOHN HEINZ played a major role in forcing this country to recognize that an individual's productive capacity does not suddenly disappear upon turning age 65. Because of his efforts, many older Americans are making productive contributions in today's work force, rather than being forced to retire before they are ready.

JOHN HEINZ was a strong and influential voice for older Americans. He made more contributions to their well being than I can describe here today. And I am certain he would have been an important contributor in many debates yet to come, including the debate that this Senate must have about long-term health care.

Mr. President, I will miss JOHN HEINZ. But the Senate is a better place for his having served here, and I am proud to have had the opportunity to serve with him. It is a terrible irony that a man whose public service emphasized the quality of life for senior citizens should die so young.

I yield the floor.

TRIBUTE TO JOHN HEINZ

Mr. DECONCINI. Mr. President, I rise to pay tribute to the memory of JOHN HEINZ, a colleague and a friend. As Senator DOLE has pointed out, here was a man who had the world at his disposal, yet he chose to spend his life helping others.

JOHN HEINZ was a man who never lost an election, and his State and the Nation are better for the 20 years he served in the U.S. Congress. I was fortunate to have served with JOHN in the Senate. I know that he loved this institution, he respected its traditions, and he left this body stronger, and richer, as a result of his service.

JOHN HEINZ was never complacent, and always compassionate. I had the privilege of serving with him on the Helsinki Commission and the Aging Commission. In his tribute, Senator DOLE pointed out that JOHN HEINZ' death occurred close to Philadelphia, the birthplace of democracy. I can say from my work with him on the Helsinki Commission that Senator HEINZ was committed not only to the concept of democracy as we know it in this country, but also to the cause of human rights and individual freedoms throughout the world.

JOHN's dedication to the elderly was legion. Wherever there was a fight for better health care for the elderly or for greater retirement benefits, JOHN HEINZ was in the thick of battle. Other colleagues have enumerated Senator HEINZ' efforts on behalf of the elderly: his actions in combatting age discrimination; his championship of legislation against mandatory retirement; his fight against nursing home abuse; his yeoman's contribution to shoring up the Social Security financing system in 1983; and his efforts thereafter to remove Social Security trust funds from deficit reduction calculations. On the day after his untimely death, Senator HEINZ was to have held a field hearing of the Senate Special Committee on

Aging on Medicare and telephone marketing scams targeted against the elderly. Until the day he died, JOHN HEINZ was a protector and defender of those, who Hubert Humphrey has said, are "in the twilight of life."

"One man of courage," Andrew Jackson once said, "makes a majority." For those of us who had the privilege of seeing JOHN HEINZ fiercely defending a position, we know that he was a man not only of conviction, but of courage. Ten years ago when the Reagan administration tried to classify ketchup and pickle relish as vegetables in school lunches, JOHN stood up to that injustice. "This is one of the most ridiculous regulations I ever heard of," he said, "and I suppose I need not add that I know something about ketchup and relish." JOHN HEINZ would confront his own party, if the cause was just.

"I do the very best I know how—the very best I can; and I mean to keep doing so until the end." The words were Abraham Lincoln's. Lincoln lived those words, and so did JOHN HEINZ. I would like to express my sincere condolences to Senator HEINZ' wife and his three sons. JOHN's devotion to his family was the most important commitment in his life. All of us who had the good fortune to know and serve with him are richer for that experience.

A VALUED FRIEND AND COLLEAGUE

Mr. CONRAD. Mr. President, I rise today to express my deep sorrow at last week's horrible tragedy that took from us a valued friend and colleague, Senator JOHN HEINZ. I wish to express my heartfelt condolences to his family and friends and his staff for their heartaches caused by his untimely death.

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Mr. President, I will miss JOHN HEINZ, but the Senate is a better place for his having served here, and I am proud to have had the opportunity to serve with him. It is a terrible irony that a man whose public service emphasized the quality of life for senior citizens should die so young.

Mr. President, I, again, want to extend the condolences not only of myself but of my family to the family of JOHN HEINZ. It is even more difficult when someone dies under such tragic circumstances, and we will miss Senator JOHN HEINZ in this body.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM].

THE LOSS OF A FRIEND

Mr. METZENBAUM. Mr. President, I rise to address myself to the loss of my good friend and colleague, JOHN HEINZ. JOHN HEINZ came to the U.S. Senate 4 days after I did. He came—I think it was something like January 3, 1977. I had only known the name Heinz before that, as so many of us have in this country. It is a well-known family name.

I got a chance to know this man and to know his wife, Teresa, and to know his boys. They live somewhat close to us. We spent some time exchanging family visits. I must say that in every sense of the word, JOHN HEINZ was a class act. We worked together on a number of pieces of legislation, he came from Pennsylvania, I from Ohio. We shared mutual concerns about many of the workers who came from his State and mine: steel workers, coal workers.

I also found that JOHN was the kind of person with whom you could work, with whom you could level. There were not any games you had to play with JOHN. You just had to tell him where you were and what was on your mind, and you would get an answer from him as to what he felt and whether he could be with you or against you. We did not always agree, but never was there an occasion in which our disagreement was disagreeable.

I cannot think of any person with whom I have served in the Senate for whom I had more respect. As a matter of fact, that respect went to a length that I do not think has been reached by any other Member of this body.

Though JOHN was from a different political party than I, I urged him at one point to enter the Presidential sweepstakes, and I told him that I would bring him in contact, and I did bring him in contact, with one of most prestigious names in all of Ohio's history, a member of the other party whom I felt would be on the same wavelength. JOHN HEINZ had the capacity and the ability and the quality and the concern for his fellow man and woman to lead this country not only as a U.S. Senator but from the President's office as well, and I made no bones about urging him to do that. That is not to say that I as a Democrat would have supported him, but I just believe that this Nation is served best if the best of both parties are offered to people as candidates, and I thought he represented what I considered to be the best of the opposite party.

He worked hard at the issues in which he believed. He fought hard for them. He was an able advocate. He was an able adversary when we were on opposite sides of an issue. But he was never anything less than a gentleman. There were many times when I wished that he had been a member of the party to which I belong, because I think that there are few among us who stand out head and shoulders above the rest. JOHN HEINZ was that kind of a Senator.

The Senate has lost an able colleague. The Nation has lost a tremendous leader. And that wonderful wife of his, Teresa, and their three boys, have lost so much. When we first learned of his death, a tragic one, an unbelievable kind of fatality, the first thoughts my wife Shirley and I had were of his beloved Teresa. What a wonderful human being she is. We all grieve with her and her boys in the loss of their JOHN. We want Teresa and the family to know that we deeply share their loss.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Legislative clerk proceeded to .call the roll.

THE TRAGIC DEATH OF SENATOR HEINZ

Mr. KENNEDY. Mr. President, I join my colleagues from both sides of the aisle in expressing the deep sense of loss we feel over the tragic and untimely death last week of Senator JOHN HEINZ.

I had great respect for Senator HEINZ and his many contributions to the Senate and the Nation. It was always a special privilege to serve with him and work with him in this Chamber during the 14 years he was a Member of this body.

Senator HEINZ' death is an enormous loss for Congress and the country. He was an effective leader on many essential challenges, particularly Social Security and other issues affecting the Nation's senoir citizens. He was an outstanding chairman of the Special Committee on Aging from 1981 to 1986, and an outstanding Republican leader on the committee in the years since then. We worked closely together on numerous issues relating to Medicare and the health needs of elderly Americans, and those programs are stronger today because of the tireless commitment and hard work of JOHN HEINZ.

Our colleague was also a dedicated champion of civil rights and equal justice under law for all Americans. If we are closer to achieving the American dream for all our citizens today, it is largely because conscientious leaders like Senator HEINZ have consistently been willing to stand up, often against the odds, and speak out for the needs of all those who need our help the most.

I also recall the efforts we made together in recent years on arms control, especially our continuing work to reduce the flow of arms to enemies of Israel in the Middle East.

In all of these and many other endeavors, our colleague from Pennsylvania was a Senator of extraordinary ability and dedication. I will miss his leadership and his statesmanship, but most of all I will miss his friendship and the extraordinarily engaging warmth of his personality. I am saddened by his death, and I extend my deepest sympathy to the members of his wonderful family. I ask unanimous consent that a tribute to Senator HEINZ that appeared in the Boston Globe last Friday may be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Apr. 5, 1991]

A CHAMPION OF STEEL AND THE ELDERLY

(By Michael K. Frisby)

WASHINGTON.—Sen. John Heinz of Pennsylvania was a strong advocate for the American steel industry and for the concerns of the elderly.

Heinz, 52, who died in a plane crash yesterday, was one of Congress' richest members. He also was a liberal Republican who worked frequently with Democrats to forge compromises on issues.

"He was one of those people who helped make the Senate work," said Sen. John Kerry. "He was one of those good spirits who helped the Senate be a positive place. He and I joined together a few months ago to try and deal with the special banking problems we now face. I'm going to miss him."

Heinz, an heir to the H. J. Heinz food fortune, was a strong voice for the environment and a former chairman of the Senate Select Committee on Aging.

A native of Pittsburgh, Heinz spent five years in the House before running for the Senate in 1976, spending $2.9 million of his own money to win the election. He would have been up for reelection to a fourth term in 1994.

Heinz largely concentrated on issues involving the elderly and on protecting steel from foreign competition. Moreover, he was instrumental in persuading the Reagan administration to negotiate pacts compelling exporting nations to curb steel exports to America.

Heinz was the No. 2 Republican on the Banking, Housing and Urban Affairs Committee. He was also the ranking minority member of Banking's subcommittee on securities.

Heinz, said aides to other senators, always had a kind word for people he passed in the hallways and was well-liked by staffers.

Sen. Timothy Wirth, a Colorado Democrat, attended prep school with Heinz and said of his longtime friend: "John Heinz was one of the most creative, able people I have ever known. His intense intelligence, sparkling charm and broad vision combined to make a rare and remarkable person. He and Teresa were our dearest friends in the Senate and for many years before. We will miss him."

TRIBUTE TO JOHN HEINZ

Mr. BUMPERS. Mr. President, during the years I have been privileged to serve in the U.S. Senate I can recall few occasions that were more sorrowful than the untimely death of our colleague, JOHN HEINZ. While I know there is nothing I can do and little I can say to ameliorate the distress and heartache of the family, friends, and staff of Senator HEINZ, I rise today to speak because of my deep respect for Senator HEINZ.

He was a man of outstanding ability and his credentials were more than adequate for any career he might have chosen. His talents were especially well-suited to the public service career that he chose.

During the two terms that Senator HEINZ served in the Senate, he and I agreed on some issues, disagreed on some issues, and on a few occasions we collaborated on some projects. I came to know him as a man who had the courage to do what he believed was right, even in the face of overwhelming opposition. I respected his expertise in a wide-range field of legislative subjects and his ability to maneuver within the procedural constraints imposed by this legislative body. He will be sorely missed.

Mr. President, I remember too well the sorrow I felt as a young man when both my parents were killed in an accident. The grieving that accompanied the loss of loved ones never ends, but it does lesssen with time. It is my heartfelt hope that time will befriend Senator HEINZ' family by softening the sharp anguish that I know they are feeling now.

IN MEMORY OF SENATOR JOHN HEINZ

Ms. MIKULSKI. Mr. President, John Heinz' sudden death is a loss to the U.S. Senate and to our Nation. He was a vibrant, caring human being who earned the respect of his peers on both sides of the aisle.

JOHN's career was marked by a commitment to the people of Pennsylvania, to saving jobs for working families; finding a solution to our Nation's health care crisis; and protecting the elderly from economic ruin.

As chairman of the Special Committee on Aging, Senator HEINZ led the fight to keep Medicare premiums within the economic reach of American's seniors. He fought to broaden eligibility, providing hundreds of thousands of Americans with access to needed care. And he worked to stop the Medigap insurance frauds that stole millions of dollars.

His concern transcended his home State. Last fall, he played a critical role in getting the Washington area's subway system completed. Although the subway serves Pennsylvania Avenue and not Pennsylvania, Senator HEINZ' commitment to building a 21st-century transportation system in the Nation's Capital was so great that he worked with the Maryland and Virginia delegations—and the administration—to ensure that funding necessary for completion was available.

Senator HEINZ' legacy lives on, in the legislation he passed, and in the many lives he touched.

Senator HEINZ could have chosen a life of carefree leisure; or stilled his social conscience with an endless series of checks and charity balls. Instead, he chose to become a U.S. Senator, rolling up his sleeves and fighting to meet the critical challenges our Nation faces, every day.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. SIMPSON. Mr. President, I do not want to be overly long. I want to today express my deepest sympathy to the family of my friend, JACK HEINZ. I will make my remarks about our departed former colleague John Tower at the proper order on Thursday, so as not to take the time of the body on this day.

All of us are obviously stunned and very saddened by his death, but it is not grief as much as the celebration of his remarkable life that motivates my remarks. I think that the thing that stuns all of us is that all of us have chosen this kind of lifestyle; this is the way we do our business—little planes, chartering; got to get to this place; 400 people waiting for you; ice on the wings. We have all done that one.

And then our spouses have often waited and wondered about us as we finish a talk and somebody says, "We have an aircraft for you." You say, "Whose is it?" And they say, "You are going to like the guy; marvelous pilot." So we take those chances and they are part of our lives that we have chosen. But the sadness of this is it seemed that it need not have been.

JOHN HEINZ was a great friend of mine. He was very kind to me. We fished together. We legislated together. We laughed together. I have spent time in his home in Pennsylvania and in Idaho, and he in mine in Wyoming.

JOHN HEINZ' life could have been very much different than the one he chose for himself. A man who was not as devoted to his fellow man and woman could have taken the many blessings and the many benefits of that life and lived a very comfortable and self-gratifying type of existence.

But such a lifestyle was never a real option for JOHN. And I interchange JOHN and JACK because that is the way—I think someone said once a person who is very loved has many names. But his strength of character disabused that other lifestyle. He did not want any part of that. It would not have allowed, ever, that he would have ever taken the easy road.

I have never met a person who was a more complete person in the sense that he was a dazzling skier; a tennis player. He flew around the world in a single-engine plane when he was just a young man; just started out and flew the world in a little aircraft after he got a pilot's license at a very young age. This is the kind of person he was.

He worked, instead, as a public servant, and he constantly demonstrated the very finest attributes of selflessness in that profession. He worked tirelessly for the people of his State. And when he was taken from us, he was not enjoying the full Easter break, which some have done. He was working. He was delivering to his constituents. He was fulfilling his end of the bargain for the trust that the State had reposed in him, and which he very sacredly cherished.

When it came to Pennsylvanians or Pennsylvania industry or the elderly or the senior citizens or Social Security, there really was no greater advocate. The elderly had no better friend on either side of the aisle, in either body. My friend from Arkansas, Senator PRYOR, said that so ably today.

On his last day on the Earth, Senator HEINZ was to chair a hearing. He was on his way to do that. The purpose was to protect the elderly from telephone marketing scams.

So after several years of trying, he saw his goal of separating the Social Security trust fund from the rest of the budget in calculating the deficit become a reality. He was relentless, too. If he had a legislative goal, you better hitch up your belt, because he would take on anybody and everybody to do just what he believed was right.

And contrary, I think, to some very unfortunate reports—which really disappointed me because of the quality of the authors of the reports and their remarkable reputations—by folks who do not seem to understand this place, JOHN HEINZ was very well liked in this place. He was no lone wolf. He was not isolated. He cared deeply about his colleagues, and developed some rich and strong friendships here. And we will hear that tomorrow as our marvelous friend from Missouri, Senator JACK DANFORTH, gives the eulogy in Pittsburgh, and then again in the National Cathedral on Friday.

So you can take on whoever you want to in this Senate. I have done a little of that. You can advocate the controversial positions here. I have done a little of that. But it is the way you do it and the courtesy you extend to your colleagues along the way that is the real test. And no one ever faulted JOHN HEINZ for his civility or for the sincerity of his beliefs. But when you got into a fray with him, you knew you had been dealing with a formidable opponent.

I recall so vividly how, in 1986, I was carefully trying to shepherd the Immigration Reform and Control Act through the Senate. It was a contentious piece of legislation, in any event, and I felt like I was walking on eggshells in this area of emotion, fear, guilt, and racism.

When I was managing the bill on our side, JOHN HEINZ came out and offered his very important but very nongermane amendment regarding the Social Security trust fund. The immigration bill had enough problems without that contentious amendment attached to it, and I remember a very spirited exchange between the two of us, right here, a few feet away; a very earthy and remarkable relation.

He said, "I did not realize you felt quite that strongly about that." And I said, "Do you want me to say it again?" He said, "No; I think I have heard enough." And then that wink, and the smile. And he ultimately let me proceed, but only after he had the opportunity to have a hearing on that amendment at some future time.

Sometimes JACK would win and sometimes he would lose. But even then you knew he would come back. No matter which way it turned out, he would walk off the floor with his friends—we would walk off together—and as I say give you that quick smile, that twinkle of his eyes which said in effect to me, "I enjoy the scrap, I enjoy the battle, but I equally cherish your friendship." That was so typical of my friend JOHN HEINZ. When he disagreed with you, he was a tough opponent. However, when he agreed with you, there was no one about better to have in your corner.

So that is why I was particularly honored that he served as a deputy whip, and why he was particularly effective in that capacity. He regularly attended meetings, was always reliable in his assistance and, in fact, his last speech on the Senate floor was a result of his deputy whip activities.

But there was so much more to JOHN than his work in the Senate. As I say, I came to know him soon after I arrived here. We had a great, great time together fishing in the Spruce Creek and Pine Creek and Slate Run. We spent time together, as I say, in our mutual homes. I will always cherish those times that we shared—with one exception. That was the night he assured us that if we fished for German browns at 1:30 in the morning that we would have some extraordinary denizens of the deep that would come forward. And Senator JACK DANFORTH and I stood there in the water, in the pitch dark for about 2½ hours and finally allowed that we did not really like that kind of fishing, and that we were not about to take any more of it, at which he said, "Then you can quit, if you want," and we said, "That is exactly what we are going to do, quit." He got a great chuckle out of that because nobody even got a bite, but he laid into one, and we often thought he staked that particular fish out.

Enough. I do not want to take any more time as we get ready to conclude. But there is an ultimate accounting of JOHN's life. It is here in the Senate. It is his record. It was so clear that he was blessed in so many ways, but it was a unique man, only like JOHN HEINZ, who could take as many blessings, material, physical, mental, his God-given talents, and use them to improve the lives of so many who were not as fortunate. I do not know anybody that did it more beautifully.

It would have been easy to allow those blessings to primarily benefit himself and his family. Instead he shared them in his service to his fellow man. And he made some great contributions to the elderly of this Nation. He worked diligently to improve our Nation's health care and to improve our trade policy, and he had a passionate love of life. He was a lover and collector of art and a man of letters and learning.

My life is richer for having shared a portion with him and his dear and remarkable wife, Teresa—such a remarkable woman: A mother, a wife, a fellow campaigner with him, a dazzling and magnificent woman—and three wonderful sons, who will carry on the tradition in the most magnificent way, John and Andre and Christopher. Andre was a page here on this floor about a year ago. Christopher had just been told that he had been admitted to Yale University hours before this tragedy. And he said: "I've got to tell Dad." But he never had that opportunity.

Of course, JOHN would have been very thrilled that this fine young man was going to go on with his education. And John and Andre and Christopher are going to go on in the same way, doing things for others with their passionate love of life and in memory of their father. I am not putting that on a burden basis. They will do that because that is the way they have been raised.

So we will miss this man. He has made the Senate a better institution and America a better place. To Teresa, John, Andre, and Christopher—sparkling people—they will go on. The pain will lessen. So, to them our sympathy and our love and may God keep him in His loving caring.

IRAQI REFUGEES

Mr. LEAHY. Mr. President, I wish to speak of a situation in the Middle East today, and that is the human tragedy of terrible proportions that is occurring in Iraq. Hundreds of thousands of Kurds and Shiites and other refugees are fleeing Saddam Hussein's tyranny. They are seeking sanctuary in Turkey, in Iran, and some in occupied Iraq. There are reports that thousands of men and women and children are being injured and many perishing in the icy mountain passes leading into Turkey or in the squalid and overcrowded refugee camps in Turkey and Iran.

I praise President Bush's decision to send emergency food and other aid to these refugees, including the air drops from our U.S. military aircraft. But we all know that these air drops can sustain only a handful of the masses that are streaming out of Iraq. The United Nations and individual countries like Britain and France are also responding to the genocidal savagery that Hussein is using against his very own people.

But as so often in the case of these all too familiar tragedies—like the countries of Africa and Asia are prone to—unfortunately too little comes too late for thousands of these suffering refugees.

My information is that the Emergency Refugee and Migration Account at the State Department now has less than $40 million. In fact, much of that is already committed to meet urgent needs of thousands of starving refugees in the horn of Africa and Southeast Asia, and sub-Sahara Africa.

Funds that might be available to help the Kurds and the Shiites and others who are fleeing murder, torture, brutality, and starvation in Iraq are just not adequate. We know that. But yet the United States has to provide large-scale immediate and effective help for these suffering people.

I urge President Bush to submit an emergency supplemental request for these refugees now. As chairman of the Foreign Operation Subcommittee with jurisdiction over the Emergency Refugee and Migration Account, I pledge my cooperation to help move an emergency supplemental for the Iraqi refugees to the President's desk without delay.

We know that the Kurds and the Shiites claim the rebellion against Hussein was at the urging of the Bush administration. President Bush said he never gave these oppressed people any reason to believe that the United States would intervene on their behalf. That is not the debate. That issue no longer even matters. Let the historians sort out the arguments later on.

The brutal reality is that those who rebelled are paying a terrible price for their courage. To remain in Iraq under Saddam's control means more killings, more torture, more savagery. They have no choice but to flee. Their only hope is that they might get help from the world community. It is one of those times in history for American good will and generosity to come forth.

Mr. President, as we recall, at the height of the Desert Storm bombing, we were spending perhaps as much as a billion dollars a day to wreak destruction. Let us now spend a fraction of 1 day of that amount to save the lives of the people who had the courage to stand up against their Government, hoping to depose the dictator who remains in control of their country.

Is there any American who, when they watch these pictures, when they watch a mother carrying a badly burned child, when they see families walking through the icy streams, when they see children scratching, trying to find another little twig to burn to keep warm, when they see whole families huddled together in the cold hoping they may all be alive the next day and not frozen to death, is there one single American who would not be willing to help? I doubt it very much.

We helped during the war. The United States spent an enormous amount of money. Let us be willing to spend at least a tiny fraction of that to help the people who are still suffering under the oppression that we fought against in Desert Storm. It is what America is best at. It is something that we can do well. Let us show the rest of the world once again the difference between Saddam Hussein and us. Let us go to their aid. It can be done. It should be done. I hope it will be done soon.

THE KURDISH TRAGEDY

Mr. GORE. Mr. President, I would like at this point to address a problem which a few others have discussed already this afternoon, and that is the tragedy involving the Kurds as they attempt an exodus from the Kurdish areas of Iraq.

It is gratifying that the United States has decided to recognize the fact that events in Iraq are leading toward what is potentially one of the great, politically induced disasters of our time. Our contribution of the resolution of this issue, however, is to this point minuscule in relation to the dimensions of the problem and also in relation to our responsibility for these events. Moreover, we are still concentrating on immediate next steps while continuing to ignore the long-term requirements of a solution.

All figures are suspect, and we must use a great deal of caution when dealing with the estimates of other governments. Nevertheless, a snapshot of how things stand at this moment would look something like this: Perhaps 300,000 Kurds have crossed into Turkey and almost a like number are located in border regions of nearby Iraq. Iran has accepted about 300,000 Kurds also and says it is preparing to admit about 200,000 more. Iran has also received about 40,000 refugees from the southern regions of Iraq. Finally, there are perhaps 15,000 to 20,000 persons currently located in the part of southern Iraq presently controlled by the coalition.

An international relief effort of some dimension is now being organized for the relief of Kurds who have fled to the vicinity of Turkey. Whether that relief effort will arrive in time and in the amounts needed to stave off the threat of immediate disaster is an open question. It is also an extremely heavy responsibility for the world community but in particular for the wealthy nations of the world—I might add especially for nations like Kuwait and Saudi Arabia, on whose salvation the Kurds' resistance was focused in the immedaiate past.

Meanwhile, so far as I know, there is no similar response under way to aid those who have fled in the direction of Iran. Now that the Government of Iran has asked for this assistance, it ought to be provided with the same sense of urgency as the aid now moving toward the Iraq-Turkish border region. Certainly, if there was ever a moment for the world to respond to an Iranian request, this is it.

Meanwhile, attention is being focused on the proposal from Prime Minister Major of the United Kingdom for enclaves in which refugees could find safety and relief. That is an excellent idea but it has ramifications and limitations which have not yet been explored. I doubt, for example, that it is possible to set up enclaves in very shallow areas along the Turkish and Iranian borders. There is no infrastructure there; no way to mount a relief effort for so many people. The logistics of this problem have their own iron logic. Any such enclave must be deep enough to encompass towns which can then serve as the focal point for massive relief efforts.

I believe therefore that the enclaves concept probably requires us to think in terms of a fairly deep region extending well into the Kurdish regions of Iraq, and therefore right back within reach of Saddam Hussein's forces. If I am correct in this assumption, then the survival of hundreds of thousands of men, women, and children depends precisely upon being able to create zones of safety and relief that cannot exist without the cooperation of the Iraqi Government.

The idea of enclaves does not therefore allow us to delay consideration of precisely the one issue which the administration has not wanted to face; that is, what exactly do we expect of the Government of Iraq in order to allow this crisis to be resolved on terms we can live with as a principled people, and what actions are we prepared to take if they will not?

In my opinion, we have several tools at our disposal. First, the Secretary General has been authorized to involve himself in this issue by Resolution 688.

Second, Resolution 678, which authorized the use of force, also clearly and for reasons that are certainly valid now, spoke of the need not merely to force Iraqi troops out of Kuwait, but to take such steps as would be needed to restore international peace and security in the region. Certainly, a mass flight of peoples such as has now occurred constitutes a threat to security in the region well within the sense of this language.

Third, there is Saddam Hussein's own declaration of amnesty, which opens the door to hard-nosed conditions for outside supervision of any such amnesty within the area of a declared enclave. Since Saddam Hussein has so spectacularly demonstrated that he is far from honest in declarations of this sort, the world community must address itself to enforcing the sincerity of that declaration.

Let me make sure that I am perfectly understood on the latter point about these enclaves. If my assumptions are correct, an enclave big enough to be able to sustain the refugee population we now have must extend to some depth within the Kurdish areas of Iraq. At its farthest reaches nearest the borders of Turkey and Iraq, Saddam Hussein's power is attenuated, weakened, and blunted.

But the farther down into the Kurdish areas of Iraq this enclave reaches the more within Saddam Hussein's grip it is, and consequently the more clearly we have to deal with his behavior.

If we do not push this issue hard at the United Nations, exerting the kind of leadership we did in order to assemble backing for the use of force, it will not be possible to deal with the present crisis effectively. As was also the case then, we must be prepared to exert new and extra forms of pressure on Iraq to secure the kind of compliance we require.

By this, I certainly do not mean that we should stop the withdrawal of our troops, but I do have some other ideas to offer. Specifically, No. 1, we should still demand an end to those helicopter flights. If anything can enable Saddam Hussein to pursue the Kurds into the mountains, it will be helicopter gunships. That has already been demonstrated.

There is still something to be gained by taking this step, late as it is. And it is worth noting again, Mr. President, that the terms of the cease-fire explicitly prohibited the use of helicopter gunships for the purpose to which they are now being put. The spokesman for the State Department, when pressed after the slaughter became evident, said, "Is our policy ambiguous? Yes."

Mr. President, by that time, the administration, exercising its authority in these circumstances to establish policy on behalf of the country, granted in effect a specific easement to allow the helicopter gunships to be used to slaughter the Kurds. They knew it was going on day after day, and from reports as late as yesterday, it is still going on; as late as yesterday.

We have the power to order them to stay on the ground. Everybody is aware of what is at stake. But some are reluctant to take the step because they are afraid of a straw man. The straw man says that if we shoot down the helicopter gunships, then we are on a slippery slope which leads to the introduction of U.S. ground forces, and then on to our entanglement in an internal civil war. Nonsense.

As recently as this Nation's superb achievement during the Persian Gulf war, we demonstrated the capacity to make careful, even subtle, judgments in holding together an international coalition and exerting force with precision, with devastating effect, and avoiding complications that were there, were obvious, and were dealt with.

This straw man should not be allowed to prevent us from saving the lives of these people. It was wrong to allow these gunships to fly. We should stop these flights now.

Second, we should remind Iraq that failure to comply with Resolution 688 can lead to a Security Council recommendation to the General Assembly that Iraqi membership in the United Nations either be suspended or even, in the extreme case, revoked. If anyone thinks that these are relatively mild threats for Saddam Hussein, I believe the connection could be made that these are steps toward the point at which at least some important members of the United Nations may question whether an Iraq that can only be held together by extreme violence can ever be regarded as other than a threat not only to its own people but to its region.

Third, the United States, acting for itself, should consider whether or not to warn Iraq that failure to allow this matter to be settled in a humane way could increase the chance that assistance will reach the Kurdish rebels of a sort that would even the odds should they confront a much less powerful Iraqi Army in the future. And by this, I do not mean, again, the straw man which has been asserted, that we would then become entangled in the internal affairs of Iraq.

Mr. President, the argument that we should not involve ourselves in the internal affairs of Iraq is being made now at a time when, as has been noted by one acute observer:

> We control and occupy 20 percent of the territory of Iraq; at a time when we control totally 100 percent of the airspace of Iraq; at a time when we propose, in concert with the other members of the coalition, to control 100 percent of the flow of oil out of Iraq and take such percentage of its oil revenues as we deem appropriate in order to satisfy war reparations; at a time when we, in concert with others, propose to regulate every single import Iraq seeks from the rest of the world community.

So the assertion that we do not wish to interfere in the internal affairs of Iraq when it comes to preventing the slaughter of tens of thousands of people—and potentially, even more—that complaint, that excuse seems a little hollow.

Fourth, the United States, acting for itself, should make clear that we intend to apply the sanctions to their maximum extent short of denying the necessities of life to the people of Iraq; not just until Saddam Hussein is gone, but until such time as a new government is formed which takes account of the human rights and political rights of Iraqi citizens.

As to the question, what kind of government—again, a straw man—the answer is, the design is not up to us, but the world community will know it when it sees it by the absence of the kind of terror now going on, and, until then, Iraq should not expect an easing of the sanctions beyond the level necessary for humanitarian reasons.

Fifth, the United States, having taken the step of ending our present state of involvement with Saddam Hussein's survival, should begin to press for the establishment of an international fact-finding tribunal to record and analyze what can be learned of Iraqi behavior in Kuwait and during the current uprising. If these crimes are allowed to be hidden, believe me, we will again see processions of world leaders heading to Baghdad one day to shake Saddam Hussein's hand or the equally bloody hand of some Baathist lieutenant who succeeds him in control of the very same apparatus of terror and oppression of which Saddam Hussein is the principal, but not the only, architect.

Mr. President, there are many complex legal and ethical issues involved here. Whole new chapters of international law are about to be written. Let us focus, however, on certain immediate realities. Thousands upon thousands of lives are in our hands. We have the authority and international law to engage the United Nations in this matter. We have the authority and the Security Council resolutions to define conditions that will avert disaster. We have the power to impose these conditions. What we do not yet have is the one ingredient without which all else is inert and useless, and that is American leadership. Hopefully, though delayed, it will eventually be provided.

(The remarks of Mr. GORE pertaining to the introduction of S. 95 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. CONRAD). The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the Chair.

(The remarks of Mr. MOYNIHAN pertaining to the introduction of S. 786 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CFTC LEGISLATION

Mr. LEAHY. Mr. President, as the Senate knows, we had hoped to go to the CFTC legislation today. In fact, it was announced 3 weeks ago at our caucus that we would try to do it today.

I know the majority leader has done everything possible to bring that bill up. I know that there are some who still have concerns about it and object to it coming up.

Let me just state, Mr. President, that for almost 3 years, we wanted to bring up the CFTC reauthorization. Many of us, myself included, have seen the problems, and sometimes even some of the scandals that have occurred in commodities trading. I should note, incidentally, that the vast majority of men and women involved in that business are honest, ethical, hard working people. But those who are unscrupulous have been able to work through a number of existing loopholes.

We have fashioned a bill that closes those loopholes. We have fashioned a bill that allows the oversight agency to enforce the rules and to stop fraud. But that bill cannot even get on to the floor of the U.S. Senate. And I want to make one thing clear: One of these days if we see a scandal break, a scandal that could have been avoided by passage of this legislation, let there be no doubt that I was ready to go with that legislation today, just as I was last year. I want to make it very clear that every member of the Senate Agriculture Committee, Republican and Democrat alike, is ready to go with that piece of legislation. It was voted unanimously out of our committee.

If there are parts of the bill Senators do not like, then as part of the democratic process—vote against it. Or offer a better amendment. I will not try to preclude any amendments. Take up the amendments, and vote them up or vote them down. But let us not hold up important legislation like that, especially if it is solely because of the personalities of some within the executive branch. The American people deserve strong legislative oversight, just as they deserve strong, tough laws to protect the financial and commercial markets of this country.

I do not want it said someday when we find there is a scandal in this industry, "Why didn't Congress do anything?" We cannot sit back and wait and wait and then when something happens have every Senator running down to the floor with an immediate solution saying, "here is what we should have done." We can do it today or we can do it the day after tomorrow.

I commend the majority leader, who has tried mightily to bring up this piece of legislation. I commend those Senators who have worked so hard—Republicans and Democrats alike, in many committees, not just my own Agriculture Committee—to bring this legislation to the floor.

I do not want any of those who may be delaying it now, those who are unwilling to vote it up or down, and unwilling to bring up alternative amendments, to come to the Senate floor if there is a scandal asking, "Why hasn't Congress done something?"

I am giving fair warning. Now is the time to do something. Sometimes we allow matters to get out of hand in this country—the executive branch has and so has Congress. We do not have to. Let us push aside special interests of whatever nature—political, commercial, or economic, and push aside the egos of those within the executive branch who may be more concerned about their own position and their own power than they are of the common good. Let us go forward with something America needs. Not what a lobby group needs, not what an individual's ego needs, not what Republicans or Democrats need, but what America needs. Let us get the CFTC bill up here and let us get it passed.

Mr. President, I yield the floor.

THE REFUGEE CRISIS IN IRAQ

Mr. LIEBERMAN. Mr. President, on January 12 of this year, I voted to give the President the power to go to war against Saddam Hussein. I did so believing Kuwait must be liberated. But, most important, I cast my vote believing the evil of Saddam Hussein must be destroyed.

I said in my speech in this Chamber on that important day "international morality * * * is at stake." A victory by Saddam would have been a victory of anarchy over order, war over peace, brutality over liberty, immorality over morality.

We achieved our goal of liberating Kuwait. And we achieved our goal of diminishing Saddam's capacity to wage war against any neighbor for years to come. For that, the American people and people and nations around the world are grateful to President Bush and to our heroic troops, all of whom performed magnificently.

But has international morality been restored? Has Saddam been truly defeated? One look at the anguished faces of the refugees struggling to escape Saddam's terrorism—one look at the bruised, bloodied, and burned faces of Kurdish children—tells us that the immorality of Saddam Hussein continues to snuff out innocent lives within Iraq, even if it no longer threatens our own.

Saddam cannot wage war upon his neighbors. He no longer controls the fourth largest army in the world. But he still controls one of the most brutal armies in the world. He can and does attack the innocent, defenseless people of Iraq: the Kurds in the north, the Shiite Moslems in the south, indeed any citizen who dares challenge his rule. It is being reported today that Iraqi forces massacred 2,000 to 3,000 people in the village of Kara Henjir alone this week. Up to 2 million Kurds are refugees and may face starvation if their needs are not met. Every hour more and more Kurds die from exposure, disease, malnutrition, and injuries suffered at the hands of Iraqi troops.

In the face of such terrible news, it must be said: Final victory in the gulf cannot be proclaimed until Saddam is gone from power and his regime no longer engages in the mass murder of innocent Iraqi people.

During the gulf war, we saw televised images of Iraqis decrying the allied bombing. We now know much of that was stage-managed propaganda, designed to weaken our resolve. In the real world of Iraq, millions of its citizens must fervently pray for the final defeat of Saddam Hussein. I understand why we ceased hostilities just a few short weeks ago. But frankly, I believe our troops would have received a hero's welcome throughout much of Iraq had they marched further into that nation.

Few advocated continuing the war—I did not—but it is becoming clearer that many people in Iraq actually wanted us to do more. They wanted us to free them from Saddam's evil rule.

But the United Nations did not mandate the liberation of Iraq. Marching all the way to Baghdad was not part of the mission of Operation Desert Storm. One Saddam Hussein recognized that fact; once he saw that his troops and even his helicopters could operate freely throughout all but the southern portion of the country that we occupied, he moved swiftly. He has taken full advantage of the cessation of hostilities to consolidate his hold on his country, a hold that was in doubt following the war, thanks to Shiite and Kurdish rebellions—rebellions overtly encouraged by the United States.

We defeated Saddam's army, liberated Kuwait, occupied part of Iraq, and encouraged the Iraqi people to rebel against Saddam Hussein, all because we saw in Saddam the kind of evil that once before in this century created a Holocaust and threatened the security of the civilized world. Do we have the moral right now to stand silently by as Saddam butchers thousands of innocent Iraqi men, women, and children?

I did not speak out and vote for the use of force against Saddam Hussein on January 12 only to remain silent on April 9 while Saddam's murderous rampage rages on.

I believe the United States must pursue final victory over Saddam. We must use all reasonable diplomatic, economic, and military means to achieve his removal from power. Until that end is realized, the peace and stability of the region will not have been fully accomplished.

If we do not act, if we neglect our duty to humanity, we would, as Dwight Eisenhower once said in speaking about a failure to confront evil in the world, "outrage our own conscience. In the eyes of those who suffer injustice we would become partners with their oppressors."

There is more, much more, we can and should do now to confront the evil of Saddam Hussein and avert further loss of innocent lives.

First, we must dramatically expand our airlift operation to feed, clothe, and shelter the enormous refugee populations created by Saddam's aggression, within and outside of Iraq. That humanitarian response to a tragedy of historic proportions is something the world community simply must undertake with all possible speed.

Second, the President should declare that Iraqi helicopters will be shot down if they fly. That is our policy for Iraqi fixed-wing aircraft. That should be our policy for helicopters. Such action would not in itself lead to rebel victories over Saddam. But we could, in that simple step, end one horrific tool of Saddam's suppression of the Iraqi people. We could, in short, save many lives.

Third, we should encourage passage of a new Security Council resolution as proposed by British Prime Minister John Major. That resolution would create U.N.-sponsored "safe havens" within Iraq to provide immediate relief for the beleaguered refugees. But there will be no safe havens unless their safety is assured by a military presence or capability. The security of those buffer zones must be protected by the use of force if they are violated. One thing we have learned about Saddam is that he will respect nothing unless compelled to do so by the threat of force, or the actual use of force.

Fourth, we must consider such a threat or use of force to stop the wholesale slaughter of mass numbers of civilians even outside the safe havens. While we should not become militarily involved in a civil war in Iraq, we have an obligation to prevent the creation of new "killing fields." We have a duty to protect the truly innocent from annihilation at the hands of a modern, mechanized army.

Fifth, at some point the concept of safe havens must be transformed into a policy of safe passage home for the Kurds and other refugees of Saddam's aggression. Some way of assuring that the Iraqi refugees can return home without being strafed or bombed must be worked out by the United Nations. We cannot tolerate the long-term institutionalization of refugee camps. The refugees of Iraq deserve to go home and live in peace.

Sixth, we should make clear to Iraq that all costs associated with the refugee problem will be added to the bill Iraq owes the world community as a result of Saddam's aggression. Saddam and his clique must realize that every action they take against their own people will delay their ability to rejoin the community of nations and rebuild their nation. Frankly, I cannot see letting Iraq reconstitute its normal oil export business as long as Saddam remains in power.

Finally, if Saddam manages to survive in the months ahead, we should realize that getting him out of power may involve providing more than just verbal support for the Kurdish rebels and others who seek to establish a legitimate government in Baghdad. While the logistics of providing military and financial aid to rebels are complex, the concept must be explored.

There are those who say that all this discussion about what to do with Saddam Hussein and the refugees of Iraq is fruitless, because we have no business meddling in the internal affairs of a sovereign nation.

Iraq has sovereignty. But Saddam Hussein does not. We have no obligation to consider him, or treat him, as a legitimate head of state. He is a thug, a terrorist who is claiming to rule a nation, not a legitimate ruler in his own right.

We have every right to come to the aid of Iraqi people who want to be rid of this criminal and who want to restore a legitimate government in Iraq. We have a right and an obligation to use our influence at the United Nations, among our coalition partners, and through our military supremacy to rid Iraq and the world of Saddam Hussein so that the difficult path toward peace and security in the region will not be littered with the corpses of thousands—perhaps millions—of innocent victims of Saddam's evil rule.

The liberation of Kuwait has been achieved. But the work of the community of nations will not be done until the liberation of Iraq from Saddam Hussein is also won.

Frankly, I cannot imagine us allowing Iraq to begin selling its oil again on world markets so long as Saddam Hussein leads that country.

Finally, if Saddam manages to survive in the months ahead, we should realize that getting him out of power, which must remain our goal, may involve providing more than just verbal support for the Kurdish rebels and the Shiite rebels, and others who seek to establish a legitimate government in Baghdad.

I understand that the logistics of providing military and financial aid to rebels are complex, but it is a concept that we must actively explore. There are those who say all this discussion about what to do with Saddam Hussein and the refugees of Iraq is fruitless because we have no business meddling in the internal affairs of a sovereign nation. Iraq has sovereignty but Saddam Hussein does not. We have no obligation to consider him or treat him as a legitimate head of state. He is a terrorist who rules by brutal force. He is not a legitimate ruler in his own right, chosen by his own people. We have every right to come to the aid of the Iraqi people who want, clearly, to be rid of this criminal and who want to restore a legitimate government in Baghdad.

We have a right and an obligation to use our influence within the United Nations, among our coalition partners and through our military supremacy, to rid Iraq and the world of Saddam Hussein so that the difficult path toward peace and security and stability in that region will not be littered with the bodies of thousands, perhaps millions of innocent victims of Saddam's rule.

The liberation of Kuwait has been achieved, but the work of the community of nations will not be done until the liberation of Iraq from Saddam Hussein is also won.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMAZING GRACE CUBIE OF SAUGUS

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to honor a native Baystater, Mrs. Grace Cubie of Saugus, MA, who was recently featured in a front-page story in the Saugus Advertiser entitled "Amazing Grace Still Heads Class."

The article recognizes the impressive contributions by Grace Cubie to many communities in Massachusetts during her long and remarkable career in education. She was born in Haverhill on January 30, 1907. The daughter of a local builder, she attended what was then called Bridgewater Normal School for 2 years, and then returned to Haverhill, where she was a teacher for the next two decades. Later, she taught in Williamstown, in Vermont, and in Manchester-by-the-Sea, and completed her career in Saugus, retiring at the age of 70.

We often forget that it is the millions of Americans doing important but uncelebrated jobs who rarely make the front page but who make this Nation what it is. In her remarkable teaching career, spanning 45 years, Grace Cubie taught every elementary school grade. Over a thousand former pupils whose lives she touched have learned to read, do math, identify the capitals of all 50 States, and most of all become good citizens—because they were students of "Amazing Grace."

In addition, she was a mentor and role model to thousands more children. For over 20 years, she was also superintendent of her church's Sunday school, helping to shape the lives of another 200 students each year. During summers, she taught or directed her church's vacation bible school, teaching hundreds more children.

Mrs. Cubie was more than a teacher of students. She was a seeker of students as well. She did not just wait for Sunday school students to arrive. On Sunday mornings, she would drive from home to home, through all types of neighborhoods, to pick up the children—waking them up and even dressing them if necessary.

"Amazing Grace" is a particularly fitting description of Grace Cubie. Committed to her pupils, inspired by her faith, she has lived a life of extraordinary service to others.

Today, her son James Cubie carries on that tradition of service, and all of us in the Senate are privileged to work with him as chief counsel of the Agriculture Committee.

I ask unanimous consent that the article in the Saugus Advertiser on this remarkable woman and remarkable teacher in Massachusetts may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Saugus Advertiser, Mar. 14, 1991]

AMAZING GRACE STILL HEADS CLASS

(By Richard Ierardi)

Grace Cubie, 84, a resident of Austin Court, has lived an amazing life—which may be why some people call her "Amazing Grace."

She has been a member of the Cliftondale Nazarene Church for 18 years, and still gives the missionary talk once a month with the help of Austin Court neighbor John Henigan, an artist whose illustrations she uses.

Sunday she talked on the closeness of Islam, Judaism and Christianity, all products of the Middle East and each a monotheistic religion.

Mrs. Cubie taught school for 18 years in Saugus, starting at the Emerson and retiring in 1975 from the Waybright. She was a teacher for 45 years in all.

She taught first in Haverhill for 20 years, where she met and married the Rev. James M. Cubie, a Congregational minister who had come from Scotland and was pastoring a Nazarene church.

The Rev. Cubie's first wife had died in Haverhill, leaving him with six children. Grace and her husband had a seventh child whom they named James.

The Cubies moved to Vermont in 1940 where James pastored a church until 1956, when they came to Lynn. The Rev. Cubie retired in 1961 and died in 1962.

The Cubie children have become a family of professional people and world-travelers.

The eldest, the Rev. Alexander Cubie, just retired as a church pastor. A sister, Agnes Rogers, teaches at Haverhill High School.

Dr. David Cubie is a professor of the Bible in Ohio. Catherine Taylor is a saleswoman in Florida.

The Rev. Anne Rearick pastors a church in New York and Robert Cubie is a journalist for the Brockton Enterprise.

James is a lawyer for the U.S. Senate's Agriculture, Nutrition and Forestry Committee. He has most recently returned from the USSR and Belgium.

Curiously, James broke his leg on a skiing trip in British Columbia at the exact hour on the same day—1:30 Sunday afternoon, Feb. 17—that Grace fell and broke her arm on a sidewalk.

Grace is proud of her family. A grandson shows promise as a writer, and a granddaughter taught English in a church high school in Japan.

"My life has been real happy," says Grace. "The Lord has been with me, helped me and given me grace for every moment."

BANGOR WELCOMES HOME THE TROOPS

Mr. COHEN. Mr. President, as this past weekend was declared by President Bush as a time of national thanksgiving to mark the end of the Persian Gulf war, I would like to take a moment to recognize the efforts of my hometown of Bangor, ME, in welcoming home our valiant troops.

Anyone who has recently watched the national news is well aware of the thousands of Maine residents who have turned out at Bangor International Airport to cheer our fighting men and women at their first homecoming stop in the United States.

The patriotic response of the Bangor community is truly commendable. For many, the rousing cheers and smiling faces that our troops have received in Bangor have come to symbolize the appreciation of the entire Nation.

One soldier wrote to the Bangor Daily News:

> There are not enough words to express my gratitude to the people of Bangor and the surrounding area for the warm reception we received. We had been told that the folks back home, for the most part, supported the troops deployed in the region, but we were not prepared for your magnificent show of patriotism and friendship.

Another soldier wrote that the reception he received "will be remembered as the best homecoming ever for me."

An estimated 40 percent of all U.S. troops returning from the Persian Gulf have come through Bangor International Airport, making it the largest port of entry in the country.

The welcoming crowds at Bangor International have ranged from 200 to 1,500 and many people have not missed an incoming flight. One heroic woman, Sheila Dean of Orono, ME, has spina bifida but still does her best to attend every homecoming. Ms. Dean spends $15 on oneway cab fare to the airport and once stayed 40 hours to greet a series of incoming flights. Another Mainer, City Councilor Marshall Frankel, told me he has personally met more than 50 flights.

The crowds include relatives of those in uniform, young children seeking autographs from the returning heroes, and veterans of past wars, some of whom are extending a welcome they wish they had received and others who can remember another time when the Nation honored all of its returning soldiers. Many people at the airport gatherings, both greeters and soldiers alike, are in tears. I know that all Americans are touched by the return of our troops, but it gives me a special measure of pride to see the true character of my home State on display.

I commend the Bangor community and the citizens of Maine for demonstrating their warmth and patriotism for those who have fought for freedom in the Persian Gulf. Mr. President, I ask that a series of letters that appeared in the Bangor Daily News on March 27, 1991, and an article that appeared in the Maine Sunday Telegram on March 31, 1991, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Maine Sunday Telegram, Mar. 31, 1991]

MAINERS FLOCK TO AIRPORT

(By Kimberly Clifford)

BANGOR.—Glen Rea and his 10-year-old daughter Rebecca go to Bangor International Airport as often as they can to welcome troops arriving from the Persian Gulf.

Last week, it was their 12th time.

Becky wore her Desert Storm T-shirt for the soldiers to autograph and carried her growing collection of dog tags. Her father, a Vietnam veteran, brought his painful memories for another dose of healing.

"Each time I go, I feel a little bit better," he said.

The Reas and thousands of other folks have created a phenomenon that, after more than three weeks, shows no signs of diminishing and, in fact, is growing.

Some people have not missed a single flight. Many new ones show up as more flights come in. They spend hours, even days, at the airport waiting.

"You'd think the novelty would wear off, but it's going the other way," said fifth-grade teacher Jeffrey Fuller, whose whole family has been to the airport. "It's such a spontaneous emotional experience * * * It's magic. A miracle."

Bangor's grand reception of American troops has attracted national attention. Thousands of returning soldiers have been stunned to find so many strangers awaiting their planes at all hours of the day and night.

The strangers form their own small community while they wait, pulling up chairs to chat, sitting on the floor when there aren't enough seats, working on homemade yellow ribbon pins. They are united by their need to be part of the celebration.

Rea, a stockbroker, did four stints as a Navy captain in Vietnam between 1965 and 1967. Every time he returned to his home base near San Francisco, the antiwar hostility was worse, he said. When he came back for good in 1967 and sailed through the Golden Gate Bridge, protesters dropped garbage from the bridge onto his destroyer.

The homecoming is different now.

"Even if you feel down and tired, when that plane touches down and you see the troops, and people start shouting and the band starts playing, you get caught up in it."

Each time a plane arrives and the first trickle of soldiers passes the terminal banner that says "For Our Troops With Love from the Greater Bangor Community," the response of the waiting crowd is always the same.

The applause begins and stays steady until the last soldier has passed through the receiving line of waving American flags and thank-you posters. The people brush tears from their cheeks and touch the soldiers as they pass—with shy pats, handshakes, even bear hugs. They smile joyfully as they speak the words they came to the airport to say: "Welcome home."

The reception at the Bangor stopover impressed Lt. Gen. Calvin A.H. Waller so much that he mentioned it to the welcoming crowd at Fort Lewis, Wash.

"I've got to tell you," he said. "I could feel my heart skip a beat."

People from all over the country, both soldiers and civilians, have written to thank Bangor for its extraordinary reception.

"We were not prepared for your magnificient show of patriotism and friendship," wrote Air Force Master Sgt. David Bibby of Gulf Breeze, Fla. "The event will stand in my memory as one of the most significant moments of my life."

The airport had to install a telephone recording when it couldn't handle the 500 calls a day asking for flight arrival times, said airport spokesperson Peggy McLaine.

"I don't know why they're coming out but they sure like it," said McLaine. "I guess everybody has their own feelings. They really are a happy group. Maybe it's because we're a little more small-town."

No one is exactly sure why Bangor has managed to maintain such unflagging devotion to returning troops. Some believe it's to make up for the dreadful treatment of returning Vietnam troops. Some say the national press attention is keeping it going. Others think it may be Bangor's strong military ties with the Maine Air National Guard stationed at what used to be Dow Air Force Base. A few say it is the Bangor area's wide open spaces and small-town atmosphere that foster neighborliness and friendliness.

Whatever their reasons, the greeters display an impressive warmth and sincerity. The homemade posters, the small gifts, the band music, the older veterans in uniform, the children with their flags, all symbolize their commitment. People feel personal about the troops.

Rebecca Rea, for example, has a Marine pen pal whose name she got in school.

"She's been involved at a very personal level," said her father. "It's more than a war in the gulf area. There's a person out there. Where is he? Is he in action tonight? We'd get out the map."

Elaine Lundin of Hampden visits the airport every day. She passes the time crocheting doilies for Christmas presents. Last week she wore a "USA" T-shirt covered with soldiers' autographs. On her shoulder, one had signed: "Thanks for the love and prayers."

"I love them," she said about the soldiers. "I spent 18 hours here the first time I came. I wouldn't miss it."

Her daughter Melissa took a day off from school last week to spend her 13th birthday greeting flights at the airport.

"That's what she wanted," said Lundin.

Waiting with Lundin was Sheila Dean of Orono, who loves to hug the soldiers. They've given her rank insignias (she pins them to her Army field hat); dog tags (she wears them around her neck); autographs (they cover her cotton knit shirt); and Saudi Arabian money (she keeps it in her denim bag along with a stash of soda and her medication).

"Dean has spina bifida and waits for the troops in her wheelchair. An American flag is stuck down inside the left handle.

She's a relative newcomer to the homecomings, but once she started, she couldn't stop.

"I was here for 40 hours the first time," she said. "I don't know if it's patriotism or I'm just glad they're home."

She feels guilty when she doesn't come.

"I guess because I'm an American citizen and they fought for us."

Dean says she takes a cab to and from the airport—$15 each way—"but it's worth it."

She keeps returning, she said, "to show them how proud I am that they went over there and did a job for our country and that they did it well. . . . I have a lot of fun with these guys. They're so glad to be home. One guy said. 'What are you, the welcome wagon? I said, 'No, I'm the welcome wheels.'"

Across from Lundin and Dean sat Jim and Adria Hughes from Hampden. It was their sixth welcome.

"It's the least we can do," she said. "No one has to come. That's the best thing about this. It's like you want to be faithful to them. We don't know what they've been through or what they're going home to, but here everybody gets treated the same."

"It's quite an impression to see grown men come through crying," said her husband. "It's emotional."

The Hugheses have made the welcome a family affair. They plan to bring their visiting daughter from Poland, Maine, and her family to the airport next weekend. Their 9-year-old granddaughter, Heather Sommers of Hermon, brings Reese's Peanut Butter Cups to swap for soldiers' autographs.

Not far from the Hughes' group were six people busily fastening pins to yellow ribbons and stamping them with "Welcome to Bangor, Maine, USA, 1991." Three knew each other but three others were strangers who came along, asked what they were doing and sat down to help.

"One soldier told me he'd been waiting seven months for a piece of yellow ribbon," said Kathleen Lindh. Thus she took on the pin project with her husband Carl. They drive 30 miles to Bangor from Mariaville.

"We've missed only two flights," said Lindh.

[From the Bangor Daily News, Mar. 27, 1991]

LETTERS TO THE EDITOR

Thank you very much! The thought that so many fine people would get up at 3 a.m. to greet us unknown soldiers is heartwarming. It will be remembered as the best homecoming ever for me.

Sgt. William Keller, USAF.

Tucson, Ariz.

This letter is really for the wonderful people of the Bangor area. I just had to write and tell everyone how proud I am of you folks.

I have not lived in Maine for many years, but I've always been proud to be "from Maine." But last week I found out what being proud really feels like. I had to hold on tight to keep the tears from falling when I saw Bangor on the national news two nights in a row.

I am proud of all of you for going to the airport and greeting the soldiers. What a wonderful thing to see! I can't even begin to imagine how these men and women in uniform felt. Most of them didn't know a single soul but everyone was happy to hug them. I looked for old friends and relatives in the crowd, but everyone "sounded" like my friends and relatives.

Thanks for giving me a chance to be so proud of all the people in Maine. I love you all for being there.

Evelyn Quirion Seidel.

Lee Center, N.Y.

There are not enough words to express my gratitude to the people of Bangor and the surrounding area for the warm reception we received on Sunday, March 17, at the airport. Most of us were shocked at the turnout of total strangers welcoming us home from Saudi Arabia at such an early hour.

We had been told that the folks back home, for the most part, supported the troops deployed in the region, but we were not prepared for your magnificent show of patriotism and friendship. The event will stand in my memory as one of the most significant moments of my life and the ribbons and buttons I received will be among my most treasured possessions.

Msgt. David Bibby, USAF (Reserve).

Gulf Breeze, Fla.

Tears came to my eyes tonight as I watched "CBS Evening News." The story was about thousands of residents of your community welcoming home troops as they made their first U.S. stop.

Millions of people across the United States are flying flags and hanging yellow ribbons to support our troops, but the patriotism and love displayed by you, as you greet our service members, is the true spirit of patriotism. It takes a special kind of person and a special kind of community to open their hearts to so many who have no relation to your community.

I live in Hays, Kan., where 200 members of the local National Guard unit and 28 members of the local Army Reserve unit have been activated in support of Operation Desert Storm. So far, none of them has come home. My brother, a member of the local reserve unit, is currently stationed with the 44th Evacuation Hospital. I hope his plane is routed through your wonderful city before heading west.

Denise Riedel.

Hays, Kan.

People of Bangor, I love you all.

You did what most Americans want to do but can't; let the brave men and women who served in the Persian Gulf know personally how much we appreciate them and thank them.

You make me proud. This is what America is; good people giving of their time and themselves freely without any thought of discomfort or selfish motive.

Thank you for being there when I couldn't be.

MABELE B. PENNISON.

LAKE CHARLES, LA.

I am very grateful for the magnanimous reception you townspeople provided when our planeload of military personnel stopped off for refueling in Bangor. It was an unforgettable display of patriotism and good will.

Special thanks to the kind gentleman who loaned me his trombone so I could play with the band for the national anthem.

Capt. DAVID WEXLER, USAF.

CARSWELL AIR FORCE BASE, TEXAS.

ACTIVITIES OF THE ARMED SERVICES COMMITTEE DURING THE 101ST CONGRESS (1989 AND 1990)

Mr. NUNN. Mr. President, I would like to take a few minutes to summarize the activities of the Armed Services Committee during the 101st Congress. During the past 2 years, the committee continued the overall approach to its work that it began in 1987: a mission-oriented subcommittee structured; biennial budgeting; an emphasis on broad strategy issues; and reduced micromanagement of defense activities. I have discussed each of these management and organizational initiatives on previous occasions, so I will not elaborate on them today. The committee's approach, combined with the hard work of its members and staff, resulted in major accomplishments during the 101st Congress.

1989 NATIONAL SECURITY STRATEGY HEARINGS

On October 21, 1988, I spoke on the Senate floor about the activities of the Armed Services Committee during 1987 and 1988. At that time, I described the extensive series of hearings that the committee had held at the beginning of each of those years on our national security strategy and the Intermediate Nuclear Forces or INF Treaty. I concluded my remarks on those hearings by explaining my intention for the committee to review U.S. national security strategy at the beginning of each Congress.

Mr. President, the Armed Services Committee carried through on this pledge in 1989 and 1990. You might remember that by the first half of 1989, President Gorbachev's reforms had already dramatically altered the political landscape upon which the United States and its allies formulate NATO's military posture and arms control proposals. In order to better understand the implications of these reforms for U.S. and allied security, the committee conducted several hearings during the first half of 1989. A total of 22 witnesses testified over the course of 8 hearings.

The first group of witnesses to appear before the committee were retired high-ranking military officers and private experts, including a distinguished scholar from Great Britain, Mr. Christopher Donnelly. Following these private witnesses were the Chairman of the Joint Chiefs of Staff and senior military officers from the unified combatant commands. By the conclusion of this extensive testimony, the committee had received a comprehensive, insightful assessment of the significance of Presdient Gorbachev's reforms.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

During the first few months of 1989, the new Bush administration reviewed and extensively changed the defense authorization request for fiscal years 1990 and 1991 that had been prepared by the outgoing administration. As a result, the beginning of the committee's formal review of the defense budget request was delayed until May 1989. At that time, the committee initiated a series of hearings on the amended defense budget request with testimony by Secretary of Defense Richard Cheney and Adm. William Crowe, the Chairman of the Joint Chiefs of Staff. Their testimony was followed by appearances before the committee by other civilian officials of the Defense Department, the Chiefs of Staff of the military services, and the Comptroller General of the United States. In addition, when the military officers from the unified commands testified during the national security strategy hearings earlier in 1989, the commiteee asked them about their operational deficiencies and the budgetary priorities they had established to correct those deficiencies. These hearings served the purpose of placing the amended defense budget request in the context of the dramatic security changes that were taking place in the Soviet Union and Europe.

As it has done in previous years, the Armed Services Committee then followed up these overview hearings with detailed staff briefings and subcommittee hearings. In all of its hearings and briefings, the committee continued to try to focus on broad defense missions and outputs instead of individual line item inputs.

By the time the committee met to mark up the defense authorization bill, it had thoroughly reviewed in a total of 44 hearings the President's amended request for fiscal years 1990 and 1991. The full committee mark up of the bill required 3 days from July 12–14, 1989.

As reported by the Armed Services Committee the National Defense Authorization Act for Fiscal Years 1990 and 1991 (S. 1352) provided $305.5 billion in budget authority and $299.2 billion in outlays. These were the funding levels agreed to by the President and the congressional leadership in April 1989 and subsequently formalized in the fiscal year 1990 congressional budget resolution.

By authorizing funds for both fiscal years 1990 and 1991, S. 1352 reflected the committee's continuing conviction that biennial budgeting will substantially improve the stability of defense programs and the quality of congressional oversight. Unfortunately, the committee was unable to recommend authorizations for all programs in the second year of the request because of uncertainty over whether the administration's overall fiscal year 1991 budget met the Gramm-Rudman-Hollings deficit targets. In addition, the April 1989 budget agreement between the Congress and the administration did not include fiscal year 1991.

The committee sought to authorize in S. 1352 the maximum amount of programs in fiscal year 1991 by concentrating on stable programs. Through this approach, the committee recommended authorization for 85 percent of the total requested for fiscal year 1991, or $203 billion.

On July 24, 1989, the Senate began consideration of S. 1352. Over the course of 7 days of debate, the Senate considered 96 amendments and conducted 11 rollcall votes. The Strategic Defense Initiative [SDI], drug enforcement, and the special isotope separation plant in Idaho were among the more contentious issues that were considered during the debate on S. 1352.

After the August recess, the Senate-House conference on the defense authorization bill was organized and started with informal meetings on September 8, 1989. As in previous years, reconciling the thousands of funding and policy differences between the Senate and House bills constituted an extremely difficult challenge. About 100 House conferees and 20 Senate conferees worked for almost 2 months to reach agreement on a conference report. On November 9, 1989, the House passed the conference report (House Report 101–331). The Senate followed with its approval on November 15, and the President signed it into law on November 29 (Public Law 101–189).

1990 NATIONAL SECURITY STRATEGY HEARINGS

The national security strategy hearings that were held by the Armed Services Committee in early 1990 took place in remarkable circumstances. During the second half of 1989, dramatic changes continued to occur within the Soviet Union, some with the effect of producing turmoil in different parts of the country. At the same time, unilateral Soviet military withdrawals from Eastern Europe moved ahead. Democratic changes continued to energize Eastern Europe, and, most remarkably, the Berlin Wall collapsed and West and East Germany raced toward unification.

In December 1989, the Senate majority leader contacted Senator PELL, the chairman of the Senate Foreign Relations Committee, and me to ask that the Armed Services and Foreign Relations Committee conduct hearings on the implications of these changes for our foreign and national security policy. Senator PELL and I readily agreed to the majority leader's request, and the two committees coordinated their hearing schedules during the first few months of 1990.

The Armed Services Committee actually opened its hearings on December 12, 1989, with testimony by Defense Department and intelligence community officials on the amount of warning time that would precede a Warsaw Pact attack in Europe. The hearings then resumed in January 1990 and concluded in March. By that time, the committee had held 14 hearings with 35 witnesses. The witnesses offered a broad range of expertise and perspective. They included senior civilian officials and military officers from the Office of the Secretary of Defense, the unified and specified commands, and the intelligence community; three former Secretaries of Defense; three former Chairmen of the Joint Chiefs of Staff; and several private experts.

The committee also received testimony from two panels of witnesses that I would like to highlight. On January 25, 1990, four distinguished experts from Japan, Germany, France, and Great Britain presented their perceptions of the Soviet threat. On the following day, a panel of European parliamentarians from the North Atlantic Assembly testified before the Armed Services Committee. By receiving testimony from these foreign experts, the committee was able to develop insights into the important views of our allies.

The committee faced a difficult challenge during this extensive series of national security strategy hearings and the defense budget hearings that followed them. The committee was responsible for determining whether the fiscal year 1991 defense budget and the 5 year defense program responded to the changes in the threats to our national security, the political situation in the Soviet Union and Europe, and the United States fiscal situation. To make this determination, the committee asked three broad questions during its review. First, how do the recent changes in the Soviet Union and Eastern Europe affect our national interests, and how have these changes altered the traditional threats to our national security? Second, how should United States military strategy be revised in light of these changes in the threat to our national security? Third, how should the defense budget be changed in light of the changes in the threat and the development of a new strategy?

After the conclusion of the committee's national security strategy hearings in 1990, I tried to answer these questions in a series of four speeches on the Senate floor. On March 22 and 29 and April 19 and 20, I outlined my views on the changes in the threats to our national security; suggested ways we should revise our military strategy in light of the changes in the threats; and gave my views on the force structure and weapons programs we need to carry out this revised strategy.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

With the national security strategy hearings as a backdrop, the committee focused its attention on the President's amended budget request for fiscal year 1991 and the Five Year Defense Plan. The fiscal year 1991 defense budget request that the President submitted to the Congress in 1990 represented a greatly revised version of the fiscal year 1991 request that had been proposed as the second year of the original 2-year budget request in 1989.

With a few relatively minor differences, the authorization process within the committee, on the Senate floor, and in the Senate-House conference unfolded in much the same sequence as in 1989. In preparation for the committee's markup, a lengthy series of full committee and subcommittee hearings and staff briefings were held on the amended defense budget request. This extensive and wide-ranging review, combined with the earlier national security strategy hearings, amounted to 64 hearings with more than 220 witnesses. During this same period, the committee conducted 10 nomination hearings for senior civilian officials and military officers whose testimony concerned the pending budget request.

One difference between the 1989 and 1990 authorization processes was that the administration and the congressional leadership were unable to reach a budget summit agreement for fiscal year 1991 until late 1990. In the absence of such an agreement or a Senate-passed congressional budget resolution at the time of the committee's markup, the committee decided to authorize funding of $289 billion in budget authority. I had recommended this level in my national security strategy speech on April 20, 1990, and this was essentially the level eventually agreed to in the budget summit agreement.

A second difference from 1989 was that the Senate floor debate was completed even more quickly in 1990 than in 1989. The floor debate on S. 2884, the National Defense Authorization Act for Fiscal Year 1991, took only 4 days as opposed to the 7 days that were required to complete the floor debate in 1989. The Senate passed S. 2884 on August 4, 1990.

The Senate-House conference that reconciled the countless differences between the Senate and House versions of the fiscal year 1991 defense authorization bill completed its work in much less time than the previous year's conference. In particular, only 16 days elapsed between the beginning and end of the fiscal year 1991 conference; the previous year's conference spanned 56 days. Although the length of the conference was highly compressed, the differences were no less numerous and complex than those in previous conferences. The difficulty of reaching a conference agreement is suggested by some of the issues under consideration: the Strategic Defense Initiative, the MILSTAR satellite system, the B-2 bomber, base closings, and the planned air base at Crotone, Italy. Despite these significant differences, the conferees and staffs worked extremely hard to complete a conference agreement in a little more than 2 weeks. The House and Senate passed the conference report (House Report 101-923) on October 24 and October 26, 1990, respectively. The President signed it into law on November 5.

NOMINATIONS CONSIDERED BY THE COMMITTEE

The 1st session of the 101st Congress coincided with the beginning of the Bush administration. Therefore, in 1989, the President submitted a large number of nominations to the Senate to fill out the civilian leadership of the Department of Defense. In 1989 alone, the Armed Services Committee considered 41 senior civilian nominations, which is more than the committee had reviewed in the previous 2 years. Combined with the 13 civilian nominations considered in 1990, the committee reviewed a total of 54 senior civilian nominations during the 101st Congress.

All of these nominations were subject to the review procedures that were substantially strengthened during the 100th Congress. Some of the civilian nominations required an especially large amount of time and attention. Over the course of six hearings and meetings in January and February 1989, the committee closely reviewed the nomination of former Senator John Tower to be Secretary of Defense. On February 23, 1989, the committee voted to report the nomination unfavorably to the Senate with the recommendation that it not be confirmed. After 6 days of floor debate, the Senate rejected the nomination by a rollcall vote of 53 to 47.

Another civilian nomination that required a great deal of work by the committee was that of Mr. Victor Stello, Jr., to be Assistant Secretary of Energy for Defense Programs. The committee conducted an extensive review of Mr. Stello's qualifications and background and met seven times from November 1989 to January 1990 to consider the nomination. In addition, the executive branch had a number of reviews ongoing during this period. On April 24, 1990, the President withdrew the nomination.

Mr. President, I would like to note that in 1990, the Armed Services Committee considered the unprecedented nomination of a foreign national. The Panama Canal Treaty between the United States and Panama provides that the Administrator of the Panama Canal Commission beginning on January 1, 1990 is to be a Panamanian national. In May 1990, the President nominated Mr. Gilberto Guardia Fabrega for this position. On June 21, the Armed Services Committee held a hearing on Mr. Guardia's nomination, and 1 week later, reported it to the Senate with the recommendation that it be confirmed.

The Congressional Research Service was unable to find a precedent for the Senate providing its advice and consent to the Presidential appointment or nomination of a foreign national. Therefore, it was an historic occasion for the committee and the Senate to consider Mr. Guardia as the first foreign national to be reviewed for confirmation by the U.S. Senate.

During the 101st Congress, the committee considered a total of 82,534 military nominations. These ranged from a new Chairman and Vice Chairman of the Joint Chiefs of Staff to three new Service Chiefs of Staff to numerous field-grade promotions. Some of these nominations were controversial and demanded especially close scrutiny by the committee.

Traditionally the committee has emphasized that the integrity of the promotion process is essential to the integrity of the officer corps. In the last Congress, the committee reviewed several matters involving the integrity of the promotion process. After receiving information raising questions about the procedures used for making certain general officer selections in the Army's Judge Advocate General's Corps, the committee requested the Department of Defense to undertake an investigation. The investigation, which was conducted by the deputy inspector general of the Defense Department, confirmed that there were serious irregularities in the promotion selection process. The committee's actions on this matter are explained in Senate Report 102–1.

In reviewing certain Air Force nominations, the committee encountered information indicating problems in the implementation of statutory and regulatory promotion procedures. At the request of the committee, the Department of Defense initiated a comprehensive review of officer promotion practices, which will cover each of the military departments. The committee will study the results of this review during the 102d Congress.

THE PERSIAN GULF CRISIS

The Armed Services Committee played an extremely active role in the Senate's debate on the crisis in the Persian gulf. Although this issue was more fully developed and debated in this Congress, a summary of the committee's activities during the previous Congress would not be complete without a description of its work on the Persian Gulf crisis during 1990.

Mr. President, it is a small historical coincidence that Iraq invaded Kuwait just as the Senate began debate on the fiscal year 1991 defense authorization bill. Shortly after the Senate returned from its August recess, the committee received testimony from Secretary of Defense Cheney, Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff, and Mr. Terrence O'Donnell, the general counsel of the Defense Department. The committee sought this testimony to review the President's decision to deploy United States military forces to the Persian Gulf with the objectives of deterring further Iraqi aggression, defending Saudi Arabia, and enforcing the embargo.

On November 8, the President announced that the level of U.S. forces in the region would be doubled in order to create, in the President's words, "an adequate offensive military option." This fundamental shift in the mission of our military forces raised a number of serious questions. To answer these questions, the Armed Services Committee initiated an important series of hearings. Over the course of 5 working days, we held eight public hearings and two closed intelligence briefings on several different aspects of United States policy in the Persian Gulf. Among the 16 witnesses who testified were Dr. James Schlesinger, a former Secretary of Defense, Secretary of Energy, and Director of Central Intelligence; Adm. William Crowe and Gen. David Jones, former Chairmen of the Joint Chiefs of Staff; Dr. Henry Kissinger, a former Secretary of State; and several other private experts. On December 3, 1990, the hearings concluded with more testimony by Secretary Cheney and General Powell.

In order to make these hearings available on a wide and timely basis, I directed the committee staff to prepare them for publication as soon as possible. The mechanical process of assembling, editing, and printing congressional hearings can take almost a year. However, through the diligence and hard work of the committee staff, especially its staff assistants and printing clerks, the Persian Gulf hearings were printed and available to the public in just 1 month. I greatly appreciate the staff's efforts to prepare this 765-page document in time for the Senate's debate on the Persian Gulf.

Mr. President, I believe that the Armed Services Committee's hearings greatly assisted Congress and the American people in reaching a better understanding of the crisis in the Persian Gulf. They provided a constructive opportunity for a variety of views to be presented and discussed. The committee was also instrumental in creating the Defense Cooperation Account, which ultimately became the mechanism to pay for a large share of the war's costs.

REVIEW OF NAVY INVESTIGATION INTO IOWA EXPLOSION

Another significant activity that the committee undertook during the last Congress was a review of the Navy's investigation into the gun turret explosion aboard the U.S.S. *Iowa.*

Mr. President, on April 19, 1989, 47 naval personnel died in the explosion of the center gun of turret II on board the battleship U.S.S. *Iowa.* We were all shocked and deeply saddened by this awful tragedy. The Department of the Navy, with the assistance of the FBI, conducted an investigation into the cause of the explosion. It concluded that Petty Officer Clayton Hartwig, a gunner's mate involved in the operation of the center gun, most probably intentionally caused the explosion in such a way that he hoped it would appear to be an accident.

The committee wanted to be as certain as possible that the Navy had identified the true cause of this tragedy so that it would not happen again. Therefore, in four hearings from November 1989 to May 1990, we carefully reviewed the Navy's investigation in great detail. We also inquired into broader issues related to the manning, training, and maintenance of the U.S.S. *Iowa* and her sister battleships. In the first three of these hearings, the committee received testimony from the Chief of Naval Operations, the Navy investigating officer, the commanding officer of the U.S.S. *Iowa*, and several FBI investigators.

The final hearing was devoted to important testimony by officials from the General Accounting Office [GAO] and Sandia National Laboratories in Albuquerque, NM. The committee had asked the GAO to assess the Navy's investigation and conclusions and to address the broader battleship issues that I just mentioned. Senator WARNER, Senator BINGAMAN, and I had also urged Sandia National Laboratories to assist the General Accounting Office by undertaking an independent technical analysis of the Navy's gun tests.

On May 25, 1990, GAO and Sandia officials testified that the Navy's investigation suffered from significant shortcomings. In particular, Sandia's gun tests, and an initial follow-up test by the Navy itself, demonstrated that the *Iowa* explosion may have been caused by unsafe powder bags and an "over ram" of the bags during the firing of the 16-inch gun. This finding essentially eviscerated the Navy's conclusion that the explosion resulted from a wrongful intentional act. The testimony by the General Accounting Office also documented serious deficiencies in the Navy's employment of the battleships, both in terms of officer and enlisted manning and in terms of the training given to the gun crews.

Mr. President, I am very proud of the role that the Armed Services Committee has played in learning the truth about this sad incident. The committee has made a constructive contribution to the safety of the crews on our battleships.

OTHER COMMITTEE HEARINGS

Early in the 101st Congress, the committee held a series of hearings on the nuclear weapons complex. These hearings in February and March 1989 continued the committee's oversight of the defense-related nuclear facilities and operations of the Department of Energy. The hearings in 1989 focused on the safety, modernization, and requirements of the nuclear weapons complex.

Another issue to which the committee dedicated substantial time and attention was the closure and realignment of military bases. The Defense Savings Act of 1988 (Public Law 100-456), which the committee was instrumental in enacting into law, established a commission and a process for the purpose of identifying military installations that should be closed or realigned. During 1989, the Armed Services Committee carefully reviewed the list of bases that had been proposed for closure or realignment and developed the necessary implementing legislation. This effort represented the first time in more than a decade that a significant number of military installations had been closed or realigned.

During 1989 and 1990, the Armed Services Committee exercised oversight over other defense activities by holding hearings in several different areas. These hearings addressed topics such as Operation Just Cause in Panama, defense acquisition policies, the national security implications of nuclear testing agreements, and the treaty on the final German settlement.

During the 101st Congress, Mr. President, the committee continued to improve its administrative practices and procedures. In particular, the committee undertook a major initiative to automate the printing of its hearings. Although the precise savings that will be yielded by this change will not be known until all of the committee's 1990 hearings are printed, it should result in substantial decreases in our printing costs. These savings would be in addition to those achieved by other printing initiatives in the 100th Congress.

Mr. President, I have tried to convey to the Senate today a sense of the significant work in which the Armed Services Committee engaged during the 101st Congress. I ask unanimous consent that a table displaying numerical measures of the committee's workload be inserted into the RECORD immediately after my statement. Although these statistics cannot describe the full extent of the committee's work, they do provide some insight into the committee's challenging workload.

The work and achievements that I have described today were accomplished with the outstanding cooperation of Senator WARNER, the ranking minority member, and his staff. Senator WARNER and I have enjoyed an excellent working relationship for several years. I am deeply grateful to him for his advice and assistance.

The final point that I would like to make today, Mr. President, is that the members of the Armed Services Committee are assisted by a very professional and hard-working staff. I greatly appreciate our staff members' dedication and energetic support; the Armed Services Committee's record of accomplishments during the 101st Congress is largely due to their efforts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	101st Congress, 1st session	101st Congress, 2d session	Totals
DOD Authorization			
Days in markup	3	2	5
Days on floor	7	4	11
Amendments	96	97	193
Rollcall votes	11	20	31
Hours of debate	53	36	89
Hearings and Meetings			
Full Committee	76	67	143
Strategic Subcommittee	13	12	25
Conventional Subcommittee	4	4	8
Projection Subcommittee	6	6	12
Defense Industry Subcommittee	11	12	23
Readiness Subcommittee	9	7	16
Manpower Subcommittee	5	7	12
Joint Session (Conventional, Readiness and Manpower)	1	0	1
Joint Session (Strategic, Conventional and Projection)	1	0	1
Joint Session (Strategic and Defense Industry)	0	1	1
Total	126	116	242
Statutory nominations	41	13	54
Military Nominations			
Army	15,312	14,567	29,879
Navy	12,704	11,573	24,277
Marine Corps	2,776	2,786	5,562
Air Force	11,394	11,422	22,816
Total	42,186	40,348	82,534

SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

Mr. MOYNIHAN. Mr. President, as the Senate reconvenes for our spring session, allow me to report that during the Easter recess the Subcommittee on Water Resources, Transportation and Infrastructure of the Committee on Environment and Public Works held hearings across the Nation on the forthcoming highway bill.

As the Senate knows, the Surface Transportation Act which we regularly enact every 5 years is more than just a highway bill. Transit programs are included, as are highway safety programs.

In his address to a joint session of the Congress on March 6, 1991, President Bush asked specifically that this bill, along with one other, be enacted within 100 days. That is doable, but will take some doing. Our hearings are concluded; we are drafting a bill. It is entirely reasonable to think we might bring it to the floor early in May. In the meantime I have been in touch with my friend and neighbor, Representative ROBERT A. ROE, who is, of course, the distinguished chairman of the House Committee on Public Works and Transportation, with which we will craft our final legislation.

It is too early to predict, but not too early to hope that this will prove to be the most important transportation bill in 35 years, or 46 years, depending on when you mark congressional authorization of the Interstate Highway System—the National System of Interstate and Defense Highways. It will mark the end of that era. That is certain. It fell to me to manage the Surface Transportation and Uniform Relocation Assistance Act of 1987 at the beginning of the 100th Congress. We were half a year late as the conference had not produced a final bill in 1986. On that occasion, I reminded the Senate that one era was ending and another now in prospect.

> This is a moment the Senate might take to consider: H.R. 2 provides the funding to complete the Interstate and Defense Highway Program begun under President Eisenhower in 1956, the largest public works project in the history of the world. . . . [I]n a sense, we have finished the highway structure of the country, much as the day came when the railroads were built and the airline routes—well, we thought—were completed, and we would go on to other things.* * *
>
> After this 5-year bill, the highway program will undergo significant reform. We are about to enter a new era. The system is built. We are now increasingly in the business of restoring and resurfacing and rehabilitating roads and bridges. Between a third and a half of our outlays for highways this year already will be essentially on maintenance. By 1991 we expect that more than half will be. And there are other things yet to do.

That moment is now at hand. We are about to decide how we spend $105 billion over the next 5 years. This is real money. Not another authorization which never comes to anything in real life. As the Senate knows, the money for this program is collected through gasoline and other taxes and deposited in a trust fund. Let there be no doubt. It will be collected and it will be spent.

The question is whether it will be spent wisely.

Our record is not reassuring.

Thirty-one years ago the Reporter magazine, then edited by the all-seeing Irving Kristol, published a cover story on the then new interstate program of which I was the author. It was entitled, "New Roads and Urban Chaos," which will give a sense of the point of view.

It is generally agreed that the concept of a nationwide, multilane, limited access highway system dates back to the General Motors Futurama exhibit at the 1939 World's Fair in Flushing Meadows, Queens, NY. You might say that I was present at the creation, for I knew of a hole in the fence around the fair and visited the Futurama exhibit over and again in that idyllic summer.

Later, in the 1950's, I was to serve on the staff of Gov. Averell Harriman in Albany. By that time New York State had built the first segment of the Interstate System as the New York State Thruway. This was, you see, very much a New York conception. President Roosevelt had proposed the idea to Congress, and the system was authorized in 1944. The great breakthrough came under President Eisenhower in 1956, when at the suggestion of Representative Jim Wright and others, the idea of a dedicated tax and trust fund was put in place. But the design for the new system was already in place in New York. In point of fact, the highway commissioner under Governor Dewey who built the thruway, an inspired civil engineer, Bertram Tallamy, left Albany in 1956 to start up the national program here in Washington.

I watched all this with some apprehension. In New York we had built our portion of the system as a toll road which had to pay its way. Now the rest of the country was going to be building the exact same road but as freeways—and with what came close to bring free money. This is to say the 90–10 split authorized in the 1956 legislation. In some parts of the Nation the ratio was actually 95–5. I began my Reporter article thus:

> The Wall Street Journal does not commonly describe any undertaking of the Eisenhower administration as "A vast program thrown together, imperfectly conceived and grossly mismanaged, and in due course becoming a veritable playground for extravagance, waste and corruption." It must, to the White House, seem notably unkind for the Journal to speak thus of an enterprise the administration has declared "the biggest public works program ever undertaken anywhere or at any time throughout the world." But even the President has conceded that all is not well with the $45 billion Interstate and Defense Highway program.

The program was scarcely 5 years old at this point, but already the cost was getting out of hand. Bryce Harlow, that incomparable counselor, once related to me that President Eisenhower regarded the Interstate System as the most important domestic achievement of this administration. But even so, he seems to have sensed the working of that venerable rule of economics, which is that free goods or nearly free goods will be wasted.

Here is the record.

The Federal-Aid Highway Act of 1956 provided an authorization for $25 billion in Federal funds to build the National System of Interstate and Defense Highways. In addition, a 10-percent State match was required, bringing the total cost of the system to $27.5 billion.

The bill envisioned a 41,000-mile system that would be finished by 1969, that is 13 years.

What actually happened was quite different.

The 1991 estimate for the total cost of the Interstate System is $114 billion of Federal funds, for a total of $128 billion.

Thus, we see that the system took three times as long to complete as was originally proposed, and cost almost five times as much.

Actually, the program is not quite finished even yet. Two major urban segments remain. The first is the Glenn Anderson Freeway in Los Angeles, named after our good friend, the distinguished legislator from Long Beach. The other the Boston Central Artery/3rd Harbor Tunnel project. The Anderson Freeway is well on its way to completion as an innovative, multimodal transportation corridor. It is a great tribute to Representative ANDERSON. I cannot and do not make any predictions about the Boston project. I wrote in that Reporter article 31 years ago that these highways were too big for cities, or at least we had not yet learned how to put something so big in a city, where half the Interstate Program money would be spent. That was the trouble. That map made you think of great ribbons of concrete crossing Kansas to the horizon. We should have been thinking of all those Chinese walls smashing through neighborhoods and changing the character of American cities beyond recognition or redemption. It is too late now, but the techniques of opposing interstate segments in cities have developed to the point where even civilized projects cannot be built, and so I make no projections for Boston. Even so, we will include in our bill some $6.8 billion for these final bits and pieces. But that is it. The interstate is over.

What now?

I foresee a new Federal transportation program based on three principles.

First, our primary object must be to improve the efficiency of the system we now have.

After 35 years and a 460-percent cost overrun, it is time to think pricing. We have poured enough concrete. The time has come to get more transportation out of the roads we have already built.

Like all public monopolies, highways give the impression of a free good. They are not. However, that impression has led the United States to a perilous dependence on imported oil.

In 1944 we exported oil. In 1956 we imported only 11.5 percent of consumption. In 1990 this ratio had risen to 41.9 percent. It will soon pass the halfway mark.

Indeed, it could be said that the biggest single effect of the Interstate Highway System has been in the field of American foreign policy. We are a nation that absolutely must have foreign oil, and must shape our defense and foreign policies accordingly.

However, we surely must strive to keep that dependency to a minimum. There are many good features in the bill sent to us by the administration. However, it is, as I remarked at the time, more an energy policy than a transportation policy. Under the proposed Federal aid formula, the more gasoline a State consumes, the more money it gets.

This does not seem to me the right kind of incentive. Can we not devise an arrangement whereby States are rewarded for reducing their gasoline consumption? The answer, of course, is that we can.

Second, the time has come to turn the initiative in transportation matters back to States and cities.

Everywhere our subcommittee went we were impressed by the vigor and enterprise of State and local transportation officials. I would especially note our visits to Houston and to Los Angeles. Houston, for example, has developed a high-occupancy-vehicle lane which is carrying the passenger equivalent of five lanes of regular interstate.

That is what we want. More from what we have. In one of our hearings in Washington, Dr. Steven Morrison from Northeastern University offered us a simple thought taken from that magical baseball film, "Field of Dreams." "If you build it," he said, "they will come." Meaning cars, not ballplayers.

It is very hard to develop competition in a setting of public monopoly. The best approach I can think of is to let the States compete among themselves. Let them, as the economist John Kain told our subcommittee, learn from each other's mistakes; copy each other's successes.

One day, for example, a mayor is going to introduce congestion pricing and get reelected by a huge margin. Whereupon something new will appear in American urban policy.

We need this badly. A half-century ago those Austrian economists were telling us that centrally planned command economies could never succeed because no one could ever know what true prices should be. That situation is replicated within the economic sector where government has a monopoly. You see it in productivity figures. In the period 1981 to 1986, for example, productivity in durable goods manufacturing rose by an astounding 6 percent per year. By contrast productivity in transportation grew by 0.7 percent a year.

So much for just in time inventory management.

Some areas of the Nation are more efficient than others. I am concerned for example, about my own State of New York. We exist because of transportation. We began with the finest harbor on the Atlantic coast of North

America. We proceeded to build the Erie Canal, the way west. Then the New York Central Railroad. Then the Thomas E. Dewey Thruway. But then we slowed down.

On Friday, April 5, in Albany, our most able State Transportation Commissioner Franklin White testified:

> The United Parcel Service estimates the cost of its parcel pickup/delivery in this region [New York City and Long Island] to be 30 percent higher than for the rest of the country.

Third, transit should be an option for cities. Which is to say highway money should be fungible. The subcommittee heard over and again about rail transit projects financed by the Federal Government that have been ruinously expensive. Again, that rule that free goods will be wasted. Similarly, we saw most impressive new systems, such as the Blue Line from Los Angeles to Long Beach, and the vastly improved New York City subways. Again, the rule should be that cities should compete. Those who make wise decisions will prosper. Those who make poor decisions, will pay.

Of course, expanded bus service is very much the agenda of many cities.

If these three principles seem stern, then so be it. We are about to spend $105 billion in taxpayers' money. Let us, for the first time in a generation, try to put in place incentives to spend it wisely and efficiently.

This is more than a transportation challenge. Like it or not, the public sector takes out about one-third of the American economy. There is much too little incentive for productivity improvements in this sector. This point is vividly made by Prof. Stanley Lebergott of Wesleyan University who would devise means for rewarding public bureaucracies for improving productivity, and alternately punishing those who do not.

Let us begin by enacting the Surface Transportation Efficiency Act of 1991.

Mr. President, I ask unanimous consent that my 1960 Reporter article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reporter, Apr. 14, 1960]

NEW ROADS AND URBAN CHAOS

(By Daniel P. Moynihan)

The Wall Street Journal does not commonly describe any undertaking of the Eisenhower administration as "A vast program thrown together, imperfectly conceived and grossly mismanaged, and in due course becoming a veritable playground for extravagance, waste and corruption." It must, to the White House, seem notably unkind for the Journal to speak thus of an enterprise the administration has declared "the biggest public works program ever undertaken anywhere or at any time throughout the world." But even the President has conceded that all is not well with the $45-billion Interstate and Defense Highway program.

The program provides for the construction of 41,000 miles of superhighway, connecting ninety per cent of the nearly three hundred cities of the continental United States with populations of 50,000 or more. When completed, the system will carry twenty per cent of the nation's traffic. Up to ninety-five per cent of the cost will be paid by the Federal government. Half of it will be spent in the cities the system connects.

Washington abounds with administration task forces, Congressional committees, and special-interest groups—all investigating this program. Those in Congress who are looking for scandal will likely find no end of it. Those in the President's office looking for ways to cut back the program will have an even easier task, although they may encounter more difficulty getting their findings published during this election year. But very few seem to be asking whether, quite apart from corruption or extravagance, the program is bringing about changes for the worse in the efficiency of our transportation system and the character of our cities.

One of the best-publicized resolves of the administration that took office in 1953 was to redress the balance of Federal-state relations by divesting the national government of such usurpations of state sovereignty as vocational education and aid to the dependent blind. While almost nothing has come of this endeavor, an important change in Federal-state relations has in fact taken place during the Eisenhower years. The Federal government, through the Federal Aid Highway Act of 1956, has assumed the direction of highway construction—one of the few areas of significant government activity in which the states still had the initiative after the New Deal.

Although the Federal government has been providing some highway aid to the states since 1916, road building was almost entirely a state and local affair until 1956. The Federal Bureau of Public Roads was, as late as 1939, a small agency in the Department of Agriculture helping to "get the farmer out of the mud" by supplementing state highway budgets. The states spent the money pretty much as they pleased.

The system was permissive but not disorganized. Standards for highway construction, for example, and national routes (the familiar US sign) were successfully established on a voluntary basis. For the most part, however, these roads followed trails that had originated far back in frontier history. With the coming of the automobile they were just surfaced, and widened and straightened somewhat. Our counterparts of the "rolling English drunkard" who laid out Chesterton's "rolling English road" were the Iroquois war party and the Conestoga wagon: more purposeful but not less circuitous as they sought out the passes and water-level routes north and south, and across the continent. The Roman roads Hilaire Belloc has written of, struck like a lash across the conquered provinces, were not reproduced in America until we too established a dominant central government.

The idea of a Federal system of superhighways arose during the First World War. It was revived by the Roosevelt administration as a public-works project for building 14,000 miles of transcontinental routes. A study made by the Bureau of Public Roads, which the President commended to Congress in 1939, revealed that there was surprisingly little cross-country traffic and suggested that the concept be changed to a 25,700-mile intercity system. The idea was popularized by General Motors' Futurama exhibit at the New York World's Fair.

In 1944, after some further study, Congress authorized construction of a National Interstate Highway system on this basis. The size was increased to 40,000 miles. Thus, from the outset there has been more mileage authorized for the system than anyone knew exactly what to do with.

MORE ROADS FOR MORE CARS

Authorization is the first step in a Federal public-works program. It more or less commits Congress to appropriate money at a future date and provides time for plans and other necessary arrangements to be made. Plans for the interstate system went ahead. In 1947 the Federal government and the states agreed on the location of 37,700 miles of the system, leaving the rest for additional urban connections. The roads were to be limited-access, multilane high-speed routes designed to the highest standards. But no special funds were appropriated to build them; only regular Federal high-way-aid funds were made available, on the standard fifty-fifty matching basis. This required the states to take sizable amounts of money from regular projects to spend on interstate mileage.

The result was that the interstate mileage didn't get built. Highway-construction expenditure multiplied by nearly eight times from 1945 to 1952, but the states just wouldn't use their money on interstate highways. It had never, after all, been their idea. Special funds were thereupon appropriated and the Federal share increased to sixty per cent, but still with little effect. By 1952, less than one per cent of the system had been completed. Three years later President Eisenhower declared: "At the current rate of development, the interstate network would not reach even a reasonable level of extent and efficiency in half a century."

For the highway transportation industry this raised a serious question. Automobile registrations had almost doubled in the first decade after the war. By 1955 there was a motor vehicle for every seven hundred feet of lane in both directions on all the streets and roads of the nation. It was expected that registrations would rise another forty per cent in the following decade, to a total of eighty-one million. Yet already the cities were chockablock with cars. Unless more room was made for automobiles, the automobile industry itself might feel the pinch. "Either the roads must be made adequate for the traffic," stated the Engineering News-Record, "or the end of national expansion as we know it must be accepted."

Few pains were spared to popularize this notion. General Motors even went into the essay-sponsoring business, offering $25,000 for the best theme on "How to Build the Roads We Need." (The prize was won, naturally, by Robert Moses.)

But the Eisenhower administration needed little persuading. Highway transport had become, in the words of the Brookings Institution, "the greatest single combination of economic activities in men's history."

In July, 1954, the President proposed a "grand plan" for a national highway system. His plan was to build the interstate system Roosevelt had proposed and Congress had authorized. He next appointed a committee composed of General Lucius D. Clay and assorted men of substance, including Dave Beck, as was de riguer in those days, to devise means for doing so. The committee quickly reported that the system would cost only $27.5 billion, and could be built, with borrowed money, in ten years. It proposed that the Federal government pay ninety per cent of the cost generally and up to ninety-five per cent in states with extensive untaxed Federal landholdings. The President submitted this proposal to Congress in February, 1955.

SOMETHING FOR EVERYBODY

Introducing a highway program in today's Congress is like letting a tariff bill loose in the old days: the figures go up and up and up. The economic interest in highways affects not only General Motors but also countless numbers of garage owners, automobile dealers, road contractors, real-estate developers, and similar large and small businesses throughout the land. Conservatives think of roads as good for business. Liberals think of them as part of the litany of public investment they so love to chant: "Better Schools, Better Hospitals, Better Roads . . ." Plain politicians think of roads as the indispensable means by which the owners of seventy million motor vehicles derive the benefits from what is for most of them the largest or second largest investment they ever make.

Highway construction is especially important to the professional politicians, since it provides the largest single supply of money available these days to support their activities. The alliance of the county leader and the contractor is ancient and by no means dishonorable. Public works represents the most beneficent outlet yet devised for the politician's need to make a living and at the same time please the public. If it occasionally takes the form of paving stream beds in Kansas City, it may also produce a New York State Thruway.

In most states a symbiotic relationship has been established between the contracting firms and the local political organizations which obviates the usual forms of corruption. The contractors pay an honest tithe to the parties' exchequers out of fair profits, which are large mostly because the sums involved are vast. It is a point of pride with many contractors to make all contributions by check and often, as it were, in public through advertisements in party yearbooks. To the extent that this system works, it provides an excellent if informal means of financing our parties out of tax funds: contractors are normally apolitical, asking only that there be just a little more than enough work to go around. The politicians usually do their best.

One special attraction of the interstate program was that these roads, for the most part, would be brand-new. Seventy-two per cent of the mileage, both in urban and rural areas, would be on entirely new locations. Along most of these thirty-thousand-odd miles, property values are destined to soar. This is sure to please the owners, whether the property has been in the family for years or, by good fortune, recently acquired. The redoubtable George Washington Plunkett of Tammany Hall was not the last American politician who could suggest as his epitaph "He Seen His Opportunities, and He Took 'Em."

In a Democratic Congress dominated by Southern and Western representatives, the program had the further advantage of providing a considerable subsidy to those parts of the country. Far the heaviest concentration of traffic and automobiles in the nation is located in a parallelogram running from Boston to Milwaukee down to St. Louis over to Washington and back up to Boston. The area's fourteen states and the District of Columbia had just under half the nation's motor vehicles in 1955. However, only a quarter of the interstate mileage is located in these states. Mississippi, with one-third to a half as many automobiles as Massachusetts, is to get almost one and a half times the mileage. Texas, with five-sixths as many automobiles as New York, is to get almost three times as much mileage.

It was fortunate for the President that there were so many sound political reasons to support his program. There weren't many others. With the railroads running at fifty per cent of capacity, a sudden, sharp increase in intercity transportation facilities represented, if anything, a threat to the economic stability of the entire transportation industry. Almost certainly the 40,000-mile figure was too large: it had no basis other than the enthusiasm of the wartime Congress for a peacetime program that might be years away. In 1944 Congress had little idea where this mileage was to be located, much less whether it would be needed. Ten years later the Clay Committee appointed by President Eisenhower found that only 8,500 miles of the system could expect enough traffic to pay for themselves as toll roads—and of these, all but 3,500 were already built or being built.

There was no question that city streets were jammed, and it was always understood that half the cost of the program would go to urban arterials. But this aspect of the program should have evoked the Malthusian specter raised by New York City's Deputy Administrator Lyle C. Fitch: the number of automobiles increases to fill all the space provided.

A few months after the program was adopted, Geoffrey Crowther of the London Economist, returned from a trans-American tour, told a New York meeting of the Committee for Economic Development: "I have driven myself with my own hands over 12,000 miles. . . . I could tell you a great deal about the . . . fabulous development of the highways in the United States. I find myself puzzled by the statements—that are taken for granted in this country now—that your highways are obsolete. I think I can claim to know as much about them now as anybody in this room and I say it is not so. Your highway system is magnificient. It is overburdened in the immediate vicinity of the large cities; but get away from the large cities and your highways are empty.

"I wonder," said Crowther, speaking of the new interstate program, "if the matter has been investigated as thoroughly as it should be." It had been. Any number of congressmen had wondered if it could not be made bigger. It was. The President's proposal was adopted with only one other important change. Ever alert to the call of patriotism, Congress lengthened the title to make it the Interstate and Defense Highway program.

WHO PAYS THE BILL?

The urge to have the highways was not matched by an urge to pay for them. From the outset the financing of the program has been the object of much controversy and muddle.

The Clay Committee had proposed that the program be financed through an independent Federal Highway Corporation which would sell some $20 billion worth of bonds to raise money to build the highways in a ten-year period. The bonds would be retired over thirty years by the returns on the two-cent Federal gasoline tax. This would have permitted an increase in government borrowing and spending of billions of dollars each year, without any increase in the debt limit, the budget, or taxes.

The fiscal conservatives in Congress were upset by this proposal for deficit financing. The partisan Democrats were loath to let the President carry off such a political coup. The two groups combined to insist on what is substantially a pay-as-you-go program, matching increased expenditures with increased taxes. After some difficulty over which taxes would be increased, a bipartisan program passed the House in April, 1956, by a vote of 388–19. The Senate approved its measure and the President promptly signed the conference bill.

The Highway Act of 1956 gave the President the $25 billion he had asked to construct the interstate system (to be matched by $2.5 billion from the states) and provided a third more than he had asked for regular highway aid. The authorized mileage of the interstate system was increased to 41,000. It was to be built over a thirteen-year period, at a rate of Federal expenditure, rising to $2.2 billion per year.

To provide the money, the fuel tax was increased from two cents to three cents per gallon and the tax on new tires from five cents to eight cents per pound. These increases, together with some smaller ones on other taxes, brought an increase of almost two-thirds in taxes on highway use. A Highway Trust Fund was set up to receive these and some related taxes. The receipts of the Trust Fund would be used to pay for the highway program.

The device of the Trust Fund satisfied the administration's wish to keep the increased level of government spending from showing up on the budget. The bulk of highway expenditure is now carried as a separate item, similar to Social Security payments. Thus in the budget for fiscal 1961, highway expenditures are shown as $3 million, although they will actually be something like $3 billion.

The program got under way on July 1, 1956, but it was in trouble even before it began. The financial plan provided for the Highway Trust Fund to incur some deficits during the peak construction years. These would be balanced by surpluses obtained during the early period when the program was still on the drawing boards and during the latter years as it was tapering off. At the last minute, Senator Harry Byrd of Virginia, supported by Secretary of the Treasury George M. Humphrey, added an amendment that forbade the Trust Fund ever to incur a deficit. This means the scheduled program would have to be cut back as soon as the small initial surplus was used up.

A deficit seemed imminent in March, 1958, when the President asked Congress to permit the expenditure of an additional $600 million on the interstate system as an anti-recession measure. Congress eagerly responded with $800 million. The 1958 recession thus caused an increase in expenditures and at the same time a decrease in receipts because of lowered economic activity. In January, 1959, the Secretary of Commerce reported to Congress that unless receipts were increased the fund would soon be exhausted. There would be no interstate funds apportioned for fiscal 1961 and only $500 million for 1962.

To prevent this the President asked that fuel taxes be increased from the three cents to four and a half cents a gallon. This aroused opposition from the oil companies, and for a time it seemed that the program might be seriously interrupted, but at the last moment Congress enacted a one-cent gas-tax increase. The President asked for the other half cent in his recent budget message, but nothing will be done until after the election.

Something will have to be done soon, however, for the financial problems of the interstate system have become more difficult than simply maintaining the level of expenditures envisioned in 1956. Since then the estimated cost of the system has almost doubled.

In January, 1958, the Secretary of Commerce announced that revised estimates indicated that instead of $25 billion, the Federal share of the interstate cost would be nearly $34 billion. This was for only 38,548 miles, however, which, it turned out, was all the routes laid out in 1947 required. To build the remaining 1,452 of the 40,000 miles originally planned (never any question of just dispensing with them as a tribute to efficient management) and the extra thousand miles authorized in 1956 will require another $2.2 billion. Technically the revised estimate did not even cover all of the 38,548 miles, since it did not include the cost of reimbursing the states that had already built parts of the system with their own funds or as toll roads. This would add perhaps $4.3 billion. There is also the matter of some $1.5 billion for relocating railroad tracks, telephone lines, and other utilities disturbed by the new highways, as authorized by Congress. Also, another half billion dollars might be needed to provide the extra 1.5 per cent of the cost to states that forbid billboards along the new routes, as authorized by Congress. This could bring the total Federal-state cost to something like $45 billion. The sole prospect of economy is that the states aren't taking up the no-billboard option.

WHO RUNS IT?

This is not the end of it: rising costs are built into the interstate system. From the outset the program has been undermined by the administration's desire for Big Government achievements without Big Government. The Clay Committee envisioned the largest public-works program in history being carried on with no increase in public personnel. ". . .The Federal Highway Corporation should consist only of a board of directors with secretarial assistants"—a kind of bureaucratic fantasy in which almost everyone is a member of the board and there is no overhead. The Clay Committee proposed that the interstate program be operated through the Bureau of Public Roads as an ordinary Federal highway-aid program, with all the work of picking sites, drawing plans, letting contracts, and so forth, done by the states. For extra help the states, many of which were altogether incapable of doing such work anyway, would turn to the "private engineering organizations capable of providing sound engineering in this field." All of this, in some way, would further "the President's stated desire for 'a co-operative alliance between Federal Government and the States so that government . . . will be the manager of its own area.'"

The President has had his desire. The Bureau of Public Roads, with only a handful of extra help, depends on the states, which depend on consulting engineers. The consulting engineers, normally paid by a percentage of cost of the projects they design, depend on the Rotary Club for forecasts of the traffic potential of whatever town they happen to be tearing up.

WHERE IS IT BUILT?

Many instances of almost incredible mismanagement have appeared in scathing reports by the Comptroller General, but there is nothing to be done about it. The interstate program is not a Federal enterprise; it is only a Federal expense. Washington is simply committed to keep supplying money until it is finished. But the states have no real freedom of action either. The basic decision to build the system has been made for them: the enormous "bargain" of the 90-10 money makes it politically impossible to do anything but take the money as fast as possible and try to match it. Since all contracts are closely scrutnized by the U.S. Bureau of Public Roads, the states hardly see it as their responsibility to control the costs of the program, as indeed it is not. But the bureau, under equally heavy pressure to keep the program rolling and Congress happy, exercises little real control. It functions rather as a company comptroller who fusses over items on an expense account without ever daring to ask if the trip was necessary. In fairness, the bureau could hardly do otherwise: in 1958 it had two investigators to cover the entire United States.

The Comptroller General's men recently came upon a three-mile segment in "a very sparsely settled area" of Nevada on which three interchanges have been built at a cost of $884,000. They will handle a daily traffic load of eighty-nine vehicles, serving, in the words of the General Accounting Office, "some old mines, a power line, four or five small ranches, and a house of ill repute."

From Arkansas the state auditors reported: "On every hand among both employees and commissioners we encountered a strange and distressing apathy at any extravagant use of highway funds." In Indiana apathy was replaced by enthusiasm: the boys had organized a syndicate with highway department employees to take all the risks out of speculating on capital gains from right-of-way condemnations. The Pennsylvania highway department, one hundred percent patronage, was performing less than ten percent of the preliminary engineering on interstate routes, while passing out contracts to consulting-engineers at the rate of a $1 million a month. In West Virginia, ". . . only about ten percent of the state's project engineers . . . were registered or graduate engineers.".

With no strong direction of the program, there has been no way to resist the political pressures to build a little bit of interstate highway in every county along the 41,000-mile route. Limited-access highways over new locations are more like bridges than ordinary roads. Until they make the complete crossing from one city to another they are relatively useless, starting, likely as not, at one of the cities and ending in a corn-field. A minimum of businesslike management would have arranged for the system to be built in complete segments, concentrating on the more important ones. Instead it is being built in fragments strewn across the continent. It will be years before these are connected into anything like a national system.

The repeated financial crises of the program have created a mistaken impression that it is slowing down. Apportionments of funds for the next two fiscal years will be down as much as $600 million, but this will no more than offset the increased provided in 1958. According to Federal Highway Administrator Bertram D. Tallamy, who built the New York State Thruway and is in charge of the interstate program, expenditures are running some four percent ahead of the schedule envisioned by the 1956 legislation. Fifteen thousand miles of the system are either in the contract stage or have actually been completed. Routes have been located and plans are in process for ninety-five percent of the remaining mileage.

True, unless more funds are made available, the program will stretch out. But there is much support for providing more funds. The President's recent budget message, which calls for cuts in housing, hospital, water pollution, and similar programs and makes clear that a serious education bill will be vetoed, nonetheless proposes more funds to "permit the construction program for the Interstate System to proceed at a higher and more desirable level." Congress continues to share the President's unflagging interest in highways. Senator Albert Gore, who sponsored the 1956 legislation, was talking awhile back about adding another seven thousand miles.

A few legislators such as Senator Paul Douglas of Illinois have questioned whether this is the very best way to spend our money. Senator Eugene McCarthy of Minnesota has asked whether the program wasn't merely hastening the day when "You'll be able to drive eighty miles an hour along superhighways from one polluted stream to another, from one urban slum to another, from one rundown college campus to another."

The only certain consequence of the rising costs of the program is that there is no longer much serious possibility of reimbursing the states that built sections of the system as toll roads. In the postwar years, after the outlines of the interstate system had been established, a number of states did this. From the outset of the present program it has been recognized that justice entitled these states to be reimbursed so that they might either remove the tolls or build additional roads. Five years ago it seemed unthinkable that this would not be done. An administration spokesman told the House Committee on Public Works that not to reimburse these states would be like saying, "Boys, we are sorry, you took care of yourselves, so you do not get anything."

The 1956 legislation declared the intent of Congress to settle this matter, but as one financial crisis has followed another, the intention has grown weaker. It is now practically settled that those states which did not wait around for Uncle Sam to look after them will in fact get nothing. So much for the fate of the bird dogs in the Eisenhower years.

Not surprisingly, seventy percent of these toll roads are located in the states of the northeastern parallelogram, which as a result will get even less than a quarter of the interstate mileage.

This development only compounds the inequity of paying for the interstate system with gasoline taxes. Drivers on the Massachusetts Turnpike, the Indiana Toll Road, the New York State Thruway, and similar highways will not only have to pay tolls to use their portion of the interstate system, but they will be paying extra gasoline taxes to build the other portions.

WHO BENEFITS MOST?

Apart from any regional imbalance, the gasoline tax is still a highly questionable way of distributing the burden of paying for the interstate system in terms of the benefits that will be derived from it. The fuel levy really amounts to a household tax—more than fifteen dollars a year on the average—on the seven out of ten American families that own an automobile. Most of these families will use the interstate from time to time, but hardly enough to get their money back.

By contrast, the system will provide a great subsidy to industry in the form of cheap road transport. The nature of this subsidy has been obscured by the endless arguments concerning the precise share of highway costs that should be paid by trucks as against private automobiles. (The Federal government and the states are currently spending $22 million running tractor-trailers over a road near Ottawa, Illinois, to determine just how much they damage the pavement.) Although it appears that truckers do not pay a fair portion of highway costs, this in itself is not the secret of their economic success. The truckers' main advantage is that railroads must pay all the cost of building and maintaining their transportation system, while trucks pay only when they actually use the roads. Of each railroad revenue dollar, twenty cents goes to right-of-way costs. For trucks the figure is four and a half cents.

As a result of this advantage, in the words of the industry's trade association, "Within one generation, trucking has become the dominant form of transportation in the United States." This dominance will be confirmed by the completion of the interstate system, at a presently estimated cost of some $45 billion. The net investment in our entire 220,000-mile railroad system is only $28 billion. Were it not for the trucking subsidy, the railroads would almost certainly be running at better than their current fifty per cent of capacity.

Some of this imbalance could be righted if the Interstate Commerce Commission were authorized to take the road subsidy into account in fixing trucking rates. But actually only a third of the road transport is conducted by firms operating as common carriers in direct competition with railroads and under regulation by the ICC. Railroad analyst A. Joseph Debe of Standard & Poor's estimates that two-thirds of it is conducted by or for private industries hauling their own products. It is these companies, spread across the entire range of American industry, that benefit most from the highway subsidy.

Because two-thirds of truck traffic is subject to no rate regulation, the only practical way to restore any economic balance in intercity transportation would be to impose a toll on the commercial users of the interstate system. A permit system would not send trucks to parallel routes: they gladly pay as much as ten cents a mile to use a road like the New York State Thruway. (This may give some indication of the size of subsidy on free roads.)

The question of tolls must also be asked in connection with the problem of how the system is to be maintained by the states once it is built. Running a limited-access highway is a complex, exacting job requiring intensive, continuous supervision, much as does running a railroad. The great turnpikes are, in fact, very much like railroads; they are not public facilities nearly so much as they are public enterprises. Their headquarters are elaborate communications centers receiving information and dispatching orders, often of much urgency. The forces required to keep the route open in winter, repair damage, keep up with maintenace, and generally look after things are far greater then those required on ordinary roads. The costs run as high as $10,000 per mile per year. Few states have this kind of money; fewer have the organization to spend it effectively. Only tolls can really be expected to provide either.

The problem will be vastly enlarged by the absence of any food or fuel facilities on the interstate system. Limited-access highways are isolated travel corridors; it is essential that they be self-contained as possible. Restaurants and service stations are automatically included in plans for any large toll road. Anyone who has used a turnpike knows how busy these facilities are. They produce income from concessionaire fees and provide indispensable service to motorists. But the Highway Act of 1956 specifically provided that there should be *no* service facilities on the system.

A motorist on the interstate system who has car trouble or needs gas will have to leave the main road at an interchange to find a service station. At four in the afternoon he will almost certainly find one open. At four in the morning he will almost certainly find them all closed. The oil companies are thus free of any obligations to set up stations on interstate routes where their prices might be regulated, where they might have to share their profits with the state governments, and most particularly where they might have to stay open in the unprofitable hours of the early morning. And, of course, nothing will help real-estate values at those interchanges like a gas station and a honky-tonk or two. As far as the public is concerned, it means the interstate routes will almost certainly be poorly maintained and will be dangerous to drive on at night or at any time during the winter.

CHAOS IN CONCRETE

It is not true, as is sometimes alleged, that the sponsors of the interstate program ignored the consequences it would have in the cities. Nor did they simply acquiesce in them. They exulted in them. Thanks to highways, declared the Clay Report, "We have been able to dispense our factories, our stores, our people, in short, to create a revolution in living habits. Our cities have spread into suburbs, dependent on the automobile for their existence. The automobile has restored a way of life in which the individual may live in a friendly neighborhood, it has brought city and country closer together, it has made us closer together, it has made us one country and a united people."

This rhapsody startled many of those who have been concerned with the future of the American city. To undertake a vast program of urban highway construction with no thought for other forms of transportation seemed lunatic.

The 1939 report that Roosevelt sent to Congress—prepared in the Department of Agriculture—took it as axiomatic that the new highways would be part of, and provide the occasion for, a "radical revision of the city plan," which would coordinate other urban programs such as slum clearance and provide for a "reintegration of facilities for the various forms of transportation." The 1944 legislation had much the same intent. But so far as the Highway Act of 1956 goes, there is no form of transportation but the automobile, and the act has no objective save providing more room for it.

It had always been understood that a large portion of the interstate funds would be spent in the metropolitan areas, but the 1956 legislation went further to declare that "local needs . . . shall be given equal consideration with the needs of interstate commerce," thus authorizing construction of arterial highways only by courtesy connected with the interstate system.

It was clear at the time that locating the metropolitan portions of the interstate system would constitute an unprecedented venture into national planning. It is estimated that the size of our metropolitan areas would double by 1975. For good or ill, the location of the interstate arterials would, more than any other factor, determine how this growth would take place. Yet no planning provisions of any kind were included.

In the absence of any other provisions, the "planning" would be done by highway engineers. Theirs, admittedly, is an unjustly maligned profession. Nothing in the training or education of most civil engineers prepares them to do anything more than build sound highways cheaply. In the course of doing this job they frequently produce works of startling beauty—compare the design of public highways with that of public housing. Yet, in the words of John T. Howard of the Massachusetts Institute of Technology, "It does not belittle them to say that, just as war is too important to leave to the generals, so highways are too important to leave to the highway engineers."

Highways determine land use, which is another way of saying they settle the future of the areas in which they are built. It stands to reason that engineers should be required to conform their highway plans to metropolitan land-use designed in the context of more general economic and social objectives.

Yet in 1956 we had no metropolitan area plans, as we had no metropolitan area governments. The only one we have now is the Dade County (Miami), Florida, which is just getting started.

In this predicament, there was considerable sentiment for a moratorium on the urban interstate program until planning requirements could be imposed. Most of those concerned however, as the distinguished transportation economist Wilfred Own is frank to say, felt if the program went ahead it would precipitate such a crisis that something would have tc be done at last about our metropolitan areas.

Across the nation there seemed to be an increasing awarness among those who actually run the cities and suburbs that do nothing more than build bigger highways only produced bigger traffic jams. There seemed a growing belief that a complex system of mass transit had to be preserved, or revived, or even indeed created—if only to make automobile transportation feasible.

The sorry results of carrying on a number of Federal urban-development programs completely independent of each other had become increasingly evident. Thus the American Municipal Association formally requested legislation requiring that the urban-renewal and highway program be coordinated.

The crisis has come. It has been impossible for the cities to resist the offer of unprecedented amounts of money, however futile they might know it will be to spend it on highways alone. In one metropolis after another the plans have been thrown together and the bulldozers set to work.

Here and there, as in Milwaukee, a vigorous and established city planning authority has been able to get intolerable plans redrawn. But in general the program is doing about what was to be expected: throwing up a Chinese wall across Wilmington, driving educational institutions out of downtown Louisville, plowing through the center of Reno. When the interstate runs into a place like Newburgh, New York, the wreckage is something to see. Down the Hudson, Robert Mosses is getting set to build the Canal Street Expressway, the first hundred-million dollar mile.

The Bureau of Public Roads recently considered an edict requiring that some area plans be developed before interstate funds are allocated, but the idea was abandoned. Some felt it was too late anyway. As for relating the highway program to urban renewal, a recent policy statement of the American Institute of Planners said simply: "Except for the coordination which may be supplied at the local level . . . each one is apparently operating entirely independently of the other." The legislation asked by the Municipal Association was never introduced. It was with compassion that Paul Ylvisaker of the Ford Foundation recently addressed a meeting of city planners as the "Beaten Profession."

Just ahead for all of us, perhaps, is Los Angeles, in the words of Harrison Salisbury, "nestled" under its blanket of smog, girdled by bands of freeways, its core eviscerated by concrete strips and asphalt fields, its circulatory arteries pumping away without focus . . . the prototype of Gasopolis, the rubber-wheeled living region of the future."

MONEY TALKS

Yet we may be learning our lesson after all: Owen may be right. All across the country, area planners and highway engineers are discussing what they recognize as their common problems with a new sense of urgency. It is clear that if the areas in which Federal highways are to be built were required to work out adequate plans for the use of land and transportation before the money was handed over, the planning would almost certainly be done. The demand for 90-10 highway funds is so great that there is almost nothing, however sensible, that local governments would not do to get their share.

It is true that metropolitan-area planning will not be an easy matter to bring off. Dennis O'Harrow, director of the American Society of Planning Officials, says candidly: "There is a shortage of planners, a shortage of information, a shortage of money to support studies, and more fundamentally, a shortage of information as to what should be done if you could do what you wished." But this is a normal condition of human affairs. Almost any effort to think a bit about what we are doing would help.

Simply by providing some flexibility in the program, we could produce great savings. If the cities were permitted to do what they thought best with, say, fifty percent of the more than $20 billion of interstate funds allotted to them, much of it would almost certainly go to mass transit and commuter facilities. This kind of money could reshape urban transportation in America: our total national investment in public transit is less than $4 billion, and a combined highway-mass transit-commuter program could almost certainly produce the same results at lower cost than a program dependent on highways alone.

It is becoming increasingly apparent that American government, both national and local, can no longer ignore what is happening as the suburbs eat endlessly into the countryside. Since the spreading pollution of land follows the roads, those who build the roads must also recognize their responsibility for the consequences. There are a number of obvious steps that could be taken. Public authorities could, for example, buy up the development rights of open land in the suburbs—not the property itself, but only an easement to prevent it from being turned into a factory site or a housing development. This could be done, as it is in England, in accordance with an area land-use plan that fixes the perimeter of the metropolitan area, or alternates built-up sections with open spaces. What this really amounts to is effective zoning regulations.

How could the money be found to pay for the development rights? A practical solution would be the technique of "excess-taking" as proposed by President Roosevelt in his 1939 message to Congress. As he put it: "The government, which puts up the cost of the highway, buys a strip on each side of the highway itself, uses it for the rental of concessions and sells it off over a period of years to home builders and others who wish to live near a main artery of travel. Thus the government gets the unearned increment and reimburses itself in large part for the building of the road."

This "unearned increment" can be staggering; a five thousand percent increase in land values is not uncommon. At a time when state and local governments are reaching a limit of the money they can get out of taxpayers, here is an opportunity to get money that doesn't belong to anyone: it doesn't exist, as it were, until the government builds the highway. It represents a legitimate source of government revenue of great potential. Used to shape the development that the highways make possible, it could transform the suburbs of the next half century.

All these possibilities are enlivened by the investigation of the interstate program now getting underway in Congress. So much thieving, mischief, and blunder will be uncovered (if not, it will be necessary to investigate the investigators) that the public should be prepared for a serious reappraisal of the program by the next administration, Democratic or Republican.

We may yet impart some sanity and public purpose to this vast enterprise. We may yet establish some equity in paying for the highways and restore some balance between them and other elements of our transportation system. We may even refute Belloc's dictum, "The general rule in history is that a city having reached its highest point of wealth becomes congested, refuses to accept its only remedy, and passes on from congestion to decay." But we shall not escape his rule that "the Road moves and controls all history."

Roads can make or break a nation.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 785 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, am I entitled to 10 minutes in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 788 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

JOHN SHERMAN COOPER—A SENATE AND KENTUCKY LEGEND

Mr. KENNEDY. Mr. President, Kentucky is a small State, but it has had a large impact on the U.S. Senate and the Nation. Two of the greatest Senators in our history came from Kentucky—Henry Clay in the 19th century, and John Sherman Cooper in the 20th century.

Kentucky is justly famous for its thoroughbreds in horse racing, but it is also famous for its thoroughbreds in statesmen. In his long and distinguished career, Senator John Sherman Cooper, who died on February 21, was one of the finest statesmen of this century.

I came to the Senate in 1962, and I had the privilege of serving with Senator Cooper and learning from him for 10 years, until his retirement in 1972. In a sense, I inherited Senator Cooper from my brother. They had served together in the Senate in the 1950's, and when I was first elected to the Senate, my brother gave me this advice: "If you want the unvarished truth on any issue, free from partisan bias or special interest influence, all you have to do is remember four little words—ask John Sherman Cooper." It was some of the best advice I ever received.

President Kennedy had come to know Senator Cooper well during their service together in the Senate. My brother thought highly of him and valued his judgment. A week after he was elected President in 1960, my brother invited Senator Cooper to his home in Georgetown, to ask his advice about people and issues for the new administration. My brother respected Senator Cooper's ability and bipartisanship, and he helped my brother get the New Frontier off to a strong start.

Nearly two decades have passed since Senator Cooper left the Senate. But his familiar presence, his quiet persuasive ability in debate, his courtly grace, his uncommon warmth, and his unfailing humility will never be forgotten by all of us who had the privilege to know him, to serve with him, and to be his friend.

When I think of Senator Cooper, I think of many characteristics—his extraordinary wisdom and statesmanship, his unsurpassed ability and integrity, and his remarkable unselfishness—which endeared him to all Senators on both sides of the aisle. He was the embodiment of the famous saying that there is no limit to what a person can accomplish in Washington, if he is willing to give someone else the credit.

Because of the high respect in which he was held, Senator Cooper could single-handedly make the Senate pause and reconsider, even at the 11th hour, an unwise course of action on which it had embarked. On one occasion, after the Senate had already actually gone on record in favor of a particularly controversial position, Senator Cooper rose and said that he had just taken the time to read the relevant section of the bill. He apologized to the Senate, but he was troubled by what he had read, and asked the Senate to reconsider the vote it had just taken, so that he could study the bill overnight and give the Senate a more reasoned view. Perhaps no other Senator would have been accommodated in this way.

I also remember Senator Cooper for the powerful impact he had on many vital issues in foreign and domestic policy. He was one of the first to understand the tragedy of our deepening involvement in Vietnam. The Cooper-Church amendment is among his proudest legacies, for it helped to end the war. Few Senators have earned greater respect as world statesmen, or have done more for the cause of global peace and international understanding.

He was one of the first to see the flaw of the ABM proposal by the Johnson and Nixon administrations, and he was a leader of the bipartisan Senate battle against it in 1968 and 1969. It was a watershed debate in terms of our effort to halt the nuclear arms race and move forward on arms control.

He was also a strong supporter of progress on domestic issues. He had lived through the Depression, and he understood the need for antipoverty programs to help the poor, and Medicare to help the elderly. He was a pioneer for civil rights and voting rights, because like Lincoln, he knew that an America divided against itself could not stand.

Throughout his career, Senator Cooper was also deeply involved in efforts to encourage talented citizens to enter public service. He realized the need to attract young men and women, Republicans and Democrats, into the political process.

I also remember him for many touches of personal kindness. At a low point in my 1980 Presidential race, after I had been defeated in the Iowa caucuses, I prepared an address to give at Georgetown University in Washington to restart my campaign. A reporter saw him in the audience and asked why he was there, since he was a Republican. And Senator Cooper replied, "That's what friends are for." No Kennedy ever had a wiser friend, and America is a better and greater Nation today because of his commitment to its best ideals.

Mr. President, I ask unanimous consent that remarks at the funeral service for Senator Cooper at Arlington National Cemetery on February 27 may be printed in the RECORD, along with other material on our extraordinary colleague who was both a Senator and a Kentucky legend.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE REVEREND CANON SANFORD GARNER, INTERIM PROVOST, WASHINGTON NATIONAL CATHEDRAL

Family and friends of the Honorable John Sherman Cooper, we are now gathered to celebrate his life, the gift of God that has meant so much to so many and that has left the world a richer and more humane place.

We are here to offer our thanksgiving for who and what the Senator was as a person, and for what he contributed to the world, by God's grace manifested in him and through him.

We are here to commend our brother-in-Christ, our mentor, our friend, to our Father and to all the company of heaven, asking them to love and care for John through all eternity.

We can give thanks and rejoice on such occasions of passage, because for God's people death is Life. Death for us is that unique point between time and timelessness when God, the author and giver of life, can finally take complete possession of us; permanent possession, without our earth-bound resistance, reservation, reluctance, or timidity or fear. Death is that extraordinary experience when God, who is Creator and Life, fashions us finally to His life in the image and mode for which we were created in the beginning.

We rejoice today, even as we mourn, that this earthly chapter of John's life is now completed, with distinction and honor. We rejoice that the victory is won, and that he goes forward from strength to strength in service to God.

The Senator was, as you know, a very particular and determined man. He left specific and detailed instructions about this service—the place for the service; the persons he wanted to participate; the readings to be used; a list of friends he wanted present. His orders for me were, "A short statement, not laudatory."

Forgive me, Senator, but I must add that you demonstrated the true marks of greatness. You loved God and His Church. You loved your parents and your family. You loved and served your country. You loved, respected and cared for the least and the lowest in God's world.

No finer tribute could be paid than that by a fellow legislator: "John Sherman Cooper is the only man I have known who has traveled the spectrum of social and political life and left only dignity, honor, and respect wherever he walked."

Well done, Senator. Well done, Gentleman from Kentucky. You have fought the good fight, you have finished the race, you have kept the faith. Enter thou the joy of your Lord.

I now read two of Mrs. Cooper's favorite passages from Holy Scripture:

John 15:12–13: This is my commandment, that you love one another as I have loved you. Greater love has no man than this, that a man lay down his life for his friends.

Romans 12:9–13: Let love be genuine; hate what is evil, hold fast to what is good;

Love one another with brotherly affection; outdo one another in showing honor.

Never flag in zeal, be aglow with the Spirit, serve the Lord.

Rejoice in your hope, be patient in tribulation, be constant in prayer.

Contribute to the needs of the saints, practice hospitality.

REMARKS BY REV. WILLIAM HAGUE, RECTOR, CHRIST CHURCH PARISH, KENSINGTON, MD

John Sherman Cooper was a gentleman in the true sense of the word. His gentlemanliness was demonstrated in his love for God, a love that he shared with people in his joy of life. That joy was contagious, especially as it manifested itself in his devotion to his country. Senator Cooper had a vision for America, and he worked hard to make that vision a reality, touching the lives of countless Americans.

He loved Kentucky. That was his home, and that was the place that shaped his heart.

Most especially, John Cooper loved people. Friendship meant the world to him, and the greatest compliment he could offer anyone was: "You are a true friend."

Senator Cooper chose a poem that I would like to read now—"Crossing the Bar," by Alfred Lord Tennyson:

Sunset and evening star,
  And one clear call for me!
And may there be no moaning of the bar,
  When I put out to sea,

But such a tide as moving seems asleep,
  Too full for sound and foam,
When that which drew from out the boundless deep
  Turns again home.

Twilight and evening bell,
  And after that the dark!
And may there be no sadness of farewell,
  When I embark;

For tho' from out our bourne of Time and Place
  The flood may bear me far,
I hope to see my Pilot face to face
  When I have crost the bar.

John Cooper is meeting that Maker with open arms as he crosses that bar. For surely he is with that God who loves him and cares for him in that Eternal Kingdom where there are no tears or sighing, but life everlasting. Amen.

REMARKS OF DR. ROBERT F. BROWNING, PASTOR OF FIRST BAPTIST CHURCH, SOMERSET, KY

I speak today on behalf of all Pulaski Countians. My message is simple. I have come to express our love and appreciation for Senator Cooper and his family.

We are grateful for all he did to make the world a better place, including his beloved Pulaski County. But more than that, we are grateful for the healthy pride he instilled in our hearts. He was truly an inspiration to all of us and made us proud to be Kentuckians.

He was one of us and always remembered that. He never forgot his roots and never wanted to forget them. He was happiest when he was home.

Yes, Pulaski Countians loved and respected him perhaps more than any native son. The feeling was mutual. Between his frequent visits, Senator Cooper would write often to the people back home. It was not unusual to get a call from him. He was energized by conversations about people in Somerset and Pulaski County. Although he left many times and traveled to faraway places, his heart remained at home.

In the fall of 1988, he came to my office to talk about this service. Our conversation lengthened and the topics expanded as I kept asking questions about his years of public service. I took notes and share with you a portion of what he said.

1. Always vote your convictions and be willing to pay the price.
2. Above all, be honorable.
3. Answer criticism, if it is constructive.
4. Constructive criticism will keep you humble.
5. Earn the trust of people by letting them know you want the best for them.

6. Work hard. You will always wish you had done more.

7. Cultivate a sense of humor.

8. Spiritual matters are the most important matters. They're permanent.

As he left the office that day, I recall my impressions of him. For me, Senator Cooper represented the best example I know of a faithful steward of influence and power. He made power a healthy word.

In light of his value for spiritual matters, the Senator asked me to read the following to conclude this service.

John Sherman Cooper was a member of the First Baptist Church of Somerset, Kentucky in 1912 and remained a member until his death. His father, mother, and family were members. When he came to his native home in Somerset, he attended the First Baptist Church whenever possible.

He asked that I recite a few lines of the hymn, "Amazing Grace," which he told me was sung at the funeral of his father, for whom he was named.

Amazing Grace, how sweet the sound,
  That saved a wretch like me.
I once was lost but now am found,
  Was blind, but now I see.

'Twas Grace that taught my heart to fear,
  And Grace my fears relieved;
How precious did that grace appear
  The hour I first believed.

Psalm 23:

The Lord is my shepherd; I shall not want.

He maketh me to lie down in green pastures: he leadeth me beside the still waters.

He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil, for thou art with me; thy rod and thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord forever.

John 3:16:

For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life.

[From the Washington Post, Feb. 23, 1991]

INFLUENTIAL SENATOR, DIPLOMAT JOHN SHERMAN COOPER DIES

(By Richard Harwood)

John Sherman Cooper, one of the most respected Republican political leaders of his time and a man who served both his state, Kentucky, and his country as a diplomat and U.S. senator, died of cardiac arrest Feb. 21 at his home in Washington. He was 89.

His life, an editorial writer once observed, was marked by an "integrity and decency" that won the trust and admiration of every president since World War II. President Harry S. Truman made him a delegate to the United Nations. He was a roving ambassador for Secretary of State Dean Acheson, an ambassador to India under Dwight D. Eisenhower, and a friend and confidante of John F. Kennedy. Lyndon B. Johnson appointed him to the Warren Commission for the investigation of Kennedy's assassination. Gerald Ford appointed him ambassador to East Germany.

Kentucky, preponderantly a Democratic state, sent him to the U.S. Senate five times. He established himself there as a credible and influential leader of the liberal minority in his party. A Kentucky journalist wrote of him that he "talks like a Democrat, votes like an independent and runs on the Republican ticket."

In truth, he was as nonpartisan as it is possible to be in the American political system. He looked after local interests—the tobacco farmers, for example—but his principal interest was foreign affairs. He took progressive positions on civil rights, was one of the first to repudiate the tactics of Sen. Joseph R. McCarthy (R-Wis.) in the 1950s, and by 1960 had compiled such a record that he was selected by Washington journalists as the outstanding Republican in the Senate.

During the late 1960s and until his retirement from the Senate in 1972, he spent much of his time speaking against the deepening American involvement in Vietnam and in devising legislation to curb the warmaking powers of the president and to secure the withdrawal of American forces from Indochina.

His father was a wealthy land owner and entrepreneur. He graduated from Yale University and attended Harvard University law school. At Yale, he was a varsity athlete and a member of the aristocratic Skull and Bones Society.

In the early 1920s, his father died, by then virtually bankrupt and deeply in debt. The future senator dropped out of Harvard, returned home and worked, and borrowed money to pay his father's debts and to send his six brothers and sisters to college. It took him 25 years to get out of debt. "It didn't look like there was any end to it," he later recalled.

Like his father, Sen. Cooper was active in local politics and served for several years as a Pulaski County judge. One of his favorite stories involved a return visit to the Pulaski County courthouse in the late 1950s. He was then in the Senate and famous in the county and in Kentucky. An old man in a wheelchair spotted him and asked his daughter in a quavering voice, "Who is that, Sally?" "Why, Daddy," she replied, "you know him. That's Judge Cooper." The old man looked again and said, "Fallin', ain't he?"

Sen. Cooper was admitted to the Kentucky Bar in 1928, and served in the state House of Representatives from 1928 to 1930. He was a judge in Pulaski County for the next eight years. He ran unsuccessfully for governor in 1941.

The following year, with the United States engaged in World War II, he enlisted in the Army as a private at the age of 41. He won a commission and went to Europe with the 3rd Army of Gen. George S. Patton Jr. After the war he was a military government officer and was instrumental in revising the judicial system of Bavaria. His decorations included the Bronze Star.

While in Europe, Sen. Cooper met and married an Army nurse and he brought her home to Somerset, Ky. The marriage didn't last. He was divorced in 1949.

In 1955, he married Lorraine Rowan Shevlin, a prominent Georgetown hostess. Political opponents in Kentucky tried to make an issue of the marriage to a woman with "airs." But she took part in all of Sen. Cooper's campaigns, dressed in fine frocks and carried a parasol, and proved to be a political asset. She died in 1985.

Sen. Cooper first won election to the Senate in November 1946 to fill the vacancy caused by the resignation of Albert B. "Happy" Chandler, who resigned to become commissioner of baseball. Sen. Cooper was defeated for election for a full term in 1948.

For the next four years Sen. Cooper was a delegate to the United Nations. In November 1952, he again won election to the Senate, this time to fill the two years remaining in the term of Sen. Virgil M. Chapman, who had died in office. In 1954, he was again defeated for reelection.

From March 1955 to August 1956, Sen. Cooper was ambassador to India, the world's largest democracy and a leader in the Third World. One measure of the importance and complexity of that position is the distinction not only of Sen. Cooper but of some who have succeeded him, including John Kenneth Galbraith, Chester Bowles, former senator Kenneth Keating (R-N.Y.), and Daniel Patrick Moynihan (D), the current senior senator from New York.

After India, Sen. Cooper returned to Kentucky and in 1956 he won election to the Senate a third time. This was to fill the four years remaining in the term of Sen. Alben W. Barkley, Truman's vice president, who died in office.

Sen. Cooper was reelected in 1960 and 1966, growing in stature both in Kentucky and the nation. He served on the Foreign Relations Committee, among others.

In March 1973, he became counsel to the Washington law firm of Covington & Burling. He left the firm in September 1974 to take up another difficult public post, that of ambassador to East Germany.

In December 1976, he returned to Covington & Burling, where he specialized in problems dealing with regulatory and international law.

As his Senate retirement neared in 1972, Sen. Cooper was honored in his home state with many speeches, resolutions and letters of commendation. A Republican legislator struck the common theme:

"John Sherman Cooper is the only man I have known who has traveled the spectrum of social and political life and left only dignity, honor and respect wherever he walked."

Sen. Cooper responded with words of Abraham Lincoln:

"Thanks to all. To the great Republic; for the principles it lives by and keeps alive; for man's vast future. Thanks to all!"

Survivors include a brother, Richard, of Somerset, Ky.

[From the Washington Post, Feb. 24, 1991]

JOHN SHERMAN COOPER

John Sherman Cooper of Kentucky belonged to the generation of politicians who after World War II built an international order based on American leadership. He was one of the people who turned this country toward the decision—one of the most consequential in its history—to share responsibility for what happened in the world beyond its borders. That wasn't done easily or painlessly.

On leaving military service he was elected from Kentucky to the Senate in 1946 for the last two years of an unexpired term. Prewar isolationism was deeply rooted in the Republican Party, and most of its elders were appalled at the idea of stationing troops abroad permanently, or using taxpayers' money for foreign aid or committing the United States to defending European countries. Sen. Cooper was in the minority, and he was defeated when he ran for a full term. He spent a couple of years in the American delegation to the new United Nations, and in 1952, the year of President Eisenhower's great victory, he was elected to the Senate for, again, two years of an unexpired term.

The party's nomination of Dwight D. Eisenhower rather than Robert A. Taft had been a severe setback for the isolationist cause, but by no means a final defeat. As Sen. Cooper returned to Washington, it was pressing a constitutional amendment—the Bricker amendment, after the Ohio Republican who sponsored it—designed to eviscerate the president's power to make binding treaties. It was fueled by widespread fears that the treaties embodying the country's new commitments were going to supersede large areas of American domestic law and subject the country to all manner of supranational authority. If enacted, it would have made an active foreign policy impossible. It was finally beaten in the Senate by a margin of one vote. More than two-thirds of the Republican senators voted for it and against Eisenhower. Although he was running for reelection, Sen. Cooper held fast with the president and voted against. He was defeated again that fall.

He went to India as ambassador, then returned to Kentucky in 1956, to run yet again for the Senate, where he remained for 16 years. This became the period in which the national consensus for internationalism, which he had done much to build, fractured on the issue of Vietnam. Sen. Cooper himself took a leading part in the legislative effort to curb the president's power—in this case, the war-making power—and to compel the retirement of American forces from Indochina.

He lived a long life—long enough to see a Republican president, with the support of his party and Congress, send a massive military force halfway around the world to defend a friendly country and challenge a dictator who had invaded and annexed a small neighbor. On Thursday, at the age of 89, Sen. Cooper, a wise and moderate man, died at his home here.

[From the New York Times, Feb. 23, 1991]

JOHN SHERMAN COOPER DIES AT 89; LONGTIME SENATOR FROM KENTUCKY

(By Albin Krebs)

John Sherman Cooper, a liberal Republican from Kentucky who represented his state in the Senate for more than two decades, died in a Washington retirement home on Thursday. He was 89 years old.

His brother, Richard, said Mr. Cooper died of heart failure.

Throughout his long career in the Senate, Mr. Cooper, a patrician Kentuckian who served his country in diplomatic posts as well as in Congress, maintained a reputation for absolute independence.

His first roll-call vote, transferring investigatory powers to a special War Investigation Committee soon after World War II, went against the wishes of his party's leaders. So did his second vote, which prompted Senator Robert A. Taft, Republican of Ohio, to storm up the aisle and demand: "Are you a Republican or a Democrat? When are you going to start voting with us?"

"If you'll pardon me," Senator Cooper replied, "I was sent here to represent my constituents, and I intend to vote as I think best."

LED OPPOSITION TO MCCARTHY

In the years that followed, Senator Cooper proved that he meant what he said. He was one of the first Republicans in the Senate to denounce Senator Joseph R. McCarthy of Wisconsin for the tactics of Mr. McCarthy's anti-Communist campaign. When it was unpopular to do so, Mr. Cooper also opposed legislation to remove from reluctant witnesses the Fifth Amendment's protection against compelled self-incrimination.

In the Vietnam War, Mr. Cooper joined with a Democratic, Senator; Frank Church of Idaho, in drafting the Cooper-Church amendment, which was aimed at barring further United States military action in Cambodia.

Mr. Cooper worked quietly, avoiding histrionics. He left behind no ringing calls to action, perhaps because he was, by his own admission, "a truly terrible public speaker." On the rare occasions when he did take the Senate floor, he was often inaudible. He mumbled and swallowed his words, and apparently made no effort to avoid use of Kentucky dialect in which "great" sounded like "grett," "government" became 'guv-ment," and "revenue" was pronounced "rev-noo."

Mr. Cooper was born on Aug. 11, 1901, in Somerest, the seat of Pulaski County in Kentucky. He was named for his father, the wealthiest man in town. The elder Mr. Cooper, like his own father and grandfather before him, was a county judge and a circuit judge, and it was always assumed that the next generation of Coopers would provide the county its leaders.

After a year at Centre College in Danville, Ky., Mr. Cooper went to Yale, where he was captain of the basketball team, and in 1923 was voted most likely to succeed.

He went on to Harvard Law School but had to withdraw in 1925 after learning from his dying father that the recession of 1920 had virtually wiped out the family's resources.

Assuming his father's debts, Mr. Cooper sold the family mansion. Over the next 25 years he paid off the debts and sent six brothers and sisters to college. He passed the state bar examination and was admitted to law practice in 1928.

Mr. Cooper won his first elective office in 1927, a two-year term in the Kentucky Legislature. From 1930 to 1938 he served as county judge, a powerful local administrative post that controlled county patronage.

Mr. Cooper was elected three times to fill unexpired terms in the United States Senate. The first was in 1946, after A.B. (Happy) Chandler resigned to become commissioner of baseball. Mr. Cooper failed to win in the 1948 general election, but in 1952 he was elected to fill the unexpired term of Virgil Chapman.

In the next general election he was defeated by Alben W. Barkley, a Democrat who was Vice President under Harry S. Truman, but Mr. Barkley subsequently died and Mr. Cooper was elected to fill his unexpired term in 1956. Mr. Cooper's Senate service continued until his retirement in 1973.

SERVICE IN MILITARY GOVERNMENT

In 1942, after he had campaigned unsuccessfully for the Republican nomination for governor, Mr. Cooper enlisted in the Army as a private. Earning a commission in Officer Candidate School, he was assigned to a military government unit. After Germany surrendered, he was put in charge of reorganizing the court system of Bavaria. While in the Army he married a registered nurse, Evelyn Pfaff. They were divorced in 1949.

Mr. Cooper's brief first stint in the Senate won him friends, among them Arthur Vandenberg, a Republican maverick, and President Truman. In 1949 Mr. Truman made Mr. Cooper a delegate to the United Nations; in subsequent years Mr. Cooper served in other missions to the United Nations and as a special assistant to Secretary of State Dean Acheson.

In 1955, shortly before he had become Ambassador to India and Nepal, Mr. Cooper married the former Lorraine Rowan Shevlin, a Washington social figure. But their stay in Asia lasted only a year because, after the death of Mr. Barkley, President Dwight D. Eisenhower summoned Mr. Cooper back to Kentucky to run for Mr. Barkley's unexpired term.

In the 17 years of Senate service that followed, Mr. Cooper, a member of the Foreign Relations Committee, generally followed the liberal internationalist line on foreign policy. In so doing, he was often in conflict with Old Guard Republicans, notably Senator Everett McKinley Dirksen of Illinois. In 1959 Mr. Cooper sought to become Republican leader of the Senate, but Mr. Dirksen defeated him by four votes.

LIMITS ON COMBAT TROOPS

Perhaps Mr. Cooper's greatest Senate victory was his move in 1969 to bar the use of United States combat troops from the fighting in Laos and Thailand.

At first it appeared that the Cooper drive had little chance of success, but after Mr. Cooper had enlisted the aid of Senator Mike Mansfield of Montana, the leader of the Democratic majority, the measure was passed by the Senate and then the House, and President Richard M. Nixon signed it into law.

After leaving office early in 1973, Mr. Cooper joined the Washington law firm of Covington & Burling. Mr. Nixon chose him to be the first United States Ambassador to East Germany shortly after Washington formally recognized that Government. But Mr. Nixon was forced from office in 1974 before he could make the actual appointment, and it was his successor, President Gerald R. Ford, who did so. Mr. Cooper remained in the East German post for two years.

He is survived by his brother, who still lives in Somerset, and a niece, Rebecca Spencer, of Lexington, KY.

[From the Louisville Courier-Journal, Feb. 28, 1991]

COOPER CELEBRATED IN SIMPLE SERVICE AS SHOWING "TRUE MARKS OF GREATNESS"

(By Mike Brown)

WASHINGTON.—The life of former Sen. John Sherman Cooper was celebrated yesterday in a simple funeral that he himself helped plan, complete with instructions that there be no long eulogy.

More than 300 people, from former Senate colleagues to former helpers in his Washington home, crowded into an Army chapel next to Arlington National Cemetery to offer thanksgiving for the soft-spoken, self-effacing man who, said the Rev. Canon Sanford Garner, "left the world a richer and more humane place."

Cooper, a Kentucky Republican who gained national respect during a long career as a senator and as ambassador to India and East Germany, died Thursday at age 89 in a retirement home in Washington's Georgetown neighborhood.

After the half-hour funeral, which included the singing of "My Old Kentucky Home" and "America the Beautiful," Cooper's flag-draped coffin was taken by horse-drawn caisson to a burial plot near the Tomb of the Unknowns in the national cemetery overlooking the Potomac River and Washington.

There, with a full military honor guard, Cooper's body was laid to rest next to that of his wife, Lorraine, who died in 1985. The tombstone notes his home state and his World War II service as an Army captain but none of his government positions.

In the chapel at Fort Myer, which adjoins the cemetery, Garner said the "senator was, as you know, a very particular and determined man," and had left detailed instructions about his funeral—where it was to be held, what was to be read, friends whom he wished to attend, and what he wanted from Garner: "a short statement, not laudatory."

But Garner, asking Cooper's forgiveness, did not fully comply. "I must add, Sen. Cooper, you demonstrated the true marks of greatness," he said.

"You loved God and His church. You loved your family and your parents. You loved and served your country. You loved and respected and cared for the least and the lowest in God's world," said Garner, who is now interim provost of the Washington National Cathedral but used to be rector of the Episcopal church in Washington that Cooper frequently attended.

Cooper, however, was a Baptist and always remained a member of the First Baptist Church in his hometown of Somerset, a fact that its pastor, Dr. Robert Browning, said the senator had wanted noted at his funeral.

Browning told the congregation that Cooper visited him in the fall of 1988 to talk about his funeral, and that the conversation stretched into a discussion of Cooper's public career. From their talk, the minister said, he distilled these eight points.

1. Always vote your convictions and be willing to pay the price.
2. Above all, be honorable.
3. Answer criticism, if it is constructive.
4. Constructive criticism will keep you humble.
5. Earn the trust of people by letting them know you want the best for them.
6. Work hard. You will always wish you had done more.
7. Cultivate a sense of humor.
8. Spiritual matters are the most important matters. They're permanent.

Cooper, Browning said, was the best example of "a faithful steward of influence and power. Truly, he made power a healthy word."

At Cooper's request, Browning recited lines from the hymn "Amazing Grace," which was sung at the funeral of Cooper's father. Garner read two of Lorraine Cooper's favorite Bible passages: John 15, verses 12 and 13 ("This is my commandment, that you love one another as I have loved you. . . .") and Romans 12, verses 9–13 ("Let love be genuine; hate what is evil, hold fast to what is good . . .").

The third speaker, the Rev. William Hague, former assistant rector of Christ Episcopal Church, which Cooper attended in Washington, read another of the senator's requests, Lord Tennyson's "Crossing the Bar."

The poet asks that there be no sadness at his death and ends with "I hope to see my Pilot face to face/When I have crossed the bar."

Hague said, "I believe that John Sherman Cooper will see his Pilot."

Among those attending the service were former Sens. Howard Baker, R-Tenn.; Mike Mansfield, D-Mont.; Charles Percy, R-Ill.; and Charles Mathias, R-Md.

In addition to the state's congressional delegation, other current lawmakers present included Sens. Ted Stevens, R-Alaska; John Chafee, R-R.I.; Edward Kennedy, D-Mass.; Strom Thurmond, R-S.C.; Larry Pressler, R-S.D.; and Daniel Patrick Moynihan, D-N.Y.—who, like Cooper, is a former ambassador to India.

Gov. Wallace Wilkinson, who appeared before a House appropriations subcommittee earlier in the day to urge continued funding of the Appalachian Regional Commission, was there, as were former Govs. Louie Nunn and Edward Breathitt.

Numerous people who had worked for Cooper in the Senate were there, including Sue Lewis, Bailey Guard and U.S. District Judge Ronald Meredith, Longtime aide and friend Trudy Musson, who helped arrange the service, sat at the front of the church with the senator's brother, Richard Cooper, his wife, Cornelia and other members of the Cooper family.

[From the Rural Kentuckian, December 1980]

The Noblest Roman—John Sherman Cooper Reflects on a Long, Distinguished Career and People He has Known as Senator, Ambassador, and Statesman

(By Gary Luhr)

To reporter William S. White he was "a thinking man's politician." To his former colleague, Paul Douglas of Illinois, "the noblest Roman in the Senate." Maryland's Charles Mathias called him "a standard by which we can all measure our actions."

John Sherman Cooper will be 80 next August. His step is a bit uncertain these days and age has robbed him of his hearing. Still, his mind and memory are keen and his always handsome features have grown more distinguished with age. He reports for work regularly at one of Washington's prestigious law firms and comes home just as regularly to be with his family and friends in Kentucky. This fall, he returned to the campaign trail on behalf of Republican presidential candidate Ronald Reagan.

Eight years have passed since Cooper retired from the United States Senate, citing his age and increasing demands of the job.

"I made up my mind in 1966 that the next six years would be enough," he recalled. "I was 71 (in 1972). That now seems quite young, (but) I didn't know if I would have the strength to keep up with the work. As it turns out, I was in perfectly good health during all that period."

In the center of his office are the desk and chair he brought with him from the Senate, large wooden pieces built in the old Senate workshop. One end of the desk is piled high with federal regulations, many relating to tobacco. The walls and bookshelves around them display the momentoes of a long and distinguished career.

FORTUNATE POSITION

"I think I was in a pretty fortunate position; I was a Republican in a Democratic state. If I had been a Democrat I don't think I would have ever been in the Senate. Republicans had no real organization (at the time of his first election in 1946). You didn't have to go in and ask if you could run. So I didn't have to respond to an organization and everything they wanted. Neither did I have to respond to the Democrats. I just had to try to take care of the interests of my state as best I could."

Outsiders who only knew Cooper by his position on certain national issues probably wondered how such a man could have been chosen repeatedly to represent a generally conservative constituency.

"I think a lot of people thought I was too liberal. Of course, I found up here there were all kinds of liberals. There were those who would vote for something just because they thought it was liberal.

"My own feeling was if I thought something was justified and human I'd vote for it. Having come from a rural area, having been a county judge, having served in the Depression, I saw the hardships of people and I had a certain sympathy for them. So I voted for a lot of measures which were looked upon by many of my friends as being too liberal.

"For example, I voted for the poverty program. Of course, it's grown all out of reason today, but it seemed at that time it helped the poorest people. I voted for Medicare because I'd seen people who couldn't pay their bills lie there and die. I had tremendous opposition from the doctors. They were all against it except the country doctors, but I'm glad I voted for it.

"I decided on national issues I couldn't confine myself wholly to the views of the people of my own state. On civil rights—I got very few letters asking me to vote for civil rights. I got 30,000 letters asking me to vote against it. I don't know if that represented the view of the whole state, but I knew it was a national issue."

FOREIGN AFFAIRS

It was in foreign affairs, however, that Cooper earned his greatest reputation. His former junior colleague from Kentucky, former Senator Marlow Cook, attributed this partly to the defeat he suffered the first time he ran for reelection to the Senate in 1948. Shortly thereafter, President Truman appointed Cooper as a delegate to the United Nations.

"It was this act which proved to be the genesis in making the man from Somerset one of America's foremost authorities in the field of foreign affairs," Cook said at the time of Cooper's retirement.

Twice Cooper served in the diplomatic corps—during the 1950s as ambassador to India and Nepal, and more recently as the United States' first ambassador to East Germany. Throughout his career he worked for world peace and arms control. In 1960, he opposed a suggestion that the United Nations be reorganized to exclude communist nations. During his final years in the Senate, he cosponsored several resolutions to cut off funds for the war in southeast Asia.

Such feelings remain strong as Cooper assesses the current world situation. "The Russians are very unpredictable," he said. "They know they've got the strength. They could overrun Iran if they wanted to and there wouldn't be a thing we could do about it, in my opinion, other than use nuclear arms, which is the last thing in the world anybody wants.

"I count these next two years as very critical and dangerous years, ones in which we must care and let the world know that we want to reach agreement with the Soviets on arms limitation and some kind of accommodations which will preserve peace. The problem is, there's no way you can excuse the Russian aggression in Afghanistan."

The son of John Sherman and Helen Tarter Cooper didn't set out to be a United States senator. His first race for statewide office was the Republican gubernatorial primary in 1939. Cooper lost to King Swope of Lexington who, in turn, was defeated by A.B. "Happy" Chandler in November. "I had in mind running again for governor, but when I had this opportunity to run for the Senate, I decided I'd better do it," Cooper said, recalling his election in 1946 to fill the seat vacated by Chandler, who had resigned to become baseball commissioner. His opponent that year was John Y. Brown, Sr., father of Kentucky's present governor.

"I didn't think I'd get elected," Cooper said. "The reason (I did) was war controls (on wages and prices). Brown was supporting them; I was against them. Just before the election, President Truman lifted them and I could say, 'See, Brown was wrong all the time.'"

Cooper laughed as he recalled the "stinging" letter Brown sent him 26 years later, when he retired from the Senate. In the letter Brown said, "I don't mind you retiring but I do mind you saying you're retiring because of age. You and I are the same age and I never felt better."

When Cooper ran for reelection in 1948, he lost to Virgil Chapman, a member of the House of Representatives for 22 years. Chapman died in office before his term was over and, in 1952, Cooper was again elected to fill the last two years of the unexpired term.

During the interim, Cooper got his first taste of foreign affairs. In 1949, Truman appointed him to the U.N. to replace John Foster Dulles, who had resigned to run for the Senate from New York. In 1950, he was named by Secretary of State Dean Acheson as the principal Republican consultant to the State Department (also replacing Dulles). Later that year, he accompanied Acheson to Europe for meetings that led to the establishment of NATO, the North Atlantic Treaty Organization.

Cooper has been only the third Republican ever elected to the Senate from Kentucky and the first in 22 years. The Republicans had gained control of the Senate in 1947, for the first time in 16 years. In 1954, however, the Democrats regained the majority and Cooper, running again for a full term, lost to the ever-popular Alben Barkley of Paducah.

The following year, President Eisenhower named Cooper ambassador to India and Nepal, one of the most difficult and delicate diplomatic positions of the cold war period. Biographer Robert Schulman attributed Cooper's success with Indian Prime Minister Nehru to a combination of "simple likeability and sensitive finesse." Former Vermont Senator George Aiken wrote, following Cooper's retirement:

"During the period . . . when he was ambassador to India, I feel that John Cooper's low-key and humane approach to the problems of people did much to keep our relations with that country on a more workable plane. Not all of our diplomats have a non-inflammatory way of dealing with officials of foreign countries and, in some instances, the United States has paid a rather high price for their lack of tact and consideration."

HISTORY REPEATED

History repeated itself on April 30, 1956, when Barkley died while making a speech in Virginia. Running for the third time to fill an unexpired term, Cooper defeated former Governor Lawrence Wetherby and became a fixture around the Capitol for the next 18 years. He was elected to a full six-year term in 1960 and reelected in 1966, each time by record margins.

Cooper was 55 when he defeated Wetherby. Just a few years before, he had been regarded as one of Washington's most eligible bachelors. A syndicated columnist described him as "handsome, sophisticated and intelligent" but with "a frontiersman's practicality." In 1955, he married Lorraine Shevlin, a few years his junior, in Pasadena, California. (A previous marriage to an Army nurse in 1943 had ended with divorce in 1947).

"Wives can be a great help to you (in the Senate) because they get to know the wives of other senators and make friendships that can lead a little bit toward their husbands' friendships," Cooper said. "A wife can also be a tremendous help in campaigns. I know my wife was for me. Although she never lived in Kentucky (before their marriage), she went down there and I think the people liked her."

Cooper's own ancestors came to Kentucky from Virginia and South Carolina in the late 1700s. His mother was a teacher. His father, a law school graduate, owned timber, coal mines and farmland and was the first president of the Farmers Bank of Somerset. The senior Cooper was also at various times county school superintendent, county judge and Republican congressional district chairman.

Young John, one of seven children, attended both private and public schools, as well as Centre College and Yale University. In 1923, he was voted "best liked" and "most likely to succeed" by his graduating class at Yale. The class included a student from Missouri who later would become one of Cooper's colleagues in the Senate, Stuart Symington.

Following graduation, Cooper spent two years studying law at Harvard. His father's death in 1923 left the family with mounting debts, however, and so he returned to Somerset without a degree. Nevertheless, in 1928 he passed the Kentucky bar examination and was admitted to practice law the same year he had been elected to the Kentucky House of Representatives.

In 1930, Cooper was elected Pulaski County Judge, the fifth member of his family to occupy the office. His compassion became evident during the next eight years. At times, as many as 30 people crowded inside the county judge's office to warm themselves by the pot-bellied stove. Cooper, earning $2,500 a year in the job, provided food and lodging personally for many who were poor and starving.

PRIVATE COOPER

Cooper celebrated his 40th birthday in 1941, two years after his unsuccessful race for governor and less than four months before the Japanese bombed Pearl Harbor, drawing the United States into World War II. Early the next year, he enlisted in the Army as a private, went through officer candidate school and was commissioned a second lieutenant at Fort Custer, Michigan in 1943.

Cooper was assigned to General George S. Patton's Third Army as a courier in the military police. During the next two years, he fought across France, Luxemburg and Germany, participating in five major campaigns and emerging from the war with a Bronze Star and the rank of captain.

While still in Europe in 1945, Cooper was elected in absentia as circuit judge of Kentucky's 28th judicial district. He remained in Germany for another year, however, serving as a legal adviser on the reorganization of the Bavarian courts and the repatriation of 300,000 displaced war victims.

Twenty-eight years later, he returned to that part of the world. "I was always glad I had the opportunity to spend two years in East Germany," Cooper said, "They're tremendous producers because the Germans like to work." In the same breath he said the need for greater productivity by American workers is one of the more serious problems facing this country.

As a diplomat, Cooper worked under the auspices of former Secretary of State Henry Kissinger, whom he called "the toughest fellow I ever ran into.

"I consider Kissinger as really having one of the great minds of this period, not only in this country but abroad, in the field of foreign affairs. I first met him when he was head of the Security Council under President Nixon. I was on the (Senate) Foreign Relations Committee. We disagreed on a number of things—ways to try to bring the war in Vietnam to a close and also on the anti-ballistic missile system.

"He was always very nice to me, but now he's become the subject of a great deal of criticism. I'm not really in a position to say how much of that is justified. When I was ambassador to East Germany I had very little connection with him. He was very busy with the Middle East and with Russia and China."

Cooper also recalled the six presidents under whom he served in the Senate, beginning with Truman.

"I suppose I was like most Republicans in the beginning, I didn't think an awful lot of Truman. But I got to know more about his politics when I was at the U.N. and when I was with Secretary Acheson. He was a very strong personality. He believed it; foreign countries believed it. It looks like now every candidate running for president wants to be compared to President Truman. I consider he's going down in history as one of the great presidents."

HAPPIEST TIME

Eisenhower. "We still had a very strong position militarily and economically. There were two small recessions during his term, but because of his prestige over the world it was a peaceful time and, I think looking back, it was probably about the happiest time among most people. He showed some terribly good sense on a number of things. For example, when Great Britain, France and Israel tried to take the Suez Canal back from the Egyptians, they asked for his support and he refused to go in there. He also refused when the French were defeated in Vietnam to send in our troops.

John Kennedy. "He came to Congress the same time I came to the Senate, but I never really knew him until he came to the Senate and we were on the Labor Committee together. I found that he was the most conservative Democrat on the Labor Committee. While he was pro-labor, he just would not vote for everything they wanted. I was kind of in the middle on the Republican side. I think it kind of led the two of us to get together and talk, and he would tell me things, I'm sure, because he knew I wouldn't tell them.

"He sent me to Moscow and I was able to talk to the Soviet leaders. I got a terribly tough feeling against the United States and I came back and reported all of that. I think he thought I'd exaggerated, but when he met with Khrushchev in Vienna, Khrushchev treated him terribly. He told me later, 'you were right.'

"He showed his honesty when he took the blame for the Bay of Pigs himself, and then he showed his courage when the Russians had placed missiles in Cuba and were attempting to bring in more and he told them they would be stopped. I think he gave hope particularly to the young people in the United States and to young people all over the world. I saw that when I traveled around the world at different times and talked to them. I've seen tears come to their eyes when they mentioned Kennedy.

"Although he did send troops to Vietnam, I don't think he'd have let us get into a war. I think he would have withdrawn them or found some way to reach some kind of accommodation. I just don't believe he'd have taken that chance."

Lyndon Johnson. "He was one of the most human individuals I ever knew. As leader in the Senate, he used every bit of power he could. If he just hadn't had this Vietnam war. His hero was Franklin Roosevelt. He wanted to have a second New Deal at home and he wanted to win a war, and that was his great mistake. (Had it not been for Vietnam) I think he would have gone out remembered chiefly for his victory on civil rights."

Richard Nixon. "He was disliked from the very beginning by so many people. Gradually, chiefly because of his forming some kind of association with Russia and China, I think that, but for Watergate, he would have gone down in history. The Democrats would not have done that because they were always accused of being soft (on communism). He could do it. A lot of people think Kissinger thought it up. I think Nixon did just as much as Kissinger. I talked to Nixon one time before he was inaugurated and he told me that was going to be one of his objectives. I don't know that Nixon would ever have been greatly loved (but) I think you would have had to respect him. In Europe they still admire Nixon tremendously."

Regarding Watergate, Cooper said, "I couldn't understand it and I don't understand it now. He'd been reelected by the greatest majority. He had this success with the Russians and the Chinese which had given him great acclamation around the world. Someone said even in the United States people who had disliked him so much were beginning to give him credit for his ability. I cannot understand why with all of that it could ever happen."

COUNSEL SOUGHT

Cooper still talks to former colleagues and others who seek his counsel, particularly on foreign affairs. He said members of President Carter's administration talked with him about the Panama Canal, the Strategic Arms Limitation Talks, arms supply and the situation in Iran. But characteristically, he downplays his role in such matters.

"Having left the Senate, I don't go up there much. It was very fortunate to have an invitation to join this (law) office right away and I've felt my duty was here I've never been on the floor except twice since I left there. I go in the cloakrooms when I want to talk to a member about public business. When I want to see someone, I never have any trouble seeing them.

"There are only 40 (senators) who were there when I left. A lot of the staff people know me and I know enough not to take up their time. After all, each member has got to wrestle with his own decisions."

He still accepts occasional speaking invitations. "I've got to make a speech now and then to make me think," Cooper chuckled.

He rose to show visitors some of the pictures and memorabilia that decorate his office. There are pictures of his family; pictures of presidents; pictures of Patton, Kissinger and Acheson. There is his picture on a 1954 cover of Time Magazine; a 1979 Christmas card from Nixon with a picture of his grandchildren, and a picture of the Warren Commission that investigated the assassination of President Kennedy. (Cooper was a member of the commission.)

He pointed to a picture of himself presenting his diplomatic credentials to former Indian Prime Minister Nehru. "I think it was the first and last time I ever wore a longtail coat and a silk hat," he said.

On the opposite wall was a large painting he had brought back from New Dehli. The walls and shelves were a retrospective of a public lifetime.

"I've been lucky," Cooper said.

So have the people of Kentucky, the United States and the world.

"MY OLD KENTUCKY HOME"

(By Stephen C. Foster)

The sun shines bright
In the Old Kentucky Home,
Tis summer the people are gay
The corn top's ripe and
The meadow's in the bloom
While the birds make
Music all the day.

Weep no more my lady,
Oh! Weep no more today!
We will sing one song
For the Old Kentucky Home,
For the Old Kentucky Home far away.

[News release by Kentucky Educational Television]

COOPER DOCUMENTARY HAS NATIONAL PREMIERE AT THE AMERICAN FILM INSTITUTE THEATER IN KENNEDY CENTER, JUNE 25, 1990; FORMER U.S. SENATOR AND AMBASSADOR TO EAST GERMANY TO ATTEND EVENT HELD IN HIS HONOR

John Sherman Cooper—a former U.S. senator, ambassador, and presidential advisor—began his career as a country lawyer in Sormerset, Ky., and became one of the most respected men in American politics.

The story of his remarkable career, spanning five decades of U.S. political history, is told in the Kentucky Educational Television (KET) production, John Sherman Cooper: Gentleman from Kentucky. The one-hour special, narrated by Bob Edwards, host of National Public Radio's Morning Edition, will have a national premiere in Washington D.C., at The American Film Institute Theater in Kennedy Center on Monday, June 25 at 7:00 p.m. ET.

Gentleman from Kentucky features rare archival film and video footage from government archives and the commercial news networks as it details Cooper's early life; his judgeship during the Great Depression; his World War II experiences as a member of Gen. George Patton's Third Army, which liberated the concentration camp at Buchenwald; his 20 years in the U.S. Senate; his ambassadorial posts to East Germany and India; his friendship with President John F. Kennedy and his service on the Warren Commission; his early support of civil rights legislation and his opposition to the Vietnam War and the nuclear arms race.

The documentary is gleaned from 25 hours of interviews with friends and associates, including President Gerald Ford; Katherine Graham, chief executive officer of The Washington Post Company; and Sens. Barry Goldwater (R-Ariz.), Ted Kennedy, (D-Mass), Eugene McCarthy (D-Minn.), Howard Baker (R-Tenn.), Edmund Muskie (D-Maine), and Mitch McConnell (R-Ky.).

Cooper's brother, Richard, longtime friend the Rev. W.R. Munday, and the later newspaper publisher George Joplin III, all of Somerset, also are interviewed in the program.

"There are some Americans who seem to embody all of what we stand for," says diplomat Brandon Grove, referring to Cooper in Gentleman from Kentucky.

In another segment, Senator Kennedy reflects on Cooper's career and says, "He always brought light rather than heat to a debate."

The national premiere of John Sherman Cooper: Gentleman from Kentucky will be sponsord by AT&T, Brown & Williamson Tobacco Company, CSX Corporation, First Security Corporation of Kentucky, The Humana Foundation, IBM, Norfolk Southern Corporation, and Whitaker Bancorp of Kentucky.

According to writer/producer Guy Mendes, the idea for the Washington screening came from Senator Kennedy. "Kennedy agreed to appear in the documentary, thought it was a good project, and suggested we share it with the Washington community where Cooper has many friends and admirers." The screening is being held to pay tribute to Cooper's national and international contributions, Mendes said, and to interest public broadcasting officials in distributing the documentary to other areas of the country.

"It is a great honor to have the film's national premiere at The American Film Institute Theater in Kennedy Center," said KET Deputy Executive Director Sandra Welch. "We are grateful to Sen. Kennedy, George Stevens Jr. of the American Film Institute, Jack Valenti of the Motion Picture Association, and event sponsors, all of whom were instrumental in bringing the documentary to Washington."

Gentleman from Kentucky was produced by KET with the support of The Mary and Barry Bingham Sr. Fund, the John Sherman Cooper Commemoration Fund Inc., The Kentucky Humanities Council, the Rev. and Mrs. Alfred R. Shands III, and Mr. and Mrs. James W. Stites Jr. It was written and produced by Guy Mendes. Charlee Heaton served as associate producer.

[A television documentary produced in 1989 by Kentucky Educational Television]

"JOHN SHERMAN COOPER–GENTLEMAN FROM KENTUCKY"

[Open on over-lapping images which travel across the screen: scenes of rural poverty during the Great Depression—people on porches of mountain cabins; people waiting in line for handouts of food; portrait of young John Sherman Cooper as county judge.]

Rev. W.R. MUNDAY: What he did for others up there during those Depression years and what he'd done for the people around here, the folks know it, and they'll always love him and respect him for it.

[Page turn reveals footage of Joe McCarthy.]

KATHERINE GRAHAM: To stand up and be anti-McCarthy in the United States Senate in those days was extremely courageous.

[Page turn reveals film of JSC in top hat, presenting credentials in India; page turn reveals Barry Goldwater on camera.]

Senator BARRY GOLDWATER: He brought a different impression of America.

[Page turn reveals over-lapping images of the Vietnam war—U.S. helicopter, a jungle machine gun emplacement and infantry troops on patrol in a swamp.]

Senator EDWARD M. KENNEDY: One of the earliest voice that was questioning American policy objectives, meanings in Vietnam, was John Cooper.

[Page turn reveals travelling, over-lapped images of an ABM missile being launched from a silo; a long shot of an ABM on its course; a close-up shot of two lines converging on a tracking screen and the word "intercept" lighting up; Nixon and Brezhnev signing the ABM treaty in Moscow.]

U.S. Arms Negotiator GERARD SMITH: Senator Cooper is entitled to think of himself as one of the main architects of the ABM Treaty.

[Page turn reveals overlapped travelling stills of Cooper with four presidents; Eisenhower, Kennedy, Johnson and Ford.]

GOLDWATER: They realized that, here was an honest-to-God gentleman.

[Page turn reveals emblematic still of JSC; title flies in from below, "Gentleman from Kentucky"; fade to black; come up on slow pan of still photo of Somerest town square, ca. 1901.]

NARRATOR: On August 23rd, 1901, in the small town of Somerset, Kentucky, in the foothills of the Appalachian mountains, the first male child was born to John Sherman Cooper and his wife Helen Tarter Cooper.

The child would be named after his father, who was then Pulaski County Judge. The senior John Sherman Cooper was a college graduate who had served as county school superintendent. As parents, he and his schoolteacher wife would stress the importance of a sound education. The Cooper children also would be well-versed in the Baptist religion, and in the family tradition of Republican citizenship—not surprising considering that the area had been a Union stronghold during the Civil War.

Cooper's father was not the only judge in the family. Four relatives on his mother's side—her father, two brothers and a cousin—had been elected to judgeships in this Republican enclave

JOHN SHERMAN COOPER: I think my interest in politics probably grew out of my family.

[Still of Somerset school.]

NARRATOR: Education for the Cooper children did not stop at the schoolhouse door.

DICK COOPER: We had a room on the second floor which was almost equipped like a classroom, and they would go over our work with us, our homework, every night. They both wanted us to achieve and do the best that we could in school.

[Close-up of young JSC in basketball uniform.]

NARRATOR: As a senior in high school, Cooper was six-feet-one-and-a-half-inches tall and skinny enough to be called "Bird Legs," and "Snipe" by his teammates." His team was good enough to make it to the state tournament. That same year Cooper was named Class President and Class Poet. His only failing, it seems, was his consistant tardiness. When he graduated in the spring, Cooper's father had his plans laid out for him: he would attend small, but well-respected Centre College, in nearby Danville for a year in order to broaden his studies, then he was to go to up East, to Yale.

[JSC at Yale, singularly and in group shots and on the basketball team; John in group picture in front of ivy walls.]

NARRATOR: John Sherman Cooper followed his father's orders and acquited himself quite well in the Ivy League. He played football, and was named captain of the basketball team. He studied the French Revolution, the writings of Tennyson and Browning, and the theories of Immanuel Kant. As a senior, he was selected for membership in the secretive Skull & Bones society. In 1923, when he graduated, he was voted most popular in his class.

Young Cooper moved on to Harvard to study law, but after one year there he was called home. His father was seriously ill.

He arrived home only days before his father died. His mother was overwhelmed with sorrow and withdrew to the third floor of their house.

DICK COOPER: My mother was grief-stricken and I didn't see much of her from the time he died until the funeral.

[JSC with his mother, outside the family house.]

NARRATOR: To make matters worse, Cooper's father had suffered business losses that had left the family deeply in debt. It was incumbent upon 23-year old John Sherman Cooper to assume the mantle of head of the family, and responsibility for its financial obligations.

[Another portrait image of young JSC.]

NARRATOR: After one more year at Harvard, Cooper was forced to return to Somerset to sell off part of his father's estate, and to run the family lumber business for a time. But his maternal uncle, Roscoe Tartar, had something bigger in mind for John.

A four-time winner of the office of county judge Uncle Roscoe prompted his nephew to run for and win a seat in the legislature. Two years later, after passing the bar exam, John Sherman made the race for the county judge. Cooper won the election with ease. He had no way of knowing the dark days that lay ahead for him and his constituency.

[Film of rural poverty during the Depression; people on cabin porches, waiting in line for gov't commodities; people with little to eat.

NARRATOR: The Great Depression hit the already impoverished region hard. There was not much work, no money and precious little food. People in need fulled the courthouse from morning until night.

Rev. MUNDAY: The county didn't have any money at all, but the Judge found some money somewhere. . . . I knew him to go into his own pocket and give different families three or four dollars; three or four dollars back in those days went a long way.

[Film of small rural town during Depression.]

DICK COOPER: People who had been well-off suddenly had nothing. And so it was a terrible time to live through, and I know it was for him. For a young man of that age, he was weighted down by many many problems, including me maybe.

[Slow zoom into the young Judge Cooper, who is pictured with country magistrates in the 30s.]

NARRATOR: His two four-year terms as county judge had a profound effect on John Sherman Cooper. The experience of seeing so many in need of food and basic medical care would later fuel his support for social legislation. But the frustration of being unable to ease the human suffering everywhere around him took it's toll: near the end of his second term, the 36-year old Cooper sank into a deep depression.

Rev. MUNDAY: When he came out of that office he had to take a leave of absence because of sickness. He had almost a nervous breakdown.

NARRATOR: He left Somerset and spent months recovering in institutions. It was almost a year before he returned to Somerset. He had overcome his ordeal, and the people of Pulaski County admired him even more for it.

JSC on courthouse steps; fade to black; come up on footage of burning U.S. ships in Pearl Harbor; images of Hitler and the Nazi army on the march.]

NARRATOR: Pearl Harbor and the Nazi blitzkreig in Europe drew the United States into the war in 1942, disrupting even the quiet life of a small town lawyer. With his two brothers already in the services, John Sherman Cooper enlisted as a private in the Army at the age of 41.

JSC: Some friends of mine in the first world war, they had gone. They were a little older, they had been drafted; some ran off and joined the army. I felt a little ashamed that I hadn't.

[JSC in uniform, stateside.]

NARRATOR: After stateside military-police training, and a stint teaching military law, Cooper was promoted and sent to England. Harry Story was there, too:

HARRY STORY: At that time groups were being assembled to go into France after the invasion, for civil affairs and military government.

[Patton's tanks clanking through the French countryside.]

NARRATOR: Once in France, Lt. Cooper was assigned to the military government, or G–5 section of General George Patton's Third Army.

[Stills of JSC in Europe.]

STORY: During that time he was being given assignments almost diplomatic in nature. Because there were no state department personel available, because the advance across France was so fast, the Germans couldn't even retreat fast enough to get out of our way.

[Still of JSC.]

NARRATOR: Lt. Cooper was wearing a watch for the first time in his life, though he still ran behind schedule often enough to earn a nickname.

STORY: Because of the fact that he was not punctual in the Army sense, he was called The Late John Cooper, The Late Lieutenant Cooper.

[Footage of advance across the Rhine.]

NARRATOR: As the war in Europe raced to its conclusion, a diplomatic mission handed down from allied commander Gen. Dwight Eisenhower sent Cooper in search of a missing Italian princess who had been abducted by Hitler's SS troops. The trail led Cooper to a scene more ghastly than he could have imagined.

[Footage of Buchenwald ovens being opened to reveal skeletons.]

NARRATOR: He arrived at Buchenwald in early April, just after the camp had been overrun by Patton's forces.

STORY: It was a situation, a sight, that no one will every forget. Corpses were piled like cord wood. The whole situation was indescribably bad.

[Gen. Patton at Buchenwald.]

NARRATOR: General Patton had no patience with local townspeople who claimed they knew nothing of the horrors being perpetrated in the nearby camp. He forced them to view the ghastly leavings of the Nazi butchers.

[German townspeople being forced to view the camp; men hold their hands to their noses; women are crying; lines of people file past a table filed with medical atrocities; a woman runs out crying.

[German cities in ruins; pan of bombed out buildings; refugees on the streets.]

NARRATOR: After the Nazi surrender in May, Lieutenant Cooper spent the rest of 1945 working in the ruins of Germany. He was assigned to help repatriate thousands of displaced persons, people from many different countries, people whose families have been torn apart, Cooper once again found himself responsible for people who had nothing but their names. The former judge also was selected by the allied command to assit in the rebuilding of the German legal system, which, like its cities, was in a shambles. Cooper's job was to reorganize and clear the Nazis out of some 239 trial and appellate courts in Bavaria. While engaged in that task word came that he had been nominated and elected in absentia to a circuit court judgeship in southern Kentucky. He was to return to the states to be sworn in by January of 1946.

[Fade to black; come up on stills of JSC in 1940s: with others in the two square, and a portrait in profile.]

NARRATOR: Back home in Kentucky, John Sherman Cooper assumed his seat as Judge of the 28th judicial district and began changing this immediately, most noticably ending the age-old discriminatory practice of excluding blacks from serving on juries. But Cooper would not stay long on the bench this time, for there was a vacancy in Washington that had Republicans scheming. A.B. "Happy" Chandler had resigned from the United States Senate to become Commissioner of major league baseball. A special election had been called to fill the two remaining years of Chandler's term. Bouyed by the presence of the first Republican governor in 15 years, party insiders urged Cooper to make the race and he agreed. Less than a year after returning from Europe, Cooper rode a national GOP tide to victory, becoming only the third Republican in Kentucky history to win by popular election a seat in the U.S. Senate.

Senator Howard Baker: I think he will be remembered as the father of the emergent new Republican Party of the South.

JSC: I was elected to the Eightieth Congress. It was a Republican victory in both houses, in the Senate and in the House.

[Film of Truman in the White House.]

Narrator: President Truman called it the "Do-Nothing" Congress, because he couldn't get some of his programs passed by the new Republican majority.

[Film of new members of Congress; film of Robert Taft.]

Narrator: Ohio's Senator Robert Taft was one of the most powerful figures on the Republican side of the aisle. Cooper bucked Taft's leadership immediately by voting against a Republican bill to establish a committee to investigate U.S. conduct in World War II.

Larry Forgy: Taft thought that this was a vote he would be able to count on all the time. It turned out he couldn't. I think that's the story of the man's life. Nobody ever ran him.

[Film of Taft-Hartley protestors.]

Narrator: But Cooper supported Taft and the party in major labor legislation, including the Taft-Hartley Act, which was widely perceived as being anti-labor because it mandated "cooling-off periods" before strikes, and it outlawed the "closed shops." Congress passed the Taft-Hartley legislation over President Truman's veto. Cooper would suffer for the vote in his next Senate race.

[Tobacco hanging in barn; JSC talking with tobacco farmers.]

Narrator: As far as the home folks were concerned, Cooper's most popular move was to draft an amendment to the 1948 Agricultural Act to provide for price supports for Kentucky burley tobacco. He needed help to secure passage of the amendment, so he went to, Alben Barkley, the Kentucky Democrat who was Senate minority leader. The "Cooper-Barkley Bill" passed by one vote; Barkley would later claim credit for the measure.

In spite of Cooper's support for tobacco legislation, Kentuckians voted him out of office after two years, giving his seat to Virgil Chapman. It was part of a Democratic landslide in the state, prompted by Barkley's presence on the ballot as President Truman's running mate. Cooper's vote on Taft-Hartley was said to be one of the contributing factors in his loss.

[Still of JSC; film of Truman & Acheson talking at an airport, then shaking hands with JSC as he is getting off a plane.]

Narrator: Cooper joined a prominent Washington law firm, But Truman and his Secretary of State Dean Acheson had other plans for him. As part of an attempt to fashion a bipartisan foreign policy, they chose Cooper to be a delegate to the United Nations. Apparently they liked his voting record on international affairs. So Cooper, joined Acheson as part of the United States delegation to the fourth regular session of the U.N. General Assembly, meeting in temporary quarters in New York City.

[Film of JSC and Acheson returning from Europe; Truman greets Acheson & Cooper.]

Narrator: Cooper's next assignment, in 1950, was also in the international arena. He served as assistant to Secretary Acheson during the London meetings of the newly-formed North Atlantic Treaty Organization, or NATO. Cooper was, by this time, an important member of Truman's foreign policy delegation.

[Still of JSC.]

Narrator: Fate would return John Sherman Cooper to the domestic arena: Virgil Chapman was killed in a Washington automobile accident. Aligning himself with Dwight Eisenhower's 1952 presidential compaign, Cooper campaigned to regain his Senate seat.

[Footage of Ike on campaign trail, waving.]

George Joplin: When we got to the outskirts of a town, John would get out of the car and would start walking down the sidewalk, and he had his sleeves rolled up . . . and whoever he saw on the street, why he would stop and visit with them. And if there was no one coming, he'd go to the houses, house by house.

[Stills of JSC, campaigning with sleeves rolled up; talking with people; sitting on the porch with people.]

Narrator: Cooper's experience as a statewide campaigner was too much for his Democratic opponent. He won easily, becoming the first Kentucky Republican ever to be elected twice to a Senate seat. He headed back to Washington, this time to serve under a President of his own party, for the American voters had shown clearly that they liked Ike.

[Women with "I like Ike" campaign banner.]

[Stills of JSC & Ike.]

Narrator: Cooper liked Ike, too, but once again the gentleman from Kentucky demonstrated his independence by challenging the President and his own party leaders on a topic dear to Cooper's heart.

[Heroic industrial footage: TVA dams.]

Narrator: Eisenhower wanted to undermine one of the major vestiges of the New Deal, the Tennessee Valley Authority, which had provided low-cost power for a region that was still in great need of assistance. The administration saw the TVA as government encroachment on private industry's turf. Cooper, having witnessed the hardships of the Depression in the area served by the TVA, believed that government had a moral duty to help people in need.

[Footage of poor people working their farms and fields.]

William Greider: He was a conservative in many ways, but he did not have a phobia about using the government to assist people that needed protection, especially poor people.

Charles Bartlett: He was one of the few Republicans who was willing to stand up for it in those days. The Republicans were committed to selling the TVA into small pieces if possible.

[Stills of JSC in his Senate office, looking determined, then exasperated.]

Narrator: On other issues in the Senate, Cooper legislation faired less well. A five-hundred-million-dollar school construction bill, also dear to Cooper, was defeated by Republican indifference and Democratic opposition.

[Footage of Joe McCarthy testifying before Senate committee.]

Narrator: The behavior of one of his colleagues proved to be another problem that vexed Cooper during his second stint in the Senate. Wisconsin Senator Joe McCarthy had grown increasingly shrill and paranoid in his Red-baiting, claiming to have proof that hundreds of Communists had secretly infiltrated the United States Government. Cooper felt McCarthy's tactics threatened the Senate.

Goldwater: John Sherman was one of the first men that challenged him. When he was spouting all those statistics about 200 members of the Communist Party in the State Department, John just stood up and said you have to prove that. Well, he never could.

Katherine Graham: We forget the terrible pressures on people that McCarthyism imposed. To stand up and be anti-McCarthy in those days in the United States Senate was extremely courageous.

Senator Gene McCarthy: The censorship of Joe finally came down to his disregard of the Rules of the Senate, rather than his disregarding the general rules of life. [he laughs cynically]

[Stills of Cooper; still of Cooper & cubscout, with capitol dome behind; still of JSC with group of young women.]

Narrator: Cooper was also taking care of the folks back home. He fought for new roads, and for locks and dams in kentucky. He fought for coal and tobacco.

William Greider: Cooper played constituency politics as forcefully as anyone else. He took care of tobacco, especially the farmers, and he worked relentlessly to get a lot of concrete poured in Kentucky, in dams and roads.

[Animation: Cooper on the cover of Time magazine; the story inside on Cooper vs. Barkley; footage of Cooper and Barkley campaigning.]

Narrator: Cooper's accomplishments, both local and national, were not enough to guarantee him reelection in the fall of 1954: his opponent was the only politician more popular back home in Kentucky. In what was billed by the national press as the "Battle of the Giants," Cooper squared off against former Vice President Alben Barkley.

[Medium close-up shots of Barkley.]

Narrator: The race centered on personality and partisan politics. "Uncle Alben," or "The Veep," as Barkley was called, emerged as a clear favorite in the race.

[Still of Cooper-Barkley tv debate moderated by Eric Serereid; then more film footage of the two men campaigning.]

Narrator: The only controversial issue in the race was Barkley's claim that he had authored the tobacco price support bill, which Cooper had taken to him in 1948.

[Film of Barkley and wife voting; still of somber-looking JSC.]

Narrator: Unable to overcome Barkley's popularity, Cooper lost and was forced out of his Senate seat after yet another two-year term.

[JSC with Ike.]

Narrator: Other than the TVA issue, Cooper had shown steadfast support for President Eisenhower's policies on domestic and foreign affairs. His loyalty did not go unnoticed. Ike and his Secretary of State, John Foster Dulles, needed a strong and capable person to represent U.S. interests in newly-independent India, a country being courted seriously by the Soviets. Early in 1955, Ike offered the ambassador's post to John Sherman Cooper. Cooper accepted, but there was some personal business he had to settle before he could assume the position.

[Film of crowd in India; film of Ike, talking with Cooper who is standing next to him, at an Oval Office photo opportunity.]

[Stills of Lorraine Rowan as a girl and as a young woman, with parasol in hand in each photo.]

Narrator: Lorraine Rowan was the child of a prominent California family. Her early life was spent in Pasadena, but after her father's death her mother remarried an Italian prince and moved the family to Rome. There young Lorraine was a excellent student, mastering French, Spanish and Italian. She returned to the States and married twice, but each marriage ended in divorce. She moved to Washington in the mid-forties.

Lilly Guest: * * * and she came down here and I used to tease her and say, I don't think you know that there are two houses down on the Hill * * * by the next week she knew all about it, who the people were, and what they were doing.

Katherine Graham: * * * so she was interested in John and the fact that he was single and eligible and her age. She thought he was wonderful. She started going out with him and everybody used to make book on whether she would marry him or not. I would have said the call was 50–50, because John was not known to be looking for marriage.

Lilly Guest: She was absolutely fascinated by him. You know John Sherman Cooper was a very vague man some days. Sometimes he would turn up for dinner and sometimes he wouldn't and that rather interested her. It was a challenge.

Katherine Graham: When John was made ambassador to India he realized, I'm sure, that he needed a wife in India. So, whereas a lot of us were unsure whether this marriage, which Lorraine wanted very much, was going to take place. John went to India and he immediately proposed that she go with him and then be married.

[Still of JSC and Lorraine; still of the two of them getting off a plane in India.]

Narrator: John and Lorraine were married in March of 1955 and left for India soon after, where they would make a lasting impression.

[Film of JSC in top hat presenting his credential; intercut with Goldwater on camera.]

Goldwater: He brought a different impression of America. The old impression was nothing but dollars, dollars, dollars. They realized that here was an American who was a real honest-to-God *gentleman*.

[Stills of JSC and Nehru; film of Cooper and Nehru.]

Narrator: Indian prime minister Nehru had staked out a non-aligned position with regard to the U.S. and the Soviet Union, and that had John Foster Dulles worried. But Cooper quickly established a rapport with Nehru and assured him that the U.S. would provide aid to this huge new nation that was very much in need.

Senator Edmund Muskie: Cooper was regarded as something fresh and new and exciting as American ambassadors go.

[Footage of JSC in India, presenting U.S. railroad cars and conversing with Indian authorities.]

Narrator: Cooper's work significantly strengthened the relationship between the two countries. At his urging, the U.S. provided the world's newest democracy with almost five hundred million dollars in assistance.

The Coopers were well-liked in India, and they would have been happy to continue their work there, but events at home were to alter their plans. In April of 1956, with four years left in his term, Alben Barkley died. A vacant seat in the United States Senate beckoned.

[Film of Cooper coming out of White House, slipping, then walking over to the camera.]

Katherine Graham: John came back from India because the President asked him to give up that post and come back and run for the Senate. Because there was a seat open and John was the only Republican who could win it.

[JSC is asked about running for the Senate and he responds.]

JSC: No, no I'm not a candidate. [Reporter: is there any chance you'll run?] * * * I learned long ago that a politician never says never. But right now I want to stick with the job I'm on.

[Cut to film of JSC at the '56 Republican convention; he is introduced voice over by David Brinkley.]

David Brinkley: Here is John Sherman Cooper, former Senator, Ambassador to India, who returned to run again for the Senate at Ike's urging.

Narrator: The President convinced Cooper to run for the seat he had held twice before. He and his wife returned to Kentucky to campaign; it would be a new experience for Lorraine.

[Stills of JSC and Lorraine campaign, including Lorraine carrying a parasol.]

Lilly Guest: When Lorraine first campaigned in Kentucky, she didn't know what she was in for. But one thing, she wasn't going to change. She carried her parasol and dressed as if she were going down to Rock Creek Park.

[Stills of Coopers & Mortons on election night.]

Narrator: Once again John Sherman Cooper was aligned with an Eisenhower ticket. In an odd occurrance, Kentucky's other Senate seat was up for grabs, and Thruston Morton, a young Louisville Republican had won the right to run with Cooper on the state ballot. Cooper prevailed easily, with some fifty-three percent of the vote. He had won a *third* unexpired term in the United States Senate. Thruston Morton won in a "photo finish," slipping by with a mere seven thousand vote margin. For the first time Kentucky would be represented in the U.S. Senate by two Republicans.

[Film of Nat'l Guard troops escorting black students to high school in Little Rock in 1957.]

Narrator: One of the most important issues facing Cooper and the rest of the Senate in 1957 was that of civil rights. National Guard troops were escorting black students to public high schools in Little Rock, Arkansas, while voting rights legislation was working its way through the congressional pipeline.

Ted Kennedy: His involvement in those early civil rights bills was really indispensible. He was really calling on the best traditions of the Republican Party in knocking down the walls of discrimination.

Howard Baker: I guess Republicans in the South really were in the vanguard of the civil rights movement. I know John Sherman Cooper was.

[Still of JSC.]

Narrator: Though it wasn't strong enough to suit him, Cooper voted for the Civil Rights Act of 1957.

[Footage of young JFK being sworn into the Senate.]

Narrator: While working on the Labor and Public Welfare Committee, Cooper developed one of his closest friendships in the Senate.—John Fitzgerald Kennedy of Massachusetts.

Ted Kennedy: It might appear that they would be unlikely friends, but really to the contrary.

Charles Bartlett: I think John was pretty much to the left of his party—there were large areas of agreement between Cooper and Kennedy, no question.

[Film of JSC, and of JSC and liberal Republicans in the Senate.]

Narrator: A 1958 Congressional Quarterly analysis showed that Cooper voted with the administration only fifty percent of the time on 26 key issues. That may not have made him a favorite at the White House, but he was well respected by other liberal Republicans—in 1959 they nominated him as their choice for Senate Minority Leader.

JSC, in '59,: [he talks briefly about the "progressive" cause]

[Film of JSC and Everett Dirksen.]

Narrator: Cooper lost the minority leadership post to Everett Dirksen of Illinois by six votes. But his influence was by no means in decline. A nineteen-sixty Newsweek magazine poll of the Washington press corps named Cooper the ablest Republican in the Senate.

[Film of JFK & Jackie campaigning; film of Dick and Pat Nixon campaigning.]

Narrator: The results of the next presidential race also would boost his stock considerably, even though his party would be voted out of the White House.

[Stills of Cooper with Nixon.]

Narrator: Party politics led Cooper to support Richard Nixon in his 1960 bid for the presidency, but philosophically Cooper was much closer to his friend Jack Kennedy.

Ted Kennedy: John Sherman Cooper was one of President Kennedy's best friends, not only in the Senate, but generally.

[Wide shot of Coopers & Kennedys having dinner together.]

Narrator: Lorraine and Jackie had known each other before either was married. When the Kennedys moved into a Georgetown townhouse just a few blocks down N Street from the Coopers', the two couples grew closer, often getting together for intimate dinner parties.

[Footage of the facades of the two houses; pan across and zoom out of image of Jack and Jackie sharing a candlelight dinner with John and Lorraine.]

Ted Kennedy: The only dinner party President Kennedy had in the first two weeks after he was elected—there was John and Lorraine, just the four of them. Republicans tongues were wagging. Democratic tongues, too. It wasn't only enjoying the company; the President valued John's advice on how to get the New Frontier going.

[Images of victorious JSC.]

Narrator: Cooper had crushed his Democratic opposition in 1960, getting the largest number of votes ever polled by a Republican in Kentucky. After winning three short terms, he had been elected to his first full term in the United States Senate. His friend Jack Kennedy won the presidency by a narrow margin.

[Film footage of JFK's inauguration speech; still of JSC.]

Narrator: After his victory in November, the President-elect sent Cooper on a secret mission to Moscow, to see how Kremlin leaders viewed Kennedy's election. Cooper returned with a warning: the Soviets were not impressed.

[Footage of JFK signing his first bill, with Cooper and others in background.]

Narrator: The President continued to rely on Cooper's advice on foreign and domestic issues. When JFK signed his first bill in the Oval Office, he made sure that Senator Cooper was in the assembled group of dignitaries. In 1962, Massachusetts sent another Kennedy to Washington.

Ted Kennedy: When I was elected to the Senate, at the ripe old age of thirty, I was looking for advice and my brother, then the President, said to me, when some issue comes up and passions are aroused and voices are high, if you want the unvarnished truth, the facts on this issue, go to John Sherman Cooper and you will receive it.

[Film of Kennedys in Dallas.]

NARRATOR: Camelot came to a tragic end on November twenty-second, nineteen sixty-three on a clear day in Dallas, Texas. President Kennedy was shot as he rode through the city. He was declared dead at Parkland Hospital. A stunned nation sat for days in front of their televisions, collectively mourning their fallen leader. New President Lyndon Baines Johnson called John Sherman Cooper who was at his home in Somerest and asked him to take part in a special investigation to be chaired by Chief Justice Earl Warren.

[Earl Warren and other Warren Commission members entering the White House, presenting their report.]

GERALD FORD: Each of us on the Warren Commission had close personal relationships with Jack Kennedy, as a consequence our service on the commission was very painful. It was not an easy job. It was a painful experience but a necessary responsibility to try to find out all the facts involving the unfortunate, tragic assassination of President Kennedy.

[Footage of Warren Commission presenting report to LBJ.]

JSC: We had hearings, and we went to Dallas, and we spent a long time on it. A lot of people don't agree with it now, I know because I still get letters from people saying, you were wrong.

FORD: I for one deeply regret some of the demagogic attacks on the Warren Commission conclusions. A number of individuals have raised questions of one kind or another, but none of the criticism of Warren Commission is based on any solid, new evidence.

NARRATOR: While Richard Schweiker was in the Senate he chaired a sub-committee of the Senate Intelligence panel that investigated the findings of the Warren Commission. He was also developed a close working relationship and friendship with Cooper.

Senator RICHARD SCHWEIKER: In talking with John Sherman Cooper it became clear to me that not all of the material that should have been made available to the Warren Commission was given to the Warren Commission, in terms of the CIA, in terms of the FBI and other intelligence agencies.

[Fade to black; come up on footage of American advisors in Vietnam, ca. 1963.]

NARRATOR: During his short tenure in the Oval Office, President Kennedy laid the groundwork for America's participation in what would be its longest, and most disappointing war.

GEORGE HERRING: What really is important is that Kennedy significantly changes the nature, the magnitude of the commitment. When he takes over, the number of American advisors are still in the hundreds, but not involved directly in combat. When he is assassinated in November of 63, you have 16 thousand advisors, and they are actively involved in combat.

[Film of U.S. advisors; film of fighting in South Vietman; dissolve to film of Civil Rights demonstrators marching in Birmingham; demonstrators being attacked by police dogs and battered with high-powered firehoses.]

NARRATOR: Another kind of fighting was taking place in the streets of America in the early nineteen-sixties: the Civil Rights movement was gathering strength, but in places such as Birmingham, Alabama, it was being met with viscious hostility. John Sherman Cooper was appalled:

COOPER: The events of the last few days in Birmingham should shock the conscience of the nation. The use of dogs against human beings, our fellow citizens, simply because they are trying to secure their rights, is reprehensible. These people are claiming their constitutional right for voting, their constitutional right as determined by the Supreme Court, to enter a desegregated school, their right to use public facilities, governmental facilities.

[Film of black and whites sitting-in at a Nashville lunch counter, being physically and verbally abused by angry whites who have them surrounded; they are bullied and covered with food.]

NARRATOR: While blacks and a few whites were putting themselves on the line, Congress was debating the Civil Rights Act of 1964. Southern Senators tried to block passage of the bill by filibustering, dragging out the debate for months. Cooper, who had in 1963 written and pushed public accommodation bill only to see it fail, now sought to invoke cloture to bring the measure to a vote. He chided both parties for inaction.

[Film of "whites only" lunch counters and rest rooms.]

COOPER: I believe the two parties are paying lip service to this issue. It's my judgment that some of the Democratic Party do not want to offend their Southern brethren. On the other hand, some of my own party, the Republican Party, some of its leaders are still arguing that this is just a local issue.

[Still of JSC, ca. 1963, at his desk.]

NARRATOR: Senator Cooper was beseiged with letters from the people of his state. Most of them opposed the legislation. Some bitterly denounced Cooper's position.

[Film of Cooper in Senate committee meeting.]

NARRATOR: In spite of the overwhelming opposition from home, Cooper continued to lead the charge in the Senate.

NARRATOR: Senator Mitch McConnell was a summer intern in Cooper's office that year.

MITCH MCCONNELL: I remember asking him, how do you square that you are after all here to represent Kentucky, and his answer was one I have never forgotten. He said, I not only represent Kentucky, I represent the nation, and there are times when you follow, and times when you lead. And he said, I believe this is an issue whose time has come, that with proper leadership, people will change their attitudes about this matter.

[Newsreel footage of Capitol Hill.]

NARRATOR: After a long fight, Cooper and other Senate liberals mustered the votes to stop the filibuster and win passage of the bill. Though he believed it could have been a stronger measure, Cooper was glad to watch with other supporters as President Johnson signed the Civil Rights Act of 1964.

[Film of LBJ and gathered dignitaries in Oval Office; LBJ signs Civil Rights Act.]

[Fade to black; Come up on clips from Defense Dept. film reenactment of Tonkin Gulf incident: we see a map of the area then dissolve to footage of U.S. destroyers, Maddox and Turner Joy maneuvering in Tonkin Gulf.]

NARRATOR: In August of 1964, in the Gulf of Tonkin off the coast of North Vietnam, two U.S. destroyers reported an incident that President Johnson would later use to secure from the Senate a so-called "blank check" to make war in Vietnam.

[An officer peers through binoculars and orders his men to battle stations; men on deck rush to their stations, load and fire artillery; radar and sonar operators at work in ship's communications center; big guns being fired into the night, in rapid succession.]

NARRATOR: While on a surveillance mission close to shore, the USS Maddox and Turner Joy reported two attacks by North Vietnamese patrol boats. Shots were exchanged in the first encounter, which lasted about twenty minutes. The next night, in stormy darkness, U.S. commanders became convinced by radio and sonar reports that they were under torpedo attack. For the next four hours the two ships fired wildly in all directions.

[Over footage of U.S. pilots carrying out bombing missions against North Vietnam, LBJ tells the nation of an attack on the U.S. ships and says he's ordered air strikes on N. Vietnam.]

NARRATOR: After ordering air attacks on North Vietnam, the President asked Congress for a resolution in support of his actions in Vietnam.

GEORGE HERRING: The Tonkin Gulf Resolution is a major watershed in the Vietnam War. The Tonkin Gulf Resolution becomes of course, in time, what Johnson uses as a basis for further escalation of the war. No doubt they thought they were under attack, but after the smoke had cleared lots of doubts began to surface, and to this day there's never been any real convincing proof.

ED MUSKIE: The Tonkin Gulf Resolution was troublesome for those of us who participated. Only two opposed it, Morse and Greuning. Many of us came to regret the vote, and John Sherman Cooper was one.

[Film of LBJ campaigning.]

NARRATOR: Nineteen sixty-four was an election year, and Johnson wanted to appear militarily-tough to the electorate. Republican nominee Barry Goldwater already was on the attack, charging that the President was soft on defense.

[Barry Goldwater campaigning.]

BARRY GOLDWATER: The Gulf of Tonkin Resolution was dreamed up by Lyndon Johnson to get Lyndon Johnson off the hook. Nobody believed it. There was never any record of an attack on anything. The whole war was a phony war.

WILLIAM GREIDER: Six months later it was perfectly obvious, particularly to people with the sensibilities of John Sherman Cooper, that he had been lied to, and in fact, the United States was being pulled a step at a time into a full scale war in Indochina.

[Defense Dept. footage of ground troops in Vietnam; Footage of the "Rolling Thunder" bombing campaign.]

NARRATOR: Over the next three years the President would commit more than a half million troops to the war. The U.S. bombing campaign would lay waste to large areas of Vietnam, dropping more bombs than were dropped in all theaters of World War II. Thousands of Vietnamese civilians would be killed by the bombs each month.

[Still of JSC.]

NARRATOR: In 1965, John Sherman Cooper urged that the United States undertake negotiations to bring the war to an end.

TED KENNEDY: One of the earliest voices that was questioning American policy objectives, meanings in Vietnam, was John Cooper.

WILLIAM MILLER: He started in 1966 with an opposition to the bombing. He was convinced by military advisers and people from within the Pentagon and from his own observations that it was not working, that it didn't serve our military purposes and it was creating awful havoc in the destruction of the country and killing lots of innocent people.

[Film of Vietnam and Saigon.]

NARRATOR: Cooper went to Vietnam early in nineteen-sixty-six, to meet with military leaders and to see the war and its consequences first hand. William Miller, then an assistant to Secretary of State Dean Rusk, was on the same trip.

[Still of JSC with William Miller in 1966; Vietnamese children in hospital, one with both arms blown off.]

William Miller: He had to go to visit a children's hospital. These were kids who had been maimed by the bombing and the effects of the war. Everyone who went was so affected. They were brought to tears by the great suffering.

[Stills of JSC, one with Dean Rusk, another with Goldwater.]

Narrator: When Cooper faced reelection in the fall of that year, his Democratic opponent mounted a vicious attack against Cooper's antiwar position. But on election day, the 65-year old Senator proved unbeatable. He carried all but seven of the state's one hundred and twenty counties. Then, at the peak of his popularity, he announced he would not run again in 1972; it would be his last term of office.

[A jubilant JSC on election night; still of JSC speaking to reveal a saddened Lorraine.]

[Fade to black; come up on anti-war protests in Washington, D.C.]

Narrator: John Sherman Cooper was not alone in his opposition to the war. By mid-nineteen sixty-seven, polls showed that for the first time a majority of Americans thought Vietnam was a mistake. Each month some thirty thousand young men were being drafted into the Army. Many of them were going to Vietnam. Thousands of them were not coming back alive . . .

[Troop movements; U.S. soldiers jumping out of copters; coffins being loaded on planes.]

McCarthy: Death notices began coming back to be printed in county seat newspapers, and it wasn't just somebody dying in Louisville, or somebody dying in St. Paul—somebody was dying from almost every part of the country, somebody you knew.

Muskie: Young men did not want to go to Vietnam, young men who loved their country did not want to go to Vietnam; so it was a war more than any other experience in our nation's history that split the generations.

[Protest footage: big crowds of candlebearing demonstrators; shot of hand making peace sign.]

Narrator: The country was deeply divided. On one side, there were the "Doves," who sought an end to the war in Vietnam. On the other side, there were the "Hawks," epitomized by men like Senator Barry Goldwater.

Goldwater: I would have loaded those B-fifty-twos up and if they didn't quit I would have made a swamp out of the whole northern end of Vietnam.

Kennedy: The debate on the Vietnam war really started on the campuses across the country and in the streets of the nation. It was an issue in which the people were well ahead of the Congress and the Senate, and especially the President.

[Anti-war demonstrators in Harvard Square shouting "Peace Now".]

Herring: The mood of the United States, largely as result of the Vietnam war, was something approaching a national nervous breakdown.

[More protests.]

Greider: I think people forget how profound and intense was the division of this country over who we are as Americans, why are we killing 50,000 kids and millions of Vietnamese? Over what?

[Protesters swarm over Lincoln Memorial; footage of LBJ in White House staff meeting.]

Narrator: Lyndon Johnson's "Great Society" was in trouble at home and abroad. But the President and his chief general in Vietnam, William Westmoreland, assured the nation that the U.S. had the enemy on the run. There was "light at the end of the tunnel."

[Gen. Westmoreland inspecting troops in the field; footage of aftermath of attack on U.S. Embassy in Saigon; blood-splattered American personnel.]

Narrator: Their words proved hollow when, in January of nineteen sixty-eight, Viet Cong guerrillas attacked the U.S. Embassy in Saigon, kicking off the massive Tet Offensive, which struck at cities across Vietnam. The war was far from being over; LBJ's presidency was on the line.

McCarthy: I really think the Senate should have done more about it. I said, the only way anyone in the Senate could act was to make a campaign. And so we did.

Narrator: Democratic Senator Eugene McCarthy, running as an anti-war candidate, challenged the President in the New Hampshire primary. He stunned the country by winning 42 percent of the vote—a major setback for Johnson. Another anti-war candidate, Senator Robert Kennedy, entered the race a week later, posing an even bigger threat to LBJ. Just two weeks after that the President announced to the nation that he would seek to open peace talks with the North Vietnamese. In parting, he dropped a political bombshell.

LBJ: Accordingly, I will not seek, nor will I accept, the nomination of my party for the office of president of the United States.

Cooper: I would be very happy to see the war stopped. It wouldn't mean peace immediately, but we *would* have negotiations. Since 1965 I have urged that we take this step to test the North Vietnamese, to see if they are serious about wanting peace.

[Footage of war, of Martin Luther King, of riots after his assassination.]

Narrator: While the war dragged on in Vietnam, there was bloodshed and rage back home in the U.S. The murder of the Reverend Martin Luther King ignited riots in New York, Washington and other cities. The front-running Democratic presidential candidate, Bobby Kennedy, was shot down moments after a dramatic victory in the California primary. And the Chicago Democratic convention gave the whole world a glimpse of the furious dissent that gripped the nation, and the violent reaction it elicited. The team of Hubert Humphrey and Edmund Muskie would be unable to overcome Richard Nixon's campaign for "law and order."

[Robert Kennedy campaigning; Democratic convention and violence outside; Sen. Ribicoff and Mayor Daley exchange taunts; police club demonstrators while crowd shouts: "the whole world is watching;" Humphrey & Muskie; Nixon at 68 convention.]

Narrator: Nixon had claimed in 1968 to have a "secret plan" to end U.S. involvement in Vietnam, but the war dragged on deep into 1969. Public resentment reached its peak in the fall, when millions of Americans demonstrated in the streets of Washington, New York and San Francisco. It was the largest mass protest the country had ever seen.

[More footage of U.S. bombing; ground troops evacuating wounded soldiers; footage of mass demonstrations in 1969, ending with pan of tens of thousands of protesters gathered around the base of the Washington Monument; stills of JSC in Senate committee meetings in 1969, studying legislation.]

Narrator: Late in the year, it was revealed that U.S. troops might be sent into Laos and Thailand. In the Senate, John Sherman Cooper amended a defense spending bill to prohibit such an expansion of the war. He was searching for a way to use legislation to help bring the war to an end.

Ed Muskie: John Cooper, being the sensitive man he was, went through agonizing moments every day that war continued.

[Footage of U.S. troops walking through jungle terrain.]

Narrator: In the spring of nineteen seventy, at a time when he claimed to be winding down the war, President Nixon again tried to impress the enemy with force.

Cooper: This talk of a major operation—well my information is not from the President, it's indirect, but I have been told that as of several hours ago, there's been movement, certainly, of American forces, none of South Vietnamese forces. Personally I hope there will not be any movement of any men of either army.

[Combat footage.]

Narrator: Nixon had ordered U.S. troops to invade neighboring Cambodia. Demonstrations broke out across the United States. The President branded all of the protesters "bums," and National Guard troops and police fired on and killed students at two schools. Four were killed at Kent State in Ohio; two more were shot to death at Jackson State in Mississippi. Campuses across the country exploded in protest.

[Student protest; Kent State demonstrations; National Guard firing at students.]

Narrator: In the Senate, John Sherman Cooper joined with Democrat Frank Church of Idaho to sponsor an amendment to cut off funds for the military operations in Cambodia.

Gerald Ford: I understood the attitude of Cooper and Church, but in my opinion it was a regrettable encroachment on the right of the President as Commander-in-Chief to carry on military activities.

[Front page of NY Times, wide shot of logo and full headline; pan of "Senate Passes War Powers Curb"; tighter shot of subhead: "Cooper-Church amendment passes by vote of . . ." then a pan over to the photo of Cooper & Church in Senate stairwell.]

Narrator: On June 30, nineteen seventy, the Senate passed the Cooper-Church amendment by a vote of fifty-eight to thirty-seven. Nixon called it the first restrictive vote ever cast on a President in wartime. The House agreed and refused to pass the measure.

Kennedy: The Senate's passage of the Cooper-Church amendment was a great tribute to Cooper. Because of their efforts, hundreds, probably thousands of American servicemen and women's lives were saved. Even though it was defeated in the House, it was a meaningful contribution toward ending the war.

[Footage of people in streets in Vietnam.]

Narrator: American presence in South Vietnam continued until nineteen seventy-five, when the government of South Vietnam collapsed. In a chaotic scene, U.S. personnel made hasty exits as North Vietnamese troops converged on Saigon.

It was an inglorious ending to America's longest war.

[U.S. copter leaving embassy; N. Vietnamese tank ramming embassy gates; copters being ditched overboard from U.S. carriers; Vietnam Memorial; close-up of names on memorial, so that they appear to be falling slowly.]

Narrator: The ultimate cost of the Vietnam war: fifty-eight thousand American lives and one hundred and fifty billion dollars in resources. Millions of Vietnamese were killed.

Herring: Everybody is still paying the cost. The Vietnamese are paying it daily, and we're paying it in terms of scars that may never heal.

[Close-up of an ABM missile exploding out of its silo; ABM on its course; lines converge on a tracking screen; when they meet, the word "Intercept" is illuminated; technicians in control room watching monitors.]

[ABM dot hitting another dot in the sky.]

GERALD FORD: It was part of our military effort to have not only an offensive capability, but a successful defensive capability in our then cold war with Russia. It was militarily-wise and diplomatically correct to proceed with an ABM system.

ED MUSKIE: The issue is similar to what it is today on the SDI, our Star Wars issue. It's a question of whether or not it's possible to defend against nuclear weapons.

TED KENNEDY: It was a time when new technology could be labeled security and defense and it would pass automatically. To that debate John Cooper brought that very special sense of study, of understanding; he had a principal role in that debate and no question changed a number of Senator's minds.

[Still of JSC studying legislation.]

GERARD SMITH: Cooper knew this was a central issue of the age and I think he decided to get himself informed and become a useful legislator on the subject. John Sherman Cooper opposed the ABM system because he felt it would ratchet up the arms competition. If we went ahead with defenses, the Soviets would react by increasing their defensive capabilities.

[Footage of Nixon's pyramid—part of the one ABM site that was constructed in North Dakota and later abandoned.]

NARRATOR: President Nixon wanted the six-billion dollar ABM system deployed to protect our offensive missile sites. He also wanted to use the ABM as a bargaining chip in the upcoming strategic arms talks with the Soviets. But opposition was strong.

WILLIAM MILLER: For the first time, the most distinguished scientists in the country, many of whom had actually developed nuclear weapons, turned against the government and said a weapons system should not be deployed.

RICHARD SCHWEIKER: Once again John Sherman Cooper's leadership, his clearcut advocacy of a position gave us the courage in this case to split from the administration and vote against the ABM.

[Stills of Cooper.]

NARRATOR: Cooper-Michigan Senator Philip Hart sponsored several amendments to block deployment of the ABM system, but allowing for more research on the technology. In August of ninteen sixty-nine, the Senate split evenly on one Cooper-backed amendment. Vice President Spiro Agnew broke the tie, defeating the amendment fifty-one to fifty. *[Still of Senate in session; slow zoom in to Vice President on rostrum.]*

MUSKIE: There was prolonged debate on it. The debate had the effect of blocking the actual development of an anti-ballistic missile defense.

[Helsinki meetings with Gerard Smith seated across from the head Soviet delegate.]

NARRATOR: Three months later, U.S. and Soviet delegates sat together in Helsinki, Finland, to discuss an ABM treaty. Gerard Smith was the chief negotiator for the United States.

GERARD SMITH: Senator Cooper is quite entitled to think of himself as one of the main architects of the ABM Treaty. He was constantly encouraging us, advising us. He used to come over to the negotiations in Helsinki and Vienna, he worked for hours with us under rather uncomfortable conditions, and then after the treaty was negotiated, he was the prime factor in the Senate in helping it through the ratification proceedings.

[Film of Nixon & Brezhnev.]

NARRATOR: In nineteen seventy-two, after twenty-five years of building up their nuclear arsenals, the leaders of the Super Powers met in Moscow to sign the historic first treaties limiting nuclear weapons. The first item of agreement was the ABM. By signing the ABM Treaty and the SALT I strategic arms limitation treaty, Nixon and Brezhnev agreed to outlaw defensive missile systems. Each side would be allowed to build an ABM system at two sites, one to protect an offensive missile position, and one to protect the nation's capital. This ABM site in North Dakota was the only one built in the U.S. Today it stands abandoned, a six-billion-dollar white elephant, bearing mute witness to an historic arms control agreement.

[Aerial footage of ABM site in N.D.]

[Stills of JSC.]

NARRATOR: John Sherman Cooper left the United States Senate in 1972 after serving just over twenty years. The gentleman from Kentucky was retiring, but his retirement would not last long.

[Stills of JSC with Pres. Ford; and with the President and Lorraine.]

NARRATOR: When Gerald Ford assumed the presidency, he offered a brand new job to Cooper, one that would take him back to a familiar place.

FORD: I felt, and Secretary Kissinger concurred, that we could make some progress breaking down the Iron Curtain if we would have diplomatic relations with the East German government. It was not a government we approved of, not a government we looked up to, but the East German government does represent a powerful factor in eastern Europe. With that point of view in mind I tried to find a person who I would have great faith in, who would conduct U.S. diplomatic relations with East Germany in a very proper, very firm and constructive way, and John Sherman Cooper fitted that bill perfectly.

[Still of JSC in front of sign on new embassy in East Berlin.]

BRANDON GROVE: In many ways he was the perfect choice. He was a person of broad experience in our own government, a man of real prestige. He had been county judge, a well-known senator, an ambassador before, he was also a student of history. He knew the German situation.

[Film of Checkpoint Charlie.]

BRANDON GROVE: I can't imagine a more difficult assignment. This was the other Germany. We had not been there in a diplomatic sense. There was a special relationship with the Soviet Union that had to be taken into account. There was the status of Berlin itself.

[Architectural Digest color stills: interiors of the Coopers' home in Georgetown.]

NARRATOR: After two years in East Germany, the Coopers returned to their Georgetown home to retire once again. In its warm confines they continued to entertain. They also continued to be active in politics.

[Color portrait of Lorraine, in white with white parasol, leaning over the balustrae on the back porch of their house.]

A partnership of 30 years came to an end in nineteen eighty-five when Lorraine Cooper died.

FORD: My wife Betty and I have known the Coopers for many, many years and we were deeply saddened, shocked by the death of Senator Cooper's wonderful wife Lorraine. They were a superb couple, not only as a family in the United States Senate, but as a family representing the United States.

[Footage of JSC at home, with visitors, looking through folders.]

NARRATOR: Since the death of his wife, John Sherman Cooper continues to lead an active life. At age eighty-seven, he keeps up with the news by reading, and by receiving a great variety of friends: young and old, Republican and Democrat. For John Sherman Cooper, it is still *people* that matter most.

Rev. MUNDAY: He always loved people, and by loving he was loved himself.

BRANDON GROVE: There are some Americans who are bigger than the place that they come from. There are some Americans who seem to be able to embody the whole of our country and what we stand for, and to be able to articulate it.

TED KENNEDY: He always brought *light*, rather than *heat* to a problem—that was always a distinguishing characteristic.

Sen. MCCARTHY: I always thought Cooper would have made a good Republican president, or Republican candidate for President, if they had gotten him at the right time—better than Eisenhower, certainly better than Nixon.

WILLIAM MILLER: I think he really thought the noblest thing a statesman can do is to be a peacemaker.

[Dissolve the Cooper statue in Somerset.]

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, we are.

THE KILLING SANDS OF IRAQ

Mr. DOLE. Mr. President, a decade ago, the world witnessed the killing fields of Cambodia. Today's headlines portray the grim reality of the killing sands of Iraq.

All of us have been appalled by the scenes of tragedy among the Kurdish refugees in the north, and the Shiite refugees in the south. So many of these helpless people—women, children, the elderly—are victims, not of war or rebellion, but of Saddam Hussein's genocidal persecution of his political opponents.

As a humane and caring people, we Americans join all civilized people in crying out for an end to the killing. We join with other nations, and people, in providing assistance to the displaced and endangered hundreds of thousands now crowding Iraq's northern and southern borders.

I commend the President for his decision to provide $11 million in emergency relief for this massive new population of refugees. In particular, the use of airdrops is an appropriate response to this true emergency, and sends exactly the right kind of visible message of our concern.

It is my understanding that the President will also take additional steps to respond to the needs of the refugees.

At the same time, I also believe the President has made the right decision in resisting the urging of some for a unilateral military intervention in this complex and tragic situation.

Indeed, it is ironic that some—who only a dozen weeks ago refused to vote to authorize the use of force against Saddam's naked and brutal aggression against a neighboring country, arguing passionately about the dangers of involving America in a quagmire of Arab politics—some of those same voices are now calling on President Bush to get the United States directly involved.

I hope, and believe, the President will continue to resist those calls. This time, the quagmire is real.

The struggle of the Kurds and the Shiites against Saddam Hussein did not start on the day the United States launched military operations against Iraq. It did not escalate into open warfare because of something someone said, but because the defeat of Iraq's forces in the gulf war gave Saddam's enemies reason to believe he was ripe for the picking.

Were we to intervene with anything less than a massive use of our forces—which I believe no one advocates—the result would not be a quick and easy victory, but a growing American involvement in an unending war of attrition; and the kind of chaos inside Iraq that would invite the intervention of others, such as Iran.

Even more to the point, as one astute observer pointed out in an op-ed in the New York Times, the likely result of an American intervention would be that, and I quote, "the suffering of the Kurds and other Iraqis would become even more tragic."

Mr. President, I ask unanimous consent that the full text of that op-ed, by Prof. Shibley Telhami of Cornell University, be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 5, 1991]

STAY OUT OF IRAQ'S CIVIL WAR

(By Shibley Telhami)

ITHACA, NY.—President Bush is right in resisting pressures to commit U.S. forces to intervene in northern Iraq. The suffering of the Kurds and other Iraqis would become even more tragic if American troops moved in.

Those who say the Kurds were misled into believing they would get help if they rebelled ignore this: Intervention would mislead them even more, because the U.S. cannot shape Iraq's political system. U.S. involvement would only excite the Kurds enough to make the fight bloodier, and they would be let down later—their lot for decades.

Israel's experience in Lebanon is relevant. Despite military superiority and political alliances with some Lebanese factions during the occupation in 1982, Israel could not reshape that country's political system. Lebanon's disintegration has pained Israel, because guerrillas have flourished in the absence of central authority.

Iraq's military is not conducting its war against the Kurds out of loyalty to Saddam Hussein. Rather, the military's fear of national disintegration has rallied it behind him, even though it must have serious misgivings about his rule. So even if U.S. military action toppled him, the consequence would likely be prolonged civil war, with tragic consequences for Kurds and non-Kurds.

If the Kurds' military prowess is enhanced, they are likely to have to contend with future opposition from Turkey and Iran, which fear that nationalism will spread to their large Kurdish communities. Yes, the Kurds' right to self-determination is a worthy cause. But does the U.S. have the power and desire to confront Turkey and Iran?

Unilateral U.S. action would undermine the coalition President Bush achieved in the U.N. and go far beyond the U.N. mandate to liberate Kuwait. Article 2 of the Charter is clear about nonintervention "in matters which are essentially within the domestic jurisdiction of any state." Coalition members like Egypt oppose U.S. military action in Iraq.

If the U.S. can intervene unilaterally in the affairs of a country on moral grounds, will it accept such a move by other nations that cite such considerations—for example, Iranian intervention on behalf of Iraqi Shiites? If not the U.N., who sets the standards?

Though some Americans may see a moral duty to the Iraqi people to act, others, especially in the Middle East, are not likely to see American behavior in that light. We must not mistake the region's current quiet to mean the anti-American tide has crested; as in the Suez crisis, the gravest consequences usually lag behind events.

The debate over the U.S. obligations to the Kurds has pointed up a moral quandary: No one should watch bloodshed like that in northern Iraq without considering options to stop it. U.S. military action, which is not the right choice, would pose even more troubling moral problems.

There are alternatives. We can continue to use the U.N. to affect Iraqi behavior, as it did this week in setting punishing cease-fire conditions. The unprecedented resolutions cannot be carried out without world cooperation. The U.S. must also take a lead in guaranteeing that humanitarian aid reaches all suffering Iraqis, including refugees—under U.N. supervision. In the end, we must recognize that there are limits to what the U.S. can do, even as its power stands without equal in the world today.

Mr. DOLE. But, Mr. President, not intervening does not mean not caring. We do care, and we care deeply. Our caring is manifest in the steps the President has taken and the efforts of so many private groups and citizens to offer aid for the needy.

Nor does it mean we do nothing. There are steps we are taking and should take. As we all know, Secretary Baker is in the region now, exploring with Iraq's neighbors what steps are appropriate and realistic, and meeting with the Kurdish refugees.

The United Nations has already passed one resolution, strongly condemning Saddam's latest outrage. The weight of nearly unanimous international opinion, and the pressure of tough economic sanctions, must continue to be brought to bear on Iraq. And certainly, in my view, if we cannot get some satisfaction from Saddam Hussein I see no rush to lift the sanctions.

We should also give serious consideration to the British proposal to establish refugee sanctuary zones, under U.N. auspices, within Iraq.

Meanwhile, as long as the refugees remain in jeopardy of Saddam's butchery, we should strongly urge Turkey and Iran to provide them temporary safehaven; and we should do all we can to make sure that the international community helps affected nations bear the burden of these large refugee populations.

Mr. President, we won a great victory in the gulf war. But the tragedy that has unfolded in Iraq is a poignant reminder that the challenge of establishing peace, stability, and security for the people of the Middle East, and the Persian Gulf, is still very real.

All Americans joined in our successful effort in the gulf war—the President, the Congress, and above all the people.

Let us find that same unity of purpose, and determination, as we seek to achieve, and to secure, a broader and more lasting peace.

I thank the Chair, and I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION FOR BOYS HARBOR AND ANTHONY DUKE

Mr. SANFORD. Mr. President, I come before the Senate today to commend a remarkable organization, the Boys Harbor, Inc., in New York City. Boys Harbor, which will celebrate its 54th anniversary next week, is an outstanding example of a private initiative to help young people who are in danger of falling through society's safety net. Boys Harbor offers educational help, athletic programs, counseling, and mentoring to disadvantaged youth, providing a safe and caring environment for hundreds of poor children. Boys Harbor also has a summer camp where each year 800 inner city kids are given the opportunity to swim, hike, camp, and participate in other healthy activities which are unavailable to them in their urban environments.

During its six decades of service, Boys Harbor has reached over 30,000 inner-city children, giving them the help and encouragement they so desperately need to rise above their disadvantaged background. Over time, the organization has grown to meet the increasingly complex problems facing urban youth. Boys Harbor now has programs to respond to homelessness, parental abandonment, AIDS, drugs, and teenage pregnancy. For the past 25 years, the organization has also been a safe harbor for disadvantaged girls.

It would be impossible to praise the work of Boys Harbor adequately without mentioning Anthony Drexel Duke, the organization's founder and chairman. Boys Harbor is only one example of the many ways in which Tony Duke has given generously of both his time and money in support of disadvantaged children.

I offer my congratulations to Boys Harbor on its 54th anniversary. I ask my colleagues to join me in commending this inspirational organization.

AL DEANDRADE, 25 YEARS AS PRESIDENT OF THE CENTRAL FALLS TEACHERS' UNION

Mr. PELL. Mr. President, I rise in recognition of an outstanding Rhode Islander, one who has distinguished himself in service to his State and community.

This year, Mr. Al DeAndrade celebrates his 25th year as president of the Central Falls Teacher's Union, Local 1567 of the American Federation of Teachers, in Central Falls, RI. His term in office has been marked by unparalleled success in teacher/administration relations. He has guided Central Falls teachers through a remarkable quarter century of labor peace during which he negotiated all contracts, had good, productive working relationships with a number of school superintendents and fostered a spirit of cooperation and a positive working atmosphere throughout the entire school system.

Mr. DeAndrade's success is directly attributable to his diligence, perseverance, and tenacity. His work ethic is admirable and his attention to detail noteworthy. He has tirelessly labored to resolve grievances at their lowest level, recognizing that a union is people, each member of which having their own needs and perspectives. It is no surprise, therefore, that Mr. DeAndrade's skill and dedication have made him something of a legend in the Blackstone Valley community.

It is with admiration and pleasure that I offer my congratulations to Mr. DeAndrade on the 25th anniversary of his service as president of the Central Falls Teachers' Union. Through selfless service, he has earned the respect of his community and State, and I wish him all the success and blessings he so richly deserves.

TENNESSEE VOLUNTEERS WIN WOMEN'S NATIONAL BASKETBALL CHAMPIONSHIP

Mr. GORE. Mr. President, I am proud to rise today to congratulate the University of Tennessee Women's Basketball Team for winning the 1991 Women's National Basketball Championship in a heart-stopping victory. In a thrilling overtime win that kept fans on the edge of their seats, the Lady Volunteers defeated the University of Virginia Cavaliers 70 to 67.

If there's a ring of familiarity in my remarks, there's good reason for it. I have had the honor of congratulating the Lady Vols on well-earned national titles two other times in the last 5 years. Tennessee has played in the Final Four of the NCAA Women's Basketball tournament seven times in the last 10 years and is the only team to capture three national titles in the history of the tournament.

This was no easy victory. The Cavaliers provided a tough challenge for our Lady Vols, but determination, concentration, and good preparation all contributed to success in this championship and throughout the season. Big Orange fans can be very proud of our record of having the first women's team to win three national championships.

The team features some of the college sports' finest athletes. They are a strong, tenacious team guided by the steadfast—dare I say legendary—leadership of Coach Pat Summitt. While the hallmark of Coach Summitt's 17-year tenure at the University of Tennessee may be her victorious seasons, she is also widely noted for the genuine concern and the active role she plays in the education of the team. Every woman who has played her 4-year college basketball career at UT under Coach Summitt has graduated. This is an admirable record for any school in any field. As this year's college basketball seasons ends, more and more athletic departments are examining their programs and the concept of the student athlete. Coach Summitt's Lady Vols are a shining star amidst the uncertainty and doubts.

Not only are quality, speed and team spirit traditions embodied in all Lady Vol teams, but these qualities have, over time, begun to define the team. When the torch of excellence was passed on to this year's team members, they accepted it boldly. The picture of Dena Head standing at the free throw line, 7 short seconds and two points from victory, will be imprinted in Volunteers' memories for a long time to come. The entire team worked hard to convert scoring opportunities into points on the scoreboard. Combined with their 40 minutes of intense pressure defense, the NCAA title is a well-deserved accomplishment.

Jody Adams, Nikki Caldwell, Kelli Casteel, Daedra Charles, Regina Clark, Peggy Evans, Lisa Harrison, Debbie Hawhee, Dena Head, Marlene Jeter, Nikki McCray, and Tamara Carver—each of you is an excellent athlete. Together you have formed a team that overflows with heart and determination. In addition to the team members, the members of the coaching and support staff deserve much recognition and congratulations for this fantastic victory and a record-breaking season.

Tennesseans, and especially Knoxville residents, celebrate this championship with you, wish this year's seniors best wishes for what we know will be bright futures, and wait with great expectations for next season's Lady Volunteers to take the court.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,215th day that Terry Anderson has been held captive in Lebanon.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee [Mr. SASSER].

SOCIAL SECURITY

Mr. SASSER. Mr. President, let me just take a moment or two of the Senate's time here to address some of the points that were made just a short time ago by the distinguished ranking member of the Budget Committee, Senator DOMENICI.

I say that because I want there to be no misunderstanding on the part of any of our colleagues about what has occurred with respect to the treatment of Social Security in the budget enforcement law which was passed just last year.

First—and I think this is very important—we are not dealing here with an error that occurred in drafting. We are not dealing here with something that inadvertently got into the draft and was later made law by the operation of this body and our companion body and signed into law by the President. And certainly we are not dealing with some provision that was slipped into the bill in the 11th hour, before the final passage.

No. The language that we are discussing here that will allow consideration of the concept advanced by the distinguished Senator from New York [Mr. MOYNIHAN] that would allow a payroll tax cut, was put into the reconciliation bill quite intentionally, at my direct request. It was cleared with staff on both sides, the Democratic and the Republican side. As far as I was concerned, it was understood that it was there specifically to allow this body to engage in an unprejudiced debate about the proposal that the distinguished Senator from New York wished to advance, a debate that would not be distorted by procedural impediment.

We had been discussing it privately. It had been discussed at great length in the media. Many speeches had been made about it. I am talking specifically about Senator MOYNIHAN's proposal, made, as I recall, for the first time in January 1990—that is when it surfaced, to my knowledge—that we should consider a payroll tax cut for the Social Security tax and move in the direction of putting Social Security on a pay-as-you-go basis.

I think this is an important topic, an important matter, and that this body deserves that there be a fair and unbiased debate on the Moynihan proposal.

Frankly, there are too many Senators in this body on both sides of the aisle who are supporters of the Moynihan proposal to just simply sweep it under the rug. There continues to be, in my judgment, substantial validity to the argument that has been eloquently made by the Senator from New York and others that the Social Security surplus is being used improperly to fund the general functions of the U.S. Government and not being used for the purposes for which the Social Security tax is collected and not being used for the purposes for which the Social Security trust fund was conceived.

The working men and women of this country, I think, deserve a fair and unbiased inquiry into the issue whether or not they have been excessively taxed by way of the payroll tax during the decade of the 1980's and continuing into the decade of the 1990's. I have the highest regard, and the deepest respect for my friend from New Mexico, the ranking member of the Senate Budget Committee.

And I certainly share his concern about protecting Social Security. I share his concern about ensuring the stability of the trust fund. I share his view that we must keep absolute and unwavering faith with the citizens and the Social Security beneficiaries of this country.

Really, I do not think that is the issue that we are discussing here today.

Let me say with regard to Senator MOYNIHAN's tax cut proposal, I think it has much to recommend. On the other hand, an argument can be made that perhaps this is not the way to go. And I have told my distinguished friend from New York that I have not fully decided at this juncture on which side I fall, but I think I can safely say that not one of the supporters of the proposal that Senator MOYNIHAN advances seeks to weaken Social Security. No one who supports the Moynihan proposal wants to weaken Social Security. There is no question about that.

Quite the contrary. It is my understanding that a large part of the concern that drives the Moynihan proposal and attracts so many supporters is an intention to protect Social Security, to protect it from the misuse it has been put to in recent years.

We can and should have a lengthy discussion of the pros and cons of putting Social Security on a pay-as-you-go basis. That debate may well occur when Senator MOYNIHAN attempts to address his proposal during consideration of this year's budget resolution. I do not know what the distinguished Senator from New York proposes to do. He can answer that question for us at some point in the future.

We are talking now about how a provision was made for that debate to occur if the distinguished Senator from New York, or others in this Chamber, wish for the debate to occur.

My friend, the distinguished Senator from New Mexico, and he is a distinguished Senator, has suggested that we correct the so-called error that made a provision for such a debate to occur. Let me simply respond that as far as I am concerned, there is really no error involved here. I put the language in, or at least instructed my staff to construct language for the specific purpose that we could have a debate in this body if Senators chose to have that debate. My intention for making room for debate on the Moynihan proposal, I hasten to add, was not colored by my support or lack of support for a tax cut for Social Security taxes. It was shaped by my simple desire to give a fair hearing to a debate that I think is of substantial importance and one certainly that is of genuine seriousness.

Let me just discuss for a moment how we got where we are. The budget agreement, as enacted last year, finally removes Social Security from all deficit calculations. That was overwhelmingly the wish of this body. A number of Senators have worked for many years to arrive at this outcome, and it was finally achieved in the Budget Enforcement Act. The key objective was to remove Social Security from any considerations regarding the Federal deficit. Social Security's overall situation would be considered separately from the Federal deficit. That was the overwhelming wish of this body.

To implement this result, the budget resolution changed. Previously, the Gramm-Rudman-Hollings deficit had a prominent place in the budget resolution and Social Security surpluses were used, it was alleged, and I think alleged correctly, to mask the true size of this deficit. Under the new law that this body passed, Social Security was removed from the Gramm-Rudman-Hollings deficit. Social Security's totals were to be approved separately by the full Senate in a budget resolution.

Let us just suppose that Senator MOYNIHAN should choose to advance his proposal. Any Social Security legislation must pass through all the normal safeguards for enactment of any new law. The Moynihan proposal, should it be advanced, could be filibustered here on the floor when it is being debated. It would take 60 votes to shut off debate, as we all know. If the 60 votes were achieved and debate was shut off and Senator MOYNIHAN then prevailed and passed this House, it would have to pass the House of Representatives.

Let us say that it passed both Houses, then the conference report that came back would, again, be subject to a filibuster on the Senate floor.

If the legislation had so much to recommend that we then overcame the filibuster on the conference report, and the conference report was adopted and was sent to the President, then the President can veto the legislation and that veto would be sustained unless two-thirds of the Members of both Houses vote to override the veto.

All of these legislative safeguards remain in place. As I indicated earlier during debate on the budget resolution, the full Senate will decide on the totals available for Social Security. They will decide this, independent of its effect on the Federal deficit. It is out of order for the Budget Committee to report out any changes to the Social Security totals that would lower its surpluses. Any such changes in the totals can only be made after full consideration by the full Senate, not by the Budget Committee. In my view, that is as it should be. Such changes of such far reaching ramifications should be made only with the full approval of the full Senate.

I intended this treatment of Social Security in the budget resolution for a very particular reason: It allows for a fair debate on the Senate floor on Senator MOYNIHAN'S proposal to put Social Security on a pay-as-you-go basis. Senator MOYNIHAN feels, and he can make a very eloquent and persuasive case in this regard, that it is not sufficient to remove Social Security from the calculation of the deficit; that this really does no good. I do not need to speak for the distinguished Senator from New York, but as I understand it, he believes that in order to prevent Social Security surpluses from being used to finance deficits in the rest of the Federal budget, we must eliminate the Social Security surpluses. In particular, many adherents to the Moynihan concept state that the Social Security payroll tax should not be used to finance more and more of the Federal Government's budget.

I think these new budget procedures allow for fair debate on Senator MOYNIHAN's proposal should he choose to advance it. His proposal would have to survive the normal safeguards against adoption of any new piece of legislation, but the proposal does not face any new procedural safe hurdles from the budget enforcement procedures.

Frankly, that is precisely the way I intended for it to work.

The automatic adoption of these new budget procedures was not done in some smoke-filled room or not done in any secret manner, and I do not think anybody even wishes to imply that. The full Senate passed these provisions on October 18, 1990, and they appeared in the CONGRESSIONAL RECORD as a matter of fact on page S 15989. The conference report, which included these same provisions, was not passed by the Senate until 8 days later, and during this period these provisions were a matter of public record. And I know the majority staff spent many hours in the Budget Committee offices going over page after page after page, reading and rereading so that they would know and could advise me what was precisely in the act and what was not, and if it was as we had perceived it should be, and if it was as we had represented to some of our colleagues here on the floor and privately that it was as we had represented.

Mr. President, I appreciate the opportunity to clarify discussion on this important issue, and as far as I am concerned I do hope that this will set the record straight.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I rise with a sense of deep personal gratitude to the able and learned Senator from Tennessee, the chairman of the Budget Committee, for his statement. He has not, to use his characteristically self-effacing phrase, helped to clarify this matter; he has settled this matter. We have heard the definitive statement on the subject. And may I say that it is entirely in my understanding that this is what the Senator intended to do in last year's statute and what he did do, as he just stated.

I recall, Mr. President, the afternoon in October when I moved to bring up this matter of reducing the Social Security payroll taxes. A budget point of order was raised against consideration of the bill, and 60 votes were needed to waive it. This would have been at odds with the agreement on the budget summit, as it had been termed, which was reached by House, Senate, and administration conferees after long sessions at Andrews Air Force Base. Participants, principally, of course, the Budget chairman, were bound by the agreement they had reached, and so the Senator from Tennessee, as well as the majority leader, the Senator from Maine, voted not to waive the budget point of order.

We got a majority, 54 votes, but it was not the supermajority needed, and that matter was concluded in the Congress. The Senator from Tennessee rose and said at some length that we will return to this issue, and that he fully expected it would be brought up in this Congress. And as he has made clear, and as the statute provides, it will be brought up under the normal rule we have of the majority's deciding, save in a situation of vetoes and other such events.

Now, Mr. President, just a very brief word on the substance. I have to say to you I am baffled that a proposal to prevent our debating this and deciding it under majority rule is being described as a bill to protect the integrity of the Social Security Trust Funds. Meaning no disrespect to my good friend, the author of the measure, it is exactly the integrity of the Social Security Trust Fund that is at issue. The funds are being debauched; they are being looted, sir. Every nickel in that trust fund has someone's name on it; Franklin Roosevelt saw to that. Your name, sir; my name. Those are pension funds, and they are being used for purposes never conceived.

On this day we have, many of us, had the opportunity to speak about our dear friend JOHN HEINZ from Pennsylvania whose funeral we will be attending tomorrow. I served 15 years with him on the Finance Committee, which has jurisdiction over Social Security, and he had a great heart and a wonderful sense of humor touched with integrity.

I remember, last January when I first made the proposal, Senator HEINZ and I were on television being interviewed on the "Today Show." Asked whether he thought what was going on was, to use the term of the Rochester Democrat Chronicle, thievery, Senator HEINZ, in that wonderful way he had, said, "Certainly not. It's not thievery, it's embezzlement." Embezzlement, sir, is what he said is going on.

I will just leave that matter of integrity there. But there is an issue of ethics in Government here. Thou shalt not purloin pension funds, and not just a little bit, $1.5 billion a week now, rising to $3 billion a week at the end of this decade.

The National Economic Commission, appointed in 1988, reported to President Bush on March 1, 1989 on Social Security. Both majority and minority said that the Social Security Trust Funds should be saved, and that the only way to do so was to return to a current balanced operating budget. Then the trust funds could be used to buy down the privately held public debt, and increase savings.

In our Democratic report we said, please, if this is not done, do not suppose that the Congress is going to allow pension fund contributions to be used to pay the interest on a $4 trillion debt. That is the largest transfer of wealth from labor to capital in the history of our Republic. And this is not just a question of working men and women. The Chamber of Commerce strongly supports this measure. The National Federation of Independent Business strongly supports this measure.

This is a payroll wage cost. The amounts involved are very simple. It go back to a pay-as-you-go basis, the average couple would receive $2,400 in cash over the next 5 years plus, almost certainly, an increase in pay because reductions in wage costs typically are divided between employer and employees. That has been our experience. There will be no need to increase the present contribution rate until the year 2015–25 years from now. That is when our demography will have changed.

There it is. It is simply a question of good faith, of trustworthy use of trust funds.

Sir, they are called trust funds, and this issue arose in the 1935 consideration and later in 1939, and again in 1940. Some of President Roosevelt's advisers said, "You do not really need these individual accounts. It is a lot of bookkeeping." They were kept by pen and ink in those days. It is effortless now, but not then.

"What do you say we take in the money and pay out the benefits people are entitled to when the time comes." President Roosevelt said, "No, no, you don't. I do not want any politicians fooling around with that money. As long as every dollar is in someone's account, it will be safe. The integrity of the trust funds will be preserved."

Has our integrity changed so that we define the present practice as being one that could be characterized as possessing integrity? It does not. These are trust funds, Mr. President. These belong to the workers in whose names they are deposited—the 132 million people who are contributors.

I say to my friend from Tennessee what he knows and what he has spoke about so often. We do not just have an issue of ethics in Government here. The plain fact is, sir, that the average weekly earnings for Americans today are lower than they were the week Dwight D. Eisenhower left the Presidency. That is 30 years with no increase in average weekly earnings. Earnings would be slightly higher today if we were not taking out this extra Social Security contribution and using it for non-Social Security purposes.

I thank the Senator from Tennessee not just for his clarifying statement, but for his defining statement. We have had the definitive statement with respect to the origins of and provisions in the present law and, if I may say, it is my intention to proceed in the normal course of our business when the budget resolution comes before the Senate. I thank my friend.

I am sorry to be in disagreement with my good friend from New Mexico, but it is not always possible to agree with everybody in this body.

Mr. DOMENICI. Mr. President, I was not here when this discussion started, and I do not choose to spend a long time tonight refuting the substance of the pay-as-you-go versus the trust fund concept for Social Security. Suffice it to say that my good friend from New York is very hopeful tonight, in fact wishful, that based on what Senator SASSER from Tennessee said on the floor, this issue has been defined. I guess, at one time, my friend from New York said it is dispositive. I suggest to him that we will find out about its dispositiveness in the weeks to come because it is far from dispositive as far as the Senator from New Mexico is concerned.

I suggest to my friend, the chairman of the Budget Committee, that I am delighted he has come to the floor and said that he directed that this change take place. I am glad he did not suggest that the Senator from New Mexico was consulted about the change.

I was a member of the summit. I was ranking member of the Budget Committee. Far be it for him to say I was consulted. I wonder if Senator DOLE was consulted about this dispositiveness. I wonder if Richard Darman or Governor Sununu or even Senator PACKWOOD, who favors the Moynihan approach, were consulted. But that is not the issue. The issue is, what happened to the budget summit and the reconciliation bill?

Frankly, I did not choose to accuse anyone, because it does not make any difference. The Senate has to decide whether or not, when it took Social Security off budget, to protect it, which my friend from New York contends we were not doing when it was part of the overall budget of the United States.

Let me say to my friend who occupies the chair, what we have just accomplished for Social Security is very simple, and you tell me whether or not it permits raiding the Social Security trust fund. We took it off budget and then wrote in nice, beautiful oratory words, unless we put substantive law behind it saying we really want to maintain the surpluses as currently defined and the actuarials as currently defined. We wrote all those in and then, interestingly enough, we said it will take 60 voters, a supermajority to change that unless, imagine this, you change it on the floor of the Senate with an amendment. That is what we did, because we put in two words, somebody did at some point, in a bill with hundreds of pages, two words, "as reported." So that a budget resolution, as reported, needed 60 votes to change the actuarials on Social Security. Imagine that, a committee with jurisdiction considering that it takes 60 votes. So we can make sure that somebody got a vote on their measure, it only took 51 on the floor of the Senate.

But where the mistake is made, Mr. President, is that we did not just accommodate the Moynihan bill with 50 votes, with a simple majority. We accommodated by this amendment any amendment by the Ways and Means Committee or the Finance Committee to spend Social Security, literally, for any program they desire, so long as they have amended the budget resolution with a simple majority to change the actuarial relevancy to allow for additional room to spend. Forget about the taxes that we are talking about cutting. This amendment that I am, trying to change, this "as reported," which was put in there, has nothing to do with FICA taxes. It says you change the actuarials with 51 votes on the floor of the Senate, and then the committee of jurisdiction can do whatever it wants with 51 votes, as long as it fits within that newly defined amount of money.

My friend from New York says the business community wants it. Of course, it is a tax cut. We all like that. The AARP does not like it. They are not yet, in the letter to me, which is of record, talking about the FICA tax cut. They do not like taking it off budget and allowing a simple majority to change it; they want a firewall that requires some real effort to destroy the integrity of the Social Security trust fund.

Since JOHN HEINZ, the deceased Senator, has been alluded to, you better believe he understood, when he said let us take it off budget, that we had to have a firewall and a supermajority. His last communication with this Seantor was "Put me on the bill."

If he was worried about embezzlement, he must have been worried about embezzlement that is going to occur the way the current law is. He wanted to fix it.

Having said that, let me again suggest that if this Senator, the Senator from New Mexico, wanted to be accusatory and literally say I know who did this—and they did a serious wrong—I would have said it. Frankly, I do not know to this day who did it, other than now the chairman says they did it at his direction.

I repeat, if this Senator did not find the words changed in these hundreds of pages, thousands and thousands of words, maybe one could say you should have found the two words. But I guarantee you that they were not there until very late in this process. They very conveniently accomplished the purpose I have just described, the anomalies, the incongruities, the rather ridiculous posture of saying, in a committee, "If you report this out of committee, it takes 60 votes to approve a change in the Social Security trust fund."

But if you amend it on the floor, what is it? Is the floor now the deliberate way to modify? It seems to me it should have been the reverse, if you were thinking about it. It should have been 60 on the floor, and a simple majority, if it had been debated by a committee. It is the reverse, because two words fixed it so we could debate a tax cut bill without the burden of process.

What do you mean, without the burden of process? There is no burden of process. It is very simple. If you raid the Social Security fund, as defined in the bill, clearly as defined, you have to have a supermajority—no burden of process. You just cannot raid it with a simple majority, which was clearly intended. And I believe before we are finished it will be the intention of this body to do that.

I truly cannot believe, with the President of the United States saying do not do that, with AARP saying do not do that, with everybody thinking we took it off budget so that we would protect it and maintain its integrity, that we turned right around and destroyed the firewall that was in the legislation by putting in a couple of words that says you can do it on the floor with 51 votes.

I have great respect for Senator MOYNIHAN, the distinguished Senator from New York. I do not know why we should tailor anything to say he ought to get a vote of 51 on the floor, when it had been 60 all along, and in the Budget Act, it was 60. Is that not interesting? There was more protection against raiding the Social Security fund under the old Budget Act. That was embezzlement because you had to have 60 votes, and that is why it did not get raided before. Now we take it off. We leave the 60 out, and we talk about how we have disposed of the issue here tonight.

Let me also suggest that I am not at all sure that either embezzlement, thievery, or anything else is at the heart of this issue. What I conclude is that at the heart of this issue is two things. Some who wrote the Social Security law that creates this surplus and this trust fund which will be gigantic in 8 or 10 years have changed their minds. I think before we are finished with the debate I will have some actual language from those who were on that committee that established that trust fund and new taxes that said it was magnificent; it was the solution to the problem. Now, there is a change of mind.

It is all right. You do not have to call it embezzlement. If it was embezzlement, if it is now, it was embezzlement when it was drawn, when it was created. And that was treated the same way forever—since its creation 8 years ago to date. That is point No. 1.

And point No. 2, I believe we ought to give the U.S. Senate a chance to vote on this quickly. Do they want 60 votes to raid Social Security or not? The Budget Committee of the U.S. Senate ought to have the courage to clear that bill that I introduced tonight. It only has two words in it, essentially. Clear it and let us vote.

I submit it is far from dispositive when this body gets to debate it, and when the seniors are heard from across this country. I repeat, the law as written has nothing whatsoever to do singularly with reducing FICA taxes. In fact, in the first amendment that will be offered to this, there will not even be a word of taxes in it. It will be numbers that will be changed. You will reduce the surplus amount—that is all—with 50 votes, but with one over the majority. That clears the gates for the tax writing committee and the entitlement writing committee, with one over majority, to fill that gap with either a tax reduction or a new program—perhaps nursing care or something else. When we are through with everyone understanding, there will be senior citizens and those paying the FICA tax in our offices. If not in person, they will be there with phone calls and telegrams, asking: What is this about? You took Social Security off-budget to protect it. Protect it? You have just done the opposite by leaving it up to the whim of the Congress to change, for either programs they would like to spend it on or tax cuts that they for some reason or another think are opportune at this point in time.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David L. Johnson:									
United States	Dollar				2,900.00				2,900.00
Hungary	Forint	107,846	1,740.00					107,846	1,740.00
Kathleen A. Merrigan:									
United States	Dollar				2,826.00				2,826.00
Hungary	Forint	107,846	1,740.00					107,846	1,740.00
John Ziolkowski:									
Philippines	Peso	9,934.86	406.50					9,934.86	406.50
Indonesia	Rupiah	653,644	352.00					653,644	352.00
Singapore	Dollar	699.18	388.00					699.18	388.00
Vietnam	Dollar		288.00						288.00
Hong Kong	Dollar	1,632	210.00					1,632	210.00
Taiwan	Dollar	16,235	596.00					16,235	596.00
South Korea	Won	279,240	390.00					279,240	390.00
Total			6,110.50		5,726.00				11,836.50

PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition and Forestry, Dec. 17, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
United Kingdom	Dollar		960.00						960.00
United States	Dollar				4,620.00				4,620.00
Richard L. Collins:									
United Kingdom	Pound	680.39	1,305.00					680.30	1,305.00
	Pound			313.40	601.10			313.40	601.10
J. Keith Kennedy:									
United Kingdom	Dollar		960.00						960.00
United States	Dollar				4,620.00				4,620.00
Amy J. Schultz:									
China	Yuan	7,400	1,571.00					7,400	1,571.00
Hong Kong	Dollar	1,945	250.00					1,945	250.00
James D. Bond:									
Poland	Dollar		500.00						500.00
United States	Dollar				2,755.00				2,755.00
Senator Frank Lautenberg:									
Israel	Dollar				133.00				133.00
Egypt	Pound	436.32	202.00					436.32	202.00
Egypt	Pound			889.50	324.04			889.50	324.04
Saudi Arabia	Riyal	390.15	144.50					390.15	144.50
Saudi Arabia	Riyal			7,550	2,798.15			7,550	2,798.15
Robert M. Walker:									
Hungary	Forint	32,577.50	522.00					32,577.50	522.00
Germany	Mark	3,023.82	1,926.00					3,023.82	1,926.00
Czechoslovakia	Dollar		392.00						392.00
Poland	Zloty	1,275,750	135.00					1,275,750	135.00
Poland	Dollar		645.00						645.00
United States	Dollar				3,926.00				3,926.00
Total			9,512.50		19,777.50				29,289.79

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Jan. 1, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jane McMullan:									
Italy	Dollar		324.38						324.38
Germany	Dollar		854.49						854.49
Turkey	Dollar		350.37						350.37
United States	Dollar				5,880.00				5,880.00
Total			1,529.24		5,880.00				7,409.24

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Jan. 11, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Patrick A. Tucker:									
France	Franc	1,230.24	233.00					1,230.24	233.00
Switzerland	Franc	292.73	225.00					292.73	225.00
Austria	Schilling	2,158	255.00					2,158	255.00
Italy	Lira	259,875	225.00					259,875	225.00
United Kingdom	Pound	241.30	472.00					241.30	472.00
Ann E. Sauer:									
France	Franc	1,230.24	233.00					1,230.24	233.00
Switzerland	Franc	292.73	225.00					292.73	225.00
Austria	Schilling	2,158	198.00					2,158	198.00
Italy	Lira	259,875	225.00					259,875	225.00
United Kingdom	Pound	241.30	472.00					241.30	472.00
Brian D. Dailey:									
France	Franc	1,230.24	233.00					1,230.24	233.00
Switzerland	Franc	292.73	225.00					292.73	225.00
Austria	Schilling	2,158	255.00					2,158	255.00
Italy	Lira	259,875	225.00					259,875	225.00
United Kingdom	Pound	241.30	472.00					241.30	472.00
John E. Mansfield:									
United Kingdom	Pound	810.21	1,554.00					810.21	1,554.00
Durwood W. Ringo, Jr.:									
United Kingdom	Pound	685	1,314.00					685	1,314.00
Senator Slade Gorton:									
United Kingdom	Pound	727.31	1,395.00					727.31	1,395.00
Senator Trent Lott:									
United Kingdom	Pound	727.31	1,395.00					727.31	1,395.00
Michael S. McGavick:									
United Kingdom	Pound	727.31	1,395.00					727.31	1,395.00
Robert M. Soofer:									
United Kingdom	Pound	727.31	1,395.00					727.31	1,395.00
Charles S. Pearcy:									
United Kingdom	Pound	727.31	1,395.00					727.31	1,395.00
Marshall A. Salter:									
Guatemala	Quetzal	616.35	105.00					616.35	105.00
Leon S. Fuerth:									
Russia	Dollar		676.00		209.00				885.00
Senator Albert Gore:									
Russia	Dollar		665.00		185.00				850.00
Total			15,405.00		394.00				15,799.00

SAM NUNN,
Chairman, Committee on Armed Services, Oct. 1, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
Japan	Yen	251,715	1,946.00					251,715	1,946.00
Patrick F. Von Bargen:									
Japan	Yen	313,674	2,425.00					313,674	2,425.00
United States	Dollar				2,819.00				2,819.00
John P. Gerhart:									
Japan	Yen	366,449	2,833.00					366,449	2,833.00
United States	Dollar				2,819.00				2,819.00
William H. Smith:									
Japan	Yen	366,449	2,833.00					366,449	2,833.00
United States	Dollar				457.60				457.60
Mark B. Robinson:									
Canada	Dollar		254.33						254.33
Ronald P. Kelly:									
Germany	Dollar		73.81						73.81
United Kingdom	Pound	29.13	60.18					29.13	60.18
United Kingdom	Dollar		38.30						38.30
Spain	Peseda	5,805.50	64.51					5,805.50	64.51
Spain	Dollar		46.43						46.43
Total			10,574.56		6,095.60				16,670.16

SAM NUNN,
Chairman, Committee on Armed Services, Jan. 3, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Graham:									
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Soviet Union	Dollar		1,056.00						1,056.00
Alfred Cumming:									
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Soviet Union	Dollar		542.00						542.00
Total			2,026.00						2,026.00

DONALD W. RIEGLE, JR.,
Chairman, Committee on Banking, Housing and Urban Affairs,
Nov. 15, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL MAR. 10–19, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher J. Dodd:									
Belgium	Franc	6,395.40	180.61					6,395.40	180.61
France	Franc	6,127.74	1,062.00					6,127.74	1,062.00
United Kingdom	Pound	139.52	223.00					139.52	223.00
United States	Dollar				467.00				467.00
Senator John Heinz:									
Belgium	Franc	15,580	440.00					15,580	440.00
France	Franc	2,284.92	396.00					2,284.92	396.00
Martha Cochran:									
Belgium	Franc	10,578.38	298.74					10,578.38	298.74
France	Franc	4,846.80	840.00					4,846.80	840.00
United Kingdom	Pound	279.04	446.00					279.04	446.00
United States	Dollar				562.00				562.00
Michael Stein:									
Belgium	Franc	9,920.46	280.16					9,920.46	280.16
France	Franc	4,846.80	840.00					4,846.80	840.00
United Kingdom	Pound	279.04	446.00					279.04	446.00
United States	Dollar				562.11				562.11
Ira Paull:									
Belgium	Franc	12,847.46	362.82					12,847.46	362.82
France	Franc	2,284.92	396.00					2,284.92	396.00
United Kingdom	Pound	279.04	446.00					279.04	446.00
United States	Dollar				662.00				662.00
Bradley Belt:									
Belgium	Franc	12,950.50	365.73					12,950.50	365.73
France	Franc	2,284.92	396.00					2,284.92	396.00
United Kingdom	Pound	279.04	446.00					279.04	446.00
United States	Dollar				662.00				662.00
Delegation expenses:[1]									
Belgium							45.54		45.54
France							1,381.34		1,381.34
Germany							45.53		45.53
United Kingdom							45.54		45.54
Total			7,865.06		2,915.11		1,517.95		12,298.12

[1] Delegation expenses include direct payments and reimbursements to the State Department and the Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977. The following individual traveled with the Delegation under authorization as noted: Ms. Yvonne L. Hopkins—Majority Leader. Report of her expenditure appears in the report of the authorizing source.

DONALD W. RIEGLE, JR.,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 12, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL, APR. 6–16, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Heinz:									
Germany	Deutsche mark	1,025.10	603.00					1,025.10	603.00
Hungary	Forint	11,369	174.00					11,369	174.00
Poland	Zloty	2,004,500	211.00					2,004,500	211.00
	Dollar		290.00						290.00
Czechoslovakia	Dollar		392.00						392.00
Ireland	Pound	117.72	186.00					117.72	186.00
Senator Jake Garn:									
Germany	Deutsche mark	1,025.10	603.00					1,025.10	603.00
Hungary	Forint	11,369	174.00					11,369	174.00
Poland	Zloty	2,004,500	211.00					2,004,500	211.00
	Dollar		290.00						290.00
Czechoslovakia	Dollar		392.00						392.00
Ireland	Pound	117.72	186.00					117.72	186.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL, APR. 6–16, 1990—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Kit Bond:									
Germany	Deutsche mark	1,025.10	603.00					1,025.10	603.00
Hungary	Forint	11,369	174.00					11,369	174.00
Czechoslovakia	Dollar		392.00						392.00
Ireland	Pound	117.72	186.00					117.72	186.00
Jackie Clegg:									
Germany	Deutsche mark	1,025.10	603.00					1,025.10	603.00
Hungary	Forint	11,369	174.00					11,369	174.00
Poland	Zloty	2,004,500	211.00					2,004,500	211.00
	Dollar		290.00						290.00
Czechoslovakia	Dollar		267.00						267.00
Ireland	Pound	117.72	186.00					117.72	186.00
Bill Reinsch:									
Germany	Deutsche mark	1,025.10	603.00					1,025.10	603.00
Hungary	Forint	11,369	174.00					11,369	174.00
Poland	Zloty	2,004,500	211.00					2,004,500	211.00
	Dollar		290.00						290.00
Czechoslovakia	Dollar		392.00						392.00
Ireland	Pound	117.72	186.00					117.72	186.00
John G. Walsh:									
Germany	Deutsche mark	1,025.10	603.00					1,025.10	603.00
Hungary	Forint	11,369	174.00					11,369	174.00
Poland	Zloty	2,004,500	211.00					2,004,500	211.00
	Dollar		290.00						290.00
Czechoslovakia	Dollar		87.00						87.00
United States	Dollar				427.00				427.00
Delegation expenses:									
Germany							2,024.22		2,024.22
Hungary							1,763.35		1,763.35
Poland							1,627.16		1,627.16
Czechoslovakia							1,358.99		1,358.99
Ireland							6,687.66		5,385.66
Total			10,019.00		427.00		12,159.38		22,605.38

[1] Delegation expenses include direct payments and reimbursements to the State Department and to the Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

DONALD W. RIEGLE, JR.,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 22, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Harold J. Creel, Jr.:									
Switzerland	Franc	1,230.25	875.00					1,230.25	875.00
United States	Dollar				798.00				798.00
Samuel E. Whitehorn:									
Switzerland	Franc	1,476.30	1,050.00					1,476.30	1,050.00
United States	Dollar				700.00				700.00
Carol J. Carmody:									
England	Pound	484.88	930.00					484.88	930.00
United States	Dollar				606.00				606.00
Total			2,855.00		2,104.00				4,959.00

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation,
Oct. 30, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Lieberman:									
Israel	Dollar				528.50				528.50
Egypt	Pound	407.70	151.00					407.70	151.00
United States	Dollar				294.00				294.00
James O'Connell:									
Israel	Dollar				528.50				528.50
Egypt	Pound	407.70	151.00					407.70	151.00
United States	Dollar				294.00				294.00
Total			302.00		1,645.00				1,947.00

QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, Sept. 28, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Carolyn Jourdan:									
England	Dollar		318.00						318.00
France	Dollar		1,232.00						1,232.00
United States	Dollar				1,059.00				1,059.00
Robert Davison:									
England	Pound	453.72	888.06	41.50	81.22			495.22	969.28
United States	Dollar				305.00				305.00
Lynn Schloesser:									
Korea	Won	543,400	760.00					543,400	760.00
Japan	Yen	150,555	1,168.00					150,555	1,168.00
United States	Dollar				1,357.00				1,357.00
Claudia McMurry:									
Korea	Won	543,400	760.00					543,400	760.00
Japan	Yen	150,555	1,168.00					150,555	1,168.00
United States	Dollar				1,357.00				1,357.00
Dan Berkovitz:									
Korea	Won	543,400	760.00					543,400	760.00
Japan	Yen	122,197	948.00					122,197	948.00
United States	Dollar				1,402.00				1,402.00
Mark Reiter:									
Korea	Won	543,400	760.00					543,400	760.00
Japan	Yen	150,555	1,168.00					150,555	1,168.00
United States	Dollar				777.36				777.36
Total			9,930.06		6,338.58				16,268.64

QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, Jan. 4, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Eric R. Biel:									
Switzerland	Franc	1,476.30	1,036.55					1,476.30	1,036.55
United States	Dollar				802.00				802.00
Mexico	Peso		306.00						306.00
United States	Dollar				718.50				718.50
Robert D. Kyle:									
Mexico	Peso		306.00						306.00
United States	Dollar				523.30				523.30
Switzerland	Franc	1,319.34	1,050.00					1,319.34	1,050.00
United States	Dollar				878.00				878.00
Deborah A. Lamb:									
Switzerland	Franc	1,457.40	1,050.00					1,457.40	1,050.00
United States	Dollar				702.00				702.00
Rolf Lundberg Jr.:									
Switzerland	Franc	1,968.40	1,400.00					1,968.40	1,400.00
United States	Dollar				1,053.00				1,053.00
Marcia E. Miller:									
Switzerland	Franc	896.70	700.00					896.70	700.00
United States	Dollar				769.00				769.00
Total			5,848.55		5,445.80				11,294.35

LLOYD BENTSEN,
Chairman, Committee on Finance, Oct. 4, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ann M. Harkins:									
Switzerland	Franc	2181.38	1,575.00	3,512.36	2,536.00			5,693.74	4,111.00
Nancy Soderberg:									
Czechoslovakia	Dollar		784.00						784.00
Hungary	Forint	43,263	696.00					43,263	696.00
Poland	Zloty	3,990,000	420.00					3,990,000	420.00
United States	Dollar				3,090.00				3,090.00
Total			3,475.00		5,626.00				9,101.00

JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, Jan. 4, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jerry Tinker:									
United States	Dollar				816.00				816.00
El Salvador	Colon	2,433.20	308.00					2,433.20	308.00
Nicaragua	Dollar		420.00						420.00
Michael Myers:									
United States	Dollar				760.00				760.00
El Salvador	Colon	2,433.20	308.00					2,433.20	308.00
Honduras	Lempira	881.95	204.87					881.95	204.87
Gare A. Smith:									
United States	Dollar		816.00		816.00				816.00
El Salvador	Colon	2,433.20	308.00					2,433.20	308.00
Panama	Dollar		396.00						396.00
Nicaragua	Dollar		420.00						420.00
Richard W. Day:									
United States	Dollar				816.00				816.00
El Salvador	Colon	2,433.20	308.00					2,433.20	308.00
Nicaragua	Dollar		420.00						420.00
Total			3,092.87		3,208.00				6,300.87

JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, Oct. 31, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Nancy Soderberg:									
Chile	Peso	168,300	550.00					168,300	550.00
United States	Dollar				2,581.00				2,581.00
Total			550.00		2,581.00				3,131.00

JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, Jan. 4, 1991.

ADDENDUM REPORT TO THE ORIGINAL CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1989

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
J. Michael Myers:									
United States	Dollar				3,659.00				3,659.00
Ethiopia	Birr	1,736.03	844.98					1,736.03	844.98
Sudan	Pound	297.00	66.74					297.00	66.74
Total			911.72		3,659.00				4,570.72

JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, Oct. 31, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Dykstra			100.00		2,478.00				2,578.00
James Currie			93.00		552.00				645.00
Regina Genton			93.00		552.00				645.00
Sarah Holmes			66.00		552.00				618.00
Senator Orrin Hatch			258.00						258.00
Marin Strmecki			306.00						306.00
Robert Lockwood			332.68						332.68
Jonathan Raymond			332.00						332.00
Senator Arlen Specter			1,123.50		2,322.00				3,445.50
Charles Battaglia			791.50		2,909.00				3,700.50
Total			3,495.68		9,365.00				12,860.68

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Oct. 1, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. (95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Carl Delfeld:									
Hungary	Forint	61,728	992.00					61,728	992.00
United States	Dollar				2,604.00				2,604.00
Michael Marek:									
Ireland	Dollar		606.00						606.00
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Poland	Zloty	3,042,900	322.00					3,042,900	322.00
Hungary	Forint	21,569	348.00					21,569	348.00
Czechoslovakia	Dollar		392.00						392.00
Total			2,874.00		2,604.00				5,478.00

LEE H. HAMILTON,
Chairman, Joint Economic Committee. Oct. 16, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Price:									
United States	Dollar		195.00		2,379.80				2,574.80
Frankie King:									
United States	Dollar		1,053.00		1,567.00				2,620.00
Mary Irace:									
United States	Dollar				648.50				648.50
Belgium	Franc	58,804	1,928.00					58,804	1,928.00
Richard Kaufman:									
United States	Dollar				638.20				638.20
Belgium	Franc	11,880	382.00					11,880	382.00
Dorothy Robyn:									
United States	Dollar				1,925.00				1,925.00
Japan	Yen	366,449	2,833.00					366,449	2,833.00
Total			6,391.00		7,158.50				13,549.50

LEE H. HAMILTON,
Chairman, Joint Economic Committee, Jan. 15, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL AUG. 18–25, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Dennis DeConcini:									
United States	Dollar		275.00						275.00
Bulgaria	Dollar		175.00						175.00
Czechoslovakia	Dollar		196.00						196.00
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Samuel Wise:									
United States	Dollar		275.00						275.00
Bulgaria	Dollar		175.00						175.00
Czechoslovakia	Dollar		196.00						196.00
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Jane Fisher:									
United States	Dollar		275.00						275.00
Bulgaria	Dollar		175.00						175.00
Czechoslovakia	Dollar		196.00						196.00
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Robert Hand:									
United States	Dollar		275.00						275.00
Bulgaria	Dollar		175.00						175.00
Czechoslovakia	Dollar		196.00						196.00
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Albania	Lek					7,856.30	790.00	7,856.30	790.00
Judith Ingram:									
United States	Dollar		275.00						275.00
Bulgaria	Dollar		175.00						175.00
Czechoslovakia	Dollar		196.00						196.00
Germany	Deutsche mark	327.42	214.00					327.42	214.00
David Evans:									
United States	Dollar		275.00						275.00
Bulgaria	Dollar		175.00						175.00
Czechoslovakia	Dollar		196.00						196.00
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Erika Schlager:									
United States	Dollar				1,274.30				1,274.30
Czechoslovakia	Dollar		784.00						784.00
Germany	Deutsche mark	327.42	214.00					327.42	214.00
Total			6,158.00		1,274.30		790.00		8,222.30

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Oct. 12, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Evans:									
United States	Dollar		2,385.00		3,084.00				5,469.00
Mary Sue Hafner:									
United States	Dollar		1,150.00		2,686.00		150.00		3,986.00
Finland	Mark	1,281.67	345.83		2,552.00	150.4	40.58	1,432.07	2,938.41
Heather Hurlburt:									
Austria	Schilling	41,132.16	3,552.00					41,132.16	3,552.00
United States	Dollar				1,998.00				1,998.00
Austria	Schilling	53,059.56	4,582.00					53,059.56	4,582.00
United States	Dollar				803.00				803.00
Jeanne McNaughton:									
United States	Dollar		2,385.00		2,894.00				5,279.00
Michael Ochs:									
United States	Dollar		796.00		3,038.00		95.00		3,929.00
Samuel Wise:									
United States	Dollar		2,046.00		1,983.00				4,029.00
Spain	Peseta			1,500	15.59	30,000	311.93	31,500	327.52
United States	Dollar				1,184.00				1,184.00
Austria	Schilling	18,852.24	1,628.00			3,750.00	325.58	22,602.24	1,953.58
Austria	Schilling	25,915.95	2,370.00					25,915.95	2,370.00
Total			21,239.83		20,237.59		923.09		42,400.51

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Oct. 12, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael E. Bartell:									
United States	Dollar				1,321.00				1,321.00
Poland	Dollar		870.00						870.00
Poland	Zloty	2,605,000	270.00					2,605,000	270.00
Robert D. Harris:									
United States	Dollar				1,321.00				1,321.00
Poland	Dollar		870.00						870.00
Poland	Zloty	2,605,000	270.00					2,605,000	270.00
Ronald T. Ledlow:									
United States	Dollar				1,321.00				1,321.00
Poland	Dollar		870.00						870.00
Poland	Zloty	2,605,000	270.00					2,605,000	270.00
Scott Harris:									
Hungary	Forint	32,577.5	522.00			47,072	252.14	79,649.50	774.14
Germany	Deutsche mark	1,007.94	642.00					1,007.94	642.00
Czechoslovakia	Dollar		392.00						392.00
Czechoslovakia	Crown			889.85	57.67			889.85	57.67
Poland	Zloty	1,275,750	135.00					1,275,750	135.00
	Dollar		435.00				597.92		1,032.92
United States	Dollar				3,781.00				3,781.00
Total			5,546.00		7,801.67		850.06		14,197.73

GEORGE J. MITCHELL,
Majority Leader, Dec. 5, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, FOR TRAVEL APR. 6–14, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator George J. Mitchell:									
Germany	Deutsche mark	651.80	383.64					651.80	383.64
Russia	Dollar		1,060.00						1,060.00
Senator John Glenn:									
Germany	Deutsche mark	976.97	575.03					976.97	575.03
Russia	Dollar		1,039.00						1,039.00
Senator Paul Sarbanes:									
Germany	Deutsche mark	970.12	571.00					970.12	571.00
Russia	Dollar		1,020.00						1,020.00
Senator Jim Sasser:									
Germany	Deutsche mark	1,055.07	621.00					1055.07	621.00
Russia	Dollar		1,225.00						1,225.00
Senator Bill Bradley:									
Germany	Deutsche mark	346.60	204.00					346.60	204.00
Russia	Dollar		684.00						684.00
United States	Dollar				1,400.00				1,400.00
Senator Wyche Fowler:									
Germany	Deutsche mark	665.07	391.45					665.07	391.45
Russia	Dollar		1,221.50						1,221.50
Senator Thomas Daschle:									
Germany	Deutsche mark	1055.07	621.00					1,055.07	621.00
Russia	Dollar		1,150.00						1,150.00
C. Abbott Saffold:									
Germany	Deutsche mark	655.07	385.57					655.07	385.57

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, FOR TRAVEL APR. 6–14, 1990—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Russia	Dollar		960.00						960.00
Walter J. Stewart:									
Germany	Deutsche mark	1055.07	621.00					1,055.07	621.00
Russia	Dollar		1,204.00						1,204.00
Martha Pope:									
Germany	Deutsche mark	555.07	326.71					555.07	326.71
Russia	Dollar		969.00						969.00
Scott Harris:									
Germany	Deutsche mark	855.07	503.28					855.07	503.28
Russia	Dollar		985.00						985.00
Diane Dewhirst:									
Germany	Deutsche mark	702.71	413.61					702.71	413.61
Russia	Dollar		965.00						965.00
Sarah Sewall:									
Germany	Deutsche mark	734.65	432.41					734.65	432.41
Russia	Dollar		1,120.00						1,120.00
Martin Paone:									
Germany	Deutsche mark	755.07	444.43					755.07	444.43
Russia	Dollar		920.00						920.00
Muriel Anderson:									
Germany	Deutsche mark	569.00	334.91					569.00	334.91
Russia	Dollar		990.00						990.00
Jan Paulk:									
Germany	Deutsche mark	635.54	374.07					635.54	374.07
Russia	Dollar		1,045.00						1,045.00
Peter Afanasenko:									
Russia	Dollar		1,488.00						1,488.00
Delegation expenses:[1]									
Germany							6,984.16		6,984.16
Russia							6,290.02		6,290.02
Total			25,248.61		1,400.00		13,274.18		39,922.79

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

GEORGE J. MITCHELL,
Majority Leader, Sept. 20, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Italy	Lire	1,311,025	1,145.00					1,311,025	1,145.00
United States	Dollar				926.00				926.00
Total			1,145.00		926.00				2,071.00

ROBERT J. DOLE,
Republican Leader, Oct. 25, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER, FOR TRAVEL FROM APR. 7–16, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert J. Dole:									
Syria	Dollar		121.00						121.00
Egypt	Pound	446.99	168.04					446.99	168.04
Jordan	Dinar	74.99	111.35					74.99	111.35
Israel	Shekel		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Senator James A. McClure:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Shekel		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Senator Howard Metzenbaum:									
Syria	Dollar		152.00						152.00
Egypt	Pound	457.52	172.00					457.52	172.00
Jordan	Dinar	67.40	99.75					67.40	99.75
Israel	Shekel		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Senator Alan K. Simpson:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	67.40	99.75					67.40	99.75
Israel	Shekel		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Senator Frank H. Murkowski:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Shekel		498.00						498.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER, FOR TRAVEL FROM APR. 7–16, 1990—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ireland	Pound	117.72	186.00					117.72	186.00
Sara Belden:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Carol Elliott:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Yvonne L. Hopkins:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Alfred Lehn:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Edward Levine:									
Syria	Dollar		152.00						152.00
Egypt	Pound	464.02	174.45					464.03	174.45
Jordan	Dinar	88.47	131.36					88.47	131.36
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Joyce McCluney:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Tod Neuenschwander:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Alan Porter:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Richard Quinn:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Walt Riker:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Jo Sherman:									
Syria	Dollar		152.00						152.00
Egypt	Pound	803.32	302.00					803.32	302.00
Jordan	Dinar	92.94	138.00					92.94	138.00
Israel	Dollar		498.00						498.00
Ireland	Pound	117.72	186.00					117.72	186.00
Delegation expenses:[1]									
Syria							2,841.44		2,841.44
Egypt							2,131.11		2,131.11
Jordan							1,388.60		1,388.60
Israel							1,220.83		1,220.83
Ireland							5,020.10		5,020.10
Total			19,883.70				12,602.08		32,485.78

[1] Delegation expenses include direct payments and reimbursements to the State Department and to the Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

ROBERT J. DOLE,
Republican Leader, Oct. 12, 1990.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), U.S. SENATE ARMS CONTROL OBSERVER GROUP, FOR TRAVEL MAR. 9–14, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Lugar:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Senator Paul S. Sarbanes:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Senator Dale Bumpers:									
Switzerland	Franc	323.60	215.00					323.60	215.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), U.S. SENATE ARMS CONTROL OBSERVER GROUP, FOR TRAVEL MAR. 9–14, 1990—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Senator Trent Lott:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
John Aravosis:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
George W. Ashworth:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Mira R. Baratta:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Dee Bartley:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Monica Chavez:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
C. Richard D'Amato:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Scott Harris:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Kenneth Myers:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Sarah Sewall:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Daniel Stanley:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Sally Walsh:									
Switzerland	Franc	323.60	215.00					323.60	215.00
Germany	Deutsche mark	788.03	463.00					788.03	463.00
Delegation expenses:[1]									
Switzerland							9,983.42		9,983.42
Germany							5,007.10		5,007.10
Total			10,170.00				14,990.52		25,160.52

[1] Delegation expenses include direct payments and reimbursements to the State Department and to the Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

GEORGE J. MITCHELL,
Majority Leader.

ROBERT J. DOLE,
Republican Leader, Jan. 24, 1991.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCauthran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

SEVENTH ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98–164, as amended (22 U.S.C. 4413(i)), I transmit herewith the Seventh Annual Report of the National Endowment for Democracy, which covers fiscal year 1990.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1991.*

ANNUAL REPORT OF THE ACTION AGENCY—MESSAGE FROM THE PRESIDENT—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 407 of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 5047), I transmit herewith the Annual Report of the ACTION Agency for Fiscal Year 1990.

GEORGE BUSH.

THE WHITE HOUSE, *April 9, 1991.*

MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on March 26, 1991, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

S. 725. An act entitled the "Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991."

Under the authority of the order of the Senate of January 3, 1991, the enrolled bill was signed on March 25, 1991, during the adjournment of the Senate, by the President pro tempore [Mr. BYRD].

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on March 27, 1991, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 1281. An act making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 1282. An act making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes; and

H.R. 1285. An act to resolve legal and technical issues relating to Federal postsecondary student assistance programs and to prevent undue burdens on participants in Operation Desert Storm, and for other purposes.

Under the authority of the order of the Senate of January 3, 1991, the enrolled bills were subsequently signed on March 29, 1991, during the adjournment of the Senate, by the President pro tempore [Mr. BYRD].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-820. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on the intention of the Department of the Air Force to use available funds to complete certain research and development work; to the Committee on Appropriations.

EC-821. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated March 1, 1991; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-822. A communication from the Secretary of Defense, transmitting, pursuant to law, documents to support the budget requests of the Department of Defense for fiscal year 1992; to the Committee on Armed Services.

EC-823. A communication from the Secretary of Defense, transmitting, pursuant to law, the 1991 Joint Military Net Assessment; to the Committee on Armed Services.

EC-824. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the decision to convert the consolidated maintenance services function at Fitzsimmons Army Medical Center to performance by contract; to the Committee on Armed Services.

EC-825. A communication from the Director of the Office of Environmental Restoration and Waste Management, Department of Energy, transmitting, pursuant to law, notice that the report on Environmental Restoration and Waste Management's Defense Cleanup Priorities will be submitted by April 30, 1991; to the Committee on Armed Services.

EC-826. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, the results of a cost-comparison study of the word processing function at the Kansas City District, USACE; to the Committee on Armed Services.

EC-827. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, the results of a cost-comparison study of the food services function at Fort McPherson, Georgia; to the Committee on Armed Services.

EC-828. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, the results of a cost-comparison study of the warehouse function at Fort Leavenworth, Kansas; to the Committee on Armed Services.

EC-829. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, the results of a cost-comparison study of the warehouse function at Redstone Arsenal; to the Committee on Armed Services.

EC-830. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report entitled "Extraordinary Contractural Actions to Facilitate the National Defense"; to the Committee on Armed Services.

EC-831. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning the activities of the Department of Energy with regard to the Defense Nuclear facilities Safety Board; to the Committee on Armed Services.

EC-832. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting a draft of proposed legislation to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Housing, and Urban Affairs.

EC-833. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the expansion of foreign policy export controls on 39 chemical weapon precursors; to the Committee on Banking, Housing, and Urban Affairs.

EC-834. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the imposition of foreign policy export controls under the Enhanced Proliferation Control Initiative; to the Committee on Banking, Housing, and Urban Affairs.

EC-835. A communication from the Comptroller General of the United States; transmitting, pursuant to law, a report entitled "Financial Audit: Savings Association Insurance Fund's 1989 Financial Statements"; to the Committee on Banking, Housing, and Urban Affairs.

EC-836. A communication from the Secretary of the Treasury, transmitting a draft of proposed legislation to reform the Federal deposit insurance system, to improve the supervision and regulation of federally insured depository institutions, to reform the financial services industry as to the activities in which that industry may engage, to consolidate the regulatory structure for depository institutions, to recapitalize the Bank Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-837. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report on the administration and enforcement of the Fair Debt Collection Practices Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-838. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on motor vehicle theft and recovery dated March 1991; to the Committee on Commerce, Science, and Transportation.

EC-839. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992, 1993, and 1994 for activities under the Federal Fire Prevention and Control Act of 1974, as amended; to the Committee on Commerce, Science, and Transportation.

EC-840. A communication from the Secretary of Transportation, transmitting, pursuant to law, a determination that Jorge Chavez International Airport, Lima Peru was not maintaining and administering effective security measures; to the Committee on Commerce, Science, and Transportation.

EC-841. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the electric and hybrid vehicles program for fiscal year 1991; to the Committee on Commerce, Science, and Transportation.

EC-842. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a high-level liquid nuclear waste management demonstration project; to the Committee on Energy and Natural Resources.

EC-843. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report under the Powerplant and Industrial Fuel Use Act for calendar year 1990; to the Committee on Energy and Natural Resources.

EC-844. A communication from the Chairman of the American Battle Monuments Commission, transmitting a draft of proposed legislation to amend the Act entitled "An Act to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War"; to the Committee on Energy and Natural Resources.

EC-845. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Youth Conservation Corps program for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-846. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-847. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, reports on Superfund financial activities of the Agency for Toxic Substances and Disease Registry and the National Institute of Environmental Health Sciences for fiscal years 1987, 1988, and 1989; to the Committee on Environment and Public Works.

EC-848. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation entitled the "Omnibus Nuclear Power Safety and Security Enhancement Act of 1991"; to the Committee on Environment and Public Works.

EC-849. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation

Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Environment and Public Works.

EC–850. A communication from the Chairman of the Advisory Committee for Trade Policy and Negotiations, transmitting, pursuant to law, a report on the President's request for the extension of fast-track procedures implementing legislation for trade agreements; to the Committee on Finance.

EC–851. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on correction and reduction plans for intermediate care facilities for the mentally retarded; to the Committee on Finance.

EC–852. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on coordination of United States Government assistance to Central and Eastern Europe; to the Committee on Foreign Relations.

EC–853. A communication from the President of the United States, transmitting, pursuant to law, a determination on extension of certain authorities relative to nuclear cooperation with the European Community; to the Committee on Foreign Relations.

EC–854. A communication from the Director of the United States Arms Control and Disarmament Agency, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations, and for other purposes; to the Committee on Foreign Relations.

EC–855. A communication from the President of the United States, transmitting, pursuant to law, a report on Anti-Satellite (ASAT) Arms Control; to the Committee on Foreign Relations.

EC–856. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the third report on United States-Soviet Reciprocity on Matters Relating to Embassies; to the Committee on Foreign Relations.

EC–857. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend the Asian Development Bank Act to authorize consent to and authorize appropriations for the United States subscription to the Special Capital Increase of the Asian Development Bank, and for other purposes; to the Committee on Foreign Relations.

EC–858. A communication from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the United States quota in the International Monetary Fund, to authorize acceptance of the proposed amendments to the Fund's Articles of Agreement, and for other purposes; to the Committee on Foreign Relations.

EC–859. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report containing an analysis and description of services performed by full-time USG employees as of 30 September 1990 who are performing services for which reimbursement is provided; to the Committee on Foreign Relations.

EC–860. A communication from the Acting Assistant Secretary of the Department of the Treasury, transmitting, pursuant to law, a copy of the amendment to the Kuwait Assets Control Regulations; to the Committee on Foreign Relations.

EC–861. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report that as of 15 March 1991 the Department of Defense provided the defense articles, services, and training on an attached list to Israel under the authority of P.D. 90–40 and P.D. 91–1; to the Committee on Foreign Relations.

EC–862. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report for fiscal year 1990; to the Committee on Governmental Affairs.

EC–863. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of the Northeast Community Development Corporation"; to the Committee on Governmental Affairs.

EC–864. A communication from the Senior Deputy Comptroller for Administration for the Comptroller of the Currency, transmitting, pursuant to law, notification of a new pay program adopted by the OCC to make compensation comparable with that of other federal bank regulatory agencies; to the Committee on Governmental Affairs.

EC–865. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports issued or released in February 1991; to the Committee on Governmental Affairs.

EC–866. A communication from the Executive Director of the Advisory Council on Historic Preservation, transmitting, pursuant to law, a report for fiscal year 1990; to the Committee on Governmental Affairs.

EC–867. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, a draft of proposed legislation to provide for a pay adjustment for the Chairman, Members, and General Counsel of the Federal Labor Relations Authority; to the Committee on Governmental Affairs.

EC–868. A communication from the Assistant Secretary for Budget and Programs for the U.S. Department of Transportation, transmitting, pursuant to law, the third annual report during the period ending September 30, 1990; to the Committee on Governmental Affairs.

EC–869. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 9–6, "Board of Education Special Election Temporary Amendment Act of 1991"; to the Committee on Governmental Affairs.

EC–870. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 9–7, "Uniform Disposition of Unclaimed Property Act of 1980 Temporary Amendment Act of 1991"; to the Committee on Governmental Affairs.

EC–871. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 9–8, "Assault Weapon Manufacturing Strict Liability Act of 1990 Temporary Repealer Act of 1991"; to the Committee on Governmental Affairs.

EC–872. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 9–13, "Youth Rehabilitation Amendment Act of 1985 Temporary Amendment Act of 1991"; to the Committee on Governmental Affairs.

EC–873. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a copy of the annual report regarding the implementation of the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC–874. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the effect of the Omnibus Trade and Competitiveness Act on domestic industries; to the Committee on the Judiciary.

EC–875. A communication from the Chairman of the Copyright Royalty Tribunal, transmitting, pursuant to law, the annual report for the fiscal year ending September 30, 1990; to the Committee on the Judiciary.

EC–876. A communication from the Special Assistant to the President and Deputy Director of the Office of Administration, transmitting pursuant to law, a report for the Office of Administration for calendar year 1990; to the Committee on the Judiciary.

EC–877. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on actions taken during calender year 1990 on requests for agency records under the Freedom of Information Act; to the Committee on the Judiciary.

EC–878. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report covering pertinent activities of the Pension Benefit Guaranty Corporation during calendar year 1990; to the Committee on the Judiciary.

EC–879. A communication from the Assistant Vice President of Government and Public Affairs of Amtrak, transmitting, pursuant to law, a report which covers specified aspects of the administration of the Freedom of Information Act by the National Railroad Passenger Corporation during calendar year 1990; to the Committee on the Judiciary.

EC–880. A communication from the Acting Assistant Secretary of Policy, Management, and Budget of the United States Department of the Interior, transmitting, pursuant to law, the annual report of activities for calendar year 1990; to the Committee on the Judiciary.

EC–881. A communication from the Freedom of Information/Privacy Officer of the Interstate Commerce Commission, transmitting, pursuant to law, a copy of the Interstate Commerce Commission's 1990 annual report on the Freedom of Information Act; to the Committee on the Judiciary.

EC–882. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, a report of its activities concerning the Freedom of Information Act during calendar year 1990; to the Committee on the Judiciary.

EC–883. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report of its activities concerning the Freedom of Information Act during the calendar year 1990; to the Committee on the Judiciary.

EC–884. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the compliance of State Prison Industry Enhancement Certification programs with section 1761(c) of title 18, United States Code; to the Committee on the Judiciary.

EC–885. A communication from the Attorney General, transmitting, pursuant to law, a report on the amount deposited in the United States Trustee System Fund, and a description of expenditures from the fund for the period of October 1, 1989 to September 30, 1990; to the Committee on the Judiciary.

EC–886. A communication from the Acting Secretary of the United States Department of Education, transmitting, pursuant to law, a notice of final funding priorities for fiscal year 1991 for the Rehabilitation Services Administration; to the Committee on Labor and Human Resources.

EC–887. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the "Comorbidity of Substance Abuse and Other Psychiatric Disorders: Prevalence, Etiology, and the Implications for Course of Illness"; to the Committee on Labor and Human Resources.

EC–888. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, a summary report in connection with an evaluation performed by the Office of Inspector General of Contracted Advisory and Assistance Services within the Department of Health and Human Services; to the Committee on Labor and Human Resources.

EC–889. A communication from the Acting Secretary of the United States Department of Education, transmitting, pursuant to law, a report on the activities of the Education for Homeless Children and Youth program for the period October 1, 1989 through September 30, 1990; to the Committee on Labor and Human Resources.

EC–890. A communication from the Acting Under Secretary of the Secretary of Defense, transmitting, pursuant to law, the report on Department of Defense Procurement from Small and other Business Firms for the period October through December 1990 (fiscal year 1991); to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Special Report entitled "Legislative Activities of the Committee on Foreign Relations During the 101st Congress" (Rept. No. 102–30).

By Mr. NUNN, from the Committee on Armed Services:

Special Report entitled "Report on the Activities of the Committee on Armed Services, United States Senate, 101st Congress, First and Second Sessions" (Rept. No. 102–31).

By Mr. BENTSEN, from the Committee on Finance:

Special Report entitled "Legislative Review Activity, Report of the Committee on Finance, United States Senate, for the 101st Congress" (Rept. No. 102–32).

By Mr. FORD, from the Committee on Rules and Administration:

Special Report entitled "Report of the Committee on Rules and Administration, United States Senate, during the 101st Congress" (Rept. No. 102–33).

By Mr. CRANSTON, from the Committee on Veterans' Affairs:

Special Report entitled "Activities of the Committee on Veterans' Affairs during the 101st Congress" (Rept. No. 102–34).

By Mr. BUMPERS, from the Committee on Small Business:

Special Report regarding the Activities of the Committee on Small Business during the 101st Congress (Rept. No. 102–35).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself and Mr. Burdick):

S. 779. A bill to reauthorize and amend the Indoor Radon Abatement Act; to the Committee on Environment and Public Works.

By Mr. GRAMM:

S. 780. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself and Mr. Lautenberg):

S. 781. A bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia; to the Committee on Rules and Administration.

By Mr. KASTEN (for himself, Mr. Durenberger, Mr. Jeffords, Mr. Bond, and Mr. D'Amato):

S. 782. A bill to change the submission for the report on milk inventory management programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself and Mr. Pell):

S. 783. A bill to amend the Federal Deposit Insurance Act, the Federal Credit Union Act, and the Crime Control Act of 1990 to strengthen prohibitions against individuals convicted of financial institution crimes, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRADLEY (for himself and Mr. Lautenberg):

S. 784. A bill to amend title 39 of the United States Code to grant local governments the discretion to assign mailing addresses to sites within their jurisdiction; to the Committee on Governmental Affairs.

By Mr. BURNS (for himself, Mr. Craig, Mr. Bryan, Mr. Hatch, Mr. Stevens, Mr. Murkowski, Mr. Symms, Mr. Wallop, and Mr. Simpson):

S. 785. A bill to establish a Commission to study existing laws and procedures relating to mining, other than coal mining, and in particular the effects of existing laws and procedures relating to location and disposition of minerals on public lands of the United States and their effect on the policy statement set forth in the Mining and Minerals Policy Act of 1970, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself, Mr. D'Amato, Mr. Pell, Mr. Bradley, Mr. Gore, Mr. DeConcini, Mr. Bingaman, Mr. Ford, Mr. Lieberman, Mr. Wellstone, Mr. Sarbanes, and Mr. Levin):

S. 786. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering; to the Committee on Foreign Relations.

By Mr. D'AMATO:

S. 787. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of certain paper used in photography; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. Dole, Mr. Gramm, Mr. Hatfield, Mr. Bond, Mr. Seymour, Mr. Cochran, and Mr. Gorton):

S. 788. A bill to protect the integrity of the Social Security trust funds and reaffirm the firewall established to protect the trust funds by making technical corrections to the firewall procedures; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

By Mr. MOYNIHAN:

S. 789. A bill to prohibit the importation of semiautomatic assault weapons, large capacity ammunition feeding devices, and certain accessories; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. Metzenbaum, and Mr. Thurmond):

S. 790. A bill to amend the antitrust laws in order to preserve and promote wholesale and retail competition in the retail gasoline market; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. Mitchell, and Mr. Lautenberg):

S. 791. A bill to require certain information relating to radon to be made available in connection with certain real estate transactions, and to require that radon testing devices offered for sale be tested in the radon measurement proficiency program of the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. Mitchell, Mr. Durenberger, Mr. Chafee, and Mr. Burdick):

S. 792. A bill to reauthorize the Indoor Radon Abatement Act of 1988 and for other purposes; to the Committee on Environment and Public Works.

By Mr. DECONCINI (for himself and Mr. Hatch) (by request):

S. 793. A bill to authorize appropriations for the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself and Mr. Kennedy):

S. 794. A bill to amend the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt certain State laws; to the Committee on Labor and Human Resources.

By Mr. SARBANES:

S.J. Res. 112. Joint resolution to designate the week of April 21, 1991, through April 27, 1991, as "Big Brothers/Big Sisters of America Appreciation Week"; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. Bradley):

S.J. Res. 113. Joint resolution designating the oak as the national arboreal emblem; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. Mitchell, Mr. Dole, Mr. Adams, Mr. Akaka, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bingaman, Mr. Bond, Mr. Boren, Mr. Bradley, Mr. Breaux, Mr. Brown, Mr. Bryan, Mr. Bumpers, Mr. Burdick, Mr. Burns, Mr. Byrd, Mr. Chafee, Mr. Coats, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. Craig, Mr. Cranston, Mr. D'Amato, Mr. Danforth, Mr.

Daschle, Mr. DeConcini, Mr. Dixon, Mr. Dodd, Mr. Domenici, Mr. Durenberger, Mr. Exon, Mr. Ford, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Heflin, Mr. Helms, Mr. Hollings, Mr. Inouye, Mr. Jeffords, Mr. Johnston, Mrs. Kassebaum, Mr. Kasten, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Mr. Metzenbaum, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Nunn, Mr. Packwood, Mr. Pell, Mr. Pressler, Mr. Pryor, Mr. Reid, Mr. Riegle, Mr. Robb, Mr. Rockefeller, Mr. Roth, Mr. Rudman, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Seymour, Mr. Shelby, Mr. Simon, Mr. Simpson, Mr. Smith, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Wallop, Mr. Warner, Mr. Wellstone, and Mr. Wirth):

S. Res. 92. Resolution relative to the death of John Heinz, a Senator from the Commonwealth of Pennsylvania; considered and agreed to.

By Mr. SASSER:

S. Res. 93. Resolution commending the University of Tennessee Women's Basketball Team on their third NCAA title; to the Committee on the Judiciary.

By Mr. HELMS:

S. Res. 94. Resolution commemorating the two year anniversary of the Soviet crackdown in Tbilisi, Georgia, on April 9, 1989, and urging the Soviet Union to recognize the will of the Georgian people and the legitimacy of the March 31, 1991, referendum; to the Committee on Foreign Relations.

By Mr. GORE (for himself, Mr. Chafee, Mr. Lugar, Mr. Dodd, Mr. Wirth, Mr. Akaka, Mr. Kennedy, Mr. Simon, Mr. Daschle, Mr. Bryan, Mr. Wellstone, Mr. Bradley, Ms. Mikulski, Mr. Moynihan, Mr. Levin, and Mr. Pell):

S. Res. 95. Resolution urging the Administrator of the Environmental Protection Agency to accelerate the scheduled phaseout of production of ozone destroying substances in the United States as required pursuant to the Clean Air Act Amendments of 1990 and calling on the President to urge the United Nations to call a special session of the Contracting Parties to the Montreal Protocol in order to conclude an agreement accelerating the scheduled phaseout of such substances and for other purposes based on recent scientific findings concerning the degradation of the stratospheric ozone layer and increased atmospheric concentrations of substances that lead to the degradation of the stratospheric ozone layer; to the Committee on Foreign Relations.

By Mr. COCHRAN:

S. Res. 96. Resolution to update Senate Resolution 219 (95th Congress, 2d Session) relating to the Senior Citizen Intern Program; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT SESSIONS

By Mr. MITCHELL (for himself and Mr. Burdick):

S. 779. A bill to reauthorize and amend the Indoor Radon Abatement Act; to the Committee on the Environment and Public Works.

RADON ASSESSMENT AND MITIGATION ACT OF 1991

Mr. MITCHELL. Mr. President, today I am introducing legislation to reauthorize the national program to reduce public exposure to deadly radon gas.

I am very pleased that the distinguished chairman of the Senate Environment and Public Works Committee, Senator Burdick, is joining me in introducing this important legislation.

Radon is a naturally occurring element found in soil and rock containing granite, shale, and uranium. In its gaseous form, radon can seep into homes and other structures through cracks in foundations and basement floors.

Radon contamination of homes and other buildings is a deadly serious problem. Exposure to radon poses a significant threat of lung cancer, second only to cigarette smoking. The Environmental Protection Agency estimates that radon causes between 8,000 and 40,000 lung cancer deaths throughout the country each year.

Over the past several years, the EPA has conducted screening tests for radon in homes in 34 States. The EPA found that 20 percent of homes tested had radon above the EPA action level. In some States, over half the homes tested had high radon levels. For the Nation as a whole, EPA estimates that 10 percent of homes have average, annual radon levels above the EPA action level.

Radon is an especially serious problem in Maine. Tests by the State department of health and the EPA indicate that about 30 percent of Maine homes have radon above the EPA action level of 4 picocuries per liter. Radon readings as high as 500 picocuries per liter have been recorded in the State. Studies by the University of Maine indicate that as many as 75 people die in Maine each year as a result of exposure to radon.

I first learned about the high levels of radon in Maine and other States in 1985. In response to this problem, I introduced the Radon and Indoor Air Quality Research Act in 1986. This legislation, which was enacted as part of legislation to reauthorize the Superfund program, directed the EPA to develop a comprehensive research and information program on radon.

The following year I introduced legislation to establish a radon program at the EPA and to provide grants to support State radon programs. This legislation, titled the Indoor Radon Abatement Act, included provisions addressing public information, school building assessments, training, and technical assistance. This legislation was enacted in 1988.

The bill I am introducing today reauthorizes the basic radon program established several years ago. The bill, titled the Radon Assessment and Mitigation Act, extends the existing radon program and adds several new provisions to expand and strengthen our response to the radon problem.

A key provision of the bill is continuation of the grant program to assist States in the development and implementation of a wide range of radon education, assessment, and mitigation initiatives. This grant assistance is essential to the successful operation of State programs and the maintenance of an effective partnership with the States for radon control.

The existing authorization for State grants of $10 million per year is extended for 3 additional years and the eligible State program activities are expanded to include issues related to radon in water and development of new construction standards. Federal share of grants is set at 50 percent for each of the 3 additional years of grant assistance.

The bill would also revise the schedule for publication of an updated citizen's guide to radon to January 1, 1992. The revised guide is to more clearly indicate the national goal of reducing indoor radon to outdoor levels and set an action level or target action point at a level of radon as close to the outdoor level as can be achieved through the application of readily available and generally affordable technologies and practicies.

The Administrator is to identify high risk radon areas not later than January 1, 1992 and biennially thereafter. High risk areas are areas in which there is a reasonable likelihood that average indoor radon levels will exceed the target action point.

Existing EPA authority for development of new construction standards to prevent radon entry into buildings is expanded and the date for final standards is set at January 1, 1992. The objectives of standards are clarified and the Administrator is to assure that, at a minimum, standards will achieve the radon target action point.

Two years after the date of establishment of standards, any housing constructed direcly with Federal assistance is to be constructed in accordance with radon standards. In addition, EPA is to emphasize training of building professionals in the use of standards at existing regional training centers.

A key proposal in the bill is to require testing for radon at the time of sale of a specific, subset of homes. Testing would be required only if the home is located in a high risk radon area and the Federal Government is a direct participant in the financial transaction. In addition, tests may be waived if the home was constructed in conformance with radon new construction standards. Also, radon tests conducted in the home within the past 5 years may be used to comply with this requirement.

This testing provision may be controversial. I am convinced, however, that we must begin a discussion of policies and methods to encourage a greater degree of radon testing throughout the country.

Despite the recommendation of the EPA Administrator that every home in the Nation be tested, only a small percentage of homes have been tested.

We have very clear and compelling evidence of the health threats of radon. In a case where a home is located in an area identified as a high risk radon area and the Federal Government is a direct participant in the financing of home purchase, the Federal Government has a moral obligation to assure that the home buyer is informed of the radon level in the home.

I look forward to hearing from the full range of interested groups on the radon testing provision of the bill and I will be pleased to work with all parties to develop the best possible program to help assure radon testing of homes.

There are several other important provisions of the proposed bill.

By January 1, 1993, EPA is to submit to Congress a plan for implementing radon mitigation programs in Federal buildings. Mitigation measures are to achieve radon levels below the target action point established by the Administrator.

The EPA Administrator is to prepare information concerning radon for the medical community and provide such information to selected recipients within 1 year. EPA is to provide a report to Congress within 2 years of the date of enactment addressing additional steps to improve radon information dissemination to the medical community.

The number of regional radon training centers is increased from three to five and funding for centers is extended 3 years and increased from $1 million per year to $2 million per year.

Finally, the bill expands technical assistance authorities of the EPA to include issues related to radon in water and development of new construction standards. Funding for this effort is extended for 3 years and increased from $3 to $5 million per year.

I ask unanimous consent that the bill be printed at an appropriate place in the RECORD, with a section-by-section analysis.

I look forward to working with my colleagues on this important public health effort.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SEC. 1(a) SHORT TITLE.—This Act may be cited as the "Radon Assessment and Mitigation Act of 1991".

(b) Table of Contents.—

Sec. 1. Short Title and Table of Contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Federal Assistance.
Sec. 5. Technical Assistance.
Sec. 6. Citizen's Guide.
Sec. 7. New Construction Standards.
Sec. 8. Radon Assessment.
Sec. 9. Federal Building Radon Mitigation Plan.
Sec. 10. Medical Community Outreach.
Sec. 11. Regional Training Centers.

FINDINGS

SEC. 2. The Congress finds that—

(a) exposure to radon gas poses a serious threat to public health throughout the country and is estimated to cause between 8,000 and 40,000 lung cancer deaths each year;

(b) the Environmental Protection Agency conducted radon screening tests in some 34 States and found that one in five homes had radon levels above the EPA action level, and that over half the homes tested in several States had radon levels above the EPA action level;

(c) the Environmental Protection Agency estimates that, nationwide, about 10% of homes have average, annual radon levels above the EPA action level;

(d) the Administrator of the Environmental Protection Agency has recommended that every home in the country be tested for radon;

(e) the Federal Government responded to the health threat posed by radon with passage of the Indoor Radon Abatement Act of 1988 and related legislation; and

(f) it is essential that the existing Federal programs related to radon be reauthorized in a timely manner and that these programs be expanded and strengthened where appropriate.

DEFINITIONS

SEC. 3. Amend Section 302 of Title III of the Toxic Substances Control Act (15 U.S.C. 2662) by adding at the end thereof the following—

"(5) The term "high risk radon area" means an area or region of the United States in which, in the judgement of the Administrator, there is a reasonable likelihood that average indoor radon levels exceed the target action point indicated in subparagraph 303(b)(1)(C) of this title.

"(6) The term "Federal housing assistance program" refers to programs to finance purchase of residences implemented by the Federal Housing Administration, the Farmer's Home Administration, and the Department of Veterans Affairs.

FEDERAL ASSISTANCE

SEC. 4(a) AUTHORIZATION.—Amend Section 306(j) of Title III of the Toxic Substances Control Act (15 U.S.C. 2666(j)) by inserting after "1991." the following "1991, 1992, 1993, and 1994."

(b) STATE MATCH.—Amend Section 306(f) of Title III of the Toxic Substances Control Act (15 USC 2666(f)) by striking ", 60 percent in the second year, and 50 percent in the third year." and inserting in lieu thereof "and 50 percent in each year thereafter."

(c) CONSTRUCTION STANDARDS COORDINATION.—Amend Section 306(d) of Title III of the Toxic Substances Control Act (15 U.S.C. 2666(d)) by striking "1991" and inserting in lieu thereof the following "1993."

(d) ELIGIBLE ACTIVITIES.—Amend Section 306(c) of Title III of the Toxic Substance Control Act (15 U.S.C. 2666(c)) by adding at the end thereof the following—

"(11) Technical assistance to public water supply systems concerning mitigation of radon in public water supplies and public education and information activities to assist homeowners in the assessment and mitigation of radon in private drinking water supplies.

"(12) Activities to adopt model new construction standards for reducing radon levels developed pursuant to section 304 of this title to the State and assure the implementation of such standards in the State.

"(13) Technical and financial assistance to non-profit public interest groups to encourage radon testing and mitigation at local levels.

TECHNICAL ASSISTANCE

SEC. 5(a) REQUIRED ACTIVITIES.—Amend Section 305(a) of Title III of the Toxic Substances Control Act (15 USC 2665(a)) by adding at the end thereof the following—

"(9) Assistance to State agencies and other organizations concerning the asessment and mitigation of radon in public water supplies.

"(10) Assistance to State agencies and other organizations to facilitate prompt adoption and effective enforcement of new construction standards for reducing radon levels developed pursuant to section 305 of this title."

(b) AUTHORIZATION.—Amend Section 305(f)(1) of Title III of the Toxic Substances Control Act (15 USC 2665(f)(1) by striking the period at the end thereof and adding the following "and an amount not to exceed $5,000,000 for each fiscal years 1992, 1993, and 1994.

CITIZEN'S GUIDE

SEC. 6(a) SCHEDULE.—Amend section 303(a) of Title III of the Toxic Substance Control Act (15 USC 2663(a)) by striking "June 1, 1989" and inserting in lieu thereof "January 1, 1992".

(b) ACTION LEVELS.—Amend section 303(b)(1) of Title III of the Toxic Substance Control Act (15 USC 2663(b)(1) by inserting "(A)" after "Action Levels.—" and adding at the end thereof the following—

"(B) The citizen's guide shall state the national goal established in this title that air within buildings should be as free of radon as the ambient air outside buildings and shall estimate the average national ambient outdoor radon level. The guide shall also indicate the health benefits of reducing indoor radon levels to ambient outdoor levels.

"(C) The citizen's guide shall establish a target action point indicating a level of indoor radon which is, in the judgment of the Administrator, as close to the national ambient outdoor radon level as can be achieved in existing, single family homes through the application of readily available and generally affordable radon mitigation technologies and practices.

NEW CONSTRUCTION STANDARDS

SEC. 7(a) TECHNICAL AMENDMENTS.—(1) Amend section 304 of Title III of the Toxic Substances Control Act (15 U.S.C. 2664) by—

(A) inserting "(a) STANDARDS.—" before the first sentence of the section;

(B) inserting "(b) CONSULTATION.—" before the second sentence of the section;

(C) inserting "(C) GEOGRAPHIC DIFFERENCES.—(1)" before the fourth sentence of the section;

(D) striking the fifth sentence of the section; and

(E) inserting "(d) IMPLEMENTATION.—(1)" before the sixth sentence of the section.

(2) Amend section 304 of Title III of the Toxic Substance Control Act (15 USC 2664) by adding at the end thereof the following new subsection—

"(e) Schedule.—The Administrator shall publish final radon control standards and techniques and make such techniques available to the public and the building industry not later than January 1, 1992.

(b) Objectives.—Amend section 304 of Title III of the Toxic Substance Control Act (15 USC 2664) by adding at the end of new subsection (c) the following new paragraph—

"(2)(A) Model standards and techniques shall indicate a range of radon control measures, practices, and techniques which apply to original construction of a wide variety of building types, locations, conditions, and circumstances and shall indicate the general range of radon control achieveable by such measures individually and in combination with other measures.

(B) At a minimum, the Administrator shall establish minimum radon control measures, practices, and techniques for new construction for the purposes of determining compliance with paragraph (2) of subsection (d) of this section and section 312 of this Title. Such radon standards shall be designed to achieve indoor radon levels in homes less than the target action point established pursuant to subparagraph 303(b)(2)(C) of this title.

(c) Federally Assisted Housing.—Amend section 304 of Title III of the Toxic Substance Control Act (15 USC 2664) by adding at the end of new subsection (d) the following new paragraph—

"(2) In the case of a residence which, in the judgement of the Administrator, was constructed in conformance with standards established pursuant to this section, the requirement for radon assessment pursuant to section 312 of this title is waived.

(d) Federal Housing.—Amend section 304 of Title III of the Toxic Substances Control Act (15 USC 2664) by adding at the end thereof the following new subsection—

"(f) Federal Housing.—Two years after the date of establishment of new construction standards pursuant to this section, the appropriate Federal official shall require that any single fimily or multi-family housing constructed in an area designated by the Administrator as a high risk radon area with Federal financial assistance pursuant to Federal law shall be constructed in accordance with the radon control standards established pursuant to subparagraph (c)(2)(B) of this section.

(e) Training.—Amend section 304 of Title III of the Toxic Substances Control Act (15 USC 2664) by adding at the end thereof the following new subsection—

"(g) Training.—The Administrator shall assure that radon training centers established pursuant to section 308 of this title shall, to the fullest extent practicable, provide for the training of contractors and others in the building community in the implementation of radon control standards for new construction.

(f) Design Awards and Certification.—Amend section 304 of Title III of the Toxic Substance Control Act (15 USC 2664) by adding at the end thereof the following new subsection—

"(h) Design Awards.—(1) The Administrator shall establish a radon design award program.

"(2) The radon design awards program shall provide for annual awards for the best residential design incorporating radon control or mitigation standards in categories of residential design to be determined by the Administrator.

RADON ASSESSMENT

Sec. 8(a) Amendment.—Amend Title III of the Toxic Substances Control Act (15 USC 2661 et seq.) by adding at the end thereof the following new section—

"RADON ASSESSMENT

"Sec. 312(a) High Risk Radon Areas.—(1) The Administrator shall, not later than January 1, 1992 and biennially thereafter, designate areas of the United States as high risk radon areas.

"(2) In designating high risk radon areas, the Administrator shall use the best available data, considering—

"(A) surveys of residences for radon;

"(B) surveys of school buildings pursuant to section 307;

"(C) surveys of Federal buildings pursuant to section 309; and

"(D) such other information as the Administrator deems appropriate.

"(b) Requirement for Testing.—Within one year from the date of designation of an area as a high risk radon area pursuant to subsection (a), no Federal official may give final approval for financing of a residence covered by this section through Federal housing assistance programs unless such official has been provided with results of radon tests for the residence to be financed.

"(c) Regulations.—(1) Not later than January 1, 1992, the Administrator, in consultation with the Secretary of the Departments of Housing and Urban Development, Veterans Affairs and Agriculture, shall promulgate regulations to implement subsection (b).

"(2) Regulations pursuant to this subsection shall, at a minimum—

"(A) exempt from the requirements of this section any residence not located in a high risk radon area as designated by the Administrator pursuant to this section;

"(B) provide procedures for the exemption from the requirements of this section any residence which, in the judgement of the Administrator, is so situated as to substantially preclude the likelihood of unsafe levels of indoor radon;

"(C) require that radon tests be conducted by a contractor certified as proficient by the Administrator or a State certification program deemed by the Administrator to be comparable to the Federal certification program;

"(D) specify methods, procedures and related requirements of radon tests conducted pursuant to this section, including the accuracy, reliability, and affordability of such tests;

"(E) specify measures to be followed in implementation of radon tests pursuant to this section to prevent, to the maximum extend practicable, tampering with radon measurement devices or other actions which would reduce the accuracy of radon tests;

"(F) specify a time period, not to exceed five years, in which a radon test, which otherwise meets the requirements of this section, may be used to meet the requirements of this section;

"(G) specify that any Federal Government official responsible for the final approval of Federal financing of a residence covered by this section be obligated to assure that the buyer of any such residence receives a copy of radon tests for such residence in a timely manner, but not less than 14 days prior to final purchase of the residence;

"(H) specify the information material concerning radon which shall be provided to the buyer in conjunction with the results of any radon tests;

"(I) specify that, in the case of a newly constructed residence, the requirement for testing pursuant to this section may be waived based on the establishment, by such procedures as the Administrator deems to be appropriate, that the residence was constructed in conformance with new construction standards developed pursuant to section 304 of this title; and

"(J) require that the results of radon tests pursuant to this section be made a permanent part of the financing instrument.

"(3) Notwithstanding any other provision of law, reasonable costs of conducting radon tests pursuant to this section shall, at the discretion of the buyer, be included in the financing instrument of a Federal housing assistance program.

"(4) Any person who knowingly acts to reduce the accuracy of radon tests required pursuant to this section shall be subject to a civil penalty of not to exceed $1,000.00 for each such offense.

(b) Technical Amendment.—Amend the Toxic Substances Control Act (15 USC 2601 et seq.) by adding at the end of the table of contents in section 1 the following—

"Sec. 312. Radon Assessment.

FEDERAL BUILDING RADON MITIGATION PLAN

Sec. 9. Amend section 309 of title III of the Toxic Substances Control Act (15 USC 2669) by adding at the end thereof the following new subsection—

"(g) Radon Mitigation Plan.—(1) Not later than January 1, 1993, the Administrator shall submit to the Congress, a plan describing activities to be undertaken by appropriate Federal agencies to mitigate radon in Federal buildings.

"(2) The Administrator shall consult with the heads of affected Federal agencies in the development of the plan required pursuant to this subsection.

"(3) The activities to be undertaken to mitigate radon in Federal buildings shall be designed to achieve, at a minimum, indoor radon levels at or below the target action point established by the Administrator pursuant to subparagraph 303(b)(1)(C) of this title.

"(4) The plan required pursuant to this subsectoin shall, at a minimum—

"(A) include a list of each Federal building tested to date and an indication of the results of radon tests for such buildings;

"(B) specify those Federal buildings for which mitigation will be undertaken on an expedited basis (within one fiscal year) based on consideration of—

"(i) the radon levels in the building;

"(ii) the number of people exposed to high radon levels; and

"(iii) the susceptibility of the building to mitigation.

"(C) specify the schedule for mitigation in each building in which radon levels exceed the target action level specified in subparagraph 303(b)(2)(C) of this title;

"(D) specify the Federal agency responsible for the building, the estimated costs of mitigation, and the source of funds for mitigation actions.

"(5) Within one year of submittal of the plan required pursuant to this subsection, the Administrator shall submit to the Congress a report on actions taken to implement the plan.

MEDICAL COMMUNITY OUTREACH

Sec. 10(a) Amendment.—Amend Title III of the Toxic Substance Control Act (15 USC 2661 et seq.) adding at the end thereof the following new section—

"Medical Community Outreach

"SEC. 314 (a) IN GENERAL.—The Administrator, in cooperation with the Secretary of the Department of Health and Human Services, shall develop and implement an outreach program to provide information about radon to the medical community.

"(b) INFORMATION.—(1) The Administrator, in consultation with the Secretary of the Department of Health and Human Services and the Surgeon General, shall develop information material concerning radon tailored to doctors in general practice and in specialties related to lung cancer. Such information shall, at a minimum—

"(A) explain the health threats posed by exposure to radon;

"(B) explain the association of radon with smoking and other causes of lung cancer;

"(C) identify appropriate steps to take to determine exposure to radon in the home; and

"(D) identify sources of additional information.

"(2) Within one year of the date of enactment of this section, the Administrator shall transmit the information developed pursuant to this section to—

"(A) doctors in the United States in general practice;

"(B) doctors in specialties related to lung cancer;

"(C) all doctors employed by the Federal government;

"(D) all hospital administrators; and

"(E) other physicians and officials determined by the Administrator to be appropriate.

"(c) REPORT.—Within two years of the date of enactment of this section, the Administrator, in consultation with the Secretary of the Department of Health and Human Services, shall report to the Congress concerning the implementation of this section and recommendations for measures to improve radon information dissemination to the medical community.

(b) Amend Title III of the Toxic Substances Control Act (15 USC 2601 et seq.) by adding at the end of the table of contents of section 1 the following—

"Sec. 314. Medical Community Outreach.

REGIONAL RADON TRAINING CENTERS

SEC. 11(a) CENTERS.—Amend section 308(d) of Title III of the Toxic Substances Control Act (15 USC 2668) by striking the period after the first sentence and inserting "in fiscal years 1989, 1990, and 1991 and at least 5 eligible applications with the full amount of available funds in fiscal years 1992, 1993 and 1994."

(b) AUTHORIZATION.—Amend section 308(f) of Title III of the Toxic Substances Control Act (15 USC 2668(f)) by striking the period after the end thereof and inserting "and not to exceed $2,000,000 for each of fiscal years 1992, 1993, and 1994.

INDOOR RADON ABATEMENT REAUTHORIZATION ACT OF 1991

Section 1—Title: Establishes the title of the bill as the Indoor Radon Abatement Reauthorization Act of 1991.

Section 2—Authorization: Extends the existing authorization in the Indoor Radon Abatement Act for grants to states and for EPA to update the Radon Citizen's Guide, establish model construction standards and provide technical assistance to states through FY94. Extends the authorization for regional radon training centers through FY94 and increases the authorization from $1 million per year to $1.5 million per year.

Section 3—Model Construction Standards: Provides that the radon construction standards do not preempt any state or local standards which are equally effective as the EPA standards.

Section 4—Information To Renters: Requires EPA to establish a model program to provide radon information to renters.

Section 5—Grant Assistance To States: Allows states to use grant funds to provide radon information to public and Indian housing authorities and day care facilities.

Section 6—Grant Preference: Makes state adoption of model construction standards a factor for EPA to consider in issuing radon grants to states.

Section 7—Regional Radon Training Centers: Requires regional radon training centers to provide training on model construction standards to state and local building code officials.

Section 8—Priority Radon Areas: Requires EPA to designate areas with average radon levels exceeding the national radon average by more than a de minimis amount as Priority Radon Areas by January 1, 1992.

Section 9—Federal Homes and Buildings: Requires that any home owned by Federal agencies and Government corporations in a Priority Radon Area to be tested for radon pursuant to EPA requirements and the results disclosed to potential buyers prior to the signing of a sales contract. Requires that any Federal building or school financed with Federal assistance in a Priority Radon Area conform to the model EPA construction standards. Requires HUD to disseminate radon information to public and Indian housing and tenants in housing funded by HUD.

Section 10—Radon Educational Effort: Requires EPA to establish a national radon educational campaign.

Section 11—Radon In Work Places: Requires EPA to conduct a national survey of radon in work places.

Section 12—Mitigation Report: Eliminates yearly radon mitigation report.

Section 13—Congressional Report: Requires EPA to submit a report to Congress by October 1, 1993 on different strategies to increase radon testing.

By Mr. SARBANES (for himself and Mr. LAUTENBERG):

S. 781. A bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia; to the Committee on Rules and Administration.

STATUE FOR GANDHI

• Mr. SARBANES. Mr. President, I am reintroducing legislation today to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia. The Indian American Forum, a nonpartisan educational organization, was established in 1982 and is the only national organization designed solely for the political education of American citizens and residents of Asian-Indian origin. The forum has not taken on the responsibility of placing a statue of Mahatma Gandhi in Washington, DC. The project will be funded entirely by private contributions and will be a simple but powerful statement about the extraordinary life and achievements of Gandhi.

More than 40 years after his tragic death, Mahatma Gandhi remains one of the most revered world leaders of this century. He spent his life as a relentless champion of human rights and human dignity everywhere. He helped sow the seeds of freedom following World War II. Through his unshakeable faith in the power of nonviolent struggle, he inspired the civil rights movement in this country under the leadership of Dr. Martin Luther King, Jr.

Gandhi's intellectual relationship with this country is well-documented. During his second imprisonment in South Africa in 1907, he read Henry David Thoreau's "Civil Disobedience" and studied the works of Ralph Waldo Emerson. These readings formed the basis for his philosophy of creative nonviolence. In 1949, the 81st Congress passed a resolution memorializing Gandhi which cited his "selfless devotion to peace" and stated that Gandhi's life should "awaken and keep alive in people everywhere the sense of their individual dignity and independence, as well as an abhorrence for civil, religious, and communal strife anywhere."

With the turmoil in many parts of the world, Gandhi's message of peaceful coexistence rings as true today as ever. With so much senseless violence in the streets of our Nation's cities, the memory of Gandhi provides for our young people an alternative vision where violence is not the answer. Gandhi's affirmation of the value of human life and espousal of nonviolent social change reflects not only a belief in the inherent goodness of each individual, but also an optimism in the perfectability of society. This is a message of hope for the youth of today, who will be the leaders of tomorrow.

The Indian American Forum for Political Education is dedicated to leading the effort to raise funds for the Gandhi memorial. Gandhi's principles guide and direct the forum in its goal of providing opportunities for learning various aspects of issues affecting individuals of Indian origin residing in the United States. I commend the forum for its dedication to building the Gandhi memorial, and I urge my colleagues in the Senate to join in this effort to provide an appropriate memorial to one of the great leaders of the 20th century.•

BY Mr. KASTEN (for himself, Mr. DURENBERGER, Mr. JEFFORDS, Mr. BOND, and Mr. D'AMATO):

S. 782. A bill to change the submission date for the report on milk inventory management programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

REPORT ON MILK INVENTORY MANAGEMENT

• Mr. KASTEN. Mr. President, I am introducing legislation today that will change the submission date for the report on milk inventory management programs.

There is absolutely nothing complicated about this legislation. It simply accelerates the submission date for the report on milk inventory management programs. The 1990 Farm Bill requires the Secretary of Agriculture to submit a report on milk inventory management program by August 1, 1991. My bill will change the date from August 1 to June 15, 1991.

Mr. President, dairy farmers in Wisconsin and across the Nation are barely surviving on the current low cost of milk to farmers. It is vital that we have USDA's recommendations on formulating dairy policy, because in light of the current situation many dairy farmers cannot afford to wait until August 1. This bill will help these farmers get some immediate relief.

I am sure that Secretary Madigan will work toward his promise of working harder than a junkyard dog to ensure stability in Agriculture programs. I too will continue the junkyard dog fight to help dairy farmers in America.●

● Mr. DURENBERGER. Mr. President, today I join with several of my colleagues in introducing legislation which will accelerate the submission date for a U.S. Department of Agriculture [USDA] report on milk inventory management programs. This legislation will make a minor change in the 1990 farm bill by moving up the submission date for this report to Congress from August 1, 1991, to June 15, 1991. This action will enable the Senate and House Agricultural Committees to begin expeditious consideration of dairy program revisions needed to stabilize diary producer incomes and milk prices.

About 3 weeks ago, this Chamber passed legislation which would have provided prompt financial help to dairy farmers who are struggling to survive current low milk prices. I supported that legislation because I felt it would have simultaneously accomplished two desirable goals. First, it would have provided short-term emergency stabilization of dairy incomes and milk prices. Second, it would have given Congress and the administration a breathing space, relatively free from the distraction of addressing immediate dairy needs, to carefully consider long-term restructuring of the dairy price support provisions. Regrettably, this measure was deleted by conference action on the dire emergency supplemental appropriations.

With the deletion of the Leahy-Jeffords amendment from the dire emergency supplemental appropriations measure, it now appears that Congress will consider revisions of dairy program provision this year. Consequently, the Senate and House Agricultural Committees would significantly benefit from the guidance and recommendations of the forthcoming USDA milk inventory management programs report. It is my understanding that the proposed acceleration of submission dates will not significantly impair public input or adversely affect the quality of the USDA report.

In closing Mr. President, this legislation will facilitate the timely consideration of dairy program revision by the Senate and House Agricultural Committees. I urge my colleagues on the Senate Agricultural Committee to swiftly consider and report this measure so that the full Senate can take action to expedite prudent congressional review of dairy program provisions.●

By Mr. CHAFEE (for himself and Mr. PELL):

S. 783. A bill to amend the Federal Deposit Insurance Act, the Federal Credit Union Act, and the Crime Control Act of 1990 to strengthen prohibitions against individuals convicted of financial institution crimes, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FINANCIAL INSTITUTIONS PROSECUTIONS ACT OF 1991

● Mr. CHAFEE. Mr. President, today I am introducing legislation designed to protect depositors and the Federal Government from criminal abuses at the Nation's financial institutions. This bill is identical to an amendment that I recently offered to the Resolution Trust Corporation Funding Act.

The Financial Institutions Fraud Prosecution Act would strengthen penalties against individuals convicted of financially related crimes, and allow the Justice Department to provide modest technical assistance to States that are prosecuting fraud-related crimes.

Criminal activity has been a serious problem in the financial services community. The Justice Department estimates that 50 percent of the Nation's insolvent savings and loan institutions were victimized by fraud. In my home State of Rhode Island, 45 banks and credit unions were closed due to the collapse of a scandalously mismanaged private deposit insurance fund. Indpendent examinations are underway to determine the origins of the State's financial institutions crisis, but it is believed that fraud and criminal activity contributed significantly to the State's worst financial crisis since the Great Depression.

The shameful truth is that too many of the directors, managers, and employees at our financial institutions have engaged in criminal activity for their own personal enrichment.

We have all heard about corrupt financial executives leading extravagant lifestyles and with private jets and multiple vacation homes. In Rhode Island, one prominent credit union official has apparently fled the country with $13 million stolen from depositor accounts. His actions contributed significantly to the State's banking emergency—but also revealed a web of deceit at institutions insured by the Rhode Island Share and Indemnity Corp. [RISDIC], the State's private deposit insurance fund.

Data from the financial services industry are alarming: 200 banks failed in 1990, the thrift industry is weakened as a result of the S&L crisis, credit unions have collapsed in Rhode Island. The financial industry's competitive challenges are stiff enough without the added worry that internal fraud will further undermine the stability of our banks and credit unions.

After a great deal of thought, I have decided to introduce this legislation which builds upon the stiff fraud-related penalties approved as part of the 1990 crime bill. Like that bill, this is a tough, comprehensive, approach to dealing with abuses inside the financial institutions industry. It expands modestly and clarifies several provisions of last year's crime bill.

Let me briefly describe the major components of the Financial Institutions Fraud Prosecution Act.

Under my bill, individuals convicted of fraud crimes relating to the collapse of a credit union or a private deposit insurance fund, will be barred from any employment at a federally insured financial institution for a minimum of ten years. This provision could only be waived by a court at the request of the National Credit Union Administration [NCUA] or the Federal Deposit Insurance Corporation [FDIC]. This component is identical to current law which relates to persons convicted of bank fraud.

A second part of my amendment would expand the Justice Department's newly created Financial Crime Unit to allow state prosecutors to benefit from the Federal Government's expertise in prosecuting financial institutions-related fraud cases. Since 1988, the Justice Department has prosecuted more than 10,000 fraud and embezzlement cases. The Department's accumulated knowledge could be a valuable resource to State officials who may be prosecuting large scale financial fraud cases for the first time. One Rhode Island prosecutor told me that a 30 minute phone call and some technical guidance from a Justice Department attorney could save 6 months of field work at the local level.

The final portion of the legislation would expand the Justice Department's interagency task force to guage the impact upon the Federal Government of the collapse of a private deposit insurance fund. The January collapse of Rhode Island's private deposit insurance fund was the Nation's third such collapse in 5 years. In 1985, private insurers in both Ohio and Maryland became insolvent. Independent examinations into the origins of these financial institutions crises have revealed that fraud and criminal activity contributed significantly to these financial disasters.

Alarmingly, private insurers continue to operate in at least 20 States. The Federal Government needs to quantify the risks associated with private deposit insurance funds. My bill would require the Justice Department to assess the risks to the Nation's economy, and to propose any legislative initiatives that might limit the Government's exposure in these matters. The act directs the Justice Department to lead an interagency evaluation of private deposit insurance funds. The report and its accompanying evaluation would have to be submitted to Congress within 12 months of the legislation's enactment.

Mr. President, this is a modest, yet important, bill that has been endorsed by the National Credit Union Administration and has been reviewed favorably by the U.S. attorney in my State. It builds upon existing law, and would protect depositors across the Nation by ensuring that those convicted of fraud-related offenses will not have the opportunity to return to a career in the financial services industry for a very long time.

I hope that my colleagues will take a good look at these modest proposals and join with me and Senator PELL in working for their enactment.●

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 784. A bill to amend title 39 of the United States Code to grant local governments the discretion to assign mailing addresses to sites within their jurisdiction; to the Committee on Governmental Affairs.

THE LOCATABLE ADDRESS BILL

● Mr. BRADLEY. Mr. President, I rise today to reintroduce the locatable address bill, which would enable municipalities to designate addresses for all the sites within their jurisdictions. Identical legislation is being introduced today in the House by Congressman SAXTON. I believe this legislation will improve emergency services in many small townships in my State and around the country as well as improve the census.

Mr. President, under current law, the Postal Service has the responsibility for determining addresses. The postal address, which is based on postal delivery routes, is often vague and confusing. This creates many problems for communities, particularly those in rural areas. One problem occurs when regional emergency services try to respond to a crisis. There have been cases where emergency personnel were delayed in arriving on the scene of a serious accident because an insufficient home address—such as a road with no house number or a rural delivery address that cuts across municipal lines—was the only address available to the rescue squad. For example, a constituent of mine in Southampton Township, NJ, who was badly burned in an accident did not receive prompt medical attention because emergency personnel had trouble finding the man's home. The postal address was insufficient for the rescue squad to rapidly respond to the call for help.

Mr. President, another problem is that the current system sacrifices community identity for the sake of the bureaucratic efficiency of ZIP Codes. In areas where a small town is located near and served by a larger municipality's post office, the name of the larger municipality may serve as the smaller town's "town name" on its mailing address.

I have been contacted by many municipalities in New Jersey suffering from this identify crisis. An example, Mr. President, is Little Egg Harbor Township, which is losing its identity because the entire township has a mailing address of Tuckerton—simply because they are served by a post office in Tuckerton Borough. Another example is the growing township of Branchburg, where there is constant frustration because mail must be addressed to the Borough of Somerville. Along with mail delivery problems, township officials in Branchburg have explained to me their difficulties in communicating to outsiders that they are not part of Somerville, as their postal address implies.

Other examples abound. The south Jersey community of Westampton is served by five larger neighboring towns; imagine, a town of 6,000 has 5 different town names for mail delivery purposes. Need I tell you that confusion abounds? The township of Aberdeen has no ZIP Code and mail is handled by three neighboring towns; local officials have discussed their concerns with me, including the difficulty in planning townshipwide events because, not surprisingly, there is little sense of community.

This legislation would also assist the U.S. Census Bureau's efforts to conduct an accurate census count. As everyone is aware, municipalities may qualify for State or Federal aid programs based on their population. This bill makes it possible for a more accurate town-by-town count to be tallied. In other words, residents would face no confusion as to whether they should fill out the census from using their postal address or actual town name, because the two addresses would be one and the same.

Mr. President, the U.S. Postal Service argues that this legislation would wreak havoc with the Nation's post offices. I disagree. This legislation does not require the establishment of separate post offices or changes in mail delivery routes. It only gives local political units the authority to designate local street and town addresses. And local postmasters would have the ability to review any charges to ensure that they do not duplicate street names or have faulty numbering systems that would hinder mail delivery. We need to give municipalities the right to exercise greater home rule—for the sake of the community and for the safety of its residents. I believe this legislation does just that. Our goal is not to complicate the Postal Service's job, but simply devise a means through which a town's mailing addresses can be the same as the locatable addresses. I urge my colleagues to give consideration to this small but important piece of legislation. I ask unanimous consent that the bill be printed in the RECORD.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 4 of title 39 of the United States Code (relating to the authority of the United States Postal Service) is amended—

(1) by adding at the end the following

"§414. Authority of local governments to designate mailing addresses

"(a) Notwithstanding paragraph (1) of subsection (a) of section 404—

"(1) municipal governments shall have the discretion to designate mailing addresses for all sites within their jurisdiction; and

"(2) county governments shall have the discretion to designate mailing addresses for all sites within their jurisdiction that are not within the jurisdiction of any municipal government.

"(b) Whenever a municipal or county government designates a mailing address under paragraph (1) or (2) of subsection (a), such government shall include as part of such mailing address—

"(1) the name of the municipality in which the site of such address is geographically situated; and

"(2) The ZIP code number assigned to the site of such address by the Postal Service.

"(c) A mailing address designated by a municipal or county government under paragraph (1) or (2) of subsection (a) shall become effective 30 days after the Postal Service receives written notice from government of the designation of such address.

"(d) Notification under subsection (c) of this section shall not become effective unless the postmaster for each post office responsible for delivering mail to any of the proposed address reviews and makes recommendations to ensure that non-duplicative street and faulty numbering systems do not exist within the jurisdiction changing its mailing address to the geographic name of its town.

"(e) For purposes of this section, the term 'county government' includes the government of a parish."; and

(2) by inserting in the table of sections, after the item relating to section 412, the following:

"414. Authority of local governments to designate mailing addresses.".●

By Mr. BURNS (for himself, Mr. CRAIG, Mr. BRYAN, Mr. HATCH, Mr. STEVENS, Mr. MURKOWSKI, Mr. SYMMS, Mr. WALLOP, and Mr. SIMPSON):

S. 785. A bill to establish a Commission to study existing laws and procedures relating to mining, other than coal mining, and in particular the effects of existing laws and procedures relating to location and disposition of minerals on public lands of the United States and their effect on the policy statement set forth in the Mining and Minerals Policy Act of 1970, and for other purposes; to the Committee on Energy and Natural Resources.

MINERAL POLICY REVIEW COMMISSION ACT OF 1991

Mr. BURNS. Mr. President, I rise today on behalf of myself and Senators CRAIG, BRYAN, HATCH, STEVENS, MURKOWSKI, SYMMS, WALLOP, and SIMPSON to introduce the Mineral Policy Review Commission Act of 1991.

During the 1800's, mineral exploration and development played a very important role in the western expansion of our growing Nation. The lure of gold was certainly most evident in the settlement of Montana, California, Idaho, Nevada, and Alaska, as well as other Western States.

Throughout the 25 years that Montana was a territory, its territorial capital was located in communities that were the very heart of the mining activities of the day. We are proud of our mining heritage and our State capital of Helena symbolizes the importance of mining to the settlement and development of Montana.

By 1872, Congress recognized the growing importance of exploring for and developing our mineral resources. At the same time, Congress recognized that some controls were necessary on mineral exploration to protect the public's interest. It was at this time that Congress passed the general mining law that is still in use today.

In recent years, the 1872 mining law has come under increasing criticism. Some of those critics believe that simply because the law is nearly 120 years old, that it is outdated. Some believe that because some abuses of the law occur, it is time for a wholesale revamp of the law. I do not agree with these ideas.

The 1872 mining law has served this Nation well for the past 119 years. Although it is not a perfect law, it has provided necessary guidance to the exploration and development of the mineral resources found on our public lands. Broad, sweeping changes have been proposed for the mining law. However, it appears that no one really knows what the effect of some of those changes will be.

Nonfuel mineral production in Montana in 1990 was valued at $573.8 million. This ranks Montana 20th nationally in terms of nonfuel mineral production. There are currently more than 70,000 active unpatented mining claims in Montana. In 1989, mining exploration resulted in direct expenditures of more than $26 million on some 600 active exploration projects. Mining provides employment for approximately 4,000 people in Montana with an annual payroll of $140 million. As you can see mining is extremely important to the economy of Montana. Broad, sweeping changes to the existing mining law could have very serious impacts on the economies of Montana and many other States. One of my main concerns with major changes to the law is that we simply don't know what the real impact will be. There are a lot of discrepancies in the information that has been put out concerning the impact of some of the proposed changes.

One example of a discrepancy of the effect of a proposed change is the $100 mine holding fee. During a Senate hearing last year, the Director of the Bureau of Land Management testified that there are currently 1.2 million mining claims in the United States. The administration has estimated that a $100 holding fee on all mining claims will produce revenue to the Treasury in the amount of $97.5 million. This represents approximately only 81 percent of all mining claims. In other words, the administration estimates that roughly 19 percent of mining claims will be dropped rather than pay the fee.

However, various representatives of the mining industry have indicated that possibly as much as 50 percent of all mining claims would be dropped rather than pay the $100 holding fee. Now, I'm not saying which of these is correct, because I have no idea which to believe. If the truth were known the answer is probably somewhere in between. But I do think it points out the discrepancy with which we are dealing.

There has been a fair amount of criticism of the current mining law. There are charges of widespread violations of the law. If there are, in fact, widespread violations, we have ourselves an administration problem. This does not necessarily mean the law needs to be changed. The Bureau of Land Management has begun to implement some administrative changes aimed at correcting some of the problem areas. Specifically, the BLM is implementing a national cyanide policy. It is developing a bond and reclamation policy to cover all types of operations. And it is addressing the problems of illegal occupancy of mining claims. These are all things that can be addressed administratively without any change to the law.

I will be the first to admit that some changes in the law may be appropriate, and in fact may be overdue. However, the basic tenets of the law are as appropriate today as they were 100 years ago. I am very concerned as to what effect we will have on the small miners and entrepreneurs if we enact wholesale changes to the law.

This is the reason I am introducing my bill today. I believe rather than rushing in and completely reforming the mining law it would be to our benefit to conduct a comprehensive study of all laws, policies, and practices relating to the exploration, disposition, and development, of our mineral resources. Let's find out what problems do occur and which of those can be corrected administratively and which require a change of law.

My bill creates a Commission to do this study. The Commission will be made up of two Senators from the Energy Committee, two Representatives from the House Interior Committee, the Secretary of the Interior or his designate, and six private mineral resource specialists. The Secretary of the Interior will chair the Commission. The Commission will have 2 years to review the laws and policies and report its recommendations to Congress.

The Commission will be made up of those individuals, both inside the Government and from the private sector, who have the broadest expertise in our mining laws and policies. When the Commission's report is received, Congress can then determine which changes might be most appropriate for the mining law.

There are other mining law reform bills already before the Congress. Senator BUMPERS has introduced one of those here in the Senate. These bills call for broad sweeping reforms of the existing mining law—sweeping reforms that could have very serious impacts on not only the mining industry, but on the ability of this Nation to become self-sufficient in the production of many strategic and critical minerals.

My bill provides a reasonable alternative to broad mining law reform. This is not a delaying tactic. This is a reasoned approach to move the discussion forward for updating the mining law. This process will bring private interests and government together to determine which parts of the existing law are most appropriate to update, and how to most effectively amend the law.

I hope all of my colleagues in the Senate will be able to support this legislation.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. PELL, Mr. BRADLEY, Mr. GORE, Mr. DECONCINI, Mr. BINGAMAN, Mr. FORD, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. LEVIN, and Mr. SARBANES):

S. 786. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering; to the Committee on Foreign Relations.

THE KURDS AND A NEW WORLD ORDER

Mr. MOYNIHAN. Mr. President, I rise to offer legislation which will authorize $50 million of humanitarian assistance to the Kurds of Iraq. It also expresses the sense of the Congress that the United States should seek to have the Security Council adopt effective measures under Chap. VII of the U.N. Charter to stop the illegal attacks on Iraqi civilians.

The recent attacks on Iraqi civilians—and our response to them—raise fundamental questions about whether we intend to pursue a new world order beyond the immediate crisis posed by Iraq's invasion of Kuwait. Under the U.N. Charter (specifically article 2(7)) certain events are considered to be "essentially within the domestic jurisdiction" of a state and, therefore, beyond the competence of the Security Council. That is not the case here. Iraqi troops are driving before them perhaps 2 million Iraqi Kurds. These refugees are spilling over into Turkey and Iran, raising tensions and destabilizing the region. There can be little doubt that these events are—in the words of article 39—a "threat to the peace". In the words of Alan Riding's report to the New York Times which appeared this morning, Turkish officials note that—

> They expected the number of Kurds fleeing Iraq to swell to one million in the coming weeks and that those are numbers that are simply beyond the scope of any sustained international relief effort. Thirty thousand refugees is a humanitarian problem, but one million, they argued, is a political problem.

Iranian officials reportedly expect as many as 1.5 million Kurdish refugees from Iraq.

Moreover, international law now governs even the conduct of a civil war. Under the Fourth Geneva Convention Relative to the Protection of Civilians in Time of War of 1949, it is absolutely prohibited to attack persons taking no part in the conflict. This prohibition applies even in the case of "armed conflict not of an international character". Iraq is a party to this Convention as are virtually all the nations of the world. These ruthless attacks on civilians are more than simply immoral—they are illegal.

The Security Council has taken the first step at the initiative of the French. They have in fact concluded that this situation constitutes a "threat to the peace". They have ordered the Iraqi army to cease these attacks. That order is binding on Iraq under article 25 of the charter. If Iraq refuses to comply, then the United States should do what it did so brilliantly in the Persian Gulf crisis: It should use the mechanisms of the charter to collectively confront a threat to the peace. The tools are at hand: international law, article 39, article 41 on sanctions and article 42 on the use of U.N. forces. Article 42, for instance, allows for "demonstrations" of the use of force when sanctions have been determined to be inadequate. The Security Council could order Iraqi helicopters to cease their attacks. If the Iraqis refused to comply, then the council could direct that the allied forces in the region should down some of the Iraqi helicopters as a "demonstration" of possible additional U.N. action to enforce the Security Council's decree.

When Saddam Hussein massacred the Kurds in 1988 using poison gas he violated one of the most solemn international agreements ever entered into, namely, the 1925 Geneva Protocol on the Use of Poison Gas. The United States did nothing to prevent this. On the contrary the State Department opposed economic sanctions on Iraq until the day that country invaded Kuwait. During the subsequent crisis, however, we saw the strong reassertion by the United States of the concepts of international law. The administration used the mechanisms of the charter, imposing a total economic embargo on Iraq. The present crisis presents us with the question of whether this commitment to a new world order will outlive the expulsion of Iraqi troops from Kuwait. I support the President's call for a return to the rule of law and I hope that the United States will continue to act as if it truly believes that chapter VII of the charter can be used to enforce the rule of law.

Mr. President, I am far from confident that the amount of aid authorized in this legislation will prove to be sufficient. Estimates of the cost of caring for as many as 2 million refugees already range to 10 times this amount. But it is a beginning. I congratulate the administration on its decision to begin sending aid and I hope that it will embrace this measure as well.

Mr. President, in his very able, forceful remarks about the situation of the Kurdish refugees and others in Iraq and the bordering areas, the Senator from Tennessee, Mr. GORE, observed there will be new chapters of international law written in the course of our dealing with this issue.

As I am sure he will agree, and the thrust of his remarks implied, it is even so the case that we have an international law that applies today. It is that part of the Fourth Geneva Convention of 1949 which deals with the case of conflict of an internal nature.

The Geneva conventions, as the President knows, were basically treaties drawn up in the aftermath of the Second World War intended to codify as war crimes the behavior of the Nazi Government and others which were the subject of the Nuremberg tribunals, for example, following World War II.

These acts by Iraq are illegal under international law, as it exists today, as it has for the better part of half a century. I remind the President, and he does not need to be reminded of that, as a treaty the United States is bound to pursue this matter. We have signed that treaty and a treaty, under our Constitution, is the supreme law of the land. We have no more choice in this matter than with respect to pursuing enforcement of any law. It is not always possible that you will succeed, but that you should try, it seems to me, is beyond question.

It is a question that deeply involves the issue of what we have in mind when we speak of a New World order, because within years we have seen comparable events and we have chosen not to respond, given the statement in the U.N. Charter, specifically article 2, section 7, that events that are essentially within the domestic jurisdiction of a State are beyond the competence of the Security Council. We have chosen to simply ignore events which otherwise clearly command our response as in the case of the Iraqi troops which are now driving as many as 2 million Iraqi Kurds into internal or foreign exile.

Kurdistan is a large region that has had the unhappy experience, if that is the term, to exist on the general regional borders of the Arab world, the Persian world, and the world of Turkey, the Ottoman Empire of old. They will be found in all three of those countries, as left over from the borders drawn in the aftermath of the Treaty of Sevres, which ended the war between the allies and the Ottoman Empire.

I would make a point, Mr. President, that the United States in 1917 did not declare war on the Ottoman Empire. They did on Germany, and also Austro-Hungary, but not the Ottomans. As a consequence, we were not party to that treaty. We simply find ourselves involved in this latter period.

There can be no doubt, sir, that this present situation was to be foreseen, was foreseeable, and is simply unacceptable, surely, that a human convulsion of this order should pass by with mere pronouncements of concern and distress. It was the United States that took the lead with Britain in drawing up the Geneva Conventions of 1949. The Fourth Geneva Convention is relative to the protection of civilians in time of war. It absolutely prohibits attacks on civilians who are not taking part in a conflict.

And what prohibition extends even in the case, as I have said, to "armed conflict not of an international character." It applies explicitly, if you will, to situations such as the one with which we are dealing now, particularly because it is a situation that rises in the aftermath of an international conflict. In that conflict, the U.N. forces pursued a policy of following step by step the provisions of chapter VII of the charter. And it is now clear that we have an equal obligation to pursue the aftermath—which the regime in Iraq brought about—which would not have existed had there not been the U.N. response to the situation.

Mr. President, I would accordingly introduce for myself, Mr. D'AMATO, Mr. PELL, Mr. BRADLEY, Mr. GORE, Mr. DECONCINI, Mr. BINGAMAN, Mr. FORD, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. LEVIN and Mr. SARBANES, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering.

We act on humanitarian principles and on legal principles. We do not have an option to stand by. We are obliged under our laws. The Geneva Convention of 1949 is a treaty we have signed. Under the Constitution it is the supreme Law of the Land. And I cannot suppose that we will wish to fail in this matter.

I have already heard this afternoon the Senator from Vermont speak to the point; the Senator from Tennessee speak to the point. I have introduced a bill here which has 11 cosponsors on this first day of our return from the Easter recess, and we may hope that it is addressed in the very early part of next week.

I ask unanimous consent that the text of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KURDISH HUMANITARIAN RELIEF.—Chapter 9 of part I of the foreign Assistance Act of 1961 (relating to international disaster assistance) is amended by adding at the end thereof the following new section:

"SEC. 495L. KURDISH HUMANITARIAN RELIEF.—(a) The Congress recognizes that prompt United States assistance is desirable to help alleviate the suffering of the Kurdish people and other civilian refugees who have been attacked by Iraqi troops.

"(b)(1) The Administrator of the Agency for International Development shall—

"(A) furnish, in accordance with the authorities of this chapter, humanitarian assistance for the relief of the Kurdish people;

"(B) solicit private sector donations of humanitarian assistance for Kurdish and other refugees fleeing Iraq; and

"(C) cooperate with private relief agencies attempting to provide such humanitarian aid.

"(2) The Commander-in-Chief of the United States Transportation Command is authorized to provide all airlift and sealift necessary to transport such United States public and private donations of medical supplies on a regular basis.

"(c)(1) In addition to funds authorized to be appropriated to carry out this chapter, there are authorized to be appropriated by the President $50,000,000 to carry out subsections (b)(1) and (b)(2).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(3) The authority contained in the Foreign Assistance Act of 1961 to transfer funds between accounts shall not apply with respect to funds appropriated pursuant to paragraph (1).

"(d) Assistance may be provided under this section notwithstanding any other provision of law.

"(e) The Congress urges the President to begin discussions with the nations surrounding Iraq as may be necessary regarding the importation of such humanitarian assistance.

"(f) Humanitarian assistance may also be provided under this section to civilian refugees in Saudi Arabia, Kuwait and the Allied occupied areas of southern Iraq.

"(g) For purposes of this section, the term 'humanitarian assistance' includes but is not limited to—

"(1) oil, gas, and fuel;

"(2) water purification supplies, materials for immunization, and other materials needed to prevent the outbreak of contagious diseases and to safeguard public health;

"(3) medical supplies; and

"(4) food and clothing".

SEC. 2. Sense of the Congress Concerning the Iraqi Army's Attacks on Kurdish and other Iraqi Civilians.

It is the sense of the Congress that—

(a) The attacks upon civilians in Iraq constitute a violation of Article 3 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949;

(b) The attacks upon civilians in Iraq constitute a threat to peace and stability in the region; and

(c) The United States should request the Security Council of the United Nations to take measures to prevent these attacks pursuant to Chapter VII of the United Nations Charter.

By Mr. D'AMATO:

S. 787. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of certain paper used in photography; to the Committee on Finance.

HARMONIZED TARIFF SCHEDULE

• Mr. D'AMATO. Mr. President, I rise to introduce legislation to amend the Harmonized Tariff Schedule of the United States to clarify the classification of certain paper used in photography.

This bill is intended to correct an error in the conversion from the Tariff Schedules of the United States [TSUS] to the Harmonized Tariff Schedule of the United States [HTS]. This conversion was intended to be duty neutral. However, classifications used for various imported papers resulted in an inadvertent raising of tariff duties for plastic coated basic paper used in photography. This bill will narrowly amend the Harmonized Tariff Schedule to return tariff rates for such papers to the previously existing levels.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

Thank you, Mr. President.•

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHOTOGRAPHIC PAPER.

(a) IN GENERAL.—Chapter 48 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking subheading 4811.31.40 and inserting in numerical sequence the following new subheadings, with the article description for subheading 4811.31.45 having the same degree of indentation as the article description in subheading 4811.31.20:

"4811.31.45	Base paper to be sensitized for use in photography, less than 0.3 mm in thickness. ...	0.9%	Free (A,E,IL) ...... 0.3% (CA)	5%
4811.31.60	Other	2.6%	Free (A,E,IL) ...... 1% (CA)	42%".

(b) CONFORMING AMENDMENT.—The article description in subheading 4810.11.20 is amended by striking "Basic" and inserting "Base".

(c) STAGED RATED REDUCTION.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act that—

(1) would otherwise take effect after the date of the enactment of this Act, and

(2) would apply to a special rate of duty set forth in any subheading of the Harmonized Tariff Schedule of the United States that is listed in column A;

shall also apply to the corresponding special rate of duty set forth in the subheading of such schedule that is listed in column B opposite such column A:

Column A	Column B
4810.11.20	4811.31.45
4811.31.40	4811.31.60

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by section 1 shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of the enactment of this Act.

(b) RELIQUIDATION.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the date that is 90 days after the date of the enactment of this Act, any entry of an article described in subheading 4811.31.45 of the Harmonized Tariff Schedule of the United States (as added by this Act) that was made—

(A) after December 31, 1988; and

(B) on or before the date that is 15 days after the date of enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on the date after the date that is 15 days after the date of the enactment of this Act.

(2) ENTRY.—For purposes of paragraph (1), the term "entry" includes any withdrawal from warehouse.•

By Mr. DOMENICI (for himself, Mr. DOLE, Mr. GRAMM, Mr. HATFIELD, Mr. BOND, Mr. SEYMOUR, Mr. COCHRAN, and Mr. GORTON):

S. 788. A bill to protect the integrity of the Social Security Trust Funds and reaffirm the firewall established to protect the trust funds by making technical corrections to the firewall procedures; to the Committee on Budget; and to the Committee on Governmental Affairs.

SOCIAL SECURITY TRUST FUND INTEGRITY ACT OF 1991

Mr. DOMENICI. Mr. President, I am today introducing a bill to protect the integrity of the Social Security Trust Funds.

Last year a bipartisan group of Senators and Members of the House voted to remove Social Security from calculations on the Federal budget, and from the Federal deficit under the Budget Act. At that point, everyone seemed to recognize that this brought some risk for Social Security. Many of us were concerned that some might try to take advantage of the trust funds because they would be off budget, not subject to the same points of order and constraints of the Federal Budget Act and therefore not subject to the limitations for the use, the 60-vote point of order, that permeates the budget process.

So, to protect this growing Social Security trust fund we decided to establish what is called a firewall. And the firewall requires a supermajority. In the case that I am discussing it required 60 votes in the Senate to modify in any way the annual surpluses building in the trust funds.

This 60-vote firewall helps ensure that legislation to reduce the Social Security reserves has broad bipartisan support and significantly more than a majority consensus—because, you see, Mr. President, the clamor was to take the Social Security Trust Funds off budget to protect them because there were some who said as long as they are on budget they are being spent.

Frankly, I am not here to argue whether when they were on budget they were being spent or not. I can make a case, however, and I do now make a case, that when they were on budget and subject to budget points of order for the literal expenditure of those trust funds, they were better protected—let me repeat, better protected—than today.

The seniors across America were very excited on the positive side, for a change, when they heard that we took Social Security Trust Funds off budget because they had been told they were being subjected to chicanery. Some even said fraud. So take them off budget.

But, Mr. President, now, today, because somehow or another in the writing of the laws that came out of the economic summit into language, the firewall that I have just described was eliminated if one offers an amendment on the floor of the U.S. Senate to a budget resolution. You can offer an amendment to change the relationship of the trust fund with a simple majority.

What that means, Mr. President, is that this ever-growing trust fund intended to be there to protect the Social Security commitments is now subject to being raided with only a simple majority, and the current level of surplus and actuarial significance is no longer required, if you can get a majority to change it. I cannot imagine how we could have made a worse mistake for the seniors of the United States.

Just think with me what is going to happen, Mr. President, in 5, 6, 8, or 9 years, when that trust fund is sitting there all by itself, and maybe it is then $300 billion—it will be much bigger than that by the turn of the century—what will happen in the Halls of Congress when other significant needs, maybe even for senior citizens in our country, are seen? Fifty-one votes, a simple majority, will permit the committees of jurisdiction, without regard to the actuarial tables and relevancy that we established with the surpluses, to be able to say that there is a very big source of accumulated moneys, let us spend it.

So, today, while I do not choose to blame anyone for this strange anomaly that we took Social Security off of the Federal budget, and the budget process, and its protections, because it was being abused, and we put it there all by itself to be addressed by a Congress that has historically had an appetite to spend money. Now we have it sitting there to be plucked.

So today I introduce on behalf of a number of Senators a very simple bill. We call it something, though, that I believe it is. It is the Social Security Trust Fund Integrity Act of 1991.

All it does is take some words out of the existing law, such that when those words are taken out of the existing law, you cannot modify a budget resolution without 60 votes, if you are tampering with the Social Security surpluses and actuarials that we have agreed upon. We have already agreed upon all of that language. That is what is so significant.

We agreed on it, and it is in the law because we thought we were then and there making this supermajority the law. So we are not changing any of that. But somehow or another, two words were inserted which now make the law as follows: Imagine, if you want to hear something that is rather ridiculous. If a budget resolution is reported out by the Budget Committee and it seeks to change this actuarial relationship we are protecting, this surplus, if it seeks to change that so it can be used, it requires 60 votes to sustain that change. That is the way it ought to be.

However, if the committee of jurisdiction, the Budget Committee, does not do that, an amendment on the floor can change the budget resolution with a simple majority. That was a very interesting and intriguing anomaly created somehow, somewhere, that the Senator from New Mexico did not understand, and I have talked to a number of Senators, talked to the OMB Director, and nobody understood that was the way it was.

Nonetheless, we confess that is the way it is. We voted for it, and we are now, today, on behalf of the Senator from New Mexico, Senator DOLE, Senator GRAMM of Texas, and Senators HATFIELD, BOND, SEYMOUR, COCHRAN of Mississippi, and before the evening is out, hopefully by consent we will add a number of Democrats who want to join us in this effort.

It will be bipartisan, I assure the Chair, and I assure the Senate, because it is only fair, right, and it is the kind of thing we have to fix and fix quickly.

I do not have any particular legislation in mind. Some people say it is a tax cut. It is anything that will reduce the actuarial agreement that we all understood was going to be the saving part of the surpluses. That is how we would make the surpluses relevant, to tie them to an actuarial table that was significant so that two things would happen, not just the seniors of America would be protected—that is obvious—but the current people paying into the fund would be protected.

How do you think they are going to like it, Mr. President? The seniors are not going to like this at all when they find out this is what it is. They are going to support what the Senator from New Mexico is suggesting. In fact, many will say make it 80 votes, not 60, out of 100 to use that trust fund for anything other than Social Security.

But how about the millions of Americans who are paying into it thinking it is going to be there for them? By definition, we are saying it takes a simple majority, saying it is not going to be there for you, and we are going to vote to change it so it will not be there, even though you have been paying in, expecting some accumulation that will go beyond the current administration and be there for those paying in.

To that end, I suggest that those who wonder whether the bill of the Senator from New Mexico is serious, I will insert this into the RECORD. This is a serious problem. I believe it is. Sometimes people say they do not. Well, AARP does. In fact, they say they assumed when they took this Social Security off budget, there would be a firewall and some super kind of majority required to change it or cut the taxes or do anything to raid its current significance.

I will put in the RECORD an AARP letter signed by the director of legislation and public policy, John Rother, and the last paragraph says, "Maintaining public confidence in the stability of Social Security is critical. Your legislation," referring to this legislation, "sends a strong message that the buildup of the trust funds should be maintained so current and future generations will receive the benefits they expect and deserve."

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF RETIRED PERSONS,
Washington, DC, March 22, 1991.
Hon. PETE DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: The American Association of Retired Persons (AARP) commends you for introducing legislation to further protect the Social Security trust funds by strengthening procedural safeguards prior to adoption of revenue decreases or benefit increases. Your legislation is critical to preserving the trust fund buildup now that Social Security is no longer counted in the calculation of the federal deficit.

Throughout last year's "off budget" debate, AARP maintained that the trust funds should be cordoned off after they were removed from the federal operating budget. Without a protective "fence" or "firewall", the trust funds remain vulnerable to efforts to unduly enhance benefits or reduce revenues.

AARP believes your bill plugs a leak in the protective dike which Congress wisely adopted when it removed Social Security from the federal deficit last year. The current recession has reduced trust fund revenues, making the need for your proposal even more evident.

If the recession deepens or recovery is slow and sluggish, the trust fund buildup will be much slower than anticipated in last year's Social Security Trustees' Report. Thus, attainment of a year and a half contingency reserve necessary to ensure benefits during a prolonged economic slowdown will be pushed further into the future.

Maintaining public confidence in the stability of Social Security is critical. Your legislation sends a strong message that the buildup of the trust funds should be maintained so current and future generations will receive the benefits they expect and deserve.

Sincerely,

JOHN ROTHER,
Director, Legislation and Public Policy.

Mr. DOMENICI. Mr. President, there were three parties to the summit agreement: The U.S. House of Representatives, the U.S. Senate, and the President of the United States, as the Chief Executive. The Senator from New Mexico is suggesting that he did not understand that we were taking the firewall, as I have described it here today, down, when we finished the economic summit. But I am not alone. The Senator from New Mexico is not alone.

On April 8, the President of the United States, George Bush, sent a letter to me, and it is directed specifically to the Senator from New Mexico. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 8, 1991.
Hon. PETE V. DOMENICI,
Washington, DC

DEAR PETE: I understand you intend to introduce legislation next week to repair the "firewall" established in last year's budget agreement to protect social security. I am heartened to learn that both Republicans and Democrats will support your legislation. Such bipartisanship was necessary to reach last year's agreement and will be necessary to ensure that its provisions are honored.

Last fall, when all parties to the budget summit agreed to take social security both off the budget and out of the deficit calculations, we realized that this might lead to attempts to reduce the social security trust fund balances. For this reason, more stringent procedures were agreed to that were intended to protect social security. In particular, we agreed that a super-majority of 60 votes would be needed to raid the trust fund balances.

It now appears that there is a loophole in those procedures as they would apply to the Senate. The loophole was not agreed to by all parties to the budget summit—and, indeed, was apparently not known to many until recently. Your legislation will close this loophole and restore the law to its intended and agreed-upon form, thus restoring the "firewall" that I believe is required as long as social security is not afforded the protections of normal budget discipline.

Eight years ago, after much debate which created fear among senior citizens, Congress adopted measures to ensure the short-term solvency and the long-term stability of the social security system. Congress should resist any temptation now to undermine that stability by permitting raids on the trust fund balances. Both current beneficiaries and workers who will become beneficiaries must remain confident that the system will continue to meet its promises.

I commend you on your efforts to repair the social security "firewall" and strongly urge Congress to adopt your legislation.

Sincerely,

GEORGE BUSH.

Mr. DOMENICI. Mr. President, I expect before the day is out, before we close the Senate tonight, that there will be a significant number of Democratic Senators, some Senators from the other side of the aisle, who will be joining in this legislation, and I will, or someone on my behalf, will come here seeking consent of the Senate that they be made original cosponsors.

I have not had a chance to seek other sponsors. I have no doubt that we will have many, once things are understood. It is straightforward, it is simple. The issue will be: Once you have taken Social Security off, do you want to have no firewall to protect tis solvency and its reserves, just the simple majority of the U.S. Congress or not, knowing full well that even the U.S. House, which is not very prone to have supermajorities, has agreed that this is too significant a target, and they have established a firewall in their body.

Mr. President, I can vividly recall the now deceased senior Senator from Pennsylvania [Mr. HEINZ] taking the floor time after time to try to get this Social Security trust fund removed from the budget of the United States because he was concerned that it was being spent there instead of being saved.

I want everyone to know that he had it right. He wanted if off budget. The last correspondence I have is a request from him that he be a cosponsor to this mesasure, which he cannot be, and that he be advised when it was introduced because he did not want it off budget, and then let a simple majority spend it, raid it. We are going to need programs 3 or 4 years from now even for seniors but this is not intended for programs other than Social Security benefits.

So I wanted the RECORD to show that Senator HEINZ had asked to be on this, was totally supportive of it, had helped create the firewall language, that is, the actuarial solvency language that is in the current law but rendered rather valueless because of insertion of a couple of words that make it easy to do with 50 votes, with 1 over a majority instead of the supermajority.

I thank his staff for helping us with this and Senator HEINZ for being such a staunch advocate of protecting the fund and knowing that we needed something of a firewall to protect this very, very large reserve from being spent.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Trust Fund Integrity Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Social Security program is vital to the well-being of American families;

(2) the Social Security trust funds should be protected to secure benefits for today's retirees and today's workers;

(3) the 1990 budget agreement created a "firewall" that was supposed to provide protection for the off-budget Social Security trust funds; and

(4) an error in the "firewall" has left the trust funds vulnerable.

SEC. 3. TECHNICAL AMENDMENT TO BUDGET ENFORCEMENT ACT OF 1990.

Section 301(i) of the Congressional Budget Act of 1974, as amended by section 13303(b) of the Budget Enforcement Act of 1990, is amended by striking "as reported to the Senate" and inserting ", amendment thereto, or conference report thereon".

Mr. DOLE. Mr. President, I would like to join Senator DOMENICI in cosponsoring the Social Security firewall repair bill. This legislation is straightforward: It fixes an error in last year's reconciliation bill that created a loophole in the 60-vote Social Security firewall. By deleting two simple words, "as reported," Senator DOMENICI'S bill would restore the law to its intended and agreed-upon form.

I hope we can act quickly to resolve this issue before the budget resolution is brought to the floor. It would be unfortunate if a debate on the firewall bogged down consideration of the budget.

By Mr. MOYNIHAN:

S. 789. A bill to prohibit the importation of semiautomatic assault weapons, large capacity ammunition feeding devices, and certain accessories; to the Committee on Finance.

BAN ON CERTAIN ASSAULT WEAPONS AND ACCESSORIES

• Mr. MOYNIHAN. Mr. President, today I rise to introduce a bill to permanently ban the importation of certain assault weapons and accessories, such as large-capacity ammunition belts and rifle magazines. Representative Gibbons, the distinguished chairman of the Ways and Means Trade Subcommittee, has already introduced an identical bill in the House. In the 101st Congress we introduced similar measures.

On March 14, 1989, President Bush announced a ban on the import of certain semiautomatic rifles, such as the Uzi and AK-47. He then extended the ban to include all similar foreign-made weapons on April 5, 1989, pending a review by the Bureau of Alcohol, Tobacco and Firearms. On July 7, 1989, ATF released its report, which recommended that the ban continue. And so it has, now for 2 years.

The Executive's authority to ban these weapons derives from the Gun Control Act of 1968, which provides that the Secretary of the Treasury "shall authorize a firearm * * * to be imported or brought into the United States." I, along with Representative Gibbons and most Americans, applaud the President for taking the leadership in this sensitive issue. But the ban ought to be made permanent by legislation.

The report of the ATF Working Group on the Importability of Certain Semiautomatic Rifles was unequivocal. It concluded:

> These semiautomatic assault rifles were designed and intended to be particularly suitable for combat rather than sporting applications. While these weapons can be used, and indeed may be used by some, for hunting and target shooting, we believe it is clear that they are not generally recognized as particularly suitable for these purposes.
>
> The purpose of section 925(d)(3) [Gun Control Act of 1968, Title 18, U.S.C.] was to make a limited exception to the general prohibition on the importation of firearms, to preserve the sportsman's right to sporting firearms. This decision will in no way preclude the importation of true sporting firearms. It will only prevent the importation of military-style firearms which, although popular among some gun owners for collection, self-defense, combat competitions, or plinking, simply cannot be fairly characterized as sporting rifles.

The assault weapons listed in this bill are those listed by ATF as "military-style" guns.

Why these guns and not some others, which may take as many or more innocent lives? Semiautomatic firearms differ in at least one important way: they are capable of firing a large number of cartridges in a short period of time. An Uzi can fire 30 rounds in 5 seconds. Patrick Edward Purdy, the gunman who killed 5 children and wounded 29 others in Stockton, CA, fired over 100 rounds in 2 minutes. This bill would also ban the importation of ammunition belts or magazines which could hold more than 5 rounds.

These are also the favorite weapons of drug dealers. Even teenagers now carry guns better left in the hands of professional soldiers. Police officers are outgunned by the assault weapons. Innocent lives are threatened by the spray of bullets these guns produce. It should not be surprising that the National Association of Police Organizations, the U.S. Conference of Mayors, and the American Bar Association, among others, support a ban on assault weapons.

I, too, support a ban on assault weapons, but I believe that the codification of the current import ban is a necessary first step. I hope that my colleagues will concur.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON IMPORTATION OF SEMIAUTOMATIC ASSAULT RIFLES AND ASSAULT PISTOLS.

(a) GENERAL RULE.—Except as provided in subsection (b), the importation into the United States of the following articles is prohibited:

(1) Semiautomatic assault rifle.

(2) Semiautomatic assault pistol.

(3) Large capacity ammunition feeding device.

(4) Semiautomatic assault weapon accessory.

(b) EXCEPTION.—Subsection (a) does not apply to the importation of an article under the authority of the United States, by a department or agency of the United States, or by a department or agency of a State or political subdivision of a State.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) SEMIAUTOMATIC ASSAULT RIFLE.—The term "semiautomatic assault rifle" means a rifle of 1 of the following types:

AK47 type
AK47S type
AK74 type
AKS type
AKM type
AKMS type
84S type
ARM type
84S1 type
84S3 type
HK91 type
HK93 type
HK94 type
G3SA type
K1 type
K2 type
AR10C type
M14S type
MAS223 type
SIG 550SP type
86S type
86S7 type
87S type
Galil type
Type 56 type
Type 56S type
Valmet M76 type
Valmet M78 type
M76 counter-sniper type
FAL type
L1A1A type
SAR 48 type
AUG type
FNC type
Uzi carbine
Algimec AGMI type
AR180 type
Australian Automatic Arms SAR type
Beretta AR70 type
Beretta BM59 type
SIG 551SP type
SKS type with detachable magazine
CIS SR88 type
Any other type determined by the President to be appropriate

(2) SEMIAUTOMATIC ASSAULT PISTOL.—The term "semiautomatic assault pistol" means a pistol of one of the following types:

Uzi type.

Heckler & Koch SP-89 type.

Australian Automatic Arms SAP type.

Spectre Auto type.

Sterling Mark 7 type.

Any other type determined by the President to be appropriate.

(3) LARGE-CAPACITY AMMUNITION FEEDING DEVICE.—The term "large-capacity ammunition feeding device" means a detachable magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 5 rounds of ammunition, including a combination of parts from which such a device can be assembled, but not including an attached tubular device designed to accept and capable of operating with only .22 rimfire caliber ammunition.

(4) SEMIAUTOMATIC ASSAULT WEAPON ACCESSORY.—The term "semiautomatic assault weapon accessory" means 1 of the following articles, if the article is specifically designed for use with a semiautomatic weapon:

Grenada launcher.

Bayonet.

Flash suppressor.

Night sight.

Adaptor designed to facilitate the attachment of a silencer or flash suppressor.

A combination of parts from which one of the foregoing articles can be assembled.

A part designed solely for use in assembling one of the foregoing articles.

Any other articles determined by the President to be appropriate.•

By Mr. DECONCINI (for himself, Mr. THURMOND, and Mr. METZENBAUM):

S. 790. A bill to amend the antitrust laws in order to preserve and promote wholesale and retail competition in the retail gasoline market; to the Committee on the Judiciary.

MOTOR FUEL CONSUMER PROTECTION ACT

• Mr. DECONCINI. Mr. President, the dramatic jump in gas prices, literally overnight, after the Iraqi invasion of Kuwait illustrates the degree of control which the oil companies exercise over the petroleum market. Oil companies made a tremendous profit at the expense of the American consumer in a time of crisis. Unfortunately for the American consumer, oil companies are unsatisfied with the substantial profits from their unfettered ability. to raise gasoline prices. Instead, the oil companies are waging an all out effort to drive independent dealers out of business. Through discriminatory wholesale pricing, burdensome supply contracts, and the direct ownership of retail dealerships, the major oil refiners are gradually squeezing the independent dealer from the market.

In an effort to restore competition to the gasoline retail market and to protect the consumer from volatile gas prices, I am introducing today, along with my distinguished colleagues, Senator METZENBAUM, chairman of the Antitrust Subcommittee and Senator THURMOND, ranking member of the Antitrust Subcommittee, the Motor Fuel Consumer Protection Act of 1991.

As we celebrate the liberation of Kuwait and we welcome home our brave service men and women, we must be careful not to allow ourselves to be lulled back into our former complacency, only to leave ourselves vulnerable to the next oil crisis. This legislation is a step in that direction and promises to wrest the petroleum industry's grip from the pocketbook of the American consumer by divorcing the major oil refineries from the operation of retail service stations and their absolute control over the gasoline supply to independent retail dealers.

Refiners are waging a systematic campaign to eliminate independently operated service stations from the market by selling gasoline at company operated service stations below the wholesale price charged to independent dealers. Supply contracts which require a dealer to purchase all of its petroleum products from a single refiner prevent the independents from seeking out more competitive prices. Unable to compete with the price of the refiner operated stations, the independent dealer is forced to find another way to make his living.

The statistical evidence bears out these conclusions. According to the Department of Energy, between 1982 and 1987, the number of dealer operated stations declined by 43.1 percent while company operated stations increased by 19.2 percent. Recent testimony by one oil company indicates that while their company operated stations increased from 140 in 1985 to 668 in 1990, their dealer operated stations, over the same period, declined from 3,512 to 2,371 stations.

In my home State of Arizona, the problem is particularly acute. For example, in Phoenix at a time when independent dealers dominated the market, retail gasoline prices were about 10 cents below the national average. Today, company operated stations comprise 41.5 percent of all retail stations in the Phoenix area and gasoline prices are above the national average.

Prices are only one aspect of the problem. Many of the new company operated gas stations lack full service pumps and have inadequate emergency and repair facilities. The decline in independent stations has resulted in a shortage of services for the American motorist.

The bill I am introducing today addresses these problems through two basic provisions. The first provision, termed "open supply," would prohibit oil refiners from requiring dealers to purchase more than 70 percent of their monthly retail sales of motor fuel from that refiner. At the same time, it would prevent the refiner from restraining the amount of the refiner's motor fuel that a dealer could purchase from an independent wholesaler. This provision gives the independent dealers the flexibility to seek out more competitively priced gasoline on the open market, thereby limiting the ability of oil companies to control prices.

The second provisions, known as "retail divorcement," prohibits refiners from operating retail gas stations. This provision further reduces the ability of oil companies to manipulate the retail price of gasoline through discriminatory pricing, a common practice used to squeeze out the independent dealer. Under this legislation, refiners could continue to own retail stations, lease them to dealers and supply them with petroleum products, but they could not control the operation of the station through employees, commissioned agents, or restrictive contract provisions.

The bill gives responsibility for enforcement of the act to the Federal Trade Commission and also authorizes a private cause of action for those affected by an oil refiner's failure to comply with the legislation. The bill will take effect 1 year after enactment to provide time for refiners and dealers to comply with the new provisions.

This legislation is similar to gas divorcement bills introduced in previous Congresses and reported favorably by the Senate Judiciary committee in 1986. But as apparent by the recent rapid decline in independent dealers, the need for this legislation has dramatically increased. At least six States and the District of Columbia have adopted divorcement laws. Other States, including my home State of Arizona, are currently addressing this problem. The attorney general of Hawaii recently concluded that the high gasoline prices in that State are due in part to the domination of the market by five major oil companies and has recommended that the legislature enact laws to increase competition in the motor fuel market.

Mr. President, it would be a grave mistake for us to sit idly by while the major oil refiners gradually squeeze the independent dealer, and competition from the gasoline market, only to find ourselves held hostage by the next oil crisis. I encourage my colleagues to support this measure and help us return competition to the motor fuel market.

I ask unanimous consent that the text of my bill be printed in the RECORD.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motor Fuel Consumer Protection Act of 1991".

SEC. 2. WHOLESALE PURCHASE OF GASOLINE.

(a) REQUIRED PERCENTAGE PURCHASE OF MOTOR FUEL.—Notwithstanding any other provision of law and except as provided in this section, it shall be unlawful for any producer or refiner, directly or indirectly, to require any retail motor fuel dealer to purchase more than 70 percent of the monthly retail sales of motor fuel from such refiner or producer.

(b) WHOLESALER.—It shall be unlawful for any producer or refiner, directly or indirectly, to restrain any retail motor fuel dealer from purchasing any or all of the retail motor fuel dealers requirements of motor fuel from a wholesaler of the motor fuel refined by such refiner, or on behalf of such producer.

(c) RETAIL MOTOR FUEL DEALER.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any retail motor fuel dealer, at a motor fuel service station displaying a trademark, trade name, or other identifying symbol or name owned by a producer or refiner, to sell motor fuel which is not provided by or for such producer or refiner without providing reasonable notice at the point of sale that motor fuel dispensed by one or more dispensers is not refined by or for such producer or refiner.

(2) EXCEPTION.—A dealer may convert one or more existing storage tanks and dispensers or establish new storage tanks and dispensers for sale of motor fuel supplied by other than the owner of the trademark, trade name, or identifying symbol displayed at the station.

SEC. 3. OPERATION OF MOTOR FUEL SERVICE STATIONS.

(a) VIOLATION.—It shall be unlawful for any producer or refiner to operate any motor fuel service station in the United States.

(b) EXCEPTION.—Notwithstanding subsection (a), it shall not be a violation of this Act for a producer or refiner to own all or part of the assets of a motor fuel service station so long as such producer or refiner does not engage in the business of selling motor fuel at such station through any—

(1) employee;

(2) commissioned agent;

(3) person acting on behalf of the producer or refiner or under the producer's or refiner's supervision; or

(4) person operating such station pursuant to a contract with the producer or refiner which provides that the producer or refiner has substantial or effective control over the motor fuel operations of the station.

SEC. 4. CONTRACT, COMBINE, OR CONSPIRACY.

It shall be a violation of this Act for any producer or refiner to contract, combine, or conspire with any other producer or refiner for the purpose of violating section 2 or 3.

SEC. 5. DEFINITIONS.

For purposes of this Act—

(1) the term "refiner" means any person engaged, directly or indirectly, in the refining of motor fuel or any producer who contracts with another to refine petroleum products for purposes of sale of motor fuel by the producer;

(2) the term "motor fuel" means gasoline, diesel fuel, alcohol, or any mixture of them sold for use in automobiles and related vehicles;

(3) the term "motor fuel service station" means any facility at which motor fuel is sold at retail;

(4) the term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, joint-stock companies, trustees and receivers in bankruptcy and reorganization, common law trusts, and any organized group, whether or not incorporated;

(5) the term "United States" means the several States, the District of Columbia, and any territory or possession of the United States; and

(6) the term "producer" means any person who is engaged, directly or indirectly, in the production of crude oil.

SEC. 6. ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) FTC ENFORCEMENT.—

(1) CIVIL ACTION.—The Federal Trade Commission may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever the Federal Trade Commission has reason to believe that any person has violated or is violating any provision of this Act, or any regulations promulgated thereunder.

(2) APPROPRIATE COURT.—Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located, resides, or is doing business.

(3) JURISDICTION.—The district court shall have jurisdiction to—

(A) restrain a violation of this Act and to require compliance.

(B) impose monetary penalties under the same terms and conditions as provided in section 5(m)(2)(A) of the Federal Trade Commission Act; and

(C) order such additional equitable relief as it deems appropriate.

(b) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—If any person fails to comply with the requirements of this Act, any other person affected by such failure may maintain a civil action against such person failing to comply with such requirements for damages and appropriate equitable relief, including temporary and permanent injunctive relief. If the plaintiff prevails in any action under this section, the plaintiff shall be entitled to reasonable attorney and expert witness fees to be paid by the defendant, except that in any case in which the court determines that only nominal damages are to be awarded to the plaintiff, the court may, in its discretion, determine not to direct that such fees be paid by the defendant.

(2) APPROPRIATE COURT.—An action brought pursuant to this subsection may be brought, without regard to the amount in controversy, in the district court of the United States in any judicial district in which the plaintiff resides or is doing business or in which the defendant resides or is doing business.

SEC. 7. REGULATIONS.

(a) IN GENERAL.—The Federal Trade Commission shall prescribe regulations for the manner of complying with the requirements of section 2(c) and for the collection of information necessary for the determinations specified in section 3. Regulations promulgated pursuant this section shall be promulgated, after notice and a reasonable period for comment by the public, no later than 180 days after the date of enactment of this Act.

(b) RELEVANT INFORMATION.—Notwithstanding any other provision of this Act, information related to section 3 need not be provided by private persons if reliable and timely information is available from published sources.

SEC. 8. EFFECT ON STATE LAWS.

Nothing in this Act shall supersede any comparable State law.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect one year after the date of the enactment of this Act.●

By Mr. CHAFEE (for himself, Mr. MITCHELL, and Mr. LAUTENBERG):

S. 791. A bill to require information relating to radon to be made available in connection with certain real estate transactions, and to require that radon testing devices offered for sale be tested in the radon measurement proficiency program of the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

RADON INFORMATION ACT OF 1991

● Mr. CHAFEE. Mr. President, today I am introducing, along with Senators MITCHELL and LAUTENBERG, the Radon Information Act of 1991. This bill addresses two areas:

The bill requires that potential home buyers be provided with information on the health risks associated with radon gas.

The bill also requires that firms marketing radon testing devices or offering radon measurement services be required to participate in the Environmental Protection Agency's Radon Measurement Proficiency Program.

EPA has identified radon gas as the second leading cause of lung cancer after smoking. The National Academy of Sciences recently issued a report in which it revised its estimates of annual lung cancer deaths attributed to radon from 20,000 down to 16,000. The report emphasizes that even with this revision, radon remains the second leading cause of lung cancer, and poses a significant threat to public health.

This legislation provides information to prospective home buyers at a time when they are most likely to take action to test for radon, and, if necessary, mitigate harmful levels. To date, EPA estimates that only 5 percent of homes nationwide have been tested for radon, and a substantial number of these homes are tested at the time of purchase. This legislation will ensure that homeowners have the facts, that they know about the health risk associated with radon, how to test and, if necessary, where to find a reputable contractor to assist in mitigation.

The home sale transaction provides an excellent opportunity to educate and inform prospective home buyers about radon. A major obstacle to testing among the general public is apathy. Radon is colorless and odorless, and its harmful effects are not felt for, on average, 20 years. Yet, data from the Environmental Law Institute suggests that this apathy toward testing is most likely to be overcome during the purchase of a home. Presented in the home sales context, both the home seller and home buyer's apathy can be transformed into self-protective action. Just as the home buyer tests for the presence of termites or structural flaws, she will also want to ensure the house is free from elevated levels of radon. Likewise the home seller will want to make his home desirable to prospective purchasers, and protect himself from future litigation.

In 1989, approximately 3.4 million residential mortgages were originated in the United States by various mortgage institutions, including banks and savings and loan institutions. This bill will require that each originating mortgage institution will provide prospective home buyers with concise, easy to understand information on radon. This information will be developed by EPA in consultation with real estate groups, real estate financial institutions, and citizen groups. Armed with this information, I believe home buyers will take the necessary steps to rid their homes of radon, and provide a safe indoor environment for their families.

A related problem, Mr. President, is that homeowners currently do not have a great deal of assurance that radon measurement devices are providing accurate results. The General Accounting Office completed a report last August which highlighted some of the problems with companies which produce and analyze radon measurement devices, such as the charcoal canisters used to test homes. In summary, GAO concluded that many of these companies do not have an adequate quality assurance program, and that the radon measurements they report back to homeowners could have a high degree of error.

Although EPA runs a voluntary proficiency testing program, GAO reported that even after companies fail EPA's test, they continue to market their products.

GAO recommended that measurement companies:

Be required to pass the EPA proficiency testing program before marketing their devices; and

Demonstrate the existence of adequate quality assurance programs as a condition of participating in the EPA proficiency testing program.

The legislation I am introducing today acts on both of these recommendations, and will ensure that important, health-based decisions are made on the basis of reliable test results.

Today I would also like to join my colleague from New Jersey, Senator LAUTENBERG, in introducing the Indoor Radon Abatement Reauthorization Act of 1991. This bill will continue the programs at EPA established by the Indoor Radon Abatement Act of 1988.●

By Mr. LAUTENBERG (for himself, Mr. MITCHELL, Mr. CHAFEE, and Mr. BURDICK):

S. 792. A bill to reauthorize the Indoor Radon Abatement Act of 1988, and for other purposes; to the Committee on Environment and Public Works.

INDOOR RADON ABATEMENT REAUTHORIZATION ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing the Indoor Radon Abatement Reauthorization Act of 1991. This bill will amend and reauthorize the Indoor Radon Abatement Act of 1988 to strengthen our Nation's efforts to address the threat posed by radon contamination. I am pleased that the majority leader, Senator MITCHELL, who introduced the Indoor Radon Act in 1987, Senator CHAFEE, the ranking Republican on the Senate Environment Committee, and Senator DURENBERGER, the ranking Republican on the Superfund Subcommittee, are cosponsoring this bill.

I also am pleased to join as a cosponsor of the Radon Information Act sponsored by Senator CHAFEE which also is being introduced today. In addition, Senator MITCHELL is introducing the Radon Assessment and Mitigation Act of 1991. It is my expectation that a number of provisions from these bills and S. 575, the Radon Testing for Safe Schools Act, which Senators CHAFEE, MITCHELL, and others joined me in introducing earlier this year, will be added to the Indoor Radon Abatement Reauthorization Act of 1991 at the Superfund Subcommittee's markup of the bill. Together these measures provide a comprehensive program to strengthen efforts to address elevated levels of radon.

Mr. President, radon is one of the most serious environmental health risks facing the country today. At the Superfund Subcommittee's hearing on the Radon Testing For Safe Schools Act last year, Assistant Surgeon General Vernon Houk said that the evidence of the health threat posed by radon is the strongest of any environmental contaminant.

EPA estimates that as many as 16,000 people die of lung cancer each year from exposure to radon. That makes radon the second leading cause of lung cancer behind smoking. In 1988, EPA and the Surgeon General's Office issued a national health advisory urging people to test their homes after survey results showed that one in four homes in 17 States surveyed has elevated radon levels. And in April 1989, EPA completed a pilot survey to measure radon levels in 130 schools across the country. This survey found that one in five classrooms has elevated radon levels and that over half of the schools tested have at least one classroom with elevated radon levels.

Fortunately, it is relatively inexpensive to test for and mitigate elevated levels of radon. Home tests cost as little as $10 while mitigation efforts where there are elevated levels of radon range between $500 to $2,000. EPA estimates that the average cost to test a school is roughly $1,000 and that the average mitigation cost is only a few thousand dollars per school.

The Congress has consistently expressed its concern about radon and has taken steps to define the scope of the health threat and to develop strategies to address that threat. Legislation I wrote, which was included in the 1986 Superfund Amendments and Reauthorization Act, required EPA to conduct a nationwide radon survey and develop radon mitigation measures. Radon research legislation which Senator MITCHELL and I wrote also was included in that bill.

In 1988, the Congress passed the Indoor Radon Abatement Act to require EPA to establish a comprehensive radon abatement program. Under that bill, EPA was required to provide grants to States to initiate radon programs and provide technical assistance to those programs, establish a voluntary radon testing proficiency program, update the radon citizens guide conduct a national survey of radon in schools, establish model radon construction standards, and initiate a program to study radon in Federal buildings. The bill included my amendment to require EPA to establish regional radon training centers and to begin to address the threat posed by radon in day care facilities.

In 1988, the Congress also included the Department of Housing and Urban Development Radon Policy Act in the Stewart B. McKinney Homeless Assistance Amendments Act of 1988. This bill was developed as a result of a GAO report, "Indoor Radon: Limited Federal Response To Reduce Contamination In Housing," prepared at my request. The report showed that the Federal housing agencies were doing little to address radon. My bill required HUD to enter into a memorandum of understanding with EPA on HUD's assistance of EPA's radon effort and to establish a radon policy for Federal housing. Unfortunately, HUD continues to exhibit a lack of commitment to addressing radon and is over 1 year behind in promulgating this policy.

EPA has developed a good program of developing information about the threat posed by radon, and testing and mitigation methods. But, too few people are investing in a simple radon test. And this is posing a serious health threat.

The bills that are being introduced today, together with the Radon Testing for Safe Schools Act, are designed to expand efforts to encourage testing and mitigation. Taken as a package, the bills would address four key policy goals:

First, increase radon information dissemination efforts.

Requires that radon information be disseminated by those providing mortgages to home purchasers prior to the issuance of a mortgage for a real estate transfer.

Requires HUD to disseminate radon information to public and Indian housing units and tenants of HUD-financed housing in radon prone areas.

Requires EPA to develop a model State program to provide radon information to renters of housing.

Authorizes EPA to conduct a national radon educational campaign.

Requires EPA to establish a medical community radon outreach program.

Requires that the existing voluntary radon proficiency program be made mandatory.

Requires EPA to disseminate information on radon in water supplies.

Second, increase radon efforts where people at risk cannot control their exposure to radon.

Requires testing of schools in radon prone areas and provides Federal assistance to reduce radon levels.

Requires EPA to conduct a nationwide survey of radon in workplaces.

Third, require the Federal Government to take a lead role in radon efforts.

Requires Federal agencies and Government-controlled corporations to test houses they own in radon prone areas and notify potential buyers of the results before they sell the houses.

Requires development of a Federal building radon mitigation plan.

Fourth, foster the use of radon construction standards in radon prone areas.

Requires that no Federal assistance for new homes in radon prone areas be provided unless the home is built to meet radon construction standards.

Requires Federal buildings and schools financed by the Federal Government to meet the model standards.

Makes adoption of the standards a factor in awarding State radon grants.

Requires regional radon training centers to provide training on the standards to State and local building code officials.

The bill I am introducing will have the following provisions:

Reauthorizes the Indoor Radon Abatement Act.

Makes adoption of EPA model construction standards as one priority factor in awarding radon grants to States and requires regional radon training centers to provide training on the standards to State and local building code officials.

Requires EPA to designate radon priority areas.

Requires radon testing of federally owned or Government corporation-owned houses in radon priority areas and notice of test results to home buyers; HUD selling homes it owns without testing for radon was a major issue in the 1988 GAO report on HUD radon efforts.

Requires that new Federal buildings and schools built with Federal assistance comply with EPA model radon construction standards.

Requires HUD to disseminate radon information to public and Indian housing units and tenants in housing units funded by the Secretary of HUD—another issue addressed in GAO report.

Requires EPA to conduct a national radon education campaign, and work with States to provide radon information to renters of housing.

Requires EPA to conduct a survey of radon in workplaces.

Requires EPA report to Congress on ways to increase radon testing.

Mr. President, we have the ability to reduce the health threat posed by radon in a cost effective manner. I urge my colleagues to join in supporting the effort to rid our Nation of the danger posed by radon. I ask unanimous consent that a copy of the Indoor Radon Abatement Reauthorization Act be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Indoor Radon Abatement Reauthorization Act of 1991.

SEC. 2. AUTHORIZATIONS

(a) Section 305(f) of Title III of the Toxic Substances Control Act is amended by striking "and 1991." and inserting "1991, 1992, 1993, and 1994.".

(b) Section 306(j)(1) of Title III of the Toxic Substances Control Act is amended by striking "and 1991." and inserting "1991, 1992, 1993, 1994.".

(c) Section 308(f) of Title III of the Toxic Substances Control Act is amended by striking "." and inserting ", and $1,500,000 for each of fiscal years 1992, 1993 and 1994.".

SEC. 3. MODEL CONSTRUCTION STANDARDS

Section 304 of Title III of the Toxic Substances Control Act is amended—

(1) by inserting "(a)" at the beginning of the section, and

(2) adding the following new subsection.

"(b) The standards published pursuant to subsection (a) shall not preempt the use of any state or local building standards if the state or local standard is equally effective in reducing radon levels as the standards published pursuant to subsection (a).

SEC. 4. RADON INFORMATION FOR RENTERS

Section 305(a) of Title III of the Toxic Substances Control Act is amended by adding the following new paragraph.

"(9) Development of a model state program to provide radon information to renters of housing including the dissemination of information to state and local tenants and other organizations.

SEC. 5. GRANT ASSISTANCE TO STATES

Section 306(c) of Title III of the Toxic Substances Control Act is amended by adding at the end thereof the following new paragraphs.

"(11) Providing assistance to public and Indian housing authorities to establish radon programs.

"(12) Targeting outreach and technical assistance activities to licensed child care facilities in low-income Priority Radon Areas.

SEC. 6. STATE GRANT PREFERENCE

Section 306(e) of Title III of the Toxic Substances Control Act is amended—

(1) by striking "(4)" and inserting "(5)", and

(2) by inserting the following:

"(4) Whether the State has adopted the model construction standards required by section 304 or equally effective standards.

SEC. 7. REGIONAL RADON TRAINING CENTERS

Section 308(b) of Title III of the Toxic Substances Control Act is amended by adding at the end thereof the following.

"The regional radon training centers also shall provide training to state and local building code officials on the model construction standards and techniques published pursuant to section 304.

SEC. 8. PRIORITY RADON AREAS

Title III of the Toxic Substances Control Act is amended by adding at the end thereof the following new section.

"SEC. 312 PRIORITY RADON AREAS

"(a) DESIGNATION OF AREAS.—The Administrator shall, as expeditiously as possible but no later than January 1, 1992, and as appropriate thereafter, designate areas as Priority Radon Areas.

"(b) STANDARD FOR DESIGNATION.—The Administrator shall designate areas as Priority Radon Areas when the Administrator determines there is a reasonable likelihood that the average radon level in an area is likely to exceed the national average radon level by more than a de minimis amount.

"(c) FACTORS.—In designating Priority Radon Areas, the Administrator shall consider—

"(1) the national assessment of radon conducted pursuant to section 118(k) of the Superfund Amendments and Reauthorization Act of 1986;

"(2) surveys of school buildings conducted pursuant to section 307;

"(3) surveys of Federal buildings conducted pursuant to section 309;

"(4) surveys of work places conducted pursuant to section 315; and

"(5) any other information, including other radon measurements and geological data, as the Administrator deems appropriate.

SEC. 9. FEDERALLY OWNED AND ASSISTED HOMES, SCHOOLS AND BUILDINGS

Title III of the Toxic Substances Control Act is amended by adding at the end thereof the following new section.

"SEC. 313 FEDERALLY OWNED AND ASSISTED HOMES, SCHOOLS AND BUILDINGS

"(a) TESTING REQUIREMENT.—(1) Six months after the publication of Radon Priority Areas required by section 312 of this Act, any single or multifamily home owned by a Federal department or agency, or any Government corporation in a Radon Priority Area shall be tested for radon before a sales contract to sell the home is signed.

"(2) Any radon testing conducted pursuant to this section shall be undertaken on or below the second floor, be supervised by a person who has received instruction pursuant to an Environmental Protection Agency or equivalent State approved program, as determined by the Administrator, and use radon measurement devices and methods approved by the radon proficiency program established pursuant to section 305(a)(2) of this title.

"(3) Radon testing conducted within a five year period prior to acquisition by a Federal department or agency, or any Government corporation or Government controlled corporation shall satisfy the requirements of this section if test otherwise meets the requirements of paragraph (2).

"(4) The results of a radon test required pursuant to this section shall be made available to potential buyers of any homes described in paragraph (a)(1) before a sales contract to sell the home is signed.

"(b) FEDERALLY FUNDED CONSTRUCTION.—Six months after the publication of Radon Priority Areas required by section 312 of this Act and model construction standards required by section 304 of this Act, whichever is later, the head of each Federal agency shall adopt such procedures as may be necessary to assure that any new Federal building or that any school constructed with Federal financial assistance, in a radon priority area shall conform to the model construction standards required by section 304 of this Act.

"(c) FEDERALLY ASSISTED HOUSING.—The Secretary of Housing and Urban Development, in cooperation with the Administrator, shall, within one year after the date of enactment of the Indoor Radon Abatement Reauthorization Act of 1992, disseminate information on the health threats posed by radon, proper methods of testing for radon, techniques for mitigating elevated radon levels, and radon priority areas to—

"(1) public housing and Indian housing assisted under the United States Housing Act of 1937; and

"(2) tenants in housing units funded by housing assistance programs administered by the Secretary,

in Radon Priority Areas.

SEC. 10. NATIONAL RADON EDUCATIONAL EFFORT

Title III of the Toxic Substances Control Act is amended by adding at the end thereof the following new section.

"SEC. 314. NATIONAL RADON EDUCATIONAL CAMPAIGN

"The Administrator is authorized to establish a national educational campaign to increase public awareness about radon health risks and motivate public action to reduce radon levels, including the use of funds for the purchase and production of public educational materials."

SEC. 11. RADON IN WORK PLACES

Title III of the Toxic Substances Control Act is amended by adding at the end thereof the following new section.

"SEC. 315. RADON IN WORK PLACES

"(a) STUDY OF RADON IN WORK PLACES.—

"(1) AUTHORITY.—The Administrator shall conduct a study for the purpose of determining the extent of radon contamination in the Nation's work places.

"(2) SURVEY.—In conducting such study, the Administrator shall design a survey which when completed allows Congress to characterize the extent of radon contamination in work places. The survey shall include testing from a representative sample of work places in each high-risk area identified under section 312 and shall include additional testing, to the extent resources are available for such testing. The survey also shall include any reliable testing data supplied by States, schools, or other parties.

"(3) ASSISTANCE.—The Administrator shall make available to the appropriate agency of each State, as designated by the Governor of such State, guidance and data detailing the risks associated with high radon levels, technical guidance and related information concerning testing for radon within work places, and methods for reducing radon levels.

"(4) DIAGNOSTIC AND REMEDIAL EFFORTS.—The Administrator is authorized to select from high-risk areas identified in paragraph (2), work places for purposes of enabling the Administrator to undertake diagnostic and remedial efforts to reduce the levels of radon in such workplaces. Such diagnostic and remedial efforts shall be carried out with a view to developing technology and expertise for the purpose of making such technology and expertise available to any workplace and the several states.

"(5) Two years after the enactment of the Indoor Radon Abatement Reauthorization Act of 1991, the Administrator shall submit a report setting for the results of the study conducted pursuant to this section.

"(b) AUTHORIZATION.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated such sums, not to exceed $1,000,000, as may be necessary.

SEC. 12. RADON MITIGATION ANNUAL REPORT

Section 118(k)(2) of the Superfund Amendments and Reauthorization Act of 1986 is amended by—

(1) striking paragraph (B); and

(2) relettering paragraph "(C)" as paragraph "(B)".

SEC. 13. REPORT TO CONGRESS ON PROMOTING RADON TESTING

(a) EVALUATION.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Housing and Urban Development, the Secretary of Agriculture and the Secretary of Veterans' Affairs, shall evaluate existing efforts to promote radon testing in the nation's homes and ways to increase radon testing.

(b) REPORT.—(1) The Administrator shall report to Congress by October 1, 1993, on the effectiveness of alternative strategies to promote radon testing. The strategies shall include:

(A) Grants to support the development of radon testing strategies by States;

(B) Financial incentives to homeowners;

(C) Testing and disclosure of radon levels during real estate marketing;

(D) Public education programs;

(E) Distributing radon information during real estate marketing; and

(F) Distributing radon information with utility bills.

(2) In preparing the report, the Administrator shall consult with concerned parties including public interest groups, health officials, radon testing industry, realtors, homebuilders, utilities and the States.•

By Mr. METZENBAUM (for himself and Mr. KENNEDY):

S. 794. A bill to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws; to the Committee on Labor and Human Resources.

ERISA PREEMPTION AMENDMENTS

• Mr. METZENBAUM. Mr. President, today I am introducing S. 794, the ERISA Preemption Amendments of 1991. This bill would restore certain longstanding State laws that have been invalidated based upon the Federal preemption provisions contained in the Employee Retirement Income Security Act of 1974 [ERISA].

ERISA, as it is commonly referred to, is the Federal law that sets standards for pension and welfare benefit plans. ERISA took approximately 10 years to enact, and reflects many compromises. One of the key provisions included in the final version of ERISA is a broad preemption of State laws that regulate employee benefit plans. This has not been much of a problem with respect to pension plans because ERISA extensively regulates such plans. But in the welfare benefit area, where ERISA sets few standards, the preemption clause increasingly has become problematic.

Since the mid-1980's, the Supreme Court and the lower courts have nullified a variety of State laws that ERISA clearly did not intend to call into question. The Supreme Court has stated many times that the interpretation of Federal preemption is a matter of Congressional intent. There is little detailed legislative history on Congress' intent with respect to ERISA preemption of State laws. As a result, the Supreme Court has taken ERISA's broad language at face value and wiped out scores of State laws. It is time that Congress more specifically articulated its intent in this area.

There are innumerable cases on ERISA preemption, but the bill I am introducing today only seeks to overturn certain clearly unjust decisions.

First, the bill overturns the Supreme Court's decision in *Pilot Life Insurance Company* v. *Dedeaux*, 481 U.S. 41 (1987), and the ensuing lower court decisions that relied on Pilot Life. Although ERISA preempts State laws affecting employee benefit plans, ERISA specifically exempts State insurance laws from its ambit, and Congress intended for States to retain their insurance-regulatory function. Forty-seven States have laws regulating unfair claims denials by health and life insurance companies. In almost all of these States, a private right of action has explicitly or implicitly been created to protect an individual's right to fair claims processing. But in Pilot Life, the Supreme Court held that Mississippi's unfair claims denial law was not an insurance law and that ERISA's enforcement scheme was exclusive. Although the Mississippi challenge was to the State's common law, the lower courts have relied on Pilot Life to strike down specific State insurance laws on unfair claims denials. The Supreme Court has upheld the lower court interpretations.

As a result of these decisions, individuals have no meaningful remedy in the health insurance area. If an individual's health insurance claim is denied, negligently or in bad faith, the only redress is payment of the claim. Individuals cannot even recover the consequential damages that follow from an erroneous denial.

A recent California case makes clear how unjust this can be. A man with testicular cancer needed a bone marrow transplant. His insurance company approved the transplant, which required surgery in two parts to remove the unhealthy bone marrow and to replace the treated bone marrow. After the first part of the surgery was conducted, the insurance company revoked its approval. For months the individual's physicians fought with the insurer to approve the surgery. During this time the individual's condition deteriorated and he developed other illnesses. The physicians finally performed the surgery without insurance authorization. Under current law, there is no remedy against the insurance company's egregious behavior other than to require payment for the surgery.

Clearly, some sanction is needed to deter unfair claims denials. ERISA does not regulate insurance or the processing of insurance claims. Although I have long been an advocate of Federal regulation of insurance, I also believe that the States must be free to regulate in this area until such time as there are Federal standards. This bill restores the 47 State laws on health insurance claims denials. Most of these laws are based upon the National Association of Insurance Commissioners' model regulation. The State laws are traditional insurance laws and should be restored.

Second, the bill overturns the Second Circuit's decision in *General Electric* v. *New York State Department of Labor*, 891 F.2d 25 (1989), cert. denied, U.S. , 110 S.Ct. 2603 (1990). For 50 years, New York State has had a prevailing wage law. Employers seeking public works contracts with the State must pay prevailing wages and benefits or their equivalent on the project. Thirty other states have similar laws.

In General Electric, the Second Circuit found that because the New York law referred to employee benefits it was preempted by ERISA. When enacting ERISA, Congress never intended to foreclose States from setting minimum wage and benefit standards on State projects. These State laws effectuate State interests, and their effect on employee benefit plans is at most incidental. There is no question that States have the right to set minimum standards for individuals doing business with the State. The bill restores this fundamental right of the States.

Third, the bill restores State apprenticeship laws that were overturned in *Hydrostorage Inc.* v. *Northern California Boilermakers Local Joint Apprenticeship Committee*, 891 F.2d 719 (9th Cir. 1989), cert. denied, U.S. , 111 S. Ct. 72 (1990). All 50 States have enacted laws to encourage or require the training and employment of apprentices. In 27 States, apprenticeship programs are administered in conjunction with the Department of Labor; in 23 States, the States have established independent apprenticeship programs. There are currently thousands of State-sanctioned apprenticeship programs training almost 250,000 apprentices around the country.

In Hydrostorage, the Ninth Circuit found that apprenticeship was an employee benefit plan under ERISA. Accordingly, the court held that apprentice standards in California, which is one of the 27 programs administered jointly with the Department of Labor, were preempted. Again, States have regulated the employment and training of apprentices for decades. ERISA does not set standards for apprenticeship. Congress never intended to prohibit States from setting apprenticeship standards. The bill restores these State laws.

Finally, the bill provides for a study of ERISA preemption in general. Although I believe strongly that Congress never intended to preempt the aforementioned State laws, there are a wide range of other State laws that have been, or may be questioned under ERISA's broad preemption language. ERISA itself called for a study of the preemption language enacted, but that study was never conducted. It is time to conduct a study now. ERISA preemption is complex, but we must not let that deter us. ERISA sought to protect the employee benefits promised to working men and women. Increasingly, ERISA preemption is being used to undo the protections workers have. The elimination of longstanding State laws without any equivalent Federal standards is creating a tremendous void. Eighty million workers are covered by one or more employee benefits. We have an obligation to make sure those benefits are adequately protected under the law—either at the Federal or State level.

I want to make one other point clear. This bill in no way passes judgment on the larger policy questions related to ERISA preemption of State-mandated health benefit laws. I fully expect that the State health regulation issue will be debated and resolved within the context of comprehensive health care reform legislation. Nor are these amendments intended to pass judgment on other remaining ERISA preemption issues. Instead, the bill requires that the Department of Labor study the effect of ERISA preemption to determine how best to resolve any other existing problems under current law. The bill does seek to address the several pressing and egregious problems in the law to which I have referred.

I hope to move this bill quickly. I intend to hold hearings on the bill in April. I hope my colleagues will join me in restoring the right of the States.

I ask unanimous consent that the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ERISA PREEMPTION RULES NOT TO APPLY TO CERTAIN STATE LAWS.

(a) STATE UNFAIR INSURANCE CLAIMS PRACTICES LAW.—Paragraph (2)(A) of section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(2)(A)) is amended to read as follows:

"(2)(A) Except as provided in subparagraph (B), nothing in this title shall be construed to relieve or exempt—

"(i) any person from any law of any State which regulates insurance, banking, or securities, or

"(ii) any insurance company from any provision of the statutory or common law of any State to the extent that such provision provides a remedy against insurance companies regarding such companies' practices in administering an employee benefit plan or in processing insurance claims thereunder."

(b) PREVAILING WAGE AND APPRENTICESHIP TRAINING LAWS.—Section 514(b) of such Act (29 U.S.C. 1144(b)) is amended by adding at the end thereof the following new paragraph:

"(9) Subsection (a) shall not apply to—

"(A) any State law providing for the payment of prevailing wages; or

"(B) any State law—

"(i) establishing minimum standards for the certification or registration of apprenticeship or other training programs,

"(ii) regarding the establishment, maintenance, or operation of a certified or registered apprenticeship or other training program, or

"(iii) making certified or registered apprenticeship or other training an occupational qualification."

(c) STUDY OF PREEMPTION LAWS.—

(1) STUDY.—The Secretary of Labor or the Secretary's delegate shall conduct a study on the effects of the provisions of the Employee Retirement Income Security Act of 1974 which provide for the preemption of State laws relating to employee benefit plans.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate the results of the study conducted under paragraph (1), together with any recommendations for legislative reforms which the Secretary finds necessary.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply to actions taken on or after the date of the enactment of this Act.•

By Mr. SARBANES:

S.J. Res. 112. A resolution to designate the week of April 21, 1991, through April 27, 1991, as Big Brothers/Big Sisters of America Appreciation Week; to the Committee on the Judiciary.

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK

• Mr. SARBANES. Mr. President, I am introducing today a resolution to designate the week of April 21, 1991, through April 27, 1991, as Big Brothers/Big Sisters of America Appreciation Week. A companion measure, House Joint Resolution 199, was introduced in the House last month by Congressman MFUME. This legislation recognizes and commemorates the important efforts of citizens throughout the Nation who contribute their time and talents by working with at-risk children in connection with Big Brothers/Big Sisters of America.

Since the early 1900's, volunteers participating in Big Brothers/Big Sisters of America's affiliated organizations throughout the country have worked with needy children and young people from predominantly one-parent families to provide the guidance and support necessary to develop their full potential as individuals and as responsible, contributing members of society. By participation in Big Brothers/Big Sisters of America programs, thousands of young people are afforded an opportunity each year to develop caring relationships with positive role models. This contact allows at-risk youth a window into a different existence and provides a stability too often lacking in their home lives.

Mr. President, there is little room for disagreement about what must be our country's highest priority—the protection and well-being of our children. In a society where one out of four children is born poor and one out of seven is at risk of dropping out of school, we must renew and strengthen our investment in programs which promote our children's well-being. The dedicated volunteers who participate in Big Brothers/Big Sisters of America programs provide critical services which greatly improve the possibility that at-risk youngsters will be able to develop their full potential and participate as productive members of society. I urge my colleagues to join me in this effort to pay tribute to the important work undertaken by the volunteers, staff, and supporters of Big Brothers/Big Sisters of America.•

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S.J. Res. 113. A resolution designating the oak as the national arboreal emblem; to the Committee on the Judiciary.

OAK AS THE NATIONAL ARBOREAL EMBLEM

• Mr. LAUTENBERG. Mr. President, I rise today on behalf of myself and Senator BRADLEY to introduce legislation to designate the oak as the national arboreal symbol.

Already this year, the Senate acted to highlight the importance of the tree by passing Senator BRADLEY'S legislation proclaiming the last Friday of April as "National Arbor Day." However, recognition of the tree should be pursued further in order to emphasize its significance to American culture and society. Adoption of a national arboreal symbol would serve that purpose.

And the oak tree is an ideal choice for the U.S. national arboreal symbol. North America is home to over 300 species of oak. The oak is found in every State in the Union, and many turn beautiful colors in early autumn. The oak has played an important role in the building of our Nation, as both we and our ancestors have used the oak for housing, furniture, fuel, food, and decoration. Oak wood is hard, strong, and long lasting, symbolic of the strength of our Nation and its people. All in all, the oak would make an excellent symbol to highlight our Nation's diversity, beauty, strength, durability, and longevity.

The International Society of Arboriculture strongly supports the designation of the oak as our Nation's arboreal symbol, and, in a national poll, found that an overwhelming majority of those sampled favored the oak as our arboreal symbol.

Mr. President, adoption of a national tree would heighten environmental awareness and appreciation of the importance of our arboreal resources. The oak tree would also be an excellent addition to the Bald Eagle, our national bird, and the Rose, our national flower. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of our legislation be printed in the RECORD following my statement.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 113

Whereas the oak has more than 300 species native to North America;

Whereas the oak is grown today in every State;

Whereas the oak represents durability and longevity;

Whereas the fruit of the oak, the acorn, was used as food by early native Americans;

Whereas, in a poll conducted by the International Society of Aboriculture, the oak was selected by a majority of people as the tree that symbolizes the United States;

Whereas the oak has been renowned in art, music, and literature; and

Whereas it is fitting and proper that the United States have a national arboreal emblem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the tree commonly known as the oak is designated and adopted as the national arboreal emblem of the United States, and the President is authorized and requested to declare such fact by proclamation.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 2, a bill to promote the achievement of national education goals to establish a National Council on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 15

At the request of Mr. BIDEN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 20

At the request of Mr. ROTH, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Indiana [Mr. LUGAR], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 20, a bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes.

S. 32

At the request of Mr. DOLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 32, a bill to increase the rate of special pension payable to persons on the Medal of Honor Roll, and for other purposes.

S. 83

At the request of Mr. SYMMS, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 83, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures.

S. 102

At the request of Mr. COHEN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 102, a bill to amend title IV of the Higher Education Act of 1965 to allow resident physicians to defer repayment of title IV student loans while completing accredited resident training programs.

S. 140

At the request of Mr. DOMENICI, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 173

At the request of Mr. HOLLINGS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 177

At the request of Mr. INOUYE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 177, a bill to amend section 1086 of title 10, United States Code, to provide for payment under the CHAMPUS Program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under medicare, and for other purposes.

S. 190

At the request of Mr. GRAHAM, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Kentucky [Mr. FORD] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 224

At the request of Mr. MCCONNELL, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 224, a bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresidential day care services is considered an institution under the child care food program, and for other purposes.

S. 242

At the request of Mr. GLENN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 242, a bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees and for other purposes.

S. 246

At the request of Mr. LOTT, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 246, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or reserve units of the Armed Forces will be allowable in computing adjusted gross income.

S. 264

At the request of Mr. COCHRAN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 264, a bill to authorize a grant to the National Writing Project.

S. 265

At the request of Mr. THURMOND, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 265, a bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders and for other purposes.

S. 267

At the request of Mr. REID, the names of the Senator from Washington [Mr. ADAMS], the Senator from New Mexico [Mr. DOMENICI], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 329

At the request of Mr. PELL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 329, a bill to strengthen the teaching profession and for other purposes.

S. 359

At the request of Mr. BOREN, the name of the Senator from Georgia [Mr. FOWLER], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 359, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 360

At the request of Mr. BUMPERS, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from Virginia [Mr. ROBB], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 473

At the request of Mr. DECONCINI, the names of the Senator from Indiana [Mr. COATS], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 473, a bill to amend the Lanham Trademark Act of 1946 to protect the service marks of professional and amateur sports organizations from misappropriation by State lotteries.

S. 474

At the request of Mr. DECONCINI, the names of the Senator from Indiana [Mr. COATS], the Senator from Tennessee [Mr. GORE], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 474, a bill to prohibit sports gambling under State law.

S. 475

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 475, a bill to promote nondiscrimination medical licensure and medical reciprocity standards, and for other purposes.

S. 488

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 488, a bill to amend the Public Health Service Act to establish and coordinate research programs for osteoporosis and related bone disorders and for other purposes.

S. 504

At the request of Mr. HARKIN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 504, a bill to amend the Standing Rules of the Senate to require that reports accompanying each bill involving public health that is reported by a Senate Committee contain a prevention impact evaluation, to establish a Task Force on Disease Prevention and Health Promotion, and for other purposes.

S. 505

At the request of Mr. HARKIN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 505, a bill to change the name of the Centers for Disease Control to the Centers for Disease Prevention and Control, and for other purposes.

S. 506

At the request of Mr. HARKIN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 506, a bill to amend title XVIII of the Social Security Act to require hospitals receiving Medicare payments for graduate medical education programs to incorporate training in disease prevention and health promotion, and to prohibit reductions in payment rates for direct and indirect medical education costs.

S. 507

At the request of Mr. HARKIN, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 507, a bill to amend the Public Health Service Act to expand the scope of educational efforts concerning lead poisoning prevention, and for other purposes.

S. 508

At the request of Mr. HARKIN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 508, a bill to amend title XVIII of the Social Security Act to provide for coverage of screening mammography where payment is not otherwise available for such screening for women over 49 years of age regardless of eligibility for benefits under such title, and for other purposes.

S. 509

At the request of Mr. HARKIN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 509, a bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes.

S. 510

At the request of Mr. HARKIN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 510, a bill to amend the Older Americans Act of 1965 to expand the preventive health services program to include disease prevention and health promotion services, and for other purposes.

S. 519

At the request of Mr. REID, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 519, a bill to amend title II of the Social Security Act to exclude child care earnings from wages and self-employment income under the earnings test with respect to individuals who have attained retirement age.

S. 542

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 551

At the request of Mr. BOND, the names of the Senator from Arkansas [Mr. PRYOR] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 551, a bill to encourage States to establish Parents as Teachers programs.

S. 588

At the request of Mr. MITCHELL, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 588, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations.

S. 597

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 597, a bill to amend the Public Health Service Act to establish and expand grant programs for evaluation and treatment of parents who are abusers and children of substance abusers, and for other purposes.

S. 602

At the request of Mr. SASSER, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 602, a bill to improve the food stamp and nutrition programs, and for other purposes.

S. 649

At the request of Mr. BREAUX, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 651

At the request of Mr. GARN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Missouri [Mr. BOND], the Senator from Mississippi [Mr. COCHRAN], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 651, a bill to improve the administration of the Federal Deposit Insurance

Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 659

At the request of Mr. GRAHAM, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Kentucky [Mr. FORD], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 659, a bill to suspend temporarily certain bars to the furnishings of veterans benefits to certain former spouses of veterans and to suspend temporarily a bar to the recognition of certain married children of veterans for veterans benefit purposes.

S. 679

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 679, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to reduce the cost of energy conservation service and measures.

S. 709

At the request of Mr. HATCH, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. GARN], the Senator from Alaska [Mr. STEVENS], and the Senator from Montana [Mr. BURNS], were added as cosponsors of S. 709, a bill to amend the Internal Revenue Code to allow a deduction for qualified adoption expenses, and for other purposes.

S. 715

At the request of Mr. BURNS, the name of the Senator from Louisiana [Mr. JOHNSTON], was added as a cosponsor of S. 715, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 720

At the request of Mr. KENNEDY, the name of the Senator from Oregon [Mr. HATFIELD], was added as a cosponsor of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

S. 722

At the request of Mr. ROTH, the name of the Senator from Indiana [Mr. LUGAR], was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 with respect to the requirement that an S corporation have only one class of stock.

S. 729

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 729, a bill to assist small communities in construction of facilities for the protection of the environment and human health.

S. 749

At the request of Mr. METZENBAUM, the name of the Senator from Ohio [Mr. GLENN], was added as a cosponsor of S. 749, a bill to rename and expand the boundaries of the Mound City Group National Monument in Ohio.

S. 765

At the request of Mr. BREAUX, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Hawaii [Mr. INOUYE], and the Senator from Mississippi [Mr. COCHRAN], were added as cosponsors of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer Social Security taxes on cash tips.

S. 768

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 768, a bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the establishment of a national electric vehicle program for the United States and for other purposes.

At the request of Mr. ROCKEFELLER, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 768, supra.

SENATE JOINT RESOLUTION 16

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Joint Resolution 16, a joint resolution designating the week of April 21–27, 1991, as "National Crime Victims Rights Week."

At the request of Mr. THURMOND, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Joint Resolution 16, supra.

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Joint Resolution 16, supra.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 43

At the request of Mr. THURMOND, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 43, a joint resolution to authorize and request the President to designate May 1991 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from Virginia [Mr. WARNER], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 57

At the request of Mr. THURMOND, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from North Dakota [Mr. BURDICK], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nebraska [Mr. EXON], the Senator from New York [Mr. D'AMATO], the Senator from Maine [Mr. MITCHELL], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. AKAKA], the Senator from Texas [Mr. BENTSEN], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May, 1991, as "National Foster Care Month."

SENATE JOINT RESOLUTION 70

At the request of Mr. HATFIELD, his name was added as a cosponsor of Senate Joint Resolution 70, a joint resolution to establish April 15, 1991, as "National Recycling Day."

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 74

At the request of Mr. LIEBERMAN, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Washington [Mr. GORTON], the Senator from Ohio [Mr. GLENN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from North Dakota [Mr. BURDICK], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 74, a joint resolution designating the week beginning July 21, 1991, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 89

At the request of Mr. DECONCINI, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from New York [Mr. D'AMATO], the Senator from Florida [Mr. GRAHAM], the Senator from Georgia [Mr. FOWLER], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 89, a joint resolution expanding United States support for the Baltic States.

SENATE JOINT RESOLUTION 91

At the request of Mrs. KASSEBAUM, the name of the Senator from New

York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 91, a joint resolution expressing the sense of the Congress regarding the political and human rights situation in Kenya.

SENATE JOINT RESOLUTION 95

At the request of Mr. PELL, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Rhode Island [Mr. CHAFEE], were added as cosponsors of Senate Joint Resolution 95, a joint resolution designating October 1991 as "National Breast Cancer Awareness Month."

SENATE JOINT RESOLUTION 97

At the request of Mr. DOMENICI, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Idaho [Mr. CRAIG], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from Kentucky [Mr. FORD], the Senator from Tennessee [Mr. GORE], the Senator from Texas [Mr. GRAMM], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], the Senator from Georgia [Mr. NUNN], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], and the Senator from Missouri [Mr. DANFORTH], were added as cosponsors of Senate Joint Resolution 97, a joint resolution to recognize and honor members of the reserve components of the Armed Forces of the United States for their contribution to victory in the Persian Gulf.

SENATE JOINT RESOLUTION 102

At the request of Mr. ROCKEFELLER, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Tennessee [Mr. GORE], the Senator from Nebraska [Mr. EXON], the Senator from Wisconsin [Mr. KASTEN], the Senator from Kentucky [Mr. FORD], the Senator from Oregon [Mr. PACKWOOD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Nevada [Mr. BRYAN], the Senator from Washington [Mr. GORTON], the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. DASCHLE], the Senator from Virginia [Mr. WARNER], the Senator from Arizona [Mr. MCCAIN], the Senator from Hawaii [Mr. AKAKA], the Senator from Missouri [Mr. DANFORTH], the Senator from Louisiana [Mr. BREAUX], the Senator from Nevada [Mr. REID], the Senator from Utah [Mr. HATCH], the Senator from Massachusetts [Mr. KERRY], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 102, a joint resolution designating the second week in May 1991 as "National Tourism Week."

SENATE JOINT RESOLUTION 110

At the request of Mr. MOYNIHAN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Mr. SARBANES], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Michigan [Mr. RIEGLE], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 110, a joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DECONCINI, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to encourage the Angolan Peace Talks.

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. MACK, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. WARNER], the Senator from Nebraska [Mr. EXON], the Senator from Alaska [Mr. STEVENS], the Senator from Nevada [Mr. BRYAN], the Senator from Missouri [Mr. DANFORTH], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nevada [Mr. REID], the Senator from Idaho [Mr. CRAIG], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution urging Arab states to recognize, and end the state of belligerency with, Israel.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. CRAIG, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal.

SENATE RESOLUTION 41

At the request of Mr. HATFIELD, his name was added as a cosponsor of Senate Resolution 41, a resolution to establish April 15, 1991, as "National Recycling Day."

SENATE RESOLUTION 72

At the request of Mr. KASTEN, the names of the Senator from Virginia [Mr. ROBB], the Senator from Alaska [Mr. STEVENS], the Senator from Alabama [Mr. HEFLIN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Resolution 72, a resolution to express the sense of the Senate that American small businesses should be involved in rebuilding Kuwait.

SENATE RESOLUTION 93—RELATING TO THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM'S NATIONAL TITLE

• Mr. SASSER submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 93

Whereas the women's basketball team of the University of Tennessee, the Lady Vols, have won three National Championships in the last five years, and

Whereas the Lady Vols have appeared in the Final Four of the NCAA Women's Basketball Tournament 11 times in the past 15 years, and

Whereas the Lady Vols have a streak of fifteen straight seasons in which they have won twenty or more games, and compiled a 30–5 mark in 1991, and

Whereas Pat Head Summitt, the coach of the Lady Vols, has complied a record of 442 wins and only 118 losses in her seventeen years leading the Lady Vols, and

Whereas the players and coaches of the Lady Vols have a dedication to education that equals their zeal for the game of basketball, and

Whereas the Lady Vols, under Pat Head Summitt, have achieved a virtually perfect graduation rate, and

Whereas the University of Tennessee's Lady Vols won the 1991 NCAA Women's Basketball Championship with a 70–67 overtime win over the University of Virginia. Therefore, it is

Resolved, That the University of Tennessee and Coach Pat Head Summitt are to be congratulated for an outstanding season. It is further

Resolved, That the United States Senate congratulates Coach Pat Head Summitt and the Lady Vols on winning the NCAA Women's Basketball Championship for 1991 and becoming the first team ever to win three such titles.

Mr. SASSER. Mr. President, I am pleased to submit today a resolution to recognize the women's basketball team of the University of Tennessee.

Once again, the Lady Vols have captured the NCAA women's basketball crown. What more can you say about a team that has won three of the last five NCAA women's basketball championships and is the first team ever to win three of these titles? What more can you say about a team that has won 20 or more games over the last 15 years and has made 11 final four appearances during this same period? What more can you say about a team that has a 100-percent graduation rate?

In 1987, I stood here praising the hard work and dedication on the part of both players and Coach Pat Head Summitt. In 1989, I remarked about the team's commitment to academic excellence. Today, Mr. President, I recognize what has become an institution in college athletics—the winning tradition of the Lady Volunteers.

Some said that the 1990–91 team was not Tennessee's most talented. Some said that this team would not be able to compete with the Virginias, the Stanfords, or the Penn States of women's basketball this year. Some even said that the Lady Vols would finish no higher than third in the Southeastern Conference. But the Lady Vols were overachievers. Their hard work, discipline and dedication led to an impressive 30-5 season and dispelled any lack of confidence that these people may have had.

Both on and off the court, Coach Summitt and her players continue their tradition of success. I would say that with their dual commitment to both athletics and academics, the Lady Volunteers would be winners even without their national championship trophies, final four appearances, Southeastern Conference titles, and 20 victory seasons. Each player has become the very ideal of a student athlete, and the women's basketball program at UT has become a shining example to the rest of the NCAA.

The victory by the Lady Vols shows just how far women's intercollegiate athletics has come in the last two decades. As the University of Tennessee expands its reputation as a women's basketball powerhouse, women's athletics continues its rapid growth. In 1972, almost no college or university offered athletic scholarships to women. By 1979, the number of scholarships had risen to 5,000 and today is over 10,000. The number of women participating in athletics has increased more than tenfold since 1972.

Dedicated athletes and coaches like the Lady Vols and Pat Head Summitt have put in thousands of hours of hard work to bring women's sports to their current respected place in U.S. amateur athletics. I am hopeful that this commitment will continue to grow into the 1990's and beyond.

Mr. President, I join every Tennessean and basketball fans across the country in commending and saluting the University of Tennessee Lady Volunteers and Coach Pat Head Summitt on their third national title.●

SENATE RESOLUTION 94—RELATING TO THE SOVIET CRACKDOWN IN TBILISI, GEORGIA

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 94

Whereas, on April 9, 1989, Soviet Red Army soldiers brutally attacked unarmed and peaceful demonstrators in Lenin Square (now Liberty Square) in Tbilisi, Georgia, using clubs, sharpened shovels, and poison gas, and killing 20 innocent demonstrators and injuring hundreds more;

Whereas, despite efforts made to conceal the acts of Soviet brutality, world humanitarian leaders such as Mother Teresa of Calcutta and a team of West German doctors specializing in the treatment of toxic gas victims came to Tbilisi to help the devastated survivors;

Whereas acts of brutality on that April 9th led to a realignment of the balance of political power within the Georgian Republic and resulted in a formal end to Communist rule with the elections of October 28, 1990;

Whereas Georgia refused to participate in a referendum held by the Central Soviet Government on March 17, 1991, and instead held its own referendum on March 31, 1991, in which 98.9 percent of the voters supported restoration of national independence to Georgia, thus reaffirming the ancient, distinctive, and separate character of their national identity which reaches back to before the birth of Christ; and

Whereas, today, April 9, 1991, is the two-year anniversary of the crackdown in Tbilisi: Now, therefore, be it

Resolved, That the Senate hereby—

(1) reaffirms its support for the demands of the people of Georgia in their peaceful efforts and demonstrations to regain national independence for their nation and territory;

(2) reaffirms its support for the demands of the people of Georgia for self-determination, in the spirit of the Final Act of the Helsinki Conference on Security and Cooperation in Europe, of which the Soviet Union is a party;

(3) reaffirms its support for the God-given human rights of the people of Georgia;

(4) commemorates the sacrifice of the Georgians who lost their lives in Tbilisi on April 9, 1989, as they were peacefully demonstrating for freedom and independence; and

(5) and urges the Government of the Soviet Union to recognize the will of the Georgian people and the legitimacy of the March 31, 1991, referendum.

Mr. HELMS. Mr. President, today, April 9, I submit a resolution commemorating the 2-year anniversary of the brutal Soviet attack on innocent and peaceful demonstrators in Tbilisi, Georgia. On April 9, 1989, 2 years ago today, hundreds of Georgian people were beaten and killed by Soviet Red army soldiers during a peaceful, all-night candlelight vigil.

Today, April 9, 1991, we remember the hundreds of victims who were beaten and gashed with sharpened shovels, clubs, and poison gas. Within days of the April 9th attack, independent news services confirmed the startling fact that the victims in Lenin Square were indeed attacked by Soviet soldiers with poison gas as they gathered seeking democracy and freedom from their Communist oppressors.

Most importantly, today, on this 2-year anniversary, in remembering the April 9, 1989, crackdown in Georgia, we remember the other small nations and cultures that have been swallowed up by Communist imperialism. Since the Tbilisi massacre, we have seen several other "Soviet republics" resist the Kremlin's grip. Latvians, Lithuanians, and Estonians have also died at the hands of Communist security forces under similar circumstances. But Mr. President, it was in Tbilisi, 2 years ago today that the first blood was spilled, the first victims mourned, and the first cries of the fledgling democracy movements heard. In Tbilisi, 2 years ago today, the democracy movements had their birth, and their baptism—a baptism of blood.

Mr. President, as we remember the victims today we are at a crossroads. The United States can continue to observe silently Georgia's brave efforts, or the United States can belatedly raise its voice in strong support of Georgia's efforts to obtain the same freedoms our own Nation is built upon. Soviet tanks and troops stand ready on the borders of Georgia and her neighbors, eager to silence their opposition and maintain a hold on their crumbling empire—the last empire in the world today.

In the last year, we have seen the death of perestroika, glasnost, and the West's naive hopes for a new brand of Soviet leadership. We have seen Mikhail Gorbachev claim the title of "President of the Soviet Union," although no real alternatives were offered, and no ballots were cast. We have seen the KGB and its organs systematically replace the progressive democratic forces which were taking their first tentative steps away from Communist totalitarianism. But most shockingly, Mr. President, we have seen President Gorbachev send tanks and troops in Latvia, Lithuania, Estonia, Armenia, and Georgia.

While the State Department seeks stability in the Soviet Union by continuing to support the Central Soviet Government, the peoples of Georgia and her neighbors seek freedom, peace, and basic human rights. President Gorbachev has shown us time and time again that he is little different than his hard-line predecessors.

Mr. President, the peoples of Georgia need to know that their desire for freedom from Communist oppression has been recognized by the free world. They need to know that the world remembers what happened in Lenin Square on April 9, 1989. But most importantly, the Georgian people need to know that the loss of 20 innocent lives will neither be forgiven nor forgotten.

On March 31, a referendum was held in Georgia on the following question: "Do you uphold the restoration of the Georgian state of independence according to the Declaration of Independence of May 26, 1918?" According to the Georgian electoral commission, 90.53 percent of the republic's 3.3 million voters participated in the referendum. Of those voting, 98.9 percent voted in favor of the restoration of independence. According to an April 3, 1991, article from Reuters, the ballots were printed in seven languages, and voters in Abkhazia, Adzharia, and Batumi, areas plagued with interethnic violence, also voted strongly in favor of Georgian independence.

Just this morning, in Tbilisi, the Georgian parliament issued a new independent declaration based on the unequivocal message sent by the Georgian people on March 31. Meanwhile in

Moscow on April 1, the Soviet legislature took steps toward imposing a state of emergency in the Georgian region of South Ossettia.

The stage is set for conflict on this day—the 2-year anniversary of the Tbilisi massacre, and the time has come for us to raise our voices in support of the Georgian people. Had the world spoken more resolutely after the Tbilisi massacre in 1989, the need to speak today would not be so vital.

Mr. President, the resolution which I am submitting is self explanatory.

I ask unanimous consent also that the names of the 20 victims be printed in the RECORD at this point, as well as this article from the Washington Times detailing the results of the March 31, 1989, referendum.

There being no objection, the material was ordered to be printed in the RECORD as follows:

TWENTY VICTIMS

In the early morning hours of Sunday, April 9, 1989, Soviet soldiers, using sharpened shovels, clubs, and poison gas attacked unarmed and peaceful demonstrators gathered in Lenin Square in Tbilisi, the capital of the republic of Georgia.

Twenty people, many of them teenagers died in the brutal and bloody attack.

The names of the victims:

1. Aza Adamia, 22 years old.
2. Nathia Bashaleishvili, 16 years old.
3. Eka Bezhanishvili, 16 years old.
4. Nato Guiorgadze, 23 years old.
5. Thamuna Dolidze 28 years old.
6. Thina Enuquidze 70 years old.
7. Nino Thoidze, 25 years old.
8. Zaira Kikvidze, 61 years old.
9. Nanana Loladze, 33 years old.
10. Thamar Mamulashvili-Svanidze, 50 years old.
11. Manana Melguadze, 23 years old.
12. Mamuka Nozadze, 22 years old.
13. Guia Quarseladze, 25 years old.
14. Nana Samarguliani, 41 years old.
15. Shazva Quvasroliashvili.
16. Nodari Djanguirashvili, 40 years old.
17. Mzia Djintcharadze, 43 years old.
18. Eliso Tchipashvili, 25 years old.
19. Thamriko Tchovelidze, 16 years old.
20. Marina Tchkhonia-Samarguliana, 31 years old.

[From the Washington Times, Apr. 2, 1991]

SOVIET GEORGIANS VOTE FOR INDEPENDENCE BY MARGIN OF 9 TO 1

(By Michael Dobbs)

MOSCOW, April 1.—Voters in Soviet Georgia demonstrated overwhelming support for full independence from Moscow in a Sunday referendum amid signs that the Kremlin may be planning a crackdown on the rebellious southern republic.

Georgian officials today released provisional results of the balloting, which showed 99.61 percent of the voters in favor of separation from the Soviet Union. More than 92 percent of the republic's 3.4 million eligible voters took part, meaning that more than 90 percent of the electorate endorsed the idea of a break with Moscow.

The landslide vote in support of independence was even more decisive than those recorded last month in the three Soviet Baltic republics, which are also attempting to break away from Kremlin rule. Georgia was one of six Soviet republics that boycotted a countrywide referendum last month ordered by President Mikhail Gorbachev to demonstrate popular support for preserving the Soviet Union as a multinational state.

The Soviet legislature, meanwhile, took the first step toward imposing a state of emergency in the troubled Georgian region of South Ossetia, where more than 50 people have been killed in ethnic fighting over the past three months. It passed a resolution by a vote of 353 to 7 calling on Gorbachev to use internal security troops to lift a three-month-long siege by Georgian militia units of the Ossetian capital, Tskhinvali.

The Soviet news agency Tass reported that Tskhinvali came under artillery fire overnight as armed Georgian units fought Ossetian vigilantes for control of the outskirts of the city. Georgia's Ossetian minority, which numbers about 60,000, has remained loyal to Moscow and has called on the Kremlin for protection against alleged Georgian oppressions.

Under the Soviet constitution, Gorbachev must ask the Georgian parliament to declare a state of emergency in South Ossetia before he can send troops. If the request is rejected, as it is almost certain to be, he has the authority to impose direct presidential rule in the region with consent of the Soviet legislature.

Georgia is a wedge-shaped region between the Caucasus Mountains and the Black Sea whose population of 5.5 million is about 70 percent ethnic Georgian, with Armenians, Russians and Azerbaijanis making up most of the rest. It was incorporated into the czarist Russian empire at the beginning of the 19th century but regained its independence for three years between 1918 and 1921, when it was occupied by the Red Army. Many Georgians now accuse the Ossetian minority—who represent about 3 percent of the population—of helping the Bolsheviks undermine the independence of the fledgling state 70 years ago, after it was initially recognized by the Kremlin.

Sunday's referendum question read: "Do you agree that the state independence of Georgia should be restored on the basis of the independence act of May 26, 1918?"

Unlike the three Baltic republics, which formally declared restoration of their pre-World War II independence last year, Georgia has refrained from such a step on grounds that the conditions for independence must be created first. Some Georgian officials predicted that the near unanimity of this weekend's vote for secession could result in a formal independence declaration later this year.

SENATE RESOLUTION 95—RELATING TO THE PHASEOUT OF PRODUCTION OF OZONE-DESTROYING SUBSTANCES

Mr. GORE (for himself, Mr. CHAFEE, Mr. LUGAR, Mr. DODD, Mr. WIRTH, Mr. AKAKA, Mr. KENNEDY, Mr. SIMON, Mr. DASCHLE, Mr. BRYAN, Mr. WELLSTONE, Mr. BRADLEY, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. LEVIN, and Mr. PELL) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 95

Whereas the stratospheric ozone layer, which protects all living things from harmful ultraviolet radiation from the sun, has been severely depleted in many areas of the globe;

Whereas recent scientific data show that the ozone layer over densely populated areas of the United States has thinned twice as fast as had been previously projected;

Whereas the recent data also show that the depletion is extending farther south than earlier studies had predicted, and the period of depletion is enduring longer and persisting into the warmer months of the year;

Whereas Europe, the Soviet Union, and most of Asia are experiencing similarly accelerated rates of ozone depletion;

Whereas the ozone layer is being depleted even more rapidly in the Southern Hemisphere than it is in the Northern Hemisphere, and the period of depletion is even more extensive than it is in the Northern Hemisphere;

Whereas further recent scientific evidence shows that chlorine monoxide, a chemical that is derived from such manmade compounds as chlorofluorocarbons and hydrochlorofluorocarbons, and that is known to destroy the ozone layer, has reached a concentration over the temperate latitudes of the Northern Hemisphere that is five times the normal level;

Whereas for every percentage point of ozone depletion, the number of skin cancer cases increases 5 to 7 percent;

Whereas the recent data indicate that Americans face a near doubling of skin cancer and deaths over the next 40 years due to increased exposure to ultaviolet radiation;

Whereas increased exposure to ultraviolet radiation, in addition to increasing the incidence of cancer, weakens the immune system and increases the risk of cataracts and other diseases, threatens food crops and some wild plants, and interferes with the ability of phytoplankton, the microscopic organisms that are at the base of the oceanic food chain, to reproduce;

Whereas the scientific evidence shows that chlorofluorocarbons, hydrochlorofluorocarbons, and other halogenated chemicals undergo reactions in the stratosphere that lead to the rapid destruction of the ozone layer;

Whereas the Administrator of the Environmental Protection Agency is required under the Clean Air Act Amendments of 1990 to accelerate the scheduled phaseout of ozone-destroying substances if it is determined in the light of scientific evidence that a more stringent schedule is necessary to protect human health and the environment;

Whereas the production of chlorofluorocarbons and carbon tetrachloride will be halted by the year 2000 pursuant to the amendments to the Montreal protocol concluded in London in June of 1990

Whereas the elimination of hydrochlorofluorocarbons is not mandated under the London amendments to the Montreal protocol;

Whereas developing countries are not required to comply with the terms of the Montreal protocol until the year 2010;

Whereas the European Community has already committed to halting the production of chlorofluorocarbons in 1997, three years earlier than required under the London amendments to the Montreal protocol;

Whereas ozone-destroying substances are also potent greenhouse gases and contribute to global climate change, and the recent scientific data demonstrate the need to avoid taking risks with the atmosphere's delicate chemical and climatic balance;

Whereas the recent scientific findings make necessary a reappraisal of both domestic and international policy on the control of ozone-destroying chemicals; Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled,

That the Administrator of the Environmental Protection Agency shall accelerate the scheduled phaseout of production of ozone-destroying substances in the United States as required pursuant to section 606 of the Clean Air Act Amendments of 1990, and shall provide for complete phaseout as early as possible, but in no event later than 1997 for CFCs and methyl chloroform, in order to protect human health and the environment;

That the Administrator of the Environmental Protection Agency shall promptly issue regulations, as required pursuant to title VI of the Clean Air Act Amendments of 1990, providing for the recapture and recycling of ozone-destroying substances as used in appliances and motor vehicle air conditioners, and for the elimination of such substances as used in nonessential consumer products;

That the President of the United States should urge the United Nations to call a special session of the Contracting Parties to the Montreal protocol in order to conclude an agreement accelerating the scheduled phaseout of production of ozone-destroying CFC's and methyl chloroform, and providing for such phaseout as early as possible, but in no event later than 1997;

That the President should urge the contracting parties, at the special session called by the United Nations to include hydrochlorofluorocarbons within the terms of the Montreal protocol, and provide for the phaseout of the production of such substances as early as possible, but in no event later than 2010;

That the President should urge the contracting parties, by providing technical assistance and through other measures as appropriate, to accelerate the compliance of developing countries with the terms of the Montreal protocol.

Mr. GORE. Mr. President, last week, scientists in the National Aeronautics and Space Administration—and I say this as chairman of the subcommittee which authorizes NASA—released new findings on the rapidity of ozone depletion in the stratosphere above the so-called midlatitude areas that are very heavily populated, which include North Dakota, Tennessee, New York, Washington, DC and virtually all of the populated areas of the United States, not to mention other countries. It is proceeding even faster in comparable latitudes south of the Equator, the midlatitudes there. Basically, what the findings show is that the ozone depletion problem in these latitudes is proceeding twice as fast as had been predicted.

The consequences are, by now, well known to many. A decreased level of ozone in the stratosphere means an increased amount of ultraviolet B radiation which reaches the surface of the Earth. This has certain deleterious consequences, some of which are well known, others of which are not as well known but equally as serious. In the first place, there is increased incidence of skin cancer. The number of cases over the next 40 years will, as a result of these new figures, probably double, say the scientists, in the United States alone. In areas like New Zealand and Australia, there is already a problem of crisis proportions. No. 2, the incidence of cataracts and of blindness from cataracts will increase.

So much for the well-known deleterious consequences. What about the others? This increase in ultraviolet radiation has effects on the immune system of all 0.35 billion people on the surface of this planet. It has effects that may be even more pronounced for the smaller organisms farther down the food chain, such as the plankton at the base of the oceanic food chain. It also has effects on the growing of crops and suppresses crop yields, precisely at a time when per capita yields have been going down in each of the last several years. That is partly due to the rapid increase in population in the world. It has other deleterious consequences, some of which involve unknowns. In fact, the most famous incident, before this one last week, was the sudden and suprising appearance of an ozone hole above Antarctica a few years ago, which rang the alarm bells in the world community and led to international action to phase out the chemicals responsible for depleting ozone. The compromises which led to international agreement on the so-called Montreal Protocol, and the toughening measures known as the London amendments, resulted in a relatively attenuated schedule for phasing out these chemicals. Indeed, we had a debate on this floor, during consideration of the Clean Air Act amendments, on an amendment which I offered that would phase out hydrochlorofluorocarbons, one of the family of chemicals responsible here; and the administration opposed that, even though it was a 40-year schedule for phasing them out.

This new set of alarm bells means you can forget that kind of relaxed leisurely phaseout. You can forget that entirely. The world community has to begin getting rid of these chemicals right away, and the ones that will take a few years still, we have to move not just with all deliberate speed; we have to move urgently to get rid of these chemcials, because the current concentration of these chemicals, which is leading to these dire consequences we heard about last week, will increase steadily over the next decade, even if there is perfect compliance with the London amendments as they are currently drafted. Only after time will the concentrations slowly begin to fall back down.

What happens in the meantime? What if another ozone hole appears, not over Antarctica, but over populated areas? That is now conceivable, Mr. President. It sounds like a bad science fiction novel, I know, but it is now conceivable, even though it is hard for us to comprehend that such a thing, so far outside of the range of previous historical experience, could be possible. But it is possible, and the world community must respond.

How does the world community respond? Well, as a practical matter, these days, the world community responds if, and only if, the United States of America leads the world community. Who else will do it? The world will not follow Japan, and Japan is not inclined to lead. Europe will be absorbed with its process of integration into the European Community for at least the next decade and may even then not exhibit an inclination to lead in the world community.

The world will follow the United States if the United States leads boldly. Do we have that kind of leadership on this question now? Unfortunately, Mr. President, the answer, obviously, is no.

To the point now: Our Clean Air Act amendment last Congress contained a provision allowing the head of the EPA to unilaterally take steps to accelerate the phaseout of these chemicals here in the United States if new scientific evidence becomes available showing that that step was needed. Here is the evidence; I will put it in the RECORD accompanying these remarks. We are waiting; let us go. The Director of the EPA himself is well aware of the dimensions of this problem. He is an extremely capable man, who, unfortunately, has been frequently stifled by the President and by the President's famous chief of staff, Mr. Sununu, who—I do not want to pick on him; I cite his name because it is well known that he controls the policy decisions affecting the global environment. He has converted himself. The Secretary of State, who understands the dimensions of the problem has found it necessary to personally recuse himself, citing a conflict of interest because he owns oil stock, an honorable man, a personal friend, whom many respect greatly. I wish he was there in the policy debate to counterbalance what Mr. Sununu is insisting that we not do.

But he is not. He has felt the need to recuse himself and so he is not present and Mr. Reilly has not been able to overturn the advice of Mr. Sununu.

So, I am introducing a resolution today with the cosponsorship of Senator CHAFEE, Senator LUGAR, Senator DODD, Senator WIRTH, Senator AKAKA, Senator KENNEDY, Senator SIMON, Senator DASCHLE, Senator BRYAN, Senator WELLSTONE, Senator BRADLEY, Senator MIKULSKI, and others. I am sending a letter to the administration addressed specificially to the head of the EPA but with notice to the President, because obviously the decision will be his even if the law specifies the head of the EPA. As to that letter, as of this hour, the first day back after this recess, just in 1 day, 31 Senators of both parties have signed this letter. I will ask that it be printed in the RECORD. It is still open for signatures and, indeed, other

Senate offices are currently examining it and some have indicated they might well sign it before the end of the day.

The letter asks that Mr. Reilly use the authority of section 606 of the Clean Air Act requiring an accelerated phaseout schedule, urges him to act quickly to promulgate regulations requiring the capturing and recycling of CFC's and related chemicals and elimination of CFC use in nonessential products as called for under the Clean Air Act. The resolution urges that the President asks the United Nations for a special meeting of the Montreal protocol contracting parties to accelerate the international phaseout schedule and in particular to bring the rest of the world up to speed with the European Community, which has committed to a phaseout within 6 years.

Mr. President, I ask unanimous consent to print in the RECORD the letter to which I have referred.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 9, 1991.

Hon. WILLIAM K. REILLY,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR REILLY: There is disturbing news in the latest satellite data released by Richard Stolarski and his colleagues at the National Aeronautics and Space Administration: the stratospheric ozone layer protecting the earth from the sun's deadly ultraviolet rays is being destroyed more than twice as fast as had been projected. The ozone layer has been severely degraded, not just at higher latitudes or over Antarctica, and not just in winter months, but in the atmosphere over our own backyards in the spring months when we, and our children, are outdoors.

The scientists are predicting that this much-faster-than-expected depletion of the ozone layer will produce massive increases in cases of skin cancer and deaths from skin cancer—almost twice as many during the next 40 years—and dramatic impacts on climate and crops. The results are startling. They must move us to immediate action. Human health, human lives, and our environment are at stake.

As a critical first step, the phaseout of chlorofluorocarbons and hydrochlorofluorocarbons must be accelerated. Under the Clean Air Act Amendments of 1990 (Sec. 606), you are required to impose a more stringent phaseout schedule if scientific evidence demonstrates that more vigorous measures are necessary to protect human health and the environment. Clearly, we now have that evidence: the rate of ozone depletion is more than twice what we had expected, and the extent and duration of the damage is significantly more expansive.

Your recent public comments in response to the new satellite data make it apparent that you agree with our assessment of these findings. "The implications for policy are unavoidable," you were quoted as saying in The Washington Post. The policy choice before you is clear. We urge you to make it and immediately speed the phaseout of ozone-destroying chemicals.

The Clean Air Act Amendments of 1990 also include other measures we believe to be of the utmost importance in minimizing the threat posed by ozone-destroying chemicals. Recycling of CFCs and HCFCs used in appliances and auto air conditioners, and the elimination of these chemicals in nonessential consumer products are critical components of those amendments. In crafting the rules for these provisions, you are charged with their implementation. We urge you to make this rule-making a top priority.

Thank you, in advance, for your prompt attention to these very urgent issues.

Sincerely,

Jim Sasser, Harry Reid, Paul Sarbanes, Brock Adams, Richard Bryant, Tom Daschle, Howard Metzenbaum, Al Gore, Dale Bumpers, Barbara Mikulski, Kent Conrad, Christopher Dodd, Alan Cranston, Paul Wellstone.

Wendell Ford, John Breaux, John Kerry, Charles Robb, Joseph Lieberman, John Chafee, Paul Simon, Bill Bradley, Tim Wirth, Patricia Leahy, Howell Heflin, Carl Levin, Frank Lautenberg, Max Baucus, Claiborne Pell, Daniel Akaka, Edward Kennedy.

Mr. MOYNIHAN. Mr. President, while my friend from Tennessee is on the floor, may I thank him on behalf of this Senator, and I speak for many, in taking the initiative in respect to the ozone matter. The results were startling. We do not say they are conclusive—things rarely are in atmospheric science—but this startled everyone and needs to be addressed and cannot be dismissed.

We have to make a judgment on what do we think of this data. It may be much later than we thought and not a moment too soon. To respond to the Senator as suggested, I am happy to sign that letter and would ask, Mr. President, that I may be made a cosponsor of the bill.

Mr. GORE. I ask unanimous consent that the Senator be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 96—RELATIVE TO THE SENIOR CITIZEN INTERN PROGRAM

Mr. COCHRAN submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 96

Resolved, That the first section of Senate Resolution 219, agreed to May 5, 1978 (95th Congress, 2d Session), is amended—

(1) in subsection (a) by inserting after "a senior citizen intern" the following: "or interns"; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c)(1) Except as provided in paragraph (2), for purposes of payment of compensation and travel expenses, senior citizen interns employed pursuant to this resolution shall be subject to the same limitations and restrictions applicable to Senators and Senate employees.

"(2) An outside vendor may provide for the travel and per diem expenses only of senior citizen interns in the Senior Citizen Intern Program subject to approval by the Committee on Rules and Administration. Documentation provided by such vendor may be accepted as official travel expense documentation for the purpose of reimbursing interns in the program for travel expenses.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 395, a bill to establish the Department of Energy's Fast Flux Test Facility [FFTF] as a research and development center in Washington State.

The hearing will take place on Thursday, May 9, 1991, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, attention: Mary Louise Wagner.

For further information, please contact Mary Louise Wagner of the committee staff at 202/224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that the hearing previously scheduled for Wednesday, April 10, at 9:30 a.m. on S. 341 and S. 570 before the Committee on Energy and Natural Resources has been canceled. No plans have been made to reschedule.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Tuesday, April 9, 1991, at 2:30 p.m. to consider the nominations of: Arthur Levitt, Jr., Robert D. Stuart, Jr., and Alexander B. Trowbridge, to serve as members of the Defense Base Closure and Realignment Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 9, at 3 p.m. to hold a closed hearing on "Soviet Disunion: The American Response."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be authorized to meet during the session of the Senate on Tuesday, April 9, at 2:30 p.m. to hold a nomination hearing for David Lambertson to be Ambassador to Thialand.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING THE BOARD, STAFF, AND VOLUNTEERS OF HOSPICE CARE, INC.

• Mr. LIEBERMAN. Mr. President, I rise today to pay special tribute to the board, staff, and volunteers of Hospice Care, Inc., on the occasion of their 10th anniversary.

In 1538, the citizens of London petitioned Henry VIII for the establishment of a hospice where the underprivileged could be lodged, cherished, and refreshed. In recent times, compassionate volunteers have translated the spirit of hospice into a modern concept of caring for the terminally ill and their families with the focus on living and maintaining the quality of life. I am proud to acknowledge that the first hospice in the United States was established in New Haven, CT, in 1974. Since then, hospices have become an important part of our health care system throughout the United States.

Hospice Care, Inc., was established in 1981. Since then, it has served over 1,200 patients and their families in the Connecticut communities of Greenwich, Stamford, Darien, New Canaan, and Norwalk. Through Hospice Care, an interdisciplinary team works to address the physical, emotional, spiritual, and financial needs of the patients and their families when cure is no longer the goal.

In 1990, the Joint Commission on Accreditation of Healthcare Organizations commended Hospice Care for its outstanding organizational performance that places it in the top 10 percent of accredited organizations in the country. This commendation would not have been possible without the exceptional commitment, devotion, and professionalism of the board, staff, and volunteers of Hospice Care who have cared for and guided the patients and their families along a difficult and challenging journey.

It is with great pride and pleasure that I commend Hospice Care for 10 years of steadfast service to our communities and wish them continued success with their programs.•

CELEBRATING 20 YEARS OF CAMP SUSAN CURTIS

• Mr. COHEN. Mr. President, I would like to take this opportunity to recognize the 20 years of hope that Camp Susan Curtis has brought to many disadvantaged children in the State of Maine.

Camp Susan Curtis is a loving tribute to the memory of Susan Lee Curtis, the daughter of former Maine Gov. Kenneth Curtis, who died of cystic fibrosis at age 11.

Camp Susan Curtis offers disadvantaged children from Maine a unique opportunity to experience a summer on the beautiful shores of Trout Lake. The camp provides a supportive environment through which a child's self-esteem and confidence can be nurtured. Most of the children come from families near or below the poverty line and many have been victims of child abuse and have been placed in foster homes. Through its first two decades, more than 5,500 children have experienced the hope and joy of Camp Susan Curtis.

Mr. President, I ask that an article about the camp by Bill Caldwell that appeared in the Maine Sunday Telegram on March 10, 1991, be printed in the CONGRESSIONAL RECORD.

The article follows:

A SPECIAL PLACE FOR SPECIAL KIDS

(By Bill Caldwell)

A fine way to commemorate a lovely Marine girl who died too young is to bring hope, fun and joy to Maine children who are getting too little of those precious ingredients of childhood.

Camp Susan Curtis is celebrating 20 years of doing that for more than 5,500 Maine boys and girls from every county in the state. On Friday night, the camp is having a fund-raiser, a dinner dance at The Woodlands Club in Falmouth, at $150 per person.

The camp is an idea born out of love to perpetuate the memory of Susan Lee Curtis, who died of cystic fibrosis at age 11 in July 1970 when she, her little sister Angela, her mother Pauline and her father Kenneth were living in the Blaine House, the 28-room residence that is home to Maine governors.

After Susan's death, there was a great outpouring of love and shared grief from people all around Maine. Some I am told, sent modest contributions to Gov. and Mrs. Curtis, asking them to "do something good" for the children of Maine. The unsolicited gifts totaled about $5,000.

Ken and Polly Curtis consulted with their closest friends about how to use the money and how to honor Susan's memory. Their talks kept coming back to the thought that sometimes the very best of Maine is experienced by out-of-state childen who are sent to camps here, whereas thousands of the most deprived children in Maine never get a taste of going to summer camp in the Maine woods on the edge of a Maine lake.

Out of these talks the vision of a camp for deprived Maine children was born. And the vision grew to become the Susan L. Curtis Foundation.

Nurtured by willing godfathers such as Scott Hutchinson, Alton Cianchette, Robert Dunfey, Robert Monks, Harold Alfond and Julien Cohen, the newly born foundation, which essentially had very little money, went boldly out to bargain with out-of-state owners for a camp and land at Trout Lake in East Stoneham.

These godfathers did some remarkable negotiating.

At the very time they were negotiating to buy the land, they were also negotiating to sell 700 acres of it as a conservation project. The money to pay for the camp and land would come from the sale of the acreage which was part of the camp they had not yet bought.

The negotiations worked. The godfathers bought the camp and 800 acres of land, then sold 700 acres to get the money to pay it. They not only pulled off this handsome deal, but they also managed to put the acres they sold under state conservation that protects them in perpetuity from development.

Camp Susan Curtis opened in 1974, four years after the death of its namesake. Since then, what has the camp meant to the thousands of boys and girls who've enjoyed the special place that carries her name?

Let a former camper tell you. She is Laura Mayberry Ash and she wrote:

"When I was a child growing up in western Maine, times were hard for my family. I came from a dysfunctional, alcoholic home. As a child, I can remember that it was like going to heaven when we went off to camp. My world and my life changed after the first time I went to Camp Susan Curtis. Suddenly there were people who cared about me; they showed me I was a worthwhile person, someone who counted . . . Camp Susan Curtis was the light at the end of the tunnel."

Ash is a successful woman now. "But even today, when things aren't going just right, I can think back to the sunsets on Trout Lake and the cookouts on McDaniels Mountain," she said.

She remembers the excitement of the first day at camp and the sadness and tears on the last. "On the last night we would make sailboats by taking a piece of tree bark and melting a candle on it. Then we would light the candle and set our boats to sail on the lake. While we watched our boats, we would hold hands and sing, 'Reach out and touch somebody's hand, make this world a better place if you can.' The campers would sing this over and over until the last candle went out and there was no light left on any of the tree-bark boats sailing into the night."

Ash was 25 years old when she wrote these words to former Gov. Curtis about the years when she was first a camper and later a counselor at Camp Susan Curtis. She told him she is now working with disadvantaged young people in Maine. And she enclosed a check.

"It's not much (God knows that even a million dollars couldn't repay the memories given me), but it may help send one youth to Camp Susan Curtis," Ash commented. "I know that oftentimes it is difficult for you to obtain funding for the Susan L. Curtis Foundation. I want to encourage you in your struggle for funding. Maine and its youth need a program like this one."

Last summer, 372 children from 90 Maine communities went to Camp Susan Curtis. More than 60 percent of the children came from single-parent households and 96 percent of their families had incomes close to or below the poverty line. Many had a history of child abuse and many had been taken from their families and put into foster homes for their protection.

Think for a moment of the daily lives of those children. Then envisage hundreds more just as disadvantaged going off next summer to Trout Lake, nestled in wilderness bordering the White Mountain National Forest.

For them it could be like going to heaven, as Ash wrote. For them, as it was for her, Camp Susan Curtis could be the light at the end of their tunnels.

What a loving and fitting memorial to the blue-eyed, flaxen-haired Susan, the governor's daughter who died too young.•

HAPPY BIRTHDAY, AUNT HATTIE

• Mr. BINGAMAN. Mr. President, today I rise to wish a very happy 104th birthday to a true western pioneer, Aunt Hattie Crowe. Her vigorous and memorable life has spanned more than a century of American history, during which she has witnessed some of our Nation's greatest moments. On this joyous occasion, I would like to reflect upon the life and times of this model citizen of Roswell, NM.

On April 9, 1887, Hattie Crowe was born in Tyler, TX, the daughter of June and Elizabeth Hefter. At the time of her birth, American society was undergoing tremendous change. The country was in the midst of the Industrial Revolution, and our country's modern-day transportation system was gradually evolving. In 1887, the United States had experienced only 50 years of railroad expansion. Yet, over the years, Aunt Hattie saw significant advances in transportation. She saw automobiles go from being a luxury item to a necessity. She witnessed air travel progress from short flights to intercontinental flights to man's first flight to the Moon.

During her lifetime, Aunt Hattie observed stark changes in the country's entertainment business as well. Aunt Hattie was born the same year that Mr. H.W. Goodwin invented celluloid film. This invention was closely followed by the advent of the silent motion pictures and eventually "the talkies." Subsequently, technology brought us the wonders of technicolor and special effects, and even the video cassette recorder. Again, Aunt Hattie saw it all happen.

As amazing as it is to think of the technological advances Aunt Hattie has witnesses over the course of her lifetime, it is just as important to mention the historical events Aunt Hattie has experienced firsthand. She was born when the 50th Congress was in session and has lived for more than half the years the United States has operated under our Constitution. She has seen this Nation emerge as the most powerful economic and military power in world history. She has seen the United States and its citizens fight for civil rights at home and abroad.

Further, as a black woman, Aunt Hattie has not only endured the injustices of our Nation's "separate but equal" doctrine, but also saw justice prevail in the Supreme Court's 1954 watershed decision, Brown versus the Topeka Board of Education. She has lived through war and peace, prosperity and poverty. Before her eyes, she has seen the country transform itself from a nation torn apart by post-Civil War conflict to a united, model democratic nation—a beacon for the oppressed around the globe.

All of us, particularly our youths, have a valuable resource in Aunt Hattie. While most of us can only read about American history, Aunt Hattie has lived it. She is a woman whose kindness and strong commitment to her faith in God have inspired many, and although many things have changed over the last 104 years, one thing will never change—the love and admiration a community can feel for someone as special as Aunt Hattie.

I join her family, her friends at the Joy Senior Center, and everyone else in Rosswell, NM, in wishing Aunt Hattie Crowe the very best birthday. God bless you.•

TRIBUTE TO CONGRESSMAN ALBERT McKINLEY RAINS, AN AMERICAN VISIONARY

• Mr. SHELBY. Mr. President, I rise today to pay tribute to the life and legacy of one of the great Members in the history of the U.S. Congress. Albert McKinley Rains died on March 22 of pneumonia in Gadsden, AL.

Albert Rains was first elected to Congress from Alabama's Fifth Congressional District in 1945 and ascended to the chairmanship of the Housing Subcommittee of the House Banking and Currency Committee. He, along with the late Senator John Sparkman, wrote most of the sweeping housing legislation that was enacted in the post-World War II era. Rains was dubbed "Mr. Housing" for his commitment to more readily available and better public housing, military and veterans' housing, dormitory construction for colleges, housing for first-time homeowners, and housing for the elderly. Beyond housing, Congressman Rains' legislative influence extended to agriculture, Social Security and foreign aid.

A native of Groveoak, AL, Mr. Rains was a teacher and administrator in the Alabama public school system before turning to a career in law. He was admitted to the Alabama Bar in 1928 and became one of the State's most prominent lawyers and a member of the family law firm of Rains & Rains in Gadsden. He also served as deputy solicitor for Etowah County and as Gadsden's city attorney.

Congressman Rains was elected to the Alabama legislature in 1942. He won the Democratic nomination for the U.S. Congress in 1944 and ran unopposed in the general election. He went on to serve in the Congress for 10 consecutive terms. Rains was admired as one of the Democratic Party's most intelligent moderates. Albert Rains will be remembered as one of the most respected and influential Congressmen in U.S. history.

After retiring from congressional service, Rains returned to his law practice in Gadsden. He was also the author of the book, "With a Heritage So Rich" and the chairman of the First City National Bank in Gadsden. A true visionary, Congressman Rains will be sorely missed by all who knew him. The city of Gadsden, the State of Alabama and all of America mourn his passing.

Mr. President, it is an honor to share the immense accomplishments of Albert Rains with my colleagues in the U.S. Senate. My thoughts and prayers go out to his wife of 51 years, Allison, and his sister, Magnolia Michaels.

COMMUNITY CHILDHOOD HUNGER IDENTIFICATION PROJECT

• Mr. SARBANES. Mr. President, I want to call to the attention of my colleagues the report released late last month by the Food Research and Action Center on the Community Childhood Hunger Identificaion Project [CCHIP], the most comprehensive study undertaken nationwhide to study the critical problem of childhood hunger. As you know, the study found that approximately 5.5 million children in the United States under the age of 12 are hungry and an additional 6 million are estimated to be at risk of hunger. In my State of Maryland, the CCHIP study estimates that 61,000 children are hungry and nearly 126,000 children are either hungry or at risk of hunger. Nearly 33 percent of low-income families in Maryland have so little food that they sometimes must skip meals or are forced to put their children to bed hungry.

Clearly, the findings contained in the CCHIP report demand a redoubling of efforts to fight the critical problem of childhood hunger. To this end, I have joined in sponsoring the Childhood Hunger Prevention Act. This important proposal would attack the problem of childhood hunger on serveral fronts, including increasing funding for the Special Supplemental Program for Women, Infants, and Children [WIC] in fiscal 1992 by $250 million, which would enable an additional 400,000 low-income women, infants, and children to receive WIC benefits. The bill would also improve access to other child nutrition programs by amending the Food Stamp Program to allow greater access to benefits by low-income families with children increasing participation in the Child Care Food Program, and expanding pilot projects created in 1989 to provide year-round food service to homeless children under age 6 in emergency shelters.

Enactment of this legislation is especially important as we continue our effort to restore earlier cuts in child nutrition and other food assistance programs. It is important to remember that until the eighties, food assistance programs had received in large part uninterrupted growth in Federal support. However, the Reagan administration's Omnibus Budget Reconcilation Act of 1981 cut Federal funding for all domestic programs by $35 billion, with legislative changes in child nutrition programs accounting for approximately $1.4 billion of this amount. Since that time, administration budgets have called for further cuts in the school lunch, breakfast, and Child Care Food Programs and for reductions in the rate of growth for the WIC Program. I adamantly opposed such cuts and look foward to working with my colleagues to renew the Federal commitment to child nutrition programs through the passage of the Childhood Hunger Prevention Act as well as other efforts to reduce the number of hungry and at-risk children in our Nation.

The serious problems which exist throughout the country with respect to childhood hunger were also explored last year in hearings held in the Senate Budget Committee on "Hunger and America's Children." I was pleased at that time to have the opportunity to introduce to the committee Mary Tramper and Peggy Adams, two Maryland mothers who testified on behalf of the Maryland Food Committee about the obstacles faced by low-income families as they struggle to provide adequate food and nutrition for their children.

I would like at this point to take a moment to recognize the Maryland Food Committee and its tireless efforts to address Maryland's problems of hunger and malnutrition. The Maryland Food Committee, formed just over 20 years ago by physicians, religious leaders, teachers, and others interested in social issues to address the chronic issue of hunger, has played not only a leadership role in Maryland's fight against hunger but a leadership role in the Nation as well. It was at the forefront of efforts to launch a pilot infant formula program, from which the current WIC Program was developed. It has been my privilege over the years to work closely with the Maryland Food Committee, and I look forward to a continued close association as we intensify efforts to alleviate hunger problems throughout the country.

Mr. President, I would like to close by making this observation. Several years ago, as chairman of the Joint Economic Committee, I held a series of hearings on food and investments in the Nation's future. These hearings were an attempt to look into the future and take a long view on investment needs in such diverse fields as the environment, health, transportation, research and development. One of them, held in Baltimore, was devoted to questions of preventive health care where witnesses from the medical community focused at length on the value of WIC and other nutrition programs. They made the point, particularly in terms of preventive health care, that the cost of providing adequate feeding today would be more than repaid in the future in terms of saved health care costs, improved productivity, and improved output.

Numerous studies have documented the extent to which hungry children are more vulnerable to fatigue, frequent colds, weight loss, an inability to concentrate, and irritability than children who are not hungry. Hungry children are more likely to be absent from school and at the same time more likely to have learning problems while in school. Moreover, inadequate nutrition in the critical early years of childhood cannot be made up later on. There are remedial programs for subjects like reading but no effective remedies for stunted growth of body and mind.

I urge my colleagues to join me in moving quickly to address the critical problem of childhood hunger. Our children's—and our Nation's—future depends upon it.●

RULES OF THE SMALL BUSINESS COMMITTEE

● Mr. BUMPERS. Mr. President, I ask that the rules of the Small Business Committee be printed in the RECORD.

The rules follow:

COMMITTEE RULES

(As adopted in executive session March 20, 1990)

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees. The Rules of the Committee shall be the Rules of any Subcommittee of the Committee.

2. MEETINGS AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on 3 days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, the majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

(b)(1) Ten Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) Six Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Cong. Rec. S3231 (daily ed. March 21, 1986).

(3) In hearings, whether in public or closed session, a quorum for the taking of testimony, including sworn testimony, shall consist of one Member of the Committee or Subcommittee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. The Chairman of any Subcommittee may, after approval of the Chairman, initiate a hearing of the Subcommittee on his authority or at the request of any member of the Subcommittee. Written notice of all hearings shall be given, as far in advance as practicable, to Members of the Committee.

(2) Hearings of the Committee or any Subcommittee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) Any Member of the Committee may attend any meeting or hearing held by any Subcommittee and question witnesses testifying before any Subcommittee.

(3) Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(4) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 48 hours in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting. Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. Subcommittees shall not have the right to authorize or issue subpoenas. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. AMENDMENTS OF RULES

The foregoing rules may be added to, modified or amended: provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Jay C. Ghazal, a member of the staff of Senator PELL, to participate in a program in Taiwan, sponsored by the Tamkang University, from March 25–April 1, 1991.

The committee has determined that participation by Mr. Ghazal in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for William U. Sykes, a member of the staff of Senator WARNER, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from March 25–April 1, 1991.

The committee has determined that participation by Mr. Sykes in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Chuck Konigsberg, a member of the staff of Senator STEVENS, to participate in the 1991 Congress-Bundestag Staff Exchange program in Germany, sponsored by the USIA, from April 6–21, 1991.

The committee has determined that participation by Mr. Konigsberg in Germany at the expense of the USIA and the German Government is in the interests of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Phil Karsting, a member of the staff of Senator EXON, to participate in a program in Taipei, sponsored by the Soochow University, from March 31–April 6, 1991.

The committee has determined that participation by Mr. Karsting in the program in Taipei, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Kristin Siblin, a member of the staff of Senator RIEGLE, to participate in a program in Taipei sponsored by the Soochow University, from March 31–April 6, 1991.

The committee has determined that participation by Ms. Siblin in the program in Taipei, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Wayne A. Abernathy, a member of the staff of Senator RIEGLE, to participate in a program in Canada, sponsored by the Canadian Government, from March 24–28, 1991.

The committee has determined that participation by Mr. Abernathy in the program in Canada, at the expense of the Canadian Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Brad Beckstrom, a member of the staff of Senator PRESSLER, to participate in a program in Japan, sponsored by the Invitational Program for Advanced Countries of the Foreign Ministry of Japan, from March 24–31, 1991.

The committee has determined that participation by Mr. Beckstrom in the program in Japan, at the expense of the Japanese Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Tracey E. Thornton, a member of the staff of Senator FOWLER, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from March 25–April 1991.

The committee has determined that participation by Ms. Thornton in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Denise Greenlaw Ramonas, a member of the staff of Senator DOMENICI, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from March 25–April 1991.

The committee has determined that participation by Ms. Ramonas in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Theresa Oviedo, a member of the staff of Senator DOLE, to participate in a program in Canada, sponsored by the Canadian Government, from March 24–28, 1991.

The committee has determined that participation by Ms. Oviedo in the program in Canada, at the expense of the Canadian Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Christopher Dachi, a member of the staff of Senator CHAFEE, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from March 25–April 3, 1991.

The committee has determined that participation by Mr. Dachi in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Michael Zarin, a member of the staff of Senator DURENBERGER, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from March 25–April 1991.

The committee has determined that participation by Mr. Zarin in the program in China, at the expense of the Chinese Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Kevin M. Dempsey, a member of the staff of Senator DANFORTH, to participate in a program in Canada, sponsored by the Canadian Government, from March 24–28, 1991.

The committee has determined that participation by Mr. Dempsey in the program in Canada, at the expense of the Canadian Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mark Ulven, a member of the staff of Senator DASCHLE, to participate in a program in Canada, sponsored by the Canadian Government, from March 24–28, 1991.

The committee has determined that participation by Mr. Ulven in the program in Canada, at the expense of the Canadian Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dino L. Carluccio, a member of the staff of Senator SMITH, to participate in a program in Taiwan, sponsored by the Soochow University, from March 25–31, 1991.

The committee has determined that participation by Mr. Carluccio in the program in Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Karen E. Yetka, a member of the staff of Senator MURKOWSKI, to participate in a program in Taiwan, sponsored by the Soochow University, from March 25–31, 1991.

The committee has determined that participation by Ms. Yetka in the program in Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for David Krawitz, a member of the staff of Senator RIEGLE, to participate in a program in Taiwan, sponsored by the Tamkang University, from March 25–31, 1991.

The committee has determined that participation by Mr. Krawitz in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Timothy Trenkle, a member of the staff of Senator KASSEBAUM, to participate in a program in Benin and Togo in west Africa, sponsored by the African-American Institute from March 21–26, 1991.

The committee has determined that participation by Mr. Trenkle in the program in Benin and Togo, at the expense of the African-American Institute, is in the interest of the Senate and the United States.•

AN ALABAMA TRADITION

• Mr. SHELBY. Mr. President, I want to take just a moment today to share with my colleagues a recent culinary experience that warrants telling about. Last month I dined at the Blue Gill Restaurant in Mobile, AL—and it just keeps getting better. The Blue Gill is one of those places so good you want to keep it to yourself. But just like Alabama's beautiful gulf coast and spun-sugar beaches, the secret has gotten out.

In March 1957, Wallace "Judge" Johnston and his wife Evelyn opened the Blue Gill's doors and enticed their first customers with some of the finest seafood to be found. Today, they are still enticing diners from far and wide with their fresh seafood, mouth-watering soft-shell crabs and the best fried crab claws I guess I've ever tasted. For my friends and colleagues who grew up without the benefit of southern cooking or the luxury of fresh, gulf-grown seafood, fried is the proper way to serve crab claws.

In addition to its famous seafood, the Blue Gill has long been recognized as the best stop for the latest in Alabama politics. Considering the historic changes Alabama has seen since 1957, one cannot help but wonder what strategies and secrets, heartaches and failures, plans and victories have been discussed within those homey walls.

I would like to encourage each of my colleagues to stop in at the Blue Gill if you are in the area. Its location on the causeway between Mobile and Baldwin Counties offers sunshine, sea air, and a relaxed atmosphere. And don't forget—some of the best seafood in the world.•

OMNIBUS BUDGET RECONCILIATION ACT OF 1990

• Mr. COCHRAN. Mr. President, I had considered offering an amendment to the dire emergency supplemental appropriations bill to alleviate a problem my State has experienced in complying with the Medicaid drug rebate provisions that were a part of the Omnibus Budget Reconciliation Act of 1990 [OBRA '90]. The problem is truly unique to Mississippi's Medicaid Program, and I had hoped to provide a remedy as quickly as possible, due to the urgency of the problem.

The situation is this: Mississippi's Medicaid management information system [MMIS] is scheduled for a complete overhaul this year, with a new system to be in operation by January 1, 1992. Until that system is operational, the State must continue to use its obsolescent system. Because of the limited capability of that system, the State and Federal Government would have to spend over $500,000 to upgrade the system in order for the State to comply with the drug rebate provisions of OBRA '90 within the timeframe specified in that act. This would obviously be a waste of taxpayers' dollars, and would be contrary to the goal of the rebate program, which was to reduce the cost of the Medicaid Program.

Mr. President, after talking with the distinguished chairman of the Finance Committee, Senator BENTSEN, whose committee has jurisdiction over the Medicaid Program, I decided to refrain from offering an amendment to the appropriations bill with the understanding that a solution to this problem would be considered by the Finance Committee at the earliest opportunity. Could the Senator from Texas confirm that understanding?

Mr. BENTSEN. Mr. President, if the Senator from Mississippi would yield, I understand the Senator's concern and his desire to find a solution to the problem facing Mississippi as quickly as possible. I do believe, however, that matters such as this should be considered by the Finance Committee rather than on an appropriations bill. I appreciate the Senator's willingness to withhold his amendment, and I commit to him that I will work with him to seek a resolution to that problem as quickly as possible. It is my understanding that, in developing a remedy for Mississippi, it is important to take into account the difficulties for the State that would occur due to any retroactive application of penalties for noncompliance with the Medicaid prescription drug rebate provisions. Obviously, it is of critical importance that we assess the potential cost of these provisions, both to the State of Mississippi and to the Federal taxpayer. Likewise, it is important to consider the potential cost of an amendment to these provisions. CBO has indicated that there could be a cost involved in delaying the effective date of the rebate provision, but this preliminary assessment is subject to further analysis. Again, I want to assure the Senator from Mississippi that I will work with him to try to resolve the special problem faced by his State.

Mr. COCHRAN. I thank the Senator for that assurance.•

HONORING JEWISH COMMUNITY OF HEBRON

• Mr. D'AMATO. Mr. President, I rise today in honor of the great Jewish community of Hebron. Jewish history began in Hebron nearly 4,000 years ago. From the time of Abraham the Patriarch, until our very own day, Jews have clung tenaciously to the city of the Patriarchs despite oppression, famine, poverty, and massacres, with a devotion and intensity beyond words.

Hebron is the burial place of Abraham and Sarah, Isaac and Rebecca, Jacob and Leah. King David laid the foundations of the Kingdom of Israel in Hebron, reigning there for 7 years before moving his capital to Jerusalem.

The building of Hebron's modern Jewish Quarter began in 1540. After the Arab pogrom of 1929, the Jewish residents who remained alive were forced out of their homes which were then looted. Later, under Jordanian occupation, the Jewish Quarter was completely destroyed, while the remains of the main synagogue were desecrated through their utilization by the Jordanian authorities as public latrines.

For 4,000 years, this community, in the spirit of Abraham the patriarch has been a bastion of charity and noble deeds. In spite of almost daily aggression and terrorist attack, the brave Jewish citizens of this community continue to thrive in the rebuilding in the city of their forefathers.

I commend the great people of the ancient Jewish community of Hebron for their steadfast resolve in maintaining their courage under the current difficult circumstances. Let us join together in honoring these noble citizens of Israel.

On May 5, there will be a dinner reception in the New York metropolitan area in honor of the community. I will be attending, along with the mayor of Hebron, in solidarity with the citizens of this great Jewish city of Israel.•

NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

• Mr. LAUTENBERG. Mr. President, I rise today, this being "National Former Prisoner of War Recognition Day," to commemorate and honor those thousands of courageous American men and women of the Armed Forces of the United States who became prisoners of war while serving their country in past armed conflicts around the world.

On this day, we recognize the hardship and burdens which these individuals have borne not only in captivity but also often many years after their release. It fittingly coincides with Bataan Day, so we may recall the many Americans who became long-suffering prisoners when this fortress fell in defense of the Philippine Islands during World War II.

The recent war in the Persian Gulf against the aggression of Saddam Hussein's Iraq produced the latest generation of American prisoners of war. New Jersey has had the honor to salute the valor and to rejoice in the safe return of Navy Lieutenants Jeffrey Zaun and Robert Wetzel, who were prisoners of Iraq. Lieutenant Zaun's release was a particular pleasure because we all remember the photos of his battered face when he was compelled to appear on Iraqi television. We recall our relief and joy at the release of Lieutenant Wetzel, whom we discovered was held by Iraq only upon his liberation because of Iraq's refusal to provide information on his status.

The relative shortness of the Persian Gulf war also leads us to remember the protracted detentions, hardships and cruel treatment of many American prisoners during earlier conflicts, such as the wars in Vietnam and Korea.

This national day of recognition of former POW's reminds us that the brutal and inhumane treatment often meted out to American prisoners by their captors violates international standards for their treatment. As a result, the hurt and trauma which POW's experience often afflicts them long after their release from captivity. This long-term price of war remains a continuing concern of the American people and their representatives in Congress.

Recognizing the long-term effects of incarceration on former POW's affords us the opportunity to honor their families. Despite their own anguish and uncertainty, they have been a bulwark of support and encouragement when their loved ones have been captives. Thus as we pay tribute to former POW's and the sacrifices they have made for their country, we also applaud their families for their understanding, love and persistence in helping restore former POW's to productive and meaningful lives within their families, communities, and Nation.•

TOWN OF ISLIP—COLLEGE WOODS REDEVELOPMENT PROJECT AUDREY NELSON COMMUNITY DEVELOPMENT ACHIEVEMENT AWARD

• Mr. D'AMATO. Mr. President, I rise today to congratulate supervisor Frank Jones and the town of Islip on receiving the Audrey Nelson Community Development Achievement Award. This prestigious award, given by the National Community Development Association, is given for their outstanding contributions to the improvement of low-income residents through exemplary use of Community Development Block Grant funds. The Town of Islip-College Woods Redevelopment Project, formerly known as Carleton Park, is only one of three communities nationwide to receive this award.

The redevelopment of Carleton Park in the town of Islip, a twenty-block pocket of suburban poverty and decay, has been the subject of planning and debate for nearly 10 years. Now, 6 months into actual construction, the plans are becoming an impressive and innovative reality.

The 300-home Carleton Park neighborhood was developed following World War II to serve the needs of homecoming servicemen and their families. The homes were 600 square feet in size, uninsulated, built on slabs and of barely standard construction. By the late 1960's, 70 percent of these homes were owned by slum landlords and the neighborhood had become one of the worst neighborhoods in Islip town. It had become crime- and drug-infested, had substandard living conditions and was severely deteriorated by blight and decay.

In 1978, the town of Islip Community Development Agency earmarked the neighborhood for a future CDBG revitalization project and began landbanking abandoned, tax foreclosed, and FHA foreclosed properties. In 1988, the town of Islip adopted an urban renewal plan for Carleton Park, and the revitalization process began in earnest. The CDA began an aggressive acquisition/condemnation action, utilizing both CDBG and nonfederal funds, in order to acquire and demolish all remaining substandard rental units in the area.

A new subdivision plan was designed which renamed the area College Woods and included the reconfiguration of the roads, new infrastructure, 370 single homes for first time home buyers and 36 low-income rental units. The first of these homes have already been constructed and sold through the CDA's sponsor, Islip's Housing Development Fund Co., Inc. Final project completion is anticipated for spring of 1993.

College Woods is the largest suburban redevelopment project in New York State and, perhaps, in the country. While most suburban affordable housing projects are constructed on previously undeveloped land or on a spot basis within developed neighborhoods, the Town of Islip had to acquire and demolish an entire community before they could begin to redevelop the area.

In undertaking a redevelopment project such as this, there is always a concern that the area will undergo gentrification, and housing opportunities for low-income families will be lost. This has not happened in College Woods. Even with the additional expense the purchase price of housing remains affordable. Thirty-two percent of the 300 lottery winners chosen for the first 150 homes are considered low-moderate income families by HUD guidelines.

Additionally, 36 units of low income rental units, with section 8 rent subsidies, will be constructed with CDBG and housing trust fund financing for those existing low-income tenants who qualify and who have not been relocated to other clean, safe, affordable homes. Those tenants who are financially eligible have been given first priority in purchasing a new home in College Woods and have been given additional subsidies when needed.

Sixty existing homeowners in the neighborhood, some of whom have been there for 20 years or more, are being assisted with CDBG funds with zero percent interest loans, most of which are deferred until the sale of the home, to rehabilitate or enlarge their homes.

College Woods has enjoyed strong community support and participation from its inception. With the intent of distancing the community from the stigma associated with Carleton Park's poor reputation, and in an attempt to relate the upgrading of this neighborhood to the upgrading of the overall area resulting from the purchase of the Central Islip Psychiatric Hospital by the New York Institute of Technology, the neighborhood was renamed "College Woods." This new identity created a renewed interest in the neighborhood by the owner occupants resulting in the resurrection of their all but defunct civic association. Having a vested interest in the future of their community, both the College Woods Civic Association and the Central Islip Civic Council have been an integral part of the planning and marketing of this project. This has, in no small measure, contributed to the success of this project.

While College Woods can stand on its own as an exemplary affordable housing project, it is only one aspect of an ambitious comprehensive master plan to revitalize the entire Central Islip area. The redevelopment plan calls for a 120-acre technical/industrial park, the expansion of New York Institute of Technology, the adaptive reuse of a major State medical facility, 600 units of additional housing and a hotel/conference center with supporting commercial and retail services.

College Woods is one of the most ambitious and most important affordable housing projects that anyone has ever attempted. It has demonstrated innovative means of financing, utilization of all possible sources of funding from the public sector, cooperation from all levels of government as well as community civic organizations, and the preservation of the goals of the affordable housing project. Most importantly, since everything done in this project can be duplicated, College Woods can serve as a model for other municipalities and agencies.

Once again, I want to congratulate supervisor Frank Jones on receiving the Audry Nelson Community Development Achievement Award. Let me also commend the many individuals who have worked so long and so hard over the past 10 years to make this project a reality. Together, you can all be proud.•

HUMANITARIAN RELIEF FOR THE KURDS IS THE LEAST WE CAN DO

• Mr. WELLSTONE. Mr. President, I thank the Senators from New York for their bill authorizing the provision of medical supplies and other humanitarian assistance to the Kurdish people and to Iraqis seeking refuge in the allied occupied zone. Their speedy effort to address a horrific situation is to be commended. I am pleased to join them on this legislation.

In reprisal for a short-lifed Kurdish uprising, Kurdish people are being driven from their homes and slaughtered wholesale by forces loyal to Saddam Hussein. Hundreds of thousands of Kurds—civilians and rebels alike—are desperately trying to escape Saddam Hussein's genocidal rampage. For the refugees massed at the Iraqi border, food is scarce, medicine unavailable, and fear and cold are pervasive.

This bill represents a first modest step, but it is an important step which will set U.S. policy on the right and moral path. The $50 million in humanitarian assistance authorized by this bill is the very least we can do. Unfortunately, $50 million won't go very far in meeting the needs of the refugees.

The United States, and the international community, did not react in the past when Saddam Hussein massacred Iraqi Kurds or violated basic human rights of the whole population. But this time the United States has a special responsibility and a special opportunity.

The United States actively encouraged the Kurds and the Shiites to rebel against Saddam Hussein. The United States bombing campaign—that, in the words of a U.N. report, pounded Iraq back into the preindustrial age—created the conditions for Iraq's collapse into internal war and chaos. During the early phases of the uprising, President Bush made much of the fact that the cease-fire forbade Hussein any military use of the Iraqi Air Force. He promised to shoot down any Iraqi aircraft used to attack the rebels.

But as the Kurdish and Shiite insurrections were brutally suppressed and the civilian populations slaughtered, the United States turned its back. As forces loyal to Hussein made extensive use of helicopter gunships to shell civilian populations, the United States stood by.

The reason offered by President Bush for our lack of response to Hussein's slaughter is that he does not want to intervene in Iraq's internal affairs. But we are already deeply involved. The United States extensively bombed the country, invaded it, killed 100,000 conscripts and thousands of civilians, and called on its people to overthrow its dictator. American forces now occupy 20 percent of Iraq, we control all of its airspace and we are proposing to regulate by fiat all their oil revenues and arms trade. We are deeply involved.

I am encouraged by the European Community and the United Nations' efforts to provide relief for the victims of Iraq's civil chaos. The European Community has pledged $180 million in assistance and the United Nations is going to appoint a senior diplomat as coordinator of a widespread humanitarian effort. Britain and other nations are proposing the establishment of a Kurdish enclave under international protection. I would hope that the United States would assume a leadership role in addressing this tragedy. But short of that, the United States can encourage these efforts with a generous pledge of U.S. aid and military troops for a multilateral peacekeeping force.

One of the reasons I opposed this war was that I feared the administration had no strategy for achieving long-term political objectives in the Middle East. Indeed, I feared the administration had little conception of the potential political consequences of a war.

The bill proposed by Senator MOYNIHAN and D'AMATO will start to address these consequences. Finally, Mr. President, I want to go on record expressing my concern that the funding provided in this bill will not put at risk existing refugee disaster assistance and relief funds.•

THE CURRENT DAIRY SITUATION

• Mr. BOND. Mr. President, I have heard from hundreds of Missouri dairymen on the severity of the current dairy situation. A few weeks ago the Senate debated the dairy problem during the dire emergency supplemental appropriations legislation. Legislation attached to the dire emergency may have provided some short-term financial relief. However, a short-term program is not the answer to the dairy industry's problems.

As you know Mr. President, the Secretary of Agriculture is required by law to submit a report and recommendations by August 1, 1991, on a milk inventory management program. There were over 80 different proposals concerning inventory management submitted to the Secretary in February. Many of those 80 proposals are very similar in nature and can be broken down into three proposals.

I rise today in support of this legislation which will move the August 1 deadline up to June 15. It is time for the USDA to finalize their report and submit their recommendations. It is time for the Agriculture Committee to hold hearings and the dairy industry to unite on a sound, sensible, and stable long-term program. A long-term program is the answer and the quicker we begin the process the quicker we can provide some relief.

I hope my colleagues will support this legislation.•

MILK INVENTORY MANAGEMENT LEGISLATION

• Mr. D'AMATO. Mr. President, I am pleased to join with Senator KASTEN and others in introducing legislation relating to the Milk Inventory Management Program.

The 1990 farm bill contained a requirement that USDA submit a report and recommendations to Congress on various milk inventory management programs. The farm bill outlined various criteria to be evaluated for an inventory program. Among those criteria are the regional impact on milk prices, producer revenue, and milk supplies; the impact on the rural economy and maintaining family farms; the effectiveness in reducing butter fat production and increasing protein content in milk; the impact of temporary increases and decreases of milk production; and all other issues that the Secretary of Agriculture considers appropriate.

Our legislation is simple. The farm bill requires this report to be submitted by August 1, 1991. This legislation changes that due date to June 15, 1991.

A review of the milk inventory program could not have come at a better time. The Senate recently debated an issue of great importance to the dairy industry. The Leahy-Jeffords amendment to the dire emergency supplemental increased the dairy support price by $1.25 per hundredweight. I cosponsored that amendment not because I thought it was going to solve all of the problems faced by dairy farmers, but because there is truly a dire emergency in the industry. The amendment passed the Senate but was blocked in the House-Senate conference.

This issue is of great importance to the over 13,000 dairy farmers in my State. Dairy is New York's top agricultural commodity accounting for 60 percent of the State's agricultural base.

We in Congress as well as those involved in the dairy industry, eagerly await the USDA report and recommendations. By shortening the deadline for the submission of the report, we will be better able to make changes in the program that will benefit everyone.•

UNIVERSITY OF KANSAS JAYHAWKS

• Mrs. KASSEBAUM. Mr. President, my colleague from Kansas, Senator DOLE, and I would like to pay tribute today to a college basketball team that has recently brought great credit not only to its school but to the entire State of Kansas.

Last week, the University of Kansas Jayhawks completed a memorable season by playing in the championship game of the NCAA Basketball Tournament. There, they lost to a team from another fine institution, the Blue Devils of Duke University.

College basketball has a long and distinguished history in the State of Kansas. I was a student at the University of Kansas in 1952 and I remember well the excitement when the Jayhawks won that year's national title. Just 3 years ago, Senator DOLE and I had the honor of welcoming here in Washington the 1988 Jayhawks when they, too, became national champs.

This year's team may have fallen one game short of the championship, but it in no way fell short of providing the excitement to which Kansas basketball fans are accustomed. Enroute to the championship game, the Jayhawks defeated Indiana, Arkansas, and North Carolina, three of the Nation's toprated teams. While the so-called experts referred to these victories as "upsets" and "surprises," they came as no surprise to those of us who know Kansas basketball.

Senator DOLE and I would like to congratulate the Jayhawks on their wonderful season. We would like to pay special tribute to coach Roy Williams. He is establishing himself as one of the fine young coaches in the Nation, and gives Kansas fans confidence that the future of KU basketball is as bright as its past.•

A TRIBUTE TO W.H. "BERT" BATES

• Mr. BOND. Mr. President, today I rise to pay tribute to William Hubert Bates, a man who is recognized throughout Missouri as an exceptional leader. Bert will celebrate his 65th birthday on April 14, 1991, in Kansas City, MO, with his family. His life has been full of accomplishments and honors. I am pleased to have this opportunity to highlight just a few of his many achievements.

Bert has an affinity for his home State and for giving all that he can possibly give in each of his endeavors. In high school, Bert was an athlete, honor student, and president of his senior class. Upon graduating, Bert entered the U.S. Army and served in the European Theater of World War II. He went on to college at the University of Missouri, where he was an enthusiastic member of the Beta Theta Pi Fraternity and was graduated Phi Beta Kappa.

Bert continued his scholastic achievement as senior editor of Law Review at Michigan Law School. He started his career at the firm of Lathrop, Koontz & Norquist, and he is now the managing partner and chairman of the firm. The road from law associate to head of the firm has been lined with active membership in various legal and municipal associations, and special honors as well.

After he had served as general counsel for Central Methodist College of Fayette, MO, for 12 years, I had the pleasure of appointing Bert to his 6-year term as a member of the board of curators for the University of Missouri system. A quote from an article about his tenure as president of the board and a curator reveals much about the man. It read, "Bates says he would like his tenure on the board to be remembered as one of steady and deliberate progress without flamboyance—sticking to the plan and achieving quite a bit." Bert relished the opportunity to work for the betterment of his alma mater. The benefits of his tireless work on behalf of the legal profession as well will endure for years to come.

Bert has been an active member of the Missouri Bar Association since 1952. As its president from 1990 to 1991, he set his sights on increasing the amount of time lawyers spend in public service and on pro bono work. Bert Bates sets an example for all lawyers. He has stated that "The objective is service to the public * * * that's what we're trained for * * * that's what we're licensed for * * * it's important that we don't let the legal profession become so much a business that we overlook the fact that our business is public service oriented."

For years both the State and city chambers of commerce have benefited from Bert's energetic pursuit of excellence. In 1984, he was elected chairman of the Missouri State Chamber of Commerce, and he is currently serving as chairman of the Kansas City Chamber of Commerce.

Bert's has been a life of giving to others, and through it all, he has achieved one of the hardest tasks of all: Balancing his professional career and voluntarism with his role as a husband, father, and leader in his church.

In October this year, Bert will celebrate his 35th wedding anniversary with his wife, the former Joy Godbehere. Their children, Bill and Joy Ann, will attest that Bert's 34 years of fatherhood have seen the same energy, love, and patience as in his career.

Bert is a gentleman. He places the needs and desires of his friends and family first. He often praises and seldom takes credit. Bert relishes watching cardinals at the bird feeder. Storytelling has become his art, and his friends and family savor his tales, which often end with roars of laughter. And while he remains a diehard fan of the Missouri Tigers, Bert has been known to root for Joy's alma mater—the Tiger's archrivals—the Kansas Jayhawks. He sounds too good to be true, but he is.

In 1990, Bert was awarded the Distinguished Alumnus Award by the Jefferson City Alumni Association. In his acceptance speech, he challenged the students and all who were present to "conscientiously * * * clarify your dreams and then pursue them fiercely. Pursue them fiercely and learn to fear time—which is, in a sense, to become your enemy and which you will fail to recognize * * * time can become a thief of your life."

Mr. President, his words are true. Bert Bates has lived 65 years of pursuing and relishing opportunities, of identifying goals and achieving them, of squeezing every drop out of life. May we all be so lucky as to learn from his past, and may he continue in his success and find boundless happiness in the future.•

THE SOCIAL SECURITY TRUST FUND INTEGRITY ACT OF 1991

• Mr. SEYMOUR. Mr. President, I am honored to rise as an original cosponsor of the Social Security Trust Fund Integrity Act of 1991, and I commend my distinguished friend and colleague, Senator DOMENICI, for his outstanding leadership on this issue.

Although I was not here at the time, Mr. President, I remember well the reports from last autumn on the bipartisan budget summit agreement that removed the Social Security Program off the budget and out of deficit calculations. The summit participants correctly noted that Congress needed to adopt this measure to ensure the stability of the Social Security trust fund for the retired Americans of both today and tomorrow.

The Domenici bill, although it appears on paper as a technical corrections amendment, protects the basic income security of millions of citizens who would otherwise have to search for less reliable sources to pay vital food, rent, and health care bills.

By protecting the firewall around the Social Security trust fund and removing any parliamentary exceptions to the 60-vote Senate rule for raids on this account, the Domenici measure solidifies the integrity of the entire Social Security System.

I am also proud to cosponsor this legislation because of the assurances that it provides for the 3,600,000 Californians of all ages who rely on Social Security benefits. California has far more Social Security beneficiaries than any other State in the Union, and by honoring this firewall around the trust fund, we honor so many men and women who have invested decades of their lives in the American labor force.

As President Bush wrote in a letter to Senator DOMENICI endorsing this bill, "Current beneficiaries and workers who will become beneficiaries must remain confident that the system will continue to meet its promises."

And the Senate, as a vital part of this system, must uphold the promise of the 1990 budget summit to those citizens whose very lives depend on the solvency of the Social Security trust fund. I urge all of my colleagues, Mr. President, to support with enthusiasm and unity this critical piece of legislation.●

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I will now make a series of unanimous-consent requests, and I am advised by staff that they have all been approved by the Republican leader.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 16, designating National Crime Victims' Rights Week and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 16) designating the week of April 21–27, 1991, as "National Crime Victims' Rights Week".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Are there amendments or debate?

Without objection, the joint resolution is deemed read a third time and passed, and the preamble is agreed to.

The joint resolution (S.J. Res. 16), with its preamble, is as follows:

S.J. Res. 16

Whereas thirty-five million individuals in the United States are victimized by crime each year, with six million falling prey to violence;

Whereas the Department of Justice estimates that five out of six individuals will be the victim or intended victim of crime during their lifetimes;

Whereas many victims suffer severe psychological, physical, and emotional hardships as a result of victimizations;

Whereas the Nation must commit its collective energies to improving the criminal justice and social services response to victims; and

Whereas, as a Nation committed to justice and liberty for all, efforts must be continued to remove the inequities victims face and to protect and restore individual rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21 through April 27, 1991, is designated as "National Crime Victims' Rights Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR COMMITTEES TO TAKE CERTAIN ACTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Wednesday, April 10, from 2 p.m. to 5 p.m., Senate committees may file reported legislative and Executive Calendar business, notwithstanding the recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL RECYCLING DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from and the Senate proceed en bloc to the immediate consideration of Senate Joint Resolution 70 and Senate Resolution 41, resolutions to designate April 15, 1991, as National Recycling Day.

The PRESIDING OFFICER. The resolutions will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 70) and a resolution (S. Res. 41), to establish April 15, 1991, as "National Recycling Day".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolutions?

There being no objection, the Senate proceeded to consider the resolutions.

Mr. HELMS. Mr. President, I am pleased to be a cosponsor of the National Recycling Day Resolution because I am convinced that we should vigorously promote recycling.

A National Recycling Day is a good start, but specific efforts are essential in order to increase recycling effectively.

Mr. President, I had intended to offer an amendment regarding the recycling of newspaper to this resolution, an amendment requiring newspapers to use 40-percent recycled newsprint by the year 2000. If newspapers used 40-percent recycled newsprint, it would save millions of trees and countless thousands of cubic yards of precious landfill space.

I have decided not to offer my amendment—at this time. We have held discussions with the Environment Committee staff about the possibility of including newspaper recycling language in the Resource Conservation and Recovery Act [RECRA] reauthorization bill. The RECRA bill may be introduced next week.

Mr. President, I understand that the Environment Committee is interested in the idea of requiring newspapers to use more recycled newsprint. The reports that I have seen indicate that it is feasible for the industry to produce 40-percent recycled paper by year 2000.

Needless to say, I am pleased that the Environment Committee is, in fact, considering newspaper recycling language. However, if the committee elects not to require newspapers to use more recycled paper, I intend to offer my amendment at the appropriate time.

The PRESIDING OFFICER. There being no amendments, the joint resolution (S.J. Res. 70) is deemed read a third time and passed, and the preamble is agreed to; and the resolution (S. Res. 41) is agreed to, and the preamble is agreed to.

The joint resolution (S.J. Res. 70), with its preamble, is as follows:

S.J. Res. 70

Whereas the United States generates over 160 million tons of municipal solid waste each year—almost double the amount produced in 1965, and amounting to about 3.58 pounds per person per day—and the amount is expected to increase to 190 million tons of garbage annually by the year 2000;

Whereas the continued generation of enormous volumes of solid waste each year presents unacceptable threats to human health and the environment;

Whereas the Environmental Protection Agency expects that 27 States will run out of landfill capacity for municipal solid waste within 5 years and one-third of the currently operating landfills are expected to close by 1994 either because they are filled or because their design and operation do not meet Federal or State standards for protection of human health and the environment, and waste that is now disposed of in these facilities will have to be disposed through other means;

Whereas a significant amount of waste can be diverted from disposal by the utilization of source separation, mechanical separation and community-based recycling programs;

Whereas recycling can save energy, reduce our dependence on foreign oil, has substantial materials conservation benefits and can avoid the pollution created from extracting resources from their natural environment;

Whereas the revenues recovered by recycling programs offset the costs of solid waste management and some communities have established recycling programs which provide significant economic benefits to members of the community;

Whereas the current level of municipal solid waste recycling in the United States is low, although some communities have set a much higher rate;

Whereas to reach a goal of increased recycling, more materials need to be separated, collected, processed, marketed and manufactured into new products;

Whereas a well-developed system exists for recycling scrap metals, aluminum cans, glass and metal containers, paper and paperboard, and is reducing the quantity of waste entering landfills or incinerators and saving manufacturers energy costs;

Whereas recycling of plastics is in the early stages of development and considerable market potential exists to increase the recycling;

Whereas yard and food waste is an important part of municipal solid waste and a large potential exists for mulching and composting the waste which would save both landfill space and nourish soil, but only small amounts of this material is currently being recycled;

Whereas Federal, State and local governments should enact legislative measures that will increase the amount of sold waste that is recycled;

Whereas Federal, State and local governments should encourage the development of markets for recyclable goods;

Whereas Federal, State and local governments should promote the design of products that can be recycled safely and efficiently;

Whereas the success of recycling programs depends on the ability of informed consumers and businesses to make decisions regarding recycling and recycled products and to participate in recycling programs; and

Whereas the people of the United States should be encouraged to participate in educational, organizational and legislative endeavors that promote waste separation methods, community-based recycling programs and expanded utilization of recovered materials: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 15, 1991, is designated as "National Recycling Day", and the President of the United States is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

The resolution (S. Res. 41), with its preamble, is as follows:

S. RES. 41

Whereas the United States generates over 160 million tons of municipal solid waste each year—almost double the amount produced in 1965, and amounting to about 3.58 pounds per person per day—and the amount is expected to increase to 190 million tons of garbage annually by the year 2000;

Whereas the continued generation of enormous volumes of solid waste each year presents unacceptable threats to human health and the environment;

Whereas the Environmental Protection Agency expects that 27 States will run out of landfill capacity for municipal solid waste within 5 years and one-third of the currently operating landfills are expected to close by 1994 either because they are filled or because their design and operation do not meet Federal or State standards for protection of human health and the environment, and waste that is now disposed of in these facilities will have to be disposed through other means;

Whereas a significant amount of waste can be diverted from disposal by the utilization of source separation, mechanical separation and community-based recycling programs;

Whereas recycling can save energy, reduce our dependence on foreign oil, has substantial materials conservation benefits and can avoid the pollution created from extracting resources from their natural environment;

Whereas the revenues recovered by recycling programs offset the costs of solid waste management and some communities have established recycling programs which provide significant economic benefits to members of the community;

Whereas the current level of municipal solid waste recycling in the United States is low, although some communities have set a much higher rate;

Whereas to reach a goal of increased recycling more materials need to be separated, collected, processed, marketed and manufactured into new products;

Whereas a well-developed system exists for recycling scrap metals, aluminum cans, glass and metal containers, paper and paperboard, and is reducing the quantity of waste entering landfills or incinerators and saving manufacturers energy costs;

Whereas recycling of plastics is in the early stages of development and considerable market potential exists to increase the recycling;

Whereas yard and food waste is an important part of municipal solid waste and a large potential exists for mulching and composting the waste which would save both landfill space and nourish soil, but only small amounts of this material is currently being recycled;

Whereas Federal, State and local governments should enact legislative measures that will increase the amount of solid waste that is recycled;

Whereas Federal, State and local governments should encourage the development of markets for recyclable goods;

Whereas Federal, State and local governments should promote the design of products that can be recycled safely and efficiently;

Whereas the success of recycling programs depends on the ability of informed consumers and businesses to make decisions regarding recycling and recycled products and to participate in recycling programs; and

Whereas the people of the United States should be encouraged to participate in educational, organizational and legislative endeavors that promote waste separation methods, community-based recycling programs and expanded utilization of recovered materials: Now, therefore, be it

Resolved, That April 15, 1991, is designated as "National Recycling Day".

Mr. MITCHELL. Mr. President, I move to reconsider the action on both resolutions and move that motion be laid upon the table.

The motion to lay on the table was agreed to.

ORDERS FOR THURSDAY

Mr. MITCHELL. Mr. President, I now ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon on Thursday, April 11; that following the prayer, the Journal of proceedings be deemed approved to date; and that following the time for the two leaders, there be a period for morning business, not to extend beyond 1 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL THURSDAY, APRIL 11, 1991

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that as a further mark of respect for our late colleague, Senator JOHN HEINZ, as provided in Senate Resolution 92, the Senate stand in recess as under the previous order until 12 noon on Thursday, April 11.

There being no objection, the Senate, at 6:51 p.m., recessed until Thursday, April 11, 1991.

NOMINATIONS

Executive nominations received by the Senate April 9, 1991:

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR TERMS EXPIRING AT THE END OF THE FIRST SESSION OF THE 102ND CONGRESS:

ARTHUR LEVITT, JR., OF NEW YORK
ROBERT D. STUART, JR., OF ILLINOIS
ALEXANDER B. TROWBRIDGE, OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF STATE

BRUCE S. GELB, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

U.S. INFORMATION AGENCY

HENRY E. CATTO, OF TEXAS, TO BE DIRECTOR OF THE U.S. INFORMATION AGENCY, VICE BRUCE S. GELB.

THE JUDICIARY

LOUIS J. FREEH, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK VICE RICHARD J. DARONCO, DECEASED.

HENRY M. HERLONG, JR., OF SOUTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF THE INTERIOR

JOHN SCHROTE, OF OHIO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE LOU GALLEGOS, RESIGNED.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

A.E. DICK HOWARD, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM OF 2 YEARS. (NEW POSITION)

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH & IMPROVEMENT

DAVID ALAN HESLOP, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1992. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOHN A. SHAUD, 290-30-7739, U.S. AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES R. HAMM, 431-52-4569, U.S. AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MONTE B. MILLER, 489-30-3391, U.S. AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. BRADLEY C. HOSMER, 224-48-7119, U.S. AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. VERNON J. KONDRA, 532-34-3136, U.S. AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 8036.

To be surgeon general, USAF

To be lieutenant general

MAJ. GEN. ALEXANDER M. SLOAN, 234-52-5283, U.S. AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD SNYDER, 169-28-8935, U.S. AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD J. TRZASKOMA, 365-38-1271, U.S. AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE POSITIONS INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8037.

To be judge advocate general of the U.S. Air Force

MAJ. GEN. DAVID C. MOREHOUSE, U.S. AIR FORCE

To be deputy judge advocate general of the U.S. Air Force

BRIG. GEN. NOLAN SKLUTE, U.S. AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. JAMES W. CHAPMAN, 425-64-8330, AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. ADOPLH P. HEARON, 247-46-7258, AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. RAYMOND E. MOORMAN, 274-30-3805, AIR NATIONAL GUARD OF THE UNITED STATES
BRIG. GEN. JAMES T. WHITEHEAD, JR., 149-24-2108, AIR NATIONAL GUARD OF THE UNITED STATES

To be brigadier general

COL. EUGENE R. ANDREOTTI, 472-48-1905, AIR NATIONAL GUARD OF THE UNITED STATES
COL. DONALD W. ARMINGTON, 478-48-3083, AIR NATIONAL GUARD OF THE UNITED STATES
COL. ROBERT W. BARROW, 566-54-4179, AIR NATIONAL GUARD OF THE UNITED STATES
COL. MICHAEL J. BOWERS, 259-62-9139, AIR NATIONAL GUARD OF THE UNITED STATES
COL. JAMES F. BROWN, 417-44-8924, AIR NATIONAL GUARD OF THE UNITED STATES
COL. JOHN D. BROMAN, 476-38-4598, AIR NATIONAL GUARD OF THE UNITED STATES
COL. JOHN H. FENIMORE, 097-32-8245, AIR NATIONAL GUARD OF THE UNITED STATES
COL. GENE A. KATKE, 540-36-2377, AIR NATIONAL GUARD OF THE UNITED STATES
COL. HAROLD E. KEISTER, 333-36-8889, AIR NATIONAL GUARD OF THE UNITED STATES
COL. PHILLIP L. LATHAM, 250-62-6471, AIR NATIONAL GUARD OF THE UNITED STATES
COL. ALLEN J. NEWCOMB, 413-46-9033, AIR NATIONAL GUARD OF THE UNITED STATES
COL. RONALD L. SEELY, 298-36-8213, AIR NATIONAL GUARD OF THE UNITED STATES
COL. LONNIE J. SLAUSON, 418-42-3458, AIR NATIONAL GUARD OF THE UNITED STATES
COL. PRESTON M. TAYLOR, 203-26-1165, AIR NATIONAL GUARD OF THE UNITED STATES
COL. WILLIAM A. TREU, 512-34-3477, AIR NATIONAL GUARD OF THE UNITED STATES
COL. JOSEPH N. WALLER, 222-22-1257, AIR NATIONAL GUARD OF THE UNITED STATES

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JACK B. FARRIS, JR., 245-46-4438, U.S. ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CLAUDE M. KICKLIGHTER, 255-46-4906, U.S. ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES F. MCCALL, 189-28-0974, U.S. ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. GEORGE R. STOTSER, 410-50-9185, U.S. ARMY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JOHNNIE H. CORNS, 234-56-4012, U.S. ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. MERLE FREITAG, 503-40-7089, U.S. ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. RAPHAEL J. HALLADA, 391-32-6956, U.S. ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES H. JOHNSON, JR., 224-52-5098, U.S. ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES D. STARLING, 452-48-5631, U.S. ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL, UNITED STATES ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3037:

To be the judge advocate general

MAJ. GEN. JOHN L. FUGH, 577-48-9337, U.S. ARMY

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JAMES F. DORSEY, JR., U.S. NAVY, 577-44-5809

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. RONALD M. EYTCHISON, U.S. NAVY, 519-34-6117

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JOHN K. READY, U.S. NAVY, 010-28-7130.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OR RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

RICHARD N. BOSWELL, 252-68-9582

To be lieutenant colonel

RUDOLPH P ARNOLD, 490-38-8896
JAMES W BUTLER, 340-42-6105
ERNEST C HANES, 558-64-1876
RICHARD A HERSACK, 523-82-7942
PAUL H LILLY, JR, 227-50-3631

To be major

THOMAS C ABSHIRE, 341-48-7982
GERALD W SABOE, 482-70-4872

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

DAVID B BAIRD, 202-28-6273
ROBERT W CROOKS, 572-68-5573
RICHARD G GRIFFITH, 304-56-0934
JACOB J KOCH, 380-30-6616
ARTHUR M PALRANG, 508-32-5120
SHEELA RAJAN, 137-52-9904
LELAND E STANLEY, 513-32-9532

THE FOLLOWING AIR FORCE OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

MICHAEL H KING, 029-34-0172
DARYL B RICKARD, 172-36-2633

THE FOLLOWING AIR FORCE CHIEF WARRANT OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 555 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be chief warrant officer (w–3)

JAMES H WALTERS, 239-74-1115

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE

PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

EDWARD L MCGOVERN, 361-26-4369
MARTIN WOLBORSKY, 064-26-3942

To be lieutenant colonel

THOMAS H KING, 213-62-4268
STEPHEN A MCGUIRE, 518-58-8796
THOMAS A MIKKELSON, 471-56-6027
ANNA PANDULA, 146-48-1045
CHAMARAJA A RAO, 124-50-5622
GOVIND P SENJALIA, 100-54-8459

To be major

CHARLES L HITCHCOCK, 469-54-4819
KENT P HYMEL, 335-50-2097
ROBERT R RAUCH, 010-48-2270

DENTAL CORPS

To be lieutenant colonel

GARDNER G BASSETT, 030-36-0895
DONALD E CUMMINGS, 410-84-5331
DENNIS C DIXON, 521-64-4131
KENNETH E KOENKE, 489-54-3734
TIMOTHY M JOLIN, 469-48-1506
JAMES J PALERMO, 011-38-4028
THOMAS R MENG, JR, 157-44-0874

To be major

CHRISTOPHER F BATES, 407-86-2396
RICK M DOUGHERTY, 117-38-3154
CARLOS ESQUIVEL, 467-84-0713
EDWARD E HILL, 413-78-5763
MICHAEL L HUTCHINGS, 584-78-9037
FREDERICK L SCHAEFER, 394-56-9443
RICK M SMITH, 556-82-7177
PHILIP F STADELMANN, 092-48-8555
DALE C THAMES, JR, 587-78-0914
ROBERT C WAHL, 490-72-0073
TERESA L WOOD, 413-96-7018

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

PETER H BENNETT, 195-38-8417
NANCY J COPELAND-PAYTON, 493-56-8032
SCHUYLER K GELLER, 308-54-8584
WAYNE P LOWE, 501-34-2778
JAMES P SCHIEFFER, 392-42-2870
ALAN C SCHOLD, 012-34-5381
JONATHAN J SOLOMON, 054-32-2533

THE FOLLOWING AIR FORCE OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

JERRY L MELCHISEDECK, 534-38-0627

JUDGE ADVOCATE

To be lieutenant colonel

LLOYD R SCHNEIDER, 505-66-4920

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER INDENTIFIED WITH A SINGLE ASTERISK IS NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE. THE OFFICER INDENTIFIED WITH TWO ASTERISKS WAS SELECTED FOR PROMOTION BY THE ARMY BOARD FOR CORRECTION OF MILITARY RECORDS.

MEDICAL SERVICES CORPS

To be colonel

THOMAS R. HAWKS, 352-36-9132

MEDICAL CORPS

To be colonel

*GERALD D. EVANS, 363-66-5827

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

**RICHARD H. MCCALL, JR., 437-64-3946

MEDICAL CORPS

To be major

ALAN L. CARPENTER, 514-56-6132
MICHAEL S. DEW, 262-49-7496
ANWAR K. MALIK, 457-47-0797
THOMAS M. SEAWORTH, 501-62-5913
JAMES D. STANTON, 529-76-1918

IN THE MARINE CORPS

THE FOLLOWING NAMED ASTRONAUT OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION.

LT. COL. ROBERT D. CABANA, 469-56-8349

IN THE NAVY

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

GARY T. AMBROSE
ARTHUR J. BAYER
WARREN R. BULLER, II
ALAN K. CULP
BRIAN R. DEARDORFF
DAVID A. DEBOSKEY
JEFFREY A. DRYDEN
GREGG S. FRIEDMAN
PAUL F. GALLAGHER
SCOTT W. GRAHAM
GREGORY L. GRIFFITT
BRIAN A. GROFF
WILLIAM R. GROSS
TIMONTHY J. LARSON
JAMES B. LEBENTHAL
BRYAN J. LETHCOE
K. O. MCALOON
JEFFERY P. MCROBERT
DAVID J. MERON
D.A. NISBETT
C.C. REISWIG
HAROLD J. ROY
ROBERT W. SCHMITZ
GREGORY A. SMITH
BRYAN C. STILL
JOHN W. VERNIEST
CHRISTOPHER WALKER
MARK T. SWOLSKI

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT LIETUTENANT IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

WILLIAM J. DUNAWAY
BARRY J. GOEHLER
ABBY B. HOGAN
JOHN C. KAUFFMAN
RICHARD W. RIDGWAY
DENISE E. STICH

THE FOLLOWING NAMED FORMER U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE: SECTION 593:

JEROME A. BEHRENS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

THOMAS D. ACCOLA, 522-72-7585
JAMES E. ALFORD, 438-72-3952
KIRBY E. ALLEN, 462-74-0753
GARY A. AMBROSE, 161-38-0098
RAYMOND A. AMTMANN, 150-40-0469
RICHARD G. ANNAS, 578-62-5741
BRIAN A. ARNOLD, 523-60-4452
GAIL I. ARNOTT, 504-48-3564
ROBERT M. ATKINSON, 529-64-4455
RALPH H. AUSTIN, 473-54-8962
ROBERT A. AUSTIN, 220-54-6500
LARRY D. AUTRY, 254-74-1031
JOSEPH G. AVON, 276-44-6012
HOWARD S. BAER, 166-38-2489
CHARLES E. BAILEY, 562-62-8790
DON E. BAKER, 287-42-2545
JACK T. BAKER, 272-42-8463
ROBERT W. BAKER, 039-28-5131
WILLIAM H. BAKER, 416-60-3245
JEFFREY W. BALDRIGE, 147-40-7069
MARGARET K. BALDWIN, 149-44-2427
ROBERT H. BALLARD, 537-46-7082
TERRY L. BALVEN, 521-70-5485
RAYMOND H. BARKER, JR, 138-38-6496
BARRY W. BARKSDALE, 410-86-4599
ROCKY E. BARNARD, 509-44-2323
JOHN L. BARRY, 056-44-7396
HARVEY D. BARTEL, 446-40-7008
ROBERT H. BASKETT, 225-60-0756
ROY H. BASS, JR, 531-54-1080
HAYNES M. BAUMGARDNER, JR, 452-84-3401
ALLAN K. BEAN, 453-76-6635
JOHN S. BEATTIE, 003-32-3873
EUGENE F. BEAUVAIS, 398-46-0641
ANTHONY W. BELL, JR, 207-36-4246
GERALD E. BENSON, 392-42-7774
RALPH G. BENT, II, 375-48-6797
HARRY D. BEPLAY, 433-68-8815
JOSEPH J. BERARDINO, 267-66-7422
JAMES A. BERES, 389-56-0746
EARL D. BICE, 480-58-1548
GEOFFREY T. BISHOP, 031-36-5569
ROBERT J. BITTNER, 352-36-8398
KENNETH L. BLACK, 439-82-0080
LARRY W. BLACK, 246-72-7279
ROBERT E. BLACK, 280-44-1310
THOMAS J. BLACK, III, 406-62-5736
GAY D. BLACKMORE, 269-48-2753
CHARLES R. BLAKE, 426-90-6805
JAMES P. BLANCO, 413-72-7327
JOAN W. BLANKENBEKER, 175-38-4421
THOMAS J. BLYSTAD, 437-66-2949
GERALD V. BOESCHE, 474-50-8687
RUSSELL L. BOGGESS, 466-78-3982
WAYNE R. BOLES, 417-64-9067
RUSSELL T. BOLT, 254-76-9053
JAROMIR J. BON, 063-38-6412
RAYMOND G. BONESTEELE, 544-50-4496
JAMES W. BOSWELL, 452-66-5018
TERRENCE W. BOTT, 207-36-2719
CHARLES L. BOUBOULIS, 152-38-2472
JAMES T. BOWEN, 478-60-3914
FRANK L. BOYD, JR, 342-32-5699
JOHN T. BOYD, 262-92-1152
MILTON E. BRANCH, JR, 256-86-8967
PAUL L. BRANDENBURG, 077-40-9840
LOUIS D. BRAUN, III, 512-52-6343
JAMES E. BRECHWALD, 419-64-6081
HOWARD M. BRILLIANT, 217-46-1702
FRED N. BROWN, JR, 426-84-6439
RICHARD S. BROWNELL, 039-30-6289
LAWRENCE A. BRUCK, 449-72-0282
RICHARD T. BRYAN, 560-50-6898
WALTER E. L. BUCHANAN, III, 457-94-7367
ANTHONY F. BUQUOR, 504-58-1542
ANNETTE L. BURR, 530-36-2208
RICHARD O. BURROUGHS, 472-56-0427
STANLEY L. BUSBOOM, 527-90-8989
RAY L. CADDELL, 458-76-6138
STEVEN E. CADY, 451-72-7812
STEVEN A. CAINE, 073-34-2859
PATRICK A. CALDWELL, 220-50-9780
MICHAEL R. CALLAWAY, 564-62-1661
MARION E. CALLENDER, JR, 530-30-6380
JOHN A. CAMM, JR, 229-64-3257
JOHN H. CAMPBELL, 404-64-2822
WILLIAM H. CAMPBELL, 157-38-8761
WILLIAM J. CANAVAN, 072-38-5409
TIMOTHY N. CAREY, 549-74-9786
DOUGLAS M. CARLSON, 468-58-9709
GERALD C. CARPENTER, 533-46-3581
MICHAEL F. CARPENTER, 250-84-3329
LARRY A. CARR, 448-46-4915
LARRY G. CARTER, 385-44-6172
STEPHEN P. CARTER, 463-76-7786
LOUIS J. CASAMAYOU, 556-64-9722
JOHN M. CASE, JR, 409-76-5220
THOMAS E. CEDEL, 205-40-4897
PHILIP R. CELMER, III, 142-38-8377
ROBERT R. CHAPIN, 046-40-2202
BRENT E. CHAPMAN, 288-44-1219
RAYMOND C. CHAPMAN, JR, 527-72-9072
EDDY J. CHELKOWSKI, 467-80-0350
KEVIN J. CHENEY, 261-76-5695
STONEY P. CHISOLM, 264-72-7186
MICHAEL A. CHRISTENSEN, 481-54-2159
CHARLES E. CINNAMON, 542-46-2525
DWIGHT E. CLARK, 005-46-2730
SAMUEL H. CLOVIS, JR, 512-54-1069
JAMES R. COATES, 452-70-8416
JAMES T. COBB, 536-48-6327
ROBERT D. COFFMAN, 301-42-0712
EDWIN W. COHRS, 331-38-4083
ZOLLIE D. COLE, 259-78-3520
DOUGLAS R. COLEMAN, 530-32-5949
KEVIN A. COLLINS, 228-78-6868
ELLIS K. CONOLEY, 579-64-3017
MICHAEL J. COOK, 232-70-6032
SHARLA J. COOK, 528-82-0473
BOYCE D. COOKE, 405-66-6940
CRAIG R. COONING, 423-74-4416
THOMAS R. COOPER, 456-74-0285
LARRY J. COPELAND, 427-84-5564
WILLIAM J. CORBETT, III, 565-64-0667
STEPHEN R. CORNISH, 484-52-5078
LARRY P. CORNWELL, 507-54-6698
ROBERT E. CORSI, JR, 123-40-1670
ARTHUR J. CORWIN, 090-36-9880
RONALD T. COVAIS, 101-38-2169
PHILIP A. COVELL, 223-50-5714
NEAL D. COYLE, 585-28-1738
JOHN W. CRAIG, 515-50-8336
CHARLES J. CRAWFORD, 160-38-2154
CHARLES E. CROOM, JR, 137-40-6488
DAVID P. CSINTYAN, 365-46-4671
CHARLES N. CULBERTSON, 123-36-2661
ROGER A. CUNNING, 269-46-3813
ALEXANDER B. CURRIE, 508-60-4671
THOMAS W. DALEY, 068-40-7739
JOHN W. DALTON, 487-56-3799
JAMES C. DANDO, 561-64-9532
HENRY J. DARIES, 436-66-1292
GERRY R. DAUGHERTY, 308-48-4782
JAMES N. DAVIS, 585-10-8184
ROBERT F. DEBUSK, III, 261-76-8291
ROBERT G. DEFEO, 137-44-0814
GEORGE DEFILIPPI, JR, 421-62-9093
JACK D. DELIGANS, JR, 554-70-1932
RICHARD E. DELONEY, JR, 418-68-8004
WAYNE E. DEREU, 516-58-2255
ROBERT J. DESUTTER, JR, 492-48-5048
DAVID R. DICK, 290-40-4745
JAMES G. DICKENSHEETS, 129-40-8750
ROBERT P. DICKEY, 034-40-1172
JOSEPH T. DICKMAN, 227-80-1086
ROBERT R. DIERKER, 216-48-7380
WALTER R. DILL, 248-82-5895
GARY D. DILLS, 243-78-4381
JOHN S. DOLAN, 232-74-3227
KENNETH L. DOLLAR, 294-66-4627
JAMES L. DONNELLY, 144-36-4825
PAUL R. DORDAL, 577-66-1176
JOHN W. DOROUGH, JR, 417-62-3560

LESLIE R. DRAKE, 483-52-0452
JOHNNY B. DRURY, 459-74-1391
DAVID A. DUCK, JR, 254-70-0793
GEORGE T. DUCKER, 250-76-4271
DAVID M. DUESLER, 219-48-4978
JACK E. DUGAS, JR, 464-74-4720
MICHAEL A. DUNGAN, 262-94-0113
JAMES C. DUNN, III, 148-38-7984
JACOB D. DUSTIN, 519-54-2162
CECIL L. EASON, JR, 238-76-4478
GLENN C. EASTERLY, 328-40-5152
THOMAS E. EICHHORST, 585-29-1177
ROBERT J. ELDER, JR, 363-60-7484
GERALD G. ELLMYER, 060-38-4701
ROBERT W. ELSASS, JR, 301-42-7077
ROGER E. ELSTUN, 285-46-1112
JAMES D. EMERY, JR, 541-56-4800
MICHAEL H. ENGELMEYER, 404-82-2152
JAMES M. ENGER, 452-80-9183
JAMES B. ENGLE, 573-80-8387
JAMES W. ENGLE, 314-46-8579
BRIAN A. ERICKSON, 527-54-9927
PAUL W. ESSEX, 281-52-6243
RICHARD G. EVANS, 225-66-3459
WALTER J. EVANS, 433-70-7634
WILLIAM J. EVANS, JR, 047-42-8236
MARK G. EWIG, 398-44-6483
ROBERT G. FAHL, 301-46-4476
DAVID P. FAIRCLO, 542-62-5574
STEPHEN H. FARISH, 241-74-3803
KENNETH B. FAULHABER, 470-52-0666
MICHAEL L. FAUST, 433-66-7083
RICHARD E. FAVELA, 526-72-1088
ALAN C. FELDKAMP, 511-54-3685
JAMES G. FERGUSON, 424-64-6731
GEORGE C. FERKES, 308-46-9756
WALTER L. FILIPEK, 293-38-6151
GERALD F. FLANAGAN, JR, 144-40-3670
SCHUYLER FOERSTER, 105-42-7131
DAVID A. FONTANA, 073-38-6250
ROBERT G. FORD, 241-74-2813
DAVID M. FORE, 426-92-3603
THOMAS P. FOSS, 266-80-8352
FREDERICK J. FOSTER, 262-96-2507
WILLIAM E. FRANTA, 476-52-2344
WILLIAM M. FRASER, III, 458-96-9314
JAMES G. FROMM, 215-44-2665
DANIEL T. FUCCI, 417-72-1663
RICHARD D. GADDIE, 509-48-9589
RALPH R. GAJEWSKI, 568-64-3798
ALBERT R. GALANTE, 050-38-9124
MICHAEL R. GALLAGHER, 585-07-0185
RICHARD N. GALLOWAY, 585-07-2178
DAVID P. GAMBONE, 268-40-6559
RICHARD GAMMON, 267-96-0568
FRANCIS K. GEISLER, JR, 267-88-0409
DAVID B. GEORGE, JR, 460-78-7679
SALVATORE J. GIAMMO, 298-38-5330
JOHN P. GIBEAU, 021-32-4660
ROBERT A. GIBSON, 448-42-6639
JOHN A. GILBERT, 279-44-4850
PETER M. GILL, 143-40-8217
MARK D. GILSON, 385-40-1934
STEVEN F. GLANTZ, 074-38-3407
DANIEL W. GODDARD, 399-50-8219
THOMAS J. GODFREY, 529-58-1281
WILLIAM E. GOODWIN, 517-50-1259
JOHN W. GORMAN, 430-70-4123
EDWARD H. GOSSLING, III, 134-34-0508
JAMES M. GRANT, 423-58-8621
MICHAEL L. GRAVES, 318-48-5621
JOHN R. GREEN, 416-56-0599
WILLIAM V. GREEN, IV, 235-72-7571
SAMUEL L. GRIER, JR, 225-78-2968
RICHARD C. GROESCH, 344-38-4362
RICHARD R. GROSS, 151-36-1956
ANTHONY W. GROVES, 420-60-0737
MICHAEL L. GUIDRY, 433-69-7555
PAUL M. GUTTMAN, 419-66-8101
JOHN M. HAAS, 256-80-7253
STEVEN C. HAFNER, 500-50-9921
FREDDY M. HAGGARD, 498-78-7317
ROBERT M. HAIL, 314-53-2457
LOUIS C. HALA, JR, 122-36-5570
BILLY J. HALL, JR, 265-92-2610
WILLIAM F. HALL, 394-44-8210
BOYCE J. HALSTEAD, 419-62-3146
STEPHEN O. HAMMOND, 521-70-5737
STEPHEN W. HANES, 256-82-2349
JOSEPH C. HANNIGAN, 523-50-8065
JOHN W. HARRISON, 527-60-6538
SUSAN J. HARGER, 307-50-1140
JOHN S. HARP, 259-54-8794
ELKTON E. HARRINGTON, III, 229-66-3466
JERROLD B. HARRINGTON, 054-36-5705
HAROLD J. HARRIS, 261-64-0704
JOHN H. HARRIS, JR, 160-40-8529
PHILLIP L. HARRIS, 491-48-2614
KENT E. HARRISON, 568-72-5596
THOMAS D. HATCHER, 560-72-9497
JAMES C. HAVARD, 223-64-0813
GILBERT R. HAWK, 051-38-6206
KEITH D. HAWKINS, 429-90-3072
ROBERT S. HEAPS, 518-58-7346
RICHARD S. HEFNER, 241-76-0713
JAMES B. HENDERSON, JR, 558-62-8654
JOHN F. HENLEY, 416-56-7266
PETER J. HENNESSEY, 545-04-1571
STEPHEN G. HENRICH, 433-72-6466
CHESTER G. HERBST, JR, 563-76-5790
ROBERT E. HERGENROEDER, 490-50-5817
ROBERT L. HERKLOTZ, 147-40-3123
AUBIN M. HIGGINS, 404-58-3219
DALE C. HILL, 257-78-2721
CHARLES D. HILLEBRAND, 565-60-3425
LLOYD R. HISH, 228-62-9533
DAVID L. HOFSTADTER, 259-72-6783
JACK R. HOLBEIN, JR, 275-44-0552
FRANK O. HOLDER, JR, 461-76-9612
WILLIAM J. HOLLAND, III, 256-72-4080
GERALD G. HOLLINGER, 502-46-3279
WILLIAM E. HOLTKAMP, III, 452-76-9428
DAVID R. HONEYWELL, 231-70-3446
HUNTER S. HOPSON, JR, 260-42-0450
STEPHEN M. HORN, 184-38-9131
JOHN R. HORNOR, 554-70-3991
VINCENT W. HORRIGAN, 269-50-3755
HAROLD W. HOSACK, JR, 332-36-9443
THOMAS R. HOSKINS, 511-48-6077
JAMES B. HOUSTON, JR, 464-66-2706
ROBERT M. HOWE, JR, 552-60-5272
RONALD P. HUBBARD, 472-52-8747
LAWRENCE R. HUEY, 242-82-3176
JOHN B. HUNGERFORD, JR, 259-80-5051
ROBERT D. HUNTER, 546-72-1649
SCOTT D. INGRAM, 523-70-2898
GEORGE R. JACKSON, 454-70-4570
PHILLIP L. JACKSON, 466-72-2849
VICTOR D. JAROCH, 373-54-1011
GREGORY T. JAY, 276-48-1941
RONALD W. JAYNE, 274-44-8645
OWEN E. JENSEN, 341-38-4366
ROBERT W. JENSEN, 528-66-9110
WILLIAM E. JOHNS, 561-72-1058
ERIC N. JOHNSON, 521-74-3741
FREEMAN L. JOHNSON, 260-72-0377
HUBERT O. JOHNSON, III, 224-68-3488
KATHLEEN JOHNSON, 085-36-3401
WILLIAM R. JOHNSON, JR, 521-56-8635
LAFAYETTE J. JONES, JR, 229-58-5462
PETER E. JONES, 043-40-9189
ROBERT G. JONES, 449-80-2905
ROBERT R. JONES, 585-10-0526
RODNEY P. JONES, 076-36-3739
SAMUEL M. JONES, 450-74-8966
STEVEN R. JONES, 307-54-0908
WALTER I. JONES, 214-60-8782
ROBERT A. JUDAS, 267-76-9288
JOSEPH C. JUSTICE, 419-56-1833
GORDON D. KAGE, II, 242-72-0836
PETER C. KAMINSKI, 140-40-1498
ROBERT J. KARNER, 125-36-3668
LARRY R. KEARNS, 458-66-4259
STEVEN M. KELLER, 539-50-9657
GARY M. KELLY, 110-38-9354
MICHAEL G. KING, 227-70-4645
JAMES A. KINGSLEY, 001-40-5095
THOMAS C. KLEIV, 516-52-3812
DUANE W. KNIGHT, 561-70-1870
DANIEL G. KNIOLA, 289-48-8351
WARREN I. KNOUFF, 093-40-3745
DAVID P. KNOWLES, 324-38-8365
DANIEL J. KOHN, 411-66-1727
DUNCAN G. KOLLER, 136-40-3345
DAVID C. KOLODZINSKI, 031-34-5088
CRAIG L. KOONTZ, 277-42-3141
ROBERT W. KOPP, 501-46-4525
JOSEPH N. KRUPPA, JR, 217-44-7770
DENNIS W. KULLANDER, 544-50-4141
FRANK P. LABELLE, JR, 497-52-8279
LAWRENCE N. LACEY, 157-40-4612
RICHARD F. LACH, 299-44-3032
PHILLIP E. LACOMBE, 451-90-0237
THOMAS S. LAMPLEY, 430-68-0408
GERALD M. LANE, 548-66-0407
CHARLES M. LANG, JR, 027-36-8807
RICHARD D. LARKINS, 230-66-4101
DENNIS R. LARSEN, 387-54-3094
LANNY J. LARSON, 523-54-5475
KATHY LASAUCE, 056-42-6963
THEODORE W. LAY, II, 356-38-9638
PAUL J. LEBRAS, 130-38-9625
CRAIG M. LEE, 363-48-5854
GORDON K. W. LEE, 575-50-0091
MELVIN K. F. LEE, 576-44-0041
MICHAEL G. LEE, 250-92-9675
TERRY S. H. LEE, 575-50-1810
ROBERT A. LEECH, 467-82-7005
DAYRE C. LIAS, 274-46-3369
ARTHUR J. LICHTE, 130-40-5483
RICHARD A. LIEN, 238-48-9689
CHARLES R. LINN, 435-76-4853
DAVID W. LINN, 573-66-0934
CHARLES B. LONG, 248-78-4364
LEVI D. LOWMAN, JR, 241-74-8731
LUKE L. LUCAS, 460-74-0387
MICHAEL A. LUFFRED, 068-36-3424
THOMAS P. LUTTERBIE, 398-50-0612
MICHAEL J. LYGA, 551-74-4743
STEPHEN D. MACARTHUR, 181-40-7668
DAVID F. MACGHEE, 067-38-3517
FRANK J. MACHI, 179-40-4556
GENE A. MADDING, 516-52-0962
STEPHEN B. MADDOX, 462-78-0840
MARCOS J. MADRID, 585-38-5855
THOMAS A. MAHR, 180-40-9910
SANFORD D. MANGOLD, 264-86-2985
DENNIS F. MARKISELLO, 145-38-8643
ROBERT T. MARLOW, 296-40-0452
CHARLES W. MARTIN, 499-48-7183
RICHARD P. MARTIN, 261-70-4185
STEPHEN G. MASCHUE, 213-42-7747
GEORGE M. MATTINGLEY, JR, 551-66-0488
GILBERT E. MAYEUX, II, 458-72-8060
MICHAEL P. MCCALL, 186-38-7139
BENJAMIN F. MCCARTER, 422-54-7144
JOHN A. MCCLANATHAN, JR, 364-48-6448
MICHAEL G. MCCONNELL, 456-82-9467
GUY F. MCCRACKEN, 517-54-5663
WILLIAM M. MCCRARY, 420-62-0726
ROBERT N. MCENEANY, 027-34-8557
MAURICE L. MCFANN, JR, 554-80-9309
EDWARD J. J. MCGANN, JR, 526-92-2370
STUART R. MCGHEE, 196-38-7239
CARL A. MCINTIRE, III, 427-76-1527
WILLIAM E. MCKEEVER, 263-60-2273
DOLAN M. MCKELVY, 513-50-0228
JAMES L. MCKINLEY, 260-80-4447
DANIEL J. MCMORROW, 076-40-8812
MICHAEL F. MCPHERSON, 505-50-7407
ROBERT C. MEAD, 019-34-3792
ROY D. MEADOWS, 242-72-8682
BILLY G. MEAZELL, 454-74-8137
JOHN W. MEINCKE, 052-38-2903
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CHAPLAIN CORPS

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JAMES P. HALL, 415-60-0200
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JOEL M. OXLEY, 479-56-8689
MARK L. SUCHER, 005-46-5216
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NURSE CORPS

To be colonel

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KATHRYN M. RAINES, 262-84-1165
NINA K. RHOTON, 253-74-1370
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MARY P. SULLIVAN, 516-44-6509
CAROL A. TOMS, 239-70-0248

MEDICAL SERVICE CORPS

To be colonel

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TIMOTHY J. ELDER, 193-36-8470
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ROBERT E. SHIELDS, 237-82-7845
JAMES T. VANDEHEY, 226-60-1586

BIOMEDICAL SCIENCES CORPS

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THOMAS J. WALKER, 428-88-8944
GARY A. WANDMACHER, 472-48-1871
RONALD D. WARNER, 298-44-5283

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366 AND 8372, OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 14 JUNE 1990, AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND TWENTY-ONE YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

LINE OF THE AIR FORCE

To be lieutenant colonel

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PENELOPE ANN LARSEN, 513-50-1458
SANDRA E. LAZAROFF, 423-64-1811
MARIA D. LERMA, 457-78-6413
BARBARA A. LEWIS, 428-73-7290
CHRISTEEN V. LIANG, 018-44-0479
TERESA LOPEZENNS, 462-72-8154
JANE E. MARCUM, 384-52-0358
GEORGE E. MAY, II, 094-38-3673
BARBARA I. MCCOOL, 125-38-9894
LANIS L. MCKINNEY, 484-50-3522
JOAN H. MCLEOD, 119-40-7588
SUSAN G. MCMILLAN, 546-64-1561
CHERYL E. MCRAEBERGERON, 255-80-2294
MARY L. MEYERQUINONEZ, 512-48-5598
SUZANNE I. MILES, 358-38-6128
PATRICIA L. MILLER, 253-86-4717
MARTHA A. MISKER, 351-36-0148
ELAINE H. MYSLIWIEC, 081-38-5007
CATHY A. NAVIN, 060-42-6344
ROSALIE A. OLIVIER, 514-44-9913
VIRGINIA L. OLSON, 534-44-2356
CAROL M. PATTERSON, 518-44-4049
ELIZABETH A. PAYNE, 227-64-7057
JUDITH A. PEARSON, 197-42-4450
CONNIE E. PETERSON, 530-38-3727
RITA B. RICHARDSON, 185-38-5429
PATRICIA A. RIESBRONZO, 022-44-7029
BRENDA C. ROGERS, 227-78-9045
MARY C. ROSS, 420-86-4799
PATRICIA A. RUMPZA, 503-62-4824
BARBARA S. SAND, 398-52-6150
SHIRLEY M. SCHULTZ, 529-56-0981
MARGARET N. SHAW, 262-54-2004
RITA M. SOLANDER, 089-32-6777
BONITA A. SPADE, 158-40-3062
MARY L. SULLINS, 430-90-3341
CHERYL A. VAIL, 268-40-8556
JANET G. WEAVER, 550-62-4957
NORMAN R. WEBSTER, JR, 531-42-3515
ELIZABETH R. WILLIAMS, 416-70-2411
JANIS S. WILLIAMS, 417-68-7828
SARAH E. WILLIAMS, 086-36-3804
ROSA D. YOUNG, 438-64-0954
LUCILLE A. ZIMMERMAN, 468-48-7589

MEDICAL SERVICE

To be lieutenant colonel

G. ROBERT ALFORD, JR, 249-86-8228
RONALD W. HALL, 406-60-4676
DAVID C. HARPER, 262-74-1302
GLENN E. HAVEL, 452-86-5987
DAVID R. HOLLAND, 464-74-0553
BETSY K. HORKOVICH, 102-38-0298
DOUGLAS R. HOUSER, 295-38-8389
MICHAEL F. HUBBELL, 364-50-0636
IRVIN H. JACOB, 542-50-0459
ALAN S. MAX, 291-36-5880
FREDERICK A. SCOTT, 416-66-7582
JAMES F. SHANLEY, 162-40-1551
WILLIAM S. TROTT, 311-48-1816
DOUGLAS A. WALKER, 263-21-5344
BURTON L. ZISKIND, 227-64-5296

BIO-MED CORPS

To be lieutenant colonel

WILLIAM H. ANDERL, 508-63-0200
ROGER L. BASSETTI, 341-34-8561
WILLIAM H. BEHRENDS, JR, 473-48-1533
TERRY L. BIERY, 513-42-1481
RICHARD T. BREDLOW, 430-62-5960
STEPHEN P. CHARDOS, 142-40-2505
CLIFTON D. CRUTCHFIELD, JR, 241-66-9155
RICHARD A. ELLIS, 298-42-9824
JAMES E. EVANS, 281-38-5561
WILLIAM L. HUFFMAN, 280-40-0237
CHARLES W. JONES, 414-72-9408
MARILEE A. NELSON, 361-50-7662
GARY C. NISKALA, 471-58-3181
CHARLES W. PAEPKE, 395-46-0199
WILLIAM H. REID, 526-50-6962
BRENDA H. SHIRAKI, 575-50-6880
JEFFREY W. SMITH, 261-36-1155
RICHARD A. VIROST, 294-42-0634
JERRY C. WALKER, 256-68-0233
CHARLES M. WORMINGTON, III, 569-64-8273

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

ROBERT A. COCROFT, 395-44-7353
RICHARD S. COLT, 100-34-4147
JAMES E. JACOBEK, 353-30-8599
JOHN B. JOHNSTON, 259-64-8560
STEPHEN C. KIMBRO, 260-72-8401
JOHN E. KOVACH, 170-34-2079
RICHARD MCLENDON, 258-64-3228
WILLIAM C. MCMULLIN, 464-70-9376
RICHARD M. OMEARA, 395-50-9750
FREDERIC PINKERTON, 255-62-5712
GARRY R. TENNEY, 234-74-0769
STEPHEN T. WILLIAMS, 507-58-2873
BUDDY J. WRIGHT, 452-58-0392

CHAPLAIN CORPS

To be colonel

JAMES C. MCCARTHY, 517-38-5242

MEDICAL SERVICE CORPS

To be colonel

CECIL G. NEWSOME, 258-64-6613
ROBERT S. POPE, 365-46-6925

ARMY PROMOTION LIST

To be lieutenant colonel

JAMES A. BRITAIN, JR, 417-68-2707
KERMIT J. BRITT, 240-66-9675
GAYLE P. CHAFFIN, 439-82-2828
RICHARD W. DAVIES, 429-02-0761
DONNELL H. GEIB, 397-50-2589
RAYMOND H. HODGES, 265-80-6580
EDMUND H. KNETIG, JR, 449-66-5568
BOHDAN W. KOBZAR, 154-34-3932
MICHAEL G. LEHTI, 470-52-9176
RUSSEL E. LICHTE, 388-50-2273
TIMOTHY J. MORIARTY, 052-36-1073
FREDERICK NAKAHARA, 576-46-8319
ALAN T. OKUDA, 575-60-8933
JOHN J. PERRONE, JR, 089-40-7273
JOHN M. PITTS, 423-72-0781
ANDREW J. SHARP, JR, 422-66-7748
MARK F. SPINLER, 476-60-2128
MICHAEL R. STURM, 363-50-3621
GREGORY M. TRAVALIO, 195-38-8458
GERALD G. TUCKER, 422-66-9758
KATHIE E. WALKER, 161-42-5954
DENNIS M. WALLACE, 380-50-3565
GARY L. WEINSHENKER, 354-38-5629
STEVEN WIEDE, 510-56-4771
JAMES M. YOUNKINS, 177-40-2717
JOHN E. ZUPKO, 426-98-3529

CHAPLAIN

To be lieutenant colonel

TOMMY T. COVINGTON, 230-64-8476

MEDICAL SERVICE CORPS

To be lieutenant colonel

JACK T. CARPENTER, 303-38-4391
FRANKLIN Y. LAU, 576-58-7156
LAWRENCE R. MARSH, 385-52-6822
DAVIS M. STROOP, 287-46-5907

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY PROMOTION LIST

To be colonel

JAMES O. BURNETT, 307-44-3060
LOREN A. COX, 511-40-0411
JOHN E. DORSEY, 234-72-1302
THOMAS J. GINAL, 001-32-8474
TIP A. HORSLEY, 452-64-7304
CLIFFORD W. LAYCOCK, 536-32-1579
AUGUST W. SMITH, 462-58-0196

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

RONALD P. HARPER, 313-42-9534
RICHARD C. PANCIERA, 035-30-9116
ANTHONY F. QUAN, 586-05-2371
WILLIAM WIMBERLEY, 462-66-1351

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), AND 3359:

DENTAL CORPS

To be lieutenant colonel

DENNIS P. PRYOR, 567-66-0309

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

MARGARE APPLEWHITE, 183-46-1903
GAIL D. DEYLE, 507-64-8286
JEANNE M. GALLO, 539-48-0659
HANNAH C. HENLEY, 411-78-0361
NANCY KING, 584-58-6092
STEPHEN H. LUSTER, 561-64-1696
HOWARD C. MAY, 410-98-1269
THOMAS C. MURPHY, 454-94-1793
REBECCA S. STOREY, 292-52-5077
CLAUDIA A. ZITZKA, 050-46-8312

DENTAL CORPS

To be major

CHRIST *. ACHLEITHNER, 123-40-6156
MAUREEN T. *. BALDY, 348-40-3940
MARK R. *. BENNE, 317-66-0905
MARK L. *. BILLY, 281-66-9168
THOMAS J. *. BORRIS, 350-60-0094
DERRICK R. *. CARTER, 373-66-0335
THOMAS P. *. CASEY, 396-56-5488
RICHARD A. *. CHUMBLER, 402-94-8835
CLARK M. *. COMEAUX, 435-70-7424
LARRINGTON *. CONNELL, 216-98-9529
MICHAEL *. CUNNINGHAM, 505-82-1458
THOMAS *. DACZKOWSKI, 199-46-0532
DAVID J. *. DUBOIS, 325-50-5015
STACY B. *. ELLISON, 407-86-1479
RALPH P. ERGAS, 130-56-3534
WILLIAM A. *. EVELAND, 506-76-7097
STEVEN M. *. FLORENCE, 402-04-9727
EDWARD B. FOWLER, 302-46-1060
PAUL O. *. FRANCIS, 529-94-5126
JEFFREY A. *. GRASSER, 394-58-0799
DONN A. *. GRIMES, 565-98-9666
BERNARD J. *. HENNESSY, 350-58-0593
MARK E. *. HEWLETT, 401-66-2921
GEORGE J. HUCAL, 419-74-1139
DAVID R. *. HUGGETT, 399-64-0024
DAVID G. *. JULIAN, 529-94-6697
CASEY P. *. LESER, 585-92-4062
GARY J. LEWANDOWSKI, 389-66-9978
MATTHEW A. *. MCLELLAN, 366-54-0095
JOHN J. *. MORGAN, 438-92-0166
CHANTAL *. NEWSOME, 103-44-0832
BRADFORD P. *. OBRIEN, 567-94-0804
JOSE E. *. OLAZAGASTI, 583-90-3020
PHILIP J. *. PANDOLFI, 155-52-5083
ANTHONY J. *. PARKER, 253-88-0844
GREG A. *. PERRY, 409-06-1120
SERVANDO *. RAMOS, JR, 453-15-6513
JOHN E. *. RESCHKE, 529-84-9792
STEPHEN K. *. RUSSELL, 496-72-1392
ROBERT *. SHAKESPEARE, 528-90-6681
RICHARD A. *. SIMPSON, 257-31-1858
DAVID G. *. SMITH, 463-94-6880
KEITH D. *. STEWART, 339-54-5529
KELLY E. *. TAYLOR, 528-04-9914
ASHTON C. *. TRIER, 580-02-1431
ANN K. *. WHITE, 393-70-5982
THOMAS G. *. WICHGERS, 395-56-6645
PATRICE B. *. WUNSCH, 391-64-0629
ALAN D. *. YOUNT, 500-54-1041
DANIEL A. *. ZELESKI, 507-74-5479

IN THE ARMY

THE FOLLOWIING NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

CAREY M. ALUMBAUGH, 262-73-3162
CARLOS C. AMAYA, 118-66-7681
PAUL B. ANDERSON, 528-29-0904
JOHN D. ARMENTROUT, 224-11-9064
WILLIAM F. ARMSTRONG, 246-31-3683
JEFFREY W. ASHBY, 438-13-1442
TRACY L. BABCOCK, 268-60-6413
ANNETTE M. BABINEAUX, 434-33-5237
MICHELLE M. BAILEY, 517-82-3459
SHOUN M. BAILEY, 283-66-2041
DAVID E. BASS, JR, 435-55-3145
PATRICK L. BEATTY, 388-74-9022
GLENN B. BECKER, 267-57-7103
ROBERT R. BEGLAND, JR, 228-29-3554
BEVERLY A. BELL, 432-31-0245
CHARLES S. BELL, 308-88-5411
BRIAN E. BENHAM, 225-04-9431
DANIEL E. BENNETT, 549-21-0301
KEITH H. BERGER, 197-52-3928
WILLIAM J. BETTIN, 470-78-8536
JANET N. BIELAK, 548-94-8063
LOUIS A. BIRDSONG, 449-49-8569
CHRISTOPHER E. BLEVINS, 451-39-5692
JAMIE A. BLOW, 366-78-6786
CHRISTOPHER BLUME, 050-56-3240
JOHN M. BODOR, JR, 203-58-3571
DAVID R. BOLDUC, 001-66-0001
JOSE A. BONILLA, 591-12-5982
MICHELLE M. BOSCH, 276-82-3357
JAMES L. BOSSE, JR, 354-64-7457
CHADWICK A. BOWERS, 500-82-1067
PETER V. BRINDLEY, 063-70-3097

[redacted]
DAVID E. BROWN, 430-37-5586
[redacted]
DAVID J. BROYHILL, 542-04-6097
ANNE A. BRULE, 126-60-5523
[redacted]
SHATRECE W. BRYANT, 145-78-6904
DONALYNN K. BUDOFF, 333-72-3000
GREGORY L. BUNCK, 510-74-1481
SUSAN J. BURGER, 225-11-0505
[redacted]
JAMES P. BURKE, 136-70-2358
EDWARD M. BUSH, 391-90-2945
DOUGLAS G. CARPENTER, 518-94-4997
RONALD M. CASHION, 415-35-6066
[redacted]
JAIME S. CHANEZ, 531-84-6421
[redacted]
JOHN P. CHARLES, 537-84-2193
[redacted]
ELIZABETH A. CHECKET, 160-58-5977
JAMES H. CLINGHAM, 257-41-8269
[redacted]
KYLE O. COLLE, 593-03-1103
ANTHONY CONDIA, 291-82-1865
LEAH A. CONLEY, 007-80-6066
DARLENE M. CONNELLY, 471-02-1332
[redacted]
DEREK C. COOPER, 566-83-1940
[redacted]
DARREN V. COX, 243-43-4693
JOHN H. CRADDOCK, JR, 490-62-4124
DANIEL M. CROWDER, 053-66-4817
WILLIAM L. CROWLEY, JR, 553-45-3504
SHEILA C. CRUMB, 171-52-8590
JEFFREY R. CUIPER, 455-49-6944
DAVID H. CULP, 207-50-7177
JOHN M. CYRULIK, 126-52-7397
CHRISTINA L. DADDONA, 047-50-8795
CHARLES J. DALCOURT, JR, 433-23-6041
[redacted]
MONICA Y. DAVIS, 255-02-6728
RICHARD DELGADO, JR, 585-11-9765
[redacted]
MICHAEL T. DIBENEDETTO, 436-27-1493
RANDY J. DICK, 562-35-4710
[redacted]
MARK J. DOLE, 221-44-1805
LEWIS N. DOYLE, 540-06-5535
[redacted]
BRAD E. ECKLEY, 165-54-0914
STEPHEN A. ELLE, 504-76-9667
JULIE A. ESPER, 301-80-3519
[redacted]
LAURIE A. FAZEKAS, 406-11-9389
[redacted]
FRANK A. FINLEY, II, 391-68-5578
ROBERT A. FISHER, 227-31-5257
[redacted]
RUSSELL A. FLUGEL, 048-68-7271
WILLIAM J. FORTNER, 291-78-4503
PETER E. FRANZ, JR, 052-60-5412
EARL D. FRENCH, II, 005-64-1947
MICHAEL P. FRIEND, 319-52-4835
DAVID J. FUGAZZOTTO, JR, 419-84-6970
CAROLINA GARCIA, 463-67-5913
TAMMY C. GARCIA, 566-35-0420
ROLAND T. GAREY, 222-64-6009
RODNEY E. GARFIELD, 227-08-0636
PHILIP R. GARTH, 406-04-6355
[redacted]
DANIELLA I. GELINAS, 019-50-7330
MICHAEL H. GEPPERT, 181-44-0707
[redacted]
ROLANDO A. GILL, 451-41-2764
DONALD J. GILLICH, 229-13-6257
WALTER H. GILLIGAN, 137-46-4512
[redacted]
CHARLES B. GRANGER, 434-25-5175
JANICE M. GRAVELY, 437-13-0794
BRIAN K. GRAY, 407-08-1156
THOMAS H. GREER, 227-15-2401
[redacted]
GIFFORD C. HADDOCK, 361-70-5214
JOHN W. HAEFNER, 086-54-7145
SCOTT A. HAMANN, 105-46-0116
[redacted]
COLE A. HANSON, 517-94-2135
[redacted]
ARNOLD T. HENCE, 147-78-1959
SEAN M. HERRON, 282-80-5282
SCOTT A. HINES, 366-92-5945
KENNETH T. HOBBS, 464-39-6139
MARK P. HOLLAND, 242-92-3108
RICHARD J. HORNSTEIN, 037-42-7037
VINTURE D. HOWARD, 294-80-8893
WILLIAM G. HOWARD, 199-54-5979
DENNIS G. HOWIE, 259-37-4559
LAURA B. HOWLETT, 396-82-4030
SEAN C. HOYT, 291-78-9875
GREGORY R. HUDSON, 427-11-8493
GWENDOLYN M. HUDSON, 228-96-7926
FREDERICK W. HUMPHRIES, 332-74-4788
KELLY W. IVANOFF, 359-48-1786
REOLITO G. JAO, 586-72-5887
SALLIE C. JEANE, 458-37-2691
DIANA M. JENSEN, 490-88-2355
ANDREW T. JOHNSON, 493-82-5445
[redacted]
JAMES J. JOSWICK, 372-89-6147
SHAWN F. KANE, 134-68-5415
ANN M. KEEL, 213-04-5561
KELLY A. KEENAN, 050-68-3367
[redacted]
KATHLEEN F. KENNEY, 081-68-7318
SCOTTMARY A. KERBER, 489-80-7921
RAYMOND K. KESSLER, 312-74-2713
STUART A. KIDDER, 261-81-9864
GREGORY L. KIMM, 226-96-2173
[redacted]
ROBERT L. KIRKLAND, 220-04-6711
RODNEY L. KOELLER, 393-70-3329
KYLE L. KOSTELECKY, 503-92-1579
DAVID R. KRUEN, 373-68-7584
LAURA A. KUPPICH, 423-78-0981
LEIGH A. KYLE, 217-94-6485
SAMUEL D. LARKIN, 250-17-4871
DANIEL W. LATVALA, 517-98-4760
KELLY T. LEONARD, 498-78-9484
TIMOTHY L. LESTER, 259-23-1392
PAUL G. LEWIS, 257-25-4984
ERIC M. LAYDE, 538-84-9201
JONATHAN P. LIBA, 045-78-7989
BRIAN E. LINVILL, 382-84-4386
MICHAEL O. LITZELMAN, 170-58-5325
MELISSA K. LOONEY, 523-45-9294
ROBERT P. LOUIE, 211-50-0125
STEVEN E. LUDWIG, 212-96-4254
CHRIS L. LUKASEVICH, 184-56-4588
CHRISTINE M. LYLE, 216-74-2758
DION LYONS, 042-72-6123
MONICA F. LYONS, 425-49-1700
THADDEUS E. MACKRELL, 115-54-0905
PHILIP L. MAHLA, 207-64-3657
LEO J. MAHONEY, IV, 515-78-2985
OSVALDO MALAVEMORELL, 581-19-0493
SANDRA B. MALLOW, 581-13-0715
[redacted]
FRED P. MARTY, 223-02-0619
MICHAEL S. MATT, 521-11-9564
WILLIAM G. MCDONOUGH, III, 558-63-1952
[redacted]
ROBERT L. MCMICHAEL, JR, 417-11-9502
PHILIP P. MELTON, 255-04-2854
REGINA M. MEREDITH, 430-55-0553
[redacted]
RONALD D. MILAM, 443-82-1517
ANTHONY M. MILLER, 433-51-7794
[redacted]
CHARLES D. MILLS, 249-55-6077
JOHN P. MITCHELL, 067-56-6024
MICHELLE D. MITCHELL, 212-88-2014
LAURA L. MOERGELI, 538-58-8732
ANDREW S. MOHLER, 271-78-1797
NEIL M. MONAGHAN, 589-12-0409
[redacted]
THERESA H. MORAN, 283-76-9166
STEVEN D. MORGAN, 519-98-0204
[redacted]
KEVIN M. NASH, 295-66-1287
SUSAN E. NELSON, 541-82-2148
[redacted]
OVA OHAIR, III, 406-90-2727
TRACY L. OHEARN, 118-48-0126
KRIESTIN L. OLZACK, 516-06-6944
THOMAS S. OREILLY, 027-66-5560
DAWN E. ORR, 354-54-7803
[redacted]
MARY J. PASTULA, 380-84-2918
BRANDON K. PATTERSON, 593-10-1326
KENNETH A. PATTERSON, 341-74-6554
DIANE L. PAULSON, 541-86-3596
WENDY D. PELC, 240-11-8385
[redacted]
WILLIAM B. PENLAND, 256-45-7926
JOHN R. PENNY, 515-66-8496
DANA P. PERKINS, 424-06-9436
ROBERT M. PETERS, 264-71-6445
[redacted]
JOHN T. PETTY, JR, 262-91-2782
WENDI L. PILLARS, 404-11-5592
LAURIE A. POLUNCI, 004-50-4540
[redacted]
CHARLES A. PORTES, 508-06-0171
[redacted]
RAQUEL M. PUCKETT, 517-80-5714
KEVIN S. PYATT, 540-02-9426
RONALD RAGIN, 445-47-9891
LESLIE A. RANDOLPH, 430-39-7700
ROBERT L. RASMUSSEN, JR, 570-04-2203
FIRMIN H. RAY, 101-54-5136
[redacted]
STANLEY L. REDEN, 526-98-8617
[redacted]
SCOTT G. RENFRO, 546-81-6232
[redacted]
JEFFREY A. RIEDEL, 262-75-7740
CHERYL L. ROBINSON, 215-76-2519
KURT W. ROBINSON, 449-47-1596
[redacted]
CHERYL A. ROHR, 515-58-4765
RANDY S. ROSS, 234-13-2292
ELIZABETH L. ROTH, 503-72-9081
THOMAS G. ROWELL, JR, 249-43-0387
[redacted]
HECTOR M. SALAZAR, 467-35-9107
JOSEPH J. SALZSIEDER, 394-64-9562
MICHAEL P. SASSANO, 517-98-0829
STEPHEN J. SAUER, 072-68-1489
BENJAMIN M. SAWYER, 473-06-7513
ROBERT L. SCHILLER, 330-70-8657
LAURA L. SCHNEIDER, 282-76-5753
JOHN A. SCHRIMSHER, 420-04-6746
[redacted]
PAUL D. SCHUMACHER, 255-51-1971
WILLIAM C. SEARS, 205-62-5122
SHONNEIL W. SEVERNS, 508-04-8402
RONALD G. SHASHY, 267-79-9127
DAVID J. SHASTEEN, 462-35-7276
CAROLYN M. SHEILS, 147-68-6104
TERESA M. SHOEN, 516-04-2197
TODD A. SHOWALTER, 223-04-4019
ARTHUR A. SIMON. III, 451-47-6100
NANDKUMAR R. SINGH, 114-60-3747
[redacted]
MICHAEL S. SLUSKI, 521-39-4020
DAVID E. SMITH, 364-70-3332
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IN THE ARMY

THE FOLLOWING NAMED CADETS, GRADUATING CLASS OF 1991, UNITED STATES MILITARY ACADEMY, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533 AND 4353:

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SAMUEL L. YINGST, 309-62-6567
RICHARD B. YODER, 186-58-4091
NAFTALI E. YORAN, 051-64-3172
SHAW YOSHITANI, 356-72-3615
STEVEN E. YOST, 187-62-2750
ROBERT T. YOW, 246-92-4781
WILLIAM F. YSTUETA, JR, 133-58-4211
TERRY J. YUN, 558-61-4408
RICHARD R. ZARECK, JR, 307-84-2738
SHANE W. ZEHNDER, 528-15-1550
DENNIS D. ZIEGLER, 307-86-4323
FRANCESC ZIEMBA, 385-64-5647
MATTHEW C. ZIMMERMAN, 044-76-5788
BRYNE C. ZUEGE, 524-90-4984
MICHAEL J. ZUERLEIN, 520-98-4555

THE FOLLOWING NAMED RESERVE OFFICER'S TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

MEDICAL SERVICES CORPS

WALTER H. CONNERY, 024-46-2865
BENJAMIN POORE, 219-90-2904
DAVID J. REINHART, 503-96-0290
PATRICK STARKEY, 423-84-1904

MEDICAL SPECIALIST CORPS

CHRISTINE K. LOTHEN, 395-88-4539

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN HIS ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

VETERINARY CORPS

To be captain

WARREN T. JONES, 497-68-8156

IN THE NAVY

THE FOLLOWING NAMED COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF CAPTAIN IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be captain

CHARLES LLEWELLYN ADAMS
THOMAS CHARLES AHERN
STEPHEN SADLER AICHELE
LEE ALEXANDER
PHILLIP KENNETH ALLEN, JR
ROBERT GENE ALLEY
THOMAS EDWARD ANDERSON, JR
WILLIAM REDDING BACON
JOHN COOPER BAKER
ARTHUR DENNIS BARNETT
LOUIS CALVILLO BARRAZA
DOUGLAS ALLEN BATEMAN
GEORGE HARRIS BECK
ROBERT LEE BECKMANN, JR
JOHN BOWDITCH BENNETT
FREDERICK ROY BEST
JOHN HEFLIN BIRGE, JR
DOUGLAS S. BISHOP
ANDREW EVERLY BISSET
THOMAS ROBERT BLACKWOOD
GLEN ALAN BLANKENSTEIN
JOHN WILLIAM BODNAR
LARRY JAMES BOECK
JAMES ARTHUR BOGERT
GARY WILLIAM BOMKAMP

JAMES FRANKLIN BOWLIN, JR
GERARD BRADFORD, III
TERRENCE PHILIP BRONSON
MICHAEL KEITH BROOKS
CHARLES W. BROUN
JUDITH NEUFFER BRUNER
LOUIS EUGENE BUCK, JR
JAMES GARRETT BUDDS
GARY CONRAD BURGER
NILES PHILIP BURROUGHS
CLIFFORD BARRY BUSSARD
THOMAS ALBERT BUTLER
DAVID ALLAN BUTTERFIELD
JOHN JOSEPH CAHILL
PHILLIP P. CARROLL, III
PHILLIP ROY CARSON
JOHN STEVEN CASEY
KELLY LEONG CHAN
KATHRYN BRUTON CHANDLER
DAVID ALLEN CHANEY
JOHN LAWRENCE CHICK
JOSEPH JOHN CIMENSKI
MARSHALL COLT
JOHN RAYMOND COMINS
FREDERICK WILLIAM CONROY
BRUCE DUNCAN COPPER
DONALD LARRY CORDES
JOHN NICHOLAS HANTSE COSTAS
HAROLD THOMAS CRITES
ROGER LEE CROSSLAND
RICHARD BRUCE CUCITI
VICTOR ROBERT CULVER
DALTON BOULDIN CURTIS, JR
EUGENE TERRENCE DAILEY
JAMES LEON DAILY, II
LEROY WILLIAM DAVIS, II
THOMAS RUSSELL DAY
KEVIN VANDORAN DEAN
DOUGLAS RICHARD DENNY
HARRY MICHAEL DERENIUK
ISABEL MARGARET DEVINE
MICHAEL FRANK DIBELLO
JAY BROOKE DOEGEY
JAMES EDWARD DOHERTY, JR
DANNY EUGENE DORSEY
JOHN BERNARD DOWNEY
PHILIP EDWARD DOWNEY
KENDALL GROVE DURKEE
RICHARD ALLAN ECKSTROM
THOMAS HAINES EDWARDS
JOSEPH CLYDE ELLIS
ROBERT G. ELSTON
CHARLES ALBERT ERICKSON
FREDERICK JOSEPH EVANS, III
ROBERT FRANCIS FALKENSTEIN
DAVID RICHARD FARRAR
STUART CARTER FAUBER
MARK RUDOLPH FEICHTINGER
WILLIAM SAUNDERS FELTS, JR
LEIGH RAYMOND FENNEMAN
JOHN ANTHONY FERGIONE, JR
JERE CLAUDE FERGUSON
DALE ANTHONY FERRANTO
JOHN JAMES FERRY, JR
RANDAL CRAIG FINCH
HOWARD RAY FISHER
RAYMOND THEODORE FISHER
DAVID LEE FLESHOOD
PEGGY DIANE FOLTZ
HERBERT WHITTIER FOOTE
KIM HANSEL FORNEY
MICHAEL EDWARD FOSTER
TERRANCE CRAIG FRAME
DAVID LOUIS FRANCIS
NICHOLAS WILLIAM FRANKLIN
ROGER ALLEN FRANSSEN
RICHARD LAMAR FRANTZ
STEVEN BEDFORD FRATES
TERRANCE WILLIAM GAINER
RAYMOND WILLIAM GANTHNER
DAVID LAWRENCE GERSHON
RICHARD DUVAL GIBSON
PATRICK CALVIN GLISSON, JR
WILLIAM CHARLES GLYNN
THOMAS W. GORLA
JAMES ALLEN GOSMA
ROWAN WAYNE GOULD
GARY LYNN GUBSER
WILKIN JACOB GUNTER, JR
GERALD FRANKLIN GUPPY
JOHN RAY HACKENBURG
JAMES CURTIS HALL
EDWARD FRASER HALSCHEID
MAX WARREN HARRER
ELDON DUDLEY HARRIS
RUSSEL ERIC HAUCK
CHARLES FREDERICK HAWKINS
WAYNE RANDOLPH HAWKINS
JOSEPH NELO HEBERT, III
JAMES EDWARD HEIBERGER
MICHAEL JOSEPH HICHAK
GREGORY WARD HINCHLIFFE
JEROME H. HINES
THOMAS WILLIAM HOLFORD
PAUL DOUGLAS HOLLENBACH
DENNIS HOLLOWAY, JR
JAMES ERNEST HOOPER
DAVID BLAIS HOWE
WILLIAM JOSEPH HUGHES, JR
FREDERICK ROBERT HULSEY
ALFRED RECTOR HUPP, JR
GEORGE IRVIN HUTCHERSON
MICHAEL W. HYNES
JOHN ADRIAN JACKSON
ROGER PATRICK JACOBS
JOHN ARTHUR JACOBSEN
JAN DAVID JANIEC
JOSEPH HOWARD JOHNS
DALE CLARK JOHNSON, JR
DAVID PATRICK JOHNSON
STEVEN ANDERSON JOHNSTON
JOHN EDDIE JOLLY
FRED CALVIN JONES
ROBERT PENFIELD JONES, JR
ROGER ALAN JONES
RANDOLPH ALAN JORGENSEN
HARDY RICHARD JOSEPHSON
YOSHIAKI GLENN KATAOKA
RICHARD ALAN KATTERICH
RONALD MELVIN KAUFMAN
TIMOTHY REID ELLWOOD KEENEY
CHARLES MICHAEL KERN
DANIEL RALPH KESTLY
THOMAS CHARLES KIRNER
DAVID CHARLES KLEMENTIK
JOHN WAYNE KLINKER
DANIEL LAWRENCE KLOEPPEL
STEVEN IRVING KLOTZ
KENNETH KOBAYASHI
JOHN GENTEL KOCHEY
GEORGE BONNER LANCASTER, JR
RICHARD HERBERT LANGE
RODNEY GUY LATHAM, III
HAROLD LANDIS LEAMAN, JR
GEORGE EDWARD LEARY
WILLIAM ERIC LEIGHTY
JOHN FRANCIS LETTS, JR
EDMUND B. LEVY, III
GARRY LINUEL LEWIS
ROBERT RAYMOND LIND
JAMES ADDRS LINGAN
GEORGE EDWARD LOWE
JAMES THOMAS LOWE
JOSEPH ANTHONY LUBRANO
WILLIAM JAMES LUPTON
ALLAN WHITE LYON
RONALD KEITH MACHTLEY
RONALD JOHN MANISCALCO
DANIEL JOSEPH MARTIN
DAVID PARKER MARTIN
RONALD REID MARTIN
ALEXANDER MARTINEZ
JOHN EDDIE MAXWELL
BOBBIE E. MCCANTS
ROBERT DEVEREUX MCELIECE
JOHN ROBERT MCGAHA, JR
TERENCE ANDREW MCGINNIS
RICHARD JOHN MCGOEY
MARK PATRICK MCGREE
JAMES HARVEY MCKENZIE
RAY WALTON MCKEWON, JR
WILLIAM MARTIN MCMANUS
DOUGLAS CRICHTON MCNEIL
GORDON LEE MCPHETER
PAUL RUSLEY MEEKER
LARRY EDWARD METZLER
PATRICK DANIEL MILANO
JAMES JOHN MILLER
NILE DEAN MILLS
JOHN BOYD MINER
WILLIAM RALPH MOCOCK
FRANCIS B. MONTAGUE
JOHN ANTHONY MOORE
JAMES WARREN MOTTERN
EDMUND DENNIS MURPHY, III
STEVEN ALLEN MURRAY
WILLIAM DAVID MYRES
HELEN ANN MYTINGER
TIMOTHY J. NASTRO
IRWIN DAVID NATHANSON
WILLIAM RENWICK NEVITT, JR
LAWRENCE DAVID NEWLON
JAMES BELTON NEWMAN, JR
THOMAS WRIGHT NORTHROP, JR
EDWARD JAMES NORTON
DAVID BEARDSLEY OBERHOLTZER
WILLIAM STANLEY OBRIEN
STANLEY PAUL OCHMANSKI, JR
RONALD STANLEY ODEGARD
THOMAS PAUL OLSON
RICHARD JOSEPH OSHIRO
LOUIS JOHN OSWALD, III
WILLIAM JONES OVEREND
JOANNE KACER OVERSTREET
JOHN RICHARD OWENS, JR
DANIEL CURTIS PALMER
WILLIAM RUNDLE PALMER, III
ROBERT JOHN PANOWICZ
ROBERT JOHN PANSEGRAU
PATRICK JOSEPH PARK
FREDERICK JAY PASSMAN
ROBERT EDWIN PETERSON, JR
WILLIAM MURRAY PETERSON
NOEL JULIEN PETIT
RONALD ALLAN PIGNATARO
DAVID TIMOTHY PINKNEY
PHILIP JOSEPH PITOCCO, JR
ROBERT H. W. POWELL
STEPHEN DAN PRADON
STEPHEN HOLDEN PRAY, JR
NOEL GARY PRESTON
ROBERT ARTHUR PRITCHARD
MICHAEL M. RAND
WILLIAM DAVID RATNER
WARREN THOMAS RAYDER
DONALD GRANT REINERTSEN
JAMES WILLIAM RIGHTMIRE, JR
RICHARD LEE RIGHTMYER
JOHN STEPHEN ROBERTS
LARRY WESLEY ROBERTSON
PAUL RAYMOND ROEDER
DANIEL CURTIS ROME
RONALD JOSEPH ROSHELLI
JOHN CLYDE ROSS
JEFFREY THOMAS ROTHWELL
HOWARD COLBY ROTTLER, JR
DANIEL MALTBY RUGG, III
HOWARD STREETER RUSSELL
DANIEL KEVIN RYAN
MICHAEL JOSEPH SAGE
DOUGLAS EDWARD SAMEIT
TED DEAN SAMPLES
JOSHUA ELIEL SANTANA
THOMAS EDWARD SCHALK
CHARLES WILLIAM SCHELLHORN
RICHARD JAMES SCHIANO
LEON ARTHUR SCHIERER
MARGARET MCCORMICK SCHMIDT
RONALD HAYGOOD SCHULTZ
WILLIAM THURGOOD SCOFFIELD
WILLIAM ANDREW SCOTT
JOHN ROBERT SEABROOKS
JOHN WILLIAM SEIL
LORENZO SEIN
JAMES MARSHALL SENGER, JR
MICHAEL WILLIAM SENIOR
DAVID MARK SENNESS
THOMAS GREGORY SERWICH, II
JOHN EDWARD SESKI
ROY ALLEN SETH
GEORGE THOMAS SHERRILL
STEVEN CARTER SIGEL
ROBERT THOMAS SKELTON
CARL CHESTER SMITH, JR
MICHAEL TURNER SMITH
RICHARD MICHAU SMITH, JR
CARLOS ERIK SPEYER
JOHN PAUL SPRUILL
DAVID MICHAEL STAHLHUT
STEPHEN HATLEY STAPLETON
RODERICK COMPTON STEDDOM, II
ROY IRWIN STEELE
MICHAEL ROBERT STEPHENS
SUSAN HELM STEPHENS
FREDERIC STONESIFER
BRUCE ALLEN STREETER
DAVID GEORGE STRONG
ROBERT NATHAN SWACKER
SAMUEL RYAN SWAH
MICHAEL RICHARD SWANSON
STEPHEN RUSSELL SWANSON
THOMAS LEE SYDNOR
MICHELE TAVERNISE
JOHN RAYMOND TAYLOR
LOREN LEE TAYLOR
PERRY REECE TAYLOR, JR
JOHNVERNON TENNEY
CHARLES LEROY TENNYSON, JR
DENNIS JOSEPH TENTE
HENRY ANDREW THEMAK, JR
MICHAEL CHARLES THOMAS
JOE STANTON THOMPSON
RICHARD ALLEN THOMPSON
JAMES STUART THOMSON
LEWIS GIBSON THORNE
MICHAEL LADDIE TIMOTHY
LARRY EUGENE TREVATHAN
VINCENT GENE TROVATO
CHRISTIAN RILEY TROY
HOWARD KIRK UNRUH, JR
STEVEN WILLIAM VANDERBOSCH
DAVID JOSEPH VAUGHN
GARY LEE VINE
FRANK BERNARD WAHL, JR
HAROLD BOYETTE WALLACE
WILLIAM CARL WALLACE
JEFFREY ERLING WALLIN
PETER EARL WALSH
ROGER DERYL WATKINS
MARK ROBERT WEATHERUP
SOLON DALE WEBB
RICHARD DENNIS WEIDMAN
ANNIE MARIE WELLS
RICHARD IRWIN WENNET
WILLIAM JOSEPH WESTENDORF
CHARLES LEO WESTRICH
DWIGHT VESTAL WHITAKER, III
GROVER LEE WHITE, III
LARRY RUDOLPH WHITE
DAVID ALLEN WHITMAN
WILLIAM FREDERICK WHITSON
LYNN HARBOUR WIDENER
EDDIE ROBERT WILLIAM, JR
STEPHEN WAYNE WILLIAMS
NICHOLAS A. WILLICH
KENNETH RAYMOND WILLOUGHBY
DAVID G. WILSON
MICHAEL KENNETH WILSON
STANLEY JOSEPH WINOWICZ, JR
PAIGE RICHARD WOLF
JOSEPH CHRISTOPHE WORTH, III
FRANK LEONARD WURST
RONNIE HOWARD YOUTSEY
CARL JOHN ZAHNER
STEVEN PETER ZANDSTRA

UNRESTRICTED LINE OFFICERS (TAR)

To be captain

EDWARD BRENT BARTON
MARK THOMAS BRAZELL
GEORGE WILSON CAIRNES
RONALD JOHN CANZONIERI
WILLIAM HAROLD FISHER
DAVE E. FOSTER
EARLY H. FRAZIER, JR
DAVID ARTHUR GRUPE
EDWARD CABOT HALL
JOHN THOMAS HASTINGS
WILSON ASHLEY MILES, JR
LAWRENCE EUGENE MOORE, III
DAVID W. MOULTON
RONALD ERNEST RAUTENBERG
RICHARD LOUIS RECORDON
TERRY DEAN SCHECHINGER
JAMES CALVIN SCHULTZ
JOHN WESLEY YOUNG, JR

ENGINEERING DUTY OFFICERS

To be captain

WALTER JULIUS APLEY, JR
ROGER NEIL BLOMQUIST
CHARLES JOHN BRUCKNER, JR
JAMES DWAYNE CORBIN
JOHN FREDERICK CURTIS
CARL LYNN DETTERLINE
FRANK CHARLES GARCIA
THOMAS VINCENT J. HENNESSEY
JOSEPH ANTHONY ISABELLA
THOMAS LEO MENDENHALL
JAMES LARRY MORGAN
ROBERT MICHAEL RYDER
MARK PADERICK SAUNDERS
DANIEL R. SUDNICK
STEPHEN JOSEPH SZENDER
ROBERT GEORGE WASALASKI

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be captain

FERNANDO BARRERA, JR
STEPHAN ROBERT BRUCE
DAVID ALAN COHEN
DEAN CHARLES HODGES
ROBERT STEPHEN PECK
ERNEST MAYNARD SNOWDEN, II

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be captain

JOHN FRANCIS BURNS, JR
CARMELO JOSEPH CONTI
KARL VICTOR KOENIG
MICHAEL WILLIAM MCCLANAHAN

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be captain

BOYD TAYLOR GODDARD
ALBERT SYDNEY MCLEMORE, JR
CLIFFORD L. RUGGLES
JAMES HENRY SCHEFFER

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be captain

LARRY DUANE BROWN
LYLE ASHTON COX
ROBERT DOYLE COX
JOSEPH JOHN GRILLO, JR
KATHLEEN MARY LEWIS
JAMES BURTON PLEHAL
MICHAEL BRYAN ROQUEMORE

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be captain

GORDON GILBERT ANGELL
MICHAEL CARL ARMOUR
BARTLETT DEXTER AUER
MICHAEL ALLAN BARNES
PETER PAUL BARSCZESKI, JR
STANLEY HAROLD BRAZELL
JOHN EDWARD BROWN
MICHAEL CHARLES BUZAS
JAMES ALBERT CLABBY
ROGER MERLIN COOPER
JACK STERLING DAWSON
GEORGE THATCHER DESLOGE
MICHAEL HART FARLEY
JOHN ALLEN FREEMAN
THOMAS WYNDHAM HARWAYNE
ROBERT DUANE HELSEL
THOMAS GEORGE HILT
MARSHALL THOMAS INGRAHAM
GARY WILLARD IVERSON
MILTON DEAN JOHNSTON
BERNARD ANTHONY KUES
JOHN PHILIP LEFEBVRE
PETER FISKE LEON
JOHN STANLEY MAHONEY
BYRON LEE MCGOWAN
JOHN E. MENSCH
GARY PHILIP PIETRANGELO
JOHN ANTHONY PULSINELLI
JOHN DANIEL RAUSCH
RONALD K. RAY
JOHN TIPTON SHAPIRO
HARRY LEE SMITH
JOSEPH BENEDICT STARSHAK
TERRY LEE STENTZ
THEODORE M. STOKICH, JR
DAVID HENNING SWANSON
MERRILL ANDREW WAITS
STEPHEN AVERY WARREN
LOUIS HAROLD WRIGHT
JOSEPH MICHAEL YOUNG
DOUGLAS FELIPE YRIART

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be captain

RICHARD DOUGLAS JONES

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be captain

PETER MICHAEL FELDMAN
STEPHEN SEIBERT LAY
CHRISTOPHER PAUL NEMETH
THOMAS RUSSELL SNOOK
CHARLES ROBINSON BEEC STOWE
CHRISTOPHER JAMES TAYLOR

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be captain

GEORGE FRANCIS DIEHL, JR
JAMES FIELDING SMITH

IN THE NAVY

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, LINE, USN, PERMANENT

STEPHEN R. LUOMA

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, LINE, USN, PERMANENT

BILLY J. HYNUM
STANTON VANDER PARSONS, II

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, LINE, USN, PERMANENT

WILLIAM HAMILTON ALL, IV
DAVID STUART ANGRISANI
MICHAEL RAY ARTHURS
JEFFREY GERALD AUSTIN
JOSEPH EDWARD AVERA
ALEX CLARENCE BAKER
RICHARD JAMES BALLINGER
STEPHEN PETER BANUS
GAYNELL FREDERICA BARBER
ELBRIDGE GERRY BARKER
ROBERT FRANKLIN BARR
WILLIAM PATRICK MIC BARRETT
DARYL LEGRAND BENJAMIN
STEVEN MICHAEL BENNER
JOHN KENNETH BERRY
NATHAN ERNEST BERUBE
JAMES ARTHUR BIERNESSER
JOEL THOMAS BILES, JR
DEBORAH RYAN BLANCHARD
FREDERICK THEODOR BLANCHARD
PETER CAHILL BLINN, JR
MARK R. BOETTCHER
MARTIN JACOB BOISE
PATRICK JOSEPH BOWMAN
GERALD PATRICK BRANCH
GLENN RICHARD BRANDENBURG
EDWARD NICHO BRANDSTOETTNER
BARRY CRAIG BRATTON
DOMINIC THEODORE BRAUN
MARK ANTHONY BRIGHT
VINCE BARRY BROOME
KEVIN RICHARD BROTHERS
WILLIAM SHANNON BROWN
CHARLES CHRISTIAN BRUNN
MIKE ALAN BRYAN
ROGER BUDD, III
JOHN KENNETH BURGE
CHOLETTE PEARRE BURKS
PATRICK GERARD BYRNE
MICHAEL ANTHONY CAIN
ROSEMARY DIANE CANNON
CHARLES CAPETS
DONALD JOSEPH CARNEY
REGGIE PARKS CARPENTER
KEITH MILES CASEY, II
ERIC WEAVER CAUDLE
DAVID GEORGE CAVANAUGH
HOLLAND FOSTER CHALFANT, III
THOMAS JAMES CHASSEE
MICHAEL JAMES CLARKE
DAVID ALLEN CLAWSON, II
ROBERT VAUGHN COATS
DOUGLAS FRANCIS COCHRANE
BERTRAND ALEXANDER COLANERI
RONALD DEAN COLLETT, JR
SHAWN ERIC COOK
DAVID ROSS COVERDALE, JR
CHRIS LOUISE COX
RONALD ALEX CRADDOCK
SCOTT GORDON CRANSTON
DANIEL JOSEPH CUFF
GARY WILLIAM CULBERTSON
WILLIAM SCOTT CUNNINGHAM
MICHAEL NOE DALFONSO
JOHN JAY DANIS
EDWARD R. DEFTY
TIMOTHY PHILIP DELOACHE
PATRICK JOHN DENNISON
CHRISTOPHER LAURENCE DERYCK
STEVEN MICHAEL DIAMOND
ROLANDO ALBERTO DIAZ
WILLIAM RAY DOAN, II
CARLYLE LEONARD DONEVANT, II
PHILIP KENNEDY DOUGHERTY
PAUL EDWARD DRIVER
MARK EUGENE DUCLOS
CHRISTOPHER CARTER DUNPHY
MICHAEL BURGAN EBERHARDT
JAMES DARBY EBERHART
ROY KEITH ELLIS
STEPHEN MARSHALL EMERSON
VINCENT R. ESTORNELL
KATHRYN FRANCES EVANS
MOSES DEROY EVERETT, JR
SCOTT ANDREW EWING
SCOTT DAVID FECHTIG
KATHERINE LISA FIDONE
PAUL GARY FINEBERG
JOSEPH THOMAS FINNEGAN, JR
JILL ELIZABETH FISHER
DOUGLAS JAMES FLOYD
DANIEL JOHN FORD
TIMOTHY ALLEN FOSTER
SALLY FRANCES FOUNTAIN
JERRY LYNN FURRH
BARBARA GRALINSKI GANCAS
DENNIS MICHAEL GANNON
DAVID RAYMOND GEDRA
MICHAEL ANTHONY GIARDINO
RAYMOND DREW GOODWIN
PATRICK OLIVER GRADY
HAROLD FREDERICK GRAEBE
JEFFREY DAVID GREER
PETER ANDREW GRIFFITHS
WILLIAM EDWARD GRISTE
PHILLIP JOSEPH GUZINSKI
ROBERT JOHN HAEFNER
TRENT JOSEPH HALL
JAMES COURTNEY HAMBLET
STEVEN CRAIG HARPER
JAMES DEAN HAUGEN
JERE GORDON HAWN
ROBERT EDWARD HAYS
WILLIAM KELLY HENDERSON
ROBERT LOWELL HENDRON
FREDERIC ALLISON HENNEY, JR
LANCE CHRISTOPHER HERNANDEZ
JOHN WILLIAM HILTERMAN, JR
PAUL DANIEL HITCHCOCK
STEPHEN CHARLES HODGES
STEPHEN RANDOLPH HOERST
RICKY ROHEROLD HOLLAND
DAVID JAMES HOLMGREN
THOMAS FRANCIS HORAN, JR
ERNEST EDWARD HUGH
JAMES CHRISTOPHER HUGHES
RICHARD LEE HUGHEY
JOSEPH MICHAEL IACOVETTA
BARRY WETZEL INGOLD
AARON CHARLES JACOBS
CHARLES ALBIN JENNINGS
NEIL PATRIC JENNINGS
JAMES MELVIN JEPSON
CAROLYN DENISE JOHNSON
KELLY MARK JOHNSON
WILLIAM HART JOHNSON
DEVON NMN JONES
CRAIG MONROE JOY
DAVID MICHAEL KAPAUN, JR
WALTER ALAN KEITH
ROY JAMES KELLEY
THERESA MARIE KELSAY
CRAIG MICHAEL KING
JOHN DOUGLAS KING
KATHLEEN KING
ROBERT JOSEPH KING, JR
MELANIE ANNE KNIGHT
GEORGE ANDREW KOBAN
MARK LAWRENCE KREUSER
ERIC VONN KRISTIN
ALEXANDER LION KRONGARD
MICHAEL THOMAS KUBINIEC
JOHN A. KUMMER
MARGARET MARY KUROWSKI
TODD ALLEN LAESSIG
THOMAS JAY LAFFERTY
ANN MARIE LAFRANCE
MARK DAVID LASLO
JOHN ALAN LATHROUM
THOMAS MOORE LEECH, JR
JOEL BENJAMIN LEVIN
JAMES PETER LEWIS
BILLY LEE LLEWELLYN, JR
MARIA LYLES
ANTONY CHARLES MARRON
DOUGLAS RICHARD MARTIN
JEFFREY MICHAEL MARTIN
STEPHEN FRANCIS MARTIN
THOMAS FARRIS MARTIN
FRANCIS IGNATIUS MARTINELLI
JOEL DAVID MAYRON
DONALD RAY MCBRAYER
JENNIFER ANNE MCCALLUM
PATRICK LELAND MCCORMACK
DAVID ALEXANDER MCCUTCHEON
JOHN DOUGLAS MCGARRY
JAMES FRANCIS MCILMAIL
PAUL PATRICK MCKEON
JEFFRY JOSEPH MELLIERE
CASEY CONELY MEUER
EILEEN PATRICIA MEYERS
STEPHEN MATTHEW MIDAS
BRUCE CARL MILLER
JACK PERRYMAN MILLER
JOHN WILLIAM MOORE
WILL MILWARD MOORE, JR
JOHN DANIEL MORRISON
MARK DARYL MOULIN
DONALD CHARLES MUELLER
KEVIN PATRICK MULCAHY
PATRICIA MUNOZ
DANIEL JOSEPH MURPHY
ROBERT ANDREW MURPHY
GREGORY MARK NEAL
THOMAS JOHN NEEDHAM
STEPHEN OBLACK
MARI CATHERINE OBNINSKY
ELIZABETH ANN ODOWD
BARRY KEITH OLVER
MIGUEL ANTONIO ORTIZ
SARA ROSE OSTROM
PETER ANTHONY PAPA
MELTON DOUGLAS PARHAM
THOMAS MICHAEL PATTULLO
DAVID ANDREW PAULK
FREDRICK DONALD J. PAWLOWSKI
MICHAEL VINCENT PHELAN
PETER LOBDELL PHILP, II
SEAN CHARLES PHINNEY
RANDOLPH FRANKLIN PIERSON
ROBERT EDWARD PITTMAN, II
JOHN ANTHONY PLITNIK
DANIEL LEE POLICH
JOHN PAUL POOLE
FRANKLIN LEE PORTER, JR
DENISE SINCAVAGE PRICE
GERALD THOMAS PRUITT
DAVID GORDON RANDALL
JEFFREY CHARLES REBA
JOHN DAVID REESER
DANIEL GORDON RIECK
HECTOR JOSE RIVERA
MARK HOWARD ROBINSON
STEPHEN EDWARD ROLLINS
ROBERT STANLEY ROOF
PAUL CLINTON ROONEY
JON TODD ROSS
PAUL RUSSELL ROUK
RUSSELL ROY ROVEDATTI
DANIEL MATTHEW ROY
BRADLEY STEVEN RUSSELL
KEVIN JOHN RUSSELL
DAVID ALAN RUTH
STEPHEN SCOTT RUTH
JAMES WILLIAM RYAN
RAYMOND MARK SAMPSON
JOSE FRANCISCO SANTANA
KEVIN BRIAN SAYER
ROBERT ALLAN SCHLEGEL
ROBERT HERMAN SCHULTE
JEFFREY LANGR SCRIBNER, JR
JEROME THOMAS SEBASTYN
DANIEL RICHARD SEESHOLTZ
BILLY KEITH SENTLINGER
KENAN JOHN SHAFFER
CHRISTOPHER LAWRENCE SHAY
CARL WARREN SHIREMAN
RICHARD SILVA
GREGORY ALAN SILVERNAGEL
JOHN KIRBY SISK
JOSEPH ANTHONY SMITH
NED ALAN SMITH
MICHAEL DAVID SNODERLY
JESSE THOMAS SOUTH
FRANK ALAN SPATHAROS
THOMAS RICHARD SPIERTO
JOHN BARTON STUBBS
ERIC RAYMOND SULLIVAN
DAVID LEE SWEDENSKY
MICHAEL JAMES TARTAL
RICHARD MANLEY TATE
DONALD WALTER TAUBE
GREGORY DAVID THOMAS
JAMES RUBLE THOMAS
ROBERT TIMOTHY THORNLOW
JASON E. TIBBELS
BRIAN ROBERT TOON
PAUL JOSEPH TREUTEL
JEFFREY RICHARD TUNING
DENNIS JAMES VANDENBERG
STEVEN MARK VANDYKE
MICHAEL TERENCE VOGEL
PHILIP L. WADDINGHAM
ANDREW PETER WALBURG
TORIAN CLAY WALKER
ELIZABETH ANNE WALLACE
MICHAEL PATRICK WALSH
DENISE EILEEN WARFIELD
EDWARD BRIAN WARFORD
PATRICK LAWRENCE WARING
CHRISTOPHER MARK WARNER
WILLIAM FRANK WARNOCK, JR
MIRIAM CELIA WATSON
GREGORY GLENN WEACHTER
SCOTT ALFRED WEIDIE
MATTHEW ARLINGTON WERTZ
RANZY STINSON WESTON, JR
CLYDE RANDOLPH WETTELAND
EDWARD JOSEPH WHALEN
KENNETH SCOTT WHITEHOUSE, JR
MICHAEL JAMES WIEGAND
JOHN JOSEPH WILBER
DOUGLAS ARTHUR WILLIAMS
MICHELE LYNN WILLIAMS
ROLAND OSWALD WILLOCK
HOWARD GORDON WOLFE, JR
JEFFREY JOHN YOUNG
CRAIG JOHN ZGRAGGEN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), LINE, USN, PERMANENT

GREGORY WILLIAM ADAIR
SCOTT FRANCIS ADLEY
JON DAVID ALBRIGHT
FRANK SCOTT ALLEN
ELTON R. ANGE, III
MARC ANTOINE AUGUSTAVE
BARRY ANTHONY BADDOUR
PATRICK JOSEPH BARRETT
MICHAEL ASHLEY BARRETTA
GREGG WILLIAM BAUMANN
DOMINGO PASTOR BERNARDO
JOHN DEVIN BLACKBURN
SCOTT ALLAN BOOK
PAUL EDWIN BORKOWSKI
JAMES MICHAEL BRIGHT
DAVID GLEN BROWNLEE
JEFFREY LEE BRUNER
DAVID JERRY BRUNKHORST
CARL FRANCIS BUSH
JEFFREY HARRY CARLSEN
DAVID RUSSELL CARPENTER
HENRY DALE COATES
SCOTT E. CORSANO
GEORGE LANGSTROTH COWAN
THOMAS MICHAEL CRAIN
WILLIAM JOSEPH CROFT
DONALD NORWOOD CURTIS, II
STEPHEN WILLIAM DANFORD
DONALD PEARSON DARNELL, JR
WILLIAM WEIR DEBOW
JONATHAN AARON DIEN
EUGENE PATRICK DONOHUE, III
LARRY JAMES ADAMS FELDER
KEVIN PATRICK FLANAGAN
DALE GENE FLECK
ELIZABETH CHADBOURNE FRANCK
SHERYL SUZANNE GERDES
DANIEL FREDRICK GOERGEN
JOHN PAUL MARTIN GORSKY
DON E. HAGGARD
GERARD WENDELL HALL
VAN OTHO HALL
BRYAN LYNN HAMMOND
BETH JACQUELINE HANKINS
CARRIE A. HASBROUCK
MICHAEL ANGELO HERNANDEZ
ROBERT LEE ROY HODGE
PATRICK R. HOLLEN
BILLY EUGENE HUDGINS, JR
CHARLES EDWARD HUFF
JEFFERY LAWRENCE HUNT
HESHAM HELMY ISLAM
MARIA I. JAEGER
DONALD CRAIG JOHNSON
GARY RICHARD JOHNSON
SHAWN R. JONES
PETER JOHN KACZANOWSKI
JOHN CASEY KELLEHER
CHRISTOPHER JOSEPH KENNEDY
EDWARD BLAINE KIME, III
ROBERT L. KINNEY
COLE JEROME KUPEC
SEAN PATRICK LAUGHLIN
ERNEST LEFLER
FRANK ACKERMAN LEHARDY, III
CURTIS HOWARD LOEHR
JOHN ARTHUR LONG
MICHAEL DAVID LUMPKIN
PAMELA KAY LYONS
MARK STEPHEN MANFREDI
MOSE L. MANINI, III
WILLIAM TYLER MCCLAIN, JR
ROBERT THOMAS MCCONNELL
ERIC GREGORY MCCOY
SEAMUS MICHAEL MCGOVERN
MICHAEL JAMES MCMILLAN
ANGEL O. MELENDEZ
JOHN ANDREW MENKE, III
EDWARD GEORGE MILLER
DAVID A. MONAHAN
JOHN EDWIN MONKELL
KEVIN PAUL MORRISSEY
DOUGLAS MARSHALL NASHOLD
NANCY ANN NORTON
SCOTT DAVID NUECHTERLEIN
DAVID ALLEN OWEN
THOMAS BLANKENSHIP M. PANKEY
JAMES CHARLES PAPINEAU
GRANT DOUGLAS PITZER
MICHAEL HENRY POST
THEODORE JOHN PYNOS
GARY JAMES QUINLAN
KENNETH CHARLES RITTER
JAMES ALAN ROICK
CHRISTOPHER ALLEN ROLLINS
SCOTT ALAN ROUSE
TIMOTHY PATRICK RUDDEROW
GARY ALEXANDER SCANLON
RAYMOND TODD SCHENK
BRENDA MARIE SCHEUFELE
RICKY ARTHUR SERAIVA
TAWNYA JOY SHARPS
THOMAS PRESTON SHAW
JAMES WILLIAM SKINNER, IV
MICHAEL ASHBY SMITH
ALAN WOODWARD SNYDER
MONTY GRAHAM SPEARMAN
JEFFREY ALAN STEWART
MARTIN LEIGH STRONG
CHRISTOPHER MICHAEL STRUB
JOHN ELMER SUTHERLAND, III
TERRENCE PATRICK SUTHERLAND
ERIC ANDREW TAYLOR
MICHAEL JOSEPH TAYLOR
JOSE HARMODIO TESTALINDEMAN
ANTHONY RAYMOND THOMAS
WILLIAM EMERSON TOWER, III
CAROLYN LOUISE TYLER
ALLEN DREW WALKER
JOHN MARK WATSON
JAMEL BERNARD WEATHERSPOON
DAVID KEVIN WEBER
GEORGE T. WHITBRED, IV
CARL ANTHONY WHITE
JAMES ROBERT WILLIAMS
NEIL EDWARD WILLIAMS
HENRY JAMES WILLIS
SCOTT GILLIAN WOLFE
CRAIG WINSTON YAGER
LAWRENCE KENNETH ZELVIN
STEVEN SCOTT ZUELSDORF

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ENSIGN, LINE, USN, PERMANENT

ROBERT KENT BEDWELL
WILLIAM MICHAEL COMBES
SHAUN M. DEANGELIS
JOHN RUSSELL EMERSON
BRUCE A. HANEN
CHRISTOPHER C. O. HANSON
EDWARD LEE HARVEY, II
VICTOR MICHAEL HOFFMAN
PHILIP C. HOGAN

JOHN WALTER HOLBROOK, II
CRAIG ALAN IHRKE
KEVIN VERN JOHNSON
BRIAN D. KAECHELE
MICHAEL DALEY KENNEY
LAWRENCE RAYMOND LINTZ
THOMAS DANIEL OKEEFE
THOMAS JOSEPH OLEARY
RICHARD ALLAN PATTERSON
BENJAMIN JOSEPHUS I. PEARSON
SCOTT ALAN PENBERG
WILLIAM BRIAN POWERS
BRIAN DAVID ROTH
PATRICK MARK SIMS
BRADLEY P. SMITH
MATTHEW E. STEWART
JEFFREY E. SULLIVAN
TIMOTHY PATRICK TOBIASEN
GLENN STEVEN WANNER
DAVID JOHN WESTCOTT
WILLIAM JOHN WOLKERSTORFER

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U. S. NAVY, PERSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, MEDICAL CORPS, USN, PERMANENT

DENNIS LEE ANDERSON
BRIAN ORTH NYQUIST

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, MEDICAL CORPS, USN, PERMANENT

WILLIAM BRUCE BARHAM
CHRISTINE BEADLE
DAVID MICHAEL BIONDI
PATRICIA L. BUSS
PETER HODSON CURTIS
JAMES ROY DEVOLL
BARTON CHARLES GUMPERT
JAMES THOMAS RECTOR
BARBARA ANN SCHIBLY
DANIEL ALFRED SCOTT
DONALD E. SHOWS
PAUL R. TOURIGNY
TIMOTHY HOWARD TROTTER
WILLIAM BOYD WOODWARD

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, MEDICAL CORPS, USN, PERMANENT

RONALD E. BAIRD
THOMAS P. BROWN
WILBERT CAIN
TERRENCE M. CALDER
ROBERT B. HEATON
G. THOMAS HOLLAND
BRUCE R. LAVERTY
PAUL A. MABRY
STEVEN L. MACKEY
MARTIN MCCAFFREY
BRADLEY K. QUIST
KENNETH W. SAPP

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT, SUPPLY CORPS, USN, PERMANENT

THOMAS M. CALLAHAN
SCOTT P. KELLEN
THOMAS L. PETERSON, JR
LOTHAR M. WETZEL

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, SUPPLY CORPS, USN, PERMANENT

OSCAR GUTIERREZ, JR
LELAND ARTHUR HOWLAND
BRUCE CHARLES HUNGATE
SCOTT PATRICK KELLEN
ROGER THOMAS KISSEL
JOSEPH PAUL KUCZMARSKI
TRACY ALEXANDER LARCHER
SUSAN ONORATO RANDALL
ROLANDO MELCHIADES SANTIAGO
ROLAND GEORGE WADGE

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U. S. NAVY PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT (JUNIOR GRADE), SUPPLY CORPS, USN, PERMANENT

BARRY I. LIBENBA
JOHN S. NORTON
GEORGE D. PENNELL
WILLIAM L. SIDDALL
MIGUEL A. ZAYAS

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), SUPPLY CORPS, USN, PERMANENT

STEPHEN PATRICK BRAINERD
BRUCE RONALD BRETH
MARK PETER BUSINGER
BARRY JOSEPH DOWELL
BRIAN THEODORE DRAPP
ERNEST GILBERT FAGAN, JR
SCOTT WILLIAM FORBES
JEFFREY KASH GRIMES
DAVID KEVIN HENDERSON
GEORGE LESLIE HEWITT, JR
STEVEN DUNCAN MACDONALD
MATTHEW FRANCIS METTS
PHILIP MARK NELSON
KEVIN WRAY POORT
CHRISTOPHER JAMES RAY, JR
RICHARD PAUL RUIZ
MICHAEL LEON TAYLOR

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

ENSIGN, SUPPLY CORPS, USN, PERMANENT

DARRYL C. ANDERSON
KEVIN J. BARTOL
EARL M. BEEGLE
DAVID E. BRANDEEN
DAVID C. BUCHER
BRIAN V. CALDWELL
JOHN M. DIVITTORIO
NORWIN R. FISCHER
MARK E. GALLAGHER
DIONISIO S. GAMBOA
RICCARDIO D. GAY
DAVID E. GRAY
CHRISTOPHER J. KOLODZIEJ
BRIAN R. LOMAX
MATTHEW K. MARTIN
PAUL A. PURDY, JR
DANIEL E. RAFFERTY
COLLINS J. REYNOLDS, IV
DANIEL P. SEEP
JAMES J. SNARE
MARK E. THOMASSY
ERIC R. TUCKER

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT LIEUTENANT IN THE CHAPLAIN CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, CHAPLAIN CORPS, USN, PERMANENT

ROBERT DAVID EVANS

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT, CIVIL ENGINEER CORPS, USN, PERMANENT

MICHAEL ALLEN BLUMENBERG
DONALD BERLIN CAMPBELL, JR
DEAN ALDEN GOULD

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, CIVIL ENGINEER CORPS, USN, PERMANENT

DAVID EARL ADAMS, II
ANDREW MUNRO ASHE
ROBERT JAMES BULLOCK, JR
DAVID MARK CARROLL
CHARLES E. CASSIDY
ANTONIO CRUSELLAS
ROBERT GAETANO CURIA
JAMES ELLIS GENTRY, JR
DENNISE MARGARET HAMPTON
JEFFREY KYLE HANSEN
JEFFREY SCOTT HOEL
KELLY THOMAS MCCARTHY
ROBERT WRIGHT MCDOWELL, III
ALLAN MARK STRATMAN
JAMES ALAN WORCESTER

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT (JUNIOR GRADE), CIVIL ENGINEER CORPS, USN, PERMANENT

FREDDIE LEE BAZEN, JR
WILLIAM CHRISTOPHER NEWTON
DAVID JOHN ROBILLARD
CHRISTOPHER JOSEPH SCLAFANI
ROBERT BRIAN TOMIAK

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), CIVIL ENGINEER CORPS, USN, PERMANENT

MARK KUN CHO
JOHN CORONADO
KATHERINE DANNELLE DANIELS
JEFFREY MCMANUS JOHNSTON
DONALD EBER WHITEHURST

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

ENSIGN, CIVIL ENGINEER CORPS, USN, PERMANENT

JOHN J. BRADY, JR
KEVIN L. BROWN
ROBERT J. KOWALSKI, JR
KEVIN L. ROYE
CHARLES C. SMITH
CHINH T. VU
GARY B. WILDER

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, JUDGE ADVOCATE GENERAL'S CORPS, USN, PERMANENT

DAVID LEE BAILEY
MICHAEL JOSEPH BOOCK
LEWIS THOMAS BOOKER, JR

DAVID LEE BAILEY
MICHAEL JOSEPH BOOCK
LEWIS THOMAS BOOKER, JR
DEREK WINDELL COLE
RALPH WARD COREY, III
KEITH N. HAMILTON
CATHERINE SUE KNOWLES
ROSS LLOYD LEUNING
WILLIAM CLYDE J. LITTLE
CAROL MARGARET LYNCH
STAUFFER P. MALCOM
MARGARET MARIE MCHUGH
THERESA KERWI MITCHELL
ROBERT WAYNE REDCLIFF
CHARLES EDWARD SCHAFF
ALAN KEONI STUBBS
ROBERT JOHN TUIDER
MICHAEL ALLAN WATERS
PAMELA ANN WHITE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, DENTAL CORPS, USN, PERMANENT

JOSE RAMIREZ ALMAGUER
RANDALL JOHN AVERS
JAMES GARVIN HUPP
ALEX MARSHALL KORDIS

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, DENTAL CORPS, USN, PERMANENT

CHRISTOPHER BALLINGER
JOHN SCOTT BERNARDY
MARCUS BLACK
MORRIS ANDREW BRANCH
DAVID BROWNING
CRAIG ERIC BUCHMANN
BOBBY LYNN BUTLER
KAREN SUSAN CARTER
JEFFREY MARSHALL CLARK
ARNOLD GARY DELFINER
SAVERIO S. DELUCA
WAYNE MICHAEL DEUTSCH
SCOTT VINCENT GILLIS
SANGSOO J. GRZESIK
CHARLES CAL HARRINGTON
ROBERT B. HARRISON
JEFFREY SCOTT HENNINGS
BRUCE ROBERT HILT
DONALD G. HOOIE
MICHAEL RAYMOND INSANI
KATHLEEN SUSAN KENNY
BARTON HAROLD KNOX
BRADLEY STEVEN KOCH
GORDON D. KORTHALS
KEVIN THOMAS LADESIC
CLIFFORD D. LUTTRELL
JAMES EUGENE MAYER, JR
KATHLEEN ANNE MAZURE
MARK MCGEE
VLASTA MARIE MIKSCH
MARK JOHN MILANO
PETER M. MURPHY
MARY ELIZABETH NEILL
CRAIG MATTHEW NEITZKE
GREGORY ALAN PARKER
ROBERT JAMES PETERS
MICHELLE MARY POSCH
MARK GERARD RAWLSKY
J. C. SHIRLEY, JR
STEVEN LUBY SIDOFF
CRAIG JOSEPH THOMAS
GEORGE LEE TRASK
JOHN ROBERT ULLOA
SCOTT ALLEN WALTERS
CURTIS C. WILLIAMS
DONALD ALFRED WORM, JR

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, MEDICAL SERVICE CORPS, USN, PERMANENT

WILLIAM LEONARD HOWELL

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, MEDICAL SERVICE CORPS, USN, PERMANENT

PATRICIA ANDERSON
LEESA JAN BARNARD
KEVIN DEWAYNE BOLDS
STEVEN EDWARD BUSHMAN
TED FERRIS CARRELL
GAIL DARLENE CHAPMAN
THOMAS JEFFREY CHOHANY
LEE LYN CORNFORTH
RAFAEL JUAN DELVECCHIO
GREGORY PAUL ERNST
BENJAMIN GERARD FERIL
TRACEY LYNN GARNER
BRUCE EDWARD GREENLAND
MAE CATHERINE GRIFFIN
JEFFREY SAMUE GRIFFITH
REGINA HALL
ROGER PAUL HANSON
RENE SUZAN HERNANDEZ
GARY LEE HOOK
GERMAN E. HOYOS
WARREN WILLI JEDERBERG
CURTIS MATTHEW LORDS
WILLIAM JOSEPH MEA
CHRISTOPHER BRI MURPHY
DAVID RICHARD NELSON
JONATHAN PETER NELSON
JERRY ALVIN PETROVICH
CYNTHIA JANE PRICHARD
KEITH RODNEY PROCTOR
SHEILA CALERI ROBINSON
ROBERT KIMSEY ROGERS
JEAN THERESE SCHERRER
ALAN VANCE SIEWERTSEN
DAVID PHILLIP SMITH, JR
WILLIAM JOHN UPHAM
DANIEL WAYNE WATTS
DOUGLAS EDWARD WELCH

THE FOLLOWING NAMED REGULAR OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT (JUNIOR GRADE), MEDICAL SERVICE CORPS, USN, PERMANENT

DENISE GROHE DORN
BRYAN KEITH LATHAM

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), MEDICAL SERVICE CORPS, USN, PERMANENT

JOSEPH MICHAEL BOBICH
ANTHONY MICHAEL CAPANO
DANNY EARL FIELD
GLENDA DALE FOWLER
JOSEPH LUIS GRANADO
DAVID PATRICK GRAY
MARVIN LYNN JONES
TRACY JANE KOLOSIK
RANDAL KEITH LEBLANC
JOHN WAYNE LEFAVOUR
DENNIS DUANE LINGBEEK
CAROLINE GARDNER MOORE
CHARLES THOMAS PULLEN
SHERON ALTHEA PUSEY
MARK ARTHUR ULRICH
MICHELE LEAV WEINSTEIN
JOSEPH YOUNG, JR

THE FOLLOWING NAMED REGULAR OFFICER TO BE REAPPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

ENSIGN, MEDICAL SERVICE CORPS, USN, PERMANENT

MELISSA A. VANEK

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, NURSE CORPS, USN, PERMANENT

ELIZABETH B. BARKER

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, NURSE CORPS, USN, PERMANENT

CLARETTA Y. DUPREE
MARY A. KLINE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, NURSE CORPS, USN, PERMANENT

MICHAEL SCOTT ADAMS
JUDITH WILLEY ANDERSON
SARA ANNE BENNEY
JUANITA BUDA
JEANNE FRANCES CARROLL
BARBARA FROST CLAREY
BECKY BLAIR CONKEY
LAURA JEAN DAY
CAROLINE VAGAY DELIZO
WENDY LYNN GRUBBS
MARY JANE HOBAN
DENISE ADER JOHNSON
MARY DEBRA KEENAN
CHARLIE MAE KING
JEAN ELIZABETH KREMLER
MARYALICE LEHNING
SHARI ELLEN MARSH
CAROLA ANGELA MINER
KENNETH RAE MONTGOMERY
MARYALICE MORRO
LINDA JANE NAILE
DARRELL THOM OPPERMANN
CASSIE LINDA ORMSBY
JOEL L. PARKER
JAMES EDWARD PEARL
MAUREEN M. PUGLISI
KURK ANTHONY ROGERS
TERESA TARWID SMITH
BRUCE REYNO STRICKLAND
KATHRYN ANNE SUMMERS
KATHERINE A. SURMAN
DANETTE MARIE SVOBODNY
CYNTHIA WILLIAMS
AVA CAROLYN WILSON
MAUREEN JOAN ZELLER

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), NURSE CORPS, USN, PERMANENT

JOSEPH A. BEIRNETSKI
CAROL ANN GRUSH
MARY ANGELA HALIK
RICHARD WILLIA JOHNSON
PAMELA KAYE KEMP
LORI ANN LARAWAY
MATTHEW THOMAS LASKY
VICTORIA ELA MACMASTER
BURNS SANDRA ALF MASON
BRAD EUGENE MORA
CATHRYN FRANC OLDMIXON
NOEL TRINIDAD RIVERA
MARY JANE SMITH
THOMAS ALBERT SWEET
TROY LEE THURMOND
KAREN DENISE TORRES
KATHY EARLEN WAKEFIELD
JOAN LOUISE WRIGHT

THE FOLLOWING NAMED LIMITED DUTY OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT AS REGULAR OFFICERS IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(E):

LIEUTENANT, LINE, USN, PERMANENT

ROBERT LEE CHAMBLISS
STEVEN M. LARSON
DAVID ANTHONY NAGEL
THOMAS ALBERT PREVOST
EDWARD THOMAS SOLEY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LINE, USN, PERMANENT

RICHARD NEIL GATES
PHILIP GARY LAQUINTA
RICKS WILLIAM POLK

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICER TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT (JUNIOR GRADE), LINE, USN, PERMANENT

ROBERT PAUL MCNABB

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICER TO BE APPOINTED AS A PERMANENT LIMITED DUTY OFFICER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LIMITED DUTY OFFICER, LINE, USN, PERMANENT

DAVID JOSEPH DOWELL

WITHDRAWAL

Executive message, transmitted by the President to the Senate on April 9, 1991, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF THE TREASURY

JOHN MICHAEL MERCANTI, OF PENNSYLVANIA, TO BE ENGRAVER IN THE MINT OF THE UNITED STATES AT PHILADELPHIA, PENNSYLVANIA, VICE ELIZABETH JONES, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 1991.

EXTENSIONS OF REMARKS

EDUCATION: THE KEY TO OPPORTUNITY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. BROOMFIELD. Mr. Speaker, in Detroit and other inner cities around the country, our current welfare program has shown more success in maintaining the cycle of poverty than in breaking it.

Matthew Berry, a bright young constituent of mine who is a freshman at Dartmouth, put his finger on the key to breaking the cycle—education. America is the land of opportunity, but without education many Americans continue to find opportunity's door slammed in their faces.

The time has come to embrace innovative new approaches that unlock the door to opportunity instead of perpetuating generation upon generation of welfare recipients. One such approach is the Learnfare program, which Mr. Berry discusses in the following article, which I commend to my colleagues.

[From The Dartmouth, Feb. 12, 1991]

EDUCATION CAN HELP THE POOR

(By Matthew Berry, '94)

Upon receiving her high school diploma, pop music star and noted philosopher Cyndi Lauper remarked, "The more you learn, the more you earn." While I honestly doubt how much Lauper learned in high school, her words ring true because they refer to a fundamental truth. In today's society, one cannot make it in the job market without a high school diploma.

When a poor teenager drops out of school, he or she also falls off the ladder of economic advancement, thus perpetuating the cycle of poverty which grips our nation's inner cities. While many anti-poverty initiatives have been launched over the past 30 years, very few have sought to address the important correlation between poverty and lack of education.

Most liberals' welfare programs have consisted of little more than throwing money at the problem. In 1965, President Lyndon Johnson began the War Against Poverty with his Great Society programs. As many observers noted, poverty won the war. The main casualties of Johnson's war were, in fact, the poor themselves. Wounds inflicted on the poor included the breakup of their family structure, general feelings of helplessness, and dependence on the government. Various Great Society programs encouraged poor women to have as many children as possible and divorce their spouses so that they could collect more welfare benefits. The War Against Poverty sent the message to the poor that they were not responsible for their plight and the government would provide for them unconditionally.

In response to the dramatic and costly failure of The Great Society, many conservatives promoted the establishment of workfare programs. Under workfare, able-bodied welfare recipients perform assigned tasks in order to collect their welfare checks. Certainly, requiring the poor to rake leaves in public parks is preferable to allowing them to stay home all day and watch television. Yet, workfare programs still do not provide the poor with the maximum opportunity for economic advancement.

Let's face it, a poor man isn't going to support himself in the private sector raking leaves or picking up litter along the highway. These skills are simply not marketable to employers. A better version of workfare allows participants in the program to substitute job-training for actual work. These trainees, then, have a much better chance of finding a real job and moving off the public dole. Unfortunately, job-training workfare programs still have one major drawback. Participants' chances of finding a steady job are still somewhat limited, as they are really only qualified for one line of work.

The best welfare reform program offered to date is the brainchild of Wisconsin's Republican Gov. Tommy Thompson. This program, called Learnfare, requires that teenagers in families collecting public assistance go to high school until they earn their diploma. Learnfare makes so much sense that it should be expanded and implemented nationwide.

A place on the public dole is not a God-given right and should not be granted unconditionally. If we are going to financially support able-bodied men and women, then the least we should demand is that their children go to school. A high school dropout is much more likely than a high school graduate to follow his parents onto the welfare roll. Also, a high school dropout, on average, stays on welfare for two years longer than someone with a high school diploma.

Many efforts have been made to encourage poor children to stay in school, but most of these have failed because while they have provided a carrot, they have not utilized the stick. Wisconsin's threat to cut high school dropouts' parents welfare checks is sending dropouts back to school in droves and keeping at risk teenagers in classrooms. Out of 27,000 teenagers labeled at risk by the state of Wisconsin, less than ten percent have dropped out of school. This rate is much lower than before the Learnfare program was implemented. Additionally in the city of Milwaukee alone, 1,200 dropouts returned to school in the first year of Learnfare.

The Learnfare program should be expanded so that anyone collecting welfare who does not have a high school diploma would be required to return to school. Even 40 year-olds without a high school diploma would benefit from attending night school. It is never too late for a poor person to make a break with the past and start down the road to economic independence.

Learnfare is certainly not a panacea, but it is an essential first step in ending the cycle of poverty prevalent in our nation's inner cities today. Yes, we have to focus on improving the quality of education in the inner city schools. But keeping teenagers in these schools must be our first priority.

Virtually everyone knows that George Bush is in desperate need of a domestic agenda. He should jump on the Learnfare bandwagon, and make it the cornerstone of a new War Against Poverty. This time, though, instead of having the government bureaucracy fight poverty, we should give the poor, themselves, the weapons to fight their own battles individually. And the Patriot missile of the new War Against Poverty would be a high school education.

A CONGRESSIONAL SALUTE TO HENRY "HANK" BERNAT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. ANDERSON. Mr. Speaker, even in California, we sometimes hear of the accomplishments of special individuals in far away places. Recently, my friend, Dick Sim of Irvine, CA, informed me of just such an extraordinary person, Mr. Henry "Hank" Bernat, who retired late last year after 31 years as the football coach at Owen J. Roberts High School in Bucktown, PA.

Hank, who truly is one of America's "points of light," selflessly dedicated himself not just to the game of football, but, more importantly, to the students and athletes themselves. He was, however, not only a highly successful motivator on the gridiron, but was a leader in the field of education and will continue to be an influential member of the community.

It is only through the continual efforts of extraordinary individuals, such as Hank Bernat, that we seek to preserve and enhance this country's most valuable asset, its youth. Needless to say, I am confident that Hank will be sorely missed by those many young people whose lives he touched on the Wildcat sidelines and in the classroom.

In honor of the occasion of Hank's retirement, I ask that the following newspaper article, as it appeared in the December 5, 1990, edition of the Evening Phoenix of Phoenixville, PA, be included in the CONGRESSIONAL RECORD so that my colleagues may have the opportunity to review it. Mr. Speaker, I am sure you will want to join me today in recognizing Hank Bernat's many years of distinguished service, leadership, and devotion to his community and country. I wish him and his wife, Dorothy, and their family, continued success and happiness in all their future endeavors.

COACH WHO LOVED "THE KIDS" ENDS 31-YEAR REIGN AT OJR

(By Todd Shaner)

BUCKTOWN.—To Hank Bernat, coaching and kids go together. They go together like Hank Bernat and Owen J. Roberts football.

But after 31 years, Henry "Hank" Bernat will no longer be on the sidelines coaching the Wildcats. The Charlestown Township resident announced his retirement as the Wildcats' football coach at a press conference yesterday afternoon at the Owen J.

Roberts Administration Building. It came after talks with Principal William Faulkner and Athletic Director Dave Strock, who Bernat coached in football along with his brother, football star Don Strock.

There were no tears shed, no unkind words. Bernat personifies class, and so did his farewell.

Sitting in a comfortable chair at the corner of the meeting table, Bernat calmly, sometimes passionately, spoke about his decision, his career, his future.

It was not an easy decision, although it had been speculated since before this season started.

"I am definitely retiring from football," said Bernat, who has a 195–131–17 record in his 31 years. "I want to thank my family and assistant coaches. And the administration has been good to me.

"I'm old, that's a factor, and my legs have been bothering me (because of arthritis). It's a chore to get up and down the sidelines anymore."

Bernat said he'll miss two things about coaching; his colleagues and his players. "I'm going to miss the coaches because we've been together so long. And I'm going to miss the kids.

"I think the best day was Thursday because that was awards day.

"We'd gather the kids around and hand out the stars, hammers or paws for the helmets. One year we weren't going to do it. The kids started talking about it and they wanted to bring it back. It was nice to see the kids being rewarded.

Bernat kept coming back to "the kids."

"Working with them is rewarding," he said. "I'll miss them. You get so close to the kids, see them work hard, come close and lose and sometimes you see tears. Or they work hard and you see them succeed. Sometimes they cry when they win. But it's a great thing to be around them."

Bernat has never tried to lighten the load he carries in the classroom. Since he came to the district when it formed in 1955, he has taught five classes a day in addition to homeroom. The same can be said for his longtime assistants, Joe Edwards, Al Alutius and Morcland Bollinger.

"Coaching and teaching go together," Bernat said. "If they're good teachers, they're good coaches. Joe is the head of the Social Studies Department and Al is head of the Industrial Arts Department."

Bernat liked having the same assistants for all these years. It cut down on the work.

"They have taken so much of the load off me," he said. "It was to the point where we could go out there and do our business because we knew what we were doing. All they've done means a lot."

The system, and philosophy, helped, too. Bernat's philosophy of football is simple: If you have the football, they can't score.

Bernat came to the area through his wife, the former Dorothy Hallman, who is a Phoenixville native. He worked as a playground instructor for the borough one summer, and that was when he became interested in working with youngsters, an interest that blossomed when he taught and coached at school in Branford, Fla., before moving here permanently.

Bernat coached with mixed success in the 1960s. When he, Edwards and Alutius ran their first practice, they were greeted by 17 kids.

"I wanted to turn around and go back over the hill," Bernat said with a laugh.

By the end of that season, 25 kids were playing football.

In 1969, Bernat installed the "I" formation and went to a running game to take advantage of Denny Laws' ability. When Laws was hurt, he kept the system by plugging in Clark Zollars. It was the beginning of several outstanding tailbacks to play for Bernat.

"I liked the 'I' because it was easy to teach and the kids liked it. The tailback carried 25 to 30 times a game," said Bernat.

In the 1970s and 1980s, Bernat kept the system and such players as Doug Crossman, Rudy Glocker and Mike Beasley responded. And the titles began to come, too; six Ches-Monts, two more shared, and the PAC–10 two years ago. The 1972 team that tied for the Ches-Mont title, however, was the one Bernat called his favorite.

"Those kids wanted to win so badly," he said. "They didn't have a lot of talent, but they gave you everything they had."

Bernat has never been one to put himself in the spotlight. He wouldn't grade himself.

"It'd be an S or U," he said with a laugh. "I'll not grade myself, but I'll say two things: One, we tried to be fair. And two, we tried to do our best and give our best. And I think we accomplished that."

He waited until after the Thanksgiving game to announce his retirement so it wouldn't take away from the kids' effort.

"I never put winning above anything else. That's the reason this was not announced before the Thanksgiving game. I didn't want to take away from them. It's their game."

Now Bernat will have a fall free from coaching or playing for the first time since he was in eighth grade. His wife, sons John and Gene, daughters Karen and Lisa and seven grandchildren will have him around in the late part of the year. He plans to attend some Penn State games among others.

For 31 years, football at Owen J. Roberts was Bernat's game. The two will always be connected.

"I'll always pull for OJR," he said, "I'm red and white all over.

"You can't give somebody 36 years and not be attached to it. I feel a part of this school."

TRIBUTE TO LT. CARL E. OPSAHL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. Carl E. Opsahl and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and paticipated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall's* sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall's* crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE FORT DAVIS NATIONAL HISTORIC SITE

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. COLEMAN of Texas. Mr. Speaker, I rise in today in recognition of the Silver Anniversary of the Fort Davis National Historic Site, a West Texas Army Post.

The Fort Davis National Historic Site was dedicated on April 4, 1966, by then-First Lady Mrs. Lyndon B. "Lady Bird" Johnson and Secretary of the Interior Stewart Udall.

The post, located in the heart of the scenic Davis Mountains in west Texas, is recognized as having a major role in the history of the Southwestern frontier. From 1854 to 1891, troops based at the post guarded immigrants, freighters, and stagecoaches on the San Antonio-El Paso road from hostile Comanche and Apache Indians. Fort Davis is also known as one of the first posts in the West to receive black soldiers, including 2d Lt. Henry Ossian Flipper, the first black graduate of West Point.

One hundred years after the post was decommissioned, Congress authorized the Fort Davis National Historical Site as a unit of the National Park Service. The Park Service has restored half of the 50th original structures and, in the summer months, conducts tours and presents demonstrations in the commanding officer's quarters, officers' kitchen, servant's quarters, and the enlisted men's barracks.

Members of the Fort Davis Historical Society began the preservation and restoration efforts resulting in legislation, that, in 1961, designated the post as a national historic site.

I rise to remember both the native and honorary west Texans who have helped us remember those who established Fort Davis in 1854.

TRIBUTE TO FATHER WILLIAM KRUMPE

HON. CHARLES LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. LUKEN. Mr. Speaker, I would like to take this opportunity to congratulate Father William Krumpe on the 25th anniversary of his ordination to the priesthood. The commitment and support he has given during the past 25 years merits all of the respect and admiration we have for him today. I personally am very proud to have a person in my district as dedicated to serving his community as he is. He has done significantly more than his share to better society.

Father Krumpe has made considerable contributions to both the youths and adults of his community. The support and dependability he has provided are immeasurable by numbers or words. I would just like to reiterate both my appreciation and my admiration for his accomplishments. I'm hopeful and confident that his example will inspire members of his congregation to emulate his sense of dedication to community and his compassion for others.

INTRODUCING LEGISLATION TO DETERMINE HOW SATELLITES CAN IMPROVE ENFORCEMENT OF U.S. FISHERIES LAWS AND INTERNATIONAL FISHERIES AGREEMENTS

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mrs. UNSOELD. Mr. Speaker, today I am introducing legislation to require the National Oceanic and Atmospheric Administration [NOAA] to assess how our current and planned satellite capabilities can aid in the enforcement of our Federal fisheries laws and in the implementation of international fisheries conservation programs.

Mr. Speaker, approximately 20 percent of the world's fishery resources originate from or are located within the exclusive economic zone [EEZ] of the United States. This large resource base supports multibillion dollar salmon and groundfish fisheries. Unfortunately, the continued viability of these fisheries is threatened by illegal harvests from foreign driftnet pirates fishing outside of agreed upon zones in international waters and from foreign trawl vessels encroaching into the U.S. EEZ of the North Pacific.

To date no effective means of monitoring these illegal activities has been developed. With the rapid increase in new fisheries laws, it has become more and more difficult to adequately protect our coastal resources and satellites may prove useful in assisting traditional enforcement operations. At the very least, we need to recognize that alternative approaches to monitoring and enforcing U.S. fishery laws and regulations and international fishery agreements must be developed to avoid severe biological and economic problems.

Mr. Speaker, I believe this legislation is an important step toward ending the illegal foreign harvests of U.S. or U.S.-origin fish.

FREE TRADE WITH MEXICO

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of the House an article from the Washington Post of March 22, 1991, written by our colleague Representative BILL RICHARDSON concerning the proposed North American Free Trade Agreement [FTA] now being negotiated among the United States, Canada, and Mexico.

BILL argues persuasively that the positive consequences likely from a North American FTA outweigh the possible negative consequences. Yet—as BILL states—there is a real possibility that the "fast-track" authority needed by the administration to conclude the treaty may be rejected by Congress unless certain important nontrade issues affected by the FTA—such as the environment, labor and immigration—are addressed during the negotiation process.

These same general points were made in the communication Majority Leader DICK GEPHARDT sent to the President last month.

I congratulate BILL RICHARDSON on preparing such a timely, thoughtful article which will benefit all of us who read it.

FREE TRADE WITH MEXICO, SÍ!

(By Bill Richardson)

A powerful energetic coalition opposes the U.S.-Mexico free trade agreement. It has been strengthened by the legislative situation in Congress, where the administration seeks fast-track procedures for both the U.S.-Mexico agreement and the stalled Uruguay Round of negotiations on the General Agreement on Tariff and Trade (GATT). Under this procedure, only one vote would be necessary to grant authority for conducting both negotiations.

This has spawned a broad alliance of opposition groups ranging from labor, textile and environmental interests to those concerned about Mexico's internal political situation. Thus, a U.S. border state congressional well disposed to free trade with Mexico could end up voting against fast track because of his unhappiness about the administration's agricultural policy in the GATT round.

If, as he has stated, the president attaches personal importance to regional and global trade and the U.S.-Mexico FTA in particular, he needs to use some of his substantial political capital to sway Congress. A bipartisan coalition is going to be indispensable to the successful negotiation and approval of a free trade agreement with Mexico. So far, supporters of the agreement, including American business, have been deafeningly silent.

In addition, a special independent high-level negotiator should be appointed with sufficient national statute to assuage congressional concerns, particularly those in the Democratic majority. Ambassador Carla Hills and her negotiating team at the U.S. Trade Representative's office are understandably focused on the Uruguay negotiations. A special negotiator, concentrating solely on the Mexican agreement, could strengthen the administration's ability to conduct effective trade talks while giving much-needed visibility to the Mexican agreement.

The administration needs to assure Congress that the United States and Mexico are seriously addressing issues raised by opponents, such as the dangers of wage disparities under a free trade agreement, working conditions in Mexico, illegal drug flow and the need for stricter environmental regulations in Mexico, particularly compliance with clean-air standards at the border. These deliberations should not be tied to the free trade agreement itself, but they need to be the subject of bilateral discussions, obviously involving a variety of agencies such as the Department of Labor and the EPA, and be coordinated with the FTA negotiations.

Mexico is now announcing new environmental regulations for the *maquila* (twin assembly plant) industry, which will begin the process of defining and enforcing specific environmental laws. If the United States is serious about wanting a cleaner home, hemispheric and global environment, it should work for stronger environmental controls on both sides of the border.

Similarly, some in the United States claim that a free trade agreement will exacerbate the flow of drugs into this country. The fact is that Mexico under President Carlos Salinas de Gortari greatly strengthened its cooperation with the United States on the drug front.

The Bush administration needs to develop a long-range strategy for free trade throughout the hemisphere. Caribbean countries are already concerned that a U.S.-Mexico FTA will jeopardize trade benefits obtained under the Caribbean Basin Initiative. Other Latin nations are viewing the proposed U.S.-Mexico trade connection jealously and suspiciously.

The positive consequences in concluding a free trade agreement with Mexico far exceed the negatives. There will be better access to a growing Mexican export market, a more reliable source of petroleum, increased American ownership of Mexican subsidiaries and other assets, and expanded access to parts and labor. Tangible political benefits include a potential reduction of Mexican immigration to the United States because of augmented economic activity as well as enhanced political stability in Mexico. Finally, with the evolution of trade blocs in Asia and Europe, the FTA assists the United States and the Western Hemisphere in effectively competing in an ineradicably altered commercial environment.

Should the fast-track authority be defeated in Congress, U.S.-Mexico relations in particular, and U.S. international economic policy in general, will be severely hampered. Unless the administration acts now, the war we have won on the Persian Gulf battlefields for a new world order will be eroded by a battle lost right here at home.

TRIBUTE TO LT. JOHNNIE D. RHODES

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. Johnnie D. Rhodes and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval manuevers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall's* sailors performed their duties with professionalism and a true sense of purpose.

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KILDEE PAYS TRIBUTE TO WILLIAM JOYNER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the House of Representatives to join me in paying tribute to a fine American and resident of my hometown of Flint, MI, Mr. William Joyner.

Bill Joyner is retiring from the Flint Area Chamber of Commerce on April 30, 1991. The Flint Area Chamber of Commerce is honoring Bill with a retirement dinner on April 10, 1991. He is retiring after 18 years as a staff member of the FACC. Bill began his career in membership sales. he has also served as director of the business and education coordinating council and is retiring as executive vice-president and director of the communications department.

While Bill has worked tirelessly promoting Flint business, he has also committed himself to his community. He has been an active volunteer for the Left Bank Gallery, the Kiwanis, and with his church. Bill has earned the respect of everyone who has had the pleasure of working with him. He has always offered those with whom he comes in contact a helping hand or the advice of someone who has gained experience necessary of succeed in life.

Through each and every challenge facing our economy, Bill has stood as a tireless advocate for businesses in the Flint and Genesee County area. He has provided everyone with whom he comes in contact with a sense of greater self-worth and a belief that no problem is insurmountable. He is a self-made man, coming to the Flint area from his home in Tennessee. He served his country during World War II as a member of the U.S. Navy. He has continued to carry on the tradition of public service by serving the business community in a variety of positions. He has committed himself to the betterment of the community and emphasized the need for communication and cooperation between business and government. He has encouraged businesses to involve themselves in the community and has led the way by his own example. There is no question he is a truly unique individual.

While Bill is retiring from the phase of his career, I am certain that he will successfully pursue other challenging opportunities. Flint, MI, is truly a better place to live because of Bill Joyner's involvement in business and community affairs. Mr. Speaker, it is indeed an honor and a pleasure to pay tribute to an outstanding individual, William Joyner. I know the entire House of Representatives joins me today in honoring Bill and his lovely wife, Geraldine, on this most auspicious occasion. I wish them both well as they pursue a prosperous and fulfilling retirement.

A TRIBUTE TO LESLIE K. DAVIS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MILLER of California. Mr. Speaker, the Toastmasters International Organization has proudly announced that on Saturday, April 13, 1991, it will honor Leslie K. Davis for her dedication to residents of Contra Costa County, CA. I would like to take this opportunity to share with you the outstanding public service career of Ms. Davis and her work to improve and promote general skills in public speaking.

Leslie began her involvement in the Toastmasters International Organization in 1985, and has since been a moving force as an organizer and mentor. After only 1 year with the organization, Leslie won her first recognition in achieving her Competent Toastmaster designation, and by 1987, she received the Able Toast Master Award. Leslie's highest honors include being named Toastmaster of the Year for 1987–88 for the Redwood Empire District No. 57 and the Distinguished Toast Master Award in 1990.

Leslie has continued to expand her active role in the Toastmaster's program. She has had many successes in demonstrating her speaking skills through various competitions where she was awarded second place in District 57's evaluation contest in 1986 and first place as the best impromptu speaker in District 57 in 1987. Leslie has also held the office of Division B Lieutenant Governor from 1988–89 and was District 57 chief judge from 1989–90.

Serving as both an organizer and mentor, Leslie founded the Delta No. 6872 chapter of the Toastmasters' program in Antioch, CA in 1988. She played a key role in helping other club members achieve leadership positions and in gaining recognition for the Delta Chapter by having two of its members honored as outstanding club presidents. Prior to establishing the Delta Chapter, Leslie helped charter two clubs in Contra Costa County, the Strait Talkers No. 6061 and the Talksics No. 6718.

Over the years Leslie has committed hundreds of hours toward the education of her fellow Toastmasters through special seminars on parliamentary procedures, evaluation, and listening skills. She has also introduced the youth of Contra Costa County into the Toastmasters' program through several speechcraft and youth leadership seminars which she conducted, and later supervised the judging for the annual delta pride youth speech contest.

Mr. Speaker, I would like the U.S. House of Representatives to join the Delta Toastmasters No. 6872 in congratulating Leslie K. Davis for her record of outstanding accomplishments. These efforts have certainly earned her the respect and appreciation of her colleagues and the residents of Contra Costa County. I salute her dedication and excellent work.

TRIBUTE TO 37TH DIVISION VETERANS ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the 37th Division Veterans Association of my 17th Congressional District of Ohio. This year marks the 51st anniversary of this highly decorated and highly rated division.

This all-Ohio division, founded on July 18, 1917, has enjoyed a reputation as one of the Nation's tougest group of fighters ever since its outstanding performance in World War I. It has maintained a tradition of excellence throughout the last 51 years, always striving to defend the rights of humanity both at home and abroad.

During World War II the division earned seven Congressional Medals of Honor, 109 Distinguished Service Crosses, four Distinguished Service Medals, 939 Silver Stars, 61 Legions of Merit, 94 Soldier Medals, 6,366 Bronze Star Medals, and over 9,800 Purple Hearts. Furthermore, it was one of the only National Guard Divisions to be recalled to active duty during the Korean conflict, where it became a part of the regular United States Army.

The 37th Division is now hailed as one of the most loyal, dedicated, and courageous divisions in the Nation. It receives some of the highest training performance ratings given to any National Guard or Reserve Division in the country today, and as events unfold in the Middle East it continues its honorable defense of freedom.

Mr. Speaker, I would like to take this opportunity to congratulate the members of the 37th Division Veterans Association during this 51st anniversary celebration. In their unceasing vigil to uphold the principles of democracy, the members of the 37th Division serve as an inspiration to all Americans. I am truly proud to represent this group of distinguished individuals.

AID FOR ISRAEL IN THE WAKE OF THE PERSIAN GULF WAR

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. LEVINE of California. Mr. Speaker, had I been present for the vote on the dire emergency supplemental appropriations for Operation Desert Shield-Desert Storm, I would have voiced my strong support for the $650 million in supplemental aid to the State of Israel. I also strongly opposed the Valentine amendment striking the $650 million supplemental appropriation to Israel and the Traficant amendment cutting $250 million from the assistance fund.

Although Israel was more than willing to defend itself from the unprovoked Iraqi aggression against its civilian population, Israel sacrificed the well-being of its own citizens because the United States requested that Israel remain out of the conflict. Israel's courageous policy of restraint demonstrates that it remains a steadfast ally critical to United States interests in this still hostile region.

Israel incurred tremendous damage as a consequence of Iraqi aggression, being the only frontline noncombatant nation to sustain both physical and economic losses. Thirty-nine missiles landed in Israel, causing 14 deaths, 228 injuries, and $200 million in property damages. Israel also lost an estimated $1.7 billion in GNP from January 15 to the last days of the war. Even before hostilities broke out, Israel incurred enormous costs in order to maintain its forces at a heightened state of alert and lost $600 million from the decrease in tourism.

While the entire international community should assist in the effort to compensate Israel for these severe losses, the $600 million in U.S. assistance is an important token payment of support for our longtime friend and ally. Any cut in this assistance would threaten the interests and security of the United States and our reliable allies in the region.

I am pleased that the $650 million assistance fund to Israel overwhelmingly passed the House and that both the Valentine and Traficant amendments to cut this aid were decisively defeated.

TRIBUTE TO LT. MICHAEL G. BARRINGTON

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. Michael G. Barrington and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall's* sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall's* crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to honor Danielle M. Stetz, Maryland's statewide winner of the Veterans of Foreign War Voice of Democracy scriptwriting contest, for her script entitled "Democracy—The Vanguard of Freedom."

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Danielle Stetz)

"Hello there son, how would you like a flower?" I looked up at the man and grasped the red wire flowers.

It was a Saturday afternoon, I had accompanied my mother to the grocery store. As we were standing in line, I noticed an older man outside in a green uniform. He sits in a wheelchair, and hands out red wire flowers. On his jacket are shiny pins and patches.

"Thank you, sir." I looked down at the stem, and on a white tag were the words Democracy: The Vanguard of Freedom.

"Democracy: The Vanguard of Freedom," read the man, "do you know what that means?" "No sir," I replied.

He leaned forward and looked straight into my eyes. "Your grandfathers have fought many battles for what we call our system of democracy. Democracy, is being able to speak your mind, having an opinion in your government, and to be part of your country. In fact, everyone has a different meaning of democracy, but something we all agree on is the fact that it means freedom."

I wasn't exactly clear on what he was trying to tell me, but my curiosity about the phrase on the white tag was overwhelming. I took a seat next to the table where he had set up, and continued to listen.

"Our protector is democracy. It is our vanguard of freedom, both in our country, and with other countries." "How old are you son?" I proudly remarked my age of seven. "Well," he continued "many generations of Americans have protected this country and in a few years, maybe you will, too."

"Did you fight in the war?" I asked. "Yes, with many other men." He then continued to point out several pins and badges. "So many young men, all brave, all heroes. They gave up their lives for democracy, and the war took many of them."

"Does everyone have pins like yours?" "I'm very proud of my medals, but every one of our men are honored. You don't need a medal to be a hero." "That flower you hold in your hand is our memorial flower, the Buddy Poppy."

"These days veterans in rehabilitation centers, and many of our ladies auxiliaries make these flowers. They are a reminder of our soldiers, who gave up their lives for our country and your freedom."

I put the flowers into my coat pocket and dropped my change into a box marked donations. I then pulled the flowers back out and looked down at them again with new eyes, they were no longer just wire flowers with a white tag. They filled me with a sense of pride and patriotism. They were a symbol of democracy, a symbol of freedom.

"John," my mother was coming out of the store. "Goodbye sir." I then proceeded to take the flowers in my right hand and put them into my pocket. "Would you like to hear about my flowers, mother?"

As we walked off, I could hear the man in the background, "Would you like a flower?".

THE 410TH DAILY POINT OF LIGHT

HON. CHARLES LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. LUKEN. Mr. Speaker, I would like to take this opportunity to congratulate Melissa Ann Rohrbach on being selected as the 410th "Daily Point of Light."

Melissa is 18 years of age and a senior at Lakota High School where she is an active participant in many school-related programs as well as projects within the community. Ms. Rohrbach established the West Chester Hi-Y Club where she recruits young people to help collect food and clothing for the needy. She also tutors first graders and is actively involved in the Peer Counseling Program at her school. Ms. Rohrbach's counseling programs include themes for the prevention of drugs, alcohol, and tobacco abuse among students. This program has been implemented for junior high students as well.

Ms. Rohrbach should be considered a role model for today's youth. She has gained the admiration and respect of her peers for her commitment to her school and its host community. I would like to repeat both my appreciation and my admiration for her accomplishments. I'm hopeful that other students will emulate her sense of pride and dedication to the community.

TRIBUTE TO PETER "FIGO" CARVELLA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Peter "Figo" Carvella, the legendary sports great whose career has extended from player, to coach, to sponsor. Mr. Carvella will be inducted into Baseballtown, U.S.A., Greater Youngstown Old Timers Association, Inc., on Sunday, May 5, 1991.

Mr. Carvella founded Figo Athletic Club, which sponsored teams in baseball, softball, football, touchball, bowling, ping pong, basketball, and boxing. Figo's softball teams enjoyed immense popularity, travelling throughout 36 States and Mexico and playing in 3 world, 1 regional, and 10 State tournaments. In addition, Figo coached boxers in both local and national Golden Gloves matches while still finding time to organize slow pitch softball teams for the folks back home. These same softball teams eventually won both Eastern Class "A" and World Tournaments under the U.S. Slow Pitch Softball Association.

Figo organized the first professional basketball game for the American Basketball League, Chicago versus Pittsburgh held in New Castle, OH.

Peter Carvella is a member of a long list of fraternal orders, sports clubs, and community-service organizations and has served as a commissioner to eight different softball associations. His teams have also recruited many top sports men and women to play for local charitable causes.

Mr. Speaker, I would like to take this opportunity to recognize Peter "Figo" Carvella for his dedication and contribution to the sports world since his career began in 1937. His service has helped to open doors for many young men and women and has united local communities in the spirit of sportsmanship. In the words of the great Figo, "If you can't play sports, be a sport."

CHINA'S REPRESSION OF FILM INDUSTRY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. LEVINE of California. Mr. Speaker, the leadership of the People's Republic of China has continued its retreat into the Dark Ages of repression and dictatorship in the months since the Tiananmen Square massacre.

The latest example of China's backpedaling is its new policy of strict censorship over China's film industry. Most egregiously, Chinese authorities demanded that the U.S. Motion Picture Academy disqualify the Chinese film "Du Jou" which had been nominated for this year's Oscar for best foreign language film.

I ask unanimous consent that an excellent op-ed on this topic, entitled "China and the Oscars," by Steven Spielberg and Kathleen Kennedy printed in the New York Times on March 25, 1991, be inserted following my remarks and strongly urge my colleagues to review for themselves the ignominious record of Chinese cultural oppression in recent months.

[From the New York Times, Mar. 25, 1991]

CHINA AND THE OSCARS

(By Steven Spielberg and Kathleen Kennedy)

LOS ANGELES.—The announcement of the Academy Award nominations on Feb. 13 brought joy to many members of the international film community. Sadly, it brought only consternation to a film maker in China.

Barring an 11th hour reversal, Zhang Yimou, director of "Ju Dou," the first Chinese movie ever nominated for the Oscar for Best Foreign Language Film, will not be allowed to celebrate his honor publicly or attend tonight's award ceremony.

The China Film Bureau submitted "Ju Dou" for consideration last autumn. However, the film quickly fell victim to China's cultural retrenchment. Although Zhang Yimou carefully set his tale of doomed lovers safely in the pre-Communist past, Chinese authorities, displeased with the film's frank sensuality and unhappy ending, reversed themselves and demanded that the Academy disqualify the film. Perhaps the flame-filled ending was too evocative of the Tiananmen massacre in June 1989.

Until last week, the Chinese Government had responded to the nomination and formal requests for Zhang Yimou to attend the ceremony with official silence. In a statement issued March 18, however, Beijing acknowledged the honor, but refused to allow Mr. Zhang to come to the U.S. claiming that he was "very busy."

A recent statement by China's Film and Television Minister, Ai Zhisheng, makes the Chinese position clearer. In a veiled attack on the Academy, Mr. Ai stated publicly that only the Chinese have the right to judge the merits of a Chinese movie.

Quite apart from the logical absurdity of his position (will China next disqualify itself from the Olympics because only the Chinese can judge the merits of Chinese athletes?), Mr. Ai overlooked a sad fact. The Chinese public has never had the opportunity to view—or judge—"Ju Dou" for itself. It has been effectively banned.

Even more disturbing than the fate of Zhang Yimou and his film is the Government's new policy of strict censorship. At a recent national film conference, Mr. Ai decreed that only movies that "fully implemented the party line" would be considered for export or as official entries in international competitions.

This statement signals trouble for the acclaimed "Fifth Generation" film makers. This group, the first generation to attend the Beijing Film Academy when it reopened after the Cultural Revolution, has brought Chinese film makers into the international arena. Its films—"The Big Parade," "The Horse Thief" and "King of the Children"—are politically and esthetically daring and have garnered acclaim and awards.

Zhang Yimou's previous work, "Red Sorghum," perhaps the most renowned Fifth Generation film, won the Berlin Film Festival's top prize and was a critical and commercial success in the U.S. in 1988.

Since June 1989, however, the Government has placed greater restrictions on the film industry. Production has been cut back and Government funds are available only to films made for propaganda purposes.

Fifth Generation directors have been forced to look abroad for financing. ("Ju Dou" was financed by the Tokyo-based Tokuma Communications.) Now Beijing has effectively eliminated this option. Why would a foreign company invest in a film that would not be eligible for export and would be banned in its home country?

The new policy also increases the likelihood that foreign film makers wishing to make movies in China will face severe restrictions. The few weeks we spent shooting "Empire of the Sun" in Shanghai were highlights of our movie-making careers.

A Chinese official in the U.S., when asked about Mr. Ai's statements, joked, "It's another Cultural Revolution." Unfortunately, the situation of film makers in China is no laughing matter. The international film community has a special obligation to fight for freedom of expression. We feel nothing but outrage at Mr. Ai's proclamation, the censoring of Zhang Yimou and the artistic restrictions placed on our colleagues in China.

TRIBUTE TO LT. (JG.) ALLEN LANDERS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. (jg.) Allen Landers and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval manuevers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall's* sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

All of the families of the *Gunston Hall's* crew, who stood by so courageously as their loved ones were put at risk half way around the world are to be commended. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

THE BOAT OWNER'S USER FEE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. ANDERSON. Mr. Speaker, today I rise in support of H.R. 534, a bill introduced by Mr. DAVIS of Michigan, designed to repeal the user fee imposed on owners of recreational boats during last year's budget reconciliation. The term user fee in this case is a certain misnomer, for not a penny of the money collected by this tax goes to additional Coast Guard or other Government services provided to the paying boat owner. I am a strong supporter of the concept that those who use a specific service should be the first asked to pay for that service. But my support most certainly does not extend to asking small segments of our society to pay for excessive Government spending, and then conveniently calling those payments user fees. That is wrong, and only serves to undermine what little faith remains among the people of this Nation in our fiscal integrity.

Mr. Speaker, the boat owners and builders of this Nation have already taken it on the chin because of congressional mandates. Combined with the recession, the 10-percent luxury tax imposed on many boat purchases has served to devastate our small boat building industry. An estimated 16,000 manufacturing and retailing jobs will be lost in the industry during the 1990's. Last year's budget reconciliation also increased the motorboat fuel tax by 5 cents, on top of marine fuel taxes that go into the Wallop-Breaux trust fund. Furthermore, boat owners already pay direct, and justifiable, fees for such services as documentation, licenses, and inspections.

It is not even clear if the revenue collected by the imposition of this user fee will even cover the cost of enforcing compliance. There are 752,836 registered boats in the State of California, owned by ordinary citizens of all incomes who are now being asked to pay a fee which I cannot justify. Neither can anyone else in Congress. Let's get rid of this tax. Let's certainly not call it a user fee any longer. Let's pass H.R. 534 and put some fairness and integrity back into the system. I compliment my colleague from Michigan for the introduction of this legislation and I am proud to add my name as a cosponsor.

TRIBUTE TO THE SEVERN RIVER ASSOCIATION

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a very distinguished organization in my district. In recognition of their long history of the Severn River and local environmental protection, of preservation, I would like to thank and congratulate the Severn River Association on its 80th anniversary.

The Severn River Association [SRA], which originated in 1911, is the Nation's oldest organization dedicated to the preservation of the natural resources of this watershed. Over the last 80 years, the SRA has grown to be Anne Arundel County's largest representative civic organization with membership more than tripling in just the past 6 years. During this time, some notable accomplishments of the SRA include pollution control, the acceptance of the Severn River as one of Maryland's four scenic rivers, erosion control, and the formulation and legislative passage of the Chesapeake Bay initiatives.

It is with great pleasure that I offer my congratulations to the Severn River Association for their 80th anniversary and extend best wishes for their continued success in the preservation of the Severn River. I know that my colleagues will be pleased to join me in this well-deserved tribute.

IN RECOGNITION OF THE ANNIVERSARY OF THE FIRST THANKSGIVING

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. COLEMAN of Texas. Mr. Speaker, I rise today in recognition of the first thanksgiving celebration held by European colonists in my district near present-day El Paso, TX.

Don Juan de Onate, a Spanish explorer, led the first major permanent colonization effort into what is now the United States, north from Mexico, beginning in January 1598; nearly a quarter of a century before the *Mayflower* set sail from England.

Four hundred soldiers and settlers, 270 women and children, 7,000 head of livestock, and 83 ox-drawn wagons and carts traveled from Santa Barbara, Mexico through the Chihuahuan desert to the banks of the Rio Grande. After 4 months of traveling in the desert without adequate food and water, the colonists came to the waters of the "Great River" at what is now San Elizario, on April 20, 1598, where they quenched their thirst and rested from their long journey.

On April 30, 10 days later, Juan de Onate ordered the colonists to dress in their best clothes and to gather for a feast of thanksgiving. He memorialized the occasion with "la toma," claiming the land in the name of the King of Spain. The soldiers also presented a play depicting the arrival of the missionaries. These and other events of de Onate's thanksgiving were recorded in the chronicles of Gaspar Perez de Villagra, published in 1610.

I rise not to change history, but to pay tribute to Don Juan de Onate and the brave pioneers who gave thanks in their new land more than two decades before the Pilgrims landed at Plymouth Rock.

As the residents of my district prepare to honor the 393d anniversary of the first thanksgiving on American soil through a reenactment of de Onate's feast and celebration, I urge my colleagues not to forget the celebration of the Pilgrims, but to remember an earlier feast that took place on the banks of the Rio Grande.

TRIBUTE TO BOB FAIRCHILD

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mr. Bob Fairchild of my 17th Congressional District of Ohio. Mr. Fairchild is retiring from the American Red Cross after over a decade of service with the Mahoning Red Cross Chapter.

Mr. Fairchild was chosen for the position of assistant executive director and director of disaster services for the Mahoning Red Cross after having served for nearly three decades with the U.S. Army. He defended his country through both peace and war, fighting for American values and a freedom of lifestyle. With little pause, Mr. Fairchild set out along another path of community service, Red Cross disaster relief, soon after his retirement from the Armed Forces.

In his 11 years with the Mahoning Chapter of the Red Cross, Mr. Fairchild has come to the aid of many disaster victims. His presence through the terms of three executive directors made him a dependable stabilizing force in the chapter. His hard work, honesty, and unwavering commitment to service have reaffirmed the Mahoning Chapter's excellent judgment in his selection—they recognize what an asset they have enjoyed in Mr. Fairchild and are sorry to see him go.

Mr. Speaker, I would like to take this opportunity to recognize Bob Fairchild as an outstanding American. In his devotion to service he stands as an inspiration to all his fellow countrypersons. As he and his wife Jean prepare to travel and visit their grandchildren, I would like to extend my congratulations for his retirement and for a job well done. It has truly been an honor to represent this distinguished individual.

TRIBUTE TO LT. HARRY T. WILLIAMS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. Harry T. Williams and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval manuevers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall's* sailors performed their duties with professionalism and a true sense of purpose.

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INTRODUCING A RESOLUTION SEEKING IMPLEMENTATION OF A BAN ON LARGE-SCALE DRIFTNETS

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mrs. UNSOELD. Mr. Speaker, today I am introducing a House Resolution urging the President to seek an international moratorium on the use of large-scale driftnets as called for in United Nations Resolution 44–225, while working to achieve the United States policy of a permanent ban on these nets. Joining me as original cosponsors of this resolution are Representatives MANTON, WYDEN, DE LUGO, KOPETSKI, SWIFT, MINK, COSTELLO, G. MILLER, MCDERMOTT, DEFAZIO, BEILENSON, J. MILLER, TOWNS, and LEVINE.

Mr. Speaker, large-scale driftnet fishing continues to be a major threat to the future of our oceans and the living resources they support. These 20- to 30-mile-long nets, supposedly intended to catch squid and tuna in the North and South Pacific oceans, are indiscriminate curtains of death, killing thousands of endangered sea turtles, hundreds of thousands of marine mammals and seabirds, and millions of non-target fish.

The senseless slaughter of marine life by the massive driftnet fleets has led to a strong statement of concern by the global community in U.N. Resolution 44–225. This resolution, adopted unanimously by the General Assembly, calls for a moratorium on large-scale driftnet fishing, unless an adequate conservation program can be developed.

With this nonbinding resolution in place, driftnetting nations are arguing that conservation programs short of a moratorium can be developed. In fact, one high-level Japanese official has even made an analogy to his country's commercial whaling operations, suggesting that, at the very least, some level of driftnet fishing should continue for scientific purposes.

As a leader in international marine conservation, the United States must convey to the United Nations a strong statement of United States opposition to large scale driftnet fishing. In the Fishery Conservation Amendments of 1990, Congress established a United States policy to seek the moratorium under United Nations Resolution 44–225, and to achieve a permanent ban on this wasteful and destructive fishing practice.

It is now up to the administration to implement this policy. The administration must seek nothing less than the moratorium called for in United Nations Resolution 44–225, while working to achieve a permanent, worldwide ban on large-scale driftnets. The resolution I have drafted calls on the President to take this action.

A copy of the resolution follows:

H. CON. RES. —

Resolved by the House of Representatives (the Senate concurring),

Whereas large-scale driftnets are nearly invisible, miles-long monofilament nets that are fished just below the surface on the open seas for the purpose of entangling fish and squid in the webbing;

Whereas the best available scientific data indicates large-scale driftnets incidentally kill thousands of endangered sea turtles, hundreds-of-thousands of marine mammals and millions of nontarget fishes;

Whereas continued large-scale driftnet fishing to collect further scientific information is unacceptable because it will undermine efforts to responsibly harvest and conserve pelagic and anadromous marine resources;

Whereas United Nations Resolution 44–225 provides a strong statement of concern by the global community regarding the impacts of large-scale driftnet fishing and calls for a moratorium on the use of these nets beyond the exclusive economic zone of any nation by June 30, 1992;

Whereas unless a joint assessment of scientifically sound data by all members of the international community concludes that there is no reasonable expectation of unacceptable impacts by large-scale driftnet fisheries, the conditions for relief from the moratorium recommended in United Nations Resolution 44–225 are not met; and

Whereas the Fishery Conservation Amendments of 1990 (Public Law 101–627) declares the use of large-scale driftnets beyond the exclusive economic zone of any nations to be an indiscriminate and wasteful fishing method, contains directives in support of the moratorium called for in United Nations Resolution 44–225, and establishes a new national policy of securing a permanent ban on the use of this fishing technique: Now, therefore, be it

Resolved by the House of Representatives (Senate concurring), That it is the sense of the Congress—

(1) that the President—

(A) should coordinate efforts between Federal agencies, affected coastal States, the Congress, the commercial fishing industry, and the conservation community to secure a moratorium on large-scale driftnet fishing by June, 1992, as called for in United Nations Resolution 44–225, and

(B) while seeking that moratorium, should work to achieve the United States policy of a permanent ban on large-scale driftnet fishing, as set forth in the Fishery Conservation Amendments of 1990 (Public Law 101–627); and

(2) that the Secretary of State and the Secretary of Commerce should submit to the Congress by not later than June 1, 1991, recommendations and evaluation of appropriate steps, measures, policies, and changes in laws, including sanctions, which should be undertaken by the United States Government to implement the moratorium referred to in paragraph (1)(A) and to secure a ban on large-scale pelagic driftnets.

KILDEE HONORS PHI DELTA KAPPA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the U.S. House of Representatives to pay tribute to the Flint chapter of Phi Delta Kappa on the occasion of its 25th anniversary.

As a member of the Phi Delta Kappa national fraternity, the Flint chapter is dedicated to the mission of this professional education organization to promote quality education, with particular emphasis on publicly supported education. This mission is carried out through the acceptance, continuing interpretation and appropriate implementation of the ideal of high quality leadership, accomplished through research, teaching and the use of other instruments to promote education.

The Flint chapter of Phi Delta Kappa was established in 1966 by concerned local educators. Nearly 200 individuals, scattered throughout the United States and elsewhere, are listed as members of the Flint chapter.

The charter of this organization hangs proudly in the conference of the Flint School District Administration Building as a testament to the commitment of the Flint School District to the high ideals espoused by Phi Delta Kappa.

There is no doubt that our country is in need of organizations such as Phi Delta Kappa to promote, protect, defend, and enhance our educational system. Our educational system cannot meet the challenges of a new century without the support and involvement of organizations like Phi Delta Kappa. This organization has come to the conclusion that our children are indeed our future. To ensure a prosperous future, our great Nation must ensure that our children receive the best public education possible. This can be accomplished only with input from interested individuals and organizations committed to the highest educational ideals. Phi Delta Kappa has taken this notion one step further by initiating and conducting programs to enhance our local educational system. Phi Delta Kappa has conducted programs aimed at high-risk urban youth through the Middle College Program at Mott Community College in Flint as well as the Tune In to Math and Science Program conducted through GMI Management and Engineering Institute in Flint. Additionally, Phi Delta Kappa keeps abreast of legislative initiatives at the State and Federal level. I am proud to say that I rely on their input as I consider legislation that will affect our schools.

Mr. Speaker, it is indeed an honor and a pleasure to come before my colleagues in the U.S. House of Representatives to praise this fine organization. As a former teacher and a long time member of Phi Delta Kappa, I am proud of my association with this group. I know my colleagues join me in wishing Phi Delta Kappa a successful celebration of its 25th anniversary and wish them Godspeed in its next 25 years of tireless advocacy on behalf of education.

TRIBUTE TO THE LATE STUART WILSON

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the late Stuart Wilson of my 17th Congressional District of Ohio. Mr. Wilson passed away Sunday, March 10, at the age of 70.

Mr. Wilson served with me as a member of the Great Lakes Inland Waterway Committee since 1986, and as such he was a staunch supporter of canal progress. Mr. Wilson enjoyed a wealth of interests and talents. He contributed his energy to the community tirelessly, working in areas ranging from TV and radio broadcasting to auctioneering to the operation of several businesses along the waterfront.

Memberships in two local historical societies ranked among Mr. Wilson's many personal interests, stemming from his devotion to American values and his pride in the country. Mr. Wilson also served in the Army Air Forces during World War II.

Mr. Speaker, I would like to take this time to express my deep regret at Mr. Wilson's passing. Mr. Wilson serves as a model for us all in his hard work and love for his family, community, and country. It has been a true honor to represent this distinguished individual, and the members of his family continue to have my fondest support.

FALLEN HEROES OF OPERATION DESERT STORM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MAZZOLI. Mr. Speaker, I rise today to recognize and offer my condolences to the families, relatives, and friends of two soldiers from the Louisville and Jefferson County community who died in Operation Desert Storm: Marine Capt. James K. Thorp and Army Cpl. Kevin E. Wright.

Capt. Jim Thorp was one of four Marines killed in a helicopter crash in Saudi Arabia during a noncombat mission on Sunday, February 3. Jim grew up in an area of Jefferson County we call Valley Station and joined the Marines during his high school years. As a marine, Jim earned an engineering degree from the University of Mississippi, and, in the process, became the first college graduate in his family.

Captain Thorp was part of the first wave of soldiers sent to Saudi Arabia after Iraq invaded Kuwait on August 2. He flew UH-1 helicopters on casualty evacuation missions and resupply. He wrote often to his parents, William and Dorothy Thorp, relatives and friends. Kentucky's first casualty in Desert Storm will be deeply missed but remembered as a brave and heroic marine.

Army Cpl. Kevin E. Wright was killed in Iraq on Saturday, March 2, when an ammunition storage trailer exploded. Corporal Wright was a member of D Company, 1st Battalion, 18th Infantry Regiment.

Corporal Wright was a 1986 graduate of Atherton High School in Louisville. He then joined the Army. He was stationed in West Germany for 4½ years where he also met his wife, Mona. Corporal Wright, while in the gulf, wrote devotedly to Mona in St. Louis and to his mother, Betty Browning, who lives in Louisville. A most unfortunate aspect of Corporal Wright's tragic death is that he never had the opportunity to see his 3-month-old daughter.

Mr. Speaker, I extend my deepest felt condolences to the families, relatives and friends of Marine Capt. James K. Thorp and Army Cpl. Kevin E. Wright. Their courage and bravery in the defense of our country will never be forgotten.

TRIBUTE TO CAPT. WILLIAM J. MARSHALL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Capt. William J. Marshall and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval manuevers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall's* sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall's* crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

THOMAS J. LONG'S TRADITION OF CARING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MILLER of California. Mr. Speaker, I know all the Members of the House join me in commending Thomas J. Long, an outstanding humanitarian of Contra Costa County who will be recognized by the Easter Seals Society on April 11, 1991.

A graduate of the University of California at Berkeley, Thomas J. Long and his brother, Joseph Long, founded Longs Drug Stores in

1938. Since then, they have built Longs Drugs into one of the 500 largest businesses in the United States while committing themselves to promoting a healthier business community in every neighborhood where a Longs Drugs is located.

Mr. Long also enhanced the lives of people throughout California through his philanthropic endeavors. Over the years he has provided instrumental funding to start and support many charitable and worthy organizations including the John Muir Medical Center, the Regional Center for the Arts, Longs Theater at the University of the Pacific, restoration projects in Plumas County, archaeological excavations in Nemea, Greece, the University of California at Berkley band, Easter Seals Camp Lisa. These and other charitable projects, in which he and his late wife, Billy, participated, have benefited many programs for children and the developmentally delayed.

Mr. Speaker, my fellow colleagues join me today in recognizing Mr. Long's tradition of caring. He truly has improved the lives of citizens throughout the State of California, and I commend him for his outstanding work.

H.R. 1588, THE ECONOMIC DEVELOPMENT LOAN ASSISTANCE DEMONSTRATION PROGRAM ACT OF 1991

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to urge my colleagues to cosponsor H.R. 1588, the Economic Development Loan Assistance Demonstration Program Act of 1991.

H.R. 1588, if enacted into law, would authorize the Secretary of Housing and Urban Development [HUD] to set up a demonstration program to make grants to community development corporations [CDC's] to buydown interest rates, not to exceed 60 percent of the market rates of interest, on loans to businesses and nonprofit organizations for economic development activities in five federally designated enterprise zones.

The legislation specifies that the five enterprise zone areas chosen to participate in the demonstration program should be in both rural and urban areas. It also requires that a report on the effectiveness of the program be submitted to Congress after 1 year so that Congress can determine whether the program should be expanded to include other enterprise zone areas.

Although the Federal Enterprise Zone Program has been created by Congress, zones have not been designated, nor have incentives for investment in those zones been named. H.R. 1588 offers at least one incentive for businesses and organizations to invest in enterprise zone areas.

I introduced similar legislation during the last Congress. That bill, in the form of an amendment, was adopted by the House of Representatives as a part of H.R. 5157, the Housing and Community Development Act, last year. Unfortunately, the language was removed during conference because the Senate did not agree to it.

It is time to enact this program into law. Show your support for programs vital to the revitalization of depressed communities throughout America by supporting this important measure.

A TRIBUTE TO GONZAGA COLLEGE HIGH SCHOOL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following article which appeared in the March 4, 1991 Washington Post concerning the contribution to Operation Desert Storm made by five members of Washington's Gonzaga College High School's class of 1982.

The article goes beyond detailing the contributions of the five Gonzaga graduates portrayed who are serving their Nation and their fellow citizens in the gulf. The article details the contributions made by Gonzaga High School in more general terms, and it describes the character, tradition, and teaching mission of the school and the Jesuit fathers who operate it.

I can speak to both the quality of the teaching as well as to the quality of the religious formation maintained at Gonzaga High School. Our son, Michael, is a proud graduate of the class of 1979. And, my wife and I have seen, up close and first hand, the benefits Mike derived from his years at 19 Eye Street and the lasting mark Gonzaga—whose motto is "A Man for Others"—left on him.

It is not possible to talk of Gonzaga College High School without devoting large chunks of praise to Rev. Bernard Dooley, S.J. Father Bernie, as we all know him, has devoted the better part of two decades to leading Gonzaga to a place of prominence in Catholic secondary education against heavy odds but always with that unique blend of wit, charm, and adroitness which people born Irish seem to possess by their very nature.

Father Dooley would be the first to say the success story of Gonzaga has been coauthored, so to speak, by all the Jesuit Fathers and Brothers and by all the dedicated faculty and administrators who work with him shoulder-to-shoulder.

Father Dooley would probably also credit F. Horace McKenna, S.J., one of the most generous, saintly, and respected Jesuits ever to serve the Gonzaga community, for having exemplified the high standards Gonzaga graduates are urged to set and to achieve in their personal and professional pursuits.

Mr. Speaker, Gonzaga College High School has been a significant and important part of my family's life since Mike entered its doors in 1975. And, more importantly, it has been a very important part of the Washington metropolitan area for the 170 years it has been teaching and training young men from this area.

I extend my best wishes to Father Dooley and to all who make Gonzaga College High School a beacon of education and service in Washington, DC.

THE GULF NETWORK OF GONZAGA HIGH: FIVE WHO WENT TO WAR AND THE COMMUNITY THEY LEFT BEHIND

(By Megan Rosenfeld)

Maybe it was the classics teacher who had them start class with the Pledge of Allegiance in Latin. Perhaps it was the school motto,"Men for Others," the Jesuit emphasis on duty, or the fact that it was an all-boys school. For some, it might have been the appeal of an ROTC scholarship for college, the focus offered by military discipline, or the possibility of a job without too much desk work.

Whatever it was, seven of the 159 men from Gonzaga High School's class of 1982 joined the military after college, and five of them are now stationed in the Persian Gulf, at last report safe and sound. All five are officers, three in the Marines and two in the Army.

While some communities are created out of the common stresses of war—even this blessedly short one—in this case the network was already there. Gonzaga College High School draws many of its students from the close-knit Catholic world that has been an identifiable part of Washington for generations. Gonzaga may not be the only high school with five members of one class serving as officers in the gulf, but the strength and currency of the bonds between the classmates and their families, which reach back to elementary school, are surely unusual. And they defy the cliche of Washington as a town of new arrivals whose families are always somewhere else. These ties, it seems, become more important when we are confronted with the images of soldiers in a desert overseas; whom are they thinking about coming home to, and who is worrying about them over here?

The more you talk to their classmates and relatives, the more you hear about fathers and brothers who also went to Gonzaga, mothers and sisters who went to Georgetown Visitation or Immaculata Prep, cousins who married best friends, friends working for somebody else's father, all the threads that knit people together. Most of the parents' addresses listed in their yearbook haven't changed, and word of the young men in the gulf gets around quickly as classmates bump into each other or call someone's mother for news.

The ones who chose not to join up regard their military classmates with a mixture of admiration and concern. "I was talking with a friend the other night about the guilt someone like myself feels when your friends are over there," said Patrick Rowan, whose yearbook picture shows a classic square-jawed handsomeness. Rowan went to school for 12 years with 1st Lt. Timothy M. Royston, U.S. Marine Corps—now deployed with the Death Angels flying squadron—all the way through Blessed Sacrament and then Gonzaga. Rowan is a lawyer who recently started work in the U.S. Attorney's Office. Even those who don't feel guilt sense a new difference between them and the old buddies they knew before their voices changed, old buddies who now know what a real war is like. It is easy to think of them as still boys, frozen yearbook picture grins, brimming with confidence and immortality.

There are 11 Christophers in the class of 1982, 10 Johns and 9 Patricks. There were also plenty of Peters, Brians, Kevins and Timothys, a few Michaels and Marks, a Sergio, a Luis, a Francis and a Vincent. They lived mostly in comfortable houses in Northwest or Bethesda or Chevy Chase; a few came from Capitol Hill or Southwest, traveling to North Capitol and I streets NW for a fairly rugged curriculum, an athletic program that also encouraged players to be in school plays, and a public service requirement for seniors that had some taking care of orphans in Mexico during the summer and others tutoring public school kids after school. They learned, many report, to think, and to belong to a group, and not to step on the Gonzaga seal in the hallway. (Tradition has it that a senior can do something mean to any underclassman who does, although no one remembers that actually happening.)

There was the pursuit of beer as well as the pursuit of knowledge, Friday nights that began in the parking lot of Chevy Chase Liquors waiting for someone with an ID to buy for them (someone always did), the occasional honors assembly skipped in favor of a hour or two in the usually deserted National Arboretum (known familiarly as the "Arbo"), and the Fishing Club that met on the Potomac only in good weather. Such transgressions were occasionally punished with JUG (Judgment Under God), a guilt-embossed form of detention.

As soon as they were 16, most worked after school—at Al's Tire Center on Connecticut Avenue, pumping gas and learning about cars; busing tables at Houlihan's; delivering newspapers. Timothy Mulholland, now an Army captain and a paratrooper stationed in the gulf, worked before classes too, cleaning classrooms at the school in return for a break on his tuition. Before he left last August, he married Roberta, who is a cousin of his classmate Sean Glynn. He met her at Glynn's wedding. The Mulhollands had planned a church wedding for December but opted for a civil ceremony right before he was sent to the gulf.

Mulholland was the straight arrow, the high school hero, a star on the football team, good student, "the nicest guy in the world," according to his friend Ted Clark, who works for a church-sponsored youth program in Cleveland. "I can see him in General Schwarzkopf's job someday," said Daniel Costello ('72), who is now Gonzaga's development director but was Mulholland's football coach. Mulholland was an altar boy at Costello's wedding. The Mulhollands lived in Maryland until most of their five children were grown, when they moved to 41st Street NW. All the kids went to grade school at St. Jane De Chantal.

Christopher Carr was a cutup, the funniest, most outrageous, Mr. Personality, the one who acquired nicknames like "Bozo the Clown" and "Cecil," was devoted to his old GTO, the one friends can envision going into politics someday. He has two brothers, both in the military—one, Michael ('81), also serving in the gulf—and two sisters his mother describes as "rabid peaceniks." They live on 39th Street NW, not far from Rock Alley, the semi-secret hideout near Legation Street where many of the guys who ended up at Gonzaga played and hung out as kids. "Underneath, Chris is very sensitive and intellectual," said his mother, Milagros. "But the culture doesn't always let boys express that."

Lawrence Bleiloch, now in the Army with the 82nd Airborne, shared a house in New Orleans with Carr and a third Gonzagan, Patrick O'Reilly, when they were all attending Loyola University. Bleiloch ended up getting a bachelor's degree from the University of Maryland. "I think Larry joined up because he thought the military was a place he could succeed on ability rather than politics," said O'Reilly, "He hates politics." Bleiloch married a Holy Child graduate, Linda Heincke, a couple of years ago, and Carr and O'Reilly were at the wedding. Linda, a computer programmer, is living near Fort Bragg, N.C., waiting for her husband to come home; O'Reilly talks to her regularly. Bleiloch's parents sold their house in Kensington when his father retired from the World Bank. They are now running an elementary school in Chile, O'Reilly said.

Timothy Royston's parents have also left Washington for an assignment, in Vienna with the United Nations, but they kept the house on Runnymede Place NW, and Royston's grandmother, aunt and brother Steve ('83) are still here. He joined the Marines after going through Holy Cross College on an ROTC scholarship. After spending the summer of his sophomore year learning to fly, he "fell in love with jets," said Steve Royston, a student at the University of Maryland. "He tried to explain to me what it was like to land on an aircraft carrier at night in the rain. He said it was like trying to get an old Cadillac through a tollbooth with no lights and no brakes. You're terrified while you're doing it and thrilled when you succeed."

Lawrence Ryder was the quietest of the lot, bookish and small, with a mop of hair and glasses, the last person anyone expected to join the Marines. He earned academic honors all four years of high school, and was in the science club. "It's funny, I battled with him all through high school about his hair and his shirttail hanging out," said his father, Francis, a scientist in Gaithersburg. "But once he joined the Marines he took to it like a duck to water. You never saw anyone so spit-and-polished." Ryder is now a captain whose specialty is logistics, his father said. He left behind a gray Honda sports car which his father has been happy to adopt.

Communication from the gulf has been understandably sporadic. More letters have been sent than received, and those that do arrive contain only vague information about what the guys are actually doing or where they are. "I got a letter dated January 17," said Steve Royston. "Tim said he was going out the next day on a bombing mission and would be dropping five 1,000-pound bombs that cost $750,000 a pop. . . . It's hard to believe that here's a guy only a year older than me charged with all this power. . . . He's not a warmonger, he doesn't enjoy hurting people. From his letter I got a sense that he knows what happens when the bomb hits."

Pat O'Reilly has heard from Larry Bleiloch, whose letters have been upbeat. "He said he misses parties and asked me to send him some books—anything nonmilitary. I sent him 'Silence of the Lambs.'" Classmate Walter Stone heard from Chris Carr in December, just before he went to the gulf, and from Tim Royston just recently. Ryder called his parents in early January, not telling them where he was, "I'm not sure if that was for security or to spare his mother's feelings," his father said.

"Tim [Mulholland] called January 10 from Dhahran," said his mother, Edie, who works in the billing department of Catholic University. "He didn't say much except that he was grateful for a shower after three weeks of not having one. He said he smelled like a camel."

Five schools have been praying for Mulholland and writing him, his mother said, including De Chantal and a public school where her niece teaches handicapped children whose letters have been translated from Braille. "The second grade at De Chantal has been particularly faithful. And they've all sent candy and stuff—he had enough to give all his men something at Christmas. I think if they get any more candy their teeth will rot." Edie Mulholland is a third-generation Washingtonian; she went to Visitation.

Watching and reading the news took on a special edge for the friends and family of these Gonzagans, as they listen (vainly) for mentions of the 82nd Airborne or F-18As attacking, their pride tinged with anxiety. Now that the war seems to be over, they listen for news of returns, and more than a few are planning a special Gonzagan celebration when they get them all back.

"I wasn't worried because I know how well trained they are," said Edie Mulholland. "Of course, we did say a lot of prayers." She said a novena to Saint Jude that finished yesterday, which indicates she may have been more worried than she wanted to let on. Saint Jude is the patron saint of impossible causes, the one you implore as a last resort.

It looks as though the prayers were answered.

TRIBUTE TO LT. (JG.) JAMES D. COVINGTON

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. (jg) James D. Covington and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval manuevers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall's* sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall's* crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

NEW LANGUAGE LAW IN PUERTO RICO IS EXPLAINED

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. FUSTER. Mr. Speaker, I rise today to share with my colleagues my views and those of the government of the Commonwealth of Puerto Rico about an issue which has been incorrectly portrayed by some in the Congress and in the national press as a potentially divisive one between the United States and Puerto Rico. I refer to the signing into law on Friday, April 5, by the Governor of Puerto Rico, of a bill passed by the legislature that establishes Spanish as the only official language of Puerto Rico.

The brouhaha over the action by Puerto Rico has included some surprising rhetoric by a few Members of both the House and the Senate expressing shock and even intimating that sanctions of some sort should now be imposed upon the 3.6-million U.S. citizens in Puerto Rico because of the new language law. All of these protestations are unjustified, even absurd, because many of the critics simply don't understand what the new law does and does not do, and appear to be unaware even of the wording of the statute itself. This law, Mr. Speaker, merely restates the obvious: That the predominant language in Puerto Rico is Spanish. It reiterates in legislative form what the supreme court of Puerto Rico said in a case 25 years ago when a defendant challenged the proceedings in Puerto Rican courts because they were conducted in Spanish. The court said:

> It is a fact not subject to historical rectification that the vehicle of expression, the language of the Puerto Rican people—integral part of our origin and of our Hispanic culture—has been and continues to be Spanish.

The new law restates this fact. Let me make it clear up front what the new law does not do:

First, this new law does not prohibit the use of English in Puerto Rico. It is not an exclusionary law, nor does it purport to adopt impositions and restrictions similar to those favored by groups supporting "English Only" legislation in the United States.

Second, it does not create a separation of any kind—real or imagined—between Puerto Rico and the United States. Over 90 percent of all Puerto Ricans consistently vote in island elections for parties that favor continued association with the mainland. The law simply establishes—reaffirms, really—that Spanish shall be the language of government in Puerto Rico, and further provides exemptions for the use of English in the three branches of government as needed.

Third, moreover, the new law does not in any way affect the operations of Federal agencies in Puerto Rico; they will continue to conduct their business in English.

Fourth, it does not affect the teaching of English in Puerto Rico. The law is very clear about this; it states categorically that the law is not intended in any way to undermine the teaching of English in the schools as a required second language, nor to limit the constitutional rights of any person on the basis of language.

Fifth, it does not in any way affect the procedures of private enterprise or commerce in Puerto Rico—only the day-to-day activities of the government of Puerto Rico, which is, practically speaking, no different from the present realities in Puerto Rico.

Sixth, this new law is not in any way an anti-United States bill, as some nationally syndicated columnists have suggested. How could it be on an island where Puerto Ricans strongly and passionately value their U.S. citizenship? More than 18,000 Puerto Ricans took part in Operation Desert Storm and I doubt very seriously that any of those superb men and women of the military—whose first language, by the way, is overwhelmingly Spanish—would want to be considered somehow anti-United States.

Now, Mr. Speaker, let me explain what the new law does do. It is essentially a symbolic gesture in part to correct historic mistakes and inequities and to clarify any misunderstandings that may exist in both Puerto Rico and the mainland United States. The purpose of the law is to reaffirm the incontestable fact that Spanish is the language of Puerto Rico, and to avoid any confusion regarding its predominance. It is not intended to defy; it is intended to clarify. Mr. Speaker, let me put this issue in its proper perspective by giving you some pertinent background to the situation.

When the United States took over Puerto Rico after the Spanish-American War of 1898, there was an interest to promote American democracy in the island. But American policymakers in Washington were deeply distrustful of the capabilities of the Puerto Rican people, so they decided that the islanders had to be educated about American institutions before transplanting them from the mainland. And thus a deliberate policy of Americanization was imposed by the United States upon Puerto Rico that was forcefully pursued for 50 years. Americanization meant imposing the English language and casting aside old values and traditions. A statute was enacted by the colonial government of the island in 1902, making English the official language of Puerto Rico together with Spanish, even though scarcely anyone in Puerto Rico could speak English at that time. Moreover, English was imposed as the language of instruction in the schools of the island. As late as the mid-1940's the last colonial American Governor of Puerto Rico vetoed a bill by the Puerto Rican Legislature providing for the teaching of Spanish as the vernacular and English as a second language. And in 1947, Congress refused to confirm a Puerto Rican who had been named as the island's commissioner of education because this respected educator had the gall to favor teaching in Spanish.

The establishment of self-government in Puerto Rico with the adoption of the Commonwealth constitution in 1952 ended the policy of forced Americanization. This 50-year-old policy had been strongly resisted by most persons in Puerto Rico, was deeply resented, and had failed dramatically to achieve its impossible goals of imposed cultural and linguistic assimilation.

And thus after 93 years of intimate association with the United States, Puerto Rico remains as a separate and distinct cultural nationality. As powerful and pervasive as the American influence has been, we in Puerto Rico still vitally adhere to the Spanish language, our mores and perceptions continue to differ from those of the mainland, and our identity is proudly Puerto Rican.

However, the attempt to politicize the cultural-linguistic uniqueness of Puerto Rico persists to this day, particularly whenever the issue of Puerto Rico's political status is debated. This occurred recently, for example, during the Senate committee hearings on the bill proposing a referendum on Puerto Rico's political status. At one point during a colloquy, the question was raised as to whether, under the statehood option, English could be imposed upon Puerto Rico. One prominent Senator replied, perhaps frivolously, perhaps not, that "We [the U.S. Congress] could impose Arabic if we wanted."

Another example of the politicizing of Puerto Rico's linguistic reality is the spectacle of statehooders in Puerto Rico saying in San Juan that "Spanish is not negotiable" if the island were to become the 51st State but coming to Washington and implying that English in Puerto Rico "wouldn't be a problem." It is intellectually dishonest of such statehooders to talk out of both sides of their mouths like that, and they know it, but it is only par for the course when hyperbole has too often replaced serious public policy discussions about Puerto Rico's political status future.

The fact is, Mr. Speaker, that only about 20 percent of the people in Puerto Rico speak English proficiently, according to the U.S. Census Bureau, with 60 percent of them speaking no English at all. A full 114 of the 115 radio stations in Puerto Rico broadcast in Spanish. Despite this incontestable fact of Puerto Rican reality some still insist in claiming that the island is bilingual and bicultural, factitiously basing their claim precisely on the 1902 statute making English the official language of Puerto Rico together with Spanish, a statute that was kept as part of the laws of Puerto Rico until last week, when the new language law was enacted. This contrived linguistic dichotomy has harmed Puerto Rico. It has helped engender and exacerbate an identity problem among a great many young people in the island today. These young people are Puerto Rico's great natural resource and the time has come to give them some assurances that their cultural-linguistic reality is a valid one.

Language is at the very core of our identity. It is in this sense that the law recognizing Spanish as the official language of Puerto Rico is of profound value for the island. It is an attempt to put an end and put aside a senseless, artificial, but at times confusing debate as to who we are and as to how we speak. It is hopefully the final chapter of a painful drama we experienced during the first 50 years of our relationship with the United States, which we thought has been laid to rest four decades ago. It symbolizes the reaffirmation of our vernacular and our heritage. It highlights that we are a Caribbean and Latin American people. This undeniable truth ought not to be hidden from or disguised in the mainland. It ought not contradict in any way our longstanding and fruitful association with the United States.

There is no inconsistency between this reality and Puerto Rico's overwhelming feeling of attachment to the United States. In fact, such cultural pluralism and diversity is really in the best interests of both Puerto Rico and the United States, as the burgeoning presence of Hispanics in America vibrantly attests. This is America at its best.

REFORM IS STILL ALIVE IN THE SOVIET UNION

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. DOWNEY. Mr. Speaker, in the past few months many in the West have wondered aloud, and with good reason, as to whether economic reform in the Soviet Union was dead. No doubt the euphoria of the early Gorbachev days has dissipated. But that is not necessarily a bad thing. More than ever before we are all confronted with the cold hard reality that real economic and political change in the Soviet Union will be a long, difficult process. It will be full of stops and starts, swerves to the right and detours to the left. But the process, no matter how slow, does go on.

For these reasons it is important that we listen carefully to what Soviet reformers are saying about the situation at home and what they are asking for from the Western democracies. Therefore, I am taking this opportunity to insert into the RECORD a recent article by Andre Orlov, the deputy chairman of the State Commission for Economic Reform of the U.S.S.R. His article, entitled "A Marshall Plan for the U.S.S.R." is a thought provoking one and it deserves a thorough and informed debate here in the U.S. Congress.

A MARSHALL PLAN FOR THE U.S.S.R.

(Andre Orlov, Deputy Chairman of the State Commission for Economic Reform of the U.S.S.R. Edited and translated by Lily Klebanoff Blake and Boris Davidovitch)

Since the time of ancient Rome, the primary responsibility of government has been to satisfy the primary needs of its people, the proverbial Roman "bread and circuses". In the Soviet Union today, although we are not lacking in circuses and entertainment, we are struggling to provide our people not only with bread but with clothing, medicine and consumer goods.

We can supply less than one half the recommended dietary norms for fresh fruits and vegetables, even for such traditional Russian consumer items as pears and apples. And current production can meet only a small percentage of the demand for consumer goods over the next few years. For example, we can meet only 70% of the demand for refrigerators, 20% of the demand for freezers, 15-20% of the demand for small electrical cooking equipment, and less than 39% of the demand for cars.

Crisis is knocking on the door of every Soviet family and the social strain is at a dangerous level. Economists call the current market condition the "hungry eyes" syndrome: the people buy everything that is on the shelves. The market is collapsing and we are experiencing an accelerating economic depression with a a high inflation rate, leading to political stress, strikes and increasing political turmoil. Trust in government is disintegrating.

Market intervention is required to maintain control of the political situation and to meet the needs of consumers. International participation will be needed to satisfy consumer demand in the Soviet Union. We must import such items as quality clothing, household appliances, radios, televisions, sewing machines, furniture, toys, and prefabricated houses. Yet the volume of imported consumer goods will be limited by the availability of hard currency.

It is our hope that credit in the amount of $15-20 billion will be granted by western countries, such as the United States, Germany, the United Kingdom, France, Italy, and Spain as well as other countries.

I believe that this financial support should be extended in a manner similar to that which the United States' Marshall Plan provided to Western Europe after World War II. It is ironic that I am now recommending a program similar to the Marshall Plan for the Soviet Union, since the Plan was criticized during the Stalin and post-Stalin period as imperialistic, predatory and colonialistic. Nevertheless, the Marshall Plan helped to establish financial stability in Western Europe, and its key elements can facilitate the economic recovery of the Soviet Union.

The Marshall Plan was a detailed and specific program for the economic reconstruction of Europe. All the countries participating in the Marshall Plan were required to stabilize their national budgets, ease trade limitations and to enhance economic cooperation. In addition, each country developed an individual agreement with the United States to stabilize national currency, increase agricultural and industrial production and to devise its own one to four year program, which formed the basis for a request for goods to reconstruct its country. The United States sent technical assistance missions and exporters were paid on the basis of credits.

The implementation of certain elements of the Marshall Plan today would enable the Soviet Union to establish priorities for material resources, technical assistance and equipment; to decentralize trade and investments, to guarantee economic freedom to enterprises, and to work toward the depoliticization of aid. Although each republic must be permitted to determine its own needs, the final decision on allocation of resources must be left to an All Union Soviet Committee on Public Welfare which would be created to implement a Marshall-style Plan.

Support for the Soviet Union must play a significant role in the development of a market economy. A committee would be created in the Soviet Union, composed of representatives of all 15 republics and the central government. This committee would work with foreign experts, such as the International Monetary Fund and the European Economic Commission, to prioritize the resources needed to rapidly revive the Soviet economy and move it toward a market economy, control the budget deficit, stabilize the ruble, meet local needs and enhance the conditions and welfare of the population.

(Studies on the means to improve the Soviet economy would be most helpful to us).

The committee would continue to maintain contact with the countries contributing to this Plan and develop a strategy for long term credits and assistance, as well as other financial terms. Further, the Committee would ask Soviet enterprises, joint ventures, cooperatives and private enterprises to develop their own requirements for equipment and resources. The committee would then grant enterprises the right to buy equipment, supplies and raw materials and the right to import, if their needs tell within the priorities established by the program. Payment for foreign goods would be made through credits established by the funds. Soviet enterprises would, in turn, be required to pay the committee in rubles for the equivalent value of goods and resources. This will provide an opportunity to reduce the money supply in circulation and be anti-inflationary.

A key element in this plan must be an overhaul of the transportation and distribution system; this was a key priority in the Marshall Plan for Western Europe. This would minimize the loses of goods, a problem that currently plagues the Soviet transportation and distribution system. We must not forget our unsuccessful experience with the distribution of food donated by European countries in 1989-90. Nevertheless, such modernization is not unprecedented in our country. The major expansion of the Soviet railroad system in the 1890's was achieved through private enterprise and foreign investment.

The plan that I propose would also stimulate foreign investment in projects connected with Perestroika. We can encourage foreign investment by guaranteeing the exchange into hard currency of profits earned in the Soviet Union and by guaranteeing the repatriation of profits and the return of capital investments. The original Marshall Plan reserved five to ten percent of total assistance for this purpose.

Although the conditions of post World War II Europe are different from those in the Soviet Union today, the chief concern remains the improvement of the world economy and international security. We and our potential donor countries have a mutual interest in the development of a market economy in the Soviet Union and the integration of the Soviet Union in the world economy.

In conclusion, intervention in trade may have a significant, long-term effect if strong measures are used to reform the market economy and commercial structures, under the supervision of the President of the USSR.

AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. LEHMAN. of California. Mr. Speaker, as the sponsor of legislation to amend the Fair Credit Reporting Act, H.R. 194, I ask that this article from the March 27, 1991 Wall Street Journal appear in the record.

CREDIT: AN OPEN BOOK—WITH TYPOS

(By Michael W. Miller)

"Your really should know what's in your TRW credit report," warned the brochure that Cathy Saypol recently received in the mail. It went on: "Total strangers see your credit report. Bankers and lenders use it to make decisions about you every time you apply for credit."

That convinced Ms. Saypol, a New York publicist, to order a copy of her confidential report by signing up for a new $20 TRW Inc. service called "Monitor."

Sure enough, a total stranger did see her TRW report: a retired Long Island telephone operator named Lucille Montemarano. She was stunned when she opened up an envelop from TRW last month and found a printout of Ms. Saypol's most intimate financial data: her credit-card number and debts, her monthly mortgage payments and more more. "I felt like a crook, and I didn't even do anything," says Ms. Montemarano, who called Ms. Saypol to tell her about what she had found.

Ms. Saypol grew even more upset when she finally received her report and saw that it listed three store accounts she doesn't have, stating that two were canceled at the store's request. The mistakes were especially distressing because her bank had recently granted her a smaller loan that she had requested, citing "obligations" listed on her TRW credit report. Only after many phone calls to TRW, Ms. Saypol says, was she eventually able to correct the errors in her report.

PRESSURE FOR REFORM

Stories like these are creating mounting pressure for reform of the giant credit-reporting industry, which affects almost every American's ability to get a loan, a credit card or even a job. Government officials and consumer groups are pushing for big changes in the industry, charging that it keeps shoddy data, has leaky security and makes it too hard for consumers to inspect and correct their own files.

"The whole credit system is frighteningly out of control," says Stephen Gardner, a Texas assistant attorney general. "Not only are your financial matters virtually an open book, but it's an open book with a couple of pages missing, some lines crossed out and some pieces in backwards."

All three companies that dominate the immensely profitable credit-reporting business—TRW, Equifax Inc. and Trans Union Corp.—contend their procedures are sound and constantly being improved. The industry concedes, however, that its national system is so huge that some mistake are inevitable. The credit-reporting companies handle two billion changes in credit information every month, along with two million more items of such public-record data as bankruptcies and foreclosures. They note that their ability to process and send information swiftly gives Americans unparalleled access to credit.

But consider this: In 1989, the most recent year the system was comprehensively studied, nine million consumers checked their credit files—and about three million found information they throught was wrong or out-of-date.

The U.S. Congress is now considering four bills to make the credit-reporting industry more accountable to consumers and to have it tighten its security. Texas state attorneys in January notified TRW they are investigating the company for multiple violations of trade-practices law. They charged that TRW "intentionally" inserts wrong information into consumers' credit files and "knowingly" fails to correct it. (A TRW spokesman says the Texas allegations are "totally without foundation.")

ARCANE WORKINGS

The industry's arcane workings have left it a mystery to even the most sophisticated consumers. Banks, stores and other sources don't always send data to all three bureaus, so checking one company's records isn't enough to rule out an error. The records use a bewildering stream of codes and abbreviations.

The industry not only acknowledges this confusion but has found a way to make extra money from it. In the past three years, all three bureaus have launched services that charge people $20 to $40 a year to keep tabs on their own credit files.

To market these services, the industry is trumpeting the worst flaws of the credit-reporting system. A TRW brochure urges consumers to pay for the Monitor service "so you can check any errors easily and quickly . . . before any damage is done."

The services also play on consumers' anxieties about outsiders peering into their confidential finances. "Now you'll know who's looking at your file," says a brochure from CreditLine, a service that uses Trans Union's data.

About 1.2 million people have signed up for Monitor and a more elaborate $39 version of the service called Credentials. Twenty charge-card issuers, such as Spiegel Inc., and Firestone Tire & Rubber Co., offer CreditLine to customers for $29 a year. This spring Equifax is rolling out Financial Update, a $34.95 credit-reporting service.

Many who snap up these services don't know there are cheaper—and sometimes free—ways to look at their credit reports. The federal Fair Credit Reporting Act says anyone turned down for credit or a job is entitled to a free copy. Local offices of the credit bureaus usually charge $5 to $20 for a copy of a consumer's own report.

A "FLIPPANT" REPLY

Nicholas Stone Jr., a Springfield, Va., engineer, didn't know he could get a free report after he was turned down for a boat loan last fall; he paid $39 for Credentials. Eventually he learned he could receive free reports from the two companies his bank had consulted, TRW and Equifax.

Mr. Stone says TRW's local office never responded, and Equifax's was "flippant, terse, and not really interested in helping you out." He did receive a report from TRW Credentials, which he says listed four accounts that weren't his. After a month of letters and phone calls, he finally received his boat loan from another bank.

Richard Sterling Jr., a Folsom, Pa., car salesman, discovered his credit report was sprinkled with adverse information about his father—Richard Sterling Sr., who lives at the same address. He says he recently spent several weeks correcting errors and ordering copies of his report to make sure it was accurate.

Mr. Sterling was punished for his diligence, thanks to a widespread but little-known way credit reports are used. Lenders commonly turn down applicants with too many "inquiries" on their credit reports. In theory, that suggests the applicants are applying to too many lenders and could be overextending themsevles.

Mr. Sterling says a lender turned him down for credit and cited "too many inquiries"—even though the inquiries came from his own efforts to clean up the credit bureau's errors.

TIGHTENED SECURITY

Addressing another common complaint, the companies say they are tightening up security. At the same time, they are racing to build electronic networks that can deliver reports to a computer on any customer's desk. The bureaus make customers promise they will only pull up reports for lawful reasons. But the companies admit they can't police all customers to make sure they aren't nosy neighbors, business rivals or other illicit users.

The widening access to credit files is starting to worry not only consumers but corporate officials. In a 1990 study by Equifax, about one-third of all officials in insurance, direct marketing and consumer-affairs posts said the bureaus do a bad job in making sure reports are used only for legitimate credit reasons.

Faced with complaints about accuracy, the industry argues that its sources should be more careful about the data they supply. Banks and stores don't always keep accurate records. Consumers apply for loans and credit cards using different versions of their names.

Consumer groups and lawmakers say the simplest way to monitor files for accuracy and security would be to give consumers regular, free copies of their own files. Three of the bills before Congress would let consumers obtain free credit reports. Other measures in the bills call for better procedures to correct errors and new liability for suppliers of wrong data.

The Fair Credit Reporting Act, which regulates credit bureaus, was written 20 years ago and has never been significantly updated. "The act's a dinosaur today," says Edmund Mierzwinski, a credit specialist with the U.S. Public Interest Research Group. "All the potential technological barriers to abusing the act have been lifted."

CONGRESSIONAL SALUTE TO KUZMA "MATTY" DOMANCICH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding leader in San Pedro, CA. On Thursday, April 11, 1991, former San Pedro honorary Mayor Kuzma "Matty" Domancich will be honored for his year of service to the community. This occasion gives me the opportunity to express my deep appreciation for his many years of service to San Pedro and the rest of the South Bay area.

Mr. Domancich is a native of San Pedro and a 1941 graudate of San Pedro High School. In 1942, he joined the Navy. During his years of service, "Matty" was a member of the amphibious landing division in the Solomon Islands. Upon the completion of his duties with the Navy, "Matty" returned to his hometown and established himself as an important member of the community. Through his career as a merchant, he displayed his dedication to the community, which has been so evident throughout this last year as honorary mayor.

"Matty" owned two Shell service stations in San Pedro until 1973, when he sold them and opened The Bike Palace on Pacific Avenue. He sold the bicycle shop in 1987 and managed The Centennial Store during San Pedro's centennial year. Aside from his service as a merchant, Mr. Domancich also served as a member of various community groups. He is a past exalted ruler of the Elks Club, charter member and first president of the San Pedro Pirate Boosters, and a member of the Yugoslav-American Club of San Pedro.

The position of honorary mayor of San Pedro is a difficult and demanding one. The time invested by the mayor in community improvement programs is tremendous. Finding a dedicated and aware candidate is of utmost importance. In "Matty" Domancich, the committee found an ideal mayor. The commitment shown throughout his year in office proves Kuzma "Matty" Domancich's dedication to San Pedro and its citizens.

On this special and most deserving occasion, my wife, Lee, joins me in extending our heartfelt thanks and congratulations. We wish "Matty," his wife Mary, their daughter, Donna Brunac, and their four grandchildren all the best in the years to come.

NATIONAL HEALTH IS NOT EVERYTHING IT IS MADE OUT TO BE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. CRANE. Mr. Speaker, recently the issue of a national health care system has come to the forefront of domestic politics. Many wish to establish such a system as quickly as possible. However, I believe it is necessary to explore the options available and take our time doing so. It is necessary to step back for a while and consider whether a national health care system would actually be beneficial in any way to the citizens of the United States. The following article, written by Dr. Francis A. Davis and published in the March issue of Private Practice, reveals some important facts that are often ignored in the debate over national health care. I believe these facts need to be kept in mind.

DON'T BELIEVE THE BIG LIE

(By Dr. Francis A. Davis)

Many people who would like to change the way medical care is delivered in this country claim that our current system is breaking down. This fallacious charge must be challenged. Let's take a look at the factors that affect our current health-care system.

Number of Doctors—There is no shortage of doctors in the United States. Indeed, there probably are more than enough physicians to car for the patients in this country. Therefore, this part of our system is not breaking down.

Specialists—I don't know of any specialty in which there is a shortage. In fact, we have the world's best-trained physicians. Therefore, this part of our system is not breaking down.

Hospitals—Some hospitals have been forced to close, but there is no question that we have enough hospital beds to take care of our medical needs. In many areas, there is a surplus of hospital beds. Therefore, this part of our system is not breaking down.

Technology—For the past 40 years, technology has answered our medical needs at a miraculous rate, providing us with CAT scans, magnetic resonance imaging, heart surgery, organ transplants and other modern lifesaving procedures. Therefore, this part of our system is not breaking down.

Prescription Drugs—Despite execssive costs caused by needless government regulations, the pharmaceutical industry continues to produce an array of miracle drugs. Medical research is answering humanity's needs to an extent no one would have thought possible a few years ago. Therefore, this part of our system is not breaking down.

The only problem with our medical-care system is that the government and other third parties are paying the bills. Let me explain:

Before the Medicare and Medicaid programs were created, ads were published in major U.S. newspapers seeking people who were unable to obtain medical care. Not one person responded to these ads because, in those days, the indigent received medical care through charity and local funds, and all others bought insurance or paid their medical bills themselves.

In 1965, the federal government launched Medicaid for the poor and Medicare for the elderly. As a result, during the past 26 years, the government has been financially unable to keep up with the demand for medical care.

The government has established various cost-containment programs in an effort to reduce its share of the financial burden for hospital care, physician services and prescription drugs for Medicare and Medicaid patients. These programs have given the government license to ration medical care and have raised the cost of care for those who pay their own bills by as much as 50 percent.

The only thing that is breaking down is the government system of paying for medical care. If our bloated bureaucracy can't provide medical care for a small percentage of the population, why would anyone want it to try to provide medical care for all Americans?

TRIBUTE TO LT. GREGORY E. LAPUT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. Gregory E. Laput and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval manuevers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall*'s sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall*'s crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

A TRIBUTE TO PAUL AZEVEDO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to a distinguished citizen of Pacifica, CA—Journalist Paul Azevedo. I honor Paul as he celebrates three special occasions: His 60th birthday, his 25th anniversary as a member of the staff the Pacifica Tribune, and the 15th anniversary of the first appearance of Paul's column, "The Reactor," in the Tribune.

While he may have spent his early years on the family dairy ranch near his hometown of Santa Rosa, CA, there is no doubt that his true calling is as a newspaper man, plain and simple. Before he settled into this calling, Pacifica, however, he served in the U.S. Army in Europe, later graduated with a degree in journalism from San Jose State University, and worked in a number of other journalistic enterprises.

In 1967, Paul joined the Pacifica Tribune and in the ensuing 25 years has worked in almost all of the newspaper's departments. But he has truly excelled as the author of the weekly, "The Reactor." Paul is a journalist in the best tradition of reporting—independent, hard hitting and critical. For the last 15 years, Paul has provided his readers with a unique and insightful perspective.

Like any good reporter, he sometimes ruffles the feathers of his readers, and he is often the subject of excited criticism. But through the years, he has never shirked his responsibility as a reporter to tackle the controversial issues. On the contrary, he wholeheartedly embraces his obligation as a journalist to inform and educate his public. In my view, Paul is a model for the role of the reporter in a free and democratic society. His writing has long stimulated and enriched the community, and I look forward with enthusiasm to his columns.

Paul's efforts extend beyond his important contribution as a journalist. He and his wife, Lydia, are leaders in a wide variety of activities and organizations in Pacifica and the surrounding area. They are active in public education, environmental, and civic organizations. Paul is currently president of Pacifica Friends of the Library, former president of the Pacifica Historical Society and of the Pacifica Democrats. I should add that here "Democrats" is spelled with a capital "D." Paul is also an officer in the Pacifica Rotary Club.

In addition, Paul has been an outstanding husband and father. Paul married Lydia Dunham, after they met during a billard game at a Newman Club in San Jose. Paul and Lydia's four children—Michael, Rena, Martin, and Jeannie—reflect their parent's interests as well as their independent thinking.

Mr. Speaker, Paul Azevedo is a dedicated journalist and an exemplary contributor to the betterment of Pacifica and San Mateo County. His commitment and contribution to the community and to his family are an example to us all, and Pacifica is a better place because of his efforts. It is with respect and appreciation that I pay tribute to Paul Azevedo today.

MOTOR VOTER PROBLEMS II

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. DICKINSON. Mr. Speaker, motor voter legislation has been introduced that could result in considerable expense for counties with no provision for Federal funds to offset the costs. The Association of County Commissions of Alabama has expressed opposition to motor voter legislation for reasons included in the following letter.

ASSOCIATION OF COUNTY
COMMISSIONS OF ALABAMA,
March 22, 1991.

Hon. WILLIAM L. DICKINSON,
U.S. Representative, Rayburn House Building, Washington, DC.

DEAR REPRESENTATIVE DICKINSON: Legislation has been introduced in this session of Congress that would drastically change the methods by which voters are registered and would have a dramatic financial and administrative impact on county government. Alabama's county commissions are very concerned about this legislation and seek your help in defeating it.

The bill, (S-250) commonly known as the "Motor Voter" bill, would require the states to register persons to vote when they renew or purchase their drivers license. In Alabama, this would mean that all probate offices that issue drivers licenses would be required to also register voters.

In fact, this bill would require the county to develop a form to automatically register a person to vote unless they check a box stating that he or she does not want to register to vote. Such a procedure would cause problems for counties, including:

(a) the costs of producing this new form and all other additional costs will fall on the county commissions, since they are responsible for most election costs in Alabama;

(b) not everyone who can obtain a drivers license is eligible to vote—such as 16 and 17 year olds, convicted felons on parole and non citizens—therefore, personnel will have to be retained and new procedures will have to be developed for verification of voter rights. Again, no funding is provided for this retraining and the added administrative expenses;

(c) this new duel system of registration would almost certainly result in unnecessary and duplicative registrations, triggering expenses to verify addresses and errouneously inflating voter rolls and thereby giving the appearance of a decline in voter turnout.

The passage of this bill could result in considerable expense for counties with no provision for federal funds to offset the costs. As you are aware, counties are steadfastly opposed to "unfunded mandates" from the federal government.

Please know that the county commissions appreciate your assistance on this issue. And, please feel free to contact us here at the association office if you have any questions or if we can be of assistance to you in any way.

Sincerely,

O.H. SHARPLESS,
Executive Director.

THE FEDERAL COMMUNICATIONS COMMISSION REAUTHORIZATION ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MARKEY. Mr. Speaker, today I join my colleagues in introducing the Federal Communications Commission Reauthorization Act of 1991. This legislation would authorize appropriations for fiscal years 1992 and 1993 for the Federal Communications Commission. The bill authorizes the full FCC budget request for fiscal year 1992 of $133.4 million and its fiscal year 1993 request of $163.5 million. The amount for fiscal year 1992 represents an increase of $17.6 million over the FCC's fiscal year 1991 appropriation. This 15.2 percent increase represents increased funding for programs, funding for 50 additional staff, technical equipment for the field, information systems, and consolidation of the Commission's headquarters facilities. This increased funding is needed for the agency to discharge its public interest responsibilities.

The Commission has tremendous responsibilities in our Nation's rapidly changing technological environment. Today, as we enter an unprecedented period in the evolution of America's telecommunications industries, the role of the FCC is critical to promoting a competitive marketplace, providing timely and effective regulation, and encouraging the continued development of efficient, innovative communications facilities and services.

The Commission and its staff must not only be adept managers of public policy as new sophisticated technologies enter the marketplace, but also must understand the complex domestic marketplace in which these new technologies reside. Moreover, the FCC needs to comprehend fully how emerging technologies will affect U.S. competitiveness and our economic vitality we prepare for the year 2000.

There is an important link between telecommunications, an info-rich society, education, and economic redevelopment. Our foreign competitors are keenly aware of this apparent truth. As the FCC addresses the plethora of issues under its jurisdiction, from cable television to wireless technologies, and from fin-syn to HDTV, it is imperative that we recognize the importance that decisions made today will have on America's future.

I feel strongly that this independent agency must have the resources needed to implement congressional policies, to regulate the dynamic, burgeoning telecommunications industry and to carry out its statutory responsibilities to promote the public interest. As we in the Congress press the Commission to reduce delays when considering applications, to speed up its testing and type processing activities, and to increase its enforcement activities, I believe it is imperative that we provide it adequate resources to reflect the job we ask to have done.

THE JAYHAWKS SPREAD THEIR WINGS

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. GLICKMAN. Mr. Speaker, when the final buzzer sounded, Kansas senior forward, Mike Maddox, shouldered his way through the crowd on the floor of the Indianapolis Hoosier Dome and threw his arms around Duke coach Mike Krzyzewski and congratulated him on his 72–65 win over the Jayhawks for the NCAA championship.

That sporting gesture was indicative of the team that defined all the experts and battled their way to within 7 points of becoming national champions.

The Jayhawks used brains, pluck and heart to roll over highly ranked Arkansas, Indiana, and North Carolina to place them in the NCAA title match against the Duke University Blue Devils. For a team with no true high-flying, slam-dunking stars, the Jayhawks took the team concept to new heights. By depending on each other and displaying an unselfish resolve to get to the job done, the Jayhawks have every reason to hold their heads high and be proud of a wildly successful season.

Kansas coach Roy Williams has proven himself to be a worthy candidate to carry on the tradition of Kansas basketball. He displayed a tremendous amount of leadership as he guided an unheralded team past foes few thought they would beat.

Yes, the tradition-rich Jayhawk basketball program is alive and well in Lawrence, KS—Kansas has made it to the final four in 3 out of the last 6 years.

The Jayhawks returned from Indianapolis and walked right into the arms of thousands of Kansas fans that will never forget the accomplishments of the 1990–91 Jayhawk basketball team. Win or lose, the rafters of Allen Fieldhouse on the KU campus will rock again next year and the year after that, and the year after that, and the year after that.

After all, Kansas was one of just two teams this year that didn't have to stay home and watch the NCAA title game on television.

Congratulations to the coaches and players of the 1990-91 University of Kansas basketball team. Roy Williams, head coach; Kevin Stallings, Steve Robinson, and Mark Turgeon, assistant coaches. Players: Mark Randall, Mike Maddox, Adonis Jordan, Alonzo Jamison, Terry Brown, Richard Scott, Kirk Wagner, David Johanning, Doug Elstun, Patrick Richey, Sean Tunstall, Malcolm Nash, Steve Woodberry, and Chris Lindly.

TRIBUTE TO LT. COMDR. WELROSE E. BARTLY II

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. Comdr. Welrose E. Bartly II and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval manuevers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall's* sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall's* crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

TRIBUTE TO IDA "MA" McAULIFFE ON HER 100TH BIRTHDAY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to a Dartmouth legend, Ida "Ma" McAuliffe, who is celebrating her 100th birthday.

She was born on April 12, 1891, near Saint Remi, PQ, Canada, and as a child lived briefly at several locations throughout the United States. But for the past 91 years she has made her home in Lebanon, NH, a small city just south of Dartmouth College.

Since 1954 when she opened Ma's Red Door Dining Room in her Lebanon home, the establishment has been legendary for its combination of good food and better hospitality. Having no children of her own, "Ma" willingly adopted the hundreds of Dartmouth students who were attracted to the diner by her earthy good humor and generous servings of meat loaf, home fries, and apple pie.

The diner was frequently the site of football victory parties, commencement celebrations, birthday parties, and even an engagement or two.

On April 13, two dozen Dartmouth students, whom she still refers to as "my boys," will be joining "Ma" in Hanover to celebrate her birthday.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Ida "Ma" McAuliffe's 100th birthday and in congratulating her as she begins her second century.

DO NOT FORGET

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. BALLENGER. Mr. Speaker, there was a rally today on the steps of the Capitol honoring ex-prisoners of war [POW's] from all wars, including the Vietnam conflict. I want to use this opportunity to bring to the forefront a realated issue—the search for U.S. servicemen still thought to be missing in Southeast Asia.

I take a special interest in this issue because, like many of us, I have been personally affected by it. Robin Gatwood, the son of a friend of mine, was serving as a fighter pilot when he was shot down in Vietnam. Unfortunately, Robin was never found, and remains one of the missing in action from that conflict. Robin's father, Dr. Robin Gatwood, has not given up on finding his son, and is active in the effort to locate our missing servicemen. I want to recognize his efforts and the sacrifices of his son, but more than that, I want to call on our Government to continue the search for servicemen missing in Southeast Asia.

The recent events in the Persian Gulf have created a new group of POW/MIA's, and it is important to give these men and women the benefits and recognition they deserve. They made a great sacrifice for our Nation, and I have a deep respect and appreciation for their service to the United States.

Further, I believe the victory in the Persian Gulf has given the citizens of the United States a renewed sense of patriotism and responsibility for each other. It is my hope that these feelings combined will illicit a renewed effort in the search for our servicemen still missing in Southeast Asia.

IN HONOR OF STEVEN OKAZAKI

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Ms. PELOSI. Mr. Speaker, it is a privilege for me to inform my colleagues that a resident of my district, Mr. Steven Okazaki, received an Academy Award on Monday, March 25, 1991, for his superlative documentary, "Days of Waiting."

"Days of Waiting" is a 30-minute film which examines the internment of 110,000 Japanese-Americans during World War II through the eyes of artists Henry Sugitomo and Estelle Peck. These artists, who were among the thousands incarcerated at detention centers in California, New York, Utah, and Japan, have devoted themselves to documenting the dark side of American history during World War II.

Mr. Okazaki shot the film on location at the present homes of Mr. Sugitomo and Mrs. Peck and the internment camps where they were detained during the war. The film uses interviews, original World War II footage, and an exploration of the paintings and drawings of Sugitomo and Peck to convey the injustice of Japanese-Amercian internment to contemporary filmgoers.

Funding for Mr. Okazaki's documentary was provided in large part by the Corporation for Public Broadcasting [CPB]. CPB is a nonprofit organization authorized by the Broadcasting Act of 1967. Since 1980, the Corporation has funded programs through the CPB television program fund as part of its efforts to encourage the development of programming that involves creative risks and that addresses the needs of unserved and underserved audiences, particularly children and minorities.

Mr. Speaker, Mr. Okazaki and the Corporation for Public Broadcasting, epitomize what Congress envisoned in 1967: a devotion to high-quality educational, information, and cultural programming. It is with great pride that I congratulate Mr. Okazaki for winning an Academy Award for Documentary Short Subject, and the Corporation for Public Broadcasting for making his vision a reality.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. SCHUMER. Mr. Speaker, I rise today to speak as part of a Congressional Call to Conscience Vigil for Soviet Jews.

As we all know, the Soviet Union has made progress in recent years toward a freer and more democratic way of life for its people. Unfortunately, these freedoms have yet to be extended to Soviet Jews.

While an increasing number of Jews are being allowed to emigrate from the Soviet Union, many are still being denied the freedom to move to a new home. Those that remain are forced to do so without any explanation from the Soviet Government and often suffer further persecution.

I would like to share with you a typical example of a Jewish refusenik. Yakov Aronovich Bekker and his family, who have relatives in both New York and Florida, presently live in Dushnanbe. Due to repeated anti-Semitic violence, Dushnanbe has become one of the most dangerous places in the U.S.S.R. for Jews to live. Yet Yakov, his wife, and his daughter have all been denied permission to emigrate to Israel to join relatives there.

A geologist, Yakov has been denied the freedom to emigrate on the baseless suspicion that he took advantage of his job to attach classified documents to nonsecret material requested. No proof of criminal activity has been found to incriminate Yakov of any wrongdoing. The Bekker family has yet to be given a legitimate reason by the Soviet Government for their continued detainment. In fact, in a private conversation with a Soviet official, Yakov was told that the real reason for his refusal was "his performance at work and a shortage of such specialists in Tadzhikistan."

Since being refused the right to emigrate, Yakov and his family have experienced further injustices. Yakov has been denounced to the KGB by coworkers trying to gain favor with the government. He has also been expelled from the Tadzhik Geological Society. In addition, his wife has been demoted at her job and given a cut in salary.

Innocent and upstanding Soviet Jews such as Yakov and his family should not be prevented from emigrating to Israel to live with their relatives. The denial by the Soviet Government, based solely on trumped up charges, of the right of Soviet Jews to emigrate is a violation of basic human rights. I hope that the struggle of these courageous people will continue to weigh on our consciences, and that Congress will be vigilant in its monitoring of the plight of refuseniks.

TRIBUTE TO LT. JAMES T. STONE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. James T. Stone and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval manuevers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall's* sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

All of the families of the *Gunston Hall's* crew, who stood by so courageously as their loved ones were put at risk half way around the world are to be commended. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

CONGRESS MUST SAVE PUBLIC HOUSING

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. CLAY. Mr. Speaker, recently, both Houses of this Congress rejected Secretary Kemp's proposal to reduce the funding available for public housing programs in order to make these funds available for home ownership programs. For years I have argued that the Federal Government does not have the resources to adequately fund both the public housing programs and low-income home ownership programs. Now it is clear that Secretary Kemp agrees that we cannot fund both programs. It is no surprise that HUD is now trying to eliminate the public housing program. I commend my colleagues who are working to resist the Secretary's proposal and I would like to share the following editorial from the St. Louis Post Dispatch.

[From the St. Louis Post-Dispatch, Mar. 12, 1991]

TIME TO ABANDON HOPE?

Empowerment has become a buzzword of HUD Secretary Jack F. Kemp. His use of the term was thought to mean he would push for more federal resources to help the needy improve their living conditions. It's now clear that Mr. Kemp intends to empower a few at the expense of denying a slice of the federal housing pie to far too many.

Congress is only now beginning to see the danger of allowing Mr. Kemp to redirect housing policies to suit his narrow priorities. He has a fine idea in wanting to promote home ownership among low-income Americans. The problem is that he wants to take more than $800 million from public housing construction and related programs to pay for his pet project, known as Project HOPE.

This effort runs counter to provisions in the Affordable Housing Act. It called for building more public housing and for HUD to set up a pilot home ownership program under which Carr Square's public housing units would be sold to tenants.

Congress clearly understood that home ownership would solve housing problems for only a few of the needy. That's why it insisted that additional public housing be built. In fact, Mr. Kemp's pilot HOPE program was approved only because he agreed to spend more for public housing.

U.S. Rep. William L. Clay of St. Louis was among those who has consistently opposed the sale of public housing to tenants. He warned that the program would reduce the amount of public housing because HOPE would not require the federal government to build a new rental unit to replace each one that is sold to a tenant. Sen. Christopher S. Bond generally backed Mr. Kemp's home-ownership initiative, but he, too, is raising concerns about HUD's plans to stall the construction of public housing.

Mr. Kemp's plan confirms suspicions that the administration wants to get the federal government out of the public housing business. This is the wrong policy. If Mr. Kemp can't keep his part of the bargain, then he should abandon HOPE and devote all $800 million to public housing construction and related programs. These would serve far more needy families than Project HOPE would.

INTRODUCTION OF THE URBAN SCHOOLS OF AMERICA ACT

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. GRAY. Mr. Speaker, today I am introducing the Urban Schools of America Act of 1991—The USA Act.

It is uniquely designed to move the Nation's inner-city schools toward our national education goals by the year 2000.

It is also an act that can help America beat the tough competition it faces from other countries like Japan, where students go to school 60 days more each year than American students and do four times as much homework.

America can't face this competition with two work forces: one educated, the other not. That would be like racing an eight-cylinder car after shutting down four.

America needs to run on all cylinders.

This bill helps to do that. It authorizes $1.5 billion in formula grants to hard-pressed city school systems; it authorizes $1.5 billion to repair aging school buildings—a third of them are over 50 years old.

Mr. Speaker, if inner-city kids graduated at the same rate the rest of America's students do, we would have another 86,000 high school graduates in the work force each year.

With the USA Act we can help the engine of American prosperity run at full strength.

I urge my colleagues to cosponsor it and see it passed.

IN HONOR OF LYLE WELCH

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. FAZIO. Mr. Speaker, I rise today to honor my constituent Lyle Welch, who retires in June after 25 years of distinguished service with the Vacaville unified school district in Vacaville, CA.

The son of a teacher, Mr. Welch began his education career in 1955 with a teaching job at Hilmar High School in Hilmar, CA. Previously, he served in the U.S. Army as a first lieutenant. He received his bachelor of arts and master in education degrees from the University of California, Berkeley. In 1959, he became the chairman of the social studies department at Pacifica High School in Pacifica, CA.

Mr. Welch's tenure with the Vacaville school district started in 1965 when he became the principal of Vacaville High School. He was promoted to assistant superintendent of the school district 8 years later, and, in 1984, he was elevated to the superintendent's post. He has guided the Vacaville school district during a critical period in its history as the district strived to meet the needs of a rapidly growing area.

Lyle Welch's work in education has gone far beyond Vacaville. He was instrumental in the formation of the Association of California School Administrators. The Western Association of Schools and Colleges honored him for his 20 years of work as a member of accrediting teams for schools in California and Japan. His talents have not been limited to his work in education. He served as president of the Rotary Club and has been a member of the Vacaville Chamber of Commerce.

Lyle Welch is an important part of the Vacaville community, and I am honored to have the opportunity to recognize his efforts. I join my colleagues today in wishing Lyle and his wife, Barbara, a happy and fulfilling retirement.

TRIBUTE TO EW1 ANDREW R. KIRAL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to EW1 Andrew R. Kiral and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

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HERE WE GO AGAIN

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. GRADISON. Mr. Speaker, according to the Congressional Budget Office [CBO], the bank insurance fund [BIF] of the Federal Deposit Insurance Corporation will run out of money early in fiscal year 1992. Even with increases in insurance premiums, the BIF will fall short of outlay requirements by $6 to $38 billion in the next few years, depending on economic conditions. CBO's best estimate is $11 billion, an account which they believe can be recouped over time as higher premium income rolls in. The obvious solution is to let FDIC borrow to cover the lean years. The obvious creditor is the U.S. Treasury.

The administration accepts the borrowing principle. It recognizes the importance of having funds to close down insolvent banks in order to avoid repeating the mistakes of the savings and loan mess. Thus, embodied in its proposal for restructuring depository institutions is a plan to recapitalize the bank insurance fund of the FDIC. Premiums will be raised and funds will be borrowed to cover the interim shortfall. However, the administration plan is to borrow the money from the Federal Reserve System instead of the Treasury. This should be avoided.

Maybe the distinction is unimportant. Economically speaking, Fed money and Treasury money is indistinguishable; Fed profits go to the Treasury so that Fed losses reduce the revenues collected by the Government. Regardless of from whom the money is borrowed, it will still show up on budget when FDIC spends it, so that nothing is hidden off-budget by the administration's financing plan. The interest cost is the same, too. And by most interpretations, either source of borrowing has to be authorized by the Congress, so that the administration's plan does not circumvent any of the legislative requirements that Treasury borrowing would entail.

The two approaches, however, differ in one critical respect: Treasury borrowing makes clear to the public that taxpayer money is at risk in a way that Fed borrowing does not. And it is precisely this that has led to the Federal Reserve funding alternative.

We've been down this road before—with disastrous results. After an interest rate squeeze wiped out most of the net worth in the thrift industry in the late 1970's and early 1980's, we turned an already bad situation into a financial debacle by refusing to close insolvent institutions. With an unlimited loan guarantee provided by deposit insurance, these institutions gambled for resurrection by making risky loans at high interest rates in hopes of earning big profits that could lead them back to solvency.

Our unwillingness to close these institutions was rooted in a number of complex causes. But principally we were reluctant to be seen as paying the cost of honoring the guarantees when the institutions were closed. At any time we could have borrowed the money to do the job and stopped the hemorrhage. But that would have used public funds. So instead, we reaffirmed that the full faith and credit of the Government stood behind the insurance fund, and thereby let the flow of high interest deposits effectively bail out the institutions because it did not show up on the budget.

Even in 1987, when an inadequate $11 billion recapitalization of FSLIC was passed, we used an expensive Rube Goldberg funding mechanism for financing because we wanted to keep the outlay off-budget. In 1989, we did so again. Thus, in each instance we used less-than-preferable policies to take care of the problem because we wanted to avoid the appearance of using public funds.

Public funds were used, of course. They always were. They are by definition if one places the full faith and credit of the Federal Government behind the institutions. Even though many billions needed for the thrift cleanup have yet to be authorized, we've already spent the money. We go through the fiction of voting on RTC authorizations, but the money that we vote has already been promised, so that all the efforts to avoid the appearance of using public funds just costs us more money.

While the underlying causes of the problems in the banking industry differ in significant ways from that of thrifts, in one important respect they are the same: an effective loan guarantee provided by deposit insurance keeps capital-deficient institutions operating. These institutions will typically generate greater losses to the Government until they are closed; and they cannot be closed without an outlay of funds.

The administration is to be commended for recognizing this and trying to deal with it. Its plan for $25 billion for the FDIC shows appreciation for the need to shut down institutions instead of engaging in thrift-style forbearance.

Yet, the choice fo the Fed as lender echoes the budget decisions that led to the thrift debacle. This funding mechanism creates the illusion that cleanup financing is contained within the banking system and that public money is not at risk. Indeed, this method of financing disguises the involvement of taxpayer money.

This aspect of the administration's plan is evidenced by the failure to justify the preference of Fed over Treasury financing. The administration has argued that Fed financing is appropriate because the Fed provided original financing for the FDIC and because the Fed has experience in lending to the banking industry. Yet, the Treasury provided more of the original financing of the FDIC than the Fed, and it has more experience lending to deposit insurance systems.

While the method chosen to hide taxpayer liability this time round may not be as costly as methods used in the thrift mess, it is still potentially costly. The plan significantly undermines the independence and credibility of the Federal Reserve System.

The Fed is our central bank. Its principal responsibility is monetary policy, and its role as a lender of last resort is one of providing liquidity, not bailout money to stave off insolvency. What the FDIC needs to borrow is not working capital secured by assets. The money it needs is net loss funds to make up the gap between deposit liabilities and assets of failed banks. While it is true that the odds favor the FDIC's ability to repay the loans, a significant chance exists that ultimately FDIC will default. What then happens? Will money be appropriated to repay the Fed and then recycled back to the Treasury? Or will someone then say such a bookkeeping swap is unnecessary, so that the public purse can be silently tapped with no obvious paper trail?

And if this kind of financing works, it will be used again. Every scheme that promises to be self-financing will seek an initial Fed capitalization—a sum that the Fed may or may not get back. Since the Fed's principal resource is its ability to create money, these demands will tarnish its anti-inflation credibility.

But what this plan does to the Fed is minor in comparison to what it does to the integrity of public debate. We shouldn't be making policy on the basis of fooling people. Choosing a funding mechanism because it creates the pretense that taxpayer money is not involved is bad policy.

Over the last few years, policymakers have employed every type of subterfuge with respect to the budget process. We have shifted receipts forward and acted like they were permanently increased. We have used glowing economic assumptions and accounting gimmicks to meet deficit reduction targets. We have classified nonurgent categories of spending as "emergencies" to beat pay-as-you-go requirements. Sooner or later this behavior is going to make it impossible for us to communicate with citizens at all. Sooner or later they will assume that everything we say is a lie, if they haven't already.

The administration's bank restructuring proposal has a lot going for it; long-term reform is needed, and we have time to give it the consideration it deserves. But BIF funding is an immediate and urgent need that must be dealt with quickly in an open way. We should sever the BIF funding proposal from the rest of the administration's restructuring proposal. And we should change the funding plan to one in which the FDIC borrows from the Treasury. In doing so we should provide a sum of money large enough to convey clearly our desire to close insolvent institutions without delay.

The Government's handling of the S&L mess was an embarrassing failure. We incurred huge costs by trying to hide from the problem. Now, additional losses have been added by our handling of banks. If we can do nothing at this point to redress the errors we've already made, let us at least prove to the public that we learned from them.

TRIBUTE TO CORYELL FAMILY

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. TRAXLER. Mr. Speaker, I rise to honor Charles Coryell and his family for their many contributions to the Boys and Girls Club of Bay County, MI, which is located in my district. On April 18, 1991, the Coryell family will receive the annual "Helping Hand Award" from the Boys and Girls Club. As further recognition of their generosity and support, the club's facility will be renamed the Coryell Building.

The Helping Hand Award is presented to persons who have enhanced the quality of life for community residents. The Coryell family has been involved with the Boys Club, as it was originally known, since its inception in 1957. The first club rooms were located at 714 Adams Street, in space donated by the Bay Elks Club; and, the Bay City Police Department was instrumental in providing staff in those early days. The next move was made possible by a sizable donation from the Coryells to renovate two quonset huts that had been donated by the U.S. Navy. This provided the club with its first gymnasium and games room.

The Boys and Girls Club is now permanently located in a beautiful building at 300 West Lafayette, thanks to the creative fundraising skills of Charles Coryell, Jr. In 1973, he chaired the first capital fund drive for a permanent home for the club. His personal gift, the family gift, their business gift, and those he secured through personal solicitations accounted for more than half of the total amount raised. Another 30 percent was pledged through the efforts of solicitors Chuck recruited and trained. Then, in 1984, he chaired a second campaign which funded an addition. In recognition of the family's generosity, the building was named for the late John A. Coryell, Sr.

The Boys and Girls Club is more than a place to hang out. There, the kids find caring people who listen to problems. The club provides career training programs, physical education, educational tutoring, citizenship and leadership skills, and delinquency prevention. Team sports are stressed—no one competes to make the team—everyone gets to play. The club has accepted the challenge of guiding its young members through an important stage in their lives when they are pressured by many solical ills. The Coryell family has influenced the trend for the Boys and Girds Club—the modeling of our community leaders of tomorrow.

In bestowing the Helping Hand Award and renaming the facility, the Boys and Girls Club of Bay County is expressing its gratitude to the Coryell family for many years of unwavering advocacy and support. My longtime friend, Chuck Coryell, has served on the board of this fine club since 1961 and continues to champion their cause.

It is indeed a pleasure to pay tribute to Charles Coryell, Jr., and the Coryell family and to thank them for exemplifying the ultimate in giving of one's time and resources. Their compassion and concern have lightened the hearts of many people in our community, and made us proud to know them.

ADVANCING OUR NATION'S COMPETITIVE POSITION IN THE INTERNATIONAL MARKETPLACE

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. ANTHONY. Mr. Speaker, there is no more important task facing this Congress than that of advancing our Nation's competitive position in the international marketplace. Our leaders are devoting a great deal of their time and resources to develop new initiatives in this area. While new ideas and programs are certainly appropriate, I believe we must get our existing regulations in order before we begin new ones. It is for this reason that Congressman BILL ARCHER and I join together along with a majority of our colleagues on the Ways and Means Committee to remove permanently a serious threat to American competitiveness in the critical area of research and development.

This threat is posed by provisions of Treasury regulation section 1.861.8 that would require U.S. companies with foreign operations to allocate a portion of their domestic R&D expenditures to income earned abroad. The net effect of this section is to deny U.S. firms a full deduction for R&D expenditures incurred in this country.

By treating U.S. R&D as if it were performed overseas, the regulation encourages companies to actually move R&D overseas, where foreign governments offer more equitable tax treatment. We must recognize that when we export research and development, we not only export jobs, we export a vital component of our strategy to achieve economic competitiveness.

Ours is the only nation in the world that provides this disincentive for domestic R&D. Therefore, whatever the intent of the regulation may be, its effect is to put research intensive American companies at a competitive disadvantage in the international marketplace.

The bill Mr. ARCHER and I are introducing today provides a permanent solution to the longstanding uncertainty surrounding this issue. Our bill brings the U.S. tax regulations back into line with international tax practices.

Mr. Speaker, it is time for this Nation to recognize the important steps that must be taken to regain our competitive position among industrialized nations. Enacting this permanent solution to the problem created by section 1.861.8 is but one of the many steps that we must take to realize this goal, but it is an important step. We must move decisively to eliminate such a significant disincentive to domestic research and development.

Our legislation has strong bipartisan support. I wish to thank my colleagues who have cosponsored this legislation with me today and pledge to work with them toward its enactment.

INTRODUCTION OF LEGISLATION FOR OVERSEAS MILITARY PERSONNEL

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. SLATTERY. Mr. Speaker, I am pleased to reintroduce today legislation that will correct a longstanding injustice perpetrated against tens of thousands of military personnel and their families stationed overseas.

While serving in the United States, eligible low-income military families receive an earned income tax credit [EITC] to supplement their meager income. Service members and their families who are transferred to a military post overseas, however, are forced to forfeit their eligibility for an EITC.

Current estimates are that 25,000 low-income military families who are living outside the United States have had to sacrifice this small supplement to their income. The legislation I am offering today would extend the EITC to these needy military families and would equalize this important benefit for all service members.

This simple and straightforward adjustment to equalize eligibility for the EITC will ensure that low-income military families can continue to benefit from a tax credit they deserve and are entitled to receive.

Additionally, clarifications of the Internal Revenue Code that are supported by IRS, the U.S. Department of the Treasury, and the Departments of Defense, will improve administration of the EITC for military personnel and will prevent overpayments of this credit. These technical changes are expected to more than offset the costs associated with extending the EITC to military personnel stationed overseas and will make my proposal revenue neutral.

I would like to commend the Non Commissioned Officers Association and the National Military Families Association for their efforts and dedication to the needs of our service members stationed around the world. I would also like to thank my legislative assistant, Ms. Sarah Elder, for her tremendous efforts in researching, drafting, and promoting this legislation.

Too often, we overlook the tremendous sacrifices made by military personnel and their families who are stationed in a foreign land and I hope this legislation will reaffirm our appreciation and respect for these dedicated Americans.

TRIBUTE TO ALF GOULLET OF RED BANK, NJ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. PALLONE. Mr. Speaker, on Friday, April 5, 1991, one of my constituents, Mr. Alf Goullet of Red Bank, NJ, celebrated his 100th birthday. While attainment of the century mark is a significant milestone for anyone, in the case of Mr. Goullet the occasion affords us the opportunity to pay tribute to a particularly illustrious life.

Last February, Mr. Goullet was inducted into the New York Sports Museum and Hall of Fame in recognition of his brilliant career as a champion cyclist during the early part of the century. According to a profile of Alf Goullet that appeared last year in Sports Illustrated, in the early 1920's he was so popular with the crowds at New York's Madison Square Garden that the 6-day races in which he competed set attendance records. Mr. Goullet was frequently paid appearance fees of $1,000 a day, this at a time when an entire National Football League franchise could be purchased for a few hundred dollars.

At the height of his cycling career, Alf Goullet was immortalized by the legendary writer Damon Runyon, who compared Mr. Goullet to Babe Ruth. After Mr. Goullet won the December 1921 6-day race at the Garden, Runyon, writing in the pages of the New York American, proclaimed the cyclist "King of the 6-day racers," adding "Long live the King."

Mr. Goullet has lived long, indeed. Sadly, through the years of his long life, Mr. Goullet has seen the popularity of competitive cycling as a spectator sport decline in this country. A native of Australia, Mr. Goullet came to the United States in 1910 because it was the center of the action in professional bicycle racing. He soon became an American citizen and served in the Navy during World War I. He now lives in the Monmouth County community of Red Bank, which I have the privilege of representing as part of my congressional district.

The Red Bank Borough Council will pay tribute to Mr. Goullet at its meeting on April 9. It is a great honor for me to join with the elected officials of Red Bank and Mr. Goullet's family in paying tribute to this remarkable man.

IN HONOR OF THE BRONX MUSEUM OF THE ARTS 20TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. SERRANO. Mr. Speaker, I rise today to share with you and my colleagues a celebration of the 20th anniversary of the Bronx Museum of the Arts.

Mr. Speaker, this is a very special anniversary, because this museum has a unique history and plays an unusual role in my district, the South Bronx. The Bronx Museum of the Arts was founded in 1971 by a group of committed residents and directors of the Metropolitan Museum of Art, who understood the importance and advantage of extending cultural activities to all neighborhoods throughout the city of New York. The Bronx Museum now serves as the county museum and is an important cultural and educational center for the 1.3 million residents of the Bronx.

The museum's first home was the rotunda of the Bronx County Courthouse. With the help of the city of New York, it moved in 1982 to its current location, and a 6-year four-phase capital renovation was completed in 1988. The museum now includes: A three-story glass enclosed atrium with a public reception area, a giftshop and lounge, 11,000 square feet of climate-controlled exhibition' galleries, classrooms, and an auditorium—all completely accessible to the handicapped.

Mr. Speaker, this fine museum serves a multiethnic audience—African-American, Hispanic, and Asian, as well as the Bronx's long-established Jewish, Italian, and Irish communities. In 1986, the museum initiated a permanent collection of 20th century works concentrating primarily on artists from Asia, Africa, and Latin America, in addition to American artists whose descendents were from these areas. The collection presently contains over 200 pieces, a portion of which are exhibited every year. Works by non-European and minority artists, largely undervalued and underrepresented, have figured prominently in the museum's programs.

The museum has established a strong reputation for its presentations on modern and contemporary art and is recognized for its commitment both to internationally recognized artists and new talents in the Bronx community. It also mounts regularly scheduled exhibits on the role of computers in the artistic process, Bronx historical and cultural themes, and contemporary video and film.

In its ongoing effort to provide access to cultural events in all neighborhoods within the Borough of the Bronx, the museum has mounted exhibitions in satellite galleries over the past 18 years. These sites have included colleges, hospitals, banks, customer service centers, nursing homes, as well as a central gallery in the museum's main facility. The Satellite Gallery Program primarily showcases the work of Bronx artists.

The Bronx Museum of the Arts serves as an important resource not only to local artists, but to all residents. Each year, the museum sponsors an event titled, "Artist in the Marketplace" as the close of a 16-week program addressed to selected artists. The program consists of seminars led by curators, dealers, critics, lawyers, and others equipped to convey the facts of the art profession. The exhibition, "Visions of Home: Designs for Affordable Housing in the South Bronx" addresses the problem of homelessness and presents possible solutions which contribute to the massive redevelopment and rehabilitation that presently characterizes the South Bronx.

Mr. Speaker, approximately 50 percent of all visitors to the Bronx Museum are children. Arts education has always been the cornerstone of the museum's mission and is evident through a variety of innovative programs: School group tours; hands-on workshops; an After School Art Club; and a year-round Art and Media School. The museum provides instruction in the fine arts, computer graphics, videography, filmmaking and film animation. In addition, the museum offers a full range of free weekend activities for all ages including films, hands-on workshops, lectures, poetry readings, concerts, and performances.

Mr. Speaker, if you visit the Bronx Museum of the Arts today you will see the following exhibitions: "The Nearest Edge of the World: Art and Cuba Now," the first major exhibition of contemporary art from Cuba mounted in the United States since the Cuban revolution; and "The Third Emerging Expression Biennial: The Third Dimension and Beyond," an exhibition devoted to the work of artists using computer technology, multidimensionality, physicial space, movement, and time; "The Falling Series: Paintings by Emma Amos," depicting figures falling through space as a metaphor of our social condition, presented with traditional West African woven cloth and drawing largely upon the African American experience.

Mr. Speaker, the development and growth of the Bronx Museum of the Arts can largely be attributed to the dedication and commitment of its executive director, Luis Cancel. During his 13 year tenure at the Bronx Museum he has guided the museum's growth and has successfully overseen the tremendous renovation project of the new facility. Under this direction, the museum will soon undertake another capital project which will quadruple the size of the present structure.

Luis Cancel was instrumental in formulating the museum's permanent collection, and has received a museum fellowship from the National Endowment for the Arts to research Latin American art. He has curated several major exhibitions including: The First and Second Emerging Biennials; the Artists and the Computer: Devastation/Ressurection; the South Bronx; Krishna Reddy, a Retrospective; and the highly acclaimed Latin American Spirit: Art and Artists in the United States, 1920–70.

Mr. Cancel has been featured as the cover story for the Sunday art section of the New York Times, and has conducted many print and broadcast interviews on a wide variety of art-related topics. He is an active consultant and panelist for the National Endowment for the Arts, and continues to bring extensive local and national attention to the museum.

Mr. Speaker, I urge my colleagues to include the Bronx Museum of the Arts in trips to New York City, to view these fine exhibits, and take part in the appreciation of the diversity of art.

A TRIBUTE TO ST. VIATOR SCHOOL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to St. Viator, one of the finest elementary schools in Las Vegas, on the occasion of its 25th anniversary.

Founded in 1966, St. Viator is the largest Catholic school in southern Nevada. It has been recognzied both statewide and nationally for its excellence in academics, most notably in statewide math competitions.

St. Viator has proven itself capable of the high standards it has set for itself. This can be clearly seen by the number of prestigious awards received over the years. William C. Langley, principal, set a fine example for his students when he was honored by the Nevada Department of Education in 1990 with the Educator of the Year Award.

In addition, other honors include the National Catholic Education Association's Award for an outstanding parent-teacher organization in 1987, numerous athletic awards from the President's Council on Youth Fitness, including State championship recognition four times since 1985, and an Excellence in Education Award from the Department of Education 1985–86.

However, St. Viator has not limited itself to the confines of the State. They were recently honored with a Presidential Award for their participation in the U.S.A.–U.S.S.R. Youth Fitness Testing Exchange Program during the 1987–88 school year. This program not only expanded the horizons of the students participating, but has proven to be a valuable international link for the Las Vegas community.

Students of St. Viator, their parents, and all southern Nevadans have many reasons to be proud of this school. With its emphasis on academic excellence, parent involvement, and community outreach, St. Viator has proven itself an integral part of the southern Nevada community. I believe that we will continue to see much success and growth from St. Viator in the years to come. I congratulate St. Viator on its 25th anniversary and urge my fellow members to join me in honoring this shining example of excellence in education.

PROMOTE PROFESSIONALISM: SUPPORT HIGHER EDUCATION FOR LAW ENFORCEMENT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MARTINEZ. Mr. Speaker, the brutal beating of Rodney King by Los Angeles Police officers epitomizes the nationwide dilemma of police brutality and the lack of appropriate police training that America faces today.

On March 3, 1991, three officers fiercely beat Rodney King, an unarmed motorist stopped for speeding. King, handcuffed and on the ground, was struck as many as 56 times, kicked 7 times, and shot with an electric gun while 12 other law enforcement officers stood by. King suffered extensive injuries—the base of his skull was broken in 11 places. Thankfully, he is now in stable condition.

This disgusting act of brutality is an embarrassment to our Nation's law enforcement. With total disregard for their position, these men ruthlessly attacked an unarmed citizen and broke every ideal that most law enforcement officers uphold—including protection of the civil rights and civil liberties of all citizens. These men have seriously undermined and damaged the credibility of law enforcement. As a result, there are many citizens who will always carry some doubt in their minds, making it more difficult for respectable officers to carry out their duties.

This incident is an opportune time for us to examine the problem of police brutality and how to prevent it in the future. One of the problems behind police brutality is the lack of training and education that promotes professionalism. A 1989 study by the Police Executive Research Form [PERF] shows that college-educated police officers are more competent and professional. College-educated officers display enhanced communication skills, adapt better to their situation, and function better in high risk situations. In addition, the PERF study identified a relationship between education and fewer disciplinary problems and citizen complaints. The study also found that officers who take advantage of programs such as the Law Enforcement Education Program—which was eliminated by the Reagan-Bush administration—are more professional and treat law enforcement as a career rather than just a job. Proper training and education are vital in avoiding incidences such as the beating of Rodney King.

In the 101st Congess, the Police Recruitment and Education Program [PREP] was signed into law as part of last year's crime bill. PREP simply amends the Higher Education Act to extend the Perkins Loan Canellation Program to students who seek a career in local, State, or Federal law enforcement. The Perkins Loan Program provides low interest loans to financially needy undergraduate, graduate, and professional students who attend postsecondary institutions. Not only will PREP elevate the educational levels of future officers, it will enhance America's law enforcement and correctional agencies ability to recruit and retain motivated and capable individuals.

Unfortunately, this desperately needed program is in jeopardy. In the 102d Congress, the Higher Education Act is up for reauthorization, and the Perkins Loan Program—including the Police Recruitment and Education Program—is in grave danger of being dismantled or suspended as Congress seeks effective ways to meet our Nation's educational needs.

If we are to improve educational attainment of Americans, we must make a commitment to program professionalism. PREP is only a step toward the solution. Since the suspension of the LEEP Program, in-service officers are without a means to higher education—an area which must be addressed in future legislation. I strongly urge my colleagues to support

PREP and similar programs that will encourage professionalism and help to end incidents of police brutality.

TRIBUTE TO VINCENT T. SHEMANSKI

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to a man who has given the Reading community 25 years of service and leadership, and I am proud to be able to come here before the House and tell you about this great citizen's accomplishments.

Vincent Shemanski came to Central Catholic in 1965 and taught history, health, and physical education, and was coach of the football team. Just a short 3 years later, Vincent Shemanski became vice principal and disciplinarian, and in 1975 he was named principal of Central Catholic, a position he still holds. Vincent Shemanski has left an indelible imprint on Central Catholic and its students, and his devotion to academic excellence and the development of the whole student sets an example worthy of emulation.

Vincent Shemanski is a visible, active principal. Students see him in the halls, on the sidelines at boys' football and girls' hockey games, or in attendance at a Central Catholic musical. An accessible principal, Vincent Shemanski's goal is the educational, cultural, religious, and social advancement of his students.

My colleagues are aware that concerned, involved teachers and school administrators are perhaps the key ingredient in a successful school system. Vincent Shemanski's extraordinary commitment to the students of Central Catholic serves as an example of the tremendous impact one person can have and an inspiration to those who are seeking to fully prepare the Nation's students for the challenges of the 21st century.

THE SILVER CHORDS 10TH ANNIVERSARY

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MRAZEK. Mr. Speaker, I rise today to commemorate the 10th anniversary of the Silver Chords, a senior citizens' chorus from Suffolk County, Long Island.

The Silver Chords were founded in 1980 by Linda A. Monner, a former music teacher. In April 1981 this group gave their first concert in Smithtown. Since that time, the group has grown from 49 to over 75 members and has performed more than 50 concerts including a number of annual concerts for the general public and special presentations for schools, nursing homes, and patriotic, and charitable events.

Although the average age of this group is in the midseventies there are at least a dozen people who are over the age of 80. They come from many different walks of life and represent a wide array of races, nationalities, and professions. The only prerequisite for membership is the ability to read music.

Ever since 1988 the Silver Chords have been performing in Albany at the annual New York State Senior Citizens' Day celebration. In 1990, this group was recognized for their concern for the elderly and service to the community when they received the Gerard Farley Award for Community Service from the Suffolk County Senior Citizens' Advisory Committee.

Mr. Speaker, I believe that it is appropriate to commemorate the service and spirit of the Silver Chords as they celebrate their anniversary with a 10th anniversary concert on April 21 in Kings Park, Long Island. These individuals have an enthusiasm for life and for bringing joy to others which serves as a witness to the talents and contributions of our Nation's senior citizens and as an inspiration for all.

GIVING NEBRASKANS A VOICE ON GAMBLING NEXT DOOR

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. HOAGLAND. Mr. Speaker, today I am introducing a bill to provide an avenue for a community to express its views when a gambling facility is proposed by an Indian tribe in an adjacent State. This bill would merely provide the same approval or veto avenue for a neighboring State as current law provides for the "host" State.

Under Federal law—the Indian Gaming Regulatory Act—gambling may not take place on land taken into trust outside an Indian reservation unless the Governor of the "host" State and the Department of the Interior determine that gambling would be in the best interest of the tribe and not detrimental to the surrounding community. Under my bill, the Governor of a State within 45 miles of the gambling site would also have to concur.

My bill responds to a proposal in Council Bluffs, IA, that will directly impact my district in Omaha, NE. Harvey's Resort Hotel/Casino of Lake Tahoe is proposing, with the Santee Sioux Tribe, to develop a $67 million hotel, gaming, entertainment, and convention center in Council Bluffs. This would be the largest gambling operation between Atlantic City and Las Vegas, attracting as many as 5,000 tourists a day.

Council Bluffs is just across the Missouri River from my district. The Omaha-Council Bluffs metropolitan area has 600,000 people; 520,000 of those people are in Omaha. While Iowa will get some revenue from the casino, Omaha will get many of the problems and little of the revenue. I believe eastern Nebraskans should have a voice in the establishment of this casino and my bill would provide that voice.

LIMITED ECONOMIC BENEFIT

Proponents argue that the casino will bring jobs and economic activity to our area. But one has to realize that gamblers are usually bused in from long distances or local people gamble in the casino for a few hours and go home. Any money spent is spent inside the casino, not in the larger community. Steven Perskie, chairman of the New Jersey Casino Control Commission, has said that tourists there rarely leave the casinos. In addition, money spent in the casino is money not spent in the community in other parts of the economy. This also means a loss in sales tax revenues in States like Nebraska and Iowa. An economic study of a gambling proposal in New Orleans found that $120 million of potential economic activity would be siphoned off.

Futhermore, gambling can cause deterioration of a local economy. In Atlantic City, many businesses and low- and moderate-income people were displaced as land values skyrocketed after the introduction of gambling. In Deadwood, SD, 80 betting parlors have driven a number of "Main Street" businesses out of town, like five and dimes and hardware stores. Many people moved out of the town because they didn't like the environment created by gambling.

COST TO GOVERNMENT

Any State or locality considering a new gambling facility must find revenues to pay for all the attendant "supports" and services, like sewers, roads, solid waste disposal, jails. In 1990, New Jersey spent $60 million on 985 employees to regulate its 12 casinos. This does not include the costs of prosecuting crimes or imprisoning those convicted of crimes.

There are law enforcement costs. Eric Cooper, Undersheriff of the Las Vegas Police Department has said:

> Any city, community or state, which desires to legalize casino gambling should be aware that they are going to have some of the most difficult problems imaginable. Even with such an uninviting potential, a city, community, or State which legalizes casino gambling must have a professional, fully staffed, and competent complement of law enforcement personnel managed with the highest of ethical standards. Even under such restrictive conditions, such a casino gambling industry would require at least 20 years of maturation before it could deal effectively with such difficult problems.

CRIME

Gambling is a magnet for crime, including organized crime, crimes like robbery, burglary, theft, larceny, assaults, rapes, murders, credit scams, skimming, money laundering, loan sharking, tax evasion, labor extortion, bribery, and player cheating. Three years after Atlantic City opened its casinos, the felony crime rate rose by 171 percent. By 1984 it had jumped 252 percent. From 1960 to 1988, Las Vegas has been in the top 12 of metropolitan areas in terms of crime. Criminals penetrate through the suppliers of casinos, they infiltrate unions and workers, they develop hidden ownership schemes.

Casinos become a magnet for crime because they provide a unique opportunity for making a fast buck by what is called skimming. People planted on the inside as employees skim money after it is taken from the tables but before it is counted. There are no records. A former FBI agent with 26 years of experience investigating organized crime in gaming, Bill Roemer, has said, "There is no way to legislate organized crime out of casino gambling."

SOCIAL PROBLEMS

University of Nebraska researchers have concluded that the costs of negative social consequences of gambling exceed the benefits to a community. They found that legalized gambling fosters illegal gambling; that gambling can become an addiction which then leads to crime to finance the addiction. Then there are health care costs to treat the addictions.

I have a serious concern about the message that government sanction of gambling sends: All you have to do is roll the dice to get rich quick. Gambling stands in direct contradiction to the American work ethic. It glamorizes an activity that brings rewards unrelated to work.

Gambling in particular sends the wrong message to young people, who today lag behind their international counterparts in math, science, and other subjects. In Atlantic City, where the legal gambling age is 21, a survey revealed that 64 percent of high school students had gambled in the casinos; 9 percent said they gambled once a week. In a 3-month period in 1981, 41,000 minors were turned away and 10,000 were escorted from the casino floor. Incredibly, Harvey's has promoted their plan to hire "persons under age 18 to earn some extra income during weekends and during times of school vacation" for "certain jobs."

OTHERS REJECTED

Since 1930, only three jurisdictions have embraced casino gambling: Nevada, Atlantic City, and Deadwood, South Dakota; but many have rejected it as not worth the costs, social or financial. Gambling has been considered but turned down in Detroit, MI; Galveston, TX; Gary, IN; Miami, FL; the Pocono Mountains, PA; New York City, the State of New Hampshire; and Alaska. There must be a message in those numbers.

LITTLE LOCAL CONTROL

Putting gambling in a community should be decided by a community. True, under the Federal law, a Governor can effectively veto a project. But in this case, because the project would be on land put in trust by the Secretary of the Interior for an Indian tribe, it would generally be exempt from State regulation, from State criminal laws, and State business taxes. Furthermore, many of the profits would be "exported" out of State since they presumably would be managed by Harvey's, a Nevada casino concern.

NEBRASKANS OPPOSED

A May 1990 poll of eastern Nebraskans found that 59 percent of the people surveyed oppose a Council Bluffs casino. Nine percent are undecided. In the mid-1980's, the Nebraska Legislature outlawed video slot machines. Nebraskans have said "no" to a form of casino gambling twice before recently.

I offer this bill today on behalf of my constituents, whom I believe would prefer to see private and public funds spent on activities that bring more personal and economic rewards to our community. Our area and the Santee Sioux Tribe could no doubt benefit from economic development projects that bring more jobs. I will support those efforts, but I do not believe a Council Bluffs casino is the right "economic development project" for the Santee Sioux Tribe or for the Omaha metropolitan area.

This bill will make a $67 million gambling complex a decision also for the Nebraska Governor, representing the Nebraska people. I believe that is appropriate.

PAUL ROBESON

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. DYMALLY. Mr. Speaker, I ask my colleagues to join me in remembrance and salutation of Paul Robeson, a celebrated African-American actor and singer who dedicated his prolific talents to the civil rights, labor, and peace movements of the United States and the world from the 1920's into the 1960's

Born in Princeton, NJ, in 1898, Robeson went on to attend Rutgers where he was elected to Phi Beta Kappa. There he took the freshman prize in oratory and the sophomore and junior prizes in extemporaneous speaking.

In sports he became a four letter man by reason of distinction in football, baseball, basketball, and track and was selected by Walter Camp as an "All-American" end.

Upon graduation, he attended Columbia where he received his bachelor of laws. After passing the bar examination, he left the courtroom for the stage. He became popular and recognized as an extraordinary singer and actor. He is most remembered for his performance of "Water Boy" and "Ol' Man River" in Show Boat.

Paul Robeson died at the age of 77 on January 23, 1976, in Philadelphia, PA.

On Sunday, April 14, 1991, his birthday weekend, the Paul Robeson Community Center in South Los Angeles County will hold a fundraiser entitled "A Tribute to Paul Robeson: the Tallest Tree in the Forest."

The Los Angeles Unified School District, in cooperation, will sponsor a high school essay contest called "The Paul Robeson 21st Century World Citizen Contest" to develop in students a greater awareness and interest in the contributions of African-Americans to the United States and the world.

Proceeds from the fundraising event will support the literacy and language programs, art, theatrical and writing classes, library, archives and reading room at the center.

It is with great pride that I pay tribute to such an American as Paul Robeson, who dedicated his life to excellence in the arts and social service. Paul Robeson was a man of whom we can all be proud.

A TRIBUTE TO BRIAN RICHTER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleagues attention the long and distinguished work of an outstanding public servant of Sacramento County, Brian Richter, who is retiring after 30 years of service.

Mr. Richter graduated from Sacramento's El Camino High School and American River College before going on to receive his B.S. degree in civil engineering from the University of Nevada. In 1961, he began his career with the county of Sacramento as an assistant engineer. He worked his way up to the director of public works for Sacramento County by 1972 and in 1978 he was chosen to be the new county executive.

In this capacity he has been involved in implementing all of the Sacramento County board of supervisor's policies. He has proven so effective as the county executive that in 1986 he was honored with the Outstanding Public Administrator of the Year award by the Sacramento chapter of the American Society of Public Administrators.

Mr. Speaker, I know that my colleagues join me in thanking Mr. Richter for his exemplary service and accomplishments and to wish him good luck and happiness in his retirement.

IN COMMEMORATION OF GOVERNOR LEROY COLLINS

HON. PETE PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. PETERSON of Florida. Mr. Speaker, on March 13, 1991, the State of Florida lost one of its greatest leaders. Former Gov. LeRoy Collins died at the age of 82 at his home in Tallahassee. We offer our sympathy to his wife Mary Call and all his family members who showed great courage during his long illness.

During his 6-year term as Governor, LeRoy Collins stood for change but he held fast to one simple principle: that the people of this country could live in peace together and that the walls that separated us in the past must come down. He had a special gift of seeking out the best in people. He rejected the politics of hate, and appealed to our sense of fairness, civic pride, and compassion.

The legacies of LeRoy Collins are many, particularly in the field of education. He wrote Florida's basic school finance law; he established a statewide community college system; and he expanded the quality and size of Florida's university system.

LeRoy Collins was a fighter for justice. He became a national leader when he courageously fought against the racist tide in the South and led Florida to the forefront in doing away with school desegregation.

Recently Governor Collins reflected on his 6-year career as Governor, "We were taking steps that were, in retrospect, maybe not that meaningful", he said. "But at least we were making beginning * * *. And so what I hope history reflects is that I made beginnings, pointing the way."

His works were indeed great beginnings. Governor Collins was an extraordinary leader. He courageously challenged Floridians with his progressive agenda and Florida responded.

Governor Collins once said that it was more important to him to follow his conscience than to pursue those things that would guarantee his reelection. We will always remember him as a great public servant whose progressive vision, courage, and gracious style transformed our world.

For that we offer our humble thanks, our prayers for the Collins family and our commitment to live up to his high ideals.

HONORING WILLIAM AND VIVIAN YETTER

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. KOSTMAYER. Mr. Speaker, it is my pleasure to rise today to recognize my friends, William and Vivian Yetter, on the occasion of their 65th anniversary.

They were married on February 10, 1926, at Grace Lutheran Church in the city of Altoona, PA. They were married by Rev. Berligh Peters, and they still live in Altoona.

The Yetters have two wonderful sons, Robert and William, Jr., residents of Bucks County, who love them very much. William and Vivian should be proud to have raised children who are such fine, upstanding citizens.

Mr. Speaker, these two extraordinary people have celebrated a very special occasion in their lives. I ask my colleagues in the House of Representatives to join me in saluting William and Vivian Yetter and to wish them continued happiness.

DAUPHIN COUNTY PROSECUTOR JOSEPH KLEINFELTER INSTRUMENTAL IN DRUG WAR

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. GEKAS. Mr. Speaker, I rise today in recognition of a great force in the war on drugs, Dauphin County Chief Deputy District Attorney Joseph Kleinfelter.

Joe has devoted the past 15 years to public service as a county prosecutor. Since 1980, he has overseen all drug prosecutions in Dauphin County, and is responsible for the successful prosecution of more than 1,000 felony drug cases. Our community is indeed safer for Joe's efforts in putting drug dealers where they belong—behind bars.

In 1988, Joe organized Dauphin County's first county-wide drug task force which, for the first time, teamed municipal police officers and experienced state troopers. The success of this task force has made it a model statewide. As evidence of his unending dedication, Joe makes himself available on an around-the-clock basis. He is always ready to advise enforcement officers on legal issues such as search and seizure problems and electronic surveillance, which help insure the successful prosecution of criminals. Frequently he has accompanied officers in the field during raids.

Joe has led the way in the area of asset forfeiture, assuring that drug dealers are deprived of their cars, their money, and other ill-gotten gains. In fact, his success in this area has made drug law enforcement efforts in the area almost self-funding. Forfeiture proceeds provide the funds for drug buys, informants, radios, gas and maintenance for vehicles—even overtime pay.

In addition to Joe Kleinfelter's accomplishments as a prosecutor, he continues to distinguish himself professionally, particularly as an educator in drug law enforcement, search and seizure, and trial advocacy.

Mr. Speaker, I am proud of the efforts of Joe Kleinfelter and the impact his hard work is having on our community and the State at large. I commend his leadership to this body as a fine example of the hard work being performed by the men and women of this great country in the war on drugs.

NUTRITION ADVERTISING COORDINATION ACT OF 1991

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 1991

Mr. MOAKLEY. Mr. Speaker, last fall the Congress overwhelmingly approved and enacted into law the Nutrition Labeling and Education Act of 1990, Public Law 101–535, authorizing the Food and Drug Administration to regulate nutrition and health claims on food labels in a responsible, accurate, and more understandable format. These new labels, which will be required on virtually all FDA-regulated food products, will be designed to help consumers choose healthful foods in the context of a total daily diet without the confusing and all-too-often misleading information currently on many food labels.

In order to continue to provide the public with consistency in the dissemination of food and nutrition information in advertising as well as on labels, I am today introducing the Nutrition Advertising Coordination Act of 1991. This legislation would require that the Federal Trade Commission, in its regulation of food advertising, abide by the standards, definitions, and regulations developed by the FDA with regard to nutrition content and health claims on food labels.

Currently the FTC, under a memorandum of understanding with the FDA, retains primary authority over food advertising. Although passage of Public Law 101–535 establishes a clear and concise prohibition against misleading nutrition and health claims on food labels, the FTC has not proposed any guidelines or restrictions on such claims with regard to food advertising. The FTC continues to evaluate these claims on a case-by-case, piecemeal basis using, by its own admission, weaker standards than those mandated for the FDA by the Congress. Under this practice, foods which may not be labeled as low fat could still be advertised as low fat. Food advertisements may also use some measurement units which are not allowed by FDA for labeling purposes. An example would be using a claim of less than 1 gram of salt, which may imply a product which is low in sodium. FDA requires that sodium be listed in milligram units. FTC also allows advertisers to make health claims about some nutrients which would not be allowed on labels under the new law.

As the importance of diet on our health continues to grow, it is extremely critical that consumers have access to accurate and consistent information regarding the food we eat. More and more the evidence is clear that diet is a major component in our overall good health. Healthy eating can enchance our quality of life and significantly lower our risk for certain illnesses. Countless studies and research findings clearly indicate that the two leading killers in our Nation, heart disease and cancer, are influenced by the foods we eat. Yet two of our Government agencies which are primarily responsible for controlling much of the information on our foods are dispensing different and inconsistent messages about these products. Such a conflicting policy only adds to the frustration and confusion consumers already feel in their efforts to sort through the maze of nutrition and health claims in an attempt to consume a more healthful diet.

It is time that our Federal policies and regulations regarding food and nutrition are consistent throughout all agencies of the Government. An enormous amount of time and resources has been devoted to the impact of diet on our health. The delivery system for all this information should be subjected to the same regulatory process in all areas of Government. I am hopeful that this legislation will be a beginning in this important process. I hope my colleagues will join with me in supporting this important goal.

The following is the text of this legislation:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nutrition Advertising Coordination Act of 1991".

SEC. 2. MISLEADING FOOD ADVERTISEMENTS.

Section 15(a) of the Federal Trade Commission Act (15 U.S.C. 55(a)) is amended by adding at the end the following:

"(3)(A) In the case of food, an advertisement shall be deemed misleading in a material respect if such advertisement contains a claim which expressly or by implication—

"(i) characterizes the level of any nutrient which is of the type required by section 403(q)(1) or 403(q)(2) of the Federal Food, Drug, and Cosmetic Act to be in the label or labeling of the food unless the claim is made in accordance with section 403(r)(2)(A) of such Act and the regulations promulgated by the Secretary of Health and Human Services to implement such section,

"(ii) characterizes the relationship of any nutrient which is of the type required by section 403(q)(1) or 403(q)(2) of the Federal Food, Drug, and Cosmetic Act to be in the label or labeling of the food to a disease or a health-related condition unless the claim is made in accordance with section 403(r)(3) of such Act and the regulations promulgated by the Secretary of Health and Human Services to implement such section, or

"(iii) characterizes the amount of any nutrient in a serving or portion of the food unless the amount of such nutrient is expressed in the same units of weight that are specified in regulations promulgated by the Secretary of Health and Human Services to implement sections 403(q)(1) and 403(q)(2) of the Federal Food, Drug, and Cosmetic Act.

"(B) An advertisement for a food shall be deemed to be misleading in a material respect—

"(i) if it contains a claim that complies with subparagraph (A)(i) but—

"(I) fails to disclose the level of fat or saturated fat in the food when a claim is made that characterizes the level of cholesterol in the food,

"(II) fails to disclose the level of cholesterol in the food when a claim is made that characterizes the level of saturated fat in the food,

"(III) fails to disclose the level of total fat in the food when a claim is made that the food is high in dietary fiber, or

"(ii) if it contains a claim that complies with subparagraph (A) but fails to include clearly and conspicuously the statement 'See product label for complete nutrition information'."

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall take effect—

(1) with respect to a claim described in clauses (i) and (ii) of section 15(a)(3)(A) of the Federal Trade Commission Act, on the date that regulations to implement section 403(r) of the Federal Food, Drug, and Cosmetic Act take effect,

(2) with respect to a claim described in clause (iii) of section 15(a)(3)(A) of the Federal Trade Commission Act, on the date that regulations to implement section 403(q)(1) and (2) of the Federal Food, Drug, and Cosmetic Act take effect, and

(3) with respect to the requirement described in subparagraph (B) of section 15(a)(3) of the Federal Trade Commission Act, on the date that regulations to implement section 403(r) of the Federal Food, Drug, and Cosmetic Act take effect.

HOUSE OF REPRESENTATIVES—*Wednesday, April 10, 1991*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 10, 1991.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know, O gracious God, that the marvel of creation manifests itself in many voices and tongues and in all the ambitions of the human family. As we recognize our differences we pray this day that You would make us one in the spirit of a shared concern for one another. We acknowledge the power that is shown by the feelings and attitudes of the heart and we pray that each person will learn respect for each other and so fulfill Your commandment to us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from New Hampshire [Mr. ZELIFF] will lead the House of Representatives in the Pledge of Allegiance.

Mr. ZELIFF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had agreed to the following resolution:

S. RES. 92

Whereas, the Honorable John Heinz served Pennsylvania in the United States Senate and the United States House of Representatives with devotion and distinction; and

Whereas, his efforts on behalf of Pennsylvania and all Americans earned him the esteem and high regard of his colleagues; and

Whereas, his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker.

Resolved, That the Senate expresses profound sorrow and deep regret on the death of the Honorable John Heinz, late a Senator from the Commonwealth of Pennsylvania.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 16. Joint resolution designating the Week of April 21–27, 1991, as "National Crime Victims' Rights Week"; and

S.J. Res. 70. Joint resolution to establish April 15, 1991, as "National Recycling Day."

NOTIFICATION CONCERNING RULES COMMITTEE'S PLANS FOR BUDGET RESOLUTION

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to notify Members of the Rules Committee's plans for this year's budget resolution.

As you know, the Budget Committee completed its markup Tuesday evening and, allowing 3 days for additional views, will file on Friday. The Rules Committee plans to meet next Monday, April 15, to take testimony on the resolution.

It is my understanding, Mr. Speaker, that the text of the resolution will be available at the Budget Committee.

In order to provide for fair and timely consideration, the committee is considering a rule that may structure the offering of amendments.

Mr. Speaker, any Member contemplating an amendment to the resolution should submit 55 copies of the amendment and a brief explanation by 12 noon on this Friday, April 12. The committee offices are in H-312 in the Capitol.

Mr. Speaker, as in the past the committee looks more favorably on amendments in the nature of a substitute than on cut-and-bite amendments. The latter raise the same issues that will be decided in the authorization and appropriation process.

Mr. Speaker, I have sent a "Dear Colleague" letter to all offices explaining our intentions on the budget resolution. We appreciate the cooperation of all Members in our effort to be fair and orderly in granting a rule.

FISCAL YEAR 1991 BUDGET RESOLUTION DESERVES SUPPORT

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, next week we will continue the fiscal year 1992 budget resolution adopted yesterday by the Committee on the Budget. This budget merits the strong support of all of my colleagues on both sides of the aisle. It maintains strict fiscal discipline. It is fair. It makes needed investments in programs affecting working families in this country and in the economic future of this country.

The President has spoken of the need for a new world order abroad. This budget speaks to the need to develop a new American order at home. It is true that both budgets strictly adhere to the spending limits in the budget agreement established last year, and they should. However, beyond that, there are great differences.

The budget adopted by the committee rejects the unfair cuts in benefit programs included in the President's budget, including his $25 billion cut in Medicare, his $3.5 billion cut in veterans' programs, and reductions affecting farmers, students, children, and the needy.

Third, in addition, this budget makes vital investments in programs like education, Head Start, WIC, health care, antidrug abuse programs, and a number of others that relate to economic security for the future.

If anyone thinks that these changes are insignificant, let them ask the people affected. Ask the elderly; ask the veterans; ask the child who is affected by those kinds of reductions.

Members will have the opportunity next week to decide what set of priorities are most important for this Nation in the future.

CBS NEWS SEGMENT—PAID FOR BY THE AFL–CIO?

(Mr. BALLENGER asked and was given permission to address the House

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, Dan Rather and CBS Evening News became the newest advocates for the so-called striker replacement bill, H.R. 5, a proposal to put an end to the use of replacement workers during a strike.

Last week, Dan Rather introduced the lengthy feature on the subject with the phrase "One Strike, You're Out." Surprise, surprise—this is the title of the AFL-CIO slick and pricey video on H.R. 5.

Dan Rather provided supporters of H.R. 5 with millions and millions of dollars of free advertising and a wide viewer audience to promote the opinions of organized labor on an extremely controversial bill. Furthermore, to ensure the AFL-CIO commercial articulated all of big labor's views, more than 95 percent of the segment explained why organized labor wants the bill passed.

As usual, nobody at CBS bothered to report that 54 percent of the American public opposes firing replacement workers at the end of a strike. Or that many Americans believe H.R. 5 will lead to higher labor costs, hurt the economy, and lose jobs to foreign workers. We can only hope that CBS and Dan Rather plan to do a second feature that will allow the other side to be heard.

But more than likely big labor's network will continue to utilize their abilities to aid and abet the goals of the AFL-CIO. Too bad the rest of the story will not get a more balanced and fair airing by Dan Rather and CBS. The American people deserve better.

WRITE A BUDGET RECOGNIZING REAL AMERICAN NEEDS

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, in the past few months we have all read about the families in California who have been restricted to the use of a few gallons of water per day to help conserve. Last night I watched a news report showing the owners of Beverly Hills mansions watering their estate lawns during rainstorms. Rich movie producers can water their streets, and working people can shower with the runoff. A fine example of trickle-down economics if I have ever seen one.

The point is, Mr. Speaker, this reminds me very much of the President's budget. The President's budget says let's shower the big guys with a capital gains tax break, and let the little guy take a bath. This is Robin Hood in reverse.

The President's budget says to pay for the gains of the rich we will take $25 billion from the elderly, we will take a million scholarships from poor kids, we will take the money for infant mortality for rural families and give it to 10 big cities and call it progress. We will welcome our troops home from the gulf with smiles and handshakes and a $3.5 billion cut in veterans programs. We will take and take until working people drown in the wealthy's pool of excess.

Enough is enough. Our working families cannot keep their heads above water if we continue to flood them with kind words and hollow promises. Let we as the peoples representatives take a stand and write a budget that recognizes the real needs of working America.

□ 1410

DEMOCRATIC BUDGET PROVIDES LEADERSHIP

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, during my 2 weeks at home I came to the realization that Americans are ready to take stock of where we are as a nation—to reexamine our priorities.

My constituents have told me what they are concerned about: Jobs, the economy, the cost of living. Americans want us to tackle the serious domestic problems facing our country. They want to know what our domestic priorities will be.

Mr. Speaker, the Democratic budget resolution presents an agenda that provides many of the answers Americans are asking for.

In these days of limited economic resources, the budget represents a test of priorities. The fewer dollars we have at our disposal, the more care we must take to ensure that those dollars get to those who need them the most.

Our priority must be to help those hit hardest by the recession: the middle class, working Americans, seniors, veterans. We must control skyrocketing health care cost, invest in housing and energy, create jobs while improving our infrastructure, and continue to fund those programs that are working for people—like Head Start and WIC. We must also invest in the future by educating our young people, and helping students finance the astronomical cost of a college education.

What are the administration's priorities? The President's budget cuts Medicare programs more than $25 billion over 5 years, reduces the number of Pell grant recipients, cuts school lunch programs, and provides a capital gains tax cut for our Nation's wealthy.

This is a lesson in priorities. The Democratic budget provides more opportunity and makes a greater investment in the future, identifying new ways of stimulating growth. Instead of a capital gains tax cut, we should be creative in finding ways to reduce the tax burden on the middle class, those who are financially squeezed.

Mr. Speaker, what I am hearing at home is that Americans want leadership on a domestic agenda that reflects their needs. The Democratic budget provides this leadership.

THE 1992 BUDGET RESOLUTION: FAIRER AND BETTER FOR KIDS, THE MIDDLE CLASS, THE ELDERLY, AND THE FUTURE

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, we know the new budget rules greatly limit our ability to move boldly to meet America's needs. That makes the Budget Committee's striking improvements to the President's budget all the more remarkable. And they show how much more we can do, than the administration proposed, to give working, middle-class Americans a fair shake.

Most workers and families in America did not enjoy rising incomes and falling taxes these past 10 years. They're counting on Congress to do something about the ground they've lost. The committee's budget puts us on a better course toward a brighter future for our children and families, improved economic security, and needed protection for society's most vulnerable members, our kids and our elderly.

In rejecting unfair and thoughtless cuts in the President's budget, Chairman PANETTA and his committee have properly looked to increase spending on cost-effective programs that we know work, and that let us get more done with limited resources. Our budget targets the key areas of child health and nutrition, taking the WIC Program to full funding by 1996, and boosting funds to fight infant mortality and expand childhood immunizations. It will enable significant growth for Head Start, nearly quadrupling the President's proposed increase for this proven way of getting kids ready for school.

We all know this country has to have a competitive work force. So, we need to ensure that every child starts school ready to learn and has the resources required to stay in school. This budget will increase funding for elementary, secondary, and higher education by $2 billion over the President's proposal, and bolster such imperiled programs as student aid, vocational and adult education, and the TRIO Program.

In addition to promoting growth, Federal policies must assure basic fairness in the U.S. economy. Injecting the budget with a dose of fairness means, for example, killing the President's Medicaid cuts. The Democrats' budget—complying with the spending-control agreements of last year—is fairer to America, to working Americans, to middle-class Americans, to young Americans.

COMMENDING WORK OF BUDGET COMMITTEE

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, as we begin to focus on writing a new Federal budget, I want to commend the work of the chairman of the Budget Committee, Mr. PANETTA and the Budget Committee. While I certainly do not agree with every item included in his budget, I do think that it sets the right tone for the coming debate.

The committee budget conforms with the budget discipline required by the 1990 budget agreement, and it sets many of the right priorities with respect to working families, economic strength, and fairness.

From the perspective of my congressional district, the committee budget does a lot of the right things. The budget provides for a $1.1 billion increase in veterans medical care, which is $221 million more than the President's request. The budget also includes $704 million more than the President's proposal for rural programs.

Last, Mr. Speaker, I want to call attention to the spending cuts in the committee budget. We all like to talk about balancing the budget, but it is hard to find where to save the money. This budget proposes an across-the-board cut in a variety of Federal programs and specific cuts in other areas. The committee bill would also eliminate several low priority programs and commissions. More will need to be done, but this is certainly a step in the right direction.

THE 1992 BUDGET RESOLUTION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, once again the President is saying no to Medicare, no to education, and no to health care. Congress, however, is saying yes to these vital programs and addressing the vital needs of the family.

Mr. Speaker, now that the war in Iraq is over, it is time to turn our attention to the issues and problems in our own back yard. Here at home, we have thousands of homeless families on our streets, millions of Americans without any kind of health care coverage, and countless others are unable to afford the rising cost of continued education.

The President, however, proposes drastic cuts in Medicare, in student aid and in other social programs designed to help those in our society that are in need. The President's proposal is targeting cuts to those populations that can least afford them—the elderly, minorities, and low-income families.

I am proud to report, Mr. Speaker, that the House budget resolution does not ignore these critical issues—it invests in our Nation's future by recognizing the needs of our children and working families and it does so without violating the caps set in last year's historic budget package.

I urge my colleagues support of the House budget resolution.

COMMENDING GEORGIA SOUTHWESTERN COLLEGE FOR SPECIAL DESERT STORM SCHOLARSHIPS

(Mr. RAY asked and was given permission to address the House for 1 minute.)

Mr. RAY. Mr. Speaker, many college students in the Guard and the Reserve and some who were previously in the service left their studies and classes to serve America in Desert Storm.

Today I want to recognize and commend a college located in the Third Congressional District of Georgia, Georgia Southwestern College, for confronting these issues and these worries for their students who served in the Middle East.

Georgia Southwestern College organized a fund raising effort with the college alumni and the local business community and created special Desert Storm scholarships. This fund will insure the returning students that they will be able to complete their educational goals. It is a generous way for the college to say, "Thank you", to their students for their contribution in freeing Kuwait from Saddam Hussein.

Mr. Speaker, I salute Georgia Southwestern College and its President, Dr. William Capitan, for their patriotism and the commitment they have shown in suporting their students and the country and for setting an example for colleges around the country, including Washington State.

CBS BECOMES INVOLVED IN THE LEGISLATIVE PROCESS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, once again, CBS television news has decided to help its viewers by becoming involved in the legislative process. Last week, the evening news, anchored by Dan Rather, did an extensive feature on H.R. 5, the so-called striker replacement bill. it was ourtrageously one-sided.

Mr. Rather just could not help himself. He actually used the title of the AFL-CIO's slick video, "one strike, you're out" to introduce the segment.

Mr. Rather was joined in celebrating the virtues of labor strikes by correspondent Ray Brady who worried about the terrible prospect of an American tradition—strikes, often violent and always costly to both sides—coming to an end.

Beyond the exuberance for the AFL-CIO's position on the proposed legislation, CBS displayed a disregard for the longstanding journalistic traditions of fairness and balance. Aside from one sentence from an opponent, no mention was given to why so many Americans oppose this drastic proposal. Hopefully, CBS will remedy the problem by giving opponents their chance to explain to viewers of the Evening News why this law would be bad for workers, their families, and the American economy.

□ 1220

GOLDEN PARACHUTES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Federal National Mortgage Association, also known as Fannie Mae, was originally created by Congress to promote housing in America. FNMA was not created by Congress to provide and promote golden parachutes. But, ladies and gentlemen, David Maxwell, chairman of FNMA, is getting a $27 million retirement bonus. Let me repeat that: $27 million retirement bonus.

Now, I represent steelworkers who lost their pensions or had their pensions reduced, some of them lost their medical insurance and life insurance benefits, and Congress and nobody really could give them a hand.

Well, let me tell you something, folks: Something is wrong with America when $27 million can go to that retiree but the average working man can get screwed.

Listen to this and feel reassured, because the second man on the totem pole says, "David Maxwell earned every penny."

Now, if you were No. 2 in line, getting ready to walk away, I think you would say the same thing.

No wonder our housing is so screwed up in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise our friends in the gallery that they are welcome and we are happy to have them with us, but they should not take active part in the discussion on the House floor.

IN SUPPORT OF HUMAN LESSONS OF DESERT STORM ACT

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, for the first time this century, the United States committed an All-Volunteer military to a major conflict. For the first time in American history a significant portion of that military force was female. And for the first time in 50 years, hundreds of thousands of reservists were called to active duty for prolonged commitments.

This caused a great deal of debate in this country as to whether the human factor was being properly considered. The images of mothers leaving their newborn children tugged at Americans heartstrings. Several families were faced with both parents being sent in harm's way in the desert. Rural areas saw their medical care evanesce as the only doctors in the region were called up with their Reserve units. Based on these individual circumstances, many demanded the policy be immediately changed.

I recognize that the military's first priority is the accomplishment of the mission. Rewriting their deployment policies in the middle of a war was a bad idea. But now that peace has returned, the questions are legitimate. I have no preconceived notions as to what the right answers are, but I think they should be found.

So today, I am introducing the Human Lessons of Desert Storm Consideration Act. It directs the Department of Defense to examine its policies concerning single parents, dual-service couples, and reservists who are the only professional in a rural area, and report to Congress as to whether any policy changes should be made with regard to deploying or recruiting such personnel. More importantly, it requires DOD to provide Congress with the rationale as to why the policies should be what they are.

General Powell has said the Pentagon needs to look at its policies toward deploying single parents and dual-service couples with children, but opposes Congress dictating a solution. He said the Department of Defense is capable of solving the problem by itself. I agree with that 100 percent. This bill will just make sure DOD conducts the study and informs Congress how and why it reaches its conclusions regarding its personnel policies so that Congress is not tempted to second guess and micromanage the Department.

I ask all my colleagues to support this important legislation.

TRIBUTE TO JIM BORGMAN

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, I would like to take this opportunity to congratulate Jim Borgman of the Cincinnati Enquirer for winning the 1991 Pulitzer Prize for editorial cartooning. We are all proud of Jim at this great moment in his career, and I am delighted that I am able to applaud him for this paramount achievement.

Jim's commentary on both local and national events has become a staple feature in the Enquirer. Jim's cartoons provide a consistently fresh and honest point of view that are enjoyed by all. Having more than once been at the mercy of Jim's pen, I can say that he has a true talent with a knack of getting to the heart of the matter.

Like me, Jim is a native of Cincinnati. His career began while he was a student at Elder High School. He has been with the Enquirer for 15 years, having joined the staff after graduation from Kenyon College in 1976.

Although this is indeed the crowning achievement for many journalists, success is no stranger to Jim Borgman. For three consecutive years (in 1987, 1988, and 1989) Jim was also named the "best in the Nation" by the National Cartoonist Society, and his work is distributed to more than 200 newspapers through King Features Syndicate.

Mr. Speaker, we are all proud of the many fine writers who have worked so diligently and have been awarded the most coveted prize in literature. All of Cincinnati joins me in congratulating Jim and wishing him the very best in the future.

THE TRAGIC SITUATION OF THE IRAQI KURDS

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, a crisis exists in which thousands of Iraqi Kurds could die of starvation and disease almost immediately. It is a tragic situation that was clearly avoidable.

The United States bears much of the blame for what has happened to these innocent people. We set the stage for the overthrow of Saddam Hussein, but failed to deliver once these brave men and women rose to the challenge. As a result, some estimate that at least 30,000 civilians may have perished at the hands of Saddam's war machine.

To many Americans, this is an unacceptable conclusion to a war that was fought on behalf of human rights and freedom. By failing to reply to their cries for help, a moral wrong was done. Now we must take responsibility to correct it.

A safe haven must be established to protect these persecuted people—adequate relief must be provided to stop the children and elderly from dying—and Saddam Hussein must be made to understand that this brutality will be challenged wherever it exists—both inside and outside Iraq.

Unless we face this human tragedy now, we risk witnessing a modern holocaust. Unless we act on this moral disgrace at once, people a hundred years from now, will be talking about a new film entitled "Dances With Kurds."

We are now in a position to influence events in the Middle East—let us not waste this opportunity—let us save the real victims of this war.

WHO REALLY WANTS A TRADE WAR?

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, last week the Wall Street Journal reported that the Japanese have just instituted a new tariff on United States meat products of 70 percent. While we are busily putting everything up for grabs in the Mexico Free-Trade Agreement and the GATT Agreement, our largest trading partner is raising even more barriers and accusing anyone who suggests that some American industry should be protected—of threatening a trade war.

I call your attention to this action because we are into the umpteenth negotiation with the Japanese on electronics or is it rice or beef—no, remember—we won the beef negotiations several years ago. Or did we? Evidently not.

How long is it going to take us to learn that the Japanese are so polite that they never want to disappoint or offend by saying no. It's a matter of culture. It is also a matter of history that they talk one way and act another.

Trade war? Remember, Japan fired the first shot.

THE U.N. CEASE-FIRE RESOLUTION

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, with the world watching in horror, Iraq is still reeling and churning from the turmoil caused by Saddam Hussein's selfish grab for power. Beaten but not repentant, Saddam continues to lash out in unspeakable ways at his own people. In this environment of unrest, violence, and uncertainty, the U.N. cease-fire resolution marks an important watershed in the righting of some of the terrible wrongs committed by this brutal dictator.

In addition to mandating the complete dismantling of Iraq's arsenal of weapons of mass destruction, the resolution squarely addresses the question of Iraq's liability for the tragic consequences of this crisis, including the monumental environmental degradation caused by the dumping of millions of gallons of oil into the Persian Gulf and the deliberate torching of hundreds of Kuwaiti oil wells. By holding Iraq liable under international law for all losses and damages associated with its invasion and occupation of Kuwait, the United Nations has made it painfully clear to the Iraqi dictator that his uncivilized and inhuman behavior will not go unpunished.

Mr. Speaker, 2 weeks ago this House unanimously approved a resolution specifying that any calculation of Saddam Hussein's liability include the environmental costs of his actions—today the United Nations stands behind that principle. Tragically, as the people of the Persian Gulf region continue to suffer—we are faced with the reality that settling the peace is often more difficult than winning the war.

INTRODUCTION OF LEGISLATION APPROPRIATING $150 MILLION FOR KURDISH AND SHIITE REFUGEES

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I am introducing legislation today that authorizes and appropriates $150 million in emergency humanitarian funds for Kurdish and Shiite refugees escaping from Iraq.

As all of you surely know, more than a million Kurds and Shiites are fleeing the genocidal persecution of the Iraqi Army. Women, children, and the elderly continue to be the target of Saddam Hussein's ruthless campaign against these populations. Those fortunate enough to escape violent death, now face starvation, freezing temperatures, and disease. Because of the primitive environment, it is impossible to know how many refugees are currently seeking protection in the mountain passes of northern and eastern Iraq, but the need for humanitarian aid is critical. Two days ago, Secretary of State Baker received a firsthand look of the horrific living conditions the refugees must endure. Clearly, the living conditions and the pleas of its inhabitants were extremely disheartening to the Secretary as they are to all of us here in this chamber. I believe former Prime Minister Margaret Thatcher was correct when she said:

> It should not be beyond the wit of man to get planes there with tents, food, and warm blankets. It's not a question of legal niceties. We should do it now.

It is important to note that Britain has already pledged $40 million to help the refugees. This legislation allows the President to demonstrate the sympathy of the American people, as well as our flexibility to act quickly before the refugee conditions decay further. It provides a total of $150 million—immediately—to the President to use as the U.S. contribution to the international relief effort. We cannot hesitate another day, the lives of thousands depend on this Government to take action, and I urge your support for this measure.

FCC DECISION ON FISR

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, yesterday the Federal Communications Commission modified the financial interest and syndication rule [FISR] that governs the relationship between the television networks and independent program producers. That relationship is important because it determines much of what Americans see on prime time television. And prime time television has a lot to do with how Americans see themselves and their society.

Unfortunately, the FCC changes are going to put enormous pressure on small and aspiring producers of TV programming. A generation of women and minority producers whose careers have been nurtured by the rule are going to have a very difficult time maintaining their independence. If they disappear, so will the new and different ideas they bring to America's living rooms.

I am particularly concerned about the FCC's permitting the networks to sell the rerun or syndication rights to TV shows they broadcast. Because the networks remain the gatekeepers to prime time television, they will be able to say to producers, "We'll put you on prime time if you let us distribute your show." While the threat may not be as blunt as that, independent producers assure me that that message comes through loud and clear during the negotiations for one of the coveted slots on network prime time television.

As a practical matter, the independent producer cannot afford to make the show without the money she earns by selling the rerun rights—especially the foreign rerun rights. Without those moneys, the producer can either stop producing or close up shop and go to work as an employee of one of the networks.

Diversity has long been a primary goal of our communications laws. The financial interest and syndication rule has contributed significantly to diversity by giving minority and women producers a greater chance to compete in the television program production market. Last month, over 40 leading black television producers sent a letter to the FCC in support of the Rule. They said, in part;

> FISR gave African-Americans their first opportunity to overcome the entrenched network power structure. The result has been a steady growth in the number of minority producers and a more realistic portrayal of our life and culture on television. Weakening the rule turns back the clock on progress.

I had hoped the FCC would come up with a solution that gave the networks much of the deregulation they sought without sacrificing diversity and the public interest. I am sorry they were unable to do so.

Finally, I want to note that I am disturbed by the unfair criticism and accusations leveled at the single female member of the Commission. I understand what it is like to be the lone woman on a committee. I understand what it is like to bring a different perspective to an issue because of one's background. It is unfortunate that personal attacks have found their way into the debate undertaken by the Commission and interested parties.

THE BRADY BILL CAN PASS THIS YEAR

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today the Subcommittee on Crime and Criminal Justice passed the Brady bill out by a vote of 9 to 4, greater than a 2-to-1 margin, and now it moves to the full Committee on the Judiciary, and then to the floor of the House.

My colleagues, I believe this is the year the Brady bill can pass this House and land on the President's desk.

Mr. Speaker, the Brady bill calls for one simple thing, a 7-day waiting period before one receives a handgun when going into a gun shop. It makes sure that those who are legally entitled to guns get them. But it also makes sure that felons, the mentally infirm, do not get guns. Right now thousands of people who have committed other crimes walk into gun shops and walk away with guns.

Mr. Speaker, the Brady bill is essential, and there are lots of thanks to go around today, to the gentleman from Ohio [Mr. FEIGHAN], the original sponsor who started this out way in the beginning, to the gentleman from New Jersey [Mr. HUGHES], the former chairman of the Subcommittee on Crime who blazed so many trails, to the gentleman from Wisconsin [Mr. SENSENBRENNER], the ranking minority member of the subcommittee who has been so strong and forthright for the bill, and most of all to the Brady's, Jim and Sara Brady, who have fought this lonely and courageous fight for a long time.

Mr. Speaker, certainly the fight is not over. It will be a close vote in the

House, but with President Reagan's endorsement, with the increasing violence on our streets, and with the realization that sometimes the gun lobby is just plain wrong, this bill has a real chance of passing, and I would urge my colleagues to study it on the merits.

Today to Jim and Sara Brady we say, "Thumbs up. We won one."

THE FOODSAFE PROGRAM

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, the issue of food safety has become increasingly important to the American people. Providing leadership in reacting to this concern is the Texas Agricultural Extension Service, a part of the Texas A&M University system, which has developed a program called FoodSafe.

The FoodSafe Program is based on science and the simple workable process of communicating the facts about food safety to the American consumers. The FoodSafe Program stresses the importance of having each link of the food marketing chain—production, distribution, and consumption—share in the responsibility of the safety of the food supply. The FoodSafe Program is designed to reach all phases of the food marketing system utilizing the Hazard Analysis Critical Control Point Program, and to address the concerns of consumers and the scientific community on food safety issues.

Mr. Speaker, the National Agricultural Extension Service is helping agriculture to be a leader in addressing public interest and concern regarding food safety. I commend them for their efforts in this endeavor.

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ADMINISTRATION BUDGET HURTS WORKING FAMILIES

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, last week, I held open meetings across the Third District of Indiana. I had the opportunity to listen to more than 500 working men and women who pointed to the need for more and better jobs, stronger schools, safer communities, and affordable health care.

These men and women urged me and the U.S. Congress to tackle our problems here at home with the same can-do spirit we showed during the Persian Gulf war.

I left my district with a greater determination to work to make a better Third District of Indiana and a better America for our working men and women.

That determination is why I cannot support the administration budget. The budget is more of the same, old policies of the 1980's that favored the wealthy—at the expense of the middle class, at the expense of our working men and women.

The administration's budget proposes cutting $25.2 billion from the Medicare Program. Already, billions have been cut from the Medicare budget during the 1990 summit negotiations.

I say enough is enough. With the state of health care in this country, middle class, elderly Americans can endure no further cuts in Medicare.

Also, the administration budget calls for a windfall capital gains tax break—a tax break that does not help middle class men and women, a tax break that assists only the rich.

And, as a member of the Committee on Education and Labor, I am particularly concerned about the administration proposal to restrict higher education grants that, if enacted, threaten to exclude middle class Americans from the programs altogether.

I could go on and on with examples I find distressing about the administration budget.

I know that in an era of tight budgets, Congress must be careful about where we spend every penny. I know that tough decisions have to be made. Cuts have to be made.

But let me make certain that when making cuts, we do not disproportionately harm our working men and women, our heart and soul.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 10, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House at 4:06 p.m. on Tuesday, April 10, 1991 as follows:

(1) Said to contain a message from the President whereby he transmits the Seventh Annual Report of the National Endowment for Democracy, which covers fiscal year 1990 and

(2) Said to contain a message from the President whereby he transmits the Annual Report of the ACTION Agency for fiscal year 1990.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

SEVENTH ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of yesterday, Tuesday, April 9, 1991, at page S4227.)

ANNUAL REPORT OF THE ACTION AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of yesterday, Tuesday, April 9, 1991, at page S4227.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on tomorrow, Thursday, April 11, 1991.

VETERANS' BENEFITS PROGRAMS IMPROVEMENT ACT OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1047), to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation and pension programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Programs Improvement Act of 1991".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. PENSION BENEFITS FOR INSTITUTIONALIZED VETERANS.

(a) Technical Correction.—Section 3203(a)(1)(C) is amended by striking out "$60" and inserting in lieu thereof "$90".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if contained in section 111 of Public Law 101–237.

SEC. 3. EXPANSION OF AUTHORITY TO ACCEPT GIFTS, BEQUESTS, AND DEVISES.

Section 5101 is amended by adding at the end the following new sentence: "The Secretary may also accept, for use in carrying out all laws administered by the Secretary, gifts, devises, and bequests which will enhance the Secretary's ability to provide services or benefits.".

SEC. 4. FREQUENCY OF PAYMENT OF PARENTS' DIC.

Subsection (a) of section 415 is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

"(2) Under regulation prescribed by the Secretary, benefits under this section may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under this section.".

SEC. 5. TECHNICAL AMENDMENT RELATING TO COLLECTION OF CERTAIN INDEBTEDNESS TO THE UNITED STATES.

(a) Deposit of Coast Guard Amounts.—Section 3101(c)(4) is amended by inserting before the period at the end the following: "or to the Retired Pay Account of the Coast Guard, as appropriate".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to funds collected after September 30, 1990.

SEC. 6. PRESERVATION OF RATINGS WHEN CHANGES MADE IN RATING SCHEDULES.

(a) In General.—Section 355 is amended by adding at the end the following: "However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with regard to changes in rating schedules that take effect after the date of the enactment of this Act.

SEC. 7. PRESUMPTIVE PERIOD FOR OCCURRENCE OF LEUKEMIA IN VETERANS EXPOSED TO RADIATION.

(a) Change in Presumptive Period.—Section 312(c)(3) of title 38, United States Code, is amended by striking out ", except that" and all that follows through "leukemia)".

(b) Effective Date.—No benefit may be paid by reason of the amendment made by subsection (a) for any period before the date of the enactment of this Act.

SEC. 8. PRESUMPTION OF SERVICE-CONNECTION FOR CERTAIN RADIATION-RELATED DISEASES.

(a) In General.—For purposes of chapters 11, 13, 17, 23, 24, and 35 of title 38, United States Code—

(1) an individual described in subsection (b) shall be deemed to be a veteran; and

(2) the disease of such an individual described in subsection (b)(2) shall be deemed to have been contracted in line of duty in the active military, naval, or air service.

(b) Individuals Covered.—This section applies to any individual who—

(1) while a member of a reserve component of the Armed Forces participated onsite in a test involving the atmospheric detonation of a nuclear device during a period of active duty for training or inactive-duty training, and

(2) has contracted a disease listed in section 312(c)(2) of title 38, United States Code, which became manifest to a degree of 10 percent or more within the presumption period specified in subsection (c).

(c) Presumption Period.—The presumption period for purposes of subsection (b)(2) is the 40-year period beginning on the last date on which the individual participated onsite in a test involving the atmospheric detonation of a nuclear device during a period of active duty for training or inactive-duty training.

(d) Presumption Rebuttable.—The provisions of section 313 of title 38, United States Code, shall apply to subsection (a)(2) in the same manner as to a presumption under section 312 of such title.

(e) Definitions.—For purposes of this section, the term "reserve component" has the meaning given that term in section 101 of title 38, United States Code.

SEC. 9. LIFE INSURANCE PROGRAMS.

(a) Mortgage Protection Life Insurance.—Section 806(b) is amended in the first sentence—

(1) by striking out "initial"; and

(2) by striking out "$40,000" and inserting in lieu thereof "$90,000".

(b) National Service Life Insurance.—Subsections (a) and (b) of section 722 are amended—

(1) by striking out "one year" each place it appears in such subsections and inserting in lieu thereof "two years"; and

(2) by striking out "one-year" each place it appears in such subsections and inserting in lieu thereof "two-year".

SEC. 10. PAYMENT OF SERVICE DISABLED VETERANS' INSURANCE IN LUMP SUM.

(a) Payment in Lump Sum.—Section 722(b) is amended—

(1) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) Notwithstanding the provisions of section 717 of this title, insurance under this subsection shall be payable to the beneficiary determined under paragraph (2) of this subsection in a lump sum."; and

(2) by striking out paragraph (5).

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act. In the case of insurance under section 722(b) of title 38, United States Code, payable by reason of a death before the date of the enactment of this Act, the Secretary shall pay the remaining balance of such insurance in a lump sum as soon as practicable after the date of the enactment of this Act.

SEC. 11. OPEN SEASON FOR USE OF DIVIDENDS TO PURCHASE ADDITIONAL INSURANCE.

Section 707(c) is amended—

(1) by striking out "before February 1, 1973" in the second sentence and inserting in lieu thereof "during the one-year period beginning July 1, 1991"; and

(2) by inserting after the second sentence the following new sentences: "After July 1, 1992, the Secretary may, from time to time, provide for further one-year periods during which insureds may purchase additional paid up insurance from existing dividend credits and deposits. Any such period for the purchase of additional paid up insurance may be allowed only if the Secretary determines in the case of any such period that it would be actuarially and administratively sound to do so.".

SEC. 12. SAVINGS PROVISION FOR ELIMINATION OF BENEFITS FOR CERTAIN REMARRIED SPOUSES.

The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) shall not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless that individual after that date marries or lives with another person, holding himself or herself out openly to the public as that person's spouse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. Montgomery] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. Hammerschmidt] will be recognized for 20 minutes.

The Chair recognizes the distinguished gentleman from Mississippi [Mr. Montgomery].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter on H.R. 1047, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the final bill left over from the committee's legislative agenda last year.

At the outset let me say that the committee is aware that this bill contains $5 million per year over the next 5 years in direct spending. As we have done with other bills adopted in the House this session, this measure is brought before this body today with the understanding that before this session adjourns, legislation will be enacted to offset the cost. I have given that assurance to the chairman of the Committee on the Budget, the gentleman from California [Mr. Panetta], and the ranking minority member, the gentleman from Ohio [Mr. Gradison].

Mr. Speaker, I would like to reserve my time. I understand the gentleman from Arkansas [Mr. Hammerschmidt] has another obligation, and before I yield time to the gentleman from Ohio [Mr. Applegate] to explain the bill, I will reserve my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1047, as amended, the Veterans' Benefits Programs Improvement Act of 1991.

I wish to thank the distinguished gentleman from Ohio [Mr. Applegate], the chairman of the Subcommittee on

Compensation, Pension and Insurance, for explaining the bill's provisions.

As he indicated, most were contained in H.R. 5326, which passed the House last year with the able assistance of BOB MCEWEN, who was the ranking member of the Compensation Subcommittee.

These provisions should enhance the delivery of benefits and services to our deserving veterans and their dependents.

I personally wish to thank my good friend, Chairman MONTGOMERY, for bringing this measure to the floor in such a timely manner, and to recognize DOUG APPLEGATE for his continued service to veterans.

Also I wish to thank our ranking member of the full committee, Mr. STUMP, for his leadership and for cosponsoring this legislation.

Mr. Speaker, I urge my colleagues to support H.R. 1047, as amended, as I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Compensation, Pension and Insurance, the distinguished gentleman from Ohio [Mr. APPLEGATE], who will give us a full explanation of the bill.

Mr. APPLEGATE. Mr. Speaker, I thank the gentleman for yielding me this time, and I certainly want to thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for his complimentary remarks.

Mr. Speaker, H.R. 1047, as amended, would make needed improvements to several aspects of the compensation, pension, and life insurance programs administered by the Department of Veterans Affairs. Most of the provisions of this bill were passed by the House last year as title II of H.R. 5326, last year's failed compensation COLA bill. For this reason, we have brought the bill directly to the floor for early consideration this session. The provisions of the bill are not controversial and, for the most, part are technical or clarifying in nature.

Briefly stated, the bill, as amended would make technical corrections regarding payments of non-service-connected pension to certain veterans in nursing homes or domiciliaries and authorize the Secretary of Veterans Affairs to pay parents' DIC benefits on a less frequent basis than that provided under current law.

It would give the Secretary greater latitude in accepting gifts or bequests for the Department that would enhance the administration of benefits. It would also protect individual veterans' disability ratings from reductions due solely to revisions in the rating schedule. The bill would also conform the manifestation period applicable to leukemia with other radiogenic conditions covered under the atomic veterans presumptions and expand applicability of these radiogenic presumptions to include certain members of the Guard and Reserves who may have participated in the atmospheric testing of atomic weapons.

In addition, the bill would increase coverage under the Veterans Mortgage Life Insurance Program from $40,000 to $90,000; liberalize the manner in which service disabled life insurance benefits may be applied for or paid; and authorize an open season for certain veterans to purchase additional paid up additions of national service life insurance.

Finally, the bill would clarify a provision in the Omnibus Budget Reconciliation Act of 1990 regarding benefits eligibility of certain surviving spouses and children of veterans.

A more detailed explanation of the bill follows:

Section 1 indicates that this act shall be cited as the Veterans' Benefits Programs Improvement Act of 1991.

Section 2 corrects an error made in connection with the enactment of section 111 of Public Law 101-237 which increased the applicable maximum rate of pension payable to veterans in nursing homes or domiciliaries. The technical corrections would increase the rate in section 3203(a)(1)(C), which applies to readmissions within 6 months of discharge, from $60 per month to $90 per month, with an effective date as if the amendment had been made in section 111 of Public Law 101-237.

Section 3 would expand the authority of the Secretary of Veterans Affairs to accept gifts, devises, and bequests, that will enhance the Secretary's ability to provide services or benefits for veterans. Under current law, pursuant to sections 1006, 1007, and 5101 of title 38, the Secretary has authority to accept certain gifts for the benefit of national cemeteries and the Department's hospitals. However, no broad authority exists which would allow other DVA activities, such as the regional offices of the Veterans Benefits Administration, to benefit from the generosity of veterans and service organizations or other parties, in the form of donations of office equipment or similar materials. The committee believes this expansion of gift-acceptance authority can only work to the benefit of the Nation's veterans.

Section 4 would amend section 415 of title 38 to permit payment of dependency and indemnity to parents—also referred to as "parents" DIC—on a less than monthly basis. The committee has been advised that, in certain instances, payment of this benefit on a monthly basis can adversely affect certain beneficiaries' eligibility for other Federal needs based benefits. This amendment simply authorizes the Secretary to provide the same options under this program to needy parents of veterans whose deaths are service connected as are available to beneficiaries under the improved pension program.

Section 5 would make a technical amendment to section 3101(c) of title 38 to authorize the deposit of amounts collected for unpaid survivor benefit plan premiums from Coast Guard members into the retired pay account of the U.S. Coast Guard. Current law requires that all such sums now collected through offsets of compensation and pension payable to these individuals be deposited into the Department of Defense military retirement fund under chapter 74 of title 10. The Coast Guard, however, as a component of the Department of Transportation, maintains a separate fund, the retired pay account, for the receipt of these payments or collections. The committee believes enactment of this provision will ensure that the collected funds will be deposited into the proper account.

Section 6 would amend section 355 of title 38 to provide that no readjustment in the schedule for rating disabilities shall cause a veteran's disability rating in effect on the date of the readjustment to be reduced unless an actual improvement in the veteran's disability has been shown to have occurred. The committee is aware of cases, particularly with respect to adjustments in the rating schedule pertaining to the evaluation of hearing loss, in which individual veteran's ratings have been reduced although no improvement in the veteran's disability has occurred. Enactment of this provision is necessary to protect veterans' ratings, especially in light of forthcoming future readjustments to the rating schedule which otherwise could have resulted in similar reductions.

Section 7 would amend section 312(c) by conforming the manifestation period applicable in the case of a radiation-exposed veteran suffering from the disease of leukemia to the manifestation period of 40 years which is applicable to other cancer related diseases for which presumptions of service connection were provided under Public Law 100-321. This amendment is consistent with a recommendation submitted to the committee by the Secretary of Veterans Affairs Advisory Committee on Environmental Hazards and with conclusions reached as to the long-term effects of exposure to low levels of ionizing radiation set forth in the BEIR V committee report followup to the BEIR III committee report.

Section 8 would expand applicability of presumptions found in section 312(c) of title 38 for veterans exposed to low levels of ionizing radiation during atmospheric testing of nuclear weapons or the occupation of Hiroshima and Nagasaki during World War II to certain members of the National Guard and Reserve who also participated in the tests but were not on active duty. The committee has been advised that as many as 1,500 such individuals may have participated in these tests. The general counsel of the DVA has determined that such individuals, not having been on active duty, are not covered by these presumptions. The expansion of eligibility for certain benefits would, however, be limited in application to chapters 11, 13, 17, 23, 24, and 35 of title 38.

Subsection (a) of section 9 would increase the maximum amount of coverage under the Veterans Mortgage Life Insurance [VMLI] Program for severely disabled veterans who are eligible for specially adapted housing grants from $40,000 to $90,000. Subsection (b) would extend the time period for applying for additional life insurance coverage under the Service-Disabled Life Insurance [SDLI] Program from 1 year following a determination of service connection of a disability to 2 years after that date.

Section 10 would revise the manner in which payments of service disabled veterans life insurance are made in the case of certain incompetent service-connected disabled veterans. Under current law, payments to a beneficiary determined in accordance with statute must be made by a minimum of 120 equal monthly payments. This provision would require that such payments be made in a lump sum to the first beneficiary and that, in a case in which monthly payments had commenced prior to the enactment of this provision, the Secretary shall pay the remaining balance in one lump sum.

Section 11 would establish a 1-year period beginning on July 1, 1991, during which veterans with accumulated dividends on account could purchase additional amounts of paid up national service life insurance. Under current law, only current annual dividends may be applied for this purpose. This provision would also authorize the Secretary, from time to time, to provide for additional 1-year open seasons.

Section 12 would make a technical correction to section 8004 of the Omnibus Budget Reconciliation Act of 1990 which repealed certain portions of title 38 affecting consideration of an individual as the unremarried spouse of a veteran—particularly for dependency and indemnity compensation [DIC] and burial eligibility—or the child of a veteran. This provision would clarify the effect of the reconciliation provision to accurately reflect the intent of Congress that the change in law shall not serve to deny, reduce, or terminate benefits to any individual who, on October 31, 1990, was, or would have been considered, as the unremarried spouse or child of the veteran, as long as no subsequent marriage has occurred.

There follows an estimate of the cost of H.R. 1047, as amended, prepared by the Congressional Budget Office, dated April 8, 1991:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 8, 1991.

Hon. G.V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate of H.R. 1047, the Veterans' Compensation Programs Improvement Act of 1991, as introduced and referred to the Committee on Veterans' Affairs on February 21, 1991, but with modifications provided by the Committee staff on April 3, 1991.

Because the bill would affect direct spending, we also have enclosed the estimate required by clause 8 of House Rule XXI.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1047.

2. Bill title: Veterans' Compensation Programs Improvement Act of 1991.

3. Bill status: Section 1 through 9 are from the bill as introduced and referred to the Committee on Veterans' Affairs on February 21, 1991. Sections 10 through 12 are based on draft language provided by the committee staff on April 3, 1991.

4. Bill purpose: To amend title 38 to make miscellaneous improvements in veterans' compensation and pension programs and for other purposes.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995	1996
Budget authority	(1)	5	5	5	5	5
Outlays	(1)	5	5	5	5	5

[1] Less than $500,000.

The costs of this bill fall within budget function 700.

Basis of Estimate: The following section-by-section cost analysis addresses only those sections of the bill that could be expected to have a significant budgetary impact.

Section 6. This section would protect a veteran's disability rating from reduction if that reduction were the result of a revision of the disability rating schedule. The Department of Veterans Affairs (VA) is in the process of reviewing and revising the disability rating schedule. The CBO baseline does not assume changes in the rating schedule; therefore, this provision has no cost when measured against the baseline. Moreover, there is no way of estimating in advance which changes may be made in the rating schedule.

Section 8. This section would extend a presumption of service-connection for certain radiation-related diseases to reservists who were exposed to ionizing radiation during military service.

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Budget authority	1	1	1	1	1
Outlays	1	1	1	1	1

According to the Defense Nuclear Agency (DNA), it is estimated that approximately 2,000 National Guard and military reservists were called to active duty for training during nuclear test programs. Under this provision, certain radiation-related diseases would be presumed to be service-connected when occurring in members of this group. Affected reservists and their survivors and dependents would become eligible for benefits including compensation, pension, medical care, burial benefits, and educational assistance.

Section 9. This section would increase from $40,000 to $90,000 the maximum mortgage life insurance coverage available to severely disabled veterans under the Veterans Mortgage Life Insurance (VMLI) program.

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Budget authority	2	2	2	2	2
Outlays	2	2	2	2	2

More than 40 percent of all VMLI policies and over 60 percent of all policies issued during the last 10 years insure mortgages in which the initial balance exceeded $40,000, the current maximum coverage on a VMLI policy. The above estimate assumes that approximately 25 percent of current policyholders would apply for additional coverage.

Section 12. This section would extend eligibility for benefits to remarried survivors whose remarriage terminated before October 31, 1991.

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Budget authority	2	2	2	2	2
Outlays	2	2	2	2	2

Before enactment of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) veteran's survivors would lose benefits if the surviving spouse remarried, but could apply for reinstatement if the subsequent marriage was ended. Public Law 101-508 prohibited such reinstatement for new cases after October 31, 1990. This section would allow remarried survivors to receive benefits if the remarriage was terminated before the change in law and if the claim for reinstatement of benefits had not been filed by that date.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. This bill would have the following pay-as-you-go impact:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Budget authority	[1]	5	5	5	5
Outlays	[1]	5	5	5	5

[1] Less than $500,000.

7. Estimated cost to State and local government: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Sandra Clark (226-2820).

11. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The applicable cost of this Act for all purposes of sections 252 and 253 of the Balanced

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[1] An estimate of H.R. 1047, to amend title 38 to make miscellaneous improvements in veterans' compensation and pension programs and for other purposes, as introduced and referred to the Committee on Veterans' Affairs on February 21, 1991. Sections 10 through 12 are based on draft language provided by the Committee on April 3, 1991. This estimate was transmitted by the Congressional Budget Office on April 8, 1991.

Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal years, in millions of dollars]

	1991	1992	1993	1994	1995
Change in outlays	[1]	5	5	5	5
Change in receipts	[2]	[2]	[2]	[2]	[2]

[1] Under $500,000.
[2] Not applicable.

Mr. Speaker, as always, I want to commend the Chairman and Ranking Minority Member of the full committee for their excellent leadership in bringing this measure to the Floor so quickly. I might add that Mr. STUMP is now the ranking minority member of our subcommittee on compensation, pension and insurance. I also want to thank the Gentleman from Arkansas, Mr. HAMMERSCHMIDT, the former ranking minority member of the committee for his support of this bill. I would also like to thank the Gentleman from Alabama, Mr. HARRIS, and the Gentleman from Georgia, Dr. ROWLAND, for their assistance in putting together this bill. As a final note, I want to thank the former ranking minority member of the subcommittee, Mr. BOB MCEWEN, who has left the Veterans Affairs Committee to serve on the Rules Committee, for all of his good work over the past several years and for his support of this bill.

I urge all Members to support this measure.

☐ 1450

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Ohio [Mr. APPLEGATE] for his explanation of the bill, and to thank the gentleman for those kudos where he mentioned Members of the House.

Mr. Speaker, I yield 3 minutes to the gentleman from Alabama, Judge/Colonel HARRIS.

Mr. HARRIS. Mr. Speaker, I rise today in strong support of the Veterans' Benefits Improvement Act of 1991. This omnibus bill contains many needed improvements in veterans' benefits. I am especially pleased with the atomic test provision.

Last Congress I sponsored a bill that would have provided selected veterans' benefits to a small group of National Guardsmen and reservists who participated in the atmospheric tests of nuclear devices in the open-air tests during the 1950's and 1960's. These benefits have been incorporated into this omnibus legislation.

This disability rating provision will grant the same service connection to these National Guardsmen and reservists as that provided for active duty personnel under Public Law 100-321, the Radiation-Exposed Veterans Compensation Act of 1988. It will provide eligibility for service-connected disability compensation, dependency indemnity compensation, hospital and medical care, burial and memorial benefits, and survivors' educational assistance. It does not provide readjustment benefits like VA home loans, GI bill educational assistance, or vocational rehabilitation as most of these guardsmen and reservists are more than 65 years old.

To me, these benefits are a matter of equity. Every man who served during these experiments was equally exposed to radiation and is now equally deserving of fair treatment.

As a member of the Alabama National Guard, I am especially pleased to help guardsmen who so faithfully served our Nation. I am pleased that surviving family members of these guardsmen and reservists will also be granted compensation and educational assistance.

I would like to thank Chairman MONTGOMERY for including this important provision in the omnibus bill and would urge my colleagues to support passage of this resolution.

Mr. MONTGOMERY. Mr. Speaker, I wish to thank the gentleman from Alabama [Mr. HARRIS] for his support of this legislation, as well as his kind remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], who has been a great supporter of veterans. He is not a member of the Committee on Veterans' Affairs, but I wish he was. I wish to thank him for the good work he has done over the years on behalf of veterans and their dependents.

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to rise in support of this measure and to thank the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY], the ranking minority member, the gentleman from Arizona [Mr. STUMP], and the gentleman from Ohio [Mr. APPLEGATE], the chairman of the Subcommittee of Compensation, Pension, and Insurance, for the concern for and dedication to our Nation's veterans.

This legislation, in addition to improving a number of veterans' benefits, extends the period of time in which service-related leukemia must manifest itself from 30 years to 40 years of exposure and links service connection for certain radiation-related diseases for reservists involved in nuclear tests. Additionally, the measure increases the level of mortgage protection life insurance coverage for serving disabled veterans from $40,000 to $90,000. These provisions represent significant steps in helping our severely disabled veterans to adapt their homes to their handicap.

Mr. Speaker, I urge my colleagues to support this important measure. With recent conclusion of hostilities in the Persian Gulf, it is an appropriate time to reflect on the sacrifices made by our men and women who have served so courageously and loyally in the Armed Forces over the years.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to commend the gentleman from Ohio [Mr. APPLEGATE], the chairman of the subcommittee, and also the ranking member, the gentleman from Arizona [Mr. STUMP], and also one of the ranking minority members, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for the work they have done.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Speaker, I want to thank the gentleman from Ohio [Mr. APPLEGATE], who has worked so diligently on this piece of legislation. I appreciate very much what the gentleman has done to expedite its movement through Congress.

Mr. Speaker, during the 100th Congress, the Honorable JOHN PAUL HAMMERSCHMIDT and I sponsored legislation, H.R. 1811, that was eventually enacted as Public Law 100-321. Under section 312(c) of title 38, there is a presumption of service connection for 13 diseases suffered by veterans who were exposed to high levels of radiation during the occupation of Hiroshima and Nagasaki or in the atmospheric testing of nuclear devices during the forties, fifties, and early sixties.

With the exception of leukemia, the law requires that the disease suffered by one of these veterans must have become manifest to a degree of ten percent or more within 4 years of exposure. For leukemia, the manifestation period is 30 years. At the time Congress enacted Public Law 100-321, the most reliable scientific information available suggested a 30-year period during which an elevated risk of contracting leukemia could be expected. The same expectation was not observed with regard to the other conditions.

Since that time, additional data, based largely on the life span study of the Japanese atomic bomb survivors, showed leukemia arising in these victims later in life. As a result, the Veterans' Advisory Committee on Environmental Hazards recommended to the Secretary of Veterans Affairs that the manifestation period for leukemia be deleted. The Secretary has proposed, rather than deleting the manifestation period, that the Congress simply conform the manifestation period for leukemia to the other 12 presumptive conditions—that is, 40 years.

Last year I introduced legislation to accomplish this purpose which was approved by the House and stalled in the other body. The same language is included in the bill we are considering today, the Veterans' Programs Improvement Act of 1991. I would like to thank the chairman and DOUG APPLEGATE, chairman of the Veterans' Subcommittee on Compensation, for their assistance with including this language in H.R. 1047. I urge my colleagues to support the bill.

☐ 1500

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to commend the distinguished chairman of the Subcommittee on Compensation, Pension and Insurance, Mr. APPLEGATE, and the ranking minority member, Mr. STUMP of Arizona, who is also the ranking minority member of the full committee.

We had hoped that this measure could have been adopted and sent to the President last year; however, the Senate was unable to move the bill before the Congress adjourned.

The changes in this bill will benefit many veterans and I urge my colleagues to adopt it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1047, as amended.

The question was taken.

Mr. MONTGOMERY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT OF NATIONAL ACADEMY OF SCIENCES ON GLOBAL WARMING

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. LOWEY of New York. Mr. Speaker, I have here an advance copy of the National Academy of Sciences report on the policy implications of global warming, scheduled for release at 3 p.m. today. Now I've never been one to violate an embargo on releasing information, so I won't tell you what's in this report. But I will say this. This report will be a time bomb. It lays out the harsh reality of global warming. It is an indictment of the inadequate energy policy advocated by the administration.

In short, it says if we wait, it will be too late. We must end our consumption driven energy practices or risk an environmental cataclysm.

Next week I will introduce a resolution calling for the United States to take the lead in setting specific goals for reducing carbon dioxide emissions both in the United States and abroad. I am urging my colleagues from both sides of the aisle to join me in introducing this resolution, which follows.

H. RES. —

Whereas human activities substantially increase the atmospheric concentrations of carbon dioxide, methane, chlorofluorocarbons, and nitrous oxide, which are known as the greenhouse gases;

Whereas an increase in the concentration of greenhouse gases enhances the natural greenhouse effect, resulting in an additional warming of the Earth's surface and an excess of radiative energy that alters the climate;

Whereas, in August 1990, the Intergovernmental Panel on Climate Change concluded that, if current trends for emissions of carbon dioxide and other greenhouse gases continue, a global warming of 5 to 10 degrees Fahrenheit above preindustrialized levels is likely by the end of the next century, bringing the Earth to its warmest level in at least 150,000 years;

Whereas many scientific studies show that global warming of 5 to 10 degrees per century would create grave risks of precipitous climate shifts, with effects such as extreme heat waves, droughts in agricultural and urban areas, amplified warming at the poles, a rise in the sea level and resultant flooding of coastal areas, an increase in the frequency and severity of hurricanes and other extreme weather events, and the destruction of forests over broad expanses;

Whereas massive environmental stresses can cause unprecedented agricultural, economic, and social disruptions;

Whereas the ministerial declaration of the Second World Climate Conference, adopted in November 1990 by more than 100 governments, including the United States, calls for the negotiation of a treaty to limit climate change in order to quickly protest society and the environment using the best methods currently available and to stabilize greenhouse gas concentrations at a global level that would prevent dangerous anthropogenic interference with climate;

Whereas the ministerial declaration further provides that the potentially serious consequences of climate change justifies the adoption of response strategies even if the benefit of the strategies is uncertain;

Whereas the United Nations General Assembly has established the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, which is responsible for negotiating an international climate protection agreement that can be signed at the United Nations Conference on Environment and Development in June 1992;

Whereas, in February 1991, the 1st negotiation session of the Committee was hosted by the United States, in order to agree on a draft convention that could serve as the basis of future negotiations on the final framework convention;

Whereas the negotiators at the 1st session of the Committee failed to agree on a draft convention, partly due to resistance from the United States to setting specific targets and timetables for greenhouse gas reductions;

Whereas the failure of the Committee's 1st negotiation session to produce a draft convention has delayed the progress of the negotiations and could prevent agreement on a final framework convention by June 1992;

Whereas the United States emits more carbon dioxide than any other nation and has the highest per capita emissions of carbon dioxide of the major industrialized nations;

Whereas the control of a large fraction of the emissions of carbon dioxide from the United States could be accomplished at little or no cost and would contribute to the competitiveness of United States businesses and the overall economy; and

Whereas the President's National Energy Policy Plan anticipates increases in carbon dioxide emissions of 20 percent over the next 20 years, and contains neither targets nor significant policy initiatives to reduce carbon dioxide emissions: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) it should be the policy of the United States to reduce the national emissions of carbon dioxide in the next 10 years by 20 percent from the 1990 baseline level; and

(2) the United States should assume a leadership position in negotiating an international climate protection treaty that includes—

(A) an agreement by industrialized nations to reduce their current emissions of carbon dioxide in the next 10 years by 20 percent;

(B) an agreement by developing nations to reduce their growth in carbon dioxide emissions from fossil fuel combustion so that total emissions from the industrialized and developing world are significantly reduced in the next 10 years;

(C) an agreement by all countries to take available measures to reduce emissions of other greenhouse gases;

(D) the establishment of an international fund, financed in proportion to the level of carbon dioxide emissions of industrialized countries, to assist developing countries in achieving such objectives; and

(E) the establishment of a mechanism of continuing international cooperation for the development of efficient policies for future emissions reductions that are necessary to stabilize greenhouse gas emissions at safe levels.

THE CONTINUED PLIGHT OF THE AMERICAN INDIANS

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to draw the attention of my colleagues to the continued plight of the American Indians. Too few Americans know the true status of most of the Indians who live on or off reservations. Too few Americans know of the broken treaties, the 43-percent high school graduation rate among American Indians, the 45-percent poverty rate, and the 35-percent unemployment rate of native Americans on our national economic scale. I am afraid most Americans, having seen Indians under the influence of alcohol or drugs, are convinced Indians are drunks and there is nothing the Federal Government can or should do about it.

Mr. Speaker, the heightened awareness about American Indians resulting from the movie "Dances With Wolves" to create programs which will help Indians improve their own existence. In the Senate, Senators INOUYE and MCCAIN and 14 other Senators lead the way. Here in the House, Congressman

Morris Udall, chairman of the House Interior and Insular Affairs Committee has been a strong proponent of Indian programs for years. Now, with the help of Vice Chairman **George Miller** of California and Congressmen **John Rhodes**, **Bill Richardson**, and **Ben Nighthorse Campbell**, I look forward to seeing considerable legislative action in this Congress.

Chairman **Miller** recently wrote an editorial commentary piece published in the Los Angeles Times last month which cogently sets forth what needs to be done. I commend it to the attention of my colleagues, and submit a copy of the piece for the Record.

Mr. Speaker, in this connection, I rise today to introduce legislation which will establish a national university for native Americans.

For too long our country has neglected its trust, treaty, and moral obligations to provide critically needed education for the indigenous people who once possessed this great land from which this Nation has developed.

Mr. Speaker, the time has come to make a larger effort to help today's native Americans address today's problems. Native Americans are no different from the rest of us, if educational opportunities and materials are presented in a manner to which they can relate.

Mr. Speaker, the bill being introduced today will give native Americans a new opportunity to move themselves forward through higher education.

[From the Los Angeles Times, Mar. 26, 1991]

Progress for Indians Is a Film Fantasy

(By George Miller)

Twenty years have passed since Marlon Brando used the Academy Awards as a platform to draw national attention to Hollywood's exploitation of American Indians in films. Last night, the Oscars drew attention to Indians again; this time with "Dances With Wolves," a powerful film about 19th-Century Indian life and 19th-Century U.S. Indian policy.

Unfortunately, the progress American Indians made in film this year is unmatched by improvement in the utter impoverishment of contemporary Indian life. Regrettably, government policy, while considerably more enlightened than in the 1870s, continues to undermine the potential of Native Americans.

Indians today are little better, and, in some cases, worse off than when they were fighting the cavalry or when Brando made his stand. According to the most recent data, the high school graduation rate among Indians is 43%, the poverty rate is 45% and the unemployment rate is 35% nationally and more than 80% on some reservations.

While the United States gives nearly $10 billion per year to help developing countries improve basic living conditions and promote economic modernization, more than 20% of American Indian homes lack toilets and more than 50% do not have telephones.

Federal agencies responsible for implementing Indian policy have attempted to respond to skyrocketing rates of alcoholism, youth suicide, tuberculosis and incarceration, but the efforts too often have been feeble and ineffective.

The two principal agencies responsible for Indian matters—the Bureau of Indian Affairs and the Indian Health Service—are severely underfunded despite their huge mandates. President Bush requested only $12 million for 1992 for the construction of badly needed health and sanitation facilities—a cut of $154 million from 1991. The budgeteers operated on the theory that all new health services for Indians would be covered by private health insurance, with the payments funneled to the Indian Health Service. The Administration estimated these payments to be $129 million. But in 1990, only $3.7 million was collected.

Under treaties and federal law, the United States promised to uphold the rights of Indian tribes and became the trustee of Indian land and resources. The United States vowed that Indian people would be housed, educated and provided with decent health care. Unfortunately, as the statistics show, the United States has failed on nearly every count. And virtually every treaty signed with an Indian tribe has been broken.

Indians in the 1970s and '80s saw more and more decisions go against them—in religious freedom cases, taxation and zoning cases and cases involving criminal jurisdiction.

A positive development worth noting is in the area of self-governance. Congress enacted the Indian Self-Determination and Education Assistance Act in 1975 to give tribes the freedom to carry out additional federal responsibilities on their own. And though the Bureau of Indian Affairs and the Indian Health Service for the most part retain great authority over the tribes, their grip was loosened when in 1990 seven tribes negotiated self-governance compacts directly with the Interior Department. This experimental program was aimed at circumventing the bureau, an agency within the department.

One thing we have learned is that the tribes themselves possess many of the answers to these pervasive problems.

In California, with the second-largest Indian population in the country, the potential for change is enormous. Federal officials have acknowledged that many of the state's Indian citizens are being denied services they deserve because they lack federal tribal recognition. Efforts are now under way to expedite the unbearably slow and unresponsive tribal recognition process for dozens of long-established Indian tribes in California, continuing the move toward Indian self-determination.

At a time in U.S. history when moral suasion counts for less than political muscle, Indians have a bumper crop of the former but are starved for the latter. Indians are too few and too scattered to have an impact on the political process. In only the rarest of cases do congressional hearings on Indian issues draw the media or the public.

"Dances With Wolves" is a landmark artistic achievement. It has educated many Americans to the positive values of Indian culture. It would be a tragedy if we failed to act on this heightened awareness. Twenty years from now, let's not be looking back from the same sad reality we accept today.

H.R. 1690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American University Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the percentage of Native Americans completing high school is deplorably low, despite continued attempts to improve the situation;

(2) the abuse of alcohol and drugs continues to pose a serious threat to health and safety of Native Americans;

(3) studies have shown a strong correlation between improved scholastic success and a sense of cultural identity in Native American students;

(4) a focal point is needed at which Native Americans could pursue higher degrees within the context of a system which promotes strong cultural identity;

(5) current Federal and tribal programs to improve the well-being of Native Americans through increased awareness of cultural identity are showing significant progress but these programs are still in need of a central location from which bachelor and post graduate degrees can be obtained; and

(6) the establishment of a national university for Native Americans is in the best interests of the Nation as a whole.

SEC. 3. ESTABLISHMENT.

(a) In General.—There shall be established, in accordance with the provisions of this Act, a national university to provide a program of undergraduate education for Native American youth in the arts and sciences, to be known as the "National Native American University" (hereinafter in this Act referred to as "the University").

(b) Board of Directors.—

(1) Membership.—The University shall be incorporated and administered under the direction of a Board of Trustees composed of 9 members appointed by the Secretary of the Interior, of whom—

(A) 3 shall be American Indians,

(B) 1 shall be a Native Alaskan or Eskimo, and

(C) 1 shall be a Native Hawaiian.

(2) Terms.—Members of the Board shall be appointed for terms of 4 years, except that—

(A) of the Members first appointed—

(i) 2 shall be appointed for term of 1 year;

(ii) 2 shall be appointed for terms of 2 years;

(iii) 2 shall be appointed for terms of 3 years; and

(iv) 3 shall be appointed for terms of 4 years;

(B) a Member appointed to fill a vacancy occurring before the expiration of a predecessor's term shall be appointed for the remainder of that term;

(C) a Member may continue to serve after the expiration of his or her term until a successor is appointed; and

(D) no Member shall serve more than 10 consecutive years on the Board.

(c) Board Authority.—The Board is authorized—

(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal by its Board of Directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them, and fix the penalty thereof; and

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

SEC. 4. SELECTION OF SITE; AUTHORIZATION OF FUNDS.

(a) SITE SELECTION.—The Secretary of the Interior, after consultation with, and with the consent of, the Board, shall designate a site or an appropriate land area for the establishment of the Unversity. The Secretary of the Interior and the Board shall make every effort to provide a land area to be located within the continental United States that affords the maximum opportunity for Native American students to attend the University and to successfully complete their undergraduate and graduate programs.

(b)ACQUISITION BY PURCHASE OR DONATION.—The land may be obtained through purchase or donation by the Federal Government, a State Government, or by private citizens or corporate ownership.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the acquisition of land and construction and operation of the University—

(1) $30,000,000 for fiscal year 1993; and

(2) $20,000,000 for each of the 5 succeeding fiscal years.

SEC. 5. REQUIRED PROGRAM OF STUDY.

The University shall establish and operate a program of study on Native American culture and the care and management of Native Americans by the United States Government, including the care and allotment of Indian lands by the Government.

☐ 1430

FIRST-TIME HOMEBUYERS' ACT OF 1991

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I rise today to introduce legislation designed to help young persons make that all-important first home purchase.

Home ownership, as many of my colleagues are aware, is on the decline. We have just completed the first decade of decline in home ownership since World War II. A recent Congressional Research Service report noted that while the home ownership rate rose from 44 percent in the 1940 census to 65.5 percent in 1980, that rate had declined to 63.8 in 1989.

Last year, Congress approved Federal Housing Administration [FHA] reforms as part of the housing authorization bill. While needed to protect the FHA's soundness, these reforms place a new burden on potential first-time home buyers by increasing their monthly insurance premiums and raising their closing costs.

The decline in home ownership among younger persons is especially pronounced. According to a study by Harvard University's Joint Center for Housing Studies, 43.6 percent of young Americans between the ages of 25 and 29 owned homes in 1973. In 1989, however, that age group's home ownership rate had fallen to a mere 35.5 percent. At this point, I conclude in the RECORD a table reflecting the decline in home ownership included in that study.

The material follows:

HOME OWNERSHIP RATES BY AGE OF HEAD (PERCENT)

Age	1973	1976	1980	1983	1987	1989
Under 25	23.4	21.0	21.3	19.3	16.1	17.6
25 to 29	43.6	43.2	43.3	38.2	35.9	35.4
30 to 34	60.2	62.4	61.1	55.7	53.2	53.6
35 to 39	68.5	69.0	70.8	65.8	63.8	63.9
40 to 44	72.9	73.9	74.2	74.2	70.6	70.8
45 to 54	76.1	77.4	77.7	77.1	75.8	75.3
55 to 64	75.7	77.2	79.3	80.5	80.8	80.2
65 to 74	71.3	72.7	75.2	76.9	78.1	78.2
75 and over	67.1	67.2	67.8	71.6	70.7	70.3
Total	64.4	64.8	65.6	64.9	64.0	64.0

Source: American Housing Survey, 1973–1980: Consumer Population Survey, 1983–1989.

One of the biggest roadblocks to first-time home purchase, especially for younger purchasers who can afford the monthly mortgage payment, is assembling the hefty downpayment required for even a moderately priced home. This obstacle keeps many would-be first-time home buyers out of the buying market.

The First Time Homebuyers' Act of 1991, which I introduce today, is designed to give a hand to those saving toward the purchase of a first home. Specifically, it allows withdrawal of funds from an IRA—$5,000 per individual; $10,000 per couple—without initial tax penalty if those funds are applied toward the downpayments of a moderately priced first home.

First-time home buyers need a hand. Several States have recently experienced a modest increase in first-time home ownership due to low interest rates and a softened market for lower priced houses. This legislation will complement these favorable economic conditions by assisting prospective first-time home buyers in saving for a downpayment. However, the Federal Government simply cannot afford a handout. No housing legislation will become law in the 102d Congress if it results in substantial loss to the Treasury—nor should it. Unlike other related measures, however, this legislation provides for a tax recapture mechanism upon the sale of the first home so the treasury won't suffer substantial revenue loss. This legislation is designed to help put people into their first homes without draining the Treasury.

Mr. Speaker, the First-Time Homebuyers' Act received support from over 100 cosponsors during the 101st Congress. I urge support for this legislation during this Congress. At this point, I will include in the RECORD a recent article on this topic from the New York Times. The article follows:

[From the New York Times, Mar. 19, 1991]

FIRST-TIME BUYERS HELPING TO REVIVE HOUSING MARKET

(By Richard D. Hylton)

Lower interest rates and a backlog of unsold low-priced homes are making it possible for many first-time buyers to enter the housing market for the first time in many years.

Their buying is adding to the small spurt in real estate activity that was detected first in the sluggish Northeast late in January and that has now spread across the country. The influx of first-time buyers is also making it possible for some homeowners to sell and move up to bigger homes.

"We are seeing a resurgence of the first-time buyers in the market," said Pall Spera, head of Pall Spera Realtors in Stowe, Vt., whose comments were echoed by brokers from Los Angeles to Miami.

Typical of the first-time buyers are Ketty and Jean Felix Day, who recently bought a three-bedroom, two-bath house in north Miami for $75,000. The couple, who got a 30-year fixed-rate mortgage at 9 percent, had been looking for about a year and a half.

The Days who together earn about $43,000, said the key to their purchase was monthly mortgage payments of no more than $800. Six months ago, they said, the house would have cost at least $80,000, and interest rates were higher. As both came down, so did the mortgage cost; their monthly payment is $728.

"We were just looking last year, but the interest rates were very high, and I knew that the interest rates would go lower," said Mrs. Day, a 32-year-old editorial assistant for an airline magazine.

While there are no specific measures of activity by first-time home buyers like the Days, real estate agents say such buyers have been out in force. Moreover, home sales have been strongest at the lower end of the market, typically the province of the new buyers.

First-time buyers have been among those most hurt by high housing prices because they have been unable to save enough money for a down payment.

High interest rates compounded their problems, because even if they could raise the down payment, they often were unable to make the monthly mortgage payments.

This picture has changed sharply in recent months. The Federal Deposit Insurance Corporation this month pronounced the current housing market the most affordable since 1977. The agency looks at affordability in tems of average family income, housing prices and mortgage rates.

SINGLE-DIGIT RATES HELP

Fixed-rate mortgages are now being offered at about 9⅝ percent, while adjustable-rate mortgages are available at about 7⅝ percent. Adjustable-rate mortgages are reset—usually annually—depending on other interest rates.

"I think the psychology of single-digit rates have very, very positive connotations," said Dick Ritchey, regional director and owner of Century 21's south Florida office in Miami.

The Mortgage Guaranty Insurance Corporation, one of the nation's leading private mortgage insurance companies, is also reporting that houses are now more affordable for first-time buyers than they have been in several years. And by paying a premium of several thousand dollars for mortgage insurance, buyers can often secure a home with a small down payment.

The apparent uptick in activity is too recent to have shown up in national figures on home sales, which still appeared to be falling in January. According to preliminary figures from the National Association of Realtors, owners sold 2.91 million houses in January, down from 3 million plus in December and the 3.47 million sold in January 1990.

Statistics on newly built houses which usually trail the sale of older homes especially when the economy is coming out of a slump, also showed a decline. In January 408,000 new homes were sold, down 12 percent from 465,000 in December, and down 35 percent from 627,000 in January 1990.

SIGNS OF RECOVERY

But Leland C. Brendsel, the chairman of the Federal Home Loan Mortgage Corporation, said last week that he thought the recession in the housing market had bottomed out and that it should show clear signs of recovery by midyear.

Another encouraging sign for the housing industry is the increase in traffic at new subdivision sites. Many subdivisions consist of lower-priced homes aimed at new buyers. According to a monthly survey by the National Association of Homebuilders, 42 percent of the 300 builders surveyed reported that traffic was in the high to average range in February, up from 24 percent in January. Both months are generally the worst time of the year for home sales.

PHH Homequity Inc., a Wilton Conn., firm that handles relocation of employees for corporate clients, is also seeing improvement in some housing markets, including Fairfield County, Conn.; northern New Jersey, Washington, DC. and in San Francisco, Los Angeles and San Jose, Calif. It said its offers for homes are now being outbid by other potential buyers.

The relocation firm, which deals with homes in the upper-middle-income segment of the residential market, said it saw a 7 percent increase seasonally adjusted, in its housing market indicator, which tracks the rate of sold and unsold inventory and the rate at which sellers accept first bids. It maintains a data base of 10,000 houses across the country.

"A SIGNIFICANT IMPROVEMENT"

"Although a month does not a trend make, in January we saw a significant improvement after seeing a decline for the previous six months," said Stephen Fragapane, president of PHH.

While Mr. Fragapane and others are encouraged, they caution that the revival is a far cry from a fully recovered market. The January figures underlined how weak the market has been, with existing homes selling at their lowest rate in seven years and sales of new homes at their lowest in nearly nine years.

Nevertheless, the real estate industry is optimistic that the recent surge signals the start of a turnaround.

The median sales prices of existing homes in most regions of the nation are down significantly from their 1989 highs. In the Northeast, for example, which still has the highest median sales prices of any section of the country, the median is now $141,200 down from $148,800 in 1989, according to the National Association of Realtors.

People shopping for houses are also finding themselves in heated competitive bidding situations.

"MULTIPLE OFFERS"

"A couple of our managers are talking about multiple offers again, and our inventory is decreasing," said Gail Carriero, a marketing representative in the San Francisco office of the Coldwell Banker Residential Group.

Similar reports are coming from brokers in the Los Angeles area, Dallas, Phoenix and in southern Florida, as well as in Boston, Vermont and elsewhere in upper New England.

The Midwest is a different story. The drop in prices and consumer demand did not hit that region as hard last year as it did other sections of the country, and now brokers say they have not seen a sharp increase in sales since January. In Ohio, Michigan, Wisconsin, Illinois and Indiana, brokers did not see the precipitious fall in sales and consumer demand last year that buffeted their colleagues in other regions. They have been experiencing a slow decline in sales and demand but that has not been interrupted by a sharp rise in the last few weeks.

"I don't think there's been an increase," said Steven Pew, head of Max Brooch Realtors in Bloomfield Hills, Mich., and regional vice president of the National Association of Realtors. "There has been a slight downturn over the past few months, but it has been in the single digits," said Mr. Pew, who said the situation might worsen quickly if car sales did not improve soon.

IMPROVEMENT IN CALIFORNIA

In California, where the weakening of the housing market was not as severe as on the East Coast, brokers from San Diego to San Francisco are reporting improved activity at the lower end of the market.

Brad and Kifa Nantz, a young professional couple in the San Francisco Bay area, are among those who did not think they would soon see the confluence of low prices and low rates again. Although they had been looking for more than a year, the couple stepped up their search in January and put their condominium on the market. A few weeks ago they sold their one-bedroom condo for $193,500 (they bought it in 1989 for $157,000) and bought a three-bedroom, three-bath house on a golf course in San Ramone, Calif., for $310,000. In San Ramone, such prices put the young couple at the lower-middle end of the market.

The Nantzes got a 30-year mortgage that is fixed at 8⅞ percent for the first three years and then becomes adjustable.

"We had our open house the day the war started," said the 29-year-old Mr. Nantz, who said that at first he and his wife thought the timing was a disaster. But their condo sold within weeks. The Nantzes got a mortgage for $191,000 on their new house.

"We felt that this was a good time and the rates had a lot to do with it," Mrs. Nantz said.

COMMITTEE BUDGET ESTIMATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, some time ago it was called to my attention that several House committees do not formally approve the budget estimates they are required to submit to the Budget Committee. Instead, the estimates are devised by staff and then unilaterally transmitted to the Budget Committee in a letter from the chairman. And this is usually done without the prior knowledge of or consultation with the full committee, let alone its formal approval.

While I am sure many Members would just as soon not be bothered by such seemingly routine housekeeping matters so early in the session, and probably would have no problem delegating this authority to their chairmen, the fact remains that these budget views and estimates constitute an important source of information for the Budget Committee in developing a budget resolution.

The Budget Committee, the budget resolution and the overall budget process are all convenient scapegoats for authorizing committees which do not get all they want out of the process. And yet ironically, many committees are apparently forfeiting their right and obligation to have early and formal input into the process.

Mr. Speaker, the original 1974 Budget Act, at section 301(c), required that, "On or before March 15 of each year, each standing committee of the House of Representatives shall submit to the Budget Committee of the House * * * its views and estimates" with respect to matters within its jurisdiction which are to be included in the budget resolution, including the total amounts of new budget authority or outlays to be provided or authorized in the upcoming fiscal year.

In 1985, in the debt limit Gramm-Rudman-Hollings law, that provision became section 301(d), the date for submission was changed to February 25 due to a new accelerated budget timetable, and the references to the specific contents of the reports was dropped in favor of the following language: "* * * its views and estimates—as determined by the committee making such submission—with respect to all matters set forth in subsections (a) and (b) which relate to matters within the jurisdiction or functions of such committee."

The joint explanatory statement of the conferees on the Budget Act changes made by that bill made clear that the language was based on the reforms recommended by the Task Force on the Budget Process of the House Rules Committee, the so-called Beilenson Task Force—see House report 98–1152, part I. The cited report of the Rules Committee which accompanied the task force's bill (H.R. 5247), said the following of the new section 301(d) at page 90 of the report:

> This subsection is similar to section 301(c) of the Act. The date for submission of views and estimates is changed from March 15 (in the Act) to February 25 (in H.R. 5247). Since the President's budget will also be submitted earlier, it should not be difficult to meet this deadline. In addition, the required content of the views and estimates is simplified and left in large part *to the determination* of the committees submitting the views and estimates. [Emphasis added.]

Importantly, though, the inclusion of the parenthetical phrase, "(as determined by the committee making such submission)," helps to underscore the intent that committee submissions are to be just that, the product of committee action, and not just the chairman's views and estimates.

In last fall's budget summit agreement, and the reconciliation bill which codified that agreement, section 301(d)'s submission date was again changed, this time to "within 6 weeks after the President submits a budget. * * *" But the remainder of the subsection language remains unchanged.

The important parliamentary principle involved here is eloquently stated in "Jefferson's Manual" as follows:

> A committee * * * can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in a committee actually assembled.

Mr. Speaker, given the confusion, misunderstanding and different practices of various House committees on the matter of the submission of views and estimates to the Budget Committee, I wrote to the House Parliamentarian seeking a clarification that might guide our committees in the future. The conclusion of the Parliamentarian reads as follows: "a committee 'determination' requires committee action."

At this point in the RECORD, Mr. Speaker, I include this exchange of correspondence with the Parliamentarian. The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 20, 1991.

Hon. WILLIAM HOLMES BROWN,
Parliamentarian, Speaker's Office, House of Representatives, Washington, DC

DEAR BILL: I am writing to request clarification on section 301(d) of the Congressional Budget Act of 1974, as amended, which requires that within six weeks of the submission of the President's budget, "each committee of the House of Representatives having legislative jurisdiction shall submit to the Committee on the Budget of the House . . . its views and estimates (as determined by the committee making such submission) with respect to all matters set forth in subsections (a) and (b) which relate to matters within the jurisdiction of functions of such committee."

It has always been my understanding that this provision requires the formal action by committees on such views and estimates prior to their submission to the Budget Committee. This is based on the principle enunciated in sec. XXVI of Jefferson's Manual: "A committee . . . can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled."

This principle is reflected in House Rule XI, clause 2(1)(2)(A): "No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present."

While the budget views and estimates are not filed as a committee report to the House, they nevertheless are represented as the views and estimates of each committee based on determination of ("as determined by") the committee. This language is nearly identical to that contained in section 310 relating to committee recommendations pursuant to reconciliation directives: "each such committee shall promptly make such determination and recommendations and submit such recommendations to the Committee on the Budget of its House. . . ." It is my understanding that there is no question that such reconciliation recommendations must be approved by formal committee action.

I raise this question for clarification because I have been informed that there are still a few committees which do not formally approve the budget views and estimates submitted to the Budget Committee and that these are instead simply submitted by the chairman without even consulting with the full committee membership.

I would appreciate a response at your earliest convenience so that we might inform the House of the proper procedure to be followed.

Sincerely yours,
GERALD B. SOLOMON,
Member of Congress.

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 20, 1991.

Hon. GERALD B. SOLOMON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SOLOMON: In your letter of this date, you ask for clarification of the committee action required under section 301(d) of the Congressional Budget Act. That section specifies that within six weeks of the submission of the President's budget, each committee of the House having legislative jurisdiction "shall submit to the Committee on the Budget * * * its views and estimates (as determined by the committee making such submission) with respect to all matters set forth in subsections (a) and (b) which related to matters within the jurisdiction or functions of such committee." You suggest that this provision requires some formal action by committees on such views and estimates prior to their submission to the Budget Committee.

I note that the language of the statute [Sec. 301(d) of the Budget Act] differs from that of the House rule [Rule XI, clause 4(g)]. The rule does not contain the parenthetical phrase "as determined by the committee making such submission." However, I do think that the admonition in Jefferson's Manual, that a committee can act only when together, and not by separate consultation and consent, identifies a necessary prerequisite for committee action. While I do not believe a formal report is required by Sec. 301(d), or the rule, I think that the basic tenet of Jefferson's Manual does require some collegial action by the committee.

Having reviewed the submissions sent to the Budget Committee in the last Congress, I note that several committees do formally meet and approve their submissions under 301(d). Others have followed a less formal approach and have circulated and submitted letters from both the Chairman and the Ranking Member. Some submissions have included minority or separate views.

In conclusion, I think your point is well taken: a committee "determination" requires committee action. I have suggested that the Budget Committee include such a suggestion when it writes the committees to solicit reports under Section 301(d).

I appreciate your calling the discrepancy in the procedures followed by committees to our attention.

Sincerely yours,
BILL BROWN.

CHICAGO MURDER TOLL UNDERSCORES NEED FOR BRADY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO], is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, once again, I feel I must add my voice to the growing chorus of Americans who are appalled by the mounting death toll from handgun violence that is occurring daily across our Nation.

In recent weeks even former President Reagan, who is hardly an advocate of gun control, has come to grips with this problem and endorsed H.R. 7, the Brady Handgun Violence Prevention Act. As most Americans are aware, the Brady bill is named after Mr. Reagan's Press Secretary Jim Brady, who was seriously injured during a 1981 assassination attempt on President Reagan. The Brady bill calls for a nationwide, 7-day waiting period for handgun purchases. This bill will not force law-abiding gun owners to give up their constitutional right to own firearms.

However, if enacted, the Brady bill will give police officers a chance to attack the gun-related crimes perpetrated daily by robbers, hit men, drug dealers, and other thugs against innocent Americans.

A waiting period for handgun purchases is already in force in Illinois and several other States. In 1989, Illinois' 3-day waiting period led to the rejection of nearly 3,000 handgun sales after checks with police turned up records of felonies or mental illness on the part of the potential buyers. Officials in other States, including California and New Jersey, have reported similar results since they began requiring waiting periods for handgun sales.

The Brady bill would extend this lifesaving law to all 50 States. Most Americans are aware that the Brady bill died at the end of the last Congress and was recently reintroduced. The bill was approved today by a 9 to 4 vote by the Subcommittee on Crime and Criminal Justice, and is now awaiting action before the Judiciary Committee.

Regrettably, while Congress debates this bill, the list of handgun victims keeps growing. For example, in the city of Chicago, police last month reported the highest number of March homicides in nearly a decade. Several of last month's 67 victims were killed by criminals armed with handguns. The increased violence seems to be continuing in April. Just last weekend, a warm-weather shooting spree in the Windy City left another eight people dead from gunshot wounds in separate incidents.

For the year to date, Chicago police have reported a total of 220 homicides. The pace of this year's killing is now 20 victims ahead of last year's rate, and the 1991 death toll is threatening to surpass the city's 1981 record of 877 homicides. Ironically, Chicago's last record-setting year for murders was the same one in which Jim Brady was struck down by a bullet from a handgun. Clearly, this is not a problem that will go away anytime soon.

I am encourged, therefore, that the Brady bill at last has passed the Subcommittee on Crime and Criminal Justice. I hope it also is approved by the Judiciary Committee and the full House. It is vital that we act as soon as possible to curb the flow of handguns to criminals who are terrorizing citizens across this country. I am now looking forward to the passage of this bill so that we can begin reversing the death toll produced by the criminal use of handguns.

HILDA WILLIAMSON HONORED AS CITIZEN OF YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to bring to the attention of my colleagues an honor that has been given to one of my constituents. Hilda Williamson of Philadelphia, MS, has been named Citizen of the Year by the Citizens Committee for the Right to Keep and Bear Arms.

She was cited for her activities with this organization in support of second amendment rights to keep and bear arms. Hilda has been a member of the Citizens Committee for 15 years.

I want to congratulate her for this honor and to enter into the RECORD this article about the award which was printed in the Nesoba Democrat in Philadelphia, MS.

PRO-GUN ACTIVIST RECEIVES AWARD

The Citizens Committee for the Right to Keep and Bear Arms announced that Mrs. Hilda G. Williamson of Philadelphia has been selected to receive a citizen of the year award.

She has been selected to receive this citizen of the year award because of a dedication to the efforts to preserve the right of the people to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution, according to committee officials.

"If it weren't for people like her, our Constitutional rights would have been eroded years ago," said Alan Gottlieb, chairman of the Citizens Committee.

Criteria for selection of the Citizen of the Year Award is based upon the activities of individual members, such as being active in local, state and national gun rights issues, by writing editors of newspapers, contacting elected officials or appearing for public testimony. It is not necessary that individuals meet all the criteria.

The Citizens Committee for the Right to Keep and Bear Arms is a national organization with nearly 500,000 members as well as more than 130 members of Congress serving on their National Advisory Council.

A NEW PERSONNEL SYSTEM FOR THE DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, it is my privilege today to be able to reintroduce, on behalf of the employees and administration of the Defense Language Institute Foreign Languages Center [DLIFLC], the Department of Defense and the National Federation of Federal Employees [NFFE], legislation to establish a new personnel system [NPS] for the center's employees.

At my request, representatives of the Department of Defense [DOD], the Defense Language Institute and the National Federation of Federal Employees provided me with drafts of legislation to establish a new personnel system at DLI and responded ably to my requests for assistance in shaping a new personnel system that brings DLI into the 1990's as a truly modern place of scholarship in the languages. The faculty, NFFE, DOD, DLI, and I can take pride in the fact that each of us strongly supports the final product of our labor on this bill, for it represents good government and labor-management cooperation in the truest sense of the words.

I want to express special thanks in particular to Josh Neiman and Alfie Khalil of NFFE, Craig Wilson of the Office of the Secretary of Defense, Col. Donald Fischer, Provost Ray Clifford, and Lt. Col. Peter Kozumplik of the Defense Language Institute and Bob Cover and Ed Leong of the House Legislative Counsel's staff. Each of these gentlemen contributed valuable expertise and a good deal of labor to the final draft of the legislation.

We have responded to the administrative needs of DLI, to the financial and human concerns of the faculty, and the institutional concerns of the Department of Defense. Indeed, I believe that this bill also represents progress in education personnel management within the Federal establishment.

Mr. Speaker, by now it has become a truism that the United States faces a vastly altered world, a world in which our national security requirements are changing rapidly, more rapidly than we have been able to gauge. I would submit that the Defense Language Institute will be playing an ever more important role in the Defense Department's national security apparatus in this decade and the next. Clearly, the ability of our Defense personnel to communicate in the scores of languages our allies and potential foes speak must be bolstered just as surely as they will be required to cooperate with Central and Eastern European defense personnel.

The Defense Language Institute is a critical national asset, serving as the Department of Defense's academically accredited institute for foreign language instruction. The Department and NFFE believe the legislation is necessary to allow DLI to encourage the growth at the Institute of personnel management practiced at successful private and public educational institutions.

Under this legislation, DLI would be able to structure a personnel system to resemble those of comparable educational institutions, such as colleges and universities, rather than administrative agencies of the Federal Government. It is our hope that the legislation, if enacted, will lead to greater professionalization of instruction at DLI and of the faculty themselves, with our final goal being higher student language proficiency.

Our legislation would accomplish several very important tasks. It would provide for the first time a statutory charter for the operation of the Institute, it would establish in law a personnel system for its civilian faculty, and it would mandate a proper transition period from the current to the new system. The new personnel system contained within our bill sets forth tenure requirements for civilian faculty, the range of compensation of civilian faculty, conditions for the provision of assistance to faculty interested in enhancing their academic credentials and guidelines for the awarding of degrees.

We intend DLI to evaluate instructors for tenure not only on the basis of the quality of their instruction, but also their curriculum development, training, proficiency, research, and other academic activities specified in the legislation. Further, it is our intention that the system vest rank among civilian faculty specifically in person rather than in position. During the transitional year it is our intention that the DLI administration formally apprise all faculty members of the full meaning of the new personnel system in a quarterly letter.

The faculty of DLI are very anxious to implement their new personnel system. Their current improvised personnel system is entirely inadequate by every expert's account. This legislation would enable the "best and brightest" to remain with DLI for many years to come, and it would attract more of the same. The only current avenue for advancement, unfortunately, has been from the classroom to the administration. It is about time we provided to the DLI faculty the chance to progress as high as their talents will take them.

I urge my colleagues to examine this legislation carefully as an essential step to support for programmatic improvements at the Defense Language Institute and as a wise investment in an increasingly important aspect of our national security, and I call for its expeditious enactment into law.

Following are explanatory notes prepared at my request by the Department of Defense on the purpose of the legislation, background on the needs it addresses, reasons for its exemption from certain chapters of title 5 of the United States Code, a detailed description of the Institute itself, and proposed policies to accompany the new system.

WHERE IS THE UNITED STATES IN THE MIDDLE EAST?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes.

Mr. MCEWEN. Mr. Speaker, I ask the question: Where is the United States since January and February? Since the Congress went into session a little over an hour ago, over a thousand people have died, Kurdish refugees trying to avoid helicopter gunships under the control of Saddam Hussein.

America stood against that 30 days ago, and yet we have the capacity to stop it and are not doing it. We have on location, in sight, enough water, bottled water for 500,000 troops. We have enough food for 500,000 troops. We have enough medical supplies for 500,000 troops. We have blankets, we have tents, we have transportation. We have the C–130's. We have the maps in the helicopters and in the cockpits and we have the pilots. We have the capacity to take those supplies to them, and I do not know why we are not.

Three weeks ago they were chanting, "God bless George Bush." We encouraged them to stand firm and to assert their independence. We encouraged them to stand against the miserable tyrant, Saddam Hussein, and I do not know where we are.

Pilots and soldiers coming back for their parades at home break down in tears about seeing those poor refugees being gunned down in their sights, and they can do nothing. The euphoria of 3 weeks ago is being wiped out by a policy that I am at a loss to understand. I would encourage the Chairman of the Joint Chiefs of Staff to reassess what we are and what we are standing for, the lack of leadership that the United States is exerting today. The leadership that George Bush exerted from August 2 to March 3 is unprecedented in history. I submit there is not another person on this planet who could have held the coalition of forces, from Syria to Israel, from the Soviet Union to China to stand together against tyranny in the Middle East. George Bush and the United States had a bright and shining moment.

Now, in this lack of action by our country, we see the Prime Minister of Britain stepping forth, we see the President of France stepping forth, five flights yesterday by the French. We see the Foreign Ministers of all of the European nations speaking this morning about starting refugee aid and efforts.

The United States is standing idly by and I do not understand why. I call upon our Nation to take those supplies that are there, those soldiers who wish to deliver them. I am not calling for troops. I do not want to instigate a war. I have no desire to send troops. I have no desire to take American marines and drop them between Sunnis and Shiites and Kurds.

I simply am saying that Saddam Hussein is in his bunker. We should have been allowed the additional 12 hours to finish him, but that is history. He is there, and we control the air. If we allow them to use the air to do that, then we are culpable. It is our airspace, and it will be for a year. We should say to Saddam Hussein, park your helicopters, read my lips, do not fly again, and do not shoot those people.

Then what I think we should do is to take those blankets, and those tents, and that food, and those medical supplies and that water and drop them to those dear people who are sitting there with their children dying of starvation, a thousand an hour every day as we speak. Unless someone can give me a reason why we should not, then we should have done it yesterday.

MISGUIDED INTERNATIONAL TRADE COMMISSION RECOMMENDATION ON PEANUT IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, I have taken out this special order to bring to the attention of the Members of this House a very serious problem facing our agricultural sector.

On Friday March 15, the International Trade Commission voted on a proposal to increase the allotment of peanuts being imported into this country by an additional 300 million pounds.

The vote, taken by four ITC Commissioners, was not unanimous. Two Commissioners recommended that the current import quota on peanuts be immediately raised to 300 million pounds for a period ending on July 31 of this year. The acting chairman recommended an indefinite suspension of the import quota. The fourth Commissioner, however, after reviewing the same set of data, said, and I quote:

> The U.S. Department of Agriculture did not pursue the clear statutory route provided for emergency action on this quota, nor did it recommend an increase in this investigation. I am unpersuaded that there is a shortage of peanuts sufficient to warrant any action on current quota levels.

I, along with my colleagues Congressman LINDSAY THOMAS and Congressman CHARLES HATCHER, visited our new Secretary in the U.S. Department of Agriculture, Secretary Ed Madigan. Because all of the ITC Commissioners claim to have based their findings on data provided by the USDA, one might expect the Secretary to be an advocate of increased peanut importation.

We found that *not* to be the case. Secretary Madigan clearly understands the peanut industry, and the adverse effect that importation at this time in the growing season will have. Toying with the peanut program will have very serious, negative implications for the American peanut producers and the American taxpayer. The peanut program, which operates at virtually no cost to taxpayers, is one of the most efficient, well-crafted farm programs we have. Moreover, there is no indication that there is a shortage of peanuts in the United States.

The last time an increase in the import quota was recommended was in 1980 when American peanut production was down 42 percent due to a nationwide drought. In contrast, the latest figures indicate that last year's domestic peanut production was down only 10 percent. Mr. Speaker, we have no shortage of homegrown peanuts to satisfy consumer needs.

In addition, importing foreign peanuts into the United States, especially in midseason, disrupts the delicate planting and contracting balance upon which the livelihood of our producers depends.

The mere mention of an importation of this magnitude at this date has brought contracting to a standstill. There is one other concern to peanut farmers and consumers which is often overlooked. Importing peanuts from such areas as China significantly increases the risk of infecting American peanuts with stripe virus.

If infected peanuts were to enter the U.S. seed market, yields could be reduced by as much as 20 percent. American peanut farmers have worked too hard, and invested too much of their time, their money, and their expertise to have an ill-conceived recommendation by the International Trade Commission destroy their business.

Mr. Speaker, we cannot stand by and watch a sound American business be destroyed. The American peanut producers, processors, and consumers have a stake in preserving the peanut program.

The policy recommended by the International Trade Commission has the potential to cost taxpayers thousands of dollars, and if the reaction to the proposed recommendation is any indication, implementation of the ITC's proposal will have a severe impact on the American peanut industry.

Mr. Speaker, I urge the President and the executive branch advisers to disregard this misguided recommendation and leave our peanut program alone.

□ 1510

ARMS SALES TO PROMOTE PEACE IS AN OXYMORON

The SPEAKER pro tempore (Mr. BARNARD). Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, there is a term which we find in the dictionary or in a Roget's Thesaurus. The term is oxymoron. It is a fancy term, but it simply is a term which describes a phrase or a concept or a combination of words which are inconsistent, which are incompatible one with the other. The common example of an oxymoron given is "a quiet riot." There is no such thing as a quiet riot. We cannot have an "ugly rose," for example. In more governmental terms, we sometimes hear an oxymoron is "a busy bureaucrat," or some have said an "effective Congress," though I would dispute that those are necessarily oxymorons.

Mr. Speaker, I have come upon an oxymoronic phrase, and I think we need to discuss it. I hope we will continue to discuss it in the months, and possibly years, ahead. That oxymoronic phrase is: arms sales to nations in the Middle East will promote a lasting peace in the region. Arms sales promote peace? I think that is an oxymoron.

I think what we need in the Middle East is control of arms sales, particularly so recently after coming out of a shooting war which claimed the lives of relatively few Americans, but certainly claimed the lives of Americans and Coalition people, and claimed tens of thousands of lives of both the combatants and noncombatants from the other side. It just seems to me the height of folly for anyone at this point to contemplate seriously, as the United States seems to be doing, sending arms, particularly sophisticated arms, into that very same area.

Just a few feet from where I am now speaking, Mr. Speaker, the President of the United States addressed this Chamber and the world. He made his report on the activities of Operation Desert Storm, and I was extremely pleased, sitting as I was up in the aisle there, to hear the President talk about nonproliferation of arms. Nonproliferation of arms, in effect, to reduce, if not totally ban, and end arms sales to the area. Then that phrase was qualified, later on by the President who said that what was meant was nonproliferation of weapons of mass destruction, which is a euphemism for nuclear, biological, and chemical weapons.

So in effect, instead of nonproliferation we have proliferation, sales, and movement, at least of conventional arms, which as we saw in the recent Operation Desert Storm, which was a conventional battle in which quite a few lives were taken, that mass destruction is entirely possible with conventional weapons.

I believe what is really needed, Mr. Speaker, when all is said and done is an absolute total ban on sales of arms of all types. I think we ought to declare an absolute vacation from arms sales into any of the areas of the world, but particularly into the area of the Middle East. This should include even our friends Egypt, and even Israel. No arms to everybody, until the dust settles down and until we can see exactly how the area will look, and see exactly what this peaceful process might yield.

To use the analogy of the some 500 plus fires which are raging right now in Kuwait, which are being put out very, very painstakingly, it seems to me that sending arms, however selectively done into the Middle East, is not pouring water on those raging fires to put them out, but is pouring gasoline on those fires to make them burn higher and burn hotter.

□ 1520

I just do not see how provision of arms to the Middle East can really solve the region's problems. I was therefore extremely pleased when, on April 8 of this month just a few days ago, the majority leader of this House, the Honorable RICHARD GEPHARDT of Missouri, along with other distinguished Members of this body, including Chairman DANTE FASCELL, chairman of the House Foreign Affairs Committee, Honorable LEE HAMILTON who is my neighbor across the Ohio River in southern Indiana, Chairman DAVID OBEY and Chairman SAM GEJDENSON, signed and sent a letter to the President of the United States urging the President to declare a unilateral pause in arms sales, not just of the weapons of mass destruction, but all weapons into the area.

I will add at the end of my remarks, Mr. Speaker, the full text of the majority leader's letter, the report of the press conference announcing the letter, and a pertinent article on arms control published in the New York Times on March 27, 1991.

Let me show, Mr. Speaker, just a few parts of Mr. GEPHARDT's letter. I think it is very important that we have this on the RECORD. Let me just conclude my remarks by putting into the RECORD these words from our majority leader, the gentleman from Missouri [Mr. GEPHARDT]:

> Curbing arms sales is a prerequisite to avoiding further wars in the region and it would be unthinkable to begin the process of rearming countries in the region after having just sacrificed American lives in the conflict against Saddam Hussein.

So I think the gentleman from Missouri [Mr. GEPHARDT] has summarized it, Mr. Speaker. I think what we ought to do is have an arms moratorium, a total ban until we see exactly what happens in the Middle East. I urge the President to accede to the majority leader's request. It just seems to me that the best way we can have peace in the area is not to provide it with arms of destruction.

[News from the House Majority Leader]

GEPHARDT JOINS OTHER HOUSE LEADERS IN APPEAL TO BUSH FOR "PAUSE" IN MIDDLE EASTERN ARMS SALES

WASHINGTON. DC.—Congressman Richard A. Gephardt, the House Majority Leader, issued the following statement today accompanying a letter he sent last week to President Bush advocating a 'pause' in arms sales to the Middle East:

"I am releasing today, with the help of House leaders in the areas of arms control and foreign policy, an appeal to the President of the United States for a pause in arms sales to the Middle East. This pause should be a first step in an effort to achieve a multilateral, comprehensive and enforceable agreement to curb arms sales to the Middle East.

"Secretary Baker, in his travels this week, should assure our allies that the United States is willing to take a leadership role in building a sound peace in the Middle East. Curbing arms sales is a prerequisite to avoiding further wars in this region, and it would be unthinkable to begin the process of rearming countries in the region after having just sacrificed American lives in the conflict against Saddam Hussein.

"During my recent trip to the Middle East, I found significant support for this kind of policy. Mr. Moshe Arens, the Israeli Defense Minister, went so far as to advocate a total ban on future arms sales to the region. He and others recognize that a peaceful future for the Middle East cannot be founded on ever escalating sales of weapons to this volatile region."

Joining Congressman Gephardt in signing the letter to President Bush are: The Hon. Dante Fascell, Chairman of the House Foreign Affairs Committee; Hon. Lee Hamilton, Chairman of the House Foreign Affairs Subcommittee on Europe and the Middle East; Hon. David Obey, Chairman of the House Appropriations Subcommittee on Foreign Operations; and Hon. Sam Gejdenson, Chairman of the House Foreign Affairs Subcommittee on International Economic Policy and Trade.

A copy of the letter is attached.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 4, 1991.

Hon. GEORGE BUSH,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to urge you to declare a unilateral pause in arms sales to countries in the Middle East and Persian Gulf. We believe a temporary pause is necessary in order to facilitate multilateral negotiations on agreements to restrain the flow of sophisticated conventional weapons systems and other weapons technologies into this region.

Countries in the Middle East and the Persian Gulf are the recipients of roughly one-third of all international arms transfers, making this region the world's leading arms import market. These sales, in our view, help promote an arms race and raise tensions in a region characterized by instability. The proliferation of arms—including chemical, biological, nuclear, and conventional weapons and missile technologies—posses a serious threat to peace in the Middle East and Persian Gulf. The arms race is absorbing resources badly needed for regional economic development.

We believe that a brief pause on arms transfers will not affect the security of nations in the Middle East and Persian Gulf. Such a pause can be used effectively to bring supplier nations and regional states together to pursue a range of arms reduction and arms control proposals, including an arms moratorium.

The United States has a unique opportunity to use its new influence to make progress in this area, an opportunity which should not be squandered. We believe the impressive military victory achieved by the United States and its coalition partners last month needs to be buttressed by postwar agreements that enhance long-term peace and security.

We appreciate your consideration of this matter and look forward to working with you on these issues. We are, of course, available to meet with you to discuss these issues further.

With best regards.

Sincerely yours,

Richard A. Gephardt, Majority Leader, U.S. House of Representatives; David R. Obey, Chairman, Subcommittee on Foreign Operations, Export Financing and Related Programs; Dante B. Fascell, Chairman, Committee on Foreign Affairs; Lee H. Hamilton, Chairman, Subcommittee on Europe and the Middle East; Sam Gejdenson, Chairman, Subcommittee on International Economic Policy and Trade.

[From the New York Times, Mar. 27, 1991]

ARMING THE NEW ORDER

(By Tom Wicker)

Wouldn't it be ironic if the resounding defeat of Iraq, led by the high-tech forces of the U.S., resulted in a third world newly armed to the teeth with smart bombs, ballistic and cruise missiles, helicopter gunships, Patriot-style interceptors and radar-invisible aircraft?

That would make wars between third-world rivals more likely, if one thought it had gained a qualitative advantage over another. Such wars would certainly be more lethal and destructive, and might be more likely to draw in forces from industrialized nations guarding their interests or promoting their weaponry.

Even without wars, the increased cost of arms buildups and rivalries among nations that could ill afford such weaponry would divert resource that could better be spent to encourage economic growth and fight endemic poverty.

Yet, just such a third-world race for the latest and best in lethal devices seems in prospect—encouraged, in all probability, by the Bush Administration's inexplicable decision to aid U.S. military contractors in promoting overseas sales of their hardware.

The war itself, of course, has done the most to stir interest in the acquisition of high-tech weapons. Even the most backward and isolated national leader can hardly be unaware today that Iraq's vaunted army—said to be the world's fourth-largest—was quickly blown to pieces by the advanced armaments the U.S. and its allies used so effectively.

Prime Minister Nawaz Sharif of Pakistan, for one, drew the obvious lesson. "To undermine the science, technology, research and modern advances in defense is disastrous," he said in a speech in which he emphasized the need to make Pakistan "an impregnable fortess." If Pakistan goes that way, can India be far behind? Or vice versa?

The U.S. Director of Naval Intelligence, Adm. T.A. Brooks, has said that at least 40 nations are seeking radar-evading "stealth" technologies, and that by the end of the century nine more states will join the six that already deploy reconnaissance satellites. Numerous countries now have the ability to build cruise missiles and their guidance systems.

Israel is acquiring submarines from Germany. France does an active arms-export business. China and others have ballistic missile programs, and the Chinese are willing to sell. The Soviet Union, in its need for hard currencies, continues to make available advanced jets and other weapons to third-world countries.

But name-calling does little good, for Uncle Sam himself is one of the world's biggest arms merchants—peddling $10.8 billion in conventional arms in 1989, second only to Moscow's $11.7 billion. Thus these two accounted for $22.5 billion in such sales out of a world total of $31.8 billion.

Now the Bush Administration has informed Congress that it wants to sell high-tech weapons worth $18 billion—including F-16's, Patriots, M-1 tanks and multiple rocket launchers—to five Persian Gulf allies. With such weapons going to Arab nations, Israel's defense worries are bound to increase; and Israel already is one of the largest recipients of the Pentagon's grants and low-interest loans for foreign nations' arms purchases.

The Administration also is siding with arms contractors who have been lobbying for restoration of government authority—unavailable since the late 1970's—to underwrite up to $1 billion in arms sales abroad. The proposal, if approved by Congress, would permit the Export-Import Bank to guarantee commercial bank loans made to overseas buyers of U.S.-made arms.

Administration spokesmen insist that there's no conflict with its stated aim of limiting arms sales to the third world. The guarantees, they say, would be available only to the NATO allies, Japan, Israel and Australia, unless—a very big unless—the President found it in the national interest to include other nations.

Those spokesmen must be kidding. Only a few years ago, President Reagan found it in the national interest to sell arms to Iran. U.S. weapons sold to legally authorized countries, moreover, often have been resold to unauthorized third parties. Any way you look at it, the Bush proposal would encourage the proliferation of weapons—including high-tech weapons, perhaps ultimately to third-world nations.

How can that help Mr. Bush build that stable new world order to which he pays such ardent lip service?

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GILMAN) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 60 minutes, on May 7.

Mr. GINGRICH, for 60 minutes each day, on April 23, 24, and 25.

Mr. SOLOMON, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on April 11, 16, 17, 18, 23, 24, and 25.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. RAY, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. WYDEN, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GILMAN) and to include extraneous matter:)

Mr. LENT in three instances.

Mr. GILMAN.

Mr. GOODLING.

Mr. MACHTLEY in 10 instances.

Mr. DOOLITTLE.

Mr. BEREUTER.

Mr. GREEN of New York.

Mrs. BENTLEY in three instances.

Ms. ROS-LEHTINEN in two instances.

Mr. DUNCAN.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. MONTGOMERY in two instances.

Mr. SERRANO.

Mr. CLEMENT in two instances.

Mr. KLECZKA.

Mr. MAZZOLI in two instances.

Mr. PENNY.

Mr. ROE.

Mr. KOSTMAYER.

Mr. HERTEL in two instances.

Mr. FUSTER.

Ms. SLAUGHTER of New York.

Mr. STARK.

Mr. RANGEL.

Mr. VISCLOSKY in three instances.

Mr. ENGEL.

Mr. MOODY in two instances.

Mr. RICHARDSON in two instances.

Ms. OAKAR in two instances.

Mr. ABERCROMBIE.

Mr. DARDEN.

Mr. SKELTON in two instances.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 16. Joint resolution designating the Week of April 21–27, 1991, as "National Crime Victims' Rights Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 70. Joint resolution to establish April 15, 1991, as "National Recycling Day"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 11, 1991, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of 1990 and the first quarter of 1991, as well as reports of various miscellaneous House groups for 1990 and the first quarter of 1991, in connection with foreign travel pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William J. Hughes	11/9	11/10	Chile		171.00						171.00
	11/10	11/13	New Zealand		657.00						657.00
	11/13	11/21	Australia		1,475.00		827.00		29.86		2,331.86
	11/21	11/23	Hong Kong		492.00						492.00
Military transportation							9,600.49				9,600.49
Hayden Gregory	11/9	11/10	Chile		171.00						171.00
	11/10	11/13	New Zealand		657.00						657.00
	11/13	11/21	Australia		1,475.00		827.00		29.86		2,331.86
	11/21	11/23	Hong Kong		492.00						492.00
Military transportation							9,600.49				9,600.49
Committee total					5,590.00		20,854.98		59.72		26,504.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, Feb. 14, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob McEwen	11/9	11/12	Spain		825.00						825.00
	11/12	11/15	Syria		606.00						606.00
	11/15	11/17	Saudi Arabia		199.00						199.00
	11/17	11/21	United Kingdom		873.00						873.00
Military transportation							[3] 5,415.00				5,415.00
Commercial transportation							[4] 1,965.00				1,965.00
Committee total					2,503.00		7,380.00				9,883.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Amount shown is equivalent first-class/commercial rate.
[4] Stayed over 1 night and flew home commercially at the first-class commercial rate.

G.V. MONTGOMERY, Chairman, Jan. 31, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Howard Berman	1/4	1/8	Mexico		760.00						760.00
Military transportation							2,829.40				2,829.40
John Bryant	1/4	1/8	Mexico		760.00						760.00
Military transportation							2,829.40				2,829.40
Martin Sabo	1/4	1/8	Mexico		760.00						760.00
Military transportation							2,829.40				2,829.40
Linda Gene Smith	1/4	1/8	Mexico		760.00						760.00
Military transportation							2,829.40				2,829.40
Joan Woodward	1/4	1/8	Mexico		760.00						760.00
Military transportation							2,829.40				2,829.40
Committee total					3,800.00		14,147.00				17,947.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HOWARD L. BERMAN, JAN. 28, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Steny Hoyer		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Albert Bustamante		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Ben Cardin		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Christopher Cox	2/12	2/14	Latvia		292.00						292.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Richard Durbin		2/9	United States				[3] 614.00				614.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1991—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Dennis Hertel		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Tom Lantos		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Don Ritter		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Bill Sarpalius		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Louise Slaughter		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Chris Smith		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Hon. Craig Thomas		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
David M. Evans		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
John J. Finerty		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Jane S. Fisher		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Mary Sue Hafner		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Jim Hutcheson		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Keith Jewell		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Michael Ochs		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
R. Spencer Oliver		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
James S. Ridge, Jr		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Samuel G. Wise		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Sam Wynkoop		2/9	United States				[3] 614.00				614.00
	2/10	2/11	Sweden		327.00						327.00
	2/11	2/14	Latvia		438.00						438.00
	2/14	2/15	U.S.S.R		262.00						262.00
Committee total					23,148.00		13,508.00				36,656.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military aircraft/commercial.

STENY HOYER, Apr. 1, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
E (Kika) de la Garza	2/23	2/25	United States		347.70						347.70
Dante B. Fascell	2/22	2/26	United States		285.54		222.86				508.40
Bill Frenzel	2/22	2/26	United States		280.75		222.86				503.61
Sam Gejdenson	2/22	2/26	United States		299.37		222.86				522.23
Sam Gibbons	2/22	2/26	United States		284.31		222.86				507.17
Lee Hamilton	2/22	2/26	United States		282.25		222.86				505.11
John LaFalce	2/22	2/24	United States		140.00		108.42				248.42

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jim Oberstar	2/22	2/26	United States		280.75		222.86				503.61
Louise Slaughter	2/22	2/26	United States		285.30		222.86				508.16
Frederick Upton	2/22	2/24	United States		286.25		[3] 106.00 [4] 108.42				500.67
Andrea Adelman	2/22	2/26	United States		293.65		222.86				516.51
Kathleen Bertelsen	2/22	2/26	United States		327.80		222.86				550.66
Elizabeth Daoust	2/20	2/22	United States		124.31		[3] 119.00				243.31
	2/22	2/26	United States		376.16		108.42				484.58
Deborah Hickey	2/22	2/26	United States		280.00		222.86				502.86
George Ingram	2/22	2/26	United States		331.73		222.86				554.59
	11/30	12/03	United States				[3] 547.00				547.00
Vic Johnson	2/22	2/26	United States		280.00		222.86				502.86
Walker Robert	2/22	2/26	United States		301.70		222.86				524.56
Delegation expenses for Charleston, S.C. (advance and miscellaneous expenses).			United States						24,280.11		24,280.11
Committee total			United States		5,087.57		[3] 772.00		24,280.11		33,362.12

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Commercial.

[4] Department of Defense.

SAM GEJDENSON, Chairman, Mar. 12, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. E de la Garza, Chairman	5/24	5/27	United States		560.98		[3] 164.65				725.63
Hon. Tom DeLay	5/24	5/27	United States		426.43		[3] 164.65				591.08
Hon. David Drier	5/24	5/27	United States		430.62		[3] 164.65				595.27
Hon. Richard Gephardt	5/25	5/25	United States				[4] 184.00				184.00
Hon. Benjamin Gilman	5/24	5/27	United States		438.60		[3] 108.42 [4] 49.00				596.02
Hon. Jim Kolbe	5/24	5/26	United States		270.00		[3] 108.42				378.42
Hon. Robert J. Lagomarsino	5/24	5/27	United States		406.20		[3] 108.42 [4] 75.00				589.62
Hon. Charles Rangel	5/24	5/25	United States		135.00						135.00
Hon. Gus Yatron, Vice Chairman	5/24	5/27	United States		478.77		[3] 164.65				643.42
Elizabeth Daoust	3/26	3/28	United States		316.41		[4] 150.00		70.50		536.91
	5/22	5/27	United States		787.21		[4] 75.00 [3] 56.23		23.50		941.94
Xavier Equihau	5/24	5/27	United States		414.17		[3] 164.65				578.82
Ed Jurith	5/24	5/25	United States		135.00		[3] 108.42 [4] 75.00				318.42
Marshall Livingston	5/24	5/27	United States		426.06		[3] 164.65				590.71
Shelly Livingston	3/26	3/27	United States		125.23		[4] 150.00		36.75		311.98
	5/22	5/27	United States		741.07		[4] 75.00 [3] 56.23		11.00		883.30
Gerald Pitchford	5/24	5/27	United States		405.00		[3] 164.65				569.65
Andrew Powell	5/24	5/27	United States		405.00		[3] 164.65				569.65
Don Steinberg	5/24	5/26	United States		285.34		[4] 150.00				435.34
Mark Tavlarides	5/24	5/27	United States		418.42		[3] 164.65				583.07
Russell Wilson	5/24	5/27	United States		410.15		[3] 164.65				574.80
Delegation expenses:											
Control room and inflight expenses									1,709.36		
Department of State language services and other administrative charges.									7,807.66		
Supplies and other stationery charges									1,930.47		
Official delegation functions									39,759.84		51,207.33
Committee total					8,015.66		[4] 983.00 [3] 2,192.64		51,349.08		62,540.38

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Department of Defense.

[4] Commercial.

E de la GARZA, Chairman, Mar. 11, 1991.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 10 AND FEB. 15, 1991

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charlie Rose	2/10	2/12	France		544.00						
	2/12	2/13	Brussels		241.00						
	2/13	2/15	Germany		753.00						
Military transportation											1,538
Hon. Herb Bateman	2/10	2/12	France		544.00						
	2/12	2/13	Brussels		241.00						
	2/13	2/14	Germany		753.00						
Military transportation											1,538
Hon. Robin Tallon	2/12	2/13	Belgium		241.00						
	2/13	2/15	Germany		753.00						
Commercial transportation							1,408				
Military transportation											2,402

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 10 AND FEB. 15, 1991—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ron Lasch	2/10	2/12	France		544.00						
	2/12	2/13	Brussles		241.00						
	2/13	2/14	Germany		753.00						
George Stephanopoulos	2/10	2/12	France		544.00						
	2/12	2/13	Brussels		241.00						
	2/13	2/14	Germany		753.00						
Committee total					7,146		1,408				5,478

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLIE ROSE, Mar. 5, 1991.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1021. A letter from the Secretary of Agriculture, transmitting the annual report on foreign investment in U.S. agricultural land through December 31, 1990, pursuant to 7 U.S.C. 3504; to the Committee on Agriculture.

1022. A letter from the Department of Defense, transmitting notification to retain the commissary storage and issue function as an in-house operation at Fort Meade, MD, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1023. A letter from the Department of Defense, transmitting notification to retain the warehouse function as an in-house operation at Fort Leavenworth, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1024. A letter from the Department of Defense, transmitting notification to retain the warehouse function as an in-house operation at Redstone Arsenal, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1025. A letter from the Department of Defense, transmitting the Department's annual report on research development, test and evaluation activities conducted under the Biological Defense Research Program [BDRP], pursuant to 10 U.S.C. 2370; to the Committee on Armed Services.

1026. A letter from the Department of Defense, transmitting notification to retain the commissary storage and issue function as an in-house operation at Fort Monroe, VA, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1027. A letter from the Director, Office of Environmental Restoration and Waste Management Department of Energy, transmitting notice that the report on research and technology development activities supporting defense waste management and environmental restoration will be delayed until April 1, 1991, pursuant to Public Law 101-189, section 3141(c) (1), (2) (103 Stat. 1680); to the Committee on Armed Services.

1028. A letter from the Department of Energy, transmitting notification that the Department was unable to meet the February 1, 1991 date for submission of the report on remanufacture of nuclear stockpile weapons, and find that additional time is required; to the Committee on Armed Services.

1029. A letter from the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the personal property appraisal study, pursuant to Public Law 101-73, section 1122(e) (103 Stat. 519); to the Committee on Banking, Financing and Urban Affairs.

1030. A letter from the Secretary of the Treasury, transmitting the study on issuance of U.S. Government securities to small investors, pursuant to 12 U.S.C. 1818 note; to the Committee on Banking, Finance and Urban Affairs.

1031. A letter from the National Credit Union Administration, transmitting the NCUA schedules of compensation; to the Committee on Banking, Finance and Urban Affairs.

1032. A letter from the Secretary of Housing and Urban Development, transmitting a report on barriers to resident management in public housing; to the Committee on Banking, Finance and Urban Affairs.

1033. A letter from the Secretary of Education, transmitting the Council's fiscal year 1990 report, pursuant to 20 U.S.C. 1221e(c)(3); to the Committee on Education and Labor.

1034. A letter from the Administrator, Energy Information Administration, transmitting the 1990 quarterly report and annual summary on U.S. coal imports, pursuant to 42 U.S.C. 7277(a); to the Committee on Energy and Commerce.

1035. A letter from the Department of Transportation, transmitting the 15th annual report on the Automotive Fuel Economy Program, pursuant to 15 U.S.C. 2002(a)(2); to the Committee on Energy and Commerce.

1036. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of the Energy Information Administration's annual energy outlook for 1991; to the Committee on Energy and Commerce.

1037. A letter from the Chairman, National Commission on Acquired Immune Deficiency Syndrome, transmitting the Commission's report on HIV disease in correctional facilities; to the Committee on Energy and Commerce.

1038. A letter from the Securities and Exchange Commission, transmitting the 19th annual report of the Securities Investor Protection Corporation for the year 1989, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Energy and Commerce.

1039. A letter from the Department of State, transmitting a copy of Presidential Determination No. 91-24, authorizing the furnishing of assistance from the emergency refugee and migration assistance fund for unexpected urgent needs of refugees and other persons in the occupied territories and Sri Lanka, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

1040. A letter from the General Accounting Office, transmitting the fiscal year 1990 annual report of the Comptrollers General retirement system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1041. A letter from the Director, Office of Government Ethics, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

1042. A letter from the Secretary, Department of the Interior, transmitting a report on the relative costs and benefits of the tribal self-governance project, pursuant to Public Law 100-472, section 209 (102 Stat. 2298); to the Committee on Interior and Insular Affairs.

1043. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1044. A letter from the Secretary of the Interior, transmitting the 1990 annual report for the Office of Surface Mining Reclamation and Enforcement [OSM], pursuant to 30 U.S.C. 1211(f), 1267(g), 1295; to the Committee on Interior and Insular Affairs.

1045. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the final report on the demonstration program of mandatory drug testing of criminal defendants, pursuant to Public Law 100-690, section 7304(f) (102 Stat. 4465); to the Committee on the Judiciary.

1046. A letter from the Under Secretary, Smithsonian Institution, transmitting a copy of the National Society of the Daughters of the American Revolution's "Annual Proceedings of the Ninety-Ninth Continental Congress," pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

1047. A letter from the Maritime Administration, transmitting the annual report of the Maritime Administration for fiscal year 1990, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

1048. A letter from the Director, Office of Personnel Management, transmitting notification of the third amendment to the Pacer Share personnel management demonstration project; to the Committee on Post Office and Civil Service.

1049. A letter from the Department of the Army, transmitting copies of 16 potential water resources projects; to the Committee on Public Works and Transportation.

1050. A letter from the Department of Defense, transmitting the report on Department of Defense procurement from small and other business firms for the period October 1990 through January 1991, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

1051. A letter from the Secretary, Department of Veterans Affairs, transmitting the annual report of the activities of the Veterans' Administration for the fiscal year ended September 30, 1990, and the Veterans' Advisory Committee on Rehabilitation annual report, fiscal year 1989, pursuant to 30 U.S.C. 214, 221(c), 664; to the Committee on Veterans' Affairs.

1052. A letter from the Secretary of Health and Human Services, transmitting the initial estimate of the applicable percentage increase for fiscal year 1992 for hospitals subject to the Medicare prospective payment system [PPS] and for excluded hospitals and units; to the Committee on Ways and Means.

1053. A letter from the Department of Agriculture, transmitting an informational letter in accordance with section 401(b) of Public Law 480; jointly, to the Committees on Agriculture and Foreign Affairs.

1054. A letter from the Department of the Treasury, transmitting a copy of an amendment to the Kuwait assets control regulations; jointly, to the Committees on Appropriations and Foreign Affairs.

1055. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the Resolution Funding Corporation's 1989 financial statement, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

1056. A letter from the Executive Director, Resolution Trust Corporation, transmitting the Corporation's status report for the month of February 1991: Review of 1988–89 Assistance Agreements; jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

1057. A letter from the President, U.S. Institute of Peace, transmitting the report of the audit of the Institute's accounts for fiscal year 1990, pursuant to 22 U.S.C. 4607(h); jointly, to the Committees on Education and Labor and Foreign Affairs.

1058. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for Pakistan under section 574(b) of the Foreign Operations, Export Financing, and Related Programs Act, 1991; jointly, to the Committees on Foreign Affairs and Appropriations.

1059. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the Resolution Funding Corporation's 1989 financial statements, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1060. A letter from the Administrator, Federal Aviation Administration, transmitting status of actions taken to reduce adverse impact from aircraft overflights of national park units; jointly, to the Committees on Public Works and Transportation and Interior and Insular Affairs.

1061. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation entitled Omnibus Nuclear Power Safety and Security Enhancement Act of 1991; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and the Judiciary.

1062. A letter from the Secretary of Health and Human Services, transmitting health care services provided as a result of section 716(c)(1) of Indian Health Care Amendments of 1988, pursuant to Public Law 100–713, section 710 (102 Stat. 4833); jointly, to the Committees on Interior and Insular Affairs, Agriculture, Energy and Commerce, and Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself and Mrs. MORELLA):

H.R. 1681. A bill to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 1682. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to reduce the amount of non-Federal funds required to be provided to obtain Federal funds under subpart 1 of part E of such title; to the Committee on the Judiciary.

By Mr. BILBRAY:

H.R. 1683. A bill to require the Federal Communications Commission to conduct an inquiry into cellular telecommunications, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. MFUME, Mr. STOKES, Mrs. COLLINS of Illinois, Mr. DELLUMS, Mr. JACOBS, Mr. FORD of Tennessee, Mr. DYMALLY, Mr. TOWNS, Mr. FLAKE, Mr. MINETA, Mr. WHEAT, Mr. LEWIS of Georgia, Mr. SAVAGE, Mr. ESPY, Mr. MATSUI, Mr. OWENS of New York, Mr. RANGEL, Mr. SERRANO, Mr. DIXON, and Mr. HAYES of Illinois):

H.R. 1684. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 1685. A bill to amend title 10, United States Code, to provide a statutory charter for the operation of the Defense Language Institute Foreign Language Center and to establish a personnel system for the civilian faculty at that institute; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. SIKORSKI (for himself and Mrs. MORELLA):

H.R. 1686. A bill to amend the Foreign Service Act of 1980 relating to grievance proceedings under the act; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. ASPIN (for himself, Mr. DICKINSON, Mr. HUTTO, Mr. BILBRAY, and Mr. HEFLEY):

H.R. 1687. A bill to provide for the striking of a gold medal to be presented on behalf of the Congress to Gen. Colin L. Powell, U.S. Army, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DE LUGO (for himself, Mr. FUSTER, Mr. FALEOMAVAEGA, Mr. LAGOMARSINO, Mr. BLAZ, Mr. UDALL, Mr. MILLER of California, Mr. MURPHY, Mr. VENTO, Mr. LEHMAN of California, Mr. RICHARDSON, Mr. DARDEN, Mr. OWENS of Utah, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. JONTZ, Mr. YOUNG of Alaska, and Mr. GALLEGLY):

H.R. 1688. A bill entitled the "Omnibus Insular Areas Act of 1991"; to the Committee on Interior and Insular Affairs.

By Mr. DICKS:

H.R. 1689. A bill making urgent supplemental appropriations for fiscal year 1991 for emergency refugee and migration assistance for the people of Iraq who are displaced as a result of civil conflict; to the Committee on Appropriations.

By Mr. FALEOMAVAEGA:

H.R. 1690. A bill to establish a native American university, and for other purposes; to the Committee on Education and Labor.

By Mr. FRANK of Massachusetts:

H.R. 1691. A bill to amend title II of the Social Security Act to exclude from coverage any service performed by election officials or election workers only on election days; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 1692. A bill to amend title XVIII of the Social Security Act to provide for expanded long-term care services under the Medicare Program, to amend the Internal Revenue Code of 1986 to provide a credit for taxpayers with certain elderly dependents in their households, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. GRADISON:

H.R. 1693. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of long-term care insurance and accelerated death benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 1694. A bill to amend the Civil Rights Act of 1964 to ensure that title VII of such act applies to the employment of U.S. citizens by certain employers in foreign nations; to the Committee on Education and Labor.

By Mr. JOHNSON of South Dakota:

H.R. 1695. A bill to limit the authority of the Secretary of Commerce to close, consolidate, automate, or relocate any National Weather Service Office or National Weather Service Forecast Office, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. KLECZKA:

H.R. 1696. A bill to amend the Internal Revenue Code of 1986 to allow an individual to withdraw up to $5,000 from an individual retirement account for the purchase of a principal residence by a first-time home buyer; to the Committee on Ways and Means.

By Mr. KOSTMAYER:

H.R. 1697. A bill to provide for the implementation of certain elements of the Enterprise for the Americas Initiative; jointly, to the Committee on Foreign Affairs, Banking, Finance and Urban Affairs, and Agriculture.

By Mr. LAFALCE:

H.R. 1698. A bill to amend the Federal Water Pollution Control Act to allow all recipients of grants for treatment works to use dedicated ad valorem taxes in order to meet the requirement of the act that such recipients adopt user charges to pay for operation and maintenance of treatment works; to the Committee on Public Works and Transportation.

H.R. 1699. A bill to amend the Federal Water Pollution Control Act relating to the construction and operation of certain treatment works which are subject to regulation under international treaties; to the Committee on Public Works and Transportation.

H.R. 1700. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for sewer taxes, rents, and other similar sewer charges; to the Committee on Ways and Means.

By Mr. LANCASTER:

H.R. 1701. A bill to extend until January 1, 1991, the existing suspension of duty on Cefixime; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 1702. A bill to authorize appropriations for fiscal years 1992 and 1993 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LEVINE of California (for himself, Mr. ANDREWS of New Jersey, Mr. ENGEL, Mr. MORAN, Mr. AUCOIN, Mr. DELLUMS, Mrs. BOXER, Ms. NORTON, Mr. WASHINGTON, Mr. WAXMAN, Mr. GREEN of New York, Mr. FRANK of Massachusetts, Mrs. SCHROEDER, Mrs. COLLINS of Illinois, Mr. ABERCROMBIE, Mr. GILMAN, Mr. MARTINEZ, Mr. FROST, Mr. MFUME, Mr. BERMAN, Mrs. LOWEY of New York, Mrs. UNSOELD, Mr. SMITH of Florida, Mr. OWENS of New York, Mr. BUSTAMANTE, Mr. BYRANT, Mr. PAYNE of New Jersey, Mr. TOWNS, Mr. MATSUI, Mr. MARKEY, Mr. ANDREWS of Maine, Mr. FAZIO, Mr. MOODY, Mr. WEISS, Mr. HAYES of Illinois, Mr. DEFAZIO, Mr. FORD of Tennessee, Ms. SLAUGHTER of New York, Mr. WOLPE, and Mr. CONYERS):

H.R. 1703. A bill to amend title 18, United States Code, to provide a criminal penalty for interfering with access to and egress from a medical facility; to the Committee on the Judiciary.

By Mr. MACHTLEY:

H.R. 1704. A bill to direct the Secretary of State, together with the Attorney General, to enter into negotiations with other countries to provide for the incarceration in those countries of illegal aliens in the United States imprisoned for Federal offenses; jointly to the Committee on Foreign Affairs and the Judiciary.

By Mr. MATSUI:

H.R. 1705. A bill to extend for 3 years the existing suspension of duty on stuffed dolls, certain toy figures, and the skins thereof; to the Committee on Ways and Means.

By Mrs. MEYERS of Kansas:

H.R. 1706. A bill to require the Secretary of Defense to submit to Congress a report describing the lessons learned from the Persian Gulf conflict with respect to military personnel family policies; to the Committee on Armed Services.

By Mr. RANGEL (for himself and Mr. MAZZOLI):

H.R. 1707. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to maintain the current Federal-State funding ratio for certain formula grants; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 1708. A bill to prohibit arms transfers to certain countries unless the President certifies that a state of war does not exist between such country and Israel and that such country has accorded formal recognition to the sovereignty of Israel; to the Committee on Foreign Affairs.

H.R. 1709. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for gifts to the families of members of the Armed Forces killed while serving in Operation Desert Shield or Operation Desert Storm; to the Committee on Ways and Means.

By Mr. SKEEN (for himself, Mr. RICHARDSON, and Mr. SCHIFF):

H.R. 1710. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. SLATTERY (for himself and Mr. DORGAN of North Dakota):

H.R. 1711. A bill to amend the Internal Revenue Code of 1986 to allow farmland sold during the same taxable year as the farmer's principal residence to be eligible for the $125,000 exclusion of gain on sale of a principal residence; to the Committee on Ways and Means.

By Mr. SMITH of Florida (for himself, Mr. LEHMAN of Florida, Mr. GOSS, Mr. IRELAND, Mr. FASCELL, Mr. PANETTA, Mr. PETERSON of Florida, Mr. BENNETT, Mr. JOHNSTON of Florida, and Mr. SHAW):

H.R. 1712. A bill amending the Outer Continental Shelf Lands Act with respect to procedures for the cancellation of leases, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. STARK:

H.R. 1713. A bill to amend the Internal Revenue Code of 1986, to extend the credit for clinical testing expenses for certain drugs for rare diseases or conditions, to impose a windfall profit tax on such drugs if they become excessively profitable, and for other purposes; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1714. A bill to amend the National School Lunch Act to extend benefits under the Child Care Food Program to children aged 13 to 15; to the Committee on Education and Labor.

H.R. 1715. A bill to establish the Harriet Taylor Upton National Historic Site in Warren, OH; to the Committee on Interior and Insular Affairs.

By Mr. DOOLITTLE:

H.J. Res. 211. Joint resolution designating the week of June 1 through June 7, 1991, as "National Polio Awareness Week"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR (for herself and Mr. BURTON of Indiana):

H.J. Res. 212. Joint resolution to designate the week beginning February 16, 1992, as "National Visiting Nurse Associations Week"; to the Committee on Post Office and Civil Service.

By Mr. PENNY (for himself, Mr. CONDIT, and Mr. SLATTERY):

H.J. Res. 213. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations acts; to the Committee on the Judiciary.

By Mr. BILBRAY:

H. Con Res. 114. Concurrent resolution expressing the sense of Congress that the United States should enforce the U.S. Security Council cease-fire resolution, provide humanitarian assistance to the Kurdish and other oppressed Iraqi resistance forces and encouraging other countries to provide such assistance, and promote the establishment of refugee enclaves within the southern and northern borders of Iraq; to the Committee on Foreign Affairs.

By Mrs. LOWEY of New York:

H. Res. 120. Resolution expressing the sense of the House of Representatives regarding the U.S. policy on carbon dioxide emissions; jointly, to the Committee on Energy and Commerce and Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

61. By the SPEAKER: Memorial of the Senate of the State of Idaho, relative to Idaho's dairy production; to the Committee on Agriculture.

62. Also, memorial of the General Assembly of the State of New Jersey, relative to the Piscatinny Arsenal in Rockaway Township, Morris County; to the Committee on Armed Services.

63. Also, memorial of the Senate of the State of Idaho, relative to Idaho's water resources; to the Committee on Energy and Commerce.

64. Also, memorial of the Legislature of the State of Massachusetts, relative to the Israeli's Prime Minister's restraint in not exercising Israel's right to retaliate against Iraq; to the Committee on Foreign Affairs.

65. Also, memorial of the Legislature of the Commonwealth of Puerto Rico, relative to the equal recognition of the Spanish and English languages in the administrative and legislative procedures of the Government; to the Committee on Interior and Insular Affairs.

66. Also, memorial of the Legislature of the State of North Dakota, relative to the desecration of the flag of the United States; to the Committee on the Judiciary.

67. Also, memorial of the Legislature of the State of Louisiana, relative to rescinding previous applications calling for a constitutional convention; to the Committee on the Judiciary.

68. Also, memorial of the General Assembly of the State of Georgia, relative to an amendment to the Constitution with respect to the desecration of the flag of the United States; to the Committee on the Judiciary.

69. Also, memorial of the General Assembly of the State of Georgia, relative to the Supreme Court decision in *Pennsylvania* v. *Davenport;* to the Committee on the Judiciary.

70. Also, memorial of the Legislature of the State of Montana, relative to the international boundary between the United States and Canada; to the Committee on the Judiciary.

71. Also, memorial of the Senate of the State of Idaho, relative to Idaho's sheep stock; to the Committee on the Judiciary.

72. Also, memorial of the General Assembly of the State of South Carolina, relative to recreational boating user fees; to the Committee on Merchant Marine and Fisheries.

73. Also, memorial of the Legislature of the State of Montana, relative to the method of allocating Federal highway funds; to the Committee on Public Works and Transportation.

74. Also, memorial of the Senate of the State of Idaho, relative to the national forests in Idaho; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LAFALCE introduced a bill (H.R. 1716) for the relief of Alice Koshian; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. AUCOIN, Mr. TORRES, Mr. WALSH, Mr. MCMILLEN of Maryland, Mr. REED, Mr. ABERCROMBIE, Mr. BACCHUS, Mr. ACKERMAN, Mr. CAMPBELL of California, Mrs. BENTLEY, Mr. HAYES of Illinois, Mr. ROEMER, Mr. FALEOMAVAEGA, Mr. DIXON, and Mr. HOAGLAND.

H.R. 8: Mr. FORD of Tennessee.

H.R. 20: Mr. JOHNSTON of Florida, Mr. KILDEE, Mr. LUKEN, Mr. DELLUMS, Mr. FALEOMAVAEGA, Mr. MARKEY, Mr. PAYNE of Virginia, Mr. THOMAS of California, Mr. FAZIO, Mr. HUCKABY, Mrs. KENNELLY, Mr. OBERSTAR, Mr. OBEY, Mr. OWENS of Utah, Mr. QUILLEN, and Mr. SKAGGS.

H.R. 53: Mr. WEISS, Mr. MACHTLEY, Mr. PALLONE, Mr. BORSKI, Mr. HUCKABY, Mr. ROE, Mr. KOLTER, and Mr. TAYLOR of Mississippi.

H.R. 78: Mr. HANCOCK, Mr. KYL, and Mr. BATEMAN.

H.R. 108: Mr. HAYES of Illinois, Mr. WEISS, Mr. ENGEL, Mr. SIKORSKI, and Mr. LAFALCE.

H.R. 110: Mr. LANCASTER, Mr. WOLF, Mr. MAVROULES, Mrs. JOHNSON of Connecticut, Mr. HYDE, Mr. BREWSTER, and Mr. LAFALCE.

H.R. 258: Mr. LEWIS of Florida and Mr. ENGEL.

H.R. 303: Mr. CONDIT.

H.R. 304: Mr. FROST.

H.R. 330: Mr. BENNETT and Mr. NEAL of Massachusetts.

H.R. 381: Mr. WEISS, Mr. UDALL, Mr. RAVENEL, Mr. MATSUI, and Mr. MOAKLEY.

H.R. 384: Mr. KOPETSKI.

H.R. 385: Mr. WEISS and Mr. MOLLOHAN.

H.R. 413: Mr. ROE, Mr. HENRY, Mr. FAZIO, Mr. COYNE, Mr. DEFAZIO, Mr. FORD of Michigan, Mr. JOHNSON of South Dakota, Mr. CLAY, Mr. BATEMAN, Mr. SABO, Mr. GINGRICH, Mr. YOUNG of Alaska, Mr. CAMPBELL of Colorado, Mr. NATCHER, Mr. MILLER of California, Mr. MCEWEN, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. KENNEDY, Mr. WYLIE, Mr. SPRATT, and Mrs. PATTERSON.

H.R. 430: Mr. YOUNG of Alaska.

H.R. 431: Mr. SMITH of Oregon, Mr. DAVIS, Mr. LIVINGSTON, Mr. HERGER, Mr. DANNEMEYER, Mrs. MORELLA, Mr. SOLOMON, Mr. BALLENGER, Mr. ZIMMER, and Mr. MOORHEAD.

H.R. 441: Ms. WATERS, Mr. FAZIO, Ms. PELOSI, Mr. OWENS of New York, Mr. JONTZ, Mr. SWIFT, Mr. ACKERMAN, Mr. SCHUMER, Mr. ENGEL, Mr. WOLPE, Ms. SLAUGHTER of New York, Mr. MINETA, Mr. STOKES, Mr. DWYER of New Jersey, and Mr. MCDERMOTT.

H.R. 565: Mr. WEISS, Mr. FAZIO, Mr. COYNE, Mrs. MEYERS of Kansas, Mr. BATEMAN, Mr. LANCASTER, Mr. CALLAHAN, Mr. MFUME, Mr. BILIRAKIS, Mr. MYERS of Indiana, Mr. GINGRICH, Mr. FORD of Tennessee, Mr. MARLENEE, Mr. DANNEMEYER, and Mr. SERRANO.

H.R. 573: Mr. GALLO.

H.R. 576: Mr. STALLINGS, Mr. TORRES, Mr. FISH, Mr. MCCURDY, Mr. CHAPMAN, Mr. SLATTERY, Ms. SLAUGHTER of New York, and Mr. MCCLOSKEY.

H.R. 583: Mr. YATRON and Mr. COSTELLO.

H.R. 606: Mr. RAVENEL, Mr. PETRI, Mr. LAGOMARSINO, Mr. DELAY, Mr. COX of California, Mr. LENT, Mr. PACKARD, Mr. CUNNINGHAM, Mr. FAWELL, Mr. DOOLITTLE, and Mr. FISH.

H.R. 617: Mr. STENHOLM, Mr. HUTTO, and Mr. PALLONE.

H.R. 632: Mr. DURBIN.

H.R. 652: Mr. ANDREWS of Maine, Mr. KOLTER, and Mr. JEFFERSON.

H.R. 663: Mr. PETRI, Mr. DELAY, and Mr. COX of California.

H.R. 676: Mr. OWENS of New York, Mr. KLECZKA, Mr. SCHEUER, Mr. WOLPE, Mr. WEISS, Mr. SANDERS, Mr. MCDERMOTT, Mr. HANCOCK, Mr. MACHTLEY, Mr. TORRES, Mr. CONDIT, Mr. MCMILLEN of Maryland, Mr. ENGEL, Ms. MOLINARI, and Mr. KILDEE.

H.R. 680: Mr. MACHTLEY and Mr. SHAYS.

H.R. 687: Mr. KYL, Mr. ARCHER, Mr. WEBER, Mr. RAVENEL, Mr. GOSS, Mr. HERGER, Mr. DANNEMEYER, and Mr. SANTORUM.

H.R. 694: Mr. LIPINSKI and Mr. POSHARD.

H.R. 738: Mr. SWIFT and Mr. FALEOMAVAEGA.

H.R. 783: Mr. LANCASTER.

H.R. 785: Mr. RAMSTAD, Mr. SOLARZ, Mr. FISH, Mr. ENGEL, Mr. MANTON, Mr. HORTON, Mr. BUSTAMANTE, and Mr. FROST.

H.R. 798: Mr. DELAY.

H.R. 811: Mr. DEFAZIO and Mr. TAYLOR of Mississippi.

H.R. 828: Mr. FORD of Michigan and Mr. OWENS of New York.

H.R. 830: Mr. JONTZ and Mr. SABO.

H.R. 841: Mr. COSTELLO, Mr. ESPY, Mr. FISH, Mr. JACOBS, Mr. KILDEE, Ms. NORTON, Mr. PANETTA, Mr. RANGEL, Mr. SCHEUER, Mr. STARK, and Mr. SWIFT.

H.R. 856: Mr. FLAKE.

H.R. 919: Mr. LEWIS of Georgia, Mr. STARK, and Mr. SLATTERY.

H.R. 960: Mr. DUNCAN, Mr. ZELIFF, Mr. RAVENEL, Mr. BLILEY, Mr. PURSELL, Mr. THOMAS of Georgia, and Mr. HATCHER.

H.R. 975: Mrs. BOXER.

H.R. 1000: Mr. SERRANO, Mr. WEISS, Mr. NEAL of Massachusetts, Mr. JEFFERSON, Mr. WASHINGTON, Mr. LAFALCE, and Mrs. MORELLA.

H.R. 1039: Mrs. BOXER.

H.R. 1047: Mr. BREWSTER, Mr. EDWARDS of California, Mr. PENNY, Mr. STAGGERS, Mr. DE LUGO, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, Mr. HARRIS, Mr. HAMMERSCHMIDT, Mr. SLATTERY, Mr. PETERSON of Florida, Mrs. PATTERSON, Mr. INHOFE, Mr. SPENCE, Mr. MONTGOMERY, and Mr. STUMP.

H.R. 1079: Mr. MOLLOHAN, Mr. BEREUTER, Mr. VALENTINE, Mr. ANDREWS of Maine, Mrs. UNSOELD, and Mr. SKELTON.

H.R. 1110: Mr. CLAY, Mr. WHEAT, Mr. PETERSON of Florida, Mr. FORD of Michigan, Mr. LEVIN of Michigan, and Mr. PALLONE.

H.R. 1120: Mr. CONDIT, Mr. ENGEL, Mr. LEWIS of California, Mr. MCCLOSKEY, Mr. PAYNE of New Jersey, and Mr. WEISS.

H.R. 1125: Mr. STOKES and Mr. JEFFERSON.

H.R. 1126: Mr. JONES of North Carolina, Mr. DAVIS, Mr. WILLIAMS, Mr. STUDDS, Mr. KOLTER, and Mr. AUCOIN.

H.R. 1134: Mr. FROST, Mr. BERMAN, Mr. COSTELLO, Mr. DWYER of New Jersey, Mr. TRAXLER, Mr. JEFFERSON, Mr. ENGEL, and Ms. NORTON.

H.R. 1161: Mr. ATKINS, Mr. BILBRAY, Mr. BONIOR, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. MRAZEK, Mr. ANDREWS of Maine, Mr. FRANK of Massachusetts, Mr. LEVIN of Michigan, Mr. WILLIAMS, Mr. FAZIO, Mr. JOHNSON of South Dakota, Mr. JEFFERSON, and Mr. MATSUI.

H.R. 1179: Mr. ANDREWS of Maine, Mr. KENNEDY, Mr. DOOLEY, Mr. MFUME, Mr. FAZIO, Mr. ANDREWS of New Jersey, Mr. LANTOS, Ms. SLAUGHTER of New York, Mr. PALLONE, Mr. CAMPBELL of California, Ms. DELAURO, Mr. WYDEN, Mr. STOKES, Mr. REED, Mr. DICKS, Mr. RAVENEL, and Mr. PAYNE of New Jersey.

H.R. 1191: Mr. DE LUGO, Mr. FASCELL, and Mrs. LOWEY of New York.

H.R. 1193: Mr. MOODY, Mr. WOLPE, Mr. TRAXLER, Mr. HENRY, Mrs. COLLINS of Michigan, Mr. HOCHBRUECKNER, Mr. STARK, Mr. KOPETSKI, Mr. FROST, Mr. REED, Mr. TOWNS, Mr. RAHALL, Mr. BOUCHER, Mr. KANJORSKI, Mr. ERDREICH, Mr. MCHUGH, Mr. BONIOR, Mr. JEFFERSON, and Ms. KAPTUR.

H.R. 1196: Mr. BEILENSON, Mr. FISH, Mr. OWENS of New York, Mr. DELLUMS, Mr. COSTELLO, and Mr. GILCHREST.

H.R. 1201: Mr. FISH, Mr. LEVIN of Michigan, Mr. DEFAZIO, Mr. BILBRAY, and Mr. FALEOMAVAEGA.

H.R. 1226: Mr. SERRANO and Mr. HERTEL.

H.R. 1250: Mr. PETRI, Mr. ASPIN, and Mr. DANNEMEYER.

H.R. 1277: Mr. KYL, Mr. KOLTER, Mr. FAWELL, Mr. GALLEGLY, Mr. BOEHNER, Mr. GOSS, Mr. PETRI, Mr. HORTON, Mr. OXLEY, Mr. CLINGER, Mr. SPENCER, Mr. LIVINGSTON, Mr. TAYLOR of North Carolina, Mr. DELAY, Mr. QUILLEN, Mr. LENT, Mrs. JOHNSON of Connecticut, Mr. PARKER, Mr. ERDREICH, Mr. BLAZ, Mrs. SCHROEDER, Mr. WEISS, Mr. GINGRICH, Mr. KOLBE, Mr. RIGGS, and Mr. HERTEL.

H.R. 1278: Mr. FROST, Mr. PAYNE of New Jersey, Mr. SCHEUER, Ms. KAPTUR, Mr. FAZIO, Mr. WALSH, Mr. ERDREICH, Mr. HYDE, and Ms. NORTON.

H.R. 1308: Mr. SCHEUER, Mr. ROE, Mr. FISH, Mr. ENGEL, and Mr. ECKART.

H.R. 1343: Mr. MRAZEK, Mr. TORRICELLI, Mr. BEILENSON, Mr. PENNY, Mrs. MINK, Mr. HORTON, Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. SCHEUER, Mr. MARTINEZ, Mr. ABERCROMBIE, and Mr. BILBRAY.

H.R. 1344: Mr. DE LUGO, Mr. ANDREWS of Maine, Mr. OWENS of New York, Mr. WYDEN, and Mr. FORD of Michigan.

H.R. 1397: Mr. HANCOCK, Mr. PARKER, Mr. PACKARD, and Mr. HYDE.

H.R. 1400: Mr. RAVENEL, Mr. DANNEMEYER, Mr. HUCKABY, Mr. MCMILLAN of North Carolina, Mr. SHAW, Mr. ROTH, and Mr. BROOMFIELD.

H.R. 1412: Mr. DORNAN of California, Mr. MICHEL, Mr. BILBRAY, Mr. HOPKINS, Mr. BRUCE, Mr. HAYES of Louisiana, Mr. COBLE, Mr. HOLLOWAY, Mr. JENKINS, Mr. FRANKS of Connecticut, Mr. SLAUGHTER of Virginia, Mr. YATES, Mr. ZELIFF, Mr. ROTH, Mr. SANTORUM, Mr. RITTER, Mr. HERGER, Mr. CARR, Mr. DOOLITTLE, Mr. DE LUGO, Mr. CLINGER, Mr. SARPALIUS, Mr. ENGLISH, Mr. OLIN, Mr. LEWIS of California, Mr. FIELDS, Mr. STUMP, and Mr. YOUNG of Alaska.

H.R. 1430: Mr. VENTO, Mr. GRAY, and Mr. SANDERS.

H.R. 1450: Mr. JOHNSON of South Dakota, Mr. BACCHUS, Mr. MOLLOHAN, Mr. JONES of North Carolina, Mr. GEREN of Texas, Mr. SARPALIUS, Mr. DOOLEY, Mr. HAYES of Louisiana, Mr. ANDERSON, Mr. STEARNS, Mr. DOOLITTLE, Mr. HANSEN, Mr. DICKINSON, Mr. COX of California, Mr. BARTON of Texas, Mr. HANCOCK, Mr. GILLMOR, and Mr. EMERSON.

H.R. 1456: Mr. VALENTINE, Mr. ZELIFF, Mr. BURTON of Indiana, Mr. DICKINSON, Mr. BILBRAY, Mr. SUNDQUIST, Mr. ROBERTS, Mr. JOHNSON of South Dakota, Mr. CUNNINGHAM, Mr. ARCHER, Mr. INHOFE, Mr. GINGRICH, Mr. RAHALL, Mr. QUILLEN, Mr. JONES of North Carolina, Mr. DARDEN, Mr. IRELAND, Mr. SAXTON, Mr. LENT, Mr. EMERSON, Mr. REED, Mr. MONTGOMERY, Mr. ROTH, Mr. DERRICK, Mr. COBLE, Mr. HAMMERSCHMIDT, Mr. LEACH, Mr. SLATTERY and Mr. MARTIN.

H.R. 1458: Mr. BUNNING, Mr. EMERSON, Mr. HYDE, and Mr. DANNEMEYER.

H.R. 1460: Mr. Condit, Mr. Dixon, Mr. Hayes of Illinois, Mr. Kleczka, Mr. Neal of Massachusetts, Mr. Serrano and Mr. Slattery.

H.R. 1473: Mr. Hammerschmidt, Mr. McNulty, Mr. Horton, Mr. Thomas of Georgia, Mr. Petri, Mr. Faleomavaega, Mr. Rhodes, Mr. Fish, Mr. Blaz, Mr. Perkins, Mr. Hyde, Mr. McGrath, and Mr. DeFazio.

H.R. 1502: Mr. Lehman of Florida, Mr. Washington, Mr. Owens of Utah, Mr. Levine of California, Mr. Owens of New York, Mr. Frost, Mr. Frank of Massachusetts, Mr. Lewis of Georgia, Mr. Flake, Mr. Jefferson, Mr. Studds, Mr. Neal of Massachusetts, Mr. Dellums, Ms. Slaughter of New York, Mr. Johnson of South Dakota, Mr. Serrano, Mr. Bilbray, Mr. Markey, Mr. Andrews of Maine, Mr. Torricelli, Mrs. Meyers of Kansas, Mr. de Lugo, Mr. Richardson, Mr. Slattery, Mr. AuCoin, and Mr. Hertel.

H.R. 1504: Mr. Stark, Ms. Pelosi, Mr. Engel, and Mr. Evans.

H.R. 1516: Mr. Roberts, Mr. Espy, Mr. English, Mr. Penny, Mr. Stenholm, Mr. Tallon, Mr. Marlenee, Mr. Alexander, Mr. Edwards of Oklahoma, Mr. McEwen, Mr. Coleman of Missouri, Mr. Peterson of Minnesota, and Mr. Grandy.

H.R. 1546: Mr. Machtley.

H.R. 1547: Mr. Machtley.

H.R. 1568: Mr. Jacobs, Mr. Fuster, Mr. Bereuter, Mr. Martin, Mr. Berman, Mr. Neal of Massachusetts, Mr. Wilson, and Mr. Roe.

H.R. 1574: Mr. Walsh and Mr. Duncan.

H.R. 1575: Mr. Emerson and Mr. Gunderson.

H.R. 1649: Mr. Upton, Mr. McNulty, Mr. Frost, Mrs. Boxer, and Mr. Owens of New York.

H.R. 1655: Mr. McCandless, Mr. Smith of Oregon, Mr. Livingston, Mr. Herger, Mr. Dannemeyer, Mr. Hancock, Mr. Solomon, Mrs. Unsoeld, Mr. Wolf, Mr. Ballenger, Mr. Zimmer, and Mr. Moorhead.

H.R. 1669: Mr. Stokes, Mr. Flake, and Mr. Borski.

H.R. 1675: Mr. Hughes.

H.J. Res. 61: Mr. Hefley and Mr. Hyde.

H.J. Res. 94: Mr. Stump, Mr. Lent, Mr. Spence, Mr. Holloway, Mr. Paxon, Mr. McCrery, Mr. Ravenel, Mr. Wilson, Mr. Dannemeyer, Mr. Lewis of Florida, Mr. Schiff, and Mr. Cox of California.

H.J. Res. 107: Mr. Barnard, Mr. Eckart, and Mr. Dreier of California.

H.J. Res. 128: Mr. Engel.

H.J. Res. 134: Mr. Bennett, Mr. Borski, Mrs. Bryon, Mr. Dannemeyer, Mr. Engel, Mr. LaRocco, Mr. Levin of Michigan, Mr. Lewis of California, Mr. Mineta, Mr. Regula, Mr. Stallings, Mr. Sundquist, Mr. Torricelli, Mr. Beilenson, Mr. Ford of Tennessee, Mr. Flake, Mr. Frank of Massachusetts, Mr. Kleczka, Mr. Solarz, Ms. Slaughter of New York, Mr. Atkins, Mr. Dellums, Mr. Downey, Mr. Espy, Mr. Gunderson, Mr. Smith of Texas, Mr. Valentine, Mr. Jones of North Carolina, Mr. Kasich, Mr. Lowery of California, Mr. Sawyer, Mr. Shaw, Mr. Skaggs, Mr. Burton of Indiana, Mr. Dixon, Mr. de Lugo, Mr. Donnelly, Mrs. Johnson of Connecticut, Mr. McHugh, Mr. McMillen of Maryland, Mr. Mavroules, Mr. Moakley, Mr. Morrison, Mr. Natcher, Mr. Ortiz, Mr. Porter, Mr. Roemer, Mr. Tauzin, and Mr. Clay.

H.J. Res. 141: Mr. Moorhead, Mr. Kasich, Mr. Orton, Mr. Green of New York, Mr. Pursell, and Mr. Ford of Michigan.

H.J. Res. 143: Mr. Allard, Mr. Archer, Mr. Armey, Mr. Baker, Mr. Ballenger, Mr. Barrett, Mr. Bennett, Mrs. Bentley, Mr. Boehlert, Mr. Boehner, Mr. Bunning, Mr. Burton of Indiana, Mr. Callahan, Mr. Campbell of Colorado, Mr. Coble, Mr. Cox of California, Mr. Crane, Mr. DeLay, Mr. Derrick, Mr. Dickinson, Mr. Dornan of California, Mr. Emerson, Mr. Fawell, Mr. Fields, Mr. Gallegly, Mr. Gingrich, Mr. Hammerschmidt, Mr. Hancock, Mr. Hansen, Mr. Hastert, Mr. Herger, Mr. Hubbard, Mr. Hunter, Mr. Hyde, Mr. Ireland, Mr. Kasich, Mr. Kolbe, Mr. Kolter, Mr. Lagomarsino, Mr. Lent, Mr. Livingston, Mr. Luken, Mr. McCandless, Mr. McEwen, Mr. Miller of Washington, Mr. Moorhead, Mr. Oxley, Mr. Quillen, Mr. Packard, Mr. Ramstad, Mr. Ravenel, Mr. Ritter, Mr. Rohrabacher, Ms. Ros-Lehtinen, Mr. Saxton, Mr. Schaefer, Mr. Sensenbrenner, Mr. Slaughter of Virginia, Mr. Smith of Texas, Mr. Stearns, Mr. Stump, Mr. Sundquist, Mr. Taylor of North Carolina, Mr. Thomas of Wyoming, Mr. Vander Jagt, Mr. Walker, Mr. Wilson, Mr. Zeliff, and Mr. Zimmer.

H.J. Res. 169: Mr. Darden, Mr. Mfume, Mr. Andrews of New Jersey, Mr. Hughes, Mr. Moakley, Mr. Hochbrueckner, Mr. Hamilton, Mr. Roybal, Mr. Saxton, Mr. Rinaldo, Mr. Fazio, Mr. Wylie, Mrs. Morella, Mr. Ramstad, Mr. Berman, Mr. Smith of Oregon, Mr. Emerson, Mr. Lipinski, Mr. Wolpe, Mr. Kopetski, Mr. Ballenger, Mr. Jones of Georgia, Mr. Harris, Mr. Skaggs, Mr. Smith of New Jersey, Mrs. Mink, Mr. Wolf, Mr. Morrison, Mr. Miller of Washington, Mr. Ravenel, and Mr. Gordon.

H.J. Res. 185: Mr. Taylor of Mississippi, Mr. Jefferson, Mr. Walsh, Mr. Costello, Mr. Dornan of California, Mr. Clement, Mr. Bilirakis, Mr. Ramstad, Mr. Martin, Mr. Mineta, Mr. Torricelli, Mr. Geren of Texas, Mr. Engel, and Mr. Skeen.

H.J. Res. 190: Mr. Tallon, Mr. Horton, Mr. Clement, Mr. Fish, Mr. Faleomavaega, and Mr. Hastert.

H.J. Res. 195: Mr. Lent, Mr. Scheuer, Mr. Burton of Indiana, Mr. McCurdy, Mr. Lehman of Florida, Ms. Ros-Lehtinen, Mr. Manton, Mr. Annunzio, Mr. Moody, Mr. Fascell, Mr. Mrazek, Mr. Frank of Massachusetts, Mr. Erdreich, Mr. Waxman, Mr. McGrath, Mr. Beilenson, Mr. Cardin, Mr. Yates, Mr. Levin of Michigan, Ms. Molinari, Mr. Weiss, Mr. Hertel, Mr. Engel, Mrs. Morella, Mr. Kyl, Mr. Bacchus, Mr. Owens of New York, Mr. Solarz, Mr. Kopetski, Mr. Jefferson, Mr. Dannemeyer, Mr. Payne of New Jersey, Mr. McNulty, Mr. Ramstad, Mr. Hyde, Mr. Swett, Mr. Feighan, Mr. Bilbray, Mr. Smith of Texas, Mr. Berman, Mr. Hall of Ohio, and Mr. Frost.

H. Con. Res. 27: Mr. Henry.

H. Con. Res. 81: Mr. Shaw, Mr. Bateman, Mr. Inhofe, Mr. Porter, Mr. Martin, and Mr. Packard.

H. Con. Res. 88: Mr. Luken, Mr. Wylie, Mr. Swett, Mrs. Johnson of Connecticut, Mr. Laughlin, Mr. Erdreich, Mr. Jones of Georgia, Mr. Bryant, Mr. Gejdenson, Mr. Gray, Mr. Hefley, Mr. Hughes, Mr. Rangel, Mr. Foglietta, Mr. Ackerman, Mr. Bilirakis, Mr. McEwen, Mr. McCrery, Mr. Gingrich, Mr. Archer, Mr. Fields, Mr. Upton, Mr. LaRocco, Mr. Wyden, Mr. Doolittle, and Mr. Vento.

H. Con. Res. 91: Mr. Ritter, Mr. Eckart, Ms. DeLauro, Mr. Condit, and Mr. Washington.

H. Con. Res. 105: Mr. Owens of Utah, Mr. Oberstar, Mr. Beilenson, Mr. Towns, Mr. Manton, Mr. Faleomavaega, Mr. Lehman of Florida, Mr. Riggs, Mr. AuCoin, Mr. Mrazek, Mr. Jefferson, Mr. Clinger, Mr. Hall of Ohio, Mr. Flake, Mr. McCloskey, Mr. Fascell, Mrs. Boxer, Ms. Pelosi, Mr. Vento, Mr. Goss, Mr. Hertel, Mr. Brown, Mr. Moorhead, and Mr. Lipinski.

H. Res. 26: Mr. Nussle, Mr. Fawell, Mr. Broomfield, Mrs. Bentley, Mr. Erdreich, Mr. Houghton, Mr. Riggs, Mrs. Vucanovich, and Mr. Gunderson.

H. Res. 99: Mr. Fish, Mr. Shaw, and Mr. Engel.

H. Res. 100: Mr. Upton.

H. Res. 101: Mr. Oberstar, Mr. Traficant, and Mr. Tallon.

H. Res. 115: Mr. Fawell, Mr. Engel, Mr. Oberstar, Mr. Owens of New York, Mr. Dellums, Mrs. Schroeder, Mr. Scheuer, Mr. Bryant, Mr. Penny, Mr. Peterson of Minnesota, Mr. Valentine, Mr. Costello, Mr. Slattery, Mr. Serrano, Mr. Hughes, and Mr. Pease.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

53. By the SPEAKER: Petition of the city council, city of Boston, relative to supporting the full participation of minority and women owned businesses in the redevelopment of Kuwait and the Persian Gulf; to the Committee on Foreign Affairs.

54. Also, petition of the town council of Blades, DE, relative to an amendment to the Constitution relative to the desecration of the American flag; to the Committee on the Judiciary.

55. Also, petition of the township of Wakefield, Gogebic County, MI, relative to the western upper peninsula of Michigan; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

EXTENSIONS OF REMARKS

BASICS IN HIGHER EDUCATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. FORD of Michigan. Mr. Speaker, I know my colleagues share my concern that America's colleges and universities are too frequently graduating students who are severely lacking in fundamental skills. As we begin to consider the reauthorization of the Higher Education Act, I want to share with my colleagues the insightful comments of Robert L. Hardesty, a former president of Southwest Texas State University, who also served as White House assistant to President Lyndon Johnson, and vice chancellor of the University of Texas System. I believe his recent comments to the Bridgewater State College "Conference on Mission" offer constructive ideas regarding the future direction of higher education, and I commend them to the attention of my colleagues.

CONFERENCE ON MISSION

(Remarks by Robert L. Hardesty)

It's a pleasure to be with you today and an honor to be a part of this important and timely "Conference on Mission." I congratulate the administration, faculty and staff of Bridgewater State College on the occasion of its Sesquicentennial. You are the custodians of a venerable tradition and I am glad to see you are observing it this week by honoring the past but looking to the future.

It's an added pleasure to be sharing the program with two old friends and colleagues, John Bardo and Allan Ostar. Dr. Bardo was a strong partner in our quest for academic reform at Southwest Texas State University in the mid 1980s and I hold him in affection and high esteem. Bridgewater State is fortunate to have him as its vice president for academic affairs. Dr. Ostar is the dean of the higher education spokesmen in Washington and a man of towering reputation who is respected and revered throughout the country.

Let me preface my remarks by saying that my interest in the mission of AASCU colleges and universities did not begin or end with my presidency of Southwest Texas State. It is a philosophical interest which extends beyond those SWT days and which springs from very personal experiences long before my SWT days.

Two of the smartest individuals I have known in my life went to state teachers colleges where they received first-rate educations which prepared them for distinguished careers. One, an internationally recognized eye surgeon, went on to become my father. The other, an internationally known President of the United States, went on to become my boss. (It should be of particular interest to this audience to recall that he was also the president who passed more education legislation than all of his predecessors and successors combined.)

Now what those seemingly unrelated events said to me when I first began to ponder them years ago is that you never know where your John Hardestys or your Lyndon Johnsons are going to spring from in this diverse educational system of ours. You never know where your other physicians and scientists and politicians and artists and writers and business leaders are going to spring from, either. But you do know that a goodly number of them are going to spring from AASCU-type (American Association of State Colleges and Universities) colleges and universities and as a matter of public policy, we had better be certain that their education is second to none. We cannot afford to have a two-tier—first-class and second-class—educational system in this nation. And that is a message that every state legislature in this nation should think long and hard about. It is critically important that our AASCU-type schools be as good as the best of them, because their graduates are going to be competing with the best of them.

In addition, these schools had better be sure that they give their graduates the kind of broad and balanced education which will carry them through a lot of unexpected turns of fate in their lives and careers. Both my father and Lyndon Johnson, I remind myself, were trained to be teachers, but they were educated to be leaders in our society. If that was important then, sixty, seventy, eighty years ago, it is critical now. It is said that today's college graduate will go through three or four career changes during the course of his or her lifetime. We had better be certain that we are educating our graduates, not just training them. Education never becomes obsolete; training almost always does. When we teach our students skills, we prepare them for jobs. When we teach them how to think, we prepare them for life.

I took those convictions with me to Southwest Texas State ten years ago and I bring them with me today, honed by practice but unaltered by the hard knocks of practical experience. Indeed, my experiences at Southwest Texas reinforced those convictions.

Shortly after I was appointed to the presidency of SWT, I received a letter of congratulations from a recent graduate. Although I appreciated the sentiments, the letter was so badly written it was embarrassing. The grammar was atrocious, the punctuation was random at best, and the sentence structure was totally incomprehensible. At first I was in a state of shock that someone who had gone through four years of study at our institution—and had graduated—could write so horribly. What was even more puzzling was that his letter was quite complimentary to me personally, so I knew he couldn't be stupid. And I subsequently discovered that he had done quite well in his major. It was a puzzlement, as the King of Siam used to say in the musical.

But I had been taught an important lesson early in my life: Nobody's so worthless that he can't be used as a pitiful example. So I began showing the letter to our deans and chairs. It was then I learned that the writer wasn't a pitiful example at all. He wasn't even unique. He was rather typical—symptomatic. And the symptoms weren't limited to English. They included an ignorance of math as well.

The depressing fact was that we were admitting hundreds of freshmen who were woefully deficient in reading, writing, spoken communication or math skills—and in too many cases, graduating them with the same deficiencies four years later. They were bright enough students. They had met our entrance requirements, which were respectable. If they survived their first two years—and many did not—they usually did well in their majors. So we were not looking at students with a lack of aptitude. Nor were we looking at a university that was academically bankrupt. Our departments were strong and were turning out well-qualified majors. The fact was, those students were falling between the academic cracks and nobody seemed able to help them.

The deeper I probed into the situation, the more disturbed I became. It soon became apparent that our students were falling between the cracks of the entire academic foundations program. Too many of them were finding ways of avoiding the required core curriculum courses that were distasteful to them or difficult for them. And the University had neither the academic delivery system nor a strong enough advising program to do much about it. In too many cases, we were turning out one-dimensional graduates—well trained in their majors, but functionally illiterate in other critical fields of study.

Out response to that situation at Southwest Texas was not dramatic; it was not brilliant; it was not revolutionary. It was simply a return to the basics. We revamped our core curriculum—our entire academic foundations program. We created a separate college of general studies which became academic "home" to all freshmen and sophomores who had not declared their majors. We placed renewed emphasis on academic advisement. We instituted a "rising junior" basic skills test in reading, writing and math, followed by mandatory remediation for those who failed it. We instituted a writing-across-the-curriculum program. And to send a signal to our students to let them know that we were serious about our expectations of them, we tightened up dramatically on our probation and suspension policies. (The first semester those policies were in effect, we suspended 830 students. That did get their attention.)

We had a lot of selling to do—internally—to get it all done. Many faculty members were reluctant to take on the responsibility for remediating those students who were deficient in the basic skills. A university shouldn't be doing the job of the elementary and secondary schools, they insisted. My answer was that when we graduate hundreds of students each year who cannot write a clear sentence or compute a simple mathematical problem, we cast a shadow on the quality of our degrees and the integrity of our diploma.

Academically, there were plenty of faculty who were perfectly happy with the status quo. As long as their departments were doing a good job of turning out well qualified majors, why worry about general studies? It was the old "If it ain't broke, don't fix it" syndrome.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

One of my first acts as president of SWT was to share with the faculty my very strong feelings about the kind of education I thought we ought to be providing young people:

—Education that teaches people to think;

—Education that builds the whole man or woman as well as the expert;

—Education that establishes a base of communal knowledge before it builds pinnacles of specialized knowledge.

And I told them I didn't think we were in the business of competing with the big research institutions. That isn't where we came from and I didn't think that's where we should be going. Naturally, we could compete in some specialized areas, but I did not believe that should be our driving force—our raison d'etre.

The problem was that most of us are trained to teach and to do research in particular specialities. We think of the university as a kind of patchwork quilt with bright but isolated areas of study, each designed to prepare students in narrow emphases that we call "majors." But the model of the university as a patchwork of relatively unrelated groups of programs has a significant drawback. It divides the faculty into highly-specialized and separate groups, isolated from colleagues and community by their vocabularies, methodologies and outlook.

This has not always been the case. American higher education began with programs which were highly unified and very coherent. The first Harvard curriculum of the 1640s, for example, included only twelve subjects—all of them taught by a single faculty member who also doubled as the president of the college.

The influence of scientific and technical advances forced curriculum expansion so that by the 1820s specialty programs began to emerge—law, engineering, medicine. By the 1870s the first graduate programs were being introduced and the concept of a "major" was in place. And we've been locked into it ever since.

As the major grew in importance within the curriculum, that very critical portion of our students' studies that we call "general education" shrank in importance. In some universities, general education shrank in size to the point where students were spending most of their time working on their majors and the idea of a common knowledge base seemed to have lost both its promise and its meaning.

Even today, in too many instances, our students have no clear sense of the shape or the rationale of the academic foundations curriculum. And all too often when they complete the "required courses," they leave with a sigh of relief, instead of a sense of intellectual fulfillment. Nowhere in their "academic foundations" do they come close to achieving the ideal of a unified and coherent understructure of skills and knowledge needed to build toward their major studies.

We are running the risk of turning out well trained technicians who know and understand very little of our common social heritage, who have no understanding of the ethical dimensions of their jobs, who are cultural illiterates. I'm sure you see them every day in your institutions: students who can neither synthesize nor compute, who have no notion of unifying concepts, who understand only isolated pieces of the whole, who lack the fundamental skills of making connections and expressing ideas. This is a problem whose solution is absolutely basic to the success of every academic program—a problem that requires every institution to re-examine the idea of the university, the fragmented patchwork, and restore coherence to the general studies program.

One of the problems is that the more we withdraw into our isolated disciplines, the less we think about the unifying whole of the academic program—and, worse yet, the less concerned we are about it. In my opinion, every university in this country ought to put its entire faculty to work redefining what their institution is about every ten years. Because until the faculty have a vision of a unifying whole, and a commitment to it, there will be none.

That's what we did at Southwest Texas State. We avoided the pitfall of simply imposing a new structure of required credit hours for each student. The faculty would have rejected it out of hand. We also avoided the equally dangerous pitfall of asking the faculty to recommend a structure of required credit hours. They would still be fighting over it, eight years later.

Instead of asking the faculty to work on inputs, we put them to work on outcomes. We asked them to tell us, in general terms, what an educated person should know; what perspectives he or she should have at graduation. We pulled the faculty out of their academic isolation and got them thinking on a university-wide basis for the first time in years.

They did their job well. They came back to us with categories of knowledge that we all agreed were essential to a liberal, undergraduate education.

Then we asked them to recommend the required credit hours that would flesh out those categories. By that time, it was too late for them to bolt the reservation. They were now thinking as members of a university community, instead of members of their individual departments. And they had bought into an overall concept of general education. Even those departments which faced the prospect losing credit hours for their majors went along with the final recommendation. For that brief but glorious period of time in our school's history, a group of turf-jealous faculty members turned themselves into university statesmen. And I want to tell you, I was—and remain—damn proud of them.

We expended a lot of time and energy in the process. Would we have been better off expending that time and energy in building up our graduate program and trying to gain approval for a doctoral program? I don't believe so. As I said a moment ago, I never saw us competing with The University of Texas or Texas A&M or The University of Houston on the graduate level.

But I did see us competing with them on the undergraduate level. I believed then and I continue to believe that an AASCU-type institution can deliver a quality undergraduate program just as well as a big research institution—and often better.

And I believe that's what we ought to be doing. In this age of scientific wonders and technological change, the basics often seem drab and unexciting. But they are still "the basics." They are still the mark of a well-rounded person. They are still the best foundation for a subsequent major and a successful career—in any field.

An appreciation of literature, art and music, a knowledge of history, an understanding of the basic sciences, a familiarity with the world around us, an ability to speak other languages, a sense of values, and an ability to communicate—these remain the bedrock of a modern education. And I believe they remain the basics of the AASCU mission. I can't think of a better recommendation for any AASCU college or university than for it to be said, "That's where you can get a good, solid, well-rounded education. That's where they teach you to think." I believe that when the word gets out, the world will beat a path to such an institution's door.

TRIBUTE TO CWO2 DUANE R. FISHER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to CWO2 Duane R. Fisher and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall*'s sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute his wife Jackie whose reserve unit was activated in Florida during the conflict. Reservists played a crucial role in this conflict. All of the families of the *Gunston Hall*'s crew, who stood by so courageously as their loved ones were put at risk half way around the world are to be commended. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

NOSE THUMBING BY DRUG MANUFACTURERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. STARK. Mr. Speaker, the level of inflation in the health sector is hurting the entire economy, and the most inflationary part of that sector is the increase in drug prices.

The pharmaceutical manufacturers love to charge as much as dying people can afford to pay, but they also love subsidies: tax subsidies, R&D subsidies from NIH, patent protection subsidies. All this, despite the fact that they are one of the most prolific industries in America.

The following article from the National Journal of March 30, 1991, says it all:

NOSE THUMBING

In what may rank as one of the most openly defiant rebuffs by industry to government in a long time, pharmaceutical manufacturers have just given Congress and the medicaid program the economic equivalent of a loud Bronx cheer.

Strapped for money, Congress and the White House adopted a law telling pharmaceutical firms that if they want to sell to the joint federal-state medicaid programs, which provides medical care to 27 million low-income Americans, they must offer the same discount prices they give their best customers.

After all, Members of Congress reasoned, medicaid, which spends $5.1 billion a year on drugs, is at least as large as most of the drug companies' major customers. As it is, medicaid forces doctors and hospitals to accept deep discounts for their services. And the program itself is in trouble: States are complaining that it is among their fastest-growing expenses, and governors are calling for a halt to program expansions intended to help low-income women and children.

Admittedly, the federal government was probably more interested in the $2 billion it estimated it would save over five years (states would save another $1.5 billion) than in any lofty policy goals. In another sense, however, Washington was merely doing what any smart company boss would do: using its market clout to force price concessions, which the state-run medicaid programs had been unable to get individually.

The industry's response has been striking in its boldness and simplicity (and, some would say, in its predictability). The pharmaceutical companies merely jacked up the prices they charge their best customers.

Not only does this threaten medicaid's assumed savings, but it will raise costs to a host of other government programs: the Veterans Affairs Department and federally assisted community health and family planning clinics, which can ill afford the price hikes. It will also hit other large purchasers—hospitals and health maintenance organizations (HMOs)—hard, with their patients likely to pay the bill.

But the nose-thumbing the industry has given Congress and its big private customers may come back to haunt it. With health care inflation averaging 8 percent a year over the past decade, and with general inflation just 4.7 percent a year, Congress and employers have gotten increasingly daring in imposing spending controls on doctors and hospitals.

Now, a few have not so subtly suggested, it ought to be the pharmaceutical industry's turn. Consider that the average annual hike in pharmaceutical prices has been 9.6 percent a year—more than double that of inflation—and that the industry boasts one of the highest rates of return on invested capital of all industries.

Traditionally, Congress has lacked the means to control the industry, short of legislating outright price controls, because the federal government doesn't pay the drug manufacturers directly, as it does doctors and hospitals. Medicare doesn't cover most drugs, and medicaid has typically reimbursed individuals for their purchases from drugstores, which are merely the retailers.

Still, concern over rising drug prices is growing, and not merely in Congress. Sandoz Pharmaceuticals is the subject of more than 20 state lawsuits, a Federal Trade Commission investigation and hearings by Sen. Howard M. Metzenbaum, D-Ohio, in early March over possible antitrust violations in its marketing of an important new drug for schizophrenia called Clozaril. Sandoz initially said that would-be users must get their blood monitored weekly by a home health care company, Caremark, to guard against a dangerous side effect.

Senate Special Committee on Aging chairman David Pryor, D-Ark., who sponsored the medicaid drug pricing bill, recently asked Health and Human Services Secretary Louis W. Sullivan to take a close look at federal tax and research subsidies to the drug industry. He also suggested that Sullivan examine using the law of eminent domain to contract with some manufacturers to produce drugs at lower prices. The law, Pryor's office said, is usually invoked in war or when the government feels taxpayers aren't getting a fair price for a necessary product. Such a time, Pryor not so subtly implied, may now be at hand.

Pharmaceutical companies' wining and dining of doctors drew the attention of Senate Labor and Human Resources Committee chairman Edward M. Kennedy, D-Mass., last December. Their spending to build goodwill with physicians and help brand name drugs keep their market share once they go off patent has increased dramatically in the past decade. Those costs are passed on to consumers, and the programs influence doctors to change their prescribing practices, various witnesses said.

Other consumers are joining in the chorus of protest. A group of AIDS patients sued Burroughs Wellcome Co. in mid-March over its AIDS drug AZT. The company has already had to lower its price for the drug twice in the face of public charges of price gouging. Now, AIDS activists are challenging the validity of the company's exclusive patent on the drug, saying the federal government underwrote most of its discovery, testing and development.

The industry's standard response has been to argue that its products are bargains at any price. Schering-Plough recently underwrote a much publicized study by a prestigious consulting firm that concluded that "millions of lives and billions of dollars will be saved in the next 25 years, thanks to advances made possible by pharmaceutical research," in the words of the company press release. "In fact," the release continues, "investments in new drug development can be viewed as a vital part of the solution to cut spiraling health care costs."

But the old argument may be losing a bit of its resonance, not merely with government bill payers, but also with the private hospitals, clinics and HMOs that have found their drug prices suddenly jacked up. If and when the government finally turns its full attention to the problem of pharmaceutical costs, the industry may find it has few friends left.

TRIBUTE TO JOHN P. FRIED, EDUCATOR

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. LENT. Mr. Speaker, I rise to recognize and pay special tribute to Mr. John P. Fried, who is retiring after 38 years of service to the North Merrick, NY, Union Free School District. Mr. Fried will be honored at a retirement dinner held by his colleagues on May 3, 1991.

John P. Fried began his long association with the North Merrick schools as a shop teacher in 1953. He went on to teach sixth grade students, then became assistant principal, and finally, was appointed principal of Camp Avenue School.

A philosopher once said, "Education has for its object the formation of character." Like any worthy goal, character building in our youth is not easily realized, particularly during times as turbulent as we have seen in the fifties, sixties, seventies, eighties, and nineties. Yet, John Fried has dedicated his professional life to building character in the young people of North Merrick and I am pleased to report that his success stands as an inspiration to colleagues and as a blessing to students.

Mr. Speaker, as a lifelong resident of the Village of East Rockaway, a community not far from North Merrick, I have come to learn about the important differences that John Fried has made in the lives of his students. His outstanding work as an educator has greatly improved the quality of life in and around the Fourth Congressional District. Accordingly, I am pleased to consider John Fried a neighbor and proud to have the privilege of representing him in this House.

BIZARRE PRIORITIES ON ARMS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of our colleagues an editorial that appeared in the New York Times on March 21, 1991, concerning the administration's proposal to allow the Export-Import Bank to finance arms sales to the Middle East.

There can be no lasting peace in the Middle East if arms sales to the countries of the region continue apace. Accordingly, I consider this Eximbank proposal most inappropriate because it will serve to encourage—not discourage—arms proliferation.

BIZARRE PRIORITIES ON ARMS

It's a propitious moment to curb arms sales. Iraq had just demonstrated the perils of arming states to the teeth in the Middle East. And arms buyers and sellers are looking to Washington for leadership. But instead of trying to negotiate restraints, President Bush seems eager to reopen the Middle

East arms bazaar. It's up to Congress to reverse his priorities.

Responding to pressures from U.S. defense contractors and their Congressional backers, Mr. Bush wants the Export-Import Bank, a Government agency, to underwrite sales of arms to states that can't afford them by guaranteeing up to $1 billion in bank loans. That would supplement the loan guarantees the Pentagon already provides.

And just weeks after forgiving billions in loans to Egypt, Mr. Bush intends to sell it $1.6 billion in new weapons. That deal represents just a fraction of the $18 billion in arms that the Administration is planning to sell to the Middle East in the coming year.

Oddly, in his speech to Congress on March 6, Mr. Bush put a high priority on curbing chemical, biological and nuclear arms in the region. But he said nothing about conventional arms, which suggests that he has yet to learn one of the larger lessons of the Persian Gulf war: in this unstable region, arms have a nasty way of outlasting alliances. Congress can get him to reconsider. It can hold up the Egyptian sale and vote down the Ex-Im Bank credits.

Why the rush to sell more arms? For one thing, the defense budget is on the way down, and U.S. arms makers are lobbying hard to boost sales abroad to offset declining Pentagon purchases. For another, the gulf war alarmed Turkey, Saudi Arabia and other states in the region, sharpening their appetite for weapons.

Defense Secretary Cheney even tries to justify the sales as a way to minimize U.S. presence on the ground. But he overlooks the Saudi Army's tentative performance in the war, which suggests that even new weapons won't enable the Saudis to defend themselves. And he ignores purposes other than self-defense that new weapons could serve buyers. Just look at Iraq.

Other circumstances make a rare opportunity to slow arms trafficking. Hungry buyers now want American-made weapons. Thus the usual argument that they will turn elsewhere if the U.S. doesn't satisfy their needs may not apply. Impressed by preliminary reports of U.S. technological prowess, buyers are less likely to settle for second-best.

That gives Washington extra leverage on its competitors in the arms market to cooperate in trimming sales. And other suppliers, like the Soviet Union, seem ready to cooperate.

Middle Eastern buyers will also have trouble paying for new arms. Egypt and Turkey are in poor shape economically. Israel is preoccupied with providing for the resettlement of Soviet Jews. Even oil-rich Saudi Arabia is borrowing to pay its share of the costs of the gulf war.

Seldom has the chance to restrain arms peddling been greater than it is today. If President Bush wants a really new world order, he could start by trying to negotiate constraints on arms sales.

UBM DEBUTANTES COTILLION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. VISCLOSKY. Mr. Speaker, the First District of Indiana is rich in the cultural diversity of its residents and the attributes that each of these separate ethnic groups contribute to the entire northwest Indiana community. This weekend, on Saturday, April 13, I will have the opportunity to experience and to share in a traditional debutantes cotillion sponsored by the Union Benefica Mexicana. The cotillion, exclusively for 15- and 16-year-old young women, is a traditional rite of passage whereby the family presents their daughter to society. The evening will begin with a special ceremony at the Our Lady of Guadalupe Church in East Chicago, IN where the mother of the debutante will present her to the church. After this ceremony, the program will continue at the UBM Hall as the father will officially present his daughter to society.

This year the following debutantes will be presented to the community: Junay Vasquez, Carmela Gastelu, Sandra Hernandez, Krishna Vitela, Rosa Anguiano, Elsa Madrigal, Connie Ramirez, Rose Nieves, Maria Rojas, Maria Tirado, Marlene Medina, Yesenia Rodriguez, and Juanita Rodriguez.

Arranging a program such as this requires a great deal of hard work and dedication. Therefore, I would be remiss if I did not acknowlege the efforts and contributions of Judith Herrera, the coordinator of the program, and Mr. Tony Barreda, the president of the Union Benefica Mexicana.

I ask my colleagues to join me in congratulating the UBM for sponsoring this annual event; applauding the parents of these young women on their efforts to bring their children to this stage in their lives; and, encouraging these young women to take all that has been given to them by their parents and this community and to build on it as they move forward in their lives.

TRIBUTE TO LT. CHARLES H. MATTHEWS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. Charles H. Matthews and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall*'s sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall*'s crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

RECOGNITION OF BILL FITZSIMMONS

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. WEBER. Mr. Speaker, I want to recognize Bill Fitzsimmons, exective director of the Minnesota Valley Action Council [MVAC] and winner of the 1990 Region IX Outstanding Contributions to Social Services Award. The award is presented by Region IX Social Services Association to that person who consistenly demonstrates a willingness to serve others in the social services arena.

As executive director of MVAC, Bill heads a $15 million, 220-person organization that serves over 20,000 low-income and disadvantaged people of our State. Bill has spent most of his adult life in the social services arena and has lived by the MVAC motto of helping people help themselves.

Bill has bean active in local, State, regional, and national organizations and currently serves as president of the Six State Mid-America Region Five Community Action Association. Three years ago he helped develop a program called South Central Plus, which serves the community by finding ways to do more for others with less dollars.

Those who know Bill say he offers people a hand, not a handout. That's what we'll need to really lift people out of poverty. As one close associate of Bill said, "Bill faces adversity with a gentle Irish wit and is an avid advocate of teaching people to help themselves." His success in this area is demonstrated by the variety of programs developed by Minnesota Valley Action Council. Many of these have become State and national models.

Bill has committed his life to helping others recognize their own potential. His achievements demonstrate the highest qualities of leadership and provide an example for those who are privileged to know him.

TRIBUTE TO CHAI LIFELINE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to mark the occasion of the third annual Chai Lifeline/Camp Simcha dinner, which is to be held on Sunday, April 28, 1991, in Manhattan.

The proceeds of the dinner will fund Chai Lifeline, a Jewish-sponsored, nonprofit organization serving the New York area, Florida, and Israel, which provides a wide variety of support services to children and adults with disabilities, serious illnesses, or deep personal losses. Other services offered by Chai Lifeline include free tutoring, holiday parties for ill children, and big brother/sister programs.

Chai Lifeline also sponsors Camp Simcha, the only kosher summer camp program for children with cancer who attend free of charge. Camp Simcha offers a unique experience where cancer-stricken youth can interact with their peers in a social setting.

I should like to congratulate two prominent individuals who will be honored at this year's dinner for their dedication and support to Chai Lifeline/Camp Simcha projects. They are the guest of honor, Mr. Ron Stern, president of Slimfast Foods, and Chai Lifeline's Volunteer of the Year, Mrs. Esther Weinberger. I join my colleagues in wishing Chai Lifeline all the best for a successful event.

NATIONAL VOLUNTEER WEEK

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. LEHMAN of California. Mr. Speaker, I would like to take this opportunity to recognize and support National Volunteer Week which takes place during the week of April 21 to 27. Volunteers all over the country have a very positive effect on the community they serve and the lives of those they know. I am very proud that I have many volunteers currently serving in my district.

I would especially like to pay tribute to the women and men in the Tuolumne General Hospital Auxiliary who have volunteered 14,085 hours in the past year. I greatly appreciate the time and effort that they dedicate to Tuolumne General. Their contribution to the hospital is extremely valuable to those at Tuolumne General as well as to the community at large.

During National Volunteer Week, let us all remember to acknowledge the hard work of volunteers like those at Tuolumne General who have made sacrifices in order to serve their community. Volunteers provide vital services to society and their dedication should be applauded on this important occasion.

FLORIDA CHRISTIAN SCHOOL EXPRESSES ITS LOVE OF COUNTRY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Florida Christian School in Miami has this year founded the Elementary Honor's Choir, an exciting performing group of children in grades three through six. The program was initiated by Mrs. Adriana M. Brigham, the group's director and Mrs. Barbara Kingman, the accompanist. In their own words, Mrs. Brigham and Mrs. Kingman have formed this group to: "Serve our God, our great country, and of course, our community.

The Elementary's Honor's Choir's repertoire is devoted primarily to the singing of patriotic songs such as: "America," "We Are the Kids of America," and "Freedom, Freedom." The Choir has endeavored to serve the community by singing for auctions, community gatherings, nursing homes, and most recently at a naturalization ceremony. I know that those attendees of the ceremony who were receiving their citizenship felt truly welcomed by our country through the beautiful voices of the Elementary Honor's Choir.

I would like to recognize each of these children for helping us to remember reverence for our great land. I commend: Diana Balboa, Cindy Montes de Oca, Nicole Shervington, Brian Perdomo, Alberto Rodriguez, Alexandra Bachelier, Jennifer Santmier, Rachel Warren, Hannah Zies, Melanie Brookins, Stephanie Gemmell, Mosas Perez, Daniel Rodriguez, Silvia Moriyon, Courtney Mussey, Juan Reyes, Brooke Chitwood, Jessica Warren, Maithe Gonzales, Michelle Nunez, Marc Moore, Abel Valdes, Kerry Brown, Adriana Canales, Jocelynn Dieguez, Magdiel Puig, Merinda Hale, Tracy Myers, Erika Niewieroski, Marissa Guillen, Victoria Brigham, Katie Hammon, Rachel Blanco, Helen Rivera, Murisa Schwartz, Amanda Visser, Anna Lima, Jeannine Miranda, Gonzalo DeSilva, David Brookins, Manuel Arisso. And I also would like to once again note the group's director, Mrs. Brigham and its accompianist, Mrs. Kingman for their guidance.

TRIBUTE TO ENS. JOSEPH R. SCHNEIDER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Ens. Joseph R. Schneider and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall*'s sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall*'s crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

THE ORPHAN DRUG WINDFALL PROFITS TAX ACT OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. STARK. Mr. Speaker, today I am reintroducing the Orphan Drug Windfall Profits Tax Act of 1991, a corrective measure designed to address a pattern of abuse of the provisions of the Orphan Drug Act of 1983.

The measure creates a windfall profits tax that will only affect companies that abuse orphan drug status for their products, and a special incentive provision for pharmaceutical companies that produce true orphans.

President Bush, unfortunately, vetoed last Congress' reasonable bipartisan reforms of the Orphan Drug Act of 1983. I was disappointed by his veto, for these reforms would have helped millions of Americans whose lives depend on available—and affordable—medically necessary orphan drugs.

Surely, no one can argue that pharmaceutical drug manufacturers should profiteer on the backs of the unfortunate few with rare diseases or medical conditions. But, unbelievably, that has not been the case. A handful of orphan drug makers somehow interpret orphan drug status as a license to profiteer. The time to correct this injustice is now.

The National Commission on Orphan Diseases estimates that between 10 and 20 million Americans suffer from approximately 5,000 known rare diseases. In the 20 years before the 1983 Act, only 10 orphan drugs were developed. In the 8 years since enactment of the Orphan Drug Act, more than 40 orphan drugs have been approved and hundreds more are in the research and development stages.

Before the 1983 Orphan Drug Act, drug companies had no incentive to produce drugs for rare diseases—drugs that would have been unprofitable because of the high costs and relatively few patient customers. Thus, few orphan drugs were developed, and millions of people with rare diseases were ignored. Clearly, the 1983 Orphan Drug Act's intent of providing incentives to produce needed specialty drugs has worked, providing an immeasurable benefit to millions of Americans.

In a number of cases, companies have used the Orphan Drug Act and its exclusive market provisions to make windfall profits. They have developed miracle drugs which are priced at outrageous levels. The medicines are often bought by the taxpayer through Medicare or Medicaid. In some cases, the cost of the drug can actually drive individuals into poverty and once again the cost of the drug is borne by taxpayer-supported Medicaid.

For the past 2 years, I have been involved in Medicare's relationship with Amgen, the maker of a kidney dialysis orphan drug, EPO. Last year, before the Ways and Means Health Subcommittee, the HHS IG's office testified that the annual cost for EPO to Medicare had nearly tripled, to $265 million, due to a higher than expected market penetration. "So what's the rub?" you might be asking. Amgen, the maker of EPO, reports that the cost of developing this drug was $170 million. Thus, in 1 year, the full cost to Amgen has more than been recovered—plus interest.

Medicare's coverage of kidney dialysis services offers Amgen an established, stable market opportunity. Market share is virtually guaranteed, and certainly does not require the same intensive marketing costs of other drug markets.

Amgen will reap hundreds upon hundreds of millions of windfall profits at Medicare's—taxpayer's—expense. Amgen is laughing all the way to the bank with the money provided by the Orphan Drug Act's lack of reasonable pricing provisions.

Amgen's experience with EPO is not unique. The July 1990 issues of the Columbia Journal of Law estimates that it presently takes approximately 10 years and an average of $97 million to develop an orphan drug. Protropin, a growth hormone developed by Genentech, costs between $10,000 and $30,000 a year per person for treatment. Genentech invested $45 million to develop this drug, according to the same issue of the Columbia Journal of Law. Although about 10,000 Americans benefit from Protropin, Genentech generated $123 million in revenue in 1989 from this orphan drug alone, according to a May, 1990 Wall Street Journal article. Genentech has recovered more than double its investment in just 1 year.

Can anything be done to continue to encourage the development of orphan drugs—without price gouging? Can we continue to find these miracle cures—and afford to buy the cures?

Yes, if we amend the Orphan Drug Act to keep the incentives and recapture windfall profits above a fair level.

Previous Orphan Drug Act reforms would have eliminated market exclusivity if the patient population for such an orphan drug exceeded 200,000. But such a reform proposal would have no effect whatsoever on the profiteering practices of Amgen and Genentech.

My proposal would.

Pharmaceutical firms would not be making these excessive profits if it were not for the federally protected market that we create for them under the Orphan Drug Act. The only way to correct these abuses without discouraging the development of orphan drugs is to create a windfall profits tax that will recapture excessive benefits of market monopoly.

Under my bill, a pharmaceutical company would be able to recapture two times its developmental costs, and generate up to 25 percent annual profit from its orphan drugs. This level—25 percent—is a reasonable estimate of the average market profit for the brand prescription drug industry. This profit rate, along with the recapture rate, will still allow for a huge profit to be made by companies producing true orphan drugs.

The windfall profits tax will limit excessive profits, and the medically-needy public will not be exploited by the developers of these essential drugs. The windfall profits tax would apply during the 7-year market exclusivity granted upon receipt of Federal orphan drug status.

Most orphan drugs serve a small patient base. The drug companies which act responsibly in serving these patient populations are to be commended. The incentives provided these true orphan drug makers are deserved and should be maintained. A handful of drug manufacturers, however, are profiteering on the backs of patients and the taxpayer.

I feel quite strongly that my legislation will solve the existing problems, while still encouraging the development of medically necessary orphan drugs for millions of American patients.

THE REVEREND JOAN BROWN CAMPBELL: AT THE TOP OF HER PROFESSION

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Ms. OAKAR. Mr. Speaker, I rise today to offer congratulations to my dear friend, the Reverend Joan Brown Campbell, a successful wife, mother, and community volunteer, who, in the middle years of her life, has risen to the very top of her second profession: general secretary of the National Council of Churches.

This is a rare honor because Mrs. Campbell is the second woman and the first female minister to serve as general secretary in the 40-year history of the organization which encompasses 32 Christian denominations with 42 million members. The National Council of Churches is the largest ecumenical body in the United States.

Joan Brown Campbell has standing as a minister in both the Christian Church (Disciples of Christ) and the American Baptist Church (U.S.A.). The Reverend Campbell has a bachelor's degree in English and speech and a master's in education from the University of Michigan. She studied urban ministry at Case Western Reserve University in Cleveland, OH before she was ordained in 1980.

Joan Brown Campbell is considered a role model both within her church and within her family and community. Her colleagues call her a motivator, a reconciler, a seasoned ecumenist. Her daughter, well-known Ohio Representative Jane Louise Campbell is quoted as saying her mother gave her and her two brothers a sense of social responsibility and a "sense of responsibility to the family and home."

As a measure of the love and respect held for the Reverend Jane Brown Campbell, the congregation of her home church, the Heights Christian Church in Shaker Heights, OH is planning a celebratory service for the Reverend Campbell on April 25, 1991. The New York Times wrote an excellent profile of this truly extraordinary woman from which I have borrowed to capture some of the spirit of this loving and lovely lady, and I am pleased to offer it in its entirety for reprinting in the CONGRESSIONAL RECORD.

The article follows:

ECUMENIST IN CHARGE: JOAN B. CAMPBELL

(By Ari L. Goldman)

PORTLAND, ORE., Nov. 15—Until she was 40 years old, the Rev. Joan Brown Campbell was a full-time mother, wife, housekeeper and community volunteer.

WOMAN IN THE NEWS

Just two days after her 59th birthday, Ms. Campbell was elected to the top ecumenical position in the nation, the general secretary of the National Council of Churches.

"Imagine what she would be doing if she had started at 22," her daughter, Jane Louise Campbell, said Wednesday night on the eve of her mother's election.

The elder Ms. Campbell was described by colleagues as a "seasoned ecumenist," a "motivator, enabler and reconciler" and a woman with a deep faith and open mind.

But to her daughter, the eldest of her three children (Ms. Campbell has two sons, Paul Jr. and James), the new general secretary was a towering role model.

"She gave us a sense of social responsibility and a sense of responsibility to the family and home," said the younger Ms. Campbell, the mother of two young children and a Representative in the Ohio Legislature.

MEMORIES OF THE 1960'S

The daughter remembered when, in the 1960's, her family got bomb threats after they invited the Rev. Dr. Martin Luther King Jr. to preach in their church in the Cleveland suburb of Shaker Heights. "My mother's reaction was: 'Clean up under your beds. The police will be looking for bombs, and I don't want them to find any mess under there.'"

Ms. Campbell, currently the head of the American office of the World Council of Churches, will take the helm of the National Council in March. She will succeed James A. Hamilton, a United Methodist layman, who did not run for re-election.

Ms. Campbell will be the second woman and the first female minister to serve in the post in the organization's 40-year history.

The National Council of Churches is the nation's largest ecumenical body, encompassing 32 Christian denominations with 42 million members. These include the so-called mainline churches, like the Methodists, Presbyterians and Episcopalians; the historic black churches, like the African Methodist Episcopal Church, and the Orthodox churches, including the Antiochian, Armenian, Coptic, Greek, Syrian and the Orthodox Church in America.

POLICY AND CHARITY

While the denominations act independently, the council links them in activities from interfaith dialogue to overseas relief. The council also issues public-policy statements, like the one approved this week condemning the American military buildup in the Persian Gulf.

The council suffered a loss of influence and a decline in membership in the 1960's, when it was overshadowed on the national scene by the Roman Catholic bishops, who spoke out on nuclear arms and abortion, and the evangelical Protestant churches, who make their influence felt through organizations like the Moral Majority. It was also battered by internal divisions and strife that resulted from a huge reorganization.

In an interview, Ms. Campbell said she did not expect the council to return to the influence it exerted in 1958, when President Dwight D. Eisenhower laid the cornerstone for its headquarters at 475 Riverside Drive in Manhattan.

"I'm not nostalgic," she said. "I think we need to be as strong a voice as we can exercise in this period of history."

SEARCHING FOR THE SPIRITUAL

"Never during the 20 years I have worked within the ecumenical movement have I sensed a time when unity was more urgent." she added. "We are a nation on the brink of war, faced with increased racism and economic insecurity. We are a people searching for spritual answers in the face of an uncertain future."

Ms. Campbell said she hopes to strengthen the council by emphasizing its variety of churches, and by reaching out and inspiring the young who she said are ready to be brought into the churches. "When people think of the council, they think of the mainline churches," she said. "We have to work hard in making our diversity known."

Joan Brown Campbell, who was born Nov. 13, 1931, in Youngstown, Ohio, has standing as a minister in both the Christian Church (Disciples of Christ) and the American Baptist Churches (U.S.A.). She received a bachelor's degree in English and speech and a master's in education from the University of Michigan and studied urban ministry at Case Western Reserve University in Cleveland before being ordained in 1980.

Ms. Campbell, who was divorced when her children were teenagers, continues to have a cordial relationship with her former husband, Paul Campbell Sr., a lawyer. The two get together each year with their children and grandchildren for Thanksgiving dinners. She lives in Manhattan, said she enjoys Broadway plays and walking along Riverside Drive. She will use almost any business trip as an excuse to stop in Cleveland to visit her four grandchildren, ages 4, 3, 2 and 1.

MS. INSIDE, MS. OUTSIDE

Ms. Campbell said that she relished and never regretted the years she devoted to raising her family. "It taught me patience, perseverance and risk-taking," she said.

Margaret Sonnenday of St. Louis, who headed the search committee that chose the new general seretary, said Ms. Campbell had the advantage of being both an insider in the council (she worked there before going to the World Council in 1985) and being an outsider during its difficult years in the later 1980's.

If she had heard any criticism of the candidate, Ms. Sonnenday said, it was that "in her enthusiasm" Ms. Campbell would forge ahead with projects before building a consensus.

Ms. Campbell said she was aware of the criticism. In her new job, she said, she would "keep testing" and keep looking behind her to make sure "the people are with me."

TRIBUTE TO THE LATE ROBERT WELTY CRAWFORD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. SKELTON. Mr. Speaker, today I pay tribute to an outstanding Missourian, Robert Welty Crawford, who passed away recently at the age of 64. He was a former secretary of state and State representative for Missouri.

Born in Nevada, MO, he attended schools in Vernon County and graduated from Nevada High School. After receiving a bachelor's degree from the University of Missouri-Columbia, he served in World War II and the Korean war. When he was released from the military service in 1953 as a first lieutenant, Bob returned to Nevada and founded the Crawford Real Estate Co.

Robert Crawford was elected to the Missouri House in 1954 and represented Vernon County for two terms. After showing his leadership abilities in the House of Representatives, he became the administrative assistant to Gov. James T. Blair, Jr., in 1959. While administrative assistant to the Governor, he was instrumental in creating the Missouri Academy of Squires of which he was an honorary member. In 1960, he was appointed as the youngest secretary of state in Missouri history.

After serving as the executive vice president of the Association of General Merchandise Chains in Washington, DC, he returned to Missouri in 1977 to become executive vice president of the Missouri Bankers Association until his recent retirement.

Robert Crawford led a life of total dedication to the State of Missouri and will be missed dearly. He is survived by his wife Carol, his two daughters, Elizabeth and Jennifer, and his brother, B.J. Crawford.

TRIBUTE TO LT. GERALD F. HORTON

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. Gerald F. Horton and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall*'s sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

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TUFTONIA'S WEEK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. RICHARDSON. Mr. Speaker, later this month I will be joining other Tufts University graduates in observing "Tuftonia's Week," an annual tradition for the more than 65,000 Tufts alumni. This holiday of sorts derives its name from the title of a venerable Tufts football fight song written by E.W. Hayes, class of 1916.

Tufts graduates are a special breed and we thoroughly enjoy revisiting and reliving our academic years through "Tuftonia's Week." Not all of us can return to Medford, MA to take part in the festivities, but each of us does take time out during this unique week to remember the special bond we have with our fellow graduates and with our alma mater.

As part of "Tuftonia's Week," alumni, among other things, can take part in a reforestation program Tufts and the Forest Service Division of the Department of Agriculture have put together. For a $10 donation to the Plant-a-Tree Program, alumni receive a certificate acknowledging a tree has been planted in a national forest in their name.

There are about 7,900 students currently enrolled at Tufts University, all future

"Tuftonia's Week," celebrants. As usual, these students are a diverse group, representing all 50 States and nearly 100 foreign countries.

As one honored and proud Tufts University graduate, I urge my colleagues in the Congress to join me in honoring my 65,000 fellow Tufts graduates during this special week of celebration.

MR. FRANK TUCKER RETIRES AFTER 35 YEARS OF SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mr. Frank (Francis) Tucker who is retiring this June from the San Lorenzo Unified School District in California's Ninth Congressional District.

Mr. Tucker began his career with the San Lorenzo Unified School District in July 1956 as a teacher at Bohannon Junior High School. In 1979, he was assigned to Hesperian Elementary School where he has taught until now. During his 35 years with the district, he has taught history and math in addition to the self-contained classroom assignments he has held at the elementary school level.

During his tenure at Lorenzo Manor School, Mr. Tucker initiated the schools Charger Club which is a club designed to promote student's self-esteem by involving them in community activities in addition to their school activities. Mr. Tucker also served as the vice president of the San Lorenzo District Teacher's Association, president of the Bohannon Junior High School Faculty, president of the Curriculum Council at the district level, and was the initiator of the Block H Program at Hesperian School.

Mr. Speaker, I would like to take this opportunity to commend Mr. Tucker for 35 years of dedicated service to the San Lorenzo schools and to the community and to wish him well in his retirement.

TRIBUTE TO DR. FRANCIS S. PORRETTA

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. HERTEL. Mr. Speaker, I rise today to honor the memory of Dr. Francis S. Porretta. Dr. Porretta was born on September 4, 1900, in Buffalo, NY. The doctor's parents were Italian immigrants. His ancestral home was Calta Vetura, a small town near Palermo, Sicily. Dr. Porretta was raised in the small town of Lockport, NY.

At the age of 18 the doctor was admitted to the University of Michigan, and began his studies in engineering. During one of his semester breaks, his mother told him that she hoped he would become a doctor. So upon returning to the university he transferred to the pre-medicine course of study. Because of the large size of his family, which had eight children, Dr. Porretta had to finance his own education. He was able to do this by toiling on the farms of Niagara County, NY during the summer, working in the boarding house he lived in at the university, and by working as a barber. Because of his prowess at barbering he became the first student to have his own chair at the student union barber shop.

Dr. Porretta received his undergraduate degree from the University of Michigan, and continued his studies at the university's school of medicine. The doctor completed his studies in 1925 and became an intern at Providence Hospital in Detroit. Through his medical career Dr. Porretta was involved with many professional associations such as the American Medical Association, Michigan State Medical Society, Wayne County Medical Society, and the American College of Surgeons. The doctor's career culminated in being named the chief of staff of Providence Hospital in Southfield, MI.

In addition to his 3 sons, Dr. Porretta had 18 grandchildren and 15 great-grandchildren. They count among them a surgeon, a research scientist, several attorneys, a banker, a professional singer, an actor, and a physical therapist.

The way in which Dr. Porretta lived his life compelled the Italian Study Group of Troy, MI to name him the Italian-American of the year. This honor is bestowed on individuals who reflect the highest traditions of the Italian-American heritage: God, country, and family.

HAPPY BIRTHDAY TO HOWARD GENTRY, SR.

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. CLEMENT. Mr. Speaker, it is my privilege today to congratulate Mr. Howard Gentry, Jr., on the occasion of his 70th birthday on April 15. On Saturday, April 13, I will join a group of Mr. Gentry's family, friends, colleagues, and admirers in a tribute to this great man.

Mr. Gentry is responsible for the so-called golden era of athletics at Tennessee State University in my hometown, Nashville, TN. I ask my colleagues to review an outline of Mr. Gentry's accomplishments I submit for the CONGRESSIONAL RECORD and to join me in paying tribute to this remarkable and great man.

HOWARD C. GENTRY

Howard C. Gentry was born in Columbus, Ohio on April 15, 1921. He began a distinguished athletic career at West High School where he participated in football, basketball, and track. He was selected for All City Tackle in 1937 and again in 1938. His interest in football continued when he entered Florida A&M University, where he became an All-Conference and All-American tackle. He received a B.S. degree in Health and Physical Education from FAMU in 1943.

After graduation Gentry entered the armed services, earning the rank of Second Lieutenant and serving in Europe.

Gentry launched his coaching career at North Carolina A&T in 1946. He was honored by having one of his former college coaches, who was then the head of the Physical Education Department and Head football coach at A&T College, to ask him to come to work for him as assistant football coach and head baseball coach. While serving in these capacities his baseball team won a conference championship in 1947.

In 1948, Gentry was called to Wilberforce State University, in Ohio, to serve as line coach. It was there that he attracted the attention of TSU's President W.S. Davis and Director of Athletics/Head Football Coach, Henry A. Kean.

He came to TSU in 1949 and served under Kean, with distinction, as a teacher, head line coach and as Intramural director. In 1952, he received his Masters Degree from Ohio State University. In 1955, after Kean became full-time athletic director, he was named head football coach. His 1956 team was 10–0–0 and became Black national champions; also, that year he was selected Coach-of-the-Year.

His lifetime record as head football coach was 42 wins, 10 losses and one tie. During this same period he also boasted a 22 game win streak; his greatest win, however, was the game his team won, 41–39, over Florida A&M, his Alma Mater and his former coach, Jake Gaither, in the 1956 Orange Blossom Classic in the Orange Bowl.

After six years as head football coach, Gentry became Athletic Director in 1961. TSU's athletics enjoyed a "Golden Era" of progress during his tenure, with the football team posting a winning streak of 24 games. TSU teams participated in numerous events. The football team played its first post season game against an NCAA affiliated school. The game was against Ball State in the Grantland Rice Bowl, with a final score of 14–14. Another highlight was the regional telecast of the 1973 game with Grambling from Hale Stadium by ABC–Television.

Basketball also prospered. From 1969 through 1976, the TSU Tigers played in all but two NCAA Division II South Regional Tournaments, winning four times, finishing second twice, third once and forth once. Team participated in NCAA championship play in 1963 and 1967 and in 1961 the team was the UPI College Champion, the Associated Press Champion in 1961 and 1962.

Under Gentry's leadership TSU became one of the nation's tops in football players drafted by the pros. The 1971 team ranked third in the nation with a total of nine draftees. The 1975 team gained the distinction of having all five seniors on the squad drafted by the pros.

During this era, the famous Tigerbell Women's Track Team continued its upsurge by developing talented performers who participated with distinction both nationally and internationally.

Shortly after becoming TSU's athletic director, Gentry became a moving force in the affairs of the National Collegiate Athletic Association as well as the National Association of Collegiate Directors of Athletics.

He served on the NCAA College Division Basketball Committee for eight years. In 1975 he was named Chairman of the NCAA Division II Basketball Tournament Committee. Gentry served on the prestigious NCAA Council from 1971 to 1973. He was the National Association of Collegiate Directors of Athletics Second Secretary from 1970–75 and served on the Executive Committee as third vice-president prior to his retirement.

After retiring in 1976 he continued his activity in athletics by performing technical and evaluative services for the National Youth Sports Program.

Gentry was asked to return to Tennessee State University in May 1986 as Acting Director of Athletics following a ten year retirement from the University. He was instrumental in TSU becoming a member of the Ohio Valley Conference.

Presently, Gentry continues to be active in Church, Civic and Community affairs. He is a trustee of First Baptist Church, Capitol Hill, a charter member and past president of Optimist Club of Central Nashville, Life member of the NAACP, Vice Chairman of the Metropolitan Nashville Auditorium Commission, Secretary to the WDCN Telecommunications Advisory Committee, Chairman of the Board of Directors of Kelly Miller Smith Towers which serve the elderly and handicapped, and a member of the Board of Directors of the National Coalition to Save Black Colleges.

For his exemplary service, many honors have been bestowed upon him, some of which are induction into the Citizens Savings Athletic Foundation Hall of Fame for Directors of Athletics, induction into the Florida A & M Sports Hall of Fame, an Outstanding Service Award presented by Tennessee State University, a Distinguished Service Award presented by the NCAA Council, induction into the TSU Sports Hall of Fame. But the most single honor has been the naming of a building on TSU's campus the Howard C. Gentry, Physical Education, Recreation and Convocation Complex.

TRIBUTE TO LT. (JG.) THOMAS J. DEVENS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. (jg.) Thomas J. Devens and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall*'s sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall*'s crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

A SALUTE TO MILWAUKEE TEACHER MARY FOWLKES, APRIL 10, 1991: "MARY FOWLKES DAY"

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MOODY. Mr. Speaker, I am extremely proud to rise today to commend Mary Fowlkes, a Milwaukee public school teacher who served in the Persian Gulf, and to welcome her home to Jackie Robinson Middle School on "Mary Fowlkes Day."

Ms. Fowlkes serves in the 303d Division of the Coast Guard Reserve, the first Coast Guard Reserve unit to be activated in 20 years. Although she was surprised that her unit was activated, she gladly set aside her duties as a teacher and assumed her responsibilities as a soldier.

Ms. Fowlkes teaches physical education to all 500 students at Jackie Robinson Middle School and, even in her absence, she taught them about commitment and pride. The students exchanged letters with Ms. Fowlkes and in the process learned some realities about politics, geography, and war. Our young people need positive role models, and it is with pride that we recognize Mary Fowlkes for her ability to balance her professional life with her commitment to the Armed Forces.

April 10, 1991, has been declared "Mary Fowlkes Day" at Jackie Robinson Middle School. Hundreds of people wil be on hand that day to applaud her homecoming, and I stand with the students, faculty, and staff, in saying thank you to Mary Fowlkes for a job well done.

IN RECOGNITION OF PLAY-IT-SAFE INTERNATIONAL

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. LEHMAN of California. Mr. Speaker, I would like to commend the efforts of Play-It-Safe International which is an awareness program used to alert parents and children on how to prevent dangerous situations through education. The program helps children understand commonsense rules about personal safety and crime prevention.

Play-It-Safe is an all volunteer, nonprofit organization that was founded in 1977 as a cooperative project between law enforcement agencies, concerned citizens and others who came together in order to provide vital education relating to safety. From its start in Fresno, CA, the program has spread all over the country as well as all over the world.

I would like to take this opportunity to honor and thank all of the volunteers, organizations, and corporations that have helped over 456,000 children and parents avoid situations where potential for injury is great. I appreciate all of the hard work by Play-It-Safe International to bring readily understandable educational materials about safety to our youths.

CROATIAN 50-YEAR MEMBER BANQUET

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. VISCLOSKY. Mr. Speaker, on Sunday, April 14, 1991, I will have the honor of being the guest speaker at the Croatian Fraternal Union Lodge No. 170 50-Year Member Recognition Banquet. CFU Lodge No. 170 was founded over 80 years ago in Gary, IN as a social and fraternal organization for the numerous Croatian immigrants that came to northwest Indiana for a better quality of life and the opportunity to succeed in America. In addition to being a gathering place for northwest Indiana Croatians, such as myself, Lodge No. 170 has provided all of the residents of northwest Indiana, regardless of nationality, the opportunity to share in and to learn more about the Croatian heritage. Whether it was from the annual picnics and dances sponsored by the lodge, or by its hosting of the Duquesne University Tamburitzan Dance Troupe, all residents of northwest Indiana have benefited due to the lodge's activities. This fine tradition continues today in a beautiful, modern headquarters in Merrillville, IN.

As a proud member of Lodge No. 170, it gives me great pleasure to recognize and honor the following individuals for their 50-year commitment to ensuring that the Croatian heritage is preserved in northwest Indiana: Ann Antol, Stephen Benko, Helen A. Burroughs, Peter J. Bianco, Mary Collins, George Crnogorac, Catherine Davich, Mary Cvitkovich, Zora Frankovich, Rosemary Hart, Joseph Klicek, Mary Kustura, Stephanie Montoro, Joseph Luketic, Louise Poje, Alfreida Nasipak, Eva Starcevic, Mary Svetich, George Nikoloff, Anna Mae Weston, Mildred Callis, Caroline Gasparovic, Anna Hansen, Rose Krizmanic, Agnes Martin, Katherine McDade, Lillian Orban, Edward Panian, and Tressa Warshol.

On behalf of all the residents of the First Congressional District, I commend each of these individuals for their 50 years of service and membership in the Croatian Fraternal Union.

THE 6TH ANNUAL SALUTE TO PASSAIC SEMIPRO BASEBALL REUNION DINNER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. ROE. Mr. Speaker, I rise today to pay tribute to six great Americans who will be honored on Friday, April 12, 1991, for their outstanding athletic contributions to the city of Passaic. On that special day, the sixth Annual Salute to Passaic Semipro Baseball Reunion Dinner will be held at the Athenia Veterans Hall in the great city of Clifton, in the heart of my Eighth Congressional District of New Jersey.

The weather is getting warmer and spring is in the air. As a nation, we prepare to once again celebrate the annual rite of spring which uniquely binds us together as a society. Of course, I am referring to the great game of baseball, our national pastime.

Mr. Speaker, as I stand here in the well of the House of Representatives, I think back to those halcyon days of yesteryear, when my brother Jim and I would head off to the sandlot, with our bats, balls, and gloves in tow.

I reminisce about these fond memories as I think about the truly outstanding abilities and achievements of the men who put Passaic semi-pro baseball on the map. Their outstanding talents, which they displayed between the white lines truly made the diamond shine.

Of course, I refer to the following greats of Passaic semipro baseball: Edward Dandy, Joe Popek, Frank Kelly Russnak, Henry "Lefty" Zecker, Ralph "Corp" Dilullo, and the late great, John Plavchan. Each and every one of these individuals has made vital contributions to the game that gave them so much pleasure.

Edward Dandy was the long-time player manager for the Passaic Maple Leafs. Joe Popek starred for the Clifton Mystic Rams, the Paterson Uncle Sams, and the Clifton Dodgers. He recently completed his 50th year in baseball. Frank Kelly Russnak is recognized as one of the outstanding pitchers of his time, starring for many years with the Passaic Cubs.

Henry "Lefty" Zecker was an outstanding outfielder who had a long association with clubs from Garfield. Ralph "Corp" Dilullo has had a long and distinguished career in baseball. He has worked as a professional scout for over 38 years, and signed many athletes who played in the major leagues. John Plavchan was a noted first basemen during his playing days in the twenties and thirties.

When these titans of amateur ball played, the quality of semiprofessional baseball was of an extremely high caliber. Major league baseball had only eight teams in each league, and had not yet expanded to the west coast. Semiprofessional teams were the pride of their communities, with keen competition between local towns. This is an era that has gone by us now, but is certainly not forgotten.

Mr. Speaker, I am certain that this year's dinner will be a smashing success, as it has been each and every year. I applaud the tireless workers of the outstanding dinner committee, which is once again comprised of those individuals dedicated to preserving our semipro baseball heritage in Passaic County. We owe a tremendous debt of gratitude to Ted Lublanecki, Sr., Ted Lublanecki, Jr., Charles Lajeskie, Ben Lublanecki, Jean Lublanecki, and Mike Ivanish. Without their dedication, this event would not be possible.

Mr. Speaker, the talents of this select group of honorees and their most important contributions to semiprofessional baseball in Passaic will live on as the legacy they have bequeathed to today's promising athletes. I salute these great Americans for their outstanding achievements.

URGENT ASSISTANCE NEEDED FOR IRAQI REFUGEES

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. GREEN of New York. Mr. Speaker, I want to express my deep concern at the failure of the United States to restrain Iraq from indiscriminate attacks on noncombatants in both the Shiite and Kurdish regions of Iraq. I support the President's decision to shoot down Iraqi fixed-wing military aircraft, and I believe it would be wise to extend that policy to include helicopters. As the United States troops begin moving out of positions in southern Iraq, many civilians there fear a new wave of slaughter by Saddam Hussein's regime.

We can be proud that through United States strength and resolve we accomplished what we set out to accomplish in the Persian Gulf with respect to Kuwait. But that does not absolve us from the responsibility to speak out and act about our other concerns in the region. The international community that supported Iraq's ouster from Kuwait must now stand united in ensuring that the hundreds of thousands of Iraqi Kurds, Shi'as, and others fleeing Iraq are not turned back to face Saddam Hussein's torture. The Iraqi leader's gruesome legacy of dealing with dissenters reminds us all that the refugees need international protection.

Although it may be too little, too late, the United States, individually and through the United Nations, must act swiftly to do everything it can to assist all refugees with urgently needed humanitarian assistance. Massive assistance is needed to prevent large numbers of refugees from dying, and it must be undertaken with urgency. Estimates are that at least a million people have massed on the borders in just a few days. The Governments of Turkey and Iran will need enormous support from the international community in responding to the overwhelming refugee crisis, and I appeal to President Ozal of Turkey to keep his nation's borders open to the refugees.

TRIBUTE TO LT. BRADLEY J. MAAK

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. Bradley J. Maak and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

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FORMER REPRESENTATIVE JOHN ZWACH: REMEMBERED FOR HIS EXAMPLE

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. WEBER. Mr. Speaker, when I went home to Minnesota this fall I attended the funeral services of former Minnesota Independent-Republican Representative John Zwach.

John was a leader in Minnesota most of his life, serving in the State senate and representing our State's Sixth Congressional District for 8 years before retiring in 1975.

Described as a "little man with a big voice," he is perhaps remembered best for his role as senate majority leader in the Minnesota Legislature from 1959 through 1966. Here he was known for his serious and patient pursuit of honest, clean, and economical government.

He was one of those men we tend to admire most: a man who lived according to his principles and sought to lead through encouragement and inspiration. Perhaps it was this ability to lead by example that allowed him to establish a certain esprit de corps in the senate.

"It is my burning desire," he once said, "to make representative government work well by conducting my office and myself to set the best example possible." This he did, and clearly enjoyed himself in the process.

One of the legislative achievements that meant the most to John was his first—a bill to provide transportation to high school for rural girls and boys. He remembered well how it felt, as an eighth grader, to see seven of his classmates unable to attend high school for lack of adequate transportation. As a Senator, he vowed to help children, like those classmates attend school.

This kind of dedication to the people of rural Minnesota certainly provides the rest of us with a fine example.

George Bush, one time colleague and congressional classmate of John was kind enough to drop him a note during his illness last year. The President reassured John that he was being held in all our thoughts and prayers.

We remember John as a teacher, farmer, statesman, and dedicated family man, but mostly we remember him as a good example. John Zwach served as an inspiration for the rest of us, and his death is a loss for Minnesotans. Those of us who followed him into public office can only hope to measure up to the standards he has set.

PROLIFERATION PROFITEERS: PART 8

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. STARK. Mr. Speaker, today I am continuing my 12-part series on foreign companies which have sold nuclear weapons technology to countries of proliferation concern. The United States must take the lead in bringing about strict internationally followed export controls on all goods, materials, and technologies usable in building the bomb. If we fail to take decisive action now, we risk facing a world with dozens of countries armed with the ultimate weapon. In coming years, countries of nuclear proliferation concern will include North Korea, Syria, Iran, Libya, Pakistan, and, of course, Iraq.

To help address this critical issue, I have introduced the Nuclear Non-Proliferation Enforcement Act (H.R. 830). This legislation would put import sanctions on any foreign firm found selling nuclear or dual-use items—without the proper safeguards—to countries of concern. The bill has been endorsed by leading experts in the nonproliferation field and currently has 24 cosponsors.

TWELVE FOREIGN FIRMS REPORTEDLY ENGAGED IN NUCLEAR WEAPONS-RELATED TRADE WITH IRAQ

FIRM 8: MAN TECHNOLOGIE GmbH (GERMANY)

Since the 1970s, MAN Technologie GmbH has been the principal supplier of uranium enrichment technology to Uranit GmbH, the German partner in the European enrichment and nuclear fuel consortium known as URENCO. A MAN-Uranit joint venture assembles complete centrifuges for the consortium. The German government believes that MAN or its employees have been involved in the transfer to Iraq of critical design information necessary for the construction of uranium enrichment machinery. Two former MAN employees, Walter Busse and Bruno Stemmler, have assisted in Iraq's program to develop a uranium enrichment capability and the German government suspects that they provided Iraq with highly sensitive enrichment design technology. MAN denies doing business with Iraq, although it has worked with Brazil, a country that has assisted Iraq's uranium enrichment efforts.

(Sources: New York Times, 11/29/90, p. A27 by William Saffire; New York Times, 12/23/90, pp. A1, A4; Nuclear Fuel, 12/24/90, pp. 1–3 by Mark Hibbs; Nucleonics Week, 10/18/90, pp. 7–8 by Mark Hibbs; Sunday Times, 12/16/90, pp. 1–2, 4–5.)

INTRODUCTION OF NATIONAL VISITING NURSE ASSOCIATIONS WEEK

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Ms. OAKAR. Mr. Speaker, it is with great pleasure that I join my colleague, Mr. BURTON of Indiana, in introducing the resolution naming the week beginning February 16, 1992, as "National Visiting Nurse Associations Week."

The year 1992 marks the 4th year when we take time to pay tribute to those modern-day samaritans. The compassionate spirit of the over 420 Visiting Nurse Associations is found all across our Nation, from inner-city ghettos to rural America. For the nearly 1 million people who are touched each day by our Nation's visiting nurses, there truly is no place like home. The VNA movement, over 100 years old in the United States, has committed their hearts and hands to providing primary home care to our Nation's neediest citizens, regardless of the patient's ability to pay.

As a member of the Pepper Commission, I know well the crisis facing our citizens not only in affordability of access to health care, but with respect to long-term care. For those with the greatest need of home care—those who can least afford it—VNA's give our citizens the precious option of being nursed back to health, to receive physical or occupational therapy or to die with quiet dignity in the solace of their own homes.

Mr. Speaker, many of my colleagues know of individuals in their districts—and even their own families—who have benefited from the good work of Visiting Nurse Associations. Indeed, the breadth of services administered by these beneficent providers is as far reaching as VNA's themselves. VNA's offer personal care, prenatal care, and other social services, therapy, visiting services, nutritional counseling, and other vital specialized nursing services. In their vital mission, VNA's assume the role of caregiver that once fell upon another family member. They do so without fanfare, every day, selflessly bringing thousands of Americans the best of modern health care that their limited resources have to offer. The continued success of VNA's truly benefit Americans of every age, race, and culture. We would do well to encourage their growth.

As they have for over 100 years, VNA's continue to carry on a tradition of innovation in health care. VNA's were among the first organizations to provide physical therapy, diagnostic tests, and durable medical equipment to the disabled in their homes. VNA's were also one of the first groups to recognize the home care needs of AIDS victims. Today, VNA's are at the forefront in maternal child care and, in many cities, providing the homeless with attention they would not otherwise receive.

It is fitting, also, the we commend Visiting Nurse Associations in America for their success in intertwining the spirit of charitable voluntarism with the skills of their talented and dedicated medical professionals. Community volunteers assist VNA's wherever they are able by delivering meals, providing administrative and office support work, running errands, fundraising, and performing other important roles. Moreover, the efforts of these volunteers add an even deeper, community-based spirit of stewardship which enhances the good work of VNA's in their local communities.

By naming the week beginning February 16, 1992, as "National Visiting Nurse Associations Week," we pay tribute to the efforts of all the medical professional and volunteers in each community who enable Visiting Nurse Associations to continue their vital mission.

TRIBUTE TO EDYTHE FRIED, TEACHER'S AIDE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. LENT. Mr. Speaker, I rise to recognize and pay special tribute to Mrs. Edythe Fried who is retiring after 25 years of service to the North Merrick, New York Union Free School District. Mrs. Fried will be honored at a retirement dinner held by her colleagues on May 3, 1991.

Edythe Fried began her long association with the North Merrick schools as a teacher's aide in 1965. She then went on to become the district's first teacher's aide in the transitional learning development class in 1977. She has remained in this important position ever since.

A philosopher once said, "The very spring and root of honesty and virtue lie in good education." Like any worthy goal, instilling honesty and virtue in our youth is not easily realized, particularly during times as turbulent as we have seen in the 1960's, 1970's, 1980's, and 1990's. Yet, Edythe Fried has dedicated her professional life to building those qualities in the young people of North Merrick and I am pleased to report that her success stands as an inspiration to colleagues and as a blessing to students.

Mr. Speaker, as a lifelong resident of the Village of East Rockaway, a community not far from North Merrick, I have come to learn about the important difference that Edythe Fried has made in the lives of her students. Her outstanding work in the field of education has greatly improved the quality of life in and around the Fourth Congressional District. Accordingly, I am pleased to consider Edythe Fried a neighbor and proud to have the privilege of representing her in this House.

TRIBUTE TO LT. (JG.) RICKY A. LEE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. (jg.) Ricky A. Lee and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

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DADE SCHOOLS HONORED BY U.S. LABOR SECRETARY FOR ANTIDROPOUT PROJECT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mrs. ROS-LEHTINEN. Mr. Speaker, the Dade County Public Schools' Stay-In-School Program has been selected as a winner of a 1991 Job Training Partnership Act Presidential Award. The Stay-In-School Program is operated by the Private Industry Council [PIC] and South Florida Employment and Training Consortum [SFETC] in cooperation with the Dade County Public Schools. The chairman of PIC, Mr. Frank Krauser, is himself being recognized for his work with the Stay-In-School Program. Mr. Krauser will receive the Presidential Award for the 1991 Private Sector Volunteer of the Year. I am extremely proud to have both a nationally recognized antidropout program and distinguished private sector volunteer in my congressional district.

The PIC/SFETC Stay-In-School Program has operated in 13 Dade County senior high schools since 1986. A total of more than 6,000 students at risk of dropping out of school have been served since then and 93 percent of them have stayed in school. This program provides a 3- to 4-year sequence of counseling, tutoring, basic skills instruction, mentor guidance, summer jobs, and other assistance the students may need to help them stay in school. Sonja Braddy, a former program participant and recent graduate who currently attends Tuskegee Institute in Alabama, will represent the thousands of former JTPA participants at the awards ceremony with the U.S. Secretary of Labor, Lynn Martin, in Washington, DC.

Mr. Speaker, the Dade County Stay-In-School Program is a most impressive partnership of private industry, job training, and employment programs and public schools. I am encouraged by the coordination between private and public sector initiatives to effectively meet the needs of at-risk youth. By elevating self-esteem and teaching valuable skills, the Stay-In-School Program has given thousands of south Florida youth a reason to stay in school; a reason to believe they are worth something. Both Mr. Krauser individually and the Stay-In-School Program as a whole very much deserve to be commended for investing in our Nation's greatest resource, its young people. Also, deserving of commendation is the superintendent of Dade County, Octavio Visiedo, and assistant superintendent, Roger Cuevas, for their oversight of this important program.

TRIBUTE TO DR. TELEFORO (TELLY) ANTHONY MASCARIN

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. HERTEL. Mr. Speaker, I rise today to honor Dr. Telesforo (Telly) Anthony Mascarin for his service to the community and his profession. Dr. Mascarin was born in Montreal, Canada, in 1932. Dr. Mascarin's father immigrated in 1927 and his mother in 1930, both from the town of Pordenone in the Friuli region of Italy. Dr. Mascarin's parents were married in 1930 in Hamilton, ON. The newlyweds resided in Montreal, PQ, until 1934, at which time they moved to Timmins, ON.

Dr. Mascarin spent his early years in Timmins, and when the time came joined his parents, and worked in their corner grocery store. In 1945, the family moved to Windsor, ON, where they continued in the grocery business. Dr. Mascarin's love was always medicine, and in 1951 he accepted a hockey scholarship to the University of Michigan. After graduation, Dr. Mascarin began his medical studies at the University of Ottawa Medical School. Upon receiving his medical degree in 1959, he came to the United States to study obstetrics and gynecology, and shortly after, became an American citizen.

Currently, Dr. Mascarin is a staff physician in obstetrics and gynecology at St. John, Bon Secour, and Cottage Hospitals. Along with these staff positions the doctor has a thriving private practice in Detroit. Dr. Mascarin has delivered over 8,000 children encompassing two generations.

Besides his medical services, Dr. Mascarin has been the driving force behind the establishment of several youth facilities. Because of his love of hockey, he and a group of his friends organized the building of the Grosse Pointe Community Hockey Rink in 1972. He coached the traveling team for 10 years bringing Grosse Pointe its first national title.

In tennis, Dr. Mascarin and friends provided for the first eastside indoor facility—the Wimbledon Racquet Club—so young people could train and compete year round. These facilities have nurtured world class tennis professionals and many national champions.

Additionally, Dr. Mascarin maintains a scholarship fund in his father's name at Assumption High School in Windsor, so that needy children can receive a Catholic education.

Dr. Mascarin's patience and understanding in medicine as well as sports, and his love of the Italian community have allowed him to touch many lives.

This is reflected in the latest honor bestowed on Dr. Mascarin, the Italian-American of the Year Award. This award is given annually by the Italian Study Group of Troy, MI. The award is given to a person who reflects the highest traditions of the Italian-American heritage—God, country, and family.

JOHN SEIGENTHALER—A GREAT AMERICAN

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. CLEMENT. Mr. Speaker, I ask my colleagues to join me today in paying tribute to a man who can only be described as great—a great journalist, a great businessman, a great thinker and a great American—Mr. John L. Seigenthaler, of Nashville, TN.

This weekend I will join a group of people in Nashville who are gathering to pay tribute to John Seigenthaler at his high school alma mater, Father Ryan High School.

Rarely is an individual held in the esteem that John Seigenthaler commands in his hometown. When an idea or proposal is offered in Nashville, inevitably someone will ask, and rightfully so, "what does Seigenthaler think?"

In his role as a journalist and as a man whose opinion is respected nationally, John Seigenthaler has helped contribute not only to the betterment of his own community, but also our Nation. From his contributions to the advancement of civil rights, to influencing the political processes of our city, State and Nation through editorial opinion to the one-on-one advice he has offered our country's decisionmakers, John Seigenthaler has directly and indirectly played a major role in shaping the face of present-day America.

Today I ask my colleagues in the U.S. House of Representatives, many of whom are personal friends of John Seigenthaler, to review an outline of this great man's career then join me in paying tribute to a "Great American."

JOHN SEIGENTHALER

John Seigenthaler is Chairman, Publisher and Chief Executive Officer of The Tennessean.

He also serves as Editorial Director of USA Today, Gannett Company's 1.75 million circulation national newspaper.

He is immediate past president of the American Society of Newspaper Editors.

He is a native of Nashville and began in 1949 as a cub reporter on the newspaper he now serves as Chairman, Publisher and CEO. Over more than 35 years he has held almost every news and editorial position on The Tennessean: beat reporter, general assignment reporter, feature magazine writer, copy editor, city editor, editor and publisher. As a reporter, he covered crime, local government, the courts, the state legislature and national politics.

The newspaper, during his tenure as editor and publisher, has won numerous national honors, including the Pulitzer Prize, the Sigma Delta Chi and National headliner Awards.

In the early 1960's he left journalism for a year and a half to enter government service, accepting the appointment as Administrative Assistant to Attorney General Robert Kennedy. His service in the Justice Department included work in the fields of civil rights, organized crime and the judicial selection process. During the 1961 Freedom Rides, he was the Kennedy Administration's chief negotiator with the governor of the State of Alabama. During that crises he was attacked by a mob of whites and was hospitalized.

Other government service included presidential appointment to the U.S. Advisory Commission on Information and to the U.S. Appellate Judicial Nominating Commission.

He serves on various media-related boards, commissions and committees. He has been a member of the Board of the American Society of Newspaper Editors for eight years and became ASNE President in April. He is a member of Kappa Tau Alpha honorary journalism society and of Sigma Delta Chi, the Society of Professional Journalists. He serves on the board of directors of the World Press Institute and on the board of the Committee to Protect Journalists, an organization concerned with protecting journalists in foreign countries.

A First Amendment Chair of Excellence has been established at Middle Tennessee State University in his name. The Chair named in his honor was created to increase understanding of the First Amendment to the U.S. Constitution through academic initiatives.

He is vice chairman and a member of the executive committee of the Media and Society Seminars of Columbia University Journalism School and a member of the University of Tennessee College of Communications Board of Visitors. He is a member of the University of Tennessee College of Communications Board of Visitors. He is a member of the Advisory Committee of the School of Communications of American University in Washington, DC. He was educated at Peabody College and Harvard University, where he was a Nieman Fellow. He was an Associate Professor of Communications Policy at Duke during the 1980 academic year.

In 1984 he was elected a Sigma Delta Chi Fellow, the highest honor bestowed by the Society of Professional Journalists, Sigma Delta Chi, for his contributions of Journalism.

He conducts a weekly book review program called "A Word on Words", which is telecast by Southern Public Television Network.

His books include: "A Search for Justice", which he coauthored with Jim Squires, former editor of the Chicago Tribune, Frank Ritter, Reader Advocate of The Tennessean, and the late John Hemphill, of the New York Times; "An Honorable Profession", which he co-edited, with Pierre Salinger, Frank Mankiewicz and Ed Guthman, and "The Year Called Watergate."

Among other personal journalistic honors are the Sidney Hilman Prize for Courage in Publishing, the National headliner Award for Investigative Reporting and the Pi Delta Epsilon National Medal for Merit for contributions to journalism. He was awarded the 1981 Mass Media Award of the American Jewish Committee.

He is married to the former Delores Watson. They have one son, John Seigenthaler, Jr.

TO HONOR BILL REILLY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. VISCLOSKY. Mr. Speaker, at a time when educational needs and services are at the forefront of public discussion in northwest Indiana, today I rise to give recognition to Charles William Reilly, an individual who has devoted his entire life to ensuring that America's future remains bright and competitive. Bill, as he is known to his friends, has retired from Indiana University after 20 years of service.

In September 1970, Bill came to Indiana University Northwest to be a professor in the division of business and economics. Bill began his teaching career in 1951 at the University of Kansas, followed by assignments at Kansas State College and New Mexico State University.

During his 20 years of commitment to the northwest Indiana community, Bill has given extraordinary, productive devotion and service to the development of the division, the campus, and the students. Also, under his advisership, the northwest chapter of Delta Sigma Pi was ranked second in the Nation.

While he will be greatly missed by all whose lives he has touched, we are thankful that we in northwest Indiana have had the opportunity to benefit from an individual with such integrity and commitment. He will be missed, but not forgotten.

TRIBUTE TO LT. JOHN J. McGINN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to Lt. John J. McGinn and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall*'s sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall*'s crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

TECHNOLOGY TRANSFERS TO IRAQ

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MOODY. Mr. Speaker, kill the messenger. Or at least, fire him.

That is the administration's response to testimony yesterday that it refused to reduce the flow of advanced American technology to Iraq, despite protests from Dennis Kloske, the Under Secretary of Commerce.

Mr. Kloske testified that he made his concerns about high technology sales to Iraq "clear at the very highest levels." When these concerns were brushed aside, he decided to delay the sales as long as possible with the legal tools available to him.

Now, there are reports that Mr. Sununu has informed Secretary of Commerce Mosbacher that Kloske is to be fired.

What does Mr. Sununu object to, his honesty to Congress? His foresighted decision to try to block sales to Iraq that could have cost American lives?

I think it is simply the typical politician's response to being embarrassed, to being held accountable for past deeds.

We should applaud Mr. Kloske, and others with the integrity and courage to do the right thing.

Most importantly, we must continue to try to shed light on the sleazy, corrupt world of international arms sales.

THE 1992 DEFENSE BUDGET

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. SKELTON. Mr. Speaker, on March 13, 1991, I testified before the House Budget Committee regarding the President's budget for fiscal year 1992. My focus was on the budget request for the Department of Defense. I would like to share my thoughts on our national defense with my colleagues and I submit my testimony herewith.

TESTIMONY OF CONGRESSMAN IKE SKELTON ON THE FISCAL YEAR 1992 BUDGET

MAINTAINING A STRONG NATIONAL DEFENSE

Mr. Chairman, I appreciate the opportunity to testify before this committee on President Bush's fiscal year 1992 budget. My testimony today will focus on the President's budget request for the Department of Defense.

Before I talk about the Defense budget I would like to remind this committee of some of the ingredients that went into the stunning victory that our Armed Forces achieved in the recent conflict with Iraq. The effort to strengthen our military that took place in the 1980's was accomplished because of the support that we in Congress provided the military. As a member of the Armed Services Committee I have paid close attention to the transformation that took place in the military over the past decade. As a body, we can take pride in the part that the Congress played in this important achievement.

There are four components that form part of any military establishment: (1) the force structure—both strategic and conventional; (2) the personnel; (3) the readiness of the forces; and (4) the investment for the future—research and development. Mr. Chairman, we won the recent war against Iraq mainly because over the past ten years we as a nation devoted the resources necessary to raise, equip, and maintain military forces second to none. We can be proud of that investment. We won the war mainly through military excellence centered around the airland battle doctrine adopted by the Army and the Air Force early in the last decade. It was originally structured to enable us to overcome the Soviet Army's vastly superior mass in the European theater. This awareness caused us to perpare strategically and tactically forces that could carry out difficult missions. We invested in a modern force of tanks, helicopters, infantry vehicles, fighter aircraft, transport aircraft, air defense missiles, air-to-air missiles, air-to-ground missiles, and a variety of warships.

Equally important, and some would contend more so, we improved the All-Volunteer Force in the 1980's, attracting high-caliber men and women to wear our country's uniform. We paid them well and treated them with respect. At the same time, we provided these men and women with sufficient funds so that adequate training could be accomplished. As one combat veteran once told me, "The more you sweat in peacetime, the less blood you'll spill in war." Mr. Chairman, in your own State the Army has the finest training facility in the world, Ft. Irwin. At that 640,000-acre facility in the California desert I had the good fortune three years ago to witness battalion-size units stage mock battles against "red" forces trained in Soviet tactics. Hard training such as this, performed by each of the services, prepared our forces for the combat that took place earlier this winter in the Iraqi and Kuwaiti deserts.

While our forces were provided adequate training we also provided the leaders of those forces important education at the five command and staff colleges and the five war colleges. They studied war—from the Peloponnesian Wars to Vietnam—and were provided by those institutions the strategic, operational, and tactical lessons that were so evident on the battlefield, on the sea, and in the air. We were able to field a strong and professional force because of over 10 years of sufficient attention and funding by this body in each of these important areas.

Today, we find ourselves at a crossroad that could undermine our hard won efforts that created a new Defense establishment as so ably demonstrated by our soldiers, sailors, airmen, and marines in the recent conflict in the Middle East. These very same forces, ones that have allowed us to assume an even greater leadership role in international affairs, are being threatened. Last year—in the euphoria of the collapse of the Berlin Wall, democratization in Eastern Europe, positive changes in the Soviet Union—our military budget was set to take big cuts over the next five years. Our forces will be cut by 25 percent and the Defense budget as a percentage of GNP is expected to fall to 3.6 percent in fiscal year 1996, the lowest level since before World War II. Let me compare force levels for 1939 and 1990.

	1939	1990
Army	188,000	750,000
Air Force	[1] 22,000	543,000
Navy	114,000	583,000
USMC	19,000	197,000

[1] U.S. Army Air Force

Even if one increases the personnel figures for 1939, to reflect the proportion of a smaller U.S. population, there is still no comparison.

It is ironic that the President made his formal presentation of his new defense policy on August 2, 1990, the very day that Saddam Hussein ordered his forces to invade Kuwait. A year ago at this time, no one in this body or in the White House would have predicted that American fighting forces, within a few short months, would be deployed to the Middle East and subsequently become engaged in a war against the fourth largest army in the world. It is this uncertainty about the future that should alarm us and cause us to rethink the drastic military cuts that are still scheduled. The services will have to reduce personnel levels by 13 percent in the next fiscal year. For the Army alone that means a reduction of more than 60,000 soldiers.

Former Army Chief of Staff, retired General Edward C. Meyer said this in last Saturday's Los Angeles Times: "As you start to build down at this rate, you can't do it nice and neatly. You screw the troops, and you make dumb mistakes getting rid of the wrong people when you do that kind of heavy chopping. And you are not treating people very well who have just marched off proudly in defense of the Nation." General Meyer, who was a key supporter of the effort to reorganize the Department of Defense that became known as the Goldwater-Nichols Act, made the following suggestion. He said, "There needs to be at least a year's moratorium while we consider the full impact of what we have learned from the Persian Gulf. They [the Department of Defense] should wait a year and redesign the forces for the future in a way that makes sense."

Mr. Chairman, we have an obligation to look to the long-term interest of our Nation. I believe that we will need a larger force than what was envisaged less than a year ago. At the same time we also have a moral commitment to those individuals in the military who wear their service uniform proudly to look after them in a proper fashion. My sources in the Army say that if given a year they can smooth the transition so that people don't come out of the desert to go right into the unemployment line.

The task you ladies and gentlemen here face is a very difficult one. Everyone who will testify before you will argue that their concern is the most urgent one. And yet I sincerely believe that we should not do what we have done on so many other occasions in our history, after building up our forces tear them back down. We should be prepared for the unpredictable and the uncertain. By doing so, we as a nation with other civilized nations will have a greater chance for securing a lasting peace.

HONORING SPEAKER FOLEY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. RICHARDSON. Mr. Speaker, earlier this year, I had the pleasure to attend a dinner hosted by Ambassador Jacques Andreani, French Ambassador to the United States, given in honor of our illustrious Speaker, the Honorable THOMAS FOLEY.

At the dinner, Ambassador Andreani offered a magnificent toast in honor of Speaker

FOLEY. With the Ambassador's permission, it is my great pleasure to share with my colleagues a copy of the Ambassador's comments.

TOAST BY AMBASSADOR JACQUES ANDREANI, FRENCH AMBASSADOR TO THE UNITED STATES, AT A DINNER GIVEN IN HONOR OF SPEAKER THOMAS FOLEY, JANUARY 4, 1991

Mr. Speaker, Members of Congress, Excellencies, Ladies and Gentlemen, when I think of speeches, I always remember the Duke of Devonshire's dream, which he relates in his Memoirs in the following way: "I dreamt that I was making a speech in the House. I woke up. And, by Jove, indeed I was!".

Such mishap could not occur to Speaker Foley, who has a strong reputation for speaking beautifully, forcefully and effectively. But, as far as I am concerned, the Duke's nightmare reminds me that one of the keys to success for a diplomat is to avoid long speeches.

There is a more substantial reason for me not to talk at length tonight: it would really be absurd that this audience, among which we are happy to count experienced parliamentarians, masters of journalism, long standing stars of Washington's political and diplomatic life, should be told by me, arrived in the District of Columbia a little over a year ago, who Speaker Foley is.

So I shall limit myself to say how honored and happy we are, my wife and I, to receive the Speaker of the House at our table, together with friends who like him, admire him and are happy to work or to have worked with him.

I express my regrets about Mrs. Foley's absence, due to her not feeling well. I ask you, Mr. Speaker, to convey to her our respectful feelings and our heartfelt wishes. We know how closely she is associated with the tasks of your high office and we hope to get to know her better in the future.

Let me just say three more things about our guest of honor.

First, there are various categories of political leaders.

There are those who are more feared than liked, those who publish more than they do, and whose record is less visible than their ambition.

I do not think that Tom Foley belongs to that category.

I rather believe that he is among those who exert more influence than visible power—visible because influence is a form of power—among those who are called by others to play a role rather than push themselves into it, among those whose political biography shows less a capacity to shape a career than a capacity to get things done.

My second remark will be that, in a country in which separation of the three branches of government makes it vital that they work together in good spirit, the role of a parliamentary leader such as Mr. Foley is essential. Because he knows how to differ without blocking processes, how to cooperate without renouncing his own views.

It is for this country an invaluable asset, particularly in times of stress and crisis.

Finally, I would like to draw your attention to a defect avowed by Mr. Foley himself. In an interview, he recognized that he is "cursed by seeing the other's point of view and trying to understand it".

This grave defect is a great quality. In sum, Mr. Foley, I am proud to declare it, is a diplomat. And this ability to see the point of view of the others, is important in politics. It is still more important in diplomacy, because, when diplomacy fails, it can mean war, as we know too well.

God knows that we were favorable to negotiation and we tried it up to the very last moment. We the French, and also the Americans. As these efforts were repudiated by the other side, there was nothing to do but to wage war. That is what we are doing now, and at this moment our thoughts must go to the brave soldiers, from the U.S., from France and from other countries, who are fighting in the Gulf.

Thanks to their efforts and their sacrifice, a time will come when political solutions are possible again. On that day, we will need the qualities of the diplomat, we will need more people afflicted with the curse the Speaker was complaining about: seeing and understanding the views of others, while of course not renouncing our own views.

I ask you to raise your glass to the health of the Speaker of the House, to Mrs. Foley, to the Congress of the United States, and to the friendship between the United States, France and their allies.

TRIBUTE TO CWO2 WILLIAM M. JEFFERSON

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to CWO2 William M. Jefferson and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall*'s sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall*'s crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

VFW ESSAY WINNER

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. ABERCROMBIE. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary conduct the "Voice of Democracy" broadcast script writing contest. This year more than 138,000 secondary school students participated in the contest, competing for 14 national scholarships totaling $62,500. The theme of this year's competition was "Democracy—the Vanguard of Freedom."

The winning contestant from the State of Hawaii was Jill Aiko Otake. Jill is a 17-year-old senior at Iolani High School with a profound interest in debate and government. Jill's essay illustrates her recent trip to the Soviet Union, and celebrates her joy in living in a free nation as compared to her Soviet friends who she sees as living an Orwellian experience in the Soviet Union.

Mr. Speaker, I would like to insert Jill's essay in the RECORD.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Jill A. Otake)

This past summer, I traveled to the Soviet Union. Although my excursion was once impossible, today, thousands of youth groups are allowed a passport beyond the Iron Curtain. I am grateful for the introduction of glasnost because my Soviet friends no longer face the strangling hold of oppression. I am also selfishly thankful for the new liberties Mikhail Gorbachev has instituted. Without these, I would not have had the chance to experience all that I did in my travels and I also would not be as appreciative of American democracy as I am today.

I expected to find Soviets proud of their new freedoms. I was excited to talk with the people about Gorbachev and his massive democratic reforms. Arriving at Moscow airport, I stepped off the plane, unaware of how lucky I am to be a citizen of a democratic America. As soon as I entered the airport, all of my expectations were ruined. I was forced through a military passport booth, where a pale and stern young soldier scrutinized me, deliberating whether or not I was the person in the passport picture. After he decided that I was, I smiled and thanked him. His response was a vacant glare. A friend of mine generously but ignorantly offered one of these soldiers a candy bar. The soldier became nervous and shook his head, explaining that he was not ALLOWED to take it. He then looked at his commander who only frowned at us.

As we traveled throughout the city, I immediately noticed that the people seemed melancholy and depressed, and that Lenin was everywhere, in the form of statues, posters, coins, pins, and even T-shirts. There was also still the infamous long line of mourners outside of the dead man's tomb. As I looked at the black marble facade of the structure, I could see a moving reflection of the gargantuan poster of Lenin across the Square. I felt as if I was in George Orwell's world of 1984 and that Big Brother was constantly watching me. I asked a Soviet why the Lenin paraphernalia hadn't been removed. She explained rather solemnly that Communism still exists.

It was then that I realized that only true democracy guarantees true freedom. In America, I am not haunted by spectres of the past. I am not intimidated by guardians of the present. My government does not randomly open my mail as the Soviet government does. My government does not limit my movements. My government affords me the rights to freedom of speech, freedom of religion, freedom of choice. Throughout my trip, I realized that America is indeed the land of opportunity: I have the right to choose between options A, B, C, and D. Soviets have the rights to choose between A and A.

The American democracy is an absolute democracy, encompassing all aspects of life. Aristotle stated, "The basis of a democratic state is liberty." Our liberties as American citizens are almost unlimited.

Recently, I received a letter from one of my Soviet friends. He wrote that he was dreaming of America and the freedom I enjoy. I feel saddened and somewhat guilty that I have so much and he has so little. Gorbachev has been loosening the grasp of Communism, but democracy is still blatantly absent. Until democracy takes root in his country, my friend will continue to dream.

TRIBUTE TO THE PANTHER VALLEY HIGH SCHOOL JUNIOR RESERVE OFFICERS TRAINING CORPS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. YATRON. Mr. Speaker, today I rise to pay tribute to a fine organization of young students from Carbon County, PA. I am speaking of the Panther Valley High School JROTC Corps.

The Panther Valley High School JROTC Program, since 1979, has given a sizable percentage of Panther Valley High School's students enormous opportunities for growth and community support. Through numerous civic activities, these fine students have contributed much to the community. Indeed, their participation in parades, ceremonies, disaster relief, and blood drives have instilled in all of us a sense of pride and appreciation for their dedication to their fellow citizens.

Mr. Speaker, it is because of the Junior Reserve Officers Training Corps that these young men and women will be better prepared to lead their generation and others into the 21st century. I salute the Panther Valley High School JROTC Program and its participants, and thank them for helping to make the lives of others better and brighter.

LONG-TERM CARE FOR THE ELDERLY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. GOODLING. Mr. Speaker, probably the greatest concern of senior citizens today relates to access and financing of long-term care services. Approximately 7 million of our elderly population suffer from chronic conditions or are limited in activities of daily living which require long-term care. As our population ages, these needs will undoubtedly increase. Our Nation has experienced a dramatic increase in the population age 65 and older; growth has been most pronounced for the age 85 and older group. It is estimated the number of elderly needing long-term care services will increase from 7 million people in 1990 to 13.8 million in the year 2000.

Simply put, there are a large number of individuals who need long-term care services and the number will greatly increase in the coming years. Currently, finding and financing home-based long-term care services is very difficult. Most individuals who receive formal long-term care receive it in a skilled nursing facility by either paying for it on their own, or if they have exhausted their assets, having it financed by Medicaid. Also, private long-term care insurance policies are available, but are prohibitively expensive and do not cover all that is needed. The insurance industry is just beginning to enter this area; so, available and adequate long-term care insurance is hard to find.

To address this growing need for services and the fears of our senior citizens, I have introduced the Comprehensive Long-Term Care for the Elderly Act of 1991. This bill provides for a comprehensive continuum of long-term care services. One objective of the proposal is to organize the current fragmented system through the implementation of a case management program also aimed at providing the most appropriate and cost effective long-term care services to the beneficiary. The plan primarily builds on services and programs provided under the Older Americans Act, VISTA, Medicaid, and Medicare. In addition, a tax credit would be allowed for those individuals who maintain a household which includes a qualified elderly dependent.

Currently, there are a number of proposals to address long-term care. While I certainly do not intend this bill to be a final product, I do believe it offers a legitimate framework and some very good ideas for implementing any Federal long-term care policy. I certainly hope it will, at the very least, serve to further debate on this very important issue. I am looking forward to receiving constructive comments in hopes of improving the bill.

The primary objective of this legislation is to provide needed long-term care to those seniors who would benefit from such care. Central to the proposal is the idea of case management. A case management plan will be developed for an individual by the case management agency; in most cases this will be the local Area Agency on Aging, whose responsibility it is to coordinate the provision of long-term care services under the Older Americans Act, the Domestic Volunteer Service Act, Medicare, and Medicaid. The case management agency will conduct assessments and develop case management plans for long-term care services.

Under this bill, long-term care services would include supportive services already provided under the Older Americans Act. This bill would expand the Older Americans Act to reach more individuals by providing nutrition and other preventive services to help them live healthier, fuller lives. The bill also provides for home and community based long-term care medical services, in addition to providing nursing home coverage under Medicare.

To provide supportive services in a cost effective manner, the bill expands the authorization of the Senior Companions Program so that many of the nonmedical supportive services can be provided by volunteers. This not only allows the Federal Government to provide needed long-term care services, but allows many more senior companions to receive the benefits of volunteer service.

These provisions should allow many seniors to live their lives in the comfort of their own home. Currently, there are very few home and community based long-term care services available. Most senior citizens would prefer to remain in their homes. This bill provides the resources for them to do that unless it is not the best setting for needed medical care or the same services can be provided in a less expensive manner in a different setting.

Most individuals needing long-term care do not reside in nursing homes, but live in the community. Studies estimate that between 60 and 80 percent of the care received by the impaired elderly living in the community is provided by relatives and friends. More than 7 million spouses, adult children, other relatives, friends, and neighbors provided unpaid assistance to disabled elderly in 1984. About a quarter of these caregivers were between the ages of 65 and 74 themselves.

To assist these individuals and provide incentives for families and friends to take care of elderly individuals, the bill allows a tax credit for individuals who maintain a household which includes a qualified elderly dependent. The tax credit will be phased down to zero for households with an adjusted gross income of between $150,000 and $200,000.

A $1,000 tax credit would be allowed for caring for an elderly dependent who is unable to conduct at least one Instrumental Activity of Daily Living [IADL], heavy or light work, preparing meals, shopping for groceries, and so forth, or is unable to conduct any one of the five Activities of Daily Living [ADL].

A $5,000 tax credit would be allowed for caring for an elderly dependent who requires personal assistance with three out of five ADL's or requires substantial supervision due to cognitive impairment or disruptive and dangerous behaviors that impede function.

Older Americans Act services would be funded by appropriations from the Federal and State treasuries. Fees would be charged to beneficiaries according to a sliding fee schedule based on ability to pay. Each local Area Agency on Aging will be allowed to keep 50 percent of their revenue received to provide for expanded services. Ideally, these services would be provided as an entitlement to ensure that all eligible seniors would be provided the services they need. However, because of the current budget situation and the new budget agreement, it may be best to expand the current program rather than to create a new entitlement.

Medicare services will be financed as they are under current law through contributions by workers and employers. The Department of Health and Human Services is then required to recommend to Congress a funding mechanism incorporating beneficiary premiums also according to a sliding fee schedule based on ability to pay.

Mr. Speaker, many senior citizens are afraid of becoming impoverished if they need long-term care services. Many older persons who need long-term care services spend down their resources so rapidly they become eligible for Medicaid assistance in a few months or even weeks. They are also afraid of becoming too great a burden on family or friends and of not being able to receive the services which will allow them to live life to the fullest extent possible.

Mr. Speaker, I believe the legislation I am introducing today offers some good ideas with which to address long-term care issues at the Federal level. It attempts to unify the current fragmented system with the goal of providing the necessary long-term care services to eligible individuals. I also believe it should serve to further debate on the issue and I look forward to working with my colleagues in an effort to address the long-term care needs of our Nation's elderly population.

LINE ITEM VETO LEGISLATION

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. PENNY. Mr. Speaker, with our colleagues GARY CONDIT and JIM SLATTERY, I am today introducing an amendment to the U.S. Constitution granting the President an item veto in appropriation acts. Today, some 43 State Governors possess item veto authority and use this tool to balance State budgets and to end wasteful spending. It is a tool we should give to the President.

Mindful of the need to retain the balance of powers between the two branches, the resolution provides first that a simple majority voting may override an item veto by the President, and that the President may not veto spending for judicial and legislative branch operations. These two safeguards provide for more than ample protection against possible abuse of this power by the President.

Mr. Speaker, every year the story is the same. Days and sometime weeks after an appropriation act is signed into law, newspaper and television stories appear of a last-minute appropriation hidden away by congressional conferees. Often members of the Appropriations Committee are not even aware of these special favors. Too frequently, the general membership of the Congress learns about this pork barrel spending in the newspapers. This practice must end.

It is time to allow the President and the Congress to vote up or down on all spending items. If a worthy project is vetoed by the President, then the Congress can override the veto. At the very least, a veto would then force a debate on the merits of the spending. This is what the Founders intended when they gave the power of the purse to the Congress.

A line item veto for the President will not in itself reduce Federal spending, but it is a tool that will force a reduction in Federal spending and lower the budget deficit. Mr. Speaker and colleagues, I urge you to give careful consideration to this measure.

H.J. Res. —

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"The President may disapprove any item of appropriation in any Act or joint resolution, except any item of appropriation for the legislative branch or the judicial branch of the Government. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not disapproved shall become law. The President shall return with his objections any item of appropriation disapproved to the House in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under section 7 of article I for Acts disapproved by the President, reconsider any item of appropriation disapproved under this article. If, after such reconsideration each House shall agree to pass such item by a simple majority of that House, it shall become law.".

TRIBUTE TO CWO2 PAUL DENIS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to CWO2 Paul Denis and the crew of the U.S.S. *Gunston Hall,* who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall*'s sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall*'s crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

MARITIME AUTHORIZATION BILL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. LENT. Mr. Speaker, today I am introducing legislation prepared by the Maritime Administration of the Department of Transportation.

This legislation, to be cited as the Maritime Administration Authorization Act for Fiscal Years 1992 and 1993, was recently transmitted to Congress by Secretary Samuel K. Skinner. This bill contains the President's proposed budget for the programs carried out by the Maritime Administration to support and promote the U.S. maritime industry.

There are two major budget items contained in this legislation that represent the bulk of the proposed funding for this agency. For the payment of obligations incurred by the Government for operating-differential subsidy contracts, the bill would authorize $272,210,000. For programs in support of the Ready Reserve Force—which is part of our National Defense Reserve Fleet—the bill would authorize $225,000,000, primarily for additions to the Ready Reserve Force and for maintenance and operations of those vessels.

In the coming weeks the Merchant Marine and Fisheries Committee will be considering this and other legislation designed to provide support to the American merchant marine.

Our American maritime industry provided the necessary sealift for Operation Desert Shield and Operation Desert Storm. It was the U.S. merchant marine that helped get the military personnel and the equipment overseas in a timely fashion to enable the allied forces to put a stop to the aggression taking place in Kuwait and other parts of the Persian Gulf. Vessels from the Ready Reserve Force, which are made available by funds from the Maritime Administration and manned by civilian mariners, were also used in this sealift effort. We must all remember that the military might that

Congress has funded over the years is of very little value unless we can get the weapons and equipment overseas to the war. And that, my friends, was where the U.S. merchant marine once again rose to the occasion.

To assist my colleagues in understanding the scope and objectives of this legislation, I have attached to this statement a document prepared by the Maritime Administration that describes the purpose and need for this bill.

STATEMENT OF PURPOSE AND NEED FOR THE BILL

(To authorize appropriations for the fiscal years 1992 and 1993 for certain maritime programs of the Department of Transportation, and for other purposes)

Section 209 of the Merchant Marine Act, 1936, as amended, ("Act"), states that after December 31, 1967, there are authorized to be appropriated for certain maritime activities of the Department of Transportation only such sums as the Congress may specifically authorize by law. The draft bill authorizes appropriations for those activities listed in section 209 for which the Department of Transportation proposes to seek appropriations for fiscal years 1992 and 1993.

"Sec. 2. Funds are authorized to be appropriated without fiscal year limitation, as Appropriations Acts may provide for the use of the Department of Transportation, for the fiscal year ending September 30, 1992, as follows:"

Section 2 authorizes specific amounts to be appropriated for fiscal year 1992 for the following activities:

"(a) For payment of obligations incurred for operating-differential subsidy, not to exceed $272,210,000."

Operating-differential Subsidies (ODS) are the primary means of Federal financial support for the competitive operation of the U.S.-flag merchant marine engaged in the foreign commerce of the United States. This program assists in the development and preservation of a modern, efficient and competitive U.S.-flag merchant fleet to serve both the commercial and national security needs of the United States by providing operating subsidies to American ship operators, which offset the higher total employment costs associated with operating U.S.-flag vessels as compared with foreign-flag vessels.

An estimated $272,210,000 appropriation to liquidate contract authority for ODS will be required for U.S.-flag operations in FY 1992. The requested amount would provide for ongoing support of 61 liner and 33 bulk vessels. The request is an increase of $11,010,000 for FY 1992, that is primarily due to a shortfall in the FY 1991 budget estimate.

"(b) For expenses necessary for operations and training activities, not to exceed $73,000,000, including:"

Operations and training activities include salaries and other expenses for the following:

"(1) For maritime education and training expenses, not to exceed $35,785,000, including not to exceed $25,278,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, $8,872,000 for financial assistance to state maritime academies, and $1,635,000 for expenses necessary for additional training;"

The 1992 maritime education and training program (Title XIII of the Act) includes operation of the U.S. Merchant Marine Academy, continuing assistance to six state maritime academies, and additional training for eligible merchant marine personnel.

The U.S. Merchant Marine Academy at Kings Point, New York, offers a four-year undergraduate, full scholarship program which leads to a Bachelor of Science degree and to a merchant marine license as Third Mate or Third Assistant Engineer. In addition, the students are enrolled as midshipmen in the U.S. Naval Reserve and, if eligible, are commissioned upon graduation as ensigns in the U.S. Naval Reserve.

The state maritime academies program assists states in the education and training of individuals for service as officers in the U.S. merchant marine. Historically, assistance has been provided to participating states (California, Maine, Massachusetts, Michigan, New York, and Texas) in the form of direct payments to the academies, incentive payments to cadets, and maintenance and repair of five ships on loan for use as training ships.

Finally, the Additional Training subactivity funds the personnel services and supporting costs associated with administration of the Merchant Marine Academy and state maritime academies program at the headquarters level, as well as the maintenance of current data on the maritime industry labor force. In addition, this subactivity also finances operating costs for training in shipboard fire fighting, and marine diesel engineering courses using Merchant Marine Academy facilities.

"(2) For national security support capabilities, not to exceed $8,011,000, including not to exceed $6,748,000 for reserve fleet expenses, and $1,263,000 for emergency planning/operations; and"

The national security support capabilities account funds the preservation, maintenance and security of ships in the National Defense Reserve Fleet (NDRF), other than the Ready Reserve Force (RRF), administration of the ship transfer and ship disposal program, and the emergency planning/operations program. The NDRF ships provide the capability to meet additional shipping capacity requirements in times of national emergency.

Under the emergency planning/operations program, the agency develops and administers activities to ensure continuity and control of maritime operations in time of national emergency, and administers programs to insure seamen and private shipping against loss in time of war.

"(3) For other operations and training expenses, not to exceed $29,204,000."

Funding authorized under the category of "other operations and training expenses" provides for the direction and administration of other agency programs and for program costs not separately authorized.

Research, Technology and Analysis is a new subactivity which will fund the development and administration of new initiatives to implement the National Transportation Policy as well as research and technology projects in coordination with the efforts of private industry, the academic community, and state and local governments. It replaces the Technical Studies program and $2,568,000 is requested in FY 1992. The new program is aimed at improving the competitive position of the U.S. maritime industry; improving the safety and efficiency of U.S. maritime operations; increasing productivity in general cargo and bulk cargo terminal operations; improving shipping procedures for military equipment and supplies; and protecting the environment from ship-generated or facility-generated pollution.

"(c) For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and related programs, not to exceed $225,000,000."

The request is the same amount as in 1991 and will provide funding for the Ready Reserve Force (RRF), which is comprised of Government-owned, U.S.-flag merchant ships laid up in the NDRF. The RRF is maintained in an advanced state of readiness to carry cargo to support the deployment of U.S. armed forces during a contingency.

The requirements for the RRF have been confirmed by the recent deployment of U.S. troops and equipment to the Middle East. RRF ships are a significant component of the Sealift Readiness Program, filling the need for a surge shipping capacity during the early stages of conflict. Over 70 percent of the RRF had been activated by the Department of Defense by January 1991 in support of Operation Desert Shield/Desert Storm.

The planned 1991 end of year strength for RRF ships, including those currently activated, is 105, of which 46 will be outported at locations other than the three NDRF sites. The Department of Defense goal of 142 ships by 1994 has not changed and was restated by the U.S. Navy to the Maritime Administration (MARAD) in November 1990. Funding of the amount requested will allow MARAD to continue working toward meeting this crucial national security goal.

This request includes $104,000,000 for fleet additions and $117,000,000 for ship maintenance and operations, including funds required for ship test activations, maintenance and berthing, and special projects. Finally, $4 million is requested for long-term capital improvement projects to provide and maintain adequate shore facilities and fleet support craft.

"Sec. 3. There are authorized to be appropriated without fiscal year limitation, as Appropriations Acts may provide for the use of the Department of Transportation, such sums as may be necessary for fiscal year 1993."

This section authorizes to be appropriated such sums as may be necessary for fiscal year 1993 in accordance with 31 U.S.C. 1106.

"Sec. 4. Section 308(c) of Title 49, United States Code, is amended by inserting "even-numbered" between "each" and "year."

This section would amend Section 308(c) of Title 49, United States Code, on reports to Congress from agencies in the Department of Transportation. This amendment would authorize MARAD to submit its report to Congress on the condition of public ports every two years, instead of every year. MARAD believes that a more comprehensive report could thus be presented in the three specified areas—economic and technological port development, the extent to which ports contribute to national welfare and security, and factors impeding port development. Changes in these areas occur more gradually than was believed when the provisions were enacted. The responses of the port industry to these changes can be more meaningfully presented in a biannual report.

In the past, MARAD has contacted the House and Senate committees regarding submission of these reports and received no objection to combining the 1986 and 1987 reports and the 1988 and 1989 reports. MARAD requests a change in the law to authorize submitting biannual reports to Congress.

A TRIBUTE TO HOWARD BALES

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. DUNCAN. Mr. Speaker, I am very pleased to pay tribute to one of my constituents, Mr. Howard Bales of Athens, TN.

Howard Bales has been awarded one of the highest awards in the Lions Club. He has been named a Melvin Jones Fellow. This award is given by Lions Club International Foundation for outstanding service and commitment.

Mr. Bales has distinguished himself in his service in the Lions Club for 45 years, and he certainly is very deserving of this honor.

I extend my congratulations to Howard Bales and wish him the best as he continues to make a difference in Athens, TN.

I would ask that the accompanying article from the Athens Daily Post/Athenian be printed in the RECORD.

HOWARD BALES RECEIVES HIGHEST LIONS CLUB HONOR

(By Rosemary Collins)

He has chaired numerous committees and held various positions in the club during his 45 years as an Athens Lion, and he was recently awarded the highest honor bestowed on a Lions Club member.

Howard Bales was named a Melvin Jones Fellow Monday night during the Lions Club 53rd Birthday Party. Bales is the first Athens Lion to receive the award, which is given by Lions Club International Foundation in recognition of service and commitment.

"All in all, Howard has been an outstanding citizen in the community," said Bill Henry, Athens King Lion. "He has excelled in the position of salesman and public relations director for 30 years with Mayfield Dairy Farms, Inc., maintained almost perfect attendance throughout his 45-year membership and served on many committees. For these reasons, he has been accepted into the Melvin Jones Fellowship."

Bales said he felt honored to receive the award.

"I am very proud and honored to receive this award and I thank you," Bales said.

The award is named for the founder of Lions Club International. Jones founded the organization in 1917 in Chicago, and it's now the largest service corporation in the United States with more than 1.4 million members.

Besides being a member of the organization, Bales has served nine years on the board of directors, five years as Lion tamer and three years as tail twister. He's chaired various committees, including the boys and girls committee, horse show committee, agriculture committee, gate committee, banquet committee and basketball tournament committee.

During the presentations, Tom Mayfield said Bales had always been enthusiastic in everything he did.

"Howard and his enthusiasm to help others has earned him this award and I congratulate you on receiving this prestigious award," Mayfield said.

PUERTO RICO HELPS CARIBBEAN COUNTRIES WITH SECTION 936 FUNDS

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. FUSTER. Mr. Speaker, I rise today to point out again to my colleagues the unique role that Puerto Rico plays in the economic development of the Caribbean Basin, a role made possible by the use of section 936 funds. I do this because there have been some doubts in Congress about the efficacy of section 936; one of our colleagues has even introduced a bill which would phase out section 936 for Puerto Rico. But I want to assure my colleagues today that section 936 works and works well—moreover, that it is in the best interests of both Puerto Rico and the United States for section 936 to continue.

As you may know, under section 936 of the Internal Revenue Code, U.S. corporations that meet certain requirements can obtain a 100-percent offsetting tax credit against U.S. Federal income taxes on Puerto Rico source income earned in a subsidiary operation in Puerto Rico.

This tax credit provides a significant incentive for U.S. businesses to establish operations in Puerto Rico. Much of the development of the manufacturing sector in Puerto Rico can be attributed to section 936. It has resulted in the creation of thousands of jobs in Puerto Rico and in neighboring Caribbean Basin Initiative countries and territories—through complementary projects with 936 companies in Puerto Rico.

On April 3, 1990, Mr. Speaker, the Oversight Subcommittee of the Ways and Means Committee held its hearings on the use of section 936 funds for the financing of eligible projects in the Caribbean region. The dynamic role that Puerto Rico has played has been recognized by the U.S. Department of Commerce, whose spokesman has referred to Puerto Rico as the keystone of the Caribbean Basin Initiative.

Today, Mr. Speaker, I would like to provide my colleagues with a step-by-step progress report on our efforts to promote regional economic development through the utilization of section 936 funds since April 1990.

During calendar year 1990, Puerto Rico promoted nine projects in five eligible CBI countries which were financed section 936 funds, with a total investment of $206 million, disbursed by four different financial institutions. We are presently experiencing a more active participation from the local banking community in CBI loans.

The issuance by the U.S. Treasury Department in September 1989 of the temporary regulations, and the growing number of eligible CBI countries enacting TIEA's, largely account for the fact that 936 funds are now moving faster into the Caribbean region. Thus, Puerto Rico can now boast that as of February 1991 a total of 87 projects in 12 CBI countries had been promoted. This is progress, indeed, Mr. Speaker. These projects will create over 19,000 jobs and over $600 million in investment, of which approximately $500 million are section 936 funds, channeled into major projects in Jamaica, Dominica, Barbados, Trinidad and Tobago, the Dominican Republic and the United States Virgin Islands. Of the total amount of section 936 funds, $345.4 million have already been disbursed. I am sure you will agree, Mr. Speaker, that these are impressive numbers indeed.

While we are proud of the positive results of our program to date, Mr. Speaker, we continue to work diligently to improve it even more so. To this end, Gov. Rafael Hernandez-Colon of Puerto Rico signed into law in January 1990 a bill creating the Caribbean Basin Projects Authority [CARIFA], which is a Government instrumentality that can issue industrial revenue bonds to finance active business assets and development projects in eligible CBI countries. Since the bonds can be purchased directly by 936 corporations, funds can be channeled at lower cost to the ultimate borrower if compared to the conventional 936 funds market.

After the IRS issued a ruling favorable to CARIFA in December 1990 the first CARIFA bond issue was sold to the Puerto Rican market in February of this year. As such, $60 million of section 936 funds were disbursed to finance the modernization of two alumina plants and the port facilities of Alcan Aluminum Corp. in Jamaica. In mid-March the CARIFA Board of Directors will consider its second project to be financed through this mechanism for Trinidad and Tobago.

Moreover, member companies of the Puerto Rico U.S.A. Foundation [PRUSA], which represents U.S. companies operating in Puerto Rico under section 936, are committing up to $100 million to be used for direct loans of $1 million to $10 million, with terms of up to 10 years, to finance up to 75 percent of qualified projects in eligible CBI countries. This fund, known as the "Caribbean Basin Partnership for Progress," has just received approval from the U.S. Treasury Department.

Mr. Speaker, to address the problem of high risk often associated with small projects, the U.S. Agency for International Development [AID] has announced the creation of a Small Business Loan Portfolio Guarantee Program whereby AID will provide a partial guarantee for a project's commercial risk. At present, conversations are being held between representatives of AID, the U.S. State Department and the government of Puerto Rico concerning the implementation of this program.

Moreover, Mr. Speaker, the Overseas Private Investment Corporation [OPIC], a self-sustaining U.S. Government agency whose purpose is to promote economic growth in developing countries, is undertaking an active role in providing guarantees for projects financed with section 936 funds in qualified Caribbean countries. So far, OPIC has provided guarantees for five projects totaling over $21 million. Some other projects to be guaranteed by OPIC, and financed with section 936 funds, are under consideration.

Another approach under way, Mr. Speaker, is through the Multilateral Investment Guarantee Agency [MIGA], which encourages the flow of investment for productive purposes to developing countries by providing political risk insurance through the issuance of guarantees against noncommercial risks to investors.

MIGA and representatives from the government of Puerto Rico are holding conversations on the possibilities of extending noncommercial guarantees to section 936 loans.

Lastly, Mr. Speaker, the government of Puerto Rico has also held conversations with representatives of the Inter-American Development Bank and the World Bank to identify projects and sources of credit guarantees for local projects in the Caribbean region. The Inter-American Investment Corporation, a newly created subsidiary of the Inter-American Development Bank, provides guarantees to projects of developing countries in the region. To date, they have agreed to guarantee a tourism project in Jamaica.

The government of Puerto Rico appreciates the efforts of the U.S. Treasury Department and the IRS in issuing the temporary regulations which I mentioned earlier. But these regulations need more flexibility so that the investment of 936 funds can be channeled more effectively into the Caribbean region. The government of Puerto Rico has submitted its recommendations to Treasury as to the changes that should be made to facilitate the flow of funds in eligible countries. We hope these recommended changes will be adopted in the final regulations.

Thus, as you can see, Mr. Speaker, I have outlined chapter and verse of Puerto Rico's good-faith efforts to contribute vigorously to regional development in the Caribbean through the use of section 936 funds. There should be no doubt but that section 936 has worked in the best interests of both Puerto Rico and the United States. By all accounts, it is a success story, and we in the Congress should keep it that way.

THE GHOST OF HO CHI MINH

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. SERRANO. Mr. Speaker, despite the achievements of our troops in the Persian Gulf, many of the lessons of our experiences in Vietnam are still valid. I commend to my colleagues the following editorial from the Riverdale Press.

[From the Riverdale Press, Mar. 7, 1991]

THE GHOST OF HO CHI MINH

"We have kicked the Vietnam syndrome," President George Bush told a cheering throng last week. Let's hope not.

Current mythology proclaims that the United States fought that war with one hand tied behind its back, but, in fact, the military dropped more bombs on one small country than the Allies expended in all of World War II; engaged in chemical warfare that is still crippling American veterans and giving birth to maimed Vietnamese children; and deployed more troops than served in Operation Desert Storm.

For every name engraved on that wall of sorrow in Washington, the Vietnam Memorial, there are a hundred Vietnamese, and Laotians, and Cambodians whose names we will never know. Yet the Vietnamese defeated the mightiest nation on earth.

The lesson of Vietnam was that there are limits on American power, that we cannot police the world, or impose our will on a people determined to defend their independence, no matter how superior our wealth and technology.

Vietnam also taught us a healthy suspicion of our own government. Congress based its approval of sending large numbers of American troops on a lie, a falsified report that Vietnamese gunboats had attacked American destroyers in the Gulf of Tonkin. The build-up was sustained by a series of falsehoods, above all about the nearness of victory.

American democracy became a casualty of war, as the notorious FBI program known as Cointel-pro targeted dissidents for character assassination, blackmail, and even murder, and the White House plumbers bungled first the burglary of Daniel Ellsberg's psychiatrist and then the Watergate.

This sobering view of how power can be used at Washington's highest levels should not be permitted to disappear in our euphoria.

Hardly more than half a century ago, Pablo Picasso recorded the world's horror at the bombing of a small Spanish village from the air. In Vietnam, television painted a new *Guernica* for Americans, bringing us images of the sickening slaughter produced by carpet bombing, by napalm, by bombs that flung razors in a wide circle.

That moral revulsion at the fashion in which modern warfare is waged was one of the most salutary benefits of Vietnam. Its absence now demonstrates the corrupting influence of the new system of military censorship that placed the battlefield off limits to journalists.

We can all rejoice in the defeat of the Iraqi military, in the end to indiscriminate missile attacks and the threat of chemical and even nuclear strikes. We breathe a happy sigh of relief for the young men and women who will come home safe. But if we feel no pity for the tens of thousands Iraqi dead—whose number we will apparently never know more precisely—we will have lost something very precious in winning this war—a portion of our humanity.

If we come to believe that our victory over Saddam Hussein, this empty uniform who turned out to be incapable of conceiving a rational strategy, inspiring his people, or leading his troops, shows the way a new American colossus can bestride the world, we will surrender our capacity to rebuild our own nation and condemn millions of our countrymen to continued poverty. And we will doom our young men and women to fight and die down the road in the wrong war, the one that turns out to be unwinnable, because our foes are fighting to control their own destiny and shape their own lives.

TRIBUTE TO CWO2 CHARLES E. BLASZAK

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in tribute to CWO2 Charles E. Blaszak and the crew of the U.S.S. *Gunston Hall*, who on April 17, 1991, will be returning home from a tour in the Persian Gulf conflict. This amphibious ship is homeported at the Little Creek Amphibious Base in Norfolk, VA.

Last August 13, the *Gunston Hall* and its crew was the first of the amphibious fleet to depart Norfolk for what turned out to be an 8-month tour in the Middle East. A primary mission of the *Gunston Hall* was to enforce the economic blockade of Iraq in the Northern Arabian Sea and Persian Gulf. This blockade was to be one of the key early successes of the allied effort to drive the Iraqi Army from Kuwait. The embarked marines trained daily for an amphibious landing on the beaches of Kuwait and participated in naval maneuvers such as Operation Imminent Thunder. The presence of the *Gunston Hall* and her amphibious group served as a direct threat to the armies along the coast of Kuwait and Iraq. This threat was essential to the success of the allied forces. The *Gunston Hall*'s sailors performed their duties with professionalism and a true sense of purpose.

Mr. Speaker, I recently visited Kuwait and saw the gruesome destruction inflicted upon that small nation by the Iraqis. I returned home with a clear understanding that the allied effort to liberate Kuwait was truly a sum of many different efforts, one of which was the fine contribution of the *Gunston Hall* and her crew. The bravery and self-sacrifice of these sailors will certainly make dictators around the world think twice before engaging in aggression.

I want to also salute the families of the *Gunston Hall*'s crew, who stood by so courageously as their loved ones were put at risk half way around the world. In fact, some newborn babies await the return of fathers they have never set eyes on. These families with relatives aboard the *Gunston Hall* deserve our recognition for giving our servicemen something to look forward to upon their arrival back home.

GOVERNOR WILDER TO RECEIVE B'NAI B'RITH AWARD

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. SISISKY. Mr. Speaker, on April 17, 1991, Lawrence Douglas Wilder, Governor of the Commonwealth of Virginia, will become the first recipient of the B'nai B'rith International Great American Traditions Award in recognition of his "outstanding achievements and national leadership stature." In commemoration of this honor, I am proud today to offer these words of reflection on the career of a most impressive chief executive, skillful politician, and good friend.

I have had the pleasure of knowing Governor Wilder for almost two decades, dating back to my early years in Virginia's General Assembly. By the time I began my first term as delegate representing Petersburg, VA, then State Senator Doug Wilder already was making an irreversible mark on the Commonwealth of Virginia.

Doug Wilder long has enjoyed the reputation of being a man of tremendous courage, foresight, and determination. He often has amazed, even dazzled, both friends and detractors with his political acumen. Yet, it is his commitment to community and country, which remains the common thread in his distinguished career, that has earned him this much-deserved recognition by B'nai B'rith International.

Americans, outside of Virginia, are just now becoming acquainted with the story of Doug Wilder, but I'm convinced it is a life story that will appeal to many in the days ahead.

A grandson of slaves growing up in Virginia at the peak of segregation, Doug Wilder, one could say, would have been justified had he simply decided to give up and resign himself to the conditions of his day. Being of extraordinary character, however, he refused to submit. Instead, the conditions that threatened to stifle him became his motivation to persevere and his inspiration to rise above the obstacles placed in his path.

Having been denied the educational choices available to the majority in his home State, young Doug Wilder, undeterred, aggressively pursued his bachelor of science degree in chemistry from Virginia Union University, which he received in 1951. The next year he joined the U.S. Army and served in Korea until 1953. For his heroism in ground combat, Doug Wilder was awarded the Bronze Star.

A short while later he enrolled in Howard University School of Law, receiving his juris doctor in 1959. Following graduation from law school, Doug Wilder formed the law firm of Wilder, Gregory and Martin, remaining an active partner until his inauguration as Governor last year.

By 1969, public service was beckoning as friends were encouraging him to seek a Senate seat in Virginia's General Assembly. Though many said it was impossible for Doug to win, he forged ahead with his trademark can-do attitude and did the impossible. While serving as State senator he consistently was named one of the most effective persons in State government in an annual survey by the Virginian-Pilot in Norfolk.

Believing he could make an even greater contribution at the executive level of State government, Doug Wilder surprised pundits, fellow legislators, and members of his own party with his decision to seek the Democratic Party nomination for Lieutenant Governor in 1984. Despite his past successes, most observers assumed he would face defeat. They now know otherwise.

Although no one was surprised 4 years later when Doug Wilder announced his plans to run for Governor, there still were many who believed he couldn't win. As he had done the previous election, Lt. Governor Wilder carried his progressive themes to every corner of our State, appealing to all Virginians.

During that campaign, Doug Wilder garnered the endorsements of several major newspapers, including the Washington Post, which concluded: "Mr. Wilder is an uncommon figure in contemporary politics in that he has not ridden the media to his present position but has worked his way up, has served a long, and we believe valuable, apprenticeship."

Roanoke Virginia's Times and World News observed: "He is progressive. He is openminded. He sees Virginia's needs in rapidly changing times and knows that its leaders must keep pace."

Additionally, the Virginian-Pilot and Ledger Star in Norfolk, Virginia, noted: "His 20-year record of public service in Virginia * * * is one of supporting legislation that has helped move Virginia to the front rank of the Nation's states."

Ultimately, Doug Wilder's message of fiscal prudence and calls for responsible government attention to major societal ills, such as drugs and crime, captured the interest of Virginia's voters. In fact, at the close of election day 1989, not only had he captured their interest, he had won a majority of their votes as well.

It was a typical Doug Wilder victory, surprising everyone except himself. Time and time again, he has demonstrated that hard work, self-confidence, and commitment to the public good is a formula for success. Though his term as Governor is still in its infancy, it is clear, upon evaluation of his past and present record, that Doug Wilder is the personification of leadership. His willingness to make the tough decisions demanded by these difficult economic times, has earned him much respect in Virginia and beyond.

For these reasons, and many more, he is deserving of the honor to be bestowed upon him later this month by B'nai B'rith International. It is a fitting tribute to an exceptional man whose service to the Commonwealth of Virginia and this Nation has been both enriching and enlightening.

I have no doubt that history will note favorable the accomplishments of Lawrence Douglas Wilder.

COL. EDMOND DeTREVILLE ELLIS OLDEST LIVING WEST POINT GRADUATE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MONTGOMERY. Mr. Speaker, it is my great privilege to bring to the attention of my colleagues the life's work and achievements of a truly remarkable gentleman, Col. Edmund DeTreville Ellis, the oldest living graduate of the U.S. Military Academy at West Point. A native of South Carolina and current resident of Maryland, Colonel Ellis also is the oldest living alumnus of the Army Industrial College—forerunner of the Industrial College of the Armed Forces—at Fort McNair here in Washington.

On March 12, this outstanding American celebrated his 101st birthday. I know we all join on this occasion to express our deepest gratitude for his patriotism and inspiration and our wishes for good health, happiness, and prosperity.

The following information on Colonel Ellis' life and career was excerpted from an article in the Association of the Industrial College of the Armed Forces newsletter. His experiences read like a retrospection of American history.

Colonel Ellis, the son of Thomas Baynard Ellis and Mary (Lebby) Ellis, was born on James Island, in the vicinity of Charleston, South Carolina. His father was born at Cedar Point Plantation, Beaufort County, and lived on James Island until his later years. His mother was from Charleston and a graduate of South Carolina College in 1850. Both of Colonel Ellis' grandfathers were doctors.

He entered the University of South Carolina in 1906 (age 16), earned a Bachelor of Science degree and certificates in mathematics and geology. He won several academic honors at the university and was active in extracurricular activities as well: secretary/treasurer of the senior class, president of the Tennis Association in 1909–10, and member of the Engineering Club.

DeTreville Ellis continued his study of engineering at the University after graduation, earning the degree of Civil Engineer in 1911 as well as another certificate in mathematics.

Armed with one college education, he competed for, and won, a statewide competition for appointment to the United States Military Academy, entering in 1911 and graduating with his second B.S. degree in 1915. At West Point, he was a sergeant, company quartermaster sergeant, and first sergeant. He participated in tennis, fencing, and qualified as an expert rifleman. His boyhood liking for horses led to his winning a place on the cadet polo team and his natural inclination thus led him into the Cavalry after graduation.

Second Lieutenant Ellis reported to the historic Second Cavalry Regiment at Fort Ethan Allen, Vermont. After promotion to first lieutenant he was assigned to the 16th Cavalry in Texas where his duties included organizing and commanding a troop. In July, 1917, now Captain Ellis, was selected as adjutant of the 16th Cavalry. His promotion to major a year later elevated him to Major General Leonard Wood's 10th Division general staff, in Kansas, where he served as assistant chief of staff (G–3). This made him, at the young age of 28, the plans and training officer for a 30,000 man infantry division.

After the Armistice in 1918, he was detailed in the Quartermaster Corps spending 2½ years at the Atlanta General Supply Depot. In July, 1921, he was on duty with the Army Occupation in Coblenz, Germany. Returning to the United States, Major Ellis served briefly at the Chicago Quartermaster Depot. From 1924 to 1926, he attended Harvard University, earning the degree of Master of Business Administration. He graduated from the Army Industrial College in 1926, serving thereafter as an instructor at the Quartermaster Corps School in Philadelphia. There he developed the ten-month course in business management.

Major Ellis attended the regular two-year course at the Command and General Staff School at Fort Leavenworth, Kansas (1933–34). After promotion to lieutenant colonel in 1936, he attended the Army War College, graduating in 1937.

His temporary promotion to colonel on 11 December 1941 was followed by a permanent one two years later. He served a second time with an army of occupation in Germany from 1946–1947 at Frankfurt, after which he commanded the European Quartermaster Depot in Giessen. Twenty-two thousand people under him were responsible for all supplies to the U.S. Army in Germany in 1947–48. Returning to the United States, he served on the General Staff in the Historical Division for his last year of active duty.

Colonel Ellis was awarded two Commendation Ribbons, the Silver Star, and eight different decorations pertaining to the various campaigns he participated in, to include victory medals for World War I and World War II. He was retired on May 31, 1950, after nearly 39 years of active duty.

Throughout his career he volunteered his time and service at many times, in many capacities: board of directors for the Army Mutual Aid Association; board of governors and chairman of the finance committee and a founding member of the Army Navy Country Club; vice president in the Harvard Business School Club of Washington (1938–1944).

His West Point classmates included Dwight D. Eisenhower, Omar Bradley, and James Van Fleet.

Currently, Colonel Ellis is scribe for his 1915 class. Although he and General Van Fleet are the only two living alumni, he corresponds with 32 widows of classmates, providing information on these ladies, their grandchildren and great grandchildren to West Point for inclusion in the alumni publication.

He resides in Chevy Chase, Maryland. His daughter, Laura, wife of Colonel Tracy E. Mulligan, Jr., Quartermaster Corps, USA (Ret), two grandsons and their families are nearby and provide him with much activity and attention.

HONORING GEN. COLIN L. POWELL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. ENGEL. Mr. Speaker, on Monday, April 15, the Borough of the Bronx will celebrate Colin Powell Day, to honor its favorite son and a true American hero. As a Member of Congress from the Bronx, I can attest to the fact that the success achieved by General Powell has been an enormous source of pride and inspiration to the people of our borough.

When I visit schools and community groups in my district, I always remind the children that they can achieve anything they desire if they work hard and dedicate themselves to achieving a worthy goal. I often note that I was raised in a city housing project and was able to become a U.S. Congressman. Now, I can also convey to these youngsters the story of Gen. Colin Powell, who rose from the inner city to one day lead the world's mightiest army into battle and on to victory.

Gen. Colin Powell attended New York City public schools, I.S. 52 and Morris High School in the Bronx. His parents always urged him to "do better than they had done," so he entered the City University of New York and worked his way through college. His success is proof that public education can work, and succeed magnificently, if there is commitment on the part of the students, their families, and our educators. It is a lesson that will inspire many young men and women in the Bronx, probably more than any assignment they will read in class.

We Americans can thank Gen. Colin Powell for many things.

He helped restore our pride in America and instilled a renewed sense of confidence in our military and our foreign policy. General Powell also helped devise an ingenious battle plan that protected as best as possible the lives of our troops so that they could return home safely to their families. But in the Bronx, we also have something else for which to thank General Powell. He has made us proud to be Bronxites. Proud of our community, and proud of the young men and women we work so hard to nurture and protect. With our favorite son as a shining example of what we can achieve, the Bronx will continue to produce outstanding American citizens like Gen. Colin Powell.

HOUSE MAY BE ASKED TO CONSIDER STRIKER BILL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. BEREUTER. Mr. Speaker, in the near future, it is quite likely that the full House will be asked to consider legislation to ban the permanent replacement of striking workers. I commend to my colleagues the following editorial from the Omaha World-Herald regarding this timely issue:

[From the Omaha World-Herald, Apr. 8, 1991]

BILL DESERVES DEFEAT—NO-REPLACEMENT PROPOSAL GIVES UNIONS UNFAIR EDGE

Congress is considering legislation that would radically increase the power of unions in labor disputes. In the name of fairness, and for the sake of a healthy American industrial machine, senators and representatives should defeat the measure.

The legislation would prohibit employers from hiring permanent replacements for striking workers. If it became law, replacement workers would be forced to step aside when the strikers returned to work.

Even without the bill being pushed by the unions, however, the vast majority of strikers return to the job. Labor Secretary Lynn Martin told a congressional committee that in the past decade only 4 percent of striking American workers had been permanently replaced. That hardly constitutes a problem serious enough to justify the overturning of the labor-management balance that has evolved over the years.

Furthermore, when a strike nears a settlement, one of the first points of negotiation is typically the return of all workers to their former jobs. The bill would interfere with the process by ordering management, in effect, to concede that major point. The union would thereby have a significant victory even before the bargaining began.

An employer trying to remain in business during a strike could find it more difficult to hire replacement workers if those workers knew they stood to lose their jobs the moment the strike was settled.

What is so wrong with a worker being forced to consider whether he will be able to return to his job if he strikes? Workers want guarantees, but life holds few guarantees. An employee who tries to bring down his employer by withholding his services should understand that he is taking a risk. He should understand that the company might have to hire replacement workers to stay in business.

It should be all right for the employer to give first preference to the former strikers when a vacancy exists. But it's not right, in our opinion, for the government to force the employer to bump the replacements so the strikers can have their jobs back.

Secretary Martin, who opposes the legislation, said that if it became law, unions would have little incentive "to moderate the use of the strike weapon.' More labor disruptions, in other words.

President Bush has threatened to veto the measure, and well he should. Existing labor laws provide rights and protections for workers who choose to organize. A strike is already a potent weapon. Making it potentially more potent would help unions browbeat employers into granting more costly settlements, thereby chilling the sector of the economy that creates jobs for American workers.

TRIBUTE TO TERESALLEE BERTINUSON

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mrs. KENNELLY. Mr. Speaker, I rise today to pay tribute to a very special woman, a woman who has devoted over 30 years of public service to the people of Connecticut, Ms. Teresallee Bertinuson.

After 16 years of service in the Connecticut legislature, as a representative for the 57th district, Teresallee has chosen to retire this year. But, there can be no doubt that her work touched many in and out of State government. During her tenure in the senate, Teresallee was a champion of the environment. She was a leading force behind the implementation of recycling in Connecticut, taking up the issue long before it became popular. Teresallee also played an integral role in the implementation of a 50-year plan for protecting water resources and ground water in our State. And, furthermore, she worked to combat the problem of global warming and fought to preserve and protect the Long Island Sound. Clearly for Teresallee, Earth Day was every day.

In addition to her love for the environment and her great desire to protect its valuable resources, Teresallee was active in pushing education and tax reform issues. She was also so successful in securing funding for the Connecticut Trolley Museum, that the new visitors' center will be named in her honor.

Teresallee surely will be missed. Her 16 years of service were ones full of devotion, compassion, and integrity. The dedication that was the hallmark of her service will certainly remain in the hearts of all of us.

NATIONAL POLIO AWARENESS WEEK

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. DOOLITTLE. Mr. Speaker, today I am introducing a resolution designating the week of June 1 through June 7, 1991, as National Polio Awareness Week. Currently, there are an estimated 650,000 paralytic polio survivors in the United States, many of whom have experienced or will suffer from the late effects of the disease.

Years after their recovery from paralytic polio, many people begin to suffer from late effects of the disease, also know as postpolio syndrome. These symptoms may include renewed weakness in muscles throughout the body, both in muscles that were minimally affected and those that were once paralyzed. Postpolio syndrome is also marked by fatigue from activities once easily performed, respiratory problems, pain and inflammation in the joints, feelings of anxiety, and lower pack pain. These problems can be extremely difficult for those who overcame many physical and social challenges while suffering from paralytic polio during youth.

Although much research has been done on postpolio syndrome, researchers are still unsure of the cause or the best treatment. The international polio network and other local support groups have been instrumental in educating the public and promoting research on the late effects of this disease. It is my hope that the designation of National Polio Awareness Week will help increase public awareness and encourage medical research, and I urge my colleagues to support it.

HONORING MAYOR RICHARD L. BERKLEY OF KANSAS CITY, MO

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. COLEMAN of Missouri. Mr. Speaker, today Mayor Richard L. Berkley of Kansas City, MO, steps down after serving 12 years as mayor of the city we call the Heart of America.

Mayor Berkley's long public service career began in 1969 when he was named to fill a vacancy on the city council. His energy and devotion to the needs of his district resulted in his overwhelming reelections in 1971 and in 1975. From 1971 to 1979, Dick Berkley also served ably as the city's mayor pro tem, displaying an active and caring leadership style which quickly won the respect and affection of all the people in Kansas City. In 1979, Kansas City and Mayor Berkley began a partnership that has lasted 12 exciting and productive years.

Mayor Dick Berkley put a human face on the city's daily operation. There was no group too small for this mayor to see or event too unimportant for him to attend. From the days he served on the council and had monthly town meetings to hear personally his constituents' concerns, Dick knew that a strong city is built upon the confidence and support of those who live in it. Mayor Berkley knew that the first job of those who would lead is to listen.

Mayor Berkley's influence has been felt beyond the Heart of America. Active in numerous State and national organizations, he has served as president of the Missouri Municipal League and president of the U.S. Conference of Mayors. In these roles, Mayor Berkley has been a strong voice on behalf of the Nation's cities and towns as they face the unprecedented challenges of modern urban life.

Mr. Speaker, I believe Mayor Dick Berkley's career in public service is one which should be held up as a high standard for those who hold the public trust. He has served long, well, and selflessly. He has held his public trust with honor and now he has earned our heartfelt gratitude for his good service.

THE ASA CRASH

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. DARDEN. Mr. Speaker, by this time we have all learned of the Atlantic Southeast Airlines [ASA] Flight 2311 which crashed April 5 in Brunswick, GA killing all 23 persons aboard. On the flight were prominent former U.S. Senator John Tower and Manley Carter, Jr., an astronaut who spent 120 hours in orbit aboard the space shuttle *Discovery* in November 1989.

But, this tragedy took the lives of promising individuals as well, among them John H. "Hank" Johnston of Smyrna, GA. I would like to take this time to honor his memory, and offer my condolences to his family on behalf of the people of the Seventh District of Georgia.

Mr. Johnston, 36, was the copilot of the ASA commuter flight. He was just several weeks away of fulfilling and obtaining his career goal—to be a commercial airline captain. He learned to fly at Georgia Institute of Technology in Atlanta, GA, where he received a degree in mechanical engineering. Mr. Johnston met his wife, Susan, an Occupational Safety and Health Association compliance officer whose job is to enforce workplace safety, through the Atlanta Ski Club. They were married in 1982.

Mr. Johnston is said to have been skilled with his hands, having helped to build his family's home, rebuilt a Ford Mustang and spending 6 years building a plane in his basement.

The Johnstons have two children, Ashley, 6, and Shannon, 4. Other survivors include two sisters; his parents, Johnny and Howard Johnston of Wynne, AR.

Mr. Speaker, our prayers are with the families of all the victims of this tragedy—young and old, prominent and promising. We wish them courage and strength in dealing with their grief.

TRIBUTE TO GREGG TROJANOWSKI

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. KLECZKA. Mr. Speaker, I rise today to join the faculty of Dominican High School in Milwaukee, WI, in honoring Gregg Trojanowski for his lifetime commitment to the education of our youth.

On April 25, 1991, Gregg will celebrate his 25th anniversary as a teacher and counselor. During this time he has touched literally thousands of lives as a social studies teacher, counselor, and basketball coach.

Gregg earned a bachelor's degree from Marquette University in 1966, and went on to earn two master's degrees, one from North Texas State and one from the University of Wisconsin-Milwaukee. In 1982, Gregg was named Wisconsin Economics Teacher of the Year.

His dedication to excellence in the classroom is paralleled only by his dedication to excellence in the gymnasium. Gregg coached freshman basketball at Dominican for 23 years and this year, his second year as varsity coach, led that team to become the WISAA class A champions.

Former students, colleagues, and education administrators all testify to the professionalism and enthusiasm he has shown throughout his 25 years at Dominican. He has proven to be an exceptional role model not only for his students, but for his fellow educators as well.

As a former high school classmate of Gregg's, I am very glad he chose teaching as a career, so he could share his wisdom and knowledge with our Nation's youth.

Mr. Speaker, it is with my deep respect and thanks that I offer my congratulations to Gregg. I wish him all the best for the future, and hope he continues to inspire the students of Dominican High School for another 25 years.

A PRAYER FOR OUR TROOPS ON THE PERSIAN GULF

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, since the August 2, 1990, Iraqi invasion of Kuwait, we all have lived in the shadow of war. Throughout this difficult time of uncertainty, I have appreciated the many calls and letters from constituents expressing their personal views on the pressing questions of war and peace. One particularly thoughtful and moving letter from Joe Ventrice, a Vietnam veteran from Corfu, NY, included a prayer which I would like to share with my colleagues in Congress. Now that the war in the Persian Gulf has been concluded and we begin the task of building a lasting peace in the region, Mr. Ventrice's prayer for peace is particularly poignant.

A PRAYER FOR OUR TROOPS ON THE PERSIAN GULF

Oh almighty and eternal Lord, please bring a swift and peaceful settlement to this horrible war that is sacrificing so many lives for no justifiable reason. Please, in your infinite wisdom, bring this madman to his senses and make him realize that human life means so much to all people of this world. We lost so many boys in so many wars, please try to end this war before all our loved ones are lost in another bloody conflict.

Lord, please give our troops the wisdom to think before they do anything that would endanger themselves or anyone else. Lord, you helped me through the jungles of Vietnam and the horrible sights I had to face; please also help our troops in the Gulf, so they may know that you'll always be with them, no matter what the odds or circumstances. Give them a sign of your great and infinite power. Please show all the leaders of this world that peace is a much better way of life for everyone. I believe that you and only you can make this peaceful solution possible by instilling in Saddam Hussein the knowledge and wisdom that all this killing is not doing anything but destroying the lives of people throughout his country and the other countries who are trying to turn back his oppression.

Please Lord, help everyone who has anything to do with this war and let us know how to end it. Thank you for listening to me.

A BILL TO MAINTAIN THE CURRENT FEDERAL-STATE FUNDING RATIO FOR CERTAIN FORMULA GRANTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. RANGEL. Mr. Speaker, today, I am introducing in the House of Representatives a bill to maintain the current funding ratio for Justice Assistance discretionary grants at a 75 percent Federal share and 25 percent State share. This funding ratio would be maintained for fiscal year 1992 only; after that, the grant program must be reauthorized. This is a companion measure to S. 623 which was introduced by Senator PAUL SIMON of Illinois on March 12, 1991.

As Senator SIMON stated when he introduced the bill, "the Department of Justice through the Bureau of Justice Assistance, distributes block grant funds to support many antidrug abuse efforts carried out by State and local law enforcement agencies."

Unless this legislation is enacted, the funding formula would be 50 percent Federal and 50 percent State. This would result in New York State having to come up with substantially more funds at a time when money is extremely limited and violent crime is on the rise. Of course, the effect would be similar on other States as well.

It is my hope that when funding for the Bureau of Justice Assistance is reauthorized next year, the funding formula can receive careful consideration by the Congress. In the meantime, I urge all of my colleagues to join in cosponsoring this corrective legislation.

ABORTION IS A CONSTITUTIONALLY PROTECTED RIGHT IN THIS COUNTRY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. LEVINE of California. Mr. Speaker, I can think of few issues which divide the American public as much as the issue of abortion. The debate over whether or not a woman should legally be able to terminate a pregnancy generates strong emotions from people on both sides of the issue, and the controversy will no doubt rage on for years.

But whether one supports a woman's right to choose, there is one fact that cannot be denied: abortion is a constitutionally protected right in this country. That means that any woman who decides to terminate a pregnancy can, with certain limitations, enter a medical facility to obtain an abortion.

However, every day opponents of abortion and family planning gather for the express purpose of intimidating and harassing women trying to see their doctor and to deny women their constitutionally guaranteed right to reproductive choice.

Such anti-abortion groups, such as Operation Rescue and Lambs of Christ seek to confront, embarrass, ridicule, and threaten women at one of the most difficult times in their lives. These guardians of public morality oppose not only abortion, but all forms of birth control and sex education.

Abortion is a complex issue about which people have deeply-felt views. In many cases those who oppose a woman's right to choose to have an abortion do so out of religious conviction. I respect their views and their right to them.

But in recent years a more dangerous and violent strain has developed in the so-called right-to-life community. This group of extremists uses force and violence to deny all women their rights not only to abortion but to sex education and family planning in any form. They are vehemently opposed to allowing women access to the health care of their choice, just as segregationists in the 1950's were vehemently opposed to allowing African-Americans access to education and voting booths.

In the South, in the early 1960's, people similarly opposed to individual freedoms burned crosses, bombed houses, destroyed churches, and killed those who sought to exercise their constitutional rights. I am deeply concerned that legacy of hate and violence may be alive and well among the followers of the anti-abortion movement.

At its core, however, the issue here is not one of choice, but is instead one of violence and protecting the rights of women. Since 1977, there have been at least 829 violent acts occuring at family planning clinics. These include bombing, arson, kidnapping, assault and battery, and death threats.

This is America in 1991. It is not Birmingham, AL in 1963. It is not Salem, MA in 1692, and we must not allow these hate crimes to continue.

Legislation I will introduce will provide Federal guarantees that these women are no longer victimized. It is known as the Freedom of Access to Clinic Entrances Act of 1991.

My bill will establish criminal penalties for interfering with access to or egress from a medical facility. Violators will be subject to felony prosecution and a prison term of up to 3 years and a fine of up to $250,000.

Traditionally, Federal criminal sanctions have been imposed, in addition to any State sanctions, where important Federal rights are involved, or where interstate criminal activity is involved. Congress took similar action during the civil rights era, when certain regions of the Nation were unwilling to protect the rights of black citizens.

The precedent for this remedy is clear. First, the issue involves rights protected by the Federal Constitution: the right to freedom of choice. Second, there is clearly interstate activity involved because much of the clinic violence is masterminded by national networks headquartered in the East. In one incident in Monterey, only 6 of the 104 individuals arrested were local residents.

Third, although many State and local officials have been courageous in protecting women and the staff of these health facilities, there have been too many instances when local officials have refused to enforce the law rigorously. Furthermore, this bill has been very carefully drawn to avoid penalizing activities which are protected by the first amendment.

Abortion protesters have every right to make their views known, to picket, leaflet, and speak out. They do not have the right to physically prevent other individuals from exercising their Constitutional rights. There they cross the line between legitimate protest and criminal behavior.

I want to stress that this is not a victimless crime. When patients are held in a clinic, as they were in Monterey, for 6 hours, the damage done is serious. In one case in Dale City, a woman who was suffering a miscarriage was barred from the clinic doors and had to be driven 15 miles to another facility for medical treatment. If a medical emergency occurred in a clinic being blockaded, serious injury or death could result if a patient could not be transferred to a hospital.

These incidents occur across the country. In Ohio, a volunteer at a family health clinic was knocked down, and kicked repeatedly by violent protesters as she attempted to enter the clinic during a blockade. In Minnesota, several policemen received emergency room treatment after being injured by anti-abortion demonstrators blocking a clinic. One officer was unable to return to work for 3 weeks due to a severe leg injury. In Maryland, a woman collapsed after clinic blockaders, occupying a multitenant facility, prevented her from entering the building to keep an appointment with her psychiatrist.

Passage of this legislation will send a clear message to anti-choice groups that violence against women will not be tolerated. I invite and encourage my colleagues to join me in cosponsoring this crucial measure.

HONORING THE CITY OF SANTA FE SPRINGS 1991 CITIZENS OF THE YEAR

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. TORRES. Mr. Speaker, it is my pleasure to rise today to recognize three special individuals from my congressional district. Mr. Richard Landis is the recipient of the Business/Professional Citizen of the Year Award. Whereas, Manuel and Maggie Hernandez are the recipients of the Residential Citizen of the Year Award. All three will be honored at a special luncheon hosted by the city of Santa Fe Springs on Tuesday, April 23, 1991.

CITY OF SANTA FE SPRINGS 1991 RESIDENTIAL CITIZEN OF THE YEAR: MANUEL AND MAGGIE HERNANDEZ

My good friends, Manuel and Maggie Hernandez have lived in the city of Santa Fe Springs for over 35 years. Manuel Hernandez was born in Chicago, IL and moved to California in 1944. After graduation from Garfield High School in 1948, he enlisted in the U.S. Army. Maggie Hernandez was born and raised in Los Angeles, CA. She attended Our Lady Queen of Angeles High School.

Manuel and Maggie Hernandez married on February 23, 1952 at Our Lady of Guadalupe Catholic Church in the city of Los Angeles. They were married by Father Berry Brennan. The maid of honor was Ms. Francis Moreno, the best man was Mr. Joe Chavez. Together they have four children, Gail Lorraine Hernandez, Cathy Ann Hernandez, Manuel Joe Hernandez, Gerald Anthony Hernandez and Denise Hernandez Vega. They have seven grandchildren.

Manuel and Maggie Hernandez have been extremely involved in their community. Both are active as Friends of the library, General Planning, The Sister City Committee, Community Playhouse, the Santa Fe Springs Beauty Pageant, Santa Claus Floats and at St. Pius X Church.

Manuel is a self-employed businessman in the city of Santa Fe Springs. He is currently the chairperson of the Traffic Commission, treasurer of the Lions Club, a member of plumbers local No. 78, and a member of the California Contractors Association. He is a member of the Knights of Columbus and is involved with the city's parks & recreation department.

Maggie is also quite active in the community. She currently serves as the chairperson of the Santa Fe Springs Sister City Committee, is a member of the Friends of the Library, member of the Women's Club and the Beautification Committee, and she is a member of the Congressional Award Council for the 34th Congressional District.

CITY OF SANTA FE SPRINGS 1991 BUSINESS/PROFESSIONAL CITIZEN OF THE YEAR: MR. RICHARD LANDIS

Richard Landis is a native of California. He has been employed as an area supervisor for the Santa Fe Springs drive-in theatre and swap meet operation for over 20 years. He supervises a management staff of 200 individuals. Additionally, Mr. Landis supervises the Santa Fe Springs Sweeping Service, a company that provides a service for construction clean-up. At the corporate level, he is involved in locating and researching acquisitions and new businesses.

He is currently the chamber/league network coordinator for the Business Emergency Preparedness Network and a member of the legislative committee. He is past chamber/league president, member of the board of directors, and vice president of special events. Other past chamber/league activities include: Sacramento Field Trip Committee chairman, Business and Industry Security & Safety Committee, and a member of both the Ambassador Committee, and President's Committees.

Mr. Landis is an extremely active force in the community. His present and past community involvements include numerous Santa Fe Springs Chamber of Commerce & Industrial League, Inc. committees. Further, he has also been active in numerous city committees, service clubs and community organizations. Landis is the current Rotary Club president and is past chairman of the Adopt-A-Class program.

To date, he serves on the board of directors for the California Swap Meet Owners Association and from 1987–89 he was a member of the Southern Advisory Committee—Theatre Association of California. Mr. Landis is also an active volunteer with the Shepherds Heart Ministries, a nonprofit Christian Corp.

He and his wife, Denise, and three children, Michael, Jennifer and David reside in the city of Arcadia.

Mr. Speaker, on Tuesday, April 23, 1991, the city of Santa Fe Springs will honor these outstanding citizens for their unselfish dedication to their community. I ask my colleagues in the House of Representatives to join with me and the city of Santa Fe Springs in saluting Manuel & Maggie Hernandez, 1991 Residential Citizens of the Year and Richard Landis, 1991 Business and Professional Citizen of the Year.

DIRE EMERGENCY SUPPLEMENTAL/DAIRY PROVISIONS

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. PETERSON of Minnesota. Mr. Speaker, I rise to comment on the deletion of the dairy provisions offered by Mr. LEAHY in the Senate to the dire emergency supplemental appropriations bill. I am extremely disappointed these needed provisions were deleted. The dairy farmers in my district have been wracked by falling prices, which are currently one-third below the level they were receiving just 1 year ago. These operators are not marginal producers; they have weathered significant market changes over the past decade. These are solid family farmers. But with prices as low as they are currently, these farmers have difficulty even cash-flowing so they can continue in operation until prices rise.

The administration's threat to veto legislation providing temporary relief to dairy farmers, who form the backbone of American agriculture, is a clear indication of the priorities of the White House. Spending $200 million for Turkey is an administration priority while provisions that cost nothing but enable a family farmer to make a meager living are not.

Sending $55 million to Jordan, which did not support us in the Persian Gulf is a priority with the White House, while providing a fair shake for our own dairy farmers is not.

Spending $283 million to rebuild the Rocky Flats nuclear weapons plant is a priority with this administration, while increasing prices for grade B milk producers by 50 cents per hundredweight is not.

Mr. Speaker, the administration, milk processors and marketers in the Southeast, and the Farm Bureau all opposed the Leahy provisions, modest though they were. I frankly do not understand the motives of these groups. Prices at the retail level for milk and other dairy products are the same as they were 2 years ago when farmers were getting $13 to $15 per hundredweight. Why haven't we seen prices drop at the retail level.

I also question the motives of the Washington Post and others in the eastern liberal establishment who have started a vendetta against this country's farmers. These powerful forces are taking on an issue that they obviously know nothing about. I can sympathize with efforts to keep large corporate farms from feeding at the Federal trough. But the Post, in its overzealous attempt to wade into agricultural policy, apparently can't tell a family farmer from a large agribusiness.

This dairy provision deals with the needs of the small producers in the Upper Midwest, New England, and other areas where family farmers are struggling to survive. This is only a temporary measure that is needed and should be passed. It will buy us some time so we can address a flawed system on a more long-term basis.

Mr. Speaker, the family farmer who cares for his cows and never sees the inside of a corporate boardroom is the loser here today. He's been beaten, beaten by the White House, which cares little whether he or she stays on the farm or has to sell out. Beaten by the agribusiness corporations—the middle men—who keep retail prices high and producer incomes low. And beaten by the eastern establishment types like the Washington Post, who know little of farming or dairy cows.

Mr. Speaker, I and my colleagues who do represent the family farmers of America are not going to give up. We will take Chairman WHITTEN's advice and attempt to move something through the Agriculture Committee. I look forward to working with Chairman DE LA GARZA, and Chairman STENHOLM to craft provisions to aid these small dairy farmers. I only hope we can move fast enough to keep these people going.

TRIBUTE TO RICHARD K. WAGER

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. FISH. Mr. Speaker, I rise today to recognize and pay special tribute to Richard K. Wager, publisher of the Poughkeepsie Journal and vice president of Gannett east. Mr. Wager is being honored at a dinner April 13, 1991, by the Anti-Defamation League of B'nai B'rith with its Americanism Award for his outstanding achievements to the community.

I join his many friends and admirers and compliment Dick Wager on being selected to receive this award. Throughout his life, he has set exemplary standards of excellence, not only in the quality of the daily newspaper he publishes, but also through his tireless efforts on behalf of poor and disadvantaged citizens. In 1988, Dick was cited for work on their behalf as the recipient of the Eleanor Roosevelt Val-Kill Medal. The tribute highlighted his work in the establishment of the Gannett House, a 20-room facility for the homeless in Dutchess County, NY.

Dick began his newspaper career at the journal 30 years ago. After taking a couple of years off to fulfill his military obligation as an Army infantry officer, he returned to the journal and worked there ever since in a variety of jobs ranging from copy editor, county reporter, Sunday editor, city editor and, in 1968, became managing editor. He was named publisher of the paper a decade later.

He is currently active in several publishing organizations and has just completed a term as president of the New York State Publisher's

Association. Dick is a member of the American Newspaper Publishers Association, serves as a trustee of the New York State Publisher's Foundation and is also legislative committee chairman for the State publishers. In addition to his duties as publisher of the Poughkeepsie Journal, Dick has overall responsibility for the publication of five other Gannett-owned newspapers and travels frequently throughout the Northeast. Three years ago, the Gannett Corp. selected him to receive the president's ring for outstanding performance. He was only 1 of 10 publishers in the Gannett chain to be so honored.

When Dick sees discrepancies in the multilayered social fabric that comprises humanity, he moves swiftly and decisively to expose and correct them. Throughout his journalistic career, Dick has championed numerous community issues. For example, the Dutchess County Office of Aging was created as a direct result of a series of targeted articles that appeared in his paper. The Poughkeepsie Journal has been cited for excellence in environmental reporting, community planning reporting and has received numerous journalism awards for its coverage of community issues.

A devoted family man, Dick somehow has found the time in his career to serve the city of Poughkeepsie and his county of Dutchess as a director of the Neighborhood Service Organization and has been affiliated with the United Way, St. Francis Hospital, and is a trustee of Marist College.

Mr. Speaker, I am well aware of the outstanding work that Dick Wager has done over the years to improve the quality of life in the Hudson Valley of New York. I am pleased to call him my friend. I am confident he will continue to provide invaluable service to the community and the impact he has had on society will truly be felt in the years to come.

TAX DEDUCTIONS FOR IRA CONTRIBUTIONS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MAZZOLI. Mr. Speaker, two companion bills, H.R. 1406 and S. 612, have been introduced in the 102d Congress which would restore the universal deductibility of regular Individual Retirement Accounts [IRA's] and create a new category of IRA's which would give owners more flexibility in the use of the funds invested.

I believe strongly in enhancing the use and expansion of IRA's, and I was proud to be an original cosponsor of H.R. 1406, the bill introduced in the House by my friend and colleague from Texas, Representative JAKE PICKLE.

By way of a brief history, Mr. Speaker, in 1982 Congress introduced the IRA to encourage savings and thrift and to provide working people with a more secure future upon their retirement. In the first few years of IRA's, millions of Americans invested billions of dollars in this tax-deferred investment.

IRA's induced individuals to save and, in so doing, they increased the pool of national savings. In turn, this increased capital became available to American businesses to modernize plants and equipment. Investment was essential for our economic growth in the past, and it will be even more necessary in the future if our Nation is to remain competitive in the expanding world markets of the 1990's and the next century.

In 1986, however, Congress, for reasons I have never accepted, removed the universal deductibility feature of IRA's. This reduced the attractiveness of IRA's to millions of Americans, and contributions to IRA's, and the capital pool they created, dropped considerably, down an estimated 50 percent.

Because the United States has a lower savings rate than any other industrialized nation in the world, our economic growth is today slower than many of those same countries. It is essential, therefore, that Congress renew the incentive available to Americans to save. This, for me, says "bring back the IRA and expand it into new areas and give it new uses."

Mr. Speaker, that is exactly what H.R. 1406 would do. It restores the deductibility of the IRA and establishes a "Super IRA" for which the contribution is not deductible but which exempts interest earned from taxation if the IRA is held for at least 5 years.

Furthermore, H.R. 1406 allows penalty-free withdrawals from IRA's for use by first-time home buyers and to pay education expenses and medical costs. Under current law, most such withdrawals are subject to a 10-percent penalty limiting, thereby, the flexibility investors and savers need to warrant putting their money away in long-term investment.

Mr. Speaker, I commend to the attention of our colleagues an article from the April 1, 1991 Washington Post authored by the senior Senator from Texas and the chairman of the Senate Finance Committee, Senator LLOYD BENTSEN. In this article, Senator BENTSEN describes S. 612, the counterpart to H.R. 1406, and lists the advantages which would accrue from restoration and expansion of the IRA. I hope we will move forward promptly with this important legislation.

IRA'S MEAN SAVINGS AND PRODUCTIVITY

(By Lloyd Bentsen)

The Post, in arguing against the Bentsen-Roth IRA, maintains that "the best way for Congress to increase national savings is to reduce the deficit" [editorial, March 26].

Maybe that's correct, but would anyone rate above zero the chances of reducing the deficit beyond what was agreed to in last year's budget deal?

Perhaps The Post, which offers no other alternative, doesn't share my views on the urgent need to increase savings in the United States. I see it as an economic imperative.

On the average, Americans save less than a nickel of every dollar earned. The people of Germany save more than twice as much and the Japanese more than three times. The fact is, we saved less than half as much in the 1980s as we did in the '50s, '60s and '70s.

Low savings push up interest rates, making it not only tougher for us to buy homes and cars but for our companies to create jobs at home and compete abroad. Low savings rates lead to lower investment and slow productivity growth, and they exacerbate spiraling trade deficits.

I am convinced that we cannot maintain the kind of economic growth that has made America the envy of the world without an increase in our national savings.

In the 1980s, a flood of foreign capital made up for our low savings rate, but that flow may have dried up. The Japanese have problems at home with real estate values and their banking system that are likely to consume excess capital. The West Germans have recently reunited with a capital-starved East Germany. And the oil producing nations of the Persian Gulf are going to need their capital for reconstruction in the wake of the recent war.

A recent study by Morgan-Stanley and Co. concludes there will be a $200 billion a year international capital shortfall over the next several years. In the 1990s we must increasingly look to ourselves for the investment capital needed to fuel economic recovery and sustain growth.

Do Individual Retirement Accounts increase savings?

University of Virginia economist Jonathan Skinner was among those skeptics who believed they merely encouraged Americans to shift their savings from elsewhere. He set out to prove it. "In our study using IRS data, we expected to find widespread shuffling. To our surprise, we found the opposite," Skinner told the Finance Committee in testimony last year.

A review of work done by other eminent economists—David Wise of Harvard, Steven Venti of Dartmouth, Chris Carroll of MIT, Lawrence Summers of the World Bank and Daniel Feenberg of the National Bureau of Economic Research, among others—shows growing agreement that IRAs do increase savings.

Who benefits from the Bentsen-Roth proposal to restore full deductibility on up to $2,000 a year in contributions to an IRA? For starters, 55 percent of all two-income families in America, who aren't now eligible for it.

All Americans benefit from the Bentsen-Roth proposal that would allow taxpayers to forgo the upfront deduction and pay no taxes on interest earned when money is withdrawn from an account.

All Americans benefit from the Bentsen-Roth proposal that would allow taxpayers to withdraw from an IRA account not only for retirement but also to purchase a first home, pay for education or cover the costs of a devastating illness.

A young family could use the IRA to save for a first home. Parents could help their children with the down payment on that house or with college expenses. Grown children could help dependent parents with major medical bills.

Americans have long taken it for granted that succeeding generations could look forward to a step up in life. But that assumption has come increasingly into question in recent years. Home ownership declined in every year of the '80's. The cost of health care increased 250 percent in that decade, and at the end of it 37 million Americans had no health insurance. For a child born today, the cost of attending a four-year public college will be $60,000, the cost of a private college $200,000.

The Bentsen-Roth IRA benefits all Americans by encouraging them to save for these basic needs.

We don't yet know how much the Bentsen-Roth IRA will cost the Treasury in lost revenue. I've asked the Congressional Joint Tax Committee for a precise, credible estimate. As The Post noted, it will be paid for and, I might add, in a fair and equitable way.

I firmly believe that a strong American economy is the key to meeting the many domestic needs confronting our country today, everything from improving the health care available to our children to providing long-term care for the oldest among us.

I regret that The Post doesn't agree on the importance of a boost in savings as key to a strong economy, arguing against this savings incentive and proposing the unlikely alternative of further deficit reduction.

Millions of Americans do agree. For them, the IRA is an old friend they would like to have back. People understand it, and they like it.

The IRA makes good sense for America's economic future. We need to bring it out of retirement and put it back to work full time for all of us.

PRIVATE LONG-TERM CARE INSURANCE AND ACCELERATED DEATH BENEFIT INCENTIVE ACT OF 1991

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. GRADISON. Mr. Speaker, survey after survey shows that many Americans, especially the elderly, live in dread of becoming chronically ill and requiring assistance in daily living. They are afraid not only of the cost of care, but also of losing control over their lives. It is tragic in our society that all too often they must lose that control and lose their dignity.

The cost of long term care is a massive problem which will require both Federal and private action to adequately address. Because of the probable cost of public long term care programs, and our consistently large budget deficit, Congress is unlikely to enact a large public program any time soon. Right now Congress can, however, take relatively simple steps to help the private sector respond to this urgent need.

Private long-term care insurance should be part of any solution to this problem. Current law, however, is unclear whether, or to what extent, benefits from a long-term care policy are taxable. Congress can help the private sector reach its full potential by clarifying the tax treatment of long-term care insurance benefits.

Today, I am introducing a bill, the Private Long-Term Care Insurance and Accelerated Death Benefit Incentive Act of 1991, to clarify that such benefits are not taxable to the recipient. In particular, my bill would specify that long-term care benefits would not be taxable and premiums paid by individuals would be deductible as a medical expense. Also, employer paid premiums would be excludable from the income of employees and long-term care insurance would be permitted under a cafeteria plan.

Furthermore, my bill clarifies that death benefits from a life insurance policy paid to a terminally ill individual in the year before death would not be taxable. This clarification will greatly assist a large number of people meet their health care needs.

I would like to note that the bill is designed to prevent abuses of long-term care insurance as a tax-free investment vehicle. The insured must be certified as needing long-term care by a licensed health care practitioner before benefits may be received; the policies are prohibited from having any cash surrender value; and tax-free benefits are limited to $200 per day.

A revenue estimate has been requested from the Joint Committee on Taxation, but I expect the cost of this bill to be modest. In any event, I am fully prepared to offset its cost and prevent the deficit from increasing.

I urge my colleagues that are interested in spurring the development of a private long-term care insurance market to cosponsor this bill. It is a necessary change which will help millions of Americans protect themselves against the danger of chronic illness.

BAY STATE CPA'S OFFERING TAX ASSISTANCE TO GULF VETERANS

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. MOAKLEY. Mr. Speaker, Americans have poured out their support for our men and women serving in the Persian Gulf. The support has been manifested in a variety of ways ranging from public rallies, parades, letters, packages, yellow ribbons, and family support groups.

Other groups have shown their support in their own way—often without public fanfare. One such group is the Massachusetts Society of Certified Public Accountants, Inc. This association of over 8,000 CPA's, located in my district, has inaugurated a free tax assistance and tax report preparation program for Massachusetts men and women serving in the Persian Gulf. The program also offers free financial planning counseling for their families here at home.

Members of the Massachusetts Society of CPA's are offering a range of services extending such as: Explaining Federal and State tax laws and regulations related to military personnel in the gulf; providing tax compliance and reporting assistance, including calculating withholding and estimated tax payments; and, helping them deal with the Internal Revenue Service and the Massachusetts Department of Revenue. In addition, the service will cover estate planning and children education programs.

I commend the Massachusetts Society of Certified Public Accountants, Inc., for providing this very important service to our brave men and women, half a world away, and for their families here in America. I hope that other State CPA societies across the Nation will emulate Massachusetts' fine efforts and make this tax and financial support program a nationwide model.

THE OMNIBUS INSULAR AREAS ACT OF 1991

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. DE LUGO. Mr. Speaker, several other Members and I are today introducing an omnibus bill containing provisions of a bill which passed the House by unanimous vote last Congress; but did not become law because Senate action came too late to reconcile differences between the versions passed by both Houses.

This legislation is a composite of different bills affecting the insular areas on which the Subcommittee on Insular and International Affairs has been working on for some time.

The first title would authorize assistance needed to enable our Caribbean and Pacific Islands to cope with the special problems that natural disasters cause in island circumstances.

It would authorize funds to construct lifesaving health and safety facilities and to make it possible for such essential infrastructure to withstand and recover from disasters. It would also require the President to assess the capability of an insular government to respond to a disaster and to provide any necessary assistance.

The second title of the bill would authorize a study of insular water, sewer, and power needs. It would also authorize funds for reducing the almost total dependence on our insular borders upon imported fuels.

These provisions are identical to language which passed the House last year; but the bill being introduced today does not contain all of the provisions of last year's bill. We hope to recommend others in committee amendments.

It is my intent that the Insular and International Affairs Subcommittee, which I am privileged to chair, will act on this legislation shortly and it is my hope that it will become law this year.

H.R. 1681: THE FEDERAL EMPLOYEES GROUP LIFE INSURANCE LIVING BENEFITS ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 1991

Mr. GILMAN. Mr. Speaker, life insurance is something we routinely provide for our loved ones who survive us. It is ironic, however, that those most in need of the financial benefits provided by a life insurance policy are often those who are the insured and not the beneficiaries. Today I am introducing legislation designed to ease the financial burden on those facing a terminal illness.

H.R. 1681, the Federal Employees Group Life Insurance Living Benefits Act, provides that a Federal employee diagnosed as terminally ill with a life expectancy of 9 or less months may elect to receive his or her basic life insurance amount as a "living benefit."

Facing a terminal illness is morally and emotionally difficult in itself. However, the depletion of one's financial resources often compounds the already serious ordeal facing the patient and his or her family. Living benefits help ease the financial burden placed on the insured while providing a needed source of income in order to allow the insured to live any remaining months of life with dignity and comfort.

Private sector life insurance companies first began to offer this humane benefit in the late 1980's. Some insurance companies offer a lump sum payment while others impose lower limits on payouts to people who were over 65 years old when the policy was purchased. Most require a written statement from a certified medical authority that the policy holder has a life expectancy less than a specified period of time, usually 6 to 12 months.

Benefits can be used at the discretion of the insured. However, most often these funds are used for providing care and medical treatment in the remaining period of life. While not substituting for the need for a comprehensive long-term care policy, living benefits can help ease the financial burdens of nursing home and/or home care for the terminally ill.

H.R. 1681 provides a comprehensive framework for the Office of Personnel [OPM] to issue regulations in designing a living benefits program for the Federal Employees Group Life Insurance Program.

A participant in the Federal Employees Group Life Insurance Program [FEGLI] facing a terminal illness may elect to receive an accelerated insurance amount equal to his or her basic insurance amount, as adjusted actuarially. The application shall contain certification by the appropriate medical authorities that the insured has a life expectancy of 9 or less months. OPM may issue regulations governing procedures for the insured to submit to an independent medical examination at the direction of the employing agency or Office of Federal Employees Group Life Insurance, which shall be of no expense to the insured.

Employees may make a partial election of the basic insurance amount in multiples of $1,000. In return for electing the living benefit, the policyholder severs—to the extent an election was made—all rights any beneficiaries may have in the proceeds of the policy. H.R. 1681 only affects the basic insurance amount and does not negate beneficiary rights in optional FEGLI amounts. The living benefits election is irrevocable and the policyholder is no longer liable for monthly premiums on the basic insurance amount. H.R. 1681 is intended to result in no costs to the FEGLI insurance fund.

In an age where complex problems demand even more complex, expensive solutions, H.R. 1681 provides a needed benefit at a nominal charge. This legislation allows a terminally ill patient the opportunity to access a source of funds which could finance needed medical treatment and care in order to allow the individual to live his or her remaining days in comfort and dignity. It is not often this body has the chance to enact humanitarian legislation with such a reasonable price tag. I hope all my colleagues will join me today in supporting this legislation.

I ask that the full text of the legislation be printed in the Record at this point in addition to the following section-by-section analysis of the legislation.

H.R. 1681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FEGLI Living Benefits Act".

SEC. 2. OPTION TO RECEIVE "LIVING BENEFITS".

(a) In General.—Chapter 87 of title 5, United States Code, is amended by inserting after section 8714c the following:

"§8714d. Option to receive 'living benefits'

"(a) For the purpose of this section, an individual shall be considered to be 'terminally ill' if such individual has a medical prognosis that such individual's life expectancy is 9 months or less.

"(b) The Office of Personnel Management shall prescribe regulations under which any individual covered by group life insurance under section 8704(a) may, if such individual is terminally ill, elect to receive a lump-sum payment equal to—

"(1) the full amount of insurance under section 8704(a) (or portion thereof designated for this purpose under subsection (d)(4)) which would otherwise be payable under this chapter (on the establishment of a valid claim)—

"(A) computed based on a date determined under regulations of the Office (but not later than 30 days after the date on which the individual's application for benefits under this section is approved or deemd approved under subsection (d)(3)); and

"(B) assuming continued coverage under this chapter at that time;

reduced by

"(2) an amount necessary to assure that there is no increase in the actuarial value of the benefit paid (as determined under regulations of the Office).

"(c)(1) If a lump-sum payment is taken under this section—

"(A) no insurance under the provisions of section 8704(a) or (b) shall be payable based on the death or any loss of the individual involved, unless the lump-sum payment represents only a portion of the total benefits which could have been taken, in which case benefits under those provisions shall remain in effect, except that the basic insurance amount on which they are based—

"(i) shall be reduced by the percentage which the designated portion comprised relative to the total benefits which could have been taken (rounding the result to the neares multiple of $1,000 or, if midway between multiples of $1,000, to the next higher multiple of $1,000); and

"(ii) shall not be subject to further adjustment; and

"(B) deductions and withholdings under section 8707, and contributions under section 8708, shall be terminated with respect to such individual (or reduced in a manner consistent with the percentage reduction in the individual's basic insurance amount, if applicable), effective with respect to any amounts which would otherwise become due on or after the date of payment under this section.

"(2) An individual who takes a lump-sum payment under this section (whether full or partial) remains eligible for optional benefits under sections 8714a–8714c (subject to payment of the full cost of those benefits in accorance with applicable provisions of the section or sections involved, to the same extent as if no election under this section had been made).

"(d)(1) The Office's regulations shall include provisions regarding the form and manner in which an application under this section shall be made and the procedures in accordance with which any such application shall be considered.

"(2) An application shall not be considered to be complete unless it includes such information and supporting evidence as the regulations require, including certification by an appropriate medical authority as to the nature of the individual's illness and that the individual is not expected to live more than 9 months because of that illness.

"(3) (A) In order to ascertain the reliability of any medical opinion or finding submitted as part of an application under this section, the covered individual may be required to submit to a medical examination under the direction of the agency or entity considering the application. The individual shall not be liable for the costs associated with any examination required under this subparagraph.

"(B) Any decision by the reviewing agency or entity with respect to an applicaiton for benefits under this section (including one relating to an individual's medical prognosis) shall not be subject to administrative review.

"(4) (A) An individual making an election under this section may designate that only a limited portion (expressed as a multiple of $1,000) of the total amount otherwise allowable under this section be paid pursuant to such election.

"(B) A designation under this paragraph may not be made by an individual described in paragraph (1) or (2) of section 8706(b).

"(5) An election to receive benefits under this section shall be irrevocable, and not more than one such election may be made by any individual.

"(6) The regulations shall include provisions to address the question of how to apply section 8706(b)(3)(B) in the case of an electing individual who has attained 65 years of age."

(b) Table of Sections.—The table of sections for chapter 87 of title 5, United States Code, is amended by inserting after the item relating to section 8714c the following:

"8714d. Option to receive 'living benefits'."

SEC. 3. EFFECTIVE DATE; OPEN SEASON AND NOTICE.

(a) Effective Date.—The amendments made by section 2 shall take effect 9 months after the date of the enactment of this Act.

(b) Open Season; Notice.—(1) The Office of Personnel Management shall prescribe regulations under which, beginning not later than 9 months after the date of the enactment of this Act, and over a period of not less than 8 weeks—

(A) an employee (as defined by section 8701(a) of title 5, United States Code) who declined or voluntarily terminated coverage under chapter 87 of such title—

(i) may elect to begin, or to resume, group life insurance and group accidental death and dismemberment insurance; and

(ii) may make such other elections under such chapter as the Office may allow; and

(B) such other elections as the Office allows may be made.

(2) The Office shall take such action as may be necessary to ensure that employees and any other individuals who would be eligible to make an election under this subsection are afforded advance notification to that effect.

FEGLI LIVING BENEFITS ACT

SECTION-BY-SECTION ANALYSIS

Section 1. Bill is entitled the "FEGLI Living Benefits Act."

Section 2. Amends chapter 87 of title 5, United States Code, by adding a "living benefits" section:

Subsection (a) establishes a new section 8174d entitled "option to receive 'living benefit". Subsection (a) defines a "terminally ill" individual as one who has a medical prognosis that his or her life expectancy is 9 months or less.

Subsection (b) directs the Office of Personel Management to issue regulations under which an individual who is enrolled in the Federal Employees Government Life Insurance Program can elect to receive a lump-sum payment if such individual is terminally ill. The lump-sum payment is the insured's basic insurance amount (or portion thereof) as actuarially adjusted under regulations issued by OPM.

Subsection (c) provides if the benefit is elected, no insurance (to the extent the amount was elected) is payable based on the insured's death. Insurance deductions and withholdings are terminated to the extent applicable. Individuals electing this benefit remain eligible for optional insurance benefit amounts if previously elected.

Subsection (d) directs OPM to issue regulations regarding the form and manner in which an application is made. An application must contain a certification by an appropriate medical authority as to the nature of the illness and a prognosis that the individual is not expected to live more than 9 months. Regulations may include procedures for an insured to submit to a medical examination at the direction of the employing agency or Office of Federal Government Life Insurance. The insured is not liable for the expense of such examination. Any decision by the reviewing agency or entity is not subject to administrative review (i.e. the insured may go directly to federal court). An individual making a partial election must designate a portion as of the basic insurance amount as a multiple of $1,000. Annuitants and those on workmen's compensation are not allowed the option of choosing a partial lump-sum payment (i.e. these individuals must choose the full basic insurance amount). OPM is directed to issue regulations addressing the situations where the insured electing the full benefit reaches age 65 during the benefit period.

Section 3. Subsection (a) sets the effective date as 9 months following date of enactment.

Subsection (b) requires OMP to issue regulations, not later than 9 months after enactment, to enact a FEGLI open season and to take such actions as to ensure that all eligible individuals are notified of the event.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 11, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 12

9:30 a.m.
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings to examine international humanitarian response to the Persian Gulf refugee crisis.
SD-226

10:15 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the White House residence, and the Office of Personnel Management.
SD-116

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 168, to provide additional financial compensation to the Three Affiliated Tribes (Mandan, Hidatsa, and Arikara Tribes that reside on the Fort Berthold Indian Reservation) and the Standing Rock Sioux Tribe for the taking of reservation lands for the sites of the Garrison Dam and Reservoir and the Oahe Dam and Reservoir.
SR-485

APRIL 15

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.
SD-138

APRIL 16

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on the defense industrial base.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of the U.S. Trade Representative, and the International Trade Administration of the Department of Commerce.
S-146, Capitol

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 596, to require Federal facilities to comply with Federal and State environmental laws and requirements.
SD-406

Finance
To resume hearings to examine the causes of rising health care costs and lack of access to health insurance.
SD-215

Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine NASA's space station program.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's superconducting super collider program.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on aid to Eastern Europe.
SD-138

APRIL 17

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on insuring corporate compliance of tax issues.
SD-342

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the American Ex-Prisoners of War, the Jewish War Veterans, and the Veterans of World War I.
345 Cannon Building

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Armed Services
Manpower and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on manpower programs.
SR-232-A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Rules and Administration
To resume hearings on S. 250, to establish national voter registration procedures for Federal elections.
SR-301

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans Affairs, and the Department of Veterans Affairs.
SD-138

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on logistics programs.
SR-222

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
Business meeting, to mark up S. 391, to revise the Toxic Substances Control Act to reduce the levels of lead in the environment.
SD-406

Foreign Relations
To hold hearings on the nomination of Raymond G. H. Seitz, of Texas, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.
SD-419

Select on Indian Affairs
To hold oversight hearings on the status of tribal jurisdictional authority in Indian country.
SH-216

APRIL 18

9:00 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on Department of Energy national security programs.
SR-222

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings to review the management of the civilian radioactive waste program of the Department of Energy.
SD-406

Governmental Affairs
To hold hearings to examine the quality of health care provided at Veterans' Administration hospitals.
SD-342

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Information Agency and the Board for International Broadcasting.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Highway Administration, Department of Transportation.
SD-138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on recent developments in Soviet strategic forces.
S-407, Capitol

APRIL 19

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on overview of NASA's budget for fiscal year 1992.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office, and the Office of Technology Assessment.
SD-116

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 39, to designate the coastal plain of the Arctic National Wildlife Refuge as wilderness.
SD-406

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To resume hearings on proposed legislation authorizing funds for foreign assistance, focusing on the U.S. Information Agency and the Voice of America.
SD-419

APRIL 23

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed veterans health care legislation, including parts A, C, and C of Title II of S. 127, to increase the rates of compensation for veterans with service-connected disabilities.
SR-418

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine the science education programs of various Federal agencies.
SD-138

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-1902

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to review the enforcement and administration of the Foreign Agents Registration Act.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Forest Service, Department of Agriculture.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Bureau of Investigation, Department of Justice.
S-146, Capitol

2:00 p.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992-1997 future year defense plan.
SR-222

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on security in the post-cold war era.
SD-138

APRIL 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.
SD-124

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA space science programs, focusing on "Mission to Planet Earth," an environmental monitoring program designed to formulate data on Earth's environmental systems through the use of spacecraft.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Rules and Administration
Business meeting, to mark up S. 250, to establish national voter registration procedures for Federal elections.
SR-301

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy conservation programs of the Department of Energy.
SD-116

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Jack Warren Lentfer, of Alaska, and John E. Reynolds III, of Florida, each to be a Member of the Marine Mammal Commission.
SR-253

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to examine Arctic Oceans research.
SR-253

Select on Indian Affairs
To hold oversight hearings on new school construction, repair, and improvement on Bureau of Indian Affairs' school facilities.
SR-485

APRIL 25

9:00 a.m.
Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on the National Critical Technologies report.
SR-232-A

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Governmental Affairs
To hold hearings to examine Federal energy management.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Bureau of Mines and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration, and the Research and Special Programs Administration, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of National Drug Control Policy, and the Financial Crimes Enforcement Network, Department of the Treasury.
SD-116

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

APRIL 26

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.
SD-138

MAY 7

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.
SD-192

MAY 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.
SD-138

MAY 9

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for veterans' education and reemployment rights.
SR-418

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine insurance company insolvency.
SR-253

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for fossil energy and clean coal technology programs.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Smithsonian Institution and the National Gallery of Art.
SD-116

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

MAY 16

9:00 a.m.
Veterans' Affairs
To hold hearings on S. 775, to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans, H.R. 153, to repeal certain provisions of the Veterans Judicial Review Act relating to veterans benefits, and sections 111 through 113 of S. 127, relating to radiation compensation.
SR-418

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Minerals Management Service, Department of the Interior, and the Indian Health Service, Department of Health and Human Services.
SD-116

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.
SD-138

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 21

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on enforcement of antidumping and countervailing duties.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Energy.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.
SD-138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.
SD-138

MAY 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.
SD-138

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 5

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of the Interior, and Members of Congress.
S-128, Capitol

JUNE 6

9:00 a.m.
Veterans' Affairs
Business meeting, to mark up pending legislation.
SR-418

CANCELLATIONS

APRIL 11

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Research and Special Programs Administration of the Department of Transportation, and the National Transportation Safety Board.
SD-138

APRIL 12

9:00 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on Department of Energy environmental restoration and waste management programs.
SR-222

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.
SD-138

POSTPONEMENTS

APRIL 12

10:00 a.m.
Environment and Public Works
Environmental Protection Subcommittee
Superfund, Ocean and Water Protection Subcommittee
To hold joint hearings to examine and evaluate the Department of the Interior's report and recommendation to Congress and final legislative environmental impact statement concerning the coastal plain of the Arctic National Wildlife Refuge in Alaska.
SD-406

HOUSE OF REPRESENTATIVES—*Thursday, April 11, 1991*

The House met at 12 noon.

The Reverend Monsignor John J. Murphy, former pastor, St. Joseph's Church, Capitol Hill, Washington, DC, offered the following prayer:

Our Father, who art in Heaven—take us into Thy gracious presence—and

Make us special instruments of Thy speech.

May our words be spiritually measured with thoughts of Thee, this day and every day—words, reflecting the depths of Thy love for the whole human family. Let us speak caringly of those most neglected.

May our words and our actions be spiritually measured this day. So as to reflect the glorious heights of Thy vision as well as the depths of Thy happiness.

Inspire us with a faith empowering us to make a difference.

Guide our actions throughout this day and make us, O Lord, worthy instruments of Thy speech—on Earth as it is in Heaven. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Colorado [Mrs. SCHROEDER] please come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF MONSIGNOR JOHN J. MURPHY

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, I take great pleasure in welcoming our guest chaplain Msgr. John J. Murphy, an old friend and a native of my hometown, Boston. Just this week Monsignor Murphy retired as pastor of St. Joseph's Church on Capitol Hill where he had served for 10 of his 36 years of total service to the church of Washington.

Monsignor received his call to the ministry while serving as a ski trooper in the Italian Alps during World War II. During his long ministry in the Nation's Capital he spent 14 years at the Basilica of the National Shrine of the Immaculate Conception, 7 years as assistant director, and 7 years as the director.

James Cardinal Hickey, archbishop of Washington, agreed to monsignor's request for assignment to St. Joseph's on Capitol Hill, which had suffered the decline so typical of inner city parishes. Through his vigorous program of restoration and renewal, Monsignor Murphy returned St. Joseph's to vitality, to a strong spirit of community, and truly made the church what he likes to describe as a "holy space on this holy hill."

Retirement does not include a rocking chair. He has no time for that. Monsignor will live most of the year in Venice, FL, where he will lead retreats, provide counseling and pursue his writing on spirituality and his years at the national shrine. He will charge his batteries for 2 months each year in Ireland, the land of his ancestors, and spend a month each year in Washington among his many friends.

On behalf of the Hill community, I want to thank Monsignor Murphy for his life of service and wish him God's blessing in his new endeavors.

INTRODUCING LEGISLATION REGARDING PREVENTIVE HEALTH CARE SERVICES

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, today I am joined by the distinguished chairman and ranking minority member of the Select Committee on Aging, along with over 60 Members of the House, in introducing legislation to require Medicare to consider coverage of preventive health care services to the elderly.

Clearly, the successes of such tests have been repeatedly demonstrated. For example, the control of high blood pressure is seen as one of the most effective ways for reducing death rates from heart disease and stroke. Since 1978 the death rate from heart disease has fallen 10 percent, the death rate from stroke has fallen 25 percent.

Despite similar studies revealing how certain preventive health tests can significantly improve the quality and length of life in such diseases as colon, cervical, and breast cancer the Government continues to refuse to reimburse for these treatments.

Our bill includes payment by Medicare for colon cancer screening examinations, serum cholesterol, blood pressure, basic screening exams for vision/hearing loss, and basic mental health screening tests. Each proposed benefit is to be reviewed for its effectiveness as part of a trial program in various States and communities before being expanded to a nationwide basis.

It is important to note that the measure will not result in any new authorization or appropriation. In fact, Medicare could realize a cost savings.

I hope Members will join in supporting this important measure.

APPOINTMENT AS MEMBERS TO REVIEW PANEL OF OFFICE OF FAIR EMPLOYMENT PRACTICES

The SPEAKER. Pursuant to the provisions of rule LI, 102d Congress, the Chair appoints to the review panel of the Office of Fair Employment Practices the following elected officers of the House of Representatives: Mr. Donnald K. Anderson, Clerk; and Mr. James T. Molloy, Doorkeeper.

APPOINTMENT AS MEMBERS TO CIVIL WAR SITES ADVISORY COMMISSION

The SPEAKER. Pursuant to the provisions of section 1205(a)(4) of Public Law 101–628, the Chair appoints the following individuals to the Civil War Sites Advisory Commission on the part of the House:

Mr. ROBERT J. MRAZEK, of New York;

Mr. D. FRENCH SLAUGHTER, Jr., of Virginia; and

Ms. Mary Frances Berry, of Washington, DC.

APPOINTMENT AS MEMBER TO BOARD OF TRUSTEES OF THE AMERICAN FOLKLIFE CENTER IN THE LIBRARY OF CONGRESS

The SPEAKER. Pursuant to the provisions of section 4(b) of Public Law 94–201, the Chair appoints from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House Mrs. Lindy Boggs, of New Orleans, LA.

CONCERN FOR POLICE FAMILIES

(Mrs. SCHROEDER asked and was given permission to address the House

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think this House has a lot to be proud of in what we have done for military families. I think as we talk to families coming back from the Persian Gulf, we see how the family policies really did make a difference, and of course there is more to do.

However, I think as we look at this crime bill, we have to realize there has been a tremendous oversight in the last 10 years, and that is, dealing with our police families. They are under incredible stress. If we look at the total voice of concern about the personnel part of the war on crime, we realize we really have had a massive oversight. I certainly hope as we look at this crime bill, we try and figure out a way to crank in and catch up.

Any Member can talk to any police chief in America, and they will tell everyone how very concerned they are about the stress level within their force, and what it is doing to their divorce rate, and what it is doing to their families. They protect everyone. I think that is one thing that this crime bill must include this time. It cannot just be equipment, and focus on the victims. Let Members focus on the families, too.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK 1991 AND 1992

(Mr. MORRISON asked and was given permission to address the House for 1 minute.)

Mr. MORRISON. Mr. Speaker, I am pleased today to have the honor of continuing a venerable tradition. For almost a decade I have been privileged to offer a resolution establishing National Organ and Tissue Donor Awareness Week. This year I am particularly pleased to be joined by the distinguished gentleman from Tennessee [Mr. GORDON] in introducing this bill.

National Organ and Tissue Donor Awareness Week provides respected organizations with an opportunity to reach out and explain the importance of pledging to become an organ donor. Although it is difficult to consider our own mortality, the need for donors is clear: every 30 minutes another person joins 22,000 others already waiting anxiously for an organ transplant. By encouraging people to take a few seconds to sign a donor card and—most importantly—to share this decision with their family, thousands of lives are saved every year. Amazingly enough, up to 300 folks can benefit from a single donor.

On behalf of the folks and their families who are waiting I would like to thank the more than 218 of my colleagues who have become cosponsors and are helping all Americans to "make a miracle."

□ 1210

DEMOCRATIC BUDGET MEETS AMERICA'S NEEDS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, in the Budget Committee the other day some of my colleagues on the Republican side of the aisle claim that the Democratic budget just fooled around the edges a little bit, was not that much different from the President's budget.

Well, around the edges, I might say that what the Democratic budget does and will be voted on next week in this House is to give the edge to working Americans and to the strapped middle class.

Look at highways, for instance. Everybody is sick and tired of sitting in choked rush hours. We put $1 billion more in highways this year, $2 billion next year, a significant improvement over what the President recommended.

Look at energy, where the President proposed cuts. The Democratic budget shifts money around so that there is $800 million for the important alternate fuel vehicle and for solar research, for fossil fuel research, and for clean coal technology.

Look at education. We reject the President's cuts in the student loan and Pell grant programs, so important to working Americans.

Finally, look at health, where we reject categorically the Medicare cuts and instead shift money so that there can be funding for the National Health Service Corps and other health initiatives.

This Democratic budget, yes, it gives the edge to working people. It begins to build. It begins to exercise some important decisions in health care. It begins to provide education to the middle class. There is a strong edge here to the Democratic budget, and I urge my colleagues to support it next week.

COMMON SENSE IN THE CONGRESS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, there is no doubt that the action in the Persian Gulf for the last several months has been the most important matter before this Congress and before the people of this country; however, now that we are making a settlement in the Middle East in working toward resolving those problems, we move into other topics.

I am persuaded that the basic element most often missing in congressional and agency action is common sense.

I assume most of us in Congress had a fairly normal dose of common sense when we came here, but collectively, Congress seems to have abandoned reasonableness in its many actions and initiatives.

Who could defend the absurd necessity of spending a half a million dollars to restore Lawrence Welk's home, or a study of gas flatulence in livestock, or fining a small businessman $5,000 for not having a seatbelt on a front-end loader? All these things were done in the last session, amidst all the hemming and hawing about budget reform.

During the past 2 weeks, people on Main Street in Wyoming cannot believe some of the collective comedy that comes from this place; but there is nothing funny about public servants wasting taxpayers' money.

I really do not know if there is something in the water, or maybe it is the herd syndrome, or what affects our judgment. Maybe it is the process, the bundling and giant reconciliation packages. In any event, I intend in a series of 1-minutes during the next weeks to bring some of these beauties to our attention. If it will not play in Powell or Peoria, why should it play here?

EDUCATION AND THE DEMOCRATIC BUDGET

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, I rise today in support of the Democratic budget resolution that comes before the House next week. This is a budget resolution that puts our priorities in the right place, addressing the real needs of Americans while laying a foundation for economic growth.

In fact, this budget resolution is truly an education resolution. It will help middle-class families realize the dream of higher education for their kids by protecting Federal student aid programs from the Draconian cuts recommended by the administration.

The administration has recommended drastic cuts in student financial aid for fiscal year 1992, effectively cutting assistance to more than 1 million students. The administration recommended especially deep cuts in the Pell Grant Program, forcing almost 350,000 students from this program next year.

But the Pell Grant Program is not a program for the rich. It's families earning $20,000 or $25,000 a year who rely on Pell grants to help finance their children's education. It is these families who have borne the brunt of financial aid cuts over the last decade, and it is these families who are being increasingly squeezed by the cost of higher education. It is these families who would suffer under the budget proposal of our self-styled Education President.

This is unacceptable. The middle class has borne more than its share of the financial burden in the last decade, and their children should not have to bear this burden as well. That's why the Democratic budget resolution rejects those cuts and provides additional resources for the Pell Grant Program, elementary and secondary education, and other areas of educational need.

Education is an investment in our children's future. It is also an investment in our country's economic competitiveness, an investment in our future. It is an investment that we cannot afford to ignore. I urge my colleagues to support the Democratic budget resolution next week.

THE ALTERNATIVE OF ADOPTION

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, adoptions, especially unrelated domestic adoptions, have declined dramatically in the United States during the past two decades, a fact that is both tragic and unnecessary.

In 1970, for example, there were almost 90,000 unrelated domestic adoptions, but today it is estimated there are only about 50,000 annually. A number of factors can be cited, persistent misinformation and negative opinions concerning adoption, adoption is not sufficiently promoted and the dramatic increase in abortion on demand. There are now 30 abortions for every adoption in the United States.

Mr. Speaker, it requires a tremendous amount of courage, selflessness and a special love of children for a birth mother to make an adoption plan for her child. The heroism required of the birth mother in making such a step should not be overlooked or trivialized or minimized. These mothers deserve our deepest respect, our support and all the tangible assistance a compassionate society can possibly provide.

Mr. Speaker, research indicates that those women who choose to make an adoption plan for their kids will be less likely to live in poverty, more likely to complete high school and less likely to have additional unintended pregnancies.

Today, Mr. Speaker, I am introducing, along with 40 Members of the House from both sides of the aisle, a very comprehensive piece of legislation, the Omnibus Adoption Act of 1991. It includes a substantial tax credit, education grants and fellowships that promote adoption, provision for Federal employee and military health insurance, maternity housing and health certificates for women and for prenatal care.

I urge my colleagues to take a look at this legislation. I will put a more detailed analysis in the Extensions of Remarks, and I urge cosponsorship of this legislation.

BUTTER VERSUS BOOKS BUDGET

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, the future of our Nation rests with our young people. They are the best resource we have and if we shortchange their education, we shortchange our own future.

Last year's budget resolution guaranteed that we would not have a guns versus butter debate this year. Unfortunately, the administration's budget proposal has given us butter versus books.

That is a choice we should not have to make. And it is a choice we, as a nation, cannot afford to make.

The President's budget proposes that we take student loans away from middle-income families in order to fund loans for lower income families.

The overwhelming majority of families in America need help with the escalating costs of higher education. The President's budget would rob Peter to educate Paul.

The families who will lose out under this proposal are those with a family income of around $25,000 a year. College tuitions are climbing to $20,000 and beyond and it does not take a math major to see that all but the wealthiest families need help.

It does no good to increase our spending on space programs if our students do not have the basic math and science skills they need to work for NASA. The worst thing we could do is set spending priorities that result in smart bombs and dumb kids.

A STRONG RECORD OF SAFETY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, one word seems to sum up the recent victory of American armed services in the Persian Gulf, that word is commitment. It was through our commitment to the people of Kuwait which brought about their liberation.

Mr. Speaker, today I rise to commend a company for their commitment, a commitment to providing a safe workplace for their dedicated and hard working employees. The CSX Corp. in just the first month of 1991 has managed to reduce injuries by 53 percent.

Through a seven-point safety process, CSX has managed to implement a strong record of safety in both the workplace and the home. In fact, CSX was recently recognized by the National Safety Council for the safety programs it has devised in both these areas.

The accomplishments of CSX Corporation has not been the work of just one individual, rather it has been a company effort; both management and workers have joined hands together to work to improve safety conditions. This partnership has enabled CSX to become one of the safest railroads in the Nation.

In an age where making money is the bottom line, safety is a commodity which is sometimes overlooked. But that is not the motto of the CSX safety division; let me quote one of the division's mottos:

> No job is so important, no service so urgent, that we cannot take the time to perform all work safely.

Mr. Speaker, again I want to congratulate the men and women at CSX for joining together to strive to make their workplace, and their community, a better place to work and live. I would urge other companies and corporations to follow the example of CSX and make safety a No. 1 priority.

□ 1220

THE DEMOCRATIC BUDGET AND COMPETITIVENESS

(Mr. DOOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLEY. Mr. Speaker, I rise today in support of the budget priorities set forth in the Democratic blueprint of Chairman PANETTA and his committee.

It is particularly important that this budget plan stays within last fall's hard-fought agreement while at the same time investing in an American future that will keep us competitive with the rest of the world.

My constituents back home in central California are realizing that the winner of the 40-year arms race between the United States and Soviet Union was Japan, which invested its resources wisely to become a leading economic power.

I am pleased to see in this budget blueprint a high priority placed on programs that ensure that America maximizes its resources. I'm talking about programs that ensure that America is competitive in the world economy; that ensure that all Americans are safe; that ensure that all Americans can get an education; and that ensure that all Americans have equal access to high-quality health care.

That's maximizing our resources.

With our actions in the Persian Gulf, we have proved that we are the preeminent military power in the world. But if we are to ensure that we are the preeminent economic power in the world, then we're going to have to make a fair, disciplined investment in our future.

The Democratic budget makes that investment. It offers the kind of fair investment that all hard-working Americans want to see. They have every right to be safe, to be educated, to be healthy, and to be competitive.

Let us give them that future.

OPEN DIALOG IN YUGOSLAVIA

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, this morning, my distinguished colleague, GERALD KLECZKA, and I are introducing a sense-of-Congress resolution concerning the current crisis in Yugoslavia.

The transition from communism to democracy is not an easy one, and the Yugoslavian situation reflects some of the difficulties that mark that path.

Many of us were disturbed to see the rioting scenes and the use of military weapons in Belgrade and elsewhere in Yugoslavia. We are also saddened at the deaths that occurred. Considerable turmoil has been underway for many months in the republics of both Croatia and Serbia, as the people are grasping for their freedoms and democracy. However, there is still a long way to go as the ethnic groups struggle for what they feel are their rights.

The resolution we are introducing today urges the Yugoslav Federal Government, as well as each of the six constituent republican governments, to recognize the legitimate rights of all citizens and their rights to express themselves politically and to play a role in the shaping of a 21st-century Yugoslavia.

It is my hope that these changes one day soon will become a reality to the Federal Republic of Yugoslavia.

LET US NOT EXPORT ANY MORE AMERICAN JOBS TO MEXICO

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, I rise today in strong opposition to the extension of fast-track authority for the proposed United States Free-Trade Agreement with Mexico.

Only yesterday, Ford Motor Co. announced that it plans to move 209 more jobs from one of its plants in my home State of Michigan to a plant in Mexico.

In my own town of Flint, MI, we have already seen many auto jobs exported to Mexico without a free-trade agreement. If this is any indication of what a free-trade agreement would encourage, I want no part of it.

These jobs go to a country with little environmental protection, poverty wages, and dismal health and safety standards.

Trade agreements are supposed to promote trade that benefits this country and its people, not export jobs.

Mr. Speaker, we do not need—and we cannot afford—any agreement that opens the door to fewer jobs in our own country.

I urge all my colleagues not to give up their congressional duty of representation before they see what will be negotiated. I urge you not to approve a fast-track extension.

WE NEED TO BRING OUR MEN AND WOMEN IN UNIFORM HOME

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I supported the President's request to allow the use of force in the Middle East. I have been very complimentary to the President and our military leadership all along. I have not tried to second guess or criticize after the fact the decision not to extend the war farther into Iraq and attempt to get Hussein.

But I do think, now that the fighting has ended, that the military bureaucracy has moved far too slowly in bringing our troops home. Many small towns and rural areas have been hit very hard by the loss of many National Guardsmen and reservists.

Tellico Plains, a small town of 1,000 in east Tennessee, one of the towns I represent, has 18 men in the Middle East. We still at this date have brought home only a little over 10 percent of our troops. This Nation is broke; we are over $4 trillion in debt. We are presently losing roughly $1 billion a day just at the Federal level. We simply cannot afford to maintain a large force in the Middle East for a long period of time. We need to bring almost all our troops home now, active and reserve, but we should give priority to getting our National Guardsmen and Reserve troops home immediately so that so much of our local economies and community life will not continue to be disrupted.

Our men and women in uniform have done a great job; now we need to bring them home.

BRADY BILL: WE SHOULD SUPPORT A 7-DAY WAITING PERIOD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when a rabbit takes 30 rounds to the head and still does not die, what is a hunter going to do without a bayonet? When this crafty old deer hides in this thicket of brush, what is a hunter going to do without a grenade launcher?

Now, Congress, to a degree, started to deal with these issues when we passed the cop killer bullet bill because Congress finally realized that groundhogs do not wear flak jackets.

Mr. Speaker, I am a former sheriff. I strongly support the second amendment and the right to own a gun. But there is no second amendment privilege for any American to strap a Stinger missile to his back and hunt duck.

Let me say this: If Congress cannot pass a simple 7-day waiting period, then our Government is incapable and unqualified to deal with the domestic problems that face this Nation.

The Brady bill is a step in the right direction. We have bought an awful lot of $5,000 toilet seats; it is time now for Congress to either sit on one or get off the pot.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Our guests in the gallery are reminded that we are happy to have them, but they are to refrain from responding to any comments made on the floor.

DIFFERENCES BETWEEN THE PRESIDENT'S BUDGET AND THE DEMOCRATS' BUDGET

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, as we get into the debate on the budget differences between the President's budget and this recently offered Democratic budget, several months after the President offered his, I would remind some of my colleagues as to why the President has a 90-plus percentage rating in the polls, and that is, he tends to speak honestly and does not deal in narrow, narrow divisive partisan games.

If you will take a look at the President's budget and the Democrats' budget, there is a 1-, 2-, and 3-cent-per-dollar difference in various areas. But, frankly, we have already heard the phrase today and we will hear it over and over again, "Rob Peter to pay Paul."

More and more, the discretionary and entitlement areas, "Paul" is a wealthy retired person and "Peter" is an 8-year-old who goes to bed hungry at night.

In the Democrat budget, they refuse to accept the President's attempt to limit the subsidy under Medicare for those people over $125,000 a year. Currently, it is about $1,100 a year. The President wanted to reduce that subsidy to $300, and the Democrats have said no. They want to keep the subsidy for "Paul."

Let us talk about "Peter" more often than "Paul" and, please, when you give me the rhetoric about where you are putting the money, remember the President increased the women, infant, and children feeding program, increased education, increased a number of areas that you are now saying by $10 million or $50 million on top of that you are the folks who are interested in women, infants, and children, and not the President; it is rhetoric.

If you will take a closer look at his behavioral profile, perhaps you will go up in the polls as well.

W. DONALD GRAY: 30 YEARS OF FERRETING OUT WASTE

(Mr. SYNAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYNAR. Mr. Speaker, I rise today to give special recognition to W. Donald Gray, chief investigator of my Subcommittee on Environment, Energy and Natural Resources, who is retiring from the Congress after 30 years of public service.

All too often we fail to give credit to the dedicated staff who have worked long hard hours for many, many years to help preserve the history and tradition of this great institution and who provide the expertise that is necessary for us to develop national policies and oversee their implementation. Today, it is bittersweet for me to take the floor to pay tribute and say goodbye to one individual who has contributed so much to both the House and Senate throughout his long and very distinguished career.

For the last 30 years, Don Gray has served as an investigator for a number of key committees in the House and the Senate, including the House Government Operations Committee, the Senate Governmental Affairs Committee, Senate Appropriations Committee, and the Senate Commerce Committee. In fact, much of the investigative work performed by Don over the years reads like a "Who's Who" of congressional oversight investigations over the last three decades. Don's investigative work has made significant contributions to policy reforms in many important areas. Whether it be problems relating to FDA's testing of new drugs; organized crime; the DOD's inadequacies with respect to cleaning up hazardous waste at its facilities; or contracting fraud, Don's work has been exceptional. Importantly, Don has remained forward-looking with a strong vision and sense of those policy areas that most deserve congressional review. He has continually identified issues that are of paramount importance to the Congress and to the Nation.

Perhaps the greatest tribute to Don's professionalism, in fact a hallmark of Don's career, is the fact that individuals at the very agencies that Don has had responsibility for overseeing harbor a great deal of respect and affection for him. Indeed, the Comptroller General of the United States, head of the investigative arm of the Congress, has commended Don on the importance of his work, and leaders of the investigative teams at other agencies who have worked with Don were anxious to pay tribute to his many accomplishments throughout his career on the Hill.

It is important also to note that Don has never forgotten the people that we are here to serve. I can attest to Don's having spent many late nights trying to assist individuals from around the country, involving problems often brought to our attention by other Members. For instance, just last year, Don conducted an investigation involving DOD's sales of hazardous materials that ended up with a site located in Collinsville, CA, in Representative VIC FAZIO's district, having to be put on the Superfund list. In fact, the problem of these sales of surplus materials was so serious that my subcommittee held a hearing on the matter, following which DOD promised to make significant changes in its program for disposing of these hazardous materials. While I mention just this one example, there have been many, many more areas where Don's work has resulted in agency reforms. To the people in those districts whose lives have been affected by these special problems, these smaller field investigations may have been some of the most important work Don ever did.

Mr. Speaker, this institution is fortunate because we will not lose the benefit of Don's expertise. He will be moving on to be director of water programs at the Environment and Energy Study Institute. I have no doubt that Don will make a significant contribution to a variety of policy areas to that esteemed organization. While we are all saddened to see Don leave Capitol Hill, I wish him good luck and Godspeed in his new position. I want to thank him for his friendship and for the contribution that he has made to this great institution and to the Nation.

□ 1230

SECRETARY SULLIVAN'S NOMINATION TO THE BASEBALL HALL OF FAME

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, the Most Valuable Player Award in the opening days of the baseball season clearly goes to Louis W. Sullivan, shortstop and power hitter for the Department of Health and Human Services. Secretary Sullivan showed Hall of Fame skill in pitching and fielding when he took on the dreaded tobacco lobby early in the season.

When the tobacco boys pitched their malarkey about not trying to sell cigarettes to kids, Secretary Sullivan hit it out of the park when he pointed out that tobacco advertising at sporting events is aimed directly at our children. When the tobacco lobby protested that they are just in the business of giving the public a choice, Secretary Sullivan fielded that charge and reminded the tobacco boys that it is immoral in a civilized society to promote a product which, when used as intended, causes death and disability.

Mr. Speaker, tobacco advertising at sporting events is clearly unsportsmanlike. Now will the owners of the sports teams and the players have the courage to throw out the chewers, and the spitters and the tobacco deadly advertising out the ball park, or will the tobacco boys and their millions of dollars continue to make them all look like bush leaguers?

INTRODUCTION OF LEGISLATION URGING PEACEFUL SETTLEMENT OF THE CONFLICT IN YUGOSLAVIA

(Mr. KLECZKA asked and was given permission to address the House for 1 minute.)

Mr. KLECZKA. Mr. Speaker, with Yugoslavia on the brink of civil war, we cannot remain silent and watch the bloodshed. We must send a message to the great people of Yugoslavia and their leaders. This message is that we encourage democracy and free markets, and we denounce the use of force by any group.

Today, my good friend Mrs. BENTLEY and I are introducing legislation which does just that. Our resolution calls for four things in Yugoslavia. First, an end to the bloodshed. It condemns the use of force by any group to silence their opposition.

Second, inclusion. It urges the leaders of the Republics and the members of the federal presidency to include all ethnic groups in discussions about the future makeup of their nation.

Third, open dialog. It urges the leaders of each Republic to tolerate opposing viewpoints in a democratic fashion.

Fourth, progress. It encourages the adoption of democracy and free-markets in Yugoslavia.

Mr. Speaker, I urge my colleagues to join us in calling for a peaceful and democratic settlement of the conflict in Yugoslavia by cosponsoring our resolution.

NO TIME TO WASH OUR HANDS OF THE KURDS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the national news last night was a dark reminder of the terror and tragedy that is the aftermath of Iraq's invasion of Kuwait.

While we negotiate a cease-fire and request hostilities against the Kurds cease, while humanitarian aid arrives on Iraq's borders in a fashion far less efficient than sending thousands of troops to that area, while all this happens, children are dying in their parents' arms.

It was Edmund Burke who said, "The only thing necessary for triumph of evil is for good men to do nothing." I suppose something is being done, but like so many who have read and seen the horrors perpetuated against a people, we would paraphrase Burke and say, "The only thing necessary for the triumph of evil is for men and women to do too little, too late."

The Kurds are apparently not a priority on this administration's agenda. I am not certain what we should do. I am certain something dramatic must be done or we will see the extinction of a religious minority in that part of the Middle East.

The killing of people because of their religion is not new to this world. The slaughter of innocents is not new to history. Evil is not new.

Surely we can act in some way to alter the course of this horror. Surely, Mr. President, you can give the same organization and commitment to saving the Kurds that we gave to saving Kuwait.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Members are reminded to direct their comments to the Chair.

NATIONAL ACADEMY OF SCIENCES' REPORT ON GLOBAL WARMING

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHARP. Mr. Speaker, I would like to call the attention of our colleagues to the report yesterday from the National Academy of Sciences on the issue of global warming. Basically what this report has done is to confirm the critical need for us in the Congress and in the Federal Government to enact measures that will help encourage energy efficiency and conservation in this country, and indeed it points out that at no cost, or at very little cost, or certainly with cost-effective measures, we can have a major impact on the reduction of greenhouse gas emissions. Between 10 and 40 percent can be reduced, if we will only have the will to act.

The President has come forward with a number of proposals on the energy front, and we intend to consider them very seriously in this Congress, but where they are deficient is precisely in the area the National Academy of Sciences said we should be most sufficient and most acting, and that is in the area of energy efficiency and energy conservation. Mr. Speaker, we can do more in our auto sector, we can do more in electric lighting, we can do more in electric motors and other products that consume so much of the energy of this country. We can indeed do that in a way that pays off for this country in terms of economic competition, pays off for our consumers and pays off for us environmentally.

CONGRESS NEEDS TO TAKE FURTHER ACTION TO PROTECT YOUNG PEOPLE IN CHINA AND TIBET

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, Tuesday, Chinese Prime Minister Li Peng not only defended his government's massacre of prodemocracy demonstrators in Tiananmen Square, but also said that the Chinese Government would continue to use force to stop democracy demonstrations. Mr. Li went on to say that the Government would never release a list of those people who were killed in the protests.

Mr. Speaker, this body has, on several occasions, spoken out overwhelmingly against the Chinese Government for its bloody crackdown in June 1989 and for the repression that continues today in China and Tibet. We have voted to protect Chinese students, we have supported human rights in Tibet, we have voted to condition most-favored-nation status on improvements in human rights.

Mr. Speaker, the Chinese Government has continued to defend its use of brutal force to quiet dissent. It has systematically condemned prodemocracy leaders to extended jail terms. It has used forced labor production and trade barriers to widen its trade surplus with the United States.

Clearly, Mr. Li's remarks highlight the need for Congress to take further action to protect those young people in China and Tibet who carry the torch of democracy. Legislation will soon be introduced conditioning MFN with China on an improvement of human rights. Given continued Chinese intransigence, I urge my colleagues to give the bill their support.

THE PROS AND CONS OF PROPOSED FREE TRADE AGREEMENTS

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, we in the United States have seen over a decade of slippage in the standard of living of innumerable middle income families as well as low income families. We have seen an erosion in the strengths of many basic industries, including high-technology industries. So the question must be, how would a North American free trade agreement fit into this picture?

I returned from Mexico last week convinced that there is both potential promise and peril in such negotiations. Procedure should be the servant of policy, not its master. Unlike GATT, a North American free trade agreement would involve a few nations, not over 100, and a major integration of two sets of economies at very different levels of development, not just more trade.

That is why any abstract procedures from Mexico must be shaped to the particular circumstances and should provide, first, that congressional concerns and objectives, as well as those of the administration, should be laid out in advance; second, mid-course reviews should be provided between the administration and Congress; and third, Congress should reserve the right in advance to look separately at the very major parts of any agreement to see if the administration has responded to the stated concerns and objectives. Congress should not be able to nit-pick any agreement, but we should not be told simply to take it or leave it. We must be an active party in the negotiations. The issue of economic growth demands it.

PERMISSION FOR COMMITTEE ON THE BUDGET TO HAVE UNTIL 8 P.M. TOMORROW, FRIDAY, APRIL 12, 1991, TO FILE PRIVILEGED REPORT ON CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1991 THROUGH 1996

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until 8 p.m. tomorrow, Friday, April 12, 1991, to file a privileged report on the concurrent resolution on the budget for fiscal years 1991 through 1996.

Mr. Speaker, this request has been cleared with the minority side of the Budget Committee.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from California?

There was no objection.

ORGAN DONOR AWARENESS WEEK

(Mr. GORDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORDON. Mr. Speaker, today, the gentleman from Washington [Mr. MORRISON] and I are introducing a resolution that may be a lifesaver for many Americans. This resolution will designate the third week of April as Organ Donor Awareness Week.

The importance of this bill to encourage organ donation cannot be overstated. It is literally a matter of life and death for thousands of people.

I visited the organ transplant program at Vanderbilt University's Medical Center and met with men and women who face certain death without a transplant. Death for these people is not a vague possibility. It is coming soon and it has a timetable.

There may be as many as 20,000 potential organ donors this year who could provide the gift of life for the 19,000 needy individuals on waiting lists for ograns. Yet, less than one-fourth of these potential donors will have organs donated.

The only solution is to increase public awareness about the benefits of organ donation. That is what Organ Donor Awareness Week will do. I urge all of my colleagues to support this resolution. It's the gift of life.

GENERAL SCHWARZKOPF SELECTED AS GRAND MARSHAL OF KENTUCKY DERBY FESTIVAL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, later today the House will take up the bill, S. 534, to grant a Congressional Gold Medal to Gen. H. Norman Schwarzkopf for his valor in the way he conducted Operation Desert Storm. Soon thereafter we will take up another bill to provide a gold medal for Gen. Colin Powell. Both medals are well-earned.

This is propitious, particularly with respect to General Schwarzkopf, because just yesterday it was announced that the general will be the parade marshal at the annual Kentucky Derby Festival Pegasus Parade, which is to be held in my hometown of Louisville, KY.

Actually, the excitement level of Derby Week should be raised by having General Schwarzkopf with us. The theme of the event, which had already been selected, is to show honor and commitment to America's veterans, not just of Operation Desert Storm but of all our wars.

We offer our congratulations to Dan Mangiot, who is the president of the Kentucky Derby Festival, to Dave Higgins, and to Tom O'Hearn, who helped pull this off.

The Kentucky Derby, as we all know, is the biggest event in thoroughbred horseracing. It happens also to be one of the biggest events in all sports. It takes exactly that kind of a big event to properly showcase the big talents and the big contributions of Gen. "Stormin' Norman" Schwarzkopf. We are looking forward to having him in our community.

THE WORKING SENIORS EQUITY ACT

(Mrs. MINK asked and was given permisison to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I rise today to urge my colleagues to support the Working Seniors Equity Act of 1991. This legislation, which I have introduced today, would exempt persons over the age of 65 years who continue to work, and who do not collect any Social Security benefits from paying the Federal Insurance Contributions Act tax.

More and more individuals over retirement age knowingly choose to continue working full time because they need or want to. Many are self-employed and are dedicated to the continuance of their businesses.

Current law does not allow senior citizens to work while collecting Social Security benefits unless their earnings fall under the cap of the earnings test of $9,720 a year. Those who chose to work, postpone their receipt of Social Security benefits but irreconcilably continue to be taxed upon their earnings. This is an inequity which should be corrected, unless we mean to only give lip service to the idea that seniors should be encouraged to continue working if they want to.

Not drawing on their Social Security benefits should be recognized as a contribution and those earnings received after 65 should not be taxed under FICA.

The Working Seniors Equity Act will give working seniors recognition by allowing them to be exempt from paying Social Security taxes on their earnings. It must be noted that these earnings, since not taxed under FICA, would not be used to compute their Social Security benefits when they retire. The benefits computation would be based on a person's earnings record up to age 65. By the same token, decreasing earnings after age 65 years would not prejudice the benefits calculation. However, seniors who are still at the height of their earning potential would have under this bill the option of continuing to pay the FICA tax, so that their earnings could be used to further compute their benefits.

Mr. Speaker, it is time that we make more equitable the FICA tax policy and free from taxation seniors who after reaching age 65 years opt to continue working. As our lifespan increases, more persons will continue to work long after age 65 years, and since they do not draw down the Social Security trust fund, though eligible, these people ought not to be taxed.

□ 1250

UNFAIR TRADE BARRIERS MUST COME DOWN

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, 10 pounds of rice can say a lot about unfair trading practices. At a Tokyo food fair recently, a group representing the U.S. rice industry was threatened with arrest and shown the door after attempting to display a few small bags of American grown rice. According to Japanese officials, the display of American rice is a threat to their national security. I doubt if many of our Nation's rice producers know they have such an offensive weapon in their rice fields.

The truth be known, the Japanese are simply using this policy as an easy way to deny the American rice farmer access to this growing market. Competing against our world competitors is always difficult, but possible. Competing against a world competitor that will not open their markets is next to impossible. U.S. rice producers have endured Japanese roadblocks long enough. Our trade deficit with Japan is in billions of dollars and it continues to grow. Tragically, the persistent restriction of U.S. rice imports has only assured the flow of more U.S. trade dollars across the pacific.

As we pass through a threshold of change in the world community, the leaders of Japan must know that their restrictive agricultural policies no longer have a place in an evolving world order. Equally important, our Nation's rice farmers have a role to play in future international trade but this will be difficult to achieve until many of these unfair trade barriers, like the Japanese maintain, are torn down.

The American rice farmer is no stranger to international trade disputes. Without a doubt, a majority of our domestic farm producers are advocates of fair trade and indeed support our Government's efforts to open new markets and expand old ones. The American farmer has no grudge against the people of Japan; however, their established practice of restricting the import of foreign rice products will continue to erode our mutual trade relationship until the unjust nature of these rice import constraints are finally removed.

In 1990 we won the cold war. In 1991 we won the Persian Gulf war. Now, we have the opportunity to redouble our energies to win the trade war. The farmers of this Nation continue to look to the White House and Congress for hope in removing world trade barriers and our efforts must remain constant until this goal is achieved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the provisions of clause 5 of rule I, the chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on both motions to suspend the rules and prior to the vote on H.R. 1047, postponed from Wednesday, April 10.

GOLD MEDAL TO GEN. H. NORMAN SCHWARZKOPF

Mr. TORRES. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 534) to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public.

The Clerk read as follows:

S. 534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) General H. Norman Schwarzkopf, Commander-in-Chief, United States Central Command, has valiantly directed United States and coalition armed forces in Operation Desert Storm, culminating in the successful liberation of the nation of Kuwait pursuant to United Nations resolutions;

(2) the United States and coalition forces under the command of General Schwarzkopf quickly, decisively, and completely defeated the fourth largest ground army in the world, while minimizing coalition casualties and collateral civilian damage;

(3) the United States and coalition forces under the command of General Schwarzkopf achieved the correct and justified objectives established by the President and the heads of State and governments of coalition forces;

(4) the victory of United States and coalition forces successfully liberated the people of Kuwait, leading to greater stability and order in the region;

(5) the logistics train established to support Operation Desert Storm was fundamental to the success of the coalition effort; and

(6) General Schwarzkopf, together with his able staff and subordinate commanders, has led the men and women of the Armed Forces of the United States in an achievement unparalleled in United States military history.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to General H. Norman Schwarzkopf a gold medal of appropriate design in recognition of his exemplary performance as a military leader in coordinating the planning, strategy, and execution of the United States combat action and his invaluable contributions to the United States and to the liberation of Kuwait as Commander-in-Chief, United States Central Command.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $30,000 to carry out section 2.

(b) PROCEEDS OF SALES.—Amounts received from sales of duplicate bronze medals under section 3 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. TORRES] will be recognized for 20 minutes, and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to honor Gen. Norman Schwarzkopf, commander-in-chief, U.S. Central Command. As the chairman of the Banking Subcommittee on Consumer Affairs and Coinage and a veteran of the U.S. Army, I would like to extend my gratitude to General Schwarzkopf for leading the coalition forces to victory.

His brilliant tactics and forceful leadership will be remembered for generations to come.

General Schwarzkopf is a man that quickly gained the respect of the American public through his competence and candor. He captured the feeling of elation as the war came to an end when he stated that the death toll was "almost miraculous," but thought twice and said, . . . "it will never be miraculous to the families of those people, who died." General Schwarzkopf when asked to describe himself said:

> I don't consider myself dovish and I certainly don't consider myself hawkish. Maybe I would describe myself as owlish—that is, wise enough to understand that you want to do everything possible to avoid war, that once you're committed to war then be ferocious enough to do whatever is necessary . . . to get it over with as quickly as possible.

This he did.

He has gone from second lieutenant all the way to four-star general. As a graduate of West Point with a master's in engineering, his colleagues expected him to go into artillery. Instead he chose the infantry and has grown from there.

The Gold Medal that Congress would like to award to General Schwarzkopf will pay a small tribute to his years of service. General Schwarzkopf provided the cohesion and diplomatic fortitude to hold together the American forces of over 500,000 and an additional 200,000 allied forces.

I would like to urge my colleagues to support this bill to honor Gen. Norman Schwarzkopf.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 534, to award a gold medal to Gen. H. Norman Schwarzkopf

A year ago, the name Schwarzkopf was not exactly a household word. And while his fame and notoriety are recent, his outstanding record of service to our Nation goes back nearly 40 years.

H. Norman Schwarzkopf was born in 1934 to a historically prominent family in Trenton, NJ.

In 1956, he graduated in the top 10 percent of his class from West Point. He has served a variety of duties, including two combat tours of Vietnam.

During one of those tours, it is well documented that then-Lieutenant Colonel Schwarzkopf landed by helicopter in a minefield to rescue soldiers under his command who were trapped there. By crawling through the minefield, he was able to reach and save one of the soldiers who had been wounded by a mine blast.

General Schwarzkopf himself was wounded twice in Vietnam.

In fact, the only flaw I can find in this man's background is the fact that he received a masters degree from USC. As a graduate of UCLA, I am required to be somewhat critical of his choice of schools.

In 1988, General Schwarzkopf became commander in chief of the U.S. Central Command. It was from there that he considered and prepared a number of contingency plans for handling a crisis in the Middle East.

In August 1990, the crisis became a reality with Saddam Hussein's invasion of Kuwait.

Norman Schwarzkopf did not want war. He is quoted as saying:

> War is a profanity. I don't consider myself dovish and I certainly don't consider myself hawkish. Maybe I would describe myself as owlish—that is wise enough to understand

> that you want to do everything possible to avoid war; that once you are committed to war, then be ferocious enough to do whatever is necessary to get it over with as quickly as possible in victory.

In the largest military operation since the Vietnam war, General Schwarzkopf designed and implemented that strategy with stunning success.

The purpose of this legislation is to commemorate that success.

It is an expression of appreciation on behalf of a grateful nation.

It is an award that every man and woman who served in the Persian Gulf should be proud of—because they share the success of their commander.

Among the proudest people, I am sure, are the General's family—his wife Brenda, and daughters Cynthia and Jessica, and son, Christian.

General Schwarzkopf, this award is well deserved, and we, on behalf of the people of the United States, thank you.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. TORRES. Mr. Speaker, I yield 7 minutes to the gentleman from Florida [Mr. HUTTO], a distinguished cosponsor of the House bill.

Mr. HUTTO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of S. 534, a companion bill to H.R. 1296, which is my bill to authorize the President of the United States to award the Congressional Gold Medal to Gen. H. Norman Schwarzkopf and to provide for the production of bronze duplicates of such medal for sale to the public. I hope that we will get an overwhelming vote on this measure as more than 260 Members of this body have signed on as cosponsors of H.R. 1296.

Mr. Speaker, it is altogether appropriate on this day on which the United Nations' final cease-fire has gone into effect that we pay tribute to the valiant performance of our men and women and their leader in Operation Desert Storm. Although there are many problems remaining in the Middle East, the war is over. In passing this legislation, we are paying tribute to those who were willing to put their lives on the line for the cause of freedom by presenting the Congressional Gold Medal to their leader Gen. H. Norman Schwarzkopf. It was through his leadership of the coalition forces that the mission was accomplished. Kuwait was freed of the presence of the Iraqi forces of Saddam Hussein who pillaged, raped, and devastated that country. General Schwarzkopf, commander in chief, U.S. Central Command, was the outstanding leader of the Persian Gulf war whose inspirational leadership made us all proud to be an American. Our troops, under his leadership, did a fantastic job of defeating the forces of Saddam Hussein while minimizing coalition casualties.

We had no desire to go to war. But we will defend freedom. The victory was quick and decisive.

We deplore the inhumanities and atrocities that Saddam Hussein has inflicted upon his people and we are helping the desperate people of that troubled country in a humanitarian way at this time.

I believe that we have achieved goals in this war far beyond the Iraqi invasion and occupation of Kuwait. I am speaking of our stripping from Iraq the ability to wage nuclear, chemical, and biological warfare. Had we not done what we did there is no doubt in my mind that in future years Saddam Hussein would have been a tremendous threat not just in the Middle East but to the world. The decisive leadership of General Schwarzkopf, as the in-theater commander of the Persian Gulf war makes him worthy of public gratitude.

Mr. Speaker, this legislation authorizes the President, on behalf of the Congress, to present the Congressional Gold Medal of appropriate design in recognition of General Schwarzkopf's exemplary performance as a military leader in coordinating the planning, strategy, and execution of the coalition action and his invaluable contributions to the United States and the free world as commander in chief, U.S. Central Command. The legislation provides that the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions. It further provides that the Secretary may strike bronze duplicates for the gold medal and may sell such bronze duplicates at a price sufficient to cover the cost thereof.

Since 1776 the Congressional Gold Medal has been given to such diverse individuals as Sir Winston Churchill, Bob Hope, George Washington, Gens. George Marshall and Douglas MacArthur.

Mr. Speaker, I believe I should clarify the difference in the Congressional Gold Medal and the so-called Congressional Medal of Honor. The Congress established the first permanent American military decoration with the creation of the Medal of Honor in the early 1860's. Although this medal was also to be presented in the name of the Congress of the United States and today is often referred to as the Congressional Medal of Honor, the regulations for awarding the Medal of Honor have from the beginning been the responsibility of the armed services. So there is a clear distinction between the Medal of Honor, which is a military award, and Congressional Gold Medals which are authorized by Congress to honor particular individuals and events, not just the military. For example, during the Civil War more than 1,500 Americans were awarded the Medal of Honor, but only one individual, Ulysses S. Grant, received a Congressional Gold Medal. Thirty-five years were to pass before Congress would bestow the award on another American military leader.

The war is over. The victory has been won. I hope my colleagues will join me in overwhelmingly passing this legislation to award the Congressional Gold Medal to Gen. H. Norman Schwarzkopf, the valiant leader of those who history will recognize for their service to America and the free world.

Mr. McCANDLESS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD], the distinguished minority leader of the Foreign Affairs Committee.

Mr. BROOMFIELD. Mr. Speaker, at the outset I want to pay tribute to the gentlemen from California, Mr. TORRES and Mr. McCANDLESS, the chairman and vice chairman of the Subcommittee on Consumer Affairs and Coinage of the Committee on Banking, Finance and Urban Affairs, for bringing this legislation to the floor today.

Mr. Speaker, I want to say right off the bat that Norman Schwarzkopf is a standout. He is a soldier's soldier, a general's general, a supremely competent commander, a brilliant strategist, a man who has the confidence of his troops, his President, the Congress and the American people. He is truly deserving of the Congressional Gold Medal.

I am sure that historians of the future will be asked to assess the reasons that America and its allies so handily won the war in the Persian Gulf.

They will no doubt point to our high-technology weapons. They will mention the strength of our coalition and the support it received from the world community. They will mention the demoralization of the Iraqi Army and the Iraqi people. They will cite the strategic stupidities committed by Saddam Hussein.

But above all, they will point to the man who led our forces into battle, who gave our troops the confidence that they could win, who developed the strategy that ended a major land war in 100 hours with few American casualties, who restored America's belief that it could once again successfully protect its interests and project its ideals around the world.

It was only a few short months ago that a chorus of pessimists was predicting imminent American defeat in the Middle East. They said American troops can't possibly fight in those conditions. The Republican Guard will chew up American soldiers. There may be as many as 20,000 American casualties. It will be another Vietnam, a quagmire in the desert. The coalition will break up, and then where will America be?

Fortunately, Norman Schwarzkopf knew better. He knew that there's nothing American soldiers can't accomplish if they are given the tools and the leadership to get the job done.

Stormin' Norman said "Charge," and that's just what our brave American troops did, charge right through all the pessimism, the bugbears, the hobgoblins, the needless fears created by years of American self-criticism.

The Gulf war is over, and so finally is the Vietnam war. Now America can get back to its tradition of providing confident and generous leadership to the rest of the nations in the free world.

Yes, Mr. Speaker, America is back, thanks in no small measure to the leadership of Norman Schwarzkopf. America owes him a great debt of gratitude, and Congress could do no better than to bestow on him its most prestigious award—the Congressional Gold Medal.

I urge my colleagues to vote for this important bill.

Mr. TORRES. Mr. Speaker, I would ask the Chair how much time I have remaining.

The SPEAKER pro tempore. (Mr. MCNULTY). The gentleman from California [Mr. TORRES) has 11 minutes remaining, and the gentleman from California [Mr. MCCANDLESS] has 14 minutes remaining.

Mr. TORRES. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MCCANDLESS. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding the time and I am pleased to rise in support of S. 534 and S. 565, authorizing Gold Medals for Gen. H. Norman Schwarzkopf and Gen. Colin L. Powell. And I would like to take this opportunity to commend the House sponsor, the gentleman from Florida [Mr. HUTTO] and the gentleman from Wisconsin [Mr. ASPIN] for their diligent expeditious work on these two measures and for the favorable consideration of the gentleman from California [Mr. TORRES] and the gentleman from California [Mr. MCCANDLESS] the leaders of the Subcommittee on Consensus Affairs and Coinage.

Not only is the presentation of these medals a befitting tribute to our outstanding Gens. Norman Schwarzkopf and Colin Powell, it represents the wholehearted appreciation of the American people for our men and women serving in the Armed Forces of the United States.

Mr. Speaker, over the past months we have all been glued to our TV sets intently observing the fast moving events in the Persian Gulf. What has been most impressive to all of us is the courageous manner and high level of competence of our brave men and women fulfilling their responsibilities in our Armed Forces. Our Armed Forces are the cream of the crop. Our service men and women represent the best trained force that our Nation has seen. Our hearts swell with pride with their impeccable, effective performance under fire.

A great deal of the credit and responsibility for the quality of our Armed Forces rests upon these leaders who we honor today and who with their dedication and competence, have made possible the Allies' stunning success in the Persian Gulf.

Mr. Speaker, I am pleased to rise in support of this important measure, and I urge my colleagues to join in their support.

☐ 1310

Mr. MCCANDLESS. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for those eloquent remarks.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I want to congratulate the gentleman from California [Mr. TORRES] and the gentleman from California [Mr. MCCANDLESS], and the entire committee for the wonderful work they have done in this legislation. It is certainly a tribute not only to two outstanding Americans, but also to their entire committee.

Rarely in the course of history does the confluence of events create the opportunity for men to prove their abilities. Few of us will ever be able to look back at a particular point in our lives and be able to claim that we shaped the world in which we live. Gen. Colin Powell and Gen. Norman Schwarzkopf are two men who will be able to make that claim.

General Powell, Chairman of the Joint Chiefs of Staff of the best and most capable military in the world, was not born a member of the privileged elite, but rather into the home of a working class family. The road to Chairman of the Joint Chiefs took him through Vietnam and the agony of America's experience in that war.

General Powell's commitment to his country continued as he served the Reagan administration in several posts, before receiving the assignment as Chairman of the Joint Chiefs, over several more senior officers. During Operation Desert Storm, he proved why he deserved the highest post in the military.

He orchestrated the initial deployment to Saudi Arabia to defend against an imminent invasion by Saddam's legions. Later, he advised the President to double the deployment, a move that General Powell knew would draw fire from Congress. It was a move that won the war.

As the day to launch the ground war drew near, last ditch negotiations threatened to unhinge the entire operation. It was Gen. Colin Powell who gave the President his best advice—to set a deadline that Saddam would have to meet that also held together the diverse coalition of allies. President Bush's decision to follow General Powell's advice solidified the alliance, slammed the door on Saddam's aggression, and reestablished America's leadership in the world.

And while General Powell was leading the orchestra here in the United States, General Schwarzkopf was making sure that all the players in the international orchestra we assembled were playing off the same sheet of music.

Having anticipated Iraqi aggression a year prior to the August 1990 invasion, General Schwarzkopf had already written the score for what would become Desert Shield, and later Desert Storm. Soon, we found that his foresight was less speculation and more an educated hunch based on his experience.

General Schwarzkopf was born into a military family and spent many years in the Mideast. His knowledge of the region convinced him of its instability and he believed strongly in the possibility of a Mideast war when others were focused on Europe and the cold war.

During the war, we only caught glimpses of the General who liked to compare his strategy with that of Alexander the Great, but described it with 20th century football lingo.

Not until the campaign-ending press conference was all of America finally able to gauge the man they call the "Teddy Bear with a Temper."

In General Schwarzkopf, America found a man of dedication to his troops, his country and his mission. They found a general who knew how to fight a war, and a soldier who understood the sacrifices his troops were making every day.

General Schwarzkopf's masterful handling of the press was surpassed only by this brilliant planning of operation Desert Storm. The careful attention to detail and precise execution were coupled with an understanding of the foot soldier's needs—these are the qualities that made General Schwarzkopf's Desert Storm the campaign known as the 100 hours war. It is a campaign that will be studied by military historians for the rest of time. It is a great accomplishment upon which a man can hang his hat, or helmet as the case may be, as he nears retirement.

Both General Schwarzkopf and Gen. Colin Powell have demonstrated qualities that make us all proud to be Americans. They deserve every bit of the thanks and honor these two medals symbolize. They have earned their rightful place in history as examples of America's best.

Mr. MCCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was reported that one of General Schwarzkopf's military heroes was General Grant.

In December of 1863 following the siege of Vicksburg, President Abraham Lincoln sent a message to General Grant.

That message, in the phrases of the times, is as appropriate today as it was over a hundred years ago. In the words of Lincoln:

> I wish to tender you, and all under your command, my more than thanks, my profoundest gratitude, for the skill, courage, and perseverance with which you and they, over so great difficulties, have effected that important object. God bless you all.

Mr. Speaker, I yield back the balance of my time.

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume, and I would like to address my colleagues in saying that what we are doing today in awarding a gold medal to Gen. Norman Schwarzkopf follows in a great tradition of this Nation in awarding such medals to great military leaders as we have in the past.

Congress, as has already been stated, has bestowed this medal to George Washington, to John Paul Jones, to General Pershing of World War I, to Generals Marshall and Eisenhower and MacArthur of World War II. A great distinction to our American military leaders.

Certainly today, as the bill calls for, I would urge my colleagues here assembled that we pass this historical bill commemorating a great American military leader, Gen. Norman Schwarzkopf.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of S. 534, the bill to authorize and award a Congressional Gold Medal to Gen. H. Norman Schwarzkopf.

Colleagues on both sides of the aisle have risen today to salute the outstanding job General Schwarzkopf did as supreme commander of United States and allied forces in the Persian Gulf war. His experience and strong leadership were key ingredients in shaping a brilliant plan and in seeing that it was executed. The result was a total victory. The tactics employed by allied ground, air, and naval forces will be written about by military historians and taught by military strategists for years to come.

General Schwarzkopf will say that the true heroes of this operation were the men and women of our United States and allied force, who put their lives on the line in the Persian Gulf, and no one can argue with that. But he deserves much credit for putting it all together and making the tough decisions.

This gold medal is a way to show the appreciation of the Congress and the Nation for what General Schwarzkopf and our military forces achieved in the Persian Gulf. It is well deserved and I support this effort completely.

Mr. PACKARD. Mr. Speaker, I rise in support of legislation to award a Congressional Gold Medal to General Schwarzkopf and General Powell in recognition of their leadership in Operation Desert Storm.

As the Representative of California's 43d District, my concern about our troops was heightened since 40,000 of the marines deployed to the gulf are from Camp Pendleton, which is in my district. While I mourn for those Camp Pendleton marines who did not return alive, I am grateful that virtually all of the marines from my district have and will return home alive and well. I believe this fact is owed directly to the skill and expertise exemplified by General Schwarzkopf and General Powell.

I believe history will prove that these great men managed to pull off one of the most brilliant military offensives in modern history. With allied casualties far below the most optimistic estimate, Generals Schwarzkopf and Powell led the allied coalition in a crushing defeat of the Iraqi army and the widely feared republican guard. Every man and woman serving in the gulf and every member of their family owe a personal thanks to General Schwarzkopf and General Powell. I extend my thanks and commendation to these men and wholeheartedly support this well-deserved commendation.

Mr. ASPIN. Mr. Speaker, I rise in support of the Senate bill, S. 534, to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf. General Schwarzkopf, as commander in chief, U.S. Central Command, provided distinguished leadership in conceiving and executing the military strategy that resulted in the successful, liberation of Kuwait, with a minimum loss of lives.

With the congressional direction to the Secretary of the Treasury that the Congressional Gold Medal be struck and presented to General Schwarzkopf, General Schwarzkopf joins a distinguished group of prior military commanders who have received this award, inluding: Gen. George Washington, in recognition of his wise and spirited conduct in the seige and acquisition of Boston; and General of the Armies of the United States John J. Pershing, for his peerless leadership, heroic achievements, and great military victories, as commander in chief of the American Expeditionary Forces in Europe in World War I.

General Schwarzkopf, due to the changes made by the Goldwater-Nichols Act, had a unique opportunity to prove that congressional actions to free our combatant commanders from organizational obstacles that might inhibit their ability to act, was the right course of action. With the passage of Goldwater-Nichols, Congress took action to ensure that the vast responsibilities shouldered by our country's combatant commanders were accompanied by the authorities necessary to carry out their military missions. While we have not had an opportunity to examine the operation in any detail, everything we have heard so far indicates that these changes in organizational and command structure played a large part in our military's ability to so successfully carry out Operations Desert Shield and Desert Storm. There is no doubt in my mind, however, that these changes would not have been as successful without the leadership of Gen. Norman Schwarzkopf.

Our Nation cannot thank him enough for his dedication and contributions during this conflict, and I am proud that the Congress is recognizing his efforts in this manner.

Mr. ANNUNZIO. Mr. Speaker, any war is terrible, but there are times when the United States feels its must wage a military effort in order to defend a friend from being the victim of an act of aggression by a neighboring bully. That is what the United States did when our forces were sent to the Persian Gulf to liberate the nation of Kuwait from the inhumane tyranny of Iraq's cruel ruler, Saddam Hussein.

And, as often is the case, when the United States must engage in a war, our military leaders become true heroes. It is for that reason that I support the legislation to authorize the President to award the Congressional Gold Medal on behalf of Congress, to the commander of the U.S. Central Command and head of the American-led coalition forces in the Middle East, and to provide for the production of bronzed duplicates of the medal for sale to the public.

The leadership of General Schwarzkopf during the Persian Gulf war makes him worthy of congressional recognition. In the battle against Saddam Husein, he led our forces to a quick victory.

Since 1776, the Congress has authorized Congressional Gold Medals for more than 100 individuals and the American Red Cross. Few military leaders have been so honored. General of the Army George Marshall, Gen. John Pershing, Gen, Douglas MacArthur, and Adm. Hyman Rickover. It is appropriate that General Schwarzkopf join this distinguished list of military heroes.

In authorizing this medal, I believe it should be made clear that Congress not only honors General Schwarzkopf, but also the thousands of military men and women who, under his leadership, planned and carried out Operation Desert Shield and Storm so successfully.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise in proud support of S. 534 and S. 565.

Now that the guns have fallen silent and we watch with joy the return of our military, it is time to reflect on the success of liberty over aggression in Kuwait.

It is fitting that the Congress pay tribute to two of our finest soldiers—Gen. H. Norman Schwarzkopf and Gen. Colin L. Powell, commander of the Joint Chiefs of Staff.

Without their intelligence, compassion and dedication to duty, the war against the brutal forces of Iraq would never have been conducted in such a victorious manner.

The strength of any military is built on the backs of the men and women on the front lines.

Both General Schwarzkopf and General Powell have been on the front lines, as enlisted men, and as leaders of the world's greatest military power.

They learned from the mistakes of the past, and maintained a level of professionalism seldom seen in modern warfare.

Aside from the purely military skills both displayed, General Schwarzkopf and General Powell projected American policy in a forthright way and effectively held together, from an operational standpoint, a wide spectrum of coalition forces united in the struggle for freedom.

Not since the Second World War, had there been as many and diverse military allies united for one purpose.

They never strayed from their objectives, nor gloated when the flags of surrender were waived by the Iraqi Army.

General Powell and General Schwarzkopf conducted a war that is indictative of our military today—proud, professional and supported by the men and women of our country.

There are few individuals, who have served their country, who are more deserving of gold medals.

Both are American success stories who have made their country a symbol of freedom for the world to envy.

Mr. TORRES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the Senate bill, S. 534.

The question was taken.

Mr. MCCANDLESS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GOLD MEDAL TO GEN. COLIN L. POWELL

Mr. TORRES. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 565) to authorize the President to award a gold medal on behalf of the Congress to Gen. Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

The Clerk read as follows:

S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that:

(1) General Colin L. Powell, the Chairman of the Joint Chiefs, the principal military adviser to the President, the National Security Council, and the Secretary of Defense has displayed an extraordinary degree of leadership, competence and professionalism fulfilling his statutory responsibilities throughout Operation Desert Shield and Operation Desert Storm.

(2) The leadership, competence and professionalism of General Powell and his subordinates, officers and noncommissioned officers, have instilled great confidence and pride in the Armed Forces of the United States which contributed significantly to the successful prosecution of the Persian Gulf War.

(3) General Powell and his subordinates brilliantly planned and coordinated at the national level the highly rapid and successful mobilization and deployment of more than one-half million men and women of the Armed Forces of the United States to the Persian Gulf region.

(4) General Powell's leadership and foresight were directly responsible for ensuring that sufficient military forces and logistics were committed to the foregoing operations in a timely manner to bring about a swift and decisive military victory with casualties and loss of life at levels so low as to be unprecedented in the annals of military operations by any nation.

(5) The superb coordination among allied forces and the unique and exceptional command arrangements which produced the highly effective chain of command within the allied coalition is directly attributed to the military competence, and extraordinary leadership of General Powell.

(6) As the principal military adviser to the President of the United States, the National Security Council, and the Secretary of Defense, General Powell's clear and farsighted assessments, judgments and recommendations were invaluable and instrumental in the timely and decisive military actions directed by the President which resulted in Iraqi compliance with all United Nations resolutions related to the Iraqi invasion and occupation of Kuwait.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to General Colin L. Powell a gold medal of appropriate design in recognition of his exemplary performance as a military leader and advisor to the President in planning and coordinating the military response of the United States to the Iraqi invasion of Kuwait and the ultimate retreat and defeat of Iraq forces and Iraqi acceptance of all United Nations Resolutions relating to Kuwait.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereinafter referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 3, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $30,000 to carry out section 2.

(b) PROCEEDS OF SALES.—Amounts received from sales of duplicate bronze medals under section 3 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).

The SPEAKER pro tempore. Purusant to the rule, the gentleman from California [Mr. TORRES] will be recognized for 20 minutes and the gentleman from California [Mr. MCCANDLESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to commend Gen. Colin Powell for complementing General Schwarzkopf's leadership in the Persian Gulf. He has brought new luster to military careers. He will become a role model for many young Americans. He has said to young men and women that, "there are no secrets to success. Don't waste time looking for them. Success is the result of perfection, hard work, (and) learning from failure."

I recognize the achievement of this great military leader. As Steven Roberts wrote in U.S. News and World Report, General Powell "has become a fusion of two noble national goals, racial progress and military power."

I strongly support this measure to award General Powell with a Congressional Gold Medal. Generals Schwarzkopf and Powell have earned the respect of the American public for their clear-headed leadership of the coalition forces in the Persian Gulf.

General Powell's calm demeanor before the press gave the American public the needed assurance that all would end well. The military decisions made by both Generals Schwarzkopf and Powell provided the successful plan by which the coalition forces could win the war.

The Congressional Gold Medal that will be awarded to Generals Schwarzkopf and Powell will put them in the company of other great leaders in the past. Congress first bestowed this medal to Gen. George Washington. John Paul Jones, General Pershing of World War I, Generals Marshall, Eisenhower, and MacArthur, have also received this high honor.

Mr. Speaker, I am proud to honor General Powell and those who served under his command.

□ 1320

Mr. MCCANDLESS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Gen. Colin Luther Powell has a long and distinguished record of military service.

A native of New York, and the son of Jamaican immigrants, Colin Powell was commissioned a second lieutenant in 1958.

His sure and steady rise from the streets of the South Bronx to the Nation's highest military post have not surprised those who know him.

He served two tours in Vietnam. One story goes, that when his first child was born, he was so far in the jungle that the news didn't reach him for 3 weeks. He received a Soldier's Medal for valor for rescuing his commanding officer from a burning helicopter.

General Powell has long been known for being direct, and cool under pressure. At the age of 54, he became the youngest officer ever to be named the Chairman of the Joint Chiefs of Staff. However, few people have ever taken that job as well prepared as Colin Powell.

Our friend, and former colleague, Secretary Dick Cheney has described his relationship with General Powell as "a continuing tutorial on the U.S. military."

The restoration of the confidence of, and the confidence in, our Armed Forces bear the marks of General Powell.

When the crisis in the Middle East erupted, perhaps it was his experience in Vietnam that brought him to be an advocate of overwhelming and decisive action.

He rejected limited action, saying:

> Those strategies are not decisive; they are not success oriented. Such strategies are designed to hope to win. They are not designed to win.

While he let the generals in the field work out the details of the war plan, he was very much involved, visiting Saudi Arabia in December and February, and speaking to General Schwartzkopf several times a day. The final plan contained a number of his suggestions.

Without question, Colin Powell is a major reason why the President, the Secretary of Defense, and the Nation as a whole, showed tremendous confidence in the men and women of our Armed Forces, and why they were victorious.

With this award, we send General Powell the heartfelt thanks of a grateful nation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD], the distinguished ranking minority member of the Foreign Affairs Committee.

Mr. BROOMFIELD. Mr. Speaker, I would like to pay tribute to the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ], as well as to the gentleman from Ohio [Mr. WYLIE], the vice chairman, and again to the gentleman from California [Mr. TORRES] and to the gentleman from California [Mr. MCCANDLESS], for bringing this important piece of legislation to the floor.

Mr. Speaker, I fully support the awarding of a congressional gold medal to Gen. Colin Powell.

This may have been the most successful, the most conclusive war America has ever fought. It is time to show America's gratitude to the people who made this possible.

It has been said that victory has a thousand fathers. There is no question that the battlefield success of America's coalition was the work of many people—from the President on down to the private in the foxhole.

But it is equally clear that the real burden of responsibility for planning and executing this extraordinary military operation was shared by only a few individuals.

As Chairman of the Joint Chiefs, Gen. Colin Powell directed every aspect of this operation flawlessly. It was an immensely complicated operation—particularly the logistics of getting hundreds of thousands of American soldiers to the front lines.

General Powell's successful direction of this operation not only saved a small country from being swallowed up, but also restored America's faith in itself.

Back in the 1960's, there was a clever slogan, some in this House may remember. It was used by the antiwar movement during the Vietnam conflict. The slogan said: "War is too important to be left to the generals."

In fact, we did not leave the decisionmaking to the military in that war, and I suspect that is one reason we did so poorly.

In 1990, George Bush turned that slogan on its head. He said in effect, if this war is important enough to fight, he would rely on the judgment of those who really know how to fight.

He made a wise decision. He turned the fighting over to the generals, and America won the war.

I believe many people in this world, and maybe a few in this House, were surprised at the professionalism and the real fighting spirit demonstrated by American men and women in uniform.

They may have thought the American military was demoralized by Vietnam. They were wrong.

What kept our military together in the decade-and-a-half since Vietnam was the persistence and hard work of those officers and NCO's who stayed in the military services and quietly built up the greatest fighting force in the world.

No one better exemplifies that love of country and the willingness to persevere through the lean years than General Powell.

No one is more deserving of America's respect and admiration than Colin Powell, and I urge my colleagues to vote for this important legislation.

Mr. Speaker, again I congratulate the gentleman from California [Mr. TORRES] and the gentleman from California [Mr. MCCANDLESS] for bringing this legislation to the floor.

Mr. TORRES. Mr. Speaker, I yield 4 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, the greatest accomplishment of Operation Desert Storm is not the defeat of Saddam Hussein or the liberation of Kuwait. Mr. Speaker, the greatest accomplishment of Operation Desert Storm is the fact that our troops are finally coming home. Every day, we see the smiling faces, the hugs, the tears of joy as families are reunited after months of separation. These reunions are the ultimate accomplishment of Operation Desert Storm.

It is clear that none of this could have happened without the decisive leadership that the United States and the allied commanders showed in leading our forces into 100 hours of victory over the routed Iraqi forces. The strategic genius of Gen. H. Norman Schwarzkopf has been widely recognized and honored. However, today I ask my colleagues to honor one of the many heroes of our war, but one who was a crucial member of the team who created and implemented the strategy which culminated in victory. I speak of Chairman of the Joint Chiefs of Staff, Gen. Colin L. Powell.

General Powell's insight and guidance were imperative to the timing and strategy of Operations Desert Shield and Desert Storm. As principal military adviser to the President, the National Security Council, and the Secretary of Defense, General Powell went beyond his prescribed duties to fulfill the role of key adviser in the most crucial of times. His advice and opinion were primary factors in a strategy which gave us the edge over an enemy that was perceived as outnumbering us and outgunning us. It was his insight and communication with field commanders and subordinates in the military which gave us the advantage necessary to defeat Saddam Hussein.

It is unfortunate that even one American lost his or her life. However, the leadership and planning of General Powell and the field commanders saved the lives of thousands of others. It is to this leadership to which we owe the homecomings we now see.

Throughout, General Powell instilled in us a sense of confidence and professionalism. His cool sense of conviction in our mission sustained the national confidence and carried us through the first tense nights of the air war and into the swift victory on the ground.

Through it all, Colin Powell has not only been a soldier but also a gentleman. It is therefore fitting that the Congress authorize the President to present Gen. Colin L. Powell with a gold medal in recognition of his professionalism, leadership, character, ability, and skill in the allied victory over the forces of Saddam Hussein.

Mr. Speaker, I voice my support for this measure and urge my colleagues to join me in support of this resolution.

□ 1330

Mr. TORRES. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I rise in strong support of S. 565, the measure which would authorize the President of the United States to present the Congressional Gold Medal to Gen. Colin Powell, Chairman of the Joint Chiefs of Staff.

About 3 or 4 years ago our late colleague in the House, Congressman Bill Nichols, the former Senator, Barry Goldwater, got together on a legislative measure that has reformed the Department of Defense. I think we have seen the results of that very important legislation in the outcome of Desert Storm. Among other things, the legislation, the Goldwater-Nichols bill, brought about was to strengthen the role of the Chairman of the Joint Chiefs of Staff as well as to provide more authority to those on location, the in-theater CINC's, commanders in chief. Again, this measure has proven to have been one of the best things that has happened at the Department of Defense for a long, long time.

In strengthening the role of the Chairman of the Joint Chiefs of Staff, no one could have carried out those duties any better, I believe, than the gentleman who occupies that post at this time, Gen. Colin Powell.

As you have already heard today, General Powell has had a very distinguished career in the military, but beyond that he has also served in a number of positions in the public interest and in the political interest.

As you know, he was the National Security Adviser for a number of years before taking his present position as Chairman of the Joint Chiefs of Staff. It has been really wonderful for our committee to watch the operation go forward with General Powell and with Secretary of Defense Dick Cheney. They have worked very well together.

As you know, General Powell has worked exceedingly well with General Schwarzkopf and those in the field. From time to time the Committee on Armed Services has had Secretary Cheney and General Powell come before our committee, and they both do an excellent job of presenting the case for the defense of our Nation and for the free world, and they always do a super job of responding to our questions.

They know how to get the job done, and that has certainly proven true in recent days.

Mr. Speaker, S. 565 is a companion bill to H.R. 1687, introduced by the chairman of the Committee on Armed Services, the gentleman from Wisconsin, the Honorable LES ASPIN, myself, and a number of other people. I am very pleased that we are honoring Colin Powell with the Congressional Gold Medal. He is certainly deserving of this honor. He has served his country really well, and I want to add my strong support for the measure and wish General Powell and his family the very best.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume.

In closing Mr. Speaker, this award notes General Powell's extraordinary foresight, leadership, and professionalism. It is recognition for a man who has served his country to the highest standard.

I urge its adoption.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TORRES. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise today in support of S. 565, a bill that recognizes, by issuance of a gold medal to Gen. Colin Luther Powell that his achievements reflect the values our Nation should represent.

When America looks at Colin Powell, it sees the Chairman of the Joint Chief of Staff, a man who helped lead this Nation to strategic military victory in the Persian Gulf. For this accomplishment, all Americans can be proud. My focus today, however, reflects upon the personal achievements of General Powell that many in this country may not immediately recognize. I am here to highlight the accomplishments of an African-American man who earned his bachelor of science degree from New York State University and his master of business administration degree from George Washington University, a man who has risen through the ranks, earning promotion after promotion to finally become one of only four African-Americans to earn four star general status.

General Powell is a role model for many African-Americans who question their ability to succeed in traditionally white-dominated occupations. His leadership is especially important because minorities, and African-Americans in particular, are so highly represented in the Armed Forces today.

So I congratulate General Powell for his leadership, his commitment to his country, and his ability to beat the odds and reach beyond traditional expectations. Our Nation is fortunate to have such a great American.

Mr. TORRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply close at this time by saying to my colleagues assembled that I want to associate myself with the laudatory words of the previous speaker, my colleague from California, Los Angeles, an area of this country, a part of this country that has paid great tribute to General Powell.

Mr. Speaker, I would like at this time to acknowledge that the Los Angeles Times has printed an outstanding story on the man we honor today, and I include it at this point in the RECORD.

The Los Angeles Times article follows:

[From the Los Angeles Times Magazine, Apr. 7, 1991]

FOUR-STAR POWER

(By Rudy Abramson and John Broder)

MIDMORNING IN THE MIDDLE EAST. Acrid smoke rises from hundreds of fires around Baghdad. Flames lick the turrets of mangled Iraqi tanks in Kuwait. From runways in Saudi Arabia and catapults on aircraft carrier decks in the Persian Gulf, one screaming warplane follows another into a new day, bound for Iraq, bound for the bunkers of Saddam Hussein's dug-in troops. The demolition of an army is under way. The desert has become a slaughterhouse.

In Washington, it is midnight, and just down the broad outer ring of the Pentagon from the war room, the chairman of the Joint Chiefs of Staff, in his huge, dimly lighted office, slips out of his green dress uniform. On a leather sofa, Gen. Colin L. Powell pulls a blanket over himself and falls asleep beneath a painting of West Point's first black graduate leading a cavalry patrol across the Great Plains.

It has been 20 hours since Powell last slept, but he will be up again before dawn and back in the command center for another day as ringmaster of the mightiest military offensive since the Allies stormed the shores of Normandy. Nearly a week of war will pass before he spends a night at home in his elegant quarters three miles away at Fort Myer, Va., overlooking the capitol. By then, the destruction of the Iraqi army by night and day air strikes will have become chillingly systematic, what one Pentagon planner calls "almost an industrial operation."

After a week of this relentless pounding, Powell appears in the Pentagon briefing room to lay out what is in store for the Iraqi legion that overran Kuwait.

"Our strategy for going after this army is very, very simple," the general says to the American people. "First we are going to cut it off, and then we are going to kill it."

It was not a threat. It was a promise.

That bluntness seared Colin Powell into the national consciousness. It was a defining moment for the country's premier soldier, who is emerging as perhaps the most influential American military leader in half a century. With the armed forces basking in public admiration unseen since Johnny came marching home at the end of World War II, Powell has become a folk hero—a living, breathing recruiting poster with a beer-barrel chest, a blacksmith's arms and the bearing of a centurion. Suddenly, he is being immortalized on posters and bubble-gum cards, hounded by autograph seekers and, more significantly, promoted as a potential candidate for national office.

While the Gulf War made Powell a symbol of a reinvigorated military, the general remains an enigmatic figure, more compelling yet more distant than most of his predecessors. He is neither a combat hero nor an intellectual. He lacks the glittery command credentials of previous chairman, World War II generals such as Maxwell Taylor and Omar Bradley; his academic background pales beside the Princeton Ph.D. of his predecessor, Adm. William J. Crowe Jr. Powell's name now surfaces in political forecasts, but his views on domestic policy have remained an intriguing mystery. Yet he has built a reputation for plain-spokenness as much as for his recruiting-poster image and formidable coolness under pressure, traits displayed in the White House as well as in the Pentagon.

The most remarkable feature about Colin Powell has been his long, sure and steady ascent. From the streets of the South Bronx to the war room of the Pentagon, his career has proceeded with the certainty of a laser-guided missile. Some analysis think the ultimate accolade—a fifth star—might follow, putting him in the rarefied company of such leaders as Bradley, Dwight D. Eisenhower and Douglas MacArthur. As the conquering troops return home, two big questions hover about him: Can he manage the brewing postwar political battles as surely as he did the six-week war? And, what lies beyond the Army?

The gun barrels of American tanks are scarcely cool, but casual speculation escalates, creating shimmering images of another Eisenhower. One national poll put Powell's approval rating at an astronomical 86%. Another reported that he was favored by 50% to 23% over Vice President Dan Quayle as President Bush's running mate next year. The surge of 1992 vice presidential speculation gave rise to noticeable Angst on both sides of the Potomac; in a phone call to

Quayle and in public statements, Powell denied having any designs on the vice president's job. But interest in the general's political career has hardly abated.

Like Eisenhower, who was courted by Democrats as much as Republicans before he entered the 1952 GOP primary in New Hampshire, Powell hides his political affiliation behind his medals. Asked about it directly in an interview, he says: "I don't have to answer that. I haven't answered it, and I am not going to answer it. I'm a military officer."

Just turned 54, Powell was the youngest officer ever named chairman of the Joint Chiefs when President Bush jumped him over nearly three dozen more senior officers, including Desert Storm commander H. Norman Schwarzkopf, in 1989. Powell is certain to be named to another two-year term when this one expires in October, and he is eligible for a third.

In Washington, long before he delivered on his curtly bombastic promise to wipe out the Iraqi army, Powell was already being mentioned in the same breath with heroic figures of the American military, including the revered soldier-statesman George C. Marshall, principal architect of U.S. strategy in World War II.

Members of Congress, often skeptical of military leaders, have come to treat him with near awe. When President Bush acknowledged the general's presence before a joint session of Congress last month, members rose in a standing ovation.

"Powell is the greatest military leader this country has produced since World War II," says U.S. Sen. John McCain (R-Ariz.), son and grandson of admirals, himself a former Navy fighter pilot and a prisoner of war in North Vietnam. Before the Gulf War, McCain says, Powell was treated with deference and respect on Capitol Hill. "Now it borders on adulation."

As Marshall resisted the temptation to rush Americans into World War II combat until he was confident the first engagement would end in triumph, Powell has demonstrated a similar, sober caution at the prospect of sending Americans into combat. According to a senior Pentagon official, Secretary of Defense Dick Cheney thought that Powell was slow to recommend military responses to Iraq's invasion of Kuwait because the general doubted that Congress and the Administration would provide him the overwhelming force he considered necessary to do the job.

In the early hours after Kuwait was overrun, the defense secretary wanted a series of military options to present to the President, and he wanted it quickly. But two days passed before Powell delivered the plans. Cheney, says an official close to him, "practically had to turn the building upside down and shake it."

"The whole outfit is conservative," the official continues. "The military instinct around here was to say, 'We can't do this without a substantial ground force, and the politicans will never give us that, so we won't do anything.'"

Powell insists that there was never a moment of foot-dragging. He was, he says, simply determined that if the United States intervened to restore Kuwait independence, it had to move with massive superiority. There would be no more Vietnams. It was an attitude ingrained in a generation of officers who fought in the bitterly divisive conflict, and it became the Bush Administration's mantra. "If we go in, we go in to win," Powell repeatedly told Administration officials and members of Congress, "not to fool around."

After the course was set to eject Saddam Hussein from Kuwait, Powell was the Administration's most forceful public advocate. When two former Joint Chiefs chairmen, Crowe and retired Air Force Gen. David C. Jones, sided with congressional Democrats arguing that economic sanctions or limited use of air power might persuade Iraq to withdraw from Kuwait, Powell launched a frontal attack.

"Many experts, amateurs and others in this town believe that this can be accomplished by such things as surgical air strikes, or perhaps a sustained air strike. And there are a variety of other nice, tidy, alleged low-cost, incremental, may-work options that are floated around with great regularity all over this town," he told the Senate Armed Services Committee in December. "Those strategies may work, but they also may not. . . . These strategies are not decisive; they are not success-oriented. Such strategies are designed to hope to win. They are not designed to win."

From the moment the first planes reached Saudi Arabia on August 8, Powell was patron of a success-oriented Gulf strategy. "When we launch it, we will launch it violently, we will launch it massively, so there will be no doubt when it's over who won," the four star-infantryman told a cheering throng of A–10 "Warthog" pilots at an air base in northern Saudi Arabia just before Christmas. "It's gonna be fun if you ever get started."

Like Marshall, who yielded the glory of the allied campaign in Europe to Gen. Eisenhower, Powell let the spotlight shine on his field commander, Gen. "Stormin' Norman" Schwarzkopf. Powell oversaw the broad strokes of policy from his Pentagon office and assured his generals that they would be sent every soldier, plane, ship and tank they wanted.

Schwarzkopf, with a small band of young military planners dubbed the "Jedi Knights," designed the end-run strategy to carry out Powell's vow to cut off and kill the Iraqi army. In two critical visits to Schwarzkopf's headquarters in Riyadh, Saudi Arabia, in December and February, Powell reviewed the war plan, questioned his commander and his staff about it and offered a number of minor suggestions. The majority of his questions, aides recall, centered on one issue: how to reduce U.S. casualties.

During the buildup and the air war, Powell and Schwarzkopf spoke by telephone twice a day, once early in the morning, once in the evening. During the four-day ground campaign, the two generals spoke four or five times a day, with Powell demanding detailed information on locations of U.S. combat units and the level of resistance they were meeting. "It's not the chairman's style to micromanage," says a close aid. "These talks were informative rather than consultative."

Did Powell ever yearn to change places with Schwarzkopf, to shed his crisp green uniform for the field commander's desert camouflage and muddy boots?

"It would be nice to be out there," he said a little wistfully a week after the cease-fire was called. "But truly, the answer is no. Norm is the best guy for that job, and I think I have particular experiences for this job."

The Joint Chiefs of Staff conduct their most serious deliberations around a circular mahogany table beside Colin Powell's desk. No staff. No secretaries. Just Powell, Adm. David E. Jeremiah, his vice chairman, and the four chiefs: Gens. Carl E. Vuono of the Army, Merrill A. McPeak of the Air Force, Alfred M. Gray Jr. of the Marine Corps and Adm. Frank B. Kelso II of the Navy. The fact that they meet beside Powell's desk and not in the secure confines of their formal conference room, known as "the Tank," is a testament to Powell's supreme authority.

Though they grapple with multibillion-dollar issues and decisions that will shape the American military forces of the 21st Century, there are no votes. "We haven't voted on anything since I've been here. We talk about things," Powell says. "I know what every one of them thinks. When we are all through talking about it, I will say. 'Guys, what I hear you saying is so and so, and what I think about it is so and so, and this is going to be my position with the secretary. Who wants to sign on and who doesn't?"

It's hardly democratic, but over the years, the main criticism of the Joint Chiefs system was that it was too democratic to make the tough calls. It produced standoffs. It produced compromises. It recommended budgets that were nothing but the sum of service wish lists. It produced mixed voices. There were times when the chiefs were arrayed against the chairman, and there were times when they were ignored by the secretary of defense.

The landmark 1986 Goldwater-Nichols Act changed that, empowering the chairman to act without consensus of the chiefs. On paper, the Defense Department is ruled by a score of boards and committees, but the meaningful power of the Pentagon indisputably rests with Cheney and Powell. "The fact is that the chairman no longer has to give a sort of lowest-common-denominator advice that the chiefs can agree to," Cheney says. "Colin has put his stamp on the job."

Powell's unquestioned authority is mostly born of the force of his personality and his well-honed personal relationships. It was not inevitable. In times past, chairmen of the Joint Chiefs have been so overshadowed by field commanders that they slipped into history's mists. During the Vietman War, Chairman Gen. Earle G. Wheeler was excluded for a full year from President Lyndon B. Johnson's weekly White House luncheon where war policy was made. President Ronald Reagan, in an interview after leaving White House, said the name John W. Vessey rang a bell but couldn't quite place it. Reagan had appointed Army Gen. Vessey chairman of the Joint Chiefs, a position in which he served for four years.

Within the Joint Chiefs, Powell has quietly built a miniature think tank, headed by Army Lt. Gen. Howard D. Graves, considered to be one of the military's leading strategic thinkers. This small group of senior officers rivals the Defense Department's civilian policy planning staff in defining the nation's defense agenda. But it is Powell who runs the show, a sharp contast with that of Crowe, his immediate predecessor. Crowe was more of a cajoler, a consensus builder who "would float a proposal and then kibitz with the other chiefs and sometimes would even change his mind," says one reigning service chief who worked under both chairmen. "Powell tends to make a decision and then go back to the tank and rally the chiefs to his point of view. He lays the agenda on the table and we all nod affirmative, and that's about it."

When disputes cannot be resolved, dissenters are invited to take their pointers and their charts up to Cheney's office, one floor above Powell's. "I love fights," Powell insists. "That's the way to get the best out of people. The worst thing is to fail to let somebody get in his shot, and that's not the way we do business."

When Powell and his subordinates are involved, the fights tend to be one-sided, says his spokesman, Col. Frederick W. Smullen II. During the Gulf War, a television news report on a secret new technique for targeting Iraqi tanks sent Powell into a self-described "tantrum." Smullen was on the receiving end of this sharp and profane exchange, even though Powell knew he wasn't responsible for the story. The storm quickly passed, however. "His anger is intense but short-lived," Smullen says. "It lasts seconds, not minutes."

Powell's broad power also arises from relationships he has forged over the years with Bush, Cheney and Brent Scowcroft, White House national security adviser. During his tour at the White House as national security aide, Powell occupied an office only a few feet from Vice President Bush. They shared a bathroom in the West Wing. The vice president was on hand each morning when Powell went in to give Reagan his national security briefing. They would drop by each other's office to chat. Today, Powell affords the President respect but not awe. He uses the same blunt language in the Oval Office as he does in the chiefs' conference room.

Cheney, a former congressman from Wyoming who came to the Pentagon as a relative neophyte, describes his relationship with Powell as "a continuing tutorial on the U.S. military."

Some students of the military believe that the fact that Powell is black enhances his extraordinary standing, a declaration of a new day in a profession where few blacks have made it to the top. "It is not talked about much, but there is powerful symbolism in the fact that he is the first black chairman of the Joint Chiefs," says Eliot Cohen of the Johns Hopkins School of Advanced International Studies. Powell is only the fourth black in the country's history to reach four-star rank, following a trail blazed by Air Force Gen. Daniel "Chappie" James Jr., Army Gen. Roscoe Robinson Jr. and Air Force Gen. Bernard P. Randolph.

Some segments of the black community, however, feel a certain ambivalence about him, sparked by persistent doubts about the fairness of the all-volunteer military force. With young blacks, who make up 14% of the population at large, constituting 22% of the enlisted ranks, critics suggest that the country has, in effect, an economic draft.

The chairman himself is unequivocal in defense of the Army and the system. "I wish that there were other activities in our society and in our nation that were as open as the military is to upward mobility, to achievement to allowing them in," he told the House Armed Services Committee this year. "I wish that corporate America, I wish the trade unions around the nation would show the same level of openness and opportunity to minorities that the military has.

'"The fact that we have a higher percentage than the percentage that exists in the general population doesn't trouble me at all. That's why I came in, to get a job—$222.30 a month."

"You've done well," Rep. Beverly B. Byron (D-Md.) observed.

"I ain't done bad," he replied.

But for his encouraging parents and a sudden love affair with the military, Colin Powell's horizons might never have reached beyond the South Bronx.

The son of Jamaican immigrants, both of whom are deceased, Powell grew up in the neighborhood that is now the symbol of urban blight. But during his childhood, it was a cultural melting pot populated by traditional families who embraced middle-class values and entertained middle-class aspirations. His father was a garment-district salesclerk, his mother a seamstress. Both insisted on their son's going to college, although he was an indifferent student at Morris High School.

Powell entered the City College of New York in 1954 as a prospective engineering major. But when a professor asked him to visualize a cone intersecting a plane in space, he quickly discovered a distinct lack of aptitude for mathematics and switched to geology.

He found his real niche in ROTC, earning A's in military science, which kept his overall grade-point average at a passing level. On graduation day in 1958, he proudly pinned on the "butter bars" of a second lieutenant but had no long-range plans for an Army career.

Indeed, he did not give his future serious thought until he met Alma Vivian Johnson on a blind date two years later and began thinking of marriage. They were wed in 1962. Four months later, he was ordered to Vietnam. Alma, then pregnant, moved home to Birmingham, Ala., to live with her parents. When their first child was born, he was in the jungle as an adviser to a South Vietnamese infantry battalion; the news didn't reach him for three weeks.

The Powells now have three children: Michael, 28, who left the Army to become a civilian employee of the Defense Department after being critically injured in a jeep accident; Linda, 25, an actress in New York, and Annemarie, 20, a student at the College of William and Mary.

Powell relaxes by reading biographies and military histories, tinkering with vintage Volvos and watching old movies. One night, just before the air war began, he went home to relax, but every television station was carrying war news. So he and Alma spent the evening watching a video, "Witness for the Prosecution." His favorite dish is ground beef prepared any of a hundred ways, and good old peanut-butter-and-jelly sandwiches. He has taken exactly one vacation since becoming chairman—a long weekend more than a year ago visiting friends outside of New York City.

Powell's military career for "the first bunch of years was routine," he says. He led an infantry platoon, commanded a rifle company, and along the way completed airborne training and Ranger school. Two tours in Vietnam brought him combat experience, a Solider's Medal for valor (he rescued his commanding officer from a burning helicopter) and a Purple Heart for bad luck (he punctured his left foot in a Vietnamese booby trap).

The second tour in Vietnam presented him with his first chance to break out of the pack. In 1969, he graduated second in his class at the Command and General Staff College at Ft. Leavenworth, Kan., which got his picture into the Army Times. The commander of the Americal Division saw it, yanked Powell up to headquarters at Chu Lai and made him operations officer, although he was still a major.

The pivotal moment came three years later when he was just out of George Washington University graduate school, where the Army had sent him for a master's degree in business administration. Toiling in a Pentagon staff job and hoping for a chance to command an infantry battalion, he instead was ordered to apply for a prestigious White House fellowship—the Army's chief of personnel wanted an infantry officer to increase the branch's prestige.

The fellows program is designed to speed young Americans of exceptional promise on their way to leadership by giving them a year's experience working with top Administration officials. Competition for the spots is brutal, the selection process excruciating.

Powell, who was 35, turned in his application without enthusiasm. "It really didn't mean anything to me whether I made it or whether I didn't until I got into the competition," he recalls. "But I made it, and I was the oldest fellow in the group."

"He was serious, but not terribly intense about it," says fellow finalist James E. Bostic, now president of the Bulter Paper Co. in Denver. "But when the resumés were sent around, his choice of assignment was the Office of Management and Budget. He knew that was where the action was."

At OMB, he caught the eye of director Caspar W. Weinberger and his deputy, Frank C. Carlucci, who both played crucial roles in his rise. "I saw politics for the first time, I saw high policy for the first time, so that was a defining experience," Powell says.

But more than that, he says, the year around the White House complex taught him that, in Washington, "the whole thing is greased by compromise and consensus" and that there is as much to be learned from the people who fail as from people who succeed. "If you think all the sisters are virtuous and all the brothers are noble," Powell tells new arrivals, "you are going to be disappointed."

In the view of his admirers and many Pentagon veterans, no chairman in history ever reached the job better prepared. Powell's long run of working for key civilians in the Defense Department began when he was named executive assistant to John G. Kester, the civilian aide to Carter's defense secretary, Harold Brown. Kester had each of the military services provide him the names of top prospects. Powell turned up on the Army list, and Kester asked him to come in for an interview.

"He had a very good, direct personality," says Kester. "He gave me the sense that he was a very straight dealer. Right away, he said something like, 'How did you happen to bring me in here?' And I said, 'I checked you out, and I heard a lot of good things about you.' He said, 'Well, as matter of fact, I checked you out, too, and it wasn't all good.'" Powell delivered the line with a disarming grin, and Kester was impressed with his candor.

Indeed, from the White House Fellowship selection through the windup of the Gulf War, good fortune has been Powell's faithful companion. But, although the long hitches working for Defense Department officials made him powerful friends, they took him away from coveted command jobs.

He was a brigade commander in the 101st Airborne Division and on bivouac with his troops at Ft. Campbell, Ky., when a call on a field telephone summoned him to work for Kester. Then, in 1987, six months after he took command of 75,000 troops in V Corps in Germany, a personal call from Ronald Reagan brought him to the White House to become deputy national security adviser under Carlucci.

He had twice turned down overtures from Carlucci before finally accepting the assignment, but the timing of the White House assignment made it another gigantic opportunity. Arriving in the wake of the Iran-Contra affair, Powell had a chance to help reform the National Security Council operation and cleanse its sullied reputation.

Kenneth Duberstein, Reagan's last chief of staff, credits Carlucci and Powell with breaking down barriers that had developed around the council and restoring it to political control. "They understood that never again could the NSC operate in the secret atmosphere that existed in the Iran-Contra period," Duberstein says. "It had to be a part of the team. Carlucci and Powell brought it back."

At the same time, Powell made more powerful friends, including Howard Baker, who served as White House chief of staff in the waning days of the Reagan Administration. Not long after Baker's arrival at the White House in 1987, Weinberger stepped down as defense secretary because of his wife's declining health. In a meeting in the Oval Office, the Pentagon chief told Reagan of his decision, and urged the President to name as his successor Deputy Defense Secretary William Howard Taft IV, a pleasant but colorless bureaucrat.

But Baker urged that Carlucci be considered for the Pentagon. The President insisted that he needed Carlucci in the national security post. "You've got a man behind Frank who will be just as good," Baker told Reagan. So, Powell became the President's national security adviser, squarely on the fast track from foot soldier to politician.

Powell's ascent to the nation's highest military post on Oct. 3, 1989, was heralded by martial pomp on the broad lawn of the Pentagon's river entrance: brass bands, speeches, a review of the Army's Old Guard. But the general's mind was elsewhere. As he took the oath of office, an aide stood by with a secure cellular telephone, occasionally whispering messages into the general's ear about the rapidly unfolding intrigue in Panama, where a band of rebel military officers was attempting to overthrow dictator Manuel A. Noriega.

The Pentagon had been alerted to the possibility of a coup two days earlier—Powell's first official day as chairman—when rebel leaders contacted U.S. officers in Panama City to ask for American military intervention to back up the plan. Powell recommended to President Bush that the United States withhold aid to the insurgents, despite Bush's repeated calls for the overthrow of the tyrant. Powell believed that events were moving too quickly for U.S. forces to have a decisive impact. Noriega quickly quashed the coup and executed its leaders.

The takeover attempt prompted Powell, on his first day in office, to confront the central question faced by all military leaders—when and how to use force. Powell and many of his colleagues had come away from Vietnam convinced that a clear statement of mission is a prerequisite to any military action, that military power should not be applied incrementally, that firm public support is essential and that political authorities should not meddle in purely military decisions.

But Powell eventually agreed to the controversial policy of using 25,000 U.S. troops as a posse to round up Noriega, an effort that left the military red-faced for four days before the dictator turned himself in at the residence of the Vatican's representative in Panama on Christmas Eve.

During the tense days following the December 20 invasion, Powell was frequently on the telephone to the commander in charge of the operation, Gen. Maxwell R. Thurman, probing the progress of the Noriega hunt, asking about the sporadic resistance still offered by the "Dignity Battalions," inquiring about the constantly changing estimates of Panamanian troops and civilians killed in the lightning assault by U.S. paratroopers.

The frustration of the search for Noriega left a lasting impression. When the Air Force and other elements in the Pentagon later advocated a strategy of personally targeting Saddam Hussein, Powell overruled them, although he did approve air strikes against all of the Iraqi leader's known headquarters, homes and places of refuge.

"We're not targeting him per se," Powell said a day after the air attack on Iraq began. "We are not, because, frankly, I have learned from previous experience how difficult it can be to track a head of state."

During these and other crises, Powell's style is often to question as much as to command. An aide to Army Chief of Staff Gen. Carl E. Vuono said it is unusual to spend 20 minutes in the boss's office without Powell calling on the phone to ask about some matter. In times of crisis, Pete Williams, the Pentagon's chief spokesman, hears from the chairman a dozen or more times a day.

"He doesn't often express annoyance or anger. He doesn't belittle his staff," says aide Smullen. But if he's disappointed, the offender knows it. "Sometimes it's just a look"—but an unmistakable, withering look, Smullen says.

It was, Powell insists, an innocent answer to a question from a reporter. But the incident—the first and apparently only time he angered the secretary of defense—marked the nearest that Powell has ever come in his career to violating a sacred canon in the U.S. political system: absolute civilian control of the military.

Throughout his tour as chairman, Powell has seen the implosion of the Soviet empire, a changed American role in the world and the demand for drastic cuts in U.S. defense spending. In response, the military is undergoing the broadest restructuring in its history.

Powell quickly realized that Congress and politicians would define the size and shape of the military unless military leaders accepted the inevitable reductions and seized the initiative. So, last April, in the midst of the internal debate about the shape of the future armed forces, he fired a shot across the bow of the Administration by spelling out, in a newspaper interview, his minimum requirements for the military at the end of the century.

If Congress and the Administration insisted on troop and spending cuts greater than 25%, the United States would cease to be a superpower, Powell said. He went on to detail his concept of an irreducible "base force"—one able to respond to crises in Europe, the Pacific and the developing world, while maintaining a strategic deterrent of nuclear-armed bombers, missiles and submarines. The plan had been under study in the Pentagon for months; while the politicians wrangled over how to define and present the plan—and how to pay for it—Powell went public.

"Colin wanted that idea out on the table quickly, even before Cheney was ready to discuss it publicly. Cheney wanted to play his cards closer to the vest," a senior aide to Cheney says. "We considered it a preemption of the secretary."

Cheney chose not to make a public issue of Powell's trespass but made his displeasure known privately and then dropped the issue, according to a Cheney aide. Cheney says only that Powell since has been "very, very cautious, very very careful to operate as chairman of the Joint Chiefs of Staff and to have respect for civilian authority."

Since the incident, particularly in their management of the Gulf crisis, the Cheney-Powell partnership has become so close that Pentagon wags call them "Lethal Weapon," after a pair of violence-prone, black and white cops in the movies.

The global force plan that Powell prematurely disclosed was to have been unveiled by President Bush on August 2; Cheney and Powell were going to brief Congress later that day on the blueprint for America's future force structure. Iraq's invasion of Kuwait preempted the show, but it only delayed the inevitable debate. And it is there that Colin Powell will likely leave his most lasting mark.

The first big fights on how to cut U.S. forces by 25% have been fought, Powell notes, and they cost the Army 10 divisions, the Navy two aircraft carrier battle groups, the Air Force nine air wings. "But there are a few battles still out there," he says. "There are some out-year problems [budget choices in the future] that we finessed, and I am not going to talk about them. There are a couple of force structure issues out there that are dillies."

Powell apparently is referring to a restructuring of the regional command system, under which theater commanders such as Schwarzkopf would control forces assembled from all four military branches. The erosion of service power is certain to accelerate if Powell's force structure plan is adopted. One of the most bitter fights will come when command of the Navy's nuclear submarine fleet is transferred to a new strategic forces command that will include the Air Force's bombers and missiles.

The battles will play out over the next five years, but the next 18 months promise to be the most painful—inevitable force reductions frozen because of the war now must occur. Powell's beloved Army, for example, must shrink from its current strength of 770,000 men and women to 536,000 by 1996. Among the victims will be many veterans of Desert Storm. An aide to Army Chief of Staff Vuono says that the Army faces the unpleasant prospect of "handing out Purple Hearts and pink slips in the same envelope."

Squabbles over such things as command configuration may have a profound effect on the U.S. military into the next century, but the shadowboxing and jockeying for partisan political position are what really fascinate Washingtonians.

After one columnist evaluated the discussions about Powell's possibly replacing Quayle on the GOP ticket next year, the general issued a sharp denial, even if it wasn't quite Shermanesque. "I am chairman of the Joint Chiefs of Staff, and I intend to remain as chairman of the Joints Chiefs of Staff as long as the President wishes me to serve," he said. "No one ever discussed this subject [the vice presidency] with me, and I know of no reason why this subject should be discussed," he said. "This is speculation that exists in the minds of people who have to write columns."

But given his association with the Reagan and Bush administrations, Republicans naturally consider him a potential four-star politician. "I think this guy could be a political candidate," says Richard S. Williamson, a White House and State Department official during the Reagan Administration. "You have to ask whether he can ask for votes and whether he can ask for money. I think he can. Can he do television? Clearly. Does he have substance? In his field, obviously. The man who captured the drug kingpin and saved the Western World from the devil in the Middle East would have to be a viable candidate. If he called me in 1995, and said, 'I would like to talk with you about 1996,' you bet I would be on a plane."

Another colleague of the general's from the Reagan White House suggests that Powell has not thought through his own political views on social and domestic issues. But some old friends contend that he personally has no affinity for Republican domestic policies.

GOP leaders "don't know what Colin Powell thinks about urban enterprise zones; they don't know what he thought about the 1990 civil rights bill; they don't know what he thinks about a great many important issues," says a friend of long standing. "If they really knew what he thinks, they might not like him very much at all."

Maybe in the coming months, some of these mysteries will be cleared up. Powell, the soldier who loves a good scrap, clearly relishes the coming conflict. He was speaking about future congressional battles but might have been talking more generally when he said, in his throaty chuckle, "Now let the games begin."

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Speaker, I wanted to salute the gentleman from California [Mr. TORRES] for bringing forward this bill and the earlier bill today which honored General Schwarzkopf.

I would like to make one comment: As I said earlier in the well, I represent the city of Louisville, the Kentucky Derby town, and part of our Derby festival is the Pegasus Parade. We just learned yesterday that General Schwarzkopf has accepted the role of grand marshal of the Derby parade.

I want to say this is a very good moment in time to salute General Schwarzkopf and General Powell for their remarkable contributions to Desert Storm.

Mr. Speaker, we are looking forward to having a chance to honor General Schwarzkopf in Louisville.

I thank the gentleman from California and salute him for his work.

Mr. TORRES. Mr. Speaker, I thank the gentleman from Kentucky for his kind comments.

Mr. Speaker, I urge my colleagues to pass this bill.

Mr. MONTGOMERY. Mr. Speaker, I rise to support this bill, S. 565, to authorize and award a Congressional Gold Medal to Gen. Colin L. Powell, Chairman of the Joint Chiefs of Staff.

We were indeed fortunate to have General Powell in this key military leadership position during the Persian Gulf war. He was on top of every detail of the operation and was able to offer steady and reasoned advice to President Bush every step of the way. Once the decision was made to fight, General Powell's advice and input were important in helping shape the brilliant battle plan that resulted in the total defeat of Saddam Hussein's army.

This gold medal is a very appropriate way to show General Powell that the Congress and this country appreciate his service and his leadership at this critical time in our country's history. I urge all my colleagues to support this legislation.

Mr. ASPIN. Mr. Speaker, I rise today in support of the bill, S. 565, an act to authorize the President to award a gold medal on behalf of the Congress to Gen. Colin L. Powell. The striking of this medal for presentation to General Powell, U.S. Army, is in recognition of his distinguished leadership as Chairman of the Joint Chiefs of Staff and the principal military adviser to the President, the National Security Council, and the Secretary of Defense in the planning and execution of the military response of the United States, in coordination with allied coalition forces, to the invasion of Kuwait by Iraq.

General Powell's leadership and foresight were responsible for ensuring that sufficient military forces and support were committed to the Desert Storm and Desert Shield operations in a timely manner and advising the President on the development of a military strategy that resulted in a swift and decisive military victory with minimum casualties and loss of life.

Several years ago Congress took action to ensure that the responsibility for providing military advice to the President, National Security Council, and Secretary of Defense would rest with the Chairman of the Joint Chiefs of Staff rather than the JCS Committee. As with the changes in the authorities granted the combatant commanders, by freeing its most senior military officer from organizational obstacles that might inhibit his ability to advise our senior civilian leadership, Congress demonstrated its confidence in the competence and leadership qualities of the military officer corps. General Powell and General Schwarzkopf exemplify the types of leaders Congress had hoped would rise to these critical positions, and they have proven that our trust was not misplaced.

General Powell certainly ranks among the distinguished military leaders of this Nation who have received the Congressional Gold Medal, such as General of the Army George Catlett Marshall and Fleet Adm. Ernest Joseph King, who distinguished themselves in the planning, equipping, training, and deployment of the forces of the United States in World War II. And his recognition in this manner is certainly well deserved.

Although we are taking up the Senate bill today, it is very similar to a House measure sponsored by myself and Congressmen DICKINSON, HUTTO, BILBRAY, and HEFLEY, H.R. 1687. We are all proud to be sponsors of this measure as an indication of our Nation's gratitude for General Powell's contributions to the success of Operations Desert Shield and Desert Storm.

Mr. ANNUNZIO. Mr. Speaker, Gen. Colin L. Powell has had an illustrious military career. Born in Harlem and raised in the south Bronx to Jamaican immigrants, he joined ROTC while at City College of New York. He found the military reinforced traditional American values and instilled discipline and pride. General Powell, of course, became the first black Chairman of the Joint Chiefs of Staff and the youngest, at 52. As the principal military adviser to the President and the Secretary of Defense, General Powell was the chief architect for the quick and decisive victory over Iraq in the Persian Gulf war.

Because of his outstanding performance, I want to support legislation to authorize the President to award a Congressional Gold Medal to General Powell, a true American hero.

Congress has awarded the gold medal in the past, Mr. Speaker, beginning with the first going to Gen. George Washington and, subsequently, John Paul Jones. And in more recent times, Generals Pershing, Marshall, Eisenhower, and MacArthur, just to name a few of the great Americans throughout the history of our country.

Mr. Speaker, as I said a few moments ago, General Powell is and has been an outstanding soldier. He has fully earned the accolade paid to only a few of his predecessors. He is truly a soldier's soldier. He is a commander who has risen to his present position by displaying at every single level unique leadership, perseverance, and toughness.

The Congressional Gold Medal is most appropriate because it is unprecedented in history: The relationship between the executive branch and the legislative branch; the cooperation that we have had at all times during this conflict; the consultative process instituted by the President; the briefings instituted by the Secretary of Defense and General Powell for the Congress.

So, in part, this is a recognition by Congress of their establishing new relationships between the two branches of the Government.

Mr. TORRES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the Senate bill, S. 565.

The question was taken.

Mr. HUTTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provision of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1340

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on both motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today, and then on the motion to suspend the rules postponed on Wednesday, April 10.

Votes will be taken in the following order:

S. 534, by the yeas and nays;

S. 565, by the yeas and nays; and

H.R. 1047, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first such vote in this series.

GOLD MEDAL TO GEN. H. NORMAN SCHWARZKOPF

The SPEAKER pro tempore (Mr. McNULTY). The pending business is the question of suspending the rules and passing the Senate bill, S. 534.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the Senate bill, S. 534, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, answered "present" 1, not voting 25, as follows:

[Roll No. 63]

YEAS—405

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Duncan
Durbin
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

ANSWERED "PRESENT"—1

Savage

NOT VOTING—25

Bevill
Collins (IL)
de la Garza
Dixon
Dornan (CA)
Dreier
Dwyer
Dymally
Edwards (OK)
Geren
Gray
Hastert
Hunter
Kolbe
Lehman (FL)
Levine (CA)
Marlenee
Myers
Scheuer
Solarz
Udall
Volkmer
Walker
Walsh
Williams

□ 1400

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

GOLD MEDAL TO GEN. COLIN L. POWELL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 565.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. TORRES] that the House suspend the rules and pass the Senate bill, S. 565, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, answered "present" 1, not voting 30, as follows:

[Roll No. 64]

YEAS—400

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Duncan
Durbin
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hatcher
Hayes (IL)

Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

ANSWERED "PRESENT"—1

Savage

NOT VOTING—30

Barton
Bevill
Collins (IL)
Cramer
de la Garza
Dixon
Dornan (CA)
Dreier
Dwyer
Dymally
Edwards (OK)
Geren
Gray
Guarini
Hastert
Hunter
Kolbe
Lehman (FL)
Levine (CA)
Marlenee
Myers
Sanders
Scheuer
Solarz
Udall
Volkmer
Walker
Walsh
Williams
Wilson

☐ 1410

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WALSH. Mr. Speaker, as previously stated, on Thursday, April 11, 1991 I was unable to be on the House floor during the following votes:

S. 534, to award a gold medal to Gen. H. Norman Schwarzkopf.

S. 565, to award a gold medal to Gen. Colin L. Powell.

Had I been present I would have voted "yes" on both bills.

During the time of these votes, I was attending the funeral of Navy Lt. Patrick Connor of Marcellus, NY, who lost his life during the recently completed Desert Storm military operation. The family of Lieutenant Connor, William and Marsha Connor, invited me to attend the services in honor of their son, held at Arlington Cemetary on Thursday afternoon.

I felt a very strong obligation to offer my personal support to the Connor family who lost so much when Patrick died during a bombing mission over the Persian Gulf on February 2, 1991. It was for this reason I could not cast my votes in support of the bills previously mentioned.

PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Speaker, I am required to return to Montana because of family responsibilities. I will thus be absent for votes on gold medals for General Powell and General Schwarzkopf and H.R. 1047, the Veterans Benefits Improvement Act.

It is my intention, had I been present, to vote yes on the gold medals for Generals Powell and Schwarzkopf and the Veterans Benefits Improvement Act.

PERSONAL EXPLANATION

Mr. GEREN of Texas. Mr. Speaker, I was unable to vote on S. 534, gold medal for Gen. H. Norman Schwarzkopf; S. 565, gold medal for Gen. Colin L. Powell; and H.R. 1047, Veterans' Benefits Improvement Act, because of a meeting I was attending at the Pentagon with Secretary of Defense Dick Cheney regarding Carswell Air Force Base in Fort Worth, TX. I would have voted "aye" on S. 534, S. 565, and H.R. 1047 if I had voted on Thursday.

PERSONAL EXPLANATION

Mr. SANDERS. Mr. Speaker, during rollcall vote No. 64 on S. 565 I was unavoidably detained. Had I been present I would have voted "yes."

VETERANS' COMPENSATION PROGRAMS IMPROVEMENT ACT OF 1991

The SPEAKER pro tempore (Mr. ANDREWS of Maine). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1047, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlemam from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1047, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 3, not voting 29, as follows:

[Roll No. 65]

YEAS—399

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Duncan
Durbin
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)

Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—3

Gradison
Michel
Nussle

NOT VOTING—29

Barton
Bevill
Chandler
Collins (IL)
Conyers
de la Garza
Dixon
Dornan (CA)
Dreier
Dwyer
Dymally
Edwards (OK)
Frost
Geren
Hastert
Hunter
Kolbe
Lehman (FL)
Levine (CA)
Marlenee
McCurdy
Myers
Scheuer
Solarz
Udall
Volkmer
Walker
Williams
Wilson

☐ 1419

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, and life insurance programs, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, earlier today I was detained at Arlington Cemetery in order to attend a last rites ceremony for a constituent, Lt. Patrick Kelly Connor, U.S. Navy who was a casualty of the Desert Storm.

As a result, I was unable to vote on rollcall No. 63, S. 534, if present, I would have voted "aye." On rollcall No. 64, S. 565, if present, I would have voted "aye." On rollcall No. 65, H.R. 1047, if present, I would have voted "aye."

☐ 1420

THE VETERANS' COMPENSATION PROGRAMS IMPROVEMENT ACT OF 1991

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I must vote against H.R. 1047, the Veterans' Compensation Programs Improvement Act of 1991, not because I oppose the bill itself but because it does not provide for offsets to the increases in direct spending as required by the new budget procedures enacted last fall.

Yes, you can say it is a symbolic protest vote against our business-as-usual procedures.

According to the Congressional Budget Office, provisions of this bill will increase direct spending by $5 million in each year beginning in 1992. Under the new pay-as-you-go rules, any new direct spending must be offset or it will cause a sequester in nonexempt entitlement programs 15 days after Congress adjourns.

Legislation which increases spending should also provide for an actual offset and not just a promise that there will be legislation in the future to pay for the new spending.

If we do not draw the line with this bill, which some will say is just minimal spending, what will be be faced with in the future? Will we again be told that we should not worry, that even costlier legislation will also be paid for sometime down the line?

The purpose of the pay-as-you-go procedures is to ensure that any new direct spending is paid for. Each piece of legislation which costs money to the American taxpayer should be offset so that we can finally get control of the Federal deficit, which I am sure everyone will agree, is still much too high.

That deficit hurts veterans and nonveterans alike.

We are doing no service to America's veterans when we refuse to submit ourselves to the necessary budget disciplines we imposed last year.

You do not help veterans by giving with one hand what, in the long run, you take away with the other through a breakdown of budget disciplines.

Our veterans deserve more than just lip-service to the promises we made last year—they deserve our honoring of that commitment, just as they have honored their commitments.

PERSONAL EXPLANATION

Mr. DIXON. Mr. Speaker, unfortunately, I could not be here today to vote on the Veterans Compensation Programs Improvement Act of 1991, H.R. 1047; and the bills awarding Congressional Gold Medals to generals, Colin L. Powell, S. 565; and H. Norman Schwarzkopf, S. 534. If I had been here, I would have voted "aye" on all three bills. I was in Los Angeles to participate in an important meeting of the Los Angeles County Transportation Commission [LACTC] on the proposed future routing of the Los Angeles Metro Rail Orange Line and on Los Angeles' legislative transportation needs in light of the pending Surface Transportation Assistance Act. I could not return to Washington, DC, in time to vote on these legislative measures.

The Veterans' Benefits Improvement Act will enhance the delivery of benefits and services to our deserving veterans and their dependents. This legislation, in addition to improving a number of veterans' benefits, increases the level of mortgage protection life insurance coverage for disabled veterans and helps our severely disabled veterans to adapt their homes to their handicap. I strongly support this measure, and believe it will improve the quality of life for our veterans who served our country at home and overseas.

Mr. Speaker, I seriously regret that I could not be here to vote to award generals, Colin Powell and Norman Scharzkopf Congressional Gold Medals. These two measures would also require the Treasury Department to design and mint the gold medals and mint bronze duplicates for sale to the public. I am a cosponsor of H.R. 1296, the companion bill to S. 534, which was introduced by Representative EARL HUTTO.

I commend the oustanding contributions of both generals, Colin L. Powell and H. Norman Schwarzkopf in carrying out their official duties in Operation Desert Shield and Operation Desert Storm. Both generals deserve to be recognized for their exemplary performance as military leaders and advisers to the President. They are two commanders who have risen to their present positions by displaying unique leadership. They are extraordinary soldiers and we honor them for their long years of diligent service and sacrifice.

As chief of the Joint Chiefs of Staff, General Powell is the principal military adviser to the President, the National Security Council and the Secretary of Defense. His professionalism, talent, integrity, and dedication to the Armed

Service is truly appreciated. As an African American, I am exceptionally proud of General Powell, who serves as a positive role model and inspiration to our young men and women. I have received many letters from constituents who share our appreciation for General Powell's exemplary performance in planning and coordinating the successful U.S. military response to the Iraqi invasion of Kuwait.

Gen. Norman Schwarzkopf, the Commander in Chief of the U.S. Central Command, also deserves our deepest thanks and admiration for his service in the gulf war. Under his superior command, U.S. military and allied forces commanders skillfully planned and executed a military victory for the United States and the coalition forces. When I traveled to Saudi Arabia in September with Chairman JOHN MURTHA and members of the House Appropriations Defense Subcommittee, General Schwarzkopf thoroughly briefed us on the miltiary operation in the gulf and the conditions our soldiers were faced with daily. But we were not alone. Many Members of Congress and people throughout our Nation and the world also witnessed his skillful briefing on the gulf war.

The Congressional Gold Medal is the most appropriate and fitting tribute we can bestow on these two outstanding military commanders. Although I could not be here today to cast my vote for S. 565 and S. 534, I strongly support both of these bills honoring two great Americans.

GENERAL LEAVE

Mr. TORRES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 534 and S. 565, the two Senate bills just passed.

The SPEAKER pro tempore (Mr. ANDREWS of Maine). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I ask for this time for the purpose of engaging in a colloquy with the distinguished majority whip concerning the remaining schedule for the week and next week's schedule. If the majority whip would be good enough to enlighten us on the schedule, I would appreciate it.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is our expectation that next week the House will meet at noon on Monday. However, there is no legislative business and no recorded votes.

Then on Tuesday, April 16, the House meets at 10 a.m. The House will recess immediately and reconvene at 11 a.m. to receive the President of the Republic of Nicaragua in a joint meeting. Following the joint meeting, the House will reconvene for legislative business and, of course, at that time it is expected that we will have the concurrent resolution on the budget for fiscal year 1992. That will come to the floor for action, of course, subject to a rule.

On Wednesday, April 17, and Thursday, April 18, the House will meet at 10 a.m. on Wednesday and 10 a.m. on Thursday. It is our expectation that we will continue deliberation and finish the work on the budget. At 10:30 a.m. on Thursday, the House will recess for the purpose of receiving former Members of Congress. The House will then reconvene for legislative business at 11:30 on Thursday.

Of course, it is our expectation that on Tuesday, Wednesday, and Thursday we would have the complete consideration of the concurrent resolution on the budget.

If I may add to that, on Friday, April 19, the House will not be in session.

Mr. SOLOMON. Mr. Speaker, I thank the majority whip. If he would just remain on his feet for a moment, what parts of the budget might we be taking up on Tuesday and what on Wednesday, if we might be able to enlighten the membership?

Mr. GRAY. If the gentleman will yield further, we expect to take up the general debate, the Dannemeyer and Kasich amendments on Tuesday, the President's budget and final on Wednesday.

Mr. SOLOMON. I thank the gentleman. I might just also ask: there is a pending deadline for the so-called railroad strike which might take place at 12:01 a.m. on Wednesday morning. Can the gentleman tell us what we might expect in the way of legislation when that strike takes place?

Mr. GRAY. If the gentleman will yield further, I would say to my colleague from New York that we hope the parties will resolve the dispute. However, in the event there is a strike, the House will be prepared to take whatever appropriate action in a timely manner.

Mr. SOLOMON. What business would there then be on Thursday if we do finish up the budget?

Mr. GRAY. If we finish the budget, complete consideration, on Wednesday and we do not have a problem of a potential railroad strike, then I think that there would be a likelihood that we would conclude our business on Wednesday evening.

Mr. SOLOMON. Just one last thought. It was my understanding that the Dalai Lama might be coming to the Congress. Do we have any information that the Members might want to know about? I see the gentleman from North Carolina [Mr. ROSE] motioning to you.

Mr. GRAY. I would ask the gentleman from New York to direct his remarks to the distinguished chairman of the appropriate committee, the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from North Carolina, a strong supporter of the Dalai Lama.

Mr. ROSE. Mr. Speaker, I thank the gentleman for yielding and for his question and his support.

At the conclusion of the gentleman's colloquy with the distinguished majority whip of the House, I will offer a concurrent resolution that will authorize the use of the Rotunda for an address by His Holiness the Dalai Lama to take place Thursday, April 18, between 11 and 12 noon, and we certainly hope that the gentleman from New York will be present with us at that time.

Mr. SOLOMON. I would consider it a privilege. Has that been cleared with the minority?

Mr. ROSE. Mr. Speaker, the gentleman to the right of the gentleman from New York and I are going to deal with this matter in just a moment.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman.

Let me just point out further that our distinguished chairman of the Committee on Rules has made an announcement that all amendments and substitutes to the budget should be filed with the Committee on Rules no later than noontime Friday. I would remind the membership of that.

ADJOURNMENT TO MONDAY, APRIL 15, 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 16, 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 15, 1991, it adjourn to meet at 10 a.m. on Tuesday, April 16, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, APRIL 17, 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, April 16, 1991, it adjourn to meet at 10 a.m. on Wednesday, April 17, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HOUR OF MEETING ON THURSDAY, APRIL 18, 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, April 17, 1991, it adjourn to meet at 10 a.m. on Thursday, April 18, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON TUESDAY, APRIL 16, 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, April 16, 1991, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting her excellency, Violeta Chamorro, President of the Republic of Nicaragua.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THURSDAY, APRIL 18, 1991

Mr. GRAY. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair on Thursday, April 18, 1991, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY OF WELCOME FOR THE DALAI LAMA

Mr. ROSE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 115) authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, I yield to the gentleman from North Carolina [Mr. ROSE] for the purpose of having the chairman explain the resolution.

□ 1430

Mr. ROSE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would be pleased to explain the purpose. Mr. Speaker, this resolution provides for the use of the rotunda for Members of Congress to assemble and to greet his holiness, the 14th Dalai Lama of Tibet. The Dalai Lama is the spiritual and temporal leader of the Tibetan people. The People's Republic of China invaded Tibet in 1949, and has brutally occupied Tibet for the past 42 years. The Dalai Lama and tens of thousands of his fellow Tibetans fled their homeland after a nationalist uprising was brutally suppressed by the Chinese Red Army. Since that time, the Dalai Lama has led the Tibetan nation in a nonviolent struggle against China's brutal occupation of Tibet. His strict adherence to the Ghandian principles in his struggle against Chinese oppression and his personal philosophy of universal responsibility earned him the 1989 Nobel Peace Prize. He will come to Washington next week, and the U.S. Congress will honor the Dalai Lama by receiving him in the Capitol Rotunda, and I encourage my colleagues to attend. This event will take place on Thursday, April 18 between 11 a.m. and 12 noon.

Mr. THOMAS of California. Mr. Speaker, under my reservation of objection, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from North California [Mr. ROSE] for making these arrangements. Many Members had hoped that we could have had his Holiness address a joint session of Congress, but that was not possible.

I would hope that all of our colleagues would join in welcoming his Holiness, who has been not only the spiritual leader of Tibet but a leader in the world for a peaceful, nonviolent means of opposing aggression by other nations.

Mr. THOMAS of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ANDREWS of Maine). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The clerk read the concurrent resolution, as follows:

H. CON. RES. 115

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol may be used on April 18, 1991, from 10:30 o'clock ante meridiem until 12:30 o'clock post meridiem, for a ceremony of welcome for the Dalai Lama. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

SEC. 2. The transcript of proceedings of the ceremony shall be printed as a House document, with illustrations and suitable binding. In addition to the usual number, there shall be printed, for the use of the Joint Committee on Printing, such number of copies of the document as does not exceed a cost of $3,000.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

JEWISH HERITAGE WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 134) to designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as "Jewish Heritage Week" and ask for its immediate consideration.

The clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so in order to yield to my colleague and friend, the gentleman from New York [Mr. GILMAN], the chief sponsor of this resolution.

Mr. GILMAN. Mr. Speaker, as primary sponsor of House Joint Resolution 134, legislation designating "Jewish Heritage Week," I rise in strong support for this measure and urge its passage. I would also like to thank the gentleman from Ohio, Mr. SAWYER, the distinguished chairman of our House

Subcommittee on Census and Population, for bringing House Joint Resolution 134 to the floor so expeditiously.

As many of our colleagues are aware, the spring months are of historic importance to the Jewish community. Several religious and cultural events, including Passover, Jerusalem Day, Israel Independence Day, the anniversary of the Warsaw ghetto uprising as well as Holocaust Memorial Day all occur during the months of April and May.

The bill before us designates April 14–21, 1991 and May 3–10, 1992 as "Jewish Heritage Week," noting that such congressional action promotes intergroup understanding and the principles of brotherhood.

House Joint Resolution 134 recognizes the rich history, culture, and traditions of the Jewish people and their many and varied contributions to our Nation and society over the years. The measure also authorizes and requests the President to issue a proclamation commemorating the events surrounding this legislation.

Mr. Speaker, today, we have gathered once again in our rotunda to participate in moving Holocaust Memorial Day ceremonies. Events such as this display our collective commitment to remember the legacy of 6 million innocent Jewish men, women, and children who perished in the Holocaust at the hands of the Nazis. The following week is Jewish Heritage Week, when American Jewish communities throughout our Nation will be conducting appropriate historic and cultural programs to highlight other aspects of Jewish life and participation in America.

Accordingly, I request our colleagues to join us in adopting House Joint Resolution 134.

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I want to join the ranking member of my committee, Mr. GILMAN, in support of designating "Jewish Heritage Week," and thank him for once again making an exemplary effort to bring this worthwhile resolution before the House.

House Joint Resolution 134 would set aside a week, in both 1991 and 1992, to recognize events and traditions that are part of Jewish history and culture, in the United States and around the world.

The months of April and May, in particular, give us the opportunity to reflect on certain events that are significant not only in the development of Jewish history, but in the history of humankind.

The feast of Passover, the anniversary of the Warsaw ghetto uprising, Holocaust Memorial Day, Jerusalem Day, and the anniversary of the founding of the State of Israel, all occur during this time period.

Too often, in the rush of everyday life, we fail to stop and contemplate the events and lives that brought us to where we are today, that have made us the people and nations we are today.

As we take these few moments to reflect upon, and remember, the history of the Jewish people, I want to share a poem by Elie Wiesel, delivered at Auschwitz on August 1, 1979, that captures the essence of remembrance and the soul of a people.

The poem is as follows:

LISTEN TO THE WIND

(The Voice and Vision of Elie Wiesel)

Listen to the wind, for there is nothing else we can listen to.

For this was the place where children became old and where old men had no children to console.

Listen to the stones, for the stones themselves were broken as our hearts were broken.

For this is the place of eternal night. Never will there be sun here. Do not trust your eyes.

There is no sun here. Never trust anything else, for there is no one to trust here. In this place people were so abandoned, so doomed, and their solitude and silence were such that even now we capture something simply by being here.

This is the place—a kingdom. Can you imagine: four million people lived and vanished overnight in this place.

We could build a nation with four million people.

There would be enough doctors, enough teachers, enough parents, enough children, enough princes, enough beggars, enough merchants, enough dreamers to build a people.

And in this space, which became the grave of man's heart, that kingdom vanished.

Listen to the wind. And listen to the sky. For we are here to pray as in a cemetery.

But this is no cemetery. They have no cemetery. They did not even have a cemetery.

We are their cemeteries.

Mr. SCHEUER. Mr. Speaker, I would first like to thank Congressman GILMAN for his fine leadership and hard work in bringing Jewish Heritage Week to the floor. He has worked tirelessly to ensure that the contributions of Jews to the American experience is recognized and honored.

Since colonial times Jews have been an integral part of the American landscape. And in that American landscape Jews have found the freedom and opportunity afforded to all Americans that has enabled them to reach new heights of accomplishment.

Jews have made significant contributions in the arts and sciences, literature and medicine, sports and education, industry and government. From Albert Einstein to Sandy Koufax, the American Jewish contribution is rich and diverse.

Designating a week in the spring was no accident. The timing coincides with major Jewish holidays and cultural events. Two weeks ago Jews around the world sat down to the Passover seder meal. Today, a Holocaust remembrance service was held in the rotunda of the Capitol for the 6 million Jews who were ruthlessly and systematically slaughtered by the Nazis. This is also the time of year Jews commemorate the Warsaw ghetto uprising, and soon Jews will gather to celebrate Israel Independence Day, and Jerusalem Day.

The Iraqi Scud attacks on Israeli civilians, Desert Storm, the influx of Soviet Jews to Israel, and the chance for progress toward a settlement of the Arab-Israeli conflict has heightened most American Jews awareness of their identity, and made many of the concerns of American Jews, the concern of all Americans. These events have made Jewish Heritage Week all that more relevant.

By establishing Jewish Heritage Week, this Congress is helping to promote religious tolerance and understanding, pride in diversity, and pride in the Nation as a whole. Congress has a long tradition of recognizing the contributions of America's ethnic groups to the American experience. I urge my colleagues to recognize those of the American-Jewish community.

Mr. MAVROULES. Mr. Speaker, by voicing my support for House Joint Resolution 134, "Jewish Heritage Week," I am pleased to have the opportunity to recognize the many contributions of the Jewish people to society throughout history.

With courage, strength and faith, the Jewish people have, time and again, prevailed against the odds. Their perseverance and survival contains valuable lessons for all of us. The recent Passover holiday remembers the Jewish exodus from slavery to freedom and celebrates the liberation of the spirit. Last week, Holocaust Remembrance Day reminded the world of the grave dangers of hatred and mass hysteria, while recalling the loss of over 13 million innocent lives and the theft of their vast human potential. Israel Independence Day observes the moment in history when the Jewish people reestablished their homeland after centuries of dispersal and persecution, and is a celebration of redemption and restoration.

As the Jewish people have demonstrated throughout their long and tumultuous history, we too must learn to remember the past, live for the present, and have faith for the future.

Jewish Heritage Week is important because it allows the Congress to officially recognize the tremendous contributions made by the Jewish community that have strengthened our Nation, enhanced the quality of our lives, and perhaps most significantly, the celebration of Jewish culture and traditions will give many the chance to experience and understand a heritage other than their own.

Mr. LANTOS. Mr. Speaker, I rise today to join my colleagues in celebration of Jewish Heritage Week this April 14 through April 21. It is a fitting time to commemorate the achievements and the struggles of the Jewish people.

During Jewish Heritage Week, we pay tribute to a people with a strong heritage of great accomplishment and great suffering, immense achievement and immense anguish. They are a people who have a faith in God and through this faith they have accomplished much. While history clearly tells us that the Jewish people have been subjected to centuries of persecution and discrimination, they have still risen to be respected leaders in many communities throughout the world. Their contribution to the world's body of knowledge, art, and entertainment has been incalculable.

Mr. Speaker, this week's celebration also causes me to reflect on my own family's heritage. Born into a Jewish family, I am proud to celebrate that honorable tradition. This week I reflect on my childhood in Hungary and on my escape from Nazi persecution. I remember with reverence the many who also escaped the horrors of the war with little more than their lives; I remember with sorrow those who perished.

Mr. Speaker, we live in a diverse land. That diversity is a great source of strength. When we celebrate the heritage of any one ethnic or religious group, we celebrate our diversity. We also help foster an environment of mutual understanding in which we all benefit.

Jewish Heritage Week not only helps Jews remember their past; it helps others better understand the Jewish people as well. It is that type of understanding that will lead to a stable and fruitful coexistence of the diverse people in this great land of ours. When people of diverse backgrounds live in a climate of mutual understanding and empathy, our Nation is a better place for it. It is the absence of those qualities that bodes poorly for our Nation's future.

Mr. Speaker, it is my hope that the celebration of Jewish Heritage Week will go a long way to enhance everyone's understanding of who the Jewish people are and what they have done for the betterment of this world.

Mr. SWETT. Mr. Speaker, I rise today in support of House Joint Resolution 197—"National Education First Week." The education of America's youth has reached a critical state. Unfortunately, in recent weeks it has been placed at too low a level on our Nation's list of priorities. Demands for educational improvements are stifled in an apathetic environment.

This week the government, media, educators, and public will focus on the education crisis. By combining our efforts we will spotlight the present plight of education and promote a unified front to deal with this serious problem. With these resources, we hope to find new ways to more effectively respond to the educational needs of children.

Because educational ability is directly linked to a child's early development, we must insist that our children grow up in an environment that is conducive to learning. Poverty is a major contributing factor to the destruction of this environment. Nearly 25 percent of all children under the age of 6 live in poverty, and with a baby born into poverty every 35 seconds, the problem is not getting any better. With these disadvantages at the early stages of development, the children are less likely to get the most out of our educational institutions. These conditions are examples of why our educational system, and many children served by it, are suffering.

Although these people are disadvantaged, America is not a poor country. With our televisions, automobiles, and VCR's we enjoy as many modern conveniences as any other country in the world. Yet something is seriously wrong. Historically our Nation has claimed to make education a top priority. Today it is time to reaffirm that priority. America's children are America's future.

Because the school is the place where a child spends the majority of his/her formative years, it is crucial that our educational system provide strong guidance and encourage our Nation's young people to strive for excellence. This requires competent, dedicated educators. We must remember that it only takes one good teacher to inspire a student to become a great writer or to discourage that same child from giving up on the incredible opportunity a good education offers.

Mr. Speaker, I hope that "National Education First Week" will inspire America to take stock of its educational needs and problems. We cannot afford to wantonly waste our most precious resource—our youth—any longer. The turn of the century will present us with an unprecedented labor shortage. Our population is aging. Fewer taxpayers will be supporting a greater number of dependent elderly.

How can these challenges be met when more than 25 percent of students fail to graduate from high school each year, costing the United States $70 billion in tax revenues for each year of dropouts?

Unfortunately, the blame must be widely shared. We must all accept responsibility for this malady. We seem to value high technology weapons, such as the ones demonstrated in the Persian Gulf war, more than the people who designed and built them. It is time we recognize that without the scientists, the engineers, the environmentalists, the pilots, the teachers, and the schools, there no longer will be the advancements and knowledge which created these advances in technology.

Mr. Speaker, I urge my colleagues to join me in putting education back on center stage where it belongs. We must reevaluate the priorities of our Nation and recognize that without a strong education system, our country will only spiral down toward mediocrity tomorrow. The time has come for us to remember that children come into this world eager to learn and grow. And in the spotlight of "National Education First Week" we must commit our efforts to afford every American child this universal opportunity.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 134

Whereas April 18, 1991, and May 7, 1992, mark the forty-third and forty-fourth anniversaries of the founding of the State of Israel;

Whereas the months of April and May contain events of major significance in the Jewish calendar, including Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in this Nation contributes to the unity of this Nation; and

Whereas understanding among ethnic groups in this Nation may be fostered further through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jewish people to this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, are designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies, activities, and programs.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1412

Mr. YATES. Mr. Speaker, I ask unanimous consent that my name be withdrawn, as a cosponsor of the bill, H.R. 1412.

The SPEAKER pro tempore. Is their objection to the request of the gentleman from Illinois?

There was no objection.

NATIONAL EDUCATION FIRST WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 197) to designate the week of April 15 through 21, 1991, as "National Education First Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I would like to simply acknowledge the work of our colleague from California [Mr. LEVINE], who is the chief sponsor of House Joint Resolution 197 to designate April 15 through April 21, 1991, as "National Education First Week."

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 197

Whereas the economic success and democratic vitality of the United States in the coming millenium depends principally on the Nation's ability to provide a world class education from kindergarten through 12th grade;

Whereas all people of the United States have the right to a fulfilling, free, and safe elementary and secondary education that will enable them to be productive, skilled, and literate citizens;

Whereas the United States today faces an unprecedented education crisis in which students fail to graduate from high school at a rate of 3,000 students a day (or more than 1,000,000 students a year) for the general population, and 46 percent for Black and Hispanic students;

Whereas 26,000,000 people in the United States are functionally illiterate, and only 40 percent of the Nation's students are able to solve math problems requiring 2 or more steps;

Whereas international competitors are outpacing the United States in preparing their students for the 21st century, as evidenced by data indicating that a Japanese student spends 30 percent more time in school than a student in the United States and that Japan has a literacy rate of almost 98 percent;

Whereas the education crisis of the United States places great strains on the Nation's economic, social, and political fabric, as evidenced by data indicating that 80 percent of prisoners are high school dropouts, 77 percent of college graduates (but only 37 percent of individuals with not more than an 8th grade education) voted in the 1988 presidential election, and only 3 percent of the Nation's high school graduates can interpret distinctions among employee benefits plans;

Whereas the Nation's education crisis has reached such damaging proportions that only a coordinated, long-term effort by all sectors of the United States, including business, government, media, labor, and educators, can adequately address the challenge;

Whereas the media, including the television networks, the motion picture studios, and the cable television networks, are powerful tools to influence and arouse the public to a better understanding of the scope and severity of the education crisis, as well as to potential grassroots and legislative solutions to the crisis;

Whereas the commitment of the television networks to promote Education First Week represents the single greatest commitment of broadcast resources in the history of the television medium to address a national problem;

Whereas Education First Week presents a unique opportunity to mobilize national and local political and public awareness through the media and is a significant step in confronting the Nation's education crisis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 15 through 21, 1991, is designated as "National Education First Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1440

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Joint Resolution 134 and House Joint Resolution 197, the joint resolutions just passed.

The SPEAKER pro tempore (Mr. ANDREWS of Maine). Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONGRESS SHOULD NOT RUSH INTO UNITED STATES-MEXICO FREE TRADE NEGOTIATIONS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks and to include extraneous material.)

Ms. KAPTUR. Mr. Speaker, no one can disagree with the objective of free trade, but why should Congress rush a United States-Mexico free trade negotiation under the so-called fast track procedure through this body by May 15? Congress must preserve fully its right to amend this agreement. We should not reduce our role to simply a yes or no vote.

Mr. Speaker, it took the European Community nearly 30 years of negotiations and careful amendment before integrating the lower wage nations of that continent into the Europe of 1992 that we know today.

So, I ask, "What's our rush when such a process requires our careful attention to such matters as a North American fair wage labor and benefit standard, environmental protections, agricultural standards, border protections, and many other items?"

Let us be sensible, and do what is right, and not rush this through to meet some other nation's election deadlines.

Competitive advantage is not built on cheap labor, nor on escaping to tax havens nor avoiding environmental standards. Rather it results from investment in increased R&D, education, and our own industrial base.

More than 1,000 American-owned plants generate hazardous waste but only 30 percent of these have complied with Mexican rules requiring them to file information on how they handle those wastes, according to a report issued last November by the Government's equivalent of the Environmental Protection Agency. Only 19 percent of the plants using toxic materials could show that they had disposed of wastes properly, the report concluded.

Mr. Speaker, I insert this article for the RECORD.

[From the New York Times, Mar. 31, 1991]

BORDER BOOM'S DIRTY RESIDUE IMPERILS U.S.-MEXICO TRADE

(By Roberto Suro)

NOGALES, Ariz.—Little more than a muddy creek when it starts flowing down a hillside in Mexico the Nogales Wash passes by factories, shantytowns and noisy commercial streets before it reaches a invisible line and then suddenly becomes a swirling, stinking foreign policy problem for the Bush Administration.

When it crosses the border into the United States, the Nogales Wash is laced with toxic industrial pollutants and laden with untreated sewage. A public health emergency has been in force on the Arizona side for six months because the incidence of hepatitis there has climbed to 20 times the national average.

POLLUTION THREATENS TRADE POST

The runaway pollution and accompanying health threats can be found in virtually any city along the United States-Mexican border, which has undergone an economic explosion in recent years with the construction of hundreds of highly profitable American-owned factories operating under special trade rules. The American owners pay very low wages to the nearly half a million Mexicans they employ and are not obligated to use expensive antipollution equipment.

The pollution problem have become so grave that they have emerged as a major issue and potential obstacle to the free trade agreement that President Bush wants to negotiate with Mexico as a way to compete economically with Europe and Japan. The Mexican Government's environmental effort is in its infancy, and it is struggling with standards and enforcement.

Influential environmental groups, like the National Wildlife Federation, and other who oppose the free trade agreement, like the A.F.L.-C.I.O., have contended that the contamination of the Nogales Wash and other pollution problems along the border are just previews of what will happen across Mexico if tariffs and other trade barriers are removed, igniting a rush to develop new industries.

Moreover, Democrats in Congress say they will resist efforts for a speedy approval of a free trade agreement unless the White House agrees to address environmental issues in the negotiations with Mexico. The White House has not said whether it will.

But in American border cities, even the most committed advocates of free trade insist that existing environmental problems should be addressed before free trade become a reality.

"We who breathe the air and drink the water along the border are the first to say we support free trade and that we also want a long-term plan for the environment," said William F. Joffroy Jr., chairman of the Border Trade Alliance, an organization that promotes economic development on behalf of local governments and business on both sides of the border.

The contamination along the border runs the gamut from raw sewage to wood smoke to highly toxic industrial chemicals.

WIDE ENVIRONMENTAL DAMAGE

Across the Rio Grande from El Paso, for instance, firewood is the chief cooking and heating fuel for most of the 1.2 million residents of Ciudad Juarez, Mexico Rubber tires are burned in kilns that make decorative bricks and tiles. Along with pollution from motor vehicles and industry, the smoke from these fires produces an acrid cloud over both cities under certain weather conditions.

Furniture-making plants and metalplating shops that fled environmental restrictions in California now flourish in Tijuana, Mexico, producing toxic wastes from their use of solvents.

Recreational use of the Rio Grande below Laredo, Tex., has long been considered unsafe because its sister city in Mexico, Nuevo Laredo, dumps about 25 million gallons of untreated sewage into the river every day.

Much of the development and growth along the border came as a result of the 1965 agreement between the two countries that allowed American companies to set up operations on the Mexican side. The American factories and assembly plants, called maquiladoras, import almost all raw materials and export almost all products virtually exempt from tariffs and other trade restrictions.

Now Mr. Bush wants to go further with the trade agreement, which would cut out all tariffs and trade barriers between the countries. A negative vote by either house of Congress before June 1 would deny Mr. Bush the authority to present the legislators with a completed agreement to be accepted or rejected.

"Along the border we already know what happens when free trade brings rapid economic growth to Mexico," said Mayor Suzanne Azar of El Paso. "We've seen the benefits but we have also seen some very tough environmental problems that are directly caused by that kind of growth."

GROWTH BOOMED IN 1980'S

The American plants grew quickly after the rapid devaluation of the Mexican peso starting in 1982 brought the wage of a Mexican worker down to about 50 cents an hour. Since then the number of maquiladoras has jumped to nearly 1,900 from about 300. They produce almost anything that involves a lot of labor, from carburetors to designer sun glasses.

On the outskirts of Nogales, a cluster of the plants sits on the hilltop. Big, boxlike buildings, they do not have any smokestacks or cooling towers because they are used for assembling components rather than manufacturing parts or processing raw materials.

Down the hill, the neat industrial architecture gives way to ramshackle dwellings fashioned from cardboard and scraps of wood taken from the plants' trash bins. These are the homes of maquiladora workers, most of them peasants who have migrated from Mexico's agricultural regions in search of steady pay.

In about a dozen shacks the most common building material is a tan carboard that once contained polyvinyl chloride. Written on the carboard walls are warnings that the former contents could release hazardous fumes.

"This is some of the best stuff because it is real thick and keeps the rain out," said Juan Ramos, standing outside a two-room structure that served as home for him and five relatives. All had worked in the plants. Their water supply was stored in a 55-gallon drum that was also refuse from the plants. A bright yellow and orange label identified its former contents as a fluorocarbon solvent whose vapors are fatal if inhaled.

$27 FOR 49 HOURS OF WORK

The starting wage for a maquiladora worker is about 82,000 pesos, or about $27, for a 49-hour week. More experienced workers receive as much as 140,000 pesos, or about $47, in addition to fringe benefits like a subsidized lunch.

Catalina Denman, a public health specialist at the Colegio de Sonora, a research institute, who has conducted numerous studies in Nogales, had this to say about the situation: "In the course of just a few years the maquiladoras brought the industrial revolution and all that goes with it to a region that was completely unprepared for it.

"In the short term this is a positive development because a job is better than no job and because living conditions where these people came from were also terrible. In the long term, though, what happened in Nogales could happen all over Mexico if a free trade agreement produces the same kind of fast development with no real attention to human needs."

Behind Mr. Ramos's home was one of the communal outhouses used by residents of the shantytown. A little ditch from the outhouse led to a bigger ditch that flowed to a creek in the bottom of a ravine that flowed into the Nogales Wash, stream that grows in size with the seasons. Like virtually every other Mexican border town, Nogales does not have any sewage treatment plants.

After crossing the border the wash is contained within concrete embankments as it flows through the center of Nogales, Ariz. High concentrations of human wastes in the wash are blamed for the hepatitis epidemic that produced 58 cases and many suspected cases last year, said Patrick Zurick, deputy director of the Santa Cruz County Health Department.

CONTAMINATION OF AQUIFER

Some of the cases involved people who had direct contact with the water where it flows through a popular recreational area outside of town or by children who skateboard on the embankments. Others apparently involved eating establishments and supermarkets along the wash where flies carried the disease from the water to food.

More ominous, Mr. Zurick said, is the contamination of an aquifer that runs on both sides of the border. Numerous homes and commercial establishments draw water from private wells tapped into the aquifer, he said, including several large warehouses where fruits and vegetables imported from Mexico are iced down and prepared for shipment throughout the world. In October the wells in those warehouses were declared public water supplies, by the county, requiring that they be chlorinated and tested regularly.

Across the border, Ciudad Juarez dumps all of its raw sewage into a canal that parallels the Rio Grande. In towns on the American side of the Rio Grande, the incidence of hepatitis from contaminated well water is so acute that a recent study in one town, San Elizario, Tex., showed that everyone had been exposed to hepatitis at least once by the time they were 20 years old.

Human wastes are not the only troublesome substances that have seeped from the Nogales Wash into the aquifer, Mr. Zurick said.

Last year, government and private health experts on both sides of the border repeatedly tested numerous water supplies in the Nogales area and found widespread contamination by the kind of chemicals that are normally found in industrial solvents and that are suspected or known carcinogens.

Although only a few samples showed unsafe levels of contamination, the results showed that the pollution was spreading through the aquifer, said Dick Kamp, director of the Border Ecology Project, a research and policy studies organization that participated in the water study. It seemed to originate in the industrial zone of Nogales, Mexico, where there are many Mexican-owned workshops as well as the American plants.

"This is the most extensive study of water pollution done anywhere along the border," Mr. Kamp said, "and what it shows is that we have a problem but that so far we don't know the source of it or its full scope."

More than 1,000 American-owned plants generate hazardous waste but only 30 percent of these have complied with Mexican rules requiring them to file information on how they handle those wastes, according to a report issued last November by the Secretariat of Urban Development and Ecology, the Mexican Government's equivalent of the Environmental Protection Agency. Only 19 percent of the plants using toxic materials could show that they had disposed of wastes properly, the report concluded.

Mexico's rules governing the use of hazardous materials only went into effect in 1988. Most of the regulations are just as strict as they are in the United States, but standards for specific substances and the enforcement mechanisms are still being established.

"The U.S. isn't able to handle hazardous wastes efficiently and so you can't expect it of Mexico where this problem is just now being addressed," said Joe King, president of the Meribah Corporation, an El Paso-based concern that specializes in waste disposal on both sides of the border.

"Protecting the environment has become a political priority in Mexico," Mr. King said, "it has popular support. But the infrastructure is totally missing and building it will involve astronomical costs and a lot of time."

UNDERAGE LABORERS FILL MEXICAN FACTORIES

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. PEASE. Mr. Speaker, with an FTA, Mexico's lax enforcement of its labor and environmental protection laws could subsidize the movement of American investment capital and jobs to Mexico.

As evidence of the lack of enforcement of labor laws in Mexico, I submit for the RECORD an article from the Wall Street Journal documenting the illegal use of child labor in Mexico. Additionally, this article describes dangerous factory conditions that constitute clear violations of Mexican health and safety standards.

To those who argue that companies operating in Mexico are dealing in a regulatory climate that is as strict as in the United States, I submit this article as evidence to the contrary. The jobs of middle class American manufacturing workers should not be jeopardized by 12-year-old children forced into dangerous jobs paying 85 cents per hour.

[From the Wall Street Journal, Apr. 8, 1991]

WORKING CHILDREN—UNDERAGE LABORERS FILL MEXICAN FACTORIES, STIR UNITED STATES TRADE DEBATE

(By Matt Moffett)

LEON, MEXICO.—When Vicente Guerrero reported for work at the shoe factory, he had to leave his yo-yo with the guard at the door. Then Vicente, who had just turned 12 years old, was led to his post on the assembly line: a tall vertical lever attached to a press that bonds the soles of sneakers to the uppers.

The lever was set so high that Vicente had to shinny up the press and throw all his 90 pounds backward to yank the stiff steel bar downward. It reminded him of some playgound contraption.

For Vicente this would have to pass for recreation from now on. A recent graduate of the sixth grade, he joined a dozen other children working full time in the factory. Once the best orator in his school and a good student, he now learned the wisdom of silence: even opening his mouth in this poorly ventilated plant meant breathing poisonous fumes.

Vicente's journey from the front-row desk of his schoolroom to the factory assembly line was charted by adults: impoverished parents, a heedless employer, hapless regulators, and impotent educators. "I figure work must be good for me, because many older people have helped put me here," says Vicente, shaking his hair out of his big, dark eyes. "And in the factory I get to meet lots of other boys."

Half of Mexico's 85 million people are below the age of 18, and this generation has been robbed of its childhood by a decade of debt crisis. It's illegal in Mexico to hire children under 14, but the Mexico City Assembly recently estimated that anywhere from five million to 10 million children are employed illegally, and often in hazardous jobs. "Economic necessity is stronger than a theoretical prohibition," says Alfredo Farit Rodriguez, Mexico's Attorney General in Defense of Labor, a kind of workers' ombudsman.

Child labor is one of several concerns about standards in the Mexican workplace clouding the prospects for a proposed U.S.-Mexico free trade agreement. It is being seized upon, for example, by U.S. labor unions, which oppose free trade and fear competition from Mexican workers.

Recently, Democratic Sen. Lloyd Bentsen of Texas, the chairman of the Senate Finance Committee, and House Ways and Means Committee Chairman Dan Rostenkowski of Illinois warned President Bush in a letter of the major hang-up: "the disparity between the two countries in . . . enforcement of environmental standards, health and safety standards and worker rights." Mr. Bush yesterday reiterated his support for the trade pact.

Free-trade advocates argue that investments flowing into Mexico would ameliorate the economic misery that currently pushes Mexican children into the work force. Partisans of free trade also point to the aggressiveness Mexican President Carlos Salinas de Gortari has lately shown in fighting lawbreaking industries: Mexico added 50 inspectors to regulate foreign plants operating along the U.S.-Mexico border and shut down a heavily polluting refinery in Mexico City.

LITTLE FOXES

Young Vicente Guerrero's life exemplifies both the poverty that forces children to seek work and the porous regulatory system that makes it all too easy for them to find jobs. In the shantytown where Vicente lives and throughout the central Mexico state of Guanajuato, it is customary for small and medium-sized factories to employ boy shoemakers known as *zorritas*, or little foxes.

"My father says I was lucky to have so many years to be lazy before I went to work," says Vicente. His father, Patricio Guerrero, entered the shoe factories of Guanajuato at the age of seven. Three decades of hard work later, Mr. Guerrero lives in a tumbledown brick shell about the size and shape of a baseball dugout. It is home to 25 people, maybe 26. Mr. Guerrero himself isn't sure how many relatives and family friends are currently lodged with him, his wife and six children. Vicente, to get some privacy in the bedroom he shares with eight other children, occasionally rigs a crude tent from the laundry on the clotheslines crisscrossing the hut.

School was the one place Vicente had no problem setting himself apart from other kids. Classmates, awed by his math skills, called him "the wizard." Nearly as adept in other subjects, Vicente finished first among 105 sixth-graders in a general-knowledge exam.

Vicente's academic career reached its zenith during a speaking contest he won last June on the last day of school. The principal was so moved by the patriotic poem he recited that she called him into her office to repeat it just for her. That night, Vicente told his family the whole story. He spoke of how nervous he had been on the speaker's platform and how proud he was to sit on the principal's big stuffed chair.

After he finished, there was a strained silence. "Well," his father finally said, "it seems that you've learned everything you can in school." Mr. Guerrero then laid his plans for Vicente's next lesson in life. In a few weeks, there would be an opening for Vicente at Deportes Mike, the athletic shoe factory where Mr. Guerrero himself had just been hired. Vicente would earn 100,000 pesos a week, about $34.

At the time, money was tighter than usual for the Guerreros: Two members of the household had been laid off, and a cousin in the U.S. had stopped sending money home.

After his father's talk, Vicente stowed his schoolbooks under a junk heap in a corner of the hut. It would be too painful, he thought, to leave them out where he could see them.

Last August Vicente was introduced to the Deportes Mike assembly line. About a dozen of the 50 workers were underage boys, many of whom toiled alongside their fathers. One youth, his cheek bulging with sharp tacks, hammered at some baseball shoes. A tiny 10-year-old was napping in a crate that he should have been filling with shoe molds. A bigger boy was running a stamping machine he had decorated with decals of Mickey Mouse and Tinker Bell. The bandage wrapped around the stamper's hand gave Vicente an uneasy feeling.

Showing Vicente the ropes was the plant superintendent's 13-year-old son, Francisco Guerrero, a cousin of Vicente's who was a toughened veteran, with three years' experience in shoemaking.

When a teacher came by the factory to chide school dropouts, Francisco rebuked her. "I'm earning 180,000 pesos a week," he said. "What do you make?" The teacher, whose weekly salary is 120,000 pesos, could say nothing.

Vicente's favorite part of his new job is running the clanking press, though that usually occupies a small fraction of his eight-hour workday. He spends most of his time on dirtier work: smearing glue onto the soles of shoes with his hands. The can of glue he dips his fingers into is marked "toxic substances * * * prolonged or repeated inhalation causes grave health damage; do not leave in the reach of minors." All the boys ignore the warning.

Impossible to ignore is the sharp, sickening odor of the glue. The only ventilation in the factory is from slits in the wall where bricks were removed and from a window near Vicente that opens only half-way. Just a matter of weeks after he started working, Vicente was home in bed with a cough, burning eyes and nausea.

What provoked Vicente's illness, according to the doctor he saw at the public hospital, was the glue fumes. Ingredients aren't listed on the label, but the glue's manufacturer, Simon S.A. of Mexico City, says it contains toluene, a petroleum extract linked to liver, lung and central nervous system damage. The maximum exposure to toluene permitted under Mexican environmental law is twice the level recommended by recently tightened U.S. standards. And in any event, Deportes Mike's superintendent doesn't recall a government health inspector coming around in the nine years the plant has been open.

When Vicente felt well enough to return to work a few days later, a fan was installed near his machine. "The smell still makes you choke," Vicente says, "but el patron says I'll get used to it."

El patron, the factory owner, is Alfredo Hidalgo. "These kinds of problems will help make a man of him," Mr. Hidalgo says. "It's a tradition here that boys grow up quickly." Upholding tradition has been good for Mr. Hidalgo's business: Vicente and the other zorritas generally are paid less than adult workers.

Mr. Hidalgo doesn't see that as exploitation. "If it were bad for Vicente, he wouldn't have come back after the first day of work," he says. "None of the boys would, and my company wouldn't be able to survive."

"The system makes protecting the zorritas very, very difficult," says Teresa Sanchez, a federal labor official in Guanajuato state. The national labor code gives the federal government jurisdiction over only a limited number of industries that make up just 3% of businesses in the state. "The important industries, like shoes," she says, "are regulated by the states, and the states . . ." She completes the sentence by rolling her eyes.

At the state labor ministry, five child labor inspectors oversee 22,000 businesses. The staff has been halved in the decade since Mexico's economic crisis erupted, says Gabriel Eugenio Gallo, a sub-secretary. The five regulators make a monthly total of 100 inspections. At that rate it would take them more than two decades to visit all of the enterprises under state jurisdiction. Because child labor violations weren't even punishable by fines until very recently, state regulators say they have a hard time getting the tradition-bound employers they do visit to take them seriously. "Ultimately, the schools must be responsible for these kids," Mr. Gallo concludes.

Located just four blocks from where Vicente Guerrero labors, the Emperador Cuauhtemoc school employs two social workers to reclaim dropouts. (Children are required by law to stay in school through the sixth grade.) One-third of the students at Cuauhtemoc never finish the Mexican equivalent of junior high. With their huge caseloads, the two social workers certainly have never heard of Vicente Guerrero. "Ultimately, it's the boy's own responsibility to see to it that he gets an education," says Lourdes Romo, one of the counselors.

Vicente is still getting an education, but it's of a different sort than he would be getting in school. On a factory break, the superintendent puts a zorrita in a headlock to act out the brutal murder of a member of a local youth gang. This pantomime is presented to Vicente and a rapt group of boys as a cautionary tale. "Boys who don't work in the factory die this way on the street," the superintendent warns.

Vicente hasn't missed work again, though he always has a runny nose and red eyes. "One gets accustomed to things," he says. It's lucky for him that he is adaptable. The plant was expanded recently and Vicente's window, once his source of fresh air, now swings open onto a sewing room where several new boys labor.

The zorrita tradition is unlikely to fade any time soon. "We eat better now that Vicente works," says Patricio Guerrero, watching his wife stir a skillet of chicken in sweet mole sauce. "And Vicente has few pesos left over so he can enjoy being a boy."

But Vicente doesn't have the time. Even though he's the captain, he recently missed an important Saturday match of his soccer team. A rush order of soccer shoes had to be filled at Deportes Mike. His friends tell him that "I stink as bad as the patch on a bicycle tire," he says. "But I know that's just the smell of work."

□ 1240

CONGRATULATIONS TO YUGO NAKAI

(Mr. RAY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. RAY. Mr. Speaker, I rise today to congratulate Yugo Nakai of Columbus, GA, on winning the nationwide essay contest on the subject of "What We Learned From the Holocaust."

Yugo Nakai is 13 years old. Yugo and his parents are my constituents. His father is Minoru Nakai, who is a corporate employee with A. Flac, a Columbus, Georgia-based $9 billion insurance company.

Yugo Nakai is a seventh grader from Fort Junior High School in Columbus, GA. He is an excellent student. He has done well in the National Geography Bee and has participated in the Odyssey of the Mind Program.

A special word of congratulations must also go to Yugo's parents, Mr. and Mrs. Minoru Nakai, and the Muscogee County school system which Yugo attends.

Mr. Speaker, Yugo's paper is an excellent essay on the Holocaust and the need to always remember that horrible event. I urge my colleagues to read it.

Mr. Speaker, I include the essay with my remarks, as follows:

HOLOCAUST, THE STRICT TEACHER

(By Yugo Nakai, Grade 7, Fort Junior High School, Columbus, GA)

The Holocaust is a cruel and vivid reminder of what can happen when people hate. Such senseless mass destruction is so incomprehensible that some of us deny it even happened, either consciously or unconsciously—simply shutting out a concept too evil for the mind to accept. Consequently, we also shut out the painful but invaluable lessons of the Holocaust. However, unless we face the truth (and the naked, obscene evidence left behind by the death camps), the same mistakes that started the Holocaust will be repeated, and the agony that millions suffered will be worth nothing.

One lesson that must be learned from the Holocaust is that we as Americans have responsibilities to our fellow human beings, be they poor, black, Muslim, homosexual, Polish, or mentally handicapped. America, the so-called stronghold of freedom everywhere, sat still and watched as Nazi Germany conquered, tortured, and humiliated most of Europe. It is our responsibility to risk all that is precious to us for the basic rights of humans, no matter who they are or where they are from. We must stand up and defend other people's rights or our own rights are meaningless.

Some say that our armed forces shouldn't be used to protect people in other countries. "Why should we risk American lives for foreigners?" they argue. My answer is this: If you saw an innocent person threatened on the street, wouldn't you do something? To sit back and watch people get hurt is morally wrong. Unless we defy the aggressors and murderers, we will be as guilty as Hitler. If aggressors are not stopped, they can gain enough power to start a Holocaust. Like cancer, they must be eliminated or weakened before they become lethal.

We must not ignore crimes against civil rights, even if the victims are different from us physically or have differing ideas. We must remember that they are still humans, and deserve to be treated and thought of as such.

In America, almost all blatant acts of racism have ceased. However, the hatred, the prejudices and stereotypes are still alive and unwell. These feelings are caused by ignorance and driven by hate. They are rarely, if at all, based on truth, and when and if they are, they contain only a minute amount. Nearly every American is influenced by prejudices and stereotypes, consciously or unconsciously. They are programmed into us by movies, television, peers, and society in general. These feelings are not as obvious as the earlier acts of segregation and total denial of civil rights and therefore are unchallenged. Because they are virtually accepted as part of society, they are very hard attitudes to overcome. But overcoming the idea that one race is superior to others is perhaps the most important thing to be learned from the Holocaust.

We must look long and hard at ourselves to prevent more Holocausts. Are we really standing up for freedom? Do we treat minorities with respect and equality? Are we willing to defend others' rights and freedoms, even though doing so may cost us dearly? Until we can truthfully say yes to all of these questions, until we have learned from our mistakes and atoned for our errors made during the Holocaust, the weight of millions of deaths rides on our shoulders. And that's a heavy burden.

A TRIBUTE TO VOLUNTEERS AT WESTOVER AIR FORCE BASE

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NEAL of Massachusetts. Mr. Speaker, it is with a deep sense of pride that I rise today to pay tribute to the military and civilian volunteers at Westover Air Force Base in Chicopee, MA, who have been faithfully greeting the troops returning home from the Persian Gulf. Since the February 27 cease-fire, literally thousands of volunteers have worked tirelessly to ensure that each and every soldier receives a hero's welcome. To date, Westover has greeted 15,488 troops returning home from the Kuwaiti theater of operations.

Around the clock, the troops are being greeted by enthusiastic crowds waving American flags and wearing yellow ribbons. The homecoming committee, under the leadership of Brig. Gen. Frederick Walker, has welcomed returning soldiers at all hours of the night with a endless supply of hot dogs, hamburgers, and cold beer. Chicopee Mayor Joseph Chessey has offered words of inspiration and supported the effort. Base personnel express their show of support through handshakes, cheers, and other gestures of good will. While their stay may be brief, it is certain that the troops will never forget the hospitality and encouragement given to them by the people at Westover.

Mr. Speaker, I would like to submit these following articles as part of the RECORD, and I join my constituents by welcoming our brave troops home. The texts of the articles follow:

[From the Springfield (MA) Union-News, Mar. 1, 1991]

W MASS RESERVIST SHARED FEARS IN LETTERS SENT TO WIFE, CHILDREN

(By Cynthia Simison)

Craig Harbour knew the war was coming when he wrote to his three young children Jan. 15.

"It's important that you know that I am scared," he said.

In the letter that would arrive 3½ weeks later at the family's home in Springfield and be read at the supper table by his 9-year-old son, the Army Reservist told the children, "Today is the last day of peace. Tomorrow, there may be war.

"I don't get scared easily. I'm scared because I don't now what is going to happen. Usually, I am very much in control. In this war, I have no control," he said.

From quarters near an air base in Dhahran, Saudi Arabia, where his medical unit from Westover Air Force Base, Chicoppe, has been living and working for the past three months, the 36-year-old captian wrote, "Every time a plane takes off, I wonder if that will be the one that starts the war."

He told his children that his own father had gone off to war.

"He, too, must have been scared, but he made it. So will I."

He told them he hoped it would be a "short war."

He asked them to "say a prayer each night for me to come home soon."

And he said he missed them.

"I want to go swimming, play ball, watch your dancing. I can't do that here with you," he wrote.

Harbour asked eldest son, Justin, Ryan, 7, and Christina, 5, to "remember I love all of you as I know you love me" and telling them, "your love is keeping me going."

It is probably the most moving of Harbour's letters home, his wife, Kathe, said this week, as she read over the dozens the family has received since Harbour left for war duty the Saturday after Thanksgiving.

Craig Harbour is one of the 49 members of the Army Reserve's 173rd Medical Group that serves as a command and control unit, sending casualties through field hospitals for treatment. This week, the unit was at work helping evacuate and arrange treatment for the U.S. soldiers injured when a Scud missile struck a military barracks.

By yesterday, the group still was aiding the medical activities in Dhahran, but members were "very upbeat" about the potential of returning home within the next four to six weeks, according to Gerald Dolloff, rear detachment officer.

Where one Scud hit, the 173rd and other units in Dhahran had been threatened before.

A tape recording that Harbour sent to his family bears out the realities of war that units removed from combat have had to face—eerie sounds of explosions, soldiers getting into chemical warfare suits, missiles flying through the sky, and a repeated message in the background saying. "Scud launch . . . Scud launch . . . Scud launch . . .

Before Monday, there has been no successful Scud attacks by the Iraqis on Dhahran. All, like the one Harbour recorded, had been intercepted by U.S. Patriot missiles.

His letters, tapes and the telephone calls he's been able to make every 10 days have helped Harbour's family endure his absence and learn about the medical-equipment salesman's new work.

On the homefront, his wife has been working to keep a family-support network together for the 173rd and trying to organize a support program within the Springfield school system to help children understand and cope with war.

The news of the cease-fire seemed "too good to be true," Kathe Harbour said. She is skeptical about whether the war is over. "It seems to easy. Until I see him coming off the plane. I won't really believe it," she said.

The captain's letters are tied together with a brightly colored shoestring and kept on his wife's bedside table so she can re-read them before she goes to sleep at night.

Kathe remembered the children were "very silent" after the Jan 15 letter was read Feb. 7, the day it arrived. She keeps each envelope marked with the date the letter was written and its date of arrival. Initial three-week delivery periods have been shortened to anywhere from 10 days to two weeks, she said.

"I began talking about how my father went to war, too, and that he came home and how our grandfathers had been in World War I and came home," Kathe said.

Justin broke the children's silence, asking, "So, it's sort of a family tradition, and maybe I'll go to war some day." His mother said she responded, "Let's just pray it never gets to that point."

When the children came down stairs to brekfast yesterday and were told about the cease-fire, Ryan, who turns 7 today, "said, 'That means the war is over and Dad is coming home.' You could visibly see his forehead go up two inches," his mother said.

In one of Craig's most recent letters, written before the ground war began, he said, "I predict I'll be home in May. Let's hope.

A letter received Wednesday recounted his rest-and-relaxation visit to a cruise ship in Bahrain, aboard which soldiers have been given a few days' leave from their war duties. Written two weeks before, he said they were "between phases of the war," and it had "been a very slow time," a situation that changed Monday with the Scud Attack.

His early letters chronicled the 173rd's arrival in Saudi Arabia and members's living in tents before being settled into an apartment building outside Dhahran. "It is a very Western city. Even saw a Toys R Us. It is very large and spread-out. Very modern with superhighways," he wrote in one letter in eary December.

In another, he was less than enthusiastic about the situation. "This place has to be the most God-forsaken place ever. There is absolutely nothing. Garbage is thrown everywhere, anywhere . . . Found out today we are living on a landfill. Most of this country is a landfill. There is no zoning."

Describing his first windstorm, Harbour wrote. "That inside of our tent was covered in dust. I'm used to it by now. You live with being dirty all the time. There are only degrees of dirtiness."

[From the Springfield, MA, Union-News, Mar. 5, 1991]

WESTOVER GREETS TROOPS WITH CHEERS, BEERS, TEARS

(By Cynthia Simison)

WESTOVER AIR FORCE BASE.—With less than a half-hour's notice, there were cheers and beers here to greet the first soldiers returning home from the Persian Gulf since last week's cease-fire.

"Real food," yelled one Army sergeant in his desert gear as he crossed the threshold into the Chicopee base main hangar late yesterday morning to see flags flying, hamburgers being grilled and cold beers stacked high.

Despite the hasty preparations as their C–5A Galaxy transport was diverted at the last minute from its planned destination at Dover Air Force Base in Delaware, the 20 homeward-bound soldiers were treated to a homecoming reminiscent of a Fourth of July celebration—complete with red, white and blue tablecloths, picnic tables and plenty of food.

They were greeted with hugs, kisses, handshakes and even some tears from a crowd of Air Force reservists, American Red Cross volunteers and AT & T operators who have been manning a free telephone center for soldiers at the Westover passenger terminal.

Said one Red Cross worker, Exie Holl of Westfield, "We were choked up when we sent them off to war. Now we're choked up welcoming them home."

"This is great. I felt good just being on that plane coming home, but now I feel even better," said Army 1st Sgt. Steven Choy.

A member of an Army Airborne unit that saw combat near Basra, Iraq, during last week's ground war, Choy said "the support from the American people was great. It kept us going."

"A welcome like this makes you feel appreciated," said Army Sgt Jimmy Jemison, an Alabama National Guardsman.

En route to his home in Austin Texas, 1st Sgt. Albert Noble, a member of an Army helicopter company that saw desert combat said he was looking forward to "pizza and tacos" when he reached his final destination.

Noble recalled his last views of the desert where he had spent five months from the plane he flew out on Sunday morning. "I flew over the battlefield . . . It looked like a big tank junk yard," Noble said.

He added that "not a single person" in his company had reservations about their war service.

"Everybody had been ready to go when we were told Aug. 5 . . . They did their job," he said.

Westover's Brig. Gen. Frederick D. Walker, commander of the 439th Military Airlift Wing, made the rounds among the soldiers, shaking hands and delivering beers.

"No one will come back from the sands without a hero's welcome. We'll be here like this every time they arrive, whether's it's 1 in the morning or 5 in the afternoon," Walker said.

Chief Master Sgt. Charles Fusco, the base's senior enlisted adviser, was flipping burgers, hot dogs and kielbasa as soldiers joined the homefront chow line. Even though things were different when he returned home from duty in Vietnam almost 20 years ago, Fusco said, "This is great. There's no doubt about it."

Westover officials have been hoping to have steak and lobster waiting for the troops that pass through Chicopee, but, to date, have been unable to muster the finances to guarantee it for the returning soldiers. A committee of military and civilian organizations is at work on plans for more elaborate welcoming festivities, Fusco said.

Fresh back from a tour of flying operations in Saudi Arabia, Fusco said most soldiers he had talked to in the desert asked that "good old American food" be waiting for them.

"Most of them really just want to get home," Fusco said, recalling one soldier who told him "all I want to do is go home, grab ahold of my kids and never let go."

A dozen of the first returning soldiers were members of a "special operations" unit and were barred from meeting with media. Most of the eight others got to head home early from the desert as they were released on emergency leaves because of deaths and illnesses in their families.

Choy, whose father-in-law died more than a week ago, said he had to wait to head home until his unit's involvement in the ground war was completed. He said though, that his unit's work appeared to be done and his fellow soldiers are expected home soon. His job at Fort Bragg will be "to get the unit's barracks area ready for their return," Choy said.

Choy said his first plans for homecoming are "to get the Christmas with my kids that we didn't have and maybe wrap Thanksgiving in with it too."

[From the Springfield, MA, Union-News, Mar. 6, 1991]

A GENERAL'S WELCOME AT 3 A.M.—WALKER GREETS RETURNING SOLDIER

(By Cynthia Simison)

WESTOVER AIR FORCE BASE.—Brig. Gen. Frederick D. Walker made good on his promise to give every returning soldier from the Persian Gulf a hero's welcome no matter the hour with an early morning greeting yesterday.

Walker and a band of senior officers from the base were on the tarmac at 3 a.m. to greet Army Specialist Arthena Wheeler of Hillsdale, N.Y., when she stepped off a C–5A Galaxy transport.

Several members of Wheeler's family were also on the ramp for the welcoming ceremonies as Wheeler returned home for an emergency leave because of illness in her family, according to Gordon Newell, base public affairs officer.

"When I saw the star on (the general's) hat, at first I thought something had gone wrong," the returning soldier told Newell.

When she realized it was Westover's way of welcoming her back from Saudi Arabia, Wheeler said, "It is absolutely wonderful to be back in the good ol' U.S.A., but I never expected anything like this."

Wheeler was the only returning soldier to come through Westover yesterday.

Wheeler served as a vehicle operator assigned to the 4th Transportation Company of the Army's 16th Support Group. Before being deployed to the gulf in early December, she had been stationed in Ludwigsberg, Germany, Newell said.

Newell said Wheeler told him she does not expect to be returning to desert duty. Once her emergency leave is over, she indicated she will apply for a "Compassionate reassignment" to an Army base in the States, Newell said.

On Monday, the base welcomed home 20 other returning soldiers, the first since last week's ceasefire in the gulf war. At that time, Walker pledged, "No one will come back from the sands without a hero's welcome. We'll be here like this every time they arrive, whether it's 2 in the morning or 5 in the afternoon."

Westover, which shipped more than 31,000 soldiers and 77,000 tons of cargo off to the gulf, has become the main westbound staging area for the return of troops. Increasing numbers of soldiers are expected to be returning over the next weeks.

The airlift of cargo to the gulf to sustain the remaining forces is also continuing as part of Westover's work. In the 24 hours that ended yesterday at 8 a.m., Westover transports had departed with 218 tons of cargo bound for the gulf, according to base statistics. There were no eastbound passengers.

[From the Springfield, MA, Union-News, Mar. 7, 1991]

Joyous Welcome for Returning Troops Is "Genuinely Historic"

(By Dick Garvey)

The headline on Cynthia Simison's story in the Union-News earlier this week read: "Westover greets troops with cheers, beers, tears."

The 20 soldiers returning from the Persian Gulf had been scheduled to land at Dover Air Force Base in Delaware, but their C–5 Galaxy transport was diverted to Westover which had only a half-hour notice before landing.

That was time enough for Red Cross volunteers, AT&T operators who have been manning a free telephone center for servicemen, and Air Force reservists to decorate the place in patriotic theme, put hamburgers on the grill, and get out the cold beer.

Westover's instant party is yet another joyous manifestation of the American pride that the war was so successful, relief that it is over, and gratitude that the cost in American casualties was so remarkably light.

This feeling of elation at a war's end is without precedent.

The Spanish-American War was brief, but losses to disease were great.

Forerunner of the National Guard in Western Massachusetts was the Second Massachusetts Regiment, and its members returned from Cuba by ships to New London and arrived in Springfield on the afternoon of Aug. 27, 1898.

When the Hampshire soldiers reached Northampton station at 4:30, a crowd awaited them, but, as Lt. James Gilfillan wrote:

"Neither the returning soldiers nor the people of the city, however, were in the mood for exultant demonstration. The company of buoyant, vigorous young men, who had departed for war only four months before, were now returning with strength and spirit broken down by hardships and disease."

The return of Western Massachusetts' 104th Regiment of the Yankee Division at the end of World War I was more joyous, and the Union's main headline reported a program to provide a civilian job for every member of the regiment.

Proposals for war memorials in Springfield ranged from a veterans' clubhouse (for which money was appropriated and then withdrawn) to a natatorium, including a granite shaft, and parks and playgrounds, before the city settled for a plaque.

While enthusiasm ran high, veterans were invited to a chicken dinner at the Kimball, and 650 showed up. The only price they had to pay was to listen to numberless after-dinner speakers.

The first military units to return after victory in Europe during World War II were scheduled for redeployment to the Pacific. It was hardly a time for rejoicing.

On May 22, 1945, a fleet of 65 Liberator and Flying Fortress bombers of the U.S. Eighth Air Force, carrying 275 officers and 800 enlisted men, landed at Bradley Field in Windsor Locks from England.

The men were given 30-day furloughs before reporting for reassignment to the war in the Pacific.

Soldiers arriving home to stay were those with more than 85 points, based on length of service, age, marital status, number of children, and many other factors.

Other servicemen were assigned to fill the ranks of units which discharged men with high points. So, the most strenuous celebrations came only when Japan surrendered in August and the war was over.

Even then, many thousands of troops had to be retained as occupation forces in Japan, Germany and other Axis countries, and other military units were assigned to bases throughout the Pacific and Europe.

Troops from the Korean "police action" and the Vietnam War came home to a disunited nation that was hardly in the mood to rejoice or to conduct instant parties.

So, there has never been a time when so many men and women will return so swiftly from such a brief war in which American casualties were light.

Despite warnings that many Middle East problems remain unsolved, Americans are euphoric and wish to honor the military personnel who fought so successfully.

This moment is genuinely historic because it is without precedent in our history.

This moment will form the benchmark against which all future American attitudes toward the soldier will be measured.

[From the Springfield, MA, Union-News, Mar. 1, 1991]

Westover Puts Out "Welcome" Mat

(By Cynthia Simison)

Westover Air Force Base.—This base, which sent troops and supplies to war, will be among the first to welcome soldiers home from the Persian Gulf.

The end of the armed conflict in the gulf will renew intensive work here as the base becomes the main staging area for the return of cargo and troops from the Middle East.

Returning soldiers could begin landing at the Chicopee base as early as this weekend, Brig. Gen. Frederick D. Walker, commander of the 439th Military Airlift Wing, predicted yesterday.

After overseeing the transport of more than 77,000 tons of cargo and 31,000 troops to the gulf, Westover will begin a "reverse flow" of the airlift that, to date, has seen the base's C–5A Galaxy jets involved in close to half of the U.S. movement of materials for the war.

Plans are already underway for a "heroes' welcome home" for the homeward-bound troops with Walker and other base officials announcing a commitment to work with business and community leaders and military support groups to organize welcoming activities.

Representatives of the Galaxy Community Council, a support group for the base, the American Red Cross and United on the Homefront, a pro-policy military support group, began meeting with base representatives yesterday morning to plan activities, Walker said.

"We don't know yet whether it will be lobster or steak. But I hope the flags will wave and bands will play," said Walker, who added that one integral part of the soldiers' welcome will be to "have a cold beer waiting for those people who haven't had one in seven months."

Col. William Lee, who will head up the homecoming plans, said several meetings of organizers have already been planned through next week. Though the number of troops coming home through Westover is still uncertain, Lee said the message to be delivered in the welcoming is uppermost in his mind.

"The important thing is that we just want to make sure they know everybody appreciates what they did and that they're welcome home," Lee said.

Special celebrations are expected to be organized for New England Reserve and National Guard units, as well as Westover's own team of nurses and medics, who were dispatched to the gulf.

There are two Army and Marine Reserve units, stationed at Westover, which have well over 100 soldiers stationed in the desert. Spokesmen for the two units said today that their members are "doing well," but there was no word yet on when they might return.

Walker said the 1,500-plus Reservists on active duty with the Air Force at Westover, many of them since December, to keep the C–5A fleet shuttling supplies and soldiers to the war "will remain busy for some time."

The base's more than 650 maintenance workers have been working round-the-clock to ensure the planes have moved in and out of the base without incident. The C–5 fleet "is still in good shape. We are just amazed at the amount of hours put on these planes. Their failure rates are surprisingly low," said Capt. Cam LeBlanc, maintenance control officer.

The scheduling and logistics of the airlift home have yet to be announced. "It's up to Gen. (Norman) Schwarzkopf. We have to handle things according to his schedule," Walker said. "We'll try to be ready to handle whatever we're asked to," the general said.

C–5A transport crews from Westover will also continue to haul supplies to the gulf to support soldiers who remain in the area, according to the general.

As many as 20 incoming flights per day may be on tap, comparable to the flight schedule Westover undertook at the start of the new year when there was a surge of airlift activity in preparation for the air and ground wars.

Along with the C–5s and other transport planes, commercial jetliners under contract with the military to convey troops may be landing at Westover for refueling en route to other locations in the United States.

It was an obviously jubilant Walker who met with reporters to talk about the return of troops. "We are all smiles," Walker said. "And I am very happy, elated. I've got a son over there and now I don't have to worry as much."

Walker said it was "only speculation" at this point that soldiers could begin filtering through Westover within the next several days. But, he said, "We have 73 westbound seats aboard the C–5s, and they're bound to be occupied."

SPECIAL ORDER VACATED AND SPECIAL ORDER GRANTED

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that a previously granted special order of 60 minutes for myself today be vacated and replaced with a 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

JAPAN'S CONFUSION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, recently I spoke on this floor about the Japanese investing in our trophy golf courses and how they are raising the membership fees for those courses.

It aroused so much interest that a friend of mine, Sal Monte, president of New Jersey's Kenrich Petrochemicals sent me a piece by Charles Osgood, CBS News. It was originally presented on CBS last fall.

Mr. Osgood's poetry is quite good. It captures the irritation that Americans have right now with Japan about both their purchase of golf courses, and, their reluctant dance in pulling their fair share in freeing Kuwait.

ODE TO THE JAPANESE

The Japanese would rather buy us out than help us out, at least according to Charles Osgood. Here's a poem he presented on the CBS Radio Network, Sept. 7, 1990.

The United States is saying to our friends the Japanese,
The Persian Gulf is costing us, so would you help us please.
We are not doing this for U.S. interests alone,
The Japanese need oil too, that fact is widely known.
It's the Gulf that fuels the plants of Nissan and of Subaru,
And Honda and Toyota and of Mitsubishi too.
And the effort we are making now there in the Middle East,
Deserves support from Tokyo, financially at least.
They're offering a billion bucks attached to many strings,
The billion dollars would be buying only certain things.
What sort of thing, you wonder, could a billion dollars buy?
The Japanese have lots of money, why are they so shy?
Perhaps there's something Westerners just cannot understand,
Some cultural aversion to a place with so much sand.
And yet while they seem not to hear what Bush's men beseech,
The Japanese have just gone out and purchased Pebble Beach.
Four golf courses and two hotels are involved in it they say,
It includes the Lodge at Pebble Beach and the Inn at Spanish Bay.
And the Price? Must be about a billion, most observers feel,
With the beaches and the sand traps, all included in the deal.
So while there is some resistance to the desert sort of sand,
The Monterey Peninsula, you surely understand,
Is a sand of quite a different hue and quite a different sort,
And golf has the appeal of both a business and a sport.
So the Japanese invest a billion dollars more or less,
When we said Gulf, they must have thought that we said Golf, I guess.

There will be a reaction from America's golfers if the Japanese continue to acquire our golf courses and raise the memberships to $750,000 or even $1,000,000. What has been a gentleman's sport will be forever transformed.

In polite society in the United States we have a term for those throwing their money around. We call them nouveau riche. Or perhaps the Japanese just want to raise the fees so the American golfers can caddy for them.

THE FOREIGN INTERESTS REPRESENTATION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I am introducing legislation to tighten, toughen, and update the Foreign Agents Registration Act. The original cosponsors of the bill are PAT SCHROEDER, BILL HUGHES, DAVID BONIOR, BUTLER DERRICK, HOWARD BERMAN, JOHN BRYANT, ED FEIGHAN, RON WYDEN, PETE HOAGLAND, CHARLIE ROSE, and SAM GEJDENSON. My bill will require persons whose lobbying of the legislative or executive branch would benefit a foreign interest to disclose the details of their activities. This legislation is intended simply to shed sunshine on lobbying by foreign interests so legislators, administrators, and the American public are aware of who is working to influence public policy, and who is paying for it.

The world has changed dramatically since the Foreign Agents Registration Act was originally used to disclose Nazi and Communist propaganda in the 1930's and 1940's. With the end of the cold war, we should be less worried about ideological indoctrination and focus our concern instead on the global economic competition that has seen some of our Nation's strongest industries overwhelmed and finest economic and cultural assets sold to foreign purchasers.

Foreign corporations and governments spend hundreds of millions of dollars annually to gain access and advantage in the American economy. They employ influential lobbyists, many of whom are well-respected former U.S. Government officials, to make their case in Washington. Many of our top trade negotiators leave Government only to appear the next week at the opposite side of the bargaining table representing foreign interests. This is perfectly legal, indeed, we set the rules and create the economic circumstances which invite foreign investment. Our free trade policies and huge budget deficits have opened the door wide to foreign investors. We need foreign investment, but we do not want foreign investors to begin setting the rules and policies which govern our country.

In a number of cases in recent years, foreign corporations have hired teams of Washington lobbyists and public relations professionals to silence possible Government interference in foreign buyouts of U.S. corporations, and oppose efforts in Congress to impose trade sanctions for unfair and illegal trade practices. Many of these efforts currently are not covered by the Foreign Agents Registration Act.

I believe all contacts with the Government intended to benefit a foreign principal, other than informational filings required by law, should be disclosed to the Justice Department. My legislation will close a number of loopholes in the law which allow informational visits to go undisclosed and persons not employed by the foreign entity to be exempt, even though their work clearly benefits a foreign interest.

Let me explain the major provisions of my bill:

First, my legislation attempts to get rid of the stigma attached to the label "foreign agent," which is commonly believed to cause great reluctance to register with the Justice Department. It is widely held that the approximately 900 persons currently registered represent only a fraction of the total who should register under FARA. FARA would be renamed as the "Foreign Interests Representation Act." The term "political propaganda" would also be dropped in favor of "promotional or informational materials." Other negative terms like "indoctrinate" and "convert" would be replaced by the neutral term "influence."

Second, the bill would create a new category of "representative of a foreign interest" required to register with the Justice Department; persons who are not controlled by a foreign interest but who undertake political activities in furtherance of commercial, industrial, or financial operations with a foreign principal. This would bring under the law a whole category of lobbying by individuals and corporations attempting to influence public policy to substantially benefit a foreign entity as well as themselves. American corporations who, for example, seek action to end sanctions against a foreign country or company or ask the Government to refrain from enforcing the trade laws have the same effect as if the foreign entity did the lobbying directly and should be required to register.

Third, my bill establishes a test to determine what constitutes foreign control. Entities that are more than 50 percent foreign owned would be presumed to be foreign controlled and required to register. Entities with between 20 and 50 percent foreign ownership would also be considered foreign controlled, but the presumption could be rebutted with evidence. Less than 20 percent foreign ownership would not require registration. This attempts to clear up an area of frequent confusion which may have contributed to underregistration in the past.

Fourth, my bill narrows an exemption which allows an agent of a foreign principal to not register as long as they take part only in nonpolitical activities in furtherance of bona fide commercial interests, by making the only permissible conduct for these exempt individuals' responses to direct requests by an agency or in the context of a formal judicial or administrative proceeding. This provision addresses a grey area of contact which I believe should be prohibited unless it is disclosed.

Fifth, my bill addresses one of the administrative problems which hampers the effectiveness of FARA. Currently, registrants submit updated disclosure forms every 6 months after the initial registration. This system has made it almost impossible to know at any given time how many persons are registered and files are never really current. My bill would require followup registration forms to be filed by January 30 and June 30 each year. There would be a provision for the Justice Department to make exceptions for entities whose fiscal year does not follow the calendar year on a case-by-case basis.

Sixth, my bill eliminates an exemption which allows the President to exempt foreign governments "vital to the U.S. defense" which could lead to confusion and has not been used in over 40 years.

Seventh, my bill narrows the current exemption for lawyers to address a grey area of contact with agency officials that may concern a formal administrative proceeding but is nonetheless off the record. So much in the area of trade is decided by Federal agencies that a blanket exemption for administrative proceedings no longer is justified. The exemption remains for representation before a court of law and before the Patent and Trademark Office, which proceedings are secret under current law.

Eighth, my bill requires persons relying on one of the exemptions under the act to notify the Justice Department of their intention. Many commentators have surmised that lax enforcement of FARA has resulted in underfiling due to casual, broad reliance on the act's exemptions. The filing of such notice will at least ensure that potential registrants have read the act and are aware of the consequences of ignoring or intentionally violating its requirements.

Finally, my bill establishes civil penalties and enforcement tools. The harsh criminal penalties in FARA may be one reason the Justice Department has been reluctant to enforce the act. So, I have set out more reasonable civil penalties, in addition to existing criminal penalties, for violating the act and for late filings. The penalties give a judge flexibility to impose fines of between $2,000 and $1 million, depending on the nature and duration of the violation. In addition, my bill gives the Justice Department the power to summon individuals to testify and produce records, tools of enforcement which are badly needed.

Mr. Speaker, foreign influence in our Government's decisions is only one aspect of a much larger problem, the need for the United States to aggressively promote its own economic interests through public policy. This country had better wake up to the fact that American industry, the golden goose of our prosperity, needs to have the Government on its side in the global economy. I have also supported efforts to limit the revolving door and to reform the system we use to finance campaigns. I intend to ask the chairman of the Judiciary Committee, JACK BROOKS, for prompt action on this issue in the 102d Congress.

GARY LAPAILLE EARNS "MAN OF THE YEAR" AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call the attention of my colleagues to the recent accomplishments of Gary LaPaille, the chairman of the Democratic Party of Illinois.

Because of his humanitarian efforts on behalf of women and minority groups, the Joint Civic Committee of Italian Americans recently named Mr. LaPaille as its "Man of the Year." At age 36, Mr. LaPaille is the youngest person ever to receive the award in its 33-year history.

The JCCIA leadership presented its "Man of the Year" honors to Mr. LaPaille during the group's yearly installation dinner on April 6 at the Chicago Hilton and Towers, located at 720 South Michigan Avenue in Chicago.

Mr. LaPaille was named chairman of the Democratic Party of Illinois in April 1990. Since then, he has made great progress in a short time. One of his major goals as chairman has been to enhance opportunities for minorities and women in the Illinois Democratic Party.

During the 1990 fall election campaign, Mr. LaPaille helped dozens of African-American and women candidates, including several who won statewide offices in Illinois. For example, with Mr. LaPaille's support, Roland Burris became the first African-American ever elected to the office of Illinois attorney general. Charles Freeman also became the first African-American ever elected to the Illinois Supreme Court, and Dawn Clark Netsch was elected as the State's first female comptroller.

Dominic Di Frisco, the president of the Joint Civil Committee of Italian Americans, recently praised Mr. LaPaille's efforts to encourage greater participation by women and minorities in State politics. Mr. Di Frisco noted that, "Mr. LaPaille's commitment to helping all of the people of the State, not just a select few, has had a tremendous impact."

At this time, I would like to offer my congratulations to Mr. LaPaille for receiving this honor from the JCCIA. I believe people throughout Illinois and the Nation, both Republicans and Democrats, can look with pride on Mr. LaPaille's record of achievement.

Finally, I would like to express my best wishes to Mr. Di Frisco and the entire membership of the JCCIA. The Joint Civic Committee of Italian Americans is an umbrella organization representing more than 60 civic, fraternal, service, religious, and social groups of Italian-Americans in the Chicago area. I am extremely pleased that this fine organization saw fit to name Mr. LaPaille as its "Man of the Year."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce important legislation that will strengthen the State's role in the offshore oil leasing process.

As my colleagues well know, I have had longstanding concerns with the failure of the Outer Continental Shelf [OCS] Leasing Program to provide States with a strong voice in the OCS decisionmaking process. I think that my colleagues that have shared my involvement with this issue would agree that it is this particular failure of the program which is at the core of the extraordinary controversy surrounding the OCS issue.

Last year, after several years of trying, I was successful in having the Congress enact legislation overturning the 1984 Supreme Court decision in Watt versus California which had seriously limited the ability of States to block leasing that was inconsistent with their federally approved coastal management plans. While the enactment of this legislation restored to the States an important right to review Federal OCS lease sales for consistency with the State's coastal management plan, it is clear that more improvements to the process must be made. The bill I am introducing today, which was also introduced by Senator BOB GRAHAM in the Senate, would strengthen the States' role in the OCS leasing process further.

The OCS Lands Act currently requires the Secretary of the Interior, in developing and implementing the OCS Program, to consult with the Governors of the affected States. Yet in practice the Department has been unwilling to give little more than nominal consideration to States' concerns. The bill I am introducing would amend the OCS Lands Act to give Governors of coastal States greater authority over whether or not to include areas off that State in a 5-year OCS Leasing Program developed by the Department, and in determining whether a proposed lease sale provides a reasonable balance between the national interest and the well-being of the State. In addition, it would require the Department, in determining the national interest in OCS leasing, to give environmental protection equal weight alongside oil and gas production.

The bill also revises the standards that guide the Department of the Interior in deciding when an existing lease ought to be canceled to facilitate decisions that will protect the environment and provides that if the Secretary cancels an existing lease compensation to the lessee for the canceled lease may be in any combination of cash, forgiveness of rents or royalties, or credits against future bonus bids.

Finally, the bill amends the OCS Lands Act to require that all basic environmental studies related to a lease sale be completed, peer-reviewed, and published at least 180 days before the lease sale is announced. This is an important change as it will alert all parties involved in the process to the environmental concerns with a particular lease sale prior to that lease being sold.

Mr. Speaker, the message of this legislation is clear. The fate of our Nation's coastline can no longer be held within the confines of the Federal Government. If coastal States are going to bear the brunt of the industrialized and environmental risks associated with OCS development, it is only fair to make them a key player in the OCS decisionmaking process. By making the offshore leasing process more responsive to the concerns of coastal States, this legislation will greatly improve the stewardship of our natural resources. I urge my colleagues to join me in this effort by supporting this legislation.

ESTABLISHMENT OF NATIONAL UNIVERSITY FOR NATIVE AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, yesterday I introduced a bill to provide for the establishment of a National University for Native Americans. This bill is part of an effort to improve an educational system in this country which, for any number of reasons, has failed dismally in educating this country's native Americans.

On the bright side of this educational equation are recent indications that given an educational atmosphere to which native Americans can relate, test scores and other indicators go up. This should come as no surprise to anyone; each culture which successfully educates its youth does so through a system which reflects that culture's goals and aspirations. The question I ask is why should it be any different for native Americans? Obviously, it should not be.

Five hundred years of interaction between Europeans and native Americans have resulted in 24 tribally operated community colleges in the United States. This is to educate a population of nearly 2 million native Americans. In contrast to these limited educational opportunities, this country's black Americans have 160 colleges and universities available to them, with Howard University alone receiving $195 million in fiscal year 1991. I believe many of the achievements black Americans have reached can be attributed to education, in many cases, education received at black colleges and universities. As an example of how successful such an education can be, I point to Justice Thurgood Marshall.

Mr. Speaker, having seen the success of this Nation's black colleges, I believe they can be used a role model of a system that is working. I an not saying the system is perfect, or that we are doing all we should to educate the African-Americans in this country, but I am saying an analogy can be drawn between the Nations 160 black colleges and universities with Howard University at the top, and a system for our native Americans. My proposal would use the 24 tribally controlled community colleges now in existence as conduits to one national university. This would provide those students in the tribally controlled colleges a higher level of education achievable within this supportive system. I contrast this to our present system of educating native Americans.

Mr. Speaker, we often hear that native Americans supposedly have a negative attitude toward education. Throughout history this Nation has tried to educate the native American. I submit Mr. Speaker, that this so-called education, in my humble opinion, was an effort to abolish a rich and unique culture more than it was an effort to instill knowledge and training. Whenever an Indian youth was sent to school, he was not there simply to learn how to read and write, he was sent there to be reprogrammed. He was taught that his moral and social values were wrong, and that his beliefs were based upon superstition and ignorance, that his customs were uncivilized, and the native American was told to forget his own cultural heritage. Perhaps the earliest sign of this can be found in 1744 when Benjamin Franklin translated the opinions and words of the chiefs of the Six Nations at Lancaster, PA after some of their young men participated in western education. This is taken from a special report by the Carnegie Foundation for the Advancement of Teaching entitled, "Tribal Colleges: Shaping the Future of Native America," copyright 1989, and I quote:

> But you, who are wise, must know that different nations have different conceptions of things; and you will therefore not take it amiss, if our ideas of this kind of education happen not to be the same with yours. We have had some experience of it; several of our young people were formerly brought up at the college of the northern provinces; they were instructed in all your sciences; but when they came back to us, they were bad runners, ignorant of every means of living in the woods, unable to bear either cold or hunger, knew neither how to build a cabin, take a deer, or kill an enemy, spoke our language imperfectly, were therefore neither fit for hunters, warriors, nor counselors, they were totally good for nothing. We are however not the less oblig'd by your kind offer, tho' we decline accepting it; and, to show our grateful sense of it, if the gentlemen of Virginia will send us a dozen of their sons, we will take great care of their education, instruction them in all we know, and make men of them.

Perhaps if your forefathers had accepted the gracious invitation of the chiefs of the Six Nations, our history would be other than what it is. However, because of the arrogant attitude that the white way was right and the Indian way was wrong, a movement began in this country to correct and educate the native American. This is reflected in the college entrance examination board 1989 publication "Our Voices, Our Vision: American Indians Speak Out on Educational Excellence."

> Historically, white Americans invaded Indian country, established colonial institutions, and subjugated most sovereign Indian nations to Federal domination. Under duress, tribes ceded most of their land holdings and lost their economic self-sufficiency through forced changes in lifestyles. Federal policy makers implemented a coercive assimilation policy aimed at destroying tribal life. Traditionally, parents, clan members, and religious leaders taught children tribal values, religious precepts, political ideology, and other skills to live a well-balanced life. Under white authority, Indian children frequently suffered a torrent of abuse. Government officials sent children to distant boarding schools where they were punished for speaking their own language, taught to believe that their Indian ways were evil, and inculcated with values antithetical to tribal life.
>
> In the 1950s, when the Federal Government sought to cancel its trust obligation to Indian tribes, Federal budget cuts shifted emphasis from boarding schools to local public schools. Although most Indian students thereafter lived at home and attended local schools, the aim of State-administered education remained essentially the same: assimilation.

I submit, Mr. Speaker, that if someone were to offer me a wonderful education with the condition being that I renounce all that I am, I too would develope a rather negative attitude toward that person's idea of education.

The irony of this is that in any treaty ever signed by the American Indians and the white man, American Indians put education first. Perhaps I am wrong, but it is my belief that education is a gift. It is the transmission of knowledge from one individual to another, with the hope that this knowledge will make that individual a better person, not a different person. From the very beginning, the native Americans wanted that education, but over the years our Nation has been most neglectful of such an important responsibility. Yes, we can claim a lot of money has been spent on Indian education, but I submit, that the amount of money that is spent on a project is poured down the drain if that project is not properly planned and executed. It is my belief that this Government rarely plans anything well when it comes to the education of native Americans. This is made very apparent when we examine the results of this Nation's neglect of the native Americans: They have a high school graduation rate of 43 percent, they have a poverty rate of 45 percent, and they have an unemployment rate of 35 percent.

I share with you an excerpt from the journal "Change", published by the

Carnegie Foundation for the Advancement of Teaching January/February Issue 1990.

> Native Americans are considerably underrepresented in higher education today. The barriers for young Indians seeking a degree are formidable. Reservations are isolated, chronically neglected regions with depressingly persistent problems. * * * From them, college seems a distant opportunity.

For the last few decades, Mr. Speaker, we have seen an increase in native Americans attending postsecondary classes. While any increase is a step in the right direction, the actual number of native Americans attending colleges and universities is still extremely low. In the 10-year period between 1976 and 1986 there was an increase of 14,000 native Americans enrolled in postsecondary institutions across the United States. This increase, Mr. Speaker, constitutes less than 1 percent of the total 1980 native American population. The actual percentage of these students that received degrees is lower still.

I would like to share with you some facts gathered from national magazine, Education Week, August 2, 1989, "The High Cost of Education". Native Americans have the highest dropout rates of any racial or ethnic group in the United States. In 1980, the U.S. Education Department put the figure at 29 percent on high school sophomores. Other studies, go as high as 50 percent.

> What is more, they show that native American children begin dropping out of school much earlier than other groups, often in the elementary years.

There are also other problems that are affecting native American education today. Teenage pregnancies in many communities exceed national levels. Alcoholism and substance abuse are at epidemic levels. Soaring unemployment on reservations makes migration to cities an attractive alternative to poverty. Students of BIA-funded schools often do not speak English as their first language, and many students come from social environments where poverty and joblessness are pervasive. The parents of many Indian children are not well educated themselves and often find it difficult to help their children in school. The poorer families cannot provide proper nutrition at home which contributes to children being sent to BIA boarding schools where students are served three meals a day.

I submit, Mr. Speaker, that with an educational history such as this, is it a wonder that many native American youth do not view education in a positive light? Most native American youth have had no incentive or encouragement to continue their education even from a early age. They have a very poor view of all levels of education and it is up to us to change that perspective. I believe that the establishment of a native American university with native American administrators would help to create a more positive perspective of education for all native Americans.

Over the past few years, several colleges and universities across the Nation have made special grants available to native Americans. These programs are helpful, yet they lack the ability to meet all the needs of the native American student. Most of these schools do not provide any form of native American cultural education for the students once they are enrolled.

American Indians have many educational needs that differ from those of mainstream Anglo-Saxon society and that many Indians feel that the assimilation objectives of American education are detrimental to the social, economic, and political well-being of their communities. Indians want direct control over educational institutions serving their children and some method of strengthening the partnership between communities and educational systems.

This, Mr. Speaker, is my second point. I believe that we need to encourage the continuing education of native Americans by establishing a link between native American education and culture. For too long, native Americans have been denied their cultural beliefs and forced to suppress their cultural values and ideals.

This belief was confirmed by Mr. William Geier, in an article in Education Week, August 2. Mr. Geier, a consultant who toured Indian country in the fall of 1986 as part of an informal field study for the Edwin Gould Foundation for Children, said in his report that "throughout this trip, I had the overwhelming and sinking feeling that I was witnessing a process of complaisant, almost voluntary, genocide."

I submit, Mr. Speaker, that the desire to further one's education is drastically hindered by the knowledge that that education in most circumstances does not acknowledge or include any of your cultural values or beliefs. By establishing a native American university, we will be combining the education and cultural background that will encourage young native Americans to strive for higher levels of learning.

In every case where native Americans have had control of their education and have combined that learning with their cultural values and beliefs, the results have been tremendously successful as far back as the 1800's there are examples of this. A 1989 issue of Education Week provides the following;

> In the mid-1800's * * * the Choctaws of Mississippi and Oklahoma had supervised a system of about 200 schools and academies. The Cherokees of Oklahoma, using an alphabet developed by the tribal leader Sequoyah, achieved a literacy rate of 90 percent during the 1850's.
>
> In 1979, the Zuni Tribe in New Mexico concluded a decade-long study that found more than 40 percent of school-age children were not enrolled in school. That same year, Zuni high school graduates recorded average scores just above the 8th grade level on the State's Comprehensive Test of Basic Skills.
>
> Ten years later, Superintendent Hayes Lewis of the Zuni public schools proudly cites an annual dropout rate of only 3 percent and a 34-percent college-attendance rate among 1988's high school graduates.
>
> He attributes the turnaround to the tribe's decision to break away from a large public-school district and establish its own reservationwide district.

As you can see, Mr. Speaker, the combination of culture and education do work, and I submit that by establishing a native American university we will see this combination work again.

I propose that the university be established on university level standards while at the same time offering the cultural atmosphere of a tribally controlled community college. I would like to share with you, Mr. Speaker, a little information on tribal colleges. This is taken from Mr. Schuyler Houser's article, "Building Institutions Across Cultural Boundaries," which was printed in the Journal Tribal College, Volume II, winter 1991. I quote:

> First, the colleges characterize themselves explicitly as, in some way, being about values. They rely consciously on the values of their particular tribe or reservation to provide a frame of reference for discussions of institutional mission and educational purpose. The colleges believe that local tribal values, as each community defines them, are essential to the existence of the institutions, and to the education of their students.
>
> The colleges have used traditional values of their communities to provide a powerful orientation towards the future, their own and that of their students. The colleges recognize themselves as new kinds of entities, with new missions and methods of operation. The institutions conserve, but also extend the heritage of their tribes.

Although there are 25 tribal colleges currently operating in the United States that do provide postsecondary education for some tribes, these institutions are grossly underfunded and are struggling to meet the educational needs of native American students. Tribal colleges play a very important role in the education of native Americans, and this is the very reason to establish a national university for native Americans so their educational program may continue on with greater emphasis on completion of a student's enrollment in their junior and senior year—and ultimately, complete the undergraduate program of study. Of course, students will always be encouraged to pursue graduate and postgraduate studies.

Mr. Speaker, I believe that by establishing a national American Indian university, we will be encouraging native Americans to further their education by offering them a unique program of study that will enhance not only their own self-esteem, but break centuries-old barriers and social obstacles that have been associated with native Americans for too long. Under such circumstances, I believe native Americans will excel in the sciences, mathematics, history, politics, and yes—even in the arts and humanities.

Mr. Speaker, I believe that a native American university would also help promote America's appreciation of native American cultural and social values. An institution of this kind would give young native Americans a place to learn without giving up their identities and would help them develop pride in their rich and unique cultural heritage. Also, a native American university would help this generation and future generations of native Americans better appreciate the contributions of native Americans to our Nation and to the world.

Mr. Speaker, an American Indian by the name of August Breuninger felt that a university for Indians would be the greatest step that educated Indians could make in uniting their people. He felt it would single Indians out as really progressive Indians, and would provide a better influence for the upcoming generation.

Mr. Speaker, August Breuninger was an educated native American who saw the same dream that I have today, only he saw it in 1911. Eighty years have passed between the time when Mr. Breuninger wrote those words and I now stand here today before my colleagues in this historical Chamber, and in Mr. Breuninger's time and era, Mr. Speaker, families have been torn apart, hearts have been broken, time has been wasted, and an entire culture has almost been destroyed and decimated. My question to my colleagues, Mr. Speaker, do we find that the lot of native Americans today is any better than it was 80 years ago? How about 200 years ago? I say it is not so, in fact, in many ways we have gone the wrong direction.

Mr. Speaker, I need not remind my distinguished colleagues that next year will mark 500 years since the arrival of Christopher Columbus to the New World. You will note that I said, "arrival" of Columbus to the New World, and not discovery for the obvious reason that there were millions of people living in the Western Hemisphere before the arrival of Columbus.

I note with sadness that at a recent hearing before the House Foreign Affairs Subcommittee on International Operations—of which I serve as a member—I found out that as part of the world's commemoration of 500 years since Columbus' arrival in America the State Department will construct a multimillion dollar pavilion at the World's Fair next year at Seville, Spain, and nowhere will the American Indians' contributions to the founding of this Nation be mentioned.

How many people know that the so-called Irish potato that saved the people of Ireland from starvation, was nothing but an imported root plant from America? And who shared the use and consumption of the potato with the early settlers other than the American Indians?

How many people know that the American Indians have made essential contributions to the world, including prehistoric cultivation and harvesting of corn, squash, peppers, beans, and sweet potatoes, all of which have become mainstays of the American diet.

How many people know that the ancestors of today's American Indians, gave assistance to the early European visitors, including knowledge and training provided to the Pilgrims in how to plant, fertilize, and cultivate corn, beans, squash, and tobacco; how and where to fish and hunt; how and where to tap maple syrup; and the location of the best routes west.

How many people know that certain concepts such as freedom of speech, the separation of powers in government, and the balance of power within government, all were found in the political systems of various American Indian nations, and influenced the formulation of the Government of the United States of America.

Mr. Speaker, how many people know that the medicines of the American Indians prior to the arrival of Europeans, were far superior and many are still in use today, including quinine for the cure of many ailments; hemlock and pine leaves as a source of vitamin C to cure scurvy; coca leaves to reduce hunger, drowsiness, and thirst; curare, from the vine chondodendron, as a fast-acting poison for arrow tips—now used as a muscle relaxant and for treating tetanus; and ipecac, from the root of cephalailis ipecacuanha, to treat dysentery.

How many people know that many of the words used in the English language today are original Indian words, including hickory, moose, racoon, caucus, tamarack, caribou, maize, canoe, chocolate, chili, pecan, coyote, hurricane, and possibly the expression OK—from the Choctaw "okeh."

Mr. Speaker, the list goes on, but the problem continues. The good citizens of our country—and I would say a great majority of them—are simply ignorant of so many of the contributions American Indians have shared with our Nation, and what have the native Americans gotten in return? Simply this, among all Americans, native American Indians rank the lowest—and I repeat, Mr. Speaker—the lowest in educational achievements of any group in the United States.

Mr. Speaker, I suspect many of my distinguished colleagues will question me concerning the cost effectiveness of such a national university for native Americans. Indeed, at a critical point of our Nation's problems with a national recession and a monumental deficit—where are we going to get the money to fund the national university?

Well, Mr. Speaker, in the midst of a financial crisis last year—somehow our President and the Congress were able to appropriate some $850 million to provide economic assistance to the Governments of Nicaragua and Panama in Central America, and all I am proposing is $30 million to establish a national university to assist the plight of some 2 million native Americans of our Nation—the descendants of those who helped with the founding of our country; who fought and died alongside their fellow Americans during World War I, World War II, the Korean Conflict, Vietnam, and the Persian Gulf.

Mr. Speaker, I submit $30 million can never repay the sacrifices and tremendous sufferings native Americans had to live with since the arrival of settlers in the New World. There were thousands of native Americans who served in the Persian Gulf. I submit, Mr. Speaker, our native American community has earned and merited, similar to what Congress has provided for the establishment of Howard University for black Americans over the years, a national university, and I sincerely hope that my colleagues will search deeply within their souls and conscience, that we may do the right thing by giving the native American community of our Nation—a national university with a unique character that will promote and enhance not only native American history and culture, but advanced studies in the sciences and technology.

Mr. Speaker, I believe the establishment of a national university for native Americans will also mean a reexamination of our present policies toward the educational needs of native Americans. It is quite obvious that the statistics I have cited earlier are indicative that we are failing in the process of educating these sons and daughters of the forest and plains.

It is my honest opinion that the salvation of the native American community of our Nation lies with education. The establishment of a national university for native Americans will be an added milestone for their development not only to meet the demands of modern civilization, but that they can also contribute substantially to the well being of our Nation's spiritual, political, social, and economic needs.

I ask my distinguished colleagues to join me in this endeavor. I would welcome further suggestions on ways to improve the provisions of this proposed legislation. And of course I look forward to hearing from native Americans throughout the country, and welcome their ideas and comments on this matter.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American University Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the percentage of Native Americans completing high school is deplorably low, despite continued attempts to improve the situation;

(2) the abuse of alcohol and drugs continues to pose a serious threat to health and safety of Native Americans;

(3) studies have shown a strong correlation between improved scholastic success and a sense of cultural identity in Native American students;

(4) a focal point is needed at which native Americans could pursue higher degrees within the context of a system which promotes strong cultural identity;

(5) current Federal and tribal programs to improve the well-being of native Americans through increased awareness of cultural identity are showing significant progress but these programs are still in need of a central location from which bachelor and post graduate degrees can be obtained; and

(6) the establishment of a national university for native Americans is in the best interests of the Nation as a whole.

SEC. 3. ESTABLISHMENT.

(a) IN GENERAL.—There shall be established, in accordance with the provisions of this Act, a national university to provide a program of undergraduate education for native American youth in the arts and sciences, to be known as the "National Native American University" (hereinafter in this Act referred to as "the University").

(b) BOARD OF DIRECTORS.—

(1) MEMBERSHIP.—The University shall be incorporated and administered under the direction of a Board of Trustees composed of 9 members appointed by the Secretary of the Interior, of whom—

(A) 3 shall be American Indians,

(B) 1 shall be a native Alaskan or Eskimo, and

(C) 1 shall be a native Hawaiian.

(2) TERMS.—Members of the Board shall be appointed for terms of 4 years, except that—

(A) of the Members first appointed—

(i) 2 shall be appointed for terms of 1 year;

(ii) 2 shall be appointed for terms of 2 years;

(iii) 2 shall be appointed for terms of 3 years; and

(iv) 3 shall be appointed for terms of 4 years;

(B) a Member appointed to fill a vacancy occurring before the expiration of a predecessor's term shall be appointed for the remainder of that term;

(C) a Member may continue to serve after the expiration of his or her term until a successor is appointed; and

(D) no Member shall serve more than 10 consecutive years on the Board.

(c) BOARD AUTHORITY.—The Board is authorized—

(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal by its Board of Directors, bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have officers and exercise the power granted by this section in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Association;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them, and fix the penalty thereof; and

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

SEC. 4. SELECTION OF SITE; AUTHORIZATION OF FUNDS.

(a) SITE SELECTION.—The Secretary of the Interior, after consultation with, and with the consent of, the Board, shall designate a site or an appropriate land area for the establishment of the University. The Secretary of the Interior and the Board shall make every effort to provide a land area to be located within the continental United States that affords the maximum opportunity for native American students to attend the University and to successfully complete their undergraduate and graduate programs.

(b) ACQUISITION BY PURCHASE OR DONATION.—The land may be obtained through purchase or donation by the Federal Government, a State Government, or by private citizens or corporate ownership.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the acquisition of land and construction and operation of the University—

(1) $30,000,000 for fiscal year 1993; and

(2) $20,000,000 for each of the 5 succeeding fiscal years.

SEC. 5. REQUIRED PROGRAM OF STUDY.

The University shall establish and operate a program of study on native American culture and the care and management of Native Americans by the United States Government, including the care and allotment of Indian lands by the Government.

☐ 1510

FOSTER CARE PET ADOPTION SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. ROSE] is recognized for 15 minutes.

Mr. ROSE. Mr. Speaker, I am pleased to take this opportunity to call the attention of my colleagues to the foster care pet adoption service—a most impressive and unique program which is developing to serve a very personal and often overlooked need shared by many of the men and women serving this Nation in the Persian Gulf. Sometimes the absence of a close friend or family member who can step in to provide adequate care allows many military personnel no alternative but to give up their pets when they are called to active duty in the Persian Gulf. To many of these people their pets are like a dear friend or a close companion, and the fact that they will not be home to greet them when they return is very disheartening and painful. In order to avoid this additional stress for our Nation's active duty military foster care pet adoption services are developing nationally.

I am very proud to say that the first U.S. military base to implement this option developed in my district at Fort Bragg, NC, during the early stages of Operation Desert Shield. Four people deserve to be credited for their efforts in spearheading the Fort Bragg's program: Scott Fairchild, chief of psychology at Womack Army Community Hospital at Fort Bragg, who first recognized the need for such a service, his wife, Priscilla "Sally" Fairchild who developed the solution; Maj. William Nusz, deputy commander for veterinary services; and Capt. Timothy Stevenson, a base veterinarian. Their cooperative efforts account for the program's on-going success. As the point person at Fort Bragg Mrs. Fairchild's committed efforts for her "Adopt-A-Pet" service has matched more than 60 pets left behind by Fort Bragg's military personnel who are stationed in the Persian Gulf with temporary adoptive families. When these soldiers return home she will assist them in being reunited with their pets. Her efforts have served as a national prototype.

Simultaneously, the Humane Society of the United States [HSUS], the Nation's largest animal protection organization, has addressed this problem nationally. The HSUS has contacted 3,800 animal shelters and humane organizations nationally, encouraging each to set up an informational hot line matching foster care families with interested local miltiary personnel. Additionally, because the families of many servicemen and women remain home, yet suffer from a reduced income, the HSUS is encouraging the donation of pet food or money to local shelters which will channel these supplies to requesting families. Successes are being reported from San Diego to Las Vegas, from Michigan to North Carolina to Washington—the call to offer temporary homes to these animals or substantive support to the families is being met.

While Fort Bragg has an outstanding veterinary care facility capable of on-site foster care services, most military installations do not. Therefore, cooperative community efforts, such as those suggested by the HSUS, are necessary if this service is to work nationally.

I strongly support the foster care pet program, and encourage my colleagues in the House to advocate similar efforts in their home districts. Such small assurances to our troops can mean so much. Uprooted from their homes, separated from their families, serving their Nation in a country offering so little familiarity or comfort to an American, the foster care pet program is one small, but significant way to help preserve the personal lives our servicemen and servicewomen have left behind.

[From the Fayetteville Observer Times]

DOGS OF WAR

(By Mark Price)

They've been called the forgotten victims of Operation Desert Storm.

They're not the wives, or the children or even the close friends of deployed soldiers, but rather their house pets.

Priscilla "Sally" Fairchild of Fayetteville calls them the "children left behind."

As an animal lover, she says she was appalled at learning that many of the departing soldiers were being forced to abandon or give away pets because they couldn't afford the $7-to-$10 a day fees charged by most kennels.

Shortly thereafter she came up with the idea for Adopt-A-Pet, a program that matches the furry four-legged "children" of deployed soldiers with "parents."

Ms. Fairchild likens it to a temporary adoption service that allows the soldiers to reclaim their pets when they return from the fighting.

"The main reasons I wanted to do this was to alleviate the soldier's fear and worrying. He needs to worry about his mission over there, not what Sparky is doing over here," says Ms. Fairchild, who heard of the problem from her husband, Dr. Scott Fairchild, chief of psychology at Womack Army Community Hospital.

"I like the idea of being able to reunite these families when this thing is over. A lot of these dogs are like a child to these people, particularly the soldiers who are single and don't have children. They want their child back," she says.

Since the Army began deploying soldiers last August, Ms. Fairchild has worked in conjunction with Fort Bragg Veterinary Facility to place close to 50 pets with volunteer families in Cumberland and several surrounding counties.

The bulk of the adoptees have been small dogs and cats, she says. There have also been some lizard and snake adoptions, among them a three-foot-python named Psycho.

The only kind of pets she won't take are guard dogs, which are said to be a bit testy in new surroundings.

Ms. Fairchild has discovered it's toughest to sell volunteers on the idea of adopting "families of pets" (two or more owned by the same person) and big dogs.

She currently has five big dogs in need of a home, among them a two-year-old golden retriever named Magnum. The owner, Lt. Jose Rodriguez-Ramos, expects to leave Fayetteville in February and be admits being worried about his dog.

"I've only been in Fayetteville 5½ months, so it's not like I know anyone here to ask. I may be gone a year," Lt. Rodriguez-Ramos says.

"I'm worried about who he may end up with, if they're nice people and all. He's a good dog, my sweetheart, my child. I want him some place where they'll love him," he says.

Because of the large number of calls coming in and a shortage of help, Ms. Fairchild says she doesn't have the time to screen volunteers.

To adopt a pet, all they need do is agree to take the animal into their home and care for it as if it were their own. This includes making sure the animal's veterinary needs are met, she says.

The owner is asked to supply medical records, a list of any peculiarities, permission to act in case of medical emergency and a means of paying for any bills incurred.

So far, everything has run smoothly, Ms. Fairchild says, with only a few volunteers calling to back out.

"I think a lot of people never realized that this operation was going to go on this long. I know of one soldier who left his dog chained in the yard, thinking it was going to be an in and out thing like Panama. It stayed there for two weeks before I got it," she says.

"I know there are a lot of people who may not know about this program and did something else with their dog, including letting it loose. The MPs (Military Police) found a lot of stray dogs after the deployment begin," she says.

Officials with the Fort Bragg Veterinary Services facility verify that there has been an "influx" of strays on Fort Bragg since the deployment began.

Similarly, such privately run animal shelters as Animal Haven have been full for the past few months, mostly with the pets of deployed soldiers.

Ms. Fairchild says she came up with Adopt-A-Pet knowing that places like Animal Haven were already full and refusing to take more animals.

Other options, such as the county's Animal Control Department, have time limits for holding a pet after which the animal is put to sleep.

"This is the part of the operation no one thinks of the idea that soldiers' pets would be put to sleep while they're serving their country. It's pretty disturbing," Ms. Fairchild says.

"I think we may have more of it, too. We have people leaving now and there's no telling when they'll return. The way I see it, this program is a way for the people in the community to show their support."

[From the Charlotte Observer, Jan. 26, 1991]

FOR PETS, THESE ARE DOG DAY AFTERNOONS

(By Diane Suchetka)

What do you do with your dog when you get shipped overseas?

If your're stationed at Fort Bragg near Fayetteville, you call Priscilla "Sally" Fairchild.

Since August, when Fort Bragg soldiers began leaving for Saudi Arabia, Fairchild has found temporary homes for more than 60 orphaned pets—46 dogs, 9 cats, 4 snakes, 2 frogs, a turtle, a collared lizard, even a legless lizard.

"The main reason that I'm doing this is just to keep the morale of the soldiers up," says Fairchild, 37, an Estee Lauder beauty adviser at Thalhimers.

"And also to know that they're going to be reunited with their whole family when they get back. And for the well-being of their animals, too."

But the snakes had her worried for a while.

She got her first request to find a foster home for a serpent in September. The last one, about a week ago.

"I thought, 'What am I going to do with these damn snakes?' I don't know anything about snakes—just what I read in National Geographic."

But it only took Fairchild a couple of days to find a foster home for the first snake. A reserve soldier adopted it in September. Later she adopted another.

Then, in November, she got shipped overseas.

That's when Norma Kelch came to the rescue. So far, she's taken in three of the reptiles, including the ball python named Psycho.

"I like snakes," she explains. Another foster parent is caring for the fourth.

Fairchild got the foster owner idea from her husband, Scott, chief of psychology at Womack Army Community Hospital at Fort Bragg.

He was working with some soldiers on coping with stress overseas when one soldier said she didn't know what to do with her two dogs while she was gone.

"Why don't you just put them to sleep?" suggested another soldier.

Fairchild, owner of a basset hound named Chelsea, didn't want that to happen.

So she started Adopt-A-Pet a few weeks after the August deployment. And she'll help reunite pets with their owners when they return.

"People can't just keep their animals in a kennel for six or eight months," says Fairchild. "It's expensive, and horrible for the animal.

"And it's hard to just drop it off on a neighbor, especially if they don't really care for the animal."

Word of her free matchmaking service spread on local radio and TV stations and through the Fort Bragg newspaper. So far, hundreds of foster owners have volunteered.

"It's just been fabulous," says Fairchild. "We could go through three more wars and you couldn't use them all up."

THE CONFLICT IN YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, today, I join my colleague from Maryland, Mrs. BENTLEY, in introducing a resolution calling for a peaceful settlement of the conflict and an end to the bloodshed in Yugoslavia.

A nation of rich cultural and ethnic diversity, modern Yugoslavia was established in 1918 at the Paris Peace Conference ending World War I. The Federation of South Slavs emerged from the old Habsburg Empire in the north and the old Ottoman Empire in the south. Yugoslavia contains people from eight distinctive ethnic groups and four religions, and it is a federation of six republics: Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia. Despite this heterogeneity, Yugoslavia has a long and impressive history of independence and fierce resistance to foreign annexation. The Yugoslavs withstood Hitler's invasion in the spring of 1940–41, thereby delaying his eastern campaign to Moscow by several months when most thought their nation would be easy prey for Hitler's war machine. Similarly, Yugoslavia defied Soviet expansionism and interference throughout the cold war, establishing an independent Communist nation outside the Soviet orbit following Marshall Tito's break from Stalin in 1948.

As a complex amalgam of ethnic groups in six republics, Yugoslavia faces the difficult transition from communism to democracy and economic liberalization. Recently, economic woes and differences of opinion about the future composition of the Yugoslav Federation have ignited longstanding ethnic animosity, resulting in violent clashes between opposing political and ethnic groups. These issues have exploded in armed conflict in Serbia and Croatia.

If Yugoslavia is to survive this transition and have a chance to improve the lives of its proud people as a future Federation of Democratic Republics, the views of all ethnic groups and republics must be tolerated in open dialog, and force must not be used to silence public outcry. We in Congress must state our unequivocal opposition to the use of force by the Federal Government, or by any group in Yugoslavia. If we remain silent, we condone intimidation as an acceptable means of handling internal dissent.

Our resolution sends a message to the leaders of the six republics and to the people of Yugoslavia. It calls for no discussions to take place in the future composition of Yugoslavia without the inclusion of each republic and each ethnic group. Furthermore, it urges the leaders of Yugoslavia to resolve their differences through open dialog, and denounces the use of coercive measures in settling political and intraethnic disputes. In addition, it urges the leaders of the republics to tolerate peaceful demonstrations and dissenting opinions, and it encourages further progress in adopting democratic and free market principles.

Mr. Speaker, I urge my colleagues to join us in supporting this resolution and, at this point, I include a copy of the resolution.

H. RES. 121

Whereas the United States supports Yugoslavia's transition from communism to the adoption of democratic principles and a free-market economy;

Whereas the United States supports Yugoslavia as a common state of the six constituent republics;

Whereas the ethnic groups of Yugoslavia's six republics contribute their rich cultures and traditions to the diversity and future composition of Yugoslavia;

Whereas the United States recognizes the Federal Executive Council as the legitimate Government of Yugoslavia;

Whereas the United States urges the leaders of Yugoslavia to fully include each of the six republics, Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia, in formal discussions in the Federal Executive Council, the Federal assembly, and between two or more republics on the future composition of Yugoslavia;

Whereas the United States urges the federal government of Yugoslavia to tolerate open dialogue about the future composition of Yugoslavia among the ethnic groups, elected officials, and opposition parties within the six republics in public demonstrations and in the decisions of the Federal Executive Council and the Federal Assembly;

Whereas the United States urges the people of Yugoslavia to resolve questions about the future composition of Yugoslavia through reform and democracy and not by the use of force by any of the republics, by the federal government, or by any opposition group; and

Whereas the United States condemns the use of force or intimidation by any of the six republics to discourage peaceful public assembly and open public dialogue about the future of Yugoslavia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on the federal government of Yugoslavia to include all ethnic groups, all republics, and all opposition parties in discussions and decisions regarding the future composition of Yugoslavia;

(2) calls on the federal government and the governments of all republics to tolerate the rights of its people to engage in open dialogue about the future composition of Yugoslavia;

(3) calls on the federal government of Yugoslavia to progress in the transition from communism to the adoption of democratic principles and a free-market economy;

(4) supports the adoption of democratic principles and a free-market economy in Yugoslavia;

(5) condemns the recent use of force in Yugoslavia;

(6) calls on the federal government of Yugoslavia to refrain from the use of force in resolving inter-ethnic disputes; and

(7) calls on the President to announce that the United States will oppose any unjustified use of force and any abuse of human rights in Yugoslavia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEHMAN of Florida (at the request of Mr. GEPHARDT), from April 11 through April 26, on account of health reasons.

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. MCDADE, for 60 minutes, on April 23.

Mr. SANTORUM, for 60 minutes, on April 23.

Mr. BURTON of Indiana, for 60 minutes, each day on April 23, 24, 25, and 30 and on May 1 and 2.

Mr. LEACH, for 60 minutes, today.

Mr. RIGGS, for 60 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Ms. LONG, for 5 minutes today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ROSE, for 15 minutes, today.

Mr. PANETTA, for 5 minutes, on April 15.

Mr. DEFAZIO, for 60 minutes, on April 17.

Mr. RUSSO, for 60 minutes, on May 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. GALLEGLY.
Mrs. BENTLEY.
Mr. LOWERY of California.
Mr. RINALDO.
Mr. SCHIFF in two instances.
Mr. HYDE.
Mr. GINGRICH.
Mr. RHODES in two instances.
Mr. SMITH of New Jersey.
Mr. PURSELL.
Mr. SHAYS.
Mr. GREEN of New York.
Mr. ROTH.
Mr. MCGRATH.
Mr. YOUNG of Florida.
Mrs. VUCANOVICH.
Mr. GILMAN.
Mr. SUNDQUIST.
Mr. LAGOMARSINO.
Mr. MACHTLEY.
Mr. BEREUTER.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. SYNAR.
Mr. TRAFICANT.
Mr. ATKINS.
Mr. STARK.
Mr. BONIOR.
Mrs. LOWEY of New York.
Mr. HERTEL.
Mr. LEVINE of California.
Mr. TOWNS.
Mr. DINGELL.
Mr. SLATTERY.
Mr. FUSTER.
Mr. SMITH of Florida.
Mrs. KENNELLY.
Mrs. LLOYD.
Mr. RAY.
Mr. ROYBAL.
Mr. RUSSO.
Mr. JACOBS.
Mr. SKELTON in three instances.
Mr. MILLER of California.

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, April 15, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1063. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1991, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102-62); to the Committee on Appropriations and ordered to be printed.

1064. A letter from the Department of Defense, transmitting notification to retain the commissary storage and issue function as an in-house operation at the U.S. Army Armament Research, Development and Engineering Center [ARDEC], Picatinny Arsenal, NJ, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

1065. A letter from the Secretary of Housing and Urban Development, transmitting a report on the administration of the Interstate Land Sales Full Disclosure Act, pursuant to 15 U.S.C. 1719a; to the Committee on Banking, Finance and Urban Affairs.

1066. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the transfer, by foreign military sale, of a specified naval landing ship dock to the Government of Mexico; to the Committee on Foreign Affairs.

1067. A letter from the Director, Federal Housing Finance Board, transmitting the annual report on the financial condition of the Federal home loan bank system pension portability plan for the plan years ending 1988 and 1989, pursuant to 31 U.S.C. 9503; to the Committee on Government Operations.

1068. A letter from the Director, Office of Government Ethics, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1069. A letter from the Director, Office of Personnel Management, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1070. A letter from the Chairman, Merit Systems Protection Board, transmitting the 11th annual report on the activities of the Board during fiscal year 1990, pursuant to 5 U.S.C. 1209(b); to the Committee on Post Office and Civil Service.

1071. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus for the construction of the Department of Transportation headquarters facility in Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1072. A letter from the Commission on Minority Business Development, Small Business Administration, transmitting a copy of the executive summary of the interim report of the U.S. Commission on Minority Business Development, pursuant to Public Law 100-656, section 505(b)(2)(A) (102 Stat. 3885); to the Committee on Small Business.

1073. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for Presidential Determination regarding drawdown in the gulf region; jointly, to the Committees on Appropriations and Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself, Mr. Boucher, Mr. Moorhead, Mr. McCollum, Mr. Fish, Mr. Synar, Mr. Glickman, Mr. Frank of Massachusetts, Mr. Feighan, Mr. Sangmeister, Mr. Hyde, Mr. Sensenbrenner, Mr. Gekas, Mr. Campbell of California, and Mr. Hoagland):

H.R. 1717. A bill to amend chapter 96 (relating to racketeer influenced and corrupt organizations) of title 18, United States Code; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 1718. A bill to amend the Home Owners' Loan Act to improve the qualified thrift lender test, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CAMPBELL of Colorado (for himself, Mr. Costello, Mr. English, Mr. Frost, Mr. Hochbrueckner, Mr. Inhofe, Mr. Lancaster, Mr. Lipinski, Mr. Machtley, Mr. McGrath, Mr. Mrazek, Mr. Roberts, Mr. Stallings, Mr. Stark, Mr. Wolpe, Mr. Jontz, and Mr. Sisisky):

H.R. 1719. A bill to amend title 18, United States Code, to provide a mandatory minimum sentence for the unlawful possession of a firearm by a convicted felon, a fugitive from justice, a person who is addicted to, or an unlawful user of, a controlled substance, or a transfer or receiver of a stolen firearm, to increase the general penalty for violation of Federal firearms laws, and to increase the enhanced penalties provided for the possession of a firearm in connection with a crime of violence or drug trafficking crime; to the Committee on the Judiciary.

By Mr. DELLUMS (for himself, Mr. Stark, Mr. Bliley, Mr. McDermott, and Ms. Norton):

H.R. 1720. A bill to amend the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes; to the Committee on the District of Columbia.

By Mr. DORGAN of North Dakota:

H.R. 1721. A bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains tax on individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. FOGLIETTA (for himself, Mr. Dellums, Mr. Frost, Ms. Kaptur, Mr. Roe, Mr. McDermott, Mr. Serrano, Mr. Fascell, Mr. Manton, Mrs. Unsoeld, Mr. Morrison, Mr. Wilson, Mr. Borski, Mr. Wolpe, Mr. Torricelli, Mr. Ravenel, Mr. Lehman of Florida, Mr. Mfume, and Mr. Rangel):

H.R. 1722. A bill to provide emergency Federal assistance to drug emergency areas; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. Ackerman, Mr. Bennett, Mr. Bereuter, Mr. Bilbray, Mr. Boucher, Mrs. Boxer, Mr. Conyers, Mr. DeFazio, Mr. Dwyer of New Jersey, Mr. Emerson, Mr. Evans, Mr. Harris, Mr. Hochbrueckner, Mr. Horton, Mr. Jenkins, Mr. Kolter, Mr. Lehman of Florida, Mr. Lewis of Georgia, Ms. Long, Mr. Miller of California, Mr. Mrazek, Mr. Martinez, Mr. Owens of Utah, Ms. Pelosi, Mr. Roe, Mr. Smith of Florida, Mr. Stark, Mrs. Unsoeld, and Mr. Yates):

H.R. 1723. A bill to require the Consumer Product Safety Commission to require the labeling of certain toys; to the Committee on Energy and Commerce.

By Mr. GIBBONS (for himself and Mr. Crane):

H.R. 1724. A bill to provide for the termination of the application of title IV of the Trade Act of 1974 to Czechoslovakia and Hungary; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mrs. Schroeder, Mr. Hughes, Mr. Bonior, Mr. Derrick, Mr. Berman, Mr. Bryant, Mr. Feighan, Mr. Wyden, Mr. Hoagland, Mr. Rose, and Mr. Gejdenson):

H.R. 1725. A bill to strengthen the Foreign Agents Registration Act of 1938, as amended; to the Committee on the Judiciary.

By Mr. GUARINI (for himself, Mr. Schulze, Mr. Gibbons, Mr. Moody, Mr. Rangel, Mr. Lipinski, Ms. Kaptur, Mr. Frost, Mr. Jontz, Mr. Dwyer of New Jersey, Mr. Vento, Mr. Bustamante, Mr. Hughes, Mr. Scheuer, Mr. Machtley, Mr. Santorum, Mr. Neal of North Carolina, Ms. Molinari, Mr. Kostmayer, Mr. Hertel, Mr. Yates, Mr. Evans, Mr. Hochbrueckner, and Mr. Lancaster):

H.R. 1726. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain oil and hazardous substance cleanup costs; to the Committee on Ways and Means.

By Mr. HANSEN (for himself, Mr. Owens of Utah, and Mr. Orton):

H.R. 1727. A bill to direct the Secretary of the Interior to conduct a study to determine the nature and extent of the salt loss occurring at Bonneville Salt Flats, UT, and how best to preserve the resources threatened by such salt loss; to the Committee on Interior and Insular Affairs.

By Mr. HERGER (for himself, Mr. Lehman of California, Mr. Riggs, Mr. Condit, Mr. Doolittle, Mr. Dooley, Mr. Dannemeyer, Mr. Dymally, Mr. Young of Alaska, Mr. Davis, and Mr. Jones of North Carolina):

H.R. 1728. A bill to establish an Upper Sacramento River fishery resources restoration program; to the Committee on Merchant Marine and Fisheries.

By Mr. HOPKINS (for himself, Mr. Roe, Mr. Bunning, Mr. Hubbard, Mr. Ravenel, and Mr. Rogers):

H.R. 1729. A bill to amend the Water Resources Development Act of 1986 to provide Federal cost sharing for water supply projects, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MURPHY (for himself, Mr. Annunzio, Mr. McCloskey, Mr. Natcher, Mr. Houghton, Mr. Roberts, Mrs. Unsoeld, Mr. Fuster, Mr. Erdreich, Mr. Rahall, Mr. Traficant, Mr. Oberstar, Mr. Lent, Mr. Lipinski, Mr. Lewis of Florida, Mr. DeFazio, Ms. Molinari, Mr. Yatron, Ms. Pelosi, Mr. Neal of North Carolina, Mr. Taylor of Mississippi, Mr. Poshard, Mr. Rangel, Mr. Downey, Mr. Hancock, Mr. Porter, Mr. Kopetski, Mr. Bilirakis, Mr. Hamilton, Mr. Machtley, Mr. McNulty, Mr. Roe, Mr. Ramstad, Mr. Penny, Mr. Wolf, Mr. Klug, Mr. Andrews of Texas, Mr. Frost, Mr. Jefferson, Mr. Goss, Mrs. Lowey of New York, Mr. Costello, Mr. Wilson, Mr. Sangmeister, Mr. Dixon, Mrs. Vucanovich, Mr. Price, Mr. Upton, Mr. Dreier of California, Mr. Cox of California, Mr. Hyde, Mr. Solarz, Mr. Dwyer of New Jersey, Mr. Hayes of Illinois, Mr. Kolter, and Mr. Camp):

H.R. 1730. A bill to amend title 10, United States Code, to establish procedures for determining whether members of the Armed Forces in a missing status or certain civilian officers and employees are deceased, to require certain information to be kept in the personnel files of such persons, and for other purposes; to the Committee on Armed Services.

By Mr. HUBBARD:

H.R. 1731. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. HUTTO:

H.R. 1732. A bill to extend the existing suspension of duty on chemical light activator blend; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mr. Vander Jagt, Mr. Jenkins, and Mr. Gradison):

H.R. 1733. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from income tax for certain common investment funds; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 1734. A bill to amend title 32, United States Code, to provide that performance of honor guard functions at funerals for veterans by members of the National Guard may be recognized as a Federal function for National Guard purposes; to the Committee on Armed Services.

By Mrs. KENNELLY:

H.R. 1735. A bill to amend the Internal Revenue Code of 1986 and title I of the Employee Retirement Income Security Act of 1974 with regard to pension integration, participation, and vesting requirements, to provide for studies relating to cost-of-living adjustments and pension portability, and to clarify the continued availability, under provisions governing domestic relations orders, of remedies relating to matters treated in such orders entered before 1985; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. LEACH:

H.R. 1736. A bill to require that all Federal printing be performed using cost-competitive inks whose pigment vehicles are made entirely from soybean oil, and for other purposes; jointly, to the Committees on Government Operations and House Administration.

By Mrs. LLOYD:

H.R. 1737. A bill to amend the Older Americans Act of 1965 to provide congregate nutrition services and intergenerational activities in elementary and secondary school facilities; to the Committee on Education and Labor.

By Mr. LOWERY of California:

H.R. 1738. A bill to provide an 8-percent pay increase for Federal employees within the San Diego, CA, Metropolitan Statistical Area; to the Committee on Post Office and Civil Service.

By Mrs. LOWEY of New York (for herself, Mr. Murphy, Mr. Owens of New York, Mrs. Mink, Mr. de Lugo, Mr. Owens of Utah, Mr. Bilbray, Mr. Engel, and Mr. Wilson):

H.R. 1739. A bill to amend the Older Americans Act of 1965 to expand the preventive health services program to include disease prevention and health promotion services, and for other purposes; to the Committee on Education and Labor.

By Mr. MANTON:

H.R. 1740. A bill to continue the suspension of duties on certain power driven flatbed knitting machines and on certain knitting machines designed for sweater strip or garment length knitting; to the Committee on Ways and Means.

By Mr. MFUME:

H.R. 1741. A bill to amend the Civil Rights Act of 1964 to reaffirm that title VII of such act applies with respect to the extraterritorial employment of U.S. citizens by certain employers; to the Committee on Education and Labor.

By Mr. MILLER of Washington:

H.R. 1742. A bill to provide for the transfer of property for the Warren G. Magnuson Park in the city of Seattle, WA, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. MINK:

H.R. 1743. A bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to provide an elective exemption from Social Security taxes for individuals who are 65 years of age or older; to the Committee on Ways and Means.

By Mr. MONTGOMERY (for himself, Mr. Stump, Mr. Solomon, and Mr. Stearns):

H.R. 1744. A bill to amend Public Law 99-572 concerning the Korean War Memorial; to the Committee on House Administration.

By Mr. PANETTA (for himself, Mr. Ireland, Mr. Fascell, Mr. Levine of California, Mr. Lehman of Florida, Mr. Hughes, Mr. Pallone, Mr. McDermott, Mr. Hochbrueckner, Mr. Mineta, Mr. Goss, Mr. Campbell of California, Mr. Gibbons, and Mr. Lantos):

H.R. 1745. A bill to amend the Outer Continental Shelf Lands Act; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. REGULA (for himself, Mr. Roybal, Mr. Rinaldo, Ms. Oakar, Mr. Saxton, Mr. Evans, Mr. Skelton, Mr. Hertel, Mr. Hughes, Mr. Rahall, Mrs. Morella, Mr. Mrazek, Mr. Goss, Mrs. Lloyd, Ms. Pelosi, Mr. Gillmor, Mr. Erdreich, Ms. Ros-Lehtinen, Mr. Machtley, Ms. Molinari, Mr. Lewis of Florida, Mr. Manton, Mr. Ford of Tennessee, Mrs. Unsoeld, Mr. Blaz, Mr. Borski, Mr. Neal of North Carolina, Mr. Dwyer of New Jersey, Mr. Sangmeister, Mr. Smith of New Jersey, Mrs. Byron, Ms. Slaughter of New York, Mr. Pallone, Mr. Valentine, Mr. Spence, Mr. Hochbrueckner, Mr. Lagomarsino, Mr. Bilbray, Mr. Mavroules, Mr. Dellums, Mrs. Boxer, Mr. Payne of New Jersey, Mr. Horton, Mr. Engel, Mr. Poshard, Mr. McNulty, Mr. Huckaby, Mr. Fish, Mr. Weiss, Mr. Roe, Mr. Gunderson, Mr. Foglietta, Mr. Roberts, Mr. Owens of Utah, Mr. Ackerman, Mr. Martinez, Mr. Jontz, Mr. Williams, Mr. Owens of New York, Mr. Serrano, Mr. Vento, and Mr. Clinger):

H.R. 1746. A bill to establish the Comprehensive Preventive Health Program for Medicare beneficiaries; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RHODES:

H.R. 1747. A bill to provide tax incentives for the establishment of tax enterprise zones on Indian reservations, and for other purposes; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 1748. A bill to suspend temporarily the duty on ethanone-1, 2-naphthyl-; to the Committee on Ways and Means.

By Mr. RUSSO (for himself, Mr. Kolter, Mr. Visclosky, Mr. Traficant, Mr. Cardin, Mr. Ridge, Mr. Regula, and Mr. Lipinski):

H.R. 1749. A bill to correct the tariff rate inversion on certain iron and steel pipe and tube products; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 1750. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; jointly to the Committee on Energy and Commerce, and Science, Space, and Technology.

By Mr. SHAW (for himself, Mr. Evans, Mr. Dymally, Mr. Neal of Massachusetts, Mr. Serrano, Mr. Inhofe, Mr. Kolbe, Mr. Chandler, Mr. Hyde, and Mr. Bilirakis):

H.R. 1751. A bill to amend the Fair Credit Reporting Act to require prompt disclosure by any consumer reporting agency to any consumer of adverse information relating to such consumer which is received by such agency; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SLATTERY (for himself, Mr. Dornan of California, Mr. Fuster, Mr. Glickman, Mrs. Meyers of Kansas, Mrs. Schroeder, Mr. Harris, and Mr. Quillen):

H.R. 1752. A bill to provide that periods of training in the Cadet Nurse Corps during World War II be made creditable for Federal retirement purposes with respect in annuitants and certain other individuals not included under Public Law 99-638; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey (for himself, Mr. Lehman of Florida, Mr. Wolf, Mr. Penny, Mr. Bliley, Mr. Lantos, Mr. Mollohan, Mr. Bacchus, Mr. Bilirakis, Mr. Combest, Mr. Cox of California, Mr. Dornan of California, Mr. Duncan, Mr. Emerson, Mr. Gilman, Mr. Hall of Ohio, Mr. Henry, Mr. Herger, Mr. Hertel, Mr. Holloway, Mr. Hutto, Mr. Hyde, Mr. Inhofe, Mr. LaFalce, Mr. Lancaster, Mr. Lightfoot, Mrs. Lloyd, Mr. Machtley, Mr. Manton, Mr. McCollum, Mr. Mazzoli, Mr. McEwen, Mr. McNulty, Mr. Miller of Washington, Ms. Norton, Ms. Oakar, Mr. Oberstar, Mr. Owens of Utah, Mr. Paxon, Mr. Ramstad, Mr. Rangel, Ms. Ros-Lehtinen, Mr. Schiff, Mr. Smith of Florida, Mr. Solomon, Mr. Stallings, Mr. Upton, Mr. Vander Jagt, Mrs. Vucanovich, Mr. Zimmer, and Mr. Weber):

H.R. 1753. A bill to establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children; jointly, to the Committees on Energy and Commerce; Education and Labor; Post Office and Civil Service; Armed Services; Ways and Means; Banking, Finance and Urban Affairs; and the Judiciary.

By Mr. STARK (for himself and Mr. Matsui):

H.R. 1754.

A bill to amend title XVI of the Social Security Act to enable individuals to purchase assistance in the activities of daily living in order to maintain a residence in a natural residential setting, and to provide assistance to the States to enable them to ensure that supplemental security income recipients who require a representative payee or protective oversight care are adequately protected against exploitation, abuse, and neglect; to the Committee on Ways and Means.

By Mr. STENHOLM (for himself, Mr. Valentine, Mr. DeLay, Mr. Archer, Mr. Ballenger, Mr. Barton of Texas, Mr. Bereuter, Mr. Blaz, Mr. Bliley, Mr. Boehner, Mr. Coble, Mr. Dannemeyer, Mr. Dickinson, Mr. Doolittle, Mr. Dornan of California, Mr. Emerson, Mr. Fawell, Mr. Gallegly, Mr. Hammerschmidt, Mr. Hancock, Mr. Hefner, Mr. Huckaby, Mr. Ireland, Mr. Kyl, Mr. Lagomarsino, Mr. Lancaster, Mr. Livingston, Mr. Lowery of California, Mr. McCurdy, Mr. Packard, Mr. Ray, Mr. Roberts, Mr. Rohrabacher, Mr. Slaughter of Virginia, Mr. Smith of Texas, Mr. Smith of Oregon, Mr. Stump, Mr. Vander Jagt, Mrs. Vucanovich, Mr. Walker, Mr. Weber, Mr. Bateman, Mr. Lightfoot, Mr. Kolbe, and Mr. Spence):

H.R. 1755. A bill to repeal the Act of March 3, 1931 (known as the Davis-Bacon Act); to the Committee on Education and Labor.

By Mr. SYNAR:

H.R. 1756. A bill to amend the Act of June 24, 1938, to require the Secretary of the Interior to pay interest on Indian funds invested, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. VUCANOVICH:

H.R. 1757. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Post Office and Civil Service.

By Mr. WALSH:

H.R. 1758. A bill to provide for hearing loss testing for all newborns in the United States; to the Committee on Energy and Commerce.

By Mr. BACCHUS:

H.J. Res. 214. Joint resolution to recognize the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty; to the Committee on House Administration.

By Mr. ESPY (for himself, Mr. Aspin, Mr. Montgomery, Mrs. Byron, Mr. Dickinson, Mr. Stump, Mr. Bateman, Mr. Abercrombie, Mr. Ackerman, Mr. Alexander, Mr. Anderson, Mr. Andrews of Maine, Mr. Applegate, Mr. Bacchus, Mr. Bennett, Mrs. Bentley, Mr. Bevill, Mr. Bilbray, Mr. Bilirakis, Mr. Blaz, Mr. Bliley, Mr. Borski, Mr. Brown, Mr. Bunning, Mr. Bustamante, Mr. Clement, Mr. Cramer, Mr. Darden, Mr. de la Garza, Ms. DeLauro, Mr. de Lugo, Mr. Dicks, Mr. Doolittle, Mr. Dorgan of North Dakota, Mr. Dornan of California, Mr. Dwyer of New Jersey, Mr. Eckart, Mr. Engel, Mr. Erdreich, Mr. Evans, Mr. Faleomavaega, Mr. Fascell, Mr. Fawell, Mr. Fazio, Mr. Fish, Mr. Gallegly, Mr. Gordon, Mr. Guarini, Mr. Hammerschmidt, Mr. Harris, Mr. Hayes of Illinois, Mr. Hefner, Mr. Hertel, Ms. Horn, Mr. Hoyer, Mr. Hughes, Mr. Jenkins, Mr. Jefferson, Mr. Jones of Georgia, Mr. Kanjorski, Ms. Kaptur, Mr. Kennedy, Mrs. Kennelly, Mr. Klug, Mr. Kolter, Mr. Kopetski, Mr. Kostmayer, Mr. LaFalce, Mr. Lancaster, Mr. Lightfoot, Mr. Lipinski, Mrs. Lloyd, Ms. Long, Mr. Lowery of California, Mr. Martin, Mr. Martinez, Mr. McCloskey, Mr. McDade, Mr. McDermott, Mr. McGrath, Mr. McNulty, Mr. Miller of Ohio, Mr. Miller of California, Mrs. Mink, Ms. Molinari, Mr. Moorhead, Mr. Neal of North Carolina, Mr. Packard, Mrs. Patterson, Mr. Perkins, Mr. Poshard, Mr. Price, Mr. Pursell, Mr. Quillen, Mr. Rahall, Mr. Ramstad, Mr. Ravenel, Mr. Ray, Mr. Reed, Mr. Regula, Mr. Riggs, Mr. Roe, Mr. Saxton, Mr. Scheuer, Mr. Serrano, Mr. Sisisky, Mr. Skeen, Mr. Smith of New Jersey, Mr. Smith of Texas, Mr. Smith of Florida, Mr. Solarz, Mr. Solomon, Mr. Spence, Mr. Spratt, Mr. Stark, Mr. Stokes, Mr. Sundquist, Mr. Tanner, Mr. Tauzin, Mr. Taylor of Mississippi, Mrs. Unsoeld, Mr. Upton, Mr. Valentine, Mrs. Vucanovich, Mr. Walsh, Mr. Waxman, Mr. Wilson, Mr. Wolf, Mr. Wolpe, and Mr. Wyden):

H.J. Res. 215. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H.J. Res. 216. Joint resolution to express opposition to the Environmental Protection Agency's past increases in fluoridation levels in drinking water; to the Committee on Energy and Commerce.

By Mr. LEVINE of California:

H.J. Res. 217. Joint resolution to designate September 12, 1991, as "National DARE Day"; to the Committee on Post Office and Civil Service.

By Mr. MORRISON (for himself, Mr. Gordon, Mr. Abercrombie, Mr. Ackerman, Mr. Alexander, Mr. Andrews of Maine, Mr. AuCoin, Mr. Barnard, Mr. Bateman, Mr. Bennett, Mrs. Bentley, Mr. Bevill, Mr. Bilbray, Mr. Bilirakis, Mr. Blaz, Mr. Bliley, Mr. Boehlert, Mr. Boucher, Mrs. Boxer, Mr. Brewster, Mr. Brooks, Mr. Brown, Mr. Bustamante, Mrs. Byron, Mr. Callahan, Mr. Camp, Mr. Cardin, Mr. Carr, Mr. Chandler, Mr. Chapman, Mr. Clement, Mr. Clinger, Mr. Coleman of Texas, Mr. Conyers, Mr. Cooper, Mr. Cramer, Mr. Darden, Mr. DeFazio, Mr. de la Garza, Mr. Derrick, Mr. de Lugo, Mr. Dicks, Mr. Dixon, Mr. Dornan of California, Mr. Downey, Mr. Duncan, Mr. Durbin, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Emerson, Mr. Engel, Mr. Erdreich, Mr. Espy, Mr. Evans, Mr. Faleomavaega, Mr. Fawell, Mr. Fazio, Mr. Fields, Mr. Fish, Mr. Flake, Mr. Foglietta, Mr. Frank of Massachusetts, Mr. Franks of Connecticut, Mr. Frost, Mr. Fuster, Mr. Gekas, Mr. Gilchrest, Mr. Gillmor, Mr. Gilman, Mr. Gonzalez, Mr. Gradison, Mr. Grandy, Mr. Guarini, Mr. Hall of Ohio, Mr. Hammerschmidt, Mr. Hansen, Mr. Harris, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Hefner, Mr. Henry, Mr. Herger, Mr. Hochbrueckner, Mr. Horton, Mr. Hubbard, Mr. Huckaby, Mr. Hughes, Mr. Hunter, Mr. Hutto, Mr. Hyde, Mr. Ireland, Mr. Jacobs, Mr. Jefferson, Mr. Jenkins, Mrs. Johnson of Connecticut, Mr. Johnson of South Dakota, Mr. Jones of North Carolina, Mr. Jontz, Mr. Kasich, Mr. Kennedy, Mr. Kolter, Mr. Kopetski, Mr. Lagomarsino, Mr. Lancaster, Mr. Lantos, Mr. LaRocco, Mr. Lehman of California, Mr. Lent, Mr. Levin of Michigan, Mr. Levine of California, Mr. Lewis of California, Mr. Lewis of Georgia, Mr. Lewis of Florida, Mr. Lipinski, Mr. Livingston, Mrs. Lloyd, Ms. Long, Mr. Luken, Mr. Machtley, Mr. Markey, Mr. Martin, Mr. Martinez, Mr. Matsui, Mr. Mavroules, Mr. McCloskey, Mr. McCollum, Mr. McCrery, Mr. McDade, Mr. McDermott, Mr. McEwen, Mr. McGrath, Mr. McHugh, Mr. McMillen of Maryland, Mr. Mfume, Mr. Miller of Ohio, Mr. Miller of Washington, Mr. Mineta, Mr. Moakley, Ms. Molinari, Mr. Montgomery, Mr. Moorhead, Mrs. Morella, Mr. Murphy, Mr. Murtha, Mr. Natcher, Mr. Neal of Massachusetts, Ms. Norton, Ms. Oakar, Mr. Oberstar, Mr. Owens of New York, Mr. Owens of Utah, Mrs. Patterson, Mr. Payne of New Jersey, Mr. Payne of Virginia, Ms. Pelosi, Mr. Price, Mr. Quillen, Mr. Rahall, Mr. Ramstad, Mr. Rangel, Mr. Ravenel, Mr. Regula, Mr. Rhodes, Mr. Rinaldo, Mr. Roberts, Mr. Roe, Mr. Rose, Mrs. Roukema, Mr. Sanders, Mr. Sawyer, Mr. Saxton, Mr. Scheuer, Mr. Schumer, Mr. Serrano, Mr. Shays, Mr. Shuster, Mr. Sisisky, Mr. Skeen, Mr. Slattery, Mr. Slaughter of Virginia, Ms. Slaughter of New York, Mr. Smith of Florida, Mr. Solomon, Mr. Spence, Mr. Spratt, Mr. Staggers, Mr. Stallings, Mr. Stark, Mr. Stenholm, Mr. Stokes, Mr. Studds, Mr. Swett, Mr. Tallon, Mr. Torricelli, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Udall, Mrs. Unsoeld, Mr. Valentine, Mr. Vander Jagt, Mr. Vento, Mr. Volkmer, Mrs. Vucanovich, Mr. Walsh, Ms. Waters, Mr. Waxman, Mr. Weber, Mr. Weiss, Mr. Weldon, Mr. Wilson, Mr. Wise, Mr. Wolf, Mr. Wyden, Mr. Wylie, Mr. Yatron, Mr. Young of Florida, Mr. Young of Alaska, and Mr. Zimmer):

H.J. Res. 218. Joint resolution to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. ROSE:

H. Con. Res. 115. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama; to the Committee on House Administration.

By Mr. ENGEL:

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress that President Bush should seek a complete cessation of Soviet aid to Cuba during the upcoming American-Soviet summit; to the Committee on Foreign Affairs.

By Mr. GRAY:

H. Con. Res. 117. Concurrent resolution recognizing the 75th anniversary of the establishment of the American Financial Services Association; to the Committee on Post Office and Civil Service.

By Mr. LEVINE of California (for himself, Mr. Torricelli, Mr. Miller of Washington, Mr. Gilman, and Mr. Berman):

H. Con. Res. 118. Concurrent resolution concerning the Arab boycott against Israel; to the Committee on Foreign Affairs.

By Mr. NEAL of Massachusetts:

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress regarding the Knight Foundation's proposals for reforming the college athletics system; to the Committee on Education and Labor.

By Mrs. ROUKEMA:

H. Con. Res. 120. Concurrent resolution expressing the sense of Congress that consumers should be provided with incentives to save for long-term purposes; jointly, to the Committees on Banking, Finance and Urban Affairs; Education and Labor; and Ways and Means.

By Mr. KLECZKA (for himself and Mrs. Bentley):

H. Res. 121. Resolution concerning the conflict in Yugoslavia; to the Committee on Foreign Affairs.

By Ms. WATERS:

H. Res. 122. Resolution condemning the high incidence of police brutality in the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

75. By the SPEAKER: Memorial of the House of Representatives of the State of Idaho, relative to increased Mountain Home AFB missions; to the Committee on Armed Services.

76. Also, memorial of the Senate of the State of Michigan, relative to 73 Michigan men still considered missing in action or prisoners of war from the Vietnam war; to the Committee on Foreign Affairs.

77. Also, memorial of the House of Representatives of the State of Idaho, relative to the National Air and Space Museum; to the Committee on House Administration.

78. Also, memorial of the House of Representatives of the State of Idaho, relative to pension plans; to the Committee on the Judiciary.

79. Also, memorial of the House of Representatives of the State of Idaho, relative to the reintroduction of wolves into certain areas; to the Committee on Merchant Marine and Fisheries.

80. Also, memorial of the House of Representatives of the State of Idaho, relative to Federal boat tax; to the Committee on Ways and Means.

81. Also, memorial of the House of Representatives of the State of Idaho, relative to the conflict in the Persian Gulf; jointly, to the Committees on Armed Services and Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JOHNSTON of Florida introduced a bill (H.R. 1759) for the relief of James B. Stanley; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. McMillen of Maryland, Mr. Lehman of California, Mr. Pallone, and Mr. Traficant.

H.R. 12: Mr. Kopetski, Mrs. Mink, and Mr. Scheuer.

H.R. 19: Mr. Stark.

H.R. 53: Mr. Walsh and Mr. Gordon.

H.R. 74: Mr. Kopetski, Mr. Owens of Utah, Mr. Eckart, Mr. Burton of Indiana, and Mr. Moorhead.

H.R. 78: Mr. Paxon and Mr. Hefley.

H.R. 117: Mr. Dorgan of North Dakota.

H.R. 127: Mr. Ramstad, Mr. Peterson of Florida, Mr. Owens of New York, Mr. Richardson, Mr. McCrery, Mrs. Boxer, Mr. Jones of North Carolina, Mr. Coble, Mr. Chandler, Mr. Dellums, Mr. Stallings, Mr. Flake, Mr. Pursell, Mrs. Lloyd, Mr. Miller of Washington, Mr. Hertel, and Mr. Dicks.

H.R. 134: Mr. Gallegly, Mr. Derrick, Mr. Yatron, Mr. Wolpe, Mr. Weiss, Mr. McCurdy, Mr. Owens of Utah, Mr. Dixon, Mr. Jones of North Carolina, Mr. Brown, and Mr. Gilchrest.

H.R. 142: Mr. Stump and Mr. Livingston.

H.R. 179: Mr. Evans, Mr. Sanders, and Mr. Rowland.

H.R. 319: Mr. Hastert.

H.R. 327: Mr. Roe, Mr. Abercrombie, Mr. Fish, and Mr. Emerson.

H.R. 328: Mr. Engel, Mr. Neal of Massachusetts, Mr. Ford of Tennessee, Mr. Lewis of Georgia, Mr. Oberstar, and Mr. Pallone.

H.R. 368: Mr. Cox of California.

H.R. 369: Mr. Lagomarsino and Mr. Sensenbrenner.

H.R. 446: Mr. Roybal, Mrs. Patterson, Mr. Mfume, Mr. Udall, Mr. Dymally, Mr. Solarz, Mr. Oberstar, Mr. Dixon, and Mr. Mineta.

H.R. 467: Mr. McCollum, Mr. Rhodes, Mr. Gilchrest, Mr. Jontz, Mr. Traficant, Mr. Sisisky, and Mr. Olin.

H.R. 473: Mr. Schaefer.

H.R. 474: Mr. Marlenee.

H.R. 483: Mrs. Meyers of Kansas and Mr. Shays.

H.R. 519: Mrs. Meyers of Kansas and Mr. Boehner.

H.R. 520: Mr. Frost, Mr. Abercrombie, Mr. Hertel, Mr. Foglietta, Mr. Kopetski, Mr. de Lugo, Mr. Lancaster, Mr. Erdreich, Mr. Towns, and Ms. Norton.

H.R. 542: Mr. Bryant.

H.R. 561: Mr. Smith of Florida, Mr. Dwyer of New Jersey, Mr. Johnson of South Dakota, and Mr. Hertel.

H.R. 566: Ms. Pelosi.

H.R. 601: Mr. Hertel.

H.R. 612: Mr. Taylor of Mississippi, Mr. Peterson of Minnesota, Mr. Faleomavaega, and Mr. Johnston of Florida.

H.R. 637: Mr. Abercrombie.

H.R. 642: Mr. Bennett and Mr. Wise.

H.R. 645: Mr. Kopetski and Mr. Sanders.

H.R. 702: Mr. Stearns.

H.R. 704: Mr. Stearns.

H.R. 710: Mr. Swift, Mr. Martin, Mr. Lehman of Florida, Mr. Tallon, Mr. Eckart, Mr. Walker, and Mr. Goss.

H.R. 747: Mr. Cox of California, Mr. Studds, Mr. Poshard, Mr. Bilirakis, Mr. Owens of New York, Mr. Coughlin, Mr. Upton, Mr. Quillen, and Mr. Lewis of Florida.

H.R. 767: Mr. Schaefer.

H.R. 774: Mr. Fawell.

H.R. 785: Mr. Rangel.

H.R. 786: Mr. Serrano, Mr. Scheuer, Mr. Dicks, Mr. Fish, Mr. Sanders, Mr. Engel, and Mr. Towns.

H.R. 826: Mr. Taylor of Mississippi, Mr. Goss, Mr. Santorum, Mr. Carper, Mr. Moorhead, and Mr. Kolbe.

H.R. 827: Mr. Costello, Mr. Peterson of Florida, and Mr. Fish.

H.R. 840: Mrs. Byron, Mr. Durbin, Mr. Fish, Mr. Gejdenson, Mr. Weiss, Mr. Smith of New Jersey, Mr. Glickman, and Mr. Emerson.

H.R. 846: Mr. Abercrombie, Mr. Towns, Mr. Lewis of Georgia, Mr. Moody, Mr. Weiss, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Swett, Mr. Engel, Mr. Johnston of Florida, and Mr. Owens of Utah.

H.R. 858: Mr. Petri.

H.R. 916: Mr. DeFazio and Mr. Payne of Virginia.

H.R. 951: Mr. Andrews of New Jersey, Mr. Doolittle, Mr. Coble, Mr. Pallone, Mr. Gallo, Mr. Porter, Ms. Snowe, and Mr. Downey.

H.R. 978: Mr. Hughes, Mrs. Unsoeld, Ms. Long, Mr. Frank of Massachusetts, Mr. Kopetski, Mr. Yates, Mr. Cardin, Mr. Jefferson, Mr. Neal of North Carolina, Mr. Bustamante, Mr. Sanders, Mr. Guarini, Mr. Russo, Mr. Downey, Mrs. Kennelly, Mr. Matsui, Mr. Valentine, Mr. Levin of Michigan, Mr. Andrews of Texas, Mr. Lancaster, Mr. Fish, Ms. Oakar, Mr. Hayes of Illinois, Mr. Engel, and Mr. DeFazio.

H.R. 989: Mr. Mfume.

H.R. 999: Mr. Stallings.

H.R. 1001: Mr. Hefley, Mr. Machtley, and Mr. Hansen.

H.R. 1004: Mr. Machtley.

H.R. 1024: Mr. Sanders, Mr. Parker, Mr. Martinez, and Mr. Vento.

H.R. 1047: Mr. Wylie.

H.R. 1079: Mr. Jontz, Mr. Staggers, and Mr. Peterson of Minnesota.

H.R. 1093: Mr. Levin of Michigan, Mr. Camp, Mr. Pursell, Mr. Emerson, and Mr. Broomfield.

H.R. 1109: Mr. Manton.

H.R. 1135: Mr. Reed, Ms. DeLauro, Mr. Condit, and Mr. Ackerman.

H.R. 1147: Mrs. Roukema, Mr. Allard, Mr. Upton, Mr. Hefley, Mr. Gunderson, Mr. Packard, Mr. McDermott, Mr. Gallegly, Mr. McNulty, Mr. Broomfield, and Mr. Hamilton.

H.R. 1165: Mr. Bacchus, Mr. Kolbe, Mr. Lewis of Georgia, Mr. Weiss, Mr. Hefley, Mr. Condit, Mr. Ford of Tennessee, Mr. Ackerman, and Mr. Faleomavaega.

H.R. 1166: Mr. Abercrombie, Mr. Murphy, Mr. Horton, Mr. Miller of California, Mr. Stark, and Mr. Costello.

H.R. 1177: Mr. Frank of Massachusetts, Mr. Pease, Mr. Kostmayer, Mr. Mrazek, Mr. Kolter, Mr. Wolpe, Mr. Dwyer of New Jersey, and Mr. Rinaldo.

H.R. 1181: Mr. Kolter, Mr. Rahall, Mr. Peterson of Florida, Mr. Bryant, Mr. McDermott, and Mr. Roybal.

H.R. 1182: Mr. Skaggs.

H.R. 1216: Mr. Jacobs.

H.R. 1230: Mr. Fish.

H.R. 1237: Mr. Allard, Mr. Armey, Mr. Anthony, Mr. Ballenger, Mr. Bateman, Mr. Baker, Mr. Barton of Texas, Mr. Bilbray, Mr. Boehner, Mr. Callahan, Mr. Campbell of Colorado, Mr. Chapman, Mr. Coleman of Missouri, Mr. Crane, Mr. Doolittle, Mr. Fawell, Mr. Goodling, Mr. Goss, Mr. Gunderson, Mr. Emerson, Mr. Franks of Connecticut, Mr. Hancock, Mr. Hansen, Mr. Hayes of Louisiana, Mr. Hefley, Mr. Henry, Mr. Herger, Mr. Hobson, Mr. Holloway, Mr. Inhofe, Mr. Jefferson, Mr. Jenkins, Ms. Kaptur, Mr. Kleczka, Mr. Klug, Mr. LaFalce, Mr. Lancaster, Mr. Livingston, Mr. McCrery, Mr. McCurdy, Mr. McEwen, Mr. Moorhead, Mr. Murphy, Mr. Oxley, Mr. Parker, Mr. Petri, Mr. Porter, Mr. Rahall, Mr. Ramstad, Mr. Ray, Mr. Roberts, Mr. Roth, Mr. Rowland, Mr. Santorum, Mr. Schaefer, Mr. Skaggs, Mr. Skeen, Mr. Skelton, Mr. Slaughter of Virginia, Mr. Spence, Mr. Stenholm, Mr. Stump, Mr. Sundquist, Mr. Tallon, Mr. Tauzin, Mr. Thomas of Georgia, Mr. Upton, Mr. Visclosky, Mrs. Vucanovich, Mr. Walker, Mr. Weber, Mr. Wilson, and Mr. Zeliff.

H.R. 1239: Mr. Reed, Mr. Jefferson, Mr. Sikorski, Mr. Edwards of California, Mr. Serrano, Mr. Levine of California, Mr. Hayes of Illinois, Mr. Jontz, Mr. Dixon, Mr. Lewis of Georgia, Mr. Zimmer, and Mr. Bustamante.

H.R. 1241: Mrs. Bentley, Mr. Bevill, Ms. DeLauro, Mr. Erdreich, Mr. Frank of Massachusetts, Mr. McEwen, Mr. Oxley, Mr. Zimmer, Mr. Eckart, Mr. Lagomarsino, Mrs. Lloyd, Mr. Hansen, and Mr. Packard.

H.R. 1242: Mr. Emerson, Mr. Dannemeyer, Mr. Inhofe, and Mr. Fields.

H.R. 1254: Mr. Fazio, Mr. Weiss, and Mr. Kennedy.

H.R. 1263: Mr. Weiss, Mr. Machtley, and Mr. Fish.

H.R. 1264: Mr. Weiss, Mr. Machtley, and Mr. Fish.

H.R. 1270: Mr. Cooper, Mr. Emerson, and Mr. Smith of Texas.

H.R. 1287: Mr. Cox of California, Mrs. Meyers of Kansas, and Mr. Rohrabacher.

H.R. 1288: Mr. Moody, Mr. Espy, Mr. Kildee, Mr. Serrano, Mr. Walsh, Mr. Roe, Mr. Foglietta, Mrs. Morella, Mr. Rangel, and Mr. Martinez.

H.R. 1292: Mr. Kopetski, Mr. Brewster, Mr. Doolittle, Mr. Orton, Mr. Thomas of California, Mr. Richardson, and Mr. Schaefer.

H.R. 1296: Mr. Hastert, Mr. Bennett, Mr. Houghton, Mr. Whitten, Mr. Cramer, Mr. Lancaster, Mr. Engel, Mr. Jefferson, Mr. Ramstad, Mr. Kanjorski, Mr. Scheuer, Mr. Lowery of California, Mr. Berman, Mr. Hughes, Mr. Hertel, and Mr. Wilson.

H.R. 1310: Mr. Duncan, Mr. Dwyer of New Jersey, Mr. Espy, Mr. Fish, Mr. Ford of Tennessee, Mr. Hertel, Mr. Horton, Mr. Hyde, Mr. Jefferson, Mr. Kolter, Mr. Lipinski, Mr. Manton, Mrs. Morella, Mr. Quillen, Mr. Rangel, Mr. Roe, Ms. Ros-Lehtinen, Mr. Udall, Mr. Valentine, Mr. Walsh, and Mr. Weiss.

H.R. 1311: Mr. Cunningham, Mr. Dwyer of New Jersey, Mr. Espy, Mr. Fish, Mr. Ford of Tennessee, Mr. Hertel, Mr. Horton, Mr. Hyde, Mr. Jefferson, Mr. Kolter, Mr. Lipinski, Mr. Manton, Mrs. Morella, Mr. Quillen, Mr. Rangel, Mr. Roe, Ms. Ros-Lehtinen, Mr. Udall, Mr. Valentine, Mr. Walsh, and Mr. Weiss.

H.R. 1312: Mr. Cunningham, Mr. Duncan, Mr. Dwyer of New Jersey, Mr. Espy, Mr. Fish, Mr. Ford of Tennessee, Mr. Hertel, Mr. Horton, Mr. Hyde, Mr. Jefferson, Mr. Kolter, Mr. Lipinski, Mr. Manton, Mrs. Morella, Mr. Quillen, Mr. Rangel, Mr. Roe, Ms. Ros-Lehtinen, Mr. Udall, Mr. Valentine, and Mr. Weiss.

H.R. 1328: Mr. Scheuer, Mr. Guarini, Mr. Abercrombie, Mr. Hall of Ohio, Mr. Rangel, Mr. Towns, Mr. Serrano, and Mr. Smith of Florida.

H.R. 1343: Mr. Hughes, Mrs. Unsoeld, and Mr. Panetta.

H.R. 1346: Mr. Stokes, Mr. Owens of New York, Mr. Studds, Mr. Martinez, Mrs. Mink, Mr. McNulty, Mr. Scheuer, Mr. Waxman, Mr. Applegate, Mr. Dixon, Mr. Ford of Michigan, and Mr. Mavroules.

H.R. 1360: Mrs. Meyers of Kansas, Mr. Sanders, Mr. Kildee, Mr. Washington, and Mr. Synar.

H.R. 1363: Mr. Studds.

H.R. 1406: Mr. Huckaby, Mr. Erdreich, Mr. Swift, Mr. Porter, Mr. Roe, Mr. Orton, Mr. Hansen, Mr. Espy, Mr. Tauzin, Mr. Gallegly, Mr. Schiff, Mr. Rhodes, Mr. Bacchus, Mr. Emerson, Mr. Young of Alaska, Mr. Hertel, Mr. Kildee, Mr. Bilbray, Mr. Shays, Mr. Kolter, Mr. Owens of Utah, Mr. Bryant, Mr. Hutto, Mr. McMillen of Maryland, Mr. Dwyer of New Jersey, Mr. Eckart, Mr. Smith of New Jersey, and Mr. Lewis of California.

H.R. 1412: Mr. Kyl and Mr. Thomas of Wyoming.

H.R. 1417: Mr. Kolbe, Mr. Bliley, and Mr. Sensenbrenner.

H.R. 1422: Mr. Serrano, Mr. Fuster, Mr. Lehman of Florida, and Mrs. Boxer.

H.R. 1429: Mr. Cox of California and Mr. Emerson.

H.R. 1442: Mr. Engel, Mr. Weiss, and Mr. de Lugo.

H.R. 1454: Mr. Frank of Massachusetts, Mr. Hyde, Mr. Wyden, Mr. Borski, Mr. Geren of Texas, Mr. Mrazek, Mr. Feighan, Mr. Reed, Mr. Rose, Mr. Synar, Mr. Henry, Mrs. Morella, Mr. Payne of Virginia, Mr. Huckaby, and Ms. Snowe.

H.R. 1456: Mr. Chapman, Mr. Lewis of California, Mr. Rinaldo, Mr. Bateman, Mr. Morrison, Mrs. Johnson of Connecticut, Mr. Allard, Mr. Barrett, and Mr. Hubbard.

H.R. 1467: Mr. Mrazek, Mr. Levin of Michigan, Mr. McNulty, Mr. Wilson, Mr. Neal of North Carolina, Ms. Molinari, Mr. Lipinski, Ms. Pelosi, Mr. Ford of Tennessee, Mr. Dellums, Mr. Evans, Mr. Peterson of Minnesota, Mr. Hyde, Mr. Martinez, Mr. Bilbray, and Mr. LaFalce.

H.R. 1483: Mr. Studds and Mr. Engel.

H.R. 1490: Mr. Duncan and Mr. Rinaldo.

H.R. 1494: Mrs. Johnson of Connecticut.

H.R. 1508: Mr. Stump, Mr. Dickinson, Mrs. Vucanovich, Mr. Marlenee, Mrs. Bentley, Mr. Ireland, Mr. Emerson, Mr. Lewis of California, Mr. Thomas of Wyoming, and Mr. Dannemeyer.

H.R. 1510: Mr. Fish and Mr. Dixon.

H.R. 1511: Mr. Fish and Mr. Dixon.

H.R. 1512: Mr. Hochbrueckner, Mr. Parker, Mr. Smith of New Jersey, and Mr. Gilchrest.

H.R. 1528: Mr. Ballenger.

H.R. 1543: Mr. Baker and Mr. Emerson.

H.R. 1545: Mr. Andrews of Texas.

H.R. 1564: Mr. Rogers.

H.R. 1603: Mr. Bilbray, Mr. Dannemeyer, Mr. Feighan, Mr. Foglietta, Mr. Hastert, Mr. Hertel, Mr. Hughes, Mr. Jefferson, Mr. LaRocco, Mrs. Morella, Mr. Scheuer, Ms. Slaughter of New York, and Mr. Traxler.

H.R. 1611: Mr. Frank of Massachusetts, Mr. Faleomavaega, Mr. Thomas of Wyoming, and Mr. Hertel.

H.R. 1620: Mrs. Kennelly.

H.R. 1652: Mr. Solomon, Mr. Bennett, Mr. Hochbrueckner, Mr. Cox of California, Mr. Fish, Mr. Machtley, Mrs. Boxer, Mr. Eckart, and Mr. Gilchrest.

H.R. 1669: Mrs. Collins of Illinois.

H.J. Res. 6: Mr. Bereuter.

H.J. Res. 51: Mr. Brown, Mr. Hastert, Mr. Payne of New Jersey, Ms. Norton, Mr. LaFalce, Mr. Torricelli, Mr. Smith of Oregon, Mr. Jacobs, Mr. Weiss, Mr. Fish, Mr. Bevill, Mr. Gekas, Mr. Rinaldo, Mrs. Bentley, Mr. Spence, Ms. Oakar, Mr. Rohrabacher, Mr. Tallon, Mr. Mazzoli, Mr. Thomas of Georgia, Mr. Derrick, Mr. Darden, Mr. Vander Jagt, Mr. Weber, Mr. Paxon, Mr. Slaughter of Virginia, Mr. Callahan, Mr. Hansen, Mr. Hunter, Mr. Hyde, and Mr. Mfume.

H.J. Res. 91: Mr. Mrazek, Mr. Mfume, Mr. Darden, Mr. Hochbrueckner, Ms. Norton, Mr. Hall of Ohio, Mr. Hayes of Illinois, Mr. Gray, Mr. Wolf, Mr. Kennedy, Mr. Ravenel, Mr. Ford of Tennessee, Mr. Derrick, Mr. Weiss, Mr. Stokes, Mr. Pallone, Mr. Browder, Mr. Spratt, Mr. Morrison, and Mr. Conyers.

H.J. Res. 103: Mr. Waxman, Mr. Ackerman, Mr. Zeliff, Mr. Vander Jagt, and Mr. Kennedy.

H.J. Res. 107: Mr. Ramstad, Mr. Sabo, Mr. Dorgan of North Dakota, and Mr. Jenkins.

H.J. Res. 109: Mr. Archer, Mr. Aspin, Mr. Borski, Mr. Conyers, Mr. DeFazio, Mr. Dingell, Mr. Engel, Mr. Evans, Mr. Gekas, Mr. Hobson, Mr. Jenkins, Mrs. Kennelly, Mr. Levine of California, Mr. McCollum, Mr. McCrery, Mr. Martin, Mr. Miller of Washington, Mr. Moakley, Mr. Montgomery, Mr. Myers of Indiana, Ms. Norton, Mr. Obey, Mr. Ortiz, Mr. Owens of Utah, Mr. Owens of New York, Mr. Peterson of Florida, Mr. Saxton, Mr. Schumer, Mr. Skaggs, Mr. Torricelli, Mr. Traficant, and Mrs. Unsoeld.

H.J. Res. 134: Mr. Evans, Mr. McCloskey, Mr. Sharp, Mr. Zimmer, Mr. Kostmayer, Mr. Bruce, Mr. Udall, Ms. Snowe, Mr. Torres, Mrs. Mink, and Mr. McCandless.

H.J. Res. 141: Mr. Brewster, Mr. Synar, Mr. Levine of California, Mr. Smith of New Jersey, Ms. Molinari, Mr. Rinaldo, Mr. Yates, Mr. Doolittle, Mr. Hughes, Mr. Waxman, and Mr. Fascell.

H.J. Res. 144: Mr. Pursell, Mr. Skelton, Mr. McGrath, Mr. Wilson, Mr. Fish, Mr. Bliley, Mr. Davis, Mr. Blaz, Mr. Regula, Mr. Valentine, Mr. Serrano, Mr. Bonior, Mr. Weiss, Mr. Conyers, Mr. Gray, Mr. Solarz, Mr. Dymally, Mr. Lewis of Florida, Mr. Dixon, Mr. Smith of Texas, Mr. Frank of Massachusetts, Mr. Atkins, Mr. Kolter, Mr. Hoyer, Mr. Engel, Mr. Carr, Mr. Hamilton, Mr. DeFazio, Mr. Borski, Mr. Thomas of Georgia, Ms. Waters, Mr. Sanders, Mr. Hayes of Illinois, Mr. Murphy, Mr. Walsh, Mr. Riggs, Mr. Carper, Mr. Coleman of Texas, Mr. Sangmeister, Mr. Orton, Mr. Upton, Mr. Owens of New York, Mrs. Unsoeld, Mr. Traficant, Mr. Taylor of Mississippi, Mr. Staggers, Mr. Smith of Iowa, Mr. Neal of Massachusetts, Mr. McMillen of Maryland, Mr. McDade, Mr. Manton, Mr. Jones of North Carolina, Mr. Ireland, Mr. Richardson, Mr. Murtha, and Mr. Jacobs.

H.J. Res. 154: Mr. Wolf, Mr. Green of New York, Mrs. Vucanovich, Mr. Levine of California, Mr. Moody, Mr. Luken, Mr. Berman, Mr. Sabo, Mr. Evans, Ms. Snowe, and Mr. Hunter.

H.J. Res. 164: Mr. Gunderson, Mr. Santorum, Mr. Faleomavaega, and Mr. Evans.

H.J. Res. 178: Mr. Lipinski, Mr. Jones of Georgia, Mr. Frost, Mrs. Meyers of Kansas, Mr. Bustamante, Mr. Dannemeyer, Mr. Kolbe, Mr. Kyl, and Mr. Hyde.

H.J. Res. 181: Mrs. Boxer, Mr. Brown, Mr. Chandler, Mr. Conyers, Mr. DeFazio, Mr. Emerson, Mr. Engel, Mr. Faleomavaega, Mr. Fish, Mr. Hayes of Louisiana, Mr. Hertel, Mr. Hefner, Mr. Huckaby, Mr. Jefferson, Mr. Lehman of Florida, Mr. Mrazek, Mr. Martinez, Mrs. Meyers of Kansas, Ms. Molinari, Mr. Mollohan, Mr. Moorhead, Mrs. Morella, Mr. Owens of New York, Mr. Poshard, Mr. Rangel, Mr. Riggs, Mr. Roe, Ms. Slaughter of New York, Mr. Stallings, Mr. Taylor of Mississippi, Mr. Walsh, and Mr. Waxman.

H.J. Res. 188: Mrs. Bentley, Mr. Bliley, Mr. Coble, Mr. Conyers, Mr. Dixon, Mr. Duncan, Mr. Erdreich, Mr. Gallo, Mr. Hastert, Mr. Hochbrueckner, Mr. Hunter, Mr. HYDE, Mr. IRELAND, Mr. LOWERY of California, Mr. MACHTLEY, Mr. MARTIN, Mr. MILLER of Washington, Mr. PAXON, Mr. PORTER, Mrs. VUCANOVICH, Mr. WALSH, Mr. HORTON, Mr. INHOFE, Mr. McDADE, Mr. McGRATH, Mrs. MEYERS of Kansas, Mr. MORRISON, Mr. PRICE, Ms. NORTON, Mr. TRAXLER, Mr. McDERMOTT, Mr. SCHEUER, Mrs. BOXER, Mr. POSHARD, Mr. WAXMAN, Mr. HENRY, Mr. QUILLEN, Mr. PURSELL, Mr. WELDON, and Mr. MOORHEAD.

H.J. Res. 194: Mr. McDADE, Mr. FASCELL, Mr. BERMAN, Mr. SMITH of Florida, Mrs. PATTERSON, Mr. SCHUMER, Mr. LEWIS of Florida, Mrs. KENNELLY, Mr. PICKLE, Mr. McDERMOTT, Mr. ROSE, Mr. MONTGOMERY, Mr. PERKINS, Mr. ROBERTS, Mr. COOPER, Mr. GORDON, Mr. LEVIN of Michigan, Mr. McMILLEN of Maryland, Mr. LEHMAN of Florida, Mr. JACOBS, Mr. SCHEUER, Mr. CAMPBELL of Colorado, Mr. WHITTEN, Mr. BLAZ, Mr. NATCHER, Mr. SISISKY, Mr. HATCHER, Mr. OWENS of Utah, Mr. JONTZ, Mr. TAUZIN, Mr. ESPY, Mr. BOUCHER, Mr. DELLUMS, Mr. COLEMAN of Texas, Mr. RAHALL, Mr. RANGEL, Mr. KASICH, Mr. SKAGGS, Mr. PANETTA, Mrs. VUCANOVICH, Mr. McGRATH, Mr. TOWNS, Mr. OWENS of New York, Mrs. BENTLEY, Mr. WOLPE, Mr. RAVENEL, Mr. HORTON, Mr. JENKINS, Mr. MRAZEK, Mr. FEIGHAN, Mr. VALENTINE, Ms. MOLINARI, Ms. LONG, Mr. QUILLEN, Mr. BARNARD, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. HALL of Texas, Mr. LANCASTER, Mr. SLATTERY, Mr. THORNTON, Mr. ANTHONY, Mr. HAYES of Louisiana, Mrs. LLOYD, Mr. PAYNE of Virginia, and Mr. CHAPMAN.

H.J. Res. 197: Mr. WEISS, Mr. BERMAN, Mr. WILSON, Mr. CLEMENT, Mr. BREWSTER, Mr. PAYNE of New Jersey, Mr. McDERMOTT, Mr. McGRATH, Mr. WALSH, Mr. OWENS of New York, Mr. MATSUI, Mr. ESPY, Mr. COLEMAN of Texas, Mr. WEBER, Mr. LUKEN, Ms. LONG, Mr. LEVIN of Michigan, Mr. LEHMAN of Florida, Mr. KILDEE, Mr. MOODY, Mr. TAUZIN, Mr. TALLON, Mr. JONES of North Carolina, Mr. TOWNS, Mr. MURPHY, Mr. LEACH, Mr. CALLAHAN, Mr. PERKINS, Mr. FALEOMAVAEGA, Mr. McEWEN, Mr. GUNDERSON, Mr. BUSTAMANTE, Mr. HASTERT, Mr. HAMILTON, Mr. PETERSON of Florida, Ms. NORTON, Mr. SWETT, Mr. FORD of Tennessee, Mr. LaROCCO, Mrs. UNSOELD, Mr. YATRON, Mr. MARTINEZ, Mr. GUARINI, Mr. TORRES, Mr. DYMALLY, Mr. FISH, Mr. RAVENEL, Mr. ROYBAL, Mr. MANTON, Mr. HARRIS, Mr. SCHEUER, Mrs. MEYERS of Kansas, Mr. SCHUMER, Mr. HUNTER, Mr. SLATTERY, Mr. ERDREICH, Mr. BILIRAKIS, Mr. BARNARD, Mr. CONYERS, Mr. HAYES of Illinois, Mr. TAYLOR of Mississippi, Mr. BILBRAY, Mr. TRAXLER, Mr. SERRANO, Mr. McCLOSKEY, Mr. McMILLEN of Maryland, Mr. McDADE, Mr. McHUGH, Ms. MOLINARI, Mr. MORRISON, Mr. POSHARD, Mr. DICKS, Mr. MINETA, Mr. NEAL of Massachusetts, Mr. EMERSON, Mr. MARKEY, Mr. DIXON, Mr. PURSELL, Mr. VANDER JAGT, Mr. MICHEL, Mr. NEAL of North Carolina, Mr. ENGEL, Mr. HORTON, Mr. SMITH of New Jersey, Mr. SPRATT, Mr. SOLARZ, Mr. HUBBARD, Mrs. MINK, Mr. KENNEDY, Mr. MORAN, Mr. HAMMERSCHMIDT, Mr. de LUGO, Mr. PRICE, Mr. WOLF, Mr. INHOFE, Mr. SKAGGS, Mr. WOLPE, Mr. NATCHER, Mr. PAYNE of Virginia, Mr. LEWIS of California, Mr. APPLEGATE, Mr. TRAFICANT, Mr. WYDEN, Mr. MOORHEAD, Mr. AuCOIN, Mr. BORSKI, Mr. ROSE, Mr. LEHMAN of California, Mr. HEFNER, Mr. SYNAR, Mr. KOLTER, Mr. LANCASTER, Mr. RINALDO, Mr. RITTER, Mr. SMITH of Florida, Mr. ROBERTS, Mr. MILLER of Washington, Mr. REGULA, Mr. ROE, Mr. SHARP, Mr. LOWERY of California, Mr. STAGGERS, Mr. KASICH, Mr. WAXMAN, Mr. CHAPMAN, Mr. GILMAN, Mr. DARDEN, Mrs. LOWEY of New York, Mr. GEKAS, Mr. RHODES, Mr. GILCHREST, Mr. JONTZ, Mr. MARTIN, Mr. HALL of Ohio, Mrs. LLOYD, Mr. HOCHBRUECKNER, Mr. FORD of Michigan, Mr. WISE, Mr. OXLEY, Mr. PANETTA, Mrs. MORELLA, Mr. OWENS of Utah, Mr. SAWYER, Mr. MFUME, Mr. ORTON, Mr. MOAKLEY, Mr. MAVROULES, Mr. RAMSTAD, Mr. SARPALIUS, Mr. EVANS, Mr. BOUCHER, Mr. DELLUMS, Mr. BROWDER, Mr. ANDREWS of Maine, Mr. FAWELL, Mr. LANTOS, Mr. ROGERS, Mr. CRAMER, Mr. HENRY, Ms. KAPTUR, Mr. ROEMER, Mr. HANSEN, Mr. STOKES, Mr. GREEN of New York, Mr. COUGHLIN, Mr. FAZIO, Mr. DORNAN of California, Mr. BLILEY, Mr. QUILLEN, Mr. RIDGE, Mr. ALEXANDER, Mr. HERTEL, Mr. MAZZOLI, Mr. GEREN of Texas, Mr. MACHTLEY, Mr. ANDREWS of New Jersey, Mr. JEFFERSON, Mr. ASPIN, Mr. HUTTO, Mr. HATCHER, Mr. FOGLIETTA, Mr. CARPER, Mrs. KENNELLY, Mr. RAY, Mr. SANGMEISTER, Mr. MONTGOMERY, Ms. OAKAR, Mr. OBERSTAR, Mr. McNULTY, Mr. STUDDS, Mrs. BENTLEY, Mr. DEFAZIO, Ms. HORN, Mr. LIPINSKI, Mr. ORTIZ, Mrs. PATTERSON, Mr. VALENTINE, Mr. McCOLLUM, Mr. RUSSO, Mr. PAXON, Mr. WELDON, Mr. BLAZ, Mr. MRAZEK, Mr. FUSTER, Mr. GRANDY, Mr. HAYES of Louisiana, Mr. McCRERY, Mr. PACKARD, Mr. JOHNSON of South Dakota, Mr. SPENCE, Mr. NOWAK, Mrs. BYRON, Mr. SANDERS, Mr. DOWNEY, Mr. MILLER of California, Mr. RAHALL, Mr. GORDON, Ms. SLAUGHTER of New York, Mr. SCHAEFER, Mr. MOLLOHAN, Mr. DWYER of New Jersey, and Mr. KLUG.

H. Con. Res. 8: Mr. PERKINS, Mr. HEFNER, Mr. LOWERY of California, Mr. RAVENEL, Mr. WILSON, Mr. HUCKABY, Mr. SISISKY, Mr. McGRATH, Mrs. BOXER, Mr. DeLAY, Mr. HALL of Ohio, Mr. LAGOMARSINO, Mr. DEFAZIO, Mr. JONTZ, Mr. JONES of Georgia, Mr. NAGLE, Mr. MRAZEK, Mr. COSTELLO, Mr. FROST, Mr. VENTO, Mr. TOWNS, Mrs. PATTERSON, Mr. ZELIFF, Ms. KAPTUR, Mr. ABERCROMBIE, Mr. GUARINI, Mr. PAYNE of New Jersey, Ms. DeLAURO, Mr. LANTOS, Mr. TANNER, Mr. FISH, Mr. DARDEN, Mr. STALLINGS, and Mr. MILLER of Ohio.

H. Con. Res. 11: Mr. WELDON.

H. Con. Res. 50: Mr. TRAXLER, Mr. ROSTENKOWSKI, and Mr. KLECZKA.

H. Con. Res. 56: Mr. ENGEL, Mr. JONES of Georgia, and Mrs. UNSOELD.

H. Con. Res. 65: Mr. CARPER and Mr. ANDREWS of Maine.

H. Con. Res. 79: Mr. FISH and Mr. JONTZ.

H. Con. Res. 93: Mr. ABERCROMBIE, Mr. FORD of Michigan, Mr. KLECZKA, Mr. RAHALL, Mr. RANGEL, Mr. SANDERS, and Mr. STARK.

H. Con. Res. 96: Mrs. PATTERSON, Mr. HYDE, and Mr. LEWIS of California.

H. Con. Res. 112: Mr. McEWEN and Mrs. SCHROEDER.

H. Res. 32: Mr. LIPINSKI.

H. Res. 42: Mr. HUGHES.

H. Res. 106: Mr. CONDIT, Mr. MOAKLEY, Mr. ANNUNZIO, Mr. SMITH of Florida, Mr. WILSON, Mr. UPTON, Mr. STARK, Mr. HERTEL, Mr. RANGEL, Mr. RAHALL, Mr. LANCASTER, Mr. HOCHBRUECKNER, Mr. ROE, Mr. SANDERS, Mrs. UNSOELD, Mr. RHODES, Mr. ENGEL, Mr. DINGELL, Mr. HUCKABY, Mr. ACKERMAN, Mr. PETERSON of Minnesota, and Mr. SAVAGE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1412: Mr. YATES.

SENATE—*Thursday, April 11, 1991*

(Legislative day of Friday, March 22, 1991)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For none of us liveth to himself, and no man dieth to himself. For whether we live, we live unto the Lord; and whether we die, we die unto the Lord: whether we live therefore, or die, we are the Lord's.—Romans 14: 7, 8.

Eternal God, perfect in love, grace, and mercy, Giver of life, we thank Thee for Thy fatherly care and compassion. With saddened hearts we recall with gratitude Senator John Tower, his powerful leadership in the Senate, his effective championing of a strong national defense, his perseverance in difficulty and his faithful friendship.

We join with his loved ones in mourning his untimely death and that of his daughter, Marian. God of all comfort, fill the hearts of all who suffer this loss with Your peace, encouragement, and assurance.

Forgive us, eternal God, that we live so much of our lives insensitive or indifferent to eternity until tragedy reminds us of the transiency of this life. Forgive us for living as though the grave is the end, and only that which is material is real. Remind us of your unconditional love so profoundly promised in the Bible, and teach us to live in the light of eternal reality.

In the name of Him who is life and the light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 11, 1991.

To the Senate:

Under the provision of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DODD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 1 p.m., with Senators permitted to speak therein for up to 5 minutes each. During this period for morning business Senators may offer eulogies to our late colleagues, Senator Heinz and Senator Tower.

On Tuesday, I expressed the hope that by today the Senate could proceed to the consideration of S. 207, the CFTC authorization bill. For the information of the Senate, I now announce that, once morning business is closed, it is my intention to proceed, either directly or through a designee, to move to proceed to the bill. I understand that there is continuing disagreement on some matters and that there is likely to be considerable discussion on it. That is, of course, appropriate and within the rules.

It seems to me at some point we have to attempt to proceed to the bill and, following very lengthy periods of notice stretching over a long period of time of my intention to do so, we will attempt to do that early this afternoon.

OZONE HOLE DEPLETION

Mr. MITCHELL. Mr. President, two events in the last 10 days highlight the value of action, rather than further study alone, in protecting our environment.

Last week, the National Aeronautics and Space Administration [NASA] released data showing that the protective ozone layer over the United States, as well as elsewhere, is being depleted more than twice as quickly as previously estimated. Despite the fact that this country has on its own, and in concert with other nations, enacted legislation to curb emissions and production of ozone-depleting chemicals, we now know we have not done enough. And we know that we cannot afford to delay taking additional action.

Yesterday, the National Academy of Sciences released a report on global warming policy options. The report stated:

> The panel finds that, even given the considerable uncertainties in our knowledge of the relevant phenomena, greenhouse warming poses a potential threat sufficient to merit prompt responses. * * * Investment in mitigation measures acts as insurance protection against the great uncertainties and the possibility of dramatic surprises. In addition, the panel believes that substantial mitigation can be accomplished at modest cost. In other words, insurance is cheap. (Report, at p. 67)

Hesitation over the technological cost of action has too often masked the health and environmental costs of inaction. I am encouraged that the National Academy of Sciences' panel recognizes the latter costs.

The NAS panel proposed measures that will both reduce greenhouse gas emissions and U.S. dependence on oil. These twin goals are not only possible, they are necessary components of any serious energy policy.

The NAS panel recommended we "improve the efficiency of the U.S. automotive fleet". This single action can do more than any other individual step to both curb carbon dioxide emissions and reduce our dependence on oil.

We should also work with other nations to put in place international limits on greenhouse gas emissions. In fact, the United States is isolated internationally in its continuing refusal to endorse a policy of carbon dioxide reduction or stabilization.

Almost every one of our friends and allies in the developed Western nations has committed itself to a policy of carbon dioxide stabilization or reduction. Yet, the administration adamantly refuses to have the United States adopt such a policy.

But even unilateral U.S. action will have substantial benefits for the planet because the United States alone contributes more than 20 percent of the world's greenhouse gas emissions. Much of that is the result of wasteful practices. Such waste is unnecessary. Our continued economic growth does not depend upon it. In fact, our very survival may rely on our ability to more efficiently use the resources we have.

We can and must act now to become more efficient. Our buildings, lighting, appliances, and vehicles can all be made more efficient without sacrificing quality. In fact, the NAS panel concluded we could improve the corporate average fuel efficiency standards with existing technology from the current 27.5 miles per gallon to 32.5 miles per gallon at a net benefit, rather than

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

cost, and a 300 million metric ton reduction in carbon dioxide emissions. By doing so we can save money, reduce greenhouse gas emissions, and reduce our dependence on oil, all at the same time. These combined benefits are compelling.

The NASA data suggest that the ozone layer over the United States has depleted 4 to 5 percent since 1978. Each percent depletion of the ozone layer is estimated to cause a 5 to 7 percent increase in skin cancer.

EPA Administrator William Reilly estimates that there could, as a result, be an additional 200,000 skin cancer deaths in the United States over the next 50 years.

In addition, crops and aquatic organisms, including those organisms at the beginning of the oceanic food chain, will suffer more damage than previously estimated.

We have, unfortunately, as a society, not done enough to protect public health and the environment from ozone depletion.

Fortunately, we can take regulatory action in this country immediately to further reduce emissions and production of ozone depleting chemicals.

Section 606 of the 1990 Clean Air Act amendments requires the Administrator of the Environmental Protection Agency to accelerate the year 2000 deadline for phaseout of ozone-depleting chemicals listed in the Act, if the Administrator determines such acceleration may be necessary to protect human health and the environment. Such a determination is warranted.

I encourage EPA to move quickly to promulgate regulations implementing the 1990 Clean Air Act amendments and to propose an accelerated phaseout schedule for substances that deplete the ozone layer.

The European Community has already committed to ceasing production of chlorofluorocarbons in 1997, 3 years earlier than required under the Montreal protocol. Considering the risks to human health and the environment, it seems clear that this minimal step is essential.

In addition, we should move quickly to provide assistance to developing countries so that they will have access to substitutes more quickly and can eliminate their production and use of CFC's well before the scheduled date for them, of the year 2010.

We have regrettably under-estimated the risk to our planet. We must act. We must not delay. Congress deliberately provided a clear mandate to the EPA Administrator to act in just these circumstances. I urge him to do so.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, if any, and I reserve all of the leader time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent I be allowed to complete a statement pertaining to our deceased colleague, John Heinz. It may take me a few moments beyond the 5-minute limitation. I ask the Senate's indulgence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOHN HEINZ

Mr. COHEN. Mr. President, a few days ago I stood in this Chamber and offered some final words about my friend, John Tower. I offered those comments in part in response to a plea made by one of John's daughters at his memorial service. She said, "Please don't let them forget about what our father did in the Senate. Not that the Senate rejected him, but remind them of the contribution he made."

In my fashion I tried to say exactly what John Tower meant to me and what I believe he meant to his country.

Shortly after I delivered my remarks, I received a call from one paper and a request was made for a copy of my comments.

My initial reaction was, why bother? They will only report something negative, not what was said, but what was not said.

I yielded, not that it would have made much difference. But nearly 19 years in public service has left me with a touch of cynicism.

So it came as no surprise that when I read a summary of my comments in one of the national papers, it reported that I said that Tower was part poet, part preacher, pure patriot. And yet several paragraphs later, it said, "Cohen did not mention the Senate's crushing rejection of Mr. Tower" for the post of Secretary of Defense because of allegations of womanizing and drinking.

How could I have been so obtuse or dissembling? Surely even though only a day had passed since we commemorated John Tower's life, I should have reminded my colleagues of the vote cast against my friend. What an oversight on my part. Or was it misrepresentation by omission?

And, of course, my own remarks were preceded by comments by Senator SPECTER who pointed out that a national newspaper in recounting John Heinz's life and death felt compelled to say that Senator Heinz failed to relate well to many of his colleagues. This final thrust of the pen/sword into the grave. For all of his gifts, talents, contributions, critics said he was not particularly popular, that he did not connect well to his colleagues. Eighty of his colleagues—including the Vice President—flew through what I would describe as gale force winds yesterday to pay tribute to John Heinz. There was no mandatory attendance. No records kept. No absentees noted. No penalties exacted. Not bad for a man who did not manage to relate well to his colleagues.

We who hold public office understand that it is fair game for the critics to hold a lantern to our faults and deficiencies. Perhaps it is a bit naive of me to think that death might grant us a momentary respite from the arrows of those who choose not to step beyond the protective rim of private life.

I do not wish to dwell on this subject. All of us understand what we give and what we give up. And most of us, for a variety of reasons, still choose to go on. And so I hope that Senator SPECTER's son will not be discouraged from public service, that he will not turn away because of the foreknowledge that public service will result in the prospect of the reporting of our failings as well as our successes.

Mr. President, I should like to make a few brief remarks about Senator John Heinz himself.

Yesterday, as I indicated, I joined my colleagues and traveled to Pittsburgh to participate in a very special memorial service.

As I sat in the exquisite Heinz Memorial Chapel, I was touched by a floodtide of different sounds, colors, emotions.

The Sun kept moving out from behind clouds and bursting through the stained glass windows of the chapel. The red and yellow colors seemed touched by fire. And then the clouds fought back and the blues and the purples took on a deeper, darker, more beguiling and beautiful depth, and it was the play of light and shadow that became a metaphor for my, I should say for our, existence, and our inevitable departures. And who can say which colors, indeed, were the more beautiful?

There was a poignant moment of silence when the singing violins and cello paused between the fugues and concertos of Johann Sebastian Bach and we heard the metallic and rhythmic click of military pall bearers as they carried a flag draped coffin to the front of the chapel. And moments later we heard the soft heel of a widow moving toward her husband's bier.

We heard the voice of JACK DANFORTH—a voice so deep, rich and strong, that I thought for a moment it was the music coming from the chapel's organ.

I thought of all the years of service and friendship with someone I would never see again and I thought of A.E. Housman's poem "To an Athlete Dying Young."

The time you won your town the race
We chaired you through the market-place;
Man and boy stood cheering by,
And home we brought you shoulder-high.

To-day, the road all runners come,
Shoulder-high we bring you home,
And set you at your threshold down,
Townsman of a stiller town.

Smart lad, to slip betimes away
From fields where glory does not stay
And early though the laurel grows
It withers quicker than the rose.

Eyes the shady night has shut
Cannot see the record cut,
And silence sounds no worse than cheers
After earth has stopped the ears:

Now you will not swell the rout
Of lads that wore their honors out,
Runners whom renown outran
And the name died before the man.

So set, before its echoes fade,
The fleet foot on the sill of shade,
And hold to the low lintel up
The still-defended challenge-cup.

And round that early-laurelled head
Will flock to gaze the strengthless dead,
And find unwithered on its curls
The garland briefer than a girl's.

Housman offered us a paradox—that an early death of an athlete is a matter for celebration rather than sorrow. Smart lad to beat us in a race that we must all run to the grave. Fame, after all fades; it withers quicker than the rose; silence is no worse than cheers when earth has stopped the ears.

And yet I took no comfort in the poet's paradox. There was so much more to come.

John Heinz was in the very prime of life. He was young, handsome, athletic, intelligent, wealthy, blessed with an extraordinary wife and three fine sons, a life enhancing smile and genuine good humor.

There was a driving ambition in John—ambition in the best sense of that word—to do something, not to be some one. To do something for those who had less, the elderly, the vulnerable, the weak.

He was not an athlete who had just run his best race. There was always more to come. And it was this promise denied that hurt the most.

As our colleagues TIM WIRTH and JACK DANFORTH noted so eloquently yesterday, John Heinz could have played it safe, could have stayed in the corporate world of wealth and comfort, never risking defeat or public repudiation or be forced into stock transfers or, indeed, financial disclosures.

That would have been the easy way. But everyone who knew John Heinz understood that he thrived on risk, on challenge and competition. He knew even as a young man how dull it would be "to pause, to make an end, to rust unburnished, not to shine in use."

Tennyson's words were written for John Heinz as well as Ulysses."To strive, to seek, to find and not to yield."

As we stared at the coffin of John Heinz, we looked foursquare at our own mortality. In any cosmic sense, it matters little that we live to be 50 or, indeed, 100 years. Our lives are measured not by how long we live, only by how we live. John Heinz' life must be measured not by hours but by honor—the honor he brought to his family, to his friends, to citizens of his State and indeed, to this country.

Just 2 days ago, in saying good-bye to my friend John Tower, I referred to the writings of Dag Hammarskjöld, another brilliant public servant who died in a plane crash three decades ago—another case of "sweet dreams and flying machines in pieces on the ground." Hammarskjöld wrote a poem which speaks to each of us:

Time's flight. Our flight in time—flight from time.
Flying on strong wings—with time,
Never lingering, never anticipating:
A rest in the movement—our victory over movement.
Lightly, lightly—
Soaring above the dread of the waters,
In the moment of dedication,
All strength gathered, all life at stake,
Plunging into the deep.
But no rest on the waves, constrained by currents.
Again over the waters, stillness over the swell,
Borne by the wind with the strength of our own wings.
Never land, never nesting place—
Until the final plunge
When the deep takes back its own.

Words can not cauterize the wounds suffered by Teresa, and her sons, John, Christopher, and Andre.

Hopefully, the passage of time might ease their pain.

But words just might help to remind us that John Heinz gave us only a sample of his best. And while we have been enriched by his gift to public service, we have also been impoverished by his absence in the race toward excellence that each of us has chosen to enter.

Thank you, Mr. President.

THE DISPLAY OF FLOWERS IN MEMORY OF JOHN HEINZ

Mr. MITCHELL. I thank my colleague for his eloquent remarks and wish to call to the attention of Members of the Senate to the presence of the display of flowers on Senator Heinz' desk in memory of his presence.

Mr. President, in explanation to the Senate, under standing orders, flowers are not permitted in the U.S. Senate. However, under the precedents of the Senate, exception is permitted if approved by the majority leader. And earlier today, following consultation with the distinguished Republican leader and without any objection from any of our colleagues, I approved the display of flowers on Senator Heinz' desk as I believe it appropriate under the circumstances. This is not to be construed as a precedent for the presence of flowers under any circumstances other than those comparable to the present. But I believe all Senators will agree that under the circumstances, it is appropriate, and I wanted to call that to my colleagues' attention.

Mr. President, I thank my colleagues and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. GARN. Mr. President, I say to the majority leader, it certainly is appropriate.

Mr. President, it is with great sadness that I rise to pay tribute to my dear friend and colleague John Heinz. John and I worked closely together on the Banking Committee and we enjoyed many good times together during the 15 years of his service in the Senate. His death is a great loss to us all.

I worked with John Heinz on the Banking Committee from the time he came to the Senate in 1977. We advanced through the committee ranks together. As one who has had some policy disagreements with the Senator from Pennsylvania, I can testify that he was a most formidable challenger. He wholeheartedly believed in his positions. He worked hard to master the most technical details; and he defended his position with dignity, determination, and eloquence. When the time came for compromise, which is always necessary in politics, I always found him reasonable, accessible, and committed to finding a workable, effective common ground.

Because I knew how tough he was as an adversary, my fondest memories of John Heinz as a legislator came during our long and close collaboration on international trade and banking issues. John always had a keen interest in and understanding of our complex international issues. He served as chairman and ranking member of the International Finance Subcommittee for 8 years, and was a major intellectual force behind the international agenda of the committee throughout his service. Based on our work together on export controls, export credit, and other trade issues, I think it can be safely said that U.S. exporters had a great friend in John Heinz.

John's greatest strengths were his unlimited capacity for hard work and his determination to produce good policy. I learned this through long hours sitting by his side in the Banking Committee as we searched together for ways to produce a stronger, more competitive U.S. financial system. I saw his determination in seemingly endless conferences with the House of Representatives, when he always fought the good fight for a better, safer export control system. These issues were often sticky and complicated, but John tackled them with vigor, intelligence, and an appropriate sense of humor.

In 1989, when John assumed the ranking position on the Securities Subcommittee, he directed his considerable energies into making sense of the complexities of the capital markets.

Finally, I would be doing a great disservice to the memory of John Heinz if I limited my remarks to my great professional respect for him. Having spent so much time with him in and out of the Senate, I came to know John as a good friend. We had the opportunity to travel together on many occasions and our wives and families spent time together during John's visits to Utah to ski in the Senators' Ski Cup. He was clearly motivated by a great love and devotion to his family—a value that we shared. I know all my colleagues join me in extending our heartfelt prayers and sympathies to Teresa and the boys.

There will be many more legislative battles to fight in the months and years ahead, and I will have many opportunities to miss John Heinz as the years pass. I know that the fight will be harder, and the successes not as savory, because we will not have the intellect, the determination and the compassion of John Heinz to help us in the battle. He will be sorely missed by this Senate and by this Nation. I yield the floor.

TRIBUTE TO JOHN HEINZ

Mr. DASCHLE. Mr. President, it was last Thursday that we learned that our friend and colleague, Senator John Heinz, had been suddenly and tragically taken from us.

The shock of that tragedy still haunts us. Our grief will last even longer.

Senator John Heinz seemed to have it all. Youth. Wealth. Heir to a business empire. A beautiful family. Limitless energy. And an unbounding dedication to serving the people of Pennsylvania and the United States.

While we are saddened by his loss, we can take great joy in his legacy of public service.

John Heinz prospered in politics the way his family had prospered in business. After serving as a staffer in the office of Senator Hugh Scott, he sought and won election to the House of Representatives in 1971. He remained in Congress the next 20 years, never losing an election, and being elected to the Senate in 1976.

During his two decades of congressional service, John Heinz fought tenaciously for the causes in which he believed.

The industrial workers of Pennsylvania will forever remember his struggles on their behalf against foreign imports and for better health care and pensions.

America's veterans will forever be grateful for his efforts on behalf of veteran's health care and education, and in behalf of the victims of agent orange.

I will forever remember him standing behind his desk arguing passionately and strongly on behalf of the Nation's elderly—endeavors to permit them to live their golden years in comfort and with dignity.

All of us should remember him for his efforts to improve the environment, rebuild the Nation's infrastructure and mass transportation system, and his struggles with an administration of his own political party to protect America's aged, from cuts in Medicare benefits, and America's youth, to keep ketchup and relish from being classified as vegetables.

The Senate has lost a good man and a good legislator, and we will miss him. But his work and the spirit in which he approached it stand as a monument to the deeds he performed and to the timeless and lofty values he held dear.

My heartfelt condolences go to his wife Teresa and their three children, to his entire family, and to his staff.

JOHN HEINZ: IN MEMORIAM

Mr. HOLLINGS. Mr. President, in recent days flags across America have flown at half mast in honor of our esteemed colleague John Heinz. Of course, outside of his family—to whom our hearts go out at this time—the sudden, tragic loss of John Heinz is felt most profoundly here in this Chamber, among the colleagues who knew him the best and respected him the most. The Good Lord often works in unexplainable ways, and the death of this fine man and superb legislator in the prime of his life is particularly bewildering to us.

The fact is that John Heinz as a Senator was simply top notch. He was the kind of man whose intelligence and dynamism elevated the Senate as an institution and lent it character. Democrats no less than Republicans were proud to serve with him.

I will never forget his stalwart support and tenacity last year in helping to place the Social Security trust fund surpluses off budget for purposes of calculating the deficit—an important reform that he championed with bulldog determination on the floor of the Senate. Likewise, he was a dedicated ally in the fight to preserve the industrial backbone of the U.S. economy—steel and textiles in particular. John brought together labor and corporate America to insist on a more hardnosed defense of our national economic security. We will sorely miss his eloquent, commonsense voice in the upcoming trade debates on GATT and the Mexican Free-Trade Agreement.

Mr. President, as I said, John was one of our best and brightest. His grandfather's company was famous for 57 varieties but Henry John Heinz III, the grandson and Senator was truly one of a kind. He will live vividly in our memory. We will miss his many contributions to this body—contributions of quality and character.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. LAUTENBERG. Mr. President, I rise to express my deep sorrow at the death of our colleague, Senator John Heinz. The State of Pennsylvania and the Nation have lost a beloved public servant.

John Heinz was a champion of the people and he fought to better the lives of those who could not fight for themselves. He fought on the side of the working people—the people who manned the mills and mines of Pennsylvania. He fought for what he thought were fairer trade policies—in an effort to preserve for those people the chance to work hard, and to build a better life for themselves and their families. He was an advocate for older Americans. Senator Heinz cared about the elderly and he would not let anyone forget about their needs. He was dedicated to the preservation of our Social Security System.

I was fortunate to have the chance to work closely with John on issues of mutual interest to the States of the Delaware Valley. John was a staunch and indefatigable advocate for the Philadelphia Naval Shipyard and fought hard to support the development of the region's port and transportation system. Through the years, his record was marked by his dedication and determination to help Pennsylvania.

Mr. President, John Heinz had a wonderful career in the House and Senate. He was an intelligent man who was not afraid to stand alone in a debate. He was one of those who could influence the judgment of others. Even when we were in competition with each other, he remained a gentleman and I always respected him for that. He was an honorable opponent, and a powerful ally.

It is a tragedy that this promising young man's life was cut far too short. As I pay tribute to the Senator, I am also remembering the other lives lost during this horrible accident. My heartfelt sympathy goes out to them and their families.

John came from a distinguished and enterprising family. To his wife, Teresa, and his children, Henry John, Andre, and Christopher, I express my deepest sympathy. Although the years were far too short, I hope that we can all take comfort in knowing our world was a better place because of the work and contributions of our dear colleague, John Heinz.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. HATCH. Mr. President, I want to thank my colleagues for showing this deference to me and to Senator Heinz.

I have to be at another meeting in a very short period of time. This is the only window I have. I would feel particularly badly if I did not get over here and say a few words about my friend John Heinz, especially since we were both raised in Pittsburgh, PA, in exactly the same area, at about the same time—I have to say under disparate circumstances, but nevertheless with a great deal of respect I think for each other through the years.

Mr. President, my friend John Heinz was a truly extraordinary individual: He was a rare man among men, a singular statesman among statesmen. He was born into a life of privilege, but he never forgot those who lived in poverty and those who had less than he, those who were not as fortunate as he. Heir to what could have been an existence of affluence and ease, he chose instead to champion the needs of the ordinary citizen, the average American whose values and work ethic have been the backbone of our Nation. He was a strong advocate for organized labor and for those working men and women in Pittsburgh, Philadelphia, and other areas that really needed his type of leadership and his type of work.

Intellectually gifted, John was the educational product of America's finest schools. Yet he eschewed academic elitism, focusing his love of learning on the untapped potential of America's children and the resources of our displaced workers. He encouraged the natural pairing of public and private initiative. He recognized the ligitimate place of government in extending a helping hand; and he defined the limits of government's grasp in a person's successful drive for economic independence.

John's institutional memory on trade and his assiduous protection of U.S. jobs benefited not only his home State of Pennsylvania, but the Nation as a whole.

And it is a poignant irony that John lost his life in his office as public servant, serving the elderly. John's fierce devotion to older Americans delineates him as a stellar Senator, even if all his other contributions were swept aside, and of course they will not be.

His athletic vigor was matched only by his tireless efforts on behalf of our country's seniors. Those whose lives are enhanced by protected Social Security and Medicare benefits have John Heinz to thank in large part.

Our colleague, Senator John Heinz, was a man of character, compassion, and competency. He was a family man, who drew strength and returned strength to his wife, Teresa, and his three sons. He devoted his life selflessly to service. He lost his life in that service. But, Mr. President, his legacy endures—endures in the enriched lives of the millions of Americans he touched.

Just an anecdote or two. John was a great athlete. I will never forget the first time he came to the Senators' Ski Cup in Utah he competed against almost everyone. He competed against one of America's greatest Olympic champions and almost beat him, as a Senator well into his forties. It was really impressive to all of us. And I have to tell you he was a great tennis player and he did a lot of other things that really showed his great athletic prowess.

Yesterday I was so impressed with his three sons as they spoke of their father at his funeral in the Heinz Memorial Chapel in Pittsburgh, PA. Those young men, they are chips off the old block. They are young men that everybody in the Heinz family ought to feel very proud of, and Teresa and John I know did and do.

John Heinz' family has meant so much to the city of Pittsburgh in particular and to the State of Pennsylvania as well. The Heinz Memorial Chapel—almost every colleague who was there marveled at what a beautiful place it was—was donated by the Heinz family. This was just one of many, many thousands of things that family has done for the city of Pittsburgh, the State of Pennsylvania, and, yes, this country.

John had a love of people. He always did have that great smile on his face and that winning way in trying to help people from all walks of life, including those who were successful but needed help as well. But he really, really deep down felt very strongly toward those who were the most unfortunate in our society. And this great athlete, this great Senator, this great human being, this great father and husband, this great friend, I think lived up to really a lifetime of achievement, a lifetime of promise, and I think a lifetime of effort and work. I, for one, would have felt bad had I not gotten over here and said just a few words about my friend John Heinz.

REVEREND DANFORTH'S HOMILY DELIVERED AT JOHN HEINZ' FUNERAL

Mr. BOND. Mr. President, several people today have mentioned the homily delivered by the senior Senator from Missouri at the services for Senator Heinz yesterday. I have now been able to obtain a copy of it. Several of my colleagues have expressed a desire to see this, and I ask unanimous consent that a copy of the homily delivered by Reverend DANFORTH be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOMILY DELIVERED BY REV. JOHN C. DANFORTH AT THE FUNERAL OF U.S. SENATOR JOHN HEINZ, HEINZ MEMORIAL CHAPEL, UNIVERSITY OF PITTSBURGH CAMPUS, PITTSBURGH, PA, APRIL 10, 1991

Teresa, John, Andre, Chris: Throughout the country there is a tremendous outpouring of love for your Jack, your Dad, and of support for you.

It comes from the President of the United States, from John's colleagues in the Senate, and from a security guard at Lambert Airport in St. Louis who said last Friday, "We have lost a great leader."

Famous people and ordinary people in countless numbers would do anything in their power to lift you up. You know that already, but it deserves saying.

Over the past few days, you have made it very clear that you want this to be a personal service. It has been that. The touching participation of John's children and of his closest friends remind us that he was much more than a distinguished public figure. He was a husband, a father and a friend. For those of us who knew him well, there was no question in our minds that the private things came first. Much of his time was in his job. His heart was in his family.

The tributes we have heard were very personal, and we are grateful for them. But this is more than a memorial service. It is a worship service. And at every worship service, God is at the center. So I would like to think with you for just a few minutes about John Heinz and about God, and about how John's life and death reflect the Christian faith.

Christianity is about self-giving. It is about Christ, who is equal to the Father, but who empties himself, takes the form of a servant and gives himself unto death. St. Paul tells us that this self-giving Christ should be the model of life for you and for me.

This was the model for John Heinz. John gave himself unto death. He had everything. But a lot of people who have everything want to keep everything. They clutch it to themselves. They never want to let go. They are timid victims of their own good fortune.

The real issue in life is not how much blessings we have, but what we do with our blessings. That is the parable of the talents. Some people have many blessings and hoard them. Some have few and give everything away. John Heinz was a giver.

Twenty years ago, John left a world of security and entered a world of risk. The safe course was open to him. He could have stayed in business, working for the family company. Through caution, failure was impossible. In the vernacular, he had it made. Then he ran for office.

Politics is not a secure career. In politics, victory is possible, and so is defeat. Glory is possible, and so is embarrassment. And when embarrassment comes, it is as though all the world is watching you.

John did not need to be in politics. He did not need the town meetings and fundraisers, the days on the road, the nights in motels, the cramped hours in little airplanes. It was his gift.

It was his gift to the people he most wanted to serve—people so different from himself—old people, weak people, people whose lifelong jobs had disappeared. Those were the people he worked for with a persistence unmatched by anyone else I have ever known. He was doing it for them, and they knew it.

John Heinz made a gift to the people he wanted to serve. That gift turned out to be his life.

From time to time, politicians die in office. John did not merely die in office, he died while performing the duties of his office. That is a very big difference. In the literal sense, he gave his life to public service.

St. Paul tells us that we should be like Christ. Like Christ, we should empty ourselves and become servants. Like Christ, we should be obedient unto death.

But that is not all St. Paul says. Death is not the end of the story. There is a "therefore" clause. Christ became a servant; Christ suffered death; therefore, God has exalted Christ.

Teresa, your Jack died in Easter week. Think about that. Think about Easter. Christ gave his life and conquered death. He offered himself; therefore, he is exalted.

He is risen! That is the ancient acclamation of Easter. The Lord is risen, indeed.

John Heinz did what we have been told to do. He took the form of a servant. He was obedient unto death. Those are the orders. Now for the promise. Death is conquered. Christ is risen. John Heinz is with his Lord.

SENATOR JOHN HEINZ

Mrs. KASSEBAUM. Mr. President, I join with my colleagues and the people of Pennsylvania in expressing my deepest sympathy to the family of John Heinz. Many thoughtful words have already been spoken about John's intellectual tenacity, his commitment to public service, and his energies devoted to family and public policy. I know this to be true, as I served with him on the Banking Committee and the Special Committee on Aging.

It is important, I think, to remember as well that he challenged each and every one of us, just as he challenged himself, with a twinkle in his eye and a great zest for life and its opportunities.

Much has been said already about Senator Heinz' impressive record of achievement in the Senate. He played a key role in restoring the Social Security System to a sound footing, in pressing for health care reforms that have improved life for millions of elderly citizens and in hammering out far-reaching trade policies that he believed were vital to the health of American industry.

Mr. President, there have been comments in the press that for all his intelligence and ability, Senator Heinz never learned how to play the game here in Washington. I think that John would take those comments as a tribute because he never believed that Government was a game. He understood that Government is a very serious business that affects the daily life of every American and that often is literally a matter of life and death. As we all know, John Heinz could have done almost anything that he wished in life. That he chose to serve his country and his State with dedication, distinction, and integrity is his own best tribute. He might have done many things well, but he could not have served better or accomplished more than he did in the years he spent in this Chamber. Along with offering my condolences, I offer my gratitude as well.

Mr. President, I yield the floor.

TRIBUTE TO JOHN HEINZ

Mr. BIDEN. Mr. President, yesterday many of us gathered in a chapel in Pittsburgh to say goodbye to a public servant, and a friend, who was taken from us all too soon. The senior Senator from Missouri [Mr. DANFORTH] touched us all with his heartfelt homily, and here on the Senate floor we have listened as a number of our colleagues have shared some very personal thoughts on the loss of our respected colleague and valued friend, Senator John Heinz.

The past few days have been days of unspeakable sorrow, and I think that each one of us has spent a good portion of each day reflecting, not only upon the loss that we in this body have suffered, but upon the fragility of life itself.

The simple eloquence and pained sincerity of my colleagues as they shared their feelings have been part of a moving tribute, not only to John Heinz, but to the deep compassion we feel for all those who have been touched by this tragedy.

And yet, at the same time, it is hard to believe that this is happening. It is hard to believe that John Heinz will not stride through that door in the next moment, that he will not meet me at the subway to discuss recent developments with the Philadelphia Navy Yard or other matters important to the people of the Delaware Valley.

It is hard to believe that John Heinz will not buttonhold me here on the Senate floor to discuss his latest legislation to protect America's senior citizens, or to encourage economic incentives to protect our environment well into the 21st century. And I cannot believe that at the end of a long Senate session, John will not be at the place where we park our cars and, even if we have had a sharp disagreement on the Senate floor, inquire about the well-being of my wife and children. John Heinz has been an integral part of the Senate, and of many of our lives, for a very long time, and it is almost hard to believe that today we are here paying tribute to his memory.

Millions of Americans' lives are better today because of John Heinz' work. My mom and dad are better off because of John's work on behalf of senior citizens. Some of my old friends in Scranton, PA, have jobs today because of John's efforts on behalf of Pennsylvania's industries. All of us will live in a healthier environment because of John's farsightedness on environmental matters.

And yet, that is not the real tragedy of John Heinz' passing. The real tragedy is the loss of his great potential, the good work that John Heinz could have done for this Nation for another 20 years. We will feel that loss long after today's grief has, if not subsided, at least turned to acceptance.

I can all too fully understand the shattering grief that John's family, as well as the families of all the others involved, is going through. My heart goes out to Teresa Heinz and their three boys, and hope that they can find solace in the fact that John was not only a good husband and father, but a committed public official who made the lives of a lot of people a great deal better.

THE DEATH OF SENATOR JOHN HEINZ

Mr. GLENN. Mr. President, I rise today to honor the memory of our late colleague, John Heinz, distinguished Senator from Pennsylvania, who served in this Chamber until his life and career were tragically cut short last week.

It was my privilege to work with John Heinz on many issues. I will not pretend that we always agreed on the best courses of action, but I came to respect him as a steadfast and responsive advocate for the people who make our steel and mine our coal. His problem-solving approach to economic concerns was innovative and refreshing, and helped us rise above partisan differences in confronting the problems of our States.

Much of John Heinz' outstanding work was done on behalf of Americans in their senior years. I had the privilege of serving with him on the Special Committee on Aging and was always impressed with his work because he so often asked the right questions. "Why must Americans retire at age 65?" he asked, and the answer led to legislation outlawing mandatory retirement. He saw nursing home residents tied to their chairs and asked "Whose needs are being served by this indignity?" The answer to that was legislation that prevented the elderly from being treated as second-class citizens. And most significantly, he continually asked how we could best protect the safety and integrity of Social Security, and is largely responsible for restoring its health and the confidence of the public in its security in the years to come.

Senator Heinz also served with great distinction on the Senate Governmental Affairs Committee of which I am chairman.

The untimely death of this young and vigorous Senator has shocked and saddened all of us. But as we grieve for our friend and colleague, let us also be thankful for what he accomplished, for what he taught us, and for what he was—a strong and conscientious Senator, and a gifted and compassionate human being.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. RIEGLE. Mr. President, the tragic passing of our friend and colleague Senator Heinz is mourned not only by those of us in this body who had the privilege of working with him and knowing him personally, but by countless others, both at home and abroad, whose cause he championed during his years of public service. One of the many causes he embraced was that of the Baltic people who are struggling to reestablish their independence.

It has come to my attention that the Latvian Government has expressed its deep sorrow at the passing of Senator Heinz, and I ask unanimous consent that the text of a message from the Latvian President, Anatolijs Gorbunovs be printed in full at this point in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

> The Supreme Council of the Republic of Latvia extends its deepest sympathies to the family, friends and colleagues of Senator John Heinz. Senator Heinz' death is a tragic loss for the people of Pennsylvania and for all Americans whom he served so ably in the United States. His loss is also felt in Latvia, not simply because we viewed him as a friend, but because the principles he stood for—the rights of children, the elderly and working people—are principles that are highly valued by the Government and people of Latvia.
>
> ANATOLIJS GORBUNOVS,
> *President, Supreme Council, Republic of Latvia.*
>
> RIGA, LATVIA, *April 8, 1991.*

TRIBUTE TO SENATOR JOHN HEINZ

Mr. NUNN. Mr. President, the tragic death of our colleague, John Heinz, last week saddened the Nation, and stunned the Senate. Our hearts go out to his wife Teresa, and their three sons, to whom John was so devoted. Theirs was one of the finest families to grace this body. We all watched his boys grow up during John's years in Congress, and knew that John's and Teresa's caring for other people and the world around them did not come at the expense of their own children during those growing-up years. He shared Teresa's intense interest in the environment, and was very proud of her work with the Environmental Defense Fund, Peace Links, and for Soviet Jewry.

John and I were contemporaries in the most literal sense. We were the same age. He was elected to Congress in 1971, I came to the Senate a year later. We began our congressional careers at a time of great disillusionment, when many Americans—and many in politics and government—had lost their faith in the ability of government to respond to the people's needs and to act effectively on their behalf. John Heinz did not accept that. Faced with virtually limitless possibilities of what he might do with his life—among other things, he played virtually professional level tennis even after two decades on the Hill—he chose public service out of a conviction that the privilege to which he was born offered both a responsibility and an opportunity to make a difference.

He brought a fine intelligence and great charm to the causes he championed, and an admirable tenacity as well. He was undaunted by powerful opposition when he thought something needed to be done. It is fitting that in his last big battle in the Senate, he was motivated by his concern for the children of military personnel, and that the plane in which he died was taking him to a hearing on scams aimed at the elderly, but his interests also included arms control, international affairs, and environmental concerns.

It is always painful to lose someone in the prime of life, with his powers and potential at their peak, but it is especially painful to lose someone who chose to use those powers and potential to serve his State and Nation with such unselfish vision and caring.

I did not always agree with John Heinz, but I always respected his views and his integrity. John rose above partisan concerns on issues where he felt our Nation's vital interests, and the needs of its people, were at stake. He loved his beautiful State and he loved his country, and both were made better for his having been here.

SENATOR JOHN TOWER

Mr. NUNN. Mr. President, I was deeply saddened by the tragic news last week that Senator John Tower and his daughter, Marian, had been killed in an airplane crash. America has lost a patriot. Senator Tower's love of country and belief in a strong national defense characterized his many years of distinguished public service.

John Tower was a committed Senator who provided important leadership to America's defense policy. He fought for freedom, and worked diligently to make the world more secure. He played a major role in the long, dedicated effort to keep America strong during a critical period in our history.

My sympathies go out to his family in this tragic loss.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 796 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. GORE. Mr. President, I wish to thank the distinguished President pro tempore for his courtesy in allowing me to proceed with my remark now, and I shall look forward to his shortly.

GLOBAL WARMING

Mr. GORE. Mr. President, on Tuesday I rose to speak about new scientific evidence showing an increased threat to the stratospheric ozone layer. A third of the Senate joined in signing a letter to the President and to the head of the EPA. The distinguished occupant of the Chair was, I think, the second or third person to say yes, I would like to sign that letter and cosponsored a resolution which was introduced on Tuesday.

Yesterday I had the privilege of hosting a luncheon where Frank Press, the head of the National Academy of Sciences, previewed the report released yesterday from the National Academy of Sciences on global warming. Later today I will be pleased to join with Senator ROTH in the introduction of the Earth Day 1991 resolution for this year with 51 cosponsors, but I will wait until after his remarks to address that subject.

On this occasion I would like to speak a little bit more about the NAS study I just mentioned.

This study rings the alarm bells again and tells us of the urgent need to take action now to combat global warming. The academy's report, the product of an exhaustive study by leading scientists, economists and policymakers, makes clear that there are steps we can and must take right now to begin countering the threat of global warming.

Spokesmen for the administration put on a brave face yesterday and pretended that these recommendations are the kinds of things the administration has in mind. Let us let them demonstrate that with deeds and not just words.

What the National Academy is recommending does not in my opinion go far enough, but it goes very far and it is strikingly different from any recommendations we have seen from the Bush administration.

Confirming the assessments previously made by scientists from around the world, the academy reported that we could experience temperature increases greater than any in human history. Should we do nothing and allow the temperature increases to occur, we will need massive responses because of the stresses on this planet and its inhabitants, and I am quoting from the academy's own language.

What can be done about the situation? Are we powerless? Unlike what the administration would have us believe, the unequivocal message of the academy report is we can and must attach this problem now. We have tools in hand to make a significant difference. In fact, the academy tells us with existing technology we can offset prospective growth in emissions by 40 percent. And at what cost? The administration, on that one, says we could lose up to 3 percent of GNP, billions of dollars; but the academy, like the experts at the Office of Technology Assessment, now makes it clear our economy will lose if we do not act.

So let us shatter the myths. The administration attempts to embrace this report. For one, they shouted, "Me, too," but the White House effect thus far has been merely to cloud over the scientific finding. They will have a harder time with this one. In fact, the national energy strategy falls far short of what we need to satisfy our energy needs while protecting the environment and ensuring our security.

While the President would have us believe his plan would, for example, support State efficiency and conservation initiatives, the budget he submitted practically zeroes out funding for those very same initiatives.

While the President says his proposal is protective of our environment, in fact it jeopardizes one of the last pristine areas in the country, the Arctic National Wildlife Reserve.

The President simply has not made global environment a priority. The academy's report shows the President is listening to political cronies and not to experts on energy and the environment.

While the experts tell us of the great potential for energy savings from new efficiency technologies, the President not only has failed to call for efficiency standards but in fact has prohibited the Department of Energy from requiring more stringent standards and rejected the advice of his own Secretary of Energy to recommend such proposals.

I congratulate former Senator Dan Evans and his colleagues responsible for the NAS study.

I ask unanimous consent to include with my remarks some articles elucidating some of details of the academy report.

I urge my colleagues to begin taking the actions now recommended by the National Academy of Sciences.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1991]

STRICT ENERGY-SAVING URGED TO COMBAT GLOBAL WARMING

(By Michael Weisskopf)

The National Academy of Sciences yesterday recommended a prompt and aggressive regimen of energy conservation measures to reduce the Earth's warming trend, projecting negligible costs for what it called a "planetary insurance policy."

In the most authoritative U.S. assessment to date of policy options to combat the "greenhouse effect," the academy said that by more fully exploiting current technologies over the next 30 years, the United States could reduce by as much as 40 percent its emissions of industrial gases blamed for trapping solar heat and raising the Earth's temperature.

The academy blueprint included recommendations for: tax incentives or regulation to achieve a 30 percent increase in auto fuel efficiency; use of new, compact fluorescent bulbs to save 50 percent of the power used in lighting; more efficient motors to cut industrial energy demand by 30 percent; tougher standards for refrigerators and dishwashers to cut up to 30 percent of their energy use, and restructuring energy prices to more accurately reflect environmental costs.

While stoppng short of setting specific limits on greenhouse gas emissions, as most European nations have done, the academy recommendations are more far-reaching than the Bush administration ventured in its proposed National Energy Strategy, and they are priced at a tiny fraction of White House cost estimates. The report is expected to provide ammunition for congressional critics of the administration's cautious approach to global warming.

"Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now," concluded a panel of the academy's Committee on Science, Engineering and Public Policy.

Presidential science adviser D. Allan Bromley said the panel's recommendations were "reasonable goals," but he reiterated the administration's opposition to energy taxes or "command and control" proposals, such as federally mandated efficiency standards for commercial buildings.

"The goals we have in mind are going to be achieved more effectively by people who believe they are doing it for their own benefit or the nation's benefit, rather than being forced by some centralized control mechanism," said Bromley.

Despite campaign promises to combat the greenhouse effect with the "White House effect," President Bush has stressed the scientific uncertainties and the need for more research. His advisers adhere to the gloomiest economic forecasts of a 3 percent decline in national income to achieve European goals of a 20 percent reduction in carbon dioxide—the principal warming gas.

With many of its members viewing global warming as the greatest environmental threat and calling for radical changes in the nation's energy structure, Congress asked for an assessment from the federal government's top advisory body on scientific and technical matters. The NAS named a 46-member panel consisting of scientists, economists and public-policy analysts.

In its report, the panel agreed with the administration that none of the major computer-generated climate models provides a "reliable forecast" of global warming. But the panel pointed to a "reasonable chance" that by the middle of the next century, when greenhouse gases are expected to double in concentration over pre-industrial times, global temperatures will increase 2 to 9 degrees Fahrenheit.

That estimate is within range of the general scientific consensus that temperatures will increase 4 to 8 degrees, forcing sea levels to rise and some plants to wither.

For Americans, who benefit from different climate zones and a dynamic farming system, the temperature rises are not likely to cause adaptation problems worse than "the most severe conditions in the past, such as the Dust Bowl," said the panel. But the threat of an unforeseen calamity is "plausible," said the authors, warranting policies to cut global warming gases as "insurance protection against the great uncertainties and the possibility of dramatic surprises."

The panel noted that measures to reduce the gases can be accomplished at "modest cost. In other words, insurance is cheap."

According to its plan, 3.2 billion tons of greenhouse gases can be cut from the present U.S. output of 8 billion tons per year. None of the measures to achieve such reductions would cost more than $9 per ton, and some would actually save money by removing the need, for example, for new power plants.

In February, the administration had cited controversial forecasts that energy taxes as high as $250 a ton would be needed to significantly cut global warming gases when it unveiled an "action agenda" that essentially repackaged policies devised for other purposes, such as the phase-out of chlorofluorocarbons (CFCs) to restore the protective ozone layer. CFCs also are a powerful global-warming gas.

Apparently referring to the "action agenda," the panel called for "not only several actions that satisfy multiple goals but also several whose costs are justified mainly by countering or adapting to greenhouse warming."

[From the New York Times, Apr. 11, 1991]

URGENT STEPS URGED ON WARMING THREAT

(By William K. Stevens)

WASHINGTON, April 10.—In a report that was welcomed by the White House and environmentalists, the National Academy of Sciences said today that the United States should act promptly to reduce the threat of global warning.

An academy panel recommended a variety of steps, including raising overall mileage standards for new automobiles to 32.5 miles per gallon from 27.5; increasing Federal support for mass transit and reforestation, and developing a new generation of safe and efficient nuclear power plants. The feared warming is expected as a result of the steady accumulation of waste industrial gases like carbon dioxide.

The steps necessary to address global warming have been a matter of fierce political contention between the Bush Administration and environmental groups. Even within the Administration, the Environmental Protection Agency has favored quicker action against global warming, which the President's chief of staff, John H. Sununu, has opposed.

The academy's report seems to be intended as an adroit political compromise between the various factions, and was praised on all sides.

Rudiments of National Policy

Although its recommendations are somewhat general, as would be expected in a consensus document, they point the way to a broad-based national program for reducing carbon dioxide emissions. They lay down the rudiments of a national energy policy, which the Administration has long resisted.

William K. Reilly, the Administrator of the Environmental Protection Agency, called the report "a step forward," although he said that he did not necessarily agree with everything in it and that his agency had not yet analyzed it in detail.

A senior Administration official, who spoke on the condition that he not be identified, said he was pleased that the report had not recommended "draconian changes." He also praised the report's cautious stand on the uncertainties of global warming, its cost-benefit anaylsis, its refusal to propose target dates and quotas for reductions of carbon dioxide emissions, and the importance it places on eliminating another powerful trapper of heat, chlorofluorocarbons.

Dr. D. Allan Bromley, the White House science adviser, said, "I am delighted with the report, as are all my colleagues in the White House. He said actions already taken by the Bush Administration would result in emission reductions on the order of those proposed by the academy.

The academy report "should put an end to the debate over whether it pays to act to slow global warming," said Dr. Michael Oppenheimer, an atmospheric scientist at the Environmental Defense Fund. "It makes a prima facie case for acting now. We can actually reduce emissions and save money at the same time.

"A Nimble Policy"

Even though the report does not set targets for reducing carbon dioxide, as environmental groups have long advocated, it was described as "a nimble policy" by a member of the panel, Dr. Jessica Tuchman Mathews, vice president of the World Resources Institute.

The panel said the prospect of global warming "poses a potential threat sufficient to merit prompt responses," even though it acknowledged that there was great uncertainty aboout its extent, timing and impact.

The academy panel said its proposed measures were all of "low cost," meaning they are cheap ways of reducing carbon dioxide and other waste gases. Low cost was defined as $10 per metric ton of heat-trapping gases eliminated per year. The panel did not calculate the total value of the initial investment.

The panel said the United States "should resume full participation" in international programs to slow populations growth. Population, said Daniel J. Evans, the chairman of the panel, "is the biggest single driver of atmospheric pollution." Mr. Evans is a former Republican Senator and Governor from Washington.

The panel encouraged development and testing of a new generation of safe, efficient nuclear power plants to replace those that burn coal.

Its reports did not go as far as many environmentalists have advocated in reducing carbon dioxide emissions, concluding that options requiring great expenses are not justified at this time.

The Administration says that steps already taken will allow overall greenhouse-gas emissions in the U.S. to stabilize in the next decade. But they argue that this is nevertheless consistent with the possible reduction of 10 to 40 percent that the academy said can be achieved if its measures are followed.

This is because the academy figure represents the reduction that would take place if all the measures were in effect now. By that measure, said Michael Deland, the chairman of the White House Council on Environmental Quality, the actions already taken by the Administration would amount to a 20 to 25 percent reduction.

The effects of any such measures do not suddenly materilize in one year, but rather come into play over a period of years, in which economic and population growth cause emissions to grow. This is not accounted for in the academy analysis, Mr. Deland said. Mr. Coppock, the director of the academy panel's staff, said this was true.

Environmentalists say the steps already taken by the Administration are not enough to achieve an absolute reduction in the "greenhouse" emissions in the United States but rather would merely allow them to stabilize in the short term while resuming their growth in the long term.

They also assert that some of the important steps recommended by the academy have been specifically rejected by the Administration. Among them are the increase in gasoline mileage standards for new cars to 32.5 miles per gallon; stronger Federal support for mass transit; and the eventual adoption of a system in which social and environmental costs would be included in setting the price of energy.

"No matter which way you slice it," Dr. Oppenheimer said, "what the academy is proposing is stronger than what the Administration had done." He said the academy's recommendations "go a long way toward meeting the goal of keeping the climate from going haywire."

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mr. GORTON. Mr. President, I thank the distinguished President pro tempore for deferring to me.

Mr. President, I have three separate short tributes. I ask unanimous consent they be treated separately in the CONGRESSIONAL RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GORTON. With the indulgence of the President pro tempore, it may take as much as 7 minutes. I ask unanimous consent to have that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR JOHN HEINZ

Mr. GORTON. Mr. President, I first met John Heinz when he visited Seattle in October 1980 as chairman of the National Republican Senatorial Committee. He was one of a small handful of Members of this body who campaigned on my behalf on what then seemed an uphill struggle.

My vivid memory, and that of my wife Sally, is of how much larger than life John Heinz appeared to us on that first visit. He believed in what we were doing; his enthusiasm was contagious. That drive and enthusiasm set fire to an awed campaign staff and to this candidate.

That larger than life enthusiasm was repeated, on my behalf, when I campaigned again in 1988, and was a part of everything John Heinz did as a member of this body. His enthusiasm was both boyish and purposefully directed. He was a powerful ally and, occasionally, an aggravatingly successful opponent. His dedication to the people of Pennsylvania was legendary and his energy on their behalf inexhaustible.

John Heinz was blessed with every advantage of family and position and education. It is said that from him to whom much is given much shall be required. John Heinz, through his own wonderful and loving wife and family, through his service to the millions of Pennsylvanians whom he represented so well and in his friendship and support for his colleagues here in the Senate of the United States, paid back to that family, to those constituents and to these friends far more than he ever received. We will all miss him; we were all made larger by his presence and will be smaller by his absence.

FORMER SENATOR JOHN TOWER

Mr. GORTON. Mr. President, John Tower was, I confess, a difficult man to know and to love. He was frequently curt, and often unyielding. He did not suffer fools gladly in a world in which he found many who fit that description.

But John Tower was a great, patriotic and dedicated American. He served his State faithfully and well but his reach was greater even than the breadth of the State of Texas. John Tower was truly a national Senator. He believed passionately in this country and its essential goodness. He was convinced that it was a force for good in this world, and that to accomplish that good America was required to be strong. John Tower worked through his entire public career to strengthen the America he loved, and he worked successfuly toward that goal.

Few Americans have done more, through lean years and through fat years, than John Tower did to bring about the truimph of this Nation in the cold war over a persistent and dedicated opponent, or to assure the primacy of American ideas of liberty and freedom around the world. He contributed directly and vitally to the victory of American arms in the Arabian Peninsula.

While John Tower suffered defeat and bitterness during his last years his true monument is a strong, confident, and triumphant America.

LEE ATWATER

Mr. GORTON. Mr. President, I did not know Lee Atwater, chairman of the Republican National Committee, very well. For much of his too brief career he worked primarily in a region far from my own home and often for candidates in my own party with whom I did not always agree.

But Lee Atwater, a unique American, was both a product and a cause of one of the seminal changes in American political history. When only a few others could divine the future, Lee Atwater saw that the continued basis for success in American politics was to reflect and articulate the views of the vast majority of patriotic Americans who have worked through their entire productive careers to build this country, and who have an immense pride in its accomplishments.

Lee Atwater reflected and stated the values of that American majority as a Republican at just the time that those values were being abandoned by the leaders of their traditional political home.

For Lee Atwater, the promised land was a Republican majority. Just as he was able to see that promised land beyond the Jordan, Lee Atwater was taken from us at the height of his powers and his influence. He lived and grew in wisdom and spiritual strength through an excruciatingly painful last year. We Republicans and we Americans owe him our deepest thanks and an ever vivid place in our memories.

Ms. MIKULSKI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you, Mr. President.

I note the chairman of the Appropriations Committee is standing as well, and has very kindly yielded. I appreciate the courtesy.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 797 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

THE LATE SENATOR JOHN HEINZ

Mr. BYRD. Mr. President—

> Man that is born of a woman is of few days, and full of trouble.
>
> He cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

Like all of our colleagues, I was stunned and saddened in learning of the tragic death of Senator John Heinz. I was stunned. One is never prepared for any death, even though one may anticipate that death is coming to a relative or a friend, and that the days are nearing the end.

But for a man so young, so fully in his prime, and so vibrant and energetic, it was a shock. Senator Heinz was a man of great promise. He was young; he was strong; he was handsome; he was wealthy. He represented a great State in the U.S. Senate and was a man of such accomplishment.

As a Senator from a State tangent to Pennsylvania, both geographically and in so many other important ways, I was privileged often to work with Senator Heinz, particularly on issues related to coal, energy, and the environment. I was again and again impressed by his dedication, his ability, his alertness, comprehension, and his cooperative spirit. As the heir to one of the most famous names in American business and one of the country's largest fortunes, John Heinz could have devoted, or not devoted, his life to anything that he wanted. Pennsylvania and America are the more fortunate that he chose to spend himself and to give himself, literally, in public service, in a career in which he committed his considerable abilities and talents toward improving the lives of his fellow citizens. John Heinz was a man of principle, a man who believed that to whom much has been given, much will be required. Indeed, one might say that no one expected—even demanded—more of himself than did John Heinz.

"How far away is the temple of fame?"
Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by and the evening came,
Leaving him old and feeble and lame,
To plod on his cheerless way.

"How far away is the temple of good?"
Said another youth at the dawn of the day,
He toiled in the spirit of brotherhood,
To help and succor as best he could
The poor and unfortunate multitude,
In its hard and cheerless way.

He was careless alike of praise or blame,
But after his work was done,
An angel of glory from heaven came
To write on high his immortal name,
And to proclaim the truth that the temple of fame
And the temple of good are one.

For this is the lesson that history
Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter glow as the years go by,
Are the men who live for man.

I think of John Heinz in that vein and in that spirit. The Heinz family and the people of Pennsylvania have suffered an irreplaceable loss. America and the U.S. Senate have suffered a great loss. To Senator Heinz' wife, Teresa, and their three fine sons, and to all who loved him and sent him to Capitol Hill to serve our country, Erma and I offer our most sincere condolences. Know that we share your grief in the face of such an inexplicable loss and that we shall keep with you the memory of John Heinz in our own hearts.

And to John, the words of the Chambered Nautilus, flowing from the pen of Oliver Wendell Holmes, are most appropriate.

Build thee more stately mansions, O my soul,
As the swift seasons roll!
Leave thy low-vaulted past!
Let each new temple, nobler than the last,
Shut thee from Heaven with a dome more vast,
Till thou at length art free,
Leaving thine outgrown shell by life's unresting sea!

Mr. ROTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

THE DEATHS OF SENATORS HEINZ AND TOWER

Mr. ROTH. Mr. President, as I have reflected these past few days over the deaths of two good friends and colleagues, I have been reminded of Hector's plea in "The Iliad": "Let me not die ingloriously and without struggle, but let me first do some great things that shall be told among men thereafter."

Nothing could more appropriately describe the lives and works of Senators John Heinz and John Tower. Their very efforts were dedicated to confronting the struggles of leading a great nation, as well as the challenges of confronting the daily criticisms inherent with leadership. Neither man cowered from the responsibilities. Rather, they left lasting legacies for a land that will long be grateful for their service.

Senator Heinz was a public servant in the most noble sense of the word—a well-to-do young man who refused wealth's invitation to relax and enjoy life's luxuries. Instead, he became anxiously engaged in service, in good causes for his constituents and fellow citizens. We served with each other on several committees, and I was always impressed by his dedication to ethics, justice, and opportunity for all—especially improving the economic condition of Americans.

His constituents were foremost in his mind, especially those who needed him most. Even the tragic journey that took his life was undertaken to investigate certain improper activities that are being perpetuated on the senior citizens of his State.

Like Senator Heinz, John Tower was another dedicated leader, a man who knew tremendous challenge but refused to surrender. Both sides of the aisle agree that few men in our history have left such a lasting impression on our Nation's foreign and defense policy. He was an architect of the Reagan administration's goal to restore America's defense posture. His philosophy was peace through strength, and as we watched the Eastern totalities crumble at the end of the decade, no one could call his philosophy foolish. As we watched our brave service men and women realize a speedy victory in the Persian Gulf, no one could condemn his vision.

Like Senator Heinz, John Tower was also dedicated to truth. Both were dedicated to the acquisition of knowledge that improved their capacity to serve. They studied long and hard before speaking out on issues, and when they spoke, they spoke with authority.

Both men served their country in capacities that challenged a comfortable existence. Both men worked for America's bright and productive destiny. Both men served, even when service was difficult, and those about them were critical. Their motivation was not personal gain but collective progress.

And now their lives are adorned not with words of praise but with the light of deeds.

(The remarks of Mr. ROTH pertaining to the introduction of Senate Joint Resolution 116 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended until 1:30 p.m. under the same conditions as heretofore prevailed.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE WITH REGARD TO THE DEATH OF JOHN GOODWIN TOWER, A FORMER SENATOR FROM THE STATE OF TEXAS—SENATE RESOLUTION 97

Mr. GRAMM. Mr. President, on behalf of myself, Mr. BENTSEN, Mr. DODD, Mr. DOLE, and Mr. BOND, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 97) to express the sense of the Senate with regard to the death of John Goodwin Tower, a former Senator from the State of Texas.

Whereas the Honorable John Goodwin Tower served the people of Texas and America in the United States Senate with pride and distinction from 1961 to 1985;

Whereas John Tower's leadership in matters related to military and foreign affairs helped prepare the foundations for America's recent successes in the Persian Gulf war;

Whereas the death of John Tower's daughter, Marian, is a monumental loss to all who knew and loved her; and

Whereas John Tower's tragic passing has deprived Texas and America of an extraordinary person and valued leader: Now, therefore, be it

Resolved, That the Senate expresses the profound regret of the membership on the death of its former colleague, John Goodwin Tower of Texas, and of his daughter, Marian;

That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the Senator; and

That when the Senate recess today, it recess as a further mark of respect to the memory of former Senator John Tower.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am happy to join my colleague from Texas in offering this resolution. Mr. President, John Tower was a great and good man. I often sought his advice and I always took that advice when it was given.

I think as we focus on the success of Operation Desert Storm, we should reflect on the contribution that John Tower made in rebuilding the Nation's defenses in the 1980's.

John Tower served with distinction and spoke out firmly in those times when few voices were raised in favor of a strong America, a strong defense. In 1980, when America was awakened to the threadbare condition of our national security, John Tower became the leader in working to rebuild our defense.

Our recent success in the Persian Gulf stands as a testament to his strong leadership in providing the weapons and recruiting the men and women who fought and won for America.

Mr. President, John Tower did many great things in his service on behalf of the people of Texas. But the thing which has impressed me the most is the fact that he has left us a living legacy in all the people whom he brought into the service of America since he took office in 1961.

I think John Tower should be remembered for many things: a great and dedicated Senator, a man who brought honor to this institution, a man who was our leader in rebuilding America's defenses. But he also was a man who brought into Government a flood of new talent, new people that have gone on to become leaders of Federal agencies and Congressmen, people who are providing leadership today and who will be leaders in the future.

This resolution seeks in a small way to acknowledge John Tower's accomplishments and to mourn his tragic loss. I commend it to our colleagues.

The PRESIDING OFFICER. Is there further debate?

The Chair recognizes the Senator from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. President, I am delighted to join with my distinguished colleague from Texas in this resolution for John Tower. I served with John Tower for 14 years in the U.S. Senate. We came from different parties but we became friends over those years and worked together very closely in projects for Texas.

Listening to the services a couple days ago in Texas, I could not help but look at that church overflowing with friends and seeing the many people who had been associated with him and who benefited and profited by the experience of that association. I listened to one of them say John Tower dressed like an Englishman, but they said, deep inside John Tower was pure country and Texan. I looked at the devotion of his family and his lovely daughters and his wife Lilla and thought what a tragedy it had been to the country that he and his daughter, Marian, were lost a week ago Friday in Georgia in a plane crash.

I think in reflecting on that tragedy we ought to think about the things that John Tower was able to do for his country, what he was able to accomplish. He was a voracious reader, a student of history, a lover of the English language. He was tough, he had independent judgment, a keen intellect and he was a patriot.

When John Tower was first elected to the U.S. Senate in 1961, he told a newspaper reporter that he would be there "as long as the people of Texas will have me." He was elected at the age of 35 to a seat that was originally held by Sam Houston. He seemed to face long odds of ever being reelected, much less serving four terms. John Tower proved the skeptics and the critics wrong, and not for the last time.

As a member, and later chairman, of the Senate Armed Services Committee, he demonstrated time and time again his commitment to national defense. How strongly he felt about it, how deeply he knew the issue. He developed an expertise that was widely recognized, built a record of achievement in the early eighties which helped permit our subsequent military success in the Persian Gulf and in Panama.

He was a patriot to the core. He enlisted in the Navy as an enlisted man at the age of 17 and served throughout the war on a gunboat in the Pacific. But ever the Texan, even the pictures of him in his Navy uniform showed those cowboy boots peeking out from under his trousers.

After the war, John remained in the Naval Reserve and worked his way up in the enlisted ranks. When he retired from the U.S. Senate, he was the only active enlisted reservist in the Congress. He brought to the Senate a keen understanding and appreciation of the problems facing enlisted men in our Armed Forces.

After leaving the Senate, he continued in public service as a chief negotiator on strategic nuclear armaments. And when the Iran-Contra scandal was uncovered, it was John Tower who headed up the special review board that told President Reagan how we got into that mess and how we could avoid it in the future.

John failed to win his final recognition when he was denied confirmation as Secretary of Defense in the new Bush administration. I supported John because I knew him well. I recognized his extraordinary qualifications for that post. I just could not square the man I had worked with so closely with the negative reports which surfaced about him.

That was a painful period for John, and for us as an institution. But John Tower moved on and took new challenges—until last Friday's tragedy.

Mr. President, let us remember him now for his long record of service and devotion to our Nation, and his achievements for this Nation. Let us remember that keen mind, that hard work, that unwavering patriotism, and his achievements in strengthening our defense posture.

As we recall his combativeness, let us acknowledge also that he put our country first.

I urge the Senate to join with us in approving this resolution.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. KOHL). Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 97) was agreed to.

The preamble was agreed to.

NATIONAL TEACHER OF THE YEAR

Mr. BYRD. Mr. President, Henry Adams wrote, "A teacher affects eternity; he can never tell where his influence stops."

For generations, thoughtful people have recognized the imperative value of teachers and the teaching profession to the intellectual, emotional, and moral growth and development of the young and to the progress and quality of our culture.

Unfortunately, far too often, even the most dedicated, talented, and selfless men and women who commit their lives and careers to teaching, particularly at the elementary and secondary levels, receive scant, if any, acclaim or recognition.

For that reason, Mr. President, I am especially pleased today to acknowledge the recognition that has come to one teacher from my home State, West Virginia.

Ms. Rae McKee, a reading disabilities teacher at the Slanesville Elementary School, Hampshire County, WV, has been named National Teacher of the Year. Ms. McKee was selected out of four finalists and was honored officially at the Slanesville Elementary School yesterday, with both President Bush and Secretary of Education Lamar Alexander taking part in the ceremonies.

Interestingly, Rae McKee was reared within 10 miles of the school in which she now teaches and in which she has so distinguished herself. A graduate of Shepherd College, with a master's degree from West Virginia University, she at one point had been accepted at the College of William and Mary law school. Instead, she realized that her heart was in teaching.

The students who for 11 years have been Rae McKee's special responsibility are the first beneficiaries of her choice of teaching over law.

Ultimately, the citizens of Hampshire County, of West Virginia, and of the United States will likewise be the beneficiaries of that choice. To the degree of the greater competence, self-assurance, independence, skill, and productivity of Rae McKee's students, our entire country will be that much stronger, that much more productive, and that much more secure.

Throughout my lifetime, I have felt a sense of gratitude to the teachers who devoted themselves to my own education, who virtually opened to me galaxies of knowledge and wisdom on which my mind and spirit have been nourished throughout the years since I sat in the classrooms.

I recall my teachers and how they inspired me to try to excel, and how they influenced my life. I know the worth of a good teacher, and I believe that Rae McKee is the kind of teacher with whom I sat in the schoolroom, the kind of teacher that every child in this country should have.

Sophocles said that the only good is knowledge, and that the only evil is ignorance. We owe so much to our teachers. I am convinced that perhaps no occupation, no profession, no career, is more vital or perhaps is as vital to our country's future strength and advancement as is the teaching profession.

I know that I speak for all West Virginians, and I know that I speak for all our colleagues in saluting Rae McKee of Slanesville, WV, as the 1991 National Teacher of the Year, and in thanking schoolteachers all across our country for their efforts on behalf of our children and our future as a nation, a society, and a culture.

A Builder builded a temple,
  He wrought it with grace and skill;
Pillars and groins and arches,
  All fashioned to work his will.
Men said, as they saw its beauty,
  "It shall never know decay;
Great is thy skill, O Builder!
  Thy fame shall endure for aye."

A Teacher builded a temple
  With loving and infinite care,
Planning each arch with patience,
  Laying each stone with prayer.
None praised her unceasing efforts,
  None knew of her wondrous plan,
For the temple the Teacher builded
  Was unseen by the eyes of man.

Gone is the Builder's temple,
  Crumpled into the dust;
Low lies each stately pillar,
  Food for consuming rust,
But the temple the Teacher builded
  Will last while the ages roll,
For that beautiful unseen temple
  Was a child's immortal soul.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

JOHN HEINZ

Mr. BOND. Mr. President, after attending the very moving services yesterday in Pittsburgh, I doubt if any one of us could deliver a more moving tribute to our late colleague and dear friend, John Heinz, than the distinguished Senator from Colorado did. I think we were all very much touched by what he had to say about John Heinz.

I would say my colleague from Missouri who conducted the services, Mr. DANFORTH, did an absolutely superb job of helping us to understand this tragedy in the larger context of our religious faith. But I wanted to add my own personal thoughts, just as a footnote to the many eloquent speeches which have been made.

I have had the pleasure of working with Senator Heinz on the Banking Committee for some 4½ years. Last year, as we worked on the very important, but difficult National Affordable Housing Act, John Heinz was, again, as always, extremely effective in bringing together the House, the Senate, and the administration. He was very knowledgeable about the details of housing programs and had a great institutional memory on this subject. But he had a great knowledge about an entire range of issues that came before our committee. I was fascinated to watch him as he was always well prepared, asked very piercing questions, and came up with very, very well thought out positions.

We did not always agree. We worked together on some measures like SEC, CFTC jurisdiction fight, which he felt very strongly about. On others, we worked in opposition.

But the words during the service yesterday brought back to mind my first meeting with John Heinz. In 1975 we both participated in something called the "King of Capitol Hill Sports Competition." It is long forgotten and not lamented, but a number of us in politics engaged in various sports activities. I had the misfortune of getting just far enough in the competition to draw John Heinz as a tennis opponent. He thoroughly and soundly whipped me—one of the toughest competitors I have ever run into.

But, just as he was a tough competitor on the athletic field and a very strong and vital proponent of his views in this body and elsewhere, once you battled with him, after it was over he was a wonderful, genial, delightful person who you could not help but like.

Yesterday in the services it was said: He was the person everybody would want as a brother.

I was deeply touched by his sons who talked about him and pointed out he was a man who hated to waste time, he had so much to live for. Well, his contributions are contributions that only a busy man and a very talented man could make.

I was back in my State when news of the tragedy reached us and I found Missourians from all walks of life, rich and poor, young and old—particularly the old, who appreciated his contributions on the Select Committee on Aging—extended their condolences and asked me to pass them along to the family of Senator Heinz.

Last year my wife and I had the opportunity to travel with John and Teresa on a trip to Central Europe and became even better friends with him. We were very much impressed with the breadth of his knowledge of the culture of other countries as well as our culture. These were all subjects with which he was fascinated. He was extremely well informed. He was a man with whom it was a delight to converse on any of a range of subjects. Whether it be art, cuisine, history, economics, or international monetary policy—John Heinz was always extremely well informed.

Yesterday in the services Senator DANFORTH gave us a reason to thank God that John Heinz had fulfilled the mission of service for which we are all put on this Earth. People pointed out his talent, his enthusiasm, his adventurous and joyous spirit. His contributions—legislative and others—will long remain. But the memory we have of that spirit, of that enthusiasm, of that good nature, of that cooperative and friendly spirit is something we will carry in our hearts forever.

I join with my colleagues in expressing our deep concern and our love for his family and hope they will know that this is a giant of a man who is and will be greatly missed in this body and around the country.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I further ask unanimous consent I may proceed for an additional 3 minutes, in order to present two sets of remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN HEINZ

Mr. DODD. Mr. President, I wish to join, as well, today, as have a number of our colleagues on this occasion as well as previous occasions over the last several days—and of course those of us who were present yesterday in Pittsburgh to hear the eloquent remarks of our colleagues from Colorado and Missouri—in expressing the great sense of loss and tragedy that we in this institution feel. It is a feeling shared by his family and friends, his constituents and, as the distinguished Senator from Missouri just noted, countless people across this country who were not in a direct sense constituents of John Heinz but nevertheless the faceless, nameless beneficiaries of his timeless work in this body.

John Heinz' life was a tremendous gift to this Nation and to all of us who knew him. His death is certainly a terrible tragedy. In the past few days, many of our colleagues and others who knew John well have had many kind words to say about him. I listened to the touching comments made by Senator DANFORTH in his homily and Senator WIRTH in his very personal remarks. I am sure neither of our two colleagues will object, Mr. President, although their remarks were personal, if I say that they were speaking for all of us here in this body.

I especially found moving the eulogies delivered by John's three sons: John IV, Andre, and Christopher. For each of them and for John's wife, Teresa, I offer my deepest condolences for their indescribable loss.

All of these people, plus many others, have painted an eloquent and accurate picture of John Heinz and the life that he led. He was an exceptionally hardworking man. He was also a man of intellectual honesty. He consistently chose principle over expediency. Yet, as we all know, he was never one to back down from a good challenge or a good fight.

We know that John was born of privilege, but as we also know, he rejected a life of ease. He was willing to do his homework on the most complex issues. In fact, he chose as his issues some of the most intractable and complex issues that this Nation had to come to terms with. His diligence and resolve were demonstrated time and time again in the committees on which he served and on the floor of this body.

John approached his work as he did his life, with a seemingly endless supply of energy and enthusiasm. Whether he was tackling a complex labor issue or spearheading a debt-for-environment swap or handling complicated legislation on Medicare, John was a man of vision, drive, and a true sense of purpose.

Many of our colleagues have made reference to aspects of John's brilliant career in politics. I had the privilege and unique opportunity to work closely with him on the Securities Subcommittee of the Banking Committee. It was through that experience that I got to know John best and learned the real measure of this man.

When the Banking Committee organized at the beginning of the 101st Congress, I was given the opportunity to chair the Securities Subcommittee. John became the ranking minority member of that subcommittee.

Mr. President, from the very first time we sat down together to map out the agenda for their committees. I realized that having John as the ranking member was the best thing that could have happened to the Securities Subcommittee. It was also the best thing that could have happened for investors in the securities markets in this country. Mr. President, it was certainly the best thing that could have happened to this new chairman of that subcommittee.

The 101st Congress was an extraordinarily productive time for the Securities Subcommittee, and John's role during those 2 years was instrumental. John was a big thinker, a visionary who knew where our markets were going and where we had to go, as policymakers, to fulfill the capital needs of business and industry. He was not afraid to stake out a position early on and then prod the rest of the world, including this Senator, to catch up.

He was a leader, Mr. President, not a follower. But he was also a practical man. He knew how to frame an issue into what could be accomplished today and what must be left for another day.

I think we all find it unsettling to read a press account that attempts to characterize the life or career of someone we know. There is always an attempt at oversimplification which invariably undoubtedly misses the point entirely. One such report recently caught my eye. After describing John's dedication and his career, the article said that John was a loner. I would modify that somewhat. John was independent. He was not a loner at all. When we worked together as chairman and ranking minority member of the Securities Subcommittee, John was a true partner in every sense of the word. We set the agenda together. We cochaired every hearing together. We cosponsored every securities bill together. When we needed to write the administration for a position on an issue, we wrote them together. When the bills moved to the conference and final passage on the Senate floor, we were there together.

I want to share just a few more thoughts about John, Mr. President, if I can. Despite the long hours we work together in this institution, I think we never really know one another as well as when we travel together, as we are forced to do from time to time, either in this country or elsewhere. Until you have been on a plane countless hours and had to share breakfasts, dinners, meetings, and a few leisure hours with one another, you do not really get a chance to know another Senator as you might like.

John and I took such a trip just about a year ago last month when we met with officials of the European Community to talk about Europe's single market initiative and the impact this would have on American firms and American competitiveness.

John believed, as I did, that it was terribly important we not move forward with financial reform legislation in this country in a vacuum. We simply had to understand what the Europeans were doing in creating the world's single largest market for financial institutions. We simply had to be concerned about the competitiveness of our own financial services industry.

Mr. President, we kept a brutal schedule over those 5 or 6 days. Not only did I want that, but John insisted upon it. Yet at the end of every day, when others were grabbing half an hour's rest before dinner, John was out jogging through the streets, confirming what his son said yesterday, never wasting a moment. He would arrive energized for those long evening meetings and official dinners.

Mr. President, I treasure those personal moments I spent with John Heinz and the opportunity I had to get to know him. I will miss his intellectual energy, his leadership, and his courage. I will miss the planning of the agenda we worked out together on upcoming securities legislation or just spending long hours talking with him about the integration of the European market.

Mr. President, I will miss John not only because he made my job easy as the subcommittee chairman, but he also made it enjoyable. I will miss him as a thoughtful and hard-working colleague. But most of all, Mr. President, I will miss him as a friend.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

A TRIBUTE TO SENATOR JOHN TOWER

Mr. THURMOND. Mr. President, I rise today to mourn the tragic and untimely passing of my good friend, former Senator John Tower. Senator Tower was one of the finest men I have known, and I shall miss him greatly.

John Tower was a man of courage, character, and ability and a true patriot. He took great pride in serving his State and Nation, and the service he rendered was outstanding.

Senator Tower's career in public service was distinguished by integrity, courage, dedication, determination, and vigor. He was known to his friends as a man of great intelligence and perceptiveness, and his fine mind and wry sense of humor were an endless source of interest and amusement to us all.

John Tower was born September 29, 1925, in Houston, TX, the son and grandson of Methodist ministers. He earned a bachelor's degree from Southwestern University of Texas in 1948 and a master's degree in political science from Southern Methodist University in 1953. He served as an enlisted man in the Navy during World War II, and later pursued postgraduate studies at the London School of Economics and the University of London.

Prior to his election to the U.S. Senate in 1960, Tower's colorful career included stints as a radio announcer and an insurance agent. He was also a college professor of political science at Midwestern State University in Wichita Falls, TX. John Tower's 1961 swearing-in made him the first Republican Senator from Texas since 1877, and he immediately established himself as a force with which to be reckoned.

One of the things I admired most about Senator Tower was his Texas-style stubborn independence. Along with his polished manners and fine education, he had a streak of true individualism and strong-mindedness which made him both a sought-after ally and a feared opponent.

He was a staunch advocate for a strong national defense, even during the years when that was an unpopular stance. His tenure as chairman of the Senate Armed Services Committee was marked by his unique vision for America's future and his desire to see our country adequately defended. I believe that his championship of many military programs played a great part in the fine performance of our Armed Forces in the Persian Gulf war.

John Tower was also an outstanding advocate for the people of Texas, serving his State with the same energy and dedication he brought to all his endeavors. With true Texas style, he relished the sometimes convoluted process of garnering votes and achieving the results he wanted, and he brought boundless energy to bear on whatever task was at hand.

After leaving the Senate, Tower continued to serve this Nation well as an arms negotiator and later as head of the Commission which investigated the Iran-Contra affair. His thoroughness and professionalism in both of these capacities were noted by many, and I believe he would have been an outstanding Secretary of Defense had his nomination been confirmed.

John Tower was a fine man, and appropriately named. He often joked about his diminitive stature, but in the eyes of his many friends and admirers and in service to his country he stood 10 feet tall. I enjoyed working with him over the years and I was proud to be his friend. His death represents a great loss to those who loved and admired him, to the State of Texas, and to this Nation.

I am also deeply grieved by the death of his lovely daughter Marian, a young woman of great intelligence and grace. My thoughts and prayers are with Senator Tower's remaining daughters, Penny Tower Cook and Jeanne Tower Cox, and with his lovely former wife Lou Bullington at this difficult time.

A TRIBUTE TO SENATOR JOHN HEINZ

Mr. THURMOND. Mr. President, it is with deep regret and a heavy heart that I rise today to mourn the untimely passing of one of the finest and most dedicated Members of this body—Senator John Heinz. I know I speak for all my colleagues in expressing the great loss we feel today.

Born on October 23, 1938, in Pittsburgh, PA, John Heinz was educated at Phillips Exeter Academy, Yale, and Harvard. He joined the Air Force as an enlisted man and served his country with honor. As a marketing specialist at his family's H.J. Heinz Food Co., he was intrigued by the impact of elected officials on a community, and became involved in local politics.

Senator Heinz was first elected to the U.S. House of Representatives in a 1971 special election. Over the next 5 years, he was twice reelected to his House seat. In 1976, he was elected to the U.S. Senate, where he served for 15 years with great distinction.

Senator Heinz' legislative record reflects his deep commitment to both his constituency and the good of the Nation. He was instrumental in the passage of legislation which strengthened the Social Security Program. He was a champion of older Americans, playing a key role in the regulation of retirement policies, pension plans, health insurance and nursing homes. He also successfully pushed for legislation that encouraged American exports and protected American products, especially steel and textiles from unfair foreign competition. His record of accomplishments is one of which we can all be proud.

John Heinz was a man of great character, commitment and ability. He served his State and Nation with such great zeal that it seems ironic one so energetic and vital could be so abruptly taken from this world. Yet I know that God has a plan, and that he has one for John Heinz, who is now safe with the Lord. I hope we will all take a few private moments to reflect on the life of this man who gave himself so completely and selflessly to public office.

The admiration and respect we feel for his memory is perhaps best expressed in a letter which was written by Senator Heinz' personal staff, "We had a great run, this Heinz team. But really it was he who had the great run; we were just lucky enough to be along for the ride." As Senators, we too were fortunate to have "been along" with such a good man.

My thoughts and prayers are with the entire Heinz family, and especially John's lovely wife, Maria Teresa, and their three children, John, Andre and Christopher.

Mr. President, I ask unanimous consent that the excellent tributes by Senator TIM WIRTH of Colorado and Senator JOHN DANFORTH of Missouri be printed in the RECORD. Senator DANFORTH is to be commended for the exemplary manner in which he presided over the funeral.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Homily Delivered by Rev. John C. Danforth at the Funeral of U.S. Senator John Heinz, Heinz Memorial Chapel, University of Pittsburgh Campus, Pittsburgh, PA, April 10, 1991

Teresa, John, Andre, Chris: Throughout the country there is a tremendous outpouring of love for your Jack, your Dad, and of support for you.

It comes from the President of the United States, from John's colleagues in the Senate, and from a security guard at Lambert Airport in St. Louis who said last Friday, "We have lost a great leader."

Famous people and ordinary people in countless numbers would do anything in their power to lift you up. You know that already, but it deserves saying.

Over the past few days, you have made it very clear that you want this to be a personal service. It has been that. The touching participation of John's children and of his closest friends remind us that he was much more than a distinguished public figure. He was a husband, a father and a friend. For those of us who know him well, there was no question in our minds that the private things came first. Much of this time was in his job. His heart was in his family.

The tributes we have heard were very personal, and we are grateful for them. But this is more than a memorial service. It is a worship service. And at every worship service, God is at the center. So I would like to think with you for just a few minutes about John Heinz and about God, and about how John's life and death reflect the Christian faith.

Christianity is about self-giving. It is about Christ, who is equal to the Father, but who empties himself, takes the form of a servant and gives himself unto death. St. Paul tells us that this self-giving Christ should be the model of life for you and for me.

This was the model for John Heinz. John gave himself unto death. He had everything. But a lot of people who have everything want to keep everything. They clutch it to themselves. They never want to let go. They are timid victims of their own good fortune.

The real issue in life is not how many blessings we have, but what we do with our blessings. That is the parable of the talents. Some people have many blessings and hoard them. Some have few and give everything away. John Heinz was a giver.

Twenty years ago, John left a world of security and entered a world of risk. The safe course was open to him. He could have stayed in business, working for the family company. Through caution, failure was impossible. In the vernacular, he had it made. Then he ran for office.

Politics is not a secure career. In politics, victory is possible, and so is defeat. Glory is possible, and so is embarrassment. And when embarrassment comes, it is as though all the world is watching you.

John did not need to be in politics. He did not need the town meetings and fundraisers, the days on the road, the nights in motels, the cramped hours in little airplanes. It was his gift.

It was his gift to the people he most wanted to serve—people so different from himself—old people, weak people, people whose lifelong jobs had disappeared. Those were the people he worked for with a persistence unmatched by anyone else I have ever known. He was doing it for them, and they knew it.

John Heinz made a gift to the people he wanted to serve. That gift turned out to be his life.

From time to time, politicians die in office. John did not merely die in office, he died while performing the duties of this office. That is a very big difference. In the literal sense, he gave his life to public service.

St Paul tells us that we should be like Christ. Like Christ, we should empty ourselves and become servants. Like Christ, we should be obedient unto death.

But that is not all St. Paul says. Death is not the end of the story. There is a "therefore" clause. Christ became a servant; Christ suffered death; therefore, God has exalted Christ.

Teresa, your Jack died in Easter week. Think about that. Think about Easter. Christ gave his life and conquered death. He offered himself; therefore, he is exalted.

He is risen! That is the ancient acclamation of Easter. The Lord is risen, indeed.

John Heinz did what we have been told to do. He took the form of a servant. He was obedient unto death. Those are the orders. Now for the promise. Death is conquered. Christ is risen. John Heinz is with his Lord.

Tribute to Senator John Heinz by Senator Timothy E. Wirth, Heinz Memorial Chapel, April 10, 1991

Thank you all for joining the Heinz family today in this healing ceremony of grief and love and faith.

"The elected," Robert Lowell said of those who hold high office in Washington, "they come here bright as dimes and die disheveled and soft."

John Heinz left us still shining, still hard at work at the demanding job he loved, still growing as a public servant and as a private man.

That is what makes his death so hard to bear and his life so important to understand.

It was not a glamorous life. Only in fiction does glamour figure in politics.

In real life, politics—if done right, as John did it—stretches a man to his limits, deepens his knowledge and calls him not just to learn but to lead, to see through his own time to the needs and the possibilities of the next generation.

John brought three essentials to this career of public service.

He worked hard. He was stubborn. And he set the right priorities.

I've never known anyone with a more prodigious capacity for work. He would have breakfast in Pittsburgh and be back on Capitol Hill the same morning for a hearing, knowing his brief thoroughly.

He had little patience with those who were ill-prepared and even less with those who did not work hard.

Heaven help the staffer or witness who tried to do a snow job on John Heinz!

His determination to defend and advance the causes for which he cared did not always make him popular. But John willingly took that risk, as a committed politician must.

He could send the Senate leadership up the wall faster than anyone else I have seen, especially when he took the floor on behalf of his State and then would not budge an inch.

He didn't care how lonely or uncomfortable it got. He would stay there fighting for fair treatment for Pennsylvania until he won.

And he picked the right fights. The cause of decent health care has not had a fiercer advocate. The rights of senior citizens have not had a more devoted defender. Long term care, health maintenance organizations, hospice care, the diabetes network—the list is a long one.

He had a deep feeling about how life ought to be, a deep commitment to people who had lived a full life, given of themselves and now deserved the respect and care of their communities.

He focused the same compassion on workers displaced and powerless in the face of crunching world change and threatened with job loss and family despair, people who had contributed all of their lives and now needed help.

How wise labor had been in trusting their instinct that he would be their friend. They took a chance and endorsed John when he first ran in 1971.

And how proud he was to be their champion.

It was a direct line from here to his commitment to the environment—he believed that the Earth has nurtured us, and that it is our obligation in turn to take care of the Earth.

He developed a depth of knowledge and understanding, and a consequent sense of urgency to solve the problems we are facing.

Enormous energy and creativity were thrown into the task.

"Get the World Bank up here—they don't understand what they're doing" he roared.

He was outraged that every year fires were destroying areas the size of Pennsylvania in the Amazonian Rain Forest.

He said that we need strategies to sustain rather than destroy our natural resources, and wondered if we could use marketplace incentives to solve environmental problems.

The energy—the intellect—the phenomenal memory that caught and challenged everyone—were all part of the remarkable talent and the joy of working with John.

But perhaps most basic to his effectiveness was an endearing innocence.

He really believed that he could make the world a better place.

For all his sophistication, he had a wonderfully naive, almost little-boy-like mischievous commitment to making it better—such a contrast to the jaded resignation of our time.

His was not just an exemplary public career, earned with distinction and carried with enormous confidence. He also strove to master the other half of the political balancing act—the close and nurturing relationship with his family.

Out of the pride he felt in each of his sons, he came better to understand his own growth and his political mission.

He developed an equilibrium that gave him the freedom to dare and to believe that he could do better and that, as a result, the world could be better.

If it is true that "of those to whom much has been given, much will be asked," must we not seize this sense of the possible from his life, heed his compulsion, take up his commitment, and incorporate them in our own way of living and our own responsibility for the future.

Of course, we must.

We shall.

[A final note.]

John and I were friends. With Teresa and Wren, we were a foursome, devoted, committed, bound to one another, all of us managing somehow to make each of the others better, better in what we tried to accomplish, better at understanding and thinking about our children, better in the new ways that we invented to laugh and to cope with political life.

Now we are diminished—but the void will be filled by his children, all of our children, the next generation who join in the kind of life John Heinz had helped us to create, a shining life, a giving life, a rewarding life, a life of love and growth and steady faith in the way the world ought to be.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, on behalf of the majority leader, I ask unanimous consent that the period for morning business be extended until 2 p.m. under the conditions as previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR JOHN HEINZ

Mr. McCONNELL. Mr. President, just a week ago, this Nation was riveted by the news of the terrible plane crash in Pennsylvania that took the lives of seven people, including our own John Heinz. We have all asked the same questions about the accident:

Why? Why John Heinz? I also know that none of us can answer those questions, so it is really better not to dwell on that, and to remember how John lived rather than how or why he died.

John was one of the first Senators I met when I came to the Senate. I had not served in the House, and as a result of that I did not know very many people in this body. He took an interest in me, sort of took me under his wing at the outset, and helped me get off to a good start. I will never forget that.

John lived a full, meaningful, and robust life. As everyone knows, he was certainly blessed by birth into a great American family.

He attended our Nation's finest educational institutions. He returned to a thriving family business. He married and had three wonderful sons.

For many, life would have seemed very complete at that point. Not for John Heinz. Instead, he decided to give something back to the lives of all Americans. As a Member of Congress, John's legislative priorities and victories always were for the benefit of the average American. Specifically, John was instrumental in increasing U.S. exports to protect and create Pennsylvania's industrial jobs, was a key player in the rescue effort of the Social Security system, and moved to successfully eliminate mandatory retirement ages. He also wrote tough legislation to improve the health of the elderly and protect residents of nursing homes. John's efforts on the Senate Aging Committee to fight abuses in nursing homes and fraud in the Medicare Program will never be forgotten; not here, and certainly not back in Pennsylvania.

John was a champion of individual freedom and fought against international human rights abuses. As a matter of fact, Mr. President, the last conversation I had with John was about the abuses of Saddam Hussein and the need to have war crimes trials once the Persian Gulf war was truly ended. John had a great concern about that, and felt, as I and many others here, that this war would never be truly over until those who perpetrated these crimes were brought to justice.

Public officials are always, Mr. President, striving to be in touch with the common man, as we always put it. It is ironic that Henry John Heinz, an uncommon man of certainly uncommon background, succeeded in truly understanding what was best for rank and file America.

That is why his Pennsylvania constituents, a diverse populous of city and country folk, farmers, and assembly line workers, blacks and whites, resoundingly returned John Heinz to this body term after term.

Mr. President, this is such a sad time for us all. It ends the story of a great Senator, a great friend, and a great American, but fortunately his accomplishments will live on.

I share deeply in the grief of his family and send my heartfelt sympathies and prayers to Teresa and their three sons.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

SENATOR JOHN HEINZ

Mr. STEVENS. Mr. President, I make a confession that I have not come to the floor before now because I knew that on the desk next to me would be the traditional flower arrangement that indicates we have a missing Member.

Senator HEINZ and I have sat beside one another and had many conversations about family, about business, and just about trivial matters, as a matter of fact. I know many people have spoken about John Heinz from the point of view of his contributions to public life, which were many. It certainly was an inspiring and memorable ceremony yesterday in Pittsburgh.

But the John Heinz that I shall miss most is as friend, who was sitting here beside me through the long nights that we often spend in the Senate, and the John Heinz who, after a similar tragedy that occurred in my family in 1978, showed really what it means to be a friend.

Many people do not know, but after my first wife was killed in an accident in 1978, in the summer of 1979 I took my family, my five children, to Nantucket, and we spent a month there to see if we could put our lives back together. John and Teresa were there with their sons.

I remember one particular day when John and some of his friends showed the Alaskans how to fish for blues in the Atlantic Ocean, we being westerners and people who love to fish. We enjoyed very much a personal life with John and Teresa Heinz.

Then, after I was remarried, Teresa was and has been very close to my wife, Catherine, and they have shared a great deal in the organization to which our Senate wives belong.

I happened to have been the chairman of the Republican Senatorial Campaign Committee during the period of time that John Heinz ran for the Senate and was elected and came to join us in 1977. In that period, I had known him as a Congressman, but I got to know him very well during that campaign. It was, in the following years, a great privilege to be with him.

Many people will comment on the fact that John Heinz, a man of great inherited wealth and natural talent, had committed himself to public service. That was a genuine commitment. It was not a commitment of someone who just was looking for something to do.

As has been said, in the area of aging and on the issues of Social Security and those people who have had misfortune in their lives, John Heinz's personal commitment to try to work through Government sources to assist in meeting their problems was enduring.

He had another recent commitment, and that was the subject of a letter, strangely enough, that I received in my office when I returned following his tragic and untimely death. He had written to me on a personal basis. I will not put the whole letter in the RECORD because it was a personal letter. But he asked me if I would like to join a working group to study a particular issue of importance to him, and that was American competitiveness in the critical technology areas.

He said this. I quote this:

> Our constituents, many for the first time, learned the importance of smart bombs and other sophisticated semiconductor-based technology in the Persian Gulf war. There is no doubt in my mind that the same kinds of advanced technology are likewise critical to our ability to compete internationally in the next century. Inevitably political and military strength are directly related to economic strength. I believe we can only sustain our role in world political leadership if we maintain our economic leadership as well.

He told me that he thought our economic leadership had been jeopardized in serious ways and in a variety of circumstances, some of our own making and some because of the aggressiveness of others. He said that not all of these problems are subject to Government solutions. It may take time for corporate thinking about competitiveness to achieve results. But he said some of these problems are within the purview of government.

He asked me if I would join with him in a working group to examine competitiveness problems to see if we can develop solutions that would prevent this issue from becoming part of the partisan debate. He did not want it to be part of a partisan debate. He sent me some information concerning critical technologies and indicated that concerns in Japan and Europe were pulling ahead of us in these technologies.

I have addressed this with Senator HEINZ' staff, and it is my intention to try to see if we can keep that working group going. It is my further intention—and I am having a bill drafted for this purpose—to suggest to the Senate and to the Congress that we ought to have an award similar to that which we created for former Secretary of Commerce, Malcolm Baldrige, in terms of productivity, an award that would reflect a desire to put Congress behind initiatives in the private sector to deal with this competitiveness problem in critical technology areas. I suggest that obviously would be called the Heinz Award. I hope that many of the Members of the Senate on both sides of the aisle will decide to join and pursue this goal of my friend who is now departed.

As I said, it is with great regret that I come to the floor and find that traditional flower arrangement. John Heinz is going to be missed in many ways. It is obvious that I am going to miss him as a friend.

Thank you very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, a parliamentary inquiry. It is my understanding that the Senate is in morning business.

The PRESIDING OFFICER. That is correct.

Mr. REID. Is there any limit on the amount of time that a Senator may speak?

The PRESIDING OFFICER. Morning business allows for 5 minutes.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to make a statement that would extend until the hour of 2:10, and that morning business be extended until that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 801 and S. 803 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DIXON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN HEINZ

Mr. MURKOWSKI. Mr. President, there have been many eloquent statements today on the floor. Having been in this body for approximately 11 years, I, too, have had the opportunity to enjoy a very, friendly, and close relationship with our late colleague from Pennsylvania. I had an occasion just a few months ago to travel from Salt Lake City to Washington with the late Senator Heinz. After our arrival in Dulles International Airport I gave him a ride to his residence in Georgetown. We had an opportunity to chat, which unfortunately we seldom do in this body, in the informality we had during that half-hour drive.

John was a unique individual who by chance of birth came from a wealthy heritage. But he was the type of individual who had unique qualities of warmth and interest; interest in those who were less fortunate than he.

Ours was a friendship I will always regard with personal emotion, a relationship with a close friend. It is very difficult in these moments to express my sentiments over the loss of a colleague other than to say John left an extraordinary mark on the U.S. Senate, an extraordinary mark on his State of Pennsylvania, and of course, on his city of Pittsburgh.

It was best, described by a billboard as we left Pittsburgh yesterday that said, "In memorial to Senator John Heinz." That is something one does not very often see, but I think it expressed the feeling, the gratitude for the contribution John gave to his State and his community and to his country.

We also lost a good friend, the late Senator Tower last week. Indeed, these sudden losses bring about a time of reflection. I think the Easter season provides a time for renewal, a time for reflection, and is, of course, a time for joy in the new life we see around us.

My tribute to my colleagues is one that is probably best held within my heart.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, might I inquire: Are we in the hour of morning business?

The PRESIDING OFFICER. We are in morning business, the Senator is advised.

JOHN HEINZ AND JOHN TOWER

Mr. BURNS. Mr. President, yesterday many of us flew back from Pittsburgh, PA, after attending the funeral of a very dear colleague of ours. Of course, all of our sympathies and love and prayers go out to Teresa and John IV and Andre and Christopher. But I think we all got a rude awakening yesterday as we listened to the words of the senior Senator from Missouri [Mr. DANFORTH]. I thought John Heinz would understand that those of us who benefit so greatly from the freedoms and opportunities available to us in this great country have an obligation to give back to our country what it has given us.

John Heinz was a giver. He did not have to go into politics. He did not have to fly around in twin-engine aircraft. We all do too much of that.

Looking back, you could say it is unimportant, the trip was unimportant, but at the time it was important.

Yes, on Monday, I attended the funeral of former Senator John Tower. Our condolences, Phyllis' and mine, go out to Jeanne and Penny.

When I first came to the Senate, I did not know Senator Tower. But when his confirmation vote became the first tough vote I had to look at, I took the time to know him before I supported his nomination.

His record in this body and this Government on defense issues is unparalleled, and his leadership on the Senate Armed Services Committee, until his retirement from the Senate in 1985, was clearly seen in the successes of liberating Kuwait.

This is funny business. We fly too much; we travel too much. Maybe the love for this great country gets us into a problem every now and again.

I would like to remember two people, who traveled this same road, who touched my life. Both perished in plane crashes while in public service. I think back to the campaign of 1988, when the Secretary of State, Jim Waltermire, in the State of Montana, was campaigning in the Republican primary for Governor of our State. Our paths crossed many times, because I was running in that same primary for the seat that I now occupy. Jim died in a crash as he approached the airport in Helena, the State capital.

The second one was former Missouri Sixth District Representative Jerry Litton. A lot of folks maybe do not remember Jerry, because it has been a while, back in 1976. We are sort of shirttail relations, because both of us had our comeuppance, so to speak, in Daviess County, MO; both active in Future Farmers of America; one of the bright and shining stars of politics, not only in the State of Missouri, but nationally.

I must also mention the families of those who perished in the Heinz plane, in the helicopter and commuter plane, and, yes, those young kids in the schoolyard. You are not alone throughout this grief. Phyllis and I, my wife and I, share it with you, and our prayers go out to you. Our loved ones who leave us in death are not forgotten, but remembered.

What President Jimmy Carter said at the death of Jerry Litton and his family is perfect for those who we have lost this week:

> When they shall die, take and cut them up into little stars, and they shall make the heavens so fine that all the world will be in love with the night.

It has been a tough week.

THE FEDERAL PROGRAM PERFORMANCE STANDARDS AND GOALS ACT

Mr. BURNS. Mr. President, as we turn to more pressing matters of this Congress and this Government, Mr. President, one of the most pressing challenges that we face is getting our house in good fiscal order.

I am pleased to be a cosponsor of legislation introduced by my good friend, the distinguished Senator from Delaware, Senator ROTH, that will allow us to take a look at the giant step in that direction, S. 20, the Federal Program Performance Standards and Goals Act. It requires that a measurable performance be established for all Federal programs.

Frankly, after having only spent 2 years in this Congress, this bill is long, long overdue. The way our system works now, we determine how much money each Federal program will get, but we do not bother with setting standards and goals as to what we expect in return for our dollars invested, and that does not make any sense at all.

Knowing how money is spent is not the same as knowing if it is well spent. We need a mechanism which allows us to define, identify, and eliminate not only waste, but also mismanagement by the Federal Government. And I know most of us could write a book in that respect.

If S. 20 becomes law, it will enable us to rein in Government waste and mismanagement. It will also greatly enhance our ability to determine those programs that are effective and should be continued, and those that are a waste of the taxpayers' money and should be cut completely and the program eliminated.

So I urge all my colleagues to join me in supporting this Federal Program Performance Standards and Goals Act. I think it is incumbent on each and every one of us in this body now to get down to the business of making sure that our money is well spent. We owe it to our taxpayers; we owe it because it is the responsible thing to do, to get this Federal budget deficit under control.

Poll this country any way you want. The No. 1 thing the American people are telling us about is the problem of deficit spending and the national debt. It is incumbent upon each and every one of us to work to that end.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair.

(The remarks of Mr. PELL pertaining to the submission of Senate Resolution 98 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

TRIBUTE TO DON SARFF

Mr. METZENBAUM. Mr. President, it is with deep sadness that I rise today to pay tribute to a member of my staff who passed away recently. Don Sarff, my chief caseworker had been a member of my staff since I first came to the Senate in 1977.

Don came to the Senate at a time when only six of our current colleagues were serving in the Senate. Starting 27 years ago with former Utah Senator Frank Moss, Don began his career on Capitol Hill as a caseworker. He remained with the Senator from Utah for 6 years and then took a position with the Senate Committee for Post Office and Civil Service. When I came to the Senate in 1977, Don joined my staff as chief caseworker.

As many of my colleagues will attest, a Senator's activities are not limited to simply legislating, but helping people. As chief caseworker in a congressional office, Don Sarff understood my desire to provide any assistance that I could to any Ohioian requesting help. He met each request with the same determinations to help those in need. For it was not unusual to find Don in the office 6 days a week. For Don Sarff, a 60-hour work week was standard. For Don, results counted. Helping people counted.

For those people who had the privilege of knowing Don, they knew that he didn't seek the solution to a problem for the sake of the remedy, but that he solved problems because he cared about the person and he truly wanted to help. Don excelled in finding solutions to difficult problems, yet he was modest about his achievements. He helped bring a chinese infant to the United States after seemingly unsurmountable difficulties with the State Department. A picture hangs in my office, sent to me as a token of gratitude from the family.

While thousands of people were helped by Don through his work, his selfless efforts on behalf of others extended to those around him. When Don was working for Senator Moss, a young woman who had just started working in his office needed to leave to make funeral arrangements for her deceased husband's funeral whom she had recently separated. New to the office and alone, without money to pay for the trip, this woman had no one to turn to. It was Don Sarff who came forward and offered his credit card so that she could pay for the trip. Somehow, Don was always able to offer the advice or assistance that seemed to matter the most.

Don was always dependable, a person I could turn to in a pinch. A staffer Sherri Levy remembered how she was in the hospital recovering from surgery, longing for a Coke. When Don came to visit, he came with a Coke in his hand. When members of my staff foolishly forgot to bring a necktie to work, Don always seemed to have a cache of available ties. As I'm sure that his wife Rita can attest, Don's generosity knew no bounds.

As we cherish Don in our memories, we will remember him for his sensitivity, his compassion, his good nature, and his patience. Yet above all, Don Sarff will remain a lasting image in our memories because of his desire to help people. For when it came down to it, Don Sarff was about helping people.

UNITED STATES REPORTER FRANK SMYTH STILL MISSING IN IRAQ

Mr. CRANSTON. Mr. President, I rise today to express my deep concern about the plight of Frank Smyth, a freelance reporter on assignment for CBS News, and three other journalists who have been missing for the last 2 weeks in Iraq.

Smyth, Frenchman Alain Buu, a photographer for the Gamma agency; Gad Schuster Gross, a German Newsweek reporter, and BBC correspondent Nicolas Dellacasa were last seen in Kirkuk on March 27. They were part of a group of more than four dozen journalists who traveled in mid-March to Iraq from Turkey to report on the Kurdish uprising.

Smyth, a graduate of the Johns Hopkins School of Advanced International Studies in Washington, DC, is well known for his enterprising reporting from El Salvador, where he worked for several years. His work often provided fresh insight to the situation in that troubled country and he frequently visited Capitol Hill to share his perspectives.

My office has consulted with both the State Department and the New York-based Committee to Protect Journalists concerning these disappearances. Unfortunately, no concrete information seems to be available.

I urge Secretary of State Baker and the United States authorities based in southern Iraq to continue to bring this issue to the attention of the Iraqi Government. I hope the State Department will make the task of locating these journalists and assuring their well-being a priority in the coming days and weeks.

SUPPORT FOR CRANSTON-MOYNIHAN WAR CRIMES BILL GROWS

Mr. CRANSTON. Mr. President, the scenes of horror and human suffering emanating from Iraq have served as a fresh reminder—as if any were needed—of why the comparison of Saddam Hussein to Hitler was an apt one.

The plight of the Kurds has shown us the extent to which President Bush's call for a new world order has been ignored by the White House itself.

The hope offered by the administration's apparent promise of international order through strict observance of international law has foundered on the shoals of a geostrategic view of the world divorced from our own best instincts as a people.

The policy, noted David S. Broder in yesterday's Washington Post, shows "something of the character of this President, who has demonstrated over and over again that he is ready to 'rise above principle' when it collides with power realities."

Fortunately this policy of calculated callousness has been met with cries of outrage from our colleagues, Democrat and Republican alike. Half a million men and women from our Armed Forces did not risk everything in the Persian Gulf to restore the Kuwaiti monarchy.

Nor was their sacrifice made so that they could now sit idly by as Saddam's military henchmen—whose troops broke ranks and surrendered by the tens of thousands when confronted by a real army—turn their vengeance on innocent old people, women, and children in Basra, Kurdistan, and scores of forgotten towns that are known to us now only because of their suffering.

Mr. President, it is clear that Congress must make itself heard to ensure that that moment of unity and sense of higher national purpose that characterized our battlefield victory over Saddam is not lost to us now.

On Tuesday, my good friend and distinguished colleague, the Senator from Rhode Island [Mr. PELL], took an important step in this direction by convening a hearing in the Foreign Relations Committee he ably heads, to look at the issue of war crimes.

Perhaps the administration was too busy denying its own role in encouraging the Kurdish rebellion, then leaving these valiant partisans twisting slowly in the wind, to have sent a representative to the hearing. Or perhaps someone over at Foggy Bottom remembered President Bush's March 7 address to the joint session of Congress, where he declared that:

> It's time to put an end to micromanagement of foreign and security assistance programs, micromanagement that humiliates our friends and allies and hamstrings our diplomacy.

Whatever the case, there were no administration witnesses; they were, apparently, speechless. Instead the committee was treated to the wise and eloquent words of Nobel Laureate Elie Weisel, as well as to the well-informed counsel of two international legal scholars, Robert Woetzel, president of the Foundation for the Establishment of an International Criminal Court, and Anthony D'Amato, international law professor at Northwestern University.

One of the bills which was discussed was the Cranston-Moynihan War Crimes Prevention Education Act of 1991.

Our bill would cut off all foreign assistance except for humanitarian aid to any government that commits gross violations of international standards governing the conduct of armed conflict. I realize that this bill does not cover all the situations foreseen in the Geneva Conventions, only those involving situations of armed conflict, but this, of course, is what we are concerned with today.

The bill also does something more. It would make American security assistance conditional on the recipient governments teaching the Geneva Conventions and other relevant rules of war to all its military personnel.

According to Dr. D'Amato, the Cranston-Moynihan bill "supplies an important missing element to the very progressive legislation * * * on the books prohibiting assistance for countries that violate fundamental human rights."

In a similar vein, I would like to point out that the Cranston-Moynihan bill has been endorsed by two prestigious human rights groups, the Human Rights Watch and the Washington Office on Latin America.

In a letter to my office, Kenneth Roth, deputy director of the Human Rights Watch, said that our war crimes bill is viewed by his office "as an important effort to ensure that the United States does not, through the provision of foreign assistance, become a party to systematic violations of international humanitarian law, or the laws of war."

The State Department, he noted, "has implicitly recognized the importance of guiding U.S. foreign policy not only by reference to international human rights law but also by reference to international humanitarian law when, 2 years ago, it began including a section on violations of the laws of war in its annual Country Reports on Human Rights Practices. However, no comparable change has been made in the legislation guiding U.S. foreign assistance."

Mr. President, once again I urge my colleagues to reaffirm our commitment to an international order based on international law by supporting the Cranston-Moynihan bill.

I ask unanimous consent that a statement of mine that was entered into the record of the Foreign Relations Committee hearing Tuesday be now entered into the RECORD. I also ask that the letters of support I have received from the Human Rights Watch and the Washington Office on Latin America, together with a paper on war crimes written by American University legal scholar Robert K. Goldman, be entered into the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON WAR CRIMES, U.S. SENATOR ALAN CRANSTON, SENATE FOREIGN RELATIONS COMMITTEE, APRIL 9, 1991

The brutal suppression of anti-regime insurgents in Iraq and Kuwaiti reprisals against Palestinians and other foreigners in the wake of the allied victory show that the issue of war crimes—and what to do about them—is not going away.

The terrible reports of criminal burtality against Kurdish civilians and Shiite dissidents in Iraq, in particular, show that more concerted efforts by nations are needed if the 1949 Geneva Conventions are going to work.

The current campaign by the Butcher of Baghdad against Kurdish freedom fighters is only the latest in a string of outrages committed by Saddam against both international standards of decency and the rules of the conduct of warfare.

Today's civilian massacres, a spectre of evil in and of themselves, are also an indictment of earlier failures to deal forcefully and convincingly with Saddam's brutality.

Both before and after Iraq's invasion of Kuwait last year, Saddam Hussein oversaw the massive violation of all civilized conduct regarding warfare.

The use of weapons of mass destruction against both Iraqi Kurds and against Iranian combatants; the rape of Kuwait and the unprovoked Scud attacks against Israel's civilian population; the abuse of American and other allied POW's—all these acts of barbarism reaffirmed the need for a new resolve in dealing with war crimes.

The general purpose of the Geneva Conventions and other rules concerning the conduct of warfare is to persuade nations that they should, in times of war, avoid certain inhumane acts while ensuring the performance of other fundamental guarantees.

The four Geneva conventions provide for the protection of the sick and wounded on land, the protection of the sick and wounded at sea and of those who become shipwrecked, the treatment of prisoners of war, and the protection of civilians in times of war.

Currently U.S. aid is conditioned on a country's respect for human rights and its nonsponsorship of terrorism.

There is, however, a gaping hole in our foreign assistance legislation. There are no explicit provisions for a cutoff of assistance for those countries which commit war crimes.

Last month I introduced, together with Senator Daniel Patrick Moynihan, a bill—the "War Crimes Prevention Education Act"—that would plug this gap.

My bill would cut off all foreign assistance except for humanitarian aid to any government that commits gross violations of international standards governing the conduct of armed conflict.

The bill would also make American security assistance conditional on the recipient governments teaching the Geneva conventions and other relevant rules of war to all its military personnel.

They should be warned that orders by superiors to violate those rules are illegal and should be disobeyed. Following orders is no defense against war crimes.

As American University legal scholar Robert K. Goldman has noted, just as human rights legislation seeks to avoid this country's identification with governments that grossly violate internationally recognized human rights, the Cranston-Moynihan bill distances the United States from governments whose armed forces grossly violate fundamental guarantees of international humanitarian law.

The Gulf War should have taught us the lesson that the old idea—that "the enemy of my enemy is my friend"—is a false standard upon which to base our foreign policy. it was part of our Cold War strategy, and it didn't work very well then either.

Because Saddam was the enemy of our enemy, Iran, in the 1980s, we helped him help himself to our technology, our financial credits and even our intelligence.

Had the Cranston-Moynihan war crimes bill been law then, we would have stopped aiding in the 1980s a country we went to war against in 1991.

We would have disassociated America's good name and international standing from Iraq at a time when the Kurds and the Iranians were slaughtered by Saddam's weapons of mass destruction.

And it would have served as a signal that not only does the United States expect compliance with the Geneva Conventions governing armed conflict by our own troops, but also by those receiving our security assistance.

Just how seriously we take war crimes, however, is not just a matter of legislation. it also requires leadership.

The brave partisans in the mountains of Kurdistan and in the streets of Basra deserved better than they received from us.

Under the 1949 Geneva Conventions we are responsible, as a party to this conflict, to assure that the victims of the conflict are treated humanely and cared for to the best of our ability.

That is an international legal responsibility, I fear, that the U.S. government has not adequately met, particularly in the case of the Kurds and other ethnic rivals to Saddam.

One is left with the impression that the events of the last weeks is nothing less than a sad repetition of those in Budapest in 1956.

Only a few short weeks ago we and our allies were talking about bringing Saddam up on war crimes charges.

Now the question seems to be shifting to: Can we deal with an Iraqi Government still led by Saddam and his military henchmen?—with the implication being that the answer might be, yes.

The answer in keeping with our best selves and with our own outrage about war crimes should be, no.

HUMAN RIGHTS WATCH,
Washington, DC, April 9, 1991.
Hon. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: I write on behalf of Human Rights Watch in response to your office's request for comment on the War Crimes Prevention Education Act of 1991. We view the bill as an important effort to ensure that the United States does not, through the provision of foreign assistance, become a party to systematic violations of international humanitarian law, or the laws of war.

Human Rights Watch has long affirmed the importance of Section 502B of the Foreign Assistance Act of 1961, which denies security assistance to governments that systematically commit gross violations of human rights—an often critical tool for pressuring abusive governments to respect human rights and for ensuring that the United States does not facilitate abuses through the provision of material support.

In times of war, however, Section 502B is hampered in its application by the limited scope of international human rights law. While warfare is no excuse for a government to ignore the nonderogable provisions of human rights law, human rights law as a practical matter often provides inadequate guidance to the soldier in the field. For example:

The "right to life" and the right not to be "arbitrarily deprived of [one's] life," contained in Article 6 of the International Covenant of Civil and Political Rights, does not supply the detailed rules contained in the laws of a war on who is an appropriate target for military attack and what are appropriate means for carrying out such attacks.

The prohibition against "arbitrary arrest and detention" set forth in Article 9 of the Covenant does not provide the type of specific safeguards contained in the Third Geneva Convention of 1949 on the treatment and release of prisoners of war.

International human rights law contains nothing akin to the provisions of the 1949 Geneva Conventions protecting medical and religious personnel, prohibiting the perfidious use of a Red Cross emblem, and proscribing the forced induction of prisoners of war into enemy armed forces. Nor does it include the prohibitions on the use of chemical weapons that are found in the laws of war.

Traditional human rights law, because it is addressed only to governments, does not speak to abuses committed by rebel forces in times of internal armed conflict, as does common Article 3 of the 1949 Geneva Conventions.

The State Department has implicitly recognized the importance of guiding U.S. foreign policy not only by reference to international human rights law but also by reference to international humanitarian law when, two years ago, it began including a section on violations of the laws of war in its annual Country Reports on Human Rights Practices. However, no comparable change has been made in the legislation guiding U.S. foreign assistance.

The proposed legislation is an important step toward remedying this significant shortcoming. It would encourage instruction in the laws of war, so that soldiers under the strain of combat would be more prone to abide by its safeguards. And it would send a clear signal, be it to tomorrow's Saddam Hussein or to abusive rebel leaders, that the critical norms of international humanitarian law—norms which in the form of the 1949 Geneva Conventions have been ratified by 165 nations—cannot be systematically flouted by those who hope to benefit from U.S. largesse.

Respectfully yours,

KENNETH ROTH, Esq.,
Deputy Director,
Human Rights Watch.

WASHINGTON OFFICE ON
LATIN AMERICA,
Washington, DC, April 3, 1991.
Senator ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: I write to express the full support of the Washington Office on Latin America (WOLA) for the amendment you have proposed to the Foreign Assistance Act of 1961. This bill—the War Crimes Prevention Education Act of 1991 which adds international humanitarian law protections to the human rights guarantees already codified in the Foreign Assistance Act—takes an important step forward in assuring respect for human rights in U.S. foreign policy.

International humanitarian law provides critical protection of fundamental rights in situations of armed conflict where criteria additional to those of international human rights conventions are needed. All human rights, even the most basic rights of physical integrity, are most vulnerable in situations of armed conflict from international war to civil war to an insurgent threat to the state. This legislation recognizes that reality, and expands and deepens the United States commitment to the fundamental values represented in both international human rights law and international humanitarian law.

ALEXANDER WILDE,
Executive Director.

CHARACTERIZATION AND APPLICATION OF INTERNATIONAL HUMANITARIAN LAW IN NON-INTERNATIONAL AND OTHER KINDS OF ARMED CONFLICTS[1]

I. SITUATIONS OF INTERNAL TENSIONS AND DISTURBANCES

Examples of such situations are riots, such as demonstrations without a concerted plan from the outset; isolated and sporadic acts of violence, as opposed to military operations carried out by armed forces or armed groups; other acts of a similar nature, including, in particular, large scale arrests of persons for their activities or opinions. Serious situations of internal tensions (which can be the sequels of armed conflict or internal disturbances) typically have one or more of the following characteristics; large scale arrests; a large number of political prisoners; probable existence of ill-treatment or in-human conditions of detention; the suspension of fundamental judicial guarantees and allegations of disappearances.

Internal tensions and disturbances are not presently governed by international humanitarian law as they are covered by universal and regional human rights instruments. However, the ICRC has a legally recognized right of initiative to offer its services to assist and protect the victims of such situations.

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[1] Prepared by Robert K. Goldman, Professor of Law and Louis C. James Scholar, Washington College of Law, the American University.

II. INTERNAL ARMED CONFLICTS DEFINED IN COMMON ARTICLE 3

A. Material Field of Application

Article 3 simply refers to, but does not actually define, "an armed conflict of a non-international character." In fact and practice, it is applicable to low intensity open, armed confrontations between relatively organized armed forces or armed groups occurring exclusively within the territory of a particular state. Thus, article 3 does not apply to a mere act of banditry or an unorganized and short-lived rebellion. Article 3 typically applies to armed strife between governmental armed forces and organized armed insurgents. It also applies to cases in which two or more armed factions within a country confront one another without the involvement of governmental forces when, for example, the established government has dissolved or is too weak to intervene.

The application of article 3 is automatic as soon as a situation of armed conflict exists. It imposes fixed legal obligations on the parties to an internal conflict for the protection of persons *not*, or no longer, taking an active part in the hostilities. Unlike human rights law, which restrains violations inflicted only by a government and it agents, the obligatory provisions of article 3 expressly bind both parties to the conflict, i.e., government and insurgent forces. Moreover, the obligation to apply article 3 is absolute for both parties and independent of the obligation of the other party.

Significantly, article 3 is the only provision of the four Geneva Conventions that directly applies to internal armed conflicts. The parties to such a conflict have *no* legal obligation to implement, enforce, or comply with the highly developed protections of the other articles of the Conventions that apply solely to an international armed conflict.

The government, therefore, is *not* obliged to accord its armed opponents prisoner of war status because insurgents do not have the combatants' privilege. Moreover, article 3 in *no* way precludes a government from punishing these persons for the commission of crimes under its domestic laws. Thus, the government can try captured insurgents who kill government soldiers for murder, treason, sedition, and other violent acts. Such trials must be conducted in accordance with the standards set forth in article 3. To ensure that the application of humanitarian guarantees in article 3 by the government is *not* legally construed as recognition of the insurgents' belligerence, the article unequivocally states that application of its provisions does *not* affect the legal status of the parties to the conflict. Moreover, the ICRC is expressly empowered to offer its services to the warring parties to assist and protect the victims of the conflict.

B. Protection of the Civilian Population Under Article 3

Unlike treaty law governing international armed conflicts, article 3 contains no rules regulating the means and methods of warfare. In addition, the terms "civilian" and "combatant" do not appear in any of the provisions of article 3. Although article 3 does *not* provide explicit protection for the civilian population from attacks or their effects, its prohibition of "violence to life and person" against "persons taking no active part in the hostilities" may be broad enough to encompass attacks against civilians in territory controlled by an adverse party in an internal armed conflict. The primary purpose of article 3, however, is to absolutely insure humane treatment of those persons who do *not* or *no* longer actively participate in the hostilities when they are in the power of a party to the internal conflict. Such persons are entitled to humane treatment without adverse distinction.

Persons protected by article 3 include members of both government and dissident forces who surrender, are found wounded, sick, or unarmed, or are otherwise captured by the other side. Individual civilians are similarly entitled to the guarantees contained in article 3 when they are captured by or subjected to the power of a warring party, even if they had fought for the opposing party, or indirectly participated in the hostilities by providing either party with food or other logistical support. Under these circumstances, if these persons die as a result of execution or torture inflicted by a party to the conflict, their deaths are tantamount to homicide.

III. CUSTOMARY INTERNATIONAL LAW APPLICABLE TO INTERNAL ARMED CONFLICTS

Although article 3 does *not* by its terms prohibit attacks against the civilian population in non-international armed conflicts, such attacks are prohibited by the customary laws of armed conflict. United Nations General Assembly Resolution 2444, "Respect for Human Rights in Armed Conflicts" (United Nations Resolution 2444), adopted by unanimous vote on December 19, 1969, expressly recognized this customary principle of civilian immunity and its complementary principle requiring the warring parties to distinguish civilians from combatants at all times. The preamble to this resolution clearly states that these fundamental humanitarian law principles apply "in all armed conflicts," meaning both international and internal armed conflicts. Furthermore, the ICRC has long regarded these principles as basic rules of the laws of war that apply in all armed conflicts. The United States government also has expressly recognized these principles as declaratory of existing customary international law. These principles, therefore, constitute legal obligations for all the parties to internal conflicts.

IV. INTERNAL ARMED CONFLICTS AS DEFINED IN PROTOCOL II

A. The Protocol's Material Field of Application

Article 1, Paragraph 1 of Protocol II limits that instrument's application to a non-international armed conflict, "which takes place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol."

Protocol II develops and supplements article 3 without modifying that article's existing conditions of application. Thus, in those conflicts satisfying the conditions for its application, Protocol II applies cumulatively and simultaneously with article 3 because the scope of Protocol II is included in the broader scope of article 3. Protocol II's threshold of application, however, is both different from and clearly above that of article 3. Protocol II introduces objective qualifications *not* found in article 3, such as the requirements that a state party's armed forces must participate in the conflict and that dissident armed forces or other organized armed groups must exercise control over a part of its territory. In fact, control of part of the territory by opposition forces must exist for the Protocol to apply. And, that control must be sufficient to enable the rebels to carry out "sustained and concerted military operations" and to apply the Protocol. The rebels, in short, must be able to detain prisoners, treat them humanely and give adequate care to the wounded and sick. These criteria are principally designed to limit the application of Protocol II to serious cases of rebellion. Thus, the objective conditions that must be satisfied to trigger the Protocol's application contemplate a situation of civil war essentially comparable to a state of belligerency under customary international law.

As with article 3, application of Protocol II neither implies recognition of or modifies the legal status of the rebels. Members of armed forces or groups captured by the adverse party are *not* entitled to prisoner of war status, but must be given the fundamental guarantees of humane treatment and judicial guarantees set forth in articles 4 and 6 of the Protocol. Further, unlike article 3, Protocol II expressly accords the civilian population and individual civilians general protection against direct attacks and inferentially protect them and civilian objects from indiscriminate or disproportionate attacks as well. Application of Protocol II in *no* way affects the ICRC's right under article 3 to offer its services to the warring parties to assist and protect the victims of the conflict.

V. INTERNATIONALIZED INTERNAL ARMED CONFLICTS

An "internationalized" non-international armed conflict is a civil war characterized by the intervention of the armed forces of other states on behalf of opposing parties to the civil war. The present state of humanitarian law is unclear and problematical regarding such conflicts. This is largely because the law of war is based on an artificial distinction between international (interstate) armed conflicts and non-international (internal) armed conflicts, with different rules. States have rejected attempts to graft all the law of international warfare on civil wars with foreign intervention. Such conflicts are thus hybrids without being governed entirely by either body of law.

A. Internal Armed Conflict Relationships

The solution followed by most international lawyers has been to break down the armed conflict into its international and domestic components and, based on this differentiation, to identify the humanitarian law rules governing relations between the warring parties. For example, suppose there is a civil war in country X with the armed forces of country Y fighting on the side of government troops and those of country Z on the side of the rebels. Applying this approach to the conflict in country X, it is possible to identify the following distinct relationships. As between the original parties to the civil war, the government of country X and the rebels, the armed conflict, despite foreign intervention, remains non-international in character. Relations between government and rebel forces are governed by common article 3, customary international law applicable to internal conflicts and Protocol II if country X has ratified it.

Although the presence of soldiers of country Y fighting beside government troops unquestionably gives an international dimension to the conflict in country X, this fact does *not* make that conflict international in nature as between country Y and the local rebels. The same internal armed conflict rules must be applied and observed by country Y and rebel combatants. Thus, the government of country X, and its allies from Y are *not* obliged to grant captured rebels prisoner-of-war status. Similarly, government and country Y combatants who are captured by the rebels need *not* be accorded this status.

B. International Armed Conflict Relationships

A different set of humanitarian law rules, however, governs relations between government X troops, its allies from country Y and troops from country Z. Under article 2 common to the four Geneva Conventions, an international armed conflict must involve a declared war or, in its absence, any other armed conflict between two or more states.

The conditions for an interstate armed conflict are met in country X as between country Z and the government of X since Z has intervened directly with its armed forces on the side of the rebels there. In addition, country Z and country Y should also be regarded as adverse parties in this international conflict. Accordingly, the entire law of international armed conflict governs the conduct of hostilities among the troops of countries Y and Z and those of the government of X. Specifically, this includes the four 1949 Geneva Conventions and its 1977 Protocol I (only for ratifying states).

As a consequence of their participation in an international armed conflict, the governments of countries X, Y and Z would be required to grant in conformity with the third Geneva Convention prisoner-of-war status to captured combatants. Further, troops of government X who are captured by country Z combatants should also be granted this status. They should *not* be handed over to the rebels who might consider them nationals in a rebellion and, thus, ineligible for prisoner-of-war status.

In several such hybrid conflicts in the past, the ICRC has called on all the parties militarily engaged in the conflict to respect international humanitarian law and to allow it to carry out its traditional tasks of protection and assistance under the Geneva Conventions.

VI. INTERNATIONAL ARMED CONFLICTS

Under article 2 common to the four 1949 Geneva Conventions, an international armed conflict, by definition, must involve a declared war at the very least, or, in its absence, any other armed conflict between two or more states. The official commentary to the Conventions broadly defines armed conflict as any difference between two states leading to the intervention of armed forces.

In contrast to internal armed conflicts, the Geneva Conventions in their entirety and 1977 Protocol I govern international armed conflicts and have mandatory provisions for the enforcement and implementation of their norms. These include supervision by protecting powers on an impartial humanitarian body, such as the ICRC, state responsibility for breaches of these norms, and individual responsibility for "grave breaches" that are made universal crimes within the jurisdiction of all parties to the Conventions and Protocol I.

BREAKTHROUGH IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, a promising breakthrough has occurred in recent weeks in the long stalemate over Northern Ireland. An agreement has been reached to hold all-party talks on the three key relationships involved in the conflict—the relationships between the Protestant and Catholic communities in Northern Ireland, between Northern Ireland and the Republic of Ireland, and between Great Britain and Ireland.

The agreement to hold the talks was made by the Irish Government, the British Government, the Social Democratic and Labour Party, the Alliance Party of Northern Ireland, the Democratic Unionist Party, and the Official Unionist Party in Northern Ireland.

At a time when peaceful democratic revolutions are transforming Eastern Europe, and when the European Community is moving toward 1992 and greater integration and cooperation, it is more important than ever to achieve progress in Northern Ireland and end the violence and confrontation that have now claimed nearly 3,000 lives. The goal of a peaceful and prosperous future for all citizens of Northern Ireland is within reach at last. I hope that 1991 will be the year in which it is achieved.

A great deal of credit for this breakthrough goes to Mr. Peter Brooke, Britain's Secretary of State for Northern Ireland, who has worked tirelessly and painstakingly with all the parties over a period of 14 months to put together this agreement. I commend Mr. Brooke for his achievement, and I ask unanimous consent that statements by Mr. Brooke and the Irish Government may be printed in the RECORD, as well as articles in The Irish Times by Mr. John Hume, leader of the Social Democratic and Labour Party, Mr. James Molyneaux, leader of the Official Unionist Party, and Mr. Peter Robinson, deputy leader of the Democratic Unionist Party.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE SECRETARY OF STATE FOR NORTHERN IRELAND, THE RIGHT HONORABLE PETER BROOKE MP, MARCH 26, 1991

Mr. Speaker, I am pleased to be able to inform the House that, following extensive discussions with the main constitutional parties in Northern Ireland (the Alliance Party of Northern Ireland, the Social Democratic and Labour Party, the Ulster Democratic Unionist Party and the Ulster Unionist Party) and with the Irish Government, a basis for formal political talks now exists. I frankly acknowledge to the House that this would not have been possible without the goodwill and determination of the Northern Ireland parties and the helpful and constructive approach taken by the Irish Government. The stated positions of all these parties are well know. Her Majesty's Government reaffirms its position that Northern Ireland's present status as a part of the United Kingdom will not change without the consent of a majority of its people.

The endeavour on which we have all agreed to embark is an ambitious one. We are setting out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands. While a successful outcome cannot be guaranteed in advance, I am confident that all the potential participants are committed to a forward-looking and constructive approach. For their part, the two signatories of the Anglo-Irish Agreement—the British and Irish Governments—have made clear that they would be prepared to consider a new and more broadly based agreement or structure if such an arrangement can be arrived at through direct discussion and negotiation between all of the parties concerned.

To allow an opportunity for such a wider political dialogue the two Governments have agreed not to hold a meeting of the Anglo-Irish Conference between two pre-specified dates. All of the parties concerned will make use of this interval for intensive discussions to seek the new and more broadly based agreement which I have just described.

As the Conference will not be meeting between the specified dates the Secretariat at Maryfield will accordingly not be required for that period to discharge its normal role of servicing Conference meetings provided for in Article 3 of the Agreement.

It is accepted that discussions must focus on three main relationships: those within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; among the people of the island of Ireland; and between the two Governments. It is common ground between all the parties that hope of achieving a new and more broadly based agreement rests on finding a way to give adequate expression to the totality of the relationships I have mentioned.

Talks will accordingly take place in three strands corresponding respectively to the three relationships. Some arrangement will be needed for liaison between the different strands of these complex discussions. All the Northern Ireland parties will participate actively and directly in the North-South discussions. The Unionist parties have made clear that they wish their participation in those talks to be formally associated with my presence and that they will regard themselves as members of the United Kingdom team.

It is accepted by all those involved that, so as to make full use of the interval between meetings of the Conference to achieve an overall agreement satisfactory to all, it will be necessary to have launched all three sets of discussions within weeks of each other.

A first step towards getting related discussions under way in all three strands will be the opening, as soon as possible, of substantive talks between the parties in Northern Ireland under my chairmanship. These will commence with a round of bilateral meetings before moving on, as soon as possible, into plenary sessions. It has been agreed by all the participants that before long, when, after consultation, I judge that an appropriate point has been reached, I will propose formally that the other two strands should be launched. My judgment as to timing will be governed by the fact that all involved have agreed that the three sets of discussions will be under way within weeks of each other.

The internal talks, like the talks in the other strands, will follow a demanding and intensive schedule. In order to ensure a full airing of the issues, it will be open to each of the parties to raise any aspect of these relationships including constitutional issues, or any other matter which it considers relevant. All concerned have assured me that they will participate in good faith and will make every effort to achieve progress.

It is accepted by all the parties that nothing will be finally agreed in any strand until everything is agreed in the talks as a whole and that confidentiality will be maintained thereunto. However, in the final analysis the outcome will need to be acceptable to the people.

Statement by the Government of Ireland on Anglo-Irish Relations, March 26, 1991

The Government are extremely pleased that a basis now exists for the launch of political talks focussing on the totality of relationships within and between these islands.

The commitment and perseverance of all involved has kept the prospect of talks alive over these past fourteen months. The Government pay tribute to the personal qualities of the Secretary of State for Northern Ireland, Mr. Brooke, and also to the combination of realism and vision displayed by the political leaders in Northern Ireland.

Without wishing to minimise the differences in positions, the Government believe there is now a genuine sense of common purpose among all the participants. As the Secretary of State said in the House of Commons today, we are setting out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland, and between the peoples of these islands. This shared appreciation of the nature and scope of the exercise undoubtedly helps to strengthen the prospects of a positive outcome to our endeavours.

Throughout these past fourteen months, the Government's concern has been to establish the soundest possible basis for talks and one which would be conducive to a successful outcome to the process. We shared the conviction that, unless the structures were right, the risk of failure of the substantive talks would be very high. It is for this reason that the two Governments—and indeed all the potential participants—have devoted so much time and attention to seeking to put proper structures in place.

The Government are acutely conscious that there is now a historic opportunity for both traditions on this island. Following decades of mistrust, agreement has been reached on the need for wide-ranging dialogue, where the full range of issues that divide and unite our two communities can be exhaustively explored. With goodwill and a constructive approach all round, there is potential for a qualitative leap forward in our relationship. Whatever the differences in perspective, and they undoubtedly exist, all of us in Ireland share the common objectives of peace, justice and prosperity for all our people.

The Government looks forward to a substantive and vibrant dialogue with Northern political leaders, when we will listen carefully to the views of all participants while contributing fully ourselves. Our sensitivity to Unionist concerns will go hand in hand with a forthright expression of the values and aspirations we share with Northern nationalists. We will seek to build for the future while ensuring that we do not put at risk what has been achieved and sustained over recent years.

Above all, it is the Government's hope that this sense of a new beginning will help to signal the end of the strife that has bedevilled Northern Ireland for so long. With the political process now offering the opportunity of a new way forward, the futility and irrelevance of violence must increasingly be apparent. Those who continue to give their support to campaigns of violence thereby exclude themselves from this process; the permanent cessation of such support must surely now be considered by all those who wish to participate in the building of a new, agreed Ireland.

Today's developments have brought renewed hope to people thoughout this island. The Government are embarking on this ambitious exercise in a spirit of partnership, fully sharing the determination of all involved that our endeavours should prove worthy of the hopes invested in them.

[From the Irish Times, Mar. 27, 1991]

John Hume's View: "Whole Island Must Vote on Any Pact"

Any agreement which might emerge from talks involving the nationalist and unionist parties, and the British and Irish Governments, should be put to the people in the North and South in simultaneous referenda, SDLP leader Mr. John Hume said in his January, 1989, interview with Frank Millar.

What he wanted to see from an all-round conference is the representatives of the "divided people of this island reaching an agreement on how they share the island. As to how they share the island would have to emerge from that conference table. That means that whoever goes to that table to represent the different sections of the people must be free to put on that table any proposal they wish," he explained.

"I think the first thing that would happen if such discussions started would be that it would transform the atmosphere in the island as a whole. The goodwill would be quite enormous, and a lot of the old prejudice might quickly be eroded because of the new atmosphere of good will. And we should also understand that the new atmosphere existed inside a wider world context and a wider European context, that both parts of Ireland have already committed themselves to . . . If agreement was reached I would have no doubt that it would have the approval of both sections."

Mr. Hume continued: "I am talking about a new settlement which addresses the central relationship that goes to the heart of our problem—the relationship between the unionist people and the rest of the people of the island. What I am saying is that that relationship should be settled to the mutual satisfaction of both. I would be very foolish, and so would they and so would anybody, before going to seek such a settlement at a table, to spell out in detail what the eventual outcome would be because that's not very good politics.

"What we should state are the objectives—that we want to reach agreement on how we share this island to our mutual satisfaction and having done so to ask the approval of the people who sent us to the table in the first place. What the details are of who we share the island must be details that emerge from such discussions. And it must also, of course, and I have always made clear and I think this is self-evident, that the relationships, that is, the central relationship, is that between the unionists and the rest of the island.

"There are other relationships as well that have to be addressed, that's become known as the totality of relationships. They've got to be addressed as well and they've got to be resolved to mutual satisfaction but the central one, the one that has never been addressed is the unionists and the rest of the island sitting down together. In the past, they have always tried to use the British to settle the relationships for them and I would put it mildly, not very successfully either."

Asked would a potential settlement have enormous implications for the Irish Constitution, Mr. Hume said that it was accepted by all parties in the Republic that any new settlement which involves the unionists and themselves would mean looking at the possibility of an entirely new constitution. "Most political leaders in the Republic have said time out of number that in the event of a settlement between themselves and the unionists they would not object at all to considering a new constitution," he said.

Asked from his relationship with the Taoiseach was he confident Mr. Haughey would endorse a new enterprise Mr. Hume replied that Mr. Haughey would be "very swift indeed to take up any opportunity of dialogue with the unionist people that could lead to a settlement of relationships between the unionist people and the rest of the people of this island."

Mr. Hume said that he was very keen to enter into dialogue with the unionist parties. The objective would be to ensure that there was no sacrifice of principle by any of the parties involved in their attitudes to the Anglo-Irish Agreement. "Our objective would be to seek an agreement and find an agreement that would transcend in importance any previous agreement ever made. I think that's a straight clear way to do it, and I think that the unionists don't abandon their mandated position by so doing."

The SDLP leader said that a real change had occurred in the North in that despite opposition, the British Government had not backed down in its support for the Anglo-Irish Agreement. "I am saying that for the first time since 1920 that vicious circle (of violence) is being broken down. A new fluidity has been created in the political arena which must be taken advantage of. And if it is taken advantage of and developed, then we will move towards a political solution that will eradicate all these other grievances which are symptoms of the problems. It is the duty of politicians like myself to keep their eye on the problem, and on ways of solving it."

Asked ultimately was it "a united Ireland or nothing," Mr. Hume said it depended on what one meant by unity. "All I am saying is what unity for me means—it means agreement on how we share the island. That is what unity actually means. Unity without agreement isn't unity at all, it's conquest and you are back to that. And what I am saying is that it is time for the representatives of the different traditions on this island to sit down together and decide how they're going to share this island, how they're going to protect their traditions in a manner that is satisfactory to both sides."

He went on; "Now that could be a hell of a long process of search, but that is the real search and that's the search we have got to be engaged in. It's easy to indulge in name calling, to say: 'Well, I don't trust you. The unionists don't trust me—fair enough, maybe I don't trust them. I don't have to trust them, and they don't have to trust me.'

"What I have to do is to trust myself and what they have to do is to trust themselves to represent their own people, anywhere, with anybody else, and come to a settlement that protects their own people. And I have to say precisely the same thing: whether I trust Ian Paisley or not is irrelevant. What is important is whether I trust myself to be able to deal with him and produce solutions that are acceptable to the people I represent, and he has to do the same thing."

Mr. Hume said that there was a role in the search for agreement for every section of the

Irish people that has got an elected mandate provided they come to the search on the same terms as everybody else, armed with only their own convictions and their ability to persuade, but not with guns or bombs.

Asked what this meant in terms of Sinn Fein's links with the IRA, Mr. Hume said: "You can't expect anyone to sit around a table with somebody who reserves the right to pull a gun if he doesn't get his own way."

[From the Irish Times, Mar. 27, 1991]

JAMES MOLYNEAUX'S VIEW: "REGIONAL ADMINISTRATIVE ASSEMBLY MOOTED"

A regional administrative assembly with shared responsibility and its own mechanism for a relationship with the Republic and a select House of Commons Committee examining the situation in Northern Ireland, were among the possibilities for future progress in the North which the Official Unionist Party leader, Mr. James Molyneaux, considered when he was interviewed in February, 1989.

Mr. Molyneaux indicated that he would be favourably disposed to such suggestions which would include the creation of an external affairs committee dealing with the Government in the Republic. He would also favour a high-powered House of Commons Committee scrutinising Northern Ireland business and that henceforth all legislation for the North would be enacted by way of Bill, rather than order-in-council.

The DUP leader said if such offers were made by the British Government they would accept them, but equally that was what the Conservative Party should have put in place in 1972 when they abolished Stormont. "They should have then started to say, 'we have now removed Stormont and rather than leave a vacuum we are now going to govern Northern Ireland like the rest of the United Kingdom, or near enough'," he added.

Mr. Molyneaux said he was not opposed to the Anglo-Irish Agreement because it did not give unionists a position of dominance over Catholics: "I don't want to have a position of dominance over Roman Catholics. That may mean that I would have to make do with a level of government, and governmental mechanisms in Northern Ireland which didn't give the majority, as a majority, the entire influence in running the show."

He said he was not an integrationist any more than Enoch Powell was an integrationist, but people always wrongly assumed he wanted to run Northern Ireland like Surrey.

Mr. Molyneaux said that the Anglo-Irish Agreement could not survive because it was conclusively proven that it was unworkable, and "what's far worse had done hideous damage to the whole structure of Northern Ireland . . . If the shackles of the Anglo-Irish Agreement were removed then the Ulster people—and by that I meant mainly the majority, but the minority would have a part to play—will then take their rightful place in seeking to end the ancient quarrel which has plagued the two nations for far too long."

He said that in recent times there had been a reduction in insults and verbal bombardment between the politicians North and South, and a corresponding reduction in "the controversies and slagging matches between, for example, the three main parties, ourselves, the DUP and the SDLP". The deep-seated differences were still there but outside of the agreement the ill-feeling between North and South was being gradually reduced.

Mr. Molyneaux said that the British and Irish governments should go back before they launched on "this Exocet business of the Anglo-Irish Agreement" to the totality of relationships within these islands which was not, as Mr. Hume seemed to be indicating, a singular thing—as in the relationship within this island. The agreement had done terrible damage towards making closer and unique "the relationship between our two peoples".

Solid progress was being achieved towards that relationship, but the process would take years, and not just weeks and months, he continued. "What I am pointing to is . . . I suppose the term might be a British-Irish agreement, going much wider than the present agreement, and I have given certain indications of how that could be shaped and then when we got to that, and within that framework, then things could start happening with Northern Ireland itself."

Where Mr. Hume was going wrong was in focusing everything on the island of Ireland. "That simply is not real, that simply is not what it is all about." Asked if an agreement which was negotiated between the parties could be put in simultaneous referendums North and South as suggested by Mr. Hume, and if it was accepted North and South what would he have to lose in such a situation, Mr. Molyneaux replied: "Well, with great respect to Mr. Hume I can't understand that philosophy, and I can't see the validity of it."

"I can't see how you can have unified in one piece of land, just because it happens to be a self-contained island, people who regard themselves as Irish and other people who continue to regard themselves as British," he said. "How can you have a decision in some kind of agreement to share this island between British and Irish people other than the one we've got, which says the British will live broadly in Northern Ireland, and the Irish will live broadly in the South, with a large element of them admittedly in Northern Ireland. But that is the basic divide. That is the argument for two nations. It's an argument actually for the Border."

"The British and the Irish can live in the island, in opposite ends of the island, in a spirit of good neighborliness once the two nations, the two capitals if you like, have come to terms with each other, and have stopped getting in each others' hair. I think that is possible.

"But it comes back to that it is the British and the Irish co-existing in one island. It is not trying to say that, despite religious differences we are all Irish, nor is it true that if left alone we could work out how we are going to share the island. The stark fact is that I represent the British in Ireland, subject to the queen, who are going to go on regarding the queen as their sovereign, and they ideally want to live with their Southern neighbours who look to their President as the head of their State.

"And that is the only possible scenario, but there has got to be a movement away from that in the sense that they have got to do at ground level what I think we, the much maligned politicians, have done at a higher level, namely, we have managed to reduce the aggro and the slagging match between the opposite ends of the island."

[From the Irish Times, Mar. 27, 1991]

PETER ROBINSON'S VIEW: "HOW COMMUNITIES CAN CO-EXIST A PRIORITY"

The first essential in any solution to the North's problems is to work out how the two communities can live together in Northern Ireland, the deputy leader of the Democratic Unionist Party, Mr. Peter Robinson, told Frank Millar when he was interviewed in March, 1989.

Once the communities have worked out how to co-exist, then attention could be turned to the unionist's relationship with the Republic and they could also "work out the relationship that the new structures that we agree on will have with the rest of the United Kingdom," said Mr. Robinson.

"In relation to the Irish Republic, I have to say that it has always been the view of the Unionist leadership—publicly identified by the two leaders who at present lead the unionist parties—that it is not the unionist community's aim to be at enmity with the Irish Republic," he said.

"It is not in our interest to have disagreement with those who live in a neighbouring country. Unionists want to be friends with the Irish Republic, but they do not want to be part of that family, and that is the distinction. I would have thought that if there are people of goodwill who want to have a close, harmonious, co-operative, working relationship between the people of Northern Ireland and of the Irish Republic, then we must do it on the basis of friendship rather than on the basis of people wanting to rule over us, claiming our jurisdiction, indicating that we in some ways will be the serfs, and they the masters."

Mr. Robinson said he wanted to make sure the Anglo-Irish Agreement was not the basis on which Northern Ireland existed in the future and he also spoke of his deep opposition to the Republic's territorial constitutional claim to Northern Ireland.

It was quite clear now that unionists could bring to the negotiating table proposals for an alternative to the Anglo-Irish Agreement. "Systems that we have operated in the past have failed us, we need to be a little more imaginative than that if we are to get a solution, if we are to overcome some of the difficulties that have existed in the past," he continued.

Asked if power were to be restored to Northern Ireland, would there be equal power for the SDLP? Mr. Robinson said that "not even the SDLP would expect those who obtain 19 per cent of the vote at elections to have an equal share with those who have significantly greater".

"I think that it would be wrong of anyone to attempt to get devolution in Northern Ireland and to sell the people short by not attempting to get the full range of powers which obviously would include powers in the security field. Those are matters which affect our people and it's very difficult to envisage how one can adequately deal with the other aspects of government without having control in the field of security."

Mr. Robinson refused to give specifics on what type of new structure the DUP would favour for Northern Ireland as one did not enter into negotiations by fully disclosing one's hand. But he would not accept any system that had been rejected in the past, and that included Sunningdale. "We are talking about something a little more innovative than that," he said.

"I don't think unionist interests are advanced by anything other than the removal of the Anglo-Irish Agreement. If we are referring to a package which would be brought in after the removal of the agreement, then there are certain things which are the rights of the people of Northern Ireland and the rights of their elected representatives in the House of Commons.

"They have every right to expect that there should be a procedure that allows their laws to be dealt with in the same way as laws for other parts of the United Kingdom. They have every right to expect that their province might be administered in a way that has a greater degree of accountability than at the present exists. They have every right to expect that committees dealing with Northern Ireland matters should be set up just as there are committees dealing with the bread and butter issues for other parts of the United Kingdom.

"I don't see that as a privilege being bestowed upon me; that is something that we should have anyway, and I would have no objections to such reforms of Northern Ireland's business in the House of Commons, but that doesn't present to me something that is going to benefit greatly the people of Northern Ireland themselves. I believe that the remoteness between Northern Ireland and the seat of Government requires there be a system of government in Northern Ireland to deal with the important day-to-day issues."

REMEMBERING CAPT. MANLEY LANIER "SONNY" CARTER

Mr. NUNN. Mr. President, as all of my colleagues know, one sees the full range of emotions on the floor of the Senate during our debates—pride, courage, concern, and sometimes even anger. This week the Chamber is filled with sorrow. This has been a hard week for the Senate. On Monday former Senator John Tower was laid to rest in his home State of Texas, and yesterday Pennsylvania sadly received Senator John Heinz back to his beloved State.

Today, Mr. President, the Nation mourns the loss of a third hero, Capt. Manley Lanier "Sonny" Carter, Jr. Sonny Carter was on the same flight as Senator John Tower that resulted in tragedy on April 5 in Brunswick, GA.

Sonny Carter was clearly an all-American hero. He was born in Macon, GA, and considered Georgia his home. Despite the tragic foreshortening of his brilliant career, Sonny Carter lived as full and as successful a life as one can live. He was a gifted medical doctor, a decorated naval aviator, and a talented astronaut.

Sonny Carter received both his bachelor of arts degree and doctorate of medicine from Emory University. After graduating from medical school in 1973, he entered the U.S. Navy and became a flight surgeon and a pilot. He pursued both careers successfully until he was selected in May 1984 by NASA to become an astronaut. He first flew in space on the STS-33 crew which launched successfully into space on November 22, 1989, on the space shuttle *Discovery*.

I recall his personal hospitality in Houston a number of years ago when he gave my son Brian and me a most enjoyable and informative tour of the Houston Space Flight Center.

At the time of his death he was preparing for an upcoming shuttle launch that would have carried the International Microgravity Laboratory into orbit.

To have such a brilliant career cut short only heightens our sense of loss. Yet I believe Sonny Carter's family can draw deep satisfaction to know that Sonny gave more to his country in his 17 years of service than most individuals give in their lifetime.

This afternoon the people of Georgia welcome Sonny back for the last time. His funeral services are being held at Warner Robins Air Force Base, which Sonny considered to be his home. The Nation has lost a truly great American. We extend our deepest sympathies to his wife Dana and his daughters Olivia and Meredith.

Mr. President, I ask unanimous consent that a statement I presented in the Senate at the time of his first shuttle mission be printed in the RECORD at this point, and that a copy of his résumé be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Nov. 20, 1989]

CAPT. MANLEY L. "SONNY" CARTER

Mr. NUNN. Mr. President, with luck and hard work, the space shuttle *Discovery* will roar off into space later this week. Like all Americans, the people of Georgia are proud of the courage and dedication of all of America's astronauts. In the case of this shuttle mission, the people of Georgia are especially proud to have a son of Georgia serve as a mission specialist on the crew of the space shuttle.

Manley L. "Sonny" Carter, Jr., a captain in the U.S. Navy, was born, raised, and educated in Georgia. He was born in Macon and grew up in Warner Robins. He received his bachelor of arts degree in chemistry from Emory University and a degree in medicine from Emory University's School of Medicine. Even after assignments across the country as a naval officer, Sonny still calls Georgia home.

After medical school, Sonny joined the Navy and served as a flight surgeon with the Marine Corps and as the senior medical officer aboard the U.S.S. *Forrestal*. Besides being a gifted surgeon, Sonny is a skilled pilot. As a naval aviator, he logged over 2,400 flying hours and 160 carrier landings. In addition, he successfully completed the Navy's demanding training programs at the Top Gun Fighter Weapons School and the U.S. Naval Test Pilot School. As a Navy test pilot, Sonny was selected by NASA to serve in the shuttle program.

To Sonny's wife Dana, his two daughters, Olivia and Meredith, and to the families of the rest of the crew, our prayers and best wishes will go out to you when the mission begins this week. It is unfortunate that Sonny and the rest of the shuttle crew cannot be with their families on Thanksgiving Day. This is just one of the many sacrifices that the astronauts and their families make in order to serve our country.

And to the commander of the *Discovery*, Col. Frederick C. Gregory, Sonny Carter, and the rest of the shuttle crew, we wish you a safe flight and a successful mission.

Mr. President, I ask unanimous consent that an article from Emory magazine entitled "Your Basic American Hero" be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUR BASIC AMERICAN HERO

(By Andrew W.M. Beierle)

The main entrance to the Lyndon B. Johnson Space Center angles off a neon-lined stretch of highway named NASA Road One in Clear Lake, Texas, some twenty miles south of Houston. Through the rain-streaked windshield of our rented sedan, the space center appears to be an unremarkable piece of real estate—a panorama of low, uniformly modern buildings nearly devoid of color or distinguishing features, set on flat, scrubby land. It has the feel of the campus of a community college built in the late sixties or early seventies. At the gate a lone security guard occupies a glassed-in enclosure similar to a turnpike tollbooth. I slow to a stop, and crank down the window.

"I'm supposed to meet Sonny Carter here," I say, assuming the guard knows each of the 100 active astronauts by name and will know who I'm talking about.

"He drives a Porsche" the guard asks.

Without thinking about it, without, in fact, realizing what I'm saying, I reply, "Yeah. He probably does." Besides me, photographer Ann Youngling laughs. I take it she knows what I mean.

I had never met Sonny Carter, had spoken to him only briefly the week before, and had never had occasion to speculate on his means of transportation, yet my instinctive response seemed entirely logical. At the age of forty-two, Manley Lanier Carter Jr., a graduate of both Emory College and the School of Medicine, has lived out the macho fantasies of many men—professional athlete, fighter pilot, test pilot, astronaut. What other kind of car could he possibly drive?

"He's waiting over there," the guard says, pointing to a parking lot on the left side of the road. We pull into the lot and get out of the car. In the weeks prior to my trip to Houston, I had talked to people who had known Carter at Emory—Associate Professor of Medicine Michael Lubin, who shared a first-year residency with him, and Professor of Medicine Kenneth Walker, who supervised his residency. Lubin and Walker, who supervised his residency. Lubin and Walker had said Carter would be courteous, friendly, smart, unassuming—deceptively casual for a someone who lives as intensely as he does.

Carter greets us warmly and refuses to take Youngling's place in the front seat of our small foreign car, folding himself instead into the cramped back seat. Sonny Carter is no Top Gun Tom Cruise, no raven-haired, jut-jawed jet jockey who masks his face behind mirrored aviator glasses. Yes, he is tan and lanky, as one might expect, but his brown hair is thinning and his lean, boyish face is brightened by an impish grin. Despite unpleasant weather—it is particularly gray and cold afternoon—he wears no jacket over his starched blue oxford cloth shirt.

For an hour or so, Carter takes us on a tour of the space center, affording us a close-up look at sights such as Mission Control that tourists see only from a distance, as well as off-limits areas they never see such as crew training facilities and even the private (but spartan) gym facilities reserved for astronauts. Eventually we make our way to a cafeteria where, over coffee and chocolate-chip cookies, we talk about his career.

To someone unfamiliar with Carter, his life might appear to be an effortless progression toward a pinacle of achievement at an early age. "Anybody could have done it, "he is wont to say. In fact, his success has been anything but effortless. Those who know him say he has pursued each of his goals with a quiet determination that borders on relentlessness. He has at times been forced to make difficult choices: to accept an invitation to enter the United States Military Academy at West Point or follow the family tradition and enroll in Emory College: to continue his career as a professional athlete or abandon it in favor of completing his medical education, to maintain a medical practice as he engaged himself in an ever more rigorous flight training program or turn away from the profession he had spent nine years pursuing.

"Something always came along, and it seemed at the time it was the right thing to do," Carter says of his choices. "I thought each of them was worthwhile, and they all represented something more than just me doing it. . . .

"But my momma said it was just because I couldn't hold down a job."

Says longtime friend and fellow Emory alumnus David Short, now a Texas heart-transplant surgeon, "I admire him more than anybody I know, because he's chosen to do the right things in life and he's willing to make the sacrifices necessary to do them.

"He's an American hero, pardner."

As a boy in South Georgia in the early fifties, Carter thought little about space travel or flying. "I grew up in Warner Robins," he says. "There's a big air base out there, and I'd see airplanes all the time. They say that influences you, but I don't remember it influencing me. I thought airplanes were neat, but I never cared any about flying them until way much later."

What he did want was to become a doctor. His father worked as a pharmacist, and Carter had an inkling of what medicine was all about. He also was befriended by the family doctor, W.G. Talbert, who would drive Carter and his two sons to Athens on autumn weekends to see the University of Georgia Bulldogs play football.

"I knew Dr. Talbert was a nice guy, so I liked medicine from that point of view," he says. "I don't mean to sound too gee-whizzish, but I grew up thinking medicine was a great thing to do—to spend your life helping people. I've always liked helping people, and to me medicine was something where you help people on a very personal scale. You help them live, you deliver babies, you work on them if they've got a bad disease, keep them alive as long as you can. I thought that was good stuff."

It was Carter's mother, Elizabeth, who provided him with the inspiration to reach his goal. "My dad worked really hard, he worked all the time, so I wasn't around my dad so much. Mom was the most influential on me when I was growing up. She hoped a lot for me. She always made me think I could do whatever I undertook. I think she's had more influence on what I am today than anybody else.

"Ever since I was a little boy, my mother wanted me to go to Emory. My dad had been to Emory and his brother had been to Emory and my cousin had been to Emory. There are a lot of Carters in our family who have all been to Emory. So I went to Emory 'cause that was the only place to go—Harvard of the South, all that stuff. I had been accepted to West Point and decided not to go there. . . . In our family you wouldn't consider any other place unless they wouldn't let you go to Emory. So I tried to do the best I could, tried not to embarrass the family name."

At first Carter was afraid he might do just that. "I thought I was gonna go up to Emory and be a doctor and stuff, and when I took my first chemistry test I made a forty-five, a forty-five on my first test in college. I thought, 'Whoa, things have changed here. Maybe I'm not going to be a doctor after all. Maybe I'm not as smart as I think I am.' That was the truth. I was not as smart as I thought I was in high school. I was an average student at best. But I worked real hard, and I learned an incredible amount. I still think of Emory as a great place. And my education is what got me here. I would not be here unless I had been challenged at Emory. I think college develops you and leaves you with a challenge and prevents you from staying the same forever. It expands your horizons. That's what Emory did for me."

If it is true, as one sports-minded pundit said, that "athletics don't build character so much as they reveal it," it is possible to see in Sonny Carter's participation in sports a metaphor for his life. With no previous experience in the game, he became a valued member of the Emory soccer team and ultimately was drafted to play professionally. He succeeded not through some extraordinary skill but by dint of his determination. Likewise he has achieved in life far more than one might have expected from a small-town South Georgia boy, and he has done it in much the same way—with grit and tenacity.

"Until I went to Emory, I wasn't a big athlete of any kind," Carter says. "I'd played small-town sports and that kind of stuff, but I was never any good. I just lucked on to soccer."

Former Emory soccer coach Tom Johnson, however, calls Carter a "tremendous" athlete. "While he had a limited background, he was a very good player as a defender, an extremely intelligent player, and basically very, very tough," Johnson says. "I recall a story that to me really epitomizes his competitiveness and his commitment. We were going to Erskine [College] to play a match, and Sonny spent the whole trip vomiting in the bus restroom. He was almost totally wiped out. He couldn't eat anything prior to the game. But he went out and played the match, which finished in overtime. He played the entire match. He was so sick he almost had to be carried to the bus for the trip home. But he wouldn't have any part of not playing. I doubt seriously that you would find any athlete today who would commit himself to that kind of thing. . . .

"Sonny is, in my opinion, one of the most competitive individuals I have ever seen. I'm going to qualify that by saying he is one of the most positive or wholesome competitors that I've ever seen—very hard-nosed but committed to the team, and as far as I can remember a very fair competitor. He would do anything within the limits of the rules of the game to succeed individually and for the team. . . . If it meant running into a goal-post to win a game, he'd do it. He had that kind of dedication. He was totally unselfish, totally committed."

In 1970 the Atlanta Chiefs professional soccer team, in only its second year of play, selected Carter as a first-round draft choice. "Nobody at Emory had ever been drafted for anything. Ever," he says not with bravado but with a sense of astonishment. "The Chiefs were national champs the year before. They could pick whoever they wanted, and they picked me."

Johnson says Carter was not, in fact, a soccer superstar; he would not be a starter for the Chiefs. But he was selected because he was a developing player and, best of all, an American. Professional soccer was new to the United States, and American players were rare—perhaps three or four in the entire league. Until they drafted Carter, the Chiefs, a largely British team, had none.

"I think Atlanta wanted an American soccer player to draw a crowd, and I believe [having one] did," Carter says. "People would tell you they came to see the American play." The patriotic appeal of representing his country in a game dominated by foreigners was not lost on Carter. "It was something I could hardly turn down, even though I knew it would be tough."

But the decision to play for the Chiefs was not an easy one: Carter already had been accepted to medical school at Emory, and he did not want to abandon or even postpone his plans to becoame a doctor. "I talked to Coach Johnson, and he thought it was a great opportunity. So I went to Dr. Papageorge, Evangeline Papageorge, who was the [executive associate dean] at the medical school at the time, and asked her. And she said. 'That's fine,' but she reminded me that medicine was difficult and that the trouble she had seen with students who didn't make it through medical school was that they got behind in their studies. She told me that getting behind in your subjects was something I might not be able to tolerate if I tried to do both of these.

"So with her approval, and Coach Johnson's, I signed the contract. They paid me money to play soccer, which, I mean, was pretty incredible if you ask me. Here's somebody from South Georgia who'd never seen a soccer ball three years before, who was now being paid for it."

Carter's schedule was grueling. The Chiefs trained from January to March and competed from April to September. During the academic year he took classes during the day, practiced two or three hours with the team at night, and studied in the library until it closed. He would sleep for maybe four hours, rise at 6:30 a.m., and begin the cycle again. To avoid the appearance of special treatment, Carter would take as many of the tests as he could in advance of the rest of the class.

"There was a lot of studying. I took my books with me on all the plane trips. I'd take big physiology books and anatomy books and pathology books, and my teammates would be reading magazines and stuff and I'd be there bookin' on the flights. Sometimes we'd fly to Dallas and play on Friday, fly to Washington and play on Saturday, fly to Toronto and play on Sunday, so I didn't get that much sleep. I think if I had been able to, I would have been a stronger player."

During his third year in medical school, when clinical studies required his presence at Henry W. Grady Memorial Hospital, Carter would jog from the hospital to nearby Atlanta-Fulton County Stadium, practice with the Chiefs, run back to the hospital, shower, and return to work.

"I'd be pretty tired a lot of the time, but I tried to not let soccer interfere with my studying. I was fairly slow and methodical and plodding in my approach to things, so had I been smarter and more efficient I would have had more time. I wouldn't say I was physically exhausted, though sometimes I was very, very tired. But it was great fun, and I would have done it for no money."

As Carter began his final year of medical school in the fall of 1972, he realized the responsibilities of his clinical training would be too intense for him to continue playing soccer professionally while completing his medical education.

"All the things that you had book-learned the previous years you had to learn to apply to patients. It wasn't just whether I knew [the material] or not—I had to use it on people, and I didn't want a patient not to have my best. . . . I recognized early that if you don't apply all your strength to medicine, somebody will pay the price and it will not be you. That was someting I couldn't live with. You don't practice medicine for yourself, or at least I never did. You practice medicine for your patients, and I didn't want them to pay the price. Plus, I was as good [at soccer] as I was going to be, which was average."

By the time Carter completed medical school in 1973, he had left behind any concerns he might have had about embarrassing the family name at Emory. His first disappointing test score eight years before notwithstanding, by graduation day he had been elected to Alpha Omega Alpha, the medical school equivalent of Phi Beta Kappa. In 1974, after completing an internal medicine internship at Grady Hospital, Carter joined the Navy and underwent training to become a flight surgeon.

"I thought everybody ought to serve the country, and I still do," he says. "That's just the way I was brought up."

Within three years he was selected for jet flight training and was posted to the aircraft carrier *Forrestal* in the Mediterranean Sea as senior medical officer. After completing additional training on F4 Phantom jets in March 1979, he returned to the *Forrestal*. Once again Carter found himself faced with a decision about which career path to follow, this time choosing between practicing medicine and continuing to fly.

"When I first started flying jets in the Navy, I took calls in the hospital as well as fly. I could see that you could be a competent doctor as well as fly on a regular schedule, but there wasn't enough time for me to be with my family. I knew I had to leave one of those things for a while, at the intense level, and I chose to leave medicine behind. The flying part I had to do. I knew I would come back to medicine later."

In 1982 Carter was selected for the rigorous and intensely selective fighter pilot training known as Top Gun, at the Marimar, California Naval Air Station. "The school is not exactly like the movie. You don't jump on a motorcycle and go out on the town every night. You're very tired at the end of the day." Carter was the first, and to date only, flight surgeon ever to graduate from Top Gun.

Within a year he was selected for the more elite—and more dangerous—training as a Navy test pilot. "I was going to be kind of a human engineer for the Navy testing unit, where you try to make man and machine interface better," he says. "I knew something about medicine and something about tactical aviation, so it was useful to the Navy, tactically and monetarily, to have me help them make better systems for the people that protect the nation. And I thought I'd be doing that for the next little while. I don't think I would be down here [at the space center] at all.

"I followed the space program, but I never thought I'd be a part of it. One day at test pilot school we were sitting around having lunch—test pilot school is really intense and lunch is a real rest period for an hour or so—and these guys came in with applications for astronaut training. I just said, 'Hey, can I make a copy of that.' So I made a copy and filled it out in pencil right there and turned it in. I didn't think I had much of a chance. I was flattered just to have my name on the list the Navy sent to NASA. After that I got a notice I had an interview down here. The interviews are a week long and it's great; the best part was that you got out of test pilot school for a week. Test pilot school is the world's biggest grind. It's much harder than medical school was."

The interviews went well. "I had a great time," Carters says. "But I thought that was the end of my contact with the space program. . . . I thought all the people in my interview group were much more qualified for this job than I was. I still think so.

"If I had to guess why I was selected over anyone else, I'd say it had something to do with medicine and something with aviation. Going to test pilot school's a big deal, and the space program is tied in closely with aircraft testing. That's what this is; a huge test program for space. Many of the people in the astronaut office have always come from the test pilot [ranks]. So aviation experience had a lot to do with it; I'd flown as a flight surgeon and as a pilot. There have been doctors before, but many more test pilots than doctors. I also think that down here they place some emphasis on demonstrated proficiency in different areas; not, say, in just one area, like if I'd only been a doctor. . . . But I've stopped thinking about it. I figured they just had the wrong person, misspelled the name."

The astronaut office occupies the top floor of a three-story building at the heart of the Johnson Space Center. On the gloomy Saturday afternoon we visit, it has the deserted air of a high school in the late afternoon after everyone else has gone home. At first I attribute that to the familiar narrow corridors, darkened now, and the institutional cinder-block construction of the interior walls, but then I realize it's not the walls themselves but what's on them: banners and blue and white balloons welcoming home the crew of the shuttle *Atlantis*, just back from NASA's second manned post-*Challenger* mission; posters of various flight crews, some defaced in a good-natured way with devil's horns and goatees; a variety of hand-lettered signs and drawings, many obviously made by children of astronauts and other space center employees. The place exudes the camaraderie and optimism of high school primed for a pep rally.

Carter's office, which he shares with two other astronauts, is decorated with photographs of British soccer teams and souvenirs from the Los Angeles Dodgers, his favorite baseball team.

"There's lots of fun stuff that goes on. We play all kinds of little jokes on one another," Carter says. "It's all harmless stuff, never anything malicious. It's fun and we do a lot of laughing, because there's a fair amount of time when we're serious. Nobody takes themselves too serious; very few do. But they all take their jobs very seriously."

When he's not actually training for his upcoming flight—he is scheduled to be aboard *Discovery* when it makes a classified Department of Defense mission November 19—Carter spends a good deal of time in conference. He often meets with engineers and is a member of the committee that evaluates the scientific merit of experiments involving humans in space. His job also includes some of the more mundane responsibilities the astronauts must shoulder—the excruciatingly precise and often dry calculations and analyses that form the largest part of their tenure with the space program.

"I think most people are surprised or frustrated when they ask me, 'Well, when are you going to fly? You've been down there five years.' Of course, this job is about flying and doing things in space for your country, but that's only part of it. . . . This job is about the nation's space program and not so much about us flying in space. You realize that after you're here if you didn't before . . . I seldom think about flying. In fact, it never bothered me. . . . You think about what you can do for mankind, because there's really nothing else to think about. You can't be selfish and be in this program. Those two are incompatible. They don't fit."

Carter says the loss of the *Challenger* hit the close-knit astronaut corps especially hard. "I think it took about a year or two for people [at NASA] to recover from thinking about it," he says. "Since the accident, NASA has done incredible amounts of work reviewing everything, more so than I think most people in America would ever imagine. That doesn't mean it's not still dangerous. It is. It is a rocket; it's not like a bus going into space. It is a *rocket*. . . ."

For Carter the loss of the *Challenger* and its crew was a deeply personal one. "They were all my friends," he says. "All those people were our friends. I knew all of them real well. In fact, I was the person who strapped them in the orbiter that day. I was the last . . ."

He doesn't finish the sentence, perhaps because it is too painful, perhaps because linking himself to America's fallen heroes might be misinterpreted as self-aggrandizement.

"Each crew who goes on a mission," he continues, "has somebody called a 'Cape Crusader,' an ASP—astronaut support person—who straps them into the orbiter and helps close the hatch. That astronaut is the last person to leave the pad. Well, 51-L was my crew. I was the person who greeted them. I was inside . . . when you saw them in the pictures going into the hatch. I was inside there, strapping them in. They were all my friends. And everybody was happy, just like for any launch day. They waited for that day, and I wait for that day. Launch day will be great. . . ."

Despite the *Challenger* tragedy and the renewed sense of danger, Carter's own enthusiasm for space flight remains undiminished; if anything, he is more committed to it than ever.

"If you've never seen the launch of an orbiter, it is something that will make you cry, because you cannot believe your country is capable of doing such a thing. . . . It reminds you of all the things you think about when you sing 'The Star Spangled Banner.' And that's the truth. . . .

"Losing friends happens all the time in [military] aviation. It's just that we in America never thought this would happen to [the space program] because we were so good at it. . . . I was very sorry that we had to lose those people, the orbiter, the trust of the nation . . . to have us understand once again, after years without an accident, who we are and what we represent for the nation."

Biographical Data—Lyndon B. Johnson Space Center, Houston, TX

Name: Manley Lanier "Sonny" Carter, Jr. (Captain, USN), NASA Astronaut.

Birthplace and date: Born August 15, 1947, in Macon, Georgia, but considers Warner Robins, Georgia, to be his hometown. His father, Manley L. Carter, Sr., and his mother, Elizabeth C. Carter, are deceased.

Physical description: Brown hair; blue eyes; height: 6 feet ½ inch; weight: 165 pounds.

Education: Graduated from Lanier High School, Macon, Georgia, in 1965; received a bachelor of arts degree in Chemistry from

Emory University in 1969, and a doctorate of Medicine from Emory University in 1973.

Marital status: Married to the former Dana Powell of Jacksonville, Florida. Her mother, Mrs. Sara Powell, resides in Jacksonville, Florida. Her father, Mr. John Powell, is deceased.

Children: Olivia Elizabeth, May 27, 1974; Meredith Corvette, December 3, 1976.

Recreational interests: He enjoys wrestling, golf, tennis, L.A. Dodger baseball, and old movies. Carter was a professional soccer player from 1970–73 for the Atlanta Chiefs of the NASL.

Organizations: Member of Sigma Delta Psi, Alpha Tau Omega, the Marine Corps Aviation Association, and SETP.

Special honors: Recipient of the Air Medal, Meritorious Service Medal, Navy Achievement Medal, Meritorious Unit Citation, Marine Corps Aviation Association Special Category Award 1982, NASA Meritorious Service Medal 1988, and NASA Space Flight Medal 1989. Carter was the Guest of Honor at the 215th Marine Corps Birthday Ball.

Experience: Carter graduated from medical school in June 1973 and completed a straight internal medicine internship at Grady Memorial Hospital in Atlanta, Georgia. In July 1974 he entered the U.S. Navy and completed flight surgeon school in Pensacola, Florida. After serving tours as a flight surgeon with the 1st and 3rd Marine Air Wings he returned to flight training in Beeville, Texas, and was designated a Naval Aviator in April 1978. He was assigned as the senior medical officer of USS Forrestal, and in March 1979 completed F–4 training at VMFAT–101 Marine Corps Air Station, Yuma, Arizona. He was subsequently reassigned as a fighter pilot to duty flying F–4 phantoms with Marine Fighter Attack Squadron 333 at MCAS Beaufort, South Carolina. In 1981 he completed a 9-month Mediterranean cruise aboard USS Forrestal with VMFA–115. In September 1982 he attended U.S. Navy Fighter Weapons School (TOPGUN) and then served as 2nd Marine Air Wing standardization officer and F–4 combat readiness evaluator at MCAS Cherry Point, North Carolina. He then attended the U.S. Naval Test Pilot School, graduating in June 1984. He has logged 3,000 flying hours and 160 carrier landings.

NASA experience: Selected by NASA in May 1984, Carter became an astronaut in June 1985, qualified for assignment as a mission specialist on future Space Shuttle flight crews. Carter was assigned as Extravehicular Activity (EVA) Representative for the Mission Development Branch of the Astronaut Office when selected to the crew of STS–33. The STS–33 crew launched, at night, from Kennedy Space Center, Florida, on November 22, 1989, aboard the Space Shuttle Discovery. The mission carried Department of Defense payloads and other secondary payloads. After 79 orbits of the earth, this five day mission concluded on November 27, 1989 with a hard surface landing on Runway 04 at Edwards Air Force Base, California. With the completion of his first mission, Carter has logged 120 hours in space.

Current assignment: Captain Carter is assigned as a mission specialist on the crew of STS–42, the first International Microgravity Laboratory (IML–1). Died 4/5/91 at Brunswick, GA in a commuter airline crash while representing NASA at a public appearance.

BLAIR MISHOE: SOUTH CAROLINA TAKES PRIDE IN ITS PRIZE-WINNING VFW ESSAYIST

Mr. HOLLINGS. Mr. President, each year since World War II, the Veterans of Foreign Wars of the United States has sponsored the Voice of Democracy Broadcast Scriptwriting Contest, inviting high school students to write brief broadcast scripts on patriotic themes. A remarkable 138,000 students participated in this year's competition.

I join all South Carolinians in taking tremendous pride in the second-place finish of Blair Mishoe, a senior at Irmo High School in Columbia, SC. Blair is the latest in a long string of talented, award-winning students at Irmo High. Her winning performance in this year's VFW contest brings with it a $13,000 scholarship. She titled her superb essay "Democracy—the Vanguard of Freedom."

Mr. President, I ask unanimous consent that it be printed in the RECORD for all Americans to read and appreciate.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

DEMOCRACY—THE VANGUARD OF FREEDOM

In 1958 the United States shot its Vanguard I into orbit. Highly technological for its time, the three-stage rocket was programed to radio vital information about space back to earth. The first stage shot the rocket to an altitude of thirty-eight miles; the second propelled it to greater height and speed; and the third stage of the rocket fired at an altitude of 300 miles, launching the satellite into orbit at a speed of 18,000 miles per hour. It was a triumph for America!

Nearly 200 years before, however, the United States had launched an even greater rocket—Democracy: The Vanguard of Freedom! On July 4, 1776, our founding fathers could not have known how the world would be changed by the spark they set off that day in Independence Hall.

The Declaration of Independence ignited the initial stage and sent Democracy on its historic voyage. The plan of these early Americans to form a new country was threatened by a more powerful nation. Nevertheless, rag-tag armies and loosely connected colonies, strengthened by familiar phrases such as "all men are created equal," "inalienable rights," and "life, liberty, and the pursuit of happiness," were able not only to endure, but also to prevail. Through the Revolutionary War, the dedication of people now referring to themselves as Americans showed Mother England that the blast created by the founding fathers in Philadelphia was powerful enough to carry the United States' rocket of Democracy on its way.

With the drafting of the Constitution, the second stage of the rocket was fired. Fueled by the Bill of Rights, the vanguard gained greater height and speed, reaching new frontiers and exploring territory that man had never imagined—freedom of speech, freedom of the press, freedom of religion, freedom of petition, freedom of assembly, the right to bear arms. Americans were astounded by the wonders that Democracy was revealing to them, and the world watched in awe. The rocket soared westward with the opening of new territories and new lands gained in the Mexican War, and state after state was added to the union. And on the opposite side of the continent, the force of democracy was still strong enough to hold the nation together in spite of a devastating Civil War. By 1912, forty-eight states made one united nation that could stand against the powers of the world. All that was left was a third blast to set the rocket of freedom into orbit.

That last came in the twentieth century with America's transformation from a new nation to a world power—a transformation brought about by victories in two World Wars. We were engaged in conflicts with some of the world's greatest powers—Germany, Japan, and Italy—and we emerged as the most powerful nation in the world!

Democracy: the Vanguard of Freedom continues its magnificent journey. Its path is watched by spectators around the globe who yearn to join the flight. In the past year, it has lit up the skies of East Germany, Romania, Poland, Czechoslovakia, and even Russia.

In 1956 and 1959, Nikita Khrushchev boasted that Russia would bury the United States and that the grandchildren of Americans then living would grow up under Communism. We are those grandchildren, and we are NOT growing up under that oppression. Instead, the grandchildren of Khrushchev's generation have rejected Communism and are demanding freedoms that Americans have always treasured.

The United States has come a long way since that day in Independence Hall. The ideals set forth by our founding fathers have developed into a spectacular show that can be seen only through the windows of a rocket that was launched over two hundred years ago. People all over the world continue to stare in awe at the freedoms that Americans enjoy. However, if our neighbors around the globe want to see more of our great progress, they had better be looking toward the stars.

THE RURAL ELECTRIFICATION ADMINISTRATION AND THE FUTURE OF RURAL AMERICA

Mr. DASCHLE. Mr. President, the quality of life in rural America has made impressive gains in recent decades. Unfortunately, continued improvement is being threatened by the weakness of the agricultural economy and the continuing erosion of government support for the programs that have helped rural areas develop an infrastructure comparable to that of more densely populated areas.

One of the institutions that has played a critical role in rural development is the Rural Electrification Administration [REA]. The REA has been responsible for bringing electric and telephone service to hundreds of thousands of rural households. However, the REA's job is not yet finished. Our continued support is needed to ensure that the job of bringing electricity to rural areas is completed.

I recently received a letter from a telephone cooperative manager in South Dakota that offers excellent testimony to the accomplishments the REA has made and the tasks it has yet to accomplish. I ask unanimous consent that the full text of the letter be printed in the RECORD and commend it to my colleagues' attention.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SULLY BUTTES
TELEPHONE COOPERATIVE, INC.,
Highmore, SD, Mar. 15, 1991.
Senator TOM DASCHLE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DASCHLE. Recently, national and local news print media have run several articles and editorials of a negative nature featuring the Rural Electrification Administration (REA) and its telephone loan programs. Sully Buttes Telephone Cooperative, Inc. is an REA borrower and as such believes you understand why the telephone loan programs remain so essential to the future well being of communities throughout rural America.

The REA and its telephone loan programs were formed for the purpose of helping to bring telecommunications service to the nation's underserved rural areas. It is much easier to understand this need when one realizes that rural subscribers of REA borrower systems currently account for only about 4.3 percent of the total telephone subscribers in the United States, though their service areas total nearly 1.3 million square miles or about 37 percent of the land area of the nation. In other words, the rural service areas of REA borrowers, on average, have a subscriber density of only about 6 consumers per mile of line, compared to nonborrowers which average 130 consumers per mile of line.

With the facts above in mind, it is not difficult to understand how costly the provision of rural telephone service is. In fact, by way of an example, consider that in 1989 the average REA borrower had a total investment in telephone plant per subscriber of $2,429. But that is only the average. Borrowers in many states averaged far higher investments per subscriber, e.g., New Mexico—$8,504; Montana—$5,069; and Utah—$4,388. With costs like these there should be no doubt as to the validity of the need for the programs' continued existence.

Cooperative and commercial telephone systems that evolved through the use of REA financing have played an essential role in ensuring the import rural link of our national universal telecommunications service objective is in place. It is important to never lose sight of the fact that the benefits of the REA telephone loan program accrue to our rural telephone subscribers and their communities as a whole, in the form of modern affordable telecommunications service. Today REA borrowers serve nearly 5 million subscribers of 97 percent of rural households—an accomplishment that has led to the creation of hundreds of thousands of jobs, not to mention the nearly 30,000 among REA borrowers.

Despite the successes that have emerged from the partnership between REA and its borrowers, the mission of the agency and its lending programs has not yet been fulfilled. Today, nearly 2 million rural residents remain without the most basic form of telecommunications service. Of those who are "hooked up", 5 percent are still subjected to party-line service, on two, four, and even eight party lines.

In addition, we rural Americans continue to struggle toward revitalization of our economy and in light of the fact that Congress as well as the President have indicated that telecommunications enhancement is a large part of such redevelolment, the need for capital finance such technological upgrading is greater than ever.

The legislative history associated with the REA telephone loan programs is long and clear in reaffirming the intent of Congress, that REA telephone loans should be made on an area coverage basis. In other words, company wealth does not determine who may participate, but subscriber need does. This fundamental principal was a driving force in the initiative to include REA program improvements in the 1990 farm bill that became law last Fall. This legislative package and similar initiatives have been necessary to thwart attempts by the programs' detractors to subvert the intent of Congress by making the programs unworkable or unattractive to potential borrowers.

If ever there were a success story surrounding a federal program, it would have to be that associated with the REA telephone loan programs. Never once in the history of that telephone program has a default been registered. That's something we can all be proud of!

Sully Buttes Telephone Cooperative, Inc. would like to thank you for your past support and we hope you will continue your efforts to maintain the REA telephone loan programs which are directly responsible for the quality of service we have been able to provide to our rural subscribers.

Sincerely,

JAMES E. NIELSON,
Manager.

COMMEMORATION OF HOLOCAUST MEMORIAL DAY

Mr. CRANSTON. Mr. President, I rise today to commemorate Holocaust Memorial Day, a day that has been set aside to remember the atrocities committed during World War II. On this day we renew our pledge that such horrors must never happen again.

It has been almost 50 years since the brutal and senseless tragedy of the Holocaust was brought to the attention of the American people. As a journalist in Europe in the 1930's, I had the unhappy misfortune to see first-hand the beginnings of the terrible crimes perpetrated by the Nazis against so many innocent peoples.

Over 6 million Jews, countless Gypsies, homosexuals, and dissidents perished to fulfill Hitler's insidious plan. Reports of these horrors are shocking—and sickening. The Holocaust deeply seared the soul of mankind.

Today, the Holocaust is more than a tragic episode in history; it remains a very real part of our national consciousness.

Mr. President, regrettably, the existence of genocide did not remain buried in the ashes of World War II. The international community has been witness to similar atrocities throughout the postwar years—in the Soviet Union under Josef Stalin's reign of terror; in the Chinese annexation of Tibet; in Nigeria during the 1960's; and in Cambodia under the rule of the brutal Khmer Rouge despot, Pol Pot.

And today, we see a repetition of a tragic scene in Iraq, with the defenseless Kurdish population once again the victims of a calculated and systematic campaign of terror and suffering by the Brute of Baghdad.

Mr. President, our commemoration of the Holocaust stands as a constant reminder of the work yet to be done. We have pledged never to allow another Holocaust. It is time to make good that pledge. Once again, I urge my colleagues to reaffirm the U.S. commitment to establishing an international order based on respect for human rights and international law. Let us work now so that future generations can live without such horrors; let us work to finally bury the senseless tragedy of genocide.

The PRESIDING OFFICER. The majority leader is recognized.

FUTURES TRADING PRACTICES ACT

Mr. MITCHELL. Mr. President, over the past several weeks up to and including earlier today, I have indicated my intention to seek consent to permit the Senate to begin consideration of the Commodity Futures Trading Commission legislation, and pursuant to my earlier indication, I will do that shortly. I understand objection will be made to the request for unanimous consent to proceed, in which event it is my intention to move to proceed to that matter. As we all know, under Senate rules that motion will be debatable. Then we will see where we go from there in terms of getting to this legislation.

So, Mr. President, accordingly, at this time I ask unanimous consent that the Senate proceeds to the consideration of Calendar Order No. 38, S. 207, a bill to amend the Commodity Exchange Act.

Mr. BOND. Mr. President, I must object to that unanimous-consent request. We have finished today a number of eulogies for our dear friend John Heinz. He was deeply involved in the work on this measure and felt very strongly about it. I had hoped the Senate would not proceed this week. We know it is vitally important legislation, but I must, as a fellow member of the Banking Committee, object to taking this matter up for consideration this week prior to the final services for the Senator from Pennsylvania.

The PRESIDING OFFICER. Objection has been heard.

Mr. MITCHELL. Mr. President, I appreciate the Senator's objection. I want to make clear that I have participated with other Senators in paying our respects to Senator Heinz and the person responsible for the Senate not being in session either yesterday or tomorrow for the purpose of attending his services. But this is a bill that is important. I have attempted to bring it before the Senate for over 2 years, and at each stage in the process someone has had some kind of objection to it. I announced weeks ago that we would attempt to proceed to the bill on Tuesday. Out of deference to Senator Heinz's passing, I did not do so, and I understand the Senator's objection. I just want to make it clear that I hope there is no suggestion that trying to consider the bill today is some reflection on Senator Heinz or in disrespect for him or his memory. So I hope that we can get the bill considered on its merits. Therefore, Mr. President, I will do what I can to get the bill before the Senate. The Senator and other Senators have their rights, of course, under the rules to delay that, and we will seek to deal with that as it arises. Accordingly, I now move that the Senate proceed to the consideration of S. 207.

The PRESIDING OFFICER. The majority leader has made his motion.

Mr. BOND. Mr. President, on behalf of myself and others, I object to that motion. I say to the majority leader we are deeply grateful for the courtesies he has extended to all of us and to the Heinz family. I for one intend to be fully ready to proceed to a discussion of the merits of this measure next week. I have sought for many months, as has the majority leader, in seeking to expedite consideration of this vitally important measure.

As a member of the Agriculture Committee who fought last Congress for——

Mr. MITCHELL. Mr. President, if I might say in response to the Senator's comment, the only basis for the objection was Senator Heinz's passing. The Senator expressed a willingness to deal with it. I am prepared to say to the Senator right now, if that is the only reason for the objection, we could lay down the bill right now, have an agreement that we would do nothing on it, come back next Tuesday morning at 10'clock and be on the bill and start voting on it. That would accommodate the Senator's objection and permit us to proceed to the bill.

The PRESIDING OFFICER. Is there objection? The Senator from Missouri.

Mr. BOND. Mr. President, I reserve the right to object. There has been scheduled in the Banking Committee a hearing on this measure next Tuesday morning, so at this juncture it is my belief that other members of the Banking Committee would want to have the option to hear from Chairman Greenspan and the other regulators who will be before the Banking Committee next Tuesday morning to hear their comments on the Agriculture Committee's draft. I think it is quite possible that we would be able to discuss with the chairman and ranking member and others who are interested an agreement to move forward on the bill Tuesday afternoon. But I believe all of us, at least in the Banking Committee, who have a great interest in this measure will be in a hearing to get the word from the experts on the matter on Tuesday morning.

Mr. MITCHELL. Mr. President, to further accommodate this, I am prepared to suggest this. Why do not we then lay the bill down on Monday just for purposes of discussion, permit the Banking Committee to have their hearing on Tuesday morning, then be ready to go on this bill, and vote on it Tuesday at 2:15 right after the party caucuses. That is further effort to accommodate the Senator from Missouri and others on this bill. Would that be agreeable to those on this bill?

Mr. BOND. Mr. President, I cannot speak for the chairman of the committee or the ranking member. I would have to, I think, certainly confer with them and receive their input on it.

From my personal standpoint, I am anxious to get started on this bill. We have significantly changed legislative language which we only just received and are in the process of getting information from the regulators. We feel it is a vitally important measure for the confidence of the futures markets and for their effective regulation. It is also important for the financial markets as well.

I would like the opportunity to hear from the chairman and ranking member of the Banking Committee, but for my part I have no objection to any arrangement that the majority leader may wish to make for proceeding on the bill tomorrow. I ask if we could give some time to find out from them when they would be ready to go forward.

Mr. MITCHELL. Mr. President, just to make clear, I did not propose taking it up tomorrow. We will not be in session tomorrow out of deference to the Senator Heinz memorial service.

I proposed taking it up on Monday for purposes of laying the bill down and permitting the discussion to occur, then going over until Tuesday afternoon to accommodate the Banking Committee, with the understanding that at 2:15 on Tuesday we would be on the bill, proceeding, and voting on amendments.

Obviously, whatever information is available to members of the Banking Committee ought to be made available to all Members of the Senate. I have not prejudged it. I have not decided on how I will vote on it. We have been, for a couple of years, trying to get this bill up. Every time it happens someone has an objection for some reason or other. I want to make clear my intention to get this bill up, proceeding, and voting at the earliest possible opportunity.

The objection as stated was limited solely to deference to Senator Heinz. If that is the only basis for the objection, it could be accommodated by agreeing to the proposal which I have now made.

Mr. BOND. Mr. President, I might say as well that there is, I believe, objection from other members of the Banking Committee as well to proceeding with the measure prior to the hearing on Tuesday.

For the information of our colleagues, we have worked on this for many many months. And the measure which came out of the Agriculture Committee was much different from the measure agreed to last fall and introduced this year. This is the first opportunity that the Banking Committee will have to hear testimony from regulators in the affected area about the impact of this measure, on a broad range of financial markets and instruments.

So, while I raise the objection in terms of respect for my colleague, I believe there are other objections as well. But I will do my best to assure that we get on track as quickly as possible.

Mr. MITCHELL. I thank my colleague. Mr. President, I merely wanted to make the point, and I think it has now been made, that the objection, while made in behalf to deference to Senator Heinz by the Senator from Missouri, is not the only basis for objecting. And in fact it seems clear were Senator Heinz now seated at his desk there would still be objection to this. We will have to proceed and deal with it as best we can.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Vermont.

Mr. LEAHY. Mr. President, S. 207, the Futures Trading Practices Act of 1991, is the toughest futures reform package reported to this Chamber in decades—and is one of the most critical white-collar crime proposals we will address this year. Last month, it was reported unanimously from the Committee on Agriculture, Nutrition, and Forestry.

The fact that today, after 2½ years of work on this bill, the Senate is first debating whether to proceed to consideration on the measure, is an outrage and an absurdity to American consumers, producers, and market users.

In January 1989, Congress faced an unprecedented crisis of confidence in our commodity futures markets. We learned that the FBI had conducted a major undercover sting operation aimed at the Nation's two largest futures exchanges in Chicago. That investigation resulted in indictments against 48 Chicago traders on charges of fraud and racketeering; 32 of those traders have so far been convicted or pled guilty.

That same summer, an emergency in the Chicago soybean market raised a storm of concern among farm producers.

Congress responded promptly and effectively to the crisis. Strong medicine was needed for the futures trading pits: tighter enforcement by a toughened CFTC; better audit trails; stricter policing by the exchanges; and more public involvement in exchange decisions.

We were well on our way to passing these reforms in late 1989. The Senate Agriculture Committee unanimously reported a trading practice bill in November 1989. The full House of Representatives had passed its version of the bill unanimously in September 1989.

The momentum for reform was strong. Then, suddenly, the music stopped: the process ground to a halt. No, the culprit was not the Chicago futures markets blocking change. The sand in the gears came from a different direction.

Final action on trading practice reform was blocked last year by a battle launched by the Treasury Department, the Securities and Exchange Commission, and their supporters on Wall Street over whether to shift jurisdiction for stock-index futures contracts from the CFTC to the Securities and Exchange Commission—a debate stemming most recently from the violent stock market price breaks of October 1987 and October 1989 and from the introduction of certain new financial instruments: index participations, swaps, "hybrids," and others.

Mr. President, I did not want this jurisdiction fight. I urged Treasury Secretary Nick Brady last year to separate it from the urgently needed futures trading reforms in S. 207, but Secretary Brady insisted that the two issues be treated at the same time.

The result has been an 18-month legislative stalemate.

Every time we tried to bring this bill to the floor last year, we were blocked. The CFTC bill became like a ping-pong ball—whichever side felt it lacked the votes on jurisdiction would tangle the bill with parliamentary holds.

At one time, I was highly tempted to play this game too and put holds on important stock market reform legislation developed by my colleagues on the Banking Committee. But I felt that the need for reform in U.S. securities laws in light of the record of Boesky, Milken, and junk bonds was just too urgent.

In order to break this log-jam, I joined last fall with Senator LUGAR, Senator DODD, Senator BOND, and Senator Heinz in what we hoped would provide an honorable compromise to end his conflict. The product we came up with was a responsible, finely tuned proposal that I was proud to introduce this year as the original title III in S. 207.

Unfortunately, when the Agriculture Committee held public hearings on the bill in February, both sides of the issue opposed our compromise—even the securities markets who had the most to gain under it. The legislative history from the hearings became so littered with negative claims and counterclaims about the bill as to create a bonanza for any lawyer wanting to challenge it in court. As a practical matter, the compromise became untenable.

Still, the Agriculture Committee recognized the need to address two key issues central to the jurisdictional debate:

First, margin oversight for stock-index futures contracts; and

Second, regulatory treatment of new products.

To do this, at markup, we adopted a new compromise worked out between Treasury Secretary Brady and CFTC Chairman Wendy Gramm. This proposal—which was debated at two public hearings before our committee and is now contained in title III of the bill—significantly rolls back CFTC jurisdiction over hybrid financial products. Among other things, the provision—

First, gives the Federal Reserve Board authority over margins on stock-index futures contracts;

Second, requires the CFTC to exempt swaps and certain bank products from its regulatory framework; and

Third, permits currently proposed index participations to trade on stock exchanges—even though a Federal appeals court has ruled these to be futures contracts under the exclusive authority of the CFTC.

Mr. President, since the Agriculture Committee markup last month, charges have been leveled that the language in S. 207 contains some kind of sneak attack by the CFTC on the SEC's jurisdiction—that, for instance, it moves authority for the $3 trillion securities index option market to the CFTC.

These claims, and many others like them, are groundless and reflect the level of distrust created after 18 months of fighting on this issue.

To settle these questions once and for all, the committee turned again to the experts, the CFTC and the Treasury Department. Over the past month, these agencies have negotiated and conferred with representatives of the affected industries. This week, they provided us with technical revisions which Senator LUGAR and I will lay before the Senate as a committee modification to this bill.

This new language addresses the concerns of the swaps industry and much of the securities industry as well.

Now the decision is up to the Senate. Shall we proceed to debate futures market reform, or shall we delay the process again indefinitely? To me, the questions boils down to this: U.S. financial markets will remain at risk from trading abuse and sagging confidence until the reforms in S. 207 become law. Are we willing to run the risk for another scandal or emergency in the financial markets while we spin our wheels debating jurisdiction?

It is time to break the log jam over this bill and settle the issues one way or the other. If any Senator is not satisfied with the work of the Agriculture Committee on this bill, let him come forward with amendments so we can vote them up or down. No faction should be allowed to prevent a fair and open debate on S. 207.

As I said at the outset, a vote for S. 207 is a vote for economic stability and financial integrity, and a vote against white collar crime. I urge my colleagues to support the legislation.

Mr. President, I ask unanimous consent that certain items representing legislative history of the committee modification be printed in the RECORD at this point. These include: First, the text of the modification; second, a letter of transmittal from CFTC Chairman Gramm; third, a statement regarding certain aspects of title III of S. 207; fourth, an explanation of technical and conforming amendments to title III of S. 207; and fifth, a series of examples on the CFTC predominant purpose test for hybrid instruments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT TO S. 270

Beginning on page 159, strike line 4 and all that follows through page 168, line 11, and insert the following new title:

TITLE III—INTERMARKET COORDINATION

SEC. 301. MARGIN ON STOCK INDEX FUTURES.

Section 2(a)(1)(B) (7 U.S.C. 2a) is amended by adding at the end the following new clause:

"(vi)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option thereon) shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for the stock index futures contract (or option thereon).

"(II) The board may at any time request any contract market to set the margin for any stock index futures contract (or option thereon) at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement the rules of the contract market as specified in the request.

"(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority under this clause only to the Commission.

"(IV) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market, on finding an emergency to exist, to raise temporary emergency margin levels on any futures contract or option on the contract covered by this clause.

"(V) Any action taken by the Board under this clause directing a contract market to alter or supplement a contract market rule shall be subject to review only in the Court of Appeals where the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit. The review shall be based on the examination of all information before the Board at the time the determination was made. The court reviewing the Board's action shall not enter a stay or order of mandamus unless the court has determined, after notice and a hearing before a panel of the court, that the agency action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.".

SEC. 302. EXEMPTIVE AUTHORITY.

Section 4 (7 U.S.C. 6) is amended—

(1) in subsection (a), by striking "It shall be unlawful" and inserting "Unless exempted by the Commission pursuant to subsection (c) or (d), it shall be unlawful"; and

(2) by adding at the end the following new subsections:

"(c)(1) In order to promote responsible economic or financial innovation and fair competition, the Commission by rule, regulation, or order, may (on application of any person) exempt any agreement, contract, or transaction (or classes thereof) otherwise subject to subsection (a) (including any person or class of persons offering, entering into, rendering advice or rendering other services with respect to, the agreement, contract, or transaction), either unconditionally or on stated terms or conditions or for stated periods, from any of the requirements of subsection (a), or from any other provision of this Act except section 2(a)(1)(B), if the Commission determines, after notice and opportunity for hearing, that the exemption would be consistent with the public interest.

"(2) The Commission shall not grant any exemption under paragraph (1) from any of the requirements of subsection (a) unless the person seeking the exemption demonstrates to the satisfaction of the Commission that—

"(A) the requirement should not be applied to the agreement, contract, or transaction for which the exemption is sought and that the exemption would be consistent with the public interest and the purposes of this Act; and

"(B) the agreement, contract, or transaction—

"(i) will be entered into solely between institutional participants;

"(ii) will be entered into in connection with a line of business or for hedging or risk management purposes; and

"(iii) will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under this Act.

"(3) For purposes of this subsection, the term 'institutional participant' shall be limited to the following persons or classes thereof that the Commission determines have the financial and other qualifications adequate to fulfill the terms and conditions of the agreement, contract, or transaction:

"(A) A bank or trust company (acting in an individual or fiduciary capacity).

"(B) A savings and loan institution.

"(C) An insurance company.

"(D) A registered investment company under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).

"(E) A commodity pool subject to regulation under this Act.

"(F) A corporation, partnership, proprietorship, organization, trust, or other business entity with a net worth exceeding $1,000,000 or total assets exceeding $5,000,000, or the obligations of which under the agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by any such entity or by an entity referred to in subparagraph (A), (B), (C), (H), (I), or (K).

"(G) An employee benefit plan with assets exceeding $1,000,000, or whose investment decisions are made by a bank, trust company, insurance company, investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80a–I et seq.), or a commodity trading advisor registered under this Act.

"(H) If otherwise authorized to engage in such transactions by law, any governmental entity (including the United States, any State, or any foreign government) or political subdivision thereof, or any multinational or supranational entity or any instrumentality, agency, or department of any of the foregoing.

"(I) A broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) acting on its own behalf or on behalf of another institutional participant.

"(J) A futures commission merchant, floor broker, or floor trader registered under this Act acting on its own behalf or on behalf of another institutional participant.

"(K) Such other persons that the Commission determines have such financial and other qualifications.

"(d)(1) To the extent that a swap agreement or class of swap agreements (as defined in section 101 of title 11, United States Code) may be considered to be subject to regulation under this Act, the Commission shall, by rule, regulation, or order, following notice and an opportunity for a hearing, exempt (effective as of October 23, 1974) from all of the prohibitions and requirements of this Act, including section 2(a)(1)(B), such swap agreement or class of swap agreements if—

"(A) the Commission determines that the exemption is consistent with the public interest;

"(B) each party to the swap agreement is a person included in one of the categories specifically enumerated in subparagraphs (A) through (K) of subsection (c)(3) at the time it enters into the swap agreement;

"(C) the creditworthiness of any party having an actual or potential future obligation under the swap agreement would be a material consideration in entering into or determining the terms, including pricing, cost or credit enhancement terms, of the swap agreement; and

"(D) the swap agreement is not one of a fungible class of agreements that is standardized as to its material economic terms and is not entered into and traded on or through a multilateral transaction execution facility: *Provided, however*, That the foregoing shall not be deemed to preclude any arrangement or facility, between and among parties to swap agreements, that provides for netting of payment obligations resulting from such swap agreements.

"(2) To the extent that any demand deposit, time deposit, or transaction account (as defined in subsections (b)(1), (c)(1), and (e), respectively, of section 204.2 of title 12, Code of Federal Regulations (as in effect on the date of enactment of this subsection) whether indexed or otherwise, may be considered to be subject to regulation under this Act, the Commission shall, by rule, regulation, or order, following notice and an opportunity for a hearing, exempt from all prohibitions and requirements of this Act, including section 2(a)(1)(B), any such deposit or account if—

"(A) the deposit or account is offered by—

"(i) a United States financial institution that is insured by a Untied States governmental agency or United States chartered corporation; or

"(ii) a United States branch or agency of a foreign bank that is licensed under the laws of the United States and regulated, supervised, and examined by United States Federal authorities having regulatory responsibilities for the financial institutions or under the laws of any State and regulated, supervised, and examined by State authorities providing regulatory supervision comparable to that provided by United States banking authorities, and the regulators oversee the financial integrity and customer protection of the deposits; and

"(B) the Commission determines that the exemption would not be contrary to the public interest.

"(e) The granting of an exemption under this section shall not affect the authority of the Commission under any other provision of this Act to conduct investigations in order to determine compliance with the requirements or conditions of such exemption or to take enforcement action for any violation of any provision of this Act or any rule, regulation or order thereunder caused by the failure to comply with or satisfy such conditions or requirements.".

SEC. 303. HYBRID COMMODITY INSTRUMENTS.

Section 4c (7 U.S.C. 6c) (as amended by section 203(a) of this Act) is further amended by adding at the end the following new subsection:

"(h)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in or involving an instrument which meets the following requirements:

"(A) To the extent that an instrument has an embedded or otherwise attached commodity option, the instrument derives less than 50 percent of its value at the date of issuance from the value of the commodity option; and

"(B) To the extent that an instrument has an embedded or otherwise attached contract of sale or a commodity for future delivery, on the date of issuance, it is expected that less than 50 percent of the value gained from and payable on the instrument will be due to movement in the price of the commodity or commodities specified in the instrument or in the terms and conditions of the transaction pursuant to which the instrument was issued.

This subsection shall not affect any other exclusion or exemption from this Act, of any transaction, including exemptions granted by any rule, regulation or order of the Commission.

"(2) Except as provided in paragraph (1), nothing in this subsection shall affect the jurisdiction granted to the Commission over any transaction under this Act.".

SEC. 304. INDEX PARTICIPATIONS.

Subsection (f) of section 4c (7 U.S.C. 6c(f)) is amended to read as follows:

"(f)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.

"(2) Nothing in this Act shall be considered to govern or in any way be applicable to any contract traded on a national securities exchange whereby any party to the contract acquires any interest in a stock index participation unit approved for trading by the Securities and Exchange Commission by order dated April 11, 1989, or pending such approval on or prior to December 31, 1990.

"(3) The Commission shall utilize its authority under this Act to facilitate the registration of any person who is a person associated with a broker or dealer, or an associated person of a broker or dealer (as defined in section 3(a)(18) of the Securities Exchange

Act of 1934 (15 U.S.C. 78c(a)(18)) for the purposes of marketing stock index futures (or options thereon) to the public.".

COMMODITY FUTURES
TRADING COMMISSION
Washington, DC, April 9, 1991.

Hon. PATRICK LEAHY,
Chairman, Committee on Agriculture, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: As you are aware, numerous discussions have occurred in recent weeks between the Department of the Treasury, the Federal Reserve Board, the Commodity Futures Trading Commission, and representatives of the securities and futures industries. These discussions have been aimed at clarifying and conforming our mutual intent regarding Title III of S. 207, the Futures Trading Practices Act of 1991, as reported by the Committee on March 6, 1991.

In accordance with the agreement, I am transmitting to you proposed technical statutory changes to effectuate the agreement reached at the Committee's mark-up. Also enclosed is an explanation of the changes, as well as a statement agreed to between the CFTC and the Department of the Treasury that clarifies our mutual understanding of certain aspects of Title III. The technical changes to the provisions of Title III will ensure the Administration's support for S. 207 and make unnecessary further amendments to Title III. In brief, the changes are designed to assure that:

The "swaps" market will continue to develop in a competitive and innovative environment while permitting swaps dealers to reduce risk through certain margining and payment-netting arrangements.

Exemptions from all requirements of the Commodity Exchange Act will be issued for commodity-indexed deposits in insured banks if the exemptions are not contrary to the public interest.

The new "predominant purpose" test will clarify, not expand, the scope of the CFTC's jurisdiction, and will not alter any other agency's jurisdictional boundaries.

Title III of S. 207, as proposed to be amended, is significant because it will put an end to the regulatory disputes which have delayed passage of CFTC reauthorization legislation since 1989. It achieves long-standing Administration goals of providing more Federal oversight over margins for stock index futures and options, and removing regulatory uncertainties related to the development of new and innovative financial instruments. Finally, it seeks to preserve the existing jurisdictions of the regulators, while providing a more objective determination of where new hybrid products will be regulated in the future.

Your cooperation and support for the clarification of our views has been essential to the successful conclusion of this lengthy debate. Your continued support in ensuring the Senate's adoption of these changes is appreciated.

Sincerely,

WENDY L. GRAMM,
Chairman.

STATEMENT REGARDING CERTAIN ASPECTS OF TITLE III OF S. 207, AS REPORTED BY THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY ON MARCH 6, 1991

As reported by the Committee, Title III amends the Commodity Exchange Act (1) to provide new margin authority in the federal government over margins on stock index futures and options, (2) to grant the CFTC new exemptive authority over futures products, swap agreements and deposits in insured banks, (3) to exclude from the Act certain hybrid commodity instruments and (4) to exclude certain index participation products from the Act and to direct the CFTC to facilitate the registration of associated persons of securities broker/dealers to offer stock index futures and options to the public.

Title III of S. 207 does not affect the exclusions from the Commodity Exchange Act of products subject to the jurisdiction of the SEC referred to in Section 2(a)(1)(B) or 4c(f) of the Commodity Exchange Act. Thus, Title III does not grant the CFTC authority, or alter existing SEC jurisdiction, over transactions in securities based on the value of a security, as defined in section 2(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934. An example of such a transaction could include a security whose value is tied to the price of the common stock of a particular Fortune 500 company. In addition Title III does not grant the CFTC authority, or alter existing SEC jurisdiction, over securities based on the financial performance or productivity of a single issuer (as defined in section 2(4) of the Securities Act of 1933 or section 3(a)(8) of the Securities Exchange Act of 1934). An example could include a security whose value is tied to the revenue of a manufacturer. Finally, nothing in Title III affects the status of existing products under, or limits, existing CEA exclusions or CFTC exemptions or policy statements, or the existing efficacy of CFTC or staff no-action positions with respect to existing products.

With respect to the exemptive authority over deposits in insured banks, time deposits, demand deposits, and transaction accounts are generally not subject to regulation under the Act, and the amendment to section 4 does not in any way expand the Commission's jurisdiction over such products. Indeed, the provision is intended to have just the opposite effect. There may be circumstances in which such traditional banking products may also have features or characteristics that resemble instruments that are subject to regulation under the Act. The amendment to section 4 requires the Commission to specifically exempt these products from the Act, after notice and a hearing, provided the Commission determines that the exemption would not be contrary to the public interest. This provision therefore recognizes the fact that such products would remain subject to extensive regulation by federal banking regulators.

EXPLANATION OF TECHNICAL AND CONFORMING AMENDMENTS TO TITLE III OF S. 207, AS REPORTED BY THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY ON MARCH 6, 1991

Margins on Stock Index Futures—Section 301 of S. 207; no technical or conforming amendments are made to section 301.

EXEMPTIVE AUTHORITY—SECTION 302 OF S. 207

The technical and conforming amendments

The grant of exemptive authority in new section 4(c) has been revised to make clear that the CFTC may grant exemptions to persons who render other services in addition to trading advice with respect to agreements, contracts or transactions. This section has also been amended to make clear that, in addition to net worth, total assets of more than $5,000,000 or adequate financial guarantees can qualify corporations and other entities as "institutional participants." Certain other technical changes have been made to the "institutional participant" definition.

The clause regarding the power of the CFTC to revoke exemptions granted under section 4(c) has been deleted as unnecessary. The Commission already is empowered to revoke any exemptions it may grant under current law. In this connection, a new provision has been added applicable to all the new exemptive provisions in Title III to make clear that the granting of an exemption does not affect the Commission's existing authority to conduct investigations in order to determine compliance with the requirements or conditions of the exemption or to take enforcement action for any violation of any provision of the Act or any rule, regulation or order thereunder caused by the failure to comply with or satisfy such conditions or requirements.

With respect to swap transactions, the exclusion and exemption provisions have been combined into one, revised exemptive provision for purposes of clarity and administrative convenience and to avoid any inference that any particular swap agreements are futures contracts. The public interest determination required of the Commission to grant an exemption has been changed from "not contrary" to "consistent with" to assure that the Commission remains sensitive to the Committee's intent that this exemptive authority be exercised in this rapidly evolving area with due regard for any adverse impact on the public interest.

The exemptive language has also been modified to assure that eligible swap agreements be exempted from all of the requirements of the Act and that the exemptions be effective as of October 23, 1974, the date of enactment of the Commodity Futures Trading Commission Act of 1974. This will implement the Committee's intent that the exemption is available for all eligible swap agreements, regardless of when they may have been entered into.

In addition, the structure of the exemptive provision has been modified to clarify the Committee's intent that, once the Commission has made the required public interest determination, the governing statutory criteria under the exemption are set forth in clauses (B) through (D). These criteria are intended to be objective. Changes in clause (B) conform to this intent.

The creditworthiness standard for the swap exemption in clause (C) has been revised to eliminate the reference to "negotiation" and to replace it with a reference to "consideration in entering into or determining the terms, including pricing, cost or credit enhancement terms, of the swap agreement." This is in keeping with the Committee's understanding that while creditworthiness is a material consideration in entering into or determining the terms of the swap agreement, they do not require parties to actually negotiate (or demonstrate that they have negotiated) particular provisions. In this connection the clarifying phrase regarding "any party having an actual or potential future obligation" refers to obligations that create credit risk, not to ancillary obligations, such as obligations to deliver documents or perform (or refrain from performing) financial or business related covenants. This does not limit the ability of parties to undertake any bilateral collateral or margining arrangements to address credit issues. Parties would not be prevented from entering into multiparty arrangements for processing bilateral collateral or margin arrangements in order to minimize the number of collateral or margin transfers. These arrangements should be distinguished from clearing (as done by exchanges) which would not be permitted under the exemptive language.

The requirement in former clause (D) that the swap agreement not be designed to or result in a trading market was intended to assure that the swaps exemption not be used to evade the law by persons affixing a "swaps" label on a futures contract and trading it in a manner analogous to an exchange. Clause (D) has been refined to achieve this result with greater specificity by the use of two independent criteria.

First, the swap agreement must not be one of a class of fungible instruments that is standardized as to its material economic terms. This will assure exclusion from eligibility under the exemption of the establishment of an over-the-counter market in instruments, the terms of which are fixed and are not subject to negotiation, that functions essentially in the same manner as an exchange but for the bilateral execution of transactions. The reference to material economic terms is intended to encompass terms that define the rights and obligations of the parties under the swap agreement and that, as a result, may affect the value of the swap at origination or thereafter. Examples of such terms may include national amount, amortization, maturity, payment dates, fixed and floating rates or prices (including the methods by which such rates or prices may be determined), payment computation methodologies and any rights to adjust any of the foregoing. Standardization of material economic terms is a necessary, but not sufficient condition for fungability, as other factors, such as individual negotiation of other material terms or counterparty credit risk also are a consideration of fungibility. As a result of, for example, the existence of common conventions in related markets or the hedging or risks incident to common assets or liabilities, swap agreements may have the same economic terms but yet not be standardized or fungible. Standardization of certain terms, for example, definitions, representations and warranties, and default and remedies provisions, as found in certain forms published by various associations, is not by itself violative of this requirement.

Second, the swap agreement not be entered into a traded on or through a multilateral transaction execution facility. This criterion is intended to encompass essentially an unregulated exchange, including an electronic exchange. It is not intended to include an association of dealers or other participants that engage in bilateral over-the-counter transactions, even where these participants use computer or other electronic facilities to communicate with each other and facilitate the processing of payments and transfers arising in connection with those bilateral transactions. In this regard, the proviso to clause (D) is intended to make clear that its requirements do not apply to a bilateral or multilateral arrangement or facility for the netting of payments obligations, as contracted with an exchange style system that eliminates credit exposure in connection with the extinguishment of transactions which legally offset each other. This is intended to permit arrangements which may reduce overall credit risk to participants.

With respect to exemptions for deposits in insured banks, changes have been made to make clear the Committee's intent that the CFTC grant exemptions from all of the prohibitions and requirements in the Act if the CFTC makes the required public interest determination. In addition, structural changes in the exemptive language clarify that a particular institution's status as insured, regulated or supervised so as to be eligible for the exemption is intended to be an objective standard that will not require the CFTC to make individual determinations before granting an exemption.

HYBRID COMMODITY INSTRUMENT—SECTION 303 OF S. 207

The technical and conforming amendments

In new section 4c(h)(1) the words "has elements" of an option or future have been replaced by "has an embedded or otherwise attached" option to make clear that the predominance test should apply only when the hybrid instrument includes products subject to CFTC jurisdiction. In addition, in the part of the test dealing with an embedded futures contract, the words "change in the value of the instrument or its performance" have been changed to "value gained from and payable on" to more accurately reflect that both upward and downward commodity price movements are considered in applying the test, other conforming changes have been included to clarify the Committee's intent.

A new sentence has been added at the end of Section 4c(h)(1) which provides that "This subsection shall not affect any other exclusion or exemption from this Act, of any transaction, including exemptions granted by any rule, regulation or order of the Commission." The purpose of this amendment is to make clear the Committee's intent that exclusions from the Act under current law continue irrespective of the operation of the new predominant purpose test. In addition, Section 4c(h)(2) has been revised to clarify that any exclusions which do result from operation of the test in section 4c(h)(2) do not otherwise affect the CFTC's jurisdiction under current law. As revised, section 4c(h)(2) provides that "Except as provided in paragraph (1), nothing in this subsection shall affect the jurisdiction granted to the Commission over any transaction under this Act."

Stock Index Participation—Section 304 of S. 207; no technical or conforming amendments are made to section 304.

THE CFTC "PREDOMINANT PURPOSE TEST" FOR HYBRID INSTRUMENTS

Section 303 of S. 207 deals with the regulation of hybrid commodity instruments—those instruments having embedded or otherwise nonseverable commodity option or futures—by means of a "predominant purpose test." The focus of this concept is to look at the instrument from the purchaser's persective and determine if the purchaser will benefit from investing in an enterprise or from changes in commodity prices. Only those hybrid commodity instruments having a predominant commodity option or futures play would be subject to CFTC regulation.

SEC-REGULATED INSTRUMENTS REMAIN UNAFFECTED

Concern has been raised over whether the language in Section 303 would subject certain currently offered instruments to the hybrid test. First, all traditional commodity futures and options would remain under the purview of the Commodity Exchange Act and would not be subject to the hybrid test. Second, the jurisdictional provisions of section 2(a)(1)(B) of the Act, the so-called SEC-CFTC Accord, would be untouched by this and other sections of S. 207.

This means that all securities and options on securities which are currently regulated by the Securities and Exchange Commission would remain under the SEC's jurisdiction, including stock index options and stock index warrants. Also, of course, all equity options, equity warrants and option-like securities such as contingent value rights (CVRs) and convertible debt including products such as LYONs would not be subject to CFTC's hybrid test. Furthermore, hybrid instruments combining debt features and options on stock indices such as SPINs and SIGNs would not be subject to the hybrid test and therefore would not be subject to CFTC regulations.

The Commission's position that particular instruments such as certain certificates of deposit and adjustable rate mortgages are not within the purview of the Act would be unaffected by the enactment of Section 303 in particular and S. 207 in general. In this regard, the Commission has always looked to an instrument's overall economic function and underlying purpose in determining whether the instrument is a futures or an option transaction regulated under the Act.

To illustrate, a certificate of deposit or mortgage in which the interest payments are determined by reference to published interest rates or indictes of interest rates, are not instruments which are primarily intended to capture commodity price fluctuations. It was on this basis that the Commission noted in its 1989 Statutory Interpretation Concerning Certain Hybrid Instruments (54 Fed. Reg. 1139, 1140 (Jan. 11, 1989)) that certain types of instruments, such as adjustable rate mortgages, employment agreements, leases, and lending and certain deposit instruments, which are indexed to a commodity or a group of commodities (as defined in the Act), are beyond the purview of the Act. As noted, this position is not affected by S. 207.

A DESCRIPTION OF THE TEST

Section 303 excludes from the Commodity Exchange Act (and thus from the jurisdiction of the CFTC) instruments which meet a simple mathematical test determining the value of the commodity price play in the instrument and what predominates: the commodity price play or the investment in an enterprise. Subsection 4(b)(1)(A) refers to instruments which have embedded commodity options; subsection 4(b)(1)(B) refers to instruments which contain futures. The subsections are conjunctive because if an instrument contains both a futures and options play, both sections are considered. Subsection (B) uses the phrase "gain from and payable on" to account for the fact that a futures price play can result in gain or loss apart from the non-commodity component. The CFTC would publish rules providing guidance for calculation methods for determining the commodity option and futures price play of hybrid instruments.

The test is easy to apply to a hybrid instrument containing a commodity option. Such an instrument would be subject to CFTC regulation only if, at its date of issuance, the value of the commodity price play, as measured by the value of the commodity option, is greater than the value of the noncommodity (e.g. bond, note, etc.) component. This is also to say that the hybrid instrument would be required to derive more than 50 percent of its value from the commodity option.

A comparable test can be applied to hybrid instruments containing a futures contract. Again, such instruments would fall under CFTC jurisdiction only if, at the date of issuance, the value of the expected commodity price play associated with the futures contract is greater than the value of the non-hybrid component.

Measurement of the expected commodity price play associated with a futures contained in a hybrid instrument is quite similar to that of a commodity option. The key lies in the fact that the payoffs (or profits and losses) to a futures position can be mathematically replicated with commodity option positions. That is, a futures contract can be theoretically separated into basic option "building blocks." For example, the payoffs produced by a long futures contract can be theoretically replicated with a combination of a long call option and short put option. (Such combined option positions are, in fact, referred to as "synthetic futures" and are often used by market professionals as a part of their trading strategies.) In applying the predominant purpose test, this principle can be used to break down a futures contract contained in a hybrid instrument into two options to which a simple options valuation analysis can be applied.

EXAMPLES ILLUSTRATING IMPLEMENTATION OF THE HYBRID TEST

Following are several examples illustrating the application of the predominant purpose test. The first set are generic examples of hybrid commodity instruments that have embedded futures and options. Included are situations where both the principal and coupon payments may be indexed to the price of a commodity. Specific examples are then given where the test is applied to previously issued instruments including the SOHIO oil-indexed notes and the PERLS and Reverse PERLS instruments issued by SallieMae. Finally, a description is given of two products, SPINs issued by Salomon Brothers and SIGNs issued by the Republic of Austria through Goldman Sachs, in which the investor's payoff was tied to the appreciation in a stock index.

Example No. 1

In the first example we consider a generic example of how the predominant purpose test would apply to a hybrid commodity instrument containing a commodity option.

Consider a firm that issues a hybird commodity instrument where the principal amount to be paid at maturity is indexed to the appreciation in the price of gold. The instrument will be sold to investors at a par amount of $1,000, will mature in five years and will pay a coupon rate of interest of 6 percent per year. The amount to be paid at maturity will equal the principal amount of $1,000 plus an additional amount equal to 2.5 times the price of gold at the maturity date (P_T) in excess of $400, if any. To summarize:

Hybrid Issuance Price, Par ($1,000).
Term to Maturity, 5 years.
Principal Amount, $1,000.
Coupon Rate, 6 percent.
Equivalent Yield, 10 percent.
Commodity Option Payment, 2.5 times MAX (P_T—$400, 0).

To illustrate the investor's payoff at maturity, if gold is selling for $420 at the maturity date, then the investor would receive $1,000 plus 2.5 times $20 ($200–$400) which equals $1,000 plus $50 or $1,050. This instrument can thus be viewed as consisting of a bond plus a commodity option. The potential additional return at maturity, depending upon the price of gold, is a commodity option because the purchaser receives back, at a minimum, all of the principal.

Had the same firm decided to issue a similar bond, but one without the commodity play on gold, it would be required, based on its credit rating and current market rates, to offer investors a 10 percent annual return. Under these circumstances, a five-year bond paying a 6 percent coupon rate of interest and priced to yield a 10 percent annual return would sell for about $845. Thus, the difference in the selling price of the two instruments of $155 ($1,000–$845) can be attributed to the value of the commodity option component. Alternatively, option pricing models or other procedures to estimate directly the value of the commodity option component may be employed and would give a similar value ($155).

As shown above, the value of the commodity price play associated with the commodity option ($155) is less than the value of the bond component ($845). Expressed as a proportion of the hybrid instrument's total value (in this case, the price paid for the instrument) at the date of issuance, the value of the commodity option is $155/$1,000 or about 15.5 percent. Therefore, since the hybrid instrument does not derive more than 50 percent of its value from the commodity option, it would not fall within CFTC jurisdiction.

Example No. 2

Hybrid Instrument Containing an Embedded Futures

In the second example the predominant purpose test is applied to a hybrid commodity instrument having a futures component. Similar to the previous example, the investor's payoff at maturity is indexed to the price of a commodity. However, the indexing is not one-sided as is the case with a commodity option. Instead, the investor's payoff may be decreased as well as increased depending on the fluctuation in price of the commodity. This is a characteristic of a futures component.

Consider a firm that issues a hybrid commodity instrument containing an embedded futures. Current interest rates are 10 percent and the instrument has a five-year term to maturity. Upon maturity, the investor will receive the principle payment of $1000 (the bond) plus or minus the difference between the then prevailing price of oil in five years (P_T) and a pre-determined reference price of $25 per barrel, times 40 barrels (the futures). To summarize:

Hybrid Issuance Price, $621.
Term to Maturity, 5 years.
Principal Amount, $1,000.
Coupon Rate, 0 percent.
Equivalent Yield, 10 percent.
Commodity Futures Payment, 40 times (P_T—$25).

As constructed this instrument contains a futures contract because the commodity price play is two sided: if the price of oil in 5 years goes up above $25 per barrel, the purchaser gets back more than the $1,000 principal amount; if oil goes down, he will receive less than $1,000 back.

The bond portion of the transaction is, in effect, a five-year, zero coupon bond with a face value of $1,000. Based on the firm's credit rating and a market rate of interest of 10 percent, the current (discounted) price of such a five-year bond is $621.

To accurately value the expected commodity price play associated with the embedded futures, we simply translate the futures contract into its "synthetic futures" equivalent—a theoretical short put option and a theoretical long call option. Assume that the computed values of the put and the call each equal $255. Thus, to measure the commodity price play associated with the futures contract, the absolute values of the put and call are added to equal $510 ($255 plus $255).

As the value of the commodity price play associated with the futures ($510) is less than the value of the bond ($621), this particular hybrid instrument would not fall within CFTC jurisdiction.

If, on the other hand, the principal payment at maturity had been indexed to 60 barrels rather than 40 barrels of oil, the value of the commodity price play associated with the futures contract would have been larger and equal to $765 (60/40 times $510). As the value of the commodity price play ($765) is now greater than the bond ($621), the hybrid instrument would then be subject to CFTC jurisdiction.

Example No. 3

Hybrid Instrument Containing Both a Commodity Option and Futures

The first two examples presented situations where the hybrid instrument contained a commodity option and an embedded futures, respectively. The next example analyzes a hybrid instrument that contains both.

Consider a firm that issues a hybrid commodity instrument that has both a futures and a commodity option embedded in a bond. Assume that current interest rates are 10 percent and the instrument has a five-year term to maturity. Upon maturity, the investor will receive $1,000 (the bond) plus or minus the difference between the prevailing price of oil in five years (P_T) and a predetermined reference price of $25 per barrel, times 40 barrels (the futures). However, if the price of oil rises above $35 a barrel, the payment will be capped at $400 based on a $35 per barrel calculation (the commodity option component). To summarize:

Term to Maturity, 5 years.
Principal Amount, $1,000.
Coupon Rate, 0 percent.
Equivalent Yield, 10 percent.
Commodity Based Payment, 40 times (P_T—$25), subject to a $400 cap.

This hybrid instrument can be viewed as a five-year, zero coupon bond having a face value of $1000, containing a futures contract tied to the price of oil subject to a cap which limits the investor's maximum potential payment at maturity to $400. (A cap is another way of saying an option). Based on the firm's current credit rating and a market interest rate of 10 percent, a five year zero coupon bond would sell for $621.

To accurately value the expected commodity price play associated with the embedded futures and option, the futures is first translated into its "synthetic futures" equivalent—a theoretical short put option and a theoretical long call option. Let the computed values of the short put (representing the value associated with a fall in oil prices below $25) and the long call (representing the value associated with an increase in oil prices above $25) each equal $255.

Next, because the payment received from a rise in oil prices is capped when oil reaches $35, the investor in essence is short an additional call option having a $35 strike price. Assume that the value of this short call option equals $200. Because the cap eliminates any additional commodity price play for oil prices above $35, the commodity play value associated with increases in oil prices above $25 is reduced from $255 to $55 ($255–$200).

Thus, the total absolute sum of the commodity price play will equal $55 (for potential increases in oil prices) plus $255 (from potential decreases in oil prices) or $310. Because the value of the commodity price play associated with the futures and option ($310) is less than the value of the bond ($621), this particular hybrid instrument would not fall within CFTC jurisdiction.

Example No. 4

Hybrid Instrument With Coupon Indexing

In each of the previous examples, the hybrid instrument was designed such that the principal component (the amount to be paid at maturity) was indexed to the price of a commodity. The following example illustrates how the predominant purpose test is applied to a hybrid instrument in which a bond's coupon payments are each indexed to the price of a commodity. That is, the amount the investor receives at each coupon payment date would depend on fluctuations in the price of a commodity.

Consider a firm that issues a hybrid commodity instrument in which the coupon payment is indexed to the price of oil. The instrument will have a $1,000 face amount, will have a three-year term to maturity, and will pay an 8.4 percent coupon with interest paid semiannually.

However, each semiannual coupon payment will be adjusted by plus or minus the difference between the then prevailing price of oil at each payment date (P_T) and a predetermined reference price of $30 per barrel, times 1.25 barrels of oil. This instrument can be viewed as a three-year 8.4 percent coupon bond with interest paid semiannually, and a set of six consecutively maturing futures contracts having maturities of ½, 1, 1½, 2, 2½, and 3 years. That is, each of the six semiannual coupon payments can be viewed as containing a futures component. To summarize:

Hybrid Issuance Price, Par ($1,000).
Term to Maturity, 5 years.
Principal Amount, $1,000.
Coupon Rate, 8.4 percent.
Equivalent Yield, 8.4 percent.
Commodity Futures Payment, 1.25 times (P_T—$30), paid semi-annually.

To measure the commodity play associated with each futures contract, note that each can be synthetically replicated with a long call option and a short put option. The commodity play value of the put and call options comprising each synthetic futures can then be determined by summing their absolute values. The calculated option values are as follows:

Futures maturity	Short put value	Long call value	Absolute sum: Put plus call
½ year	$5.05	$5.05	$10.10
1 year	6.84	6.84	13.68
1½ year	8.00	8.00	16.00
2 year	8.83	8.83	17.66
2½ year	9.44	9.44	18.88
3 year	9.89	9.89	19.78
Total commodity price play			96.10

At the date of issuance the value of the bond (which is the present value of the stream of coupons plus the present value of the principal) is $1,000. Since the value of the total commodity price play associated with the futures contract ($96.10) is less than the value of the bond component ($1,000), this hybrid instrument would not be subject to CFTC jurisdiction.

Example No. 5

SOHIO Oil-Indexed Notes

The next set of examples apply the predominant purpose test to three hybrid instruments issued in recent years that contain commodity option and/or futures components. These instruments are the Standard Oil of Ohio (SOHIO) oil-indexed notes, the "Principal Exchange Rate Linked Securities" (PERLS), and the Reverse PERLS instrument.

In the summer of 1986, Standard Oil of Ohio (SOHIO) issued a hybrid commodity instrument indexed to the price of oil. The instrument had a 4½ year maturity and had no stated rate of interest. At maturity investors were to receive a par amount of $1,000 plus an additional amount equal to the price of a barrel of West Texas Intermediate crude oil in excess of $25, times 170 barrels. However, if the price of oil at maturity (P_T) rises above $40 a barrel, the payment will be capped at $2,550 based on a $40 per barrel calculation (the Commodity option component). The hybrid instrument was sold to investors for $970. This instrument can be viewed as being a bond with an embedded commodity option. To summarize:

Hybrid Issuance Price, $970.
Term to Maturity, 4.5 years.
Principal Amount, $1,000.
Coupon Rate, 0 percent.
Equivalent Yield, 9.9 percent.
Commodity Option Payment, 170 times MAX (P_T—$25, 0), subject to a $2,550 cap.

A similar non-hybrid instrument issued by SOHIO at that time, was priced to yield investors an annual return of 9.9 percent. Under these circumstances, a pure discount bond with a 4½-year maturity, a $1,000 face value, and priced to yield a 9.9 percent annual return would sell for $654. The difference between the selling price of the two instruments of $316 ($970–$654) can be attributed to the value of the commodity option. Alternatively, option pricing models or other procedures may be employed to directly estimate the value of the commodity option component and would give a similar value ($316).

As shown above, the value of the commodity price play associated with the option ($316) is less than the value of the bond ($654). Expressed as a proportion of the intrument's total value at the date of issuance, the value of the commodity option is about 33 percent ($316/$970). Therefore, since the instrument derives less than 50 percent of its value from the embedded commodity option, it would not be subject to CFTC jurisdiction.

Example No. 6

SallieMae PERLS

The next example looks at the 12⅛ Percent Principal Exchange Rate Linked Securities (PERLS) which were issued in March 1987 by the Student Loan Marketing Association (SallieMae) and were set to mature on March 20, 1990. This hybrid instrument was constructed such that the investor's payoff at maturity was dependent on fluctuations in the value of the Australian dollar relative to that of the U.S. dollar.

The PERLS instrument was issued in March 1987 by SallieMae. The instrument had a three-year term to maturity and a 12⅛-percent coupon rate of interest with interest payable semiannually in U.S. dollars based on the face amount of the instrument ($1,000). At maturity the investor was to be paid an amount equal to the U.S. dollar equivalent of A$1452 (Australian dollars). This is also to say that at maturity the investor would receive the principal payment of $1,000 plus or minus the difference between the then prevailing U.S./Australian dollar exchange rate in three years (P_T) and a predetermined exchange rate of $.6887, times 1452. Therefore, the payoffs on this instrument can be characterized as a bond with an embedded long futures contract. To summarize:

Hybrid Issuance Price, Par ($1,000).
Term to Maturity, 3 years.
Principal Amount, $1,000.
Coupon Rate, 12⅛ percent.
Equivalent Yield, 8.75 percent.
Commodity Futures Payment, 1452 times (P_T—$.6887).

At approximately the same time, the yield provided to investors on a similar instrument but one without the principal indexed to the value of Australian dollars, was about 8.75 percent per year. Therefore, at the date of issuance, the value of the bond component of the instrument is $1,091 which is the value of a three-year, 12.125 percent coupon bond priced to yield 8.75 percent.

The futures component of the instrument can be theoretically translated into a synthetic futures equivalent, a long call option and a short put option. Values for the put and call options can be determined based on market conditions as of the date of issuance. The values of the call and put option are $21 and $124, respectively. Thus, the sum of the absolute values of the put plus the call, or the commodity price play associated with the futures contract, is $145, which is less than the value of the bond component ($1,091). Therefore, the hybrid instrument would not fall under CFTC jurisdiction.

Example No. 7

SallieMae Reverse PERLS

The next example, similar to the previous PERLS example, involves the Reverse PERLS instrument and also has a commodity play related to exchange rate fluctuations. However, in the case of the Reverse PERLS instrument, the bond is combined with an embedded short futures contract. The Reverse PERLS were issued in May 1987 by SallieMae and were set to mature on May 14, 1992.

The Reverse PERLS instrument was issued in May 1987 by SallieMae. The instrument had a five-year term to maturity and a 10⅞ percent coupon rate of interest with interest payable semiannually in U.S. dollars based on the face amount of the instrument ($1,000). At maturity the investor is paid an amount equal to U.S. $2,000 minus the U.S. dollar equivalent of 138,950 yen. This is also to say that at maturity the investor would receive the principal payment of $1,000, plus or minus the difference between a predetermined exchange rate of $.007197 and the then prevailing U.S. dollar/Japanese Yen exchange rate in five years (P_T), times 138,950. Thus, the payoffs on this hybrid instrument can be characterized as a bond with an embedded futures contract. To summarize:

Hybrid Issuance Price, Par ($1,000).
Term to Maturity, 5 years.
Principal Amount, $1,000.
Coupon Rate, 10⅞ percent.
Equivalent Yield, 8.75 percent.
Commodity Futures Payment, 138,950 times ($.007197—$P_T$).

At approximately the same time, the yield provided to investors on a similar instrument but one without the principal indexed to the Yen, was about 8.75 percent per year. Therefore, at the date of issuance, the value of the bond portion of the instrument is $1,090 (the value of a five-year, 10.875 percent coupon bond priced to yield 8.75 percent).

The futures component of the instrument can be theoretically translated into its "synthetic futures" equivalent consisting of a long put and a short call option. Values for the put and call options can be determined based on market conditions as of the date of issuance. The values of the call and put option are $161 and $42, respectively.

Thus, the sum of the absolute values of the put plus the call, or the commodity price play associated with the futures component, is $203, which is less than the value of the bond component ($1,090). Therefore, the hybrid instrument would not fall under CFTC jurisdiction.

Example No. 8

SPINs and SIGNs

Finally, two instruments are described which contain a bond and a stock index option component. These two instruments are the Standard and Poor's (S&P) 500 indexed notes (SPINs) and the Stock Index Growth Notes (SIGNs). Because the option component in each instrument provides a payment that is tied to the appreciation in a stock index, neither would be subject to CFTC regulation according to the jurisdictional provisions of the SEC–CFTC Accord.

In September 1986 Salomon Brother issued to the public at par ($1,000) the S&P indexed notes (SPINs). The SPIN had a four-year maturity and a 2 percent coupon rate of interest with interest paid semiannually. At maturity the investor received the principal amount of $1,000 plus the excess, if any, of the S&P 500 index value over the value of 270.38 times a multiplier of 3.6985. Thus, the SPIN instrument can be viewed as a combination of a bond plus 3.6985 long-term stock index call options each having an exercise price of 270.38.

In January 1991, on behalf of the Republic of Austria, Goldman Sachs issued to the public at par ($10) the Stock Index Growth Notes (SIGNs). The SIGN had a five-year maturity upon which an investor would receive back the $10 principal amount plus an interest payment based upon the appreciation, if any, in the S&P 500 index from the date of issuance. This instrument can also be viewed as a combination of a bond plus a long term stock index call option.

As both the SPINs and SIGNs instruments contain options on a stock index, neither would be subject to CFTC jurisdiction according to the SEC–CFTC Accord.

Mrs. KASSEBAUM. Mr. President, I wonder if the Senator from Vermont would yield a moment so I might express exactly why I am supportive of the efforts of the Senator from Missouri [Mr. BOND] to say let us not do it today.

Mr. LEAHY. Mr. President, I would be happy to yield to the Senator from Kansas without losing my right to the floor so that she can explain to the body why I am wrong.

Go ahead.

Mrs. KASSEBAUM. I say it is not the desire of anyone to see this in limbo. One reason that I, as a member of the Banking Committee, am glad to see we are not rushing for it is the hopes of many of us who believed a compromise was in place some months ago but found all of a sudden there were changes being requested which many of us have not really fully seen even yet as there are new requests for changes being made. That is why I think if we and all of us would agree this is a very important piece of legislation that we have to understand fully what is in it.

I do not see this as a desire to put it off. But I would just say to the Senator from Vermont who is chairman of the Agriculture Committee and had a major role in working on this legislation as well that it is not my desire in any way to stall this, certainly not on my part, and I am sure not on the part of the Senator from Missouri.

We have lost one of our major players on this issue when we lost Senator John Heinz from Pennsylvania. I think as such some of us who have looked to his leadership on the Banking Committee have to get up to speed with what has been going on in negotiations and what has been actually changing by the minute. That is why I think it is important I would say, Mr. President, for us not to put this off, not to let it be in limbo, but to understand fully what indeed we are talking about here on the floor.

Mr. LEAHY. Mr. President, I would hope the Senator from Kansas knows how much I respect and honor and appreciate all the work that Senator Heinz did on this issue. One of the most important meetings we had in trying to develop a compromise occurred in his office at his request and with his leadership. It was very valuable.

Speaking individually, I have been in a state of shock ever since I heard the news in another part of the world on a tiny portable radio with scratching sound coming through of Senator Heinz' death.

I would like to emphasize two or three things quickly. One, Senator BOND has been a major figure in trying to work an agreement on this jurisdictional issue. Senator RIEGLE has also been a major and much needed figure in this area, as was Senator Heinz. I know the Senator from Kansas, whose State relies very much on these futures markets, has a great interest in this and is one of the more knowledgeable Members of this body.

I do not want to suggest that anybody this week is trying to delay this bill for any reason other than that we are all in a state of shock. I would hope that we might quickly reach a time where we can agree to bring the bill to the floor at some definite time and go forward. That is why I was willing to stay here during the recess.

I think all of us—including the Senator from Missouri and the Senator from Michigan, Mr. RIEGLE—would agree that this is the kind of subject where the diverse parties are never going to be in complete agreement until they know that, at 9 o'clock on such and such day, we are actually going to start voting. It might be next week or the week after. But the important point is that we are not going to find parties making those final commitments to a compromise until they know they have to. When they know that the bill is actually going to be on the floor and actually going to be voted on, then the commitments will be made.

I am perfectly willing to withhold until such time as we can have whatever hearings are necessary. I do not envy the job of the distinguished chairman of the Banking Committee who has had his hands full with banking issues and nevertheless has moved heaven and Earth to get a hearing next Tuesday morning with figures who would normally take a month to schedule. I commend him for that.

But it has been my experience, having wrestled with this issue now for several years, that until the bill is actually scheduled, there will be no reaching of a final agreement. There are parties, not here in the Senate, both in the executive branch and in the securities and commodities industry, who will not make those final judgments and commitments until they know they have to. That is all.

I yield the floor, and I thank the Senators for their patience.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I want to follow as quickly as I can. I know two colleagues are on the floor who want to express remarks with respect to Senator Heinz.

While I want, as quickly as I can to follow the remarks of the Senator from Vermont, I would be prepared, if I may reserve my right to the floor, to yield to my colleagues who have remarks with respect to Senator Heinz so they might deliver those now. I will make my substantive remarks when they finish.

The PRESIDING OFFICER. The Senator from Missouri.

The Senator from Michigan has the floor.

Mr. RIEGLE. Yes, I yield without losing my right.

Mr. BOND. Mr. President, I believe we might come close to wrapping up the discussions of this. We did have the distinguished chairman of the Agriculture Committee, the chairman of the Banking Committee, and I have about no more than 2 minutes' worth of comments and a suggestion on this. Perhaps we would know a little bit better where we are going if we could beg the indulgence of our colleagues from Utah and Kansas for I would hope no more than 5 minutes and come to some suggested means of proceeding on this. Would that be all right?

Mr. RIEGLE. I agree with respect to the colleagues. I am happy to proceed and to try to do this in 5 minutes. I am also happy to stand aside and allow others to speak.

I yield without losing my right to the floor.

Mr. HATCH. I wonder if both colleagues would allow Senator KASSEBAUM and me to make our rather short but significant statements eulogizing Senator Heinz, and we will ask that our statements be placed at the appropriate place in the RECORD; then I think you can finish, because I think it will take more than 5 minutes. If we could do that, it will not be a matter of great interruption.

Mr. RIEGLE. I am prepared to yield without losing my right to the floor to either of the Senators who want to speak about Senator Heinz.

Mrs. KASSEBAUM. Mr. President, I very much appreciate the suggestion of the Senator from Michigan. I will be happy to defer to the Senator from Utah and then wait to offer my statement after the conclusion of the debate.

Mr. HATCH. If my colleagues will allow me to proceed, I do not intend to take more than 5 minutes.

The PRESIDING OFFICER. The unanimous-consent request is that the Senator from Utah be allowed to speak. Is there objection? Without objection, it is so ordered.

(By unanimous consent the remarks of Mr. HATCH pertaining to Senator Heinz appear at an earlier point in the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, I am going to make just a few remarks to round out the record on this issue. I also will have some things to say about John Heinz. I have spoken about him in the Senate Banking Committee and at earlier hearings we had, and so at a later time I will address my remarks to the extraordinary record of service he gave his country and the feelings I have personally about the tragedy of his being lost to us.

Let me not address that further now but go to the legislative issue in front of us, the question of this CFTC–SEC issue as it relates to the matters in the bill that has been referenced by the Senator from Vermont.

I have great respect for my friend from Vermont. In fact, he and I have known each other for a long time. I first met him about 20 years ago quite by accident on a hillside in Vermont. He was not a U.S. Senator at that time. The fates were with us that day and we met and developed a friendship that has been very deep and strong since that time, so much so that I asked the Senator from Vermont and his wife to serve as the godparents for my 6-year-old daughter, which was about as great a compliment as I am able to pay. So there is very strong feeling between us.

I must say whenever I see my friend from Vermont get up to speak and his head turns red because of what he is talking about, I realize that is a sign he is feeling passion. We do not see that often, but when we do I take account of it, as all of us around here do. I understand his strong feeling on this issue and I think all of us who worked with this over a period of time have an equal feeling of seriousness and concern about these matters and want to see that they are dealt with and dealt with properly.

The problem we face jurisdictionally is that part of this bill addresses issues that fall, as we would see it, on the Banking Committee within the clear jurisdictional authority and responsibility of our committee. As a result, they have to be matters we address and look at and feel we have responded to appropriately in terms of our duties to the Senate as a whole, to be sure we are able to assert to the Senate that we have examined the part of the bill that relates to our jurisdiction, that we understand it, that we see a full and fair presentation of argumentation is presented, so that all Senators are fully informed to make their own judgment.

I always approach issues from the point of view that Senators should in the end make their own independent judgment on issues. I do that myself. And so our obligation is to make sure we are providing what information and insight is necessary on a complicated and arcane issue like this, that we carry out that responsibility, and I am determined to do it.

When this issue in title III of this bill arose, it was clearly within the bounds of our committee. We undertook to analyze it, evaluate it, and gather expert opinion. One of the first things I did was write to the Chairman of the Federal Reserve Board, and he wrote back to me, in a letter I am going to have printed in the RECORD at the end of my comments, and expressed great concern about aspects of title III of this bill. That immediately caused me some apprehension.

It has been stated and is known that the Chairman of the SEC also has certain operational duties in this area, and himself has expressed, as well, concerns and reservations about part of this bill.

So we have undertaken, now, to call before us as witnesses these regulatory officials, the ones I think are the most important for us to hear from, and from which we should have a public record available to the Senate before we vote.

When I called Alan Greenspan to see when he might be able to testify before us, he indicated he was not able to do it today because he is traveling in another part of the United States. The earliest he could come and was prepared to come—he felt it was important to testify—would be next Tuesday morning.

And so we moved other things aside so he can appear, and other witnesses can appear, and we can draw these issues out, and the Senator from Missouri and I can bring before the Banking Committee a full record that contains the relevant observations and commentary from the chief regulators that have a stake in this issue.

It is not a simple issue. It is not a question of who is more ardent or less ardent in wanting to deal with this problem. We have been trying to deal with this set of issues now for 2 years. John Heinz is foremost among those who worked so hard, along with many others, to try to do something about resolving these issues. In the past, we thought we were close to answers. Then at the end, for one reason or another, the agreements that seemed to be within reach did not materialize. So we are back again now.

I am hopeful we can work something out here, but we are not likely to work it out ever if one committee—not necessarily intentionally—is undertaking to come forward with something that falls into the jurisdictional range of another committee, when that committee has not had a chance to act in specific, focused detail on whatever it is that is being proposed in the way of a new proposal.

That is why this title III has become so contentious. I just want to say a couple of other things about it, and I will yield.

The issues involved here are very complex, and they are highly technical. As my colleagues know, title III of this bill attempts to define the scope of jurisdiction of the Commodities Futures Trading Commission and by implication, the jurisdiction of the Securities and Exchange Commission and the Federal bank regulatory agencies. Therefore, title III of S. 207 is within the clear jurisdiction of the Senate Banking Committee.

Further, the decisions that we make in connection with S. 207 will have a profound impact on the development of new financial products, often referred to as hybrid instruments, in the United States. I stress the development of these products in the United States, because as we all know, these new products will be developed regardless of what happens here. They will exist somewhere else in the world.

We can, however, make this country's markets so complex or so inhospitable to these products that they will not properly develop here, but in fact develop overseas.

In today's global financial market, the competition is not between New York and Chicago and San Francisco—although there is competition there—but fundamentally, it is between the United States and Great Britain and Japan. In other words, we are increasingly in a global market situation.

I am proud to be able to say we in the United States are currently the world leaders in financial innovation, and we should take great care that we not lose our competitive edge in the financial markets through this or any other legislation.

Frankly, we have not fully considered the ramifications of this bill on the securities and the futures markets. There have been no hearings to gather the views of the regulators responsible for these markets. Most of the securities firms and banks that participate in these markets have written the Banking Committee to express their opposition to S. 207. So more consideration is needed of these issues before we move forward on such important legislation.

Next Tuesday morning, on April 16, we will have in witnesses and hear the views of the Commodity Futures Trading Commission, the Treasury Department, the Securities and Exchange Commission, and the Federal Reserve Board on S. 207. As I say, we have pushed other things aside—very important things aside—in order to take this up on an expedited basis.

At that time, we will ask the regulators to state their views on S. 207 as it was reported out of the committee, as well as the Treasury-CFTC substitute, which I understand will be offered as a manager's amendment.

Further, I understand that Senators WIRTH and BOND have a substitute amendment that attempts to resolve many of the concerns that have been raised about S. 207. Their proposal should be considered and compared with S. 207 as it was reported out of committee, as well as compared with a possible manager's amendment.

It just would not be proper and it would not be fair to the Senate to bring a matter of this high degree of complexity to the floor until that kind of serious and focused work is done. So we have to proceed in a fashion that allows that it will be done.

I might further say to the Senator from Missouri, I want to commend him for his leadership on this issue. He is on the floor now: Senator BOND. He has worked very hard on this over a very long period of time. He worked with Senator Heinz, endeavoring to try to find an answer to this, over a year ago. We came very close at that time.

I appreciate the leadership that was given then, and I am very mindful of the effort that went into this, and in effect is continuing at the present time. So I want to be sure that that effort, supported by the Senator from Colorado, Senator WIRTH, and others, perhaps, as well, perhaps the Senator from Kansas; I am not sure about that, but we want to make certain we have moved in a fashion here where all these issues are out on the table.

We should move in an expeditious way, but we are not going to run over the edges in terms of a full and careful examination of these issues. When we have a letter from the Chairman of the Federal Reserve expressing his reservations about aspects of the Agriculture Committee bill, and we have a letter from the Chairman of the Securities and Exchange Commission likewise expressing his reservations—both of which I will make a part of the RECORD—and other letters from other major parties of interest expressing their concerns, then obviously we have to take the time to do this carefully and to do it in a way that will stand the test of time.

I am for making what adjustments we can agree are prudent and sound, and will help us and will give us stronger markets and give us more vibrant markets and give us more economic growth in the future. But we are going to have to take the time required to understand precisely what we are doing.

This is a highly technical area of the law. Rhetoric and passion and sophistry cannot settle these issues; these need thoughtful, quiet, careful, thorough examination. That is exactly what they 'are going to receive from our committee.

When we feel we have a body of information that is sufficient to bring here to the floor for our colleagues to consider with respect to the part of this that falls within the Banking Committee's jurisdiction, we will bring it here. There is no predisposition one way or the other in our committee to try to tilt this legislation here. It is to make sure all the facts are on the table and we know what we are doing, because everybody is going to have to live with this vote. And the implications of it are very important, making sure we have it right in terms of just the good, sound impact on our economy in the future.

I do not know if the Senator from Missouri would like me to yield, but if so, I am happy to yield to him. Or I will yield the floor shortly if he does not so desire.

Mr. President, I ask unanimous concent that the letter to which I earlier referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, March 15, 1991.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN RIEGLE: Last week the Senate Agriculture Committee marked up S. 207, the "Futures Trading Practices Act of 1991". The provisions of Title III of S. 207, entitled "Intermarket Coordination", are highly restrictive and seek fundamentally to restrain competition. Title III of S. 207 also contains provisions that would alter the basic jurisdiction of the Securities and Exchange Commission ("SEC") as it has existed, in large part, since enactment of the Securities Act of 1933 and the Securities Exchange Act of 1934. This letter presents my views on the effect that Title III would have, if enacted, on the jurisdiction of the SEC and, more broadly, on the competitiveness of U.S. securities markets.

The impact of this legislation would diminish the vitality and competitiveness of U.S. securities markets internationally. It would also weaken their ability to facilitate the raising of capital for U.S. businesses at the lowest possible cost. As a result of this codification of the most expansive possible interpretation of the commodities laws, most new innovative hybrid securities products, as well as an unknown number of banking products and swaps transactions would, in effect, become illegal if traded or sold anywhere other than on a futures exchange unless licensed or approved by the Commodities Futures Trading Commission ("CFTC"). New products would be barred from heretofore open and competitive markets unless market participants engaged in lengthy and expensive regulatory proceedings to prove to the CFTC that these products should be allowed to exist.

PURPOSES AND EFFECTS OF TITLE III ON SEC JURISDICTION

Under the language of sections 302, 303 and 304 of S. 207 as marked up, for the first time in history, trading in securities on the nation's securities exchanges would depend, by statute, on the affirmative action of an agency other than the SEC. For this reason, these provisions of S. 207 represent a fundamental and highly significant change to the nation's securities laws.

If enacted, this legislation could be read to transfer one of the SEC's most important and fundamental responsibilities, that of defining "securities," to the CFTC. As a result, the jurisdiction of the SEC would be permanently reduced, to the detriment of the SEC's ability to apply a coherent system of securities laws to future development since the nation's capital markets.

S. 207 would also appear designed to transfer jurisdiction over index options products currently listed on the Chicago Board Options Exchange, American Stock Exchange, New York Stock Exchange, Philadelphia Stock Exchange and Pacific Stock Exchange (and perhaps even options on individual securities) to the CFTC. New section 4c(g)(B) of the Commodity Exchange Act ("CEA"), added by Section 303 of S. 207, specifies that any transaction "in or involving a commodity regulated under this Act . . . shall be subject to regulation by the [CFTC]." Since stock indexes are treated as commodities for purposes of the agricultural laws, this provision appears designed to transfer regulation of the index options markets from the SEC to the CFTC. Trading in such index options last year exceeded $2.5 *trillion*, making them the largest derivative markets for U.S. equity securities. Oversight of the nation's options trading markets has been the exclusive function of the SEC since 1934.

Title III also subjects the very large and highly competitive swaps market, in which major U.S. banks and securities firms are principal participants along with U.S. corporations, to the agricultural laws of the United States under the jurisdiction of the Agriculture Committee. Similarly, S. 207 provides for exemptions from the CEA for many, though perhaps not all, "demand deposits, time deposits, or transaction accounts" within the meaning of the federal banking laws. By stipulating the conditions under which an exemption from the exclusivity clause of the CEA may be provided, S. 207 appears designed to create the impression that jurisdiction over these banking and securities products has been transferred, at least in part, to the CFTC.

- Many provisions of Title III of S. 207 appear to have been drafted just before markup, without ever being the subject of hearings and without the participation of the SEC. The effects of these provisions, which would represent a very significant transfer of jurisdiction, may simply be the unintended consequences of hasty and ill-considered drafting. Nevertheless, they may do enormous damage to the securities, options and swap markets, which compete with futures exchanges, if the process moves too rapidly for thorough study of the effects of Title III.

TITLE III IS NOT A "COMPROMISE"

As you know, last year Senators Dodd, Heinz and Bond of the Banking Committee reached a compromise with Senators Leahy and Lugar of the Agriculture Committee. The compromise concerned, among other things, the reforms necessary to curtail the flagrantly anticompetitive "exclusivity clause" of the CEA.

The staff of the SEC worked together with the staff of the Senate Banking and Agriculture Committees for literally hundreds of hours to perfect the necessary legislative language to implement this compromise. This language was formerly included in Title III of S. 207. The SEC testified in favor of this draft language in a hearing held before the Agriculture Committee on February 7, 1991.

At some point between the hearing on February 7 and the markup by the Agriculture Committee last week, the carefully developed compromise language of Title III was replaced completely by the current language of Title III of S. 207, which we understand was still being written during the night before markup. The SEC never testified concerning the new "midnight language", and we did not receive a copy of it until completion of the markup. Indeed, to my knowledge no hearing has ever been held in any committee of either the Senate or the House of Representatives to consider the impact of this language on the nation's securities, banking, swaps and other financial markets. Instead, apparently the future development of the American capital markets is to be governed by the agricultural laws of the United States without consideration whatever of the effect that this change may create.

Title III of S. 207 now represents no compromise at all. Rather, Title III will be read as codifying the most expansive imaginable application of the exclusivity clause. Ideally, those who have promoted the new language can come forward in the open and provide explanations for why it represents sound public policy. After public consideration of the impact of this legislation, Congress would be in a better position to determine whether to continue to allow the agricultural laws to be used to drive innovative new financial products out of the capital markets of the United States.

PROBLEMS WITH TITLE II

Moreover, Title II of S. 207, for the first time in history, would grant the CFTC jurisdiction over broker-dealers registered with the SEC under the Securities Exchange Act of 1934 where any such firm is affiliated with a futures commission merchant ("FCM"). Section 272 of Title II of S. 207 contains provisions designed to create holding company oversight over the affiliates of FCMs in a manner very similar to the authority granted to the SEC by Congress last year as part of the Market Reform Act initiated by the Committee on Banking, Housing and Urban Affairs. In the absence of any provisions that the rules and requirements of the CFTC applicable to the broker-dealer affiliates of FCMs would be conformed to the pre-existing reporting obligations of broker-dealers to the SEC, enactment of Title II would impose substantial additional regulatory costs on securities firms.

The additional and possibly very substantial new regulatory costs that Title II would impose on securities firms would come at a time when earnings are under very great pressure, and when more than 60,000 jobs have been eliminated in the industry as a whole. Given that FCM subsidiaries of broker-dealer holding companies are typically trivial in size compared with their broker-dealer affiliates, and that holding company oversight already exists for such firms, it is not clear why broker-dealers or their holding company affiliates within the jurisdiction of the SEC should be subjected to such unnecessary regulatory controls and related expenses.

CONCLUSION

In the view of the SEC, it is bad public policy to severely restrict the flexibility of banks and securities firms to design new instruments to serve the financial needs of businesses across the United States as would occur under the provisions of S. 207. I personally believe that the needs of our markets should not be sacrificed to domestic protectionism for any group. Ideally, we should seek to strip away anticompetitive laws like the exclusivity clause, not strengthen and extend them.

At a minimum, however, any decision to so dramatically narrow the traditional functions of the SEC and the flexibility of our securities markets should only be made after public hearings and full consideration by the Committees with responsibility for the financial laws and markets of the United States. Indeed, this legislation would appear to render the reauthorization of the SEC later this year much less meaningful. Whatever you and the Committee can do to restore fairness and order to the legislative process with regard to these proposals so important to the securities laws and markets will be most appreciated.

Sincerely,

RICHARD C. BREEDEN,
Chairman.

BOARD OF GOVERNORS, OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, March 27, 1991.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: Thank you for your recent letter requesting my views on Title III of S. 207, the Futures Trading Practices Act, as reported out of the Senate Agriculture Committee. In that letter you ask several specific questions about the regulation hybrid instruments, including swaps, prescribed by the bill. I would like to focus on those matters on which I believe I can be of most assistance to you and give special attention to the treatment of swaps and deposits.

As I have noted in testimony and previous correspondence on these issues, various problems arise from a basic principle underlying the current approach to the implementation of the Commodity Exchange Act (CEA), under which instruments with elements of futurity may be considered to be futures contracts and therefore required to be traded on futures exchanges. This approach has led to confusion in financial markets and involvement of the courts, of which the situation involving index participations is a good example. The developers of new financial instruments—including risk-shifting products—are responding to perceived economic needs, but the uncertainty about the treatment of new financial instruments in the United States under the CEA tends to discourage such efforts and to give an edge to financial centers abroad.

Clearly, these provisions of the CEA are in need of repair, and I commend the Senate for seeking to make needed changes. However, as I indicated previously, the approach taken by S. 207 will continue to preserve impediments to innovation in hybrids and risk-management products and may well forestall developments in swap markets that could reduce systemic risk. The 50 percent value test embodied in the bill is arbitrary, as will be any procedure for determining the value of the commodity component of a financial instrument, and could yield anomalous results for similarly structured instruments. The exemptive authority given to the Commodities Futures Trading Commission (CFTC) under this bill is narrow and in some cases would prohibit the Commission from making appropriate exemptions. The hearing requirement could lead to a cumbersome exemptive process which itself would pose an obstacle to innovation. Further, the use of regulatory exemptions, once granted, itself creates uncertainty, as they may be revoked at a future date.

Instead of this approach, which seeks to exempt certain hybrids from the CEA, it would be preferable, as I have noted previously, to allow such instruments to trade on markets selected by the parties. Thus, equity-related derivative products could trade on either securities or futures exchanges and banks and other financial institutions could offer commodity derivative products where appropriate prudential and investor protection safeguards are in place. In this way, owing to different customer bases, similar products could evolve in ways that best meet the needs of those customers.

In the case of the swap markets, I am concerned not only about the potential adverse effect of S. 207 on competition and innovation but also about its potential to impede the development of netting arrangements designed to reduce counterparty credit risks and, therefore, systematic risks in the financial markets. Last November, the Governors of the central banks of the Group of Ten countries released a report that concluded that netting arrangements, if properly designed, have the potential to reduce the size of credit and liquidity exposures incurred by participants in interbank and other wholesale financial markets, including the swap markets, and thereby contribute to the containment of systematic risk. However, the provision of S. 207 that limits the exemptive authority of the CFTC to swap agreements that are "not designed to and would not result in a trading market in the swap agreement" could prevent the development within the United States of multilateral netting arrangements for swap obligations. Other conditions of this swap exemption authority may also result in a failure to exempt certain existing swap transactions. The enactment of these provisions could push multilateral netting arrangements for swap obligations and the swap markets themselves offshore.

Proponents of the prohibition of multilateral netting of swap obligations have argued that such a system would, in effect, be a futures exchange and, therefore, should be subject to CFTC regulation. There are important differences, however, between a traditional futures exchange and the multilateral netting systems that have been developed in other financial markets. Participation in these netting systems generally is limited to commerical banks and other regulated financial institutions that traditionally have taken an approach to risk management that is fundamentally different from the approach used by futures exchanges. In designing multilateral netting systems, generally these institutions have adopted decentralized systems that preserve incentives for bilateral risk management (by allocating losses from a default in the first instance to the original counterparts of the defaulting participant) rather than adopting the centralized systems used in the futures industry that mutualize losses without regard to the original counterparties. For such decentralized systems, the regulatory framework developed by the CFTC for futures exchanges seems inappropriate. The case for CFTC regulation is further reduced if those other systems are subject to regulation by another federal agency.

In addition to extending the coverage of the act to swap transactions, Title III also suggests that the CFTC will have jurisdiction over some depository instruments and lending transactions. We do not believe that it is appropriate for banking activities of the federally regulated institutions to be subject to the jurisdiction of the CFTC. Banks are subject to a comprehensive system of federal regulation designed to ensure the safety of the institutions and to protect their customers; there is no need to impose another layer of regulation on their activities, especially where that regulation is designed the meet concerns that are not relevant to banking activities. Further, the bill could be read to preclude banking regulators from overseeing banking transactions that are exempted by the CFTC, a situation that would be inadvisable.

I hope you find these comments to be helpful.

Sincerely,

ALAN GREENSPAN.

Mr. BOND. Mr. President, I thank the distinguished chairman of the Banking Committee. I would say just a very few things.

No. 1, I appreciate the great work he has done and the tremendous effort to convene this hearing. I think it is going to be important for all of us to find out what the regulators, what the experts in this area, have to say.

Second, I had indicated to the majority leader that I personally had no problems with agreeing to proceed at 2:15 next Tuesday. I am advised that there are other Members who do have such objections. So I wanted to put the majority leader on notice that there may well be objections. I am not personally raising them, but I believe there are others who may object to that unanimous-consent request.

Having said that, I also want to commend my former chairman, the distinguished Senator from Vermont. There were at least three things he said that I agree with. Obviously there were several more I did not agree with.

First, we must move forward to tighten up the regulation in the futures market. I think that is vitally important. I wish we could have done it last year. We must do it, and we ought to do it this spring.

Second, he said we should not hold this up because of a narrow interest, or the interest of some particular individual or individuals. I agree with that, and I do not think we have any intention of doing that.

Third, he said the original bill which reflected our agreement, which he introduced, was a good one and we should have passed it. And I totally agree we should have passed it. The fact that a number of parties were uncomfortable with it suggests that maybe we had hit the perfect compromise that leaves everybody slightly sullen. However, we did not get that achieved.

The point I make is that the measure which came out of the Banking Committee reflected a proposal, as I understand it, from the CFTC. I do not believe there were hearings on the proposal as it came out in the amendment. I understand there was less than a quarter of an hour discussion in the Agriculture Committee on the amended title III.

Moreover, we had just received copies of an additional modification that came either yesterday or the day before which suggests some additional changes with respect to swaps that had apparently been worked out by the Treasury and the CFTC. Senator WIRTH and I intend to provide a comprehensive substitute amendment which will, we hope, go back to the basic concept which framed the agreement that we had sought to put into legislative language last fall. I hope that all Members will take a look at it, No. 1, and will review very carefully the letter of March 27 from Chairman Alan Greenspan to Chairman RIEGLE of the Senate Banking Committee. As complex and as difficult as this issue is, if my colleagues would only read that letter, I think they would get the flavor of some of the problems we hope to be able to fix by an amendment.

My hope is that by getting started on this measure, we will get the regulators back in the room and get the people who are experts in this matter to hammer out among themselves the tremendously complex details that ought to go into an effective resolution of this issue. A few years ago, the Johnson-Shad accords settled other disagreements between the CFTC and the SEC with respect to jurisdiction. Frankly, I doubt that there are more than one hand of fingers of Members who can explain to you the Johnson-Shad accords. I assure my colleagues that once we get into the details of title III, there are going to be many people who would require a great deal of time to understand it thoroughly.

I hope that by working toward moving forward next week on this bill, giving the regulators a deadline, presenting both sides of the argument, we could have the regulators come up with the details which would make it unnecessary for us to try to debate and vote on extremely technical changes and differences in this body.

However that comes out, in any event, I personally am most happy to go along with Chairman LEAHY's desire to have it all out on the floor, vote the amendments up or down, and I hope ultimately vote the bill out. I think we must get on with it, and I strongly support the position of the chairman of the Agriculture Committee in that regard.

Mr. DECONCINI. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

WHAT HAPPENED TO PRINCIPLES?

Mr. DECONCINI. Madam President, the war in the Persian Gulf has been won, yet Hitler remains in power. That is the situation we find ourselves in today in Iraq. To compound the moral dilemma, as A.M. Rosenthal wrote in the New York Times last week, "They are killing the Jews again. This time the slaughter, the torture and the forced marches to death are taking place in Iraq and the killers have different names for the Jews. They call them Kurds and Shiites as they spit in their faces and tear the beards of men and throw the women down for rape, before the day's killing."

I did not vote to authorize force after the lengthy and I thought deliberate debate in the Senate. At the time, I believed in the merit of the argument that sanctions had not yet had time to work. Also, it was not clear to this Senator whether the war would guarantee the removal of Saddam and a clean end to the despotic rule he has imposed in that part of the world. Yet, once the President committed U.S. forces to offensive action, I wholeheartedly supported the troops and the President's policy. As a member of the Defense Appropriations Subcommittee, I strongly supported the necessary funding requests for our forces to get the job done. President Bush and the brave, well-trained American servicemen and women earned a brilliant military victory in the Persian Gulf. Kuwait has been liberated. Iraq has apparently pledged to accept the United Nations' imposed cease-fire with its stiff terms. Yet it appears that this victory may be a hollow one. The job is not yet done.

President Bush spoke eloquently before and during the war about the need for a "new world order." He correctly framed the debate in terms of moral principles, not oil. He described our objectives in the region as the liberation of Kuwait and the pursuit of freedom from Iraq's tyrannical violation of international law which that country had imposed on others. These principles, he argued, are the ones under which our Nation was founded and in which the American people believe.

President Bush also called upon the people of Iraq—all of the people—to remove Saddam Hussein, their modern-day Hitler, from power. On February 15, in a speech at the Ray-theon Missile Systems Plant, President Bush called upon "the Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein, the dictator, to step aside and to comply with the United Nations resolutions." Yet, when the Iraqi people heeded his call, President Bush acted like Ronald Reagan walking away from a helicopter. He cupped his hand to his ear and mouthed the words, "I can't hear you."

The man who called for ending Iraq's aggression on moral grounds became blind, deaf, and dumb. He became blind to the sight of thousands of women and children stumbling into American hospitals after being attacked by Iraqi forces. He became deaf to the cries from the Kurds for assistance in their attempts to topple Saddam. And he became dumb when the world began to ask why a nation so eager to go to war to end one aggression was so slow to respond to another aggression—from the same regime.

The media has speculated that the President and his intelligence advisors had counseled the Kurds into planning military action against Saddam. This is not beyond the realm of possibility. In the mid-1970's, the CIA provided arms to another group of Kurds in Iraq to fight Saddam. An article in the Washington Post details the establishment of clandestine radio broadcasts into Iraq after the invasion of Kuwait compelling the people, including Kurds and Shiites, to rebel.

Regardless of actual contacts between the Bush administration and the Kurdish rebels.

This intrepid brand of Iraq Kurds and others were inspired by the President's words, our President's words. These long-suffering people proved their worth in battle and made significant progress in just a few weeks' time. They took advantage of the chaos among Saddam's Republican Guards and captured key cities, Kirkuk and Irbil. They also asked for our assistance, any kind of assistance. The request fell again on deaf ears.

In reality the rug was pulled from under them by an administration which only weeks earlier had implicitly rallied them to arms to overthrow Saddam Hussein.

I understand the concerns that by supporting the Kurdish rebels we would be dragged into another Vietnam-type situation. There are creative methods and channels however to assist rebels and others opposed to Saddam Hussein without committing U.S. forces. We apparently provided the Kurds with arms in 1975. After the cessation of hostilities last month we could have turned over to the rebels captured Iraqi equipment. We could have provided air cover for the rebels to prevent Iraqi troops from using their helicopters against them.

After all, Iraq violated its vows to use its helicopters solely for transporting government officials and supplies. It used them as gunships against their own people. Even General Schwarzkopf admitted that he was suckered by the Iraqis on this particular issue. We therefore should not feel constrained from responding.

It also has been reported that the Kurdish leadership officially requested the Bush administration to allow its volunteers to fly captured Iraqi Mig's. I am not aware that this request has been acknowledged even as of today.

All that is required is some creative planning on our part. But this planning has not taken place even as of today. In fact, the administration even ignored the initial pleas for help from the refugees facing genocide who fled to the borders of Iran and Turkey, and who are being slaughtered by helicopter gunships manned by Saddam's elite forces.

But it was the French and the British who raised the issue in the United Nations, not our own Government. It is also the British who are now calling for an area of Kurdish autonomy and safe haven in northern Iraq. We may get dragged into finally supporting that. Is not it long overdue?

Where is the leadership that we once had in successfully prosecuting a war, bringing it to a conclusion, and extracting and forcing the Iraqi military from Kuwait? Where is the U.S. leadership?

We were great in leading the war. Indeed we were. But what about U.S. leadership on peace?

This was a war about principles. We went to the United Nations and we argued our cause on the basis of these salient beliefs. Why then does the administration not raise the principle of human rights at the United Nations when Saddam is committing genocide on his own people? Is this yet another example of the Bush administration making policy as it goes along?

It seems to me it cannot be the logical conclusion. The Iraqi troops were in their elements, shooting and gasing fellow Iraqis who happened to be Kurds or Shiites. These are the same brave troops who crumbled and fled under the lightning attack of the U.S. forces in the international coalition. These feared Republican Guards are quick to use phosphate weapons against helpless women and children. It is easy to win when you shoot your target in the back.

Instead of the ounce of prevention which President Bush could have offered the Kurds in their fight against Saddam Hussein he seems to have settled for a pound of cure. He has suggested a little more than $10 million in refugee assistance for these estimated half-a-million Kurdish and other refugees. But this is just a downpayment on the hundreds of millions of relief dollars which will be needed.

Just 2 years ago Senator BYRD and I were successful in having $5 million appropriated for the Kurdish refugees who fled into southern Turkey from Saddam Hussein's last chemical attack. While Congress and the State Department heeded the Turkish Government's call for aid to the refugees, the Turkish Government unfortunately refused to allow this and other international assistance to be distributed to the refugees.

The money President Bush now offers is a Band-Aid approach to a problem which requires major surgery. In what could have been a defining moment in U.S. history, the Bush administration has returned to its old practice of developing foreign policy as it goes along.

A couple of days ago Secretary Baker flew to the Turkey-Iraq border to witness the refugee problem firsthand, and I am glad he did so. I congratulate him on going there and seeing these people as I have seen in the refugee camps in eastern Turkey of Kurdish refugees who have been gassed and run out of their own country. I congratulate him for doing it.

I was there. I saw it, and I know what he saw. And it absolutely shakes you to the marrow of your bones.

I am convinced that this trip of Secretary Baker was a last-minute addition to a schedule because of the pressure the administration has been receiving on this particular issue. If the administration had demonstrated a little foresight and planning perhaps we would not be facing this horrendous refugee problem. But the problem is real. It must be confronted forcefully. Once again it is the case of too little too late because the administration is constructing its foreign policy on an as-it-goes basis and not with any foresight and long-term planning.

I am truly outraged. I encourage the Bush administration in the strongest possible terms to tell Saddam Hussein to end his genocide of his own people within a specified timeframe or face removal by U.S. forces if necessary. This action can be justified. U.N. Resolution 678 authorizes the use of "all necessary means * * * to restore international peace and security in the area."

Saddam Hussein's continued brutal attacks against the Shiites, Kurds, and other opposition forces are preventing peace from coming to this region. His actions force the United States and other coalition members to maintain a military presence in the area. Also opportunistic forces from Iran and Syria are taking advantage of the turmoil within Iraq to improve their own international standards, and in the long term this does not bode well for regional international peace and security, which was our goal in the first place.

Our troops are already in Iraq. The argument is that you cannot meddle with the internal affairs of a country. We are already there. We are inside that country with a sizable military force. It is not like we are on the outside suggesting that we invade, or we go in. We are already there.

They have told reporters that they feel powerless and frustrated—our own troops as they watch the Republican Guard forces fire tank rounds into hospitals and shell hundreds of civilians in refugee camps who huddle in the ditches and alongside the road. This is what our troops who are there in Iraq, not outside, are telling the news media and the American people.

A U.S. Army captain from Toledo was quoted in the Washington Post on March 31 saying that an 18-month-old girl was "shot with a pistol in her chest," up close enough so the powder burn could still be seen.

Another soldier expressed his frustration by saying "There isn't a soldier here who does not want to finish it. They hate this." S. Sgt. Jonathan Santy talked about the Iraqi citizens he had met who were fleeing their country and he voiced his concern that "If Saddam Hussein remains in power these people will truly be destroyed. I do not see Saddam letting these people live and continue and come back to the country. Does anybody?" In essence, our troops feel that they are prevented from completing the job they were sent to do, a job that they did very well.

If the President refuses to issue this ultimatum to Saddam Hussein, then he must fully explain to the American people and to the world the administration's policy and future goals for this region. Where is that new world order?

What is the President's vision for this region of the world? Do we have a blueprint for the future, or even a road map to indicate the direction we are going? Can President Bush look the United States soldier currently in the buffer zone in southern Iraq in the eye and justify his lack of action? Can he congratulate these men and women for fighting the good fight in January and February only to allow Saddam Hussein to gas his own people, commit genocide, and ruthlessly remain in power in March and April of the same year?

I also urge President Bush, at the very least, to use his authority to ensure the broader issue of the Kurdish human rights and self-determination is made an integral part of the regional peace talks. The Kurdish people must not be forgotten once again, as they have been in the past.

In fact, President Bush could expand upon the concept of a safe haven in northern Iraq. He could call upon the United Nations to establish an independent semiautonomous Kurdish entity in this region. This area, whose security could be guaranteed by U.N. forces, would provide a homeland for the Kurds and a sanctuary for a people which has known only suffering and animosity through almost all of their history.

It also would ease the crush of refugees currently crossing the border into Turkey and Iran. This would do that if they had a safe haven, one that was going to be backed up by the United Nations and the United States, if necessary. It would be a costly effort but, again, a principle that this country could stand tall, as we did in the end of February when this war came to a conclusion at that time.

I recognize that taking this step would cause considerable concern within the Turkish Government and others in the region. But again, this is a moral issue. It must be raised with our friends as well as our adversaries.

In the end, human rights must be respected. The United States can stand tall, and does stand tall, in the world because it has never relented on talking about human rights, particularly in Eastern Europe and the Soviet Union.

Where are we when it comes to human rights in the Middle East? In our beliefs as Americans, we need a vision and leadership, and we need that leadership and vision to include human rights.

Madam President, if you do not do this, we send the dangerous signal to Saddam Hussein that it is once again business as usual in the Middle East, that human rights only apply in Europe, or in other areas, but not here. We won a war on a principle, and even maybe human rights was discussed during those debates. But now that the war was won, and the Iraqis are out of Kuwait, where is the human rights issue now? Not to be discussed. Not to be impressed by the President of the United States. Not to be a fundamental moral principle, once again, as it relates to dealing with Saddam Hussein.

We tell those who are oppressed in the rest of the world that the United States lacked the backbone to resolve the tough issues which cannot be easily resolved at the end of a gun. We say human rights one day, yes; but the next day, no. Human rights as to the Kuwaitis so that they can have their country back? Absolutely.

This Congress supported the President unanimously in his action, once he took that action. And yet, that "Hitler," Saddam Hussein, is still in power. Where is the human rights principle now, as it should be applied against him? We are losing more than we know by not finishing the job. It is one thing to win the military war; it is something else to lose the peace.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. D'AMATO. Madam President, yesterday, I, along with the vast majority of my colleagues, attended the funeral services in Pittsburgh for Senator John Heinz.

Many things were said about Senator Heinz and his career in words eloquent, elegant, and true. I have in mind especially the moving tribute by the Senator from Colorado, and the beautiful and stirring sermon of the Senator from Missouri, who presided.

No attempt to duplicate or surpass those words would be appropriate, and none will be made here. Instead, Madam President, I want to take a moment to engage in a personal recollection of this extraordinary man who was my colleague and became a friend.

What I found in John Heinz, in over 10 years of working together, was a bright and invariably well-prepared, stunningly hard-working, and deeply committed public servant who managed to be all those things with grace.

I came from different circumstances than John Heinz. But then most people do. Some are born with the proverbial silver spoon in their mouths; some of us, perhaps with toothpicks; John Heinz had the whole place setting. What set John Heinz apart was not his many blessings, but how he applied them and shared his talents and gifts.

Much of my association with John Heinz was through our work together on the Banking Committee. Madam President, you and I know that in this body we are all students. We learn, each from one another, and we share our experience. John Heinz was, by education, training, experience, and natural facility, a real expert in the often arcane world of finance, financial institutions, and securities regulation. He had a deeply grounded understanding, born of broad study, careful thought, and rigorous intellect many of us—certainly this Senator—benefited from his knowledge and expertise.

What helped make him my friend, and the friend of many, was how he shared it. His knowledge and his astute insight were freely offered—sometimes to persuade, always to inform, never to dominate, embarrass, or condescend. Like the staff that he strictly trained, of which he demanded so much and was so proud, he was always helpful.

We did not agree on everything. But I have to say that he and I came to agree on more and more things regarding issues before the committee, as time went on. At the very least, I always learned from him and his positions; even on things on which we disagreed usually helped clarify my own thinking.

No one who served on a committee with John Heinz will forget his incisive persistence. His questions often were like barbed hooks: complicated but pointed. And woe to the panelist or witness who tried to bluff or extricate himself with a glib, superficial response. He found the Heinz hook hard to extract.

But neither that hook, nor anything else from John, was envenomed. Never in alliance or enmity did I hear rancor from John Heinz. That was part of his grace.

It is particularly ironic that the committee and the Senate lose Senator Heinz as we face several complex and critical issues—new banking powers, further dealings with the ongoing S&L crisis—in the months ahead. He anticipated many of the problems we will now have to resolve. In fact, over the last few months, John and I had had frequent conversations about how to address them and found much more common ground in our concerns. As usual, I learned a lot from his thinking. We had looked forward to working together to meet some of these seemingly intractable challenges.

Tragically, we will not get that chance. His keen analysis, his institutional memory, his stubborn impatience with the poorly thought-out, and, especially, his unique grace, will be sorely missed in that debate.

I cannot say much more that has not already been said about John Heinz elsewhere and probably better. But to me personally, he represented this body and the best, I think, that we hope is in each of us: Commitment without zealotry, independence without spite, integrity without an ounce of self-righteousness.

He was gifted, giving, and utterly honest.

Madam President, I look around this Chamber on an average day and see all of these qualities. It is hard to imagine soon again seeing, as when John Heinz was here, so many in one man. I will miss him.

[Applause in the visitors' galleries.]

The PRESIDING OFFICER. The Senator from New Mexico.

If the Senator will withhold a minute, the Chair would like to advise those watching the proceedings of the Senate that applause, and other demonstrative means, is not allowed within this Senate, though the Presiding Officer recognizes the depth of feeling that was expressed in acknowledging an equally eloquent expression of a depth of feeling.

The Senator from New Mexico may proceed.

U.S. HUMANITARIAN AID TO IRAQI REFUGEES

Mr. BINGAMAN. Madam President, we have watched over the last week as the plight of the Kurdish refugees from Iraq has gone from bad to worse. Questions of whether we should have continued military action with Desert Storm longer than we did, or whether we should have denied Iraqi forces the use of the air against the Kurdish, will only be answered by history. However, we can, here, today, answer the question of whether the United States bears some responsibility for the Kurdish refugees. We do bear the responsibility of aiding these people, of doing what we can to ensure that they are not starving, and not freeezing to death, or dying of disease due to the conditions of the camps along the border.

We bear that responsibility not only because of what we did in the Persian Gulf but because of why we did it. Because it is here, in the faces of these men, women, and children living in terrible conditions along a desolate border, where the new world order really begins. We flexed our muscles and showed the world that aggression will not be tolerated. Now we need to open our hearts and show the world that we will fulfill our responsibilities in peacetime as well as in war. It is past time that the United States lift its full part to aid these refugees and begin providing humanitarian aid with the same enthusiasm with which we provided military aid.

Madam President, by March 27 Iraqi forces had defeated the Shiite rebels in the south and begun attacks against Kurds in the north. By April 1 the Kurdish rebels had been forced into retreat. On April 5 the United Nations adopted Resolution 688 calling upon Iraq to stop its attacks against Kurds and seek a dialog with the rebels, the same day that the first of the refugees began crossing the Turkish border. The trickle of refugees during the first few days of April quickly became a flood; yet little was done to assist them.

As of last Monday, April 8, Turkey and a handful of other countries had provided $67 million in aid to the refugees, which presumably included the $11 million in aid President Bush proposed on April 5. On April 8 Secretary of State Baker saw firsthand the terrible conditions in which the refugeees are living; at the same time an assistant to the U.N. High Commissioner for Refugees was describing the U.N. relief efforts to that point to be totally inadequate. The European Community responded by immediately pledging $180 million in aid.

The United States, also, has undertaken a relief effort over the last 2 days. The U.S. Air Force has been active in air dropping supplies provided by the international relief effort, and efforts are under way to identify more supplies that could be gathered and air dropped to the refugees. The United States is responding to the plight of the Kurds, but it is late, and it is simply not enough. A reported 1.5 million Kurdish refugees have entered or are trying to enter Turkey and Iran. As the numbers swell, the U.N. relief effort remains inadequate, and the U.S. response continues to be dwarfed by the magnitude of the suffering.

Madam President, if the United States can mount an international effort to oust Saddam Hussein from Kuwait, surely we can mount an international effort to provide food and shelter to helpless refugees. We can help these people, and we must help these people, but to do that requires leadership, a leadership that we have not seen from the administration. We must lead by example, as we did in Desert Shield and Desert Storm. An immediate, large-scale effort to provide aid must begin now. We must begin now to bring the international community together to focus on the plight of the refugees, just as we brought the international community together to focus on the plight of the Kuwaitis.

This is where the new world order begins, Madam President. The international community reacting to a threat, as it did to Saddam, is one thing. The international community reacting to fellow humans who are suffering is another. I hope that we will react with as much unity and sense of purpose as we did in Desert Storm. And I urge President Bush to provide the leadership.

JOHN HEINZ

Mr. BINGAMAN. Madam President, I would like also to make a few short statements about Senator Heinz, our former colleague.

I have heard many of the tributes that have been made today, and I did have the honor to attend the funeral service in Pittsburgh yesterday with many in this Chamber.

We all shared the admiration and affection that has been expressed for Senator Heinz, and it is as though we all recognized the finest tribute to this good man was the one which he himself offered in the life that he lived. A man of conscience and compassion, John Heinz directed his considerable talents and his resources and his enormous energy to the benefit of others. It was a privilege to know him and a pleasure to serve with him.

If it is true that "life is not so important as the duties of life," as John Randolph once said, then John Heinz succeeded brilliantly. He sought duty, and he carried it easily. For all his responsibilities, for all those duties, I think his finest achievement is the beautiful family he and Teresa created. Their sons are outstanding, as all who know them will agree. And their mother is a truly remarkable person. To those four people who were the center of John Heinz' life go our prayers that they will know some comfort and peace in the hard days ahead. I hope they will know, also, that John's life was a great example of public service to us all, and that in itself is a wonderful legacy.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO] is recognized.

SADDAM HUSSEIN'S GENOCIDE

Mr. D'AMATO. Madam President, today we have a beautiful memorial in the Capitol rotunda. It was a memorial to the 6-million people who lost their lives in the Holocaust. There were sentiments expressed of the fact that we will never forget. As part and parcel of that, it seems to me, are interwoven certainly an expression of our outrage and our shared outrage and our shared commitment to see that this kind of genocide, that was forgotten that somehow people looked the other way while it was taking place, never take place again regardless of to whom or to what group.

Madam President, I have to say to you I am shocked, I am appalled, I have a difficult time understanding how it is that this Nation and the world community indeed sits back again and allows genocide to take place, allows Saddam's killing machine to kill people, women, children, civilians, because they may be Shiites or because they are Kurds, because they are sympathetic to those who seek to break the shackles of oppression.

The world inaction today takes on even more ominous terms because there can be no excuse. People cannot claim that they do not see it or they did not know. It is happening. It is taking place.

So that beautiful memorial and all the memorials and tributes that we give in the name of those whose lives have been snuffed out really become empty rhetoric as long as we fail to deal with Saddam Hussein.

I am not going to get into the particulars of whether or not there should be an enclave to represent sanctuary for innocent women and children.

It seems to this Senator, though, that that would be a rather modest thing. It seems to me that the great power that the allies have in that region certainly could be used to stop the killing machine, and that he and his generals should be told quite clearly: If you are going to use your power against innocent civilians, we will crush that power. That is the voice of righteousness and the action of righteousness, not a lot of biased, sancitified prayers without backing them up with action.

How dare we talk about we are going to hold the memory of whoever has been oppressed in the Holocaust or in any other genocide dear and sacred, and we will never forget, when that is exactly what we are doing. Well, we are doing it in a much more despicable way because we turn our back on that which we see on our own TV screens.

Yes, the world may have claimed 50 years ago: We had no knowledge; we did not know. We never had any idea. Well, do we have any idea now? Do we make ourselves feel better because we are going to send $10 million or $20 million or $30 million or 50 million dollars' worth of humanitarian aid? Do we make ourselves feel better, and say: Who knows; we might have somebody who is even worse than Saddam Hussein.

I have reporters tell me, "Well, Senator; my gosh. Who will take his place?" Is that a reason not to deal with evil; not to crush him; not to stand up for those who are being oppressed?

Madam President, while we like to say how appalled and shocked we are, and we commit ourselves that never again will we allow this to take place, I suggest that all of us have a great deal of work to do to see to that that becomes a reality rather than empty rhetoric.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 812 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMORIES OF OUR COLLEAGUE, SENATOR JOHN HEINZ

Mr. MOYNIHAN. Madam President, as have so many of our colleagues in the past days, I rise to speak of my memories of and deepest attachment to our colleague, the late Senator John Heinz.

Senator Heinz and I came to the Senate together almost 15 years ago. From the first, we served together on the Committee on Finance. Many shared interests that would have brought us together in any event provided an institutional setting in which we not only shared concerns but could act together. And over 15 years, which is a great gift in this Republic to have served that long in this body, there is no member of the committee with whom I worked more often, more closely than he.

I followed him so much—and I would want it recorded, as it often is overlooked, that for about half this time, Senator Heinz' party was in the majority and it was not only for leadership that we looked to him but, in a sense, for the ability to act in areas of such great concern to him. None took a greater priority than children and the health of children.

We were much involved in legislation all through those years and even now we are about to bring measures forward which I hope can still be done and which I hope the bill in particular—it is a freestanding bill but has also been incorporated in S. 4—it remains my hope that the bill may yet be named for him if we can provide passage in this year.

We worked on Social Security matters. He was chairman of the Committee on Aging, a select committee in this body, and he was as active and informed as anyone could ever be in the matters of the finance of the Social Security system and of the finances of the senior population of this Nation, if I can use that comparison. He knew what the income streams of elderly senior Americans were. He knew what aspect of those finances were provided through Federal pension benefits, and he was fierce in the protection of those benefits.

With the great candor that came from great confidence, he knew the Social Security system as an executive might. He was trained to business; he was trained to numbers; he was trained to understand cash flows, reserves, probabilities, actuarial expectations. He loved those numbers. You can only be good at them if you love them.

I stand here with the silent acquiescence of the distinguished Presiding Officer as one who has never learned to love numbers as one ought, but respect those who do and could love John Heinz for doing.

I do not mean in any sense to bring—it is not a partisan issue but an issue that does divide us among ourselves with respect to the merits. But at one point in January a year ago, he and I were on the "Today Show," the NBC morning show. We were together at the NBC studios here in Washington. We were being interviewed from New York by a person whose voice we could hear but we could not see. He and I were sitting together and at one point, the anchorperson in Washington said, citing a reference I had myself cited to an editorial in the Rochester Democrat and Chronicle, which had referred to the use of Social Security funds as if they were general revenue, I referred to this as thievery, and I had repeated that. The anchor then said to Senator Heinz, "Senator Heinz, would you agree with what is going on is thievery?" And he rose to that marvelous executive indignant pose he could provide us on occasion and he said, "Certainly not, it's not thievery, it's embezzlement." That from the most authoritative corporate officer who has served in this body for many years.

He not only cared about the wellbeing of the aged, but he understood their finances, and he understood the finances of the Social Security system as no one I have known in this body. He could read balance sheets as if they were musical scores. They meant things to him. He could see scales, understand the weight of numbers. He could measure the proportion of balances in a way that only a very special, trained mind, with innate capacity and a very real training, could bring to such a discipline.

With all this that extraordinary sense of fun. He could not have done it so well if he had not enjoyed it. He could not have enjoyed it if it had not been fun.

We shall not see the likes of John ever perhaps in this Chamber. It may be part of American history that we leave behind a person, a man of social position, trained in the private sector of the economy, who in midlife entered the public sector.

As I said at the moment I heard of his death, if much was given him, he gave more, and much is given any of us who is fortunate enough to be born in this Republic in this century. Few will have returned in that sense as much as he did.

The hearts of all of us go out to his beloved wife Teresa and those three fine young men. Two of them clearly have their father's hair, and the other for the moment has chosen to have a crew cut, not instant evidence. But if they have anything like his heart and his brain and his sense of responsibility to his people, we are to be endowed in yet another generation.

He and I were neighbors, of course. I will never forget the first night I spoke with him on the floor about a regional matter. It was in the spring of 1977. There was a great storm in my part of New York where we happened to live, where the Susquehanna River rises. I came to him to say, "John, you should know that the Susquehanna is over its banks at Oneonta and on its way toward you." I could have told him that someone dear to him and loved by him was in danger. He responded, "If something's going to happen to Pennsylvania, I have to know about it."

It was not an abstraction. Pennsylvanians were not abstractions. They were his people. He was their Senator in a way few of us could ever achieve.

I would simply record how much in my view he is missed and how long I hope we will remember what he stood for and what he achieved.

Thank you, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTION OF REFUGEES IN IRAQ—SENATE RESOLUTION 99

Mr. MOYNIHAN. Mr. President, for myself and Mr. D'AMATO and others, I send to the desk a sense-of-the-Senate resolution. There are 15 Senators who joined in an earlier resolution concerning the plight of the Kurds which I submitted on Tuesday: My distinguished colleague and friend from New York; Senator PELL, the distinguished chairman of the Foreign Relations Committee; and Senators BRADLEY, GORE, DECONCINI, BINGAMAN, FORD, LIEBERMAN, WELLSTONE, LEVIN, SARBANES, INOUYE, JEFFORDS, and KERRY.

Today I rise to introduce another resolution concerning this crisis. This resolution simply states that with respect to the situation that is developing in Iraq with the Iraqi Kurdish refugees in the northern part of the nation, it is the sense of the Senate that we support action of our Government in supporting the recent resolutioni of the Security Council. The Security Council has called upon the Iraqi Government to cease its extraodinarily brutal treatment of Kurdish refugees in Iraq at this time.

I would make one point—I ask the distinguished Republican leader if he would hear me on this, and I am sure he would agree with me—that the United States in supporting the Security Council resolution, which I believe was introduced by the French, called for a halt to these attacks. We are all aware that the attacks violate article 3, "Common Article 3" as it is called, of the Fourth Geneva Convention of 1949, and that is the convention relative to the protection of civilians in time of war. Each of the four Geneva Conventions has the same article 3. It is specifically provided that the absolute prohibition upon attacking persons "taking no part in hostilities" applies even in the case of a civil war. And this is a treaty of which Iraq is a part, of which we are a part.

It was our initiative, and it arises out of the Nuremberg Tribunals. As a treaty this is the supreme law of the land, and we must congratulate the President and his administration for taking this position at the Security Council.

Under article 25 of the U.N. Charter, member states are obliged to abide by such Security Council resolutions. The Security Council resolution found that Iraqi attacks internally had posed a threat to international peace and security. This is one of the very few times the Security Council has ever invoked that provision of the charter with respect to an internal matter.

It is an important action and deserves, in my view, to be acknowledged here in the Senate and to be supported.

This language, contained in Security Council Resolution 688, has important legal consequences. It triggers the provisions of chapter VII of the U.N. Charter. That is the section of the charter which deals with "action with respect to threats to the peace, breaches of the peace, and acts of aggression". Article 39 of the charter states that—

> The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

The Security Council has now determined that such a threat to the peace exists. It has ordered, not requested, not pleaded with, but ordered Iraq to immediately end this repression of the Iraqi civilian population and to cooperate with the Secretary General and humanitarian organizations in providing for the relief of Iraqi refugees. As I have mentioned, Iraq is absolutely bound by article 25 of the charter to obey this order of the Security Council. Yet Iraq has continued its attacks. We have some reports that in the last 2 days the Iraqi Army has not conducted operations against civilians in the extreme north of the country, but we have no assurance whatsoever that attacks on all civilians have stopped, that they will not resume with their former intensity or that Iraq will cooperate with the Secretary General and humanitarian organizations.

Under these circumstances the United States has the right to ask the Security Council to fulfill its mandate under the charter to "decide what measures shall be taken in accordance with articles 41 and 42 to maintain * * * international peace and security." It most certainly should do so. And swiftly, before there is further loss of life.

There are those who may argue that the Security Council will not act. This seems a curious argument given the history of the last 9 months. The Security Council, having shaken off the lethargy of the cold war, moved swiftly to enact chapter VII sanctions against Iraq when it invaded Kuwait. At the initiative of the French, it has now ordered Iraq to cease its illegal attacks on its citizens. If Iraq refuses, or if it fails to cooperate with the Secretary General and the U.N. High Commissioner for Refugees, chapter VII contains the tools to enforce the order of the Security Council.

Mr. President, the resolution I am introducing today strongly encourages the administration to press the Security Council to enforce Resolution 688 immediately. The situation is desperate. These attacks are illegal. The charter, created in the midst of the greatest conflagration in human history, provides the tools to deal with a threat to the peace. With the cold war over we have seen a new willingness to use these tools to keep and restore the peace. If we are to have a new world order it must mean that we truly commit ourselves to using those tools. A blueprint for the new world order exists. It is called the United Nations Charter. It can, it should and it must be used to stop the illegal slaughter of the Kurdish people.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I am not certain whether there will be a unanimous-consent request propounded to consider the resolution, but I advise my colleagues there are a couple of minor areas we could resolve if we could get consent. Otherwise, I would be constrained to object.

Mr. MOYNIHAN. Mr. President, I sent the aforementioned resolution to the desk and I ask unanimous consent for its immediate consideration. I believe it requires unanimous consent.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I have no objection to sending it to the desk. But I do object to its immediate consideration, I again say.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 99) concerning the protection of refugees in Iraq.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I object. And I point out as I did before that there are a couple of minor areas we hope to be able to resolve in the language. If we do that, then there would be no objection to the resolution. I am not certain it can be done yet this evening. We are willing to work on it.

The PRESIDING OFFICER. The Chair understands the resolution will be held over under the rules.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I was very pleased that our staff had the opportunity to work together with the senior Senator from New York [Mr. MOYNIHAN] as it relates to the resolution which was sent to the desk and which will not be taken up for immediate consideration.

I believe that the issue is one that cannot be put on the back burner or put to the side. Indeed, it has been put to the side. It has been put on the back burner for too long by the world community. I think our country has lacked the fervor and direction necessary to deal with the slaughter of innocent men, women, and children.

I have heard these arguments about, well, my gosh, who is going to take over if Saddam is not there? May it not be a situation that would be catastrophic? I think the catastrophe is now, and that we are really literally doing little, if anything, to stop that killing, to stop the annihilation of people simply because they are Kurds or they are Shiites.

One of the areas that we speak to that I do not believe is objectionable in this resolution is maintaining economic sanctions against Iraq.

Here we are, the United Nations, about to pat itself on the back. It is about to say job well done, and, that provided Saddam meets certain requirements called for by the U.N., economic sanctions will be lifted. That means he is going to be able to sell oil. He is going to be able to raise about $300 million a week worth of revenue—$300 million a week. That is what he will raise when he sells oil.

Why should we be supplying this killer, this thug, this international terrorist, with the means by which to keep himself in power? Oh, yes, he is going to have to meet certain requirements. He will have to pay some reparations so a percentage of that money—and obviously since the money goes through pipelines that flow through Turkey and Saudi Arabia we will be able to set up a formula whereby some of these moneys will go to help pay reparations for the rebuilding of Kuwait.

What about the innocent people now? Do we just turn our backs? It defies logic to say that we are going to make believe that it is not happening. It is just like we made believe that Saddam Hussein was not using chemical weapons to kill Iranians. But after all, those were only Iranians. That was the argument. This is the enemy of my enemy.

So we made him a friend—political expedience. I remember when Sanator MOYNIHAN, Senator PELL, and myself were here on the floor saying, my gosh, what are we doing? What are we trading? Why are we subsidizing this madman? I was met by a bevy from both sides of objections. "We should not stop trade. Let us give the killer a chance. He has promised he is reformed."

We repulverized most of his army but we left some of it off the hook for whatever reason. But it happened. Who would have thought they would have undertaken to continue the maniacal conduct of Saddam Hussein after they saw the power that we could exercise in the free world. But they did.

I am not going to second guess that. I do not think one person is going to second guess the fact we brought the war to a conclusion. I support the President. As a matter of fact, if he had continued another 24 hours the media of the world would have come down on him and it would have been George Bush, the President, who was unnecessarily killing people. That is what would have happened in the real world we live in. Let us make no mistake about it.

So all of those wonderful, gifted Communists would have condemned him if he had not stopped. He stopped at the right time. No one could have really recognized or foreseen what is taking place. But we see it happening.

Now there is no excuse. Are we going to stop and say well, the sanctions will be lifted because he has agreed to the terms of the U.N. resolution? Are we going to give him $300 million a week? That is what the revenue stream will be for the sale of his oil so he can continue to buy the armaments, to buy the loyalty, and to rebuild himself—not the people.

This is incredible. This is madness. And what are we attempting to do? I will tell you. We compound the madness because just like the idiot who has lost his way and has a headache. He is trying to deal with his headache by pounding his head with a hammer.

We do not want to go in, and it should not be our place to try to establish the format of government. But I think the world body does have an obligation and an opportunity to see to it that we do not support in any way, and yes that we penalize and punish a government that is killing its own, punish it—deny it trade, deny it sanctuary in the world community.

We cannot give the Kurds sanctuary but we are going to give Saddam Hussein and the Iraqis sanctuary. We are going to give him cover. We are going to let him have normal trade and intercourse with the world community. It is incredible.

I would like to see all of those other things we call for in the U.N. cease-fire resolution be carried out. I do not think it will happen if we cannot deal with this situation now. It is not too late. We have hundreds of thousands of people living in caves, mountainsides, roads, in ditches, babies being born, babies dying, innocent women and children dying. We cannot find the moral courage to do what is right. I say "we" because we are part of this acquiescence. We have to wait for the French to come forward and exercise this resolution.

You know, springtime is here with the opening of baseball season. We are all interested in games going on. Everything is being conducted just like all is right in the world. All is not right in the world. This is a tragedy. I think that each and every one of us have a very shared responsibility.

Why are we here if we can treat this with such indifference? Why are we here if we are afraid to raise our voice to this tragedy? Is it because there are no Kurds in the United States? Is it because there is no great political support for Shiites in the United States? Is it because we have such a fear of the Iranians and the Shiites, and the Iranians who are Shiites for the most part might constitute some kind of problem? Is that why we can just stand by to see them slaughtered, to see the innocent being victimized? Is that why we find it easy? Are we practicing again the failed policy that brought us over the past decade to this situation, the politics of practical political expedience? Are we adopting the philosophy that the enemy of my enemy is my friend? That is the policy that got us into this situation. I do not mean to personalize it.

But the same people who advised the State Department and our Secretary of State are the architects who are carefully crafting out and carrying out the what if's, what if Saddam is gone, what about the Lebanonization? The Lebanonization of Iraq could not be worse than what is happening today.

So while I do not want troops and soldiers to spill their blood in Iraq, I think that the United Nations has an obligation and we have an obligation to see to it that we come to the aid of these people.

Certainly by saying to the leaders of Iraq, "We will not allow your oil to be sold on the world economy, we will keep economic sanctions in place," at the very least that may sober them to the point of recognizing that Saddam cannot be continued in power.

I thank my distinguished colleague, the Senator from New York [Mr. MOYNIHAN] for his leadership in this role, and I look forward to continuing to work with him and Senator PELL and others who demonstrated a concern. This is a test of what we are about.

Mr. MOYNIHAN. Mr. President, I would like to acknowledge the implacable integrity of my colleagues from New York and his willingness to say what has to be said when it has to be said on this subject. I thank him for his remarks.

I yield the floor.

Mr. President, I ask unanimous consent that Senate Resolution 99, placed over under the rule earlier, be modified with the changes I now send to the desk, and that Senators PELL and DOLE be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 99), as modified, is as follows:

S. RES. 99

Whereas Kurds, Shiites and others throughout Iraq began an armed uprising against the government of Saddam Hussein;

Whereas since the uprising began Iraqi forces have employed indiscriminate force against civilian populations throughout the country, including the use of weapons such as napalm and phosphorous, and have killed thousands, and displaced and put at risk of starvation perhaps one million people;

Whereas the United Nations Security Council on April 5, 1991, adopted Resolution 688 which condemns the repression of Iraqi civilians and states that this repression threatens international peace and security in the region, demands that the Iraqi Government immediately end its repression of civilians, insists that Iraq allow immediate access by international humanitarian organizations to those in need of assistance and demands that Iraq cooperate with the Secretary General to address urgently the critical needs of the refugees;

Whereas the United Nations and the United States, as the leader of the international coalition opposing Iraqi aggression, have a unique responsibility and ability to address the plight of the Iraqi refugees; Now, therefore, be it hereby

Resolved by the Senate, That:

The Senate strongly condemns Iraq's continuing military atrocities, its slaughter of thousands of innocent civilians, and its blatant violations of international standards of human rights and the Fourth Geneva Convention of 1949;

The Senate calls for a United States policy in support of democracy and respect for human rights and international law in Iraq;

The Senate believes that the United States has a moral obligation to provide sustained humanitarian relief for Iraqi refugees and urges the President to continue his efforts to garner international support for those fleeing Iraqi repression;

The Senate notes the assistance Turkey and Iran have provided to Iraqi refugees, encourages them to continue to assist the refugees in every appropriate manner, and pledges United States assistance to international relief efforts for the refugee populations;

The Senate calls upon the President immediately to press the United Nations Security Council to adopt effective measures to assist Iraqi refugees as set forth in Resolution 688 and to enforce, pursuant to Chapter VII of the United Nations Charter, the demand in Resolution 688 that Iraq immediately end its repression of the Iraqi civilian population. Such measures could include: (1) establishing temporary enclaves to provide sanctuary to those fleeing Iraqi troops, (2) developing procedures to verify the full implementation of any Iraqi government offer of amnesty to Iraqi citizens, (3) maintaining economic sanctions against Iraq, and (4) using effective means to protect refugees pursuant to Article 42 of the United Nations Charter.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. FORD). The Senator from Rhode Island.

STOP IRAQI GENOCIDE

Mr. PELL. Mr. President, a catastrophe, without precedent since World War II, is now taking place inside Iraq. Up to 3 million Kurdish Iraqis face the triple threat of death through exposure, through starvation, or through military assault by a vengeful Iraqi Army.

Eye witnesses, including a staff member of our Foreign Relations Committee, have reported on Iraqi tactics. They include relentless bombardment of Kurdish cities by artillery and helicopter gunships, the massacre of civilians in areas recaptured by the army, and the use of such unconventional weapons as phosphorous artillery shells and napalm.

Several million Kurds have left the cities of northern Iraq to seek shelter in the high mountain valleys and, now, in Turkey and Iran. Because the Ba'ath regime systemtically destroyed every village in Kurdistan, the refugees inside Iraq have no shelter and there is no source of food in this once rich agricultural region. The refugees who reached the mountain areas did so mostly on foot and such food as they had they brought with them. By now this food is gone.

We need to provide relief to the millions of Kurds on the Iraq-Turkey border, inside Turkey, on the Iraq-Iran border, and inside Iran. I appreciate the efforts both Turkey and Iran have made to help the Kurds but both countries must do more. It is not acceptable to leave starving people in a freezing cold environment exposed to military attack. And the United States has an obligation to endeavor that the financial burden of these refugees is borne not by Turkey and Iran but by the whole world community.

Most of all, the world must take effective action to stop the killing now. We should communicate to Saddam Hussein that killing of civilians is not acceptable and that he must stop. To do this, I would prefer the use of United Nations sanctioned force but, if necessary to save lives, the United States could shoot down helicopters and conceivably bomb the artillery that is now chewing up Iraqi civilians. In saying this though, I must emphasize that I would oppose the use of any United States ground troops.

The United States has some responsibility for what is now going on inside Iraq. The slaughter of civilians is one of the unintended consequences of our military intervention. Further, the Iraqi rebellion was encouraged by the administration with statements that unintentionally led Kurds and Shi'a to believe the United States would help them overthrow Saddam Hussein. As it now turns out, President Bush did not mean to help. But at a time when the United States is aiding rebels opposed to the Governments of Angola, Afghanistan, and Cambodia, it is understandable that the Iraqis believed that the American President's statements also meant they would be helped.

Not since World War II have so many people found themselves in such peril so quickly. We must act now to stop the slaughter. More than a million live may depend on what we do in the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Senators GORE, LEAHY, and MITCHELL be added as cosponsors to the resolution that is now before the body.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. May I also take just a moment to express the great appreciation which we have for the efforts Senator GORE has made, and the contributions he has made in drafting this measure. He is necessarily absent from the Senate at this hour but wants very much to be recorded as being part of this debate.

Mr. President, I yield the floor.

TRIBUTE TO JOHN HEINZ

Mr. DOLE. Mr. President, as the Republican Leader of the Senate, I am honored today to pay tribute to my friend and colleague John Heinz.

If there was ever any doubt about the kind of impact John had on this institution, or his beloved State of Pennsylvania, all you had to do was see the outpouring of love and respect we witnessed yesterday at his funeral in Pittsburgh.

It was an overflow crowd of admirers who came to say farewell to this good man from Pittsburgh. It was a gathering that included almost the entire U.S. Senate, and thousands of friends, and constituents, who wanted to say "Thank you" for his lifetime of dedicated public service.

One man at yesterday's service probably said it best when he told a reporter, "I don't usually pay that much attention to politicians, but he was such a gentleman and decent human being that I just had to come."

No doubt about it, it was a touching and powerful reminder that John Heinz made a difference—not only here in this Chamber, and in Pennsylvania, but throughout this great Nation.

I can tell you all about John Heinz' dedication, his commitment, his determination: I was his leader, his Chairman and his colleague. And I am proud to say, I was also his friend.

Once he grabbed on to an issue, he never let go. Pennsylvania never had a better friend, or a better champion. Yesterday's impressive crowd was a fitting demonstration of those two facts.

Mr. President, we will all miss John Heinz. But we will never forget his vigor, his quick smile, his dogged determination, his charm, and his legacy of achievement.

I also want to pay special tribute to Senators JOHN DANFORTH and TIM WIRTH, who spoke so eloquently at yesterday's funeral. Their words were comforting and powerful, moving and personal. They were the words we needed to hear. They are the words we will remember as we recall the life of this special public servant from Pennsylvania.

Our thoughts are with him today, and with his family—a courageous and loving family that says so much about the man we came to know, and to admire, and now, to mourn.

TRIBUTE TO JOHN TOWER

Mr. DOLE. Mr. President, it was 30 years ago this year, when John Tower first took his seat on the Senate floor. As a Republican from Texas, many in this city wrote him off as a historical accident.

Well, in his 24 years in the Senate, John Tower would prove that while his election was no accident, he would, indeed, make important contributions to American history.

What John lacked in height, he made up for in love of his country. He was a patriot through and through. In World War II, he enlisted in the Navy at age 17, and when he retired from the Senate, he did so as an active enlisted naval reservist.

I never had the privilege of serving as John's leader, as my selection as leader came the same time as John's retirement. But I did have the privilege of regarding him as my leader on matters of national defense.

Although John Tower made a difference on countless issues, his military background and his love of country, led him to devote a great deal of time to strengthening America's security. As a member of the Armed Services Committee in the 1970's, he fought for a strong defense and secure America, when the cause was not popular.

And how fortunate America was that when it came to understand John Tower was right, he was chairman of the Armed Services Committee, and in a position to do what needed to be done.

But, as Senator COHEN so eloquently stated on Tuesday, John Tower was no captive of the Pentagon. It was John Tower who initiated the study on reforming the structural organization of the Joint Chiefs of Staff. And it was John Tower who voted to terminate unnecessary weapons systems built in his home State. John knew that the protection of America and her people transcended pork barrel politics.

His dedication to our national security continued after he left the Senate. President Reagan called upon him to serve as chief negotiator in the strategic arms reduction talks, and as chairman of the special review board on the Iran-Contra affair. And his good friend, President Bush, relied on his counsel and wisdom on the Foreign Intelligence Advisory Board.

John Tower's influence will be felt for many years to come. His dedication was seen in America's victory in the gulf. His vision will be seen in the best-trained, best-equipped military force in the world. And his good judgement will be seen in the contributions of those he brought to Washington, and who now serve in important positions throughout the Government.

John Tower entered the public arena unknown and underestimated. And when he and his daughter, Marian, tragically left the arena last week, he left behind 30 years of distinguished service to Texas and America, and a nation much the better for his life and service.

JACK HEINZ

Mr. ROCKEFELLER. Mr. President, I rise not first, but indeed as one of the last Senators to talk about Jack Heinz, and I do so with the same sorrow that others have expressed. I refer to my former colleague in the Senate as Jack Heinz because I had known him for over 20 years, and if you had known him for over 20 years, you called him Jack; if you had not, you called him John.

In either event, he was the same person. His wife, Teresa, and my wife, Sharon, and Senator WIRTH's wife, Wren, are extraordinarily close friends, each of them very similar in their views, sometimes rebelling against the protocol of the Senate; Teresa, from Mozambique, bringing a kind of a zest, unpredictable and deeply artistic sense into all of our lives.

Those of us who went to the funeral in Pittsburgh yesterday were extraordinarily moved, and I think it was a combination of several things: One, that the Heinz family has had enormous influence and effect on Pittsburgh, and one hears about that and one understands that abstractly. But one felt that intimately yesterday. One felt the passing of generations.

I looked at his son John, his oldest boy, and his son Andre, they are very very close, very devoted friends to both my daughter Valerie and my son John. And I looked at Chris. I listened to them speak and told them afterward that they had achieved manhood as they spoke about their father. To do that, to go and speak about somebody that you love, indeed somebody who sired you, and to do so with such a dignity, and with such distinction, and with a sense of poetry and yet with a sense of command, almost a great eloquence, a simplistic eloquence. It was wonderful to watch. Theirs were by far the most eloquent tributes.

Mr. President, the concept of public service is appealing to many, and there are many who get into it. There are also many who get out of it because it turns out to be a lot more difficult than people anticipate. It is not something where one is covered with glory, but where one is sometimes covered with criticism and particularly, if one has a name like Heinz in Pennsylvania or anywhere in this country, people expect magic from you. If you do not produce magic, people are quick to criticize. Jack understood that, and he stayed with politics as long as he lived and could have stayed with politics as long as he wanted to.

Jack Heinz was in business. Jack Heinz was a Harvard MBA. He was trained to do many things, and he had an opportunity to do many things, but he decided that it was public service and public service in that particular part of the country which over the last decade or so has come, as the Presiding Officer well knows, to suffer the very most, to lose the most jobs.

Jack Heinz never lost an election, never lost a job in his life, but his entire life was about people who had lost jobs or were facing the prospects of losing jobs because of the way other countries would plan their economies, manage their economies, protect their fledgling industries, subsidize their industries and thus come to be at a substantial advantage over us. He was outraged by that.

When I came to the Senate in 1985, Jack and I quickly turned to working together on a whole range of issues. Over these past 6 years, we have been allies and collaborators in efforts dealing with worker retraining, assistance for import-injured workers, trade policy affecting the steel industry, home health care, Medicare, health benefits for retired coal miners, and the list goes on and on and on.

We served on the Finance Committee together, taking an active interest in many of the same issues. Over the past 2 years, we were cochairmen of the Senate Steel Caucus, and together we doggedly and successfully fought for the extension of the Voluntary Restraint Program for America's steel industry. We served on the Pepper Commission together, and debated, deliberated, and sometimes even argued over the many difficult questions that arise in trying to craft a solution to our Nation's major health care problems.

Our common interests were, of course, not accidental. Jack Heinz represented a State, Pennsylvania, that has much in common with mine. Both West Virginia and Pennsylvania have gone through some rough and painful times, and both are now struggling valiantly to recover. We have watched coal mines shut down, steel plants close their doors, and jobs disappear or flee to other countries. We have fought against budget cuts that unfairly hurt the weak and vulnerable in our States. We have stood up for many of the same causes, because we were standing up for the people of West Virginia and Pennsylvania.

In fact, I always knew that when West Virginia needed help, I could go to Jack Heinz and get a sympathetic ear and an outstretched hand. He believed that Congress should step in to help those with just and urgent needs, and he acted accordingly—even when it meant going out on a limb.

Through his two decades of service in Congress, Jack Heinz has left a bigger mark than most. As we have read and heard over the past several days, his legislative legacy is long and remarkable. He played a leading and influential role in shoring up the Social Security fund and protecting it for years and years to come. Time and time again, as chairman and then ranking member of the Senate Aging Commitee, he exposed the abuses, the problems, and sometimes the outright fraud in both Government programs and private industry that were hurting the well-being of senior citizens. Year after year, he was the voice for American workers and fairness in trade policy, and in insisting that workers who were laid off because of imports were not left out in the cold.

Jack's high standards were obvious to all of us. We saw them in his tenactity and persistence as he pressed the Senator to act and to move. We saw them in the breadth and scope of his legislative goals, and in the many successes that he accomplished. We saw them in the way he pushed himself to take on new horizons and take up new crusades, looking straight into the future and helping the people of Pennsylvania and the entire Nation go forward and meet the challenges ahead.

There was a way Jack had of standing there, with all of the Senators, late at night wanting to get out and furious at him because he would stand over there, straight as was his posture, just straight as an arrow, absolutely unmoved, unphased by the withering glances of either his colleagues or the leadership, or any Senators from either side of the aisle, because he knew what it was he wanted to do. He was willing to bring the Senate to its knees to accomplish what was needed for the sick, for the elderly, for the poor, for the displaced, for his constituency in Pennsylvania. If it was that that he chose to fight for, then the rules of the Senate could be set aside as far as he was concerned.

It has been said, I think rather frequently, that Jack was a quick study. That is important to repeat. He was extremely smart. You cannot trade on brains. In business that makes a difference, and in the U.S. Senate it makes a difference.

JACK DANFORTH, who I admire enormously, gave a tribute to him yesterday, a homily, as they called it, which was extraordinarily moving. He said that life is basically about getting and giving. He said that Jack Heinz got a lot—and he did. He had a lot, whatever he needed, the best of education; but that he gave much more and that his life was about giving; that he died in the service of his country and on the line, on duty, so to speak, going from one meeting to the next.

Let us be proud of Jack Heinz. Let us think back to those nights when he caused us to be here longer than we wanted to because he believed so passionately in his people, particularly the poor and the elderly and the vulnerable. Those were the people who needed help. He understood that, wanted to help them, and did.

He was a master of many subjects and understood not only health care and trade policy but the minutia of many subjects, far more than most of our colleagues. He used that knowledge to drive a hard bargain and to better serve the people of Pennsylvania and the Nation.

So, my love goes out to Teresa and to John and to Andre and to Chris for the hurt they are now going through.

Mr. President, there is never a proper time for death, but Jack's was truly premature. He left a torch, however, that many of us can and must pick up—a torch for the people of Pennsylvania, for coal miners and steelworkers, for the elderly and children, for urban and rural people, and for many others whose needs should always be our first concern.

I join all of my colleagues in expressing my appreciation to the life and career of a fine public servant, a good husband and father, and to a friend.

JOHN HEINZ

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator ROCKEFELLER, from West Virginia, for his outstanding tribute to a fallen colleague, Senator Heinz. I wish to join him in that tribute.

John Heinz, I am proud to say, was my friend, my colleague for the last 11 years I served with him. I have a lot of very fond and affectionate memories of John and Teresa. My heart goes out to her, certainly, and to their boys, John, Chris, and Andre for the terrible pain, sorrow, and suffering they are going through. Certainly all of our country and all of Pennsylvania is suffering at this time because we have lost a great American, a great Pennsylvanian.

He is one who has made very valuable contributions in many fields in Congress, whether we are talking about Social Security, Medicare, education, whether we are talking about steel or agriculture—you name it. John Heinz was a fighter for Pennsylvania. He was a fighter for senior citizens.

He was a very positive American. He had a lot to offer, a lot to give, and he contributed much in his 20 years of public service in the Congress. I compliment him for that. America is better off for his contribution. Ultimately, he gave his life for our country.

He gave freely of his assets. He gave freely of the asset that most of us prize more than anything else and that is of our time—for public service.

I am reminded what the Bible says, "Greater love hath no man than this, that a man lay down his life for his friends." John Heinz gave up his life in service to his country, performing his duties, duties he performed exceptionally well. John Heinz will be missed in this body. He will be missed in Pennsylvania. He will be missed in this country. I certainly call it a pleasure to have had the opportunity to work with him.

I remember when he was chairman of the Senate Campaign Committee back in 1980, the year Republicans regained control of the Senate, he played a very valuable role in making that happen, including in the election of this Senator. I have always felt very close to him, personally, and to Teresa as well.

Like Senator ROCKEFELLER, I was moved when I heard each of his three sons make a tribute at his funeral yesterday. John Heinz has to be very, very proud of his three sons. I certainly was proud of them. I commend them for their statements, I commend them for their maturity, for their leadership, for the outstanding future they have. I know he has to be smiling upon his sons from Heaven and be extremely proud of them.

I extend my condolences and my sympathies and my prayers for Teresa and also for their three sons.

JOHN TOWER

Mr. NICKLES. Mr. President, last Friday America suffered another tragedy and that was the loss of a good friend and former colleague, Senator Tower from Texas. I, like many of my colleagues, attended Senator Tower's funeral last Monday.

Senator Tower will certainly be missed by this Senator and, really, by Texans and Americans alike all across the country. He made a very valuable contribution to our Nation, certainly in the area of national defense.

I remember John Tower when he was chairman of the Armed Services Committee, a committee that he commanded with great strength, integrity, and dignity. He helped rebuild our Nation's defenses. He played a valuable role in the success that we had in the Persian Gulf, but I do not know that anybody thanked him. He helped rebuild America's defenses. He helped give us the military capability to where we could be successful in the Persian Gulf, and I compliment him for it.

He was a true leader in the Senate. Not only was he chairman of the Republican Policy Committee, but he was a leader on the floor of the Senate. He always conducted himself in a manner which I think would show great respect to this body. My sympathies are extended to Lilla and also to his two surviving daughters and my condolences, certainly for the loss of not only John Tower but his daughter Marian.

I remember his three daughters standing by his side when he was nominated for Secretary of Defense. It had to be an inspirational moment to see his three daughters standing by him through a very turbulent confirmation process. They showed their love for John Tower.

In many ways, John Tower has certainly contributed to making this country a better country, a freer country, a more respected country worldwide, not only in this body as a Senator, but after he retired from the Senate. He served, leading our arms control delegation in Geneva in successfully negotiating positive arms control agreements to help improve peace and security in this country and in the world. He was a tough negotiator, an able negotiator, and I doubt anyone in the country could match John Tower in his knowledge on arms control and the armed services of this country.

John Tower will certainly be missed by this Senator, by Texans almost everywhere, and by all Americans as well. He has made a very positive contribution to the betterment of this country and we will certainly miss him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARKIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A GREAT STATESMAN AND NOBLE LEADER—JOHN TOWER

Mr. SIMPSON. Mr. President, let me just take a moment to pay tribute to the memory of John Tower. I was able to pay tribute to our departed friend, John Heinz, the other day. It is a very eerie feeling to be on the floor of the U.S. Senate and have the floral tribute to our colleague just a very few feet away, a very extraordinary feeling for the occupant of the Chair as it is for this Senator from Wyoming.

And on we go in our life's work, and we have chosen those hazards. There is not one of us who has not been involved in that kind of hazardous activity with small aircraft.

It was a magnificent service, touching remarks of the Senator from West Virginia [Mr. ROCKEFELLER] and tomorrow we shall have a memorial here at National Cathedral at 10 a.m. I know there will be a great outpouring of affection and love, as there was yesterday in Pittsburgh when nearly 80 of us were there to pay our tributes.

I speak briefly and note that the hour is late and we are ready to conclude.

But with regard to John Tower, I have just a few remarks. When I came to the U.S. Senate, my father, who is still living, told me, "I was in the Senate with John Tower," and indeed he was. He said when I came here in 1979 to get to know John Tower; "you will like him. He is sharp, and bright, and irreverent, and a lot of fun, too, and tells an awfully good story, too. He has been a great help to me."

I took that counsel. And so the first days I was here I looked up Senator John Tower. I believe his phrase was, "Are you Simp's kid?"

I said, "I am."

He said, "I love your father, and I will get to enjoy working with you."

John Tower treated me with great kindness and regard when I was a freshman in the Senate. I never forget those expressions to me.

I just want to say I want to pay tribute to this former colleague, this friend who served this Nation and the people of Texas with great distinction for 4 terms as a Member of the U.S. Senate. We owe him a great debt of gratitude for his years of service. We lost a great statesman, a noble leader, and a good friend.

It was my pleasure to serve with him during my first term in the Senate, which turned out to be his last term. I came to know him well. He brought great honor and dignity to this Chamber. He was a very special man. He loved a good scrap, good debate, stood toe-to-toe with the best of them, and in many cases made the difference on tough legislation.

He was energetic, bright, strong, faithful, and loving, and tough. He was also quite direct in his dealings with his colleagues, and I am sure with his constituents and others. One day I remember very distinctly he came to me and said, "You are going to go to a fundraiser in Dallas for me."

I said, "No, I'm busy that weekend."

And he said, "No, you're not."

So as I stood there, all 6 foot 7 inches arrayed in total fashion, and he at 5 foot 4, or 5, looking up at me, tapping his cigarette case, with that look. And I said, "OK, I will go. I will." And I did.

We had a lot of fun. I remember that, too. But I think his greatest achievement, and it should not go unnoticed, was his role in shaping the Nation's defense and defense policy during the years he served on the Senate Armed Services Committee, and as chairman of that committee from 1981 to 1984. He demonstrated some extraordinary leadership and skill in carrying out the Republican defense agenda, his extraordinary and detailed knowledge of defense issues, his eloquence in articulating ideas, his brilliance in debate and his pure talent as a legislator were admired by all of us who worked with him. He was an exceedingly capable man.

I think we should also acknowledge his important role in preparing the Nation's military for the recent success of Operation Desert Storm. His tenure as chairman of the Armed Services Committee coincided with President Reagan's first term in office, and during that time he was a leading advocate for modernizing and expanding the military. He worked closely with Cap Weinberger.

He took a lot of flak. They took a lot of political heavy artillery for their activities. And he served as a central player in Congress as President Reagan worked to strengthen our military and defense capabilities.

In recent weeks, we paid some richly deserved tributes to our military leaders and troops who demonstrated great competence and brilliance in planning and carrying out the military operations in the Persian Gulf. I just conclude in saying let us not forget to do the same for John Tower whose influence and forcefulness as a lawmaker were responsible in part for ensuring that our troops were equipped with the best weapons and the best technology available.

His public service did not end when he left here voluntarily, because then he went on to serve as chief negotiator for the United States at the strategic arms reduction talks with the Soviet Union in Geneva. And he came back to us and gave us great counsel and guidance.

Then he served as chairman of the Tower Commission, a special panel that investigated the Iran-Contra affair, and chairman of the President's Foreign Intelligence Advisory Board. In each of those roles, he used his awesome skills and abilities and knowledge for the betterment of his country. He pursued every endeavor with great zeal and vigor. John was a tenacious fighter whose presence and impact was unmistakable, not just in the Senate but in every arena that he entered. So we mourn his loss, a great American, a special human being.

I recall with a pang of sadness of 2 years ago when we rejected his nomination for Secretary of Defense. The memory of that nomination battle is still painfully clear in my mind, but that is not a memory I care to dwell on too long at this time. There are many reasons, many things happening, but there were some grotesque rumors and some totally unsubstantiated gossip and reports, and it brought him down. That was very painful for him. That was a very tragic and regrettable exit.

He offered much and he gave much and he was startled that that happened to him. I remember distinctly his daughters sitting here in the gallery, and after the debate, and I remember Senator LLOYD BENTSEN of Texas in a very gracious act was walking from this Chamber, and the girls came up to him and told him how much they appreciated what he said about their father. I happened to hear it as our colleague from Texas gathered the three of them in his arms and told them how hurt he was, too, that had occurred. That was a beautiful thing to observe.

We do owe him a great debt of rich gratitude and appreciation for his long years of public service. Let us always remember him as a very special man in every respect. He enriched our lives here. We all learned much from him. We worked with him, and we shall miss him greatly.

So to his two dear daughters, and other members of his family, our deepest sympathy, and regard, and appreciation for his life in this Senate and country well lived. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

SENATOR JOHN HEINZ

Mr. DOMENICI. Mr. President, I rise for just a few moments to make a couple of comments about deceased Senator John Heinz.

First let me say to his wife, Teresa, whom I know not well, who my wife Nancy speaks so highly of that I feel like I know Teresa, when my wife Nancy indicates what a splendid wife, woman, Teresa Heinz is, I cannot help but say that is how it must be. But let me say to her and the children and others who are interested in our remarks here on the floor that I am going to be very brief, but I hope that they do not think that my brevity is a measure of my respect and admiration and, yes, fond memories of John Heinz, for none of those would be small or little. Quite to the contrary. Congratulations to those who nurtured and brought John Heinz to the Senate and to the positions of leadership that he held while he lived. Thanks to all of you.

To his immediately family, let me say no one can really understand how all of this happens. Nonetheless, it has happened. It is this Senator, the Senator from New Mexico, who got to know John Heinz well. It is my hope that the life that he lived with you and for us and for his people and for this country will now permit you to have great memories, and it will nurture all of you as you strive to be better and to achieve what he would have wanted of you.

I close by once again saying everything that should be said about his work here in the Senate, his assignments and his enthusiasm, the breadth of his efforts, has been said. I will not say it again.

I will merely say that I am aware of his significance to our Senate, to his State, and our people. I am fully aware of his enthusiasm, his vibrancy, his energy, and his accomplishments in the years he was with us. It is my hope that while his death is not understandable or explainable or comprehensible, it will not leave us hopeless or faithless but, to the contrary, that as difficult as it is to see hope in something like this and to have faith as the result of feeling and observing something like this and sensing it and thinking about it, nonetheless it will build our strength and the family strength and the strength of those who loved him and cared for him in some immeasurable and unintelligible way. Thank you again, John Heinz, and thank you to his family, and thank you to his widow Teresa for all they did in helping him help us.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I ask unanimous consent that I may be allowed to proceed as if in morning business for a brief period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I thank the Chair.

SENATOR JOHN HEINZ

Mr. EXON. Mr. President, it is with a heavy heart that I look to my right and across the center aisle to the flowers on the desk of our very dear departed friend and my friend, John Heinz from Pennsylvania. I will be going to his memorial service tomorrow at the National Cathedral.

Mr. President, I guess the Senate is very difficult for those who do not fully understand it. There are only 100 of us, and while we differ on issues from time to time, while we have very strident debates over issues that are important to each of us, there is a comradeship. You cannot work with people, as I have worked with John Heinz for almost 13 years, without becoming well-acquainted with them.

John Heinz was one Member of this Senate for whom I had nothing but the highest regard. I did not know his wife well. Mr. President, I do not believe that I have ever met his children. But since I knew John Heinz, I feel I know them.

John Heinz was not only a very talented Member of this body, a very respected leader in this body on a whole series of issues, but, more important than that, I guess, as we remember John Heinz, I will remember him as a man of intellect, a hard worker, a man of good cheer with whom this Senator had lots of fun over the years as we carried out our Senate duties.

I think it is not inappropriate, and I think that if John Heinz were here he would agree—and he is here in spirit—to tell a story about John Heinz that maybe puts our relationship into perspective as to what two good friends are, he a Republican and myself a Democrat.

Many, many years ago the Republican Party National Committee sent me a card giving J. JAMES EXON sustaining membership in the national Republican Party. I have never knowingly donated any money to the Republican National Committee, but I proudly carried this card around in my billfold. From time to time, in a good-natured fashion, I used to show it to my friends on the other side of the aisle to show that although I had not given them any money, I was an honorary member of their national committee and I had this certification to prove it.

John Heinz was one of those Senators on that side of the aisle who always got a chuckle out of that. I will never forget one day he was making a very heated speech on some subject. I have no idea what it was. I was on the other side of the issue. After he finished his talk, I went over and sat down next to him and I said, "John, I could not disagree more with what you have just said, and I want you to know I am so upset that I am going to destroy my Republican National Committee card." I had a pair of scissors, and I clipped it up in about four or five pieces on John Heinz' desk, and we had a good laugh.

I will always remember John as one easy to talk to. If you wanted to point to somebody in the Senate who looked like a Senator, acted like a Senator, and was a Senator, in the full embodiment of respect, trust, never a question as to his integrity and a true hard worker, and still a family man above everything else, I suspect that there are not many we could point to who would be more outstanding in that regard than our beloved and departed friend, the senior Senator from Pennsylvania.

So I only say to his wife and his children and the rest of the Heinz family, as saddened as they are and as much as my heart goes out to them at this time, I ask them to thank the Lord that John Heinz was with us, taking time away that he should have been spending with them, the family.

I thank them for that sacrifice they have made to us, and recognize and realize that John Heinz did indeed make his mark in the U.S. Senate in service to his country that he loved so very much.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

THE LATE SENATORS JOHN HEINZ AND JOHN TOWER

Mr. WARNER. Mr. President, I would like to join my colleagues in expressing my thoughts about both of our lost colleagues, the Senator from Pennsylvania and the Senator from Texas.

In the all too often busy and hectic life of public service, the life that we bring upon ourselves here in the Congress, important words are regrettably often left unsaid, unsaid until a tragedy brings to us the realism—not just the sadness, but the realism—of what each of us individually and collectively loses when we experience the loss of our colleagues.

It is those events that often prompt the praise of fellow Senators, the heartfelt expressions such as we have heard today. But these sentiments are real, and they are true and they are spoken from the heart.

I was privileged to be among those Senators who joined the family of Senator Heinz in Pittsburgh and witnessed one of the most magnificent yet simple ceremonies on behalf of a fallen comrade.

I say fallen because we lost John Heinz in what I call the line of duty. He was working to the very minute he departed. He was a man of courage and strength, intellectually and physically, and there was no reason to believe other than he would be with us for many, many, many years to come. And yet the tragedy of an air accident took him so quickly, leaving in the prime of her life a widow and three sons, each of whom is trying to reach out and achieve goals his father would be proud of. I hope all of us in the days and months and years to come will do what we can individually to provide not only comfort and security but love and affection for his widow, and such guidance as his sons may accept.

I go back to the year I joined the Senate in 1979, coming with just a basic familiarity of the complex and often arcane customs of this institution. My then wife and I had the good fortune of receiving the big brother and big sister treatment from Senator and Mrs. Heinz. They helped us in so many ways to become indoctrinated to the Senate, not only the formalities of this institution but equally, if not more importantly, the informalities.

We have our Senate rules. We have our precedents. The Parliamentarian is always available to give us such opinions as we may or may not wish to receive. But there is much that is not in the rules and the precedents. There are personal relationships here in this Chamber, personal relationships that must be fostered outside this Chamber.

John and Teresa were very special to me and my family. At that time we were assigned to different committees and followed separate paths with respect to our special responsibilities in the Senate. But I shall always be grateful for the kindness and the thoughtfulness of my good friend, the senior Senator from Pennsylvania. He made the path I was to follow in these nearly 13 years clearer, and left the markers which I will continue to follow in the future.

Senator Heinz provided the leadership to produce results not only for his State but for the Nation. Just one little reminder: the Washington subway system. It did not touch Pennsylvania. I am sure in Pennsylvania there are cities that would love to have a subway system comparable to our Metro, but it was John Heinz who led the fight here in the U.S. Senate to get the funding and the authorization, and to work with the Senators from Virginia and Maryland to achieve a goal that we had been striving to achieve in a decade, to complete the 103-mile system. It was not in his State. But he had a deep interest and he expressed that deep interest about the Nation's Capital many times to those of us who bear some unique responsibility to the Nation's Capital for our legislative responsibilties.

We thank you, John. I thank you on behalf of not only Virginians, but all of those here in the metropolitan area.

Tragedy often forces men to face their own mortality. All of us in the Senate lead lives that keep us on the road and in the air. The tragedy, the death of my friend, John Heinz, does not compel me to shrink from the challenges of public life. Rather, the triumphs and achievements of his life inspire me to hopefully do more in such time that remains for me to serve in this institution.

It is my sincere hope for the family and the friends of Senator Heinz and for all who admire him, as I did, that the pain of his passing will dim far more quickly than will the remembrance of his distinguished career.

I shall always remember him in one unique way. He never strode upon this floor that he was not tall in thought and in body, and clutching beneath his arm that bundle of papers. He was truly one of the hardest working Members of the U.S. Senate, and it inspires us all.

Mr. President, I turn to our second distinguished colleague who also was lost in the line of duty. John Tower would want to have it that way because he was a vigorous man, vigorous in mind and thought in the pursuit of the goals that were important to him. He was on his way to share his knowledge, knowledge that he had gained through many, many years of hard work, beginning with a career in the U.S. Navy in World War II.

I remember so well when I was serving in the secretariat in the Department of the Navy. He did not ask me to come to his office. He summoned me to come to his office, and to bring with me the Chief of Naval Operations. At that time, if my memory serves me correctly, Admiral Zumwalt had just succeeded Admiral Moore. We had some hint as to the subject matter of the visit, but we were not sure until we arrived.

And there, in his office, we performed a promotional ceremony. John Tower had been an enlisted man in the U.S. Navy. John Tower was very proud of the fact that he was a boatswain's mate.

For those who know something of the Navy, the boatswain is the man aboard the ship that probably has the greatest store of general knowledge of the officers and the men of the ship, and of all aspect of handling the ship. On the whole, they were a rough and ready lot. But their knowledge of that ship was second to none, even the captain.

John was particularly proud that he had risen through all enlisted ranks to that of chief boatswain's mate.

At roughly 10 or 11 o'clock in the morning, at a brief ceremony, he was promoted to the highest of all ranks, chief boatswain.

The loss of John also brought us the knowledge of the loss of one of his daughters. I had the opportunity on many happy occasions to share an evening with those lovely daughters: Very beautiful, very knowledgeable, and above all, loving to their father.

As time progressed in this institution, John's ability to teach became very apparent to me. Yes, he was a Senator and eventually chairman of the Senate Armed Services Committee. I think that alone was his secret life's ambition, never to be paralleled by any future position in life.

But John always had the patience, always found the time to listen and to convey his knowledge on a subject. And his knowledge on matters of national security, intelligence, and on the relationship between the executive branch and the legislative branch of our Government was second to none.

Time and time again, when we were caught up in this institution particularly in relation to the War Powers Act, another subject that he knew well, the question as to the President's authority to send our troops abroad to protect the security interests of this Nation and the security interests of our allies and friends, I and others would refer to that landmark article that he wrote describing that relationship, and how he said to the Members of the U.S. Congress, all who aspire from time to time to be Secretary of State, that how but one man, the President of the United States, can represent this Nation in its relationships with other governments, because we the Congress, collectively and individually, simply cannot do that, even though from time to time we strive to do so.

That article I urge to be studied and read by all. I use it, and will continue to use it, time and time again. It represents to me but one of the many lessons learned from that master, John Tower. He used to sit right there in the United States Senate.

I remember so well the night in this institution we finally grappled with the decision as to whether or not we should express our views as being consistent with the views of the Prime Minister of England in the Falklands war, and John went up and down that aisle and recounted in detail the history between our country and Great Britain. He had a special affection for Great Britain.

I doubt if anyone, certainly not in the lifetime I have been here in the Senate, had a better knowledge about the relationship between the United States and Great Britain than John Tower. I hope the people of Great Britain know that they lost in John Tower one of their strongest proponents ever to be a Member of the U.S. Senate.

John and I had our differences, but he was a man that would be always willing to bridge those differences. My greatest loss with the passing of John Tower is that, with time, perhaps we could have reconciled and closed some of the differences we had. That will be a loss that I will have to bear.

At any rate, on balance, as I look back over our association of nearly a decade in this institution, I was the one that profited the most. I say to you, John, and to the members of your family, I thank you. As an old sailor said, "May fair winds and flowing seas always nourish in the hearts that you left behind the warmest of thoughts."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTION OF REFUGEES IN IRAQ—SENATE RESOLUTION 99

The Senate continued with the consideration of the resolution.

Mr. SPECTER. Mr. President, while we are awaiting the final action by the Senate today, I have sought recognition to express my support for the resolution pending before the Senate regarding the resistance of the Kurds against the repressive and despotic acts by the Government of Iraq.

The situation in Iraq today is one of the most serious which has ever confronted an entire group of people. The Kurds are being oppressed relentlessly by the Iraqi Government. Thousands of Kurdish refuges are now on the Turkish border, thousands more on the Iranian border. The world has been horrified by the pictures which are flooding into television sets showing this brave people's tremendous suffering at the hands of the Iraqis.

I think it unfortunate that the originally stated intention of the United States Government to stop the helicopters from raining destruction on the Kurds was not carried out. Initially the United Nations, supported by the United States, made the declaration that fixed-wing aircraft would not be permitted to fly nor would the helicopters be permitted to fly. Two Iraqi fixed-wing aircraft were in fact shot down. The helicopters, which have continued to fly, have accounted for much of the destruction suffered by the Kurdish resistance. That is an extraordinarily unfortunate situation.

It is obviously a different situation for the United Nations or the United States to take military action which might involve a difficult ground war. But it seems to this Senator that some intermediate United Nations or United States course might have been adopted to have stopped this unseemly and barbaric assault against the Kurdish people.

I think the expression by the Senate today is a very forceful one, and I am hopeful that we will be able to find a way to stop this senseless slaughter.

I note the presence now of the majority leader so I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I would like to take a few moments to address the resolution prior to its enactment myself, and then we will be prepared to move the resolution and conclude the other business of the Senate.

Mr. President, I thank the Senator for his remarks.

All of us, indeed all Americans, are deeply concerned by the plight of refugees in Iraq. This is a tragedy of immense proportions. This resolution expresses the Senate's strong concern about Iraqi refugees and our belief that the United States and the United Nations must take immediate steps to ensure that additional lives are not lost. I commend the distinguished Senator from New York [Mr. MOYNIHAN] for his leadership on this resolution and this issue.

We were, of course, all grateful for the allied coalition's military victory over Iraqi forces and the astonishingly low number of allied casualties, but it is deeply disturbing that in the aftermath of that victory Iraqi armed forces have threatened the lives of some 1 million innocent Iraqi civilians. The President, in comparing Saddam Hussein to Hitler, repeatedly underscored the brutality of Iraqi occupation forces in Kuwait. These same forces have now turned against defenseless civilians within Iraq's borders seeking to assure a devastating loss to coalition stores with a brutal victory over their own people.

Many Iraqis began an armed rebellion in March following President Bush's calls for them to rise up and overthrow Saddam Hussein. They responded. Iraq Armed Forces then responded to them by indiscriminately shelling and bombing population centers, using helicopters to strafe villages and cut down fleeing civilians. This massive and illegal campaign of terror against Kurds, Shiites, and other Iraqis has forced close to 1 million people to flee their homes. They are desperate, lacking their possessions, lacking food, lacking proper clothes, and they continue to struggle toward the border in search of safety.

Americans are rightly concerned about innocent Iraqi civilians. Their survival is no less significant than was the fate of innocent Kuwaiti citizens. The U.S. leadership role in the international coalition creates a special responsibility to help the innocent civilians now undergoing such distress.

That is what this resolution is about. The resolution notes the tremendous suffering of the Iraqi people and condemns the Iraqi Government's indiscriminate, illegal massacre of civilians. It recognizes the United States has a moral obligation to provide humanitarian relief to those suffering and urging additional support from the United Nations and those countries bordering Iraq.

The resolution calls upon President Bush to press the U.N. Security Council to follow up on resolution 688, which condemned the repression of Iraqi civilians. Specifically, the resolution urges the President to encourage the United Nations to adopt effective measures under chapter VII of the U.N. Charter, including taking action to protect refugees to enforce the demand that the killing stop.

It is unfortunate but clear that the U.S. Government's initial response to this tragedy was slow. It must now meet the situation more effectively. This is an important resolution, which I urge all of my colleagues to support.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-118, appoints the Senator from West Virginia [Mr. ROCKEFELLER] to the Japan-United States Friendship Commission.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, and pursuant to Public Law 99-498, as amended by Public Law 101-324, appoints Mr. William R. Cotter to the National Commission on Responsibilities for Financing Postsecondary Education, vice Dr. William Danforth, resigned.

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 101-363, appoints the Senator from Colorado [Mr. BROWN] to the National Advisory Council on the Public Service.

UNANIMOUS CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Tuesday, April 16, at 3 p.m. the Senate proceed to the consideration of Calendar No. 38, S. 207, the CFTC authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

Mr. SPECTER. Mr. President, by brief word of explanation, I have just come into this assignment on so-called wrapup and I wanted to be sure that these documents were in order. The last unanimous consent agreement is agreed to by this side of the aisle.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,217th day that Terry Anderson has been held captive in Lebanon.

GLOBAL WARMING AND OZONE DEPLETION

Mr. BAUCUS. Mr. President, earlier today the majority leader, Senator MITCHELL, and my distinguished colleague from Tennessee, Mr. GORE, noted the two recent scientific reports on the seriousness of the global warming and ozone depletion threats.

Last week, the National Aeronautics and Space Administration released new data showing that the Earth's ozone layer is disappearing at an alarming rate.

And yesterday, a prestigious panel of the National Academy of Sciences, chaired by our former colleague Dan Evans, reported that the threat posed by global warming is sufficient to justify action now.

These two reports are more than just a double-barreled warning. They are evidence that what was once thought to be serious environmental problems are turning into crises.

According to the NASA satellite data, between 4 and 5 percent of the ozone layer over North America, Europe, and the mid latitudes in both the northern and southern hemispheres has been destroyed in the last decade. This is twice as fast as believed earlier by NASA scientists.

Equally disturbing, NASA's new data show for the first time that the ozone depletion is not just a winter phenomenon. It now extends into the warmer months, a time when people begin to spend more time outdoors and plants begin to grow.

As we should all know by now, the thinning of the ozone layer allows more high energy ultraviolet radiation to strike the Earth's surface. This increases the incidence of skin cancers and cataracts, and potentially suppresses the immune system. Furthermore, increased ultraviolet radiation has been shown to damage crops and harm marine resources.

According to the Environmental Protection Agency, for every percentage point of ozone depletion, the number of skin cancer cases increases by 5 to 7 percent. EPA estimates that the observed ozone depletion will lead to as many as 12 million more skin cancers and over 200,000 additional skin cancer deaths in the United States during the next 50 years. That is double the current rate of 5,000 a year.

In short, Mr. President, we have a major environmental crisis.

The new ozone losses are much greater than those predicted by computer models. And they raise serious questions about the adequacy of the control measures set forth in the Montreal protocol.

That treaty, signed by over 70 nations, commits industrialized nations to phase out CFC's by the year 2000, and developing nations to follow suit 10 years later.

The new NASA data and the assessment from the NAS are clear and convincing evidence of the need for action.

As a start, section 606 of the Clean Air Act Amendments of 1990 requires that the EPA Administrator implement an accelerated phaseout schedule for CFC's and other ozone depleting chemicals if scientific information suggests such an acceleration is needed to protect human health and the environment.

I believe that 12 million more skin cancer cases and a doubling of the death rate from such cancers in the United States is reason enough to accelerate the phaseout schedule.

Many European Community nations already support moving up the year 2000 deadline in developed nations to 1997. The United States should do no less.

We must also consider restrictions on CFC substitutes now being developed. While these are less harmful than current CFC's, they still damage the ozone layer, and it is now clear that our atmosphere cannot tolerate more abuse.

We must also provide timely assistance to developing countries so that they will have access to safe substitutes, and can eliminate production and use of CFC's well in advance of their 2010 deadline.

And we must take stronger steps to improve our energy efficiency and conservation. Doing so will reduce our emission of greenhouse gasses and the resulting global warming. This is the kind of planetary insurance policy mentioned in the NAS report.

The Senate will be considering comprehensive energy legislation in the near future. I, along with a number of my colleagues, intend to press for strong conservation and efficiency measures. It is the right thing to do, for us, now. And it is the right thing to do for our children.

Mr. President, we are now seeing the consequences of a policy that for too long has said wait. Study. Go slow.

Let us not compound the problem with further delay.

MOSES BOYD AND TRIO: AMERICAN SUCCESS STORIES

Mr. HOLLINGS. Mr. President, the spring 1991, edition of the Carolinian newspaper includes a profile of Moses Boyd, a counsel on the Senate Commerce Committee. Mr. Boyd is one of several talented young men and women mentioned in the article who have received a helping hand in realizing their academic potential courtesy of the TRIO Program. TRIO, of course, is the enormously successful Federal program that identifies disadvantaged but promising high school students, and provides them with academic enrichment activities and support before and during their years in college.

Moses Boyd is a superb example of what this program has accomplished in countless cases in every State in the Nation. A 1986 graduate of the University of South Carolina Law School, he has already earned a reputation on the committee and among our Senate colleagues as a fine lawyer with acute judgment—someone we can trust and rely on.

The lion's share of the credit for the Moses Boyd success story must go to Moses himself and to the family that raised him. But my hat is off, too, to the TRIO Program, which has made a decisive difference in the lives of many thousands of Americans from disadvantaged backgrounds. I am proud to have championed TRIO from my earliest years in the Senate. Perhaps my reward is to have a counsel of Moses Boyd's caliber on my Commerce Committee staff.

Mr. President, I ask unanimous consent that the article, "When Opportunity Knocks * * *," be reprinted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

When Opportunity Knocks . . .

The corridors of power in Washington are familiar ground to Moses Boyd. As counsel to the U.S. Senate Commerce, Science and Transportation Committee, he advises some of the nation's most powerful leaders and helps draft bills that will affect millions of lives. His law career is on the fast track to success.

But without the Opportunity Scholars Program (OSP) at USC, he might have had to settle for much less.

Boyd grew up in a small Fairfield County town in a family of 11 children. His mother was a high school graduate and his father—one of 13 children—left school to support his brothers and sisters when their parents died.

A promising high school student, Boyd was student body president in his senior year at Columbia's Eau Claire High School and had ambitions for law school. His teachers recommended a small college, but a guidance counselor saw his potential and urged him to try for USC. He did, was admitted through OSP, and became the quintessential high achiever that the program develops. He received a B.A. in political science in 1983 and a law degree in 1986.

"In my freshman year I got a lot of help learning how to focus on my course work," he said. "The faculty motivated me to study harder and helped me hone my writing and speaking skills. I can't say enough about the impact this program had on my life and career."

More than 500 graduates have answered opportunity's knock since the program began. In 1969, then-President Thomas Jones realized that some South Carolina high school students who had the potential to do good college work were being left out in the cold. For a variety of reasons—low SAT scores, inadequate academic preparation, family poverty or other problems beyond their control—they were labeled "educationally disadvantaged" and just didn't quite meet USC's admissions standards.

So Jones started a special admissions program for these students under the direction of the late Dr. J. Manning Hiers. The following year it was taken under the federal umbrella and has since been supported by a combination of University and federal money.

OSP is one of the TRIO programs—Opportunity Scholars, Talent Search and Upward Bound—funded under the federal Higher Education Act of 1965 and designed to provide counseling, basic skills instruction, tutoring and information about financial aid and college admissions to low-income and first generation college students.

Dixon Durham, who oversees the program and teaches the history component, emphasized that OSP is a developmental, not a remedial, program. "Like many other freshmen, our students come in with a need to strengthen certain aspects of their academic performance," Durham said. "Besides giving them full credit courses in English, history and math, we teach them critical thinking and study skills and help them develop the self-confidence they need to move out of their first-year experience into the mainstream of University life."

Associate Provost Dr. Susan Forman said the track record of OSP students proves the value of the program.

"This is a prime example of how a major research university can provide increased opportunities for a state with a diverse population and citizens with a range of social, economic and educational needs," she said. "In case after case, OSP has provided the means for students who might not typically be able to complete a high-quality college education to obtain college degrees and engage in successful careers."

Dr. Carol McGinnis Kay, dean of the College of Humanities and Social Sciences, also takes pride in the achievements of OSP students. "Far from being coddled," she said "these students proably have to meet stiffer demands from their instructors than a lot of entering freshmen do.

"It is a credit to their determination and to the academic excellence of the program that their graduation rate is so high and that so many of them continue their education in graduate school.

"This program is an important one, for both the students and the state as a whole. It enables the University to serve the needs of an important part of our constituency."

Terry Davis, Columbia campus admissions director, said the program makes it possible for the University to exercise flexibility in admissions policies by referring about 50 students each year who meet OSP's criteria to the program.

"While we know that a combination of SAT scores and high school performance generally gives the best indication of potential success in college, we also know that some students simply don't test well," she said.

"The graduation rate of OSP students—more than 60 percent—is significantly higher than the overall USC-Columbia rate, and many of them pursue graduate work. That's a clear indication that this kind of flexibility pays off for the University," Davis said.

Like Moses Boyd, the program's graduates are making major contributions to society through their professions—as social workers, teachers, lawyers, nurses, pharmacists, engineers, librarians, bankers and in other fields. And without exception, they credit USC and OSP for giving them a chance to prove they could succeed.—Ann Hill.

DR. NICHOLAS E. DAVIES

Mr. NUNN. Mr. President, last week one of Georgia's, and our Nation's most prominent physicians, Dr. Nicholas E. Davies, of Atlanta, was killed in a plane crash. An internist and cardiologist, Dr. Davies was to have become the president of the American College of Physicians on April 13, heading the organization of 70,000 doctors trained in internal medicine. He was on his way to a meeting of internists on the Georgia coast when his plane went down.

His colleagues at Piedmont Hospital, where he was chairman of the ethics committee and former chairman of the Department of Medicine, spoke of his deep concern for improving the lives of his fellow man, and for his intellect. Dr. Davies also served on the staff at Grady Memorial Hospital and was a professor at Emory University's School of Medicine.

Atlantans knew him as a lover of books, and founder of Friends of the Atlanta Public Library. Around the State, he was known for his active work to guarantee necessary medical care to all Georgians, regardless of their ability to pay. Nationally, Dr. Davies was known for his work as chairman of the National Library of Medicine, for his support for nurses and homebound patients, and for his advocacy of concentrating spending on the medical services that were most needed, such as preventive care.

My sympathy goes out to his wife, Garland, herself a distinguished assistant professor at Georgia State University, now retired, and to their children and grandchildren in the loss of this admirable man of medicine, whose life meant so much to his city and State, his colleagues and students, and all who benefited from his skill and concern.

MESSAGES FROM THE PRESIDENT

Message from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting Sunday nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 355. An act to provide emergency drought relief to the Reclamation States, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 119. A resolution relative to the death of the Honorable John Heinz, a Senator from the Commonwealth of Pennsylvania.

At 3:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 543. An act to authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; and

S. 565. An act to authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

The message also announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 134. Joint resolution to designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as "Jewish Heritage Week; and

H.J. Res. 197. Joint resolution to designate the weeks of April 15 through 21, 1991, as "National Education First Week."

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 115. A concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama.

The message also announced that pursuant to the provisions of section 4(b) of Public Law 94-201, the Speaker appoints on the part of the House, from private life, Mrs. Lindy Boggs of New Orleans, LA, to the Board of Trustees of the American Folklife Center in the Library of Congress.

The message further announced that pursuant to the provisions of section 1205(a)(4) of Public Law 101-628, the Speaker appoints the following individuals to the Civil War Sites Advisory Commission on the part of the House: Mr. MRAZEK and Mr. SLAUGHTER of Virginia; and from private life, Ms. Mary Frances Berry of Washington, DC.

ENROLLED BILLS SIGNED

At 5:22 p.m., a message from the House of Representatives, announced that the Speaker has signed the following enrolled bills:

S. 534. An act to authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; and

S. 565. An act to authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 355. An act to provide emergency drought relief to the Reclamation States, and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of April 9, 1991, the following reports of committees were submitted on April 10, 1991, during the recess of the Senate:

By Mr. GLENN, from the Committee on Governmental Affairs:

Special Report on the Activities of the Committee on Governmental Affairs and its subcommittees for the 101st Congress (Rept. No. 102-36).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 3: A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes (Rept. No. 102-37).

By Mr. FORD, from the Committee on Rules and Administration, without recommendation without amendment:

S. 6: A bill to amend the Federal Election Campaign Act of 1971 to provide a voluntary system of flexible fundraising targets for Senate elections, to increase public disclosure of activities of Senators, to reduce special interest influence in Senate elections, to increase competition in politics, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of April 9, 1991, the following executive reports of committees were submitted on April 10, 1991, during the recess of the Senate:

By Mr. NUNN, from the Committee on Armed Services:

The following-named persons to be Members of the Defense Base Closure and Realignment Commission for terms expiring at the end of the first session of the 102nd Congress:

Arthur Levitt, Jr., of New York;

Robert D. Stuart, Jr., of Illinois; and

Alexander B. Trowbridge, of the District of Columbia.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Nicholas F. Brady, of New Jersey, to be United States Governor of the European Bank for Reconstruction and Development.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 795. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. DIXON:

S. 796. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1986 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 797. A bill to establish programs for evaluation, research and development, and construction of a magnetic levitation transportation system between Baltimore, Maryland and Washington, District of Columbia; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON (for himself, Mr. PACKWOOD, and Mr. ADAMS):

S. 798. A bill to amend title 18, United States Code, to provide a criminal penalty for interfering with access to and egress from a medical facility; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 799. A bill to amend the Davis-Bacon and the Service Contract Act of 1965 to exempt from such acts tenants of federally-related housing who participate in the construction, alteration, or repair of their residences, and for other purposes; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 800. A bill for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. BRYAN, Mr. SARBANES, Mr. WIRTH, Mr. GARN, Mr. JEFFORDS, Mr. DANFORTH, and Mr. HATCH):

S. 801. A bill to amend the National Trails System Act to designate the Pony Express National Historic Trail and California National Historic Trail as components of the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 802. A bill to amend title VII of the Public Health Service Act to prohibit discrimination against international medical graduates, to provide for the establishment of a National Repository of Physician Records, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. REID:

S. 803. A bill to amend the Family Violence Prevention and Services Act to provide grants to States to fund State domestic violence coalitions, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 804. A bill to establish the Spark M. Matsunaga Renewable Energy and Ocean Technology Center and make funds available to the facility for renewable energy and ocean resources research, development, and transfer; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 805. A bill to provide for regulations to require certain consumers of newsprint to use, in their commercial operations, a certain percentage of recycled newsprint; to the Committee on Environment and Public Works.

By Mr. ADAMS:

S. 806. A bill to provide for the transfer of property for the Warren G. Magnuson Park in the City of Seattle, Washington, and for other purposes; to the Committee on Armed Services.

By Mr. HATCH (for himself and Mr. GARN):

S. 807. A bill to permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI:

S. 808. A bill to provide for the payment of claims by United States nationals against Vietnam and to terminate certain economic sanctions against Vietnam, and for other purposes; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself, Mr. MACK, Mr. BURNS, Mr. COATS, Mr. LOTT, Mr. CRAIG, Mr. HATCH, Mr. KASTEN, Mr. SMITH, Mr. MCCONNELL, Mr. BOND, Mr. HELMS, Mr. GARN, Mr. SYMMS, Mr. NICKLES, and Mr. ROTH):

S. 809. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on Rules and Administration.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. METZENBAUM, Mr. DODD, Mr. ADAMS, Mr. BURDICK, Mr. LEVIN, Mr. CONRAD, Mr. KERRY, Mr. KOHL, and Mr. SHELBY):

S. 810. A bill to improve counseling services for elementary school children; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS (for himself, Mr. EXON, Mr. BRYAN, Mr. BREAUX, Mr. REID, Ms. MIKULSKI, and Mr. SIMON):

S. 811. A bill to require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of magnetic levitation and other high-speed rail transportation systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself and Mr. GRAHAM):

S. 812. A bill to amend the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 813. A bill to establish the Federal Interagency Advisory Council and promote the use of senior citizens in the support of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

S. 814. A bill to amend the Environmental Programs Assistance Act of 1984 to provide that for purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of individuals authorized by such Act, the United States is liable, and for purposes of access to trade secrets and confidential business information such individuals are authorized representatives of the United States Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself, Mr. HATCH, and Mr. DANFORTH):

S. 815. A bill to amend the Public Health Service Act to provide for the establishment of an Office of Medical Insurance and to establish a self-insurance fund to provide coverage for successful malpractice claims filed against health service providers utilized by community and migrant health centers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. BROWN, Mr. PELL, Mr. HELMS, Mr. LIEBERMAN, Mr. BURNS, Mr. INOUYE, Mr. SIMON, Mr. KERRY, Mr. SPECTER, Mr. WALLOP, Mr. AKAKA, Mr. BRADLEY, Mr. MCCAIN, Mr. DECONCINI, Mr. COATS, Mr. D'AMATO, Mr. DIXON, Mr. RIEGLE, and Mr. SEYMOUR):

S. 816. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Baltic peoples to alleviate suffering; to the Committee on Foreign Relations.

By Mr. GARN (for himself, Mr. D'AMATO, Mr. GORE, Mr. GRASSLEY, Mr. JEFFORDS, Mr. PELL, Mr. SASSER, Mr. SIMON, and Mr. WARNER):

S.J. Res. 114. A joint resolution to designate May 1991 as "Neurofibromatosis Awareness Month"; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S.J. Res. 115. A joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week"; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. GORE, Mr. CHAFEE, Mr. KASTEN, Mr. KOHL, Mr. KERRY, Mr. CONRAD, Mr. PELL, Mr. ADAMS, Mr. SANFORD, Mr. BIDEN, Mr. DODD, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WARNER, Mr. BENTSEN, Mr. LAUTENBERG, Mrs. KASSEBAUM, Mr. BURDICK, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. JEFFORDS, Mr. CRANSTON, Mr. DECONCINI, Mr. FOWLER, Mr. SHELBY, Mr. HOLLINGS, Mr. SASSER, Mr. GORTON, Mr. SEYMOUR, Mr. DOMENICI, Mr. KENNEDY, Mr. REID, Mr. SARBANES, Mr. LEVIN, Mr. NUNN, Mr. WELLSTONE, Ms. MIKULSKI, Mr. COCHRAN, Mr. BINGAMAN, Mr. INOUYE, Mr. BUMPERS, Mr. COHEN, Mr. MITCHELL, Mr. SPECTER, Mr. PACKWOOD, Mr. DANFORTH, Mr. PRESSLER, Mr. BOND, Mr. BAUCUS, Mr. HATCH, and Mr. GRAHAM):

S.J. Res. 116. A joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. DASCHLE, Mr. SARBANES, Mr. LEVIN, Mr. BRADLEY, Mr. HOLLINGS, Mr. SASSER, Mr. DIXON, Mr. BUMPERS, Mr. HEFLIN, Mr. CRANSTON, Mr. MITCHELL, Mr. EXON, Mr. SIMON, Mr. NUNN, Mr. GORE, Mr. LIEBERMAN, Mr. RIEGLE, Mr. BOREN, Mr. MOYNIHAN, Mr. PELL, Mr. SANFORD, Mr. STEVENS, Mr. WARNER, Mr. D'AMATO, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. GARN, Mr. DOLE, Mr. SEYMOUR, Mr. COCHRAN, Mr. MURKOWSKI, Mr. THURMOND, Mr. HATCH, Mr. MACK, and Mr. AKAKA):

S.J. Res. 117. A joint resolution to designate December 7, 1991, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on the Judiciary.

By Mr. GARN (for himself, Mr. GRAHAM, and Mr. MACK):

S.J. Res. 118. A joint resolution to recognize the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH (for himself, Mr. GORE, Mr. CHAFEE, Mr. KASTEN, Mr. KOHL, Mr. KERRY, Mr. CONRAD, Mr. PELL, Mr. ADAMS, Mr. SANFORD, Mr. BIDEN, Mr. DODD, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WARNER, Mr. BENTSEN, Mr. LAUTENBERG, Mrs. KASSEBAUM, Mr. BURDICK, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. JEFFORDS, Mr. CRANSTON, Mr. DECONCINI, Mr. FOWLER, Mr. SHELBY, Mr. HOLLINGS, Mr. SASSER, Mr. GORTON, Mr. SEYMOUR, Mr. DOMENICI, Mr. KENNEDY, Mr. REID, Mr. SARBANES, Mr. LEVIN, Mr. NUNN, Mr. WELLSTONE, Ms. MIKULSKI, Mr. COCHRAN, Mr. BINGAMAN, Mr. INOUYE, Mr. BUMPERS, Mr. COHEN, Mr. MITCHELL, Mr. SPECTER, Mr. PACKWOOD, Mr. DANFORTH, Mr. PRESSLER, Mr. BOND, Mr. BAUCUS, Mr. HATCH, and Mr. GRAHAM):

S.J. Res. 119. A joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAMM (for himself, Mr. BENTSEN, Mr. DODD, Mr. DOLE, and Mr. BOND):

S. Res. 97. Resolution to express the sense of the Senate with regard to the death of John Goodwin Tower, a former Senator from the State of Texas; considered and agreed to.

By Mr. PELL (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. KERRY, Mr. DODD, Mr. BRADLEY, Mr. LAUTENBERG, Mr. COHEN, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. RUDMAN):

S. Res. 98. Resolution expressing the opposition of the Senate to the imposition of a fee on or in-kind storage diversion requirement for imported crude oil and refined petroleum products; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. GORE, Mr. PELL, Mr. LEAHY, Mr. SANFORD, Mr. MITCHELL, Mr. DOLE, Mr. PACKWOOD, Mr. DECONCINI, Mr. CRANSTON, and Mrs. KASSEBAUM):

S. Res. 99. Resolution concerning the protection of refugees in Iraq, considered and agreed to.

By Mr. SANFORD (for himself, Mr. HELMS, and Mr. MITCHELL):

S. Res. 100. Resolution to commend the Blue Devils of Duke University for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 101. Resolution to authorize testimony in the case of United States v. Kim Peoples, No. M7711-90; considered and agreed to.

By Mr. KERRY (for himself, Mr. LEVIN, Mr. AKAKA, Mr. KENNEDY, Mr. JEFFORDS, Mr. INOUYE, Mr. LIEBERMAN, Mr. HARKIN, Mr. DASCHLE, Mr. PELL, and Mr. GORE):

S. Con. Res. 26. Concurrent resolution calling for the United States to support a new agreement among the Antarctic Treaty Consultative Parties which would provide comprehensive environmental protection of Antarctica and would prohibit indefinitely commercial mineral development and related activities in Antarctica; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. HATCH):

S. Con. Res. 27. Concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 795. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

FILIPINO VETERANS EQUITY ACT

• Mr. INOUYE. Mr. President, today, I rise to introduce legislation which amends title 38, United States Code, to restore full veterans' benefits, by reason of service, to certain organized military forces of the Philippine Commonwealth Army and the Philippine Scouts.

Fifty years ago, President Roosevelt, on July 26, 1941, issued a military order that called members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East. Under the command of Gen. Douglas MacArthur, our Filipino allies joined alongside American soldiers in fighting some of the most fierce battles of World War II.

From the onset of the war through February 18, 1946, Filipinos who were called into service under President Roosevelt's order were entitled to full veterans' benefits by reason of their active service in our Armed Forces. Unfortunately, on February 18, 1946, Congress enacted the Recission Act of 1946, (now codified as section 107, title 38, United States Code), which states that service performed by these Filipino veterans is not deemed as "active service." As a result of the 1946 act, Filipino veterans on May 12, 1989, in Quiban versus U.S. Veterans Administration and Quizon versus U.S. Veterans Administration, the U.S. District Court for the District of Columbia declared section 107 of title 38, United States Code to be unconstitutional. The Veterans Administration filed an appeal to the U.S. Court of Appeals for the District of Columbia, challenging the district court's ruling that military service performed by Filipino veterans, which is not deemed as active service, was unconstitutional. The U.S. Court of Appeals for the District of Columbia heard the oral arguments on February 14, 1991. A decision is expected shortly. I am hopeful that the U.S Court of Appeals will affirm the lower court decision.

For many years, Filipino veterans of World War II have sought to correct this injustice by seeking equal treatment for their valiant military service in our Armed Forces. We must not ignore the recognition they duly deserved as U.S. veterans. Accordingly, I urge my colleagues to support this measure which would restore full veterans' benefits, by reason of service, to our Filipino allies of World War II.

Mr. President, I ask unanimous consent that the text of my bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 795

Be enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Filipino Veterans Equity Act of 1991".

SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "not" after "Army of United States, shall"; and

(B) by striking ", except benefits under—" and all that follows and inserting a period; and

(2) in subsection (b)—

(A) by striking "not" after "Armed Forces Voluntary Recruitment Act of 1945 shall"; and

(B) by striking "except—" and all that follows and inserting a period.

(b) CONFORMING AMENDMENTS.—

(1) HEADING.—The heading of such section is amended to read as follows:

"§ 107. Certain service in organized military forces of the Philippines and in the Philippine Scouts deemed to be active service".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"107. Certain services in organized military forces of the Philippines and in the Philippine Scouts deemed to be active service.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on October 1, 1991.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.•

By Mr. DIXON:

S. 796. A bill to provide a one-time amnesty from criminal and civil penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the anmesty period, to amend the Internal Revenue Code of 1986 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

FEDERAL TAX DELINQUENCY ANMESTY ACT

Mr. DIXON. Mr. President, even after last year's contentious budget battle, and the enactment of the largest deficit reduction package in our history, we stand here today facing the largest Federal budget deficit in our Nation's history. Our failures to get the deficit under control have hurt every American and have damaged the American economy.

There are many factors that have contributed to our budget crisis. One very important factor that continues to receive little attention is our deteriorating tax compliance levels. It is an alarming fact that during the past decade, as our Federal deficit grew to appalling levels, compliance with our Federal tax laws dramatically declined.

Since I first came to the U.S. Senate, I have repeatedly argued for, and introduced legislation to institute, a Federal Tax Amnesty Program. Even with substantial and growing noncompliance with our Nation's tax laws, this proposal has not received the attention or serious review that I believe it merits.

In 1983, the tax gap—that is, the difference between what is owed by the Federal Government and what is actually collected—was estimated to be $24 billion. By 1992, lost revenue to the Government could reach as much as $114 billion. Commissioner Goldberg, in testimony before the House Ways and Means Oversight Subcommittee last year, estimated the current tax gap to be $87 billion—$87 billion of uncollected taxes is scandalous! It exacerbates our mounting budget deficit, as well as increases burdens upon all honest taxpaying citizens.

Every year billions and billions of dollars are lost to our tax collection system. Part of the problem lies within the Internal Revenue Service itself. Its procedures are outdated and inefficient. At the same time, because the IRS is forced to share in domestic budget cuts, its manpower is grossly inadequate. In 1976, the Service audited 2.6 percent of tax returns; this year it will audit less than 1 percent. By increasing IRS collection efforts, and implementing new programs designated to recover the vast majority of these outstanding delinquent balances, we could collect billions that might otherwise be lost in our tax collection system.

Tax amnesty is a simple concept. It provides an opportunity for delinquent taxpayers—a majority of which are otherwise honest citizens who earn their livings respectably—to fully pay their overdue tax liability without being subject to criminal or civil prosecution.

Amnesty programs have worked well at the State level. States, including my State of Illinois, as well as Massachusetts, New York, Connecticut, Kansas, Alabama, Texas, Missouri, Minnesota, North Dakota, New Mexico, Arizona, California, Colorado, Louisiana, Oklahoma, South Carolina, Texas, Wisconsin, Arkansas, Florida, Iowa, Michigan, Mississippi, New Jersey, Rhode Island, West Virginia, Maryland, Idaho, Virginia, and the District of Columbia, have enacted tax amnesty programs.

The results of State amnesty programs have been impressive. These programs have demonstrated that many individuals and companies will come forward if they can pay their back taxes, and not be prosecuted. The State programs have also revealed that amnesty programs have enabled the States to collect significant amounts of currently uncollectable revenue with a minimal amount of resources. Over 130,000 delinquent taxpayers came forward in California—Illinois collected approximately $150 million—and over $72 million was collected in Massachusetts.

The State programs were not giveaways: They did not reward tax cheaters. Rather, the State programs were balanced. Following the amnesty period, compliance efforts and penalties for noncompliance were increased. The State programs have resulted in placing additional taxpayers back on the rolls. The success of these State tax amnesty programs has demonstrated the potential of this idea at the national level.

Mr. President, while I recognize the enormous differences between the State and the National tax systems, I believe a National Tax Amnesty Program will be effective.

It is true that Federal tax collection efforts are more sophisticated than those of the States. Nonetheless, our current tax system is failing the test. The magnitude of the tax gap is enormous, and it continues to grow. Voluntary compliance continues to decline, while, the public is becoming increasingly aware of the fact that large numbers of taxpayers are getting away with cheating. The Federal Government is losing billions of tax dollars—$87 billion this year. Of this $87 billion, underreported income—that is, overstated deductions and credits, as well as unreported income—represents roughly $40 billion. The largest portion of this unreported income is from sole proprietorships, informal supplier income, and capital gains.

At the Federal level, revenues from a tax amnesty/enforcement package can be utilized to help reduce our budget deficit. At the same time, these revenues can help preserve high-priority Federal programs that are currently facing drastic cuts or elimination.

The legislation that I am introducing today would establish a tax amnesty/tough enforcement package. A 6-month amnesty period would go into effect, beginning on July 1 after the bill is enacted.

All taxpayers would be eligible for the amnesty with some limited exceptions: First, those involved with the IRS in administrative or judicial proceedings before the amnesty period begins; second, those under criminal investigation where the IRS has referred the matter to the Justice Department before the amnesty period begins; and third, those who make false or fraudulent representations in attempting to take advantage of the amnesty.

The amnesty itself would be simple and straightforward. It would include amnesty from criminal and civil penalties and from 50 percent of any interest penalty owed. It would, however, apply only to legal-source income. Taxes due on income resulting from criminal activity would not be covered by the amnesty.

All Federal taxes would be included under the amnesty, not just the income tax.

The amnesty provisions are generous and provide a substantial incentive for taxpayers to take advantage of the amnesty period. However, the bill does not rely just on carrots; it also contains a couples of substantial sticks.

First, it increases all tax-related civil and criminal penalties, including money fines and jail terms, by 50 percent. The tougher penalities would apply to any tax year after 1987, and after the amnesty period, to any open tax year. Of course, the increased penalties would not apply to cases pending on the date of enactment where a judgment was entered before that date.

Second, the bill authorizes such funds as are necessary to add 3,000 additional revenue agents to the IRS—an increase of about 20 percent in the agent force. Adding agents has proven to be cost-effective, because each additional agent can bring in as much as 12½ times his salary in additional tax revenue. In fact, the IRS has informed me that agents can bring in as much as 40 times their salary, depending on where enforcement efforts are concentrated.

The bill also authorizes the funds that the Treasury will need to administer and publicize the amnesty program. The State experience demonstrates that wide publicity can significantly enhance the effectiveness of the amnesty program.

I believe in the amnesty concept, but I recognize the need to carefully analyze the potential impact of an amnesty program on compliance. I firmly believe that a tax amnesty program would undermine neither tax administration objectives nor the overall climate for voluntary compliance. As the State experience demonstrates, it will, in fact, add thousands of taxpayers to the rolls. Further, it will not adversely impact future tax collections. I am confident that the vast majority of honest taxpayers will see a one-time amnesty for what it is—a demonstration of the extraordinary efforts the Government is prepared to undertake to collect delinquent tax payments.

My legislation will not reward delinquent taxpayers the IRS has already uncovered. It will provide an incentive to come forward to those who otherwise may not be discovered. These taxpayers would have to pay their full delinquent amounts, and it is worth forgoing the penalties in order to get them to do so.

As we battle headlong to reduce our uncontrollable budget deficit, debating over whether to cut essential programs or to impose unwanted taxes on our citizens, we should take advantage of the benefits that a tax amnesty program yields.

I urge my colleagues to carefully examine the amnesty concept. I remain confident that a thorough and fair-minded review of this proposal will result in large, bipartisan support for such a program.

By Ms. MIKULSKI:

S. 797. A bill to establish programs for evaluation, research and development, and construction of a magnetic levitation transportation system between Baltimore, MD, and Washington, DC; to the Committee on Commerce, Science, and Transportation.

MAGNETIC LEVITATION TRANSPORTATION SYSTEM BETWEEN BALTIMORE, MD AND WASHINGTON, DC

Ms. MIKULSKI. Mr. President, I rise to introduce a transportation bill that really offers a new concept in transportation for the American people.

I want to, before I add comments on my own bill, say a few words about our dear colleague, Senator Heinz.

Senator Heinz played a very key role in the authorization of the Metro subway that is part of the National Capitol system. We Senators from Maryland and Virginia—Senators SARBANES, ROBB, WARNER, and myself—could not have moved the legislation had Senator Heinz not been willing to take the leadership in differences with the administration. He did that because of the committee from which he was the ranking member on Government Operations.

We now have an authorization bill for the National Capital subway because of the very fine work of Senator Heinz. How like him. There was nothing in it for Pennsylvania. There were prickly issues between the States and the administration. But in his own skillful way he stepped forward to resolve a problem, and it was to have an authorization framework to move forward. He did his job not as a Pennsylvania Senator; he did his job as a national Senator.

We in Maryland and in Virginia are grateful for what he did. I offer the incident and the anecdote just because I think it shows the kind of guy and the kind of Senator that John Heinz was.

Mr. President, I also now would like to take the opportunity to introduce a bill related to a new transportation technology called Mag Lev. Mr. President, this technology could mean that America could ride into the 21st century at 300 miles an hour on a cushion of air over magnets. It is a new technology that could generate new jobs and new opportunities for business and economic development. This technology is a train system.

I am advocating a demonstration project for the entire Nation to see if it is feasible, as well as if it is desirable. It would speed travelers between cities at triple the speed of conventional trains, as I said, floating above guideways by the same forces that push two similar charged magnets.

This is kind of what it looks like. I know it looks glitzy. But I am telling you this is the train of the future. I am introducing this legislation for Baltimore as a demonstration project, and the Baltimore-Washington corridor. I am introducing it along with my colleague from Maryland, Senator SARBANES.

Other colleagues have played a very important role in highlighting this: Senators MOYNIHAN, HOLLINGS, and EXON, whom I look forward to working with.

Mr. President, my bill will do a few things. It will jump start the mag-lev development process by authorizing a feasibility study of mag-lev between Baltimore and Washington. If passed, it would provide six 1-year grants for design competition, and it would offer Federal matching funds to the winner. It would limit this only to American companies and organizations. And it will be critical, then, for our future.

We will be building a public-private partnership where the Federal Government works with private industry to meet America's transportation needs. mag-lev is the transportation technology of the future because it is faster, cleaner, and more energy-efficient than cars of airplanes. It means a healthier environment, airports and roads that will not be jampacked, and will go toward energy independence.

The Baltimore-Washington corridor is a perfect test site. I say that with all modesty. In this corridor, it would link two major urban centers and would be the first step in a linking of the Northeast corridor.

Mr. President, I commute every day. I know what it is like to be in a rolling backup. I think it would be great for me to be able to get a morning paper, buy a cup of coffee in one of the ethnic diners I stop in every morning, and be at the Capitol in less than 15 minutes. I do not even know if I will have time to read my memos if this technology goes through. But I know this: I can read what the future is.

We need to have technology that will create opportunity in this country and that we can sell abroad. That is what this will do. It will be investing in the future.

Mr. President, I think this will bring benefits to America because we will be developing cutting-edge technology. We invented this technology, and then, in 1974, we dropped the ball and did not pursue it any further. The Japanese and Germans came in and picked up on it. They did it fair and square. They have now developed prototypes.

I am sick and tired of the inventions that we create but do not develop which end up coming back and taking America's jobs. We have to do more than export our dollars and export our jobs. That way, if Mag Lev works, we can be the Yankee peddlers around the world that we have been for two centuries.

Mr. President, I am happy today to introduce this bill for Baltimore and Maryland, but most of all, for our own country.

Let me reiterate.

Today I am taking the first step toward our transportation future by introducing legislation to make the Baltimore-Washington corridor the site of America's first high-technology, high-speed magnetic levitation rail system. I am introducing this legislation on behalf of Senator SARBANES and myself.

As I introduce my bill, I also want to recognize the leadership and advocacy of Senators MOYNIHAN, HOLLINGS, and EXON on Mag Lev. I want to work with them and other Senators to make Mag Lev a reality by the year 2000.

This train system—a demonstration project for the entire Nation—would speed travelers between cities at triple the speed of conventional trains, floating above guideways by the same force that pushes two similarly charged magnets apart.

My bill will:

Jump start the Mag Lev development process by authorizing a feasibility study of Mag Lev between Baltimore and Washington.

Award six 1-year grants to competing private companies or local governments to design a Mag Lev line, and,

Authorize Federal matching funds for the winner of the design competition to build the line.

Only American companies and organizations will be eligible to compete, and the Federal share of constructing the line will be no more than half the cost.

We are building a public-private partnership where the Federal Government works with private industry to meet the American public's transportation needs—and improve America's competitiveness.

Mag Lev is the transportation technology of the future. Faster, cleaner, and more energy-efficient than cars or airplanes, it will mean a healthier environment, airports and roads that aren't jampacked, and it will help our Nation become energy independent.

The Baltimore-Washington corridor is a perfect test site. Mag Lev in this corridor would link two major urban centers. It would be the first link in a

Northeast corridor system connecting Washington to New York City to Boston. It could end the endless backups on I-95 and the Baltimore-Washington Parkway. It cuts airport congestion.

And personally, I am excited about buying my morning cup of coffee at Jimmy's in Fells Point, Baltimore, and getting to work on Capitol Hill, in less than 15 minutes—with my coffee still hot.

In my years in the Senate, one of my top priorities has been to get Maryland and America ready for the future.

That means investing in the technologies of the future. Technologies like magnetic levitation that will give Maryland and America a competitive edge.

It will make it easier for companies to locate in Baltimore and do business in Washington. It will lure America's best minds and most advanced technologies to Maryland. And it will demonstrate Maryland's commitment to building a 21st Century economy.

These trains are fast and flashy, but they are not some Buck Rogers pipedream. Germany and Japan are already building theirs.

Twenty years ago, the United States led the world in Mag Lev research. We still dominate fields like superconductivity and cryogenics that are making Mag Lev feasible, but we are losing our edge.

As we demonstrate to the rest of the world the benefits of Mag Lev, we bring benefits home to America. We'll be building a 21st-century transportation infrastructure, developing cutting-edge technology that we can export around the world, cutting the gas line that ties us to Middle East oil.

The technology already exists. Mag Lev can be up and running by the year 2000. All we need now is the will to put it into place.

I yield the floor. I thank the Senate for its attention.

Mr. SARBANES. Mr. President, today I am pleased to join my colleague, the junior Senator from Maryland, in sponsoring the Baltimore-Washington Corridor Magnetic Levitation Transportation System Demonstration Act of 1991. This legislation authorizes a study of the feasibility of establishing a magnetic levitation railway link between Baltimore, MD and Washington, D.C. Once that study is completed, favorable data and results would form the basis for the construction of such a line.

The development of magnetic levitation technology, commonly known as maglev, was initially invented and researched in the United States. The technology uses electromagnetic force in order to suspend and propel a train a few inches above a guideway at speeds up to 300 mph. Since its initial discovery in the 1960's, only Japan and Germany have aggressively pursued and developed working transportation systems utilizing this technology. These have served to highlight maglev's potential as a safe, environmentally sound, economically viable, and energy efficient form of transport.

Mr. President, it seems logical that the Baltimore-Washington corridor would serve as an appropriate testing ground for an examination into both the practicality and plausibility of such a transportation system. The combined population of these two adjacent areas totals approximately 6 million, with 100,000 commuters traveling daily between the two cities, and 4,600 businesses based in the two vicinities. This combined area ranks fourth among the Nation's largest urban complexes. In a January, 1991 study entitled "Roadway Congestion in Major Urban Areas, 1982–88," it was found that of the six northeast cities, Washington and Baltimore ranked first and fifth respectively in terms of traffic congestion. Furthermore, the study found that the Washington area had the third worst traffic problem in the Nation, costing an estimated $1.73 billion a year in lost time, gas consumption, accident losses and other factors. The density of traffic which the introduction of such a system as maglev could relieve is quite apparent.

Additional positive attributes of the Baltimore-Washington corridor consist of: an existing interstate highway system, a ready made right of way for possible maglev tracks in I-95; the presence of BWI Airport as a feed into the proposed maglev line; and the very location of the corridor itself, which could serve as a potential springboard for an extended maglev system along the entire Northeast corridor. Recent articles and editorials published in both the Sun and Evening Sun have expressed cogent arguments for the introduction of maglev in this specific region. I ask unanimous consent that these be printed in full at the conclusion of my statements.

I commend Senator MIKULSKI for introducing this measure.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEVITATING TO WASHINGTON

Will a day come when passengers can hop on a train in downtown Baltimore and arrive in downtown Washington 15 minutes later? Boosters of the "magnetic levitation" concept say such speed and convenience could be possible by the year 2000—if Congress can be persuaded to back a $600-million project to demonstrate the versatility of these quiet, vibration-free trains.

The new technology is mind-boggling. Magnetic levitation trains, instead of riding on steel wheels and rails, would float above a roadbed to which they are linked by electromagnetic forces.

The initial maglev technology was developed by American scientists in the 1960s. But as in the case of two other flashes of American imagination—the VCR and fiber optics—Japanese and German companies (and governments) have become the leading developers of this revolutionary transportation mode.

In fact, when Las Vegas asked for bids for a maglev line linking that city with Los Angeles, the only proposal came from a German consortium. "This is a technology that might mean to the next century what civil aviation has meant to the latter part of this century," says Rep. Robert Torricelli, a New Jersey Democrat.

An American consortium, contending that perfecting magnetic levitation outside the laboratory is too expensive for the private sector to undertake single-handedly, is trying to secure federal aid to catch up with the Germans and Japanese.

Maryland's Democratic Sen. Barbara A. Mikulski says she will introduce legislation that would designate the Baltimore-Washington corridor for the construction of a 40-mile roadbed for 300-mph magnetic levitation passenger trains. This is a 21st century idea that merits strong congressional support in the final decade of the 20th century.

[From the Evening Sun, Mar. 11, 1991]

RIDE TO THE FUTURE

While American technology has transformed the weapons of warfare, American inventions that could revolutionize daily life have languished or been adopted by foreign competitors. One such invention—magnetic levitation, or "maglev," a clean, quiet, vibration-free train that can travel in excess of 300 mph—was invented in this country in the 1960s. But anyone who wishes to ride a maglev train will have to travel to Germany or Japan. Maglev technology still needs some work, but many people say it could revolutionize transportation in the 21st century.

In an attempt to get this country back into the maglev arena, members of Congress are proposing legislation to build a prototype route of 30 or 40 miles. The big question, of course, is where—and a consortium called MAGLEV USA has a perfect answer: between Baltimore and Washington, D.C. The route has much to recommend it, since there is plenty of traffic between the two cities and a major airport could feed into the line. Once built, the line would fit nicely into a longer East Coast system. From a local perspective, the advantages for Maryland and its economy are obvious. Consider the boost to Baltimore if downtown Washington were a mere 15-minute ride away.

The ball is rolling on Capitol Hill, and MAGLEV USA has enlisted an impressive amount of local support from the private sector. For instance, Alex Brown, which helped finance the country's first commercial railroad, wants to continue its participation in pioneering transportation projects by helping underwrite maglev.

The missing link in this campaign is enthusiastic support from the state government. Tomorrow, however, the state House Ways and Means Committee will hear testimony on a joint resolution of the Maryland General Assembly sponsored by Prince George's Del. Joseph Rosapepe urging Congress to finance the project and to choose the Baltimore-Washington corridior as its location.

Eventually, of course, the state would be required to contribute a portion of the project's cost, 10 percent or so. But that contribution would be spread over several years and would not be required until 1993 at the earliest. By that time, Maryland can hope to have weathered the current fiscal crisis and be ready to help pioneer the transportation of the future.

HIGH-SPEED TRAIN LINK TO D.C. MAY GET ON TRACK

(By David Conn)

ANNAPOLIS.—Don't blink. A Buck Rogers high-speed railroad that could carry commuters from Washington to Baltimore in less than 15 minutes may be on the way. It will be so clean and quiet that at speeds of more than 300 mph, a momentary lapse in attention means you might miss the train. So don't blink.

This is the dream of a consortium of public and private organizations, more than half from Maryland, that is lobbying Congress and Maryland's General Assembly to finance construction of a prototype magnetic levitation, or maglev, line from Baltimore to Washington.

Maglev, invented in the United States in the 1960s, would use electromagnetic force to suspend a train a few inches above a guideway and then propel it quietly. An actual commercial railroad run by maglev is merely a pipe dream at this point, although prototype lines have been built in Germany and Japan.

But U.S. Sen. Daniel Patrick Moynihan, D-N.Y., is expected to introduce a bill within a few weeks calling for a federal commitment to a $1 billion project to design and build a prototype maglev route of 30 or 40 miles.

Supporters of the plan predict that if Congress chooses Maryland for the first route, the project will transform the Baltimore area's economy, not only because of the tourism value and not just because a $1 billion construction project would go up along Interstate 95.

"I think the major economic development impact is it's the most important thing we can do to drive the Baltimore and Washington economies together," said Delegate James C. Rosapepe, D-Prince George's, who has sponsored a joint resolution in the General Assembly to urge Congress to finance the project and to choose Baltimore and Washington as its end points.

"This would make the concept of the SMSA [Standard Metropolitan Statistical Area] a reality." Mr. Rosapepe said, "because it would mean that it would be very, very feasible for lots of people to live in Washington, and in Baltimore—and vice versa—or work in both cities at the same time."

The ride probably would take 15 minutes or less, including a stop at Baltimore-Washington International Airport that could help draw some travelers from National and Dulles, the other Washington-area airports.

Scientists think the current cost of building a maglev line—$20 million to $24 million a mile—could be lowered to $10 million or less using technology now being studied.

Ideally, the price of a ticket would be competitive with those of tickets for other rail lines between the two cities, said William Boardman, president of the consortum, called MAGLEV USA.

The consortium's 12 members include Baltimore Gas and Electric Co., which wants to provide the electricity to run the train; Alex. Brown & Sons Inc., which helped finance the first commercial railroad in the United States and wants to do the same for maglev; Westinghouse Electric Corp.; Whiting-Turner Contracting Co.; Grumman Corp.; the Abell Foundation; Center City-Inner Harbor Management Inc.; the University of Maryland; and CSX Transportation Inc.

MAGLEV USA has been "trying to create interest with the federal government," Mr. Boardman said. "At the same time, we're trying to create interest at the state and local level."

State officials will have to be more than a little interested to sign on to the project, which probably will cost Maryland 10 percent or more of the $1 billion price tag.

There's no doubt that Baltimore needs faster, more frequent rail service between the two cities, said Robert Keller, president of the Greater Baltimore Committee. And maglev "has a magic to it because of the new technology," he said. "The question is, is it affordable?"

Delegate Thomas H. Hattery, D-Frederick, who co-sponsored Mr. Rosapepe's resolution, pointed out that a $100 million project spread over four or five years is a relatively small bite out of the state Department of Transportation's $1.5 billion annual budget. And the first installment of the money won't be needed until fiscal 1993, at the earliest.

Even for some who don't consider themselves maglev fanatics, the potential benefits to the region are clear. Federal agencies, national trade associations, law firms and nonprofit organizations that were already beginning to take Baltimore seriously as a location would be more likely to move to the city if they were less than 30 minutes from Capitol Hill, Mr. Keller said.

Class A office space in Baltimore rents for $10 to $12 a square foot less than it does in Washington, he pointed out. The decision to move north would make sense "as the federal government searches for cost-effective ways of managing their agencies," Mr. Keller said.

Mr. Rosapepe thinks that Maryland, home of the first commercial railroad in the 1830s, cannot afford to miss out on one of the most important technologies of the 21st century.

"The reason the port of Baltimore expanded so much in the 19th century," he said, "is because we were the first to have a railroad"—the Baltimore & Ohio, which connected the city to the Midwestern markets beyond the Allegheny Mountains. "That was for a raw materials-based economy, and this is for a service-based economy."

David Brown, a MAGLEV USA member from BG&E, went even further. "In our opinion, this is going to be as important as the airplane for transportation in the next 40 years," he said.

But first, assuming Congress agrees to finance the project, the consortium must convince the lawmakers that Maryland is the place for maglev. There are six other locations looking into building a line, and some of them are farther along than Maryland in the planning stages.

The possible routes are Los Angeles to Las Vegas; Seattle to Tacoma, Wash.; the Orlando, Fla., airport to International Drive just outside Disneyworld; Pittsburgh's airport to the downtown area; and locations in upstate New York and Ohio, Mr. Boardman said.

For Mr. Rosapepe, Baltimore-Washington is the ideal route. Few other locations have the density of intercity traffic that maglev could relieve; the distance is just about right for a $1 billion allocation; there is a major airport along the route to use maglev as a feeder; and the route is an obvious launching pad for running an extended maglev system along the Northeast Corridor.

Besides, the route is close to Washington, "so it'll get more attention from the decision-makers," Mr. Rosapepe said.

His resolution will be heard by the Ways and Means Committee next week, only two weeks after the federal government issued a request for proposals for about a half-dozen small ($1.5 million each) initial design contracts. A response is due at the end of April, Mr. Boardman said, noting that Maryland could show its interest by spending $1 million or so to aid those studies.

"Within the next couple of months," he said, "there is an opportunity for the state to say, 'Yes, we want to play a role,' or 'No, we don't.'"

By Mr. CRANSTON (for himself, Mr. PACKWOOD, and Mr. ADAMS):

S. 798. A bill to amend title 18, United States Code, to provide a criminal penalty for interfering with access to and egress from a medical facility; to the Committee on the Judiciary.

FREEDOM OF ACCESS TO CLINICAL ENTRANCES ACT

• Mr. CRANSTON. Mr. President, I am today introducing S. 798, the Freedom of Access to Clinic Entrances Act of 1991. This legislation is aimed at protecting the rights of women seeking medical assistance at health facilities which provide abortion services. It is intended to protect these women from physical interference with their right to enter and leave such facilities.

This measure is based upon a similar bill which I introduced in the last Congress as S. 2321. I am pleased to be joined in introducing this measure by the distinguished Senator from Oregon [Mr. PACKWOOD] and the Senator from Washington [Mr. ADAMS]. A companion bill is being introduced in the House of Representatives by my good friend and colleague from California, Representative MEL LEVINE.

Quite simply, Mr. President, the legislation we are introducing today would make it a Federal crime to prevent an individual from entering or exiting a medical facility by physically detaining the individual or obstructing, impeding, or hindering the individual's passage. Persons found guilty of a violation of this law would be subject to a fine or imprisonment of not more than 3 years or both. The legislation specifically provides that the term "physically" does not incude speech. It also provides that any person aggrieved by a violation of this law may obtain appropriate relief, including injunctive relief, in a civil action and may recover reasonable attorney's fees.

Mr. President, this is a tough bill because we are dealing with a very serious problem. Medical facilities throughout the Nation which provide safe, legal abortion procedures for women exercising their constitutionally guaranteed right to choice have been under siege by highly organized groups like Operation Rescue. These organizations and groups are not engaged in peaceful, nonviolent protests. They are engaged in a concerted effort to force their will upon women and health providers by physically invading health facilities which provide abortion services, setting up blockades which prevent staff and patients from entering or leaving these facilities, and engaging in direct physical assaults upon individuals attempting to enter the buildings.

According to statistics compiled by the National Abortion Federation [NAF], in last year alone there were 67 reported incidents of violence against health facilities providing abortion services. Since NAF began collecting this data in 1977, there have been a total of 829 reported incidents, including 34 bombings and 52 cases of arson, and 43 cases of attempted arson or bombing. There have also been more than 400 cases of clinic blockades.

One of the reported cases of arson in 1990 included a fire set at a Planned Parenthood clinic in Concord, CA. That arson incident last September resulted in 90,000 dollars' worth of damage to the clinic. Over the past 6 years, according to the NAF report, there were 12 incidents of arson or bombings or attempts in California. These incidents ranged from a Molotov cocktail thrown through the lobby window of a San Diego clinic to the partial destruction of a Riverside clinic by a fire set in the facility.

Mr. President, I ask unanimous consent that the NAF annual report on incidents of violence and disruption against abortion providers be printed in the RECORD at the conclusion of my remarks.

It is important to recognize that the NAF incident report includes only those cases reported to NAF. The actual number of cases is undoubtedly higher.

Indeed, during a series of meetings I held in California with prochoice organizations and health providers I repeatedly heard reports about the growing problem of clinic violence. Health facility employees and volunteers are routinely cautioned against wearing jewelry that can be ripped from their bodies by clinic protesters. Six patients and five staff members at a clinic in Monterey County were held prisoner in the facility for 6 hours by over 300 antichoice individuals. One patient seeking a scheduled cancer treatment was blocked from entering. Of the 104 individuals who were eventually arrested in this incident, only 6 were local residents. The rest were outsiders, brought in to shut down this local clinic.

In Daly City, CA, clinic blockaders refused to allow a pregnant patient who began suffering a miscarriage outside the clinic to enter. The clinic staff was finally able to find a car and transport the hysterical woman to another facility some 15 miles away.

Mr. President, these women's health facilities often provide a broad range of health services for women, including cancer screening, pap tests, treatment of reproductive disorders and family planning services. Patients who are unable to get into the facility may be forced to forego essential treatment services. Moreover, clinic blockades could prevent or delay patients who may have a medical emergency from being transferred to a hospital. Blockading health facilities is a very dangerous activity and must be halted.

The most effective way to end this violence and interference with women exercising their constitutional right to freedom of choice is to make sure that those who engage in this kind of conduct know that they will face tough criminal sanctions. This legislation is designed to send a very strong message that those who violate the rights of others will be subjected to the full force and weight of the law.

NEED FOR FEDERAL LEGISLATION

Mr. President, criminal sanctions have traditionally fallen within the responsibility of the State governments. I am pleased to report that a number of States have begun to respond to this problem. The State of Maryland led the way in 1989 with enactment of the first State legislation making it a specific offense to interfere physically with an individual attempting to enter or exit a medical facility. In the past week, similar legislation has been introduced in the California Assembly. Legislation criminalizing clinic blockades has also been introduced in the Washington State Legislature.

At the same time, however, it is clear that a Federal criminal statute and Federal civil remedy are both necessary and appropriate in this instance. Historically, Federal criminal sanctions and remedies have been imposed, in addition to State criminal sanctions and remedies, where important Federal rights are at issue, where interstate activity is involved or where there is a compelling need to establish uniform Federal sanctions and protections. For example, Federal criminal sanctions and civil remedies for violation of civil rights were enacted during an era when certain regions of the Nation were unwilling to protect the rights of black citizens.

The circumstances warranting Federal remedies and sanctions are clearly present in this situation.

First, the basic right involved—the right of individual women to obtain safe and legal abortions services—is a federally protected right, guaranteed by the Constitution of the United States. The Federal Government has a responsibility and an obligation to help assure the protection of federally guaranteed rights.

Second, there is ample evidence to indicate that the assaults on these health clinics are being masterminded by organizations such as Operation Rescue which are interstate in nature and involve interstate conspiracies to interfere with the exercise of constitutionally guaranteed rights by individual women.

Third, although many State and local law enforcement officials have been very courageous and vigorous in their efforts to protect the women and staff of these health facilities, there have been other instances where local government officials have refused to enforce the law against those engaged in clinic violence. For example, the sheriff of Nueces County, TX, has repeatedly stated that he "would not stop prolife demonstrators from blocking abortion clinics" or "take any action that would assist people to get into a place where abortions were going to be performed."

STRONG CRIMINAL SANCTIONS DO WORK

Mr. President, some may suggest that because of the emotional nature of the issues involved, imposing tough criminal penalties upon those engaged in clinic blockades will have little impact. The facts show exactly the opposite. In those jurisdictions where these individuals have been subject to stiff sentences and heavy fines, the violence and unlawful conduct has diminished. In Florida and New York, for example, heavy fines and tough jail sentences have forced leading Operation Rescue activists to cease their activities.

Unfortunately, in too many jurisdictions, clinic blockaders have been given token fines and suspended jail sentences.

This legislation would guarantee that punishment commensurate with the offense is actually imposed. Under the new Federal sentencing guidelines, repeat offenders and those who use physical force to impose their views on others will be subjected to stiffer penalties. The guidelines provide for increased penalties where a victim is physically restrained in the course of the offense, where the defendant was an organizer or leader of a criminal activity that involved five or more participants or where the defendant has a record of prior offenses. Thus, under the objective sentencing criteria outlined in the U.S. Sentencing Commission Guidelines Manual, the likelihood that these individuals will get minimal sentences is greatly diminished.

CLINIC BLOCKADES AND VIOLENCE IS NOT A LEGITIMATE FORM OF PROTEST

Mr. President, one thing should be made absolutely clear: those who oppose abortion have every right to make their views known. Freedom of speech is a deeply cherished right protected by the first amendment to our Constitution. Those who oppose abortion are free to engage in peaceful demonstrations, to picket, to pass out literature, and to engage in political activities to articulate their views.

Abortion is a deeply emotional and divisive issue. The passions on both sides often run deep and strong.

However, those who oppose freedom of choice in matters relating to abortion cross the line between legitimate protest and criminal conduct when they physically prevent others from exercising their constitutional rights in this area.

Some have suggested an analogy between antichoice protesters and the civil rights protesters of the 1960's. In fact, antichoice protesters who go beyond peaceful protest and engage in violence, physical intimidation and assault have little in common with those who sought to assert and protect constitutional freedom during the turbulent civil rights struggles of the sixties. A closer analogy can, however, be drawn between these violent protesters and the segregationists who barred black citizens from entering school house doors in a vicious and often violent effort to deny black Americans free exercise of their constitutional rights.

Mr. President, this legislation is carefully crafted to protect women and health providers from physical violence while recognizing the right of legitimate protest. It specifically excludes activities related to freedom of speech and peaceful protest.

CONCLUSION

Mr. President, if we want the violence and physical intimidation to end, we need to send a very strong signal that it will not be tolerated. This measure is designed to deal with the specific problem of clinic blockades. It includes provisions which would not only provide for criminal sanctions, but also would allow individuals, women or health care providers, whose rights have been invaded by clinic blockaders to bring civil actions in Federal district courts to protect their rights. It authorizes appropriate relief, including injunctive relief, along with attorney's fees to be awarded to these aggrieved individuals. The bill specifically authorizes a private right of action to protect the rights of women and clinic staff seeking to enter or exit health facilities which provide abortion services. Similar relief has been provided in Federal courts under other applicable Federal statutes, including civil rights statutes and the RICO statute.

Although a number of Federal courts have authorized injunctive relief under existing statutes, the Supreme Court's acceptance of a clinic blockade case arising out of the fourth circuit has caused some concern that an adverse high court decision in that case might curtail Federal civil remedies for victims of clinic blockades. This bill is specifically and intentionally tailored to deal with these abortion clinic blockades so that there can be no debate or argument as to its applicability or the power of Federal courts to grant appropriate relief in these cases. This remedy would be in addition to any other remedy which might be available to the victims of clinic blockades under other State or Federal statutes.

Finally, Mr. President, let me state again that the problem of clinic blockades is a very serious and important problem that must be resolved. Last year, I authored an amendment to the National Affordable Housing Act, enacted as section 906 of Public Law 101-625, which provides that municipalities which fail to adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility which is the subject of a clinic blockade will lose their eligibility for community development block grant funds. I intend to work to assure that this new law is adequately enforced and to protect the constitutional right to freedom of choice for all women. Passage of this legislation will bring us a step closer to achieving that goal.

I am pleased that this legislation has been endorsed by a number of organizations concerned with protecting women's rights to freedom of choice including the National Abortion Federation, Planned Parenthood Federation of America, National Coalition of Abortion Providers, and National Abortion Rights Action League.

I ask unanimous consent that the text of this bill, the NAF annual report, and letters from supporting organizations be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1991".

SEC. 2. TITLE 18 AMENDMENT.

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 248. Interference with access to or egress from a medical facility

"(a) Whoever, other than an agent of a medical facility or a law enforcement officer acting within the scope of such officer's official authority, intentionally prevents an individual from entering or exiting that medical facility by physically—

"(1) detaining the individual; or

"(2) obstructing, impeding, or hindering the individual's passage,

shall be fined under this title or imprisoned not more than 3 years, or both.

"(b) Any person aggrieved by a violation of this section may in a civil action under this title obtain appropriate relief (including injunctive relief), and shall be awarded a reasonable attorney's fee as a part of the costs.

"(c) As used in this section—

"(1) the term 'physically' does not include speech; and

"(2) the term 'medical facility' includes a hospital, clinic, physician's office, or other facility which provides health or surgical services.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"248. Interference with access to or egress from a medical facility.".

INCIDENTS OF VIOLENCE AND DISRUPTION AGAINST ABORTION PROVIDERS

	1977–83	1984	1985	1986	1987	1988	1989	1990	Total
Violence (number of incidents):[1]									
Bombing	8	18	4	2	0	0	2	0	34
Arson	13	6	8	7	4	4	6	4	52
Attempted bombing or arson	5	6	10	5	8	3	2	4	43
Invasion	68	34	47	53	14	6	25	19	266
Vandalism	35	35	49	43	29	29	24	25	269
Assault and battery	11	7	7	11	5	5	12	6	64
Death threat	4	23	22	7	5	4	5	7	77
Kidnapping	2	0	0	0	0	0	0	0	2
Burglary	3	2	2	5	7	1	0	2	22
Total number of incidents reported	149	131	149	133	72	52	76	67	829
Disruption (number of clinics):[2]									
Hate mail and harassing calls	9	17	32	53	32	19	30	21	
Bomb threats	9	32	75	51	28	21	21	11	
Picketing	107	160	139	141	77	151	72	45	
Clinic blockades:[3]									
Number of clinics	0	0	0	0	2	138	103	21	
Number of incidents	0	0	0	0	2	182	201	34	419
Number of arrests	0	0	0	0	290	11,732	12,538	1,363	26,357

[1] Statistics represent incidents reported to NAF: actual number may be higher.

[2] Due to clinic duplication, totals for "number of clinics" are not applicable. Statistics represent incidents reported to NAF: actual number may be higher.

[3] "Clinic blockades" are protests during which groups of demonstrators physically block the doors to reproductive healthcare facilities to prevent patient access.

Despite claims to be nonviolent, many "blockaders" are arrested for assault, trespass, and invasion. Note: The "number of arrests" represents the total number of arrests, not the total number of persons arrested—many blockaders are arrested repeatedly.

Date, Facility, and city/State	Incident	Estimated damage
ARSON AND BOMBING INCIDENTS, 1990		
January, 1990, Aid For Women, Kansas City, KS.	1 attempted arson	0
May, 1990, Lovejoy Surgicenter, Portland, OR.	1 arson	$15,000
May, 1990, Planned Parenthood of Syracuse, Syracuse, NY.	1 arson; 2 attempted arsons.	570
September, 1990, Planned Parenthood of Central Mass., Worcester, MA.	1 attempted bombing	500
September, 1990, Planned Parenthood of Shasta Diablo, Concord, CA.	1 arson	90,000
November, 1990, Fort Wayne Women's Health Organization, Fort Wayne, IN.	1 arson	10,000
Total		116,070
January, 1990, Memphis Center for Reproductive Health, Memphis, TN.	Concrete block thrown through window.	3,000
May, 1990, West End Women's Medical Group, Reno, NV.	Antichoice slogans painted on wall; stairs destroyed.	1,400
May, 1990, Allegheny Reproductive Health Service, Pittsburgh, PA.	Roof of clinic damaged with ax.	50,000
June, 1990, Planned Parenthood of Minnesota, St. Paul, MN.	Director assaulted at clinic	(1)
July, 1990, Atlanta Surgi Center, Atlanta, GA.	Noxious chemical poured into ventilation system.	2,000
October, 1990, Women's Health Services, Pittsburgh, PA.	Noxious chemical flushed into clinic with water from floor above.	12,000
October, 1990, Northeast Women's Center, Phila., PA.	Safety glass on front door broken.	1,500
December, 1990, Women's Pavilion, South Bend, IN.	Roof vandalized	[2] 3,000
Total;		72,900
Total dollar damge to clinics.		188,970

[1] Unavailable.

[2] Preliminary estimate.

Note.—See NAF's Violence and Disruption Fact Sheet for more information and totals of all incidents.

National Abortion Federation,
Washington, DC, April 8, 1991.

Hon. Alan Cranston,
Hart Senate Office Building, Washington, DC

Dear Senator Cranston: On behalf of the National Abortion Federation (NAF), a national association of reproductive health care professionals, I fully endorse the Freedom of Access to Clinic Entrances Act. We appreciate your leadership in protecting women's health and safety.

All across the United States, women have been subjected to harassment, intimidation, and physical violence while trying to enter reproductive health facilities. Such actions clearly violate the rights and privacy of women, and can be dangerous or life-threatening in emergency situations.

In the absence of a national law specifically addressing the issue of access, many clinics have been forced to spend thousands of dollars in legal fees and court costs so that their patients could enjoy a freedom which is already theirs according to law. If enacted, the Freedom of Access to Clinic Entrances Act will provide badly needed protection, allowing women unhindered access to gynecological and abortion services.

It is unfortunate that, for women, Congressional action is a prerequisite to free access to health care. We deeply appreciate your recognition of this serious problem and your attempts to rectify it. Please let us know if we can assist you in any way.

Sincerely,

Barbara Radford,
Executive Director.

Planned Parenthood
Federation of America, Inc.,
Washington, DC, April 8, 1991.

Hon. Alan Cranston,
U.S. Senate, Washington, DC.

Dear Senator Cranston: Thank you in advance for introducing the "Free Access to Clinic Entrances Act of 1991." This bill is unfortunately necessary to help stop attempts to close clinics, doctors' offices and hospitals that offer reproductive health services to women and their families. By making it a federal felony to interfere with a person entering or exiting a medical facility, this act should help to deter those who try to prevent women's access to legal medical procedures.

During the past several years, many clinics across the country have been subject to blockade and invasion by groups such as Operation Rescue. While none of our clinics has been forced to close, women seeking services have been harassed and medical services they sought have often been delayed. Employees also have been subjected not only to verbal abuse but also in some cases to physical assault. In some jurisdictions, prosecution under local or state laws has helped to deter recurrence of these crimes. However, in many instances this has not been the case. The passage of a federal statute guaranteeing a woman's access to medical facilities will provide an added measure of protection to women seeking reproductive health services.

Again, thank you for taking this important step in protecting a woman's right to abortion. We pledge the assistance of Planned Parenthood in helping to secure enactment.

Sincerely,

William W. Hamilton, Jr.,
Director, Washington Office.

National Coalition of
Abortion Providers,
Washington, DC, March 18, 1991.

Hon. Alan Cranston,
Hart Senate Office Building, U.S. Senate, Washington, DC.

Dear Senator Cranston: Thank you for sending to me the latest version of the "Freedom of Access to Clinic Entrances Act."

On behalf of all of our clinics, I would like to express my enthusiastic support for this legislation. The simple fact is that providers everywhere need as many tools as possible to stop protestors from stopping patients from entering clinics. All too often, local laws (if they are enforced) do not deter such behavior. While this will not solve the problem single-handedly, it will surely be of great assistance to our clinics.

Again, thank you for your efforts in this area. Please feel free to call upon me for any assistance that you think I can provide.

With warm regards,

Ron Fitzsimmons,
Executive Director.

National Abortion Rights
Action League,
Washington, DC, April 8, 1991.

Hon. Alan Cranston,
U.S. Senate, Washington, DC.

Dear Senator Cranston: The National Abortion Rights Action League endorses wholeheartedly the efforts you and Representative Levine have undertaken to introduce legislation to make it a felony to forcibly stop an individual from entering or leaving a medical facility. The Freedom of Access to Clinic Entrances Act imposes necessary penalties while continuing to guarantee opponents of abortion and family planning the right to make their views known through peaceful demonstrations.

Over the past few years, incidents of violence and intimidation that have escalated at hospitals, clinics and doctors' offices where reproductive health services, including abortion, are provided.

Spearheaded by "Operation Rescue," opponents of women's right to choose abortion have blockaded entrances to health facilities all over the country. Their efforts to block the civil rights of others have erupted into cases of violence, neighborhood disturbance, and have produced an undue drain on limited local law enforcement services. The tactics of these anti-choice demonstrators have succeeded in denying women access to needed health care, including the family planning services necessary to prevent unplanned pregnancies.

NARAL supports your bill and will urge members of the Senate and House to join you and Rep. Levine as cosponsors of the Freedom of Access to Clinic Entrances Act. This important legislation represents a positive step toward correcting the untenable situation caused by unlawful actions and protects the rights of individuals seeking medical treatment.

If you need any assistance, please contact the NARAL legislative staff at 408-4600. Thank you for your continued efforts to protect the health interests of women.

Sincerely,

Kate Michelman,
Executive Director.●

By Mr. NICKLES:

S. 799. A bill to amend the Davis-Bacon Act and the Service Contract Act of 1965 to exempt from such acts tenants of federally related housing who participate in the construction, alteration, or repair of their principle residences, and for other purposes; to the Committee on Labor and Human Resources.

RESIDENT EMPLOYMENT OPPORTUNITY ACT

● Mr. NICKLES. Mr. President, I am introducing a bill today which I believe will have significant impact on the lives of many residents of public and federally assisted housing projects.

This bill, the Resident Employment Opportunity Act, will open the door of opportunity for tenants across the country who want to be able to compete for construction, alteration, and repair work on the project which they are currently residing.

Under current law, a tenant is forced to sit idly while a Federal contractor brings in outside workers because of an outdated Federal law which does not allow Federal contractors to pay nontenant workers at market wages.

The Davis-Bacon Act requires contractors to pay all workers on federally funded construction projects valued at more than $2,000 the prevailing wage for that type of work, as determined by the Department of Labor. This policy costs the taxpayer $900 million per year and shuts out those laborers who do not have the skills to command the higher wages.

I see no reason why this bill should not be considered and passed by the

Senate. An amendment which also allowed the homeless to work on their shelters passed the Senate by voice vote in 1987. This past session, I offered a tenant exemption amendment to the National Affordable Housing Act and it was tabled. However, the bill that I am introducing today is quite narrowly drafted.

My bill, the Resident Employment Opportunity Act, exempts only tenants of public housing or federally assisted housing projects and only when the work is on his or her principal residence. Principal residence is defined in the bill as the building in which a tenant resides, any building located in the same project, and any real property that is managed as part of the project.

While reform of the Davis-Bacon Act is important, at this time, I am simply asking Congress to consider a narrowly drafted bill which will benefit those individuals who are looking for a way to improve their lives for themselves and their families. This bill will provide an opportunity for on-the-job training which will lead to the development of new skills and eventual independence. I urge the support of my colleagues.

Mr. President, I ask unanimous consent that a letter from Secretary Kemp relative to this legislation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, DC, March 11, 1991.

Senator DON NICKLES,
U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR DON: I am writing to let you know of my interest in and support of your efforts to create greater opportunities for jobs and entrepreneurship in our nation's public and assisted housing communities.

As you know, I recently visited two assisted housing communities in Tulsa, Oklahoma—Morning Star Village and Vernon Manor. I was impressed by the determination of the residents of these communities to make a better life for themselves and their children.

The Resident Employment Opportunity Act, which I understand you plan to introduce, will allow public housing residents to learn skills and gain work experience at competitive wages when they are working on the construction, alteration or repair of their own homes. It will do so by allowing Davis-Bacon and other federal wage rates to be waived when public and assisted housing tenants are hired by contractors to assist with the construction and rehabilitation of their own homes.

Low income residents of public and assisted housing should be given the chance to compete for these jobs. I commend you for your efforts to expand jobs and entrepreneurial opportunities in our nation's public and assisted housing communities.

Very sincerely yours,

JACK KEMP,
Secretary.•

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 800. A bill for the relief of Carmen Victoria Parini, Felix Juan Parini, and Sergio Manuel Parini; to the Committee on the Judiciary.

RELIEF OF PARINI FAMILY

• Mr. PACKWOOD. Mr. President, today Senator HATFIELD and I are introducing legislation which would allow three of our constituents to become U.S. Citizens. Felix Juan Parini, Sergio Manuel Parini, and Carmen Victoria Parini all believed they were U.S. citizens by virtue of their father's citizenship. However, in 1987, when Felix Juan Parini applied for a passport renewal, it was discovered that his father had not met the residency requirements to pass citizenship on to Felix, Sergio, or Carmen. Before this time, all three had believed in good faith that they were U.S. citizens. The misunderstanding was due not to any fault on the part of the Parini's, but to apparent agency errors. Both the State Department and the Immigration and Naturalization Service have concluded that private legislation is the only way to remedy this unfortunate situation.

Mr. President, I rarely introduce private legislation. I reserve it for those cases which I believe to be truly meritorious and in need of extraordinary relief. The Parini's have been ambitious, contributing members of their community, pursuing careers and education. In addition, Felix Juan Parini serves in the Oregon National Guard, and for several months was on standby to be sent to the Persian Gulf.

I am pleased to introduce legislation today that will allow Felix, Sergio, and Carmen Parini to become U.S. Citizens.•

By Mr. REID (for himself, Mr. BRYAN, Mr. SARBANES, Mr. WIRTH, Mr. GARN, Mr. JEFFORDS, Mr. DANFORTH, and Mr. HATCH):

S. 801. A bill to amend the National Trails System Act to designate the Pony Express National Historic Trail and California National Historic Trail as components of the National Trails System; to the Committee on Energy and Natural Resources.

NATIONAL TRAILS SYSTEM ACT AMENDMENTS

Mr. REID. Mr. President, today it is my privilege to introduce legislation to designate the Pony Express Trail and the California Trail as National Historic Trails under the National Trails System.

The Pony Express galloped into postal history on April 3, 1860. It was like a giant relay, in which about 75 ponies ran in each direction. At each station, these heroic riders were given only 2 minutes in which to transfer the saddle bags to fresh ponies and be on their way again. The Express ran day and night, in all kinds of weather and in the face of Indian attack. In the 18 months that the Express operated, only one trip was missed when a westbound rider charged into Dry Creek Station, clinging to his saddle horn. He had been fatally wounded by Indians and died in a few hours, but he had brought the mail through in its blood stained mochilla, a leather saddle blanket containing four cantinas or boxes for carrying the mail. The service was sponsored and financially supported by a well-known freighting firm of the time: Russell, Majors, and Waddell.

William H. Russell had failed repeatedly to get backing from the Senate Post Office and Post Roads Committee for an express route to carry mail between St. Joseph, MO—the westernmost point reached by the railroad and telegraph—and California.

St. Joseph was the strategic starting point for the direct 2,000 mile central route to the West. Except for a few forts and settlements, however, the route beyond St. Joseph was a vast, silent wilderness inhabited primarily by Indians.

Russell's freighting firm lost more than $100,000 on the Pony Express—a loss he could ill afford. Undismayed, he kept the Pony Express going.

The project was pushed vigorously. The route followed the well-known Oregon-California trail by way of Kansas, Nebraska, Colorado, Wyoming, Utah, Nevada, and California. Stations were built at intervals of about 15 miles, wherever stage stations did not already exist.

Fleet, wiry, Indian ponies were purchased. Young, courageous, lightweight riders were hired. Although the written rule was to hire no one under the age of 20, the actual ages of these pony men averaged slightly under 19. Many an eager applicant did not hesitate to up his birth date a year or two in order to get the job. Riders were recruited hastily, but before being hired had to swear on a Bible not to cuss, fight, or abuse their animals. They pledged, under all circumstances, to conduct themselves honestly.

The first mail by Pony Express from St. Joseph to Sacramento took 10½ days, cutting the Overland Stage time by more than half. The fastest delivery time was in March 1861, when the inaugural address of President Lincoln was carried in 7 days and 17 hours.

The Pony Express has a secure, permanent place in the catalog of American folklore. Two of its famous sons, "Buffalo Bill" Cody and "Wild Bill" Hickok, has served as pioneer heroes to millions of young Americans. Recently it has been celebrated and popularized in a weekly TV series. It is a symbol of the bravery and can-do optimism of our pioneer youth.

The California Trail was the route of the greatest mass migration in American history. Over a 20-year period, 1841 to 1860, more than 200,000 pioneers made this great trek west. This legendary highway opened up the Western frontier and tied what was known as the Island of California together with the older and more settled east coast.

The most feared section along the entire California Trail is found in my home State of Nevada, southwest of the town of Lovelock. Here the pioneers had to cross the dreaded Forty-Mile Desert. Lacking both water and grass, this stretch of country was considered not far short of Hades. The adversity that was endured in the Forty-Mile is best captured by the following entry of October 3, 1849, in the Journal of Mrs. Sarah Royce:

> Should we try to go on? But there were miles of desert before us, in which we knew, neither grass or water could be found. With unwearied gaze my eyes swept, again and again, the shimmering horizon. There was no help or hope out there. Then I looked out at what lay nearest. How short lived our few remaining resources would be, unless fresh strength came from somewhere. How still it was. Only the sound of a few feable breaths. It would not take many hours of starvation to quiet them forever.

Independence, MO, was the jumping off point for the emigrants to the West. The city, made famous by President Harry Truman in this century, had an economy geared to outfitting and provisioning the pilgrims. Here a family could purchase all that was needed for the westward trip and a good deal that was not needed.

The busy season along the trail was early spring. The pioneers gathered in vast camps on the outskirts of Independence, waiting for the first signs of green grass on the Great Plains. This grass provided the valuable pasture for their oxen, horses, and mules on whose strength the wagon teams moved. When they signed on for the journey west, each pioneer was sworn to agree to strict rules of conduct and cooperation.

The business of a wagon train was movement. Ideally, people bound for California wanted to make 20 miles a day. Few maintained that pace. Some observed the Christian Sabbath, camping all day Sunday. Delays were caused by severe storms, unseasonably swollen rivers, injury, illness and the call to make repairs on equipment and wagons.

The object was to keep moving. The pioneers adjusted to the demands of the trail. The only other choice was turning back or even death, from being on the wrong stretch of the trail at the wrong time of the year.

By and large, the California emigration was a family affair. The emigrants banded together in companies of 50 to 100 people for protection and mutual assistance. At mealtime, they usually ate alone with their own families. As night approached, they circled their wagons for protection. The next day would bring more exhausting challenges from moving a hundred wagsons and hundreds of cattle, horses, and mules.

Even before the streams of wagons wore deep ruts into the sod, scars that can still be seen today, the route was marked like a highway with broken furniture, empty barrels, skeletons of worn out livestock, broken down wagons and simple grave markers that signaled the end of someone's dream.

The California Trail has a colorful history of heroes, adventurers, and dreamers. These real people went West, made millions, built cities, laid railroads, broke farmland, and carved out great ranches. They dreamed, struggled, failed, or prospered against incredible odds.

There was Brigham Young with his dream to make the Great Salt Lake desert bloom; miners who discovered, prospered and faded along with Nevada's Comstock lode; the tragic Donner Party; and the brave wagon train scouts—John C. Fremont and Kit Carson.

The California Trail represents one of the great dramas in all of human history. This great highway helped settle our Nation. It linked the Atlantic and Pacific coasts in ways never imagined by our Colonial Founders. The bill I am introducing will help all Americans remember the exploration, wealth, hardships, and golden chance to build a new life in a new land. That is the legacy of the California Trail. It is worth preserving.

The completion of the transcontinental railroad in 1869 ushered in the most remarkable age of development in our Nation's history. It should be remembered, however, that the transcontinental railroad followed many of the trails blazed years before by the Pony Express and wagon trains on the California Trail. Many lives were lost on those trails that we speed over today so effortlessly by train and automobile.

The time has come to honor these pioneer heroes and acknowledge the national historical importance of the Pony Express Trail.

Mr. President, this bill reflects the congressional spirit and intent of the National Trails System Act. It promotes the recognition, protection and interpretation of our pioneer history. It would cause a comprehensive management plan to be prepared for each trail. A plan that would define the roles of Federal, State, and local agencies and private citizens. A plan that would define the specific management actions for each trail. Management actions that would include, among others: Consistent marking along each trail to make it easier for visitors to find and retrace our pioneer footsteps—literally bringing history back to life again. It would also include informative brochures, expanded research and visitor facilities to increase our knowledge of pioneer life, and needed protection for at risk sections of the trail. Access to portions of trail on non-Federal lands would be improved through the use of negotiated agreement, without raising Federal costs and dislocating private landowners.

By introducing this legislation today, I intend to repay our debt to the early western pioneers, those gallant pony men and their courageous benefactors, and recognize the significance of this historical episode in our country's western expansion.

I urge my colleagues to support swift passage of this legislation.

By Mr. SIMON:

S. 802. A bill to amend title VII of the Public Health Service Act to prohibit discrimination against international medical graduates, to provide for the establishment of a National Repository of Physician Records, and for other purposes; to the Committee on Labor and Human Resources.

INTERNATIONAL MEDICAL GRADUATES ANTI-DISCRIMINATION ACT

• Mr. SIMON. Mr. President, I am introducing today, along with my distinguished colleague, Mr. LIEBERMAN, a comprehensive bill to end the discrimination that international medical graduates [IMG's] experience in medical licensure. This legislation will eliminate the differences in medical licensure requirements between internationally trained and domestically trained medical graduates and will enable the Federal Government to oversee the creation and operation of a national repository of medical credentials. It will not lower the standards of medical practice in any State. Nor will it in any way reduce the authority of any State to set and uphold standards for practice in a State.

This legislation is a response to the May 1990 General Accounting Office report entitled "Medical Licensing by Endorsement: Requirements Differ for Graduates of Foreign and U.S. Medical Schools" and to a hearing held by the Senate Labor and Human Resources Committee on July 26, 1990, on licensing requirements of international medical graduates.

The 123,000 of our Nation's 569,000 physicians are international medical graduates. IMG's represent 20 percent of medical school faculties and 25 percent of medical researchers. Eighteen international medical graduates have been awarded the Nobel Prize in medicine. International medical graduates practice in under-served areas, remote rural areas, overcrowded urban hospitals, and the back wards of State mental hospitals. Although we rely on international medical graduates to provide needed care in these areas, we must recognize that we have maintained a double standard in evaluating their competence. We have failed to provide them with equal opportunity to practice medicine in our society.

Despite studies that have demonstrated that IMG's are comparable in medical knowledge and clinical skills to their domestically trained counterparts, and despite significant contributions to medical care in this country, they are subjected to a two-tiered system of medical licensure that often prevents them from practicing in a particular State. The additional hoops that IMG's must pass through in order to receive their license is nothing less than a vehicle for discrimination.

The hearing held by the Labor and Human Resources Committee clearly demonstrated that incidents of disparate treatment between U.S. and international medical graduates is not a rarity. Overt discrimination ranges from overly burdensome requirements that are routinely placed on IMG's for initial licensure and for licensure by endorsement in another State to outright refusal to accept IMG's into residency programs and jobs regardless of the nature of training and competence. Document retrieval is often nearly impossible for IMG's and extensive delays or minimal notice of opportunity for a hearing by a State board are not uncommon. Covert discrimination is demonstrated through decisions involving employment and promotion opportunities, access to hospital privileges and peer reviews that adversely affect IMG's.

This legislation will prohibit a State, Federal agency, or private facility from subjecting an international medical graduate who has completed a residency training in the United States to any condition or requirement that materially differs from those applied to graduates of U.S. medical schools in the areas of initial licensure and licensure by endorsement. Another important component of the bill is the establishment of a national clearinghouse, or repository, for medical credentials.

The bill would mandate that the Secretary of Health and Human Services provide for the establishment of a national repository for physician credentials. However, the bill allows the Secretary to utilize an existing facility, including any private sector initiatives, to operate this. The Secretary would create an advisory council whose purpose would be to issue recommendations to establish the repository and to monitor the operation of the repository.

Medical licensure is under the jurisdiction for the States. Each State has its own licensure requirements for phsyicians. Because international medical schools are not accredited by the Liaison Committee for Medical Education, State licensing boards place the burden on IMG's to prove the equivalency of his or her education. The GAO report described the difficulty that IMG's have in addressing State licensing boards' inquiries regarding their schools. Often a licensed, practicing physician must provide information to a second State licensing board that has already been provided to one State licensing board. It frequently takes much longer for a practicing IMG to process applications for licensure by endorsement than it does for U.S. medical graduates.

As part of their report, the GAO convened a roundtable discussion of groups representing organized medicine and IMG's. These groups agreed that a clearinghouse for applicants' records would streamline the process for State-to-State licensing and would limit duplicative State efforts as well as avoiding delays for practicing IMG's who seek licensure in a second State. The repository would make it easier for IMG's who seek licensure in a second State. The repository would make it easier for IMG's and, in fact, all the graduates, to verify educational training credentials.

The GAO roundtable participants agreed to address some of the key questions regarding the repository's concept and design such as which organization would be best suited for administering the clearinghouse and what types of information it would maintain. I understand that this process is underway. Both the American Medical Association and the Educational Commission for Foreign Medical Graduates already have large data banks on the backgrounds of IMG's and could house such a repository.

The AMA has already begun a National Physicians Credentials Verification service in Mississippi, Missouri, and Oklahoma. The soon to be national service will collect, verify, and maintain documents and accreditation information for physician subscribers preparing to apply for medical licensure and hospital privileges. Under AMA's system, physicians pay a fee to set up a file and hospitals pay a fee for each information request. Although the clearinghouse should be self-supporting, this bill authorizes appropriations to start the operation of the repository.

While I commend the AMA for their initiative, their program lacks a forum for IMG's to facilitate their concerns. This legislation creates an appropriate and fair forum for IMG's as well as representatives from other appropriate organizations to make recommendations to the Secretary of Health and Human Services regarding the repository.

This measure also authorizes funding for the new U.S. medical licensing exam. This single examination pathway to licensure will be administered to all medical licensure applicants and is one positive step toward ending the two-tiered system of licensure.

Finally, the bill requires the Secretary to obtain data from 10 States on the processing of applications for licensure, postgraduate training and clinical privileges. The bill would also make it unlawful for a residency training program to deny a residency position to a qualified international medical graduate.

Although we cannot eliminate every vestige of discrimination, we can do a lot better than we are doing right now. I urge my colleagues to support this legislation.●

By Mr. REID:

S. 803. A bill to amend the Family Violence Prevention and Services Act to provide grants to States to fund State domestic violence coalitions, and for other purposes; to the Committee on Labor and Human Resources.

GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS

Mr. REID. Mr. President, I rise to introduce an important piece of legislation, which addresses a tragedy that threatens our society in every way. This legislation is entitled the Domestic Violence Act.

During my presentation today, as brief as it will be, 16 women in our country will be battered by their husbands or companions. Every 18 seconds, a woman in the United States is battered. This adds up to 200 women battered every hour, or almost 5,000 battered every day.

Mr. President, this is a series of episodes that takes no vacations, no time off for Christmas, New Year's, Thanksgiving, Easter, and no Sundays off. These batterings go on every second. So when you hear the stories and look at the statistics, you are going to be forced to conclude that no one is safe from domestic violence. Sadly, well over 90 percent of this violence is directed toward women.

This legislation is born out of hearings I held recently in the State of Nevada. I held hearings in Las Vegas and Reno. We heard 22 witnesses. We heard the experts as to why this legislation is necessary. We heard testimony from people who had been battered. We even heard testimony, Mr. President, from batterers, who are in the process of reforming. We heard testimony from police officers, and from a wide range of people.

But the most shocking thing I heard during these hearings was the fact that one out of every five women that visit an emergency room clinic or hospital are there as a result of being beaten by her husband or her companion. One out of every five persons—20 percent of the women—that go to the emergency room is there as a result of having been beaten by her husband or companion.

The Domestic Violence Act provides Federal funds to State coalitions on domestic violence, the nonprofit agencies which coordinate the activities.

There are other contributions this legislation will make, but it is important that we talk about this, because these coalitions will utilize their funds for further intervention in the prevention of domestic violence, will work with family law judges and other judges and other aspects of our court system to develop appropriate responses to cases, and conduct public education campaigns to inform and educate Americans about domestic violence.

The overwhelming need for this legislation is clear. Domestic violence is a misery which does not discriminate. It knows no bounds of income class, race, or religion. These women, many, many times, Mr. president, are totally helpless.

The greater Las Vegas metropolitan area, consisting of 850,000 people, has 27 beds for domestic violence cases for women that need to get away from their situation. There are 27 beds. Remember, we are talking about beds for women and children. So if a woman comes in and has three children, it is easy to understand that there are just a few women that can be helped on any one occasion. The same is true in Reno. The problem is that it is the same everywhere in the country. We simply do not have enough domestic crisis shelters to protect these battered women.

According to the Center for Women policy studies, violence against women will occur in two-thirds of all marriages. Twenty-five percent of all women will be severely beaten at some time during their marriage.

If men were the victims of this violence something would have been done a long time ago. My legislation adds to the ongoing courageous efforts of my colleague from Delaware, the chairman of the Judiciary Committee, Senator JOSEPH BIDEN, who introduced S. 15, which I gladly cosponsor. This is entitled a Violence Against Women act. Like this legislation my bill will help women who are victims of crime. Violence against women will not be tolerated in American society. Today we begin a move toward eliminating it.

I urge my colleagues to support this legislation, and I look forward to decisive action on this bill.

By Mr. AKAKA:

S. 804. A bill to establish the Spark M. Matsunaga Renewable Energy and Ocean Technology Center and make funds available to the facility for renewable energy and ocean resources research, development, and transfer; to the Committee on Energy and Natural Resources.

SPARK M. MATSUNAGA RENEWABLE ENERGY AND OCEAN TECHNOLOGY CENTER

● Mr. AKAKA. Mr. President, next week Monday, April 15, will be the first anniversary of the death of the late Senator Spark Matsunaga. Spark was a dear friend of mine, and certainly one of the most well-liked and well-respected Senators ever to walk the halls of Congress. No doubt many of you can recall a favorite story or two when you think of Sparky.

I stand before you today to mark the anniversary of Sparky's passing and to remember his many passions—and they were many: creation of the U.S. Institute of Peace; international cooperation in space exploration and a proposed joint United States-Soviet manned mission to Mars; redress for the thousands of Japanese-Americans interned during World War II; alternative energy research; and the list goes on.

Mr. President, one of Sparky's greatest dreams was the pursuit of renewable energy. To pay his memory the highest honor, I am introducing legislation today to establish the Spark M. Matsunaga Renewable Energy and Ocean Technology Center. Spark gave so much to our country and Hawaii. My bill is a show of gratitude for his many years of service.

Senator Matsunaga was a longstanding champion and a leading advocate for research and development in the field of renewable energy. I speak of solar and wind power, ocean thermal, biomass, hydrogen, and other sources of clean and abundant energy. Sparky spent 28 years in the House and Senate tirelessly pursuing his vision of a more energy-secure America. He convinced many others that renewable energy could provide a sustained source of nonpolluting energy—kind to the environment, a boost to the economy, and a godsend to an energy-starved world.

It was no accident, Mr. President, that Sparky made renewable energy research one of his highest priorities. He realized that our home State of Hawaii, more so than any other State in the Union, was dangerously dependent on imported fossil fuels. The greatest irony, I should point out, is that Hawaii has an incredible diversity and abundance of clean sources of power: wind, solar, ocean thermal, and biomass, for starters. We simply lack the tools to tap their full potential.

The Matsunaga Renewable Energy Center, to be located at Keahole Point, HI, would serve as a national laboratory for energy research and ocean technology development. The Center would be administered through the Department of Energy to conduct research and development in solar, hydrogen, and other forms of renewable energy as well as energy storage systems. The Center would also be the site for energy-related research in such fields as marine science, aquaculture, and ocean and global climate change.

I envision the Matsunaga Center as a mecca for our Nation's leading energy researchers and scientists. This lab would coordinate the numerous disparate projects at our universities, government agencies, and the private sector. And the center could save precious years which are lost in advancing ideas from the drawing board to the marketplace. As Energy Secretary Watkins has noted, national laboratories have traditionally been home to some of the world's brightest and most innovative scientists and engineers.

Mr. President, the recent Persian Gulf war underscores what Sparky had long been saying—that we cannot simply "stay the course." This time we were extremely lucky. But next time, Mr. President—who can predict what lies ahead?

Spark Matsunaga had the foresight to recognize the potential of renewable energy. We can turn his vision into reality by establishing the Spark Matsunaga Renewable Energy Center. There is no higher honor we can pay to our late colleague than to say, "Sparky, you were right. Let me follow in your footsteps and pick up where you left off."●

By Mr. HELMS:

S. 805. A bill to provide for regulations to require certain consumers of newsprint to use, in their commercial operations, a certain percentage of recycled newsprint; to the Committee on Environment and Public Works.

NEWSPRINT RECYCLING ACT

Mr. HELMS. Mr. President, today I introduce legislation to promote the recycling of newsprint by requiring the major newspaper publishing companies of the United States to use 40 percent recycled newsprint by the year 2000. This will save untold millions of trees and countless thousands of cubic yards of scarce landfill space.

This legislation will not apply to publishing companies using less than 1,000 tons of newsprint annually.

Mr. President, recycling is one of the simplest ways to preserve the environment. It is just common sense. Increasing recycling makes sense for several reasons:

First, landfills are rapidly reaching their capacity. A recent report estimates that 50 percent of all landfills will close within 5 years. Every year, about 9 million tons of newspaper is dumped into landfills. If the major newspapers of the United States used 40 percent recycled paper, several million cubic feet of landfill space would be saved. Obviously, existing landfills would not fill up so fast.

Second, by using more recycled paper, millions of trees will be saved. Experts tell me that about 17 trees are cut down to produce each ton of virgin newsprint. So, if the New York Times, the Washington Post, and the Nation's other big newspaper publishing companies used more recycled paper, it would spare millions of trees.

Mr. President, in 1988, newspapers in the United States consumed about 14 million tons of paper. But only 13 percent was recycled paper. Some newspapers do even less.

In my home State of North Carolina, for example, the Raleigh News and Observer uses only 3 percent recycled paper; the Greensboro News and Record uses only 10 to 12 percent; and the

Asheville Citizen uses no recycled paper at all.

The Washington Post uses only 5 percent recycled paper. The New York Times and the Boston Globe use only 8 percent each.

One would think that newspapers would be in the forefront in trying to help the environment. These big newspapers constantly publish editorials urging that our forests be protected. It's a matter of "do as I say, not as I do" insofar as these multimillion dollar publishing companies are concerned.

If the Raleigh News and Observer, the Greensboro News and Record, and the Asheville Citizen used 40 percent recycled paper, 340,000 trees a year would be saved, not to mention the landfill space. Nationwide, if newspapers had used 40 percent recycled paper in 1988, 50 million trees would have been saved.

Perhaps it is time for newspapers to practice what they preach!

Mr. President, one of the problems that recycling programs have encountered is a lack of demand for recycled paper. The market price for old newspapers has dropped as the supply has increased. Some communities with newspaper recycling programs have found it difficult to get rid of the tons of discarded newspapers.

A North Carolina county official put it this way: "It costs us 10 times more to haul those newspapers away than the revenue we get from selling them." The same is true all across the Nation.

Requiring newspapers to use 40 percent recycled paper will increase the demand for recycled paper. This in turn will restore the incentive for communities across the Nation to recycle discarded newspapers.

Mr. President, some may wonder if the paper mills will be able to produce enough recycled paper by year 2000. Well, a report by the National Solid Waste Management Association estimates that newsprint mills will add the necessary de-inking capacity. The industry plans to add 4.6 million tons of additional capacity by 1992.

The report concludes that "recycled fiber content for newsprint manufactured in North America is expected to reach 25 percent by 1995 and 40 percent by year 2000." So the capacity to produce recycled paper will be available.

Mr. President, my legislation does not require that each of the enormous rolls of paper purchased by the newspaper must contain 40 percent recycled fiber. The legislation merely requires that there be an average of 40 percent recycled fiber in all the paper purchases in a given year.

Furthermore, the legislation provides credits for newspapers using more recycled paper than the amount required by this legislation, giving newspapers an incentive to use more recycled paper. It also allows newspaper publishers to sell the credits to newspapers that may have difficulty in meeting the 40-percent recycling requirement.

In any event, Mr. President, the bottom line is that this legislation is good for the environment—it will save trees and scarce landfill space.

By Mr. ADAMS:

S. 806. A bill to provide for the transfer of property for the Warren G. Magnuson Park in the city of Seattle, WA, and for other purposes; to the Committee on Armed Services.

WARREN G. MAGNUSON MEMORIAL PARK

Mr. ADAMS. Mr. President, Senator Warren G. Magnuson was a mentor as well as a good friend. To the people of Washington State, he left a rich legacy measured in terms of Federal projects, personal friendships, loyalties, and memories. Today, we have an opportunity to salute that legacy and further enrich the lives of Washington residents.

Along with my colleague Representative JOHN MILLER, I am introducing legislation to transfer surplus Federal property from the Puget Sound Naval Base to the adjacent Warren G. Magnuson Park. This park, which overlooks Lake Washington and provides a beautiful view of the mountains to the east, is frequented by thousands of Washington State recreationists every year. The land transfer I propose would greatly enhance recreational opportunities in the park, which already include swimming, boating, and tennis. Furthermore, this transfer shares the enthusiastic support of the city, local community groups, and the State's entire congressional delegation.

Senator Magnuson's tremendous vision and foresight first brought this park into being in the 1970's. As the late Senator's wife, Jermaine Magnuson, recently wrote, an expanded park "would be a warm and lasting tribute to the work of my late husband." I ask my fellow Senators to join me in giving the people of Washington State a living memorial to my friend and colleague, Warren G. Magnuson.

By Mr. HATCH (for himself and Mr. GARN):

S. 807. A bill to permit Mount Olivet Cemetery Association of Salt Lake City, UT, to lease a certain tract of land for a period of not more than 70 years; to the Committee on Energy and Natural Resources.

MT. OLIVET CEMETERY LEASES

Mr. HATCH. Mr. President, the legislation I am introducing today along with my Utah colleague, Senator GARN, would allow the Mt. Olivet Cemetery Association of Salt Lake City, UT, to lease a tract of land for a period of not more than 70 years. When the Mt. Olivet Cemetery Association obtained land from the Federal Government in 1909, it was with the understanding that the land would be used only for the burial of the dead—any other use and the land would revert to the United States.

The Mt. Olivet Cemetery has provided a valuable service to the Salt Lake community since 1909 and it will continue to do so. However, it is estimated that approximately 35 acres of cemetery property will not be needed for at least 70 years. That land is now a weeded, unattractive and insect-infested vacant lot. This legislation would allow the Cemetery Association to ensure that the property is utilized in a worthwhile manner until it is needed by the cemetery.

At this time, the Cemetery Association plans to lease the land for the development of a golf teaching and practice facility which will serve the community in a number of ways. It will provide recreational opportunities for citizens of Salt Lake City while eliminating a unsightly vacant lot. The improvements that are designed to serve the golf facility in terms of irrigation systems and landscaping will, in the future, reduce the development cost to Mount Olivet and hopefully reduce the cost of interment for the citizens of this community. I believe it will turn what is now totally unproductive land into an attractive recreational amenity.

This proposal has been endorsed by Salt Lake City, Salt Lake County, the Cemetery Association, the city planning and zoning board, the Utah Golf Association, the Salt Lake City Director of Parks, and the Utah National Guard, which shares a boundary with the existing vacant lot. Public hearings have been held and no one has expressed opposition to the proposal.

I believe this legislation is noncontroversial and worthwhile. Passage would enable development that would be a real asset to Salt Lake City. However, it is contingent upon receiving approval of this body and I look forward to moving it through the legislative process.

By Mr. MURKOWSKI:

S. 808. A bill to provide for the payment of claims by United States nationals against Vietnam and to terminate certain economic sanctions against Vietnam, and for other purposes; to the Committee on Foreign Relations.

TERMINATION OF CERTAIN ECONOMIC SANCTIONS AGAINST VIETNAM

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation which calls for the lifting of the United States trade embargo against Vietnam. Our policy toward Vietnam has been frozen in time since 1975, and no longer realistically reflects our ideals in the region or our goals as a superpower.

My legislation does not call for the restoration of diplomatic relations or the full normalization of relations. Now is not the time for those moves.

But my legislation would end the period of economic isolation we impose upon the people of Vietnam, and quite frankly, which we impose upon ourselves.

CONDITIONS FOR LIFTING EMBARGO

Before the trade embargo is lifted, two conditions must be met. First, the Government of Vietnam must agree to provide access to an internationally recognized humanitarian organization for the purpose of investigating unresolved POW/MIA cases. I have worked closely with several veterans' organizations on this aspect of the legislation. It is my belief that increased access can only serve to help this situation; both through an organized program and through simple presence of U.S. business and personnel.

This does not in any way change the obligation of the U.S. Government involvement in the investigation of these cases. Today I spoke with Ann Mills Griffith, of the League of Families, and assured her of this.

Second, my legislation addresses the issue of U.S. nationals' claims against the Government of Vietnam—192 such nationals had their claims adjudicated by the United States Foreign Claims Settlement Commission in 1986. These people have been waiting for 16 years to recover the assets which our Government has fully recognized are rightfully theirs.

WHY LIFT THE EMBARGO

Mr. President, one of the clearest lessons we learned from the war in the Persian Gulf was that economic sanctions can only work under the best of conditions. One nation cannot impose an embargo alone and expect it to have any influence. But this is precisely what the United States is doing in Vietnam.

The economic sanctions which the United States placed on Vietnam 16 years ago are being upheld by the United States alone. The Europeans are leading in terms of value of foreign investment and trade with Vietnam. France, Germany, Britain, and the Netherlands all have millions of dollars of investments in Vietnam, and the pace of investment is accelerating every month.

The Japanese, although they pay lip-service to our embargo, have given permission to their banks to set up branch offices in Vietnam, and several Japanese trading houses have already established offices in-country. In total, Vietnam had over $1.4 billion in foreign investment in 1990 alone. The figures for 1991 will greatly exceed that sum.

Mr. President, Southeast Asia is widely recognized as the region of the world with the most potential for economic growth in this century. U.S. success in the region is dependent on our ability to compete with our neighbors in developing new markets. The longer the United States keeps itself out of the markets of Southeast Asia, the more difficult it will be to gain a foothold down the line. The biggest and best contracts—in large-scale industries where the United States is very competitive, such as construction, telecommunications, and oil development—will all be given to our competitors.

Americans are extremely worried about our trade deficit; $101 billion in 1990. While Vietnam is still a small market, it is a buying market. This underdeveloped country—one of the poorest in the world—is in need of everything. Not only is American business losing out on the initial contracts, but we are losing out on the future. Our competitors are already establishing client relationships with the Vietnamese, and they will get the next round of contracts as well, as the market becomes more developed.

PROMOTING DEMOCRACY IN AUTHORITARIAN REGIMES

Mr. President, lifting the trade embargo furthers our foreign policy goals as well as our economic interests. Current United States policy toward Vietnam does not realistically reflect our ideals as a world power. Americans shed blood in Vietnam to protect the individual's right to a representative government, basic human rights, and a free market economy. We went to contain communism.

But America did not perform well in that war and has been suffering from the defeat ever since. Our recent outstanding successes in the Persian Gulf have caused many people to claim the Vietnam war is finally behind us; that we have rid ourselves of the guilt of the Vietnam syndrome.

Mr. President, I believe Americans need to reclaim the ideals which we are willing to go to war for and apply them to our policy in Southeast Asia. We need only look at the recent examples of Eastern Europe and the People's Republic of China to learn that we have a stake in improving the lot of peoples who suffer from authoritarian rule.

In 1989, the Berlin Wall came down and Eastern Europe stood up. The cries for democracy still echo in our ears. There can be no question that a growing and relentless Western presence in the region was the influence that caused these new democracies to emerge.

In China, throughout the 1980's the open door policy brought Western ideas of democracy and enterprise to nearly every village in the country. It was the quest for freedom to speak, freedom to work, freedom to criticize that brought the students, workers, and peasants into Tiananmen Square. The tragedy that occurred in June 1989 was not failure of democracy, it was a failure of communism. There was then, and remains today, a split in the leadership in China.

Many want to reform and continue to open to Western influence. Unfortunately there are also those who fear that a continued opening to the West will bring about the same fate as the dictators of Eastern Europe suffered. These hardliners would rather keep China isolated, poor, and firmly under their control.

Well, Mr. President, the situation is not so different in Vietnam today. The bankruptcy of the Soviet Union has caused them to cut off their aid and concessional trade relations with Vietnam. The failure of the traditional client-state relationship has forced many in the Vietnamese leadership to look to the benefits that can be found in ties to the West. This is particularly obvious in Vietnam's new economic reforms and foreign investment laws.

However, it is not at all clear these reform-minded leaders have the upper hand or can even remain in power. A party conference, currently scheduled for June, could see the firming up of the hardliners position, and greater isolation for Vietnam. Vietnam has made serious overtures to the United States in the past year or so, aimed at bettering relations with America.

They have withdrawn the bulk of their troops from Cambodia, they have progressed on the question of unresolved POW/MIA cases, they have even offered to reserve lucrative oil tracts for American companies. But rather than responding positively to these overtures, the United States appears to be moving back the goalposts and making further demands.

It is my fear that the more hardline element of the Vietnamese Government will point out the unresponsiveness of the United States and urge a closed door policy. We need to have the same willingness to increase and maintain ties with Vietnam, as we find necessary in our policy toward China.

Mr. President, America owes the people of Vietnam the chance to better their lives, and exposure to the freedoms that America stands for. We may not have been able to contain communism in the 1970's, but we know from the history of the past few years that we can influence it, and we can help achieve it's demise.

NOT THE TIME FOR FULL NORMALIZATION

Mr. President, the legislation I am introducing today does not advocate full normalization of relations. I am in full agreement with the administration that further progress has to be made on the POW/MIA issue, and the peace process in Cambodia before it will be time for those moves.

Opening trade relations with Vietnam will not deprive the United States of leverage to work further on these issues. The Vietnamese want diplomatic relations with the United States. The Vietnamese desperately need funding from the multilateral banks, but cannot get it without support by the United States. Vietnam would like to have a bilateral trade agreement with the

United States and most-favored-nation status. All of these moves can be made over time in accordance with progress on outstanding bilateral issues.

For the present, however, the economic embargo against Vietnam is not stopping that country from attaining foreign investment. The embargo is only serving to harm U.S. economic interests in the region, and denying U.S. firms the opportunity to compete in industries in which we excel. We must do ourselves, and the people of Vietnam, who suffer from abject poverty and an oppressive regime, the favor of moving forward with this trade relationship.

In summary, Mr. President, the difference between this legislation, my position, and that of the administration is the administration continues to utilize the theory we must use Vietnam as leverage for settlement in Cambodia. I maintain that that policy has not worked in the past. It has been 15 months since we last communicated that policy and we have seen virtually no results.

The proposal we have in this legislation is access into the country to resolve the MIA/POW issue by bringing in the Red Cross. Mr. President, I think there is a reasonable chance this approach will allow a United States presence in Vietnam and, as result of that approach, we will be able to better resolve the Cambodian situation.

Mr. President, I ask unanimous consent that certain material relative to this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Multinational Business Development Coalition, March 1991]

TIME TO LIFT THE VIETNAM TRADE EMBARGO

SUMMARY

With the Gulf War behind us, it is time for the United States to act on some Unfinished business on our foreign policy agenda by removing the decade and one-half long ban on doing business with Vietnam. Despite Secretary of State Baker's meetings with Vietnamese Foreign Minister Thach and the support of several key Republican Senators for normalizing relations with Vietnam, the Bush administration has not removed the 16-year-old U.S. embargo on trade with Vietnam. The United States has historically made peace with old enemies and has often turned a blind eye toward objectionable behavior by nations with whom we seek trade ties. But the U.S. government seems unable to bury the hatchet with Vietnam. As a consequence, the U.S. is losing substantial trade opportunities and harming prospects for diplomatic progress.

While U.S. government officials are now willing to talk to Vietnamese authorities about POW/MIA issues, as well as achieving a comprehensive Cambodian settlement, direct talks about ending the dated U.S. trade embargo have been ruled out until a comprehensive peace settlement is reached in Paris and implemented in Cambodia.

The refusal to develop commercial and political ties with Vietnam is surprising at a time that President Bush has spelled out a vision of a new world order in which economic competition among nations replaces military contests. U.S. stubbornness is keeping American companies out of the keen foreign competition for the Vietnamese markets. The policy is particularly unfortunate in light of Vietnam's efforts to introduce market mechanisms into its economy and to open the door to foreign investment. The reform effort was buttressed this January by final enactment of a law protecting private businesses in Vietnam.

As American business leaders, the members of the Multinational Business Development Coalition are concerned that the U.S. may once again be forfeiting valuable diplomatic and economic opportunities in Asia. We therefore urge U.S. policymakers to give serious consideration to the value to the U.S. of removing the embargo now and moving toward normal relations with the people and government of Vietnam.

We see several reasons for rescinding our sixteen-year-old objections to conducting commerce with Vietnam. As businessmen, we see the U.S. once again losing promising markets to Japan, Germany and others. The best oil tracts off the shore of Vietnam have already been bid—a disturbing development at a time when the Persian Gulf has reminded us of the need to diversify our oil supplies. It is also noteworthy that Thailand and Vietnam have begun talks about joint oil and gas production from 3,600 square miles of disputed territory in the Gulf of Thailand: the U.S. embargo could prevent American firms from helping the exploration and refining efforts.

Important banking opportunities are also being lost every month. Similarly, hotels, construction and consumer goods markets are being snapped up by foreign competition because American companies are prohibited by law from bidding.

As Americans, we see a diplomatic opportunity being forfeited. Events in Eastern Europe have demonstrated that the best way to undermine Communist influence is to have an aggressive capitalist business presence. Lifting the embargo on trade with Vietnam will encourage the modest reforms already underway in Hanoi and will help to undermine the centralized Marxist-dominated economy. Maintaining the embargo could weaken reformist elements, led by Foreign Minister Thach, who so far has little to show for his efforts.

As long-time observers of Asian politics, we believe that the current punitive U.S. policy toward Vietnam is unrealistic. In the first place, economic sanctions have a mixed history at best—and clearly do not work unless all nations support them. Most of the world is ignoring the U.S. embargo. Moreover, the U.S. insistence that Vietnam deliver a solution in Cambodia before we normalize relations with Hanoi requires Vietnam to deliver diplomatic results from their sworn enemies—the Khmer Rouge and the People's Republic of China—and effectively grants Beijing and the Khmer Rouge a veto power over U.S. policy. We should promptly move forward on U.S.-Vietnam relations because it is in America's self interest. We should not hold our economic well-being hostage to developments elsewhere in the region.

For these and other reasons, we urge Washington policymakers to move forward promptly to remove the trade embargo against Vietnam and to allow American businesses the opportunity to work in that country.

BACKGROUND

The United States has maintained an embargo against trade with Vietnam for more than a decade and a half. The two principal reasons for establishing this embargo and maintaining it over this long period have been:

1. To press Hanoi for greater cooperation on POW–MIA issues.

2. To press Vietnam to withdraw its troops from Cambodia, where they had intervened against the genocidal Khmer Rouge regime.

Vietnam has now, by all accounts, met these two U.S. conditions. While cooperation on uncovering and delivering remains of Americans still leaves much to be desired, repeated visits by senior American officials with Vietnamese authorities have demonstrated substantial progress in this area. In a letter to President Bush last October, several senior Senators including Republican stalwarts Richard Lugar of Indiana and Frank Murkowski of Alaska argued that "more access to Vietnam. . . will help accelerate closure of the remaining unresolved POW–MIA cases."

Furthermore, Vietnam has, by all accounts, withdrawn its ground troops from Cambodia. Despite occasional claims to the contrary, there is no evidence of a substantial Vietnamese military presence in Cambodia. (Indeed, the absence of Vietnamese troops has provided an opening that the Khmer Rouge forces have effectively exploited in the field.)

While the Bush Administration responded to the improved environment by agreeing to direct talks with Vietnam for the first time since 1975, the agenda has thus far been limited to the achievement of a comprehensive Cambodian peace settlement. This is regrettable. While the situation in Cambodia remains in a state of flux, there are a number of reasons for proceeding now on U.S.-Vietnam relations. The Cambodian conflict is a generation old and any one of several parties can block peace. The value of restoring U.S. ties with Vietnam must not be tied to this other complex and highly volatile issue.

The changes in East-West relations that are occurring across the globe have brought a new dynamic to Southeast Asia. It is clear that Thailand and Vietnam will have a crucial role to play in regional economic developments and diplomacy. We do not believe the U.S. is doing all it can to influence this course of events, especially as diplomatic relations do not even exist with one of the key nations in the region, Vietnam.

In the business world there is significant and substantial interest in Vietnam. Recent polling data suggest that a number of American businesses are interested in becoming involved in this promising market. However, the stubborn retention of the U.S. embargo since 1975 has prohibited any meaningful initiatives by U.S. companies. U.S. businessmen are forced to stand by and watch foreign competitors make crucial financial inroads. It is particularly distressing to see the U.S. losing opportunities in oil and banking given the current international and domestic developments in these industries.

At the same time that U.S. business interests are locked out, important humanitarian considerations remain unresolved. The refugee problem will not be rsolved until conditions in Vietnam improve: trade and aid remain critical in this respect. It is unfair to U.S. citizens of Vietnamese descent to continue the embargo past the time necessary to achieve its strategic objectives; this embargo makes it infinitely more difficult for Vietnamese-Americans to remain in contact with and provide support for their families still in Vietnam.

BUSINESS INTERESTS

For economic as well as diplomatic reasons, the time to dismantle the trade embargo has arrived. Sanctions are a drastic measure to be used only when the party being punished is not open to other more subtle forms of influence. Yet Vietnam has withdrawn its troops from its neighboring state and has cooperated with several of the efforts undertaken to resolve the generation-long Cambodian conflict. Vietnam has taken marked steps toward liberalization, a process that has been duly noted by both the International Monetary Fund and the World Bank. Hanoi has adopted a very forward thinking foreign investment law that provides a legal framework for foreign participation in Vietnam's reconstruction. This legislation is among the most the most liberal and far reaching investment laws to come out of any centrally planned economy. It provides both for joint ventures and for one hundred percent foreign ownership of local property. A subsequent law sanctions private enterprise and obligates the state to protect it. In an astonishing turnabout for a socialist state, the law on private property says that "the right to ownership of the means of production . . . as well as other legitimate rights of the owner of a private business establishment are protected by the state."

The U.S.-backed sanctions against Vietnam are also being undermined because of U.S. allies' unwillingness to honor them. Before Vietnam withdrew from Cambodia, American allies grudgingly supported the embargo. But with Vietnam's withdrawal, most countries believe that Vietnam has satisfied the fundamental requirement for new trade relations. Today the hotels and business centers in Vietnam are full of foreign business representatives who are ready and willing to do business. U.S.-based companies, however, remain totally barred from this market. As a consequence, the most promising off-shore leases have already been bid by foreign companies. The best deals on hotels, the most promising opportunities for banks, real estate, and retail outlets are being forfeited to America's competitors.

Once again we risk losing a foothold in a foreign market to Japanese and European competition. Through 1990, Vietnam had already approved 207 foreign investment projects, with the total registered capital of nearly $1.5 billion. The most significant of these are off-shore oil drilling and exploration, which include investment projects, by Shell, British Petroleum, Enterprise Oil and Total of France signing agreements and commencing work. Sixty Hong Kong firms, eighteen French firms, six British firms, twelve Australian firms, nine Thai firms, and seventeen firms from Taiwan have completed investment agreements in Vietnam.

To assess the pent-up demand for expanding into the Vietnam market, Citibank recently commissioned a survey of 162 companies involved in commerce in Asia, of which 87 were U.S. based. The remainder were mostly European and Japanese. Seventy-five percent of the companies surveyed expressed an interest in doing business with Vietnam. Forty of the companies that expressed no immediate interest indicated a long-term interest, raising the total showing to *85 percent* of those sampled eager to get into the Vietnam market. Fifty-seven of the eighty-seven U.S. companies surveyed—or more than two-thirds—indicated an interest in doing business in the future. Among U.S. respondents, the main obstacle for doing business with Vietnam was, of course, the trade embargo.

Many veteran Asia watchers believe that over the next ten years Vietnam has an even greater market potential than the People's Republic of China. With Vietnam there is promise of building a sound foundation for future business relationships *if* U.S. firms can get in on the ground floor. Clearly, the primary reason that American companies want to do business in Vietnam is the potential for long-term profits. However, these firms also recognize that the systematic introduction of capitalist enterprises will help achieve other U.S. goals, including the encouragement of current liberalization trends in Vietnam and the undermining of the central planning mechanism in Vietnam's turbulent market.

GEOSTRATEGIC CONSIDERATIONS

The past two years have seen an extraordinary transformation of the face of international diplomacy. The fall of the Berlin Wall and the opening up of Eastern Europe have demonstrated that persistence in pressing American ideals of free market economics and democratic pluralism is wonderfully subversive of Marxist centrally planned economies.

We should take this lesson and apply it with vigor to Vietnam, where American interests have long been frustrated. The best way to improve people-to-people relations with Vietnam and advance America's long-term interest in openness and the free-flow of goods is simply to do business with Vietnam. While Americans are fascinated by the collapse of communism in Central Europe and elsewhere, Vietnam has been forgotten. With a modest amount of courage and foresight, Americans can get in on the ground floor in the Vietnam market. A dose of Western capitalism could hasten the erosion of communist control and guard against the danger that we will lose yet another market to foreign economic competitors.

The challenge ahead for U.S. policymakers is to develop a more sophisticated approach to regional problems. As a nation of 66 million people, Vietnam occupies a strategically critical position in Asia. It is a land rich in natural and human resources. Vietnam, along with Thailand, will be a dominant player in the Southeast Asian region. Vietnam's influence will expand even further if it achieves political and economic accommodation with the ASEAN countries.

Given these considerations, it is clearly in the interest of the United States to promote peace and stability in the region by encouraging Vietnam to move toward a free market economic system and a pluralist democracy. Helping Hanoi broaden its economic relations with neighboring countries and the West will give it a stake in regional stability. At the same time, the United States should recognize that these interests are not necessarily shared by other parties in the region, specifically China, which has preferred either to dominate Vietnam or to promote division in its southwestern neighbor to prevent a stable and vigorous adversary from developing on its southern flank. Nothing in China's recent approach to the Indochina situation would contradict this view. Barring concerted international efforts to the contrary, it remains within China's power to promote division in the region. It is therefore incumbent for the United States to prevent China from retaining a veto power—as it has, in effect, in recent months in Cambodian negotiations—over U.S. restoration of relations with Vietnam. The fact is that Vietnam and the United States share a key common goal in Cambodia: preventing the Khmer Rouge from ever returning to power.

At one time, there was merit to the argument that the trade embargo provided the U.S. useful leverage with Hanoi. We used this embargo to press for Vietnamese withdrawal from Cambodia, to press for Vietnamese assistance on POW/MIA issues, and to press for Vietnamese cooperation for settlement on Cambodia. However, it is clear that we are at a point of diminishing returns in using this club. While events in Phnom Penh remain in constant flux, it is not in Hanoi's power to singlehandedly deliver a comprehensive settlement in the decades-old Cambodian conflict.

The present U.S. posture in the region therefore retains, in its anti-Vietnam bias, little chance for future success. We are punishing ourselves if we retain the trade embargo after Vietnam has met the conditions we set for lifting it. By refusing to normalize political and economic relations with Vietnam, the United States is missing an opportunity to influence Vietnam's development in a positive way. We should instead be bullish on the American model, pushing its attractiveness with the people of Vietnam as we undertake commercial relations with them. The U.S. presence in China had a marked effect on the young people of that country both before and after the Tiananmen Square tragedy. There can be no substitute for a vigorous American presence.

Another consideration for U.S. policy should be that a failure to act now may result in much more than a lost opportunity. The debate that continues in Hanoi regarding its future economic course will not be advanced by American refusal to act. There has been progress in opening Up Vietnam's economy. Yet if the United States continues to punish Vietnam by barring trade, moderates are certain to suffer in the political infighting in Vietnam. We should use the waning of Soviet influence in Vietnam as an opening, not as a justification for maintaining our self-imposed isolation from that market. The dislocation inevitable as a socialist economy undertakes early stages of economic reform will only be exacerbated by retention of the trade embargo. Access to normal trade and capital flows can be crucial in bridging this inevitable gap. As a recent Asian Development Bank report on Vietnam stated it, "Capital inflows from foreign sources will be required to ensure the sustainability of the economic liberalization program. Without external financial assistance, the adjustment costs will be much higher and could lead to pressures to abandon the reform program."

This the present U.S. policy is likely to undermine economic reform in Vietnam. For some years, U.S. policy towards Vietnam has also been influenced by the ASEAN countries which have pressed Vietnam on the Cambodia issue. Laudable as this goal is, it is also important to note that key ASEAN countries in the region—including Thailand, Indonesia, Singapore and the Philippines—have substantial and growing economic business interests in Vietnam. Thailand has unabashedly taken a lead in trying to transform Indochina from a "war zone into a trade zone." Indonesia has always maintained good trade relations with Vietnam and has a number of firms actively investing in Vietnam—including Vietnam's first joint venture bank. Singapore acts as a major entrepot for goods destined for Vietnam from Korea, Taiwan and other countries. In addition, Vietnam maintains a commercial presence in Singapore. The Philippines and Malaysia are major entry points for travelers to and from Vietnam with weekly flights between the two countries. Thus, it seems that ASEAN with more to gain from peace has arranged to pay a lower price for that peace in terms of lost business opportunities.

HUMANITARIAN CONCERNS

The harrowing exodus of Vietnamese refugees has riveted the attention of the international community for the past 15 years. The problem of illegal Mexican immigration into the U.S., while less dramatic, is similar in its fundamental cause: the lack of economic opportunity at home. The ultimate solution to the refugee problem is for Vietnam to continue what it has started: reform its economy. This will be impossible, however, unless it can participate fully in international trade and be the recipient of loans from commercial and multilateral lending agencies. Thus, by maintaining the trade embargo, the U.S. is part of the problem, not the solution.

In addition, concern should be noted for the more than 850,000 Vietnamese refugees who have made their way to the U.S. Virtually all of them have relatives remaining in Vietnam with whom they want to communicate. In most cases, the U.S. families can provide critical financial support to relatives who are living at, or just above, the subsistence level. Due to the U.S. trade embargo, communicating with family in Vietnam and providing support is a highly restricted and cumbersome process. There are no direct communications links between the U.S. and Vietnam. As a result of the embargo, U.S. citizens of Vietnamese descent are essentially cut off from their families in their homeland. Thus, humanitarian considerations are but another reason for ending the U.S. embargo on trade with Vietnam.

[From the Christian Science Monitor, Jan. 28, 1991]

JAPAN FIRMS EYE VIETNAM—BUSINESSES CONSIDER EXPANDING INVESTMENTS DESPITE UNITED STATES TRADE EMBARGO

(By Clayton Jones)

Soured of investing in China, stiff-armed by North Korea, and wary of business in Laos or Cambodia, Japanese companies are eagerly eyeing another of Asia's communist states; Vietnam.

Japanese companies have so far made limited investments in Vietnam, less than some European nations. The government here treads carefully in dealing with the old adversary of the United States by generally supporting a U.S.-led economic blockade of Vietnam.

The U.S. has done little to restrain its allies from trading with Vietnam, but strongly discourages sizable investments. A U.S. Senate resolution helped to stop plans by Honda Motors Co. in 1987 to open a motorcycle plant in Ho Chi Minh City.

But diplomatic efforts and lobbying by some U.S. companies are slowly lifting Hanoi out of isolation, leading some Japanese leaders to wonder if it is time for Tokyo to buck the blockade.

PRECEDENT SET IN CHINA

There is a precedent. Last July, Japan broke with its Western partners and normalized economic ties with China by resuming a credit program, eroding the international sanctions imposed after the 1989 Beijing massacre.

"The go-sign for Japanese corporations to invest in Vietnam will be the time when the Japanese government decides to give economic assistance," says Teizo Taya, international expert at the Daiwa Institute of Research. "That time is coming quickly."

The U.S., which gave a wink of approval to Japan's renewed embrace of China, may look less kindly on a similar Japanese move toward the hard-line Communist regime in Hanoi.

The issue of ties with Vietnam touches deep emotions in the U.S. Washington helped organize the sanctions against Vietnam after its troops invaded Cambodia in 1978 and installed a loyal Marxist regime there, and it is withholding diplomatic recognition of Hanoi until it accounts for the remains of some 1,700 U.S. soldiers believed to be missing from the Vietnam war.

But the U.S. also has encouraged Japan to assert diplomatic leadership more in Asia, and Japan has looked for opportunities to do so. Japan especially wants to use its economic power as a force to stabilize its communist neighbors.

U.S. SENDS MIXED SIGNALS

"Normalizing relations with Vietnam before the U.S. does will be the test case for Japan on whether it can be an independent player in Asia," says Osamu Nariai, researcher at the International Institute for Global Peace.

Vietnam itself, after losing much of its economic support from Moscow and former allies in East Europe, has tried to break the embargo, with only limited success. It rejects Soviet and U.S. calls for a United Nations role in managing war-torn Cambodia until elections are held.

Hanoi's chief hope is to stop the U.S. and Japan from blocking attempts by the International Monetary Fund (IMF) to provide a financial aid package to debt-ridden Hanoi. An IMF stamp of approval would help bring Western investment.

Japanese headers point to the U.S. decision last July to open direct talks with Vietnam, and to the October visit of Vietnam Foreign Minister Hguyen Co Thach to Washington, as encouraging signs that Japan, can likewise move closer to Vietnam, and in its own way.

Mr. Thach also stopped in Tokyo after his U.S. visit, the first time that a Vietnamese foreign minister had officially visited Japan in 12 years. As one sign of a shift by Japan, Thach was promised a grant for a national television station. He stayed for six days, visited a car plant, and met with business leaders.

In anticipation of a government green light for investment, Japanese companies began to flock to Vietnam late in 1990. With a new liberal investment law, Vietnam offers the prospects of low-wage workers, a market of 67 million people for Japanese goods, and a large source of resources, such as oil and timber. In 1987, a Japanese company was first in line to buy Vietnam's first export of oil.

Two-way trade between Vietnam and Japan jumped more than 70 percent last year, according to the Japan-Vietnam Trade Association. Japan has become the leading non-Communist trading partner for Vietnam. Japanese investments, which technically violate the embargo, remain small at $71 million. But that amount puts Japan as the fifth largest investor, with an estimated 10 to 12 percent of total foreign investment.

Some Japanese investments announced in recent months include a $2 million soap factory, a $300,000 glue factory, and a fertilizer plant. Showa Shell Sekiyu, a Japanese oil company, is reported to be negotiating with Vietnam to do offshore drilling. Vietnam is making plans for 15,000 Japanese tourists this year, up from 2,000 last year.

KEEPING A LOW PROFILE

Powerful Japanese trading companies, such as Mitsubishi Corp., are opening offices in Vietnam. Some have kept a low profile in Hanoi and Ho Chi Minh City for years, laying the ground for full business relations, while trying not to jeopardize their access to the U.S. market.

The Japanese press reported that Prime Minister Toshiki Kaifu was ready to announce a resumption of aid to Vietnam in an "historic" speech during a planned tour of non-Communist Southeast Asia nations in mid-January.

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[From the New New York Times, Mar. 10, 1991]

GOOD MORNING, VIETNAM

It was as if two wars, not just one, ended with the American-led coalition's quick and decisive victory over Iraq. When the guns fell silent, President Bush proudly proclaimed that "The specter of Vietnam has been buried forever in the desert sands of the Arabian Peninsula."

Postwar diplomacy concerning the Middle East has already begun. But postwar diplomacy concerning Vietnam has been mired in bitterness and recriminations for 16 years. Washington can make constructive use of America's revived international pride by now moving to normalize relations with Vietnam.

Vietnam contributed to its long diplomatic isolation by sending troops into Cambodia late in 1978 and keeping them there for almost 11 years. But Washington is also to blame. The past four Administrations have refused to acknowledge the 1975 Communist triumph in Indochina as a fact of international life.

Hanoi prevailed against American power on the battlefield. Washington has punished this affront by diplomatic ostracism, even to the point of winking at a Chinese invasion of Vietnam and, until last year, aiding a Cambodian resistance coalition incorporating the genocidal Khmer Rouge.

Victory in this new war offers an opportunity to bury the bitter legacy of an old one. True, Vietnam is neither a model democracy nor a model international citizen. Its human rights performance has recently been criticized by Asia Watch and by brave voices from within. And while Hanoi has withdrawn its troops from Cambodia, it still backs hard-liners in Phnom Penh who resist implementing the United Nations peace plan.

Yet Vietnam's policies are no more offensive to Americans than those of many other states. The U.S. rightly maintains ties with Syria, even though it sponsors terrorism and occupies much of Lebanon. The U.S. deals with China despite the massacres in Tiananmen Square and Tibet, and with the Soviet Union despite the brutal crackdown in the Baltics.

Diplomatic relations give Washington the chance to raise vexing issues and exert a moderating influence. The Vietnam War ended 16 years ago. Now it has been officially buried. It's time to banish the ghost.

[From the Washington Post, Mar. 7, 1991]

THE REAL "VIETNAM SYNDROME"

(By Mary McGrory)

If President Bush would like to formalize the defeat of the "Vietnam syndrome," which he proclaimed last Friday, he could do it in a grand way by recognizing Vietnam. He could start by lifting the trade embargo that has been in effect for 15 years.

Vietnam has been on the president's mind ever since he took office. He said rather mysteriously in his Inaugural Address that "the statute of limitations has been reached on Vietnam."

What he meant, it is plainer now, was that American presidents had been limited long enough in their use of force by the country's bitter memories of high casualties, head-down homecomings and political carnage.

While the president hailed the end of the "syndrome," others, especially women, dislike to see its demise. Men love war, as Gen. Robert E. Lee remarked, and would love it more if it were not so dreadful. The Persian Gulf War, which was a piece of cake for our troops, could make war a seductive alternative to the tedious, repetitive work of diplomacy.

But if he wants us to get over it, what better way to show it than by admitting Vietnam exists. Diplomatic recognition would say plainly that we have not only forgotten ourselves but have forgiven the enemy that improbably defeated us.

Bush could do it without the slightest difficulty. A president with a 90 percent approval rating could raise taxes with hardly a murmur. And now, having shown how tough he is, Bush could show his compassionate side.

Allowing Vietnam to take its place among the many flawed nations—including, especially, some of our gulf allies—with which we habitually do business would say it has suffered enough.

There would be no serious resistance from the country. A Time magazine poll taken last November shows that 48 percent can handle recognition. The preliminary step of ending the trade embargo wins by better than 2 to 1, 69.5 percent to 30.5 percent.

It isn't just crazy leftovers from the 60s who favor a resumption of normal trade relations—and a competitive bid against the Japanese, Australian and European businessmen who are flocking to the new marketplace. Sen. Richard G. Lugar, a moderate Republican from Indiana, wrote the president a letter last October saying "the time has come," arguing among other considerations that "added U.S. presence and increased commercial contacts will contribute to an improvement in human rights practices and a lessening of the repressive political ethos that still exists in the country." He had seven cosigners.

The U.S. Chamber of Commerce is representing 35 to 40 American corporations that want to get into business. Several oil companies are among those pressing the State Department to loosen up before all the goodies are gone. Mark Van Fleet of the chamber says Foggy Bottom tells his clients that Vietnam has not joined in the "comprehensive" Cambodia peace settlement proposed by the United States and several other countries, and that insufficient progress has been made on the perennial problem of the MIAs.

The fact is that there is always an alibi for maintaining the silly status quo. The real reason is that the Vietnamese beat us—and some Americans, unfortunately several of them in Bush's inner circle, can never forget it. The real Vietnam syndrome is particularly virulent in such Kissinger alumni as Brent Scowcroft and Lawrence Eagleburger, and Karl Jackson of the National Security Council staff, who is held responsible for the hard line on Cambodia.

There is also some resistance from older Vietnamese immigrants, who maintain a powerful hostility against the government of Vietnam, which has liberalized economically but not politically. Even so, it is hardly less democratic than Kuwait, the country we have recently liberated at such cost.

Others who might feel compelled to object are the old-line veterans organizations, the American Legion and the VFW. But it is difficult to think of veterans mounting any serious or sustained criticism against George Bush, who is being hailed by his countrymen as a combination of Henry V and Talleyrand.

Sen. Bob Kerrey (D-Neb.), who lost a leg in Vietnam and won the Medal of Honor, is one of those who is not sure that the passing of the syndrome is an unmitigated good for the nation's soul. And he's not sure that Vietnam veterans feel all that healed by the triumph in the gulf. They might feel a pang when they see the elaborate homecoming parades for the veterans of the 42-day war against an evaporating enemy. The Vietnam vets came home to cold stares, organized their own memorial and finally, to dedicate it, held their own homecoming parade, a shattering affair that began with a file of wheelchairs pushed by men in tattered uniforms.

[From the San Francisco Chronicle, Mar. 6, 1991]

TIME IS RIGHT FOR NORMALIZING RELATIONS WITH VIETNAM

(By Casimir A. Yost)

Vietnam still remains on the American national consciousness more than 15 years after the fall of Saigon. Throughout the gulf crisis, American leaders have expressed determination not to repeat the "mistakes" of the Vietnam War.

Symptomatic of our inability to come to grips with our bitter experience in Southeast Asia is the fact that to this day we do not have diplomatic relations with Vietnam. Indeed, we still maintain an economic embargo on that country.

As former U.S. Senator Dick Clark noted at an American-Vietnamese dialogue convened last month by the Aspen Institute, "We are no longer enemies but we do not have a 'normal' relationship."

The Aspen conference brought together a group of Americans, including members of Congress, journalists and academics with a counterpart group of Vietnamese government and nongovernment participants for four days of meetings in Jamaica.

This was the second such exchange organized by Aspen and, like the first, it was designed to explore, informally and off the record, barriers to normalization of relations between our two countries. Normalization, at a minimum, would entail our lifting the economic embargo on Vietnam and setting up formal diplomatic relations between Washington and Hanoi.

The United States sought to normalize relations with Vietnam in 1977, but Vietnamese demands for war reparations doomed this effort. And Vietnam's invasion of Cambodia in December 1976 pushed the normalization issue to the U.S. back burner.

The regional context today for possible normalization is very different than a decade ago. Vietnam has withdrawn its troops, if not all its advisers, from Cambodia. The Soviet Union is drastically reducing its aid to Vietnam and Cambodia and is participating in the efforts of the five permanent members of the United Nations Security Council to find a negotiated settlement in Cambodia between the four warring factions.

China no longer feels threatened from the North by the Soviet Union nor from the South by Vietnam. Vietnam's neighbors feel less fearful of Hanoi, and, indeed are expanding trade ties with that country despite the embargo.

Vietnam now wants to normalize relations with the United States in order to have the economic embargo lifted and to diversify or balance its big power relationships. Finally, the United States has a lessened strategic interest in the region given the declining Soviet role in Southeast Asia.

VIETNAM'S PLIGHT

Vietnamese participants in the Aspen conference were forthright in describing the current economic plight faced by Vietnam. With a population of 65 million and a per capita income of $200, Vietnam is one of the poorest countries in the world. It is plagued by unemployment, inflation and corruption.

Vietnamese admit to past economic mistakes. "We believed," said one conference participant, "the bigger the projects, the sooner we would achieve socialism." Now, Vietnamese argue, "we cannot progress without competition."

In 1986 Vietnam began to move from a command economy to a market economy, from concentration on heavy industry to concentration on agricultural production and light industry. This policy of "renovation" registered considerable success.

By 1989 Vietnam was the third biggest exporter of rice in the world. But a variety of factors have stalled Vietnam's economic progress, including the U.S.-led economic embargo, severe bureaucratic impediments, a socialist mindset, inferior infrastructure and dwinding East bloc support.

Vietnamese are aware of the political "risks" of trying to move from a command to a market economy. They are also mindful of the democratizing forces loose around the world. Vietnam is challenged by political upheavals in other Leninist societies.

Vietnamese participants in the Aspen conference argued that political change is coming to Vietnam. "People review and discuss policies," said one. "This would not have happened before." Another said that party control "does not mean that the party can do whatever it wants. This is the lesson of * * *

The Vietnamese were not explicit on their leadership succession problems but were adamant in saying that Vietnam had no intention of becoming a multi-party state. They noted the attractions of Singapore's system of authoritarian rule combined with economic openness.

The Vietnamese expressed puzzlement and frustration at the fact that the great powers that had once paid attention to them now appeared disinterested. They are worried by waning Soviet support and suspicious of rising Chinese interest in improved relations. They are convinced that our policy in the region is a function of our China interests.

One Vietnamese asked if "the United States believes that Vietnam should be kept under wraps." Vietnamese participants argued, repeatedly, that normalization is in U.S. interests because Vietnam had economic opportunities that would disappear as other countries took advantage of the Vietnamese market.

* * * * *

Vietnam, in short, faces tough choices; how far to go in economic reform, what degree of political liberalization to accommodate at home, how to balance competing interests in Cambodia, and what level of relations to press for with the major powers—China, the U.S.S.R. and the United States.

DEALING WITH THE PAST

A conference such as this brings out the diversity of views in the American body politic. Clearly some American businessmen want to put the past behind us. Some academics argue that the Vietnamese military withdrawal from Cambodia merits lifting our economic embargo. Some journalists point to the risks of a U.S. policy that countenances a role for the Khmer Rouge, whose murderous regime once ran Cambodia, in the peace process. Others argue that we should support the Vietnamese-backed government in Phnom Penh.

* * * * *

It is U.S. policy to seek a Cambodia settlement and resolution of the POW/MIA issue prior to normalization. Assistant Secretary of State Richard Solomon has said, "This is a process we see moving in stages," with normalization hinging on these two issues.

Our policy toward the region has shifted in the last few months. In July, 1990, Secretary of State James Baker announced that the United States would talk directly with Hanoi to reach a Cambodian settlement and would no longer support the three party coalition, including the Khmer Rouge, in the United Nations. He has since met with Vietnamese Foreign Minister Thach in New York and Washington.

The five permanent members of the United Nations' Security Council announced on August 28, 1990, their detailed plan for a Cambodian settlement. It was subsequently endorsed by the four Cambodian parties.

This framework for a peace process would have the United Nations play a substantial role in organizing Cambodian elections, monitoring a Cambodian cease fire, and running certain governmental institutions in the period prior to elections. It calls for the creation of an interim Cambodian authority, the "Supreme National Council." While the major parties to the conflict—the four Cambodian factions, Vietnam, and China—have accepted the so-called Perm Five framework, the devil is in the details.

Outstanding issues include the pace and scope of demobilization and positioning of Cambodian forces, who will control weapons, who will hold Cambodian sovereignty, and the precise powers of the United Nations in the pre-election period.

Vietnam and the Phnom Penh government are concerned about ceding too much authority to the United Nations and giving too great an advantage to the Khmer Rouge. They are afraid that the Khmer Rouge will return to power under the cover of elections. They have pressed for some reference to past genocidal practices.

The Vietnamese claim that there are limits as to the pressure they can put on their Cambodian friends. In the words of one, "the pepper is very tiny but very hot." The Chinese continue to demand a role for their clients, the Khmer Rouge, in the process.

The United States believes the Perm Five process provides the best possible avenue to a peaceful resolution of the conflict. We believe that any solution ultimately must have the concurrence of China and Vietnam.

We believe that we must work with China, and that our leverage is limited. We claim we will recognize if Vietnam is acting in good faith and the peace process still fails. Its success is far from assured.

Meanwhile, the POW/MIA issue continues to be another barrier to normalization. We are convinced that the Vietnamese have more to give on this issue. Indeed, a recent Library of Congress study states. "The evidence is overwhelming that the Vietnamese are holding the remains of perhaps as many as several hundred Americans."

Some Americans argue that live POW's remain in Vietnamese hands while others maintain that the Vietnamese are bargaining with American remains. Still others maintain that we are asking of the Vietnamese far more by way of accounting than we sought after any other war. The bottom line is that the United States is not yet satisfied that Vietnam has done its best on this issue.

Normalization of U.S.-Vietnamese relations remains an elusive goal tied to what happens on the POW/MIA issue and in Cambodia. The former is entirely resolvable by the Vietnamese.

However, a positive outcome in Cambodia requires the cooperative action of a number of countries and Cambodian factions. This cooperation appears increasingly problematic. There is a real risk that the Khmer Rouge wil continue to gain strength with Chinese and other support.

The day may not be too distant when we will want to abandon the linkage of a Cambodian settlement to normalization of U.S./Vietnamese relations.

We may come to see normalization between Hanoi and Washington as part of a larger, necessary response to a growing Khmer Rouge threat in Cambodia as well as a way to promote our larger interests in the region.

[From the Atlantic, March 1991]

VIETNAM: SHUT OUT

(By James Fallows)

[The U.S. embargo on Vietnam does not prevent other countries from doing business there, but it does prevent the country from rebuilding itself.]

The U.S. attempt to starve Vietnam out, through a political and economic embargo, is senseless. Most Americans are not even aware that such a campaign is under way. After all, within the past year the U.S. government has re-approved most-favored-nation trade status for China, prepared to donate food to the Soviet Union, found a way to coexist with the brutal new SLORC regime in Burma, and applied a forgive-and-forget economic policy to most nations other than Iraq. But in Vietnam the U.S. embargo remains the central fact of economic life. It makes existence undeservedly miserable for many millions of people, while doing no visible good for anyone—except, perhaps, for businessmen in Taiwan, Singapore, Australia, and Japan.

What the Vietnamese refer to as "the embargo" is really two policies. One is the U.S. government's attempt to prevent Americans from buying from, selling to, investing in, or otherwise having anything to do with Vietnam. Under prevailing Supreme Court rulings the government cannot prevent Americans from traveling to Vietnam, but it gums up other dealings with impediments large and small. AT&T and the other American phone companies will not place a call from the United States to Vietnam. (If you want to send a fax to a university or a government office in Vietnam, you send it instead to someone in Bangkok—or, for that matter, Toronto—and ask to have it passed on. The people most harshly affected by the phone ban are, of course, the million or so Vietnamese-Americans, many of whom have relatives in Vietnam). Last year several thousand U.S. citizens, most of them Vietnamese-Americans or U.S. military veterans, traveled to Vietnam—but the Lindblad travel agency, in Connecticut, lost more than $500,000 in fines and legal fees for daring to organize such tours and subsequently declared bankruptcy. Tours are legally and profitably organized by several big agencies in Bangkok. Air Vietnam, which has a monopoly on flights within the country, carries passengers on a fleet of dirty and decrepit Soviet planes. Yet when the airline was angling last year to buy an Airbus from Europe, the U.S. government discouraged the sale, because the plane's engines are made by General Electric. Hotels and government shops in Ho Chi Minh City, the former Saigon, have bright new signs saying that Visa cards are accepted—but not if you are a U.S. citizen, or if the card was issued in the United States, or if it drawn on an American bank. In those circumstances the Vietnamese won't take the card, because U.S. Treasury Department regulations forbid the banks to pay. The U.S. dollar is in practice the legal tender of Vietnam. Trade contracts are denominated in dollars; hotel and restaurant prices are set in dollars; visitors from Japan, Italy, and even the Soviet Union must carry around wads of U.S. currency with which to settle their bills. Yet under the charmingly named Trading With the Enemy Act, the U.S. government behaves as if every one of those dollars were there illegitimately. The United States was intimately involved with Vietnam for more than a decade. Now Vietnam is one of only a handful of countries with which the United States attempts to prevent all diplomatic and economic interaction.

The second part of the embargo policy consists of U.S. pressure on the World Bank, the Asian Development Bank, and the International Monetary Fund to keep them, too, from dealing normally with Vietnam. Although the United States is the single biggest force in each of these organizations, on its own it cannot dictate their policies. But the Japanese representatives, who make up the second-largest voting bloc, have lined up behind the United States on this issue, and together the two countries have stonily kept most international organizations out of Vietnam. The United Nations operates a few small development-aid programs and an extensive refugee-processing system within Vietnam, but in general Vietnam must exist outside the network of loans, international credits, financial restructuring plans, and so forth that countries from Ghana to Peru to Bangladesh can participate in. (Technically, the IMF excludes Vietnam not because of the embargo but because Vietnam hasn't paid off some $140 million in old debts. Vietnam is hardly the only Third World country in arrears. Its problem could be cleared up with bridge loans, as has been done in many other countries, if Japanese and American banks could get involved.) Apart from the Soviet Union—which has for the past decade subsidized Vietnam's economy, received tens of thousands of Vietnamese guest workers, and provided cutrate shipments of fertilizer and oil—Sweden and Finland are the only nations that have given Vietnam substantial amounts of foreign aid.

Of the two components of the embargo, the pressure on international organizations is the more important. Vietnam has what is politely referred to as an "infrastructure problem." The roads, the telephones, the electrical-power network, and the water and sewage systems are terrible or nonexistent. I asked Vo Vai Luoc, of the Institute for World Economy, in Hanoi, "Which problem is the most urgent? Transportation? Communications? Power?" He answered, "Yes"—and not because he misunderstood me. The amount of money needed to create a telephone system for 65 million people, rebuild roads not maintained for twenty years, and renovate antique seaports and airports is more than any private investor will put up. Since the end of the Second World War mammoth infrastructure projects in many parts of the world have typically been sponsored by the World Bank or other international lending organizations; this is how Japan built its Bullet Train system in the 1960s. Other countries throughout Asia draw constantly on World Bank and Asian Development Bank advice and loans. Vietnam cannot, because the United States says no. Thailand, Cambodia, Laos, and Vietnam are inching toward cooperation on several Mekong River projects, to cope with the environmental ruin of the Southeast Asian forests. The Mekong committee's office in Hanoi has a thick folder of requests for funding: so much to monitor water quality, so much to restock fish, so much to offset the intrusion of salt water into the Mekong Delta region. None of this can go anywhere so long as Vietnam is classified as a pariah.

Americans might say that they just don't feel like subsidizing the reconstruction of Vietnam. The U.S. government's policy goes further than that: it is an attempt to keep Vietnam from rebuilding itself. Vietnam's population is very young, and most people can barely remember when U.S. troops were in their country. It is hard to see how today's Vietnamese children bear responsibility for the wounds the United States suffered during those years. Yet policies left over from the bitter 1960s and 1970s help keep them poor.

What is the point of it all—of the small-minded restrictions on Americans and the serious limitations on Vietnam? There are two ways of judging America's policy: on the basis of what it's supposed to do, and on the effect that it actually has.

The stated rationale for the embargo has shifted over the years. The Trading With the Enemy Act, enacted in 1917 as an anti-German tool, was applied to North Vietnam in 1964, when that country was in fact the military enemy. The law was extended to the country as a whole after the North Vietnamese conquest of the South (or, to put it in the terms that are officially used in Vietnam these days, after the "Liberation" that eliminated the "puppet forces"), in 1975. Since 1979, when the Vietnamese completed their invasion of Cambodia, drove out Pol Pot's Khmer Rouge regime, and established their own dependent government, U.S. policy has been tied to events in Cambodia. For ten years the United States insisted that Vietnam withdraw its occupying forces. In the opinion of most foreign governments, Vietnam did exactly that late in 1989—as Secretary of State James Baker officially acknowledged last summer. Baker acknowledged the withdrawal, however, less as an occasion for U.S.-Vietnamese rapprochement than as evidence that the hard-line policy was working: because of American implacability, the Vietnamese had finally given in.

The negotiations over Cambodia's future are of hopeless, Middle East-like complexity. The essential point is that the United States is ostracizing Vietnam for the sake of a bargaining position—not because Vietnam has outraged international standards of decency. Vietnam did invade Cambodia, and does continue to prop up and manipulate the People's Republic of Kampuchea (PRK), the nominal government of Cambodia. But China continues to prop up the Khmer Rogue, which is still directed by the same people who wrought genocide in the 1970s, and which continues to take over Cambodian territory with Chinese guns and supplies. If the United States felt inclined to get moralistic (again) about Southeast Asia, the most appropriate target for its wrath would be not Vietnam but China, without whose sustenance the Khmer Rouge could not survive. But the Bush Administration seems to act on the assumption that ancient, mighty China cannot be swayed by outside pressure. Therefore the United States continues to squeeze Vietnam.

In a way the years of squeezing have paid off. Vietnam has grown weary enough of its exile that it has compromised on some points, especially by withdrawing its troops. But its officials have consistently made clear that they can never, ever countenance the return of the Khmer Rouge. This is not so much because they are squeamish about what might happen inside Cambodia as because when the Khmer Rouge was in power, its army kept attacking villages in Vietnam. As best I could judge from two weeks of interviews with officials in Vietnam, the emotional and logical content of their position is comparable to what Soviet leaders would now feel if Hitler were still alive and had a panzer force threatening to take control of Poland. Officially, the U.S. policy, too, is designed to keep out the Khmer Rouge. But until the Vietnamese are sure that some other, still unspecified arrangement will provide sure protection against the Khmer Rouge, they will stick with their pet PRK.

The strongest argument for continuing the embargo is that some agreement among the many squabbling Cambodian factions has seemed through the past year to be in sight. Why relax the pressure on the Vietnamese as the Soviet Union cuts back on its subsidies? But Americans could just as easily argue that now is the time to reward Vietnam for the steps it has taken, and to encourage it to take more. This is exactly the logic we have applied to China and the Soviet Union within the past year. Nguyen Co Thach, the Vietnamese Foreign Minister, is known to have argued internally that Vietnam would be rewarded for withdrawing from Cambodia and undertaking its ambitious doi moi program of economic liberalization. As long as the embargo continues, he is proved wrong.

There is, of course, a reason why Vietnam seems less lovable and forgivable than the Soviet Union of Gorbachev's reformers or the China of the Tiananmen Square demonstrators. Although U.S. policy does not explicitly link the embargo to the MIA issue, the suspicion that the Vietnamese are still locking up American prisoners, or hoarding their bones, generates considerable ill will. The Vietnamese government has not exactly helped its own cause by doling out remains two or three at a time and seeming to treat the bodies as useful bargaining chips. In 1980 a mortician who had fled Vietnam told a congressional committee that he had seen the bones or bodies of several hundred American soldiers stored in a warehouse outside Hanoi. Although the North Vietnamese Communists seemed to understand American psychology very well during the war years, the case can be made that they barely understand the United States at all. During the Carter years the Vietnamese government queered a chance for normalization by demanding reparations; only recently has the emotional power of the MIA question sunk in. Members of the American "reconciliation team" working on the POW/MIA issue say that their Vietnamese counterparts have been more cooperative in recent months.

Even if it made sense on its own big-think strategic terms, the embargo would have a serious practical limitation: it doesn't scare away anyone but the Americans. The embargo has succeeded in stunting and distorting the Vietnamese economy, and in keeping American businesses out of Indochina; but it is more and more obviously failing to keep out businesses from other countries, or to bring the Vietnamese government to its knees.

Although many nations condemned Vietnam's invasion of Cambodia in 1979, almost no one agrees with America's embargo anymore. All other major nations have embassies in Hanoi. None imposes Trading With the Enemy-style limits on its citizens or businesses who want to trade with Vietnam. The Japanese government, with its down-the-line support of the embargo in international organizations, illustrates how shallow the enthusiasm for the embargo is. Officially it will not let Japanese firms invest in Vietnam, to avoid offending the United States. In some cases, however, Japanese banks and corporations have channeled money through front organizations in Indonesia or Hong Kong, which then invest in Vietnam. And there is no visible restriction on Japanese trade with Vietnam. This year Japan should overtake the Soviet Union as Vietnam's leading trade partner. Japanese firms sold $300 million to $400 million worth of manufactured products to Vietnam last year, mainly in exchange for Vietnamese crude oil. (Although Vietnam is potentially a large oil producer, it has only a few working wells now, and virtually no refineries. Therefore it exports crude oil to Japan, in exchange for machinery, and has until recently relied on the Soviet Union for refined oil. The end of the Soviet-subsidized oil supply is the most immediately pressing economic problem.) All the vehicles on Vietnam's streets which are not Soviet-made are from Japan. All the refrigerators, TVs, and VCRs that are not Japanese are Korean. In Saigon's major hotels—the Rex, the Caravelle, the Majestic, and the Continental—blocks of rooms are on long-term lease to Japanese trading firms such as Nissho Iwai and Mitsubishi. One of the malicious delights of traveling in today's Vietnam is watching Germans, Soviets, Italians, and even incredulous Frenchmen being made to conduct their business in English. The Japanese businessmen and travelers I saw were doing their business largely in Japanese.

Most other countries don't even bother to keep up appearances. The Taiwanese, who have cultural and linguistic ties to the Chinese community in southern Vietnam, see no reason to abide by the American policy. After all, the United States does not even classify Taiwan as a real country anymore. (The United States has in Taipei not an embassy but an "American Institute." U.S. diplomats who are assigned there must temporarily resign from the foreign service.) Of the foreign firms with whom Vietnam has set up some 200 joint ventures since liberalizing its foreign-investment law three years ago, the most enthusiastic seem to be from Taiwan. One of the largest, called Pan Viet, is building new apartment blocks, producing ceramic tile and paint, running an agricultural-experiment station, and even planning to develop a suburb for foreign residents, with a golf course and an international school, to be ready for Americans when they decide to come back. Companies from France, Australia, Holland, and Italy participate in other joint ventures. In all, foreign firms have invested more than $2.2 billion in new capital.

Australia enjoys a trade surplus with Vietnam, importing fish and grains and having sold, among other things, three large satellite dishes to handle international phone calls. ("Now I can call Paris and Bangkok," an official of the Ministry of Commerce told me in Hanoi. "The problem is calling Haiphong.") There are huge billboards from the Korean corporate giants Daewoo and Samsung near the entrances of the airports in Hanoi and Ho Chi Minh City. During my stay I met technicians from Ireland working on the telephone system, a pharmaceutical salesman from Italy, a handicrafts dealer from Holland, and a French engineer working on Vietnam's offshore oil fields. The manager of a Vietnamese shipping line guilelessly explained to me how Vietnamese handicrafts reach customers in America: first the ship goes to Vancouver, then all the documents are changed, and then it goes on to the United States. The prize for hypocrisy regarding the embargo goes easily to Singapore. Its official policy toward Vietnam is, if anything, more ferocious than that of the United States, but most of the Coca-Cola, EverReady batteries, and other Western goods stacked in markets in virtually every Vietnamese city come through merchants in Singapore. Each week passengers fly between Ho Chi Minh City and Singapore, although the flights are not listed on any schedules. Whenever an article appears describing the commercial involvement of Singapore in Vietnam, the Singapore government declares that it is simply shocked by the news.

Vietnamese officials have recently figured out that they can play on American age-of-decline insecurity in their arguments against the embargo. Shortly before the "Liberation," Mobil discovered the sizable "White Tiger" oilfield in Vietnamese waters in the South China Sea. Last year Vietnam assigned exploration rights for several sites to companies from Canada, France, Kuwait, and elsewhere, but not to U.S. firms. Mobil and Texaco, along with Citibank, have sent exploratory missions to Vietnam. The American chambers of commerce in Bangkok and Hong Kong, representing U.S. companies operating there, last year formally recommended that the embargo be lifted, to end "the continuing loss of U.S. business opportunities in Vietnam to global competitors." Raymond Eaton, an Australian businessman based in Bangkok, has become famous locally for speeches arguing that non-U.S. companies should seize the "golden opportunity" that the embargo creates and "do your very utmost to capitalize on the total inability of American companies to compete against you." (Eaton also urges the United States to eliminate the "golden opportunity" by lifting the embargo.) The manager of a building project in Hanoi told me, "We hoped very much to use American elevator equipment in our building, but, you know . . ." Vo Dai Luoc, of the Institute for World Economy, told me, "In the past the United States spent billions of dollars to establish its influence in this part of the world. It was not possible that way, but simply by permitting business relations the United States may succeed in obtaining a role in this region."

The real reason the embargo persists, of course, is that we lost the war. That is also the reason that, although we can forgive the Soviet Union and Nicaragua, we can't forgive Vietnam—even though it is a relatively well-behaved country now, with economic-reform plans as impressive as most in Eastern Europe. Shortly before I left for Vietnam, I talked with an American politician who agreed that the embargo no longer made sense. But it might continue, out of inertia, for a long time. "It's all up to the war heroes," he said. When politicians like the senators John McCain, Robert Kerrey, and John Kerry—men who fought and suffered in Vietnam—say it is time to forgive their former enemies, he told me, then others can safely go along. But until then, he said, it is not safe or sensible even to mention the name Vietnam.

It's natural that we would prefer never to think about Vietnam again. Being involved there did us great harm. So with a kind of unconscious spite we continue a policy that hobbles an entire nation and helps us not at all, mainly because a generation ago we came to grief there. In decency we should stop.

By Mr. McCAIN (for himself, Mr. MACK, Mr. BURNS, Mr. COATS, Mr. LOTT, Mr. CRAIG, Mr. HATCH, Mr. KASTEN, Mr. SMITH, Mr. MCCONNELL, Mr. BOND, Mr. HELMS, Mr. GARN, Mr. SYMMS, Mr. NICKLES, and Mr. ROTH):

S. 809. A bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes; to the Committee on Rules and Administration.

TAX FAIRNESS AND ACCOUNTABILITY ACT

• Mr. McCAIN. Mr. President, today I'm introducing the Tax Fairness and Accountability Act of 1991. This is a simple piece of legislation—it is genuine, honest, purposeful.

Mr. President, this legislation does two important things. First, it establishes that any new tax, or increases in existing taxes, requires 60 votes of the Senate for passage. And, second, it repeals that section of last year's budget bill which required 60 percent of revenue reductions—tax cuts—while requiring only a simple majority for tax hikes. That provision of the 1990 budget bill virtually assures that the Federal tax bite will only grow, and that tax reductions like those passed in the 1980's will become near impossibilities.

It's time we, in government, regained our sense of balance and respect for our own private sector. We cannot, and must not, view the incomes of our citizens, families, and businesses solely as a source of money to satisfy the apparently insatiable Federal spending appetite.

In short, Mr. President, my bill seeks to place the health and well being of our private economy above that of government.

Mr. President, I know this legislation will be opposed by some in this body, but we must recognize that our actions here change the financial relationship that exists between government and the private sector, and are among the most fundamentally important actions we must take each year.

When Congress acts to increase revenues, we send shock waves through our entire economy. No part of the private sector is ultimately immune from an increase in government taxation.

It is our responsibility, as elected officials in the Congress of the United States, to recognize that our actions have real, tangible consequences and that the lives of our families and citizens are impacted each time we change the financial relationship between government and the private sector.

Mr. President, that alone is reason enough to pass this legislation.

It shouldn't be impossible to raise taxes—and that is not the purpose of my bill. But, it should be difficult, and should be a matter of grave debate and deep concern to all.

It should not be what it is—business as usual. The business we should be primarily concerned about is the business of America—our families and enterprises—not the Federal Government.

Mr. President, I urge my colleagues in the Senate to join with me in this unprecedented effort to begin the long process of restoring trust and partnership with American taxpayers and our private sector by supporting this important first step. I urge all in the Senate to join me in a better understanding of where our resources come from.

I want to express my thanks and gratitude to Senators MACK, BURNS, COATS, LOTT, CRAIG, HATCH, KASTEN, SMITH, MCCONNELL, BOND, HELMS, GARN, SYMMS, and NICKLES for their cosponsorship of this bill.

I urge all in the Senate to join us in reaffirming our respect and admiration for the principles of free enterprise that have given so much to this country.

I ask unanimous consent that the Tax Fairness and Accountability Act of 1991 be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Tax Fairness and Accountability Act of 1991.

SEC. 2. SUPERMAJORITY REQUIREMENT IN THE SENATE.

In the Senate, any bill or amendment increasing revenue shall be considered and approved only by an affirmative vote by three-fifths of the Members of the Senate, duly chosen and sworn.

SEC. 3. AMENDMENT TO THE CONGRESSIONAL BUDGET ACT OF 1974 STRIKING 60-VOTE REQUIREMENT FOR REVENUE REDUCTION.

Section 311(a) of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following: "Notwithstanding any other provisions of this Act or any other law, a bill, resolution, or amendment that reduces revenues may be considered and approved by a simple majority of the Senate."•

• Mr. BURNS. Mr. President, I rise today to offer my support of the Tax Fairness and Control Act of 1991, introduced by my good friend from Arizona, Senator MCCAIN. I was surprised and amazed, as I am sure most of my colleagues were, to learn of this unfair language in the Budget Enforcement Act of 1990.

The American taxpayer is being played for a fool, Mr. President. Their taxes can be raised by a simple majority, 50 votes plus 1. However, in order to lower their taxes there must be a "super" majority of 60 votes.

During the entire budget debate last year, we all heard the buzzword called fairness. Well, Mr. President, the language in the budget bill tells the working class taxpayers that the Congress is not going to play fair. We have crafted the rules to favor raising taxes to solve a budget shortfall instead of cutting taxes to stimulate growth in the economy.

The Congress is looking at the wrong end of the equation. Every American, if they were aware of the language, would be angry and upset. So I commend Senator McCAIN for introducing a bill that will require a 60-vote majority for any tax increase and a simple majority of 50 votes plus 1 for a tax cut.

Tax cuts can promote economic growth, which in turn increases Federal tax revenues. Virtually all economists now agree that we are now in a recession. Recessions inevitably cause the Federal deficit to grow because Federal revenues go down while Federal expenditures go up.

Senator McCAIN's bill places a heavier burden on the U.S. Senate to control Government spending and not allow the Senate to take the easy way out and raise taxes. This bill will prove to the American taxpayers that the Senate is serious about balancing the budget without placing further burden on the working class. This body talked a good game last year about fairness, now is the time to step up and do something responsible about it.●

● Mr. COATS. Mr. President, when I voted against the budget package last October, I did so for a number of reasons. One of the most damaging portions of the package was a renewed emphasis on the old, economically devastating tax and spend philosophy which has created a huge budget deficit at the Federal level and placed extreme restrictions on the ability for our economy to realize its full growth potential.

The American family has borne the brunt of irresponsible and excessive taxes and is suffering today as a result.

Unfortunately, the structure of the budget agreement has made it very difficult for those of us who believe the Government absorbs too great a portion of the working American's paycheck; who recognize that tax cuts stimulate economic growth and activity; who are outraged over continued excessive and wasteful Government spending, to enact responsible legislation.

We would like to see changes in our current policies. Changes that restore hard earned dollars directly to the American family through a doubling of the personal exemption. Changes such as a cut in the capital gains tax which would reinvigorate economic activity and create new jobs. Changes which make it harder for the Federal Government to increase the tax burden on the American public.

The fact that the budget agreement has made it easier to increase taxes and harder to cut them should outrage all taxpaying Americans. While only a simple majority is needed to approve a tax increase to feed an already bloated Government and sustain programs and projects in which the Government has no business being involved, a 60-vote majority is needed to approve tax cuts. A simple majority for unfair tax increases. A super majority for fair tax cuts.

Mr. President, the U.S. Congress has the power to reverse this travesty, and I believe we have a responsibility to the American people to do so.

Senator McCAIN from Arizona has had the courage and foresight to take on this mechanism which perpetuates the abuse of government power and the siphoning off of the American paycheck.

His bill, which I proudly cosponsor, will make it easier for those of us who would like to cut taxes to do so by requiring only 51 votes for passage. It will make it more difficult for the proponents of a greater tax burden by requiring a 60-vote majority for any tax increase.

It is time to put our foot down and insist that our deficit cutting efforts are focused on reducing spending, not on increased taxes. The current emphasis of tax and spend is not in the best interests of the American public. We have no business catering to an out-of-control government and sustaining special interests when they are dragging down the American family and the American economy.

It is our duty to protect American interests and Senator McCAIN's bill is a vitally important first step in achieving that goal. I urge my colleagues to join us in this effort by cosponsoring this very critical piece of legislation. It will benefit the American people we have been elected to represent and will go far in restoring some of our credibility as a responsible body of government.

Again, I thank the Senator from Arizona for his leadership on this issue and yield back the balance of my time.●

● Mr. CRAIG. Mr. President, at this particular time of the year, we Americans are all too well aware of the size of our tax burdens. And judging by my recent calls, letters, and conversations in Idaho and across the Nation, no taxpayer wants to see that burden increased.

How, then, can this body tolerate budget procedures that actually make it more difficult to lower taxes than it is to raise them?

The answer, of course, is: We can't.

That's why I am pleased to join Senator McCAIN today in the introduction of the Tax Fairness and Accountability Act of 1991. Those who have watched the budget battles in Congress year after year will appreciate the significance of this bill's requiring a 60-vote majority for tax increases and only a 50-vote majority for tax cuts. What's more important, even those tens of thousands of taxpayers who haven't followed annual legislative maneuvering will likely feel the significance of this reform—in their pocketbooks.

The power to tax is a dangerous tool: Used unwisely and excessively, it can destroy the very individuals, families, businesses, and Nation it is supposed to benefit. It is certainly appropriate, then, to impose one more check that will ensure such a decision is made deliberately and represents the will of a true majority of the American people.

Mr. President, this reform would not strip any constitutional taxing authority from the Congress; it just slightly raises one Senate procedural hurdle in the race to impose taxes, and slightly lowers one in the struggle to cut them. I commend my colleague from Arizona for his leadership in discovering the problem and working out a measured and appropriate response, and I hope the Senate will move swiftly to enact this reform.●

● Mr. HATCH. Mr. President, I rise today to join Senator McCAIN in urging our colleagues to support the Tax Fairness and Accountability Act of 1991.

Mr. President, this country is now experiencing a recession. Based on recent reports, the economy continued to soften in February. The civilian unemployment rate jumped from 6.2 percent in January to 6.5 percent, the highest since early 1987.

During this period of need, the ability of this legislative body to do something to help is hampered by the Budget Enforcement Act of 1990 which requires 60 votes in the Senate to pass any revenue-cutting legislation. This requirement ties the hands of Congress in doing what needs to be done—pass legislation designed to spur the economy.

This problem is made worse by the static scoring system utilized in Congress today. This method of scoring often categorizes a bill as losing revenue when, in reality, it would raise revenue through increased economic activity. For example, a commentary by Warren Brooks printed in the Washington Times on February 25, 1991, discusses the effects of the Wallop/DeLay growth package. This package will likely be scored as a revenue loser, thus requiring 60 votes to pass in the Senate. The article shows that this proposal would add 1.633 million jobs and contribute $228 billion to the GNP by the year 1995. In looking at the effect on revenues, however, the static method of scoring this bill shows it as a revenue loser, losing $32 billion by the year 1995. When looking at the whole picture using a dynamic approach to scoring, this bill becomes a revenue raiser, increasing taxes. We cannot ignore the relationship this legislation will have on the dynamic market.

By reversing this bias from one which focuses on tax-raising provisions to one which emphasizes tax cuts, we are making if possible for the Senate to take an aggressive role in controlling the recession. Controlling the level of taxation is a prudent budgetary tool. Economic activity is increased under lower levels of taxation. This increases total revenue and will help us out of this recession. On the other side of the question, by making it more difficult to raise the level of taxes, we are utilizing a proven tool to combat recession.

Let us allow Congress to become a driving force in combatting the recession by taking the first step toward controlling the spiraling budget deficit and the recession. I urge my colleagues to support the Tax Fairness and Accountability Act of 1991.●

● Mr. SMITH. Mr. President, Congress raised taxes in 1982, 1983, 1985, 1987, 1989, and 1990, and the Federal deficit this year will be more than $300 billion. Clearly, tax increases are not solving our budget problems. In fact, tax increases, combined with a lack of spending discipline, are creating our budget problems.

The Tax Fairness and Accountability Act of 1991 is a necessary step toward fiscal responsibility. Most Americans would probably prefer a 70- or 80-vote requirement for raising their taxes, but 60 is a fair number, and a number with precedent in this body.

I would like to thank my colleague from Arizona, Senator McCAIN, for spearheading this effort on behalf of the American taxpayer. Senator McCAIN has been active on the spending side of the deficit equation, with his support of enhanced rescission power and the line-item veto. This legislation will help focus attention on an equally devastating budget and economic problem—congressional addiction to raising taxes.

Mr. President, tax increases stifle economic growth. To date, congressional efforts to hold the line on taxes have failed miserably. Perhaps a 60-vote requirement will change this fact. I am proud to cosponsor the Tax Fairness and Accountability Act of 1991.●

● Mr. BOND. Mr. President, I commend Senator McCAIN for his excellent work on this bill. I am very proud to be a cosponsor of the Tax Fairness and Accountability Act of 1991 because it is time Congress gave taxpayers a break. When I first came to the Senate in 1987, many Missourians wrote to tell me they were angry their long-term savings and investment plans had been gutted by the Tax Reform Act of 1986. Many times Congress has given business owners and individual taxpayers good investment and savings incentives only to turn around and take them away after prudent investors had made long-term plans for their futures. Incentives such as the individual retirement account and lower capital gains taxes are only two of many examples where this has happened.

Business owners and individual taxpayers in Missouri are fed up with a system which makes it all too easy for Congress to raise taxes. While a good faith effort was made last fall to raise revenue and control spending, taxpayers do not believe that any spending control occurred—just a raise in taxes. As long as it is easy to get a simple majority to raise taxes, and not make any real cuts in spending, no cuts in spending will be made. That is why we need the Tax Fairness and Accountability Act of 1991.

This bill does not make it impossible to raise taxes, but it does make it more difficult. The 60-percent majority that would be required to pass a tax increase would ensure that every possible consideration would go into any decision to ask taxpayers for more money. It makes it possible for real cuts in spending to be the first consideration in controlling the deficit and it would give the taxpayers more confidence in the economy.

There can be little doubt that confidence in the U.S. economy has eroded. We are not in a recession. Unfortunately, this lack of confidence has permeated every aspect of the U.S. economy from investment to production to spending. While most economists predict an end to the recession later this year, the Congress could easily waylay it by increasing taxes or by not cutting spending.

Some in Congress may believe that cutting spending will have too negative an impact on parts of the economy. This is not necessarily true. Certainly there would be fewer Government contracts and, perhaps, a few less benefits, but these can be offset easily by leaving more money in communities from the start. This means not raising taxes and even lowering taxes in areas that promote economic growth. To raise taxes leaves little desire to invest in the economy to balance out with private funds any cuts in Federal spending.

A start to lowering taxes and increasing savings has been made this year with the introduction of the Savings and Investment Incentive Act. The next step is to make sure that, if passed, this and future savings and investment plans of American taxpayers cannot be arbitrarily ripped away, as they were in 1986, by passing the Tax Fairness and Accountability Act of 1991.●

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. METZENBAUM, Mr. DODD, Mr. ADAMS, Mr. BURDICK, Mr. LEVIN, Mr. CONRAD, Mr. KERRY, Mr. KOHL, and Mr. SHELBY):

S. 810. A bill to improve counseling services for elementary school children; to the Committee on Labor and Human Resources.

ELEMENTARY SCHOOL COUNSELING DEMONSTRATION ACT

● Mr. HARKIN. Mr. President, I rise today to introduce S. 810, the Elementary School Counseling Demonstration Act of 1991.

This legislation, which I introduced during the 101st Congress, establishes and expands counseling programs in our elementary schools, so that we can address the special needs of young people during the most critical period of their development. Currently, only 12 States require elementary counselors in their school systems, and many of these States have mandated counselor-student ratios at the unacceptable level of one counselor for every 400 to 500 students.

This bill authorizes the Secretary of Education to provide elementary school counseling demonstration grants to local school districts at an annual level of $5 million for the next 5 years. These grants, at a maximum of $200,000 per year, will be available to individual schools for up to 3 years. The legislation directs the Secretary to distribute these grants equitably throughout the United States, targeting rural, urban, and suburban areas. In addition, districts applying for the grants must maintain a counselor-student ratio of no more than 1 counselor per 250 students and must involve parents, business, and community groups in developing their counseling programs.

Experts in the field recommend this counselor-student ratio for providing counselors sufficient time to more effectively serve children. This ratio allows counselors to conduct small group sessions, classroom prevention programs, and consultation with teachers, administrators, and parents.

This theory has been put to practice in Iowa and it works. In 1988, the Des Moines Public School established the Smoother Sailing Pilot Program which decreased the counselor-student ratio to the recommended level. Smoother Sailing now operates in 10 Des Moines schools and provides an enhanced elementary school counseling program for students in kindergarden through fifth grade.

Early research shows increased student achievement and self-esteem while reducing the frequency and intensity of discipline problems in the 10 schools. Smoother Sailing proved to me how important early intervention programs are to the war on drugs. To stop the spread of drugs, we must reach our children before the drug dealers do.

This legislation is critical, for the stresses inflicted on our children today are enormous. We need to reach children who are suffering from physical abuse, those who live with a drug-addicted or alcoholic parent, and many who must contend with the aftershocks of a brutal divorce. Without school counselors available to address these issues with our children daily, these pressures culminate in disruptive behavior, academic problems, and emotional disorders.

We recently celebrated National School Counseling Week, and this event highlighted the tremendous talent and enthusiasm in the counseling community today. These professionals see themselves as prevention specialists rather than therapists. They understand that, by making contact with a child early on, these students have a better chance of developing the self-esteem and problem-solving skills that will benefit them during their teenage years.

Smoother Sailing should serve as a model program for Iowa and the rest of the Nation. The Elementary School Counseling Demonstration Act expands the principles and objectives of Smoother Sailing to the entire Nation. I believe a successful demonstration project will encourage all school districts to make elementary school counseling programs a priority. We know that investing in our young people is the key to ensuring a society of healthy and educated adults. Programs such as Head Start attest to the success of this early intervention and prevention strategy. I hope my colleagues will support this bill, so that we can help our youngsters excel during their school years and in the years beyond.●

By Mr. HOLLINGS (for himself, Mr. EXON, Mr. BRYAN, Mr. BREAUX, Mr. REID, Ms. MIKULSKI, and Mr. SIMON):

S. 811. A bill to require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of magnetic levitation and other high-speed rail transportation systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HIGH-SPEED RAIL TRANSPORTATION ACT

Mr. HOLLINGS. Mr. President, in 1990, President Bush issued a national transportation policy statement prepared by Secretary Skinner and the Department of Transportation [DOT]. In announcing the policy, the President spoke of the need to find means of improving the mobility of our citizens in the future. While there has been some criticism of the administration's policy, I certainly agree that, if we are to remain competitive as a nation, we need to do a better job of transporting people.

With this in mind, I am introducing today, with Senators EXON, BRYAN, BREAUX, REID, MIKULSKI, and SIMON, a bill that will establish a comprehensive Federal policy for the development of high-speed rail, including magnetic levitation [maglev], transportation within the United States. This bill recognizes the recent advances made by the Federal Government's national maglev initiative and seeks to augment this effort by strengthening the framework for a genuine partnership between the private and public sectors. It is directed toward research, development, and implementation of high-speed rail technology in this country, promoting the goal of a domestic high-speed rail industry, rather than simply relying on foreign technology to meet United States and world needs.

The bill I am introducing will accomplish several goals. At the outset, it provides a statutory charge for DOT to lead Federal high-speed rail efforts in cooperation with other interested Federal agencies. This builds on the principles of the High-Speed Ground Transportation Act, which, since the 1960's, has set for DOT the goal of promoting advanced methods of high-speed transportation. In the Rail Safety Improvement Act of 1988, Congress further clarified the authority of the Federal Railroad Administration [FRA] within DOT to establish safety standards for maglev and other advanced rail transportation systems.

This bill also uses the provisions of the Stevenson-Wydler Technology Innovation Act to authorize the Secretary of Transportation to enter into cooperative research and development agreements with United States companies to conduct research to overcome technical and other barriers to the development and construction of high-speed transportation systems. Under the bill, $150 million in Federal funding is authorized, over a 5-year period, for the purposes of supporting a mandated feasibility study by DOT and providing grants for research, development, and implementation of commercial, high-speed transportation in the United States. Funding awarded for grants would be matched by the private sector as part of these research agreements. This public/private sector partnership should do much to ensure a solid commitment to the development of high-speed rail transportation.

Finally, this bill establishes within DOT, and specifically the FRA, a new Office of High-Speed Ground Transportation, headed by a Director who reports to the FRA Administrator. This office is to establish national uniform standards for both high-speed rail and maglev systems, regulate the design and construction of these systems to ensure conformity with standards of technology, safety and environmental quality, and make annual recommendations for legislative and administrative action to facilitate these projects.

All too often in transportation, we are faced with solving immediate problems, with putting out bonfires. It is rare that we have the opportunity to look forward. High-speed rail gives us the opportunity to be farsighted, to be visionary. Yet, this technology is clearly rooted in reality and, indeed, can help us meet our pressing transportation problems.

I am pleased to report that there is growing interest in high-speed rail transportation by the private sector and government. I know others share with me an interest in examining further the potential for, and, I hope, the implementation of high-speed rail transportation in this country. The legislation that I am introducing today should do much to advance this concept and move the United States and our transportation network into the 21st century. I look forward to working with my colleagues and the administration on this proposal.

Mr. EXON. Mr. President, I am pleased to join the chairman of the Commerce, Science, and Transportation Committee, Senator HOLLINGS, as an original cosponsor in the introduction of the High-Speed Rail Transportation Act of 1991. This legislation addresses the need for cooperative research and development efforts among industry, the academic community, and government if the United States is to assert its technological prowess in the area of magnetic levitation [maglev] and other high-speed rail transportation initiatives.

As those of you familiar with this technology know, U.S. scientists pioneered maglev technology in the 1960's and 1970's. The High-Speed Ground Transportation Act was passed in 1965 with the Federal Government initially providing research and development grants. In 1975, the Federal Government pulled out of the maglev race, after which Japan and Germany became the leaders in this field. Given the increasing demands being placed on our existing transportation arteries, I am encouraged that efforts are under way through the national meglev initiative to determine the appropriate Federal role in advancing energy-efficient, high-speed technology which has the potential to supplement existing transportation modes, increase system capacity, and foster economic growth.

This bill requires the Department of Transportation to lead and coordinate Federal efforts to develop high-speed technologies and foster implementation. These efforts would be advanced by entering into cooperative research and development agreements with U.S.

companies to conduct research to overcome technical and other barriers to the development and construction of these systems. This legislation also requiries the Department to study the commercial feasibility of constructing one or more high-speed transportation systems in the United States. Within 18 months of enactment, the Secretary is to submit this study to the appropriate committees of the Congress. Additionally, the bill authorizes a total of $150 million over a 5-year period, beginning with fiscal year 1992, to support the mandated study and provide grants for the research, development, and implementation of a viable U.S. commercial high-speed rail transportation industry.

The "Statement of National Transportation Policy: Strategies for Action" released in 1990 by the administration, highlighted the need to "provide seed money for research on new transportation systems and technology, and assist in assessing their feasibility." We must take this mission seriously if we hope to assure the viability and technological competitiveness of the U.S. transportation industry.

I urge my colleagues to join me as a cosponsor of the High-Speed Rail Transportation Act of 1991.

By Mr. JEFFORDS (for himself and Mr. GRAHAM):

S. 812. A bill to amend the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. JEFFORDS. Mr. President, on May 21 of last year, the Supreme Court ruled that a State does not have the right to regulate the flow of water at dams within its border. The bill I am introducing today clarifies Congress' intent that a State does have control over its own water resources. Before a hydropower dam can receive a Federal permit, the dam must first comply with the laws of the State in which it proposes to operate.

The necessity for this change in law arises from a unanimous Supreme Court decision of May 21 in California versus Federal Energy Regulatory Commission (Rock Creek). The Court founded its decision on a precedent established in First Iowa Hydro-Electric Cooperative versus Federal Power Commission 46 years ago. In view of the long period of intervening time, the Court declined to revisit the interpretation of the Federal Power Act as set forth in the First Iowa decision.

Our knowledge and understanding of the environment has changed dramatically in the last 46 years. Our increasing awareness has prompted passage of the Clean Water Act; the Clean Air Act; the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation, and Liability Act, and many other environmental measures. I regret that the Supreme Court was not willing to reconsider the precedent set 46 years ago given the environmental awareness that existed at that time.

Mr. President, we have too many examples of the Federal Government's inability to balance environmental concerns with other interests. Our Federal Government's record of protecting the environmental quality of its own lands is poor, and now the Court has given the Federal Government the chance to do the same to State waters.

The Federal Energy Regulatory Commission has an important and difficult regulatory task. With our present and future energy needs, it is very important that we utilize our domestic resources. FERC should be given the regulatory flexibility to review and approve, if appropriate, emerging energy technologies. I agree that FERC's review process is cumbersome, inefficient, and in need of streamlining.

I honestly question, however, whether FERC has the resources and knowledge necessary to undertake the depth of review that is required in many of these applications for small hydroelectric power plants. I have much more confidence in the ability of States to protect the integrity of streams and rivers. In the past, I have proposed delegating the licensing authority to the States. I continue to support any efforts in direction.

In the interim, however, FERC must abide by State water quality standards. Streamlining the relicensing process should not come at the expense of the environment or of States' legitimate needs. Without a regulatory foothold in the application process, the States are rendered essentially powerless.

My bill is very brief and to the point, Mr. President. This bill expands section 401 of the Clean Water Act to stipulate that a "discharge" from a hydropower project includes an activity that, while it might not introduce pollution into the waterway, might still result in water quality degradation or impairment of designated uses recognized under State law. Some courts have interpreted section 401 as applying merely to numeric standards for dissolved oxygen and bacteria in the water. Other uses, such as preservation of wildlife and recreational access, are not given equal standing. This bill gives preservation of wildlife and recreational access equal standing under the law. Numerous environmental groups support this legislation. I have heard from numerous State agencies in support of this legislation, including Alabama, Arkansas, California, Kentucky, Maine, New York, New Jersey, and Idaho.

My bill is not intended to be a hindrance to the development of hydroelectric facilities. These facilities, however, must be built and operated in a manner that is considerate of other uses of the waterway, and States that have enacted policies to balance these competing uses should have the authority to enforce their policies.

My colleague, Senator CRAIG, has introduced legislation to clarify that it is not the intent of the Federal Power Act to pre-empt State laws. The Craig bill raises legitimate issues which I hope will be promptly and thoroughly reviewed by the Committee on Energy and Natural Resources. I look forward to working with all of my colleagues who are concerned about this issue. I would also like to thank the Energy Committee for accommodating many of my concerns thus far.

Mr. President, the Supreme Court, in its decision, invited Congress to revisit and clarify its intent on the issue of State's authority to protect their water resources. Once again, it is my personal opinion that current law already provides this authority to the States. The courts have differed, and so I propose to settle the matter through enactment of this legislation. I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)(1)) is amended by inserting immediately before the period at the end of the first sentence a comma and the following: "and, in the case of a hydroelectric project under the jurisdiction of the Federal Energy Regulatory Commission that any such activity will comply with water quality standards issued under section 303 and allow for protection, achievement, and maintenance of designated uses included in such standards".

By Mr. GRASSLEY:

S. 813. A bill to establish the Federal Interagency Advisory Council and promote the use of senior citizens in the support of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

S. 814. A bill to amend the Environmental Programs Assistance Act of 1984 to provide that for purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of individuals authorized by such act, the United States is liable, and for purposes of access to trade secrets and confidential business information such individuals are authorized representatives of the U.S. Environmental Protection Agency; to the Committee on Environment and Public Works.

FEDERAL SENIOR CITIZEN PERSONNEL SUPPORT COUNCIL ACT AND THE ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984 AMENDMENTS

• Mr. GRASSLEY. Mr. President, today I am introducing two bills, one of which would help further the employment of older workers, and one of which would enable older workers in an existing program to fully perform the duties required by their jobs. The first bill would establish a Federal interagency council to promote, and coordinate the use of, older workers in the Federal Government. This council would be called the Federal Senior Citizen Personnel Support Council.

The second bill would clarify the Government's liability for the actions of individuals performing services for the Environmental Protection Agency [EPA] in that Agency's Senior Environmental Employment Program [SEE], and would provide those workers with the same access to proprietary information needed to do their work that regular EPA employees have. I introduced both bills last year, but too late in the session for action.

The aim of the interagency council bill is to help foster programs in Federal agencies that employ retired workers. The program established by this legislation would do this in several ways:

First, it would require the interagency council to develop, and monitor implementation of, a plan to increase the employment and utilization of senior citizens as support personnel for Federal programs, and, where feasible, for State and local government programs; to exchange information between Federal agencies with respect to increasing the utilization of senior citizens; and to recommend any legislation necessary to remove obstacles which prevent employment of senior citizens by the Federal Government.

Second, it would require each Federal agency to show, through an agency plan, to be submitted to the council, how it would achieve the goals of the plan developed by the council.

Finally, the Federal Council on Aging would periodically review the progress made by the Federal Government toward employing senior citizens as support personnel in Federal agencies. This Federal Council on Aging review would look at unintended regulatory barriers to employment of older workers, determine the adequacy of announcements of program support opportunities, and identify ways to eliminate impediments and hindrances to employment of older workers.

The inspiration for this council proposal, Mr. President, is the Senior Environmental Employment Program, known as the SEE Program, at the Environmental Protection Agency [EPA]. This program employs older workers to carry out many of the regular activities of the Agency.

This program began some years ago as a demonstration project run jointly by EPA and the Administration on Aging in the then Department of Health, Education, and Welfare. The primary purpose of this original project was to demonstrate ways in which older Americans could be effectively employed in jobs relating to the prevention, abatement, and control of environmental pollution.

Several years later, in 1984, legislation was introduced by myself and Senators Stafford, Heinz, Specter, and Pell to make the program permanent. The Environment and Public Works Committee agreed unanimously to report the legislation, it passed the Senate, and the President signed what became Public Law 98-313 on June 12, 1984.

This program has been a success, and has demonstrated conclusively that older workers can make a contribution to achievement of the Agency's objectives. EPA seeks out older Americans with appropriate skills, training, and expertise to augment its permanent headquarters staff and field staff, as well as the staff of State and local government. These workers survey waste dumps, conduct surveys of hazardous waste products, study the extent to which migrant workers are exposed to pesticides, and undertake many other tasks related to the mission of EPA.

Recently, other agencies have become interested in organizing SEE-type programs. Such a program has been created at the Federal Communications Commission, and I believe that organization of such a program is under consideration at the Occupational Safety and Health Commission.

Mr. President, I believe that this interest shown in a SEE-type program in the Federal Government outside of EPA shows that there is considerable potential for such programs throughout the executive branch and State and local government. I believe that a council, of the sort envisioned by this legislation, could greatly help foster the employment of well-qualified older workers throughout the Federal Government.

The second bill I am introducing today would clarify the Government's liability for the actions of individuals performing services for the EPA in the SEE Program. The bill would also provide the SEE Program workers the same access to proprietary information needed to do their jobs that regular EPA employees presently have.

I am introducing this legislation today because there is concern at the EPA that their SEE workers might be liable to lawsuit as a consequence of work they do on behalf of EPA. What the legislation would do is cover these SEE workers under the Federal Tort Claims Act. The workers in question work under the close, direct, supervision of career EPA officials, on projects, specified by EPA officials, which are undertaken as part of the EPA mission.

There is also concern at the EPA that the workers in question may not have the legal authority to review, in the course of their work, materials considered to contain proprietary information. This bill would make it clear that they are empowered to review such materials. Again, it is important to stress that these workers are under the close supervision of EPA officials. Furthermore, they are mature individuals with long histories of work comparable to work they would be performing for EPA. In other words, I believe that they would be able to handle such information in a responsible way.

Mr. President, I have a statement from the EPA to the effect that neither the Department of Justice nor the Office of Management and Budget have any problem with this legislation.

I ask unanimous consent that this letter be placed in the Record after my remarks together with the text of the two bills.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Senior Citizen Personnel Support Council Act of 1991".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) advance the development of more employment programs which utilize the talents and skills of older Americans especially those who may be subject to age discrimination in the job market;

(2) strengthen the capacity of Federal agencies to perform legislative mandates; and

(3) increase the opportunities for senior citizens to serve the Nation in highly specialized and technical areas where their knowledge and experience can make a meaningful difference.

SEC. 3. ESTABLISHMENT.

There is established the Federal Senior Citizen Personnel Support Council (hereafter referred to as the "Council").

SEC. 4. MEMBERSHIP OF THE COUNCIL.

(a) Membership.—The Council shall be composed of 7 members, including—

(1) the Administrator of the Environmental Protection Agency;

(2) the Commissioner of the Administration on Aging of the Department of Health and Human Services;

(3) the Secretary of Labor; and

(4) 4 members appointed by the President, 2 of which shall be representatives of—

(A) national aging organizations; and

(B) senior citizens at large.

(b) Chairman.—the Administrator of the Environmental Protection Agency shall serve as the Chairman of the Council for the initial 3-year term. Thereafter, the Council shall select a Chairman from among its members.

(c) Quorum.—Four members of the Council shall constitute a quorum.

(d) TERM OF OFFICE.—Each appointed member shall be appointed for a term of 3 years. A member may serve more than 1 term.

(e) VACANCIES.—Any vacancies in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment.

(f) INITIAL APPOINTMENTS.—Initial appointments to the Council shall be made within 60 days after the date of the enactment of this Act.

SEC. 5. FUNCTIONS.

(A) FEDERAL PLAN.—The Council shall develop and monitor the implementation of a Government-wide Federal plan to—

(1) increase the employment and utilization of senior citizens as support personnel for federally sponsored programs;

(2) provide for State and local government participation;

(3) exchange information between Federal agencies to greater utilize the skills, training, and expertise of senior citizens in such programs; and

(4) recommend any legislation necessary to remove obstacles preventing implementation of plans under this Act.

(b) FEDERAL AGENCY PLANS.—The Council shall review the report and plan of each Federal agency submitted under section 6.

(c) REPORT.—No later than January 15 of each year, the Council shall submit a report to the President and the Congress on the status of the implementation of the Federal plan developed under subsection (a) for the preceding year.

SEC. 6. FEDERAL AGENCY PLANS AND REVIEW.

(a) FEDERAL AGENCY PLANS.—No later than January 15 of each year, each Federal agency shall submit to the Council a plan that—

(1) applies and implements the Government-wide plan developed under section 5 to the agency;

(2) sets out the objectives of the agency in implementing such plan in the upcoming year; and

(3) measures the performance of the agency in meeting the objectives of the preceding year.

(b) Federal Departments and Agencies establishing employment programs for senior citizens shall designate such programs as Senior Employment Exchange (SEE) programs with the exception of the United States Environmental Protection Agency, which has been established as the Senior Environmental Employment (SEE) program.

(c) REVIEW OF FEDERAL AGENCY PROGRAMS.—No later than January 1, 1995 and every 5 years thereafter, the Director of the Federal Council on Aging shall oversee a special review by each Federal agency to determine the extent to which senior citizens are given an equal opportunity to participate as support personnel in Federal programs. The review shall examine unintended regulatory barriers, determine the adequacy of announcements of program support opportunities and identify ways for eliminating impediments and hindrances.

SEC. 7. COOPERATION WITH FEDERAL AGENCIES.

(a) FURNISHING INFORMATION.—Each department, agency, and instrumentality of the Federal Government is authorized and directed to furnish to the Council, upon requests made by the Chairman, such data, reports, and other information not otherwise prohibited by law as the Council determines necessary to carry out its functions.

(b) PROVISION OF SERVICES.—The head of each department or agency of the Federal Government is authorized to provide to the Council such services as the Council requests on such basis, reimbursable or otherwise, as may be agreed between the department or agency and the Chairman of the Council. All such requests shall be made by the Chairman of the Council.

(c) ENVIRONMENTAL PROTECTION AGENCY SUPPORT SERVICES.—For the initial term of the Administrator of the Environmental Protection Agency as Chairman of the Council, the head of the Office of Senior Environmental Employment of such agency shall provide support services for the Council. Thereafter the Environmental Protection Agency, the Department of Labor, and the Administration on Aging shall provide services to the Council on a rotational basis or as otherwise agreed by such agencies in the same manner as provided for under subsection (b).

SEC. 8. ADMINISTRATIVE PROVISIONS.

(a) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of service for the Council, appointed members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(b) PERSONNEL.—The Council may appoint and fix the compensation of personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not to exceed the maximum rate authorized by the General Schedule. In addition, the Council may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for the maximum rate authorized by the General Schedule.

(c) CONSULTANTS.—The Council is authorized to negotiate and enter into contracts with private organizations and education institutions to carry out such studies and prepare such reports as the Council determines are necessary in order to carry out its duties.

(d) COMPENSATION.—Individuals serving under the Senior Employment Exchange program shall be considered enrollees, entitled only to those wages and other appropriate fringe benefits as provided by statute and regulation governing such programs.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Council such sums as may be necessary to carry out the provisions of this Act.

S. 814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Programs Assistance Act of 1984 Amendments of 1991".

SEC. 2. AMENDMENTS TO THE ENVIRONMENTAL PROGRAMS ASSISTANCE ACT.

Section 2 of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a) is amended by adding at the end thereof the following new subsections:

"(d) For purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of an individual whose talents are authorized to be used by this section, the United States is liable for the damage, injury or death in accordance with the provisions of the Federal Tort Claims Act where the individual was acting in accordance with the directions of or under the supervision of an authorized Federal employee.

"(e) For purposes of access to trade secrets and confidential business information, any individual whose talents are authorized to be used by subsection (a) in connection with programs administered by the Administrator of the Environmental Protection Agency, including the Solid Waste Disposal Act (42 U.S.C. 6921(b)(3)(B)(ii)(II), 6927(b), and 6991d(b)); the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604 (e)(2) and (e)(7)); the Clean Water Act (33 U.S.C. 1318(b) and 1369(a)(1)); the Clean Air Act (42 U.S.C. 7414(c), 7542(b), and 7607(a)(1)); and the Public Health Service Act (42 U.S.C. 300j–4(d)); shall be considered to be an authorized representative of the Administrator and the United States and eligible for such access. Such access shall be in accordance with United States Environmental Protection Agency regulations governing disclosure of confidential information to authorized representatives.

"(f) For purposes of access to trade secrets and confidential business information, any individual whose talents are authorized to be used by subsection (a) shall, while being utilized in connection with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h(e), 136(f)(2), and 136j(a)(2)(D)); the Toxic Substances Control Act (15 U.S.C. 2613 (a)(2) and (d)(2)); the Noise Control Act (42 U.S.C. 4912(b)); or under section 408(f) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(f)); be considered to be an authorized representative of the Administrator and the United States and eligible for such access.".

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, May 29, 1990.

Hon. CHARLES E. GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: This letter is to inform you that the Office of Management and Budget has advised the U.S. Environmental Protection Agency (EPA) that there is no objection to the presentation of EPA's proposal cited as the "Environmental Programs Assistance Act Amendments of 1990" to Congress from the standpoint of the Administration's program.

We appreciate your continued interest in this matter.

Sincerely yours,
CHRISTOPHER P. HOFF,
Acting Director,
Legislative Analysis Division.●

By Mr. BROWN (for himself, Mr. HATCH, and Mr. DANFORTH):

S. 815. A bill to amend the Public Health Service Act to provide for the establishment of an office of medical insurance and to establish a self-insurance fund to provide coverage for successful malpractice claims filed against health service providers utilized by community and migrant health centers, and for other purposes; to the Committee on Labor and Human Resources.

COMMUNITY AND MIGRANT HEALTH CENTERS SELF-INSURANCE ACT

● Mr. BROWN. Mr. President, I rise today to introduce legislation to save community and migrant health centers millions of dollars and use those savings to enhance health care services for America's poorest citizens.

This bill enjoys the support of the National Association of Community Health Centers, the Association of Maternal and Child Health Programs, and the American Association of State and Territorial Health Officers. Although the latter two organizations would not directly benefit from this legislation, they understand the need to address the issue of malpractice coverage for health professionals who serve in medically underserved areas and see this as a first step in developing a wide range of new answers to old problems.

Community and migrant health centers were created in 1966 to provide high-quality health care to patients who, due to poverty, disability, or geographic location normally received little or no health care. Today there are 540 centers across the country with nearly 2,000 clinic sites.

Given the limited funding available to community and migrant health centers, and an increasing demand nationally for their services, the time has come to reduce the burden on these centers of the excessive expense for malpractice insurance.

Health care costs now account for 11.6 percent of the gross national product, and Congress is faced with the spectre of increasing costs for publically sponsored health care. Congress must examine every Federal dollar spent in the area of health care and make certain that taxpayer dollars are used wisely.

Where Federal action is necessary, Congress should be a prudent consumer and provider of health care services and learn to efficiently and effectively finance health care for America's neediest citizens. By reviewing how we currently spend health care dollars, we can find ways to restructure our system to release moneys to address pressing national concerns, such as health care for America's poor.

The exorbitant cost of malpractice insurance has centers struggling to provide primary health care for our Nation's neediest people. According to the National Association for Community Health Centers, for every one patient they serve, four more need care. Health centers are reporting that 15–28 percent of their patients have to be placed on a waiting list due to limited financial and professional resources.

Health centers are experiencing a shortage of obstetricians/gynecologists. In fact, 30–40 percent of all centers do not have staff obstetricians/gynecologists and must contract out for these services or simply not offer prenatal care. This limitation has a tremendous effect on the 1.8 million women of childbearing ages who depend on community and migrant health centers for prenatal care and family planning services.

Who depends on these centers? Six million Americans a year receive care from community and migrant health centers. Of these 6 million patients, 4 million are minorities and 2.5 million are children. Community and migrant health centers also play a key role in delivering health care services to the homeless of our society, serving over 300,000 homeless Americans.

Community and migrant health centers are a main source of primary care for this Nation's uninsured. In a report by the National Association of Community Health Centers, they estimate that 49 percent of patients treated at these health centers are uninsured Americans. The remaining 51 percent are a mixture of Medicare and Medicaid clients, and a small number of privately insured patients.

In my home State of Colorado, 243,534 patients were treated by community and migrant health centers in 1990 at an average cost of $206 per patient; 65 percent of the patients treated at the 14 community and migrant health centers in Colorado do not have insurance; 30 percent of all patients were children under the age of 14; 12 percent were migrant and seasonal farmworkers. In my hometown of Greeley, the Sunrise Community Health Center has had to stop seeing new patients from outside of Weld County due to limited resources.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community and Migrant Health Centers Self-Insurance Act of 1991".

SEC. 2. ESTABLISHMENT OF OFFICE OF MEDICAL INSURANCE.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

"SEC. 330A. OFFICE OF MEDICAL INSURANCE.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Public Health Service an Office of Medical Insurance to administer the fund established under subsection (b).

"(b) SELF-INSURANCE FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the Office of Medical Insurance Self-Insurance Fund (hereafter in this section referred to as the 'Self-Insurance Fund'), consisting of such amounts as are transferred to the Self-Insurance Fund under paragraph (2) and any interest earned on the investment of amounts in such Fund under paragraph (3)(B).

"(2) TRANSFER OF AMOUNTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Self-Insurance Fund an amount equal to the sum of amounts received under subparagraph (B).

"(B) AMOUNTS.—The Secretary of Health and Human Service shall make available for transfer under subparagraph (A)—

"(i) from amounts appropriated under sections 329(h), 330(g) and 340—

"(I) $30,000,000 for fiscal year 1992;

"(II) $25,000,000 for each of the fiscal years 1993 and 1994; and

"(III) for each of the 1995 and subsequent fiscal years, such sums as are determined necessary by the Office of Medical Insurance, based on claims filed during each of the fiscal years 1992 through 1994, to maintain the actuarial soundness of the Self-Insurance Fund; and

"(ii) such sums as are received, and not otherwise utilized for administrative purposes, by the Office of Medical Insurance from assessments made under subsection (c)(2).

"(C) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Self-Insurance Fund under subparagraph (A) shall be transferred at least quarterly from the general fund of the Treasury to the Self-Insurance Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(3) INVESTMENT OF FUNDS.—

"(A) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Self-Insurance Fund as is not, in the judgment of such Secretary, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, of the United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Self-Insurance Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

"(B) SALE OF OBLIGATION.—Any obligation acquired by the Self-Insurance Fund (except special obligations issued exclusively to such Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Self-Insurance Fund shall be credited to and form a part of such Fund.

"(4) OBLIGATIONS FROM FUND.—

"(A) IN GENERAL.—The Secretary of Health and Human Services, acting through the Office of Medical Insurance, is authorized to obligate such sums as are available in the Self-Insurance Fund (including any amounts not obligated in previous fiscal years) to—

"(i) provide coverage for successful medical malpractice claims filed against health care providers utilized by community or migrant health centers or other centers receiving assistance under section 329, 330 or 340 or their health care providers, if such claims arise from care provided by such providers pursuant to authority granted by such health centers; and

"(ii) provide coverage for successful claims filed against the Directors or officers of community or migrant health centers, or against health care for the homeless programs, receiving assistance under section 329, 330 or 340 or their health care providers, if such claims arise from any acts, errors, or omissions of the duties of such Directors or officers;

as provided for in subsection (c)(3)

"(B) CONTINGENCY FUND.—From amounts transferred into the Self-Insurance Fund under paragraph (2)(B), the Secretary of Health and Human Services shall set-aside—

"(i) $10,000,000 in fiscal year 1992; and

"(ii) $5,000,000 in each of the fiscal year 1993 and 1994;

to establish a contingency fund, that may be invested as provided for in paragraph (3), to be utilized only upon a determination made by such Secretary that a claim made on the Self-Insurance Fund is of a catastrophic nature.

"(5) OVERSIGHT.—

"(A) EVALUATION.—Not less than once every 2 years, the Office of Medical Insurance shall conduct a review of the Self-Insurance Fund to evaluate the actuarial health and soundness of such Fund and shall track any substantial changes in total amounts claimed against such Fund during such periods.

"(B) EXCESS FUNDS.—If the Office of Medical Insurance determines that excess monies are building up in the Self-Insurance Fund as a result of investment returns or lower than expected anticipated claims against the Fund, such Office shall direct the Secretary of the Treasury to transfer such excess from the Fund to the appropriate accounts for the funding of migrant and community health centers under section 329, 330 or 340. Notification of such transfers shall be provided by the Office to the appropriate Committees of Congress.

"(C) INSUFFICIENT FUNDS.—If the Office of Medical Insurance determines that insufficient amounts are contained in the Self-Insurance Fund, the Office shall request that the President submit a budget request, either as part of the annual budget of the United States government submitted to the Congress pursuant to section 1105 of title 31, United States Code or for a supplemental appropriation, for additional funds.

"(c) ADMINISTRATIVE PROCEDURES.—

"(1) ELIGIBILITY.—To be eligible to receive coverage from the Self-Insurance Fund under subsection (b)(4), a migrant or community health center, or health care for the homeless program, that receives assistance under section 329, 330 or 340 shall—

"(A) permit any malpractice insurance contract that such center has entered into prior to the date of enactment of this section, and that has not expired by such date, to remain in effect until its normal expiration date;

"(B) notify the Office of Medical Insurance that such center has—

"(i) elected to accept malpractice insurance coverage as provided for in this section; or

"(ii) elected to retain malpractice insurance coverage under a commercial insurance contract that is demonstrated to be less expensive to such center than participation in the Self-Insurance Fund;

"(C) agree to make contributions as provided for in paragraph (2); and

"(D) agree to comply with the claim procedures described in paragraph (3).

"(2) CENTER CONTRIBUTIONS.—The Office of Medical Insurance shall, for each fiscal year for which a migrant or community health center, or health care for the homeless program, that receives assistance under section 329, 330 or 340 elects to accept malpractice insurance coverage from the Self-Insurance Fund, assess a contribution to be paid by each such center based on a pro-rata formula developed by the Office to maintain the actuarial soundness of the Self-Insurance Fund.

"(3) CLAIM PROCEDURES.—

"(A) COVERAGE.—The Self-Insurance Fund shall provide coverage, as provided for in this section, for a court ordered settlement decision, or out of court settlement agreement, concerning a medical malpractice claim that is ordered or reached after the date of enactment of this section, without regard to the date on which such claim was originally filed.

"(B) SUBMISSION AND PAYMENT OF CLAIMS.—A court ordered settlement decision or out of court settlement agreement shall be submitted by the appropriate migrant or community health center, or health care for the homeless program, to the Office for Medical Insurance for payment from the Self-Insurance Fund not later than 30 days after such decision or agreement is ordered or reached. The Office will make payment on such claim, after determining that the center has complied with the requirements of this section, during either the second or fourth quarter of the fiscal year during which such claim for payment is made.

"(C) CLAIMS MANAGEMENT.—The Office for Medical Insurance may enter into a contract with a public or nonprofit private entity for the management of claims submitted to the Self-Insurance Fund under this section.

"(d) USE OF SAVINGS.—

"(1) MIGRANT OF COMMUNITY HEALTH CENTERS.—Section 329(d)(4)(B) or section 330(d)(4)(B) shall apply to a migrant or community health center that derives any savings as a result of participating in the Self-Insurance Fund.

"(2) HEALTH CARE FOR THE HOMELESS PROGRAMS.—The Secretary shall promulgate regulations that apply provisions similar to those referred to in paragraph (1), to savings derived, as a result of participation in the Self-Insurance Fund, by health care for the homeless programs that are funded under section 340.

"(e) ADMITTING PRIVILEGES.—It shall be unlawful for any hospital to deny admitting privileges to any physician, dentist, or other health care personnel who is employed by, or under contract to, a health center, program, or other entity receiving assistance under section 329, 330, or 340 and to whom admitting privileges are available, except that such physician, dentist, or other health care personnel shall otherwise meet the professional qualification standards established by the hospital for granting such privileges and shall agree to abide by all published bylaws, rules, and regulations applicable to the medical staff of such hospital.

"(f) ACTUARIAL ANALYSES.—

"(1) REQUIREMENT.—Not later than September 30, 1997, the Office of Medical Insurance shall request and enter into contracts for the conduct of three actuarial analyses concerning the performance of the Self-Insurance Fund.

"(2) TYPES.—The analyses required under paragraph (1) shall include—

"(A) an analysis to be conducted by the Health Care Financing Administration;

"(B) an analysis to be conducted by the Congressional Budget Office; and

"(C) an analysis to be conducted by an independent evaluator selected by the Office through a competitive bid process.

"(3) CONTENTS.—The analyses conducted under this subsection shall be based on the claims history of the Self-Insurance Fund for at least a 36-month period and shall contain—

"(A) recommendations on the manner in which the Fund should be managed during the 4-year period beginning with fiscal year 1997;

"(B) a description of whether the Fund contains sufficient or excessive amounts of capital; and

"(C) a description of the actions that are or may be needed to ensure that the administration and capitalization of the Fund is in compliance with this section.

"(4) DATA COLLECTION METHOD.—Not later than 1 year after the date of enactment of this section, the Office of Medical Insurance shall develop a data collection method to ensure that accurate and reliable data is collected and made available concerning the Self-Insurance Fund.".

By Mr. MOYNIHAN (for himself, Mr. BROWN, Mr. PELL, Mr. HELMS, Mr. LIEBERMAN, Mr. BURNS, Mr. INOUYE, Mr. SIMON, Mr. KERRY, Mr. SPECTER, Mr. WALLOP, Mr. AKAKA, Mr. BRADLEY, Mr. MCCAIN, Mr. DECONCINI, Mr. COATS, Mr. D'AMATO, Mr. DIXON, Mr. RIEGLE, and Mr. SEYMOUR):

S. 816. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Baltic peoples to alleviate suffering; to the Committee on Foreign Relations.

BALTIC HUMANITARIAN ASSISTANCE

• Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation which would provide $20 million in humanitarian assistance to the Baltic States.

Since the signing of the illegal protocols to the Molotov-Ribbentrop nonaggression pact of 1939 that purported to grant Moscow dominion over the Baltic States, the Baltic peoples have struggled bravely for their independence.

For 50 years, the United States has championed this independence rhetorically. But we have balked at providing material aid. In the 101st Congress I introduced legislation to provide $10 million of medical and humanitarian assistance to Lithuania, in response to the Soviet blockade and as a concrete demonstration of support for the Lithuanian people.

After the blockade was lifted I argued that Lithuania had no reserves and that the Soviets could plunge the state into crisis in a moment's notice. That these were not appropriate circumstances for genuine negotiations. More. After a half century of providing nothing but rhetoric to support the Baltic peoples, I thought it was time to provide tangible assistance.

I believe that even more strongly now. Perhaps tangible support would have helped to deter the recent crackdown in the Baltic States. To be sure, I welcome the Bush administration's belated decision to transport donated medical assistance to the Baltic States. But this is not enough. The Congress must adopt legislation to provide the Baltic States with humanitarian assistance purchased with U.S. funds.

Mr. President, I introduce this legislation today for myself, Senator BROWN, and 17 of our colleagues. I encourage others to join us in this effort, and ask unanimous consent that the text of this measure be printed in the RECORD at this time.•

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) is amended by adding at the end thereof the following new section:

"SEC. 495L. BALTIC HUMANITARIAN RELIEF.—(a) The Congress recognizes that prompt United States assistance is desirable to help alleviate suffering in the Baltic republics which has caused great suffering among the Baltic peoples, especially with regard to a severe shortage of medical supplies and the basic necessities of life.

"(b)(1) The Administrator of the Agency for International Development shall—

"(A) furnish, in accordance with the authorities of this chapter, humanitarian assistance for the relief of the Estonian, Latvian, and Lithuanian people;

"(B) solicit private sector donations of humanitarian assistance for Estonia, Latvia, and Lithuania; and

"(C) cooperate with private relief agencies attempting to provide such humanitarian aid.

"(2) The Commander-in-Chief of the United States Transportation Command is authorized to provide all airlift and sealift necessary to transport United States public and private donations of medical supplies to the Baltic peoples on a regular basis.

"(c)(1) In addition to funds authorized to be appropriated to carry out this chapter, there are authorized to be appropriated to the President $20,000,000 to carry out subsections (b)(1) and (b)(2).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(3) The authority contained in the Foreign Assistance Act of 1961 to transfer funds between accounts shall not apply with respect to funds appropriated pursuant to paragraph (1).

"(d) Assistance may be provided under this section notwithstanding any other provision of law other than laws referred to in section 503(b) of the Support for East European Democracy (SEED) Act of 1989.

"(e) The Congress urges the President to begin negotiations with the nations surrounding Estonia, Latvia, and Lithuania, including the Union of Soviet Socialist Republics and Poland, regarding the importation of humanitarian assistance. Pending conclusion of these negotiations, the Administrator of the United States Agency for International Development shall furnish the necessary humanitarian assistance through the International Red Cross, the Estonian, Latvian, and Lithuanian Red Cross, CARITAS, and other relief agencies, to ensure the Baltic peoples begin to receive humanitarian assistance immediately.

"(f) For purposes of this section, the term 'humanitarian assistance' includes—

"(1) oil, gas, and fuel for emergency vehicles and medical facilities;

"(2) water purification supplies, materials for immunization, and other materials needed to prevent the outbreak of contagious diseases and to safeguard public health;

"(3) medical supplies; and

"(4) food and clothing.".•

• Mr. BROWN. Mr. President, today I join with my colleague from New York, Senator MOYNIHAN, to introduce the Baltic humanitarian relief bill of 1991. Almost 1 year ago, the Soviets imposed a suffocating economic blockade upon the men and women of Lithuania. These brave people had declared their independence from the Soviet empire on March 11, 1990, and though they did not realize it, they faced almost 3 months without even the basic necessities.

Since then, although the blockade of Lithuania has been lifted, the hardship experienced there has grown to include the other Baltic States of Latvia and Estonia as well. As each of these brave nations has made clear its resolve to regain its freedom, Soviet attempts to coerce them to change their course have increased in number and intensity. For instance, the number of Russian troops and tanks garrisoned in the Baltic Republics has skyrocketed within the last year. Although actual numbers are difficult to obtain, senior members of the legislative bodies of all three republics report substantial increases in the number of Soviet troops.

Food, in short supply throughout the Soviet Union, has been used by President Gorbachev as a weapon against these three tiny nations during the past winter. As the West shipped grain and other foodstuffs to aid those suffering through the tough winter, Gorbachev permitted none of it to reach the Baltic States unless they agreed to become members of the new Soviet empire.

The threat of increased Soviet repression has never loomed more ominously over the head of the Baltic Republics than now. Days ago, President Gorbachev proposed a series of anticrisis measures which include, according to an April 10 article in the Washington Post, "* * * a tougher Kremlin stance toward rebellious Soviet republics and a moratorium on political demonstrations * * *."

This bill, which we are introducing today, is designed to act as a tangible sign of the support of the people of the United States for the freedom-loving men and women of the Baltic Republics. Just a few short weeks ago, Americans fought to liberate another tiny nation oppressed by its bellicose neighbor. We cannot now overlook the tragedy underway in the Soviet Union.

The administration's earlier decision to transport donated humanitarian supplies is a step in the right direction—and I applaud the administration for taking this action. However, as the noose around the neck of these three Baltic nations tightens, clear signals of the intent of the American people to stand behind them are essential.

The bill we have introduced today authorizes $20 million from U.S. Agency for International Development funds to provide medical and humanitarian supplies to the people of Lithuania, Latvia, and Estonia. Longstanding United States policy does not recognize the incorporation of these three countries into the Soviet Union. Consequently, this bill includes a provision urging the President to begin negotiations with Poland and the U.S.S.R. to allow direct importation of humanitarian assistance to the Baltics. Until the negotiations are complete, the Administrator of USAID is authorized to furnish the supplies to the Baltics through recognized relief agencies operating there.

These steps, although few in number, are designed to be large in effect by sending a clear signal of the support of the American people for the courageous men and women of the Baltic Republics. I urge my colleagues to join Senator MOYNIHAN and me in providing humanitarian assistance to the Baltics—and in making evident to the world that Americans stand with the brave men and women to whom freedom is the most precious gift of all.•

By Mr. GARN (for himself, Mr. D'AMATO, Mr. GORE, Mr. GRASSLEY, Mr. JEFFORDS, Mr. PELL, Mr. SASSER, Mr. SIMON, and Mr. WARNER):

S.J. Res. 114. Joint resolution to designate May 1991 as "Neurofibromatosis Awareness Month"; to the Committee on the Judiciary.

NEUROFIBROMATOSIS AWARENESS MONTH

• Mr. GARN. Mr. President, I rise today to draw attention to a genetic disorder that very few people are aware of, but which afflicts at least 100,000 U.S. citizens, 1.5 million people worldwide, and which 1 in every 4,000 children are born with. The disorder is neurofibromatosis, or NF, and it affects all races and ethnic groups, and both sexes. It is a disorder which can cause severe disfigurement, loss of limbs, blindness, deafness, skeletal defects, malignancies, and learning disabilities. There is no cure.

Today, I am introducing a joint resolution to designate the month of May 1991 as "Neurofibromatosis Awareness Month." I ask my colleagues to join with me in drawing national attention to this potentially disfiguring and often progressive disorder.

NF is a neurological condition which can cause tumors to grow on nerves anywhere on or in the body at any time. It affects people of all races and both sexes with varying manifestation and degree of severity. While research indicates that NF can be inherited, 50 percent of the people with NF have no family history of the disorder. Additionally, NF leads to learning disabilities. In fact, learning disabilities occur five to six times more often in NF patients than in the general population. However, recent advances in medical research bring hope to this potentially devastating disorder.

These advances in genetic research began with the discovery last summer of the gene which causes NF. Subsequently, researchers discovered the gene product and the gene function. These discoveries are very exciting and put NF research ahead 5 years. What these discoveries also do, which is of major significance, is link the NF-causing gene to the gene which causes cancer. The NF gene product is similar to that of the cancer-causing gene in that it interacts with the cell function in a similar manner. These advances in genetic research hold much hope for a future treatment and, in time, hopefully a cure for NF, as well as many forms of cancer. In fact, just 1 month ago, using what has been learned from the discovery of the NF gene, scientists discovered a gene causing colon cancer. The implications are far reaching. The future is very bright.

The Neurofibromatosis Foundation has worked extremely hard over the years to bring this disorder to the attention of the general public and to seek support for further research and further education. We can help the NF Foundation in its unwavering efforts by designating May 1991 as "Neurofibromatosis Awareness Month."

I know all of you share my deep concern for the thousands of individuals afflicted with this disorder and their families. They face a continuous struggle with not knowing what lies ahead, not knowing what course the disorder will take. I hope you will join with me in recognizing these people and also in celebrating and commemorating these remarkable breakthroughs in research and their profound significance to all of us.●

By Mr. MOYNIHAN:

S.J. Res. 115. Joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week"; to the Committee on the Judiciary.

PEDIATRIC AIDS AWARENESS WEEK

Mr. MOYNIHAN. Mr. President, I rise today to introduce a Senate joint resolution which when passed would designate the week of June 10 through June 16, 1991, "Pediatric AIDS Awareness Week." My colleague in the House of Representatives, Congressman JOSÉ SERRANO recently introduced identical legislation in that Chamber. Together we hope to provide the country with a week in which our thoughts and actions might turn to children who have AIDS.

We are now into the second decade of this epidemic. While the past decade has taught us much about the disease it has not given us a cure. AIDS is now a generational disease. Passed from mother to child. The virus is passed in utero or during delivery from mother to child. As mothers become infected and eventually sicken and die, many children are left orphans in the care of a foster care system already incapable of managing burgeoning caseloads in many of our urban areas.

Pediatric AIDS is particularly prevalent among minorities who have little access to appropriate health care. Approximately 70 percent of total cases reported are black or Hispanic. Without appropriate early intervention, prevention, and education little can be done to stop the further spread of AIDS. Widespread intravenous drug use continues to spread AIDS to mothers who then imperil their own children.

But as children so often demonstrate, they have a particular resilience to adversity. They offer hope not just for themselves but also for us. We know well the courageous battle Ryan White waged until his death last year. He taught us much about death but also about living. In his short life he learned about intolerance but also about compassion. Faced with dying he attacked life with a vengeance getting out of it every bit he could. He was fortunate in many ways. There are children much less so than he. But his battle was not just for himself it was for all people, particularly I think for children, who have AIDS.

I had a letter recently from a mother in Brooklyn, Mrs. Carol DiPaolo, who wrote to me of her 11-year-old son Joey. Joey has AIDS. He was infected by a transfusion of blood during heart surgery when he was 4 years old. His story is very similar to Ryan White's. Joey has chosen to turn adversity into opportunity. Confronting his school, friends, and community he has educated them about AIDS. Joey's mother and father know the pain only parents can know, but together the DiPaolo's have done more for their community than any of us could ever hope to do. They know the extreme limitations of medical research and of our health care system in its efforts to combat the spread of the epidemic. In her letter to me she says, "Children are dying and families are disintegrating."

Together with the DiPaolo's, the Sunburst National AIDS project which is coordinating this effort, and children from all over the country who have AIDS we will rally the cause of pediatric AIDS awareness the week of June 10, 1991. I hope my colleagues will join me in moving this resolution swiftly so that we might add the full support of Congress to this effort. Our resolution is for children with AIDS and for their families and for all those whose energies are devoted to their well-being.

I would ask unanimous consent that following this statement the text of the joint resolution, a letter from Mrs. DiPaolo to me and an article from Newsday dated October 14, 1990, be printed as if read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 115

Whereas over 157,525 people in the United States have been diagnosed with acquired immunodeficiency syndrome (commonly known as AIDS), and 98,530 people have died from such disease;

Whereas the Public Health Service projects that there will be 365,000 AIDS cases by the end of 1992 and estimates between 1,000,000 and 1,500,000 Americans are infected with the human immunodeficiency virus (commonly known as HIV) which causes AIDS;

Whereas there is an increase in the proportion of AIDS patients who are female and an increasing number of children infected perinatally with AIDS;

Whereas pediatric AIDS refers to AIDS patients under 13 years of age at the time of being diagnosed with the disease;

Whereas the Centers for Disease Control have reported 2,734 cases of pediatric AIDS resulting in 1,423 deaths as of November 1990;

Whereas HIV-infected women can transmit the virus to their infants during pregnancy or at birth;

Whereas schools across the Nation continue to discriminate against AIDS and HIV-infected children and their families;

Whereas it is essential that early intervention and educational resources be made available to all citizens, especially adolescents, female drug abusers, and other high-risk groups to increase awareness of AIDS and the risks associated with engaging in unprotected sexual activity; and

Whereas the Health Care Financing Administration and the Public Health Service should work with appropriate State officials to help design services for children with AIDS or HIV infection: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 10, 1991, through June 16, 1991, is designated as "Pediatric AIDS Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

BROOKLYN, NY,
October 26, 1990.

U.S. Senator DANIEL P. MOYNIHAN,
New York, NY.

DEAR SENATOR MOYNIHAN:

I am the mother of two children ages eight and eleven. Our eleven year old son does not have a promising future. The reason is AIDS.

Joey had open heart surgery at the age of four, May 23, 1984, when he was exposed to the virus during a transfusion. As a family we have turned this negative situation into a positive one. Joey very bravely revealed to his schoolmates, teachers, and the community about his diagnosis. This led to progressive education in our community.

As a parent, I can tell you firsthand what it is like to have a child with AIDS. We must contend with fear, isolation and discrimination from the general public. Pediatric AIDS research leaves much to be desired. We are offered patch-work services and at times not even being informed properly by medical personnel as to how to work the system. Children are dying and families are disintegrating. New York is one of the sixteen crisis cities.

There are two reasons for my letter to you. The first reason is the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (S.2240). The amount of the appropriated funds was drastically reduced to $190 million. I am also concerned about the delivery of the funds. I am aware that Title XXVI—Emergency Relief grants to areas with substantial need for services will depend on the CDC report for that area. Unfortunately women and children have tremendous needs before they are classified as AIDS. Some of which are taxing our health care system even before being diagnosed. Also what will happen to the lesser number of cases in rural areas? What is or has been your position on this matter?

My second reason for writing is about the First National Pediatric AIDS Awareness Day which will be held in Lafayette Square in D.C. on June 11, 1991. I am the visionary and director for this event working with an organization called Sunburst National AIDS Project. Many numerous families have agreed to bring their infected children to D.C. on that day. It will be a day of unity, a day where all who are concerned about our nation's children, who are infected, can join us and support us. We have families from every state including Hawaii.

Senator Moynihan we need your approval and support. Please step out with us and show the nation that we want our children to have promising futures. We want our children to be respected as productive citizens. We want our children to live. We need our nation to first be aware of the rising numbers of children and teens which are becoming infected. Then we need our nation to work in unity to bring about changes both medically and socially. Will you help us? Will you be our advocate? Please let me know your position on Pediatric AIDS.

Sincerely,

CAROL DIPAOLO,
Director/Parent Representative

OPENING DOORS AND HEARTS—AIDS BOY STANDS TALL AS A SYMBOL

(By Catherine Woodard)

Joey DiPaolo disappeared as he stepped up into the pulpit in the Cathedral of St. John the Divine to talk about AIDS last month. All the congregation could see were glimpses of the crown of the 11-year-old's head.

"I'm here today because I want to talk to you about me and the AIDS virus," Joey said, reading carefully from the speech he had dictated to his mother. "Just because I have the AIDS virus doesn't mean that I can't run, ride a skateboard, ride a bike or play baseball or football.

"I also have lots of friends who don't have the AIDS virus. We do tons of things together," he continued in a singsong cadence. "They are not afraid of me and that makes me feel really good."

Joey is feeling really good about his decision four weeks ago to tell his school and his Brooklyn neighborhood about his infection with the human immunodeficiency virus that causes AIDS.

About a dozen parents asked the principal of Roy H. Mann Junior High School to transfer their children from Joey's classes. One child transferred to private school when the principal refused. But a rumored boycott and demonstration never materialized, and most of the reaction to Joey's disclosure has been supportive. One classmate even collected more than 100 signatures from children and parents who backed Joey's decision.

Joey's parents, Jim and Carol DiPaolo, are thankful. They weren't sure what to expect when Joey's picture appeared on the front page of New York Newsday and soon thereafter on local and national television. Just five years ago, nearly 10,000 children were yanked out of Queens schools in District 27 and District 29 to protest the enrollment of an unidentified second-grader with AIDS.

Just five years ago, Ryan White, an Indiana teenager with AIDS was told by the school board that he would have to take classes at home with a private tutor.

White, who died last spring, had to sue to get back into the classroom.

But Joey, pint-sized and energetic, grew tired of living a secret. He became infected after he received a contaminated blood transfusion during heart surgery in 1984, but doctors treating him for a variety of infections did not think to test him for HIV until four years later. Joey and his parents had kept his infection a secret until last month. They decided that disclosure would be the best way to combat the stigma associated with AIDS.

To the DiPaolos' relief, Joey's adjustment to junior high school in District 22 has been surprisingly uneventful. The district superintendent, John Comer, and Joey's principal, Patrick Timpone, have declined to comment. But health and education officials say they are hopeful that Joey's experience is a signal that the public is becoming more knowledgeable about AIDS.

"The general public knowledge is significantly higher," said city Health Commissioner Woodrow A. Myers, Jr., who was Indiana's health commissioner during the Ryan White controversy. "There are still people who believe the wrong things about how it's spread, but most people know the right ways in which it is spread."

But equally critical, he said, was a united front by school officials to treat Joey no differently than other students. Five years ago in Indiana and in Queens, health officials fought to convince school boards as well as irate parents that a child with AIDS is not a hazard in the classroom. In both cases, that assessment was unsuccessfully challenged in the courts.

"There were people who wanted very much to react as they did five years ago, but it was nipped in the bud," Myers said. "One thing you've got now is public officials who recognize that this is not an issue on which we can compromise. The data is very strong. It's not spread in school settings."

Joey's position of honor in the processional at St. John the Divine last month seemed a triumphant march. He was one of six youths who spoke at a children's service at an international children's summit convened across town at the United Nations.

Joey flashed a grin at his parents as he passed by in black jeans and gleaming new black and white sneakers. He fanned away a lingering cloud of incense and took his seat beside the Very Rev. James Parks Morton. He checked to see that his speech was still securely in his shirt pocket and shoved his hands into his pants pockets to wait through the Episcopal liturgy.

When his turn came, his message was short and to the point.

"The first thing you should all know is you can get AIDS from sexual contact, sharing needles and from blood transfusions," he said. "You can't get AIDS from kissing, touching, sweating, coughing or sneezing. You can't get it from using the same bathroom, eating out of the same dish or using the same utensils."

Some of the parents of his classmates weren't convinced of that when they asked that their children be transferred from Joey's classes. Two families even received erroneous information from pediatricians that the virus is spread in feces, including a warning that their children should not use the same bathroom as Joey.

But all but one of the 12 students whose parents requested transfers are still in the classroom with Joey.

Julianna Granton, whose daughter Kristie is in several classes with Joey, still believes that the request for a transfer should have been honored. But she is satisfied with the principal's efforts to have health personnel available to answer questions.

"I know people myself that have AIDS," she said. "It's when it is around your children you feel different. You feel as an adult that you have more control."

She agrees with school and health officials that just a few years ago a large number of parents might have been up in arms.

"It's totally different now," she said. "You hear so much more about AIDS. Now it's so much closer to us. It is hitting home base now. It is hitting our children."

Joey and his parents are determined to do what they can to further the public's awareness of AIDS. They've converted their basement to an office to organize a National Pediatric AIDS Awareness Day, scheduled for June 11 in Washington. The nonprofit Sunburst National AIDS Project is financing the organization of the project.

"Discrimination is still in epidemic proportions," Carol DiPaolo said, "People have to understand that it could be the child next door."

The surprising ease of Joey's disclosure "is just like one little needle standing up in a big haystack," DiPaolo said. She has heard too many horror stories the last two summers from other people attending a camp for children with AIDS and their families—stories of ostracism, stories about families being evicted from their apartments, stories of families afraid to tell even close relatives.

The DiPaolos have had no shortage recently of stages from which to deliver their message. Joey has been a regular on national talk shows, and for the most part he seems to relish the attention, although he admits that he gets tired of being asked if he is afraid of dying. For that question he has a standard response: "If you think about dying then you're going to die, and if you think about living then you're going to live."

He isn't shy about taking advantage of the limelight. He requested stretch limousines to ferry him to television appearances after "Good Morning America" dispatched only a black sedan.

But even Joey seemed annoyed the morning two television crews and a swarm of reporters and photographers showed up to walk with him to school. There was a rumor that morning that parents might be picketing the school in protest.

"If they are out there when I come out this afternoon, I'm not going to talk to them and maybe they will go away," he told his friend Alan Bass as they hitched on their backpacks and started toward school. The cameras quickly attracted a crowd of curious children.

Joey's cousin, Richie Carbone, a film student who was videotaping Joey, thrust the camera toward some eighth-graders and started firing questions.

"Anybody here care if a kid with AIDS is in your class?" Richie asked. No one did, although a few said the school should teach more about AIDS.

Joey stood at the side grinning at his anonymity in the middle of the circus. The older students didn't realize he was the student in question.

There is no reason they should have been able to guess. At 4-foot-4 and less than 60 pounds, Joey is smaller than many of his classmates. But there are few signs that he battles a life-threatening illness.

He is being treated at the National Institutes of Health in Bethesda, Md., with the experimental drug dideoxyinosine, DDI, which slows the spread of the AIDS virus. Recently he has developed a painful yeast infection in his esophagus, one of the opportunistic infections that define full-blown AIDS. But doctors aren't sure yet whether the infection is a sign of further deterioration of his immune system or whether it is related to antibiotics he takes because his spleen was removed in 1987.

Joey lets his mom worry about medical strategies and concentrates on more pressing concerns like improving his skateboard technique.

"I want to thank my father, my mother and my sister Lauren for letting me live like a normal kid," he said closing his speech at St. John the Divine.

The big bonus of the speech was backstage tickets for the afternoon Rally for Children in Central Park. Joey was counting on the ticket to get him close to the Teenage Mutant Ninja Turtles who dropped by as promised from their concert at Radio City Music Hall.

Joey and Brandon Negron, a Staten Island 11-year-old who spoke about racism at St. John the Divine, wiggled through the crowd at the back steps of the stage, only to be stopped at a temporary gate by a stern-looking woman holding a clipboard.

The boys leaned on the temporary fence and screamed to get the attention of the large reptiles, Raphael and Michaelangelo. "Yo, turtle," Brandon yelled. "Yo, get a hearing aid."

"What good are these passes?" Joey pleaded in frustration as the turtles began to walk away.

An adult intervened. The boys were permitted past the barrier. They raced desperately in the direction where the turtles had departed, but to no avail. Later in the afternoon, two turtles would return and Joey would take the coveted photograph. But at that moment his prospects looked pretty bleak.

Joey slammed the camera back to his father in frustration and sulked by a picnic table. "I'm just bored and I want to go home," he announced.

His parents weren't ready to leave. They had packed a huge stack of yellow fliers about National Pediatric AIDS Awareness Day to hand out to the crowd. And Carol DiPaolo was waiting to buttonhole Mayor David N. Dinkins. He had sent Joey an award for bravery and might be sympathetic to producing a proclamation for the AIDS Awareness Day.

Finally the mayor's motorcade pulled up to the back gate. Carol pressed Joey into the crowd. "This is Joey DiPaolo, the little boy from Brooklyn with the AIDS virus," she said.

"Oh, Joey, you're a brave little boy," Dinkins said. "Do you have a hug for me?"

Joey did as asked and politely turned away to scout the backstage. There was a chance the turtles might reappear.

By Mr. ROTH (for himself, Mr. Gore, Mr. Chafee, Mr. Kasten, Mr. Kohl, Mr. Kerry, Mr. Conrad, Mr. Pell, Mr. Adams, Mr. Sanford, Mr. Biden, Mr. Dodd, Mr. Durenberger, Mr. Moynihan, Mr. Warner, Mr. Bentsen, Mr. Lautenberg, Mrs. Kassebaum, Mr. Burdick, Mr. Rockefeller, Mr. D'Amato, Mr. Jeffords, Mr. Cranston, Mr. DeConcini, Mr. Fowler, Mr. Shelby, Mr. Hollings, Mr. Sasser, Mr. Gorton, Mr. Seymour, Mr. Domenici, Mr. Kennedy, Mr. Reid, Mr. Sarbanes, Mr. Levin, Mr. Nunn, Mr. Wellstone, Ms. Mikulski, Mr. Cochran, Mr. Bingaman, Mr. Inouye, Mr. Bumpers, Mr. Cohen, Mr. Mitchell, Mr. Specter, Mr. Packwood, Mr. Danforth, Mr. Pressler, Mr. Bond, Mr. Baucus, Mr. Hatch, and Mr. Graham):

S.J. Res. 116. A joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; to the Committee on the Judiciary.

EARTH DAY

Mr. ROTH. Mr. President, I rise today along with Senator Gore and 52 cosponsors to introduce legislation that designates this April 22 as Earth Day.

The purpose of this resolution is to promote the preservation of our global environment—perhaps the single most important responsibility we have as steward of this Earth. A similar joint resolution (H.J. Res. 144) has been introduced in the House of Representatives by Mr. David Obey.

The reason for this legislation is clear: to create an environmental awareness among our friends, families and neighbors—an awareness that is necessary if we are to meet the challenges that threaten our precious natural resources. It is heartening, the tremendous ground swell of support that we have seen recently in our schools and communities concerning the environment, and our responsibility to care for it, but this new awakening is only a beginning. It must spread not only across our land, but throughout the world.

This resolution represents another important step toward promoting an environmental ethic that will last more than a day—more than a season—but for generations to come. Only when conservation becomes second nature and everyone participates in protecting the wind, water, plants, and animals that make up our fragile biosphere can we be satisfied. Only when Earth Day is everyday, can we rest assured that enough has been done.

But until then, I urge all of my colleagues to join with Senator Gore and me to designate April 22 as Earth Day for 1991. Because education is so vital to the creation of an environmental ethic, the designation of this special day will give our schools, colleges, and communities a cause to focus on the environment and teach our children how they can play a vital role in its preservation.

I hope that our educators and leaders will center activities and lessons around this day, even designate a week to promoting awareness and conservation. This is how we will take the successes we have seen in the last few years and stretch them into a lifetime. This is how we will raise a generation of Americans who learn to serve the environment as well as the environment serves them.

Mr. President, at this time I would also like to commend my close friend and former colleague, Senator Gaylord Nelson, on his success in making the environment a major focus in our political process. The success he has realized is one of the most heartening examples of the democratic process. It truly started as a grassroots effort back when the first Earth Day was celebrated in 1970. Because of his efforts, when it comes to protecting the environment, today we are beyond the bandwagon and into a parade.

I urge my colleagues to join me in sponsoring this legislation, and I ask unanimous consent that a copy of the legislation be placed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 116

Whereas the world faces an international crisis which demands the attention of citizens of every nation of the world, including the United States, so that alliances can be built that transcend the boundaries dividing countries, continents, and cultures;

Whereas there is a need to confront environmental problems of increasing severity, including climate change, depletion of the stratospheric ozone layer, loss of forests, wetlands, and other wildlife habitats, acid rain, air pollution, ocean pollution, and hazardous and solid waste buildup;

Whereas it is important that the next generation be guided by a conservation ethic in all of its relations with nature;

Whereas education and understanding is necessary for individuals to recognize the environmental impact of daily living and to become environmentally responsible consumers by conserving energy, increasing recycling efforts, and promoting environmental responsibility in communities;

Whereas major public policy initiatives are necessary to cure the causes of environmental degradation, such as eliminating the manufacture and use of chlorofluorocarbons, minimizing and recycling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and initiating sustainable development throughout the world;

Whereas nearly 21 years ago, millions of individuals in the United States joined together on Earth Day to express an unprecedented concern for the environment, and such collective action resulted in the passage of sweeping laws to protect the air, water, and land;

Whereas the 1990's should be observed as the "International Environmental Decade" in order to forge an international alliance in response to global environmental problems; and

Whereas to inaugurate the new environmental decade, individuals should again stand together in cities, towns, and villages around the world for a day of collective action to declare a shared resolve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that April 22, 1991 is designated as "Earth Day", and the people of the United States are called upon to observe the day with appropriate ceremonies and activities in our grade schools, high schools, colleges and local communities with the objective of making every day Earth Day.

Mr. DOMENICI. Mr. President, last April, I joined many of my esteemed colleagues in the Senate and the House in cosponsoring the resolution celebrating the 20th anniversary of Earth Day. I am pleased to have the opportunity to continue my support of this environmental awareness initiative by cosponsoring the Earth Day 1991 joint resolution.

Many Americans take for granted the clean air we breathe, the fresh water we drink, and the bountiful natural resources we enjoy in this Nation's many forests, parks, and public lands. But, these very resources were in serious jeopardy only two decades past when, as a Nation, we were teetering on the brink of environmental catastrophe. The people of this Nation and the Congress responded to the crisis at hand and mobilized to effect laws which would protect and enhance our natural resources. In the 21 years since the first Earth Day was celebrated, the Congress has passed more than 30 major environmental initiatives aimed at protecting the environment.

Much work remains to be done. In the 102d Congress, we will address issues of national significance including the long-awaited development of a National Energy Policy, global warming, clean water, Resource Conservation and Recovery Act, wilderness designation, and multiple uses of our public lands. I am committed to ensuring that this Nation continues to protect its natural resources while allowing the orderly development and wise use of those resources in a complimentary manner.

It is because of this commitment that I have been involved in setting aside almost 1 million acres in New Mexico as wilderness, in designating the El Malpais National Historical Monument in Grants and Chaco Culture Natural Historical Park in McKinley County, and in protecting several of New Mexico's waterways as wild and scenic rivers. Last year, I introduced legislation in the Senate, which subsequently became law, to create the Petroglyph National Monument in Albuquerque, as well as the creation of the National Forest Foundation Act.

It is my hope that the environmental awareness this Nation has adopted in the last two decades will continue as our legacy to future generations. The annual recognition of Earth Day is certainly an appropriate time for New Mexico, the Nation, and the International Community to take time out to reflect on how far we've come on environmental issues and assess how far we've yet to go. Although we may not be where we want to be yet, we're a lot further along than we were before the first Earth Day in 1970.

Mr. COHEN. Mr. President, I am very pleased to be joining Senators ROTH, GORE, and others in cosponsoring a joint resolution to designate April 22, 1991 as "Earth Day." I would like to take this opportunity to commend Senators ROTH and GORE for their dedication to our environment and their leadership on an issue that affects us all.

I am cosponsoring this resolution because I believe the health of our environment is vital to our ability to continue as a creative and flourishing society. Earth Day is an important symbol of the global efforts to address environmental concerns. As you are well aware, last year was the first Earth Day in 20 years. The worldwide enthusiasm and support that it generated clearly demonstrates that Earth Day is an event worthy of yearly celebration.

Earth Day is a celebration of one of the noblest causes in the history of the world, the preservation of life on the planet. Today, we face a global environmental crisis that demands our attention. Depletion of the stratospheric ozone layer, deforestation, loss of wetlands, and other wildlife habitats, and the pollution that laces our oceans and surrounds our cities are but a few of the many crises confronting us. A yearly celebration of Earth Day would do much to remind us all of our immense responsibility to pass along a world in which we can all live healthy and enjoyable lives.

After the first Earth Day in 1970, Congress passed two of the most important environmental laws in this Nation's history: the Clean Air Act and the Clean Water Act. Much progress has been made as a result of such laws but clearly more needs to be done. I believe that the heightened awareness of environmental concerns that Earth Day brings also brings us closer to confronting and solving our environmental problems.

By Mr. LAUTENBERG (for himself, Mr. DASCHLE, Mr. SARBANES, Mr. LEVIN, Mr. BRADLEY, Mr. HOLLINGS, Mr. SASSER, Mr. DIXON, Mr. BUMPERS, Mr. HEFLIN, Mr. CRANSTON, Mr. MITCHELL, Mr. EXON, Mr. SIMON, Mr. NUNN, Mr. GORE, Mr. LIEBERMAN, Mr. RIEGLE, Mr. BOREN, Mr. MOYNIHAN, Mr. PELL, Mr. SANFORD, Mr. STEVENS, Mr. WARNER, Mr. D'AMATO, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. GARN, Mr. DOLE, Mr. SEYMOUR, Mr. COCHRAN, Mr. MURKOWSKI, Mr. THURMOND, Mr. HATCH, Mr. MACK, and Mr. AKAKA):

S.J. Res. 117. Joint resolution to designate December 7, 1991, as National Pearl Harbor Remembrance Day on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on the Judiciary.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

• Mr. LAUTENBERG. Mr. President, today I rise to introduce a resolution designating December 7, 1991, as National Pearl Harbor Remembrance Day. This will mark the 50th anniversary of the attack on Pearl Harbor.

On December 7, 1941, the United States was victim to an unprovoked attack by the Japanese Imperial Navy and Air Force. Although negotiations were being held in Washington by Japanese and American diplomats, the Japanese deliberately and secretly planned the attack for that Sunday morning. No war warning was issued and the Pacific Fleet never suspected that an attack force was en route.

On the "date that will live in infamy," Pearl Harbor was surrounded by a dense cloud cover. Suddenly, about 360 Japanese planes broke through the clouds and raided the island. The Japanese bombarded American military installations and Army aircraft located at Hickam and Wheeler Fields. Then the Japanese units attacked the battleships moored at Ford Island.

Concentrating mainly on planes and ships, the Japanese did little damage to the submarine base and repair facilities. Fortunately, all of the American aircraft carriers stationed at Pearl Harbor were on missions away from the base. However, the Pacific Fleet lost eight battleships, three light cruisers, three destroyers, and four vessels within 2 hours.

The American military bravely fought back to defend their base. Heroism was displayed by the sailors, the soldiers, the flyers, and the gunners as they manned their stations under the most severe conditions. However, all of the service people were caught off guard; many were even sleeping. The resistance of the Americans was not strong enough to fight off the large and prepared Japanese attacking force.

When the surprise and unprovoked attack ended, the Japanese left 2,403 Americans dead and 1,178 wounded. Innocent civilian lives accounted for some of the lost. Additionally, the attack crippled American air defense and undermined our position in the Pacific.

That Sunday morning, more than Hawaii was attacked; our Nation's isolationism was broken. This was the first time in U.S. history that we had been attacked first. Americans were indignant and wanted to avenge the lives that the Japanese had taken. The country became unified and stood behind the President as he signed a declaration of war at 4:10 p.m., Monday, December 8, 1941.

The service people and civilians who were there during the attack deserve a day of remembrance. This resolution requests the President to issue a proclamation asking the people of the United States to observe this solemn occasion with appropriate ceremonies, and to remain eternally vigilant in protecting our Nation from future aggression.

As "Remember Pearl Harbor" was the rallying cry during World War II, we must remember all of those who lost their lives during the tragedy, and commit ourselves to never being caught unprepared again.

I want to commend all the New Jersey members of the Pearl Harbor Survivors Association for their active and strong support of this resolution. The 10,000 member national organization is fortunate to have Lee Goldfarb as its vice commander. Mr. Goldfarb has spent many years assuring that Pearl Harbor will not be forgotten. I thank him and his association for not letting anyone forget the events that occurred for 2 hours at Pearl Harbor 50 years ago.

I ask unanimous consent that a copy of the joint resolution be printed in the CONGRESSIONAL RECORD, and I urge my colleagues to support this joint resolution.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 117

Whereas on the morning of December 7, 1941, the Imperial Japanese Navy and Air Force launched an unprovoked surprise attack upon units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas over two thousand four hundred citizens of the United States were killed in action and one thousand one hundred and seventy-eight were wounded in this attack;

Whereas President Franklin Delano Roosevelt referred to the date of the attack as "a date that will live in infamy";

Whereas the attack on Pearl Harbor marked the entry of this Nation into World War II;

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who served at Pearl Harbor, in the Pacific Theater of World War II, and in all other theaters of action of that war; and

Whereas December 7, 1991, will mark the fiftieth anniversary of the unprovoked attack:

Whereas the veterans of World War II and all other people of the United States will commemorate December 7, 1991, in remembrance of this tragic attack on Pearl Harbor: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7, 1991, the anniversary of the attack on Pearl Harbor, is designated as "National Pearl Harbor Remembrance Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States—

(1) to observe this solemn occasion with appropriate ceremonies and activities; and

(2) to pledge eternal vigilance and strong resolve to defend this Nation and its allies from all future aggression.●

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 21

At the request of Mr. CRANSTON, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 68

At the request of Mr. THURMOND, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 127

At the request of Mr. CRANSTON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 127, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health-care, education, housing, and insurance programs; and for other purposes.

S. 140

At the request of Mr. WIRTH, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. SANFORD], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mr. CRANSTON], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Dakota [Mr. PRESSLER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 152

At the request of Mr. COATS, the names of the Senator from Utah [Mr. GARN] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 152, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to $4,000.

S. 168

At the request of Mr. CONRAD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 168, a bill to implement certain recommendations of the Garrison Unit Joint Tribal Advisory Committee regarding the entitlement of the Three Affiliated Tribes and the Rock Sioux Tribe to additional financial compensation for the taking of reservation lands for the site of the Garrison Dam and Reservoir and the Oahe Dam and Reservoir, and for other purposes.

S. 246

At the request of Mr. LOTT, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 246, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or Reserve units of the Armed Forces will be allowable in computing adjusted gross income.

S. 250

At the request of Mr. FORD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 256

At the request of Mr. DASCHLE, the name of the Senator from California [Mr. CRANSTON] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 256, a bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve.

S. 257

At the request of Mr. METZENBAUM, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 257, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 267

At the request of Mr. REID, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 339

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 339, a bill to enhance the Federal Government's authority and ability to eliminate violent crime committed by outlaw street and motorcycle gangs.

S. 420

At the request of Mr. SARBANES, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 420, a bill to increase to $50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act.

S. 492

At the request of Mr. SIMON, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 492, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive, primary, and preventive care, and for other purposes.

S. 499

At the request of Mr. LUGAR, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 499, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the School Lunch Program offer students specific types of fluid milk, and for other purposes.

S. 514

At the request of Ms. MIKULSKI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 514, a bill to amend the Public Health Service Act, the Social Security Act, and other Acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes.

S. 573

At the request of Mr. CRANSTON, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 573, a bill to amend the Foreign Assistance Act of 1961 to condition the availability of security assistance for a foreign country on that country's compliance with fundamental guarantees of international humanitarian law applicable in situations of armed conflict, and for other purposes.

S. 574

At the request of Mr. CRANSTON, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 574, a bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 576

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 576, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide on-site day-care facilities for dependents of their employees.

S. 597

At the request of Mr. DODD, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 597, a bill to amend the Public Health Service Act to establish and expand grant programs for evaluation and treatment of parents who are abusers and children of substance abusers, and for other purposes.

S. 614

At the request of Mr. DASCHLE, the names of the Senator from Nebraska [Mr. EXON], the Senator from Illinois [Mr. SIMON], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 614, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 619

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 619, a bill to establish a Link-up for Learning Demonstration Grant Program to provide coordinated services to at-risk youth.

S. 623

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 623, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to maintain the current Federal-State funding ratio for the Justice Assistance Grant Program.

S. 651

At the request of Mr. GARN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 658

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 658, a bill to provide law enforcement scholarships and recruitment incentives.

S. 665

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 665, a bill to amend the Tariff Act of 1930 to require that certain revenues attributable to tariffs levied on imports of textile machinery and parts thereof be applied to support research for the modernization of the American textile machinery industry.

S. 720

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

S. 775

At the request of Mr. CRANSTON, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 775, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 776

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 776, a bill to require that humanitarian assistance to Cambodia be provided through international organizations and private and voluntary organizations and to prohibit assistance to combat forces seeking to overthrow the Government of Cambodia.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Rhode Island

[Mr. CHAFEE] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 786

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 786, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. GARN], the Senator from Hawaii [Mr. INOUYE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senator Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 42

At the request of Mr. RIEGLE, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 42, a joint resolution expressing the support of the United States for the independence of Lithuania, Latvia, and Estonia.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 69

At the request of Mr. RIEGLE, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 69, a joint resolution to designate the week commencing May 5, 1991, through May 11, 1991, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. LIEBERMAN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 70, a joint resolution to establish April 15, 1991, as "National Recycling Day."

SENATE JOINT RESOLUTION 78

At the request of Mr. BENTSEN, the names of the Senator from Kentucky [Mr. FORD], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. MCCAIN], the Senator from Virginia [Mr. WARNER], the Senator from Vermont [Mr. JEFFORDS], the Senator from Illinois [Mr. DIXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Dakota [Mr. CONRAD], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. MITCHELL], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. MOYNIHAN], the Senator from Oklahoma [Mr. BOREN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Florida [Mr. MACK], the Senator from Alabama [Mr. SHELBY], the Senator from Florida [Mr. GRAHAM], the Senator from Ohio [Mr. GLENN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Illinois [Mr. SIMON], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 78, a joint resolution to designate the month of November 1991 and 1992 as "National Hospice Month."

SENATE JOINT RESOLUTION 85

At the request of Mr. KASTEN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 85, a joint resolution authorizing and requesting the President to appoint Gen. Colin L. Powell and Gen. H. Norman Schwarzkopf, Jr., U.S. Army, to the permanent grade of General of the Army.

SENATE JOINT RESOLUTION 86

At the request of Mr. GARN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], the Senator from Illinois [Mr. DIXON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. HATCH], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maine [Mr. MITCHELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 86, a joint resolution designating April 21 through April 27, 1991 and April 19 through April 25, 1992, as "National Organ and Tissue Donor Awareness Week."

SENATE JOINT RESOLUTION 91

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 91, a joint resolution expressing the sense of the Congress regarding the political and human rights situation in Kenya.

SENATE JOINT RESOLUTION 92

At the request of Mrs. KASSEBAUM, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Missouri [Mr. DANFORTH], the Senator from California [Mr. SEYMOUR], the Senator from Georgia [Mr. NUNN], the Senator from New York [Mr. MOYNIHAN], the Senator from Hawaii [Mr. AKAKA], the Senator from Ohio [Mr. GLENN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 92, a joint resolution to designate July 28, 1992, as "Buffalo Soldiers Day."

SENATE JOINT RESOLUTION 102

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Texas [Mr. BENTSEN], the Senator from Idaho [Mr. CRAIG], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Wisconsin [Mr. KOHL], the Senator from Virginia [Mr. ROBB], the Senator from North Dakota [Mr. CONRAD], the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from California [Mr. CRANSTON], the Senator from Tennessee [Mr. SASSER], the Senator from Maine [Mr. MITCHELL], the Senator from Alabama [Mr. HEFLIN], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Arkansas [Mr. PRYOR], the Senator from Florida [Mr. MACK], the Senator from Rhode Island [Mr. PELL], the Senator from Idaho [Mr. SYMMS], the Senator from California [Mr. SEYMOUR], the Senator from Maine [Mr. COHEN], the Senator from Illinois [Mr. DIXON], the Senator from Michigan [Mr. RIEGLE], the Senator from Kansas [Mr. DOLE], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 102, a joint resolution designating the second week in May 1991 as "National Tourism Week."

SENATE JOINT RESOLUTION 105

At the request of Mr. D'AMATO, the names of the Senator from Maryland [Mr. SARBANES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Kansas [Mr. DOLE], the Senator from Florida [Mr. GRAHAM], the Senator from North Dakota [Mr. CONRAD], the Senator from Ohio [Mr. METZENBAUM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr.

LEVIN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from North Dakota [Mr. BURDICK], the Senator from South Dakota [Mr. DASCHLE], the Senator from Rhode Island [Mr. PELL], the Senator from Delaware [Mr. ROTH], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Florida [Mr. MACK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from California [Mr. SEYMOUR], the Senator from Alabama [Mr. HEFLIN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KERRY], the Senator from Tennessee [Mr. GORE], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 105, a joint resolution to designate April 14, 1991, to April 21, 1991, and May 3 to May 10, 1992, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 110

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Joint Resolution 110, a joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal U.N. General Assembly Resolution 3379 (XXX).

SENATE JOINT RESOLUTION 112

At the request of Mr. SARBANES, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to designate the week of April 21, 1991, through April 27, 1991, as "Big Brothers/Big Sisters of America Appreciation Week."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. MACK, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Carolina [Mr. THURMOND], the Senator from Vermont [Mr. JEFFORDS], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution urging Arab States to recognize, and end the state of belligerency with, Israel.

SENATE RESOLUTION 41

At the request of Mr. LIEBERMAN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Resolution 41, a resolution to establish April 15, 1991, as "National Recycling Day."

SENATE RESOLUTION 93

At the request of Mr. MITCHELL, his name was added as a cosponsor of Senate Resolution 93, a resolution commending the University of Tennessee Women's Basketball Team on their third NCAA title.

SENATE CONCURRENT RESOLUTION 26—RELATIVE TO ENVIRONMENTAL PROTECTION OF ANTARCTICA

Mr. KERRY (for himself, Mr. LEVIN, Mr. AKAKA, Mr. KENNEDY, Mr. JEFFORDS, Mr. INOUYE, Mr. LIEBERMAN, Mr. HARKIN, Mr. DASCHLE, Mr. PELL, and Mr. GORE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 26

Whereas Antarctica, like the great oceans and the atmosphere, is part of the global commons;

Whereas Antarctica is the Earth's last near-pristine continental wilderness and is, thus, a critical area in the study of global change;

Whereas the exploitation of minerals resources in Antarctica could severely degrade the Antarctic environment and threaten its fragile marine ecosystem;

Whereas the Antarctica Protection Act of 1990 (Public Law 101-594) and Public Law 101-620 call for an indefinite prohibition on all Antarctic minerals activities and for the permanent protection of the Antarctic environment;

Whereas significant progress was made toward achieving these goals at the special consultative meeting of parties to the Antarctic Treaty in November 1990; and

Whereas the upcoming consultative meetings of parties to the Antarctic Treaty provide opportunities for the United States to exercise leadership toward the protection and sound management of Antarctica: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the sense of the Congress that Antarctica, as a global ecological commons, should be subject to a new agreement of protocol among the Antarctic Treaty Consultative Parties which would supplement the Antarctic Treaty (signed at Washington on December 1, 1959; 12 UST 795 et seq.) by providing for comprehensive environmental protection of Antarctica and by establishing Antarctica as a region closed, for an indefinite period, to commercial minerals development and related activities, unless a consensus is reached among the parties to the Treaty to modify its terms for such purposes.

(b) Such agreement would also—

(1) conserve and protect permanently the natural environment of Antarctica and its associated and dependent ecosystems;

(2) grant Antarctica special protective status as a world park dedicated to wilderness protection, international cooperation, and scientific research; and

(3) would include other comprehensive measures for the protection of the Antarctic environment.

(c) The prohibition on all minerals activities in Antarctica in such a new agreement would fully support and strengthen the Antarctic Treaty's fundamental objective of keeping Antarctica free of international discord and activities of a military nature.

(d) It is further the sense of the Congress that, at the upcoming special consultative meeting of parties to the Antarctic Treaty, April 22 through 27, 1991, in Madrid, Spain, the President should support efforts to conclude the international agreement described in subsection (a).

• Mr. KERRY. Mr. President, Antarctica plays an important and unique role in our global ecosystem and it must be protected. I rise today to submit a concurrent resolution urging U.S. representatives at the upcoming meeting of the Antarctic Treaty negotiators to carry out the intentions of legislation introduced last year by myself and the Honorable Silvio Conte, which calls for an indefinite halt to all mineral mining in Antarctica. Later this month, on April 22, Earth Day, members of the Antarctic Treaty Consultative parties will be meeting in Madrid, Spain, to finalize the negotiations on a new environmental Protocol to the Antarctic Treaty.

The concurrent resolution which we are submitting today urges the U.S. negotiating team to follow the directive of Congress last year to provide comprehensive environmental protection of Antarctica and prohibit commercial mining development on the continent. These measures, Public Law 101-594 introduced by the late Honorable Silvio Conte and myself and Public Law 101-620 introduced by Senator GORE and Congressman OWENS, direct the United States to pursue an indefinite prohibition on all mineral exploration and development and to reject the Convention on the Regulation of Antarctic Mineral Resource Activities [CRAMRA], because it does not guarantee protection to the fragile Antarctic environment.

What would be more fitting to the memory of our great friend, Sil Conte, than to honor him for his work on the environment by having our negotiators push for the effort Sil Conte worked on tirelessly over the past few years. What is now the law of our land should be the language of the new international treaty on Antarctica.

Mr. President I am very concerned at reports I have been hearing out of the State Department that at the upcoming Antarctic Treaty meeting, the U.S. negotiators have been directed to pursue a policy which would ultimately result in the opening up of Antarctica for mineral mining explorations and development. This could not be further from the intentions of Congress when we passed the two laws last year and we hope the President recognizes the meaning of the legislation that he signed into law last fall.

It is my understanding that despite the clear mandate of the Kerry-Conte law negotiators have been told to support a ban on mining that would last only 20 to 40 years. Our law calls on the Secretary of State to negotiate a new agreement for Antarctica that would "prohibit or ban indefinitely" mining activities. I discussed this issue at length last year with the State Department and made it clear then that 20 to

40 years does not constitute an indefinite ban. By introducing this resolution we are attempting to remind the administration of the support that exists in Congress for a long-term ban on mining of at least 99 years, and the support for a more comprehensive environmental shield over the continent.

Our resolution urges an indefinite ban on the mining issue unless a consensus is reached among the parties to the treaty to modify the treaty in a way that would provide comprehensive environmental protection to the area. There is no doubt in my mind that this is a fair and equitable approach to address the issue.

Mr. President, the Antarctic ecosystem is precious and fragile and it is imperative that we negotiate a treaty that will protect if from any future development which may be hazardous to its long-term health.

Equally important to the minerals prohibition, is the rejection of CRAMRA. It is my understanding that the State Department plans to push for an agreement that would permit CRAMRA to enter into force after a time limited prohibition on mining. Congress was totally clear on its rejection of CRAMRA last year, and the State Department is clearly violating our intention if it pushes for CRAMRA. To date several other treaty nations have already dismissed CRAMRA and I urge the U.S. negotiators to follow the lead of countries like France, Australia, and New Zealand on this matter.

Mr. President, Antarctica is precious for many reasons. Chief among them, however, is its near pristine wilderness which serves as a perfect laboratory for studying global warming trends. Many scientists believe that development is likely to cause ice caps to melt, which would not only cause sea levels to rise, but would also reduce the ocean's capacity to absorb carbon dioxide—one of the main greenhouse gases. Altering this ability of our ocean to absorb CO_2, is clearly counterproductive to the findings in the report issued yesterday by the National Academy of Science on global warming trends. If the Antarctic environment gets sullied, we will lose a perfect testing ground for measuring global change and other critical scientific issues.

In closing Mr. President, let me reiterate my belief that the upcoming meeting in Madrid provides the United States with a great opportunity to take a leadership role in the protection of Antarctica and I urge the negotiators to put forth a strong position which reflects the laws passed by Congress last year.•

SENATE CONCURRENT RESOLUTION 27—URGING THE ARAB LEAGUE TO TERMINATE ITS BOYCOTT AGAINST ISRAEL

Mr. LAUTENBERG (for himself and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 27

Whereas since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

Whereas since the early 1950's the Arab League has maintained a secondary and tertiary boycott against Israel, preventing Arab countries from doing business with third parties that trade with or invest in Israel;

Whereas the boycott seeks to coerce American firms by blacklisting those that do business with Israel;

Whereas Arab countries submitted 12,668 boycott-related requests to American firms in fiscal year 1989;

Whereas the boycott causes economic damage and isolation to Israel;

Whereas many American firms may be denied contracts by the Kuwaiti Government because they conduct business with Israel;

Whereas the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

Whereas two of the anti-Iraq coalition partners, Saudi Arabia and Kuwait, refuse to renounce the Arab boycott in the wake of a war in which Americans sacrificed their lives to ensure the independence and security of those nations;

Whereas Syria, another anti-Iraq coalition partner, continues to implement the Arab boycott and the Arab League's Central Boycott Office has been located in Damascus since 1951;

Whereas, Arab League countries refuse to accept passports from United States diplomats and citizens if they have an Israeli entrance stamp;

Whereas the Arab boycott against Israel greatly hinders the Middle East peace process and regional stability, to which this country is committed; and

Whereas the lifting of the Arab boycott against Israel would provide a gesture of good faith and represent a confidence-building measure between the Arab States and Israel, greatly enhancing the prospects for an Arab-Israeli peace: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Arab League should immediately terminate the primary, secondary, and tertiary boycott against Israel; and

(2) the President should—

(A) vigorously encourage Arab League countries to terminate the primary, secondary, and tertiary boycott against Israel, including a reversal of the longstanding policy of not accepting passports with an Israeli entrance stamp, as a confidence-building measure; and

(B) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

• Mr. LAUTENBERG. Mr. President, I rise to submit a concurrent resolution calling for an end to the Arab League boycott of Israel and companies that do business with Israel. I am pleased that Senator HATCH is joining me in introducing this resolution.

The Arab League has maintained a primary economic boycott against Israel since 1948, refusing to do business with any individual or business in that country. Since the early 1950's, the Arab League has maintained a secondary and tertiary boycott against Israel and her trading partners. Under the terms of the secondary boycott, the Arab League demands companies worldwide to refrain from trading with or investing in Israel. If a company does trade with Israel, it is blacklisted by the Arab League. Arab League countries will not trade with any blacklisted company. They also will not trade with any company that does business with a blacklisted company. This is known as the tertiary boycott.

The Arab boycott doesn't hurt only Israel. It harms America as well. Longstanding U.S. policy on the boycott has been clear. We don't accept it. We won't stand by and let American firms be threatened and coerced. We won't tolerate or cooperate with these outrageous barriers to trade. That's why U.S. law bars American companies from providing certain information to Arab countries to demonstrate compliance with the boycott.

America's Arab coalition partners in the gulf war must move quickly to end the boycott against Israel and companies that trade with Israel. American soldiers sacrificed their lives to protect the independence and security of Saudi Arabia and Kuwait. After all that America has done for them, these countries continue to wage economic war against American business. American companies that trade with Israel may even be denied contracts by the Government of Kuwait—a government that exists today because Americans fought to restore it. Syria, another anti-Iraq coalition partner, also shows no sign of changing its policy on the boycott and is the home of the Arab League's Central Boycott Office.

Mr. President, Israel and its friends in America and around the world are isolated not only economically, but politically as well. Our Arab League coalition partners must finally reverse their policy of political isolation. They must be encouraged to reverse their longstanding policy of denying entrance visas for visitors if they have an Israeli entrance stamp in their passport.

Because of this outdated policy, I had to be issued an entirely new diplomatic passport by the State Department before I could get a visa from the Saudi Arabian and Kuwaiti Governments for a recent trip to the Middle East. My existing diplomatic passport had an Israeli entrance stamp from a previous visit to Israel and I would have been denied entrance if I tried to use it.

It was the height of absurdity that the Governments of Saudi Arabia and Kuwait were prepared to refuse a United States Senator a visa for a congressional delegation visit because his diplomatic passport had an Israeli entrance stamp. In maintaining their visa policies, Saudi Arabia and Kuwait are sending a clear but disturbing message to all Americans. American soldiers prepared to fight to restore security in the region are welcome. But, Americans who have ever visited Israel are not. Would the Saudis and Kuwaitis have denied an American soldier entry if he or she had visited Israel?

This policy is a sad reminder that despite all the developments of recent months, Arab nations except for Egypt still pursue a far-reaching policy of rejection of Israel. The policy is an impediment to peace and must be reversed. I wrote to Secretary Baker urging him to lodge a formal complaint about the visa matter with the Governments of Saudi Arabia and Kuwait and to place it high on the agenda as the United States continues to search for ways to bring peace to the Middle East.

I also raised it personally on a recent trip to Egypt, where I had the opportunity to meet with President Hosnia Mubarak and Egyptian Foreign Minister Ahmed Esmat Abdel Meguid, who was nominated by Mubarak to be head of the Arab League. In my meetings, I called on President Mubarak and Foreign Minister Meguid to ask the Arab League to repeal the economic boycott against Israel and her trading partners. I called on them to seek a reversal of the longstanding policy of rejecting anyone who shows evidence of even visiting Israel.

Mr. President, the time has come for the Arab League countries—particularly our coalition allies—to end their economic boycott of Israel and companies that do business with Israel. The time has come to stop isolating Israel politically. Lifting the boycott against Israel and her trading partners would provide an important gesture of good faith and a critical confidence building measure between the Arab States and Israel. It would be a positive first step toward the goal of achieving a longlasting Arab-Israeli peace.

The resolution we introduce today seeks to move the Arab League countries in that direction. It calls on the Arab League to immediately terminate the primary, secondary, and tertiary boycott against Israel and companies that do business with Israel. It calls on the President to vigorously encourage Arab League countries to terminate the economic boycott against Israel and those who trade with Israel, and to end its policy of rejection of anyone who shows evidence of even visiting Israel. And, it calls on the President to encourage our allies and trading partners to enact laws prohibiting businesses from complying with the boycott and penalizing companies that do comply.

Mr. President, if Arab countries and the Arab League agreed to reverse this policy, it would be a positive step toward recognizing Israel's right to exist. It would give hope to the Israelis that her neighbors are serious about acknowledging her permanence. It would bring hope to many that Arab nations will one day formally end their state of war with Israel and enter direct negotiations for peace agreements with that country. I urge my colleagues to support this resolution.●

SENATE RESOLUTION 97—RELATIVE TO THE DEATH OF JOHN GOODWIN TOWER, A FORMER SENATOR FROM THE STATE OF TEXAS

Mr. GRAMM (for himself, Mr. BENTSEN, Mr. DODD, Mr. DOLE, and Mr. BOND) submitted the following resolution; which was considered and agreed to:

S. RES. 97

Whereas the Honorable John Goodwin Tower served the people of Texas and America in the United States Senate with pride and distinction from 1961 to 1985;

Whereas John Tower's leadership in matters related to military and foreign affairs helped prepare the foundations for America's recent successes in the Persian Gulf War;

Whereas the death of John Tower's daughter, Marian, is a monumental loss to all who knew and loved her; and

Whereas John Tower's tragic passing has deprived Texas and America of an extraordinary person and valued leader: Now, therefore, be it

Resolved, That the Senate expresses the profound regret of the membership on the death of its former colleague, John Goodwin Tower of Texas, and of his daughter, Marian;

That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the Senator; and

That when the Senate recesses today, it recess as a further mark of respect to the memory of former Senator John Tower.

SENATE RESOLUTION 98—RELATIVE TO OIL IMPORT FEES

Mr. PELL (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. KERRY, Mr. DODD, Mr. BRADLEY, Mr. LAUTENBERG, Mr. COHEN, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. RUDMAN, and Mr. MITCHELL) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 98

Whereas a fee on imported crude oil and refined petroleum products, whether in the form of a levy for general revenues, a levy to fund specific programs, or an in-kind storage requirement of a percentage of imported crude oil and refined petroleum products, and whether fixed or variable, would directly increase the costs of production and manufacturing for industries that use petroleum products;

Whereas the increased production costs resulting from such a fee, levy, or diversion would impair the ability of industries to compete in international markets;

Whereas such a fee, levy, or diversion would directly increase the costs to other users of petroleum products, including those dependent on oil and oil products to heat their homes and those who use electricity generated from oil; and

Whereas the increased costs to industry and to homeowners from such a fee, levy, or diversion would not be uniformly distributed among geographic regions or economic sectors, but would be borne disproportionately by the regions and economic sectors that are most dependent on petroleum products: Now, therefore, be it

Resolved, That it is the sense of the Senate that neither the President nor the Congress should impose fees, levies, or diversion requirements on imported crude oil and refined petroleum products.

Mr. PELL. Mr. President, I speak today on behalf of myself and Senators CHAFEE, KENNEDY, KERRY, DODD, COHEN, LAUTENBERG, BRADLEY, and JEFFORDS to introduce a Senate resolution expressing disapproval of an import fee or levy on imported crude oil or refined petroleum products. I do so because although Congress has rejected the concept of an oil import fee on various occasions in the past, proposals have surfaced once again which, albeit in different language, call for what is essentially an oil import fee.

One such proposal calls for the imposition of an oil security premium on imported crude oil and refined petroleum products. This proposal would require importers to provide the U.S. Government free of charge a portion of the crude oil and refined oil products brought into this country. The Government would in turn use this oil for the purposes of increasing the amount of oil in the strategic petroleum reserve with a target of adding some 220,000 barrels per day. The effect of this oil security premium, however, would be to impose an oil import fee, payable in oil rather than dollars, at a level of approximately between 9 and 10 percent of the value of the crude oil and refined petroleum products brought into this country.

Mr. President, as we finally begin to address America's long-neglected need for a comprehensive national energy policy, it is important that we develop precisely that—a national energy policy and not one that either adversely affects or unfairly benefits certain regions of this country more than others. Unfortunately, an oil import fee, or as in this case, an in-kind storage requirement of imported petroleum, does just that. It adversely affects oil-consuming regions of the country, in particular New England and the upper Midwest, and provides a subsidy to oil-producing regions at the expense of consumers nationwide. While the goals of energy security and increasing the strategic petroleum reserve are laudable, using the oil security premium as a mechanism to achieve these goals is patently unfair as well as costly to taxpayers and consumers alike.

I would like to point out some of the basic objections to the concept of an oil import fee or in-kind storage requirement. First, such a levy would impose an added cost on all U.S. manufacturers who use oil and would place U.S. industry at a disadvantage in competing with other countries. In this time of recession, American industry can ill afford any additional burden on its manufacturing competitiveness.

Second, such a levy would place an unfair economic burden on those regions of the country that are particularly dependent on oil for heating, industrial processes, and electric power generation. In some States in these regions, and in particular the Northeast, oil accounts for nearly two-thirds of total energy consumption compared with a national average of 40 per cent. For workers, homeowners, and businesses in States heavily dependent on oil for energy, many of which are currently in the midst of a severe economic downturn, an oil import levy would spell economic disaster.

Third, such a levy would provide a subsidy to oil-producing States, six of which produce over 70 percent of this country's oil, at the expense of the oil consumer nationwide who would face higher gasoline, home heating, and consumer product costs as a result of its imposition.

Fourth, such an import levy would hurt friendly nations such as Mexico, Canada, and Venezuela that have been reliable and secure suppliers of oil and some of whom already face international debt problems.

Finally, as a financing mechanism for increasing the strategic petroleum reserve, an in-kind storage requirement of imported petroleum is hardly cost-effective. Using the latest U.S. Department of Energy estimates, the eventual cost to the consumer of this proposal to increase the amount of oil in the strategic petroleum reserve would be over $40 per barrel. Simply hiding this cost behind the guise of an in-kind storage requirement of imported crude will do nothing for the consumers and industries of this country that will be adversely affected.

In conclusion, I would like to say that for these and other reasons, Congress has resisted oil import fees in the past. This time around, Congress is being presented with a slightly different proposal than a direct import fee but make no mistake about it, the effect of the oil security premium as I outlined earlier would be precisely the same as an oil import fee. Notwithstanding the need for a comprehensive national energy policy and, in particular, an adequately stocked strategic petroleum reserve, this oil security premium is not the means by which these should be achieved. Moreover, while such policy is unfair and costly in the best of economic times, it is especially dangerous in this time of recession when industries and consumers are being pressed to their limits.

Accordingly, I urge my colleagues to support this resolution and join me in working to eliminate the imposition of any kind of fee or levy on imported crude oil or refined petroleum products.

SENATE RESOLUTION 99—CONCERNING THE PROTECTION OF REFUGEES IN IRAQ

Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. GORE, Mr. PELL, Mr. LEAHY, Mr. SANFORD, Mr. MITCHELL, Mr. DOLE, Mr. PACKWOOD, Mr. CRANSTON, and Mrs. KASSEBAUM) submitted the following resolution; which was considered and agreed to.

S. RES. 99

Whereas Kurds, Shi'ites and others throughout Iraq began an armed uprising against the government of Saddam Hussein;

Whereas since the uprising began Iraqi forces have employed indiscriminate force against civilian populations throughout the country, including the use of weapons such as napalm and phosphorous, and have killed thousands, and displaced and put at risk of starvation perhaps one million people;

Whereas the United Nations Security Council on April 5, 1991 adopted Resolution 688 which condemns the repression of Iraqi civilians and states that this repression threatens international peace and security in the region, demands that the Iraqi government immediately end its repression of civilians, insists that Iraq allow immediate access by international humanitarian organizations to those in need of assistance and demands that Iraq cooperate with the Secretary General to address urgently the critical needs of the refugees;

Whereas the United Nations and the United States, as the leader of the international coalition opposing Iraqi aggression, have a unique responsibility and ability to address the plight of the Iraqi refugees: Now, therefore, be it hereby

Resolved by the Senate, That the Senate strongly condemns Iraq's continuing military atrocities, its slaughter of thousands of innocent civilians, and its blatant violations of international standards of human rights and the Fourth Geneva Convention of 1949;

The Senate calls for a United States policy in support of democracy and respect for human rights and international law in Iraq;

The Senate believes that the United States has a moral obligation to provide sustained humanitarian relief for Iraqi refugees and urges the President to continue his efforts to garner international support for those fleeing Iraqi repression;

The Senate notes the assistance Turkey and Iran have provided to Iraqi refugees, encourages them to continue to assist the refugees in every appropriate manner, and pledges United States assistance to international relief efforts for the refugee populations;

The Senate calls upon the President immediately to press the United Nations Security Council to adopt effective measures to assist Iraqi refugees as set forth in Resolution 688 and to enforce, pursuant to Chapter VII of the United Nations Charter, the demand in Resolution 688 that Iraq immediately end its repression of the Iraqi civilian population. Such measures could include: (1) establishing temporary enclaves to provide sanctuary to those fleeing Iraqi troops, (2) developing procedures to verify the full implementation of any Iraqi government offer of amnesty to Iraqi citizens, (3) maintaining economic sanctions against Iraq, and (4) using effective means to protect refugees pursuant to Article 42 of the United Nations Charter.

SENATE RESOLUTION 100—COMMENDING DUKE UNIVERSITY FOR WINNING THE 1991 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S BASKETBALL CHAMPIONSHIP

Mr. SANFORD (for himself, Mr. HELMS, and Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 100

Whereas, for the first time in the history of the university, the Duke University Blue Devils won the National Collegiate Athletic Association Men's Basketball Championship; and

Whereas Duke University has consistently maintained one of the top basketball programs in the country; and

Whereas the Duke Blue Devils have reached the NCAA Final Four nine times, and the current head coach Mike Krzyzewski and his staff have led the Blue Devils to the Final Four five out of the last six years; and

Whereas Coach Krzyzewski holds the highest winning percentage among active coaches in the NCAA tournament with a 27 to 7 record; and

Whereas Coach Krzyzewski was also named NCAA Coach of the Year; and

Whereas the senior cocaptains of the Duke basketball team became the first players to go to the NCAA Final Four each of their four years; and

Whereas three members of the Duke team made the NCAA All-Tournament team, one was named first team All-American, one honorable mention All-American, and one freshman All-American; and

Whereas the Blue Devils, before defeating Kansas in the final game, beat the University of Nevada-Las Vegas Running Rebels and ended their 45 game winning streak: Now, therefore, be it

Resolved, That the Senate commends the Duke University Blue Devils for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship.

SENATE RESOLUTION 101—AUTHORIZING TESTIMONY OF CERTAIN SENATE EMPLOYEES

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 101

Whereas, in the case of United States v. Kim Peoples, No. M7711-90, pending in the Superior Court for the District of Columbia, the United States Attorney has caused subpoenas for testimony at trial to be served upon Frances Marcus and John Mashburn, employees in the office of Senator Jesse Helms;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Frances Marcus, John Mashburn, and any other Senate employee whose testimony may be necessary, are authorized to testify at the trial of United States v. Kim Peoples.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce a change in time for a hearing that has been scheduled on April 16, 1991, before the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Department of Energy's Superconducting Super Collider Program.

The hearing will take place on Tuesday, April 16, 1991, at 2 p.m. instead of 9:30 a.m. as originally scheduled. It will be held in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, attention: Paul Barnett.

For further information, please contact Paul Barnett of the committee staff at 202/224-7569.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that further hearings have been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 484, the Central Valley Project Improvement Act.

The first hearing will take place on Thursday, May 2, 1991, in Sacramento, CA. The exact time and location will be announced at a later date.

The second hearing will take place on Wednesday, May 8, 1991, beginning at 2 p.m., in room SD-366 of the Senate Dirksen Office Building, Washington, DC.

Due to the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the printed hearing record is welcome to do so. Those persons wishing to submit written testimony should mail five copies of the statement to the Subcommittee on Water and Power, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366 or Anne Svoboda at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environemnt of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 11, at 2:30 p.m. to hold a hearing on U.S. development assistance programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 11, at 2:30 p.m. to hold a hearing on issues relating to a bilateral free trade agreement with Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on April 11, 1991 at 9 a.m. to hold a hearing on below cost timber sales and forestry management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 11, at 10 a.m. to hold a hearing on the effects of the continued diplomatic stalemate in Cambodia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 11, 1991, at 1:30 p.m. on S. 218, Emerging Telecommunications Technologies Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, at 2 p.m., April 11, 1991, to receive testimony on S. 343, a bill to provide for continued U.S. leadership in high performance computing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, April 11, 1991, at 10 a.m., for a hearing on "Reauthorization of the Higher Education Act: Secretary of Education Lamar Alexander."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, April 11, 1991, at 2:30 p.m., to receive testimony on U.S. military strategy and its relationship to the fiscal years 1992-93 national defense authorization request and the fiscal years 1992-97 Future Year Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on April 11, 1991, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary be authorized to meet during the session of the Senate on April 11, 1991, at 1:30 p.m., to hold a hearing on Patents and Trademark Office authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 11, 1991, at 2 p.m., to hold a hearing on "The Environmental Consequences of the Drug Epidemic."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WEST VIRGINIAN RAE McKEE 1991 TEACHER OF THE YEAR

• Mr. ROCKEFELLER. Mr. President, I am proud to take a moment to congratulate an extraordinary West Virginia teacher, Rae Ellen McKee.

Rae McKee is a remedial reading teacher at Slanesville Elementary School in Hamshire County, WV. This is a chapter I school in a very rural county of my State. But its students are lucky because they are taught by Rae, a dedicated and inspiring teacher.

This week, Rae was selected as the 1991 "National Teacher of the Year." Yesterday, President Bush and Education Secretary Alexander were in West Virginia to visit Slanesville Elementary School and to honor Rae McKee.

It is an honor she truly deserves. Rae is committed to the profession of teaching and comes from a family of educators. She has taught for 11 years, and I know she has encouraged many West Virginia children. By teaching them to read, Rae has been able to open the window of opportunity for her students.

In the Senate, we talk a great deal about improving education and I am committed to this vital goal. Federal support for chapter I, handicapped education, literacy programs and all of our educational initiatives are essential. But the role of teachers is unique. Each of us remembers a special teacher who exposed us to the joys of reading, or unraveled the mysteries of mathematics, during our elementary school years.

Teachers, like Rae McKee, inspire children to learn and develop to their full potential. I am proud that Rae and West Virginia will be honored by the National Teacher of the Year Program. Throughout the next year, Rae will be an eloquent speaker on behalf of education and she will carry an important message across our country.

It was a pleasure to meet Rae earlier this year, and I was enormously impressed by her enthusiasm and commitment. I was also touched by her modesty and wisdom. I want to share some of her thoughts on education. In a West Virginia interview in February about this national program, Rae said, "My only regret is that the people I work with can't be recognized because they all deserve it. It's a shame that one person has to be singled out, because the education of children can never be an individual effort."

I agree with Rae McKee. Dedicated teachers in West Virginia and around the country deserve our admiration and support. By honoring Rae, we honor the teaching profession. Rae is also right that many people are involved in the education of a child. Teachers are the leaders in the classroom, but parents, neighbors and every one in the community can—and should—contribute to the education of our next generation. Rae McKee will be an inspiring example for all of us.•

GLASGOW, KY

• Mr. McCONNELL. Mr. President, I rise today to recognize a unique Kentucky town called Glasgow.

But where in the world is Glasgow? It is an hour and a half equidistant between Louisville and Nashville. East of Bowling Green. South of Elizabethtown. West of Campbellsville. And just north of Tompkinsville. To quote Assistant Principal Jim Nelson:

> We're an hour and a half from either center for the arts, but we're far enough away to be insulated from some of the grime and crime that we read about.

In addition to its geographical singularity, Glasgow boasts many of Kentucky's firsts. Approximately 72,000 head of cattle graze the Glasgow area farmland. The city is also the home of the State's largest Wal-Mart, best-managed school system, the 1968 State high school basketball championship, the State's largest producer of hay and milk, and one of the Nation's 10 safest cities.

Even with all of these reasons to be proud, there are still a few complaints here and there. Perhaps those concerns are best addressed by Sandie Claywell, a Glasgow native who studies elementary education at the Western Kentucky University extension campus there.

> I think the problem is a lot of people who're not from Glasgow take Glasgow too seriously . . . I hear people say it doesn't offer everything. It's got everything I want.

What else does Glasgow offer? Surprisingly, an impressive cable television system. With competition brewing between two cable television operators, Glasgow cable viewers can get more for $9 than they can for $20 in Louisville.

Mr. President, I salute this Kentucky town with character, achievements, and an excitement all its own. And I ask that the text of the attached Courier-Journal article be inserted in the RECORD.

The articles follow:

GLASGOW

POPULATION, 1990

Glasgow, 12,351.

Barren County, 34,001.

BIG JOBS

Manufacturing, 4,437 employees.

Wholesale/retail, 2,708.

Services, 2,104.

State/local government, 1,349.

Contract construction, 981.

BARREN COUNTY PER CAPITA INCOME, 1988

$11,230 or $1,582 below the state average.

EDUCATION

Public School Systems: Glasgow Independent (2,284 students); Barren County (3,171 students); Caverna Independent (1,050 students from two counties) Colleges: Western Kentucky University-Glasgow (951 students) Largest vocational school: Barren County Area Vocational Education Center (average enrollment 460).

MEDIA

Newspapers: Glasgow Daily Times (daily except Saturday); Barren County Progress (weekly); Glasgow Republican (weekly) Radio: WCDS (country); WCLU (rock-era oldies); WHHT (rock); WOVO (rock); WPXR (country) Television; Cable offerings include stations from Louisville, Bowling Green, Campbellsville and Nashville, plus "superstations" from Atlanta, Chicago and New York.

TRANSPORTATION

Air; Moore Field (one 4,000-foot runway); Nearest scheduled airline service: Nashville International Airport, 79 miles.

Rail: CSX, Truck: 26 truck lines serve Glasgow.

Water: No commercial river traffic.

LARGEST COMPANIES, 1991

R.R. Connelley & Sons (magazine printers), 1,400 employees.

Eaton Corp. (axles) 700 employees.

SKF USA (bearings) 333 employees.

Aerovox M (electrolytic capacitors) 300 employees.

TOPOGRAPHY

Rolling, rolling, rolling. The land looks like waves of earth.

FAMOUS FACTS AND FIGURES

Glasgow has the biggest Wal-Mart in Kentucky, at more than 110,000 square feet.

Every Esquire, Town and Country, Bazaar, and Sassy magazine is printed in Glasgow, at R.R. Donnelley & Sons, an outfit so big the U.S. Postal Service has its own shop there.

Famous Folks from Glasgow; Bandleader Billy Vaughn, journalists Diane Sawyer and Arthur Krock, NBC chairman Julian Goodman, Gov. Louie Nunn.

Barren County has more registered farm trucks than any other country in the state (2,669 in 1988)—and 2.11 cows for every person (more cattle than any other Kentucky county.)

Glasgow had Kentucky's first black mayor, Luska Twyman, who served from 1968–85.

Preston Hopkins Leslie of Glasgow was governor of two States—Kentucky, from 1871–75, and Montana, while it was still a territory, from 1887–89.

COWS, FACTORIES AND CABLE VIEWERS ALL DO BETTER THAN THAT FRENCH RESTAURANT' WITH THE CORKING FEE

(By C Ray Hall)

The first white settlers here saw vast, treeless stretches and called them "barrens," as if nothing would ever grow there. Perhaps it was such dim prospects that caused two of the very first settlers to open taverns.

As it turned out, though, just about everything will grow here—from trees to tobacco to factories, which dot the rolling hillsides. About the only thing that won't grow is taverns. Too dry.

Pollution? Not much, unless you count methane from cow belches. Barren County has about 72,000 cattle—more than any other county in Kentucky. It produces more hay and milk than anyplace else in the state. And as to a nod to city slickers, Glasgow produces every Esquire, Bazaar, Town and Country and Car and Driver magazine in the world. (Plus 115 others at the R. R. Donnelley and Sons plant.)

It seems a year can't go by without folks here discovering they've been declared No. 1 in something else. Many towns claim to have the biggest Wal-Mart in the state; Glasgow really does. A couple of years back, the Glasgow school system was cited as the state's best-managed. Glasgow High won the state basketball championship in 1968. The Barren County cheerleaders won a couple of national championships in the '80s. A decade ago, Glasgow was declared one of the nation's 10 safest cities, based on crime figures compiled by the FBI.

"That's not to say we have no crime here," says the mayor, Charles Honeycutt. "We've had some very successful undercover drug operations that show that."

All in all, though, the place is just sort of overwhelming in its pleasantness, like a breeze blowing through honeysuckle. There's an industrial park that actually locks like a park. (And one that doesn't.) A long, stately stretch along South Green Street is somewhat like Lexington's Ashland Park, only with bigger yards and smaller mortgages.

Glasgow might be the only place in Kentucky where you could find the mayor wearing both a beard and a skirt. Charlie Honeycutt, below, dons a kilt for the Highland Games.

There aren't many places where you could lay down a marble without having it roll away and hit a cow or a factory, or somebody talking about making Glasgow more globally competitive. (A volume in the mayor's office: "Japanese Business Etiquette.")

Glasgow is probably the only place in Kentucky where you could find the mayor wearing both a beard and a skirt. The mayor dons his kilts for the Highland Games, a big late-spring festival that draws Scottish clans.

Honeycutt followed Luska Twyman into the mayor's office. Twyman, who served from 1968–85, was Kentucky's first black mayor. Both were high school principals. Honeycutt is also a former high school band director who played a bit with Billy Vaughn, one of several folks with Glasgow ties and national recognition.

"We have enough people like that to give us the confidence we can compete on a national level—and globally," says Jim Nelson, assistant principal at Glasgow High School. Like a lot of people, Nelson points out that Glasgow is about equidistant between Louisville and Nashville. "We're an hour and a half from either center for the arts," he says, "but we're far enough away to be insulated from some of the grime and crime that we read about."

Glasgow's crime-free, grime-free town square has the requisite courthouse with white clock and Confederate statue, and locals who lane-hop in eerie slow motion.

All in all, it's a place that values peace and harmony so much that it's not unusual for a church to take 18 months to hire a preacher.

This is why it's surprising, perhaps, when a preacher breaches the peace. The gadfly in the ointment that otherwise soothes Glasgow's self-image is Father Daniel Sheehan, a 68-year-old priest at St. Helen's, a Catholic church built with fieldstones supposedly carried by parish women in their aprons. Sheehan wishes Glasgow's wealthier folks would take up the burden of the poor, like those women carrying stones in their aprons.

Relief agencies, including his own church's fund for the poor, he says, are "overwhelmed."

Within 15 minutes, two people knocked at the priest's door. One was a woman who had been laid off from her job asking for help with her light bill. "It's a lot," she said, "$167." She had a shut-off notice. So did the old man who stopped by minutes later.

Unemployment, which was in double digits in the mid-1980s, dipped to 4.6 percent last November. But it's headed up, apparently, with two plant closings expected to cost upwards of 300 jobs.

One retreat from such disheartening consideration is a corner of the town square occupied by the George J. Ellis Drug Store, where coffee is the social lubricant, George J. doesn't dispense here anymore. Tom Holmes, who bought him out in '63, does.

"I was looking for a place to get into debt," Holmes says. "And this worked out fine."

It's not just a drug store. It's not just a restaurant that starts serving before sunup. It's not just a place where you can snatch a volume of The American Encyclopedia off the shelf next to the canned corn and Ajax cleanser. It's a social center where the fatal mistake is taking yourself seriously.

"You gotta be thick-skinned in here," says Les Settle, the city clerk. "If you bleed easily, you better not come in."

For example: A townsman somewhat shy of teeth took note of an undertaker's ring one day and cracked, "D'you get that off one of your customers?"

"No," the undertaker deadpanned, "but I got some teeth for you."

Holmes is a gnomelike presence who always seems to be enjoying a private joke. Maybe he is.

"I wouldn't come in here if I didn't have to work here," he grumps. "And I wouldn't blame other people if they didn't come in."

Faced by such Tom Sawyerian logic, they come in droves, naturally. They spend a lot of time matching coins for coffee. One unlucky soul recently had to pick up the tab for 13 coffee drinkers.

Across the square, at Bernards clothing store, the humor is kinder and gentler. Father John Agapito, a young priest, entered.

"What can I do you for?" asked Berky Sloan, the owner.

"Coupla pair of pants."

"Black?"

Sloan's store, which has been there 55 years, is one of many holdouts on the square, resisting the lure of the suburban strip. Some people think it'll be swell if the proposed coast-to-coast highway, I–66, snuggles up to Glasgow along the Cumberland Parkway. Sloan isn't so sure.

"I think one of the worst things we ever did was building the Cumberland Parkway," he says. "It just made it easier for everybody to get to Bowling Green. . . . People, when they have a little extra money to spend, local's not good enough. They've got to go to Bowling Green or Nashville."

Or to The Biggest Wal-Mart in the State, Sloan calls it "The Forbidden City," not just because of its vastness ("It takes you 15 minutes to go through there") but because of its voracity. ("They put out three drug stores and two dime stores. The next thing they're working on is tire stores.")

Wal-Mart even put itself out. Across the bypass from the gleaming new Wal-Mart is the old one, an empty monument to consumption.

Glasgow had another monument to consumption—a French restaurant called L'Auberge du Champs. In 1983, it opened across from the airport with great fanfare. Ultimately, it had more fare than fans. Everybody called it "that French restaurant."

"It didn't do well because it intimidated everybody," says Kim Pryor, a banker.

Her mother, Jill Bailey, a music teacher, recalls a trip with a friend: "We took a $3 bottle of wine out there and they charged us $5 to unscrew the lid. Corking fee. . . . The maitre d', what was his name Henri? He was pretty slick. But country people. . . ."

The latest incarnation at "that French restaurant" is the Beaver Creek Inn, which opened March 1. The owners, Glenn and Marg Henderson, used to run The Feed Shed, a popular place over at Marrowbone. Despite its location next to the volunteer fire department, The Feed Shed burned. Something about a barbecue pit run amok.

For Glasgow folks, who generally brag about only one other restaurant, Bolton's Landing, the Beaver Creek Inn may be just what the country doctor ordered. Servers bring big bowls and platters of home-cooked meals to your table for what Henri would call prix fixe. The prix is fixed at $10.95. Which is pretty cheap by the hour.

"If they want to sit there and eat two hours," says Marg Henderson, "we'll keep bringing the stuff to them."

Everybody has a bottom line on Glasgow's French flirtation. Some see a larger lesson. Sandie Claywell, who is studying elementary education at the Glasgow campus of Western Kentucky University, says, "I think the problem is a lot of people who're not from Glasgow take Glasgow too seriously. . . . I hear people say it doesn't offer this or it doesn't offer that. Small towns weren't meant to offer everything. It's got everything I want."

Especially since Western Kentucky University came to town three years ago with its extension campus, which now has 951 students. It's gotten so big and, presumably, impersonal that some computer entrepreneurs have put together listings to help students "find your 10 most compatible people."

One astonishing thing Glasgow offers: an impressive cable-TV system. Competition seems to be the culprit. A couple of years back, Glasgow's Electric Plant Board fired up its own cable operation. TeleScripps, the entrenched system, responded by doubling its channels and cutting its prices by a third. In Glasgow, cable viewers can get more for $9 than they can for $20 in Louisville.

Glasgow wears down the resistance of even the most recalcitrant newcomers, Don Doty, a Tennessee native and plant manager at Eaton Corp., explains:

"When they first come, anything that they were used to having . . . that they don't find here, why, they'll bitch about that. 'You can't get a drink here.

There's nothing to do.' "

"I think the cycle usually goes, the first year they bitch about all these things. The second year, it's quiet and leveled out. And then after that the only time you hear any bitching is when they get transferred out,"•

HOW ABOUT PUERTO RICO'S SELF-DETERMINATION?

• Mr. SIMON. Mr. President, one of the great mistakes that has been made by a Senate committee was made recently when one of our committees declined to pass out Senator BENNETT JOHNSTON's bill providing the people of

Puerto Rico with the right to vote for self-determination.

It is a decision that must be reversed. We cannot say that we are for self-determination around the world but not for the people of Puerto Rico.

Two letters to the editor appeared in the New York Times that I think would be of interest to our colleagues. One was written by Mr. Lester Aponte-Parsi of Los Angeles, and the other was written by Mr. Kenneth G. Gruber of Puerto Rico.

The letters are of interest, also, because Mr. Lester Aponte-Parsi, with at least a part-Hispanic name, comes from Los Angeles, while Kenneth Gruber, with a name that is obviously of Germanic background, comes from Puerto Rico.

I urge my colleagues to read these two letters if they did not see them when they appeared in the New York Times.

The letters follow:

HOW ABOUT PUERTO RICO'S SELF-DETERMINATION?

TO THE EDITOR: The Senate's failure to act on Senator J. Bennett Johnston's referendum bill for Puerto Rico is shameful ("America's Captive Nation," editorial, Feb. 22). When Puerto Rico was invaded by United States forces in 1898, their commander, Gen. Nelson A. Miles, proclaimed that those forces had come to "bring the blessings of liberty and democracy" to "a people who have long been oppressed."

On numerous occasions, the White House and Congress have proclaimed a commitment to Puerto Rico's right to self-determination. A joint resolution of Congress passed Aug. 3, 1979, expressed Congress's "commitment to respect and support the right of the people of Puerto Rico to determine its political future by means of a peaceful, open and democratic process."

Is Congress now saying all men are created equal except those whose culture does not blend? The thousands of Puerto Ricans serving in the Persian Gulf may do well to ask what they were fighting for. If this country is willing to fight for Kuwait's right to self-determination, why is it not willing to afford its own citizens the same right?

LESTER APONTE-PARSI,
President, Southern Calif. Chapter, National Committee for Puerto Rican Statehood, Los Angeles, March 4, 1991.

HIDDEN WEALTH

TO THE EDITOR: As a former New Yorker who lives in Puerto Rico, I believe Tom Wicker's Feb. 9 column on statehood for Puerto Rico lacked basic facts about its political and social situation. I will discuss but one of his premises.

Mr. Wicker writes of the relatively low per capita income in Puerto Rico compared with the rest of the United States. There is poverty in Puerto Rico, though perhaps (since our total population is only three million) not so much as in New York City. Even by the official statistics, Puerto Rico has the highest per capita income in Latin America (that is, third behind the United States and Canada for the Western Hemisphere).

Mr. Wicker also describes Puerto Rico as the most important market for United States exports in Latin America, buying more goods than Argentina, Brazil and Chile combined. If three million Puerto Ricans import more United States products than 200 million people in South America (even given the high level of poverty in South America), there may be a problem with the per capita income statistic for Puerto Rico.

Few "mainlanders" know of the tax situation in Puerto Rico, which could contribute to this potential contradiction. Residents of Puerto Rico do not pay Federal taxes, but do pay a local income tax administered by the Commonwealth. It is well known that there is massive tax fraud in Puerto Rico. As an exmple, the average income for physicians or lawyers is $20,000 to $30,000 a year. This statistic was recently rejected by a jury in a Federal Court suit, and a figure closer to $150,000 a year was used to calculate a judgment. Similar disparities almost certainly exist.

In the United States, having a reported income disproportionate to your life style or the average income of your profession is a guaranteed way of producing an Internal Revenue Service investigation. This is not so in Puerto Rico.

Anyone who visits Puerto Rico and sees high-rise apartments and housing developments being built and sold at prices from $150,000 to $500,000 would be hard pressed to think this island has an economy vastly weaker than Mississippi's. This is to say nothing of the many Mercedeses, BMW's and other luxury cars commonly seen on our roads.

Another interesting statistic is that the highest-grossing stores in the Sears and J.C. Penney chains are in Puerto Rico. This is not a statistic you would associate with an economically depressing region.

There are also legal ways to defer a much larger percent of your total income in Puerto Rico than under I.R.S. regulations. For example, when I worked on the mainland, my ability to defer income was limited to a relatively small percent, while at my job in Puerto Rico I can defer up to 100 percent of my income. Thus, comparing per capita income figures calculated under two tax codes is mixing apples and oranges.

A more objective approach to the economic strength of Puerto Rico might be to calculate the per capita consumption of retail goods and services sold on the island, and compare this with other regions of the United States. You might find we are not so far from the rest of the United States as the per capita income figure would suggest.

KENNETH A. GRUBER,
Condado, P.R., March 1, 1991.●

TRIBUTE TO HARRY "BUD" SMITH

● Mr. REID. Mr. President, I rise today to honor Harry E. Smith, known to his friends as "Bud."

Bud has always served as an example to those around him. The kind of commitment to hard work, family and community Bud has demonstrated throughout his life is what made our country great.

Bud graduated from Sparks High School in 1931 and went to work for the Southern Pacific Railroad. He retired in 1975.

He married his wife, Dorothy, on October 28, 1935. Together, they raised four children. And, today, they have been married more than half a century.

Bud has been active in the Masonic orders of northern Nevada since 1942, and has achieved the degree of master Mason.

He is also active in the Order of the Eastern Star and Kerak Shrine Temple.

Bud has passed on his love for community service to his sons and nephews. When they became old enough, he initiated them into the Masonic order.

Many old and young northern Nevadans have benefited from Bud's commitment to his community.

It is my privilege to honor him here on the Senate floor today.●

A TRIBUTE TO PAGOSA SPRINGS

● Mr. WIRTH. Mr. President, I would like to take this opportunity to recognize the 100th birthday of one of Colorado's oldest and most interesting communities, the town of Pagosa Springs.

April 13 marks the 100th birthday of this remarkable town. Pagosa Springs is located at the base of the scenic San Juan Mountain range, and the residents have every reason to be proud of their town's unique western heritage and mountain splendor.

The Anasazi Indians, or "ancient ones," were among the first inhabitants of Archuleta County and present-day Pagosa Springs. The Anasazi cliff dwellers were followed by the Ute tribes, who revered the hot mineral springs of the area for spiritual and healing powers.

Spanish explorers and missionaries followed, and when the United States acquired this part of the Colorado territory after the 1848 War with Mexico, Fort Lewis was established as a military post to encourage settlers. The town of Pagosa Springs developed around Fort Lewis and was finally incorporated in 1891.

Today, visitors from around the world come to Pagosa Springs. Hunting, fishing, and outdoor recreational pursuits abound in this scenic part of the Colorado Rockies. For those interested in native American history, Pagosa Springs and the nearby Southern Ute Indian Reservation are very special locations. Some of the most beautiful pottery in North America is produced in this part of Colorado, and the archeological wonders of places like Chimney Rock are unique reminders of a spectacular native American culture that is centuries old.

Mr. President, I am pleased to join in wishing Pagosa Springs a very happy 100th birthday, and take pride in this special centennial celebration for one of Colorado's greatest communities.●

ARMS SALES HEAVEN

● Mr. SIMON. Mr. President, we should all be concerned by the constant stockpiling of arms by countries around the world, including the poor countries of the world.

Far too much money is spent on arms that end up destabilizing the world rather than meeting the needs of people.

Leslie H. Gelb had a column in the New York Times that summarizes the situation well. While it talks only about the Middle East, where our attention is focused right now, a similar column could be written about Central America and other regions of the world.

I hope the administration will apply a little greater rationality than has been shown up to this point, and I hope Congress can serve as a restraining force, though our record is not a good one.

At this point, I ask to insert the Leslie Gelb column into the RECORD.

The column follows:

ARMS SALES HEAVEN

Syria, Egypt, Iraq and Turkey each have more main battle tanks than Britain or France. Syria, Iraq and Egypt each fly nearly as many combat aircraft as Germany or France or Britain.

Eqypt, Iran, Iraq, Kuwait, Libya, Saudi Arabia and Syria have purchased from abroad about $125 billion in arms since 1983. This accounts for more than half the worldwide arms trade.

Why are they doing this? Can President Bush do anything to bring the situation under control?

These nations are not buying all those arms to fight for a Palestinian homeland. They treat Palestinians the way Americans treated Indians.

Nor do they arm themselves so heavily because they think Israel will grab their territory or oil. Not even the most paranoid Arab fears that.

There are two simple and powerful reasons for Mideast Muslims making their territories look more like arsenals than countries. First, most of them hate and distrust each other. They have killed hundreds of thousands of their brethren in wars over the last 40 years. Second, they hate Israel, and most would like to destroy it. Israel intruded into their established world and humiliated them in battle many times. Even today they know that Israel, itself an armed camp, could defeat any two of them simultaneously.

These Arab states and Iran have very little incentive to accept limits on their arms purchases. They live in constant fear that one of their Muslim brothers will gain the upper hand and attack. Also, stopping the arms race would guarantee Israel's continued superiority in military technology and its monopoly in nuclear weapons. Thus the arms race spirals upward and the wars become more terrible.

The arms exporters understand all this full well. But only on the rarest occasions have they denied arms requests from their oil suppliers. The industrialized world simply wants to keep the oil countries happy and buying arms to help offset the oil bills.

No one understands this mutual dependency better than the Mideast oil producers, who also know that oil money is their best weapon against Israel.

Israel cannot afford to compete with its neighbors in arms imports over the long run. It is already strapped with an enormous defense budget. That burden and the goal of keeping military superiority explain why Israel now calls for sharp cuts in arms exports to the Middle East.

To manage these eye-crossing interests and maneuvers over arms, the Bush Administration has developed the following approach:

Ban sales of chemical, biological and nuclear arms and related know-how, and the long-range missiles capable of delivering such weapons.

(Reasonable, but many Mideast nations already have some of these capabilities. Also missile exporters—North Korea and China, for example—will not abide by limits.)

Consider setting limits on sales of aircraft, tanks, artillery and smart missiles, but in the menatime sell what buyers want—"to see to it that they're secure," as Defense Secretary Cheney put it.

(As long as other suppliers do not restrain their sales, there is no sense putting ourselves at a competitive disadvantage.)

Argue that Iraq's defeat has diminished the biggest threat to all and that all can now safely buy less.

(A solid tactic, but the Administration already expects a substantial increase in demand from the victors.)

Negotiate confidence-building measures like Arabs dropping their economic boycott against Isreal and Israel providing better treatment for Palestinians.

(Sensible, but it will not reduce arms demands.)

Seek peace settlements between Arabs and Israel and between Israel and the Palestinians.

(An essential ingredient for eventual arms restraint on the Arab-Israeli front, but it does not deal with the inter-Arab quarrels, which also trigger demands for arms.)

CAN BUSH RESTRAIN THE MIDEAST?

The Administration's plan is practical and realistic. Too much so.

It is weighed down by business-as-usual realism. There seems nothing in it to exploit the death of the Soviet threat and the diminished value of Soviet arms sales. It contains little to suggest building on the victorious anti-Iraq coalition molded by Mr. Bush—or escaping the tragic history of Mideast arms races.

Mr. Bush is in a strong position to press other arms exporters for joint limits on sales and to link arms sales creatively with peace diplomacy. But to surmount this arms quagmire, he has to think bigger than his aides and put his new prestige on the line.●

LIONS CLUB AWARENESS WEEK

● Mr. BRADLEY. Mr. President, the month of April is Lions Club Awareness Month in New Jersey. I ask my colleagues to join me in saluting the Lions Club for enriching the quality of life in communities across the country.

The Lions Clubs are an integral part of our communities. For 70 years, the Lions Club of New Jersey have touched the lives of thousands of citizens. As society changes, the Lions Clubs have evolved to confront new challenges. In New Jersey, they work to fight drug abuse through drug education. And since they were founded, the Lions Club has pioneered the effort to help the visually impaired to live up to their full potential.

Comprised of members of the business community, Lions Club members donate their time, energy and skills to help improve the lives of others. They answer the question, "What do I owe another human being?" with the most generous response. They deserve our respect and our gratitude as they mark 70 years of service and dedication.●

ANNIVERSARY OF INDEPENDENCE OF BYELORUSSIAN DEMOCRATIC REPUBLIC

● Mr. METZENBAUM. Mr. President, I join Byelorussians throughout the United States and the world in celebrating the 73d anniversary of the independence of the Byelorussian Democratic Republic. We recently marked this milestone on March 24, 1991.

In 1918, the Byelorussian people proclaimed their freedom and right to self-determination by declaring an independent Byelorussian Democratic Republic. Their aspirations for freedom have survived for over 70 years, and have endured the hardest of economic and political hardships.

As the people of Byelorussia continue to fight for cultural independence and political integrity, it is important to remember the vision and commitment which have preserved the democratic movement in Byelorussia.

It is especially important to remember that the people of Byelorussia continue to fight for democracy and freedom. The recent political turmoil in the Soviet Union and the repression of regional democratic movements have threatened Byelorussian independence. The scourge of totalitarian repression has silenced the cultural, religious, and ethnic identity of too many nations for too long. Byelorussians worldwide have refused to be silent.

I salute the proud people of Byelorussia on the anniversary of their declaration of independence, with the hope that their dream of freedom will soon be realized.●

TRIBUTE TO THURMAN PARSONS, RENO, NV.

● Mr. REID. Mr. President, I rise today to honor Thurman Parsons of Reno, NV. Thurman is the very essence of what makes our country great, a hardworking family man with a strong sense of community.

In 1920, at the age of 14, Thurman worked as a call boy for the Southern Pacific Railroad. Thurman retired from the Southern Pacific Railroad, 51 years later, having become the chief clerk of the freight office.

Thurman and his wife, Carol, had the pioneering spirit. When they built a home in South Reno, they had no running water. Chickens and rabbits ran in their yard. They worked hard, dug a well, and raised their children, Karen and Harry, in the dusty desert at the foot of the Sierras.

For most, this adventure would have been daunting. But not for Thurman. He felt he had been blessed and looked to share his gifts with his community.

Since 1945, Thurman has been active in the Masonic groups in northern Nevada, and has achieved the degree of master Mason. He is also active in the Order of the Eastern Star for the State of Nevada and has held the offices of worthy patron and grand sentinel. Thurman has also given his time to the Kerak Shrine Temple.

Many young and old northern Nevadans have benefited from Thurman's commitment to his community.

It is my privilege to honor him here on the Senate floor today.●

A GOOD STUDENT STRUGGLING

● Mr. SIMON. Mr. President; we have been hearing from many students who face serious problems because of the way student aid has slipped in this country.

It is a tragic loss of resources.

I am inserting at the end of this statement a statement made to our subcommittee at a hearing in Chicago by James M. Bromfield, a student at Illinois Institute of Technology.

You will see the stuggle that he goes through. This is an above-average student.

When reading his statement, you can also see why so many fall through the cracks.

We simply cannot continue to tolerate this as a nation.

I ask to insert his statement into the RECORD, and I urge my colleagues to read it.

The statement follows:

TESTIMONY OF JAMES M. BROMFIELD

Thank you Senator Simon and members of the panel for giving me the opportunity to testify today. College financial aid is something that I feel very strongly about.

My name is Jim Bromfield. I'm a senior at Illinois Institute of Technology majoring in electrical engineering. I went to Bolingbrook High School in the suburbs of Chicago and did very well. I graduated 19th in a class of 423. I was in the honors track, and my grade-point average was 4.0 on a 4.0 scale. Without financial aid, I probably would not have been able to go to a four year university. My family income is between $40,000 and $50,000, and there are three children after me.

If I had not been able to get financial aid, I would have probably had to get a full-time job and attend junior college. As it is, I work at least 15 hours a week plus all summer. Financial aid has covered more than half of my education, but a good part of that aid has been loans. When I graduate in May, I will face the prospect of paying back debts totaling $17–18,000.

When I started colleage, tuition was just below $10,000. It's gone up about $500–$600 every year since. For four years, the total comes to something on the order of $40–$45,000—without housing. With housing, the total gets up to $55–60,000.

IIT gave me a dean's scholarship for $2,000 a year and, because of my grades, I was eligible for some financial aid through IIT endowed scholarships. I was also an Illinois State Scholar. That probably was the biggest help.

My first two years I also received federal money from the Pell Grant. The first year, it was $1,850. But the next year it was decreased to $650.

My junior year and senior years, I didn't get a Pell Grant. It was especially scary this year because the Illinois Student Assistance Commission initially told me that I was not eligible for any money from the state either. I wasn't sure what to do at that point because there was no way that my parents could help out. Paying for school has been my responsibility and will continue to be my responsibility after I graduate.

My freshman year, about $4,000 of my financial aid was a loan. It was about the same for my sophomore year. My junior year loan jumped to about $5,000. This year, I could only get $4,000 in loans. But because my housing and tuition expenses increased and my grants and loans did not, I am looking into other loan sources.

I'm not the only one who has a problem like this. Two of my fraternity brothers were ready to drop out of school because they didn't have the money. They were good students and they wanted to get their degrees. It was strictly an issue of finances.

I know I'm going to make it, but it's been a headache and something that's been on my mind. A lot of time and energy has been devoted to worrrying about my financial situation.

I've worked summer jobs all along: One summer in the kitchen of Homerun Inn. Two summers as a day camp counselor. Last summer, because of my coursework and experience at IIT, I was able to get a job with GM's Electro-Motive Division. They paid me substantially, and I thought that I had saved very well. I had hoped to have enough money for the entire year so I wouldn't have to work so much. I knew I was going to be taking a very heavy courseload of 20 credit hours in the fall. Twelve hours is considered full-time.

I was hoping that—since it was my senior year—I could devote my spare time to looking for a job and maybe taking it a little bit easier. I thought maybe I would even have some money to spend on other things. That didn't happen. I used up all my savings last semester for tuition and housing. Financial aid was so poor that when I got my award, I was just shocked. I didn't have any choice about what I would spend my savings on.

Since my freshman year I've also had to work during the academic year. I've probably been working an average of about 15 hours a week, but sometimes it gets up to 30 or 40. My first job was at the student union. After that I was a lab assistant in computer-aided drafting. When a job opened up in the admissions/financial aid office, I worked there for two years. I enjoyed encouraging students to go on with their education. Now, I'm working as a teaching assistant in our freshman computer literacy program.

Teaching is something that I wanted to look more seriously into—either at the college or high school level. I enjoy the feeling that I get when I can relate some of the things that I have learned. I like being able to help someone out, being in a position to encourage them to stretch further than they would have expected to go themselves.

But as far as jobs are concerned, when I graduate, I'm going to have to get a job that will enable me to pay back those loans. Once I make enough money, then I can maybe look into and go into teaching. I'm interested in graduate school, but I never really considered it a possibility because of the amount of money that I owe right now.

I've had good grades here in college, so I think I am in a fairly good position to find a job. I have probably more opportunity than most people at this point, but it is still kind of tentative, and I'm really feeling the pressure of finances. Things would have been a lot easier if I'd had more support.

I never expected a free ride, but I worked very hard, and when I get out I'm going to face a big debt. I'm glad I was able to manage, and that I had people to encourage me, but I think there has to be a better way to help people like me get their education.●

MIDDLE EAST RELIEF EFFORTS

● Ms. MIKULSKI. Mr. President, I would like to speak in support of a more aggressive relief effort in the Middle East.

I do not want to discuss today the policy of whether or not we actively support the insurrection in Iraq. Or whether we support a separate Kurdistan or the separatist movements in Africa. Those are complicated issues for anther time.

Starvation is not a complicated issue. Neither is death from exposure.

As Americans, we cannot stand by and ignore the pictures of Kurdish refugees or the starving millions in Somalia, Ethiopia, and the Sudan.

Today we have tons of equipment in the region that can help these people. Tents, food, aircraft, generators.

We do not need a consultant to make a "needs assessment." We do not have time for studies.

We know what they need. We know what we have close by. The only question is how to deliver it.

I call on officials in the Agency for International Development and the Department of Defense to use all the creativity, resourcefulness, and common sense at their disposal to find a quick, efficient way to deliver desperately needed goods to these people.●

LEE IACOCCA TO RECEIVE ENGINEERING SOCIETY OF DETROIT'S 1991 LEADERSHIP AWARD

● Mr. LEVIN. Mr. President, I am pleased that Lee Iacocca has been chosen to receive the Engineering Society of Detroit's 1991 Leadership Award. This honor is awarded to individuals for their significant contributions to the engineering profession, as well as support of education and research activities. Lee Iacocca is most deserving of this award. Lee's contributions range from helping educate disadvantaged children to improving our international competitiveness.

Lee's contributions to the State of Michigan are well known. He has helped revitalize the auto industry, creating jobs and bringing income to the State. He has also headed job creation and economic development commissions for the State. In addition to these important achievements, Lee's efforts have touched the lives of many needy people. Lee has been involved in diabetes research efforts, and reading and literacy programs for the less fortunate among us.

Lee Iacocca has helped bring innovation to the auto industry, one of the more important sectors of our national economy. He has helped promote engineering education and innovation. He recognizes that to remain competitive we must always strive for the new, for the idea that can make a difference. He also recognizes that we can no longer rest on our laurels: innovation takes hard work. We must educate our children as well as our engineers so we can continue to remain competitive.

Let Lee Iacocca be an example to the child struggling with the basics of grammar that hard work pays off. But, let Lee Iacocca also be an example to our business and government leaders that innovation and a fresh approach also pay off.

As a citizen of the State of Michigan, and of the United States, I thank and applaud Lee Iacocca.•

HONORING HILLIARD AND WEYERS

• Mr. KASTEN. Mr. President, it is with great pride that I rise today to honor two very important business leaders—Wally Hilliard and Ron Weyers of Green Bay, WI.

On April 8, Hilliard and Weyers received the Green Bay Rotary Club's Free Enterprise Award. This was the culmination of a long struggle by both of these men—a struggle in which they exemplified the highest virtues of a free-market society.

Wally Hilliard and Ron Weyers believe in perseverance, the pursuit of excellence, and a commitment to service. They founded American Medical Security less than 3 years ago and have already seen it crowned with success.

These men have done a great job—in bouncing back, and in providing an important service to the community. They deserve our warmest congratulations on their recent award.•

THE 60TH ANNIVERSARY OF THE STAR SPANGLED BANNER

• Mr. SEYMOUR Mr. President, this year marks the 60th anniversary of the "Star Spangled Banner" as our country's national anthem, and it is with great pleasure that I ask my colleagues to join with me and the Committee for National Theatre Week in acknowledging its impact on our American way of life. Not only here in the United States, but worldwide, its words and music have come to represent our belief in freedom, justice, and equality and I hope it will continue to do so for many years to come.

Most Americans know of Francis Scott Key and how he came to write the words to our national anthem, but what most do not know is how Mr. Key's words were put to music. It was shortly after the Battle of Fort McHenry that Key's poem titled "The Defense of Fort McHenry" was published in Baltimore. The public, upon reading the poem, were touched by its patriotic theme and one person, in particular, while in a Baltimore tavern, began paging through sheet music and found that a popular tune of the time, "To Anacreon in Heaven," could accompany the poem perfectly.

The first public performance of the words and tune together took place in Baltimore's Holliday Street Theatre under the new title of the "Star Spangled Banner" by an actor named Mr. Hardinge.

Mr. President, in commemoration of those who so bravely fought during that past conflict and this most recent one, I request that Mr. Francis Scott Key's poem, "The Defense of Fort McHenry," be printed in its entirety following these remarks.

The poem follows:

Oh! say, can you see, by the dawn's early light, What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, thro' the perilous fight,
O'er the ramparts we watched were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof thro' the night that our flag was still there.
Oh! say, does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?

On the shore, dimly seen thro' the mist of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, half conceals, half discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected, now shines on the stream.
'Tis the star-spangled banner. Oh! long may it wave
O'er the land of the free and the home of the brave!

And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion
A home and a country should leave us no more?
Their blood has washed out their foul footstep's pollution.
No refuge could save the hireling and slave
From the terror of flight or the gloom of the grave,
And the star-spangled banner in triumph doth wave
O'er the land of the free and the home of the brave.

Oh! thus be it ever when freemen shall stand
Between their loved home and the war's desolation,
Blest with vict'ry and peace, may the Heav'n-rescued land
Praise the Pow'r that hath made and preserved us a nation.
Then conquer we must, when our cause it is just,
And this be our motto, "In God is our trust."
And the star-spangled banner in triumph shall wave
O'er the land of the free and the home of the brave.•

HONORING JOHN R. SCHREITER

• Mr. KASTEN. Mr. President, I rise today to call the attention of my colleagues to the retirement of a very valuable public servant.

For 36 years, John R. Schreiter has been serving the people of Outagamie County, WI. For the last 12 years, he has been the county executive.

Mr. Schreiter's retirement will leave a large gap in the public life of Outagamie County. But we can all remain proud of his years of achievement—and wish him many years of happiness in his new situation.•

KOREAN FIGHTER DEAL

• Mr. D'AMATO. Mr. President, the Korean fighter deal has just gone from bad to worse.

To those of us who opposed the FSX co-development project with Japan, and oppose this sale, the news that the General Dynamics F-16 has edged out the McDonnell-Douglas F/A-18 is hardly welcome. The Koreans have traded up. We're handing them one of our best designs.

Aerospace is our ace in the hole. We've played every other trade card. Are we so arrogant as to believe that if we teach the Koreans how to build aircraft that they will not challenge us in the marketplace with designs of their own?

Who gains from this deal? Certainly, General Dynamics. But what about the American people? How do they benefit from this latest technology transfer? For a few billion dollars in short-term profit shared by a tiny few, we will have widened the field of nations capable of producing sophisticated aircraft. The Koreans' infant aerospace industry may not be able to challenge United States aircraft manufacturers in 5 years, maybe not even in 10 years, but, given time, I have every confidence in the ability of Korean manufacturers to take us on.

We are selling, on the cheap, technology developed over decades at a cost of hundreds of billions of dollars to the American taxpayer. It is the American people who own this technology, not this corporation or that. The people whose hard-earned tax dollars paid for the F-16 must have a say in the use of that technology, or, in this case, its squandering in the name of greed.

If the point is to keep workers on the job for another year or two, I understand that. Let's keep them employed. But let's do it by increasing necessary

American defense expenditures. If we want to remain the best, if our aerospace products are to remain the envy of the world, then we should be willing to pay for it.

What we shouldn't do is keep American workers productive by subsidizing the development of the very competitors who will someday run us into the ground. We did it with automobiles, we did it with electronics, and we are starting to do it with aircraft. Make no mistake. The Koreans, as do the Japanese, understand the profitability of the aerospace market, have targeted that market for penetration, and, if we help them, will someday be selling to us the very products we once taught them to produce.●

HONORING THE WISCONSIN 128 AIR REFUELING GROUP

● Mr. KASTEN. Mr. President, I rise today to alert my colleagues to some very important statements made recently by Air Force Lt. Gen. John B. Conaway. In testimony before the Defense Appropriations Subcommittee, General Conaway called the Air National Guard's Air Refueling Groups the unsung heroes of Desert Shield/Desert Storm.

He said, "The allied air accomplishments would not have been possible without air refueling provided by these units." The Wisconsin 128th Air Refueling Group was one of several groups cited by General Conaway for their excellent performance in the Persian Gulf.

It is an interesting and a fitting coincidence that General Conaway's remarks came on the same day as the 128th began their return from the Persian Gulf to Milwaukee. The remaining eight aircraft will be returning in ones or twos every day until April 15, when the last aircraft is scheduled to arrive.

Everyone is justifiably proud of the many accomplishments of the 128th. General Conaway's comments add to the praise already received for the great work of this fine group.●

YOM HASHOAH—HOLOCAUST OBSERVANCE WEEK

● Mr. SEYMOUR. Mr. President, I rise today to join my colleagues in designating this week—April 7 through April 13, 1991—for reflections on the Nazi Holocaust.

The 6 million Jewish victims of Adolph Hitler's policies bear permanent witness to a legacy of repression and death. But I would like to suggest that we take some time to consider what the victims of the Holocaust taught us about the amazing endurance of faith.

It was in this truth, Mr. President, that the theologian Karl Rahner discovered the root strength of the Judeo-Christian ethic. In a hostile environment, Rahner observed, the diaspora staggered against the power of dictators but persevered as a community of faith because its members knew that accountability to the state was not the ultimate goal of a moral society.

Elie Weisel applied Rahner's theory to the experience of the Jews. His writing bemoans the fact that the Third Reich could storm the temple, lock the doors, and fill the box cars. But he also pointed out that the Nazis only made the spirituality of their captives more forceful, and the crowded camps represented not a victory for the political order, but the very weakness of its authority.

"Is it true," Alexander Solzhenitsyn asked the Harvard University graduates of 1978, "that man is above everything?" The pain and the fortitude of the Holocaust victims provides us with a powerful answer. In the same speech, Solzhenitsyn also challenged his privileged audience not to become "forgetful hearers, but doers of the word."

Our observance of Yom Hashoah must refresh our commitment not to hear and forget, but to listen and act. The horrid example of the Holocaust calls us to remind any aspiring oppressor that the world is watching and that the world cares. These martyred millions dared to hope that agony suffered by the just could yet bring victory. For them, Mr. President, let us win the battle.●

HONORING THE ELKS OF NEENAH-MENASHA

● Mr. KASTEN. Mr. President, I rise today to commemorate a very significant anniversary. Last month, the Neenah-Menasha Elks Lodge 676 in Wisconsin's Twin Cities celebrated its 90th anniversary.

For nine decades, these Elks have been brightening the life of the whole Neehah-Menasha community.

In 1901, there were only 30 members; today, the roll stands at over 800. The steady growth of this organization bespeaks a truly committed attitude on the part of everyone involved.

I think they are setting a great example—and I ask my colleagues to join me in wishing them a very happy anniversary.●

ASSYRIAN NEW YEAR

● Mr. SIMON. Mr. President, April 1, 1991, marked a historic day for the Assyrians throughout the world. Assyrian New Year is a time for all Assyrians to commemorate and reflect on their contributions to the world.

Assyria was one of the oldest civilizations recorded. Their famous settlements of Mesopotamia and Babylonia in the fertile crescent were springboards for modern culture. Today, Assyrians do not have a specific territory they call home, but they originate from several different countries in Near East Asia, and have settled throughout the world.

As a group the Assyrian-Americans have contributed greatly to our Nation's culture. Through many organizations such as the Assyrian Universal Alliance and the Assyrian Youth Alliance, the Assyrian people have made themselves a part of our heritage. Several well-known Assyrians, such as the artist Hannibal Alkhas, were educated in the United States and have contributed greatly to the arts and sciences of our universities. Many Assyrian scholarship funds have been set up to enable young Assyrian-Americans to attend institutions of higher learning. The value Assyrians place on education is an attribute that should be admired and emulated by all Americans.

This year, however, has been a difficult time for many Assyrian-Americans. The recent events in the Persian Gulf have given rise to discrimination against Arabs in the United States. For this reason Assyrian-Americans from my home State of Illinois canceled the annual Assyrian New Year parade held in downtown Chicago. I am saddened that these Assyrian-Americans felt the need to celebrate their new year privately for fear of retribution due to false association with Saddam Hussein. Racism against Arabs has no place in our country and I have cosponsored legislation designed to curb discrimination against Arab-Americans and other minorities.

In addition to the situation in the Middle East, the Assyrian people face another challenge. As every day goes by, more and more Assyrians are not allowed to emigrate to this country. As you may know, Congress meets semiannually with the Secretary of State to consult on refugee issues. As a member of the Senate Immigration and Refugee Affairs Subcommittee, I regularly take part in the consultation. I plan raising the concerns of the Assyrian people with Secretary Baker. If the consultation does not take place in a timely fashion, I will explore other ways in which our refugee admissions process can be receptive to the needs of the Assyrian people.

Although the Assyrians are not great in numbers, the contributions they have made to our society are significant and should be remembered and commended.●

CONCERNING THE PROTECTION OF REFUGEES IN IRAQ—SENATE RESOLUTION 99

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 99, as modified, and placed over under the rule earlier today.

Mr. SPECTER. Mr. President, that is agreeable to this side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 99) concerning the protection of refugees in Iraq.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution, as modified.

The resolution (S. Res. 99) as modified, was agreed to.

The preamble was agreed to.

The resolution as modified, with its preamble, is as follows:

S. RES. 99

Whereas Kurds, Shiites and others throughout Iraq began an armed uprising against the government of Saddam Hussein;

Whereas since the uprising began Iraqi forces have employed indiscriminate force against civilian populations throughout the country, including the use of weapons such as napalm and phosphorous, and have killed thousands, and displaced and put at risk of starvation perhaps one million people;

Whereas the United Nations Security Council on April 5, 1991, adopted Resolution 688 which condemns the repression of Iraqi civilians and states that this repression threatens international peace and security in the region, demands that the Iraqi Government immediately end its repression of civilians, insists that Iraq allow immediate access by international humanitarian organizations to those in need of assistance and demands that Iraq cooperate with the Secretary General to address urgently the critical needs of the refugees;

Whereas the United Nations and the United States, as the leader of the international coalition opposing Iraqi aggression, have a unique responsibility and ability to address the plight of the Iraqi refugees; Now, therefore, be it hereby

Resolved by the Senate, That:

The Senate strongly condemns Iraq's continuing military atrocities, its slaughter of thousands of innocent civilians, and its blatant violations of international standards of human rights and the Fourth Geneva Convention of 1949;

The Senate calls for a United States policy in support of democracy and respect for human rights and international law in Iraq;

The Senate believes that the United States has a moral obligation to provide sustained humanitarian relief for Iraqi refugeees and urges the President to continue his efforts to garner international support for those fleeing Iraqi repression;

The Senate notes the assistance Turkey and Iran have provided to Iraqi refugees, encourages them to continue to assist the refugees in every appropriate manner, and pledges United States assistance to international relief efforts for the refugee populations;

The Senate calls upon the President immediately to press the United Nations Security Council to adopt effective measures to assist Iraqi refugees as set forth in Resolution 688 and to enforce, pursuant to Chapter VII of the United Nations Charter, the demand in Resolution 688 that Iraq immediately end its repression of the Iraqi civilian population. Such measures could include: (1) establishing temporary enclaves to provide sanctuary to those fleeing Iraqi troops, (2) developing procedures to verify the full implementation of any Iraqi Government offer of amnesty to Iraqi citizens, (3) maintaining economic sanctions against Iraq, and (4) using effective means to protect refugees pursuant to Article 42 of the United Nation Charter.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution, as modified, was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

THE EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar numbers 27, 28, and 66, and Nicholas Brady reported today by the Committee on Foreign Relations to be U.S. Governor of the European Bank for Reconstruction and Development.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

Mr. SPECTER. Mr. President, that is agreeable to this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Arthur J. Hill, of Florida, to be an Assistant Secretary of Housing and Urban Development.

Jim E. Tarro, of New Mexico, to be an Assistant Secretary of Housing and Urban Development.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

The following-named persons to be members of the Defense base Closure and Realignment Commission for terms expiring at the end of the session of the 102d Congbress:

Arthur Levitt, Jr., of New York;

Robert D. Stuart, Jr., of Illinois; and

Alexander B. Trowbridge, of the District of Columbia.

EUROPEAN BANK FOR RECONSTRUCITON AND DEVELOPMENT

Nicholas F. Brady, of New Jersey, to be U.S. Governor of the European Bank for Reconstruction and Development.

STATEMENT ON NOMINATION OF JIM E. TARRO

Mr. DOMENICI. Mr. President, I am most pleased to ask the support of my colleagues for Jim Tarro's nomination to be Assistant Secretary for Administration at the U.S. Department of Housing and Urban Development.

Jim is an outstanding New Mexican who has established himself as a leader and truly competent administrator.

Mr. Tarro was active in New Mexico business circles as plant quality manager for the Digital Equipment Corp., in Albuquerque, NM, from 1981 through 1989. During that period, Jim was vice president of the Hispano Chamber of Commerce in Albuquerque and was named National Hispanic Engineer of the Year.

In New Mexico, I worked closely with Jim at the minority honors program at Luna Vocational-Technical Institute in Las Vegas. Jim was always a source of inspiration and dedication in matching qualified and talented Hispanic students with career opportunities in technical fields.

As founder of Rio-Tech and Tech Net in New Mexico, I found Jim a reliable and enthusiastic partner in finding better ways to tap New Mexico's scientific talents for application to private industry.

When Jim wanted to move from the private sector to the U.S. Department of Energy, I was most glad to back him all the way. Jim served the Department with distinction as the Director of Administration here in Washington, DC.

We now find that we need Jim's leadership talents in the U.S. Department of Housing and Urban Development where there is a major transition underway. Secretary Jack Kemp is doing his best to implement the Cranston-Gonzalez National Affordable Housing Act which will substantially change the way we assist low-income Americans to meet their housing and shelter needs.

Mr. President, I am confident that Jim's technical talents will serve Secretary Kemp and this Nation well.

As we invite more players into the arena of creating more affordable housing through the creative mix of public and private efforts, Jim's talents in both arenas will come into play.

Jim Tarro's solution-oriented attitude and capability will be most valuable as we seek new ground in solving this Nation's housing problems for those most in need.

Mr. President, I am proud of Jim Tarro. He is a most capable administrator who will serve this Nation well in the position of Assistant Secretary of HUD for Administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NOMINATION DISCHARGED FROM THE COMMITTEE ON GOVERNMENTAL AFFAIRS AND PLACED ON THE CALENDAR

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the nomination of James F. Hoobler to be inspector general, Small Business Administration, be discharged from the Committee on Governmental Affairs; and placed on the calendar.

Mr. SPECTER. Mr. President, that is agreeable to this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL EDUCATION FIRST WEEK

JEWISH HERITAGE WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of House Joint Resolution 197, designating National Education First Week, and House Joint Resolution 134, designating Jewish Heritage Week, just received from the House; that the resolutions be deemed read a third time and passed; that the motion to reconsider passage of these resolutions be laid on the table and that the preambles be agreed to. I further ask unanimous consent that the consideration of these measures appear individually in the RECORD and any statements appear at the appropriate place.

Mr. SPECTER. Mr. President, that is agreeable to this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolutions (H.J. Res. 197 and H.J. Res. 134) were deemed read a third time and passed.

AUTHORIZING THE USE OF THE ROTUNDA TO WELCOME THE DALAI LAMA

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 115 regarding the use of the rotunda now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 115) authorizing the use of the rotunda of the Capitol for a ceremony of welcome for the Dalai Lama.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 115) was considered and agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SOLAR, WIND, WASTE, AND GEOTHERMAL POWER PRODUCTION INCENTIVES ACT AMENDMENTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 21, S. 258 regarding the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 258) to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, at the end of last year Congress enacted the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990. The intent of this act was to remove all size restrictions under the Public Utility Regulatory Policies Act of 1978 (Public Law 95-617) on small power production facilities that use solar, wind, waste, or geothermal resources, subject only to certain time limitations. However, because of a technical drafting error the legislation only removed size limitations for facilities that have power production capacities exceeding 80 megawatts. Facilities of 80 megawatts or less were unaffected. Under the law as it now stands, certain facilities between 30 and 80 megawatts do not receive regulatory exemptions that they would otherwise benefit from if they were larger than 80 megawatts. S. 258 would remedy this oversight and treat facilities larger and smaller than 80 megawatts in the same fashion.

I note that in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 Congress addressed the treatment of small power production facilities affected by the act in circumstances where the Federal Energy Regulatory Commission [FERC] has not promulgated regulations to reflect the changes made by the act. It appears that the resolution of this issue may have been unnecessary. The Committee on Energy and Natural Resources did not address this issue in S. 258 because pending such rulemaking as FERC may choose to initiate, the Commission has the inherent authority to waive its existing regulations for good cause on a case-by-case basis.

The PRESIDING OFFICER. Is there further debate? If there be no further debate the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(17)(E) of the Federal Power Act, as amended, is further amended by striking ", and which would otherwise not qualify as a small power production facility because of the power production capacity limitation contained in subparagraph (A)(ii)".

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 119—DESIGNATING APRIL 22, 1991, AS "EARTH DAY"

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Joint Resolution 119, a joint resolution designating April 22, 1991, as Earth Day, introduced earlier today by Senators ROTH, GORE, and others.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 119) to designate April 22, 1991 as "Earth Day" to promote the preservation of the global environment.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration, and, without objection, the joint resolution will be considered to have been read the second time by title.

The joint resolution (S.J. Res. 119) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 119

Whereas the world faces an international environmental crisis which demands the attention of citizens of every nation of the world, including the United States, so that alliances can be built that transcend the boundaries dividing countries, continents, and cultures;

Whereas there is a need to confront environmental problems of increasing severity, including climate change, depletion of the stratospheric ozone layer, loss of forests, wetlands, and other wildlife habitats, acid rain, air pollution, ocean pollution, and hazardous and solid waste buildup;

Whereas it is important that the next generation be guided by a conservation ethic in all of its relations with nature;

Whereas education and understanding is necessary for individuals to recognize the environmental impact of daily living and to become environmentally responsible consumers by conserving energy, increasing recycling efforts, and promoting environmental responsibility in communities;

Whereas major public policy initiatives are necessary to cure the causes of environmental degradation, such as eliminating the manufacture and use of chlorofluorocarbons, minimizing and recycling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and initiating sustainable development throughout the world;

Whereas nearly 21 years ago, millions of individuals in the United States joined together on Earth Day to express an unprecedented concern for the environment, and such collective action resulted in the passage of sweeping laws to protect the air, water, and land;

Whereas the 1990's should be observed as the "International Environmental Decade" in order to forge an international alliance in response to global environmental problems; and

Whereas to inaugurate the new environmental decade, individuals should again stand together in cities, towns, and villages around the world for a day of collective action to declare a shared resolve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that April 22, 1991, is designated as "Earth Day", and the people of the United States are called upon to observe the day with appropriate ceremonies and activities in our grade schools, high schools, colleges and local communities with the objective of making every day Earth Day.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. MITCHELL. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of Senate Resolution 93, a resolution commending the University of Tennessee Women's basketball team on their third NCAA title, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 93) commending the University of Tennessee Women's Basketball Team on their third NCAA title.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 93) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 93

Whereas the women's basketball team of the University of Tennessee, the Lady Vols, have won three National Championships in the last five years, and

Whereas the Lady Vols have appeared in the Final Four of the NCAA Women's Basketball Tournament 11 times in the past 15 years, and

Whereas the Lady Vols have a streak of fifteen straight seasons in which they have won twenty or more games, and compiled a 30-5 mark in 1991, and

Whereas Pat Head Summitt, the coach of the Lady Vols, has compiled a record of 442 wins and only 118 losses in her seventeen years leading the Lady Vols, and

Whereas the players and coaches of the Lady Vols have a dedication to education that equals their zeal for the game of basketball,

Whereas the Lady Vols, under Pat Head Summitt, have achieved a virtually perfect graduation rate, and

Whereas the University of Tennessee's Lady Vols won the 1991 NCAA Women's Basketball Tournament Championship with a 70-67 overtime win over the University of Virginia: Now, therefore, be it

Resolved, That the University of Tennessee and Coach Pat Head Summitt are to be congratulated for an outstanding season.

SEC. 2. That the United States Senate congratulates Coach Pat Head Summitt and the Lady Vols on winning the NCAA Women's Basketball Tournament Championship for 1991 and becoming the first team ever to win three such titles.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDING THE DUKE BLUE DEVILS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 100, submitted earlier today by Senators SANFORD, HELMS, and myself relating to the Duke University Blue Devils, the men's basketball team, on winning the NCAA title.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 100) to commend the Blue Devils of Duke University for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANFORD. Mr. President, I rise today to commend the Blue Devils of Duke University for their victory last week over the Kansas Jayhawks to win the 1991 National Collegiate Athletic Association men's basketball championship. As the former President of Duke University, it is with special pride that I congratulate the coaches and members of the Duke basketball team for their fine season and outstanding tournament play.

The Duke team played strongly throughout the tournament, and their upset of the top-ranked and undefeated Running Rebels of the University of Nevada-Las Vegas is certain to go down as one of the most exciting games in NCAA history. The ability of the young Duke team to bounce back from its defeat in last year's finals and defy virtually everyone's assumption that the UNLV team was unbeatable illustrates the sheer determination, ice-cold composure and athletic grace that the members of this team possess.

The Blue Devils strong record in the NCAA tournament is quite enviable. In fact, this year marks the ninth year that Duke has made it all the way to the Final Four. I don't believe any basketball team deserves to win the NCAA title more than Duke, and no one is more pleased than I am that this year the Blue Devils returned to Durham with the championship trophy.

Of particular note, the Duke team has reached the Final Four 5 of the last 6 years. The individual who deserves the most credit for this outstanding record is Coach Mike Krzyzewski who, by the way, also has the highest winning percentage among active coaches in the NCAA tournament with a 27-7 record.

Coach Krzyzewski came to Duke when I was President, and I have watched him build the Duke basketball program into what I would argue is the best program in the country. And Coach Krzyzewski deserves the highest accolades not only because he is such a gifted coach on the basketball court. He deserves tremendous praise because he has built such a competitive and successful program by focusing not on win-loss records but on the much more important goals of ensuring that each of his players receives a solid education and continues to grow as both an athlete and an individual.

In addition, I am very proud of all of the players on the Duke basketball team. Of course, I am proud of them because they are great athletes but I am even prouder because they are true student athletes in every sense of the word. They are bright, articulate individuals who have excelled not only on the basketball court but in the classroom, and I believe they serve as great role models for any of our Nation's youth who hope one day to participate in college athletics.

Throughout the season, the Duke players have shown evidence of tremendous character and leadership. In particular, I do not think any players should be more commended than the senior cocaptains of this team who became the first players to go to the NCAA Final Four for four consecutive years.

I also want to add that I have had the good fortune of having two of these players as well as one former player and current assistant coach as interns in my Washington office. It has been exciting to see their interest in the political process, and these internships are only one example of the type of extracurricular activities that team members participate in to complement their academic and athletic careers.

Mr. President, let me just say in closing that the coaches and members of the Duke basketball team are all truly outstanding individuals. I am very glad to have the opportunity to publicly congratulate this team on its successful season, and I would now like to introduce a Senate Resolution commending the Blue Devils for winning the NCAA title.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 100) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 100

Whereas, for the first time in the history of the university, the Duke University Blue Devils won the National Collegiate Athletic Association Men's Basketball Championship; and

Whereas Duke University has consistently maintained one of the top basketball programs in the country; and

Whereas the Duke Blue Devils have reached the NCAA Final Four nine times, and the current head coach Mike Krzyzewski and his staff have led the Blue Devils to the Final Four five out of the last six years; and

Whereas Coach Krzyzewski holds the highest winning percentage among active coaches in the NCAA tournament with a 27–7 record; and

Whereas Coach Krzyzewski was also named NCAA Coach of the Year; and

Whereas the senior cocaptains of the Duke basketball team became the first players to go to the NCAA Final Four each of their four years; and

Whereas three members of the Duke team made the NCAA All-Tournament team, one was named first team All-American, one honorable mention All-American, and one freshmen All-American; and

Whereas the Blue Devils, before defeating Kansas in the final game, beat the University of Nevada-Las Vegas Running Rebels and ended their 45 game winning streak: Now, therefore, be it

Resolved, That the Senate commends the Duke University Blue Devils for winning the 1991 National Collegiate Athletic Association Men's Basketball Championship.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HUMAN RIGHTS ABUSES IN BURMA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 47, Senate Concurrent Resolution 18, a concurrent resolution expressing the concern of the Congress for the ongoing human rights abuses in Burma.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 18) expressing the concern of the Senate for the ongoing human rights abuses in Burma and for the status of displaced Burmese and Burmese refugees, was considered, and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. Con. Res. 18

Whereas since September 1988 the people of Burma have been subject to a military dictatorship which has suppressed massive prodemocracy demonstrations;

Whereas the State Law and Order Restoration Council has not transferred legal authority to a civilian government as required by the results of the May 1990 elections, in which the National League for Democracy received some 60 percent of valid votes cast and over 80 percent of parliamentary seats;

Whereas, on January 31, 1991, the United States Department of State submitted to the Congress its annual Country Reports on Human Rights Practices, and therein reported that Burma's deplorable human rights situation did not improve in 1990, citing torture, disappearances, arbitrary arrests and detentions, unfair trials and compulsory labor, among other violations.

Whereas the State Law and Order Restoration Council has led a campaign to decimate the National League for Democracy (NLD) through press attacks, blocked publications, office raids and the imprisonment of hundreds of NLD officials;

Whereas the Government of Burma has been hostile to outside scrutiny of its human rights record and has been unwilling to provide meaningful access to international and nongovernmental organizations concerned about human rights;

Whereas Burma has not met the certification requirements listed in section 802(b) of the Narcotics Control Trade Act of 1986;

Whereas an estimated fifty thousand Burmese have fled to the border between Thailand and Burma and at least two thousand Burmese students have fled to Bangkok since 1988; and

Whereas, while Thai authorities have permitted temporary safe haven to thousands of displaced Burmese and Burmese refugees in Thailand, the Government of Thailand has not yet permitted comprehensive United Nations protection and assistance for Burmese in Thailand: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) calls upon the State Law and Order Restoration Council to cede legal authority to a civilian government as mandated by the election of May 1990;

(2) condemns the arrest and detention of Burmese citizens for the peaceful expression of their political views;

(3) condemns the Government of Burma's disregard of human rights and fundamental freedoms;

(4) urges the President to impose additional economic sanctions upon Burma as specified in section 138 of the Customs and Trade Act of 1990;

(5) calls upon the United Nations Human Rights Commission to seek greater access to Burma for its Expert on human rights in Burma, and to continue and expand its scrutiny over the human rights situation in the country;

(6) urges the United States, through the Secretary of State, to affirm its support for the resettlement of Burmese asylum seekers who are without other safe and reasonable alternatives; and

(7) urges the Government of Thailand to accord all displaced Burmese and Burmese asylum seekers, temporary safe haven, protection against return of those who might face persecution or other threats to their lives or freedoms upon return to Burma, and access to procedures for third country resettlement for those Burmese refugees who are without safe and resonable alternatives.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, on behalf of Senator Cranston, I send an amendment title to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The title amendment is agreed to.

Amend the title so as to read:

Expressing the concern of the Congress for the ongoing human rights abuses in Burma and for the status of displaced Burmese and Burmese refugees.

AUTHORIZING APPOINTMENT BY THE CHAIR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Chair be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort her excellency Violeta Chamorro, President of the Republic of Nicaragua, into the House Chamber for the joint meeting on Tuesday, April 16, 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TESTIMONY OF SENATE EMPLOYEES

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, I send to the desk a resolution of authorization of Senate employees to testify and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 101) to authorize testimony in the case of *United States* v. *Kim Peoples*, No. M7711–90.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the U.S. attorney for the District of Columbia is prosecuting a misdemeanor case titled United States versus Kim Peoples in the Superior Court for the

District of Columbia. The case concerns the theft of personal property belonging to an employee on Senator HELMS' staff from Senator HELMS' office in the Senate Office Building. The U.S. attorney needs the testimony at trial of two employees on Senator HELMS' staff, Frances Marcus and John Masburn, who have firsthand knowledge pertinent to the charge. This resolution would authorize these two employees, and any other Senate employee whose testimony in this case may be necessary, to testify.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 101) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 101

Whereas in the case of United States v. Kim Peoples, No. M7711-90, pending in the Superior Court for the District of Columbia, the United States Attorney has caused subpoenas for testimony at trial to be served upon Frances Marcus and John Mashburn, employees in the office of Senator Jesse Helms;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Frances Marcus, John Mashburn, and any other Senate employee whose testimony may be necessary, are authorized to testify at the trial of United States v. Kim Peoples.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR MONDAY, APRIL 15, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Monday, April 15; that on Monday, the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 2:30 p.m. on Tuesday, April 16; that on Tuesday, April 16, following the time for the two leaders, there be a period for morning business, not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, APRIL 15, 1991, AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, and if the acting Republican leader has no further business, I now ask unanimous consent that as a further mark of respect to the memory of the late former Senator John Tower, in accordance with Senate Resolution 97, the Senate stand in recess, as under the previous order, until 10 a.m. on Monday, April 15.

There being no objection, the Senate, at 7:14 p.m., recessed until Monday, April 15, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 1991:

DEPARTMENT OF STATE

JOHN E. BENNETT, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

THE JUDICIARY

EMILIO M. GARZA, OF TEXAS, TO BE U.S. CIRCUIT JUDGE FOR THE 5TH CIRCUIT VICE THOMAS M. REAVLEY, RETIRED.

SHARON LOVELACE BLACKBURN, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

RICHARD T. HAIK, SR., OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA VICE JOHN M. DUHE, JR., ELEVATED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WILLIAM JOHN CONNOLLY, OF CALIFORNIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS 1, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

FRANK L. BREEN, OF WASHINGTON
GENE V. GEORGE, OF NEW YORK,
JOHN O'ROURKE, OF VIRGINIA
EDWIN D. STAINS, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MERRITT C. BROWN, OF PENNSYLVANIA
HILARION ARNALDO MARTINEZ LLANES, OF FLORIDA

DEPARTMENT OF COMMERCE

JOHN EDGER PETERS, OF FLORIDA

AGENCY FOR INTERNATIONAL DEVELOPMENT

RICHARD L. BOGGS, OF TEXAS
JAMES R. BONNELL, OF VIRGINIA
FRANCIS KARL BUIGE, OF VIRGINIA
IDA GRIZZELLE SMYER, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANDREW DAVID SIEGEL, OF CALIFORNIA

DEPARTMENT OF AGRICULTURE

THOMAS BUHLER, OF THE DISTRICT OF COLUMBIA
JAMES R. DEVER, OF MARYLAND
LISA A. HARDY, OF CALIFORNIA
SUZANNE E. HEINEN, OF MICHIGAN
JEFFREY A. HESSE, OF VIRGINIA
JAMES J. HIGGISTON, OF NEW YORK
FRED R. KESSEL, OF WASHINGTON
PAUL KIENDL, OF VIRGINIA
DANIEL MARTINEZ, OF TEXAS
DAVID J. MERGEN, OF MISSOURI
GRAY W. MEYER, OF MARYLAND
EDWIN H. PORTER, OF VIRGINIA
JAMIE ROTHSCHILD, OF CALIFORNIA
LEON SCHMICK, OF MARYLAND
GREGG P. YOUNG, OF MARYLAND

DEPARTMENT OF COMMERCE

THOMAS PORTER CLARY, OF TEXAS
DAWN M. COOPER-BAHAR, OF MARYLAND
MARGARET A. KESHISHIAN, OF THE DISTRICT OF COLUMBIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

DONA MARI DINKLER, OF KANSAS
NICHOLAS JENKS, OF NEW HAMPSHIRE
DIANA BRITON PUTMAN, OF PENNSYLVANIA
RICHARD O. WOODARD, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DAVID ARTHUR ACKERMAN, OF FLORIDA
KEVIN CROSBY AISTON, OF ILLINOIS
MELVIN THLICK-LEN ANG, OF CALIFORNIA
REID S. BAUMAN, OF ILLINOIS
ANGELINE BIEGLER, OF FLORIDA
JOANNA WATKINS BOURNE, OF FLORIDA
BRIAN L. BROWNE, OF FLORIDA
JENNIFER LEIGH BRUSH, OF VERMONT
DEIRDRE CHETHAM, OF NEW YORK
NANCY LYNN CORBETT, OF CALIFORNIA
SYLVIA REED CURRAN, OF ALASKA
DENNIS LACKEY CURRY, OF NEW YORK
BRYAN WAYNE DALTON, OF MINNESOTA
RAYMOND W. DILLON, JR., OF CONNECTICUT
JOHN ALBERT PLAYLE DYSON, OF GEORGIA
CECILIA BRIDGET ELIZONDO, OF TEXAS
JOHN JOSEPH FENNERTY, OF WASHINGTON
JOHN J. FINNEGAN, JR., OF PENNSYLVANIA
RANDOLPH HOWARD FLEITMAN, OF VIRGINIA
JULIE M. GARDNER, OF WASHINGTON
PAUL G. GILMER, OF CALIFORNIA
JERI SCHAEFFER GUTHRIE-CORN, OF CALIFORNIA
JOHN HENNESSEY-NILAND, OF THE DISTRICT OF COLUMBIA
HELEN CLARE HUDSON, OF MICHIGAN
BARBARA JEAN JOHNSON, OF SOUTH DAKOTA
SYLVIA DOLORES JOHNSON, OF SOUTH CAROLINA
GLORIA M. JORDAN, OF TEXAS
MATTHEW B. KAPLAN, OF NEW YORK
PETER FRANCIS MAHER, OF FLORIDA
CARLOS FELIPE MEJIA, JR., OF CALIFORNIA
DAN MCKENZIE MILLER, OF NEW JERSEY
PATRICIA G. NELSON-DOUVELIS, OF THE DISTRICT OF COLUMBIA
JEFFRY R. OLESEN, OF WEST VIRGINIA
ANDREW W. OLTYAN, OF TEXAS
WILLIAM JAMES ORR, JR., OF NEW MEXICO
MICHAEL S. OWEN, OF TENNESSEE
HOLLIS S. SUMMERS, OF TEXAS
PETER GEOFFREY TINSLEY, OF CALIFORNIA
KAREN EILEEN VOLKER, OF CALIFORNIA
MARY A. WRIGHT, OF CALIFORNIA

U.S. INFORMATION AGENCY

KIMBERLY G. HARGAN, OF THE DISTRICT OF COLUMBIA
MARY FRANCES SPEER, OF OHIO

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICES AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOSEPH F. AMMIRATI, OF VIRGINIA
CARL M. ANDERSEN, OF MARYLAND
LAURA BARTHOLOMEW, OF VIRGINIA
VALERIE A. BAUM, OF NEW JERSEY
VALERIE LOUISE BELON, OF ALASKA
MATTHEW T. BERRETT, OF VIRGINIA
DAVID WILLIAM BOYLE, OF VIRGINIA
SUSAN BRAWN, OF VIRGINIA
BRADLEY S. BRYSON, OF VIRGINIA
MICHAEL D. CAPPS, OF VIRGINIA
LISA MARIE CARLE, OF CALIFORNIA
MARGARET CERES, OF VIRGINIA
KEITH M. CURTIS, OF VIRGINIA
JEFFREY F. DELAURENTIS, OF NEW YORK
MATTHEW B. DEVER, OF THE DISTRICT OF COLUMBIA
JOSEPH STANTON DORSEY, OF VIRGINIA
ELLIS MERRILL WALKER ESTES, OF CALIFORNIA
ERIC PETER FABIAN, OF VIRGINIA
GINA C. FADDIS, OF VIRGINIA
LAURA ANN FARNSWORTH, OF TEXAS
LAURIE KIM FASSETT, OF TEXAS
SUSAN JOY FEIN, OF MARYLAND
RICHARD B. FISHER, OF OHIO
JEANNE L. FOSTER, OF VIRGINIA

ERIK D. FREESTONE, OF WYOMING
MARK EDWARD FRY, OF MICHIGAN
JULIANNE M. FURMAN, OF TEXAS
KELLI ANN HAMILTON, OF VIRGINIA
JOHN V. HANKE, OF THE DISTRICT OF COLUMBIA
EDWARD D. HANSON, OF VIRGINIA
MARY VAETH HANSON, OF VIRGINIA
JOHN CHRISTOPHER HARPOLE, OF MASSACHUSETTS
AMY KATHLEEN HARRIES, OF ARIZONA
REGINA HART, OF VIRGINIA
GREGORY N. HICKS, OF MARYLAND
COLLEEN ANNE HOEY, OF VIRGINIA
KAREN L. HOLLERICH, OF VIRGINIA
JASON H. HOROWITZ, OF CALIFORNIA
PATRICK HUGHES, OF THE DISTRICT OF COLUMBIA
MARY L. JOHNSON, OF VIRGINIA
ROBERT J. JOHNSON, OF MARYLAND
DEBRA A. JUNCKER, OF INDIANA
EDGARD DANIEL KAGAN, OF ILLINOIS
JEFFREY R. KATZ, OF VIRGINIA
KELLIE LYNN KENNEY, OF VIRGINIA
JOHN D. KILGORE, OF VIRGINIA
JAMES WERNER LEAF, OF WASHINGTON
JOSEPH Y. LEE, OF MARYLAND
PAMELA S. LOW, OF VIRGINIA
ANTHONY L. LUSITANI, JR., OF CONNECTICUT
HUGH A. MACNEIL, JR., OF MARYLAND
MICHAEL PETER MACY, OF CALIFORNIA
REBECCA L. MANN, OF THE DISTRICT OF COLUMBIA
MARYANNE THERESE MASTERSON, OF VIRGINIA
MICHAEL J. MASTRANGELO, OF TEXAS
FLEMING W. MATHEWS, OF MARYLAND
AROOSTINE S. MCDOWELL-LONG, OF VIRGINIA
FORREST E. MCMUNN, OF VIRGINIA
RONALD K. MORGAN, OF TEXAS
W. HOWIE MUIR, OF CONNECTICUT
RICHARD WILLIAM O'BRIEN, OF MARYLAND
REICHEL D. OGATA, OF VIRGINIA
DENNIS A. OLECHNA, OF MARYLAND
LEAHSENETH LACEY O'NEAL, OF THE DISTRICT OF COLUMBIA
LESLIE MARIE PADILLA, OF NEW MEXICO
ALAN L. PATTERSON, OF VIRGINIA
MARTHA E. PATTERSON, OF NEW YORK
DONALD D. PATTESON, III, OF TEXAS
DUANE M. PAULUS, OF VIRGINIA
AVRAHAM RABBY, OF NEW YORK
MICHAEL J. RAIOLE, OF VIRGINIA
CHERYL J. RATHBUN, OF THE DISTRICT OF COLUMBIA
PHILIP C. RAVELING, OF VIRGINIA
SARAH E. RAY, OF VIRGINIA
A. JACKSON RICH, JR., OF VIRGINIA
POLLY ELIZABETH ROBERTS, OF VIRGINIA
DANIEL A. ROPP, OF SOUTH DAKOTA
RICHARD ROTHMAN, OF NEW HAMPSHIRE
J. BRINTON ROWDYBUSH, OF OHIO
MARILYNN WILLIAMS ROWDYBUSH, OF OHIO
ANDREW I. RUDMAN, OF THE DISTRICT OF COLUMBIA
DAVID CRAIG RUSSELL, OF THE DISTRICT OF COLUMBIA
CYRIL EPHRAIM SARTOR, OF VIRGINIA
MICHAEL D. SCANLAN, OF PENNSYLVANIA
LAURIE A. SCHIVE, OF VIRGINIA
DAVID LESTER SCOTT, OF TEXAS
MARK WAYNE SEIBLE, OF KANSAS
JOYCE VESTA SEUNARINE, OF MARYLAND
CHARLES L. SHAFFER, OF MARYLAND
DAVID S. SHEKMER, OF VIRGINIA
CHARLES SKIPWITH SMITH, OF TEXAS
THOMAS D. SMITHAM, OF CALIFORNIA
CLIFFORD TEUNIS GERRITT SORENSEN, OF CALIFORNIA
EDWARD GEORGE STAFFORD, OF TENNESSEE
EDWARD D. STERN, OF VIRGINIA
STEPHEN STERNHEIMER, OF MARYLAND
JOANNE STONE-RIVER, OF VIRGINIA
HARRY R. SULLIVAN, OF FLORIDA
AMERICO TADEU, OF NEW JERSEY
MARY JANE TEIRLYNCK, OF CALIFORNIA
SEAN TERRY, OF CALIFORNIA
THOMAS M. TROY, JR., OF VIRGINIA
HOLLY E. URUNGU, OF VIRGINIA
OTTO HANS VAN MAERSSEN, OF ARIZONA
PETER HENDRICK VROOMAN, OF NEW YORK
JOHN MARTIN WEISS, OF VIRGINIA
DAWN WELFARE, OF MARYLAND
SIMONE WHITTEMORE, OF WASHINGTON
CHARLES F. WILSON, OF VIRGINIA
WHITNEY JOHN WITTEMAN, OF CALIFORNIA
ELAINE SAMSON YANNOTTI, OF NEW YORK
ANDREW ROBERT YOUNG, OF CALIFORNIA

CONSULAR OFFICERS OF THE UNITED STATES OF AMERICA:

KENNETH C. KOWALCHEK, OF CONNECTICUT
DONALD E. MASON, OF VIRGINIA

SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN MICHAEL CROW, OF CALIFORNIA
IRA E. KASOFF, OF MASSACHUSETTS
PAUL C. MAXWELL, OF MARYLAND
ANDREW P. WYLEGALA, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 19, 1989:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CHARLES BOWMAN JACOBINI, OF ILLINOIS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE THE EFFECTIVE DATE OF THE 1990 STATE SENIOR FOREIGN SERVICE PROMOTION LIST:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

FREDERICK A. MECKE, OF FLORIDA

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be assistant surgeon

ALAN H. ARBUCKLE
KATHERINE H. CIACCO
PATRICK H. DAVID
KAREN L. PARKO
MARY C. PORVAZNIK
JAMES E. OLSON
TAMIKO N. OLSON
KENNETH SOWINSKI
PAUL H. STEVENS
MICHAEL G. WILCOX

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

JAMES R. ALLEN
SAMUEL BRODER
JAMES W. CURRAN
JEFFREY P. KOPLAN
EDWARD D. MARTIN
BERNARD MOSS
FRANK E. YOUNG

To be senior surgeon

MITCHELL L. COHEN
STEPHEN P. HEYSE
SAMUEL L. KESSEL
CHARLES Q. NORTH
MARK W. OBERLE
STEPHEN B. PERMISON
GERALD V. QUINNAN, JR.

To be surgeon

PAUL J. SELIGMAN
ROBERT V. TAUXE

To be senior assistant surgeon

ANDERSON B. FUNKE

To be dental director

WILLIAM L. CLOUD, JR.
WOODROW B. LACKEY
DONALD C. SMITH

To be senior dental surgeon

STEPHEN B. CORBIN
DUSHANKA V. KLEINMAN
WILLIAM R. MAAS
VICTOR A. PALMIERI
WALLACE G. SMITH, III
DANIEL L. SPETH

To be dental surgeon

HORACE HARRIS
DAVID J. HERMAN
MARK E. NEHRING

To be nurse director

JOHN P CROWLEY
ROSALYN T. CURTIS
CECELIA U. REID

To be senior nurse officer

SANDRA B. COSTA
MARIANNE M. DAVENPORT
DEBORAH J. SHERMAN

To be nurse officer

THEODORE W. CURRIER, III
JAMES C. MCCANN
DEBORAH L. PARHAM
DOROTHY J. SOLICK
MARILYN J. VRANAS

To be senior assistant nurse officer

ELLEN J. KING
KITTY R. MACFARLANE

To be engineer director

CHARLES O. DOWELL
LARRY S. GAYNOR
NELSON A. LEIDEL
GARY K. RADTKE

To be senior engineer officer

PAUL A. BOYS
TERRY L. CHRISTENSEN
ROY M. FLEMING
ALBERT E. RACHAL,III
WINSTON A. SMITH
GORDON H. WILCOX

To be engineer officer

JAMES G. HOPSON
WILLIAM B. KNIGHT
MARVIN L. WEBER

To be scientist director

MARILYN A. FINGERHUT
DAVID G. HATTAN
NEIL L. SASS
DAVID T. TINGEY

To be senior scientist

RONALD F. CAREY
BRYAN D. HARDIN
GEORGE P. HOSKIN

To be scientist

JOHN M. SPAULDING

To be sanitarian director

BRUCE R. CHELIKOWSKY

To be senior sanitarian

KENNETH W. HOLT
BARRY S. STERN

To be sanitarian

JON S. PEABODY
RALPH T. TROUT

To be veterinary director

ROSCOE M. MOORE, JR.

To be veterinary officer

RICHARD F. CULLISON

To be pharmacist director

FREDERICK J. ABRAMEK
DAVID A. APGAR
DONALD C. THELEN

To be senior pharmacist

THOMAS J. AMBROSE
GERALD M. BURGE
ROBERT DE CHRISTOFORO
JAMES E. EDGE
TERRANCE L. GREEN
SAMUEL M. HOPE
JAMES C. MYERS
ROBBIN M. NIGHSWANDER
FRANKLIN D. STOTTLEMYER
FRANKIE L. SUTTON

To be pharmacist

GARY G. ADAM
MARION T. BEARDEN
PATRICK O. COX
MARILEE J. FIX
PATRICK S. HOGAN
YANA R. MILLE
JAMES M. THOMPSON

To be dietitian director

CAROLYN C. BLACKWOOD

To be senior dietitian

BEVERLY G. CRAWFORD

To be dietitian

KAREN A. HERBELIN

To be therapist director

GENE A. DIULLO

To be senior therapist

GARY C. HUNT

To be therapist

IVANA R. WILLIAM

To be health services director

JAMES H. BRANNON, JR.
JOAN E.P. HOLLOWAY
ROBERT C. JACKSON
PATRICIA D. MAIL
JAMES W. ROLOFSON

To be senior health services officer

GENE E. CARNICOM
JOSEPH GARCIA, JR.
JOHN R. HAMMOND
EARL H. HANDWERKER
LEE H. LOOMIS
EDWARD F. MANNY
ROBERT J. OSTROWSKI
JON M. RASMUSSEN

To be health services officer

VICTOR N. AVITTO
PATRICIA E. BROOKS
HAMILTON L. BROWN
WESLEY W. CHARLTON
PAUL HEWETT
WENDELL E. WAINWRIGHT

To be senior assistant health services officer

BEVERLY A. ROTH

IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. ARTHUR H. BAIDEN, III, 251–62–1236.
BRIG. GEN. ALVIN BRYANT, 264–56–7429.
BRIG. GEN. JOHN H. CAPALBO, 038–24–2711.

To be brigadier general

COL. FRANK M. BROWN, 429–68–6594.
COL. JOHN G. PAPPAS, 003–32–6569.
COL. HERBERT KOGER, JR., 250–64–3309.
COL. EARL B. BURCH, 560–64–7086.
COL. BILLY F. JESTER, 429–74–3553.

IN THE NAVY

THE FOLLOWING-NAMED CAPTAIN IN THE COMPETITIVE CATEGORY OF CHAPLAIN CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

CHAPLAIN CORPS

To be rear admiral (lower half)

CAPT. DONALD K. MUCHOW, 016–30–0503, U.S. NAVY

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JOHN B. COOPER, 151–42–3108, 7/12/90
MAJ. JOHN DECROO, JR, 171–38–6375, 6/10/90
MAJ. MARK FREDENBURGH, 013–40–3296, 7/15/90
MAJ. MICHAEL R. GOODMAN, 197–38–6753, 6/12/90
MAJ. BRIAN K. GRIFFIN, 540–52–1330, 7/11/90
MAJ. BRUCE D. HALVORSEN, 325–36–4942, 7/6/90
MAJ. JAMES B. HAMILTON, 331–46–2819, 7/8/90
MAJ. JOSEPH M. HARDISON, 242–83–2453, 7/16/90
MAJ. LARRIE B. HARLAN, 053–40–5785, 6/12/90
MAJ. DARRELL E. HART, 520–46–5891, 6/8/90
MAJ. MARK H. JONES, 222–34–9139, 7/20/90
MAJ. SYDNEY W.C.K. KELIIPULEOLE, 576–58–6994, 7/15/90
MAJ. ROBERT T. LINCOLN, 480–54–9973, 7/8/90
MAJ. DANIEL W. REDLIN, 501–54–0456, 7/14/90
MAJ. GLEN A. WEGWORTH, 506–54–7969, 7/6/90

NURSE CORPS

To be lieutenant colonel

MAJ. SUSAN M. TOMKA, 395–58–9438, 6/9/90

DENTAL CORPS

To be lieutenant colonel

MAJ. LAWERENCE K. RAY, 250–86–0041, 7/15/90

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. PAUL D. BOESHART, 507–70–1784, 7/7/90
MAJ. WILLIAM M. EKADIS, II, 134–34–1881, 6/29/90
MAJ. JOHN R. HALUCK, 562–90–7142, 7/7/90

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. GEORGE W. BOWEN, 121–36–8390, 5/1/90
MAJ. WILLIAM J. BURNS, 016–40–7597, 5/15/90
MAJ. RONALD E. CARDIN, 566–68–1955, 5/5/90
MAJ. BERNARD E. COX JR, 422–68–7365, 5/1/90
MAJ. JOHN G. COZAD, 561–66–0418, 5/10/90
MAJ. JOHN C. FARRELL, 129–38–6140, 4/8/90
MAJ. JOHN B. HANDY, 306–56–8277, 5/23/90
MAJ. EDWARD A. HASLER, 304–52–5711, 4/16/90
MAJ. RICHARD B. MARINO, 114–40–6135, 4/2/90
MAJ. CRAIG R. MCKINLEY, 522–64–8368, 5/16/90
MAJ. WENDELL W. PARMER, 416–60–4713, 5/9/90
MAJ. RONNIE C. PORTIS, 422–72–4065, 3/30/90
MAJ. JEFFREY D. SCHJODT, 503–58–8560, 5/18/90
MAJ. KARRIE E. SINKAVICH, 473–48–6207; 4/26/90
MAJ. MILLARD F. SLOAN JR., 245–80–2141, 4/16/90
MAJ. JAMES E. THORNELL, 526–74–0396, 5/5/90
MAJ. DEAN F. WHEELER JR., 384–54–5613, 5/6/90
MAJ. DAVID S. ZELENOK, 183–44–7427, 4/8/90

MEDICAL CORPS

To be lieutenant colonel

MAJ. WILLIAM J. DUNN, 527–94–6802, 5/5/90
MAJ. JAMES R. HILDEBRAND, 457–56–2413, 5/6/90
MAJ. SAMUEL R. SCARBRO, 412–84–7622, 4/18/90
MAJ. PAUL M. STROMBORG, 349–34–7746, 5/5/90

DEPARTMENT OF COMMERCE

PRESTON MOORE, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE. (NEW POSITION)

CONFIRMATION

Executive nominations confirmed by the Senate April 11, 1991:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARTHUR J. HILL, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

JIM E. TARRO, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

NICHOLAS F. BRADY, OF NEW JERSEY, TO BE U.S. GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR TERMS EXPIRING AT THE END OF THE FIRST SESSION OF THE 102D CONGRESS:

ARTHUR LEVITT, JR., OF NEW YORK
ROBERT D. STUART, JR., OF ILLINOIS
ALEXANDER B. TROWBRIDGE, OF THE DISTRICT OF COLUMBIA

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SPEECH BY JOHN BRADEMAS, PRESIDENT OF NEW YORK UNIVERSITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to an excellent speech delivered by my close friend and former colleague John Brademas, the president of New York University, who so ably served the people of the Third District of Indiana for 22 years and served with distinction for 4 years as the majority whip of the House. His speech, "Economies in Transition: Management Training and Market Economics Education in Central and Eastern Europe," warrants the attention of all who are interested in the success of United States assistance programs to the new democracies of Central and Eastern Europe.

The text follows:

A MOMENT TO SEIZE: A U.S. PARTNERSHIP FOR MANAGEMENT TRAINING AND MARKET ECONOMICS EDUCATION IN CENTRAL AND EASTERN EUROPE

(Address of John Brademas, President, New York University)

We meet at an extraordinary moment in world affairs. We are witnessing the defeat of a savage aggressor who ruthlessly invaded and plundered a small neighbor. The campaign against Saddam Hussein is successful in large part because of President Bush's skill in building, under United Nations auspices, an international coalition. We must all hope that the war is brought to an end swiftly and with minimum casualties and that we can soon turn to the difficult task of building a structure of stability in the Middle East.

Mesmerizing as is the drama in the Persian Gulf, we cannot permit it to divert our attention from developments elsewhere in the world which will profoundly affect the shape of the next decade and the new century ahead.

In the Baltics the crackdown by leaders of the Soviet Union signals a retreat from glasnost and perestroika as the peoples of that country struggle with massive, deep-seated internal problems.

In the Third World, millions cry out for freedom and for decent living standards.

In the People's Republic of China, repression of dissent and reversion to hardline ideology and practice darken hopes for progress in that vast nation.

In South Africa, the hated, and hateful, system of apartheid is crumbling but there, too, the path to a just society will not be smooth.

But it is a challenge of a different kind that brings us all here tonight and tomorrow—nothing less than the drive, after four decades of Communist rule, of the peoples of Central and Eastern Europe, to establish free and democratic political institutions and free, market-oriented economies.

The purpose of this conference is, therefore, a noble one and I want to commend its organizers on a creative and significant initiative:

Deputy Secretary of State Lawrence Eagleburger,

Deputy Secretary of the Treasury John Robson,

Chairman of the Council of Economic Advisers Michael Boskin,

Administrator of the Agency for International Development Ronald Roskens, and

Bruce Gelb, Director of the United States Information Agency.

I pay tribute also to the leadership on this vital question of a distinguished Member of the United States House of Representatives, Congressman Martin Frost of Texas.

A PERSONAL COMMITMENT TO INTERNATIONAL EDUCATION

It is a privilege to appear before such a distinguished audience of so many leaders of American business and industry, foundations and private international organizations as well as officials from Federal agencies closely associated with Central and Eastern European relations. I am pleased as well to note the outstanding representation of my colleagues from the academic world, and, of course, I offer a special welcome to our many eminent guests from abroad.

I am, for several reasons, pleased to have been invited to speak at this opening session.

First, as a Member of Congress for twenty-two years, including four as Majority Whip, I was involved with matters affecting U.S. relations with Europe over a period extending from the Eisenhower era through the Carter years. I also sat on the House committee with principal responsibility for education at all levels—schools, colleges and universities—the arts and humanities, museums, libraries and other institutions of learning and culture. Indeed, in 1966, I was chief sponsor of the International Education Act, aimed at encouraging more attention to international studies in this country.

Second, for over a decade I have served as president of the largest private university in the United States—New York University, with some 47,000 students in 13 schools, colleges and divisions and an annual operating budget of $1.1 billion. Our proud tradition as educator of immigrants and their sons and daughters began when NYU first welcomed newcomers from Europe more than a century and a half ago. Today NYU operates programs in countries around the world, including more than a dozen in Europe.

Third, both as a Member of Congress and since, I have on a number of occasions visited Poland—I may observe that my wife is of Polish descent—Czechoslovakia, Hungary, Romania, Yugoslavia, East Germany and the Soviet Union. In 1979 Speaker O'Neill appointed me to lead a delegation of seventeen Members of Congress to visit the Soviet Union to meet in the Kremlin with members of the Supreme Soviet. In fact, we were the first American political leaders to meet Eduard Shevardnadze, in Tbilisi, when he was party chief of Georgia.

Here let me note that an important interparliamentary dialogue with the newly elected legislative leaders of Central and Eastern Europe is headed by Congressman Frost. He is chairman of a congressional task force, appointed by Speaker Tom Foley, which visited Prague, Budapest and Warsaw last year and made recommendations to assist the development, in those and the other new democracies, of effective national legislatures.

And if I may be permitted a personal aside, I recall another trip, over twenty-five years ago, to Yugoslavia, where, as a young Congressman, I encountered a young Foreign Service officer, a friend of many years, Larry Eagleburger.

A final, and telling, reason I was pleased to accept Bruce Gelb's invitation is a philosophical one—my firm conviction that there is a close and intimate relationship between open, competitive economies and free and democratic political institutions.

A CALL FOR PARTNERSHIPS

This vital linkage is aptly described in the current issue of the journal Foreign Affairs, where author William Pfaff writes: "The radiance of Western justice and success is the power that caused the east European nations and the Soviet Union to abandon what they were and attempt to become what we, the democracies, have made of ourselves . . . It is a moment to seize."

It is, indeed, this "moment" that brings us together—from both sides of the Atlantic; from the public and private sectors; from the worlds of business, academia, foundations and government—the moment to consider how best to encourage democracy and market reform in the newly liberated nations of Eastern and Central Europe.

When I began these remarks, I listed crises in various parts of the globe. To round out the context from which I speak, I must also note certain unpleasant realities here in the United States.

We Americans face a burgeoning array of problems of our own, from combating crime and drugs to cleaning up the environment, from fighting AIDS to dealing with homelessness, from reinvigorating a listless school system to reigniting a stalled economy.

Worse, our ability to finance the immense efforts necessary to address these troubles has progressively deteriorated. The cost of the Mid-East war, soaring toward $1 billion a day, has sharpened the contours of a deepening recession and poured kerosene on the fires of a $300 billion deficit in a Federal budget already strained by the cost of the savings and loan bailout.

Despite our domestic dilemmas, we cannot ignore our obligations abroad, particularly when they embrace goals so long sought and so eminently desirable as assisting the nations of Central and Eastern Europe in setting up market-based economies and free political institutions.

Our task, it seems to me, is to determine, in this respect, the appropriate role of the United States. Given the nature of the challenge and the limits of our financial means, I want to assert, as clearly as I can, two fundamental principles.

First, if Americans are to be effective in contributing to democratic practices and market economies in Central and Eastern

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Europe, we must forge in this country a creative, innovative, broad-scale partnership that will command the talents and energies of American business and industry, private foundations, colleges and universities, and the Federal government.

Second, some of the resources of that partnership must be targeted squarely on management training and education in market economics. Without knowledgeable practitioners, market economies and democratic regimes in Eastern and Central Europe can neither be successfully introduced nor developed.

The reasons we in the United States should forge such a partnership, among ourselves and with our European colleagues, must be obvious. Not the least is that at our best, Americans are champions of free peoples and open markets. Clearly, such a policy of partnership is in our national interest as a world power. And finally, a politically and economically vibrant Central and Eastern Europe affords opportunities for American business and industry. Whether trade, investment or multinational ventures, promising new fields ought not to be left solely to other industrialized countries.

We recognize, of course, that the European Community can be expected to play a major role in the transformation going on within its neighboring nations. This is natural, given proximity and history. EC involvement is also a financial imperative as the United States can provide only limited aid.

We welcome initiatives on the part of Western Europe, Japan and others. But I reiterate that I would not wish to see a resurgent Central and Eastern Europe in which the major contributions came only from Germany and Japan. The United States must be a partner, too, and a continuing presence, in the economic revival of that vital heartland.

A CRUCIAL ROLE FOR COLLEGES AND UNIVERSITIES

Our contribution need not come only from the government, which is why I have urged the creation of a broad-based partnership. Nor must our participation always take the form of cash. We have much else of value to offer.

As fundamental to economic development as roads, bridges, tunnels, power and communications is the indispensable element of brainpower—trained minds, skilled managers, educated leaders.

The development of competitive economies in Central and Eastern Europe will depend in no small part on how rapidly and effectively new managers can be trained and new knowledge imparted. You and I know the conceptual problems in these countries. What is a free market? How does it work? We know, too, the lack of basic skills required to operate in a market economy. How to set up a business, calculate profit and loss, perform basic accounting, establish production and marketing goals—all these functions require education and training.

In an article in the current issue of The Atlantic Monthly, entitled, "The REAL Economy," Robert B. Reich of Harvard celebrates the crucial role of education in society. He writes:

"Increasingly, educated brainpower—along with roads, airports, computers, and fiberoptic cables connecting it up—determines a nation's standard of living. In the emerging economy of the twenty-first century only one asset is growing more valuable as it is used: the problem-solving, problem-identifying, and strategic-brokering skills of a nation's citizens. [I]intellectual capital has become a uniquely important national asset."

Certainly one source of education and training in Central and Eastern Europe will be American business and industry as American firms become more actively involved there.

I note, for example, the purchase by General Electric of a half-interest in Tungsram of Budapest, a tentative agreement by General Motors to buy a plant in Slovakia, the purchase by Sara Lee of a controlling interest in Compack, third largest food company in Hungary.

Such acquisitions in Central and Eastern Europe bring with them both an infusion of American business management skills and education in market economics. These capabilities may be imparted either by on-the-job example or in formal training sessions set up by the companies.

Even as each corporation will tailor inhouse instruction to fit its own needs, broadgauged programs of education remain the province of colleges and universities. In the United States there are some thirty-five hundred institutions of higher learning with an enormous diversity of academic strengths. At New York University, for example, we offer courses and carry out research in subjects ranging from business to law, from the humanities to medicine, from the performing arts to computer science. And we are particularly strong in European area studies.

Here I must return to the concept of partnership, for although institutions of higher learning can supply the expertise, they are unable, as nonprofit organizations, to subsidize assistance projects. Universities must depend on support from such sources as the SEED program of the Federal government.

SEED: THE PARTNERSHIP AT WORK

SEED is, of course, the acronym for the Support for Eastern European Democracy Act, first passed in 1989, an initiative in which Congress had a strong role, and which is a main focus of this conference.

SEED essentially represents the commitment of the American people to helping the democracies emerging as the former Communist-controlled countries develop free political institutions and market-oriented economies. The legislation is an umbrella for a variety of assistance programs directed at housing, agriculture, environment, medicine and trade as well as private sector activities.

To carry out the purposes of SEED, Congress appropriated $370 million for fiscal 1991, an increase of $90 million from the year before. SEED projects have benefited Poland, Hungary, Czechoslovakia, Romania, Bulgaria, Yugoslavia and East Germany. This support has provided food, children's relief, humanitarian aid, parliamentary orientation, trade and business connections, water pollution control training and student exchange.

Here I note that in both the House and Senate reports accompanying the appropriations for SEED for fiscal 1991, Congress emphasized several specific uses of the funds. Among these uses was a program to provide practical business management training to the nations of Eastern Europe. Activities in both the United States and the home countries were encouraged.

Two sponsors of this conference, the Agency for International Development—AID—and the United States Information Agency—USIA—are leading the efforts to implement SEED.

I believe colleges and universities in the United States can play a major role here.

Indeed, my own institution, New York University, through our School of Continuing Education, has launched two programs. Not only because I believe our projects strong and carefully crafted but also, I respectfully submit, because I believe them models of the kind of partnership of which I have been speaking, I should like to say a word about them. Here let me note that our NYU School of Continuing Education, one of the largest in the United States, has for more than 70 years served those who, while pursuing their education, may also hold down jobs and support families. Here, through flexible study arrangements, one may work toward a degree or learn any of a wide range of trade or professional skills. The School today, under Dean Gerald Heeger, offers some twenty-five hundred courses; approximately fifteen thousand persons take classes each semester.

Both our projects would be coordinated through the office of Polish Deputy Foreign Minister Antoni Kuklinski and undertaken in cooperation with the University of Poznan and the Institute of East-West Business Dynamics, an American organization formed by business, academic and public sector leaders seeking to encourage U.S. trade with the Soviet Union and Central and Eastern Europe. The Institute is chaired by a distinguished former United States Ambassador, Angier Biddle Duke.

Let me describe these projects briefly.

Under the first, designated, "Management Training and Economics Education Program in Eastern Europe," 250 people a year, in groups of 50 each, would be brought to the United States for intensive seven-week courses on our campus. These persons would include executives, managers, union leaders, entrepreneurs, government officials, university faculty and technical school instructors. Attendees would be expected, on their return to Poland, to pass their freshly acquired know-how on to others.

This "teach the teacher" aspect makes the program not only a renewable resource but an expandable one. It can exert a tremendous multiplier effect.

Classroom lectures and workshops would cover managing, marketing, finance, law, data management and analysis. To see consumer choice functioning in the marketplace, our guests would go on field trips to retail stores, industrial suppliers, the New York Stock Exchange and a wholesale food distribution facility, among other examples of the free market system.

Finally, each participant would be placed in an internship with a business firm where he or she can observe a manager, owner or business professional responding to the daily demands of a competitive market.

NYU faculty members would visit Poland annually to provide follow-up instruction to those who completed the New York phase and to conduct seminars for new groups of trainees.

A permanent international computer link would be set up, making our faculty and staff available on-line to consult on market transition problems in Poland. The network could also spur the development of an electronic learning community among Polish business managers.

Our other project would take the form of a six-week, intensive training program at the University of Poznan taught by NYU faculty. How-to-do-it techniques and modern business practices would be emphasized. The instruction would be targeted on thirty-five business school faculty and entrepreneurs in undergraduate and graduate programs, technical schools and institutes in Poland.

Here I applaud the efforts of other universities in the United States which have developed, or are developing, their own plans to offer management and marketing education in the countries of Central and Eastern Europe, and I would encourage other institutions of higher learning to do so.

Let me conclude my remarks with an observation on the public-private partnership I have so vigorously advocated and the great significance I assign to it. We all realize that after nearly three generations of command economies and authoritarian governments in Central and Eastern Europe, there are massive obstacles to the establishment of parliamentary democracies and market-based economies. To achieve these goals will be neither simple nor easy. But to do so is essential.

Surely the task of consolidating free and democratic governments in the nations of Central and Eastern Europe and transforming their economies demands the efforts of us all in this country—business and industry, foundations and universities and the Federal government—a genuine partnership.

And indispensable to the success of this partnership is * * * education.

That is why I recall tonight the solemn words of the philosopher Alfred North Whitehead: "In the conditions of modern life, the rule is absolute. The race which does not value trained intelligence is doomed."

Well, I do not believe our race, the human race, is doomed * * * so long as we recognize the value—indeed, the necessity of trained intelligence and insist on the resources to support it.

REMARKS BY BENJAMIN MEED, CHAIRMAN, WARSAW GHETTO RESISTANCE ORGANIZATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GREEN of New York. Mr. Speaker, I should like to share with my colleagues the comments of my constituent, Benjamin Meed, chairman of the Warsaw Ghetto Resistance Organization [WAGRO]. I believe you will find Mr. Meed's remarks, given before a gathering of American Jewish Holocaust Survivors in New York City on April 7, 1991, to be of interest. The text of Mr. Meed's statement follows:

REMARKS BY BENJAMIN MEED, CHAIRMAN, WARSAW GHETTO RESISTANCE ORGANIZATION

Distinguished Guests, Ladies and Gentlemen, Fellow Survivors,

We are together again to say Kaddish B'tzibur, to remember our past and to reaffirm the Jewish future, to assert our solidarity with the people of Israel.

We are here to remember the victims—husbands separated from their wives, children torn from their parents, joined again only in death. Lovingly we recall their lives, their mentshlekhkeyt and their courage in the face of the brutal conditions of the ghettos, the forests and the Nazi death camps.

We meet again to tell the world that we have not forgotten how we were betrayed and abandoned by a world of indifference, that we shall never forget Auschwitz, Treblinka, Majdanek, Buchenwald, Sobibor. That we shall never forget the Warsaw Ghetto and all the ghettoes and camps saturated with Jewish blood.

Today, on the 48th anniversary of the Warsaw Ghetto uprising, on this collective remembrance day, we ask ourselves, Can it happen again?

Imagine that 50 years after the Holocaust, a dictator threatens to turn Tel Aviv into a crematorium. The gas is German gas; the missiles are made in the Soviet Union. And were it not for the State of Israel, the nuclear weapon would have been a French nuclear weapon.

But hopefully, it will not happen again—because there is Israel, and because Israel's great ally is America.

All of us saw the TV pictures during the Gulf War—Jews huddling in sealed rooms, mothers cuddling frightened children, families putting on their gas masks. It was a riveting, a painful experience as we saw the Scuds flashing in the evening sky over Israel. Here was the enemy that had threatened to destroy the Jews, many of them survivors of the Holocaust with their sons and daughters and their grandchildren.

I was in Israel during those days. I shall never forget our arrival. The airport was empty. All the world's airlines had stopped flying to Israel except El Al. We were greeted cordially—but immediately handed gas masks. When the Scuds came, I too entered the sealed rooms, wearing my gas mask, prepared—as all of Israel was prepared—for the worst.

Israel was ready and eager to attack the missile sites, held back only because President Bush asked the Israeli leaders to exercise restraint. At the same time, America took to battle. Instead of indifference there was action—Operation Desert Storm. American Patriot batteries were rushed to Israel. Israeli and American soldiers worked together to shoot the Scud missiles out of the sky. The brutal dictator was defeated before he could carry out his threat to scorch the soil of Israel.

Meanwhile, in Eastern Europe, anti-Semitism is still alive. Communism has collapsed, but in its stead rightwing nationalism has taken over. But Jews are not abandoned today. Israel stands ready to receive every Jew. And our people are coming today even as they came during the Scud bombings, when their first act upon landing in Israel was to put on a gas mask.

Could there be a more dramatic demonstration of Israel's significance in the life of the Jewish people—that thousands of immigrants continued to pour into a country under nightly missile attack, and that the people of Israel opened their doors and their hearts to welcome them in the face of terror from the skies?

We have watched this modern Exodus with a feeling of great pride—but also with envy because when we were in need, there was no Israel and the free world was closed to us. We lived in total isolation, abandoned by all, forgotten by all. Today the abandonment of the Jews is history, part of the past, not the present.

One reason for this change is that we remembered. We refused to forget or let the world forget. America heard the voices of the survivors and remembered. President Bush, his advisors and the American people understood what was at stake in the Persian Gulf, and we acted to confront and to defeat the tyrant. Miraculously, the victory was swift and the casualties our forces suffered small. Today, as we honor the heroism of the American troops, and as we mourn the fallen U.S. soldiers, let us also remember whom we can trust—and with whom we can share American weapons. Today we know that our courageous soldiers won the war, but we have all the reasons to be concerned what the peace will bring.

Will pouring more billions of dollars worth of arms into Saudi Arabia make the region safe? Will Syria be convinced to expel the terrorists whom it has sheltered, protected, paid, trained and armed? Will Kuwait be persuaded to lift the economic boycott of Israel? Let us remember who America's real friends are, before another Middle East arms race begins. Let us not forget that Israel is the proven, trusted ally.

On this, the 48th anniversary of the Warsaw Ghetto uprising, we have much to remember—and also much to look forward to. Within the next two years great museums will open in Washington, in Los Angeles, and here in New York, dedicated to teaching the lessons of the Holocaust—that hatred must be confronted and not ignored; that the oldest form of racism is anti-Semitism; that singling out Jews as victims offers no safety for other religious, racial or ethnic minorities, or for civilization itself.

We have grave responsibilities, but little time. We have accomplished much, but there is much more we must do to document our own fate—and the story of how we rebuilt our lives.

Even as we are gathered here to remember the monstrous murder of six million Jews, and to give thanks for the success of Operation Desert Storm, the news today makes us concerned about the fate of the Kurds and the Shi'ites of Iraq—the victims of a contemporary slaughter by their own murderous ruler, Saddam Hussein.

As Jews, we have pledged "never again." But we never meant ourselves only. For we have learned that hatred is not confined to Jews alone, that once let loose the poison spreads—to others. We who came back from the pit of hell have known the cruelty of silence and indifference.

On this Day of Remembrance, let us speak out and let us act so that there will never again be another Holocaust of any people of any faith or any race. This is the lesson that is part of our yet unfinished task to teach the world to be on guard so that the unthinkable should not be possible again.

Remembrance, said the Baal Shem Tov, is the secret of redemption. Let us work together, then, so that the world will remember and understand what happened to us, so that it will never happen again, to anyone anywhere. Let us remember!

PROTECTING U.S. PATENTS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, American today can be proud of her leading world position in biotechnology, one of the most promising high-growth industries as we enter the 21st century. Particularly in my home State, biotechnology companies provide an increasing number of high-paying jobs and are one of the new cradles of American technology innovation. If we hope to afford this vital industry at least the minimal patent protection it deserves, we must be cautious that in international negotiations we do not trade away the very patent rights that help grow such dynamic, high-risk companies.

I commend to my colleagues' attention the following article, "Bartering Away American Biotechnology: The Coming Erosion of U.S. Patent Protection," which brilliantly lays out the core issues facing U.S. trade negotiators, and the devastating impact a reversion of U.S. patent law could have on one of our most critical industries. Giving away the basic protections that ensure a competitive and creative American biotechnology industry would be short-sighted and irresponsible, and it is my hope that we heed the warnings of these prescient authors.

BARTERING AWAY AMERICAN BIOTECHNOLOGY THE COMING EROSION OF U.S. PATENT PROTECTION

(By Lloyd R. Day, David M. Madrid and James R. Batchelder)[1]

Will the United States trade away its dominant position in biotechnology at the bargaining table of upcoming international trade negotiations?

Just as Japan and Europe struggle to catch and overtake America's scientific and industrial leadership in biotechnology, the U.S. Government is considering drastic changes in U.S. patent and trade laws, changes which could irretrievably tilt the competitive balance in favor of America's foreign competitors.

The finishing touches to The Hague Patent Harmonization Treaty should be complete by June of this year, and many authorities believe the U.S. Government will buckle under to mounting international pressure to jettison certain long-standing features of American patent law that favor American inventors over their Japanese and European counterparts. The coming year may also see the elimination of a potent International Trade Commission (ITC) remedy currently available exclusively to domestic innovators to protect against the unfair trade practices of foreign importers. Finally, by year's end the General Agreement on Tariffs and Trade (GATT) may also be modified, posing a further threat to America's high technology industries.

American biotechnology companies are no longer competing with their foreign counterparts simply in the marketplace. For better or worse, they now find themselves also competing with both local and foreign interests to fashion the rules by which domestic and international trade will be conducted. The stakes are high, and the far-reaching domestic and international implications of the changes currently being proposed will mandate a much closer partnership between entrepreneurs, scientists and lawyers to successfully navigate these unchartered waters.

PATENT LAW HARMONIZATION

A major international push is underway to "harmonize" American patent law with that of its trading partners, most notably Japan and Europe. In essence, the U.S. is being asked to abandon its current patent law. Such harmonization would eliminate one of the most distinctive features of U.S. patent law, the pro-innovator "first-to-invent" rule, in favor of the Japanese and European "first-to-file" rule. Harmonization would convert America's race to invent and innovate into a race to file.

No one contests that a first-to-file rule would profoundly impact the American biotechnology industry. Proponents of harmonization contend that a first-to-file rule would make world markets more accessible to American entrepreneurs. They suggest that by forcing American innovators to concentrate on being first to file for patent protection in the U.S., harmonization would for the first time stimulate American innovators to win first-to-file races abroad. It is further argued that America's adoption of foreign patent laws would place American innovators on an "even playing field" in foreign patent prosecutions and litigation. Additionally, proponents of harmonization denounce the expensive and protracted interference proceedings necessitated by the American first-to-invent system.

Critics of harmonization observe that U.S. cultural, economic and legal incentives are in many ways calibrated to encourage innovation. The first-to-invent rule embodies that ethic by rewarding patents to those who are first to advance the "body of knowledge," even if they share their ideas with others before seeking to patent them. Within U.S. universities and research institutes, upon whom America has depended so heavily for much of its groundbreaking innovations in biotechnology, electrical engineering, superconductivity, and computer science, patent law harmonization would undercut the strong academic impetus to expand the body of knowledge by publishing promptly and freely innovative concepts as they occur. Under a harmonized patent system, such currently commonplace practices would result in the forfeiture of all patent rights unless, in each case, disclosures were preceded by a patent filing. Innovation can hardly flourish under a legal system whose principal incentive would be to "bottle up your ideas" before sharing them with others.

Furthermore, harmonization's critics point to its significant disadvantages to American biotechnology. The U.S. first-to-invent rule distinctly favors domestic inventors over foreign competitors, not only in obtaining U.S. patents, but also in successfully conducting patent interference, validity and infringement proceedings.

With a few minor exceptions, a foreign inventor cannot claim a date of invention under U.S. law based upon evidence of conception and reduction to practice occurring outside of the U.S. Only the filing of a foreign patent application can serve as evidence under U.S. law to establish the date upon which an invention was made outside the U.S. No other evidence of conception and reduction to practice occurring outside the U.S. can serve to establish a date of invention under U.S. law. Thus, foreign inventors are almost always limited to the date of their first patent filing as their date of invention. U.S. inventors are not so limited: they can offer evidence of conception and reduction to practice in the U.S. occurring prior to filing to establish a date of invention before their first patent filing. This rule creates two important advantages for domestic interests: (1) American inventors are given the opportunity to obtain a date of invention earlier than their first patent filing by offering evidence of their prior conception and reduction to practice in the U.S. and (2) foreign inventors are encouraged to invest their research and development resources in the U.S. in order to claim the benefits of prior conception and reduction to practice under U.S. law.

Additionally, critics of harmonization underscore the extent to which the first-to-invent rule has molded the American biotechnology industry's strategic approach to innovation and patent prosecution. The first-to-invent rule has afforded American innovators the opportunity to divide the patent process into two phases, focusing first on research and development, and second on pursuing a patent. Few small to mid-size American biotechnology companies have the inclination or capacity to file for patents on inventions whose future profitability at the earlier stages of conception or initial reduction to practice is at best uncertain.

The financial and legal resources needed to exploit a "first to file" system will not only foment conglomeration of the American biotechnology industry, but will also favor foreign companies already adept at patent prosecution within the first-to-file world.

Moreover, the purported advantages of harmonization have been called into question. Although harmonization would force American high technology industries to become familiar with the patent laws now governing Japan and Europe, this would not guarantee American innovators equal access to foreign markets. Critics of harmonization observe that the hostility of many foreign courts to patent applications and enforcement actions by American innovators has been matched only by the resistance of many foreign cultures to American products. Nor do the evils of American patent interference practice appear so daunting when one considers the advantages which the first-to-invent rule bestows upon domestic innovators.

ITC INTELLECTUAL PROPERTY JURISDICTION

One of the most effective remedies available to domestic innovators to protect against unfair trade practices is found in section 337 of the United States Tariff Act of 1930. Section 337 empowers the ITC to investigate alleged "unfair methods of competition and unfair acts in the importation of articles in the United States." If the ITC determines that an unfair act has been committed, it can issue a cease and desist order or an order excluding all infringing imports. In the overwhelming majority of Section 337 cases, the sole "unfair act" involved is a patent infringement.

In recent years, the Japanese and Europeans have exerted their increasing economic leverage in opposition to Section 337. Of particular concern to the Japanese and Europeans is the unavailability of any affirmative relief to foreign respondents in Section 337 proceedings. Equally distressing to the Japanese and Europeans are the extreme time constraints imposed by Section 337 proceedings. As a matter of law, most Section 337 investigations must be concluded within a year, and in no case later than 18 months, after the ITC's initiation of the investigation. Also under attack is the ability of domestic innovators to litigate simultaneous patent infringement claims before the ITC and the U.S. District Court.

As a result of the advantages afforded domestic innovators by Section 337, the Japanese and Europeans joined in a GATT complaint against the U.S. The GATT council adopted a GATT panel finding that Section 337 is inconsistent with the GATT. The U.S. chose not to block the GATT council's adoption of the finding and consequently is required to revise Section 337 to comply with the GATT. While many proposed revisions are under consideration, it is clear that domestic innovators are likely to lose the advantages once afforded by Section 337. The loss of this potent remedy will most likely occur by year's end.

THE GATT NEGOTIATIONS

Facing billions of dollars in lost exports due to piracy of American technology, the U.S. for several years has been attempting to include intellectual property standards in the GATT. The basic proposal has been to establish a minimum standard of intellectual property protection with which member countries must comply by enacting satisfactory national laws.

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[1] Messrs. Day, Madrid and Batchelder are trial lawyers with Cooley Godward Castro Huddleston & Tatum in Palo Alto, specializing in technology litigation, principally for the biotechnology industry.

The intellectual property initiative, however, is not alone on the bargaining table, but finds itself grouped with the concerns of other U.S. industries. In fact, the initiatives of the American agricultural and textile industries have garnered the lion's share of GATT deliberations, and in at least one instance have brought the negotiations to a standstill. Should the Uruguay Round resume, it is feared that U.S. negotiators, pressured to conclude the negotiations this year, will be influenced to trade away protection for American intellectual property in favor of competing domestic interests.

WHO WINS, AND WHERE DO WE GO FROM HERE?

Many observers believe that patent law harmonization and the changes to ITC jurisdiction and the GATT are inevitable. The crucial questions remain whether the U.S. will gain as much as it concedes in arriving at these changes, and how this bartering will affect American biotechnology.

After decades of virtually unrestricted access to American technology, our Japanese, European, and other trading partners finally profess interest in negotiating standards for intellectual property protection. They in essence propose that the U.S. give up its first-to-invent patent system and ITC jurisdiction in exchange for a more "even playing field" by affording American innovators meaningful and promptly enforceable patent protection in foreign markets.

What are the realities of this proposal? Will the U.S. trade away effective and certain domestic protections in return for promises by our trading partners that they will impartially and promptly enforce their existing patent laws? Does our experience with such promises in the past give us confidence in their fulfillment today?

Because the tangible benefits to U.S. industry of foreign promises to level the playing field for American industry are far from certain, America's trading partners could offer a much more attractive *quid pro quo* by eradicating existing laws and policies which have proven detrimental to American high technology industries. For example, as but one very important concession America could seek in return for adoption of the Hague Patent Harmonization Treaty, Japan could be required to drop its long-standing refusal to sign the 1970 Hague Convention on Taking Evidence Abroad in Civil and Commercial Matters. This concession would eliminate the enormous impediments American litigants now encounter in seeking discovery of Japanese witnesses and their documents in U.S. litigation.

The tendency of America's trading partners to make promises, rather than take concrete action, is cause for concern. Trading proven advantages for uncertain gains rarely proves to be any bargain at all.

Loss of the first-to-invent rule and section 337 will have real and direct consequences for the American biotechnology industry, and many other domestic industries as well. They can expect to see (1) a significant increase in the number of foreign infringement plaintiffs in U.S. courts, coupled with an increase in the winning percentages posted by foreign litigants; (2) a distinct advantage to larger and better financed firms equipped to win the first-to-file race; and (3) a period of adjustment in which foreign biotechnology companies will undoubtedly prove more adept at exploiting the newly "harmonized" U.S. patent system than their American counterparts.

Biotechnology companies can minimize the impact of these changes only by thoughtful long-range strategic planning on two levels. First, biotechnology entrepreneurs, inventors and counsel must rethink and restructure their approaches to innovation, patent issuance and litigation. In particular, they must develop the means to win first-to-file races and to achieve their objectives in a changing legal landscape.

Second, the U.S. biotechnology industry must recognize that it has become largely vulnerable to a political process shaped by competing foreign and domestic interests with proven success at influencing and shaping the changing rules of competition. Absent vigorous lobbying efforts on a concerted front, the American biotechnology industry, much like the semiconductor industry before it, may fall victim to shortsighted policy makers playing fast and loose at the international bartering table.

SALUTE TO OFFICER JAY CARROTT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor Senior Officer Jay Carrott, who recently was named the "Police Officer of the Year" by the Simi Valley, CA, Police Department.

As the former mayor of Simi Valley, and a resident of the city for more than 20 years, I am especially proud to be able to share Officer Carrott's accomplishments with my colleagues.

Jay didn't earn this award—selected each year by his fellow officers—for any one accomplishment. Instead, he earned it for his day-in, day-out performance in one of society's most demanding occupations.

A full-time officer for just 4 years, Jay dreamed for years of a career in law enforcement while working for a major corporation. Finally, despite the financial sacrifice the move involved for himself, his wife, Amy, and their three children, he decided to fulfill his dream. It's a decision that has benefited both Jay and the residents of Simi Valley.

Jay is a member of the special weapons team, and in fact was injured in the line of duty last year when he broke through a window to save a man from shooting himself. He has received numerous commendations from the community for his dedication and skill in carrying out his duties.

Mr. Speaker, I ask my colleagues to join me today in honoring an outstanding police officer and an outstanding man, Officer Jay Carrott.

RECOGNITION OF LT. COL. LINWARD APPLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SKELTON. Mr. Speaker, an outstanding soldier who has led the ROTC unit at Lincoln University, Jefferson City, MO, retired from active duty April 1, 1991. Since Lt. Col. Linward Appling assumed his duties as a professor of military science at Lincoln University in 1985, the ROTC unit has won numerous competitive awards and has become a leading provider within our State of second lieutenants for the U.S. Army, both Active and Reserve.

Lt. Col. Linward Appling ends a most remarkable career. He was born in Roberta, GA, and is a 1961 graduate of Crawford County High School. He entered the Army in 1961 as a private and spent his first 9 years in the service as a noncommissioned officer. In 1970, he received a BA degree in social science, with emphasis in business, from Coker College, Hartsville, SC, and in 1975 an MA degree in political science, with emphasis in public and health care administration, from Wichita State University, Wichita, KS.

His initial assignment as an officer was with the 4th Battalion, 10th Infantry, Fort William D. Davis, Republic of Panama, where he served as platoon leader, company executive officer, assistant operation officer (S–3), and company commander. In 1971 he returned to Vietnam for his second tour of duty and served as a reconnaissance platoon leader and company commander in the T Infantry (Air Mobile), S Airborne Division.

Subsequent assignments include company commander at Fort Jackson, SC, the armor officers' advanced course at Fort Knox, KY, assistant professor of military science at Wichita State University, Wichita, KS, organizational effectiveness/organizational development staff officer, battalion operations officer (S–3), and executive officer with the 193d Light Infantry Brigade, Fort Clayton, Republic of Panama, and as the J–1 for the joint special operation support element and the deputy adjutant general of the U.S. Readiness Command, MacDill Air Force Base, Tampa, FL.

LTC Linward Appling's military education includes the Infantry Officers' Candidate School—1969, Airborne School—1975, armor officers' advanced course—1978, Command and General Staff College—1978, the organizational effectiveness/organizational development staff course—1982, the Armed Forces Staff College—1982, Military Personnel Officers' School—1985, and the Armed Forces defense computer science course.

His awards include the Bronze Star Medal, the Defense Meritorious Service Medal, the Air Medal, the Army Commendation Medal—three awards, the Army Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal—two awards, and several theater and service medals. He wears the Combat Infantryman's Badge and the U.S. and Korean Parachutist Badges.

He and his daughter Linda reside in Jefferson City, MO, and I am pleased that he will remain a resident of Jefferson City, MO, on the faculty at Lincoln University. He will head the Participants Training Program there. I know that the other Members join me in wishing Lt. Col. Linward Appling the best in the days ahead. He retires with the satisfaction of having contributed immeasurably not only to the U.S. Army during his years of service but also with the satisfaction of having been an inspiration to Army leaders of the future.

DICKSON STUDENT WINS FLAG DESIGN CONTEST

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SUNDQUIST. Mr. Speaker, I ask my colleagues to join me in saluting a young man from my district who was recently honored in connection with National Youth Art Month. Alan Sholes of Waverly, TN, won the flag design contest sponsored by the Council for Art Education and joined the winners of other State contests for the flag raising ceremony here in Washington.

Alan is a talented young man. He represents well the sort of talented young person this program is designed to recognize and encourage. I know my colleagues will join me in wishing him well as he furthers his education. And I commend those in Tennessee, like Youth Art Month Chair Christina Campbell, and elsewhere for their support of this very worthwhile program. I look forward to working with them in the future to encourage the creative talent of more bright young Americans.

EVELYN LEA, DADE SUPER TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, every school district has those teachers who stand out. They stand out not because they seek attention, but rather, because their devotion to students speaks for itself. Ms. Evelyn Lea is one of those educators. She has taught for 25 years and presently devotes herself to the first grade students at Cypress Elementary in Miami. The Miami Herald recently recognized her as one of Dade County's super teachers in a March 24 article. That article follows:

As far as Eveyln Lea is concerned, first grade sets the stage for the rest of a student's school days. So she does her best to give all her kids a good start.

Lea, who teaches at Cypress Elementary, has launched hundreds of students on their way during her 25-year career. She believes each child is unique, and she makes an effort to treat them that way.

"The students don't forget her," said Marianela Valdes, assistant principal at Cypress. "She's very special. We have a lot of good teachers here, but she's one of our stars."

Lea also makes quite an impression on parents.

"She makes the kids feel good about themselves," said Sherri Hussey, whose daughter Kathryn is in Lea's class. "Most of the parents wish she could stay with the kids for the entire 12 years."

Lea, 58, sets high expectations for her kids and tries to draw out their creative talents through art, poetry and writing. Her classroom is lined with posters, drawings and poems done by the kids.

"I try to put myself in their place, and ask what I would want from a teacher," Lea said. "I try to get them to express themselves, because that opens the door to other learning."

Lea is soft-spoken and was obviously surprised when a reporter visited her class. It seemed the attention made her nervous.

"She doesn't look for a lot of recognition," said Valdes. "But she always goes above and beyond her duties as a teacher."

Lea said she's never wanted to do anything but be a teacher. Raised in North Florida, she got a bachelor's degree from Florida Atlantic University and a master's from Florida International University.

"My mom instilled a love of learning in me when I was very little," Lea said. "My parents encouraged me to teach and I never had any doubt that is what I would do."

Her first teaching job was at Pinewood Acres, a private school, in 1965. In 1970, she joined the Dade public school system, teaching at Olympia Heights Elementary. In 1976, she moved over to Cypress and she's been there ever since.

Although she's taught children at most elementary grade levels, Lea enjoys the first-graders most.

"They're so eager to learn," Lea said. "They're sensitive and they have such a loving manner. It's easy to mold them. But they can be very feisty sometimes."

Wednesday, she worked on reading with a group of six kids while the rest finished writing assignments. Feisty or no, it was a quiet and focused group of children.

"She's very nice to us," said Benny Tillinger, 7. "She gives us a lot of work but she doesn't yell at us."

Lea said she looks forward to getting a new group of students each year. She enjoys that almost as much as the constant visits she gets from former students, some of whom are now in college.

"This is what I love doing," Lea said. "I really do dread the day I have to retire."

I am proud to have Ms. Lea as an elementary school teacher in the 18th Congressional District of Florida. I have confidence that many teachers like her continue to believe that children are our future and that they are worth devoting our lives to.

TRIBUTE TO NICOLA ANTAKLI

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Mr. Nicola M. Antakli. Mr. Antakli is being honored as World Trader of the Year by the World Trade Club of the Greater Detroit Chamber of Commerce.

Mr. Antakli is founder and president of Intraco Corp., a leading world trade company. Founded in 1971, Intraco is the major exporter of many industrial products to the Middle East. Among the products it exports are architectural and automotive glass as well as replacement auto and engine parts.

Mr. Antakli is also president of two other trading companies: Intraglas Corp. and Automotive Service Industries. He is president of Unitrade International, a real estate investment company. He also serves as a partner and board member for three additional firms, United Trading Establishment, Intraco [UAE] Limited and Saudi American Glass Co.

Mr. Antakli's successful ventures go far beyond his professional affiliations. He is a leader in his community—one of those remarkable individuals who stretches his days to give substantial amounts of time to his profession, his community, his church and his family. To name just a few organizations in which Mr. Antakli is involved is to reveal the breadth of his interests. He is an active member of the Boy Scouts of America, the Antochian Orthodox Christian Archdiocese of North America and the National Association of Arab Americans.

I commend Mr. Antakli on his exceptional community involvement and his professional achievements in international trade. It is critical for us, as a country, to become more competitive in the global economy of the 21st century. The foresight, enthusiasm, and commitment of innovative entrepreneurs like Mr. Antakli are key in achieving economic balance between the United States and our trading partners. These same qualities are vital to making our community a better place to live for all of us. I am confident of Mr. Antakli's continued success and know he serves as an inspiration to all of us.

SSI COMMUNITY LIVING AMENDMENTS OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. STARK. Mr. Speaker, today, Congressman ROBERT MATSUI and I are introducing a bill, the "SSI Community Living Amendments of 1991." It is a major piece of long-term care legislation that begins with the neediest segments of our population. It differs from other long-term care legislation because it applies a social rather than a medical model.

As its name implies, this bill uses the Supplemental Security Income [SSI] Program to identify eligible persons and to provide them with the help they need to stay in their own homes or in small group living situations—a setting which may provide a higher quality of life at a lower cost than institutionalization.

When the SSI Program began in 1974, it served poor aged, blind, and disabled persons with a minimum income supplement. The number of SSI recipients—4.3 million people in 1975—has not increased dramatically—4.76 million people in 1990, but there has been a shift among the categories of people receiving SSI. In 1975, 53.4 percent of the persons receiving SSI received it only because they were 65 or older and met the other eligibility criteria. In 1990, only 30.5 percent of SSI recipients received it on the basis of their age only. The number of SSI recipients 80 years old or older did not decrease as much as recipients between the age of 65 and 79. This means that the SSI population today is primarily the frail elderly, the long-term disabled, and disabled children, who need home-based or supported living arrangements, including long-term nonmedical residential care. So, generally using SSI eligibility, this bill targets the poorest of the frail elderly and disabled.

We believe our bill supports a reconstituted Federal/State partnership to do the following: First, maintain the Federal role of a national minimum income standard for the aged, blind, and disabled; second, create incentives for State assistance to low income aged and disabled who need additional assistance to maintain themselves in their own home or, if needed, in a supported-living long-term care arrangement; and third, establish cooperative Federal/State efforts to identify and correct instances where SSI and other vulnerable aged and disabled are living in inadequate and unsafe board and care residences or live in isolation with inadequate protective oversight.

In preparing this bill, the questions which were the most difficult to answer were: First. How many other people could an individual live with and still be eligible to receive this supplement? Second. Could anyone not receiving SSI be eligible to receive this supplement? Third. Who can be a provider of the regular assistance a person needs with their activities of daily living [ADL's]?

People on SSI reside in all types of living situations: in their own homes, in small and large group residences. We knew our bill would not be able to provide for all SSI recipients needing help with their ADL's. If we could enable people to stay in their own home and receive the help they needed there, the quality of their life would be better and it could be more cost efficient.

Then we struggled with how we could impose enforcement of standards for board and care homes, if we were targeting our funds to individuals living in their own homes or in other small group living situations.

It became clear that we could offer money to States to help them improve the board and care facilities and if they accepted this challenge, they could be eligible for additional money to help them supplement individuals who needed help with ADL's in order to stay in their homes or in small group residences. So that's what we did. We set the bill up with two parts: Title I—Income Supplements and Title II—Quality Assurance for SSI Recipients in Group Living Arrangements. If the States fulfill this section 1635 of title II, they will receive matching Federal funds to carry out title I.

In discussing the question—"Could anyone not receiving SSI be eligible to receive this supplement?" We knew we could be taking a small pot of money and trying to divide it among a greater number of people than we were when we started. However, we did not want to limit recipients to just the people now receiving SSI for a number of reasons, including the following:

State supplements already extend beyond SSI recipients;

Persons needing help with ADL's might have a monthly income a few dollars above the $407 or $610 limit but a monthly income below the amount a SSI recipient receiving a supplement provided by this legislation will have.

So, our bill does define eligible individuals to include poor people who have monthly incomes beyond the meager SSI allowance but whose income is not sufficient to meet their needs based on the individual determination of the value of the assistance needed.

The possibility for abuse and/or misuse of funds surfaced when we discussed the question—"Who can be a provider of the regular assistance a person needs with their ADL's?" We conjured up worst case scenarios, that is a brother-in-law receiving money to provide regular assistance which consists of turning on a TV set and watching it. We knew we did not want our limited resources going to people we felt would be caring of people anyway. We certainly did not want to discourage people who help others for noble reasons. But, we also acknowledged that people who were not family or friends could be engaged to provide assistance and then fail to give it. We moved to the question—"if SSI money is personal income and individuals determine how to spend it, shouldn't the supplemental amount be treated in the same way?" In addition, the States are required to have a case management system, a plan of care for each individual and a system for a periodic review of services, which should provide safeguards against providers who do not deliver the needed services.

In many other areas, the bill, on purpose, leaves decisions to the States. States vary widely in what they provide as supplements to SSI. It makes no sense to bring everyone back to the starting line nor can we make sure all arrive at the finish. We can and do encourage all States to continue what they are doing and to move forward. We wanted to use existing structures that work; we did not want to impose new structures just to have uniform structures.

There are requirements the States must meet in order to receive funds under title I. These requirements identify systems to be developed as part of the comprehensive plan to implement the bill but leaves the development of these systems to the States. We believe the requirements allow flexibility, creativity and accountability, ingredients for a successful program.

Once the systems are in place and the program is operating, the States shall submit two reports yearly to the Secretary of Health and Human Services, one—a financial accounting of the funds and the second—data, in a uniform manner, on the characteristics of the individuals served by this legislation, including the types of residence which they live in and the monthly amount of assistance and the services provided.

While drafting the bill, we were able to consult frequently with the National Association of State Mental Health Program directors and with staff from the Congressional Research Service, the Center for the Study of Social Policy and the Mental Health Law project. We are extremely grateful for their interest, input, and encouragement.

Our bill establishes a capped entitlement program. There will be people who will advocate doing more than we have done. We believe our approach is reasonable and responsible.

A summary of our bill follows:

SUMMARY.—

TITLE I. ASSISTANCE TO INDIVIDUALS IN NEED OF CARE

1. It provides federal matching funds to States to give funds to or on behalf of aged or disabled individuals to assist them in obtaining services to maintain themselves in their own home or a non-medical residence in the community. Fifty percent federal matching would be provided and States would be required to maintain their current level of expenditures for such assistance provided to such individuals.

2. Among the requirements for a State to qualify for federal matching funds are the following:

Have in place a system for establishing the criteria for targetting assistance to those individuals in greatest need for regular assistance.

Provide for a system of assessing the needs of individuals to determine the amount of assistance eligible individuals need on a regular basis for their activities of daily living related to the physical or mental limitations of the individual. Eligibility would be limited to SSI recipients and individuals just above the SSI income standard in a State but whose income is not sufficient to meet their needs based on the individual determination of the value of the assistance needed.

Have in place a case management system with respect to the individuals who would receive assistance which provides for the person managing an individual's case to develop a plan of care for the individual when required.

Have in place a case review system which reviews the appropriateness and amount of services being provided to individuals receiving assistance.

Have in place procedures and enter into an agreement with the Secretary to identify and investigate inadequate group care facilities.

3. Funds provided to the States under the program would be limited to assistance to eligible individuals living in their own homes or in small group living arrangements. The size limitations would include:

For the mentally ill, mentally retarded, or developmentally disabled, group residences not exceeding 16 people;

For the aged, group residences not exceeding 30 people.

(These suggested limitations are included in model board and care standards published by the Center on Legal Problems of the Elderly of the American Bar Association).

4. The program would be an authorized capped entitlement to the States (similar to the title XX Social Services program). The funds would be allocated to the State of the basis of the population of the State. The capped entitlement ceiling would be: FY 93, $250 million; FY 94, $500 million; FY 95, $1 billion; and FY 96, $1.5 billion.

TITLE II. PROTECTIVE SERVICES AND HOUSING QUALITY ASSURANCE AMENDMENTS

1. For the purpose of assisting States in identifying SSI recipients in unlicensed group living arrangements, the Social Security Administration would be required to provide States information which identifies non-medical residences where three or more unrelated SSI recipients reside.

2. It provides the option to the Social Security Administration to contract with a State, at the option of a State, to carry out some part of the Department's responsibilities related to making SSI or OASDI payments through a representative payee. This may include: identifying, investigation, approving and providing for the continuing accountability of representative payees.

3. It provides for grants to States related to the protective services and special housing assistance needs of SSI recipients and other low income aged, blind and disabled individuals. $100 million for each of the four fiscal years 93-96 would be authorized for allocation to the States on the basis of the number of SSI recipients in the State. To qualify for funding a State would:

Be required to have procedures to identify, investigate and take action to protect SSI recipients found living in unlicensed board and care homes or other group living arrangements. The provision in current SSI law which reduces Federal SSI benefits if an individual is living in an unlicensed facility would be repealed. It would be replaced with this new requirement on a State as a condition of receiving these grant funds and the federal matching funds under Title I of this bill.

A State would have the option to utilize such funds to assist other groups of low income aged, blind and disabled individuals identified as in a particular need of obtaining housing assistance and other related services including, but not limited to the following:

Mentally ill denied care in nursing homes under the new nursing home screening program and those identified with priority housing needs in the federally assisted State Mental Health Planning program; and

Frail elderly with priority housing and protective services needs identified by State and Area Agencies on Aging.

THE DEATH OF A PIONEER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. BENTLEY. Mr. Speaker, it is with great sorrow and remorse that I speak of the death of Dr. Aris Allen, a prominent Maryland doctor, politician and close friend, and have taken much of this information from an article written by a free-lance writer Blaine Taylor.

Dr. Allen has been referred to by many as a pioneer for his accomplishments. Having quit school at the age of 14, Aris Allen worked various jobs until obtaining his high school diploma at the age of 27. He worked his way through Howard University Medical School and took part of this training in the Army. At the close of World War II, Dr. Allen chose Annapolis, MD to establish his practice.

At the time, Dr. Allen was only one of three black doctors in the city. Using the attic of his home, Dr. Allen built his own operating table and practiced medicine with his wife, Dr. Faye Allen, until 1982. From his humble beginnings, Dr. Allen eventually served as chief of staff for a period of time at Anne Arundel General Hospital.

In addition to his achievements in the medical field, Dr. Allen continued to involve himself in the interests of mankind and became involved in politics. As president of the local PTA, Dr. Allen was appointed to the county school board by the late Republican Governor, Theodore R. McKeldin. It soon became apparent that Dr. Allen's political career was well underway.

Aris Allen served several terms in the Maryland Legislature and was the first black chairman of Maryland's Republican Party. Thus becoming the only black chairman of any State Republican Party in the Nation. Dr. Allen was also a candidate for Lieutenant Governor when he was the running mate with U.S. Senator J. Glenn Beall who was unsuccessful in the 1978 Maryland gubernatorial race.

In addition, Dr. Allen served as secretary to the Republican National Convention in 1980 and was responsible for various duties such as the calling for the roll of States as the GOP nominated Ronald Reagan for the office of President. In 1981, Dr. Allen resigned from the Maryland State Senate to serve as a medical affairs adviser to the Health Care Financing Administration for the Reagan administration.

Regrettably, upon returning to State government in the house of delegates this fall, Dr. Allen took his own life after learning he had cancer. His absence will be felt greatly by all whose lives he touched. I had the pleasure of knowing and working with Dr. Allen and held great respect and admiration for him. I always was impressed by his sense of commitment and dedication to his fellow man and extend my deepest sympathy to his family and friends. Civic-responsibility was not just a coined phrase for Dr. Allen, it was a life long endeavor.

It is rare in life when we meet someone who embodies such special traits that they have a profound affect on the way we approach life. Yet, Aris Allen was one of those special individuals who did just that. There could not have been a more appropriate title for the biographical account of his life than the title he gave it, "Achieving the American Dream."

Aris Allen made his own way through life and set no limits to what he could achieve. A great American, rich in character and achievement, Dr. Aris Allen sought to serve others as a physician and legislator.

One cannot help but he inspired by the life of Aris Allen. I deeply regret his death, yet the legacy he left behind and the accomplishments of his life will continue to inspire generations to come.

TO HONOR JAMES ROBERT CALHOUN, PRESIDENT GENERAL OF THE SONS OF THE AMERICAN REVOLUTION

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SCHIFF. Mr. Speaker, I rise to honor the president general of the National Society of the Sons of the American Revolution. I am particularly pleased at this event, because Col. James Robert Calhoun is the first New Mexican elected to this office.

Colonel Calhoun was born on a Sioux Indian reservation in North Dakota and spent his early years on reservations in the Dakotas. He moved to New Mexico in 1933, and graduated from Santa Fe High School in 1937. After obtaining an associate of arts degree from Colorado College in Colorado Springs, and a bachelor science degree from the University of California, Berkeley, he obtained a master of business administration from George Washington University, and completed the Harvard Graduate School of Business advanced management program. He is a member of the Kappa Sigma Fraternity.

Colonel Calhoun's military service is equally stellar. His career spans 30 years, and includes service during World War II, the Korean war, and the Vietnam war. He received numerous military awards including the Legion of Merit with two oak leaf clusters, the Army Commendation Medal with one oak leaf cluster, Korean and Vietnam Service Medals with three campaign stars, and the Army General Staff Identification Badge. He is a graduate of the Army Command, General Staff College, Armed Forces Staff College, and the Industrial College of the Armed Forces. During his military service he functioned primarily as a comptroller and finance and accounting officer.

The New Mexico chapter of the Sons of the American Revolution recognized Colonel Calhoun's leadership abilities when they elected him president of the Albuquerque chapter in 1980 and New Mexico State Society president in 1982–83. During his service with the SAR he has received the Minuteman Award, Patriot Medal, War Service Medal, Silver Good Citizenship Medal, Liberty Medal and personally sponsored 53 new members. His leadership abilities served him good stead in his tenure on numerous committees, executive officeships and during 10 Congresses and 23 trustees meetings.

Colonel Calhoun is married to the former Constance Carpenter, and has 4 children and 11 grandchildren. His wife and daughters are members of the Daughters of the American Revolution, and his son and grandson are SAR's. Colonel Calhoun is also active in a wide range of other community activities.

I congratulate the Sons of the American Revolution in their choice of Col. James Robert Calhoun as president general. They could not have done better.

STOP THE ARAB BOYCOTT AGAINST ISRAEL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, despite all the private assurances received from the Saudis and Kuwaitis that they would assume a more compromising position toward Israel after the war, here have been few signs of change in attitude from the Arab world.

Many American firms may be denied Kuwaiti contracts because their company conducts business with Israel or employs Jewish workers. The Arab League's secondary boycott, which prevents Arab countries from doing business with third parties that trade with or invest in Israel, has strangled the Israeli economy for 40 years. Vital potential trading partners of Israel, such as Japan, are kept at the beck and call of the oil-producing nations and prevented from investing in Israel.

Last month, a member of the United States Senate was denied a visa for a congressional delegation visit to Saudi Arabia and Kuwait simply because his passport was marked with an Israeli entrance stamp. You do not have to be Jewish to be scarred by this symbol of the Jewish State—you only need to have visited Israel. That is enough to prevent any diplomat or citizen from any country in the world from entering an Arab State.

These outrageous policies must end. Today, I have introduced a resolution calling on the Arab States to end their boycott against Israel and their longstanding policy of not accepting passports with an Israeli entrance stamp. Senator LAUTENBERG, the Senator who was denied the visa by Saudi Arabia and Kuwait, introduced essentially identical legislation in the Senate today.

I find it appalling that these gulf states can maintain such offensive policies in the wake of a war in which Americans sacrified their lives to ensure the independence and security of these nations. Such policies are a sad reminder of the deep-rooted rejectionist attitudes among the Arab States toward the State of Israel.

My resolution calls on this administration to use the tremendous leverage we have over these gulf States to insist that they lift the Arab boycott to provide a gesture of good faith and a confidence building measure between the Arab States and Israel. Israel and the entire international community has waited over 40 years for such a bold action from these states. It is time for the Arab world to respond.

Mr. Speaker, I urge my colleagues to join me in sponsoring this important and timely piece of legislation.

TRIBUTE TO MISSOURI STATE REPRESENTATIVE ROBERT L. DUNNING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SKELTON. Mr. Speaker, it is a privilege for me to pay tribute to a friend and former member of the Missouri House of Representatives. With the swearing-in of the 86th General Assembly of the State of Missouri last month, the distinguished political career of State Representative Robert L. Dunning ended.

Bob Dunning's record of public service deserves recognition. It serves us all to note it here so it may serve as an example for future generations to emulate.

His service began with many from his generation in defense of our country in World War II. He served in the Navy. On returning home to Henry County, he married his wife of 47 years, Elizabeth. He and his wife have raised three children and built a successful farming operation.

Public service continued to call him, and he served on the Clinton City Council. He was elected to the Missouri House of Representatives in 1976 and served seven terms with distinction. He served as chairman of the Agri-Business Committee in the Missouri House of Representatives.

Additionally, Robert L. Dunning has served as an elder in the Clinton Christian Church and has been a member of the VFW, American Legion, and the Clinton Mason Order.

As he prepares for quieter time at home with Elizabeth, I use this statement to express may respect and affection for this man and to wish him the best in the days ahead.

TRIBUTE TO THE MICHIGAN AUDUBON SOCIETY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the Michigan Audubon Society and their efforts to promote sound policies in the field of conservation. The Macomb Audubon Society is hosting the 1991 annual convention of the statewide organization in Mount Clemens, MI this weekend.

As a citizen and as a Member of Congress I have been passionately concerned with the preservation of our environment. One of my proudest moments as a legislator was helping to preserve St. John's Marsh, near Algonac, MI, as a home for a wide variety of waterfowl and fish. We must all work together to ensure the ecological integrity of our area is preserved.

Legislation and elected officials can go a long way toward preserving our environment, but it is primarily through community groups, like the Audubon Society, that public awareness is developed and nurtured. The Michigan Audubon Society has a clearly stated goal: "To achieve, through education, public recognition of the value and need for protecting and preserving wildlife, plants, soil, water, and other natural resources and fostering an understanding of their interdependence." I believe they make a critical contribution to improving the quality of life for all living beings.

In addition to pursuing their own work, the Michigan Audubon Society supports the efforts of kindred organizations. They have taken the exceptional step of adding the Wildflower Association of Michigan, the Michigan Loon Preservation Association, the Great Lakes Regional Corporate Environmental Council, and the Michigan Bird Records Committee as associate member organizations.

The nearly 10,000 member Michigan Audubon Society owns or manages over 5,000 acres of critical habitat and natural areas in Michigan. Through 44 local chapters, Michigan Audubon is the only chapter of the National Audubon Society to be organized on a statewide basis with its own local chapter network.

The Michigan Audubon Society is also unique in that it was organized in 1904, predating the National Audubon Society. For 87 years they have been committed to providing a safe and clean environment for all species of life to coexist—a truly noble cause.

Again, Mr. Speaker, I wish to commend the efforts of the Michigan Audubon Society on the eve of their annual convention. Their program theme provides a fitting four word conclusion, "Quality Habitat, Quality Life."

HONOR FOR EDUCATOR WELL-DESERVED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SUNDQUIST. Mr. Speaker, this week an accomplished educator from Memphis, TN, will be honored with the first national Distinguished Educator Award from the Horatio Alger Association. Dr. Jane Walters is principal of Craigmont High School, the optional school for international studies.

In that capacity, she has helped build a nationally recognized program in international studies, complete with a thriving foreign exchange student program and a first-rate record of academic achievement. I have on several occasions taken part in Craigmont's impressive Ceremony of the Flags, when the banners of hundreds of nations are displayed and their cultures and traditions are celebrated, both by Memphis students and their new friends from abroad. Craigmont offers us each day an example of how we all ought to get along with one another, whatever differences of race, culture, language, or religion we may have.

Jane Walters has served our community in Memphis as a gracious and tireless advocate for education, one who demands the best of her students and who gets it—along with their respect and thanks.

I know this House will want to join me in recognizing this fine educator, whose work has touched so many young lives, and whom I am proud to call my friend.

INTRODUCTION OF SAN DIEGO FEDERAL EMPLOYEE PAY EQUITY ACT OF 1991

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to introduce legislation which will address the glaring pay inequity which now confronts the Federal employees of the San Diego area.

Last year, my colleagues and I on the House Appropriations Subcommittee on Treasury, Postal Services and General Government strongly supported the inclusion of the Federal Pay Reform Act in the fiscal year 1991 Treasury appropriations bill. Under the new law, all areas will receive locality pay beginning in 1994, and Federal law enforcement personnel will begin to receive it in 1992. The pay reform plan will at last enable the Federal Government to hire and, more importantly, retain the best workers this country has to offer.

On December 12 of last year, the President wisely ordered an immediate 8-percent pay adjustment for the Federal employees of the Los Angeles, San Francisco, and New York areas. I applauded this action because the gap between private and Federal pay in these high cost cities had begun to cause severe recruitment and retention problems. The President should not have stopped there, however. By almost any measure, San Diego County has become one of the most expensive metropolitan areas in the Nation, and Federal pay has failed to keep pace with the soaring cost of living. An objective analysis of this issue demands that the 20,000 Federal employees of San Diego receive the same 8-percent adjustment as their counterparts in other parts of California.

The need for a pay differential in San Diego becomes clear when one compares San Diego County with the five nearby counties which the Office of Management and Budget defines as the Los Angeles "Consolidated Metropolitan Statistical Area"—Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties. San Diego has more special salary rates than four of the five counties, a higher cost of living than Orange, Ventura, and Riverside, and a higher median home cost than Riverside and San Bernardino. Indeed, based on the share of income needed to make monthly house payments, San Diego is the second least affordable city in the United States.

Another telling point of comparison lies in the per diem rate schedule for reimbursing Federal employee travel. The rates for Los Angeles and San Francisco—$124 and $122 respectively—easily surpass San Diego's $110, but Riverside County at $108, Oakland at $100, San Jose at $97, and San Bernardino County at $79 fall well short of the San Diego mark. If some Federal statistics justify the exclusion of San Diego County, these numbers make a different and contrary argument.

Mr. Speaker, perhaps the real problem we must address is that OMB's standards for defining metropolitan areas fail to accommodate or define the growth that has occurred in southern California during the past decade. But whatever the reason, San Diego County deserves the 8-percent adjustment. It is unrealistic and counterproductive to ask thousands of Federal employees to remain patient in the face of a policy which appears neither fair nor reasonable. If our goal is to improve the morale and quality of the Federal work force and to reward dedication to public service, we cannot tolerate this type of treatment.

This legislation will grant San Diego's Federal employees the 8-percent pay increase they need to begin to close the gap with the private sector. If we fail them now, we will have workers who lack both the wherewithal and the desire to work for the Federal Government. In my view, to lose some of the "best and the brightest" because Uncle Sam pays their neighbors more for the same work would be a bitter and senseless tragedy.

STEVE YUEN, A VERY SPECIAL DENTIST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. STARK. Mr. Speaker, I rise to pay tribute to a leader within the California dental profession, Dr. Stephen S. Yuen, DDS, of Hayward.

Dr. Yuen has contributed mightily to his profession and the public and he is stepping away from leadership after more than 25 years of service, though not from the practice of dentistry. It is for his public service that I am pleased to commend Dr. Yuen.

Let me first acknowledge Dr. Yuen's contributions to the dental profession—through leadership that took him to the top elected appointed offices of his local society and the California Dental Association, a warm and witty writing style that earned him numerous awards as the association's journal editor, his organizational skills and legislative activities on behalf of dentists and their patients.

But Dr. Yuen's lasting contributions to the dental health of Californians may well be his leadership in crafting the State Association Senior Dent Program through which more than 8,000 dentists provide discounted care for eligible senior citizens. A model for service to elderly persons with modest incomes, it is likewise a testament to the vision of Steve Yuen, who saw the need, and to his leadership in responding to that need.

I am honored to recognize Dr. Stephen Yuen's service and to wish him well in his continued pursuits with dentistry, his community, his family, and his patients.

ARSENIO MILIAN, ENVIRONMENTAL ADVOCATE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Arsenio Milian has been a tireless advocate of the environment in south Florida. He has fought to protect the everglades both as public servant and private citizen. The Miami Herald recently ran an editorial highlighting Mr. Milian receipt of the Thomas Barbour Award and commenting on his advocacy of the environment. That article follows:

> In awarding its prestigious Thomas Barbour Medal to Arsenio Milian, the Fairchild Tropical Garden fittingly has recognized a courageous and effective advocate for South Florida's environment.
>
> The award is named for the renowned naturalist (1884–1946) whose influential 1945 book *The Vanishing Eden* was one of the earliest warnings of South Florida's looming environmental problems. Past recipients include Marjory Stoneman Douglas, John Pennekamp, Nixon Smiley, David Fairchild, and Edwin A. Menninger.
>
> The medal reads: "For vision, unselfish devotion to the preservation of that vanishing Eden, South Florida." That befits Mr. Milian, who just ended four years of exemplary service on the South Florida Water Management District's governing board.
>
> There, the Dade Countian was a tireless champion of efforts to protect and restore the Everglades. In particular, he repeatedly questioned the board's spending of more than $5 million on lawyers to fight a Federal lawsuit aimed at keeping pollution of the 'Glades. He also helped to persuade the district to follow affirmative-action principles in awarding contracts.
>
> Yet environmental education may be the cause dearest to Mr. Milian. While on the water-district board, he pressed for greater efforts in that area. He also was the guiding spirit behind the founding of Citizens for a Better South Florida, a broad-based group that has had a positive impact on public awareness and governmental policies.
>
> Mr. Milian's departure from the water-management board is no reflection on his service. Rather, like the replacement of Timer Powers four years earlier, it reflects the painful political reality that new governors with fresh mandates often want to fill key posts with their own appointees.
>
> Mr. Milian's leaving the board won't end his public service, thank heaven. he's one medalist who knows that the race to save the environment is a marathon, not a sprint.

Mr. Speaker, I am proud to have a citizen so committed to the environment as Mr. Milian in my congressional district. It is my hope that his example will be inspiration for others in our community, and nationwide, to defend the integrity of our environment.

SALUTE TO NATIONAL VOLUNTEER WEEK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GALLEGLY. Mr. Speaker, I am proud to rise today to honor the millions of Americans who volunteer their time and talents to aid others. One of America's greatest resources is its volunteers. Volunteers give freely of their time, energy, and ability and only ask for a smile and a thank you for their countless hours of service.

I have long thought that the spirit of voluntarism, of pitching in and helping friends and neighbors in times of trouble, was one of the cornerstones of our Nation for generations. And while for a time some turned more and more to Government, I am proud that the spirit of helping others has always burned strongly in our great country, and is perhaps burning more strongly today than ever.

To recognize this tradition and the people who continue it, the Nation observes National Volunteer Week from April 21 to April 27. And while all of our volunteers can accept their Nation's thanks during this week, I would like to pay special recognition to the volunteers of the Motion Picture and Television Fund, based in my district in Woodland Hills, CA.

These men and women are dedicated, selfless, and compassionate in their efforts to better the health and welfare of the patients and retirees of the entertainment industry. They may think their contributions are small, but their efforts are greatly appreciated.

Mr. Speaker, I ask my colleagues to join me in congratulating the volunteers of the Motion Picture and Television Fund on a job well done, and in wishing them the best for the future.

IN TRIBUTE TO JAMES L. KIMERY, COMMANDER IN CHIEF OF THE VETERANS OF FOREIGN WARS

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SCHIFF. Mr. Speaker, I rise to honor the commander in chief of the Veterans of Foreign Wars. I am particularly honored to do so because Mr. James L. Kimery is a resident of the city I am proud to call home—Albuquerque, NM.

Mr. Kimery joined the VFW in 1952 while on active duty with the U.S. Air Force. He served two terms as commander of Post 7686 in Alamogordo, NM, and was captain of the all-State team in 1956–66. He also served as department chief of staff in 1967–68, and as post quartermaster in 1968.

Mr. Kimery was elected department commander in 1970 and became department adjutant-quartermaster in 1972. Over the next 14 years, he held a number of VFW Western Conference positions and a variety of national committee appointments. In 1986–87, Mr. Kimery served as the VFW's national inspector general, and as a member of the National Council of Administration. He was elected commander in chief of the VFW during the 91st national convention, held recently in Baltimore.

Mr. Kimery has a very distinguished record of service in the U.S. Air Force. He was stationed on Guam between 1945 and 1947, and earned the Asiatic-Pacific Campaign Medal. He earned the Army of Occupation Medal for his tour of duty in Japan in 1948–49. Mr. Kimery served a total of 21 years in the Air Force, including tours in France and Germany.

Mr. Kimery is a licensed pilot and a licensed A&P mechanic who enjoys restoring old airplanes during his spare time. He is also a member of the Air Force Association, the Aircraft Owners and Pilots Association and the International Commanche Society for aircraft owners.

Mr. Kimery and his wife, Dorothy, live in Albuquerque, where he is a member of VFW Post 9354.

I congratulate the Veterans of Foreign Wars on their selection of Mr. James L. Kimery as national commander in chief. They could not have made a more outstanding choice. I join all New Mexicans and all Americans in congratulating him on this great honor, of which he is so richly deserving.

THE PORNOGRAPHY VICTIMS PROTECTION ACT OF 1991

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GREEN of New York. Mr. Speaker, today I am introducing the Pornography Victims Protection Act of 1991. I believe that we can no longer stand by and say that pornography is a victimless crime. A Federal Commission has documented that abuses of coercion, intimidation, and fraudulent inducement into posing and performing are rampant in the pornography industry which is controlled by organized crime. The victims often are people who were sexually abused as children and/or are financially distressed. This, to me, is the major outrage of pornography; and it is time to empower the victims by providing them with legal recourse for the harm that has been done to them. The legislation I propose today is unique contrasted to all other pornography legislation because it confronts the pornography problem and provides the opportunity for justice without infringing on our first amendment rights.

The Pornography Victims Protection Act of 1991 would allow victims of pornography, both child and adult, who are coerced, intimidated, or fraudulently induced into posing or performing in pornography to institute Federal civil actions against the producers. If they prevail, such victims would receive treble their actual damages and cost of bringing suit. Furthermore, the bill authorizes the Attorney General to seek $100,000 in civil penalties from any person violating Federal child or adult pornography statutes. If the Government prevails, it is authorized to distribute the penalty money among all of the identified victims in the case.

In addition to providing monetary and injunctive relief to victims, direct civil actions will facilitate enforcement of related criminal statutes. Like a direct action for victims, a Government action for civil penalties will be subject to a lower burden of proof than in a criminal prosecution, and this should facilitate action against pornographers. Unlike direct actions, victims would not be required to come forward publicly. This is an especially valuable benefit in child pornography cases, since many child victims are unwilling or unable to endure the severe traumas of courtroom testimony.

Last Congress, in order to deal with concerns raised by the booksellers and publishers, the legislation was rewritten to focus exclusively on targeting and penalizing producers. All criminal provisions embodied in the bill apply exclusively to the producers and not the transporters or distributors. This bill provides a sound and constitutional mechanism for deterring sexual exploitation and compensating victims.

Due to its dubious legal status and organized crime involvement, pornography is primarily an underground industry with little or no accountability toward its work conditions or product. Obscenity law only addresses the offense to society's sensibilities and ignores the victimization that is part and parcel of the pornography industry. Without conflicting with our first amendment rights, the Pornography Victims Protection Act would provide civil remedies to the forgotten victims whose hurts are unaddressed by current obscenity laws.

In closing, I believe the Pornography Victims Protection Act of 1991 will effectively combat a great degree of sexual exploitation in the United States and I should like to take this opportunity to encourage my colleagues to cosponsor.

A TRULY SPECIAL MAN

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. BENTLEY. Mr. Speaker, it is with great sorrow and remorse that I speak of the death of a long time friend, Howard Head.

An inventor and philanthropist, Howard Head is perhaps best known in the business world for his innovative work with sporting equipment. Concerned over his difficulties with tennis and snow skiing, Howard Head set out to improve tennis rackets and snow skis. A design engineer at the Glenn L. Martin Co. aircraft plant in Middle River, MD, during World War II, Howard Head used his engineering skills to improve sporting equipment.

His work quickly developed into a very profitable and widely acclaimed producer of sporting equipment. In 1966 the Head Ski Co. in Timonium, MD, was grossing $25 million a year in sales. What began with financial resources of no more than $6,000 in poker winnings and borrowed money from friends was now a thriving multimillion dollar business.

However, Howard Head not only will be remembered for his business success, but also for his interest and support of cultural and medical institutions. Mr. Head along with his wife recently pledged $1 million to a $13 million campaign for the Center Stage Theater in Baltimore. In addition, he has served as a trustee of the Baltimore Museum of Art and financed entirely the Howard Head Sports Medical Center in Vail, CO.

Having known Howard very well, I held great respect and admiration for him and regarded him as a man with a great wealth of character and spirit. He pursued his dreams and interests undaunted and was a shining example of the American dream. Starting with very little, Howard Head developed a fortune and never forgot to share it through his philanthropist interests.

Many years ago, I had the special privilege of producing for the Head Ski Co. a film entitled, "Great Skiis for Great Skiing." In that capacity I and my television team worked closely with Howard Head in preparing the script and shooting the film. It was a rare and special opportunity to work hand in hand with a real genius—a successful American inventor.

A special person and close friend, I regret the passing of Howard Head. He will be remembered fondly by all those whose lives he touched.

MAXWELL R. THURMAN'S RETIREMENT ADDRESS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SKELTON. Mr. Speaker, on February 26, 1991, Gen. Maxwell R. Thurman retired from active duty with the U.S. Army. His career spanned 37 years of distinguished service to our Nation, including commander in chief of the Southern Command. At his retirement ceremony, General Thurman made an address which is excellent advice to the military and to policymakers in our country for the days ahead. I herewith insert General Thurman's remarks:

RETIREMENT REMARKS OF GEN. MAXWELL R. THURMAN

Secretary Cheney, distinguished Members of Congress, General Powell, General Vuono, distinguished guests, friends. To Secretary Cheney and General Powell—on behalf of us all—we thank you for your dynamic leadership. Twice in the past 18 months, our Armed Forces have been victorious in combat. In Operation "Just cause," and in Operation "Desert Shield" and "Desert Storm," the men and women of the Armed Forces have had great leadership from the Cheney-Powell team. We thank you for that.

I can begin with a mild understatement—and say that I am happy to be here. So many of you, through your prayers and support, have had a hand in that. The Johns Hopkins medical team led by Dr. Phil Burke, and the Walter Reed team led by Dr. Frank Ward—all superbly supervised by my brother, General Roy Thurman and the Good Lord, have made it happen!

This is a humbling event, and a difficult one. Difficult because that is the nature of good-byes. Humbling because the honors today come from an institution to which I am greatly indebted and from people to whom I owe so much. My thanks to you General Vuono and to the old guard and to Pershing's own, for providing this splendid farewell.

I entered the Army in the same way that the majority of young people do today. I was not planning on an Army career. I was not certain where my time in the Army would lead. But I did have certain expectations—just like the ones young men and women bring to their service today. I expected to be challenged. I expected to be a part of a high quality organization—one with strong and deeply ingrained values—one committed to excellence—one where both the individual and the team could find success.

I am here today because my expectations were met and exceeded.

In time I came to understand that we are all responsible for making sure that those same expectations are met for those who are presenting themselves for service in our Armed Forces today.

That responsibility has been the most exciting and rewarding part of my service. In preparing for it, I worked with extraordinary people, encountered interesting, challenging problems, took part in what have now become significant historical events and, best of all, touched and was touched by American soldiers.

Perhaps my greatest source of pride is my association with the high quality—recruited—volunteer Army. When I was assigned that opportunity in 1979 it started me on a unique journey through our Nation, our Army and our military.

On that journey we had the opportunity to reassert the most fundamental values of our Army, and, at the same time, create new ways of doing business in support of those values.

What we began institutionalizing in 1979 were the historic values of the Army—values now codified as candor, commitment, competence and courage.

When, in 1979, we faced the nadir of recruiting fortunes for the Army and for all the services, we had to decide what principles and values would drive and sustain the commitment we made to turn our fortunes around. Quality became the watchword describing our national campaign of market research—targeted advertising—and our objective of high school graduate recruits. These were new methods, but traditional values! The commitment to quality then—as now—was to excellence—to expecting high standards—to demanding high standards—to achieving high standards. What we committed to was an Army where a soldier could be all that he or she could be.

When, in the early 1980's, we were confronted with the challenge of how to train these high quality recruits to their potential, we put a renewed premium on competence, and built our classroom and field training centers around the requirement of proven performance. Today—with "Grenada", "Just Cause" and "Desert Storm" as testimony—tactical and technical competence have become the measured accomplishments of our forces. Not simply given the quiet nod of assurance—but demanded—tested—improved—and tested again.

High quality, highly trained American troops deserve the very best equipment in the world, and we worked with American industry to give it to them. There were naysayers along the way. The Patriot Missile was killed three times. The Bradley Fighting Vehicle and the Apache Helicopter fought their toughest battles on Capitol Hill. But today, the coalition nations and, most important, American servicemen and women are safer and more capable than ever before, when put in harm's way. Our Nations's leadership, with our Congress, has taken it as a moral commitment to provide our forces with the systems that are now protecting our troops and defeating our enemy in Operation "Desert Storm." American industrial workers have every right to be proud of their contribution to our services and to our war efforts.

The total force became a reality in the 1980's. In the days of "Just Cause," 2,500 Reserve component soldiers were mobilized. In the months of "Desert Storm," 150,000 will answer the Army's call. The total force is an American and military success story. Any problems we have encountered pale against the talent—dedication and professionalism of our guardsmen and reservists.

Our fighting doctrine has proven itself as well. And, more important, we have institutionalized the development of future doctrine so that our forces, equipment, and training will meet our Nation's needs as we cross into the 21st century.

We now fight "Joint." We did it during "Just Cause," and we are doing it during "Desert Storm." It required institutional candor, and it took commitment to change the way the services have been doing business for decades. It involved development of new competencies. And, it took a great deal of moral courage to put new organizations and procedures into operation forcefully, completely and, now, successfully. The sophisticated and massive campaign of the past 41 days deserves its rightful place in history—it has been nothing short of extraordinary!

I am as grateful as I am proud of having had the opportunity to be a part of this exciting period in the history of our Army and our military. And, of course, my gratitude extends back through each of 38 years, to a remarkable collection of soldiers and public servants. To General William Depuy, who taught me, as a Lieutenant Colonel, lessons which brought me to this podium today. To Generals Palmer and Kerwin and Kroesen and Vessey and Wickham: Vice Chiefs of Staff who opened up for me the breadth and complexity of the Army.

I am grateful to the Chiefs of Staff I have been privileged to serve directly. To Generals Westmoreland, Weyand, Rogers, Meyer, Wickham and Vuono. And to three Chairmen, Vessey, Crowe and Powell. Each of these leaders permitted their officers to serve and to use their own initiative. That is the best of both worlds—and it is a leadership style we should all encourage. I am particularly indebted to Secretary Cheney and Secretary Jack Marsh, who snatched me from the jaws of retirement in the summer of 1989. Thanks for your confidence sir.

There will never be a good time for me to leave the Army, but it is especially difficult with all that lies immediately ahead. The challenges are impressive but not forbidding. Every crisis presents itself as "a last possible chance," only to be followed by another. What I know from experience—is that there is always time to do the right thing.

The right thing in the days ahead is to hold the ground we have gained, and to look ahead for creative solutions based on solid principles and values. Just as we had the moral courage to profit from our experiences in Vietnam to build the military we have fielded today, we must have the courage to re-examine issues which have now presented themselves for rational debate.

What has our experience in Desert Storm taught us about the composition of our active military forces for the future?

How will we balance the total force now that our policies and programs have been tested by fire?

How will we compete in the market place for the high quality men and women we must have to defend our Nation and its interests?

Will we invest sufficient funds for modernization of our equipment to keep our technological edge over any foe?

I am confident that these challenges and others like them will be answered with strong and positive resolve. We have come too far—worked too hard—achieved too much to retreat when the only enemy facing us is a tough decision.

But regardless of how the issues sort out, our duty is still to take care of our country's most precious resources—the youngsters who come to us with personal goals, genuine patriotism and extraordinary spirit.

This particular generation of soldiers will be special. Their "soldier values," their skill—their stamina—their discipline—their commitment—and their courage—will be forged by winning on "Just Cause," and "Desert Storm" battlefields!!

They will also be our future leaders. In the military and in the Nation. Like wartime generations before them, they are earning that right, and we can all look forward to the day when their "soldier values" take root in home towns across the Nation.

Remember that the combat tested sergeants commanding M1A1 tanks and Bradley fighting vehicles in the desert today, will train the Nation's volunteer sons and daughters in the decade ahead. The combat tested company commanders leading our troops today, will be the generals in the year 2010. Our Nation will be in good hands!!

Our military today should be the source of our Nation's optimism for tomorrow. We know that the combination of solid values—hard work and American ingenuity and spirit is the unbeatable combination it has always been. We see it on the battlefield today—quality men and women of the Army, Navy, Air Force and Marines—serving their Nation with distinction and pride—I am proud to have served with them—God bless them all—and God Bless America!!

EDUCATOR CLOSES DISTINGUISHED CAREER

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SUNDQUIST. Mr. Speaker, I rise to ask the House to join me in saluting the career of a fine gentleman and a distinguished educator from my State of Tennessee. Later this month, Samuel J. Winters will close a career of 37 years, 27 as an elementary school principal. For the last 17 of those years, he has directed the work of East Montgomery Elementary School in Clarksville, where his friends and colleagues will gather on April 21 to honor his service and to say thanks.

Here in Congress, we often have occasion to mark the work of great men and women and remark on the impact they have had on us. I think it fitting to recall that few have a more important calling than those to whom we entrust the education of our children. Few things in life can match the wonder in a child's eyes. For 33 years, Mr. Winters has helped spark a love of learning in Clarksville's children.

The highest award any of us can win in this life is the respect of those who know us best. By that standard, Mr. Winters has earned a special place indeed. I ask my colleagues to join me in saluting his service and wishing him godspeed on his well earned retirement.

THE ADMINISTRATION'S DANGEROUS DEFERENCE TO RIYADH

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, in her commentary in yesterday's Wall Street Journal, Laurie Mylroie reveals disturbing evidence of Saudi Arabia's influence over American policy in the Middle East.

Ms. Mylroie asserts that the administration agreed to a Saudi plan to stage a military coup against Saddam. When the coup failed to materialize, the Saudis panicked and warned the administration that Islamic fundamentalists might take over the rebellion in the south.

According to Ms. Mylroie, the Saudis are largely responsible for President Bush's unconscionable abandonment of the Kurds and other Iraqi dissidents.

In response to the Saudi's concerns, the administration reversed its course and left the rebels on the northern and southern Iraqi borders to be mercilessly slaughtered by Saddam's army, after having encouraged the Iraqi people to rebel and signaling that the United States would assist in that effort. The betrayal of the Kurds will no doubt go down as one of the most tragic chapters in American history, and one that could have been avoided.

As Ms. Mylroie notes, American deference to the Saudis has historically hindered American interests in this region. The current crisis is no exception. It is time American policy in the Middle East was based on American interests—including the promotion of democratic values—rather than on that of a monarchical and self-serving regime.

I strongly urge my colleagues to review the following insightful and revealing article:

LED ASTRAY BY THE SAUDIS IN IRAQ

(By Laurie Mylroie)

As refugees from Saddam Hussein's terror flee north and south, the debate about U.S. policy toward Iraq proceeds with little understanding of that policy. Many think the administration had no policy for Iraq, but that is incorrect.

The U.S. was responsible for military operations against Iraq, while the question of Iraq's political future was left largely to the Saudis. The idea, shared by Washington and Riyadh, was to encourage a coup. The Iraqi military, stung by its humiliating defeat at the hands of allied forces, was to overthrow Saddam Hussein. This, however, would not simply be left to chance. The Iraqi army would be actively encouraged by a popular revolt.

The model was Romania, where the population rose against Nicolae Ceausescu and the army joined the people, while the institutions of the Ceausescu state continued to function. Similarly, the Iraqi army would take over and rule with what remained of Iraq's political institutions.

This was to be accomplished principally through the offices of Salah Omar Ali al-Takriti. Mr. al-Takriti, now in Saudi Arabia, was a Baathist and an associate of Saddam's when the party seized power in 1968. A member of the party's regional leadership, Mr. al-Takriti was closely involved in the 1969 public hanging of 14 Iraqis in Baghdad, 11 of them Jews, on trumped up charges of spying for Israel. He exhorted the crowds that assembled in Liberation Square on that occasion and was appointed minister of culture and information the next year. In the early 1980s he served as Iraq's ambassador to the United Nations.

MR. AL-TAKRITI'S CHANCE

In August 1982, after Iraqi forces were pushed on the defensive in the war with Iran and Iraq looked to lose, Mr. al-Takriti resigned his position and went into exile. He began to promote himself as an alternative to Saddam, claiming his qualifications were that he was Sunni, Arab and from the same town as Saddam. In the current crisis Mr. al-Takriti has found his chance.

This figure, without much of an authentic political base, convinced the Saudis he could arrange a coup through contacts in the Iraqi military. The Saudis promoted him and Saad Jabr, a London-based Shiite, also without a substantial political base. Early last month a senior Saudi intelligence officer, Gen. Mohammed al-Utaibi, told members of the Damascus-based Iraqi opposition that they must take Messrs. al-Takriti and Jabr as equal partners or they would get no support from Saudi Arabia and the U.S.

The U.S. appears to have been aware of Saudi plans and acquiesced to them. Mr. al-Takriti briefed American officials in Riyadh about Iraq's internal situation. The U.S. ambassador even requested a meeting with him.

Certainly aspects of the plan for Iraq were put into operation. A January intelligence finding let the Central Intelligence Agency assist Saddam's Iraqi opponents. Support included a CIA-backed radio station in Saudi Arabia, which Mr. al-Takriti helped run, and which repeatedly called on the Iraqi population to revolt. On Feb 15, shortly before the start of the ground war, President Bush called "for the Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein . . . to step aside"—the Ceausescu scenario. He added: "We have no argument with the people of Iraq. Our differences are with Iraq's brutal dictator."

Some two weeks later, almost as soon as hostilities ceased, the Shiite population in the South revolted. The administration warned Saddam against using chemical weapons. It also said that using fixed-wing aircraft and helicopters would be a violation of the provisional cease-fire. Whatever protection such prohibitions provided American forces, they also made it easier for the angry and disgruntled remnants of Saddam's forces to march on Baghdad.

The Shiites were soon joined by the Kurdish population in the North. Massoud Barzani, head of the Kurdish Democratic Party, with large numbers of trained fighters under his command, first hesitated. He did not want a repetition of August 1988, when Iraq used chemical weapons against the Kurds. Untold numbers died then and 100,000 refugees fled to Turkey, where most of them remain. With the U.S. statements forbidding much Iraqi military activity. Mr. Barzani threw his forces into the fray, quickly capturing all Kurdistan, as Saddam's troops in the North melted away. The perception that Mr. Barzani held a strong hand was an important factor in undermining the will of Saddam's troops to fight.

But Salah al-Takriti's coup failed to materialize. With Iraq's Shiites in revolt and no military action against Saddam in sight, the Saudis panicked. Some Iraqi exiles, long based in Iran, had joined the fighting in a limited way. The Saudis warned Washington that the uprising in the South was in danger of being taken over by Islamic fundamentalists, according to an Iraqi opposition figure then in Riyadh. Washington then switched course. On March 26, the administration announced publicly that the U.S. would not prevent Iraq from using helicopters. Predictably, Saddam took that as an invitation to mow down his civilian population. The helicopters dropped napalm and phosphorous bombs.

Although not announced publicly, the U.S. also stopped interfering with flights of fixed-wing aircraft. Since a decision had been made to let Saddam suppress the rebellion, the quicker the better was a likely rationale. The tales of horror coming from southern Iraq were difficult for American opinion to bear. The U.S. Air Force controlled Iraq's skies and had just succeeded in impressing its power on the same forces now butchering civilians. Inaction would become harder and harder to justify. Besides, the Pentagon brass wanted to bring the boys home by the Fourth of July.

Having decided it did not want Iraq's revolts to succeed, the administration stood fast as the slaughter continued; Saddam's suppression was deemed "an internal Iraqi affair." In last Friday's U.N. Security Council session on the Kurds, the U.S. still wanted to "deplore" Saddam's repression, rather than use the stronger "condemn," pressed successfully by France.

The administration hasn't made an adequate case for the shift in U.S. policy. Iraq's territorial Integrity was not threatened by the revolts. The Shiites consider themselves Iraqis. The Kurds are demanding autonomy for themselves within Iraq and democracy for the country.

Nor does neighbor Turkey view Kurdish demands with apprehension. The alternative is continuing guerrilla war in Iraq, with destabilizing consequences for Turkey's Kurds. Thus, in February, President Turgut Ozal called for a democratic, federated Iraq. (None of the most senior administration officials pronounced the "D" word when it came to Iraq, because the U.S. was deferring to Riyadh.) President Ozal called for the U.S. to shoot down Saddam's helicopters, and now, with Turkey's stability and his political career threatened by the Kurdish influx, he calls for U.S. action. Mr. Ozal is inhibited from speaking louder because of apprehensions about alienating the Bush administration, which has tied its policy to the Saudis'.

Iraq's Shiite revolt raised little threat of an Islamic republic, despite Saudi claims to the contrary. The commander of the Iraqi exiles in Iran, who crossed into Iraq with the start of the rebellion, reported that Iran would let only a limited number of men across the frontier. As a senior administration official explained March 26: "The Shi'a in Iraq are Arabs. The Shi'a in Iran are Persians. . . . The Shi'a are not going to establish control over all of Iraq in the way that the Shi'a established control over Iran. . . . Some of the worst-case scenarios that are being painted by some of the commentators outside . . . we just don't share."

Saudi Arabia is an extremely conservative society, the only major state in the Middle East without any modern institution for political representation. The Saudis' strict Sunni Wahabi establishment discriminates against its own Shiite population, while the ruling family is notoriously insecure. If the Saudi apprehension was about Iranian-controlled fundamentalism, then it was almost certainly exaggerated. If it was about power for Shiites, then it was not a concern America shared.

DISAPPOINTED ADMINISTRATIONS

There is a long history of U.S. administrations basing Middle East policy on Riyadh, only to be disappointed. In 1957, King Saud was enlisted to endorse the Eisenhower Doctrine, and reversed himself in a matter of months. On the last such occasion, the U.S. worked with Saudi Arabia in Lebanon after the Israeli invasion, only to find the Saudis unable to secure Syria's acquiescene in U.S. policy, as the Reagan administration had expected.

Saudi Arabia is now seen as the heart of the projected new U.S. military presence in the Gulf. But Riyadh is not doing the U.S. a favor by letting America defend it. It needs the U.S. Meanwhile, America has paid a heavy price for Saudi blunders in Iraq. An urgent re-evaluation of U.S. policy is needed to define American interests. They go far beyond making the Middle East safe for the al-Saud.

FIFTH-GRADE CLASS ADOPTS READY RESERVE FORCE SHIP

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. BENTLEY. Mr. Speaker, on Friday, April 12, I will have the pleasure of attending a very special ceremony at the Pot Spring Elementary School in Timonium, MD.

Ms. Elizabeth Wise's fifth-grade class has adopted the SS *Cape Archway,* a Ready Reserve Force ship deployed during Operation Desert Storm. What makes this momentous occasion even more special is that this is the second time Ms. Wise's fifth grade class has adopted the ship.

The ship originally was adopted by her fifth-grade class in 1978–79 when it was a U.S.-flag commercial ship sailing under the name of the SS *African Neptune.* The ship was purchased by the U.S. Government in 1980 for use as a Ready Reserve Force ship and laid at anchor until activated for use in Operation Desert Storm. The SS *Cape Archway* is a specially fitted cargo ship used for shuttling ammunition. The ship's master is Capt. Edward McManus.

On a visit to the ship in the Persian Gulf, the commander of the Military Sealift Command, Vice Adm. Francis R. Donovan, USN, noticed a photograph of schoolchildren that hung on the bulkhead. The photograph was of Ms. Wise's class dated October 1978.

It has been a longstanding practice for school classes to adopt a U.S. Navy or commercial ship as the experience proves educational for the children and a morale builder for the crews. The class will write the captain or crew members and ask questions about the ship or life at sea and occasionally actually will visit the ship if possible while the vessel is in port.

After noticing the picture which had hung in the ship for 13 years, Vice Admiral Donovan asked a member of his staff to see if the current fifth graders at Pot Spring Elementary School would be interested again in adopting the ship. The class was indeed interested in adopting the ship again and Ms. Wise, in fact, still teaches fifth graders at the school.

I am very proud of Ms. Wise's fifth-grade class at Pot Spring Elementary School which is located in my district. I long have been an avid supporter of our Military Sealift Command and have sought to encourage a greater understanding about the importance of sealift capability. Operation Desert Storm emphasized the importance of rapid mobilization capability and underscored the vital need for sealift capability.

Despite having some of the world's best military equipment, it is impossible to participate in virtually any type of conflict unless we can get the equipment and troops to where they are needed. The need for military sealift is unquestionable.

I am proud of the work our Military Sealift Command [MSC] performed in Operation Desert Storm. Their hard work and dedication was vital to the success of Operation Desert Storm. In addition, I also appreciate the interest exhibited by Ms. Wise's fifth-grade class. The class has demonstrated that not all knowledge is learned through a book and that students also can learn through unique first hand experiences such as adopting a ship and writing its crew members.

On April 12, Vice Admiral Donovan will present each of the students an official Military Sealift Command "certificate of appreciation." Ms. Wise and the school will receive framed photographs of the SS *Cape Archway.* The students also will be treated to a skit showing the function of MSC ships. Students of Ms. Wise's 1978–79 class also are to be on hand for the occasion. This is without a doubt a very valuable experience for the students and a special opportunity for the SS *Cape Archway* and her crew to show their appreciation for the friendship displayed by Ms. Wise's class.

Mr. Speaker, my fellow colleagues, it is with great pleasure and anticipation that I look forward to visiting Ms. Wise's fifth-grade class with Vice Admiral Donovan. I am very proud to be a part of such a special occasion.

PRESIDENT BUSH FOLLOWS THE CORRECT PATH

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend the exceptional leadership that has been demonstrated by George Bush. Our President was able to organize an international coalition to respond to Iraq's naked aggression. Against all predictions, he was able to hold it together and secure the backing of the United Nations in forcing Saddam Hussein to leave Kuwait. As Commander in Chief, he was ultimately responsible for the decision to use force when it became clear that sanctions alone would not accomplish our objectives. But in the aftermath of the brilliant victory in the Persian Gulf, there has been a disturbing eagerness to denigrate the significance of the coalition's achievements and, by extension, the leadership of George Bush.

Mr. Speaker, this Member commends to his colleagues the editorial of March 29, 1991. This New York Times editorial presents a balanced, insightful appraisal of the U.S. actions. It correctly notes that "the United States lacks the moral authority, the international backing, and the political know-how to impose a new government on Iraq."

THE GENERAL VS. THE PRESIDENT

What makes the contretemps between Gen. Norman Schwarzkopf and his Commander in Chief so disappointing is that the first time around, he was the very model of a patriotic general.

On Feb. 27, the very day that President Bush decided to end the slaughter of the retreating Iraqi forces, a reporter asked General Schwarzkopf whether he feared that decision would keep him from fulfilling his assignment.

"We've accomplished our mission," he replied, "and when the decision-makers come to the decision that there should be a cease-fire, nobody will be happier than me." That was admirably said, right out of the Book of Civilian Control.

But now, the stolid, solid general says he would have preferred to continue the repugnant "turkey shoot" a little longer. He seems to be second-guessing himself as well as Mr. Bush.

The President, who yesterday tried to cool the controversy, was right to stop the slaughter when he did; right to agree to a tough U.N. cease-fire plan that could quickly free U.S. troops from Iraq, and right to chastise the general for, long after the fact, redefining his mission.

General Schwarzkopf may be protecting himself against the charge that the allies let too much of Iraq's military get away. It turns out that he overestimated the number of Iraqi weapons his forces had destroyed. And he could not have guessed how quickly Iraq's defeat would spark uprisings by the Kurds and Shiites or how brutally Iraq's army would try to repress them.

But the general could have kept up the pounding for weeks without eliminating Iraq's military capacity to repress its own people. Destroying its ability to attack its neighbors was the right objective. Destroying its ability to defend itself against covetous neighbors would have gone too far, inviting dangerous instability. That's why Mr.

Bush was wise to stop the shooting when he did.

The President is also right to try to extricate U.S. troops from Iraq's civil strife. However much Americans want Saddam Hussein to be toppled, his fate is best left to the Iraqi people. The U.S. lacks the moral authority, the international backing and the political know-how to impose a new government on Iraq.

The presence of American troops deep inside Iraq is already forcing Washington to take sides in the internal struggle. It shot down two Iraqi aircraft attempting to attack Shiite rebels—but let Saddam Hussein's helicopters through. That could make the troops hostage to Shiite reprisal. But if Iraq can now be brought to accept the U.N. cease-fire, all allied forces can be promptly withdrawn.

General Schwarzkopf had a chance to offer his military advice on when to stop the shooting. Whether or not he did so, and whatever he recommended at the time, that decision was quite properly a political one, involving much more than how many Iraqi tanks remained in U.S. gunsights. The President made the right call, then and now.

A TRIBUTE TO STACY ANN PORTER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues a beautifully written essay by Stacy Ann Porter of McLean, VA. Miss Porter, who is in the fifth grade, entitled her paper, "What the Bill of Rights Means to Me." It was recently selected as the outstanding essay in the State of Virginia and she is now competing on the national level. I would like to commend Miss Porter on her timely and beautifully composed essay.

After rereading this essay, I was struck by the concluding sentence: "I can strengthen the Bill of Rights by exercising my rights and showing others by my example what it means to be a good citizen." I would like to suggest that Miss Porter is doing just that and wish her much success in the future.

WHAT THE BILL OF RIGHTS MEANS TO ME

(By Stacy Ann Porter)

The Bill of Rights is the first ten amendments to the United States Constitution. It is a list of the freedoms and liberties of the people of the United States.

When the Constitution was first drafted, many of the states were concerned that the new Federal Government might deprive people of their rights and exercise power unwisely. Before some of the states would ratify the Constitution, they insisted that a Bill of Rights be added clarifying what the government could not do. To them and to us, the Bill of Rights is like a shield protecting our freedoms.

We only need to look elsewhere around the world to see what can happen to people who live in countries that do not have the freedoms contained in our Bill of Rights. In some countries, people are not free to worship as they would like, to speak out for what they think is right, or to print what they want to in newspapers. They are afraid that the police will break in and search their houses for no reason at all. I would hate to live in a country where these kinds of things happen.

On Sundays, I attend church with my family without being afraid of what might happen to me. I am free to be a member of the girl scouts, but no one forces me to join. I can express my opinions in school and other places. I love to read books, and it would be hard for me if I could not read what I want to. These things mean a lot to me.

One of the reasons that the Bill of Rights means so much to me is because some of my ancestors helped to bring us the freedoms in the Constitution. An ancestor of mine on my father's side, George Soule, came to America on the Mayflower. He was an indentured servant. He came to America so that when he had worked to pay off his passage, he could get new freedoms that he did not have in England, and so that he could start a new life in a land of opportunity. Some of my other ancestors fought in the Revolutionary War.

When the Bill of Rights was written by our Founding Fathers almost two hundred years ago, the world was very different from how it is today. Then, the United States only had about 4 million people, and most of them lived on farms. Even though the world is much different today, the freedoms in the Bill of Rights are still very important and true. And they are important for people everywhere all around the world.

Many people take the freedoms in the Bill of Rights for granted. If they lived in a country where there was a dictator, they would realize how important the Bill of Rights is, and they wouldn't take it for granted anymore.

I feel that I have a responsibility to help protect the freedoms that we have in the Bill of Rights. I can strengthen the Bill of Rights by exercising my rights and showing others by my example what it means to be a good citizen.

BIBLIOGRAPHY

1. "The American Bill of Rights" (sound filmstrip). Thomas S. Klise Co., 1976.

2. Konvitz, Milton R., and G.F. Curtis. "Bill of Rights," The World Book Encyclopedia, 1988, vol. 2, pp. 301–302.

3. McAuley, Karen, and Richard Hall Wilson. "The United States Past to Present." D.C. Heath and Co., 1976.

4. Starr, Isidore. "Bill of Rights." The New Book of Knowledge, 1987, vol. 2, pp. 177–180.

IF I HAD A WISH . . .

(By Stacy Ann Porter)

If I had a wish, my wish would be
For a world as peaceful, beautiful and bright
As a clear, crisp, star-filled night.

Where hunger would leave and be no more
Where dreams could race and fly and soar
Not just for some in certain places
But for everyone, everywhere regardless of races.

Where leaders would be kind, honest, and fair
And people could be happy everywhere
Where fish and fowl, animals and trees
Could enjoy clean air and crystal blue seas.

Where people care about each other
And treat each person like a brother
Where drugs can heal instead of destroy
And babies are born healthy whether girl or boy.

Where everyone feels part of a big family
That includes everyone, everywhere
. . . you and me.

If I had a wish, my wish would be
For a world as peaceful, beautiful and bright
As a clear, crisp, star-filled night.

A CLOWN FOR ALL SEASONS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. JACOBS. Mr. Speaker, what is Jonathan Winters if not a national treasure.

It is said that President Kennedy gave Pierre Salinger a loving cup with the following, East Indian inscription: "Three things are real—God, human folly and humor. Since we cannot understand the first two, we must do what we can with the third."

[From Newsweek, Apr. 1, 1991]

A CLOWN FOR ALL SEASONS

(By Harry F. Waters with Lynda Wright)

It was the series' very first run-through, a dining-room setup featuring Jonathan Winters and his youngest TV grandson. As Winters lumbered through the door, he spotted a bowl of hand-painted eggs resting on a sideboard. He picked it up, walked over to the boy and sorrowfully informed him: "Ben, it's about your brother. We don't know what he's eating but this is what we're getting." Few sitcom writers could hack out a laugh line like that. As a matter of fact, none did: it bolted unbidden from the singular mind of Winters himself. Thanks to a fast-blooming new ABC comedy called "Davis Rules," the nation's elder statesman of spaciness is back in fashion. You might even say that this is suddenly becoming the season of Winters.

Of the nearly 50 series launched since last September, "Davis Rules" currently owns the second highest rating ("America's Funniest People" owns the highest—but then that's a spinoff, and a wretchedly homemade one at that). Granted, this sitcom's premise does not quicken the pulse. Winters plays Gunny Davis, a loopy but lovable grandfather who moves in with his widowed son (Randy Quaid) to help raise his three grandsons. Now for the beauty part. Instead of handcuffing the free-winging Winters to a script, producers Tom Werner and Marcy Carsey have encouraged him—actually, instructed him—to ad-lib and improvise. The upshot is a pleasantly engaging comedy laced with bursts of pure, lunatic magic. No one seems to be getting a bigger charge than the show's 65-year-old centerpiece. "For the first time in my life," says Winters, "I'm really having fun."

Every 22-minute script for "Davis Rules" contains five minutes of spaces for Winters' impromptu riffs. Sometimes there's a suggested topic that surfaced in rehearsal, more often just expectant ellipses trailing from a line. Whatever the ignition device, Winters never has a problem zooming into orbit. One moment he's mocking the kids in fractured Norwegian, the next he's advising them to handle a bully by sideswiping him with the family car ("BOOM! He's a silhouette!"). Before retiring for the night, he announces: "I got the bedroom window closed, but the cat is halfway out. (Eye-rolling shrug) I guess it can wait 'til morning." Speaking of cats, Winters' weirdest improv came when one of the boys arrived home with a ventriloquist's dummy: he scrunched into a feline crouch, curled his fingers and began hissing. "It was amazing," recalls cast member Patricia Clarkson. "Who would think of hissing at a dummy?"

Need she ask? This is, after all, a man who in real life once climbed atop the rigging of a historical ship, informing police that he was the Man in the Moon. Until now, however, television has never figured out how to package Winters' unpredictability. After becoming an instant legend on "The Jack Paar Show" (and inventing, in Maude Frickert, the world's randiest grandmother), he presided over a pair of desultory variety series. Next came a one-season gig on "Mork and Mindy" that only confirmed that Robin Williams had swiped his style. He plunged into painting and writing, turning out widely lauded surrealistic works and a volume of best-selling short stories. Then producers Werner and Carsey, who know how to build sitcoms around stand-up comics ("The Cosby Show," "Roseanne"), offered him the role of Gunny along with a creative blank check. Winters is grateful. "They're letting me do things I've always dreamed of doing," he marvels. "They've given me the freedom to take chances."

Unfortunately, both "Davis Rules" and its star could use a little more domestic support. This is the kind of sitcom in which the writers give the kids lines like: "Girls are more complicated than women because they're so . . . (smirk) . . . unformed." Randy Quaid, though, makes a splendid foil. Wisely, he's replaced his big-screen gooniness with geniality, playing off Winters with the sort of wary affection that John Goodman accords Roseanne Barr. The scenes in which father and son gropingly come to terms with old wounds are as touching as they are unexpected.

Tough pop: The irony is that Winters still harbors hostility toward his own father, an Ohio stockbroker. Shortly after meeting a Newsweek reporter, he says: "I was numb for a long time because I had an old man who was hard on me from the beginning." All that discipline, he goes on, filled his childhood with "insecurity, shyness, neuroses and paranoia." Today Winters' world is filled with kitsch: he's an obsessive collector of it. The San Fernando Valley house that he shares with his wife of 42 years overflows with baseball bats, walking canes, beer steins, tomahawks, military hats, cigar boxes, cowboy guns, railroad medallions and some two dozen statues of Buddha.

All viewers care about, of course, is how Winters stuffs the spaces in his show. It's a challenge that makes his tiny eyes gleam. Here's Gunny trying to sell a "genuine" Indian doll to a woman tourist. "This says 'Taiwan'," she notes, checking the doll's underside. "No, that's *'Nawiat'*," he corrects. "The Nawiat Indians." That's where the script leaves off and the master takes over: "It was small tribe, only about 36 of them, a wonderful tribe. They didn't have a chief, but they had a very strong woman. She was 6-foot-9. And rather than have all the Indians go to war when the white men came to massacre them, she hid them under her dress. And when the white men—they can be kind of crazy—saw things moving under her dress, they ran away."

Another ignition, another BOOM! Forget the calendar: Winters rules.

ACCLAMATION FOR HEIDI KRISTINA STRUVE

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. VUCANOVICH. Mr. Speaker, I rise today to pay tribute to Heidi Kristina Struve, a senior at McQueen High School in Reno, NV. It gives me great pleasure to announce that Heidi was awarded first place in the Voice of Democracy Broadcast Scriptwriting Contest. The contest theme this year was "Democracy—The Vanguard of Freedom." Over 138,000 secondary school students participated in the contest this year, with the winning contestant from each State receiving a trip to Washington, DC, for the final judging as a guest of the Veterans of Foreign Wars. Of these finalists, 14 national winners were selected to receive scholarships totaling $62,500. I have the honor to present Ms. Struve's winning script to you today:

"To such a task we dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and the peace which she has treasured. The world must be made safe for Democracy!"

This quote by Woodrow Wilson expresses the incredible importance of our democracy. America is a country of freedom, opportunity, and success. And we demonstrate best Democracy as the Vanguard of Freedom.

I will begin by relating democracy and freedom to the American Revolution; next I will discuss democracy's effect on me; and, lastly, I will present the growing spread of Democracy throughout the world today.

To begin with, over two hundred years ago, our ancestors fought mercilessly for independence from their mother country. Young men, and even women, worked together as one to obtain their goal—freedom. "Government for the people, by the people" became their basis for ruling the new world. It was only natural for democracy to protect that freedom our founding fathers fought so hard for. Indeed, George Washington, John Adams, John Hancock, Thomas Jefferson—every one of these great men agreed that the only way America could maintain her ideals was through government of the people.

Today, I can't go through a single day without being affected by my protector—democracy. I stand at 8:30 every morning and place my right hand over my heart and repeat a pledge that expresses my believe in this country. I exercise my rights with every word uttered from my lips, every line I read on a newspaper, and every church I choose to attend. I hold my freedom closer to my heart than any other single thing, and I thank democracy for its protection.

Lastly, 1989 was a year of drastic change. Starting with a small group of suppressed individuals who wanted freedom, we have seen the fall of the communist bloc. No more do we see the Iron Curtain spread over Europe—we see rays of light shining through. No more do we see communism but an increased shift toward democracy. Ladies and gentlemen, freedom is in the air, and democracy is on the rise! Ceaucescu and Honecker have been ousted, and we see Havel and Kohl making new strides toward protecting this new-found freedom. They have chosen democracy.

In conclusion, democracy—government for the people and by the people—gave our forefathers a method of ruling to protect the freedom they worked so hard for; I live for freedom and appreciate democracy as its protector; and in the East European world today, freedom has been achieved and governments are adopting democracy as their protector. Yes, democracy is the vanguard of freedom.

Mr. Speaker, it is a great honor and distinct privilege for me to ask my colleagues to join me in recognition of Heidi Kristina Struve and her remarkable accomplishment in the Voice of Democracy competition.

ONE SMALL COUNTRY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GILMAN. Mr. Speaker, on Tuesday, March 19, A.M. Rosenthal in his "On My Mind" column in the New York Times made an impassioned plea to congressional leaders and the administration to allow his holiness the Dalai Lama to address a joint session of Congress. Mr. Rosenthal spoke of the genocide in Tibet by the Communist Chinese and points out that the Dalai Lama does not ask for soldiers or Patriot missiles, "just attention, and plain words to its oppressors that genocide is as ugly in the mountains as in the desert."

Mr. Speaker, where many of us welcome the proposed greeting of the Dalai Lama in the Capitol rotunda, I strongly believe that we in the Congress should have allowed the Dalai Lama to speak before a joint session. His years of experience and insights into the last giant Communist nation on the globe which has the second largest trade deficit with our Nation, would be helpful to all of us. But most importantly, he should be allowed to speak to prevent the Congress from becoming a partner to a coverup of genocide.

Mr. Speaker, accordingly I request that Mr. Rosenthal's timely article be printed in full at this point in the RECORD:

ONE SMALL COUNTRY

There was no way to escape writing this column. I thought I was going to write about other things, which I knew would interest more people, like the Soviet Union's approaching civil war or Saddam Hussein's approaching annihilation, or those sickening lynching pictures from Los Angeles.

But I could not escape knowing that now was the time to write about Tibet—and how cruel April will be in Washington for one small country unless members of Congress say no, they have had enough.

Every person has certain things about which he feels he must speak now and then, not because people listen but because they don't. Something strong coming out of experience or convictions insists that eventually attention may be paid but even if not, at least speak.

Some of the reasons I cannot escape the Dalai Lama and his countrymen are personal—years spent in Asia as a foreign correspondent, and detestation of Communism and all other forms of dictatorship—all, no picking and choosing.

Another reason has to do with Raphael Lemkin. Raphael Lemkin was a very annoying man. For years he wandered the headquarters of the United Nations, plucking at diplomats, trying to persuade the member countries to sign a convention making it a crime to destroy a whole people or its culture. After a long time they did sign, and he died, almost alone.

Tibet is a victim of a case of genocide as ugly as any since World War II. The country has 6.5 million people when Communist China invaded in 1950. Its Government of monks was tyrannical in its own ways. But its people were united by common history, common language, the common religion of Buddhism.

Nine years later the Dalai Lama, for Tibetans the 14th incarnation of the spirit of godliness and their national leader, escaped to India. In exile, traveling the world, he has grown to be a celebrated international political and religious figure and, ever more, his people's leader.

But in the Himalayas, at least a million Tibetans were murdered or tortured to death, or died of starvation because of Chinese colonialism.

Beijing annexed two-thirds of Tibet. Scores of thousands of children were shipped to China for education and indoctrination. Millions of Chinese were sent into Tibet, a criminal, genocidal attempt to erase Tibet's reality. In the annexed areas they outnumbered Tibetans.

The United States refuses to recognize the Tibetans. Be sensible—what kind of a market is Tibet compared with China and how many missiles does it have?

The Dalai Lama goes on. He offers to give up foreign and military affairs if Beijing gives Tibetans self-rule. He outlines a Tibetan government base on democracy and nature. And in 1989 this man who cannot get beyond State Department doors, literally receives the Nobel Peace Prize.

Tibet asks no soldiers from the United States, no Patriots, just attention, and plain words to its oppressors that genocide is as ugly in the mountains as in the desert.

The greatest of all American assets, tested and proved repeatedly, is not that it is a world policeman but that it will give its political support to freedom. There lies American national interest in Tibet.

In Washington are senators and representatives of both parties who believe this Congress has passed seven resolutions supporting Tibetans. In Tibet they are passed from hand to hand, a secret wheel of prayer.

Last year, members of both Houses tried to organize a joint session of Congress for the Dalai Lama. The White House objected, so they selected a new date—April of this year, when the Dalia Lama would again be in the United States.

But just a few days ago the White House was seized by a sudden desire to have President Violeta Barrios de Chamorro of Nicaragua speak to a joint session in April, and of course Queen Elizabeth is coming in May. Congressional leaders said that eliminated the Dalai Lama because after all how many joint sessions could you have?

Traditionally Congress follows the White House lead on joint sessions for foreigners, but there is no law about it. Representative Charles Rose, the North Carolina Democrat, says he is so mad he may have a meeting on the Capitol steps. Others talk about a meeting in the Rotunda.

Everybody knows it won't be the same thing at all. A joint session, such as Lech Walesa had after he received the Nobel Peace Prize, would be recognition of the captivity and hope of the Tibetan people. It does not seem too much, in the interest of one small country and this large one.

TWENTY YEARS OF THE WOMEN'S MOVEMENT

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PICKLE. Mr. Speaker, it is difficult to believe that the political movement to gain equal rights for women is 20 years old. The women's movement has enjoyed its successes and endured its set-backs, but it remains as vital and energized in the 1990's as it was in its infancy in the 1970's.

A recent conference in Austin, TX, organized by Liz Carpenter, press secretary to former First Lady, Lady Bird Johnson, provided dynamic evidence that the women's movement is alive and well. No one could be better suited to organize such a celebration than Liz Carpenter, who has been one of the primary forces in the women's movement in Texas and the Nation. Her efforts "to celebrate the past and embrace the future" of the ongoing struggle for equal rights drew almost 3,000 people to the daylong conference.

I ask unanimous consent to insert into the RECORD reporter Brenda J. Breaux's account of the conference published in the Austin American-Statesman so that my colleagues can join in the celebration and the renewal of the effort to assure equal rights for all Americans.

3,000 Celebrate Feminist Struggle—Leaders of Women's Movement Cheered at UT Conference

(By Brenda J. Breaux)

The women's movement of the 1970s graded the roadways for equal rights and it's now up to this generation of women to pave those roads, according to advocates speaking Saturday at a University of Texas conference.

Nearly 3,000 people attended the daylong women's conference that called for all women "to celebrate the past and embrace the future" of the fight for equal rights.

At times, the conference resembled a pep rally. Conference speakers, who were at the forefront of the women's movement in the 1970s, had to pause repeatedly because of thunderous applause, cheers and standing ovations from the audience.

"It shows how alive the women are, and they are really re-energized," said Liz Carpenter, an organizer of the conference. "We didn't know there would be such a resounding approval. We were all moved. What it says is that the women's movement is alive and thriving in Texas, Gov. Ann Richards' victory just revived it. All of us haven't heard that kind of resounding approval in a while."

Carpenter decided to use the 20th anniversary of the founding of the National Women's Political Caucus to bring together the leaders of the women's movement.

Speakers at the conference included author Betty Friedan, founder of the caucus; Jill Ruckelshaus, former caucus president; author Shana Alexander, a former television commentator and columnist Linda Ellerbee, a former news anchor. Also, Austin attorney Sarah Weddington, who won the landmark Roe vs. Wade case, moderated a panel that included Railroad Commissioner Lena Guerrero, Texas House of Representatives Speaker Pro Tem Wilhelmina Delco and state Treasuer Kay Bailey Hutchison.

The leaders, who emerged from the movement started nearly 20 years ago, say the women of today have a lot of work ahead.

Today's leaders must work to ensure equal pay for equal work, help more women move into positions of power and dispell male myths and ideologies, they said.

"You are seeing the rewards and we are seeing the rewards of our work," said Friedan, who wrote *The Feminine Mystique*. "We organized the women's movement to make them enforce the law of equal rights. I call on you to get the rights and get them secured. I call on you to demand the same American know-how shown in the Persian Gulf to be used to end homelessness, provide better education and equality."

Friedan said she and other women who had experienced what it was like before the fight for equal rights will never return to that time. But, women of today must recognize attempts are being made to make them choose to return there, she said.

Women have begun to influence education, business, law and most of the areas dominated by males in the past, Friedan said. Women today must face the challenge of creating a new model of society influenced by both men and women, she said.

The fight for equal rights and to have it all may be possible, but it will be a tiring struggle, said Ruckelshaus.

"If you want it all, go for it. You can get it. But you will be exhausted," Ruckelshaus said. "Women my age are tired of explaining the (women's movement). We are almost too tired to take over the world, but not that tired. I don't despair on this generation."

This generation of women can teach its children equality by expanding its sons' knowledge beyond masculine myths and not imposing old feminine restrictions on its daughters. Ruckleshaus said.

"At about age 13, girls start learning to back away from the challenges and taking on what is expected of them," Ruckleshaus said. "We have to stop that, but we cannot lose the feminine nature because the world is suffering because there's not enough of it."

Sensitivity, understanding and caring come naturally to women and they must learn to trust their strengths and apply them to make the world a better place, Alexander said.

"Racism and sexism are the same thing," Alexander said. "We need a coalition of all the powerless groups and only women can hold it together. Women as a political group are equal to men in all ways except for one—their lack of confidence in themselves."

Through the fight against oppression, Alexander said, women have learned to counterpunch, but have not lost sensitivity. If women had been in charge, the war in the Persian Gulf may never have taken place, she said.

"We would have found another solution and would not have had to win at any cost," Alexander said. "Like one leader said, we bombed them back into the Stone Age with a cost of terrible human suffering. Was that necessary? I don't think so."

Alexander said America is doomed if decisions continue to be made without regard to what the majority of people want. The women's movement will also have to start considering all women and not just the middle class, the wealthy or white women, she said.

"The blue-collar workers and those on welfare, these are the women who we are working for," Alexander said. "If nobody fights for these people the nation is doomed and we are going back to the Stone Age."

Ellerbee, who was the guest speaker, said it is time for women to start teaching men. More women are in the work force, but many of those women miss days at work because they take the time to be a part of their children's lives.

"Fathers are torn between work and family because it is not socially acceptable for men to stay home," Ellerbee said. "This sets up conflicts. Well, welcome to the real world. Socially acceptable means career advancement. . . . Corporate America does not stop because of a single act of kindness. Women know that human beings are more than the carcasses they bring to the office. Nobody lies on their deathbed and says, 'Gee, I wish I had spent more time at the office.'"

The turnout of nearly 3,000 people—mostly women—was somewhat expected, Carpenter said, but the featured speakers were overwhelmed, moved and surprised by the positive response from the audience.

Most of the speakers received standing ovations, and applause drowned out speakers many times.

Carpenter said the women's movement went underground during the era of President Ronald Reagan, and many of its leaders were lost.

"Reagan just tried to send everybody back to the kitchen," she said. "Women were discouraged. They were just waiting to be pushed and shoved. The signs should be obvious to people in political life that women really want to work on the things that count for themselves and their families. Those things include the homeless, health care and education."

JIMMY DELSHAD HONORED WITH THE "BURNING BUSH AWARD"

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, from time to time, our community elects to honor a person who demonstrates outstanding service to his or her fellow being. Such a person is Jimmy Delshad. On April 17, 1991, the Federation of Jewish Men's Clubs and the Mens Club of Sinai Temple, will take the opportunity of expressing its admiration by presenting Jimmy with this year's "Burning Bush Award."

Jimmy Delshad arrived in America from Iran at the age of 19, not because he was forced to, but rather because he chose to further his education in a free country. His love for Jewish values prompted him to move and settle in Los Angeles, where he continued his education in the field of computer science. He received his bachelor of science degree with honors and continued his graduate studies at the University of Southern California.

While attending college, with the help of his brothers Mike and Fred, he formed an international club society for promoting cultural exchanges among all foreign students. Jimmy and his brothers also formed the Delshad Trio and performed for numerous charity organizations. He met his wife Lonnie while both were active in the Student Zionist Organization, and they have been married for 23 years. The Delshads have been members of Sinai Temple since 1972.

Jimmy and Lonnie became active in Akiba Academy and have provided significant sources of energy and funds for the past 11 years. Their children, Debra, age 17, and Daniel, age 15, are both products of Sinai Akiba Academy.

Jimmy is a very active member of Sinai Temple, serving as vice president of the men's club, as a member of Sinai Temple's Board of Directors and chairman of the membership committee. Jimmy was selected as the Man of the Year in 1990, on behalf of Sinai Temple Men's Club. He has created, produced, and directed "Around the World With Music," an annual event sponsored by the men's club. Jimmy believes in giving before receiving and that an individual's opportunities for growth are limitless.

Jimmy is the president and CEO of his own computer manufacturing company, American International, which he founded 13 years ago. He lives with his family in Beverly Hills.

I ask that my colleagues in the U.S. House of Representatives join me in saluting Jimmy Delshad as he is honored by his beloved community of friends.

ARIZONA DESERT WILDERNESS DEDICATION

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RHODES. Mr. Speaker, this past weekend, on April 6, 1991, I had hoped to participate in the dedication of 2.3 million acres of new desert and wildlife refuge wilderness areas in Arizona. However, illness prevented me from attending the dedication. BLM State Director Les Rosenkrance was the master of ceremonies for the event which was held at the Eagletail Mountains Wilderness Area, about 65 miles west of Phoenix.

These new Arizona wilderness areas were designated by the Congress in legislation we passed last year. I want to include in the RECORD, the remarks I had prepared to give at the dedication. It was appropriate that these remarks were dedicated to my friend and colleague from Arizona, Representative MORRIS UDALL, chairman of the House Committee on Interior and Insular Affairs.

The remarks follow:

DEDICATION OF ARIZONA WILDERNESS AREAS

Remarks of Hon. John J. Rhodes III

Thank you, Mr. Rosenkrance. Senator Deconcini, my colleagues from the House—Jim Kolbe and Jon Kyl, ladies and gentlemen, I am pleased to be here today.

We all worked diligently and in the spirit of compromise to be here today. But, the fact is, it is because of the extraordinary vision of one man that we in fact made it here today.

For my part, I want to pay tribute to that man, and dedicate this event to him. Where we are today is representative of this quiet and peaceful man. Yet, what we are about today will be calculated among the manifold accomplishments that will be his legacy to Arizona and America.

When we considered the Arizona Desert Wilderness legislation on the floor of the House of Representatives a little over a year ago, Morris Udall said:

"The generations of Udalls before me met their challenge to tame the wilderness, to settle it and make it a home for succeeding generations."

It is because of Chairman Udall that we meet in this place, this day. He said, "There, truly, are lands of undisputable national significance." Mo Udall is, likewise, a man of undisputable national significance.

Among the 39 new and expanded wilderness designations contained in the Act that designated this site, are a relative handful of diminishing desert riparian areas. Like the Indians and settlers who first traveled these beautiful yet unforgiving lands, people are always drawn to the oasis in the desert. Chairman Udall wanted especially to protect those refreshing and nourishing lands and waters. His was a thirst to protect all these lands for generations not yet born.

His own words say it best: "Long after our own footsteps have been forgotten, these places will remain. Their eloquent stillness will bear testimony that we as a people are grateful for our chance to walk upon this Earth, and that we have the strength, the courage and the wisdom to leave at least these places as we found them."

Finally, Mo said "In wilderness, we value that which man did not create, and by restraining man's altering hand, we hope to honor this powerful work."

Those are powerful words from a gentle man. And, in honoring his work, we honor the man whose visionary love for this living desert has culminated in the reality we celebrate with him today.

OMNIBUS ADOPTION ACT OF 1961

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SMITH of New Jersey. Mr. Speaker, today I, along with 50 of my colleagues, am introducing the Omnibus Adoption Act of 1991. This bipartisan legislation is probably the most comprehensive bipartisan adoption legislation ever introduced in the House of Representatives.

Mr. Speaker, adoptions, especially unrelated domestic adoptions, have declined dramatically in the United States during the past two decades—a fact that is both tragic and unnecessary.

In 1970 for example, there were almost 90,000 unrelated domestic adoptions but today it is estimated that there are only about 50,000 annually. A number of factors can be cited for this decline: persistent misinformation and negative opinions concerning adoption; the dramatic increase in abortion on demand—there is now only 1 adoption for every 30 abortions in the United States; as well as an increased social acceptance of single parenthood; and marked increases in welfare assistance to single female parents.

While we must all recognize that even in the most advantageous of circumstances, adoption can be a trying proposition for the birth mother, evidence suggests that the benefits to all concerned, including the birth mother, are overwhelmingly positive. In fact, some research indicates that those women who do choose to make an adoption plan for their children will be less likely to live in poverty, more likely to complete high school, and less likely to have additional unplanned pregnancies.

Adoption also provides a child who might otherwise face a bleak or less than positive childhood the prospect of having loving parents, a stable home, a higher standard of living, and enhanced career opportunities as the child matures into adulthood. In fact, according to the 1982 National Survey of Family Growth, only 2 percent of adopted children lived in poverty, compared to almost 62 percent of children living with mothers who have never been married.

Adoption also provides adoptive parents who earnestly desire to form a family the opportunity to fulfill that dream. Today there are approximately 2 million couples and individuals waiting to adopt a child—including children with special needs. In addition, the long waiting periods experienced by prospective parents have forced untold thousands to give up hope to ever adopting a child.

Mr. Speaker, it requires a tremendous amount of courage, selflessness and a special love of children for a birth mother to make an adoption plan for her child. The heroism required of the birth mother in taking such a step should not be overlooked, trivialized or minimized. Above all, these mothers deserve our deepest respect, our support and all the tangible assistance a compassionate society can possibly provide.

For years the Congress, the administration and State governments have talked about the positive benefits of adoption; however, little action has been taken. This year we plan to change all that.

Tomorrow, I, along with over 50 cosponsors in the House of Representatives, will introduce the Omnibus Adoption Act of 1991. This legislation would provide some very real and tangible benefits for adopted children, adoptive families and women who make adoption plans. Mr. Speaker, let me briefly summarize the major sections of this legislation.

First, the bill sets up the National Advisory Council on Adoption. This Advisory Council will monitor the implementation of the provisions of this Act and will also make recommendations for additional changes in law to promote adoption as a loving option.

Second, the bill provides enforcement mechanisms to implement the adoption data collection system mandated by Public Law 99–509. The Department of Health and Human Services is required to have this system operational by October 1, 1991, and we must insure that the final regulations are promulgated in time to reach this deadline.

Third, the bill establishes a Federal fellowship program for graduate studies on the positive benefits of adoption for adopted children, adoptive families and women who make adoption plans. This provision responds to the important need to establish a strong information base upon which adoption policy is predicted.

Fourth, the Omnibus Adoption Act of 1991 would provide States with grant money to develop and implement educational programs regarding the positive benefits of adoption. Let me emphasize that education on adoption is sorely lacking today and the Federal Government must take the lead in promoting new positive images regarding adopted children, adoptive families and birth mothers who choose adoption.

Fifth, the bill would reform Federal employee and military health insurance in order to require that adopted children receive health insurance coverage equal to that afforded to biological children, including coverage of preexisting conditions from the time of placement. It is only equitable that adopted children be treated the same as biological children under insurance policies.

Sixth, the bill would require, as a minimum standard for Federal health benefit plans, a requirement that expenses incurred by Federal employees or military personnel for prenatal and maternity care of the biological mother of a child which is adopted by that individual, be reimbursed to the Federal employee. This program would provide equitable treatment of employees who choose to build their family through adoption and would also help to provide health care to uninsured pregnant women.

Seventh, the Omnibus Adoption Act of 1991 creates a means tested $5000 refundable tax credit for adoption expenses. As you may know, Mr. Chairman, the up front costs of adopting a child can run in excess of $10,000, a staggering amount of money for the average American family.

Eighth, the bill creates a new program to provide low income pregnant women with certificates to pay for services provided by maternal housing and services facilities. For women who must face a crisis pregnancy, we need to insure that they have access to prenatal and maternity care regardless of their income or marital status. In a maternity home setting, these women can find the support they may lack in order to make the best possible decision for themselves and their child.

The next section of the bill establishes a program within the Department of Housing and Urban Development to provide grants to private nonprofit organizations to repair and rehabilitate existing buildings for use as maternity housing and services facilities. This provision is designed to increase the number of maternity facilities, currently estimated at about 300, a dramatic decline over the last 25 years.

Finally, Mr. Speaker, the Omnibus Adoption Act of 1991 makes a number of sense of the Congress recommendations for changes in State adoption law. Several of the witnesses testifying today will help make the case for these changes.

Mr. Speaker, adoption works. It works for children who need families; it works for couples seeking to form families; and it works for pregnant women who want to make an adoption plan for their children. However, if we are to truly make the adoption option work there is much that needs to be done and that can be done at the Federal level. The Omnibus Adoption Act of 1991 would be a very important step in that direction.

A summary of the Omnibus Adoption Act of 1991 follows:

TITLE I—NATIONAL ADVISORY COUNCIL ON ADOPTION

Section 101—Establishes the National Advisory Council on Adoption. The purpose of the Council is to monitor the implementation of the provisions of this Act and to recommend additional changes in law to promote the objectives of this Act. Membership of the Council will be chosen by the Secretary of HHS and should represent a wide range of private and public organizations.

TITLE II—ADOPTION DATA COLLECTION SYSTEM

Section 201—Requires the Secretary of HHS to report to the Congress within 30 days, and continue to report every 30 days, in order to insure that the final regulations for the Adoption Data Collection System are being implemented in accordance with the original intent. This Data Collection System is required to be operational not later than October 1, 1991.

TITLE III—ADOPTION EDUCATION PROGRAMS

Section 301—Establishes a program of graduate study fellowships for innovative programs concerning the effects of adoption on the children who are adopted, the families who adopt children and the biological parents who make an adoption plan. Such programs would include basic research, development of model curriculum and instructional programs, and development of counseling programs. Authorizes $1 million for fiscal years 1992, 1993, 1994, and 1995.

Section 302—Establishes an Adoption Education Grant Program to be administered by the Department of Education. Grants will be provided to any State which implements programs of adoption education. The Secretary of Education will make grants based upon the number of States applying, the number of students to be served and the cost of the program to be assisted. $25 million are authorized for fiscal years 1992, 1993, and 1994.

TITLE IV—FEDERAL EMPLOYEE AND MILITARY ADOPTION BENEFITS

Section 401—Allows Federal employees to use sick leave for purposes relating to the adoption of a child.

Establishes as a minimum standard for Federal health benefit plans a requirement that the expenses incurred by a Federal employee for prenatal and maternity care of the biological mother of a child which is adopted by a Federal employee be reimbursed to the Federal employee. Requires the Federal employee to provide notification of an intent to adopt in order to qualify and requires that the adoption become final before any reimbursement is made. Prohibits payments for any surrogate parenting arrangements.

TITLE IV—FEDERAL EMPLOYEE AND MILITARY ADOPTION BENEFITS

Section 402—Establishes a program for members of the uniformed services under which the member will be reimbursed for the costs of prenatal and maternity care of the biological mother of a child which is adopted by the member. Requires the member to provide notification of an intent to adopt in order to qualify and requires that the adoption become final before any reimbursement is made. Prohibits payments for any surrogate parenting arrangements.

Expands insurance coverage of dependents to include prenatal care.

Authorizes care for any preexisting conditions for children adopted by the member from the time a written plan of adoption is made.

Section 403—Requires OMB and DOD to coordinate their efforts in developing and implementing regulations to carry out the provisions of sections 401 and 402.

TITLE V—ADOPTION TAX CREDIT

Section 501—Creates a refundable tax credit for adoption expenses. Credit is up to $5,000 for adjusted gross incomes up to $60,000 and is then phased out for incomes from $60,000 to $100,000. The tax credit cannot be used for step parent adoptions or for any surrogate parenting arrangements.

TITLE VI—MATERNAL HEALTH CERTIFICATES

Section 601—Establishes an HHS program to provide maternal health certificates for eligible pregnant women to use to cover expenses incurred in receiving services at a maternity and housing services facility. To be eligible, the pregnant women must have an income, not including the income of any estranged spouse, which is less than 175 percent of the poverty line. The certificates will be good for up to $100 for each day services are provided to the eligible pregnant woman.

Defines a maternity and housing services facility as a nonprofit facility licensed or approved by the State to serve as a residence for pregnant women during pregnancy which provides appropriate supportive services, which may include: room and board; medical care; educational and vocational counseling general family counseling, including adoption counseling; and basic transportation services.

Authorizes $50 million for fiscal year 92, $75 million for fiscal year 93, and $100 million for fiscal year 94.

TITLE VII—REHABILITATION GRANTS FOR MATERNITY FACILITIES

Section 701—Establishes a HUD program to provide grants to private nonprofit organizations to repair and rehabilitate existing buildings for use as maternity housing and services facilities.

Section 702—Requires grantees to submit applications to HUD and to include such assurances as the Secretary of HUD requires.

Section 703—Limits the number of grants to 100 per year with a maximum grant amount of $1 million. Allows grants to be used for the acquisition and/or rehabilitation of existing structures for use as maternity and housing services facilities.

Section 704—Requires each grantee to submit reports to HUD to insure that the grants are being used for acceptable purposes.

Section 705—Defines a maternity and housing services facility as a nonprofit facility licensed or approved by the State to serve as a residence for pregnant women during pregnancy which provides appropriate supportive services, which may include: room and board; medical care; educational and vocational counseling general family counseling, including adoption counseling; and basic transportation services.

Section 706—Requires the Secretary to consult with the National Advisory Council when developing regulations.

Section 707—Authorizes $25 million in fiscal year 92, $40 million in fiscal year 93 & $60 million in fiscal year 94.

TITLE VIII—CHANGES IN STATE ADOPTION LAW

Section 801—States that it is the sense of the Congress that every State should implement and enforce certain laws relating to adoption, including requirements that:

(1) The State make available to all prospective adoptive parents all relevant information concerning the medical, social, and economic history and ethnic background of the child and the child's biological parents—except that such information shall not identify the child or biological parents by name;

(2) a State-approved professional shall be required to conduct a home study of the prospective adoptive parents prior to the placement of the child in their home;

(3) courts shall require a complete listing of all expenses incurred in the adoption of a child prior the finalization of the adoption proceeding;

(4) the State shall guarantee adequate legal representation for the biological mother of a child during any legal proceeding;

(5) persons with whom a child is placed for adoption must file a petition for adoption within 1 year of placement; and

(6) States should establish minimum health benefits such that enrollees in every insurance plan would receive reimbursement for the costs of prenatal and maternity care of the biological mother of a child which is adopted by the enrollee, provided the enrollee gives notification of an intent to adopt and requires that the adoption become final before any reimbursement is made.

Minimum standards for health benefits plan should include requirements that prenatal and maternity costs of all dependents are covered and that coverage for adopted children must be equal to that given to biological children—no limitation of coverage could be based upon any preexisting condition.

MIAMI HERALD EDITORIAL DEFENDS LANGUAGE LAW IN PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. FUSTER. Mr. Speaker, as I told my colleagues earlier this week, there have been some misunderstandings in Washington and elsewhere about the bill signed into law last week by the Governor of Puerto Rico which establishes Spanish as the only official language of the Commonwealth of Puerto Rico. As I emphasized this week, Mr. Speaker, this new law does not, in any way, create a separation of any kind—real or imagined—between Puerto Rico and the United States. Nor does it prohibit the use of English in Puerto Rico.

The import of this new law has been well expressed in an editorial in the Miami Herald, Mr. Speaker; it has well captured the essence of what we in Puerto Rico have been saying all along. With that in mind, I would like to share that editorial with my colleagues today.

[From the Miami Herald, Feb. 18, 1991]

HISPANIC STATE OF MIND

With brilliance, Puerto Rico's intellectuals have made an irrefutable case for the Hispanic character of the island's culture. Even so, it could be argued that modern Puerto Rico is neither fully American nor fully a part of the Spanish-speaking Caribbean.

Yet its hybrid culture has displayed great strength and resiliency since Puerto Rico became an American colony in 1898. Washington's first colonial officials subjected Puerto Rico to an intense and unjust "Americanization" campaign. By 1930, it became evident that Puerto Ricans were not becoming model English-speaking colonial subjects. The campaign failed dismally and scarred Puerto Rican society. The immense majority of Puerto Ricans remained monolingual Spanish speakers.

De facto, Spanish is still the island's language in daily life, government, schools, business. De jure, however, Puerto Rico has been officially bilingual since 1902. But that appears poised to change if the island's Senate passes a House-approved bill making Spanish the official language of Puerto Rico.

Criticized by some as a "Spanish-only" measure, the bill is nothing of the sort. It provides for using English where it is now used: in financial transactions, in relations with the Federal Government, in education; and in official records and documents. It even recognizes the "transcendence" of English and acknowledges it as the island's preferred second language.

Indeed, in practice, the measure will leave things as they are in Puerto Rico. But it constitutes an eloquent expression of the island's genuine Hispanic identity.

Significantly, Puerto Rico's three main political parties seem to agree on the Hispanic character of Puerto Rican culture, though statehood advocates oppose the measure to make Spanish the island's official language. Confusedly, they claim that it will harm Puerto Rico's changes for statehood. Only Puerto Rican voters rejection of statehood in a referendum can do that. And questions about its future cultural identity may have to be answered by how Puerto Rico defines its political status.

A TRIBUTE TO 970 AM RADIO WKHM

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PURSELL. Mr. Speaker, I rise today to pay tribute to an outstanding radio station of the Jackson, MI community. This radio station has served the community with distinction and embarking on its 41st year of excellence. This organization is WKHM Radio located at 970 on the AM dial.

Celebrating its 40th anniversary of broadcasting, WKHM has covered local, national, and international news stories; broadcast live sporting contests and dramas; introduced people to their neighbors; and in many cases, helped the Jackson area as much as they could.

WKHM has received over 2,000 awards, citations, and honorary notices since 1951. United Press International and Associated Press have recognized the station seven times as "Station of the Year."

The radio station offers an adult contemporary format 24 hours each day and has grown to be an important source of information for residents of Jackson County.

Mr. Speaker, I ask my colleagues to join with me in congratulating a truly outstanding organization of the Jackson community, WKHM, on their 40th anniversary. I wish them continued success in providing services to the community.

THE OLDER AMERICANS HEALTH PROMOTION AND DISEASE PREVENTION ACT OF 1991

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today to introduce the Older Americans Health Promotion and Disease Prevention Act of 1991, a bill to significantly improve senior citizens' access to and participation in health promotion and disease prevention services. I urge my colleagues to join me as cosponsors of this important legislation.

As all of us know, health care costs continue to skyrocket in the United States. No one shoulders a heavier burden in this regard than our Nation's senior citizens.

One of the most important components of a comprehensive strategy to reduce health care costs is to emphasize preventive health care programs. If we prevent disease before it occurs, we will not only save huge sums of money, but we will also substantially improve the quality of life for Americans.

Recent studies have shown that older Americans are able to benefit significantly from health promotion and disease prevention services. Some senior centers and congregate meal programs funded through the Older Americans Act are already providing these services, but only on a limited basis. The Older Americans Health Promotion and Disease Prevention Act is designed specifically to increase older Americans' access to these services—at sites which are already visited by thousands of seniors each day. These sites are ideally suited for the provision of preventive health services such as blood pressure screening, exercise programs, smoking cessation programs, nutritional counseling and weight reduction programs, alcohol control, and injury prevention, among others.

These wellness programs will help senior citizens take responsibility for their own health care needs. The result will be higher quality care for our seniors, and significantly reduced costs for the taxpayers.

Across the Nation, there is nothing more critical to senior citizens than responding to their health care needs. The older Americans Health Promotion and Disease Prevention Act will make a significant contribution in this regard. This bill has been introduced in the other body by Senator Harkin and several colleagues. It has been endorsed by the National Council of Senior Citizens and the National Council on the Aging.

Once again, I would urge all of my colleagues to join me and Representatives MURPHY, OWENS of New York, MINK, DE LUGO, OWENS of Utah, BILBRAY, ENGEL, and WILSON in cosponsoring this important measure.

A brief summary of the bills provisions follows:

THE OLDER AMERICANS HEALTH PROMOTION AND DISEASE PREVENTION ACT OF 1991

BILL SUMMARY

Sections 1 and 2: Section 361 (Part F—Prevention Health Services) is amended to require the Commissioner on Aging to make grants to the States to provide disease prevention and health promotion services and information at senior centers, congregate meal sites, home-delivered meals programs or at other appropriate sites.

Section 3: Defines the term "disease prevention and health promotion" services to mean:

(1) Health risk assessments;

(2) Routine health screenings;

(3) Nutritional counseling and educational services;

(4) Health promotion programs, including those aimed at alcohol abuse reduction, smoking cessation, weight loss and control and stress management.

(5) Group exercise programs;

(6) Home injury control services;

(7) Screening for prevention of depression;

(8) Educational programs on the availability, benefits and appropriate use of Medicare covered preventive health services; and

(9) Counseling regarding followup health services found to be needed based on any of the above services.

These services shall not include any for which payment is available through the Medicare program.

Section 4: Authorizes $25 million in fiscal year 1992 and such sums as may be necessary in fiscal years 1993–1995 to carry out this program.

EXTRATERRITORIAL EMPLOYMENT PROTECTION AMENDMENTS, 1991

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. MFUME. Mr. Speaker, on March 28, 1991, I forwarded a personal letter to the House leadership and a Dear Colleague to every Member of the House expressing my intent to amend title VII of the Civil Rights Act of 1964 to provide coverage for American citizens working abroad for American-based firms. With your permission, Mr. Speaker, I wish to submit a brief summary of my amendment to be included within the text of my statement for the CONGRESSIONAL RECORD.

Mr. Speaker, on March 26, 1991, the Supreme Court ruled in EEOC versus ARAMCO that title VII, which prohibits discrimination, does not apply to American citizens working for American-based firms overseas. The Supreme Court ruled that Congress never expressly said that title VII applies to American citizens abroad. The Court said that laws passed by Congress are presumed to apply only within the United States, unless Congress spells out a broader reach.

The Court's decision could affect more than 2.2 million U.S. citizens residing abroad and 2,000 U.S. companies with 21,000 subsidiaries in 121 countries.

Mr. Speaker, my bill addresses this situation equitably for American citizens and businesses. Simply, my amendment defines an employee as being a U.S. citizen. I exempt American-based firms from compliance with my amendment if it causes them to violate the laws of the foreign nation in which they are operating.

However, if an American-based firm controls a corporation through the interrelation of operations, common management, centralized control of labor relations, and the common ownership or financial control of the employer and corporation is covered by this amendment.

The effective date of my amendment will be on the date of enactment and the amendment shall not apply to conduct occurring before the date of enactment of this act.

Mr. Speaker, I will work diligently to ensure that my amendment receives bipartisan support from both sides of the aisle and hope that we will be able to incorporate this amendment into the Civil Rights Act of 1991 during floor action.

I encourage all of our colleagues to review the legislation and contact me if you wish to support my effort, or if you have any questions or comments.

INTRODUCTION OF THE RICO IMPROVEMENT ACT OF 1991

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HUGHES. Mr. Speaker, today I am introducing the RICO Improvement Act of 1991 on behalf of myself, Mr. BOUCHER, and a bipartisan list of distinguished members of the Judiciary Committee.

I would like to take special note of the exceptional contribution to this bill by the gentleman from Virginia [Mr. BOUCHER]. We would not be this far along to a consensus without his admirable skills and diligence. This bill is essentially, the same as H.R. 5111, which was favorably reported from the Judiciary Committee late in the second session of the 101st Congress, but was not brought to the floor due to the press of other legislative business and the intensity of our budget deliberations.

As some of you know, Congress has been working for over 6 years to reform civil RICO, ever since the U.S. Supreme Court warned that civil RICO had come to be used in ways never envisioned by Congress. In fact, the extensive hearings over the years have established beyond dispute that civil RICO's powerful treble damages remedy, designed for use against criminal racketeering, is being used with increasing frequency as a tool in every day civil litigation to leverage extraordinary settlements from and to damage the reputations of adversaries.

The RICO Improvement Act of 1991 is a compromise bill, fashioned after considerable negotiations in the 101st Congress to develop the best vehicle to curb this misuse of the RICO statute. The bill preserves the use of multiple damage civil RICO actions for those cases where there has been egregious criminal conduct but it removes the availability of civil RICO from ordinary commercial transactions. Thus, civil RICO will continue to be available to plaintiffs for use against the most serious kinds of fraud, such as that in many of the savings and loans cases, but it will preclude its use in most routine disputes where much of the past abuse has occurred.

Last year, there was some concern about a provision in an earlier draft of the bill which allowed judicial discretion in the award of damages in some pending cases. While this provision would not have relieved any defendant of liability, I offered an amendment at full committee which removed the judicial discretion provision. The bill now is prospective only.

In the first 10 years after RICO was enacted into law in 1970, it was used sparingly on the criminal side, and hardly at all in civil cases. Only in the last 8 years have there been definitive interpretations of its broad language by the U.S. Supreme Court. The Department of Justice prosecuted fewer than 300 criminal cases from 1970 to 1980 and from 1970 through 1985 there were only 270 reported civil RICO cases.

It is in this latter area, civil RICO, where our investigation has shown that we have our greatest problem. The Administrative Office of the U.S. Courts indicates that since 1985 there have been about 1,000 civil RICO cases filed each year. Numbers alone, however, do not reflect the effects of the infusion of these complex cases into the Federal system, or the impact of the mere filing of such a case against a defendant.

It is also noteworthy that the Judicial Conference of the United States has twice called on Congress to reform the civil provisions of RICO, and Chief Justice Rehnquist recently reiterated the need for reform of the statute.

Without belaboring the point, it is our opinion that on the basis of over 1,200 pages of testimony in the 100st Congress and many more thousands of pages in prior Congresses, there is a need for RICO reform.

The bill I am introducing today is our best effort to remove the ambiguities, tighten up some of the essential elements of civil RICO, and still maintain it as an effective law enforcement tool without the unwanted excess baggage of ever increasing commercial litigation.

The following are highlights of the bill:

First, a tightening up of the pattern of racketeering requirement in RICO and codify the concepts of continuity and relationship as articulated by the majority opinion in the recent Supreme Court case in H.J. Inc. and the Department of Justice guidelines on single episode.

Second, limiting civil actions under RICO to cases involving egregious criminal conduct. To implement this limitation, the bill included a judicial gatekeeper provision, under which the courts are to dismiss suits that do not meet that standard.

The rationale for this approach is found in the legislative history of RICO. That history indicates that the primary purpose for allowing private civil suits under RICO was to promote the public interest by allowing for so-called private attorneys general suits. This was based on the premise that these civil suits would supplement governmental action and would attack real criminal conduct—not just contracts disputes written up to sound like crimes. The bill is sensitive, however, to the invidious nature of the S&L frauds and other major financial frauds where civil RICO is especially pertinent.

Opponents of RICO reform claim that RICO reform efforts could help crooks involved with the savings and loan scandal. This is patently false. The RICO Reform Act focuses civil RICO upon egregious criminal fraud, and there is no question that the savings and loan scandal is a text book example of just such conduct. But to leave no room for doubt—or grandstanding—on this subject, the RICO Reform Act of 1991 specifically states that misconduct related to savings and loan failures will be presumed to meet the egregious criminal conduct test, the effect of which will be to permit plaintiffs to proceed under civil RICO.

The bill maintains treble damages for those actions and other egregious conduct that pass the gatekeeper test. This will also reserve civil RICO for major white-collar frauds such as large consumer frauds and other financial frauds in the future.

Third, the bill also sets a clear and convincing standard of proof for civil RICO. This is an intermediate standard of proof for civil cases usually used in State cases involving allegations of fraud and other quasi-criminal wrongdoing by a defendant. As such it appears appropriate for civil RICO.

Fourth, the bill specifically states that civil RICO jurisdiction lies exclusively with the Federal courts and makes it clear that RICO is not available as a remedy in nonviolent free speech and assembly situations.

This legislation presents a sound basis for curbing most of the abuses of RICO while at the same time maintaining civil RICO as a useful tool to combat and deter major criminal activity. I also believe the guidance contained in this bill and the legislative history will provide an appropriate legal framework for future use of civil RICO as an extraordinary civil remedy.

My long and deep involvement with this issue convinces me that the RICO Improvement Act of 1991 provides a carefully balanced approach to civil RICO reform. It enjoys the active support of a broad array of business, labor, and public interest organizations. It deserves your strong support as well.

JAPAN IS RISKING A TRADE WAR WITH AMERICA

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ROTH. Mr. Speaker, there is a troubling chain of recent events in our trade relations with Japan, which raises the possibility of a coming trade war. As the ranking Republican on the Foreign Affairs Committee's Subcommittee on International Economic Policy and Trade, I have been monitoring these developments with growing concern. Other Members, I know, share my assessment of this situation.

The latest report on barriers to American exports, issued by the United States Trade Representative, cites Japan for more trade obstacles than any other single country. As a result, Japan alone accounts for 40 percent of our Nation's $101 billion trade deficit.

The USTR report also provides an extensive catalog of the pending bilateral negotiations between the United States and Japan over trade obstacles, including: computers, semiconductors, paper products, auto parts, telecommunications, construction, and wood products.

Moreover, our trade negotiators continue to pursue the structural impediments initiative, a unique round of talks with Japan about their more fundamental obstacles to American exports.

Although modest progress is being made in several areas, the overall Japanese posture is continued resistance to any substantial progress. In fact, Japan seems to be backing away from trade commitments made in earlier talks, most notably in the area of United States access to Japan's semiconductor market.

Nothing could better underscore the hardening Japanese attitude than the recent outrageous action of blocking the exhibition of American rice products at a trade show, with the reported threat of arrest of the American exhibitors.

Japan must come to understand that America is losing patience with this all-take-no-give posture. Many of us in Congress believe in fair trade and oppose protectionism for its own sake. But I for one also believe in being realistic. That is why I support extension and strengthening of the "Super 301" provisions of the Trade Act.

The pattern of Japanese actions may well lead us to actions that are even more severe. The test will be in how Japan responds in the current series of negotiations. If Japan persists in their current policy, we in Congress will respond. We do not want a trade war, but neither will we continue to allow Japan free access to sell $90 billion a year in this country if we do not gain better access to Japan's markets.

This assessment is shared in Europe, which is closely watching United States-Japan trade relations. A recent article in the London Times is a cogent summary of the deteriorating situation, and I commend it to my colleagues.

[From the Sunday Times, Apr. 7, 1991]

JAPANESE RISK A TRADE WAR

(By Irwin Stelzer)

The Japanese seem intent on destroying the world trading system that has brought them from the ashes of defeat to an astonishing level of affluence. Last week's meeting of Toshiki Kaifu, the prime minister, with President Bush provided several great photo-opportunities—smiling allies preparing plans for a new world order—but didn't obscure the hard fact that Japanese-American relations are at a low ebb. And if a trade war does break out, weakening the General Agreement on Tariffs and Trade (Gatt), Europe will inevitably be drawn in.

That trade war might just happen. Congress is rife with anti-Japanese sentiment, in part because Japan dithered so long before agreeing to share the burden of the Gulf war. First it offered token financial support. Then it offered $13 billion, an acceptable but modest sum, given its dependence on Middle East oil. Then it held back payment until fluctuating exchange rates reduced the value of the yen it was giving by some $500m. Congress is annoyed.

But not nearly so annoyed as it is over Japan's persistent refusal to open its markets to American goods, a refusal that reached ludicrous heights at a recent trade fair in Japan.

The United States Rice Council displayed 10 lbs. of American rice in a locked glass case, under a sign: Have a Rice Day. Japan's agriculture minister ordered its removal. When the Americans refused, the Japanese threatened to cut off their electricity and to have them arrested. They surrendered and withdrew the offending grains. But Edward Madigan, secretary of agriculture, fired off a letter to his Japanese counterpart pointing out that America's 2m farmers might stop buying Japanese pick-up trucks. Of such stuff is a trade war made.

More significantly, the Office of the United States Trade Representative, in its latest report on trade barriers, complains about Japan's high tariffs on petrochemicals, aluminum, paper and a wide range of farm products. It also asks Japan to relax its quotas on imports of shoes, wheat, rice and peanuts, and to abandon artificial barriers to timber and other imports. It points out that Japanese government procurement rules continue to discriminate against foreign computers (see opposite). The list goes on—for 17 pages.

None of this is small beer. The Trade Representative estimates that one restriction—on imported rice—is costing American farmers $656m a year. Perhaps even more important is the fuel Japan's policies add to protectionist fires in America.

The Democrats, led by the House minority leader and presidential aspirant, Richard Gephardt, have been groping for an opposition theme. They think they have found one. Under the headline No More Uncle Sucker, Senator Ernest Hollings wrote in the New York Times: "We tried to set an example of high-minded free trade and openness, and we were mugged."

Pressure to retaliate by restricting imports has not been relieved by recent declines in the trade deficit with Japan. Critics of Japan's one-way policies say the improvement is ephemeral and misleading—ephemeral because the drop in America's imports is due to a transient, recession-induced reduction in our appetite for television sets, video recorders and cars. And misleading because the quality of trade is turning against America, even as numbers measuring the quantity of imports and exports improve.

"More and more of the high-tech, high-quality, high-end jobs are being controlled by the Japanese," says Professor Bruce Scott of Harvard. The National Association of Manufacturers agrees. In a letter to Bush it called for a fundamental re-evaluation of relations with Japan to prevent declines in "living standards, leading-edge technologies, research-and-development-intensive exports and per-capita income".

If that re-evaluation results in anything like the "results-oriented" trade policy for which many Democrats are pressing—quantitative targets for trade, by product—look for Japan to retaliate. There is a new feeling of assertiveness in that country, reflected in videos, shown here, depicting lazy American factory workers unable to cope with Japanese methods or keep the pace set by Japanese managers.

This assertiveness is reflected in a hardening of Japanese attitudes. Japan's agriculture minister says there will be no easing of restrictions on rice imports. Its vice-minister of finance for international affairs refused a request to drop restrictions on American financial-services firms. And flexing his creditors' muscles, he threatened to curb the flow of Japanese credit if America retaliated.

All of this bodes ill for the fledgling economic recovery. A good deal of the world's prosperity stems from the increase in world trade that accompanied postwar liberlization efforts. Japan makes good, inexpensive cars for Americans to drive; Americans make films that Europeans watch; Europe provides fine engineering products. Everyone benefits.

But America is also the world's most efficient producer of food and financial services. Its computers are among the best, as is its telecom equipment. Yet the Japanese government won't let its people have free access to these products, apparently thinking that America will continue to buy $90 billion of its goods every year even though we can't display, much less sell, 10lb of rice in Tokyo.

Japan may be right. But if its politicians are wrong, and America's protectionists get the bit between their teeth, the Uruguay Round may end in failure and the liberal world trading system may be festooned with restrictions that make goods more expensive, and economic growth more difficult.

NATIONAL D.A.R.E. DAY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, today I am reintroducing legislation with my colleague FRANK WOLF to designate September 12, 1991, National D.A.R.E. Day. D.A.R.E., an acronym for Drug Abuse Resistance Education, is an educational program which teaches students the skills necessary to say no to drugs.

Traditional drug abuse programs emphasize drug identification and the harmful effects of drugs and alcohol. D.A.R.E. goes beyond that, and teaches kids in very practical terms how to resist the pressure to use drugs. The program is taught by veteran police officers who have direct experience with the tragedies and crimes caused by drug abuse, and who can speak about the effects of substance abuse with unmatched credibility.

Many experts believe that substance abuse prevention should begin early. Although the core of the program is directed at fifth and sixth graders, the D.A.R.E. Program has four levels, taking kids from kindergarten through high school. From kindergarten through fourth grade D.A.R.E. officers make periodic visits to classrooms, to acquaint the children with the program and with the officers, laying the groundwork for later classes.

In the fifth and sixth grades, students are taught the core of the program, which consists of 17 lessons, taught once a week over the course of a semester. These classes are on a wide range of subjects, including drug use and misuse, decisionmaking and risk taking, resistance techniques, and assertive response styles. Other D.A.R.E. units help students understand self-image, recognize stress and manage it without taking drugs, and analyze and resist media presentations about alcohol and drugs. In junior high and high school, the program follows up with another 19 lessons, building on the values and techniques taught in the core course, and applying them to real life situations.

Independent research has confirmed the success of the D.A.R.E. Program. D.A.R.E. graduates are less accepting of drug use and more able to resist peer pressure to use drugs. The D.A.R.E. Program also contributes to improved study habits and grades, decreased vandalism and gang activity, and a more positive attitude toward the police and school.

Originally developed as a cooperative effort of the Los Angeles Police Department and the Los Angeles Unified School District, D.A.R.E. Programs are now being taught in all 50 States and the District of Columbia. Additionally, the D.A.R.E. Program has been adopted for use internationally in the Department of Defense dependent schools. This year, more than 5 million students will be taught drug resistance skills in the D.A.R.E. Program.

Mr. Speaker, I would like to commend those involved with D.A.R.E. It is making an important contribution to the fight against substance abuse by our young people. I am pleased to have the opportunity to recognize this outstanding program.

A copy of the bill follows:

H.J. RES. 217

Whereas Drug Abuse Resistance Education (DARE) is the largest and most effective substance-abuse prevention education program in the United States and is now taught to 20,000,000 youths in kindergarten through 12th grade;

Whereas DARE is taught in more than 150,000 classrooms, reaching more than 3,500 communities in all 50 States and the Department of Defense Dependent Schools worldwide;

Whereas the DARE program has become a model substance-abuse prevention program for the world and is now taught in Australia, New Zealand, American Samoa, Canada, Costa Rico, and Mexico;

Whereas the DARE core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alchohol and drugs, by teaching students decision-making skills and the consequences of their behavior, and by building self-esteem while teaching students how to resist peer pressure;

Whereas DARE provides parents with information and guidance to further their children's development and to reinforce the decision to lead drug-free lives;

Whereas the DARE program is taught by veteran police officers who have years of direct, on-the-street experience with lives ruined by substance abuse, giving the officers a credibility unmatched by teachers, celebrities, or professional athletes;

Whereas each police officer who teaches the DARE program completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills; and

Whereas, according to independent research, DARE generates greater respect for police officers, substantially affects students' attitudes toward substance use, and contributes to improved study habits, higher grades, and decreased vandalism and gang activity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 12, 1991, is designated as "National DARE Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

A SIMPLE BUT EFFECTIVE BILL TO HELP DEAL WITH VIOLENT CRIME

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise today to reintroduce legislation I believe will go a long way toward quelling our unacceptable rate of crimes committed with a firearm.

As many of my colleagues may know, I was recently the victim of a violent attack. While I will never know if my assailant was actually carrying a weapon, I believe my legislation would act as a strong deterent.

During the 101st Congress, I sponsored H.R. 2529, legislation that attracted the support of 68 of my colleagues. The bill I have introduced today is identical.

This legislation will be aimed directly at criminals. Provisions in my legislation will strengthen a number of weak penalties in existing law. For instance, no longer will convicted felons receive only a slap on the wrist when caught in possession of a firearm. My bill would create a mandatory 5-year minimum sentence without opportunity for parole for the unlawful possession of a firearm by a convicted felon, fugitive from justice, unlawful user of a controlled substance, or a knowing transferor or receiver of a stolen firearm.

In addition, this legislation would increase the general penalties for violations of Federal firearms laws from a discretionary 5 years and/or $5,000 fine to 10 years and/or $10,000 fine. The enhanced penalties for possession of a firearm in connection with a crime of violence or drug trafficking crime are also increased for a first-time offense from 10 years to 30 years without opportunity for parole, probation, or concurrent sentence.

While this bill is similar in certain respects to provisions of other crime fighting measures, it differs from most in at least one important aspect.

Many proposals only address crimes involving semiautomatic assault weapons. While it is true that we recently have seen an increase in crimes involving these weapons, the fact remains that well over 90 percent of all firearm-related crimes involve weapons other than assault rifles. While semiautomatic assault weapons may command more media attention than handguns, I think it is important to recognize the prevalent role that handguns play in violent crime.

For this reason, I think it significant that the penalties called for in my legislation apply to all violators of Federal firearms laws, regardless of what types of weapons are used. Misuse of firearms is intolerable and should not be dealt with lightly, regardless of the weapon involved.

In closing, Mr. Speaker, the bill I have introduced is a simple yet effective measure to deal with the problem of violent crime. I encourage my colleagues to join me in this effort and look forward to addressing this important concern.

INTRODUCTION OF THE THE PENSION REFORM ACT OF 1991

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. KENNELLY. Mr. Speaker, today I am introducing the Pension Reform Act of 1991.

We have made important strides recently in improving pensions for women, particularly in the Retirement Equity Act of 1984 and the Tax Reform Act of 1986. But we need to do more.

My legislation would allow pensions not divided at the time of divorce to be divided now, pursuant to a court order, thereby effectively making the Retirement Equity Act retroactive.

My bill would extend the 5-year vesting period for single employer pension plans to multiemployer plans.

Faster vesting leads the way to greater portability, the ability to carry one's credit for service in an employer sponsored pension plan from job to job. My bill would also require the General Accounting Office to study pension portability and make recommendations to Congress.

Finally, Social Security integration is a little known, but potentially devastating, mechanism whereby employers may reduce pension benefits by the amount of Social Security to which an employee is entitled. My legislation would eliminate integration entirely by January 1, 2000.

I would urge my colleagues to support this vital piece of legislation.

DEFENSE DEPARTMENT IN PROCESS OF CREATING A NEW REVOLVING FUND

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RAY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important change going on at the Department of Defense. The Department of Defense is in the process of creating a new revolving fund called the defense business operations fund—the DBOF. Technically, the DBOF is a single revolving fund designed to place Department of Defense business accounts under one umbrella. The DBOF represents an effort by the Department of Defense to restructure its financial operations. Fiscal year 1992 will be the first year of the DBOF. In fiscal year 1992 we will see the dissolution of existing Army, Navy, and Air Force stock and industrial funds. These accounts will be replaced by the DBOF.

In the past, the services have maintained control of their respective stock funds to fund their supply, depot maintenance, and transportation needs. The DBOF will end this control. Mr. Chairman, the DBOF will be controlled by the Department of Defense. This means that the Defense Department can shift these funds around in any way they see fit, without regard to the priorities set by the services.

During the Easter recess I visited the Air Force logistic centers. I discussed the DBOF at length with each commanding general and I conclude that little is understood about the DBOF and what it will mean for the services. The House Armed Services Subcommittee on Readiness will hold a hearing later this month on the DBOF and other major changes occurring in the Pentagon. I encourage my colleagues to study the DBOF closely as it will have a serious impact on the way service funds are managed, and could significantly reduce congressional oversight of such funds.

THE CAPITAL GAINS TAX FAIRNESS ACT OF 1991

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, today I'm introducing the "Capital Gains Tax Fairness Act of 1991" to provide capital gains tax relief for middle income taxpayers. Some of us in Congress feel that it's time to consider a proposal that offers real and substantial capital gains relief to small businesses, farmers and other individuals who receive modest amounts of capital gains income each year.

In contrast to the President's proposal which would give 83 percent of the benefits to those with incomes over $100,000 a year, my proposal would focus its benefits on the middle income taxpayers who have an occasional capital gains.

The legislation that I've introduced allows an individual taxpayer to take up to a $200,000 basket of capital gains income at a lower rate over the lifetime of the taxpayer. Specifically, an individual would be permitted to exclude from income 50 percent of long-term gain received from the sale of most capital assets—except publicly traded assets and collectibles—up to a lifetime cap of $200,000. This proposal, that I developed in the 101st Congress, was passed by the House as part of last year's budget summit. It was later dropped in conference with the Senate.

In addition, my bill permits taxpayers to exclude a modest $1,000 of annual capital gains income received from asset sales including publicly traded assets. However, this exclusion is phased out for those taxpayers who make over $150,000 per year. The annual $1,000 exclusion amount is not counted against the lifetime cap.

This legislation is designed to help the family that sells a small business or family farm after owning it for 20 years, or a family that is cashing in some of the stock saved for their kids college education. It seems to me that it's only fair to eliminate the taxing of 20 years of inflationary value in those circumstances. The advantage of this approach is that it would offer capital gains relief to those who truly need it, without breaking the bank and without giving a tremendous tax cut to the wealthiest Americans.

Growth should be provided by generally lower taxes for everyone, not special tax breaks only for the rich. That's why I've developed a capital gains approach to ensure that capital- and ordinary-income tax rates stay relatively low, while providing relief from the inflationary gain that occurs on the asset sales of middle income Americans. Business investment decisions will remain guided by the marketplace, and not directed, once again, by sophisticated tax shelter peddlers for the rich.

In my judgment, this policy will help to strengthen the economy, to lower interest rates and to create new jobs and greater opportunities for future generations. I urge my colleagues to cosponsor this bill.

A full text of the bill follows:

H.R. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Capital Gains Tax Fairness Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—REDUCTION IN CAPITAL GAINS TAX FOR INDIVIDUALS

SEC. 101. REDUCTION IN CAPITAL GAINS TAX FOR INDIVIDUALS.

(A) GENERAL RULE.—Part I of subchapter P of Chapter 1 (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

"SEC. 1202. CAPITAL GAINS REDUCTION FOR INDIVIDUALS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the sum of—

"(1) the annual capital gains deduction (if any) determined under subsection (b), plus

"(2) the lifetime capital gains deduction for nontradable property (if any) determined under subsection (c).

"(b) ANNUAL CAPITAL GAINS DEDUCTION.—

"(1) IN GENERAL.—For purposes of subsection (a), the annual capital gains deduction determined under this subsection is the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) $1,000.

"(2) PHASE-OUT FOR INCOMES BETWEEN $100,000 AND $150,000.—The $1,000 amount specified in subparagraph (B) of paragraph (1) shall be reduced by an amount which bears the same ratio to $1,000 as—

"(A) the adjusted gross income of the taxpayer for the taxable year in excess of $100,000, bears to

"(B) $50,000.

"(3) CERTAIN INDIVIDUALS NOT ELIGIBLE—This subsection shall not apply to—

"(A) any taxpayer whose adjusted gross income for the taxable year exceeds $150,000, or

"(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) ANNUAL DEDUCTION NOT AVAILABLE FOR SALES TO RELATED PERSONS.—The amount of the net capital gain taken into account under paragraph (1)(A) shall not exceed the amount of the net capital gain determined by not taking into account gains and losses from sales and exchanges to any related person (within the meaning of section 267(b) or 707(b)(1)).

"(c) LIFETIME CAPTIAL GAINS DEDUCTION FOR NONTRADABLE PROPERTY.—

"(1) IN GENERAL.—For purposes of subsection (a), the lifetime capital gains deduction for nontradable property determined under this subsection for any taxable year is 50 percent of the qualified gain for such taxable year.

"(2) LIMITATION.—

"(A) IN GENERAL.—The amount of the qualified gain taken into account under paragraph (1) for any taxable year shall not exceed $200,000 reduced by the aggregate amount of the qualified gain taken into account under this subsection by the taxpayer for prior taxable years.

"(B) SPECIAL RULE FOR JOINT RETURNS.—The amount of the qualified gain taken into account under this subsection on a joint return for any taxable year shall be allocated equally between the spouses for purposes of determining the limitation under subparagraph (A) for any succeeding taxable year.

"(3) QUALIFIED GAIN.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified gain' means the lesser of—

"(i) the net capital gain for the taxable year reduced by the annual capital gains deduction for such taxable year, or

"(ii) the net capital gain for the taxable year determined by only taking into account gains and losses from sales and exchanges on or after April 11, 1991 of qualified assets.

"(B) SPECIAL RULES.—

"(i) For purposes of subparagraph (A)(ii), any amount treated as a capital loss for the taxable year under section 1212 shall be treated as a loss from a sale or exchange on or after April 11, 1991 of a qualified asset.

"(ii) A taxpayer may elect for any taxable year not to take into account under this subsection all (or any portion) of the qualified gain for such taxable year. Such an election, once made, shall be irrevocable.

"(4) QUALIFIED ASSETS.—For purposes of this subsection, the term 'qualified assets' means any property other than—

"(A) stock or securities for which there is a market on an established securities market or otherwise, and

"(B) property (other than stock or securities) of a kind regularly traded on an established market.

"(5) SUBSECTION NOT TO APPLY TO CERTAIN INDIVIDUALS.—This subsection shall not apply to any individual who has not attained age 25 before the close of the taxable year.

"(d) SECTION NOT TO APPLY TO CERTAIN TAXPAYERS.—No deduction shall be allowed under this section to—

"(1) a married individual (within the meaning of section 7703) filing a separate return for the taxable year, or

"(2) an estate or trust.

"(e) SPECIAL RULES.—

"(1) TREATMENT OF CERTAIN SALES OF INTERESTS IN PARTNERSHIPS, ETC.—For purposes of subsection (c), any gain from the sale or exchange of a qualified asset which is an interest in a partnership, S corporation, or trust shall not be treated as gain from the sale or exchange of a qualified asset to the extent such gain is attributable to unrealized appreciation in the value of property described in subparagraph (A) or (B) of subsection (c)(4) which is held by such entity. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(2) DEDUCTION AVAILABLE ONLY FOR SALES OR EXCHANGES ON OR AFTER APRIL 11, 1991.—The amount of the net capital gain taken into account under subsections (b)(1)(A) and (c)(3)(A)(i) shall not exceed the amount of the net capital gain determined by only taking into account gains and losses from sales and exchanges on or after April 11, 1991. For purposes of the preceding sentence, any amount treated as a capital loss for the taxable year under section 1212 shall be treated as a loss from a sale or exchange on or after April 11, 1991.

"(3) DETERMINATION OF ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—For purposes of subsection (b), adjusted gross income shall be determined—

"(i) without regard to the deduction allowed under this section, but

"(ii) after the application of sections 86, 135, 219, and 469.

"(B) COORDINATION WITH OTHER ADJUSTED GROSS INCOME LIMITATIONS.—For purposes of sections 86, 135, 219, and 469, adjusted gross income shall be determined without regard to the deduction allowed under this section.

"(4) SPECIAL RULE FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying this section with respect to any pass-thru entity—

"(i) the determination of when the sale or exchange occurs shall be made at the entity level, and

"(ii) any gain attributable to such entity shall in no event be treated as gain from sale or exchange of a qualified asset if interests in such entity are described in subparagraph (A) or (B) of subsection (c)(4).

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru-entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund."

(b) TREATMENT OF COLLECTIBLES.—

(1) IN GENERAL.—Section 1222 is amended by inserting after paragraph (11) the following new paragraph:

"(12) SPECIAL RULE FOR COLLECTIBLES.—

"(A) IN GENERAL.—Any gain or loss from the sale or exchange of a collectible shall be treated as a short-term capital gain or loss (as the case may be), without regard to the period such asset was held. The preceding sentence shall apply only to the extent the gain or loss is taken into account in computing taxable income.

"(B) TREATMENT OF CERTAIN SALES OF INTERESTS IN PARTNERSHIPS, ETC.—For purposes of subparagraph (A), any gain from the sale or exchange of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles held by such entity shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(C) COLLECTIBLE.—For purposes of this paragraph, the term 'collectible' means any capital asset which is a collectible (as defined in section 408(m) without regard to paragraph (3) thereof)."

(2) CHARITABLE DEDUCTION NOT AFFECTED.—

(A) Paragraph (1) of section 170(e) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)."

(B) Clause (iv) of section 170(b)(1)(C) is amended by inserting before the period at the end thereof the following: "and section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)".

(c) Minimum Tax.—Paragraph (1) of section 56(b) is amended by adding at the end thereof the following new subparagraph:

"(G) Capital gains deduction not allowed.—The deduction under section 1202 shall not be allowed."

(d) Coordination With Maximum Capital Gains Rate.—Subsection (h) of section 1 (relating to maximum capital gains rate) is amended to read as follows:

"(h) Maximum Capital Gains Rate.—

"(1) In general.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of the net capital gain, or

"(ii) the amount of taxable income taxed at a rate below 28 percent, plus

"(B) a tax of 28 percent of the amount of taxable income in excess of the amount determined under subparagraph (A).

"(2) Coordination with section 1202 deduction.—For purposes of paragraph (1), the amount of the net capital gain shall be reduced by the sum of—

"(A) the amount allowable as a deduction under section 1202(a)(1), plus

"(B) the amount of the qualified gain (as defined in section 1202(c)) for the taxable year to the extent taken into account under section 1202(c)(1) for the taxable year."

(e) Conforming Amendments.—

(1) Subsection (a) of section 62 is amended by inserting after paragraph (13) the following new paragraph:

"(14) Capital gains deduction.—The deduction allowed by section 1202."

(2) Clause (ii) of section 163(d)(4)(B) is amended by inserting ", reduced by the amount of any deduction allowable under section 1202 attributable to gain from such property" after "investment".

(3)(A) Paragraph (2) of section 172(d) is amended to read as follows:

"(2) Capital gains and losses of taxpayers other than corporations.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction provided by section 1202 shall not be allowed."

(B) Subparagraph (B) of section 172(d)(4) is amended by inserting ", (2)(B)," after "paragraph (1)".

(4)(A) Section 220 (relating to cross reference) is amended to read as follows:

"SEC. 220. CROSS REFERENCES.

"(1) For deduction for net capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of Chapter 1 is amended by striking "reference" in the item relating to section 220 and inserting "references".

(5) Paragraph (4) of section 691(c) is amended by striking "1201, and 1211" and inserting "1201, 1202, and 1211".

(6) The second sentence of paragraph (2) of section 871(a) is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction for net capital gain) and" after "except that".

(7) Paragraph (1) of section 1402(i) is amended to read as follows:

"(1) In general.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply."

(f) Clerical Amendment.—The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1202. Capital gains deduction for individuals.

(g) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after April 11, 1991.

(2) Treatment of collectibles.—The amendments made by subsection (b) shall apply to dispositions on or after April 11, 1991.

(3) Coordination with prior transition rule.—Any amount treated as long-term capital gain by reason of paragraph (3) or (4) of section 1122(h) of the Tax Reform Act of 1986 shall not be taken into account for purposes of applying section 1202 of the Internal Revenue Code of 1986 (as added by this section).

Title II—Depreciation Recapture

SEC. 201. RECAPTURE UNDER SECTION 1250 OF TOTAL AMOUNT OF DEPRECIATION.

(a) General Rule.—Subsections (a) and (b) of section 1250 (relating to gain from disposition of certain depreciable realty) are amended to read as follows:

"(a) General Rule.—Except as otherwise provided in this section, if section 1250 property is disposed of, the lesser of—

"(1) the depreciation adjustments in respect of such property, or

"(2) the excess of—

"(A) the amount realized (or, in the case of a disposition other than a sale, exchange, or involuntary conversion, the fair market value of such property), over

"(B) the adjusted basis of such property, shall be treated as gain which is ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(b) Depreciation Adjustments.—For purposes of this section, the term 'depreciation adjustments' means, in respect of any property, all adjustments attributable to periods after December 31, 1963, reflected in the adjusted basis of such property on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other for exhaustion, wear and tear, obsolescence, or amortization (other than amortization under section 169, 185 (as in effect before its repeal by the Tax Reform Act of 1986), 188 (as in effect before its repeal by the Revenue Reconciliation Act of 1990), 190, or 193). For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed as a deduction for any period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed."

(b) Limitation in Case of Installment Sales.—Subsection (i) of section 453 is amended—

(1) by striking "1250" the first place it appears and inserting "1250 (as in effect on the day before the date of the enactment of the Capital Gains Tax Fairness Act of 1991", and

(2) by striking "1250" the second place it appears and inserting "1250 (as so in effect)".

(c) Conforming Amendments.—

(1) Subparagraph (E) of section 1250(d)(4) is amended—

(A) by striking "additional depreciation" and inserting "amount of the depreciation adjustments", and

(B) by striking "Additional depreciation" in the subparagraph heading and inserting "Depreciation adjustments".

(2) Subparagraph (B) of section 1250(d)(6) is needed to read as follows:

"(B) Depreciation adjustments.—In respect of any property described in subparagraph (A), the amount of the depreciation adjustments attributable to periods before the distribution by the partnership shall be—

"(i) the amount of gain to which subsection (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time, reduced by

"(ii) the amount of such gain in which section 751(b) applied."

(3) Subsection (d) of section 1250 is amended by striking paragraph (10).

(4) Section 1250 is amended by striking subsections (e) and (f) and by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

(5) Paragraph (4) of section 50(c) is amended to read as follows:

"(4) Recapture of reduction.—For purposes of sections 1245 and 1250, any reduction under this subsection shall be treated as a deduction allowed for depreciation."

(6) Clause (i) of section 267(e)(5)(D) is amended by striking "section 1250(a)(1)(B)" and inserting "section 1250(a)(1)(B) (as in effect on the day before the date of the enactment of the Capital Gains Tax Fairness Act of 1991".

(7)(A) Subsection (a) of section 291 is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Subsection (c) of section 291 is amended to read as follows:

"(c) Special Rule for Pollution Control Facilities.—Section 168 shall apply with respect to that portion of the basis of any property not taken into account under section 169 by reason of subsection (a)(4)."

(C) Section 291 is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(D) Paragraph (2) of section 291(d) (as redesignated by subparagraph (C)) is hereby repealed.

(E) Subparagraph (A) of section 265(b)(3) is amended by striking "291(e)(1)(B)" and inserting "291(d)(1)(B)".

(F) Subsection (c) of section 1277 is amended by striking "291(e)(1)(B)(ii)" and inserting "291(d)(1)(B)(ii)".

(8) Subsection (d) of section 1017 is amended to read as follows:

"(d) Recapture of Deductions.—For purposes of sections 1245 and 1250—

"(1) any property the basis of which is reduced under this section and which is neither section 1245 property nor section 1250 property shall be treated as section 1245 property, and

"(2) any reduction under this section shall be treated as a deduction allowed for depreciation."

(9) Paragraph (5) of section 7701(e) is amended by striking "(relating to low-income housing)" and inserting "(as in effect

on the day before the date of the enactment of the Capital Gains Tax Fairness Act of 1991".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions made on or after April 11, 1991, in taxable years ending on or after such date.

SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND INTERGENERATIONAL PROGRAMS ACT OF 1991

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. LLOYD. Mr. Speaker, today, I am introducing the School-Based Meals for Older Individuals and Intergenerational Programs Act of 1991. This legislation will expand the congregate meals program authorized under the Older Americans Act [OAA]. The bill addresses the need for nourishing meals for millions of older Americans, and the importance and benefits of providing opportunities for the young and old to interact.

Senator BROCK ADAMS, who is the chairman of the Senate Committee on Labor and Human Resources' Subcommittee on Aging will also introduce this legislation. It is more than appropriate that Senator ADAMS sponsors this particular measure because it is modeled on a program located in Seattle, WA, entitled "SPICE"—School Programs Involving Our City's Elderly. The SPICE Program, which has been in operation for over 16 years, is known as one of the most successful intergenerational programs in the Nation. I would like to take this opportunity to express my appreciation to the program's executive director, Ken Camper, for contributing his expertise and insight throughout the development of this bill.

Mr. Speaker, I have two principle reasons for introducing this legislation. First, the development of ways to provide congregate and home-delivered meals to needy older Americans is essential. There are millions of older individuals who could benefit from nutritious meals, but the meals are simply not available to them. This unfulfilled need is increasing as our population ages and as funding sources are reduced. It is imperative that during this year's reauthorization of the Older Americans Act we act to confront this problem. Second, I believe that intergenerational programs are critical to our future. We must unite the young and the old to enable them to exchange ideas and to assist one another in coping with the demands of our complex society.

Mr. Speaker, my vision is to reduce age segragation and intergenerational tension through the development of innovative programs involving individuals of all ages. My legislation will fund such programs in communities with severe needs. This legislation has been written with the experiences of numerious intergenerational programs in mind. It combines a low-cost lunch for older adults with a variety of educational, health, recreational, and social activities that will benefit students and the elderly.

Mr. Speaker, the bill creates a new subsection under the Nutrition Services Program in the OAA to furnish nutrition providers with grants to establish new congregate meal sites in schools. The grants would be used to develop meals programs that are desperately needed and intergenerational programing that will offer the elderly's unique range of knowledge, talents, and experiences to the students of these schools. It is my hope that this interaction between generations will benefit older individuals by acknowledging that society wants and needs to tap them as a vital resource. This program attempts to promote a sense of self-worth among older individuals and provide them with rewarding activities in roles as tutors, teacher aides, special speakers, playground supervisors, and in many other volunteer roles.

At the same time, I believe that the children and young adults of our Nation will benefit greatly from more interaction with older adults. Our young people face very difficult situations as they advance through the educational system. The intergenerational programs that this bill creates will assist students in schools with the greatest needs as evidenced by dropout rates, substance abuse, poverty, and other factors that indicate an at risk student population. Older Americans can and want to help their communities, including serving as positive role models for students.

School districts will benefit from this program, as well. They need broad-based support in their communities for school initiatives, and the elderly, who will become more familiar with the school systems through this program, can help on such initiatives. Schools and teachers also benefit from the availability of volunteers to provide classroom assistance. This program will also put to good use underutilized space and equipment that school districts often have as a result of decreases in enrollment.

The benefits of the School-Based Meals for Older Individuals and Intergenerational Programs Act are numerous, and I would like to further explain some of the many benefits of this program by inserting in the RECORD a section-by-section description of the bill for my colleagues' consideration. I insert the section-by-section description and a recent study by the National Association of Nutrition and Aging Services Programs [NANASP] regarding the status of nutrition sites in the RECORD.

Mr. Speaker, Senator ADAMS and I have written several advocates for the elderly regarding this piece of legislation. We have solicited comments from them on ways in which we can strengthen intergenerational initiatives. Their responses have been very positive and we anticipate embarking on a united effort to support this measure.

I look forward to working with my distinguished colleague Representative MARTINEZ, who serves as chairman of the Committee on Education and Labor's Subcommittee on Human Resources, which has jurisdiction over the Older Americans Act, and its former chairman, Representative KILDEE.

In conclusion, Mr. Speaker, I ask my colleagues to join me in supporting the School-Based Meals for Older Individuals and Intergenerational Programs Act of 1991. This bill provides needy older adults with nourishing meals and creates an environment in which students and older individuals may learn and profit from the experiences they share.

The material follows:

GRAND RAPIDS, MI.—The National Association of Nutrition and Aging Services Programs (NANASP) recently conducted an informal survey of its membership to obtain a "snapshot" of the status of elderly nutrition services throughout the United States.

The survey asked questions of its member nutrition providers concerning current and anticipated service levels and unmet nutrition needs in their area. Two hundred and seventh-three responses (273) were received from 46 states, plus Guam and Puerto Rico.

"What is revealed through this survey is that nutrition programs across the country are experiencing great difficulty in meeting the growing needs of the senior population," offered John Wren, NANASP First Vice-President and the author of the study. "The numbers of sites closed in FY90 or targeted for closing in FY91 is a red flag that these core services are at risk." (See attached Survey Compilation)

Twenty percent of those projects responding indicated that 133 meal sites had been closed in FY90. Respondees also indicated that 785,911 home-delivered meals had been cut in FY90.

Comments included in survey responses proved revealing. In order to maintain service, programs have "cut staff hours, eliminated all training, reduced educational programming at sites, and served less expensive food items". Clients are called upon to increase donations and only the most frail are put on the home-delivered meals program.

"The results of this membership survey are a call to action and an indication of the need for further study," noted Toby Felcher, President of NANASP. "It appears that the Title IIIC–1 nutrition programs have been severely eroded in their ability to serve the elderly."

For further information, contact NANASP at (800) 999–6262 or (616) 531–9909.

SURVEY COMPILATION

Question #1. Number of sites closed in FY'90: 56 programs (20.5 percent) reported 1 or more sites were closed in FY'90. Low—1 site, High—18 sites. Total Sites Reported Closed—133; 13 programs reported that only local fundraising avoided site reductions; 7 programs reported increases in number of sites/service levels due to fundraising/increase in local support; and 4 programs reported site closed unrelated to funding.

Question #2. Number of sites to be closed in FY'91: 55 programs (20.1 percent) reported 1 or more sites will close in FY'91. Low—1 site, High—11 sites; Total Additional Sites To Be Closed—137; of these 55 programs, 23 also had FY'90 closings, and 32 will experience reductions for the first time; 13 additional programs reported that site closings were "uncertain" or "unknown" at this time; 16 programs responded that although no sites were closed, the number of meals or days/hours of operation will be reduced; and 2 programs reported they need additional funds to maintain services.

Question #3. Number of H.D. meals reduced in FY'90: 65 programs (23.8 percent) reported H.D. meal reductions in FY'90; 785,911 meals were reportedly cut from programs in FY'90. and 8 programs will be able to increase H.D. meals by 165,141, 2 other programs will have unstated increases.

Question #4. Number of H.D. meals to be reduced in FY'91: 77 programs (28.2 percent) report that H.D. meals will be reduced in

FY'91; of these 77 programs, 42 had FY'90 reductions and 35 will experience reductions for the first time; 960,079 meals are planned for reduction in FY'91; 10 programs responded "unknown", "uncertain", or "?"; and 6 programs plan to increase H.D. meals by 60,898.

Question #5. Number of clients on congregate waiting list: 44 programs (16.1 percent) reported waiting lists for congregate nutrition services; 12,623 seniors were reportedly on waiting lists for services; and 8 programs also reported unserved/underserved areas within their communities.

Question #6. Number of clients on home-delivered waiting list: 129 programs (47.3 percent) reported waiting lists for H.D. meal services; and 18,523 seniors are on waiting lists for H.D. meals.

SECTION-BY-SECTION DESCRIPTION

The legislation amends the Older Americans Act of 1965 to provide nutrition services for older individuals and intergenerational activities in elementary and secondary school facilities.

SECTION 1: SHORT TITLE.

"School-Based Meals for Older Individuals and Intergenerational Programs Act of 1991".

SECTION 2: FINDINGS AND PURPOSES

Findings

1. There are millions of older individuals who could benefit from congregate nutrition services, but meals are unavailable or limited in the areas where they live.
2. There are millions of students who need positive role models, tutors, enhancement of their self-esteem, and assistance with the problems they face in our complex society.
3. Older individuals have a unique range of knowledge, talents, and experiences, which can be of immeasurable value for students as a part of their educational process, and intergenerational programs can provide older persons with the opportunity to contribute their skills and talents in our public schools.
4. Programs that create and foster communication between older individuals and youth are effective in improving awareness and understanding of the aging process; they can also promote more positive, balanced views of the realities of aging, and reduce negative stereotyping of older individuals.
5. Unusued or underused space in school buildings can be shared for intergenerational programs serving older individuals in exchange for good faith commitments to provide volunteers to assist the schools.
6. School districts need broad-based support in their communities for school initiatives, and intergenerational programs can help to enrich that support.

Purposes

1. To create and foster intergenerational opportunities for older individuals and students in the schools where meals and social activities are provided.
2. To assist students in schools with the greatest needs as evidenced by drop-out rates, substance abuse, poverty, and low rates of English proficiency.
3. To provide older individuals with opportunities to improve their self-esteem and make a major contribution to the educational process of our youth by contributing their unique knowledge, talents, and sense of history through roles as tutors, teacher aides, living historians, special speakers, mentors, playground supervisors, lunchroom assistants, and in many other volunteer support roles.
4. To provide the potential for older individuals to have access to school facilities, such as libraries, gymnasiums, theaters, cafeterias, audio-visual resources, and transportation.
5. To create other programs for interaction between students and older individuals, including class discussions, dramatic programs, sharing of school assemblies, mutual classes, field trips, and others.

SECTION 3: AUTHORIZATION OF APPROPRIATIONS

There are funds authorized for nutrition services and intergenerational activities for fiscal years 1992–95 at the following amounts: FY92—$50,000,000; FY93—$52,500,000; FY94—$55,125,000; and FY95—$57,881,250—to carry out subpart 3 of part C of title III. This reflects increases for inflation of five percent each year.

SECTION 4: SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND INTERGENERATIONAL PROGRAMS

The Older Americans Act of 1965 is amended by adding a new subpart 3 under title III C.

The Commissioner will make grants to states under their state plans for the establishment and operation of projects that:

1. Are carried out in elementary and secondary schools,
2. Provide to older individuals hot meals, each of which assures a minimum of one-third of the dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council:
   A. While schools are in session;
   B. During the summer; and
   C. On the weekdays in the school year when such schools are not in session
3. Provide intergenerational activities in which older individuals and students interact at such schools,
4. Provide social and recreational activities for older individuals at such schools,
5. Develop and maintain skill banks in which information on the skills and preferred activities of older individuals is maintained and available to school officials for providing such individuals with opportunities to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom cashiers, and assistants in such schools,
6. Provide opportunities for older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities (such as cafeterias, libraries, gymnasiums, and auditoriums),
7. Applications will be submitted to the appropriate state units on aging with comments from the appropriate area agency on aging and local educational agency
8. 15 percent of the cost of each project shall be paid in cash or in kind from non-Federal sources,
9. Applicants must demonstrate the need for such projects, how the project will be coordinated with other nutrition services and other services currently provided,
10. Each year priority for grants will be given to entities that carried out a nutrition project under this program the previous year and to entities that carried out a nutrition project under Title 3, Part C of the Older Americans Act,
11. Priority will also be given to applicants that will serve schools with the greatest need as evidenced by such factors as dropout rates, substance abuse, and the number of limited English-speaking children,
12. The Commissioner will report to Congress on the effectiveness of this program,
13. Administrative costs are limited for this program, and
14. Funds may not be transferred from this program.

SECTION 5: EFFECTIVE DATE

This legislation shall take effect on October 1, 1992.

NATIVE AMERICAN TRUST FUND EQUITY ACT OF 1991: JUSTICE DELAYED IS JUSTICE DENIED

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SYNAR. Mr. Speaker, I rise today to introduce the Native American Trust Fund Equity Act of 1991, legislation to require the Secretary of the Interior to invest and pay interest on individual Indian money [IIM] funds held in trust by the Federal Government. Its enactment is necessary to prevent a grave injustice to many of the 300,000 Native Americans for whom the Bureau of Indian Affairs holds money in trust.

The system of trusteeship and Federal management of Indian funds is deeply rooted in Indian–U.S. history. Treaties are the first and probably most important means by which trust funds were held by the United States for the benefit of individuals or tribes. While the earliest treaties did not provide that the United States retain funds in trust for the tribes, in 1820 the Federal Government adopted the policy of holding tribal funds in trust. President Andrew Jackson may have been the first Federal trustee of Indian moneys.

Later, the role of trustee was delegated to the Secretary of the Interior. Since 1918, the Interior Department's Bureau of Indian Affairs [BIA] has had the legal authority to invest Indian trust funds. In 1938, the Bureau decided that all IIM funds would be invested and directed by its agency offices to do so. Since 1966, the BIA's branch of investment has pooled all IIM accounts for investment purposes. The Bureau allocates interest earned on the investment pool to individual accounts.

Historically, the trust fund comprised three types of funds held by the United States: Indian moneys, proceeds of labor [IMPL], including all proceeds of "pasturage and sales of timber, coal or other product of any Indian reservation * * * and not the result of labor of any member of such tribe"; tribal and individual Indian money [IIM] accounts; and tribal trust funds (often containing payments for cession of land). Today, IMPL accounts are being phased out and replaced by tribal and individual accounts pursuant to a 1981 act of Congress. The trust fund now consists chiefly of tribal and individual accounts. These funds are derived from a variety of sources including: judgments awards; oil and gas royalty income; land leases; timber stumpage; and investment income. The largest single source of income to the tribal trust funds consists of judgments from Indian Claims Commission cases.

The various Indian trust fund accounts now total about $2 billion, containing funds belonging to approximately 300,000 individual native Americans and the 254 separate Indian tribes.

Federal law requires the Secretary of Interior to deposit tribal funds in the U.S. Treasury or manage the funds in trust in the name of the United States. However, the same rules may not apply to funds held in trust for individual native Americans.

In fact, the Comptroller General has determined that the law, 25 U.S.C. 162a, governing the investment of individual Indian moneys [IIM] does not require the payment of interest on IIM accounts and that the BIA is not liable to IIM account holders for loss of interest, even those losses resulting from the Bureau's failure to manage IIM investments properly.

The Comptroller General's Decision, B-243029, dated March 25, 1991, but issued today, has the force of law. Title 31 authorizes the Comptroller General to advise agencies on how they may spend their appropriations (31 U.S.C. 3529) and, to settle claims against the Government. Technically, this decision is an advance determination advising the BIA that it would be in violation of appropriations laws to pay imputed, unearned interest on IIM accounts. In effect, the decision also advises the BIA on how the General Accounting Office would settle claims filed against BIA for imputed interest in IIM accounts.

The Comptroller General's decision was issued in response to a request by Stanley M. Speaks, Acting Deputy Commissioner of Indian Affairs, requesting an advance determination on the propriety of paying IIM account holders interest income that would have accrued but did not, because of the Bureau's management of those accounts.

Mr. Speaker, the Comptroller General's decision could not have come at a worse time for the Indian Trust Fund Program. In fact, it is a major setback in efforts to correct years of mismanagement and abused by the BIA. Neither the BIA, the Congress, nor the IIM account holders are in a position at this time to calculate with any certainty an estimated total of lost interest, or even to identify, for example, those accounts or portions of accounts that have not been invested, over what period of time BIA may have failed to invest particular IIM funds, or when interest may not have been posted properly.

As my colleagues may know, because of inaccurate financial records, poor accounting processes, and inadequate management and controls of Indian trust funds by BIA documented in numerous audit reports by the Department of the Interior's own Office of Inspector General [OIG], Congress has instructed the Bureau to audit and reconcile all Indian accounts to the greatest extent practicable (Public Law 101-512, 104 Statutes 1915 (1990); Public law 101-121, 103 Statutes 702 (1989)).

As documented by the OIG and others, there have been many instances where the Bureau has, either by neglect or by decisions, failed to invest some IIM moneys, and has deprived accounts holders of the opportunities to earn interest income by failing to record interest income properly or to credit an account holder with interest earned. For example, the BIA has not calculated interest on oil and gas royalties since 1985, although such funds are invested as part of the IIM pool of funds.

For example, from 1982 through 1989, the OIG issued 30 separate audit reports covering various aspects of BIA's management and accounting for trust funds. Here is a summary of the OIG findings:

Individual Indian money accounts [IIM]: (Nine audits from 1983 to 1988) The BIA did not have a centralized managerial operation with responsibility and control over all aspects of the individual Indian money operation. Many BIA agencies did not reconcile their account balances with BIA's control account balances, did not meet their trust responsibilities relating to funds held in supervised accounts, and made significant errors in computing interest payable on IIM's. The agencies had numerous accounting errors and other internal control weaknesses.

Oil and Gas Royalty Payments: (Four audits from 1983 to 1986) Royalties were not distributed to Indian mineral owners in a timely manner. Interest earned on oil and gas revenues deposited in special accounts and U.S. Treasury accounts were not distributed to tribes and individual Indians. Oil and gas collections were not deposited on time.

Judgment Award Funds: (Ten audits in 1988) Improper accounting entries and inadequate internal control resulted in overdisbursements of judgment award funds and negative account balances. Permanent investment accounts were reduced below authorized levels. Funds were not distributed to IIM's.

Leasing and Realty Operations: (Five audits from 1982 to 1984) Agricultural lands remained unleased for extended periods, and leases were not reissued in a timely manner. Fair rental rates and grazing fees were not charged. Delinquent rents were not collected, and interest was not collected on late rental payments. Rents were not properly distributed and grazing fees were not equitably allocated to landowners.

This is only a summary of the extensive management and accounting failures of BIA. Furthermore, these difficulties are symptomatic of the chronic problems of a BIA accounting system that cannot accurately tell tribes of IIM account holders how much money they have or should have.

To make matters worse, when Indian trust funds have been lost, the appropriate account holders have not been reimbursed because the Bureau does not have a formal policy for reimbursing account holders for losses. In fact, the Bureau has repeatedly failed to even notify account holders when such losses have occurred. The loss of trust funds is inconsistent with the Bureau's fiduciary and trust responsibilities. It is apparent that the Bureau must establish a policy that ensures that account holders who sustained losses of principal and interest are able to recoup losses after a reasonable time has elapsed. It is unfair and unreasonable to expect anything less.

Coupled with the manifest BIA management failures, the Comptroller General's Decision is a recipe for serious injustice in Indian country. The result is unfair, but Congress can correct the situation by enacting the Native American Trust Fund Equity Act of 1991.

The Comptroller General's decision turns on the wording of 25 U.S.C. 162a, which authorizes the Secretary to invest IIM moneys, but does not require him to do so. Clearly, the BIA should be required to invest these funds and to make them as productive as possible for the beneficiaries. The Native American Trust Fund Equity Act of 1991 will do just that. Moreover, it will authorize the Secretary of the Interior to pay lost interest resulting from past BIA failure to properly manage IIM investments.

Stated simply, the Native American Trust Fund Equity Act of 1991 reinforces our moral and ethical obligations to individual indian moneys account holders. By its enactment, Congress will create the authority for the Secretary of the Interior to honor our fiduciary responsibilities to native Americans; however, any expenditures under such authority will be subject to the annual appropriations process.

Mr. Speaker, clearly, the responsibilities imposed by treaties, statutes and the courts have established a complex set of responsibilities for the BIA. However, accounting for the daily and annual balances of the trust fund has been a continuing point of controversy and rightful criticism of BIA management. There are hundreds of thousands of native Americans who look to the BIA for help, understanding and cooperation. They deserve leadership. They deserve support. They deserve accountability. They deserve a fair shake and honest administration from their government. They deserve the Native American Trust Fund Equity Act of 1991.

I hope my colleagues will join me in cosponsoring this legislation and helping to ensure its rapid enactment.

TRIBUTE TO GAYLE LAVALLEE—WINNER OF CABLE IN THE CLASSROOM EDUCATOR AWARD

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to a truly remarkable schoolteacher from my home State of New Hampshire. Gayle LaVallee, a 7th grade English and social studies teacher at Merrimack Valley Middle School, was recently selected as one of only 14 persons nationwide to be awarded the 1991 Cable in the Classroom Educator Award.

"Newsroom," a project designed by Continental Cablevision, helped Gayle expose her students to reportorial and interpretive newsgathering. Under her direction, the students used their newfound skills to write and edit a weekly newspaper. The students conducted interviews, wrote editorials—which offered them an opportunity to express their personal opinions on issues, and conducted polls of the student body, thus involving the entire school. Under Gayle's leadership, but with an impressive degree of autonomy, the students succeeded in producing a stellar work of journalism.

Mr. Speaker, an alarming 25 percent of students fail to graduate from high school every year. Our country desperately needs more imaginative teachers like Gayle to create programs which build self-confidence and help students recognize and reach their full potential in academia. With this sort of hands on program students are encouraged not only to remain in school, but to excel. The importance of Gayle's drive and determination cannot be overemphasized. She has shown us that creativity on the part of our teachers can provide an educational program which is both entertaining and rewarding. It is innovative teachers like Gayle who help to turn impressionable young teenagers into conscientious students.

Mr. Speaker, I ask my colleagues to join me in congratulating Gayle LaVallee on receiving this most deserved award. It is refreshing that amidst the crisis in education our great country faces there are people like Gayle, who so effectively demonstrate that dedicated people can make a crucial difference in the lives of our Nation's children.

TRIBUTE TO BUSINESS/EDUCATION SERVICES AND TRAINING PROGRAM

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HERTEL. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Business/Education Services and Training [BEST] Program, as well as the Drop Everything and Read [DEAR] Program of Madison Heights, MI.

The Best Program is a development of the Madison adult education consortium which is designed to be comprehensive hands-on student training and education project with the help of credit unions in the Metropolitan Detroit area. The early progress of the program is a positive indication of its future success in this area, as well as its capacity to expand into other fields of industry.

In addition, the people of Madison Heights are earning the title of the "Community That Reads" through an innovative reading program designed to involve community leaders and businesses in the task of teaching our children to read. To that end, Thursday, April 18, 1991, has been declared Community Reading Day wherein celebrity readers and volunteers will visit classrooms in the city of Madison Heights from 1 p.m. to 1:30 p.m. All classrooms in the city of Madison Heights will drop everything and read. The city has gone even further to resolve that all local businesses and government offices be encouraged to drop everything and read during this half hour period.

Many people speak of helping the youth in their communities gain valuable on-the-job skills and experience and even more speak of fighting illiteracy, but the education professionals and business leaders of Madison Heights are doing it. My dear colleagues, please join me in commending and congratulating these citizens of Madison Heights for their valiant and worthwhile endeavors.

A TRIBUTE TO ANDY WINDERS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ATKINS. Mr. Speaker, there have been many great basketball players to take to the parquet floors of Boston Garden, from Cousy and Russell to Bird and Parish. Recently, however, a player more inspiring than any Celtic great that graced that famous floor has come to my attention. That player was Andy Winders.

Andy is a senior at Action-Boxboro Regional High School, and captain of their boys basketball team. As their captain, Andy led the team to the division 2 State Championship game. Unfortunately, Action-Boxboro's remarkable season did not end on a positive note. They lost a 76–74 heart breaker to the opposing team from Sharon.

What was impressive about Action-Boxboro, and in particular, Andy Winders, was not the way they played the game itself, it was not the 35 points Andy scored, it was not the fact that 25 of them came in the second half and it was not the fact that he made three pointer after three pointer in the waning minutes of play. It was the fact that he did all of this while suffering from Cystic Fibrosis.

The disease and the accompanying nagging cough have afflicted Andy since birth, but he has not let this adversity hinder him in any way—on or off the court. He is president of Action-Boxboro's chapter of the National Honor Society and is highly respected by his peers, teachers, and coaches.

Mr. Speaker, I hope that the example that has been set by Andy Winders not only reminds us how fortunate many of us are, but drives us beyond the fetters of our limitations.

HARRIET TAYLOR UPTON NATIONAL HISTORIC SITE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. TRAFICANT. Mr. Speaker, I introduced legislation yesterday that would designate the former residence of famous suffragette Harriet Taylor Upton of Warren, OH, a national historica site.

Harriet Taylor Upton dedicated her life to the cause of women's rights. In 1921, she served as a representative from Ohio on the national executive committee of the State Suffrage Association. She also served as an honorary vice president of the association that same year. As treasurer of the National American Woman Suffrage Association, Harriet Taylor Upton Transformed the association into a debt-free, profitable organization.

In addition to her work in the suffrage movement, Mrs. Upton was a major figure in other spheres of national politics. She served as vice chairperson of the executive committee of the Republican National Committee—the first woman to ever hold that position from either party. She was also instrumental in opening the U.S. Diplomatic Corps to women.

My legislation would give the U.S. Department of the Interior the authority to acquire the property with either government money, donated funds or by exchange. The former residence would be designated as the Harriet Taylor Upton National Historic Site and would be administered by the National Park Service.

I encourage my colleagues to cosponsor this bill. Harriet Taylor Upton's residence is a previous historic landmark. It should be preserved and maintained to educate future generations of Americans and as a lasting tribute to this great American.

TRIBUTE TO FORMER DODGER GREAT JOHN ROSEBORO

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. DYMALLY. Mr. Speaker, I rise to pay tribute to a great Californian, John Roseboro. Those of us who are fans of the national pastime vividly recall the outstanding job that John Roseboro did as catcher for the Los Angeles Dodgers. During the sixties, John caught more than 100 games for 7 consecutive years and every inning of every game in the first 4 Los Angeles World Series—1959, 1963, 1965, and 1966.

After an illustrious career as a player, John Roseboro used his leadership qualities in the world of business. In the midseventies he started a public relations company, Fouch Roseboro. Not surprisingly, the company was and continues to be a successful enterprise.

Mr. Speaker, Roseboro's success in the business world didn't provide the personal happiness he derived from playing baseball. He was once quoted as saying "the only thing that I have really enjoyed in my life is baseball. The rest you do to exist." It's crystal clear that No. 8 should be utilizing his skills as a big league manager. In 1987, he began the journey toward his ultimate goal by signing on as a minor league catching instructor. Since that time he has served as a roving instructor to minor leaguers in the Dodger organization. His most recent assignment is manager of the Licei Tigers in the Dominican Republic Winter League. Apparently, John Roseboro has the golden touch because the Licei Tigers won the Winter League Championship for 1990. This is a well deserved honor for John Roseboro and his players.

As the major league baseball season begins and throngs fill the Nation's ball parks, serious baseball fans are waiting anxiously for the day that John Roseboro trots out for the pregame meeting with the umpires prior to a team that he manages taking the field. Mr. Speaker, I hope we don't have to wait much longer for that moment. John Roseboro deserves it and so does baseball.

RETIREMENT: JOHN CROWLEY, PASADENA BOARD OF DIRECTORS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ROYBAL. Mr. Speaker, this month, the city of Pasadena will lose one of its most distinguished public officials. John Crowley has served the citizens of southern California in a number of capacities for over 40 years, and on behalf of all of my constituents, I would like to pay tribute to him on the occasion of his retirement from the Pasadena Board of Directors.

Since 1978, John Crowley has served on the Pasadena Board of Directors, highlighted by a term as mayor from 1986 to 1988. During his tenure, he was instrumental in developing a long-term financial plan for the city as well as helping Pasadena meet its growing infrastructure needs.

Director Crowley began his career in 1942 as a consultant to the public administration service in addition to serving as the southern California manager of this League of California Cities. In 1983, he became the city manager of Monterey Park, CA. After serving the city of Monterey for 8 years, John took a break from public service to concentrate on a career in real estate development and management. In 1978, he returned to public life when he was elected to the Pasadena Board of Directors, representing the city's first district, a position he will relinquish this month.

In addition to his impressive public record, John has been active in a number of other areas. He is a past president of the Southern California Chapter of the American Society for Public Administration, a member of the National Civic League Board of Directors, and member of the Burbank-Glendale-Pasadena Airport Authority. In his community he has been the chairman of a number of organizations including the Pasadena Area Liberal Arts Center, the city of Pasadena Cultural Heritage Commission, and the Pacificulture Foundation and Asia Museum. And, he is currently a member of the board of managers of his alma mater, Swarthmore College.

Mr. Speaker, it would take all day to read a list of all of John's accomplishments. An even longer list might be the number of southern Californians who have benefited from his dedicated service. He will be missed on the Pasadena Board of Directors, but there is no doubt that he will remain an active and valued member of the community. We wish him the best in his retirement.

INTRODUCTION OF A BILL TO CORRECT THE TARIFF INVERSION ON CERTAIN IRON AND STEEL PIPE AND TUBE PRODUCTS

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RUSSO. Mr. Speaker, I rise today to introduce a bill to amend the Harmonized Tariff Schedules of the United States to correct the tariff rate inversion on carbon and stainless steel pipe and tube products. A general policy behind the tariff schedules of the United States and those of our trading partners is to effect higher tariffs on higher value-added products. However, the Harmonized Tariff Schedule of the United States applies lower tariffs on higher value-added products, steel pipes and tubes, than it applies to the input products, steel sheets and plates.

I, and several of my colleagues on the Ways and Means Committee, have sought a reasonable remedy for this unintended and unfair tariff inversion since the issue was first brought to my attention in 1985. We have communicated our concern about this issue to the U.S. Trade Representative on many occasions. The U.S. Trade Representative has acknowledged that this tariff inversion has been harmful to U.S. producers of pipe and tube products. Furthermore, it is agreed that tariff inversions, in general, are contrary to national and international tariff policies. However, the U.S. Trade Representative has opposed a legislative approach to this problem in favor of international negotiations under the auspices of the Uruguay round.

It was first suggested to the Trade Subcommittee on July 7, 1988 that the U.S. Trade Representative would seek to correct the tariff inversion between welded steel pipes and tubes and flat-rolled steel through the GATT tariff negotiations. Former U.S. Trade Representative Clayton Yeutter indicated then that this tariff inversion was a high priority for the United States at the Uruguay round trade talks. On September 22, 1988, the Trade Subcommittee held a hearing to consider my bill to correct the tariff inversion. At that hearing former U.S. Trade Representative General Counsel Judith Bello assured members of the subcommittee that the United States would seek to correct the inversion through the GATT. U.S. Trade Representative Carla Hills reiterated the administration's intention to address this issue in the GATT multilateral negotiations in correspondence to me dated May 4, 1989.

I understand that the United States has proposed in the multilateral tariff negotiations the complete elimination of tariffs for all steel products shipped between GATT signatories. I understand further that there was a good deal of support for this proposal among our GATT trading partners, although no final agreement on tariff issues was reached when GATT negotiations fell apart last December due to agricultural issues.

The U.S. pipe and tube industry together with the domestic steel industry supports the U.S. Trade Representative's efforts to eliminate steel duties here and abroad. If the U.S. Trade Representative is successful in these negotiations, the tariff inversion between pipe and tube and flat-rolled steel would be deleted, and steel trade, in general, would be fairer. However, in the absence of a multilateral agreement addressing steel tariffs and the elimination of this inverted tariff, I will aggressively pursue a legislative remedy in the miscellaneous tariff bill process.

To provide some background on how this problem arose, prior to 1960, the duty on pipes and tubes was more than twice the duty on the input product, steel sheets. In 1960, however, the duty for sheet was changed to an ad valorem rate of 10 percent, or about $5 per ton at prevailing prices, while the duty on pipe remained at the specific rate of 30 cents a pound, or about $6 per ton. Rampant inflation in the 1970's caused steel prices to more than quadruple. By 1975, duties on sheet and plate were $20 per ton and those on pipe remained at $6 per ton. Through an oversight, this inversion caused by inflation was not corrected at the time that pipe and tube products were converted to the ad valorem system in the 1979 GATT round.

The legislation I am introducing today would correct this undesirable inversion by increasing the tariffs on most welded carbon steel pipes and tubes from their present range of 0.5 percent to 1.9 percent to a range of 4.9 percent to 6.5 percent; stainless steel pipes and tubes would be increased from the present range of 4.9 percent to 5 percent up to 9.5 percent to 10.1 percent. This increase would equalize the duties between sheet and pipe in a way that should have been done when the TSUS was converted to the ad valorum system.

The tariff inversion contributed to the severe decline in the domestic pipe and tube industry through the late seventies and the early eighties. The inversion encouraged a huge influx of imports of pipe and tube products to the United States. Foreign producers shifted export production from sheets to pipe to avoid the higher duty. In the process, U.S. labor lost as many as 15,000 jobs in the pipe and a higher U.S. trade deficit. Imported steel pipes and tubes rose from 26.1 percent of the market in 1979 to a high of nearly 60 percent in 1984. Import penetration in the pipe market was 36.6 percent in 1990 compared to only 17.6 percent for all steel imports.

This bill has the full support of the carbon and stainless pipe and tube industries, as well as the American Iron and Steel Institute and the United Steelworkers Union.

This legislation is completely consistent with our tariff policy and with our obligations under the GATT. The United States is required to compensate those trading partners who request compensation for the extra duties this bill would impose. This bill provides the administration with negotiating authority in the event that a claim for compensation is made. I have full faith in the ability of the U.S. Trade Representative to be able to negotiate any compensation claims in a way that will spread out the effects of such compensation over many products and industries so as to make its effect benign.

The existing tariff inversion between carbon and stainless pipe and tube products and the flat-rolled input products is placing an unfair burden on the U.S. pipe and tube industry. This inversion was not intended and is undesirable. It conflicts with our general tariff policy of having higher tariffs on higher valued products, a policy which our trading partners share. I once again urge my colleagues to support my efforts to alleviate the harm caused by this tariff rate inversion.

SUPPORT FOR REGIONAL INITIATIVE TO BRING PEACE TO EL SALVADOR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BURTON of Indiana. Mr. Speaker, I would like to express my support for the regional initiative of the Governments of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama to bring peace to El Salvador. On December 17, 1990 in Puntarenas, Costs Rica, the Presidents of these six Central American nations signed the Declaration of El Salvador.

The Declaration of El Salvador recognizes the efforts of the Salvadoran President Alfredo Cristiani, since his inauguration on July 1, 1989, to end the Salvadoran armed conflict through dialog with the FMLN and to attain full assimilation of this armed rebel group into peaceful and democratic life of the country. This statement of support for the Government of President Cristiani sends an important message to the FMLN and demonstrates that these presidents are committed to peace and political stability in the region.

Mr. Speaker, the Salvadoran conflict frustrates political and economic development in Central America. The United States Government must support all efforts to bring about a cease-fire in El Salvador, including regional plans such as the Declaration of El Salvador and multilateral initiatives such as the negotiations taking place under the auspices of the United Nations. The end of the armed conflict in El Salvador will mark the beginning of a new era not only in El Salvador, but in all Central America.

CONGRATULATIONS TO THE WOONSOCKET NORTH STARS HOCKEY TEAM

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to extend my heartiest congratulations to the Woonsocket North Stars hockey team, double winners in the recent New England Hockey Championships. The North Stars' pee wee "A" team took the honors in the New England level I tournament held in Augusta, ME, while the Squirt "A" team was victorious in the Yankee Conference level II competition in Cranston, RI. I sincerely congratulate and applaud the efforts of all of the participating athletes, their coaches, and their parents.

In addition to the glory and honor that accompanies this achievement, the North Stars pee wee team will have the privilege of representing all of New England in the national championships. They will be one of eight regional champions from across this country vying for the national title in Detroit, MI. I wish them all the best of luck as they strive for the title.

This great accomplishment is significant, not only for the North Stars, but for all youth alike. This team has proven that hard work, dedication, and true sportsmanship can reap many rewards.

TRIBUTE TO ALDO RAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. MILLER of California. Mr. Speaker, I ask my colleagues to join me in remembering a distinguished constituent of mine, the late Aldo Ray.

Aldo Ray was raised in Crockett, CA, where his father worked in the C&H Sugar Refinery. He served as a Navy frogman in World War II and was attending school on the GI bill at University of California at Berkeley when he was simultaneously elected constable of Crockett, and won the part in a football movie, "Saturday's Hero," starring John Derek and Donna Reed.

After serving as constable for a year, Mr. Ray headed for Hollywood. During his career, he played in over 60 movies, starring with actors such as Humphrey Bogart, Spencer Tracey, Jane Wyman, Ann Bancroft, and John Wayne.

He returned to live in Crockett in 1983, where he was welcomed by fellow townspeople who still regard him as "one of the guys." Last month, Mr. Ray lost a 2-year battle with cancer. He will be remembered fondly by friends and family as one whose success never caused him to lose his identity or forget his hometown.

Mr. Speaker, I know that my colleagues join me in saluting Aldo Ray, a man who touched many lives through his community involvement and films.

THE 13TH ANNUAL QUEENS HALF MARATHON

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SCHEUER. Mr. Speaker, this Sunday, on April 14, 1991, the College Point Road Runners Track Club will sponsor the 13th Annual Queens Half Marathon.

Over 1,500 runners will participate in the 13.1-mile race, which passes through New York City's Borough of Queens in the Malba and College Point communities. Runners come from all over the Metropolitan area to participate in this festive event.

The day also includes, for the first time, the Annual Skaggs Walsh 5K Run. This 5-kilometer run is for endurance runners who have not yet graduated to the longer half-marathon, though I am sure it will be just as exciting an event. This new event is named for the Skaggs Walsh Oil Co., who over the years have supported the Queens Half Marathon.

Mr. Speaker, this year's event is an extra special one, because it typifies the giving spirit of the people of Queens. It is being dedicated to Joseph Obremski, who has been paralyzed for the last 7 years. Funds raised at the event will go toward the cost of a spinal operation that may allow Mr. Obremski to walk again. Queens Surface Transit has already pledged a very generous $20,000 toward the day's goal of $50,000.

Mr. Speaker, it will be my pleasure to join my friends and neighbors at these races this Sunday in McNeil Park, which were created out of a sense of community spirit, and embody the spirit of caring and involvement that is a real part of Queens history. Events like this make me proud to represent such an active and giving community.

Mr. Speaker, it is also appropriate at this time to thank the organizers, the College Point Road Runners Track Club, and the sponsors, especially Skaggs Walsh Fuel Oil Co.

Mr. Speaker, in conclusion, I would like to say to Mr. Joseph Obremski that he is in the thoughts and prayers of everyone connected with the race.

HONORING A LONGTIME PUBLIC SERVANT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HEFLEY. Mr. Speaker, on May 1, 1991, Mr. Pete Hoke will retire as president of Goodwill Industries in Colorado Springs. The agency has become one of the top Goodwill's in the Nation under Pete's leadership and after 17 years of dedicated service, he will be missed.

Pete Hoke will turn 76 in August and began his career with Goodwill in 1969 after retiring as a colonel from the Air Force. He has served as Goodwill's chief executive officer since September 1974.

Under Pete's leadership, the Colorado Springs Goodwill has grown from a $1 million to a $5.5 million agency and has consistently been among the most successful Goodwills in terms of innovative rehabilitation programs. It also enjoys one of the highest levels of per capita community support for retail sales among the 179 Goodwills in North America.

In the 17 years of Pete's presidency, the agency has held the highest national accreditation given by the Commission on Accreditation of Rehabilitation Facilities and has won over 15 national awards, including the prestigious J.M. Foundation Award in 1987 for providing the best program in the Nation for work services for severely disabled people. In 1989, the Colorado Springs Goodwill ranked "Number One" in the State of Colorado's Employment First Program, finding jobs for 1,375 local food stamp recipients. This past December, the El Pomar Foundation named Goodwill the recipient of the R.J. Montgomery Award for Excellence in Human Services.

Pete Hoke has been the recipient of several prestigious awards during his Goodwill career. He is one of only a handful of Goodwill executive directors to have won all three executive awards from Goodwill Industries of America, Inc. He won the Kenneth K. King Award for management excellence in 1979; in 1984, won the P.J. Trevethan Award for making an outstanding contribution to the training of Goodwill personnel; and in 1985, won the Gerald Clore International Award for his involvement in Goodwill's international activities.

Among his duties with Goodwill Industries, he has served as secretary and chairman of the conference of executives, and on the national GIA board. He has been a member of the Goodwill Industries International Council and Executive Committee since 1986.

Pete Hoke provided the leadership to make the Colorado Springs Goodwill one of the best in the country. His leadership is one that any Goodwill executive should be proud to emulate. I thank Pete for his wonderful service to our community and wish him all the best with this retirement.

TRIBUTE TO MARLENE LYNCH FORD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to pay tribute to a distinguished member of the New Jersey State Legislature, Assemblywoman Marlene Lynch Ford.

Assemblywoman Ford will be honored on Wednesday, April 17, by the Ocean County Council, Inc., of the Boy Scouts of America. The occasion for the tribute to the assemblywoman is the 13th Annual James A. Underwood Memorial Good Scout Award Lunchoree of the Running Water District to benefit the Ocean County Council of the Boy Scouts.

Marlene Lynch Ford was elected to the assembly in 1989, having previously represented her Ocean County, NJ, Legislative District in the State capitol from 1984 through 1986. A native of Arizona, Ms. Ford grew up in Belmar, NJ, where she attended St. Rose High School. After graduating cum laude from Georgian Court College in Lakewood, NJ, she received her law degree from Seton Hall University and was admitted to the New Jersey Bar in 1979. After practicing law in New Jersey for a number of years and participating in community organizations, she was elected to the State assembly in 1983 at the age of 29—the youngest woman ever elected to legislature.

Ms. Ford is perhaps best known as the author of the "Ford Act," the Property Tax Relief Act of 1985, the largest tax cut for homeowners and tenants ever in New Jersey's history. In her relatively brief tenure, she has sponsored 14 other bills that were signed into law. She also created and chaired the Special Investigative Committee to Study Toxic Waste Dumping at Military Installations and the Special Committee on Missing Children. She currently serves as the chairwoman of the Assembly Judiciary, Law and Public Safety Committee, and is a member of the Joint Appropriations Committee.

It was my privilege to work with Marlene Lynch-Ford when we served together in the State legislature, and I still work closely with her on a variety of issues, including the environment, the economic development of the Jersey Shore and a number of community initiatives. Day in and day out, she provides her constituents, and all the residents of the State of New Jersey, with intelligent, caring and responsive leadership. Therefore, Mr. Speaker, I am proud to have this opportunity to pay tribute to this fine public official in the pages of the CONGRESSIONAL RECORD.

INTRODUCTION OF RESOLUTION COMMEMORATING THE 75TH ANNIVERSARY OF THE AMERICAN FINANCIAL SERVICES ASSOCIATION

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GRAY. Mr. Speaker, I am pleased to introduce a resolution commemorating the 75th anniversary of the founding of the American Financial Services Association. I am especially pleased to recognize that the institution that has become today's AFSA was formed on April 19, 1916, in my home city of Philadelphia, PA.

There, 41 representatives met to establish a national association to encourage States to enact the Uniform Small Loan Act. The activities of this small group were the roots of the modern consumer credit industry, and enabled millions of American consumers to finance automobiles, household goods, and appliances.

I note that from its inception, when it was still called the American Association of Small Loan Brokers, the organization's focus on the average American was clear. In July, 1916, for example, the association's first official publication, the Loan Gazette, observed that, "The loan business is to the working people, what the bank is to the business man."

It is interesting to trace the growth of consumer credit in this country. The 1920's represented the decade that the automobile put America on wheels. By 1925, over three quarters of all cars were financed on an installment plan, with nearly 20 million cars on the road. Besides auto-finance, finance companies provided cash loans and sales finance for appliances and household goods to industrial workers and wage earners. In fact, it was not until 1928 that a commercial bank finally opened the first personal lending department.

Today, AFSA Members' products may differ—from new car loans, home equity loans, retail sales financing, credit cards, mobile home loans, and personal loans; and the customers may vary—but the focus on the consumer borrower rather than the corporate borrower has remained constant. The more than $190 billion in credit outstanding held by AFSA members is a tribute to this focus.

Mr. Speaker, I congratulate the association on its 75 years of providing services to the industry, to customers, and to the community.

THE NEED FOR HISPANIC PHYSICIANS IN THE UNITED STATES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. TOWNS. Mr. Speaker, I rise today to address a serious problem to America, a lack of Hispanic physicians.

I have recently become aware of the large number of physicians who have fled from Central and South American countries. However, these individuals are unlicensed to practice medicine in the United States, due to their lack of English skills.

This is a growing concern due to the growing number of Spanish speaking residents that come into the country every day. The problem is that the amount of doctors has yet to keep up with the population increase. For example, 40 percent of the people living in southern California are Latino, and of this same population there are well over a thousand unlicensed physicians. Presently, these physicians are working minimum wage jobs in order to sustain themselves until they are able to work in the field of medicine.

The lack of doctors has an adverse effect on the health care needs of the Hispanic community. In fact, most of these individuals are living without adequate health care. If this is allowed to continue, the United States will incur a major problem of illness in Spanish speaking communities.

Therefore it is extremely important that these physicians are allowed to get the instruction that is necessary to begin practicing medicine. Progams have been organized to help these individuals master the English language in order to get their licenses in America. For example, these programs prepare them for the Foreign Medical Graduate Examination in Medical Sciences. This test includes English proficiency, basic sciences, and clinical competency. This is a long process that requires much hard work and dedication, but it does lead to positive consequences in the end.

If these physicians become licensed, many Hispanics will greatly benefit. More of these individuals will be apt to get proper health care from someone who is a part of their community.

In the same manner, this will give these physicians an opportunity to give back to their own community and those that have supported them so much before. This is a chance to bring hope to people that have come to this country in search of better lives and let them realize that the United States is a place where people can have the prosperous futures that they so desire.

THE RETIREMENT OF WORLD BANK PRESIDENT BARBER CONABLE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RINALDO. Mr. Speaker, this is the second time that I have had the honor to thank Barber Conable for his service to the United States. The first time, in 1984, was on his retirement from the House of Representatives after serving the people of western New York for 20 years.

When I came to the House in 1973, Barber Conable was already well-known for his thoughful consideration of all sides of an issue before deciding what was right for the country. As a freshman Congressman, I soon learned to rely on his advice and leadership.

Many of us who visited his office left with a sense that Barber understood the roots of this country and had a clear idea of its future. This sense of history was reinforced by his antique desk with dozens of cubbyholes, and by his collections of Indian relics and prints of the Capitol.

As the ranking member of the Ways and Means Committee, Barber Conable left a lasting imprint on our tax laws and a legacy of public service that any person would be very proud of. Congress joined the people of Rochester in recognizing his value, and at his retirement from the House; Barber Conable is known to this day as one of the great legislators.

Then in 1986 at the age of 63, Barber agreed to come back to public service as the President of the World Bank. When he agreed to take the post, many of his friends warned that the World Bank was a huge, unresponsive bureaucracy with 6,500 employees scattered through 18 buildings in the Washington area. Managing the World Bank in an uncertain economy was said to be similar to maneuvering an aircraft carrier through an obstacle course.

However, he did it, and both the world economy and the World Bank are better for Barber Conable's service. Capital in the bank has grown from $90 billion to $174 billion. The bank, which once dealt solely with financing capital improvement projects such as dams and irrigation systems, is now much more active in projects to directly reduce poverty and to improve living standards. In the process, the World Bank is also much more sensitive to preserving the environment.

In addition, Barber warned early on that many less developed nations were spending an inappropriate amount on weapons, and that this could destabilize entire regions of the world. As usual, he was right.

Once again, I would like to take this opportunity to commend Barber Conable for his service to this country and to the world. Both are better places because of his efforts, insight, and leadership.

A TRIBUTE TO DARRELL COOK

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues a success story—a real life triumph for an individual, a private manufacturing firm, and the local, State, and Federal governments which cooperated to make a profound difference in life of one of its most vulnerable citizens.

Mr. Darrell Cook is a resident of Villa Park, IL. As a laborer with few skills, he moved from one menial job to another before landing himself in trouble with the law. Recognizing Darrell's potential to be a productive member of our community, a DuPage County, IL, probation officer referred him to the federally sponsored job training program in the county.

The program, financed under the Job Training Partnership Act [JTPA], successfully assessed Darrell's skills and vocational interests. He was soon enrolled in a 5-month computer service technician program where he received instruction in soldering, microprocessing, welding, and computer repair. Once completed, DuPage County officials placed Darrell in a job as a production welder with the Krack Corp. of Addison, IL. His average wage is $9.38 an hour, and as a member of the Metal Processors Union he now receives full medical benefits.

Recently Darrell was among six persons nationally to be honored by the National Association of Counties for his efforts. He certainly deserves to be recognized for his good work, as do the many dedicated people in the DuPage County Department of Probation and Court Services, the county's private industry council job training office, and Krack Corp. for developing and participating in a program that offers people a hand up, and not simply a handout.

I know my colleagues join with me in extending heartfelt congratulations to Darrell and all those who participated in this most successful enterprise.

A TRIBUTE TO MR. ROY THIGPEN

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the "people's Chamber," to speak in honor of a fellow Mississippian, Mr. Roy Thigpen.

Roy will retire on June 30, 1991, with 30 years of public service experience, 22 years with the executive branch of Mississippi State Government. His experience includes working with officials at the local, State, and national levels in the administration of a variety of programs.

Roy is a native Mississippian. His educational background includes B.S. and M.Ed. degrees, with further study at several universities in and out of Mississippi.

After working in the teaching field for several years, Roy joined the Mississippi Governor's Highway Program staff in 1969, and held positions ranging from field representative to director. Under Roy's guidance, this program underwent transition through merger and reorganization, becoming the department of criminal justice planning.

Roy was interim executive director of the Governor's Office of Federal State programs in 1987, and resumed directorship of the department of criminal justice planning in 1988, leading the agency to its eventual emergence as the division of public safety planning within the State department of public safety.

Roy has also served as chairman of the Mississippi Alcohol and Drug Advisory Council, and in 1984 as vice chairman of the National Association of Governor's Highway Safety Representatives. He was selected as an honorary member of Pi Alpha Alpha, the Public Administration Honorary Society. Roy has also served on various other councils and boards on local, State, and national levels, and is a past president of the Mississippi Chapter, American Society for Public Administration.

I commend Roy Thigpen on his dedication to public service and ask that you join with me in paying tribute to him on the occasion of his retirement.

TRIBUTE TO RAJIN PURI AND MICHAEL STEIN

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. INHOFE. Mr. Speaker, I would like to draw the attention of my honorable colleagues to the fact that today, two chemical engineers from the Amoco research facility in Tulsa, OK will be honored as distinguished inventors of 1991.

They are Rajin Puri and Michael Stein. They have invented a new, more efficient, and more economical method of obtaining natural methane gas from coal deposits than present technology.

The distinguished inventor honor is conferred by the Intellectual Property Owners Foundation, the educational arm of the Intellectual Property Owners, Inc. [IPO], a nonprofit organization of inventors, educators, and others working on behalf of people who hold patents, copyrights, and trademarks.

The inventors will be introduced tomorrow morning at a news conference at the National Press Club and they will receive the award tomorrow evening at a reception in the Cannon Caucus Room.

I congratulate these gentlemen and am proud to call them my constituents. I agree with IPO president, Donald Banner who called them "front line fighters in the battle to keep American innovation number one in the world." These inventors represent the best in the great American tradition of invention. They had the vision to see a need, the ingenuity to devise a solution, and the patience and resolve to refine those solutions until practical and workable.

My congratulations to my fellow Oklahomans and the IPO for encouraging and recognizing American ingenuity and know-how.

CONGRESSMAN KILDEE PAYS SPECIAL TRIBUTE TO JOHN LUKES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation a retirement ceremony that will be held Sunday, April 14, in Flint, MI, honoring Mr. John Lukes. Mr. Lukes is retiring after 44 years of dedicated and extraordinary service to the United Auto Workers Union and the hard-working members of UAW Local 599.

Shortly after Mr. Lukes was first employed by Buick Motor Division in 1942 he was called to serve his country in World War II. He spent 2½ years in the Army before returning to Buick in 1945. After taking an educational leave from General Motors he graduated from Michigan State University in 1949. With his military service and education completed he returned to work at Buick. Mr. Lukes has truly been a dedicated union activist working diligently for the rank and file. He has represented the membership in a number of key positions within the union. Mr. Lukes has served as alternate committeeman, editor of the "Headlight" newspaper for 7 years, and recording secretary of Local 599 for 25 years. Mr. Lukes has also served on the Flint Housing Commission and as president of the Security Employees Federal Credit Union for 13 years. For his efforts, Mr. Lukes received the Walter P. Reuther Distinguished Service Award.

In many ways, Mr. Lukes exemplifies the ideals that the unions have always championed. We pay tribute to him today for his deep commitment to improving and protecting the human dignity of his fellow workers. Undoubtedly, his countless years of leadership and involvement in Local 599 have contributed significantly to making our community a better place in which to work and live. His dedication to the labor movement and spirit of solidarity has been a personal inspiration to me. He has been a very important part of my personal formation. We in Flint are indeed fortunate to have such a fine union activist living in our midst.

Mr. Speaker, I would like to thank John for a lifetime of hard work which has helped to make UAW Local 599 one of the finest labor organizations in the country. The members of Local 599, his loving wife Katy, and his children are extremely proud of John. I urge my colleagues to join me in my wish to John for a most enjoyable retirement.

ENERGY POLICY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SMITH of Florida. Mr. Speaker, I rise today to ask the Congress: In terms of energy policy, are we better off now than we were just 11 years ago?

Under the Presidency of Jimmy Carter, we established the most effective energy policy that this Nation has ever had. For all of President Carter's faults, I never hear anyone criticize his record on energy issues, because President Carter foresaw the events that have taken place in the Persian Gulf, events which have cost us American lives.

President Carter's energy policy called for less dependence on foreign oil, and less use of oil in general. Many scoffed at these ideas, but if we had followed President Carter's policy and continued to wean ourselves of our dependence on foreign oil, we may not have found ourselves fighting a war in the Persian Gulf.

Our addiction to oil got us into trouble long before we had to defend Saudi Arabia and liberate Kuwait. These aforementioned nations have had us at their mercy as they try to provide us with enough oil to quench our inexhaustable appetite for this product. In exchange for all of the money we gave them, they were kind enough to do such things as provide us with insufferably long lines at the gas pumps in both 1973 and 1979. We were at the whim of the sheiks, but President Carter tried to change that.

When Ronald Reagan took office, he reversed President Carter's policy. Our reliance on foreign oil has gone from just 40 percent in 1980 to 60 percent today. Our addiction costs us financially and in human lives lost during the Persian Gulf war.

We have just concluded that war—at least in its first phase. President Bush rallied the Nation in support of the coalition victory over Iraq, and his popularity is at an all-time high. It is the perfect time for the President to rally this Nation behind an energy policy that would have prevented us from having to fight a war in the Persian Gulf in the first place. But instead, what has the President done? Unbelievably, he has called for greater dependence on foreign oil. His plan is so awful that not only have my fellow Democrats rejected it, but the House Republicans have seen the Bush energy plan, turned it down, and came out with a plan of their own. It is difficult to understand the rationale for the administration's incredibly backwards policy.

It has been just over 10 years since President Carter tried to steer us away from our dependence on foreign oil. Since that time, as our poilicy has gone backward, our addiction has only become more appalling, and more costly. We have just fought one war because of it; will we have to fight another?

HONORING SGT. GEOFFREY PREUDHOMME—16TH AIR FORCE NONCOMMISSIONED OFFICER OF THE YEAR

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. YOUNG of Florida. Mr. Speaker, throughout our Nation, America's Armed Forces are returning home to the cheers and parades of a country grateful for the pride and professionalism with which they freed a country under siege.

It is an honor for me to let you know that one very special serviceman, S. Sgt. Geoffrey U.L. Preudhomme of St. Petersburg, FL, has uniquely distinguished himself through his service to our great Nation. In recognition of this outstanding airman, the Air Force has selected Sergeant Preudhomme as its 16th Air Force Noncommissioned Officer of the Year.

The Air Force Enlisted Recognition Program identifies outstanding airmen with the hope that their qualities of dedication and leadership will be emulated by others throughout the service. Sergeant Preudhomme, this year's honoree, currently serves as a chapel assistant in the 726th Air Base Group at Iraklion Air Station in Crete, Greece.

As a member of the Appropriations Subcommittee on Defense, I have many opportunities to visit with our troops here at home and abroad, and I have long known what the world saw throughout Operation Desert Storm: America's troops are the best trained, most dedicated, and professional fighting force anywhere in the world. Sergeant Preudhomme is symbolic of that pride and devotion which has rekindled a swell of patriotism in the American people.

Mr. Speaker, my thanks and best wishes go out to Sergeant Preudhomme and his entire family for this great and well-deserved honor.

WORLD WAR II U.S. CADET NURSE CIVIL SERVICE FAIRNESS ACT

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SLATTERY. Mr. Speaker, during the 99th Congress, the World War II Cadet Nurse Civil Service Credit Act (Public Law 99-638) was signed into law. This act, which I authored, allowed women who were employed by the Government and who had served in the U.S. Cadet Nurse Corps during World War II, to credit the time they served in the Cadet Nurse Corps toward their civil service retirement.

Unfortunately, some cadet nurses were unfairly excluded from benefiting under this law.

Today, I am introducing legislation which allows those women who retired from service before the World War II cadet nurse civil service credit legislation was enacted, to receive credit toward their civil service retirement for the time they served as U.S. Cadet Nurses during World War II.

I have introduced similar legislation in the past (100th and 101st Congresses). This legislation would benefit approximately 1,000 cadet nurses across the country who were not covered under Public Law 99-638.

Many nurses who had served as long, if not longer, than their counterparts who were employed by the Government as of the date of the enactment of Public Law 99-638—in many cases up to 20 and 30 years—simply happened to retire months or even days before the bill was signed into law. They should receive credit for the time they spent in the Cadet Nurse Corps just as their counterparts who were working for the Government at the time of enactment.

There is no reason why any cadet nurse, who answered the call of her country to serve in a time of need, should be denied credit for the time in service which she provided.

They deserve this retirement credit, however, not because they were patriotic, but, because they have earned it. All the women who served in the U.S. Cadet Nurse Corps provided two-thirds of this country's nursing service during World War II, a time of dire need for the United States.

This bill will finally recognize all cadet nurses who served and answered the call of their country. It is important to note that due to the advanced age of many of these nurses, this group of women is a small group getting smaller. The cost, therefore, would diminish over the outyears. I urge my colleagues to support this legislation and help me seek enactment this Congress.

I would like to highlight the service of one nurse who would benefit from my legislation as a shining example of the type of women who are cadet nurses.

Lt. Col. Melina Leduc has served her country for almost 50 years. Colonel Leduc is currently returning from service in Dhahran, Saudi Arabia, with the 386th Medical Detachment Hospital Unit. She joined the U.S. Cadet Nurse Corps during World War II, soon after here 17th birthday.

Colonel Leduc served in the Cadet Nurse Corps for 3 years, she then joined the nursing service at White River Junction Veterans [VA] Hospital in Vermont. She also served in VA hospitals in Pennsylvania and New York. She retired from the Lake City, FL VA Hospital in June 1986, after more than 37 years of service. She has been a member of the Army Reserves for 20 years.

Colonel Leduc reported working 12-hour shifts, 7 days a week in Dhahran. She cared for Iraqi POW's, in addition to American casualties. She experienced the nightly air raid alerts and interrupted surgery preparations to put on her gas mask and protective gear. She helped to care for our military personnel who were injured when a Scud missile hit the American barracks in Dhahran. The barracks was located very near her tent. And when she called the central coordinator for the cadet nurses still seeking recognition, Dorothy Larson, of Topeka, KS, to check on the status of this bill, she expressed her gratitude for the opportunity to again serve her country.

Colonel Leduc, like most of the cadet nurses after World War II, went on to serve in veterans' hospitals across the country. She exemplifies the commitment to service that has been the standard for cadet nurses. Please join me in supporting this legislation which fairly recognizes all cadet nurses who served their country.

"AN OFTEN-FORGOTTEN TRIBUTE"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. DINGELL. Mr. Speaker, in times of great upheaval, heroes are sometimes unnoticed or even persecuted. True valor must be rewarded instead of ignored.

The heroes I wish to recognize today are the Arab peoples who risked their lives for the security of the Middle East. These people, including the Arab-Americans in our Armed Forces, fought in the coalition forces with distinction, and they played an important role in our recent victory.

Unfortunately, the American people have not sufficiently recognized the contribution of our Arab soliders—the Kuwaitis, Saudis, Egyptians—and many others who endured great hardships or gave their lives to ensure Saddam Hussein's defeat. These people have been regarded with suspicion because of their Muslim heritage, which has nothing to do with their loyalty to this or any other country. In the United States, Arab-Americans have been subject to undue scrutiny or harassment. Our Middle Eastern allies in the gulf conflict were given little recognition or praise. Discrimination of this kind is shameful.

My constituency holds one of the largest populations of Arab-Americans in the country. I believe that this group and others like them are owed our deepest respect and gratitude. Often the public misinterprets the thoughts and deeds of such people.

In the March 31 edition of the Washington Post, Paul D. Wolfowitz wrote an excellent tribute to the bravery of Arab soliders and resistance fighters, and I ask that my colleagues take the time to read the article that I request be inserted in the RECORD.

[From the Washington Post, Mar. 31, 1991]

DESERT STORM—AN ARAB VICTORY

(By Paul D. Wolfowitz)

The following is excerpted from an address to the American-Arab Affairs Council in Atlanta on March 1:

There's been a lot of nonsense spoken about Saddam Hussein's being an Islamic hero. Saddam Hussein is not an Islamic hero, and he's not an Arab hero—he's an international thug, a gangster. He has tried to cast himself in the mold of Saladin and other heroes of the Arab past, but Saddam is no Saladin. Saladin was a great general, generous in victory, a patron of the arts, founder of schools and mosques, builder of public works, a man who died owning less than when he came to power, a hero recognized in East and West alike as the paragon of chivalry.

Saddam Hussein's real role model seems to be Hulagu Khan, the infamous 13th century Mongol chief who murdered prisoners of war, slaughtered women and children, plundered and burned cities, hospitals and universities—the original Butcher of Baghdad.

I know Muslims well, particularly from my time in Indonesia—I know them as humane and peaceful people. I find it disgraceful that anyone would hold up Saddam Hussein as a Muslim leader, not just because his piety is pure propaganda, but because it is calumny to suggest that the atrocities he has inflicted on the people of Kuwait, Iran and Iraq are condoned by his religion. He may be second only to the Soviet Union in the number of Muslims anyone has killed in this century. To accept his claim to be a spokesman for Islam simply propagates the false stereotype of Islam as brutal and aggressive and intolerant.

But there are plenty of real Arab heroes of this war. I've already mentioned some of the statesmen. Many more have earned the highest honor. Some of their names are known: Fahad Ahmad Al Sabah, the Emir's brother, who was killed in action on Aug. 2 fighting for the precious minutes that enabled his government to escape to Saudi Arabia and carry on the struggle; Col. Turki Al-Firm, whose King Abdul Aziz Brigade of the Saudi National Guard dashed to the Kuwaiti frontier and faced the vast Iraqi army in those tense days when it was the only force between Saddam Hussein and Dhahran; Capt. Ayedh Al-Shamarani of the royal Saudi Air Force with his twin kill of a pair of Iraqi Mirages.

And Sara Al-Qabandi, a 19-year old Kuwaiti girl, who made the ultimate sacrifice for her country. Captured by Iraqi soldiers while carrying messages between resistance leaders on G-Day, Feb. 24th, she was tortured and murdered—chopped in half with an ax. Her sister later died in a Saudi hospital after being raped and unspeakably multilated by Iraqi soldiers in reprisal for Sara's valor.

Thousands more remain unknown, including Sara's comrades in the Kuwaiti resistance, who fought the invaders for weeks after the Kuwaiti armed forces had been forced to evacuate the country and continued to attack Iraqi soldiers, equipment and facilities until the Iraqis inflicted brutal reprisals against whole neighborhoods.

We Americans owe a special debt to those brave men and women who, under threat of death, secretly fed and sheltered Americans and other foreigners trapped in Kuwait. They led Westerners through the Iraqi lines to Saudi Arabia, then went back in to get more. And up until liberation day, the resistance continued to provide valuable intelligence information to the coalition forces at great personal risk.

Many more served with the Arab forces who led the liberation of Kuwait: the pilots of the Kuwaiti Air Force's 9th and 25th squadrons, who continued flying their A-4s against the Iraqi aggressors until their base was overrun, then evacuated to Dhahran to gain their revenge in Desert Storm; the Qatari brigade that fought with such distinction alongside Col. Turki's guardsmen at Khafji; thousands of other Arab soldiers, sailors and airmen, many of whom are truly heroes to the surrendering Iraqis for personifying the finest Arab traditions of generosity and hospitality.

I would not want to omit the many Arab Americans serving with distinction as members of U.S. forces. When I visited the 1st Marine Division in October, I went to the forwardmost battalion, which was posted immediately next to a Free Kuwaiti MP unit. I asked the Marine commander if he had any trouble communicating with the Kuwaitis, and he said no—not only did some of the Kuwaitis speak English, but he had two Arabic speakers in his unit: both Arab Americans.

A last important lesson is that what we have seen this week is not an Arab defeat.

On the contrary—it is a resounding Arab victory. The Arab League roundly condemned the invasion of Kuwait. Troops from nine Arab countries, representing more than half the world's Arab population, participated in coalition operations. Arab armies and air forces performed superbly in this conflict and played a leading role in the liberation of Kuwait.

CONGRATULATIONS TO WILDEWOOD CREATIVE PRODUCTS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEHMAN of California. Mr. Speaker, I would like to rise before my colleagues today to recognize the achievements of WildeWood Creative Products, Inc., a small business in my congressional district that has been chosen as 1991 U.S. Small Business Administration's Small Business of the Year Award for the State of California. This is a tribute to the perseverance, dedication, and good old fashioned ingenuity of two people who founded this company back in 1981, Caren and Mark Eilrich.

WildeWood Creative Products, Inc., started as a way for Caren to entertain her child one day. She placed a few small beads in a clear tube, filled it with water and added a few drops of food coloring and put a cap on the tube. The space tube was born; and for Caren and Mark a simple idea evolved into a new business. By 1985, the business had incorporated and moved from their laundry room to a 2,000-square-foot warehouse. People were hired, equipment built, and full-time production of space tubes began. Tragically, Caren is not alive to accept this award with her husband; however she will be in the thoughts of many when this award is presented.

In the past 6 years, Mark, and the many hard working and invaluable employees at WildeWood Creative Products, have made this company the third largest private employer in Tuclumne County. Upon hearing that WildeWood Creative Products, was selected for the State of California Small Business of the Year Award, Mark commented that:

> The single most important element of WildeWood is not our products, or our machines, but the individuals who make up WildeWood. It is central to what WildeWood represents to me.

I am pleased and honored that WildeWood Creative Products has been selected for the 1991 Small Business of the Year Award for the State of California. The success of this company is a wonderful example of how far one simple idea can go. I wish WildeWood Creative Products and Mark Eilrich continued success in the future. Congratulations.

HONORING THE NAVY-MARINE CORPS RELIEF SOCIETY VOLUNTEERS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay my respect to the men and women of the Navy-Marine Corps Relief Society who, since 1904 have volunteered their time and services to assist the families of our Navy and Marine Corps personnel.

As you know, the recent call to active duty of thousands of reservists and the deployment of personnel already on active duty to the Persian Gulf, caused a significant disruption in the everyday lives of many of the men and women who made Operation Desert Storm a success. Not only were these individuals affected, but their families as well. The Navy-Marine Corps Relief Society, continuing in its tradition of service, helped to facilitate the transition these people faced.

For over 85 years the Navy-Marine Corps Relief Society has aided Navy and Marine Corps personnel in meeting everyday family needs as well as providing short-term financial assistance. In my own district, many families have benefited from the volunteers who staff the Navy-Marine Corps Relief Society at the Naval Construction Battalion Center, Port Hueneme. To these people I express my personal thanks for their time and assistance.

SUPPORT NORTHERN IRELAND PEACE TALKS

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. McGRATH. Mr. Speaker, during the recent district work period, I learned of the announcement by the Government of Britain and Ireland and the political parties of Northern Ireland, that they will soon begin talks aimed at bringing peace to Northern Ireland.

The differences within the Catholic and Protestant factions of Northern Ireland have been imbedded for over 400 years. It is unrealistic to believe that the talks will produce immediate results. What is encouraging, however, is that the rival sides have taken a step in the right direction. A peace plan will undoubtedly be the key to any future promise of self-rule in Northern Ireland.

The three tiered conference is also an opportunity for Sinn Fein, the political wing of the Irish Republican Army, to exhibit an acceptance of peace. To resort to terrorism during the conference, will only lead to the breakup of the talks. Terrorism activities will halt any chance of a lasting peace in the region. Any future talks will absolutely be placed in immediate jeopardy.

Mr. Speaker, I am urging all House Members to support these promising developments in Northern Ireland and promote the call for peace and justice in the region.

A CONGRESSIONAL COMMENDATION TO THE CITY OF LONG BEACH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to recognize the city of Long Beach for their action in protecting against police misconduct. While people throughout the country have been viewing the horrendous act of police brutality that occurred against Rodney King in Los Angeles, they need only look as far as Long Beach, CA to find methods to remove this problem from their communities. Long Beach has made a concerted effort to improve police-community relations, and in doing so has provided a standard for the rest of the country to emulate. Due to the uproar in Los Angeles, and in other cities as a result of recent cases of police brutality, now is the time to encourage communities to follow Long Beach's lead in establishing a system to protect its citizens from police misconduct.

Following a nationally publicized incident in which a Long Beach police officer was videotaped seemingly pushing a motorist through a plate glass window, citizens voted to establish a Citizen Police Complaint Commission. This commission, which was approved through a vote in April 1990, is composed of 11 members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public, that reside in the city of Long Beach. Each member is appointed by the mayor, and subject to confirmation by the city council. One member of this commission is appointed to represent each of the nine city council districts, and two members are appointed at large.

In addition to the 11 committee members, the city manager has appointed an independent investigator. This person has the authority to receive, administer and investigate, in conjunction with the commission, allegations of police misconduct. The investigator places emphasis on excessive force, false arrest and complaints with racial or sexual overtones. The results of these investigations are then reported to the commission.

The commission is authorized to conduct hearings into allegations of police misconduct, when such hearings, in the discretion of the commission, will facilitate the investigative process. The commission's authority includes the power to subpoena witnesses, and to produce books and papers pertinent to the investigation. This hearing process is open to the public to the extent legally possible and insofar as it does not conflict with State or Federal law.

Police brutality is an unconscionable practice, and something that obviously must be stopped. Although the graphic display of violence shown in the recent Los Angeles case is disturbing to watch, the publicity generated by this unfortunate incident exposes this all too common practice. It provides us with a perfect opportunity to take active steps to remedy this violation of an individual's constitutional protection against cruel and unusual punishment. Now, it is time to accept that this recent case is not an aberration, and avoid sweeping this important issue under the rug.

During this time of trial, it is imperative that cities throughout the country follow Long Beach's example and establish a system to promote an understanding between the law enforcement agencies and the public. Police-community relations are vital to the proper protection and service of the public. For the sake of all involved parties, this relationship must be improved.

A TRIBUTE TO GLEN A. JOHNSON ON HIS SELECTION AS ILLINOIS SMALL BUSINESS PERSON OF THE YEAR BY THE U.S. SMALL BUSINESS ADMINISTRATION

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SANGMEISTER. Mr. Speaker, I rise today to give tribute to an outstanding resident of my district, Mr. Glen A. Johnson, who was recently selected as the 1991 Illinois Small Business Person of the Year by the Small Business Administration.

Mr. Johnson of New Lenox, IL, is president of Oakley Millwork in Frankfort, IL, a firm that manufactures doors, windows, trim and hardware for new home construction.

Mr. Johnson's management of the company that his father founded 35 years ago has been marked by considerable achievement. Since he became president of Oakley in 1984, the company has shown steady growth—including the opening of two new plants—despite a fall off in the housing market. The company is three times more profitable than the industry average.

However, it is not only the growth and profitability of Oakley that made Mr. Johnson an excellent choice for this honor. His innovative approach to running his business is based on some old-fashioned values—quality, service and a belief that American workers are the best in the world.

Instead of looking for ways to cut corners, Mr. Johnson's products are manufactured to standards of quality that his great-grandfather adhered to when he made similar items by hand.

Mr. Johnson also understands that even the best-built doors and windows are of no use to builders if they must wait for them to be made. Therefore, Oakley offers a remarkable guarantee: no back orders on any of the 22,000 items stocked, or the product is free.

Since the guarantee was instituted 2 years ago, Mr. Johnson's company has spent less than $2,000 backing it up. Demonstrating the utmost confidence in his workers' ability to meet the guarantee challenge, he has promised to send his employees on a company-paid trip to Hawaii if there are no back orders in 1991.

Despite the long hours any small business person must invest in his company, Mr. Johnson is a dedicated family man. He and his wife, Cindy, have two children, Bjorn, 9, and Britta, 4. In addition to Mr. Johnson's economic contributions to his community, he also devotes his time and energy to Cub Scouts and the youth soccer team he coaches.

Mr. Speaker, I congratulate Glen A. Johnson on being selected as the Illinois Small Business Person of the Year, an honor he has earned with his hard work and innovative thinking.

ASTRONAUTS MEMORIAL

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BACCHUS. Mr. Speaker, it is my privilege today to introduce legislation to honor the men and women who have given their lives in our Nation's exploration of space.

This joint resolution will designate the Astronauts Memorial, now being constructed at Kennedy Space Center, as the national memorial to astronauts who die in the line of duty. The memorial honors these heroes: *Challenger* crew members Francis R. "Dick" Scobee, Michael J. Smith, Ronald E. McNair, Ellison S. Onizuka, Judith A. Resnik, Gregory B. Jarvis, and S. Christa McAuliffe; *Apollo* 1 crew members Virgil I. "Gus" Grissom, Edward H. White II, and Roger B. Chaffee; and T-38 training astronauts Theodore C. Freeman, Charles A. Bassett II, Elliot M. See, Jr., and Clifton C. Williams, Jr.

I am proud that this resolution is my first as a member of this House. The history of human space exploration has been written in my district at Kennedy Space Center. The residents of my district and the people of Florida take great pride in this history, and this is why they overwhelmingly supported construction of this memorial by purchasing commemorative *Challenger* license plates. They and the Astronauts Memorial Foundation, which organized this project, have made possible a memorial that is highly deserving of this recognition as a national memorial.

This Astronauts Memorial helps us remember what has come before and reminds us of the bright future that space exploration offers to our Nation and to all people. Above all, it reminds us of the risks involved in expanding the boundaries of exploration and knowledge and tells us that we must push forward despite these risks.

MISSISSIPPI HAS LOST AN UNSUNG HERO—MR. SHADRACH DAVIS, JR.

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ESPY. Mr. Speaker, a few days before the Easter recess, I learned that Mr. Shadrach Davis, Jr., of Tchula, MS, had died at the age of 68. During his lifetime, Mr. Davis was a leader in Mississippi's civil rights movement. He was a role model for black farmers who are struggling to survive in the South. He was a devoted family man and father. He was a life-long Christian. And perhaps most of all, he was dedicated to building a better community, a better State, and a better Nation.

In recent days, much of the Nation has watched the remarkable movie "Separate but Equal" which focuses on the work of Thurgood Marshall and the NAACP in ending the practice of separate but unequal education in the United States. Of course, Justice Marshall is now a member of the Supreme Court, and he has been recognized for his many contributions to the fight to end legal segregation in this country.

Yet, as the movie shows, there were countless other men and women of courage, laboring in the fields and in the pulpits, who were crucial to the cause of civil rights. Without their sacrifices and determination, the battles that Mr. Marshall fought in the courthouse, and Dr. Martin Luther King, Jr., Fannie Lou Hamer, Medgar Evers, and others championed in the streets, could not have been won. They are the unsung heroes of the civil rights movement, the foot soldiers during an era which changed American life like no other in our history. Sadly, many of them are leaving us now before the entire story is told.

Shadrach Davis was one of those unsung heroes. He was born in Schlater, MS, on August 12, 1922. At an early age he accepted Christ, and later moved to Tchula, MS, where he became a deacon of the Promise Land Missionary Baptist Church in Thornton, MS.

Mr. Davis was a veteran of the Armed Forces and a successful farmer in Holmes County. Since the early days of the civil rights movement, he has consistently been among those in the forefront of the struggle to bring about change in Holmes County and Mississippi. But while others may have been out front, Mr. Davis preferred to stay in the background, providing a solid rock and pillar for the movement to stand on. He never sought personal gain or glory for himself. Whenever there was a situation to be addressed, Mr. Davis could be counted on to be there.

He was among the first blacks to challenge the political exclusion in Mississippi by fighting for the right to vote. At a time when blacks faced systematic economic and physical reprisals for trying to exercise their rights as Americans, Mr. Davis was undeterred.

Those who knew him best remember Mr. Davis as a fearless man of quiet courage and selfless determination. He was thoughtful and resolute. He would often listen to others for a long time. But when he spoke he was always to the point. He also spent a lot of time trying to encourage and motivate young people to seek answers and do for themselves.

Mr. Speaker, each year our Nation loses more unsung heroes like Shadrach Davis, Jr. However, the fruits of their labor remain. Without the work of Mr. Davis and others, the changes which made it possible for me to be a Member of Congress would not have happened. But more than that, the progress we have made toward truly becoming one State and one Nation would not have occurred. His work was not in vain. Most importantly, his life has set an example for what we must do to build a brighter future.

HOSPICE CARE, INC., CELEBRATES 10TH ANNIVERSARY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SHAYS. Mr. Speaker, on April 6, Hospice Care, Inc., in Stamford, Connecticut celebrated its 10th anniversary. Since 1981, it has served more than 1,200 patients and their families. Last year Hospice Care was recognized as one of the top 10 percent of hospice organizations in the country.

Hospice is a way of caring for people with terminal illnesses. But it is much more than simply making a person comfortable while living out his or her days. The focus is on living and maintaining the patient's quality of life. At a time of tremendous transition and emotional stress for the family, Hospice works with each member to ensure his or her well being.

Hospice Care provides service regardless of a patient's ability to pay. That care involves a multidisciplinary team of professionals and specially trained volunteers working together with the patient to ensure the care is effective and responsive to the patient's needs. The most important member of that team is the patient, but it also includes nurses, social workers, home health aides, dieticians and occupational, physical and speech therapists.

When the patient passes away, another team helps the family cope with its loss. This assistance actually begins before a patient dies and may continue for more than a year afterward.

Mr. Speaker, Hospice Care has provided important services to the residents of the greater Stamford, CT, area for a decade. Many challenges lie in the decade ahead. The population is aging, yet the spread of AIDS and the incidence of other terminal illnesses like cancer results in people of all ages needing hospice care. I commend all members of the hospice team, both professional and volunteer, for their good work.

INTRODUCTION OF TOY SAFETY AND CHILD PROTECTION ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GEJDENSON Mr. Speaker, I rise today to reintroduce the Toy Safety and Child Protection Act. As you may recall, I first introduced this legislation in the 100th Congress and then again in the 101st Congress. Last year, this bill was included in the Consumer Product Safety Commission reauthorization legislation, which passed the House but this language was removed in conference.

The intent of this bill is to address the increasingly serious problem of child safety and the need to increase the safety of toys sold in the United States. This legislation would require that toy manufacturers place warning labels on an especially dangerous class of toys: those containing small parts which can cause injury and even death of children by choking. This legislation would also require warning labels to state the potential hazards of the toy to young children.

According to the Consumer Product Safety Commission, between 1980 and 1989, 146 children under the age of 10 have died from choking on small toys and toys with small parts. Balloons and balloon fragments were involved in 63 of these choking deaths; 32 deaths were caused by small balls and 8 from marbles. In addition, in 1986, at least 113,000 children were treated in hospital emergency rooms for toy-related injuries. However, this figure does not even account for those children who are injured by small toys and toys with small parts but who are never treated in emergency rooms.

As a result of the introduction of similar legislation over the past several years and after years of constant pressure on the Consumer Product Safety Commission [CPSC] by Members of Congress, consumer advocates and physicians, the CPSC consented in June 1990 to begin rulemaking proceedings to evaluate the necessity to take this action to require warning labels on toys with small parts marketed for children over the age of 3, a process that may take years and, as we know from past experience, may never result in any action. I am reintroducing this legislation to ensure that the rulemaking moves forward and to ensure that swift action is taken to improve the safety of toys purchased in this country.

In 1979, the CPSC recognized the potential danger of certain toys when it issued regulations banning small toys and toys with small parts intended for children younger than 3 years of age. If a toy intended for children under age 3 could pass within a test cylinder 1.25 inches in diameter, that toy could not be marketed to those children. These regulations have prevented the senseless injury and even death of countless small children.

Toy manufacturers, however, still make thousands of toys with small parts for children over the age of 3. The Consumer Product Safety Commission currently does not require these toys to have informative labels which warn parents of the potential dangers to small children.

Though some toys do contain warning labels, these are placed there on an entirely voluntary basis. According to the CPSC, there is only one developed standard which is applicable to toys intended for children 3 to 6 years of age and which might address the risk of injury. This standard, developed by the American Society for Testing and Materials, however, has provisions intended to address a wide variety of hazards presented for a wider range of toys, some of which may be marketed for children as old as 14 years of age. It also does not include provisions which are specifically intended to address the choking hazards of small toys and toys with small parts.

In the past, the CPSC has recommended that parents "select toys to suit the age, skill, abilities, and interests of the individual child." The CPSC acknowledges, however, that "not all toys are age-labeled or provide adequate explanations of why certain toys may be inappropriate or even hazardous for children who are younger than the recommended ages." Unfortunately, the CPSC has failed to take regulatory action to require toy manufacturers to place informative labels on their products.

Furthermore, those manufacturers that include warning labels on their products may be failing to adequately phrase the warning, or give sufficient information to allow parents to make an informed decision. In an informal poll of parents buying toys, researchers found that most parents think that toy warning labels have to do with educational levels rather than the toy's safety. Many parents indicated a willingness to buy toys marked "recommended for children ages 3 and up" for their child who was under age 3 because they believed that their child was smarter than the average or could "grow into the toy."

However, when parents were informed that the label actually referred to the safety of the toy, not a single parent was willing to purchase that toy for their child.

The Toy Safety and Child Protection Act will resolve this problem not only by requiring all toys with small parts to contain a warning label to include the word "warning" in capital letters, but it must also contain a description of the potential hazard which could result. Though the standards would be developed by the Consumer Product Safety Commission, a likely possibility for the label could be: "warning, this toy contains small parts—use of this toy by a child under 3 years of age may cause choking."

Mr. Speaker, I urge my colleagues with small children and grandchildren to take a trip to the toy store. I urge you to look closely at some of the toys and their labels. You may see, for example, a paint set, currently available at some stores, which includes a minute brush which fails the small parts test and could easily be swallowed. This toy has no label.

There is nothing more important to a parent than being provided with complete and accurate information about the potential dangers of a toy. Nearly all these choking deaths and injuries from small toys parts are preventable. The "Toy Safety and Child Protection Act, will resolve this tragic problem by requiring all toys with small parts to have appropriate warning labels. Parents have a right to know which toys contain small parts and what danger small parts can present. At no cost to the taxpayers, enactment of this legislation could prevent the senseless death and injury of countless children.

SENATE—*Monday, April 15, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 9:59 and 39 seconds a.m., at the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 15, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY AT 2:30 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:30 p.m., Tuesday, April 16, 1991.

Thereupon, at 10 o'clock and 5 seconds a.m., the Senate recessed under the order of Thursday, April 11, 1991, until Tuesday, April 16, 1991, at 2:30 p.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, April 15, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. BENNETT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 12, 1991.

I hereby designate the Honorable CHARLES E. BENNETT to act as Speaker pro tempore on Monday, April 15, 1991.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to lift our eyes from a focus only on the immediate tasks that need to be accomplished to see also what should be accomplished. We confess that we often are immersed in the details of daily life and we become overwhelmed with the pressures and tensions of each day. Remind us, gracious God, to see what is before us, but also may our hearts and souls be filled with Your spirit so that we remember that we were created by Your hand for purposes greater than ourselves—for deeds of mercy and love and compassion. For You have taught us that it is in giving of ourselves in service to others that we find our fulfillment in You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Colorado [Mr. ALLARD] will lead us in the Pledge of Allegiance.

Mr. ALLARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had agreed to the following resolution:

S. RES. 97

Whereas the Honorable John Goodwin Tower served the people of Texas and America in the United States Senate with pride and distinction from 1961 to 1965;

Whereas John Tower's leadership in matters related to military and foreign affairs helped prepare the foundations for America's recent successes in the Persian Gulf war;

Whereas the death of John Tower's daughter, Marian, is a monumental loss to all who knew and loved her; and

Whereas John Tower's tragic passing has deprived Texas and America of an extraordinary person and valued leader: Now, therefore, be it

Resolved, That the Senate expresses the profound regret of the membership on the death of its former colleague, John Goodwin Tower of Texas, and of his daughter, Marian.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the Senator.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of former Senator John Tower.

The message also announced that the Senate had passed a bill, a joint resolution, and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 258. An act to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990;

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; and

S. Con. Res. 18. Concurrent resolution expressing the concern of the Congress for the ongoing human rights abuses in Burma and for the status of displaced Burmese and Burmese refugees.

The message also announced that, pursuant to Public Law 101-363, the Chair, on behalf of the Republican leader, appoints Mr. BROWN to the National Advisory Council on the Public Service.

The message also announced that, pursuant to Public Law 99-498, as amended by Public Law 101-324, the Chair on behalf of the majority leader, appoints Mr. William R. Cotter to the National Commission on Responsibilities for Financing Postsecondary Education, vice Dr. William Danforth, resigned.

The message also announced that, pursuant to Public Law 94-118, the Chair on behalf of the President pro tempore, appoints Mr. ROCKEFELLER, to the Japan-United States Friendship Commission.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 12, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate at 10:35 a.m. on Friday, April 12, 1991: That the Senate passed without amendment, H.J. Res. 197, H.J. Res. 134 and H. Con. Res. 115.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Thursday, April 11, 1991:

S. 534. An act to authorize the President to award a Gold Medal on behalf of the Congress to Gen. H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; and

S. 565. An act to authorize the President to award a Gold Medal on behalf of the Congress to Gen. Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

And the Speaker signed the following enrolled joint resolutions on Friday, April 12, 1991:

H.J. Res. 134. Joint resolution to designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as "Jewish Heritage Week", and

H.J. Res. 197. Joint resolution to designate the week of April 15 through 21, 1991, as "National Education First Week."

KIDSMONTH AND BUDGET MONTH: FULL FUNDING FOR THE WIC PROGRAM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, in Louisville and Jefferson County, KY, which is the community I am privileged to represent here in the House, April is Kidsmonth, designated as Kidsmonth. The idea of Kidsmonth is to identify

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and publicize throughout our community those programs which advantage and help and are there to benefit our children and youth.

Here in Washington April is budget month. Very soon this week in this Chamber we will take up the fiscal year 1992 Federal budget.

One item which will be in the budget which connects Kidsmonth in Louisville and Jefferson County, KY, and the budget month in Washington, DC, is the program we call WIC—the Women, Infants, and Children Program—which is a nutrition-dietary program to help women who are pregnant or women who are nursing children, their infants, and their children.

It is logical, Mr. Speaker, that if the children are healthy, they will be likely to live longer, better lives, and likely to be better students in the classroom. So the WIC Program is a good program.

The administration's budget has in it for fiscal year 1992 $223 million for the WIC Program. The Democratic budget produced by the Budget Committee has $350 million in it for WIC. It also moves toward full funding of the WIC Program by fiscal year 1996.

Mr. Speaker, I can think of no better way to commemorate Kidsmonth in Kentucky and budget month here in Washington than to pass full funding for the WIC Program. This will help our children and this will help the United States of America for all the years ahead.

IT IS TIME TO BRING THE TROOPS HOME

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, where are our reservists going to end up next?

I was told on Friday that the 432d Civil Affairs Unit from Green Bay, deployed to the gulf in December, is now being sent to Turkey to help with the relief efforts for the Kurdish people. Although this is an important mission, I question whether the reservists are the right group to be carrying out this assignment.

And what about the 890th, the 395th, and the 60 other Reserve units from the State of Wisconsin? Where will they be sent?

I agree that we must help the Kurdish people, but the relief agencies of the United Nations and the Red Cross are the proper organizations for this problem, not the reservists from the U.S. Army.

Mr. Speaker, these reservists left us and left our country months ago to win a great victory. They left their loved ones, their homes, their jobs and businesses. They put their lives on the line to do a job we asked them to do. Now it is time to bring them home.

That is why I have introduced a resolution this afternoon that urges all the Reserve and National Guard units to be brought home, and I ask my colleagues to support me in that effort in bringing our troops home.

□ 1210

CONGRESS COULD LEARN FROM WYOMING RANCHERS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, as we move into the budget season, it seems we enter the time when common sense may be most lacking in congressional and agency actions.

No where is this fundamental shortcoming more obvious than when we look at how the initial budget framework is reached.

Now, a rancher in Campbell County, WY, has a budget too. In making that budget, he has to take account of his expectations—prices for feeder cattle, weather patterns, disease, herd reproductive rates—all sorts of things.

If a drought strikes, the rancher has to tighten his belt. He can't "change the projections" and just assume that prices will be higher, or that he will have more calves next spring. The local banker will expect to be repaid on loans regardless of how the rancher changes his budget and income projections.

Well, my friends, Congress needs to take a lesson from that Wyoming rancher. We need to learn that if income drops in one part of the Federal spending process, spending has to drop somewhere else. And if more money is spent in one area, it has to come from someplace else.

Congress cannot, and should not, continue to change economic and fiscal projections in order to fudge the books and try to fool the American people into thinking we are balancing the books.

This year, I hope Congress stays honest on its fiscal and economic assumptions. When we consider the fiscal year 1992 budget, let us prove we deserve the trust of the American people.

LET US GET OUR RESERVISTS HOME AS QUICKLY AS POSSIBLE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, we found out one thing that the Iraqi Army could do: They are pretty good on beating up on women and children and old people in northern Iraq. And certainly I think our President is doing a good job getting supplies and help and humanitarian aid to that part of the country between Turkey and Iraq. What the leaders of the Iraqi Army ought to do is overthrow Saddam. He has caused them some embarrassment around the world.

It was mentioned earlier by the gentleman from Wisconsin [Mr. ROTH] about reservists and National Guardsmen still staying over in that part of the world and that they should be coming home in the near future.

If some of us do get over to the Middle East, we will take it up with General Schwarzkopf as to when these reservists and National Guardsmen can come home. Actually I am a little concerned that if we do not take some action on the reservists in the near future, some of them will have stayed in that part of the world in Saudi Arabia and Iraq and Kuwait over a year's time. That is longer than we kept American forces as individuals in Vietnam.

So we should make every effort to get these reservists home as quickly as possible.

WE SHOULD RAISE THE TAX DEDUCTIONS FOR CHILDREN

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, today is April 15. Everyone gets to contribute to the Federal Government.

In 1948 the average family of four contributed 2.5 percent of their income to the Federal Government. In the mid-1950's it was about 3.5 percent. Today it is a fourth of everything that the average American family produces in the course of a year, a fourth of it goes to the Federal Government, not counting local and State governments.

Now, I submit that if in 1952 one had walked into the family budget with a machete and sliced a fourth of it away, the mother would have had to go to work. There would have been an increase in latchkey children, there would have been an increase in the need for daycare, there would have been increases in delinquency, a collapse of educational scores, and then for those that did that, the liberals could come back and say that the problem with all the inner cities and families is such that we need to increase taxes, because they have more problems to correct the difficulty that we created.

I want to commend Congresswoman SCHROEDER, Congressman FRANK WOLF, the Select Committee on Children, Youth, and Families, which this morning have been holding hearings on precisely how beneficial is that department of health, education, and welfare that we call the family. Nobody cares more about the nutritional needs of children than parents; nobody is able to help more with the rise in educational scores than the mother and father sitting there with the youngsters; no one is more concerned about delinquency and the neigborhoods than a mother nurturing her children when they come home from school.

Consequently, I submit we should raise the deduction that we have for children. If it would have been kept at the same purchasing power that it had in 1948, the deduction per child would be $7,800 per child. Fortunately, in the latest tax bill we did increase it to $2,050. The bill that was considered this morning would raise it to $3,500.

If we had kept it at Harry Truman's level in purchasing power, today it would be $7,800 per child, and that would solve a whole potload of problems.

And so, Mr. Speaker, on April 15 I commend Chairwoman SCHROEDER and Congressman WOLF in solving the problem that Government created.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 121, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–33) on the resolution (H. Res. 123) providing for the consideration of the concurrent resolution (H. Con. Res. 121) revising the congressional budget for the U.S. Government for the fiscal year 1991, and setting forth the congressional budget for the U.S. Government for the fiscal years 1992, 1993, 1994, 1995, and 1996, which was referred to the House Calendar and ordered to be printed.

MIDDLE-AMERICAN FAMILY IS PAYING 7 PERCENT MORE IN TAXES, AND THE RICHEST ONE-HALF OF 1 PERCENT IS PAYING 26 PERCENT LESS THAN IN 1980

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, you can fool some of the people all of the time, you can fool all of the people some of the time, but you cannot fool all of the people all of the time. Today is one of those days. It is tax day in America. All across America, families are puzzling through the interminable tax form, writing checks to the IRS, trudging down to the post office to get those returns off and postmarked before midnight. Middle-America knows today that the Tax Simplification and Reform Act of 1986 was a fraud. It was neither simplication—it was really the "Full Employment Act for Tax Accountants and Lawyers"—nor was it reform. The average middle-income family of four is paying 7 percent more of their income in taxes than in 1980, and yet the richest one-half of 1 percent, those earning over $200,000 a year, their tax bite has gone down 26 percent since 1980.

Last fall we attempted to put progressivity back into the tax system for America during the budget negotiations and the budget battles here. There was a lot of talk from our colleagues on the other side of the aisle and the White House about class warfare: "Those Democrats want to wage class warfare." Well, it is war. Middle-America is losing ground rapidly, and the rich are winning. Unless this body acts to reintroduce the spirit of fairness and progressivity to the tax system in this country, the middle class will be an endangered species.

LET US REDUCE EXISTING BARRIERS TO TRADE BETWEEN THE AMERICA'S

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, several of my colleagues pointed to the fact that today is April 15, and they are absolutely right. This burden which has been imposed upon the American people is an incredible one.

As my friend from Ohio, Mr. MCEWEN, said, one-fourth of their tax load, of their income, is coming to the Federal Government, and it is tragic. Many of us have spent years here trying to bring about both reductions in that tax burden and, critically important, a reduction in the spending level which we see constantly coming from the Federal Government, imposed upon the American people.

Well, those of us who continue to be frustrated over the fact that this Congress does not bring about those cuts, have been trying to look at creative ways in which we can help meet the economic challenges which we face. It is interesting that on April 15 we in the Committee on Rules just considered this huge spending package which will again come forward.

□ 1220

However, Mr. Speaker, it seems to me that we need to now look at a possible way in which we can benefit the consumer, the consumer not only in the United States of America, but the consumer to the south, our southern neighbors in Mexico.

We, in the next few weeks, are going to be considering the United States-Mexico Free-Trade Agreement, or the North American Free-Trade Agreement, and, Mr. Speaker, it is very apparent that a rising tide lifts all ships, and, if we are able to reduce the barriers which exist among our countries in the Americas, we will clearly have an opportunity to help the consumer, the consumer who is faced with the burden today of paying taxes and faced with a profligate spending pattern which apparently "ain't" going to change in the near future.

So, Mr. Speaker, I think, as we move ahead with consideration of what is known as the fast track provision on the free-trade agreement, this Congress has got to do what it can to help consumers on both sides of the border because it is apparent that we can assist those people who are seeking the kind of opportunity which they have failed to get, unfortunately because of the policies which have emanated from this place.

THE CAPE MAY POINT LIGHTHOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. HUGHES] is recognized for 5 minutes.

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which authorizes the Secretary of the Department in which the Coast Guard is operating to convey the Cape May Point Lighthouse to the State of New Jersey.

Presently, the Cape May Point Lighthouse is leased to the State of New Jersey and the Mid-Atlantic Center for the Arts. The Mid-Atlantic Center for the Arts assumes sole responsibility for restoration, maintenance, interpretation, and operation of the lighthouse as a museum of lighthouse and maritime history. The U.S. Coast Guard continues to operate the light as an active aid to navigation.

The U.S. Coast Guard and the Mid-Atlantic Center for the Arts have enjoyed a productive and mutually beneficial working relationship since 1986. The benefactors of the diligent work by the Mid-Atlantic Center for the Arts at the lighthouse have been the visitors to Cape May. The public now has the opportunity to learn about these remarkable treasures. The Cape May Area has also benefited from this additional attraction, which is located in the Cape May Point State Park. Since opening in July 1987, some 250,000 people have visited the lighthouse museum.

In the past, this project has not been eligible for New Jersey State preservation funds, since it is owned by the Federal Government, but the lighthouse is badly in need of repairs. If ownership were transferred to the State however, over $200,000 in State funds would likely be granted for repairs, since the lighthouse is a major historic and tourist site in southern New Jersey.

The State of New Jersey would welcome this transfer. The Coast Guard would be amenable to this transfer as long as they can be assured that the lighthouse will be maintained and that they will have access to the lighthouse in order to maintain the aid to navigation. This stipulation is included in the legislative language.

I solicit the support of my colleagues in this worthwhile endeaver. The historical significance is that traditional lighthouses are a thing of the past. We should pass on this information to each generation and show them first-hand, how valuable and vital such services were years ago. I hope my colleagues will view this legislation as an opportunity to preserve our maritime and lighthouse history.

WALTER JACOBSON RECEIVES THE 1991 DANTE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call the attention of my colleagues in the House of Representatives to the many accomplishments of Walter Jacobson, a nationally recognized broadcast journalist who will soon receive the 20th annual Dante Award from the Joint Civic Committee of Italian-Americans. Mr. Jacobson is a Chicago native and a longtime news anchor and commentator for WBBM-TV in that city. He will receive the Dante Award for excellence in journalism during a luncheon planned by the JCCIA on May 17 at the Como Inn in Chicago.

Mr. Speaker, I believe Mr. Jacobson has earned this award through his incisive reports and commentaries on Chicago news and politics. Such skills are critical to meet the high standards of the Dante Award, which takes its name from the Italian literary master, Dante Alighieri.

Dante is best known for his depictions of Hell in his famous novel, "The Inferno." As a journalist focusing on real world events, Mr. Jacobson does honor to Dante's skill as a storyteller and student of human nature.

Mr. Jacobson began his career in journalism by working as a reporter for the Chicago American, the Chicago Daily News, Time magazine, the Chicago City News Bureau, and United Press International.

In 1963, Mr. Jacobson began working as a news writer for WBBM-TV in Chicago. From there, he advanced to the job of reporter over a span of about 7 years.

After working for 2 years at a competing TV station, Mr. Jacobson returned to WBBM in 1973 to take a job as a news anchor. To this day, he continues to work as a news anchor and commentator at that station.

During his many years at WBBM, Mr. Jacobson has maintained a level of excellence that is the envy of television journalists across the Nation. In addition to his expert analyses of Chicago news and politics. Mr. Jacobson has broadcast thought-provoking documentaries on topics including Poland, China, and the history of the Studebaker Car Co.

Given Mr. Jacobson's skills, it comes as no surprise that he has won numerous professional honors, including the Peabody Award and several Emmy Awards. In 1985, the Columbia Journalism Review named Mr. Jacobson as the Nation's top local news anchor in a poll of industry professionals. Other awards have come from the Associated Press, United Press International, and the Chicago Television Academy, which cited Mr. Jacobson for his documentary on the death of former Chicago Mayor Harold Washington.

In light of his many contributions to journalism, Mr. Jacobson clearly has earned this year's Dante Award and the upcoming luncheon planned by the Joint Civic Committee of Italian-Americans. At this time, I would like to extend my best wishes to all the members and officers of the JCCIA, including President Dominic Di Frisco, first vice president Fred Mazzei, treasurer Emil Venut, secretary Tena Amico, sergeant at arms Lawrence Spallitta, and the Reverend Lawrence Cozzi, who serves as chaplain.

Finally, Mr. Speaker, I want to extend my warmest congratulations to Mr. Jacobson for receiving the Dante Award. I hope this latest honor is but one of many more milestones yet to come in his distinguished career as a Chicago journalist.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLARD) to revise and extend their remarks and include extraneous material:)

Mr. HASTERT, for 60 minutes, on May 22.

Mr. RHODES, for 60 minutes, on May 22.

Mr. DREIER of California, for 5 minutes today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

Mr. HUGHES, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ALLARD) and to include extraneous matter:)

Ms. ROS-LEHTINEN.

Mr. HUNTER.

Mr. ARCHER.

Mr. YOUNG of Alaska.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. KANJORSKI.

Mr. ASPIN.

Mr. ROE.

Mr. SWETT.

Mr. HUGHES.

SENATE BILL, JOINT RESOLUTION, AND CONCURRENT RESOLUTION REFERRED

A bill, joint resolution, and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 258. An act to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990; to the Committee on Energy and Commerce.

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; to the Committee on Post Office and Civil Service.

S. Con. Res. 18. Concurrent resolution expressing the concern of the Congress for the ongoing human rights abuses in Burma and for the status of displaced Burmese and Burmese refugees; to the Committee on Foreign Affairs.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 134. Joint resolution to designate the weeks of April 14 through 21, 1991, and May 3 through 10 1992, as "Jewish Heritage Week"; and

H.J. Res. 197. Joint resolution to designate the Week of April 15 through 21, 1991, as "National Education First Week."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 534. An act to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; and

S. 565. An act to authorize the President to award a gold medal on behalf of the Congress to Gen. Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, joint resolutions of the House of the following titles:

On April 12, 1991:

H.J. Res. 197. Joint resolution to designate the Week of April 15 through 21, 1991, as "National Education First Week"; and

H.J. Res. 134. Joint resolution to designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as "Jewish Heritage Week."

ADJOURNMENT

Mr. DEFAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Tuesday, April 16, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1074. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's third special impoundment message for fiscal year 1991 submitted on February 28, 1991, pursuant to 2 U.S.C. 685 (Doc. No. 102–63); to the Committee on Appropriations and ordered to be printed.

1075. A letter from the Acting Secretary of the Navy, transmitting notification that major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1076. A letter from the Assistant Secretary of the Army (Research, Development and Acquisition), transmitting a draft of proposed legislation to authorize the use of Department of Defense appropriations for payments under equipment operation and equipment maintenance contracts that cross fiscal years; to the Committee on Armed Services.

1077. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the African Development Fund Act to authorize consent to and authorize appropriations for the United States contribution to the sixth replenishment of the resources of the African Development Funds, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

1078. A letter from the Secretary of Housing and Urban Development, transmitting an evaluation of the availability, quality, and reliability of data to measure the accessibility of decent affordable housing in areas where properties are eligible to submit a notice of intent to prepay under section 212, pursuant to Public Law 101–625, section 222(e) (104 Stat. 4264); to the Committee on Banking, Finance and Urban Affairs.

1079. A letter from the Secretary of Health and Human Services, transmitting the 24th annual report of the United States-Japan Cooperative Medical Science Program for the period of July 1989 to July 1990, pursuant to 22 U.S.C. 2103(h); to the Committee on Energy and Commerce.

1080. A letter from the Secretary of Health and Human Services, transmitting the 1990 report of Health, United States, compiled by the National Center for Health Statistics, and the Centers for Disease Control, pursuant to 42 U.S.C. 242m(a)(2)(D); to the Committee on Energy and Commerce.

1081. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by John E. Bennett, of Washington, to be Ambassador to the Republic of Equatorial Guinea, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1082. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Bruce S. Gelb, of New York, to be Ambassador to Belgium, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1083. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1084. A communication from the President of the United States, transmitting his views on the proposed "International Cooperation Act of 1991" (Doc. No. 102–64); to the Committee on Foreign Affairs and ordered to be printed.

1085. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct modifications to the Verde River dams (Bartlett and Horsehoe Dams), Salt River Project, AZ, pursuant to 43 U.S.C. 509; to the Committee on Interior and Insular Affairs.

1086. A letter from the Principal Deputy, Office of the Assistant Secretary of Defense for Production and Logistics, transmitting a report on DOD's Metric Transition Program during fiscal year 1990 and on future plans under the MT plan, pursuant to Public Law 100–418, section 5164; to the Committee on Science, Space, and Technology.

1087. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to establish fiscal provisions relating to cooperative projects with friendly foreign countries and international organizations on a cost-shared basis; jointly to the Committees on Armed Services and Foreign Affairs.

1088. A letter from the Administrator, Agency for International Development and President, Export-Import Bank of the United States, transmitting the semiannual report on the amount and extension of guarantees and insurance provided under the Trade Credit Insurance Program for Poland, pursuant to 22 U.S.C. 2185; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

1089. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to withdraw certain public lands in Eddy County, NM, and for other purposes; jointly, to the Committees on Armed Services, Energy and Commerce, and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on April 11, 1991, the following report was filed on April 12, 1991]

Mr. PANETTA: Committee on the Budget. House Concurrent Resolution 121. A resolution revising the congressional budget for the U.S. Government for the fiscal year 1991 and setting forth the congressional budget for the U.S. Government for the fiscal years 1992, 1993, 1994, 1995, and 1996 (Rept. 102–32). Referred to the Committee of the Whole House on the State of the Union.

[Submitted April 15, 1991]

Mr. DERRICK: Committee on Rules. House Resolution 123. A resolution providing for the consideration of House Concurrent Resolution 121, revising the congressional budget for the U.S. Government for the fiscal year 1991 and setting forth the congressional budget for the U.S. Government for the fiscal years 1992, 1993, 1994, 1995, and 1996 (Rept. 102–33). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK of Massachusetts:

H.R. 1760. A bill to amend the AMVETS charter; to the Committee on the Judiciary.

H.R. 1761. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 1762. A bill to suspend until January 1, 1995, the duty on beta lactamase inhibitor (Tazobactam); to the Committee on Ways and Means.

H.R. 1763. A bill to suspend until January 1, 1995, the duty on leucovorin calcium powder; to the Committee on Ways and Means.

H.R. 1764. A bill to suspend until January 1, 1995, the duty on Ethambutal hydrochloride; to the Committee on Ways and Means.

H.R. 1765. A bill to suspend temporarily the duty on pectin; to the Committee on Ways and Means.

H.R. 1766. A bill to extend until December 21, 1996, the temporary suspension of duties on 7-Acetyl-1,1,3,4,4,6-hexamethyletraphydronaphthalene; to the Committee on Ways and Means.

H.R. 1767. A bill to suspend temporarily the duty on 6-Acetyl-1,1,2,3,3,5-hexamethyl Indan; to the Committee on Ways and Means.

By Mr. GREEN of New York (for himself, Mr. Condit, Mr. Baker, Mr. Stark, Mr. Gilman, Mr. Smith of New Jersey, Mrs. Johnson of Connecticut, Mr. Mineta, Mr. Bryant, Mr. Henry, Mr. Petri, Mr. Hochbrueckner, Mr. Manton, Mr. Perkins, Mr. Chapman, Mr. Bereuter, Mr. Hyde, Mr. Scheuer, Mr. Frost, Mr. Owens of Utah, Mrs. Patterson, Mr. Roe, Mr. Campbell of Colorado, Mr. Dannemeyer, Mr. Mavroules, Mr. Mfume, Mr. Martin, Mr. Dornan of California, Mr. Murphy, Mr. Traxler, Mr. Lipinski, Mrs. Meyers of Kansas, Mr. Ackerman, Mr. Martinez, Mr. Holloway, Mr. Dwyer of New Jersey, Mr. Spratt, Mr. Clinger, Mr. Bilbray, Mr. Eckart, Mr. Espy, Ms. Long, Mr. de Lugo, Mr. Grandy, and Mr. Savage):

H.R. 1768. A bill to amend chapter 110 of title 18, United States Code, to create remedies for children and other victims of pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. HUGHES:

H.R. 1769. A bill to authorize the Secretary of the department in which the Coast Guard is operating to convey the Cape May Point

Lighthouse to the State of New Jersey; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of Florida (for himself, Mr. Beilenson, Mr. Berman, Mr. Fascell, Mr. Fuster, Mr. Green of New York, Mr. Hochbrueckner, Mr. Johnston of Florida, Mr. Lehman of Florida, Mr. Lipinski, Mr. Mazzoli, Mr. Miller of Washington, Mr. Owens of New York, Mr. Roybal, Mr. Stark, Mr. Torricelli, and Mr. Yates):

H.R. 1770. A bill to amend title 18, United States Code to prohibit certain handguns which are unsuitable for lawful sporting purposes; to the Committee on the Judiciary.

By Mr. SWIFT:

H.R. 1771. A bill to amend the Internal Revenue Code 1986 and title II of the Social Security Act to expand the Social Security exemption for election officials and election workers employed by State and local governments; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 1772. A bill to extend the existing suspension of duty on bendiocarb and to provide retroactive application to such duty suspension; to the Committee on Ways and Means.

By Mr. ROTH:

H. Con. Res. 122. Concurrent resolution expressing the sense of the Congress that the Reserve components of the U.S. Armed Forces who were deployed in the Persian Gulf conflict should be returned home not later than July 4, 1991; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. VANDER JAGT introduced a bill (H.R. 1773) for the relief of Eric N. Anderson, David O. Courtney, Jeffrey L. Homant, Timothy R. McCalley, Stephen V. Perez, Michael P. Ramsey, and Cynthia L. Walerych; which was refered to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. Ackerman, Mr. Fish, Mr. Hyde, Mr. Lent, Mr. Pallone, and Mr. Scheuer.

H.R. 418: Mr. Valentine, Mr. Volkmer, and Mr. Evans.

H.R. 430: Mr. Lewis of Florida.

H.R. 643: Mr. Gunderson, Mr. Bunning, Mr. Rohrabacher, Mr. Packard, Mr. Dornan of California, Mr. Dicks, Mr. Darden, Mr. Inhofe, Mr. Frank of Massachusetts, Mr. Montgomery, Mr. Clement, Mr. Dannemeyer, Mr. Johnson of South Dakota, Mr. Hyde, Mr. Baker, Mr. Kolbe, Mr. Conyers, Mr. Swift, Mr. English, and Mr. Pursell.

H.R. 730: Mr. Towns.

H.R. 768: Mr. Emerson.

H.R. 776: Mr. Horton, Mr. McNulty, Mr. Ford of Michigan, Mr. Serrano, Mr. Jontz, Mr. Hochbrueckner, and Mr. Fazio.

H.R. 777: Mr. Ford of Michigan and Mr. Fazio.

H.R. 778: Mr. Ford of Michigan and Mr. Fazio.

H.R. 779: Mr. Tauzin, Mr. Owens of Utah, and Mr. Fazio.

H.R. 780: Mr. Jontz and Mr. Fazio.

H.R. 786: Mr. McMillen of Maryland, Mr. Ray, Mrs. Unsoeld, and Mr. Dwyer of New Jersey.

H.R. 875: Mrs. Boxer, Ms. Molinari, Mr. Owens of New York, Mr. McDermott, Mr. Beilenson, Mr. Kostmayer, and Mr. Waxman.

H.R. 967: Mr. Parker.

H.R. 1081: Mr. Volkmer.

H.R. 1442: Mr. Miller of Washington, Mr. Jefferson, Mr. Horton, Mr. Hughes, Mr. Frost, Mr. Ravenel, Mr. Miller of California, Mr. Abercrombie, Mr. Dannemeyer, Mr. Moran, Mr. Dwyer of New Jersey, Mr. Evans, Mrs. Meyers of Kansas, Mr. Lagomarsino, Mr. Fish, and Mr. Owens of Utah.

H.R. 1456: Mr. Lancaster, Mr. Camp, Mr. Kopetski, Mr. Pallone, Mr. Lewis of Georgia, Mr. Gordon, Mr. Hefner, Mr. Grandy, Mr. Davis, and Mr. Broomfield.

H.R. 1473: Mr. Frost, Mr. Richardson, Mr. Hutto, Mr. Rahall, Mr. Inhofe, Mr. Lagomarsino, Mr. Manton, Mr. Schiff, and Mr. Erdreich.

H.R. 1527: Mr. Richardson, Mr. Sharp, Mr. Lipinski, Mr. Johnson of South Dakota, Mr. Lewis of Georgia, and Mr. Parker.

H.R. 1629: Mr. Quillen.

H.R. 1669: Mr. Sawyer.

H.R. 1722: Mrs. Kennelly, Mr. Jefferson, Mr. Ackerman, Mr. Engel, and Mr. Towns.

H.J. Res. 2: Mrs. Vucanovich.

H.J. Res. 66: Mr. Vento, Mr. Savage, Mr. Swett, Ms. DeLauro, Mr. Applegate, Mr. Parker, Mr. Staggers, Mr. Peterson of Florida, Mr. Camp, Mr. Nussle, Mr. Goodling, and Mr. Gingrich.

H.J. Res. 88: Mr. Carr.

H.J. Res. 95: Mr. Owens of New York, Mr. Dickinson, Mrs. Patterson, Mr. Durbin, and Mr. Wylie.

H.J. Res. 102: Mr. Neal of Massachusetts, Mr. Thomas of Georgia, Mr. Walsh, Mr. Cramer, Mr. Huckaby, Mr. Lancaster, Mr. Waxman, Mr. Mfume, Mr. Gray, Mr. Serrano, and Mr. Levine of California.

H.J. Res. 199: Mr. Payne of Virginia, Mr. Lipinski, Mr. McMillen of Maryland, Mr. Serrano, Mr. Lagomarsino, Ms. Kaptur, Mr. Erdreich, Mr. Poshard, Mr. DeFazio, Mr. Emerson, Mr. Lancaster, Mrs. Byron, Mrs. Johnson of Connecticut, Mr. Johnson of South Dakota, Mr. Walsh, Mr. Owens of Utah, Mr. Hayes of Illinois, Mr. Andrews of Maine, Mrs. Boxer, Mr. Hughes, Mr. Bevill, Mr. Riggs, Mr. Rangel, Mr. Kanjorski, Mr. Carper, Mr. Gilchrest, Mr. Bonior, Mr. McCollum, Mr. Manton, Mr. Murphy, Mr. Morrison, Mr. Matsui, Mr. de Lugo, Mr. McEwen, Mr. Dicks, Mr. Ireland, Mr. Ravenel, Mr. Coyne, Mr. Dixon, Mr. Hall of Texas, Mr. Hayes of Louisiana, Mr. Hutto, Mr. Torricelli, Mr. Yatron, Mr. Ramstad, Mr. Conyers, Mr. Fuster, Mr. Jones of North Carolina, Mr. Tallon, Mrs. Mink, Mr. Thomas of Georgia, Mr. Darden, Mrs. Morella, Mr. Mollohan, Mr. Hammerschmidt, Mr. Pickett, Mr. Coughlin, Mr. Gekas, Mr. Spence, Mr. Mavroules, Mr. Swett, Mr. Pursell, Mrs. Lloyd, Mr. Jenkins, Mr. Evans, Mr. Downey, Mr. Vander Jagt, Mr. McCloskey, Mr. Lewis of Georgia, and Mrs. Unsoeld.

H. Con. Res. 99: Mr. Rangel, Mr. Lewis of Georgia, Mr. Espy, Mr. Towns, Ms. Waters, Mrs. Collins of Illinois, Ms. Norton, Mrs. Collins of Michigan, Mr. de Lugo, Mr. Flake, Mr. Abercrombie, Mr. Spratt, Mr. Dymally, Mr. Frost, Mr. Kennedy, Mr. Downey, Mr. Jontz, Mr. Horton, Mr. Levin of Michigan, Ms. Pelosi, Mr. Torres, Mr. Sikorski, Mr. Levine of California, Mr. Dellums, Mr. Ford of Tennessee, Mr. Roe, Mr. Washington, Mr. Engel, Mr. Hayes of Illinois, and Mr. Savage.

PETITIONS, ETC.

Under clause 1 of rule XXII,

56. The SPEAKER presented a petition of the American Bar Association, Chicago, IL., relative to legislative redistricting; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

WORKING CHILDREN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. HUNTER. Mr. Speaker, as Congress begins to focus its attention to the proposed North American Free-Trade Agreement, it is important that Members consider the hideous working conditions in Mexico. I urge my colleagues to read this article from the April 8, Wall Street Journal.

[From the Wall Street Journal, Apr. 8, 1991]

WORKING CHILDREN—UNDERAGE LABORERS FILL MEXICAN FACTORIES, STIR U.S. TRADE DEBATE

(By Matt Moffett)

LEON, MEXICO.—When Vicente Guerrero reported for work at the shoe factory, he had to leave his yo-yo with the guard at the door. Then Vicente who had just turned 12 years old, was led to his post on the assembly line, a tall vertical lever attached to a press that bonds the soles of sneakers to the uppers.

The lever was set so high that Vicente had to shinny up the press and throw all his 90 pounds backward to yank the stiff steel bar downward. It reminded him of some playground contraption.

For Vicente this would have to pass for recreation from now on. A recent graduate of the sixth grade, he joined a dozen other children working full time in the factory. Once the best orator in his school and a good student, he now learned the wisdom of silence: even opening his mouth in this poorly ventilated plant meant breathing poisonous fumes.

Vicente's journey from the front-row desk of his schoolroom to the factory assembly line was charted by adults: improverished parents, a heedless employer, hapless regulators, and impotent educators. "I figure work must be good for me, because many older people have helped put me here," says Vicente, shaking his hair out of his big, dark eyes. "And in the factory I get to meet lots of other boys."

Half of Mexico's 85 million people are below the age of 18, and this generation has been robbed of its childhood by a decade of debt crisis. It's illegal in Mexico to hire children under 14, but the Mexico City Assembly recently estimated that anywhere from five million to 10 million children are employed illegally, and often in hazardous jobs. "Economic necessity is stronger than a theoretical prohibition," says Alfredo Farit Rodriguez, Mexico's Attorney General in Defense of Labor, a kind of workers' ombudsman.

Child labor is one of several concerns about standards in the Mexican workplace clouding the prospects for a proposed U.S.-Mexico free trade agreement. It is being seized upon, for example, by U.S. labor unions, which oppose free trade and fear competition from Mexican workers.

Recently, Democratic Sen. Lloyd Bentsen of Texas, the chairman of the Senate Finance Committee, and House Ways and Means Committee Chairman Dan Rostenkowski of Illinois warned President Bush in a letter of the major hang-up: "the disparity between the two countries in . . . enforcement of environmental standards, health and safety standards and worker rights." Mr. Bush yesterday reiterated his support for the trade pact.

Free-trade advocates argue that investments flowing into Mexico would ameliorate the economic misery that currently pushes Mexican children into the work force. Partisans of free trade also point to the aggressiveness Mexican President Carlos Salinas de Gortari has lately shown in fighting lawbreaking industries: Mexico added 50 inspectors to regulate foreign plants operating along the U.S.-Mexico border and shut down a heavily polluting refinery in Mexico City.

LITTLE FOXES

Young Vicente Guerrero's life exemplifies both the poverty that forces children to seek work and the porous regulatory system that makes it all too easy for them to find jobs. In the shantytown where Vicente lives and throughout the central Mexico state of Guanajuato, it is customery for small and medium-sized factories to employ boy shoemakers known as zorritas, or little foxes.

"My father says I was lucky to have so many years to be lazy before I went to work," says Vicente. His father, Patricio Guerrero, entered the shoe factories of Guanajuato at the age of seven. Three decades of hard work later, Mr. Guerrero lives in a tumbledown brick shell about the size and shape of a baseball dugout. It is home to 25 people, maybe 26. Mr. Guerrero himself isn't sure how many relatives and family friends are currently lodged with him, his wife and six children. Vicente, to get some privacy in the bedroom he shares with eight other children, occasionally rigs a crude tent from the laundry on the clotheslines crisscrossing the hut.

School was the one place Vicente had no problem setting himself apart from other kids. Classmates, awed by his math skills, called him "the wizard." Nearly as adept in other subjects, Vicente finished first among 105 sixth-graders in a general-knowledge exam.

Vicente's academic career reached its zenith during a speaking contest he won last June on the last day of school. The principal was so moved by the patriotic poem he recited that she called him into her office to repeat it just for her. That night, Vicente told his family the whole story. He spoke of how nervous he had been on the speaker's platform and how proud he was to sit on the principal's big stuffed chair.

After he finished, there was a strained silence. "Well," his father finally said, "it seems that you've learned eveything you can in school." Mr. Guerrero then laid his plans for Vicente's next lesson in life. In a few weeks, there would be an opening for Vicente at Deportes Mike, the athletic shoe factory where Mr. Guerrero himself had just been hired. Vicente would earn 100,000 pesos a week, about $34.

At the time, money was tighter than usual for the Guerroros: Two members of the household had been laid off, and a cousin in the U.S. had stopped sending money home.

After his father's talk, Vicente stowed his schoolbooks under a junk heap in a corner of the hut. It would be too painful, he thought, to leave them out where he could see them.

Last August Vicente was introduced to the Deportes Mike assembly line. About a dozen of the 50 workers were underage boys, many of whom toiled alongside their fathers. One youth, his cheek bulging with sharp tacks, hammered at some baseball shoes. A tiny 10-year-old was napping in a crate that he should have been filling with shoe molds. A bigger boy was running a stamping machine he had decorated with decals of Mickey Mouse and Tinker Bell. The bandage wrapped around the stamper's hand gave Vicente an uneasy feeling.

Showing Vicente the ropes was the plant superintendent's 13-year-old son, Francisco Guerrero, a cousin of Vicente's who was a toughened veteran, with three years' experience in shoemaking.

When a teacher came by the factory to chide school dropouts, Francisco rebuked her. "I'm earning 180,000 pesos a week," he said. "What do you make?" The teacher, whose weekly salary is 120,000 pesos, could say nothing.

Vicente's favorite part of his new job is running the clanking press, though that usually occupies a small fraction of his eight-hour workday. He spends most of his time on dirtier work: smearing glue onto the soles of shoes with his hands. The can of glue he dips his fingers into is marked "toxic substances . . . prolonged or repeated inhalation causes grave health damage; do not leave in the reach of minors." All the boys ignore the warning.

Impossible to ignore is the sharp, sickening odor of the glue. The only ventilation in the factory is from slits in the wall where bricks were removed and from a window near Vicente that opens only halfway. Just a matter of weeks after he started working, Vicente was home in bed with a cough, burning eyes and nausea.

What provoked Vicente's illness, according to the doctor he saw at the public hospital, was the glue fumes. Ingredients aren't listed on the label, but the glue's manufacturer, Simon S.A. of Mexico City, says it contains toluene, a petroleum extract linked to liver, lung and central nervous system damage. The maximum exposure to toluene permitted under Mexican environmental law is twice the level recommended by recently tightened U.S. standards. And in any event, Deportes Mike's superintendent doesn't recall a government health inspector coming around in the nine years the plant has been open.

When Vicente felt well enough to return to work a few days later, a fan was installed near his machine. "The smell still makes you choke," Vicente says, "but el patron says I'll get used to it."

El patron, the factory owner, is Alfredo Hidalgo. "These kinds of problems will help make a man of him," Mr. Hidalgo says. "It's a tradition here that boys grow up quickly." Upholding tradition has been good for Mr. Hidalgo's business; Vicente and the other

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

zorritas generally are paid less than adult workers.

Mr. Hidalgo doesn't see that as exploitation. "If it were bad for Vicente, he wouldn't have come back after the first day of work," he says. "None of the boys would, and my company wouldn't be able to survive."

"The system makes protecting the zorritas very, very difficult," says Teresa Sanchez , a federal labor official in Guanajuato state. The national labor code gives the federal government jurisdiction over only a limited number of industries that make up just 3 percent of businesses in the state. "The important industries, like shoes," she says. "are regulated by the states, and the states . . ." She completes the sentence by rolling her eyes.

At the state labor ministry, five child labor inspectors oversee 22,000 businesses. The staff has been halved in the decade since Mexico's economic crisis erupted, says Gabriel Eugenio Gallo, a sub-secretary. The five regulators make a monthly total of 100 inspections. At that rate it would take them more than two decades to visit all of the enterprises under state jurisdiction. Because child labor violations weren't even punishable by fines until very recently, state regulators say they have a hard time getting the tradition-bound employers they do visit to take them seriously. "Ultimately, the schools must be responsible for these kids," Mr. Gallo concludes.

Located just four blocks from where Vicente Guerrero labors, the Emperador Cuauhtemoc school employs two social workers to reclaim dropouts. (Children are required by law to stay in school through the sixth grade.) One-third of the students at Cuauhtemoc never finish the Mexican equivalent of junior high. With their huge caseloads, the two social workers certainly have never heard of Vicente Guerrero. "Ultimately, it's the boy's own responsibility to see to it that he gets an education," says Lourdes Romo, one of the counselors.

Vicente is still getting an education, but it's of a different sort than he would be getting in school. On a factory break, the superintendent puts a zorrita in a headlock to act out the brutal murder of a member of a local youth gang. This pantomime is presented to Vincente and a rapt group of boys as a cautionary tale. "Boys who don't work in the factory die this way on the street," the Superintendant warns.

Vicente hasn't missed work again, though he always has a runny nose and red eyes. "One gets accustomed to things," he says. It's lucky for him that he is adaptable. The plant was expanded recently and Vicente's window, once his source of fresh air, now swings open onto a sewing room where several new boys labor.

The zorrita tradition is unlikely to fade any time soon. "We eat better now that Vicente works," says Patricio Guerrero, watching his wife stir a skillet of chicken in sweet mole sauce. "And Vincete has few pesos left over so he can enjoy being a boy."

But Vicente doesn't have the time. Even though he's the captain, he recently missed an important Saturday match of his soccer team. A rush order of soccer shoes had to be filled at Deportes Mike. His friends tell him that "I stink as bad as the patch on a bicycle tire," he says. "But I know that's just the smell of work."

YOUNG SOUTH FLORIDA ARTIST BEATS DYSLEXIA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, as a senior at the New World School of the Arts, Raymond L. Stein has already received significant acclaim for his paintings. In January, Mr. Stein was given a National Foundation for Advancement in the Arts award and currently has a solo exhibit of his work at the AmeriFirst Bank in downtown Miami. These are noteworthy achievements made more remarkable when considering Mr. Stein's struggle with dyslexia. The Miami Herald recently brought attention to Mr. Stein's achievements in a March 24 article. That article follows:

> When Raymond L. Stein was in junior high school, teachers and fellow students told him he would never attend college. At restaurants, he would be the last to order because he couldn't read the menu.
>
> In special education classes because of a learning disability, dyslexia, Stein was frustrated by academics. "At an early age, I could never handle sitting still in class," he said. "The only way I could compete was in art class. I found I could put all my frustrations onto the canvas."
>
> Today the senior at New World School of the Arts has won national art awards, has a 13-picture exhibit in the AmeriFirst Bank Building lobby, 1 SE Third Ave, and plans to continue his education at an art institute.
>
> "When you see his show at the AmeriFirst, you would automatically assume it was done by a professional, not a high school student," said Louise Romeo, Stein's art instructor at New World School. On his own initiative, Stein showed slides of his work to Karen Rombough, who manages the lobby exhibit area, and she invited him to stage the first one-student show there.
>
> His works, which sell from $250 to $800, will remain on display in the lobby from 6 a.m. to 6 p.m. through Friday.
>
> Stein calls his paintings "recorded memories." Many, such as *Noche con Sofia* (Night with Sofia) and *Balie y Obsecion* (Dance and Obsession), reflect Stein's roots. Born in New Orleans to a Cuban mother and an American father, he moved to Miami when he was 8.
>
> "Ray is not afraid of thinking for himself, and it shows in all his work," said Ed Love, founding dean of New World School.
>
> In January, Stein received a $1,500 National Foundation for Advancement in the Arts award for visual arts-painting achievement as one of 20 finalists from among 5,560 applicants, said Bill Banks, NFAA executive vice president.
>
> Stein would like to attend the Maryland Institute College of Art, where he spent last summer in advanced art studies on a dean's scholarship. But it will be April before he hears from the admissions offices, In the meantime, he is doing wood sculptures, applying painting techniques.
>
> "Growing up with a disability, I wasn't supposed to amount to much," Stein said. "When I got to New World, Mr. Love instilled in my head that there was nothing wrong with a disability: Raymond is Raymond. I've turned it around to use it to my advantage."

Mr. Speaker, I commend Mr. Stein for his courage and wish him continued success with his artistic gifts. Mr. Stein is an inspiration to others with handicaps and to those of differing abilities to strive for excellence in whatever they do. The New World School of the Arts, a magnet school in Miami to encourage the arts, should also be noted for its special contribution to Mr. Stein's training and that of other talented young artists.

TIRE RECYCLING INCENTIVES ACT STRENGTHENS MARKET FORCES FOR SCRAP TIRE RECYCLING

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. TORRES. Mr. Speaker, did you know that you have to drive no further than 3 minutes from the floor of our Nation's beautiful Capitol Building in Washington, DC, to find an illegal tire pile? And the problem of scrap tire disposal is continually getting worse because each year Americans discard over 250 million scrap tires.

Did you know, Mr. Speaker, that if the scrap tires that we generate every year in America, were stacked one on another, they would be equivalent in height to 98,000 Empire State Buildings? And most of these tires are simply thrown away rather than looked upon as a resource.

The fundamental question that must be addressed when dealing with any problem—including the scrap tire issue is: What is the nature of the problem? One cannot solve problems without a fundamental vision of the origin of the problem. In an effort to develop an effective and efficient solution to the scrap tire issue, policymakers and interest groups have been grappling with a key fundamental question: Is the tire problem simply a trash disposal problem, or is it truly a problem of underutilizing a resource?

I believe tires are a resource. Each 20-pound tire contains 7 gallons of petroleum. And yet, 85 percent of America's tires end up in tire piles. Tire piles are not merely unsightly, they are dangerous. Should they catch fire, they will contaminate our air and water. And simply sitting there, piles pose risks of vector-borne disease transmission because tires serve as an ideal breeding ground for mosquitoes and rodents.

An examination of the nature of the problem and a clear grasp of the potential application of the existing tire recycling infrastructure strongly suggest that any effective approach to managing scrap tires necessitates treating scrap tires as a potential resource rather than a garbage problem. And any legislative solution to the scrap tire problem must address the issue of: How do we best utilize scrap tires as a resource?

Tires can be turned into a wide variety of products ranging from rubber-modified asphalt for roads and airport runways to trash cans. Tires can also be safely burned for energy recovery. Unfortunately the economics of tire recycling are generally unfavorable. Our supply of scrap tires vastly exceeds existing demand. With demand low and supply high, it is cheaper to just throw away an old tire than it is to recycle an old tire. We must stimulate demand for the resources contained in scrap tires.

It is my contention that scrap tires are a potentially important resource—as yet, an underutilized resource, but a resource never the-less. Any solution to the scrap tire problem must approach the issue from this standpoint. Simply making disposal safe and secure but ignoring both the laws of supply and demand and the resource potential of the scrap tires is not an acceptable solution.

As we know, scrap tires are a hazard when improperly stored. Billions of scrap tires piled up all over America pose a potential threat to human health and the environment. Scrap tires consume a disproportionate amount of our dwindling landfill resources. But, if viewed as a resource, these same problem tires when properly recycled add economic value to our society. Tire recycling creates American jobs and saves energy. Tires thrown on to a heap, even if it is a properly maintained heap, are simply wasted.

We have a pivotal opportunity now, since Congress is beginning the process of reauthorizing the Resource Conservation and Recovery Act [RCRA], to affect significant change in how we handle the scrap tire problem.

I, along with Senator TIM WIRTH and the late Senator John Heinz, have crafted the Tire Recycling Incentives Act to create incentives that enlist the power of market forces to work for, rather than against, tire recycling. H.R. 871[1] charts a new course by creating a system of economic incentives to encourage recycling of scrap tires.

Until now we have viewed disposal as cheap and recycling as expensive. That must, and will, change—particularly as we look at the cost of maintaining our throwaway society. What I call our addiction to disposal will ultimately reduce our ability to compete on the world market. Our addiction will cost American jobs. The recent history of the U.S. steel industry shows how an industry, which resisted the use of scrap steel, soon found itself unable to compete in world markets. Now, American scrap steel, reclaimed by the Japanese, comes back to us as fenders on Hondas and Toyotas. And our scrap cardboard comes back to us as packaging for VCR's and computers.

The scrap tires generated in America are not trash. These tires are not garbage. In spite of what some of our friends in the manufacturing segment of the tire industry would have us believe, these scrap tires are an underutilized resource. This is not merely engaging in semantics. How you view a problem indicates how you will ultimately pursue it. We, as a society, cannot afford to continue to perceive the tire problem as a waste disposal problem.

The Tire Recycling Incentives Act requires the manufacturers and importers of new tires to take some responsibility for the products that they produce. Tire manufacturers would have to guarantee that some fraction of the tires that they produce are recycled. The recycling rate required under the law would simply be 5 percentage points higher than the recycling rate that existed in the previous year. The tire manufacturers could fulfill their responsibilities by either recycling the tires themselves, or by purchasing recycling credits. The recycling credits would be generated by firms that actually turn the tires into useable products.

After the scrap tire is removed from service and recycled into a new product a recycling credit will be generated. The tire recycler will really create, not one, but two commodities; the product produced from the scrap tire, and the recycling credit. The recycling credit will be a piece of paper or a computer record that verifies that a tire has been recycled.

Each credit will be available for sale to the highest bidder. The recycling credit is a written guarantee that the tire was properly recycled in a licensed facility. The credits are not tax credits but a separate, salable asset which recyclers would produce as a byproduct of their normal activity. The credits will have economic value.

The tire manufacturer or importer will have to demonstrate, with a simple, verifiable report, that they have either recycled the tires themselves—up to the level specified each year—or that they have purchased the tire recycling credits. The credits represent evidence that recycling had occurred. Thus the Tire Recycling Incentives Act will enhance the market for tire recycling.

It is as though a new product is created—a recycling credit—when the recycler does his job. In this way we reward positive environmental behavior rather than solely trying to apprehend violators. It is important to note that in addition to the credit system, my bill contains extensive provisions requiring management standards for existing and new tire piles.

Our Nation has the technology necessary to turn scrap tires into useful products or energy assets. We can remove used tires from the list of environmental hazards. What is lacking is the proper economic incentives. The public is willing to act, what we need now is congressional action to encourage industry to do the right thing.

The Tire Recycling Incentives Act creates a system of incentives—a mix of carrots and sticks—that will make tire recycling work.

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. YOUNG of Alaska. Mr. Speaker, as you know each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of America Scriptwriting Contest. This year more than 138,000 secondary school students participated in the contest competing for the 14 national scholarships totaling $62,500.

The 1990–91 winner from Alaska is Mr. James Sean Kennedy. Mr. Kennedy lives in Eagle River, AK and attends Chugiak High School. He has won several awards in drama, debate and forensics tournaments. He has also twice won first place in the local level American Legion Oratorical Contest.

I would like to take this opportunity to submit James Kennedy's award winning script to the CONGRESSIONAL RECORD. Thank you for your consideration.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By James S. Kennedy, Alaska winner, 1990/91 VFW Voice of Democracy Scholarship Program)

The term democracy represents government by the people or a rule of the majority. It embodies the inherent rights and responsibilities of those willing to embrace it as a form of lifestyle. A true democracy abolishes all hereditary or arbitrary class distinctions and privileges. It gives equal rights and responsibilities to all; thereby allowing for the many freedoms which Americans value as much as life itself. These freedoms, such as the freedom of speech, the freedom of religion, and the freedom of the people to peaceably assemble and to petition the government, are the foundations on which the concept of American democracy has been built.

The freedom of speech, both written and oral, is one of the greatest freedoms which democracy provides. Giving the people the right to criticize as well as support the government is surely a sign of a democratic society. The freedom of speech gives man the right to voice his own opinions without fear of being silenced either by a majority or a ruling minority. It provides an opportunity for all citizens to actively participate in the processes of government. Many people living in a society other than a democracy are taken prisoner each year for speaking out against their governments. These men and women, known as "Prisoners of Conscience," are held for merely criticizing their leaders. The freedom of speech carries with it much responsibility. People must be willing to responsibly defend their actions and opinions as well as allow the opposing views to be voiced and defended. Voltaire once made a very valid point by saying, "I disapprove of what you say, but I will defend to the death your right to say it."

The freedom to practice the religion of one's choice is another right which identifies a society as being a form of democracy. Those who have religious freedoms have difficulty conceiving the value placed on that freedom by those who don't have religious freedoms. Many immigrants have traveled to America in order to practice the religion of their choice. Until recently, the people of the Soviet Union were not allowed the freedom to practice their own religion, however, when the fall of communism began in the U.S.S.R., the Soviet citizens regained the right to express their religious beliefs. The recent decline of communism in the Eastern Bloc is due to the large cry for democracy by the Soviet citizens.

Absolutely necessary for a democratic society is the freedom of the people to peaceably assemble and to petition the government. Assembling, which includes picketing, demonstrating, and other various forms of "sit-ins," is an extremely useful tool in getting a public message across to others. Forbidding citizens to assemble peaceably would be denying the people the chance to express themselves by other than written or oral means. However, one must pay attention to the key word "peaceably". Throughout American history, people have fully utilized their right of assembling. One example of people expressing this freedom was a 1963 march on Washington in which black and white citizens exercised their rights by urging for integrated schools. Having the freedom to petition the government is also needed in a democratic society. If people are unable to address their complaints to the government, it would give the impression of an imposing and all-powerful government, which is the opposite of the idea of democracy.

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[1] The Tire Recycling Incentives Act currently has more than 60 co-sponsors in the House of Representatives. In the Senate, the Tire Recycling Incentives Act (S. 396) was introduced by Senator Timothy Wirth (D–CO) and the late Senator John Heinz (R–PA).

The three previously discussed freedoms are all listed in the First Amendment of the Constitution of the United States and it has always been up to the courts to decide whether or not these freedoms are being breached. The Founding Fathers of the U.S. were very cautious and thoughtful when it came to placing these rights in the Constitution. Fortunately, they were successful in forming a democratic society for America. The First Amendment, followed by the next nine amendments, is frequently referred to as the "cornerstone" of individual freedom in the United States. It is also clear that these freedoms in the First Amendment are the base of democracy today, giving democracy the lead position in the design of freedom. Thus showing that democracy is indeed the vanguard of freedom.

THE 100TH ANNIVERSARY OF THE BAYSIDE UNITED METHODIST CHURCH

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. SCHEUER. Mr. Speaker, New York's Eighth Congressional District is blessed with a great number of churches and synagogues that have both a rich history and long tradition of caring, giving, and community service.

Such an institution is the Bayside United Methodist Church. Their history is an interesting one, and an important part of our total community history.

Mr. Speaker, a Mr. Robert Cobaugh has written an excellent history of the church, and I don't have the heart to edit out a single word. I present it here in its entirety:

HISTORY OF THE BAYSIDE UNITED METHODIST CHURCH

(By Robert Cobaugh)

It is difficult for people today to comprehend what our Bayside was like 100 years ago. Most homes were not on 50 x 100 as they are today, but occupied much larger plots of ground. There were many farms, and quite a few individuals owned very large tracts of property. The earlier the date, the fewer the owners, and the larger the holdings. By 1891, Abraham Bell's holdings were down to 115 acres, H.G. Levitt had a little over 300 acres, G. Brandish had 100 acres, J. Taylor had 263 acres. Names like Roe, Willet, Cain, Harway, Weeks and various Laurences all had property of 100 acres or more in Bayside.

One hundred years ago there were no Churches in Bayside, there was no need for one. The Bell family were Quakers, and attended the Friends Meeting House on Northern Boulevard in Flushing. The Laurence family and many of the old aristocratic families were members of the Church of England (Episcopalian) and went to St. Georges Church on Main Street, Flushing, or Zion Church on Northern Boulevard in Douglaston. There was a Chapel at Fort Totten, and any Methodist in Bayside would have attended the Methodist Church in Flushing. That Church was built in 1822 on the south side of Lincoln Street, midway between Main and Union Street, which would put it today in the middle of the Flushing municipal parking lot. In 1843, a new and larger Church was built two blocks away, then in 1875, another Church was built on Amity Street, now Roosevelt Avenue, just opposite Gertz department store.

Probably more people of Bayside would have gone to church if there had been one conveniently located. They either took the New York, Flushing and North Side Railroad to the Main Street station, or horse and carriage or wagon to the Methodist Church in Flushing, or did not go to Church at all. Interestingly, there was a period of time when the railroad did not provide any service on the Sabbath.

Early in the year 1889, an evangelist by the name of James McComb came to Bayside and set up a tent for a series of meetings with the express idea of starting a Church in Bayside. The timing was just right, as some prominent residents felt that Bayside should have its own house of worship.

At a meeting in Literary Hall, a group of men, including Fredric Storm, John Dayton, James Young, John Sinclair, James Armstrong, G.A. Hammer, George Dodge and F.V. Shapter and Richard Bell elected a board of trustees, and started work on a constitution for a Church. Shortly thereafter, services were held in Literary Hall, on 215th Street. This hall was built in 1874 by a group called the Bayside Educational Society, who sold 1,000 shares of stock to finance the construction. The hall was used by the Society and shared with other local groups for meetings, social affairs and concerts;

Services were conducted by preachers from adjacent towns, also from Union Theological Seminary. It was called the Union Church, and early in 1890 a full time pastor was hired. He was the Rev. William Manchee, who was an assistant editor of a newspaper, the New York Observer. Two weeks later, a Sunday School was organized. By May of 1890, the question of a building was discussed, and Richard Bell donated a plot, 100 X 100 on the southwest corner of 213th Street and 42nd Avenue, then called Palace Avenue. Ground was broken for the new building in October of that year, 1890.

It was decided that the Church should affiliate with some denomination, and talks were held with St. George's Church in Flushing, but without success. Next, application was made to the Methodist Episcopal Church, and on April 19, 1891, the application was accepted, and the Rev. John C. Gillett was appointed by the Bishop to be the first Methodist pastor.

By the end of January 1892, the foundation and basement was completed. It was decided rather than to just roof this over, the beams necessary for the floor of the Church would be included. The first service was held in the basement on January 31, 1892. This was the first church service held in a church building in Bayside. At that time there were 24 members, 79 pupils and 11 teachers in the Sunday School. The pastor's salary was $535 a year, and the operating expenses $100, and $66 was donated to missions. The second pastor. Rev. W. W. T. Duncan was appointed a year later, and 14 new members joined. The Epworth League was started, and prayer meetings were held Sunday evenings. A year later, the Rev. A. Crossley was appointed. As he was married, his salary was increased to $800 a year. A parsonage nearby was rented for $15 a month. The first meeting of the Epworth League had a turnout of 100 young people. During the hot summer Sunday evenings, a series of sermons entitled "Short Sermons for Sunday Sabbaths" were well attended. Sunday, September 17th, marked the completion of the outside of the church. The first church fair was held in February, 1894. In April, 1895, Rev. R. E. Thompson was appointed. There were financial problems at that time, and the new pastor was opposed to all social money raising schemes. He did allow one bazaar a year however. For the next 10 years records were sparse, with a new minister almost every year, and the church did not seem to make much progress. In 1905, Rev. George Simons was appointed, and under his guidance membership increased in both the church and Sunday school. Four hundred dollars was paid on the mortgage, and improvements including new pews, gas lights, a new piano and new hymn books. By 1906 additional improvements were made, a new organ, and a steam heating system installed. In 1907 Rev. Simons was sent on a foreign assignment, and Rev. Arthur C. Flandreau continued the good progress, and by 1910 electric lights were installed, an electric motor installed for the organ, and new carpeting installed.

On Sunday, January 14, 1991, the church was totally destroyed by fire. During the service a noise which sounded like an explosion was heard, but an examination found nothing amiss. After church was over another sound was heard, and Rev. Flandreau and John Dayton went down into the basement, found a small leak in the boiler and burned out the fire and left, A half hour later, mounted patrolman Edward Phillips was standing in front of Gregorious Pharmacy, when he noticed smoke from a window of the church. Officer Phillips turned in the alarm from Box 84 at the railroad station, but a broken wire prevented the alarm from working. It was soon fixed, and the volunteer company did not loose too much time in getting to the fire, and soon had the hoses going, but found the pressure low, and realized that they needed help. By telephone the Murray Hill Engine Company from Flushing, and the Douglaston Fire Department were asked to help, and they responded, but too late to save the church from total destruction. The Murray Hill Company made the run in 22 minutes, and the horses were pretty well exhausted by their long run. Three other nearby houses were damaged and an acetylene tank exploded in the basement of the church during the fire, but fortunately no one was injured. Mr. Dayton estimated the loss at $20,000, of which slightly half was covered by insurance. Work on a new church was started almost immediately, and by June 9th the new building was dedicated by Bishop Hamilton. Services were held in Literary Hall during the period of rebuilding. In 1915 Richard Bell again donated a piece of adjoining land for a parsonage. A Boy Scout group was formed just before World War One. Twenty-eight men from the church entered the armed forces and a room was fitted out to entertain servicemen from Fort Totten during the war.

In 1923 a two story and basement addition for the sunday school was built with a $10,000 mortgage. In 1929, at an official board meeting on June 12, Mr. George Murray proposed that the trustees consider selling the property and moving to a more desirable location.

Rev. Edward Jacobson appointed in November of 1934, and the next year the name of the church was changed to "Bayside Community Church." (Methodist). Within 4 years

Rev. Jacobson raised enough money to free the church from debt, including a new $5,000 organ. During July of 1947, the beloved Rev. Jacobson died unexpectedly, having served the church for over 13 years, longer than any other pastor. Rev. Jack Grenfell was appointed, and the movement for a new church started again.

In 1950 the Church was deeded 41 acres of land in East Setauket, Long Island by Ward Melville for use as a campsite for Boy Scout Troop 110. By 1966 the campsite was no longer the unspoiled wilderness it once was, and the property was sold to New York State for part of Stoney Brook University. Another more suitable campsite was purchased in Putnam Valley, New York for the Scouts.

By 1952 the Trustees of the Church purchased the property on Bell Blvd. between 38 and 39th Avenues for $49,000, and the Pastor, Rev. Fred Wilcock started a campaign to raise funds for the new Church building. The new site was consecrated in October 1952, but it was not until 1956 that plans for the new building were approved and work started. Groundbreaking occurred on January 20, 1957, and the cornerstone was laid in September. The first service in the new sanctuary was held on Christmas Eve 1957. There were no pews installed, but chairs were used instead. In March 1958 the Sanctuary was consecrated, and Rev. Lester Loder became pastor.

The old Church property was sold to the St. Sarkis Armenian Apostolic Church of Long Island in 1960, and they used it until a few years ago when it was destroyed by fire, caused by a lightning bolt that hit the steeple during a severe storm. They have built a new Church in the Manor section of Douglaston. The corner is now occupied by a high rise building.

1967 saw the groundbreaking for the gymnasium and educational building on April 16, while Rev. Reese Griffin was Pastor.

In recent times the character of many communities change with the arrival of people with other cultures and religions. The Bayside United Methodist Church was approached by the Korean Glory Presbyterian Church who wished to share our Church for their congregation and it was granted. Methodist services start at 11:00 a.m. and the Presbyterian services start at 1:00 p.m. and it has worked out well.

The United Methodist Church is a connectional denomination whereby the Bishop is responsible for assigning Pastors to the local Churches. In the past 25 years the following Pastors have faithfully served the Bayside United Methodist Church; Rev. Reese Griffin; Rev. Donald Smith; Rev. James Veatch; Rev. William Hunter; Rev. Jean Teter, and since 1985, Rev. Stephen Shick.

Mr. Speaker, I appreciate this opportunity to share the pride of the congregation of the Bayside United Methodist Church with the Congress on the auspicious occasion of their 100th anniversary.

CIVITAN INTERNATIONAL CELEBRATES OVER 70 YEARS OF SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Civitan International is celebrating over 70 years of serving their communities this week. This organization, which emphasizes good citizenship and community service, was established on April 15, 1920. It has since grown to over 50,000 members in 1,800 chapters in 7 different nations.

Civitan International is made up of clubs that are dedicated to building good citizenship in their own communities. As a result, most of the projects of Civitan clubs are developed by their local membership. Some examples of the kind of work performed by Civitan organizations are the projects supported in the Miami area by the 15 Civitan clubs of the Tropical District.

The Miami area's oldest club—the Miami Springs-Hialeah Civitan Club—is headed by President Howard Baggett. It recently celebrated its 35th anniversary by hosting a party celebrating the 1950's. Its recent community projects included an Easter party to raise funds for the McLamore House for abused children at Jackson Memorial Hospital, feeding the homeless at Miami's Central Baptist Church, and entertaining senior citizens by taking them to the Dade County Youth Fair.

The newest Civitan Club in the Miami area is the Civic Center Civitan Club. Under the leadership of President Edward Pombier, it was chartered last July. Another Civitan Club active in the Miami area is the Hialeah Civitan Club under President Tom Rivera.

Among the many Miami area Civitan members who have also worked to build their community are Dr. Harold Lannom, Mildred Baggett, Helen Glogger, Dr. John Thomas Coursey, Marion Baker, Diana Petitto, Roxanne Singler, Tim Murphy, June Parker, Dr. Paul Benke, John Scheidt, Edward C. Pombier, John Lesley, Freddie Wodson, John Williams, and Lisa Lannom.

I would like to take this opportunity to recognize the members of the Civitan Clubs in South Florida's Tropical Civitan District who are celebrating their organization's 71st anniversary by starting south Florida's newest Civitan Club—the Racal-Milgo Civitan Club in Sunrise, Florida.

UNITED HOMEOWNERS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. KANJORSKI. Mr. Speaker, over a century ago one of America's most beloved Presidents, Abraham Lincoln, proclaimed, "The strength of a nation lies in the homes of its people."

President Lincoln's observation is as true today as it was 100 years ago.

It also helps to explain why the goal of home ownership has long been referred to as, "the American Dream."

A little over a half a century ago another great American President, Franklin Roosevelt, noted in his second inaugural address that one-third of our Nation was, "ill-housed, ill-clad and ill-nourished."

President Roosevelt's New Deal, and the housing programs which followed it in the 1940's, 1950's, 1960's and 1970's, made the solving of this problem a high national priority. In the process they also made America No. 1 in the world in home ownership. For most of this century more American citizens owned their own homes, and owned better homes, than the citizens of any other nation on Earth.

The statistics on home ownership are compelling. In 1940, approximately 44 percent of all American families owned their own homes. This rose to 55 percent a decade later, 62 percent in 1960, 63 percent in 1970, and 66 percent in 1980.

Unfortunately, the decade of the 1980's was not kind to American homeowners. Federal funds for housing were slashed by more than 75 percent and a half a century of progress began to unravel.

The legacy of the Reagan administration has been scandals at HUD, the first decline in the rate of home-ownership since the Depression, and the rise of homelessness. In 1989 only 63.9 percent of American families owned their own homes. As a result of the Reagan administration's lack of concern for housing, America no longer leads the world in home ownership.

Even more alarming is the fact that the proportion of our citizenry which earns enough to qualify for a mortgage on a median priced home is also declining. Fewer families can afford to buy a home today, even though we have more two-income families than ever before.

In 1970 nearly half of all families earned enough to qualify for a mortgage on an average priced home. By 1989 only 27 percent of all families could afford a mortgage on an average home. That is nearly a 50-percent decline in only two short decades.

The housing problems of the middle class are magnified among poor and working poor families. That is why we have so many homeless families, and families living in substandard or overly expensive rentals.

Last year, after 3 years of Herculean labor by the Congress, and with a new HUD Secretary, Congress passed a new, and major, housing authorization bill. While that bill contained many new and innovative initiatives, the struggle of fund these initiatives continues.

I am pleased to report to my colleagues that this year there will be a new voice in budget and policy debates over housing in the Nation's capital.

On Tuesday, April 16, 1991 the United Homeowners Association [UHA] will be formally launched to represent the interests of America's 65 million homeowners.

United Homeowners, a nonprofit, nonpartisan organization has announced its intention to speak out for homeowners both here in Washington, and in all 50 of the States. UHA also hopes to act as an information clearing house for homeowners, who are the Nation's largest consumer group. Thus it seeks to help families both acquire and maintain their homes.

In this period of budgetary constraint we as a nation are ever more in need of imaginative and innovative proposals to solve our housing problems and meet the needs of homeowners. I am heartened by the establishment of an organization which seeks to provide new leadership in this area.

As a member of the House Banking Committee, and its Housing Subcommittee, I am greatly encouraged to hear about the formation of a group dedicated to serving the interests of homeowners. I look forward to working with United Homeowners for policies which will help to make the American dream of homeownership a reality for more families.

SPECIAL TRIBUTE TO FRANK DE LISI AND NATIONAL LIBRARY WEEK

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. ROE. Mr. Speaker, it is with greatest pride that I rise today to pay special tribute to an exemplary citizen of my Eighth Congressional District, Frank De Lisi. In honor of National Library Week, the Belleville Public Library located in Belleville, NJ, will award Mr. De Lisi with its first annual Distinguished Service Award.

This award will be given yearly to individuals who have dedicated their time and efforts to the library and whose commitment has led to improvements in library service for its users. This well-deserved honor will be bestowed on Mr. De Lisi on April 18, 1991 in the library's trustees room. Dr. Jerry Weiss of Jersey State College will deliver a lecture on censorship in honor of the presentation.

Mr. Speaker, this award ceremony occurs in the midst of our country's week long celebration of the depositories which house our most-valued treasures. Our ideas, our hopes, and imaginations, the very makeup of our culture and indeed the makeup of all the cultures of recorded history are captured for our use and enjoyment in our libraries. National Library Week, which began yesterday, runs from April 14 to 20 and celebrates the importance of America's libraries as more than mere warehouses of big books on dusty shelves, but as vital learning centers located at the heart of the community.

Bringing our libraries to life is such a valuable endeavor and yet it is so often neglected or goes unrecognized when individuals do make the time and expend the effort to achieve this goal. That is why I enthusiastically support and vigorously applaud the efforts of the Belleville Public Library to make full use of their facility and recognize the remarkable efforts and energy of Frank De Lisi.

Frank is being honored for his imagination and time in developing numerous lecture series around literary themes that have enabled the library to receive grant funding not previously available. His work in cooperation with the library's assistant director, Andrea Cohen, has been instrumental in building a reputation for the library as a true humanities center for lifelong learning, where books are not merely available but where books are brought to life with scholarly discussion and innovative programs for young and old alike. This reputation has earned Belleville Public Library the nickname, "The University of Belleville," where education never stops.

Mr. De Lisi has an impressive educational résumé that includes a B.A. degree in English, languages from Rutgers University, where he was on the adjunct faculty from 1956 to 1980 and was editor of a newsletter, Trader's Guide, Delphi Commodities, Inc. Frank also obtained a J.D. degree from Fordham University Law School and a master's in English, linguistics from Columbia University. He made great use of this distinguished academic career by passing his knowledge on to others as a teacher of English for 42 years for the Newark Board of Education for which he served as English chair from 1959 to 1978. During that tenure, Frank oversaw the revision of the English curriculum in 1976. He also made several appearances on the stage as a resident actor and director for the Verona Players and appeared off-broadway in "Blood Wedding," for the Actor's Playhouse.

Mr. Speaker, although Frank De Lisi retired from teaching in 1980, he did not retire from life or his commitment to continuing education. He used his unique blend of academic degrees, experience in teaching and personal charisma to breathe life into the written word and make reading an adventure for those who ventured into the Belleville Public Library.

Mr. Speaker, during this week of special celebration for our Nation's libraries, I can think of no better example of a man who has dedicated himself to his community and furthering the quest for knowledge and communication than Frank De Lisi. Knowledge which goes unshared is knowledge wasted. Frank De Lisi has given of himself and turned the light of his learning to the benefit of others. He is truly a citizen we can all look to with pride. I am sure that all our colleagues join with us and Frank's friends and family, especially his three sons, in congratulating him on this well-deserved recognition.

Mr. Speaker, National Library Week is a splendid reminder of the importance of books and the wonders they hold. Frank De Lisi is consummate reminder of what community involvement is truely about. Both, Mr. Speaker, deserve our attention and admiration.

DADE MIDDLE SCHOOLS BRIDGE CULTURAL GAP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, distrust between cultures is often a matter of ignorance. Two Dade County middle schools are trying to break down the walls of ignorance through an innovative student exchange program. Ruben Dario Middle School has primarily Hispanic students and the Charles Drew Middle School has mostly Black students. These two schools have initiated a cultural exchange with hopes that it will bring the schools together in mutual understanding and acceptance. The Miami Herald recently featured this program in a March 24 article. That article follows:

The kids at Ruben Dario Middle School are mostly Hispanic. Those at Charles Drew Middle are mostly black.

Starting today, a select group from each school will have a chance to bridge some of the cultural chasms that separate the two schools, and the two races.

Thirty-nine students from Dario, at 350 NW 97th Ave., will arrive at Drew shortly after 10 a.m. to begin a series of activities designed so the kids can get to know each other, and, it is hoped, see that they aren't that much different. Today's event is the start of a program that will last until the end of the school year.

"We know there are a lot of negative feelings and tensions," said Gail Senita, an assistant principal at Drew who has been working on the exchange project. "We'd like to see if we can break down some barriers with this program."

"It's stupid to be prejudiced," said Dede Dominguez, 15, an eighth-grader at Dario who will make the pilgrimage to Drew. "The person you may be prejudiced against, because they're black or Hispanic or whatever, may be really nice. We need to bring everyone together."

Dario students will spend most of their school day at Drew, hanging out with their new friends. Students will be paired up by matching halves of postcards that will be passed out. Then they'll play a few games to break the ice. After that, singers, dancers, cheerleaders and the Drew marching band will entertain the gathering.

The students will eat lunch together, then break up into small groups to work on an art project and a rap song. The kids from Dario have some T-shirts, provided by the school's PTA, to use as greeting gifts.

The next event will be at Dario, and a third get-together is being planned as a field trip, away from both schools.

"Sometimes it's hard for kids to recognize how much they have in common," Senita said. "But when they get together and have fun, they find out they like the same music, or the same movies."

The idea for the program originated at Dario in early January and is being organized by teacher Lois Kahn, Principal Elliot Berman said.

"It was something we really wanted to do," he said. "The students need to learn not to look at each other as stereotypes. We had to do something that would get people to understand each other."

Reginald Rahming, 14, the student council president at Drew, said the exchange is a "starting point for our future."

"We can learn about how they are, and they can learn about us," he said. "We're really excited about it because it means a lot. It's also going to be fun."

Mr. Speaker, I am proud to have a program which is a model for understanding and acceptance between cultures in the 18th Congressional District of Florida. I commend the dedication of Gail Senita, an assistant principal at Drew and Lois Kahn, a teacher at Dario for making this program an exciting reality. Also, the principals of each school, Ms. Patricia Grimsley at Drew and Mr. Elliot Berman at Dario should be noted for their leadership.

PROGRESS REPORT FROM THE ARMED SERVICES COMMITTEE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. ASPIN. Mr. Speaker, I rise today to give my colleagues a progress report on the work we are doing in the Committee on Armed Services to provide for the national defense.

You will recall that more than 2 years ago we sensed business as usual would no longer suffice for this task. We sensed that a more systematic, sustained effort was needed to understand the changes going on around us and what they mean for our security. Then, our focus was on the Soviet Union. Our intensified examination came not a moment too soon.

In the tumultuous months since then, the cold war has ended, the Berlin wall has come down, the Warsaw Pact has dissolved and the very shape of the Union of Soviet Socialist Republics has been placed in doubt. We followed these historic events in a number of hearings, visits to the Soviet Union and reports. The impact of these changes on the way we go about the business of defense has been enormous and fundamental, and we are still sorting it out. Throughout, our emphasis has been on the practical, on a defense that works.

In December, the Committee on Armed Services held hearings that examined in concrete detail what we faced in dealing with Saddam Hussein. These hearings concentrated on the three means for ending the crisis in the gulf: diplomacy, economic sanctions, and war. I concluded that it was very unlikely that the anti-Saddam coalition would hold together for the length of time it would take for sanctions to drive Saddam from Kuwait, if they ever could. I also concluded that the use of force was justified if other means failed.

This practical approach to understanding the issues continues as we consider the war's aftermath. This war tells us that the world remains a dangerous place, and that we do, indeed, need a defense that really works. Our task will be to find the practical, concrete ways to produce that defense. As with the changes in the Soviet Union and Eastern Europe, the Committee on Armed Services has begun an attempt to answer that question in a systematic way.

That effort began while the war was going on as we sought information about its conduct. At the war's conclusion, Mr. Dickinson, the committee's ranking Republican, and I went to the Kuwaiti Theater of Operations for a firsthand look. I returned to the region early this month for a tour of neighboring capitals. And this moment, we began a series of hearings to examine critical areas of the Iraq war experience for the lessons they hold.

Tomorrow, we will examine the performance of the Patriot missile and ask what that means for SDI and theater defenses.

Next Monday, we will look at the role high technology played in the battle and the direction we should explore in the future.

On Thursday, April 24, we will here from Lt. Gen. Tom Kelly on Goldwater-Nichols.

On Friday, April 26, we will give our efforts a reality check. The hearing that day will ask what elements of Desert Storm are not to be duplicated elsewhere and we'll temper our judgments about lessons learned accordingly.

On April 30, we will look at the longstanding debates of the military reform movement over high technology versus high numbers, and over tactics.

On May 1, we will examine the sustainability of the All Volunteer Force.

On May 2, we will examine issues related to the total force and its mix of active and Reserve forces.

Interspersed among these sessions will be hearings looking at issues in more traditional ways.

In addition, Mr. Speaker, I plan a number of speeches in hopes of adding to the public and congressional debates on the kind of defense we need for the nineties and beyond. In the coming weeks, those speeches will consider the implications of the Iraq war for strategic defenses, the All Volunteer Force, high technology weapons, the B-2 Stealth bomber, the use of Reserve Forces and the legacy of the military reform movement.

In the meantime, we have made some preliminary judgments about those lessons of Desert Storm that are guiding our examination. We know some things worked and some did not.

We know we had winning technologies. And we know we developed the tactics to use those technologies. We know we had the quality forces these weapons and tactics required. We know we had—thanks in large part to Goldwater-Nichols—a command structure that was capable of conducting this complex battle, and we know we had the workhorse capabilities of supply and maintenance to support such a battle.

But we know, too, that the size of our forces is coming down. And we know that our defense budgets are coming down.

The task we must undertake together, Mr. Speaker, is to absorb the lessons of the Iraq war, and use them to help build a defense that works for the post-cold-war world.

THE MARYLAND COMMISSION FOR WOMEN GIVEN BY THE HONORABLE BEVERLY B. BYRON

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mrs. BYRON. Mr. Speaker, I rise today to pay special tribute to the Maryland Commission for Women, which is currently celebrating its 25th anniversary. I would like to bring to the attention of my colleagues in the House of Representatives the commission's outstanding achievements in promoting the cause of women.

I commend the Maryland Commission for Women [MCW] for the excellent job it has done of representing the women of Maryland. MCW has spent the last 25 years identifying problems, defining issues, and recommending policies and procedures to help women participate more actively in society.

Through use of publications, conferences, speaking engagements, and information and referral, the commission has educated women which in turn, has empowered women to advocate for themselves. By providing information to women, making recommendations of women for appointment to State boards and commission, establishing women's services programs and independent women's networks and coalitions, the group has been able to help the women of Maryland reach their goals.

It all began on July 22, 1965, when Gov. J. Millard Tawes, in an effort to address the needs of Maryland women, created the first Governor's Commission on the Status of Women. The commission acted primarily as a research committee to review the progress of the women in the State. Many of the recommendations made by this commission have been enacted into State law.

Under Gov. Spiro T. Agnew, the Maryland commission grew to represent a larger, more diverse part of society. The MCW turned its attentions on employment, equal opportunity and, human relations. This commission was responsible for convening the first statewide conference for women, which addressed the economic, social, educational, legal, and political status of women.

In 1971, the Maryland Commission on the Status of Women became an independent agency under the secretary of the Department of Employment and Social Services. During this time, a legislative committee was organized to track legislation on the State and Federal level effecting women. This included work on ratification of the Federal equal rights amendment, as well as the addition of an amendment to the Constitution of Maryland guaranteeing "equality of rights" of the sexes. We must also recognize the Maryland Commission for Women for providing many much needed services for women, such as, Displaced Homemaker Programs, Battered Spouse Programs, rape crisis centers, and homeless women's shelters.

In the 1976 Maryland General Assembly session, the agency officially changed its name to the Maryland Commission for Women. The Maryland Commission for Women, in conjunction with the women legislators of the Maryland General Assembly, established a Maryland Women's Hall of Fame in July of 1985, which continues to recognize prominent women in the Maryland community.

As the commission celebrates its 25th anniversary, it continues in its role as an advocate, while also educating and serving the citizens of the State. MCW has been responsible for distributing approximately 60,000 publications and addressing close to 4,000 women and men during more than 120 public speaking requests each year to help enlighten the community about the rights and responsibilities of women. The commission's staff and commissioners must be commended for the assistance they give to many women regarding problems with obtaining credit, legal rights in marriage and divorce, sexual harassment, employment, and other types of discrimination.

Although the commission's role, structure, and mandate have evolved over the years, as well as the issues with which it has concerned itself, the agency continues to serve as an active and strong advocate for equality of opportunity for the citizens of Maryland. The Maryland Commission for Women has proven itself to be loyal and dedicated to the women of Maryland, and therefore worthy of congressional acclaim. Happy 25th anniversary to the Maryland Commission for Women.

GIRL SCOUTS HONORED

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to honor three very brave young girls in my district. Girl Scouts of America will be honoring Ms. Lindsay Saxon, 6 years old, with a Bronze Cross. The bronze cross is the highest honor awarded by the Girl Scouts. Her sister Danielle, and their friend Jamie Jones will also be honored for their role in helping to arrest a dangerous criminal.

Last fall, Lindsay Saxon was abducted by a man and pulled into his car. At the first opportunity, Lindsay told the man that she had to go to the bathroom. Lindsay went to the nearest house where she told the residents how she had been abducted. In the meantime, Jamie and Danielle, who had attempted to open the car door and get her sister out before the car sped off, went to the nearest house where the police were notified. Jamie and Danielle recalled enough details to positively identify the man and his car. Police arrested the abductor of Lindsay Saxon shortly thereafter. Thanks to the braveness of Lindsay Saxon, Danielle Saxon, and Jamie Jones the perpetrator was apprehended and no one was hurt.

My thanks and congratulations to these three young ladies who I am proud to represent. Our streets are safer thanks to them.

THE BIRTHDAY OF THE SIKH NATION, FREEDOM FOR KHALISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize April 13 as the birthday of the Sikh nation and religion. It was on this day, 292 years ago in 1699 that Guru Gobind Singh baptized the people of the Sikh faith forming the consecrated body of the Khalsa Panth.

The Sikh religion is founded on the principles of individual human rights and civil liberties regardless of race, creed, or sex. By the order of Guru Gobind Singh, all Sikhs are obligated to fight oppression wherever it exists and a look at recent events in the Sikh homeland demonstrates that the Sikh nation has remained true to its creed.

Since 1984 over 95,000 Sikhs have been killed by Indian Government police, paramilitary forces, and death squads. As I speak, over 15,000 Sikhs languish in Indian prisons without charge or trial where they are subjected to the most abhorrent forms of torture including electric shocks applied to the genitals. Everyday in the Sikh homeland between 20 to 30 Sikhs die in extrajudicial killings and faked encounters.

Since early January, the Indian Government has deployed in the Sikh homeland a military force over 500,000 strong. Currently, the Sikh nation reels under undeclared martial law. Presidential rule has been established nine times since 1947, and has been continuously intact for the past 4 years. And to top this all off, last month a brigadier of the Indian Army threatened to execute the sarpanches—mayors—of six Sikh villages, kill all the youth in their respective villages, confine their women to army camps, and breed a new race.

Mr. Speaker, these are not the isolated comments of an insignificant member of the Indian Army. This was a direct threat from a high ranking commanding officer to six political representatives of the Sikh nation. And this is a threat that comes from a so-called democratic government, but a government nevertheless, which currently exercises central rule in five States; a government which has killed hundreds upon hundreds of thousands of its own citizens; and a government which for some suspicious reason has refused to allow Amnesty International to conduct investigations within its borders for the past 13 years.

The response of the U.S. Congress to this sadistic, twisted plot for the genocide of the Sikh nation can only be one of outrage, abhorrence, and outright condemnation. And for the members of the Sikh nation, they refuse to sit idly by while the Indian Government destroys its land, rapes its women, and tortures and kills its youth and its leaders. In the face of such oppression the Sikh nation formally declared independence on October 7, 1987 forming the separate state of Khalistan. Today the Sikh nation struggles for its freedom against the forces of oppression with a determination worthy of our praise and our support.

It is for this reason that I introduced the Human Rights in India Act, H.R. 953 which would cut off developmental aid to India until its government allows internationally recognized human rights groups within its borders to investigate the violation of human rights.

Such legislation is crucial to the survival of the Sikh nation and to all of India's minorities which suffer the heavy hand of Indian Government oppression. And it is right that the U.S. Congress should pass such legislation. To require repressive governments to respect political and human rights is the least this great Nation of ours can do. It asks very little of the Congress and the administration to withhold certain foreign aid to the Indian Government until it clearly receives the message that the tactics of brutality are unacceptable to the civilized nations of the world. I ask my colleagues to support the Human Rights in India Act and introduce similar legislation in support of Sikh freedom and human rights. We must live true to our principles and create a world where freedom is the rule not the exception.

A TRIBUTE TO GREATER MIAMI JEWISH FEDERATION'S ISRAEL 43

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on April 14, thousands of south Floridians gathered at South Pointe Park on Miami Beach to participate in Israel 43, a celebration commemorating Israel's 43d anniversary. According to the Israel Activities and Aliyah Department of the Greater Miami Jewish Federation, this festival was designed to enhance the knowledge and understanding of the land, history, art, music and culture of the people of Israel. The theme chosen for this year's event was "U.S. and Israel—United We Stand."

Israel 43 was organized by the Greater Miami Jewish Federation in cooperation with the city of Miami Beach, the Rabbinical Association of Greater Miami, the Miami Jewish Tribune, the Miami Herald, and the Miami Dade Community College Wolfson Campus.

Dade County Jewish day schools participated in a parade displaying hand-painted banners created by each school. The schools include: Samuel Hillel Community Day School, Arthur and Anna Goldstein Hebrew Academy, Rabbi Alexander S. Gross Hebrew Academy, Lehrman Day School, Sinai Academy, Bet Shira Solomon Schechter Day School, Beth Am Day School, Beth Torah/Adath Yesherun Religious School, Samu-El Or Olam and Beth David Congregation.

In addition to the parade of banners, there was an Israeli art exhibit, a petting zoo, face painting, camel rides, children's arts and crafts, and a Hebrew essay contest. Musical groups and Israeli folk dancing highlighted the day, featuring Israel's most popular rock singing group "Lahakat Hakol Over Habibi." Also included were South Florida's largest folk dance circle, Hebraica dancers, Cantors 4, the Michael-Ann Russell entertainment group "That's Entertainment," a new rock group, and Israeli Rap, original rap songs written and performed by members of the various youth groups.

Because of the events in the Middle East, this year's celebration was extraordinary, and was acknowledged by all as an important day. I commend David Smith, Samuel Dubbin, Douglas Miller, David Abramowitz, Nechama Lieber, Howard Schlarin, Myron Brodie for the outstanding job they did in developing Israel 43.

TENTH ANNIVERSARY OF THE FIRST SPACE SHUTTLE LAUNCH

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. BROWN. Mr. Speaker, last Friday marked the achievement of an important landmark in the Space Shuttle Program—10 years of operations. It was 10 years ago that the first space shuttle rocketed itself into orbit.

In the past decade, 4 orbiters carrying a total of 204 astronauts have made 39 trips into space. In this period of time, the space shuttle has demonstrated its capabilities to launch satellites, repair orbiting spacecraft, recover satellites for return to Earth, and serve as a science or research platform in orbit.

The space shuttle has brought us many significant firsts—but I believe the most basic and important of these is that the space shuttle was the first, and is still the only, manned reusable spacecraft in the history of the world. In my view, this will be recorded as a pivotal step in the history of space travel.

Prior to the space shuttle, all space vehicles had a one-way travel life. One can hardly imagine the idea of disposing of a bus or an airplane or a ship after only one trip, but until the space shuttle, all vehicles for placing things in space were expendable.

I must admit that the space shuttle has not been as cheap or easy to use as we had hoped. But few true firsts ever are. Perhaps in future decades, historians will look back and view the current space shuttle as the equivalent of the DC–1. Likewise, the X-30—National AeroSpace Plane—may be viewed as the equivalent of the DC–2. The ultimate achievement will be the development of the DC–3 of space transportation that these spaceflight initiatives will eventually lead to.

I want to offer my congratulations to the many thousands of men and women in government, industry, and academia who have made the space shuttle a reality. Their dedication and hard work have given us a program of which we can be proud.

It is my expectation that 10 years from today, when we will be celebrating the 20th anniversary of the shuttle's first flight, space shuttle orbiters will still be actively involved in providing regular access to space. In fact, I wouldn't be totally surprised if it turns out that orbiters are still flying when the 30th anniversary rolls around in 2011.

DUTY SUSPENSION FOR CERTAIN DIGITAL PROCESSING UNITS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. ARCHER. Mr. Speaker, on March 20, 1991, I introduced H.R. 1499, a bill to extend a 2-year suspension on digital processing units—motherboards—which expired on December 31, 1990. The original suspension, under the same subheading of the HTS, was enacted in consultation with the administration to resolve a dispute regarding the classification of motherboards and to ensure duty-free treatment for motherboards consistent with the United States-Japan-Canada agreements on computer parts. The proposed extension does not exempt motherboards from the sanctions duties provided for by subheadings 9903.41.20 and 9903.41.25.

At the same time, in subsection 1215 of the Omnibus Trade and Competitiveness Act of 1988, specific negotiating authority was included for the purpose of reducing the tariff on this item permanently through an international agreement. The negotiating authority expired on October 1989 before the administration had an opportunity to use it. Negotiations are now taking place in the context of the Uruguay round that are expected to reduce the tariff on this item. A further extension of the duty suspension is necessary to bridge the gap between the end of the recently terminated suspension and the time when the Uruguay round tariff reductions are expected to take place.

The enactment of this provision would be consistent with the agreement reached between the United States, Japan and Canada to reduce tariffs on certain parts of automatic data processing machines and with the ongoing negotiations in the Uruguay round. This temporary provision will not compromise those negotiations since it will not affect the permanent, GATT-bound, U.S. tariff rate.

I urge my colleagues to support this legislation as a small but important step we can take to maintain the international competitiveness of our computer industry.

ON THE RETIREMENT OF PETER J. McCLOSKEY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to a good friend and esteemed civil servant from Pottsville, PA, Peter J. McCloskey. Pete McCloskey recently retired from the U.S. Postal Service after serving almost 25 years as postmaster of Pottsville, and I know that my colleagues here in the House join me in wishing him a retirement blessed with good fortune, good health, and very good golf.

Prior to his appointment as postmaster in 1968, Pete was actively involved in Schuylkill County politics. The success of the Schuylkill County Democratic Party over the past 40 years was constructed mostly out of Pete's untiring, devoted efforts. Like the proverbial phoenix rising from the ashes, Pete brought the Democratic Party new members, new vigor, and a renewed desire and ability to serve all of the people in Schuylkill County.

Pete's passion for helping knew no party lines. If you needed help, it did not matter to Pete if you were a Democrat or Republican. What motivated Pete then—and I am sure it does now—was a simple, yet strongly held, belief that helping people face life's challenges and assisting them through difficult times was his calling. With Pete's retirement, Schuylkill County is losing a compassionate, caring public servant.

Much of Pete's life over the last quarter century was devoted to making the Postal Service more efficient. As postmaster, he supervised hundreds of employees, and his leadership inspired some 30 of his employees to become postmasters in their own right.

Mr. Speaker, it is an honor for me to know Pete McCloskey, and I am proud that he has been my friend over the years. More importantly, Pete McCloskey has been a true friend of the people of Schuylkill County and they are fortunate that they can claim him as one of their own. I wish him well in his retirement and thank him for many, many years of outstanding public service.

CHARLIE BALANCIA AND IL CLUB ITALIANO: A TRIBUTE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mrs. LOWEY of New York. Mr. Speaker, in the early days of this century, America began to receive a large number of immigrants from Italy. They came here because they had a dream of a better life, a desire to build a prosperous future for their families, and a love of freedom that would see them through the hard times ahead. In the years since that first wave of Italian immigration, America's Italian community has bloomed and prospered. Our country has been enriched and strengthened by the contributions of Italian-Americans, who have brought their dream to fruition. I am very proud to represent the important Italian-American community of Westchester County.

On Friday night the Italian Club of Westchester Community College held its annual dinner dance to honor distinguished community leaders. I would like to salute all of this year's honorees, Anne Crisci-Santana, the founder, former president, and chairman of Siamo; WCC mathematics Prof. Vincent Zappi; Carmelina Fedele, a former vice president of Il Club Italiano of WCC, and Harold Drimmer, the chairman of WCC's board of trustees. Each of them has made important contributions to the Westchester community. I wish them all well, and offer them my congratulations on this special occasion.

I would like to pay a particular tribute to the event's other honoree, my long-time friend Charlie Balancia, the mayor and supervisor of my home town of Harrison, who has enriched our community through a lifetime of good work. He served this country honorably as an engineering officer on the USS *Yorktown* in the Far East during the late 1950's, and helps people in need every day in his capacity as associate director of Montefiore Medical Center.

Aside from Rosemarie and their four children, the main beneficiaries of his unceasing efforts have been those of us who are fortunate enough to be his Harrison neighbors. He's been our police and fire commissioner, a little league coach, active in the Harrison Boy Scout program, and has served for 10 years on the town and village councils. He is now serving his first term as mayor, and his stewardship of the local government has been absolutely first-rate. I'm very proud indeed to call him a friend, and wish him many more honors such as the one he received last week.

The task of selecting only these few to be honored by Il Club Italiano was certainly a difficult one. Westchester's Italian-American community is full of talented, successful, and noteworthy individuals. They have chosen wisely, and I join them in honoring Charlie Balancia, Anne Crisci-Santana, Vincent Zappi, Carmeline Fedele, and Harold Drimmer Auguri.

CONSTITUTIONAL SCHOLARS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 15, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, it is my distinct pleasure to announce that Smithtown High School East located in my congressional district is the New York State winner of the "We the People National Bicentennial Competition on the Constitution and the Bill of Rights."

The National Bicentennial Competition is an outstanding program that has been developed by the Center for Civic Education and cosponsored by the Commission on the Bicentennial of the United States Constitution. In both the instructional and competitive segments of the program, students work together to learn how the Constitution developed and how the basic principles of constitutional democracy have evolved.

I would especially like to commend Robert Feeney, a teacher from William Floyd High School, who is responsible for supervising and implementing the National Bicentennial Competition in my congressional district and who has led a team from my district to the State title for the second year in a row. Also deserving of recognition is the State coordinator Michael Fischer, who is responsibile for the administration of the program at the State level.

The members of this year's winning team from Smithtown High School East are Lorraine Adams, Heather Anderson, Andrea Bertone, Victor Chiu, Rocco DeBonis, Leza DiBella, Kelly Diffily, Daniel Edelbaum, Jonathan Fields, Sean Flynn, Robert Gabriele, Paul Gadue, Kevin Gleason, Melinda Hough, Tamarra Matthews, Nicole McGraime, James Nyberg, Jeffrey Pettit, Jocelyn Pletz, David Podwell, Hiraku Shimoda, Kimberly Smith, and Stephen Smith. They were ably prepared and directed by their teacher Alan McKeeman.

This winning class from Smithtown High School East will now go on to the national finals to be held in Washington, DC, from April 27 to April 29. Competing teams will be judged on the basis of their understanding of the Constitution and their ability to apply constitutional principles to historical and contemporary issues.

I look forward to personally greeting the young scholars when they arrive in Washington for the national finals of the Bicentennial Competition on the Constitution and the Bill of Rights. I wish them continued success in the competition and am proud to call them Long Islanders.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 16, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 17

9:00 a.m.

Government Affairs

Permanent Subcommittee on Investigations

To hold hearings on insuring corporate compliance of tax issues.

SD-342

Labor and Human Resources

Business meeting, to markup S. 2, to promote the achievement of national education goals, to establish a National Council on Educational Goals and an Academic Report Card to measure the progress of the goals, and to promote literacy in the U.S., S. 5, to grant family and temporary medical leave to permanent employees under certain circumstances, and to consider pending nominations.

SD-430

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the American Ex-Prisoners of War, the Jewish War Veterans, and the Veterans of World War I.

345 Cannon Building

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

Armed Services

Manpower and Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on manpower programs.

SR-232-A

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Rules and Administration

To resume hearings on S. 250, to establish national voter registration procedures for Federal elections.

SR-301

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed estimates for fiscal year 1992 for the Office of Management and Budget, and the Executive Office of the President.

SD-116

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds for the Urban Mass Transit Authority, and to establish flexibility and fairness between highway and transit funding and to provide long term project financing.

SD-538

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study on the President's proposed budget request for fiscal years 1992 and 1993 for the U.S. Coast Guard.

SR-253

Finance

To hold hearings to review the Uruguay Round of Multilateral Trade Negotiations, focusing on participation by the U.S. and other countries.

SD-215

Foreign Relations

To hold hearings to examine the current status and prospects of the proposed START Treaty.

SD-419

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans Affairs, and the Department of Veterans' Affairs.

SD-138

2:00 p.m.

Armed Services

Readiness, Sustainability and Support Subcommittee

To resume open and closed hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on logistics programs.

SR-222

Environment and Public Works

Toxic Substances, Environmental Oversight, Research and Development Subcommittee

Business meeting, to mark up S. 391, to revise the Toxic Substances Control Act to reduce the levels of lead in the environment.

SD-406

Foreign Relations

To hold hearings on the nomination of Raymond G. H. Seitz, of Texas, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

SD-419

Select on Indian Affairs

To hold oversight hearings on the status of tribal jurisdictional authority in Indian country.

SH-216

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

2:30 p.m.

Foreign Relations

European Affairs Subcommittee

To hold hearings on international law and the prospects for settlement for Cyprus.

SD-419

APRIL 18

9:00 a.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal years 1992

and 1993 for the Department of Defense, focusing on Department of Energy national security programs.
SR–222

9:15 a.m.
Finance
To continue hearings to review the Uruguay Round of Multilateral Trade Negotiations, focusing on participation by the U.S. and other countries.
SD–215

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on implications of the Persian Gulf war and other international developments.
SH–216

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD–192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings to review the management of the civilian radioactive waste program of the Department of Energy.
SD–406

Governmental Affairs
To hold hearings to examine the quality of health care provided at Veterans Administration hospitals.
SD–342

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Information Agency and the Board for International Broadcasting.
S–146, Capitol

Foreign Relations
Business meeting, to consider pending calendar business.
SD–419

Judiciary
To hold hearings to examine proposed legislative proposals to strengthen crime control, focusing on views of the Administration.
SD–226

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Highway Administration, Department of Transportation.
SD–138

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on recent developments in Soviet strategic forces.
S–407, Capitol

Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1992 for foreign assistance, focusing on western hemisphere programs.
SD–419

APRIL 19

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on overview of NASA's budget for fiscal year 1992.
SR–253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office, and the Office of Technology Assessment.
SD–116

Banking, Housing, and Urban Affairs
To hold hearings on modernization of the banking industry, focusing on the feasibility of risk-based deposit insurance premiums.
SD–538

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 39, to designate the coastal plain of the Arctic National Wildlife Refuge as wilderness.
SD–406

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To resume hearings on proposed legislation authorizing funds for foreign assistance, focusing on the U.S. Information Agency and the Voice of America.
SD–419

Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the role of menopause and gender differences in aging on the development of disease in mid-life and older women.
SD–430

APRIL 23

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed veterans health care legislation, including parts A, C, and C of Title II of S. 127, to increase the rates of compensation for veterans with service-connected disabilities.
SR–418

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine the science education programs of various Federal agencies.
SD–138

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD–1902

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Governmental Affairs
Oversight Government Management Subcommittee
To hold oversight hearings on wasteful ordering practices in the Department of Defense supply system.
SD–342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Forest Service, Department of Agriculture.
S–128 Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Bureau of Investigation, Department of Justice.
S–146, Capitol

Judiciary
To resume hearings on legislative proposals to strengthen crime control.
SD–226

2:00 p.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992–1997 future year defense plan.
SR–222

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on security in the post-cold war era.
SD–138

APRIL 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.
SD–124

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD–192

Armed Services
Manpower and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds, for fiscal years 1992 and 1993 for the Department of Defense, focusing on reserve and national guard programs.
SR–232–A

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA space science programs, focusing on "Mission to Planet Earth," an environmental monitoring program designed to formulate data on Earth's environmental systems through the use of spacecraft.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Rules and Administration
Business meeting, to mark up S. 250, to establish national voter registration procedures for Federal elections.
SR-301

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy conservation programs of the Department of Energy.
SD-116

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Jack Warren Lentfer, of Alaska, and John E. Reynolds III, of Florida, each to be a Member of the Marine Mammal Commission.
SR-253

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to examine Arctic Oceans research.
SR-253

Select on Indian Affairs
To hold oversight hearings on new school construction, repair, and improvement on Bureau of Indian Affairs' school facilities.
SR-485

APRIL 25

9:00 a.m.
Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on the National Critical Technologies report.
SR-232-A

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Governmental Affairs
To hold hearings to examine Federal energy management.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Bureau of Mines and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration, and the Research and Special Programs Administration, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of National Drug Control Policy, and the Financial Crimes Enforcement Network, Department of the Treasury.
SD-116

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

APRIL 26

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.
SD-138

MAY 7

10:00 a.m.
Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on habeas corpus reform.
SD-226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.
SD-192

MAY 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.
SD-138

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 484, to establish conditions for the sale and delivery of water from the Central Valley Project, California.
SD-366

MAY 9

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for veterans' education and reemployment rights.
SR-418

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine insurance company insolvency.
SR-253

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 395, to establish the Department of Energy's Fast Flux Test Facility (FFTF) in the State of Washington as a research and development center to be known as the Research Reactor User Complex.
SD-366

MAY 13

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 570, to implement a national energy strategy, focusing on subtitle B of title V, provisions relating to nuclear waste management.
SD-366

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for fossil energy and clean coal technology programs.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Smithsonian Institution and the National Gallery of Art.
SD-116

Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on the views of officials in the law enforcement field.
SD-226

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on pipeline safety.
SR-253

MAY 16

9:00 a.m.

Veterans' Affairs

To hold hearings on S. 775, to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans, H.R. 153, to repeal certain provisions of the Veterans' Judicial Review Act relating to veterans' benefits, and sections 111 through 113 of S. 127, relating to radiation compensation.

SR-418

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Minerals Management Service, Department of the Interior, and the Indian Health Service, Department of Health and Human Services.

SD-116

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.

SD-138

MAY 17

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.

SD-138

MAY 21

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on enforcement of antidumping and countervailing duties.

SD-342

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Energy.

S-128, Capitol

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.

SD-138

3:45 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.

SD-138

MAY 23

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.

SD-138

JUNE 4

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.

SD-138

JUNE 5

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of the Interior, and Members of Congress.

S-128, Capitol

JUNE 6

9:00 a.m.

Veterans' Affairs

Business meeting, to mark up pending legislation.

SR-418

JUNE 18

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for rail safety programs.

SR-253

CANCELLATIONS

APRIL 18

2:00 p.m.

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings to review issues relating to the U.S.-Mexico free trade agreement.

SD-226

MAY 7

1:00 p.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.

SD-138

POSTPONEMENTS

APRIL 17

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Fish and Wildlife Service, Department of the Interior.

S-128, Capitol

APRIL 23

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings to review the enforcement and administration of the Foreign Agents Registration Act.

SD-342

SENATE—*Tuesday, April 16, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Reverend John E. Stait, assistant to the Senate Chaplain.

The Reverend Stait, please.

PRAYER

The Assistant to the Chaplain, the Reverend John E. Stait, offered the following prayer:

Let us pray:

The Lord God has given Me the tongue of disciples, that I may know how to sustain the weary one with a word. He awakens Me morning by morning, He awakens My ear to listen as a disciple.—Isaiah 50:4 NAS.

Gracious God of all comfort, we weary ourselves with so many things. From the moment we wake we are aware that things are not right within us and within our world.

Grant those in this body a wisdom from above that will meet true needs. Save us from thinking only that which is politically expedient. Help us to wake up to Your Word, help us learn how to sustain ourselves and others with words that meet the deep needs and deep longings of our soul.

In the name of Him who told us:

"Come unto me, all ye that labour and are heavy laden, and I will give you rest."—Matt. 11:28 KJV.

Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, today, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

At 3 p.m., the Senate will begin consideration of S. 207, the CFTC authorization bill. I hope that we can make significant progress on this bill today and complete action on this bill sometime during the day tomorrow.

I encourage all Senators who have an interest in the bill to be present and to discuss with the managers a schedule for the disposition of any amendments or other matters relative to the bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the two leaders will be reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of morning business to extend until the hour of 3 p.m., with Senators permitted to speak therein for 5 minutes each.

The Senator from Michigan [Mr. RIEGLE] is recognized for not to exceed 5 minutes.

Mr. RIEGLE. I thank the President pro tempore.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. RIEGLE. Mr. President, here in the Senate we are still struggling with the shock and grief of the loss of our esteemed colleague and friend John Heinz. The two memorial services, in Pittsburgh and here in Washington, let us give voice and witness to his life and its meaning and yet the passing days offer little comfort for such a sudden and stunning tragedy. Our prayers are with his family.

The thought of John Heinz and his vibrant personality brings many pictures to our mind's eye. For me, I remember best his ready and enthusiastic laughter and smile.

His smile would always light the elevator car, or a subway ride to the Capitol, or an easy moment of jocularity here on the Senate floor or in committee. The picture of John standing tall, erect, smiling, a folder of work papers cradled in his arm, is the one that remains most vivid to me and I shall hold that image with great tenderness and affection.

Other pictures of John are also very vivid. Especially his great energy and enthusiasm as he engaged the broad range of issues in the Banking Committee. No one on the committee devoted more time and effort to the committee's work than he did. His highly talented and devoted staff served him, and the committee, with a level of excellence and intense commitment inspired by John's own personal example and very demanding standards.

The special pain felt by his staff is felt by us all and our prayers extend to them as well. They have suffered a great loss.

In the Banking Committee, we have placed a photograph of John on the wall to honor his exceptional work over the years and to try to keep a part of him there with us as we continue on. His vacant chair in the committee marks an emptiness in our hearts as well.

While it is appropriate to begin this reminiscence with reflections of John's Senate work and two decades of public service of the finest quality it is John's family that was his wellspring, and it is upon his family that our hearts are focused.

Teresa, his dear wife, was John's rock and she multiplied his strengths and talents a thousandfold. She provided the safe, sane, and loving center from which John could range across the great public issues and challenges of our time. Her grace and beauty and strength sustained him throughout their life together and her great courage and motherly strength has lifted and sustained us all in these recent sad days.

Her dignity and determination were born of their long partnership together. John always drew strength from Teresa and gave it to her in return, never was that partnership stronger or more magnificent than in these recent days when all the weight was upon her and upon their three very special sons.

No ocean is vast enough to hold the tears and heartache of his grieving family and yet their faith and love and courage shine like a beacon light to us all. Knowing John, I believe his proudest moment ever would have been the conduct of his beloved Teresa and their three sons in the hours and days since that tragic moment that changed everything.

John dearly loved his three sons and yet in the demanding crush of public life and service the necessary hours apart from family carry a dear and lasting cost; it is the greatest pain and drawback of our work.

John's sons, Christopher, Andre, and John must know how dearly and deeply their father loved them and how proud

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

he was of each of them. While his demanding standards of excellence must, at times, have weighed heavily upon his sons, they should know that he imposed the same demanding standards upon his colleagues here and most of all upon himself.

No Senator drove himself harder or across a broader number of subjects. It was his gift of service to the people of Pennsylvania and America and his relentless efforts were driven by elements of his personality that can never be fully known or understood.

I know this, for the times that John may have been a demanding father, he would have given his life at a moment's notice for any of his three sons and, in a sense, he made that sacrifice for them and for all of us in a single fatal moment on April 4, 1991.

For the hours you did not have with your father, and the days together that now can never be, Christopher, Andre, and John, you must draw some measure of meaning and comfort from the fact that your father loved you with all his heart, he tried his best to leave you a better world, and he is within you now as a growing and loving presence that shall never again leave you for even a moment.

Teresa, in the moments of anguish and despair that seem overwhelming at times, you must let the love and shared feeling of this Senate family enfold and console you with our prayer that time and faith will give you greater and greater strength to face the days ahead and enable you to once again begin to feel their promise and hopefulness. Our deepest and gentlest thoughts are with you and will remain with you.

To those of us who took inspiration from John's career and vital public leadership new responsibilities have been passed to us by his sudden disappearance from our midst. The work he might have done, had he lived, is now ours to do. Each one of us here in the Senate, must take up his unfinished work and see it now as our own. For my part, I pledge to his family and to his name, that I shall strive to do more to see that John's public interest goals are advanced and that his inspiration remains a continuing and tangible force here in the Senate.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS] is recognized.

A PRAGMATIC TRADE POLICY

Mr. BAUCUS. Mr. President, I rise to urge the administration to carefully reexamine United States trade policy toward Japan. The recent crisis in the Persian Gulf has intensified American resentment toward Japan. But the resentment over trade and burden sharing has been simmering for years.

JAPAN'S PRESENT TRADE POSITION

To be fair, Japan has made progress in recent years on trade issues. Some trade barriers have been removed and the imbalance is improving. But much remains to be done.

The trade deficit with Japan has improved more slowly than our deficits with other trading partners. From 1988 to 1990 there has been a reduction of the deficit with Japan of $11.3 billion, a 22-percent improvement. But compare that improvement with that of the European Community. In 1988 the United States had a deficit with the EC of $10.3 billion. By 1990 the United States moved to a surplus of $6.2 billion with the EC.

The deficit with Japan consistently makes up the lion's share of the overall United States trade deficit. Last year, Japan accounted for 41 percent of the total United States deficit. Japan's share of the overall United States trade deficit is almost four times larger than Taiwan's share, the No. 2 deficit country. Obviously, the United States trade imbalance with Japan is still unacceptably high.

United States exports to Japan have been on an upswing. They have increased 30 percent from 1988 to 1990. This does indicate that the Japanese market is opening. But export growth has been slowing in recent months.

Japan's manufactured goods imports are substantially lower than other industrialized nations. Imports account for 4.4 percent of Japan's total consumption. The United States imports manufactured goods account for 13.8 percent of total consumption.

Japan's imports are kept low by various trade barriers in that country. The 1991 National Trade Estimate again has an extensive list of Japanese trade barriers. Japan's trade barriers can be in specific sectors of structural impediments, such as their distribution system. Whichever it is, they adversely effect all imports.

Predictably, Japan has been at the center of many of the trade controversies in the last decade. We continue to have conflicts with Japan over semiconductors, the FSX fighter, beef, rice, supercomputers, forest products, recordings, sardines, and the structural impediments initiative [SII]. Unfortunately, the United States and Japan have quite different ideas about trade, and the above list is likely to grow longer. Simply put, our current trade policy with Japan is not working.

PRIVATE SECTOR COMMENTS

Highly respected and qualified organizations such as the Emergency Committee for American Trade [ECAT] and the Advisory Committee for Trade Policy [ACTPN] have called for a reassessment of our trade policy with Japan. ACTPN, the President's trade policy advisory group, has even recommended that import targets be a part of a new strategy with Japan.

Very recently, the National Association of Manufacturers [NAM] has asked the President for a complete reexamination of the United States trade policy toward Japan. NAM argued that this reassessment is needed to find the root causes for the continual friction with Japan.

THE TEAM B SOLUTION

It is time to take a "step back" from our trade policy with Japan. Instead of continuing to act on an ad hoc basis, we must determine the underlying causes of our trade frictions with Japan. Then we can develop a Japan trade policy that works.

It is the time to find out whether the Chrysanthemum Club, a close-knit group of Japan experts, is giving us good advice. After all, well-meaning advisers can become captives of their good intentions. It is a human tendency to stay with the familiar, but this can often limit the possible. It is time for a thorough review of United States policy toward Japan.

I believe this review should be done under the team B process. Team B is a group of outside experts that actively pursues alternative policy approaches. The administration should be familiar with this technique. It was championed by the President when he was the Director of the CIA.

Using team B then saved us from continuing a policy toward the U.S.S.R. that was incorrect and possibly dangerous. A similar outside review is needed now with regard to Japan.

OBJECTIVES OF REVIEW

A team B review should address these major issues:

First. Why is our trade imbalance with Japan so intractable? As noted, the trade imbalance with most of our trading partners has improved dramatically. But not so with Japan.

Second. What should be the structure and content of trade agreements with Japan? We need to determine what type of trade agreements we should seek with Japan. Our agreements have usually emphasized eliminating obvious trade barriers, but this approach has not always worked. Like peeling an onion, U.S. exporters encounter successive layers of barriers.

Recently, we have had some limited success with market access targets in the semiconductor agreement. Perhaps, this kind of agreement better serves U.S. trade interests.

Third. Does the United States need to take additional steps at home? We need to detemine whether the United States Government takes an active enough stance in critical industries, such as semiconductors, that have been targeted by Japan.

CONCLUSION

The bilateral trade and economic relationship between the United States and Japan is one of the most important partnerships in the world. Any reassessment of our trade relationships with Japan must be an honest and objective review. We want to develop trade policies that expand trade, not bash Japan.

We have to move away from the limited policy debate that revolves around tired labels such as "free trade," "managed trade," or "fair trade." What we need to develop is a pragmatic trade policy that can address the real trade problems we face today.

Pragmatic trade policy would ensure that the United States maintains an equitable trading relationship with Japan, and the rest of our trading partners. I urge the administration to take the initiative and use the team B process to review our trade relationship with Japan.

I ask unanimous consent that an article from the Washington Post and testimony of the National Association of Manufactures on the topic appear in the RECORD immediately following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 11, 1990]

RETHINKING THE JAPAN MESS

(By Kevin L. Kearns)

Two months ago, in the pages of the Foreign Service Journal, I suggested that, given the precarious state of U.S.-Japan relations today, we on the American side of the Pacific need fresh thinking. The solution I proposed was that President Bush should set up a "Team B," a specially constituted group outside the regular policy-making establishment, to redefine U.S. policy toward our most important economic partner. The reaction in both Washington and Tokyo has strengthened my belief in the appropriateness of my proposal.

A typical response from the U.S. side was one insider's comment to a journalist that a Team B was unnecessary because "Team A [traditional policy makers and diplomats] is right and has been right for 40 years." Given the $50-billion bilateral trade imbalance and growing in animosity on both sides (despite years of Team A "solutions"), this seems a curious response.

For their part, the Japanese reacted with their usual vigor. All their major papers carried stories on the idea. The Sankei Shimbun called the proposal "extremely dangerous."

Yet, as these responses themselves suggest, we are desperately in need of fresh thinking on our relationship with Japan—just as, in 1976, the U.S. foreign policy establishment desperately needed fresh thinking about Soviet intentions.

Back then, George Bush demonstrated considerable courage when he set up a Team B on Soviet strategic intentions shortly after he took over the CIA. But the gamble paid off handsomely.

There are significant parallels between that situation and our Japan policy today. Of course, the analogy is not exact. Japan is a friend and ally, not an enemy. The Team B on Japan would not be looking at select military intelligence to see if analysis is supported by the facts. Rather the team, a group of alternative thinkers reporting directly to the president, would review the whole course of our political, economic and security interactions with our Japanese partners, just as we are now reformulating the spectrum of our European relationships with the collapse of Soviet domination in Eastern Europe. To be sure, Team B, if it is permitted to propose truly alternative policies, will certainly clash with various vested bureaucratic and industrial interests in both the U.S. and Japan. But that is precisely the objective—to challenge the orthodoxy that exists in our thinking about Japan policy. That orthodoxy is the product of a coalition of insiders whose positions have held sway for the entire postwar-period. These experts are to be found in government, academia, business and the media, and their role is to guard carefully U.S. thinking about Japan in general and the U.S. government's policy process in particular.

They are known collectively as the Japan Club (or "Chrysanthemum Club," after the floral symbol of Japan's imperial household) because they are generally apologists for Japanese points of view and policies. Their predictably negative response to the Team B proposal illustrates the Japan Club's resistance to proposals generated by outsiders and the difficulty of trying to open up the policy process without a special mechanism.

Of course, resistance to new thinking is not confined to Washington. Responding to my original article, for example. The Yomiuri Shimbun even carried a Team B political cartoon. It depicts a game of shogi (Japanese chess) being played by President Bush and Prime Minister Kaifu. Behind Kaifu is a Japanese crane. Behind Bush is an eagle bearing a Team B emblem. The caption reads, "Here comes the typical U.S. trick—a hawkish knight."

This type of emotional reaction toward the United States is one result of our constant hectoring of the Japanese to create an "open" economy modeled on our own. In fact, confusion, not cohesion, is the hallmark of our policy. The conflicting signals sent by Commerce Secretary Robert Mosbacher and U.S. Trade Representative Carla Hills on their respective trips to Tokyo last fall are a prime example of our discord. Small wonder that Sony chairman Akio Morita suggests that to solve the bilateral problems, America must first get its own house in order.

When Japan was an impoverished country struggling to recover from the effects of World War II, there was a rationale for giving it and other nations in similar circumstances special treatment, a condition that a former high-ranking Japanese trade official, Naohiro Amaya, has likened to a golf handicap. But Japan has long since become a champion golfer and must either play without that handicap or be perceived as having an unfair advantage.

In Washington, however, the general outlook on Japan hardly seems to have changed. The Japan Club still controls the policy process and, continues to influence the treatment of Japan in the public realm. Thus not only are we not hard at work on a credible new way to approach the Japanese, few see the need for one.

"The U.S. must learn to grow lesser as Japan grows greater." This quote from one Japan insider encapsulates the prevailing philosophy. Club members seem to see their function not as representing U.S. interests but as managing America's decline so as to make increasing U.S. economic dependence as painless as possible for us.

It is a curious misfortune that the United States has been so rich for so long but that the connection between money and power eludes many Americans today. While we are transferring our wealth to the Japanese and others at an unprecedented rate, the Japan Club and the laissez-faire traders continue to believe Americans will retain world leadership because we will apply our superior moral vision to the world's problems. However, they will allow the Japanese to supply a lot of the cash. (No wonder the Japanese chafe.)

Many in Britain also thought the way earlier in this century as the American cousins rose to world power status. But it didn't work for Britain then, and it won't work for us now. We can't maintain leadership though our own economic and technical might, then the consequences for both us and Japan, as Morita suggests could be quite serious.

None of this is to assume that, even if the president implements new policies with respect to Japan, a harmonious era will immediately emerge. Many in Japan and the U.S. are deriving enormous benefit from the status quo and have come to see the current order of things as the natural order. A new Team B game plan will appear to the vested interests as unilateral U.S. attempt to change the rules of the game. However, if we implement sound policies and if the Japanese know we are determined, the end result will be a more solid and realistic partnership.

Must we really fear fresh ideas? We don't have the foresight and resolve to face this challenge squarly then we will deserve the second-rate status to which we are rapidly sinking. Let President Bush, who demonstrated leadership and vision in granting the first Team B its charter, establish now a Team B on Japan while we still have the capacity to protect America's interests and to achieve a balanced relationship with our Japanese partners.

SUMMARY—TESTIMONY OF R.K. MORRIS, DIRECTOR, INTERNATIONAL TRADE, NATIONAL ASSOCIATION OF MANUFACTURERS, APRIL 15, 1991

NAM attaches great importance to the U.S.-Japan economic relationship but is concerned about persistent imbalances in that relationship.

For this and other reasons, NAM wrote to President Bush on April 13, 1991, and asked him to establish a Presidential task force to undertake a comprehensive rethinking of American economic goals and objectives, especially as they relate to Japan.

NAM continues to support the Structural Impediments Initiative as a potentially useful tool for improving economic cooperation between the United States and Japan.

NAM believes that the current U.S.-Japan Semiconductor Agreement should not be allowed to lapse but that a new follow-on agreement on semiconductors should be negotiated between the two countries.

NAM believes U.S. trade policy generally would be strengthened by enactment of the Trade Agreement Compliance Act, S. 388.

TESTIMONY OF R.K. MORRIS, DIRECTOR, INTERNATIONAL TRADE, NATIONAL ASSOCIATION OF MANUFACTURERS, BEFORE THE SUBCOMMITTEE ON INTERNATIONAL TRADE, COMMITTEE ON FINANCE, U.S. SENATE ON SII AND THE U.S.-JAPAN RELATIONSHIP, APRIL 15, 1991

Mr. Chairman, Members of the Subcommittee, I am R.K. Morris, and I am director of international trade for the National Association of Manufacturers. On behalf of NAM and its members, let me say that we are grateful to you and to this Subcommittee for the persistent attention you have paid to the issues associated with the U.S. economic relationship with Japan, and we appreciate the opportunity to express some of our views and concerns this morning.

SUMMARY

NAM continues to believe that the Structural Impediments Initiative, which was launched by the U.S. and Japanese governments in the spring of 1989, is a potentially useful tool for improving economic cooperation between the United States and Japan. Certainly, some judgments can be made on the basis of last year's "final report" and related subsequent developments. We believe, however, that it is a mistake to expect revolutionary changes from the Structural Impediments Initiative; that so long as SII continues to show promise, the two governments should stick with it; but that we cannot afford to rely upon it as more than a component of America's economic policies towards Japan.

The NAM has, for example, recently reached conclusions about some of the more pressing issues affecting America's trade with Japan. Specifically, we believe that a new U.S.-Japan agreement on semiconductors would serve the interests of both countries. We hope such an agreement can be negotiated soon, so that it will be ready to take effect when the current agreement expires in July.

We also believe, Mr. Chairman, that U.S. trade policy generally would be strengthened by enactment of the Trade Agreement Compliance Act, S. 388, which you introduced earlier this year.

I should like to return later to each of these topics, Mr. Chairman. There are, however, broader considerations which should perhaps be discussed first.

UNITED STATES-JAPAN CONTRASTS

At the risk of simplifying to the point of caricature, Japan today is an economic superpower that is experiencing some difficulty in coming to grips with the implications of its success and status. The United States is an all but unchallenged military and diplomatic superpower that turns red with embarrassment when the conversation turns to economics. This is especially true for those who take seriously the unofficial motto of the NAM, which is, "Manufacturing Creates America's Strength."

The attitudes, policies, and developments behind these differences have existed and have been operating for a long time. In 1965, Japan's trade account with the United States moved from deficit to surplus. In 1971, U.S. merchandise trade slipped into a deficit position with the world at large. By today's standards, the 1971 deficit was trivial—just over one billion dollars—but dramatic steps were taken by President Nixon to try to cope with problem. These included, among other things, the imposition of a temporary import surcharge.

Today we regard a U.S. trade surplus of anything less than $100 billion as good news. Throughout the 1980s, the United States amassed a backlog of merchandise trade deficits amounting to almost a trillion dollars. The lion's share of the red ink, over $400 billion, was accounted for by our trade with Japan. And, of course, the deficit with Japan is entirely in manufactured goods.

These are large phenomena affected by and affecting millions of activities and decisions. NAM does not purport to know either the exact causes of these developments or exactly what should be done about them.

We believe strongly that markets are the best arbiters of economic success, both domestically and internationally, but we recognize the need to take note of the possibility, if not the fact, that our view of markets and competition may not be the same as that of others.

Our political literature is replete with statements by presidents, members of Congress, and business leaders to the effect that, so long as trade is free and fair, America can outwork, outproduce, and outcompete any other country. Even the excellent 1985 "Report of the President's Commission on Industrial Competitiveness" contained an echo of this view.[1]

Mr. Chairman, I would suggest that it is useful to compare this American view of market competition with the view of markets that an official of Japan's Ministry of International Trade and Industry shared with his OECD colleagues in 1970:

"After the war . . . Japan's first exports consisted of such things as toys and other miscellaneous merchandise and low-quality textile products. Should Japan have entrusted its future in the theory of comparative advantages in these industries characterized by intensive use of labor?

. . . If the Japanese economy had adopted the simple doctrine of free trade and had chosen to specialize in this kind of industry, it would have almost permanently been unable to break away from the Asian pattern of stagnation and poverty. . . .

"The ministry of International Trade and Industry decided to establish in Japan industries which require intensive employment of capital and technology, industries that in consideration of comparative costs of production should not be the most inappropriate for Japan, industries such as steel, oil refining, petrochemicals, automobiles, aircraft, and electronics, including electronic computers. From a short-run viewpoint, encouragement of such industries would seem to conflict with economic rationalism. But from a long-range viewpoint these are precisely the industries of which income elasticity of demand is high, technological progress rapid, and labor productivity rises fast."

My purpose in citing this example is not to criticize Japan. It is only to suggest aspects of America's own thinking about international economic policy that might benefit from an intensive review.

NAM LETTER TO PRESIDENT BUSH

As you know, NAM's president, Jerry Jasinowski, wrote to President Bush on March 13 to ask that he establish a Presidential task force to undertake a comprehensive rethinking of American economic goals and objectives, especially as they relate to Japan.

We explained in the letter that we have no interest in blaming Japan for made-in-America competitiveness problems but that Japan, "more than any other major ally [or trading partner] calls into question some long standing premises governing America's postwar economic policies both at home and abroad."

The letter recommended that this task force, which might be regarded as an economic Team B, look at familiar assumptions and the implications of those assumptions for the next several decades. The letter itself did not specify the assumptions in question or recommend any new policy. Its premise is that these are things that should flow from the Team B exercise itself.

The letter did suggested that the task force consider questions such as the following:

What assumptions have guided American economic policy toward Japan to date?

Are these assumptions as likely to be valid in the coming decade as they have been in the past?

How do they compare with the major premises behind Japanese policies, especially those affecting the relationship between government and industry?

If these present relationships continue, what will happen to the United States with respect to living standards, leading edge technologies, R&D-intensive exports, per capita income in the year 2000 and beyond and other key measures?

If the trends in these areas are negative, what lessons might we learn from other countries? From ourselves? What new assumptions should apply?

The letter in question is not a call for new negotiations. It is a plea for an internal, American reassessment of U.S. assumptions, objectives and policies. Nevertheless, it has been widely reported in Japan. My impression is that Japanese reactions have been mixed. Those Japanese business people who have shared their views with us seem to understand why we believe a review of this kind is needed.

It is important to NAM that our purpose not be misunderstood. Given the nature of the world economy, a close economic relationship between the United States and Japan is essential to the prosperity of both countries. NAM expects that relationship to become broader and deeper than it is today.

In virtually every sector, American manufacturing firms find themselves increasingly involved with Japanese companies—as their suppliers, as their customers, as their partners, and as their competitors. The NAM itself is in more regular contact with Japan's Keidanren (Japan Federation of Economic Organizations) than we have been in the past. As you may know, Mr. Chairman, NAM organized and hosted an International Private Sector Conference on the Uruguay Round at the end of January. Our purpose was to demonstrate the worldwide business support that exists for a successful conclusion to the Uruguay Round.

As far as we are concerned, that meeting was a success. It would not have been so, however, if the Keidanren and other foreign trade associations had not decided early on to give the effort their full support. We value support of that kind. Our preference is to nurture rather than to disturb the relationships that make such cooperation possible.

Nevertheless, we are concerned that the overall U.S.-Japan economic relationship is today very unbalanced and that without the kind of reassessment NAM has called for, the risk of serious disruptions will continue to intensify.

RELATIONSHIP TO SII

As I have indicated, Mr. Chairman, NAM supports the SII process. There is no direct link between that position and our petition for a Presidential task force along the lines outlined above. If there is any link at all, it is this. For both the United States and Japan, the Structural Impediments Initiative is an exploration of possible domestic changes that Japan might make in response to requests from the United States and to changes we might make in response to requests from Japan.

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[1] The report offered this definition of competitiveness: "Competitiveness is the degree to which a nation can, *under free and fair market conditions*, produce goods and services that meet the test of international markets while simultaneously maintaining or expanding the real incomes of its citizens." (Emphasis added.) This definition is a good one but would have been improved by the omission of the underlined passage. In fact, firms and countries must compete under prevailing conditions, whatever they might be, even while they may be working toward "free and fair" conditions.

Presumably, these negotiations have given all of the U.S. participants a broader and deeper understanding of Japan. We need to continue to press for change in Japan. At the same time, we should perhaps make some domestic judgments about those aspects of Japanese economic life that are not likely to change in any relevant, postulated time frame and to which we in the United States may need to adjust. That is one example of the kind of information we would hope to see developed by the task force we have suggested to the President.

I have dwelt on the Team B proposal, Mr. Chairman, because we believe it is the most useful, single thing the U.S. Government could do at this time. We recognize, however, that this is a proposal for knowledgeable people to take two steps back from the crush of daily decisions and to do some zero-based budgeting with respect to U.S. economic goals.

SII ASSESSMENT

In the meantime, judgments need to be made. We face resistance to American exports in Japan in a range of products from rice, to automobiles, to slot machines, to semiconductors, and a number of pragmatic proposals for dealing with specific problems have been made.

Because of the nature of the National Association of Manufacturers, we are not in a position to comment on all of these, but we can on some of them.

It is premature to assess this past year of SII negotiations. It would be better to wait for the report due late next month before making such judgments. As I said at the outset, NAM has regarded the Structural Impediments Initiative as a potentially constructive and beneficial process from its inception. We have also felt, however, that to be genuinely successful SII will need the perpetual spotlight of political interest over a period of several years.

The practical benefit of SII is twofold: (i) It has helped us all gain a better understanding of the obstacles to mutually beneficial economic cooperation between the United States and Japan; and (ii) it has suggested useful areas of change. There are lots of promises in the April 1990 final report. So far, however, none of these have yet dramatically changed the landscape for American companies doing business in Japan.

TRADE AGREEMENT COMPLIANCE ACT

You, Mr. Chairman, have our appreciation and our full support for the Trade Agreement Compliance Act, S. 388. It may be that someday, perhaps as a result of the Team B review, the Administration will have a foundation for U.S. trade policy other than the complaints of individual firms and industries. For the moment, these are our country's principal guide in such matters, and they have led to important results. The U.S.-Japan Semiconductor Agreement of 1986 is an example.

If U.S. manufacturers are to bear the burden of proof with respect to foreign barriers to American competitiveness, they are entitled to some assurance that agreements to reduce those barriers will be respected. They deserve to have written into law a clear petition process that guarantees that evidence of trade agreement violations will be reviewed and acted upon. Your bill, Mr. Chairman, gives American business that kind of process, and it does it in a way that is fully consistent with U.S. obligations under the General Agreement on Tariffs and Trade. We appreciate it, we support it, and we look forward to its early enactment.

SEMICONDUCTOR AGREEMENT

Finally, Mr. Chairman, I should like to use this occasion to express NAM's view that there should be a new semiconductors agreement to replace the 1986 U.S.-Japan Semiconductor Agreement, when it expires at the end of July. It is true that the current agreement has not fully met the expectations of U.S. industry, but it has been helpful in several respects and should be continued in some form.

By way of background, I would note that it was unusual, though not unprecedented, for NAM to support the Semiconductor Industry Association's 1985 Section 301 petition, which we did in 1986. It was unusual because NAM generally does not comment on sectoral trade issues. We did so in that case because we were convinced that the issues raised by the petition and the industrial conditions it sought to address were (and are) important to American manufacturers across a broad spectrum of industries.

The SIA's 1985 petition described the nature and effects of certain Japanese industrial policies (targeting) as applied to semiconductors and the related practices of Japanese firms. It sought the assistance of the U.S. government a) to curb the serious effects of Japanese dumping practices and b) to open Japan's own semiconductor market beyond the limited market share to which non-Japanese firms had historically been limited, effectively if not legally.

The 1985 petition and contemporaneous antidumping cases led to the 1986 agreement. That agreement and the associated side letter addressed both of those issues. They have been instrumental in bringing about the progress that has been achieved in recent years. They have not, however, solved the problems in these areas in the sense that further action can be regarded as unnecessary. The United States, hitherto the world leader in the production of semiconductors, is now second to Japan in chip production and chip consumption. The damage caused to the U.S. industry by Japanese dumping has not been significantly reversed. As for U.S. participation in the Japanese semiconductor market, though it is greater than it would have been in the absence of the 1986 agreement, it is far short of both:

(a) U.S. market share for semiconductors in the other major markets for these products, and

(b) The clearly understood goals for the agreement.

Beyond these considerations, NAM has certain special reasons for supporting a new agreement that I should like to bring to the attention of the Subcommittee.

Cooperation Among U.S. Firms.—The NAM is especially sensitive to the difficulties associated with differences among U.S. firms over the kinds of issues addressed by the 1986 U.S.-Japan Semiconductor Agreement and the proposed follow-on agreement, namely, issues of pricing and sourcing. The ability of U.S. semiconductor producers and many of the U.S. industrial users of their products to reach an agreement on these issues as they relate to U.S.-Japan trade is laudable. We believe the governments concerned should give significant weight to this development.

U.S.-Japan Ties and Manufacturing Inputs.—The NAM also applauds all of those involved in the relationships that have been built between U.S. semiconductor producers and Japanese users of semiconductors against the background of the 1986 Agreement. Capital goods and industrial inputs like semiconductors are among the special strengths of the American export sector. Trade in these products depends upon close working relationships between buyers and sellers. To the extent that the 1986 Agreement has encouraged such relationships between U.S. and Japanese firms it must be regarded as a success.

U.S.-Japan Relationship Overall.—As I have said, the U.S.-Japan economic relationship affects virtually all American manufacturers and is therefore of great concern to NAM. We note that the relationship is characterized by several serious differences and that its continued success will depend upon the ability of the two countries to generate long-term solutions to commercial disputes. These solutions must be responsive to the legitimate commercial interests of both the United States and Japan. We are concerned that if the 1986 Semiconductor Agreement is not replaced by an effective follow-on agreement, the gains of the last few years will be lost to the detriment of the overall relationship as well as that of firms in both countries.

Industrial Targeting.—To the extent that the issue for NAM has been foreign industrial targeting and America's responses thereto, events in other parts of the world underscore the need for these responses to be seen as credible and ultimately successful. In this connection it is fair to note that other U.S. trading partners have singled out semiconductor production for special consideration in their economies. The Republic of Korea is in the process of implementing a $40 billion five year plan "for technology development and plant investment in sophisticated industries, including semiconductors,"[2] and the European Community channels more than $1 billion to research and development for its microelectronics industry.

In light of these considerations, NAM urges the U.S. Government and the Government of Japan to negotiate a new, five-year semiconductor agreement. This agreement should itself clearly state a market-access goal for foreign participation in Japan's semiconductor market sufficient to constitute significant movement toward market liberalization in Japan.

In addition, the next U.S.-Japan semiconductor agreement should contain provisions to quickly address any new dumping of semiconductors by Japanese firms on world markets. While recognizing the progress that has occurred in this area, we also recognize that world market conditions are such that new dumping in this sector remains a possibility and one which must be addressed in any new agreement.

CONCLUSION

We cannot avoid the reality, Mr. Chairman, that the U.S.-Japan economic relationship will be a major determinant of the future of both countries. The nature of that relationship is changing rapidly for a number of reasons. Both Japan and the United States, for example, now confront the need to make major adjustments.

Japan is only beginning to adapt to the fact that it is now an economic superpower.

Last week's base-closing announcements were a reminder that, here in the United States, we have different adjustments to make. We must adapt to a world in which the major external challenge is characterized less by nuclear confrontation and more by international commercial competition, keeping in mind that commercial rivals are not enemies but allies, friends and partners.

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[2] 1991 U.S. Industrial Outlook, U.S. Department of Commerce, page 17-6.

Inasmuch as we are daily strengthening our economic ties to Japan, there are relatively few new actions vis a vis Japan that the United States can or should initiate without first conducting the kind of review of U.S. policies, interests, and objectives that we have asked President Bush to undertake.

Thank you.

National Association
of Manufacturers,
Washington, DC, March 13, 1991.

The President,
The White House, Washington, DC.

Dear Mr. President: You and your administration deserve great credit for the remarkable military and diplomatic successes of the last eight months. The Coalition victory has done more than return Kuwait to the Kuwaiti people. It has greatly enhanced America's confidence in itself. Praise is also due for the work you have done to help shape a new, more democratic Eastern Europe and new and more cooperative relationship with the Soviet Union. The National Association of Manufacturers believes it is now time for a reassessment of America's relationship with Japan. Our concern is not just with U.S. policies towards Japan, but with those economic assumptions that affect our relationship with Japan—and potentially with other economic competitors.

For a number of years now, NAM has been deeply concerned about America's international competitive prospects, as exemplified in particular by our relationship with Japan. The purpose of this letter is to suggest a broad and constructive reappraisal of the traditional assumptions governing that relationship, with a view towards forging a healthier and more realistic partnership.

I want to be clear about the nature of our concern. The large trade deficit the United States has had with Japan for the last several years is only one of several worrisome symptoms. Indeed, the slide in the value of the dollar between 1985 and 1988, combined with the shift to demanding growth in Japan, has resulted in a modest improvement of the bilateral imbalance. Yet by almost any measure, Japan's share of manufactured imports is low, and its corporate behavior seems resistant to certain values that firms in other industrial countries take for granted. Many American companies have come to believe that Japanese goals appear to be more intensely national, and more thoroughly coordinated and pursued, than our own.

Addressing these differences has now become imperative because our future has become so closely intertwined with Japan's. Given the nature of the world economy, we believe that a close economic relationship between the United States and Japan is essential to the prosperity of both countries. We expect that relationship to become broader and deeper than it already is. We value the significant contributions to our security and defense that Japan has already made. Our fear is that if the very serious problems in the relationship are not addressed soon, both countries will suffer damaging setbacks, both political and economic.

The Structural Impediments Initiative represents one major attempt to tackle the underlying causes of the trade problem. We strongly support U.S. efforts in this difficult arena, and we appreciate that progress is being made.

What we propose is something even more fundamental: a comprehensive rethinking of American economic goals and objectives, especially as they relate to Japan. It is not our intention to "blame" Japan for our long-term competitive problems, many of which are of our own making. It is rather than Japan, more than any other major ally, calls into question some long-standing premises governing America's postwar economic policies both at home and abroad.

We recommend that you establish a special Presidential task force to undertake this reassessment. This group should consist of individuals who have your respect, both inside and outside your Administration. Its mandate should be to re-examine familiar assumptions and the implications of those assumptions for the next several decades. It should address such questions as:

What assumptions have guided American economic policy toward Japan to date?

Are these assumptions as likely to be as valid in the coming decade as they have been in the past?

How do they compare with the major premises behind Japanese policies, especially those affecting the relationships between government and industry?

If these present relationships continue, what will happen to the United States with respect to living standards, leading-edge technologies, R&D-intensive exports, per capita income in the year 2000 and beyond, and other key measurements?

If these trends are negative, what lessons might we learn from other countries? From ourselves? What new assumptions should apply?

These questions deserve fresh thinking, if only because the stakes are so high. In addition, we are convinced that it is healthier to air our concerns, thoughtfully and honestly, than to paper them over. This is especially true in the case of Japan, where confidence in the U.S. alliance has already been shaken, and where signals from the United States seem mixed, to say the least. NAM believes that the United States will be less divided and more confident of whatever course it pursues if all of the important assumptions behind our policies have been fully and candidly reviewed. Going through this process will make us a better ally and trading partner, regardless of the outcome of the study.

It is for these reasons that we hope you will establish a special Presidential task force—an "economic Team B", as it were—on U.S. international economic policy, with special reference to Japan. If you agree to do so, we would welcome the opportunity to offer further suggestions about its composition and its mandate.

Respectfully yours,

Jerry J. Jasinowski,
President,
National Association of Manufacturers.

Mr. LIEBERMAN addressed the Chair.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Connecticut [Mr. Lieberman].

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. Lieberman pertaining to the introduction of S. 821 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana [Mr. Baucus] is recognized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. Baucus pertaining to the introduction of S. 823 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER (Mr. Dixon). The Chair advises the Senator from Montana under the previous order we will be going to S. 207. If the Senator would like to continue in morning business he should ask unanimous consent to do that.

Mr. BURNS. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. Burns pertaining to the introduction of S. 823 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

ADDITIONAL COSPONSORS—S. 785

Mr. BURNS. Mr. President, I ask unanimous consent, on a previous bill introduced, S. 785, the Senator from Utah [Mr. Garn], the Senator from Nevada [Mr. Reid], and the Senator from Colorado [Mr. Brown] be added as cosponsors to that legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS—S. 715

Mr. BURNS. Mr. President, I also ask unanimous consent to add as cosponsors to S. 715, a bill I introduced earlier, the Senator from Kansas [Mrs. Kassebaum], and the Senator from Georgia [Mr. Nunn] be also added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUNE DAVIS KENNEY

Mr. LEAHY. Mr. President, I bring to the Senate's attention today, a story of a mother's courage and dedication through a tragic episode that affected every member of her community.

Vermont's Mother of the Year, June Davis Kenney, lost her daughter, granddaughter, and son-in-law, all tragic victims of the AIDS virus.

Mrs. Kenney cared for her daughter, Jennifer Folsom and 3-year-old granddaughter, Angela, until their deaths—6 weeks apart. Jennifer's husband, Doug, could not continue living because he could not bear the suffering of his wife and daughter.

The Waitsfield community rallied around the family and Jennifer and Angela became household names to all Vermonters. We all got to know Jennifer and her baby, and their story brought the tragedy of AIDS to our doorstep.

I first met Jennifer through her brother, Fred Kenney, a young man who works on my foreign policy staff. He introduced them to me one afternoon in my office—and my life has never been quite the same since. I sat in tears after hearing her tragic story about a life and family decimated by tainted blood given in a medical transfusion.

June Davis Kenney will raise Jennifer's other daughter, 5-year-old Niki.

In a news report announcing her award as Mother of the Year, Mrs. Kenney explained the ordeal best in her own words.

"The most important thing for me as a mother was to be there.

"It doesn't matter if they grow up and move 6,000 miles away. I will always be there for them with love, with care, and with patience."

We can all learn something from June Davis Kenney, Vermont's most deserved, Mother of the Year.

Mr. President, I ask unanimous consent an AP wire story about June Davis Kenney be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AIDS VICTIM'S MOTHER IS VERMONT FAVORITE

WAITSFIELD, VT.—A woman who supported her family through a great tragedy brought on by AIDS has been named Vermont Mother of the Year.

The mother of Jennifer Folsom, who died last year of AIDS, is raising her daughter's daughter.

"I've still got to be Nana to some, Mom to my kids and, last but not least, wife to my husband," said June Davis Kenney, who has five other children.

Workers at Vermont's Social and Rehabilitation Services department nominated Kenney for the award for her strength, courage and humor, and because she held her family together while loved ones were dying.

Jennifer Folsom's husband, Doug, committed suicide in June 1990 because he could not bear to see his wife and daughter suffer from AIDS. Six weeks after Jennifer Folsom died in September 1990, her 3-year-old, Angela, died of the disease.

The surviving daughter, Niki, is 5 years old.

"I like it," she said of the award to her grandmother. "I feel happy about it. I think it's really special for her to be voted the Mother of the Year because this is her first time."

Kenney's source of strength for her family comes from her faith in God, she said, speaking to 100 people at an awards ceremony on Saturday.

Kenney's five children spoke about their mother, each breaking into tears.

"The most important thing for me as a mother was to be there," Kenney said. "It doesn't matter if they grow up and move 6,000 miles away. I will always be there for them with love, with care and with patience."

TRIBUTE TO DR. NICHOLAS E. DAVIES

Mr. FOWLER. Mr. President, today I would like to pay tribute to a citizen who dedicated his entire life to bettering his fellow man. Dr. Nicholas E. Davies, an internist and cardiologist in Atlanta, died in the April 5 crash of Atlantic Southeast Airlines flight 2311 bound for Brunswick, GA, from Atlanta.

Dr. Davies' career spanned over three decades in which he served not only the people of Georgia, but the entire United States. Dr. Davies' service includes numerous association memberships, board appointments, volunteer organizations, research papers, and professional and personal achievements. The champion of many causes, Dr. Davies will always be remembered as a man of true stature who loved not only his family and profession, but his patients, as well.

Dr. Davies graduated from the University of Virginia School of Medicine and then proceeded to complete his residency at Grady Memorial Hospital in Atlanta in 1957. Since that time, he was in practice at Piedmont Hospital where he has served as chairman of the department of medicine and as chairman of the ethics committee. A self-motivated man, Dr. Davies displayed a love and thirst for knowledge and literature. This passion led him to get involved with the Atlanta Public Library, where he gave his full support to efforts aimed at improving the existing structure. His involvement led to the formation of "Friends of Atlanta Public Library" which he served as its first chairman.

In 1978, President Jimmy Carter recognized the talent and value of Dr. Davies as a leader in his profession and appointed him as chairman of the board of regents of the National Library of Medicine. He also served as a professor at the Emory University School of Medicine. Most recently, Dr. Davies served as president-elect of the American College of Physicians, the Nation's largest speciality medical society with a membership of over 67,000 internists throughout the country.

Dr. Davies was always a man of thought and intellect who spent countless hours developing ideas to provide quality health care to all Americans regardless of their ability to pay. His thoughts on our current health care system and the future of health care in this Nation appeared in the Journal of American Medicine earlier this year. More specially, in Georgia, Dr. Davies has been involved with a new organization, Georgia Health Decisions, organized to find solutions to the State's health care system. Nick was always in search of methods to provide proper care to those individuals most in need.

Mr. President, a memorial service was held for Dr. Davies on Wednesday at St. Anne's Episcopal Church in Atlanta. The adoration and recognition for this man was evident throughout the building. I cannot recall ever having witnessed the love, affection, and admiration that an entire community displayed for such a deserving and fine citizen. Dr. Davies was described in a manner that I truly believe fit him to perfection. Three simple words embodied all that Dr. Nicholas Davies was about: Grace, passion, and love.

Mr. President, Dr. Nicholas E. Davies' life was truly filled with God's grace; he showed a dedicated passion for all his interests; and his love for his fellow man had no bound.

ANNIVERSARY OF THE DEATH OF SENATOR SPARK MATSUNAGA

Mr. AKAKA. Mr. President, I rise today to remember our colleague and my predecessor, Spark Matsunaga, on the first anniversary of his death. Our remembrance of Spark is perhaps more solemn because we are also mourning the untimely passing of another distinguished colleague, Senator John Heinz.

Spark was a true renaissance man who saw the need to focus on the future in order to address the questions of today. He believed fervently that education, both in and out of school, was necessary for personal growth. He considered children and senior citizens to be among our most precious resources and sought legislation to protect their needs.

As a much decorated World War II veteran, he fought throughout his Senate career for increased veterans benefits and demanded and won redress for Japanese-Americans interned during World War II. Spark's vision of a world at peace in which human conflicts are resolved not by force of arms, but through peaceful negotiations led to his successful 22-year effort to establish a U.S. Institute of Peace.

Spark's tenacity in reaching his goals was well-known. He jokingly told the story of a colleague who said he couldn't vote for Spark's legislation to compensate Japanese-Americans because if he did, his constituents would never reelect him. Spark said he understood, but asked for only a minute of the other Member's time. The colleague said, "No, if I give you a minute, I'll change my mind and I won't be back here next year."

As a senior member of the Senate Energy Committee, Spark was one of the first people on Capitol Hill to envision a future without dependence on fossil fuels and was a longtime advocate of alternative fuels and energy sources. Coming from an island State, he knew the fragile relationship man and nature enjoy. He knew that Hawaii's future was through the development of alternative energy. He knew that without new energy sources, the United States would remain dependent on foreign oil supplies and would be held hostage to oil-rich nations.

Only last week, the senior Senator from Hawaii [Mr. INOUYE] and myself introduced legislation to establish the Matsunaga National Energy Laboratory in Hawaii. I expect to offer the legislation as an amendment to the national energy priorities bill being considered by the Energy Committee.

There were many legislative initiatives championed by Spark Matsunaga; but there was also a side of him that rarely received any public notice. One accomplishment was the creation of the position of poet laureate poetry consultant at the Library of Congress in 1985. To Spark, poetry was one of man's highest achievements. A published poet, he once said, "I've always felt that if the lessons of human experience were all written in verse, we might better learn and remember them.

Mr. President, Spark always said that his grandchildren would remember him not for his legislative achievements but for his daily lunches with the people of Hawaii and his insistence that the ceiling in the House and Senate Chambers include stars for the State of Hawaii. Well, Mr. President, it would be hard for any Member to remember Sparky without picturing him hosting lunch in the Senators' Dining Room. After all, his constituent lunches were known throughout Hawaii and Washington, DC.

And, he was responsible for putting the stars on the House and Senate Chamber ceilings to represent Hawaii and Alaska. He used to joke that the star at the top of the eagle is for Hawaii and one of the tail for Alaska.

Perhaps one of the most important, but unknown accomplishments of Spark Matsunaga was the 1979 publication of his book, "Rulemakers of the House," a textbook still used by about 40 universities and colleges nationwide. Always the teacher, Spark's book explained the intricacies of the powerful House Rules Committee, where he sat for 12 of his 14 years in the House.

Mr. President, Spark Matsunaga was indeed a unique individual who realized many of his goals. His legislative priorities were shaped by a humane view of the world. It is with deep appreciation for my friend that I ask all Senators to remember our departed colleague.

TRIBUTE TO JOHN HEINZ

Mr. PELL. Mr. President, as have so many of our colleagues in the past few days, I honor the memory of our late colleague, John Heinz, who steadfastly and honorably served in this Chamber until his tragic death some 11 days ago.

First, Mr. President, let me say that our hearts, and those of the Nation, go out to his wife, Teresa, and their three sons.

Senator Heinz, a graduate of Yale and the Harvard Business School, was an intelligent man with unlimited opportunity. Yet he wisely chose a career in public service because he had so much more to offer. During his 20-year career in Congress, first in the House and then in the Senate, Senator Heinz served with distinction, conviction, and passion, always tempered with common sense. I recall he would always be well prepared whenever he appeared to address our body. And he always brought a great deal of positive thought and deliberation to whatever we were debating.

I was moved by the funeral service we attended last week for our late colleague, held in the splendid and serene chapel which his family had donated to the University of Pittsburgh. It was a chance for all of us to reflect on the fragility of life and how it can, all of a sudden, be whisked away from under us. Indeed, it was a time for all of us to reflect and ponder our own mortality.

John Heinz, Mr. President, was an outstanding member of this body. He diligently and tirelessly worked to better the lives of his constituents and those of many in our country. He was an outspoken and tenacious advocate for the rights of the elderly and the infirm. Whenever debate turned to Social Security and Medicare, one could always count on Senator Heinz to fight for America's elderly. As cochairman of the Senate Coal and Steel Caucuses, he was an equally tireless advocate for the concerns of those industries, native to his Pittsburgh, which he felt were being usurped by foreign competitors. In short, Mr. President, John Heinz was a tough negotiator who was always prepared and whom you wanted on your side.

Although we may not have worked together on many issues, Mr. President, I am honored to have served in this body with this intelligent, caring and devoted man since his arrival in the Senate in January 1977.

Nuala and I wish to convey to Teresa, John, Andre, and Christopher our deepest sympathies and wish them to know that we share in their hour of sorrow. We grieve with and for them. Life is certainly precious. And although the cold and cruel hand of death is always untimely, Mr. President, I believe in the case of our young and wise colleague, it was particularly premature.

CONSERVATION—THEN AND NOW

Mr. PELL. Mr. President, I would like to commend to my colleagues attention an article by Francis L. Kellogg entitled "Conservation—Then and Now."

In this article, Ambassador Kellogg succinctly examines the institutional mechanisms that exist to deal with global environmental issues. He notes the important role played by nongovernmental organizations such as the Sierra Club and the World Wildlife Fund in building public awareness of environmental issues and focusing governmental attention on these issues.

He then explores the impact of increased public concern about the environment on the structure of the Federal bureaucracy and the Congress. One example he cites is the creation of the Bureau of Oceans, International Environmental and Scientific Affairs at the State Department to incorporate environmental concerns into the U.S. diplomatic agenda.

At the international level, he briefly examines the catalytic role the United Nations Environment Programme has played in addressing global environmental threats such as those stemming from the war in Kuwait and Iraq.

The environmental damage this war has wrought on the region is described in all its terrible detail, from the loss of marine and land habitats, to the possible disruption of the monsoon rains in India. The war brings home the damage the human species is capable of inflicting on its planet.

Mr. President, I ask unanimous consent that the full text of Ambassador Kellogg's article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONSERVATION—THEN AND NOW

(By Hon. Francis L. Kellogg)

"The urgent need for a great creative effort has become apparent in the affairs of mankind. It is manifest that unless some unity of purpose can be achieved in the world, unless the ever more violent and disastrous incidence of war can be averted, unless some common control can be imposed on the headlong waste of man's finite inheritance of natural resources, the history of humanity must presently culminate in some sort of disaster * * *"—H.G. Wells, 1907.

What an extraordinary prescient statement, made nearly 100 years ago, long before the words "conservation" or "environment" had become widely understood.

A similar credo, but neither so passionately nor so eloquently expressed as by H.G. Wells, had propelled me into the affairs of World Wildlife Fund U.S. in the early 1960's and as President between 1973–1978. These same thoughts have continued to be a strong if not dominant influence in my life. As the decades passed, the conviction that the imbalance between man and nature continued to worsen led me to join other conservation organizations as well—each with its own special interests and endeavors. I became a founding Director of The Charles A. Lindbergh Fund in 1976 and President 1980 to 1982. Lindbergh's early life reflected intense fascination with mechanics, mathematics and science. Later his vision broadened to include nature and he said: "The Human Future depends on our ability to combine the knowledge of science with the wisdom of wildness". This became the guiding philosophy of the Fund. Because of my knowledge and love of East Africa where Friends of Conservation operates both on a Governmental and local level I joined this Board. Finally, S.O.S. Animals invited me to become a Director and participate in their projects which I did with enthusiasm.

I cite these activities to illustrate that, long after H.G. Wells pronouncement in 1907, conservation and concern for the environment have become understood as crucial to man's survival. Rain forests and the extraordinary animal and plant life they sustain, their effect on global weather and the atmosphere, the importance of maintaining biological diversity on this planet, the need to protect endangered species as well as entire ecosystems, the thinning of the Earth's ozone layer and the dangers of pollution in general, the necessity for specialized education—these and many more aspects of conservation have become widely recognized in an extremely short time span. Predominant among all these concerns for the well being of our planet is of course the "population explosion", especially in the Third World, a menace Robert McNamara described as more threatening than the atom bomb.

Some 300 or more nongovernmental conservation organizations have come into being in the United States during the past three decades. These range from such small operations as Bat Conservation International or the International Crane Foundation to the *Leading Environmental Groups:*

*1. National Wildlife Federation. Membership: 5,100,000. Revenue: $75.3 million.

*2. Greenpeace USA. Membership: 2,300,000. Revenue: $43.4 million.

*3. World Wildlife Fund/The Conservation Foundation. Membership: 972,000. Revenue: $48.6 million.

4. National Audubon Society. Membership: 600,000. Revenue: $37.3 million.

*5. The Nature Conservancy. Membership: 560,000. Revenue: $168.6 million.

6. Sierra Club. Membership: 540,000. Revenue: $37.3 million.

*7. Ducks Unlimited. Membership: 508,000. Revenue: $67.5 million.

8. The Wilderness Society. Membership: 350,000. Revenue: $14.4 million.

9. Environmental Defense Fund. Membership: 200,000. Revenue: $17 million.

10. Natural Resources Defense Council. Membership: 160,000. Revenue: $17 million.

Note: Figures are for 1989:

*The Nature Conservancy rated by the Non Profit Times (N.P.T.) as the 23rd largest charity in the U.S.

*National Wildlife Federation rated 37th.

*Ducks Unlimited rated 38th.

*Greenpeace U.S.A. rated 53rd.

*World Wildlife Fund/The Conservation Foundation rated 59th.

These 10 major conservation groups account for over ½ billion dollars annually, mostly collected from the public, in an effort to stem man's destruction of the planet. I daresay if the annual revenues of all conservation groups in the United States were taken into account the sum total would approach $1 billion. The growing awareness of this threat by the general public in the United States and worldwide has been remarkable, together with the rapidity with which the danger has been identified.

Of these leading non-profit organizations the three most active internationally are Greenpeace, Audubon and World Wildlife Fund. Somewhat like the United Nations, the latter has 26 National Organizations or Representatives in nearly 40 countries and an international headquarters in Switzerland. The Fund concentrates on protecting endangered and biologically significant habitats and the flora and fauna within them in the United States, Latin America, Africa, Asia and the Pacific. It also seeks to curtail pollution and destruction that threaten not only these resources but also the health of the planet. The Fund supports international conservation treaties and the current negotiations to curb global warming. In these endeavors, social and economic challenges confront the environmentalist.

World Wildlife Fund was rated by N.P.T.'s special report the third fastest growing of all American charities. Its 1989 report stated that increasing public concern with environmental preservation was the simple answer for the 57% surge in income. Membership has since grown to more than one million, evidence that World Wildlife Fund is successfully reaching across thresholds to educate the American people on elementary environmental issues.

Greenpeace, on March 11th, from its London headquarters, citing damage caused by six weeks of war in the Persian Gulf, called for a new Geneva Convention to outlaw the use of the environment as a target of war.

In the main, there is room for hope because the alarm has been sounded and it has been heard. It has become evident that the global environment is under assault and no single Government, let alone conservation organization, singly or in coalition, can resolve the problems. However, there appears to be a possibility for the first time in history of worldwide action to confront the urgent challenges facing mankind. The vital importance and necessity for clean air and water are now recognized not only in the U.S. but worldwide. Awareness and responsibility among local governments regarding environmental issues have multiplied many fold in recent years. The U.S. Government Environmental Protection Agency (E.P.A.) has grown 30 times in manpower in less than a decade and its influence and scope have increased commensurately. It is significant to note the E.P.A.'s four current prorities are all global:

1. species extinction
2. destruction and alteration of wildlife habitat
3. ozone depletion
4. climate change

The growth within the United States Government is unmistakable evidence of increasing public—hence governmental—concern with environmental and natural resource areas. There are at present two dozen or more government agencies, bureaus or services dealing directly with domestic land and wildlife issues—the Council on Environmental Quality, the Bureau of Land Management, the Forest Services, the Department of the Interior, the Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration and of course the E.P.A., to name but a few.

The State Department provides a fascinating example of changing government attitudes and modes of diplomacy with respect to nature and the depletion of natural resources worldwide. In 1971 Senator Claiborne Pell of Rhode Island created by statute the Bureau of Oceans, International Environmental and Scientific Affairs within the State Department to include these new areas on the diplomatic agenda along with traditional questions of political and economic relations among nations. The Department of State thus had an office to deal with global problems in concert with other nations. The landmark 1985 Vienna Convention on Protection of the Ozone Layer and two years later the Montreal Protocol on Substances that Deplete the Ozone Layer measures that forecast future international mandates, were ratified by nearly 100 Sovereign States.

The Congress has numerous Committees and Sub-Committees which deal with environmental and natural resource legislation, and of course, there are myriad International, National and Interstate Commissions as well. Thus H.G. Wells ominous "headlong waste of man's finite inheritance of natural resources", has at least been abated—perhaps at the brink. However, Wells' remarkable foresight that "the ever more violent and disastrous incidence of war" would "culminate in some sort of disaster" was an extraordinary prediction of the destruction caused by not only every war in this century, but most disastrously by the recent war in the Persian Gulf.

On the world scene the United nations Environment Programme (UNEP) has been called upon to coordinate numerous UN bodies together with diverse international and regional organizations both governmental and commercial to monitor, assess, advise or take direct action as may be required. The acronyms for the agencies involved in this massive coalition would use up, I belive, all the letters in the alphabet several times. Scientific experts in various fields have been sent to the Gulf Region by UNEP to study the physical and environmental damage to the area. As a catalyst in this effort, UNEP's role is to assist in the development of an effective process by which the environmental problems emanting from the conflict can be ameliorated.

"Alas, where has civilization brought us", is the cry of not one but many. Little has been written yet about the enormous and critical damage created by armies of one million soldiers and massive equipment in the fragile and limited areas of Saudi Arabia, Kuwait and Iraq. The "deserts" of these countries as well as the Gulf itself teaming with aquatic life and the Tigris and Euphrates rivers and their estuaries sustain a complex and rich ecological web. Because the cycle is gradual and less evident, the biotic process is that much more vulnerable. The vast human presence, with the weight of heavy ordinance and impedimenta, is certain to do environmental damage beyond calculation, lasting well into the next century while the destruction of the ecosystems of these regions will retard the rehabilitation and the economy of these countries immeasurably.

What will the desert resemble after the war? Imagine the residents of the cities of Edinburgh, Chicago or Madrid living in tents without adequate means of waste disposal both sewage and solid. It has been estimated that the Allied Forces create 12 million gallons of sewage a day. Since every item of food, support, arms and equipment has to be flown or shipped into the camps the amount of garbage including crates, cartons and plastic containers is almost incalculable. How this vast bulk can be disposed of in a environmentally acceptable manner is unknown. The areas' underground aquifers and the desert itself are vulnerable to contamination from wastes and toxic pollutants including oil, gasoline, solvents, paints, cyanides, acids and radio-active materials. It is recognized that in time of war, concern for the environment must have a low priority.

Although this Middle East region was already much despoiled and degraded prior to the outbreak of hostilities, the presence of the armies even before battle has had a further disastrous effect on vulnerable wildlife and indigenous vegetation. Little is known what has happened to jackals, hares, sand cats, insects and reptiles that inhabit the ground cover of brushes, grasses and shrubs, but the vast oil spill which occurred toward the end of January is known to have wreaked major lasting environmental damage in the Persian Gulf. Simultaneously, when the first of many oil wells was set on fire, the planet itself had indeed become the victim of this carnage. During hostilities little attempt could be made to clean up a 10 mile long four inch thick band of crude oil other than to deflect it from the desalinization plants along the Saudi coast. The Gulf is a shallow virtually enclosed sea with very slow counterclockwise circulation and water replacement rate. It is said to have a flush-out cycle of three to five years as compared to a twenty day cycle in Prince Edward Bay where the Exxon Valdez spill occurred. The oil on the surface and below it will remain a marine catastrophe for decades ahead as this body of water gradually becomes what may be a dead sea. Already severely damaged are the marshes, mangrove forests and wetlands along severely damaged are the marshes, mangrove forests and wetlands along the coast, the habitat of much marine life and the wintering grounds of hundreds of thousands of birds migrating between Africa and Europe.

Ornithologists estimate that 125 species of birds winter in the Gulf while more than 100 or more species pause in their migration to Europe along the shore of this inland sea, feeding on shrimp, shellfish, algae and a diversity of small fish. Thus the oil contamination is affecting the intricate food chain upon which all marine and aquatic bird life depend; snails close to the shoreline feeding on algae; fish eating debris produced by mangrove roots; sea grass beds serving as shrimp spawning grounds; within the coral reefs an extraordinary variety of mollusks, sponges, shrimp, lobsters, urchins, sea-snakes and turtles and over 100 species of fish, including dolphin, the rare and gentle dugong and at least three types of whales—all may perish.

This complex ecosystem, under pressure from the inexorable spread of smothering toxic oil is threatened with complete collapse. The Gulf waters, shores and islands with their coral reefs, mangrove swamps, miles of sea grass, algae and plankton brimming with birds, turtles, fish and marine mammals may never recover.

The war against Iraq lasted 42 days ending on February 27th after a 100 hour land battle, but the military for the most part will remain for many months as an Army of Occupation thus adding a prolonged strain on these arid but susceptible lands. The devastation and destruction of the three Persian Gulf nations during the war is incalculable. Around the clock air sorties have destroyed entire cities especially Baghdad, Basra and Kuwait City. Artillery shelling has been intense and the tank battles have engaged the largest number of these vehicles in history. The damage this savage military onslaught has done to the terrain of these countries may never be repaired. The sands of North Africa after 50 years still bear the treadmarks of Rommel's and Patton's tanks in World War II. The destruction to the Persian Gulf desert is more severe because of its relatively confined area and the great number and concentration of tanks, personnel carriers, artillery and track vehicles of all sizes and shapes supporting or supplying mobile armies of a million soldiers. As always in a delicate ecosystem, destruction of one element such as the annual and perennial vegetation affects the entire cycle including the stability of surface areas, increasing dust and sand storms as well as reducing or eradicating animal and bird habitats.

During the last days of the Persian Gulf War some 600 or more oil wells in Kuwait were set on fire along with refineries and storage tanks. As a result flames ascend nearly 1000 feet and a vast cloud of dense black smoke fouls the air and darkens skies as far east as Afghanistan and northern India. Toxic chemicals including sulphur dioxide and hydrogen sulfide from the burning wells would cover an area half the size of the United States. Since the wells are shallow and require no pumping, oil will feed these fires for years unless a method which does not presently exist is devised to extinguish the flames.

The British Government Meteorological Office concurs that soot from the burning wells could disrupt the monsoon rains the Indian subcontinent relies on for agriculture which is already marginal at best. Their official estimate is that some 500,000 tons of toxic waste and soot was injected into the air in the first 30 days after the wells were ignited. The effect on people breathing this heavily polluted air and the damage to crops and livestock is yet to be determined.

Army engineers estimated that it would take three months to remove land mines near the wells before any attempt could be made to quell the oil infernos, thereafter it could take up to five years or more to finally extinguish the fires, which will have consumed more than 3 million barrels a day.

At the cessation of hostilities, as the guns fell silent, Kuwait and Iraq lay shattered. Both countries had been attacked from the air in the most intense and relentless day and night bombing in military history by high technology planes and bombs. The results are devastating. The air assault and the land struggle have destroyed nearly half Iraq's tanks, armored personnel carriers and artillery all of which remain scattered about the landscape. An estimated fifty thousand Iraqi soldiers are dead and how many more wounded?

The chaos, the wreckage, the incredible amount of debris left on the battlefield by two armies of a million men locked in a final struggle defies the imagination. The cratered desert is now littered with the burned out shells of hundreds of Iraqi tanks, abandoned vehicles of all description, mine fields half live, half detonated, spent artillery shells, vehicles, and military equipment. How long will this desecration of nature and wilderness continue to sear the beauty of the desert? The remnants of the battle are battered and destroyed armored tanks, empty dugouts and trenches, artillery installations, towering sand embankments, and miles of barbed and razor wire.

Biochemist Isaac Asimov wrote unequivocally, without reference to the Persian Gulf conflict: "A steadily increasing population is placing ever higher demands on Earth's resources, is forcing the conversion of more and more land to human needs and is wiping out the wilderness and the ecological balance of the planet, something on which we all depend.

A steadily rising use of fossil fuels for energy is choking Earth's atmosphere with gases that are slowly poisoning it. In addition, it allows the atmosphere to conserve heat more efficiently, so that the planet is experiencing a greenhouse effect that may have catastrophic impact.

A steadily increasing production of chemical substances that are highly toxic, or that cannot be recycled by biological processes, or both, is poisoning the soil and water of the Earth, is destroying the ozone layer and is converting much of the planetary surface into a garbage heap."

Nevertheless, at the brink of the 21st century, new perceptions and consciousness of the vital importance of conservation and concern for the environment give hope for the preservation of less ravaged and vulnerable regions of this blue sphere suspended in the vast mysterious universe.

The emergence of both governmental and private forces dedicated to the protection of nature and natural resources—a phenomenon of only the last several decades—is solid evidence of increasing public awareness of the threat to man's only habitat. Perhaps the recent triumph and victory of the Allied Forces in the Middle East will usher into the new century an era of peace throughout the world where mankind, heeding H.G. Wells dire warning, finally can marshall concentrated efforts to save our "plundet planet" before it is too late.

THE DEATH OF JOSEPH M. HASTEDT

Mr. DODD. Mr. President, I have learned, to my great sorrow, of the recent death of one of Connecticut's most committed civic leaders, Mr. Joseph M. Hastedt of Norwich. His death represents a loss not only to his family and friends, but to the State of Connecticut as well. We have not only lost this fine man but we have also lost the benefit of his shining example. To all of us who boast proudly of our American citizenship, but lose sight, from time to time, of the responsibilities which attend our legacy of freedom, Joseph M. Hastedt exemplified, above all, citizenship.

The grace with which Mr. Hastedt extended himself and his resources to the community was unmatched and marvelous. His continuous and seemingly boundless gift of contribution was his signature and Connecticut's good fortune. The death of this rare man leaves a hole in the heart of his family and community. Indeed, he will be sorely missed.

Mr. Hastedt's life was characterized by service; he gladly embraced the responsibilities of community leadership. A World War II Army veteran, Mr. Hastedt transferred his patriotism and devotion to country into his civilian life. He was alderman for the city of Norwich from 1946 to 1952, during which time he also served as fire commissioner. He was a member of the Democratic Town Committee for many years and was appointed to the Norwich Zoning Board of Appeals in 1972. He was then appointed to fill a vacancy on the board of education and was later elected to the post. Mr. Hastedt was a life member of the volunteer fire department, a justice of the peace, and a member of countless organizations, including the American Legion, the Veterans of Foreign Wars, the Ancient Order of Hibernians, the Shyma Club and the Irish-American Club. A Boy Scout leader for many years, Mr. Hastedt helped organize baseball and basketball teams for his church, the Cathedral of St. Patrick, and sponsored teams in local leagues who would have lacked a sponsor otherwise.

Uncommon in his dedication to the human family, Mr. Joseph Hastedt was a friend and neighbor to those who knew him and those who did not have the privilege. In tribute to this fine man, I ask unanimous consent that the eulogy given by Father John F. Cotter, formerly of Taftville, CT, and pastor of Ascension Church in Hamden until his 1990 retirement, be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

SUFFERING AND COMPASSION

Perhaps no one has summed up the meaning of suffering and compassion better than Dietnich Bouhoeffer in his book, "The Cost of Discipleship"—"When a man really gives up trying to make something out of himself—a saint, or a converted sinner, or a righteous man—when in the fullness of workers questions, success or ill-happenings experienced—a man throws himself into the arms of God—then he wakes with Christ—and becomes a man and a Christian. How can a man wax arrogant if . . . he shares the suffering of God?"

Joe, my boyhood friend and brother is like the famous figure of Job, in the Old Testament. Joe/like Job, is a good man who has suffered much and for no apparent reason. Now in Job's life he has lost his sons and three daughters, and all his fabulous wealth. In the book of Job, we see that he is not so much lamenting his loss as he is the meaninglessness of his loss. A heavy load has been dumped on Job and poor Job can't figure out why. Job is not alone—we too are brought into this long suffering of Joe, his wife Fran, his son Mike, his daughter Lanie, and their families, and Joe's grandchildren. Why? is the question that has racked persons seeking to learn since the beginning of time. Its answer is not "Why not?" It is never, never that simple.

Faced with the problem of harmful things happening, to good people, as in Joe's long, painful illness, we ask, Why? Finding no logical answer, but believing, but not understanding—that God must have the answers, yet, our reasoning goes like this—since God is all powerful, capable of anything, God must allow this terrible thing to happen. Unfortunately, such reasoning is distorted, for God is not capable of anything—that is—as we say of a wicked evil person who is, quote, "capable of anything". God cannot break promises, deceive or display brutality. God's power cannot be separated from God's goodness and mercy. God does not sanction human pain and suffering. God sanctifies suffering! Yet, the question is *why* Joe's long suffering remains. Worse, for some, it raises a further question—"Why believe in God?" If Joe's suffering and death is not evidence of God's disapproval, if it's, quote, "just the way things are", what's the good of our faith?

Our point of turning to God in times of distress and of suffering is not to beg release from affliction, but to acknowledge that affliction does "*not*" compromise God's final judgement on Joe's sacred life of Faith. In other words, no matter how ruthlessly nature or circumstances, or long painful illness may deal with Joe, God deals with Joe in the Infinite, holy compassion and love. This is the lesson of Joe, the lesson of Jesus, and the lesson of the Cross of Christ and your Job.

Being a Christian, being a Catholic does not depend on the depth of our emotions, not on our loyalty to a system of ideas. Being a Christian depends on how everything we are is transformed, changed, made new by the compassionate, loving faith of Christ. Such change causes suffering, and in our matter of living we shrink from it. Jesus knew this. Joe knew this, Joe's Fran, and his children Mike, Lanie and grandchildren experienced this. Jesus died to make that clear—and now Jesus called your Joe to enjoy His enternal presence and love, prepared for Joe from all eternity. Believing on as creation of your loving God means loving with compassion, sympathy, and love for Fran, Mike, Lanie, Joe's grandchildren.

Jesus Christ, in his Eternal Love, asked Joe to carry a part of His Cross. Joe accepted Christ's request, and shared Christ's scourging, crown of thorns and the marks of the Cross.

You have today and into the future grasp of your lives, a very solid, sacred and holy saint to not only pray for, but most importantly, to pray to—St. Joseph M. Hastedt.

THE POINTS OF LIGHT FOUNDATION—CELEBRATION OF SERVICE AND SERVICE AMBASSADOR AWARDS

Mr. KENNEDY. Mr. President, I commend the Points of Light Foundation for its efforts to encourage all Americans to participate in community service. The foundation is a private nonprofit organization whose board is composed of 24 Americans from business, industry, the academic world, and voluntary service groups. The foundation's mission is to help make community service a greater part of the lives of every American, and thereby contribute to the ongoing struggle against illiteracy, poverty, homelessness, alcohol, and drug abuse, delinquency, and the plight of the elderly.

Yesterday, the foundation launched their 12-day Celebration of Service to honor Americans who have been trailblazers in community service, to enhance public awareness of the problems facing society and the need for personal involvement to alleviate them, and to identify worthwhile programs that can be used in all parts of the country to challenge others to become involved.

Each day for the next 2 weeks, as part of their Celebration of Service, the Points of Light Foundation will recognize one or two Americans as service ambassadors, people who have made a difference by participating in service programs.

Today, they have chosen to honor two outstanding Americans who have made contributions in their communities. Mr. Victor J. Ferrari of San Antonio, TX, a 75-year-old veteran of the Armed Forces, has also served as a college-level educator and educational consultant. He currently coordinates over 520 volunteers in the mentor program of the United Service Automobile Association, and an additional 72 USAA employees in other educational efforts. He has tirelessly devoted himself to educational initiatives, serving on the board of 11 education-related organizations.

Also being honored today by the Points of Light Foundation is Deacon James Swiler of New Orleans, LA. Deacon Swiler has a son in the Marine Corps who was deployed in Operation Desert Storm. Knowing first hand of the problems incurred by families left behind, he worked tirelessly and effortlessly to organize support groups for military family members to assist them during this difficult period.

I join with the Points of Light Foundation commending these two exemplary Americans who have made such significant contributions to their community and their country.

It is a privilege to work with the foundation, and I ask unanimous consent that appropriate background information on its good works may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE POINTS OF LIGHT FOUNDATION—BACKGROUND

The Points of Light Foundation is a private non-profit, non-partisan umbrella organization whose board is comprised of 24 Americans drawn from business, industry, academia and voluntary service groups. The Foundation's mission is to help make direct and consequential community service aimed at serious social problems central to the life of every American and to increase the opportunities people have for that kind of service through their workplace, schools, churches and civic organizations. We also will serve as a catalyst in the creation of new voluntary service initiatives.

The Foundation and its board recognize the crucial role government programs must play in this struggle but believe these approaches cannot be the only ray of hope on the horizon. Illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency and the plight of the elderly are problems that continue to defy government's best efforts. This void can only be filled by a redoubled effort from the private sector, by the profound and personal commitment of individuals to helping others.

Beginning April 15, the Foundation is launching a 12-day Points of Light Celebration that is designed to honor those people who have been trailblazers in the community service effort; to sharpen public awareness of the problems facing society and the need for personal involvement to help alleviate them; and to identify worthwhile programs that can be replicated in other parts of the country and challenge others to get involved. Literally thousands of disparate groups and individuals have already been mobilized as part of this effort.

In conjunction with the Celebration, the Foundation will unveil a nationwide advertising campaign, created pro bono by Saatchi and Saatchi and the Advertising Council, that will bring the message of service into the home of every American. The slogan, "Do Something Good, Feel Something Real," stresses the sense of personal accomplishment that volunteers get from their work. The campaign will seek the help and cooperation of the media, businesses, schools, unions, religious groups and individuals. In addition, a toll-free 800 number will act as a national center for providing key information for community service efforts.

The Foundation is assisting or has helped to establish numerous successful service programs. These include:

One-to-One, a mentoring program for disadvantaged youth.

StarServe, a school-based community service effort.

Into the Streets, a college-based community service program operated by the Campus Outreach Opportunity League.

Naming of individual Points of Light Representatives, Leadership Companies and Partnerships.

The Foundation's mandate is long-term. After the Celebration of Service is over, we will pursue our mission on several fronts. First, we will evaluate our advertising campaign and toll-free telephone service in an effort to improve the response; and second, we will continue and improve our efforts to serve as a broker and coordinator for new programs. There are no easy answers. We are engaged in a day-to-day struggle that requires day-to-day commitment and energy.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,222d day that Terry Anderson has been held captive in Lebanon.

ON THE CENTENNIAL ANNIVERSARY OF ST. JOHN'S QUEENS HOSPITAL

Mr. MOYNIHAN. Mr. President, I would like to share with my colleagues the fact that this year marks the 100th anniversary of the founding of St. John's Queens Hospital in Queens, NY, and the 30th anniversary of its service at its present site on Queens Boulevard, in the heart of Queens.

In 1890 Bishop John Loughlin of Brooklyn requested Mother Mary Teresa Mullen, general superior of the Congregation of the Sisters of St. Joseph, to attempt a hospital. This she did, and on March 31, 1891, a hospital to be called St. John's Long Island City Hospital was incorporated under the laws of the State of New York by Bishop Loughlin, Father John McGuire of St. Mary's Church, Mother Mary Teresa, Mother deChantal of St. John's Home in Brooklyn, and assistant general superior of the Sisters of St. Joseph Sister Mary Ignatius.

With the help of financial contributions and donated labor from employees of the Long Island Railroad and nearby factories, the first St. John's Long Island City Hospital building was opened for patients on May 23, 1891.

Sister Mary David O'Brien, Sister Saint Ludwina Johnston, and Sister Marion Gannon became the founders of St. John's Long Island City Hospital, and Sister Mary David went on to provide the leadership that built the hospital's first permanent main building, in 1900.

St. John's Long Island City Hospital grew and prospered under the leadership of the Sisters of St. Joseph until 1961, when it was decided that a new, more modern building was needed. The hospital then moved to its present home in Elmhurst and became St. John's Queens Hospital. It became one of the founding hospital's members of Catholic Medical Center of Brooklyn and Queens. In 1984 St. John's Queens was completely rebuilt and modernized by the Catholic Medical Center.

Today, the Sisters of St. Joseph continue their leadership role in the operation of St. John's Queens Hospital, with Sister Helen Faulds being the current executive director. The hospital continues to provide health care services to all those in need, in keeping with its early motto, "the hospital for the patient, not the patient for the hospital."

HISTORIC AGREEMENT AT TOURO COLLEGE

Mr. MOYNIHAN. Mr. President, I rise to report on an historic agreement between Touro College in New York City and the Association of Soviet Trade Unions. This agreement, arrived at after more than a year of negotiations with various Soviet authorities, will result in the opening, in Moscow, of the first branch of an American business school. Touro college will be offering an undergraduate degree granting program in international business and management at the Moscow branch. The college officially opens its doors to students on Monday, April 15, 1991. In the spirit of cooperation, a collaborative arrangement has been reached whereby Touro College provides the professors, the curriculum, the library, the computers, and the know-how; the Soviet side provides the classroom building, the dormitory, the furnishings, the housekeeping, and utilities.

In addition to the degree program, Touro College, which operates under Jewish auspices, will be providing a tuition-free program in Jewish studies in the evenings.

This event marks the first American college with a branch campus in Moscow and the first higher education program in Jewish studies to be permitted in the Soviet Union in more than 70 years.

I especially salute Dr. Bernard Lander, president of Touro College, whose vision is responsible for the ideas which generated the establishment of Touro College's Moscow branch. I also commend Dr. Marvin Farbstein, vice president of Touro College, who was responsible for the negotiation process and for making a reality of this daring dream.

At a document signing which was held at the Soviet Mission to the United Nations in February, remarks were made by the Permanent Representatives of the Soviet Union to the United Nations, Ambassador Yuli M. Vorontsov; by the Permanent Representative of the United States of America to the United Nations, Ambassador Thomas Pickering; and by Dr. Bernard Lander, president of Touro College.

Mr. President, I ask unanimous consent that the text of the remarks of those three gentleman be included in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF AMBASSADOR YULI VORONTSOV

Ladies and Gentlemen and Honored Guests:

I am Ambassador Vorontsov, Permanent Representative of the Soviet Union to the United Nations. I welcome you to this very important occasion. We are gathered here to witness the signing of a unique agreement between Soviet organizations and an American Institution.

It is an extraordinary accomplishment to open the Moscow Branch of Touro College's International School of Business and Management, the first undergraduate program of United States business practices and management in the Soviet Union with degrees recognized in both the Soviet Union and the United States. We all acknowledge that this event is of tremendous importance. We are reaching now toward a market economy. But not very many people in the Soviet Union understand much about today's market economy system. All the experience shared is very, very important. All the advice that we can receive from American friends is extremely important to us. And in that respect, we are very grateful to Touro College and to the Trade Union Association. They have managed to work out such a wonderful agreement. I think what we are witnessing now, in the development of the relations between the Soviet Union and the United States, is a very new and very productive stage of our relationship which is marked for such important things as mutual trust, openness and striving for fruitful and mutually beneficial cooperation. So I am pleased to speak here at the signing of the Agreement on the opening of Touro College's Moscow Branch, a very important event to us in the Soviet Union. Now, I would like to present to you some of the people responsible for working out this Agreement who are at the head table. The President of Touro College, Dr. Bernard Lander, Mr. Albert Reichmann, Chairman of the International Board of Governors of the Touro College International School of Business and Management, Ambassador Ronald Lauder, Chairman of the Lauder Foundation, Mr. Stanislav Kramarenko, Secretary of the Association of Trade Unions of the U.S.S.R., Mr. Roman Murashkovsky, President of Amsocon International, and Judge Jacob Fuchsberg formerly of the Court of Appeals of the State of New York.

With these little opening remarks, I would like to give the floor to my friend and colleague and introduce to you Ambassador Thomas Pickering, United States Representative to the United Nations.

REMARKS OF AMBASSADOR THOMAS PICKERING

Thank you Ambassador Vorontsov, my friend Yuli. Thank you very much, first, for hosting us all here today at this important event and second, for giving me an opportunity to come by and lend my support to what I think is a tremendously important initiative and extremely worthy cause. I am delighted to be here with Dr. Lander and with Mr. Reichmann, with Ambassador Lauder and with the other distinguished gentlemen who contributed so much to bringing this project to fruition.

I wish to mention a few things if you will permit me just a few moments so that I may try to make a few points that I consider especially important. First and foremost, I think if any of us here in this audience thought we'd all be together here today thinking back five years ago, we probably would have been certified to an insane asylum. It is not an insane world but a changing world and the dynamic of the changing world is very apparent with all of us meeting here today, gathered today, in a common cause to see what we can do to help deal with some of the emerging trends and terribly important problems in today's world. I am delighted to be part of a group which I consider extremely valuable in making that contribution. Ambassador Vorontsov has just mentioned the value to the Soviet Union of some of the elements of the curriculum that Touro will be bringing there and the strong welcome that this has received from the Soviet Union. I join-in now and say that we are pleased to help in any way we can to be of assistance in the startling developments that are taking place in the Soviet Union and I am delighted that Touro College is in the forefront of making a major contribution to that effort. I would also like to say that this will help strengthen our bilateral relationships.

One of the things that Ambassador Vorontsov and I don't have to particularly worry about in our jobs here at the United Nations is our bi-lateral relationships. On the other hand, he and I know that everything that we do together within the United Nations will contribute to that and everything that you are going to contribute to Soviet-American relations in a positive sense with the kind of effort you are making is important. I think frankly the fact that I came to this job directly from Israel where I was ambassador provides me with a unique understanding; the fact that Touro College has a direct relationship to Israel builds a new channel for international understanding; and the fact that both Hebrew and Jewish Studies as well as business are in the new curriculum makes an important contribution to three nations. Contributions, in a multi-lateral sense, to a growing relationship that I consider to be of great importance not only for today's time but for the future and particularly in a very important part of the world where I spent much of my career. Interestingly enough, Ambassador Vorontsov spent a lot of this career in the Middle East as well. And so we hope that those contributions will also be counted as important to this mutual endeavor. I want to thank you for the opportunity to say these few words.

I would be remiss if I sat here in the heart of the City of New York, someone who was born and brought up across the river in New Jersey, and did not recognize the presence of Commissioner O'Dwyer of the City of New York who is the New York guardian of the diplomatic and consulate corps. Commissioner, it is nice to see you here. Thank you very much ladies and gentlemen.

REMARKS OF DR. BERNARD LANDER

I am extremely appreciative of the presence of so many distinguished guests, of the presence of representatives from the Mayor, from the U.S. Senate and House, and from the leadership of the Staten Island community, in particular, where we hope to establish the major American campus of the Touro's International School of Business.

This morning we are participating in an historic event. The signing of an Agreement between Touro College, an American institution of Higher Studies, and the Labor Union Movement of the Soviet Union, with a total of 147,000,000 members, will result in the establishment of an American business college in Moscow. It is our intention to enhance and further the economic relations and understanding between the two greatest nations of the world. This occurrence, as the Ambassador pointed out, is unique in the educational annals of our country and a few years ago it would have been unimaginable. Happily, the "Cold" war which threatened the very existence of civilized life and the survival of human society has passed from the scene. Hopefully, Soviet and American leadership recognize that we need each other and that our common interests and goals are far greater than any differences which may divide us.

For American Jewry, it is an especially poignant moment because the opening of Touro College in Moscow brings not only a degree-granting American business program to Soviet students of all religions, all backgrounds and ethnic lineage, but it also provides the opportunity for Soviet Jews to study their heritage and history for the first time in over seventy years with the official sanction and approval of the Soviet authorities. It enables a very ancient people to recreate what was historically the greatest European center of Jewish life.

This gathering has been made possible by the extraordinary, progressive and forward-looking leadership of Mr. Stanislav Kramarenko, Secretary of the Soviet Trade Union Movement and Mr. Albert Reichmann, our Chairman, our guide, who has provided sustained encouragement and warm counsel and guidance. We are also the beneficiaries of support and advice from Ambassador Ronald Lauder who, togehter with Mr. Reichmann, have been pioneers in building bridges of friendship between the United States and Eastern Europe. We are indebted to the educational leadership of our Dean, General Erle Cocke, Jr. and to the support of the Board of Trustees of Touro College, represented by our esteemed and beloved Jacob Fuchsberg, a Founder of Touro, We also acknowledge the brilliance of Mr. Ernest Michel who has done so much in the past twenty-five years to rebuild the economic life of the State of Israel. Also, we recognize the steadfastness of our Vice President, Dr. Marvin Farbstein, who made six trips to the Soviet Union as our main negotiator. Without his efforts and substantial advice, the establishment of this school could not have taken place. Last but not least—we shall always owe a debt of gratitude to Mr. and Mrs. Roman Murashkovsky who initially brought us into contact with the Soviets.

We envisage that the signing of this document is a symbolic affirmation of a growing togetherness between the United States and the Soviet Union and between our peoples and educational systems.

With the help of the Almighty, it will represent a significant step forward toward the achievement of universal peace and prosperity.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FUTURES TRADING PRACTICES ACT

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of S. 207, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 207) to amend the Commodity Exchange Act to authorize appropriations for and enchance the effectiveness of the Commodity Futures Trading Commission, to curb abuses in the making of trades and the execution of orders at designated contract markets, to provide greater representation of the public interest in the governance of such contract markets, to enhance the integrity of the United States financial markets by providing for Federal oversight of margins on stock index futures, clarifying jurisdiction over innovative financial products and providing mechanisms for addressing intermarket issues, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Futures Trading Practices Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to the Commodity Exchange Act.

TITLE I—COMMODITY FUTURES TRADING COMMISSION; FUNDING AND PERSONNEL

Sec. 101. Authorization of appropriations.
Sec. 102. Hiring and compensation authority of Commission.
Sec. 103. Service fees.

TITLE II—FUTURES TRADING PRACTICES

Subtitle A—Floor Surveillance and Dual Trading

Sec. 201. Duties of contract markets.
Sec. 202. Commission oversight; deficiency orders.
Sec. 203. Oral orders.

Subtitle B—Broker Associations

Sec. 211. Trading restrictions.
Sec. 212. Disclosure.

Subtitle C—Governing Structure

Sec. 221. Governing structure.

Subtitle D—Floor Trader Registration

Sec. 231. Unlawful to act as floor trader or broker without registration.
Sec. 232. Registration of floor traders.

Subtitle E—Penalties

Sec. 241. Civil damages; liability of futures commission merchants.
Sec. 242. Customer restitution.
Sec. 243. Increased penalties.
Sec. 244. Assessment of money penalties; collection of penalties.
Sec. 245. Money penalties in civil court actions.
Sec. 246. False information to self-regulatory organizations.
Sec. 247. Willful violations; false and misleading statements.
Sec. 248. Complaints against registered persons; class action suits.

Sec. 249. Penalties study and guidelines.

Subtitle F—Assistance to Foreign Futures Authorities

Sec. 251. Subpoena authority.
Sec. 252. Disclosure by the Commission of information received from foreign futures authorities.
Sec. 253. Disclosure by the commission of information to foreign futures authorities.
Sec. 254. Cooperation with foreign futures authorities.
Sec. 255. Investigative assistance to foreign futures authorities.
Sec. 256. Payments from foreign futures authorities.

Subtitle G—General Provisions

Sec. 261. Definitions.
Sec. 262. Risk assessment for holding company systems.
Sec. 263. Ethics training for registrants.
Sec. 264. Undercover operations and enforcement.
Sec. 265. Access by GAO to information maintained by self-regulatory organizations.
Sec. 266. Enhancement of registration requirements.
Sec. 267. Suspension of registrants charged with felonies.
Sec. 268. Prohibition against insider trading.
Sec. 269. International competitiveness of electronic trading systems.
Sec. 270. Interests of producers of agricultural commodities.
Sec. 271. Appeals by registered futures associations.
Sec. 272. Telemarketing fraud.
Sec. 273. Venue; service of process.
Sec. 274. Study of delivery points for agricultural commodity contracts.

TITLE III—INTERMARKET COORDINATION

Sec. 301. Margin on stock index futures.
Sec. 302. Exemptive authority.
Sec. 303. Hybrid commodity instruments.
Sec. 304. Index participations.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

SEC. 2. REFERENCES TO THE COMMODITY EXCHANGE ACT.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Commodity Exchange Act (7 U.S.C. 1 et seq.).

TITLE I—COMMODITY FUTURES TRADING COMMISSION; FUNDING AND PERSONNEL

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Subsection (d) of section 12 (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There are authorized to be appropriated to carry out this Act $48,300,000 for fiscal year 1992, $56,100,000 for fiscal year 1993, $61,900,000 for fiscal year 1994, $68,200,000 for fiscal year 1995, and $71,900,000 for fiscal year 1996.".

SEC. 102. HIRING AND COMPENSATION AUTHORITY OF COMMISSION.

(a) In General.—Section 12(b) (7 U.S.C. 16(b)) is amended—

(1) by designating the first through third sentences as paragraphs (1) through (3), respectively; and

(2) by adding at the end the following:

"(4)(A) The Commission shall fix the compensation and number of, and appoint and direct, employees of the Commission. Rates of basic pay for employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51, subchapters III and VIII of chapter 53, and chapter 54 of title 5, United States Code.

"(B) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any Federal bank regulatory agency or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees of the Commission, the Commission shall seek to maintain comparability with the Federal bank regulatory agencies. For the purpose of this paragraph, the term 'Federal bank regulatory agency' means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the National Credit Union Administration Board.".

(b) Regulations.—The Commodity Futures Trading Commission shall issue and submit to Congress proposed regulations to carry out the amendment made by subsection (a) of this section.

(c) Effective Date.—Such amendment and regulations shall become effective 30 legislative days or 90 calendar days, whichever is later, after submission of such regulations to Congress.

SEC. 103. SERVICE FEES.

(a) In General.—Section 12 (7 U.S.C. 16) is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of law, the Commission shall promulgate, after notice and opportunity for hearing, a schedule of appropriate fees to be assessed against persons benefiting from services rendered and activities and functions performed by the Commission in conjunction with its administration and enforcement of this Act.

"(2) Except as provided in paragraph (3), such fees shall reflect the cost to the Commission of—

"(A) monitoring trading on the floors of designated contract markets to prevent and deter violations of this Act;

"(B) supervising contract markets, futures associations, leverage transaction merchants, and other registrants to ensure compliance with self-regulatory standards established under this Act;

"(C) analyzing and designating new futures, option, or leverage contracts; and

"(D) such other services, activities, and functions as the Commission finds appropriate for such fees.

"(3) The total amount of fees assessed under this subsection shall not exceed $3,900,000 during fiscal year 1992, $7,800,000 during fiscal year 1993, $13,800,000 during fiscal year 1994, $20,800,000 during fiscal year 1995, and $21,700,000 during fiscal year 1996.

"(4) In promulgating a schedule of appropriate fees under this subsection to be assessed against persons benefiting from services rendered or activities performed by the Commission, the Commission may consider phasing in any new or increased fees. In making such determination, the Commission shall consider (A) the immediate impact on the Federal budget of increasing the size and scope of the Commission, and (B) the burden of other reasonable costs being borne by such persons for purposes of such persons coming into compliance with the standards of section 5a(b).".

(b) Conforming Amendment.—Section 26 of the Futures Trading Act of 1978 (7 U.S.C. 16a) is repealed.

TITLE II—FUTURES TRADING PRACTICES

Subtitle A—Floor Surveillance and Dual Trading

SEC. 201. DUTIES OF CONTRACT MARKETS.

(a) In General.—Section 5a (7 U.S.C. 7a) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end the following new subsection:

"(b)(1) Each contract market shall maintain and utilize a system to monitor trading to detect and deter violations of the contract market's rules and regulations committed in the making of trades and the execution of customer orders on the floor or subject to the rules of such contract market. The system shall include—

"(A) physical observation of trading areas;

"(B) audit trail and recordkeeping systems able to capture essential data on the terms, participants, and sequence of transactions (including relevant data on unmatched trades and outtrades);

"(C) systems capable of and used to review data on trades effectively on a regular basis to detect violations committed in making trades and executing customer orders on the floor or subject to the rules of such contract market, including—

"(i) all types of violations attributable to dual trading; and

"(ii) to the full extent feasible as determined by the Commission, all other types of violations involving the making of trades and the execution of customer orders;

"(D) the use of information gathered through such system on a consistent basis to bring appropriate disciplinary actions against violators;

"(E) the commitment of resources to such system necessary for such system to be effective in detecting and deterring such violations, including adequate staff to develop and prosecute disciplinary actions; and

"(F) the assessment of meaningful penalties against violators and the referral of appropriate cases to the Commission.

"(2) The audit trail system of the contract market shall accurately record—

"(A) the times of trades in increments of no more than 1 minute in length; and

"(B) the sequence of trades for each floor trader and broker, consistent with Commission regulations.

"(3) Beginning 3 years after the date of enactment of this subsection, the audit trail system of the contract market shall—

"(A) for all trades, record accurately and promptly the essential data on terms, participants, and times as required by the Commission by rule, including the time of execution of such trade, through a means that—

"(i) records such data in a form which cannot be altered except in a manner that will leave a complete and independent record of such alteration;

"(ii) continually provides such data to the contract market;

"(iii) identifies such time, to the extent practicable as determined by the Commission—

"(I) independently of the person making the trade;

"(II) through a mechanism that records the time automatically when entered by the person making the trade; or

"(III) through such other means that will capture a similarly reliable time; and

"(iv) is adequately precise to determine, to the extent practicable as determined by the Commission by rule or order—

"(I) the sequence of all trades by each floor trader; and

"(II) the sequence of all trades by each floor broker; and

"(B) to the extent practicable as determined by the Commission by rule or order, for customer trades, record the time that each order is received on the floor of the board of trade, is received by the floor broker for execution (or when such order is transmitted in an extremely rapid manner to the broker), and is reported from the floor of the board of trade as executed, through a means that—

"(i) records such times in a form which cannot be altered except in a manner that will leave a complete and independent record of such alteration;

"(ii) continually provides such data to the contract market;

"(iii) identifies such time—

"(I) independently of the person making the trade or processing the order;

"(II) through a mechanism that records the time automatically when entered by the person making the trade or processing such order, as appropriate; or

"(III) through such other means as will capture a similarly reliable time; and

"(iv) is adequately precise to determine—

"(I) the sequence in which, for each futures commission merchant, floor broker, or member firm, as applicable, all orders are received on and reported from the floor of the contract market; and

"(II) the sequence in which orders are received by each floor broker for execution.

"(4) The Commission may, by rule, establish standards under which the audit trail systems required under paragraph (3) shall record, to the extent practicable—

"(A) the sequence of all trades made by all floor traders and floor brokers; and

"(B) the interval between the time of receipt and the time of execution of each order by the floor broker.

"(5) The Commission shall, by rule or order, make exemptions to the extent appropriate from the requirements of paragraph (3)—

"(A) for an exchange with respect to which the Commission finds that—

"(i) the volume of trading on such exchange is relatively small and the exchange has demonstrated substantial compliance with the objectives of such paragraph; and

"(ii) the trade monitoring system at such exchange otherwise maintains a high level of compliance with this subsection; and

"(B) for categories of customer orders with respect to which the Commission finds that such orders are transmitted to and reported from the trading pit in an extremely rapid manner such that substantial compliance with the objectives of paragraph (3) can be otherwise achieved.

"(6) Any rule or order adopted by the Commission under paragraphs (4) and (5) shall become effective 30 legislative days or 90 calendar days, whichever is later, after submission of such rule or order to Congress.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a)(8) of section 5a (7 U.S.C. 7a) (as amended by subsection (a) of this section) is further amended by striking "paragraph (12) of this section" and inserting "paragraph (12) of this subsection".

(2) Section 22 (7 U.S.C. 25) is amended—

(A) in subsection (a)(2), by striking "sections 5a(11)" and inserting "sections 5a(a)(11)"; and

(B) in subsection (b)(1)(A), by striking "section 5a(8) and section 5a(9)" and inserting "section 5a(a)(8) and section 5a(a)(9)".

SEC. 203. COMMISSION OVERSIGHT; DEFICIENCY ORDERS.

(a) IN GENERAL.—The Act is amended by inserting after section 8d (7 U.S.C. 12d) the following new section:

"SEC. 8e. COMMISSION OVERSIGHT; DEFICIENCY ORDERS.

"(a) ASSESSMENTS.—Not later than 18 months after the date of enactment of this section, and at least once every 2 years thereafter, the Commission shall assess whether the trade monitoring system of each contract market satisfies section 5a(b).

"(b) ORDERS.—

"(1) CAUSES.—The Commission shall issue a proposed deficiency order in accordance with paragraph (2) if, based on its assessment or on other in formation, the Commission at any time has reason to believe that a contract market's trade monitoring system implemented pursuant to section 5a(b) does not satisfy one or more of the requirements of such section.

"(2) CONTENTS.—A proposed order issued under this subsection shall specify—

"(A) the deficiencies the Commission has reason to believe exist in the trade monitoring system of the contract market and a statement of reasons supporting the Commission's belief that those deficiencies exist;

"(B) the corrective action that the Commission believes that the contract market must take and an acceptable timetable for such corrective action; and

"(C) a date, not less than 20 days from the date of issuance of the proposed order, when such order will become final, subject to subsection (d).

"(3) REMEDIES.—On becoming final, the Commission order may require the contract market to—

"(A) institute appropriate improvements in its trade monitoring system necessary to correct the deficiencies noted therein;

"(B) satisfy stated objective performance criteria to correct such deficiencies;

"(C) upgrade or reconfigure existing systems for collecting or processing relevant data on trading and trader or broker activity, including, where appropriate, the commitment of additional resources;

"(D) suspend the privilege of dual trading in such contract market, if the deficiency noted in such order relates to the prevention, detection, or disciplining of violations attributable to such trading at such contract market, subject to the standards, exceptions, and duration provisions of subsection (c); or

"(E) take any combination of the actions described in subparagraphs (A) through (D).

"(4) REMOVAL.—If the Commission finds, after notice and opportunity for a hearing on the record prior to such order becoming final, that a named officer, director, committee member, or employee of such contract market has willfully—

"(A) violated this Act, the rules or regulations of the Commission thereunder, or the rules of such contract market;

"(B) abused the authority of such person; or

"(C) without reasonable justification or excuse has failed to enforce compliance with any provision of the rules of such contract market by any member or person associated with a member thereof;

the Commission may issue an order under this section to remove such officer, director, committee member, or employee.

"(5) DESIGNATION AS CONTRACT MARKET.—Notwithstanding section 6, during the period that a proposed or final order under this section is in effect, the Commission may refrain from approving any application for designation as a contract market made by the exchange whose contract market is the subject of such order.

"(6) DELEGATION.—The Commission shall not delegate the authority to issue orders under this subsection.

"(c) DUAL TRADING.—

"(1) IN GENERAL.—Within 18 months after the date of enactment of this section, the Commission shall initiate proceedings to suspend the privilege of dual trading on each contract market, pursuant to an order issued under subsection (b) that becomes final under subsection (d), unless the Commission determines, as part of the first assessment made of such contract market under subsection (a), that—

"(A) the trade monitoring system in place at the contract market satisfies the requirements of section 5a(b), such that such system is capable of and is being used to detect and bring appropriate disciplinary actions with regard to violations attributable to dual trading at such contract market; or

"(B)(i) there is a substantial likelihood that a dual trading suspension would harm the public interest in hedging and price basing at such contract market; and

"(ii) other remedies under subsection (b) are more appropriate.

"(2) EXCEPTIONS.—A Commission order suspending dual trading may provide for exceptions to ensure fairness and orderly trading in such contract market (including, where appropriate, a reasonable phase-in period, a limitation of the suspension to specified contracts, exceptions for certain spread transactions, corrections of trading errors, or allowing a customer to designate in writing not less than once annually a named floor broker to execute orders for such customer).

"(3) DURATION.—Such suspension shall remain in effect until the Commission makes the finding required under paragraph (1). The Commission shall act expeditiously to consider making such finding upon any demonstration by the contract market under paragraph (1).

"(d) RESCISSION, MODIFICATION, OR DELAY OF ORDERS.—Before any proposed deficiency order issued by the Commission under subsection (b) may become final, the Commission shall—

"(1) provide the affected contract market with an opportunity for a hearing through submission of written data, views, or arguments and, under terms set by the Commission at the request of the contract market, through an oral presentation of views and comments to the Commission, in order to petition the Commission to rescind, modify, or delay such order; and

"(2) rule on such petition, not less than 20 days before the order takes effect, making findings, as appropriate, as to whether—

"(A) the deficiencies cited by the Commission have been corrected or are being corrected under an expeditious timetable acceptable to the Commission;

"(B) the trade monitoring system of the contract market is deficient as noted in the deficiency order; or

"(C) the timetable proposed by the Commission in its proposed order for corrective action by the contract market, and the particular corrective action proposed, is appropriate in light of the deficiencies noted and the purposes of this Act.

"(e) PENALTIES.—Violation of a final deficiency order issued under subsection (d) shall be considered a violation of an order of the Commission for purposes of—

"(1) establishing liability and assess penalties against a contract market or any director, officer, agent, or employee thereof under section 6b; or

"(2) initiating proceedings under section 5b or 6(a).

"(f) JUDICIAL REVIEW.—

"(1) PERSONS.—Any person, other than a contract market, aggrieved by an order issued under sub- section (b)(4), may obtain review of such order when issued by the Commission under the terms and conditions in section 6(b).

"(2) CONTRACT MARKETS.—Any contract market that has petitioned the Commission to rescind, modify, or delay any proposed order issued under subsection (b) may obtain judicial review of any final such order only in the United States Court of Appeals for the circuit in which the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, under the standards applicable to rulemaking proceedings under section 553 of title 5, United States Code.

"(g) REPORTS.—

"(1) REPORTS ON ORDERS.—Within 3 days of the issuance of any proposed or final order under this section or a finding under subsection (c)(1) with respect to dual trading, the Commission shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on such order or finding, including a description of—

"(A) the contract market involved;

"(B) the deficiencies alleged in the trade monitoring system at such contract market; and

"(C) the remedies sought by such order.

"(2) ANNUAL REPORTS.—The Commission shall report annually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on actions taken to carry out this section, including a description of—

"(A) the findings of the Commission with respect to each trade monitoring system at a contract market examined by the Commission during such period; and

"(B) any proposed or final order issued by the Commission under this section based on deficiencies the Commission has uncovered in such systems, including an analysis of the remedies imposed against, and the corrective action taken by, the contract market pursuant to such order.

"(h) DEFINITION OF DUAL TRADING.—As used in this section, the term 'dual trading' means the execution of customer orders by a floor broker on any trading day during which the floor broker has executed any trade in the same contract market for—

"(1) the account of the floor broker;

"(2) an account for which the broker has trading discretion; or

"(3) an account controlled by a person with whom such broker is subject to trading restrictions under section 4j(3).".

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Commodity Futures Trading Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains—

(A) an assessment of the progress of each contract market in developing and implementing systems to record the times of transactions independently, precisely, and completely as required under section 5a(b) of the Commodity Exchange Act (as added by section 201 of this Act); and

(B) recommendations as to whether any extension of time for the completion of such systems or any modification of the standards contained in such section is appropriate.

(2) GAO VIEWS.—The Comptroller General of the United States shall state to Congress the views of the Comptroller General with regard to such report.

SEC. 203. ORAL ORDERS.

(a) IN GENERAL.—Section 4c (7 U.S.C. 6c) is amended by adding at the end the following new subsection:

"(g) The Commission shall adopt rules requiring that a contemporaneous written record be made, as practicable, of all orders for execution on the floor or subject to the rules of each contract market placed by a member of the contract market who is present on the floor at the time such order is placed.".

(b) EFFECTIVE DATE.—The Commission shall adopt the rules required by the amendment made under subsection (a) within 270 days after the date of enactment of this Act.

Subtitle B—Broker Associations

SEC. 211. TRADING RESTRICTIONS.

(a) IN GENERAL.—Section 4j (7 U.S.C. 6j) is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subparagraph (B), a floor broker may not execute an order of a customer if such floor broker knows the opposite party to the transaction to be a floor broker or floor trader with whom such trader or broker has a relationship involving trading on such contract market as—

"(i) a partner in a partnership;

"(ii) an employer or employee; or

"(iii) such other affiliation as the Commission may specify by rule.

"(B) Subparagraph (A) shall not apply—

"(i) if the Commission has adopted rules that the Commission certifies to Congress require procedures and standards designed to prevent violations of this Act attributable to the trading described in subparagraph (A); or

"(ii) to any contract market that has implemented rules designed to prevent violations of this Act attributable to the trading described in subparagraph (A), except that, if the Commission determines, by rule or order, that such rules are not adequate to prevent such violations, subparagraph (A) shall become effective with respect to such contract market after a reasonable period determined by the Commission.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective 270 days after the date of enactment of this Act.

SEC. 212. DISCLOSURE.

Subsection (a) of section 5a (7 U.S.C. 7a) (as amended by section 201(1) of this Act) is further amended—

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(13) provide for disclosure to the exchange and the Commission of any trade, business, or financial partnership, cost-, profit-, or capital-sharing agreements or other formal arrangement among or between floor brokers and traders on such contract market where such partnership agreement or arrangement is material and known to the floor broker or floor trader;".

Subtitle C—Governing Structure

SEC. 221. GOVERNING STRUCTURE.

(a) CONTRACT MARKETS.—Subsection (a) of section 5a (7 U.S.C. 7a) (as amended by sections 201(1) and 212 of this Act) is further amended by adding at the end the following new paragraphs:

"(14)(A) provide for meaningful representation on the governing board of the contract market's board of trade of a diversity of interests, including—

"(i) futures commission merchants;

"(ii) producers of, and consumers, processors, distributors, or merchandisers of, principal commodities traded on the exchange;

"(iii) floor brokers and traders; and

"(iv) participants in a variety of pits or principal groups of commodities traded on the exchange.

"(B) provide that no less than 20 percent of the members of such board be comprised of nonmembers of such contract market's board of trade with—

"(i) expertise in futures trading, or the regulation thereof, or in commodities traded through contracts on the exchange; or

"(ii) other eminent qualifications making such person capable of participating in and contributing to board deliberations.

"(C) provide that no less than 10 percent of the members of such board be comprised where applicable of farmers, producers, merchants, or exporters of principal commodities traded on the exchange;

"(15)(A) provide on all major disciplinary committees for a diversity of membership sufficient to ensure fairness and to prevent special treatment or preference for any person in the conduct of disciplinary proceedings and the assessment of penalties.

"(B) A major disciplinary committee hearing a disciplinary matter shall include—

"(i) qualified persons representing segments of the exchange membership other than that of the subject of the proceeding; and

"(ii) where appropriate to carry out the purposes of this paragraph, qualified persons who are not members of the exchange.

"(C) If a contract market takes final disciplinary action against a member for a violation that involves the execution of a customer transaction and results in financial harm to such customer, the contract market shall promptly inform the futures commission merchant identified on the records of such contract market as having cleared such transaction, and such futures commission merchant shall promptly inform the person identified on its records as the owner of the account for which such transaction was executed, of the disciplinary action and the principal facts thereof;

"(16)(A) provide for the avoidance of conflict of interest in all deliberations by the governing board and any disciplinary and oversight committees.

"(B) In order to comply with subparagraph (A), each contract market shall adopt rules and procedures to require, at a minimum, that any member of a governing board or a disciplinary or oversight committee must abstain from participation in confidential deliberations and voting on any matter where the named party in interest is the member, the member's employer, the member's employee, or any other person that has a business or employment relationship with the member that warrants abstention by such member.

"(C) Notwithstanding any other provision of this paragraph, in considering whether the contract market should take any significant action that would not be submitted to the Commission for its prior approval, including the adoption of any nonphysical emergency rule (but excluding any rule not submitted for prior Commission approval because such rule is unrelated to terms and conditions of any contract traded on such contract market), the contract market shall adopt appropriate rules and regulations to ensure that—

"(i) any party with access to material, nonpublic information about such deliberations gained through the position of the party as an exchange employee or official shall be prevented from—

"(I) trading, directly or indirectly, in a manner to take improper advantage of such information; or

"(II) transmitting such information to any other party, except as necessary for the performance of official duties; and

"(ii) prior to such deliberations, the governing board or disciplinary or oversight committee, acting directly or through an authorized member or contract market official, shall (after review of the positions of the members of such board or committee, and positions at the firms with which such members are affiliated, including customer positions, in the futures or option contract that is the subject of the matter before the board or committee) consider whether any member of the board or committee must abstain from participating in the matter before the board or committee due to positions of such member, or positions, including customer positions, held at any firm with which such member is affiliated, in the futures or option contract that is the subject of the matter before the board or committee.

"(D) If any board or committee considers whether to direct any member to abstain from participation in any matter before the board or committee, the minutes of such deliberations shall clearly reflect this fact; and

"(17) provide that no member found by the Commission, a contract market, a registered futures association, or a court of competent jurisdiction to have committed any violation of this Act or any other provision of law that would reflect on the fitness of the member may serve on any contract market oversight or disciplinary panel for an appropriate period (as defined by Commission rule).".

(b) Registered Futures Associations.—Section 17(b) (7 U.S.C. 21(b)) is amended by adding at the end the following new paragraphs:

"(11) such association provides for meaningful representation on the governing board of such association of a diversity of membership interests and provides that no less than 20 percent of the members of such board be comprised of qualified nonmembers of or persons who are not regulated by such association.

"(12)(A) such association provides on all major disciplinary committees for a diversity of membership sufficient to ensure fairness and to prevent special treatment or preference for any person in the conduct of disciplinary proceedings and the assessment of penalties.

"(13) A major disciplinary committee hearing a disciplinary matter shall include—

"(i) qualified persons representing segments of the association membership other than that of the subject of the proceeding; and

"(ii) where appropriate to carry out the purposes of this paragraph, qualified persons who are not members of the association.".

(c) Implementation.—Not later than 270 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall adopt such rules as are necessary to carry out the amendments made by subsections (a) and (b), including rules that—

(1) specify membership categories that shall be represented on disciplinary panels;

(2) define "major disciplinary committee" for purposes of sections 5a(a)(15) and 17(b)(12) of the Commodity Exchange Act (as added by subsections (a) and (b), respectively);

(3) specify the conditions under which such panels shall include qualified persons who are not members of the exchange or association, which shall include at a minimum—

(A) any disciplinary action where the subject of such action is a member of the contract market or association governing board or of any major disciplinary committee of such contract market or association; and

(B) any disciplinary action based on facts related to a claim that the subject of such action manipulated or attempted to manipulate the price of a commodity or future or option;

(4) provide guidance in determining what are acceptable forms of and procedures for the disclosure by members of contract market boards or committees under section 5a(a)(16)(C) of such Act; and

(5) define the appropriate periods during which members found to have violated relevant laws may not serve on exchange oversight or disciplinary panels under section 5a(a)(17) of such Act.

Subtitle D—Floor Trader Registration

SEC. 231. UNLAWFUL TO ACT AS FLOOR TRADER OR BROKER WITHOUT REGISTRATION.

(a) In General.—Section 4e (7 U.S.C. 6e) is amended to read as follows:

"SEC. 4e. UNLAWFUL TO ACT AS FLOOR TRADER OR BROKER WITHOUT REGISTRATION.

"It shall be unlawful for any person to act as—

"(1) a floor trader in executing purchases and sales; or

"(2) a floor broker in executing an order for the purchase or sale of any commodity for future delivery, or involving any contract of sale of any commodity for future delivery, on or subject to the rules of any contract market,

unless such person shall have registered, under this Act, with the Commission as such floor trader or floor broker and such registration shall not have expired nor been suspended nor revoked.".

(b) Effective Date.—The amendment made by subsection (a) shall become effective 180 days after the date of enactment of this Act.

SEC. 232. REGISTRATION OF FLOOR TRADERS.

The Act is amended—

(1) in sections 4f(1), 4g(1), and 6d(1) (7 U.S.C. 6f(1), 6g(1), 13a–2(1)), by striking "or floor broker" and inserting "floor broker, or floor trader";

(2) in section 6d(8)(A) (7 U.S.C. 13a–2(8)(A)), by inserting ", floor trader," after "floor broker";

(3) in section 8a(1), (7 U.S.C. 12a(1)), by striking "and floor brokers" and inserting "floor brokers, and floor traders"; and

(4) in sections 8a(2)(C)(i), 8a(2)(D)(ii), and 8a(3)(E)(ii) (7 U.S.C. 12a(2)(C)(i), 12a(2)(D)(ii), and 12a(3)(E)(ii)), by inserting "floor trader," after "floor broker,".

Subtitle E—Penalties

SEC. 241. CIVIL DAMAGES; LIABILITY OF FUTURES COMMISSION MERCHANTS.

(a) Duties of Contract Markets.—Subsection (a)(11) of section 5a (7 U.S.C. 7a) (as amended by section 201(1) of this Act) is further amended—

(1) by striking "(i)" and inserting "(A)";

(2) by striking "voluntary and (ii)" and inserting "voluntary, (13)"; and

(3) by inserting after the word "market" the following: ", and (C) in the case of a claim arising from a violation in the execution of an order on the floor of a contract market, such procedure shall provide, to the extent appropriate—

"(i) for payment of actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award if the floor broker fails to do so; and

"(ii) where the violation is willful and intentional, for payment to the customer of punitive or exemplary damages, in addition to losses proximately caused by the violation, in an amount equal to no more than two times the amount of such losses. If punitive or exemplary damages are awarded against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of such order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy the award of punitive or exemplary damages if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation.".

(b) Complaints Against Registered Persons.—Section 14(a) (7 U.S.C. 18(a)) is amended by striking "awarding actual damages proximately caused by such violation" and inserting "awarding—

"(1) actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award if the floor broker fails to do so; and

"(2) in the case of any action arising from a willful and intentional violation in the execution of an order on the floor of a contract market, punitive or exemplary damages equal to no more than two times the amount of such actual damages. If an award of punitive or exemplary damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation.".

(c) Registered Futures Associations.—Section 17(b)(10) is amended—

(1) by striking "(i)" and inserting "(A)";

(2) by striking "voluntary and (ii)" and inserting "voluntary, (13)"; and

(3) by inserting after the word "association" the following: ", and (C) in the case of a claim arising from a violation in the execution of an order on the floor of a contract market, such procedure shall provide, to the extent appropriate—

"(i) for payment of actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award if the floor broker fails to do so; and

"(ii) where the violation is willful and intentional, for payment to the customer of punitive or exemplary damages, in addition to losses proximately caused by the violation, in an amount equal to no more than two times the amount of such losses. If punitive or exemplary damages are awarded against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of such order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy the award of punitive or exemplary damages if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation.

(d) Private Rights of Action.—Section 22(a) (7 U.S.C. 25(a)) is amended by adding at the end the following new paragraph:

"(3) In any action arising from a violation in the execution of an order on the floor of a contract market, the person referred to in paragraph (1) shall be liable for—

"(A) actual damages proximately caused by such violation. If an award of actual damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award if the floor broker fails to do so; and

"(B) where the violation is willful and intentional, punitive or exemplary damages equal to

no more than two times the amount of such actual damages. If an award of punitive or exemplary damages is made against a floor broker in connection with the execution of a customer order, and the futures commission merchant which selected the floor broker for the execution of the customer order is held to be responsible under section 2(a)(1) for the floor broker's violation, such futures commission merchant may be required to satisfy such award if the floor broker fails to do so, except that such requirement shall apply to the futures commission merchant only if it willfully and intentionally selected the floor broker with the intent to assist or facilitate the floor broker's violation.".

SEC. 242. CUSTOMER RESTITUTION.

The tenth sentence of section 6(b) (7 U.S.C. 9) is amended—

(1) by inserting "(1)" after "may" the first place it appears;

(2) by striking "and, if" and inserting "(2) if";

(3) by striking "may suspend" and inserting "suspend";

(4) by striking "and may" and inserting "(3)"; and

(5) by inserting before the period the following: "and (4) require restitution to customers of damages proximately caused by violations of such persons".

SEC. 243. INCREASED PENALTIES.

(a) IN GENERAL.—Sections 6(b), 6(c), and 9 (7 U.S.C. 9, 13b, and 13) are each amended by striking "$100,000" each place it appears and inserting "the higher of $100,000 or triple the monetary gain to such person".

(b) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b (7 U.S.C. 13a) is amended—

(1) by striking "$100,000" each place it appears and inserting "$500,000"; and

(2) in the last sentence, by striking "the appropriateness of such penalty to the net worth of the offending person and".

SEC. 244. ASSESSMENT OF MONEY PENALTIES; COLLECTION OF PENALTIES.

Subsection (d) of section 6 (7 U.S.C. 9a) is amended to read as follows:

"(d)(1) In determining the amount of the money penalty assessed under subsection (b), the Commission shall consider the appropriateness of such penalty to the gravity of the violation.

"(2)(A) Except as provided in subparagraphs (B) and (C), if a money penalty is assessed against a person under subsection (b), such person shall beginning 15 days after such assessment—

"(i) be prohibited automatically from trading on all contract markets; and

"(ii) if the person is registered with the Commission, be suspended automatically,

until such person shows to the satisfaction of the Commission that payment of such amount, with interest on such payment to the date of payment, has been made.

"(B) Subparagraph (A) shall not apply if the person on whom the penalty is assessed shows to the satisfaction of the Commission, within 15 days from the expiration of the period allowed for payment of such penalty, that—

"(i) an appeal as authorized by subsection (b) has been taken; or

"(ii) payment of the full amount of the penalty then due has been made.

"(C) If on appeal the Commission prevails or if the appeal is dismissed, the automatic prohibition against trading and suspension of registration imposed under subparagraph (A) shall become effective on the expiration of 30 days from the date of judgment on the appeal.

"(3) If the person on whom a money penalty is imposed under subsection (b) fails to pay such penalty after the lapse of the period allowed for appeal or after the affirmance of such penalty, the Commission shall refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court.".

SEC. 245. MONEY PENALTIES IN CIVIL COURT ACTIONS.

Section 6c (7 U.S.C. 13c) is amended—

(1) by designating the first, second, third, fourth, fifth, and sixth sentences as subsections (a), (b), (c), (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) (as so designated) the following new subsection:

"(d)(1) In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation a civil penalty in the amount of not more than the higher of $100,000 or triple the monetary gain to the person for each violation.

"(2) If a person on whom such a penalty is imposed fails to pay the penalty within the time prescribed in the court's order, the Commission may refer the matter to the Attorney General who shall recover the penalty by action in the appropriate United States district court.".

SEC. 246. FALSE INFORMATION TO SELF-REGULATORY ORGANIZATIONS.

Section 9 (7 U.S.C. 13) is amended by adding at the end the following new subsection:

"(g) It shall be a felony punishable by a fine of not more than $100,000 or imprisonment for not more than 5 years, or both, together with the costs of prosecution, for any person knowingly and willfully to falsify, conceal, or cover up by any trick, scheme, or artifice a material fact, make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry to a contract market, board of trade, or futures association designated or registered under this Act acting in furtherance of its official duties under this Act.".

SEC. 247. WILLFUL VIOLATIONS; FALSE AND MISLEADING STATEMENTS.

Section 9 (7 U.S.C. 13) (as amended by section 246 of this Act) is further amended by adding at the end the following new subsection:

"(h) Any person who knowingly and willfully violates any provision of this Act, or any rule or regulation thereunder the violation of which is made unlawful or the observance of which is required under the terms of this Act, or any person who willfully and knowingly makes, or causes to be made, any statement in any application, report, or document required to be filed under this Act or any rule or regulation thereunder or any undertaking contained in a registration statement required under this Act, or by any contract market or registered futures association in connection with an application for membership or participation therein or to become associated with a member thereof, which statement was false or misleading with respect to any material fact, shall on conviction be fined not more than $500,000, or imprisoned not more than 5 years, or both, except that no person shall be found to have acted knowingly for purposes of this section if the person proves that the person had no knowledge of such requirement under this Act or rule or regulation.".

SEC. 248. COMPLAINTS AGAINST REGISTERED PERSONS; CLASS ACTION SUITS.

Section 14(a) (7 U.S.C. 18(a)) (as amended by section 241(b) of this Act) is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after the subsection designation; and

(3) by adding at the end the following new paragraph:

"(2)(A) An action may be brought under this subsection by any one or more persons described in this subsection for and in behalf of such person or persons and other persons similarly situated, if the Commission permits such actions pursuant to a final rule issued by the Commission.

"(B) Not later than 270 days after the date of enactment of this paragraph, the Commission shall propose and publish for public comment such rules as are necessary to carry out subparagraph (A). In developing such rules, the Commission shall consider the potential impact of such actions on resources available to the reparations system established under this Act and the relative merits of bringing such actions in Federal court.".

SEC. 249. PENALTIES STUDY AND GUIDELINES.

(a) STUDY.—The Commodity Futures Trading Commission shall study the penalties the Commission imposes against persons found to have violated the Commodity Exchange Act (7 U.S.C. 1 et seq.) and the penalties imposed by contract markets against persons found to have violated their respective rules established under such Act.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subsection (a). The report shall—

(1) include an analysis of whether systematic differences exist among penalties imposed by various contract markets for similar offenses, and, if so, the causes of such differences;

(2) propose industry-wide guidelines or rules to make penalty levels among exchanges consistent, including, if appropriate, minimum penalties or penalty ranges for various offenses; and

(3) propose guidelines or rules to make Commission penalty levels consistent, including, if appropriate, minimum penalties or penalty ranges for various offenses.

Subtitle F—Assistance to Foreign Futures Authorities

SEC. 251. SUBPOENA AUTHORITY.

The third sentence of section 6(b) (7 U.S.C. 15) is amended—

(1) by striking "Act and" and inserting "Act,"; and

(2) by striking "Act," and inserting "Act, and for the purpose of any action taken under section 12(f),".

SEC. 252. DISCLOSURE BY THE COMMISSION OF INFORMATION RECEIVED FROM FOREIGN FUTURES AUTHORITIES.

Section 8(b) (7 U.S.C. 12(b)) is amended by adding at the end the following new sentence: "Nothing in this subsection shall apply to the disclosure of data or information obtained by the Commission from a foreign futures authority.".

SEC. 253. DISCLOSURE BY THE COMMISSION OF INFORMATION TO FOREIGN FUTURES AUTHORITIES.

Section 8(e) (7 U.S.C. 12(e)) is amended—

(1) in the fifth sentence—

(A) by inserting after "jurisdiction," the first place it appears the following: "any foreign futures authority,"; and

(B) by inserting after "such" the following: "foreign futures authority,"; and

(2) in the last sentence—

(A) by inserting after "information to a" the following: "foreign futures authority or to a";

(B) by inserting after "disclosed by such" the following: "foreign futures authority,"; and

(C) by inserting after "or agency thereof" the following: "or foreign futures authority,".

SEC. 254. COOPERATION WITH FOREIGN FUTURES AUTHORITIES.

Section 12(a) (7 U.S.C. 16(a)) is amended by inserting after "thereof," the following: "any foreign futures authority, any department or agency of a foreign government or political subdivision thereof,".

SEC. 255. INVESTIGATIVE ASSISTANCE TO FOREIGN FUTURES AUTHORITIES.

Section 12 (7 U.S.C. 16) (as amended by section 103 of this Act) is further amended by adding at the end the following new subsection:

"(g)(1) On request from a foreign futures authority, the Commission may, in its discretion, provide assistance in accordance with this section if the requesting authority states that the requesting authority is conducting an investigation that it considers necessary to determine whether any person has violated, is violating, or is about to violate any law, rule, or regulation relating to a futures or options matter that the requesting authority administers or enforces.

"(2) The Commission may conduct such investigation as the Commission considers necessary to collect information and evidence pertinent to the request for assistance.

"(3) Such assistance may be provided without regard to whether the facts stated in the request would also constitute a violation of a law of the United States.

"(4) In deciding whether to provide assistance under this subsection, the Commission shall consider whether—

"(A) the requesting authority has agreed to provide reciprocal assistance to the Commission in futures and options matters; and

"(B) compliance with the request would prejudice the public interest of the United States.".

SEC. 256. PAYMENTS FROM FOREIGN FUTURES AUTHORITIES.

Section 12 (7 U.S.C. 16) (as amended by sections 103 and 255 of this Act) is further amended by adding at the end the following new subsection:

"(h) Notwithstanding any other provision of law, the Commission may accept payment and reimbursement, in cash or in kind, from a foreign futures authority, or made on behalf of such authority, for necessary expenses incurred by the Commission (including its members and employees) in carrying out any investigation conducted pursuant to this section or in providing any other assistance to a foreign futures authority. Any payment or reimbursement accepted under this subsection shall be considered a reimbursement to the appropriated funds of the Commission.".

Subtitle G—General Provisions

SEC. 261. DEFINITIONS.

(a) IN GENERAL.—The Act is amended by inserting after the first section (7 U.S.C. 1) the following new section:

"SEC. 1a. DEFINITIONS.

"As used in this Act:

"(1) BOARD OF TRADE.—The term 'board of trade' means any exchange or association, whether incorporated or unincorporated, of persons who are engaged in the business of buying or selling any commodity or receiving the same for sale on consignment.

"(2) COMMISSION.—The term 'Commission' means the Commodity Futures Trading Commission established under section 2(a)(2).

"(3) COMMODITY.—The term 'commodity' means wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, Solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil, and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice, and all other goods and articles, except onions as provided in Public Law 85–839 (7 U.S.C. 13–1), and all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in.

"(4) COMMODITY POOL OPERATOR.—The term 'commodity pool operator' means any person engaged in a business that is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, except that the term does not include such persons not within the intent of the definition of the term as the Commission may specify by rule, regulation, or order.

"(5) COMMODITY TRADING ADVISOR.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'commodity trading advisor' means any person who—

"(i) for compensation or profit, engages in the business of advising others, either directly or through publications, writings, or electronic media, as to the value of or the advisability of trading in—

"(I) any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of a contract market;

"(II) any commodity option authorized under section 4c; or

"(III) any leverage transaction authorized under section 19; or

"(ii) for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the activities referred to in clause (i).

"(B) EXCLUSIONS.—Subject to subparagraph (C), the term 'commodity trading advisor' does not include—

"(i) any bank or trust company or any person acting as an employee thereof;

"(ii) any news reporter, news columnist, or news editor of the print or electronic media, or any lawyer, accountant, or teacher;

"(iii) any floor broker or futures commission merchant;

"(iv) the publisher or producer of any print or electronic data of general and regular dissemination, including its employees;

"(v) the fiduciary of any defined benefit plan that is subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.);

"(vi) any contract market; and

"(vii) such other persons not within the intent of this paragraph as the Commission may specify by rule, regulation, or order.

"(C) INCIDENTAL SERVICES.—Subparagraph (B) shall apply only if the furnishing of such services by persons referred to in subparagraph (B) is solely incidental to the conduct of their business or profession.

"(D) ADVISORS.—The Commission, by rule or regulation, may include within the term 'commodity trading advisor', any person advising as to the value of commodities or issuing reports or analyses concerning commodities if the Commission determines that the rule or regulation will effectuate the purposes of this paragraph.

"(6) CONTRACT OF SALE.—The term 'contract of sale' includes sales, agreements of sale, and agreements to sell.

"(7) COOPERATIVE ASSOCIATION OF PRODUCERS.—The term 'cooperative association of producers' means any cooperative association, corporate, or otherwise, not less than 75 percent in good faith owned or controlled, directly or indirectly, by producers of agricultural products and otherwise complying with the Act of February 18, 1922 (42 Stat. 388, chapter 57; 7 U.S.C. 291 and 292), including any organization acting for a group of such associations and owned or controlled by such associations, except that business done for or with the United States, or any agency thereof, shall not be considered either member or nonmember business in determining the compliance of any such association with this Act.

"(8) FLOOR BROKER.—The term 'floor broker' means any person who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person any commodity for future delivery on or subject to the rules of any contract market.

"(9) FLOOR TRADER.—The term 'floor trader' means any person who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, purchases, or sells solely for such person's own account, any commodity for future delivery on or subject to the rules of any contract market.

"(10) FOREIGN FUTURES AUTHORITY.—The term 'foreign futures authority' means any foreign government, or any department, agency, governmental body, or regulatory organization empowered by a foreign government to administer or enforce a law, rule, or regulation as it relates to a futures or options matter, or any department or agency of a political subdivision of a foreign government empowered to administer or enforce a law, rule, or regulation as it relates to a futures or options matter.

"(11) FUTURE DELIVERY.—The term 'future delivery' does not include any sale of any cash commodity for deferred shipment or delivery.

"(12) FUTURES COMMISSION MERCHANT.—The term 'futures commission merchant' means an individual, association, partnership, corporation, or trust that—

"(A) is engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market; and

"(B) in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

"(13) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce—

"(A) between any State, territory, or possession, or the District of Columbia, and any place outside thereof; or

"(B) between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof, or within any territory or possession, or the District of Columbia.

"(14) INTRODUCING BROKER.—The term 'introducing broker' means any person (except an individual who elects to be and is registered as an associated person of a futures commission merchant) engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom.

"(15) MEMBER OF A CONTRACT MARKET.—The term 'member of a contract market' means an individual, association, partnership, corporation, or trust owning or holding membership in, or admitted to membership representation on, a contract market or given members' trading privileges thereon.

"(16) Person.—The term 'person' imports the plural or singular, and includes individuals, associations, partnerships, corporations, and trusts.".

(b) Conforming Amendments.—Section 2(a)(1)(A) (7 U.S.C. 2 and 4) is amended—

(1) by striking "For the purposes" and all that follows through ": Provided, That the Commission" and inserting "(i) The Commission";

(2) by striking ": And provided further, That, except" and inserting a period and "Except";

(3) by redesignating clauses (i) and (ii) of the third sentence (as in effect before the amendments made by this subsection) as subclauses (I) and (II), respectively;

(4) by designating the fifth sentence (as in effect before the amendments made by this subsection) as clause (ii);

(5) by striking the sixth and seventh sentences (as in effect before the amendments made by this subsection);

(6) by designating the eighth sentence (as in effect before the amendments made by this subsection) as clause (iii); and

(7) by striking the ninth sentence (as in effect before the amendments made by this subsection) through the end of the subparagraph.

SEC. 262. RISK ASSESSMENT FOR HOLDING COMPANY SYSTEMS.

Section 4f (7 U.S.C. 6f) (as amended by section 232(1) of this Act) is further amended—

(1) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively;

(2) in subsection (b) (as so redesignated), by striking "this paragraph (2)" and inserting "this subsection"; and

(3) by adding at the end the following new subsection:

"(c)(1) As used in this subsection:

"(i) The term 'affiliated person' means any person directly or indirectly controlling, controlled by, or under common control with a futures commission merchant, as the Commission, by rule or regulation, may determine will effectuate the purposes of this subsection.

"(ii) The term 'Federal banking agency' shall have the same meaning as the term 'appropriate Federal banking agency' in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

"(2)(A) Each registered futures commission merchant shall obtain such information and make and keep such records as the Commission, by rule or regulation, prescribes concerning the registered futures commission merchant's policies, procedures, or systems for monitoring and controlling financial and operational risks to it resulting from the activities of any of its affiliated persons, other than a natural person.

"(B) The records required under subparagraph (A) shall describe, in the aggregate, each of the futures and other financial activities conducted by, and the customary sources of capital and funding of, those of its affiliated persons whose business activities are reasonably likely to have a material impact on the financial or operational condition of the futures commission merchant, including its adjusted net capital, its liquidity, or its ability to conduct or finance its operations.

"(C) The Commission, by rule or regulation, may require summary reports of such information to be filed by the futures commission merchant with the Commission no more frequently than quarterly.

"(3)(A) If, as a result of adverse market conditions or based on reports provided to the Commission pursuant to paragraph (2) or other available information, the Commission reasonably concludes that the Commission has concerns regarding the financial or operational condition of any registered futures commission merchant, the Commission may require the futures commission merchant to make reports concerning the futures and other financial activities of any of such person's affiliated persons, other than a natural person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of the futures commission merchant.

"(B) The Commission, in requiring reports pursuant to this paragraph, shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the Commission or to a contract market or other self-regulatory organization with primary responsibility for examining the registered futures commission merchant's financial and operational condition.

"(4)(A) In developing and implementing reporting requirements pursuant to paragraph (2) with respect to affiliated persons subject to examination by or reporting requirements of a Federal banking agency, the Commission shall consult with and consider the views of each such Federal banking agency. If a Federal banking agency comments in writing on a proposed rule of the Commission under this subsection that has been published for comment, the Commission shall respond in writing to the written comment before adopting the proposed rule. The Commission shall, at the request of the Federal banking agency, publish the comment and response in the Federal Register at the time of publishing the adopted rule.

"(B)(i) Except as provided in clause (ii), a registered futures commission merchant shall be considered to have complied with a recordkeeping or reporting requirement adopted pursuant to paragraph (2) concerning an affiliated person that is subject to examination by, or reporting requirements of, a Federal banking agency if the futures commission merchant utilizes for the recordkeeping or reporting requirement copies of reports filed by the affiliated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes (12 U.S.C. 161), section 9 of the Federal Reserve Act (12 U.S.C. 321 et seq.), section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)), section 10(b) of the Home Owners' Loan Act (12 U.S.C. 1467a(b)), or section 8 of the Bank Holding Company Act of 1956 (12 U.S.C. 1847).

"(ii) The Commission may, by rule adopted pursuant to paragraph (2), require any futures commission merchant filing the reports with the Commission to obtain, maintain, or report supplemental information if the Commission makes an explicit finding that the supplemental information is necessary to inform the Commission regarding potential risks to the futures commission merchant. Prior to requiring any such supplemental information, the Commission shall first request the Federal banking agency to expand its reporting requirements to include the information.

"(5) Prior to making a request pursuant to paragraph (3) for information with respect to an affiliated person that is subject to examination by or reporting requirements of a Federal banking agency, the Commission shall—

"(A) notify the agency of the information required with respect to the affiliated person; and

"(B) consult with the agency to determine whether the information required is available from the agency and for other purposes, unless the Commission determines that any delay resulting from the consultation would be inconsistent with ensuring the financial and operational condition of the futures commission merchant or the stability or integrity of the futures markets.

"(6) Nothing in this subsection shall be construed to permit the Commission to require any futures commission merchant to obtain, maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained in the report.

"(7) No information provided to or obtained by the Commission from any Federal banking agency pursuant to a request under paragraph (5) regarding any affiliated person that is subject to examination by or reporting requirements of a Federal banking agency may be disclosed to any other person (other than as provided in section 8 or section 8a(6)), without the prior written approval of the Federal banking agency.

"(8) The Commission shall notify a Federal banking agency of any concerns of the Commission regarding significant financial or operational risks resulting from the activities of any futures commission merchant to any affiliated person thereof that is subject to examination by or reporting requirements of the Federal banking agency.

"(9) The Commission, by rule, regulation, or order, may exempt any person or class of persons under such terms and conditions and for such periods as the Commission shall provide in the rule, regulation, or order, from this subsection and the rules and regulations issued under this subsection. In granting the exemption, the Commission shall consider, among other factors—

"(A) whether information of the type required under this subsection is available from a supervisory agency (as defined in section 1101(7) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(7))), a State insurance commission or similar State agency, the Securities and Exchange Commission, or a similar foreign regulator;

"(B) the primary business of any affiliated person;

"(C) the nature and extent of domestic or foreign regulation of the affiliated person's activities;

"(D) the nature and extent of the registered futures commission merchant's commodity futures and options activities; and

"(E) with respect to the registered futures commission merchant and its affiliated persons, on a consolidated basis, the amount and proportion of assets devoted to, and revenues derived from, activities in the United States futures markets.

"(10) Information required to be provided pursuant to this subsection shall be subject to section 8. Except as specifically provided in section 8 and notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information required to be reported under this subsection, or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of any affiliated person of a registered futures commission merchant.

"(11) Nothing in paragraphs (1) through (10) shall be construed to supersede or to limit in any way the authority or powers of the Commission pursuant to any other provision of this Act or regulations issued under this Act.".

SEC. 263. ETHICS TRAINING FOR REGISTRANTS.

(a) Mandatory Training for Registrants.—Section 4p (7 U.S.C. 6p) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end the following new subsection:

"(b) The Commission shall issue regulations to require new registrants, within 6 months after receiving such registration, to attend a training session, and all other registrants to attend periodic training sessions, to ensure that registrants understand their responsibilities to the public under this Act, including responsibilities to observe just and equitable principles of trade, any rule or regulation of the Commission, any rule of any appropriate contract market, registered

futures association, or other self-regulatory organization, or any other applicable Federal or State law, rule, or regulation.".

(b) REGULATIONS.—The Commodity Futures Trading Commission shall issue the regulations required by section 4p(b) of the Commodity Exchange Act (as added by subsection (a) of this section) no later than 270 days after the date of enactment of this Act.

SEC. 264. UNDERCOVER OPERATIONS AND ENFORCEMENT.

Section 8(a) (7 U.S.C. 12(a)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively; and

(2) by adding at the end the following new paragraph:

"(3)(A) Notwithstanding sections 2(a)(7) and 9(d) of this Act, section 5945 of title 5, United States Code, sections 1341, 3302(b), and 9102 of title 31 of such Code, and sections 254 and 255 of title 41 of such Code, the Commission may, by order, authorize specified employees to conduct undercover investigations where the Commission has reason to believe that violations of this Act may have occurred, may be occurring, or may be about to occur to ascertain whether proceedings under this Act with respect to such violations are appropriate.

"(B) The Commission shall notify the Attorney General before initiating an investigation under this paragraph and other Federal or State law enforcement officials as appropriate. The Commission shall not adopt an order under subparagraph (A) unless the Commission has first made a request to the Attorney General that the Attorney General conduct the proposed undercover investigation and the Attorney General has declined to do so in a reasonable time period as determined by the Commission.

"(C) In conducting such investigations, the Commission may coordinate with and seek the assistance of other Federal or State law enforcement authorities, contract markets, registrants, or other private parties as the Commission considers appropriate.

"(D) During the conduct of an investigation under this paragraph, the employees conducting such investigation shall report to the Chairman of the Commission no less than once every 90 days on the progress of such investigation.

"(E) A Commission employee who participates in a violation of this Act in the course and as a necessary element of an undercover investigation authorized under this paragraph shall not be liable in any action or proceeding arising from such violation.

"(F) The Commission shall by rule adopt procedures governing the conduct of such investigations that are similar to guidelines adopted by the Attorney General for the conduct of undercover investigations.".

SEC. 265. ACCESS BY GAO TO INFORMATION MAINTAINED BY SELF-REGULATORY ORGANIZATIONS.

Section 8(i) (7 U.S.C. 12(i)) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking ", except" and all that follows through the period at the end of the subsection and inserting a period; and

(3) by adding at the end the following new paragraphs:

"(2) For the purpose of conducting reviews and audits under paragraph (1), the Comptroller General and any duly authorized representative shall, under the terms and conditions applicable to the Commission, have access to and the right to examine all records and other recorded information, in any form, except such records that relate to open position data, unless pursuant to a request of the Committee on Agriculture of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to examine any property that is within the possession and control of any contract market, clearinghouse, or registered futures association within the jurisdiction of the Commission.

"(3) The Comptroller General shall maintain the same level of confidentiality for information made available under this paragraph as the Commission. Officers and employees of the General Accounting Office shall be subject to the same statutory penalties for unauthorized disclosure or use as officers and employees of the Commission.

"(4) The Comptroller General shall not include in reports data and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers, although such data shall be provided on request by any committee of either House of Congress acting within the scope of its jurisdiction.

"(5) The Comptroller General's right of access under this section shall be enforceable pursuant to section 716 of title 31, United States Code.".

SEC. 266. ENHANCEMENT OF REGISTRATION REQUIREMENTS.

(a) INJUNCTIONS.—Clause (ii) of section 8a(2)(C) (721 U.S.C. 12a(2)(C)(ii)) is amended to read as follows: "(ii) engaging in or continuing any activity where such activity involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, gambling, or any transaction in or advice concerning contracts of sale of a commodity for future delivery, concerning matters subject to Commission regulation under section 4c or 19, or concerning securities".

(b) CERTAIN VIOLATIONS OF LAW.—Section 8a(2)(D)(iv) is amended—

(1) by inserting "1001," after "152,";

(2) by striking "or" after "1342,";

(3) by inserting "1503, 1623, 1961, 1962, 1963, or 2314," after "1343,"; and

(4) by inserting ", or section 7201 or 7206 of the Internal Revenue Code of 1986" after "Code".

(c) OTHER VIOLATIONS OF LAW.—Section 8a(2)(E) is amended—

(1) by striking "by any court of competent jurisdiction," and inserting "in a proceeding brought"; and

(2) in clause (i), by inserting "chapter 96 of title 18 of the United States Code," after "1977,".

(d) REGISTRATION REVOCATION BASED ON INACCURATE STATEMENTS.—Section 8a(2)(G) is amended—

(1) by striking "subparagraphs (A) through (F) of this paragraph," and inserting "this paragraph and paragraph (3),";

(2) by striking "material" the first place it appears and inserting "materially"; and

(3) by striking "application" and inserting "application or any update thereto".

(e) GENERAL FELONY CONVICTIONS.—Section 8a(3)(D) is amended—

(1) by inserting "pleaded guilty to or" after "person";

(2) by inserting a comma after "section" the first place it appears;

(3) by striking "within ten years preceding the filing of the application or at any time thereafter,";

(4) by striking ", including a felony"; and

(5) by striking ", more than" and inserting "more than".

(f) SPECIAL FELONY CONVICTIONS.—Section 8a(3)(E) is amended—

(1) by inserting "pleaded guilty to or" after "person";

(2) by striking "within ten years preceding the filing of the application for registration or at any time thereafter"; and

(3) in clause (iv), by inserting ", or section 7203, 7204, 7205, or 7207 of the Internal Revenue Code of 1986" after "Code".

(g) REGISTRATION DENIED OR CONDITIONED BASED ON INACCURATE STATEMENTS.—Section 8a(3)(G) is amended—

(1) by striking "material" the first place it appears and inserting "materially";

(2) by striking the comma after "application";

(3) by inserting "or any update thereto," after "application";

(4) by striking "thereunder, or" and inserting "thereunder,"; and

(5) by inserting ", or in any registration disqualification proceeding" after "before the Commission".

(h) NON-FEDERAL CRIMINAL CONDUCT.—Section 8a(3)(H) is amended by inserting ", in a United States military court," after "State court".

(i) EXISTING RESTRICTIONS ON MEMBERSHIP.—Section 8a(3)(J) is amended—

(1) by striking "or" after "association," the first place it appears;

(2) by inserting "or any foreign regulatory body that the Commission recognizes as having a comparable regulatory program," after "organization," the first place it appears;

(3) by striking "or" after "association," the second place it appears; and

(4) striking "organization;" and inserting "organization, or foreign regulatory body;".

SEC. 267. SUSPENSION OF REGISTRANTS CHARGED WITH FELONIES.

Section 8a (7 U.S.C. 12a) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11)(A) by written notice served on the person and pursuant to such rules, regulations, and orders as the Commission may adopt, to suspend or modify the registration of any person registered under this Act who is charged (in any information, indictment, or complaint authorized by a United States attorney or an appropriate official of any State) with the commission of or participation in a crime involving a violation of this Act, or a violation of any other provision of Federal or State law that would reflect on the honesty or the fitness of the person to act as a fiduciary (including an offense specified in subparagraph (D) or (E) of paragraph (2)) that is punishable by imprisonment for a term exceeding 1 year, if the Commission determines that continued registration of the person may pose a threat to the public interest or may threaten to impair public confidence in any market regulated by the Commission.

"(B) Prior to the suspension or modification of the registration of a person under this paragraph, the person shall be afforded an opportunity for a hearing at which the Commission shall have the burden of showing that the continued registration of the person does, or is likely to, pose a threat to the public interest or threaten to impair public confidence in any market regulated by the Commission.

"(C) Any notice of suspension or modification issued under this paragraph shall remain in effect until such information, indictment, or complaint is disposed of or until terminated by the Commission.

"(D) On disposition of such information, indictment, or complaint, the Commission may issue and serve on such person an order pursuant to paragraph (2) or (4) to suspend, restrict, or revoke the registration of such person.

"(E) A finding of not guilty or other disposition of the charge shall not preclude the Commission from thereafter instituting any other proceedings under this Act.

"(F) A person aggrieved by an order issued under this paragraph may obtain review of such order in the same manner and on the same terms and conditions as are provided in section 6(b).".

SEC. 268. PROHIBITION AGAINST INSIDER TRADING.

(a) In General.—Section 9 (7 U.S.C. 13) (as amended by sections 246 and 247 of this Act) is further amended by adding at the end the following:

"(i) It shall be a felony for any person who is an employee, member of the governing board, or member of any committee of a board of trade, contract market, or registered futures association, in violation of a regulation issued by the Commission, willfully and knowingly to trade for such person's own account in contracts for future delivery or options thereon on the basis of, or to disclose for any purpose inconsistent with the performance of such person's official duties as an employee or member, any material nonpublic information obtained through special access related to the performance of such duties. Such felony shall be punishable by a fine of not more than $500,000, plus the amount of any profits realized from such trading or disclosure made in violation of this subsection, or imprisonment for not more than 5 years, or both, together with the costs of prosecution.".

(b) Regulations.—The Commodity Futures Trading Commission shall issue regulations to implement the amendment made by subsection (a) not later than 360 days after the date of enactment of this Act.

SEC. 269. INTERNATIONAL COMPETITIVENESS OF ELECTRONIC TRADING SYSTEMS.

Section 12 (7 U.S.C. 16) (as amended by section 103 of this Act) is further amended by adding at the end the following new subsection:

"(i) Consistent with its responsibilities under section 18, the Commission is directed to facilitate the development and operation of computerized trading as an adjunct to the open outcry auction system. The Commission is further directed to cooperate with the Office of the United States Trade Representatives, the Treasury Department, the Department of Commerce and the Department of State in order to remove any trade barriers that may be imposed by a foreign nation on the international use of electronic trading systems.".

SEC. 270. INTERESTS OF PRODUCERS OF AGRICULTURAL COMMODITIES.

Section 12 (7 U.S.C. 16) (as amended by sections 103 and 269 of this Act) is further amended by adding at the end the following new subsection:

"(j) In discharging the duties and functions of the Commission under this Act, the Commission shall take into consideration, and endeavor to serve, the interests of producers of agricultural commodities, consistent with the responsibility of the Commission to promote the public interests served by, and integrity of, futures and options markets. The Commission shall include in the annual reports of the Commission to Congress information describing specific actions taken by the Commission to discharge the responsibilities of the Commission under the preceding sentence.".

SEC. 271. APPEALS BY REGISTERED FUTURES ASSOCIATIONS.

Section 17(i)(4) (7 U.S.C. 21(i)(4)) is amended by striking "(other than a registered futures association)".

SEC. 272. TELEMARKETING FRAUD.

(a) In General.—Section 17(p) (7 U.S.C. 21(p)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) establish special supervisory guidelines to protect the public interest relating to the solicitation by telephone of new futures or options accounts and make such guidelines applicable to those members determined to require such guidelines in accordance with standards established by the Commission consistent with this Act. Such guidelines may include a requirement that, with respect to a customer with no previous futures or commodity options trading experience, the member may not enter an order for the account of such customer for a period of 3 days following opening of the account and receipt of a signed acknowledgment by the customer of receipt of a risk disclosure statement.".

(b) Implementation.—The guidelines required under section 17(p)(4) of the Commodity Exchange Act (as added by subsection (a) of this section) shall be submitted by a futures association registered with the Commodity Futures Trading Commission on the date of enactment of this Act to the Commission for the approval of the Commission not later than 180 days after the date of enactment of this Act.

SEC. 273. VENUE; SERVICE OF PROCESS.

Section 22(c) (7 U.S.C. 25(c)) is amended by adding at the end the following new sentences: "Any action brought under subsection (a) may be brought in any district in which the defendant is found or is an inhabitant or transacts business, or in the district in which any act or transaction constituting the violation occurred. Process in such action may be served in any district of which the defendant is an inhabitant or wherever the defendant may be found."

SEC. 274. STUDY OF DELIVERY POINTS FOR AGRICULTURAL COMMODITY CONTRACTS.

(a) Study.—The Comptroller General of the United States shall conduct a study of the provision for, and functioning of, delivery points regarding contracts of sale for future delivery of any agricultural commodity to determine whether the objectives of subsection (a)(10) of section 5a of the Commodity Exchange Act (7 U.S.C. 7a) (as amended by section 201(1) of this Act) are being achieved. The study shall also examine—

(1) whether the objectives of such Act relative to such delivery points need to be revised;

(2) whether the availability and adequacy of storage facilities for agricultural commodities at such delivery points affect prices;

(3) whether the number, accessibility, and volume of storage facilities at such delivery points contribute to consistency and reasonableness in price discovery in the contract market;

(4) whether a system of delivery in cash under such contracts of sale for future delivery would be feasible and would further the public interest in hedging and price basing for agricultural commodities;

(5) whether special concerns about the adequacy of delivery are raised by the participation in such contracts of international corporations whose commercial needs for physical commodities may be global; and

(6) such other issues relating to such delivery points as the Comptroller General determines relevant to the efficient operation and improvement of contract markets for agricultural commodities.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under subsection (a), together with any appropriate recommendations.

TITLE III INTERMARKET COORDINATION

SEC. 301. MARGIN ON STOCK INDEX FUTURES.

Section 2(a)(1)(B) (7 U.S.C. 2a) is amended by adding at the end the following new clause:

"(vi)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option thereon) shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for the stock index futures contract (or option thereon).

"(II) The Board may at any time request any contract market to set the margin for any stock index futures contract (or option thereon) at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement the rules of the contract market as specified in the request.

"(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority under this clause only to the Commission.

"(IV) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market, on finding an emergency to exist, to raise temporary emergency margin levels on any futures contract or option on the contract covered by this clause.

"(V) Any action taken by the Board under this clause directing a contract market to alter or supplement a contract market rule shall be subject to review only in the Court of Appeals where the party seeking review resides or has its principle place of business, or in the United States Court of Appeals for the District of Columbia Circuit. The review shall be based on the examination of all information before the Board at the time the determination was made. The court reviewing the Board's action shall not enter a stay or order of mandamus unless the court has determined, after notice and a hearing before a panel of the court, that the agency action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.".

SEC. 302. EXEMPTIVE AUTHORITY.

Section 4 (7 U.S.C. 6) is amended—

(1) in subsection (a), by striking "It shall be unlawful" and inserting "Unless exempted by the Commission pursuant to subsection (c) or (d), it shall be unlawful"; and

(2) by adding at the end the following new subsections:

"(c)(1) In order to promote responsible economic or financial innovation and fair competition, the Commission by rule, regulation, or order, may (on application of any person) exempt any agreement, contract, or transaction (or classes thereof) otherwise subject to subsection (a) (including any person or class of persons offering, entering into, or rendering advice with respect to, the agreement, contract, or transaction), either unconditionally or on stated terms or conditions or for stated periods, from any of the requirements of subsection (a), or from any other provision of this Act except section 2(a)(1)(B), if the Commission determines, after notice and opportunity for hearing, that the exemption would be consistent with the public interest.

"(2) The Commission shall not grant any exemption under paragraph (1) from any of the requirements of subsection (a) unless the person seeking the exemption demonstrates to the satisfaction of the Commission that—

"(A) the requirement should not be applied to the agreement, contract, or transaction for which the exemption is sought and that the exemption would be consistent with the public interest and the purposes of this Act; and

"(B) the agreement, contract, or transaction—

"(i) will be entered into solely between institutional participants;

"(ii) will be entered into in connection with a line of business or for hedging or risk management purposes; and

"(iii) will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under this Act.

"(3) The Commission, after notice and opportunity for hearing, shall have the authority to revoke any exemption previously granted if the Commission determines that any of the minimum requirements prescribed in paragraph (2), or any additional conditions imposed by the Commission, is no longer being satisfied.

"(4) For purposes of this subsection, the term 'institutional participant' shall be limited to the following persons or classes thereof that the Commission determines have the financial and other qualifications adequate to fulfill the terms and conditions of the agreement, contract, or transaction:

"(A) A bank or trust company (acting in an individual or fiduciary capacity).

"(B) A savings and loan institution.

"(C) An insurance company.

"(D) A registered investment company under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).

"(E) A commodity pool subject to regulation under this Act.

"(F) A corporation, partnership, proprietorship, organization, trust, or other business entity with a net worth exceeding $1,000,000.

"(G) An employee benefit plan with assets exceeding $1,000,000, or whose investment decisions are made by a bank, insurance company, investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.), or a registered commodity trading advisor under this Act.

"(H) Any department or agency of the United States, any State or political subdivision thereof, or any foreign government or political subdivision thereof.

"(I) A broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) acting on its own behalf or on behalf of another institutional participant.

"(J) A futures commission merchant, floor broker, or floor trader registered under this Act acting on its own behalf or on behalf of another institutional participant.

"(K) Such other persons that the Commission determines have such financial and other qualifications.

"(d)(1) This Act shall not apply to any swap agreement or class of swap agreements (as defined in section 101(49) of title 11, United States Code) where—

"(A) each party enters into the swap agreement to hedge or manage a business related price risk; and

"(B) each party reasonably expects to perform fully its obligations to make or receive payments at the time or times specified in the swap agreement.

"(2) To the extent that any swap agreement or class of swap agreements (as defined in section 101(49) of title 11, United States Code) may be considered to be subject to regulation under this Act, the Commission shall, by rule, regulation, or order, following notice and an opportunity for a hearing, exempt from any or all of the prohibitions and requirements of this Act, including section 2(a)(1)(B), any such swap agreement if the Commission determines that—

"(A) the exemption would not be contrary to the public interest;

"(B) each party to the swap agreement is an institutional participant (as defined in subsection (c)(4));

"(C) the creditworthiness of each party to the swap agreement would be a material term of the negotiation of the swap agreement; and

"(D) the swap agreement is not designed to and would not result in a trading market in the swap agreement.

"(3) To the extent that any demand deposit, time deposit, or transaction account (as defined in subsections (b)(1), (c)(1), and (e), respectively, of section 204.2 of title 12, Code of Federal Regulations (as in effect on the date of enactment of this subsection)) whether indexed or otherwise, may be considered to be subject to regulation under this Act, the Commission shall, by rule, regulation, or order, following notice and an opportunity for a hearing, exempt from any or all prohibitions and requirements of this Act, including section 2(a)(1)(B), any such deposit or account if the Commission determines that—

"(A) the deposit or account is offered by—

"(i) a United States financial institution that is insured by a United States governmental agency or United States chartered corporation; or

"(ii) a United States branch or agency of a foreign bank that is licensed under the laws of the United States and regulated, supervised, and examined by United States Federal authorities having regulatory responsibilities for the financial institutions or under the laws of any State and regulated, supervised, and examined by State authorities providing regulatory supervision comparable to that provided by United States banking authorities, and the regulators oversee the financial integrity and customer protection of the deposits; and

"(B) the exemption would not be contrary to the public interest.".

SEC. 303. HYBRID COMMODITY INSTRUMENTS.

Section 4c (7 U.S.C. 6c) (as amended by section 203(a) of this Act) is further amended by adding at the end the following new subsection:

"(h)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction if—

"(A) to the extent that an instrument has elements of a commodity option, the instrument derives less than 50 percent of its value at the date of issuance from the value of the commodity option; and

"(B) to the extent that an instrument has elements of a contract of sale of a commodity for future delivery, on the date of issuance, it is expected that less than 50 percent of the change in the value of the instrument or its performance will be due to movement in the price of the commodity or commodities specified in the instrument or in the terms and conditions of the transaction pursuant to which the instrument was issued.

"(2) Any transaction in or involving a commodity regulated under this Act not excluded by paragraph (1) nor otherwise exempted or excluded from the Act, shall be subject to the jurisdiction of the Commission under section 2(a)(1), 4, or 19, or this section.".

SEC. 304. INDEX PARTICIPATIONS.

Subsection (f) of section 4c (7 U.S.C. 6c(f)) is amended to read as follows:

"(f)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.

"(2) Nothing in this Act shall be considered to govern or in any way be applicable to any contract traded on a national securities exchange whereby any party to the contract acquires any interest in a stock index participation unit approved for trading by the Securities and Exchange Commission by order dated April 11, 1989, or pending the approval on or prior to December 31, 1990.

"(3) The Commission shall utilize its authority under this Act to facilitate the registration of any person who is a person associated with a broker or dealer, or an associated person of a broker or dealer (as defined in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) for the purposes of marketing stock index futures (or options thereon) to the public.".

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

The PRESIDING OFFICER. The distinguished senior Senator from Vermont, the manager of the bill and the chairman of the Arguculture Committee, is recognized.

Mr. LEAHY. Mr. President, because several people involved with this bill are coming from different areas, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, it is my understanding that key Members of the Senate are being alerted that CFTC is on the floor. I know that the presence of the distinguished ranking member, the senior Senator from Indiana, is required and at the moment he is in a meeting with the President at the White House. I know that he will have no objection to the following action.

I will begin and try to complete my opening statement and get that out of the way. I will outline for Senators and staffs what we are doing here. I figure that by about the time I finish that, the Senator's meeting at the White House will be completed, and he will be back here, and I will then, of course, yield to him for his opening statement.

S. 207 is a matter of great controversy. There has been a great deal of internal debate within the Senate and various committees about the bill.

S. 207, the Futures Trading Practices Act of 1991, is the toughest futures reform package debated in this Chamber in decades. It is one of the most critical white collar crime proposals we are going to address this year. Last month, it was reported unanimously by all the Democrats and all the Republicans on the Senate Committee on Agriculture, Nutrition, and Forestry.

In January 1989, Congress faced an unprecedented crisis of confidence in our commodities futures markets. We learned that the FBI had conducted a major undercover sting operation aimed at the Nation's two largest futures exchanges in Chicago. Notwithstanding the fact that the vast majority of the men and women who work at these exchanges are honest, hardworking people who follow the rules, the investigation resulted in indictments against 48 Chicago traders on charges of fraud and racketeering. So far, 32 of them have been convicted or pled guilty.

The Chicago case did not stand alone. A May 1989 CFTC-led sting on the New

York City futures markets has led to formal disciplinary charges against eight traders and two firms. That same summer, an emergency in the Chicago soybean market raised a storm of concern among farm producers.

In any situation involving thousands of people, and where billions of dollars trade hands, some will always be tempted.

The answers are well-known: tighter regulatory enforcement by a much toughened Commodity Futures Trading Commission; better audit trails; stricter policing by the exchanges; and more public involvement in exchange decisions.

We were well on our way to adopting these reforms in late 1989 but final action was blocked by last year's battle over whether to shift jurisdiction for stock-index futures from the CFTC to the Securities and Exchange Commission. This was a debate that stemmed most recently from the violent stock market price breaks of October 1987 and October 1989. This clash was heightened by argument over the treatment of certain financial instruments: index participations, swaps, hybrid commodity products, and others.

Beyond blocking needed trading practice reforms, the battle over jurisdiction has created a dangerous instability in our financial regulatory structure. Confidence in all equity-related markets—stocks, options, and index futures—suffers from a perception that Government regulators disagree so sharply over turf they might fail to work together if we have a true emergency.

Congress must settle this jurisdiction war quickly so that the Federal regulators can go back to doing their jobs of making U.S. markets safe, fair, and competitive in an increasingly competitive world.

S. 207 contains two main parts: Titles I and II of the bill contain the trading practice provisions of last year's bill, tightening up the matters I have already discussed. Title III contains a compromise on jurisdiction and intermarket coordination. This compromise was developed by the Chairman of the CFTC, Dr. Gramm, and the Secretary of the Treasury, Nicholas Brady—speaking for the administration.

On trading practices, the bill is designed to produce two results. First, any broker on the exchange floor who thinks about cheating a customer will know that he is going to be caught and penalized severely. Second, the exchanges will know that their business is the public's business and that the public is going to play a role in exchange decisions.

On intermarket coordination, the bill gives the Federal Reserve Board authority over margins for stock-index futures contracts.

Second, it gives the CFTC exemptive powers to allow certain new products traded among institutions to operate outside the futures regulatory framework. The CFTC must—it does not get a choice—exempt swaps and certain regulated bank products.

Third, it excludes from CFTC jurisdiction those hybrid financial products where less than 50 percent of the return comes from the CFTC-regulated futures or options component.

Fourth, it permits index participations approved or proposed before December 31, 1990, to trade on stock exchanges, even though a Federal appeals court has held these to be futures contracts under the exclusive authority of the CFTC. It takes that authority away from the CFTC.

Mr. President, since the Agriculture Committee markup last month, charges have been leveled that the language in S. 207 contains some kind of sneak attack by the CFTC on the SEC's jurisdiction; that, for instance, it moves authority for the $3 trillion securities index option market to the CFTC.

Let us settle that red herring once and for all. These claims and others like them are groundless and they reflect the level of distrust created after 18 months of fighting on this issue.

As the committee report makes very clear, S. 207 fully retains the current jurisdictional division for existing products—forward contracts, stock index options and warrants, cash transactions, all stay where they belong—outside the CFTC's jurisdiction.

In fact, S. 207 constitutes not an expansion but a rollback of CFTC jurisdiction for hybrid financial products.

To make this point as crystal clear as the clean mountain streams of Vermont, I will send to the desk at the appropriate time a modification of the committee amendment written by the Treasury and the CFTC which clarifies the language of the bill and specifically expands the required exemption for swap transactions. You cannot make it any clearer than that.

I want to emphasize that nobody gets everything they want under title 3 of S. 207. The fact is that some who are raising the biggest holler about this bill are doing so not because the bill is not fair, not because it does not work, not because it does not address the issues, but because they do not get every single thing they want.

I am here to pass legislation to make sure fraud does not happen, to preclude white-collar crime, to make sure the American people, be they investors or buyers or sellers or just plain taxpayers watching on the outside, know that their money is safe. I tell my colleagues that you are going to hear a lot of complaints over the next few days from securities and futures exchanges saying they deserve more. There is no magic formula on this issue to make both sides happy. I have tried for 18 months to find one. A lot of our colleagues, Republicans and Democrats alike, have tried to find one.

Any change we make that favors the futures industry is going to hurt the securities industry. Any changes that favors the securities industry is going to hurt the futures industry. There is no way around it.

So what do we do as Senators? I am a Senator who has no interest in either the futures industry or the securities industry from a parochial point of view. My interest is that of probably the vast majority of Americans—making sure the markets work honestly and effectively.

So I say this to Senators: Adopt an outcome that is fair to both sides and that is workable, not one that allows one side to declare unconditional victory or one side to have to accept unconditional surrender. We want an outcome which both can say is fair and works and protects the American public.

I urge Senators to back the bill as it is and reject proposals to reopen the bargaining.

Let me tell you right now, Mr. President, virtually every idea that could come up has been considered in trying to work out this compromise with the Department of Treasury, the Secretary of the Treasury, a Member of the President's Cabinet, the CFTC, and the others. We went back and forth for a year-and-a-half.

If somebody wants to come up with some new idea now, it may very well throw everything back to the drawing board. Urgently needed trading practice reforms will be delayed yet again for many, many, many more months.

Every Senator has a right to bring up any amendment they want. Every Senator can have votes up or down. But I urge Senators to step apart from parochial interests, from carrying the banner for one individual or another in the Government. Forget about turf fights or jurisdictional fights carried on by those who may be in office today but will be gone another day. Think about legislation that most affects all the country the best.

When you do that, realize that we have put together a good compromise. Let it go through with the clarifying amendment which Senator LUGAR and I will propose.

If we do not move on this bill, if we do not get it passed, if we do not get it on to a committee of conference with the House, the U.S. financial markets are going to remain at risk from trading abuse and sagging confidence. They will remain at risk until the reforms of S. 207 become law. We have to understand that these reforms are needed now. I do not know a single person who doubts that there will be greater confidence in our markets if reforms are adopted.

The American people and the financial markets have waited long enough for this to happen. Let us break the logjam. Let us settle the issues one way or the other, vote each issue up or down. But let me say this: In my view, a vote for S. 207 is a vote for economic stability and financial integrity, and it is a vote against white collar crime.

I suspect most Members who have looked at this bill know the issues well. I hope that we can finish this bill in relatively short order. I realize we will not act today for a number of reasons that have nothing to do with the legislation. But we will do it, I hope, tomorrow or the next day. There is really no reason to delay.

I urge Senators who have statements to make or amendments to bring up to come to the floor and do so. I have tried to lay out as objectively as I can what is in this bill. Believe me, Mr. President, and my colleagues, I tell you this: We have worked long and hard. Senator LUGAR and I have sought opinions from everybody in our committee. We sought opinions from our friends and colleagues in the Banking Committee.

I am sorry, of course, for far greater reasons—that the distinguished Senator from Pennsylvania, Senator Heinz, cannot be with us. He worked very hard on this bill. I am sorry because of unforeseen and a very frightening illness Senator PRYOR will not be here. But I think we all know that they as well as everybody else involved will want us to go forward and get this done. I believe we can.

So, Mr. President, I urge those who wish to speak on this bill or who have amendments to come to the floor and do so. I will for the moment suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. EXON). The Senator from Indiana.

Mr. LUGAR. Mr. President, the Senate today will consider S. 207, the Futures Trading Practices Act of 1991. This bill was designed to assist the CFTC to address widely reported difficulties and to build public confidence in the Nation's futures market.

This bill embodies the most significant reform of the Commodity Exchange Act in the 16-year history of the CFTC. Because of U.S. futures markets are truly vital to America's commerce and competitiveness, Congress must take action to ensure the most valuable aspect of these markets, namely their integrity, does not slip away.

I join my colleagues in hoping that action will come sooner rather than later. It is needed promptly.

Although much of the focus of legislation has been centered on title III, which deals with the coordination between the regulators of the stock and futures markets, we should not lose sight of the fact that the reforms contained in titles I and II of the bill are extremely important to the futures of our commodities markets.

Last year when the industry was under a cloud of indictments and allegations of insider trading, the Agriculture Committee rose to the challenge of fashioning a regulatory structure designed to provide significant new protections to investors. The committee was proud of its accomplishment in the last session. It is proud of its accomplishment on this occasion.

In titles I and II, the bill expands the CFTC's power to force exchanges to improve their trade practice oversight and disciplinary systems and provides the CFTC with regulatory and enforcement tools to foster and police integrity in the futures markets. It requires futures exchanges to develop and to implement audit trail technology, to monitor, to capture, and to record the trades occurring on their trading floors.

This audit trail requirement will provide the data for exchanges and regulators to detect unusual and potentially illegal trading practices and patterns.

I might add that the technical advice the committee received was extensive in this area. The desire of the exchanges in due course to work with the committee to fashion an audit trail that was reasonable and doable certainly ought to be commended, and I do so in this opening statement.

The bill also requires exchanges to take actions to prevent conflicts of interest and insider trading and to provide for increased civil and criminal penalties. It also requires CFTC action to deal with trading abuses attributable to the practice of dual trading, and it requires CFTC monitoring of broker associations.

These are vital reforms. They are the heart of the bill. They are the reason why the Committee on Agriculture proceeded into the CFTC reauthorization with great care and with reform in mind.

To cover the cost of this increased regulatory activity, the budget of the CFTC over a 5-year life of the bill is increased by 60 percent, and this increase is covered by the imposition of fees for services provided by the CFTC to the various commodity exchanges.

The genesis of titles I and II came from S. 1729, the Futures Trading Practices Act of 1989, a product of Agriculture Committee activity during the last session. This was a bill, unfortunately, that did not reach the Senate floor before adjournment.

I am pleased to note for the Senate that many of the reforms proposed in S. 1729 of the last session are now being implemented by the CFTC and the futures industry without congressional directives to do so.

The wisdom of the action we took 2 years ago was obvious to the industry and to the agency, and investors have the security at least of the research that was done, even if the bill did not reach conclusion.

As an example, I cite the dual trading reforms undertaken and planned for completion this summer by the CFTC: the trading card guidelines and audit trail review designed to enhance surveillance and audit trail capabilities: and the efforts of exchanges to devise workable hand-held trading terminals to record in unalterable manner the precise times and terms of each futures trade.

I make this point, Mr. President, that the open outcry system so much a part of the commodity futures trading industry in this country continues, and it continues because the committee was convinced that this offers the best way to expedite large volumes of trades, but at the same time given the hand-held monitors, exact timing and the sequence of the trades can come about to furnish an audit trail that makes an enormous difference in the potential enforcement of futures laws and, clearly, the integrity of the exchanges.

This voluntary action, and I stress voluntary action, by the exchanges unequivocally suggests that, with regard to titles I and II of this bill, our legislation has been and is on the proper course. However, for the last half of 1990 and thus far for all of 1991, the Agriculture Committee has spent considerable time and effort trying to address concerns about the interaction or the lack thereof between the two agencies that regulate financial transactions; namely, the CFTC and the SEC. In fact, during the two committee hearings and numerous meetings on the bill this year, the primary focus has been placed on title III, the intermarket coordination title of the bill. Largely stemming from the topics addressed in title III, the CFTC reauthorization efforts have languished in the Senate now for over 2 years.

Last summer, in an attempt to bring the bill to the Senate floor, I joined with Chairman LEAHY, Senators BOND, DODD, and the late Senator Heinz in seeking a compromise position that might garner the support of the majority of Senators. That position was largely reflected in title III of S. 207 as originally introduced. But since the introduction of that bill, the Agriculture Committee has thoroughly researched and debated the issues presented in the legislation. Testimony heard by the committee cast doubts about some of the provisions in our original S. 207. Today, we are considering a modified version and a version that was unanimously adopted by the committee. This version was fashioned by the Commodity Futures Trading Commission Chairman, Wendy Gramm, and supported by Treasury Secretary Nicholas Brady. I believe it is an important compromise and a fair and prudent achievement.

There are some who believe the reforms in title III are simply unnecessary, and there are also many who attach great significance to title III. These are issues that, obviously, invoke strong feelings within the futures and securities industries and the federal financial regulators.

Some will argue that this bill is not a compromise and that it tends to preserve the status quo. But make no mistake, Mr. President, the bill removes jurisdictional authority from the CFTC in many instances. It does so, among other things, by removing from the CFTC regulation on those instruments that contain less than 50 percent of the attributes of a futures contract or futures transaction.

The title III compromise package before us today addresses the jurisdictional issues by providing new oversight authority over stock index margins; by excluding certain products from CFTC regulatory authority; and by giving to the CFTC broad new exemptive authority to not regulate products unsuited for futures-type regulation. It is an important compromise and one I believe the Senate should support.

Specifically, Mr. President, the bill vests in the Federal Reserve Board the responsibility for the general oversight of margin levels on stock index futures. Importantly, this proposal leaves day-to-day margin-setting authority with the futures exchanges. Day-to-day control by the exchange is very important. No regulatory body could react to changing markets as effectively as an exchange. But equally as important is the fact that this bill provides for Federal oversight by the one agency best placed to review the entire financial marketplace, the Federal Reserve.

Mr. President, I will point out that in hearings of over 2 years ago, the Chairman of the Federal Reserve Board, Mr. Greenspan, and Secretary of the Treasury, Mr. Brady, both brought to our attention, in their analysis of the stock market crash of 1989, their very grave concern about the totality of financial markets and their interaction. The margins question, they felt, was the critical element that needed to be addressed. It has been addressed in a way that the Secretary of the Treasury and the Chairman of the Federal Reserve Board find satisfactory, and, to my knowledge, there is not any contention regarding this very important area.

Now, on the issue of hybrid instruments, this bill permits index participations, the so-called IP's, that were approved or submitted for approval by the SEC by the end of the calendar year 1990, to trade outside of the regulatory structure of the CFTC. It is a major concession by the CFTC. And I also point out the bill incorporates a provision to exclude from CFTC jurisdiction products or transactions that are more like a security than a futures contract. The provision excludes from CFTC jurisdiction any instrument that derives less than 50 percent of its price movement in an underlying commodity.

This is an important provision in that it eliminates the argument that the CFTC exclusivity clause stifles innovation. Under this proposal, if an instrument is valued predominantly as a security, the CFTC does not have jurisdiction to regulate. Let me underline that point, Mr. President. I am saying simply that if the authors of a new financial instrument wish to have regulation by the SEC, they should offer an instrument that has predominant characteristics of a security. Under the compromise we are presenting today, a product with those characteristics automatically will go to the SEC. It hardly stifles innovation. As a matter of fact, the innovation, if it is a security, belongs under this bill in SEC. Clearly that step is spelled out.

Last, this bill empowers the CFTC to exempt from its regulatory structure transactions that simply are not appropriate for futures-type regulation. The exemptive authority component of the bill provides the CFTC with guidelines as to what types of transactions should fall outside of the regulatory arena. The intent of this proposal is to give the CFTC broad powers both in general exemptive authority and swaps, but we expect that the CFTC will exercise these powers consistent with the terms and thrust of the Commodity Exchange Act.

Mr. President, CFTC reform is extremely important to investor confidence and, therefore, to the health of our markets. It is imperative that we address these issues. Delaying action at this stage is not a satisfactory alternative.

Tomorrow, the Senate will turn its attention to title III of the bill, and at that time, I will join with my distinguished chairman, Senator LEAHY, to offer an amendment to further refine the committee-reported version of title III. I hope, Mr. President, the Senate will turn to the bill promptly tomorrow in an expeditious manner to complete long-awaited action on the measure.

Mr. President, in anticipation of that debate and at the request of Members who have not followed this activity within committee, I will address a concern of other Senators. Members have asked this Senator what exactly is a hybrid instrument? The whole heart of the argument, and I think this is the only remaining argument, is who should regulate a hybrid instrument, the SEC or the CFTC? And the answer we give is, if the hybrid instrument is more like a security, the SEC should regulate it. In other words, if most of the money is derived from the instrument is due to its security components, it goes to the SEC; if most of the income or revenue comes on the commodity futures side, it goes to the CFTC.

Still Senators will say what are these strange instruments? Are they bonds?

Are they stocks? What comprises a hybrid? What is this argument about innovation?

Simply, for the sake of the record today, Mr. President, and to offer some background for tomorrow's debate, let me offer this suggestion, that one example of a hybrid instrument might be a hybrid instrument with coupon indexing. Let us consider a firm that issues a hybrid commodity instrument in which the coupon payment is indexed to the price of oil. The instrument, let us say, would have a $1,000 face value. It sort of looks like a bond, with a $1,000 face value, and a 23-year term to maturity. That sounds somewhat like security. This instrument will pay an 8.4-percent coupon with interest paid semiannually.

It sounds very much like a security. However each semiannual coupon payment would be adjusted plus or minus the difference between the then prevailing price of oil at each payment date and a predetermined reference price of $30 per barrel for a barrel of oil times 1.25 barrels of oil.

Now, I offer this illustration, Mr. President, because this is what we are talking about in terms of the ingenuity, the complexity of the so-called hybrid instrument. This instrument can be viewed as a 3-year, 8.4-percent coupon bond with interest paid semiannually, and a set of six consecutively maturing futures contracts having maturities of ½, 1, 1½, 2, 2½, and 3 years. That is, each of the six semiannual coupon payments could be viewed as containing, in this instance, a futures component.

To summarize, the hybrid issuance price is $1,000 for the instrument, the term of maturity is years in this case, principal amount is equal to $1,000, the coupon rate is 8.4 percent, the equivalent yield is 8.4 percent, and a commodity futures payment equal to 1.25 times $30, the reference point for a barrel of oil, paid semiannually depending upon the difference of the market price to that $30 standard.

Now, to measure the commodity play associated with each futures contract, note that each could be synthetically replicated with a long-call option or a short-call option. The commodity play value of the put and call options comprising each synthetic future could then be determined by summing up their absolute values.

Let me say, Mr. President, in the instance that I have outlined here, we have summed up all of these values, and to make the story short, at the date of issuance the value of the bond, which is the present value of a stream of coupons plus the present value of the principal, is $1,000. Since the value of the total commodity price play associated with the futures contract finally comes out to $96.10—and this is less than the value of the bond component, which is $1,000 for the bond—this so-called hybrid instrument would not be subject to CFTC jurisdiction. It would be subject to SEC jurisdiction.

To make the point as clear as I can, you have a $1,000 bond. It turns out that all of the futures play associated with differentials between a $30 barrel of oil up or down for six semiannual payments, the most play you could get out of that was $96.10 at the absolute maximum and, therefore, clearly we have $1,000 on one side, $96,10 on the other. SEC is the jurisdictional winner, not CFTC, in this particular case. As you can see from this example, the CFTC has lost the jurisdiction over this instrument, and properly so.

I have been tedious about this, Mr. President, because I believe, having visited with many Members, that most have not dealt with hybrid instruments. As a matter of fact, the ingenuity with which persons author these hybrid instruments is certainly a skill to be admired. There are almost any number of differentials of various things in the world that might come into play that an investor believes offers the investor more security against unforeseen events and therefore things are pegged to various standards which sometimes look like a commodity but turn out to be a security.

In this particular instance, would the initiator of this instrument have been in doubt as to where the regulation would lie? I think not. The calculations are very straightforward even if complex formulas are involved. The figures are quite clear at the end of the exercise.

Would it stifle innovation? Of course not. Simply because the person authoring this product tied it to a security it was by definition pushed over to the SEC.

I make these points, Mr. President, because I am hoping somehow, as night falls, reason may come and all of the contending parties who have felt that there was an enormous issue here will find there is not much of an issue.

The dilemma I think that will be pointed out in the debate, and it will be a fairly simple argument, is that if those who are authoring instruments believe in fact they have a commodities future item, but they say it is new; it is different; it is innovative, and we would like to select our regulator; and for various reasons we do not want it regulated by the CFTC. We have something here that looks like a commodity futures contract; it charts out that the majority of the money comes from the futures aspect, but we would like to have it regulated by SEC.

Now, I fail to see the public policy value in permitting the creators of an instrument, who in an arbitrary way can evaluate what they have, to be able to pick and choose who the regulator will be. I am not certain I have ever understood the value of that particular type of innovation.

In this particular case, however, Mr. President, let me say I believe that both the SEC and the CFTC are remarkable regulatory bodies. I think both are doing a good job. I believe that investors would be secure in the hands of either. I believe it is important that each of these instruments find a home at one or the other as opposed to falling between the cracks and having no regulation at all.

Therefore, Mr. President, I am prayerful that on the morrow we will arrive at a conclusion of this debate and decide one way or another and move on to conference and finally reauthorize the CFTC.

We have been, thus far, very fortunate, Mr. President. This CFTC reauthorization did not commence as an argument over innovative hybrid instruments. It started from a more fundamental basis that we were worried about the integrity of the futures exchanges. We were witnessing indictments and trials. There was a certain lack of confidence by America in these exchanges.

We took our oversight seriously in the Agriculture Committee and we fashioned a full set of reforms. As I have already recited, Mr. President, those reforms were self-evident to the point the exchanges have been adopting them wholesale at great expense. The so-called hand-held monitor, the computer which key punches all these transactions is a very expensive piece of equipment. To have all these all over the exchanges is a very sizable investment. But, Mr. President, the exchanges now testify it has been the investment in the future that makes these exchanges world class. They are competitive and they are getting the business because people have faith in them. That is the point of our legislation, the underlining of the integrity of our market systems.

I appreciate if Senators wish to debate for hours about where hybrids ought to go. That is their privilege. I hope we could center our focus on the major point that our exchanges need reform. They need encouragement of reform that is happening, and those that have taken a chance by initiating these reforms, even without having the law, ought to have the proper undergirding and endorsement of their remarkable efforts.

For all these reasons, Mr. President, I support the legislation now before this body. I believe that it is an outstanding effort fashioned by a much longer period of discussion than we would have had normally.

I am hopeful that there will be decisions, if not consensus, tomorrow.

I thank the Chair. I yield the floor.

Mr. DIXON. Mr. President, there has been a lot of overblown rhetoric about title II of S. 207, the CFTC reauthorization bill, as it was reported from the Senate Agriculture Committee, and with the technical amendments that the administration, the CFTC, and the leadership of the Agriculture Committee have agreed on. What I'd like to do is to talk a little about what is in this compromise—and even more importantly, what is not in it—and how we got here.

At the outset, it is important to try to keep in mind what is not in the compromise: It is not a grab for jurisdiction by the CFTC. Title III does not touch the jurisdictional sections of the Commodity Exchange Act, and it does not, either unilaterally, or any other way, change in any way the 1982 Shad-Johnson accords which set the jurisdictional boundary between the SEC and the CFTC. Instead, what it does is simple and straightforward. It:

First, gives the Federal Reserve the ability to oversee margins on stock index futures contracts;

Second, overturns a court case that made it clear that IP's are futures contracts, exempting applications for IP's that had already been approved by the SEC or which are currently pending at the SEC from the Commodity Exchange Act;

Third, clarifies the CFTC's ability to exempt other products from Commodity Exchange Act regulation;

Fourth, requires the CFTC to exempt swaps from Commodity Exchange Act regulation, even if the swaps are being handled through a netting agreement, which is of particular concern to Chairman Greenspan; and

Fifth, requires the CFTC to exempt any exotic-type deposits that might possibly be under its jurisdiction—these very few deposits that are, in effect, futures contracts—from Commodity Exchange Act regulation.

It is built on a principle that is very familiar to those following financial regulatory issues, functional regulation. Now I know there are some Senators who support the idea of letting the parties pick their regulator. That is not, however, what the Banking Committee and the Senate did in 1988 when, by the overwhelming committee vote of 18 to 2, and an even more overwhelming floor vote of 94 to 2, we acted on legislation breaking down the Glass-Steagall barrier. That bill did not give the banking regulators exclusive jurisdiction over the securities activities of banks. Instead, it required banks to move even those securities which are now exempt from Glass-Steagall requirements to a fully separated affiliate which would be regulated by the SEC, and which, of course, would also be regulated by the banking regulators. The Banking Committee never even seriously considered keeping the SEC out. Functional regulation remains the Banking Committee watchword in the financial services area, and that principle is as important here as it is in the Glass-Steagall case.

There are some that argue that swaps and hybrid products demand a "pick your regulator" approach, and that it is safe to take this approach because these products are used only by institutional customers. However, it is worth keeping in mind that the customer base of financial futures and the customer base of swaps, at the very least, substantially overlap. Over 90 percent of the customers for financial futures traded on futures exchanges are institutions.

We need to keep in mind, Mr. President, what is really at stake here. The issue is not a question of whether a plain vanilla swap is a futures contract—it's not, and the CFTC is the first to say that it has no jurisdiction over plain vanilla swaps. Swaps are not futures simply because they are equivalent economically. They only become futures if, in addition, they have all the essential elements of futures contracts so, what is really at stake is how and whether swaps should be regulated if and when they evolve in a way that gives them all the essential elements of futures contracts.

Now the definition of futures involves much more than futures delivery. Instead, before a contract becomes a future, rather than a forward or something else, four tests must be met. The contract must:

First, involve the purchase or sale of a commodity for delivery in the future at a price or pricing formula that is established when the transaction is initiated;

Second, be standardized as to terms and conditions other than prices;

Third, be undertaken primarily to assume or shift the risk of commodity price changes; and

Fourth, not be generally entered for the purpose of obtaining delivery of the commodity but rather be discharged through offsetting transactions or other buy-back arrangements.

At that point, if functional regulation means anything, the CFTC should, indeed must, have jurisdiction. To say otherwise is to say that if loans evolve into securities, they should not then be regulated by the SEC. Drawing lines and determining where a particular instrument falls in relation to those lines is what the law and our financial regulators are for.

S. 207 draws no new lines, Mr. President. What it does is to broaden the ability of that agency to decide not to regulate instruments that fall on its side of the line.

It is true that S. 207's exemptive authority has some criteria that must be met before it can be used, but is that so unreasonable? Shouldn't the CFTC have to consider whether CEA Act provisions such as audit trails, prohibitions against trading abuses, margin requirements, and many others, are necessary before it decides to exempt an instrument or class of instruments from regulation?

It is worth noting, by the way, that under S. 207, even if the CFTC finds that futures regulation is appropriate, the agency can still exempt new financial instruments from the exchange trading requirements of the CEA. In other words, nonexchange, or electronic markets can be developed.

Some argue that S. 207 is some sort of lawyer's relief act. However, there have only been two court cases in the last 17 years on the issue of the boundaries of what is a future, and, as I stated earlier, S. 207 does not change the definition of a future.

What that means is that any party with a new instrument that he believes is not a future does not even need to check with the CFTC before issuing it. In those cases where parties know that the instrument is a future, they can still get the CFTC for an exemption. Importantly, this would not be on a case-by-case basis. S. 207 allows the CFTC to exempt classes of instruments by regulation, and even under existing law, the CFTC has issued a broad, safe harbor policy statement, indicating the kinds of swaps the CFTC believes are not futures. The CFTC's track record, therefore, demonstrates the CFTC's willingness to act in a broad way.

In addition, some argue that title III will stimulate litigation and therefore retard innovation because it uses an exemption, rather than an exclusion, approach. Deciding what is excluded, however, depends on the definitions, and definitions can be litigated over endlessly. An exemptive approach, therefore, has no inherent advantage.

As I stated before, Mr. President, some argue that we can safely abandon functional regulation and permit parties to pick their regulation because only institutional customers are involved and they do not need protection. Last week in the Wall Street Journal, however, institutions complained about insider trading in the unregulated junk bonds market, and they certainly want the SEC to pursue those allegations. Moreover, the central point of S. 207 is to provide a better, fairer market for the institutions that constitute the overwhelming percentage of future market customers.

The bank regulators are not focused on customer issues. Their focus is on the safety and soundness of the bank swaps deals. The SEC believes that swaps are not securities, and their only interest is the solvency of securities firms that are swap dealers. Under functional regulation, it is the CFTC's job to provide the necessary degree of protection for swaps that are futures contracts, unless the agency believes that the public interest does not require that protection. Unless we want to take away CFTC authority over futures, that is as it should be.

If title III does not add to the jurisdiction of the CFTC, and if it is based on the same basic functional regulation approach that both the Senate Banking Committee and the full Senate have endorsed as our basic approach to financial regulation, then why are we here?

We are here because some want to abandon customer protections for futures customers. We are here because some want to use pick your regulator as a means of indirectly transforming jurisdiction away from the CFTC to other agencies, because they know Congress will not agree to a direct transfer.

Basically, we are here because the Chairman of the SEC believes this will add to his "turf" and foster his vision of our financial future.

Now it may be that a majority of the Senate shares the SEC Chairman's view in this area. I want to remind my colleagues, however, that it was the current SEC Chairman that authorized a report advocating deregulation of the thrift industry. It is the SEC Chairman that is trying to use his accounting oversight function to acquire regulatory control over banks. It is the SEC Chairman that is largely responsible for the current turf war that underlies this issue.

The SEC Chairman has been willing to use legislative blackmail to achieve his ends, lobbying Senators to hold up action on the CFTC reauthorization bill unless he gets his way. The CFTC has been without authorization authority for over 16 months, and needed reforms have been held up, because of this hostage taking.

I believe the proper course should have been negotiation and cooperation. That is the course the CFTC employed. That agency did not advocate holding up action on the SEC's authorization bill or action on last year's market reform legislation to increase its leverage, although that could have been done. Instead, faced with total noncooperation from the SEC, the CFTC negotiated with the administration. Title III of S. 207 is the product of that negotiation.

Finally, before I close, I would like to say a word about the committee jurisdiction issue. Now there are many on this committee who no doubt find it odd that the CFTC, under the functional regulation principle, has jurisdiction over the enormously important market in financial futures. I'm sure it seems to many members of the Banking Committee, in particular, that this jurisdiction more logically belongs with the Banking Committee. Is it any more strange, however, for the Agriculture Committee to have jurisdiction over financial futures than it is for the banking committee to have jurisdiction over mass transit, a transportation issue, or important jurisdiction over export controls, a subject that turns on foreign policy and national security considerations, and which, in the House, is under the Foreign Affairs Committee, or perhaps the Defense Production Act, which applies to Pentagon procurement? Jurisdictional issues are complex and committee jurisdictions have their roots in history, rather than simple, subject matter divisions. I hope we will keep that fact in mind as we look at what the Agriculture Committee has done.

We face a choice that is both complex and simple. It is complex because the issues involved are complex. It is simple because there are really only two choices: either take the compromise that is the product of long negotiation and which has gone through the regular legislative process, or do nothing and force the SEC to work with the CFTC. The third choice, trying to rewrite this bill on the floor, will inevitably create more problems than it solves. It is no choice at all.

I urge my colleagues to support functional regulation. I urge them to support title III of S. 207 as recommended by the Agriculture Committee. It may not be a perfect solution to the issues that have tied up the CFTC authorization bill for the last 2 years, but it will allow us to complete our response to the 1987 stock market crash. That seems to have been almost forgotten, but it is the need to respond to the crash that started the controversy in the first place. We may need to do more later in the hybrids and swaps areas, but what this bill does now is more than enough to give them the security they need to either continue to grow and evolve, as in the case of swaps, or to begin trading, as in the case of IP's.

There has been a lot of talk about previous compromises. But this is the only compromise unanimously reported by 20 Senators. It is the only compromise that has gone through the regular legislative process. It is the only compromise that will let us put this issue behind us for now.

Even the opponents of title III acknowledge that it is better than current law. That, in itself, makes it a good compromise, one that the Senate should support.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Illinois [Mr. SIMON] is recognized.

EXECUTIVE CALENDAR

WILLIAM H. KENNOY TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY AND RICKEY DALE JAMES TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate, as if in executive session, proceed to the following nominations reported today by the Committee on Environment and Public Works: William H. Kennoy to be a member of the Board of Directors of the Tennessee Valley Authority, and Rickey Dale James to be a member of the Mississippi River Commission.

I understand this has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. I further ask unanimous consent that the nominees be confirmed en bloc, that the motions to reconsider be tabled, that any statements appear in the RECORD as if read, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Reserving the right to object, I shall not object, but I simply want to comment that the Republican leader, Senator DOLE, has informed me that these nominations have been cleared on our side. We commend them. We are delighted that the Senator from Illinois has moved to them at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed en bloc, are as follows:

William H. Kennoy to be a member of the Board of Directors of the Tennessee Valley Authority; and

Rickey Dale James to be a member of the Mississippi River Commission.

ON THE CONFIRMATION OF WILLIAM H. KENNOY

Mr. CHAFEE. Mr. President, today I rise to support the nomination of William H. Kennoy to be a member of the Board of Directors of the Tennessee Valley Authority.

As you know Mr. President, the members of the Committee on Environment and Public Works have always sought to ensure that every nominee to the TVA Board recommended for confirmation is of the highest caliber and has the expertise to serve that Authority and the valley region. The committee has an obligation to provide the valley with quality leadership. I think my colleagues will agree that Congress is impressed with the way the Authority's current Chairman, Marvin Runyon, is restructuring TVA's operation.

The Tennessee Valley Authority is a unique Government agency. Although the Authority has restarted 2 nuclear plants, operates 11 coal-fired plants and oversees and maintains numerous hydroelectric generating facilities, it is not just a power utility. The Authority's broad mandate includes the improvement of navigation and the provision of flood control on the Tennessee River, and the provision of agricultural and industrial development in the seven-State Tennessee Valley region. TVA also serves as a model for developing nations as they struggle with issues of commercialization and the protection of the environment.

TVA policy is established by a three-person Board of Directors nominated by the President and confirmed by the Senate. Directors are appointed for staggered, 9-year terms. The Board position for which Mr. Kennoy is nominated has been vacant since the expiration of the term of Charles H. Dean, Jr., in May 1990.

A 1960 graduate of the University of Kentucky, Mr. Kennoy is an engineer and chief executive officer of Kennoy Engineers, Inc. The firm designs and supervises municipal water and sewer facility improvements, as well as assists municpal utilities with rate structures and financial planning. Mr. Kennoy has the experience to deal with the various water and economic issues he will face at TVA. He knows the Tennessee Valley. He knows the valley's people. A resident of Lexington, KY, Mr. Kennoy was born in Huntsville, AL. His family has a history with the TVA region. In fact, his father was a professional engineer with TVA, working on the Wheeler and Huntsville Dams in the late 1930's.

As the ranking Republican member of the Committee on Environment and Public Works, I know firsthand the issues facing TVA. Mr. Kennoy will undoubtedly need to focus on TVA's nuclear operation. I am particularly interested in TVA's research at the National Fertilizer and Environmental Research Center in Muscle Shoals, AL. That operation has done extensive work in the prevention of nonpoint source pollution and soil erosion. I know Mr. Kennoy is committed to furthering TVA's environmental enhancement mission.

As TVA enters the 1990's, the committee will be monitoring its efforts to comply with the Clean Air Act amendments and restructure its nuclear program. In both areas there are real opportunities to break new ground. Further, I am interested in TVA's initiatives to conserve energy. In the 1970's, TVA pioneered one of the Nation's largest energy conservation programs. These efforts, I am told, have been scaled back in recent years, and that concerns me. It is imperative that we refocus our efforts on conservation.

So, Mr. President, the task before Mr. Kennoy is great, but the committee believes that he is up to the challenge. In fact, his nomination was reported unanimously by the full Committee on Environment and Public Works.

FUTURES TRADING PRACTICES ACT

The Senate continued with consideration of the bill.

Mr. SIMON. Mr. President, I speak in favor of the bill that is pending.

Let me commend Senator LEAHY and Senator LUGAR for their leadership, and the whole Agriculture Committee for working out what has been an extremely knotty problem that is highly complex. Let me add it is just as important as it is complex in terms of the future economy of this country.

It is interesting to me that it came out of the committee unanimously. If you had asked me any time in the last year-and-a-half if we would get a reauthorization out of the committee unanimously, I would not have believed that is possible. I say to my colleagues who are from farm States, every farm organization, every single one, favors this reauthorization.

It is a compromise and the futures exchanges have made concessions frankly beyond what I thought they would be willing to make. It is supported, as Senator LUGAR just said, by the administration. It is supported by Secretary Brady, and by the others involved.

There is a dispute that will come for a vote tomorrow that frankly grows out of a jurisdictional dispute within the administration. But the administration supports this particular proposal.

The counterpart to this in the House is simply current law, current reauthorization. I do not think we would be making a mistake if we were just to do that. But this provides some safeguards that ought to make it even more attractive to the Senate. Let me just add that I applaud the exchanges for being willing to make these compromises which will not harm the exchanges and add some additional security.

Let me underscore one other point that has been made by Senator LUGAR and Senator LEAHY; that is, the important factor of confidence. What we are dealing with is not just a fight between two groups or between two entities within the administration. We also are dealing with something that is extremely important to this country on the international scene. These futures markets can shift over to Tokyo, or London with great ease in the world in which we now live.

This provides some guarantees on the audit trails being operated by the exchanges right now, but this puts it into the law. It provides a factor on margins that turns the margins jurisdiction over ultimately to the Federal Reserve.

There are those, including the Secretary of the Treasury, who believe that the velocity of the stock markets has been aggravated by the futures industry. I do not happen to agree with the Secretary of the Treasury on that. As you read the documentary evidence, I think it is overwhelming that it indicates that is not the case; that in fact the futures industry has been a buffer to prevent too much velocity. But in any event, we now have some entity outside of the CFTC that can take a look at that; that can provide that buffer. That is the Federal Reserve.

We take care of the hybrid problem, I think in a very practical way. Part of the concerns grew out of what happened to the soybean market on July 11 of 1989 when an Italian group appeared to have the corner on the market, and the futures exchange acted. But there were rumors that some people had conflicts of interest. Whether those rumors are true or not, I have seen no evidence that they were true, but we have some conflict-of-interest legislation here.

I think in general this provides a margin of protection. I should not say a margin of protection. But this provides a protection that is very important to the economy of this country.

My hope is that any amendments other than those proposed by Senator LEAHY and Senator LUGAR will be rejected, that we will stick with the bill basically that we have right now, except for some minor amendments they are going to be proposing, and that we move ahead.

I simply underscore once again: This bill came out of the Agriculture Committee unanimously. It is a compromise. It is not ideally what any one group wants, but I think it is a compromise. It is a sensible compromise in the interest of this Nation. I hope tomorrow we will pass this legislation.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama [Mr. HEFLIN] is recognized.

Mr. HEFLIN. Mr. President, I rise in support of S. 207, The Futures Trading Practices Act of 1991. This bill makes many needed changes in the regulation of futures trading practices. It provides for a stronger Commodity Futures Trading Commission. It holds the futures exchanges to a much higher standard. It raises the standards for audit trails so that abuses can be prevented and, if they occur, detected. It increases regulation of the futures markets in several important ways. It addresses a long held concern about margin setting by giving the Federal Reserve Board new oversight powers in this regard.

THIS IS A TURF FIGHT

These important reforms which are embodied in S. 207 have been held up for 18 months by the jurisdictional dispute between the SEC and the CFTC. In other words, needed reforms to protect our financial markets have been delayed by this dismaying turf battle. Make no mistake about it—turf is precisely what is at stake in this debate.

We will hear all kinds of sophisticated arguments today about why jurisdiction of the SEC should be expanded and that of the CFTC should be decreased. We will hear that to require that futures contracts under whatever label they might parade—swaps, IP's, or whatever—to be traded on a futures exchange, is anticompetitive. They are afraid that regulation of a futures contract by the CFTC will stifle these new, innovative financial instruments which are being created by the world's financial wizards. Therefore, they argue, we should adopt the Bond-Wirth alternative, which would exclude these instruments from CFTC regulation. Instead, we are told we should allow any private businessman who wants to create a new financial instrument to design it is such a way as to pick his regulator—or to avoid regulation whatsoever.

Mr. President, these arguments are unworthy in the extreme. It is clear that those who feel that only the SEC has any right to regulate anything to do with any part of the Nation's financial markets have ignored history. While the securities markets have become stale, the futures markets have been models of competitiveness, coming up with a number of innovative new instruments which are being used by commercial interests the world over for risk management. The Treasury bond, the world's largest futures contract, the Standard & Poor's 500 stock index contract, and a number of other contracts, have become an important part of the world's international financial fabric.

The futures markets have had to be competitive in order to survive in a very competitive international marketplace. While futures trading in this country has grown by 113 percent in the last 7 years, the industry has continued to lose market share in global competition.

SEC REGULATION HAS BEEN IMPERFECT

Those who would argue that only the Securities and Exchange Commission has any business regulating the financial markets should answer a few questions. Where was the Securities and Exchange Commission when the Ivan Boesky and Michael Milkin scandals were allowed to develop? Where was the Securities and Exchange Commission when the junk bond market got out of control? Where was the Securities and Exchange Commission when Mr. Keating violated SEC laws on the way to the collapse of his financial empire?

There have been problems in the futures industry. S. 207 was developed to deal with the problems that arose out of the indictments in 1989. However, these problems pale in significance compared to the problems that have developed in the securities industry, the savings and loan industry, and in the banking industry. Although there have been some defaults in the futures markets, these defaults have been taken care of by the clearing corporations and by the organized exchanges. Customers have been protected. It has not been necessary, as in the savings and loan and banking industry, to spend hundreds of billions of dollars for taxpayer bailouts.

A DEREGULATORY AMENDMENT

Make no mistake about it. The Bond-Wirth amendment is a deregulatory amendment. It is pick-your-own-regulator amendment. Quite frankly, I believe that the distinguished chairman and the ranking minority member of the Senate Agriculture Committee went as far as they could possibly go in trying to achieve a compromise with the SEC. I believe that in order to try and reach an agreement and get administration support for the bill, they went as far as they could without going too far in weakening CFTC jurisdiction and setting up the possibility that parties who want to escape the CFTC's regulatory restrictions can do so. If this in fact were to be permitted, then farmers, hedges, bankers, and everyone else who uses the futures markets, will lose the protection of the Commodity Futures Trading Commission. CFTC must not lose its ability to adequately police the futures industry.

However, as far as this compromise goes, the Bond-Wirth amendment goes too far. It would apply death to the CFTC as an effective regulatory agency. It would remove certain products, such as swaps, deposits, and loans, from any review whatsoever by the CFTC to determine whether they would be regulated. The proponents of this amendment have been strong supporters of the Government setting stock index futures margins. The committee bill would provide the Government with oversight of those margins, but the alternative amendment would allow stock index swaps to be traded without any margin whatsoever. In addition, the alternative amendment would permit the trading of stock index swaps and any other swaps without audit trails, with no restriction on dual trading, prearranged trading, or even fraud and manipulation.

Mr. President, make no mistake about it. The Bond-Wirth alternative is a deregulatory amendment. It is a perfect example of turf fighting. In any attempt to prevent CFTC' regulation of certain financial instruments, it would open the floodgates of deregulation. It would make the CFTC a minor and inconsequential agency and would allow the SEC to pick and choose its regulatory turf.

WE NEED SAFE FINANCIAL MARKETS

I don't believe that the people of this country are in the mood for more deregulation of our financial markets. I think they've had enough with S&L bailouts and bank bailouts. Because of the failure of major financial institutions and even insurance companies, there is a great deal of uncertainty and fear among investors and ordinary citizens. A writer for the Washington Post magazine of April 14 calls it "financophobia." I don't blame people for having a phobia about our financial markets. However, we in Congress should learn from history. We should learn from previous mistakes.

We live in highly uncertain times. No longer is any segment of our economy immune from financial difficulty. As more and more S&L's, banks, and even insurance companies fail, the average saver or investor loses confidence in the economy. Media looks around for scapegoats for these failures and for the resulting Government bailouts. There is plenty of blame to go around.

Our efforts should be focused on learning from past mistakes. We should not risk a repeat of the deregulatory mistakes that created the S&L debacle. Let us learn from the mistakes of the past and support a strong bill, the committee bill.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I rise in support of S. 207.

We all know that this is the Futures Trading Practices Act of 1991. This bill is very much the direct result of work which began in 1989, hard work done by the Senate Agriculture Committee, to authorize a Commodity Futures Trading Commission, and also to reform the rules governing the futures market. And all of these reforms are so vital to American agriculture, and even to business beyond agriculture. But we in the Midwest look very much on this as an agriculture issue as well as anything else.

I cannot emphasize enough the importance of this bill's trading practices reforms, which I think will bolster confidence in the integrity of the futures market. If we do not have confidence in the integrity of the futures market, we are not going to have anything. It is very important that that confidence be there. I see these reforms as helping to rebuild the confidence.

I am pleased also that the individual futures market and the Commodity Futures Trading Commission have already taken some action—all on their own initiative in anticipation of this bills' passage—to incorporate a number of reforms into their daily activities. Some of these reforms that they have taken are things that are included in this legislation.

These actions taken by the CFTC will help weed out the few bad apples that damage the reputation and integrity of the futures markets. While these actions are much appreciated by American farmers and by others who utilize futures markets, S. 207 is still very necessary because it will codify these voluntary reforms, as well as some more far-reaching matters, into law making the rules accessible and understandable to all.

I would like to list just a few of these reforms, some I consider the most useful, although not meaning other aspects of these bills are not important.

The first is the adoption of next generation audit trail technology, in line with the General Accounting Office's recommendations and subject to the GAO's continued scrutiny.

Next, greater exchange accountability through greater CFTC empowerment to push exchanges to improve their oversight and disciplinary activities.

Next, requirements to halt dual trading unless the contract market can show that abuses will not occur or that violators will most asssuredly be caught and punished severely.

The last point I want to emphasize is reconstitution of the exchanges' boards of directors in order to ensure they include meaningful representation of producers as well as family farmers.

Madam President, these are just a few of the reforms included in this bill which have unfortunately been overshadowed by turf battles among Government agencies, turf battles that we, too, often have to confront here in this body, but turf battles nevertheless that both agencies feel strong about, that we have to settle. I list them because they are important to my farmers, to my grain merchants, to my processors, and to anyone involved with managing the risk burden in their daily business.

If anybody wonders why the Federal Government and the Congress is involved with encouraging risk management, we ought to be in the business of encouraging people to manage risk to as great an extent as possible.

I would also like to remind my colleagues that clarifying and increasing accountability for all parties is going to keep everyone honest. The trust that there will be honesty in this business is very important to reestablishing the credibility that sometimes might not be there, that we think this legislation is going to return.

As I pointed out, this reauthorization and trading practices reform bill has been in the works for over 2 years. This is before I got on the Senate Agriculture Committee, and I am sure there were many, many more hours put into this legislation than what we put in this year before this bill came out, and probably because all that hard work went on before is one reason we were able to get this bill early to the Senate floor.

However, the administration's request last year to tackle some other issues of jurisdiction between the CFTC and the Securities and Exchange Commission slowed down this bill which then was eventually buried under the avalanche of legislation at the end of the 101st Congress. So we must start over. Resolving these issues expeditiously has been a top goal of the Senate Agriculture Committee, and we have worked with the administration and the affected agencies, along with our colleagues on the Senate Banking Committee, to draft a compromise, and today's bill reflects that effort.

I am well aware of the fact some members of the Senate Banking Committee do not support all aspects of this bill and they are going to introduce amendments to significantly alter title III.

We will further examine their amendments as we go along. I believe we will be able to show the concerns and the fears expressed by members of the Senate Banking Committee are unfounded.

My colleagues may have received letters from a couple of interest groups opposing S. 207's title III, but they should be clear—and I want to emphasize this—the legislation we have here today is one which the administration has officially endorsed in its Statement of Administration Policy which was released on April 11.

By now you have heard Chairman LEAHY and Senator LUGAR of the Agriculture Committee already this afternoon detail the provisions of this bill. I am not going to elaborate, nor could I elaborate better than they have on the important features of this bill. But I hope to make it clear this bill has my complete support and the approach taken by this bill will in fact allow American markets to compete successfully in the areas of capital formation and risk transfer.

The Agriculture Committee prides itself in the steps it has taken to keep American agriculture strong and internationally competitive. We have followed the same philosophy in our oversight of the futures industry. S. 207 will keep our risk management and capital formation markets at the forefront of this quickly moving industry.

I am well aware some administration appointees have spoken against this bill, but the official, definitive position of the administration is in support of S. 207 and the committee modification before us.

After examining the arguments of both sides, I feel comfortable that this bill will clear up many disputes and simplify the introduction of new products into the securities and futures markets. S. 207 will provide certainty where there is now confusion.

Madam President, I will plan on offering more specific comments with regard to S. 207 and some amendments that may come before it when we get to that point. For now, I would like to repeat that we should approve this bill. It is good legislation and these are reforms badly needed.

It is time to move forward on S. 207 and if necessary to go to conference with the House so that we can get this all worked out, presented to the President, signed, and its implementation may begin. It is one move very essential to the reestablishment of complete confidence that the people of this country ought to have in the process of futures regulation.

I do not want to say there is less confidence now than there was 2 years ago because I think there has been some action taken to reestablish this confidence. I think the committee's work on this bill over the last 2 years pointed to the people at large that the Congress is headed in the right direction, but there is not going to be complete reestablishment of that confidence until we have these details in statute, and that is why I think it is very important we move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I ask unanimous consent that the Statement of Administration Policy on S. 207, Futures Trading Practices Act of 1991, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT
AND BUDGET,
Washington, DC, April 11, 1991.

STATEMENT OF ADMINISTRATION POLICY

(S. 207—Futures Trading Practices Act of 1991, Leahy of Vermont and 5 others)

Title III of S. 207, as proposed to be amended by Senator Leahy, represents a substantial step toward promoting intermarket stability by assigning broad authority for setting margin levels for stock index futures to the Federal Reserve Board, and the Administration strongly supports section 301 of Title III, as amended.

Although the amended Title III language on exclusivity issues, while containing modest improvements and clarification over the current situation, falls short of the broader competition in financial instruments that the Administration initially proposed, the Administration generally supports Title III as amended, in the spirit of the compromise reflected in the amendment.

The Administration supports enactment of S. 207 if it is further amended to:

Clarify that computerized trading should not be restricted to being an adjunct to the open out cry auction system. This could be accomplished by inserting the words "both as a separate system or" following "computerized trading" in section 267 and substitute "encouraged" where the word "directed" first appears. The CFTC should be directed to study the viability of computerized trading and report to Congress.

Eliminate the proposed exemption in section 102 for the CFTC from Federal pay caps and the regular compensation system. The Federal Employees Pay Comparability Act of 1990 provides numerous pay flexibilities to permit the CFTC to recruit and retain highly qualified personnel.

Conform the provision on the CFTC's undercover authority in section 262 with the provision contained in section 203 of H.R. 707 as passed by the House. The House language would offer greater consistency with current practice.

Amend subtitle F to protect from compelled disclosure certain information provided by foreign regulators. This provision is necessary to ensure that foreign governments are willing to share with the CFTC sensitive financial information.

Delete the provision in section 263 that would authorize the General Accounting Office to have direct access to information maintained by futures markets and related organizations. This information can already be obtained from the CFTC.

Delete the requirement in section 268 that the CFTC "take into consideration, and endeavor to serve" the producers of agricultural commodities. This requirement would severely compromise the CFTC's role as a neutral regulator.

Delete the requirement in section 267 that the CFTC cooperate in efforts to remove trade barriers related to electronic trading systems. Trade issues should receive careful consideration in separate legislation.

Increase penalties for certain prohibited commodity transactions, strengthen, ethics reporting provisions, enhance audit trail requirements, and clarify insider trading provisions.

Authorize the CFTC to ban dual trading if it concludes that the benefits of such a ban would exceed its costs.

The Administration would oppose any amendment to remove or limit the increase in CFTC fee collections and any amendment similar to section 214 of last year's House-passed version of H.R. 2869. That section purported to limit the President's choice of persons who could be nominated for the CFTC and would conflict with the Appointments Clause of the Constitution.

SCORING FOR THE PURPOSE OF PAY-AS-YOU-GO AND THE CAPS

S. 207 would increase federal revenues as a result of the service fees established in the bill. Because no pay-as-you-go spending is mandated in the bill, these revenues would be counted as an offset to the end of the year pay-as-you-go requirement, which must be met to avoid a sequester. The bill also would authorize the appropriation of amounts that are substantially higher than those included in the current services baseline for the CFTC. The authorization is not subject to pay-as-you-go requirements.

OMB's preliminary scoring estimates are presented in the table below. Final scoring of this legislation may deviate from these estimates. If S. 207 were enacted, final OMB scoring estimates would be published five days after enactment, as required by the Omnibus Budget Reconciliation Act (OBRA). The cumulative effect of all enacted legislation on the pay-as-you-go requirement will be issued in monthly reports transmitted to Congress.

Estimates for pay-as-you-go

(Increased receipts in millions of dollars)

1991	0
1992	3
1993	6

1994	11
1995	16
1991–95	36

Mr. LUGAR. Madam President, I ask unanimous consent that a letter to me signed by 25 agriculture groups in support of S. 207—and I would mention these groups are substantial ones, including the American Farm Bureau, the National Grange, the Pork Producing Council, the National Turkey Federation, the National Corn Growers Association, National Conference of Farmer Cooperatives, the National Farmers Organization, the National Grain & Feed Association, in essence almost the entire spectrum of farm organizations all signing—be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 19, 1991.

Hon. RICHARD G. LUGAR,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR LUGAR: The "Futures Trading Practices Act of 1991," S. 207, may soon come to the Senate floor for consideration. The undersigned agricultural groups urge you to support that bill as unanimously approved by the Committee on Agriculture, Nutrition and Forestry. If an alternative proposal is offered to change the compromise contained in Title III of S. 207, we would ask you to oppose such an amendment.

If enacted into law, S. 207 would reauthorize the Commodity Futures Trading Commission (CFTC), institute a number of regulatory reforms, and resolve long-standing jurisdictional disputes between the CFTC and the Securities and Exchange Commission. It is this last item, jurisdictional issues, that has delayed Senate consideration of the bill for nearly two years.

We believe the bill as approved by the Committee contains a true compromise on the jurisdictional issues. Under current law, all commodity futures and options contracts fall under the exclusive jurisdiction of the CFTC. In contrast, the measure approved by the Committee has the CFTC relinquish some of that jurisdiction based upon the function of the instrument in question as determined by a straight-forward numerical formula. If the potential profit or loss on the new product is predominantly commodity-related, it would be regulated by the CFTC. If not, the SEC would be the regulator. Thus, the appropriate regulatory structure for new financial instruments would be certain and appropriate based on the uses of the product.

S. 207 would also give the Federal Reserve the authority to require exchanges to increase margins for stock index futures. This is a historic change from current law, but it was carefully crafted by the CFTC, Treasury Department, and Federal Reserve to ensure that day-to-day margin authority remains with exchanges.

The bill that emerged from the Agriculture Committee represents a delicate balance in addressing complex issues. Therefore, it is important to support S. 207 as a package, including all the elements of the compromise realized in Title III of the measure.

Sincerely,

American Agri-Women, American Cotton Shippers Association, American Farm Bureau Federation, American Feed Industry Association, American Meat Institute, American Oat Association, American Soybean Association, Millers National Federation, National Association of Wheat Growers, National Barley Growers Association, National Cattlemens' Association, National Corn Growers Association, National Cotton Council.

National Council of Farmers Cooperatives, National Farmers Organization, National Farmers Union, National Grain and Feed Association, National Grain Sorghum Producers Assoc., National Grain Trade Council, National Grange, National Pork Producers Council, National Turkey Federation, North American Export Grain Association, Rice Millers Association, U.S. Beet Sugar Association.

Mr. SEYMOUR. Madam President, I rise today in support of S. 207, the Futures Trading Practices Act of 1991, which was reported unanimously by the Senate Agriculture Committee.

Madam President, our Nation's futures and securities markets play a critical role in our economy. This bill strengthens both.

Specifically, the Futures Trading Practices Act of 1991 reauthorizes the Commodity Futures Trading Commission for 5 years, institutes strict regulatory reforms to curb trading abuses, and provides for the resolution of long-standing jurisdictional disputes between the CFTC and the Securities and Exchange Commission. This legislation ensures that American futures and securities markets remain productive, innovative and internationally competitive.

This bill is supported by the administration and has strong bipartisan support here in the Senate. I urge my colleagues to support the Agriculture Committee bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank very much the distinguished Senator from Indiana [Mr. LUGAR], the distinguished Senator from Iowa [Mr. GRASSLEY], both distinguished Senators from Illinois [Mr. DIXON and Mr. SIMON], the distinguished Senator from Alabama [Mr. HEFLIN], for their strong words of support of S. 207.

I say that, Madam President, because each of these Senators have worked very hard in helping us reach the point at which we are here, and each one of these Senators are well aware of the stakes involved in the commodity market.

Madam President, I understand there are not other Senators to speak on S. 207 tonight. I see the Senator from Mississippi on the floor.

I yield to the Senator from Mississippi.

Mr. COCHRAN. Madam President, I rise today in strong support of S. 207, the Futures Trading Practices Act of 1991, which was unanimously passed out of the Committee on Agriculture, Nutrition and Forestry on March 6.

Futures markets play an important role in our Nation's economy. In order for futures markets to operate in an efficient and effective manner, market integrity and customer confidence must be ensured.

This bill, which is supported by the administration in the spirit of compromise, reauthorizes the Commodity Futures Trading Commission [CFTC] for appropriations over the next 5 years, and it institutes a number of needed regulatory trading practice reforms dealing with audit trail technology, dual trading and insider trading. The bill also resolves long-standing jurisdictional disputes between the CFTC and the Securities and Exchange Commission [SEC].

This bill will require futures exchanges to implement within 3 years new audit trail technologies capable of capturing transaction times and data independently and rapidly for orders sent to and from trading pits. This technology must meet certain standards as proposed by the General Accounting Office.

Also, this bill will require the CFTC to suspend dual trading at any exchange which cannot adequately oversee trading related abuses. However, the CFTC would have authority to allow dual trading on exchanges for certain products in which suspension of dual trading would harm the public interest.

On the issue of insider trading, S. 207 makes it a felony for an exchange employee or director to trade on or disclose any nonpublic information gained through official duties. This bill also requires any exchange directors to abstain from any matter where they, or a close associate, may have a conflict of interest.

The controversial title III of S. 207 is significant because it will put an end to the regulatory disputes which have delayed passage of the CFTC reauthorization for nearly 2 years. It makes a major step in expanding the role of the Federal Reserve Board in the oversight of stock index futures margins.

While allowing the swaps market to continue to develop in a competitive and innovative environment, this bill provides the CFTC with the authority to exempt certain swaps from its regulation. This provision strikes a balance between permitting financial innovation and ensuring appropriate CFTC statutory safeguards are not evaded.

This bill also provides an objective test for ascertaining appropriate regulating authority for hybrid instruments. The predominant characteristics of the product will be the determining factor, so if the product is more than half a future instrument, CFTC has jurisdiction.

In addition, this bill permits all index participations [IP's] already approved by the SEC or awaiting SEC approval as of December 31, 1990, to be traded on a securities exchange. This resolves the IP dilemma by allowing the six stock IP's previously approved by, or submitted to the SEC, to trade on securities exchanges. It enables securities brokers to offer and sell stock index futures products but with the unique customer protections of futures regulation.

The Futures Trading Practices Act of 1991 represents a comprehensive and good-faith effort to resolve the jurisdictional squabble which has existed for nearly 2 years. In sum, this bill, will bolster customer confidence because it reflects a consensus among the administration, the futures industry, and securities industry, and U.S. agriculture. I urge my colleagues to support this bill.

Mr. LEAHY. Madam President, I compliment the distinguished Senator from Mississippi, who has also been a key and pivotal figure in helping put together S. 207, has worked very hard to bring together the obviously competing courses we have talked about here today, and has been an invaluable aid on this.

Madam President, if there are not other Senators to speak on S. 207, I was going to make an unanimous consent request on behalf of the majority leader which would then allow time to be placed under the control of either the Republican leader or his designee, Senator THURMOND.

Madam President, I see the distinguished senior Senator from Georgia. Was he waiting to speak on S. 207?

Mr. NUNN. No, I will be speaking on the other matter and will acquire time from Senator THURMOND.

Mr. LEAHY. I assumed the Senator would.

MORNING BUSINESS

Mr. LEAHY. Madam President, if there are no others to speak on S. 207, I ask unanimous consent, on behalf of the majority leader, that there be up to 1 hour for morning business with Senators permitted to speak therein and that the time be under the control of the Republican leader or his designee, Senator THURMOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOHN AMOS

Mr. THURMOND. Madam President, I rise to pay tribute to John Amos of Columbus, GA.

Madam President, when Mr. John Beverly Amos of Columbus, GA, died in August 1990, the citizens of his city, State and Nation lost a great man. John Amos was an outstanding champion of the free enterprise system, a fierce defender of the democratic way, an innovative enterpreneur, a generous philanthropist, a loyal friend, and devoted family man, and a delightfully warm and witty human being.

Mr. Amos was principal founder, chairman of the board and chief executive officer of American Family Corp., and of American Family Life Assurance Co. of Columbus [AFLAC], the company he founded in 1956. American Family Corp., with assets of more than $8 billion, is now the world's largest underwriter of guaranteed renewable specialty insurance and protects more than 38 million people worldwide.

Mr. Amos was more than a businessman, Madam President—he was a man of vision. John Amos was born on June 5, 1924, in Enterprise, AL. He was raised and educated in Enterprise and in Milton and Jay, FL. With his father, he dreamed of someday founding an insurance company. At the age of 13, he founded a newspaper, the Jay (FL) Tribune, revealing his natural flair for business. He ran the newspaper until he joined the U.S. Army in 1943.

By the time his military service was concluded, John Amos had made the decision to study law and enrolled as an undergraduate at the University of Miami. There he met the beautiful Elena Diaz-Verson, a prelaw student, the university's first female exchange student, and the daughter of a noted Cuban Journalist and author. Six weeks after they met, they were married.

Upon his graduation from the law school of the University of Florida, Mr. Amos practiced law in the Florida Panhandle. He became the first full-time city attorney to Fort Walton Beach, where he also served as general counsel to the Okaloosa Gas District and to the 1954 Southern Governors Conference.

In 1955, with less than $40,000 in capital, John Amos chose Columbus, GA, as a fertile environment in which to launch is dream of founding an insurance company. Today, the American Family Life Center houses most of the 3,500 men and women who serve the company's claimants, policyholders and stockholders. More than 11,000 independent licensed sales associates in the United States, and more than 14,500 in Japan, have found careers marketing American Family Life's products.

Mr. Amos' life was one of achievement and honor. He received numerous well-deserved accolades and awards, which he accepted with rare grace and humility. It was especially gratifying to me to learn that Mr. Amos was to be honored by the Emperor of Japan as the recipient of the highest award a non-Japanese can be given that nation—the Order of the Sacred Treasure, Gold and Silver Star. The award was made posthumously in January of this year, and accepted by John's son, Mr. John Shelby Amos, II, on behalf of himself and his mother.

Mr. Amos broke new ground in promoting harmonious relations between the United States and Japan. His company's tremendous success in Japan has become an international industry legend. American Family Life—the first United States insurance company to be licensed there since World War II—entered Japan in 1974 with an initial investment of $1.6 million. The company's total Japan branch assets are not valued at more than $6 billion.

Mr. Amos made great efforts to share with other American companies the expertise he gained while working side-by-side with the Japanese. He believed that foreign enterprise can and will prosper in Japan, and that the global economy of the future requires that we strive for positive, mutually respectful relations. The United States Ambassador to Japan, Mr. Michael M. Armacost, has repeatedly praised Mr. Amos' efforts toward improved United States-Japan relations. The high esteem in which he was held by the Japanese people was demonstrated when thousands of morners attended memorial services for him held simulanteously in 26 Japanese cities.

John Amos' success and sterling reputation also earned him Forbes magazine's recognition as chief executive officer of America's most innovative insurance company. In 1989, he was awarded Financial World magazine's Bronze Medal as Insurance Industry CEO of the Decade. In his own community of Columbus, GA, the Columbus Medical Center named their comprehensive cancer treatment facility in his honor.

During their 45 years of marriage, Elena Amos worked at John's side in every venture. As we take this time today to honor his memory, I know he would want his wife to share in every aspect of this tribute. Their cooperative efforts resulted not only in the fine company which bears their mark of distinction, but in their countless act of charity and generosity which have touched the lives of thousands.

I would like to include a few words of a tribute John Amos wrote about his wife:

> Elena served as first lady of the American Family Life Assurance Company since its beginning, in every sense of the term, with every duty implied. She has had the honor and the privilege of entertaining in her home Governors, Congressmen, Senators, Vice Presidents, Presidents, diplomats and dignitaries. The sun never sets on the active interests of American family or Elena Amos. She is welcome—and feels at home—as a representative of Columbus and her adopted United States, in any nation in the world. She is a good wife, mother, grandmother, and a good citizen, and I love her and am very proud of her personal achievements.

Madam President, John and Elena built a world that enriched the lives of so many: Their children, John Shelby Amos II and Maria Teresa Amos Land; their grandchildren, John Beverly, Elena Maria Teresa, Donald, John W., Chana Gail and Jacob; their legions of friends and admirers; the thousands of associates and employees of the American Family Corp. throughout the world; and the millions of policyholders and stockholders who have benefited from the stewardship of John Amos. It is most fitting that these individuals look with pride at today's celebration of the life of John Amos. I am proud to bring his accomplishments to the attention of this distinguished body.

Those of us in this Chamber who called John Amos a friend deeply feel his loss. Our love and support are with his widow, the lovely Mrs. Elena Diaz-Verson Amos, and the entire Amos family.

I yield to the distinguished senior Senator from Georgia.

Mr. NUNN. Madam President, I thank my friend from South Carolina for yielding.

I further thank him for his dedication and his friendship to John Amos who was a wonderful citizen of our State.

Madam President, Georgia and our Nation lost a patriot, an entrepreneur, and a wonderful citizen when John Amos died in August 1990. I lost a dear friend.

John Amos has been heralded and will continue to be heralded for his achievements nationally and internationally. I particularly remember his contributions to his chosen State, his city, and his region. John was born in Alabama and grew up and was educated in Florida, where he met his lovely wife, Elena Diaz-Verson, the first woman exchange student at the University of Miami. John chose Columbus, GA, to launch his dream—what is now the world's largest underwriter of guaranteed renewable specialty insurance, with more than 38 million policyholders worldwide.

Starting with less than $40,000, John built the American Family Life Corp. into a company with assets of more than $8 billion. Forbes magazine said John Amos was chief executive officer of America's most innovative insurance company, and in 1989 he was awarded Financial World magazine's Bronze Medal as Insurance Industry CEO of the Decade.

But John Amos did not just build a company. He helped build a community and a State. His active personal and financial support included not only the American Cancer Society and the Cancer Treatment Center at the Columbus Medical Center that now bears his name, but Columbus College, Boy Scouts and Girl Scouts, the Good Shepherd Riding Academy where handicapped children who have difficulty walking can learn to ride, the Columbus Museum and Symphony, and many other causes that he contributed to. He did many things that no one knows about. I know personally of several things he did, and he did them anonymously. He served on the board of the Urban League and donated his home to the 10th Street Community Center. John was extremely supportive of small, independent colleges and the united Negro college fund because he believed that both reach many youngsters whose needs are often not met by the large State institutions.

John Amos was not only a health insurance pioneer in his own country, but in Japan as well. His was the first American insurance company to be licensed in Japan after World War II, entering Japan with an initial investment of $1.6 million in 1974. AFLAC's Japanese branch assets are now valued at more than $6 billion.

John was honored after his death with the highest award Japan gives those who are not citizens of that country, the Order of the Sacred Treasure, Gold and Silver Star, on January 30, 1991. And I was fortunate to be with Elena Amos and the family at that presentation. As letters from the Prime Minister and Cabinet Secretary indicate, John was honored for introducing and expanding health insurance products in Japan, inproving their health by making the people aware of health problems, and for improving trade relations between our countries. John Amos's appreciation and respect for Japanese customs, and his experience in introducing new products and services to the people of Japan made him a very valuable resource for other American businesses. He was a pioneer. He showed the way and he explained the way the system works to many others who followed. John firmly believed that positive trade relations were valuable for both nations, and that foreign enterprises could compete profitably in Japan.

That the Japanese people shared their Government's respect for John Amos and felt genuine affection for him was demonstrated by the thousands of mourners who attended memorial services for him held simultaneously at 26 locations in Japan.

John loved the democratic process. He loved politics and our political system. And John Amos devoted himself to supporting what he felt were the most capable people for offices at all levels, from local to national. He was a strong supporter of the U.S. Armed Forces. He and Elena had strong ties from the beginning to the School of the Americas at Fort Benning, and established a support group for families of foreign officers, many of whom were not English-speaking, to help them adjust to life in America during their stays. For their caring support, John and Elena received the Department of the Army's Award for Distinguished Civilian Service, the highest award the Secretary of the Army can give civilians.

The Georgia Association of Broadcasters, in recognition of his service in a variety of fields, named him Georgian of the Year in 1985.

John Amos' friends will remember not just the things he did that earned him plaques and plaudits, but the fact that whenever anything was important to the State of Georgia, or to Columbus, or to our Nation, when anything was good for its citizens, he would be behind it, with his influence and also his financial resources.

John was very proud of Elena, who supported his dream from the beginning. During their 45 years of marriage, she was truly a partner in every aspect of his life. Our sympathy goes out to her, and to their children, Shelby Amos and Maria Teresa Amos Land, and his grandchildren: John Beverly, Elena Maria Teresa, and W. Donald Land, Jr., and John W., Chana Gail, and Jacob O. Amos, and other members of their families.

Madam President, John Amos was a close personal friend, and I relied many times on his comments, his keen insight, wisdom, and experience. He will be greatly missed by all of those whose lives he touched.

Madam President, again I thank my friend from South Carolina and also I thank him and many others here in the Senate for their longstanding faithful friendship to a great citizen of our State, John Amos.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Madam President, I rise today to pay tribute to and celebrate the life of one of my dear friends, Mr. John Beverly Amos. His death this past August left me with a void which will not soon be filled, a sadness which will not soon be lessened.

I had known John for many years and was honored to be one of the pall bearers at his funeral. John and I shared deep roots in both Georgia and Alabama as well as a firm belief in both the free enterprise system and in the democratic form of government. While I was born in Georgia and have made my home in Alabama, John Amos was born in Enterprise, AL, before eventually settling in Columbus, GA. While we both studied law and entered practice our paths soon diverged.

Many Senators knew John in one capacity or another for he was the kind of man who easily traveled among influential circles. Perhaps one of the characteristics which made John such a great man was his desire to help make life a little easier for those who were not so influential. He dedicated the better part of his life to establishing an insurance company and developing insurance products to ease the burden of illness or death on working families.

John Amos is one of the few people in this world who dreamed grand dreams and then had the fortitude to work and toil to realize those dreams. In 1955, when John began this endeavor, few could have imagined the fabulous success he would achieve with his insurance company. From a small endeavor begun with less than $40,000, the American Family Life Assurance Co. has grown into an international company with 3,500 employees in Columbus, and almost 30,000 independent licensed sales agents in the United States and around the world. Today it has over $8 billion in assets and is the largest underwriter of guaranteed renewable specialty insurance in the world.

John Amos' contributions to Japan have been almost as extensive as those to the United States. His influential work in Japan with health insurance, with increased public awareness of cancer and with easing trade friction between the United States and Japan earned him the Japanese Government's highest award to a non-Japanese, the Order of the Sacred Treasure, Gold and Silver Star. I know that John endeared himself to the Japanese through his hard work and his trustworthy business dealings and they, in turn, afforded him the same respect.

John Amos also won recognition in this country as Forbes magazine named him the chief executive officer of America's most innovative insurance company. In 1989, Financial World magazine awarded him its Bronze Medal as Insurance Industry CEO of the Decade.

As all of my colleagues can imagine, John Amos was an extremely busy man. It says something about John's character that he was able to make time for numerous philanthropic and civic activities. He was the past president of the Goodwill Industries of Columbus and a trustee of Morris Brown College in Atlanta. He was also a member of Georgia's Third District Democratic Committee.

Madam President, my thoughts and prayers are with John's wife of 45 years, Elena Diaz-Verson Amos and with his children and grandchildren. I feel fortunate to have known John Amos and I know how proud of him they are. He provides us all with an example of how to fulfill our dreams while making others' lives easier.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I now yield to the able Senator from North Carolina [Mr. HELMS].

The PRESIDING OFFICER. The Senator from North Carolina.

IT WAS GRADUATION DAY FOR JOHN BEVERLY AMOS

Mr. HELMS. Madam President, the distinguished Senator from South Carolina, Mr. THURMOND, Mr. NUNN, Mr. HEFLIN and other able Senators have already remarked upon the details of the splendid career of John Beverly Amos. Let me, for my part, talk about the life of John Amos, a man loved and admired by so many.

In my own case, I shall never forget the morning that I first met him several years ago. It was a busy morning in our office. Our receptionist signaled me on the intercom and said, "Senator, I slipped away from my desk to let you know that the nicest man just came in. I know you have a full schedule of appointments, but I think you'll want to meet Mr. John Amos, he's such a pleasant gentleman."

It so happened that the next appointment was a few minutes late, so I suggested that John Amos be brought in. As he entered, John said: "I'm just going to poke my head in; I know what a nuisance it is to have someone come by without an appointment." I waved him in and for the better part of 20 minutes I was in the company of one of the most delightful men I've ever known.

Madam President, I must be frank. I knew very little about John Amos beyond the fact that he was chairman and CEO of a major insurance company in Columbus, GA. During that first brief visit—there would be many more visits in later years—I remember John Amos' friendly smile, his unpretentiousness, his vast knowledge of current affairs and, most of all, his love of God and country.

There was nothing holier-than-thou about him. He was simply a man who understood the miracle of America, the free enterprise system. And, as I was to learn later—from others, not from John Amos—John had an abiding love for his fellow man. During his lifetime, he did so much for so many, but he never said anything about it. He did his good works privately and quietly.

He was a loving, caring husband, father and grandfather. Later on, Dot and I came to know John's dear wife, whom he loved. He unfailingly credited Elena Diaz-Verson Amos with, as he put it, "what little success" he had enjoyed. "I'm a lucky man," he often said.

Perhaps that was so. But he also was hard-working, brilliant, honest and fair. John's word was his bond, and he was trusted as well as admired.

Then, Madam President, John Amos became terminally ill, but he never complained, nor did he ever feel sorry for himself. I remember sitting with John and Elena at a breakfast in New York a couple of years ago. Never once did he mention his ill health. Instead, he talked of his wife and family, and the wonderful people who worked with him at the American Family Corp. "I am a blessed man," he said quietly.

Finally the news came that John was gone. He had fought valiantly against the dreaded malignancy that eventually claimed his life—just as he had fought for, all his life, a set of principles that deserve to survive.

Several of us in the Senate who had known and loved John Amos were honored to be asked to serve as pallbearers at John's funeral. Former President Jimmy Carter also served, as did two Members of the U.S. House of Representatives.

It was a sad yet uplifting occasion. The clergymen who conducted the services were magnificent in their personal memories of John and the way that John Amos so quietly but sacrificially helped others less fortunate than he.

It dawned on me, during the services, that those of us who were mourning the passing of John Amos were in fact sorry for ourselves. We had lost a friend. The Nation had lost an example of its greatness. But for John Amos, it was graduation day. He had been lifted into the arms of his Heavenly Father whom John had served so long, so faithfully and so well.

Of some men it can be said: He was one of nature's noblemen.

Madam President, John Amos was one of nature's noblemen.

Mr. PRESSLER. Madam President, I rise today to join in paying tribute to a man of outstanding business accomplishments who improved the lives of countless people at home and abroad. John Beverly Amos of Columbus, GA, who passed away while Congress was in recess last August, was an ingenious businessman and someone who devoted himself to the welfare of people everywhere. I was privileged to know him and count him as a good friend.

It is not surprising in retrospect that by the time John Amos had reached the ripe age of 13 years, he founded a newspaper in his hometown of Jay, FL. He published and managed the paper until joining the U.S. Army in 1943.

At the close of World War II, John entered law school at the University of Miami, where he met his wife-to-be Elena Diaz-Verson, the daughter of a noted Cuban journalist and author. He practiced law until 1955, when he and his family moved to Columbus, GA. There, with less than $40,000 of capital he founded the American Family Life Assurance Co. American Family is a specialty insurer, the dominant business of which is supplemental accident and health insurance with emphasis on cancer coverage.

At the close of 1990, the assets of American Family exceeded $8 billion, and revenues totaled $2.6 billion. Much of this growth resulted from the exceptional business success John Amos achieved for the company in Japan. American Family continues to dominate the Japanese market for cancer insurance. More than 90 percent of the companies trading on the Tokyo Stock Exchange offer American Family's products to their employees. Its assets in Japan are now valued at more than $6 billion.

In recognition of his outstanding contribution to Japan, John Amos posthumously received, upon the recommendation of the Japanese Cabinet, the highest award a non-Japanese can be given, the Order of the Sacred Treasure, Gold and Silver Star. That his contribution to Japanese life was widely appreciated was demonstrated by thousands of Japanese who attended memorial services for him in many Japanese cities.

Despite the demands of business, John Amos devoted much of his effort to furthering the welfare of others, including the improvement of racial relationships in Columbus and elsewhere. He often received special recognition for his accomplishments in these efforts. He served on numerous civic boards and organizations. Throughout his life, John Amos was a consummate family person. He was devoted to his wife Elena, their children and grandchildren. We honor here today a truly great person.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Madam President, I now yield to the able Senator from Iowa [Mr. GRASSLEY].

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise today to commemorate the outstanding accomplishments and contributions of John Beverly Amos, who was not only a legendary success in the international insurance industry but also a delightfully warm and generous human being. Those of us who called John Amos a friend deeply feel his loss and our love and support are with his wife, Elena Diaz-Verson Amos, his children and his grandchildren. Mr. Amos was more than just a businessman; he was a man of vision. As a young man, he dreamed of someday founding an insurance company. In 1955, with less than $40,000 John Amos launched his dream, the American Family Life Assurance Co. of Columbus [AFLAC]. The company is now the world's largest underwriter of guaranteed renewable specialty insurance and its products protect more than 38 million people worldwide. The American Family Life Center in Columbus, GA, is headquarters for most of the 3,500 men and women who serve the company. In addition, AFLAC's products have provided career opportunities for more than 11,000 independently licensed sales associates in the United States and more than 14,500 in Japan.

John Amos's life was full of many honors, each of which was well-deserved. One of the greatest honors he received, the Order of the Sacred Treasure, Gold and Silver Star, was presented to John posthumously by the Emperor of Japan. This honor is the highest award a non-Japanese can be given and it is only given upon the recommendation of the Japanese Cabinet on the basis of distinguished service and contribution to Japan. Japan's Prime Minister, Mr. Toshiki Kaifu, and Chief Cabinet Secretary, Mr. Misoji Sakamoto, explained that Mr. Amos's selection for this high honor was based on his introduction of health insurance products in Japan, his efforts to create public awareness of cancer in Japan, his design and marketing of dementia care protection and his positive contribution toward the mitigation of trade friction between the United States and Japan.

Among his many contributions to Japan, I want to stress the significance of Mr. Amos's efforts to promote harmonious relations between the United States and Japan. Mr. Amos expended a great deal of his efforts to share with other United States enterprises, the experience he gained working side by side with the Japanese. He sincerely believed that the global economy of the future requires positive, mutually respectful relations between countries.

There was probably no man more qualified to share his expertise in these matters, Madam President. American Family Life Assurance Co.—the first United States insurance company to be licensed in Japan since World War II—entered Japan in 1974 with an initial investment of $1.6 million. AFLAC's Japan branch assets are now valued at more than $6 billion. Today, 92 percent of the leading companies on the Tokyo Stock Exchange offer AFLAC's products to their employees and more than 20 percent of all Japanese households are protected by AFLAC's products.

It was not just his business accomplishments which endeared Mr. Amos to the Japanese people. He earned the trust and respect of the Japanese people and at his death, thousands of mourners honored him by attending memorial services held in 26 Japanese cities.

But, Madam President, he was not alone in his work. During their 45 years of marriage, Elena Amos worked at John's side in every venture. If John Amos could be with us today, I know he would want his wife to share our praise for his accomplishments. But I cannot match John's own words of tribute to his wife. He said, "she is a good wife, mother, grandmother, and a good citizen, and I love her and am very proud of her personal achievements."

John and Elena's cooperative efforts not only resulted in an outstanding company which bears their mark of distinction, but in countless acts of generosity which have enriched the lives of thousands of people. I believe it is fitting that their children, their grandchildren, the members of their families, their friends, and the countless others enhanced by the quality of the life John built with his wife, Elena, may look with pride as we celebrate their lives. I commend them both for the incredible contributions they have made to their family, their community, this Nation, and the world.

Mr. THURMOND. Madam President, I now yield to the able Senator from Utah [Mr. HATCH].

Mr. HATCH. Madam President, I want to thank my colleague for yielding to me because this is a very important matter to me. I come here and rise to pay tribute to two of my best friends, John and Elena Diaz-Verson Amos. They have been two of my best friends since I have come to Washington. They have always gone out of their way for me and have always tried to help us with the work we do in the U.S. Senate.

I want to pay tribute especially to the late John Amos. John was a man who was not only a successful businessman and entrepreneur, but he was a true friend to many of us in this Chamber. He was a loving father and he was a wonderful husband to Elena, as she was a wonderful wife to him.

I do not need to go into detail regarding all of his professional accomplishments and the accolades that naturally have come because of what this man accomplished. As we well know, he was chairman of the board and chief executive officer of American Family Corp. and the American Family Life Assurance Co. But that was only one aspect of his diverse and very outstanding life.

I have to say that he built that business into the largest in the world from really scratch. He is one of the greatest Horatio Alger stories in the history of this country. I wish those who are currently managing those businesses have great success as they continue to arch forward and continue the legacy of John Amos.

Mr. Amos supported a number of charities and helped numerous people who desperately needed his assistance. As I knew him, he was always willing to lend a helping hand to the less fortunate. He went out of his way all the time for people. I will never forget the friendship, the advice, the counsel, and the downright love and kindness that he gave to me over the years, and I miss him very much.

I also want to, in these short remarks, extend my love to his widow, Mrs. Elena Diaz-Verson Amos and their children, John Shelby Amos, and Maria Teresa Amos Land.

I want them to know that he is not forgotten here and elsewhere throughout the world. This man is going to live in the memories of a lot of us for all of our lives.

I would also like to just kind of say that one of the things that gave me the greatest joy was to see John Amos take his business to Japan. He was one of the few American businesses who got a lot more out of Japan than they got out of him, although, in a sense, they got an awful lot of John because he provided them with insurance that they could not have gotten otherwise which, of course, became a matter of great honor to them and to John.

The point is, he helped to turn around the balance of trade with his tremendous business acumen as he worked in Japan. He went over there. He loved the Japanese people; they loved him. John always wore white suits. He had this beautiful head of white hair.

He never complained. I saw him suffer tremendously in his lifetime. He never once complained. He would sit down and give me the most practical homespun, commonsense advice of anybody I have known in my political life. I personally am not a bit reticent to tell everybody who watches this or reads the RECORD or hears what I have to say that I truly love John Amos and I love his wife Elena and I consider them two of the best friends I have ever had on the face of this Earth.

I wish Elena and her family the very, very best. I wish the business to continue and set the stage, and the example, and the trends in this very important phase of insurance. They have done an awful lot of good for people all over this country. I wish John's relatives who are now running the business the very best success that they can possibly have because I know they benefit an awful lot of people.

Madam President, I do not want to prolong this, but I do want to express my love and affection and appreciation for the friendship that I have had and for the friendship that has been shown to me by these good people and thank all of the Senators who have shown the kindness and courtesy and love for them this day.

I was one of the pallbearers who was honored, deeply honored, to serve at the time of John's death. I have to tell the family that was a very, very moving service. It was one that I think was worthy of John and all of us felt.

I do not have anything more to say other than I love Elena and her family very much and wish them the very best and hope everything goes well for them in the future. I yield the floor.

Mr. SHELBY. Madam President, I rise today to join with my colleagues in paying tribute to John Amos, his life and his legacy.

As a Representative of the State of Alabama, I must first claim John Amos as a native son. Born in Enterprise, AL, in 1924, John was the son of John Shelby and Helen Mullins Amos. Some of you may have noticed that I share a name in common with the Amos family. I am sorry to note, however, that we are not kin. I would like nothing better than to claim a man of such integrity, foresight, skill, and kindness as a relative.

My Senate colleagues have and will continue to extol John Amos' entrepreneurial endeavors. But John did much more than build a successful business. He built a life—a life that was completed by his family and his work to better his community, this country, and our world. John was also the recipient of many awards and honors, including the one bestowed posthumously by the Japanese Cabinet: The Order of the Sacred Treasure, Gold and Silver Star. The best tribute to John, however, can be found closer to his home in Columbus, GA—in his family and the people who worked for him at American Family.

Today there are a lot of people who look at this Nation's trade imbalance and try to assign blame on one country or another. In 1974, John Amos looked to conquer a new market with his insurance products. Nearly two decades later, more than 20 percent of Japanese households rely on American Family Life Assurance Co.'s protection.

American Family Life's success in Japan speaks to the tremendous diplomatic finesse of John Amos and his skill at adopting American business ideas to the uniqueness of the Japanese culture. John Amos didn't rest on his success in the Japanese marketplace—he shared what he learned with other American companies, so that they too would benefit. John Amos was a man who helped clear the path toward a more global economy.

John Amos wrote how proud he was of his wife, Elena, and of her many accomplishments. We are pleased that Mrs. Amos could join us in Washington today. She has come from their home in Columbus, GA, to express her pride in John's achievements. It is important to note just how instrumental she was in the attainment of all John's goals.

Today, Madam President, we salute John Amos. His legacy is one that will live on through his wife, his children, and grandchildren, and in the many employees and beneficiaries of the American Family Life Assurance Co.

Mr. FOWLER. Madam President, I rise today to honor the memory of John Beverly Amos, a great Georgian and a personal friend of mine. His death in August 1990, left a void in our community that can't be filled. We lost a fine man who believed in our Nation and our political system, a man who did all he could to improve both and to encourage others to exercise their civic duties as well.

My thoughts and prayers are with Mr. Amos' widow, his children, and his grandchildren, who lost a loving husband, a caring father, and a proud grandfather. His life was one of great achievement. He was a citizen of Columbus, of Georgia, of the United States and of the international business community.

When Mr. Amos founded the American Family Life Assurance Corp. in Columbus, GA, he parlayed an initial $40,000 investment into an organization that now is the world's largest underwriter of guaranteed renewable specialty insurance. However, he did more than establish a business, he created livelihoods for more than 3,500 men and women who serve the company's claimants, policyholders, and stockholders, 11,000 independent licensed sales associates in the United States, and more than 14,500 in Japan. He created an insurance organization that, with assets of more than $8 billion, protects more than 38 million people worldwide.

For all of his success, accomplishments and recognition, John Amos will be remembered for much more than his astute business judgment. He will be remembered for his generous philanthropy, his strong sense of family, his loyal friendship, his belief in the democratic way, and his warm sense of humor. These are the qualities that make all those who knew John Amos miss him sorely.

Mr. Amos' life stands as a example for those who dream of better lives for themselves, their families, and those in their communities. At a young age, he dreamed of establishing an insurance company with his father and worked all his life to fulfill that dream.

He started his stellar business career by founding the Jay Tribune in Jay, FL. when he was 13 years old. From his work at the newspaper, where he was responsible for every aspect of the newspaper including selling advertising, writing editorials, and all those tasks that fall between, he was able to foster his appreciation for our political system and serve his belief in the public's right to know.

Mr. Amos worked at his newspaper until he entered the U.S. Army in 1943. After completing his Army tour, he went on to the University of Miami, where he met and married his wife of 45 years, Elena Diaz-Verson. After graduation, he enrolled in the University of Florida's law program. In 1949, he began practicing law in the Florida Panhandle, becoming the first full-time city attorney to Fort Walton Beach, where he served as general counsel to the Okaloosa Gas District and to the 1954 Southern Governors Conference.

But to many Georgians and, indeed, many people all over the world, his most important career decision came in 1955, when he chose Columbus as the city in which he would establish his insurance company and fulfill the dream of a lifetime. Georgia has never been quite the same since he settled there and it will never be the same now that he has gone.

Madam President, John Amos lived his life in a manner that set a standard of excellence that serves as an example to any American longing to live a life that will uplift his community, that will positively affect his neighbor, and that will make his family proud, because this is how John Amos lived. I am honored to have been fortunate enough to have called him a friend.

Mr. HOLLINGS. Madam President, when John Beverly Amos died last summer, the United States lost a truly remarkable and innovative business genius. Those of us who had the honor of his friendship and counsel will remember, above all, his fine personal qualities—his loyalty, his generosity, his warmth, and wit. Those who did not have the pleasure of knowing John personally are more likely to remember him as a business titan, as a spirited champion of the free enterprise system, and as an entrepreneur who wrote the book on how Americans can successfully penetrate the Japanese market.

Madam President, John Amos was founder, chairman, and chief executive officer of American Family Corp. and of American Family Life Assurance Co. [AFLAC] of Columbus, GA. With assets of $8 billion and 38 million clients worldwide, AFLAC is the world's largest underwriter of guaranteed renewable specialty insurance.

John Amos was recognized by Forbes magazine as chief executive officer of America's Most Innovative Insurance Co. In 1989, he was awarded Financial World magazine's Bronze Medal as Insurance Industry CEO of the Decade.

Surely John's singular achievement, however, was his success in penetrating the Japanese market for insurance services. Today, more than 20 percent of Japanese households are protected by AFLAC's products, and it is projected that AFLAC's aggressive courtship of the Japanese market will win it a 30-percent market share by the middle of this decade.

Madam President, I know it was a personal mission of John's to foster mutually respectful and constructive relations between the United States and Japan. And, because of the special esteem in which he was held by Japanese business people and government officials, he performed superbly as a goodwill ambassador and corporate missionary to the Japanese people.

In part, John Amos' special status in Japanese eyes was a byproduct of the stunning success of AFLAC in the Japanese market. In part, it was John's dedicated efforts in Japan to create public awareness of cancer and—at the request of the Japanese Government—to design and deliver dementia care protection for the Japanese people. Yet the biggest reason for his special status in Japan was simply his unique and sterling character as a human being.

One measure of the Japanese people's esteem for John Amos was the awarding to him posthumously of the Order of the Sacred Treasure, Gold and Silver Star. This rare honor, the highest award a non-Japanese can be given by the Government of Japan, was bestowed at the recommendation of the Japanese Cabinet and with the approval of the Emperor. It is a remarkable testimonial to the positive impact John Amos had not only on his native country, but also on the nation of Japan.

Madam President, John is survived by a charming wife, Elena Diaz-Verson Amos—a remarkable person in her own right; also by two children, Shelby Amos and Maria Teresa Amos Land; and by six grandchildren. They were the most important aspect of his life. In turn, I know how much they loved John and treasure his memory.

Madam President, we mourn the passing of John Beverly Amos. However, our fond memories of this exceptional man remain vividly with us. Two nations—his native America and his adopted Japan—are better today because of John's life work.

Mr. THURMOND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the submission of Senate Resolution 103 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON FEDERAL POLICIES, BUDGETS, AND TECHNICAL ACTIVITIES IN SEMICONDUCTORS, FIBER OPTICS, SUPERCONDUCTING MATERIALS, AND ADVANCED MANUFACTURING—MESSAGE FROM THE PRESIDENT—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

Pursuant to the provisions of section 5141, 102 Stat. 1444, of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418) and Executive Order No. 12661, I transmit herewith the *Report to the Congress on Federal Policies, Budgets, and Technical Activities in Semiconductors, Fiber Optics, Superconducting Materials, and Advanced Manufacturing.*

This report focuses on Federal research and development (R&D) funding levels and policies for four technologies: semiconductors, fiber optics, superconducting materials, and advanced manufacturing. There is an additional discussion of organizational and management issues that affect innovation. The report makes clear that the Administration continues to support R&D in these technologies as well as in other high-technology areas consistent with U.S. technology policy. It highlights Administration views on the appropriate roles for the Government as well as the private sector in such areas as these four technologies.

GEORGE BUSH.

THE WHITE HOUSE, *April 16, 1991.*

PROPOSED RESCISSION OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one proposed rescission, totaling $2,400,000.

The proposed rescission affects the Department of Health and Human Services. The details of the proposed rescission are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *April 16, 1991.*

ANNUAL REPORT ON ENERGY CONSERVATION AND EFFICIENCY STANDARDS—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I transmit herewith the annual report describing the activities of the

Federal Government for fiscal year 1990 required by subtitle H, title V of the Energy Security Act (Public Law 96-264; 42 U.S.C. 8286 *et seq.*). These activities include the development of energy conservation and efficiency standards for new commercial and multi-family high rise buildings and for new residential buildings.

GEORGE BUSH.

THE WHITE HOUSE, *April 16, 1991.*

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the requirements of section 6(c) of the Federal Advisory Committee Act, as amended (Public Law 92-463; 5 U.S.C. App. 2, sec. 6(c)), I hereby transmit the Nineteenth Annual Report on Federal Advisory Committees for fiscal year 1990.

GEORGE BUSH.

THE WHITE HOUSE, *April 16, 1991.*

ANNUAL REPORT OF THE FEDERAL COUNCIL ON THE AGING MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 204(f) of the Older Americans Act of 1965, as amended (42 U.S.C. 3015(f)), I hereby transmit the Annual Report for 1990 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

GEORGE BUSH.

THE WHITE HOUSE, *April 16, 1991.*

PROPOSED AGREEMENT WITH THE HUNGARY CONCERNING THE PEACEFUL USES OF NUCLEAR ENERGY—MESSAGES FROM THE PRESIDENT—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the United States of America and the Republic of Hungary Concerning Peaceful Uses of Nuclear Energy with accompanying annex and agreed minute. I am also pleased to transmit copies of my written approval, authorization, and determination concerning the agreement; the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement; and the joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views.

The proposed agreement with the Republic of Hungary has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. It provides a comprehensive framework for peaceful nuclear cooperation between the United States and Hungary under appropriate conditions and controls reflecting our strong common commitment to nuclear non-proliferation goals.

Hungary has always been a strong supporter of nuclear non-proliferation. It was an original signatory of the 1968 Non-Proliferation Treaty (NPT) and has consistently and actively supported the Treaty in subsequent years. Hungary has been a member of the International Atomic Energy Agency (IAEA) since the Agency's inception and has given firm and consistent support to the Agency's program of nuclear safeguards. It has also cooperated with the United States in efforts to prevent the politicization of the Agency. In the field of physical security, Hungary has implemented responsible measures governing its own nuclear program, and has ratified the Convention on the Physical Protection of Nuclear Materials. Hungary is also committed to implementing a responsible nuclear export policy and to establishing a multilateral system of nuclear-related dual-use export controls. It adheres to the NPT Exporters Committee ("Zangger Committee") Guidelines and to the London Nuclear Supplier Guidelines, and its nuclear exports are also guided by a requirement for full-scope safeguards from recipients.

I believe that peaceful nuclear cooperation with Hungary under the proposed agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Eastern Europe. Cooperation under the agreement will also provide opportunities for U.S. business on terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House Foreign Affairs Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session provided for in section 123 d. shall commence.

GEORGE BUSH.

THE WHITE HOUSE, *April 16, 1991.*

PROPOSED AGREEMENT WITH THE CZECH AND SLOVAK FEDERAL REPUBLIC ON THE PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement Between the Government of the United States of America and the Government of the Czech and Slovak Federal Republic on Cooperation in Peaceful Uses of Nuclear Energy with accompanying annex and agreed minute. I am also pleased to transmit copies of my written approval, authorization, and determination concerning the agreement; the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement; and the joint memorandum submitted to me by the Secretary of State and the Secretary of

Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views.

The proposed agreement with the Czech and Slovak Federal Republic (CSFR) has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. It provides a comprehensive framework for peaceful nuclear cooperation between the United States and the CSFR under appropriate conditions and controls reflecting our strong common commitment to nuclear non-proliferation goals.

The CSFR has consistently supported international efforts to prevent the spread of nuclear weapons. It was an original signatory of the Non-Proliferation Treaty (NPT) and has strongly supported the treaty. It is committed to implementing a responsible nuclear export policy, including a full-scope safeguards export requirement. It has actively supported the work of the NPT Exporters ("Zangger") Committee and adheres to the London Nuclear Supplier Guidelines. It has participated in efforts to establish a multilateral system of nuclear-related dual-use export controls. The CSFR has been a member from the outset of the International Atomic Energy Agency (IAEA) and has played a positive role in the Agency's safeguards and technical cooperation activities. It has also cooperated with the United States and other like-minded members in working to prevent the politicization of the Agency. The CSFR has ratified the Convention on the Physical Protection of Nuclear Material.

I believe that peaceful nuclear cooperation with the CSFR under the proposed agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Eastern Europe. Cooperation under the agreement will also provide opportunities for U.S. business on terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House Foreign Affairs Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

GEORGE BUSH.

THE WHITE HOUSE, *April 16, 1991.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on April 12, 1991, during the recess of the Senate received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 134. Joint resolution to designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as "Jewish Heritage Week"; and

H.J. Res. 197. Joint resolution to designate the weeks of April 15 through 21, 1991, as "National Education First Week."

Under the authority of the order of the Senate of January 3, 1991, the enrolled joint resolutions were signed on April 12, 1991, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 2:43 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1047. An act to amend title 38, United States Code, to make miscellaneous improvements in veterans compensation, pension, and life insurance programs, and for other purposes.

MESSAGES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1047. An act to amend title 38, United States Code, to make miscellaneous improvements in veterans compensation, pension, and life insurance programs, and for other purposes; to the Committee on Veterans' Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on April 12, 1991, that he had presented to the President of the United States the following enrolled bills:

S. 534. An act to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; and

S. 565. An act to authorize the President to award a gold medal on behalf of the Congress to Gen. Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–891. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on foreign investment in U.S. agricultural land for calendar year 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC–892. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, notice of the transfer of certain funds to the Operations and Maintenance appropriation for the modernization and expansion of automated data processing systems; to the Committee on Appropriations.

EC–893. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the Selected Acquisition Reports for the quarter ended December 31, 1990; to the Committee on Armed Services.

EC–894. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the decision to retain the Commissary Storage and Issue function at Fort Monroe, VA, as an in-house function; to the Committee on Armed Services.

EC–895. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the decision to retain the Commissary Storage and Issue function at Fort Meade, MD, as an in-house function; to the Committee on Armed Services.

EC–896. A communication from the Secretary of Defense, transmitting, pursuant to law, the 1991 Joint Military Net Assessment; to the Committee on Armed Services.

EC–897. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the decision to retain the Commissary Storage and Issue function at the U.S. Army Armament Research, Development and Engineering Center, Picatinny Arsenal, NJ, as an in-house function; to the Committee on Armed Services.

EC–898. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the conversion of the administrative services function at Fort Lee, VA, to performance under contract; to the Committee on Armed Services.

EC–899. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law the annual report of the Securities Investor Protection Corporation for calendar year 1989; to the Committee on Banking, Housing, and Urban Affairs.

EC-900. A communication from the Acting Assistant Secretary of the Treasury (Legislative Affairs), transmitting, pursuant to law, a proposed amendment to the Kuwait Assets Control Regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC-901. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, a draft of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-902. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report of the Council for calendar year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-903. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report on progress in developing and certifying the Traffic Alert and Collision Avoidance System for the months of November and December of 1990 and January of 1991; to the Committee on Commerce, Science, and Transportation.

EC-904. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report on the activities of the Commission for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC-905. A communication from the Secretary of Transportation, transmitting, pursuant to law, the 15th annual report on the Automotive Fuel Economy Program; to the Committee on Commerce, Science, and Transportation.

EC-906. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Annual Energy Outlook, 1991"; to the Committee on Energy and Natural Resources.

EC-907. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-908. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-909. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-910. A communication from the Chief of the Congressional Liaison Section, Government Liaison Branch, Environmental Assistance Division, Environmental Protection Agency, transmitting, pursuant to law, the annual report on the Asbestos Loan and Grant Program, dated May 1991; to the Committee on Environmental and Public Works.

EC-911. A communication from the Administrator of General Services, transmitting, pursuant to law, informational copies of certain prospectuses; to the Committee on Environmental and Public Works.

EC-912. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Fish and Wildlife Service on reasonably identifiable expenditures for the conservation of endangered and threatened species for fiscal year 1990; to the Committee on Environment and Public Works.

EC-913. A communication from the President of the Inter-American Foundation, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal year 1992 and 1993 for the Inter-American Foundation; to the Committee on Foreign Relations.

EC-914. A communication from the President and the Executive Officer of the Overseas Private Investment Corporation, transmitting pursuant to law, certain materials to augment the annual report of the Overseas Private Investment Corporation transmitted earlier; to the Committee on Foreign Relations.

EC-915. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period to march 28, 1991; to the Committee on Foreign Relations.

EC-916. A communication from the District of Columbia Auditor, transmitting pursuant to law, a report entitled "Review of the Metropolitan Police Department's Use of Overtime for Fiscal Years 1988 Through 1990"; to the Committee on Governmental Affairs.

EC-917. A communication from the Chairman of the Merit Systems Protection Board, transmitting pursuant to law, a report entitled "The Title 38 Personnel System in the Department of Veterans Affairs"; to the Committee on Governmental Affairs.

EC-918. A communication from the Interim Director of the Institute of Museum Services, transmitting pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-919. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the annual report on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-920. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Receipts and Disbursements of the Public Service Commission's Agency Trust Fund, Fiscal Year 1990"; to the Committee on Governmental Affairs.

EC-921. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, notice of an amendment to the pacer share demonstration project plan; to the Committee on Governmental Affairs.

EC-922. A communication from the Chief of Staff of the Office of the U.S. Nuclear Waste Negotiator, transmitting, pursuant to law, a report on the accounting system of the Office during fiscal year 1990; to the Committee on Governmental Affairs.

EC-923. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of the Department of Finance and Revenue's Federal Match Program"; to the Committee on Governmental Affairs.

EC-924. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report on the Board's case decisions for fiscal year 1990; to the Committee on Governmental Affairs.

EC-925. A communication from the Employee Benefits Manager of the Farm Credit Bank of Columbia, transmitting, pursuant to law, the annual audit report of the Farm Credit Retirement Plan—Columbia District, for the plan year ended August 31, 1990; to the Committee on Governmental Affairs.

EC-926. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Department Controls Over Obligations for Advisory and Assistance Services Need to be Strengthened"; to the Committee on Governmental Affairs.

EC-927. A communication from the Acting Assistant Secretary of the Interior (Policy, Management, and Budget), transmitting, pursuant to law, the Bureau of Indian Affairs' Health and Safety Report for fiscal year 1991; to the Select Committee on Indian Affairs.

EC-928. A communication from the Solicitor of the U.S. Commission on Civil Rights, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-929. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the Authority under the Freedom of Information Act for calender year 1990; to the Committee on the Judiciary.

EC-930. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-931. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-932. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the final report on the Demonstration Program of Mandatory Drug Testing of Criminal Defendants; to the Committee on the Judiciary.

EC-933. A communication from the Director of Administration and Human Resource Management, Department of Energy, transmitting, pursuant to law, the annual report of the Department of Energy under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-934. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-935. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-936. A communication from the Director of Public Affairs and Press Secretary, Department of Agriculture, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-937. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the annual report of the Foundation under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-938. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Office under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-939. A communication from the Acting Secretary of Education, transmitting, pursuant to law, a report on the recommendations of the National Advisory Council on Women's Educational Programs; to the Committee on Labor and Human Resources.

EC-940. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the recommendations of the National Advisory Council on Educational Research and Improvement; to the Committee on Labor and Human Resources.

EC-941. A communication from the Chairman of the Advisory Committee on Student Financial Assistance, transmitting, pursuant to law, a report entitled "Priorities for the 1990's: Recommendations for Reauthorizing the Higher Education Act of 1965"; to the Committee on Labor and Human Resources.

EC-942. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Follow Through Program; to the Committee on Labor and Human Resources.

EC-943. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Adult Education for the Homeless; to the Committee on Labor and Human Resources.

EC-944. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the recommendations of the National Advisory Council on Adult Education; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-18. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services:

"JOINT RESOLUTION

"Whereas the President of the United States, with the authorization of the Congress of the United States, has ordered military action against Iraq in an effort to force Iraqui armed forces from occupied Kuwait; and

"Whereas 415,000 men and women of the United States Armed Forces are now involved in armed conflict; and

"Whereas 158,000 members of the Reserves and National Guard, including many men and women from Maine, have been called to active duty since August 22, 1990 and may become involved in armed conflict; and

"Whereas the members of the Legislature and the people of Maine have the greatest pride in the men and women of the United States Armed Forces and support them in their efforts; now, therefore, be it

"*Resolved*, That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine now assembled in the First Regular Session support the swift resolution of this conflict, with a minimum of damage and loss of life; and be it further

"*Resolved*, That we unequivocally support the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism and exemplary bravery; and be it further

"*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; to the Secretary of Defense; to the Honorable John R. McKernan, Jr., Governor of the State of Maine; and to Major General Ernest C. Park."

POM-19. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Armed Services:

"HOUSE RESOLUTION 27

"Whereas according to XIV Amendment of the Constitution of the United States, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."; and

"Whereas the XIV Amendment was ratified to protect the civil rights of all citizens, and ensure that those "certain unalienable rights" would not be infringed upon because of one's race, creed, or color; and

"Whereas despite the efforts of our founding fathers, the constant influx of prejudice, animosity, and hatred in today's perplexed and dynamic world exacerbates the promulgation of social injustice, bigotry, and discrimination in the United States of America; and

"Whereas over the brief history of our great Nation, members of minority groups—loyal and patriotic men and women who have made the supreme sacrifice to "secure the blessings of liberty to ourselves and our posterity"—have not received full recognition as Sons and Daughters of the United States of America, and as such, have not been accorded their due rights, privileges, and dignity; and

"Whereas a recent victim of racial discrimination is Bruce I. Yamashita, an American citizen born and raised in the State of Hawaii, who played varsity football, basketball, and baseball and served as the student body president at University High School; received an undergraduate degree in Political Science from the University of Hawaii, a law degree from Georgetown University Law Center, and a Master of Science degree in Foreign Service from the Georgetown University School of Foreign Service; and while attending college in Hawaii, was elected and served as a delegate to the 1978 Hawaii State Constitutional Convention; and

"Whereas seeking to serve and protect the country he loves so dearly, Bruce I. Yamashita applied for and was accepted into the United States Marine Corps 140th Officer Candidate School (OCS) at Quantico, Virginia in 1989; and

"Whereas while in attendance at OCS, in direct violation of the United States Marine Corps Equal Opportunity Manual, the United States Marine Corps Officer Candidate School Standing Operating Procedures, and the United States Marine Corps Separation and Retirement Manual, Bruce I. Yamashita—the only American of Japanese Ancestry out of his class of 150 candidates—was repeatedly and unceasingly subjected to racially derogatory and humiliating abuse by members of the OCS staff; and

"Whereas among the incidents which occurred during Bruce I. Yamashita's attendance at OCS were the following:*

"(1) On the first day of OCS, he was approached by a staff sergeant in front of the entire company and told: "You speak English? We don't want your kind around here. Go back to your country!";

"(2) A master sergeant of his platoon—who after serving in Okinawa, had acquired a limited command of the Japanese language—spoke to him throughout the training course in the presence of other candidates in Japanese. He spoke to all other candidates in English and none were singled out in the same manner;

"(3) In front of other candidates, he was asked by a sergeant if the Russians fought the Japanese during World War II. When he repled that they did, the sergeant exhorted: "No way because we whipped your Japanese ass!";

"(4) While waiting in line with other candidates for lunch, a sergeant approached him and remarked: "sorry Yamashita, but we have no tea or sushi here.";

"(5) Throughout his enrollment at OCS, a sergeant addressed him derisively as "Kawaskai Yamaha Yamashita";

"(6) During the final week of Company Inspection Formation, in his presence, a major approached another candidate and asked loudly what kind of car the candidate owned. When the candidate replied it was a "Ford", the major bellowed "Good! I'm sure glad you don't have a Japanese car!"; and

"(7) During the last week at OCS, a staff sergeant grabbed him during a training session and threw him to the ground while surrounding candidates looked on with amusement; and

"Whereas on April 12, 1989, after having endured the derogatory racial remarks and physical abuse directed at him and completing all nine weeks of training at OCS, Bruce I. Yamashita was disenrolled from OCS just two days before graduation for reasons termed by the United States Marine Corps as relating to "unsatisfactory leadership"; and

"Whereas, after an internal investigation, the United States Marine Corps acknowledged that racial remarks had been directed at Bruce I. Yamashita but denied any violation of the United States Marine Corps' purported non-discrimination policy; and

"Whereas, while the passage of time has prevented him from appealing the decision of his disenrollment from OCS, Bruce I. Yamashita has continued his quest for justice by petitioning the United States Marine Corps to correct his military record to show a satisfactory evaluation of his performance at OCS in place of the unsatisfactory evaluation which presently blemishes his record; and

"Whereas, for these fundamental violations of the basic civil liberties and constitutional rights of a resident of the State of Hawaii and citizen of the United States of America, we must, as Americans, feel both outraged and aggrieved, for it is imperative that we acknowledge this travesty of injustice and ensure that such deplorable, despicable, and cowardly actions never occur again; now, therefore, be it

"*Resolved* by the House of Representatives of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, that this body expresses its strongest support for Bruce I. Yamashita in his efforts to correct his military record and seek redress of the unjust and racially biased treatment accorded to him during his course of training at the United States Marine Corps 140th Officer Candidate School, Quantico, Virginia; and be it further

"*Resolved*, That this body urges the United States Marine Corps to provide immediate and complete restitution to Bruce I. Yamashita by:

"(1) Amending Bruce I. Yamashita's military record to reflect a satisfactory evaluation of his performance at the United States Marine Corps 140th Officer Candidate School, Quantico, Virginia;

"(2) Implementing an independent investigation into the incidents at the United States Marine Corps 140th Officer Candidate School, Quantico, Virginia, involving remarks and abuse based upon Bruce Yamashita's Japanese ancestry, and the imposition of appropriate sanctions, if warranted;

"(3) Furnishing Bruce I. Yamashita with the option to retroactively graduate from the 140th Officer Candidate School and proceed to the Basic School;

"(4) Providing all compensation owed to Bruce Yamashita since his disenrollment at the United States Marine Corps 140th Officer Candidate School; and

"(5) Requesting the Commandant of the United States Marine Corps to issue a directive reaffirming the vigorous enforcement by the United States Marine Corps of its purported policy of non-discrimination to racial and ethnic groups, including Asian-Americans; and be it further

"*Resolved*, That certified copies of this Resolution be transmitted to the President of the United States; the Secretary of Defense; the Secretary of the Navy; the Commandant of the United States Marine Corps; the President of the United States Senate; the Speaker of the United States House of Representatives; the Chair of the United States Senate Committee on Armed Forces; the Chair of the United States House of Representatives Committee on Armed Forces; the Chair of the Congressional Black Caucus; the Chair of the Congressional Hispanic Caucus; United States Senator Daniel K. Inouye; United States Senator Daniel K. Akaka; United States Representative Patsy Mink; United States Representative Neil Abercrombie; United States Representative Robert T. Matsui; and United States Representative Norman Y. Mineta."

POM-20. A resolution adopted by the House of Representatives of the Legislature of the Commonwealth of Puerto Rico; to the Committee on Foreign Relations:

"RESOLUTION

"On March 6, 1991, the President of the United States, the Hon. George Bush, appeared before a Joint Session of the United States Congress to declare that "as Commander in Chief, I can report to you that our armed forces fought with valor and honor. As President, I can report to the nation that the aggression is defeated. The war is over".

"These words mark the return to the United States homeland of the half million members of the armed forces who travelled to the other side of the world to defend order, the empire of law and democracy.

"At this time of triumph, peace and satisfaction for a job well done, it is fair and appropriate to recognize the work of George Bush as President and Commander in Chief in the planning, execution and conclusion of a military operation that complied with all its objectives with a minimum of casualties and in a surprisingly brief period of time.

"Be it resolved by the House of Representatives of Puerto Rico:

"SECTION 1. To congratulate the President of the United States, the Hon. George Bush, on the occasion of the conclusion of Operation Desert Storm.

"SEC. 2. To authorize that this Resolution, duly translated into the English language, be delivered to the President of the United States of America, the President of the Senate and the Speaker of the House of Representatives of the United States of America.

"SEC. 3. A copy of this Resolution shall be sent to the communications media."

POM-21. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Foreign Relations:

SENATE JOINT RESOLUTION

"Whereas to promote safety of life and property at sea and the protection of the marine environment, the International Standards of Training, Certification, and Watchkeeping for Seafarers was established in 1978; and

"Whereas this international convention on crew standards has been ratified by seventy-eight nations, including all major maritime nations in the world, with the exception of the United States; and

"Whereas foreign flag vessels carry ninety-five percent of all waterborne commerce into the United States; and

"Whereas ratification by the United States of the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, would provide the United States Coast Guard with the authority to enforce crew standards on foreign flag vessels in United States waters;

"Now, therefore, your memorialists respectfully pray that the President and Congress of the United States ratify the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978; and be it

"*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of Congress from the State of Washington."

POM-22. A resolution adopted by the City Council of Sweetwater, FL, relative to individuals and entities dealing with Iraq; to the Committee on Governmental Affairs.

POM-23. A resolution adopted by the General Assembly of the State of New Jersey, to the Committee on Governmental Affairs.

RESOLUTION NO. 221

"Whereas the United States Postal Service began the use of zip codes on July 1, 1963 in order to more efficiently deliver mail; and

"Whereas the Postal Service drew special boundary lines for cities and towns to facilitate the use of zip codes; and

"Whereas these boundary lines often disregarded local boundary lines and community identification in an effort to organize, sort, and deliver more than 500 million pieces of mail a day to 116 million addresses; and

"Whereas every decade hundreds of new suburban and exurban towns organize as municipal entities but are not given individual zip code designations by the Postal Service and, therefore, are denied a community identity; and

"Whereas the lack of a zip code designation has caused life-threatening delays in the delivery of emergency medical services, distorted the allocation of funds to municipalities by states, and can be a factor in the assessment of automobile insurance rates; and

"Whereas legislation has been introduced that would realign the zip code designations to more closely match municipal and community boundaries; Now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House memorializes the Congress of the United States to enact zip code designation legislation that would realign the zip code designations to more closely match municipal and community boundaries."

POM-24. A petition from a citizen of Riverside, CA, praying for a redress of grievances; to the Committee on the Judiciary.

POM-25. A petition from citizens of Starke, FL, praying for a redress of grievances; to the Committee on the Judiciary.

POM-26. A joint resolution adopted by the Legislature of the State of Georgia; to the Committee on the Judiciary:

"RESOLUTION NO. 105

"Whereas although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and the productive value of public debate; and

"Whereas certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas there are symbols of our national soul, such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults and which remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency. *Now, therefore, be it*

"*Resolved by the General Assembly of Georgia*, That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to authorize criminal sanctions for certain disrespectful acts involving the flag of the United States or the flags of the several states; and be it further

"*Resolved*, That this application by the General Assembly of the State of Georgia constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V but, if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution before January 1, 1992, this petition for a constitutional convention shall no longer be of any force or effect; and be it further

"*Resolved*, That the Clerk of the House of Representatives is authorized and instructed to transmit a duly attested copy of this resolution to the Secretary of the Senate of the United States Congress, to the Clerk of the House of Representatives of the United States Congress, and to each member of the Georgia congressional delegation."

POM-27. A joint resolution adopted by the Legislature of the State of Georgia; to the Committee on the Judiciary:

"RESOLUTION NO. 151

"Whereas the Supreme Court of the United States, in the case of *Pennsylvania* v. *Davenport*, held that restitution obligations constitute debts dischargeable under Chapter 13 of the Federal Bankruptcy Code; and

"Whereas the result of this decision is to allow wrongdoers to escape from paying restitution to the unfortunate victims of crimes; and

"Whereas this decision marks another occasion where a criminal may use the law as a shield to protect himself or herself from punishment for his or her crime; and

"Whereas through this decision, the Supreme Court of the United States presumes that Congress intended to change the state of the laws with respect to criminal judgments; and

"Whereas the judgment of sentencing courts and legislators that rehabilitation is the most effective form of punishment will be tempered by the knowledge that a convicted criminal may easily avoid a sentence requiring restitution by merely obtaining a discharge of debt; and

"Whereas this opinion severely limits the rehabilitative and deterrent options available to the state's criminal judges; and

"Whereas, this decision sanctions deep intrusions by the federal courts into the State of Georgia's sovereign power; and

"Whereas, the people of Georgia object to the Supreme Court's inaccurate interpretation of Congress' intent; Now, therefore, be it

Resolved by the General Assembly of Georgia, That the members of this body urge and encourage the United States Congress to override through legislation the decision of the United States Supreme Court in *Pennsylvania* v. *Davenport;* and be it further

Resolved, That the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the presiding officers of the Senate and House of Representatives of the United States Congress and to each member of the Georgia delegation to the United States Congress."

POM-28. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on the Judiciary:

"CONCURRENT RESOLUTION NO. 4021

"Whereas although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

"Whereas there are symbols of our national soul such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas the flag of the United States to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas the law as interpreted by the United States Supreme Court no longer accords to the flag of the United States that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the flag of the United States of a proper station under law and decency; Now, therefore, be it

"Resolved by the Senate of North Dakota, the House of Representatives concurring therein: That the Fifty-second Legislative Assembly urges the Congress of the United States to propose to the several states for ratification an amendment to the federal Constitution to provide that Congress and the states would have the power to prohibit the physical desecration of the flag of the United States; and be it further

"Resolved, That the Secretary of State forward copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the North Dakota Congressional Delegation."

POM-29. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 1012

"Whereas on June 8, 1789, James Madison took the lead in authoring and sponsoring, before the United States House of Representatives, amendments to the new Constitution inspired by the Virginia Constitution's Declaration of Rights, authored by George Mason in 1776; and

"Whereas James Madison stated to the United States House of Representatives that he believed ". . . that the great mass of the people who opposed (the new Constitution) disliked it because it did not contain effectual provisions against the encroachments on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercises the sovereign power . . ."; and

"Whereas after considerable debate upon the amendments as presented by James Madison, the first federal Congress approved and transmitted the amendments to the several states for ratification; and

"Whereas for two hundred years, the Bill of Rights has endured as the charter of our individual rights and freedoms, the bulwark against arbitrary use of governmental power against the individual and the greatest assurance of our continuation as a free people; and

"Whereas the Bill of Rights safeguards the rights, opinions, and prerogatives of vulnerable minorities; and

"Whereas, 1991 launches the commemoration of the Bicentennial of the Bill of Rights; Now, therefore, be it

"*Resolved by the House of Representatives of the Fifty-eighth General Assembly of the State of Colorado, the Senate concurring herein:* That the Colorado General Assembly hereby declares that it is dedicated to the honor, promotion, preservation, and public awareness of the Bill of Rights. Furthermore, the Colorado General Assembly calls upon the people of Colorado to join it in observing in 1991 the two hundredth anniversary of the Bill of Rights and encourages each citizen of Colorado to assume a leadership role in making the Bill of Rights fully applicable to all Americans; and be it further

"*Resolved*, That copies of this Resolution be sent to George Bush, President of the United States; the clerk of the United States Senate; the clerk of the United States House of Representatives; William Rehnquist, Chief Justice of the United States; Roy Romer, Governor of the State of Colorado; Luis Rovira, Chief Justice of the Colorado Supreme Court; Alan Sternberg, Chief Judge of the Colorado Court of Appeals; and the Commission of the Bicentennial of the United States Constitution."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Report to accompany S.J. Res. 77, Joint Resolution relative to telephone rates and procedures for Operation Desert Storm personnel (Rept. No. 102-38).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works:

William H. Kennoy, of Kentucky, to be a member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 1999; and

Rickey Dale James, of Missouri, to be a member of the Mississippi River Commission for a term of nine years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent and referred as indicated:

By Mr. DODD:

S. 817. A bill to provide for standardization of the method of calculating yields which are payable on accounts and investments and the clear and uniform disclosure of the key costs associated with such accounts and investments and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PELL (by request):

S. 818. A bill to amend the Asian Development Bank Act to authorize consent to and authorize appropriations for the United States subscription to the Special Capital Increase of the Asian Development Bank and for other purposes; to the Committee on Foreign Relations.

By Mr. PELL (by request):

S. 819. A bill to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the United States quota in the International Monetary Fund, to authorize acceptance of the proposed amendments to the Fund's Articles of Agreement, and for other purposes; to the Committee on Foreign Relations.

By Mr. PELL (by request):

S. 820. A bill to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations, and for other purposes; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself, Mr. Kennedy, Mr. Jeffords, Mr. Mitchell, Mr. Dodd, Mr. Leahy, Mr. Chafee, Mr. Cohen, Mr. Kerry, Mr. Pell, and Mr. Cochran):

S. 821. A bill to establish the Silvio Conte National Fish and Wildlife Refuge; to the Committee on Environment and Public Works.

By Mr. SEYMOUR:

S. 822. A bill for the relief of Shen Yen Kuan and certain members of his family; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. Baucus, Mr. Burns, Mr. Bryan, Mr. Daschle, Mr. Pressler, Mr. Gorton, Mr. Hatch, Mr. Conrad, Mr. Stevens, and Mr. Murkowski):

S. 823. A bill to authorize funds for the improvement of highways to further the international competitiveness of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANFORD:

S. 824. A bill to establish the Emergency Bank Investment Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH:

S. 825. A bill for the relief of the Precisa Calculating Machine Company, Incorporated; to the Committee on the Judiciary.

By Mr. HEFLIN (for himself, Mr. Specter, Mr. Metzenbaum, Mr. DeConcini, and Mr. Shelby):

S. 826. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes; to the Committee on the Judiciary.

By Mr. SHELBY:

S. 827. A bill to credit time spent in the Cadet Nurse Corps during World War II as creditable for Federal civil service retirement purposes for certain annuitants and certain other individuals not covered under Public Law 99-638; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for himself, Mr. Baucus, Mr. Burdick, Mr. Burns, Mr. Conrad, Mr. D'Amato, and Mr. Levin):

S. 828. A bill to clarify that the inspection of meat and poultry products offered for import into the United States is to be conducted by United States personnel, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GLENN (for himself, Mr. Levin, Mr. Durenberger, Mr. Metzenbaum, and Mr. Riegle):

S. 829. A bill for the reduction of sediments in the Great Lakes; to the Committee on Environment and Public Works.

By Mr. CRANSTON (by request):

S. 830. A bill to amend title 38, section 203(b), United States Code, to delete the requirement that settlements of claims in excess of $1,000,000 on a construction contract be provided for specifically in an appropriation law, and to provide instead that the Secretary notify the House and Senate Committees on Appropriations of construction contract claims settlements of more than $1,000,000; to the Committee on Veterans' Affairs.

By Mr. CRANSTON (by request):

S. 831. A bill to amend title 38, United States Code, to revise the authority of the Department of Veterans Affairs to pay for the travel expenses of veterans seeking care in Departmental health care facilities; to the Committee on Veterans' Affairs.

By Mr. INOUYE (for himself, Mr. Simon, Mr. Dixon, Mr. Dodd, Mr. Gorton, Mr. Lieberman, Mr. Daschle, Mr. Sasser, Mr. Murkowski, Mr. Akaka, and Mr. Reid):

S.J. Res. 120. A joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month"; to the Committee on the Judiciary.

By Mr. DECONCINI:

S.J. Res. 121. Joint resolution designating September 12, 1991, as "National D.A.R.E. Day"; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. Burns, and Mr. Nickles):

S.J. Res. 122. Joint resolution designating May 8, 1991, as "National Freedom Day"; to the Committee on the Judiciary.

By Mr. HEFLIN (for himself, Mr. Burdick, Mr. Burns, Mr. Craig, Mr. D'Amato, Mr. DeConcini, Mr. Dixon, Mr. Durenberger, Mr. Garn, Mr. Gramm, Mr. Hatch, Mr. Inouye, Mrs. Kassebaum, Mr. Kasten, Mr. Murkowski, Mr. Shelby, and Mr. Thurmond):

S.J. Res. 123. Joint resolution to designate February 14, 1992, as "Flag Wavers Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mrs. Kassebaum):

S. Res. 102. Resolution commending Miss U.S.A. 1991, Kelli McCarty of Liberal, Kansas; considered and agreed to.

By Mr. DIXON (for himself and Mr. Shelby):

S. Res. 103. Resolution relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SASSER:

S. Con. Res. 28. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1992, 1993, 1994, 1995, and 1996; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 817. A bill to provide for standardization of the method of calculating yields which are payable on accounts and investments and the clear and uniform disclosure of the key costs associated with such accounts and investments, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

TRUTH IN SAVINGS AND INVESTMENT ACT

• Mr. DODD. Mr. President, today I am introducing for the third—and I hope last—time the Truth in Savings and Investments Act, a bill designed to enable consumers to compare different savings and investment products so that they can make informed decisions about where to invest their money. I am pleased to be joined in this effort by Senators Dixon, Riegle, and Lieberman.

The legislation is designed to address the impact of banking deregulation on consumer savings vehicles. Prior to 1980, it was relatively easy for consumers to compare different deposit accounts because strict Federal regulation permitted very little variation in terms and conditions. However, the deregulation of interest rates that began in 1980 changed everything. On the one hand, it has resulted in the availability of higher returns for depositors. At the same time, however, this benefit has been accompanied by a mind-numbing variety of terms and conditions that affect the actual amount earned; provisions that are impossible for consumers to sort out.

Let me briefly describe some of the problems that have created the need for the legislation. First, a glance through most newspapers will reveal advertisements of returns based on simple interest, APR's and APY's. Since each of these methods has a different basis for computation, it is not possible for consumers to know which produces a higher yield. Is 8 percent simple interest higher or lower than 7.9 percent compounded monthly, or daily? In order to eliminate this uncertainty, the bill requires depository institutions to disclose only one figure—an annual percentage yield, to be determined by the Federal Reserve Board by a formula that takes into account the interest rate and the frequency of compounding for a 365-day period. The result will be simple for consumers. Every time they see two or more figures advertised, they will know that the higher number will always produce a higher return. That will make life easier for the consumer and it will benefit the depository institution that is truly offering the highest return.

A second example is the balance calculation provision contained in section 109 of the bill. It mandates that banks use either an average daily balance method or a day of deposit to day of withdrawal approach. These two methods give consumers their money's worth—balances are calculated on the amount of money they have in their accounts each day. Roughly 90 percent of all depository institutions use one method or the other. The importance of this provision lies in the fact that some institutions use other methods that can have very adverse effects on consumers. For example, hearings in 1987 conducted by the Consumer Affairs Subcommittee, which I was then privileged to chair, revealed that the same interest rates paid on the same balances over a 6-month period produced returns that varied from $75.30 to

$44.93, depending upon whether the bank used a day of deposit to day of withdrawal method or a low balance method, one that pays interest on the lowest balance for the month. This result is not surprising because it is common, for example, for a depositor to have a balance that ranges from $3,000 to $10 during a month and, under the low balance method, the consumer would be paid the stated interest rate on the $10 only. In short, use of the low balance method denies people a fair return on their money and defeats the purpose of disclosing the interest rate. Section 109(a) of the bill would outlaw such an unfair result by requiring banks to use either an average daily balance method or a day of deposit to day of withdrawal method. They would not be permitted to use the deceptive low balance method.

A third example of a bank practice that defeats the consumer's ability to determine the rate of return is the use by some banks of the "investable balance" method. Under this device, a bank pays the stated rate of interest on less than the full amount in the account on any given day. Thus, a bank may pay interest on only 88 percent of the amount of deposit, stating that it is not paying interest on the portion of the amount on deposit that the bank must set aside as reserves for the Federal Reserve Board. Once again, such practice prevents the consumer from being able easily to compare the offerings of different banks. It is especially important to remedy this problem as more and more banks have turned to this device in the last couple of years. Section 109(d) requires that interest must be paid on the full amount of the principal in the account for the stated calculation period at the stated rate of interest. This provision would not prevent banks from lowering the amount of interest they pay; it would simply require them to do so in a way that permits consumers to compare different offerings easily.

While the bill contains a limited number of proscriptive provisions, the heart of its remedies to the problems of the confusing array of terms and conditions is contained in sections 104 and 105, which require the disclosure, in solicitations by depository institutions and other entities, of basic information about yields and fees, as well as requiring each depository institution to maintain a detailed scheduled of fees, charges, yields and other key terms and conditions.

When these disclosures are combined with the standardization of balance calculation methods, the use of a single annual percentage yield figure in all solicitations, and the prohibition of the investable balance method, consumers should be able to truly get their money's worth with a small expenditure of time and effort—an important consideration in a decade with more and more two-worker families with people who simply don't have the time needed to identify everything the bankers aren't telling them.

The bill also contains two amendments to the Expedited Funds Availability Act, both of which are of a technical nature, and makes one change to the home equity loan statute. The latter change is necessitated by an interpretation of the statute by the Federal Reserve Board and a Federal court that reads out of the statute the requirement to disclose the specific margin that applies to the consumer's home equity loan.

The main goal of the original legislation was to require lenders to disclose the key cost terms to consumers. In variable rate loans, the consumer needs to know two things in order to know what interest rate will be charged—the index that is being used, which is typically some version of the prime rate, and the margin, which is a fixed percentage rate that is added to the index to produce the interest rate. Thus, the 1988 legislation requires the disclosure of "any index or margin to which such changes in the (annual percentage) rate are related."

For example, if a borrower's rate will be based on an index that equals the wall street prime plus a 2-point margin, the consumer needs to know both the index and the margin in order to determine what he or she will be paying. However, the Fed in its rules did not require disclosure of the margin and the U.S. District Court for the District of Columbia upheld the Fed's viewpoint, stating that:

> In the normal case, the change in the interest rate of a variable held is not related to the margin but to the index; the margin is generally a fixed figure which will not be responsible for a change in the interest rate. Accordingly, the lenders would only be required to describe how the interest rate would change over time due to the index.

The Fed's and the court's interpretation eliminate the requirement to disclose the margin, thereby leaving the consumer without one of the key terms necessary to determine what he or she will be paying for the loan. Without the disclosure of both the index and the margin, the consumer cannot determine what interest rate will be applied. That is why this amendment is included in the legislation.

To correct this problem, section 118 requires the creditor to provide, as part of the disclosures given with the application form, the specific margin which applies to the creditor's home equity plan. The amendment allows creditors that offer more than one margin to use a single disclosure form so long as the creditor specifies the amount of the credit line to which the margin is tied or clearly sets forth and describes the feature to which the margin is tied. Disclosure of specific margins would not preclude creditors from providing lower margins under certain circumstances.

Where a creditor offers multiples margins based on aspects of the consumer's credit situation, such as the consumer's credit limit, credit history, and amount of available equity, the creditor would have to state the different margins and clearly set forth and describe the specific criteria to which the applicable margin is tied.

In order to avoid an unfair outcome for consumers who cannot identify which margin would apply to them when creditworthiness criteria are used, the bill amends section 137(d) of the truth in lending act to provide that:

> A creditor discloses different margins tied to the creditor's criteria for determining the consumer's creditworthiness, the failure to offer the consumer the lowest margin disclosed in connection with creditworthiness constitutes a changed term.

The effect of this provision would be to permit the consumer to elect not to enter into the plan agreement and be entitled to a refund of all fees paid by the consumer in connection with such application. This result is only fair if the consumer would be unable to ascertain the exact margin that would apply to him or her from the initial disclosure.

People who are interested in a more specific description of the effect of this legislation should refer to the discussion of nearly identical provisions contained in S. 3037, the Money Laundering Enforcement Amendments of 1990. This bill passed the Senate by a voice vote on October 5, 1990. A highly similar predecessor was adopted by the Senate as part of the Proxmire Financial Modernization Act in 1988.

Mr. President, I look forward to working with the House of Representatives and the administration to make sure that this important and long overdue legislation becomes law before the end of this Congress.●

By Mr. PELL (by request):

S. 818. A bill to amend the Asian Development Bank Act to authorize consent to and authorize appropriations for the U.S. subscription to the special capital increase of the Asian Development Bank, and for other purposes; to the Committee on Foreign Relations.

AUTHORIZATION OF APPROPRIATIONS FOR THE ASIAN DEVELOPMENT BANK

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Asian Development Bank Act to authorize consent to and authorize appropriations for the U.S. subscription of the special capital increase of the Asian Development Bank, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the General Counsel of the Department of the Treasury, which was received on March 27, 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act (22 U.S.C. 285 *et seq.*) is amended by adding at the end thereof the following new section:

"SEC. 30. (a)(1) The United States Governor of the Bank is authorized to subscribe on behalf of the United States to 35,230 additional shares of the capital stock of the Bank.

"(2) Any subscription to the capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(b) In order to pay for the increase in the United States subscription to the Bank provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $424,997,105 for payment by the Secretary of the Treasury.".

DEPARTMENT OF THE TREASURY,
Washington, DC, March 11, 1991.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill "To amend the Asian Development Bank Act to authorize consent to and authorize appropriations for the United States subscription to the Special Capital Increase of the Asian Development Bank, and for other purposes."

The draft bill would authorize the Secretary of the Treasury, as U.S. Governor of the Asian Development Bank (ADB), to subscribe on behalf of the United States to additional shares of the capital stock of the ADB under the Special Capital Increase (SCI). The draft bill would also authorize the appropriation of funds sufficient for payment for the increase in the U.S. subscription.

The ADB's ordinary capital lending operations are financed with resources from paid-in capital subscriptions from member government, repayments of previous loans, and borrowings from private capital markets that are backed by the callable capital of ADB member governments. Since 1983, the ADB has been relying on resources from its third general capital increase, which increased ADB resources by $8.1 billion.

The SCI, in which Japan, Sweden, and the United States participated, was approved by the ADB Board of Governors in 1988. The original impetus for the SCI came from Japan, which sought an increase in its capital shares to regain its previously held percentage ownership of ADB stock.

The United States joined in the SCI in order to maintain parity with Japan. It is the Administration's view that maintaining such parity is essential to preserve U.S. influence in the ADB and to achieve U.S. policy goals in the institution. A decline in U.S. influence in the ADB would reduce the basis of U.S. participation in the commercial, financial, and economic growth of the world's most rapidly developing region.

Under the SCI, authorized ADB stock will increase to about 1.7 million shares. The United States and Japan will each subscribe to 35,230 additional shares valued at $425 million. Of this amount, $51 million will represent paid-in shares, and $374 million will represent callable shares. After full payment for the shares, the United States and Japan each will own 16.41 percent of ADB capital. The deadline for formal commitment by the United States to its subscription is December 31, 1991. The United States has agreed with the ADB to make its payment in two equal installments, with the final installment due by March 31, 1993.

Accordingly, the draft bill would authorize the Secretary of the Treasury to subscribe to the U.S. shares provided for in the SCI and would authorize the appropriation, without fiscal year limitation, of $424,997,105 to pay for those shares. The President's FY 1992 budget includes $25.5 million in budget authority for the paid-in portion of the first installment, and $187 million for the callable portion. An appropriation for the balance of the U.S. subscription will be sought for FY 1993.

It would be appreciated if you would lay the draft bill before the Senate. An identical proposal has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

JEANNE S. ARCHIBALD,
General Counsel.•

By Mr. PELL (by request):

S. 819. A bill to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the U.S. quota in the International Monetary Fund, to authorize acceptance of the proposed amendments to the Fund's Articles of Agreement, and for other purposes; to the Committee on Foreign Relations.

U.S. QUOTA IN THE INTERNATIONAL MONETARY FUND

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the U.S. quota in the International Monetary Fund, to authorize acceptance of the proposed amendments to the Fund's Articles of Agreement, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the section-by-section analysis and the letter from the Secretary of the Treasury, which was received on March 27, 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following new sections:

"SEC. 56. The United States Governor of the Fund is authorized consent to an increase in the quota of the United States in the Fund equivalent to 8,608.5 million Special Drawing Rights, limited to such amounts as are appropriated in advance in appropriation Acts.

"SEC. 57. The United States Governor of the Fund is authorized to consent to the amendments to the Articles of Agreement of the Fund approved in resolution numbered 45–3 of the Board of Governors of the Fund.

"SEC. 58. The Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote to approve the Fund's pledge to sell, if needed, up to three million ounces of the Fund's gold, to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust (hereinafter the 'ESAF Trust') to a level that would be sufficient to meet obligations payable to lenders which have made loans to the Loan Account of the ESAF Trust that have been used for the purpose of financing programs of Fund members previously in arrears to the Fund.".

SECTION-BY-SECTION ANALYSIS

The bill would add three new sections to the Bretton Woods Agreements Act:

Section 56 would authorize, subject to appropriations, an increase in the U.S. quota in the International Monetary Fund (IMF or Fund) of SDR 8,608.5 million (approximately $12 billion at exchange rates prevailing on December 31, 1990). The total U.S. quota would increase from SDR 17,918.3 million (about $25.5 billion) to SDR 26,526.8 million (about $37.7 billion). The U.S. portion of total new IMF quotas would be about 19.42 percent, compared to 19.67 percent at present. The U.S. voting power in the IMF would be 18.90 percent.

The U.S. subscription to the increase is subject to appropriations in order to provide the full SDR amount as budget authority. However, use by the Fund of the quota commitment does not result in net budget outlays because the United States receives an increase in its international monetary reserves corresponding to any resources transferred to the Fund under the U.S. quota subscription. The international monetary reserves are interest-bearing reserves automatically available to meet a balance of payments financing need.

Section 57 would authorize the U.S. Governor to accept the proposed amendments to the Fund's Articles of Agreement, as approved in Resolution 45–3 of the Board of Governors.

Current Article XXVI, Section 2(a), provides that the Fund may declare a member ineligible to use the general resources of the Fund if the member fails to fulfill any of its obligations under the Articles. Current Article XXVI, Section 2(b), provides that if the member persists in its failure to fulfill any of its obligations under the Articles of

Agreement, it may be required to withdraw from membership in the Fund.

The proposed amendment would allow the Fund to suspend a member's voting rights and certain related rights (e.g., the right to participate in the adoption of a proposed amendment of the Articles, the right to appoint a Governor and an Alternate Governor, and the right to appoint or participate in the election of an Executive Director) if the member, having been declared ineligible to use the general resources of the Fund, persists in its failure to fulfill any of its obligations under the Articles. Suspension may be imposed only after the expiration of a reasonable period of time following a declaration of ineligibility of the member to use the general resources of the Fund; withdrawal of the member may be required by the Fund after the expiration of a reasonable time following the suspension of the voting rights of the member.

A new Schedule L would prescribe the consequences of a member's suspenson. For example, a suspended member may not participate in the adoption of a proposed amendment to the Articles, appoint a Governor or Alternate Governor of the Fund, or have the number of votes allotted to the member cast in any body of the Fund.

The proposed amendment would also amend Article XII, Section 3(i) and Schedule D, which concern the effects of a termination of a member's suspension. Under the amendment, when voting rights are restored and the member is not entitled to appoint an Executive Director, the member may agree with all the members that have elected an Executive Director that the number of votes allotted to the member shall be cast by that Executive Director. However, if a regular election of Executive Directors has not occurred during the period of suspension, the Executive Director in whose election the member had participated prior to the suspension shall be entitled to cast the member's votes.

Section 58 would authorize the Secretary of the Treasury to instruct the United States Executive Director of the IMF to vote to approve the Fund's pledge to use up to three million ounces of gold, if needed, to help secure resources used for the Fund's "rights approach" to the problem of arrears to the Fund.

The early reduction and elimination of arrears to the Fund is of the highest importance. Under the "rights approach," a member having protracted overdue financial obligations to the Fund will be permitted to earn a claim (conditioned on satisfactory economic performance under an adjustment program monitored by the Fund) toward failure IMF financing once the member's arrears have been settled and the Fund has approved a successor adjustment program involving the use of Fund resources.

To support the "rights approach," the Fund will pledge to use up to three million ounces of gold, if needed, to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility (EASF) Trust to a level that would be sufficient to meet obligations payable from that Account to lenders that have made loans to the Loan Account of the ESAF Trust that have been used for the purpose of financing programs, under the rights approach, of Fund members previously in arrears to the Fund.

THE SECRETARY OF THE TREASURY,
Washington, March 26, 1991.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit herewith a draft bill, "To amend the Bretton Woods Agreement Act to authorize consent to and authorize appropriations for an increase in the United States quota in the International Monetary Fund, to authorize acceptance of the proposed amendments to the Fund's Articles of Agreement, and for other purposes," and an accompanying analysis. We urge prompt consideration of this proposal by the Senate.

This legislation is critical to U.S. foreign economic policy. The International Monetary Fund (IMF) quota increase will allow the Fund to continue to fulfill its responsibilities in the world economy, thus strongly supporting U.S. interests throughout the world. The IMF is currently providing timely and effective assistance to countries adversely affected by the Gulf crisis. It is playing a central role in restructuring Eastern European economies away from central planning and towards free markets. The IMF is providing invaluable support for debt and debt service reduction for developing countries, particularly in Latin America, under the U.S.-led international debt strategy. It is also promoting comprehensive reform in Africa in order to alleviate poverty and contribute to sustained growth. Moreover, through its essential support for a sound world economy, the IMF has helped to create an environment in which U.S. jobs and exports can thrive.

The IMF is an extremely cost-effective organization. It leverages U.S. resources at this time of budget restraint: for every dollar the U.S. contributes, other countries contribute four. Moreover, the quota increase involves no net budgetary outlays since the United States receives an increase in its international monetary reserves corresponding to any resources transferred to the Fund. These reserves bear interest and are automatically available to meet balance of payments financing needs. The United States also has effective veto power over key IMF decisions.

As part of the quota increase, the United States gained agreement on a strengthened IMF arrears strategy. Such a strategy was necessary because arrears to the IMF have grown in recent years, now amounting to $5 billion from nine countries. The strengthened arrears strategy is designed to secure the financial integrity of the Fund and ensure that the U.S. contribution is used wisely.

This strategy provides incentives for arrears countries to eliminate their overdue obligations, and disincentives to discourage new arrears cases. The key incentive is the development of the "rights" approach, under which countries may accumulate "rights" to new IMF financing, based on sustained economic performance, to eliminate their arrears. The key disincentive is an amendment to the IMF Articles of Agreement permitting the suspension of the voting rights and representation privileges of members who fail to fulfill their obligations to the IMF.

The Enhanced Structural Adjustment Facility is expected to be the primary source of financing for the "rights" approach for low-income countries with protracted arrears. As part of the strengthened arrears strategy, it was agreed that the IMF would pledge to sell, if needed, up to three million ounces of IMF gold to back-up the reserves of the ESAF. The amount of gold reflects the gold subscriptions of the arrears countries.

The draft bill would add three new sections to the Bretton Woods Agreement Act. Proposed section 56 would authorize, subject to appropriations, an increase in the U.S. quota in the IMF of SDR 8,608.5 million (approximately $12 billion at current exchange rates), from SDR 17,918.3 million ($25.5 billion) to SDR 26,526.8 million ($37.7 billion). Proposed section 57 would authorize the U.S. Governor to accept the proposed amendment to the IMF Articles of Agreement. The amendment would allow the IMF to suspend a member's voting rights if the member, having been declared ineligible to use IMF general resources, persists in its failure to fulfill any of its obligations under the Articles. Proposed section 58 would authorize the Secretary of the Treasury to instruct the U.S. Executive Director of the IMF to vote to approve the IMF's pledge to sell up to three million ounces of gold, if needed, to restore the resources of the Enhanced Structural Adjustment Facility Trust Reserve Account.

It would be appreciated if you would lay the draft bill before the Senate. An identical proposal has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

NICHOLAS F. BRADY.●

By Mr. PELL (by request):

S. 820. A bill to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations, and for other purposes; to the Committee on Foreign Relations.

ARMS CONTROL AND DISARMAMENT ACT AUTHORIZATION

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations, and for other purposes.

This proposed legislation has been requested by the U.S. Arms Control and Disarmament Agency, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Director of the U.S. Arms Control and Disarmament Agency, which was received on March 14, 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(1) That section 49(a) (22 U.S.C. 2589(a)) is amended to read as follows:

"SEC. 49. (a) To carry out the purpose of this Act, there are authorized to be appropriated $47,446,000 for the fiscal year 1992 and such sums as may be necessary for fiscal year 1993 consistent with the Budget Enforcement Act of 1990 (Public Law 101-508).

(2) That section 41 (22 U.S.C. 2581) is amended by redesignating subsections 41(h) and (i) (22 U.S.C. 2581 (h) and (i)) as 41 (i) and (j), respectively, and adding the following new section 41 (h):

"(h) administer oaths and take sworn statements in the course of an investigation made pursuant to his responsibilities under this Act;"

U.S. ARMS CONTROL AND
DISARMAMENT AGENCY,
Washington, DC, March 8, 1991.

Hon. DAN QUAYLE,
President,
U.S. Senate.

DEAR MR. PRESIDENT: During the coming year, we hope to review the customary two-year authorization for the Arms Control and Disarmament Agency. Enclosed is a draft bill to achieve that purpose for fiscal years 1992 and 1993. As described in the budget proposal provided to you previously under separate cover, the United States Arms Control and Disarmament Agency (ACDA) needs the authority to spend appropriated funds totalling $47,446,000 for fiscal year 1992, and such sums as may be necessary for fiscal year 1993, to be consistent with the Budget Enforcement Act of 1990 (P.L. 101-508). The enclosed legislative proposal is made after giving careful consideration to the responsibilities of the Agency in carrying out its mission. The requested authority would provide for arms control negotiations and implementation at a level of increased activity over that expected during fiscal year 1991.

In order to improve security procedures at ACDA, we have made a number of changes, one of which requires an amendment to our authorities. The position of Chief of Security was upgraded and is now both Assistant to the Deputy Director for Security and Director of Security. In addition, this individual is now a full-time ACDA employee. Previously, it had been filled by a detailee from the State Department. Because of this last change, ACDA seeks new authority, included in our draft legislation, to administer oaths in the course of investigations. To the extent that ACDA previously had such authority, it was derived from the State Department through its detailee in the Office of Security. We propose an amendment to Section 41 of our Act (22 U.S.C. 2581) to give this authority to the Director in a manner that can be delegated to the Director of Security.

We will approach the Foreign Relations Committee in the near future to discuss these matters in greater detail. The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

RONALD F. LEHMAN II.

By Mr. LIEBERMAN (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. MITCHELL, Mr. DODD, Mr. LEAHY, Mr. CHAFEE, Mr. COHEN, Mr. KERRY, Mr. PELL, and Mr. COCHRAN):

S. 821. A bill to establish the Silvio Conte National Fish and Wildlife Refuge; to the Committee on Environment and Public Works.

SILVIO CONTE NATIONAL FISH AND WILDLIFE REFUGE

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Silvio Conte National Fish and Wildlife Refuge Act. This bill would direct the U.S. Fish and Wildlife Service to define, designate, and map refuge boundaries in the Connecticut River watershed. The refuge, only the second National Fish and Wildlife Refuge in the country, would be named for our friend and colleague, Representative Silvio Conte. Senators KENNEDY, JEFFORDS, MITCHELL, DODD, LEAHY, CHAFEE, COHEN, KERRY, PELL, and COCHRAN join me as original cosponsors of this legislation. The bill we introduce today is, in fact, very similar to one Mr. Conte introduced shortly before his death last year.

Mr. President, Silvio Conte devoted much of his professional efforts and his personal commitment toward restoring the health of the Connecticut River and its watershed. He believed them to be unique environmental resources. It is, in large part, due to his championship of the Connecticut River that Federal, State, and local governments have spent approximately $600 million to clean up the river and to improve the quality of its fish and wildlife habitat, resulting in the reestablishment or improvement of the populations of many species—such as the Atlantic salmon, American shad, bald eagle, and peregrin falcon.

The Connecticut River Valley, which traverses four of the six New England States, is home to 2 million people. The river provides the link that in many ways binds us to one another—via commerce, transportation, and energy supply. It shapes and informs our awareness of the natural beauty of the region and of its environmental health. The decisions made all along the length of the Connecticut River will ultimately bear witness in the health of Long Island Sound, which receives 70-80 percent of its freshwater from the Connecticut.

This important connection to Long Island Sound is one of the things that makes the Connecticut River unique. The lower tidal reaches of the Connecticut River are of great regional significance to fish and wildlife; in addition to anadramous and endangered fish, migratory waterfowl, rails and wading birds, this system supports unique ecosystems—tidal freshwater marshes of wild rice and golden club, worthy of recognition as a wetlands complex of international significance.

It is also worth noting, Mr. President, that while the Connecticut was one of the first rivers in North America to be developed by European settlers, it is one of the only, if not the only, major river in the United States without a city at its mouth. This fact alone gives us a rare opportunity to preserve one of the best and largest remaining examples of this type of crucial ecosystem in our country.

Unfortunately, Mr. President, the Connecticut River is threatened with spoilation, removal from public access, and ecological downgrading. We can reverse this loss of unique social, educational, and environmental assets by authorizing the U.S. Fish and Wildlife Service to map its watershed and to designate those areas for acquisition and for protection through partnerships which will be critical to habitat preservation and recreational and educational enhancement.

As the saying goes, "no wild—no wildlife." But it was Mr. Conte's belief, and ours as well, that an additional way to provide for the protection of a natural resource is to build for it a constituency committed to its health. Providing better public access to the river will do just this. We have an opportunity here to enable people to get to the river so that we all might learn to honor and care for it better.

Specifically, Mr. President, this bill would direct the U.S. Fish and Wildlife Service to define, designate, and map the refuge boundaries within the 11 million acre watershed of the Connecticut River within a 3-year period. As such time as sufficient property within the boundaries has been acquired by the U.S. Fish and Wildlife Service, the refuge shall be established and named for Mr. Conte.

Obviously, only a small fraction of the 11 million acre watershed would be purchased by the Federal Government. There is not the money, the support, or the necessity for a larger purchase. What we envision here is a refuge similar in style to the Rachel Carson Refuge in Maine, a series of critical habitat areas linked like well-spaced beads in a necklace.

However, one of the things that makes this bill unique is the provisions for outreach, cooperative agreements, easements, and technical assistance which we include. The bill establishes an advisory committee to assist the Secretary of the Interior to identify areas within the watershed that are not necessarily within the boundaries of the refuge, the conservation and wise management of which will further the purposes for which the refuge is established. I think we need to recognize here that the Connecticut River Valley is full of people as varied in their habits and their occupations and their lifestyles as they are united in their identification with the landscape and ecosystem we are seeking to preserve. What's needed here might be called a new approach to conservation—an acknowledgment that we cannot nor should we want to simply buy up and lock up all the land along a particular resource in order to save it. The advisory committee could as easily be seen as a good neighbor committee—formed of State and local people—gubernatorial appointees, conservation specialists—who will ensure that the needs of those who live near or on the river and the needs of the river are aided by the Federal Government's involvement. Public outreach and education will be an important part of this refuge's mission, and to that end the bill would authorize up to four Silvio O. Conte National Fish and Wildlife Refuge Interpretation and Education Centers to provide for the study, understanding, and enjoyment of aquatic resources and wildlife in its natural habitats.

The introduction of this bill to map, define, and designate critical habitat areas within the watershed of the Connecticut River, to establish the refuge, and to name it for Mr. Conte, seems to us one of the best tributes we can offer to a man who worked for 32 years to conserve and enhance our Nation's natural resources. The Silvio Conte National Fish and Wildlife Refuge will stand as a living memorial to the colleague we relied upon year after year to support conservation initiatives throughout the Nation. It will help to ensure the survival for future generations of an estuarine river complex of international significance; and it will mean something very special to those of us who call New England "home." The images that we conjure when we find ourselves claiming to be from New England—from the northern hillsides and farmlands to the tidal wetlands and marshes—place us in a very particular landscape, one shaped in large part by the Connecticut River and the plant and animal life which depend upon it. Regional identity was something Mr. Conte understood. I encourage my colleagues to join those of us who share and seek to honor his vision to join us as cosponsors of the Silvio Conte National Fish and Wildlife Refuge Act.

By Mr. REID (for himself, Mr. BAUCUS, Mr. BURNS, Mr. BRYAN, Mr. DASCHLE, Mr. PRESSLER, Mr. GORTON, Mr. HATCH, Mr. CONRAD, Mr. STEVENS, and Mr. MURKOWSKI):

S. 823. A bill to authorize funds for improvement of highways to further the international competitiveness of the United States, and for other purposes; to the Committee on Environment and Public Works.

TRANSPORTATION IMPROVEMENTS ACT

Mr. REID. Mr. President, I rise today, along with Senator BAUCUS, to introduce the Transportation Improvement Act of 1991, about which my friend has just spoken. We are joined in our efforts by Senators BURNS, BRYAN, DASCHLE, PRESSLER, CONRAD, GORTON, HATCH, STEVENS, and MURKOWSKI.

Mr. President, it is said to be the loneliest road in America, from Carson City, NV, to Ely, NV. It is a long way from Carson City to Ely, but it is a long way lots of different places in Nevada, from Las Vegas to Elko, from Elko to Reno, from Reno to Las Vegas. For hundreds and hundreds of miles the only way people can travel is through the highways.

The Transportation Improvement Act of 1991 best meets the transportation needs of the western part of the United States and sparsely populated States all over this country. I traveled with my friend and colleague, Senator BAUCUS, in Montana this fall. The State of Nevada is a large State, but not as large as the State of Montana. We did not drive those highways the length and breadth of the State of Montana this past fall; we flew in an airplane. The areas are so large that the magnitude escapes most people. It took most of the day to fly the State of Montana.

This Transportation Act of 1991 that we are introducing also does what no other highway bill has ever done. It recognizes the special needs of States like Nevada and Montana, States with lots of land but relatively few people.

Mr. President, earlier this year, Secretary Sam Skinner, unveiled a transportation proposal he hoped would move our Nation's transportation infrastructure into the next century. This plan includes numerous innovations: congestion pricing, traffic management systems, promotion of carpool lanes, pedestrian and bicycle ways, and making rights-of-way available for maglev.

As a member of the Environment and Public Works Committee, I have sat through hours and hours of hearings this year where we have looked into these innovations that are in the administration's bill. Those things in the administration's bill are positive changes that will provide this Nation with a multimodal transportation system. It is progressive and good, but these proposals are overshadowed by the heart of the administration's bill, because by lowering matching formulas, the Federal Government would, on average, force States to increase spending by 65 percent simply for States to stay even with what they are now getting. Worse, the administration's bill does not recognize the real effort States have been making to meet the needs of more of their own transportation. For instance, Clark County, NV, where Las Vegas is located, just voted to increase taxes $100 million a year to meet the significant needs of that rapidly growing area. I held a transportation summit a year ago last February in Las Vegas and brought together State, Federal, and local officials to talk about the transportation needs of this rapidly growing area. Following that transportation summit, the Clark County Commission and others met and decided it would take a minimum of $100 million a year extra to meet the needs of that growing community. As a result of that, a proposition was put on a ballot locally, and voters said, yes, we do need the money, and we are willing to spend it. The State legislature approved $100 million a year in new taxes to meet the demands.

This has to be met, Mr. President, with the same kind of work from the Federal Government. This bill I have introduced, the Transportation Improvement Act, by contrast, recognizes as its core the old saying, "If it ain't broke, don't fix it." It is our highways that are broken, not our highway laws. There is nothing wrong with our Nation's roads and highway laws that spending the highway trust fund will not fix. This is money we can spend without raising the taxes. As we all know, the highway trust fund enjoys a surplus.

Our bill begins to use this surplus that has been used to mask the deficit. This bill authorizes annual spending of $20 billion for 5 years. The Congressional Budget Office has testified that this level of spending can be maintained without increasing taxes one penny or jeopardizing one iota the soundness of the trust fund. Should any of my colleagues think the level of spending is high, I point out that the House Public Works Committee sent a letter to the House Budget Committee on March 13 urging annual highway spending of approximately $24 billion.

In addition to spending the trust fund surpluses, the Transportation Improvement Act has two unique proposals. One, it contains bonus apportionments; and, two, it has greater flexibility than either the current law or the administration's proposal.

This act has four bonus apportionments. These are designed to recognize circumstances peculiar to a State that may make highway financing more difficult. They also reward States that help themselves. These four bonuses include:

One, level of effort. This provides a bonus to States that have per capita highway spending higher than the national average.

Two, severe weather. Severe cold and heat shorten the life of highways. This factor recognizes the higher costs States face to repair this damage.

Third, Federal lands factor. Many States, particularly Western States—to use the State of Nevada as an example, 87 percent of the State of Nevada is owned by the Federal Government—have a high percentage of Federal land not subject to tax. Yet, the public expects access to this land. This bonus will help address this expensive dilemma.

Last, low density population. This bonus is similar to one found in the administration's bill. However, the bonus in the Transportation Improvement Act aids 22 States rather than 10.

Mr. President, I ask unanimous consent that a table showing the bonus apportionments be printed in the RECORD at the conclusion of my remarks.

Mr. President, the act also allows greater flexibility to States in the use of highway funds. Any State could shift 30 percent of funds from one major funding category to another, including mass transit without Department of Transportation approval. Additional transfers of 20 percent could be made with Department of Transportation approval for a total annual transfer from a category of 50 percent.

This act also maintains the current matching formulas, retains the current apportionment formulas, and extends the current funding categories.

Mr. President, I ask unanimous consent that a section-by-section description of the Transportation Improvement Act be printed in the RECORD at the conclusion of my remarks.

Mr. President, in short, the Transportation Improvement Act takes steps to eliminate the so-called third deficit—our Nation's inadequate spending on infrastructure, currently, as Senator BAUCUS mentioned, ranked 55th in the world. This great Republic, the United States, ranks 55th in the world for spending on infrastructure. This is something we should bow our head in shame for.

It does so, though this legislation does accomplish these things I have mentioned, by increasing expenditures from the highway trust fund by 25 percent, from $16 to $20 billion. This increase will still leave us short.

The Federal Highway Administration estimates the cost to bring the Nation's roads up to minimum engineering standards will cost between $565 to $655 billion over the next 10 years. Nonetheless, the increases authorized by the Transportation Improvement Act will benefit the entire Nation without punishing the West.

Mr. President, I urge all of my colleagues to cosponsor this legislation. After even a cursory look, they will see that it is the Transportation Improvement Act of 1991 which offers the best deal for all States.

Mr. President, I ask unanimous consent that a copy of the legislation and several additional charts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation Improvement Act of 1991".

SEC. 2. CONGRESSIONAL FINDINGS.

Section 101 is amended by adding a new subsection (f), to read as follows:

"(f) The Congress hereby finds and declares that—

"(1) investments in the nation's highway system contribute to the international competitiveness of the United States;

"(2) the annual income of the Highway Account of Highway Trust Fund (including both current receipts and interest on the balance of the Account) and the balance in that Account provide sufficient fiscal resources to support a significant increase in annual Federal investment in our nation's highway system;

"(3) state and local governments already contribute the vast majority of all government funds spent in the United States on construction and maintenance of highways, are not presently financially able to increase their contribution towards the non-Federal share of Federally assisted highway projects and, given the strong Federal interest in roads on Federal-aid highway systems, should not be asked to do so;

"(4) providing States with added flexibility to transfer Federal-aid highway funds from one highway category to another, or to transit programs, will enable individual States to respond more effectively to transportation needs within their boundaries while maintaining a basic categorical structure for distribution of Federal-aid highway funds which ensures that the needs of all areas of the nation, both rural and metropolitan, are addressed;

"(5) increased levels of Federal investment are required just to preserve the Federal government's past investment in Federal-aid highways;

"(6) the program for distribution of highway funds should not encourage fuel consumption, as increased fuel consumption would increase our nation's trade deficit and its air pollution; and

"(7) legislation for Federal-aid highways for fiscal year 1992 and beyond, by providing for increased funding and greater state flexibility to use funds in the most effective manner possible, will further economic growth and enhance the international competitiveness of the United States.".

SEC. 3. REFERENCES.

(a) Except as noted otherwise, title and section references herein are to sections of title 23, United States Code.

(b) For purposes of this Act, the term "Secretary" refers to the Secretary of Transportation.

TITLE 1—COMPLETION OF INTERSTATE SYSTEM AND INTERSTATE SUBSTITUTE HIGHWAY PROJECTS

SEC. 101. APPROVAL OF INTERSTATE COST ESTIMATE.

Section 104(b)(5)(A) is amended by striking "within 10 days subsequent to January 2, 1991." and the sentence which follows and inserting in lieu thereof the following: "on or before February 4, 1991. Such estimate forwarded to the Congress by the Secretary of Transportation on February 4, 1991 is hereby approved and the Secretary shall apportion for fiscal years 1993 through 1998 the sums authorized to be appropriated for such years by section 108(b) of the Federal-Aid Highway Act of 1956 for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5 of that approved estimate.".

SEC. 102. AUTHORIZATIONS FOR INTERSTATE SYSTEM COMPLETION.

The first sentence of section 108(b) of the Federal-Aid Highway Act of 1956 is amended—

(1) by striking "and" after "September 30, 1992,"; and

(2) by striking the period at the end of such sentence and inserting in lieu thereof the following: ", and the additional sum of $1,196,400,000 for each of the fiscal years 1994, 1995, 1996, 1997, and 1998.".

SEC. 103. ENCOURAGEMENT OF PROMPT COMPLETION OF INTERSTATE SYSTEM.

Section 104 is amended by adding a new subsection (i) to read as follows:

"(i) Notwithstanding any other provision of this title, State which has not completed construction of that portion of the National System of Interstate and Defense Highways which lies within its borders by the end of fiscal year 1995 shall not be eligible, effective at the beginning of fiscal year 1996, to receive or apply for any funds under this title which are distributed at the discretion of Secretary until such time as the Secretary agrees that the State has completed constuction of such highways within its borders. This subsection shall not apply to a State which, subsequent to January 1, 1990, experienced a natural disaster which has delayed completion of construction of that portion of the National System of Interstate and Defense Highways which lies within its borders.".

SEC. 104. CONFORMING CHANGES.

(a) Section 101(b) is amended—

(1) by striking "thirty-seven years" and inserting in lieu thereof "forty-two years"; and

(2) by striking "1993" and inserting in lieu thereof "1998".

(b) Section 118(c)(1) is amended by inserting "through fiscal year 1992" after "a fiscal year beginning after September 30, 1983".

(c) Section 104(b)(5)(A) is amended by inserting "through and including fiscal year 1992" in the last sentence thereof after "for any fiscal year".

(d) Section 102(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 is amended by striking "For any fiscal year beginning after September 30, 1987" and inserting in lieu thereof: "For each of the fiscal years 1988 through 1993".

SEC. 105. FUNDING AND APPROVAL OF COST ESTIMATE FOR INTERSTATE SUBSTITUTE HIGHWAY PROJECTS.

(a) Section 103(e)(4)(H) is amended by adding a new subparagraph (iv) to read as follows:

"(iv) The sums to be apportioned for fiscal years 1992 through 1995 under this paragraph for expenditure on substitute highway projects shall be apportioned using the apportionment factors contained in Table Number 4 of the report forwarded to the Congress by the Department of Transportation by letter dated September 25, 1990.".

(b) Section 103(e)(4)(G) is amended by striking the period at the end thereof and inserting in lieu thereof the following: ", and $240,000,000 per fiscal year for each of fiscal years 1992, 1993, 1994 and 1995.".

TITLE II—OBLIGATION AUTHORITY.

SEC. 201. OBLIGATION AUTHORITY.

A new section 104A is added to title 23 to read as follows:

"104A. Obligation Authority.

"(a) GENERAL LIMITATION.—Notwithstanding any other provision of law (other than subsections (b) and (f) of this section), the total of all obligations for Federal-aid highways and highway safety construction programs shall not exceed $18,000,000,000 for fiscal year 1992, $18,250,000,000 for fiscal year 1993, $18,500,000,000 for fiscal year 1994, $19,000,000,000 for fiscal year 1995, and $19,500,000,000 for fiscal year 1996.

"(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to any obligation under—

"(1) section 118(b)(3), 125, 144(g)(1)(B), 157, 159, or 320;

"(2) section 147 of the Surface Transportation Assistance Act of 1978;

"(3) section 9 of the Federal-Aid Highway Act of 1981;

"(4) section 131(b) or 131(j) of the Surface Transportation Assistance Act of 1982;

"(5) section 118 of the National Visitor Center Facilities Act of 1968;

"(6) section 404 of the Surface Transportation Assistance Act of 1982; or

"(7) section 149(b) or 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

"(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of the fiscal years 1992 through 1996, the Secretary shall distribute the limitation imposed by subsection (a) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to each State for such fiscal year bears to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction which are apportioned or allocated to all the States for each such fiscal year.

"(d) LIMITATION ON OBLIGATION AUTHORITY.—During the period October 1 through December 31 of each of fiscal years 1992 through 1996, no State shall obligate more than 35 percent of the amount distributed to each State under subsection (c) for such fiscal year, and the total of all State obligations during such period shall not exceed 25 percent of the total amount distributed to all States under such subsection for such fiscal year.

"(e) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsections (c) and (d), the Secretary shall—

"(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction which have been apportioned or allocated to a State;

"(2) after August 1 of each of fiscal years 1992 through 1996, revise a distribution of funds made available under subsection (c) for such fiscal year if a State will not obligate the amount distributed during such fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distrubuted during such fiscal year giving priority to those States having unobligated balances of funds apportioned under section 104 which are relatively large when compared to funds apportioned to them during such fiscal year; and

"(3) not distribute amounts authorized for administrative expenses and studies, Federal lands highways programs, and the strategic highway research program.

"(f) ADDITIONAL OBLIGATION AUTHORITY.—

"(1) IN GENERAL.—Subject to paragraph (2), a State which after August 1 and on or before September 30 of fiscal year 1992, 1993, 1994, 1995 or 1996, obligates the amount distributed to such State in such fiscal year under subsections (c) and (e) may obligate for Federal-aid highways and highway safety construction on or before September 30 of such fiscal year an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State:

(A) under sections 104, 130, 144, and 152, and

(B) for highway assistance projects under section 103(e)(4), which are not obligated on the date such State completes obligation of the amount so distributed.

"(2) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—During the period August 2 through September 30 of each of fiscal years 1992 through 1996, the aggregate amount which may be obligated by all States pursuant to paragraph (1) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(A) under sections 104, 130, 144, and 152, and

(B) for highway assistance projects under section 103(e)(4), which would not be obligated in such fiscal year if the total amount of obligational authority provided by subsection (a) for such fiscal year were utilized.

"(3) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in a fiscal year to any State which on or after August 1 of that fiscal year has the amount distributed to such State under subsection (c) for such fiscal year reduced under subsection (e)(2)."

TITLE III—AUTHORIZATION OF APPROPRIATIONS OUT OF THE HIGHWAY TRUST FUND

SEC. 301. AUTHORIZATION OF APPROPRIATIONS FOR CATEGORICAL PROGRAMS.

(a) There are hereby authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) the sums set forth in subsections (b) and (c) of this section:

(b) $14,389,000,000 for fiscal year 1992, $14,788,600,000 for fiscal year 1993, $15,022,100,000 for fiscal year 1994, $15,513,100,000 for fiscal year 1995, and $16,004,100,000 for fiscal year 1996, to be divided as follows:

(1) INTERSTATE 4R PROGRAM.—35 percent for resurfacing, restoring, rehabilitating, and reconstructing the National System of Interstate and Defense Highways;

(2) FEDERAL-AID PRIMARY SYSTEM.—29.0 percent for the Federal-aid primary system;

(3) FEDERAL-AID SECONDARY SYSTEM.—6.5 percent for the Federal-aid secondary system;

(4) FEDERAL-AID URBAN SYSTEM.—9.0 percent for the Federal-aid urban system;

(5) BRIDGE REPLACEMENT AND REHABILITATION.—17.5 percent for bridge replacement and rehabilitation under section 144;

(6) ELIMINATION OF HAZARDS.—1.6 percent for projects for elimination of hazards under section 152; and

(7) RAILROAD-HIGHWAY CROSSINGS.—1.4 percent for carrying out projects for the elimination of railroad-highway crossings on any public road.

(c) OTHER PROGRAMS.

(1) FOREST HIGHWAYS.—For forest highways, $200,000,000 for fiscal year 1992, $210,000,000 for fiscal year 1993, $220,000,000 for fiscal year 1994, $230,000,000 for fiscal year 1995 and $240,000,000 for fiscal year 1996.

(2) PUBLIC LANDS HIGHWAYS.—For public lands highways, $60,000,000 for fiscal year 1992, $66,000,000 for fiscal year 1993, $73,000,000 for fiscal year 1994, $80,000,000 for fiscal year 1995, and $88,000,000 for fiscal year 1996.

(3) PARKWAYS AND PARK HIGHWAYS.—For parkways and park highways, $105,000,000 for fiscal year 1992, $115,000,000 for fiscal year 1993, $126,000,000 for fiscal year 1994, $138,000,000 for fiscal year 1995, and $152,000,000 for fiscal year 1996.

(4) INDIAN RESERVATION ROADS.—For Indian reservation roads, $118,000,000 for fiscal year 1992, $121,000,000 for fiscal year 1993, $126,000,000 for fiscal year 1994, $138,000,000 for fiscal year 1995, and $152,000,000 for fiscal year 1996.

(5) ACCESS HIGHWAYS TO CERTAIN PUBLIC RECREATION AREAS.—For access highways to public recreation areas on certain lakes under section 155, $15,000,000 for each of the fiscal years 1992 through 1996.

(6) FHWA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 by the Federal Highway Administration, $10,000,000 for each of the fiscal years 1992 through 1996.

(7) FHWA RESEARCH.—For planning, research and to support demonstration and research projects on new technologies, including Intelligent Vehicle Highway Systems, new pavement mixes, new signing and marking technologies and other projects of broad interest, $350,000,000 for each of the fiscal years 1992 through 1996. A minimum of $100,000,000 per year of such funds shall be applied to carrying out section 307(d).

(8) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects, $13,000,000 for each of the fiscal years 1993 through 1996. These sums shall be available until expended and may be allocated to the Internal Revenue Service or the States at the discretion of the Secretary. These funds shall be used to expand efforts to enhance motor fuel tax enforcement, fund additional IRS staff, supplement motor fuel tax examination and criminal investigation, develop automated data processing tools, evaluate and implement revised registration and reporting requirements, reimburse State expenses that supplement existing fuel tax compliance efforts and analyze and implement programs to reduce the tax evasion associated with other highway use taxes.

SEC. 302. DISCRETIONARY INTERSTATE 4R PROGRAM.

(a) Section 118(c) is amended—

(1) by striking "Before" at the beginning of paragraph (2) and inserting in lieu thereof: "With respect to apportionments for fiscal years prior to fiscal year 1992, before"; and

(2) by inserting a new paragraph (3) as follows:

"(3) 4R PROJECTS.—In addition to sums authorized by section 301(b)(1) of the Transportation Improvement Act of 1991, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account), to carry out Interstate 4R discretionary projects described in section 118(b)(3), $250,000,000 for each of the fiscal years 1992 and 1993, and $275,000,000 for each of the fiscal years 1994 through 1996.".

(b) Section 118(b)(3)(B) is amended by striking at the beginning of the second sentence thereof "Such funds" and inserting in lieu thereof: "Such funds and funds under paragraph (c)(3) of this section".

SEC. 303. DISCRETIONARY BRIDGE PROGRAM.

Section 144(g) is amended—

(1) by inserting "(A)" before "Of" at the beginning of paragraph (1);

(2) by inserting at the end of paragraph (1) a new subparagraph (B) to read as follows:

"(B) In addition to amounts authorized to be appropriated under section 301(b)(5) of the Transportation Improvement Act of 1991 for apportionment under subsection (e) of this section, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $230,000,000 for fiscal year 1992, $280,000,000 for fiscal year 1993, $300,000,000 for fiscal year 1994, $325,000,000 for fiscal year 1995, and $350,000,000 for fiscal year 1996, which amounts shall be available for obligation on the date of apportionment under subsection (e) in the same manner and to the same extent as sums apportioned on such date, except that the obligation of such sums shall be at the discretion of the Secretary pursuant to paragraph (2).";

(3) in paragraph (2), by inserting "with respect to funds for fiscal years 1987 through 1991" immediately after "1987";

(4) in paragraph (2), by adding at the end thereof, aligned at the margin, the following:

"Applications for funding under this paragraph must include an assessment of the feasibility of assessing tolls on the bridge to support the project and the option of using combinations of funds other than funds made available under this section."; and

(5) in paragraph (3), by striking "and 1991" and inserting in lieu thereof "1991, 1992, and 1993".

SEC. 304. NATIONAL INTEREST APPORTIONMENT BONUSES.

Title 23 is amended by adding a new section 159, to read as follows:

"SEC. 159. NATIONAL INTEREST APPORTIONMENT BONUSES.

"(a) The Secretary shall, for fiscal years commencing with fiscal year 1992, determine each State's total annual apportionment in accordance with all applicable provisions of law other than this section and section 157 and use that total in calculating the bonus apportionments authorized by this section. Such sums as are necessary for the bonus apportionments authorized by this section are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for each of the fiscal years 1992 through 1996.

"(b)(1) High Level of Effort Bonus.—The Secretary shall, in accordance with practice followed in developing Highway Statistics Table HF-1 for the Publication Highway Statistics 1989, determine total receipts (other than Federal aid) for each State, including receipts of political subdivisions, dedicated to highway purposes. The Secretary shall divide this sum by population in accordance with the latest available decennial Federal census to determine, on a per capita basis, the amount which citizens of each State dedicate to highway purposes. The Secretary shall, following the same methodology, also determine the national per capita amount dedicated to highway purposes. The Secretary shall then determine, for each State with per capita expenditures for highway purposes greater than the national average, the percentage by which such State expenditures exceed the national average, divide that percentage by ten, and apportion to that State an additional amount equal to that percentage (up to a maximum of 5 percent) of its total annual apportionment.

"(2) Adverse Weather Bonus.—The Secretary, after consultation with the Secretary of Commerce and the States shall, for each State, determine the average number of days per year when the temperature exceeds 90 °F and the average number of days per year which are not frost free, add together the sum of such days for each State and compute the average number of such days for all States. For each State with a greater number of such days than the average number of such days for all States, the Secretary shall apportion to the State an additional amount equal to the State's total annual apportionment times one-tenth of the percentage by which that State's total of such days exceeds the average number of such days for all States. The maximum additional apportionment under this paragraph shall be 5 percent of a State's total annual apportionment.

"(3) Federal Lands Bonus.—The Secretary shall provide to each State an additional amount equal to its total annual apportionment times one-tenth of the percentage point Federal lands adjustment made pursuant to clause (B) of section 120(a).

"(4) Low Density Bonus.—Based on information from the latest available decennial Federal census, a State shall receive a bonus equal to the applicable percentage of its total annual apportionment as set forth in this paragraph, if the population density of the State is less than 70 persons per square mile:

(A) States with a population density of under 10 persons per square mile shall receive a 5 percent bonus,

(B) States with a population density of under 20 and more than 10 persons per square mile shall receive a 4 percent bonus,

(C) States with a population density of under 30 and more than 20 persons per square mile shall receive a 3 percent bonus,

(D) States with a population density of under 50 and more than 30 persons per square mile shall receive a 2 percent bonus, and

(E) States with a population density of under 70 and more than 50 persons per square mile shall receive a 1 percent bonus.

"(5) Limit on Adjustments.—

If the extent the sum of adjustments to be made to a State's total annual apportionment under paragraphs (1), (2), (3) and (4) of this subsection exceeds 10 percent of the State's total annual apportionment, the total bonus to be apportioned under this section to a State shall not exceed 10 percent of the State's total annual apportionment. In calculating the sum of adjustments under said paragraphs (1)-(4), percentage adjustments shall be rounded to the nearest one-tenth of a percent.

"(c) The bonus authorized by this section may be applied by States to any project eligible under any of the categories listed in subsection (d) of this section. Funds apportioned to States under this section shall remain available for two fiscal years after the fiscal year for which they were first apportioned.

"(d) As used in this section, the term "total annual apportionment" means the sum of apportionments for the following program categories: Interstate 4R, primary, secondary, urban, bridge, hazard elimination and railroad-highway crossings.".

TITLE IV—PROGRAM FLEXIBILITY

SEC. 401. TRANSFERABILITY OF FUNDS BETWEEN PROGRAM CATEGORIES.

(a) Sections 104(c) and 119(f) are amended by adding at the end of each provision the following new paragraph: "(3) This subsection shall not apply with respect to apportionments made for fiscal years after fiscal year 1991.".

(b)(1) Section 104(g) is amended by adding the following sentence at the end thereof: "This subsection shall not apply with respect to apportionments made for fiscal years after fiscal year 1991.".

(2) Section 119(d) is amended by adding the following sentence at the end thereof: "This subsection shall not apply with respect to apportionments made for fiscal years after fiscal year 1992.".

(c) Section 104 is amended by adding a new subjection (j) to read as follows:

"(j) Transferability of Apportionments.—

"(1) This section shall govern transferability of apportionments for fiscal year 1992 and future fiscal years for categories other than Interstate construction and shall govern transferability of Interstate construction funds for fiscal years 1993 and future fiscal years.

"(2) Notwithstanding any other provision of law, upon notification of the Secretary and without any requirement for justification whatsoever, in each fiscal year, a State may:

(A) transfer up to 30 percent of its apportionments in each of the following categories to any of those categories—

(i) Interstate System Resurfacing, Restoration, Rehabilitation and Reconstruction Program;

(ii) Federal-aid Primary System;

(iii) Federal-aid Secondary System;

(iv) Federal-aid Urban System;

(v) Highway Bridge Rehabilitation and Replacement Program;

(vi) Hazard Elimination Program; and

(vii) Railroad-highway Crossings Program; and

(B) transfer up to 30 percent of its apportionments for the Federal-aid urban system to activities eligible for assistance under the Urban Mass Transportation Act of 1964, as amended.

"(3) With the approval of the Secretary, a State may make transfers of apportionments in addition to those authorized under paragraph (2)—

(A) between categories listed in paragraph (2)(A); and

(B) from categories listed in paragraph (2)(A) to activities eligible for assistance under the Urban Mass Transportation Act of 1964, as amended. In considering requests for transfer under this paragraph, the Secretary shall consider the public interest, and particularly consider the physical condition of the System of Interstate and Defense Highways within the borders of the requesting State, and whether approval of the request would result in a program for Federal-aid highways within the State which unduly emphasizes projects in either rural or urban areas. The Secretary may grant such requests conditionally or unconditionally. Any transfer request which is not denied, approved, or conditionally approved within 60 days of receipt of the transfer request is automatically approved. The maximum transfer from a category which may be approved under this paragraph shall be 20 percent of the apportionment in any category listed in paragraph (2)(A).

"(4) With approval of the Secretary, a State may transfer funds apportioned pursuant to Section 101 of the Transportation Improvement Act of 1991 from projects for the completion of the System of Interstate and Defense Highways to other projects in any of the categories listed in subparagraph (1)(A) of this section provided the Secretary finds either that—

(A) the state has completed its Interstate System utilizing less than the full amount of funds available to it under said Section 101; or

(B) the State's project or projects for construction of the Interstate System are not ready for construction and that, at such time as such projects are ready for construction, the State agrees to transfer an equivalent amount to such projects either from paragraph (2)(A) categories or from its own funds.".

TITLE V—ADDITIONAL PROVISIONS

SEC. 501. CONTINUATION OF PRIMARY SYSTEM FORMULA.

Section 108 of the Highway Improvement Act of 1982 (23 U.S.C. 104 note) is amended by striking out "and 1991" each place it appears and inserting in lieu thereof "1991, 1992, 1993, 1994, 1995, and 1996".

SEC. 502. EXPANSION OF TOLL PROGRAM.

(a) Section 129(j), is amended—

(1) in paragraph (1) by striking "9" immediately before "toll facilities";

(2) in paragraph (2)(A), by striking "(other than a highway on the Interstate System)";

(3) in paragraph (2)(B), by striking "(Other than a highway, bridge, or tunnel on the Interstate System)"; and

(4) in paragraph (3)—

(A) by striking "Limitation on Number of" in the title of the paragraph;

(B) by striking the first, third, fourth and fifth sentences thereof;

(C) by striking "One" at the beginning of the remaining sentence and inserting in lieu thereof: "At least one";

(D) by adding a new sentence, to read as follows: "Additional facilities, without limit, may be permitted in any State.".

(b) Section 301 is amended by striking "with respect to certain toll bridges and toll tunnels".

(c) Section 129 is amended by adding the following new subparagraph—

"(l) Notwithstanding any other provision of this Section or of Section 119, tolls on a facility may be continued indefinitely, without sanction imposed by the Secretary, if after the recovery of costs, tolls received from the facility less the actual cost of operation and maintenance are used for a purpose eligible under this title.".

"SEC. 503. RIGHT-OF-WAY REVOLVING FUND.

Effective at the beginning of fiscal year 1992, there are authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to the right-of-way revolving fund established by section 108(c), $500,000,000 in addition to amounts previously authorized to be appropriated to such fund.

SEC. 504. ADDITIONS TO INTERSTATE SYSTEM.

Section 139 is amended—

(1) by striking "on the Federal-aid primary system" wherever it appears;

(2) in subsection (b), by striking "within twelve years of the date of the Agreement between the Secretary and the State or States involved." and by striking "before the date of enactment of this sentence."; and

(3) by adding at the end thereof the following new subsection:

"(d) Additions to the Interstate System pursuant to this section may consist of either toll or free mileage.".

SEC. 505. RAIL, HIGH SPEED GROUND TRANSPORTATION, MAGNETIC LEVITATION, AND TRANSIT FACILITIES

Title 23 is amended by adding a new Section 160 to read as follows:

SEC. 160. RAIL, HIGH SPEED GROUND TRANSPORTATION, MAGNETIC LEVITATION, AND TRANSIT FACILITIES

"In any case where sufficient land exists within the publicly acquired rights-of-way of a Federal-aid highway to accommodate rail, including high speed ground transportation and magnetic levitation systems, or non-highway public mass transit facilities and where the accommodation can be accomplished without impairing automotive safety or future highway improvements, the Secretary may authorize a State to make those lands and rights-of-way available without charge to a publicly or private owned mass transit authority or company for those purposes wherever the public interest will be served.".

SEC. 506. RURAL TOURISM.

(a) This section may be cited as the "Federal Rural Tourism and Recreational Development Act of 1991".

(b) NATIONAL GOAL.—Congress hereby declares that it shall be a national goal to provide improved and safe access to public lands to encourage the development of travel and tourism opportunities in support of rural area economic development.

(c) FEDERAL LANDS HIGHWAY PROGRAM.—Section 204 is amended by striking subsection (h) and inserting in lieu thereof:

"(h) Funds available for each class of Federal Lands Highways may be made available for the following—

"(l) transportation planning for tourism and recreational travel including the National Forest Scenic Byways Program and other similar Federal programs that benefit recreational development;

"(2) adjacent vehicular parking areas;

"(3) interpretive signage;

"(4) development of public road facilities for areas of historical, archeological, cultural, and scenic interests;

"(5) acquisition of necessary scenic easements;

"(6) construction and reconstruction of roadside rest areas including sanitary and water facilities; and

"(7) other appropriate facilities such as visitors centers as determined by the Secretary.

"(i) The Secretary shall transfer to the Secretary of the Interior from the appropriations for public lands highways amounts as may be needed to cover necessary administrative costs of the Bureau of Land Management in connection with public lands highways.".

"(d) FOREST DEVELOPMENT ROADS AND TRAILS.—Section 205 is amended by adding at the end thereof the following new subsection:

"(e) Funds available for forest development roads and trails may be made available for—

"(l) transportation planning for tourism and recreational travel including the National Forest Scenic Byways Program and other similar Federal programs that benefit recreational development;

"(2) adjacent vehicular parking areas;

"(3) interpretive signage;

"(4) development of public road facilities for areas of historical, archeological, cultural, and scenic interests;

"(5) acquisition of necessary scenic easements;

"(6) construction and reconstruction of roadside rest areas including sanitary and water facilities; and

"(7) other appropriate facilities such as visitor centers as determined by the Secretary of the Interior.".

(e) BICYCLE AND PEDESTRIAN FACILITIES FOR TOURISM.—

(1) Section 217(b) is amended by adding a new paragraph (4), to read as follows:

"(4) Notwithstanding the provisions of paragraph (3) of this subsection, Federal aid highway projects for pedestrian and bicycle facilities shall be authorized by the Secretary to encourage alternative modes of transportation for tourism and recreation purposes.".

(2) Section 217 is amended by striking paragraph (g) and inserting in lieu thereof the following:

"(g) Motorized use of trails and walkways authorized under this section shall be determined by State and local regulations.".

(f) ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS AND CERTAIN LAKES.—

(2) Section 155(a) is amended by adding a new paragraph (3) as follows:

"(3) On October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for that fiscal year for access highways to public recreation areas on certain lakes according to the relative needs the various public recreation areas serving certain lakes taking into consideration the need for access as identified through recreation and land use planning and the impacts planning on existing transportation facilities.".

(g) RECREATIONAL TRAVEL AND TOURISM.—

(1) Up to ten percent of the sum authorized by Section 301(c)(1) of the Transportation Improvement Act of 1991 may be expended for recreational travel and tourism projects on forest development roads and trails that are open to public travel.

(2) Up to ten percent of the sum authorized by Section 301(c)(2) of the Transportation Improvement Act of 1991 may be expended for recreational travel and tourism projects on public lands development roads and trails that are open to public travel.

(h) TECHNICAL ASSISTANCE PROGRAM.—The Secretary shall establish and carry out a tourism and recreational travel technical assistance program in non-urbanized areas. In carrying out this program, the Secretary shall administer the program in cooperation with other rural assistance programs to the extent that those programs for transportation assistance exist, including assistance to American Indian tribal governments. For the technical assistance program established under this subsection, the Secretary shall set aside in fiscal year 1992 $5,000,000 from funds used to administer the Federal Highway Administration, such amount to remain available until expended.

(i) STATEWIDE DRIVING AND RECREATION PLAN.—Each State using funds provided pursuant to section 301(c)(1) through 301(c)(5) of the Transportation Improvement Act of 1991 shall have a multipurpose land use statewide driving and recreation travel plan to identify and find solutions to problems related to driving and tourism. This plan shall be coordinated with appropriate State and local agencies and Federal Land Management Agencies.

SEC. 507. FERRY TRANSPORTATION.

Section 129(g) is amended—

(1) by striking "construction" and inserting in lieu thereof "construction, refurbishment and operation"; and

(2) by striking the period at the end of paragraph (2), and inserting in lieu thereof: ", except that, in the case of ferry systems that serve routes on Federal-aid systems and other routes in an integrated system, such ferry may operate throughout the

(3) for the purposes of determining allocations of Federal funds under title 23, as amended by the Act, to States which have no interstate system, marine highway miles shall be considered as interstate system miles.

SEC. 508. PLANNING INCENTIVE.

Section 120 is amended by adding a new subsection (o), as follows:

"(o) Notwithstanding any other provision of this title, the Federal share payable on account of any project in a State shall be increased by 5 percentage points, up to a maximum Federal share payable to 95 percent, if the State certifies to the Secretary that it has developed, either statewide or in significant portions of the State, comprehensive plans with mandatory land use and transportation elements.".

APPORTIONMENT BONUSES

State	Percentage divided by 10 exceeds National per capita highway expenditures (maximum 5 percent)	Percentage increase over National norm of weather stressful to pavement divided by 10	Percentage points divided by 10 of Federal lands adjustment for primary highways	Low density adjustment	Total adjustment[1] (10 percent maximum)
Alabama	....	....	0.1	....	0.1
Alaska	5.0	3.1	1.9	5.0	10.0
Arizona	5.0	1.5	1.8	2.0	10.0
Arkansas	....	....	0.2	2.0	2.2
California	....	....	1.1	....	1.1
Colorado	2.6	2.6	0.9	2.0	8.1
Connecticut	4.0	....	....	....	4.0
Delaware	5.0	....	....	....	5.0
District of Columbia	1.2	....	0.4	....	1.6
Florida	....	....	0.2	....	0.2
Georgia	....	....	0.1	....	0.1
Hawaii	....	....	0.3	....	0.3
Idaho	....	3.2	1.6	4.0	8.8
Illinois	....	0.1	....	....	0.7
Indiana	....	....	....	....	0.0
Iowa	4.2	0.2	....	2.0	6.4
Kansas	2.1	1.5	....	2.0	5.6
Kentucky	1.4	....	0.1	....	1.5
Louisiana	0.3	....	0.1	....	0.4
Maine	2.9	1.4	....	2.0	6.3
Maryland	2.0	....	....	....	2.0
Massachusetts	3.4	....	....	....	3.4
Michigan	....	0.5	0.2	....	0.7
Minnesota	5.0	1.9	0.2	1.0	8.1
Mississippi	1.2	....	0.1	1.0	2.3
Missouri	....	....	0.1	....	0.1
Montana	5.0	3.9	0.8	5.0	10.0
Nebraska	3.5	1.9	....	3.0	8.4
Nevada	....	4.3	2.0	4.0	10.0
New Hampshire	3.8	1.7	0.3	....	5.8
New Jersey	....	....	....	....	0.0
New Mexico	2.3	1.9	1.0	4.0	9.2
New York	1.6	....	....	....	1.6
North Carolina	....	....	0.1	....	0.1
North Dakota	4.5	2.5	0.1	5.0	10.0
Ohio	....	....	....	0	0
Oklahoma	....	0.8	....	2.0	2.8
Oregon	0.9	....	1.3	3.0	5.2
Pennsylvania	0.9	....	....	....	0.9
Rhode Island	....	....	....	....	0.0
South Carolina	....	....	0.1	....	0.1
South Dakota	5.0	2.2	0.4	5.0	10.0
Tennessee	....	....	0.1	....	0.1
Texas	0.1	0.9	....	1.0	2.0
Utah	....	1.8	1.6	3.0	6.4
Vermont	1.6	1.1	0.1	1.0	3.8
Virginia	3.1	....	0.2	....	3.3
Washington	0.8	....	0.8	....	1.6
West Virginia	2.6	....	0.2	....	2.8
Wisconsin	2.7	0.2	0.1	....	3.0
Wyoming	5.0	2.9	1.3	5.0	10.0

[1] Total upward adjustments for all States of 196 percentage points or 3.84 points per state (including D.C.).

TRANSPORTATION IMPROVEMENT ACT OF 1991

TITLE I—COMPLETION OF INTERSTATE SYSTEM AND INTERSTATE SUBSTITUTE HIGHWAY PROJECTS

Provides apportionments for States to complete their share of the Interstate, approximately $1.2 billion annually.

Maintains allocation of one-half of one percent of Interstate funds to those States that have completed their share of the Interstate.

Maintains the Interstate Substitution program.

TITLE II—OBLIGATION AUTHORITY

Provides obligation authority of $18 billion in FY92 to $19.5 billion in FY96. Total spending, including that outside of the obligation limit, will average $20 billion annually.

Discretionary I-4R and Bridge accounts placed outside of the obligation limit.

Maintains 85 percent minimum allocation.

TITLE III—AUTHORIZATION OF APPROPRIATIONS OUT OF THE HIGHWAY TRUST FUND (PERCENTAGES LISTED BELOW REFLECT AMOUNT CATEGORIES RECEIVED AFTER INTERSTATE, DISCRETIONARY AND SEVERAL OTHER DISTRIBUTIONS)

Interstate 4R, 35 percent.

Primary, 29 percent.

Secondary, 6.5 percent.

Urban, 9 percent.

Bridge, 17.5 percent.

Hazards Elimination, 1.6 percent.

Railroad Crossing, 1.4 percent.

Other programs funded include, Forest Highways, Public Lands Highways, Parkways and Park Highways, Indian Reservation Roads, FHWA Safety Programs, FHWA Research and Highway User Tax Evasion Projects.

Apportionment bonuses (Aggregate bonuses cannot exceed ten percent of annual appropriations)

1. High Level of Effort. States receive an apportionment bonus based on a percentage of the amount by which per capita highway spending within a State exceeds the national average.

2. Adverse Weather Bonus. States receive a bonus based on a percentage by which the number of days of temperatures above 90 F and non-frost free days exceeds the national average.

3. Federal Lands Bonus. Provides a bonus based on the amount of federal lands in a State.

4. Low Density Bonus. Based on the Administration's proposal, this bonus gives additional funds on a sliding scale to States with a population density under 70 persons per square mile. This proposal assists 22 States rather than the Administration's ten.

TITLE IV—PROGRAM FLEXIBILITY

States may transfer, without DOT approval, 30 percent of funding from one category to another (not including Interstate).

Without DOT approval, States may transfer 30 percent of Urban category funds to Mass Transit projects.

DOT may approve an additional 20 percent transfer between categories and from categories to Mass Transit.

DOT may approve transfers from Interstate to other categories under certain conditions.

TITLE V—ADDITIONAL PROVISIONS

Extends current law apportionment formula.

Permits all States to participate in the toll program established in the '87 Act. Federal match remains at 35 percent.

Provides an additional $500 million to the right-of-way revolving fund.

Allows use of interstate rights-of-way for maglev and high-speed rail projects.

Creates a rural tourism program to promote and accommodate visits to our nation's parks, forests and other natural assets.

Allows funds to be used to construct, refurbish or operate ferries.

Provides a funding bonus for those States with mandatory, comprehensive planning.

COMPARISON OF PROGRAMS FACTORED UP TO FISCAL YEAR 1993 DRAFT BILL LEVEL, INTERSTATE CONSTRUCTION AND SUBSTITUTION NOT INCLUDED

State	Current program	Percent	Admin. program	Percent	Draft bill program	Percent
Alabama	285,456,321	1.76	310,214,969	1.92	280,810.818	1.73
Alaska	267,790,091	1.65	298,633,298	1.84	295,308,401	1.82
Arizona	221,905,491	1.37	237,684,519	1.47	252,912,670	1.56
Arkansas	201,532,688	1.24	216,412.404	1.34	201,532.688	1.24
California	1,510,815,195	9.33	1,395,895,925	8.62	1,510,815,195	9.33
Colorado	233,792,064	1.44	220,281,050	1.36	256,557,323	1.58
Connecticut	281,341,573	1.74	241,261,271	1.49	251,566,822	1.55
Delaware	70,081,628	0.43	66,431,285	0.41	70,518,020	0.44
District of Columbia	74,767,146	0.46	74,637,472	0.46	75,835,043	0.47
Florida	690,360,589	4.26	649,683,703	4.01	690,360,589	4.26
Georgia	515,650,597	3.18	477,497,370	2.95	515,650,597	3.18
Hawaii	69,454,834	0.43	66,126,568	0.41	68,130,756	0.42
Idaho	113,304,385	0.70	140,975,692	0.87	133,802,773	0.83
Illinois	568,911.782	3.51	583,881.750	3.61	545,074,829	3.37
Indiana	361,041.398	2.23	355,932,126	2.20	361,041,398	2.23
Iowa	236,746,479	1.46	235,028,094	1.45	247,311,137	1.53
Kansas	232,409,713	1.44	245,882,082	1.52	256,672,231	1.58
Kentucky	264,616,381	1.63	272,953,933	1.69	253,359,140	1.56
Louisiana	269,009,410	1.66	274,093,896	1,69	260,044,625	1.61
Maine	89,892,455	0.56	94,781,164	0.59	90,082,302	0.56
Maryland	258,928,971	1.60	242,565,648	1.50	258,928,971	1.60
Massachusetts	368,509,769	2.28	351,877,560	217	326,178,788	2.01
Michigan	495,700,209	3.06	485,947,699	3.00	466,833,011	2.88
Minnesota	278,046,316	1.72	291,857,987	1.80	301,345,742	1.86
Mississippi	197,768,659	1.22	206,800,427	1.28	192,699,238	1.19
Missouri	417,082,610	2.58	423,356,781	2.61	402,918,779	2.49
Montana	177,293,404	1.09	173,673,859	1.07	208,087,471	1.28
Nebraska	156,849,762	0.97	198,739,367	1.23	175,422,294	1.08
Nevada	111,995,725	0.69	157,156,723	0.97	133,053,869	0.82
New Hampshire	77,499,554	0.48	71,842,016	0.44	77,781,191	0.48
New Jersey	418,948,266	2.59	430,514,786	2.66	418,948,266	2.59
New Mexico	171,012,205	1.06	190,823,912	1.18	193,377,155	1.19
New York	896,654,159	5.54	769,829,697	4.75	817,025,059	5.05
North Carolina	437,088,661	2.70	420,128,175	2.59	437,088,661	2.70
North Dakota	110,636,844	0.68	141,140,046	0.87	134,407,847	0.83
Ohio	590,435,659	3.65	585,646,895	3.62	586,969,039	3.62
Oklahoma	242,016,783	1.49	280,180,842	1.73	254,987,057	1.57
Oregon	191,033,318	1.18	210,580,200	1.30	214,585,406	1.33
Pennsylvania	712,544,891	4.40	509,541,462	4.38	634,848,81	3.92
Rhode Island	69,052,925	0.43	65,751,959	0.41	65,843,461	0.41
South Carolina	209,967,526	1.30	217,346,673	1.34	209,967,526	1.30
South Dakota	123,922,543	0.77	142,689,947	0.88	145,862,146	0.90
Tennessee	349,466,254	2.16	352,722,675	2.18	333,272,354	2.06
Texas	1,050,515,404	6.49	1,094,460,476	6.76	1,050,515,404	6.49
Utah	151,898,813	0.94	151,520,074	0.94	166,949,731	1.03
Vermont	77,756,953	0.48	71,891,036	0.44	77,193,987	0.48
Virginia	385,722,468	2.38	378,045,206	2.33	385,722,468	2.38
Washington	308,424,497	1.90	314,308,477	1.94	301,875,210	1.86
West Virginia	188,453,411	1.16	163,325,820	1.01	175,501,335	1.08
Wisconsin	282,672,480	1.75	306,349,489	1.89	282,672,480	1.75
Wyoming	127,296,978	0.79	136,071,765	0.84	145,826,113	0.90
Total	16,194,076,248	100.00	16,194,976,248	100.00	16,194,076,248	100.00

FUNDING SUMMARY TRANSPORTATION IMPROVEMENT ACT OF 1991

[By Program Categories]

Category	Fiscal year—				
	1992	1993	1994	1995	1996
Interstate construction[1]	1,400	1,196	1,196	1,196	1,196
Interstate substitute	240	240	240	240	0
Interstate 4R	4,906	5,036	5,112	5,279	5,447
Primary system	4,064	4,172	4,236	4,375	4,512
Urban system	1,261	1,295	1,314	1,357	1,400
Secondary system	910	935	949	980	1,011
Bridge	2,452	2,518	2,556	2,639	2,723
Hazard elimination	223	230	234	241	249
Railroad/highway crossings	196	201	204	211	218
Metropolitan planning	76	78	79	82	84
I–4R discretionary	250	250	275	275	275
Bridge discretionary	230	280	300	325	350
Forest highways	200	210	220	230	240
Public lands highways	60	66	73	80	88
Parkways	105	115	126	138	152
Indian Reservation roads	118	121	126	138	152
Recreation access	15	15	15	15	15
Safety construction	10	10	10	10	10
Research	350	350	350	350	350
Emergency relief	100	100	100	100	100
Minimum allocation[2]	850	880	900	925	950
Bonus apportionment[2]	400	400	425	450	500
Total[3]	18,416	18,698	19,040	19,636	20,022

[1] Interstate Construction apportionments for fiscal year 1993 are made in fiscal year 1992, for fiscal year 1994 in fiscal year 1993, etc. This chart lists Interstate Construction apportionments for fiscal year 1993 under fiscal year 1992, etc.

[2] Minimum Allocation and Bonus Apportionments are estimated.

[3] Administrative take down not included.

Note.—All amounts rounded to nearest million.

Mr. BAUCUS. Mr. President, I am pleased to join today with my friend and colleague Senator REID in introducing the Highway Improvement Act of 1991.

Mr. President, it is a long way from Gardiner to Yaak, MT—631 miles, north to south, to be exact. And back in 1974, when I first ran for Congress, I walked the entire distance. It took 2½ months.

This walk helped me better understand the vastness of the State I would later represent. It also made me realize some of the challenges government faces in covering such vast distances.

Also, the walk made me appreciate the importance of highways, good highways, to Montana's economy and way of life.

Since that time, with the decline of rail and air service brought about by deregulation, highways have become even more important to Montana and rural America.

Heavy commodities that once went by rail, now leave Montana by highway. And many of our primary and secondary highways were not designed to withstand this increased truck traffic.

Yet some may ask why we should pay for highways that some consider leading to nowhere.

I ask these people to stop and think for a moment. Think about the food you eat, the house you live in, the trip you plan to take to Yellowstone or Glacier National Parks. The existence of all these things depends to a large degree on our so-called farm to market roads.

More than it realizes, urban America depends upon rural America. Our cities and suburbs are not self-sufficient. They do not exist in a vacuum.

We are a nation. We need a highway system that brings us together. We need a highway system of high quality throughout the Nation—not some crazy checkerboard of super urban highways and crumbling rural roads.

Such quality and uniformity is what the legislation we are introducing today is all about.

By mandating growth in the program, we can meet the legitimate transportation needs of virtually every State. And the Congressional Budget Office has testified before the Senate Environment and Public Works Committee that the level of spending recommended in our bill would not threaten the integrity of the highway trust fund.

This bill also increases a State's flexibility in using its Federal highway dollars. Excluding the interstate, the States would be allowed to transfer up to 30 percent of their Federal highway dollars from one category of highway to another without seeking Federal approval. I believe the States, not Uncle

Sam, best know the transportation needs of their people.

Finally, our bill contains four bonus factors that consider the unique needs of many States. A high level of State highway spending, temperature extremes, Federal lands, and low population density would all be factors in determining a State's Federal highway payments.

I urge all my colleagues to look closely at this important legislation. If you are interested in a highway bill that is truly in the national interest, this is the bill.

Mr. President, I ask that a detailed section-by-section description of our bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSPORTATION IMPROVEMENT ACT OF 1991—SECTION-BY-SECTION ANALYSIS AND JUSTIFICATION

OVERVIEW

The Transportation Improvement Act of 1991 represents an opportunity for Congress to take a major step towards revitalizing our economy and helping America compete in the global marketplace.

Compared to other developed nations, the United States is underinvesting in its transportation infrastructure. An increasing body of research shows that our relatively low level of investment in transportation infrastructure retards our productivity and the international competitiveness of our businesses.

This legislation calls for significant funding increases to begin to reverse this trend. It would allow every region to try to work down the backlog of projects which are needed to facilitate our commerce and enhance our citizens' quality of life.

The bill would provide this needed additional funding under a system patterned after current law—with one critical difference. The bill would provide sorely needed additional flexibility to States to transfer funds between highway categories and even to transit. As a result, the bill follows a structural approach of continuity with change. States will be able to evolve their own customized programs within a general framework based on a system that has worked well.

The bill also would distribute more money more equitably. Compared to the Administration's proposal, 35 States would receive a larger percentage of total highway apportionments, 2 would receive the same, only 13 less.

Set forth below is a section by section description and justification of this important legislation.

SECTION 2. CONGRESSIONAL FINDINGS

The Congressional findings set forth in this section develop the general theme of the bill—increasing Federal investment in highways and using highway funds more effectively to preserve and improve our nation's infrastructure and, in turn, further the international economic competitiveness of the United States.

Each of the Congressional findings is important. One is that increasing Federal investment over past levels is required to preserve the past Federal investment in highways on the Federal-aid system. Recent studies have confirmed what we have known for some time, that the completed sections of our Interstate System, our premier national interest system, are deteriorating. Simply, without increased investment, our Interstate System and other portions of our transportation system will deteriorate, not improve.

Another key finding is that the resources from Federal highway user taxes dedicated to the Highway Account of the Highway Trust Fund (even without counting the Federal tax contributions of highway users to the General Treasury or to transit users) can support significantly increased Federal expenditures on Federal-aid highways.

The nation must put these resources to work. The United States is investing far less in its transportation infrastructure than other developed nations and this low level of investment is reducing our productivity as a nation. We simply must invest more in transportation to help our businesses and citizens meet the challenges and opportunities posed by the world economy.

The bill would also ensure that highway funds are used more effectively. It would provide States more flexibility to choose the projects to be pursued with Federal funds. States with significant needs in one highway category in a given time period will have new ability to address these needs with funding from other categories. Also, the bill would provide each State with significant new authority to transfer Federal highway funds to transit projects within the State's borders.

The bill is also founded on several other important premises, which would be set forth as Congressional findings.

The bill explicitly rejects in the findings provision the Administration's proposal to increase the extent to which Federal-aid highway projects are financed by States. Rejection of the Administration's position on this issue has been strongly urged on a nonpartisan basis by Governors and State transportation officials from across the nation—and for many good reasons. State and local governments already contribute the vast majority of all government funds spent in the United States on highway construction, improvement, repair, and maintenance. Those non-Federal funds are used to support both the States' share of Federally assisted projects on Federal-aid highways and to support projects on State and local roads off the Federal-aid system. Requiring States to pay for a higher share of Federally assisted projects would result in either States discontinuing some State and local projects, losing Federal-aid because of inability to match funds, raising State taxes to make up the difference, or some combination of these responses. None are acceptable, particularly given the difficult financial situation facing many States and the presence of a large balance in the Highway Account of the Federal Highway Trust Fund.

The bill also recognizes the strong Federal interest in all of the roads presently eligible for Federal highway funds. Only 20% of the nation's roads are on the Federal-aid system, yet they carry 80% of the nation's traffic. That mileage is distributed over a variety of highway "systems", including Interstate, primary, secondary, and urban highways. It would be inappropriate for the Federal government to downgrade its interest in any of these highways, which include both major urban commuter routes and major farm to market highways, since the Federal interest is already limited to only 20 percent of the nation's road mileage.

The bill's sponsors also seek to make our highway program more consistent with environmental protection and energy conservation goals, newly enabling States to transfer highway funds to transit purposes, providing a greater opportunity to utilize transit solutions to congestion problems.

SECTIONS 101–104. COMPLETION OF INTERSTATE SYSTEM

These sections would provide one last round of apportionments for construction of Interstate Highways, directed solely to those States which have not yet completed Interstate Highways within their borders.

The bill would discontinue, for funds distributed for fiscal years 1994 and beyond, the longstanding practice of providing to all States a minimum of one-half of one percent of annual Interstate construction apportionments. Under this bill, States which have completed their Interstate System will no longer receive apportionments in this category after receiving Interstate construction apportionments for FY–1993, which are already provided for by present law. This aspect of the bill represents a major concession by the majority of States which have managed their Interstate construction programs most efficiently, as evidenced by completion of the Interstate construction program.

Unfortunately, the Administration proposal would ask for even greater concessions by the States which were most efficient and, therefore, deserve to be rewarded, not penalized. To avoid penalizing the majority of States which have already completed their Interstate Highways, the structure of the Interstate completion program proposed here differs from that offered by the Administration in several ways.

1. This bill would not repeal that portion of present law which provides all States a minimum of one-half of one percent of FY 1993 Interstate construction funds.

2. This bill would authorize Interstate construction apportionments over a slightly longer schedule, more likely to match actual construction schedules. The Administration would authorize a total of $7.2 billion for this program—$1.8 billion for each of FY's 1993–95, plus an additional $1.8 billion in FY 1992 (Interstate construction apportionments for FY 1992 were already made in the Fall of 1990). This bill would leave in place the $1.4 billion authorization for Interstate construction for FY 1993 provided by present law, and newly provide $1.196 billion annually for FY's 1994–1998. Thus, for FY's 1993–95, the annual funding for Interstate completion will be lower and will represent a smaller portion of total annual apportionments than under the Administration bill.

Under this program, States which have been efficient, and have already completed their Interstate Systems, will be able to participate in a larger portion of the overall apportionments. This is fully appropriate. While we want to help States which still need to complete the Interstate System, we don't want to do so in a way which effectively penalizes the States which have already done a good job.

3. Under this bill, authorizations for the final round of Interstate construction apportionments are equal to the $7.2 billion total called for by the Administration plus $182 million (to account for distribution of minimum allocation funds to 26 States from FY 1993 Interstate construction funds).

4. The bill would encourage prompt completion of Interstate Highways by making a State which fails to complete them by the end of FY 1995 ineligible for discretionary funds until the State completes construction

of these critically important highways. By contrast, the Administration would use a punishment rather than incentive approach to encourage prompt Interstate completion. The Administration bill would provide for rapid lapse of Interstate funds after apportionment. This may not be realistic as applied to construction schedules in several States. Therefore, encouragement, rather than the lapsing of funds, is more appropriate. This proposed restriction on receipt of discretionary funds would not apply to a State which has been delayed in its Interstate completion efforts by recent natural disasters, such as Washington State, which suffered severe highway damage in late 1990 due to flooding. As used in this Section, a State's completion of construction of Interstate Highways refers to completion of those projects the costs of which were estimated by the State in submitting the data used to compile the 1991 Interstate Cost Estimate.

5. This bill does not include a special provision for the completion of the Interstate System in Massachusetts, the site of the costliest remaining Interstate project. The bill's sponsors do not wish to foreclose consideration of such a provision as the legislative process advances. However, any such special provision must be developed in a way consistent with the general approach taken here—of not unduly penalizing States which have already completed their portions of the Interstate System.

SECTION 105. INTERSTATE SUBSTITUTE COMPLETION

This section follows the funding recommendation made by the Administration for completion of Interstate Substitute highway projects, thus providing $240 million for four final years of that program.

SECTION 301. OBLIGATION AUTHORITY

This provision would significantly increase obligation authority while continuing the technical aspects of the present obligation system with minor modifications. In accord with present law, it would set a limit on annual commitments from most funding categories and would provide that commitments from a select class of categories, including minimum allocations, are outside of those limits.

OBLIGATION LEVELS

The most important aspect of this section—and possibly of the entire bill—is the commitment it represents to increasing funding for the highway program. The Administration bill simply does not make a sufficient commitment. According to CBO testimony presented to the Environment and Public Works Committee on March 5, that proposal would actually result in further increases in the Highway Account balance through FY 1995, even as our infrastructure crumbles.

This bill takes a general approach that the highway program should, in both the short and long term, spend all income into the Highway Account of the Highway Trust Fund and work down the current balance in that account. Thus, this bill calls for annual obligation limits for fiscal years 1992 through 1996 which, when combined with authority that it not subject to such limits, would exceed annual Highway Account income, including both tax receipts and interest on the Account balance. Considering together both its programs inside and outside the obligation ceiling, the bill would authorize obligations of approximately $20 billion in FY 1992, rising to approximately $21.5–$22.0 billion in FY 1996.

The country simply must make these needed investments to serve its long term economic interest. And, by making these investments sooner rather than later, the nation will get a better return on highway user taxes. Further, prompt expenditure of these dollars will help put the trust back in the Highway Trust Fund—our constituents paid this money with the expectation that it would be paid back.

It should be noted, however, that there is a significant lag between obligations and actual cash outlays. So, even by providing meaningful increases in obligation authority, the bill would not bring about a decrease in the Highway Account balance in the first year.

TREATMENT OF DISCRETIONARY FUNDS

The most noteworthy of the technical changes in this obligation provision compared to present law is its placement of the discretionary programs for bridge repair and Interstate 4R outside the obligation ceiling. Given the currently large unobligated balance being carried by States, if discretionary accounts are within an obligation ceiling, the use of discretionary funds in one State simply prevents the obligation of regular apportioned funds in that State and other States. This is inappropriate, considering that discretionary funds are often needed for important projects.

MINIMUM ALLOCATION

The bill would continue present law under which each State receives back annually in certain highway apportionments a minimum of 85 percent of highway user taxes from the State paid into the Highway Account. This bill would continue to fund this minimum allocation.

It is important to note that minimum allocations are not a provision of all government programs. Many vital programs are legislated and administered without a statutory guarantee that all States will share in the program, much less to a specific degree. This is true both of non-transportation programs and transportation programs, including the transit program. The sponsors may at some point wish to explore the possibility of a minimum allocation for transit.

Also, with respect to minimum allocation, it is noted that the Administration bill does not include an overall minimum allocation provision. As a result, under the Administration's bill, several States currently receiving minimum allocations would receive less than 85 percent of what is paid into the Highway Account from their States. Those States are among the majority which would receive higher apportionments under this bill compared to the Administration bill.

SECTION 301. PROGRAM AUTHORIZATIONS

The bulk of program authorizations, $14,389,000,000 for FY 1992, rising to $16,004,100,000 for FY 1996, would be distributed for seven categorical programs: Interstate 4R; primary; secondary; urban; bridge; hazard elimination; and railroad-highway crossings.

PROGRAM AUTHORIZATION LEVELS

The total authorization amounts for the categorical programs were derived from the following approach. The annual obligation authority level set forth in the previous section was used as a base. From that base, annual authorizations for the following programs were subtracted:

1. Interstate Construction and Interstate Substitute Highway Construction;
2. Forest, Public Lands and Park highways, and Indian Reservation roads;
3. Certain FHWA safety programs;
4. FHWA research;
5. A small program to combat evasion of highway user taxes; and
6. Estimated costs of certain safety programs which have traditionally been addressed by the Committee on Commerce, Science and Transportation and which have historically received Trust Fund support.

An additional amount of approximately $800 million per year was subtracted. Due to the large unobligated balances currently being carried by the States, this further subtraction was made in order to set total annual apportionments below obligation limits so that unobligated balances can be reduced.

That calculation for the safety programs was based on the levels called for in the Administration's bill for programs traditionally supported out of the Highway Account. Specifically, they are the Motor Carrier Safety Assistance Program (the Administration proposal calls for $60 million for FY 1992, $80 million for FY 1993, and $100 million for each of FYs 1994–96) and NHTSA programs ($236 million per fiscal year). The sponsors wish to emphasize that this estimate should not be viewed not as a specific statement of position on the size or content of those safety programs, but as a general statement that safety programs should be included in the final legislation.

However, this estimate for safety programs does not include amounts which the Administration would newly fund out of the Highway Trust Fund, such as FHWA's administration of its motor carrier safety programs and other NHTSA administrative functions. The bill takes the view that such functions should continue to be funded out of the General Fund of the Treasury and, to that extent, the resources of the Trust Fund preserved for needed infrastructure investments.

PROGRAM CATEGORIES

This bill retains a balanced but small number of categorical programs to ensure reasonable emphasis on preserving Interstate Highways, on safety construction, and to ensure a balance between urban and rural projects. It would build on the past, time-tested programs, continuing programs for preserving the Interstate System (I–4R), and for improving other roads through the primary, secondary, urban, bridge hazard elimination, and railroad/highway crossing program. It would not rush to recast all funding categories, except bridge, into a two-part program consisting of a yet to be defined National Highway System (NHS) and an urban/rural program which provides no guidance as to the relative emphasis of its urban and rural components.

In particular, the Administration's approach gives inadequate recognition to preservation of the Interstate System which we have worked so hard to complete. The GAO and others have reported on the deterioration of our premier national interest highway system, citing USDOT studies that $4.7 to $6.1 billion in annual needs on the Interstate System for Interstate 4R projects, not counting road widening, which is an eligible I–4R expense. And, as to road widening, estimates indicate needs for over 10,000 new lane miles on the Interstate System to address capacity problems primarily in metropolitan areas.

However, the Administration bill includes no funds specifically dedicated to I–4R. NHS funds could be spent on I–4R but could not be spent largely, or perhaps in some years, entirely, on primary highways. The Administration bill does include USDOT authority to regulate States to ensure maintenance of adequate Interstate condition. However, this could result in disputes between Federal and State governments as to Interstate condition and where NHS funds could be spent.

By contrast, this bill directly responds to a clearly documented need on the Interstate System with funding. This is fully appropriate, as the strongest Federal interest in highways is in the Interstate System.

This bill also provides funding for the primary system. The Administration's proposal would include roughly half of today's primary system in the NHS, leaving half out. Again, this bill responds with funding for all, not half, of this most important group of non-Interstate highways.

This bill would also expend a higher proportion of apportioned funds on the bridge program—17.5 percent of categorical apportionments compared to 12.1 percent of categorical apportionments for the Administration bill. This is an appropriate response to the bridge crisis on our nation's highways.

The Administration's bill also fails to set aside funds for specific safety construction projects, abolishing the hazard elimination, railroad-highway crossing, and safety construction programs. The Administration bill does state that at least 10 percent of total apportionments for NHS, urban/rural, and bridge programs be obligated "for projects that have specific and significant safety benefits." However, it appears that this vaguely worded provision can be satisfied by projects which would be undertaken anyway, such as bridge repair. If, on the other hand, the provision is intended to cause States to change their project selection priorities in new ways to accelerate projects which arguably have specific safety benefits compared to other projects which arguably do not, the result will be increased FHWA regulation of State programs. Compared to present law, the Administration proposal calls for either too little safety funding, or too much program regulation. Further, its vague wording is susceptible to being administered differently by the separate FHWA Division Offices in the various States.

By contrast, this bill would continue the hazard elimination and railroad-highway crossing categories, ensuring that some specific safety projects will continue to be funded. And, if a State has done such a complete job in the safety construction area as to make some of these funds unnecessary for their apportioned purpose, this bill allows the transfer of some of the funds to other categories.

By combining the urban and rural programs the Administration also creates needless new confusion for the State while raising a risk of very major shifts of funding from urban to rural areas or vice versa. By contrast, this bill, by preserving separate categories but allowing significant transferability between them, ensures a balanced approach to urban and rural areas while allowing States to customize that balance. The preservation of a specific rural secondary program is particularly important when one considers that transit programs, which will also be considered by this Congress, have been and may well remain dedicated virtually entirely to metropolitan areas.

As to the primary, secondary and urban portions of the program proposed here, the primary and urban systems would receive roughly the same proportion of the total of I-4R, primary, secondary, urban, bridge, railroad-highway crossing and hazard elimination funds as under present law, 29 and 9 percent respectively. Rural secondary programs would receive a slightly smaller percentage of these programs than at present.

Thus, compared to the Administration's bill, the funding categories proposed here: better reflect our needs to preserve the premier Federal interest system, the Interstate System; directs funding towards the entire primary system, not just half of it; gives more emphasis to funding for bridges; would establish a clearly worded safety construction program; would provide more certainty of urban/rural funding balance; and would not commit the future program to undefined systems.

However, in viewing the program structure it is important to remember that under this bill all components of the Federal-aid program would receive funding because the overall funding levels are greater than proposed by the Administration.

OTHER PROGRAMS

Ths bill would authorize higher levels than the Administration for forest highways, parkways, and Indian Reservation roads programs, and, by continuing to fund it, rejects the Administration's proposal to terminate the public lands highway program. It would also provide some funding for access to lakes and recreation areas. The roads on Federal lands are a unique Federal responsibility and require the renewed funding commitment called for in this bill after years of underfunding which have resulted in deterioration of those systems.

The bill proposes a large increase in research. To help make each highway dollar work hard, the Federal Highway Administration (FHWA) must lead a more energetic national research program. That program would help develop intelligent vehicle highway systems and other congestion management programs, find more durable pavements in order to reduce maintenance and reconstruction costs, and promote other key objectives. The sizeable funding increase proposed here is intended to allow FHWA to go beyond pure research and fund true technological demonstrations, including equipment purchases and pavement materials to be used in demonstrations. The research funding provision would ensure continuation of the SHRP program and allow long term follow up of the initiatives started under that program.

The bill would also incorporate the Administration's proposal to dedicate some funds to combatting evasion of highway user taxes.

SECTION 302 AND 303—DISCRETIONARY PROGRAMS

These sections provide for significant increases in discretionary funding for I-4R and bridge repair. Although many smaller and rural western States rarely, if ever, see any of these funds (which would total $480 million in FY 1922 and rise to $625 million by FY 1996), discretionary programs help serve national interests and should be continued.

SECTION 304. NATIONAL INTEREST APPORTIONMENT BONUSES

This section proposes several innovative modifications to the overall apportionment scheme to reflect factors which warrant national response. Such an approach is not new. The present minimum allocation provision is, in effect, such a factor.

Four new factors are proposed, with the total of adjustments under this provision capped at 10 percent.

High Level of Effort Factor.—Many States expend more per person on highway improvement and maintenance than others. This effort deserves Federal recognition. The Federal government needs to encourage and reward infrastructure investment, not discourage it. By providing an apportionment bonus to States making the largest per capita efforts, this provision represents a far more appropriate approach to stimulating State investment than the Administration's approach of forcing States to pay more to match the same amount of Federal dollars.

Adverse Weather Factor.—This provision compensates States which face higher highway costs due to the need to build or repair pavement to withstand extreme heat or a large average number of days which are not frost free.

Federal Lands Factor.—A number of States are impacted by the inability to tax extensive Federal land holdings; yet they have the responsibility to provide access to or through these Federal lands. This factor responds with a modest apportionment adjustment which in no case exceeds two percentage points.

Low Density Adjustment Factor.—This provision is patterned after an excellent recommendation in the Administration bill, that States with low population densities face particular challenges in financing highways which generally support cross-country or interregional travel between more populated States. Due to the different overall structure of this bill, this bill's low density provision is somewhat different than the Administration's. It provides a smaller percentage bonus for low density States and provides a low density bonus to 22 States rather than 10 (in the Administration provision).

SECTION 401. PROGRAM FLEXIBILITY

This section provides States with significant new flexibility. Up to 30 percent of funds could be shifted annually from each of the main program categories without USDOT approval. Additional transfers of 20 percent could be made with approval, for a total annual transfer from a category of 50 percent.

By contrast, the Administration bill does not provide for transferability between categories without approval (though it has fewer categories) and would not allow transfers from its urban/rural program to the National Highway System even with approval.

The Administration's proposal also limits transfers from the NHS to 15 percent, and allows no transfers without approval. This limitation, combined with the small size of the Administration's proposed NHS (leaving out half of the primary system), means that some states would receive 80 percent of their Federal highway funds for use on only 25 percent of their Federal aid highways. Thus, the lack of flexibility could significantly distort present State highway programs. Indeed, the Administration proposal offers less transferability between categories than current law. See 23 U.S.C. §§104(c), 104(g), 119(d), and 119(f).

The new program flexibility provided under this bill, when combined with the continuation of present program categories, is a highway program which represents continuity with change. It will allow States to evolve their own areas of emphasis within the general categorical framework. It would result in change but not completely discard a proven system for an unknown one.

ADDITIONAL PROVISIONS

SECTION 501. CONTINUATION OF PRIMARY SYSTEM FORMULA

This section would extend the present formula for apportionment of funds to States for the Federal-aid primary system.

SECTION 502. TOLL PROJECTS

This section would expend the successful pilot toll program authorized by the last highway bill, allowing an unlimited number of projects pursuant to the provisions of the successful pilot program.

This section would also allow States to continue to collect tolls on certain roads beyond the time allowed by present law.

These provisions properly create incentives for additional private sector investment in transportation facilities.

The sponsors note that the Administration has proposed a major revision of the present toll project provision of the highway code. That revision, as worded, is tied to many of the other proposals offered by the Administration which are not followed here. However, other aspects of toll road revision in the Administration's bill appear to have merit.

SECTION 503. RIGHT OF WAY REVOLVING FUND

This section would make a one time authorization of an additional $500,000,000 to this revolving fund, to assist financially hard pressed States in making right of way acquisitions. By loaning funds to States, this fund provides States greater flexibility to time real estate purchases, and, over time, reduces project costs.

SECTION 504. ADDITIONS TO INTERSTATE SYSTEM

This section updates current law allowing States to add roads to the Interstate System (without any additional Interstate construction financial obligation by the United States). Roads added to the system, whether primary highways or toll roads, become eligible for I–4R funds.

SECTION 505. RIGHTS OF WAY FOR MAGLEV AND OTHER MODES

This provision would further the development of a multimodal transportation system by specifying that highway rights of way will be generally available for rail and mass transit facilities without charge where feasible.

SECTION 506. RURAL TOURISM

This section recognizes the national interest in promoting and accommodating tourists visiting our nation's natural wonders. Program modifications under this section would facilitate these objectives which would, in turn, help reduce our trade deficit by attracting foreign tourists. It would also facilitate economic development in rural areas.

SECTION 507. FERRY TRANSPORTATION

Present law permits Federal aid highway funds to participate in ferry construction. This Section modernizes present law by allowing funds to be used to refurbish and operate as well as construct ferries and permits greater flexibility in the operation of ferries which receive Federal assistance. No additional funding is provided by the provision; it simply allows States with ferry systems greater flexibility in applying Federal funds to those systems.

SECTION 508. PLANNING INCENTIVE

This section would encourage comprehensive planning by providing an increased Federal share payable on projects in States which certify that they have developed coordinated plans including land use and transportation elements.

MATTERS NOT INCLUDED IN BILL

It is also important to note several matters not addressed in the bill and the sponsors' view toward these issues.

NO REDUCTION IN FEDERAL SHARE

As noted at the outset, this bill would not require States to pay a larger share of the cost of Federally assisted projects. This bill continues present law as to the Federal and State shares of Federally assisted highway projects.

USER TAXES AND FUNDING LEVELS

This bill does not include provisions to extend highway user taxes or otherwise modify highway user taxes to support expenditures from the Highway Trust Fund during the years following this five year authorization period.

The sponsors intend to reserve judgment on the form of any tax recommendation to the Finance Committee until the shape of action by the Committee on Environment and Public Works is clear.

For example, if there is resistance to the national need for increased funding levels, it may be appropriate for Congress to pass only a two-year highway bill, and revisit these issues in two years, rather than commit to five years of underinvestment and further long term national economic decline.

In short, because the tax issue is so tied to funding level issues which must be aired and decided by the authorizing Committees, this bill does not take a position on tax levels.

MATTERS UNDER JURISDICTION OF OTHER COMMITTEES

The sponsors briefly note that transit and certain safety programs (under the jurisdiction of the Banking and Commerce Committees, respectively) are important components of our national transportation program and, along with highway legislation, should be part of a final transportation bill.

DETAILED AND SPECIFIC PROGRAM IMPROVEMENTS

Many Senators, thoughtful interest groups, witnesses, and the Administration have developed specific proposals on a large number of issues, ranging from congestion pricing and HOV lane financing to planning. These concepts warrant review and attention and may well warrant support.

This bill does not intend, through omission, to take an implicit position on the host of issues or on other provisions. It intends to set forth a basic program structure which addresses key needs for funding increases and flexibility.

The sponsors expect that they will be able to support many other outstanding proposals of more narrow scope within that structure and promise their colleagues that they are open to suggestions in these many areas.

Mr. BURNS. Mr. President, it is a happy day whenever you can get a piece of legislation and work on it.

I am pleased to join the senior Senator from Montana, Senator BAUCUS, and Senator REID as an original cosponsor of this important piece of legislation. I commend them for taking the leadership on this issue and for working with me to incorporate legislation I recently introduced to promote tourism-related travel.

The bill we are introducing today represents an effort by those of us who represent large, Western States to make sure that our States get a fair shake in the highway program reauthorization process.

To date, the proposals that have come forth from the administration and others have not met the needs of rural America. The administration's proposal does treat rural States better than most people thought it would, and I commend Secretary Skinner for his willingness to listen to our side of the story.

Nonetheless, it is time for Western States to step forward and outline a proposal which will meet our future transportation needs. The "Transportation Improvement Act of 1991" is an attempt to do just that.

Senators BAUCUS and REID have outlined the major provisions included in this bill so I will not cover that ground again.

I want to talk a little bit about how this bill fits into an overall strategy to restructure our western economies in order to meet the challenges of the 1990's.

I was interested in Senator REID'S remarks in dealing with the infrastructure of this country and how we have sort of squandered some of our money and some of our investments in not really rebuilding the infrastructure of this great country.

I was in the Persian Gulf and had the opportunity to visit Kuwait City. What Saddam Hussein did to Kuwait City in 7 months' time I am not real sure we are not doing to ourselves. It may take us a little longer, it may take us 70 years, but for sure we are doing the same thing. He trashed the city, completely destroying the infrastructure of this city. There is no electric; there is no telephone; there is no transportation; there is no anything. Think of the tremendous investment that it is going to take to replace all of that, replacing the infrastructure so there is a city that is livable and in which business can be done.

We developed a strategy based on what I call the three T's; transportation, tourism, and telecommunications. They are very important to the West.

The American economy is at a crossroads—we are moving full steam ahead into the Information Age—a time during which our economy will become more service and information-oriented.

This so-called information revolution will also transform our markets creating a new global economy. We are living in a global economy now although some of us fail to recognize that.

We are already seeing the effects of this transformation with the proliferation of information-related jobs.

I truly believe that rural America is uniquely positioned to take advantage of this changing economy. Rural areas can once again prosper in an American economy which is more decentralized because we will be able to communicate and coordinate the movement of commerce from more remote areas of our country.

I am working in a separate vein to ensure that rural America gets to participate in the information revolution. My work as a member of the Commerce Committee's Communications Subcommittee is focused on creating a competitive environment to spur the deployment of fiber optic cable.

Fiber optic networks with be the information highways of the future, and rural America must have these highways. But this is really another matter for another day.

Today, we are focusing our attention on a bill that addresses, in part, the other aspects of the three "T's" strategy—transportation and tourism.

This legislation includes a bill I introduced earlier this session to improve our tourism infrastructure, S. 540, the Federal Rural Tourism and Recreational Development Act.

It is important to remember that a healthy tourism industry depends on an adequate highway system. We can market the unique qualities of the West for our own neighborhoods all across this country all we want, but if we do not provide the means for people to get there, they will not come and will not spend their money—bottom line.

This legislation increases funding levels for the Federal lands category within the highway program and authorizes the use of these funds for road improvements and other infrastructure-related purposes. In short, we are committing more of this Nation's highway resources to an infrastructure that supports tourism on and around Federal lands.

As Senator REID said, we live in an area where the Government is the biggest landowner.

Federal lands in Western States have played, and will continue to play, a key role in establishing a sustainable tourism industry which is an integral part of the new economic base for western communities.

Finally, and most importantly, this legislation put forth a plan to revitalize the transportation infrastructure that this country relies most heavily on and, of course, I am talking about our interstate highways.

Basically, the bottom-line here is described by two words: funding and flexibility.

This legislation provides most States with increased funding levels to meet the demands of a deteriorating transportation infrastructure.

Research by David Alan Aschauer with the Chicago Federal Reserve Bank and other economists have linked our Nation's lack of commitment to an adequate infrastructure to the "decline in profit rates on private capital, savings and sluggish productivity growth."

This bill fulfills Congress' responsibility to provide for a highway infrastructure that can sustain economic growth.

This bill also provides States with the utmost flexibility so that they can direct the funds to the areas of greatest need.

It is extremely important for rural States to recognize the link between infrastructure investment and economic growth. It is my hope that the flexibility that is included in this bill will allow States like Montana to develop a highway infrastructure that supports our changing economy.

We must work to improve our farm-to-market roads so that we can continue to export our goods to other parts of this country and to our foreign trading partners. The same is true for the roads that support other traditional Montana industries such as timbering and mining.

We must also continue to develop intermodal transportation centers that create additional opportunities for rural economies to compete in the global economy.

One example of this type of project is the Northern Express Transportation Authority [NETA] in Shelby, MT. This inland port authority is strategically located at the juncture of two interstate highways and two rail lines. They act as a shipper base for the movement of commerce through Montana and to support commerce and trade between Montana and Canada. New economic opportunities like NETA can be pursued by rural States under the flexible funding provisions in this bill.

The legislation we are introducing today also rejects outright a couple of proposals which would do great harm to most Western States. These include: The elimination of the 85-percent minimum allocation, the reduction of the Federal commitment to our highway needs, and a limited National Highway System.

I want to make a special note on that last point regarding the National Highway System. I am in agreement with the concept behind such a system which emphasizes the need to maintain an interregional highway grid connecting rural and urban areas, west to east and north to south.

A transportation network that supports the major movements of commerce in this country and acts as a base on which we can continue to build a strong, growing economy is crucial. This is especially important given our recent trade agreement with Canada to our north and possible agreement with Mexico to our south.

What urban areas tend to overlook, is the fact that the goods they receive come from and move through rural areas. In fact, 75 percent of the interstate mileage lays in areas with fewer than 5,000 people.

My objection to the National Highway System does not revolve around the concept, it revolves around the size of this system.

Montana is the fourth largest State and is approximately the size of Michigan, Illinois, and Indiana combined. The administration's proposed National Highway System left an area the size of the entire State of Indiana without a single designated route. It also fails to serve half of our custom points with Canada.

This is clearly unacceptable.

The goal of a national transportation policy should be to promote the economic well-being of America as a whole.

I look forward to working with all of my colleagues, western and eastern, to fashion a bill that achieves this goal. I hope that they will view this bill as a starting point—a solid western position.

The reauthorization process is a long process, and I know that there have been and will be other proposals set forth. I know this Senator approaches that process with a willingness to be flexible and work to put together a highway bill that will put America in the forefront of the global economy in the 1990's.

There is only one point on which I will not compromise as we stand at this crossroads, and that is my commitment to see that rural America is equipped with the tools it needs to participate and prosper in this new economic environment.

Mr. BRYAN. Mr. President, I rise today in support, and as a cosponsor, of the legislation offered by Senator REID and Senator BAUCUS.

As the deadline for reauthorization of the Federal Highway Program nears, Congress will be forced to make some difficult choices regarding the future of our national transportation policy. By most accounts, our highway program over the past several decades has been very successful—the most obvious example of our success is the near completion of the Interstate System.

We must act, however, to protect our investment. The 35 years and over $130 billion invested in the interstates will be lost if we do not spend adequate funds on their maintenance.

The many roads and bridges outside of the Interstate System also need our attention. According to the U.S. Department of Transportation, more than 28 percent of the bridges on the Federal system are either structurally deficient or functionally obsolete. More than 40 percent of the pavement on the current Federal system is in either poor or fair condition.

We pay for deteriorating roads in a number of ways. Driving safety is greatly reduced. Slower response times for emergency vehicles have high costs—both in human lives and property damage. Precious time and fuel is wasted: The United States wastes 1.25 billion hours and 1.4 billion barrels of gasoline a year due to congestion on limited access highways alone. Trucking and shipping costs shoot up. On the whole, studies have shown that bad roads increase the cost of driving in the United States by almost $20 billion a year—$121 for each licensed driver.

The administration has submitted its proposal for a highway reauthorization to Congress. With all due respect to President Bush and Secretary Skinner, it is clear to me that an alternative proposal is necessary.

My first concern with the administration plan is the level of highway funding. While we are all aware of the budget pressures created by our enormous deficit, these pressures should not affect the Federal Highway Program. The Federal Government collects highway user fees, primarily through the Federal gas tax, which have been earmarked for transportation improvements through the highway trust fund. If we are to be honest with the American people, all of these funds should be spent on highway improvements—unfortunately, a portion of these funds have been systematically withheld in an effort to mask the true size of the Federal deficit.

I have introduced legislation, S. 562, which would force the Federal Government to spend all highway account revenues on highway improvements. According to FHWA statistics, the trust fund could support spending of $20.7 billion a year over each of the next 5 years—an average of $2.6 billion over the administration's proposal. In contrast, over the life of the reauthorization proposed by the administration, the surplus in the highway trust fund will increase, not decrease. The authorization and obligation levels included in the proposal introduced today by Senator REID and Senator BAUCUS will result in a substantial spend-down of the trust fund.

In addition to the inadequate level of overall funding, the administration proposal contains a number of proposals which are especially onerous for the States. If enacted, the proposal will represent a major shift in responsibility for transportation funding from the Federal to the State level.

The most immediate problem the State would face under the administration proposal is the major increase in the State share of Federal highway projects. For my own State of Nevada, the administration has proposed a plan which would increase highway apportionments to the State by 71 percent. While this increase seems large, it is not as substantial as it appears, since the administration has eliminated many important discretionary programs, which are outside of the apportionments.

Even if we accept this figure, however, it is unclear if the State will ever be able to spend these funds. The problem is that while Federal funding is increased by 71 percent, the State matching funds required to receive the Federal funds must be increased by over 400 percent. The State would have to provide more than five times its previous matching share in order to less than double its Federal funds.

In addition, the administration proposal places severe limits on where Federal funds may be spent. Over 60 percent of Federal highway funds will be required to be spent on the National Highway System, a 150,000 mile system of roads deemed the most important by the Federal Government. This is a substantial reduction from the 850,000 miles of roads that are currently on the Federal Highway System.

On the one hand, the States will be required to increase their investment in the National Highway System, while on the other hand, the States will be required to assume greater responsibility for over 700,000 miles of essential roads outside of the new system. As a former Governor, I can assure you that the States cannot bear this type of burden.

The legislation proposed by my colleagues here today will extend and enhance a Federal program which has worked in the past, both by providing a higher level of funding than the administration, and by preserving the current structure of the highway program.

The administration has proposed a highway program which, to quote the administration's own words, is a "deliberate strategy to increase the State share and likewise increase State productivity." Speaking from experience, I can tell you that the States do not need Federal coercion to "increase their productivity." Every State government is feeling severe budgetary pressures, many to the point of crisis. Services are being cut, and taxes are being raised. Now is not the time for the Federal Government to increase the burden on the States.

Quite simply, the administration's proposal blackmails the States into increasing their funding for highways which are rightly the responsibility of the Federal Government. Given the huge surplus of the highway trust fund, this is unconscionable. The Reid-Baucus proposal will maintain the needed balance between State and Federal spending, while providing the flexibility the States need to meet their individual requirements.

Mr. President, I urge my colleagues to support the Reid-Baucus highway proposal.

Mr. CONRAD. Mr. President, I am pleased to rise today as an original cosponsor of the Transportation Improvement Act of 1991. I commend Senator BAUCUS and REID for their leadership in developing this bill to address our Nation's vital transportation needs.

Federal dollars have helped build highways across the Nation since the early 1990's. The present Federal Aid Highway Program has been one of the most successful, enduring, cooperative partnerships ever undertaken by Federal and local governmental agencies.

In rural areas like North Dakota, the overall good health of our entire economy depends on the condition of our transportation system. A sound highway system is the lifeblood of a State's economic development.

However, transportation in rural America is at a critical juncture. Major changes are occurring in the social, economic, and demographic structure of rural America; and the transportation industry itself is contributing to these changes.

It is often assumed that deregulation of the transportation industry—rail, air, truck, and bus—has improved service and reduced costs for the Nation as a whole.

But, in much of rural America, deregulation has had adverse effects on rural farmers, business people, and communities. Abandonment of rail lines and the loss of air and bus services have left many farmers and rural communities dependent on trucks and private automobiles.

More than 700 miles of railroad lines in North Dakota have been abandoned over the past 8 years, leaving trucking as the predominant means of transport for the State's agricultural commodities.

Many of North Dakota's roads were built more than 30 years ago and were designed to accommodate the lighter traffic loads of that period. However, today, these same roads carry far greater traffic volumes and heavier vehicles. At the same time, severe weather and general aging of the system have contributed to the extensive deterioration of road surfaces across the State.

It must be a priority of Congress to fully fund the maintenance of this Nation's existing highway system. The Federal system is aging, and additional dollars are needed for its upkeep. States built their highways with the assistance of Federal funds, confident that a long-term commitment existed. Now the Bush administration's proposed Surface Transportation Act of 1991 proposes to dramatically change the highway program and turn more fiscal responsibility back to State and local jurisdictions.

Our Federal commitment needs to be strengthened, not weakened. Studies have indicated that compared to other developed nations, the United States is underinvesting in its transportation infrastructure. The legislation we are introducing today would begin to reverse that trend. It calls for critically needed additional funding, and it explicitly rejects the administration's proposal to increase the State match. Increasing local match requirements would have a devastating effect on rural Western States. In rural areas the local taxes which support highway construction and maintenance are already above the national average. Rural States simply do not have the ability to generate adequate revenue to replace Federal dollars and still preserve and improve their transportation systems.

This bill would build on our very successful, time-tested, existing highway programs. It would extend the current funding categories for preservation of the Interstate Highway System, give greater emphasis on bridge maintenance projects, provide for increased funding of Indian reservation roads, and create a rural tourism program to promote our Nation's parks.

This bill would also give States more flexibility to choose the projects to be pursued with Federal funds. It recognizes the special needs of Western and rural States and addresses those needs through the creation of bonuses for adverse weather, low density, and high Federal land use.

Our policy challenge is to build upon our past achievements and continue to develop a transportation system that will promote our Nation's economic growth and international competitiveness. It is truly a false economy to neglect our transportation infrastructure. We will pay dearly for poor roads through inefficiency and delays, increased vehicle operating costs, higher taxes, and higher prices for a wide range of goods and services.

I believe this bill is a useful starting point for the authorizing committee's deliberations on developing a national transportation program tailored to the diverse needs of a growing America. I urge my colleagues on the committee to examine its provisions carefully.

Mr. DASCHLE. Mr. President, I am proud to join my colleagues from Nevada and Montana in introducing the Transportation Improvements Act of 1991; legislation which directly addresses the long-overdue road and infrastructure projects vital to our productivity and competitiveness as a nation. I commend Senators REID and BAUCUS for their efforts on this bill, and for the spirit of cooperation they have facilitated in this legislative effort.

Today, we have joined together to stand up for those rural and Western States which undoubtedly would be treated unfairly under the administration's proposed surface transportation reauthorization bill. That proposal clearly leaves our States holding the bag with respect to responsibility for Federal roads projects. Without a comprehensive, fair, and equitable plan that addresses the needs of not only the urban areas but also our vast rural roads, we will accomplish little in the way of improving our national infrastructure and productivity.

Our economy and future competitiveness require the strong legislative action we have proposed here today. Public safety and mobility simply demand it. The highway trust fund grows larger and larger while our roads are in disrepair and our bridges are becoming unsafe. This legislation calls for a significant increase in funding for these priorities, and our 5-year plan distributes this funding increase to practically every State. More important, the funding formulas contain the flexibility States will need to accomplish any meaningful improvements within their borders.

The Transportation Improvements Act also speaks to serious concerns we have found with the administration bill; namely; the preservation of existing Federal-aid highway systems; the fairness of increased cost-sharing ratios—especially to States such as South Dakota that already spend more State dollars per capita than a majority of States; continuation of minimum allocation requirements; lack of hazard elimination funding; compensation for Federal lands; and increased funding for much-needed reservation road improvements.

Mr. President, these are just a few areas in which this legislation will address the highway needs and priorities existing in the country today more effectively than the administration's proposal. I am certain that this bill will treat rural States like South Dakota equitably and enhance our national highway system. While there are many differing ideas on which form our transportation policy should take, I hope that we can all agree that the policy should be fair to rural States across the country.

Again, I am proud to be a part of this effort today and look forward to working with Chairman BURDICK and the Environment and Public Works Committee to ensure that rural States receive a fair shake in this year's reauthorization legislation.

By Mr. SANFORD:

S. 824. A bill to establish the emergency bank investment fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EMERGENCY BANK INVESTMENT FUND ACT

Mr. SANFORD. Mr. President, I rise today to introduce what I believe to be a very essential bill for the future of our banking system and bank customers who continue to need credit if they are to grow and prosper.

I hardly need to mention that the U.S. banking system is experiencing a serious credit crunch, which threatens to squeeze not only borrowers but also the banks themselves.

Without new or restructured loans, many recession-slowed businesses can't meet their present debt obligations. As more loans move into the problem category, more banks fall short of capital requirements. They can't make new loans, businesses can't make existing payments, banks can't afford to pay high dividends to attract capital, and the death spiral begins to drag everyone down.

Since the second quarter of 1990, economic data indicates that credit has been tightening. This has led to large cutbacks in overall economic activity in certain sectors of our economy and particularly in certain regions of the country. Throughout the remainder of 1990 and into the beginning of 1991, that credit tightening has spread to more types of lending, and to an ever increasing number of cities and States.

The great danger facing the national economy is that it is in a difficult downward spiral, in which banks and thrifts are reluctant or unable to lend money, due to capital and other constraints, and this inability to lend leads to further contractions in the economy. Business contracts. Cash flows fall. Banks experience greater stress and losses, which in turn places greater strain on the FDIC and its already inadequate bank insurance fund.

Indeed, analysis by the Congressional Budget Office, the General Accounting Office, and others suggests that the bank insurance fund will be insolvent by early 1992.

The administration has proposed a plan to use borrowings from the Federal Reserve to pump $25 billion into the bank insurance fund. Losses to the FDIC are now estimated to be nearly $30 billion over a 3½-year period that began in July 1990. Spending by the bank insurance fund is expected to be almost $22 billion in 1991 and $16 billion in 1992. In all probability, this is a very conservative estimate.

I believe that we have an opportunity now, before the credit crunch turns troubled banks into failed banks, to stave off the collapse of many banking institutions. We have an opportunity to shape a banking industry that would be profitable and will stimulate our economy. We may also have the opportunity to stave off massive bank failures that cannot do anything other than deplete the FDIC funds, ultimately costing the taxpayers a great deal of money.

The legislation that I am introducing today would create an emergency bank investment fund charged with investing new capital in troubled banks and directing the kind of mergers and consolidations that will leave a healthier industry. This idea has its roots in the Reconstruction Finance Corporation of the 1930's. Its applicability in the present situation has drawn favorable comment from a number of experts recently.

It may be that the economy comes back quickly and that few such investments in banks will be necessary. I hope that is the case. But if it is not, I think it is imperative that we put it in place now, before such a crisis hits, a mechanism to pump new capital into the system and to stimulate the types of consolidations that will lead to a sounder banking system. I hope this proposal will serve as a legislative starting point. I believe, most of all, that something needs to be done to address the shortage of capital available to banks.

The Treasury Department released its study of the banking industry and made numerous sound recommendations, but for all the good discussion in that study, I regret that it did not address more fully the capital needs of the industry. By investing additional capital in banks, I am not proposing that we prop up all of the banks that are in trouble. Quite the contrary. Investments should be used to push needed consolidations and to attract private capital.

Many experts have accurately observed that the banking industry has a dual problem: Too little capital, and too many banks. For that reason, the emergency bank investment fund, created in my bill, would condition its investments in bank equities on various mergers, consolidations, investments of private capital, or changes in bank investment and management practices that will produce a sounder banking system. The plan I have laid out provides for up to $50 billion to be borrowed from the U.S. Treasury, for which interest will be paid, with these funds to be invested in bank stocks that are now generally depressed and likely to rebound with the health of the industry.

My objective is to draw new capital to the industry at no cost to the taxpayers. The Reconstruction Finance Corporation, in its Depression era years, spent some $10 billion, a lot of money then, and returned all of it to the Treasury with about $500 million in profits. I think this kind of an investment now could have the same result. Certainly, the need is there, and the danger of unnecessary bank failures is there. We have an opportunity, and I would hope we would use that opportunity to establish this fund now before we are faced with both a banking crisis and a credit crisis.

The bill calls for the creation of a new, temporary Government-sponsored enterprise called the emergency bank investment fund. The fund would be established to invest capital in marginally capitalized, but otherwise sound, banks and to encourage reforms or consolidations or investments by private groups to ensure that the U.S. banking system has sufficient capital to meet the credit needs of the U.S. economy, to strengthen the banking system, and to prevent excessive losses to the bank insurance fund.

The emergency bank investment fund would be run by a board and a director. It would not take many people or a great bureaucracy. The director would be a private citizen who has considerable experience with banking and financial institutions and who would be appointed by the President. The board would be ex officio, and would consist of the Chairman of the FDIC, the Comptroller of the Currency, a representative from the Federal Reserve, and a representative from the Department of the Treasury. The fund would utilize the expertise and data of the banking regulators and the FDIC in analyzing banks and their financial condition, and the viability of their future prospects.

The purposes of the fund would be to prevent an unmanageable number of bank failures. The current estimates indicate that the bank insurance fund will be nearly insolvent by the end of this year. The fund would be established to assist those marginally capitalized banks that are viable to become healthy by providing capital, conditioned upon sounder management, if that is necessary, or upon mergers and consolidations, if those are necessary, or upon the raising of private capital. It is also envisioned that a stronger banking system would help break the current cycle of cutbacks in lending due to insufficient capital, which in turn exacerbates the recession in the economy.

The fund would be provided with a $50 billion line of credit with the U.S. Treasury to be drawn down in Government bonds in blocks of $5 billion. The fund would use the bonds to provide funds to buy stock in various banks that are deemed to be marginally capitalized, but not in danger of collapse. The fund's investments would be in preferred stock, or common stock, or warrants, or other types of investments that would allow the fund to realize gains when the bank's financial conditions improve. For those banks that would like to buy back that stock in due time, they would have the first option to purchase their shares back from the fund.

The fund would issue notes to the Treasury to offset the bonds, so the interest would be covered, and the taxpayers would not be charged anything. When market conditions permit, the fund would sell its individual bank stocks, and use those proceeds along with any dividends received or profits from warrants or other investments to repay the notes issued by the Treasury.

The fund itself would cease to exist within 5 years of the date of its establishment, and would be required to liquidate fully its interest within 10 years of its date of establishment.

Mr. President, I do not think we ought to wait for the general collapse of banks and mass failures before we put in place a device to take care of failing banks and a device to strengthen the economy. I believe we need to get it going now, to have such a mechanism in place, maybe in the hope that we do not need it. In any event, we must not be caught short, and must not allow the kind of failures to begin in the banking industry that began so slowly but rose so rapidly in the S&L industry.

Mr. President, I hope my colleagues will examine this legislation carefully and will support it.

By Mr. HATCH:

S. 825. A bill for the relief of the Precisa Calculating Machine Co., Inc.; to the Committee on the Judiciary.

RELIEF OF PRECISA CALCULATING MACHINE CO., INC.

Mr. HATCH. Mr. President, today I am introducing legislation for the relief of the Precisa Calculating Machine Co., Inc., on behalf of my constituent, Mr. Eugene Wagner. The legislation directs the Secretary of Treasury to pay Precisa the sum of $802,796 in full satisfaction of its claims for the losses sustained, expenses incurred, and damages suffered as a result of the seizure of the property of the corporation by the Internal Revenue Service resulting in the ultimate destruction of the company's business.

Legislation at this time is the only way Mr. Wagner may expect to receive any compensation for the inappropriate actions of the IRS between 1954 and 1960. Let me provide a brief outline of the history of this case.

On October 10, 1952, Precisa was incorporated in the State of Utah for the purpose of selling, buying, and distributing business machines and equipment. Subsequently, Precisa included orthopedic products in its business line. During this time, Precisa utilized common facilities, consolidated financials and a single accounting system for all of its business.

During the period from 1954 to 1956, the company incurred losses for the business machines and equipment portion of the business but experienced significant profits from selling its orthopedic products. In 1957, the IRS conducted an audit and determined that the business machines and equipment portion was a separate entity from the orthopedic products sales segment of the business. The IRS therefore disallowed the deductions and losses incurred by the business machines and equipment division as offset against the orthopedic profits for the tax periods from 1954 to 1956. This resulted in substantial tax deficiencies.

The IRS additionally assessed tax assessments against Precisa's president, Mr. Wagner, and his ex-wife for the 1954 and 1955 tax periods and against Mr. Wagner individually for 1956. The IRS concluded that Precisa was Mr. Wagner's alter ego.

After exhausting their administrative remedies in these proceedings in the U.S. Tax Court. In October 1957, Mr. Wagner traveled to Switzerland to confer with Precisa's part owner, Precisa Factory, and its attorney about the IRS matter. In January 1958, while Mr. Wagner was still out of the country, the IRS imposed jeopardy assessments against the assets of Precisa and subsequently seized the corporate assets. During this period, Precisa had been storing personal property belonging to others. This personal property was included in the property seized by the IRS, some of which was auctioned off by the IRS on June 10, 1959. These transactions occurred while the determination of the tax issues by the U.S. Tax Court was still pending.

In April 1960, the IRS again held a public auction in which Precisa assets as well as property belonging to third parties was sold. Having previously received a list of items to be auctioned, Mr. Wagner promptly issued a letter from Switzerland informing the IRS that certain of the listed items did not belong to Precisa. Based on the postmark, this letter should have been received by the IRS prior to the auction; however, the IRS claims that it did not receive the letter until after the auction. All of the items sold at each of the auctions were of a nonperishable nature, not subject to being wasted or sold.

In May 1961, the U.S. Tax Court, pursuant to a stipulation, found no tax due from Precisa. These findings and stipulation came too late as Precisa all but ceased operations after the January 1958 seizures. Those seizures not only resulted in Precisa losing its orthopedic supplier contract, but the company also found that other prospective orthopedic suppliers were reluctant to conduct business because of the circumstances.

The Senate Committee on the Judiciary is being asked to examine the merits of this legislative proposal as it pertains to the injustice done to this particular U.S. citizen taxpayer. This legislation is similar to the bill I introduced in the 1st session of the 100th Congress and the legislation introduced by former Senator Wallace Bennett on June 6, 1974.

By Mr. HEFLIN (for himself, Mr. SPECTER, Mr. METZENBAUM, Mr. DECONCINI, and Mr. SHELBY):

S. 826. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes; to the Committee on the Judiciary.

ADMINISTRATIVE LAW JUDGE CORPS ACT

Mr. HEFLIN. Mr. President, I rise today to again introduce legislation regarding the establishment of an Independent Corps of Administrative Law Judges. I believe that this important legislation is both timely and necessary, and will have a profound influence on shaping the future of the administration of justice in the United States. A consistent and faithful supporter of this legislation was Senator John Heinz. His leadership in recognizing the need for important reforms in the administrative law system was remarkable, and at this time I wish to acknowledge his previous efforts regarding this bill.

Since the establishment of the Administrative Procedures Act in 1946 the number and functions of administrative law judges have changed dramatically. Today, these important dispensers of justice are being called upon to make increasingly more difficult decisions. While administrative law judges are increasingly called upon to make hard choices they are increasingly feeling the pressures to conform their decisions to the will of the administrative agency. There have been and continue to be substantial allegations of abuse and bad faith being raised by both agencies and ALJ's. This problem was continued to raise the levels of distrust by parties who find themselves in before an ALJ and this distrust mandates a legislative response.

Administrative law judges are called upon to be independent actors who are not beholden to either their agencies or other parties. However, judges continue to be paid, housed, and staffed by the agencies for whom they adjudicate cases. I believe the appropriate response to this dilemma is to create an independent agency within the executive branch whose function is to house and support administrative law judges.

The concept of an Independent Corps of ALJ's is not new. This idea was first implemented by a number of States who recognized the utility of this type of legislation. This is a situation where the Federal Government should follow the lead of States and establish a program which will be both successful and be adaptable as our society advances.

Generally, this bill would establish an independent corps for administrative law judges which would operate under the executive branch of Government. The corps would be governed by a chief administrative law judge. Further, the corps would be divided into eight divisions, with each division governed by a division chief administrative law judge. The chief and division chief ALJ's would be Presidential appointments, by and with the advise and consent of the U.S. Senate.

The chief and division chief ALJ's would form a council. The Council would be the policymaking body for the corps. The Council would have the authority to assign judges to divisions, appoint persons as administrative law judges, prescribe rules of practice and procedure for the corps, issue appropriate rules and regulations for the efficient conduct of the corps, and generally manage the day-to-day operations of the corps.

The bill provides explicit protections for ALJ's. The corps would continue to make appointments of administrative law judges from a register of qualified candidates maintained by the Office of Personnel Management. In order for an ALJ to be involuntarily reassigned to a new permanent duty station, an ALJ must receive a written explanation from the Council stating that such a move is required in order to meet substantial changes in workloads. ALJ's would continue to hear and adjudicate the same types of cases which they presently decide. Further, ALJ's would continue to be assigned cases within their division on a rotating basis taking into account issues of expertise and education. In addition, ALJ's would be given the explicit authority to continue to act as special masters pursuant to Federal rule of civil procedure 53(A). This bill also contains provisions for the removal and discipline of administrative law judges. The bill continues specific protections of ALJ's, and provides that they may not be removed, suspended, reprimanded, or disciplined except for misconduct or neglect of duty. Further, the bill provides for the removal of ALJ's due to physical or mental disability. These are protections which provide the necessary balance of independence tempered with proper administrative control.

Finally, the bill contains provisions for the smooth transition of authority, regarding ALJ's from the agencies to the corps. A key provision of this transition is that within 2 years of enactment, the bill provides for a study and an offering of proposed legislation which would further streamline the administrative decisionmaking process.

The provisions of this bill are designed to address two critical issues which face our Nation. First, an independent corps is vital to the continued impartial resolution of issues and decisions of cases arising under the Administrative Procedure Act. Second, this bill streamlines the Federal bureaucracy in order to better meet the needs of the people of the United States.

I have listened and responded to concerns regarding this bill, and to the extent that the concerns were legislatively addressable, some changes have been made. I recognize that virtually no one will feel this legislation is a perfect solution to the problems faced by administrative law judges, but it is a response to a growing problem in our administrative system of justice. During the last session of Congress, this bill was favorably reported by the Judiciary Committee, but died before the full Senate could act.

I am hopeful that this year the bill will quickly receive strong support in committee and passage on the floor, and I urge my colleagues to join with me and support this bill.

I ask unanimous consent that a copy of this bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Administrative Law Judge Corps Act".

ESTABLISHMENT OF ADMINISTRATIVE LAW JUDGE CORPS

SEC. 2. (a) Chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VI—ADMINISTRATIVE LAW JUDGE CORPS

"§ 595. Definitions

"For the purposes of this subchapter—

"(1) 'agency' means an authority referred to in section 551(1) of this title;

"(2) 'Corps' means the Administrative Law Judge Corps of the United States established under section 596 of this title;

"(3) 'administrative law judge' means an administrative law judge appointed under section 3105 of this title on or before the effective date of the Administrative Law Judge Corps Act or under section 599a of this title after such effective date;

"(4) 'chief judge' means the chief administrative law judge appointed and serving under section 597 of this title;

"(5) 'Council' means the Council of the Administrative Law Judge Corps established under section 599 of this title;

"(6) 'Board', unless otherwise indicated, means the Complaints Resolution Board established under section 599c of this title; and

"(7) 'division chief judge' means the chief administrative law judge of a division appointed and serving under section 598 of this title.

"§ 596. Establishment; membership

"(a) There is established an Administrative Law Judge Corps consisting of all administrative law judges, in accordance with the provisions of subsection (b). Such Corps shall be located in Washington, D.C.

"(b) An administrative law judge serving as such on the date of the commencement of the operation of the Corps shall be transferred to the Corps as of that date. An administrative law judge who is appointed on or after the date of the commencement of the operation of the Corps shall be a member of the Corps as of the date of such appointment.

"§ 597. Chief administrative law judge

"(a) The chief administrative law judge shall be the chief administrative officer of the Corps and shall be the presiding judge of the Corps. The chief judge shall be appointed by the President, by and with the advice and consent of the Senate. The chief judge must be an administrative law judge who has served as an administrative law judge for at least five years preceding the date of appointment as chief judge. The chief judge shall serve for a term of five years or until a successor is appointed and qualifies to serve, whichever is earlier. A chief judge may be reappointed upon the expiration of his term, by and with the advice and consent of the Senate.

"(b)(1) If the office of chief judge is vacant, the division chief judge who is senior in length of service as a member of the Council shall serve as acting chief judge until such vacancy is filled.

"(2) If two or more division chief judges have the same length of service as members of the Council, the division chief judge who is senior in length of service as an administrative law judge shall serve as such acting chief judge.

"(c) The chief judge shall, within ninety days after the end of each fiscal year, make a written report to the President and the Congress concerning the business of the Corps during the preceding fiscal year. The report shall include information and recommendations of the Council concerning the future personnel requirements of the Corps.

"(d) After serving as chief judge, such individual may continue to serve as an administrative law judge unless such individual has been removed from office in accordance with section 599c of this title.

"§ 598. Divisions of the Corps; division chief judges

"(a) Each judge of the Corps shall be assigned to a division by the Council, pursuant to section 599. The assignment of a judge who was an administrative law judge on the date of commencement of the operation of the Corps shall be made after consideration of the areas of specialization in which the judge has served. Each division shall be headed by a division chief judge who shall exercise administrative supervision over such division.

"(b) The divisions of the Corps shall be as follows:

"(1) Division of Communications, Public Utility, and Transportation Regulation.

"(2) Division of Safety and Environmental Regulation.

"(3) Division of Labor.

"(4) Division of Labor Relations.

"(5) Division of Health and Benefits Programs.

"(6) Division of Securities, Commodities, and Trade Regulation.

"(7) Division of General Programs.

"(8) Division of Financial Services Institutions.

"(c)(1) The division chief judge of each division set forth in subsection (b) shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) To be eligible for appointment as a division chief judge, an individual must have served as an administrative law judge for at least five years and should possess experience and expertise in the specialty of the division to which such person is an appointee.

"(3) Division chief judges shall be appointed for five-year terms except that of those division chief judges first appointed, the President shall designate two such individuals to be appointed for five-year terms, three for four-year terms, and two for three-year terms.

"(4) Any division chief judge appointed to fill an unexpired term shall be appointed only for the remainder of such predecessor's term, but may be reappointed as provided in paragraph (5).

"(5) Any division chief judge may be reappointed upon the expiration of his term if nominated for such appointment pursuant to the provision of this title.

"(6) Any judge, after serving as division chief judge may continue to serve as an administrative law judge unless such individual has been removed from office in accordance with section 599c of this title.

"§ 599. Council of the Corps

"(a) The policymaking body of the Corps shall be the Council of the Corps. The chief judge and the division chief judges shall constitute the Council. The chief judge shall preside over the Council. If the chief judge is unable to be present at a meeting of the Council, the division chief judge who is senior in length of service as a member of such Council shall preside.

"(b) One half of all of the members of the Council shall constitute a quorum for the purpose of transacting business. The affirmative vote by a majority of all the members of the Council shall be required to approve a matter on behalf of the Council. Each member of the Council shall have one vote.

"(c) Meetings of the Council shall be held at least once a month at the call of the chief judge or by the call of one-third or more of the members of the Council.

"(d) The Council is authorized—

"(1) to assign judges to divisions and transfer or reassign judges from one division to another, subject to the provisions of section 599a of this title;

"(2) to appoint persons as administrative law judges under section 599a of this title;

"(3) to file charges seeking adverse action against an administrative law judge under section 599c of this title;

"(4) subject to the provisions of subsection (e), to prescribe, after providing an opportunity for notice and comment, the rules of practice and procedure for the conduct of proceedings before the Corps, except that, with respect to a category of proceedings adjudicated by an agency before the effective date of the Administrative Law Judge Corps Act, the Council may not amend or revise the rules of practice and procedure prescribed by that agency during the two years following such effective date without the approval of that agency, and any amendments or revisions made to such rules shall not affect or be applied to any pending action;

"(5) to issue such rules and regulations as may be appropriate for the efficient conduct of the business of the Corps and the implementation of this subchapter, including the assignment of cases to administrative law judges;

"(6) subject to the civil service and classification laws and regulations, to select, appoint, employ, and fix the compensation of the employees (other than administrative law judges) that such Council deems necessary to carry out the functions, powers, and duties of the Corps and to prescribe the authority and duties of such employees;

"(7) to establish, abolish, alter, consolidate, and maintain such regional, district, and other field offices as are necessary to carry out the functions, powers, and duties of the Corps and to assign and reassign employees to such field offices;

"(8) to procure temporary and intermittent services under section 3109 of this title;

"(9) to enter into, to the extent or in such amounts as are authorized in appropriation Acts, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), contracts, leases, cooperative agreements, or other transactions that may be necessary to conduct the business of the Corps;

"(10) to delegate any of the chief judge's functions or powers with the consent of the chief judge, or whenever the office of such chief judge is vacant, to one or more division chief judges or other employees of the Corps, and to authorize the redelegation of any of those functions or powers;

"(11) to establish, after consulting with an agency, initial and continuing educational programs to assure that each administrative law judge assigned to hear cases of an agency has the necessary training in the specialized field of law of that agency;

"(12) to make suitable arrangements for continuing education and training of other employees of the Corps, so that the level of expertise in the divisions of the Corps will be maintained and enhanced; and

"(13) to determine all other matters of general policy of the Corps.

"(e) The Council shall select an official seal for the Corps which shall be officially noticed.

"§ 599a. Appointment and transfer of administrative law judges

"(a) After the initial establishment of the Corps, the Council shall appoint new or additional judges as may be necessary for the efficient and expeditious conduct of the business of the Corps. Appointments shall be made from a register maintained by the Office of Personnel Management under subchapter I of chapter 33 of this title. Upon request by the chief judge, the Office of Personnel Management shall certify enough names from the top of such register to enable the Council to consider five names for each vacancy. Notwithstanding section 3318 of this title, a vacancy in the Corps may be filled from the highest five eligible individuals available for appointment on the certificate furnished by the Office of Personnel Management.

"(b) A judge of the Corps may not perform or be assigned to perform duties inconsistent with the duties and responsibilities of an administrative law judge.

"(c) A judge of the Corps on the date of commencement of the operation of the Corps may not thereafter be involuntarily reassigned to a new permanent duty station if such station is beyond commuting distance of the duty station which is the judge's permanent duty station on that date, unless the Council determines and submits a written explanation to the judge stating that such reassignment is required to meet substantial changes in workloads. A judge may be temporarily detailed, once in a 24-month period, to a new duty station at any location, for a period of not more than 120 days.

"§ 599b. Jurisdiction

"(a) All types of cases, claims, actions and proceedings heretofore held before administrative law judges shall be referred to the Corps for adjudication on the record after an opportunity for a hearing.

"(b) An administrative law judge who is a member of the Corps shall hear and render a decision upon—

"(1) every case of adjudication subject to the provisions of section 553, 554, or 556 of this title;

"(2) every case in which hearings are required by law to be held in accordance with sections 553, 554, or section 556 of this title; and

"(3) every other case referred to the Corps by an agency or court in which a determination is to be made on the record after an opportunity for a hearing.

"(c) When a case under subsection (b) arises, it shall be referred to the Corps. Under regulations issued by the Council the case shall be assigned to a division. The appropriate Division Chief shall assign cases to judges, taking into consideration specialization, training, workload and conflicts of interest.

"(d) Federal agencies and courts are hereby authorized to refer any appropriate case either—

"(1) to the Corps; or

"(2) to a specific administrative law judge, with the approval of the majority of the Council, to serve as a special master pursuant to the provisions of Rule 53(a) of the Federal Rules of Civil Procedure.

"(e) Compliance with this subchapter shall satisfy any and all requirements imposed under section 916 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.".

"§ 599c. Removal and discipline

"(a) Except as provided in subsection (b) of this section—

"(1) an administrative law judge may not be removed, suspended, reprimanded, or disciplined except for misconduct or neglect of duty, but may be removed for physical or mental disability; and

"(2) an action specified in paragraph (1) of this subsection may be taken against an administrative law judge only after the Council has filed a notice of adverse action against the administrative law judge with the Merit Systems Protection Board and the Board has determined, on the record after an opportunity for a hearing before the Board, that there is good cause to take such action.

"(b) Subsection (a) does not apply to an action initiated under section 1206 of this title.

"(c) Under regulations issued by the Council, a Complaints Resolution Board shall be established within the Corps to consider and to recommend appropriate action to be taken when a complaint is made concerning the official conduct of a judge. Such complaint may be made by any interested person, including parties, practitioners, the chief judge, and agencies.

"(d) The Board shall consist of two judges from each division of the Corps who shall be appointed by the Council. The chief judge and the division chief judges may not serve on such Board.

"(e) A complaint of misconduct by an administrative law judge must be made in writing. The complaint shall be filed with the chief judge, or it may be originated by the chief judge on his own motion. The chief judge shall refer the complaint to a panel consisting of three members of the Board selected by the Council, none of whom may be serving in the same division as the administrative law judge who is the subject of the complaint. The administrative law judge who is the subject of the complaint shall be given notice of the complaint and the composition of the panel. The administrative law judge may challenge peremptorily not more than two members of the panel. The Council shall replace a challenged member with another member of the Board who is eligible to serve on such panel.

"(f) The panel shall inquire into the complaint and shall render a report thereon to the Council. A copy of the report shall be provided concurrently to the administrative law judge who is the subject of the complaint. The report shall be advisory only.

"(g) The proceedings, deliberations, and reports of the Board and the contents of complaints under this section shall be treated as privileged and confidential. Documents considered by the Board and reports of the Board are exempt from disclosure or publication under section 552 of this title. Section 552b of this title does not apply to the Board.".

(b) The table of sections for chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER VI—ADMINISTRATIVE LAW JUDGE CORPS

"Sec.
"595. Definitions.
"596. Establishment; membership.
"597. Chief administrative law judge.
"598. Divisions of the Corps; division chief judges.
"599. Council of the Corps.
"599a. Appointment and transfer of administrative law judges.
"599b. Jurisdiction.
"599c. Removal and discipline.".

AGENCY REVIEW STUDY AND REPORT

SEC. 3. The chief administrative law judge of the Administrative Law Judge Corps of the United States shall make a study of the various types and levels of agency review to which decisions of administrative law judges are subject. A separate study shall be made for each division of the Corps. The studies shall include monitoring and evaluating data and shall be made in consultation with the division chief judges, the Chairman of the Administrative Conference of the United States, and the agencies that review the decisions of administrative law judges. Not later than two years after the effective date of this Act, the Council shall report to the President and the Congress on the findings and recommendations resulting from the studies. The report shall include recommendations, including recommendations for new legislation, for any reforms that may be appropriate to make review of administrative law judges' decisions more efficient and meaningful and to accord greater finality to such decisions.

TRANSITION AND SAVINGS PROVISIONS

SEC. 4. (a) There are transferred to the administrative law judges of the Administrative Law Judge Corps established by section 596 of title 5, United States Code (as added by section 2 of this Act), all functions performed on the day before the effective date of this Act by the administrative law judges appointed under section 3105 of such title before the effective date of this Act.

(b) With the consent of the agencies concerned, the Administrative Law Judge Corps of the United States may use the facilities and the services of officers, employees, and other personnel of agencies from which functions and duties are transferred to the Corps for so long as may be needed to facilitate the orderly transfer of those functions and duties under this Act.

(c) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with the functions, offices, and agencies transferred by this Act, are, subject to section 1531 of title 31, United States Code, correspondingly transferred to the Corps for appropriate allocation.

(d) The transfer of personnel pursuant to subsection (b) of this section shall be without reduction in pay or classification for one year after such transfer.

(e) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions, offices, agencies, or portions thereof, transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, agencies, or portions thereof, as may be necessary to carry out the provisions of this Act.

(f) All orders, determinations, rules, regulations, certificates, licenses, and privileges which have been issued, made, granted, or allowed to become effective in the exercise of any duties, powers, or functions which are transferred under this Act and are in effect at the time this Act becomes effective shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrative Law Judge Corps of the United States or a judge thereof in the exercise of authority vested in the Corps or its members by this Act, by a court of competent jurisdiction, or by operation of law.

(g) Except as provided in subsections (d)(5) and (e) of section 599 of title 5, United States Code, this Act shall not affect any proceeding before any department or agency or component thereof which is pending at the time this Act takes effect. Such a proceeding shall be continued before the Administrative Law Judge Corps of the United States or a judge thereof, or, to the extent the proceeding does not relate to functions so transferred, shall be continued before the agency in which it was pending on the effective date of this Act.

(h) No suit, action, or other proceeding commenced before the effective date of this Act shall abate by reason of the enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act and subchapter VI of title 5, United States Code (as added by section 2 of this Act).

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 6. Title 5, United States Code, is amended as follows:

(1) Section 573(b) is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and inserting a new paragraph (4) to read as follows:

"(4) the chief administrative law judge of the Administrative Law Judge Corps of the United States;".

(2) Section 3105 is amended to read as follows:

"§3105. Appointment of administrative law judges

"Administrative law judges shall be appointed by the Council of the Administrative Law Judge Corps pursuant to section 599a of this title.".

(3) Section 3344 and any references to such section are repealed.

(4) The table of sections for chapter 33 is amended by striking out the item relating to section 3344.

(5)(A) Subchapter III of chapter 75 of title 5, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 75 of title 5, United States Code, is amended—

(i) by striking out the items relating to subchapter III and section 7521;

(ii) by redesignating "Subchapter IV" and all references to such subchapter as "Subchapter III"; and

(iii) by redesignating "Subchapter V" and all references to such subchapter as "Subchapter IV".

OPERATION OF THE CORPS

SEC. 7. Operation of the Corps shall commence on the date the first chief administrative law judge of the Corps takes office.

CONTRACT DISPUTES ACT

SEC. 8. Nothing in this Act or the amendments made by this Act shall be deemed to affect any agency board established pursuant to the Contract Disputes Act (41 U.S.C. 601), or any other person designated to resolve claims or disputes pursuant to such Act.

EFFECTIVE DATE

SEC. 9. Except as otherwise provided, this Act and the amendments made by this Act shall take effect 120 days after the date of enactment.

By Mr. SHELBY:

S. 827. A bill to credit time spent in the Cadet Nurse Corps during World War II as creditable for Federal civil service retirement purposes for certain annuitants and certain other individuals not covered under Public Law 99-638; to the Committee on Governmental Affairs.

CADET NURSES LEGISLATION

● Mr. SHELBY. Mr. President, I rise today in support of the many former members of the Cadet Nurse Corps who were excluded from eligibility under Public Law 99-638 to credit the time served in the Cadet Nurse Corps toward their civil service retirement. This bill would allow retirement credit to those nurses who retired prior to November 1986, and to those with at least 1 year of Cadet Service. This bill seeks to correct the inequity in Public Law 99-638 which itself establishes a precedent for the recomputation of annuities.

Mr. President, the Cadet Nurse Corps was established in 1943 as a result of the severe shortage of nurses at the time our Nation was entering into World War II. The military services drew over 30 percent of the active registered nurses at a time when civilian demands for nursing services were greater than ever. In these early days of the war, nurses were the only American women to be sent overseas into a war zone. Their commitment was both noble and unprecedented; Congress must now be willing to fulfill its commitment to them through passage of this legislation.

I recently received a copy of a letter from one of these brave women who has been serving as a nurse in the Kuwaiti Theater during Operation Desert Storm. Her words, more so than my own, relay the strength and determination of the Cadet Nurse Corps and exemplify the depth and breadth of service to country that the Cadet Nurse Corps embodies. She writes:

> I am in Saudi Arabia, Dharan to be exact. We are located behind the busiest airport in history and we have been constant targets for Scud missile attacks * * * our hospital is a series of tents and containers joined together called dermed. We live in tents—sleep on cots in sleeping bags. We've had a number of occasions to wear our full MOPP gear (anti-chemical suit and boots, rubber gloves and gas masks) and we do four to eight surgeries a day. But all this is for a good cause and believe me, Dorothy, I'm real proud to serve our country any way I can.
>
> You can't imagine how thrilled I was when I was called last September and asked to volunteer to go on active duty at Fort Benning. I've been in the Army Reserves for more than 23 years and agreed (gladly) to go. Please, oh please, don't let them give up on giving us credit for our Cadet Nurse time. * * * I pray that this time it will go through! Please write and pray for all of us here * * *.

Mr. President, we have an opportunity with this bill to do what we know to be right and just. Let us show our level of commitment to these women who have made tremendous sacrifices toward the cause of peace. I urge that we move quickly to enact this legislation.●

By Mr. DASCHLE (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. BURNS, Mr. CONRAD, Mr. D'AMATO, and Mr. LEVIN):

S. 828. A bill to clarify that the inspection of meat and poultry products offered for import into the United States is to be conducted by U.S. personnel, and for other purposes; to the Committee on Agiculture, Nutrition, and Forestry.

MEAT AND POULTRY INSPECTION

● Mr. DASCHLE. Mr. President, American consumers have a high level of confidence in the U.S. meat and poultry inspection system. It is critically important to the American meat and poultry industries that we preserve that confidence. The industry will suffer if consumers stop buying meat and poultry because they no longer feel confident in the safety of the meat and poultry supply. With that factor in mind, our Government should not rush into any policy changes that may lead consumers to lose faith in the integrity of the meat and poultry inspection system.

That is why I am introducing legislation today to clarify U.S. inspection laws. Joining me as cosponsors are Senators BAUCUS, BURDICK, BURNS, CONRAD, D'AMATO, and LEVIN. Representatives BYRON DORGAN of North Dakota and PAT WILLIAMS of Montana have introduced similar legislation in the House. This bill is the same as S. 3213 introduced in the 101st Congress.

This legislation is intended to prevent an interpretation of meat inspection laws that would undermine the confidence of American consumers and producers in the safety and wholesomeness of our food supply. The bill makes it clear that certain inspections required by U.S. meat and poultry inspection laws must be conducted by U.S. inspectors. This would seem obvious, but not to USDA. The Department has proposed a rule to end border inspections of meat and poultry products from Canada offered for importation into the United States. The rule is based on an interpretation that U.S. law permits the Secretary to delegate these inspection responsibilities to foreign inspectors. As I have stated on previous occasions, this proposal is not consistent with U.S. law. Its legality has been questioned by the General Accounting Office and the USDA Office of General Counsel.

The proposed change in regulations means that U.S. inspectors would no longer conduct random inspections to check compliance with U.S. food safety and quality laws of Canadian meat and poultry products offered for import into the United States. The immediate proposal is for a 1-year experiment under the so-called open border agreement between the United States and Canada. At the end of the year, the experiment will be evaluated and the agreement made permanent.

The comment period on the proposed rule closed September 5, 1990. USDA received more than 1,500 comments on the rule, many negative. The manner in which USDA has handled this agreement suggests that USDA does not believe the proposal can withstand public scrutiny. The agreement appears designed more to achieve political ends, than to assure the safety of the U.S. food supply, which is the primary responsibility of FSIS. As one industry observer noted, "USDA gave up consumer protection for free trade."

EQUIVALENCY

The U.S. Department of Agriculture says that the agreement is justified because the Canadian inspection system is equivalent to our own. The General Accounting Office [GAO], testified at a July 12, 1990, Senate hearing that USDA lacked adequate documentation for any party to independently review the USDA determination of equivalency of the two inspection systems. This is a critical issue, because under the open border experiment, the determination of equivalency becomes the only assurance that Canadian meat and poultry products are safe and wholesome for American consumers.

FSIS procedures with regard to Canada have been an issue in the past. In light of past problems, it is not appropriate to proceed with relaxed regulations until it is clear these problems have been resolved. In 1987 and 1988, prior to the implementation of the free-trade agreement, the USDA Office of the Inspector General [OIG] and the GAO issued reports critical of the FSIS meat import inspection procedures. The OIG concluded that FSIS did not have reasonable assurance that systemic problems in foreign inspection systems were detected and corrected. Therefore, according to the OIG, an increased risk exists that products not meeting U.S. standards are exported to the United States.

Congress is on record as not accepting FSIS application of the "the same as" requirement of the Poultry Products Inspection Act with respect to foreign inspection systems. Section 2507 of the Food, Agriculture, Conservation and Trade Act—Public Law 101-624—states that the U.S. Senate considers that the regulation promulgated by the FSIS (54 FR 43948) with respect to poultry products offered for importation into the United States "does not reflect the intention of the Congress of the United States." The section urges FSIS to repeal the October 30, 1989, regulation and promulgate a new regulation reflecting the intention of the Congress.

LEGAL ISSUES

The GAO, in its July 1990 report, said that its review identified several legal and policy issues regarding the open border proposal—

> From a legal perspective, there is a question of whether the open border proposed under the Free Trade Agreement conflicts with the requirements of U.S. meat inspection laws and whether a legislative change is necessary. The United States-Canada Free-Trade Agreement Implementation Act of 1988 (P.L. 100-449) specifies (section 102(a)) that "no provision of the Agreement, nor the application of any such provision to any person or circumstance, which is in conflict with any law of the United States shall have effect." FSIS program officials have raised a possible legal issue about whether legal authority exists to permanently establish an open border or whether FSIS needs to ask the Congress to amend the Federal Meat Inspection Act. Before the open border agreement, the head of FSIS's International Programs office told us that port-of-entry inspection of Canadian meat imports was required under FSIS' statutes.

The USDA legal interpretation is not what Congress envisioned when it approved the free-trade agreement. The FTA specifically provides allowance for spot checks. Article 708.3 states that the importing country may examine agricultural and food goods from the exporting country only to ensure that the exporting party has determined or certified that such goods meet the standards or technical regulations of the importing country: "This provision shall not preclude spot checks or similar verifying measures necessary to ensure compliance with the importing party's standards or technical regulations provided that such spot checks or similar verifying measures, including any conducted at the border, are conducted no more frequently than those conducted by the importing party under similar circumstances with respect to its goods."

The USDA OGC has warned the Assistant Secretary of Marketing and Inspection Services that implementation of the agreement by regulation, without a change in law, is subject to legal risk.

FOOD SAFETY AND QUALITY

USDA offers assurances that spot checks will occur, but only to the extent that they occur on domestic products. This means that inspections on meat and poultry products for further processing at United States processing plants will be the only means by which inspections by United States inspectors will take place to determine a Canadian product's compliance with United States health and safety standards. These inspections are not as rigorous as procedures at the border. Furthermore, it means that any products imported from Canada ready for retail would not receive any inspection by United States inspectors. For example, geese labeled Grade A could be imported and sold in the supermarket without any check by U.S. inspectors to determine whether the product is in compliance with U.S. grading standards. Hot dogs could be imported and sold in the supermarket without any check by U.S. inspectors for chemcial residues or other contaminants.

These issues are significant because concerns have been raised over products imported from Canada. In 1990, geese from Canada that were improperly labeled were found at five establishments in the United States. GAO reported, and FSIS confirmed, that rejection rates for Canadian products reinspected under random procedures increased in 1989 from the previous year. Last year, USDA officials found a fourth sample of meat from a Canadian processor tainted with a dangerous bacerium, Listeria monocytogenes. USDA took the processor off the list of companies approved for export to the United States. The entire shipment was destroyed. But had the shipment not been inspected by U.S. personnel, it would have been delivered to U.S. supermarket shelves, without any intervening action by the U.S. Government.

Border inspectors report significant problems with the current relaxed inspection procedures as well as significant rejections of Canadian products. The inspector in Sweetgrass, MT, for example, reports high percentages of contaminated meat coming in from Canada through his facilities. For example, on May 11, 1990, the inspector received 13 assignments to run product exams. He refused entry to 5 of the 13, based on findings of fecal material, ingesta, hair, bruises, and blood clots on the samples. Of the 175,799 pounds of meat inspected, the inspector refused for entry 64,638 pounds. This is a 36-percent rate of failure for 1 day. In March 1991, the same inspector examined more than 1 million pounds of meat from one Canadian packer and refused entry to 40 percent of the meat due to contamination.

The proposed rule says that Canadian inspection personnel would be required to perform reinspections in Canada of Canadian products destined for import to the United States. These reinspections would include the random reinspections for residues and species verification required by the Federal Meat Inspection Act and the Poultry Products Inspection Act.

A primary purpose for reinspections by U.S. personnel is for the United States to verify the compliance of the foreign country's inspection activities with our laws and regulations. Turning this verification activity over to the foreign government defeats the entire purpose of the reinspection.

The proposed rule does not state how the 1-year experiment will be evaluated. It does say that an evaluation will be made to determine whether or not the experiment should become a permanent change in U.S. regulations. However, the proposed rule gives no guidance as to how the evaluation will be conducted, who will do the evaluation, whether or not the industry will be consulted, who in the industry might be consulted, and on what terms the determination to continue the experiment will be made.

This is a major omission. USDA ought to give the public information on which to comment regarding the plans for the evaluation.

CONCLUSION

Random reinspections are not a trade impediment. They are a means to protect the health and safety of American citizens. It is the role of the FSIS to assure American citizens that meat and poultry products, whether processed domestically or in a foreign country, are safe and wholesome. Standards that the United States has established for domestic products ought to apply to foreign products if they are to be sold in the United States. American consumers expect meat and poultry products imported to the United States to meet standards for inspection and grading that are the same as those the United States applies to domestic products.

Meat and poultry products are not the same as auto parts or other manufactured goods. Meat and poultry products must be safe for people to eat. It is reasonable, and compatible with free trade, to maintain a system for monitoring industry compliance with fair and responsible health, safety, and grading laws and regulations. The integrity of our inspection laws, and the inspection system established by these laws, enables the U.S. meat and poultry industry to assure American consumers that when they eat in a restaurant, or buy meat or poultry in a supermarket, they are receiving safe and wholesome products. These laws should not be compromised. USDA's proposed rule does compromise these laws and Congress should protect the integrity of laws by enacting the legislation I am introducing today.●

● Mr. BAUCUS. Mr. President, I am pleased to cosponsor Senator DASCHLE's legislation to require border inspection of imported meat.

Due to the ambiguous phrasing of relevant laws, the Food Safety and Inspection Service [FSIS] has asserted that there is a basis for the Secretary of Agriculture to initiate an "open border" experiment with Canada. This experiment would allow Canadian inspected meat and poultry products, that have never been inspected by United States inspectors, to directly enter the United States consumer marketplace. This can be done, according to USDA, because the Canadian and United States inspection system are basically equivalent programs.

In several letters to the Secretary, I have pointed out the questionable legitimacy and soundness of this proposed action. I am not alone in this skepticism. The General Accounting Office [GAO] and the Congressional Research Service [CRS] have also questioned the legal and procedural basis used for FSIS's and USDA's decision to create the open border experiment. Even the USDA's own Office of General Counsel has submitted a legal analysis supporting GAO's and CRS's legal opinions.

I have been and continue to be a solid supporter of the United States-Canada Free-Trade Agreement. But I cannot in good conscience allow the USDA to follow through on its plan for an open border between our two countries. Not only does it exceed the authority granted to USDA under the law but it has a very high possibility of reducing the wholesomeness of the meat and poultry products that enter the United States.

The amendments in Senator DASCHLE's bill will make it clear that only U.S. inspectors are able to inspect meat and poultry products imported into the United States. With the open border experiment this responsibility would have been delegated to foreign inspectors. Under present conditions this arrangement would be unacceptable and irresponsible. American consumers deserve the highest quality products in the marketplace and should not be exposed to unnecessary risks of contaminations. I feel this would happen if the open border experiment is allowed to proceed. Therefore, I strongly support my colleague's proposed legislation and I am hopeful that it becomes law.

I ask unanimous consent that my three letters to the Secretary of Agriculture be included in the RECORD after my statement.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 29, 1991.
Hon. CLAYTON YEUTTER,
Secretary, U.S. Department of Agriculture, Washington, DC.

DEAR CLAYTON: I am writing today regarding the "open border" experiment for Canadian meat and poultry products.

The due date for receipt of comments on the "open border" proposal was September 5, 1990. Now, after almost five months, your Department has not even provided a preliminary assessment of the comments. I am disappointed at the extended length of time being taken to assess these comments.

A member of my staff was recently able to complete a preliminary review of these comments in a little under three hours. I understand that 1,588 comments have been received by your Department. Of this total, 75 comments supported the proposal and 1,513 were in opposition. That is, a little less than 5% are in favor of proceeding with the "open border" experiment. My staff's evaluation is that a complete review and analysis of these comments would not be a major or lengthy undertaking.

USDA's own Office of General Counsel submitted a comment that questions the proposal because there is no process indicated for determining the wholesomeness of meat and poultry imports under the "open border" experiment. Therefore, according to your General Counsel, there is no means to assess the success of the experiment. As I am sure you would agree, it is improper to advance our trade relations with Canada at the possible expense of U.S. citizens' health and confidence in our meat and poultry markets.

I know you are aware of my concerns and thoughts on the "open border" experiment, expressed in two previous letters on May 7, 1990 and July 19, 1990. I want to reiterate my full support for the intent and spirit of the U.S.-Canada Free Trade Agreement. But I continue to have significant reservations about the soundness and legality of the "open border" experiment. My staff's review of the comments received amplifies those concerns. In light of this, the "open border" experiment should be permanently shelved.

I would appreciate any information you can provide that explains the current status of your Department's review of the comments received and indicates the possible actions that will be taken once the review is completed.

Sincerely,
MAX BAUCUS.

U.S. SENATE,
Washington DC, July 19, 1990.
Hon. CLAYTON YEUTTER,
Secretary of Agriculture, U.S. Department of Agriculture, Washington, DC.

DEAR CLAYTON: I am writing to request that you formally submit to Congress the required legislation to amend the Federal Meat Inspection and Poultry Products Inspection Acts before proceeding further with the "open border" experiment for Canadian meat and poultry products.

I remain a supporter of the U.S.-Canada Free-Trade Agreement (FTA). As you will recall I worked closely with the administration to develop and win passage of the FTA implementing legislation. I believe both countries will achieve greater economic growth as a result of the FTA. In the effective formulation and discharge of U.S. international trade policy, however, it is in the interest of both the Executive and Legislative branches of the U.S. government to work cooperatively to achieve our mutual goals. To this end, I firmly believe that the course of action your Department has embarked upon—using only rule-making authority to initiate an "open border" with Canada for meat and poultry products—is an affront to the legislative process and exceeds authorities provided to your Department.

In crafting the implementing legislation for the FTA, we were careful to make it clear that the terms of the Agreement would only be implemented to the extent that they conform to all other U.S. laws. It is with sound legal advice provided by the General Accounting Office (GAO) and the Congressional Research Service (CRS), that I urge that you withdraw the proposed rule on the "open border" and submit the needed legislation to adjust the meat and poultry inspection acts that are at odds with the proposed actions you attribute to the FTA. I understand that an internal analysis of the legal issues raised by the "open border" experiment completed by USDA's own Office of General Counsel supports the conclusions of the GAO and CRS analysis.

The matter of meat and poultry inspections and the effective initiation of the FTA are too important to attempt short cutting actions. In the course of the legislative process, we may well find that the "open border" experiment is sound. I believe thorough legislative consideration of the "open border" experiment will make it clear that the U.S. will not tolerate anything less than the highest quality meat entering the U.S. market. But if USDA proceeds with its plan to implement the "open border" through rulemaking, it will inevitably lead to an extended court battle over the experiment which will decrease consumer confidence in the quality of meat.

I request your personal cooperation in forwarding the needed legislation to Congress for appropriate review and action.

With best personal regards, I am

Sincerely,

MAX.

U.S. SENATE,
Washington, DC, May 7, 1990.

Hon. CLAYTON YEUTTER,
Secretary of Agriculture, U.S. Department of Agriculture, Washington, DC.

DEAR CLAYTON: I have some concerns about the "open border" experiment with Canada for meat and poultry products.

I fully support the letter and spirit of the U.S.-Canada Free Trade Agreement. However, as with any good agreement the parties must pay close attention to the means employed for its implementation. It's with this latter effort that I am concerned.

The proposed "Open Border Experiment in Meat and Poultry Trade" means that both Canada and the U.S. will accord full reliance to the other's day-to-day inspection system. No extra inspection procedures will be applied to meat and poultry products originating in one country and moving to the other. Each country's existing supervisory training, review, residue control, and enforcement procedures will be fully recognized as meeting the requirements of the other.

An article in the April 1990 issue of the Montana Farmer-Stockman (copy enclosed) documents a number of instances where Canadian meat and poultry products were refused entry into the U.S. These rejections in turn tend to highlight shortcomings in the Canadian inspection system. In 1989 alone, 1.99 million pounds of meat and poultry products were refused entry at Sweetgrass, Montana because they could not pass U.S. product inspection.

I understand that the "open border" experiment is still at the planning stage and that a period of time will be provided for full public comment. Before you proceed forward with the review of the plans for this experiment, I request that your Department provide full consideration to the concerns expressed herein and ensure that the inspection arrangements meet the full requirements of U.S. standards that we impose on ourselves and other countries that export to our market.

I would appreciate receiving a report on the status and timetable for review of the "open market experiment" plan and the measures that your Department will employ to attest to the adequacy of the Canadian meat inspection system.

With best personal regards, I am

Sincerely,

MAX.•

• Mr. BURNS. Mr. President, I rise in support of the bill being offered by my distinguished colleague, the Senator from South Dakota, Mr. DASCHLE.

Mr. President, the beef industry has worked hard in my State and across this United States to present to the consuming public a wholesome, safe and affordable product. The millions of producing families of stockmen all across the United States are dedicated to keeping that supply safe until it reaches the consumer.

Since the turn of the century, meat has been inspected before it is sold. Now the United States-Canada Free-Trade Agreement proposes to eliminate our inspection of meat coming into this country.

I am joining the Senator from South Dakota in his efforts to ensure that the meat products from Canada are every bit as wholesome as those produced in this country. I applaud his efforts.•

• Mr. D'AMATO. Mr. President, I rise today to join with Senator DASCHLE and others in introducing legislation to clarify U.S. law as to the responsibility for inspections of meat and poultry products offered for import to the United States.

By way of background, on February 26, 1990, the Secretary of Agriculture and Canadian Minister of Agriculture issued a joint statement announcing their agreement to conduct a 1-year experiment in which inspections of meat and poultry would be modified to allow these products to move freely between the two borders. On June 29, the Food Safety and Inspection Service [FSIS] published a rule to implement this agreement. Basically the proposal would exempt Canadian meat and poultry products intended for import to the United States from certain Federal inspection procedures, including spot checks at the border.

So far, the proposed rule has not become final and imported meats are currently subject to spot checks at the border. Our legislation states that the Secretary of Agriculture may delegate his responsibilities for imported meat and poultry only to U.S. inspectors. This is necessary because the FSIS is claiming that the Secretary of Agriculture has discretion to delegate to foreign inspectors the responsibility under U.S. law for certain inspection activities. That is tantamount to letting a wolf guard the hen house.

The FSIS has determined that the United States and Canadian meat inspection systems are equivalent. But the General Accounting Office in a report dated July 6, 1990, believes that this assessment has been insufficiently documented and is based on outdated information.

Even more disturbing are the rejection rates of Canadian meat during 1989. The GAO, using FSIS data, documented that in 1989, 3 percent of 3,030 randomly selected Canadian shipments failed inspection procedures and that an additional 8 percent of 1,866 shipments failed inspection under a more intensive inspection program implemented in April 1989. By comparison, in 1988, 1 percent of 13,466 shipments failed inspection.

The elimination of spot checks at the border raises some serious questions. What quality of meat will be shipped to the United States if exporters know that their shipments will not have to undergo any inspection procedures? The American public has come to rely upon the inspection services provided by the USDA to ensure the quality and wholesomeness of the produce they purchase. Without this inspection, consumers may lose confidence in the quality of the meat that they buy and serve to their families. This legislation is necessary to protect the wholesomeness of imported meat and poultry products for U.S. consumers.•

By Mr. GLENN (for himself, Mr. LEVIN, Mr. DURENBERGER, Mr. METZENBAUM, and Mr. RIEGLE):

S. 829. A bill to provide for the reduction of sediments in the Great Lakes; to the Committee on Environment and Public Works.

GREAT LAKES SEDIMENT REDUCTION ACT OF 1991

• Mr. GLENN. Mr. President, sedimentation is a serious and expensive environmental problem within the Great Lakes basin. As cochairman of the Senate Great Lakes Task Force, I rise today to introduce the Great Lakes Sediment Reduction Act of 1991 to help get at the source of the sediment problem through prevention.

Each year, an average of 5 million cubic yards of sediments fill Great Lakes harbors and must be dredged at a direct cost to the Federal Government of over $33 million annually. Sixty percent of the total amount of sediments dredged from Great Lakes harbors are from Lake Erie. Some of this sediment is natural but much of it is pure pollution, originating from upstream erosion and run off and carrying with it toxic contaminants. As the Remedial Action Planning Committees from the Areas of Concern in Ohio and around the basin can tell you, over time, the sediment rolls downstream to the harbors, smothering aquatic habitat, storing toxic pollutants, and seriously impairing local uses.

In the Great Lakes, the costs of harbor sedimentation are especially high, making prevention of the utmost importance. The Great Lakes are practically a closed system and a drinking water supply for 18 million basin residents. As a result, special care must be taken in the removal and disposal of these often contaminated materials. Currently, over half of all Great Lakes dredged materials must be placed in confined disposal facilities to meet environmental standards at a cost up to 12 times higher than open water disposal. This cost in the Great Lakes area is significantly higher than for other coastal areas. The amount of Great Lakes dredged material requiring special disposal is expected to rise in the future. Meanwhile, the projected cost of dredging, treatment, and disposal of sediments at just 10 Great Lakes areas of concern—toxic hot spots—is estimated at $184.6 million to $603.6 million.

For sedimentation, as for so many other things, an ounce of prevention can be a pound of cure. A study by the Army Corps of Engineers showed that 54 percent of the sediments that clog the Cleveland Harbor arise from erosion and run off from only a small percent of land upstream, and that prevention measures targeted at these problem areas would pay for themselves in dredging cost reductions within 4 years.

The economic and environmental price tags of sedimentation in the Great Lakes must be held to a minimum, starting now, through carefully targeted prevention practices upstream. The Great Lakes Sediment Reduction Act of 1991 will launch a materials balance modeling effort within the Great Lakes basin through the Army Corps of Engineers to generate much needed information about the specific upstream sources of sediment in Great Lakes harbors and areas of concern. These models will map the percent contribution to the total sediment loads at the subwatershed level. They will also be able to show the amount of sediment reduction that could be realized if prevention scenarios involving measures recommended in State programs under section 319 of the Clean Water Act and the recent reauthorization of the Coastal Zone Management Act were put in place.

Clearly, other agencies at the local, State, Federal, and international levels—including remedial action planning committees, soil and water conservation districts, the state departments of natural resources and environmental protection agencies, agriculture agencies, the U.S. Soil Conservation Service, the U.S. Environmental Protection Agency, and the International Joint Commission—have already conducted significant work in this area. My bill requires the corps in all of its activities pursuant to the act, including its material balance modeling effort, to build upon work that is already completed or underway, and to cooperate and coordinate its efforts with other agencies. I cannot emphasize the importance of this cooperation and coordination provision of the bill enough. I plan to personally see to it through my capacity as chairman of the Governmental Affairs Committee that cooperation and coordination among agencies become the strong point of this effort once it is underway.

The bill will also establish a cost-effective grant program through the Corps of Engineers to fund State projects to prevent upstream erosion and runoff. The money for State grants under this act should come through the Army Corps of Engineers because these prevention projects will be directed at creating a savings to the corps by reducing dredging and environmental remediation costs. This orientation toward the savings afforded by prevention must begin now. It is also appropriate that State designated nonpoint source pollution control agencies should conduct these projects rather than the corps itself because these agencies are, and should continue to be, the experts in nonpoint source pollution control.

Let me point out that the Great Lakes Sediment Reduction Act of 1991 will not duplicate existing efforts to manage nonpoint source pollution on a Statewide and nationwide basis. Instead, the bill will accelerate these programs in critical areas where sedimentation is costing us the most.

Many other costs of sedimentation, including loss of topsoil, maintenance for water works filtration systems, and fishery habitat destruction will be reduced through aggressive prevention directed at sedimentation of harbors and areas of environmental concern. With tax day, 1991, still fresh in our memories, it is a good time for legislation that will help stop unnecessary costs to the Federal Government through an ounce of prevention. Let's get prevention underway right now. I urge your support for the Great Lakes Sediment Reduction Act of 1991.•

• Mr. LEVIN. Mr. President, I am proud to be an original cosponsor of the Great Lakes Sediment Reduction Act of 1991. There are powerful arguments for this legislation.

First and most importantly, it will alleviate the ongoing contribution of nonpoint sources of pollution to the already hazardous contaminated sediments problem that we face in many of the Great Lakes' harbors. The International Joint Commission has designated 43 areas of concern in the Great Lakes that need the kind of attention that this legislation provides if we are to bring them back to health.

Second, the bill will provide valuable information for the development of remedial action plans [RAP's] devoted to cleaning up those areas of concern. This data should help the RAP committees, EPA and all the interested parties to stay on schedule. Plus, the legislation will hopefully reduce the need for new RAP's in the future, because there will be less deposition of contaminated sediments needing clean up.

Third, it will help keep the land where it belongs. Nearly 3.8 million acres of Michigan cropland are eroding at an annual rate that will not sustain agricultural production indefinitely. The bill, with other existing conservation programs, should help quantify and reduce the amount of urban runoff contributing to our contaminated sediments problems.

Fourth, it will provide some funding that will be eligible for use in implementation of the States' nonpoint source pollution plans under 319 of the Clean Water Act. And, the bill can help States prioritize their spending on erosion prevention to get the most bang for the buck.

Last, but not least, the bill will save the taxpayers money by reducing dredging costs in the long term. The Federal Government now spends about $33 million annually to remove 2.5 million cubic yards of sediments from our harbors. Preliminary studies have indicated that there is a very positive benefit-cost ratio for upstream erosion and pollution prevention projects intended to reduce sedimentation downstream.

The purpose of the legislation is to reduce erosion and runoff of soil and pollutants that eventually get deposited into commercial harbors and channels, especially ones that have been designated as areas of concern. The driving mechanism that will help encourage the implementation of plans to control nonpoint source pollution and sedimentation is an Army Corps grant program. Funds will be awarded to proposals based on their ability to reduce dredging costs by at least as much as the cost of the grant, their consistency with State nonpoint source pollution management plans, and their ability to reduce the sedimentation of materials containing persistent toxics.

The Army Corps will have to work with the EPA, the Soil Conservation Services, and States, to arrive at a baseline of pollutant loadings or materials balance models by which the efficiency of proposals can be judged. This will be done first for the most seriously affected ports and proceed on a definite timeline. The baseline studies and the grants program will each be authorized at $6 million per year for the 4 years, beginning in fiscal year 1992.

I urge my colleagues to join me in cosponsoring this cost-effective legislation. With some relatively minor upstream modifications in our behavior to prevent nonpoint pollution, we will be able to avoid downstream complications and continuing environmental damage that can take years or decades to cleanup. This bill's modest price tag on the upstream end represents an investment in the protection of the Great Lakes ecosystem that will be repaid many times over. Let's do what we can now and not make a mess of the future.•

By Mr. CRANSTON:

S. 830. A bill to amend title 38, section 203(b), United States Code, to delete the requirement that settlements of claims in excess of $1 million on a construction contract be provided for specifically in an appropriation law, and to provide instead that the Secretary notify the House and Senate Committees on Appropriations of construction contract claims settlements of more than $1 million; to the Committee on Veterans' Affairs.

VA CONSTRUCTION CONTRACT CLAIMS

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 830, a bill to amend title 38, United States Code, to delete the requirement that settlements of claims in excess of $1 million on Department of Veterans Affairs construction contracts be provided for specifically in appropriations laws and to require instead that VA notify the House and Senate Committees on Appropriations of such settlements. The Secretary of Veterans Affairs transmitted this legislation by letter dated April 10, 1991, to the President of the Senate.

The introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 10, 1991, transmittal letter, and the enclosed section-by-section analysis of the proposed bill.

S. 830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(b) of title 38, United States Code, is amended—

SEC. 2. By striking "and the settlement is provided for specifically in an appropriation law" after "Any funds appropriated to the Department of Veterans Affairs for the purposes of construction may be used for a settlement of more than $1,000,000 on a construction contract only if settlement is audited independently for reasonableness and appropriateness of expenditures" in subsection (b).

SEC. 3. By inserting "The Secretary shall promptly notify the House and Senate Committees on Appropriations, in writing, of such settlement.", after the first sentence of subsection (b).

SECTION-BY-SECTION ANALYSIS

Section 1 of the draft bill provides that section 203(b) of title 38 shall be amended.

Section 2 of the draft bill would delete the requirement that a settlement of a contract claim in excess of $1,000,000 on a construction contract be provided for specifically in an appropriation law and allow the claim to be paid from any funds appropriated to the Department for purposes of construction. Enactment of this requirement would shorten the time between settlement and payment of such claims, and is expected to result in substantial cost savings through reduced interest charges which accrue on such claims.

Section 3 of the draft bill would add the requirement that the Secretary will promptly notify the House and Senate Committees on Appropriations, in writing, of construction contract claims settlements for more than $1,000,000. This would allow Congress to remain informed of the Department of Veterans Affairs' disposition of such settlements.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, April 10, 1991.

Hon. DAN QUAYLE
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "To amend title 38, section 203(b), United States Code, to delete the requirement that settlements of claims in excess of $1,000,000 on a construction contract be provided for specifically in an appropriation law, and to provide instead that the Secretary notify the House and Senate Committees on Appropriations of construction contract claims settlements of more than $1,000,000." It is requested that the bill be referred to the appropriate committee and that it be favorably considered for enactment.

This draft bill would allow the Department of Veterans Affairs (VA) to settle construction contract claims of more than $1,000,000 without obtaining a specific appropriation law by using funds appropriated to the Department for purposes of construction. The Secretary would, however, notify each committee of the settlement action.

Under the current procedures it has taken up to 1 year or more for construction contract claims to be paid after the date of settlement. Substantial interest charges on the settlement amount accrue during the time it now takes to secure passage of the specific appropriation law. If the requirement for a specific appropriation law were deleted, the delay between settlement and payment of claims would be lessened. In instances where there were sufficient funds in the contract account, the payment would be expeditiously processed within the VA with notification of the settlement to Congress. If the contract does not contain sufficient funds, a reprogramming or request for new budget authority would be necessary. It has been the VA's experience that reprogrammings are acted upon by Congress within 30–45 days. If sufficient funds are not available in the working reserve for reprogramming, new budget authority would be requested to pay the settled claim. Under either process, Congress would continue to participate substantially in the payment of construction contract claims in excess of $1,000,000. However, unlike the current procedures, interest would not necessarily have to accrue for an extended period of time if the notification and reprogramming option could be used.

The provision of title 38, section 203(b), United States Code, which requires that settlement cannot be made until the settlement is audited independently for reasonableness and appropriateness of expenditures would remain in effect. Therefore, all settlements would continue to be thoroughly analyzed and evaluated prior to payment.

This proposal would not produce any additional costs if enacted. Although substantial savings are expected to accrue, the amount cannot be determined with specificity because it will depend on unforeseeable factors. These include the number of claims filed, their amounts, the interest rate charged, and the period of time saved between the settlement of such claims and their payment.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.•

By Mr. CRANSTON:

S. 831. A bill to amend title 38, United States Code, to revise the authority of the Department of Veterans Affairs to pay for the travel expenses of veterans seeking care in departmental health-care facilities; to the Committee on Veterans' Affairs.

VETERANS' BENEFICIARY TRAVEL AUTHORITY

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 831, a bill to amend title 38, United States Code, to revise the authority of the Department of Veterans Affairs to pay for the travel expenses of veterans seeking care in departmental health-care facilities. The Secretary of Veterans Affairs transmitted this legislation by letter dated April 10, 1991, to the President of the Senate.

The introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 10, 1991, transmittal letter, and the enclosed analysis of the proposed bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 831

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 111 is amended:

(a) by striking subsection (b) and inserting in lieu thereof:

"(b)(1) Subject to paragraph (2), the Secretary may make the payments authorized in this section to or for the following persons in connection with examination, treatment, or care for which the person is eligible:

"(A) A veteran or other person whose travel is in connection with treatment or care for a service-connected disability;

"(B) A veteran with a service-connected disability rated at 50 percent or more; or

"(C) A veteran whose annual income (as determined under section 503 of this title) does not exceed two times the basic rate of pension as established in section 521(b) or 521(c) of this title.

"(2) The Secretary may make payments under this section only if the veteran or other person on whose behalf payment is made, resides beyond a 50-mile radius of the health-care facility providing care.".

(b) striking subsection (c).

(c) by redesignating subsections (d), (e), (f), (g), and (h) as (c), (d), (e), (f) and (g).

(d) by striking subsection (f)(2) as redesignated and inserting in lieu thereof:

"(2) In no event shall payment be provided under this section—

"(A) to reimburse for the cost of travel by privately owned vehicle in any amount in excess of the cost of such travel by public transportation unless public transportation is not reasonably accessible or would be medically inadvisable; and

"(B) in excess of the actual expense incurred as certified in writing by the claimant."

ANALYSIS OF PROPOSED BILL

The draft bill would amend 38 U.S.C. §111 to revise the eligibility requirements which must be met for VA to pay the travel expenses of "VA beneficiaries" seeking examination, treatment, or care in VA health-care facilities. The measure would authorize VA to pay the travel expenses of three categories of veterans, but only if they reside outside a fifty mile radius of the VA facility which they are traveling to or from. Veterans who could receive beneficiary travel expenses payments are those traveling in connection with treatment or care for a service-connected disability, those with a service-connected disability rated at least 50 percent, and nonservice-connected veterans whose annual income does not exceed two times the basic rate of pension. For calendar year 1991, that income level is $14,266 for a single veteran, $18,686 for a veteran with one dependent, and $2,426 for each additional dependent.

The draft bill would grant the Secretary the discretion to make beneficiary travel payments, and would reserve limited beneficiary travel funds for those veterans in greatest need of assistance, namely those living in rural America who must travel long distances to reach a VA facility. It would also target those with the greatest claim to VA benefits; those seeking care for a service-incurred disability, those who were severely disabled during service, and those nonservice-connected veterans with relatively low incomes. The amounts that VA would pay veterans for travel, and the methods for determining those amounts would remain unchanged.

The draft bill would not change existing law regarding payment of a person's travel expenses incurred in connection with vocational rehabilitation benefits, or benefits under chapters 34 and 35.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, April 10, 1991.

HON. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "To amend title 38, United States Code, to revise the authority of the Department of Veterans Affairs to pay for travel expenses of veterans seeking care in Departmental health-care facilities." We request that it be referred to the appropriate committee for prompt consideration and enactment.

For many years VA routinely paid the travel costs of many veterans seeking VA care, even when those veterans lived in close proximity to a VA facility and had little difficulty getting to the facility. At the same time, there was a strong sense in both the Department and the Congress that it would be more appropriate to use these funds to support direct patient care programs, rather than to pay for routine transportation costs. As a result, the Congress enacted Public Law 100-322, which set a deductible limiting most travel payments to veterans living more than 27 miles from a VA facility.

In spite of this reform, large expenditures for travel costs of veterans living relatively close to a VA health-care facility continue. In fact, the Department estimates that over $60 million will be expended in FY 1992 to pay travel benefits to veterans living within 50 miles of a VA health-care facility. In the current fiscal climate, these significant expenditures cannot be justified. This draft bill would limit all beneficiary travel payments to veterans living at least 50 miles from the VA health-care facility where they seek care. It is appropriate to pay the costs of transportation for those veterans living a great distance from a VA facility who might not seek needed health care but for the travel payment. Indeed, in some locations, veterans must travel hundreds of miles to receive VA care, and travel expenses are a hardship. But, that is not the case with veterans living closer than fifty miles from a VA facility.

This draft bill would also make relatively minor modifications in the categories of veterans eligible for travel payments. VA has never paid for travel expenses of all veterans seeking care. The benefit has generally been limited to those with the greatest claim for VA benefits, the service-connected veteran, and the lower income veteran who is unable to defray the costs of travel. In redefining categories of veterans who would be eligible for travel benefits, the draft bill would continue to focus on those veterans. Thus, service-connected veterans needing care for their service-connected condition will continue to be eligible. In addition, veterans with service-connected disabilities rated at least 50 percent would be eligible when seeking care for any disability. (Under current law, veterans rated 30 percent are eligible.) The draft bill would authorize travel for any nonservice-connected veteran seeking care for any disability if annual income is below the rate of VA pension. In calendar year 1991, that income level is $14,266 for a single veteran, $18,686 for a veteran with one dependent, and $2,426 for each additional dependent. These income levels would be an increase in the income levels in current law, and would allow VA to help more lower income veterans who must travel long distances for VA medical care.

This draft bill would also rescind the provision mandating that the Secretary of VA pay all beneficiary travel benefits once one benefit payment is made. This change would provide the Secretary with the appropriate discretionary authority to effectively operate this program.

VA estimates cost savings from enactment of this provision of $62.9 million in Fiscal Year 1992, and $314.5 million over five fiscal years.

We are advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to Congress, and that its enactment would be in accord with the program of the President.

Sincerely yours,
EDWARD J. DERWINSKI.•

By Mr. DECONCINI:

S.J. Res. 121. Joint resolution designating September 12, 1991, as "National D.A.R.E. Day"; to the Committee on the Judiciary.

NATIONAL D.A.R.E. DAY

• Mr. DECONCINI. Mr. President, for the fourth year in a row, I am pleased to introduce, along with Senator DIXON, a joint resolution designating September 12, 1991, as "National D.A.R.E. Day." D.A.R.E. is an acronym for Drug Abuse Resistance Education, a semester-long program which teaches fifth-and sixth-grade children how to resist pressure to experiment with drugs and alcohol. The D.A.R.E. Program was originally developed as a cooperative effort between the Los Angeles Police Department and the Los Angeles Unified School District.

Today, this exciting program has expanded into more than 150,000 classrooms in all 50 States. Additionally, the D.A.R.E. Program has been adopted for use internationally in the Department of Defense's Dependent Schools. Federal support has helped double the number of police officers involved in D.A.R.E. in just the last year. This increase will bring the D.A.R.E. Program to more than 5 million elementary school students this year.

The D.A.R.E. Program is also provided to kindergarten and junior high school students and their parents. It provides parents with the skills necessary to further the development and reinforce the decision of their children to lead drug-free lives. The program has been proven effective because it targets children who are young enough not to have received maximum exposure to illegal drugs, yet are old enough to fully comprehend the dangers of drug use.

In my home State of Arizona, we now have 78 separate agencies that are involved in D.A.R.E. and nearly 250 trained officers. During this school year alone, these officers will reach over 30,000 students in 320 Arizona public schools. But, still we have a long way to go. Only 27 percent of Arizona's students in grades kindergarten through 12th received drug education in 1990.

When the University of Michigan's 16th annual national drug abuse survey of high school seniors was recently released, the report showed a continuing decline in the use of most illicit drugs, down to just under a third of the students last year compared with a high of 54 percent in 1979. The Michigan survey reported a dramatic decrease in cocaine and crack use last year. The proportion who reported ingesting crack in the last year fell to 1.9 percent, compared to 3.1 percent in 1989. Cocaine use in the last year dropped from 6.5 to 5.3 percent. The Michigan survey, which is funded by the National Institute on Drug Abuse, reported that declining drug use was consistent regardless of family income or residency in urban or suburban areas. These encouraging results occurred at a time when those surveyed reported significant increases in the perceived availability of illegal drugs.

I think we can reasonably conclude that the drug-abuse trend is slowly declining. However, to keep the momentum going in the right direction, an effective, long-term commitment to the education of our youth on the perils of illegal drugs is essential. We must fight harder—implementing greater preventive measures and creating greater community awareness. President Bush has requested $11.7 billion in his fiscal year 1992 budget for antidrug programs. Although the President's budget is an increase of more than $1.1 billion over this year's funding level, spending for education is frozen at last year's level. This is woefully inadequate. I believe the President's funding request for drug eduction falls far short of what is needed in this country to provide a drug education curriculum for every child, in every classroom, in every school in America. Programs like D.A.R.E. have proven effective and must be utilized.

An evaluation completed by the U.S. Department of Justice reveals great enthusiasm among school principals and teachers who say that D.A.R.E. students are less accepting of substance use and better prepared to deal with peer pressure as a result of the innovative drug education. Moreover, educators are finding that the D.A.R.E. Program has contributed to improved study habits and grades, decreased vandalism and gang activity and has generated greater respect for police officers.

Our acceptance of drugs is at the root of the illicit drug problem in America. This acceptance has permeated the Nation's youth. We must cognitively teach them to resist the subtle pressures that cause them to experiment with dangerous substances.

Mr. President, the D.A.R.E. Program is one that works. The program is producing unprecedented results. Hopefully, we will acknowledge the merit of this program for the fourth straight year by designating September 12, 1991, as "National D.A.R.E. Day." I urge my colleagues to show their support by cosponsoring this resolution. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 121

Whereas D.A.R.E. (Drug Abuse Resistance Education) is the largest and most effective drug-use prevention education program in the United States, and is now taught to 20 million youths in grades K–12;

Whereas D.A.R.E. is taught in more than 150,000 classrooms reaching more than 3,500 committees in all Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. program has become a model drug prevention program for other countries and is now taught in Australia, New Zealand, American Samoa, Canada, Costa Rica and Mexico;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, by teaching students decision-making skills and the consequences of their behavior and by building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further their children's development and to reinforce their decision to lead drug-free lives;

Whereas the D.A.R.E. program is taught by veteran police officers who come straight from the streets with years of direct experience with ruined lives caused by substance abuse, giving them a credibility unmatched by teachers, celebrities, or professional athletes;

Whereas each police officer who teaches the D.A.R.E. Program completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills; and

Whereas D.A.R.E., according to independent research, substantially impacts students' attitudes toward substance use and contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 12, 1991 is designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.●

By Mr. GRASSLEY (for himself, Mr. BURNS, and Mr. NICKLES):

S.J. Res. 122. Joint resolution designating May 8, 1991, as "National Tax Freedom Day"; to the Committee on the Judiciary.

NATIONAL TAX FREEDOM DAY

● Mr. GRASSLEY. Mr. President, today, Senators BURNS, NICKLES, and I are introducing legislation on behalf of the American taxpayer, a far too often forgotten creature here in Washington. We in the Congress, and our legislative brethren in State and local governments, often act as though the American taxpayer does not even exist. Our Government is never shy about deducting its share from our working men and women in this land, but rarely seems to listen to their concerns. That is why it is very important to recognize May 8, 1991, as National Tax Freedom Day, a date on which American workers finally begin to work for themselves instead of the enormous State apparatus that they have spent over 4 months of the year working for. It is a worthy day to commemorate, but one which we ought to have already observed.

Moneys raised through taxation are spent by Government entities with little regard to the effort that hard-working Americans expend on a daily basis to produce them. We spend, then tax and spend again in Washington, with the result being massive budget deficits on the one hand and heavily taxed workers on the other. We are simply continuing to take too much from the paychecks of our workers and spending money like there is no tomorrow. Such spending practices are reckless and irresponsible on our part. I think we can and must do better. At least, our taxpayers deserve to know that their hard-earned dollars are being spent in a responsible manner. Ideally, we should pledge to bring our fiscal house in order and to lessen the burden that we have placed on our citizens. Taxpayers are angry, and for good reason.

One hundred and twenty-eight days, Mr. President. Let me repeat, 128 days. This is precisely how many days it takes the average American to pay his or her taxes in 1991. Sadly, this is a record amount of time, which is 3 days later than last year's tax freedom day. Looked at another way, the average American worker will spend 2 hours and 49 minutes out of each 8-hour workday to pay Federal, State, and local taxes.

The 3-day increase from last year is the largest increase since 1976. This is due, for the most part, to the misguided $164 billion tax bill that Congress passed last year, and an increase in Social Security taxes. Can we truly look our constituents in the eye and state with conviction that they have received that much more in government services to justify such a tax increase? I don't think so, Mr. President. Instead, we can look at a government awash in debt, too often spending its money for frivolous congressional pay raises or pork barrel spending, rather than for basic services that taxpayers are willing to pay for. It's easy to spend the taxpayer's money, Mr. President. It takes guts to say enough is enough. I ask my colleagues to ask themselves if they have spent the taxpayer's money in a prudent fashion.

I thank the American taxpayer today on the floor of the U.S. Senate, and I urge my colleagues to offer their thanks by joining in this effort to recognize National Tax Freedom Day, and highlight the fact that Americans are forced to pay too many taxes.●

By Mr. HEFLIN (for himself, Mr. BURDICK, Mr. BURNS, Mr. CRAIG, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DURENBERGER, Mr. GARN, Mr. GRAMM, Mr. HATCH, Mr. INOUYE, Mrs. KASSEBAUM, Mr. KASTEN, Mr. MURKOWSKI, Mr. SHELBY, and Mr. THURMOND):

S.J. Res. 123. Joint resolution to designate February 14, 1992, as "Flag Wavers Day"; to the Committee on the Judiciary.

FLAG WAVERS DAY

Mr. HEFLIN. Mr. President, today I rise to introduce a joint resolution to designate February 14, 1992 as "Flag Wavers Day." Mr. James Record, a friend of mine from Huntsville, created the U.S. Flag-Wavers Hall of Fame to honor flag wavers and other patriots on February 14, 1990.

The Flag-Wavers Hall of Fame was established to stimulate flag flying, to increase national patriotism, and to eliminate flag burning. I believe the increased awareness that this resolution will bring will help to preserve the integrity of the flag in these turbulent times that we are facing.

I ask unanimous consent that Mr. Record's letter to me, along with an attachment which is signed by him, and along with a newspaper column from the Huntsville Times by Bill Easterling, be printed in the RECORD as follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. FLAG-WAVERS HALL OF FAME,
Huntsville, AL, January 24, 1991.

Hon. HOWELL HEFLIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR: We will appreciate your recognition of our effort to recognize and honor those persons who fly the United States flag and/or known to have been involved in one or more acts of patriotism publicly. We created, as a subsidiary of the Huntsville-Madison County United States Constitution Commission, the United States Flag-Wavers Hall of Fame. Anything relating to patriotism or the U.S. Flag is our purpose; also, we want to do what we can to try and stop the wave of flag-burning.

Patriotically yours,
JAMES RECORD, *Chairman.*

FLAG-WAVERS HALL OF FAME

The "Flag-Wavers Hall of Fame", previously created October 11, 1989, is hereby recreated as "The United States Flag-Wavers Hall of Fame", with its original chapter located in and known as "The Madison County #1 Chapter of the United States Flag-Wavers Hall of Fame". Other chapters may be simply created by notifying the original chapter of a group believing in and subscribing to the purposes and ideals of the founding chapter. The group will then be created as a chapter. There may be an unlimited number of chapters nationally.

The primary purpose and ideals of the Flag-Wavers Hall of Fame are as follows:

1. To foster, perpetuate, encourage, and stimulate patriotism by flying the United States Flag, and to show it proper respect as the Symbol of our nation.
2. To foster, perpetuate, encourage, and stimulate patriotism by recognizing acts of patriotism in every way.
3. To act as a watchdog over publicly elected government officials and candidates for office-city-county-state-district and federal, as to their patriotism, or non-patriotism, for disrespect to our flag actions, and to so notify the general public.
4. To help Americans become more informed and active participants in the political, economic and religious life of their community, state and nation.
5. To help schools and school systems teach patriotism, flying of the flag symbolism, and respect for the U.S. Flag, and the United States Constitution.
6. To help honor other patriots, our Armed Services, and Veterans who fought on behalf of our FREEDOMS.

A Flag-Wavers Hall of Fame Medal of Honor for patriotism is to be designed and struck and given to inductees at each annual induction, to be held February 14.

Adopted this 14th day of February 1990.

Huntsville-Madison County United States Bicentennial.

JAMES RECORD, *Chairman.*

[From the Huntsville (AL) Times, Feb. 18, 1990]

THE PATRIOT HAS A NEW HALL OF FAME

James Record knows more Madison County history than probably anyone. In fact, he wrote most of the county's history books. His role as a citizen has been well-documented over the years, and if he never puts another word on paper or offers his services again, his place in city and county archives is secure.

But after a long and illustrious public service career, Record didn't want to quietly graze in a pasture when he retired as chairman of the Madison County Commission.

He felt he still had much to offer. And not even a stroke could keep him down. He simply got a wheelchair and kept on trucking.

In his salad days, Record guided many positive ideas through the Commission. During that time, he wrote several local histories, and started a history of Alabama which he continues to research. He also breathed life into the Madison County Military Hall of Heroes, a one-of-a-kind shrine housed in the courthouse dedicated to local men and women who served with distinction in the armed forces.

In retirement, Record headed the Madison County Constitution Bicentennial Commission, was appointed county historian, and helped launch the Huntsville-Madison County Athletic Hall of Fame.

Now he has a new nut to crack. He has created the Madison County Flag Wavers Hall of Fame "to honor those Madison Countians who have been found to have flown the United States flag and-or been involved in one or more patriotic activities."

Record said it's the only such hall of fame in the country, and people who know him won't bet against him getting it done.

Several months ago, Record drove around the city and county and collected business and private addresses where the flag was being flown.

Then he sent letters to those addresses asking occupants to tell him by return mail why they flew it.

Many, many people replied, and their statements were priceless to a man like Record, whose sense of history is only surpassed by his patriotic fervor.

He gave those letters to me for a possible column of feature story.

I lost them all.

Well, I can't just apologize to him and simply let his hard work, and his hope, go to waste.

So I've decided to ask those of you who replied to him the first time and who might read this today to take time and send him another note or letter explaining why you fly the flag.

I'm also asking any who read this who didn't get an original inquiry to participate, too, if you fly the flag each day or only on certain days.

This is all I know to do; and I hope it generates some response, because I know the dedicated, heartfelt attitude with which Jim Record attacks any task.

When he gets this latest HOF off the ground—and he will—Record said he plans to have a medal for patriotism called "The Flag Wavers Hall of Fame Medal of Honor which the patriot and his or her descendents can cherish for generations to come."

Record's not in this for personal glory. His achievements stand quite capably on their own. But a sentence he said to me might better explain his motive.

"The project may spread nationwide," he said, "bring us a nation of flag wavers, not flag burners."

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 32

At the request of Mr. DOLE, the names of the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. BOREN], the Senator from Nevada [Mr. BRYAN], the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Illinois [Mr. DIXON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kentucky [Mr. FORD], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Wisconsin [Mr. KASTEN], the Senator from Arizona [Mr. MCCAIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Illinois [Mr. SIMON], the Senator from Colorado [Mr. WIRTH], the Senator from Tennessee [Mr. GORE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 32, a bill to increase the rate of special pension payable to persons on the Medal of Honor roll and for other purposes.

S. 64

At the request of Mr. BINGAMAN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 64, a bill to provide for the establishment of a National Commission on a Longer School Year, and for other purposes.

S. 200

At the request of Mr. PRYOR, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 200, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions from broker reporting requirements and to make certain clarifications relating to such requirements.

S. 214

At the request of Mr. HATCH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 214, a bill to provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the U.S. Constitution.

S. 242

At the request of Mr. GLENN, the name of the Senator from Washington

[Mr. GORTON] was added as a cosponsor of S. 242, a bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees and for other purposes.

S. 264

At the request of Mr. COCHRAN, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 264, a bill to authorize a grant to the National Writing Project.

S. 297

At the request of Mr. HEFLIN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 297, a bill requiring that the U.S. Postal Service study and report to Congress on ways to encourage mailers of second class and third class mail matter to use recycled paper.

S. 311

At the request of Mr. ROTH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 311, a bill to make long term care insurance available to civilian Federal employees and for other purposes.

S. 318

At the request of Mr. PACKWOOD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 318, a bill to amend the Internal Revenue Code of 1986 to provide for employees of small employers a private retirement incentive matched by employers and for other purposes.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes.

S. 434

At the request of Mr. SHELBY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 434, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States and for other purposes.

S. 487

At the request of Mr. GLENN, the name of the Senator from Illinois (Mr. SIMON) was added as a cosponsor of S. 487, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program.

S. 493

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 515

At the request of Mr. DOMENICI, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 515, a bill to authorize appropriations out of the highway trust fund for Indian reservation roads for fiscal years 1992 through 1996.

S. 542

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 544

At the request of Mr. HEFLIN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Arizona (Mr. MCCAIN), the Senator from Indiana (Mr. LUGAR), the Senator from Texas (Mr. GRAMM), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. AKAKA), and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 544, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes.

S. 573

At the request of Mr. CRANSTON, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 573, a bill to amend the Foreign Assistance Act of 1961 to condition the availability of security assistance for a foreign country on that country's compliance with fundamental guarantees of international humanitarian law applicable in situations of armed conflict, and for other purposes.

S. 602

At the request of Mr. SASSER, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 602, a bill to improve the food stamp and nutrition programs, and for other purposes.

S. 612

At the request of Mr. ROTH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 612, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 651

At the request of Mr. GARN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 712

At the request of Mr. SYMMS, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Mississippi [Mr. COCHRAN] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 712, a bill to amend section 411F(2) of the Higher Education Act of 1965 to exclude as an offset the net value of the family's principal place of residence and a family farm on which the family resides.

S. 715

At the request of Mr. BURNS, the names of the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 715, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 720

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

S. 723

At the request of Mr. DOMENICI, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 723, a bill to amend section 1738A of title 28, United States Code, relating to child custody determinations, to modify the requirements for court jurisdiction.

S. 768

At the request of Mr. ROCKEFELLER, the names of the Senator from Nevada [Mr. REID], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 768, a bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the establishment of a national electric vehicle program for the United States and for other purposes.

S. 775

At the request of Mr. CRANSTON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 775, a bill to increase the rates of compensation for veterans with service connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 785

At the request of Mr. BURNS, the names of the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. REID], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 785, a bill to establish a Commission to study existing laws and procedures relating to mining, other than coal mining, and in particular the effects of existing laws and procedures relating to location and disposition of minerals on public lands of the United States and their effect on the policy statement set forth in the Mining and Minerals Policy Act of 1970, and for other purposes.

S. 798

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 798, a bill to amend title 18, United States Code, to provide a criminal penalty for interfering with access to and egress from a medical facility.

S. 801

At the request of Mr. REID, the names of the Senator from Colorado [Mr. BROWN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 801, a bill to amend the National Trails System Act to designate the Pony Express National Historic Trail and California National Historic Trail as components of the National Trails System.

S. 809

At the request of Mr. MCCAIN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 809, a bill to require a 60 vote supermajority in the Senate to pass any bill increasing taxes.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the names of the Senator from Colorado [Mr. BROWN], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from Michigan [Mr. RIEGLE], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the names of the Senator from Colorado [Mr. BROWN], the Senator from Rhode Island [Mr. PELL], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. SPECTER, the names of the Senator from Colorado [Mr. BROWN], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 73, a joint resolution designating October 1991 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 91

At the request of Mrs. KASSEBAUM, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of Senate Joint Resolution 91, a joint resolution expressing the sense of the Congress regarding the political and human rights situation in Kenya.

SENATE JOINT RESOLUTION 95

At the request of Mr. PELL, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New York [Mr. D'AMATO], the Senator from Colorado [Mr. BROWN], the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 95, a joint resolution designating October 1991 as "National Breast Cancer Awareness Month."

SENATE JOINT RESOLUTION 97

At the request of Mr. DOMENICI, the names of the Senator from Colorado [Mr. WIRTH], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 97, a joint resolution to recognize and honor members of the reserve components of the Armed Forces of the United States for their contribution to victory in the Persian Gulf.

SENATE JOINT RESOLUTION 99

At the request of Mr. GLENN, the names of the Senator from Utah [Mr. GARN], the Senator from Alabama [Mr. HEFLIN], the Senator from North Dakota [Mr. BURDICK], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Carolina [Mr. THURMOND], the Senator from Rhode Island [Mr. PELL], the Senator from Maine [Mr. MITCHELL], the Senator from Washington [Mr. ADAMS], the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 99, a joint resolution designating November 24–30, 1991, and November 22–28, 1992, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 102

At the request of Mr. ROCKEFELLER, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. SIMPSON], the Senator from Colorado [Mr. BROWN], the Senator from Missouri [Mr. BOND], the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 102, a joint resolution designating the second week in May 1991 as "National Tourism Week."

SENATE JOINT RESOLUTION 109

At the request of Mr. DECONCINI, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of Senate Joint Resolution 109, a joint resolution designating August 12 through August 18, 1991, as "National Parents of Murdered Children Week."

SENATE JOINT RESOLUTION 115

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 115, a joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week."

SENATE RESOLUTION 95

At the request of Mr. GORE, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from California [Mr. CRANSTON], the Senator from Massachusetts [Mr. KERRY], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Resolution 95, a resolution urging the Administrator of the Environmental Protection Agency to accelerate the scheduled phaseout of production of ozone-destroying substances in the United States as required pursuant to the Clean Air Act Amendments of 1990 and calling on the President to urge the United Nations to call a special session of the Contracting Parties to the Montreal Protocol in order to conclude an agreement accelerating the scheduled phaseout of such substances and for other purposes based on recent scientific findings concerning the degradation of the stratospheric ozone layer and increased atmospheric concentrations of substances that lead to the degradation of the stratospheric ozone layer.

SENATE RESOLUTION 97

At the request of Mr. GRAMM, the names of the Senator from Colorado [Mr. BROWN], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. D'AMATO], the Senator from Missouri [Mr. DANFORTH], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], the Senator from Delaware [Mr. ROTH], the Senator from New Hampshire [Mr. RUDMAN], the Senator from California [Mr. SEYMOUR], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Pennsylvania [Mr.

SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 97, a resolution to express the sense of the Senate with regard to the death of John Goodwin Tower, a former Senator from the State of Texas.

SENATE CONCURRENT RESOLUTION 28—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEARS 1992, 1993, 1994, 1995, AND 1996

Mr. SASSER submitted the following concurrent resolution; which was referred to the Committee on the Budget.

The Committee on the Budget was subsequently discharged and the concurrent resolution was placed on the calendar.

S. CON. RES. 28

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1992.

The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1992, including the appropriate budgetary levels for fiscal years 1993, 1994, 1995, and 1996, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1992, 1993, 1994, 1995, and 1996:

(1) FEDERAL REVENUES.—(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1992: $847,100,000,000.
Fiscal year 1993: $913,400,000,000.
Fiscal year 1994: $1,000,500,000,000.
Fiscal year 1995: $1,078,400,000,000.
Fiscal year 1996: $1,147,900,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1992: $0.
Fiscal year 1993: $0.
Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1992: $82,100,000,000.
Fiscal year 1993: $88,600,000,000.
Fiscal year 1994: $94,400,000,000.
Fiscal year 1995: $100,600,000,000.
Fiscal year 1996: $107,100,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of total new budget authority are as follows:

Fiscal year 1992: $1,268,000,000,000.
Fiscal year 1993: $1,269,300,000,000.
Fiscal year 1994: $1,295,700,000,000.
Fiscal year 1995: $1,334,900,000,000.
Fiscal year 1996: $1,399,000,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1992: $1,198,300,000,000.
Fiscal year 1993: $1,200,800,000,000.
Fiscal year 1994: $1,159,100,000,000.
Fiscal year 1995: $1,196,200,000,000.
Fiscal year 1996: $1,255,600,000,000.

(4) DEFICITS.—The amounts of the deficits are as follows:

Fiscal year 1992: $351,200,000,000.
Fiscal year 1993: $287,400,000,000.
Fiscal year 1994: $158,600,000,000.
Fiscal year 1995: $117,800,000,000.
Fiscal year 1996: $107,700,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1992: $3,989,200,000,000.
Fiscal year 1993: $4,353,100,000,000.
Fiscal year 1994: $4,593,100,000,000.
Fiscal year 1995: $4,793,700,000,000.
Fiscal year 1996: $4,981,300,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1992: $15,400,000,000.
Fiscal year 1993: $15,600,000,000.
Fiscal year 1994: $15,500,000,000.
Fiscal year 1995: $15,600,000,000.
Fiscal year 1996: $14,900,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1992: $113,700,000,000.
Fiscal year 1993: $117,500,000,000.
Fiscal year 1994: $120,900,000,000.
Fiscal year 1995: $125,100,000,000.
Fiscal year 1996: $126,800,000,000.

(8) SECONDARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new secondary loan guarantee commitments are as follows:

Fiscal year 1992: $83,800,000,000.
Fiscal year 1993: $87,200,000,000.
Fiscal year 1994: $90,700,000,000.
Fiscal year 1995: $94,400,000,000.
Fiscal year 1996: $98,100,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1992: $422,000,000,000.
Fiscal year 1993: $363,900,000,000.
Fiscal year 1994: $240,000,000,000.
Fiscal year 1995: $200,600,000,000.
Fiscal year 1996: $187,600,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1992: $875,500,000,000.
Fiscal year 1993: $1,013,800,000,000.
Fiscal year 1994: $1,167,500,000,000.
Fiscal year 1995: $1,335,900,000,000.
Fiscal year 1996: $1,517,700,000,000.

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $315,300,000,000.
Fiscal year 1993: $338,700,000,000.
Fiscal year 1994: $365,500,000,000.
Fiscal year 1995: $389,800,000,000.
Fiscal year 1996: $417,200,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $250,200,000,000.
Fiscal year 1993: $262,600,000,000.
Fiscal year 1994: $273,400,000,000.
Fiscal year 1995: $283,300,000,000.
Fiscal year 1996: $292,800,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1992 through 1996 for each major functional category are:

(1) National Defense (050):

Fiscal year 1992:

(A) New budget authority, $290,800,000,000.

(B) Outlays, $295,300,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $290,900,000,000.

(B) Outlays, $292,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $289,100,000,000.

(B) Outlays, $291,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $292,000,000,000.

(B) Outlays, $292,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $300,600,000,000.

(B) Outlays, $297,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1992:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1993:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $7,200,000,000.

(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1994:

(A) New budget authority, $21,400,000,000.

(B) Outlays, $19,200,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $7,500,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

Fiscal year 1995:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $19,800,000,000.

(C) New direct loan obligations, $1,900,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $20,100,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $8,100,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1992:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $16,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $17,800,000,000.

(B) Outlays, $17,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $18,500,000,000.

(B) Outlays, $18,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1992:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $5,400,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,600,000,000.

(B) Outlays, $5,500,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1992:

(A) New budget authority, $20,300,000,000.

(B) Outlays, $19,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $21,500,000,000.

(B) Outlays, $20,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $21,300,000,000.

(B) Outlays, $20,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $21,500,000,000.

(B) Outlays, $21,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $22,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1992:

(A) New budget authority, $22,600,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $7,500,000,000.

(D) New primary loan guarantee commitments, $8,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $19,200,000,000.

(B) Outlays, $15,700,000,000.

(C) New direct loan obligations, $7,300,000,000.

(D) New primary loan guarantee commitments, $7,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $7,100,000,000

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $6,800,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $6,500,000,000.

(D) New primary loan guarantee commitments, $5,600,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1992:

(A) New budget authority, $106,100,000,000.

(B) Outlays, $105,100,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $66,600,000,000.

(E) New secondary loan guarantee commitments, $83,400,000,000.

Fiscal year 1993:

(A) New budget authority, $57,800,000,000.

(B) Outlays, $54,000,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $60,200,000,000.

(E) New secondary loan guarantee commitments, $86,800,000,000.

Fiscal year 1994:

(A) New budget authority, $38,800,000,000.

(B) Outlays, $30,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $71,800,000,000.

(E) New secondary loan guarantee commitments, $90,200,000,000.

Fiscal year 1995:

(A) New budget authority, $21,200,000,000.

(B) Outlays, −$41,900,000,000.

(C) New direct loan obligations, $2,900,000,000

(D) New primary loan guarantee commitments, $74,500,000,000.

(E) New secondary loan guarantee commitments, $93,900,000,000.

Fiscal year 1996:

(A) New budget authority, $18,000,000,000.

(B) Outlays, −$38,200,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $77,300,000,000.

(E) New secondary loan guarantee commitments, $97,600,000,000.

(8) Transportation (400):

Fiscal year 1992:

(A) New budget authority, $32,800,000,000.

(B) Outlays, $33,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $34,100,000,000.

(B) Outlays, $35,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $34,700,000,000.

(B) Outlays, $34,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $35,600,000,000.

(B) Outlays, $35,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $37,000,000,000.

(B) Outlays, $37,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1992:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $6,800,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,600,000,000.

(B) Outlays, $6,600,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,600,000,000.

(B) Outlays, $6,300,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,600,000,000.

(B) Outlays, $6,300,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $6,500,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1992:

(A) New budget authority, $50,500,000,000.

(B) Outlays, $47,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $12,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $50,000,000,000.

(B) Outlays, $48,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $12,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $49,200,000,000.

(B) Outlays, $47,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $49,500,000,000.

(B) Outlays, $47,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $51,100,000,000.

(B) Outlays, $45,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,800,000,000.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1992:

(A) New budget authority, $82,600,000,000.

(B) Outlays, $83,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $92,600,000,000.

(B) Outlays, $92,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $101,900,000,000.

(B) Outlays, $100,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $112,000,000,000.

(B) Outlays, $110,800,000,000

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $124,200,000,000.

(B) Outlays, $123,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1992:

(A) New budget authority, $120,100,000,000.

(B) Outlays, $116,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $131,400,000,000.

(B) Outlays, $128,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $145,400,000,000.

(B) Outlays, $141,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $161,800,000,000.

(B) Outlays, $157,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,900,000,000.

(B) Outlays, $176,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1992:

(A) New budget authority, $220,900,000,000.

(B) Outlays, $180,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $228,800,000,000.

(B) Outlays, $188,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $240,200,000,000.

(B) Outlays, $198,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $253,000,000,000.

(B) Outlays, $207,500,000,000.

(C) New direct loan obligations, $100,000,000

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $265,700,000,000.

(B) Outlays, $217,200,000,000.

(C) New direct loan obligations, $100,000,000

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1992:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $8,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,500,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $9,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $10,200,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $8,400,000,000.

(B) Outlays, $11,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1992:

(A) New budget authority, $34,000,000,000.

(B) Outlays, $33,600,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $18,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $35,500,000,000.

(B) Outlays, $35,000,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $19,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $35,600,000,000.

(B) Outlays, $36,800,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $19,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $36,300,000,000.

(B) Outlays, $35,900,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $20,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $36,900,000,000.

(B) Outlays, $35,600,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $21,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1992:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $13,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $14,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1992:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $14,300,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1992:

(A) New budget authority, $235,400,000,000.

(B) Outlays, $235,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $253,000,000,000.

(B) Outlays, $253,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $268,800,000,000.

(B) Outlays, $268,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $280,400,000,000.

(B) Outlays, $280,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $292,500,000,000.

(B) Outlays, $292,500,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1992: $312,800,000,000.
Fiscal year 1993: $337,900,000,000.
Fiscal year 1994: $357,000,000,000.
Fiscal year 1995: $369,900,000,000.
Fiscal year 1996: $380,700,000,000.

(20) Allowances (920):

Fiscal year 1992:

(A) New budget authority, $0.

(B) Outlays, −$16,900,000,000

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $0.

(B) Outlays, −$12,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $0.

(B) Outlays, −$76,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $0.

(B) Outlays, −$14,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $0.

(B) Outlays, −$22,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

(A) Fiscal year 1992:

(A) New budget authority, −$32,600,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, −$33,300,000,000.
(B) Outlays, −$33,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, −$33,900,000,000.
(B) Outlays, −$33,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, −$34,500,000,000.
(B) Outlays, −$34,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, −$35,000,000,000.
(B) Outlays, −$35,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

SEC. 7. SALE OF GOVERNMENT ASSETS.

(a) Sense of the Congress.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets to nongovernment buyers; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) Budgetary Treatment.—For purposes of allocations and points of order under sections 302, 601, and 602 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from asset sales or prepayments of loans shall not be allocated to a committee and shall not be scored with respect to the level of budget authority, outlays, or revenues under a committee's allocation under section 302, 601, or 602 of that Act.

(c) Definitions.—For purposes of this section—

(1) the terms "asset sale" and "prepayment of a loan" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the terms "asset sale" and "prepayment of a loan" do not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986.

SEC. 8. ACCOUNTING TREATMENT OF SOCIAL SECURITY REVENUES.

(a) Sense of the Congress.—It is the sense of the Congress that Congress should not enact—

(1) major spending changes to the Social Security system; or

(2) major revenue changes to the Social Security system,

without a fair and open debate of the budgetary consequences of those changes in the context of the concurrent resolution on the budget.

(b) Accounting Treatment.—For purposes of allocations and points of order under sections 302 and 311 of the Congressional Budget and Impoundment Control Act of 1974 with respect to this concurrent resolution on the budget, the amounts by which estimated Social Security revenues (excluding Social Security revenues provided for in the bill, resolution, amendment, or conference report with respect to which this paragraph is applied) exceed the appropriate level of Social Security revenues specified in this concurrent resolution on the budget shall not be—

(1) deemed to reduce Social Security outlays;

(2) allocated to a committee as outlays; or

(3) scored as outlays with respect to the level of Social Security outlays,

under a committee's allocation under section 302 of that Act or the appropriate level of Social Security outlays specified in this concurrent resolution on the budget.

(c) Definitions.—For purposes of this section—

(1) the terms "Social Security revenues" and "Social Security outlays" shall have the same meaning as under title III of the Congressional Budget and Impoundment Control Act of 1974; and

(2) no provision of any bill or resolution, or any amendment thereto or conference report thereon, involving a change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of Social Security revenues unless such provision changes the income tax treatment of Social Security benefits.

SEC. 9. RESERVE FUND FOR FAMILY AND ECONOMIC SECURITY INITIATIVES.

(a) Initiatives To Improve the Health and Nutrition of Children and To Provide for Services To Protect Children and Strengthen Families.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(b) Economic Recovery Initiatives.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery initiatives for unemployment compensation or other, related programs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) to carry out this subsection.

(c) Continuing Improvements in Ongoing Health Care Programs and Phasing-In of Health Insurance Coverage for All Americans.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs or to begin phasing-in health insurance coverage for all Americans within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(d) Expand Access to Early Childhood Development Services For Low-Income Pre-Schoolers.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to expand access to early childhood development services for

low-income pre-schoolers within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1992, and will not increase the total deficit for the period of fiscal years 1992 through 1996.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

SENATE RESOLUTION 102—COMMENDING MISS U.S.A. 1991, KELLI McCARTY OF LIBERAL, KS

Mr. DOLE (for himself and Mrs. KASSEBAUM) submitted the following resolution; which was considered and agreed to:

S. RES. 102

Whereas Kelli McCarty, a native of Liberal, Kansas, was crowned Miss U.S.A. 1991 in Wichita, Kansas, on February 22, 1991;

Whereas she is the first person from the State of Kansas to become Miss U.S.A.

Whereas her charm, beauty, grace and commitment to education, charity and professional excellence make her an inspiration to young people across America; and

Whereas Kelli McCarty will represent the United States on May 17 in the Miss Universe Pageant: Therefore, be it

Resolved, That the United States Senate expresses its congratulations to Kelli McCarty for achieving the Miss U.S.A. title and that the Senate wishes her the best of luck as she represents the United States in the Miss Universe Pageant on May 17.

SENATE RESOLUTION 103—RELATING TO CONTRIBUTIONS MADE TO OPERATION DESERT STORM BY DEFENSE-RELATED INDUSTRIES OF THE UNITED STATES

Mr. DIXON (for himself and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs.

S. RES. 103

Whereas the success of the Armed Forces of the United States in the prosecution of Operation Desert Storm is without parallel in the history of warfare;

Whereas this success was due in great measure to the ready availability of weapons and weapon systems exhibiting remarkable accuracy through advanced technological design;

Whereas these weapons and weapon systems were designed and produced by the defense-related industries of the United States;

Whereas the Commander in Chief, United States Central Command, formulated a battle plan for Operation Desert Storm that relied on the availability and performance of these weapons and weapon systems; and

Whereas the successful use of these weapons and weapon systems in accordance with this plan resulted in astonishingly small numbers of killed and wounded among the Armed Forces of the United States and of the allied coalition: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the defense-related industries of the United States, and the men and women who work for such industries, deserve the gratitude and appreciation of the Senate and of the United States for the design and production of the technologically-advanced weapons and weapon systems that ensured victory by the United States and its international coalition allies in Operation Desert Storm;

(2) future decisions relating to the national security of the United States must take into account the need to maintain strong defense-related industries in the United States; and

(3) it is vitally important to the United States that the defense-related industries of the United States be capable of responding to the national security requirements of the United States.

Mr. DIXON. Mr. President, today I am introducing a resolution commending the outstanding performance of American men and women in the defense industry of this country.

As a member of the Senate Armed Services Committee since 1984, I have supported many of the systems used during Operation Desert Storm—a successful military operation without parallel in the history of warfare. Although Americans readily associate defense production with large corporations such as McDonnell Douglas and General Dynamics, our defense industry is also made up of thousands of small and medium-sized companies throughout this great country, down to and even including Belleville Shoe Co. located in my home town of Belleville, IL.

I believe that the men and women who work for these companies deserve the gratitude and appreciation of the Members of this Senate and the citizens of this country as a whole, for the design and production of our technologically advanced weapons and weapon systems, as well as the food, clothing, and other supplies used by all of our troops.

Mr. President, during Operation Desert Storm the American people saw on television how well our weapon systems performed. Prior to this event, many of these systems were under attack, including systems such as the Apache helicopter, the M1-A1 Abrams tank, the Bradley fighting vehicle, the F-16, the F-15, the Tomahawk missile, and yes, even a system still undergoing development, the joint surveillance and target attack radar system [JSTARS]. Critics said some of these systems would never be able to operate effectively. Well, those forecasters were dead wrong. Our systems worked in the most realistic, comprehensive operational test ever devised—actual combat.

The resolution I am proposing emphasizes that we must maintain our defense industry to ensure that it is always capable of responding to the national security requirements of the United States in whatever circumstance. Many of my colleagues and I have been concerned over the fate of our defense industrial base. We have been amazed at the number of experts whose shortsightedness leads them to ignore totally the full and significant gravity of the "IP" word—meaning a strong industrial policy—thus allowing our industrial base to deteriorate to an alarming level. Together with our late dear friend and distinguished colleague, Senator John Heinz, I urged these experts during the consideration of the Defense Production Act last year and again this year, to take action. But the decisionmakers, led by some misguided economists, resisted our efforts and continue to do so.

Just a few weeks ago, an article by Stuart Auerbach appeared in the Washington Post entitled "U.S. Relied on Foreign-Made Parts for Weapons." The article said, and I quote, "Foreign manufacturers often were reluctant to put the Pentagon's purchase orders ahead of their regular customers without prompting from their governments. * * *" Mr. Auerbach goes on to quote a senior administration official as saying, "if the foreign governments were neutral or were not disposed to help us out, we could have run into some real problems * * * we were sweating bullets over it and the military was sweating bullets." As the crisis intensified, we Americans discovered we were dependent on one country for semiconductor chips, transistors and other electronic parts. We had to go to that country's embassy for help, knowing that theirs is a country where support for military procurement runs contrary to the general philosophy of pacifism.

This situation contrasts with the support received from the Government of Canada which, by United States law, is recognized as part of the North American defense industrial base. The Canadians placed their government contracting corporation on a 24-hour, 7-day work-week to respond to our needs during Desert Storm.

Just the other day, the "1991 Joint Military Net Assessment," prepared by the Chairman of the Joint Chiefs of Staff, was released. This report covers the U.S. technology base and industrial base. This report should be read by all Members because, Mr. President, this report says in black and white what the late Senator Heinz, other Members of this body, and I have been saying all along: We are facing "the loss of subtier suppliers—manufacturers of the sub-system components of larger systems—this is a threat to our ability to field state-of-the-art weapon systems on a timely basis * * * The report further states, "at the same time, production capability in such essential subtier industries as machine tools, gears, optics, bearings, castings, and forgings has declined, in some cases to the point where sufficient domestic capacity may no longer exist." This analysis confirms what many of us in Congress have said for years—our defense industry is becoming too dependent on foreign sources. I ask unanimous consent that excerpts from the "1991 Joint Military Net Assessment," as well as Stuart Auerbach's Washington Post article, be placed in the CONGRESSIONAL RECORD following my remarks.

Mr. President, I urge all of my colleagues to join me in this resolution of support for the men and women who work for our defense industry. I also ask my colleagues for their support of a policy to ensure that the United States defense industrial base remains second to none.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 25, 1991]

U.S. Relied on Foreign-Made Parts for Weapons

(By Stuart Auerbach)

When allied officers urgently needed special battery packs to power their command and control computers during the Persian Gulf conflict, the U.S. government had to send to Paris and Tokyo to get them.

Similarly, when Teledyne Corp. needed transistors to meet a rush order for one of the most critical items in Operation Desert Storm—the transponder that beams electronic signals so allied aircraft could tell friend from foe—French diplomats cooperated to get speedy delivery.

And when American manufacturers ran short of critical parts for video display terminals needed to analyze real-time intelligence data from reconnaissance planes, the U.S. government went to the Japanese Embassy here for help.

With the globalization of high-technology industries, U.S. troops in combat in the Persian Gulf found themselves dependent for the first time on foreign countries for the tiny semiconductor chips, transistors and other electronic parts essential to their advanced weapons.

The weapons are manufactured in the United States, but frequently they rely on foreign-made parts. Deep stockpiles of foreign components, such as the semiconductors in the computer that aims and fires the main gun of the Army's Abrams tank, are not maintained in the U.S. arsenal. There are simply too many parts to do that. Increasing inventories would add to the defense budget at a time of heavy pressure to reduce spending.

While the issue of the Pentagon's dependence on foreign suppliers was debated before the gulf war, it came into sharp focus during the conflict when the Bush administration had to seek help from foreign governments in several cases to get parts needed by American manufacturers.

Foreign manufacturers often were reluctant to put the Pentagon's purchase orders ahead of their regular customers' without prompting from their governments, according to officials at embassies here and at the Commerce Department. But there was no case of a foreign manufacturer refusing to supply parts for political reasons, officials said.

On nearly 30 occasions, the Bush administration needed help from foreign governments to get delivery of crucial parts for the war effort.

Despite full cooperation from foreign governments, administration officials said the degree of foreign reliance complicated the smooth flow of supplies and renewed fears that U.S. military readiness may be compromised by shortages in this area.

These fears were expressed most vividly in a 1988 report by the Defense Science Board, a top Pentagon advisory panel which found the U.S. military "dangerously dependent" on foreign supplies. The conclusion was echoed last May by Congress' Office of Technology Assessment and on January by the General Accounting Office, the watchdog agency of Congress.

"If the foreign governments were neutral or were not disposed to help us out, we could have run into some real problems," a senior administration official said. "We were sweating bullets over it and the military was sweating bullets, too."

His view was repeated by former Commerce Department trade official Clyde Prestowitz, who was a member of the Defense Science Board and now runs a Washington think tank, the Economic Strategy Institute.

"I think we are much more vulnerable than we understand," Prestowitz said. "In this case the allies were supportive. But you can see the potential for damage when they are not supportive."

Former deputy undersecretary of defense Stephen D. Bryen said when the federal government seeks the help of foreign governments to get rush orders of electronic supplies, the United States reveals weaknesses in its defense production "to outsiders who may not share our security concerns."

An official of the Japanese Embassy here noted that the cooperation his government provided the U.S. military in weapons procurement runs contrary to the strong strain of pacifism in Japanese society.

Despite what the Japanese diplomat described as a gray area regarding Japanese laws against exporting weapons, he said his country's help "verified that we are a very reliable source" for the U.S. defense industry.

Foreign Ministry spokesman Taizo Watanabe said there remains "a strong abhorrence" in Japanese public opinion against exporting arms.

But he added during an interview here with reporters and editors of The Washington Post that opposition lessens when Japanese are told the parts are for general civilian use as well and it is Americans, not Japanese, who put them in weapons systems. Even with that explanation, Watanabe acknowledged, the sale of Japanese parts for U.S. weapons "still meets some psychological resistence."

The Defense Science Board report listed four tactical missiles that were used in Operation Desert Storm as the "most visible examples" of sophisticated weapons that depend on foreign-made parts. These include air-to-air Sparrow and Sidewinder missiles used in aerial dogfights, ground-based TOW antitank missiles and air-to-ground Maverick missiles.

"It is these 'consumables' which would be in greatest demand in a conventional war, and are most at risk, because of the dependence on foreign sources," the Defense Science Board report said, although there were no indications that any of the special orders involved those missiles.

The guidance system of the Sparrow, for instance, contains circuits from Japan, a critical semiconductor from Thailand and other parts from Germany.

Commerce Undersecretary Dennis Kloske, who was in charge of making sure American industry was mobilized to supply the fighting forces in the Persian Gulf, said "one area of U.S. vulnerability" comes from the U.S. electronics industry, which has trouble gearing up to meet the increased needs of military at war because so many of the vital components for computers and other products come from overseas suppliers.

For example, he said, for the Persian Gulf War, defense contractors required semiconductors, video display terminals and other computer equipment from Japan; electronic components from Japan and France for measuring and calibrating equipment made here; and radio gear and avionics from Britain.

"What this points out is the U.S. defense mobilization base has become global," said Kloske, who as a Defense Department aide from 1987 to 1989 drew up the defense mobilization plan.

He said this requires greater stockpiling, especially of critical electronic components that only are available from foreign suppliers.

But former commerce undersecretary Lionel Olmer, who was a member of the Defense Science Board, said its studies showed Defense Department procurement officials often had little idea what parts in U.S. weapons came from overseas. Such parts most often were small but critical components that were brought by the contractors and subcontractors. The GAO study seconded that view.

Further, Olmer said, it would be too expensive to begin stockpiling all the foreign-made parts used in weapons systems.

Drawing on his Pentagon experience, Kloske added the military generally opposes stockpiling parts and ammunition, preferring to use its money to buy weapons systems.

But Jerry Sullivan, a former deputy undersecretary of defense who now acts as a consultant and teaches at the University of Maryland, said a Pentagon study showed the value of foreign-made components in U.S. missile systems is small enough that the Pentagon could stockpile the parts if it were deemed worthwhile.

1991 Joint Military Net Assessment

US TECHNOLOGY BASE

Future US military superiority and our capability to deter attack depends on our continued ability to identify and support militarily important technologies and quickly field technologically advanced weapon systems. Currently, no country is ahead of the United States in any overall area of technology. However, timely production using innovative technologies has become a serious problem. The United States often lags behind foreign countries in incorporating the latest technological advantages into its fielded products. The ability to make effective use of emerging technologies is critical.

The Pacific Rim countries, the European Community, and the Soviet Union are challenging US leadership in defense-related technologies. The emergence of international defense consortiums has increased our use of foreign technology. Table 5-1 summarizes an assessment of foreign technological capabilities relative to those of the United States in the 20 critical technologies identified by the Department of Defense. This table shows the Soviet Union with significant leads in some areas of pulsed power and Japan significantly ahead in some areas of machine intelligence and robotics, photonics, semiconductor materials and microelectronic circuits, superconductivity, and biotechnology. A Department of Commerce report, "Emerging Technologies: A Survey of Technical and Economic Opportunities," documented 12 emerging technologies that will have a major economic impact in the next decade. This report states that ". . . if current trends continue. . ., before the year 2000, the United States could lag behind Japan in most emerging technologies and trail the European Community in several of them." Table 5-2 on page 5-4 shows the current and predicted US standing in emerging technologies relative to Japan. Currently, although Japan and the Soviet Union lead in some areas within specific technologies, the United States is ahead or even in R&D of these technologies. If these trends continue, however, many countries, including potential adversaries, may threaten US technological superiority in many areas of potential military significance.

[Charts not reproducible in the Record.]

US INDUSTRIAL BASE

General

The United States presently has a significant industrial base potential for force reconstitution. However, there are concerns about the continued vitality and responsiveness of our resource base and the ability to compete with foreign countries. The size and structure of the relevant industrial base is driven by defense investments, but the Defense Program (in constant dollars) will decline by 10 to 12 percent from FY 1992 through FY 1997. Some key programs—the M1 tank, M2 and M3 fighting vehicles, F-15 and AH-64 aircraft, Peacekeeper Rail-Garrison, Trident SSBNs, and several types of precision-guided munitions, among others—will be terminated or kept at minimum sustaining production rates. Defense contractors will likely downsize, diversify, be purchased by foreign firms, or cease operation, virtually eliminating excess and timely expansion capacity.

Increased global competition is also a concern. Europe is moving quickly toward economic unification. The Pacific Rim nations are expanding economically and pose a serious challenge to the competitiveness of US industries in the global electronics and armaments markets. Because many investors perceive that defense industries operate in an unstable, complex environment characterized by high risk, restricted cash flow, and low returns, investment in these industries is shrinking. Funding the investments in industrial research, productivity, and modernization that the United States needs for the future is beyond the capability of defense industry alone.

A final concern involves our increasing reliance on foreign sources. Such reliance must be addressed by policies that link national military strategy and implicit national industrial strategy to ensure the availability of the industrial and technological resources on which US national security relies.

Major System Suppliers

Because of commercial demands, the missile, electronics, and aircraft industries, while reduced in size, will continue to maintain a supply base and production capability. In the future, the number of major contractors for shipbuilding, nuclear power propulsion units, and combat vehicles may shrink to unacceptably low levels. Ther number of active primary shipyards increased from 25 in FY 1980 to 27 in FY 1982, but it has steadily declined since then to 16 in FY 1990. The last commercial contract vessel built in this country was completed in 1987, making this sector totally dependent on DOD investments. In addition, the United States could possibly have only one prime contractor each for submarine and combatant ship construction by the mid-1990s. No new nuclear power propulsion plant construction is planned in the near future, and today's plants will be reaching the end of their useful lives between 2000 and 2010. Decreased defense spending also may reduce the six prime contractors in combat vehicle production. Although all six contractors also deal in the commercial sector, they depend on defense contracts for about 25 percent of their revenue. The projected end of the M2 and M3 fighting vehicle and M1 tank programs will impact on this sector, especially as labor skills are lost.

TABLE 5-2.—RELATIVE STANDING IN EMERGING TECHNOLOGIES: UNITED STATES VS. JAPAN

Technology	R&D (current/future)	Product introduction (current/future)
Advanced materials	Even/losing	Behind/losing.
Advanced semiconductor devices.	Even/holding	Behind/losing.
Artifical intelligence	Ahead/holding	Ahead/holding.
Biotechnology	Ahead/losing	Ahead/losing.
Digital imaging technology.	Even/losing	Behind/losing.
Computer-Integrated manufacturing.	Ahead/holding	Even/holding.
High-density data storage.	Even/losing	Behind/losing.
High-performance computing.	Ahead/holding	Ahead/losing.
Opto-electronics	Even/holding	Behind/losing.
Sensor technology	Ahead/losing	Even/holding.
Superconductors	Even/losing	Even/losing.

Source: DOC "Emerging Technologies" Report.

Subtier suppliers

The loss of subtier suppliers-manufacturers of subsystem components of larger systems—is a threat to our ability to field state-of-the-art weapon systems on a timely basis. The impact of reduced DOD spending is apparent in this area. For example, a recent study showed that over 50 percent of military aircraft production is subcontracted. At the same time, production capability in such essential subtier industries as machine tools, gears, optics, bearings, castings, and forgings has declined, in some cases to the point where sufficient domestic capacity may no longer exist. Examples of the low numbers of firms supplying selected items are shown in Table 5-3. We do no have either the authority of the resources to ensure that even this level of infrastructure will remain in the future.

TABLE 5-3.—*Suppliers of selected military items*

Product/Item:	*Number of suppliers*
Airborne radars	2
Aircraft engines	2
Aircraft landing gear	3
Aircraft navigation systems	2
Infrared systems	2
RPV/missile/drone engines	2
Gun Mounts	2
Doppler navigation systems	2
Aluminum tubing	2
Titanium sheeting	3
Titanium wing skins	2
Titanium extrusions	1
Optic coatings	1
Needle bearings	2
MILSPEC-qualified connectors	3
Radomes	2
Image converter tubes	1
Specialty lenses	2

Foreign suppliers

We have become increasingly dependent on foreign sources for essential manufacturing know-how and the production of key components. This condition raises two concerns.

The potential vulnerability of foreign sources is one issue. US manufacturers must look for the highest quality at the lowest cost, which often means buying components overseas. Foreign nations exercise considerable control over their economies and producers, and they may take actions that are inconsistent with US national security interests. A recent Joint Logistics Commanders' study suggested that if foreign sources were unavailable in a crisis, accelerated US production of key weapon systems (such as the M1 tank, AIM-7 missile, sonobuoys, and F/A-18) could continue for only 2 months. It would then take 6 to 14 months before US sources could supply industries with the critical components and materials for continued production. Examples of heavy dependence on foreign sources are automated, multifunction machine tools; precision ball bearings; computer chips; and precision optics. Much of this dependence is irreversible; thus we must carefully monitor foreign content in order to ensure that dependence does not become a vulnerability.

The second concern, erosion of the US base, relates to foreign sourcing. Should technology and product development continue to migrate offshore, US capabilities will continue to erode. The longer this situation persists, the more costly and difficult it will be to regenerate lost capability. As noted above, insistence on domestic sources for US defense systems may not always be prudent, but the United States must maintain access to needed materials and production means.

Industrial expansion

Shifting the current domestic industrial base to large-scale production of military-related systems will take time. By end-FY 1997, it is estimated that it would take 2 to 4 years to restore production capability to 1990 levels for items whose lines have gone "cold." Outdated facilities, fewer prime contractors and subtier suppliers, increased foreign sourcing, reeducation of a production work force, and manufacturing equipment leadtimes will combine to reduce the capability of industry to convert rapidly to military production and expand to emergency operating capacity. Therefore, we must continually monitor our ability to meet reconstitution targets. In those instances where we fall dangerously below our own targets and this is deemed unacceptable for national security, steps should be taken to correct the situation. As an example, Table 5-4 describes typical peacetime leadtimes for aircraft components. These leadtimes could be expected to increase as defense spending declines, causing the subtier base to erode further.

INVESTMENT STRATEGY

For several decades, private industry has been increasing its expenditures on R&D

faster than the Department of Defense. R&D spending by US industry has quadrupled since 1960 in real terms, while real defense R&D spending has increased by less than half. In 1960, defense accounted for one-half of US R&D spending, but by 1990, this fraction had shrunk to one-third. This long-term relative decline occurred despite the defense buildup of the 1980s. Even more striking is the decline in the DOD share of total spending on R&D in the Western world. In 1960, we funded one-third of all R&D in the Western world, but today we fund only one-sixth. In some high-technology sectors like electronics, the diminution in the defense fraction is even more dramatic. The lesson is clear: if we are to continue applying modern technology to critical defense missions, we must focus on funding research in basic and applied science, exploratory development, and advanced development (feasibility). This focus on the S&T Program is critical; it is our investment in the future.

TABLE 5-4.—WAITING TIME FOR AIRCRAFT COMPONENTS

Aircraft components	Average lead time (months)	Aircraft components	Average lead time (months)
Auxiliary power units.	27	Wings	27
Radars	27	Actuators	21
Avionics	24	Empennage	29
Landing gear	28	Castings	10
Wheels and brakes	21	Forgings	15
Nacelles	21	Ejection seats	18

DOD S&T investment has declined sharply in the past 25 years, even as the overall defense TOA has risen. Private industry has not been able to make up the difference. The result has been a serious erosion in US technological leadership in the international community. Figure 5-1 on page 5-8 shows the percentage of S&T funds (less SDI funding) relative to TOA from FY 1962 through FY 1997. Figure 5-2 shows the amount of S&T funds in constant FY 1991 dollars for the same period. S&T spending peaked in FY 1964, then declined at an average annual rate of 3.2 percent through FY 1980. Since FY 1980, spending has been increasing at an average annual rate of 3.5 percent. In an effort to look to the future, and despite a 2-percent average annual TOA decline, we have limited cuts in S&T spending in the Defense Program to only 1.4 percent annually. Currently, efforts are being made to develop DOD critical technologies through FY 1997 against system objectives projected through FY 2007. Working closely with industry on this plan, we are considering two strong recommendations from a recent industry report: first, that a new program element, funded at between $200 and $300 million, be established to accelerate research and fill gaps in the development of these critical technologies; and second, that integrated technology demonstrations be undertaken to provide "applications pull." The report further recommended that we consider a system requirement process to force the acceleration of technological progress as well as a system implementation in which a new technology can be integrated with other technologies to improve on existing or create new functional capabilities.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on wasteful ordering practices in the Department of Defense Supply System, on Tuesday, April 23, 1991, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Tuesday, April 16, 1991, at 10 a.m. to conduct hearings on jurisdictional issues in S. 207, the CFTC reauthorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 16, 1991, at 2 p.m. on the NASA space station.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS COMMITTEE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be authorized to meet during the session of the Senate on Tuesday, April 16, at 9:30 a.m. to hold a hearing on maritime treaties involving safety and the environment—Ex. EE, 96-1; Treaty Doc. 101-7; and Treaty Doc. 102-2.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS, AND ALCOHOLISM

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs, and Alcoholism, of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, April 16, 1991, at 2 p.m., for a hearing on the Child Abuse Prevention and Treatment Act reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 16, 1991, at 10 a.m. to hold a hearing on the twin problems of rising health care costs and lack of access to health insurance.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., April 16, 1991, to receive testimony concerning the Department of Energy's Superconducting Super Collider Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE LAST GASP OF GATTISM LIFE AFTER GATT

• Mr. HOLLINGS. Mr. President, recently Clyde Prestowitz, president of the Economic Strategy Institute, published two papers on GATT. The first, published in the March-April 1991 issue of the Harvard Business Review entitled "The Last Gasp of Gattism." The second, published in the April 1991 issue of Technology Review, is entitled "Life after GATT." Both of these articles pierce the veil of free trade mythology. Mr. Prestowitz maintains that giving the GATT sole credit for the world's economic prosperity since World War II is misguided. Many other factors, such as recoveries of Western Europe and Japan from wartime ruin and the integration of Europe were important. Mr. Prestowitz goes on to say that "GATT is typified by unenforceable rules applied to ungovernable areas of economic competition." These two articles by Mr. Prestowitz expose the myths and weakness in our current multilateral trading system and are well worth reading.

I request that these articles be printed in the RECORD. As we begin our debate on extension of the fast-track procedure for Presidential trade agreements, I commend to the attention of my colleagues these articles.

The articles follow:

[From the Harvard Business Review, March-April 1991]

The Last Gasp of GATTism

(By Clyde V. Prestowitz, Jr., Alan Tonelson, and Robert W. Jerome)

On December 7, 1990, U.S. Trade Representative Carla Hills appeared before the press in Brussels to announce the collapse of the four-year-long Uruguay Round of world trade talks. Casting blame on others, particularly on an intransigent European Community that refused to retreat on agricultural subsidies, she warned of dire consequences: world trade conflicts, global depression, even war. Although she defiantly declared that no deal is better than a bad deal, she lamented the loss of "new opportunities."

Since then, officials from many countries have scrambled in Geneva and in the world's major capitals to resuscitate the Uruguay Round. Like Hills, many commentators have bewailed the obstinacy they believe torpedoed it. There is talk of the death of the General Agreement of Tariffs and Trade [GATT] and even hints that, as a result, the world trading system will crumble into chaos.

Both the scrambling and the lamentations are in vain. No matter what they produce, the fact is that the Brussels trade negotiators have administered the coup de grace to a GATT system that has been dying at least since the end of the Tokyo Round in 1979. The Uruguay Round, conceived in 1986 as a last, desperate effort at revitalization was, in fact, stillborn.

GATT's 1940s-era assumptions and principles have become largely irrelevant to the world economy of the 1990s—and to America's interests in that economy. As long as this goes unrecognized, nothing that might have been agreed to in Brussels, or might yet be agreed to in Geneva, will halt continued erosion of GATT's elaborate legal structure.

GATT supporters seem unable to acknowledge three problems in particular. First, the global economic preeminence of the United States has largely faded. It was U.S. strength that permitted much of the system's early vitality. Second, when GATT's focus shifted from its early tariff cutting to eliminating nontariff barriers to trade, members stumbled into intractable conflicts over their sovereign rights. Each nation understandably insisted on setting its own economic and social priorities and would not—on many issues could not—give way to a more international vision.

Finally, and perhaps most important, such principles as "national treatment" and "most-favored-nation"—principles that underpin the whole GATT structure—are inherently disadvantageous to the most liberal and open societies. When America's power was truly exceptional, this all could be masked. But with America in relative decline and GATT setting an increasingly broad and intrusive agenda, the real penalties resulting from liberalism and openness have been exposed—and with them, the weakness of GATT's original structure.

Why have U.S. political leaders and the trade policy establishment not recognized these facts? They have been blinded by what may be called "GATTism": a belief, bordering on a religious faith, in the power of ever-more detailed trade rules to solve major domestic and international economic problems, and a corresponding belief in the ability of the United States to impose its economic views on its trading partners.

GATTists have turned what was once a prudent, narrowly drawn exercise (again, centered largely on cutting tariffs) into a futile, legalistic crusade to homogenize different nations—acting, at times, as if there are no such things as healthy expressions of diversity. The result has been a series of unenforceable rules applied to currently ungovernable areas of international economic competition. This, in turn, has produced a moralizing tone to U.S. trade policy, one that has needlessly inflamed many trade disputes and, ironically, caused repeated setbacks for the cause of freer world trade.

The GATTists' panacea of new global trade rules has also increasingly become a threat to the U.S. economy, particularly to the country's manufacturing sector. By focusing on process instead of results and by projecting U.S. economic practices as a world standard, U.S. trade negotiators have contributed significantly to the undoing of America's industrial and technological leadership.

The failure of the Uruguay Round can prove a blessing in disguise if it forces a reconsideration of current orthodoxy and prompts the United States to reformulate its economic and trade policies. For too long, GATTist doctrine has inhibited the real debate that should have been taking place: how to rebuild national economic strength.

FAILURE OF THE TOKYO ROUND

GATT entered into its death throes when the 1979 Tokyo Round manifestly failed to live up to its promise. Instead of producing multilateral market openings and despite reassurances from America's leading GATTists, the Tokyo Round failed to deliver concrete results from any of the measures contained in the final agreement: codes of conduct for international trade, government procurement, reform of the GATT framework, and reductions of nontariff barriers in specific product areas—notably aircraft and agriculture. Moreover, tariff cuts, which negotiators anticipated would be in the neighborhood of 60% actually amounted to only 30%.

And the reassurances had been lavish. In the wake of the Tokyo Round, Special Trade Representative Robert Strauss predicted that changes to the government procurement code (all members had agreed to open up government procurement to outside bidders) would produce up to $25 billion worth of worldwide market access for American business. His office projected the creation of 50,000 to 100,000 new jobs in the United States. In fact, GATT figures from 1983 show that in the European Community procurement market, foreign companies won just 0.28% of the contracts covered by the Tokyo Round. Similar results could be seen in Japan and elsewhere. Countries that had not signed the agreement did every bit as well as those that had.

Nor did the agreements covering aerospace and high tech deliver. In 1979, the Congressional Budget Office predicted that the Tokyo Round would greatly benefit the U.S. aircraft industry because foreign governments would "use care in avoiding export subsidies or other practices that could hamper competitive trade." The Congressional Budget Office also claimed that newly negotiated standards codes would be particularly helpful to U.S. high-tech industries; the Department of Labor chimed in that the round would boost employment in the U.S. computer and semiconductor industries by 3.3% and 3.6%, respectively.

But the years since 1979 have not been kind to the Congressional Budget Office nor to the Department of Labor—nor, more urgently, to the U.S. aerospace, computer, or semiconductor industries. The U.S. share of the international aircraft market has dropped steadily over the past decade, in part because the European Community absorbed substantial losses to develop Airbus—through enormous government subsidies that the Tokyo Round had presumably ruled out. Between 1980 and 1989, Airbus's market share went from 0% to 18.8% in narrow-body jets and from 25.2% to 49% in wide-body jets.

In computers, U.S. companies' share of the American market went from 94% to 66% and from 90% to 67% in semiconductors. Globally, the situation was even worse. In the world semiconductor market, U.S. producers' share tumbled from 80% to less than 40%. In the rapidly growing Japanese market, meanwhile, the Tokyo Round agreements did not result in any share increase for U.S. companies. According to a 1986 University of Michigan review of the final agreement, "the effects of the Tokyo Round on trade, employment, and welfare [in the United States] should be measured in tenths or even hundredths of a percent."

Some of this might have been predicted. To grease the skids in Tokyo, U.S. negotiators agreed to accept an injury test before duties could be imposed in dumping cases—a test that made it more difficult than before for U.S. industries to get relief. Such action was only part of a larger pattern in which U.S. negotiators have swapped relatively enforceable rules for unenforceable promises of market access; they have tended to accept wholesale violations of the Tokyo Round agreement—such as the Airbus subsidization—while faithfully adhering to the new stipulations that make U.S. industry more vulnerable to predatory activity.

URUGUAY'S WRONG AGENDA

For GATTists, the Tokyo Round was a victory: at least it gave them a five-year respite from domestic trade pressures. Negotiation could pass for action, and agreements—any agreements—could pass for success. For almost everybody else the Tokyo results were dubious.

International trade tensions only grew in the 1980s. Demands for protection, especially from U.S. manufacturers, ultimately forced free trader Ronald Reagan to hand out more import relief to more U.S. companies than any previous U.S. president, though his ambiguity and his too-little-too-late policies failed to satisfy either Congress or a growing portion of the American public. Granted, U.S. manufacturing ran into trouble in the 1980s for many reasons. Still, manufacturers have suffered from GATTist policies, and their setbacks inevitably ricocheted back onto the rules of trade, further exposing the weaknesses of GATT.

Unable (or unwilling) to change traditional political economic structures, worried about sluggish growth, and frustrated by GATT's spotty, slow, and leaky rules, one country after another sidestepped GATT rules using a variety of mechanisms. Trade relations between Japan and its trading partners became particularly troublesome. The combination of Japan's industrial policies and exclusionist business practices led to runaway trade imbalances and rising charges of unfairness.

What was the GATTists' solution to the growing tension? Another round, of course, to elaborate on the old rules and extend them to more complex and politically sensitive activities. The negotiations focused on services and agriculture, with emphasis on the developing nations and the EC—an agenda weirdly inadequate to America's worst manufacturing crisis since the Great Depression and strangely skewed away from disputes with Japan.

Services, so the GATTists said, were "the future." According to GATTist economic theory, services represented a higher stage of economic evolution—the "postindustrial age." Moreover, as Jay Dowling, international economist in the Commerce Department's Office of Service Industries, put it: "Services were perceived to be something we were relatively good at, something that the newly industrialized countries probably had a need for. [The decision] wasn't based on a lot of detailed microeconomic analysis. It was sort of a general perception. . . ."

Services had something else going for them too. GATT was created to deal with classic, easily identified and quantifiable trade barriers such as tariffs, quotas, and border controls. Japanese and European industrial targeting, administrative guidance, and research consortia were too subtle to fit into this classic trade framework. But services were, on the whole, an easily identified area that had remained outside the GATT rules. Was it not simpler to proceed in the old mold in a new area than to confront the much thornier contradictions threatening the old system?

Agriculture was not chosen after any detailed analysis either. Like services, it was simply a whole sector that had remained outside of GATT, one could imagine preparing a negotiating position in the classic style. At the same time, it seemed reasonable to expect that developing nations could be persuaded to accede to U.S. requests on services by promising them increased agricultural exports.

If services were the future, was manufacturing the past? GATTists have indeed brought to trade negotiations an antimanufacturing bias, based on the profoundly wrongheaded assumption that U.S. manufacturing is uncompetitive—not where the high value added is. And, ironically, one of the proofs cited by GATTists that U.S. manufacturing is passed (hence, not worth defending) is that U.S. manufacturers have demanded trade relief. GATTists do not see how this demand is actually the product of GATTism's self-fulfilling prophecy, even in high-tech industries.

When, for example, predatory dumping threatened the American semiconductor industry in the early 1980s, policymakers were slow to react. When they did, finally, they assumed that any U.S. industries needing special favors must be dinosaurs. They portrayed memory chips as "commodities"—cheap, mass-production items. They comforted themselves with the idea that the United States would surely continue to dominate in the more advanced sectors such as services.

Actually, manufacturing strengthens national competitiveness in at least five ways:

Manufacturing finances most research and development for commercial purposes.

Because both productivity growth and wages are relatively high in manufacturing, it still engenders many of the best jobs.

Since manufacturers account for the great bulk of U.S. imports and exports, America's international accounts will never improve significantly without upgrading manufacturing.

National security depends on a strong manufacturing base.

Many services are linked to the manufacturing sector in a variety of direct and indirect ways. A strong service sector without a strong manufacturing sector is not possible in the long run.

And so the Uruguay Round was doomed from the start. The corrosives eating away at the system before the Round were not coming primarily from areas uncovered by GATT rules—to be sure, disputes had broken out periodically in agriculture, but agriculture comprises less than 11% of world trade. As for trade in services, it was growing more rapidly than trade in goods, suggesting that GATT rules might not have been essential for expanding international commerce in any case. No, the problems were coming precisely from the areas GATT was supposed to be regulating.

UNFAIR TO OPEN MARKETS

Because it was heralded as a kind of reformation of trade doctrine, the Uruguay agenda did attempt to provide something for everyone. In addition to services and agriculture, there were negotiations on tariff cutting, subsidies, antidumping, safeguards, intellectual property, dispute settlement, and nontariff measures—the unfinished and failed business of the Tokyo Round. The developing nations received progress in textiles and natural resources-based products. And the scripturalists of GATTism were handed something called "functioning of the GATT system"—appropriately named FOGS.

But the Round was to be more of the same. No one contemplated review of the orthodoxy's core tenets: the principles of national treatment and most-favored-nation status. Adopted as the basis of GATT undertakings in 1948, these concepts appear at first glance to be the embodiment of fairness. They are hardly that in 1991.

Under national treatment, for example, the U.S. government agrees to treat foreign participants in its economy just as it treats domestic companies. In exchange, other GATT members agree to do the same. Why is this unfair? It is not, so long as all countries treat domestic operators more or less the same. But the United States enforces strict antitrust regulations, refrains from bureaucratic intervention and industrial targeting policies, and applies a strict standard of nondiscrimination. In other, more restrictive economies—Korea's, for instance—governments behave very differently. The result is unfair.

Over a period of time, companies from more restrictive countries will penetrate the more liberal countries' markets. Gradually, the restrictive countries' companies will sell more, enjoy lower costs, and begin to dominate international markets, setting the stage for charges of unfairness and demands for protection or retaliation.

There are similar problems with most-favored-nation status. According to GATT rules, if country A and country B negotiate liberal concessions with each other, they must extend these to all other GATT members, so as to prevent their new policies from discriminating against other signatories. But this means that the latter countries can keep their concessions to a minimum while picking up the benefits of substantial liberalization by the first two countries. Under GATT rules, in other words, restrictive countries can maintain high barriers, if they do so on a nondiscriminatory basis. It is all perfectly legal and perfectly unfair to competitors from more liberal economies.

The problem was slight for American companies in the early days of GATT. The U.S. economy was much more powerful than any other country's, and original GATT signatories were, on the whole, quite similar in their priorities and domestic structures. By the 1980's, however, many very dissimilar countries had joined the system and U.S. dominance was long gone. The result was dispute after dispute, in steel, autos, semiconductors, government procurement, aerospace, and many other areas.

Again, none of these issues were on the agenda of the Uruguay Round. The talks were stacked from the start against U.S. manufacturing—by far the biggest contributor to U.S. exports. The United States put agriculture and services at the top of the list. Our trading partners made it clear that the price for concessions in these areas would be further weakening of those U.S. laws enabling manufacturing to counteract predatory trade practices.

American negotiators, in response, accepted that all trade rules were equally important to the U.S. economy, and equally enforceable—an approach with obvious appeal for Presidents Reagan and Bush. By negotiating rules and ignoring the results, they could keep government and industry neatly separated. There would be no partnership with industry and commerce. No trade strategy or any other heretical departures from laissez-faire principles. It was more important to negotiate to save GATT than to save U.S. manufacturing. With GATT as a shield, U.S. leaders could deflect criticism: "We've done our part, now it's up to you in business to do yours."

The real-world cost of theological purity has been devastating. In 1950, the United States accounted for 18% of world exports and 12% of world imports. Since the 1980s, these proportions have been, in effect, reversed. Some of this was to be expected and even desired, but clearly not all of it.

THE GATTISTS' MISTAKES

GATTists are not stupid. But their faith has driven them to make the cardinal mistake of most zealots and ideologues: they assume that if their dogma does not accurately explain reality, then reality should change to fit their dogma. This view puts GATTists in the always uncomfortable position of insisting that there is nothing wrong with their ideology that a complete transformation of human nature cannot fix.

The real problem with U.S. trade policy today is GATTism itself, which is based on three related misunderstandings about the post-1945 economy. GATTists misunderstand why the GATT approach seemed to work as well as it did, why GATT died, and why nations act as they to in the international economic environment.

Why GATT Worked. International agreements can only codify power realities; they cannot substitute for them. The nation whose views prevail in such negotiations will not be the nation whose views are objectively superior but the one that brings the most cards to the table can either bend others to its will or buy them off. That is the real lesson of GATT's early successes.

According to GATTist gospel, the system worked because the United States converted its trading partners to its own laissez-faire economic principles. Specifically, the United States was able to convince other countries that international economics was not a zero-sum game, where one side's gain was another's loss, and that therefore they had no reason to try to build national economic strength at the expense of other countries.

But no such conversion took place. GATT worked early on mainly because the United States was strong enough to absorb the cost of world economic leadership. And through its ability to bribe others to support GATT, the United States gave those nations an easy way to rebuild their power and prosperity after the devastation of war.

In the 1950s and 1960s, overwhelming U.S. economic strength in virtually all key industries permitted American leaders to absorb unequal trade liberalization in the name of GATT progress. The United States also had abundant financial muscle to help U.S. companies win a reasonable share of business in international markets. And despite American predominance, trade long remained relatively unimportant to the U.S. economy, never exceeding 8% of GNP through 1977.

Geopolitics also led the United States to open its market regardless of other countries' trade practices. Determined to contain communism by creating a stable and prosperous free-world camp and by underwriting Third World economic development and political stability, Washington encouraged its European allies to form a restrictive trade bloc, tolerated flagrant protectionism by Japan, and routinely wooed developing countries with lucrative trade concessions. In addition, GATT's task in these early days was a relatively easy one to accomplish—cutting tariffs.

Visible and easily measurable, tariffs are trade barriers that invite elimination. At the same time, the international monetary system that lasted from 1945 to 1971 magnified the relative importance of tariff cutting. Fixed exchange rates limited the ability of

GATT members to reap unilateral trade benefits by manipulating the movement of their currencies. Meanwhile, worldwide expressions of endorsement of GATT norms appeared to confirm two of the GATTists' most sacred assumptions: that market-oriented capitalist economies are all the same and that, therefore, GATT was an agreement among fundamentally like-minded countries.

Convinced that all signatories shared common views about national economic and social practices—for example, the proper role of government in the economy, the relative importance of consumption and production, the optimal balance of power between labor and management—GATT's founding fathers concluded that harmonizing these practices in the trade arena would be relatively easy. They were wrong.

Why GATT Died. Unfortunately, America's global dominance was unsustainable. Indeed, narrowing the gap between the United States and the rest of the world—restoring some semblance of pre-1939 "normalcy" to the world economy—was a leading aim of U.S. foreign economic policy. In 1947, U.S. officials unwittingly created a world trading system that required that history be frozen. They didn't allow for a change in the world economic power structure.

As America's global economic position declined from an early postwar peak, so did the country's ability to absorb painlessly the cost of economic leadership. Not only did the U.S. share of world trade decline substantially but earnings have also stagnated and many major U.S. industries have been driven out of business.

How Nations Really Compete. Some GATTists preach that rule-writing hasn't worked lately because most countries are too stupid, selfish, and narrow-minded to see that obeying such rules leaves everyone better off in the long run. Other GATTists suggest that a world bored with quiet competence and achievement is simply tiring of GATT in some psychological sense.

These conclusions rest on naive assumptions. They assume that countries will sacrifice individual interests and national sovereignty to create benefits for the world as a whole. They blame noncompliance with GATT norms on temporary, fluky, ultimately correctable problems—genuine misunderstandings and misinterpretations, moral lapses, a lack of information. Ultimately, GATTists believe that countries enter agreements "on the merits," regardless of international power relationships or the specific flow of benefits. And they hold that nations observe these rules in large part because nations become committed to the idea of observing rules.

According to GATTists, in short, international trade regimes work just as the U.S. legal system does. GATT and other rule-making trade negotiations should be legal exercises. Just as domestic law can protect a country's citizens from arbitrary rule, the right kinds of trade rules can protect international commerce from arbitrary "political" forces. In this respect, GATTism also reflects another uniquely American belief—that economics can and should be divorced from politics.

It is, of course, completely unrealistic for the United States to expect to depoliticize world trade. Many pragmatists in the United States and most of the rest of the world have always viewed trade and trade negotiations as simply a continuation of economic conflict. They do not expect the competitive, anarchic nature of world politics to fade anytime soon. Rather, they see it as an unavoidable characteristic of a world of independent sovereign nations.

GATTists tend to believe that comparative advantage cannot be created and nations are stuck with the strengths and weaknesses that God gave them. Other nations disagree and cite, among others, the example of Japan, whose comparative advantage through the late 1950s' was the thought to be confined to dwarf trees and cheap, breakable toys.

Finally, GATT negotiators have made violations of trade rules all the more inevitable by adopting an ever-tightening spiral of more and more precisely worded covenants aimed at more and more subtle forms of national trade strategies. But national practices pose an unsolvable compliance and enforcement problem for GATT: many of the barriers reflect strong and entirely legitimate national preferences on numerous issues related to economic, political, and even social organization.

In fact, the GATTists' term "trade distorting" represents the ultimate fallacy of their worldview. It lumps together all manner of economic activities—from environmental regulation to consumer protection to government technology-promotion efforts designed to enhance long-term national wealth-creating capability—and implies that their immediate effect on trade is the only measure of their worth.

World trade negotiators now routinely seek infringements on sovereignty that nations will not and, in many cases, should not accept. When pressed, most nations legitimately point to the still dangerous world they live in and cite their understandable desire to set their own economic, social, and political priorities. GATTists then castigate them as retrograde and protectionist. The real problem, again, is not with these nations but with the GATTist doctrine, which demands that nations act against their own self-interest or, more precisely, that they adopt a new and historically unproven definition of their self-interest.

BEYOND GATT

What will result from the failure of the Uruguay Round? According to GATTists, terrible economic plagues are all but inevitable. A closer look reveals a more balanced picture.

It is hardly clear, first of all, that GATT was the main spur to the phenomenal post-World War II rise in internatioanl trade. After all, much of the expansion has occurred in sectors outside GATT's jurisdiction—notably services and agriculture—or in sectors that departed from GATT's discipline, as with textiles. Moreover, the emergence of the EC, of vastly improved transportation and communication, and of other political and technological developments were at least as important as GATT in spurring trade. The recoveries of Western Europe and Japan from wartime ruin, the advancement of the developing countries, and progress toward European economic integration owe more to the injection of American credit into the world economy than to any accomplishment of GATT.

Nor was the trade explosion primarily responsible for vigorous postwar growth. Indeed, it may be said that prosperity permitted trade liberalization in the postwar era, not the other way around.

This virtuous cycle ended not because protectionism began to increase. Rather, after the mid-1960s, as the United States added vast domestic social welfare obligations to is costly international military and financial burdens, its monetary policy became increasingly inflationary and, hence unsustainable.

Second, the Uruguay Round did not have much bearing on the present leading conflicts. Current U.S.-EC agricultural trade disputes—over beef hormones, slaughterhouses, canned fruit, and pasta—are largely unrelated to what proved to be the Uruguay Round's agriculture agenda. Nor was the Uruguay Round set to do anything about the common foreign practice of industrial targeting that inevitably aims at U.S. industry.

GATT has been an inherently inappropriate forum for addressing what might be called American industry's structural handicaps—the unique problems posed by the Japanese keiretsu, the Korean chaebol, the German financial-industrial combines, and the French state-owned industrial giants, all of which enjoy political relationships with their governments and degrees of market control impossible for U.S. companies.

And the greatest threat the Uruguay Round was intended to preempt seems already to be a reality, namely, the fragmentation of the world into 1930s-style regional trade blocs. The development of BC 92, Japan's establishment of hegemony over the economies of the Pacific Rim, and the sudden emergence of a North American bloc built on bilateral free-trade pacts between the United States and Canada, perhaps Mexico—and even the rest of Latin America—are bound to continue regardless of what might have happened in Brussels or what may occur in other GATT talks.

Even though the global struggle for economic and technological leadership may well intensify, the trade-war scenario feared by GATTists is unlikely to unfold. Much of America's foreign trade and most international trade is based on bilateral agreements, formal and informal, outside GATT disciplines. These should survive the last days (or years) of the current world trade system quite nicely.

Indeed, the manifold activities of multinational corporations and banks of all shapes and sizes around the world have created a thick web of ties and relationships that are not about to disappear. Numerous and powerful interests in the world's major countries have an overriding interest in containing economic disputes and reaching settlements. If anything, the Uruguay Round's failure has had the world walking on eggshells and should prompt a search for a new direction.

TRADING UP

Whether the international trade negotiations of the future are mainly multilateral, bilateral, regional, or functional, trade will become an ever-more competitive field of endeavor. And although economic links among many nations will broaden and deepen—to the point of speeding the formation of regional trade blocs—trade will continue to be dominated by rival political units.

As the Cold War winds down, economic strength will become the key to global power and influence, and ways of building that strength will become increasingly difficult to regulate. GATT-style trade liberalization will never keep up with the new strategies nations will devise to gain the upper hand. No matter how the details of a post-GATT world sort themselves out, the following principles should guide U.S. trade policy.

The United States should not formally abandon the GATT process. Future rounds may well produce some gains for the American economy. But Washington needs to spend much less time trying to breathe life back into the current GATT system and much more time developing, in cooperation with major trading patterns, a new framework for world trade. America's principal challenge will be promoting its economic interests in a pragmatic, nonmoralizing manner.

The new trade framework must strike a more sensible balance between trade liberalization and legitimate national objectives than GATTism does. It must recognize that many current GATT signatories simply do not accept the laissez-faire economic principles characterizing the American version of capitalism. And it must replace the principles of national treatment and most-favored-nation with a single standard to ensure that liberal economies are not penalized and closed economies rewarded.

Achieving these goals may first require creating a "superGATT" or a new, more restrictive version of the failed International Trade Organization (ITO) proposed in the late-1940s. Both would consist of a smaller group of truly like-minded countries willing to abide by a single set of rules. As the European Community has found, the only way to achieve a truly single market is to achieve such convergence. This harmonization effort would focus on a small number of economic policies and strategies aimed at stimulating trade and growth. The benefits of the rules, which might usefully be called "GATT treatment," would accrue only to countries willing to take on the new obligations.

But the United States also needs policies for those countries remaining outside superGATT. In trade relationships where the classic principles of comparative advantage do not apply, where industrial policies intrude, or where, as a result, free trade simply does not exist, the United States needs an approach that copes with different national economic structures. There is no point picking a fight. It is better to negotiate bilateral, reciprocal agreements.

A good example of how reciprocity might work is international trade in airline services. Here the United States faces the problem of gaining access to foreign markets where, in many cases, the competitors of American air carriers are owned or heavily subsidized by host governments. In response, Washington does not grant national treatment. It grants to various foreign carriers only the kind of access to the U.S. market that their governments are willing to give U.S. airlines in their markets. Trade is not "free" by GATT purists' standards, but a considerable degree of competition is preserved.

Unlike GATTism, which would pretend that the structural problem in international airlines services trade does not exist, bilateral reciprocity leads negotiators to recognize, accept, and accommodate key differences among trade partners. And the principle of reciprocity continually drives negotiators to seek outcomes that bring specific, concrete benefits to their countries.

But a superGATT—much less a new ITO—is still many years away. And until they are within reach, U.S. policymakers must recognize that trade negotiations will be just one very limited aspect of the broader economic strategy that is needed. In the past, trade negotiators could afford to seek abstract goals, such as "fairness." Today abstractions must give way to concrete self-interest and results; future agreements must be judged according to their direct impact on the U.S. economy, not on their ability to prop up a legalist world system in which critical U.S. industries are merely bargaining chips.

A results-oriented trade policy need not entail the guarantee of a certain amount of overseas sales. But it must entail thinking about the specific, industry-related impacts of various trade proposals *before* international negotiations reach the home stretch—something never done for the Tokyo or Uruguay Rounds. Such a policy would also help remind officials that different trade rules will have different effects in various sectors. In particular, rules governing manufacturers will usually be easier to enforce than rules governing services.

This kind of policy would carefully weigh the impact on trade and international competitiveness of major economic decisions made by the federal government. Time and again, Washington has ignored these considerations, even when the wrong move jeopardizes the strongest of industries. Recall the breakup of AT&T. It was never reviewed by the U.S. trade representative. When it was implemented, one unintended result was a massive U.S. trade deficit in telecommunications equipment.

In all, cultivating U.S. economic strength will be the best guarantee of prosperity and security, whether the post-GATT world is stable and primarily cooperative or volatile and fiercely competitive. Trade policy is no substitute for the nurturing of national economic strength. This is a top national security priority; the stronger the United States is economically, the more freedom of action it will have.

Ultimately, America's best hope for securing access to international markets is not to negotiate it but to make products so outstanding that countries will have no choice but to import them. Luckily, the United States still has a unique combination of advantages—great size and military strength, secure borders, tremendous natural wealth, and dynamic social and economic systems. U.S. economic policy should aim first and foremost at preserving and building on these advantages, not frittering them away in a hopeless quest for a worldwide trade utopia.

After Brussels, it is time to say that the emperor has no clothes: GATTist views simply do not conform with the world's realities. It will no longer suffice for the U.S. government to preach laissez-faire principles, write the rules for them, and expect free-market forces automatically to serve the interests of U.S. companies and citizens.

Until the nations of the world become more like-minded economically, America's top priority in the post-GATT world must be to meet a challenge that practically defines successful diplomacy and policy-making: recognizing the inevitable and turning it to one's advantage. By casting off the blinders of GATTism, the United States should be able to make the post-GATT world not one of peril but one of opportunity.

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LIFE AFTER GATT: MORE TRADE IS BETTER THAN FREE TRADE

(By Clyde Prestowitz)

When the recent round of world trade talks ended in a U.S. walkout last December, headlines proclaimed a crisis of the global economy, U.S. representative Carla Hills had argued for months that failure of the Uruguay round of the General Agreement on Tariffs and Trade, or GATT—the foundation for international trade since 1948—could lead to rampant protectionism, economic warfare, and global depression.

The immediate issue was U.S. insistence, roundly rejected, that European and other countries largely eliminate their subsidies to local farmers over a period of 10 years. The United States had also pushed for extending GATT rules, which regulate trade in manufactured goods, to service industries such as banking and shipping. U.S. negotiators further argued for strengthening protection of intellectual property, continuing to reduce tariffs, improving mechanisms for settling disputes, and setting up new rules to regulate foreign investment. Negotiators working frantically behind the scenes may yet devise compromises that will likely be heralded as essential to pulling the world back from the brink.

But, in fact, whatever they finally agree on will not really matter. The Uruguay round was never likely to cure the ills of the world trading system. In the first place, few nations would obtain significant concrete benefits. According to the Department of Agriculture's own econometric model, the net U.S. gain in the unlikely event that other nations agreed to eliminate all agricultural subsidies would be only $3 billion annually. Australia, New Zealand, Canada, and some developing countries would gain more. But the European Community (EC), Japan, and South Korea could count on substantial loss of agricultural jobs, and resulting political pain, if they moved to completely eliminate farm supports.

The United States could reap about $14 billion annually from wide recognition of its patents and copyrights, but only if such rules were enforced—a highly unlikely prospect. And the United States, Europe, and Japan could not expect great incremental benefits from applying GATT rules to service industries. Developing countries, for their part, could suffer significant reverses in their efforts to develop indigenous service industries. It is even possible that the United States might post no overall economic gain—and could see a significant loss—if the talks succeed: many countries have demanded that it weaken its anti-dumping and other laws that aim to prevent unfair trade in return for concessions on agriculture and services.

Beyond the question of immediate gains, however, is a much more important issue. The world trading system is eroding, as the spiraling number of trade disputes and the drift toward regional trading blocs attest. Unfortunately, the agenda of the Uruguay round was never aimed at the underlying causes of this crisis. Instead it merely attempted to apply the failing GATT doctrine even more broadly. That such an agenda is the centerpiece of U.S. policy points to a fundamental misperception of the realities of world trade.

PURSUING COMPARATIVE ADVANTAGE

Founded in 1948 at the dawn of American postwar economic dominance, the GATT was rooted in the Atlantic Charter discussions between Roosevelt and Churchill during the war. The United States agreed to reduce its traditionally high across-the-board tariffs if Britain would relax its practice of "imperial preference"—favoring trade with countries within the Commonwealth. The two countries further agreed to include other "like-minded" countries under the auspices of the charter.

Implicit in this agreement was the basic notion that markets free of regulation, and trade unrestricted by tariffs and other barriers, would raise the standard of living of everyone. Domestically that meant enforcing antitrust and other measures aimed at driving the economy toward perfectly competitive markets. Internationally it meant adhering to the "comparative advantage" concepts of David Ricardo and Adam Smith, who held that nations are best-suited to making some products rather than others because of climate, natural resources, population, and location. Ricardo's classic example was England, which applied its cold, rainy climate to raising sheep and making textiles while trading with Portugal for the wine produced in its warm, dry climate. Ricardo and Smith held that if each nation concentrated on what it produced best, everyone would gain wealth from the growing volume of world trade.

The provisions of the Atlantic Charter led to the 1948 establishment of the GATT, along with the International Monetary Fund and the World Bank, as part of the U.S. and European effort to reconstruct the post-war economy. The key concepts of the GATT were "national treatment," which stipulated that countries must treat foreign participants in their economies the same as domestic firms, and "most-favored nation," under which GATT members agreed to extend to all their trading partners concessions awarded to one.

Proponents of this framework thought the only real problem for the trading system would be tariffs and other "border" measures that hindered the free flow of goods. The entire thrust of U.S. postwar trade policy therefore aimed to persuade nations to join the GATT and reduce tariffs. The United States generally took the lead in the various "rounds" of trade talks held every few years by offering concessions and giving more than it got. No matter, laissez-faire traders thought: the U.S. economy is so dominant that no other country will touch it. Moreover, even if other countries burdened their own consumers with trade restrictions, the United States did not have to imitate such stupidity. Finally, laissez-faire trade was thought to promote not only overall economic welfare but peace regardless of concrete benefits to the United States.

The rapid growth in world trade and living standards during the first postwar decades seemed to confirm that the system worked. This conclusion led to growing enthusiasm and pressure for further rounds of talks and broader agreements. The U.S. solution for every trade dispute became a GATT round. To entice countries into the Western camp, offer them a round. To combat world economic recession, do a round.

Trade frictions first became evident in the 1960s as textiles from Asia began to flood U.S. markets. Tensions accelerated in the 1970s when Japan and the other Asian "tigers" sold more and more televisions, autos, and semiconductors to U.S. buyers. Despite the U.S. commitment to the theory of unilateral free trade, the United States began accusing those countries of not "playing by the rules" because they sold goods below cost in the U.S. market and targeted industries for expansion. After much recrimination, negotiators usually decided to evade GATT guidelines with measures such as voluntary export restraints on Japanese cars. This allowed the United States to claim it was a free trader while it actually engaged in sleight-of-hand protectionism.

The distortions, guilt, and gradual erosion of the system caused by continuing frictions and piecemeal solutions led to the Tokyo round, concluded in 1979. This was an ambitious attempt to apply GATT rules more thoroughly and open new areas such as government buying to international competition. Expectations were high. Special trade representative Robert Strauss predicted that access to $25 billion of foreign-government orders would create up to 100,000 U.S. jobs, and U.S. negotiators agreed to relax antidumping rules to get the deal. The Department of Labor forecast that employment in the U.S. computer and semi-conductor industries would rise 3-4 percent.

It never happened. U.S. electronics companies rapidly lost customers as foreign companies dropped prices to win a foothold in the U.S. market. U.S. firms gained virtually no contracts abroad from the new government-procurement rules, and trade disputes with Japan and the tigers multiplied faster than ever in areas such as machine tools, autos, semiconductors, and fiber optics. The inevitable response was the Uruguay round, which once again attempted to revitalize the world trade system by applying all the old rules even more broadly.

POTATO CHIPS VS. SEMICONDUCTOR CHIPS

U.S. negotiators need to do a reality check on their long-held assumptions. That trade grew and living standards rose during the postwar era does not prove cause and effect. Early GATT tariff-cutting no doubt stimulated trade, but the effects of advancing technology, better communications, and plummeting transportation costs have also been enormous. And trade has mushroomed within Europe largely because of the Common Market, which operates as a recognized exception to standard GATT rules stipulating equal treatment for all countries.

Most important, trade, which implies a two-way street, is not the best way to characterize most of the economic growth in the Pacific rim. The United States unilaterally opened its markets to those nations, who had formal or de facto exclusions from GATT or, the case of Japan, because of U.S. reluctance to antagonize an important military and political ally. Thus the key was not so much GATT guidelines as the willingness of the United States to be the engine of growth and the flywheel on the system.

Today the United States does not hold the dominant economic position it did in 1950, and its ability to use new GATT rounds to generate trade growth is therefore limited. But an even more fundamental problem is that Japan, Korea, and many European countries do not subscribe to Anglo-Saxon notions of open markets and free trade. These countries contend that trade is intimately linked to national power, and they try to create comparative advantage in key markets.

The United States, in contrast, maintains that it doesn't matter what we produce so long as we produce a lot of it. This view was best articulated recently by Michael Boskin, chair of the Council of Economic Advisers, who said: "Potato chips, semiconductor chips, what is the difference? They are all chips. All hundred dollars worth of one or a hundred dollars worth of the other is still a hundred dollars." Boskin was only following in the footsteps of budget director Richard Darman, who at the height of the Japanese dumping of semiconductors in 1985 said: "Why do we want a semiconductor industry? What's wrong with dumping? It is a gift to chip users because they get cheap chips. If our guys can't hack it, let them go."

Few countries accept this thinking. Most have national policies aimed at moving their industrial base to higher levels of technology and value added. Thus the Europeans subsidize the Airbus and the Japanese target supercomputers, optical fibers, and biotechnology. Moreover, the truth is that when the chips are down (no pun intended), the United States does not really accept the "natural comparative advantage" doctrine either. For when the U.S. semiconductor and other major industries began to falter in the face of unequal foreign competition, the result is usually trade friction capped by a deal that gives some kind of relief, half-hearted and inadequate, to the U.S. industry. This is what occurred in 1986, when Japan agreed to end its dumping of semiconductor chips and open 20 percent of the Japanese market to U.S. made chips.

What happens when one country promotes cartels and another breaks them up, when one government practices bureaucratic intervention and industrial targeting while another refrains, and when one country has a highly developed sense of individual and corporate rights while another has no such concepts? Firms from the less liberal countries will penetrate the markets of the more liberal countries but the reverse will not occur. Although this will be "fair" under the GATT system, countries with the most open economies will not believe it, and charges and countercharges will provoke rising trade frictions.

Moreover, although the GATT requires countries that negotiate concessions with each other to automatically extend the same deal to all trading partners, those partners are under no obligation to make any concessions in return. Countries less enthusiastic about free trade and open markets can therefore hold back while pocketing the offers of the true believers.

Thus the core principles of GATT discriminate against societies with the most open economies—ironically, the system's biggest supporters. While this has always been the case, the problem was hidden in the early postwar period by U.S. economic dominance as well as by the greater like-mindedness among the relatively few GATT members. But as membership has expanded and U.S. power has waned, this inherent flaw—not inadequate rules—has been the primary cause of growing tensions.

The United States did attempt to deal with this flaw during the late stages of the Uruguay round. It announced that it would not apply most-favored-nation provisions to telecommunications because countries with monopolies would be able to enter the open U.S. market, while U.S. firms would not be able to reciprocate. This provoked a howl of indignation from many trading partners, and U.S. negotiators eventually backed down, but their view was accurate.

The tragedy of the Uruguay round is that U.S. officials did not realize that such national differences lay at the heart of the problems they were trying to solve. Had they made those differences the major focus, they might have had a real chance to revitalize the trading system. Because they did not, the GATT framework will continue to erode regardless of what may result from further machinations.

BEYOND GATT

Fortunately, the trade-war scenario feared by many after the Uruguay round is unlikely. Disputes will undoubtedly occur, but most have been handled outside the GATT system anyway, and such arrangements can continue. Indeed, the fear of trade war will likely encourage negotiators to redouble such efforts.

The trend toward regionalism will probably accelerate. The United States has recently implemented a free-trade deal with Canada and will probably complete one with Mexico. EC '92 is well on track, while the expansion of giant Japanese multinationals in the Pacific is rapidly creating a de facto trading bloc there. These developments are not necessarily bad. The EC has been coalescing for 30 years while the United States and Canada have been intimately entwined for longer, yet these ties have not undercut trade and investment between Europe and North America.

Still, disputes will continue, and the world will have to work toward a sounder trading system. The United States, especially, needs to admit that it is advantageous to be a leader in industries such as aircraft and electronics, and that it cannot benignly neglect the adverse impacts of the current system on those industries.

Reciprocity should become the basis of future trade policy. That term has become a code word for retaliatory protectionist measures, and interpreted as a need to balance the volume of every traded item with every country. But a broad concept of reciprocity lay behind postwar negotiations of the GATT. The idea originally meant that U.S. and Japanese producers, say, should have roughly the same opportunities to invest, make acquisitions, distribute products, and otherwise do business in each other's market. This would not necessarily mean forcing Japan to adopt U.S. practice or vice-versa, but rather balancing the opportunities in some agreed manner. It is on this principle that the United States should take its stand.

Several categories of trade may require entirely different approaches within this broad framework. First is the kind, higlighted by Ricardo, that occurs when the United States has a climate suitable for growing Douglas fir, makes lumber out of it, and trades the lumber for bananas from Costa Rica, which as a warm wet climate. It would be silly for the United States to attempt to grow bananas on a large scale and impossible for Costa Rica to grow Douglas fir. Such trade occurs naturally, and present GATT rules are probably adequate to regulate it.

A second category includes products that can be manufactured in several areas but that some countries can produce with a clear natural cost advantage. Examples are often agricultural goods and apparel. Here the issue is who is the lowest-cost producer. For example, sugar is produced cheaply from cane in the Philippines, expensively from cane, sugar beets, and corn in the United States, and expensively from sugar beets in Europe. Ideally, the United States and Europe would halt production and import sugar from the Philippines, since improving farming techniques or working harder will not enable those countries to lower costs to the Philippine level.

It was largely with this kind of trade in mind that GATT was initially established, and yet it is just here that GATT has been inoperable. That is because production of these items is often woven into a nation's economic and social fabric. Many people who make such products, including U.S. apparel workers, could find it difficult to obtain other jobs. Eliminating production would also provoke political repercussions, as the recent dispute over ending farm subsidies attests. Theoretically a nation's entire population should not have to pay higher prices on protected goods to save the jobs of a relative few. However, as in the case of Japanese rice or European farm goods, the many may be happy to bear extra costs because of ancestral roots, national pride, or a desire to avoid putting fellow citizens on the dole.

What's more, a country that has introduced child-labor laws, a minimum wage, and other social benefits may hesitate to undermine them by allowing cheaper imports from nations without such regulations. After all, it seems unfair to promise workers a minimum wage and then throw them out of work because that wage makes their labor uncompetitive. This situation is particularly problematic when the foreign country closes its markets to prevent imports of other goods that the laid-off workers could produce. The GATT has foundered on these issues because it is unable to count intangible benefits and social costs—its goal is to immediately open up all markets.

Developing countries typically hope to build their economies through world trade in items in this category, and they must have that opportunity. But it would be unreasonable to expect one nation to reduce voluntarily its standard of living for the benefit of another. Certainly it would be folly for countries to eliminate whole industries quickly or during recession and thus incur enormous adjustment costs.

The United States should strive to open international markets to low-cost producers of apparel and farm products. However, the timetable for achieving these goals must be tied to concrete plans for helping those affected switch to new areas of production. The costs of these adjustments could even be assessed on an international basis. Movement toward more open markets must also be tied to minimal levels of social and environmental performance. The United States would not open its borders to goods produced by slave labor. We should work to establish standards on child labor, industrial emissions, and other areas of social concern.

Finally, any further opening of the U.S. market must be conditional on similar movement abroad. Low-wage Asian countries want access to the U.S. market for apparel, which they can produce more cheaply than U.S. manufacturers. But they are unwilling to import U.S. fiber and fabric because they are trying to subsidize backward integration into those areas. Access to the U.S. apparel market should be conditional on ceasing such practices and on actual sales of competitive U.S. textiles in those countries.

A third kind of trade is conducted between governments, and includes the huge sales of military goods. Because prices and volume are completely managed, this trade occurs outside GATT. The United States has often subordinated its economic interests to political goals in pursuing such trade. Thus in 1990 it agreed to import from South Korea 130 percent of the value of the U.S. military aircraft sold to that country, and also to help Korea develop an aircraft industry of its own. More recently the Pentagon announced that its policy is to buy globally from the cheapest sources regardless of the unwillingness of foreign defense departments to reciprocate.

Here the United States must elevate its priorities and bargain on the principle that we get back in economic terms as much as we give. This means a halt to completing bad trade deals simply because they help diplomatic relations.

FROM FINGER POINTING TO NEGOTIATION

Finally there is the trade category where most disputes occur and that requires the most negotiation: the industrial commodities and advanced technologies that a number of countries are capable of producing on a more or less equal basis. No comparative advantage stemming from climate, resources, or even wages dictates success in producing steel, semiconductors, or aircraft. Who becomes preeminent depends on factors such as fast introduction of technology and ability to obtain economies of scale. These industries usually raise a nation's overall productivity and help determine its international influence—a country that dominates world aircraft production is likely to gain both economic and political advantages that producers of shoelaces do not enjoy.

Here is where policymakers establish subsidies, import barriers, and consortia or cartels to obtain comparative advantage. Although the GATT national-treatment standard generally condones such policies, they inherently contradict free trade and are usually aimed at overcoming the leadership of some U.S. industry.

Even a country's more mundane economic practices can greatly influence comparative advantage in such industries. For example, even if U.S. and Japanese automakers attained exactly the same quality and production costs, U.S. producers would likely lose out. Why? Because it takes dealers to sell cars. Establishing a national dealer network from scratch in a country the size of the United States is an expensive and time-consuming task—as it is in Japan because of stratospheric real estate prices. But Japanese automakers selling in the United States don't have to build from scratch. They can piggyback onto existing GM, Ford, and Chrysler dealers because U.S. antitrust laws stipulate that producers must allow dealers to carry other lines. In contrast, by custom and because the Japanese do not enforce antitrust laws, outside firms find it extremely difficult to hook up with dealers in Japan. The result is predictable.

In these situations U.S. trade policy should insist on eliminating the disadvantages to U.S. industry. Negotiators should not do this with moralistic finger pointing: it is not unfair for other countries to have a different view of antitrust policy than the United States. If the Europeans want to subsidize the Airbus, that is their business. But we should be prepared to offset the negative effects of such subsidies on the U.S. aircraft industry, taking unilateral measures if necessary.

An example of how such a policy might work already exists in the form of international airline agreements. Nearly every country has at least one domestic airline, and many are subsidized or state-owned. If the United States applied the same policy to airline service as it does to auto and semiconductor trade, it would allow subsidized foreign airlines to fly unrestricted on both international and U.S. routes, even though U.S. carriers could not obtain reciprocal treatment. The United States would also allow foreign companies to buy total control of U.S. airlines. But we don't do that because there would soon be no U.S. airlines, and we have decided that retaining such an industry is important.

Thus we have responded not by accusing other nations of cheating but by negotiating a series of reciprocal deals that stipulate the number of destinations, flights, and landing fees for airlines from each country. Within this structure competition takes place: market shares fluctuate, passengers have meaningful choices, and subsidized airlines cannot run the others out of business. Critics have condemned this system as a deviation from pure free trade, but it has not prevented healthy growth in international air traffic, nor has the industry seen the bitter trade disputes common in steel, autos, and semiconductors.

To see how such a policy might work outside the airline industry, consider the auto dealership problem. U.S. negotiators could require producers from a country with controlled dealers to establish their own outlets in the United States instead of piggybacking on U.S. company dealers. Or the United States could drop that stipulation if the other country requires its dealers to actually (as opposed to theoretically) carry U.S. cars. Or half the dealers in each country could be controlled and half could carry both foreign and domestic lines. The nature of the deal doesn't matter, only that it result in an equivalent competitive environment.

While the United States negotiates such deals, it should also aim to restructure the GATT into a true World Trade Organization. The model for this could be the EC. The Europeans have found that it is not enough just to reduce tariffs and quotas. To create an integrated market, participating countries must have similar legal, regulatory, and social measures. The same is true in the world beyond the EC: those who want to move toward freer trade must be prepared to yield some sovereignty and accept some homogenization. Also key would be establishing a mechanism to pressure countries that run chronic trade surpluses, as well as to help those running deficits. Keynes actually envisioned such a mechanism in 1947—a tariff on the goods of countries with chronic surpluses would finance productivity improvements for nations running deficits.

A World Trade Organization might have several levels of membership. Some countries would adhere to all the provisions and trade freely among themselves along the lines of EC '92. Those unwilling to go that far would obtain some benefits but would be subject to different treatment.

An important question no one asks in today's trade debates is whether we want free trade or more trade. In a curious irony, the more GATT adherents have pushed for purity, the less trade they have produced. By pursuing a new approach, the United States could maintain its support for a liberal trade regime while enhancing its economic power and boosting world trade.●

IN RECOGNITION OF ELKAY NORTHRUP'S SERVICE TO RECOVERING ALCOHOLICS

● Mr. SEYMOUR. Mr. President, I rise to ask the Senate to join me in honoring Mr. Elkay Northrup, executive director of the River City Recovery Center in Sacramento, CA.

Elkay Northrup began his long service to the alcohol recovery community in 1978 by serving as a counselor in the Sacramento County Drunk Driving Program. In the fall of 1981, he became an alcohol counselor with New Beginnings in Lodi. He served on the board of the River City Recovery Center many years prior to being named executive director in the fall of 1986.

Elkay has been an instrument of God's grace in carrying the message of recovery not only in the Sacramento area but throughout California through his service as a member of the audit committee of the Department of Alcohol and Drug Programs for the State of California.

I am proud to be a friend of Elkay Northrup. I would request that the prayer of St. Francis be printed in today's CONGRESSIONAL RECORD in recognition of Elkay Northrup's service to recovering alcoholics.

The prayer follows:

Lord, make me an instrument of Your peace! Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; it is in dying that we are born to eternal life.●

THE NEW DEMOCRACIES AND THE SOVIET UNION

● Mr. EXON. Mr. President, I just returned from a fascinating educational and very productive visit to Eastern Europe and the Soviet Union. Senator BOREN led a Senate delegation which consisted of Senators HEFLIN, CHAFEE, HATCH, and myself. We spent 9 days meeting with political and diplomatic leaders in Poland, Hungary, Czechoslovakia, and the Soviet Union. We were especially fortunate to be one of the few congressional delegations to visit Riga, Latvia, one of the three Baltic Republics seeking independence from the Soviet Union. This is the first of several reports to the Senate which I plan to make about my observations and recommendations concerning American policy in Eastern Europe and the Soviet Union. Today, I will focus my discussion on Eastern Europe.

I am pleased to report that there is an inspiring spirit of freedom in Europe's new democracies. In Poland, Czechoslovakia, and Hungary there is an admirable willingness to make difficult sacrifices to firmly secure democratic institutions and to convert their economies from socialism to a free market.

I return from the new democracies bullish on their future but concerned that they are entering a most delicate period of transition. There is presently a race between the benefits of reform and the pains of transition. The price of a free market reform has been inflation and unemployment. The benefits promise a higher standard of living, better life, and an efficient economy for all.

Some benefits of reform are already obvious. In the new democracies already there is ample merchandise in the stores, long lines were not evident, and currencies were relatively stable. Although each of the democracies is taking a slightly different road, all are moving aggressively toward a market system.

In Poland, the economy is undergoing "shock treatment." There the go fast approach has brought about some of the most dramatic pains of adjustment, including high inflation and industrial rationalization, but it carries with it the promise of the shortest period of transition. Poland is the closest of the new European democracies to having a fully convertible currency and inflation has stabilized. A crushing amount of foreign debt has long been an impediment to Polish economic growth. In this regard, the debt relief promised by President Bush and several other industrialized nation's was most welcome.

Our delegation met with Joseph Cardinal Glemp and learned of the changing role of the Catholic Church of Poland. Through the years of Communist rule, the Catholic Church was the nation's true source of strength and moral authority. As democratic institutions ascend to a level of respect, the Catholic Church is now turning its attention more exclusively to the spiritual needs of a nation which is nearly 96 percent Roman Catholic. In promise to a question I posed, the cardinal commented about his admiration of the organization of the Catholic Church in America and his hope for continued cooperation between the Catholic Church in Poland and America.

Senator HEFLIN and I also had the pleasure of meeting Slawomir Gburczyk, the Deputy Minister of Agriculture. The Minister said he welcomes new trade proposals. Because Poland maintained private ownership of farmland for most agriculture operations throughout the period of Communist rule, the food situation in Poland is in relatively good shape. There is a need, however, to modernize. We saw fresh meat being sold out of the back of a panel truck. Improvements in processing, refrigeration, and storage can improve productivity. Poland has virtually deregulated its agricultural sector with only occasional market interventions by the Government to prevent drastic swings in commodity prices. The United States and Poland both share an interest in eliminating the unfair agricultural trade barriers in the European Community which are keeping both American and Polish farm products out of the European Community's rich and attractive market.

In a separate meeting, our delegation had a lively discussion with Tadcusz Mazowiecki, the former Prime Minister who expressed his concern about the risk of the Polish people becoming disappointed with the pain of reform in light of the promises of the last election. Our delegation also had the privilege of being the honored guests at a luncheon hosted by members of the Polish Senate. It provided both United States and Polish Senators an opportunity to share with each other insights into the legislative process and the excitement of new democracy. Our delegation also met with Andrzej Milczanowski, the Polish Director of State Security, the equivalent of our Director of the CIA. We had a productive discussion about the appropriate role for foreign intelligence in a democracy and the safeguards which the legislative branch should provide in the form of intelligence oversight.

In Czechoslovakia, the delegation saw a nation full of spirit. Prague, with its classic architecture and historic attractions has become an important tourist destination for many in Europe. We saw bus loads of Italians, Germans, and other Europeans in Prague to celebrate the Easter holiday in the city's beautiful and awe inspiring churches.

Vaclav Havel, the visionary President of Czechoslovakia, remains popular and has taken firm steps to align his nation with the Western community of nations. Czechoslovakia entered the new era with the advantage of being largely free of international debt. Czechoslovakia, however, faces difficulty in reorienting its traditional trade patterns. In the past, the Soviet Union provided a ready market for Czech goods and a supply of energy resources. The new era interrupted that traditional market and poses several short-term problems for the nation. Another cloud on the Czechoslovakian horizon is the potential rise in Slovak nationalism. Czechoslovakia is a union of two ethnic states. Czechs make up 64 percent of the population and Slovaks make up 32 percent of the population. There is a small but influential minority of Slovaks calling for independence. President Havel has indicated that he will take the case for union directly to the people and it is widely believed that he will be successful.

In Budapest, the delegation met with Arpad Goncz, the President of Hungary, and later with several ministers and the Chairman of the Parliament's Committee on National Security. Interestingly, Hungary, like the State of Nebraska, has a one-house legislature. Our discussions focused on Hungary's security needs and interests. Our delegation arrived on the day that the Warsaw Pact was dissolved.

Economically, Hungary is perhaps the most advanced of the new democracies. The Communist rulers of the old era took early steps down the path of reform. While a great deal still needs to be done, those early reforms are now paying dividends. The Hungarian economy has experienced the least decline since the democratic revolution and is also the most successful in attracting American investment and American joint venture partners.

One disappointing aspect of our journey was to frequently hear of the reluctance of American business to invest in Eastern Europe. With the exception of Hungary, where American investment appears to be active, United States firms seem to be behind the curve. Billboards advertising Sony, Canon, Samsung, Gold Star, Panasonic, and Hitachi products were very noticeable. Clearly, now is the time for American firms to bring their products to this market, to take risk, to explore nontraditional means of finance such as barter and countertrade and to invest in the developing and exciting markets of Eastern Europe.

The telecommunications infrastructure throughout Eastern Europe and the Soviet Union is in desperate need of modernization. I am pleased that U.S. West and AT&T have taken initiative in this area, but there is still even more which needs to be done in the information sector. Because long distance tariffs accrue to the nation receiving international calls, an improved telecommunications infrastructure can be partially self-financing. The lack of a telecommunications infrastructure is a major impediment to development. American firms must aggressively and quickly move in this sector or risk being left behind. It is especially interesting to note that France has just signed a friendship treaty with Poland which included cooperation on telecommunications. The agreement underlines the point that now is the time for American firms to move in this market. One point that was made very clear on each of our stops was the new democracies are anxious to do business with Americans. There is a respect and admiration for the Americans and the American spirit.

The democratic revolution in Europe in 1989 represents a turning point in world history and a stunning victory for the values of freedom, democracy, and free markets which America has espoused for so long. The United States of America made a 40-year investment in winning the freedom of these new democracies. It is in our Nation's interest to permanently "lock in" the victories of 1989. Following the Second World War, the Marshall Plan helped rebuild Europe, secure the peace, and bring prosperity.

While the continuing budget crisis in the United States makes it impossible to launch another Marshall Plan for Eastern Europe, America can marshal available resources to help the new democracies. America needs to leverage and coordinate those expenditures which are within our budgetary means with private, multinational and regional initiatives, and the United States must encourage American business to get actively involved in the new democracies.

In the coming months, as a member of the Senate Commerce Committee, I will be reviewing American trade development programs such as those offered by the Export-Import Bank and the Overseas Private Investment Corporation, to determine whether they fit the needs and opportunities which exist in Eastern Europe. I will also be pressing the Bush administration to fully implement legislation which I authored as part of the 1988 trade bill to encourage the use of barter and countertrade to expand trade. Barter transactions offer an excellent way for American firms to sell products in Eastern Europe in spite of the present lack of hard currency.

The United States should also encourage private educational exchanges and encourage ethnic communities in the United States to help the transition to a market economy and to invest and lend their expertise to the new democracies. I intend to continue to support the excellent exchange programs which, for example, brought the Stoysiches of Omaha to Poland to give advice about the Polish meat and sausage making industry.

In the area of defense, the dissolution of the Warsaw Pact leaves the new democracies without some basic defensive systems such as adequate radar and aircraft identification. I understand that some change is needed in United States law to facilitate discussions which could close select security gaps in the new democracies' defense systems. As a member of the Armed Services Committee, I will be looking into this problem. Poland, Hungary, and Czechoslovakia all helped in the Persian Gulf effort on the intelligence, personnel, and political fronts. We should increase our security cooperation in the area of defense technologies and officer training. Such defensive and training measures would build confidence in the new democracies and not threaten the Soviet Union in any way.

Mr. President, America has good friends in Eastern Europe. They are confronting serious personal sacrifice to complete their transition from the Communist world to the democratic world. They look to us for help during this challenging and difficult period. The people of Eastern Europe also provide Americans with a lesson on the precious value of freedom. Their sacrifice should inspire the United States as we face a period of sacrifice to reform our own economic and budgetary policies.

In the near future, I will outline my observations about the political situation in the Soviet Union, our security interests and potential areas for U.S.-U.S.S.R. cooperation.•

TRIBUTE TO DR. R. BRUCE RENDA, PURDUE UNIVERSITY

• Mr. LUGAR. Mr. President, on June 9, 1991, the Purdue University School of Engineering and Technology at Indianapolis will recognize Dr. R. Bruce Renda, dean of the school, for his outstanding contributions to the growth of the school of engineering and technology and his advancement of minorities in engineering through the Minority Engineering Advancement Program [MEAP].

Dean Renda began his leadership of the Purdue University School of Engineering and Technology at Indianapolis in 1974, after a distinguished career as a professor of mechanical engineering.

He has contributed to the growth of Indiana University-Purdue University at the Indianapolis campus. He expanded the undergraduate and graduate programs, and established a state-of-the-art center for computer aided design and computer aided manufacturing. In addition, significant engineering research activities flourished under his leadership. He was also instrumental in bringing to Indianapolis the Navy's Electronic Manufacturing Productivity Facility [EMPF], for which he has administrative responsibilities.

Bruce has distinguished himself in international circles by presenting technical briefings in Europe, the Middle East, South America, the Far East, as well as throughout the United States. Additionally, Dr. Renda has consulted with numerous corporations as well as the North Atlantic Treaty Organization, Advisory Group for Aerospace Research and Development, and the United Nations.

As you are aware, throughout the Nation our ability to attract students, especially minorities, to science and technology disciplines has declined significantly. In 1974, Dr. Renda established the Office of Minority Affairs and the Minority Engineering Advancement Program [MEAP], a precollege and college-level program designed to provide talented minority students with preengineering experiences. MEAP attracts support from several corporate partners in Indianapolis. Scholarships for minority students pursuing engineering and technology careers at IUPUI are aided by Ford Motor Co.

Since MEAP's inception, more than 1,000 students have benefited from the experiences provided by this innovative program. Of those MEAP students graduating from High School, 91 percent have gone on to colleges and universities around the Nation, 68 percent have majored in engineering, science, or other technical disciplines. These results are impressive at a time when only 30 percent of minority students attend college and less than half of them graduate.

I ask that my colleagues join me in honoring a great Hoosier who continues to make valuable contributions to higher education in Indiana and the Nation.•

WELCOMING OUR RETURNING TROOPS

• Mr. DIXON. Mr. President, I rise today to join my distinguished colleagues in saluting the success of our troops in the Persian Gulf. Our men and women have performed with valor and honor on the field of battle as we knew they would.

Mr. President, it is not time for American citizens to prepare a proper greeting for our troops as they return home. Let us lay out a true heroes' welcome for our returning men and women. We need to give a joyous welcome, the likes of which this country has not seen since the end of World War II.

One of the great tragedies in American history was the indifferent treatment many of our Vietnam veterans received upon their return to our country. After serving their country honorably, instead of a heroes' welcome they received nothing but the disdain and disinterest of their countrymen. Such treatment caused untold psychological damage to our returning troops. Many Vietnam veterans are still coming to grips with this shabby treatment.

Well, I for one, Mr. President, say never again! Our returning troops need to be greeted by a grateful nation that is truly proud of their accomplishments.

The efforts of the Chicago based Porter Novelli agency are worthy of attention. Porter Novelli is outlining an ambitious plan by which they will, in cooperation with a number of influential American corporations, provide American service men and women with the homecoming they deserve. From the moment they get off the airplane until they reach their hometowns, activities, and celebrations will be held in their honor.

This program would be an individual and corporate thank you to our servicemen and women. Plans include observances and other appropriate recognition that will make the transition back home all the more easier for our triumphant soldiers.

I commend these efforts and encourage other groups, both private and public, to follow this fine example.

Mr. President, our military forces have courageously carried out their mission to liberate Kuwait. It is now time for all of us on the home front to do our duty. Let us welcome our heroes home with befitting vigor and pride.•

PRESIDENT BUSH SALUTES MOBILE MEDICAL AND DENTAL CARING UNIT AS THE 403D "DAILY POINT OF LIGHT"

• Mr. PACKWOOD. Mr. President, I am honored to rise today to salute the outstanding work by the volunteers of the Portland, OR-based Mobile Medical and Dental Caring Unit. For the past 2 years, the volunteers of the medical unit have traveled throughout the city of Portland, providing services free of charge to the needy. The Mobile Medical Unit has over 100 volunteers, including physicians, dentists, nurses, dental hygienists, firefighters, and retired medical professionals, who each spend at least 1 day a month on the Mobile Caring Unit. Sometimes the volunteers are even accompanied by medical staff members from their full-time jobs.

Each day, volunteers from the medical unit travel to different locations in Portland to provide and perform simple procedures. The unit 3 days a week is equipped with a medical staff, and 2 days a week the unit travels with a dental team. They visit homeless shelters, migrant camps, homes and jails for juvenile delinquents, and low-income schools. The medical unit also has six permanent sites at local churches and clinics. Many of the patients are cared for on a long-term basis by the same doctor.

In addition, while patients wait to see a doctor, they watch videos on AIDS education and prevention, dental care, alcohol and drug abuse, and health tips. The medical unit also provides literature on health education.

The Mobile Medical and Dental Caring Unit was founded by the Northwest Medical Team International. This worldwide disaster-relief response team established the Mobile Medical Unit in Portland because it realized that with all the good works its volunteers were accomplishing around the globe, it needed to address the health needs of the people in its own backyard. Last year alone, the Mobile Medical Unit assisted over 5,000 individuals in the Portland area. This year, the number will undoubtedly be greater.

As recognition for their hard work and dedication to improving the lives and health of the less fortunate in their community, President Bush has saluted the volunteers of the Mobile Medical and Dental Caring Unit as the 403d "Daily Point of Light." The Daily Point of Light recognition is intended to call every individual and group in America to claim society's problems as their own by taking direct and consequential action, like the efforts taken by the Mobile Caring Unit.

On behalf of Oregon, and the many people in Portland in whose lives you make a difference, many thanks to all of you in the Mobile Medical and Dental Caring Unit.•

OUR NATION'S PLEDGE

• Mr. ADAMS. Mr. President, I would like to take this opportunity to share with you a poem written by my constituent, Ms. Doyle F. Wheeler. Ms. Wheeler, who resides in Nine Miles Falls, WA, recently sent me a letter along with several short poems about the young Americans who fought in the Persian Gulf war. Each poem displays her sincere empathy for the Americans who risked their lives for our country. In her letter, she simply asks for my help in sharing her message. Thus, I ask that one of Ms. Wheeler's poems be printed in the RECORD.

In times of international conflict, it is essential to show strong, continuing support for our soldiers. I believe that Ms. Wheeler's poetry is a wonderful expression of our support.

The poem follows:

OUR NATION'S PLEDGE

To each of you our soldiers, we make this solemn pledge: our nation stands beside you, in the battles that lie ahead. While the guns are blazing, and you are off at war, we pledge to protect your families, until you are home with them once more.

Our debt to you, our soldiers, is one we won't forget. We've learned our errors of the past, with haunting, deep regret. As you enter battle, on this you can depend, our nation stands behind you, until the very end.

When the war is over and the fighting ends, we pledge that we'll not forget our soldiers once again. Our nation will remember our great debt to each of you. We further pledge that we'll not forget, what war has put you through!•

ANNUAL 50-MILE CHALLENGE WALK

• Mr. DURENBERGER. Mr. President, I rise today to call my colleagues attention to the Youth Policy Institute's [YPI] annual 50-mile challenge walk, a trek along the C&O Canal that will take place on Saturday, May 4, 1991.

For the 11th consecutive year, Youth Policy Institute's staff, alumni, and supporters of all ages will gather, before dawn, at Fletcher's boathouse in Georgetown. During the day they will advance 25 miles into southern Maryland before turning around for home. President Theodore Roosevelt initiated such a walk when he issued a challenge to his marines. Many years later, President John F. Kennedy reissued the challenge, calling on his administration to demonstrate the energy and commitment of the New Frontier. The president's brother, Robert F. Kennedy, was the only aide who completed the walk. Now YPI is continuing this worthy tradition.

Youth Policy Institute was established in 1979 as a program division of the Robert F. Kennedy memorial under the direction of David L. Hackett. Twenty years after the Kennedy walk, the young people working at YPI were inspired to take up the gauntlet once more. Since 1983, when YPI became an independent organization, the institute has sponsored the challenge walk as a fundraiser to support its programs.

Youth Policy Institute is a nonpartisan, interracial and intergenerational research organization focusing on America's children, youth, and families. The institute's mission is to increase citizen participation in policy and program formulation on the Federal, State, and local levels. To achieve this, YPI encourages public debate on policy and program options across the country via its magazines, forums and online service. Convinced that sound decisions can only emerge from debate among informed parties, the institute is committed to the study of documented policy options.

YPI operates a two-tiered partnership by promoting a collaborative effort between political, business, and social institutions with our Nation's youth. It is designed to accommodate the maximum participation of young people in its work. In the first partnership, between undergraduate and graduate students and policy experts, members of the corps around the Nation conduct the information gathering that constitutes the majority of the institute's work. In the second, organizations such as schools, universities and libraries use the corps to seek answers to their own problems. By participating, these organizations fulfill their own self-interest while simultaneously helping other groups around the country.

These projects are providing a significant and viable means for young people to become active participants in the decisionmaking process, essential for the maintenance of a healthy democracy. In the past decade, at least 700 young people have benefited from their involvement with the institute.

Mr. President, the challenge walk is a fine symbol of the energy and commitment of the people associated with YPI. Some have walked hundreds of miles for the institute. Every year, others come out for the first time, surprising themselves by going further than they ever thought they could. The walk represents a lesson in endeavor, commitment, high aspirations, and successes that surpass all expectations. That is a lesson from which we can, and should, all learn, time and again.•

PAM AND BROCK EXPRESS FAMILY VALUES

• Mr. SASSER. Mr. President, I would like to present the Senate with two articles from Guideposts magazine written by Pam and Brock Kidd, the wife and son of my family minister, David Kidd of the Hillsboro Presbyterian Church in Nashville, TN. I have known the Kidd family for a long, long time—even before I was elected to the U.S. Senate. They have provided me and my family with years of warm friendship and sage advice. Pam and Brock's stories illustrate the family values that our great Nation was founded on. Their mutual love and respect for each other should be an inspiration and us all, and I am proud to submit their articles into the RECORD.

The articles follow:

BROCK

(By Pam Kidd)

The boy who stood over his grandpa's casket and tried to say good-bye was 12 years old and still on the scrawny side. His eyes were glazed with tears, and his delicate lower lip trembled amost imperceptibly. He reached over and placed in his pa's hands a picture of the two of them laughing together.

Our son, Brock, never talked much about what went through his mind that gloomy day. But I knew the sudden parting was hard for him. He and my dad had been a real team. Pa had been a perfect grandfather, loving, supporting. Pa taught Brock he could do anything he set his mind to, if he worked as hard as he dreamed.

Pa loved football. The day Brock was born, Pa bought him his first pigskin. By the time Brock was two, Pa had taken him to his first "Big Orange" game at the University of Tennessee. I can't remember how many times I saw them sprawled in front of the TV watching a game.

But we lived in soccer country, so in his grammer school years Brock played European "football." Pa came to the games and cheered him on all the same, though afterwards he would often wonder, "When you gonna give the old pigskin a try?"

One Thanksgiving while playing touch in our annual backyard "Turkey Bowl," Pa went out for a pass, stumbled, fell and broke his leg in three places. At the emergency room a young intern joked that Pa was going to go on record as the world's oldest football injury. A short time later, alone on a business trip, Pa's big heart gave out. Not long after we buried Pa, Brock asked to transfer to a school that had a football team.

He spent the next two years at Franklin Junior High, just outside Nashville, riding the bench. No one ever rode a bench with more pride and enthusiasm. He had enough spirit for ten teams. He never missed a practice, never missed a game, never complained. It was hard seeing him there on the sidelines, urging the other boys on but rarely getting a chance to play himself.

Between his freshman and sophomore years we moved into Nashville proper, and Brock enrolled in Hillsboro High. It was there, I think, that the magic began, with a devoted coach named Terry Anderson, another scrawny kid named Jeff Parker, and a big center named John Eubanks (who actually got to play sometimes in Hillsboro's Friday night games). But again, Brock made his contributions from the bench, cheering himself hoarse.

I knew Brock ached to get into the games. But Hillsboro had a good team, full of bigger and more experienced players. So every afternoon Brock would be in the weight room, sweating for the strength he would need to make the first string.

"Brock," I said one day during his sophomore year, sitting him down for what I thought was a long overdue heart-to-heart. "You don't have to do this for us, or for Grandpa."

"I know, Mom," he replied unblinkingly, "I'm doing it for me."

He just wouldn't quit. Another year came and went. Brock was more determined than ever. Hillsboro was gaining a reputation as a county power. Names like Mose Phillips, Darrell Miller and Sam Hardy started making the papers. Down in the weight room, week in and week out, Brock, Jeff, John and now another skinny kid, Alan Malone, fought on, grim and determined. There Coach Anderson would put them through the paces, pushing them forward, not letting them quit. "You can be a starter on this team next year if you want it bad enough."

Oh, how Brock wanted it. As he neared his senior year, I worried that his fruitless obsession with football was damaging his self-esteem. "Do you think he's wasting his time?" I would plead with my husband, David. "He's great at everything else he does. Is it really worth all this struggle?" David would take my hand and reply firmly, "Why don't we let Brock find out for himself."

I'll never forget the hot summer day when he burst through the door from practice and exploded with the news that he'd made first-string offensive guard. After all this time. I couldn't help thinking how proud his pa would have been, and I'm sure Brock was thinking about that too. "I did it, Mom," he kept saying proudly, "I finally did it."

Off the bench and out on the field, Brock gave it his all. No, he wasn't the best player on the team. He never would be. But he was now part of the line that opened holes for Mose and Darrell to high-step through with lighting speed toward the goal line. Brock did the grunt work, laboring in the trenches while others got the glory. They say there is no more thankless task in football than the anonymity of the offensive line, yet Brock was ever thankful to be there. He was the kind of player, Coach Anderson said, "who gives this team heart."

On a freezing night in November, 18 members of our family sat in the stands to see Hillsboro High play its last game of the regular season. A victory tonight would put the team in a much stronger position in the first round of the upcoming state play-offs. It was a must-win game.

As kickoff approached, we were all too excited to feel the cold. The air was thick with anticipation. I thought back to all the games I'd sat and watched through the years, games that Brock never got into. Up there in the stands, David and I had always felt as if we were riding the bench with Brock. Now, after all those nights, and all his tireless struggling, Brock was nearing the end of the one season that made it all worthwhile. An aching sense of pride overcame me.

I looked up at the clear heavens and saw the crescent moon suspended beneath a single dazzling star. I drew in my breath. There was magic in the air, and suddenly I felt terribly blessed. I knew that somewhere Pa was watching too.

Hillsboro was not expected to win the game. People said the opposing team was too big, too fast, too strong. But they hadn't reckoned with the night's magic. Jeff must have felt it when he caught a touchdown pass. Later, Alan surely felt it too when he snagged the old pigskin and scored again for Hillsboro. I know "Big Hoss' John felt it as he played his heart out at center as never before.

And Brock Kidd? The scrawny boy who loved his grandpa and wanted to be a football player? It was hard to see for sure what was happening down there on the line, but they say it was Brock, his uniform number obliterated by mud, who threw the crucial all-or-nothing block that sprung Mose Phillips in the last seven seconds of the game, giving Hillsboro a 41–34 victory.

We fought our way through the delirious throng on the field, trying to reach Brock. Finally I saw him in a jubilant mob of green-and-gold jerseys, his cheeks streaked with tears. I remembered the tears he'd cried the day we buried his pa.

The next week Brock would get a chance to battle for Hillsboro in the play-offs. But win or lose, it didn't matter. Brock had proved something to himself, and to me. He knew now what his pa had known from the first—if you work as hard as you dream, you'll always be a winner.

WORKING MOM

(By Brock Kidd)

It all began in psychology class. My teacher was leading a discussion on the modern day-care system and working mothers.

"Well," the girl in front of me volunteers, "my mother started me in day care when I was nine months old. She had to work."

I grow totally absorbed in the exchange that follows. One after another the kids around me share their experiences. Many have mothers who work outside the home. It becomes clear that I am in the minority. "My mom," I say finally, "stayed home with me."

There was a silent pause as the other students turned to look at me as if I'd said something weird. Then the bell rang. I have to tell you that I was relieved. To be truthful, I was feeling pretty confused.

As I grabbed my books and darted out of class, I remembered something I hadn't thought about in a long time. I'm in kindergarten, and one by one the kids in my class are standing up telling what their moms and dads do. When my turn comes I announce, "My dad is a Presbyterian minister, and my mom is a stripper."

Mom laughed her head off when my teacher told her. Later she asked, "Brock, why in the world did you say I was a stripper?"

"I don't know, I just lied," I answered. What I didn't want to tell her was that I was embarrassed because all the other mothers did neat things like work in banks or law firms. My mom? Well, she didn't do anything, as far as I could tell. She was just a mom.

Back to the present. I clear my head as I walk down the hall. I guess I'm so used to the things Mom does for me every day that I never realize what a gift God has given me in her. Maybe I've taken her for granted.

She had a promising career ahead when she met Dad. But after they married, they went up to the Appalachian Mountains to be missionaries. Then they had me, and later my sister, Keri. Mom was too busy to go back to her career.

That night I tell Mom about the discussion in psychology class. "Brock," she says quietly, "this is my career, being a wife and mother, and helping your father with his ministry. It takes all of my time. But I feel unbelievably blessed to have been able to stay home with you and Keri."

Later in bed, I lay in the dark thinking. Last Sunday my dad's sermon had been on Ruth.

"In our story of Ruth," he preached, "God shows us what we'll call the Type R personality—R for Ruth. R for people who fulfill commitments to the end. It is these people, people who have learned to serve others, who are truly happy."

I think of my mom again. She's always there, at every one of my games, at school meetings, or at home cooking our favorite food. She helps Dad edit his sermons and with a lot of the public relations work he does for the church, and she often visits the hospitals with him. She's always on the go. But best of all, she's just always there. For me, my sister, my dad. We are blessed.

Type R. That's my mom.

6:15 A.M. Breakfast smells are the first thing I notice as I roll out of bed. Bacon, toast, fresh orange juice. Thirty minutes later I'm walking out the front door on my way to school, thinking about the big game. Mom is standing there with my lunch bag in her hand. She begins singing in her off-key way, "It's hurrah for Mr. Touchdown. It's hurrah for Mr. Team . . ."

I smile as I head for the car. Tonight is the biggest football game of the year for Hillsboro High. We won our district, and now we're in the state play-offs. A victory tonight could take us all the way to the state championship.

There's excitement in the air as I arrive at school. Banners are stretched through the halls. All the way to State! they scream. My stomach suddenly tightens. The pre-game jitters begin. As an offensive guard, I worry about my blocking assignments because our opponents are known for their awesome defense. It is crucial that I execute my blocks. If we lose the game it will be my last ever. This is my senior year.

Finally lunchtime comes. Today the nervousness drives me to sit by myself. I get my lunch bag out of my locker, bypass the cafeteria and go outside under a tree. I pause as I am about to crack open my boiled egg. There is something written on it. You're #1! it says, a message from Mom. I chuckle. Yesterday I found a cartoon in the bottom of my bag, cut from the morning paper. I lean back against the tree. I relax for the first time that day.

5:00 p.m. The team meets in the locker room. We want this game badly. In its 50-year history, our school has never won a championship. Now here we are in the play-offs. Our coach gives us an incredible pep talk. I stare at the 12 green and gold balloons—the team colors—hanging in the air. Mom sent them. I'm ready to rock and roll.

The game is hard fought. We are well into the third quarter when it suddenly hits me like a ton of bricks: We are not going to win this time. The other team is ahead by three touchdowns, and their vaunted defense is like a steel wall. Slowly, to our frustration, they are grinding us down, beating us.

With a weary clap of our hands we go into formation for the next play. Then a strange thing happens. Over the roar of the crowd, one voice rings out perfectly distinct. "Go Brock!" I hear my mom cry.

The final seconds crush down on us. Then it's over. Losing this game is one of the hardest things I've ever experienced. My buddies and I are battling back tears as we head for the locker room. Suddenly I feel a gentle hand on my shoulder. I look up. Mom and Dad are there. My team-mates know my mom well. She's cooked many a pregame meal for us, cheered us on when we were down.

"I left some homemade soup on the stove," Mom says. There are tears in her eyes too. This is as hard for her as it is for me. Yet I stand there feeling very proud. I am very proud of my mom.

Back in the quiet locker room I peel off my Hillsboro jersey for the last time and change into street clothes for the drive home. It hurts.

I sit alone in the car in my driveway for a long time. My last high school game is over, and with it passes a part of my life forever.

I look up now from where I sit in front of my house. Light pours out of the windows. A feeling I can't describe comes over me, sitting out here in the dark and knowing that I can walk toward that light and be home.

I ease out of the car and head up the walk slowly, nursing the stiff muscles that will be sore tomorrow. I drink in the pure night air of autumn and my heart beats a little faster. I walk toward the light. I know that Mom, Dad and Keri are waiting inside, and that the house will smell like vegetable soup.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Ed Quick, a member of the staff of Senator PRYOR, to participate in the Congress-Bundestag Staff Exchange Program in Germany, sponsored by the USIA and the German Government from April 6–21, 1991.

The committee has determined that participation by Ed Quick in the program in Germany, at the expense of the USIA and the German Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mary Wakefield, a member of the staff of Senator BURDICK, to participate in a program in Germany sponsored by the USIA and the German Government, from April 6–21, 1991.

The committee has determined that participation by Ms. Wakefield in the program in Germany, at the expense of the USIA and the German Government, is in the interest of the Senate and the United States.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 11, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through April 10, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101-508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 19, 1991, Congress has cleared for the President's signature H.R. 1281, Dire Emergency Supplement Appropriations for 1991; H.R. 1282, Operation Desert Shield/Desert Storm Appropriations for 1991; S. 725, Persian Gulf Conflict Supplemental Authorization; and H.R. 1285, Higher Education Technical Amendments. These actions increase the current level estimates of budget authority and outlays.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., AS OF APRIL 10, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−.4
Outlays	1,132.4	1,132.0	−.4
Revenues:			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−.4
Direct loan obligations	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,378.6	−766.4
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (P.L. 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treaury-Postal Service Appropriations Bill (P.L. 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS APR. 10, 1991

[In billions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834.910
Permanent appropriations and trust funds	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS deadline for Desert Storm troops (P.L. 102–2)			−1
Veterans' education, employment and training amendments (P.L. 102–16)	2	2	
Total enacted this session	2	2	−1
III. Continuing resolution authority.			
IV. Conference agreements ratified by both Houses:			
Dire emergency supplemental appropriations for 1991 (H.R. 1281)	3,823	1,401	
Higher education technical amendments (H.R. 1285)	3	3	
Total conference agreement	3,826	1,404	
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,802	1,132,016	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	413	380	1

Note: Numbers may not add due to rounding.•

DEMOCRACY IN BENIN

• Mrs. KASSEBAUM. Mr. President, on March 24, after nearly 18 years of one-person rule, the people of Benin elected Mr. Nicephore Soglo as their President, marking the first time on the African Continent that a head of state has been voted out of power.

The democratization process in Benin began 22 months ago. President Mathieu Kerekou, who seized power in 1972, had led Benin down a 17-year-long path of economic decline and political oppression. Under the guise of Marxism-Leninism, President Kerekou stifled political freedoms and seized control of much of the economic infrastructure.

By July 1989, the people of Benin said "enough is enough." The workers and students went on strike. The people marched into the street demanding change. President Kerekou was forced to accept a national conference, which voted to transform Benin into a multiparty democracy and established an interim government. Mr. Soglo, a former World Bank executive, headed this interim regime.

As Benin prepared for the March Presidential elections, President Kerekou surprised everyone by announcing his intent to run for the Presidency. And, in the first round of Presidential elections, Mr. Kerekou did well, gathering 27 percent of the vote—as compared to Mr. Soglo's 36 percent—forcing a second round of elections.

The second round took place on March 24. Despite the large turnout of Kerekou supporters in the north, Mr. Soglo won with two-thirds of the vote. International observers concluded that the election was generally free and fair, despite some incidents of violence and intimidation in the north. Mr. Kerekou accepted the election results, and on April 4, President Soglo was inaugurated.

The elections in Benin symbolize the dramatic political changes taking place in Africa. In all corners of the continent, people are standing up and demanding more responsive—and responsible—governments. From Zambia to Cote d'Ivoire, Cameroon to Kenya, the people want their voice to be heard.

On the economic front, the changes are also impressive. A large number of African nations have embarked upon economic liberalization programs. In concert with the IMF and World Bank, efforts are being made to control government spending and to create an economic environment which facilitates investment and trade.

These two elements—the political and the economic—are inextricably linked. Autocratic, repressive dictatorships—which breed corruptions and mismanagement—retard economic growth.

Mr. President, as Benin and other African nations make economic and political progress, other states appear to be taking steps backward. There continue to be significant human rights abuses in certain nations. Others are considering expropriating land and increasing state control of the economy.

Just as the United States has supported the democracy movement in Africa, Washington should also make it clear that suppressing human rights and centralizing the economy will only lead to political instability and economic decline. By encouraging positive steps away from state-controlled economies and political dictatorships, the United States can work to prevent another Somalia or Liberia.

Mr. President, I commend the people of Benin. By standing up and peacefully transferring power to a new regime, they have pointed the way, becoming a model for all of Africa. Their courage and determination offers a beacon of hope to all Africans struggling to improve their lives and be free.•

HONORING GREEN BAY PACKAGING

• Mr. KASTEN. Mr. President, I was very pleased to learn that a Wisconsin company has just received an important industrial award.

The trade journal Paperboard Packaging has named Green Bay Packaging of Green Bay, WI, the Nation's best corrugated box manufacturer for 1990.

The honor is well deserved. Green Bay Packaging's commitment to manufacturing a high-quality product has resulted in an increase of its sales from about $20 million in 1965 to about $500 million today.

I ask my colleagues to join me in congratulating Green Bay packaging on this signal honor.•

THE 30TH ANNIVERSARY OF THE BAY OF PIGS: A TIME TO REMEMBER, A TIME TO LOOK AHEAD

• Mr. MACK. Mr. President, I would like to bring to the attention of my colleagues in the Senate that on April 17, 1961, a group of Cuban exiles risked their lives to bring freedom to their homeland. They were not successful on that day 30 years ago, but their dreams of a free and democratic country still thrive today in the hearts and minds of many Cubans.

Now, more than ever, as the winds of freedom are sweeping through Europe and elsewhere, the Cuban people need to know that they are not forgotten. They need to know that people from around the world are with them as they try to rid themselves of Castro and the cancer of communism.

Just as democracy and free markets have become almost universally recognized as the keys to freedom and prosperity, Fidel Castro is still promising "Socialism or death" to his suffering nation.

Castro needs to know that freedom is an unconquerable force. The Communists couldn't stop it in Eastern Europe, a concrete wall couldn't do it in Germany, the Sandinistas couldn't defeat it in Nicaragua, and he won't be able to stop it either.

Cuban-Americans in this country want their homeland to be free. They ache for their friends and families still suffering in Castro's Cuba. We in this country must never forget those around the world who are still struggling for freedom.

Tomorrow, Cubans will commemorate the efforts of those who fought for freedom in the spring of 1961. It will be a time to remember those who lost their lives and a time to look ahead to the day when freedom's wind will reach the Cuban people.•

HONORING MADISON, SMALL BUSINESS DEVELOPMENT CENTER AND A-R EDITIONS

• Mr. KASTEN. Mr. President, the small businesses of Wisconsin are the powerhouse of our State's economic growth. Over 62 percent of the new jobs created are directly attributable to these small businesses—ventures on the cutting edge of society, creating the products and services the American people desire.

I recently had the privilege of touring small businesses in Wisconsin that have been assisted by small business development centers [SBDC's]. These SBDC's are excellent incubators of small business growth—and I would like to draw my colleagues' attention to the achievement of one of these centers today.

On April 2, I visited A-R Editions of Madison, WI—a pioneer and leader in both the high technology and music industries. A publishing and production company with approximately 40 employees, A-R Editions is internationally recognized as a pathbreaker in computerized music engraving.

The A-R Editions success story is due to the hard work of president Gary Aamodt and vice president Cynthia Horton. But it would not have been possible without the assistance and counsel of Madison SBDC director Joan Gillman and SBDC State director Bill Pinkovitz.

At a time when some are proposing drastic cuts in the Federal budget for SBDC's, it is important to note successes like that of A-R Editions.

Let us keep this system of small business incubators alive—by supporting full funding for SBDC's.•

ORDER OF BUSINESS

Mr. DOLE addressed the chair.

The PRESIDING OFFICER. The Republican leader is recognized.

COMMENDING MISS U.S.A., KELLI McCARTY

Mr. DOLE. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 102, commending Miss U.S.A., submitted earlier today by this Senator from Kansas and Senator KASSEBAUM.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 102), commending Miss U.S.A. 1991, Kelli McCarty of Liberal, Kansas.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 102) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 102

Whereas Kelli McCarty, a native of Liberal, Kansas, was crowned Miss U.S.A. 1991 in Wichita, Kansas, on February 22, 1991;

Whereas she is the first person from the state of Kansas to become Miss U.S.A.;

Whereas her charm, beauty, grace and commitment to education, charity and professional excellence make her an inspiration to young people across America; and

Whereas Kelli McCarty will represent the United States on May 17 in the Miss Universe Pageant: Therefore be it

Resolved, That the United States Senate expresses its congratulations to Kelli McCarty for achieving the Miss U.S.A. title, and that the Senate wishes her the best of luck as she represents the United States in the Miss Universe Pageant on May 17.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to section 1024, title 15, United States Code, appoints the Senator from New Hampshire [Mr. SMITH] to the Joint Economic Committee.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 68, James F. Hoobler to be Inspector General, Small Business Administration.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination, considered and confirmed, is as follows:

SMALL BUSINESS ADMINISTRATION

James F. Hoobler, of New York, to be Inspector General, Small Business Administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

THE ANTITERRORISM ACT OF 1991

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 740, the Antiterrorism Act of 1991, now at the desk.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 740) to provide a new civil cause of action in Federal law for international terrorism that provides extraterritorial jurisdiction over terrorist acts abroad against United States nationals.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, last April, I, along with Senator HEFLIN, first introduced the Antiterrorism Act of 1990 [ATA] S. 740. It was introduced in the House by Congressman FEIGHAN and HYDE. On October 1, the ATA unanimously passed the Senate as part of the military construction appropriations bill.

This legislation would, for the first time, provide for Federal civil remedies for American victims of international terrorism.

Specifically, the ATA amends title 18 of the United States Code, which extends American criminal jurisdiction over terrorists. S. 740 provides that any national of the United States, injured by an act of international terrorism, his estate, heirs, or survivors, may sue in U.S. district court. The ATA removes the jurisdictional hurdles in the courts confronting victims and it empowers victims with all the weapons available in civil litigation, including: Subpoenas for financial records, banking information, and shipping receipts—this bill provides victims with the tools necessary to find terrorists' assets and seize them. The ATA accords victims of terrorism the remedies of American tort law, including treble damages and attorney's fees.

The ATA garnered strong bipartisan support in both the House and Senate. Ten of the 14 members of the Senate Judiciary Committee cosponsored the measure. Last July 25, the Subcommittee on Courts and Administrative Practice held a hearing where families of victims of terrorism testified along the legal experts, and the administration. The ATA was unanimously polled out of subcommittee.

The families of victims of Pan Am 103 testified in support of the ATA and have worked tirelessly for its enactment. Lisa and Ilsa Klinghoffer, daughters of American Leon Klinghoffer who was murdered by PLO terrorists on the Achille Lauro Cruisliner, also testified in support of Grassley-Heflin.

Last June, a New York Federal District Court ruled in the Klinghoffer versus PLO case (after years of litigation), that the U.S. courts have jurisdiction over the PLO. The New York court set the precedent; S. 740 would codify that ruling and makes the right of American victims definitive.

Due to an enrolling error, the ATA was enacted into law on November 5, 1990 as part of the Military Construction Appropriations Act—Public Law 101-519. The ATA stood as the law of the land for 5 months. It was promulgated and relied upon. In the 5 months that the ATA was law, no problems were found with it or its application.

In fact, in March, the Second Circuit Court of Appeals heard oral arguments in the PLO's appeal of the district court's decision granting finding jurisdiction in the Klinghoffer case. Several parties in the case, including the Klinghoffers—and the Anti-Defamation League in an amicus curiae brief—cited and relied upon the ATA in their appellate briefs.

Unfortunately, this law was repealed just a few weeks after oral argument; albeit, on purely technical grounds. The repeal came despite the strong support in Congress for the law. However, I am pleased that once again the Senate is unanimously supporting the ATA.

This should send a clear signal to the courts that the repeal of the ATA a few weeks ago was a wholly technical matter and did not in any way reflect Congress' intent on the substance of the legislation. Our resolve to fight terrorism and equip victims with civil remedies for terrorists acts is as strong as ever.

I now urge the House to act expeditiously and pass the ATA. The Senate unanimously supports the ATA. President Bush already has signed the ATA into law once, without objection: Now is the time for the House to join us in passage of the ATA.

Thank you, Mr. President, and I thank my colleagues for their support of this important legislation.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) SHORT TITLE.—This section may be cited as the "Antiterrorism Act of 1991".

(b) TERRORISM.—Chapter 113A of Title 18, United States Code, is amended—

(1) in section 2331 by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 as 2332 and striking the caption for section 2331 and inserting the following:

"§ 2332. Criminal penalties";

(3) by inserting before section 2332 as redesignated the following:

"§ 2331. Definitions

"As used in this chapter—

"(1) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(2) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

"(3) term 'person' means any individual or entity capable of holding a legal or beneficial interest in property; and

"(4) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin.".

(4) by adding immediately after section 2332 as redesignated the following new sections:

"§ 2333. Civil remedies

"(a) ACTION AND JURISDICTION.—Any national of the United States injured in his person, property, or business by reason of an act of international terrorism, or his estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he sustains and the cost of the suit, including attorney's fees.

"(b) ESTOPPED UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 1472 (i), (k), (l), (n), or (r) of title 49 App. shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) ESTOPPED UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"§ 2334. Jurisdiction and venue

"(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) SPECIAL MARITIME OR TERRITORIAL JURISDICTION.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of this title, then any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 of this title may be served in any district where the witness resides, is found, or has an agent.

"(d) CONVENIENCE OF THE FORUM.—The district court shall not dismiss any action brought under section 2333 of this title on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy which is substantially the same as the one available in the courts of the United States.

"§ 2335. Limitation of actions

"(a) IN GENERAL.—Subject to subsection (b), a suit for recovery of damages under section 2333 of this title shall not be maintained unless commenced within 3 years from the date the cause of action accrued.

"(b) CALCULATION OF PERIOD.—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of his whereabouts, shall not be reckoned within this period of limitation.

"§ 2336. Other limitations

"No action shall be maintained under section 2333 of this title for injury or loss by reason of an act of war.

"§ 2337. Suits against government officials

"No action shall be maintained under section 2333 of this title against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within his official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within his official capacity or under color of legal authority.

"§ 2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter."; and

"(5) by amending the table of sections to read as follows:

"CHAPTER 113A—TERRORISM

"Sec.
"2331. Definitions.
"2332. Criminal penalties.
"2333. Civil remedies.
"2334. Jurisdiction and venue.
"2335. Limitation of actions.
"2336. Other limitations.
"2337. Suits against government officials.
"2338. Exclusive Federal jurisdiction.

(c) TABLE OF CONTENTS.—The table of contents of part 1, title 18, United States Code, is amended by striking:

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals .... 2331"

and inserting in lieu thereof:

"113A. Terrorism .... 2331".

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this section.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRINTING OF EULOGIES

Mr. DOLE. Mr. President, I ask unanimous consent that all Senators have until the close of business Thursday, April 18, 1991, to submit eulogies for our former colleague, the Senator from Texas, Mr. Tower, and that at that time the eulogies be printed as a Senate document, with 300 additional copies printed for use of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUTURES TRADING PRACTICES ACT

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, the Senate throughout the day has been discussing the CFTC reauthorization and I wanted to have just a couple of minutes to discuss my views on the subject. This has been an issue that has been pending before the Senate now for over 2 years, without a solution.

During this time, the creative energies of our financial markets have been left to languish, while Congress continues to carry on its seemingly incessant debate. Not only has our position as a financial leader in the world been damaged, but the public has been left without the benefit of the new protections that would have resulted from the trading practice reforms which are included in this bill. It is time that we get back to the task of cleaning up some of the abuses which have occurred in the futures markets. It is very unfortunate that something as important as public protection is being held hostage to a jurisdictional dispute between the securities and futures industries.

The compromise contained in the Agriculture Committee's version of this legislation offers a fair and workable solution to the jurisdictional dispute. The delineation between futures and securities will be based on whether an instrument's primary function is for capital formation or risk management. The distinction between capital formation and risk management is the fundamental principle upon which our regulatory scheme for futures and securities is based. It is only sensible that we continue to rely on the distinction to solve the jurisdictional dispute we are now confronted with.

The approach that has been taken in this legislation has broad support. The swaps industry has indicated it can live with the compromise, as have several large securities brokerage houses, and the CFTC. The Agriculture Committee's version is even acceptable to the administration. In addition, it has the support of 25 national agriculture groups. If all of these interests are willing to accept the Agriculture Committee's version of the bill, we have to ask ourselves why we are still debating this measure. We must not forget that the real issue here is market integrity, not the New York versus Chicago rivalry.

I realize that some of my colleagues on the Banking Committee object to the jurisdictional provisions of this legislation. But I would like to point out that the CFTC is the only body that is giving up jurisdiction. The main problem seems to be that the SEC simply is not satisfied with the amount of new authority they are getting. The Agriculture Committee's version redefines exclusively to give the financial industry the flexibility it needs at the expense of the CFTC. There will be much greater leeway in determining whether a new instrument will be traded on a futures exchange or a securities exchange, without upsetting the current trading structure we have in place.

I have been informed that some of my colleagues are planning to offer a substitute amendment to the Agriculture Committee's version of title III. This amendment would solve the problem of determining how an instrument would be regulated by allowing the issuer to pick their own regulator. This may sound good at first blush, but what it would actually do is to allow an issuer to pick their weakest regulator. It's ironic that the SEC would support such an approach. If the CFTC is actually the weak regulator it is purported to be, everyone would want to trade their product on a futures exchange and the SEC would be out of a job.

The fact remains, however, that the CFTC is a very tough regulator. Brokers do not want to have to comply with the many customer protection measures that are unique to the futures trading industry. These measures are in place to protect customers from the greater risk which is inherent in a futures instrument. By allowing issuers to choose their own regulator, the substitute amendment would allow futures type instruments to be traded to the public outside of the regulatory structure that was designed to protect the futures trading public.

My colleagues on the Banking Committee argue that if the CFTC is left to decide whether an instrument should be regulated as a future, they will claim jurisdiction over every new instrument that is submitted to them for review. The facts simply do not bear this out. In its current form, the Commodity Exchange Act gives the CFTC jurisdiction over all instruments that have any element of a future. Over the past few years, the CFTC has been asked to give their opinion on the status of 14 new instruments which were being proposed by the trading industry. Out of those 14 requests, the CFTC issued 13 no-action letters in which they stated the instruments in question were not futures for purposes of the Commodity Exchange Act.

The types of instruments dealt with in the no-action letters included swaps, certain forward contracts such as Brent Sea Oil contracts, and other hybrid instruments. If the CFTC was actually the greedy regulator it is portrayed as being, it certainly would have found justification for bringing more of these instruments within its regulatory ambit.

Mr. President, the time has come to put this issue to rest. The Agriculture Committee's version of this legislation is timely, it is fair, and it adopts important new trading practice reforms. I strongly urge my colleagues to put this matter to rest without further delay, so that our financial markets can get back to trading instead of bickering.

ORDERS FOR TOMORROW

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o'clock, Wednesday, April 17; that following the prayer the Journal of proceedings be deemed approved to date; that the time of the two leaders be reserved for their use later in the day; that following the reservation of the two leaders' time there be a period for morning business, not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. DASCHLE. Mr. President, I see no one else on the floor, and if there is no further business to come before the Senate today, and I understand the Republican leader has no further business, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until 10 a.m., Wednesday, April 17.

There being no objection, the Senate, at 6:24 p.m., recessed until Wednesday, April 17, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 16, 1991:

DEPARTMENT OF STATE

CHARLES R. BOWERS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

CORPORATION FOR PUBLIC BROADCASTING

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR TERMS EXPIRING MARCH 26, 1996:

MARTHA BUCHANAN, OF TEXAS, VICE DANIEL L. BRENNER, TERM EXPIRED.

SHEILA TATE, OF VIRGINIA. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

MICHAEL CHERTOFF, OF NEW JERSEY, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEW JERSEY FOR THE TERM OF 4 YEARS VICE SAMUEL A. ALITO, JR., RESIGNED.

ROBERT T. GUINEY, OF MASSACHUSETTS, TO BE U.S. MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF 4 YEARS, VICE JAMES B. ROCHE, III, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

KAY W. RIDDLE, OF COLORADO, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1995, VICE LEE EDWARDS, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LOUISE M. MCCLURE, OF IDAHO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996, VICE MARGARET ELEANOR HILLIS, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

TO BE LIEUTENANT GENERAL

LT. GEN. ELLIE G. SHULER, JR., 249-50-1947, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

TO BE LIEUTENANT GENERAL

LT. GEN. TREVOR A. HAMMOND, 047-28-6974, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

MAJ. GEN. CHARLES J. SEAROCK, JR., 571-48-8836, U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 5137:

CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL

To be vice admiral

REAR ADM. DONALD F. HAGEN, U.S. NAVY, 503-34-5365.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JAMES L. ABERNATHY, 430-68-4625, 12/1/90
MAJ. PAUL J. ALVES, 035-32-2414, 12/17/90
MAJ. JERRY W. CARDIN, 411-82-5716, 12/2/90
MAJ. ROBERT F. DARROW, 556-68-3386, 12/1/90
MAJ. THOMAS J. DEARDORFF, 494-58-4064, 12/28/90
MAJ. MARION J. DUNCAN, JR., 251-86-0661, 12/2/90
MAJ. FREDERICK C. GANSKE, 467-68-1756, 12/18/90
MAJ. VICTOR V. HAKALA, 565-68-8577, 12/13/90
MAJ. JOHN J. HARTNETT, 518-54-7206, 12/14/90
MAJ. GEORGE R. JERNIGAN III, 250-80-0155, 11/8/90
MAJ. GEORGE A. LALIBERTE, 502-64-8045, 12/3/90
MAJ. GEORGE T. LYNN, 405-64-5342, 12/18/90
MAJ. MARVIN B. MORGAN, 518-58-7651, 1/6/89

MAJ. BOBBY L. REED, 429-86-4240, 12/1/90
MAJ. DONALD E. ROGERS, 528-76-6865, 12/9/90
MAJ. CHARLES E. SAVAGE, 247-70-4418, 11/8/90
MAJ. JOHN G. SHEEDY, 343-40-2774, 12/6/90
MAJ. JAMES T. SHERRY, 038-33-0332, 11/6/90
MAJ. JOHN H. SMITH, 247-86-8664, 11/8/90
MAJ. HOWARD J. STEPHENS, 516-60-0514, 12/9/90
MAJ. GERALD J. WERNER, 306-50-4081, 12/3/90

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. PETER R. BUCHLER, 436-66-1350, 12/7/90

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MAJ. VALDIS JURKA, 159-42-5451, 10/20/90

DENTAL CORPS

To be lieutenant colonel

MAJ. WILLIAM C. LUBKEN, 533-53-6773, 12/6/90

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. MICHAEL R. BACHMAN, 253-82-8696, 12/19/90
MAJ. MICHAEL BARNES, 528-63-4441, 12/8/90
MAJ. TERRY W. BLACKWOOD, 587-05-0720, 1/5/91
MAJ. HARRY E. CLARK, 478-48-0583, 1/6/91
MAJ. DONAVAN E. CROOK, 392-52-2523, 1/3/91
MAJ. MERLIN E. GILBERTSON, 503-56-4879, 1/3/91
MAJ. JAMES F. HAMILTON, 242-66-2289, 1/6/91
MAJ. JEFFREY J. HEIDE, 304-50-0966, 1/13/91
MAJ. HERBERT E. HUNTER, 315-52-0417, 12/29/90
MAJ. HERBERT H. HURST, JR., 221-32-9446, 12/8/90
MAJ. MURRAY O. KING, JR., 417-64-7784, 1/10/91
MAJ. THOMAS E. LITZ, JR., 110-36-6236, 1/5/91
MAJ. ELWOOD J. MAYBERRY, JR., 494-54-6763, 1/6/91
MAJ. CLAUDE C. MAYER, 505-64-2857, 1/6/91
MAJ. FIELD MCCONNELL, 583-09-9001, 12/24/90
MAJ. GARY S. POOLE, 301-48-5133, 12/9/90
MAJ. THOMAS E. REA, 306-50-7843, 12/4/90
MAJ. JOOST VANBASTELAAR, 553-70-1199, 12/6/90
MAJ. WILLIAM H. WEATHERS, 412-78-0195, 12/15/90
MAJ. RICHARD J. WHITTAKER, 028-32-3459, 1/4/91

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. ELLARD J. PEXA, JR., 473-48-1130, 1/3/91

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MAJ. PETER B. KLINE, 459-56-0098, 1/12/91
MAJ. JOHN E. STEVENS, JR., 082-38-6448, 1/12/91

MEDICAL CORPS

To be lieutenant colonel

MAJ. KENDRICK D. BLAIS, 507-78-3691, 12/1/90
MAJ. WILLIAM D. BORCHARDT, 364-46-8023, 1/6/91
MAJ. JON J. CRAM, 522-66-0064, 1/13/91
MAJ. CLARENCE J. HINDMAN, 526-70-2029, 1/12/91

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

RAFAEL A. ACEVEDO, 581-84-3095
ROBERT S. ADAMSON, 528-60-9630
WILLIAM J. CROFT, 563-74-0928
JOHN T. GREINER, JR., 441-44-9830
LENNIE J. JAVE, 479-40-5006
THOMAS M. REEVES, 415-62-1725
EARL P. SANTOS, 437-52-6865
DONALD L. SINGER, 100-29-9699
DAVID E. SMITH, 205-30-6317
LARRY WARE, 379-40-4238

ARMY PROMOTION LIST

To be lieutenant colonel

MICHAEL C. APPE, 439-86-4373
RENE AQUERON, 583-24-7427
MATTHEW C. BROCKWAY, 469-48-9505
MARC T. CALLAN, 553-54-3179
RONALD L. EVANS, 242-64-2741
ROBERT M. FIELD, 008-38-6481
JAMES N. HARMON, 572-72-4960
PAUL S. HAYNES, 456-72-8213
HOMER O. HOBBS, 254-84-7106
LARRY K. HONSBERGER, 282-44-5433
JAMES F. HUMPHREY, 407-52-4761
JOSEPH A. LANESKI, 185-42-9129
LEONARD LUZKY, 155-34-6706
AARON A. MACHNIK, 382-50-4595
JAMES T. MALLOY, 477-62-7934
J. W. NOLES, 413-80-1201
LAURAN B. PAINE, JR., 567-60-0586
AMBROSE P. RIKEMAN, 129-36-6790
RICHARD L. SCOTT, 512-48-3272
RAYMER W. SHAW, 585-18-3576
DOUGLAS G. SITES, JR., 214-52-0563
THOMAS E. STEWART, 256-74-1399
BOBBIE G. STRAWTHER, 571-52-9823
HENRY T. SWANN III, 252-80-5748
JOHN M. TYSON, 216-54-0443
RICHARD A. VNUK, 031-34-6342
HARRY S. WILSON, 411-80-2055

CHAPLAIN CORPS

To be lieutenant colonel

JEARL D. HUNLEY, 410-60-0813

MEDICAL CORPS

To be lieutenant colonel

SAMUEL P. BOEHM II, 262-76-7407

IN THE NAVY

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ROBERT S. BARON
GRADY G. BEESON
ROBERT W. DAVIS
SEAN M. FITZPATRICK
JUSTIN A. JONES
MICHAEL J. O'DOCHARTY
RAYMOND E. O'HARE
PETER M. PHILLIPS
MARK M. SCOTT

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

SCOTT G. ABEL
JOHN C. DUPREE, JR.
JAMES S. FINN
THOMAS J. LACOSS
LAWRENCE A. WADFORD

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

GREGORY L. KOONTZ
CHRIS M. LEMMINK
JAMES D. MORALES
RICHARD P. REYNOLDS, JR.
MICHAEL L. VEYDT

THE FOLLOWING U.S. NAVY OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

T.C. MERKEL

THE FOLLOWING U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

EDWARD P. WORK

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

DAVID L. JACOBSON

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 539:

MARILYN A. MOITANO

IN THE MARINE CORPS

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 2107:

JOHN L ALBERS, 6963
PRAVEEN P BAHETHI, 6695
SCOTT A BALDWIN, 1426
DAVID J BARNES, 1539
BRIAN P BRESNAHAN, 4245
WILLIAM S BURGER, 9824
MICHAEL J CASTAGNA, 2724
DOUGLAS K CLARK, 1895
TODD J CLOUTIER, 2361
KENNETH L CRABTREE, 0458
ROBERT S DERCVAES, 3937
ROBERT T ESCHCHIMI, 2242
GREGORY A FINCH, 2740
KEITH B FRANTZ, 3029
JAMES W FREY, 4855
SAMUEL FROESE, 9064
MIGUEL C GOODPASTURE, 0409
VICTOR M GUTIERREZ, 7204
EARL L HALQUIST, 8903
TIMOTHY J HOEGEMEYER, 0764
ALAN B HONEYCUTT, 0833
MARK D HOROWITZ, 5692
NIGEL W JONES, 4295
TROY D KEHOE, 3339
MILLER J KERR, 3429
PAUL A KONOPKA, 4515
HERBERT A KUPEC, 8087
CHRISTOPHER T LAMPE, 4922
KENNETH LEWTON, 2153
DANIEL C LOGAN, 6691
ANDERS F LOWENFISH, 9145
KURT J LUTTER, 8902
MICHELLE L LYNCH, 7862
THOMAS J MATALAVASE, 9108
CHARLES A MCLEAN, 7684
JEFFREY J MCNEIL, 5503
TINA MORGAN, 8397
WALTER O NIELSON, 5213
EDWARD J O'BRIEN, 9787
CHRIS PAPPAS, 2488
KELLY L PATTERSON, 1043
JOHN J PEDERSEN, 3765
MICHAEL M PITTS, 9748
RICHARD G PRICE, 9364
JUSTIN L RATH, 9794
JONATHAN S ROSS, 0338
STEPHEN T SAILOR, 3365
MIGUEL SALAZAR, 1952
MICHAEL P SCOTT, 4469
RICHARD G SILVA, 2641
DANIEL J SIMONS, 7223
CHRISTOPHER M SPUNAR, 3701
WILLIAM B STILLEY, 6082
KEITH K TAKABAYASHI, 4751
THOMAS T TAYLOR, 4564
KELLY J UNDERWOOD, 1773
HENRY E VANDERBORGHT, 9666
CHRISTIAN A VEERIS, 6582
CHRISTOPHER K WALES, 9332
BEN L WALLACE, 4715
DOUGLAS J WALLACE, 0714
CHRISTOPHER J WARNKE, 6668
GUNNER R WIEBOLT, 4974
JOHN J WILLIAMSON, 7206
WILLIAM G WOMACK, 4653
WILLIAM E ZAMAGNI, 9753
MARC A ZINNER, 5198
CHRISTINE A BARTA, 9443
TIMOTHY S BAUGHMAN, 7560
KAREN L BECKER, 9474
ADAM L BEEBE, 3631

CONFIRMATIONS

Executive nominations confirmed by the Senate April 16, 1991:

SMALL BUSINESS ADMINISTRATION

JAMES F. HOOBLER, OF NEW YORK, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

TENNESSEE VALLEY AUTHORITY

WILLIAM H. KENNOY, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM EXPIRING MAY 18, 1999.

MISSISSIPPI RIVER COMMISSION

RICKEY DALE JAMES, OF MISSOURI, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF 9 YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, April 16, 1991*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. KILDEE].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 16, 1991.

I hereby designate the Honorable DALE E. KILDEE to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

Father James W. McLoughlin, pastor, St. Peter's Roman Catholic Church, Geneva, IL, offered the following prayer:

Merciful Father, gracious God, You have brought this Nation out of the wilderness of fear and the slavery of hatred; You have made us a great nation. Our trust is in You. We look to You for deliverance from today's vexing dilemmas. We ask You to change our hearts from hatred of our enemies to reconciliation so that our enemies may look to us as a sign of Your mercy and forgive us our wrongs against them. May our friends also see in us an example of Your mercy and follow our example freeing those held unjustly and granting their legitimate demands for freedom and self-determination. Bless, good Shepherd of the flock, the men and women of this House. May they do Your will with wisdom and courage. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair calls upon the gentleman from Mississippi [Mr. MONTGOMERY] to lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

FATHER JAMES W. McLOUGHLIN

(Mr. COX of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of Illinois. Mr. Speaker, I rise today to welcome to the well of the House a very dear and personal friend, Father James W. McLoughlin, who just said the opening prayer here today.

Father Jim has become a very close friend of my family, is our spiritual adviser and has become a very helpful adviser to me personally as well.

Father Jim was a hostage in Beirut, Lebanon, on TWA flight No. 847 in June 1985, and was held a hostage for 17 days, and through that experience came to understand the difficult problems that we as a country and the world face in the Middle East. His advice has been most helpful to me in fulfilling my responsibilities here as a Member of Congress.

During Father Jim's visit here to Washington, he had the opportunity to visit the grave of Robert Stethem, of Maryland, at the Arlington Cemetery. Robert Stethem died as one of the hostages on TWA flight 847 and Father Jim has taken great care to keep the memory of Robert Stethem alive in this country ever since that experience in Lebanon.

So I welcome Father Jim to the well of the House and hope that we can do this again many times, and I thank him for coming.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by Her Excellency Violeta Chamorro, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, April 11, 1991, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HER EXCELLENCY VIOLETA DE CHAMORRO, THE PRESIDENT OF THE REPUBLIC OF NICARAGUA

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the Republic of Nicaragua into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Florida [Mr. FASCELL];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Arkansas [Mr. ALEXANDER];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from Michigan [Mr. BROOMFIELD];

The gentleman from California [Mr. LEWIS];

The gentleman from Oklahoma [Mr. EDWARDS]; and

The gentleman from North Carolina [Mr. BALLENGER].

The VICE PRESIDENT. The President of the Senate, by direction of the body, appoints the following Senators as a committee on the part of the Senate to escort Her Excellency, the President of the Republic of Nicaragua, into the Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from Rhode Island [Mr. PELL];

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Senator from Connecticut [Mr. DODD];

The Senator from Massachusetts [Mr. KERRY];

The Senator from North Carolina [Mr. SANFORD];

The Senator from Florida [Mr. GRAHAM];

The Senator from Virginia [Mr. ROBB];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from South Carolina [Mr. THURMOND];

The Senator from Indiana [Mr. LUGAR];

The Senator from South Dakota [Mr. PRESSLER]; and

The Senator from Florida [Mr. MACK].

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

At 11 o'clock and 5 minutes a.m. the Doorkeeper announced the President of the Republic of Nicaragua.

The President of the Republic of Nicaragua, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I deem it a high honor and personal pleasure, to present Her Excellency, Violeta De Chamorro, the President of the Republic of Nicaragua.

[Applause, the Members rising.]

ADDRESS BY HER EXCELLENCY VIOLETA B. DE CHAMORRO, THE PRESIDENT OF THE REPUBLIC OF NICARAGUA

(The following address was delivered in Spanish and rendered in English by an interpreter.)

President DE CHAMORRO. Mr. Speaker of the House, Mr. President of the Senate, Members of Congress, before beginning, let me thank you for the very warm applause and welcome. I feel as if I am campaigning once again.

In 1979 I chose to follow the difficult path of politics. I felt that I owed something to the memory of my husband, Pedro Joaquin Chamorro.

I became terribly disillusioned during that year. The Sandinistas deviated from the course of the 1979 revolution and turned against democracy, against free economic initiatives, and against human rights.

That's why I resigned from the Provisional Government Board in April 1980.

That's also why I accepted the Presidential nomination in 1989.

And we won. And now we're transforming our country and giving it dignity by setting up the framework for a republican democracy.

In the past few years, Nicaraguans have shed many tears and much blood. Many thousands of patriots, the equivalent of millions of American lives, died for political causes, for ideological differences, and because basic human rights were restricted and people were prevented from living in peace.

Now, in Nicaragua, the war has ended, the majority of Nicaraguans voted so that they could have peace.

More than 20,000 Nicaraguans who fought for liberty surrendered their arms and returned to being civilians, for there was no longer any reason to bear arms.

I reduced, by two-thirds, the huge army amassed by the previous regime, and I will continue to reduce the Army's size as a step forward in my demilitarization scheme.

From the moment that I took over the Government, the executive branch has religiously respected the freedom and independence of all the Government's powers, the democratic liberties, and human rights.

We did away with the policy of public institutions having to conform to the interests of one political party, one group, or one person.

We also did away with the delirium of a totalitarian ideology; Nicaraguans no longer have to kneel before the State.

Now the principle of freedom prevails so that people can speak openly, move within their country freely, work and run their own businesses profitably.

The last time that I addressed Nicaragua's Congress, I stated that it isn't an easy feat to bring democracy to a country.

But if a democratic system is being built from the ruins of a dictatorship, and a civil war—from the ruins of an economic disaster—the feat is not only difficult, it is almost impossible.

However, Nicaraguans have accepted this as their challenge.

Justice is the one element that cannot be missing from this system. Crimes cannot remain unresolved, as we have witnessed in the past.

My Government is committed to radically reduce Government intervention in the economy and the enormous bureaucratic apparatus that we have inherited.

Our Congress approved a law that authorizes private banks to operate and encourages foreign investments and is studying the privatization law in order to convert Government businesses.

We are rapidly advancing toward the establishment of a social market economy. Restrictions on prices and salaries must be lifted.

We have initiated a serious economic stabilization program, accompanied by corresponding tax reforms, to discipline the public to share the burden of real costs, to encourage domestic production, and to stimulate private domestic and foreign investment.

Senators and Representatives: We are raising a Republic from the ashes of a previous period in our history that has left our country saddened, but has taught us a great deal.

No path leads to happiness if liberty is oppressed and human rights disrespected.

In Nicaragua an authentic revolution is beginning. It is a revolution for democracy and liberty, a revolution for which Nicaraguans have longed, a revolution that will serve as a model to other countries.

The consequences of militarism, which only succeeded in making our country suffer, have forced us to assume the leading role in Central America, to transform our region into a "zone of Peace and Cooperation"; an area of international security, of democracy, and of economic prosperity.

In this sense, it is important to reiterate that Nicaragua does not now tolerate, and will not tolerate sending arms to neighboring countries. Our policy is to punish these types of actions.

In following this policy, we were able to successfully take action and recuperate the missiles which only last December were in the hands of Salvadorean guerrillas.

Senators and Representatives, when we first heard the news about the fall of the Berlin Wall, I found myself in Washington, DC, in a working meeting with Speaker FOLEY and other Members of the House of Representatives. At that time I was a Presidential candidate.

I realized then that, in the same way, all of the walls that infringe upon democratic rights and liberties would fall.

It pleases us that we have contributed to this current in contemporary history, which no human force is able to distort or prevent.

As I expressed in September 1990, before the United Nations General Assembly, democracy now belongs to all people.

There is no doubt that the United States is playing one of the lead roles in this democratization process that is shaking up the whole planet.

Friends, we have arrived at a time when we can put an end to the conflicting realizations between our Governments, and we need to concentrate our efforts on constructing a new institutional relationship which reflects the friendship between the peoples of our two countries.

Within Nicaragua, we are instituting a policy of national reconciliation—with perseverance and firmness—and of deep respect for human rights.

At the same time, we are promoting a policy of reconciliation in our international relations.

The National Assembly of Nicaragua is discussing an initiative that I presented last April 4, to change previous government legislation that obliged Nicaragua to maintain a confrontational relationship with the United States.

The majority of the Nicaraguan people do not believe in this law. All of the people who voted did so not only to achieve internal peace, but also to end international confrontations.

We are restoring the friendship between the United States and Nicaragua, and we need to establish a strong common commitment for the future of our countries and our peoples.

Nicaragua is part of a new democratic Central America which is both working for, and hoping to, achieve unification in the near future in order to compete worthily with the rest of the world—one Central America which is becoming a zone of peace, liberty, and free trade, integrated in the near future to Venezuela and Mexico.

For a unified Central America, the new decade will be one of transition as we move toward the 21st Century, it is also the decade of exemplary relations between our countries and the United States.

Finally, it is important to note, ladies and gentlemen, that our efforts to strengthen freedom, establish democracy and set up a state of law have to be accompanied by economic prosperity.

The people of Latin America applaud the efforts of the Enterprise for the Americas Initiative that President George Bush created and presented during the recent meeting that took place in San Jose, Costa Rica with the Partnership for Democracy and Development. By the same token, we support the free trade zone between Mexico and the United States.

I would especially like to thank you, the representatives of the American public, for the generous assistance that you and the Government of the United States have given to the Nicaraguan people for our reconstruction.

Nicaragua needs extraordinary international cooperation. Our economy has been destroyed. Our productive capacity has remained dismantled. The country was totally decapitalized. In addition, we have to protect our natural resources and promote policies that will protect the environment.

We need steadfast financial assistance from the United States throughout this entire decade to reconstruct our economy, following the terrible damage incurred during the past decade.

We urgently need foreign investment, credit, and international cooperation in order to permit our people to develop their creative talents and to let us rise from the ashes left for us by past dictatorships.

Only in this way will we be able to realize the dreams of our people—a people that have heroically suffered in order to strengthen democracy and liberty in their country.

Senators and Representatives, let me be so bold as to make my own a thought from Abraham Lincoln: "The security that we have is the love of liberty that God has planted in our breast."

God bless America.

Thank you very much.

[Applause, the Members rising.]

At 11 o'clock and 34 minutes a.m., the President of the Republic of Nicaragua, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the Ambassadors, Ministers, and Chargés d'Affaires from the Chamber.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 35 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

ELECTION AS MEMBER OF COMMITTEE ON EDUCATION AND LABOR

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 124) and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. Res. 124

Resolved, That Representative EDWARDS of Oklahoma be and is hereby elected to the Committee on Education and Labor.

The resolution was agreed to.

A motion to reconsider was laid on the table.

KURDISH SITUATION: THERE IS NO NOBILITY IN SILENCE

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Speaker, today we bear witness to the suffering of children. We hear stories of cruelty beyond our human comprehension, and we turn away in horror. We must turn back and face the children. We can do no less.

I introduce the Kurdish resolution so that we may encourage the President to take immediate action to save lives, feed starving children, and assume moral, as well as tactical, leadership in the Middle East.

As 2 million Kurdish people are fleeing from Saddam Hussein, and 1,000 are dying with each passing day, there is no more time to deliberate.

We are faced with a test of our values, as a nation, as an institution, as individuals. As long as we stand silent as the Kurdish people cry out for help, we betray our own hearts. As long as we turn away from the sight of their pain, we belie our own history. There is no nobility in silence.

Today, we urge the President to treat the Kurdish situation as his highest national priority and to lead the United Nations in a dual effort to provide protection and massive relief for the Kurdish people. As we condemn crimes against humanity that recall the blackest periods in the history of our civilization, we can do no less.

PATENT NONSENSE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the U.S. patent system is the genius of America's industrial might. Patents provide new products and designs resulting in jobs for millions of Americans. Since the filing of the first patent in 1790, the U.S. system operated for the inventor to file whether improverished or rich. Not now. We are setting up an obstacle course for the small inventor so that only the rich can afford to patent.

We raised the fees for patents in just 9 years from $65 for an initial filing fee and total costs of $177 for a 17-year patent to a 4-year grant for $1,405. With additional fees you can then get the 17-year grant for $3,905. We are now raising that fee another 89 percent. Where is our common sense?

The Japanese understand the importance of patents. After a series of meetings 10 years ago, the Japanese decided that to be an industrial power, Japan needed to target the American patent system. They have succeeded. We should learn from Japan.

If this fee increase goes through only the rich will be able to file a patent. We cannot kill the goose that laid the golden eggs by taxing our inventors. This is patent nonsense.

UNOFFICIAL OBSERVERS FROM THE HOUSE TO STRATEGIC ARMS REDUCTION TALKS AND CHEMICAL WEAPONS TALKS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FOLEY. Mr. Speaker, I am inserting in the RECORD at this point a list of the unofficial observers from the House to the strategic arms reduction talks and the chemical weapons talks.

Pursuant to an agreement with the Republican leadership of the House, and with the joint leadership in the Senate, there will be observers from the House, from the Democratic side and from the Republican side, to the strategic arms reduction talks and to the chemical weapons talks.

The observers to the strategic arms reduction talks from the Democratic side will be as follows:

Messrs. GEPHARDT of Missouri, FASCELL of Florida, ASPIN of Wisconsin, DOWNEY of New York, DICKS of Washington, MOODY of Wisconsin, TORRES of California, MAVROULES of Massachusetts, AUCOIN of Oregon, CARR of Michigan, and BERMAN of California.

And from the Republican side will be as follows:

Messrs. BROOMFIELD of Michigan, DICKINSON of Alabama, LAGOMARSINO of California, COLEMAN of Missouri, EDWARDS of Oklahoma, Ms. SNOWE of Maine, Messrs. BEREUTER of Nebraska, MARTIN of New York, BATEMAN of Virginia, KYL of Arizona, and GOSS of Florida.

The observers to the chemical weapons talks from the Democratic side will be:

Mr. OWENS of Utah and Mr. LANCASTER of North Carolina.

And from the Republican side will be:

Mr. PORTER of Illinois and Mr. HEFLEY of Colorado.

PERFORMANCE-BASED BUDGETING BILL

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, this is budget week on the floor. That is why I am introducing today a performance-based budgeting bill. Obviously there is waste and inefficiency in a trillion dollar budget. My bill is nearly identical to S. 20, introduced by Senator ROTH of the other body. It would require Federal agencies to establish quantifiable standards of performance for all Federal programs and include them in their budget each year.

Performance standards would also be included in congressional spending bills. Congress would then have a better framework for establishing their budget process.

This bill goes beyond the current stalemate over taxes and spending reductions, to the heart of our budget troubles. Without goals, there can be no accountability. It is accountability that the taxpayer demands and deserves.

WILLIE HORTON, MOVE OVER

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY. Mr. Speaker, "Willie Horton, move over." The administration needs a new "Willie Horton" for the next campaign. So, just when the business community and civil rights leaders are trying to find common ground on civil rights, John Sununu and Borden Gray, no relation to this speaker, reportedly called the Business Roundtable and begged them not to do it.

The genius of this country is that it can reach consensus on the issues dividing us. The lions and the lambs may not be able to lie down together, but at least they can sign a treaty.

But is the White House happy? They do not want a compromise. They are trying to scuttle an agreement, any agreement.

The business community wants to keep hope alive. The White House just wants to keep quotas alive. They need it for 1992.

Willie Horton, your moment of glory is over. I thought you were as low as folks could go, but I guess there is always the next level, down.

WE STAND BEHIND OUR FRIENDS IN CENTRAL AMERICA

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, pick up a newspaper, turn on the TV, listen to the radio: these are exciting times. We witnessed the collapse of the Berlin wall, and the freedom movements in Eastern Europe and the Soviet Union. We have watched with pride as the nations in our own hemisphere make significant strides toward democracy.

Next month the small country of Suriname will hold it first democratic elections—leaving Cuba as the last Communist dictatorship in the region. But the region's grip on democracy is tenuous. Today our respected friend President Violeta Chamorro is here to eloquently remind us that Nicaragua is struggling and needs our support. She is not alone. All the Central American nations need our help with training, equipment, and other resources. They cry out for strengthened legal systems, streamlined judiciaries, and more effective constituent services to build a popular support base.

We have offered such assistance to Czechoslovakia, Hungary, and Poland. Now it is time to help our southern neighbors. Today I have introduced the inter-American partners in democracy resolution which aims to encourage legislative development to further strengthen the foundations of democracy in Central America.

Of course we do need a workable foreign aid package, providing for reasonable debt relief and encouraging greater economic development. But for today, we should send a clear message to our friends in Central America that we stand behind them in support of democracy.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1210

THE IVY LEAGUE'S SKULL AND BONES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, those bones, those old Ivy League Skull and Bones. Last week this secret society, Yale Unviersity's Skull and Bones, so secret that a member will not admit being a member, shut the door, shut the lid on the casket. They locked up their hideout, known as the Tomb.

The result was real simple. The alumni just could not take it any longer. The new class wanted to admit women. That is right, women. The alumni said, "Absolutely not. There will never be any women in Skull and Bones, and we will shut it down first."

Mr. Speaker, one of the most famous of the alumni is the President. Are we suggesting that this attitude had anything to do with the veto of the civil rights bill or family medical aid? Absolutely not. I am not saying that, but let me say this: that evidently Skull and Bones is more than just a secret society. There are some that say it is a way of life, from the womb to the tomb. Once a Bones man, always a Bones man.

AMERICA'S RESPONSE TO HOLOCAUST II

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, what is the matter with us? For the third week now, we see Holocaust II occurring before our eyes in Iraq. Yet America's response to the misery, dying, and desperation of those children, pregnant women, the old, the sick, and indeed all those pinned there like animals in those freezing mountains has been shamefully small. Why is the rhetoric of our leaders so defensive and apologetic? Are the deaths of these infants and innocents weighing on our consciences? Of course they are. Why is a Gus Pagonis or Schwartzkopf in Turkey not coordinating massive relief that only we can give? Why is Secretary Baker in Ankara and Tehran not urging increased efforts? Why have our plentiful hospitals, soup kitchens, doctors, nurses, and support personnel not been adequately deployed? Have we won a great war to now lose our honor and reputation as a compassionate nation in what tragically has become not a peace, but a genocide?

ADMINISTRATION SABOTAGES NEGOTIATIONS ON CIVIL RIGHTS

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, there has been a reliable report that the Bush administration is attempting to sabotage negotiations between those civil rights leaders and business leaders who are trying to reach a compromise on the civil rights bill.

The administration says it wants a civil rights bill which restores the protections guaranteed before the 1989 Supreme Court rulings, yet its actions destroy their credibility and pretense of sincerity in this matter.

The question which arises is clear: Does the administration prefer a divisive issue which appeals to prejudice or does it prefer a compromise bill that appeals to the best interests of justice in the American character?

Mr. Speaker, I grew up in a time and place of strict racial segregation, of demeaning discrimination, of white supremacy.

I have heard the subtle voice of racial demagoguery. This cynical tactic sounds like it, looks like it, and it smells like it.

CIVIL RIGHTS DISCUSSIONS MUST MOVE FORWARD

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, we are nearing a crossroads. Civil rights and business groups are working to produce a civil rights bill that gets beyond the rhetoric and addresses the question of equal opportunity in a sensible way.

We should encourage that process of reconciliation. Our country needs to be unified on how best to end discrimination and expand opportunity in our society, and these talks offer a way. Unfortunately, the administration, at least John Sununu and Boyden Gray, are trying to derail these talks. They would apparently rather inflame political passions than reach agreement on a bill which is critical to increasing opportunities and utilizing the full talents of women and minorities in our society.

I call on the President to reject the callous advice of his advisors and be a moral leader on this issue, working to encourage cooperation and compromise.

Both sides have legitimate concerns and grievances. While allowing for compensatory and punitive damages in title VII cases, there should also be a limit on these penalties so that businesses are not faced with a rash of suits as lawyers prospect for big awards without regard to the merit of the claim. At the same time, businesses should be held to a higher measure of proof with regard to the "business necessity" of their employment practices then they are under current court rulings. We should work toward a flexible and fair standard that does not make the "business necessity" test a loophole but responds to legitimate business needs. Overall, we must develop a policy that encourages resolution and settlement, not confrontation.

The current talks offer that possibility. We in Congress should support these talks and urge the parties to reach a successful conclusion. We face a fundamental choice: Do we want an issue or a bill. Are we willing to divide our people to win partisan advantage or do we want a fair and just resolution of this issue? I urge the administration and my colleagues to choose the latter course.

COMMENDING THE PRESIDENT FOR HIS INVOLVEMENT IN IRAQ

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, yesterday the Vice President of the United States had occasion to go to my State of Connecticut to visit. On the way to the event that he was attending, he stopped at a restaurant by the name of Friendly's to say hello. After he left, a young woman was heard to say over and over again, "I can't believe it. I am going to be on television. I can't believe it. I am going to be on television."

For good or ill, what we have to realize is that our young people see what they see on television as more real than life itself. And that is the reason this morning that I stand here to commend our President for getting involved once again in the situation in Iraq. There is no doubt that what is happening to the Kurds is one of the worst things we have seen in modern times, and at the same time that the young people see our people be so proud of our soldiers as they come home, we show our pride in our excitement, at the same time our young people see these refugees and see what they are suffering. So I think it is only right and proper that we involve our armed forces in helping these people, and I thank you, Mr. President, for getting us involved once again.

FULL FUNDING FOR REVENUE FORGONE

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, the current House budget proposal slashes over half of the revenue forgone allocation for reduced postage rate for nonprofit organizations. It is imperative the higher Senate budget figure be adopted in conference. Chairman PANETTA has told us this will occur. Reduced funding for revenue forgone will impair the American Red Cross, Catholic charities, the March of Dimes, and the American Heart Association in efforts to house the homeless, sustain those suffering tragedy, and undertake valuable medical research.

For every dollar expended for revenue forgone, nonprofit charities receive $80 in contributions. This reduction not only would be disastrous for nonprofits fundraising but would decimate their private funding efforts. Direct mail from nonprofit oranizations has a leveraging effect, getting individuals to volunteer time for a particular cause such as operating a soup kitchen.

Any conference report which does not include full funding for revenue forgone would be fatally flawed and should be soundly rejected.

THE IMPACT OF THE BUDGET ON HEALTH CARE

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, this past weekend I held a health care retreat in my district. One of the major surprises of that health care retreat was that we had probably twice as many people as I had anticipated when we planned it.

I think the reason for that is obvious to everybody. Health care is a crisis in America today. Yet as we begin this week's discussion of the budget, I have to tell the Members that I am concerned, and I hope other Members will share that concern, that the budget passed out of the Budget Committee last week provides not one dime to continue any of the tax extenders. Whereas that may sound generic, the hard core reality is that we are now telling the self-employed in this country who have been discriminated against because they have only had a 25 percent credit for the cost of their health care insurance, that they will get nothing.

Mr. Speaker, if Members think 35 million people without health insurance is a number that is too small, that we ought to expand that number, then I would encourage them to either vote for the Democratic budget as it is or take a look at the Republican alternative and recognize that the President, to his credit, making the tough decisions, understood that health care is a crisis in this country, that it is a special crisis for the self-employed, and that he does provide in his budget the funding to continue that deduction at 25 percent when in reality it ought to be somewhere between 50 and 100 percent.

MASS TRANSPORTATION AND THE BUDGET

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today and probably tomorrow we will take up the fiscal year 1992 Federal budget. One aspect of that budget that I would like to speak about for the moment is that dealing with mass transportation.

Coming from the urban area of Louisville and Jefferson County, KY, let me say that mass transportation through our TARC system is of vital importance to many of us who live in the community.

□ 1220

Yet notwithstanding that, Mr. Speaker, at a time when funding for Federal mass transportation over the last decade has gone down by 50 percent, if you take into consideration inflation, and at a time when, having emerged from the Gulf war, knowing that energy conservation and energy efficient transportation are vital to the future of this country, the President's recommended budget would only improve mass transit by $70 million.

Mr. Speaker, I support and intend to vote for the Democratic alternative budget, which provides $211 million of increase in Federal support for mass transportation. I believe if we are serious about trying to move to energy conservation and to energy-efficient transportation, if we are serious about improving the economic conditions in this land, and if we are serious about improving the lot of urban people who depend upon mass transportation, that we will certainly vote for the budget which emerged from the Committee on the Budget, which is the Democratic budget.

NATIONAL COMMITMENT TO SCIENCE AND TECHNOLOGY NEEDED

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, if there is one thing we are generally agreed upon, it is that science and technology need to be in place in order to drive the economy of the next century. If this Nation is going to provide leadership for the next century, we are going to have to be very, very strong in science and technology.

Therefore, it is extremely disturbing that the Democrats have brought forth a budget which emasculates our science and technology programs. It cuts the spending that the President proposed to make in our space effort; it cuts the spending that the President proposed for our science efforts; it cuts back on our commitment to build new technology for the future. But it goes even further than that. It says that we are not going to extend the research and development tax credits that businesses need in order to develop the technology for the next century.

In other words, the money that businesses invest in the technology of the future, they will no longer be able to take as a tax credit under the Democrats' budget. They eliminate that tax credit, which is something that is vital for high technology.

Mr. Speaker, it is apparent that at a time high technology is needed, at a time we need high tech, the Democrats have decided to low-ball our commitment, our national commitment, to science and technology.

ACTION MUST BE TAKEN IMMEDIATELY TO PROTECT AND SAVE KURDS

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise with so many other of my colleagues to express my outrage and my compassion and my desire that the administration move quickly and decisively with respect to the problems of the Kurds. After World War II, we decided that collectively as an international community we would not only condemn genocide, which had been condemned before, but that we would join together to act against it.

More recently, Saddam Hussein was compared to Hitler. Day after day that analogy, I think, is more apt than the President made initially. We see the terror that he visits on his own people. We see them fleeing, the creation of refugees.

Mr. Speaker, we waited, frankly, too long. We responded too late. But it is never too late to do the right thing, and we are responding now. I hope the President and this Congress and this country use the same kind of decisive, direct, able creation of coalition in the international community to go in and protect and save innocent people and lives.

Mr. Speaker, we have moved late, but move now we must.

CONTINUED SUCCESS FOR VIOLETA B. DE CHAMORRO AND THE REPUBLIC OF NICARAGUA

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, I have joined Members today in congratulating Mrs. Chamorro on her excellent speech to the Congress. We all commend her on the great job she is doing and the work she is undertaking. We have heard her words and we have seen the work that she has undertaken in the name of freedom and democracy for that country, which has been through so much anguish during the last few years.

President Chamorro has just begun her official 6-year term. We pray for her continued success in her reform efforts. We commend the accomplishments which she has already achieved.

Mrs. Chamorro initiated serious economic reform to turn her country toward economic stability and prosperity. She has begun work to improve Nicaragua's education system and improve the lives of all of her citizens. She has begun to restore the property rights of her citizens and compensate those who have been so unjustly affected.

Mr. Speaker, I am very much encouraged to see the distribution of agricultural territory to the countrymen, and the concern she has shown for the importance of privatization and for recognition of those who served as the Contras.

Mr. Speaker, I commend these efforts, and I am hopeful that the reforms we have seen are just the beginning of a new era in Nicaragua, an era of peace, democracy, and hope, for this great country and for her people.

Mr. Speaker, Violeta Chamorro desperately needs the support of America and the free world. Her visit today in my opinion will greatly enhance her efforts.

AMERICA SHOULD NOT BE CONSIDERED INTERNATIONAL RELIEF EFFORT OF THE WORLD

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, we all admire President Chamorro of Nicaragua and wish her well, but we cannot bail out every country that is in trouble. We are not a candy store. We are $3 trillion in debt. Our own people are screaming for help, in health care, in education. We have a crisis here at home.

Mr. Speaker, President Chamorro is a courageous leader, and Nicaragua has gone through a lot. But there are limits on what we can do. We cannot continue to propagate foreign policy, foreign assistance spending, while this country continues to mire itself in more trouble.

Mr. Speaker, President Chamorro is a good, positive leader, but she has to resolve her own problems. We can help to a point, but we should not be considered the international relief effort of the world. Those days are over.

DIALOG NEEDED ON FAIR AND PRACTICAL CIVIL RIGHTS LEGISLATION

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I rise today appalled by what appears to be an obvious stalling tactic by the President in regards to the formulation of a reasonable and practical civil rights bill.

While groups and individuals on both ends of this serious and important issue have agreed to come together to try and work out their differences, our President has chosen a course of meddling and interference in this constructive process.

What America needs now, more than ever, is for the President to show that he is committed to fair and practical civil rights legislation.

What we don't need are his attempts to create a campaign issue for political gain.

One of the basic tenets of our democratic system is that individuals with opposing views can sit down together, agree to disagree, and then work together toward finding common ground.

This is healthy and we all should do our part, including the President, to encourage this needed dialog.

JUST SAY "NO" TO MEXICO FREE-TRADE AGREEMENT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, I ask the Congress of the United States to just say "No" to the Mexico free-trade agreement that we are trying to put forth. Now, this is not just Mexico bashing, as we always talk about Japan bashing. This is just bad trade bashing.

Mr. Speaker, why do we subject ourselves to these trade policies, when we continually move our industries out of the country and move our jobs out of the country? Why do we do this to ourselves?

With Canada, it is all right. They are on pretty much of an equal level, so we can have this equal trade. But Mexico, where they are paying their workers 70 cents an hour, where they are subsidizing their industries, and where there are bad loans that have been made, bad loans that they are not going to pay back, where they cannot even pay back the interest, and the Government is probably going to forgive them, if they can.

Mr. Speaker, I do not think we can continue to do that. I do not know why we continue to bash ourselves. It is the worst thing in the world, particularly now, when the United States spends money to find out that the Japanese are endangering sea turtles. Why do we not find enough money here to find out why they are endangering the American worker?

AMERICAN WORKERS STARTING TO FEEL LIKE KURDS

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, the American worker is starting to feel somewhat like the Kurds. Left behind by this administration in its rush to take care of other international issues, American workers are ignored, and their fate is left to linger in the wind.

Mr. Speaker, we have just gone through a week where base closings in this country were announced. Everybody understands that we need to tighten our belt.

But when we look and see that there are still some 224 bases in Germany alone, and across the globe dozens of bases where Americans are not wanted, to lay off American workers, to dislocate American workers when there are plenty of bases around the globe that ought to be looked at first, seems to me to be a foolish act. We need to find a way to help dislocated workers in this country. We need to make sure that American workers get the kind of protection they deserve.

This is one of the reasons I think that the Bush administration is gettinng some trouble on the Mexico Free Trade Agreement. Workers who have been dislocated and left behind before build the political opposition to new trade agreements that may leave more workers behind. I think we ought to have a Mexico Free Trade Agreement, but unless we can give some guarantees to American workers, the political opposition to it may grow in this country as well.

RESOLUTION OF INTERNATIONAL EFFORT TO END THREAT OF SADDAM HUSSEIN

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, the fierce controversy that surrounded the indecision and delay by the administration over the question of providing humanitarian assistance to the Kurdish refugees huddled high in the mountains of northern Iraq is going to look retrospectively tame compared to the coming debate on aid to the civilians in Iraq proper.

Why would assistance to Saddam Hussein's Iraq be seriously considered as long as Saddam Hussein remains firmly in power? Because a crisis of mammoth proportion is brewing up around the destroyed infrastructure of Iraq.

Incredibly, the State Department diplomats insist on paying homage to the principle of sovereignty within international borders—regardless of the genocide being committed within those borders. This myopia is forcing the international community into an unnecessary moral dilemma.

The concept of assisting Saddam Hussein's regime in its effort to rebuild Iraq is repulsive. The civilized world was forced into the military conflict with Iraq by the brutal aggression of Saddam Hussein against a neighbor. The atrocities that were carried out against the people of Kuwait—murder, rape, pillage, and wholesale destruction—compound the initial crime.

It is necessary to look at Saddam Hussein's past to put his most recent crimes against humanity into perspective. On the heels of a dictatorship marked by wholesale terror and murder, a war of aggression against neighboring Iran, and the brutal suppression of internal insurgencies marked by the use of chemical weapons against civilians, it is obvious that the actions of the past 8 months are completely in character for Saddam Hussein.

The international community, under the peerless and unprecedented leadership of President Bush, rallied behind the spirit of collective security to crush Hussein's illegal aggression. In that process it was a military necessity to destroy the modern infrastructure that supported Hussein's war machine.

The International Red Cross now warns that a public health catastrophe of immense proportions threatens Iraq. Famine and pestilence are threatening to cut a deadly swath across Iraq. These deaths are directly attributable to Saddam Hussein. Should he be allowed to add this to his already morbidly impressive killing credentials? The only moral answer is "No."

George Bush stood up and stopped Saddam Hussein at his first step of conquest. He did that because he had seen a policy of appeasement that cost

55 million lives to learn in World War II. Now, we must look to that time again and be guided by the lessons of history. Does anyone seriously believe that had Hitler yelled "Uncle" as Allied forces marched into Germany from the east and west in 1945, that the world would have stopped short of ending his rule? Would we have simply scolded him and headed for home?

It is unacceptable for the world to face the moral dilemma of aiding Saddam Hussein's regime or allowing millions to die from starvation and disease. There is a point where a dictator crosses the line from common thug to international criminal—Adolf Hitler certainly set that precedent in the modern age. Saddam Hussein crossed that point, and the United Nations Security Council must now act in unison to end this macabre chapter in history.

The Foreign Minister of Germany has called for a Nuremburg-style international tribunal to hold Saddam Hussein accountable for his crimes. Just as the United Nations is founded on the principle of collective security that was learned in two bloody world wars, it was also born of the ultimate brutality Hitler practiced against his own people. In fact, Hitler's policy of genocide toward the Jews gave rise to a 1948 U.N. Convention outlawing genocide and empowering the international community to intervene whenever and wherever a despot resorts to it.

Now is the time for the United Nations Security Council to end the rule of Saddam Hussein and prove that it can function as the founders envisioned—stopping both aggression and genocide. Just as the United States was the only country that could take the lead and overturn Hussein's aggression against Kuwait, the United States is the country that must take the lead to mobilize the international community of nations to end once and for all the threat Saddam Hussein poses to the world and his own citizens.

The President was the single energizing force that rallied both the United Nations Security Council and the United States Congress to stop Hussein. The Congress must now stand up and say: Congratulations, Mr. President, you were absolutely correct. Although many of us were slow to follow before, we are now united in urging you to finish the job with Saddam Hussein.

Toward that end, I have introduced a resolution that commends the President for overturning the occupation of Kuwait, states that the continued rule of Saddam Hussein in Iraq is incompatible with the restoration of peace and security in the Middle East, and urges the President to mobilize the United Nations Security Council in order to achieve a resolution demanding the expeditious replacement of Saddam Hussein as the military and political leader of Iraq.

The President provided a confident and united front to the Congress in its request for the authority to use force to liberate Kuwait. This was crucial in the political success of that course of action. If a statement of unity and confidence on the part of Congress in support of an international effort to end the threat of Saddam Hussein can provide the political support needed to prompt the administration to act, then immediate congressional action is a matter of life and death.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 559

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that the name of our distinguished colleague, the gentleman from Texas [Mr. ANDREWS], be removed from the list of cosponsors of H.R. 559, the Baltic Independence Trade Act of 1991.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONCURRENT RESOLUTION OF THE BUDGET—FISCAL YEAR 1992

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 123, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 123

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 121) revising the congressional budget for the United States Government for the fiscal year 1991 and setting forth the congressional budget for the United States Government for the fiscal years 1992, 1993, 1994, 1995, and 1996, and the first reading shall be dispensed with. All points of order against consideration of the concurrent resolution for failure to comply with the provisions of section 305(a)(1) of the Congressional Budget Act of 1974 are hereby waived. After general debate, which shall be confined to the concurrent resolution and shall continue not to exceed five hours, including a period of two hours on the subject of economic goals and policies, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the concurrent resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the concurrent resolution shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report. Said amendments shall be considered as having been read and shall be debatable for the time specified in the report. Said amendments shall not be subject to amendment, nor to a demand for a division of the question in the House or in the Committee of the Whole, and shall be in order even if amending portions of the concurrent resolution already changed by amendment. If more than one amendment in the nature of a substitute is agreed to, only the last amendment which has been adopted shall be considered as finally adopted and reported back to the House. It shall be in order to consider the amendment or amendments provided in section 305(a)(5) of the Congressional Budget Act necessary to achieve mathematical consistency. At the conclusion of the consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 123 is a modified open rule providing for the consideration of House Concurrent Resolution 121, the concurrent resolution on the budget for fiscal year 1992.

The rule waives all points of order against consideration of the concurrent resolution for failure to comply with the provisions of sections 305(A)(1) of the Congressional Budget Act of 1974, which requires a 5-day layover of a budget resolution.

Mr. Speaker, after general debate, which shall be confined to the concurrent resolution and shall continue not to exceed 5 hours, including a period of 2 hours on the subject of economic goals and policies, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the concurrent resolution shall be considered as having been read for amendment under the 5-minute rule.

The rule provides that no amendments to the concurrent resolution will be in order except the amendments printed in the report accompanying this resolution, to be considered in the manner and order specified in the report. The rule provides that the amendments will be considered as read, and will not be subject to further amendment or to a demand for division of the question in the House or the Committee of the Whole. The amendments will be in order even if proposing to amend portions of the concurrent resolution previously amended. In addition, each amendment will be considered under a time limit specified in the report.

The rule makes in order an amendment to be offered by Representative FORD of Michigan, or his designee, debatable for 1 hour. In addition, the rule makes in order three amendments in the nature of substitutes which will be considered in the order specified in the report. The rule makes more than one substitute in order in what is sometimes referred to as a king-of-the-hill procedure. Under the king-of-the-hill procedure, provided in this rule, each of the three substitutes can be considered, even after adoption of a prior substitute. Only the last substitute adopted will be reported back to the House.

The substitutes will be considered in the following order: First, the substitute to be offered by Representative DANNEMEYER or his designee, debatable for 1 hour; second, the substitute to be offered by Representative KASICH or his designee, debatable for 1 hour; and third, the substitute to be offered by Representative GRADISON which represents the President's budget, debatable for 2 hours. If Mr. GRADISON does not offer the President's budget, it will be the pending question.

The rule also makes in order amendments necessary to achieve mathematical consistency as provided in section 305(A)(5) of the Congressional Budget Act.

At the conclusion of the consideration of the concurrent resolution for amendment, the committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

Mr. Speaker, House Concurrent Resolution 121 revises the congressional budget for fiscal year 1991 and sets forth the congressional budget for the fiscal years 1992, 1993, 1994, 1995, and 1996. The concurrent resolution proposes a budget which strictly observes the terms of the budget summit agreement reached last year between the Congress and the President. Discretionary appropriations for the defense, domestic, and international categories are all within their appropriate spending caps. The resolution calls for no additional taxes and assumes that any tax cuts or entitlement expansions Congress might enact for the fiscal year will conform to the pay-as-you-go requirements of the budget agreement.

Finally, the budget resolution recommended by the Budget Committee also proposes increased funding for key areas vital to the future economic and physical health of our country, including education and job training, child nutrition and health, veterans' medical care, energy research and development, transportation, antidrug abuse, and anticrime programs. The budget resolution rejects the $25 billion in Medicare cuts included in the President's budget.

The committee made some tough choices in formulating this package, which freezes spending in numerous accounts at 1991 levels or below in order to enable us to increase funding in the areas I have mentioned. I, for one, commend them and their chairman, the gentleman from California, for the yeoman's job they have done.

Mr. Speaker, this budget will serve the needs of America, and especially those of America's working families, in the coming fiscal year and beyond. I urge all Members to support the rule and the budget resolution.

☐ 1240

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to first of all commend the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], and certainly the gentleman from South Carolina managing this rule, along with the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA], for cooperating with Republicans in working out the provisions of this rule.

The rule will allow sufficient time for a full debate on the differences between the President's budget and the alternatives presented by the other side of the aisle.

In addition, the rule will give the House an opportunity to consider two very well thought out alternative budgets, one offered by the distinguished gentleman from California [Mr. DANNEMEYER], and the other presented by the able gentleman from Ohio [Mr. KASICH]. Each of these alternatives represents an enormous amount of thought and work by the Members who put them together.

Mr. Speaker, all three of these Republican alternatives, I might say, comply with the recommendations of the chairman, the gentleman from Massachusetts [Mr. MOAKLEY], last week that he made on the floor of the House that Members offer amendments in the nature of a substitute rather than cut-and-bite amendments.

Of the four amendments made in order under this rule, only the three Republican packages comply with the chairman's guidelines. So we certainly have done our share to cooperate.

Mr. Speaker, in the Committee on Rules there were two other proposals worthy of serious consideration which were not included in this rule. One proposal by the gentleman from Pennsylvania [Mr. GEKAS] was sense-of-the-Congress language that there should be an automatic continuing resolution to prevent Government shutdown at the end of the fiscal year. That was a very important amendment, and I wish it could have been allowed under this rule. The other offered by the gentleman from Illinois [Mr. FAWELL] provided the Committee on Rules should not waive the 3-day-layover requirement on any appropriations or direct-spending bills in fiscal year 1992.

Mr. Speaker, the gentleman from Illinois is trying to get at a problem which concerns many of us in this House on both sides of the aisle. Mr. Speaker, a piece of legislation goes nowhere for weeks on end around here, and then suddenly it starts to move and is pushed through so quickly that Members on both sides of the aisle do not have adequate time to find out what they are being required to vote on on the floor of this House. We have seen it happen time and time again.

Mr. Speaker, the 3-day-layover requirement is there to make certain that Members of this House have an opportunity to know what they are voting on, and the Committee on Rules should not waive that important protection routinely if ever.

By the end of the last Congress, we got to the point where important provisions in the Budget Act and the House rules were waived far, far too many times. As a matter of fact, 56 percent of the rules reported in the last Congress either waived all points of order or waived specific provisions in the Budget Act. If the Members want to know how we run up deficits in this country, that is how.

The House will not have an opportunity to vote on these proposals by the gentleman from Illinois, but I do hope the majority leadership will take note of the problem. We ought to sit down and try and iron this problem out.

Mr. Speaker, with regard to the budget resolution, I support the President's proposal. The President's budget provides a complete package with no smoke and mirrors. It is clear to anybody who wants to take the time to read it. Among other things, it provides for incentives for savings and investments so badly needed today in this recessionary period. For example, it proposes extending several tax incentives such as the research and experimentation tax credit and the low-income-housing tax credit badly needed today for jobs, especially in the building and construction industry.

The President also offers proposals to boost savings with the family savings accounts and promotes growth in disadvantaged areas with enterprise zones, terribly, terribly important today.

The President deals with the difficult problem of escalating entitlement programs which comprise more than half the Federal budget today. The cost of the Medicare Program has nearly tripled in the last decade, nearly tripled. You want to see what has happened to the budget? Look at that end of it.

A recent report by the Advisory Council on Social Security projects that Medicare's hospital insurance trust fund will go broke in 15 years. We have got to be here to take care of that.

At the same time, roughly $150 billion of the Nation's $650 billion in annual health care, and listen to this, goes for tests and procedures to protect doctors from malpractice suits and not for needed medical care. That is, $150 billion of the $650 billion. That is roughly 25 percent of the taxpayers' contribution. That is a shame.

Mr. Speaker, the President's budget tackles the problem of entitlement growth. The Democrats ignore it in their budget. The Democrats do not deal with the broad range of issues covered by the President's budget. Instead, they rearrange the domestic discretionary accounts in limited areas, but even here they seek to advertise only the accounts that would receive more money. They do not talk about their victims.

Mr. Speaker, the proposals of the Democrats call for $919 million in unspecified budget reductions and undistributed offsetting receipts. That is what I was talking about with smoke and mirrors.

Mr. Speaker, the unfortunate Americans who will bear these burdens are not identified in the Democrat budget.

At least President Bush's budget clearly indicates where cuts are being made, where additions are being made. Because they assume a more rosy economic scenario in the short term, the Democrats have cut $431 million from the administration of the unemployment compensation account. Yet, unemployment just went up again last month. You are going to be right back here with a supplemental budget asking for this money to be put back in the budget. That is no way to carry on the actions of this House.

Mr. Speaker, the President has offered a responsible, comprehensive budget package. It is not perfect, and certainly I could probably make corrections and changes, and so could other Members.

The Democrats, on the other hand, have focused on rearranging the domestic discretionary accounts, again, heaping on add-ons in areas to make themselves look good but ignoring the economy, ignoring jobs, and ignoring fiscal responsibility.

Mr. Speaker, I support the President's package, and I hope a majority of this House will as well when the time comes.

Mr. Speaker, finally, I support the rule that we are debating here today so that the House may proceed to consider the alternatives it makes in order on both sides of the aisle.

Again, I thank the majority and the Committee on Rules for giving us a fair rule so that the House can work its will.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I thank the gentleman for his kind remarks. We always have fair rules. We appreciate his recognition.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I am going to support the rule. It has a number of substitutes including this year, the President's own budget.

It only allowed one amendment. It did not allow mine. I think it was an appropriate amendment. But it did allow an amendment by the chairman, the gentleman from Michigan [Mr. FORD], that I say thank God for, and I am going to support.

But, as you know, as we look at the budget process, it was Ronald Reagan who told us that by the fall of 1982 he would have it balanced, and then he was honest with us, and he said he could not do it in the fall of 1982, that it would take until the fall of 1983.

In that period of time, we have gone through Gramm-Latta, Gramm-Rudman, and now Gramm bankrupt, folks.

This is the year Gramm-Rudman was supposed to produce the balanced budget. It started out at $200 billion. Ladies and gentlemen, even a conservative President who is doing the best job he can and doing a good job in many areas, submitted a budget calling for $300 billion-plus deficit.

Let us face it, you cannot separate trade deficits from this dilemma. We have not really dealt with it.

What bothers me is that for the first time Congress is beginning to deal regularly with two budgets each year, one on and one off, one above the table, one below the table.

Tell me, depending upon the bill or piece of legislation, which budget will we use, ladies and gentlemen?

□ 1250

Now we borrowed $60 billion from Social Security last year. We should be coming out with a budget that says every trust fund in this country would be off budget, and have their own, in fact, board of directors, and we could not touch that money.

Now, we look at it. We will be providing money to close military bases in America. I think before we start closing military bases in America, we should be closing a lot of military bases overseas. Before we give Mrs. Chamarro and anybody else more money, we ought to be taking a look at our education problems in our own country.

I had an amendment that I offered to the Committee on Rules, and I understand the dilemma they had. My amendment said that on every piece of legislation subject to this budget, the Congressional Budget Office had to give Members its impact on either plus or minus effect on American jobs and workers. Now, all we have been exporting around here is jobs. I thought that was an initiative that should have been allowed in the form of an amendment, a policy that should have been debatable.

Therefore, I will plan to bring that particular question and pose it to our chariman of the Committee on Budget, the gentleman from California [Mr. PANETTA] in the form of a colloquy. I would like to say that under those circumstances, and I am not degrading the effort of that chairman, this is the roughest job in the Congress. I will say that Congress should be doing much more at this particular level. Before we keep raising premiums on Medicare and all of these taxes, ladies and gentleman, it is time to start taking a look at these accounts overseas. We have yet to do that. We still expand those accounts. In my opinion, we expand, in fact, a national security threat by letting Japan run free with their unfair and illegal trade programs and by continuing to ship money out in foreign aid and defense of foreign countries.

I appreciate the time the chairman has allotted to me here. I will support the rule. It gives all Members a shot at their ideas, to a degree. There are substitutes, and this year, we will see the President's budget. Everybody can vote up or down on it.

Mr. SOLOMON. Mr. Speaker, I yield myself 1 minute to respond to the previous speaker, whom I have the greatest respect for, just to call his attention to the reason that we have never lived up to Gramm-Rudman and the spending caps is because of this irresponsible body, who 56 percent of the time, when rules came on the floor of this House last year, voted to suspend the rules and to waive the Budget Act and to waive Gramm-Rudman.

I would predict, with all the authoritizing bills coming on this floor this year, that this Congress will do the same thing unless we reform ourselves.

I ask the Member in the well to support this side of the aisle when we refuse to vote for suspending those rules.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER of California. Mr. Speaker, I would like to compliment the distinguished ranking member of the Committee on Rules for pointing to the fact that it has been the profligate spending pattern of this House over the last four decades that led Members to the problem where we had to face Gramm-Rudman. Now we are waiving it, time and time again.

The budget agreement that we all came to last fall was projecting a deficit for fiscal year 1992 of $150 billion. Horrendous.

However, the Democratic budget that we are going to be considering right here has a projection of 1991 budget of

$289.6 billion. That cannot be terribly reassuring.

Americans all over this country rushed to the Post Office up until midnight last night to meet that obligation to provide that flow of revenues to the Internal Revenue Service, to fund these kinds of things that we are talking about during this week as we debate the budget process. It is a very frustrating time for all Americans, as American taxpayers, when we see the kind of waste which has continued, and then as we look at the budget that is going to be considered, tragically there are not any of the important growth items which are absolutely essential if we are going to get this economy rolling.

For example, the President has asked for, and we would very much like to see, things like the most important jobs creation program imaginable, that being a capital gains reduction.

Now, we are the only developed Nation in the world without that important differential, and people say it is simply a tax cut for the rich. Baloney. It is the most important jobs creation item we could possible consider, and it is not even considered in this budget.

Then look at the prospect of individual retirement accounts in a bipartisan way. People in the House and the Senate are talking about it but, unfortunately, it is not being brought up in this Congress, in this budget.

I believe that one of the things that we need to do is put individual retirement accounts back in place and we need to provide for the opportunity to have a spousal reduction for individual retirement accounts.

As we look at these kinds of growth items, tragically they are not incorporated in the budget.

I am concerned abut the rule. We do not allow consideration of the Gekas amendment, or allow consideration of the very thoughtful proposal brought forth by our colleague from Illinois [Mr. FAWELL], who says there should be a 3-day layover. Unfortunately, that is not incorporated.

This is the greatest deliberative body known to man. Why we cannot have 3 days for Members to consider these provisions, which are so often rushed through, is to me ridiculous. I am very saddened that is not included in this rule. I support the President's effort here. I know my colleagues, including the gentleman from Ohio [Mr. KASICH] and the gentleman from California [Mr. DANNEMEYER], have put together thoughtful proposals, and I am pleased that the majorities that allowed Members to include those in the rule, and I hope we move ahead and will have, throughout this week, a very interesting debate. I hope we will end up with an agreement which will see Members include what I think are very important, those growth items.

Mr. DERRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise to speak against the rules provisions because, in my judgment, the major budget proposals being brought forth, the Republican proposal and the Democratic proposal, in neither instance are addressing the major issues facing the American people. In fact, we should be using the budget process to bring forth new ideas and new visions, so that, finally, the U.S. Congress can begin to address the problems facing our elderly people, our working people, our poor people, the vast majority of our people, who today are seeing a significant decline in their standard of living.

As I think most people know, the differences, the greatest differences between the Democratic proposal and the Republican proposal amount to 1 percent. It is the 1 percent difference. I think in a Nation which is facing enormous problems, it is absolutely appropriate that the Congress begins a serious discussion on the serious issues. Let me just touch upon some of the problems that neither budget proposal will, in fact, address.

A recent study indicated that there are 5 million children in the United States of America who are today hungry. That indicates to me that the Federal Government must significantly expand the WIC Program or the other nutritional programs so that hungry children in the United States can eat. Study after study indicates that our educational system is failing. Twenty-five percent of our kids are dropping out of high school. Millions of young Americans cannot afford to go to college. It seems to me that one of the budget proposals should make the case that every kid in the United States who has the ability to go to college should be able to go to college, regardless of his or her income. We need to greatly expand Pell grants and other college education programs, and in general, to significantly expand Federal aid to education so that the folks at home do not have to pay higher property taxes, which are totally regressive. Neither budget proposal addresses that issue.

This Nation now faces the greatest deficit crisis in its history. We are looking at the largest deficit problem in our country's history, estimated to be about $350 billion. Members would think that one or another of the budget proposals would say that we need to deal with the deficit. Now the major cause of the deficit crisis is that we have given huge tax breaks to the rich at the same time that their incomes have soared. We have greatly expanded military spending at the same time that, thankfully, the cold war has ended. Members might think one or another of the budget proposals would finally say to the wealthiest people in the country whose incomes have soared, but today who are paying less in taxes than they paid 10 years ago, that now is the time they should start paying their fair share of taxes so we could feed our hungry children, make sure that all of our kids get a decent educational opportunity, make sure that all of our people are living in decent housing. Neither budget proposal does that.

Neither budget proposal deals with the deficit in a serious way, such as suggesting that there should be substantial cutbacks in military spending, so that we do not go into the largest deficit in our history.

Mr. Speaker, I will vote against the rules proposal because I think it does not allow for the kind of serious debate that this country is in desperate need of.

□ 1500

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. MCMILLAN], a member of the Budget Committee.

Mr. MCMILLAN of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule providing for the consideration of House Concurrent Resolution 121 the concurrent budget resolution of 1992. I support this rule because it makes in order the President's budget as a substitute to the resolution reported out of the Budget Committee and the two Republican alternatives.

We are about to begin debate on the second budget resolution to be considered under the 5-year spending agreement enacted into law, amid much controversy, only 6 months ago. I am pleased that both the committee-reported resolution and the President's budget abide by the three caps imposed on discretionary appropriations. What is more, both budgets adhere to the requirements that entitlement expansions and tax initiatives must be offset elsewhere in the budget, although that bears watching.

All the rhetoric aside, the Democrats' budget is 99.44 percent George Bush. On a comparable basis, the committee-reported resolution is only seven-tenths of 1 percent higher in budget authority than the President's—out of a $1.5 trillion budget. All the committee budget really did was to shift about $5.4 billion nondefense discretionary accounts and add about $2.6 billion to the nondefense discretionary pot.

Nevertheless, significant differences exist between the President's budget and the committee-reported resolution. I shall only mention a few:

Most importantly, from a budgetary perspective, the budget deficit would be about $10 billion lower under the

President's budget. The Budget Committee used several accounting gimmicks to lowball their projected deficits. First, they excluded the cost of expiring tax provisions which everybody knows will be extended. Second, the Democrats failed to include the costs of IMF refinancing. Desert Storm, and IRS enforcement. And they use rosier economic forecasts for 1992.

The President's budget also seeks to promote economic growth and competitiveness through restoration of a capital gains differential, extension of expiring R&D provisions and health insurance deduction for self-insured, creation of enterprise zones for distressed communities and establishment of family savings accounts. House Democrats reject all market-oriented proposals to encourage savings, investment, and new jobs.

The President also institutes a measure of fairness in the Federal budget by reducing Medicare and agricultural subsidies to the wealthy—a step the committee was unwilling to budget but gave lipservice to in the report language. The President's budget sets the stage for controlling runaway health care costs while the Democrat's proposal remains silent on this point.

I should mention that although the rule makes it in order for the President's budget to be offered as a substitute, the two proposals will not be playing on a level field. President Bush's budget lays out his proposals in excruciating program and account level detail, which all Member's have had since February 4, while the committee's tough choices are safely hidden in aggregate numbers you received only yesterday.

I urge my colleagues to adopt the rule, reject the committee-reported resolution, and vote in favor of the President's budget as the most responsible fulfillment of the Budget Enforcement Act.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the gentleman from New York has to be personally complimented by me for advancing my proposal in front of the Rules Committee and special thanks to the gentleman from California for endorsing it in that very same body.

It was a modest proposal, one that everyone understands. The budget that broke down last fall and which will be remembered by the American public broke down at a point when our troops were poised for battle in the Persian Gulf and the U.S. Government shut down.

Why did it shut down? Because the Congress was irresponsible. It continues to be irresponsible year after year, allowing the fiscal deadline of September 30 to come and go without fashioning a budget, and what does it resort to? Temporary funding measures beginning October 1 to another date, like October 15 or November 15 or December 20, and each time the deadline occurs, a new crisis occurs and that causes the Government to shut down.

We cannot tolerate that any longer. My proposal, which I will continue to assert throughout my incumbency in this Congress, is a simple one and it makes sense. Probably that is why it will not be adopted. It simply says that when September 30 comes about and the Congress has not done its duty, has not fulfilled its responsibility of passing a budget on time, then the next day, October 1, the beginning of the new fiscal year automatically will go in to place last year's budget.

What is so tough about that? That will mean that the Government will never shut down. We will always have a continuing body of fiscal and governmental movement through the year without every threatening the elimination of Government services like we went through just this past fall.

No. 2, what else does it do? It allows the Congress in its wisdom then, if any wisdom be left, to prepare a new budget without the threat of the gun of a government shutdown to alter its deliberations.

Why does the Congress not adopt this measure? I predict it will someday. I may be 97 years old, but it may one day adopt this proposal.

I believe that this modest proposal that I have put forth before the Rules Committee, a sense-of-Congress resolution, as it were, to a Congress that makes no sense.

Why not begin to make sense? It makes sense not to let the Government shut down. It makes sense not to permit secret little deals to be made in a budget process that we now have. Rather, we should have an open reintroduction of last year's budget until such time as the Congress begins to make sense in fashioning budgets.

Mr. SOLOMON. Mr. Speaker, I yield such time as he might consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in favor of the rule that has been brought forward; but I must say that I am very concerned about the budget proposals that will be before us. There is an awful lot of hypocrisy that gets connected with this budget process, hypocrisy in what we say and then what we do.

Over the last several years as we have considered budgets, we have had literally dozens of Members of a more liberal stripe come to the House floor and tell us how we can get everything done we want in a budget if we will simply cut military spending. Within the last few days we have had those same Members going to the newspapers complaining about the fact that as we cut military spending, some base in their district got closed.

You know, you cannot have it both ways. It is a little bit hypocritical to suggest that you are going to cut the military budget, but, oh, by the way, there are to be no cuts of any kinds of basing, or even weapons systems.

We had a supplemental appropriation on the floor here the other day where the House of Represenatives voted to continue weapons systems that the Department of Defense says they do not want and do not need any longer.

You know, there is a little bit of hyprocrisy connected with people who stand up and suggest that they are for cutting military spending as a solution to everything, and yet are not for cutting the programs in order to implement those spending cuts.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Surely, I am glad to yield to the gentleman.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding to me.

The last time I was importuned to vote to keep a weapons system going against the Pentagon's wishes was the V-22. Would the gentleman from Pennsylvania want me to go along with the Secretary of Defense on that?

Mr. WALKER. Well, I think maybe the Secretary of Defense has defined that very well. If the Secretary of Defense says he does not want it, I think we should seriously consider not doing it.

I happen to think that is a very good technological program, but I am willing to vote to eliminate that.

How does the gentleman feel about Fort Devon in his State?

□ 1310

Is the gentleman willing to close it? The gentleman has been one who talked consistently about cutting military spending as a way to find the money we need. Is the gentleman willing to have the bases closed in Massachusetts?

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Speaker, I have been in favor of the base closing. I voted for it in the past; I will vote for it this time. But I do want to say also that I appreciate the gentleman's position on the V-22 because my recollection is he was one of those lobbying to overturn the Secretary of Defense's position on the V-22. I am glad that he is now with the V-22 decision.

Mr. WALKER. I say to the gentleman that I think that happens to be a very good technology. But what the gentleman—what I am talking about is, for instance, we voted on the House floor just the other day, and I do not know how the gentleman voted on the bill to continue building F-14 fighters, that the Pentagon says that they do not need. It is an outmoded technology.

Rather than picking on technologies that advance the state-of-the-art and moving in the direction of technological leadership, I think we ought to be going after some of these obsolete systems that the Pentagon says they do not need. How did the gentleman vote? Did the gentleman vote for or against continuing the F-14?

Mr. FRANK of Massachusetts. If the gentleman will yield.

Mr. WALKER. Sure.

Mr. FRANK of Massachusetts. I voted for the F-14.

Mr. WALKER. Sure, the gentleman did. So I reclaim my time. In other words, despite the fact that the Defense Department says that they do not want it, the gentleman votes to continue this obsolete technology. Let me tell you one other thing about the Democrats' budget——

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. WALKER. Sure, I will yield one more time because I want to get to another subject.

Mr. FRANK of Massachusetts. I thank the gentleman.

Yes, as the gentleman voted against the Secretary of Defense on the V-22, I did so on the F-14. I have never said that the Defense Department was infallible. My point is that we can both do less and do better by not slavishly following what they say.

Mr. WALKER. This gentleman, the point that he is making is that this gentleman has stood up and fought for increased defense spending because I think there are a number of things we should be doing in the area of high technology in space that will have some applications in civilian technology and also in our defense programs. But the gentleman from Massachusetts has been one of those, along with others, who have consistently come to the floor and suggested we can cut the military budget, we can cut it drastically—I think the gentleman voted for a couple of budgets that proposed to cut it as much as 25 percent—and then at the time that we have even minimal cuts in the defense budget, the same gentlemen come to the floor complaining about the fact that they are going to get cut in their districts.

Mr. FRANK of Massachusetts. If the gentleman will yield, will the gentleman cite me when I have made such a complaint? I have never made such a complaint about bases being closed in my district. There are no bases in my district, so they would have to put one in there in order to cut it.

Mr. WALKER. I used the generic. I would point out to the gentleman there have been numerous——

Mr. FRANK of Massachusetts. The gentleman has cited me incorrectly.

Mr. WALKER. All I said was, a minute ago, that the gentleman just voted in favor of the F-14 fighters that we did not have any Defense Department approval for.

Let me make another point, though, about the Democrats' budget. That is that the Democrats have decided within this 1 percent of difference to make quite a difference with regard to technology and science. Where they come up with these moneys that they continue to talk about that are going to raise spending in various social welfare areas is out of science and technology. They cut, for example, $1.2 billion out of the administration's request for the space program. They said that it does not cause any harm. Well, let me tell you it is going to cause some harm. One of the things it is going to do is you will probably kill the space station because you cannot have the space station without spending the money that is necessary to begin to bend some metal and put the space station in place. We should not continue to go ahead with spending money, coming up with new plans. And yet the Democrats' budget proposes that that is one place we take the cut. They also take it out of the national aerospace plane. In this particular place what they are going to do is transfer the whole thing to the Defense Department.

Now, if you think it is a good idea to have all the high technology work going on at the Defense Department for improving aeronautics technology for our future, then you will love the Democrats' budget. Because they take the whole national aerospace plane project, put it in defense, and eliminate all the money from NASA, where we were going to try to build a new generation of commercial airlines that keeps us in the forefront of that kind of technology. Yet the Democrats say, "No, we do not want to go in that direction, we will spend it all only on the military side." Then we have the proposal to ground several space shuttle flights. A lot of those space shuttle flights coming up are space science missions. So when you start grounding the space shuttle, what you are going to end up doing is eliminating our ability to do a number of space science missions that have untold implications for our future. Then if you take a look at the mission to Planet Earth, the program that the Augustine Commission told us was a very top priority, you will find out the critical measurements that will be needed to assess global change, is going to be delayed as a result of what the Democrats would do in their budget. We also have research on other kinds of aeronautics issues delayed, if not eliminated. That is, if you fund it the way the Democrats are proposing to fund it in their budget proposal. It is not just NASA.

Look at NOAA, the National Oceanic and Atmospheric Administration, you will find out that the President wanted an increase of $159 million. This bill that we will have before us, the Democratic budget, actually cuts that and goes $15 million below the present budget for NOAA. What does that mean? It means we are going to kill off the Weather Service Modernization Program because most of the increase in there was for modernizing the Weather Service, thereby giving us more accurate information and data. And it will mean that the Federal Global Change Research Program also, done largely by NOAA, will be eliminated. I think that kind of prioritization by the Democrats reveals the fact that in science and technology they have decided this Nation should not be in the forefront, and I think their budget should be rejected on those grounds alone.

Mr. SOLOMON. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore (Mr. McNulty). The gentleman from New York [Mr. Solomon] has 3 minutes remaining, and the gentleman from Michigan [Mr. Bonior] has 17 minutes remaining.

Mr. SOLOMON. Mr. Speaker, because they have no further speakers on their side, I yield 2 minutes and 20 seconds to the gentleman from Texas [Mr. DeLay].

Mr. DeLAY. I thank the gentleman for yielding to me.

Mr. Speaker, I just wanted to take this short period of time to express my concern for not including in this rule an amendment that was offered by the gentleman from South Carolina [Mr. Tallon] and this gentleman from Texas, offering a pro-growth package called the DeLay-Tallon bill, H.R. 960.

I, too, am very concerned about the direction that both the Gradison bill and the Democratic proposal are taking. They are taking a higher taxes and higher spending, and we are on the road to, in my opinion, economic disaster.

We are looking at 25 percent of GNP in increased spending in both proposals. We are looking at somewhere around 20 percent of GNP in taxes. For the first time in the history of this country, we are looking at 20 percent of GNP of taxes in consecutive years. We have never had that.

We have reached 20 percent of GNP in taxes once or twice in recent history, and both times we have had major recessions in this country. That is where we are headed: higher taxes, higher spending, and higher deficits and more regulations. That is not good for our economy. We ought to have some sort of pro-growth agenda. What we have proposed, we have found a way, under the budget agreement, to cut taxes and promote growth and create jobs in this country. What we did is because social security was taken off budget, we cut the payroll taxes, which lowers the cost of labor by 1 or 2 percentage points, and from that, that revenue loss in social security is not counted on the on-budget side. Yet, cutting that social security, revenues are increased because more money in people's pockets, they pay more taxes. From that increase in revenue we can cut captial gains to 15 percent, we can have a depreciation schedule that protects business people's values of assets. That lowers—we lower the cost of capital with those two issues, and we put in place an IRA-Plus system. Pro-growth, job creation is the way to go, not more taxes, more spending and higher deficits.

Yet we were not afforded the opportunity to offer that amendment.

Mr. SOLOMON. Mr. Speaker, I yield myself the remaining 40 seconds. Let me point out there is an amendment which will be pending, called the Ford amendment. That amendment, I would alert Members on both sides of the aisle, only amends the Democratic budget, the so-called committee bill. It does not amend the President's budget. Therefore, this Member has no personal objection to it one way or the other.

I would just say, Mr. Speaker, that I want to again thank the gentleman from Massachusetts, Chairman MOAKLEY, and the Democratic side of the aisle for giving us a fair rule. This is a fair rule. I urge Members to support it, and then support the President's budget as the fairest proposal before this House.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the gound that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 392, nays 9, not voting 30, as follows:

[Roll No. 66]

YEAS—392

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Dickinson
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Durbin
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Zimmer

NAYS—9

Ballenger
Crane
Duncan
Fawell
Hancock
Hefley
Sanders
Stump
Zeliff

NOT VOTING—30

Barnard
Berman
Bevill
Conyers
Derrick
Dicks
Dornan (CA)
Dwyer
Dymally
Ford (TN)
Gibbons
Houghton
Hughes
Jontz
Klug
Lehman (FL)
Martin
Martinez
Mavroules
Miller (CA)
Moody
Mrazek
Myers
Nagle
Owens (NY)
Traxler
Udall
Weldon
Yates
Young (FL)

☐ 1340

Mr. BURTON of Indiana changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 123 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 121).

☐ 1342

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 121) revising the congressional budget for the United States Government for the fiscal year 1991 and setting forth the congressional budget for the United States Government for the fiscal years 1992, 1993, 1994, 1995, and 1996, with Mr. GRAY in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered as having been read the first time.

Under the rule, the gentleman from California [Mr PANETTA] will be recognized for 2½ hours, and the gentleman from Ohio [Mr. GRADISON] will be recognized for 2½ hours. Said time will include a period of 2 hours on the subject of economic goals and policies.

The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume.

I do want to alert Members as to what the schedule will be between today and tomorrow. I would yield to the ranking member, the gentleman from Ohio [Mr. GRADISON], for that purpose.

Mr. GRADISON. Mr. Chairman, I think it would be helpful to the general membership of the House, as well as for the members of our committee and others who wish to participate in this debate, if we could have a brief discussion of the ground rules for today, when votes might be anticipated, and how the debate might be divided between the Humphrey-Hawkins portion and the general debate on the bill before us.

Mr. PANETTA. Mr. Chairman, reclaiming my time, I thank the gentleman from Ohio for that inquiry. For the information of Members, we have 5 hours of general debate, 3 hours that would be taken by the committee, and 2 hours that would be provided to the Joint Economic Committee under the Humphrey-Hawkins debate section of the budget.

My intention would be that we would complete all general debate today and not get into any of the specific amendments; that amendments and votes on those amendments would take place tomorrow, with my hope being that we could conclude all of the amendments and go to final passage, hopefully by the end of the day tomorrow.

Mr. GRADISON. Mr. Chairman, if the gentleman will yield further, at what point today might we expect to turn control of the time over to the Joint Economic Committee representatives?

Mr. PANETTA. Mr. Chairman, I would anticipate that we would probably do general debate for approximately 2 hours, and then at that point allow the Joint Economic Committee to proceed with their debate. If we have 1 hour remaining, we would then conclude the debate with the committee.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I understand there are 2 hours of debate on what is called the Humphrey-Hawkins portion. Would that be equally divided between myself and a Member on your side?

Mr. PANETTA. Mr. Chairman, reclaiming my time, my understanding is that that 2 hours is to be equally divided. One hour will be allowed for the gentleman from Texas [Mr. ARMEY] and 1 hour will probably go to the gentleman from Indiana [Mr. HAMILTON] from the Joint Economic Committee.

Mr. ARMEY. Mr. Chairman, should we be prepared to start about 2 hours from now?

Mr. PANETTA. Approximately.

Mr. Chairman, I rise in support of House Concurrent Resolution 121, the concurrent resolution on the budget for 1992. As always, always, it is not an easy task to put together a budget resolution. There are a lot of tough and difficult choices that must be made.

Mr. Chairman, there is no budget resolution that I am aware of, either by Presidents of this country or by committees of this Congress, that satisfies everyone on every issue. But it is the overall balance of priorities that I ask Members to consider as we debate this budget.

Because budgets are not just dollar signs—they are not just numbers—they set out priorities for the Nation, a direction for the Nation. That is what I want to draw the attention of Members to as we discuss this budget resolution.

Mr. Chairman, there are four areas that we had to deal with in the budget. One is obviously focusing on discipline and the constraints established by the budget agreement worked out by the President and the Congress.

The second area was to focus on working families and the programs that basically serve the working families of this country.

The third was to focus on economic strength and areas that we felt were most important to commit resources in order to rebuild the Nation's economic strength for the rest of the 1990's and into the next century.

The last area was just basic fairness, fairness to the most vulnerable Americans in our society.

Mr. Chairman, let me briefly discuss each of those areas. First of all, with regard to budget discipline, the first question we had to confront in the Committee on the Budget and in the House was whether or not we intended to stick to the discipline established by the budget agreement reached between the President and the Congress last year. The decision by both the President in his budget and by the budget that we present to the Congress is that we will adhere to that agreement. We are going to stick by the terms that were established in that agreement for the next 5 years.

Mr. Chairman, that means that we were operating, obviously, under some severe constraints. It means essentially that we had to meet the spending caps established in three areas: the defense area; foreign aid, international aid; and the spending cap on domestic spending.

The budget that we present here is either at or below each of those caps.

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In addition to that, we require that any entitlement or tax changes, either a potential expansion on entitlement programs or any of the proposed tax benefits that have been discussed in a number of areas, that those would have to be paid for, paid for either through additional taxes or paid for through spending cuts in other areas. That is the basic pay as you go principle established by the budget agreement.

So this budget adheres to the requirements of the agreement in both meeting the spending caps that were established and in meeting the pay as you go requirement. Without question, as we proceed through this year and I am sure over these next few years, there will continue to be pressures to alter that agreement whether through tax cuts or spending increases in one area or another. But it is most important that we in the Congress send a clear message to the American people that when it comes to budget constraint, when it comes to budget discipline, we intend to stick by the agreement.

We are now facing tremendous deficits in this country. As Members know, we are looking at budget deficits under this budget proposal, under the President's budget proposal of anywhere from $280 billion to $290 billion for fiscal year 1992. If we then subtract the Social Security surplus from that calculation, we are looking at deficits that exceed $360 billion.

Obviously a good portion of that deficit represents matters that are not within the fiscal control of the Budget Committee; $100 billion of that number is basically committed to the S&L bailout. Approximately $60 billion of that number, $64 billion, is due to fallen receipts as a result of the recession. So there is a core deficit problem of about $130 billion that still remains for this country over these next 5 years.

Hopefully, hopefully if we stay within the constraint of the budget agreement, the S&L situation ultimately begins to reverse itself, and we can pull out of the recession, we can begin to get back on the track of reducing these horrendous deficits that confront us. Spending restraint and lower deficits help keep interest rates down, encourage investment to strengthen our economy and reduce our trade deficit with our national competitors. It is for that reason that we are obligated, duty bound to adhere to the discipline established in the agreement.

The second focus of this budget is to try to focus on that group within our society who we feel have paid the highest price as a result of the 1980's. During the last 10 years the combination of growing deficits, trade imbalances, poor productivity, and reduced incomes have taken their greatest toll from America's working families. It has become increasingly difficult for these families to properly educate, to feed, to care for, to protect their children. Lack of competitiveness, energy, insecurity, a decaying transportation system, and growing unemployment threaten their future economic security. When these families face tough times, they have no choice but to tighten their belts and reorder their priorities. This Nation can do no less.

The budget presented by the committee seeks to reverse the trends during the 1980's and tries to look ahead to the rest of this decade and to the next century to strengthen both the family and the Nation as we enter the 21st century. The committee budget reorders the priorities expressed in the President's budget by reallocating $13 billion to target the Nation's resources on the needs of working families and programs, and also to try to rebuild the long-term economic strength that is essential for the future. We reject $46 billion in cuts proposed by the President over 5 years including Medicare and veterans' programs; $3.5 billion in cuts is proposed in the President's budget for veterans' programs over these next 5 years. Cuts in the Student Loan Program, cuts in the Foster Care Program, in trade adjustment assistance and in family programs, $46 billion that we reject because they impact on those working families and they impact on the most vulnerable citizens within our society.

The basic focus of reordering or reallocation of resources is on children. We believe that in our society there needs to be a refocus of attention on the needs of children. Too many children are today born in ill health and are poorly educated, and if that is the case, we cannot maintain the competitive position of the United States in the world. The executives of five major corporations told the House Budget Committee in a recent hearing, "The health, well-being and education of children is pivotal to keeping the United States competitive in an increasingly international economy. In addition, a heavy human toll is exacted when children grow up in conditions that effectively deny them the chance to attain their full potential."

The United States today has one of the highest infant mortality rates among the industrialized nations. Each year 40,000, 40,000 Amercian infants die before their first birthday. According to a recent study, one American child in eight faces persistent hunger. More than 12 million American children today live in households below the poverty line.

The committee budget attempts to redirect our resources at these children by providing $5.3 billion for the following key programs:

First of all on nutrition. One of the programs that works and we know it works is the Women, Infants, and Children feeding program. The decision of the committee is that this is a program that we ought to put on a track toward full funding, and we do that. We increase that program by $350 million for 1992, and we propose full funding for the WIC Program by 1996, exactly the track established by the executives who testified before the Budget Committee.

Second, education is another major priority for our children, and there again Head Start is a program that works, we know it works, but it is not being fully funded. It is a program that we try to target for full funding in the 1990's with an increase of $350 million in 1992, adding, incidentally, some 72,000 children to that program so that they can benefit from the Head Start Program.

We also provide an increase of $2 billion over current levels, three times the amount in the President's budget for the basic education programs that are important to our children, elementary and secondary education programs, Pell grants, compensatory education, special education and historically black colleges. All of those are essential if we are going to invest in our children for the future.

In addition, in the health care area, it is extremely important that we try to support the program that are there now, trying to prevent infant mortality. The President proposed cutting maternal and child health, community and migrant health and other programs in order to establish some regional targeting in about 10 areas. We reject that, because the problem of infant mortality is not just an urban problem, it is an urban and rural problem in this country. For that reason we provide almost $550 million for the National Institutes of Health, for programs in community and migrant health, maternal and child health and in childhood immunization programs that serve both urban and rural areas.

Last, when it comes to drugs, the scourge that all parents are concerned about for their children, we provide an increase of 12 percent, $1.2 billion, targeted at antidrug programs relating to enforcement, prevention and treatment.

The third area that we focus on is economic strength, because we can provide all of the programs we want, but if we do not have a strong economy for the future we will never get ahead, we will never be able to compete or strengthen our own society.

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For that reason, we have targeted competitiveness so that we can begin to compete with the other nations like Japan and Germany in the modern world.

The committee budget contains a total of $5.1 billion targeted to investments in three key areas. One is competitiveness. An increase of $1.9 billion for programs that improve the Nation's competitiveness. Basic research is increased, including $406 million for the National Science Foundation, science and math education, advanced technology programs, economic development and, in addition, we provide $266 million for job training programs, all aimed at improving competitiveness within our society. Those are good investments for the future. Those are ones we ought to support.

Energy is another area. What astounds me is the failure of the President's budget to direct itself at our societ's energy vulnerability.

The President proposes cutting $242 million from energy programs, cutting them, cutting programs that help in the development of alternatives, cutting programs that would develop incentives for conservation.

What we do in this budget is provide $850 million for energy conservation, for energy R&D, for alternative-fuel vehicles, for low-income weatherization and for efforts to expand the strategic petroleum reserve, all programs aimed at developing energy security for the future.

Last, we try to stress infrastructure, a commitment to invest in expanding and improving the Nation's infrastructure, because that is related to our ability to compete and to expand for the future.

For highways, we provide $1 billion in terms of budget authority, $537 million more than the President, and we also provide additional funds above the President for mass transit and for Amtrak. We also provide $1 billion for aviation, meeting the President's number in that area.

The fourth area that we focus on is fairness for Americans. The Federal Government must promote both growth and fairness in the U.S. economy. That is a basic principle that we try to direct ourselves toward.

The President's budget proposes 5-year cuts in the following programs that hit the most vulnerable in our society: $25.2 billion in cuts in the Medicare Program, mostly targeted to providers. We have lost 500 hospitals in this country over the last few years in both rural and urban areas. There are many more hospitals that are on the verge of shutting down. Is that the way to help senior citizens in this country—shutting down more hospitals, cutting off the funds that are available in the Medicare Program? Absolutely not, particularly after, in the budget agreement, we adopted $43 billion in savings in the Medicare Program. We reject that cut.

We reject the cut in veterans' programs of $3.5 billion at a time when this country has come together saying that what we need to do is to provide help to those veterans who are returning from the Persian Gulf. We are going to suddenly enact $3.5 billion in cuts in compensation and housing for the Nation's veterans? It makes no sense. So we reject that.

Guaranteed student loans; the President wanted to cut almost $700 million from guaranteed student loans, the basic program that gives children an opportunity not just to get through elementary and secondary school but to get to college. You want to expand opportunities in this country? Give a student a chance to be able to go to college. We reject that cut.

We reject $1.7 billion in foster-care-program cuts proposed by the President.

We also reject trade adjustment assistance cuts of $905 million at a time when we are worried about the impact of trade within our society. When jobs are being lost, are we going to cut the only program that can provide a safety net for those workers impacted?

We also reject the cuts on maternal and child health care and also in rural development. The President has also cut child nutrition and Pell grant benefits by suggesting that somehow families with incomes as low as $23,500 a year should not benefit from those programs. We reject that.

We do accept the need to look at means-testing for income-related formulas both with regard to Medicare as well as with regard to agriculture, and the committee's budget provides those directions to the committees of jurisdiction.

But in each area related to those vulnerable Americans, the committee does not go at those individuals, does not make their life worse in our society, but tries to help them. The elderly: We not only reject the cuts in Medicare, but we provide for additional funds for the administration of both Social Security and Medicare itself.

The veterans' programs; a $1.1 billion increase is provided above the President's budget.

For farmers, we include $701 million more than the President's budget, and the same thing is true in the poverty areas with regard to the homeless, and also the victims of AIDS within our society.

To do this required some tough decisions. You cannot reorder $13 billion in the budget without having to make tough choices, and we had to do that. We made across-the-board cuts in almost 60 Federal programs including the executive and legislative branches. They are not only frozen but they are cut an additional percentage point below a freeze.

We also targeted specific cuts in postal subsidies and noncompetitive grants and in various Federal construction programs. We also recommend the elimination of programs including urban homesteading, section 312 rehab loans, rental rehab grants, and a number of other programs that we included in the housing authorization bill last year for termination.

The resolution also asks that a number of commissions be examined for termination, consolidation, or independent funding. There are a number of these commissions in the executive branch, and, very frankly, they are in desperate need of either being terminated or consolidated.

Mr. Chairman, those are some of the key areas that we confront in this budget and obviously, as the debate proceeds, we will debase not only these issues but other areas as well.

I am sure there will be during this debate the argument that the committee budget really did not make that many changes in the President's budget, that we just tinkered around the edges. Only in Washington, DC, does anyone have the nerve to say that $13 billion in readjustments, in reallocations, is just tinkering with the edges. Only in Washington, DC, would anyone suggest that rejecting $46 billion in cuts in Medicare, in veterans' programs, in student-loan programs, that that is just tinkering on the edges.

Do not ask those who put on the green eyeshades. Ask the people who are affected by these programs whether or not there is a difference. Ask the laid-off worker who is looking for job-training funds. Ask the children, the 5 million children, who live in hunger whether the money that we provide for the WIC Program and for the feeding programs makes a difference. Ask the 250,000 pregnant women in our society afflicted with crack and passing that on to their children whether or not the funding we provide to deal with those pregnant women makes any difference or not. Ask the 30 million elderly who benefit from Medicare whether rejecting the cuts in the Medicare Program makes any difference or not to them individually. And ask the 27 million veterans in this country whether or not they are prepared to have their housing costs go up or their pensions cut.

I will rest the case for this budget on the judgment of those who need this help, the elderly, the veteran, the student, the child.

This budget reaffirms this Nation's belief in helping people, in helping working families, and in helping those in desperate straits. It tells the country about our hopes for the future, a better economy, better jobs, healthier and better educated children.

This is not just a green-eyeshade exercise. It is meant to give hope to people that we have left behind in the 1980's, and that we are trying to strengthen for the 1990's.

It is for those reasons that I ask the Members to support the committee's budget proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. GRADISON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairmam, once again the Democrats, who run this place, are bringing to the floor legislation designed to put them on the side of the angels—and the President and his supporters in as bad a light as possible. In other words we have before us the trial balloon of the week.

I do not blame my Democratic friends for trying, but the differences between what the President's budget would do and what they would do are so slight, I do not understand why they bother. Considering that the Democrats have had since February to tear apart the President's budget, it is remarkable they find so little to change.

They agree with the President in budget authority for defense and international spending. They are close to the President in total domestic discretionary spending—or at least they seem to be.

TABLE 1.—COMPARISON OF PRESIDENT'S BUDGET TO DEMOCRATS' BUDGET

[Dollar amounts in billions]

	President's budget	Democrats' budget	Change	
			Amount	Percent
Grand totals as presented				
Budget Authority	$1,590.4	$1,590.1	−$0.3	0.0.
Outlays	1,462.1	1,458.8	−3.3	−.2
Revenues	1,172.2	1,169.2	−3.0	−.1
Deficit	−289.9	−289.6	.3	.1
Grand totals on comparable basis[1]				
Budget Authority	1,578.4	1,590.1	11.7	.7
Outlays	1,452.0	1,458.8	6.8	.5
Revenues	1,172.2	1,169.2	−3.0	−.3
Deficit	−279.8	−289.6	9.8	3.5

[1] Democrats do not include BA of $12.2 billion for IMF Recapitalization in Function 150, although they assume it will occur. Both budgets show total BA of $1,590 billion. Therefore, the $12.2 billion is dispersed throughout the other functions in the Democrats' budget, about $2.6 billion to domestic discretionary and the remainder elsewhere.

Democrats also manipulate outlays to disguise the fact that their outlays exceed the President's by $6.8 billion. Techniques used include moving $4.6 billion in 1992 Desert Shield outlays to non-defense programs and assuming that OMB will score appropriations outlays at $2.6 billion lower then CBO.

What are the changes in the functions our Democratic friends talk so much about? They call for increasing outlays, over the President, by 3.2 percent in education, training, employment, and social services—function 500; by 3.6 percent in health—function 550; by 1.1 percent in Transportation—function 400; and so forth.

About $5 billion is taken away from some domestic discretionary functions and about $8 billion is added to others. This nets out to a change of $2.8 billion—which is 1.3 percent of the domestic discretionary total, and a whopping two-tenths of 1 percent of the entire budget. This they call a reordering of priorities.

TABLE 2.—UNSPECIFIED REDUCTIONS IN THE DEMOCRATS' BUDGET BY FUNCTION—REDUCTIONS FROM CBO FREEZE LEVEL

[In millions of dollars]

	Fiscal year—	
	1992	1993
300 Natural resources and environment:		
Budget authority	−153	−160
Outlays	−91	−134
350 Agriculture:		
Budget authority	−69	−71
Outlays	−54	−66
370 Commerce and housing credit:		
Budget authority	−16	−16
Outlays	−10	−15
400 Transportation:		
Budget authority	−48	−50
Outlays	−31	−42
450 Community and regional development:		
Budget authority	−18	−19
Outlays	+4	−15
550 Health:		
Budget authority	−14	−14
Outlays	−3	−11
600 Income security:		
Budget authority	−3	−3
Outlays	−4	−4
700 Veterans benefits and services:		
Budget authority	−26	−27
Outlays	−24	−27
750 Administration of justice:		
Budget authority	−228	−240
Outlays	−179	−223
800 General government:		
Budget authority	−44	−45
Outlays	−70	−85
950 Undistributed offsetting receipts:		
Budget authority	−300	−2,078
Outlays	−300	−3,484
Totals:		
Budget authority	−919	−2,723
Outlays	−762	−4,106

In short, the Democrats have merely rearranged a few of the deck chairs—but their rhetoric suggests that they have steered the entire ship of state on a new course.

Their budget, which we are told reflects Democratic priorities, is 99.44 percent George Bush. It is a me too budget. Given the choice between the substitute and the real thing, I would rather support the real thing—the President's budget.

Now, my friends across the aisle will say there are features in the President's budget that even many Republicans do not like. They will say there are things we would change in it.

But frankly, that is saying next to nothing. Every Member of this body would like to fund a little more spending for his or her district. Some would like to spend more on science, some on health care, some on transportation. But a budget is a consensus document that works with finite resources. It involves tradeoffs. I have absolutely no doubt that many Democrats would change their version too if they were not under such pressure to avoid giving the President credit for sending us a budget that was not dead on arrival and is, to this day, very much alive.

Notwithstanding all that, in the marginal areas where the Democrats do claim to set a new course, the differences actually weigh very much in favor of the President—even by the Democrats' own criteria. Consider the following:

The Democrats fret about growing unemployment and threats to the Nation's economic security,[1] yet they offer no proposals to stimulate economic growth through the proven mechanism of the markets. The President recommends a package of incentives for savings and investment.

The Democrats have decried what they have called a decade of disinvestment[2] under Republican administrations. Yet the Democrats cannibalize the President's efforts to boost resources in science and research—one of the few Government spending categories with a clear track record of substantial return on investment.

They have marched under the banner of fairness. But the Democrats reject the President's efforts to redirect benefits toward those who most need them. The Democrats are satisfied with a status quo that delivers tens of billions of dollars in transfer payments to upper income individuals—paid for by the very working families the Democrats claim to be protecting.

They stress the importance of long-term budget restraint, but ignore $34.5 billion in 5-year savings proposed by the President in the arena that most needs serious and prompt attention: mandatory entitlement spending—which threatens to bankrupt the hospital insurance trust fund in 15 years. More important, they have offered no recommendations of their own. They give us no clue as to how—using just the Medicare example—they will assure beneficiaries that money will be there to pay their hospital bills when they need it.[3] The President's budget offers us a challenge to begin facing the entitlement problem; the Democrats have looked the other way.

In an interesting turn of events, the Democrats have chosen a rosy scenario economic forecast on which to base their spending and revenue recommendations—something Republicans always used to be accused of.

In short, the Democrats have struggled, and failed, to come up with a spending plan that bears any significant differences from the President's budget. But where they think they have distinguished themselves, they have furnished precisely the reasons to support the President's budget, not their own.

Let us face it, the Democrats are trying to make an event of a nonevent. Even if the Democrats had truly profound policy options to offer, this ritual is mostly a wearisome charade. Whatever number we set for appropriated accounts can—and if history is any guide will—be changed around, not in public view on this floor, but in secret by the senior Democrats on the Appropriations Committee. Furthermore, there are Members of this body who believe we will wind up with no budget resolution at all, that appropriations will go forward with the 1990 Budget Enforcement Act as a guide. So much for the relevance of this debate.

As the Ranking Republican on the Budget Committee, I am delighted to try to make these next few hours as meaningful as possible. But I know enough to suggest that my colleagues and the public not take this too seriously.

Meanwhile, Mr. Chairman, on with the show.

TABLE 3.—COMPARISON OF THE DEMOCRATS' PROPOSAL TO THE PRESIDENT'S BUDGET—FISCAL YEAR 1992

[Domestic Discretionary—budget authority—in millions]

	Additions		Cuts		Net effect
Function 250			(80)	DOE General Science	
			(1,175)	NASA	(1,255)
Total			(1,255)		(1,255)
Function 270	866	Energy Programs (Non-Weather)			
	226	Low Income Weather			
Total	1,092				1,092
Function 300	42	Land Acquisition	(410)	Rest of function 300	
Total	42		(410)		(368)
Function 350	83	Rest of Function 350	(35)	Unspecified reduction	
			(34)	1-percent reduction	

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[1] Press release by Leon E. Panetta, the Budget Committee Chairman, in announcing his mark on April 8, 1991.

[2] This was the title of a Democratic Study Group report published January 25, 1990. It was followed up by The U.S. Retreat on the Democratic Agenda: Bush Budget Calls for Declining Investments in U.S. Economic Growth, published February 28, 1991.

[3] See the March 1991 report on Medicare projections by the Health Technical Panel to the 1991 Advisory Council on Social Security.

TABLE 3.—COMPARISON OF THE DEMOCRATS' PROPOSAL TO THE PRESIDENT'S BUDGET—FISCAL YEAR 1992—Continued

[Domestic Discretionary—budget authority—in millions]

	Additions		Cuts		Net effect
Total	83		(69)		14
Function 370	239	Rural Housing	(16)	1-percent cut	
	10	Industrial Technology Services			
	25	Non-Profit Mail Subsidy			
	373	Rest of Function 370			
Total	647		(16)		631
Function 400	181	Amtrak	(135)	Contract authority rescission	
			(1,045)	Mass transit (see footnote)	
			(29)	Rest of function 400	
Total	101		(1,209)		(1,028)
Function 450	88	Indian Operations/Construction			
	380	Community Block Grants			
	1,102	Rest of Function 450			
Total	570				570
Function 500	1,272	Education	(258)	Indian Education	
	250	Head Start	(32)	Rest of Function 500	
	293	Job Training			
	426	Other Function 500 Programs			
	561	SLIMG			
Total	2,802		(290)		2,512
Function 550	10	Immunizations			
	123	AIDS			
	10	Infant mortality			
	52	NIH			
	20	ADAMHA			
	60	Maternal and child health			
	26	Community and migrant health center			
	250	Other low income programs			
	167	FDA			
	15	Health service corps			
	379	Rest of function 550			
Total	1,112				1,112
Function 570	160	Medicare administrative expenses			
Total	160				160
Function 600	224	Subsidized housing	(431)	Unemployment ins. adm. expenses	
	127	WIC	(52)	SSI administrative expenses	
	34	Other food programs			
	649	Low income home energy assistance			
	16	Refugee/entrant assistance			
	30	Child care grants to States			
	30	Rest of function 600			
Total	1,110		(483)		627
Function 700	211	Veterans medical care	(26)	1-percent cut	
	31	Vets research, claims processing			
	7	Rest of function 700			
Total	249		(26)		223
Function 750	13	Legal Services Corp			
	24	Fighting drug abuse			
	167	Anti-crime programs			
			(769)	Rest of function 750	
Total	204		(769)		(565)
Function 800			(271)	IRS	
			(304)	Rest of function 800	
			(44)	1-percent cut	
Total			(619)		(619)
Function 950			(300)	Increase in user fees	
Total			(300)		(300)
Total	8,252		(5,446)		
Net addition to President's budget					2,806

Note.—Total Transit Account (including mandatory spending) is $211 million more than President's total.

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Mr. Chairman, I yield 6 minutes to the gentleman from North Carolina [Mr. McMILLAN], a member of the Committee on the Budget.

Mr. McMILLAN of North Carolina. Mr. Chairman, this is the second year under the discipline of the Budget Enforcement Act which set spending caps, mandatory paygo provisions and tax adjustments to reduce the baseline deficit by $500 billion over 5 years. The ultimate goal is a balanced budget in 1996.

We are off to a slow start due to the essential funding of deposit insurance and the recession which together impacts the 1991 and 1992 deficits about $150 billion. We are struggling with a structural deficit of $170 billion in 1991. To achieve our objectives for balancing the budget, we must hold outlay growth to half the rate of inflation with no new taxes from this point on.

The President's budget holds outlay increases for fiscal year 1992 to 2.6 percent of fiscal year 1991. The Democratic budget is slightly higher. More importantly, the President's budget limits compound outlays growth to 1.8 percent from 1991 to 1996.

Both adhere to the Budget Enforcement Act for 1992 targets even though on a comparable basis, the Democrat deficit is about $10 billion higher than the President's.

There are many on this side of the aisle, and some on the other, who would have preferred no tax increases and greater spending restraint last year. The votes were not there and we passed the compromise Budget Enforcement Act. We will have two substitutes on the Republican side which seek to achieve greater spending restraint.

The President and the Republicans might say we achieved 99.5 percent of our proposals.

Proposed Democratic changes amount to only 45 additions totaling $8.252 billion and 17 decreases totaling $5.226 billion out of 1,005 discretionary accounts, about one-half of 1 percent of total outlays of $1.4 trillion.

We will hear a lot of exaggerated rhetoric about the necessity of those changes and its impact on life in America but the real truth is that they are minor adjustments at the expense of another. In most cases, it is simply a case of "one-upping" the President and the Republicans with a little more money for energy, housing, education, health and welfare at the expense of research and development, environment, unemployment insurance and SSI, justice and tax enforcement.

Is there anyone in this body that does not believe that if the President had proposed $100 billion in new spending on education programs, the Democrats would hold a press conference and charge, "The President and the Republicans are insensitive to children and public education; we think we should spend $200 billion?" We would never win that kind of bidding war but a more fundamental question would ask if the children would be better off? These are the type of questions the Budget Enforcement Act will force us to ask now and in the future; we must give more attention to successful management of realistic objectives rather than just hope that more money will solve all of our problems.

But now that the Budget Enforcement Act has been passed and both sides have agreed to flatten out aggregate Federal spending for the next 5 years, it is time for Congress to find innovative ways to get more impact for more people on a constrained budget. That is a formula that both sides can win on if we look for more cost-effective means rather than continue down the time-worn game of pumping more and more money into Federal programs without holding them accountable for meeting specific objectives.

One example of success is the defense budget which is managing a reduction in real terms of close to 3 percent per year as we downsize our forces. The Persian Gulf war showed us that we can, in fact, get better results out of a shrinking budget. Suppose we did the same in the areas of education, housing or health care?

The Budget Enforcement Act requires a 5-year reconciliation and the President's proposal does that with initiatives to stimulate higher economic growth and to encourage the development of cost-effective alternatives that enhance essential policy goals and Government services.

My colleagues, the real work of the Budget Committee, the authorizing committees and the Appropriations Committees lies ahead of us. It is going to be tough to live within the discipline of the Budget Enforcement Act and address the foreign and domestic challenges we face.

The discipline of the budget agreement requires that we hold spending increases to an average rate of about 2 percent from fiscal year 1991 to 1996. That assumes that we want a balanced budget in 1996 without any more tax increases. The Republican budget does just that. And it includes better management in entitlements as one means of achieving it. Otherwise, it will have to come from domestic discretionary spending as it is in defense spending.

The situation compels us to look at reforms in entitlement programs, not to reduce essential services, not to ignore unmet needs, but to forthrightly address the causes of costs running out of control. If we fail to address the causes of runaway costs, we will fail to provide the resources to address real needs.

Health and Medicare are prime examples of where the House has an opportunity in the coming year to make substantial progress. Over the past decade, the health function of the budget has increased at a compound rate of 10.25 percent per year, primarily in Medicaid. Medicare has increased by 10.35 percent compounded per year. Contrary to what you might hear from the other side, Republicans propose increases of 15.7 percent for Health and 8.9 percent for Medicare in 1992. The Democrats propose only slightly higher increases, 16.8 percent and 11.7 percent, respectively, and accuse the President of making huge cuts to Medicare over 5 years. Again, it is a matter of political one-upmanship which erroneously measures concern by the less than 3 percent difference in increases rather than how effectively the 100 percent we started with is being spent.

But these are two functions of this budget that we are going to have to come to grips with if we really want to make health care affordable and accessible to everyone in this country. The budget projections for the next 5 years, assuming no change in policy, are staggering, a compounded increase of 11.8 percent annually for the health function and 11 percent annually for Medicare. The health function is estimated to go up from $71.2 billion in 1991 to over $125 billion in 1996, primarily due to the expansion of Medicaid coverage. Medicare is expected to go up almost 75 percent by 1996 to a level of $177 billion per year and the hospital trust fund is now projected to be exhausted in just 15 years.

Those costs are being driven by defensive medical procedures which Secretary Louis Sullivan estimates to be about $150 billion per year out of our total annual national health care expenditure of $650 billion or about 23 percent. We are spending enormous amounts of private and Federal money on patients in terminal cases. Defensive medical costs really serve no other purpose than to provide doctors and hospitals with evidence they have done everything conceivable to a patient even if those procedures are not necessary. We also have the problems of duplication of capacity and excessive overhead in the health care system, and an overdependence on curing illness rather than promoting wellness.

We have within our existing means the capacity to resolve the issues of lack of access and affordability of quality health care if we take the bull by the horns in this session of Congress. If you just look at what this Congress is going to be spending on Medicaid and Medicare alone in 1996 and you conservatively estimate that 25 percent of those expenditures are not going to help the patient but is being wasted on other factors, then we will be spending about $75 billion more per year than we really need to. Another way to look at it is to say that we would have $75 billion more per year to meet real medical needs of the uninsured or the underinsured. That is what I mean by cost-effectiveness.

My hope and expectation is that the Budget Committee will begin next week to work in a bipartisan fashion to develop guideline alternatives for authorizing committees to pursue in health care and other fields for fiscal year 1993 and beyond. This is the only committee in the House with a "global perspective" in the sense that it should be able to see the forest and the trees. If we do not do so, we will once again find ourselves perpetually in the box of budgeting with cosmetic surgery while the patient succumbs to cancer.

I urge my colleagues to support the President's proposal, but more importantly, let's start debating performance and cost-effectiveness instead of add-on one-upmanship. That is the real way to help working Americans.

Mr. PANETTA. Mr. Chairman, I yield myself 20 seconds to respond to the gentleman.

I think the gentleman makes a very good point with regard to his recommendation about looking at the broad view with regard to the budget programs. I think we do need to focus on oversight. We do need to focus on the entitlements generally, because that is the one aspect, frankly, of the overall budget that not enough attention has been paid to, and hopefully the committee can begin that focus, and I thank the gentleman for that recommendation.

Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me this time.

I find the arguments against the Democratic budget interesting. It seems to me within very tight constraints the gentleman says they gave a little more in priorities than we did, so it does not really count someway. I also find the argument interesting that this is really 99 percent the budget of George Bush.

Could I suggest that last year when my colleagues on the other side did not bother to offer the President's budget, and in years past when the President's budget was offered on the floor, got 1 vote, got 12 votes, I think eventually did get up to over 100 votes, that perhaps what is happening is the President's budget is moving more toward the priorities of this country and toward the priorities of the Democratic majority on this side. That may be why this President's budget did reflect a little more some of the priorities of this country.

I find the arguments about where you gave a little more infrastructure, a little more in education, that is not really significant. I think they are really significant. For instance, how significant is it to over 30 million senior citizens who looked with real dread last year at the budget negotiations to see 60 billion dollars' worth of Medicare cuts and saw another $25 billion coming their way. That was rejected in the Democratic budget, not the President's budget.

Veterans' compensation and pensions, the President's proposed reductions of $1½ billion, rejected in the Democratic budget.

Crop insurance, $706 million cuts, rejected in the Democratic budget.

Guaranteed student loans, that was going to be cut, interestingly enough in the education President's budget, that was rejected in the Democratic budget.

Trade adjustment assistance at a time we are entering the Mexican free trade discussions and perhaps a fast track and a new trade agreement which may cost many more thousands of Americans jobs, there was a move by the administration to cut $905 million from the Trade Adjustment Assistance Program. Luckily and thankfully, that was rejected in the Democratic budget.

So it is not just around the edges. These are very significant edges and it is time to give the edge to middle income people.

□ 1430

What I think a budget ought to be, and this is not all that I would like it to be in this regard, what I think it has to be is an investment budget, we need to talk about ways to build this country, ways to help us grow, ways to help us keep it strong and make it stronger, that we make it No. 1.

So this budget moves us farther in that regard than the President's budget. Whether you are talking about half a percent, 1-percent, 5-percent, 10-percent increase, whatever it is, anything you do to move us that much further, that much quicker to being No. 1, then I think you have accomplished something.

So I take pride in the fact that this budget does move us in that regard. Look at education: I happen to think that the Guaranteed Student Education Loan Program for middle-income persons is one of the most important programs and helps us with the greatest upward mobility that we could have. Look what happened in World War II when the veterans came marching home and took advantage of the GI bill. Well, those programs should be expanded, not cut back. The President proposed cutting back on the guaranteed student loans and Pell grants.

Indeed, we ought to be continuing.

Does anyone seriously think that a family with $23,000 in income is upper income and therefore should not be entitled to full benefits of the Guaranteed Student Loan Program? I think not. Tell that to the single parent who is trying to make it with two kids nearing college age, making $30,000 a year; tell it to the two-income family, $30,000, $35,000 a year with children in college or nearing colleage age. That is a basic assistance program, basic opportunity program.

Happily, the Democratic budget restores much of that money.

In energy, one of the most important areas we face today which keeps us competitive, the President's budget would have cut 50 percent in fossil fuel research and development. It would have terminated the fifth round of the clean coal technology program. This Congress spent months, years, actually trying, along with the President, to get a Clean Air Act, trying to clean our Nation's air, and yet his budget would have terminated the fifth round of the clean coal technology. It would have delayed until mid-1993 additional filling of the strategic petroleum reserve. That is our tank, that is our spare fuel tank, held in reserve against crises such as we just experienced in the Persian Gulf. Happily, what the committee did, and the Democratic budget increases by $850 million the amount for energy overall, filling the SPRO at a faster rate, restoring research and development money for energy conservation, alternate energy, fuel cells, restoring the Clean Coal Technology Program, providing and also recommending that there be $25,000 alternate-fuel vehicles purchased and, of course, expanding vital energy conservation.

It is interesting we hear so much about a national energy policy coming from the White House, and yet at the very time when we have something to do to deal with it, the very time they have a chance, what they choose to do is cut back.

In health, the Medicare cuts go without speaking—$25 billion of additional Medicare cuts are rejected in this budget. In fact, I think all of our senior citizens appreciate the significance of that. But also, yes, there are some small areas which are very big areas if you come from a rural area. A $26 million increase for migrant health centers, an increase of $20 million, which I was happy to recommend in our caucus for the National Health Service Service Corps to put physicians in medically underserved areas; $211 million more in VA medical care above the President's request. Yet, it does not go far enough with respect to any kind of national health care policy, adequate health care access for all. It does not go far enough, but it goes farther, a little bit farther, than we were before and it goes a lot farther then the President suggested.

An area that I think is crucial, once again an investment, this bill moves us a little bit more, and a lot more than the President, it moves us more than we were before.

In infrastructure, much has been made and talked about the need for roads and bridges and airports and waters systems and sewer systems; we have had a 1-percent productivity increase in growth, 1 percent a year from 1981 to 1990. That is just about a flat line. That marks you as out of the game in any health care clinic when it goes "beep, beep, beep," it is a flat line. That is what our productivity growth has been. You can trace it directly, the correlation between our declining productivity growth and our declining investment in roads or bridges or highways or water systems or airports, those things that made us competitive. So that infrastructure investment is crucial.

In this budget, what we did was take it up $1 billion over last year for highways, $597 million above what the President requested; $281 million more for mass transit, for buses, for subways, trains, those systems that work not only in our large cities but in our rural areas. That is $230 million more than the President asked for—$228 million above last year for community development block grants for cities and towns, to help provide a lot of the basic infrastructure that is so important. The President would have cut that back sharply.

Finally, we rejected the elimination of the Economic Development Administration, which has been vital in almost every area of our country. I cannot talk enough about infrastructure. The fact that productivity growth, which means new tax revenues, new growth, new jobs, comes from productivity in growth, and that productivity in growth has a direct correlation to investment in infrastructure growth.

We have been going on the down side on investment in our roads and bridges. For instance, a recent report said that $90 billion is needed annually, $90 billion, to keep us up to where we ought to be in infrastructure, maintaining simply what we have got. Unfortunately, this year we are spending $45 billion. So this budget takes us a long way.

I think the people want just a few things from Government. This budget tries to address those. First of all, they say, "Get me to work. Get me out of this rush-hour traffic, let me do my job, let me get my goods to market, help me to be competitive, help me to get to work and keep my job." This budget puts more in for job training, for infrastructure, puts more in to get you to work. "Keep us No. 1," people say. "We are sick and tired of hearing about how we are No. 12 in this and No. 13 in this. Look what we did in the Persian Gulf. Let's do the same thing domestically."

This budget moves us a little farther toward that goal. Certainly more than the President's budget does.

In terms of education, in terms of job training once again, in terms of those programs that are so important in keeping us No. 1. In terms of funding additional research and development, the National Institutes of Health, for instance, in those areas also.

Finally, it says keep us growing. There is no way you are going to cut your way out of this deficit. Let us not be naive. Nor are you going to tax your way out of this deficit. You are going to have to do a little bit of both, and you have to do a lot more of the third, which is growing. This helps us to grow more, it helps us to grow more in terms of investment and infrastructure, in education and in other areas; not as much as I would like, not as much as a lot of other people on the other side of the aisle would like, but it moves us further than any budget we have had laid before us.

I bring it down to this: If you want to get out of the rush-hour traffic, if you are tired of sitting in clogged traffic with fumes all day, getting to and from work, if you have a child or two wondering about how they are going to get to college, if you want to have a second-to-none economy, this is the budget for you. As they say, "This Bud," this budget is for you.

Mr. GRADISON. Mr. Chairman, I yield 7 minutes to the gentleman from Kentucky [Mr. ROGERS], a member of the Committee on the Budget.

Mr. ROGERS. Mr. Chairman and Members, I want to congratulate the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA], and the majority party on the Budget Committee for bringing us a budget agreement that adheres to the budget agreement caps that we put on spending last year on all but one major category. And it achieves that by a minimum of smoke and mirrors. There are some smoke mirrors in here, let us be frank with you and honest with you. You will hear about those as this debate goes on. But at least this budget agreement adheres to the spending caps that the budget summit agreement last year placed on defense spending, on domestic discretionary spending, and on international affairs or foreign aid.

Yet, even having said that, even having admitted that we have to go into spending caps, going under spending caps, we are still working with a deficit in this budget agreement, this budget resolution of $347 billion.

So, do not labor under the assumption that you have solved the deficit when you pass this budget resolution. You have created the largest one ever in the history of this country, probably even the world.

So, this budget resolution is not about solving the deficit. It is about living up to the agreement that was reached last year by the budget summiteers and the White House. That in and of itself is an accomplishment worth celebrating. But this budget resolution and also the budget agreement last year does nothing toward capping entitlements, mandatory spending. Ladies and gentlemen, that is over half of the Federal budget. I dare say you cannot solve the deficit by omitting any controls on entitlement spending.

Why? Because it is too big a portion of the budget. If you lump together the entitlements and defense spending and the interest of the debt, you are way over three-quarters of the total budget. And the deficit is more than that. You can cut every penny of spending but those three items, and you will be in the red yet, defense, interest, and entitlements.

□ 1440

Mr. Chairman, I say to my colleagues, "Now you've capped defense. You can't do anything about interest because that's going to go on because we're obligated by our contracts on that. But you can do something about entitlements."

We have spoken to the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget, about the Budget Committee for the remainder of this year once the resolution is out of the way, spending its time at that point in time on dealing with somehow to discipline spending on entitlements, and people say, "Yes we're willing to talk; let's talk about it." It has to be bipartisan, it has to be real, it has to be tough, and I hope we do it.

Driven by the budget agreement last year and its restraints on spending, this resolution contains no great surprises. There is no new initiative in here, but there are no great savings. It basically is lukewarm. It tracks the President's budget requests substantially, and so there is not much of a surprise in the resolution.

However, Members, if we stay with the budget summit agreement and its limits on spending for 5 years, as we said we would, and if we also further impose some sort of restraints on mandatory spending, we can whip this deficit before the end of that 5 years is out.

Now there will be, as the gentleman from North Carolina [Mr. MCMILLAN] has said, many temptations along the way to stray from the path and to forget the spending restraints just this one time. They will say, "Because we absolutely have to have extra spending for defense," and tomorrow someone will say, "We have to have more spending for health," and, yes, someone will say, "We've got to spend more for education," and all of those are worthy goals, and all of those presentments may be very compelling and correct.

However, Mr. Chairman, I say to my colleagues, if you stray from the path once, it will become a beaten path, and the budget restraints will be meaningless from there on out. We have got to stay with it for 5 years.

So, we have to stay with this budget summit agreement, as this budget resolution does so far this year.

Mr. Chairman, as a member of the Committee on the Budget, and also a member of the appropriations subcommittee and ranking on that Subcommittee on Commerce, Justice, State, and Judiciary, I want to focus these last few seconds of my remarks on this budget's impact on law enforcement priorities and activities.

The good news for justice activities and law enforcement is that the resolution follows the President's lead in a number of areas, including anticrime programs, drug control efforts, prison construction, and funding for the judiciary. The bad news is we do not know where the budget resolution plans to cut the President's request in justice programs, because we have to. The committee has not identified where $228 million in budget authority and $179 million in outlays will be reduced.

Mr. Chairman, overall, drug interdiction, control, education, and treatment spending has increase 82 percent since 1989 under President Bush's direction.

While no one statistic tells the whole story, the indicators are moving in the right direction: drug use is down nationwide, U.S. cocaine prices and seizures are up, prevention programs are being expanded, and international effort to control production are on the increase.

For drug control and law enforcement, the Budget Committee follows the President's recommendations for a 12-percent increase, providing a total of $5.1 billion in budget authority and $4.1 billion on outlays.

The Budget Committee also endorses many of the same anticrime law enforcement priorities set by the President.

And, we know that the committee approves the Judiciary's request for a $560 million increase for its growing workload.

But, the committee is silent on identifying any reductions from the President's budget.

Yet, we know that reductions must come from somewhere in Justice budget.

In summary, Mr. Chairman, the committee budget resolution focuses on the good news it retained from the President's budget.

In many respects it is a "me-too" budget, and by the very important measure of whether it fails to identify the spending reductions, of course it does not and by that measure fails.

Mr. HUCKABY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of the budget package before us. I would like to commend the President's men, the President's women, who submitted the President's budget to Congress this year. It is by far the most realistic budget that has ever been sent up to Capitol Hill by any administration since we have had the Budget Act, since 17 years.

However, Mr. Chairman, this budget before us has record outlays, $1.46 trillion, 1,460 billion dollars, probably a record deficit of some $289 billion. But let me point out that a hundred billion of that deficit is due to the S&L crisis, and some 50 billion of that deficit is due to the fact that we are in a recession today.

There is not that much difference, as some have suggested, between the House-passed version of this budget and the version submitted by the President. Only $13 billion out of $1,400 billion have been moved. But let us look at what is done in the differences between the President's proposal and the House Democratic proposal.

One, the House plan, the House Democratic plan, does not make the significant cuts in Medicare that the President proposed.

Two, we do not make the cuts in veterans programs proposed by the President.

This budget does, however, increase funding. It increases funding significantly for Head Start.

And for those of us from rural areas, let me point out that this budget provides the Postal Service with supplemental funds for our Nation's rural numbers. It is very important in rural areas, and the President's budget fails to do this.

Finally let me point out that the budget does provide NASA and the manned space station the same funding, plus inflation, that it received last year.

Mr. Chairman, all in all this is a balanced budget. The House Democratic budget is a budget that I think both sides of the aisle can vote for, can go back home and say, "We came forth with a good package, a package that met all of the agreements of the summit last year, and, once we get this S&L crisis behind us, once we get the recession behind us, we will truly be on a road to a balanced budget."

Mr. GRADISON. Mr. Chairman, I yield 6 minutes to the gentleman from Louisiana [Mr. McCRERY], a member of the Committee on the Budget.

Mr. McCRERY. Mr. Chairman, I assure my colleagues that this was not planned, but I am going to follow the lead of my colleague, the gentleman from Louisiana [Mr. HUCKABY].

Mr. Chairman, I come to the floor today, not to bury the Democrat's budget, but to praise it. A little. It is actually not a bad budget. It is the best budget they have come up with in the last few years.

Why? Because it sticks to the caps that this Congress agreed to last year. I am one of the relatively few Republicans who voted for that budget agreement last year.

□ 1450

I voted for it because I thought that it set us on a trend line for the next 5 years toward getting the deficit under control, and that is more than this Congress has been able to accomplish for quite a few years. So if the Democrat leadership on the Budget Committee can come forward in the next 5 years with the numbers for a budget that adheres to the caps that we set down last year, I cannot complain too much.

So I agree with my colleague, the gentleman from Louisiana [Mr. HUCKABY], that the President's budget was a pretty good budget, and the Democrats' budget is a pretty good budget because it does not differ much from the President's budget. Sure, it does differ at the edges. It nibbles at the edges, and some of those programs admittedly that the Democrats want to put more money into certainly will be enhanced by that nibbling at the edges.

I disagree with the priorities the Democrats have set forth. I think that we ought to spend more money on space and on energy. I think we ought to consider the pace with which we extend those programs that the Democrats are focusing on.

So all in all, it is not a bad budget.

So I come to the floor more pleased today than I have in the last 3 years with respect to the budget outlook for this country. Sure, I say to the gentleman from Kentucky [Mr. ROGERS], this year's budget deficit is going to be the largest ever, but that is because of the S&L money, that is because we are in a recession. When you look at the structural budget deficit and what this 5-year plan is going to do to it, it does come down and approaches zero after 5 years.

Now, let us look at the difference between the President's budget and the Democrats' budget. I intend to vote for the President's budget. The Democrats' budget nibbles at the edges. It tries to one-up the President in a number of areas. What they will not tell us is that the President, though, in his budget submission increased WIC, increased Head Start, infant mortality funds, education, and a number of other social service programs. The President's budget increased those.

The Democrats just come along and add a little more to each of those programs, but how do they get the money to add a little more? They cut space, but they also cut Social Security administrative funds. The last 2 months 57 Democratic Members wrote to the President urging release of $120 million in emergency Social Security funds. The President released the funds, and yet 1 month later the same Democrats want to cut $52 million below the President's budget request in a supplemental security income program, part of the Social Security Administration.

They cut unemployment insurance administrative funds. Last month the Democrats insisted that more UI administrative funds were an emergency worthy of a supplemental. Eighty-one Democrats wrote to the President to complain about underfunding. The President requested $150 million as a dire emergency, outside the discretionary cap for unemployment insurance. This month, though, the Democrats in their budget cut unemployment insurance by $431 million; $431 million below the President's request in his budget.

Is this going to come up later in the form of an emergency appropriation to bust the budget agreement? Perhaps.

The money that the Democrats have requested in their budget funds only 56 percent of the workload in the President's budget, when the Democrats are supposedly worried about recession relief. I can assure the Democrats that if the unemployment lines are 56 blocks long in their district, they will be up here blaming the White House while at the same time they claim credit for spending the shortfall unemployment insurance on other programs.

And then there is the unspecified cut, unspecified 1-percent cuts in a number of other programs, including edcucation, health grants, research and development, including National Institutes of Health, housing cuts, agriculture cuts, transportation cuts, and justice program cuts. Where are those cuts going to come from? We do not know, but they are going to come, 1 percent at a time.

It is an unspecified budget at the edges from a party with an unspecified plan, but it is not bad.

Mr. DURBIN. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I thank the gentleman from Illinois for his generous allocation of time.

Mr. Chairman, I rise not only in support of the Democrat's budget package but I also want to express my deep disappointment over the actions of the Budget Committee concerning two aspects, revenue forgone and Federal employee pay comparability. Spending caps imposed by last year's budget summit agreement make it very difficult to fund even the most worthwhile programs. But the pittance recommended in this resolution for revenue forgone is wholly inadequate.

Revenue forgone appropriation subsidizes reduced postal rates for certain mailers—churches, charities, in-county newspapers, educational institutions, libraries, veterans' groups, and labor organizations. According to the Postal Service, the amount needed to fully fund these reduced rates for next year is $649.5 million. If not fully funded, postage rates for these mailers will be increased.

The resolution before us recommends a revenue forgone appropriation of only $208 million. My colleagues, this means higher postal rates—much higher postal rates.

There are some glittering generalities in the committee's report about eliminating advertising abuses and protecting rural newspapers; but they are just that—glittering generalities. The facts are, if only $208 million is appropriated, rates for rural newspapers will increase by 15 percent, rates for church bulletins by 13 percent, for classroom publications by 13 percent, and for a March of Dimes or Red Cross fund-raising letter by 31 percent. And, these are the minimum increases we can expect because the resolution also assumes the enactment of some questionable "reforms" recommended by the President. Close to half of the savings from those reforms would come from disqualifying educational materials for reduced rates. These reforms are unlikely. The eventual rate increases will almost certainly be even greater.

Some of us have lost sight of the importance of the revenue forgone appropriation. There was a comment to the effect that and I quote "If we don't fund revenue forgone, it's not like we are taking money away from the poor, the needy, or the underprivileged". End of quote. That's simply not true.

The overwhelming majority of the subsidy benefits nonprofit organizations and their fund-raising efforts. These are the organizations which are being asked to look after the less fortunate in an era when skyrocketing Federal deficits make Federal funds hard to come by. Some $40 billion are raised annually through the mails for charitable purposes. That's about $80 for every dollar of the revenue forgone subsidy. That is quiet a return, and proves that revenue forgone is a sound investment. Make no mistake about it—higher postal rates directly diminish the ability of these worthwhile organizations to raise money. If you do not believe me, ask the American Cancer Society, ask St. Jude Children's Research Hospital, or ask Save the Children.

I have told you the bad news about this resolution. The good news is that this is only the first round in the budget process. The gentleman from California, the chairman of the Budget Committee, has assured me he understands the problem and the need for more funds for revenue forgone and is committed to continue to work toward resolving this problem.

Another vital issue which is not directly addressed in this resolution but which is bound up in the budget and appropriations process is Federal employee pay.

The President's budget assumes a Federal employee pay raise of 4.2 percent in fiscal year 1992. This is consistent with the United States Employees' Pay Comparability Act of 1990. That act grants the President and the agencies new power to use geographic adjustments and other authorities to deal with recruitment and retention problems. I was disappointed the budget did not include funding for interim geographic adjustments beyond those already authorized for the New York, Los Angeles, and San Francisco consolidated metropolitan statistical areas.

The Comparability Act of 1990 can only work if sufficient funds are budgeted and appropriated to allow agencies to take advantage of the new authorities and flexibilities it permits. As we move through the budget process, we must ensure that sufficient funds are, in fact, set aside.

□ 1500

Mr. DURBIN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding time to me. I also thank the gentleman from California [Mr. PANETTA] for the hard work he has done to bring this budget resolution to the floor today.

Given the strict conditions imposed by last year's budget agreement with the White House, Chairman PANETTA has all but worked a miracle to bring to this House a balanced, compassionate budget resolution which reverses the President's budget for working families and our children.

Mr. Chairman, the budget which we bring to this House contains a vastly different set of domestic priorities from those of the President's budget.

We reject the President's $25 billion cut in Medicare.

We reject his $700 million cut in guaranteed student loans.

We reject his $900 million cut in trade adjustment assistance for workers.

Moreover, with the adoption of the Ford amendment tomorrow, the Democrats' budget will provide a $2.4 billion increase for education—three and a half times the President's proposed increase.

Indeed, the President's education request does not even keep pace with inflation this year, and assumes absolutely no increase for education next year.

We also provide three and a half times the President's increase for Head Start, and we put the program on track to reach full funding by the end of this decade.

We provide a $350 million increase for the WIC feeding program, and assume full funding by fiscal year 1996. WIC is truly a prolife program.

We reject the administration's cut in job training funds and, instead provide a $260 million increase for these crucial programs.

We also reject the President's $600 million cut in the LIHEAP Program and provide baseline funding.

Some will say that we cannot solve our Nation's pressing domestic problems by simply throwing money at them.

Mr. Chairman, we are not throwing money at these problems, we are investing in our children. We are investing in their early development; we are investing in their education; we are investing in their health and nutrition; and above all, we are investing in their future.

Mr. Chairman, it is time that we match our rhetorical support for children with our fiscal support for their needs.

We cannot be kinder and gentler by just wishing it. And we cannot claim the title of the education Congress or the education President by just saying we are.

We have to prove it with our actions. This resolution does just that. I urge my colleagues to support this resolution and the Ford amendment.

Mr. GRADISON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DANNEMEYER], a member of the Committee on the Budget.

Mr. DANNEMEYER. Mr. Chairman, I listened to the comments of the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA], and I have also listened to some of the comments of other members of the Committee on the Budget. If one does not watch very carefully or listen very carefully, the American public may get the idea that we are cutting something with this proposed budget.

Mr. Chairman, if there is anyone here in the House or across the aisle on the other side who believes that this budget is going to result in anything being cut, please disabuse yourself of that notion. It is simply not happening. All we are talking about is reducing the projected increase that otherwise would take place if we followed what is called this aberration of baseline budgeting.

Mr. Chairman, the reason I say that is that we are spending in this fiscal year some $1.392 trillion, and all of the budget alternatives that we will be voting on tomorrow are going to spend more than that, in fiscal year 1992. The only question is, how much will we reduce the projected increase by. That is the issue.

Mr. Chairman, this Member from California will have an opportunity of arguing to Members that probably the most important thing that we can do in this whole consideration of the budget process is to lower the level of spending as much as we can for fiscal year 1992. The reason it is extremely important that we do that is because by lowering the whole base of Federal spending in 1992, we dramatically reduce the projected deficit for the outyears.

Mr. Chairman, I have only been here 12 years. Some Members, of course, have been here longer than that, and, of course, are wiser because they have been here longer and know more. But one thing I have learned about this budget process is we can forget about the outyears, 1993, 1994, 1995, and 1996. It is all smoke and mirrors, because it is based on economic assumptions that may or may not prove to be the case.

Indeed, that budget summit that we adopted last year, I do not know if any Members saw the article by Senator HOLLINGS in the Washington Post about 6 weeks ago. That really told the truth to the American public about that tax increase that masqueraded as a deficit reduction package.

Senator HOLLINGS said there were three principles that needed to be served as a result of what produced that resolution last fall. One, Congress, in the control of spenders, as it is, was just straining at the reality that if we did not do something, we had to reduce total spending by $50 billion under Gramm-Rudman-Hollings.

Second, the spenders who control this place yearned to dig into the pocket of we Americans to dig out some more taxes, which we did, to the tune of $160 billion over 5 years.

The third thing is the Bush administration, headed by Mr. Darman of OMB, sought to have the debt ceiling raised so that we did not have to face this issue until after the November 1992 election.

Mr. Chairman, all of those goals were served. We were told if we adopted this package we would reduce the projected deficit by some half a trillion dollars over the next 5 years. What do you know? After adopting that deficit reduction package, in the beginning of this year, when we come back here, we still realized that the projected increase in the national debt over the next 5 years is still $1.7 trillion. Nothing has changed.

So I am suggesting in the budget alternative that this Member from California will be offering tomorrow, or whenever we bring it up, by lowering the total level of spending in fiscal year 1992, we can then enjoy the benefit of the reduction of the projected deficit over the next 5 years of some $450 billion. Incidentally, that is about the amount that was promised by the package we adopted.

Mr. Chairman, let us be candid with ourselves: when you look at the portion of the personal income tax in the current fiscal year, 1991, that is paying the interest on the debt, it is a little less than 60 percent. Ten years ago it took about 30 percent, or half of that, of the personal income tax, total collections, to pay the interest on the debt.

If one wants to look at it from the standpoint of all collections by the Federal Government, except for Social Security, 10 years ago it tool 20 percent; currently it takes 40 percent.

So I am suggesting that if we continue on our current course, by the end of the century it could take all of the personal income tax collections to pay the interest on the national debt. This is a disastrous course, and I think the course we should pursue is to find the means of reducing total spending in fiscal year 1992.

Mr. GRADISON. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, on February 4, when the President submitted his budget for fiscal year 1992 to Congress, he set forth a number of important goals for the Nation—goals that we must meet today if we are truly serious about working to resolve our budget deficit.

As the ranking Republican member of the Committee on Energy and Commerce, I would like to discuss two of the areas addressed in the President's budget and in the resolution before us—energy and health.

ENERGY

The President's budget strongly supports his energy goals of improved energy security through reduced vulnerability to oil disruptions and increased energy efficiency and renewable energy.

ENERGY SECURITY

The President's national energy strategy and the House Republican energy bill I introduced with 30 cosponsors on March 21 form a solid foundation on which to improve our energy security. We should avoid increased energy taxes and mandatory oil import set-asides for the strategic petroleum reserve. The bipartisan bill that we enacted last year will eventually expand the SPR to 1 billion barrels. However, the costs of doing so should not now be disproportionately imposed on one region of the country over another.

ENERGY EFFICIENCY AND RENEWABLE ENERGY

Contrary to the assertion that the administration's budget does not place enough emphasis on energy conservation and renewable energy, the administration requested $326 million for conservation and renewable energy research and development in fiscal year 1992, a 43-percent increase over the fiscal year 1991 enacted level.

The President's budget has targeted its funding increases for research and development of forms of renewable energy and conservation with the greatest potential for market entry and with the greatest promise for improving energy security and environmental quality. For example, his budget provides:

A 40-percent increase in electric vehicles and battery research and development;

An 11-percent increase in biofuels;

A 26-percent increase in wind-power utilization;

A 15-percent increase in solar energy research and development; and

A 10-percent increase in photovoltaics.

The President's budget priorities reflect the careful analytical work undertaken for the national energy strategy. Energy research and development priorities should reflect national objectives, not special interest wish lists.

The administration's conservation efforts are reflected in funding increases promoting conservation in the four major energy consuming sectors:

A 62-percent increase in the utility sector;

A 33-percent increase in the transportation sector;

A 22-percent increase in the industrial sector; and

A 26-percent increase in the buildings sector.

With regard to the proposed increase of spending on fuel cells, the administration already funds a comprehensive fuel cell research and development program. The Democrats are simply increasing the administration's proposed increase, without providing a rationale for how the additional funds would substantially or even marginally increase the benefits of the current administration research and development program.

With regard to the proposed increase in spending on Federal energy management, the administration's national energy strategy calls for a range of new initiatives in Federal energy management activities, including permitting Federal Agencies to participate in utilities' efficiency rebates and discounts. The administration's Federal energy management initiatives will be implemented through an Executive order which is expected to be issued shortly. These initiatives will provide greater energy savings at less cost and with more efficient administrative features than the Democrats' proposal to establish a $50 million loan fund for Federal Agencies to invest in efficiency improvements.

The Democrats' energy proposal will not materially affect energy security or environmental quality. It will simply and unnecessarily spend more of the taxpayers' money.

HEALTH

With respect to health, in the budget resolution before us, the Democrats allude to a number of initiatives in the area of Medicaid. I would like to comment on the fiscal impact of the Medicaid Program.

We in Congress must be aware that congressionally enacted Medicaid expansions over the past 4 years have helped drive State budgets into significant deficits because the States must pay one-half the cost of this program. Medicaid mandates enacted over the last 4 years will cost States $17.4 billion between 1991 and 1995. In 1989, 48 Governors, under the aegis of the National Governors' Association [NGA], urged a 2-year reprieve from any more federally mandated Medicaid expansions. Recent Medicaid mandates "have put great stress on State budgets and undermined the States' ability to properly fund education and other important services," the Governors said in an open letter to Congress.

Despite this plea from the Governors, Congress enacted an entire new series of Federal mandates in Medicaid in the 1990 reconciliation bill. These mandates will cost an additional $3 billion between 1991 and 1995.

These unrelenting federally mandated expansions have created a program that is next to impossible to administer and finance. Medicaid is the fastest growing part of State budgets. In 1990, Medicaid spending increased by 18.4 percent and consumed 14 percent of State budgets. It is expected to consume 17 percent of State budgets by 1995.

In response to these dire budgetary circumstances, the Nation's Governors unanimously adopted a new Medicaid policy at the February 1991 annual meeting. In this policy resolution, the Governors call on Congress for a 2-year delay in the mandated implementation of the Medicaid mandates and for more flexibility in administering the program. The Governors are asking for this delay because of two reasons. First, many States simply do not have the additional funds to pay for these new mandates. Many States are nearing fiscal bankruptcy. Second, the Governors want this delay in order to give themselves a breathing space where they can attempt to formulate a long-term solution to the problem of the uninsured.

My Republican colleagues on the Energy and Commerce Committee are hopeful that we can craft Federal legislation to implement the National Governors' Association policy.

Mr. Chairman, I urge support for the Republican substitute to the Resolution before us.

The CHAIRMAN pro tempore (Mr. CARDIN). The committee will rise informally in order that the House may receive a message.

MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. KILDEE) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1992

The Committee resumed its sitting.

The CHAIRMAN pro tempore (Mr. CARDIN). The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I thank the gentleman for yielding the time to me.

Mr. Chairman, I rise in support of the Democratic budget, House Concurrent Resolution 121, the budget resolution for fiscal year 1992.

As a businessman recently elected to Congress and as a member of the Budget Committee, I can say that this resolution exhibits fiscal responsibility.

First, it adheres to the 5-year deficit reduction agreement made last fall. It limits the growth of Federal spending over the next 2 years to 2.8 percent, which is well under the baseline inflation rate of 4.2 percent. Most importantly, this resolution proposes no new taxes. This puts us on a responsible path to a balanced budget.

Within these fiscal realities, the budget resolution achieves several important goals. First, our Nation's competitiveness will be enhanced. The additional funding for aviation, mass transit, and highways will finance needed improvements to our transportation infrastructure. This will improve our productivity and consequently our competitiveness. The resolution also proposes to fully fund the Women, Infants, and Children's Nutrition Program by 1996 and to fully fund the Head Start Program for "at risk" pre-school children by the end of the decade. These programs are the first step in giving our children the support they will need to maintain our Nation's competitive position in the world.

Second, the resolution gives rural areas the chance to pull themselves up so they will not require large amounts of future Federal aid. Continued funding for Community Development Block Grants, community health centers, and the Economic Development Administration will enable rural areas to finance education, health, and industrial development projects.

Given the current fiscal situation, the Federal Government needs to do more with less. The budget plan achieves this goal by providing for productive, long-term investments while limiting overall spending growth.

I would like to commend chairman PANETTA and the budget committee members and staff for working together on this resolution. I encourage my colleagues to work together and support House Concurrent Resolution 121.

Mr. GRADISON. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio [Mr. KASICH] a member of the Budget Committee.

Mr. KASICH. Mr. Speaker, I appreciate the gentleman yielding the time and I will not take the entire 6 minutes.

I want to thank the chairman of the Budget Committee [Mr. PANETTA] and also the gentleman from Ohio [Mr. GRADISON] for approaching the Rules Committee to give me a chance to offer this budget again. This is the third year that I have come forward with a budget, and I hope that the third time will in fact be a charm.

Let me just explain it because there are a lot of questions in the minds of Members as to what exactly this budget proposal does, and I am going to make it as simple as possible. I want to make it clear, and tomorrow we will have additional opportunity to discuss it.

But basically what I do is increase budget authority by the rate of inflation for 5 years in the area of discretionary spending. Additionally, in the President's budget the President says that the subsidy of the Federal Government on Medicare should be reduced by 50 percent for those people who are earning $125,000 a year.

□ 1520

Let me explain what this means. If you are now making $1 billion a year, your Medicare part B premium is about

$30 a month. Under the President's proposal, your premium, not your eligibility for Medicare or any of your benefits, but the premium that you pay to be considered to have coverage under part B Medicare, increases from $30 a month to $90 a month. If you are a senior citizen, and you have an income in excess of $125,000 a year, you are going to have an increase in your premium, because the subsidy that the Federal Government gives you is reduced.

Under my proposal, we take the threshold down to $100,000, so if you are making $100,000 and you are a senior citizen, you are going to have to pay a higher premium for your Medicare than what you would under the present situation. That does not mean you lose any Medicare benefits or anything like that. We are only talking about the subsidy of the Federal Government for your Medicare premium.

Additionally, I take one-half billion dollars a year out of the foreign aid column indicating that we can find that money out of the Non-Nation Grant Programs. There is plenty of money in those other areas to find this kind of money.

I adopt all of the other reforms that the administration has, particularly in the area of agriculture.

It is very little lifting, very modest restraint.

Basically what we are saying is that I am basically holding the growth of budget authority to the rate of inflation. That is the bulk of this program.

In the first year, it saves $8.1 billion more than what the President's budget does, and it would save more than that under the Democrats' budget, because the Democrats' budget proposal has higher levels of spending than the President's budget. So $8.1 billion in lower deficits in the first year, and over 5 years, it saves $87 billion more than the President's proposal.

I do not have an estimate over the Democrat' proposal, but it would be well in excess of $87 billion. So if you want to save $87 billion more over 5 years than either the President or the Democrat budget proposal, by only favoring a modest increase of inflation to budget authority, then I would suggest tomorrow you come to the floor and you vote for this alternative.

Do what you want on the other alternatives, but what I say to you is you can go home and say that you tried to do something to hold down the growth of government.

I would like to tell the Members that this budget proposal I have is the greatest thing since sliced bread. There is only one problem with it. Over 5 years, under the budget agreement that was agreed to, the national debt of the United States of America is going to go up by $570 billion. Over the next 5 years if we stuck to the caps and the budget proposal, it is estimated we go up by $570 billion, and since I am $87 billion less than the budget agreement, mine is still going to go up by $450 billion or $480-plus billion, but at least it is $87 billion less. At least it is a start.

So what I would suggest to the Members is that they take a good look at this. There are not any time bombs hidden in this proposal. We do not do anything to gut the programs of the poorest people or the entitlement programs. We follow exactly along where the President is in that area, focusing our attention primarily on discretionary spending.

One might say why. Well, in the area of discretionary spending, it increases by 15½ percent, and I want to do it by no more than the rate of inflation.

So if Members want to slow the growth down of discretionary programs, I suggest they vote for it. The thing that I think is so surprising about this proposal is that just with a modicum of restraint it can yield a big dividend.

You know, $8.1 billion in the first year, $87 billion over 5; just think that if we really got serious around here about changing the way government functions.

What I would like to do is to be able to pass this thing this year and to be able to come back next year and to really work on a bipartisan basis to really dig into this budget and really make significant changes in the areas of user fees, in the areas of reshaping the way government works, eliminating parts of government that do not make any sense.

Mr. Chairman, I do not have a lot of illusions that this is going to pass, but maybe if, by some stroke, tonight somebody appears in Leon's dreams tonight that he ought to get out and support this budget proposal, maybe we can do it.

We can adopt a proposal that makes more sense, and so everybody in all seriousness, I hope, will think about it as we get into the debate tomorrow.

I would greatly appreciate the support of the Members, not just Republicans, Democrats as well, who are willing to show some better restraint than what we did under the budget deal.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of the budget resolution and commend the distinguished chairman of the committee, LEON PANETTA, for his willingness to work with the Committee on Veterans' Affairs in agreeing to the funding level for veterans' programs. I thank the gentleman for his cooperation and leadership. Given the current budget deficit, I believe the resolution really treats veterans fairly.

I also want to thank the distinguished ranking minority member of the committee, Mr. GRADISON, for his help, and four other new members of the committee for their efforts to achieve a fair budget for veterans. It should be noted that L.F. PAYNE of Virginia, CHARLIE STENHOLM of Texas, MIKE PARKER of my home State, and RICK SANTORUM of Pennsylvania played a major role in working out the agreement for veterans. These four members of the Veterans' Affairs Committee are temporarily serving on the Budget Committee and Veterans throughout the country appreciate the work they have done on this budget. I am really grateful to all members of the Budget Committee, plus the cooperative staffs on both sides of the Aisle for working with us.

I also want to commend the President of the United States for focusing attention on the health care needs of our Nation's veterans. Last year he proposed an increase of $1 billion for medical care. In his fiscal year 1992 budget, he proposed another billion dollar increase. So, even though I disagree with some of the administration's budget recommendations, I commend the President for the priority he has given to health care for our veterans.

This budget resolution would increase discretionary spending for veterans as follows, and it is one of the best budgets we have had in a long, long time. And again, I want to commend the committee for their work toward veterans.

First, the resolution assumes an increase of $1.1 billion over the fiscal year 1991 level for veterans' medical care. This is about $211 million more than the President requested in his budget.

The resolution contains an additional $23 million for medical research, a $9-million increase for the processing of claims in regional offices, and a $5-million increase in the cemetery system.

This budget resolution rejects the $3.6 billion in cuts in veterans' programs contained in the administration's budget.

I know my colleagues want to know whether we are doing as much as we can for veterans. I think we are. A budget of $34 billion for veterans' programs is nearly $2.2 billion higher in budget authority than the 1991 level. It is $1.5 billion higher than the President's budget. If we are going to keep faith with veterans, the programs serving veterans require these increases. We could justify even more. I am not satisfied with a system where veterans must wait months to see a doctor or begin the process of rehabilitation due to a service-connected disability. We also have to recognize that the VA's Chief Medical Director can't be expected to manage effectively a national health care system with an administrative budget which shrinks each year.

We must begin to process claims for benefits on a more timely basis. It is taking far too long to process compensation, pension, and education claims.

Again, I commend the leadership of the Budget Committee for their work on the budget resolution, and I urge my colleagues to support it.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR], a member of the Committee on the Budget.

Mr. OBERSTAR. Mr. Chairman, I compliment the chairman of our Committee on the Budget, the gentleman from California [Mr. PANETTA], for his extraordinary diligence and perseverance in shaping this budget, given the limitations within which we had to work this year on the budget resolution, in the wake of the agreement at the summit in the last Congress.

Mr. Chairman, all of the Members on the Democratic side made a really great effort to shape, out of the hodgepodge budget handed to us by the administration, a focused, realistic, and responsible budget that does real deficit reduction while keeping faith with the values that we on this side of the aisle treasure and the people with whom we identify and about whom we are most deeply concerned.

This budget resolution keeps faith with working families, with children, with our need for competitiveness, with fairness to the elderly, to veterans, to farmers, to the working poor, to victims of AIDS, to the Nation's energy needs, to transportation in all of its aspects, the fundamental infrastructure needed to keep America strong and competitive.

□ 1530

One aspect that I am particularly pleased about is that the budget resolution rejects the President's fiscal 1992 request for a 13-percent increase over this fiscal year in funding levels for NASA and the proposed manned orbiting laboratory, which is to be a launch pad for the Moon-Mars mission. Manned space exploration just cannot be justified in these times of budget deficits, fiscal restraints, and pressing problems here on Earth.

I am for funding basic science, and will do that in the budget resolution. I think investing in fundamental science research is important for the Federal Government to undertake, but the manned orbiting laboratory is applied science. We might call it applied technology, and an expenditure we do not need and cannot afford. Cutting those funds, as proposed by the President, and investing them instead, more beneficially, in other areas is one of the great achievements of this budget resolution. I urge its adoption.

Mr. GRADISON. Mr. Chairman, I yield 6 minutes to the gentleman from Arizona [Mr. KOLBE], a member of the Committee on the Budget.

Mr. KOLBE. Mr. Chairman, this does mark the first year that I have served on the House Committee on the Budget, and I serve in that capacity as one of those members on that committee from the Committee on Appropriations.

It gives me an opportunity to see the process from both sides. We have certainly seen a variety of issues in the Committee on the Budget, and as the distinguished chairman of the committee said on the House floor earlier this year, the Federal budget does set the direction for our Nation. I want to commend the chairman of the Committee on the Budget, my good friend, the gentleman from California [Mr. PANETTA], and the ranking Republican on that committee, the gentleman from Ohio [Mr. GRADISON], for managing what is certainly a very complicated process, and for producing a budget resolution brought to this floor with more decorum and cooperation than years past.

I think realistically we can all admit part of that decorum, or the ease with which it is brought to the floor, has to do with the pain and suffering we all went through last fall. The fact of the matter is, the two resolutions, the two main resolutions which we will consider today or tomorrow, offered by the President and that offered by the chairman of the Committee on the Budget, are really, despite our attempts to make differences between them, close together. Out of a $1.4 trillion budget, we are looking at budget resolutions that differ in the aggregate by only $3 billion. Most importantly, both of these resolutions do have the spending caps that are required in the budget summit agreement that we reached last fall.

Nonetheless, there are differences, and I want to talk about those differences today. There are differences, of course, in spending priorities. My good friend from Minnesota talked a little bit about that a minute ago. There is a basic difference in that the President's budget keeps a greater concentration on what I call the research and scientific infrastructure of this country, whereas the Democratic proposal would shift some of that money over to the human services. Human services that we all recognize, but I also believe that if we lose the scientific infrastructure for this country, we have lost something that we cannot regain very readily. There are other sharp differences. There are other differences with regard to choices. The President recommended some tough choices, to look beyond this fiscal year. In a very real sense he came to the Hill wearing the budget upon his sleeve. I am afraid the majority budget ducks some of those choices. Let me focus on those.

The President offered specific funding reductions, and I know some of those will be pounced upon by those on the other side of the aisle. We have heard about some of that. Where do we see the specific cuts on the other side? The fact is, we do not. Why? Because the Democrat majority is relying on an unspecified 1-percent reduction in a variety of programs to bring their budget in compliance with the cap, but no guidance on these reductions was offered to the Committee on Appropriations or for consideration in this budget resolution. This is a rather curious thing. If we are not able to specify these cuts in the budget resolution here in a nonbinding budget resolution, how in the world are we going to work those out in what is binding, what is the law, in the appropriation bills? Yes, then there is another difference on the area of revenues. The President does offer some very specific choices, recommendations, that he has adhered to before, with regard to growth-oriented tax provisions. Yes, he recommends a reduction in the capital gains provisions. I know how controversial those provisions are. What was the response from the other side? The response was to do nothing in this area of growth-oriented tax revisions.

Finally, the President took a first step, a modest step, trying to get some handle on that increasing part of the Federal budget that is the entitlement programs, the mandatory spending, that part that is outside the purview in a sense of either the Committee on the Budget or of the Committee on Appropriations. The majority rejected these savings. They said that we should study them, but they offered no options of their own. We only need to look at the entitlement spending, at that mandatory spending, to know we have runaway spending on our hands there. A full 52 percent of Federal budget outlays presented here today are consumed by mandatory entitlement spending. The law regarding those entitlements money must be changed if we are going to reverse this, if we are going to do something to hold the line. What the President suggested was very simple. Simply link entitlements with income in as broad a sense, specifically focusing on the Medicare and the cost of Medicare. I know that is controversial, but the fact of the matter is we have got to consider that. The time has come for this body to consider whether or not we are going to have working people, single, unmarried mothers with children, subsidizing the very wealthiest Medicare recipients, and I think the answer to that is no. We should change that.

At least the President made some of those choices. He brought those to the Congress, and the Committee on the Budget has ducked some of those. So there are some significant differences in this budget proposal, the two budget proposals that we will be considering tomorrow. I think that the President has shown some leadership in this area, and I hope that the Congress of the United States will respond, if not specifically to the President's budget proposals, with their own budget proposals, that are more specific than what we see in the majority's budget resolution.

I believe the President's budget proposal does provide the leadership this country needs, and I urge my colleagues to support its passage.

Mr. DURBIN. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise today in support of the Democrat version of the budget, and I do in fully acknowledging the fact that the President's budget that he submitted is the first honest Presidential budget that I have seen in the Congress in the 12 years that I have been here. I give it a 2, and I say the Democratic version is 2.2, which means it is 10 percent better in some areas in which we differ.

However, I do believe that there is some leadership that was expressed on both ends of Pennsylvania Avenue last year in the budget agreement, and if Members remember, and I will quote, and I am not sure who ought to be quoted, whether it is Garfield or Confucious who said, when you find yourself in a hole, the first rule is to quit digging.

Last year's budget agreement that brings Members here this week, was an effort to stop digging. I believe a careful analysis of the budget, and the caps that we have agreed to live under will, in fact, show we have quit digging. We have not, as yet, begun to fill in the hole as much as this Member would like, but we have made a start. I believe we are laying the groundwork. The caps are very real. I would caution my colleagues not to get too overly exuberant in any one area about additional spending restraints that they may want until they have fully subjected themselves to the difficulty that we are going to have, living within the restraints that are in this budget that we are talking about today.

The restraints are very real. The pay-as-you-go is a very real instance in this budget that we are going to have opportunities, time and time again, to live up to. This is one Member that fully intends to do so, on all aspects of this year's budget, even including the provisions for cutting Government programs. Again, both sides of Pennsylvania Avenue and the Democratic budget are being asked to take a 1-percent cut from a freeze. One of the more significant cuts in spending is going to come in this body, if we pass the Democratic budget. Not in the President's budget, I might add, some of the most significant increases from the President's budget came in the request of additional expenditures for Government operation.

I differ in a couple of other areas with the President's budget, and I think they are significant, even though in the area of Medicare cuts, $25 billion in addition to what was cut last year in the Budget Reconciliation Act would, in fact, devastate my district. I lost 10 hospitals in the last 10 years. Another 10 would go under in the next 2 or 3 years if we pursue this kind of cutting without having an agenda or a solution in place.

□ 1540

WIC, fully funding the WIC Program I think is going to be one of the highlights of this year's activities of prioritization.

Finally, beginning to recognize that we cannot do everything for all people, but if we are going to do something, let us do it right and let us focus our efforts. In this case, it is the Women, Infants, and Children Program fully funded.

Now, I also differ very substantially with the President in the energy area. I think both in the budget recommendations and also in the authorization recommendations of the President's energy program, it is grossly lacking if you are concerned about domestic energy production.

Having said all these things, I am also very disappointed in some of the things we are not doing. I would like to have seen us pass a Davis-Bacon Reform Act in which we could have shifted up to $5 billion into areas where we do need to spend more.

I would like to have seen us take this antiquated act of 1933 that has not been amended since 1935 and make a decision that almost every one of us in this body admits should be done.

I would like to see coming forward this year sunset legislation. I would like to see certainly a constitutional restraint on spending involved down the line.

But today we are here to talk about the budget. We are talking about setting priorities for this year.

I think the Democratic version of the budget comes closer to meeting the priorities that I was sent here to represent.

I would say finally in closing, Mr. Chairman, I have heard a lot of rhetoric over the last several days discussing spending and the need for cutting spending. I would make this point. If you compare the 8 years of the Reagan administration and what the President asked us to spend in this body in total outlays, we overspent the President's request by $216 billion.

Now, I ask, if it is all the Congress' fault that we have created $2.2 trillion in new debt following the economic guidelines that were present for the last 8 years that are being suggested to be carried forward in the President's budget now, how can it be that it is all our fault in the spending area if we spent within $216 billion and increased our national debt by $2.2 trillion?

In the areas of discretionary spending, it is even more startling. When you compare the Presidential budgets of the last 8 years of the Reagan administration, when you look at discretionary spending in the areas where some of us on both sides of the aisle, I would say in fairness, agree that we need to do more in certain areas, and are going to be prepared to take it from those areas and spend more, but if you look at what we have done over the last 8 years prior to the current administration in the discretionary area, you will find that Congress actually spent $10 billion less than the President asked us to spend.

Now, this is one of the great puzzles to me as we debate the rhetoric around this body regarding our budgets every year.

I will say in conclusion the same thing that I said in starting. This budget that we debate today and we will pass tomorrow, the Democratic version is marginally, yes, but it is better in setting the priorities of what I perceive to be the wishes of the American people.

I do believe the President made an honest effort, but there are several areas in which he is deficient. I think my colleagues will find that voting for the Democratic budget will in fact be a better vote in setting the priorities and setting the agenda for the 102d Congress.

Mr. GRADISON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SANTORUM], a member of the Budget Committee.

Mr. SANTORUM. Mr. Chairman, I am a new member of the Budget Committee. I am also a new Member of the Congress. I am the only freshman member on the Budget Committee. I fought very hard to get on the Budget Committee against the advice of some senior Members who thought it would be a rather frustrating experience to go through in your first year as a Congressman, but I fought hard and I am very glad I am here. I appreciate the opportunity to participate in what I see as one of the most important issues that faces this country, one which I found of particular importance to my district and to me.

I stand here before you very torn. On the one hand, I feel very strongly that we need further deficit reduction. I have had a series of town meetings in my district and I can tell you that the chorus is loud and clear on that, that a $300 billion deficit is not an acceptable deficit level.

On the other hand, I look and see a budget deal which is going to be assaulted over the next several years, and I hope that at a minimum we can at least hold on to those spending caps, that we can fight to make sure that we can keep at least this level of deficit spending at the level it is now, and not even go higher.

So I stand here torn. Should I support what is going on here, which is basically an automatic pilot budget? You can say the Democratic budget is better than the President's budget, but the fact of the matter is that we are looking at an automatic pilot budget. It is arguments over nickels and dimes, a few dollars more here and a few dollars more there. The figures are basically the same, or do we take a more aggressive stance and try to go after what I think is the No. 1 priority facing this Nation and facing this Congress, which is to try to get deficit spending under control.

I frankly am not convinced that the next 5 years will be as rosy as predicted by the Congressional Budget Office, that we are going to see zero budget deficits in the fifth year.

I do see from page 240 in the committee report that we are going to increase the Federal debt by $1.7 trillion. It is a 50-percent increase over the existing national debt over the next 5 years.

As you may see from my button, I am a new dad. I had a little girl about 6 days ago, Elizabeth Ann. I hope she is watching, and I am concerned about Elizabeth Ann because Elizabeth Ann is going to have to pay the interest on that debt. The children of this country are going to have to pay the interest on the short-term spending that is going on right here in the Congress today.

The vast majority of the budget is short-term benefit programs, not long-term investments for the future of this country and for those children. So I am torn.

I support the budget of the gentleman from Ohio [Mr. KASICH] because I think it takes the right step. It takes a step toward further deficit reduction without, frankly, being that painful to the entire process. I think it is a good first step.

I think even a better first step is a step which I suggested in the committee report, which is the Budget Committee to take seriously the job of analyzing and making priorities for this country and actually sitting down and getting the kind of information that is necessary to go about the process of producing a budget which has real national priorities and real debate within the committee.

I sat in that committee for many, many days and many hours as the only freshman member on the minority side. I sat for hours and hours to have an opportunity to ask my one question for 5 minutes, so I heard it all, or most all of it, so I know what the debate was, and it was not, unfortunately to me, a debate over the national priorities and the direction of the country and balancing this against that. It was nickels and dimes.

We as a Budget Committee are there to do more than that. We are there to be better than that. We are there to address the big issues.

I have submitted this for the good of the order and for the RECORD and will continue in my time on the Budget Committee to push the committee and Chairman PANETTA and the gentleman from Ohio [Mr. GRADISON] who recognize that we have an important obligation as a Budget Committee to set priorities for the Nation. Let us take on those responsibilities and start solving the problems.

ANNOUNCEMENT OF THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The Chair will have to remind our guests that they cannot participate in the debate on the floor, even though the gentleman from Pennsylvania had something to brag about.

Mr. DURBIN. Mr. Chairman, I yield myself 5 minutes.

□ 1550

Mr. Chairman, it has been my honor to serve on the Committee on the Budget now for 4 years. This is my fifth year. I have seen a lot of changes in that period of time. I think the budget summit agreement of last October has brought about some rather dramatic changes. One of the toughest things to explain to the people of America, certainly the people of my district when I return to town meetings, is how Congress can spend so much money and yet have so many problems. Every Member of Congress has spoken to a constituent or a friend who has said something to the effect of, "I can balance my checkbook. Why can't you balance yours?"

That is a good challenge. It is one that I think every Member of Congress takes seriously. But allow me to share with you just for a moment what the budget process was all about this year. You may conclude, when I finish this, that we had little to decide.

The budget summit agreement and some of the rules that we now play under, written and unwritten, in Washington, DC, make it almost impossible for members of the Budget Committee to sit down and come to grips with the $1.5 trillion budget.

Now, why is that, you say? Let me tell you what it is composed of, just the major elements in this budget.

On the defense side, $295 billion, almost sacrosanct. Now, that is on a glide path that will decline the spending in the Pentagon over the next 4 years. Most people have agreed that has to occur. I certainly support it. But because it is on this diet by itself and because no savings from the defense spending can be used to be spent on anything else in Government because of our budget summit agreement, we do not touch it; $295 billion sitting out there, untouched, by this Budget Committee.

The next area is entitlements. Hold the phone here. The minute anyone starts to mention Social Security and Medicare, full-blown panic sets in in Washington, DC. You may have heard recently a quote from our President which has been repeated by Members of Congress, "Don't mess with Social Security." Certainly that is the message I bring home from by district.

Well, if you take Social Security and you take Medicare and you take the other entitlement programs such as the veterans program, which Chairman MONTGOMERY alluded to earlier, and set most of those off to the side and say that we are not going to address those programs, you have just taken away another $680 billion untouched in this budget. It is basically there, it is going to be spent that way.

Now let me tell you about two hidden items in this budget which others have alluded to and which bear repeating.

Deposit insurance, remember the great savings-and-loan crisis? We are still paying to get out of that mess. In this next calendar year, we will spend about $100 billion to get us out of that mess with the savings-and-loans, 100 billion bucks for mistakes made years before that we are going to have to make good on.

As somebody in Congress said, nobody wants to "pick up that dead cat from the road," but frankly we are going to have to do it.

Now, interest on the national debt, in the next fiscal year, over $200 billion for interest on the debt. We cannot mess with that figure, that is what we were given and that is what we have to deal with. So you have taken out defense, entitlements, deposit insurance, and you have taken out interest on the national debt. What is left? Total nondefense discretionary spending, $230 billion out of a $1.5 trillion budget. That is what we fight over. That is what the budget debate is all about.

America has set itself on a course at the Federal level in spending which we are not going to deviate from. Both parties have almost reached bipartisan agreement. There is some truth to what the Republicans say, that what the President has to say and what the Democrats have to say is very similar because we are dealing with a very small slice of this pie, $230 billion out of $1.5 trillion.

I will say this in defense of the budget, and I certainly believe Chairman PANETTA has done a great job in putting it together under very difficult circumstances. If we have to take the $230 billion and spend it on America's priorities, the Democratic budget spends it on my priorities. Education, if we not invest in our kids, who is going to run this country? Head Start Program: Any Federal taxpayer who is still fuming over sending that check yesterday, drop by a Head Start center and see what is happening to those dollars. That is money well spent. The Democrats want to put more money into it to make sure that disadvantaged kids have a chance to avoid dropping out of school, have a chance to avoid being pregnant, to avoid becoming welfare statistics and avoid becoming crime statistics.

The WIC programs, who is going to argue about nutrition for pregnant mothers and for young children?

Energy security programs, antidrug programs, VA, AIDS, medical research, these are priorities I share. I only wish we lived in a time when we could put real money into spending for real problems in America. I think we have faced it responsibly, I think the Democratic budget that the committee offers and the Democratic version is one that all Members should support.

Mr. GRADISON. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman and my colleagues, I have been listening to the debate, and I have heard about all the wonderful things that have been added to and above the President's budget. I have not heard anything said about where it is coming from. I have not heard anything about the programs that are going to be downsized in order to do these great things that we have heard about thus far.

I want to address specifically function 300, the natural resources budget. The reason for that is I know that when we get around to doing markup on the Subcommittee on Interior Appropriations bill, we will get the usual requests, as we did last year, from about 350-plus Members wanting all kinds of projects, and I just want to alert the members that if we are not able to do these projects, it will be in part, if not all of them, because money was taken out of function 300. The money taken, the total reduction in function 300 from the President's budget is $900 million in budget authority, $600 million in outlays.

Now, the document is a little ambiguous as to exactly what functions are going to be reduced. But I have to say to you that if you look at the overall 300 function in natural resources, it includes a reduction in the protection of endangered species, reduction in the wildlife refuges that will be funded, there will be a reduction in reforestation. Certainly the America the Beautiful Program that the President has pushed and that we all support will be reduced considerably under this budget as opposed to what the President has brought out.

Also, the Bureau of Reclamation, today we hear a lot about wetlands conservation; that is reduced under this budget, its support, in comparison to the President's.

I think it should be pointed out that this year, perhaps for the first time, we have had a strong presidential budget in the field of natural resources, the best I have seen for several years. It is going to be cut as a result of the Democratic proposal that we have before us today.

So I think Members need to be alerted to that fact.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. I thank the gentleman for yielding.

Generally, Mr. Chairman, with regard to some of the areas the gentleman has identified, he is correct that those are the areas we basically had to freeze and do a 1-percent cut in some of those areas.

But if you look at the overall functional area that comes under the jurisdiction of the subcommittee of the gentleman, and when you consider the additions that were made with regard to the Smithsonian, the NEA, the NEH, Indian health, Indian education, and land acquisition, we added $50 million above the President. In the energy area we provide $850 million, most of that in the jurisdiction of the subcommittee of the gentleman from Ohio.

I think overall the gentleman's subcommittee will probably be at baseline.

Mr. REGULA. Yes, reclaiming my time, the gentleman is correct. But those are things that are ongoing functions of the Government. I think the thing we get into is the priority choices on the discretionary side, particularly the projects that Members bring to us where it gets tough to find adequate funding for those in question.

I noted in the list that the gentleman gave, the gentleman alluded to, none of those was included in the ones that I addressed. I understand that, under the agreement, you have to find it somewhere if you are going to add other things.

I want to alert Members that there is a price to be paid for the gains to be made in some of the other areas. In natural resources this is a very important function.

As a credit to the President, they did produce this year, I think, a very strong budget in terms of our natural resources.

Mr. GRADISON. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

What we have here is essentially a discussion of priorities. We have a discussion of priorities within a fairly narrow framework because much of the budgets of both the President and that brought forth by the Democrats is the same.

□ 1600

And so when the gentlemen, like my colleague from North Dakota, come to the floor and tell us that the priorities represented by the Democratic budget are in fact his priorities, I think we need to examine not just what he says they are going to increase, but what they are doing to reduce, because the fact is that they have made some very conscious choices about the direction that they choose to go. They have indeed put money into some of the social welfare efforts that my colleague from North Dakota identified, and others before him have identified, but what we do not hear much talk about what did they cut in order to get to these priorities, and the fact is where they have taken the money out is out of science, space, and technology.

What they decided was not a priority with them is building the new technology of the future. It is not a priority for them to see to it that we have an aggressive space program. It is not a priority for them to see to it that in the Nation science is advanced. It is not a priority for them to have the kind of technological base that will in fact drive the economy of the next century, and so they have taken massive cuts with regard to the President's budget in a number of these areas.

Now let me tell my colleagues just exactly what they have done. I say, if you take a look at the space program, if you take a look at NASA, you will find that the President's request was $15.7 billion. What the Democrats have done is they have cut 70 percent out of that requested increase, and what does that mean in terms of the program?

Mr. Chairman, it means we cannot do the space station. What they have done is they have held the line on space station spending, and I say to my colleagues, you can't hold the line on space station spending when we're now moving toward bending metal and putting the redesigned station into space. You can't do it. It's impossible to do.

What the committee has decided is we are not going to have a space station as a Nation. What that really means is that the high-technology driving vehicle of the future is not going to be there.

Remember space has paid back to the GNP at a 9 to 1 ratio. For every dollar we have invested in space, we have gotten 10 back, $9 in the gross national product. The reason we have gotten back so much is because it is a driving technology. The more which is spent there, the more it tends to drive technology for other things, and the paybacks are tremendous.

Mr. Chairman, what the Democrats have decided is that they do no want those paybacks. They are not going to do the project that promises those paybacks for the future.

It is also decided that the national aerospace plane, which is the driving technology for the next generation of aircraft, is going to be exclusively a Defense Department project. Now we had attempted to hold it as a program that was shared by both NASA and Defense. Obviously there are great advantages to the Defense Department's getting an airplane capable of going anywhere in the world in 2 hours. But it seems to us that there is also an advantage to having civilian aircraft capable of doing that, of flying across the country in 15 minutes.

Mr. Chairman, I say to my colleagues, if you put all of the eggs in the Defense Department basket, you're going to get the military version; you're not going to get the civilian version, and that is what the Democrats have decided to do in this budget. I think it is a wrongly selected priority, but that is what they decided. That is where they come down.

They have also decided to ground several space shuttle flights and perhaps affect the safety of flying the space shuttle, and I say to my colleagues, when you do that, it has an impact on our space science programs for the future, and that means that some of the data that we are hoping to collect, both in terms of mission to planet Earth, about the environment here on Earth, and about the space environment, will not be gotten because the Space Shuttle will be on the ground and not flying the missions that we had hoped for.

Mission to planet Earth is one of the things that was described by the Augustine Commission, the Commission that looked at reforms of NASA as being extremely important because they said that what we need to do is to begin to measure environmental data in the United States and around the world. We need these critical measurements about environmental conditions so that we can deal with global change. We will not get them under the Democratic budget.

In NOAA, in the National Oceanographic and Atmospheric Administration, they are making cuts there as well. The President requested increases of $159 million in those accounts. Not only do the Democrats not give him that increase, they cut NOAA by $15 million.

What does NOAA do that is so important? They are also involved in the whole question of global change. NOAA's participation in the Federal Global Change Research Program will be decimated by this and will possibly be impossible to do. Furthermore, they will kill the Weather Service Modernization Program, and that is a direct threat to life and property by killing off that particular program.

Mr. Chairman, I just met a few minutes ago with the administrator of NOAA. He tells me factually, "You cut them $15 million and they can't do weather modernization, and they can't do global change."

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. PANETTA. Again, I guess we always have the habit in Washington of, when there are increases and there are cuts in the increase, it represents a cut. The fact is on space, with regard to space, what we provide is current levels, plus inflation, which means another 4 percent on top of that. So that for space specifically we provide baseline funding.

Mr. WALKER. Sure.

Mr. PANETTA. And we did that in particular, I might say, with regard to the space station because of concerns that were raised over the last few weeks about the direction of the space program.

Mr. WALKER. Mr. Chairman, let me say to the gentleman from California [Mr. PANETTA] that every year that's what you do. Every year that's what you do. Last year what you did was you raised questions, you cut the budget back. The 302(b) allocation to the Committee on Appropriations caused them to have a redesign. We went and redesigned the space station in order to meet that. Now of course you get a few scientists who are raising questions about it, but the fact is that you can't do the redesigned station, you can't do the cheaper station, with our budget, and somewhere along the line you've got to commit the money in order to do the station, so in effect, if what you're saying is those questions have now caused you to believe that the space station shouldn't be built, that's what you have accomplished. You have now said that questions have been raised, we are not going to build the station because there's not enough money in your budget to do it.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I say to the gentleman from Pennsylvania [Mr. WALKER] that when you have a few scientists who are familiar with the space station, who raise questions about it and raise questions even, you know, so that the White House itself has to come to the Hill and decide whether or not it's to be continued, when you're fighting for some of the priorities we're fighting for in this budget, it seems to me to make sense that this is a legitimate area where you can hold spending down.

Mr. WALKER. The only people that have raised questions about the space station, I think the gentleman knows this, is the National Research Council, that has always been opposed to the space station because they are not for manned space programs. They are for space science programs as opposed to manned space, and so they have raised questions.

I say to the gentleman, I can show you reports going back 10 years where the National Research Council said that they do not think a space station can be used in certain ways, and they've said it over again.

So, these questions are not new questions. Anybody familiar with the field knows that it was simply a red flag going up by people who have always raised questions. The fact is though that what they have done is they have taken those questions and they have created a scenario whereby the space station will not be built and where the national technological base will be undercut.

Mr. GRADISON. Mr. Chairman, I yield all of the remaining available time on our side to the gentleman from Texas [Mr. ARMEY].

I would like to ask the Chair before actually doing so: Just how much time is remaining on our side?

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The gentleman from Ohio has 1 hour and 20 minutes remaining.

Mr. PANETTA. Mr. Chairman, I believe the time that the gentleman from Ohio [Mr. GRADISON] wishes to yield to the gentleman from Texas [Mr. ARMEY] is the time pursuant to the Joint Economic Committee, which has 2 hours, and I believe that the gentleman was going to yield to him 1 hour. Is the gentleman going to yield him more time?

Mr. GRADISON. Mr. Chairman, my intention was to yield all the remaining time. We do not currently have any other speakers on subjects other than the Humphrey-Hawkins issues, but I thought, if some came over to the floor, perhaps it would be more convenient for the gentleman from Texas [Mr. ARMEY] to yield to them rather than go back and forth over here. So, that is the reason for yielding all the remaining time, the 1 hour and 20 minutes, to the gentleman from Texas [Mr. ARMEY].

Mr. PANETTA. Mr. Chairman, I yield 6 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget, for yielding this time to me, and let me salute the gentleman from California and the gentleman from Ohio [Mr. GRADISON] on having done really yeoman work in producing a budget from the committee within the time constraints they faced.

Mr. Chairman, all of us are products of our environment. We are all products of our background, and it is from these backgrounds we bring to the Congress that we form our priorities.

So, having said that, I believe the priorities that I stand for and feel most comfortable with and which represent the aspirations of my community, Louisville and Jefferson County, KY, are demonstrated best in the budget offered by the gentleman from California, what we call the Democratic budget, and I would like today just for a few minutes to talk about some of those priorities and to endorse those priorities as they appear in this budget.

Mr. Chairman, my community is a community, as many urban areas are, composed in large numbers of senior citizens, elderly people, poor people, young people, vulnerable people, people who need help and assistance.

□ 1610

In this setting, some of the priorities that are addressed in the Democratic budget that I think are advantageous and should argue for its adoption later when we vote would be those dealing with children. There is a women, infant, children program, which we call the WIC Program, which is a nutritional and dietary program for women, infants and children. The Democratic alternative budget adds $127 million for the funding for that program, for a total of an additional $350 million for the WIC Program.

With regard to the Head Start Program, and we are all familiar with Head Start, which gives our children a chance to make it in the regular school setting, and the Democratic budget provides an increase of $350 million for Head Start spending. That is up $250 million from the amounts recommended by the administration.

With regard to drugs, I happen to serve on the Select Committee on Narcotics Abuse and Control, and in Louisville and Jefferson County we have, as every urban area has, a problem with drugs. We approach it from the standpoint of not just law enforcement but also from the standpoint of prevention, of education, and of treatment.

In the Democratic budget, there is an additional $1.3 billion, $1.3 billion of additional spending in the category of antidrug programs. That is $142 million more than the President would urge us to spend.

I would like, parenthetically, to say that the new drug czar, Governor Martinez, former Governor of Florida, has made a very good start because his approach is a multifaceted approach to the whole question of solving our drug problems.

In the area of mass transit, Louisville and Jefferson County are very dependent on mass transit provided by our TARC system. The Democratic budget provides an increase of $281 million for programs involving mass transportation. Furthermore, it does not change the Federal-local percentage for capital construction. Currently it is 75-percent Federal money, 25-percent local money on new mass transit starts. That stays the same, despite the fact that the administration would ask us to change that percentage. Also the current 80-percent- 20-percent share for mass transit capital projects remains the same.

I just was paid a visit earlier this afternoon, Mr. Chairman, by our library people from back home in Kentucky. They are very concerned, and we in Jefferson County are very concerned about our library system. In our Democratic budget there is $148 million provided, $113 million more than urged by the President for library programs.

In energy, has there ever been a time when we needed to go into alternative energy, other forms of energy, to extricate us from the coils of the Middle East? We just saw that demonstrated in the gulf war. We need to be energy independent. There is $800 million of additional spending in the Democratic program for various forms of alternative energy activity.

Community development block grants, CDBG's, which back home in Louisville and Jefferson County are very important for economic development, for revitalizing our community and for structures. It is a way of getting Federal money to the local community with flexibility so that local communities can use this money as local priorities warrant.

There is some $266 million additional in the program over what the President would have requested, for a total of $2.3 billion.

We have housing programs in Louisville that are very important to our community. The various subsidized housing programs are given an increase of $2 billion in the Democratic budget, and that would include homeless assistance, which we in Louisville and Jefferson County have used and find very helpful.

Also, what is called LIHEAP, Low-Income Home Energy Assistance Program, has $1.7 billion in the Democratic budget. And then the Low-Income Home Weatherization Program has $250 million, which is $226 million more than the administration would request.

Having said all of those numbers, and they are numbing, that's true any time you talk about numbers, the essence of all those numbers, Mr. Chairman, is that my priorities, and I think the priorities of my community, are better served by the Democratic budget. And I urge the House, when the votes occur tomorrow, to vote up the Democratic budget and vote down the President's plan.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 7 minutes.

I know the gentleman from Texas intends to proceed after this into the Humphrey-Hawkins discussion, so I just wanted to talk first about the budget. I appreciate his allowing us to arrange that.

Mr. Chairman, there is one sure way to tell, when political debate is going on, which side thinks it has the unpopular side of the argument. They are the ones who try and claim that there really is not any issue at stake. My side has done that from time to time. Sometimes when the crime bill has come up, you hear on the Democratic side complaints that we are not talking about the real issues. That is generally because Members on this side think that we have the unpopular side of the particular disagreement.

Today and for the last couple of weeks we have had that from the Republican side. Republican after Republican, in committee and on the floor, has gotten up to announce that there are not very many real differences. That is what people say when they think the differences that do exist reflect badly on them politically.

The Democratic budget does make some cuts, as the gentleman from Pennsylvania said, in some of the areas of space, for instance. It puts it into inoculating children. It puts it into feeding hungry children. It puts it into research. We do not just cut consumption, we put it into research. But we increase the President's budget some in the area of the National Institutes of Health.

We do do more to meet pressing domestic needs than the President's budget. And what is the Republican response? Not that their budget is better, but that our budget is not better enough for us to feel so good about it. I will agree that, given the budget agreement last year, the margin for improvement over the President's budget was less than I would have liked. Although if you are going to judge the difference between the parties on these issues, go back to last year's budget negotiations, when once again the Republican cry was, "Oh, there is no real difference."

Again, remember, Mr. Chairman, when you are watching a fight and one contestant wants to clinch, you probably have a sense that he does not think it is going too well for him.

Once we have agreed on the amount of money to be spent and we are now deciding how to spend it, the Republican side, they understand is the unpopular one. No, the cuts in Medicare that the President wanted last year and that he wants again this year are justifiably unpopular. They would impose on medical providers like hospitals a burden they could not meet. It would eventually result in a further deterioration of health care that goes to older people. That is what is in here. We reject the cuts the President had made.

I am glad to see that the Budget Committee did not reject the proposal that people who make more than $125,000 a year pay more. That is a relatively small amount of money. I am for it. I hope that the Committee on Ways and Means adopts it.

But the great bulk of the cuts, the billions that were cut, would have reduced health care for ordinary people.

We provide more money for Head Start. We provide more money for housing. Secretary Kemp lamented earlier this year that we did not do enough for home ownership.

Mr. Chairman, the Democratic budget provides considerably more in new money for that kind of program. The Republicans do not want to talk about it. Instead, they say, "You didn't make a big enough change." Well, for those Republicans who think we did not do enough for human services, hope is in sight. In about a month we will be debating the armed services bill.

Under the budget agreement we could not do this year what many of us have tried to do in the past, take away from military spending and put it into pressing domestic needs or deficit reduction. And I was not in favor of trying to do it this time, because we should not be making military budget cuts in a way that leads people not to understand where we are cutting, because there are some very essential things in our military. There is a lot in our military about which we should be proud.

But, Mr. Chairman, in a couple of weeks or maybe a month, my colleagues who did not think we made enough of a change will have a chance. Some of us are going to say that for America to continue to defend Denmark against an invasion by the Czechoslovakian Army is rather a poor use of funds. But we do that. We have the same NATO budget that we had 20 years ago, American policy in Europe was founded on the premise that Russia might lead Hungary, Poland, Czechoslovakia, Bulgaria, and East Germany in an invasion of Europe. Some of us are going to say in May that we are ready to predict that that will not happen. I cannot say that Russia will continue to move in a democratic fashion. I wish it would.

□ 1620

I do not know that. I do know that the day when Russian general would say, "I have got a great idea: Let us give guns to the Hungarian and Polish Armies and turn our back," is over. That is not going to happen.

In fact, what we have, Mr. Chairman, is a current situation, and we are going to address this. This budget does not make the cut yet, but you will get your chance.

We have the Germans supporting troops in Germany. The Germans are now paying for troops in Europe. We have American troops in Europe, paid for by American tax dollars, or borrowing, which are there to protect Germany against the Russian troops.

Now, where are the Russian troops, that we are paying with American dollars, to protect the Germans against? They are in Germany. Who is paying for the Russian troops? The Germans.

So American taxpayers are paying American troops to be in Germany to protect the Germans from the Russian troops that the Germans are paying to stay there.

Why do the Germans pay Russian troops? The Russians said they would not agree to German reunification unless the Russians could get their money from the Germans.

Why do the Russians not bring the troops home? The Russians, of course, have troops on the territory of NATO, which we are spending about $100 billion a year for, NATO.

The Russians cannot bring their troops home, because they have nowhere to live. You might wonder why the Russians are so concerned about homelessness. Well, when the homeless have AK-47's, you do not want to have them around. So they get the Germans to pay for it.

So we will give you the chance in a month or so to reduce asking the American taxpayer to pay to keep those troops in Germany to confront the Russian troops that the Germans are paying to stay there.

In the meantime, we had to work within constraints. Within those constraints, in every program that is important to the welfare of the American people, I believe we have made increases.

Yes, we cut science. Most of the Republicans think the cuts were trivial. The gentleman from Pennsylvania does not. I think we cut that aspect of the scientific budget which has gone more for prestige, which has gone more for projects which private enterprise is not interested in, and less for the kinds of things that are important.

I am pleased that we transferred money into research in the National Institutes of Health. That is good economics, and it is also a better quality of life, and less in things like the Space Station. I do not believe that the justification for the Space Station is there.

I was pleased to have my friend from Pennsylvania, not always a friend of government, talk about how essential a high level of Government spending is to the technological base of this country. But I think on the specifics, he got it wrong.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first begin by thanking my good friend and colleague, the gentleman from Massachusetts [Mr. FRANK] for his comments. I always enjoy listening to the gentleman from Massachusetts. But in the spirit of political correctness, within a multicultural community, I do feel somewhat misled, because the gentleman kept referring to the democratic budget. I was not sure whether he was referring to the recommendation of the President, or that which was produced by the Democrats.

If in fact the gentleman would want to talk about a democratic budget, then he must be talking about the budget of the President. If the gentleman wants to talk about the Democrats' budget, then that is another thing.

I know this seems like a matter of semantics, but in this age of political correctness, it seems to me we ought to tend to these little seemingly meaningless details.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, is the gentleman going to talk like that for an hour?

Mr. ARMEY. Mr. Chairman, the gentleman appreciates the observation of the gentleman from Massachusetts [Mr. FRANK].

Mr. Chairman, there are two ways that one can evaluate alternative budget proposals before the Congress. If you are going to evaluate them in a manner that is commensurate with the law of the land, namely the 1946 Employment Act, as amended by Senator Humphrey and Congressman Hawkins in 1978, the two alternative ways of evaluating the alternative budget proposals are either to evaluate them in a manner in which we are most likely to do around here, relative to the question of what does this budget do for or to the Federal Government, or, conversely, in compliance with the spirit of the Employment Act of 1946, as amended by Humphrey-Hawkins, what does the budget do for the American people.

If in fact you want to take an inside-the-beltway perception of the matter, and if in fact you want to believe that the only problem that is worthy of our concern in this body is our problem of our large government debt, then you will find between the President's budget proposal and that which is brought to this body by the Democrat majority of the Committee on the Budget, quite frankly very little difference, because, in fact, neither budget proposal does much of anything to alleviate the problem of our debt.

On the other hand, if in fact we were to be a little less self-serving about this and recognize that the Federal Government of this country is to serve the needs of the American people, rather than to be indulging itself every day with a preoccupation of what it is we can do for ourselves today, you might find some very substantial differences between the President's budget recommendation and that which was brought to the floor by the Democrat majority on the Committee on the Budget.

Mr. Chairman, I would argue that in a rational, responsible, legal evaluation of these two budget alternatives, the difference between the President's budget recommendation and that budget proposal brought by the Democrat majority in the committee are very great indeed.

As a matter of fact, looking at it from the point of view of what does the budget do for the American people, we cannot take a great deal of satisfaction in either budget. There are many of us, particularly in the most conservative side of the Republican side of the aisle, that think both of these budgets do the wrong thing, fail to do the necessary thing, and continue to do too much of the wrong thing.

But even within that context, let me suggest that evaluating the two alternative budget proposals relative to the needs of the American people, the President's budget proposal is clearly the least worst way to do the wrong thing.

On that basis, recognizing, of course, that both budgets are constrained by the fact that the Congress of the United States will not reform that portion of our budget which is 52 percent of our budget called entitlements, and put in any differentiating language that allows us to expend the largesse of the American taxpayers on those who truly need it, rather than those who rise to the occasion of getting something for nothing because they think that is what you get when you get it from the Government, rather than either budget proposal being able to do that, because the Congress of the United States will not revise the entitlement legislation that they have put on the books, most notably during and since the Great Society programs of the sixties, and given the fact that both budget proposals are further constrained by what many of us thought was a particularly bad budget summit deal last year, and that both budget proposals at least pretend to conform to that budget summit deal, they do not do the heavy lifting in budgeting that is required for these budgets to serve the needs of the American people. They confine their attention in budgeting only to what it is we can most do for ourselves in this governing town in order to at least create the illusion of alleviating our problems of our deficit spending.

On the other hand, as I said, I see a great difference between the two budgets. The least worst way to do this is the way recommended by the President's budget recommendation, to write a budget proposal that managed to keep some faith in the American people and to some extent at least leave options, creativity, spending, and a larger share of their own earned income in the hands of the working men and women of this country.

That is to say, the President, to the larger extent than the budget recommendation brought to the House by the Democrat majority on the Committee on the Budget, has a budget proposal that puts its faith in the creative talents of the American people.

□ 1630

The Democrat majority's budget proposal, on the other hand, says it is time for us to put even more faith and more of the working man and woman's money into the hands of the Government, and that we should put our confidence in the Government.

Mr. Chairman, my mama taught me a long time ago something that I call ARMEY's axiom. It seems to me rather clearly evident on the surface that nobody spends somebody else's money as wisely as they spend their own. If the case for that axiom is not made by watching the frankly foolish, frivolous, wasteful way in which the Federal Government spends the taxpayers' money, I do not know how we would ever learn that case. It is only by virtue of our own self-servingness that we can fail to see that.

What I would like to do, I am prepared at this point to yield to others who might want to interject in the debate, but after giving others an opportunity to respond to what it is I have said at this point, most particularly that the differences between the President's budget recommendation and the Democrat budget recommendation are significant, I would like to then go on and talk about and give a brief legal history of what it is that has brought us to this portion of the debate on this budget cycle that has caused the Humphrey-Hawkins debate.

So at this point, Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 7 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Chairman, I think this budget resolution is a good one. As one of the newer members on the Budget Committee, I not only have learned a great deal and certainly seen the hard work that goes into it, but I think it is important because it does signal a meaningful change in the direction of our Federal spending priorities.

At last we are starting to invest in America again. This budget resolution recognizes that we can no longer ignore those investments which made this Nation strong. It affirms that the economic future of the United States is inextricably tied to the quality of our education, to our health care and our infrastructure systems, and it makes clear that we can increase our support for these critical programs without breaching our commitment to fiscal responsibility.

We not only can increase our investments in America again, we must.

This resolution sets forth a bold commitment to education, a $2 billion increase for elementary, secondary, and higher education, and $350 million to give 72,000 more children a head start on education and in life. And we recognize that that is not enough, that more children need to be served, and we have made a commitment to make sure that we reach those children with future budgets. The children of America are well worth this investment, and indeed our economic future depends upon them.

In America today and every day more than 100,000 children do not attend school regularly because they are homeless. They are the children of the nearly 3 million adults who have no job and no home. This resolution recommends the full funding of $50 million for a program that we created last year to give these children the help that they need desperately to overcome those barriers that are imposed by homelessness.

To a lot of Americans these are invisible people. They do not see 100,000 children in America unable to go to school each day. This statistic is almost meaningless. But these are children who are going to grow up in America, uneducated, untrained, their health care needs not met. Many of them will never go back to school. Some of them, with this legislation that we have passed and that is funded in this bill, will be able to have a quiet place to study, books and papers to work with. The gifted and talented among them will be sought out and helped, and they will be sent to the health care that they are entitled to.

Is that just a bleeding heart Democrat kind of program or is that our economic future?

Think about this statistic: Every class of dropouts costs this Nation $240 billion in lost wages and additional social spending over their lifetime, $240 billion. Simply put, we cannot afford to ignore the needs of these children if we are going to compete in this world.

In the area of health care, the resolution provides significant increases for the infant mortality programs which are a disgrace, and there are about two countries that are worse than we are, Bolivia and Haiti. We do more for child nutrition so that in this country fewer children will go to bed hungry. And immunizations. Most of the mothers and fathers of my generation believed that measles was a thing of the past, and it is a disgrace in this country today that we have cut back on the vaccination program to the point that about 23,000 children last year had measles and 60 died, and many more have been left damaged for the rest of their lives.

The resolution recommends a $350 million increase in WIC, the Women, Infants, and Children Program to reach the millions who live in poverty and hunger. It provides $550 million for the National Institutes of Health, one area which we have woefully underfunded in the past, and it targets additional funding for women's health research which has been neglected altogether.

This resolution increases the Federal commitment for childhood immunizations, as I said, so that American children will not die of diseases that we have found cures for, and with more money for NIH, more cures for diseases should come.

Mr. Chairman, we know in order to revitalize our manufacturing sector in this Nation, a cause critical to our economic future, a strong infrastructure of mass transit, airports, highways, and housing is essential. For more than a decade we have allowed this critical link which binds our local economies together to crumble. And as these assets deteriorated, so too did our industrial strength. This resolution recommends nearly $4 billion to begin the rebuilding of America, a first step on a path to our industrial renaissance, to a time when Americans will once again be employed in jobs paying above the minimum wage, producing quality products and goods that people want to buy.

Finally, the resolution calls for a reexamination of our defense spending as well. As we struggle to produce budgets that abide by the caps set forth in last year's deficit reduction agreement, we must find new areas for future spending cuts and pose some serious questions. One serious question obviously is can we afford to continue spending $170 billion a year to defend our allies, such as we do with NATO, defending West Germany from East Germany. Can they not now afford to defend themselves, or help to pay for more to do so? Should we keep spending $20 billion a year to protect the sea lanes around Japan? Against what enemy? Do we need to maintain 37,000 troops in Korea more than 40 years after the war?

This year it was a difficult task to make the important investments that were contained in this resolution. Next year, given the structures of the budget agreement, the challenges will become even greater. But as a newly appointed committee member, I look forward to working with all of my colleagues on the Budget Committee to meet the challenge.

Mr. ARMEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I rise with a little bit different point of view. Having been home most of the last 3 weeks, my constituents understand why we are in a recession. Unfortunately, this House does not, as evidenced by the debate that has been going on all afternoon.

My constituents know that we are in a recession because we spend too much in our Government, we tax too much in our Government, and we overregulate our economy, done by our Government.

□ 1640

My constituents understand that. Unfortunately, listening to the debate today, we are nitpicking in the debate today. Most of the debate today has been between the Democrats' proposal and the President's proposal.

I might quote from the minority views of the Committee on the Budget, "But the differences in spending priorities are so small between the two budgets as to be nearly invisible. They total 0.2 percent of the budget. The Democrats' proposal is 99.44 percent George Bush."

That brings me to the notion that you know one by their friends. If both sides have a proposal that is basically the same, Mr. Chairman, then the Republicans on this side ought to be very suspicious. If the Black Caucus is so pleased with the Democrats' proposal that they, for the first time in a long time, would not come down to this floor and offer their budget, then one needs, especially from this side of the aisle, needs to be very suspicious as to what both proposals have to offer the American people.

Mr. Chairman, I contend that both proposals tax too much, spend too much, and raise too big a deficit in trying to adhere to the budget summit.

Let me now go to the budget summit very quickly. During the budget summit, we were told that the spending caps on discretionary spending are rubber caps and that it is discipline, and that we can cut spending underneath these caps if we choose to do so, that we are not limited by the tax increases; we could cut taxes if we could find spending cuts to correspond to those tax increases.

Well, I submit to the Members that both the President's proposal and the Democrats' proposal do both. They use the spending caps as floors. We are going to spend as much money as we can get away with. They use every penny of the tax increases passed by last year, and some have estimated a 22-percent increase in the taxes that the Americans will pay in 1992, and they adhere to huge spending increases, huge spending increases to the tune that for the first time since 1946 the 1991 budget, spending in the 1991 budget, will be 25 percent of the gross national product, and some predict that the 1992 budget will also be 25 percent of the gross national product, which is way over the maximum expenditures that have been established by most economists, that being a long-term maximum of 19 percent of GNP.

We are not going down as a percent of the moneys we are spending, of the total amount of products that Americans are producing, and the overall wealth that Americans are producing. Indeed, we are going up from 22 percent, plus, in 1990, to 25 percent in 1991 and another 25 percent in 1992.

And what about taxes? In the President's own outlook, economic outlook, he says by 1994 we will be at 20 percent of gross national product in taxes. Now, for the first time in history, we will have 20 percent, plus, GNP in taxes, every consecutive year thereafter.

Whenever we have reached 20 percent, we never had consecutive years of 20 percent, but whenever we have reached 20 percent, we have had in recent history massive recessions.

The American people out there understand why we are in a recession. They understand that we are spending too much. We are taxing too much. We are regulating too much.

Members say, "Yes, but the President's budget is much better than the Democrats' budget by 1 percentage point in reprioritizing spending." Well, my answer to that, especially to my colleagues on this side of the aisle, "Gentlemen and ladies, what you are doing if you vote for the President's package is to endorse higher spending, higher taxes, and high deficits, and that the only alternatives that we have available to us in this budget debate are the Kasich alternative and the Dannemeyer alternative." At least they take some hard decisions and at least they slow down the increase in spending. They do not even make major cuts in spending. They cut the increases in spending to manageable levels.

Mr. Chairman, let me just point out a couple of things in the President's budget that also are reflected in the Democrats' budget. In the President's budget, we are told that in 1992 we are only going to increase spending by 2.6 percent. What we are not told is that if you take out the cuts in military spending, defense spending, you take out the S&L spending that has to be done, and you take out Desert Storm, what you have is a 7.6-percent increase in domestic discretionary spending, that while the growth of the total on-budget spending is held to below 3 percent total, domestic spending is projected to grow that 7.4, and I stand corrected, in 1992, more than twice the rate of inflation projected for 1992 by the Congressional Budget Office, and we know all too well the credibility of the Congressional Budget Office. They tend to keep things low.

We think the increase in spending is going to be much higher than that.

Likewise, mandatory entitlement spending is projected to rise to 7.8 percent. It is important to remember that the total rate of spending growth touted by the administration is distorted by bloated 1991 outlays.

Projected 1992 spending now appears reasonable because of what one White House official described as a 1-year orgy in 1991 domestic spending.

As former Assistant Secretary of the Treasury Paul Craig Roberts observes, "Federal spending under the new Bush proposal actually increases by 18 percent over fiscal 1991 outlays projected in last year's budget." I think the credibility of the President's budget and, hence, the Democrat budget, because there is very little difference between the two, is undermined by the economic assumptions.

Again, we have overly optimistic economic assumptions built into these budgets. The administration's estimate used for designing this budget is an estimate of real GNP growth for fiscal 1992 of 3.6 percent, which is a full percentage point higher than the blue-chip consensus of 2½ percent. So no one believes that we are going to be at 3.6 percent next year. Indeed, many forecasting economists, especially those that I have faith in, project that this recession could run as long as the middle of next year, which would totally negate the economic assumptions that these two budgets are based on.

Compared with the Chamber of Commerce's more pessimistic forecast of 1.1 percent growth in fiscal 1992, the administration's estimate falls a whopping 2½ percent on the rosy side of economic reality.

One result of this, one result of not counting, and I will not discuss the other economic assumptions, but one result from overestimating GNP growth is that revenues are overestimated, and outlays are underestimated, producing an increase in the already record high budget deficit in excess of $25 billion.

What does this do to the economy? What that does is keep the economy in a low state.

Most of the news that we have heard and read and have seen reporting on the administration's economists, the Democrats' economists, our CBO, anybody that has a connection with the Government, you would think that we will be out of this recession by this summer. Of course, they would not admit that we were in a recession until December, and we were, indeed, in a recession in July.

But we are not going to be; we are going to be out of this recession; everything is going to be rosy.

Nothing is going to be rosy unless we change the reasons that we are in the recession. Unless we cut the cost of labor, unless we cut the cost of capital, and unless we cut the cost of savings and start deregulating America, nothing is basically going to change. Oh, we may come out of this recession, and everybody is setting a goal of 2-percent growth.

Mr. Chairman, is that not sad? It reminds me of the malaise period of the Carter years. We are going to be happy with 2-percent growth when we were unhappy in the late 1970's with 5-percent growth, 6-percent, in some cases 7-percent growth. We were unhappy with that kind of growth, but now our projections are, and even on over-optimistic assumptions, we are going to be happy with 3½-percent growth.

☐ 1650

Three and a half percent growth for the finest and strongest economic machine capable in this country. That is what we are going to be happy with. This Member is not happy with it. I am not going to be part of the process that greatly increases taxes, greatly increases spending, and greatly increases the debt on our children.

Every Member that votes for it has to understand what they are doing. They are leading Members to disaster. If we do not change our habits, even if we come out of this recession, it will be a small come out, and we will be back into the cyclical recessions we experienced in the late 1960's and all through the 1970's. We will come out a little bit, maybe reach the 3.6 percent. I hope so. Let Members hope that I am wrong. We will not last at 3.6 percent very long. We will back into a recession, and back into a very small growth, and we will be going up and down that roller coaster that is created by too big a government. That too big a government is being created by these two budgets.

I urge my Members, especially on my side of the aisle, to weigh very carefully what they are doing when they vote for the President's budget, and if they indeed vote for the Democratic budget.

Mr. Chairman, I insert the following:

THE PRESIDENT'S FISCAL YEAR 1992 REVENUE PROPOSALS

(By Dr. Richard W. Rahn)

I am Richard W. Rahn, Vice President and Chief Economist of the U.S. Chamber of Commerce. On behalf of our 180,000 member businesses, associations, and local and state chambers of commerce, we thank you for the opportunity to present a statement on the President's FY 1992 revenue proposals, the outlook for the U.S. economy, and a number of recommended reforms of the existing federal tax system.

ECONOMIC GROWTH AND "FAIRNESS"

Mr. Chairman, taxes are too high, and Congress spends too much and imposes too great a regulatory burden on the economy. As a result, we are mired in recession and the prospects for a strong recovery are not bright.

The congressional proponents of new taxes, higher spending, and increased regulation typically defend such proposals in terms of economic fairness, claiming that the benefits of any such proposal far outweigh its small, seemingly insignificant impact on total economic growth. Unfortunately, the impact of one tax increase which reduces growth by one tenth of one percent when added to other tax changes, new regulations and spending programs, is altogether significant. That cumulative burden results in economic stagnation and recession.

Ironically, regulatory, tax, and spending legislation ostensibly intended to promote economic fairness ultimately produces results that are particularly unfair. More important than fluctuations in industrial production, the consumer price index, or the federal budget deficit is the real economic pain and suffering that recession and low growth inflicts upon those Americans least able to withstand it. Economic stagnation literally kicks those individuals and families now desperately clinging to the lowest rungs of the economic ladder into unemployment and poverty.

While many high tax advocates are undoubtedly motivated by the best of intentions, unfortunately some appear to be simply acting on less admirable, base instincts to punish wealth and success per se, regardless of the havoc such punishment might impose on the economy and the American people. The myopic politics of class envy are particularly evident when legislators oppose lowering the burden of capital gains taxes, or when they support further hikes in income tax rates on upper bracket income-earners. They do so despite a sizeable body of empirical and theoretical evidence which demonstrates that tax and other policies motivated by class envy inevitably result in economic decline. No one, not even the federal government, gains from such policies in the long run.

In particular, I have in mind new research by the distinguished economist Gerald W. Scully, published by the National Center for Policy Analysis.[1] In an exhaustive empirical study of 103 countries. Dr. Scully reaffirms what low tax, limited-government advocates have been arguing for years; namely, that raising taxes may very well decrease, not increase, total federal revenues by diminishing economic growth.

On the issue of income tax rates, Dr. Scully finds that during the 1980s, "when the top U.S. tax rate was reduced from 70 to 28 percent, the share of taxes paid by the top one percent of taxpayers grew from 18 to 27 percent." Regarding the Capital gains tax rate, Scully finds "a negative relationship between capital gains tax rates and capital gains revenue," nothing that following the 1981 reduction in the maximum capital gains tax from nearly 27 percent to 20 percent, capital gains revenues nearly doubled in the following four years.

The most interesting results of Scully's study show that, in the short run, governments (total government, including state and local) maximize tax revenues at 43.2 percent of gross domestic product. But in the long run, economic growth, and subsequently, revenue from total tax collections, is maximized at only 19.3 percent of GDP. "In the long run," notes Scully, "governments will have more revenue if they maximize growth rather than tax collections." Scully notes the fundamental dilemma faced by revenue maximizing governments: "If countries attempt to maximize tax collections [above growth-maximizing levels], people will pay a 'growth tax'—resulting in a lower standard of living." Because of this discrepancy between short- and long-run results, legislators may be misled into believing that tax revenues are maximized at a much higher portion of national income than is actually the case.

As a point of reference, I should point out that total government revenues in our own country, including state and local governments, were 29.3 percent of GNP in 1990, according to the President's 1992 budget. This level is significantly higher than it should be in terms of maximizing both long run economic growth and government tax receipts.

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[1] Scully, Gerald W., "Tax Rates, Tax Revenues and Economic Growth," NCPA Policy Report, No. 98, National Center for Policy Analysis, March 1991.

THE OUTLOOK FOR THE ECONOMY

Despite conclusive evidence that higher taxes diminish economic growth and individual well-being, last fall Congress passed, and the President signed into law the largest tax increase in American history, at a time when the economy was slipping into recession. Last year's budget act, the Omnibus Budget Reconciliation Act of 1990, has been widely publicized as including nearly $500 billion in deficit reduction. However, as Table I indicates, the Administration's cumulative 5-year deficit projection has increased an astounding $803 billion from where it was just one year ago. The actual outcome of last fall's "deficit reduction" agreement should lead those who fear the effects of rising deficits on the economy to lower their economic forecasts.

TABLE I.—THE PROJECTED CUMULATIVE BUDGET DEFICIT, 1991–95

	Projected deficit 1991 budget	Projected deficit 1992 budget	Increase in deficit
Year:			
1991	−63.1	−318.1	255.0
1992	−25.1	−280.9	255.8
1993	+5.7	−201.5	207.2
1994	+10.7	−61.8	72.5
1995	+9.4	−2.9	12.3
Total	−62.4	−865.2	802.8

Note.—Deficit figures in billions of dollars; all data from "Budget of the United States Government, fiscal years 1991 and 1992.

In 1991 alone, taxes have been raised by a net $22.5 billion due to last year's budget legislation. By way of comparison, the amount of this tax is equivalent to $30-per barrel oil lasting for several months, a large enough oil price hike to reduce any forecast of economic growth. These tax increases played a major role in reducing personal income growth in the first quarter of this calendar year. Additional tax increases next year will come on top of 1991 increases and will act to stifle incentives to produce and invest, further retarding economic growth.

We cannot undo the considerable economic damage already created by past policy mistakes. We can, however, avoid more of the same dismal economic performance by reversing past mistakes with sound policies which will restore economic incentives to work, invest, produce, and save. The truly compassionate economic policies are those that promote strong, sustainable economic growth.

Last July, before the crisis in the Middle East erupted, we projected a mild, two-quarter-long recession beginning with the fourth quarter of 1990. Unfortunately for the sixty thousand failed businesses and the over 1 million newly unemployed, our previous forecast of a recession apparently has come to pass.

Final estimates of fourth quarter GNP show an annualized decline of 1.6 percent, the first quarterly decline since the second quarter of 1986. The data on March 1991 employment show a rise in the unemployment rate to 6.8 percent and a loss of 205,000 nonfarm jobs. In addition, the purchasing manager's index of economic conditions for March is 40 percent, the kind of number associated with business contraction.

Such discouraging economic news almost guarantees a second consecutive quarter of decline in real GNP, resulting in the first recession experienced since 1981–82. After a careful analysis of the current recession, we have found the following:

The principal causes of slow economic growth and the recession are rooted in policy mistakes of the federal government. These anti-growth policies persist and are growing more burdensome to the economy.

Anti-growth Federal Reserve Board policy was the major reason the economy slowed strongly and slipped into recession. However, fiscal and regulatory policies also have contributed to the decline and permanently lowered the growth potential of the economy.

Slow economic growth with the possibility of intermittent recession is a likely future course for the economy. Although the current recession may prove milder and shorter than previous recessions, the economy will not rebound with its traditional strength, leaving the future course of economic events in considerable doubt.

The burden of anemic growth is decidedly unfair. It falls mainly on lower- and middle-income workers and smaller businesses in the form of lost job opportunities, bankruptcy and business failures.

Congress can promote a more robust and sustainable economic recovery by immediately passing a number of tax changes included in the Economic Growth and Jobs Creation Act of 1991 (S. 381 and H.R. 960), as well as extending the expiring tax provisions.

THE CHANGING ECONOMY FROM 1989 THROUGH 1992

Based upon new evidence of future decline, we have modified our economic forecast to show a longer and somewhat deeper recession than we originally predicted last July.

We foresee an economy that will not grow between now and the middle of next year. The unemployment rate will steadily rise to near 8 percent during this time. We also expect an eventual decline in inflation from current rates of over 5 percent to 4 percent by the middle of 1992. We do not expect consumer and business spending to revive the economy any time soon.

The current recession follows seven consecutive quarters of consistently sluggish economic growth under 2 percent. Real GNP increased only by a compound annual rate of 1.1 percent from the beginning of 1989 to the end of 1990.

By contrast, between 1983 and 1988, real GNP rose at a compound annual rate of 4.0 percent. Inflation, after averaging about 3.5 percent during the same 6-year period, has risen to over 5 percent in the last two years.

It is our opinion that the robust growth experienced between 1983 and 1988 was sustainable and that the unemployment rate should have continued to fall to this day without fueling higher inflation. Instead, the Fed devised an ill-fated high-interest rate policy designed to dampen the expansion in the hope that an economic slowdown would lower inflation. The Fed enlisted Congress and the Administration in its efforts to kill economic growth by insisting on deficit reduction by any means—even a massive tax increase—as the price for allowing interest rates to fall. Other policy mistakes, including tax increases dating back to the 1986 Tax Reform Act, more regulations, and renewed increases in the growth of federal spending rendered an otherwise avoidable recession inevitable.

These policy mistakes have become so pervasive that we now believe the economy will continue to face prospects of persistently slow growth and intermittent recession. Unlike one-time shocks to the economy such as oil price hikes and quick wars, the anti-growth policies of the government are cumulative. Taxes have gone up this year and will rise again next year. Federal spending is expected to consume a 25 percent share of the economy. New regulations are adding to business compliance costs. And interest rates, despite the rhetoric of the Fed, are still too high.

If the more optimistic consensus of private forecasters is correct, between 1989 and 1992 the economy will have grown only by a compound annual average of 1.5 percent. This would represent the slowest 4-year growth period since the 1930s.

That alone should be reason enough to focus attention on growth-enhancing policies. However, we believe there is more than a reasonable likelihood that growth over this four-year period will be even lower than the consensus forecast if current policies persist. Under existing economic and tax policies, we expect the 1991–92 period again to average a dismal 1.1 percent growth rate.

The average length of the six postwar recessions was 11 months. The average fall in real GNP from the peak preceding the recession to the end of the recession was 2.6 percent. The consensus of private forecasters is that the current recession will be shorter and shallower than the postwar average. But this is due largely to the pervasive weakness of the economy going into the recession. Unlike previous postwar contractions, the "corrections" the supply-side of the economy must make to match depressed demand during the recession are less severe and may take a shorter time to complete.

Because the current recession may fall short of historical averages, many policy leaders, including the Bush Administration, now argue that the economy will right itself quickly and then proceed directly back to a path of sustained moderate growth. Corrective actions to stimulate the economy are not necessary, they claim. We respectfully disagree.

This all-is-well, short, mild recession viewpoint is reflected in the recent forecasts of the Congressional Budget Office (CBO) and the Bush Administration's Office of Management and Budget (OMB). Both forecasts project a two-quarter recession followed by very slow growth in the second quarter of 1991 and moderate to robust growth thereafter. Chairman Greenspan appears to share this view.

Despite the lack of concern over the future expressed by government forecasters, the prevailing consensus of private forecasters for the expected recovery is exceptionally low. For a full year following postwar recessions, CBO reported that real GNP rose on average 6.7 percent. The current consensus of private forecasters is for a recovery of just 2.8 percent. Several forecasts, including those of the CBO and OMB, project the recovery growth rate to be between 3 and 4 percent, somewhat higher than the consensus, but still quite a bit below the average postwar experience.

What concerns us the most is not how long and deep the recession may turn out to be, but how strong and sustainable will be the eventual recovery.

THE ORIGINS OF SLOW GROWTH AND RECESSION

The economic events leading up to this recession are different from what has occurred in the past. The recession did not come upon us all of a sudden. It was a result of cumulative anti-growth policies that first slowed the economy's strong growth and then removed significant amounts of growth potential. In the process, asset values declined—particularly real estate values—and accumulated debt became a severe burden on corporate cash flows.

ANTI-GROWTH TAX POLICIES

Our pessimistic outlook has its origins in anti-growth policies found in the Tax Reform

Act of 1986. On the positive side, that Act improved work incentives by significantly reducing marginal tax rates, reduced economic distortions by eliminating many inefficient tax subsidies, and the Act also removed millions of low-income people from the income tax rolls altogether. However, the Act also made other changes to the tax code that have greatly raised the cost of capital and stiffled economic growth. The 1986 Act raised the top tax rate on capital gains to 33 percent for individuals, and made it difficult to deduct legitimate business expenses by limiting losses on "passive" investments, curtailing depreciation schedules on commercial real estate, and repealing the 10-year amortization of construction-period costs and taxes. The Act also tightened the Alternative Minimum Tax (AMT) rules, changed and tightened the rules on real estate tax shelters and real estate investment trusts, and made a number of changes in real estate accounting rules. As a predictable result, asset values have slipped, especially real estate values. Falling real estate values not only increased the insolvency of thrifts and reduced the solvency of many banks, but also put a damper on the rise in household and business asset values. For example, a study done for the Chamber last year and updated just recently by Fiscal Associates, Inc., a Virginia economic consulting firm, found that the 40 percent increase in capital gains rates in 1986 has reduced the value of commercial real estate by 17 percent and residential home values by 9.2 percent.

The 1986 Act was designed to raise business and corporate taxes by about $120 billion over five years. By limiting proper deductions on capital investment, the Act raised taxes on capital-intensive industries—the backbone of the U.S. export business. Coupled with onerous taxes on foreign activities of U.S. companies, the Act reduced U.S. competitiveness. It also completely eliminated the investment tax credit for all businesses, thereby reducing business investment.

One perverse aspect of the 1986 Act emanates from the AMT provisions. They have caused a rise in the effective corporate tax rate during the current recession. Normally, tax policy is designed to cushion the effects of an economic downturn by curtailing tax liability by more than the fall in earnings. Unfortunately, many small businesses facing falling profits are finding their tax liabilities rising due to the AMT.

Even though the 1986 Tax Reform Act contained numerous positive elements, on balance the anti-growth provisions, when fully implemented by 1989, more than offset pro-growth effects. In short, the overall effect of the Act has been decidedly anti-growth.

ANTI-GROWTH MONETARY POLICIES

The economy is not where it is today strictly because of this gradual rise in business taxes. The severe and unceasing high interest rate policy by the Federal Reserve Board deserves blame as well. Fed high interest rate policy dates back to the spring of 1988 as a much ballyhooed step to quell what the Fed believed were rising inflationary pressures. The Fed made a serious mistake.

In fact, since August 1987 when Alan Greenspan became Federal Reserve Board Chairman, bank reserves have barely increased. The Fed consciously drove up interest rates by over 300 basis points in 1988 and 1989 by holding down bank reserve growth. However, during the subsequent decline in interest rates by nearly that amount to date, the Fed has hardly let bank reserves rise. Indeed, during a long period in 1989 and 1990, when market interest rates were falling, bank reserves declined and the Fed funds rate—the interest rate used by the Fed to signal its policy intentions—stayed steady.

Up until January, the reduction in the Fed funds rate had followed market interest rates down. Growth in bank reserves and money supply declined between June and December last year, indicating that monetary policy was becoming "tighter" as the economy dipped into a recession. It is fair to conclude that the Fed has only been following credit market interest rates on government securities downward since the middle of 1990, and actually may have intended to moderate interest rate declines.

What did the Fed accomplish with its orchestrated assault on inflation? At the beginning of the Fed's anti-inflation campaign, inflation stood at 4.4 percent. Today, it is over 5 percent. The Fed may seek to defend this gap between its rhetoric and the inflationary realities by claiming that inflation would have been even higher without its restrictive policies. We have heard similar claims before. In particular, we are reminded of the actual results of last year's much-celebrated "deficit reduction agreement."

Back in 1988 and 1989, the Fed had to take extraordinary action to slow a robust economy down. In doing so, it discouraged capital formation and destroyed growth potential. Today, the Fed would have to take extraordinary action to induce added growth. But loose monetary policy cannot increase growth potential without igniting inflation and creating a situation where the Fed must revert to the very policy that started the economy down in the first place. This is why we have admonished the Fed to follow clear rules governing their actions instead of stop-go policies that only confuse credit markets and devastate the economy.

The credit situation is so strained that even if the Fed aggressively begins to lead rates down with increased reserves, there is little reason to believe that Fed policy can bring the economy back. Fed policy alone cannot induce businesses to invest again. Even now that the monetary and bank regulatory authorities more fully realize the extent of the present slowdown, a shift in Fed policy is still likely to be thwarted by fiscal and regulatory policies that also are hitting the economy hard.

ANTI-GROWTH REGULATORY POLICIES

The regulatory budget of the government will rise in fiscal years 1991 and 1992. Although there are no precise measures on a program-by-program basis, it has been estimated by former Council of Economic Advisors Chairman Murray Weidenbaum that an overall increase of $1 in regulatory spending will increase business compliance costs by $20. Consequently, the economy may incur additional compliance cost expenditures of over $200 billion in 1991 and again in 1992. When the Clean Air Act is eventually implemented, that legislation alone may add as much as $40 billion a year to compliance costs. Such costs reduce output, lower productivity and raise prices—exactly what has occurred in 1989 and 1990 and precisely the opposite of what is needed to reverse persistently sluggish growth.

There are other prominent explanations for the long economic slowdown and the eventual recession. Some analysts point to an excessive public and private debt build-up and large budget deficits during the Reagan years as primary causes of the current economic malaise. However, the rise in debt was caused by tax law changes which resulted in significant impediments to equity financing and raised the cost of capital. As long as the economy continued to grow, that debt accumulation was cost-efficient. But with the slowdown, accumulated debt has become a burden. Thus, the drive to manage debt to accommodate reduced cash flows—a situation many businesses now face—was prompted not by the debt alone, but by the slowdown and eventual recession.

The persistent federal budget deficit was caused primarily by excessive increases in federal spending. Although tax revenues doubled in the 1980s, spending more than doubled. Today's growing budget deficit reflects both reduced revenues due to poor economic performance and record levels of federal spending. Hence, to make a clear determination of what has caused the slowdown in economic growth, it is extremely important to separate those events that are symptoms of the slowdown from those that are the causes.

WHY THE FUTURE FOR THE ECONOMY LOOKS POOR

Last year we were told that the federal budget deficit was the source of our economic problems. This was the excuse used to raise taxes. If budget deficits were really the source of the problem, rather than its symptom, few people would be sanguine about future economic growth. Both CBO and OMB estimate a budget deficit in fiscal year 1991 above $300 billion. The deficit is rising above any amount recorded during the 1980s, yet many forecasters, including OMB and CBO, foresee an economic recovery.

Fiscal policy is acting as a drag on the economy and it is well understood among economists that tax increases stifle economic growth. Empirical confirmation of these conclusions can be found in a study by William C. Dunkelberg and John Skorburg.[2] Dunkelberg and Skorburg show that recent tax increases will raise the federal tax burden on American workers to an all-time peak. Their study looks at the effect of tax increases on economic growth. They find that since 1960 a rising tax burden, like current law, has led to a reduction in economic growth.

Likewise, Dunkelberg and Skorburg find that tax reductions raise economic growth and employment. Specifically, the authors estimate that as a result of last year's budget package, economic growth will be 0.7 percent per year lower than it would otherwise be and that 400,000 fewer jobs per year will be created than would otherwise be the case. They believe that the tax burden will rise to 20.7 percent of GNP by 1992, noticeably increasing the severity of any subsequent economic recession. Using a CBO rule of thumb that translates changes in economic growth into a change in the budget deficit, the authors estimate that most of the anticipated 1990 deficit reduction will be lost due to the impact of tax increases on real GNP growth.

Dunkelberg and Skorburg rightly are critical of CBO and OMB budget estimates because the economic models OMB and CBO use assume no adverse economic effects from higher taxes, despite empirical evidence to the contrary. Indeed, the authors correctly argue that those models cannot be taken seriously because they anticipate positive economic responses to more taxes.

Of course, OMB and CBO models are not alone. The bulk of the economic models used today are very insensitive to tax policy changes unless model users correct equations before running the model. The more tax-sensitive models, such as the one employed by Chicago Economics, generates quite pessimistic forecasts for 1991 and 1992.

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[2] Dunkelberg, William C. and John Skorburg, "How Rising Tax Burdens Can Produce Recession," *Policy Analysis* No. 148, Cato Institute, February 21, 1991.

Researchers are just beginning to understand that government spending, instead of being a stimulus to the economy, often serves as an inhibitor to economic growth. Governments tend to spend beyond a prudent amount and, often, well beyond their present means. Comparing the experience of various industrialized nations, another study by Gerald W. Scully[3] shows that a 10 percent rise in government spending as a percentage of GNP would reduce economic growth by 1 percent. That is, if federal spending were to increase to 25 percent of GNP as projected for 1991 and 1992, from where it stood in 1989 at about 22.5 percent, real GNP growth would permanently decline by about 1 percentage point.

In an economy the size of the U.S., this amounts to about $55 billion in lost output in 1991 and an increase in the deficit of about $10 billion. This may appear to be a modest amount as compared to the size of the federal budget alone, but this dampening effect on GNP increases and compounds itself each year as long as federal spending stays up as a percent of GNP. For example, after 5 years of 1 percent lower growth, the deficit would be over $100 billion larger. We project that federal spending as a percent of GNP will stay above 25 percent in 1992.

Not only does increased federal spending drain the private economy of resources, either by raising taxes or diverting funds into Fed bonds that otherwise could have been loaned for private use, but Scully also finds that rising federal spending reduces productivity growth. The statistically significant drop in productivity occurs, Scully argues, because governments use resources less efficiently than private industry. Scully found that nations with relatively large government sectors suffered from lower productivity when resource differences among nations were accounted for.

The magnitude of excessive federal spending can be illustrated by the lag between expenditures and revenues. Not until 1995 will the federal government take in sufficient revenues to sustain the level of spending now proposed for 1992. And this large amount of revenue will only be collected if economic growth is robust and sustainable over the next four years.

Thus, the federal government is at least three full years ahead of its income on the spending side. If the ordinary American were faced with such a "deficit," he would be compelled to cut expenditures. Even if he sought a loan, lenders would require that he bring expenditures into line with income in short order.

DIMINISHED GROWTH POTENTIAL

What we are left with is an economy with diminished growth potential. Higher tax rates, an increased percentage of GNP devoted to government spending, increased regulation, destructive capital gains tax rates, and a credit crunch on business that stifles what productive investments remain all contribute to a decline in capital accumulation. At the same time, regulatory failure and a socialized system of deposit insurance are draining capital from the economy in order to keep insolvent and poorly run banks and thrifts in business.

This period of extremely slow growth in the U.S. economy is an anomaly. Generally speaking, market economies produce strong economic growth performance. As prerequisites for growth, market economies rely primarily on well-defined private property rights and established rules of doing business in free markets. But one key to success is to allow failing businesses to go under so that they do not continue to drain capital from successful businesses throughout the remainder of the economy.

Schemes such as deposit insurance keep failing firms in business by encouraging poorly run banks and thrifts to make unsound loans, thereby destroying incentives to reduce unprofitable and wasteful activities. But, of course, as socialist Eastern Europe discovered, government cannot indefinitely prop up economically rotten activities. The banking crisis today, no less than the failing economies of Eastern Europe, is the direct result of the dry-rot produced by the artificial preservatives of government subsidies and protection.

Most forecasters rely on demand-side-based models of the economy, which have no mechanism to record abrupt slips in economic growth potential. These models merely assume the economy will bounce back to whatever rate of potential growth the model assumes. In most cases, analysts have not adjusted their estimates of growth potential downward since the end of 1988.

The loss of potential growth is debatable point, but recent economic performance suggests that maintaining the same growth-potential assumption is inconsistent with the basic demand-side approach. For example, the nation's unemployment rate held steady at 5.3 percent during the last half of 1989 and most of 1990. According to demand-side modelling, a steady unemployment rate is an indication that the economy is at or near full employment potential. However, during all that time, real GNP growth was falling. The unemployment rate did not edge upward until economic growth fell to close to 1 percent.

But there are other models that can incorporate changes in the economy from a variety of sources. The Minneapolis Federal Reserve employs such a model. The most recent forecast using this model conforms to the Chamber's pessimistic view. Surely, the diversity of opinion about the near-term forecast of the economy should cause policymakers to weigh the wisdom of all forecasting approaches and pay special heed to avoiding the worst outcomes. As Dunkelberg and Skorburg point out, due to poor economic performance, to date $100 billion of the planned $494 billion deficit reduction has already been lost. Again, they conclude that if the tax increases voted last year remain on the books, almost all of the deficit reduction will be lost over the next four years and $200 billion-plus deficits will result as far as the eye can see.

Our real concern is with the future of economic growth. Market economies naturally grow (which is why so much of the communist world is seeking to get in on a good thing). We don't doubt that the U.S. economy could experience 5 percent real GNP growth over many years if policy impediments to growth are removed. But these impediments are so pervasive today that the economy will be fortunate to grow by 2 percent for any extended period of time during the next several years. The threat of recession and the inhibiting effect of that threat on consumer and business confidence will remain an important policy concern for many years to come.

Unfortunately, we have also concluded that the policies that have led to such low growth potential will not be changed any time soon. Some policy-makers, it seems, would rather blame poor economic performance on certain foreign nations or higher oil prices, or even on sunspots, than examine and alter their own failed policies and the false presuppositions on which they rest.

In Washington today there continues to be widespread optimism on the future course of the economy. The only basis for such optimism is the expectation that export growth will pull the economy forward. Exports continue to be the bright spot in the overall economic picture. However, leading indicators for 7 of our 9 largest trading partners have turned downward. Canada and Great Britain are already in recession, and growth has sharply diminished in Germany and Japan. The future for exports rides on how well our trading partners do. It is a risky gamble to let interest rates do all the work at home while relying on strong growth elsewhere to keep the U.S. economy growing.

The administration's budget for 1992 is being praised by some observers for its honesty. CBO and OMB project economic growth at or above 3 percent for 1992 through 1996. Unfortunately, this is a far cry from what current government policies are likely to produce.

THE ROAD TO SUSTAINABLE ROBUST ECONOMIC GROWTH

If the recession lasts longer than the public has been led to believe, or even if the recovery falters next year, American voters may hold Congress accountable for its failure to address economic problems. There is a reasonable likelihood unemployment will stay high, businesses and banks will continue to fail, and slowly rising income in the face of continued inflation will reduce real purchasing power and disposable income in households across the nation.

The Chamber's most recent "Business Ballot" poll, based on 8,390 responses, shows that more businesses plan to fire workers than hire them in the next six months. In addition, just as many businesses expect their sales to fall as rise in that time. A healthy economy occurs when twice as many businesses expect to grow than expect to slow. The economy is so far from healthy, and has been for such a long time, that it is time to do something about it.

There are clear policy actions that always lead to more economic growth, greater income, and enhanced employment. In particular, the Economic Growth and Jobs Creation Act of 1991 (S. 391 and H.R. 960) combines a number of these policies into a single bill, and the Chamber urges Congress to pass it. This Act is not revolutionary. It merely utilizes what has worked in the past to promote sustainable economic growth.

The Act proposes rolling back Social Security taxes to 10.6 percent (from the current 12.4 percent), and reducing the capital gains tax rate to 15 percent along with indexing of capital gains. The Act also proposes implementing a new type of savings account called the "IRA Plus"—to allow people to make deposits with after-tax funds and to make withdrawals of principal and interest tax-free after age 59 and one-half—and a Neutral Cost Recovery System provision to protect depreciation write-offs against inflation and guarantee that businesses are able to recover the full replacement cost of equipment investment.

The same February "Business Ballot" poll shows that 75 percent of the respondents favor a Social Security tax cut and 81 percent favor a cut in the capital gains tax to 15 percent. A full 74 percent of business respondents support faster write-offs of facilities as embodied in the Act.

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[3] Scully, Gerald W., "The Size of the State, Economic Growth and the Efficient Utilization of National Resources," *Public Choice*, 63:149–164, 1989.

Many policy leaders argue that the economy will right itself quickly and then proceed directly back to a path of sustained moderate growth. Corrective actions to stimulate the economy are not necessary, they claim. These policy makers are dead wrong. The best way to curb the recession, promote economic growth, and increase revenues for the Treasury is to focus attention on growth-enhancing policies, such as cuts in the cost of labor and capital, new savings incentives, and research and experimentation measures. A more detailed discussion of each follows.

CUTTING THE SOCIAL SECURITY TAX

The U.S. Chamber was one of the earliest advocates of cutting the Social Security payroll tax and returning the system to a pay-as-you-go basis. In 1987, the Chamber's Board of Directors fully endorsed the recommendation of the 1986 White House Conference on Small Business to freeze FICA taxes. Since that time, the Social Security tax burden has increased substantially.

Last year, the Chamber's Board reaffirmed its support of a reduction of the payroll tax rate and urged that the study of private alternatives to ensure the long-run soundness of the nation's retirement system be accelerated.

Reducing the Social Security tax burden is all the more important this year because of the current recession. Jobs have been lost and incomes are suffering. Last fall, in a study co-sponsored by the Chamber, economists Gary and Aldona Robbins estimated that by lowering the cost of labor, a cut in the payroll tax would stimulate much-needed economic growth, substantially increasing GNP and creating thousands of jobs. As authors of a study released on March 14, 1991 by the Institute for Policy Innovation, the Robbinses have reaffirmed these earlier results, finding that a reduction in Social Security taxes on both employers and employees would produce 650,000 new jobs and a $226 billion increase in GNP by the year 2000.

Just two months ago, the Chamber's Board once again went on record in favor of a payroll tax rate cut. At that time, the Chamber's Board made it clear that it opposes raising the Social Security taxable wage base. The wage base is already close to an all-time high, and the proportion of wages subject to the FICA tax, now over 88 percent. Raising the wage base to $82,200 in 1996 from the current law projection of $69,300 in 1996, for example, would cut the number of new jobs created by the tax reduction in half. While such a proposal still contains a net tax reduction, large numbers of workers would receive only a tiny tax cut, and the macroeconomic benefits would be substantially less than those generated by cutting the payroll tax rate without tampering with the wage base.

The U.S. Chamber will oppose vigorously any rate cut accompanied by outright elimination of the wage base cap. Such a proposal would result in a net tax increase for many Americans. More importantly, elimination of the wage base cap would be nothing short of merging the Social Security payroll tax with the income tax. Severing the link between what workers pay into the Social Security retirement fund and what they get out in benefits, as this proposal does, would undermine the entire concept of Social Security as a supplemental retirement program and convert it into the world's largest welfare program. Social security is not an income redistribution program, it is a retirement program. The U.S. Chamber wants nothing to do with such an irresponsible act that would undermine the decades-old public support for Social Security.

Likewise, the Chamber will oppose vigorously any attempt to deny a reduction in FICA taxes paid by employers by restricting the cut to those taxes paid by workers. This proposal offers no incentive to small businesses to hire more workers. Both this idea and the proposal to raise the wage base cap threaten to shatter the growing bipartisan coalition in support of a payroll tax rate reduction.

A properly crafted reduction in the Social Security payroll tax will create much-needed new jobs and substantially boost economic growth. The Chamber believes there is an opportunity to strengthen the coalition for a payroll tax cut and at the same time give the economy an additional boost. This could be accomplished by combining a payroll tax rate cut with a reduction in the capital gains tax rate.

CAPITAL GAINS

Last year's budget act reduced the top capital gains tax rate from the then high rate of 33 percent to 28 percent effective beginning in 1991. Even at 28 percent, the U.S. still taxes long-term capital gains at a higher rate than nearly all of its major Asian and European competitors.

The current level of capital gains taxation discriminates against capital income, discourages venture capital formation, impedes job creation, and hinders U.S. international competitiveness by raising the cost of capital relative to that of its competitors. Lower capital gains tax rates would stimulate economic growth, promote technological innovation, and create new opportunities. A lower capital gains tax rate would increase asset values, improve the solvency of financial services institutions, and stimulate economic growth. Thus, a cut in the capital gains tax would significantly lower the cost of the thrift bailout and shore-up the asset values of many banks.

The "Fairness" Issue Revisited

Some members of Congress continue to oppose any reduction in the capital gains tax rate based on some muddled, undefined notion of "fairness." This is nothing but political demagoguery. As I noted earlier, fairness involves more than simply "taxing the rich more than the poor." In any legitimate debate over fairness as it pertains to the tax treatment of capital gains, objective criteria for determining fairness must be addressed. The current capital gains taxation treatment strikes out on three fundamental fairness issues: 1) the taxation of capital gains at a greater than growth-maximizing rate; 2) the taxation of purely inflationary gains; and 3) the taxation of gains while limiting loss deductions.

The imposition of a tax at rates higher than the growth-maximizing rate not only punishes entrepreneurial success—it imposes what Gerald Scully calls a "growth tax" on every individual participating in the economic process. If the tax is too high, as is the current capital gains rate, taxpayers are discouraged from investing in capital assets which begins a chain reaction where everyone loses. The nation loses because economic growth is constrained due to a shift in investment to nonproductive assets. Middle income individuals lose because of the loss of actual, or forfeiture of potential, jobs. The Treasury loses because it receives less revenue not only from decreased capital gains realizations but because of lost income tax receipts from foregone jobs and economic expansion. The needy lose because there is less government money to fund social programs.

There is a negative relationship between capital gains tax rates and economic growth. Empirical evidence from a number of studies indicates that the revenue-maximizing rate for capital gains, is in the short run is between 9 and 20 percent. However, as Dr. Lawrence Lindsey, Associate Director for Domestic Economic Policy at the White House and formerly a professor at Harvard University, has persuasively argued, "the revenue-maximizing [rate] is far from being optimal. It is better described as the point at which the taxpayer is being soaked for as much money as possible."[4] Indeed, the capital gains tax rate that maximizes revenue "indicates the point at which increased revenue is most expensive to society." The long-run growth-maximizing rate may well approach zero. Surely, it is significantly lower than the current capital gains tax rates of 28 percent for individuals and 34 percent for corporations.

Another of the unfair aspects of the present method of taxing capital gains is that much of the gain from the sale of a capital asset is attributable to inflation. When gains are due, in part or entirely, to inflation, a capital gains tax serves to confiscate existing wealth generated from past income that has already been taxed at least once. The taxation of inflationary gains is not only economically counterproductive but also unfair. It is completely indefensible for the government to create inflation and then tax the imaginary gains that result from inflation. In fact, the Congress recognized that it was wrong to tax inflation when the income tax brackets were indexed for inflation in 1981 and the personal exclusions and standard deductions were indexed.

The taxation of illusionary gains is no minor point. If, for example, a taxpayer bought $1,000 of stock invested in the Standard and Poor's 500 index in 1970, that stock would have sold for $3,677 in late 1990. This would have resulted in a taxable capital gain of $2,677. At the current 28% tax rate, the taxpayer pays $750 in tax. However, inflation since 1970 has been over 218%. This means the taxpayer's real gain was only $257. He was taxed $750 on a real gain of $257, an outrageous tax rate of 292%.

It is inconceivable that a responsible person could attempt to justify the taxation of merely illusionary gains. Such taxation serves no economic purpose, but only serves to lower the level of investment and undermine private property rights, which in turn reduces productivity growth, job creation, and all standards of living.

Under the current law, all capital gains are subject to taxation, but capital loss deductions are limited to $3,000 per year. Congress recognized years ago that businesses should be taxed on net revenue, not gross proceeds; however, many members fail to see the inherent unfairness of limiting capital losses. The capital loss limitation introduces an asymmetry into the taxation of risky ventures that discourages investment in new firms. In effect, the government is saying: heads I win, tails you lose. If we wish to avoid discouraging people from investing in what are often risky start-up ventures and abide by fundamental fairness, the treatment of capital losses and gains must be symmetrical. Only after these basic issues of fairness are resolved can there be a reasonable basis for a debate about income distribution and the capital gains tax.

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[4] Lindsey, Lawrence, *The Growth Experiment: How the New Tax Policy is Transforming the U.S. Economy*, New York: Basic Books, (1990).

The time has come to end the hypocrisy. The debate is not about rich versus poor. It is about every American's economic future. It is about encouraging new opportunities, new businesses, and new technology. It is about creating jobs and expanding the U.S. tax base. It is about the U.S.'s competitive position in the world economy. And yes, it is about fairness.

Distributional Effects

Many opponents of a rate reduction want us to believe that this debate is about tax breaks for the wealthy. They resort to the politics of envy and use statistics designed to give the appearance that those who realize capital gains are overwhelmingly wealthy.

Few myths are as enduring as the belief that reductions in the capital gains tax rate redistribute the tax burden to the benefit of the wealthy. Data used by opponents of a rate cut overstate the extent to which the truly wealthy realize gains. This is because such data include the nonrecurring capital gains of those normally in the middle- and lower-income brackets. These people appear to be temporarily quite wealthy. For example, when a middle-class business owner retires and sells a business or when a retired person sells a family home, his income that year may increase several hundred thousand dollars. They are "rich" for one year. The next year however, they are back among the middle class. Realized capital gains tend to be nonrecurring events. Yet, when combined with a taxpayer's income, those gains appear to be realized predominantly by wealthy people.

A more realistic picture of capital gains benefit distribution is portrayed by using data based on levels of ordinary income. IRS data show that capital gains realizations are actually spread quite evenly throughout ordinary income groups. In 1987, over 70 percent of those reporting capital gains had ordinary income under $50,000. Another important point is that over 14 million Americans reported a capital gain in 1987, and 25 percent of these taxpayers were elderly. One-fourth of the taxpayers with ordinary incomes between $20,000 and $50,000 reported a capital gain at least once during the 5-year period 1979–1983.

International Competitiveness

By pursuing the politics of envy, we not only harm middle- and lower-income Americans, we also imperil America's economic position in the world economy. At a time when most of the industrialized world have no or minimal taxes on capital gains, America is moving in the opposite direction. In an increasingly competitive and global economy, America cannot afford to pursue foolhardy economic policies.

A recent study conducted by Arthur Andersen & Co. for the Securities Industry Association demonstrates that U.S. capital gains tax rates are among the highest in the industralized world. As Table II shows, Germany, Italy, the Netherlands, Belgium, Hong Kong, Taiwan, South Korea, and Singapore all completely exempt long-term capital gains in stock investments from taxation. Even France and Sweden tax long-term capital gains at 16 percent and 16.80 percent, respectively.

TABLE II.—INTERNATIONAL COMPARISON OF INDIVIDUAL CAPITAL GAINS RATES

Country	Short-term capital gains	Long-term capital gains	Holding period/long-term gains
United States	28.00	28.00	1 year.
Australia[1]	49.25	49.25	1 year.
Belgium	0	0	NA
Canada	19.33	19.33	NA
France	16.00	16.00	NA
Germany	56.00	0	6 mo.
Hong Kong	0	0	NA
Italy	0	0	NA
Japan[2]	1.00/20.00	1.00/20.00	NA
Netherlands	0	0	NA
Singapore	0	0	NA
South Korea	0	0	NA
Sweden	42.00	16.8	2 yr.
Taiwan	0	0	NA
United Kingdom[1]	40.00	40.00	NA

[1] Long-term capital gains indexed for inflation.

[2] Tax is the lesser of 1 percent of the sales price or 20 percent of the capital gain.

Source: Data compiled by the American Council for Capital Formation, 1990.

The Revenue Impact of a Rate Reduction

The effect on tax revenues of changes in the capital gains tax rate is a major point of contention between proponents and opponents of a rate reduction. Yet the historical evidence and a number of recent academic and government studies indicate that revenues will increase significantly following a rate reduction.

Those who have predicted revenue losses from past capital gains tax cuts have been proven wrong. The Joint Committee on Taxation (JTC) estimated that the 1978 rate reduction would cost the government more that $2 billion annually. Unfortunately, we do not have the JTC projections for the changes in capital gains tax revenues from the 1981 and 1986 tax bills. One can only suspect that JTC's refusal to release their working papers results from the incompetent and embarrassing performance they made in their 1978 estimate. It is inexcusable that this coverup is allowed to continue.

What evidence we do have only underscores the fundamentally flawed methodology of the JTC. In 1989, Senator Bob Packwood (R–OR) asked the JTC to estimate the revenues produced by a 100 percent confiscation of wealth of all those individuals earning over $200,000. They responded with a 1989 revenue estimate of $104 billion. Even more amazing, they also estimated that that figure would increase to $204 in 1990, $232 in 1991, $263 billion in 1992, and $299 in 1993. In Senator Packwood's words, the JTC's models "do not account for any behavioral response. [They] assume people will work if they have to pay all their money to the Government. They will work forever and pay all of the money to the Government, when clearly anyone in their right mind will not."[5]

Despite the dire predictions of the JTC that a capital gains tax cut would result in a loss of revenue, capital gains tax revenue rose following the 1978 cut. The increase was not simply in the year following the rate cut but continued in successive years. Capital gains tax revenue rose from $9.1 billion in 1978 to $11.7 billion in 1979 and $12.5 billion in 1980. JTC projections missed the mark by over $4.4 billion in 1979 and $5.3 billion in 1980. The 1981 rate reduction brought about a similar increase in revenue. Revenue rose from $12.7 billion in 1981 to $26.5 billion in 1985. In 1986, when taxpayers saw the capital gains tax increase coming, tax revenue exceeded $49 billion, as shown in Table III.

TABLE III.—REALIZED CAPITAL GAINS AND THE ASSOCIATED REVENUE

	Capital gains (billions)	Revenues (billions)	Top marginal tax rate on capital gains (percent)[1]
Year:			
1968	$35.6	$5.9	26.9
1969	31.5	5.3	27.5
1970	20.8	3.2	32.3
1971	28.3	4.4	38.8
1972	35.9	5.7	45.5
1973	35.8	5.4	45.5
1974	30.2	4.3	45.5
1975	30.9	4.5	45.5
1976	39.5	6.6	49.1
1977	45.3	8.1	49.1
1978	50.5	9.1	48.3
1979	73.4	11.7	28.0
1980	74.1	12.5	28.0
1981	80.9	12.7	23.7
1982	90.1	12.9	20.0
1983	122.0	18.5	20.0
1984	138.7	21.5	20.0
1985	168.6	24.5	20.0
1986	327.3	49.7	20.0
1987	144.2	32.9	28.0
1988[2]	161.9	38.9	28.0
1989[2]	151.8	37.6	28.0

[1] Rates for 1968–87 compiled by CBO, based on OTA data.

[2] Data for 1988 and 1989 are preliminary and subject to revision.

Source: Office of Tax Analysis, Department of Treasury.

Dr. Lawrence Lindsey has examined the relationship between tax rates and capital gains. His findings confirm the negative effect of high capital gains taxes on federal revenues and indicate that large revenue gains are likely from a reduction in the capital gains tax rate. Dr. Lindsey based his findings on a review of five of the recent leading academic and government investigations of capital gains taxation. The methodology used in all but one of the studies predicted revenue losses from the 1986 capital gains rate increase. According to Professor Lindsey's analysis, the revenue-maximizing capital gains tax rates range from 9 percent to 21 percent. Dr. Lindsey estimates that a reduction in the capital gains rate to 15 percent would increase revenue by nearly $15 billion over three years. Data from the Internal Revenue Service (IRS) show that following the rate increase in 1987 capital gains realizations dropped significantly, yielding revenue of $32 billion. Preliminary 1988 and 1989 IRS data indicate the trend of lower realizations continued, generating revenues of $38 billion and $37 billion, respectively.

In 1988, the Department of the Treasury published an updated version of its 1985 study of the revenue effects of capital gains taxation. The 1985 Treasury study, using statistical evidence available at that time, concluded that the 1978 act caused a substantial increase in revenue in the first year after the tax cut and in the long run either increased or slightly decreased federal revenue.[6] Similar conclusions were drawn regarding the 1981 capital gains rate cut. The 1988 update, entitled "The Direct Revenue Effects of Capital Gains Taxation: A Reconsideration of the Time Series Evidence," written by Michael Darby, Robert Gillingham, and John Greenlees, extended the sample used in the 1985 study and corrected several flaws in that earlier study. The update concludes unequivocally that both the 1978 and 1981 capital gains tax changes significantly increased revenue.

Even a 1988 Congressional Budget Office study on the historical effect of a rate change on revenue, often cited by opponents of a rate reduction, found that changes in tax rates on capital gains produced a significant change in behavior on the part of investors. That study concluded that the revenue-maximizing rate was probably below the current top rate of 33 percent. The study made four point estimates of the revenue-maximizing rate. They were all below the present top rate. Equally important, the study did not rule out, based on the data, that 15 percent was the revenue-maximizing rate.

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[5] CONGRESSIONAL RECORD, 1989, p. S-15528.

[6] "Report to Congress on the Capital Gains Tax Reduction of 1978," Office of the Secretary of the Treasury, September 1985.

Several economists have released "studies" purporting to demonstrate that a higher capital gains tax rate would lead to higher revenues. Regretfully, all of these studies ignore increased capital gains caused by higher economic growth, which ultimately produce higher tax revenues. It is disappointing that these obviously flawed studies are given a modicum of respect.

History shows that rate reductions increase revenue. Even if revenue did not increase, it seems clear that a revenue-neutral tax policy change that encouraged investment and savings, reduced the cost of capital, and increased jobs would be a wise policy change.

The President's Proposal

President Bush has renewed his call for a capital gains tax cut. The Administration's capital gains proposal is based on a sliding scale. The proposal provides for a 10, 20, or 30 percent exclusion for one, two or three years respectively. The holding period requirements would be phased in over three years. The proposal applies only to individual capital gains but includes a broad range of capital assets, including stocks, bonds, real estate, and timber. The Department of the Treasury estimates that the Bush Administration's capital gains proposal will raise $3.0 billion in 1992 and and a total of $9.1 billion through 1996.

Although the Chamber finds the Administration's proposal is a step in the right direction, it believes that a number of changes should be made. A simple exclusion approach with one short holding period is preferable to the sliding scale. An exclusion is less complex and does not involve lengthy and unwarranted holding periods. In order for a rate cut to be a significant incentive for investment, the exclusion should yield an effective rate of between 15 percent and 20 percent. The holding period should be no longer than one year.

The proposal should apply to all capital assets but, most importantly, it should cover corporate as well as individual capital gains. Corporate income is already subject to double and sometimes triple taxation. Failure to provide a capital gains differential for corporations would exacerbate existing distortions and inequities. All of the sound economic arguments that favor a capital gains tax cut apply to corporations as well as individuals.

Traditionally, a significant amount of funding for the organized venture capital market has been supplied by corporations. Venture capital support financed by corporations would be stimulated by a corporate capital gains rate reduction, and corporations would be encouraged to fund their own "spin-off" ventures. In addition, lowering capital gains tax rates on corporations as well as individuals would reduce the attractiveness of debt finance and encourage equity finance. Many argue that a corporate capital gains rate reduction would cost the Treasury a great deal of revenue. This analysis is often based on the limited response to the two percent corporate capital gains rate cut from 30 to 28 percent effective in 1979. In 1986, corporations realized 94 percent more capital gains in response to the 1987 six point rate increase in the 1986 act. The conclusion that should be drawn from this data is that if the incentive is substantial, corporations will alter their behavior just as individuals do. Therefore, it is unlikely that a substantial corporate rate reduction would lose revenue. To the contrary, if the rate differential is substantial, a corporate capital gains reduction is likely to be self-financing.

NEUTRAL COST RECOVERY SYSTEM

An important component of an economic growth package is the adoption of a neutral cost recovery system to hold investment harmless for the time value of money and to protect tax depreciation write-offs against inflation. The Chamber supports proposals to adjust current depreciation schedules each year so that at the end of the depreciation period companies would be able to recover the inflation-adjusted replacement value of the asset. This system would ensure that companies are allowed to recover the present value equivalent of expensing the total amount of the investment. This system would ensure that companies are allowed to claim the present value of the amount of depreciation. Neutral cost recovery has a minimal short-term revenue impact because it adds only a small amount to the tax depreciation that would have been written off under existing law and because it will be more than offset by economic growth.

SAVINGS INCENTIVES

Business growth depends largely on the availability and cost of capital. By curtailing Individual Retirement Accounts (IRAs), lowering 401(k) plan contribution limits, and denying 401(k) plans to organizations that are tax exempt under Section 501(c) of the Internal Revenue Code, the Tax Reform Act of 1986 reduced incentives for savings and capital formation.

Since 1974, over $200 billion has been deposited in IRAs. In 1986, 15 million tax returns reported $38 billion in IRA contributions, almost a third of all personal saving that year. But in 1987 only 7 million returns reported IRA contributions, and these totaled only $14 billion.

IRA deposits consist largely of new saving. Based on data they have collected and reviewed, Steven F. Venti and David Wise estimate that 80 percent of IRA contributions are new saving.[7] A 1989 study by Daniel Feenberg and Jonathan Skinner, and an earlier study by Martin Feldstein and Daniel Feenberg support the assertion that IRAs consist largely of new saving.[8] As the Feenberg and Skinner study states: ". . . [W]e find little or no evidence which favors the view that IRAs are funded by cashing out existing taxable assets."[9]

The Venti and Wise study estimates that over half of each marginal IRA dollar came from reduced consumption, another 20 to 30 percent from reduced taxes, and at most 20 percent from other saving. IRAs were not largely financed by borrowing.

IRAs are necessary because the current tax system is biased against saving and favors consumption. Income that is saved is taxed twice—first when it is earned, and again when it earns a return. The tax system should be neutral in its impact on the choice between saving and consumption. This can be done in one of two ways. First, the tax on income that is saved can be removed, usually by allowing a deduction. In the alternative, income that is saved can be taxed, while earnings from that saving is tax exempt.

IRAs available to all taxpayers prior to the Tax Reform Act were based on the first approach. They provided a deduction when deposits were made. The back-loaded IRA and the Family Savings Account proposed by the Bush administration are based on the second approach. No deduction is allowed when the deposits are made, but if funds remain deposited for the required period of time, all earnings are tax-free and no tax is paid when money is withdrawn from the accounts.

Under the Bush proposal, families could make annual nondeductible contributions of up to $5,000 ($2,500 for each spouse), or single individuals could contribute up to $2,500. Participation in Family Savings Account is open to taxpayers filing joint returns with yearly adjusted gross incomes up to $120,000 (single taxpayers up to $60,000). Contributions to Family Savings Accounts can be made in addition to IRA contributions, and investments can be made in a wide range of financial instruments.

If the funds are held in the Family Savings Account of seven years, all earnings are tax-free. Funds can be left in the account beyond seven years with all interest earnings accumulating tax-free. Earnings on funds withdrawn between three and seven years are subject to income tax, and any earnings on funds withdrawn prior to three years are subject to income tax and an additional 10 percent penalty on those earnings. By reducing the tax bias against savings and increasing the return to savings, this proposal is bound to result in greater savings. Moreover,the fact that the savings can be used for purposes other than retirement will increase people's willingness to take advantage of the Family Savings Account as a savings mechanism.

Again, while the Chamber of Commerce views the Family Savings Account initiative proposed by the administration as a positive step, it does not go far enough. A better plan would implement the "IRA Plus" propsal, discussed earlier, to allow people to make deposits with after-tax funds and to make withdrawals of principal and interest tax-free after age 59 and one-half. The proposal also would allow tax-free withdrawals for the first-time purchase of a home, for a college education for a family member, or for catastrophic medical expenses. This provision would encourage more savings and encourage first-time home purchases.

Employer-sponsored 401(k) plans are another incentive for saving. 401(k) plans allow employees to save for their retirement via a tax-favored plan, which may or may not feature employer contributions as well. 401(k)s are extremely popular with employees, and indeed are the fastest-growing segment of the nation's private retirement system. The Tax Reform Act eliminate from 401(k) eligibility those organizations exempt under Section 501(c) of the Internal Revenue Code which did not have plans in place prior to July 1, 1986. The Chamber urges Congress to rectify this mistake and restore retirement equity to employees of 501(c) organizations.

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[7] Venti, Steven F. and Davis Wise "IRAs and Saving" in M. Feldstein (ed.) *Taxes and Capital Formation*, University of Chicago Press, (1986). Have IRAs Increased U.S. Saving?: Evidence from consumer expenditure surveys's" National Bureau of Economic Research, Working paper No. 2217, (April 1987). "The Evidence on IRA," *Tax Notes* (January 25, 1988).

[8] Feldstein, Martin and Daniel R. Feenberg, "Alternate Tax Rules and Personal Saving Incentives: Microeconomic Data and Behavioral Simulations" in Mr. Feldstein (ed.), *Behavioral Simulation Methods in Tax Policy Analysis*, Chicago: University of Chicago Press, (1983).

[9] Feenberg, Daniel and Jonathan Skinner, "Sources of IRA Saving," National Bureau of Economic Research, Working Paper No. 2845, (February 1989).

TWENTY-FIVE PERCENT DEDUCTION FOR HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS

Section 162(l) of the Internal Revenue Code provides that self-employed individuals may deduct 25 percent of the amount paid for health insurance for the individual, the individual's spouse, and dependents. This provision was added to the Code in 1986 to make the tax treatment of health insurance benefits of self-employed individuals fairer and to encourage broader coverage in this sector.

The Chamber supports permanent extension of this tax deduction for the self-employed and supports increasing the deduction to 100 percent. Unincorporated small business owners should be given a full deduction in order to have greater parity with their competitors who are organized as corporations and are thus able to take advantage of full deductibility of health insurance costs.

Many of the individuals affected by this provision are self-employed small business owners. These self-employed business owners provide jobs for more than 20 million Americans. But they also represent a significant portion of the uninsured population. The Employee Benefit Research Institute estimates that 22 percent of self-employed business owners do not have health insurance coverage.

Small businesses face obstacles to providing coverage, almost by definition. Overall businesses currently face annual health care cost increases averaging nearly 20 percent. Many small businesses have been hit with even larger increases. Administrative, marketing and brokerage costs add 25 to 40 percent to the cost of health insurance premiums for small businesses. In addition, most small businesses do not have sufficient assets to self-insure. As a result they must purchase state-regulated insurance plans that include mandated benefits—adding as much as 20 percent to the cost of health insurance. If this deduction is allowed to expire, those who use the deduction could be faced with increases of as much as 8.25 percent in the after-tax cost of their health insurance premiums.

The tax preferences for health expenditures were put into place to expand coverage. As a result, today more than 153 million Americans have coverage through corporate employer-provided plans. The Chamber believes that other types of business organizations, (e.g., sole proprietorships and partnerships) should have the same incentive—100 percent deductibility—that is given to corporations to provide health insurance.

At a time when the nation is more aware of the growing problem of the uninsured and the skyrocketing costs of health coverage, it makes no sense to allow this important tax deduction to lapse. The Chamber supports the administration's proposal to extend the 25 percent health insurance deduction for the self employed. Indeed, from a health policy perspective, the 25 percent deduction not only should be retained, but should also be expanded to 100 percent. This is not the only remedy needed to increase health-care coverage, but it would be an important step.

RESEARCH AND EXPERIMENTATION TAX CREDIT

Industrial progress depends on the development of innovative products and methods. Research and Experimentation (R&E) conducted by business is the primary means by which innovation is generated. Scientific developments are transformed into new products and processes that result in increased productivity, improved living standards, and sustained economic growth.

According to the Administration's fiscal year 1992 budget, the federal government funds about 50 percent of total national investment in R&E. Industry performs over 70 percent of total national R&E.

These statistics highlight the Chamber's viewpoint that a successful national R&E policy is best served through reliance on private R&E expenditures. President Bush recognizes the significant role of the private sector in R&E. This is demonstrated by the Administration's call for a permanent R&E tax credit.

A permanent R&E credit is necessary to ensure that the U.S. remains the largest investor in absolute size regarding R&E expenditures and to ensure that American business remains competitive overseas. A 1989 National Science Foundation report on national R&E resource patterns indicates that the United States spends more money on R&E activities than France, West Germany, the United Kingdom and Japan combined.

These statistics mask the real trends on an international basis. For example, although the same National Science Foundation Report states that U.S. R&E expenditures (on a combined civilian and defense basis) were roughly comparable to West Germany and Japan's expenditures as a proportion of Gross National Product (GNP) during the late 1980's, the statistics dramatically diverge when compared on a civilian R&E basis. On a civilian basis, the U.S. spent about 1.7 percent of GNP on research and experimentation during the same time period. In contrast, Japan and West Germany spent approximately 2.8 percent and 2.6 percent of GNP, respectively, on civilian R&E in the late 1980's.

Other National Science Foundation statistics elaborate on the international competitiveness issue. The U.S. had the highest proportion of scientists and engineers engaged in R&E per 10,000 population until the mid-1980's. From 1964 to 1985, the U.S. had roughly 64.7 scientists and engineers per 10,000 population. In contrast, Japan nearly tripled the number of these technical professionals in its population during the same time period. By 1986 Japan had 67.4 scientists and engineers per 10,000 population while the U.S. had 66.2 scientists and engineers on a similar proportionate basis. West Germany has more than doubled its percentage of these technical persons on a population basis since the mid-1960s as well.

The research credit is an important component of a productivity growth strategy, especially when weighted against the dramatic slowdown in the rate of productivity growth which began in the mid-1960s, and became progressively worse from 1973 to 1981. According to U.S. Patent Office statistics, there is evidence that innovation slowed between 1973 and 1981. These statistics indicate that the number of patents issued to U.S. inventors fell from a high of more than 50,000 per year from 1971–1973 to approximately 35,000 per year in the early 1980s. Patents issued to U.S. inventors have increased in recent years, as suggested by the fact that U.S. inventors were issued about 47,500 patents in 1987.

There is a virtual consensus that rapidly growing R&E is a prerequisite of rapid productivity growth. John W. Kendrick, a recognized expert on productivity with the American Enterprise Institute, has emphasized that the slowdown in R&E spending was a major contributor to the decline of productivity growth from the mid-1960s through 1981. By enacting the R&E tax credit into law in 1981, Congress recognized the need to maintain U.S. competitiveness with major trading nations and the importance of reversing the dismal productivity trends of previous years.

Corporate R&E spending produces benefits to society as a whole beyond the private rewards reaped by the companies involved in the R&E operation. The excess social gains accrue both to consumers and to firms that compete with the companies conducting the R&E. Consumers benefit from lower prices on products as a result of cost-saving innovations and from the availability of new products. Competing firms are able to develop their own applications of innovative technology.

There is a substantial gap between the social and private rates of return for R&E and innovation. As a result, without an incentive such as the R&E tax credit, businesses will spend less in the U.S. on R&E than would be desirable from the perspective of society as a whole. The nation's R&E shortfall cannot be cured in a short period of time. R&E is inherently long-range. In industries such as electronics, product cycles can last three to five years. Each cycle also builds on earlier cycles. In other high technology industries, such as aerospace, product cycles can last 10–15 years. In either case, high levels of R&E must be performed every year. American industry is committed to undertaking the necessary efforts. But to enable this, it needs sensible and stable policies. To maximize the benefits from the R&E tax credit for both businesses and society as a whole, the Chamber urges making the credit permanent. The uncertainty surrounding the future existence of the credit no doubt leads to businesses reducing their commitment to long term R&E projects, and in turn reduces the social benefits from R&E spending to all Americans.

ALLOCATION OF U.S. R&E TO FOREIGN SOURCE INCOME

A U.S. corporation's foreign tax credit is limited to 34 percent of the company's foreign source taxable income. Sections 861, 862, and 863 of the Internal Revenue Code were created to define whether the source of income was within or outside the U.S. Treasury regulation. Section 1.861-8 requires that indirect expenses be apportioned to the sources of income. Presumably, if this defining process is properly carried out, that which is U.S.-source income will be taxed in the U.S. and that which is foreign-source income will be eligible for the relief provided by the foreign tax credit mechanism.

The allocation of indirect expenses to foreign-source income, without a corresponding foreign deduction, has the inherent effect of taxing the same earnings twice if a corporation runs up against its foreign tax credit limitation. Under the Tax Reform Act of 1986, multinational corporations are likely to face such a double-taxation scenario. This, of course, defeats the very purpose of the foreign tax credit, which is to prevent double taxation.

Double taxation results or can result, depending on the particular circumstances, because the U.S. expenses allocated under the Section 1.861-8 regulations to foreign-source income are not deductible in a foreign jurisdiction. Other nations do not allow a deduction of indirect expenses incurred by another entity. Thus, a U.S. taxpayer in effect has its foreign tax credit limitation proportionately reduced to the extent that it conducts U.S. R&E.

The Chamber believes that R&E expenses incurred in the U.S. should be 100 percent allocated to U.S.-source income. Nevertheless, the chamber does view President Bush's proposal for permanent solution to the matter of allocating U.S. R&E to foreign-source income as a positive approach. This proposal provides for allocation of 64 percent of R&E expenses to the U.S.

ENTERPRISE ZONES

The Chamber supports the administration's enterprise zone proposal because it represents a carefully circumscribed approach that will enable policy makers to gauge the actual impact of the zones on depressed communities. The enterprise zone concept would rely on tax incentives and regulatory relief to attract new businesses and encourage entrepreneurship in depressed urban and rural communities. The Chamber supports enterprise zones as a cost-effective way to encourage economic development by reducing barriers to growth and rewarding success, and advocates legislation to establish a limited number of zones on an experimental basis. Federal efforts should also be matched by state and local incentives to remove regulatory barriers to redevelopment.

Mr. Chairman, thank you for allowing us to present our views to the Committee.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. PANETTA] has 1 hour and 3 minutes remaining, and the gentleman from Texas [Mr. ARMEY] has 58 minutes remaining.

Mr. PANETTA. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi [Mr. ESPY]

Mr. ESPY. Mr. Chairman, I rise to ask my colleagues to support this budget resolution because it passes the test of the 3 R's: The first R is that it is responsible; the second, in my opinion, is it provides for a more proper realignment of those special domestic priorities; third, Mr. Chairman, it reaffirms our commitment to some very important areas.

I would like to take issue to the statement, or at least to the inference advanced by my good friend from Texas who a minute ago made the statement, because the CBC, the Congressional Black Caucus, is not offering an alternative budget this year, that somehow that budget we are advancing is somehow more suspect or somehow more deserving of greater scrutiny. I hope that is not what he meant. I would say to my colleagues that, yes, it is true that it is my opinion the CBC will not offer an alternative budget, but it has more to do with the technique and the rules, because the rules have changed. Yes, we would like to have seen more attention to domestic priorities, but the rules have changed. A lot of Members in alternative budgets, like to take the transfer from defense to give it to domestic priority which we feel are more pressing. Because of the budget rules this year, we cannot do that. I would say to the gentleman that when we come to the defense authorization bill, the Congressional Black Caucus will be quite active on the floor this Congress.

As I said, Mr. Chairman, this budget passes the rules of the 3 R's. It is responsible. First, it sticks to the parameters given by the budget summit. It respects the caps and adheres to the pay-as-you-go philosophy. It takes Members down the right road to meaningful deficit reduction by 1996 without new taxes, and although we still have a whopping deficit of about $300 billion in fiscal year 1992, we do much to limit the increase given the amount of the recession that we are in now, and increase in outlays for cost of programs like unemployment insurance.

Number two, Mr. Chairman, as has been said before, this document provides a more proper realignment in domestic spending. On its face, there really are not any real differences between international affairs and defense outlay, but on the domestic category the differences are very substantial, and the differences show when determining whether we will go halfway into meeting a critical need, or whether we will attempt to go all the way home.

Just to focus on a few, when it comes to the WIC Program, although President Bush to his credit, has increases in the WIC Program, in this Democratic budget resolution, we say that we are honoring a program which everyone knows works. The President increased the money for WIC, but Mr. Chairman, he did not go far enough. This resolution says that infant mortality rates rival Third World nations. We know that. President Chamarro was here from Nicaragua, a country devastated, but if we look at conditions elsewhere around this country, we have infant mortality rates that also unfavorably rival Nicaragua. So we are saying yes, WIC works. Let Members fully fund the WIC Program by 1996.

When it comes to the Headstart Program, we are saying in this budget resolution that we know that Headstart works. So let Members stop posturing. Let Members stop sloganeering, and fully fund the program by the year 2000, as we have done. Also, when it comes to other educational increases, we say let Members stop talking and increase education by $2 billion. Increases for student aid, vocational education, math and science programs, and do more to educate the students of our Nation.

Third, when it comes to realignment, I feel that the Bush budget was a literal assault on rural America, on rural house battles, on small cities, and towns. Mr. Chairman, through the Democratic resolution, we are saying we know that a fourth of all Americans still live in rural areas, and we cannot forget those people. We have to include them in this budget document. What we do is we increase money for rural housing, water and sewer, disadvantaged farmers, rural economic development, and we restore the cuts that have been so Draconian in nature, in CDBG and EDA.

Last, Mr. Chairman, we do a lot to reaffirm our commitment to some very important programs and to some very important people in our country. We reaffirm our commitment to the elderly by rejecting $25 billion in Medicare cuts. We reaffirm our commitment to veterans by increasing veterans' services by about a billion dollars. We reaffirm our commitment to working families by rejecting the means test for student loans and child nutrition. We reaffirm our commitment to competitiveness by allowing for increases in basic research, energy and conservation, math and science, and the strategic petroleum reserve.

In conclusion, Mr. Chairman, I would like to say that this budget resolution passes the 3 R's of responsibility, realignment, and reaffirmation. That is why we should pass this budget resolution.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume to say that I would like to remind Members that we are trying to conduct a debate here in compliance with the 1978 Revisions of the Employment Act of 1946, which suggests that Congress should evaluate budgets with respect to the impact of the Federal Government's budget on the performance of the economy for the American people.

I have suggested to Members that there are two ways in which we can evaluate budget options. One, the historic way in which it has been done in this country, what is the impact of the Federal Government's budget in spending patterns on the economic infrastructures on performance of the economy on behalf of the American people? Two, the alternative way, and the way in which we have become accustomed in recent years to evaluating budgets, is to look at the Federal Government's budget and ask, what does it do for the Federal Government? It is a very fundamental difference.

I would like to take just a moment to trace some of the history of legislation that has brought Members to this different perspective on the nature and scope of the Federal Government's budget in relationship to the American people and their economy. We all, of course, remember the Great Depression of the 1930's, and we remember what a turning point that was for the American economy. Prior to the Great Depression the Americans were, by and large, willing to place their confidence on the laissez-faire theories of the early classical economists that suggested that the Federal Government or any government ought to do the essential tasks of government, building infrastructure, providing the national defense, and things of that nature, and to do so in a fiscally prudent fashion, to leave as much money as possible in the pockets of the working men and women of this country, and to leave them to follow their natural incentives, to work, save, and invest in creativity and a greater life. It, of course, worked well.

We suffered the trauma of the Great Depression. The trauma was protracted and severe. For those people in the economics profession, we recognize that the Depression year 1936 was a turning point also for the profession, and the way it looked at the free market economies, with the publication of John Maynard Keynes' General Theorem of Interest Employment and Money, and there became in the economics profession a new thesis that the Federal Government of any nation ought to use its budgetary options of taxing and spending and borrowing, if necessary, to control the business cycle, to recover from great depressions, or to control inflations.

□ 1700

We have what was in the 1930's, bemoaned by John Maynard Keynes himself, a very reluctant student of this new theory, then President Franklin Delano Roosevelt. In fact, Mr. Keynes, Lord Keynes, bemoaned the fact that President Roosevelt was a slow learner and difficult to give instructions to in his new way of looking at things. Many of us in this country bemoan the fact that he seemed to learn these bad habits too readily, but still nevertheless we had a fundamental change.

Obviously, the war interceded against the Depression and because of the involvement of World War II, we did in fact buy our way out of the Depression. Following the war, fearing a post-war Depression as had often been the case in the world's history, we passed the first landmark and what is often considered to be the landmark piece of economic legislation in this country, the 1946 Employment Act.

Now, it is important to understand what the Employment Act was all about. We always have to remind students that it is not the Full Employment Act. It was the Employment Act, and Congress said, "We accept the proposition that it is the responsibility of the Federal Government to use its fiscal policy options of taxing, spending and borrowing, to try to control the business cycle."

And it stated the objectives of this kind of counter-cyclical fiscal policy as trying to maintain a reasonable rate of economic growth with relatively stable prices; very vague in general.

You notice, though, it said the objective of budgetary activity shall be to serve the needs of the American people and the performance of the American economy, not to serve the needs of the Government.

Now, at the same time we created some new institutions in 1946 with the Employment Act. You will notice that in the creation of these new institutions, most of the control over this budgetary counter-cyclical policy was vested in the Executive Branch of the Government. We created the President's Economic Report so we could have an idea how well we were doing. We created the Council of Economic Advisers, and then it created as an Oversight Committee, perhaps one of the greatest ideas of the Employment Act of 1946, the creation of the Joint Economic Committee of the House and the Senate to serve also as a watchdog in this process.

Now, as a result of the Federal Government taking on these new responsibilities in the Employment Act of 1946, we saw a surge of growth in the size and influence of the Federal Government, always though guided by the principle that the Federal Government should conduct its budgetary activities in the service of the American people. As that turned out, we saw this enormous surge.

Well, let us go on with the story. We got through the 1950's fairly well. We got through the 1960's, and in the 1960's we ran into some difficulty. We ended up in the 1960's with an effort on the part of then-President Johnson to basically transform the institutional structure of the budget in what he called then the war of poverty, and this is where we first began to change the structure and put into place those programs that are now called entitlement programs, that have grown beyond control. Using the legislative language, "Congress shall appropriate such sums as are necessary," creating program after program of entitlements, we in effect put a major and the only growing part of the Federal budget from the 1960's until today on automatic pilot, out of control, and it now consumes 52 percent of our budget. That, of course, led us to the period of the 1970's rapid inflation, recurring business cycles, no seeming ability to control them.

Finally, in 1974 then-President Nixon tried to gain some control over spending, and he exercised the then-Presidential prerogative which was called impoundment, and that so offended Congress that in 1974 we passed a new landmark piece of legislation, the 1974 Congressional Budget and Impoundment Act.

Now, the object of the 1974 Congressional Budget and Impoundment Act was to take power away from the executive branch and put power in the hands of Congress. There was not at least stipulated in any clear sense any change in the philosophical conception of what was the appropriate role of the Government's budget with respect to the needs of the American people as over and against the needs and desires and wants and convenience of the Government; but as they did that, they said in effect, "We cannot trust the executive branch to refrain from meddling in all the deals that we put together in our appropriations process."

So in passing the 1974 Budget Act, they created the Congressional Budget Office, which was directly and remains directly under the control and subservient to the will of the majority of Congress, the majority party in Congress at any given period of time, as an agency of independence from the President to evaluate, measure, project, predict the results of economic policies and institutionalize and sanctionize the politicizing of economic policy. That is to say now we have the device by which we can get the scorekeeping done our way. We can make the projections that suit our needs and we can make our policy options that happen, incidentally, to conform to our desires, seem also to conform to the needs; so we continue at least the pretension of having a budgetary process that is responsive to the needs of the American people while we set up the mechanical apparatus to make this process work on behalf of the Government itself.

Now, what happened was after, of course, President Nixon left the White House and we had the subsequent period of time which became known as stagflation, a mystery even to the Keynesians, the Keynesians said this cannot happen, it is impossible, and therefore did not know what to do. Jimmy Carter was baffled by it, and finally threw up his hands in such despair and gave his "days of national malaise" speech which still haunts ex-President Carter.

The result of that frustration that we had in the seventies, the simultaneous inflation and recession that then was supposed to be impossible, was the 1978 Humphrey-Hawkins Act, which was an amendment to the Employment Act of 1946, which did something that had never been done to this point.

First, it set numerical interim economic goals for the Federal budget. The first time we had said in the Act of 1946 that we were to encourage stable economic growth and stable prices, now they said we have explicit numerical goals, to hold unemployment to 4 percent or below, to hold inflation at 3 percent or below.

Later in 1979 we added another stipulator to these explicit objectives, and that stipulator, accepted by Congress and embraced by Congress, a very exciting point and probably I hope the most important point most of us will realize today, Congress accepted for itself in 1979 in addition to the objective requirement that their policy be aimed at the public service, of holding unemployment to 4 percent or below and inflation to 3 percent or below, the additional criteria that Federal spending should be held at 20 percent of GNP or below. It was believed that when we go beyond 20 percent of the GNP we wreak economic havoc on the economy. We had some testimony earlier about that, and that must if we are going to fulfill the earlier objectives of a 4-percent unemployment rate and a 3-percent inflation rate, we must hold Federal spending to 20 percent or less of the GNP.

□ 1710

Now, what I want to do is I am going to yield to other speakers who may be here now, but I want to come back and say: What have we done by way of, one, maintaining our awareness that that is the objective of budgetary policy to serve the needs of the American people over and against those of ours? And have we done a very good job? And in what years have we done a decent job of fulfilling these three mandates Congress accepted to itself in the years 1978 and 1979?

Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 9 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I want to thank the distinguished chairman of our Committee on the Budget for yielding to me.

I want to comment on the fact that, in general, I want to compliment the Budget Committee for the alternative to the President's proposal that it has worked out. I want to say for the record, because I think it is easy to vote against or for something without telling individuals, the American people, why, I want to cite some reasons why I am opposed, very much opposed, to the President's budget.

It is true there are certain things about it that I like. But I really believe from the bottom of my heart that the budget does not address the needs of the American people, in particular the quality of life of the American people. I think it is important to compliment the President in terms of the efforts that he and Secretary Baker are making with respect to reconciliation among individuals in the Middle East. But I honestly believe that the President has to pay more attention to what is going on at home and what it is that the American people need.

Let me just cite a few things that struck me as being very, very problematic with his budget.

The middle class and the elderly, who have committed their lives in pursuit of the American dream for themselves and their families, are being degraded and humiliated by an administration that would take away their opportunity to own a home and to live out their senior years healthy and independent.

Veterans must be especially confused. They answered the call of their country in times of national peril, made the sacrifices required of them, and now are being told that their entitlements and benefits should be cut.

Am I exaggerating? Hardly. The administration wants to just throw out the window last year's agreement on Medicare. It is proposing cuts totaling $73 billion over the next 5 years. I can tell you that my hospitals, my physicians, and my senior citizens can no longer tolerate further cuts in Medicare programs. Hospitals in my hometown of Cleveland, OH, are losing money on every single Medicare patient they treat. Many hospitals in Ohio and across the Nation are closing or are in danger of closing because of draconian cuts in Federal funding.

The administration insists on the application of means testing Medicare. We saw the result of such attempts when we passed the Medicare catastrophic bill 2 years ago. And the administration still wants to "mess with Medicare." Most Americans reject outright the notion that Medicare should be a welfare program. Benefits, although inadequate, are fairly distributed and everyone knows exactly how much they are paying for.

The President has been quite vocal on tackling infant mortality. The United States has a disgraceful infant mortality rate that equals or surpasses some Third World countries. Yet, the administration has launched what it terms is a "bold, new initiative" to address this problem in our Nation's cities. But, to do so, it proposes cutting a vital and successful Child and Maternal Health Block Grant Program that has already saved countless lives by making pre- and post-natal health care available to women and children who might otherwise go without.

The President's budget says that drug prevention and treatment programs are intended to keep demand down and accelerate its decline. Yet the administration wants to spend 470 percent more on interdiction and drug law enforcement than on drug treatment alone. While calling for targeting criminal-based drug treatment programs, the administration budget calls for only a modest increase in Federal illicit drug treatment programs in our prison system and fails to even mention alcohol abuse, which is the No. 1 drug problems in our country. Even though 18 million Americans are suffering from alcohol abuse at a direct cost of $137 billion annually to our Nation's families and economy, alcohol abuse programs under the Alcohol, Drug Abuse, and Mental Health Administration would be cut by $4.5 million, a 7-percent real cut.

The man who campaigned that he wanted to be the "education President" proposes:

Cutting guaranteed student loans by $698 million over the next 5 years;

Such modest increases for Head Start it would take over 50 years to cover all eligible preschoolers aged 3 and above. Nonetheless, one of our national education goals is that, by the year 2000, all children will start school ready to learn.

Education advanced by the administration will continue to foster illiteracy and ill-prepare our Nation's children to triumph in the increasing competition of the global market.

The fiscal year 1992 Bush budget request to Congress again slashes funding for vitally needed housing and community development programs. It appears the request merely dusts off previous Reagan budget requests by effectively reducing the number of units assisted by HUD and eliminating critical programs to low-income Americans. The Bush budget:

Provides no new funding for public housing development or Indian housing construction even though an estimated 1 million persons around the country are currently on public housing waiting lists:

Proposes no funding for the new national home ownership trust or the Migrant Homeless Program;

Only asks for half of the funding authorized for the Home Investment Partnership Program, a gap financing program to expand the supply of safe and affordable housing;

Provides, like the Reagan budgets, no new funding for section 8 certificates and continues its reliance on vouchers as its principal form of rental assistance to low-income persons;

Reduces the Community Development Block Grant Program by 8.7 percent at a time when our cities and States are facing ever-increasing infrastructure and housing needs;

Provides only 5,000 section 202 elderly and handicapped housing units, which is an approximate 32-percent reduction from the level authorized in the 1990 housing bill for fiscal year 1992;

Reduces, by 26.8 percent from authorized loan levels, the amount of housing loan authority to low-income Americans:

Despite Congress' repeated reauthorization, eliminates funding of the section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings Program and the Supplemental Assistance for Facilities to Assist the Homeless Programs.

And what of our veterans? We have asked so much of them, some of whom responded to the call of their country by making the supreme sacrifice. Yet we have an administration that gladly wraps itself in the cloak of warrior chief but which would deny its warriors some $400 million in entitlements and benefits. It smacks of hypocrisy.

The administration's lauded national energy policy is a national joke. While I chaired the Economic Stabilization Subcommittee, I repeatedly asked, cajoled, and begged the White House for over 2 years to obey the law and develop a comprehensive energy policy that would wean the country from its dependence on foreign oil. I formally offered to the administration a 10-point proposal which spelled out goals for the year 2000 upon which the White House could build its response. What did we get? A 1991 energy strategy and a fiscal year 1992 budget that adds up to about one-third of a true energy policy. The score expressed in the overall total dollars difference from fiscal year 1991 levels is:

Administration: down $66 million;
Congress: up $800 million.

During the past two presidencies, financing for research, which is the key to future U.S. energy security, consumer and environmental protection was cut almost 90 percent in real terms. This year's administration proposal would further cut one of the most promising of the world's technology developments, clean coal, by $76 million.

So, Mr. Chairman, once more it is falling to the Congress to do what the White House refused to do, or is incapable of doing: Find the answers that will protect American families, house them, heal them, educate the children, give them opportunities for jobs, and then repair and improve the cities' infrastructures so they have a way to get to those jobs.

There is much bold work to be done. The Democratic budget proposal is a solid, responsible beginning.

I would like to engage the chairman in a colloquy.

Mr. Chairman, I am very concerned with the administration's insistence on the application of means testing to Medicare. We saw the results of such attempts when we passed the Medicare catastrophic bill 2 years ago, and the administration still wants to mess with Medicare. Most Americans reject outright the notion that Medicare should be a welfare program. Benefits, although inadequate, are fairly distributed and everyone knows exactly how much they are paying for. How does the committee's budget address the means testing question with respect to Medicare?

Mr. PANETTA. If the gentlewoman will yield, the committee's budget assumptions do not include any potential savings that might result if we were to adopt the administration's plan to partially mean test the Medicare Program. The Budget, however does not preclude the committees of jurisdiction from considering such proposals.

Ms. OAKAR. Mr. Chairman, I am delighted to see that the committee has gone beyond the administration's request to increase our commitment to the National Institutes of Health. However, I am concerned that NIH has failed so far behind where it ought to be that many promising new initiates in biomedical research may not be pursued. Along with many of my colleagues who are members of the Congressional Caucus for Women's Issues, I would like to see NIH reverse its poor track record in focusing on health problems which are unique to women. We have high hopes that this will be turned around this year, but in doing so we do not want to jeopardize important work that is already underway at NIH. Does the committee budget take these concerns into account?

Mr. PANETTA. The committee report spells out its concern regarding women's health initiatives. The committee assumes increased funding for the NIH Office of Women's Health Research at a fiscal year 1992 level of $14 million and funding for an ADAMHA Office of Women's Health Research in fiscal year 1992 at a level of $2 million. These offices have been created to address many of the concerns voiced by you and the women's caucus. The NIH level assumes an increased effort at education, prevention, research and comprehensive treatment for breast cancer, ovarian cancer, and other diseases more unique to women.

Ms. OAKAR. I thank the chairman.

Mr. Chairman, I submit the following excerpt from the committee report:

EXCERPT FROM COMMITTEE REPORT

WOMEN'S HEALTH

The Committee is concerned about issues affecting women's health such as increases in common cancers affecting women, particularly the steady increase in the incidence of breast cancer among young women. This trend demonstrates the need for greatly expanded Federal efforts at education, early detection and comprehensive treatment. The Committee is concerned about other forms of cancer, such as ovarian cancer, where improvements in treatment and diagnosis is needed. The Committee believes that direct Federal assistance can help address this looming crisis. Federal resources should be made available to sustain and advance private efforts at education, early detection, research and comprehensive treatment, including support for promising new research efforts, program assistance for education and outreach efforts, and direct funding of costs associated with the development of hospital cancer programs.

The Committee assumes $14.8 million for the Office of Women's Health Research within the National Institutes of Health and $5.2 million for the Office of Women's Health Research within the Alcohol, Drug Abuse and Mental Health Administration. Established in 1990 by NIH, the Office of Women's Health Research is charged with identifying and addressing research needs on women's health. Recent attention has focused on three areas: (1) The lack of women in clinical trials. For example, the widely publicized Physicians Health Study that concludes taking an aspirin a day might reduce the risk of heart disease included 22,071 men and no women; (2) The absence of conclusive research on many diseases or conditions unique to or more prevalent in women. Examples include breast or cervical cancer, menopause, endometriosis, and post-partum depression; and (3) The need for the best possible researchers in senior level positions at NIH and ADAMHA, particularly women researchers, who are underrepresented in these positions.

HEALTH PROFESSIONS EDUCATION AND TRAINING

The Committee anticipates sufficient resources will be allocated for the training of nurses and allied health professionals to begin alleviating the severe shortage of personnel in hospitals and clinics throughout the Nation.

DISCRETIONARY HEALTH TOTALS

The Committee assumes a discretionary funding level of $19.5 billion in budget authority and $18.6 billion in outlays for fiscal year 1992. This total is $1.4 billion in budget authority above the freeze for discretionary health programs.

☐ 1720

Ms. OAKAR. Mr. Chairman, I thank the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget, and congratulate him again on his budget proposal.

Mr. ARMEY. Mr. Chairman, I yield 7 minutes to the gentleman from California [Mr. COX].

Mr. Chairman, the more one learns about budgeteering at the Federal level, the more one understands that the rules by which we conduct the budget operation, the rules that control the budget process, are extremely critical to the results and the extent to which the results of the budget accrue to the benefit of the American people and the performance of their economy or accrue to the shortsighted, self-serving needs of the Government itself, and we are very pleased to have with us this young Member, the gentleman from California [Mr. COX], who is probably the foremost expert on this process, the systemic area of budgeting.

Mr. COX of California. Mr. Chairman, I thank my colleague, the gentleman from Texas [Mr. ARMEY], both for yielding the time and for those very kind words.

Mr. Chairman, we are discussing our budget and the macroeconomics of it on an interesting date, April 16, one day following the April 15 deadline for each of us to pay his or her income taxes to support this venture. It is also one day after another April 15 deadline, the deadline for completion of our Federal budget process.

This year, in fact, we are coming much closer than usual in meeting that deadline, and in fact I expect that many of our colleagues will be patting each other on the back, and indeed in context we ought to because we are making a better run at it this year than ever before. But the fact is a deadline is a deadline, and any of us who has failed to meet his April 15 deadline for filing his or her income taxes knows that distinction.

Here in the Congress we have a law. It says that the budget is due April 15. We missed our legal deadline. I say, "If you're confused, if you wonder why the April 15 deadline for taxes written into law is a meaningful one and why the April 15 deadline for the budget written into law is not, the distinction lies herein. Breaking April 15 deadlines is best left to trained professionals, those of us here in the U.S. Congress. It should not be tried in your home."

Mr. Chairman, the fact is we are asking an unreasonable amount from Congress to complete the entire budget process by April 15, and in 1991 the adoption of a budget, which is supposed to be a forecasting tool, has come to be nothing more, nor less, than adoption of the entire Federal spending program for the next fiscal year. We should instead be adopting a budget pure and simple leaving the spending decisions until later so that we can focus on macroeconomics.

I am speaking at this time because these 2 hours are devoted to macroeconomics. These 2 hours are devoted to the question: What share of the GNP should be devoted to Federal spending, and I am sure that, if we asked our colleagues in the hallways and in their offices, "What's the answer to that question; what's the optimal share of GNP spending occupied by Federal spending?," we would get a daze, a stare, because people have not focused on the question in that fashion. Our budget process does not drive us to analyze the question in that fashion.

But it is very important because what is at stake is not just the health of the Federal Government, but the economic health of the American people. The interest rates that each of us pays on our home mortgages, the value of our retirement savings, our personal job and career prospects, the taxes we pay, all are dependent upon how in macroeconomic terms this Congress manages our budget.

Mr. Chairman, I wish that we could achieve the objective stated in law, stated in 15 United States Code, section 1022(a), the Humphrey-Hawkins Act, 20 percent of less of GNP will be occupied by Government spending. But of course we have not been meeting that objective.

In 1990 outlays, as a percent of GNP, 23 percent. In 1991 estimated outlays as a percent of GNP, 25 percent. Our deficit, $220 billion in 1990, estimated over $300 billion, significantly so in 1991, and here, with this budget resolution being offered by the majority, we are looking at a $289 billion deficit. Same thing in the President's budget.

Seventeen months in advance we are predicting $289 billion of red ink. Odds are, by the time we get there, it will be much, much higher.

The current process is disorganized and drives us to these results. Until we repair the process, we will continue to see these eleventh-hour continuing resolutions.

We all remember when President Reagan was right here in this Chamber and dropped that big stack of papers called the continuing resolution at the 11th hour in our budget process. This is what he was supposed to sign or veto. Little-known fact was that the President actually sprained his finger as he did so.

We should not be presented, as we were just last fall, with a huge, oversized corrugated box stacked with papers, thousands of pages. None of the Members of the Chamber, having read it, said that it represents the Federal budget. Instead we should have an organized process, and that is why I have introduced a bill, H.R. 298, along with over 130 of my colleagues, Democrats and Republicans, to fix this process.

Mr. Chairman, we want to do a few simple, but basic, reforms. We want a budget first and spending second. We want a simplified budget, 1 page, 19 numbers, that would be a binding law, not the kind of concurrent resolution that we are debating here, which is nonbinding, but a joint resolution signed by the President that brings the President into the process at that macroeconomic level.

Once that budget is in place, then and only then can we consider spending bills in committee or on the floor, and of course that budget will be adopted by a majority.

Once that budget is in place, then we can go about adopting our spending bills in committee and on the floor, but, having adopted the budget by a majority vote, it would take us two-thirds to break it.

So, Mr. Chairman, as a body we could be induced to act more responsibly. Frankly, each of us has incentives operating on him or her to vote for pork barrel legislation in our district, to vote for things that protect us parochially at home, but collectively we have got to find a way to act more responsibly. By building this budget constraint as a real up-front constraint with a majority vote, and then applying a two-thirds vote later on when we get to the individual spending decision to break it, we can have a process that is more responsible collectively than any of us individually is prepared to be because of politics.

Finally, if this Congress by a two-thirds vote were to bust out of that budget, the President would be given not a line item veto, but line item reduction, enhanced rescission authority, to cutback the overbudget spending to the level originally set by Congress itself. No wholesale shift of power from Congress to the White House, but rather the President using a tool to enforce the policy choices made by Congress itself. Line item reduction, a dimmer switch, not a light switch.

☐ 1730

If all fails and the Congress does not live up to even that law which is made more easy for it to follow, there would be operating in the background at all times an automatic continuing resolution to fund the Government automatically at last year's levels so we do not shut down the Government as we did last fall, in fits and starts and in embarrassing fashion. We would stop Budget Act waivers. We would be serious about our budget law. Fifty percent of our rules brought to us by the Rules Committee in the House in the last Congress waived the Budget Act.

These are the kinds of reforms embodied in H.R. 298. I want to congratulate the Speaker, I want to congratulate the chairman of the Budget Committee, and I want to congratulate the chairman of the Rules Committee for devoting these 2 hours to macroeconomic discussion. If we pass H.R. 298 next year, we can have a macroeconomic discussion that actually has some meaning.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The Chair would advise the gentleman from California [Mr. PANETTA] that he has 48 minutes remaining, and the gentleman from Texas [Mr. ARMEY] has 37 minutes remaining.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in support of the Democratic budget proposal.

I would like to congratulate and commend the chairman of the Committee on the Budget for bringing forward such a fair-minded budget in a time of such fiscal constraint.

Mr. Chairman, I am concerned about the President's budget because it does not offer the leadership that we are looking for. It is time to recorder our budget priorities to reflect the priorities of the vast majority of Americans—middle-income families, seniors on fixed incomes, and our Nation's children. What these Americans need is commitment to quality health care, a clean environment, and jobs. The Democratic budget provides the leadership that the majority of Americans are looking for.

We must commit ourselves to priorities like health care. The Democratic budget proposal will help seniors by rejecting the $25 billion Medicare cutback proposed by the President, and will maintain Medicare funding at its current level. The Democratic budget will save funding for much needed improvements in our teaching hospitals, which provide essential and otherwise unavailable care for the underprivileged and the very ill. These hospitals would be disproportionately hurt by the administration's budget. We must show that we care about these programs.

We must also show that we care enough to make infant mortality a priority. In the area of infant mortality, the United States has a dismal record, ranking 22d among the world's industrialized nations. In the small city of New Haven, in my district, the infant mortality rate among African Americans averaged over 22 deaths per 1,000 babies from 1984-88—this is a tremendous problem. The Democratic budget cares enough to increase the maternal and child health care block grant. The administration has proposed a cut. The Democratic budget cares enough to increase funding for community and migrant health centers. The administration will freeze funding. The administration would like to fund its infant mortality programs by reducing the vital services that aim to prevent infant mortality, not simply combat its symptoms. Clearly, the Democratic budget is unlike the President's budget in its commitment to treat infant mortality with the seriousness that it deserves.

Another priority must be mass transit and infrastructure. The President's budget does not make a commitment to improve our Nation's crumbling infrastructure. The Democratic budget realizes that infrastructure is critical to both our short-term and our long-term economic future. In the short term, investment in infrastructure will provide jobs in this time of limited economic opportunities. In the long term, a real commitment to public investment in increasing the quality of our infrastructure will impact all aspects of business by decreasing costs and reducing delays that hinder our Nation's ability to compete in the world economy. Our Nation's economic progress during this decade and into the 21st century will depend on how much the Government is willing to invest in public infrastructure.

Mass transit must also be a priority. In the reauthorization of the Surface Transportation Act, the administration showed its unwillingness to make mass transit a priority. Mass transit is necessary to lessen our dependence on oil. It is environmentally friendly, allowing us to reduce pollution in congested urban areas. And it reduces the dependence on our overused highways. The administration's budget freezes Federal mass transit funding, preferring to make it a local issue. Mass transit is not a local issue. It is a national priority. The Democratic budget provides increased funding for mass transit.

I am concerned about the President's budget proposal because it misrepresents the needs of the American people. The numbers that we come up with in this year's budget must reflect our national priorities. The Democratic budget reorders the President's budget to meet the true needs of the majority of Americans, to protect middle-income Americans, seniors, and children, and to strengthen our economy. There is only one way to vote in this debate. We must vote for the Democratic budget, because we must vote for our true priorities.

Mr. ARMEY. Mr. Chairman, I yield 5 minutes to the distinguished ranking Republican of the Committee on Banking, Finance and Urban Affairs, the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. I thank the gentleman for yielding this time to me.

One of the most important issues we must decide before voting on a budget resolution for fiscal year 1992 is the stage of the business cycle for the 12-month period for which we are now budgeting. To put it a little more carefully, will the economy be expanding or contracting from October 1991 through September 1992?

In general, it is essential that we as lawmakers do our best to maximize employment and minimize inflation. I have found in my 24 years in the House that economists come and go, but the conflict between maximizing employment and minimizing inflation never fades away.

If we put too much emphasis this year on maximizing employment through make-work government programs, we will surely be back next year with higher inflation, rising interest rates, a weakening dollar and falling exports. As has been said a little earlier, "Government growth is not economic growth."

On the other hand, if we worry too much about reducing the level of inflation this year, then we will be back next year with rising unemployment, an economy in recession, and personal and commercial bankruptcies threatening our way of life.

It is crucial that we do our best to look ahead 6 months from now and determine what the 12 months beginning in October are likely to bring for our economy. That is what this part of our general debate on the Federal budget for next year is supposed to do.

My view and that of those who appear as witnesses before the Joint Economic Committee on which I serve and the Banking Committee is that the economy weakened in the second half of 1990 for a variety of reasons. No one reason was the cause, and that weakness continued during the first quarter of 1991.

We are now in the second quarter of that year and it is my view that the economy is gaining strength and momentum that will continue for the next 18 months if we do not try too much management.

My recommendation is that we stick with the budget summit agreement negotiated in October 1990 and proceed to lower the Federal deficit in accordance with it.

I see no emerging weakness in the economy that would justify any increase in the Federal deficit that would result in the deficits of the magnitude that we experienced for too many years.

Many Members today will undoubtedly place great emphasis on the recent rise in unemployment rates and conclude that economic calamity is just around the corner. Let me say that I am fully aware that the unemployment rate has risen from 5.9 percent of the civilian labor force in the fourth quarter of 1990 to 6.5 percent in the first quarter of 1991. In March the same measure of joblessness reached 6.8 percent. Any amount over 5 percent represents true unemployment and not just frictional unemployment when people change jobs, careers, geographical location, or tell their boss that they do not want their job any more.

What I prefer to emphasize is the remarkable rebound in consumer confidence since the end of hostilities in the Persian Gulf and the subsequent rise in the index of leading economic indicators.

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In addition, I am persuaded that monetary policy has become less tight and is now favorable to economic recovery. For example, the lower levels of interest rates that have been achieved over the last 6 months indicate that present monetary policy is facilitating an economic expansion.

Another measure of the stance of monetary policy, the monetary aggregates, M–1, M–2, and M–3, are all rising satisfactorily. Yet another, the monetary base, has expanded twice as rapidly in the last 3 months as in the previous 12 months.

For me, the issue becomes should we continue to tolerate and to vote for Federal deficits at a level of $300 billion per year. The obvious answer is no, when we know that such a policy is inflationary and in an economy already expanding toward full employment, it is likely to be more inflationary.

My answer is that when consumer confidence is high and rising, when the leading economic indicators forecast an expanding economy, and when monetary policy has lowered the cost and increased the availability of money, we should restrain the thrust to the economy from Federal expenditures that rise faster than Federal revenues, that is, from the Federal deficit.

In short, now is the time to reduce the Federal deficit and, at least, stick to the targets for Federal deficit reduction that we agreed to back in August 1990.

Mr. ARMEY. Mr. Chairman, I yield 7 minutes to my good friend, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, we cannot adequately discuss the health of our economy without first addressing the health of the most fundamental unit in our society, its families. The fact is, sometimes up on Capitol Hill you never hear the word "family." Every time there is a tax bill before the Committee on Ways and Means, all the lawyers that gather at the so-called Gucci Gulch outside the Committee on Ways and Means, no one is there to represent the family. Some people are there for tax breaks for corporations, someone is there to help people that have racehorses to write off their racehorses, but no one, no lobbyists, no lawyers, no public interest groups, come out to the Committee on Ways and Means to represent the families.

Mr. Chairman, strong families act as a cornerstone for a strong and healthy society and economy, and we must look to invigorating our families, along with the economy, if we want to set a successful agenda.

Too many families, genuinely trying to do a good job raising children, have been stretched to the breaking point by tax and economic policies that have all but ignored them. They have become America's forgotten families.

The family is under great cultural and fiscal attack today. Nearly every statistic on family well-being, and if you look at all the indicators, teenage suicides, up; teenage pregnancy, up; child abuse, up; and infant mortality, up. All indicators, Mr. Chairman, show that the family is in trouble and under such pressure today, like it has never been in the history of our country.

Yet, while children are more at risk, parents are being pushed by the financial pressures to spend less time with their children.

We have two deficits today. This Congress sometimes talks about the financial deficit, but it also ought to talk about the time deficit. The more time that fathers and mothers have to spend with their children, the better it is. So we have a fiscal deficit, but we also have a time deficit.

Mr. Chairman, I have introduced a bill, H.R. 1277, the Tax Fairness for Families Act of 1991, which will increase the personal exemption from the current $2,050 to $3,500.

The dramatic decline of the personal exemption over the past four decades has disproportionately shifted a greater tax burden to young families with children.

In 1948 a median income family of four had approximately three-quarters of its income shielded from Federal income tax. Today, that percentage has eroded to only one-quarter. From three-quarters to one-quarter.

If the personal exemption were to offset the same percentage of average income as it did in 1948, today it would be worth approximately $7,800. Today, what is it worth? $2,050.

Where have all the groups been, where have all the lobbyists been, where have all the administrations been, to represent the family? The fact is, when Congressmen and Senators leave the Congress, do they go downtown and represent the family? I do not think so. When Cabinet officers and high-ranking officials in all administrations leave the Government, do they go downtown to represent the family? I think not.

Mr. Chairman, I think we need more people, and this Congress ought to be the place to do it, to represent the family.

Mr. Congress, the Tax Fairness for Families Act of 1991 has garnered the support of 59 Members of the House thus far. The bill has been in for about a month. We now have 59 Members of the House who have cosponsored this bill.

Mr. Chairman, we have a wide ideological spectrum, from the gentleman from Georgia [Mr. GINGRICH] on the Republican side, to the gentlewoman from Colorado [Mrs. SCHROEDER] on the Democrat side. I want to thank the gentlewoman form Colorado [Mrs. SCHROEDER] for holding hearings in her capacity as chairman of the Select Committee on Children, Youth, and Families yesterday. This has brought together all the diverse groups in this country, from the Heritage Foundation, the Family Research Council, the Progressive Policy Institute—they all came together—to basically call for an increase in the dependent deduction for children, in recognition of the principle that a healthy economy is fueled by healthy families.

Mr. Chairman, I am encouraged that this broad new consensus will provide a healthy dose of common sense to future family economy policy, and mark the beginning of a bipartisan effort to truly focus on the economic health of families as part of our overall economic picture.

Reinvesting in American families, particularly today's hard-pressed middle-class families, should be one of the first items on the agenda for boosting the economy. Too often we hear about how the workers of the future will not be able to adequately provide for our future economic needs because of their lack of skills, knowledge, education, and discipline. If we allow our families more time and resources to do the job that only they can do in properly raising their families, then our future economy will benefit.

Mr. Chairman, when our families are better able to provide for themselves and function adequately, we will be producing more productive citizens, who will then in turn aid in improving our Nation's economic future.

Mr. Chairman, this is a very simple bill. This does not require a new Government program. GSA does not have to acquire a new Federal building to house the program in. We do not need more employees to come and regulate it. We do not even need more regulations. All we have to do is change the Tax Code figure of $2,050 to $3,500.

Mr. Chairman, we can solve it. It will give more money to moms and dads throughout this country, to have their own to do with as they see fit, to educate their children, for health care, for housing, and things like that.

Mr. Chairman, it is important that parents be given this opportunity so they can spend more time with their children. I have heard people say when they are talking about their children it is not the quantity of time that counts, it is the quality of time. Well, it is not only the quality of time, it is the quantity of time. If there is not quantity, there is not going to be quality. When you have children, values are not only taught to your children, they are caught by your children. As you act, they see how you act. All the surveys show that mothers and fathers want to spend more time with their children. By increasing the personal exemption from $2,050 up to $3,500, in a board bipartisan way, we can make a tremendous difference in alleviating the financial burden that currently is on families.

Mr. Chairman, this is something that Republicans and Democrats can come together in a bipartisan basis and do. I want to thank the gentleman from Texas [Mr. ARMEY] for this opportunity, and would hope that all Members watching this would call my office tomorrow and say they would love to cosponsor this. We have 59, and they would love to be the 60th cosponsor of the bill, so we can pass this legislation and relieve the burden on the families in this country.

Mr. PANETTA. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

□ 1750

Ms. WATERS. Mr. Chairman, I would like to begin by expressing my appreciation for the work of the chairman of the Budget Committee, LEON PANETTA. His job is a difficult one. He deserves credit for trying to work within the confining guidelines of last year's budget agreement. Nonetheless, despite his efforts and the efforts of other Members, this budget is far from what is necessary to meet the challenges we face.

I come to the well from a different perspective than most Members. This is my first term in Congress. This is my first budget debate. Frankly, Mr. Chairman, I am greatly disturbed by the narrow range of proposals we are being offered today.

We are told we must abide by last year's budget ceilings. This rings hollow to me. We have very real problems in this country that require our attention, and our resources. We are in a recession. People are unemployed, homeless, unhealthy, and undereducated. How do we determine that we cannot afford to help these people.

How is it Mr. Chairman, that the WIC Program, a program everyone knows is effective, only serves 59 percent of the eligible population? None of the alternatives I have seen fully funds WIC. Why can we not vote to fully fund the WIC Program?

How is it, Mr. Chairman, that 37 million people in this country do not have health insurance? Medicaid covers less than half of America's poor pregnant women. None of the alternatives funds Medicaid at levels to cover all poor families. Why can we not vote to fully fund Medicaid?

Our veterans care system is a disgrace. People are dying due to inadequate medical care. Yet, the proposals before only begin to address the problem. Why can we not vote to fund all the medical needs of the people who have given the hearts, souls, and bodies in service to this country? Is that too much to ask?

We are in a recession. Unemployment is nearly 7 percent, the highest in years. Yet there is no comprehensive jobs program in any budget before us. Further, only about one-third of the unemployed are covered by unemployment insurance. That is, two-thirds of the people qualified to receive compensation do not. Why can't we vote to fund unemployment compensation so all those qualified receive assistance.

Head Start, Mr. Chairman. Head Start reaches one in five of the eligible participants. Both budgets increase funds for Head Start, but I do not hear anyone talking about fully funding the program.

Mr. Chairman, the budget is more than numbers or targets. These funding decisions have an impact on the lives of millions of Americans. People who do not receive WIC, Head Start, job training, and health care suffer. We cannot continue to talk about the problems of the poor without funding the programs we know could help them.

I am disappointed that there are no options that seriously address the domestic problems of this nation. I appreciate that the Budget Committee has improved upon the budget offered by President Bush. But, no matter what the outcome of this debate, we will not do what we know needs to be done.

Last, Mr. Chairman, we are told that we must abide by last year's budget agreement because we have to reduce the deficit. Yet, the two primary sources of the problem—the massive military budget increases, and tax cuts for the wealthy—cannot be corrected. Taxes are fixed and military spending will only be reduced by increments according to the agreement.

I hope we can do better in the future. We must do better. The health, the shelter, indeed the very lives of our people depend upon it.

Mr. HAMILTON. Mr. Chairman, I am pleased, as the vice chairman of the Joint Economic Committee, to take advantage of the Humphrey-Hawkins portion of this budget debate to discuss our economic goals and policies.

THE STATE OF THE ECONOMY

The American economy went into recession in the middle of 1990. The consensus among economic forecasters was that this recession would be short and shallow compared to the postwar average. But the Joint Economic Committee's review of the available data indicates that this recession so far is right on track with the average of the postwar recessions.

Conservatively dating the recession from August—some economists would start it from June—the economy has now been declining for 7 months. In those 7 months the monthly survey of businesses reports that payroll employment has fallen 1.2 percent, exactly the same decline as occurred during the first 7 months of the average postwar recession. So far in the current recession, 1.3 million payroll jobs have been lost.

This recession is every bit as serious as those of the past in terms of the number of workers who lost their jobs. The fraction of the labor force who lost their jobs, has risen from 2.8 percent in August to 3.8 percent today, a 1-percentage point increase, compared to an increase of 0.9-percentage points in the average postwar recession.

THE CASE FOR CONCERN ABOUT THE LENGTH AND DEPTH OF THE RECESSION

The recession was probably inevitable by the middle of 1990, given weakness in the economy and tightness by the Federal Reserve. The gulf crisis probably made the recession worse, by raising oil prices and hurting consumer confidence. But the situation in the gulf was not the principal cause of the recession and the end of the war did not end the recession.

The conventional wisdom believes the recession will end soon, for a number of reasons:

There has been no great buildup of inventories to cause further cuts in manufacturing output and employment;

The Federal Reserve has been reducing interest rates;

Inflationary pressures have been coming down and oil prices have been falling;

Although the dollar has recently rebounded in value, it still seems to favor U.S. exports.

But those responsible for economic policy need to weigh carefully the risks in the economic outlook. There are a number of factors that may make this recession more serious than many had expected:

First, there are long-term structural problems that have weakened our economy, including the rise in household and business debt during the last decade, the stagnation of productivity and compensation that has kept wages from growing throughout the 1970's and 1980's, and the growing inequality in the distribution of income.

Second, consumer spending does not seem to be reviving as forecast. Optimists put much of their faith in a rebound in consumer confidence following the end of the war in the Persian Gulf. The war is over and consumer confidence has risen, but there has been little of the projected rebound in consumer spending, in retail sales, in home sales, or in auto sales. The automakers, in fact, will cut production in the second quarter to the lowest level in more than 30 years.

Third, events in the rest of the world may keep exports from growing as much as forecasters had hoped. The decline in the dollar last year will help U.S. exports by making them less expensive abroad. But many of our major trading partners are experiencing recessions of their own and others are facing weaker growth. Without strong growth abroad to create markets for U.S. exports, export growth this year may be disappointing.

Finally, the banking crisis is reducing the availability of credit for both households and businesses. Many banks are having to restrict credit growth in order to rebuild their capital at the same time as many of their assets, particularly junk bonds and real estate loans, are declining in value. The resulting credit squeeze may hold down household spending and business investment for some time to come.

This unique combination of economic forces creates risks that the recession will be longer and deeper than is anticipated by the current consensus of economists. The historical record shows that economic forecasters are invariably optimists about how soon recessions will end. For example, during the recession that lasted from July 1981–November 1982, the blue chip Consensus forecast month after month consistently predicted a shorter and shallower recession than actually occurred. We should not be complacent about the need to get the economy moving again.

THE ROLE OF MONETARY POLICY

It now appears that the Federal Reserve has the latitude to use monetary policy—easing credit and lowering interest rates—to get us out of the recession. Oil prices have been retreating, the dollar has stabilized on international markets, and at least short-term interest rates are falling with the Federal funds rate as the Fed eases.

The Fed is concerned about both the recession and inflation. The inflation numbers issued last week for March came in quite low. The general surge in prices due to the spike in oil prices seems to have abated. The drop in inflation that typically occurs with recession seems to be taking hold.

With inflationary pressures abating, the Federal Reserve should put more emphasis on ending the recession. This opinion was shared by the private-sector forecasters who appeared before the Joint Economic Committee recently to discuss the near-term outlook. None argued that inflation was likely to be a serious problem, and several argued that inflationary pressures would abate quickly.

THE ROLE OF FISCAL POLICY

Fiscal policy also must play an important role in assisting the recovery and providing the groundwork for long-term growth in the economy.

Currently, there are three basic tasks facing fiscal policy: First, we must deal with the human consequences of the current recession. Second, we must demonstrate a continued commitment to deficit reduction, in order to give the Federal Reserve the room it needs to continue reducing interest rates. Finally, we must use the budget to strengthen the foundations for economic growth so that the recovery will be strong and long lasting.

HUMAN COSTS

We need to help the millions of workers losing jobs in the current recession. The recent figures on job loss demonstrate that this is a serious recession, not a minor blip as some have argued.

The current budget resolution notes several areas in which new initiatives might be possible to ease the human costs of the recession. But specific program changes are the responsibility of the authorizing and appropriating committees rather than the Budget Committee.

From an economic point of view, the most essential response to the human needs created by the recession is an adequate system of unemployment compensation. Unfortunately, the unemployment insurance (UI) system is not performing its stabilization role as well during this recession as it should. As a result of several changes, unemployment insurance is replacing workers' lost income only half to two-thirds as well as it did in past recessions. Moreover, the UI trust funds for extended benefits will run a large surplus this year, at a time when it is appropriate to spend for extended benefits.

We can address the underlying costs of the recession without compromising the long-term discipline of the budget agreement. For example, the amounts already appropriated to meet the additional administrative costs of the unemployment insurance system were appropriately designated as emergency outlays that do not get built into the long-term deficit.

The "emergency" designation under the Budget Enforcement Act can be used to meet urgent human needs, diplomatic crises, and financial disruptions while we continue to reduce the underlying deficit. The criteria must be both the genuine urgency of the need and the temporary nature of the added deficit spending.

CONTINUED FISCAL DISCIPLINE

The proposed budget resolution is consistent with last year's deficit reduction agreement. It is important for the Congress to uphold the discipline of that agreement. Although the total deficit is projected to soar to $300 billion this year and to edge down only a bit in fiscal year 1992, most of this is due to temporary factors—the recession and deposit insurance. The underlying "structural" deficit, estimated at $149 billion in fiscal year 1990, declines to $130 billion in fiscal year 1991 and, under the resolution, is about flat at that level in fiscal year 1992.

We must recognize that big as currently projected budget deficits are, now is not the time to attempt to reduced the structural deficit further than we did in last year's budget agreement. That time will come.

Tough choices have been made to tighten our belt. The budget resolution cuts spending across the board in a variety of programs and Federal departments, including the executive branch and the Congress; it makes specific cuts in programs that have low priorities.

With budget discipline in place in this first budget resolution under the new deficit reduction agreement, the Federal Reserve should have ample room to pull short-term interest rates down further. And financial markets should be reassured, permitting longer term interest rates to decline.

LAYING THE FOUNDATIONS FOR LONG-TERM GROWTH

The third major task of fiscal policy is to take steps to ensure that we have strong growth after the recession ends rather than the stagnation we had before it began.

One of the most important things we can do to increase growth is to increase our national saving so that we can invest without dependence on foreign creditors.

In addition, we should make room in the budget for Federal investment programs that contribute to productivity and economic and health and nutrition initiatives. In the budget struggles of the 1980's, we cut new investment and deferred maintenance in search of quick savings. We cannot continue that strategy in the face of intense international competition.

This budget resolution recognizes the importance of a sound and prudent budget for promoting long-term growth with fairness to all Americans.

First, of course, it adheres to the 5-year budget agreement developed by the Congress and the President last year. By steadily reducing the structural deficit it reduces Government's drain on national saving. This will allow the Federal Reserve to let interest rates come down and it will reduce our dependence on foreign borrowing to finance our investment.

Second, within the constraints of the budget agreement, it reorders priorities toward long-term growth and fairness. It makes prudent investments in programs that provide a high return in the future, including education, children's health and nutrition, economic competitiveness, and energy security. It rejects unfair cuts in benefit programs as well as the capital gains tax cut that favors wealthy Americans.

Mrs. KENNELLY. Mr. Chairman, I rise today in support of the budget resolution.

I want to thank Chairman PANETTA and the committee for making infant mortality a priority in this budget. My hometown of Hartford, CT has areas with infant mortality approaching that of the Third World. The administration tried to say that infant mortality was a priority, but its approach was all sound and fury and no substance. Rather, it relied on gutting proven programs, the child and maternal block grant and community and migrant health centers to fund the new initiative.

The Appropriations Committee, in the Supplemental Appropriation for fiscal 1991, wisely rejected that approach. I am equally pleased that the Budget Committee has chosen to do the same. Not only does this budget reject raiding current programs that work to fund a new approach, it contains $149 million in new money targeted specifically to the child and maternally block grant and community and migrant health centers. These programs are proven; they work. If they are adequately funded, they can be far more effective than an underfunded block grant.

This approach makes far more sense than the administration's and I urge my colleagues to support the resolution.

Mr. MINETA. Mr. Chairman, I rise in support of the 1992 budget resolution. I applaud the Chair of the Budget Committee, my fine colleague from California, Mr. PANETTA, for his leadership and commitment to this process.

The Budget Committee proposal makes reasonable increases over the transportation budget offered by the Bush administration. President Bush says that ours is a new world order. However, his proposal would underfund transportation improvements around the country, as has been done in the past. This could mean economic suicide in the future because a new world order increasingly values the ability to compete and quality of life above all else.

The President has proposed to make it tougher for States and localities to get transportation funding assistance from the Federal Government. To me, that makes no sense—especially when many States have done their share and raised gas taxes. The Federal Government cannot be allowed to dodge its responsibility.

I urge my colleagues to support this budget resolution. We must not fall into the trap being set by the 1992 White House budget which continues to slice and dice transportation programs by shifting more responsibilities to the States without supplying the funding that's long past due from the Federal Government. Such a tight-fisted, short-sighted view toward transportation hurts everyone—but especially those cities, counties, and States that do not have adequate local resources to fill in the funding gaps.

I am all too aware of the budgetary restrictions the Congress and the Nation are facing. My only regret regarding the transportation budget is that it does not go far enough in meeting our Nation's desperately needed improvements.

Every State in the country has tremendous highway and mass transit needs. But if our transportation network is to improve our economy, our quality of life, and our safety, then our roads and bridges and buses and rail systems must not be shortchanged.

It is vital that the Congress affirm their commitment to mass transit nationwide. Important Federal mandates, such as the Americans With Disabilities Act and the Clean Air Act, only serve to further intensify the need for adequate Federal funding.

I, for one, will continue to work to have the Federal Highway Trust Fund spent for its intended purpose: getting this country moving again. This budget puts us on the right track. I urge my colleagues to support it.

Mr. BROWN. Mr. Chairman, I rise to offer a few remarks on House Concurrent Resolution 121, the budget resolution for fiscal year 1992. First, I want to thank Chairman PANETTA and the entire Budget Committee for the work that went into this resolution. I frankly do not know how any of you had the energy to undertake this process again, after your experience from last year.

I recognize the difficult task that faces the Budget Committee each year, as it has to compare unrelated programs and make basic decisions about funding priorities. How do you compare the importance of a drug treatment program to a veterans program or to research on solar energy? Yet each year we have to go through this process in order to provide guidance for the authorizing and appropriating committees of Congress. It is not easy to do this comparative assessment for programs within a single committee's jurisdiction or even for programs within a single agency.

Given the inexact nature of this process, it is natural that there is some difference of opinion about the priorities reflected in the resolution before us today. I would like to take a moment to detail some of my differences with the funding allocations proposed.

First, the programs under the jurisdiction of the House Science, Space, and Technology Committee were treated well in the President's budget request, so I am in the enviable position of having to advocate holding the requested funding levels for these programs. Of the available funds in the civilian discretionary category, nearly one-half of the proposed increase was in programs under our committee's jurisdiction, representing an average 13.4-percent increase over fiscal year 1991 appropriated levels for those programs.

But there is good reason for those increases, reasons outlined in the President's budget document, in various reviews of science and technology funding, and in the committee's views and estimates submitted to the Budget Committee. These programs at the National Science Foundation [NSF], the National Aeronautics and Space Administration [NASA], the Department of Energy [DOE], the Department of Commerce [DOC], and elsewhere in the Federal Government, represent the future growth and prosperity of our country. Our ability to compete internationally is dependent upon these programs. They are vitally important but they do not have the immediate need of a drug treatment program or housing assistance. Therefore, when we make comparisons of our priority funding needs, these science and technology programs frequently come under attack.

This is not a pleasant situation, for me especially.

I strongly support antidrug efforts, housing assistance, and a host of other needed programs. But I also feel strongly that we must support the needs of tomorrow while we try to deal with today's problems.

The need to continue to keep a longer term focus is apparent to our international competitors. Japan and West Germany both support nondefense research and development [R&D] at a rate above 2.5 percent of their gross national product [GNP], a rate that has increased over the last decade. The United States supports civilian R&D at a rate of about 1.75 percent of our GNP, a rate which has been flat to declining over the last decade. If we are to compete in the future, we need to at least match our competitors.

Expressed as a percentage of total Federal discretionary spending, total civilian R&D has declined from a high of 25 percent in the 1960's to about 13 percent in recent years. What does this say about our investment in our country's future? Whether our children's future lies in assembling some high technology components made far from our shores, or instead in making the scientific breakthroughs that lead to a new technological application, depends in no small part to the decisions we are making today to improve America's scientific and technical capacity.

I appreciate that the Budget Committee held the NSF funding at the President's level, a healthy increase and one which continues to put us on course to correcting the shortfalls of the past decade. I also appreaciate the attention paid to R&D work at DOE on energy conservation, solar, and alternative sources of energy, which received significant increases.

However, there are decreases as well in this proposal which I cannot support. The DOE general science account was cut from the President's submission by about $80 million, with decreases in the superconducting super collider and at the Fermi Laboratory. The NASA funding request was cut by nearly $1.2 billion from the President's request, the largest cut of any program under our jurisdiction. The funding level proposed by the Budget Committee for NASA represents a fiscal year 1992 baseline freeze.

We evaluated these NASA programs in the recently completed subcommittee markup of the NASA authorization bill, and made decreases to the NASA programs of nearly $500 million. We felt that NASA programs could be reduced, given the uncertainties associated with the ability to use all of the funding proposed by the President. However, we feel that this is a bare-bones budget and cannot support further decreases, certainly not decreases on the order of the Budget Committee's recommendations.

I hope that my colleagues on the Budget Committee realize that I am sympathetic with the pressures being placed upon them. It is my job to argue, as I have with Mr. PANETTA and others on the committee, that these programs are high priority programs which deserve the attention provided them in the President's budget submission. I will argue for support of science and technology funding today, during consideration of authorization bills coming from the House Science, Space, and Technology Committee, during consideration of appropriations bills, and throughout the year. I hope that in the next budget resolution I will have argued hard enough that next year we do not have to object to the cuts made by the Budget Committee.

Mr. GILMAN. Mr. Chairman, I take this opportunity to rise as the ranking minority member of the House Post Office and Civil Service Committee and join my chairman, Congressman BILL CLAY, in alerting our colleagues to the potential problems awaiting our many fine nonprofit organizations should we accept this reduction in the revenue forgone subsidy to the U.S. Postal Service.

Neither the administration's request nor this resolution is sufficient to maintain the equitable relationship that exists between the nonprofit organizations and the U.S. Postal Service. Without fully authorizing the appropriation, we jeopardize the very existence of many of these fine groups. I am very disappointed in the resolution before us and how it would treat these groups that, in many cases, are the backbone of the volunteer movement in America.

This appropriation operates very simply. If it is not fully funded then the postage rates paid by nonprofit organizations, such as churches, veterans groups, St. Jude's Children's Research Hospital, and the March of Dimes, as well as many newspapers, educational institutions, and libraries, will be increased by the Postal Service immediately upon the shortfall in expenses.

Under this resolution the rate of many of our small newspapers would be increased by 15 percent; letters from nonprofit organizations are increased by as much as 31 percent and classroom publications would be increased by 13 percent. I remind my colleagues that these increases would come on top of the postal rate increase these same organizations just had to absorb with the rest of the mailing public when the Postal Service approved its recent general rate increase this past February.

My colleagues, this type of abrupt change in rates, brought about by a whim to save a few dollars, is not fair to the users and beneficiaries of this appropriation. It cannot be budgeted—because the organizations involved have no way of knowing just how much we are going to finally appropriate and I can assure you that it will cost our society as a whole much more to lose the many services of these organizations than will be saved today in this resolution.

I am heartened by the remarks of my chairman, Mr. CLAY, and the assurances that he has received on this matter from the gentleman from California, the chairman of the Budget Committee [Mr. PANETTA], and I look forward to working with them both to reach a solution to this situation.

Mr. OWENS of New York. Mr. Chairman, I am pleased that the Budget Committee has seen fit to reject once again the administration's attempts to cut the education programs on which so many students at all levels rely. Year after year both the Reagan administration and the Bush administration have been presenting to this Congress budgets which cut and eliminate many valuable education programs. Once again this body must literally come to the rescue of thousands of students to preserve the programs which give elementary and secondary students a better quality education and postsecondary students access to higher education.

Included in these programs in recent years are piecemeal attempts to reform an educational system which has been falling farther and farther behind our contemporary nations in the Western World. While it is laudable that these reform efforts are finally gaining increased attention, the manner in which they are being pursued is not at all laudable. The current piecemeal approach to educational reform is doomed to failure.

In order to achieve broad-based improvements in American education we must launch an all-out effort equivalent to fighting and winning a major war. The tools of this war will be programs that have proven their effectiveness at combating the problems encountered in and by our educational system. We need to begin the process of building our knowledge of what works in education through educational research. And then we must adopt from Operation Desert Storm the concept of utilizing overwhelming force to win our war against educational inadequacy. This force must come in the form of vastly increased educational research to identify the methods to be used and sufficient funding to launch those methods on a massive scale.

In the future we must devote at least 1 percent of the total educational budget to this massive education research project. To this end, in this budget for fiscal year 1992 1 percent of the total increase in Function 500 should be targeted to begin this research initiative. These funds should be utilized for an emergency research and development program to be authorized for implementation by the Office of Educational Research and Improvement to be used to develop an interactive education extension program and to establish an Institution for the Education of At-risk Students. Such an institution would address problems specific to disadvantaged and at-risk youth such as dropout prevention, youth violence prevention, the extreme alienation of minority male students, the disproportionate representation of poor males in special education programs, alternative schools for pregnant teenagers, training for the mothers of preschool children, innovative programs to overcome the educational isolation of students in rural areas, innovative programs for bilingual education, and the improvement of the capability of the schools within the Nation's 50 poorest congressional districts to realize the six national education goals of the President and the Governors. If the problems faced by at-risk students can be solved, the applications of those solutions could be used elsewhere.

Our national education effort is a conglomerate, one made up of many systems. All of these diverse parts would benefit greatly from a comprehensive national educational improvement strategy. The piecemeal network of programs we are haphazardly molding together and haphazardly funding will not solve our problems.

Federally sponsored research and development must provide the foundation for more effective educational environments for our young people. The Federal Government must do what no other parts of government can do alone. It must set forth a comprehensive strategy for improving education in America based on the results of this research. And the Government must accept direct responsibility for financing and implementing the components of such a comprehensive strategy. If our "Education President" fails to champion such an initiative, then the Congress must take up his slack.

Mr. Chairman, the Nation's political leaders must be prepared to commit the funds and the political will necessary for the drastic overhaul of Federal educational research, development and dissemination. Otherwise all the statements in support of educational excellence are hollow and dangerously irresponsible.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, during this discussion on the policy implications of the budget, I have tried to make the argument that we ought to evaluate alternative budget proposals by virtue of an examination of the potential impact they may make on the economic health of the country. That is to say, the Federal Government ought to work for the American people, it ought not to work for itself, and we have a dilemma. I am going to suggest that despite the fact that as recently as 1978 and 1979 the Congress of the United States adopted legislative revisions of the 1946 Employment Act that renewed its commitment to the objective of fiscal policy, taxing, spending, and borrowing by the Federal Government to serve the policy objectives of the Federal Government by virtue of trying to achieve a 4-percent unemployment rate and no more than a 3-percent rate of inflation, and to hold the percentage of our GNP taken by the Federal Government to 20 percent or less, that we have had miserable failings in doing so, some years worse than others. Some recent experience has been good, but today there is some serious backsliding, and within this context we have found that Congress has found itself adopting a mindset that says we are so overwhelmed by our own problems of the massive deficit that we can no longer allow ourselves to evaluate budgetary alternatives in terms of the impact on the Nation. But we are really forced, we are painted in the corner of having the requirement of being obsessively concerned with what does it do for us and our problem, this horrible deficit.

Let me just reflect for a moment on the suggestion that the gentleman from Virginia [Mr. WOLF] just recommended. He has suggested that we ought to inflation adjust the personal exemption in the income tax code to give it the same buying power it had when it was first put in the code. Anybody today knows that raising children is a costly business and that we have far lagged behind the real cost to the family of raising children in giving this personal exemption, and we have tried on other occasions to try to increase the personal exemption and we have had some modest success.

But what is the problem? Why do we run into it? Let us understand what that suggestion is. If we leave more after-tax income in the hands of parents, they can better judge how to spend that money on behalf of their children than can people in Washington judge how to spend money on behalf of those same children with the instituting of programs designed and run from Washington, DC. Very simple question: Do we have more faith in the parents of this Nation to spend their own earned money on behalf of their children effectively in the best interest of those children, or do we have more faith in people in Washington to define and to administer programs on behalf of children in the absence of the ability of the parents to afford what their children need because they are so beleaguered by excessive taxation?

As we examine this policy option here, the routine thing we would do would be to have the option scored and essentially what we would do is we would ask either the Joint Tax Committee staff or the Congressional Budget Office to examine this potential change in the tax law and tell us what will be its impact. Would they look at the impact on the family? No. Would they look at the impact on the economy? No. They would look at the impact on the Treasury, and they would do so in what I might say is a very dumb way, the same dumb way they evaluate preferential capital gains reductions, FICA tax or any other change in the Tax Code, by presuming that there will be no behavioral response to that change by the citizens of this country.

Assuming then in the words of the academic classroom, ceteris paribus, all other things constant, no change, no reaction, no response, they would then evaluate this change in the tax law, and what would they conclude? The Treasury loses money. Then they would say we cannot afford to give this greater take-home pay to mothers and fathers to spend by themselves with their own freedom and discretion and parental responsibility on behalf of their children because we would lose revenue to the United States, the Federal Government.

□ 1800

It does not serve us, so it is not good policy; never mind what it does for the family, for the rights of the parents or for the immediate well-being of the children. These are not policy options we think we can afford when we are being strangled by our own red ink.

Let me take a look at this. I believe that if we are going to understand our dilemma, and believe you me, we are more to be pitied than censured, it is not that we are as individuals irresponsible, mean spirited, selfish, self-serving, greedy. That is not the case. We are, indeed, an honorable group of people, and we are a sane group of people, but let me remind you of ARMEY's axiom, even a sane person will act insane within an insane circumstance. The insane circumstance is this red ink that is drowning us, and it makes us systematically aberrant, where more important objectives of public policy, health, safety, freedom, creativity of children are brushed aside while we make our numbers come out so we can solve our problem.

If we are going to understand that, let us back up to the 1960's. That is when we went wrong.

I am a Texan, and I am proud of it. You know, we always say down in Texas that we are from Texas, and we do not polish our boots very often, but we never polish anybody's else's.

But I have to tell the Members that I believe that the Texan Lyndon Johnson is the cause of our problems. Lyndon Johnson is where we looked for the birth of aberrance in public policymaking with his Great Society program, dreaming his dreams, starting with the presumption that the Government can do more for the people than the people can do for themselves, so all we need is programs, programs, and programs expanding on the concept of entitlements.

Take a look at what has happened since the 1960's since the Great Society. We have had this consistent, constant surge in Federal Government spending. Virtually all the increase in spending in the Federal Government since the early 1960's is in mandatory spending programs, entitlements, Lyndon Johnson's Great Society programs. Today these entitlement programs make up 52 percent of the Federal budget, something over $750 billion, and I do not know how much less or more, but something in that neighborhood.

Incidentally, if you add to those mandatory entitlement spending programs the mandatory spending on the national debt's interest, it comes to almost three-fourths of the entire budget, so those of us trying to wrestle with the problem of how to balance the budget, we get stuck with trying to tinker around with 25 percent of the budget, discretionary spending which includes all of defense spending.

One interesting fact, I would argue that unless we can get a grasp on entitlement reform, we will never balance budgets. One out of every seven of these entitlement dollars, $750 billion-plus of our tax dollars, only one out of every seven of those dollars finds its way in the hands in the households to the direct service of the needs of people who are officially designated by this Government as poverty people, poverty level of income. Out of every $7, $6 go to people who are at or above the poverty level of income, and you are going to tell me there is no room for entitlement reform in this budgetary process. There must be room or we will never solve the problem.

Notice, also, tax receipts have remained relatively constant. In good times, they have tended to go up, and in bad times they have tended to fall, but they have remained relatively constant. There has been a secular trend to grow, but to grow gradually.

The problem is we have not decreased taxes on the American people. The problem is we have our automatic-pilot spending out of control, entitlement spending growing at such a rate that tax revenues, no matter how fast the economy grows, even after 90 months of uninterrupted growth, cannot maintain the pace, and the result is the deficit gets larger and larger and more and more chokes off our options for public policy.

That, of course, brought us to the days of national malaise. Jimmy Carter is not to be blamed for that. I think there has probably been no President in my lifetime who has been more the victim of circumstances than President Jimmy Carter. I understand that he was fundamentally without virtue because he was from the wrong party, but granting that, he is a man who is, indeed, more to be pitied than censured, because the circumstances strangled Jimmy Carter, the circumstances of national malaise.

When Lyndon Johnson gave his famous guns-and-butter speech and said, "We can have it all. We do not need to raise taxes, and we can still wage the war on poverty and we can still wage the war in Vietnam and we can still create new and more life-sustaining, self-sustaining entitlement programs with built-in growth, growth factors that seem to go on forever," we created something called stagflation.

Now, I understand the academic community, the economists John Maynard Keynes, even John Kenneth Galbraith, the great guru of the left who is probably the most dangerous man alive in this country in my lifetime, could not even explain that this was possible. They did not know how to design policies for it.

We had all kinds of problems. So the frustration mounted, and in 1978 said that if this public policy is to serve the needs of the American economy and, therefore, the needs of the American people, we must articulate in exact numerical terms the objectives of this policy, 4-percent unemployment 3-percent inflation, Federal spending no more than, hopefully less than 20 percent of GNP, and we had very little success until 1984.

We had at that time created, you may recall, the misery index which got as high as 20 percent, a combination of inflation and unemployment.

The fact is nobody knew how to deal with this problem called stagflation except Ronald Reagan with the much maligned Reaganomics, and he recognized that when you are being bitten by two hounds, one called inflation, one called recession, unemployment, that you have got to get rid of one before you can deal with the other.

Some things have to come before others. So, yes, he aggravated the recession aspects in the early years of his Presidency with an extraordinarily tight monetary policy that finally choked out the inflation, and after he choked off the inflation, then he could approach expansionary fiscal policy, something like we had done in the past, but Ronald Reagan did not do it like Lyndon Johnson did it.

Instead of saying, "We have got to have more public spending programs where we take the people's money and spend it on their behalf," he said, "We have got to cut taxes, leave more money in the hands of entrepreneurially talented, creative, ambitious, hardworking American citizens, and they will work themselves out of this recession. They will be creative in capital formation and jobs creation," and we did it as a nation of people given more freedom because the Government got out of our way by reducing taxes.

I am here to tell the Members that I do not care who tells you on the contrary, and I will give you chapter and verse if you like, the 1980's were a great success under Reaganomics. There was no deindustrialization of America. That is a myth. The rich did not get richer while the poor got poorer. That is a myth. There was no increasing inequity in income distribution. We all got a larger share of growing pie during those years.

After 90 months, it settled out, and now we find ourselves with a budget-summit deal that, again, was built around our problem of our deficit, and a budget-summit deal that was made by and large, and necessarily so, because our own problems were so great, in disregard to what can this budget do for the American people and this country. It was a bad summit deal. I worked against it. I opposed it. But it did, in fact, get accepted.

Within the context of that, we are now being asked to look at three budget proposals for the fiscal year 1992 with the requirement that they conform to the budget summit. I am going to suggest to the Members that the first, best of those proposals, comprehensive in its thinking and addressing all dimensions of our problems, entitlement reform as a necessary display of courage and creativity by Congress, and it must begin with Congress, dealing with this exorbitant interest on the national debt which takes up about a fourth of our budget and leaving some incentives or at least minimizing the Federal Government's disincentives to the American people while cutting spending is the Dannemeyer alternative.

□ 1810

However, it will not be very well entertained here because of the gold bond feature by which he tries to attack. That is a shame.

Next is the Kasich alternative. Then, of course, the great clash of the Titans, the Democratic majority's proposal offered in juxtaposition. Let Members look at these two, because they reflect the difference in philosophy. The President has suggested that I will try to meet the mandates of the 1978–79 revision in the Employment Act of 1946, by one, focusing his attention on reductions and reforms in spending, taking for the basis of the budgetary preparation the Office of Management and Budget economic assumptions about the performance of the economy, that by comparison to the CBO assumptions that govern the Democratic majority's budget can be said to be a worse case scenario. In other words, if we are in hard times and we look at what is going to be the conditions that govern our spending and our receipts, we plan for the worst of conditions, and to a greater extent, that is what the President did with the OMB assumptions.

In that case, he tried to project a budget that would meet that, making the hard choices, to make the hard cuts, and even suggesting the real entitlement reforms that make it possible to meet the mandates of the last year's summit deal.

He also did something else. He said that we ought to retain those last vestiges of minimal disincentives to the Tax Code heaped upon the American taxpayers through tax incentives, the tax extenders provisions. The President said to keep faith in the people and their creative ability. He said to continue to give tax concessions, and I also love this, I love the pretension that we in the Government by our largesse in taking less of their money are going to give citizens an incentive. I have to tell Members, ladies and gentleman, the Government cannot give me incentive. I have a wife, and a mortgage, and 5 children. That gives me incentive. What the Government can do is get out of my way, and do not pick my pocket every time I turn around. Do not give me disincentive by taking away what meager earnings I might make for my children. Do not squash my willingness to be creative by imposing such taxes on me that even if it is possible to sell it for a profit, I would lose that profit to the Government, and therefore it is not worth inventing.

So the President says we have some vestiges, then, of disincentive minimal taxes Tax Code.

Mr. ARMEY. Let me run through them quickly. I know I am using more time than I suggested, and the gentleman from California [Mr. PANETTA] is being patient.

We would leave tax concessions in for the people of this country to conduct commercial research and development, to purchase low income housing for themselves, to encourage low income mortgages, to help employers provide educational assistance to workers, help small business cover employees for health insurance, promote the development of orphan drugs, and to provide credit hiring disadvantaged. What happens when the Democrat majority of the Committee on the Budget asked their trusted scoring organization, the Congressional Budget Office, even within the context of your Congressional Budget Office, wrote the scenario, where we have by comparison with the President an understatement of what are likely to be the mandatory expenditures that will happen next year, because they believe the recession will be shorter instead of longer, and an overstatement of what would be likely tax receipts. All the increased spending we have available, what do Members think of these tax extenders? CBO says we cannot afford these. We cannot afford to leave money in the hands of poor family, out of their own income, so they can support a mortgage and provide for themselves one of the greatest incentives in the world, which is to meet your mortgage payments, keep everyone on the job. How many times would I not be at work because I had the mortgage payment staring me in my face?

For my own research, because I know my needs, we cannot afford these things. Why can we not afford them? Guess what, ladies and gentlemen, given our static self-serving analysis we have with the CBO, it will lose money for the Treasury. Never mind the impact on the economy. We do not look at that anymore. We only look at what it does do for the Government. We cannot afford that.

Now that we realize we cannot afford to let the American people keep a larger share of their own earned income for their own purposes, because the Treasury loses money, what do we find in the budget? We have a budget proposal on the part of the Democrat majority that says we do not need faith in the American people. We have faith in the Federal Government. We can put in programs where we will have more money for Federal housing control. Drive through any major city in America and anyone can tell me if they cannot pick out where the projects are by the number of vacant, demolished buildings, the most vicious, negligent, absentee landlord in this country today is the Federal Government. However, we have more money for more absentee slum landlords, called the Federal Government? Less money for individual earners to have incentives for their low-income housing purchases for themselves because the Treasury cannot afford the loss? More money to control the development of advanced technology? Do Members think the Government is smarter in doing research and technology than the American people? At Stanford University they took the Government for a hayride and picked our pockets and put a new John in the President's home. It took the Government years to figure it out. We are going to have more money for the Government to buy more research, less money for people to buy for themselves? More money to control business investment through SBA loans?

Does everyone know how to get an SBA loan? The first requirement to get an SBA loan is to have had your application turned down by three banks. If, in fact, a person can go to the SBA and prove that three bankers have judged their idea to be one that would lead to a failure, they qualify for a loan. That is the secret to getting an SBA loan. Just prove that a person has a bad idea and the Government will fund it.

However, in tax concessions for investment purposes, more control of local development through CDBG and EDA and other kinds of grants, where the Government will determine what is a good investment. More money to control education decisions.

Since I came to Congress there have been two things that have happened coincidentally. The Department of Education, the Federal Government's Department of Education, has more than doubled in the 6 years I have been here, and the performance scores of American students have continually gone down. There is not a school board in America today that does not complain about the unnecessary counterproductive, intrusive regulations of the Federal Government that is hamstringing them in their interest of their best effort to get their youngsters a better education, but they cannot deal with the Federal Government's redtape. We have more money for the Federal Government to meddle in education. More money to control job training. The best job training, ladies and gentlemen, is a job.

I know that I have gone at some length. Let me just say that what I am suggesting, as we evaluate the budget options, constrained as we are by that which has gone before in the Great Society, trying our best to fulfill the mandates of the law we accepted for ourselves in the revision of the Employment Act of 1946, made in 1978 and 1979, we should ask ourselves the question, as we look at the two options, does the option serve the needs of the American people, and grant the freedom of choice and control of their lives to the American people themselves, or does the option serve the needs of the Federal Government, and grant the controls to the Federal Government? The choice is yours: a government that works for you, or a government that works for itself.

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from New York.

□ 1820

Mr. PANETTA. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we have reached the end of this debate. It has been a good debate. I think both sides have presented their views with regard to the budget problems that confront the country and the alternatives that we will be facing. It sets the stage for the debate on the amendments that will take place tomorrow, and that is good.

I do not disagree with those who have pointed out the serious problem that confronts this country with regard to resources, and it really is a basic resource problem. Whether you are someone who is concerned about programs from the human needs side, or whether you are someone concerned about programs that relate to space or defense, whatever your agenda is, whatever your concerns are, there is a fundamental problem at the present time that confronts this Nation. We do not have the resources. We are a Nation starved for resources as we enter the 1990's. That is the major test for the United States of America in the 1990's.

Resources are at the heart of our strength as a Nation, just as they are at the heart of every major power that has ever existed throughout history. Major powers have risen in terms of their power and their influence in the world because they have accumulated, developed and managed resources, and they declined in power when they failed to properly manage those resources.

The real question for the United States of America as we enter the 1990's and begin to approach a new century is the question, are we able to properly manage our resources? That is the warning that I think the American people and all of us in the Congress have to be aware of, because it is the fundamental challenge. The fundamental challenge of the 1990's and this next century is whether the United States of America is going to restore its resource base, so in effect it can continue not only to meet needs within our own society, but to meet our responsibilities in a changing world.

The evidence is against us right now. We have deficits that really are in excess of $300 billion for fiscal year 1992. We expect high deficits over these next few years. Our overall national debt is now approaching $3.5 trillion, and we expect it to reach about $5 trillion within the next 5 years. We are now in a situation where interest payments alone on that debt are eating up almost $1 out of every $5, $1 out of every $5 going just for interest payments on the national debt, in excess of $200 billion that we are paying.

We are in a crisis and it was for that reason the President and the Congress last year came together in a budget agreement to try to develop some answers to that crisis situation.

The fact is, regardless of whether you are for or against the summit agreement, that summit agreement confronted some of the key issue areas that you have to confront if you are concerned about bringing discipline to our overall budget situation. It confronted in part the entitlement issue. We developed about $100 billion in savings out of entitlement programs. Incidentally, $43 billion of that came out of the Medicare Program.

We developed discretionary savings of almost $180 billion to $200 billion over 5 years, and in addition we raised revenues of $158 billion.

The reality is that if you are serious about getting the budget deficit down, you have to confront those issues.

Now, some will say, well, it is too much in revenues. Some will say it is too much in spending savings. The fact is that if you are going to confront these issues, you have to deal with all these areas, and that is essentially what the budget agreement attempted to do. It is for that reason that we have a fundamental responsibility to adhere to that budget agreement.

To the credit of the President, the President adhered to that in his budget approach. For the first time in perhaps 10 years, the President's budget is an honest presentation that sticks to that budget agreement, and it is to his credit.

The budget resolution that comes out of the Democratic Budget Committee is indeed as honest because it, too, adheres to that budget agreement.

So there are some similarities between the two budgets. There have to be if you are going to stick to the agreement. You basically adhere to the cap on defense spending, on international aid, and on domestic discretionary spending, and require pay-as-you-go for any initiatives that are developed. Those are similarities that exist between the two budgets. No question about it. There are some similarities by virtue of our adherence to that budget agreement, but there are also some differences. The main differences occur really in two areas.

One is the domestic discretionary side of the budget. There are some fundamental differences about what should be priorities within that domestic discretionary cap. There really should not be, as a matter of fact. I really do think that Members on both sides of the aisle share similar concerns about children and education, health care and nutrition. I really believe that below all of the rhetoric there are some fundamental areas where there is agreement in terms of our responsibilities to the society.

Yet the President did not really reflect that as much in his domestic budget.

So what the committee did was, we took $13 billion and tried to redirect it to those areas that we thought were important, to education, to the WIC Program, to health care, to areas related to drug prevention and treatment, to economic security, trying to improve competitiveness in energy, and infrastructure. That is important.

We also have a second area of major difference when it comes to the fundamental fairness of a budget resolution. I think one of the tests of budget resolutions over the last 10 years is not only in the honesty in which they are presented, not only whether they can be implemented, but are they fair? Are they fair? That is an area where we have some differences, because the President felt that again he could go back to the same areas he went back to last year in the budget summit, to try to go back at Medicare for just a little more from the providers, a little more from the hospitals. Even though 600 hospitals have shut down in this country, another thousand are in danger of shutting down in this country, let us just squeeze them for a little bit more. Maybe we can get another $16 or $18 billion.

We reject that. We say last year we squeezed the last drop out of the hospitals.

Is it worth looking at income testing? Yes, we can look at that. That is a possibility.

Should we look at health care reform? Sure, that is a possibility if you want to pay for the reform.

But do we have to again go back at the same providers of health care in this country, when we know what the result is, when we see the hospitals shutting down in each of our districts? We reject that.

We reject the veterans' cuts of $3.5 billion. For the life of me, I cannot imagine in the middle of the Persian Gulf crisis welcoming our troops home and then saying at the same time that we are going to cut veterans' benefits by $3.5 billion. We spent the last few weeks here passing additional benefits for veterans, for goodness sake, and we are now going to pass a budget that cuts $3.5 billion from veterans' pensions, from health care, and from other programs that impact on veterans in this country? Where is the fairness in that?

What about the Student Loan Program? Another almost $700 million cut from the Student Loan Program. How many times do we have to go back and beat that program, when it is one of the basic programs in terms of giving students the opportunity to be able to get the kind of higher education that will advance their careers and their opportunities in a free society.

Foster care, $1.7 billion.

Trade adjustment assistance, $905 million of cuts. That is rejected.

Fundamental fairness is a major difference here in the two proposals that are presented. So those are the areas of major difference.

Now, as I said, some might argue, "It is not that much." Only in Washington would you argue that $13 billion is not that much or $46 billion in cuts is not that much.

I guess there are really two tests of that.

□ 1830

One is with regard to those affected. There is just one program, I will mention just one program, the Head Start Program, where we put about $350 million into the Head Start Program. As a result of that, we can serve 72,000 additional kids in the Head Start Program.

Now, $350 million, when you compare it to the defense budget or a B-1 bomber or compare it to star wars or compare it to even the space station, it is not much, not much. These other programs cost a lot more. But I will wager to say that one of those 72,000 kids in the Head Start Program who has the opportunity to get a better education would agree that there is a difference in this budget when it comes to them.

Same thing is true for the WIC Program: 490,000 mothers and children can be served by what we do here in the WIC Program. The $350 million we put into the WIC Program, 490,000 more can be served by the WIC Program.

Just ask one of those parents, ask one of those kids as to whether or not there is a difference. I am willing to rest my case on their answer. And I guess I am willing to rest my case on the votes that will be cast here by the Members of the House, because both sides, Republicans and Democrats, represent our constituents. The vote that will occur tomorrow will tell us whether or not indeed there is a difference between these budgets. I think there is. I think the vote tomorrow will show that.

Mr. Chairman, I yield back the balance of my time and move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Wise) having assumed the chair, Mr. Mazzoli, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 121) revising the congressional budget for the U.S. Government for the fiscal year 1991 and setting forth the congressional budget for the U.S. Government for the fiscal years 1992, 1993, 1994, 1995, and 1996, had come to no resolution thereon.

PROPOSED RECISSION RELATING TO DEPARTMENT OF HEALTH AND HUMAN SERVICES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 102–65)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, April 16, 1991.)

PROPOSED AGREEMENT BETWEEN THE UNITED STATES AND THE CZECH AND SLOVAK FEDERAL REPUBLIC ON COOPERATION IN PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–66)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, April 16, 1991.)

PROPOSED AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF HUNGARY CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–67)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, April 16, 1991.)

REPORT TO CONGRESS ON FEDERAL POLICIES, BUDGETS, AND TECHNICAL ACTIVITIES IN SEMICONDUCTORS, FIBER OPTICS, SUPERCONDUCTING MATERIALS, AND ADVANCED MANUFACTURING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology.

(For message, see proceedings of the Senate of today, Tuesday, April 16, 1991.)

ANNUAL REPORT DESCRIBING ACTIVITIES OF THE FEDERAL GOVERNMENT IN DEVELOPMENT OF ENERGY CONSERVATION AND EFFICIENCY STANDARDS FOR CERTAIN BUILDINGS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Tuesday, April 16, 1991.)

ANNUAL REPORT OF THE FEDERAL COUNCIL ON THE AGING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of today, Tuesday, April 16, 1991.)

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES FOR FISCAL YEAR 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations.

(For message, see proceedings of the Senate of today, Tuesday, April 16, 1991.)

COMMUTERS MUST NOT BE USED AS PAWNS IN RAILROAD DISPUTE

The SPEAKER pro tempore (Mr. Wise). Under a previous order of the House, the gentleman from Illinois [Mr. Porter] is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker as they say, "It's deja vu all over again." It was just 3 years ago that the Congress was called upon to settle a rail strike that stopped freight shipments and stranded hundreds of thousands of commuters. Apparently, at midnight tonight we face the same scenario again.

Negotiators have been working around the clock to forestall the strike and settle issues between the railroads and the unions involved. The President has called responsibly on both parties to find common ground in order to avoid disruption of the Nation's transportation system and protect our fragile economy.

Commuters, Mr. Speaker, particularly those in the Chicago area, many of whom I represent, should not be subjected to these tangential disputes, but inevitably they will be, if the strike occurs. The traffic tie-ups, inconvenience, frustration, and most importantly, lost worker-hours, will be horrendous. Simply put, commuters should not be used as pawns in the middle of a dispute that has nothing to do with commuter service.

Mr. Speaker, I understand that the House Energy and Commerce Committee is prepared to send a bill to the floor as early as tomorrow to stop this disruption if it, in fact, occurs. I commend Chairman Dingell for his willingness to act expeditiously—the Congress can act quickly when the occasion arises and has done so in the past. The President's emergency board has already made recommendations that have settled disputes with some of the unions. Congress should again move quickly to enact these recommendations into law and avert the disaster of a national railroad shutdown.

□ 1840

A FIRST STEP IN SOLVING THE SMALL BUSINESS CREDIT CRUNCH

The SPEAKER pro tempore (Mr. WISE). Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation to provide the same opportunities to small businesses to obtain financing as the Federal Government has long provided to many other sectors of the economy.

Mr. Speaker, the small business sector—the most dynamic sector of our economy—is also the least able to obtain financing on its own. Over 35 years ago Congress established the Small Business Administration in 1953 to provide a mechanism to assist in overcoming this financial hurdle.

In the intervening years, the program has worked well. But during this time the number of small businesses has exploded. There are more than 18 million small businesses today, and those who are unable to secure financing on their own from financial institutions are simply too numerous to be financed by the SBA, especially in light of today's budget constraints.

I believe that the answer to much of this credit crunch is to establish a Government Sponsored Enterprise for Small Businesses.

During the 101st Congress, the committee began receiving numerous complaints from the small business sector that they were unable to obtain financing. As these reports intensified, I became more and more concerned. This led me to schedule and hold hearings in 1990 on this problem.

At these hearings, the committee received considerable anecdotal evidence from banks and businesses, particularly in the New England region, that credit was being restricted and that a "credit crunch" was threatening to spread nationwide. However, at that time, hard data was scarce, and the Federal Reserve Board and other regulators were unconvinced that a problem existed.

Since then the problem has worsened. The credit crunch is severe and wide spread and confronts small businesses across the United States.

This year the committee has held additional hearings on this credit problem.

A Wall Street representative testified:

> Where does all of this leave us? Banks have significantly reduced credit, the commercial paper market has shut out lower grade issuers, the private market has shrunk by a third and the public market is demanding cost concessions and convenant protections * * *.

A New England banker testified:

> * * * I find it hard to believe that anyone seriously questions whether or not there is a credit crunch. In the simplest sense, a credit crunch can be defined as a situation where a credit worthy borrower is unable to obtain a needed loan for a worthwhile purpose. Statements by the highest officials of the Federal Reserve indicate that they believe there is a credit crunch, and statistical information * * * bears them out.

A representative of a regional trade association was even more pessimistic as to the availability of loan money, testifying that many of their members:

> * * * despair in obtaining needed working capital and cash flow on reasonable terms * * * (many) employers * * * assume generally they will be unable to find the financing to conduct normal business operations in the publicly chartered banks that today apparently struggle for their own survival instead of fulfilling the public purpose implicit in those charters. The alternatives only can be seriously increased costs for credit, disruption of operations and increased investment, each of which translates to diminished job opportunities.

Other industries have been helped through the establishment of a Government Sponsored Enterprise or GSE. The first of these was the Federal National Mortgage Association, or Fannie Mae, which was established to assist the housing industry in 1938. Since then we have added six other Government sponsored enterprises or GSEs: the Federal Home Loan Mortgage Corporation or Freddie Mac, the Federal Home Loan Banks, the Student Loan Marketing Association or Sallie Mae, the Financing Corporation of the Federal Home Loan Bank System, the Banks of the Farm Credit System, and finally a new mechanism for financing agriculture, the Federal Agricultural Mortgage Corporation or Farmer Mac.

All of these GSE's are built around the same basic framework. They are chartered by the Federal Government to target financing to a particular industry or for a particular purpose. Although federally chartered, they are owned by their shareholders and are run by a Board of Directors which generally has some membership on the Board selected by the Federal Government to represent the Government's interest.

These entities are not part of the Federal Government. Their activities are not part of the Federal budget process; and their debts are not guaranteed by the Federal Government. Private investors provide money to them with the Federal Government standing ready, if the need arises and is justified, and subject to the appropriation of funds, to possibly step in and provide financial assistance to them. This contingency or backstop has never been utilized for any of the other GSE's and hopefully it never will be.

Mr. Speaker, I believe that a Government Sponsored Enterprise for small business is long past due. There are numerous investors with sufficient capital to fill the financial needs of our Nation's small businesses, but we need to provide a catalyst to bring together private investors and the small businesses through our Nation's banking system.

Basically what I am proposing is that financial institutions be authorized to make private loans to small businesses. These loans could then be sold to the small business government sponsored enterprise which in turn would resell them or packages of them to private investors. I believe there are a sufficient number of these private investors that could largely satisfy small business credit needs. It would not be, however, a substitute for the SBA program as there would continue to be a number of small businesses which do not have the financial standing to participate in financial markets without some type of direct government support in the way of a guarantee. Thus I see this new mechanism as a supplement to the current SBA programs.

Mr. Speaker, I am attaching to my statement a short summary of the provisions of the bill and I urge my colleagues to examine it carefully and lend their support. I expect that the Small Business Committee will conduct hearings on this measure later this year.

SUMMARY OF VELDA SUE

(A bill to facilitate the providing of loan capital to small business concerns, and for other purposes.)

The legislation would establish a federally chartered but privately owned corporation called the Venture Enhancement and Loan Development Administration for Smaller Undercapitalized Enterprises (Velda Sue) which would do for small business what Fannie Mae does for housing.

Private lending institutions are basically short-term lenders and are unable to make long-term commitments, and in some cases simply do not have the available capital to make loans to small businesses or in the case of smaller banks have loan limitations which limit loan size. As a result, small business credit needs are going unmet in the private sector. This bill basically would bring together small businesses and their long term credit needs with institutional investors who have funds which could satisfy this need.

The Corporation would be operated by a permanent Board of Directors of 9 members (five being elected by the shareholders and four being appointed by the President). Stock in Velda Sue would be purchased by financial institutions which would seek capital from Velda Sue.

A minimum of $30 million in stock sales would be required before Velda Sue could commence business.

For purposes of eligibility to obtain financings, a small business would be defined as one which, in addition to being independently owned and operated and not dominant in its field of operations, qualifies under SBA loan standards or which has a net worth of $6 million or less, and annual net, after-tax income of $2 million or less.

Velda Sue would create a secondary market for small business loans either by purchasing the underlying paper and packaging it in pools and issuing its own securities backed by these pools, or by guaranteeing securities issued by loan poolers, provided it is backed by these loans. This paper would be sold to institutional private investors such as pension funds probably at an interest rate of less than 1 point more than that paid by the U.S. Treasury.

Velda Sue would develop uniform standards for the loans. In order to establish a market and to promote quality loans, the Board would specify minimum standards for them which would include: a maximum principal amount; a maximum term not to exceed 30 years in the case of land or facilities and 10 years in the case of equipment; a requirement that the loan be fully amortized; a requirement that the loan not be in excess of 90% of the value of the asset; and a requirement that the loan be secured by a first mortgage position on the collateral.

If these conditions were met, the Corporation could buy 80% of the loan with the originating lender retaining 20%.

In addition, the Secretary of the Treasury would be authorized and directed to supervise the financial safety and soundness of Velda Sue. In essence, he would regulate its operations.

Any paper issued by Velda Sue or guaranteed by it would not be federally guaranteed, although its issuance would be subject to the approval of the Secretary of the Treasury. In addition, in his discretion and subject to the appropriation of funds, the Secretary of the Treasury, as a backstop, would be authorized to purchase up to $1.5 billion in Velda Sue paper, i.e., if Velda Sue needed additional federal money, the government might provide it if the need was justified.

The Corporation would be designed to be self supporting and would be required to establish a reserve to pay any losses it might sustain. These reserves would be funded by the imposition of guarantee fees not to exceed 2 percent of any loan guaranteed, and ½ of 1 percent of any security representing a pool of these loans.

Finally, Velda Sue would be prohibited by statute from incurring more obligations than an amount equal to 30 times the amount of its capital.

REQUIRING FEDERAL AGENCIES TO ESTABLISH PERFORMANCE STANDARDS AND GOALS FOR EVERY SPENDING CATEGORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, today I introduced a performance-based budget bill that would require Federal agencies to establish quantifiable performance standards and goals for every major spending category. I commend the following articles that discuss the need to make the Federal Government more accountable for its spending decisions:

YARDSTICK FOR THE BUDGET

(By Stephen Green)

The tax revolt has forced lawmakers to think twice before raising taxes. What's needed now is more assurance that the money collected from the taxpayers is spent wisely and not wasted. It's time for a new revolution—a performance revolt—to force the federal government to function effectively.

As matters now stand, there is no way to determine for certain whether the government is spending the public's money prudently. The President proposes spending for a government program, and if Congress agrees, the expenditures begin. In too many cases, the actual effect of the spending is difficult to determine. Lacking are specific criteria by which to measure a program's successes or failures.

This governmental deficiency is so glaring that it is mystifying why it has been tolerated for so long. Sheer expendiency may be the explanation. Politicians find it desirable to promote pet programs, and program managers find it advantageous to expand their domains without real accountability for what has or hasn't been accomplished.

Whatever the reason, this deplorable state of affairs has continued for too long. Now, however, there is hope for change. A remedy has been offered by Sen. William S. Roth, Delaware Republican, in the form of so-called "performance base budgeting."

Under a bill that Mr. Roth intends to introduce when Congress convenes, budget laws for the first time would contain clear and precise goals—stated in measurable terms—for various programs.

Instead of just setting aside millions of dollars for certain welfare programs, legislation would contain stated goals as to what the money is supposed to achieve.

One welfare program might promise, for instance, to place 100,000 welfare mothers in full-time employment. A Justice Department program might pledge to increase federal drug convictions by 15 percent. Such a method of budgeting would permit productivity to be traced and performance measured.

Launching the federal government into performance-based budgeting would not be a venture into unchartered territory. Performance based budgeting does work. Its feasibility already has been demonstrated by a few local governments, most notably that of Sunnyvale, Calif.

Persuing the latest Sunnyvale municipal budget is edifying. It reveals that the city parks department has promised to repair all reported vandalism within three working days 90 percent of the time in return for an appropriation of $33,838. In law enforcement, the city police department has pledged to respond to all emergency calls in 5.6 minutes or less 90 percent of the time in return for an appropriation of $677,398.

In many ways, the complexity of the federal budget cannot be compared to Sunnyvale's. But, as Sunnyvale City Manager Tom Lewcock has been quoted as saying, the principle of performance-based budgeting "works regardless of the size of the government."

Performance-based budgeting permits taxpayers to determine what they receive for the money they spend and how the actual results compare to what should be occurring. Programs that fail to live up to promises can be altered—or terminated. Programs that do work can be expanded.

Despite the overwhelming logic in favor of performance-based budgeting, persuading the federal government to adopt it will not be easy. As Mr. Roth has explained, "There will be, as there has been in the past, strong resistance within the agencies to being held accountable for measurable results. Even some in the Congress may not relish the idea of having to tell the taxpayers up front what result to expect for their tax dollars and then what actually was accomplished."

It will help that Mr. Roth appears to have support in the Bush administration for at least a pilot project. The White House Office of Management and Budget agrees that the concept is worth exploring. Clearly, it is. Performance-based budgeting could prove to be the long-sought-after key to making the vast federal bureaucracy accountable at last.

LATEST TWIST ON ACCOUNTABILITY ASKS TO SEE TAX DOLLARS' RESULTS

(By Dana Priest)

Unless suspected of financial shenanigans or subjected to the curiosity of a given lawmaker, the thousands of government programs that gobble up the federal tax dollar each year are not routinely obligated to show that they produce results.

Some administration officials, members of Congress and public policy scholars argue that the intended results are usually not even defined.

"We ask: Was the money spent, was it spent on time and was it spent honestly?" said one administration official. "Rarely do I see the question: Was it spent effectively?"

In the private sector, there is the bottom line—the profit—by which a company's expenditures can be judged.

In the public sector, there is no equivalent.

"Performance-based budgeting" is the newest incarnation of a decades-old attempt to get federal agencies to define and then live up to a set of program goals subject to internal and congressional scrutiny.

Sen. William V. Roth Jr. (R-Del.). ranking minority member of the Governmental Affairs Committee has introduced legislation to call on agencies to do just that. The idea has attracted interest in the Office of Management and Budget. The committee has tentatively scheduled a hearing on the matter for late May. Rep. Jerry Lewis (R-Calif.) plans to introduce a House version of the bill Tuesday.

In performance-based budgeting, a program's funding would be linked to measurable objectives developed by its staff, the administration and Congress. After performance goals were specified, agency records, special surveys and other data would be used to measure how close a given program had come to reaching its goals.

Along with the Chief Financial Officers Act of 1990, whose goal is to create more financial accountability within each department and agency, the proposed Federal Program Performance Standards and Goals Act of 1991 is an example of Congress's desire to bring increased accountability into the budgeting and spending process.

Scandals at the Housing and Urban Development Department, the savings and loan debacle and abuses in the Pentagon procurement process recently have focused attention on the government's financial accountability.

To enhance the financial management functions of OMB, the Chief Financial Officers Act establishes a deputy director of management and an Office of Federal Financial Management within OMB. It also requires each executive department and agency to designate a "chief financial officer" to oversee financial activities and to produce an annual audited financial statement.

Performance-based budgeting takes the notion of financial accountability one step further: Shouldn't government also be responsible for making a difference with the money it spends?

Sweden, Canada, Britain, Australia and Denmark use performance budgeting. The city of Sunnyvale, Calif., has been measuring its performance for two decades. Phoenix, Dayton, Ohio, Florida and Oregon also are using the method or are planning to do so.

Oregon has established 160 measurable goals to help legislators keep track of the state's progress over the next 20 years. The goals include: Oregonians who commute to and from work during peak hours in other than a single-occupancy vehicle will be 29 percent in 1990, 40 percent in 1995, 50 percent in 2000 and 60 percent by 2010.

Wood and lumber sector employees involved in manufacturing products from wool and lumber once it leaves the mill will be 28 percent in 1990, 39 percent in 1995, 45 percent in 2000 and 50 percent in 2010. Overall crimes per 1,000 Oregonians per year will be 144 in 1990, 100 in 1995, 65 in 2000, 50 in 2010.

Duncan Wyse, executive director of the Oregon Progress Board, which put the program together and has presented it to the state legislature for approval this session, said the report card system will help focus the state's bureaucracy on the agreed-upon goals.

"It creates accountability in the budget process, a discipline that doesn't really exist," said Wyse.

The idea is not without its critics. Some government managers fear it will simply add another layer of paperwork and record-keeping to their chores, interfering with the real work at hand.

"The issue should never be whether you can measure something, but how do you use the measures," said Allen Schick, professor at the School of Public Administration at the University of Maryland. "The federal government is a massive data collection and measuring machine. The question is how do you get the government to use the data in a meaningful way?"

Schick argues that the most successful attempts at performance-based budgeting, which has gone under different names over the decades, work best when the goals of an agency are concrete, such as how many roads should be repaved in a given year and at what cost.

Then there is the problem of getting Congress to accept responsibility for what the government actually accomplishes with the money it spends.

"Will the appropriating committees really care?" Schick asked. "They control the inputs, but they don't control the outputs; that's the operational definition of a politician."

Bruce Johnson, assistant director for budget issues at the General Accounting Office, said measuring performance "would make the actions of the executive branch more accountable and call for Congress to be more specific as to what they want" from an agency.

GAO plans to study performance-based budgeting as it is being used on the state and local levels.

A CALL FOR ACTION ON CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in the House of Representatives who are seeking a peaceful, just settlement to the crisis of a divided Cyprus. In 1974, Turkish troops invaded this island nation in the Eastern Mediterranean and occupied the northern third of the country. Since then, Cyprus has remained divided despite numerous meetings between Greek and Turkish Cypriot leaders and calls for the withdrawal of Turkish troops by the United Nations Security Council.

Now, however, a window of opportunity for Cyprus has opened in the wake of America's military victory in the Persian Gulf war. That triumph has enhanced the chances for resolving the Cyprus conflict because the war has brought closer ties between the United States and Turkey.

Recently, I joined more than 40 members of the House of Representatives in signing a letter urging President Bush to seize this opportunity to resolve the crisis of divided Cyprus. Since then, I was pleased to learn that the subject of Cyprus was discussed in detail during recent talks between Mr. Bush and Turkish President Turgut Ozal. I am now hopeful that President Bush will follow through with his efforts to resolve the Cyprus conflict, which remains as an obstacle to relations between the United States and Turkey.

If the President makes the Cyprus conflict a priority of our foreign policy, then I am sure our government can assist in efforts to make meaningful progress on this issue.

One starting point that could lead to a breakthrough in the Cyprus conflict concerns the repatriation of refugees who were forced out of cities such as Varosha and Famagusta after the Turkish invasion of Cyprus. Since 1974, Turkish troops have kept Varosha and Famagusta sealed off from their former, Greek Cypriot residents. These once-bustling cities on the eastern coast of Cyprus are now ghost towns, which are quickly falling into ruin. The people of Cyprus are in danger of losing many centuries of cultural heritage because of the Turkish occupation of these cities.

Mr. Speaker, I urge the Turkish Government in northern Cyprus to take the first step toward peace by allowing the residents of these cities to return to their homes in accordance with U.N. Security Council Resolution 550. Such a move would set the stage for a permanent settlement that would safeguard the rights of minority Turkish Cypriots, while allowing displaced Greek Cypriots to return to their homes in northern Cyprus. Once the stalemate is broken, representatives from both sides can begin working toward a long-term settlement. A reopening of Varosha and Famagusta could provide the momentum needed to resolve other disputes, such as the question of compensation for Greek Cypriot refugees. A just peace will prevail only after agreements are reached on the resettlement of refugees and other issues related to the Turkish occupation of Cyprus.

INTRODUCTION OF THE DESIGN INNOVATION AND TECHNOLOGY ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, today I welcome the opportunity to introduce legislation once again with Mr. MOORHEAD, Minority Leader MICHEL, and dozens of our colleagues from both sides of the aisle, which is intended to address an important piece of the American competitiveness puzzle. At the urging of our GATT negotiators and our trading partners, who are currently involved in important talks on intellectual property rights issues, we are introducing an improved version of design protection legislation. I believe the time has come for our country to ensure that original designs, the area where competitive edge will be gained or lost in the future, will be safe from piracy by some of our trading partners.

The United States has excelled and continues to excel at designing products. However, this capability is not adequately protected under U.S. law. It is time that the United States act to stem the losses in export sales and jobs that result from inadequate intellectual property protection and product counterfeiting by our trading partners. A strong and properly enforced design protection law will be a great asset to our country's performance in making products more appealing and selling them in the world market.

As many remember, last year the House Judiciary Committee's Subcommittee on Intellectual Property held 3 days of hearings on design legislation. As a result of the testimony presented during those hearings we have made a number of modifications in the version of the legislation we are introducing today. These changes narrow the scope of the bill and deal with some of the concerns raised during the hearings. Highlights of the changes are as follows:

First, we have required that protected designs meet a standards of "originality" if they are to be protected. To meet this test a design must be the result of a designer's creative endeavor that provides a "distinguishable variation over prior work pertaining to similar articles." This variation must be more than trivial and must not have been copied from another source. This standard of originality strengthens language retained from H.R. 3017 as introduced in the 101st Congress, making it clear that a "shape, pattern, or configuration which has become standard, common, prevalent or ordinary" cannot be protected under the bill. Thus, merely generic designs cannot be repackaged and registered under this bill. Many typical items such as coffee cups, plates and other consumer items with a standard shape would not be protected unless some original design content were added.

Second, we have expanded the so-called parts interfit exemption to encourage, not discourage the continuation of a dynamic U.S. after market repair parts industry. Under the new bill the "mechanical interface, perimeter, or envelope restrictions necessary to permit the physical and functional substitution of an article" cannot be protected by a design and registration. This means that companies which manufacture and sell replacement hard parts for automotive and other products may continue to do so, even if the original equipment part is protected under the bill. The bill will be limited to its purpose of preventing the pure piracy or knock-off of a protected design. Of course, if the design is dictated solely by a utilitarian function it cannot be protected at all.

In addition, we have added to the protections already built into the bill for distributors and retailers who innocently trade in infringing products. The new bill gives sellers and distributors the right to sue for damages including lost profits, cost of materials and good will, as well as attorneys fees, in cases where they have wrongfully been subjected to an injunctive action by the owner of a design right. Punitive damages are also provided in such cases.

Also, we have made it clear that publishers will not be subject to infringement actions for reproducing, modifying or distributing printed materials even if these materials contain an infringing typeface. The aggrieved party will have to seek his or her remedy from the person who actually infringed the typeface itself.

Finally, in the unusual cases where a design may be eligible for protection under copyright or patent laws, we require that the registrant for design protection forego protection under those other statutes.

Mr. Speaker, we have limited the effect of this legislation to its very narrow purpose—preventing the pure and simple theft of the creative efforts of American designers and workers.

The Design Innovation and Technology Act of 1991 will give Americans the same right to reap rewards from their creative endeavors as those now enjoyed by citizens of nearly every other industrialized nation on Earth. While normally it is the United States which is leading the world in the legal protection of creative endeavor, we are still living with an archaic 19th century system in the case of original designs. And, we have rightfully been criticized by some of our important trading partners for promoting design piracy. The bill we are introducing today will give the United States a world-class design law we can all be proud of.

In this light, I look forward to working with the House Judiciary Committee's Subcommittee on Intellectual Property and its new chairman, Mr. Hughes to hold hearings on and pass design legislation in a timely manner. We must not miss this opportunity to encourage and enhance American competitiveness.

A TRIBUTE TO BARBER CONABLE'S DISTINGUISHED CAREER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Ms. SLAUGHTER] is recognized for 60 minutes.

Ms. SLAUGHTER of New York. Mr. Speaker, today I am honored to organize this special order to pay tribute to an extraordinary man, a predecessor of mine, and a neighbor, Barber Conable. For 20 years, Mr. Conable represented the people of New York's 30th District with remarkable distinction. Last month, Mr. Conable announced his plans to retire from the World Bank, where he has served as President for the last 5 years. As Mr. Conable prepares to leave the World Bank, it is appropriate for us to take the time to consider the legacy he has left us.

Barber Conable has been serving his country for almost 50 years. From distinguished service in the military during two wars to his celebrated career in the House of Representatives to his leadership at the World Bank, Barber Conable has always answered the call when his country needed him.

He finished his undergraduate studies at Cornell University in just 3 years, and, at the age of 19, enlisted as a private in the U.S. Marine Corps. He was a first lieutenant by the time he helped launch the assault on Iwo Jima. After serving with the occupation forces in Japan, he returned to Cornell to study law, graduating with honors. When the Korean war began, once again Barber Conable answered his country's call. Following the Korean war, Barber continued to serve in the Marine Corps Reserve for 20 years, retiring in 1972 with the rank of colonel.

Had Barber Conable limited his public service to military duty, this Nation would still owe him a debt of gratitude. But we are all grateful that Mr. Conable chose to serve his State and his Nation, first in the New York State Senate and then in the U.S. House of Representatives. Many of my colleagues recall the respect Mr. Conable garnered from both sides of the aisle during his remarkable two decades in the House. One of the House's most articulate spokesmen and a masterful legislator, Barber Conable served New York's 30th District well.

But Barber Conable's finest accomplishment, and I am sure he will agree with me, was that he married well. His wife Charlotte shares the love and respect Barber enjoys. She is admired for her dedication to the rights of women throughout the world and for her leadership and courage to make changes.

But despite their national reputations, both Barber and Charlotte were known for their special attention to local needs. Barber is greeted with genuine warmth and affection in his native New York because, despite his success in Washington, and in the world, he has never forgotten his small-town roots. Barber Conable has always kept in touch with the people back home, returning at every available opportunity.

He was never too busy or too important to talk with and listen to his constituents, especially the youngest among them. For instance, when a local schoolboy suggested a holiday honoring the inventors of popcorn and ice cream, Mr. Conable responded with his usual wit, "Your proposal is an understandable suggestion from a young man with a taste for the good things in life. This probably has not been approved because, as meritorious as those contributions are, they are not generally regarded as dominant, unique developments influencing the course of a nation."

Mr. Conable was able to win the respect and affection of his constituents because, at heart, he never really left Rochester and its nearby towns. Over the last 30 years, he has literally become a legend in his own time, a legend built on thousands and thousands of meetings, speeches, rallies, tours, and debates. He has answered letters, taken phone calls, talked to children, chatted with their parents, and listened to their grandparents reminisce. To this day, he continues his regular habit of getting together with his long-time friends and neighbors for some fine food and good company. In short, he has become a fixture in many people's lives.

Even when he moved on to become President of the World Bank, he still made a point of making it home for his annual Fourth of July appearance in the Genesee Country Museum, where he continued his traditional reading of the Declaration of Independence. His performance has been so convincing, in fact, that the crowd often booed the King of England. Of course, in typical style, Mr. Conable added his own touch to that important document, stating that "all men—and women—are created equal."

His constituents counted on Mr. Conable for everything from selling tickets at the firefighters carnival to officiating a snowshoe race, from dedicating a nursing home to helping out a church auction. As Mr. Conable explained it, "I'm a country boy."

An avid collector of artifacts from Native American tribes of New York's Finger Lakes region, a number of tomahawks adorned his congressional office, never failing to impress visitors. He also has been known to engage in lengthy conversations with other collectors of tomahawks, masks, bead works, and other artifacts.

Moving his desk was no easy task either. The antique desk, well over 100 years old, is about 6 feet tall and weighs 500 pounds. The magnificent desk boasts more than 100 compartments and cubby holes. It was quite a conversation piece in Mr. Conable's office, particularly since he bought the desk in 1959 for $25, after talking the owner down from the original $50 asking price. The desk is now worth thousands of dollars. It has been described by Barber Conable himself as "a cross between a juke box and an altar."

His sense of history and love of tradition could also be found in his collection of rare prints of the Capitol. These were graciously donated to the Library of Congress by Mr. Conable when he left.

Of course, his home in the town of Alexander, 45 minutes southwest of Rochester, is just as interesting as his office was. His 150-year-old farmhouse is filled with antiques, rare books, and Native American artifacts. The Conable homestead also boasts a magnificent garden, with about 90 varieties of trees that Barber planted himself.

Mr. Conable, a consummate American, never forgot his roots, and he brought the wisdom of life in a small town to the Nation's capital. There are few legislators who have garnered such universal respect from their colleagues, regardless of party or ideology, as Barber Conable has. Adept at the art of compromise, quick to grasp both the intricacy of tax legislation and the laws of politics, Mr. Conable sought his goals with graceful diligence.

In particular, he was a driving force on the Ways and Means Committee. He joined the committee during his second term, and became ranking minority member in 1977. To do so, he was forced to give up a leadership position on his party's policy committee, but the decision was not a difficult one. He told his consitituents, "The Ways and Means Committee is a great place for someone interested in legislating, in my mind the reason for being here, so I made it my preference." His hard work on the committee produced many successes, beginning with the State and Local Fiscal Assistance Act, which helped channel Federal money to lower levels of government, a result of 2 years of hard work.

☐ 1850

During his congressional career, Mr. Conable also left his mark on the Joint

Economic Committee, the Joint Committee on Taxation, the House Budget Committee, the Ethics Committee, and the President's Commission on Social Security Reform.

But his accomplishments were not limited to committee work. Mr. Conable was one of the leading sponsors of the Legislative Reorganization Act, which helped bring more accountability to Congress by instituting a host of reforms, including the public disclosure of committee votes. He applied this legislative expertise to a variety of tasks, from reforming Social Security to supporting the Equal Rights Amendment.

Mr. Conable brought not just intelligence and thoughtfulness to his work in the House, but also a remarkable sense of humor. He became famous for his "doodles," intricate drawings he sketched in long committee hearings. He joked that witnesses loved to testify before him because they thought he was an avid note-taker. When a news reporter broke the "doodle story," Mr. Conable declined to furnish an example of his art work because, he said, "I'm afraid that some psychiatrist would get hold of it and determine that the convolutions of my mind deserve further analysis." Once his secret was exposed, however, Mr. Conable's doodles even managed to generate a little extra cash for a good cause. At a fundraising auction, a local church in New York State got $30 for a famous Conable doodle. His doodles were also displayed at the Hays-Adams Hotel in Washington, DC.

In 1984, after 20 years of extraordinary service, Mr. Conable announced his retirement from the U.S. House of Representatives, citing the need for new generations to add their voices and ideas to the democratic process. He explained, "Everyone has his own timeframe; for me, 20 years is long enough," Mr. Conable's departure was greeted with regret from colleagues and constituents alike. I can tell you from personal experience, he left big shoes to be filled.

Less than 2 years later, he came out of retirement to run the World Bank, which provides more than $20 billion in loans and grants to developing nations around the world and plays a major role in the world's economic system. He proceeded to reorganize the Bank, which has over 150 member nations, challenging old procedures and structures. By all accounts, the Bank has thrived under his guidance.

Mr. Conable has made fighting poverty in developing nations the World Bank's top priority, arguing that certain social needs must be met before a developing nation's economy can successfully grow. Recognizing that the role of women in developing countries had long been ignored, Mr. Conable created a woman in development division. He has been a strong advocate of women's health care and a vigorous proponent of family planning.

The World Bank, under Mr. Conable's leadership, has also made great strides in protecting the environment in the developing world. He created a new department for environmental issues, staffed it with 50 specialists, and began producing environmental impact statements for World Bank projects.

Mr. Speaker, these are just a few examples of the innovative approach Barber Conable has taken to address the many daunting problems faced by developing countries. His contributions to the World Bank, to the U.S. Congress, and to his country over his lifetime have been innumerable. I am pleased to consider him a friend.

Mr. BOEHLERT. There is an old saying, Mr. Speaker, "Everyman's work, whether it be literature or music or pictures or architecture or anything else, is always a portrait of himself."

Today, we pay tribute to Barber Conable, Jr., upon his retirement as president of World Bank. Barber's career, a career that has spanned over 40 years, from attorney to Congressman, to business leader to World Bank president, is a portrait of a man, a masterpiece of public service, dedication, hard work, and most importantly, caring, not only for the job that he did, but a genuine love for the people he met along the way.

A Member of the U.S. House of Representatives from western New York from 1965 to 1985, Barber served 18 years on the Ways and Means Committee the last 8 years as ranking Republican. The Congressman acted in various capacities for the Republican leadership, including chairman of the Republican research, and policy panels. The Empire State lawmaker also utilized his skills as a member of the joint Economic, House Budget, and Ethics Committees. While in Congress he served as a senior fellow at the American Enterprise Institute, and as a distinguished professor at the University of Rochester.

There's also an old saying, "Nice guys finish last." Well, whoever said that obviously never met Barber Conable.

During his two decades on the Hill he developed many close and valued friendships, including another with a Congressman from Texas named George Bush. The two became friends when the young lawmakers sat together on the Ways and Means panel. It was through this friendship that he met Jim Baker. Barber Conable remained so close to Mr. Bush that he became chairman of his campaign finance committee in 1980. George Bush, Barber Conable, and Jim Baker—dear and lasting relationships that grow stronger every day.

His career in Congress at full tilt, at the center of power in Washington, Barber surprised everyone when he announced his retirement from the House of Representatives in 1985. "For me," he said "20 years is long enough."

Following work on the boards of four multinational corporations and the New York Stock Exchange, as well as service to the Nation on four Presidential commissions, in July of 1986 Barber began his term as president of the World Bank Group. His objective: to promote economic development in developing member countries. Described by many as an idealist who expects the best from his people, the job was a good fit. He directed the huge institution to alleviate poverty as its top priority. He pointed out that population growth in the Third World had to be limited to cope with the moral outrage of widespread poverty in poorer countries.

He emphasized the need to control population and give special heed to the problems of women internationally. A repeated theme of his speeches became the linkage of women's problems to those of family, health and education.

Barber renewed the organization's commitment to educational development and worked to double the institution's lending for education projects. He urged all member nation's to "lay the foundation for a new and effective alliance, committed to ensuring that the people of this world . . . will not be deprived of their fundamental right to education."

In a March 1990 speech to an international conference on education, Barber Conable outlined his vision:

> Reducing poverty is at the heart of the development process and central to the World Bank's mission . . . The poor cannot join in the struggle against poverty unless they are equipped to identify opportunities, and seize them . . . (Education) is crucial to the empowerment of people.

While at the World Bank, Conable was gutsy enough to call attention to how much money Third World nation's were spending on armaments, opposed to human resources development. His futuristic thinking is now recognized as particularly on the mark as the world views in horror the havoc that Saddam Hussein has wrought to his people. Barber said it best:

> Governments must be willing to shift resources from socially less productive uses—such as defense and subsidies for public enterprises—to human resource development.

Mr. Conable heard, and responded to, the growing demand in the poor countries to the necessity of making sure that the bank's money, as it financed construction activities around the world, didn't destroy the environment. Following in the footsteps of Republican environmentalists like Theodore Roosevelt, he drove World Bank loan officers to consider the potentially negative effects on the environment of its operations around the globe.

During his last 2 years, Barber took an active role in helping to seek debt reduction for poorer countries. He also kept an open mind to the possibility that the Soviet Union might join or be associated in some way with the World Bank, and its sister institution, the International Monetary Fund.

With his friends on Capitol Hill, Barber accomplished a major objective, with his old friend Baker's backing: an unprecedented boost of the bank's capital, over several years, from $90 to $174 billion. He led a reorganization for an institution that now provides more than $20 billion a year in loans and grants to the world's poorest countries and serves as a pillar of the global economic system.

At the age of 68, and after 5 years on the job, it is again time to move on. Reflecting on his time with the World Bank, he said, "I'm pleased with what we were able to accomplish, especially in terms of care for the environment and attention to the problems of women." Pulled by a desire to spend more time with the family, in September Barber will retire from his post to his home in Alexander, NY, with his wife Charlotte, to spend more time with their three daughters, a son, and grandchildren.

Barber Conable's work at the World Bank, as in every undertaking he entered in his distinguished career, is based on a love for the institution, and those that work there. Now in his retirement he deservedly has time to pursue his other loves, which include among other things, a collection of Indian artifacts, quotations from Shakespeare, and studying the ups and downs of the Stock Market.

So, Mr. Speaker, today we gather to salute a man and his career. A career, that when examined is triumphed not only by the positions he achieved and the dedicated service to his country, but more importantly by those who were privileged to have met him, and have had the chance to learn the deep resources of his friendship.

An early historian, commenting on attributes of public service, once wrote:

> Real excellence, indeed, is most recognized when most openly looked into; and in really good men, nothing which meets the eyes of external observers so truly deserves their admiration, as their daily common life does with that of their nearer friends.

Barber Conable is truly an example for us all of real excellence in public service, and I wish him well in his retirement.

Mr. NOWAK. Mr. Speaker, it's a pleasure for me to join my colleagues in participating in this tribute to Barber Conable. As we know, Barber, one of western New York's most accomplished and admired public servants, will retire after a 5-year term as president of the World Bank on September 1.

Barber Conable's career at the World Bank has been distinguished by an extensive list of accomplishments that focused its resources on areas such as poverty, the environment, women's issues, and Eastern European recovery.

Barber Conable's presidency at the World Bank capped a long and successful career as an elected official at various levels of government in New York. Barber served in the Marine Corps during World War II and the Korean War; he then remained in the reserves for over 20 years. In November of 1962, Barber was elected to the New York State Senate where he held the 53d District Senate seat for one term. He was next elected as U.S. Congressman from New York's 30th Congressional District in 1964. During his 20 years in Congress, he distinguished himself as the senior minority member on the House Ways and Means Committee and as a highly respected legislator.

Summing up the feelings of many toward Barber Conable was the way Hobart Rowen began a column in the Washington Post March 14, 1991, titled "The Conable Years: You're unlikely to meet a nicer, brighter or more highly principled man than Barber B. Conable Jr."

I feel honored to have worked with him during the years that we shared in Congress and would like to join his many friends and those who benefitted from his dedicated leadership in congratulating him on an exemplary career and wishing him well and continued success in the future.

Mr. SCHULZE. Mr. Speaker, I have the very great honor and privilege today of paying tribute to a colleague and friend from New York, Barber B. Conable, Jr. Barber and I spent countless hours together, working in the Ways and Means Committee on legislation significantly influencing the quality of life in our Nation.

The occasion that brings me before this body is recognizing this great American upon his retirement as President of the World Bank.

Let me go back a few years. Barber has given America a lifetime of service that began in 1942. Upon graduation from Cornell University, he immediately enlisted in the U.S. Marine Corps.

Barber was serving as a first lieutenant when he joined thousands of Marines on the beach of Iwo Jima, the first day of the invasion.

After the war, Barber returned to Cornell for a law degree. He achieved his goal in 1948 when he graduated with honors, and joined a Buffalo law firm.

During the next decade, Barber served for 5 years as the Republican city chairman, and also served as campaign chairman for the Genesee County Republican Committee.

Also, he held posts with the Batavia Rotary Club, the Genesee Council of Boy Scouts, the Genesee County United Fund, and the Western New York Hospital Review and Planning Council.

Barber could have spent the rest of his life working at a thriving law practice, enjoying his community service, and spending long happy days with his wife Charlotte and their four children.

But Barber used his boundless energy for others and launched a public career which began in 1962 when he won election to the New York State Senate.

His impressive work there lasted only 2 years, because in 1964 U.S. Congressman Harold C. Ostertag from the 37th District of New York decided to retire. Barber Conable won the election to fill Ostertag's seat. This began a 10-term career for Barber which he served with distinction.

Nearly from the beginning, Barber served on the Committee on Ways and Means.

This was an important committee assignment for Barber who said of his work, "The Ways and Means Committee is a great place for someone interested in legislating, in my mind the reason for being here, and so I made it my preference."

His days in Washington also included service on the Joint Committee on Taxation, the Standards of Official Conduct Committee, the Budget Committee, the House Administration Committee, and the Joint Economic Committee.

In addition to those official duties, Barber served as head of the Republican Research Committee in 1971, and later as chairman of the House Republican Policy Committee.

He gave up that latter post to succeed former President Gerald Ford as minority leader in 1973.

This is just a sketch of the lifetime of service to which Barber Conable has been devoted. In addition to this service, Barber showed himself to be an honorable and ethical man. He was a firm advocate of campaign finance reforms. He leads by example, refusing to accept contributions of more than $50 from a political action committee or private donor.

He believed in being accountable for his actions. He kept in close contact with his constituents through his newsletter, The Washington Report, so they could keep current on legislation affecting them.

And he didn't rely on his newsletter to be his only mode of communicating to those he represented. He returned to his district for at least 40 weekends during each of his years in Congress—talking with his constituents about important legislation and public policies.

His work garnered him consistently high ratings from the National Alliance of Businessmen, the Americans for Constitutional Action, and the American Security Council. Those high ratings were greatly deserved.

When Barber announced his retirement from Congress, few who knew him doubted that he would continue a life of service. As President of the World Bank, he made fighting poverty his top priority.

He helped the emerging democracies in Eastern Europe by giving them loans to help build market economies and a strong financial structure.

Also while President of the World Bank, Barber instituted an awareness of environmental issues. As a hunter and sportsman myself, I greatly appreciate this interest from a financial leader in the protection of our vital natural assets.

Barber has now announced his retirement from the World Bank. Having had the pleasure and honor of working with him, I can say with certainty that his service to those around him will not end. Where Barber sees a need, he will meet it, where he sees a void he will fill it. It is a lifelong pattern. It is habit worth cultivating.

I say with a grateful heart, thank you Barber for all you have done—for your military service that kept this Nation free, for your public service that kept this nation strong, for your private service that kept this Nation vital.

Mr. RAY. Mr. Speaker, I would like to thank the gentlewoman from New York [Ms. SLAUGHTER], for taking out this special order for our former colleague and World Bank President, Barber Conable.

I had the great privilege to serve with Barber Conable before his retirement from the House of Representatives.

Let me say as a Representative from Georgia and a Democrat, that Barber Conable was a true scholar, statesman, and gentleman. As ranking minority member of the House Ways and Means Committee, Mr. Conable earned the admiration of his colleagues on both sides of the aisle for his effective leadership, and his unparalleled knowledge of the U.S. Tax Code. At home, Barber Conable earned the respect of his constituents by never losing sight of the needs of the individual taxpayer, the small businessman, the student, or the elderly.

Today we honor Barber Conable for his accomplishments since his retirement from the

House in 1984. In the years following his retirement from this House, he has continued to serve the needs of people from all walks of life. Since July 1, 1986, Barber Conable has served as president of the World Bank. He has, in his short tenure, succeeded in increasing the Bank's capital from $90 billion to $174 billion. Moreover, Mr. Conable has proven himself a master of political problem-solving by successfully negotiating the demands of all 151 members of the World Bank.

In addition, Mr. Conable has been able to bring the Bank back on course toward its original goal of poverty reduction. These are but a few of his many contributions to the World Bank and its community, but they are significant, and they are a reflection of this gentleman's lifelong commitment to excellence in all that he pursues.

There are few men who exhibit the type of dedication, integrity and commitment to the people, and problems of this world.

Barber Conable served his constituents well during his tenure in the House of Representatives, and has served the world community during his presidency at the World Bank. His leadership will be missed at the World Bank. However, I have a feeling that the gifts of this man will continue to be utilized. Barber Conable will always be a leader, a spokesman for those without voices, and a gentleman in whatever he chooses to pursue. I wish him continued success. I have no doubt he will continue to set new standards for excellence in all that he does.

Mr. LAFALCE. Mr. Speaker, it is with admiration and gratitude that today we honor a former colleague of ours, Barber Conable, upon his retirement from the World Bank. The Congress remembers Barber as a legislator of tremendous accomplishment and intergrity, the country knows him as an extraordinary public servant, and many people, including myself, know him also as a good and decent friend. He has left a mark on public policy in this country that will last for generations, as a legislator for 20 years and then as president of the World Bank for the past 5.

In his 20 years in the House, representing western New York, and 8 years as ranking Republican on the Ways and Means Commitee, Barber became a leading authority on fiscal policy and was clearly one of the most influential legislators in the U.S. Congress. But his contribution was more than just the sum of his legislative accomplishments. Barber was widely respected for his honesty, integrity, and overriding commitment to public service. His approach—bipartisan, common sense, personable, and above all principled—remains a touchstone for the rest of us in a time when partisan posturing seems too often to take precedence over everything else.

We all thought that Barber had retired at the end of the 98th Congress in order to return home to Alexander after a job well done in Congress. But then when Secretary Baker announced his choice to be president of the World Bank in 1986, it was greeted with enthusiasm by Barber's former colleagues on Capitol Hill. Those of us in Congress knew, based on Barber's record of competence and integrity, that he would make a very capable head of the World Bank. What we did not know then was the remarkable degree of vision that this man would bring with him. Barber had definite ideas on what the World Bank's priorities should be, and set about redirecting the Bank's operations to conform with those priorities. The result is a World Bank that today has a more direct and substantial effect on the quality of life of the billions of people that live in the developing world.

In his 5 years at the World Bank, Barber has focused the Bank's operations on promoting not economic growth per se, but economic growth whose goal is reduction of poverty and improvement in the quality of life. As Barber said in a speech last September, success in reducing poverty should be the measure of global economic progress, and is now the integrating theme of the many facets of the Bank's work. Barber supported the shift in Bank priorities away from glamorous development projects, such as sports stadiums and grand office buildings, and toward operations which lacked, perhaps, the glamour, but had a much more profound effect on people's lives. Such operations include rural credit, small scale enterprises, rural roads, fisheries, irrigation, agricultural extension, drinking water, sewerage, and urban housing.

Under Barber's leadership, lending for education topped the $1 billion mark for the first time in fiscal 1990. The Bank is now in a position to meet Barber's pledge to increase education lending over the next 3 years to an annual figure of more than $1.5 billion. The Bank has also increased lending for basic health care, family planning, and nutrition to nearly $1 billion per year.

With the support and inspiration of his wife Charlotte, Barber has steered the Bank's attention to the rights and problems of women in developing countries. The Bank has moved to expand economic opportunities for women, while easing their burden in securing food, water, and health services for their families.

One of Barber's most important legacies at the World Bank is the integration of environmental concerns into the Bank's operations. A full environmental impact assessment is made for every project that could have a substantial effect on the environment, and nearly half of the loans and credits approved by the Bank last year contained environmental elements. World Bank loan officers now routinely consider the potentially negative effects on the environment of the Bank's operations. And late last year, the Bank, under Barber's leadership, established a $1 to $1.5 billion global environment facility to help developing countries preserve the environment.

Barber can look back on his years at the World Bank as a wonderful capstone to a quarter century devoted to public policy. Although he will finally be fulfilling his pledge of 7 years ago to return to western New York to be closer to his three daughters and three—soon to be four—grandchildren, I hope that in the coming years he will continue to counsel his colleagues in Congress and the executive branch on matters relating to the world economy.

Mr. BEREUTER. Mr. Speaker, this body is here to pay tribute to our former colleague Barber Conable of New York, who has announced that he will be retiring in September of this year after 5 years of admirable service as President of the World Bank. In this body Mr. Conable was known for his broad and humane vision of the public good, and the respect and affection with which he worked with all of his colleagues. He has brought this same vision and humaneness to his work at the World Bank, and we can all be grateful that the world is now a better place because of it.

Barber Conable has been a passionate advocate for the 1 billion people in the world—one-fifth of the human race—who live at the utter extremity of poverty, with income of less than $1 per day. He made this the theme of the World Development Report issued by the World Bank in 1990 and emphasized to the 152 member countries of the World Bank at the annual meeting last September that the measure of global economic progress in the 1990's should be success in reducing abject poverty.

Barber Conable has been a persistent advocate for more attention to environmental issues in the World Bank, and reorganized the Bank in 1987 to make this happen. He campaigned tirelessly on behalf of improving the conditions of women and children, especially in economic opportunity, safe motherhood, and education. He and his wife, Charlotte Conable, have visited almost every country in the world during the past 5 years, meeting with people at all levels, from the head of state and the financial community to the slumdwellers and rural women.

As the largest lending institution in the world, with over $20 billion in lending each year, and the leading source of economic analysis of development issues, the World Bank is no stranger to statistics. Yet Barber Conable managed to keep the focus on the broader picture and on the human picture, reminding the World Bank staff and the leaders of the world that "these statistics are really people, with the tears wiped off".

In Washington, DC, this Member and his colleagues will miss his broad vision and care for the real improvement of the human condition, but this body recognizes that Barber Conable has set all of us and the new President of the World Bank, Lewis Preston, a magnificent example through his public service.

Mr. SCHUMER. Mr. Speaker, I rise today as part of a special order honoring Barber Conable, one of our Nation's finest public servants. For more than 30 years, he has been a standout public servant, a model and an inspiration to others. As an officer in the United States Marine Corps during both World War II and Korea, State senator, Member of Congress and as President of the World Bank since 1986, he has consistently demonstrated powerful, wise, and dignified leadership.

As a Representative from New York, Mr. Conable served as ranking Republican on the Ways and Means Committee. He was a leader in the 1984 overhaul of the tax code, and helped shape crucial reform legislation including the 1983 agreement to keep the Social Security system afloat. During his 20 years in Congress he impressed his peers with his exceptional ability and dedication to the public welfare.

Mr. Conable left Congress in 1984, and in 1986 he was appointed President of the World Bank for a 5-year term. During this tumultuous time he has led the World Bank with an admirable combination of prudence and willingness to take calculated risks.

As Mr. Conable steps down from his position at the World Bank, there is wide consensus that his stewardship of this vital international institution has been of great credit to the United States. He has proven in the face of international skepticism that the best solutions to the world's economic problems are market-oriented solutions.

During his term at the World Bank, Mr. Conable secured an increase in the bank's capital from $90 billion to $174 billion, shepherding the U.S. commitment through an ever-wary Congress. In many ways, that increase is a reflection of the trust and respect with which Mr. Conable is held throughout the international community. Armed with this capital increase, he has orchestrated over $20 billion in loans to developing countries every year. In addition to these great achievements, Mr. Conable has changed the face of the World Bank forever by initiating programs specifically aimed at assisting women in developing countries, and by emphasizing long-term solutions to economic problems rather than short-term fixes.

I salute my fellow New Yorker as he ends his term at the World Bank. His success there will be hard to match, for throughout his distinguished career, Mr. Conable has been a brilliant and consistent leader. Please join me in honoring him today.

Mr. CRANE. Mr. Speaker, we hope that this time Barber Conable decides to really retire. He certainly deserves the rest which he first decided to take 6 years ago. That retirement from service to his country lasted but a year and a half. On July 1, 1986, he answered the call to serve and took on the difficult post of President of the World Bank.

We had the privilege and pleasure of serving with him on the Ways and Means Committee for over a decade. He was a dedicated Member of the House as well as of the Ways and Means Committee. Republican members of the committee remember well how we gathered in his office in 1981 to work out our version of a tax cut package for President Ronald Reagan. It was there that, as ranking Republican on the Ways and Means Committee, he led us in our efforts to draft legislation needed by the President. Barber Conable was untiring as he led his party's delegation in the endeavor. That Republican alternative was eventually adopted by Congress and played an important role in the revitalized economy which President Ronald Reagan crafted for this country. For the past 5 years he has faced new challenges as President of the World Bank.

Barber Conable's first service to his country took place in World War II when he volunteered for the military. As a marine, he served on Iwo Jima and in the occupation forces in Japan. Later, he was recalled to active duty during the Korean conflict. He retired as a colonel in the Marine Corps Reserve.

Barber Conable has led a life devoted to his country. He deserves retirement. May it be a long, pleasant, happy one.

Mr. ROE. Mr. Speaker, I congratulate the gentlewoman from New York, Ms. SLAUGHTER, for taking this special order to pay a well-deserved tribute to our distinguished former colleague, Barber Conable.

His retirement as President of the World Bank closes the latest chapter in an illustrious life devoted to the service of his country and the world.

From the time he joined with his fellow marines in World War II to assault the beaches of Iwo Jima, Barber Conable has been a leader in the fight to make the world a better place, today and in the future.

In his 20 years in this body, he left a lasting impact on the procedures of the House and on a vast array of legislation. As the ranking Republican on the Committee on Ways and Means for 8 years, he demonstrated a broad vision that was national in scope yet indicated true concern about the individual.

Judging by the unanimous praise for his 5 years as President of the World Bank, Barber Conable has shown the same gifts of vision and leadership at the World Bank that he demonstrated in 10 terms in the House.

He has turned the World Bank toward the issues of reduction of poverty, environmental, population control, debt reduction, family, health, education, and the role of women in the Third World. Just as important, he obtained commitments to double the capital of the World Bank.

In addition to his time as a New York State senator, Congressman and President of the World Bank, Barber received repeated votes of confidence from the White House, serving on Presidential Commissions on Private Sector Initiative, Social Security Reform, Chemical Warfare Review and Defense Management.

I consider it a true honor to have served with Barber Conable in the House for 15 years. His contributions on issues as varied as Social Security, revenue sharing and legislative reorganization made a lasting mark on the Government and the Nation.

I wish Barber, his wife, Charlotte, and the rest of the Conable family all of the best in their next endeavor. I know that whatever Barber may choose to do, he will be a leader in the fight to make the world a better place.

Mr. GREEN of New York. Mr. Speaker, I rise today to recognize my very good friend and former colleague, Barber Conable, who recently retired after serving as president of the World Bank for the past 5 years.

While serving in the House of Representatives, Barber Conable attained the status of ranking minority member on the Committee on Ways and Means, and earned the utmost respect of all of his colleagues.

After a long and illustrious career on Capitol Hill, Barber was chosen to lead the World Bank in its purpose of promoting economic and social progress in developing nations by raising productivity in order to increase the living standards of their citizens. Mr. Conable stressed the importance of the environment, population control, and education while at the same time making the fight against poverty the World Bank's top priority. Most recently, Barber was a proponent of the loans funded by the World Bank and directed to the faltering economies of the Eastern European nations, which are struggling to survive as independent and democratic nations.

I thank my colleague, Louise Slaughter, who now serves the constituents of the 30th District of New York as Mr. Conable did so ably for 20 years, for sponsoring tonight's special order in Mr. Conable's honor. I should also like to join my colleagues in wishing Barber and Charlotte a healthy and happy retirement.

GENERAL LEAVE

Ms. SLAUGHTER of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order in tribute to the Honorable Barber Conable upon his retirement from the World Bank.

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

ENVIRONMENTAL CONSEQUENCES OF THE GULF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 60 minutes.

Ms. PELOSI. Mr. Speaker, I rise today to call attention to an issue and a situation that has the concern of many of the families in my district who have children, husbands, brothers, and sisters in the Persian Gulf. Mr. Speaker, while agencies and task forces take samples and analyze data to determine the health risks of Saddam Hussein's ecoterrorism, there can be no doubt that U.S. troops stationed in the gulf are being exposed to an unusually high amount of air pollution. The calls I have received from the families of troops in the Persian Gulf from my district are concerned that the troops are not home yet. Some of them have conveyed to their parents that they will not be home until September, after a long, hot summer in the Persian Gulf, and they are very concerned about the atmosphere of the air that they breathe while they are in Kuwait.

Mr. Speaker, thick clouds of black smoke from the well fires have been spewing into Kuwaiti skies for over a month, obscuring the sun with air pollutants estimated at 10 times the amount produced by all the industrial and electric generating plants in the United States combined. Air pollution from oil well fires is so bad that soldiers stationed in the gulf need flashlights to see in the daytime, and the flags that fly over the newly liberated Kuwait are streaked with soot.

The Environmental Protection Agency has detected some air pollutants attributed to the gulf fires halfway around the world at its Mauna Loa station in the Hawaiian Islands.

Larry Flak, the American engineer coordinating fire fighting efforts, says, "We guess about 520 or 530 oil wells are burning, but surveys are still going on."

Douglas Dockery of the Harvard School of Public Health warns that cancer and cardiovascular disease may increase due to the fires, but that it will be years before we know the full extent of the health risk.

From the ground, however, there is less uncertainty. Said U.S. Sgt. Mike Poss, who is serving in the gulf, "We're not stupid. They say the pollution is no worse than New York City. I have been to New York, and it doesn't look like this."

Sergeant Poss' remarks were echoed by Mort Lippman of the New York University Medical School, who said, "Nobody has ever been exposed to something like this before."

Atmospheric pollution on this scale has not occurred in our history. We need to be aggressive in our pursuit of data so that we have a better idea of the long-term effects of the toxics overwhelming the air, land, and water of the gulf region. Some of these pollutants may turn out to be carcinogenic. For our troops we could have another agent orange.

Mr. Speaker, it is imperative that we provide our troops with whatever medical attention they need, now and into the future, to cope with the health effects of exposure to pollution resulting from the gulf war.

We must also increase our commitment to assist in environmental restoration of the gulf area and to protect civilians in the region from Saddam's ecoterrorism.

Mr. Speaker, our colleague, the gentleman from Florida [Mr. GOSS] has introduced a resolution condemning Saddam Hussein's ecoterrorism. I thank him for his leadership in keeping this issue before us and also for his leadership in the action he has taken.

Mr. Speaker, as we speak tonight, the gulf itself is surging with oil. Three thousand barrels a day continue to pour into the gulf from offshore oil rigs. This amounts to an *Exxon Valdez* oil spill every 3 months.

According to the Environmental Protection Agency and the National Atmospheric and Oceanic Administration, 4 million barrels have been spilled into the gulf waters, making this the largest oil spill in the history of the world, eight times that of the *Exxon Valdez*.

Mr. Speaker, the oil has severely damaged the Saudi shrimp fishery, the coral reefs, and the ecosystems that provide vital habitats for endangered sea turtles and marine mammals. Over 100 small islands provide excellent and internationally significant habitat for sea turtle nesting and for migratory birds. The northernmost coral reefs in the world are found in the gulf.

There were many warnings about the possibility of oil spills and other assaults on the environment. When we had the debate on the issue of sanctions before this body, these issues were brought before the House of Representatives in the course of that debate. It was not restricted to our debate.

Headlines across the country warned: "War in the Gulf, an Environmental Perspective," "Wars and Environmental Implications Go Beyond a Simple Desert Storm," "Targeting the Environment: A Casualty No One is Counting—The Earth," "Vital Saudi Water Plant Prepares for Oil Slick," "Environmental Disaster Feared in Persian Gulf," "The Hidden Casualties: The Environmental Consequences of the Gulf Conflict," "Experts Warn of Global Fallout from Warfare." "Damage of Oil Across the Globe." "Saddam Hussein Could Respond to Attack by Unleashing a Massive Oil Spill in Gulf," and well he did. "Waging War on the Earth."

□ 1900

This was a predictable consequence of war. Unfortunately, we were dealing with someone who had no regard for human life, and no regard for the environment, in the person of Saddam Hussein. But now we have to deal with the consequences of his ecoterrorism.

Yet, despite these warnings, much of the advance planning needed to address this crisis was nonexistent.

Booms arrived after the oil slick was detected; dikes were not constructed in time to prevent marine areas from being flooded with oil; and critical equipment needs were not addressed early on.

Today, there is still no around-the-clock monitoring of the air quality in Kuwait.

EPA has conducted a preliminary study and issued its report on air quality. At this time, EPA reports that there is no danger to human health, although they admit that the jury is still out.

This study is inadequate for determining the immediate, as well as longer term effects of breathing the high sulfur and nitrogen content in the air.

This is the concern of the parents and families of the troops in the Persian Gulf from my district, and, I have learned, from the districts of some Members in the House who have also heard from their constituents on this point.

The apparatus for monitoring the area is still not in place. EPA has plans for more complete monitoring, but the pace to accomplish this basic first step has been slow, due partly to Saudi Government delays.

No research has been done on possible damage to the food chain.

Generally, there has been a lack of coordination, a lack of equipment, and a lack of initiative by the U.S. Government to respond to this serious environmental situation.

WHAT MUST WE DO?

There must be a stronger international environmental code for war, including enforcement mechanisms to be applied against violating nations.

Sophisticated technology has increased the range, speed, and accuracy of war weapons. During the gulf war, oil wells, refiners and chemical plants, and nuclear facilities were bombed, with the potential for emitting poisonous gases into the atmosphere. These pollutants may be detected in soil, ground water, and other areas of the environment for years.

The environment cannot be held hostage; war on the environment is unacceptable.

Because mined oil fields are preventing firefighters from approaching some of the oil fires, military strategies must be put in place to ensure that the mines are cleaned as quickly as possible from the fire areas.

Air pollution cannot be controlled without this strong effort to sweep the area free of mines.

To address the immediate crisis, Congress must take actions.

I have called upon the Subcommittee on International Organizations to hold hearings on the environmental effects of the gulf war. Chairman YATRON has agreed to hold hearings next week which will address the issue.

I might add that on his own, the gentleman from Pennsylvania [Mr. YATRON] has demonstrated great leadership on this subject. Were it not for him, we would not have the opportunity next week for us to gain the important testimony that is necessary for us to proceed.

Congressman GILMAN and I are circulating a letter to the President urging him to take quick action to implement section 309 of the dire emergency supplemental for fiscal year 1991. The bill encourages the administration to work toward the creation of an international agreement for environmental monitoring, assessment, remediation and restoration in the Persian Gulf region.

I invite Members to join the gentleman from New York [Mr. GILMAN], along with many other Members in the House, and me, in signing this letter to the President.

Because of the unique position of the United Nations Environmental Programme [UNEP] to help in this crisis, Congress should help by approving a voluntary appropriation to the UNEP "special environmental fund" used to address the environmental problems created by the gulf war.

Mr. Speaker, the United States, in conjunction with its coalition partners, has an opportunity to make an important difference. We can and must step up to the task. Our soldiers need medical attention to ensure their future well-being; the people of the Persian gulf need our help to stave off the health risks and economic hardship that will follow this environmental crisis; and the world community needs an international code of conduct that will strongly discourage future military aggressors from using environmental destruction as a weapon of war.

I would even go further than that, than discourage, but would strongly punish future military aggressors from using environmental destruction as a weapon of war.

Mr. Speaker, much has been said in the press in the last week and a half and in other areas of debate about the Kurdish situation, and indeed it is a sin against humanity to see what is happening there and our inability to effectively deal with it. But some leadership is being taken on that now, and we must do everything we can to meet the needs of the Kurds who are fleeing Iraq.

Mr. Speaker, while we are doing that, we must also pay attention to the environmental damage which our troops are being exposed to, as well as the other people who live in the region. To do anything less, to ignore what is happening to the Kurdish people and to ignore the damage to the environment, is to dishonor the God who made them all.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, history books will likely record Saddam Hussein as the loser in the Persian Gulf war; he may have lost on the battlefield, but I'm sure most of us would agree that the real losers in the war are the innocent civilians of Iraq, the Persian Gulf States, and the environment. When Saddam Hussein declared war on the environment by releasing millions of gallons of oil into the Persian Gulf and torching more than 700 Kuwaiti oil wells, the world was shocked and angry. People wanted to be sure that Saddam will be made to pay for his arrogance and unbelievably destructive actions. The United Nations responded to these concerns by including in the cease-fire agreement a provision holding Iraq liable under international law for all losses and damage associated with its invasion and occupation of Kuwait—including the environmental degradation. People say time heals most wounds—and certainly as more time passes it is easier for us to adjust to what's happened. But time should not make us forget or lose our sensitivity to this terrible tragedy. Although the oilspill is contained, the waters and shoreline have yet to be cleaned. Although our international emergency teams are slowly putting out the oil well fires, black smoke still fills the air. And, even when we've finally gotten the immediate crisis under control, the people and the ecosystems of the Persian Gulf region will still suffer the consequences of Saddam's desperate vengeance for years to come. Mr. Speaker, who will pay for this needless and tragic destruction of innocent lives and precious resources? Loud and clear, let us with one voice all say, "Send the bill to Saddam."

GENERAL LEAVE

Ms. PELOSI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of my special order.

The SPEAKER pro tempore (Mr. WISE). Is there objection to the request of the gentlewoman from California?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING ON REVENUES FOR FISCAL YEAR 1991

(Mr. PANETTA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1991. This is the third report of the 1st session of the 102d Congress.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue levels in current level with those assumed in the conference report to accompany the budget resolution for fiscal year 1991—House Concurrent Resolution 310. The 302(a) allocations to House committees made pursuant to the conference report were printed in the CONGRESSIONAL RECORD on October 10, 1990, page H9280.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Section 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set forth in the budget resolution.

Section 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set forth in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985—House Concurrent Resolution 280, 98th Congress. The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985—Public Law 99-177, Gramm-Rudman-Hollings. This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports represent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, House Concurrent Resolution 310, on October 9, 1990. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumptions concerning legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees that are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f)(1) of the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget

Committee fulfills this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, April 10, 1991.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974, as amended, to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under H. Con. Res 310, the Concurrent Resolution on the Budget for fiscal year 1991.

In the House of Representatives, the procedural situation for fiscal year 1991 with regard to the spending ceilings (total new budget authority and total outlays) and the revenue floor is affected by Section 311 of the Congressional Budget Act of 1974, as amended by Public Law 99-177. Section 311(a) prohibits the consideration of a spending or revenue measure which would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause total revenues to be less than the appropriate level set in the budget resolution. Section 311(b) provides an exception to the 311(a) point of order for measures which would breach the ceilings on total spending in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of new discretionary budget authority or new entitlement authority under Section 302(a) of the Budget Act.

The intent of Section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—new discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 310 were printed in the Congressional Record on October 10, 1990, page H9280.

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1991 budget resolution, H. Con. Res. 310.

Sincerely,

LEON E. PANETTA,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1991 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 310

REFLECTING COMPLETED ACTION AS OF APR. 9, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,485,600	1,236,900	1,172,900
Current level	1,482,806	1,237,086	1,176,177
Amount under ceilings	2,794		
Amount over ceilings		186	
Amount over floor			3,277

BUDGET AUTHORITY

Any measure which provides budget or entitlement authority and which is not included in the current level estimate and that exceeds $2,794 million in budget authority for fiscal year 1991, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 310 to be exceeded.

OUTLAYS

Any measure which increases outlays and which is not included in the current level estimate for fiscal 1991, if adopted and enacted, would cause the appropriate level of outlays for the year as set forth in H. Con. Res. 310 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level revenue estimate and that exceed $3,277 million in revenues for fiscal year 1991, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 310.

FISCAL YEAR 1991 BUDGET AUTHORITY—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

	Current level budget authority
House committee:	
Agriculture	−742
Appropriations[1]	−469
Armed Services	+57
Banking, Finance, and Urban Affairs	−32
District of Columbia	
Education and Labor	
Energy and Commerce	−14
Foreign Affairs	
Government Operations	
House Administration	
Interior and Insular Affairs	+74
Judiciary	+3
Merchant Marine and Fisheries	−5
Post Office and Civil Service	+869
Public Works and Transportation	
Science and Technology	+1
Small Business	
Veterans' Affairs	−94
Ways and Means	−2,354

[1] See next table for detail.

Note.—Committees are over (+) or under (−) their 302(a) allocation for "discretionary action."

FISCAL YEAR 1991 HOUSE APPROPRIATIONS COMMITTEE DISCRETIONARY ACTION—COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

	Current level budget authority	Direct loans	Primary loan guarantees
House Appropriations Subcommittee:			
Commerce, State, Justice	+90	−11	−184
Defense	+88		
District of Columbia	+98		
Energy and Water	−127		
Foreign Operations		−17	−1
Interior			
Labor, HHS, Education	−359	−1	
Legislative Branch	−63		
Military Construction	−136		
Rural Development and Agriculture	+64	−112	−49
Transportation	−1		
Treasury, Postal Service	−4		
VA/HUD Independent Agencies	−119	−198	
Total	−469	−339	−234

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivisions for "discretionary action."

FISCAL YEAR 1991 ALLOCATION OF NEW ENTITLEMENT AUTHORITY [NEA] PURSUANT TO SEC. 302

[In millions of dollars]

Committee	Allocation	Reported[1]	Enacted[2]	Enacted over (+) under (−) allocation
Agriculture	+53	+1,309	−566	−619
Appropriations		+2,253	+2,253	+2,253
Armed Services		+2,209	+2,270	+2,270
Education and Labor	−120		+4	+125
Energy and Commerce	+305		+1	−304
Judiciary		+2	+2	+2
Post Office and Civil Service	−1,230		−1,390	−160
Veterans' Affairs	−65	+2	+182	+247
Ways and Means	−4,200		−3,182	+1,018

[1] These figures are used for 401(b)(2) of the Budget Act.

[2] These figures are used for 302(f) points of order.

Note.—The figures for the Armed Services and Appropriations Committees represent the full costs of the January 4.1 percent pay raise for Federal military and civilian personnel respectively. The pay raise was assumed in the budget resolution, but the New Entitlement Authority [NEA] was not allocated to any committee because the budget resolution assumed that the pay raise would be achieved through administrative actions.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 10, 1991.

Hon. LEON E. PANETTA,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the 1991 Concurrent Resolution on the Budget (H. Con. Res. 310). This report, for fiscal year 1991, is tabulated as of close of business April 9, 1991. A summary of this tabulation follows:

[In millions of dollars]

	Current level	Budget resolution H. Con. Res. 310	Current level +/− resolution
Budget authority	1,482,806	1,485,600	−2,794
Outlays	1,237,086	1,236,900	186
Revenues	1,176,177	1,172,900	3,277
Direct loan obligations	20,607	21,000	−393
Guaranteed loan commitments	106,940	106,800	140

Since my last report, dated March 6, 1991, the President has signed Public Law 102-16, Veterans' Education Employment and Training Amendments and Congress has cleared for the President's signature H.R. 1281, Dire Emergency Supplemental Appropriations for 1991; H.R. 1282, Operations Desert Shield/Desert Storm Appropriations for 1991; S. 725, Persian Gulf Conflict Supplemental Authorization; and H.R. 1285, Higher Education Technical Amendments. These actions increase the current level estimates of budget authority and outlays.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer).

PARLIAMENTARIAN STATUS REPORT, 102D CONGRESS, 1ST SESS., HOUSE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS APR. 9, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues	....	....	1,176,178
Permanent appropriations and trust funds	1,066,350	801,618	....
Other legislation	664,057	676,371	....
Offsetting receipts	−242,564	−242,564	....
Total enacted in previous sessions	1,487,843	1,235,425	1,176,178
II. Enacted this session:			
Extending IRS Deadline for Desert Storm Troops (Public Law 102–2)	....	....	−1
Veterans' Education, Employment and Training Amendments (Public Law 102–16)	(1)	(1)	–
Total enacted this session	(1)	(1)	−1
III. Continuing resolution authority	....	....	....
IV. Conference agreements ratified by both Houses:			
Dire Emergency Supplemental Appropriations for 1991 (H.R. 1281)	3,773	1,361	....
Higher Education Technical Amendments (H.R. 1285)	....	3	....
Total conference agreements	3,773	1,364	....
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution	−8,811	297	....
Total current level [2]	1,482,806	1,237,086	1,176,177
1991 budget resolution (H. Con. Res. 310)	1,485,600	1,236,900	1,172,900
Amount remaining:			
Over budget resolution	....	186	3,277
Under budget resolution	2,794	....	....

[1] Less than $500,000.

[2] In accordance with section 606(D)(2) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45,661 in budget authority and $34,987 in outlays for designated emergencies including Operation Desert Shield/Desert Storm, Debt Forgiveness for Egypt and Poland, and Internal Revenue Service funding above the June 1990 baseline level. In addition, current level outlays include a savings of $1,100 million for the Bank Insurance Fund that the Committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508) and revenues include the Office of Management and Budget's estimate of $3,037 million for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (Public Law 101–509).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PORTER) to revise and extend their remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, today.

Mr. LEWIS of California, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, on April 19.

(The following Members (at the request of Ms. SLAUGHTER of New York) to revise and extend their remarks and include extraneous material:)

Mr. LAFALCE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GEPHARDT, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Ms. PELOSI, for 60 minutes, today.

Mr. RANGEL, for 60 minutes, on April 18.

Mr. GRAY, for 60 minutes, on April 23.

Mr. ANDREWS of New Jersey, for 5 minutes, on April 17.

Mr. BACCHUS, for 5 minutes each day, on April 17 and 18.

Mr. GONZALEZ, for 60 minutes each day, on April 22, 25, 26, 29, May 2, 3, 6, 9, 10, 13, 16, and 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PORTER) and to include extraneous matter:)

Mr. FIELDS.
Mr. PURSELL.
Mr. GALLEGLY, in two instances.
Mr. BEREUTER.
Mr. HASTERT, in two instances.
Mr. MACHTLEY.
Mr. SOLOMON.
Mr. SUNDQUIST.
Mr. GEKAS, in four instances.
Mr. PORTER.
Mr. CAMP.
Mr. MCGRATH.
Mr. LOWERY of California.
Mr. DUNCAN.
Mr. COUGHLIN.
Mr. CRANE.
Mr. DREIER of California.
Mr. GINGRICH.
Mr. RITTER.
Mr. MOORHEAD.
Mr. SANTORUM, in two instances.
Mr. HOLLOWAY.

(The following Members (at the request of Ms. SLAUGHTER of New York) and to include extraneous matter:)

Mr. YATRON.
Mr. HALL of Ohio.
Mr. MAZZOLI.
Mr. DARDEN.
Mr. JENKINS.
Mr. LANTOS.
Mr. SOLARZ.
Mr. LEHMAN of Florida.
Mrs. COLLINS of Illinois in two instances.
Mr. MCMILLEN of Maryland.
Mr. MAVROULES.
Mr. HAMILTON.
Mr. WEISS.
Mr. BILBRAY.
Mr. DYMALLY.
Mr. SKELTON, in two instances.
Mr. HAMILTON.
Mr. DONNELLY.
Mrs. BYRON.
Mr. SCHEUER.
Mr. SWETT, in two instances.
Mr. ROEMER.
Mr. TRAFICANT, in three instances.
Mr. KLECZKA.
Mr. MINETA.
Mr. WAXMAN.
Mr. ACKERMAN.
Mr. TALLON.
Mr. SCHUMER.
Mr. HOCHBRUECKNER.
Mr. BONIOR.
Mr. GUARINI.
Mr. BROWN.
Mr. LEVINE of California.
Mr. MFUME.
Mr. WILLIAMS.

ADJOURNMENT

Ms. PELOSI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, April 17, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2, of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1090. A letter from the Secretary of the Air Force, transmitting the Department's recommendations for base closures and realignments; to the Committee on Armed Services.

1091. A letter from the Secretary of Education, transmitting a notice of Final Priorities for Educational Media Research, Production, Distribution, and Training Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1092. A letter from the Chairman, Interstate Commerce Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1093. A letter from the Director, Office of Management and Budget, transmitting the Congressional Budget Office and the Office of Management and Budget report estimating the change of outlays in each fiscal year through 1995 as a result of the passage of Public Law 102-25, pursuant to Public Law 101-508, title 13, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1094. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1095. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments of OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1096. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments of OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1097. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Interior and Insular Affairs.

1098. A letter from the Girl Scouts of the U.S.A.; the Girl Scouts of the United States of America 1990 annual report, pursuant to 36 U.S.C. 37; to the Committee on the Judiciary.

1099. A letter from the Secretary of Energy, transmitting the Department's Environmental Restoration and Waste Management fiscal year 1990 Program; jointly, to the Committee on Armed Services and Appropriations.

1100. A letter from the Department of State, transmitting a report on the progress and leadership of the Citizens Democracy Corps; jointly, to the Committees on Foreign Affairs and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN (for himself, Ms. OAKAR, and Mrs. MORELLA):

H.R. 1774. A bill to amend title 5, United States Code, to reform the program under which health benefits are provided to Federal employees; to the Committee on Post Office and Civil Service.

By Mr. TAUZIN (for himself, Mr. FIELDS, and Mr. GOSS):

H.R. 1775. A bill to authorize expenditures for fiscal year 1992 for the operation and maintenance of the Panama Canal; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN (for himself, Mr. JONES of North Carolina, Mr. DAVIS, Mr. FIELDS, Mr. STUDDS, Mr. GOSS, and Mr. PICKETT):

H.R. 1776. A bill to authorize for fiscal year 1992 the U.S. Coast Guard budget; to the Committee on Merchant Marine and Fisheries.

By Mr. GIBBONS:

H.R. 1777. A bill to amend title XVIII of the Social Security Act to provide for coverage of the general population under the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TAUZIN:

H.R. 1778. A bill relating to the effective period of duty exemptions for certain foreign repairs made to U.S. vessels; to the Committee on Ways and Means.

By Mr. SAVAGE:

H.R. 1779. A bill to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph H. Metcalfe Federal Building"; to the Committee on Public Works and Transportation.

By Mr. ARCHER:

H.R. 1780. A bill to amend the Internal Revenue Code of 1986 to limit the exclusion from withholding for combat pay to the amount excludable from gross income; to the Committee on Ways and Means.

By Mr. BEILENSON:

H.R. 1781. A bill to suspend temporarily the duty on certain house slippers, and for other purposes; to the Committee on Ways and Means.

By Mr. COOPER:

H.R. 1782. A bill to amend title 23, United States Code, to establish national safety belt and motorcycle helmet use requirements, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. CRANE:

H.R. 1783. A bill to suspend temporarily the duty on fluorescent yellow R; to the Committee on Ways and Means.

H.R. 1784. A bill to suspend temporarily the duty on fluorescent yellow FGPN; to the Committee on Ways and Means.

H.R. 1785. A bill to extend the existing suspension of duty on parts of aircraft generators; to the Committee on Ways and Means.

H.R. 1786. A bill to extend the existing suspension of duty on fresh, chilled, or frozen brussel sprouts and for other purposes; to the Committee on Ways and Means.

H.R. 1787. A bill to suspend temporarily the duty on certain yellow coloring matter; to the Committee on Ways and Means.

H.R. 1788. A bill to extend the existing suspension of duty on 4-Chloro-3-methylphenol; to the Committee on Ways and Means.

By Mr. DELLUMS (for himself and Mr. MILLER of California):

H.R. 1789. A bill to establish the U.S.S. *Potomac* National Historical Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GEPHARDT (for himself, Mr. MOORHEAD, Mr. MICHEL, Mr. FISH, Mr. COBLE, Mr. ACKERMAN, Mr. BRYANT, Mr. MANTON, Mr. LIPINSKI, Mr. SMITH of Florida, Mr. ROE, Mr. ESPY, Mr. MARKEY, Mr. KLECZKA, Mr. MRAZEK, Ms. LONG, Mr. SABO, Mr. DE LUGO, Mr. HERTEL, Mr. CAMPBELL of Colorado, Mr. ABERCROMBIE, Mr. FROST, Mr. WISE, Mr. BONIOR, Ms. SLAUGHTER of New York, Mr. ECKART, Ms. KAPTUR, Mr. PANETTA, Mr. SERRANO, Mr. ENGEL, Mr. TORRICELLI, Mr. FAZIO, Mr. ERDREICH, Mr. CARDIN, Mr. WALSH, Mr. MCDADE, Mr. GALLEGLY, Mr. KOLBE, Mr. DERRICK, Mr. SPENCE, Mr. DORNAN of California, Mr. STEARNS, Mr. PETRI, Mr. DANNEMEYER, Mr. SCHEUER, Mr. ANDERSON, Mr. FALEOMAVAEGA, Mr. MCGRATH, Mrs. JOHNSON of Connecticut, Mr. GUNDERSON, Mr. FAWELL, Mr. MARTIN, Mr. HEFNER, Mr. FORD of Michigan, Mr. BUSTAMANTE, Mr. HAYES of Louisiana, Mr. EVANS, Mr. DYMALLY, Mr. HOYER, Mr. ANDREWS of Maine, Mr. COSTELLO, Mr. BENNETT, Mr. CRAMER, Mr. DONNELLY, Mr. BOEHNER, Mr. COLEMAN of Missouri, Mr. SANGMEISTER, Mr. BEREUTER, and Mr. BILBRAY):

H.R. 1790. A bill to amend title 17, United States Code, to provide for protection of industrial designs of useful articles; to the Committee on the Judiciary.

By Mr. DONNELLY:

H.R. 1791. A bill to amend title II of the Social Security Act to provide a graduated exemption from the public pension offset applicable to certain monthly insurance benefits under such title based on the amount of total monthly benefits received; to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. BROOMFIELD) (both by request):

H.R. 1792. A bill to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for international cooperation programs for fiscal years 1992 and 1993, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GEJDENSON:

H.R. 1793. A bill to suspend temporarily the duty on 4-(3,4-Dichlorophenyl)-1-tetralone; to the Committee on Ways and Means.

By Mr. GORDON:

H.R. 1794. A bill to provide for the testing and remediation of radon contamination in schools; to the Committee on Energy and Commerce.

H.R. 1795. A bill to ensure that amounts paid for home improvements to mitigate radon gas qualify for the tax deduction for medical care expenses; to the Committee on Ways and Means.

By Mr. GRADISON:

H.R. 1796. A bill to extend until January 1, 1995, the existing suspension of duty on certain chemicals; to the Committee on Ways and Means.

H.R. 1797. A bill to suspend temporarily the duties on certain chemicals; to the Committee on Ways and Means.

H.R. 1798. A bill to extend until January 1, 1995, the existing suspension of duty on certain umbrella frames; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 1799. A bill to amend title II of the Social Security Act to require the Secretary of Health and Human Services to provide claimants for benefits based on disability with a face-to-face, evidentiary hearing before making an initial decision, to provide those claimants whose application is denied with opportunity for a subsequent hearing without any requirement for intervening "reconsideration," and to specify the medical information to be collected and maintained in making disability determinations; to the Committee on Ways and Means.

By Mr. LEWIS of California (for himself, Mr. ARCHER, Mr. MCDADE, Mr. LAGOMARSINO, Mr. MCEWEN, Mr. THOMAS of Wyoming, Mr. KYL, Mr. BEREUTER, Mr. HERGER, Mr. KOLBE, Mr. KASICH, Mr. ZIMMER, Mr. GALLO, Mr. GALLEGLY, Mr. SKEEN, Mr. INHOFE, Mr. BOEHNER, Mr. ARMEY, Mr. MACHTLEY, Mr. GILCHREST, Mr. HASTERT, and Mr. GOSS):

H.R. 1800. A bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MCMILLEN of Maryland:

H.R. 1801. A bill to prohibit the opening of the Woodrow Wilson Memorial Bridge except during certain periods of times; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. MACHTLEY (for himself and Mr. MCCLOSKEY):

H.R. 1802. A bill to amend title XIX of the Social Security Act to create a new part under such title to provide access to services for medically underserved populations not currently served by federally qualified health centers, by providing funds for a new program to allow federally qualified health centers and other qualifying entities to expand such centers' and entities' capacity and to develop additional centers; to the Committee on Energy and Commerce.

By Mr. MOLLOHAN:

H.R. 1803. A bill to extend the existing suspension of duty on 6-t-Butyl-2,4-xylenol; to the Committee on Ways and Means.

H.R. 1804. A bill to extend the existing suspension of duty on BPIP; to the Committee on Ways and Means.

H.R. 1805. A bill to extend the existing suspension of duty on MBEP; to the Committee on Ways and Means.

H.R. 1806. A bill to suspend temporarily the duty on certain heterocyclic compounds; to the Committee on Ways and Means.

By Mr. OLIN:

H.R. 1807. A bill to extend the existing suspension of duty on Diflunisal; to the Committee on Ways and Means.

By Mr. OWENS of Utah:

H.R. 1808. A bill to permit Mount Olivet Cemetery Association of Salt Lake City, UT to lease a certain tract of land for a period of not more than 70 years; to the Committee on Interior and Insular Affairs.

By Mr. OXLEY:

H.R. 1809. A bill to provide restitution to crime victims; to the Committee on the Judiciary.

By Mr. PICKLE:

H.R. 1810. A bill to redesignate the Austin Dam located near Austin, TX, as the "Tom Miller Dam"; to the Committee Interior and Insular Affairs.

H.R. 1811. A bill to provide duty-free treatment for certain entries of metallized or foil balloons; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 1812. A bill to suspend temporarily the duty on photographic gelatin; to the Committee on Ways and Means.

H.R. 1813. A bill to suspend temporarily the duty on benzoxazol; to the Committee on Ways and Means.

By Mr. REED:

H.R. 1814. A bill to extend until January 1, 1995, the existing suspensions of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. RUSSO:

H.R. 1815. A bill to amend the Harmonized Tariff Schedule of the United States to restore the duty rate that prevailed under the Tariff Schedules of the United States for certian twine, cordage, ropes, and cables; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. Lent, and Mr. Hughes):

H.R. 1816. A bill to extend the medical waste tracking program under the Solid Waste Disposal Act through June 1993; to the Committee on Energy and Commerce.

By Mr. SHAW:

H.R. 1817. A bill to amend the Internal Revenue Code of 1986 to treat all siblings as one shareholder for purposes of determining whether a corporation may elect to be an S corporation; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1818. A bill to authorize a 1-year demonstration program to provide grants to States and localities for community recycling projects; to the Committee on Energy and Commerce.

By Mr. WEISS:

H.R. 1819. A bill to amend the Public Health Service Act to provide for the prevention of financial conflicts of interest in certain projects of research supported by the Secretary of Health and Human Services, and to provide for the availability among researchers of materials that are created or gathered in projects of biomedical or behavioral research supported by the Secretary; to the Committee on Energy and Commerce.

By Mrs. BOXER (for herself, Mr. Fazio, Mr. Bustamante, Mr. Thomas of Georgia, Mr. Brown, Mr. Stark, Mr. Barnard, Mr. Sisisky, Mrs. Unsoeld, Mr. Owens of New York, Mr. Weiss, Ms. Pelosi, Mr. Chapman, Mr. Serrano, Mr. Torres, Mr. Borski, Mr. Markey, Mr. McMillen of Maryland, Mr. Towns, Mr. Pallone, Mr. Gejdenson, Mr. Roybal, Mr. Rose, Mr. Gonzalez, Mr. Leach, Mr. Campbell of Colorado, Mr. Dellums, and Mr. Evans):

H.R. 1820. A bill to amend title 5, United States Code, to allow Federal employees within any agency undergoing a major reorganization, reduction in force, or transfer of function to be credited with an additional 4 years (in age or length of service) in order to encourage voluntary retirements, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CONYERS:

H.R. 1821. A bill to provide authority to the Attorney General to seek civil injunctive relief against police brutality; to the Committee on the Judiciary.

By Mr. GUARINI (for himself, Mrs. Schroeder, Mr. Hughes, Mr. Martinez, Mr. Fuster, Mr. Bustamante, Mr. McDermott, Mr. Frost, Mr. Valentine, Ms. Pelosi, Mr. Lipinski, Mr. Rangel, Mr. Dwyer of New Jersey, Mr. Berman, Mr. Serrano, Mr. Levine of California, Mr. Kopetski, Mr. Smith of Florida, Mr. Klug, Mr. Roe, Mr. Jefferson, Mr. Peterson of Florida, Mr. McCloskey, Mr. Hayes of Illinois, Mrs. Meyers of Kansas, Mr. Wolpe, Mr. Hertel, Mr. Johnston of Florida, and Mr. Murphy):

H.R. 1822. A bill to amend the Older Americans Community Service Employment Act to authorize grants for the employment of older Americans in providing child care for families with low income; and to amend title II of the Social Security Act to exempt from the earnings test amounts earned for child care services; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. LaFALCE:

H.R. 1823. A bill to facilitate the providing of loan capital to and investments in small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. LEVINE of California:

H.R. 1824. A bill to extend the filing period for requests for reliquidation of certain entries; to the Committee on Ways and Means.

By Mr. McGRATH (for himself, Mr. Horton, and Ms. Slaughter of New York):

H.R. 1825. A bill to extend the temporary suspension of duty on certain parts and accessories of indirect process electrostatic photocopying machines; to the Committee on Ways and Means.

By Mr. McGRATH (for himself and Mr. Boehlert):

H.R. 1826. A bill to continue the temporary suspension of duty on digital processing units for automatic data processing machines; to the Committee on Ways and Means.

By Mr. MACHTLEY:

H.R. 1827. A bill to authorize the Secretary of the Treasury to establish an emergency assistance program to provide financial assistance to States that have experienced a large number of depository institution failures; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1828. A bill regarding the tariff classification of brassieres; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 1829. A bill to suspend temporarily the duty on UV-1084 light stabilizer; to the Committee on Ways and Means.

By Mr. NAGLE:

H.R. 1830. A bill to reduce the column 1-general rate of duty on piperonyl butoxide (PBO); to the Committee on Ways and Means.

By Mr. SANTORUM:

H.R. 1831. A bill to provide for the temporary suspension of duty on certain chemicals, and for other purposes; to the Committee on Ways and Means.

H.R. 1832. A bill to suspend temporarily the duty on certain chemicals, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 1833. A bill to amend title 5, United States Code, to extend certain whistleblower protections to personnel of Government corporations; to the Committee on Post Office and Civil Service.

By Mr. SKEEN (for himself (by request), Mr. Stallings, Mr. LaRocco, and Mr. Kyl):

H.R. 1834. A bill to withdraw certain public lands in Eddy County, NM, and for other purposes; jointly, to the Committees on Armed Services, Interior and Insular Affairs, and Energy and Commerce.

By Mr. SMITH of New Jersey:

H.R. 1835. A bill to provide for additional extension periods, not exceeding 2 years in the aggregate, in the time allowed for reexportation of certain articles admitted temporarily free of duty under bond; to the Committee on Ways and Means.

H.R. 1836. A bill to suspend until January 1, 1995, the duty on certain ceramic statues, statuettes, and handmade flowers; to the Committee on Ways and Means.

By Mr. DWYER of New Jersey (for himself, Mr. Hughes, Mr. Smith of Florida, Mr. Roe, Mrs. Kennelly, Mr. Kildee, Mr. Anderson, Mr. Ford of Tennessee, Ms. Molinari, Mr. Pallone, Mr. Bliley, Mr. Quillen, Mr. Fazio, Mr. Weber, Mr. McDermott, Mr. Moakley, Mr. Horton, Mrs. Roukema, Mr. Weiss, Mr. Saxton, Mr. Smith of New Jersey, Mr. Kasich, Mr. Rinaldo, Mr. Hayes of Louisiana, Mr. Rhodes, Ms. Oakar, Mr. Spence, Mr. McCollum, Mr. Clement, Mr. Guarini, Mr. Tallon, Mr. Hochbrueckner, Mr. Bennett, Mr. Rangel, and Mr. Shaw):

H.J. Res. 219. Joint resolution to designate the second week in June, as "National Scleroderma Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SANTORUM (for himself, Mr. Ramstad, Mr. Riggs, Mr. Doolittle, Mr. Allard, Mr. Boehner, Mr. Camp, Mr. Cox of Illinois, Mr. Zeliff, Mr. Hastert, Mr. Roberts, Mr. Rohrabacher, Mr. McGrath, Mr. Tallon, Mr. Spence, Mr. Roth, Mr. Fawell, Mr. Weber, Mr. Broomfield, Mr. Horton, Mr. Inhofe, Mr. Burton of Indiana, Mr. Lewis of California, Mr. Coble, Mr. Ballenger, Mr. Dornan of California, Mr. Dickinson, Mr. Schulze, Ms. Molinari, Mr.

Gallegly, Mr. Packard, Mr. Weldon, Mr. Pallone, and Mr. Dreier of California):

H.J. Res. 220. Joint resolution designating May 8, 1991, as "National Tax Freedom Day"; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS:

H.J. Res. 221. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the unresolved disputes referred to in Executive Order No. 12714; to the Committee on Energy and Commerce.

By Mr. GOSS (for himself, Mr. Michel, Mr. Fascell, Mr. Broomfield, Mr. Torricelli, Mr. Lagomarsino, Mr. Yatron, Mr. Bereuter, Mr. Hamilton, Mr. Hyde, Mrs. Meyers of Kansas, Mr. Johnston of Florida, and Ms. Ros-Lehtinen):

H. Con. Res. 123. Concurrent resolution urging the provision of foreign assistance to support legislative development in Central America to strengthen democracy in the region; to the Committee on Foreign Affairs.

By Mr. JOHNSTON of Florida:

H. Con. Res. 124. Concurrent resolution to address the suffering of the Kurdish people; to the Committee on Foreign Affairs.

By Mr. McEWEN:

H. Con. Res. 125. Concurrent resolution stating that the Congress is convinced that the perpetuation of Saddam Hussein's rule in Iraq is incompatible with the stated goal of the United Nations Security Council to restore international peace and security to the Middle East, and urges the President to pursue, through the United Nations Security Council, the demand of the expeditious replacement of Saddam Hussein as the leader of Iraq; to the Committee on Foreign Affairs.

By Mr. MFUME (for himself, Ms. Waters, Mr. Dellums, Mr. Gray, Mr. Dymally, Mr. Towns, Ms. Norton, Mr. Hayes of Illinois, Mr. Flake, Mr. Dixon, Mr. Owens of New York, Mr. Kennedy, Mr. Rangel, Mr. Wheat, and Mr. Espy):

H. Con. Res. 126. Concurrent resolution concerning United States sanctions against South Africa; to the Committee on Foreign Affairs.

By Mr. MICHEL:

H. Res. 124. Resoluton electing Representative Edwards of Oklahoma to the Committee on Education and Labor; considered and agreed to.

By Mr. SHUSTER (for himself, Mr. Combest, Mr. Bereuter, Mr. Dornan of California, Mr. Young of Florida, Mr. Martin, and Mr. Gekas):

H. Res. 125. Resolution to amend rule XLVIII of the Rules of the House of Representatives to provide for a phased reduction in the size of the Permanent Select Committee on Intelligence; to the Committee on Rules.

By Mr. LANTOS (for himself, Mr. Porter, Mr. Clement, Ms. Slaughter of New York, Mr. Abercrombie, Mr. Machtley, Mr. Miller of Washington, Mr. Kennedy, Mr. Green, Mr. Reed, and Mrs. Bentley):

H. Res. 126. Resolution to condemn the treatment of Kurdish and other refugees in Iraq and to urge immediate humanitarian assistance and an end to repression against refugees by the Government of Iraq; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

82. By the SPEAKER: Memorial of the Legislature of the State of North Dakota, relative to a comprehensive national energy policy; to the Committee on Agriculture.

83. Also, memorial of the Legislature of the State of North Dakota, relative to the Glenharold coal mine; to the Committee on Interior and Insular Affairs.

84. Also, memorial of the Legislature of the State of North Dakota, relative to compensation of Members of Congress; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GORDON:

H.R. 1837. A bill for the relief of William A. Proffitt; to the Committee on the Judiciary.

By Mr. RUSSO:

H.R. 1838. A bill to reissue a production incentive certificate; to the Committee on Ways and Means.

By Mr. VISCLOSKY:

H.R. 1839. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Phoenix*, to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. Fazio, Ms. Kaptur, Mr. Smith of Florida, Mr. Hochbrueckner, Ms. Molinari, Mr. Towns, Mr. Studds, Mr. Frank of Massachusetts, Mrs. Boxer, Mr. Rahall, Mr. Hertel, Mrs. Schroeder, Mr. Serrano, Mr. Jacobs, and Mr. Dwyer of New Jersey.

H.R. 73: Mr. Johnson of South Dakota, Mr. Regula, Mr. Synar, Mr. Hutto, Mr. McMillen of Maryland, Mr. Clement, Mr. Staggers, Mr. Boucher, Mr. Hastert, Mr. Evans, Mr. Camp, Mr. Sikorski, Mr. Fuster, Mr. Jontz, Mr. Bryant, Mr. Bonior, Mr. Roe, Mr. Gunderson, Mr. Dornan of California, Mrs. Morella, Mr. Riggs, Mr. Gallo, Mr. Scheuer, Mr. LaFalce, Mr. Rahall, Mr. Fawell, Mr. DeFazio, Mr. Derrick, Mr. Hayes of Louisiana, Mr. Grandy, Mr. Dickinson, Mr. Packard, Mr. Pallone, Mr. Nagle, Mr. Valentine, Mr. Swett, and Mr. Hatcher.

H.R. 123: Mr. Luken, Mr. Browder, Mr. Ritter, Mrs. Bentley, and Mr. Weldon.

H.R. 141: Mr. Machtley, Mr. Manton, and Ms. Molinari.

H.R. 145: Mr. Hubbard.

H.R. 193: Mr. Petri.

H.R. 260: Mr. Weiss.

H.R. 261: Mr. Waxman, Mr. Neal of Massachusetts, Mr. Torricelli, Mr. Mfume, Mrs. Lowey of New York, Mr. DeFazio, Mr. Torres, Mr. Traxler, Mr. Thomas of Georgia, Mr. Kleczka, Mrs. Meyers of Kansas, Mr. Borski, Mr. Weiss, Mr. Edwards of California, Mr. Ford of Tennessee, Mr. Miller of California, and Mrs. Kennelly.

H.R. 299: Mr. Armey.

H.R. 307: Mr. Machtley.

H.R. 328: Mr. Montgomery and Mr. Spratt.

H.R. 330: Mr. Levine of California.

H.R. 342: Mr. Martin, Mr. Lehman of Florida, Mr. LaFalce, and Mrs. Lowey of New York.

H.R. 386: Mr. Williams, Mr. Berman, Mr. Roybal, and Mr. Dymally.

H.R. 392: Mr. Feighan, Mr. Andrews of New Jersey, Mr. Lantos, Ms. DeLauro, Ms. Horn, Mrs. Mink, Ms. Waters, Mr. Darden, Ms. Molinari, Mr. Rowland, Mr. Torres, Mr. Vento, and Mr. Reed.

H.R. 416: Mr. Engel, Mr. Evans, and Mr. Pallone.

H.R. 418: Mr. Roe, Mr. McEwen, and Mr. Poshard.

H.R. 441: Mr. Markey, Mr. Panetta, Mr. Lewis of Georgia, and Mr. Pallone.

H.R. 500: Mr. de la Garza, Mr. Emerson, Mr. Erdreich, Mr. Ritter, Mr. Rostenkowski, and Mr. Rowland.

H.R. 520: Mr. Evans, Mr. Dixon, and Mr. Jefferson.

H.R. 534: Mrs. Lowey of New York, Mr. Fawell, Mr. Young of Florida, Mr. Traficant, Mrs. Vucanovich, Mr. Yatron, Mr. Zeliff, Ms. DeLauro, Mr. Gallo, Mr. Natcher, Mr. Thomas of Georgia, Mr. McNulty, Mr. Hyde, Mr. Evans, Mr. Livingston, Mr. Dwyer of New Jersey, Mr. Reed, Mr. Anderson, Mr. Valentine, Mr. Donnelly, Mr. Borski, and Mr. Brooks.

H.R. 542: Mr. Engel.

H.R. 585: Mr. Eckart, Mr. Bryant, and Mr. Vento.

H.R. 640: Mr. Darden.

H.R. 673: Mr. McNulty, Mr. Davis, Mr. Fish, Mr. Engel, Mr. LaFalce, Mr. Flake, Mr. Machtley, Ms. DeLauro, and Mr. Cox of California.

H.R. 677: Mr. Levine of California, Mr. Dwyer of New Jersey, Mr. Brown, Mr. DeFazio, and Mr. Sikorski.

H.R. 690: Mr. Campbell of Colorado.

H.R. 729: Mr. Frank of Massachusetts.

H.R. 769: Mr. Swett.

H.R. 771: Mr. Hutto, Mr. Crane, and Mr. Abercrombie.

H.R. 784: Mr. Leach and Mr. Durbin.

H.R. 815: Mr. Costello, Ms. Kaptur, Mr. Fazio, Mr. Ramstad, Mr. Roe, Mr. Bruce, Mr. Rangel, Mr. Peterson of Florida, Mr. Hayes of Illinois, Mr. Sikorski, Mr. Engel, and Mr. James.

H.R. 841: Mr. Borski, Ms. DeLauro, Mr. Ford of Tennessee, Mr. Gilchrest, and Mr. Quillen.

H.R. 842: Mr. Wolpe, Mr. Henry, Mr. Derrick, Mr. Rangel, Mrs. Kennelly, Mr. Dymally, and Mr. Traficant.

H.R. 843: Mr. Scheuer, Mr. Fish, and Mr. Valentine.

H.R. 844: Mr. Scheuer, Mr. Fish, Mr. McDermott, Mrs. Lowey of New York, Mr. Owens of Utah, Mr. Wolpe, Mr. Valentine, and Mr. Mineta.

H.R. 849: Mr. Eckart, Mr. Markey, Mr. McHugh, and Mr. Abercrombie.

H.R. 863: Mr. Costello.

H.R. 911: Mr. Lightfoot, Mrs. Meyers of Kansas, Mr. Coble, and Mr. Cox of California.

H.R. 917: Mr. Young of Alaska, Mr. Hoagland, Mr. Riggs, Mr. Leach, Mr. Sisisky, Mr. Schaefer, Mr. Coleman of Texas, Mr. Serrano, Mr. Swett, Mr. Traxler, Mr. Owens of New York, Mr. Paxon, Mr. Erdreich, Mr. Sarpalius, and Mr. Spence.

H.R. 919: Mr. Huckaby.

H.R. 946: Mr. Cox of California, Mr. Dwyer of New Jersey, Mr. Ackerman, Mr. McGrath, Mrs. Morella, Mr. Sisisky, Mr. Jefferson, Mr. Miller of Washington, Ms. Norton, Mr. Bateman, Mr. Cardin, Mr. Santorum, Mr. Faleomavaega, Mr. Mfume, Mr. Moran, Mr. Gilchrest, Mr. Udall, Mr. Payne of New

Jersey, Mr. SWIFT, Mr. DARDEN, Mr. WALSH, and Mr. GALLO.

H.R. 960: Mr. LAGOMARSINO.

H.R. 980: Mr. CHAPMAN, Mr. LIGHTFOOT, Mr. DICKINSON, and Mr. JOHNSON of South Dakota.

H.R. 997: Mr. BROWN.

H.R. 1007: Mr. JACOBS, Mr. MCDERMOTT, Mr. FISH, Mr. COX of California, Mrs. BOXER, Mr. DEFAZIO, Mr. BILBRAY, Mr. ECKART, Mr. GEJDENSON, and Mr. SWETT.

H.R. 1063: Mr. WEISS, Mr. MOLLOHAN, Mr. DEFAZIO, Mr. KOPETSKI, Mr. KLECZKA, Mr. STARK, Mr. ABERCROMBIE, Mr. SAVAGE, Mr. RAHALL, Mr. FEIGHAN, Mr. ANNUNZIO, Ms. DELAURO, and Mr. GONZALEZ.

H.R. 1067: Mr. JENKINS, Mr. CRANE, Mr. BORSKI, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Ms. DELAURO, Mr. GORDON, Mr. RAY, Mr. FORD of Michigan, Mr. HOPKINS, Mr. SCHUMER, Mr. JOHNSON of South Dakota, Mr. SYNAR, Mr. KYL, Mr. SLATTERY, Mr. FISH, Mr. CAMPBELL of Colorado, Mr. MORRISON, Mr. YOUNG of Alaska, Mr. SCHAEFER, Ms. MOLINARI, Mr. HAMMERSCHMIDT, Mr. HORTON, Mr. HOCHBRUECKNER, Mr. GUNDERSON, Mr. MILLER of California, Mr. MANTON, Mr. ROWLAND, Mr. KENNEDY, Mr. WYLIE, Mr. SHAYS, Mr. GRAY, Mr. BALLENGER, Mr. SPRATT, Mr. MRAZEK, Mrs. PATTERSON, Mr. DEFAZIO, Mr. LEHMAN of California, Mr. HERTEL, Mr. HOAGLAND, Mr. QUILLEN, Mrs. UNSOELD, Mr. ALLARD, Mr. TALLON, Mr. POSHARD, Mr. CAMP, Mr. DERRICK, Mr. ACKERMAN, Mr. RAVENEL, and Mr. INHOFE.

H.R. 1075: Mr. KOPETSKI.

H.R. 1077: Mr. HYDE, Mr. SANGMEISTER, and Mrs. LOWEY of New York.

H.R. 1079: Mr. BOUCHER and Mr. STALLINGS.

H.R. 1081: Mr. ENGEL.

H.R. 1130: Mr. WEBER, Mr. BILBRAY, Mr. EVANS, Mr. RAHALL, Mr. COSTELLO, and Mr. KILDEE.

H.R. 1185: Mr. COSTELLO, Mr. LANCASTER, Mrs. UNSOELD, Mr. HAYES of Illinois, Mr. ECKART, Mr. BUSTAMANTE, and Mr. DREIER of California.

H.R. 1190: Mr. KILDEE, Mr. LEWIS of Georgia, Mr. HALL of Ohio, Mr. RINALDO, and Mr. STUDDS.

H.R. 1201: Mr. ENGEL.

H.R. 1222: Mr. BERMAN, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. JEFFERSON, Mr. PAYNE of New Jersey, Mrs. BOXER, Mr. MARTINEZ, Mr. TOWNS, Mr. LANCASTER, Mr. DE LUGO, Ms. KAPTUR, Mr. FROST, Mr. DWYER of New Jersey, Mr. SERRANO, Mr. MACHTLEY, and Ms. DELAURO.

H.R. 1232: Mr. GEJDENSON.

H.R. 1246: Mr. TRAFICANT, Mr. DE LUGO, Mr. FOGLIETTA, Mr. MCNULTY, Mr. MFUME, Mr. JONES of Georgia, Mr. GORDON, Mr. VALENTINE, Ms. DELAURO, Ms. PELOSI, Mr. BONIOR, Mr. MOODY, Mr. PARKER, Mr. KOPETSKI, Mr. TRAXLER, Mr. BILBRAY, Mr. SIKORSKI, Mr. ENGEL, and Mr. CAMPBELL of Colorado.

H.R. 1259: Ms. DELAURO, Mr. BEREUTER, Mr. LEVIN of Michigan, Mr. NUSSLE, Mr. GLICKMAN, Mr. EDWARDS of California, Mr. WEISS, Mr. FISH, Mr. COX of California, Mr. EMERSON, Mrs. JOHNSON of Connecticut, and Mr. WOLPE.

H.R. 1326: Mr. HERTEL.

H.R. 1367: Mr. BORSKI, Mr. PERKINS, Mr. DYMALLY, and Mr. KOSTMAYER.

H.R. 1370: Mr. HUTTO, Mr. BENNETT, Mr. MACHTLEY, Mr. HAYES of Louisiana, Mr. RAVENEL, Mr. SAXTON, Mr. DWYER of New Jersey, Mr. ROE, and Mr. GONZALEZ.

H.R. 1373: Mr. TRAXLER and Mr. LAGOMARSINO.

H.R. 1387: Mr. DEFAZIO, Mr. EVANS, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. HERTEL, Mr. JEFFERSON, Mr. MARKEY, Mr. MURPHY, Mr. RANGEL, Mr. ROE, Mr. SABO, Mr. SANDERS, Mr. SERRANO, Mr. VENTO, and Mr. WHEAT.

H.R. 1388: Mr. DEFAZIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. HERTEL, Mr. JEFFERSON, Mr. MARKEY, Mr. MURPHY, Mr. RANGEL, Mr. ROE, Mr. SABO, Mr. SANDERS, Mr. SERRANO, Mr. VENTO, and Mr. WHEAT.

H.R. 1406: Mr. MCDERMOTT, Mr. PETERSON of Minnesota, Mr. COSTELLO, Ms. PELOSI, Mr. DWYER of New Jersey, Mr. HERTEL, Mr. OWENS of New York, Mrs. LLOYD, Mr. KLECZKA, Mr. TORRES, Mrs. LOWEY of New York, and Mr. LEVINE of California.

H.R. 1411: Mr. VALENTINE, Mr. NEAL of North Carolina, Mr. ENGEL, Mr. BALLENGER, and Mr. BILBRAY.

H.R. 1423: Mr. ENGLISH and Mr. ABERCROMBIE.

H.R. 1432: Mr. JONES of North Carolina, Mr. ENGEL, Mr. BILBRAY, and Mr. INHOFE.

H.R. 1439: Mr. DELAY.

H.R. 1445: Mr. TALLON, Mr. LIGHTFOOT, Mr. FROST, and Mr. STENHOLM.

H.R. 1446: Mr. SIKORSKI.

H.R. 1468: Mr. SLAUGHTER of Virginia, Mr. DICKINSON, Mr. GINGRICH, and Mr. ROHRABACHER.

H.R. 1472: Mr. HANSEN, Mr. NAGLE, Mr. BALLENGER, Mr. PAXON, Mr. CAMPBELL of Colorado, Mr. SERRANO, and Mr. HAMMERSCHMIDT.

H.R. 1500: Mr. JONTZ, Mr. SANGMEISTER, Mr. WEISS, Mr. JONES of Georgia, Mr. MARKEY, Mr. BILBRAY, Mr. HAYES of Illinois, Ms. DELAURO, and Mr. ENGEL.

H.R. 1502: Mr. DEFAZIO, Mr. LEVIN of Michigan, Mr. FORD of Tennessee, Mr. SIKORSKI, Mr. HAMILTON, Mr. WISE, Mrs. LOWEY of New York, Mr. SANDERS, Mr. DWYER of New Jersey, Mr. POSHARD, and Mr. ENGEL.

H.R. 1504: Mr. DWYER OF NEW JERSEY, MR. LAGOMARSINO, Ms. DELAURO, and Mr. ROE.

H.R. 1506: Mr. RANGEL, Mr. GRAY, Mr. BUSTAMANTE, Mr. WOLF, Mr. PETRI, Mr. OWENS of New York, Mr. PETERSON of Minnesota, Mr. ENGEL, Mr. SMITH of Texas, Mr. EVANS, Mr. RAHALL, Mr. SERRANO, Ms. MOLINARI, Mr. WISE, Mr. QUILLEN, Mr. ROE, Ms. NORTON, and Mr. MACHTLEY.

H.R. 1516: Mr. Jones of North Carolina, Mr. INHOFE, Mr. THOMAS of Wyoming, Mr. TOWNS, Mr. BEREUTER, Mr. HAMILTON, Mr. BARRETT, Mr. COSTELLO, Mr. COMBEST, Mr. NUSSLE, and Mr. BREWSTER.

H.R. 1528: Ms. LONG.

H.R. 1538: Mr. HOCHBRUECKNER, Mr. LEHMAN of California, Mr. MINETA, Mr. VOLKMER, Mr. BEILENSON, Mr. EDWARDS of California, Mr. RIGGS, Mr. ROE, Mr. FALEOMAVAEGA, Mr. PETERSON of Minnesota, Mr. LEVIN of Michigan, Mr. DIXON, Mr. DEFAZIO, Mr. STALLINGS, Mr. JENKINS, Mr. EVANS, Mr. SABO, Mr. LAFALCE, and Mr. DWYER of New Jersey.

H.R. 1539: Mr. COSTELLO, Mr. RAVENEL, Mr. KILDEE, Mr. PALLONE, Mr. HORTON, Mr. OWENS of New York, Mrs. BOXER, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. EVANS, Mr. VALENTINE, and Mr. LEWIS of Georgia.

H.R. 1556: Mr. SHAYS and Mr. DOOLITTLE.

H.R. 1557: Mr. HOCHBRUECKNER, Mr. COX of California, Mr. SMITH of New Jersey, Mrs. BOXER, Mr. MCCRERY, Mr. MAVROULES, and Mr. JONES of North Carolina.

H.R. 1566: Mr. JACOBS, Mr. MACHTLEY, Mr. BACCHUS, Mr. CAMPBELL of Colorado, Mr. GUNDERSON, Mr. WOLF, Mr. LANCASTER, Mr. DWYER of New Jersey, and Mrs. BYRON.

H.R. 1569: Mr. YATES, Mr. JEFFERSON, Mr. TOWNS, Mr. THOMAS of Wyoming, Mr. DE LUGO, Mr. SAVAGE, Mr. PAYNE of New Jersey, Mr. FROST, Mr. CHAPMAN, Ms. KAPTUR, Mr. JOHNSON of South Dakota, Mr. BONIOR, and Mr. HYDE.

H.R. 1588: Mr. GEPHARDT, Mr. LIPINSKI, Mr. HORTON, and Mr. ROE.

H.R. 1597: Mr. ANTHONY.

H.R. 1635: Mr. OWENS of Utah, Mr. BEREUTER, Mr. DURBIN, Mr. FISH, Mr. VENTO, Mr. SLATTERY, Ms. PELOSI, Mr. ANNUNZIO, Mrs. SCHROEDER, Mr. DORGAN of North Dakota, Mr. DELLUMS, Mr. SANDERS, Mr. BEILENSON, Mr. KOPETSKI, Mr. ABERCROMBIE, Mr. LAROCCO, Mr. PENNY, Mr. KAPTUR, Mr. STUDDS, Ms. NORTON, Mr. POSHARD, Mr. JEFFERSON, Mr. PETERSON of Florida, and Mr. MAZZOLI.

H.R. 1649: Mr. WOLPE, Mr. MCEWEN, Mr. FAWELL, and Mr. MFUME.

H.R. 1677: Mr. ECKART and Mr. GONZALEZ.

H.R. 1736: Mr. PENNY, Mr. MONTGOMERY, Mr. TALLON, Mr. HAYES of Louisiana, Mr. ESPY, and Mr. JOHNSON of South Dakota.

H.R. 1749: Mr. MINETA.

H.R. 1753: Mr. RINALDO, Mr. ROE, Mr. PORTER, Mr. WISE, Mr. ARMEY, and Ms. KAPTUR.

H.J. Res. 19: Mr. DANNEMEYER.

H.J. Res. 66: Ms. SLAUGHTER of New York, Mr. BROOKS, Mr. COBLE, and Mr. SAWYER.

H.J. Res. 67: Mr. EMERSON, Ms. KAPTUR, Mr. FAZIO, Mr. SMITH of New Jersey, Mr. PAYNE of New Jersey, Mr. FALEOMAVAEGA, Mr. SOLARZ, Ms. PELOSI, and Mr. SWETT.

H.J. Res. 69: Mr. LIPINSKI, Mr. RAHALL, Mr. ENGEL, and Mr. COBLE.

H.J. Res. 91: Ms. OAKAR, Mr. DELLUMS, Mr. DICKS, Mr. RUSSO, Mr. PICKLE, Mr. PANETTA, Mrs. UNSOELD, Mr. PAYNE of Virginia, Mr. PRICE, Mr. KLECZKA, Mrs. PATTERSON, Mr. RHODES, Mr. SCHEUER, Mr. FEIGHAN, Mr. SPENCE, Mr. JOHNSTON of Florida, Mr. TORRES, Mr. ORTIZ, Mr. ROYBAL, and Mr. WELDON.

H.J. Res. 107: Mr. WYLIE, Mr. HATCHER, Mr. SPENCE, Mr. SANDERS, Mr. SWETT, and Mr. SMITH of New Jersey.

H.J. Res. 138: Mr. ACKERMAN, Mr. CONYERS, Ms. DELAURO, Mr. EVANS, Mr. HALL of Texas, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. LAFALCE, Mr. PAYNE of New Jersey, Mr. PRICE, Mr. QUILLEN, Mr. RAHALL, and Mrs. VUCANOVICH.

H.J. Res. 141: Mr. VALENTINE, Mr. BROWN, Mrs. LOWEY of New York, Ms. OAKAR, Ms. PELOSI, Mr. ASPIN, Mrs. BENTLEY, Mr. CAMP, Mr. BARNARD, Mr. BATEMAN, and Mr. HYDE.

H.J. Res. 144: Mr. SAWYER, Mrs. LOWEY of New York, Mr. ROEMER, Mr. WASHINGTON, Mr. PANETTA, and Mr. SHAW.

H.J. Res. 170: Mr. RITTER, Mr. CRAMER, Mr. MCCOLLUM, Mr. HASTERT, Mr. SABO, Mr. NOWAK, Mr. MFUME, Mr. BUSTAMANTE, Mr. CARR, Mr. NEAL of Massachusetts, Mr. LEVINE of California, Mr. CHANDLER, Mr. RINALDO, Mr. GILMAN, Mr. JEFFERSON, Mr. MCHUGH, Mr. PACKARD, Mr. DORGAN of North Dakota, Mrs. KENNELLY, Mr. MCGRATH, Mr. ANDERSON, Mr. MARTINEZ, Mr. TAYLOR of Mississippi, Mr. SMITH of Texas, Mr. HUCKABY, Mr. TORRICELLI, Mr. PAYNE of Virginia, Mr. SARPALIUS, Mr. EVANS, and Mr. RANGEL.

H.J. Res. 171: Mr. HAYES of Illinois, Mr. SAWYER, Mr. REED, Mr. CAMP, Mr. TORRICELLI, Mr. ASPIN, Mr. RHODES, Ms. SNOWE, Mr. QUILLEN, Mr. LEHMAN of Florida, Mr. GILCHREST, Mr. DAVIS, Mr. CONYERS, Mr. BORSKI, Mr. BEREUTER, Mr. JONTZ, Mr. BOEHLERT, Mr. GEREN of Texas, Mr. STUMP, Mr. SCHULZE, Mr. SLAUGHTER of Virginia, Mr. FAWELL, Mr. NICHOLS, Mr. GRAY, Mr. MINETA, Mr. DARDEN, Mr. DERRICK, Mr. ANTHONY, Mr. BALLENGER, Mr. GILMAN, Mr. LEWIS of Georgia, Mr. KOPETSKI, Mr. SERRANO, Mr. NATCHER, Mr. DONNELLY, Mr. ACKERMAN, Mr. APPLEGATE, Mr. BRYANT, Mr. ANDREWS of New Jersey, Mr. BLAZ, Mr. BONIOR, Mr. MOLLOHAN, Mr. MORAN, and Mr. PAYNE of New Jersey.

H.J. Res. 179: Mr. FAZIO, Mr. ANDREWS of Maine, Mr. JEFFERSON, Mr. RHODES, Mr.

Smith of Florida, Mr. Markey, Mrs. Meyers of Kansas, Mr. Eckart, Mr. Swett, Mr. Scheuer, Mr. Studds, Mr. Paxon, Mr. Ackerman, Mr. Riggs, Mr. Serrano, Mr. Olin, Mr. LaFalce, Mr. Miller of Washington, Mr. Solarz, and Mr. Engel.

H.J. Res. 185: Mr. Gallegly, Mr. Wilson, Mr. Levin of Michigan, Mrs. Byron, Mr. Applegate, Mr. Tallon, Mr. Allard, Mr. Zimmer, Mr. Frost, Mr. Yatron, Mr. Baker, Mr. Serrano, Mr. Roe, Mr. Machtley, Mr. Lagomarsino, Mr. Lancaster, and Mr. Kanjorski.

H.J. Res. 196: Mr. Grandy, Mr. Horton, Mr. Clement, Mr. McDade, Mr. Leach, Mr. Hastert, Ms. Kaptur, Mr. Quillen, Mr. Roe, and Mr. Wise.

H.J. Res. 218: Mr. Kildee.

H. Con. Res. 11: Mr. Hunter.

H. Con. Res. 109: Mr. Bereuter and Mr. Yatron.

H. Con. Res. 114: Mr. Ramstad, Mr. LaRocco, Mr. Hughes, Mr. Engel, Mr. Price, and Mrs. Mink.

H. Res. 40: Mr. Jefferson.

H. Res. 101: Mr. Annunzio, Mr. Martinez, Mr. Gaydos, Mr. Weiss, Mr. Kildee, and Mr. Andrews of Maine.

H. Res. 115: Mrs. Johnson of Connecticut, Mr. Lipinski, Mrs. Lloyd, Mr. Wolpe, Mr. Hochbrueckner, Mr. Torres, Mr. Kildee, Mr. Payne of Virginia, Mr. Poshard, and Mr. Levine of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 559: Mr. Andrews of Texas.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and paper were laid on the Clerk's desk and referred as follows:

57. The SPEAKER presented a petition of the International Association of Machinists and Aerospace Workers, relative to H.R. 5 and S. 55; which was referred jointly, to the Committees on Education and Labor, Public Works and Transportation, and Energy and Commerce.

EXTENSIONS OF REMARKS

EXTENDING FAST TRACK AUTHORITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. HAMILTON. Mr. Speaker, last week Kay Whitmore, president and CEO of Eastman Kodak Co. and chairman of the Business Roundtable working group on United States-Mexico trade and investment, testified before the Ways and Means Committee in favor of extending fast track authority. It was an excellent statement, and I commend it to my colleagues for their consideration.

STATEMENT OF KAY R. WHITMORE, CHAIRMAN, PRESIDENT, AND CHIEF EXECUTIVE OFFICER, EASTMAN KODAK CO.

Mr. Chairman and Members of the Committee, I am pleased to participate in this hearing concerning President Bush's request for an extension of fast track authority to negotiate bilateral and multilateral trade agreements. I speak today on behalf of the Business Roundtable, an association of chief executive officers of 200 major U.S. corporations who examine public issues that affect the economy and develop positions which seek to reflect sound economic and social principles.

Failure by the Congress to extend fast track authority would seriously impair the ability of our government to open markets for U.S. exports of goods and services. Without expanded foreign market access and growing exports, the U.S. economy will remain mired in the economic doldrums. Over the longer term, our standard of living and ability to create new good jobs for American workers will be jeopardized.

A COMPREHENSIVE TRADE STRATEGY

When the Congress enacted the 1988 Trade Act, it recognized the need for a comprehensive and aggressive international trade strategy. The Business Roundtable worked closely with the Congress to ensure that we have the tools to pursue bilateral and multilateral initiatives to open foreign markets to U.S. goods, services and investment.

We worked together to strengthen U.S. trade laws such as section 301, and to provide fast track authority to negotiate comprehensive multilateral and bilateral agreements. We also worked to ensure that any negotiations would be a joint effort of the Congress, the Executive Branch and the private sector. The Congress also anticipated the need for a two year extension of "fast track" when it passed the 1988 Act.

Two negotiations are at the heart of President Bush's request for an extension: The GATT Uruguay Round and the proposed North American Free Trade Agreement.

THE GATT URUGUAY ROUND

Completion of the GATT Round remains a top trade priority for Business Roundtable companies. There is much to be gained in terms of added economic growth, jobs and prosperity for the United States from the successful completion of this Round. Tariff cuts by our trading partners, a comprehensive services accord and enhanced intellectual property protection will clearly be a major boon for American companies in global competition. True agricultural reform will not only play to one of our international competitive strengths, but help ease pressures on the U.S. budget deficit, as well.

It would be a grave mistake to deny President Bush the authority to complete these negotiations. The benefits for the United States from a successful Round are enormous. The cost of failure could be severe.

THE NORTH AMERICAN FREE TRADE AGREEMENT

Last June, the Business Roundtable issued a policy statement calling for comprehensive trade and investment negotiations with Mexico. At that time James Robinson of American Express testified before this Committee and outlined the reasons why Roundtable companies saw these negotiations in the overall economic interest of the United States.

Rather than repeat the Roundtable's earlier testimony, I would like to take this opportunity to set the record straight concerning the potential benefits for the United States from a comprehensive agreement. Setting the record straight is necessary because there has been an enormous amount of misinformation and misunderstanding about this important issue.

I. MYTH NUMBER ONE: MEXICO IS TOO POOR TO BUY OUR PRODUCTS

Between 1986 and 1990, U.S. exports to Mexico rose by $16 billion in response to the partial liberalization of the Mexican economy and the economic recovery. As a result, the U.S. trade balance with Mexico swung from a deficit to a surplus in non-oil trade of over $3 billion, for a swing in our net export position of nearly $5 billion. With no other country have we experienced such strong export growth. Somebody in Mexico was buying our products.

II. MYTH NUMBER TWO: EXPORTS TO MEXICO DO NOT CREATE U.S. JOBS

American workers were employed making those extra exports. Using a rule of thumb of 30 U.S. jobs created for every one million dollars in net exports, that means an extra 144,500 jobs were created in the United States during 1986–90 because of trade with Mexico. Many more American workers would be unemployed were it not for exports to Mexico. Even if the relationship between job creation and exports is less than generally assumed, there is no doubt that there has been a very positive impact for American workers from developments in Mexico over the past four years.

III. MYTH NUMBER THREE: MEXICO IS ALREADY OPEN SO THERE ARE NO EXTRA BARRIERS FOR THE U.S. TO ELIMINATE

Mexico continues to maintain considerable barriers to U.S. exports. Autos are a good example.

The U.S. has a two and one half percent tariff. Mexico has a twenty percent tariff and other barriers to access. Mexico is a market of 500,000 vehicles. If that market were truly open, and if the Mexican economy continues to grow, it is easy to imagine the U.S. selling 100,000 U.S. made vehicles there. That alone would translate into an extra $1 billion in U.S. exports to Mexico on a sustained basis.

Another example is agriculture. At present, restrictive licensing inhibits 40 percent of our agricultural exports to Mexico.

IV. MYTH NUMBER FOUR: THE BENEFITS FOR THE U.S. WILL BE THE SAME WHETHER OR NOT WE HAVE A FREE TRADE AGREEMENT

A major incentive to negotiate a Free Trade Agreement with Mexico is to achieve additional liberalization of the Mexican economy as well as lock in what has been done thus far. An agreement with the United States would go a long way to ensuring that the opening of the Mexican economy outlives the current Salinas Administration. Certainty and predictability are essential for business planning.

No doubt, President Salinas also understands the importance of predictability. Mexicans are finally regaining confidence in their own economy after the disastrous 1980's. An agreement would provide an extra boost to confidence inside Mexico, which in turn could lead to a boom in the Mexican economy. On the other hand, rejection by the Congress of fast track could trigger massive capital flight and renewed economic destabilization of the Mexican economy.

With a Free Trade Agreement, Mexico could easily experience 5 percent real growth over the next ten years. Given that 70 cents of every dollar spent on imports in Mexico is spent on U.S. goods, the potential benefit for American workers and American jobs is enormous.

If we lock in the opening of the Mexican economy with a Free Trade Agreement, what will we sell? Everything you can think of and things we cannot even conceive of now. A few examples:

Caterpillar is the main supplier of heavy equipment to build new roads in Mexico. The infrastructure of Mexico is terrible and badly in need of upgrading. President Salinas has an innovative program funded by the private sector to build major new roads in Mexico. Already, Caterpillar's sales in Mexico have doubled every year since 1988.

In 1989, General Electric's exports to Mexico totaled over $100 million. These exports included locomotives, power generation equipment and diagnostic imaging equipment. GE's exports to Mexico are projected to grow fourfold in 1991, reaching $430 million. With a Free Trade Agreement, GE expects its exports to continue to increase at a comparable pace.

Procter and Gamble's net exports of finished products, raw materials, equipment and services to Mexico supports roughly 1,500 jobs in the United States. Their best estimate is that a free trade agreement will increase this figure by about 2,000 jobs for a total of 3,500. Some of those new jobs will be Procter and Gamble, but many will be in their U.S. suppliers' businesses.

Union Pacific Railroad is already adding jobs in Texas to handle the additional trains moving across the border and is likely to add more.

These stories can be repeated over and over again by hundreds of American companies.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

One final one about my own company, Kodak.

In 1990, Kodak exports to Mexico were $126 million. We expect in the 1990s, with a free trade agreement, that Kodak's exports will at least double. As a result, in our sensitized goods operations, we expect U.S. employment which supports operations in Mexico to double, as well.

Mexico is our natural market. Let's lock it in.

V. MYTH NUMBER FIVE: A FREE TRADE AGREEMENT WITH MEXICO WILL RESULT IN MASSIVE JOB LOSS IN THE U.S. AS WE ARE FLOODED WITH MEXICAN IMPORTS.

The fact that the U.S. economy is mostly open to Mexican imports now, and we have hardly experienced a flood. The average U.S. tariff on Mexican imports is only 3.9 percent.

Nor should further liberalization between our two countries be disruptive for the U.S. economy overall. This is confirmed by each of the economic studies on the impact of a U.S.-Mexico Free Trade Agreement done thus far—from the University of Maryland study for the Department of Labor, to the ITC study to the one done by Peat Marwick. In fact, each of these studies indicates that on balance a comprehensive agreement with Mexico will be beneficial for the United States and American workers.

VI. MYTH NUMBER SIX: A FREE TRADE AGREEMENT WILL RESULT IN MASSIVE U.S. JOB LOSS AS AMERICAN MANUFACTURING MOVES SOUTH OF THE BORDER.

On many counts this is wrong. First, an important incentive for U.S. companies to invest in Mexico will disappear with an Agreement. My company, as well as many others, invested in Mexico in the 60's and 70's to get inside a closed market. It was the only way we could sell there. With the barriers down, an important reason for relocating is gone.

Second, opponents assume that the cost of labor is the key variable in investment decisions by U.S. manufacturers. Other factors are at least as important, like transportation, communications infrastructure, financial and business services, high quality, reliable suppliers, proximity to market, and above all an educated, skilled, productive workforce.

With regard to this particular matter, I would like to quote Jacques Delors, President of the European Communities, since opponents like to say that there is no analogy between our situation with Mexico and that of the Community with the accession of Spain and Portugal:

"Of course there will be investment in those countries where labor costs are lower, where social security is less and where employees—and thus also the machines—work longer hours. But on the other hand, I ask myself if the European Community did not exist, if Spain and Portugal were not members of the European Community, would the problem really be different? We should not forget that the work factor is not the only criterion governing the company's choice of location. Financial conditions, training opportunities, availability of information and speed of access to information also are crucially important. The risk that a company might choose to set up elsewhere therefore should be viewed in perspective." (1992—The Social Dimension, Feb. 1990, p. 56)

Mr. Delors made these arguments to counter opponents in the northern countries, and to urge limited European intervention because "social dumping" would not be a risk except in isolated cases.

Third, let's not forget that U.S. manufacturing production is at post-war high (23 percent of GNP). Even with substantial productivity gains, employment in manufacturing has stayed relatively constant over the last several years, although certainly the current recession is hurting. The reason is that manufacturing in this country has developed new products and new markets and new ways to maintain competitiveness. Surely, this would not be the case if our major preoccupation was cheap labor. To the contrary, the favorable trends are due in large measure to our growing export competitiveness.

Fourth, opponents forget that Mexicans are and will be the primary source of investment in the Mexican economy. Anywhere from $80 billion to $100 billion in Mexican money sits in American and foreign banks waiting to see whether there is stability and growth over a sustained period. Flight capital already is returning to Mexico in substantial amounts. More will come as confidence returns. So the biggest source of new investment in Mexico will be the Mexicans, themselves. Most investment is likely to be for infrastructure, such as transportation and communications to catch up after the very depressed levels of investment in the 1980's. We are the logical suppliers of the capital equipment and services to rebuild Mexico's infrastructure.

Furthermore, investment in Mexico, whatever the source, directly benefits the United States. For every extra dollar earned in Mexico, 20 cents is spent on U.S. goods. With no other country does the United States have such a direct, beneficial economic relationship.

Finally, why are we so afraid of investment by U.S. companies in Mexico? There has always been some and there will no doubt be more. In many instances, U.S. companies invest in some parts of production in Mexico to maximize global competitiveness, and as a result, maintain production and high value added jobs in the United States. Without some assembly in Mexico, often there would be no production in the United States at all. Rather, production would move off-shore entirely, or companies would simply stop making that particular product.

For example:

Dana Corporation, a major auto parts manufacturer currently exports two dollars of product from the United States to Mexico for every dollar it imports. With a Free Trade Agreement, Dana, the second largest auto parts manufacturer in the world, estimates that its exports will rise even further. This is contrary to the popular notion that auto parts in the United States will be damanged by free trade.

General Motors' Packard Electric Division produces powered signal distribution systems for GM and many non-GM customers. Components from Packard's U.S. operations are shipped to Mexico for labor intensive assembly. By placing subassembly in Mexico, and retaining high technology operations in the United States, Packard has been able to enhance its competitiveness and secure significant business with non-GM customers, which in turn has created new component business in the U.S. The local union leadership of the International Union of Electrical Works is supportive of this co-production and recognizes that it is essential to maintain competitiveness and jobs in the United States.

In a recent letter to the USTR requesting duty free status for ceramic magnets imported from their Mexican operation, the local union of the International Union of Electrical Workers joined with the management of another division of GM, to argue that their Mexican operation helps them to be more competitive.

AT&T has shifted repair of its cordless phones from Singapore to Mexico. The turnaround time on the repair work is now one quarter of what it was. This has allowed AT&T to become more competitive which has led to lower prices and created more sales jobs in the United States.

Another example from Kodak. In 1986, Kodak moved its harness assembly for copiers from Rochester to Mexico because the operation was not cost-competitive. The choice was to move it to Kodak Mexico or outsource to the most competitive non-US supplier. By moving it to Mexico, Kodak had the time to develop new technology which was less labor intensive for Rochester, as well as value added services such as product design, drafting, and other activities necessary to stay in the business and enhance world-wide competitiveness. By moving the assembly operation to Mexico, we saved 300 jobs in Rochester.

To say that there is no direct benefit to the United States in co-production is simply not true.

VII. MYTH NUMBER SEVEN: EVERYONE IN MEXICO MAKES 57 CENTS AN HOUR

According to the U.S. Dept. of Labor, hourly compensation in Mexico by major occupation is as follows: $1.89 for unskilled laborers, $2.38 for semi-skilled workers, $2.97 for clerical workers and $14 per hour for professional/managerial workers.

According to the Wharton Group, the average compensation of a maquiladora worker is $1.60 per hour. The Wharton group estimates that in 1989, technicians and administration personnel in the maquiladoras made up to $4.50 per hour.

It is true that the minimum wage in Mexico is very low, but workers in manufacturing are not receiving that wage, and it is these workers that opponents say we are competing against. Let's also remember that the U.S. worker is far more productive than his Mexican counterpart. The wage gap reflects the huge productivity gap.

Opponents assume that Mexico deliberately is pursuing a low wage strategy for exports. They conveniently forget that Mexico suffered a major debt crisis in the 1980's which prompted a real decline in wages, not a deliberate strategy to keep the Mexican worker down. In 1980, Mexican manufacturing compensation was $3.00 an hour. The Salinas Administration's ultimate goal is to get back to that level and exceed it, not keep wages down.

VIII. MYTH NUMBER EIGHT: WE HAVE NO COMMITMENT IN THIS COUNTRY TO HANDLE ECONOMIC ADJUSTMENT.

First, The Business Roundtable strongly endorses the idea that we will need appropriate transition periods for certain sectors of the U.S. economy to ensure a smooth transition and adjustment.

Second, The Business Roundtable supports inclusion of an escape clause in the agreement in the event a surge of imports is the substantial cause of serious injury.

Third, while I would certainly be the first to say that we need to do a much better job of educating, training, and retraining our workforce to ensure rising living standards in this country in the years ahead, to say that little is being done in this area is false. U.S. companies spend $30–$50 billion in hard cash and incurred another $150–$170 billion in expenses for benefits, salaries, and lost time every year training and retraining American workers.

There are government programs, as well, such as the Job Training and Partnership Act designed to help dislocated workers. Rather than saying that we cannot move ahead with negotiations with Mexico, the public and private sectors should consider creative ways to target programs more effectively.

Finally, The Business Roundtable has made a major 50 state commitment to improve levels and standards of education in this country. In each state, Roundtable companies are working closely with the governors to achieve important results by the year 2000. We are doing this because we are concerned that we will not have the workforce we need to maintain our competitiveness in the years ahead. Roundtable companies would not be putting this much effort into improving education in this country if we were not committed to maintain production in the United States.

IX. MYTH NUMBER NINE: MEXICO HAS NO ENVIRONMENTAL LAWS AND WORKERS RIGHTS.

In 1988, Mexico passed a comprehensive environmental law patterned after ours. New investments must now include a detailed assessment of their environmental impact, and the impact must meet regional environmental standards. Investment approval is tied to compliance. Criminal penalties and administrative sanctions exist for non-compliance.

Mexican laws on workers rights are codified in their constitution. They ensure the right of association, the right to organize and bargain collectively, the prohibition of forced or compulsory labor, a minimum age for employment of children, as well as set minimum wage levels and maximum hours of work. The same labor rights and standards apply throughout Mexico, including the maquiladoras. Mexican laws are at least as comprehensive and stringent as ours, and in some cases more so.

So, lack of laws providing adequate protection in the areas of the environment and workers rights is not the problem. The major problem is enforcement.

Opponents assume that companies will rush to Mexico to take advantage of lower environmental enforcement and standards. As with wage rates, they make the mistake of assuming that diverging environmental standards drive investment. Many factors are far more important. Besides, most major companies today have global environmental standards which means investments any where in the world will be made to the same high standards.

Furthermore, no intelligent businessman today would flee to Mexico for environmental reasons when investment is a ten-year project. It would be very foolish to assume that Mexican enforcement will not be substantially improved in that time period. In fact, Mexico is already showing a strong commitment to the environment. The Salinas government has promised that all new investment in Mexico must conform to it new environmental laws. With respect to existing investment, new efforts are underway. For example, they shut down a major oil refinery outside Mexico City, and altogether have closed 900 operations for non-compliance with the law.

Nevertheless, it is important that the United States and Mexico intensify their efforts to address these issues in parallel with the FTA negotiations. Achieving real progress and substantive results on the environment and workers rights must be a high priority of an enhanced U.S.-Mexican relationship in the years to come.

X. MYTH NUMBER TEN: WE CAN NEGOTIATE WITH MEXICO WITHOUT FAST TRACK

The reality is without fast track we can no more negotiate with the Mexicans than with a hundred countries in the GATT. However, if fast track works right, Congress and the private sector will be extensively consulted and involved throughout the process.

Like you, the business community is not prepared to give a blank check to the Administration. We expect a good deal solidly in our interest. To this end, The Business Roundtable has developed detailed objectives of what we hope to achieve in the negotiations. Our objectives cover tariffs, non-tariff barriers, investment, services, intellectual property, and dispute settlement. We want a deal that furthers American exports, and enhances American jobs. Otherwise, we will not support it any more than you.

Nor do we see any need to rush. It it takes six months, or if it takes six years, we expect the Administration to bring us a good agreement.

TRIBUTE TO CHARLES H. WHITTIER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SKELTON. Mr. Speaker, it is with great regret that I rise to inform the members of the passing away of Charles H. Whittier, a Library of Congress staff member since 1968, on March 18. He was a good friend not only to myself but to many Members of Congress, always ready to help those that did not share his prodigious intelligence and learning.

Charles had been affiliated with the Government Division of the Congressional Research Service for more than 21 years, until his retirement in January 1991. He exemplified the best our institutions can offer to help us in our job as representatives.

His total mastery of the English language was always available to Members of Congress and congressional staff alike. He provided that additional insight and wit to aid and sustain us in our service to the people. In presenting Whittier with a Superior Service Award on the occasion of his retirement, Librarian James H. Billington lauded his notable contributions to the ability of the Congressional Research Service:

> to serve Congress in it's deliberations. The impact you have had * * * is a testament to your knowledge, wisdom, and generous spirit.

I knew Charles through the authoritative expertise he brought to the instruction of writing and public speaking skills. The seminars he conducted regularly were without precedent and totally the creation of his design. However, he was a man of diverse talents. As an authority on religion and public policy, Whittier produced over 250 reports for Congress and was the frequent recipient of commendations from Members of Congress for his work. He revealed a great breadth of expertise in areas as diverse as the role of the Dalai Lama in Tibetan Buddhism, relations between the United States and the Holy See and silent prayer in world religions—a study cited in a Supreme Court decision.

In addition to Whittier's participation in numerous congressional seminars and legislative institutes, he received national recognition serving as a panelist or speaker at scores of national conferences throughout the country on the many issues relating to religion and public policy.

Government Division Chief Fred Pauls wrote to Whittier at the time of his retirement:

> Through your efforts Members were able to become better informed about all the religions and religious beliefs in the world.* * * Certainly, congressional debates on, and understanding of, the impact of the Shiite Muslim Revolutionary takeover of Iran on American foreign policy and United States relations with that regime were abetted by the work that you did.

A native New Englander, Whittier earned a bachelor of arts degree cum laude in history from Tufts University in 1954 and a bachelor of divinity degree from the same university in 1959. He also pursued course work toward a master's degree in education at the State college at Boston.

In 1959, he was ordained to the Unitarian Universalist ministry and served as the minister of Peirce Memorial Church in Dover, NH, for 4 years. While there, he also participated extensively in a number of religious, social, and civic organizations and was a chaplain at the University of New Hampshire. While living in Washington, he devoted a great deal of his time to the Church of the Ascension and St. Agnes, serving on the vestry for many years and participating in the choir.

I will always think of Charles Whittier as a very kind and obliging man, generous in his help of others. I will remember him as a good friend and a very capable colleague. Contributions in his memory may be made to the Church of the Ascension and St. Agnes for a music fund that has been established in his name.

ERIN CLEGGETT, EMBODIMENT OF AMERICAN IDEALS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. DONNELLY. Mr. Speaker, I rise today to send a special birthday wish to one of my constituents, Erin Cleggett of Braintree, who recently turned 16. A 16th birthday is a significant milestone in a young person's life, and young Erin, who you would expect to be at the front of the receiving line for gifts like any 16 year old, was herself, giving out gifts on her birthday.

With the help of her parents, Kathy and Joe Cleggett, she threw a party in which each guest was asked to bring nonperishable food like canned soup and peanut butter, so she could donate it to a local food kitchen.

Mr. Speaker, Erin Cleggett will long remember her 16th birthday for her great gift and as the Braintree Forum said, "so will a lot of people who are less hungry because of her birthday.

Erin is a complete role model for the youth of today and I would like to insert into the RECORD, the following news story reported so eloquently by Olive Laing which profiles an already accomplished Erin Cleggett:

[From the Braintree Forum, Mar. 20, 1991]

16TH BIRTHDAY PARTY GATHERS FOOD FOR THE HUNGRY

(By Olive Laing)

Erin Cleggett will long remember her 16th birthday. So will a lot of people who are less hungry because of her birthday. And with good reason.

Not only was Erin the "belle of the ball" at a gala birthday party in K of C Hall, planned by her mother and father, Kathy and Joe Cleggett, but she was surrounded by people near and dear to her—family, friends, and some 80 or so classmates at Braintree High School where she is a sophomore. Erin's father is a former selectman and present water and sewer commissioner.

Her birthday was February 10. With a lot of help from Dave and Ginny Sarney and their daughter Beth, Joe's brother Bill and sisters Nancy and Jean, Kathy and Joe prepared and served all the food for the party.

Erin's friends from school arrived quite formally dressed, the girls in party dresses and the boys in jackets and ties. The party started at 7 p.m. and ended at 10 with music by Kevin Wyatt and Mark McGrath who spun the records. The young people danced the evening away, pausing long enough to serenade Erin with "Happy Birthday."

But of all the things taking place that evening, I think the really special one was this: when Joe and Kathy sent out the invitations they included a suggestion that instead of gifts, those attending contribute food for a local food kitchen, non-perishables like canned soups, meats or fish, baby foods, peanut butter and the like. Would you believe those kids brought more than 300 cans and packages which have been given to a worthy shelter through Mayor Flynn's Hunger commission. Young people are truly great.

Among those joining in the celebration for Erin were friends who skate with her at the Pilgrim Skating Club in Hingham. Erin is an accomplished figure skater. She has been on skates since she was four and has competed since she was 11. She is a member of the Ice Skating Institute of America (ISIA) and the United States Figure Skating Association (USFSA).

When Erin was just 13 she won the level 4 free-style event for 13-year-olds at the ISIA Nationals in Dallas, Texas. She has competed at the Lake Placid Olympic Arena in New York twice and at the Bay State Games in Williamstown three times.

In her most recent competition she finished second in an artistic solo at the Bay State Games (February 2).

This talented little lady has appeared in "Cats" and as the cowardly lion in "The Wizard of Oz" in the Pilgrim ISIA yearly skating shows.

Erin works hard to sharpen her skills. During the summer she skates four hours a day five days a week. In the winter she skates three days a week for two or three hours a day. On Saturdays she teaches in the USFSA "Skate With Us" program for young children.

In the ISIA, Erin is ranked as a level 6 skater. She hopes to pass level 8, the highest ISIA level, before she graduates from high school. My guess is she will. Such is her perseverance.

And with all her outside activities. Erin is a participator and an achiever at the high school also. She is a member of the J.V. cheerleaders and of SADD. She was elected to the French National Honor Society and is an honor roll student.

THE MADELEINE A. GARDNER SCHOLARSHIP

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SCHEUER. Mr. Speaker, I would like to share with the Congress my sincere pleasure at the selection of Ms. Barbara Jeanne Knab to receive this year's Madeleine A. Gardner Scholarship Award of the Long Island Center for Business and Professional Women. The award will be presented on May 9, 1991, at the center's 12th annual awards dinner.

The award is used to defray the costs of a year of undergraduate study. Ms. Knab is a student of Molloy College in Rockville Centre, NY, who began her studies in 1985.

Mr. Speaker, Barbara Knab is the embodiment of American spirit and determination. A former secretary and bookkeeper, she stopped working for a time to raise her family. She has two boys, who, at ages 11 and 8, never have a problem keeping her occupied. To this point, she has studied part time, and though her husband supports their family, she also works part time to pay her tuition.

Her major is in computer science, with a minor in math. With everything else she has to do, Ms. Knab manages to maintain an excellent 3.92 grade average, and has no intention of ever letting it slip before she graduates. At this point in her life she has decided it is time to study full time, so that she may graduate in 1992.

Barbara Knab intends to teach, and it is certainly good to know that such a talented woman wants to use her time in service to our youth. Good teachers are a critical national resource, and I am sure she will become one of them. I know my colleagues join me in saluting her, not just for receiving this prestigious award, but also for the selfless plans she has for her education. For all of Barbara Knab's hard work, dedication to her family and her future, she deserves not only our congratulations, but our respect as well.

Mr. Speaker, I would also like to congratulate the Long Island Center for Business and Professional Women for this and their many other community services. They work tirelessly to make Long Island a better place to live and work. Special congratulations must go to the scholarship committee, Judith Beckman, Harriet Causin, Ellen Saltzman, and my good friend Carole Abramson. They had an extraordinarily difficult task, but have made an excellent choice.

It is an honor and a privilege to join Barbara Knab's family, friends, and colleagues in saluting her on this special occasion.

TRIBUTE TO THE MOUNT ST. URSULA SPEECH CENTER FOR COMMUNICATION AND LEARNING

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SERRANO. Mr. Speaker, I rise today to share with you and my distinguished colleagues the celebration of 30 years of the Mount St. Ursula Speech Center's dedication to the children of the Bronx.

Mr. Speaker, when Sister Winifred Danwitz, administrator and founder of the Mount St. Ursula Speech Center, opened this center during the summer of 1961, she and a volunteer staff of five clinicians met 37 children for treatment in daily speech therapy sessions. The following summer 176 children were treated and the potential for further growth was assured. As new challenges arose through the sixties, seventies, and eighties, appropriate diagnoses and treatment were provided to meet the needs of the changing population of the Bronx. More than 7,000 children have attended the center in the past 30 years.

Today, many of the center's children reflect the serious effects of poverty, inadequate education, poor health care, single-parent homes, and the drug-afflicted environments in nearby neighborhoods. The center's services continue to focus on early intervention for preschool children and dropout prevention for older children identified as high risk for school failure.

Mr. Speaker, I am filled with appreciation and gratitude for Sister Winifred Danwitz and the hundreds of volunteers who have contributed their time and talent to helping our children. I would like to pay tribute to the enduring strength of leadership, vision, commitment, and faith that have made the Mount St. Ursula Speech Center an oasis of integrity and quality in our community of the Bronx. Please join me in celebration of 30 years of generous dedication.

TRIBUTE TO STEVEN N. FOREMAN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA.

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating a young man from the 17th Congressional District of Pennsylvania.

On April 28, Steven N. Foreman will join the distinct class of individuals who have obtained the highest award in the Boy Scouts of America—the Eagle Scout Award.

Steven joined the Boy Scouts in 1984. His fellow Scouts elected him to the Order of the Arrow in 1987. He has since earned his 50-Mile Hiker Award, the Historical Trails Award and the World Conservation Award. In 1989, Steve was elected Scout of the Year in Troop 419 by the adult leaders.

Steven has served as patrol leader, member of the leadership corps, senior patrol leader, was appointed junior assistant Scoutmaster and now looks forward to being a troop committee member.

For his Eagle Scout project, Steven offered to brick veneer the Selinsgrove Band Boosters Building on the football field. He supervised 11 friends and 8 fellow Scouts in this project.

Besides Scouting, Steven is a senior at Selinsgrove Area High School. He plans to attend Penn State University in the fall and major in aerospace engineering.

Mr. Speaker, as you can see, Steven N. Foreman has shown time and again that his hard work, dedication, and perseverance are fine characteristics of himself as well as the Boy Scouts of America.

I join his family and friends when I say I am very proud of Steven for the accomplishments he has made. He has worked hard to achieve this goal, and well-deserving of it.

THE NATIONAL ENERGY STRATEGY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mrs. COLLINS. Mr. Speaker, now that the war has ended and our troops are returning home, we will inevitably begin to reflect on the events of the gulf war and reevaluate some of the policies and beliefs that we had before it began. We have certainly learned that our Armed Forces are highly talented, skilled and have a remarkable ability to succeed. We have also observed which weapons systems and military tactics were the most successful and this knowledge will undoubtedly play a role in future defense appropriations.

It appears, however, that we have not learned one very important lesson from the gulf war. During the war, we realized how terribly vulnerable our Nation is because of our dependency on foreign oil. We became aware of how much more foreign oil we use in comparison to many of our allies and we realized that this was not an asset. Unfortunately, rather than take this opportunity to commit ourselves to lowering our energy consumption and becoming increasingly energy independent, the President has released a national energy strategy that is environmentally and economically inappropriate for the 1990's.

The new national energy strategy does not attempt to lower oil consumption by offering mandates for improving fuel efficiency standards in motor vehicles or by adding on import fee on foreign oil or increasing the gas tax. It does not encourage conserving energy or using renewable energies through tax incentives. Instead, the new energy plan proposes that the licensing procedures for nuclear power plants be eased and that the Alaskan Arctic National Wildlife Refuge be opened for oil drilling.

Implementing this energy strategy will simply continue our dependency on foreign oil and force us to remain vulnerable to the political turmoil in the Middle East. Moreover, we will be opening our country to the types of environmental tragedies that we experienced in the Prince William Sound and that we have observed in the Persian Gulf, in Chernobyl, and most recently at the Mihama nuclear power plant in Japan. I ask my colleagues that we learn from the lessons of the war so that we can improve and mature as a nation. Let's support a new energy strategy for America—one that reflects the wisdom we have gained from war and is suited for our Nation as we enter the 21st century.

WELCOME TO THE NEW CITY OF CALABASAS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to welcome the new city of Calabasas, CA, which formally incorporated during the recent congressional district work period after a long and successful cityhood drive.

As a former mayor, I have long been a strong supporter of local government. As many of my colleagues who have had the privilege of serving in local government will agree, there's an immense sense of satisfaction at being able to get things done, things that directly affect people's lives.

The new Calabasas City Council will have the rare opportunity of shaping the future of a city. I would like to commend council members Lesley Devine, Karyn Foley, Bob Hill, Marvin Lopata, and Dennis Washburn as they begin their duties, and to ask my colleagues to join me in wishing them and the new city of Calabasas a bright and prosperous future.

INTRODUCTION OF THE PANAMA CANAL COMMISSION AUTHORIZATION ACT FOR FISCAL YEAR 1992

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. TAUZIN. Mr. Speaker, the Merchant Marine and Fisheries Committee has this year placed the Panama Canal Commission under the jurisdiction of the Coast Guard and Navigation Subcommittee. It is a pleasure to again represent the subcommittee of jurisdiction over the Panama Canal Commission as I did during the 100th Congress. I rise today to introduce the Panama Canal Commission Authorization Act for fiscal year 1992.

In 1977, President Jimmy Carter signed the Panama Canal Treaty. Congress subsequently enacted into law measures to ensure the stability of the canal prior to year 2000 when the canal will be transferred to the people of Panama. Public Law 96–70, the Panama Canal Act of 1979, established the Panama Canal Commission to ensure the continued operation of the canal and to facilitate the training of Panamanians in the canal's operation and maintenance.

The Panama Canal Commission, which oversees the operation of the canal, is self-funded, drawing on its tolls and revenues for operational and administrative expenses. The Panama Canal Authorization Act for fiscal year 1992 authorizes spending of these funds. The Panama Canal Commission has based its budget request on an estimated income for fiscal year 1992 of $505.9 million. Included in its 1992 budget request is funding for the continued maintenance, dredging, repair, and improvement of the canal, for the support of its approximate work force of 8,500 people, and for the procurement of necessary supplies and machinery.

The Panama Canal is a credit to the engineering foresight and capabilities of tens of thousands of canal employees both American and Panamanian and others of the past 77 years. The canal has operated continuously since completion in 1914 and through efforts of all involved will continue to facilitate the international transportation of goods and cargo for many decades to come.

I urge your support of the Panama Canal, the Panama Canal Commission and its Board of Directors, and the Panama Canal Authorization Act for fiscal year 1992.

SUPPORT FOR S. 534 AND S. 565

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. HASTERT. Mr. Speaker, I rise today to express my support for S. 534 and S. 565 to award gold medals to Generals Norman Schwarzkopf and Colin Powell for the leadership they displayed during Operation Desert Storm.

General Schwarzkopf demonstrated a superior level of tactical and strategic military expertise with his prosecution of the allied battle to free Kuwait from Iraqi control. His coordination and execution of the coalition operation was practically flawless, from the day the allied air bombardment commenced to the 100 critical hours of the ground offensive.

General Schwarzkopf showed keen leadership ability as head of the U.S. Central Command in the Persian Gulf, and it is only fitting that we recognize him for the greatest military victory since World War II.

General Powell, as Chairman of the Joint Chiefs of Staff, provided the allies with invaluable coordinating and planning efforts, helping to assemble both our own forces and those of our coalition partners. Throughout the operation in the gulf, General Powell provided the President with advice and counsel that consistently proved to be accurate and precise.

I believe that Generals Schwarzkopf and Powell deserve to receive gold medals of honor in recognition of their exemplary performance during Operation Desert Storm, and as a show of Congress' and the Nation's appreciation for their leadership.

IRVINE RANCH WATER DISTRICT—A NATIONAL LEADER IN THE USE OF RECYCLED WATER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. ANDERSON. Mr. Speaker, I want to call your attention to a recent Los Angeles Times article which addresses the tremendous strides being made at the Irvine Ranch Water District [IRWD] in Orange County, CA, in the area of reclaimed water.

As you know, California continues to suffer through its worst drought in history. However, the IRWD has become recognized throughout the State and, in fact, the Nation as one of the great leaders in the recycling of water for nondrinking purposes. Every day, the IRWD supplies users with 10 million gallons of reclaimed water of irrigation of residential and commercial landscaping, parks, school grounds, farms and orchards, and to fill a large public lake. And last month, the IRWD connected the Irvine Co.'s new 20-story office building at Jamboree Center to its reclaimed water system. This was the first time in our Nation's history that a municipal water district was able to accomplish such a feat. This innovative and far-sighted approach in the area of water recycling will not only be of great benefit to the environment, but it is also a perfect example of what can be accomplished when a strong cooperative spirit can be forged between Government and private enterprise.

As such, I take this opportunity to congratulate and commend leaders at the IRWD and the Irvine Co. who have spent the last 3½ years planning this system and working with several regulatory agencies in its implementation.

I include the Times article in its entirety in the RECORD.

PIONEER RECYCLER: WATER IS NOT OVER THE DAM AT IRVINE RANCH

(By Tom McQueeney)

IRVINE.—Gray-brown water enters the treatment plant, carrying everything from coffee grounds to cigarette butts.

Half a day later, after being strained, treated by waste-munching bacteria, filtered through charcoal and bubbled with chlorine gas, the sparkling clear water leaves the sewage treatment plant to be used again on front lawns, ballfields and crops.

This scenario of recycling water for nondrinking purposes, which is becoming more common in southern California as fresh water becomes increasingly difficult to import, is old hat to the Irvine Ranch Water District. The district has been recycling water for 24 years and is considered a statewide leader in supplying recycled water.

"They are the pioneers, I'd say," said Lynn Johnson, chief of the state's Office of Water Recycling. "If you think of leadership in using reclaimed water in the state, L.A. County, the Orange County Sanitation District and Irvine Ranch Water District comes to my mind."

The reclamation systemn allows Irvine Ranch, the seventh-largest supplier of reclaimed water in California, to import about 10,330 acre-feet less water a year. That's enough water to supply more than 10,000 large families for a year.

The district supplies 10 million gallons a day for use in irrigating residential and commercial landscaping, parks, school grounds, farms and orchards, and to fill the lake at William R. Mason Regional Park in Irvine. Health authorities prohibit the use of recycled water for drinking.

And last month, the water district hooked a 20-story office building to the recycled water system—a first in the nation for a municipal water district. Highly treated waste water is used to flush the dozens of toilets and urinals in the building.

A handful of office buildings elsewhere in the nation already use reclaimed water to flush their toilets, but their water is recycled by miniplants in the buildings' basements, not by a city water district, said Art Masse, an expert on technology for the American Waterworks Assn.'s research foundation.

"Irvine Ranch is the first to reclaim water on a municipal scale and pump it into an office building," Masse said. Los Angeles County is actually California's leader in the amount of water being reclaimed. But officials said Irvine's district has put its recycled supplies to broader use over a longer period of time.

The Sanitation Districts of Los Angeles County, a cooperative of 27 sanitation districts, supplies more than 60 million gallons of reclaimed water every day to users ranging from golf courses to two paper mills in Pomona.

About 75% of the water reclaimed from sewage is simply fed into the ground to recharge the county's groundwater supply, said Earle Hartling, Los Angeles County's water reuse coordinator.

Expansion plans call for Los Angeles County to be using about 110 million gallons of reclaimed water a day in about five years. "As the cost of imported water goes up—and it's going to go up dramatically in the future—it's going to be more economical and we're going to be more competitive to areas farther away from the treatment plants," Hartling said.

Meanwhile, the city of Los Angeles pumps 450 million gallons of usable water daily through four sewage-treatment plants in Los Angeles, but more than 99% of that water flows out to the ocean, said Bahman Sheikh, the city of Los Angeles' reclaimed-water chief.

Getting the reclaimed water to customers is the key to expanding its use, Sheikh said. The cost of digging up streets to install pipelines for reclaimed water has been a major impediment in the city of Los Angeles, he said.

Although about 200 water agencies in California recycle water to some extent, none compare to Irvine for its many uses or the sophisticated system in place, Sheikh said.

"What sets apart the Irvine Ranch Water District is their dedication to the [recycled water] concept," Sheikh said. "They took some risks when people weren't so sure it was a good idea. In fact, it was a fantastic idea."

Last month, after 3½ years of planning and working with regulators, engineers connected the 20-story office building in Jamboree Center to the water district's reclaimed water system, said Ronald E. Young, general manager of the water district.

Using treated water to flush toilets is expected to cut down the building's use of fresh drinking water by 70% and save enough water to supply about 35 homes in Irvine for a year, Young said.

"This represents a novel use of reclaimed water and breaks away from traditional uses, like irrigating a park or growing alfalfa," said Mark Adelson, chief of surveillance and enforcement for the Santa Ana region of the California Regional Water Quality Control Board.

State regulations did not cover using recycled water in rest rooms, he said, so the water district had to spend years working with local and state regulatory agencies to set standards for the public's safety.

To keep the two water systems separate, the building was constructed with separate pumps and pipes to carry reclaimed water to the toilets and urinals.

In fact, a separate system of pipes for reclaimed water criss-crosses much of Irvine's underground, carrying waste water that has been brought to sparkling purity at the water district's Michelson Water Treatment Plant.

The pipes must be separated as far from each other as possible, water connectors must be labeled in English and Spanish and every inch of pipe carrying reclaimed water must be marked with purple tape declaring, "Caution—Reclaimed Water."

The worry is that a plumber will be called years later to hook up a new drinking fountain and will mistakenly tap into a reclaimed-water pipe, said Thomas R. Holliman, an Irvine Ranch Water District engineer who has worked with the health agencies.

But water district officials say their treated waste water is as safe to drink as tap water.

With the region's drought in its fifth year, Irvine's reclaimed water system helps, but does not exempt the water district from cutting back on water use, said Peer A. Swan, president of the district's board of directors.

The beauty of the system, Swan said, is that when the Metropolitan Water District cuts back water to Southern California, Irvine has a 10-million-gallon-a-day supply of reclaimed water—"and no one can shut it off."

EXTENSION OF THE CHILD CARE FOOD PROGRAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. TRAFICANT. Mr. Speaker, I recently introduced H.R. 1714, which would amend the National School Lunch Act to extend benefits under the Child Care Food Program to children up to 15 years of age. Currently, the Child Care Food Program only serves children ages 12 and younger.

Even in the best circumstances, there are many obstacles our Nation's young people must overcome. Children not even in their teens are faced with decisions that could affect the rest of their lives. For many underprivileged children the only hope they have for a better future is through education.

One of the most important aspects of learning is a healthy mind and body. If a child is sick, he or she will not be able to learn to their full capacity. A well-balanced diet is one of the most important elements in guaranteeing a healthy child. If a child receives adequate nutrition, the chances of becoming ill are dramatically reduced. Even if a child does not become ill due to a poor diet, his or her learning capability is significantly decreased due to hunger. Studies have proven that children who are hungry do not learn as well as children who do not suffer from hunger.

The Child Care Food Program is very important to a large number of underprivileged children, but it is important to realize that hunger does not stop at the age of 12. Many children who could benefit from the present program are excluded due to their age. Children ages 13 to 15 should also receive the benefits this program offers. In the city of Youngstown, OH, between 50 and 100 children who could benefit from the program are turned away daily because they are 13 or older.

I encourage my colleagues to give H.R. 1714 their full consideration. This bill could make the difference for a great many children.

AMERICAN HEROES: MADE IN THE U.S.A.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SKELTON. Mr. Speaker, Betty Spaar, editor and owner of the Odessan, Odessa, MI, recently wrote an editorial commending the American efforts in the Persian Gulf. I share in her pride in our troops and their success. I herewith insert her editorial entitled "Made in the U.S.A."

MADE IN THE U.S.A.

The liberation of Kuwait City this week by the Allied Coalition forces hopefully will signal as end soon to the fighting in the Persian Gulf.

And while we have watched and listened, sometimes expressing dismay and disbelief by what Saddam Hussein has allowed to happen, we are also a little surprised at our own capabilities.

For some in our country, the need to take up arms and travel to a distant shore to fight a battle that at the start may be little understood, may never be understood.

It's not that we're all for war. But we're not for the bullying tactics that Saddam Hussein and his cohorts have been advocating either.

What we, and most Americans like, is a middle of the road, where we all do our own thing, with the grace of God, in a Christian manner.

With Hussein this world read like the joke of the day.

Americans, and the other countries who joined with us in this coalition thankfully took his behavior seriously, and we feel have shown the world that his aggression and inhuman tactics will not be tolerated.

Daily from our living room seats in front of our televised war we have seen the men, the equipment and the expert military strategy of the Americans and the Allied Forces.

Watching this makes us even more appreciative of the defense efforts of our own Fourth District Congressman Ike Skelton, Missouri Democrat, who has led this country in keeping our defenses strong. It is through the wisdom and diligence of people like Ike that we can flex the type of strength we have making short work of this intolerable situation.

We firmly believe in the principles of the free world which advocates democracy by defending others where freedom is at stake.

To our troops, their technology, strategy and our own leaders, nothing says it better than Made in America.

PUBLIC PENSION OFFSET

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to substantially modify the Social Security "public pension offset," a provision of the Social Security Act which unfairly penalizes low-income retirees. This legislation is similar to H.R. 3755 which I introduced in the last Congress.

Mr. Speaker, under present law, an individual receiving a Social Security benefit based on their spouse's earnings record generally receives a benefit equal to one-half of the spouse's benefit. However, if that individual is receiving a pension from noncovered employment—such as State or local government service—the Social Security benefit is reduced by $2 for every $3 of the noncovered pension.

The public pension offset may be the correct policy; it has been a feature of the Social Security Act since 1977. My concern is its mechanical application to all beneficiaries, regardless of income. Since, realistically, the public pension offset applies predominantly to women, it's safe to say that the law discriminates against low-income women. My bill changes that.

Under my legislation, the public pension offset would be phased in depending on the income of the beneficiary. If the beneficiary had less than $300 per month in Social Security benefits and a public pension, the offset would not apply. If the beneficiary's combined income was between $301 to $900, the offset would be phased in under a mechanical formula. After $900 of income, present law would continue to apply.

Mr. Speaker, my legislation adopts a fair and equitable approach to the offset, and does not unfairly penalize low and middle income retirees. As a member of the Committee on Ways and Means, to which this bill will be referred, I urge hearings and action on the bill this year.

Mr. Speaker, a detailed explanation of my legislation is attached.

PRESENT LAW

A married individual not entitled to a Social Security benefit based upon their own earnings record may generally receive a Social Security benefit equal to one-half of the spouse's benefit. If the noncovered spouse receives a pension from noncovered employment (such as from State or local government employment), the Social Security benefit is reduced (but not below zero) by $2 for every $3 of the noncovered pension.

EXPLANATION OF PROPOSAL

Under the bill, the public pension offset would not apply if the total of the Social Security benefit otherwise subject to reduction and the pension from noncovered employment was $300 or less. The offset would be phased in if the total of those two amounts was between $301 and $900.

The offset would be phased in under a formula, so that the Social Security benefit payable would be equal to the sum of first, the Social Security benefit after applying the two-thirds offset and second the product of (a) 1 minus a fraction, the numerator of which is the total of the benefits and the denominator of which is $900 and (b) two-thirds of the pension from noncovered employment.

The $300 and $900 amounts are indexed for inflation.

The following chart compares present law with the formula under the bill:

If	Present law	Proposal
Social Security benefit of $125, pension of $150.	Social Security benefit of $25.	Social Security benefit of 125.
Social Security benefit of $290, pension of $400.	Social Security benefit of $23.	Social Security benefit of 85.
Social Security benefit of $250, pension of $550.	Social Security benefit of zero.	Social Security benefit of 41.
Social Security benefit of $450, pension of $150.	Social Security benefit of $350.	Social Security benefit of 383.

EFFECTIVE DATE

The legislation is effective for monthly benefits payable six months after the date of the enactment of the legislation.

WORC'S GOOD WORK

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SCHEUER. Mr. Speaker, I would like to pay tribute to a very special group of constituents in my district of New York City. They are the men and women who comprise the Working Organization for Retarded Children and Adults, Inc., a nonprofit corporation based in Flushing, NY. I am honored to be listed on its distinguished board of advisers. This year, WORC is celebrating the 20th anniversary of its dedicated service to children and adults with mental retardation and severe physical disabilities. Their work deserves our attention and commendation.

The focus of WORC's good work is the introduction of mentally retarded persons into community settings. Not long ago, this was viewed as dangerous and impossible. Today, WORC supports 10 homes and apartments in Queens and Nassau Counties for its special clients. Additionally, they have a waiting list of more than 350 applicants.

WORC's clients enjoy the privileges that we often take for granted: the privacy of one's own home, freedom of choice, personal property. The WORC Program helps to foster independence and self-reliance among its clients, and heighten both understanding and compassion within the general community. Regrettably, its actions go largely unnoticed. Let's take notice, and extend our warmest thanks to the WORC for their good work.

TRIBUTE HONORING MR. ROBERTO PETINGI, NATIONAL BILINGUAL TEACHER OF THE YEAR

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to a man whose dedication to our children's education is exemplary. Mr. Roberto Petingi, a bilingual science teacher at Martin

Luther King, Jr., High School in New York City, has been recognized as the Nation's Bilingual Teacher of the Year by the National Association of Bilingual Education [NABE]. This award was presented to him on January 12, 1991, at a NABE conference attended by more than 3,000 educators from across our Nation.

Mr. Speaker, Roberto Petingi is well acquainted with the dual struggle of striving to integrate into a new society, while maintaining one's own cultural identity. A native of Uruguay, he immigrated to the United States with his family in 1974. He spent his first years in New York City working as a dishwasher, a machine operator and pushing a cart in the garment industry. He now holds two MA degrees, in math and science education and in biology, from Farleigh Dickinson College in New Jersey.

Mr. Petingi decided to pursue a teaching career in the city school system in 1985. He teaches biology and chemistry in both English and Spanish, mostly to Dominican students who have been in the United States for less than 2 years. Mr. Petingi teaches the main concepts of his curriculum in Spanish, and then reinforces them in English. The students attend classes in English as a second language while learning academic subjects in both their native tongue and their new language.

The New York City Board of Education attests to Mr. Petingi's effectiveness as a bilingual educator by using a videotape of his classes as part of its teacher training curriculum. In addition 87 percent of his students passed the biology regents examination, and 75 percent passed the regents examination in chemistry, both rates above those of mainstream students. When he formed an after school science club, he expected only a few members, but was shocked when almost 80 students attended the first meeting. Some of these club members have become finalists in city science fair competitions. Truly, with his commitment and enthusiasm, Mr. Petingi is a role model for these students, as well as their teacher and friend.

Mr. Speaker, dedicated, innovative, and creative teachers such as Mr. Roberto Petingi, are essential to the success of our school systems and to the academic growth of our youth. I would like to praise his extremely successful bilingual program and his genuine and profound interest in his students. His impact on students is evident: at the Martin Luther King High School, the dropout rate among bilingual students is only 3 percent, and almost 90 percent of the graduates continue their education in college and universities.

Mr. Speaker, I commend the efforts and accomplishments of Roberto Petingi. I take great pride in Mr. Petingi's achievement, and I thank him for his dedication to our children.

TRIBUTE TO ANDREW ADAM TEMPLE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in honoring a fine young man from the 17th Congressional District of Pennsylvania.

On April 28, Andrew Adam Temple, of Sunbury, will join the ranks of those special individuals who have rceived the highest award in the Boy Scouts of America, the Eagle Scout Award.

Andrew joined troop 331 which is sponsored by the United Lutheran Church. He has earned the God and Country Award as a Cub Scout and later received Brotherhood in the Order of the Arrow.

While being a member of troop 331, Andrew has served as the scribe, patrol leader, assistant patrol leader, and senior patrol leader.

For his Eagle Scout project, Andrew painted and sealed the roof on the picnic pavilion of the Memorial Picnic Grove at Wolf's Crossroads.

Besides Scouting Andrew attends Shikellamy High School where he is a member of the forensics team and had a part in the school musical. Andrew is also involved in the 4–H Club, AYSO Soccer, and plays the piano.

Being a Boy Scout teaches today's youth to be leaders and to aspire to set high goals for themselves as well as others. I know that Andrew will pass on the fine values that he has acquired to the younger generations in his community.

I join his family and friends when I say I am proud of Andrew for the accomplishments he has made. He has worked hard to achieve this goal, and is well deserving of it.

AMERICA'S CHILDREN

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mrs. COLLINS. Mr. Speaker, during the last 8 months in which we prepared for, and then fought, the Gulf war, the subject of our Nation's children was addressed frequently. Newspaper articles, talk shows and TV news programs discussed with concern the effect that the war might have on America's children. I shared this concern and I continue to strongly support legislation that will address the tragic problems concerning children during wartime.

Today, Mr. Speaker, I rise to express a sincere hope and plea. As our troops return home and we move into a postwar era, I ask that our recent focus and attention on our children does not diminish or disappear. Now, more than ever, we need to dedicate our interest and resources toward improving the state of our Nation's youth.

The statistics are appalling. America has the second highest per capita gross national product in the world, yet our infant mortality rate is 10th among industrialized nations. Twenty-three percent of American children under the age of 5 years old live in poverty.

The children of America need our help. Although our concerns for their well-being during wartime is no longer needed, the need for our attention and concern for their health and care here on the homefront has never been more urgent. We must keep our children's needs in the forefront of our minds and give them the effort and resources that they deserve from this day on.

A SALUTE TO THE LOS ANGELES TIMES VALLEY EDITION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to note that the largest circulation newspaper in my district recently was honored for its service to its community.

The San Fernando Valley edition of the Los Angeles Times received the prestigious Robert E. Gibson Corp. Award of Excellence from the Valley Industry and Commerce Association.

Since establishing its separate edition for the San Fernando Valley, the Times has worked hard to be a good corporate citizen. Among its many accomplishments in 1990, the paper raised about $100,000 for the United Way, made direct grants to nonprofit groups through its Community Partnership Awards, and sent a mobile reading laboratory to locations around the valley.

Mr. Speaker, each year VICA honors a corporation that exemplifies community leadership and works to improve the quality of life for area residents. I ask my colleagues to join me in saluting the Times for those efforts, as well as the journalistic excellence it is known for.

FATHER JAMES McLOUGHLIN

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. HASTERT. Mr. Speaker, I am honored to introduce Father James McLoughlin, of St. Peter's Church in Geneva, IL. He is truly a man who has dedicated himself to helping others, and his work on the behalf of others is an inspiration to us all.

Father McLoughlin was a hostage on Flight 847 in Beirut in 1985, and since facing that ordeal has dedicated himself toward freeing other hostages in the Middle East. He cares about his community in Illinois, where he is working to build a new church, and about the global community at large, where he is dedicated to pursuing human rights issues.

Father McLoughlin is a man of principle and compassion, and I am glad that he could join us today.

A CONGRESSIONAL SALUTE TO CHAIRMAN EVAN J. KEMP

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to join with the Los Angeles Basin Equal Opportunity League (LABEOL) in saluting Chairman Evan J. Kemp, Jr. on his visit to southern California. It is a privilege to have the recently appointed chairman's initial stop in the region be in my congressional district. This occasion gives me the opportunity to express my sincere appreciation for Chairman Kemp's numerous contributions to the advancement of equal opportunities.

Mr. Kemp was named Chairman of the U.S. Equal Employment Opportunity Commission [EEOC] by President Bush on March 8, 1990. He was first nominated as an EEOC Commissioner by President Reagan on March 10, 1987 and was unanimously confirmed by the Senate on June 19, 1987 for a term expiring July 1, 1992.

Chairman Kemp came to EEOC as one of the Nation's leading advocates for persons with disabilities. During his first 2½ years, then Commissioner Kemp played a major role in promoting credible and effective enforcement of the rights of all individuals under the equal employment laws EEOC enforces. As a former Federal employee who had successfully sued the Federal Government for employment discrimination, Commissioner Kemp recognized the shortcomings of the existing Federal sector equal employment complaint processing system. He continues to play a leading role in EEOC's efforts to reshape the process to eliminate delay, enhance its fairness and promote effective enforcement of the law.

As the highest ranking person with a disability in the Bush administration, Chairman Kemp worked closely with the White House in its consideration and ultimate endorsement of the Americans with Disabilities Act.

Chairman Kemp earned his bachelor of arts degree from Washington and Lee University in 1959 and his law degree from the University of Virginia in 1964. In 1967, he joined the Securities and Exchange Commission and became an authority on equity funded insurance products.

In 1980, Chairman Kemp was selected to head the Ralph Nader-sponsored Disability Rights Center where he was a tireless spokesperson for the civil rights of disabled people and for an end to paternalism that too often keeps disabled people dependent. In his efforts to educate national policymakers on the importance of equal opportunity and self-determination for disabled people, Chairman Kemp has worked to build coalitions with groups representing racial and ethnic minorities, women and older persons working toward similar goals.

My wife, Lee, joins me in extending our thanks to Chairman Kemp. He is truly a remarkable individual who has devoted his talents and energies to enriching the lives of so many other people. We wish him all the best in the years to come.

MAHONING COUNTY AREA TASK FORCE ON AIDS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Mahoning County Area Task Force on AIDS of my 17th Congressional District of Ohio. The Mahoning County Task Force on AIDS will be participating in AIDS Awareness Week in Ohio from May 4 through May 10. This year's theme for the week is, "AIDS Touches Us All."

The purpose of AIDS Awareness Week is to recognize the tens of thousands of people who have died from AIDS, to educate the public about AIDS transmission, and to advocate and promote preventive measures and a personal healthy lifestyle.

Over 2,300 Ohioans have already been diagnosed with AIDS, over 1,400 have died, and 40,000 more are likely to be infected with HIV. The Ohio Department of Health predicts that an alarming 3,000 Ohioans will be diagnosed with AIDS by the end of 1991.

The Mahoning County Area Task Force on AIDS in conjunction with local and national health organizations, schools, churches, and employers have launched a massive educational campaign to motivate Ohioans to make a commitment to AIDS prevention and have become a strong source of support to the community as well.

Mr. Speaker, I would like to commend the Mahoning County Task Force on AIDS for their hard work and dedication not only to Mahoning County and Ohio but to all the people of our Nation. They have shown that an individual need not be infected with AIDS to be affected by the disease, for as long as the number of infections continues to rise, we may all know someone who has been victimized by this tragic disease. Truly, AIDS touches us all. I am honored to represent this outstanding organization.

ALBANY TIMES-UNION EDITORIAL MOCKS ENTERTAINER INVOLVEMENT IN POLITICS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SOLOMON. Mr. Speaker, the most important newspaper in our 24th Congressional District of New York is the Albany Times-Union, and with good reason.

An example of that combination of journalistic excellence and public service was an opinion piece that appeared last weekend. It was written by Managing Editor Dan Lynch and titled "Politics and Show Biz."

I didn't agree with all of his examples, but his main point was well taken. In this day and age, "show biz" people are often sought for their opinions on everything from pesticides to population control. The farther the issue from the art of acting, the more likely the actor will be trotted before the camera to oppress with his ignorance; or her ignorance—since Jane Fonda serves as the best example of the species—a fact Mr. Lynch noted.

I include the article in today's RECORD and recommend it to all Members.

POLITICS AND SHOW BIZ

(By Dan Lynch)

You probably didn't see it, but one of the media highlights of the war in the Persian Gulf was the CNN debate between Charlton Heston and Christopher Hitchens. It was wonderful. Television ought to broadcast stuff like this all the time.

Everybody knows who Charlton Heston is. He played Moses in "The Ten Commandments." He played Andrew Jackson in "The Buccaneer." He delivered a highly sensitive performance in "Planet of the Apes."

You probably don't know who Christopher Hitchens is. He's a surly, unkempt, left-wing British writer. You can certainly accuse Hitchens of being wrong, and a lot of people do, but you can't accuse him of being uninformed.

Not surprisingly, Hitchens was opposed to the war, but his outrage over the use of American force in the Persian Gulf was nothing compared to the way he reacted when he learned the identity of the person CNN had dug up to debate him on the topic. On the air, Hitchens complained bitterly about having to discuss the crucial issue with an actor in a toupee instead of somebody who knew something about it.

Heston, authoritative and impressive, said he knew plenty about the Mideast. And he delivered his lines with such assurance that CNN viewers probably thought he did, too—right up until when Hitchens asked Heston if he knew what nations bordered Iraq. Heston said he did, and he then rattled off a list of countries that was absolutely dead wrong. Hitchens went wild.

"He doesn't even know where the country is," the writer moaned in despair.

There's a moral to this story. It's this: Show business is full of people who speak beautifully and project immense sincerity and authority. That doesn't mean, however, that these people know diddley about anything, except maybe their own business. Looking to them for political guidance is an act of monumental stupidity.

It's important to realize this because show business people are becoming increasingly political. On top of that, disturbingly large numbers of fans are deriving their own political beliefs from the views of entertainment figures whose artistic work they admire. A good many people, for example, made up their minds about Reagan administration policy toward Nicaragua because Edward Asner had opposed it. After all, Asner had played Lou Grant. He had to know what he was talking about, right?

John Wayne did the best he could to bolster public support for the war in Vietnam. I wonder if he knew what nations bordered the place. Or Jane Fonda. She probably couldn't have found Vietnam on a map.

It's even worse today. We live in a culture where pop entertainment figures have taken on the status of demigods, especially among the young, who have less working knowledge of the world around them than any other generation in modern history. When entertainers spew out political bullfeathers, few young people have the information to recognize it as such.

An example: Natalie Merchant of the band 10,000 Maniacs proclaimed in Newsweek that "I've taken upon myself the obligation of making a public plea to Central America for what has been done to their country . . ." How many 10,000 Maniacs fans, do you suppose, realize that Central America isn't a country. Ms. Merchant certainly doesn't.

How many people realize that when Sting tells Rolling Stone how committed he is to population control that the man has fathered five children? How many people know that M.C. Hammer and Madonna, both of whom made public service announcements last fall urging people to vote, didn't bother to vote themselves?

The reality is that Sinead O'Connor, whatever her talents as a performer, probably knows as much about public policy as she knows about hair care. In this, she's not alone. Show business is filled with articulate but utterly uninformed people with strong convictions and big mouths.

And the world is filled with people who can't tell the difference between artistic talent and brains.

CONGRESS SOON TO DEBATE LEGISLATION OF VITAL INTEREST TO SMALL BUSINESS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. BEREUTER. Mr. Speaker, it is likely that this body will soon debate several issues of vital interest to the small businesses which are the driving force behind this Nation's economy. I commend to my colleagues the following editorial statement from the April 9, 1991, edition of the Auburn, NE, Press-Tribune.

THE GRINDER

(By Sanders)

You won't believe the legislation before both the house and senate in Washington. The socialistic threats to small business include mandating parental and family leave, job guarantees for strikers, and employment discrimination rules which can't help but incur legal expenses beyond the reach of most small businesses, the backbone of American economic stability. Some of those issues passed last year, but couldn't survive a presidential veto. Opponents will have to get into gear by contacting the congressional delegation. The rural midwest would suffer greater economic injury than it can handle for survival.

RUTKOWSKI RECEIVES EAGLE SCOUT AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in honoring a fine young man from my congressional district in Pennsylvania.

On May 5, Stephen Brady Rutkowski, of Selinsgrove, will join the ranks of those special individuals who have received the highest award in the Boy Scouts of America—the Eagle Scout Award. Before becoming a Boy Scout in 1983, Stephen served as a Cub Scout where he earned the Arrow of Light Award.

As a Boy Scout, Stephen was tapped out for Order of the Arrow. He was a member of the Susquehanna Council contingent to the National Boy Scout Jamboree. He has also received the Historical Trails Award and the Conservation Award. He has served in the positions of troop scribe, crew chief, and chaplain.

For his Eagle Scout project, Stephen organized, coordinated, and supervised the painting of the Selinsgrove area swimming pool.

Besides excelling in the Boy Scouts, Stephen is an honor roll student at Selinsgrove High School. He has also been a member of his school's baseball, football, basketball, and bowling teams.

I feel assured knowing that Stephen will pass on these fine values he has acquired to the younger generations in his community. Having a leader like Stephen, will help the youth who follow him to one day lead our Nation.

I am very proud of Stephen for the accomplishments he has made. He has worked hard to achieve this goal, and is well-deserving of it.

A CONGRESSIONAL SALUTE TO H. MICHAEL WEITZMAN, O.D.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding member of the southern California community. On Saturday, April 27, 1991, the Los Angeles Area Council Boy Scouts of America will honor Dr. Michael Weitzman by presenting him the Harbor Distinguished Citizen of the Year Award. This occasion gives me the opportunity to salute Dr. Weitzman for his service to the South Bay community and congratulate him on receiving this most appropriate distinction.

Dr. Weitzman was born and raised in Cleveland, OH, and received his B.S. degree at Western Reserve University—now called Case-Western University—in 1951. After spending 3 years as a line officer in the Navy, he entered the Ohio State University, where he received a doctorate in optometry in 1957. He has practiced in the South Shores area of San Pedro for the past 30 years, specializing in the area of developmental vision. He is a fellow of the College of Visual Development, and is a member of both the American Optometric Association and the California Optometric Association. He is a former president of the Long Beach Optometric Society, and a board member and former president of the South Bay Optometric Society.

In addition to his connection to the optometric community, Dr. Weitzman has also been tremendously active in other social organizations. He has served on numerous committees as a member of the San Pedro Chamber of Commerce over the past 30 years and is a former president. He is also a 25-year member of the San Pedro Lions Club. During his tenure in the Lions Club, Dr. Weitzman has been District 4L3 Sight Conservation chairman, a member of the board of trustees of the Lions low vision project [LOVE], and president of the Lions mobile screening unit. For his dedication to the Lions Club, Dr. Weitzman received the Southern California Lions Eye Institute Annual Award for dedicated service in 1984.

On this special and most deserving occasion, my wife, Lee, joins me in extending our heartfelt thanks and congratulations. We wish Dr. Weitzman, his wife, Phyllis, and their children, Greg, Debra Rae, and Dan all the best in the years to come.

TRIBUTE TO POLISH CONSTITUTION DAY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the 200th anniversary of the Polish Constitution. The Polish Constitution was adopted on May 3, 1791. This date has only recently been recognized by Poland, but has been celebrated by members of the Polish community throughout the free world for many years.

In 1772, Poland was divided among the empires of Russia, Prussia, and Austria. The Polish Constitution stood as a symbol of Polish unification during a time in which resistance meant almost assured annihilation. Under the influence of the liberal movements of the United States, Great Britain, and France, the Polish Constitution was finally drafted in 1791. May 3, 1991 marks the 200th anniversary of the transformation of Poland into a modern state.

The Polish American Congress has been instrumental in planning the annual May 3 celebration activities. In my 17th Congressional District of Ohio, the Youngstown chapter of the Polish American Congress will be honoring this tradition with a special Mass at St. Stanislaus Church and reception at Krakusy Hall directly following.

Mr. Speaker, I would like to take this opportunity to recognize the strength and courage exhibited by the Polish communities of the world from 1791 through 1991. It is through their strength, courage, and contribution that our own country has become strong. I am honored to represent the Polish people of my district and extend my best wishes during their 200th anniversary celebration of the Polish Constitution.

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize George Joseph Lough for winning the Rhode Island Voice of Democracy Broadcast Scriptwriting Contest. I request that his winning essay "Democracy—The Vanguard of Freedom" be submitted into the CONGRESSIONAL RECORD.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By George J. Lough, Rhode Island winner, 1990/91 VFW Voice of Democracy Scholarship Program)

Wherever there is liberty there is also democracy. Freedom is the most treasured aspect of life in the United States. Unfortunately many other people throughout the world are suppressed because they lack protection from a government that has become a jailer to free thought and action.

The United States became the first country to establish a government that had freedoms for its citizens indelibly written into it. Through the Declaration of Independence and the Bill of Rights, as Americans, we are protected from the greatest danger of all, a strong-armed suppressive government. Our system of government was set up by the people, for the people. We can easily remove corrupt leaders from our government through our democratic process.

Democracy is indeed the vanguard of freedom. In order for citizens of the United States to fully realize this, we should note how throughout the world other countries have tried to follow our example. In 1789 the French people followed the American precedent and began the French Revolution, which would eventually bring about the downfall of the French Monarchy. As they removed their monarchy they produced the Declaration of the Rights of Man and Citizen which protected the individual's freedoms.

Two hundred years later in the summer of 1989 many Chinese students, in a bold and valiant move, protested their government's activities and erected a great statue of Lady Liberty in Tiananmien Square before, however, their government squelched their protest in a bloody massacre. Also in 1989 communism fell in Eastern Europe—Romania, a country where a fanatic Chauchesceau turned the government against the people, Czechoslovakia, Hungary two communist strongholds, East Germany—a country that gained notoriety in the twentieth century for the Berlin Wall, a symbol of oppression for Germans everywhere, and even in the U.S.S.R. the founder of the ill-fated philosophy allowing new ideas to replace those of old. From the ashes of totalitarianism democracies began to spring up with plans of new national pride inspired by the United States.

Presently, as I speak, democracy is being challenged. In the Middle East we face a crisis as dictator Saddam Hussein applies naked aggression to its peaceful neighbor. This unwarranted action threatens the fundamental beliefs of freedom.

Without liberty and democracy, the right of the people to individualism and free thought would be crushed beneath the heels of a few. Furthermore, without the foundation of liberty and democracy that our forefathers fought and died to achieve the world would be a world of hopelessness rather than a world of promise.

INTRODUCTION OF THE COAST GUARD AUTHORIZATION ACT OF 1991

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. TAUZIN. Mr. Speaker, today I am introducing the Coast Guard Authorization Act of 1991. This legislation reflects the vision of the Coast Guard as a military organization that saves lives, regulates navigation on our waterways, protects the marine environment, enforces our drug interdiction policies, protects our fisheries resources, and performs so many other vital functions in a quietly efficient manner.

I have been chairman of the Subcommittee on Coast Guard and Navigation for more than 2 years. During that time, I have developed an enormous respect for the Coast Guard and those individuals who serve therein.

The fine people in the Coast Guard and the Coast Guard Reserves are to be congratulated for their remarkable effort in the Persian Gulf. They made a significant contribution to the success of the allied military forces by enforcing the economic sanctions which helped to soften Iraqi resolve. They have insured the safe transport by sea of millions of pounds of equipment and supplies for the troops in the Persian Gulf through the port safety and security program. They have deligently secured our ports against terrorism and will continue to carry out this important function both here and abroad. Their work has only just begun. They have an enormous job of insuring the safe shipment home of our troops and materials and also of assisting the Governments of Saudi Arabia and Kuwait in their efforts to respond to the oilspill in the Persian Gulf.

This legislation requests an authorization of $3,635 million for fiscal year 1992. This is a very modest increase over last year's budget. The increase appears to be balanced throughout the Coast Guard. This budget contains requests to complete several major initiatives undertaken over the last several years including the completion of the 378-foot high endurance cutter fleet rehabilitation and maintenance program, bring into operation the latest acquisition of the 110-foot island class patrol boats, and the delivery of the remaining HH-60J, (Jayhawk) helicopters.

We are requesting funding for several new initiatives including the design and construction of a new multimission buoy tender which will also have the capacity to operate as an oil skimmer. This legislation will also provide funding for support of the construction of the polar ice breaker to be constructed by the Navy and operated by the Coast Guard.

It is essential that we provide for personnel issues if we are to maintain the Coast Guard's ability to carry out its missions. This bill requests authorization of amounts necessary to provide affordable housing, medical care, training, family services, and recreational facilities for the men and women who serve this country in the Coast Guard.

The Coast Guard must now carry out the task of implementing the Oil Pollution Act of 1990 enacted by Congress last August. That law requires the Coast Guard to establish new strike forces, promulgate new regulations, prepare contingency plans, approve facility response plans, and conduct a number of important studies which will provide information necessary for this Congress to make further decisions directing the country's policy on oil pollution prevention and response.

Therefore, the Coast Guard now faces the enormous task of carrying out the many missions which it has been assigned. I know that with the support of Congress, the Coast Guard can achieve this goal.

I want to particularly thank my colleagues on the House Committee on Merchant Marine and Fisheries. Our esteemed Chairman WALTER JONES and our highly respected ranking minority member, BOB DAVIS, as well as Congressman GERRY STUDDS and Congressman JACK FIELDS, have worked closely with us to prepare this legislation for introduction. They and their staffs are to be congratulated for their spirit of cooperation and for their support.

THE MEDICARE UNIVERSAL COVERAGE EXPANSION ACT OF 1991

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GIBBONS. Mr. Speaker, today I am introducing the Medicare Universal Coverage Expansion Act of 1991 to provide Medicare-type benefits for all the population of our country.

My bill would put every person, regardless of age, under Medicare. The Medicare Program would be amended to provide for some services not now included, such as pregnancy-related, well-child and other preventive services to the extent reasonable for pregnancy as well as for newborns, or the prevention of illness. It will also be amended to include coverage of routine physical checkups, if otherwise allowed as a preventive service.

My purpose is to provide a basic health care benefit package for all Americans based upon the successful Medicare Program.

The Medicare Program has been in existence for 26 years and during that time has been restricted to those 65 years of age or older. My bill removes this age restriction.

The debate on health care coverage has gone on for practically all of my life. The piecemeal system we now have is a disgrace. It costs too much, too many people receive no benefits at all, and it is a paperwork jungle. We can cure all of this by just extending Medicare to everyone. This legislation to extend the Medicare Program in the United States just makes sense.

At this point, I wish to insert in the RECORD a copy of the proposed legislation, H.R. 1777, as well as a section-by-section summary of the bill.

H.R. 1777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Universal Coverage Expansion Act of 1991".

SEC. 2. COVERAGE OF GENERAL POPULATION UNDER MEDICARE PROGRAM.

(a) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended to read as follows:

"ENTITLEMENT TO HOSPITAL INSURANCE BENEFITS AND SUPPLEMENTARY MEDICAL INSURANCE BENEFITS

"SEC. 226. Every individual who is a citizen or national of the United States or who is an alien lawfully admitted for permanent residence or otherwise lawfully residing permanently in the United States under color of law is entitled to hospital insurance benefits under part A of title XVIII and to supplementary medical insurance benefits under part B of such title, beginning with January 1, 1993.".

(b) Part B.—Section 1836 of such Act (42 U.S.C. 1395o) is amended by striking all that follows "who" and inserting the following: "is entitled to hospital insurance benefits under part A for a month is entitled to benefits under the insurance program established by this part in the month.".

(c) Medicare as Primary Payor.—Section 1862 of such Act (42 U.S.C. 1395y) is amended by striking subsection (b).

(d) Miscellaneous Conforming Amendments.—Sections 226A, 1818, 1818A, 1837, 1838, and 1843 of such Act are repealed.

SEC. 3. EXPANSION OF PREVENTIVE HEALTH CARE BENEFITS.

Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)(B), by inserting "pregnancy-related services, pre-natal, post-natal, and well-child care, and other preventive health services determined by the Secretary to be reasonable with respect to pregnancy and newborns or for the prevention of illness," after "1861(s)(10),", and

(2) in paragraph (7), by inserting "(except as otherwise allowed under paragraph (1)(B))" after "physical checkups".

SEC. 4. FINANCING.

(a) Elimination of Premiums.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is repealed.

(b) Appropriations.—Section 1844(a) of such Act (42 U.S.C. 1395w(a)) is amended by striking all that follows "Trust Fund" the first place it appears and inserting the following: "a Governmental contribution equal to aggregate actuarial value of the benefits payable under this part for all individuals.".

(c) Modifications to Hospital Insurance Payroll Tax.—

(1) Extension of tax to all wages.—Paragraph (2) of section 3121(x) of the Internal Revenue Code of 1986 (relating to applicable contribution base) is amended—

(A) in subparagraph (B), by striking "any calendar year after 1991" and inserting "calendar year 1992", and

(B) by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) for any calendar year after 1992, an unlimited amount."

(2) Increase in rate of tax.—

(A) In general.—Subchapter C of chapter 21 of such Code (relating to FICA general provisions) is amended by redesignating section 3128 as section 3129, and by inserting after section 3127 the following new section:

"SEC. 3128. ANNUAL DETERMINATION OF APPLICABLE RATE OF HOSPITAL INSURANCE TAX.

"(a) In General.—Not later than December 15 of 1992 and each calendar year thereafter, the Secretary shall prescribe the rates of tax which shall apply under sections 3101(b), 3111(b), and 1401(b) with respect to the succeeding calendar year.

"(b) Amount of Increase.—Subject to subsections (c) and (d), the rates of tax to apply with respect to any calendar year shall be prescribed under subsection (a) at levels determined by the Secretary to be sufficiently above the rates applicable with respect to 1992 to increase Federal revenues during the calendar year by an aggregate amount equal to—

"(1) the amount of the reduction in Federal revenues which the Secretary estimates will occur during the calendar year as a result of the amendments made by the Medicare Universal Coverage Expansion Act of 1991 (other than section 4(c)(2) of such Act), plus

"(2) a reserve amount which does not exceed 10 percent of the amount described in paragraph (1).

"(c) Adjustments.—The Secretary shall make adjustments in the rates determined under subsection (b) for any calendar year to the extent that the estimate made under paragraph (1) of such subsection for the preceding calendar year was in excess of or less than the amount of the reduction described in such paragraph which occurred during such preceding calendar year.

"(d) Proportionality of Rates.—With respect to any calendar year for which rates are prescribed under this section—

"(1) the rate applicable under section 3101(b) shall be equal to the rate applicable under section 3111(b), and

"(2) the rate applicable under section 1401(b) shall be equal to the sum of the rates applicable under sections 3101(b) and 3111(b)."

(B) Conforming amendments to tax rate tables.—

(i) Tax on employees.—Subsection (b) of section 3101 of such Code (relating to rate of hospital insurance tax on employees) is amended by striking paragraphs (1) through (6) and inserting the following:

In cases of wages received during:	The rate shall be:
1991 or 1992	1.45 percent
1933 or thereafter	the percentage prescribed under 3128.

(ii) Tax on employers.—Subsection (b) of section 3111 of such Code (relating to rate of hospital insurance tax on employees) is amended by striking paragraphs (1) through (6) and inserting the following:

In cases of wages received during:	The rate shall be:
1991 or 1992	1.45 percent
1993 or thereafter	the percentage prescribed under 3128.

(iii) Tax on self-employed.—Subsection (b) of section 1401 of such Code (relating to rate of hospital insurance tax self-employment income) is amended by striking the item beginning with "December 31, 1985" and inserting the following:

"December 31, 1985.	January 1, 1993.	2.90
December 31, 1992.	....	the percentage prescribed under section 3128."

(c) Clerical amendment.—The table of sections for subchapter C of chapter 21 of such Code is amended by striking the item relating to section 3128 and inserting the following:

"Sec. 3128. Annual determination of applicable rate of hospital insurance tax.

"Sec. 3129. Short title."

(3) Effective date.—The amendments made by this subsection shall apply with respect to remuneration paid after December 31, 1992, and with the respect to earnings from self-employment attributable to taxable years beginning after such date.

(d) Application of Surplus in OASI Trust Fund.—There are hereby transferred from the Federal Old-Age and Survivors Insurance Trust Fund to the Federal Hospital Insurance Trust Fund such amounts as the Secretary determines not to be needed in the current of succeeding fiscal year for expenses of the Federal Old-Age and Survivors Insurance Trust Fund.

(e) Transfer of Amounts From Federal Hospital Insurance Trust Fund.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended by adding at the end the following new sentence: "There shall be transferred periodically from the Trust Fund to the Medicare Supplementary Medical Insurance Trust Fund such amounts as may be expended under the latter Fund as are attributable to the amendments made by the Medicare Universal Coverage Expansion Act of 1991.".

SEC. 5. EFFECTIVE DATES.

Except as otherwise specifically provided in this Act, this Act, and the amendments made by this Act, shall first be effective on January 1, 1993, for services furnished on or after such date.

SECTION-BY-SECTION DESCRIPTION OF H.R. 1777, THE MEDICARE UNIVERSAL COVERAGE EXPANSION ACT OF 1991

Section 1: Short title (viz., the "Medicare Universal Coverage Expansion Act of 1991").

Section 2: (a) Amends section 226 of the Social Security Act ("SSA") to provide for entitlement to benefits under parts A and B of the medicare program for all citizens, permanent residents, and lawful permanent aliens in the United States. This effectively provides medicare coverage for all Americans.

(b) Conforming amendment to medicare part B to clarify that everyone entitled to benefits under medicare part A is also entitled to benefits under part B.

(c) Amends section 1862 of SSA to eliminate a provision that makes medicare payments secondary to those of employers in certain cases. This assures that medicare will be the first payor for health care for all individuals, rather than being secondary to employer health plans.

(d) Repeals various sections of SSA, relating to eligibility for medicare benefits, no longer needed as a result of the expansion of medicare eligibility to cover the entire population.

Section 3: Amends section 1862(a) of the SSA (which specifies services excluded from medicare coverage) (1) to permit coverage of pregnancy-related, pre-natal, post-natal, well-child, and other preventive services to the extent reasonable for pregnancy, newborns, or the prevention of illness, and (2) to permit coverage of routine physical checkups, if otherwise allowed as a preventive service.

Section 4: (a) Repeals section 1839 of SSA to eliminate the requirement for payment for premiums to be covered under part B of the medicare program.

(b) Amends section 1844(a) of SSA to clarify that, since there is no longer a medicare part B premium, funding for medicare part B will be fully covered by Governmental payments.

(c) Amends various provisions of the Internal Revenue Code of 1986 (1) to remove the limitation on the amount of wages that are subject to the hospital insurance tax, and (2) to increase the applicable rates of the hospital insurance tax to rates sufficient to fund the new program (including a 10 percent reserve). These provisions apply to wages paid on or after January 1, 1993.

(d) Provides for the transfer, from the Old-Age and Survivors Insurance (OASI) Trust Fund to the Federal Hospital Insurance Trust Fund (medicare part A trust fund) of any surplus amounts not needed by the OASI trust fund for expenses in the current and succeeding fiscal years.

(e) Amends section 1817(a) of SSA to provide for the transfer from the Federal Hospital Insurance Trust Fund (medicare part A trust fund) to the Federal Supplementary Medicare Insurance Fund (medicare part B trust fund) of additional amounts needed by the part B trust fund to make payments for additional benefits that result from the enactment of this Act.

Section 5: Provides an effective date of January 1, 1993, for benefits under the Act.

REMEMBER THE HOMEFRONT

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. PURSELL. Mr. Speaker, I would like to bring to your attention "Remember the Homefront Month" which is being celebrated at this time in Jackson, MI.

In recognition of the dedicated members of the Jackson community who have served in Operation Desert Storm, "Remember the Homefront" expresses the pride we all share in both those in the military, and their families back home. To express the true feelings of this pride, Jackson Community College will host a concert to put into song the patriotism felt by all.

I would like to present the following proclamation which has been made by the mayor of Jackson, Betty J. Granger, in recognition of the heartfelt support and best wishes we extend to our men and women in Desert Storm and their families:

PROCLAMATION

Whereas, more than 700 men and women from the Jackson area are serving their country around the world as members of the United States Armed Forces; and

Whereas, approximately 200 soldiers from the Jackson area are currently serving in Operation Desert Storm in the Middle East; and

Whereas, we, as a community, wish to show our support and love and appreciation to the families of these soldiers because of their great sacrifice by proclaiming the month of May as, "Remember the Homefront Month"; and

Whereas, the Jackson Community College Concert Choir/Starfleet Ambassador Singers and Band Concert will commemorate "Remember the Homefront Month," and honor families of Jackson-area soldiers involved in Operation Desert Storm by performing "Together in One Song," as a special concert.

Now, therefore, I, Betty J. Granger, Mayor of the City of Jackson, Michigan, by virtue of the power vested in me under the Charter of the City, do hereby proclaim the month of May 1991, as: "Remember the Homefront Month" in the City of Jackson, and urge all citizens, community organizations, and religious groups to express their support in a positive meaningful way to the families of military personnel residing in the Jackson area.

YWCA OF GREATER HARRISBURG'S RAPE CRISIS AND DOMESTIC VIOLENCE SERVICES SPONSOR A "TAKE BACK THE NIGHT" MARCH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing April as Sexual Assault Awareness Month. Let us commend the hundreds of rape crisis centers throughout the country who will direct their efforts toward community outreach and prevention/education programs. On April 18, 1991, in my hometown of Harrisburg, PA, there will be a "Take Back the Night" rally to highlight statewide efforts to promote public awareness with regards to sexual assault. This rally is sponsored by the YWCA of Greater Harrisburg's Rape Crisis and Domestic Violence Services.

In commemoration of Sexual Assault Awareness Month, rape crisis centers from all over the State will gather to raise awareness of the existence of sexual violence. The "Take Back the Night" theme originated in 1977 when a group of women in England formed a march to protest the fear of violence women must face when traveling the streets at night.

Awareness of the issues relating to sexual assault is a necessity if we are going to effectively care for victims and eventually eliminate the problem. We know that every hour of the day, 16 women confront rapists; a woman is raped ever 6 minutes. Knowing that only 50 percent of rapes are ever reported, we can guess that the magnitude of this problem is far greater than anyone can imagine. Statistics like this cannot be ignored.

The YWCA of Greater Harrisburg's Rape Crisis and Domestic Violence Service has offered its care to more than 4,250 mid-State sexual-assault victims since 1981. The Pennsylvania Coalition Against Rape and the Pennsylvania Coalition Against Domestic Violence work with the State's rape crisis centers to form one of the strongest victim assistance cores in the United States.

Mr. Speaker, we commend these organizations for their selfless dedication in confronting the heinous crimes committed against thousands of Pennsylvanians each year. We hope that these continuous efforts will increase the public awareness of the severity of sexual violence and its irreparable impact on its victims. And we hope that "Take Back the Night" becomes a clarion call to all who seek an end to sexual violence against our citizens.

DEBT-FOR-NATURE SWAPS: AN ARTICLE BY KATY MORAN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. PORTER. Mr. Speaker, it is with great pride that I request to have included in the RECORD an article by Katy Moran, "Debt-for-Nature Swaps: U.S. Policy Issues and Options," which appeared in the spring issue of the Renewable Resources Journal.

Katy, my former staffer and close friend, has detailed the introduction of a concept—swapping useless, burdensome Third-World debt for the establishment of programs to protect and enhance natural resources.

She further describes the intricate economic and political proceedings involved in carrying out a debt-for-nature swap and the cultural sensitivities which directly relate to the practicality and the effectiveness of debt swaps.

It is a useful synopsis of how one creative idea has taken hold to help address the seemingly insurmountable problems facing the people of the developing world, their natural resources systems and their chances for continued political, economic, and social stability.

From its first skeptical reception in the Congress in 1987 to the Bush administration's unsolicited inclusion of debt-for-nature swaps as a policy option in the farsighted Enterprise for the Americas Initiative—Katy's time in my office and beyond has been well spent making this creative idea a winner in Washington.

I highly recommend reading the article.

DEBT-FOR-NATURE SWAPS: U.S. POLICY ISSUES AND OPTIONS

(By Katy Moran)

In 1984, Thomas E. Lovejoy, then vice-president for science at the World Wildlife Fund and deeply concerned about the accelerating rate of both debt and deforestation, first proposed that indebted developing countries be allowed to exchange their debt for protection of natural resources, particularly tropical forests.[1] Less than seven years later, this visionary concept has become reality through more than $100 million in debt-for-nature swaps. As the U.S. initiates the use of official debt to expand this concept, policy makers need to examine more thoroughly the benefits and constraints of this action and to clearly define options available for implementation.

NATURE OF THE DEBT

During the inflationary economic environment of the '70s, the Third World borrowed heavily from three types of creditors—commercial banks, multilateral development banks (MDBs) and bilateral foreign assistance programs—that were eager to encourage economic development. However, oil price shocks in 1973 and 1979 and the U.S. recession starting in 1981 altered the economic conditions that affected debt payments. Because of rising interest rates, an appreciating dollar and declining commodity prices, developing countries soon found it difficult to pay the interest on their debts.[2]

In August of 1982, the Mexican government revealed that it could not service its $80 billion debt and by the end of 1983, 42 other countries also were behind on their payments. They restored to borrowing from the International Monetary Fund (IMF), which grants short-term loans to financially troubled countries if they submit to specify economic reform programs.[3]

The IMF ordered fiscal austerity and export programs to reform economic conditions in the overborrowed countries that applied for funds to service their external debt. Austerity programs made imports more expensive to debtor countries by devaluating local currency and made basic goods more expensive by eliminating subsidies. Currency

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Footnotes at end of article.

devaluations increased import prices and stimulated a general inflation rate. For example, after three devaluations over a 13-month period, Philippine families paid 80 percent more for the same basket of groceries in 1984 than in 1983. Reduced government subsidies created a shortage in fertilizers and other agricultural inputs for small farmers, causing food shortages and malnutrition among the rural poor. Wages of workers were frozen and government expenditures were reduced by eliminating social welfare programs, actions, which resulted in lowered education and health services.[4]

Since loan payments must be paid in U.S. dollars or another hard currency, the IMF also required debtor countries to increase their production of export commodities and to develop non-traditional exports to trade for hard currency.[5]

Developing countries flooded export markets with coffee, cocoa, clothing, coconuts and copper. But world trade stagnated from 1980 through 1983, coinciding with IMF export programs, and prices were driven down. For example, world sugar prices remained at 5 or 6 cents a pound in early 1985, while production costs in the Philippines were at 12 to 14 cents a pound.

To promote exports, subsistence agriculture was substituted by monoculture for world markets. As a result, staple foodcrops were less available to the poor, causing an increase in malnutrition, and a diverse and relatively balanced food producing system was replaced with ecologically unstable monocrops.

IMF austerity and export programs created greater hardships for the poor and the environment in the already impoverished Third World and did nothing to increase its creditworthiness. The World Development Report of 1988[6] stated that resource transfers from industrial countries to developing countries shifted from a capital inflow of $147 million between 1977 and 1982 to a capital outflow of $85 billion between 1982 and 1988. Today, more money is going out of developing countries for debt payments than is going into them for development.

IMPACT OF DEVELOPING COUNTRY DEBT ON THE U.S. ECONOMY

Debt creates crises in many sectors, including trade, industry, banking and farming, for both creditor and borrower countries. Since about one-third of U.S. trade is with the developing world, massive job losses in U.S. export-oriented industries occurred, partly because of IMF import restriction in borrower countries. Wharton Economic Forecasting Associates testified before the Joint Economics Committee of the U.S. Congress in June of 1985 that, in one year, the U.S. lost 800,000 jobs as a result of the debt crisis in Latin America alone.

In creditor nations, commercial banks that hold large portfolios of Third World debt are at risk. U.S. taxpayers have learned from the savings and loan crisis that they pay the cost when overexposed banks fail.

U.S. farmers also are affected negatively by IMF export and import programs. While Third World imports of U.S. commodities are declining, increased Third World exports directly compete with corn, rice and soybeans produced by U.S. farmers. Markets are flooded and prices driven down, undermining the position of farmers everywhere. Farmers in the U.S. and in the Third World both suffer from the high and fluctuating interest rates generated by U.S. budget deficits and an unstable international economic system.[7]

WHO OWES WHAT TO WHOM

Seven countries account for almost half the $1.3 trillion Third World debt: Mexico; Brazil, Argentina and Venezuela in Latin America; and South Korea, Indonesia and the Philippines in Asia. Each owes more than $25 billion, mostly to commercial banks that hold short-term loans with high interest rates. The default of one of these "Big Seven" debtors would shake the international financial system; their collective default could destroy it.

Middle-range debtors consist of two dozen African nations plus Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua in Central America; and Bolivia, Peru, Ecuador and Chile in South America. These countries owe, to both commercial and official creditors, large debts in proportion to their capacity to repay, but their default would not trigger a worldwide financial crisis.

The very poorest African countries are the third group of debtors. They owe official creditors, both multilateral and bilateral, which grant low-interest-rate loans with long-term payment schedules. They do not have large debts because commercial banks regard them as poor credit risks, but they are seriously affected by the international financial system.[8]

Today, most of the capital of developing nations goes to pay the almost $1.3 trillion external debt owed to developed nations. There is not only no money left for growth in the Third World, but economic policies, including the required IMF export emphasis, are depleting the natural resource base upon which the future growth of the developing world ultimately depends.

SOCIAL AND ENVIRONMENTAL IMPACTS OF DEBT AND DEFORESTATION

All resources are affected by the debt of developing countries, but it is tropical forests, and the poorest of the poor who depend on these forests as their only resource, that suffer first and worst from deforestation. Not only do forest peoples lose their homelands, but humanity loses the indigenous knowledge of the use of these forest resources that its inhabitants have accumulated over millenia. One-half of the world's population uses fuelwood for cooking and heating, so it is the rural poor in developing countries who are the first to suffer from deforestation. "Traced through its effects on energy supply and water resources, tropical deforestation impoverishes about a billion people."[9]

Socioeconomic pressures associated with deforestation are difficult to address and they intensify relentlessly each day. Poverty, overpopulation, inequitable land distribution, poor land use and land tenure policy and inappropriate development lead to a vicious cycle of more poverty and more pressures on resources. National and international policies to generate hard currency for debt payments promote mining, logging, cash crop monocultures and expanded cattle production. They are the leading reasons why tropical forests the size of a football field are being degraded or destroyed every second of every day. The urgency of tropical deforestation is sounded by an alarming report of the Food and Agriculture Organization and the World Resources Institute which states that roughly 50 percent more tropical forest is being cleared today than as little as one decade ago.[10]

Deforestation also comprises future generations. Tropical forests are the habitat of almost half of the plant and animal species of the planet; deforestation erodes the biological diversity of life itself as it accelerates the extinction of more than 100 species daily. Forests moderate climate. As they are destroyed, they not only release carbon into the atmosphere, but the forest capacity to act as sinks to absorb carbon emissions diminishes. Loss of forest cover exacerbates soil erosion and flooding, increases siltation in rivers and estuaries, impairs watersheds and disrupts the hydrological cycle of large areas.

These links between debt and deforestation demonstrate that it is impossible to isolate economic, social and environmental problems. Solutions require recognition of their relationship to each other.[11] In the past, we feared the impact of economic growth on the environment, but today we must admit to the consequences of environmental stress—deforestation, particularly—on future economic prospects worldwide.

CURRENT STATUS OF DEBT-FOR-NATURE SWAPS

1. United States Commercial Bank Debt. Of the three types of debt, the "first generation" of debt-for-nature swaps (Sale With A Purpose) used commercial bank debt.[12] Because many commercial banks are collecting neither interest nor principal payments for Third World debt, a secondary market has developed in which banks can trade or sell their foreign debt at a discounted rate to minimize their losses. Commercial debt has been sold or donated to environmental non-governmental organizations (NGOs), and swaps have been small and country-specific, but they illustrate how the debt-for-nature swap concept has developed.

In the first debt swap during July of 1987, Conservation International (CI), a U.S.-based NGO, and the government of Bolivia announced a plan to manage almost four million acres of tropical forest in the Bolivian Amazon. Six-hundred and fifty thousand dollars worth of deeply discounted Bolivian debt was purchased for $100,000 on the secondary market by CI, which then cancelled the debt in return for a tropical forest protection and management plan. CI is the first to acknowledge that its pioneer debt-for-nature swap was not without problems, but the swap beat the path for other conservation NGOs that soon followed CI's lead.

One lesson learned that would have limited future swaps was the inflationary effect of a sudden increase in money supply in the host country's domestic economy. To balance this effect, swap arrangements now routinely convert most of the debt title into local currency bonds, using the interest for stable and long-term financing for conservation programs.

Local NGOs, such as Fundacion de Parques Nationales, in Costa Rica, Fundacion Natura, in Ecuador and the Haribon Foundation, in the Philippines, have facilitated nearly $100 million of U.S. debt retirement in their countries through swaps. Their U.S.-based counterparts, such as CI, World Wildlife Fund, The Nature Conservancy and others, have facilitated these swaps that finance a wide range of activities such as the training of local scientists and land managers, natural resource conservation and management of buffer zones around critical natural areas.[13]

Each swap has been country-specific, but a generic swap procedure is as follows:

The impetus for a swap originates with a local NGO that enlists the help of a U.S.-based NGO to raise funds to purchase a portion of its country's commercial bank debt.

A U.S. commercial bank either sells (through a secondary market), or donates to a U.S.-based environmental NGO, a debt instrument that would sell at a deep discount on the secondary market.

The U.S. NGO negotiates with the borrower country on the terms of settlement and on the environmental activity suggested by the local NGO.

The borrower country typically agrees to pay some or all of the value of the loan in local-currency, long-term interest-bearing bonds to a local NGO working with its U.S. counterpart.

To date, debt swaps have been narrow in scope, creating a misconception of the purpose and potential of swaps. "Ecological imperialism" has been charged, with swaps being criticized as an exchange of debt for ownership of sovereign territory. In fact, of the first generation of swaps, ownership of land has never, nor ever was intended, to change hands. Likewise, the impetus has emerged from the debtor country, and funds are managed by local organizations and structured to meet local conservation priorities.[14]

October 19, 1987, is remembered as Black Monday on the New York Stock Exchange. Coupled with the international economic instability of the time, Black Monday caused many large commercial banks to increase their loan loss reserves for developing country debt. This additional expense created an incentive for banks to donate or sell that debt for swaps. To encourage this, environmental NGOs lobbied for a measure that was adopted in the Continuing Resolution (CR) that passed in the U.S. Congress on December 22, 1987. The CR legislation requested the U.S. Treasury Department to report on initiatives to promote the ". . . purchase, at market discounts (such as the secondary market), developing country debt in exchange for domestic currency investments in conservation at the full par value of the purchased debt."

In response, the Treasury Department issued Revenue Ruling 87-124 that allows a commercial bank to take a deduction from taxable income to the full face value for a donation of debt to use in debt-for-nature swaps, even though the loan instrument would sell on the secondary market at a deep discount. Although Treasury views this as revenue neutral, to date, no commercial bank has attempted this transaction because of remaining tax and accounting uncertainties that have yet to be resolved.

2. Multilateral Development Bank (MDB) Debt Owed to Creditor Nations. Congressman John Porter (Ill.) took the first legislative action to alleviate the debt and deforestation problem. Porter's Tropical Forest Protection Act (H.R. 3010 and H.R. 1704 during the 100th and 101st Congresses, respectively) called on the U.S. executive director to the World Bank and other multilateral development banks to allow a country with MDB loans to convert part of its debt payments into local currency to use for environmental activities. The bill also carried important provisions to strengthen NGOs worldwide that are involved in grass-roots environmental protection and resource management in developing countries.[15]

The World Bank responded to Porter's bill by stating that any form of debt rescheduling or restructuring would undermine its AAA credit rating and that rescheduling is forbidden by its charter. However, under Article IV, Section 4(c) of the Bretton Woods Conference, loan contracts can be made in accordance with the following contract provisions: "If a member suffers from an acute exchange stringency," it may apply to the bank for a relaxation of the conditions of payment and the bank may accept service payments on the loan ". . . in the member's currency for periods not to exceed three years." Also the bank may ". . . modify the terms of amortization or extend the life of the loan, or both."

Many feel that debt-for-nature swaps offer an opportunity for the bank to demonstrate concrete mechanisms to improve and mitigate admitted negative environmental consequences of past bank funding. In 1988, bank president Barber Conable publicly stated a commitment to improve the environmental quality of its loans. "If the bank has been part of the (environmental) problem in the past I intend to make it a leader in finding solutions." Conable stated.[17]

During the 101st Congress, Representative Porter's bill was rolled into H.R. 2494. The bill passed and was signed into law (PL 101-240) by President Bush on December 19, 1989, as The International Development and Finance Act of 1989. Current efforts to use multilateral bank debt for swaps are being promoted by international NGOs and by executive directors to MDBs in other creditor countries.

3. Bilateral Debt Owed to the United States. The possibility of a great increase in the scale of debt swaps occurred following a February 1990 summit with President Bush and the presidents of Colombia, Peru, and Bolivia. The outcome was announced by Bush on June 27, 1990, as the Enterprise for the Americas Initiative (EAI). The purpose of the EAI is to forge an "economic partnership" within the Western Hemisphere through a plan that concerns trade, investment and debt. Under the EAI, if a Latin American or Caribbean country has demonstrated actions toward economic, trade and investment reform, the U.S. will reduce the country's official bilateral debt. These countries owe a total of nearly $12 billion to the U.S. in concessional debt which includes PL-480, or Food for Peace, and USAID loans, as well as market-rate debt that includes Export-Import Bank and Commodity Credit Corporation loans. Debt-equity swaps, which are also part of the EAI, will not be discussed in this article since most of the environmental community have historically claimed that these transactions are an entirely different concept from debt-for-nature swaps.

To be eligible for the EAI debt reduction, a debtor country must have plans to satisfy four conditions:

Economic reforms through the World Bank

Economic reforms through the International Monetary Fund

Investment reforms through the Inter-American Development Bank

Debt reduction programs with commercial bank lenders

If a debtor country has complied with these conditions, its principal will be reduced by an average of 50 percent and, in some countries, by as much as 85 percent. The reduction will be determined on a case-by-case basis and the remaining principal must be paid in dollars over 20 to 30 years.

It must be emphasized that the debtor country will receive a reduction in what it owes, but not in the amount it currently pays. Its historical principal payments must continue so that the U.S. government will continue to receive the payments that the budget was constructed to receive. In this way, the process remains neutral to the U.S. budget and requires no new appropriation.

The debtor then pays a concessional interest rate of 2.5 percent on its reduced debt in its local currency, which will be placed in a local environmental fund for the country to use for environmental activities. Local currency interest payments will gradually decrease as principal diminishes.

Financial incentives that would lead a debtor country to participate in the EAI are that its principal will be substantially reduced, that interest payments can be paid in local currency, rather than dollars, and that the debtor will not continue to accumulate principal and interest arrears which lead to an ever-mounting debt burden.

However, many Latin American and U.S. environmental NGOs criticize the EAI as having cross-purposes. They recognize that the EAI brings debt-for-nature swaps up many levels in terms of financing available for environmental activities. But they are concerned that the EAI conditions for economic reform make everything else secondary, including the environment. Legitimate doubts were raised after the World Bank completed an evaluation on the impact of its economic reform programs. The report failed to include the environment as an indicator in the evaluation and highlighted the need for a better understanding of the costs and benefits of its economic reform programs.[18]

More importantly, policies of the IMF, unlike those initiated by Conable for the World Bank, lack an institutional mandate to assess the environmental and social impacts of its actions. Many question whether unevaluated conditions for economic reform are consistent with the environmental objectives of the EAI and the process of sustainable development.

Nevertheless, intense lobbying by environmental NGOs eased some of the stringent conditions of the original administration bill and resulted in passage of a part of the EAI. At the close of the 101st Congress, the Farm Bill (S. 2830, S. Rpt. 101-357, H. Rpt. 101-569, Conf. Rpt. 101-916) incorporated the PL-480 component of the EAI. It passed Congress and was signed into law by President Bush on November 28, 1990. The bill authorizes $1.7 billion of U.S. PL-480 debt in Latin America as eligible for debt reduction.

A DEBT TO NATURE

In 1988, Thomas Lovejoy, now assistant secretary for external affairs at the Smithsonian Institution, stated, "I am utterly convinced that most of the great environmental struggles will be either won or lost in the 1990s, and that by the next century, it will be too late."[19] To finance solutions to these urgent struggles, bilateral, multilateral and commercial bank debt now offers an enlarged scale of what can be called a "second generation" of debt-for-nature swaps.[20] This increase in scale more clearly defines some incentives and constraints associated with debt swaps and raises other questions that remain unanswered.

INCENTIVES

U.S. NGOs lobbied for a significant provision in the EAI that mandates that local NGOs play a key role in implementing and managing programs funded by the Environmental Trust Funds. This incentive can dovetail macro and micro economic objectives of debt reduction at the national level and employment in grass-roots environmental programs at the local level. It can decentralize funds, political power and personnel to those best placed to understand and manage local resource needs. Strengthening NGO institutions in developing countries can cause perhaps the most potent results in Latin American countries with fragile new democracies.

Since 80 percent of Latin American debt is owed to commercial banks, the EAI can be the catalyst to move those debt negotiations forward. To help fulfill the fourth condition of the EAI and mobilize funding for swaps, the U.S. government could clarify revenue rulings and tax laws which may encourage commercial banks to donate their debt to NGOs for use in swaps.

As bilateral debt begins to play a major role in financing debt-for-nature swaps, the World Bank is recognized as the institution to even further increase the scale of future swaps. Debt restructuring in developing countries is sound policy as debt swaps offer both the long-term financial and the natural resource management benefits necessary for sustainable development.

CONSTRAINTS

Some believe swaps "legitimize" debt which was created unjustly to benefit only the dictators who negotiated the loans in the past and not the people who, today, struggle to rule democratically. They feel debt problems are so severe that debt forgiveness is the real issue and that swaps distract from it. Proponents argue that swaps never were intended to solve the debt crisis, but to free funds for much needed conservation programs.

The EAI is politically sensitive because debtor countries must liberalize trade and privatize investment to satisfy foreign interests, rather than domestic ones. Critics doubt that governments will take the political risk of imposing stringent macroeconomic and trade reforms without immediate cash flow relief in their country.

Because second generation swaps will expand dramatically the scale of debt reduction, remaining commercial bank debt will have a higher value for "free riders." These are banks that have not participated in debt reduction, but will benefit because their remaining debt will become more valuable as it becomes more likely to be paid. The secondary market for commercial bank debt will reflect this change, and NGOs may lose the advantage of the large discount that gives them leverage for their contributions.

UNANSWERED QUESTIONS

Unanswered Questions that arose during congressional hearings in the EAI include the following: Are eligible criteria too rigid and could the U.S. itself meet them? Could this disqualify or discourage countries that do merit help? By law, the president was given discretion to determine a country's eligibility. Does too much discretion vested in the president to waive conditions yield too much congressional control of the EAI process? How can eligibility conditions be harmonized with environmental protection? Does the EAI set unwanted precedents to forgive other debt? Have budget impacts been fully accounted for? Should the use of environmental funds be broadened to include development? Exactly what kind of environmental activities have first generation swaps accomplished and what has been their impact on local people?

CONCLUSIONS

As the scale of debt swaps increases, so does the scale of their consequences. Congress is likely to pursue further action on the EAI during the 102nd session, so a careful consideration of swap consequences is required through a balanced discussion of social needs, economic growth and the wise management of natural resources.

Two things are quite clear, however. Debt-for-nature swaps offer the critical time to secure environmental protection of the larger ecosystem for the present and future global community. Swaps also protect and promote the sustainable use of natural resources that is necessary for the economic development of the Third World.

It is unrealistic to expect developing countries to halt deforestation for environmental reasons alone. Developed countries, the U.S. in particular, cannot muster the political will to accomplish this. Today, the immediate priority of developing countries is the debt crisis. Or perhaps it should be called the "bad-lending crisis." Existence of the secondary market proves that many debts are not being serviced and will never be paid in full.[21] And debt swaps offer something in return. Is not the conservation of natural resources a fair swap?

REFERENCES

[1] Lovejoy, Thomas E., 1984 Aid Debtor Nations' Ecology, New York Times. Oct. 4, A-31.

[2] U.S. Congress, Joint Economic Committee, Subcommittee on Economic Goals and Intergovernmental Policy 1986 Managing the Debt Problem. Hearing, 99th Congress, 2nd Session. Jan. 23. Washington, DC: GPO.

[3] Hino, H., 1988 IMF-World Bank Collaboration. Finance and Development, September.

[4] Debt Crisis Network, 1985 From Debt to Development. Washington DC: Institute for Policy Studies.

[5] Bird, G.R., 1987 International Financial Policy and Economic Development; A Disaggregated Approach. New York: St. Martin Press.

[6] World Bank, 1988 World Development Report. New York: Oxford Press.

[7] Debt Crisis Network, 1985 From Debt to Development. Washington, DC: Institute for Policy Studies.

[8] Wertman, Patricia, 1986 The International Debt Problem: Options for Solution. Washington, DC: Congressional Research Service, Library of Congress.

[9] Mathews, Jessica Tuchman, 1989 Redefining Security. Foreign Affairs, Winter. p. 165.

[10] Petesch, Patty, 1990 Tropical Forests: Conservation with Development? Overseas Development Council Policy Paper No. 4.

[11] Downing, T.E. and G. Kushmer, 1988 Human Rights and Anthropology. Cultural Survival Report 24, Cambridge: Cultural Survival, Inc.

[12] Conservation International, 1989 The Debt-for-Nature Exchange: A Tool for International Conservation. Conservation International: Washington, DC.

[13] Cody, Betsy, 1990 Debt-for-Nature Swaps in Developing Countries: An Overview of Recent Conservation Efforts. Congressional Research Service Report for Congress. 88-647 ENR. Washington DC: Library of Congress.

[14] Bramble, Barbara J. and Brent H. Millikan, 1990 External Debt, Democratization, and Natural Resources in Developing Countries: The Case of Brazil. Washington, DC: National Wildlife Federation.

[15] Moran, Katy, 1991 Debt-for-Nature Swaps: A Response to Debt and Deforestation in Developing Countries? In: Development or Destruction? The Conversion of Forests to Pastures in Latin America. Theodore E. Downing, et al. (Eds.) Boulder: Westview Press.

[16] International Bank for Reconstruction and Development (IBRD), 1945 Articles of Agreement of IBRD (as amended). TIAS 1503; 3 Bevans 1390; 16 U.S.T. 1942; TIAS 5929.

[17] Holden, Constance, 1988 The Greening of the World Bank. Science, June.

[18] Thomas, V. and A. Chhibber (eds.), 1988 Adjustment Lending: How it has Worked, How it can be Improved. Washington, DC: World Bank.

[19] Lovejoy, Thomas E., 1988 Nothing. Nothing at All? American Institute of Biological Sciences 39th Annual Meeting. University of California at Davis.

[20] Conservation International, 1989 The Debt-for-Nature Exchange: A Tool for International Conservation. Conservation International: Washington, DC.

[21] Eberstadt, N.N., 1988 How Creditworthy is the World Bank? New York Times, March 1. P. A23.

AMERICA'S RISING LOW BIRTHWEIGHT RATE: MORE BABIES WEIGHING LESS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. HALL of Ohio. Mr. Speaker, I wish to bring to my colleagues' attention a series of articles on the high incidence of low birthweight among American infants. These articles appeared in the health section of the Washington Post on April 2, 1991.

Low birthweight is defined as a birthweight of 2,500 grams or less, and very low birthweight is 1,500 grams or under. One in 100 infants is born weighing less than 1,500 grams. While these overall statistics are high, the birthweight disparity between white and black Americans is even more shocking: White babies are born at low birthweight at a rate of 5.6 percent, while black infants, the rate is 13.0 percent. For blacks, this rate represents a continuation of an upward swing of low birthweight that began in 1986.

Low birthweight most commonly occurs as the result of a lack of prenatal care. Some of the long-term effects include, to name a few, premature birth, deformity, mental retardation, and cardiovascular problems. The Washington Post articles correctly assert that this lack of prenatal care frequently results from the impoverished circumstances of the mother.

Shortly I will be introducing legislation entitled "The Freedom From Want Act" which will address many of the social and economic barriers that hinder high-risk women from receiving adequate prenatal care. The bill will provide for intensive outreach services, such as a home visiting. It will promote coordination and accessibility of social services, and address critical problems like substance abuse in pregnant women.

For the benefit of my colleagues, the text of three crucial and informative articles follows:

THE LEGACY OF LOW BIRTHWEIGHT—RESPIRATORY AND LEARNING PROBLEMS ARE COMMON

(By Janny Scott)

LOS ANGELES.—Naaman Poingsett is 8, a talkative second grader who bowls and has a B average in school. His health is good. But his parents remain on guard.

His mother had four miscarriages before he was conceived. Then he arrived 12 weeks early weighing 2 pounds 11 ounces and spent four months in a Los Angeles hospital.

Before they took him home his parents had to learn how to perform cardiopulmonary resuscitation.

Naaman was rehospitalized almost immediately. Later, he needed eyeglasses to correct damage done in neonatal intensive care. He developed asthma at age 1.

These days, Carl and Katie Poingsett still keep a close watch over their son.

On their rounds as letter carriers for the postal service, they carry beepers and rely on an elaborate set of codes for communicating news about Naaman should the need arise.

Forty thousand babies die every year in the United States, many of them as a result of being born too little and too soon.

Many more survive with the help of medical technology. At least half go on to lead normal lives. But as many as one in five born as small as Naaman end up with a major disability, such as cerebral palsy. Some have lesser handicaps, such as low intelligence or other health problems.

Respiratory problems bedevil many—a consequence of weeks on a respirator. Some have vision problems, in part from high doses of oxygen. Others have trouble in school.

Experts say that one third of all underweight births could be averted if the nation addressed the medical, social and economic conditions underlying the disproportionately high U.S. rates of low birthweight and infant mortality.

About one in 14 American babies is born weighing under 5.5 pounds. One in 100 infants weighs under 3.3. Those rates of low birthweight and so-called very low birthweight are rising in many cities, especially among the poor.

Even after birth, some consequences of low birthweight could be minimized through early educational and family support. But access to appropriate programs is inadequate, especially for poor children who are the most vulnerable to the long-term risks of being born underweight.

So thousands of infants each year start life at a disadvantage. Families are disrupted, social services are taxed. Public and private health insurers, such as Medicaid, end up paying as much as $250,000 for a single baby's hospital costs.

"Our priorities are all whacked out," said Joseph Warshaw, a professor of pediatrics at the Yale School of Medicine. "Here we are, spending all this money in acute-care costs, and we really can't develop the support base to help people out of poverty."

Low birthweight is an indicator of inadequate fetal development, either because of premature birth or growth retardation in the womb. It is often impossible to pinpoint a precise cause, but many factors can put a woman at risk of having a low birthweight child.

Women under age 17 and over 34 are at high risk. So are poor, unmarried and un- educated women, those with hypertension, anemia, infections or poor nutrition. Women who smoke or use drugs or are under stress and those who receive inadequate prenatal care are also at risk.

The link between low birthweight and other health problems is less clearcut. But studies suggest that between 10 and 20 percent of babies born weighing under 3.5 pounds end up with a major disability. That is two to four times the rate among babies born at normal weight.

Some of those disabilities result from the very technology that keeps premature infants alive. Prolonged use of a respirator can produce chronic lung disease, high doses of oxygen can damage the eyes, and drugs may contribute to hearing loss.

Scenes From an Intensive Care Nursery—Death Is Not the Worst Thing on the Unit at Children's National Medical Center

(By Abigail Trafford)

The nurses make this unit run, this place where everyone whispers and the lights are muted, where the sickest babies in the Washington area—1-pound newborns with deformed hearts, exploded guts, collapsed lungs—come to get well or to die in a high-tech crib.

Yet death is not the worst thing that can happen here. Nor are all the problems strictly medical.

Consider:

A 12-day-old girl weighing 4 pounds lies on a bed warmer, her head encased in a plastic oxygen hood to help her breathe. She's not gaining weight. She just had a CT scan because a doctor suspects a possible bleed in her brain. Her mother hasn't visited because she has no transportation. The nurse has talked to the mother, who doesn't understand the extent of the problem. "Her main concern is that the baby have a haircut," the nurse says.

In the next crib is a crack baby. "The mom has no phone . . . two people are named as fathers," says a nurse. A urine test just came back positive, indicating that the newborn had been exposed to the drug shortly before birth. Nearby is an infant who is about to go home. The parents must come in to learn how to do cardiopulmonary resuscitation to revive the baby in case his heart suddenly stops. They also have to learn how to work the monitor at home. The social worker has had to help the mother get a phone installed; the staff is concerned because the parents don't live together.

The toughest moments here often come in deciding to stop treatment. The decision involves parents, doctors, nurses, ethicists, social workers. Sometimes it's even tougher not to stop.

One nurse recalls the case of a preemie who had a brain bleed. There was no hope that the baby would regain consciousness. The doctors and nurses decided it was time to turn off the respirator and let the infant die. But the mother, a drug addict, refused. Then she disappeared, leaving the nurses to care for an infant that had become an extension of the machine." After a month, she came in sober," one nurse recalls. "We were able to talk to her and she agreed to turn off the machine. The baby died in five minutes."

"The nurses know more about the babies than anyone else," says Claire Bohince, a nurse who is assistant director of the neonatal intensive care unit. "They are the hub of the wheel." A primary nurse is assigned to each baby. Nurses plan the care with doctors, work with families, coordinate with social workers.

They coo at brain-damaged, unconscious babies, change intravenous tubes stuck into veins as thin as thread. They work 12-hour shifts. They are on the front lines of this war at home, trying to save the casualties of poverty, disease, accident and deformity; they seem always—amazingly gentle and professional.

And they are very angry. They are angry because in addition to mastering the most advanced technologies, they are serving as parents and de facto guardians for a growing number of their most desperately ill patients.

It is here that the forces of poverty, lack of medical care and drug abuse converge in the form of a premature infant, born to parents who may not have a job and often can't take care of themselves, let alone a chronically ill child. Sometimes in the nursery, mothers and fathers discover new reserves of tenderness and resilience. In other cases, it's just too hard for the parents to come to the hospital and get involved with their baby. Sometimes, the parents are sick themselves.

Every year, Children's Hospital admits 600 infants to its 40-bed neonatal intensive care unit—taking the most difficult cases from other hospitals in the region. Not all babies are born to poor families. Many families are affluent and the mothers have had the best of care. Still the babies are born with a defective heart, an incomplete brain.

But the number of babies weighing 2.4 pounds or less has doubled in the last five years, and they now account for at least half of the tiny patients. The most common reason for low birthweight and premature delivery is lack of prenatal care. That's usually a result of the impoverished circumstances of the mother, who may also suffer from poor nutrition, and have used tobacco, alcohol and other drugs. The number of cocaine-affected babies at Children's has jumped just in the past four months alone.

To treat a newborn here, "it's easy to get up to $500,000," says the nursery's director, Anne Fletcher. Roughly 60 percent of the cost of care here is not reimbursed by government or private insurance. "I get angry because we are expected to give all this care, but no one wants to pay for it," she adds.

At the cribside, the nurses cope with another part of the problem. As they operate the monitors and the heart-lung machines, they participate in the hubris of medicine. They see how its spectacular power to treat can outstrip the capacity of the infant's body to heal. "I think technology has gone too far; sometimes these babies are guinea pigs," says one nurse. "Twelve years ago, we couldn't keep a [1-pound] baby going for 24 hours—now . . ."

Instead of solving medical problems, scientific miracles often raise more questions. Instead of relief for the baby and family, there is uncertainty and anguish.

One of the most difficult tasks is telling parents that despite all the innovations in medical treatment, their infant is going to die or they are going to have a damaged child. How damaged is usually not clear. "There aren't good neurological tests to make accurate predictions," says Lucienne Sanchez, the unit's associate neonatologist. "How good is good? How bad is bad? Will the baby read? Walk? We're left with a great deal of uncertainty."

Sometime miracles occur. One is Caroline George, who was born last December with severely damaged intestines. She underwent several operations and spent three months and three days in the unit. Now she is home, eating well and growing normally.

In fact, national statistics on the fate of babies hospitalized in neonatal intensive care units are encouraging. Two-thirds to three-fourths of the infants who go home have no major disabilities. At Children's, the prospects are grimmer because the babies are sicker and smaller. Only 25 percent of babies born weighing less than 3½ pounds have no lasting problems, according to Fletcher.

Caroline's mother remembers when, in her words, her baby "looked like an experiment." She remembers the despair and fear. She remembers the friendships with other mothers in the "pump room" where they expressed milk from their breasts for their newborns. And she remembers the nurses. "I don't see how they do it," says Nancy George of suburban Maryland. "I've never seen people continually confronted with tragic cases—and they always had something positive to say."

Today in the nursery, one infant is dying. Her bowel is so destroyed, she cannot eat. She is swaddled and lies on a yellow blanket. The doctors have put her on "on code"—she is not to be resuscitated if her heart stops. A brown stuffed bear lies at the foot of her crib. The baby's heart rate is dropping . . . 124 . . . 115, a slow rate in a newborn. "A nurse will rock her tonight," says Bohince.

IN CITY WITH WORST INFANT MORTALITY RATE, MOBILE CLINIC BEGINS OPERATION

(By Cristine Russell)

NEW HAVEN.—For years, public health workers have said that one of the major reasons many poor women don't get prenatal care is more a matter of logistics than motivation: Some lack bus fare or transportation, while others can't find anyone to care for their young children.

"Project MotherCare," a mobile prenatal clinic, is one of the latest attempts to overcome such obstacles. Each week, the 48-foot van, staffed by a registered nurse, a physician's assistant, a social worker and a nutritionist, visits seven of the most impoverished neighborhoods in this working-class city of 130,000, trying to combat an infant mortality rate that is the highest in the United States.

"You don't need a high-powered system," said Wilfred Reguero, an obstetrician who founded the mobile clinic last fall. "You've got to get out in the streets and take care of people."

Mobile screening centers are not new: Vans have been used for many years to collect blood and offer mammograms or cholesterol testing. In New York City, mobile clinics are being used to provide services to homeless children who might otherwise not see a doctor.

The "MotherCare" van, which provides free prenatal care, is operated by the Hospital of St. Raphael, a 491-bed community teaching hospital founded by the Catholic Sisters of Charity. The project is also supported by staff from the Yale University School of Medicine, the city health department and other local hospitals and clinics.

In addition to providing routine prenatal care, the van offers counseling on nutrition and treatment for drug and alcohol abuse. In its first three months, it has enrolled 22 pregnant women, and more than 300 other New Haven residents have sought pregnancy tests, acupuncture treatment for drug addiction, blood tests for the AIDS virus and immunizations for their children. Because of its Roman Catholic affiliation, van staff members do not provide counseling on contraception or abortion.

Reguero, who is chairman of St. Raphael's department of obstetrics and gynecology, came to New Haven two years ago from the Lincoln Medical and Mental Health Center in the Bronx, where he held a similar position. At Lincoln, which is located in one of New York City's poorest neighborhoods, Reguero expanded the hours of the hospital's prenatal clinic to provide round-the-clock services; as a result, he said, patient visits tripled and infant mortality dropped.

"He's unorthodox. He knows what can be accomplished, and he knows how short the time is to get it done," said Frederick Naftolin, chairman of the department of obstetrics and gynecology at Yale, where Reguero is an associate clinical professor. "New Haven represents a peculiar paradox. Despite the fact that we have some of the best technology and physicians in the world in our hospitals, we're not solving the infant mortality problem."

A recent report by the Children's Defense Fund, a nonprofit children's advocacy group, ranked New Haven as having the worst infant mortality rate among 172 American cities. The city's rate of 20.2 deaths per 1,000 live births is double the national average.

New Haven is beset by a host of difficulties that put pregnant women at greater risk of prenatal problems and infant mortality: extreme poverty, high rates of drug use, a growing AIDS epidemic and lack of access to health care.

About 10 percent of women who give birth in New Haven receive no prenatal care and an additional 30 percent get inadequate care, according to Reguero.

The mobile clinic is expected to cost about $500,000 for its first year, including a one-time expense of about $140,000 to equip the customized van. Start-up money was provided by St. Raphael, although Reguero is now seeking additional financial support. In some cases, the clinic receives reimbursement from Medicaid, the government insurance program for the poor, or private insurance.

In addition to the van, Reguero has opened a prenatal clinic at St. Raphael's that operates three nights each week to treat working mothers, those who lack daytime transportation or child care as well as pregnant teenagers who are attending school. The evening clinic's first patient was a 19-year-old mother of three, six months pregnant, who had received no prenatal care.

As an added incentive, Reguero says, he would like to pay $100 to mothers who keep five prenatal and one postpartum visit, an approach that has been pioneered in several European countries including France. Last Christmas, he distributed turkeys to pregnant women who visited the van.

One recent morning, Crystal Shah, 30, and her two young children walked to the van from their nearby apartment. While Shah received prenatal advice, dietitian Robin Illing enrolled her children in a subsidized food and nutrition program.

"It's much more convenient all around," said Shah, who is unemployed. "It's right here in the neighborhood and I feel very comfortable here."

Another patient, Misty Perry, 26, a deaf cocaine addict with three children who is seven months pregnant, received a prenatal exam and acupuncture treatment. Physician's assistant Megan Thompson carefully placed in her ears three thin, one-inch needles, which are intended to help reduce the craving for drugs. "I feel relaxed," Perry said softly. She has since moved into a residential drug treatment program.

Van staff members say Project MotherCare has been accepted by the neighborhoods it serves. "Pregnant women with substance abuse problems are afraid to go the hospital," said nurse Melanese Kotey. "They come here freely."

Drug counselor Sister Cornelia Coughlin, a Roman Catholic nun, agreed. "Some have said this is the first time I have had somebody that seems to care about me. We've got time to take time."

REFORMS CONTINUE IN VIETNAM

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. DREIER of California. Mr. Speaker, last August, Senator RICHARD LUGAR and I traveled to the Far East on an economic and political mission. We visited nine countries, met with several heads of state and enlisted the support of a number of nations for President Bush's Persian Gulf policy.

However, one of the most interesting and hopeful stops during our trip was our visit to Vietnam. Having visited Vietnam several years ago, I was expecting to find a country still suffering under the economic burden of Communist totalitarianism. This, as it turned out, was simply not the case.

Instead, we discovered a country dead set on economic reform. Prices had been freed, businesses allowed to flourish, and taxes reformed. And these reforms were more than a proposal sitting on some bureaucrat's desk. We saw the dynamic business taking place on the street corners. We sensed an enthusiasm and excitement in the populace. And we learned that economic statistics were backing up the claims of the government. For instance, in only a few short years, Vietnam had turned from a net rice importer to one of the largest exporters of rice in the world.

While economic indicators have taken a turn for the better, the United States must still insist on political reforms. Vietnam should be warned that without such reforms the type of political instability that led to Tiananmen Square could easily repeat itself in Hanoi.

Senator LUGAR also points out in the attached article that Vietnam must work with the United States to resolve the POW/MIA issue. There is simply no excuse to delay a resolution any longer. In fact, I met yesterday with former South Vietnamese Ambassador Pham Hy Ty and today with Senator LUGAR. Both agree that we need to insist on resolution of the Big 3 issues. First, Vietnam must cooperate with the United Nations to resolve the Cambodian conflict. Second, political reforms must be allowed and the 30,000 or so political prisoners still being held by the Vietnamese Government must be released. And third, the POW cases must be resolved.

If these issues are addressed, then it may very well be time for the United States to move to improve relations with Vietnam. This would be good for the Vietnamese people, good for United States businessmen and good for stability in that region of the world.

IT'S TIME FOR NEW THINKING ON VIETNAM

(By Richard G. Lugar)

For more than 15 years, United States-Vietnam relations have been frozen in enmity and isolation. The scars created by the Indochina war prompted a US-led international embargo to punish Vietnam. These sanctions are still in place, even though most nations ignore tham. It is time for a change.

The US is virtually alone in prohibiting trade with Vietnam. Foreign competitors are positioning themselves for a promising Vietnam market, including development of its lucrative off-shore oil tracts. The best construction contracts, banking concessions, oil leases, and consumer markets may go to our competitors.

Today, Vietnam has widespread poverty, a steady exodus of people, and human and environmental deprivation matched in the region only by neighboring war-torn Cambodia. These dreadful symptoms are testimony to a failed system in need of profound reform. The US can help lessen this human suffering by encouraging reform.

During my visit to Hanoi last August, I learned that market economic principles had seeped into official thinking, especially in the agricultural sector. The liberal reforms introduced in the late 1980s, for example, were responsible for moving Vietnam from a net rice importer to the world's third largest rice exporter. We should encourage these trends toward market economics through engagement with the Vietnamese reformers, instead of continued disengagement.

One of the core elements of the new world order articulated by President Bush contends that friendly economic competition among nations can be a healthy alternative to military confrontations. Trade and commerce are closely linked with traditional security concerns.

In our relations with other countries, American self-interest in the new order argues for new attitudes on increased trade. There must be new instruments of policy rooted as much in carrots as sticks. Efforts to improve relations in the late 1970s were dashed by Vietnam's invasion and occupation of Cambodia. Our policy rightly conditioned improved ties with Hanoi on its withdrawal of forces from Cambodia and on cooperation on POW/MIA issues. When Vietnam's forces were pulled out of Cambodia last year, we conditioned improved relations on Hanoi's cooperation in fostering peace in Cambodia and resolving outstanding POW/MIA matters.

There are sound foreign policy reasons for following this course. Hanoi must cooperate in the Cambodian peace process and must provide tangible progress in the POW/MIA cases. Absent real progress on both, it will be difficult to shift US policy.

But there are compelling arguments for revising US policy toward Indochina. We should build on the lessons of Eastern Europe, where Western economic and cultural presence helped hasten democratic change and accelerate the demise of centrally planned economies. Exposure to Western ideas and American capitalism, through example, can subvert communist control. Our self-imposed isolation from Vietnam—intended to extract favorable behavior—now amounts to economic and political self-denial.

It is time to modify regulations restricting American business and related activities. This should be followed by a lifting of the embargo on non-strategic trade and movement toward normalization of ties. At each step, we should judge whether these unilateral initiatives prompt reciprocal concessions by Hanoi in the areas of interest to us: POW/MIAs, human rights, Cambodia peace, and economic and political reform.

Our Vietnam war is over. It has receded further in the aftermath of the Gulf war. The new world order calls for reshaping priorities, with enhanced economic interaction that furthers our goals of spreading democracy and creating new opportunities for Americans.

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GEJDENSON. Mr. Speaker, I rise today to congratulate Seth Weaver of Woodstock, CT for his first place award in the Veterans of Foreign Wars Voice of Democracy broadcast scriptwriting contest. Seth's speech, entitled "Democracy—The Vanguard of Freedom," reminds all of us to freedoms provided us by our democratic system as well as blood, sweat, and tears shed by so many before us to see that system preserved.

The text follows:

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Seth Weaver, Connecticut winner, 1990/91 VFW Voice of Democracy Scholarship Program)

The "Vanguard of Freedom" ironically sounds like a comic book hero, a vivid image of a deep-voiced, broad-chested man with rippling muscles dulled only slightly by a rather taut blue uniform comes to mind. The blue, not a plagerism of Superman's uniform, but rather signifying the blue of the sky, which, in my mind is freedom in itself. When an eagle soars bold and full of strength it is a picturesque scene. The eagle is a thing of beauty as it manipulates the raw space of the atmosphere to its fullest, cutting across lakes of blue, weaving through strong gales with a skilled dip of the wing and an intent look in the eye. There is no question that an eagle in flight is a sight to behold, but without the heavens it performs in, where would it be? The sky is the epitome of open space, room to move, freedom. The eagle, thrown in this broad expanse becomes just a symbol to focus in the picture of freedom, to help demonstrate its potential. The "Vanguard of Freedom" is, of course, not a costumed figure or an eagle, but instead, democracy.

Democracy, a word we Americans tend to take for granted, simply means a government by the people. Americans have become so used to the effects of democracy that most of them don't even know exactly what it means. That is, when they hear the word democracy, freedom comes to mind almost at impulse, for it has been bred into the minds of Americans that freedom means democracy. In this day and age that is not wholly untrue, for the choices or wants of the people that have been obtained and held are freedoms. Therefore, without our democracy we could very easily be lacking freedom. It is not through blind luck that the people's wishes have become democracy's commands. It has taken many sacrifices to get to where America is in government. Individuals and the country as a whole have both had to make sacrifices in order to support the democracy which in turn serves the people. It is in this "I'll scratch your back if you scratch mine" way that America has obtained, preserved, and built on freedom.

What seems to be forgotten every now and then is that to attain and maintain this balance it takes "blood, sweat, and tears" as Winston Churchill so firmly stated. All three of these bodily related fluids were shed merely to pull away America from the grasp of the British Empire.

Since these forefathers of ours made such sacrifices as "blood, sweat, and tears" to earn their freedom, they were not quick to forget why they worked so hard, so a government was designed to serve as a medium to hopefully forever preserve the people's wants. Through time the wants and needs of the people have changed in both a minor and rather major sense. With each large change most often come some pretty big sacrifices, less for some changes and more for others. The size of the sacrifices in total normally corresponds with how prominent the change was. For example, the amount of sacrifices to free blacks both legally and from prejudicial constraints is enormous. The Civil War, in this case, was just the beginning; but it took quite a toll on America, often pitting brother against brother, families were literally split apart. It could even be said that President Lincoln's death by assassination was an inadvertent sacrifice that President Lincoln made due to his strong radical beliefs, at that time, of the blacks being equals with the whites. Tremendous sacrifices such as these appear throughout American history, some of the more obvious sacrifices include those made during wars particularly by the men and women that fought them. The greatest sacrifice that can be made is to give your life, and knowing full well that they were risking just that, many Americans even volunteered to fight in World War I and World War II.

Democracy as a government attempts to serve the people; in America this has come to mean preserving and protecting our freedom. Like the eagle, we Americans are allowed to soar and glide in that generous space called freedom, given to us by democracy. As we roam throughout our expanse it is noticed by observing countries how hard Americans work to be number one, to reach the pinnacle of success and like the eagle's movements, this is beautiful. To a degree, Americans are the eagle, often unknowingly we serve as the vanguard of freedom.

HONORING RECIPIENTS OF THE LITTLE ITALY LODGE—ORDER SONS OF ITALY IN AMERICA, THOMAS J. D'ALESANDRO, JR. AWARD, APRIL 16, 1991

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Ms. PELOSI. Mr. Speaker, I rise to honor Raymond J. Marocco, Sr., Guy Matricciani, Sr., and Joseph N. Campitelli, Sr., who are recipients of the Thomas J. D'Alesandro, Jr., Good Citizen Award. After the death of my father, a former Member of this House, Thomas J. D'Alesandro, in August 1987, the Little Italy Lodge decided to honor his memory by presenting an award to an individual of Italian heritage who best exemplified his dedication to church, the Little Italy community and the city of Baltimore.

This year, the Little Italy Lodge decided to depart from the original criteria and honor not one but three individuals who spearheaded the speedy construction to its sparkling new home.

Raymond J. Marocco, Sr., was born in the Highlandtown section of Baltimore City. He attended high school at Loyola and graduated from the Catholic University in Washington, DC in 1942. He and his wife, Anita, have 6 children and 13 grandchildren. Ray served with the Combat Engineers in World War II and participated in the campaign to liberate Italy. In addition to the Little Italy Lodge, Mr. Marocco is an active member of various civic and business associations, including the St. Gabriel and St. Anthony Societies of St. Leo's and the Italian-American Charities.

Guy Matricciani, a native Baltimorean, attended St. Leo's School, Calvert Hall and Loyola College. He graduated from Loyola in 1936 with a degree in philosophy. He married the former Agatha Corasaniti and they have five children. His work for charitable and civic enterprises has been recognized. Loyola College has honored him with its Alumni Laureate Award in 1980. In 1983, the Associated Italian-American Charities bestowed on him its Dr. Frank C. Marino Award.

Joseph Campitelli, is a native Baltimorean and was educated at St. Ambrose Parochial and Calvert Hall. He and his wife, Rita, have been married 35 years and have been blessed with five children and 8 grandchildren. They reside in Westminster and are active in the affairs of St. John's Roman Catholic Church. Recently, the honoree was reelected to his fourth term as president of Theordore Julio Cavaliere Lodge of the OSIA. Because she could not be a member of her husband's lodge, because it is an all male organization, Joe's wife Rita, joined the Little Italy Lodge. Even though he is not a member of the lodge, Joe headed the construction crew for the new lodge home and he is justly proud of what was accomplished.

Mr. Speaker, I am honored to recognize these important people in Baltimore for their dedication and commitment to their community. They are all truly deserving of the Thomas J. D'Alesandro, Jr., Good Citizen Award.

SENATOR GEORGE MITCHELL'S COMMEMORATIVE ADDRESS AT THE 1991 DAYS OF REMEMBRANCE OBSERVANCE IN THE CAPITOL ROTUNDA

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SWETT. Mr. Speaker, last Thursday here in the Capitol rotunda the National Civic Commemoration of the 1991 Days of Remembrance was held to pay tribute to the 6 million victims of the Holocaust and to honor our military men and women and other champions who saved the lives of countless hundreds of thousands of others who otherwise would have become victims during this dreadful period of history.

There were a number of eloquent speeches given on that occasion by distinguished public officials and private citizens. I was particularly moved by the address of Senator GEORGE MITCHELL, the majority leader of the U.S. Senate.

Mr. Speaker, I ask that Senator MITCHELL's address be placed in the CONGRESSIONAL RECORD, and I urge my colleagues to give thoughtful attention to his words.

The address follows:

STATEMENT OF SENATE MAJORITY LEADER GEORGE J. MITCHELL AT THE DAYS OF REMEMBRANCE 1991: U.S. HOLOCAUST MEMORIAL COUNCIL

Fifty years ago in Germany, under the leadership of Adolf Hitler, the Nazis took the last steps to move their nation from a policy of anti-semitism to one of genocide.

They set out to pursue a goal beyond that of making their homeland racially "pure". They determined to eradicate the whole people and culture of European Jewry.

They sought what they called the Final Solution to what they called the "Jewish problem." Even after the passage of fifty years, the monstrous idea which lies behind those words is almost beyond comprehension.

Half a century later, in America, in the nation which gave thousands of the victims of that terrible disaster sanctuary and the hope of a new life, we are preparing to erect a memorial museum to the darkest moment in European history.

Americans who wonder why must learn that the command to remember is important not only to the survivors of the death camps or to the people of Israel. It is an imperative for every civilized people on the face of the earth, indeed for every person on earth.

We cannot hope for a world in which another Holocaust is unthinkable unless we do think about the Holocaust which the world has already witnessed.

The process by which the Nazi leadership moved from a policy of harassment, legal discrimination and coerced emigration to a policy of deliberate mass murder involved a series of what seemed to be routine decisions.

Many outside occupied Europe did not believe such decisions had been made until the hideous proof was laid bare by allied troops in the closing months of the war.

Yet today, with the perspective of time, we can see how each of the early choices made by the Nazis foreshadowed the decisions they would make later.

When a nation makes the legal declaration that certain people can be denied the full rights of citizenship, what result is there but for those people to become second-class citizens?

When local and national authorities make the decision to deny certain people the protection of the laws against personal violence, what safety is left to them?

When a national government moves from encouraging emigration to selling the right to depart, what has that nation become, if not a vast prison?

Most stood silent as these and other violations of decency were pursued by Hitler's regime. The few who raised their voices to protest were unheard or unheeded.

More books have been written about the Holocaust than most of us will ever be able to read. More photographs of dead and dying victims of the Holocaust have been published than we will ever be able to see. But read and see we must.

For if we are to use human memory and human will to prevent a recurrence of such crimes, it is the duty of every human being to remember these events, lest other human beings ever again achieve the power to repeat them.

Many have never understood how it came to pass that a civilized people could acquiesce in the actions of a criminal leadership; how some of them could participate in those crimes; how some in neighboring countries could first ignore and then emulate them.

Remembrance of the Holocaust and the death of European Jewry is an obligation for every person for the sake of all peoples vulnerable to the brutalizing power of tyrants.

Today, on the barren mountainsides of northern Iraq, a mass of new refugees huddles without food or shelter in the frigid cold.

Today's victims are Kurds, not Jews. Their history is different, their culture not known to most Americans.

Their images come to us in color, on television screens, instead of the grainy black and white photos of European ghettos.

But the haunted, hollow look in the children's eyes is the same.

We must remember the Holocaust in part to remind us of our obligation to these newest victims of inhumanity and brute force.

Most of all, we must remember that the decisions which ultimately led to the gas chambers were made by human beings, people like us, people liable to the same hopes and the same fears as we are. The decisions that have left children starving and freezing on mountain slopes are the decisions of human beings making choices between painful alternatives.

The lesson of history is clear. Freedom is indivisible.

Repression begins slowly, usually with those who are few in number, without political power, or who somehow seem different. But to be sustained repression must be extended. Today it may be someone I don't know. Tomorrow someone I don't like. Then, suddenly, my neighbor. Finally, me.

That's why we must remember. Not only for their sake, but for ours.

ALLIES MUST DO MORE TO SHARE THE MILITARY BURDEN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. BONIOR. Mr. Speaker, the Persian Gulf conflict provided that our allies must be pressed very hard to carry their share of the military burden. Contributions have been only reluctantly given after enormous effort by the United States—and we are still collecting 6 weeks after the war has ended.

Last week, in testimony before the Ways and Means Committee, Congressman BYRON DORGAN of North Dakota did an excellent job in laying out the need for a comprehensive approach for burden sharing by our allies—not just in the Persian Gulf, but in terms of our overall defense needs as well. His call for a new financial order to accompany the new world order is very appropriate.

I urge my colleagues to read his remarks.

TESTIMONY OF HON. BYRON L. DORGAN, WAYS AND MEANS COMMITTEE, APRIL 9, 1991

Mr. Chairman, I have requested time to testify on the need to fairly share the mutual defense costs of alliance and other military operations. I raise this question before the committee because of its implications for the federal budget and related revenue requirements.

BURDENSHARING SUCCESS

There is an important lesson to be learned about defense burdensharing from Operation Desert Storm. Our concerned diplomatic efforts produced widely-supported United Nations' resolutions and numerous bilateral agreements under which allies agreed to share the military requirements and financial costs of the Persian Gulf War. In other words, under the pressure of war and a universally-perceived threat to international law, we were able to get many allies to join in a military operation and to pledge billions of dollars to cover major costs of the war.

Let me not imply that I was totally satisfied with the process or with the results. Next time, I would prefer to see an operation like the Desert Storm Operation placed under the United Nations flag and command. In practical terms, the U.S. military would more than likely have run the operation. But it would have saved the U.S. from itself having to respond to some of the post-war problems—like the plight of the Kurds and the civil war in Iraq—that should be the responsibility of the entire United Nations.

Nor am I totally satisfied with the pace at which some allies are completing their contributions. Of the $53.5 billion in pledges for Gulf operations, we have now received only $32.9 billion—or about 60 percent. Nevertheless, the Japanese and Germans have paid virtually all of their commitments, the Kuwaitis are making regular payments, and the Saudis are arranging for their last payments.

FAVORABLE BUDGET IMPACT LIKELY

In contrast to our usual approach to mutual defense costs, in which the U.S. sends the troops and also picks up the tab, this campaign was different in the latter respect. The result is that the cost of the Gulf War of $45–50 billion should be covered by allied in-kind and cash contributions. (This assumes that we receive virtually all of the contributions pledged and that our costs are limited to $2 billion appropriated for FY 90 and the $42.5 billion for FY 91 plus some relatively small amount for undetermined combat losses. There also may be higher costs for the drawdown of U.S. forces.)

The bottom line, though, is that during the Persian Gulf War we have started to shape a New Financial Order to accompany the New World Order which the president has championed. We did so by undertaking intensive, comprehensive consultations with our chief allies. In effect, they participated in burdensharing or costsharing because we also stressed powersharing and decisionsharing.

In practical terms, this means a savings to the average family of nearly $1,000 in added taxes which would have been paid. It also means that our annual deficit may be closer to $350 billion than to $400 billion. These are significant, if not overwhelming, benefits to our economy. The challenge is to translate this success into wider and more regular costsharing arrangements.

COSTSHARING IMPROVEMENTS NEEDED

Until recently, the annual share of U.S. defense costs attributable to Europe and Asia was thought to be between $100 and $150 billion. Naturally, we incurred this cost because we felt that there was a mutual security benefit in doing so. Nevertheless, it amounted to a substantial expenditure when measured against our rising national debt and our growing trade imbalances with both Europe and Asia. I remind my colleagues that our national debt has tripled in the last decade and that our trade deficit has increased from $43 billion to $123 billion between 1982 and 1989.

Some would say that the end of the Cold War also means the end of the burdensharing debate. The Persian Gulf War illustrates the contrary. But even on more traditional burdensharing issues, I would contend that there is room for progress. Let me suggest several areas in which we need to exert our efforts to achieve budget savings. I'll touch upon the big picture and also make some suggestions about Europe and Asia.

Overseas bases and forces. We need to close some of the obsolete foreign bases even as we take similar steps at home. We operate 136 bases overseas and spend about $25–30 billion per year on direct overseas defense costs. I believe that we can achieve savings in overseas spending by keeping a moratorium on new construction of U.S. bases overseas. Nor should we let foreign governments hold us hostage to foreign aid contributions as the price we pay for defending their nations. If we can't reach sensible arrangements for bases and base rights, then we ought to make new deals.

I don't think it's unrealistic to seek an annual savings of $2 billion or more in these areas. That will mean that we have to convince the administration that a relentless forward deployment strategy is not our only option. I think another lesson of the Persian Gulf War is that we can rely more heavily on U.S. based National Guard and Reserve forces.

NATO infrastructure spending. Last year we spent $233 million, compared with a budget request of $460 million. The FY 92 budget request is $379 million. I would recommend that we go no higher than last year's level and work at having Europeans absorb the full cost of such expenditures. The U.S. will still have to pay for whatever troops we assign to Europe and for those troops based in the U.S. but designated for European contingencies and conflicts.

The U.S. share for NATO infrastructure is nearly 28 percent. So we continue to shoulder a significant cost of activities which our European allies could handle themselves. The U.S. share is actually .5 percent larger than it was in the early 1980's. The Europeans should do more.

We should insist, too, that Europeans pay for the cost of environmental clean up at bases. It's also fair that the U.S. receive compensation for the fair value of bases which close.

Similarly, we expect that U.S. troop levels will decline from some 300,000 to about 150,000 in the near future. Over time, that will help to reduce U.S. costs or to at least recycle much of the spending for European-oriented forces within the U.S. Even as that process goes forward, I would recommend that we ask our NATO allies to shoulder the cost of consolidating bases outside of Germany and refitting some bases as forward supply and staging areas for out-of-area NATO activities. This was done successfully in the Persian Gulf War and we ought to build upon that success for future contingencies.

Two other efforts can reinforce such a policy. One is to insist that the Soviet Union abide strictly by the terms of the Conventional Forces in Europe Treaty instead of trying to hide combat units under the guise of certain naval support forces. Treaty compliance will facilitate the withdrawal of U.S. forces from Europe. The other is to encourage Germany to amend or clarify its constitution so as to permit German participation in United Nations peacemaking and peacekeeping operations. This will reduce the burden on the U.S. to carry virtually the entire manpower burden of such peacemaking operations as Desert Storm.

Host Nation Support in Asia. Japan is the other economic super power in the world. Yet we persist in making the only incremental changes in the trade and mutual defense arrangements which adversely affect our nation.

We have made some halting progress in getting Japan to shoulder a larger share of the Host Nation Support costs for stationing 50,000 U.S. forces in Japan. My amendment to the 1990 DOD authorization bill called for increased consultations among our Pacific allies and an increase in Japan's share of mutual defense costs by $2.5 billion. The provision would have boosted Japan's share to from $2.5 billion to $5 billion—or about 70 percent of the $7 billion in total costs. Japan would have covered all costs except the salaries of U.S. personnel.

A similar Bonior amendment to the FY 91 Defense bill mandated an increase of about $4 billion in Japanese support payments such that Japan would pay all costs for U.S. troops there. Under the amendment, the U.S. would be obliged to reduce its troop levels by 5,000 below the prior year's level if such an agreement were not struck.

The administration negotiated a new agreement which would increase the Japanese share from about 40 percent to 50 percent over several years. My own view is that we should keep pressing for a 70 percent or greater contribution, as in the Dorgan and Bonior amendments, right away.

South Korea has also experienced enormous economic growth in recent years—and a substantial bilateral trade surplus with the U.S.—yet we continue to station troops there under essentially the same arrangements as existed twenty years ago. Repeated attempts to cut U.S. forces in South Korea have failed in the face of arguments that North Korea continues to pose a formidable security threat to South Korea—and by extension to its allies.

However, even if we were only to make the modest U.S. force cuts of some 5,000 to 7,000 troops envisioned by Defense Secretary Cheney, why could we not expect the South Koreans to recycle some of the $4 billion trade surplus it enjoys with the U.S. in the form of increased Host Nation Support costs. The U.S. now deploys some 43,000 troops at annual cost of $2.5 billion. The South Koreans could absorb the full $1.5 billion in Host Nation support costs (not counting the $1 billion for salaries of U.S. personnel). They currently cover only $500 million, including payments for rent foregone to South Korean landowners.

This could be phased in over a few years to avoid a big impact on the South Korean budget before South Korea begins to pay for the cost of relocating our major base in 1995–96. I think that would be fair to both sides. Coupled with Korean commitments to pay for the cost of base relocation this plan, too, could produce savings of a few billion dollars. However, if negotiations to this end failed, we could then consider using the stick of additional troop withdrawals.

I would add that the American public continues to chafe at what it regards as inadequate contributions by our allies. A recent Harris Poll, for example, showed that 73 percent of the public felt that Japan got off without contributing a fair share for the Persian Gulf War. We simply can't fund the defense structure we need when lingering questions like this remain.

BURDENSHARING MEANS POWERSHARING

The bottom line here is that more appropriate cost sharing and powersharing arrangements could result in savings of tens of billions per year. This could be achieved without eroding U.S. security or without placing an undue burden on our key allies.

Over time, I believe that responsible burdensharing or costsharing arrangements can help to curb the federal deficit by substantial amounts and also help to build a domestic consensus for defense spending which we really need.

In conclusion, as we look to build a new world order, let's be sure that we also construct a new financial order, too. Let's examine the potential for applying the positive lessons of costsharing in the Persian Gulf War to the broad range of mutual defense issues. Several of us expect to do so this year and our goal is to save more than $10 billion over the next few years.

SOCIAL SECURITY APPEALS PROCESS REFORM ACT OF 1991

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. JACOBS. Mr. Speaker, today I am introducing the Social Security Appeals Process Reform Act of 1991. Following is a summary and the text of the bill:

SOCIAL SECURITY APPEALS PROCESS REFORM ACT OF 1991 STAFF SUMMARY

The Social Security Appeals Process Reform Act of 1991 addresses the growing problem of ensuring quick and accurate decisions on applications for Social Security Disability Insurance

BACKGROUND

Disability decisions are made in state agencies called Disability Determination Services (DDSs). These agencies are fully funded by the Social Security administrative appropriation. If an applicant for benefits is denied on his or her initial application, he or she may request reconsideration of the decision. A reconsideration generally means that another doctor and disability examiner review the case file. Only 15 percent of all cases appealed to reconsideration level are overturned.

An applicant who is denied at reconsideration may appeal his claim to an Administrative Law Judge (ALJ). Over the past decade, the rate of ALJ reversals on such claims has exceeded 50 percent; and in 1990, it approached two thirds (63 percent). The reasons for high ALJ reversals are two-fold: first, the ALJ is the first SSA decision maker who meets the claimant face-to-face, and the information he gains frequently provides additional evidence of disability. Second, the quality of DDSs' case development has declined in recent years, so that crucial medical evidence is sometimes missing from the case folder—information whose presence would have resulted in a favorable decision at an earlier level. Inadequate DDS case development leads to more and more appeals, producing a large backlog at the ALJ level and creating severe hardship for disabled claimants. The bill would address this problem by making three changes:

1. REQUIREMENT FOR A FACE-TO-FACE HEARING AND ELIMINATION OF THE PROCESS OF RECONSIDERATION

First, the bill would require SSA to provide a face-to-face interview for the applicant prior to making any decision on the claim. A face-to-face interview would provide additional objective information on which to base a decision. The interview would increase the accuracy of the decision and decrease the number of persons appealing decisions to the ALJ level.

Second, rather than adding another layer of bureaucracy to the process, the bill would eliminate the reconsideration level of appeal. An initial face-to-face interview would make reconsideration redundant and unnecessary, and the elimination of reconsideration would save time for the applicant and money for the taxpayers.

2. MEDICAL INFORMATION TO BE COLLECTED AND MAINTAINED IN MAKING DISABILITY DETERMINATIONS.

It is apparent that one source of information that is underutilized is the applicant. The bill attempts to bring the applicant into the process by asking him or her to provide a statement indicating the extent of the impairment and how it affects the applicant's ability to work.

In addition, the bill requires the Social Security Administration to make every reasonable effort to collect the following documents in order to develop fully a request for disability payments: all medical records from hospitals, clinics, and health centers where the individual was treated; reports of treating physicians; all additional assessments requested by SSA such as consultative exams, any reports by nonprofessionals of service used by the applicant (such as physical therapists); and any statements from family and friends.

EFFECTIVE DATE

The Appeals Process Reform Act would apply to initial determinations relating to disability under Title II of the Social Security Act made on or after January 1, 1992.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Appeals Process Reform Act of 1991".

SEC. 2. REQUIREMENT FOR A FACE-TO-FACE HEARING PRIOR TO INITIAL DISABILITY DECISIONS AND ELIMINATION OF THE PROCESS OF RECONSIDERATION OF SUCH DECISIONS.

(a) PROCEDURES FOR DECISIONS INVOLVING DETERMINATIONS OF DISABILITY,—Section 205(b) of the Social Security Act (42 U.S.C. 405(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Any decision by the Secretary relating to initial entitlement of an individual to payments under this title which involves a determination of disability shall be made only after opportunity for an evidentiary hearing which is reasonably accessible to such individual. Opportunity for a subsequent hearing with respect to any such decision by the Secretary shall be available in accordance with this subsection without any requirement for intervening reconsideration.".

(b) CONFORMING AMENDMENT.—Section 205(b)(4) of such Act (as redesignated by subsection (a) of this section) is amended by striking "or an adverse determination on reconsideration of such an initial determination".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to initial decisions relating to entitlement to benefits under title II of the Social Security Act made on or after January 1, 1992.

SEC. 3. MEDICAL INFORMATION TO BE COLLECTED AND MAINTAINED IN MAKING DISABILITY DETERMINATIONS.

(a) IN GENERAL.—Section 221(h) of the Social Security Act (42 U.S.C. 421(h)) is amended to read as follows:

"(h) An initial determination under subsection (a), (c), (g), or (i) that an individual is not under a disability shall be made only if the Secretary has made every reasonable effort to ensure—

"(1) that the following medical information has been compiled and maintained relating to the individual's case:

"(A) a detailed description from the individual of his or her disability (including any statement made by any family member, friend, or employer of the individual describing the individual's impairments which is offered for the record by such individual);

"(B) medical records relating to such indvidual from hospitals, clinics, and health centers where the individual was treated since the alleged onset of the disability;

"(C) medical records relating to such individual from physicians treating the individual since the alleged onset of the disability;

"(D) reports of any consultative examinations, assessments of residual functional capacity, assessments of pain, and other assessments relating to the individual's case which have been performed by or under the Secretary; and

"(E) reports by social workers, therapists, community mental health workers, and other medical or vocational personnel whose services the individual utilized since the onset of the disability; and

"(2) in any case in which there is evidence which indicates the existence of a mental impairment, that a qualified psychiatrist or psychologist has completed the medical portion of the case review and any applicable residual functional capacity assessment.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to initial determinations relating to disability under title II of the Social Security Act made on or after January 1, 1992.

TRIBUTE TO HIS HOLINESS THE XIV DALAI LAMA OF TIBET

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, in the 101st Congress, we had the unprecedented honor of welcoming to the U.S. Capitol individuals responsible for shaping world history in the 20th century. Lech Walesa, Vaclav Havel, and Nelson Mandela distinguished themselves by bringing the promise of peace to people long-oppressed by communism, dictatorship and apartheid. This week, the 102d Congess is honored to welcome to the Nation's Capital a distinguished man who offers this same promise of peace to the people of Tibet.

His Holiness the XIV Dalai Lama of Tibet is one of the world's spiritual leaders and a messenger of peace. A leader brutally robbed of his homeland, the Dalai Lama has traversed the globe reminding world leaders of China's great crime against the Tibetan people and, at the same time, seeking reconciliation with his persecutors. Without malice or a desire for vengeance, His Holiness speaks of love and compassion toward China, shaping a Nobel prize-winning peace plan which would realize the negotiated and bloodless return of Tibet to the hundreds of thousands of Tibetan refugees in exile.

Violence and oppression in Tiananmen Square, Kuwait City, and Vilnius have recently made shocking headlines provoking worldwide condemnation. Crimes against Tibet have not appeared as front-page news, but we cannot ignore the fact that the Tibetans have endured 40 years of brutal oppression by the Chinese Government. Tibet has been systematically ravaged by the Chinese Government and has suffered a virtual holocaust under Chinese rule: more than 1 million Tibetans have been massacred; more than 6,000 sacred monasteries have been destroyed; and, the traditional Tibetan society—rich with culture and history—has been virtually eliminated.

The Dalai Lama seeks freedom and justice for his own people, yet he firmly rejects war as a means of achieving it. Instead, the Dalai Lama has made a life-long commitment to the survival of his people, the conservation of their culture and a mutual understanding with the Chinese. His Holiness founded 53 large-scale agricultural settlements in India for the Tibetan refugees. He has created an autonomous Tibetan school system to raise refugee children with full knowledge of their proud history, religion, language, and culture. And he has inaugurated several cultural institutes and monasteries to keep alive Buddhist teachings and 2,000 years of Tibet's higher arts and science.

Here in the United States, the International Campaign for Tibet, Tibet House and other organizations under the auspices of the Dalai Lama have organized an impressive grassroots freedom movement for Tibet. These organizations are coordinating the commemoration in the United States of the "International Year of Tibet"—an important effort involving 32 countries to save Tibet before its people and ancient culture altogether disappear.

The Dalai Lama is internationally recognized as a man of great wisdom and vision whose teachings and example serve world leaders everywhere. As we contemplate today's most difficult questions of policy and politics—the plight of Kurdish refugees, Middle East peace prospects, the Baltic freedom movement—we would do well to remember His Holiness's counsel that our minds be led by our conscience to a "responsibility for truth and justice."

Today, I wish to remind my colleagues that the United States Congress has its own responsibility to the peole of Tibet. In every debate on United States policy toward China, we have a moral obligation to raise the issue of violence in Tibet. We must voice the commitment of each and every American to the principles of freedom and basic human rights. We must insist that these principles be applied to the plight of the Tibetan people. We must lend volume and strength to the call for peace and justice issued by of His Holiness the XIV Dalai Lama of Tibet.

I leave my colleagues with the Dalai Lama's thoughts on peace as expressed in his acceptance of the 1989 Nobel Peace Prize:

> Peace, in the sense of the absence of war, is of little value to someone who is dying of hunger or cold. It will not remove the pain of torture inflicted on a prisoner of conscience. It does not comfort those who have lost their loved ones in floods caused by senseless deforestation in a neighboring country. Peace can only last where human rights are respected, where the people are fed, and where individuals and nations are free.

TRIBUTE TO JESSE J. ARNOLD OF ROCKWELL INTERNATIONAL

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. DYMALLY. Mr. Speaker, every Member of this distinguished body should be as lucky as I am to have an outstanding corporate representative working with them to improve the quality of life for their constituents. Mr. Speaker, Jesse J. Arnold, manager of the Community Interface Program of Rockwell Internationals Space System Division, is such a person.

As part of his duties Mr. Arnold has developed numerous projects in comprehensive education, skill and technology, which help to develop a skilled labor pool for Rockwell as well as California industry.

So far, over 13,000 students have benefited from the programs initiated by Mr. Arnold.

Mr. Speaker, aside from the direct services that Mr. Arnold gives to program participants. He also developed a four-point plan that is currently used as a guide for government, skill-development partnerships and industry for "Work-Force 2000 and Beyond."

Mr. Speaker, as you might imagine, Mr. Arnold has been the recipient of numerous awards, among them: The Distinguished Service Award from the Jaycees; resolutions and commendations from the State of California, Los Angeles County, the White House, National Aeronautics and Space Administration, U.S. Department of Defense, and NAACP.

Mr. Arnold earned a B.A. in Urban Management from California State University, Dominguez Hills, and an M.S. in Business from Pepperdine College. His thesis was titled "Bridging the Gap between Industry, Career Education and Isolated Communities.

Mr. Speaker, when many think of urban areas, they think of despair and hopelessness. Because of Jesse Arnold's exemplary work, the perception of the Nation's urban youth is changing and so are the lives of those who come in contact with Mr. Jesse J. Arnold.

OUTSTANDING ARKANSAN NOTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SUNDQUIST. Mr. Speaker, I ask this House to join me in recognizing and congratulating Mr. David McCollum of Stuttgart, AR, who was recently named 1 of 10 Outstanding Young Arkansans by the Arkansas Jaycees. Ordinarily I would leave this announcement to my colleague from Arkansas, but I do so because the honoree has a special connection to a member of my official family.

David is the son of my longtime assistant, friend, and current district director, Gwen Hurd, and I share her great pride in David's accomplishment. I ask that the attached article be reprinted in the CONGRESSIONAL RECORD.

JC'S NAME MCCOLLUM OUTSTANDING IN STATE

David McCollum of Stuttgart was recently named one of 10 Outstanding Young Arkansans by the Arkansas Jaycees at an awards ceremony held in Little Rock.

McCollum, the owner of NAPA Auto Parts in Stuttgart, is a member and board director of the Stuttgart Chamber of Commerce, where he has held several committee chairmanships, which include the World's Championship Duck Calling Contest and the Farm Fest Barbeque Cook-off.

"David has contributed many valuable resources to our organization and its festivals," said Stuttgart Chamber of Commerce executive vice president Linda Warren.

"David's involvement with other people is remarkable," said Stuttgart Jaycee president Victor Nutt. "When Dave takes on projects, volunteers come from everywhere to help him out."

One of McCollum's most noted contributions to Stuttgart was the creation of the city's life-sized mascot, Mal R. Duck.

"David approached the Chamber board for support of the project and in less than two weeks, he had raised the funds to cover the cost of Mal's costume," Warren said.

McCollum's input into the costume design and personality of the friendly duck has grown into a tourist attraction at local festivals and has brought publicity for the town as Mal now travels throughout the state as a goodwill ambassador for Stuttgart.

In his business capacity, McCollum has brought several new ideas to his company, writing manuals for employee training and handling manufacturer's warranties. This manuals have been adopted nationwide by NAPA.

At his store, he regularly holds free clinics to assist mechanics in keeping up with the latest technology in the automotive repair industry.

"Whether it is a community function, coaching a pee-wee football team, a church youth function, family obligations or taking care of his business, Dave seems to keep a proper perspective of everything going on," Jaycee Nutt said, in nominating McCollum for the award. "His ability to prioritize all his responsibilities and activities and still accomplish his goals is what makes Dave a winner and a successful asset to his community."

McCollum serves as a director of the Arkansas County Fair Board and is an active member of the Stuttgart Community Theater, where he has appeared in several local productions in acting and singing roles.

McCollum and his wife, Tassie, and their children, Irby, Gwendolyn and Mac, are members of the First Baptist Church where McCollum is a Sunday school director and choir member.

THE PRESIDENT'S BUDGET PROPOSALS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. MAZZOLI. Mr. Speaker, on March 13, I testified before the House Budget Committee concerning the administration's fiscal year 1992 budget proposals and offering my own budget priorities for fiscal year 1992.

Accordingly, as the House considers this week the fiscal year 1992 budget resolution, I commend my comments to the Budget Committee to the attention of our colleagues:

STATEMENT OF REPRESENTATIVE ROMANO L. MAZZOLI

Mr. Chairman and Distinguished Members of the Committee: I appreciate this opportunity to testify before you today on President Bush's Fiscal Year 1992 budget proposal.

As a charter member of the Urban Caucus that is now being formed—under the leadership of Representative Tom Foglietta—to help address the special needs and problems of urban areas, I rise to bring before you my views on budget issues which have a direct impact on my hometown of Louisville and Jefferson County, Kentucky.

I mention the Urban Caucus because many of the concerns I will raise today are, no doubt, shared by other Members who represent urban, populated areas—areas which, by most counts, were left behind or left out completely when Administration priorities were set during the Reagan years. Yet, urban needs and problems have continued to grow exponentially.

First, I would like to bring to the Committee's attention my concerns about the Administration proposal to fold many worthy domestic programs into one large block grant. In spite of what the Administration says, I would expect that the states eventually would be responsible for picking up what is now the federal share of funding for these very important programs. This is especially troubling for "proven winners" like the Community Development Block Grant program.

Since the demise of the enormously successful Revenue Sharing program—a move I fought to the bitter end, I might add—community leaders in my district have repeatedly suggested that the federal government should move back toward programs like Revenue Sharing, which provided aid directly to cities and urban areas with maximum local flexibility, and away from programs where establishment of spending priorities and control of the funding allocations are vested in administrations in the federal chain-of-command or at the regional or state level.

One example is the anti-drug state and local law enforcement assistance program, which the Conference of Mayors has repeatedly brought before the House Judiciary Committee, and which I, at the request of Louisville Mayor Jerry Abramson and Jefferson County Judge/Executive David Armstrong, have worked to have transformed into a program of direct funding or direct pass-through to cities.

Many urban areas like Louisville and Jefferson County feel they are on the front lines in dealing with many of our domestic problems—such as the war on drugs—but are not directly given the resources and flexibility they need to deal with them adequately. Shifting responsibility for more such worthy programs to the states would only further complicate the large and complex tasks now facing our urban areas.

If I may, I would also like to focus for a moment on one of the "proven winners" I mentioned above which is a candidate for incorporation under the Administration's block grant proposal—a proposal I term a kind of Nixonian New Federalism—but is also targeted for funding cutback: the Community Development Block Grant (CDBG) program.

The Administration has proposed reducing the funding level for the CDBG program from $3.2 billion in Fiscal Year 1991 to $2.9 billion in Fiscal Year 1992.

The CDBG program has allowed communities like Louisville and Jefferson County, Kentucky, which I am proud to represent, to conduct a variety of activities promoting revitalization, economic development and improved community facilities and services. The flexibility of the program has enabled communities to find innovative solutions to their own, unique problems.

Mr. Chairman, my next topic is the President's proposal for mass transit spending. The President is correct in putting transportation at the top of the domestic agenda. Unfortunately, the transportation budget, especially the mass transit portion of the budget is seriously flawed.

Through the past decade, with inflation taken into account, federal spending on mass transit has decreased by 50%. And, the Administration would only increase mass transit spending from $3.25 billion in Fiscal 1991 to $3.32 billion in Fiscal 1996.

In a time when new transit projects should be encouraged, the proposal to lower the 75% cap on the federal share of new starts to 50% would only serve to discourage new initiatives. Furthermore, reducing the federal share for capital projects from 80% to 60%, in a time when transit systems need more help, is a terribly misguided plan.

Urban areas depend on affordable, reliable mass transit for serving their populations. The Transit Authority of River City (TARC) in Louisville, Kentucky, which serves the people of my district and surrounding communities, is just one of those transit systems on which many depend.

Mr. Chairman, out of concern for those who rely on public transportation, and out of concern for energy conservation and reducing congestion and pollution, I respectfully request that your committee strongly consider the need for the federal government to do much more for mass transit.

Another budget topic in great need of consideration is funding for homeless and affordable housing programs.

I fully supported the adoption of last year's National Affordable Housing Act, the first major overhaul of federal housing programs since 1974. However, funds for two major new programs incorporated into the act—HOPE and HOME—have not yet been appropriated. Fortunately, the Administration's ill-conceived plan for paying for these two programs by shifting funds from public housing was rejected by the House.

HOPE, designed to help current residents of public housing buy their units, and HOME, which helps low-income people rent homes on the private housing market, deserve to be funded. I ask that the committee work towards that goal, taking a balanced approach under the restraints of the current budget.

Homelessness, which, in my view, is rooted in a number of causes including the lack of affordable housing, continues in crisis proportion. I deeply appreciate the past support that Stewart B. McKinney Homeless Assistance Act programs have received from this Committee. The reauthorization of the McKinney Act created three new homeless programs and, it is my hope that everything possible will be done to provide funds to begin implementation.

Mr. Chairman, with last year's passage of the Clean Air Act amendments, my last priority I hope the Budget Committee will address is providing federal support and assistance to states and localities as these governments go about the task of complying with EPA targets. Communities across the country have a major responsibility for reaching these goals of clean air, water and land, and I believe it is only appropriate that the federal government do its part in providing financial help.

Mr. Chairman and Committee Members, thank you for your time and this opportunity to appear before you.

NO RETREAT FROM SANCTIONS

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. MFUME. Mr. Speaker, recently, Assistant Secretary of State for African Affairs, Herman Cohen, indicated that the Bush administration is nearing a decision on lifting the Comprehensive Anti-Apartheid Act of 1986 [CAAA] against the Republic of South Africa.

In an April 5, 1991, Washington Times article, Secretary Cohen noted that the CAAA set five conditions South Africa must meet in order to lift sanctions. Secretary Cohen and the Bush administration believe that reforms that Pretoria has imposed are irreversible and the United States can best foster further progress by easing, conditioning, or lifting sanctions.

Personally, I believe that this is not the proper posture to assume at this juncture. I believe that international sanctions and South Africa's diplomatic and economic isolation have greatly influenced the Government's decision to reform the status quo.

While I applaud the release of Nelson Mandela, the unbanning of 30-plus political organizations, and preliminary talks about a nonracial postapartheid order, I am not convinced that the reform process is anything close to being irreversible. Nor do I believe that Pretoria has created a climate for peaceful political participation and voting rights for South Africa's blacks. In short, South Africa is by no means a democracy.

Today, I along with Representative MAXINE WATERS and several of our colleagues introduced a House concurrent resolution which states that the United States Government should not lift sanctions until the South African Government repeals all racial laws and all repressive legislation that maintain the intricate system of apartheid. This legislation also calls upon the South African Government to release all political prisoners, terminate the policy of detention without trial, cease all executions of political prisoners, and grant all black South African exiles the opportunity to return home.

Additionally, my House concurrent resolution urges the President through the Secretary of State to investigate the South African Government's role in the factional fighting affecting the black townships and reports of official South African death squads; and urges the President not to ease or lift sanctions imposed under the CAAA of 1986 until all the preconditions for lifting sanctions are met and the process toward the establishment of a nonracial democracy is irreversible.

Yesterday, the European Economic Community [EEC] decided to lift sanctions as a reward for the limited reforms that South Africa has initiated. While I have heard the EEC's rationale, I do not necessarily agree with their decision or the timeliness of the decision.

Uncategorically, we must hold the Republic of South Africa to the same standards that we held Namibia, Poland, Nicaragua, and Panama. Simply, no easing of economic, cultural, or diplomatic sanctions until the country holds free and fair elections and all South Africans are allowed to participate in the political process.

We must have uniformity and consistency in American foreign policy toward nondemocratic nations. South Africa must not be an exception at this critical juncture in that country's history.

In closing, Mr Speaker, I hope that you and all of our colleagues will support the resolution and encourage substantive, irreversible reforms in South Africa.

DRUG RAIDS AT THE UNIVERSITY OF VIRGINIA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GINGRICH. Mr. Speaker, I have read the articles regarding the drug raids at the University of Virginia with great interest. These drug busts have illuminated a very sensitive subject—that the drug war's boundaries don't stop at the tenement house—or the fraternity house—there is no safe haven for drug users.

The new drug czar, Gov. William Martinez, truly understands this concept. He knows that the scourge of drugs—the lost potential, the destruction of families, the loss of hope—must be stopped—and the war can't spare those whose socioeconomic status allows them to escape America's ghettos.

The lessons of modern warfare learned in the Persian Gulf must be translated into the war on drugs here at home. The drug war must not use the Vietnam war as a prototype—it must be an all-out effort on every front. And, we cannot surrender with dignity.

I would like to submit a column written by Carl Rowan regarding the war on drugs and the effect the raids at the University of Virginia have had on heightening the awareness of this effort. Mr. Rowan understands that each and every casualty of a war, whether it be in Iraq or Atlanta or the University of Virginia, is one too many. I hope that my colleagues will read this article and join in the effort to win this war at home.

UVA RAIDS SEND IMPORTANT SIGNAL ON DRUG WAR

(By Carl Rowan)

WASHINGTON.—Just when it appeared that our government had run up the flag of surrender in the war on drugs, law-enforcement authorities dropped a "bombshell" on the University of Virginia (UVA) at Charlottesville, Va.

In raids on three fraternity houses, police seized 12 sandwich bags of marijuana, three bags of hallucinogenic mushrooms, a bag of LSD tablets and scales and pipes used to smoke marijuana and other drugs.

Twelve students have been indicted on charges of selling or distributing illicit drugs.

These raids are extremely important because they tell us a lot about why we have failed so far to wipe out the drug curse.

The UVA raids highlight two truths that most Americans have not wanted to face:

Drug abuse is not merely a curse upon ghetto kids who are mostly black or Hispanic, but is a serious problem among affluent white youngsters.

There can be no solution until we start locking up the "respectable" users who really finance the drug cartels.

Some of the parents of the indicted students are complaining in ways that make it clear why this society hasn't gotten serious about drug abuse. Fred Carter, father of James, a 19-year-old UVA student who was indicted on two counts of drug distribution, says the lawmen were "using a cannon to kill a gnat."

Fred asks why the cops didn't raid "the University of Richmond or Norfolk State."

Sure. Norfolk State is predominantly black, and the University of Richmond has a far higher percentage of minority students than does UVA. Mr. Carter thinks it was "politically motivated and badly advised" to intrude upon a high-falutin' campus.

We've targeted the "drug war" on the Norfolk State Universities of America, leaving the UVAs as safe havens for users and distributors, for much too long.

Some in Charlottesville complain that the raids tarnish the whole university's reputation. Now they understand that when the drug busters were arresting mostly black kids, they were ruining the reputation of all of black America's youngsters.

The war on drugs is infinitely more important to the future of America than the desert fracas that is being so widely celebrated. A generation of our youngsters is in more peril in our frat houses than was ever the case in the sands of Arabia.

It's easier politically to fight the drug war on some ugly city street rather than on some deceivingly beautiful campus. But I applaud the drug warriors if they finally have decided to fight the drug problem wherever they find it.

KEVIN L. BENSINGER ATTAINS EAGLE SCOUT AWARD

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Mr. Kevin L. Bensinger who will be honored by Boy Scout Troop 124 of Orwigsburg on April 28, 1991, for earning the prestigious Eagle Scout Award. I would just like to take a moment to point out some of Kevin's fine achievements.

As a Boy Scout, Kevin has attained the highest award possible through his dedication and commitment to the spirit of scouting. For over 10 years, Kevin has given many hours of his day to the community, offering his time selflessly so that others may benefit. Recently, he and his fellow Scout members spent 260 hours working in the Drehersville Evangelical Cemetery restoring headstones. Kevin's extreme hard work in this and other endeavors earned him the Hometown USA Award in 1989, Arrow of Light Award, International Scouting Award. Kevin exemplifies the self-reliance, patriotism, and courage, which Scouting teaches to all Boy Scouts.

I know my colleagues will agree that Kevin Bensinger deserves our commendation on the floor of the House as he receives his Eagle Scout Award.

A SALUTE TO DAVID CAMPBELL

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SANTORUM. Mr. Speaker, I rise to draw the Congress' attention to the exemplary courage exhibited by David Campbell, of Bethel Park, PA, and his family.

The Persian Gulf war may be over for us, but it is not yet over for the Campbells. David Campbell, a staff sergeant with the 14th Quartermaster Detachment, was critically injured in the Iraqi Scud missile attack on Dhahran, Saudi Arabia on February 25. Gamely fighting for his life despite a punctured lung and other serious injuries, David has recovered well enough to return to the United States and continue this fight at Walter Reed Army Medical Center. The personal courage he exhibited when I recently visited him there is an inspiration to all Americans.

David's wife, Gail, and their daughters, Jennifer and Julie, have shown incredible perseverance through this trial, which included a 10-day wait before they were able to obtain timely information on his condition. Their unfailing courage was an inspiration to me and reinforced my desire to do everything possible for them, including helping the Campbells travel to David's bedside in Bahrain. His family's faithfulness and love undoubtedly has played a major role in his recuperation.

In addition, the community of Bethel Park has been most generous in its personal and financial support of the Campbell family. Rus Howard of the Campbells' church, Bethel Park mayor Reno Virgili, and the Bethel Park School District responded with immediate assistance.

On behalf of the Congress, I wish to convey our appreciation for the Campbells' invaluable service to our country, along with our hope for David's complete and speedy recovery.

PRESERVE ORIGINAL INTENT OF THE BILL OF RIGHTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. CRANE. Mr. Speaker, in the spirit of the bicentennial of the Bill of Rights, and as a member of the Commission on the Bicentennial of the United States Constitution, I celebrate the adoption of this great document. I nonetheless remain concerned that some of the 10 amendments that comprise the Bill of Rights from time to time come under attack by individuals, interest groups, legislators, and courts.

With this thought in mind, I commend to my colleagues a column by Walter Williams, professor of economics at George Mason University, which appeared in the April 9, 1991, issue of the Washington Times. It is pragmatic and informed thoughts like those of Dr. Williams that will prove vital in our efforts to preserve the original intent of the Framers, and thereby the freedoms of the American people, as guaranteed by the Bill of Rights.

[From the Washington Times, Apr. 9, 1991]

CELEBRATION . . . OR A REQUIEM?

(By Walter Williams)

Passed in 1791, this year we celebrate the Bill of Rights bicentennial. My question is: Shouldn't it be a requiem instead? Let's see how some of the rights of the original 10 amendments have been surreptitiously repealed.

The Tenth Amendment guarantees: "Powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people." That's pretty plain language. So you tell me how the federal government can constitutionally mandate speed limits, control public schools and waste-disposal sites and make hundreds of other edicts. Better yet, try to think of something you or your state can do free from federal mandates.

The Ninth Amendment provides: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." The Ninth Amendment was written to overcome Alexander Hamilton's objections to having a Bill of Rights in the first place. Hamilton asked, "Why declare that things shall not be done (by the federal government) which there is no power to do?" That makes sense, Hamilton was simply asking why should we have a measure saying that the government cannot restrict the press when it has no authorization to do so in the first place. Hamilton's concern was since it is impossible to enumerate all liberties, such as economic liberty, politicians and judges would rule that they were not protected rights. The courts have made a mockery of the Ninth Amendment.

We retain a few protections of the Fifth Amendment, but they are disappearing. Among its protections is: A person cannot be "compelled in any criminal case to be a witness against himself." Try this. Ask your Internal Revenue Service agent whether the information on your tax form can be used against you in criminal proceedings. Then ask whether you are constitutionally required to give that information. Fifth Amendment provisions explain why we have the charade of "voluntary tax compliance." That way, when you appear in tax court and ask that your tax form be inadmissible as evidence under the Fifth Amendment, the judge will say, "Sorry, you voluntarily gave the information."

The Fifth Amendment also provides: "Nor shall private property be taken for public use without just compensation." Not only have the courts made a mockery of that provision, they permit, as in a Hawaii case, taking of private property for private use. The courts deny some owners of private property the right to raze it and build another building. They deny landowners the right to chop down trees on their own land.

The Second Amendment guarantees "the right of the people to keep and bear arms." The Second Amendment is not a deer-hunting or duck-hunting amendment. It affords us some protection against wanna-be-tyrants. The people leading the attack on the Second Amendment are the very people who want to control greater portions of our lives and restrict our freedoms. Therefore, part of their agenda is to first disarm us. I don't know about you, but whenever you hear that the government has taken Williams' weapons, you'll know that Williams is dead.

Any bicentennial celebration of our Bill of Rights is almost a hoax. Almost, because we still have freedoms envied by most of the world; but they are under siege. The only rally I'll attend is one tht has a stated agenda like "Rally for Full Restoration of Our Bill of Rights."

A BRIGHT IDEA FOR CHILD CARE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GUARINI. Mr. Speaker, there is a major shortage of affordable, quality day care in this country. This is a pressing problem that we all recognize, but we need more creative ideas on how to address the issue.

There is also a large, untapped labor pool with the experience, patience, and understanding that children need. That labor pool is our senior citizen population.

With this in mind, I am introducing a bill today, which will match up millions of children in need of day care with millions of senior Americans who can provide that care.

My bill, the Older Americans Child Care Employment Amendments of 1991, would authorize the Secretary of Labor to create demonstration projects to employ senior citizens in providing day care. The Secretary would offer grants to initiate these programs on a competitive basis nationwide. They would target at least 25 percent of their programs toward low-income families—the people who need this help the most.

Economic changes and changes in family work habits have boosted the number of mothers of small children in the work force. But the need for quality day care has far outpaced its availability. Children are not getting the care they need.

Many families must forego the needed income of two working parents, while others must depend on relatives to help out. Some children are even being left unattended. This is alarming and wholly unnecessary in this great Nation. And the problem will only get worse unless we act now.

Meanwhile, our growing senior citizen populace is often underutilized and ignored by society upon their retirement. That is very unfortunate, Mr. Speaker. They represent to our Nation a highly experienced resource. Most seniors have raised children of their own. They have the experience and the love. They are healthier, more educated, and are living longer than ever before. Yet, as medical bills and other expenses go through the roof, more and more seniors are turning to postretirement employment to help ease the burdens of their golden years.

My bill gives them that opportunity.

In addition, it adds the incentive of exempting from the Social Security earnings test work done by senior citizens in the field of day care. This will be good news to seniors across the land who are considering getting involved in day care services.

At the same time, it would greatly assist working families. It would also benefit the children immensely, offering them close contact with knowledgeable, caring seniors while their parents are at work.

I am proposing a timely idea to address our day care shortage. A program training senior citizens to work in day care centers is already under way in my district. By involving seniors in day care, we will tap an underused resource and provide our children with first class love and care. We will advance communications between the two generations. We will help supplement elderly income. And we will provide working families with a much-needed service. I urge my colleagues to support it and become a cosponsor.

CREDIT UNION EASES LOANS FOR MILITARY PERSONNEL

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. WYDEN. Mr. Speaker, several weeks ago, credit unions from all over the Nation gathered in Washington, DC, for their annual convention.

During my visit with the Oregon delegation, Linda L. Eaton, the general manager of the Pacific Northwest Federal Credit Union in my congressional district, brought to my attention a program her board had instituted for military personnel who had served in the Persian Gulf.

The program lowers to zero the interest due on all loans to those who were called to duty.

The Pacific Northwest board wanted to do its part to honor our men and women in the armed services who've made some tremendous sacrifices for the cause of freedom.

I hope that other credit unions will follow the example set by the Pacific Northwest Federal Credit Union.

The Oregonian described in more detail the commendable efforts of this credit union in the following article:

CREDIT UNION DOES ITS BIT FOR THE TROOPS

(By Bill MacKenzie)

Pacific Northwest Federal Credit Union has decided to go beyond the call of duty to support the troops in the Middle East.

On Wednesday, the Portland credit union's board approved lowering to zero the interest due on all loans to military personnel serving in the Persian Gulf. It also agreed to allow them to halt payments on loans until they are released from active duty.

David Armstrong, board president, said the policy affected about $46,000 in loans to six credit union members. The loans are of several types, including car and home-equity loans.

Armstrong said the credit union had adopted the policy after reviewing its obligation under federal law to reduce loan interest rates for military personnel.

Under the Soldiers' and Sailors' Civil Relief Act of 1940, reservists and members of the National Guard who are called up for active duty from civilian employment are entitled to have their interest rates for consumer loans cut to 6 percent during the borrowers' period of active service. Career servicemen and women on active duty also qualify if their debt predated their military employment. The difference between the going rate of interest and 6 percent if forfeited by the lender.

"It just seemed to us that, given the financial hardship some of these people are facing, this was a small sacrifice for the members of the credit union to make to help with the larger sacrifice being made by these personnel," Armstrong said.

The credit union, which serves principally federal employees and their families on the east side of the Willamette River, has about 8,400 members.

Jim Eberle, senior vice president of the Oregon Credit Union League, said he was not aware of any other Oregon credit union with a special program similar to that adopted by Pacific Northwest.

REMEMBERING SENATOR JOHN G. TOWER

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. FIELDS. Mr. Speaker, those who knew John Tower—those of us who had the privilege of working with him on behalf of our country and the State of Texas—were shocked and saddened to learn of his death earlier this month. While his family and friends will continue to mourn his passing, and that of his beloved daughter, Marian, they can take comfort from the fact that John Tower made a significant contribution to improving his country and his State for more than three decades.

John Tower accomplished many things during his 23 years in the U.S. Senate, and in the years following his retirement from that body.

As chairman of the Senate Armed Services Committee during the first 4 years of the Reagan administration, John Tower helped to rebuild America's defenses that had been allowed to decline during the 1970's. It was in part as a result of his efforts that the United States was able to undertake, and win, the just-concluded Operation Desert Storm in so short a period of time and with so little loss of American lives.

He helped reduce the threat of nuclear war between the United States and the Soviet Union, serving as one of three United States negotiators to the strategic arms limitation talks in 1985 and 1986. It is in part as a result of his efforts that the Soviet Union and the United States today find themselves concentrating less on how to destroy one another, and more on how to work constructively together for a better and more peaceful world.

And it was John Tower, in 1961 and for a quarter century thereafter, who helped to create and presided over a Republic Party that had barely existed in Texas until his upset election to the U.S. Senate. Through his efforts, Texas today is truly a two-party State offering citizens clearer, and more abundant, political choices than they would have had before John Tower's election to the Senate.

John Tower was a man of principle who had one and only one goal throughout his distinguished Senate career: To do the best that he possibly could for his beloved state of Texas and for his country. At a time when race-baiting was still a powerful tool exercised by some political candidates in the South, John Tower resisted that tactic—preferring instead to calmly and articulary discuss his views on economic, international, and political issues of the day without rancor or bigotry. Through his hard work in the Senate and by his calm and dignified demeanor, John Tower earned the confidence and respect of all Texans—and that is just one of the reasons we returned him to the Senate in this three reelection campaigns. Perhaps that is why so many political leaders in Texas of both parties and of all ideologies joined together in saluting his accomplishments, and mourning his loss, when they learned the tragic news of his death.

He was also a man of almost unlimited energy. It was John Tower who, just months after losing a bruising senatorial campaign to Lyndon Johnson, reentered the political arena, campaigned tireless, defeated 70 other candidates in the special election, and instantly turned Texas into a two-party State. It was John Tower who, following his retirement from the Senate, lectured at Southern Methodist University, served as a presidentially-appointed international arms negotiator, chaired a commission charged with investigating the Reagan administration's handling of the Iran-Contra affair, and formed and operated a highly successful management consulting firm in Dallas.

There was much else that John Tower wanted to do for his country, and there was much more he could have done for his country had God simply given him more time on this Earth with us. But his legacy serves as an inspiration to all Texans, and all Americans. John Tower will be sorely missed by those of us who loved and respected and worked with him. As we remember his many successes and accomplishments, and as we cherish his memory, we also ask God to look after his family, giving them comfort and strength in this time of loss and sadness.

HONORING MR. AND MRS. IRVING PHILLIPS ON THEIR 50TH WEDDING ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. and Mrs. Irving Phillips of Whitestone, NY, who celebrated their 50th wedding anniversary on March 29, 1991.

Irving Phillips served honorably in the U.S. Navy in World War II. For his heroic efforts in the European and Pacific theaters, he received five ribbons and two bronze stars. Irving is a man with golden hands who has used them to create, first as a carpenter and home builder, and then as a set builder and propertyman for television, movies, and the Broadway stage.

Florence Phillips has devoted her life to her family and has spent countless volunteer hours working for education, her community, and also the B'nai B'rith Anti-Defamation League. At the age of 54, Florence attained her bachelor of science degree in order to teach health education. Together, Irving and Florence are the proud parents of three children: Stephen, Sandra, and Maria; and the grandparents of Denny and Brandon.

Now that they are both retired, they are enjoying the fruits of their lifelong labors with visits around the country to their children and grandchildren, world travels, community service, and activities in the New York City area. Also, they have the freedom to rest, relax, and enjoy the life that this country has been able to offer them. In this day and age when so many events are short-lived, it is remarkable and inspiring to hear of a couple like Irving and Florence Phillips celebrating 50 years of marriage. I ask my colleagues in the House of Representatives to join me in wishing the Philips many more happy years together.

DESIGN PROTECTION

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. MOORHEAD. Mr. Speaker, today we are introducing the "Design Protection Act of 1991." I am pleased to be joined by our distinguished majority and minority leaders, Mr. GEPHARDT and Mr. MICHEL. I am also pleased to have cosponsoring this legislation the ranking minority member of the Judiciary Committee, Mr. FISH. We have made several changes in the bill based on the 3 days of hearings held during the last Congress. In each instance the changes were made to further narrow the application of the bill and to clarify certain other provisions.

While there were a number of modifications, the three major changes are first, substituting the word "original" for the word "industrial," second, a clarification of the internal and/or hard parts interfit exclusion, and third, a further protection for the retailers.

During hearings of last Congress the bills were criticized as being too broad in coverage by the use of the word "industrial" to describe the type of design protected. In an attempt to clarify and somewhat narrow its scope, the word "industrial" was dropped. During those hearings the Copyright Office suggested a return to the use of the word "ornamental" as a way to narrow the application of the protection. The problem with that approach, as we see it, is it may be too narrowing and confusing to the public.

"Ornamentality" is presently defined by a body of case law relating to the patentability of certain designs under existing patent law. The difficulty in obtaining these design patents and enforcing them is one of the problems intended to be addressed by this bill. The expense and delay in securing effective design patent protection today results from the fact that the Patent Office must examine each application to determine whether it meets poorly defined and inconsistent tests one of which is ornamentality. This has discouraged most designers from seeking protection under existing patent law. Although the redraft is intended to narrow the bill's application, the use of the term "ornamental" may be too restrictive. Therefore, the new bill drops the word "industrial" and substitutes and defines the word "original." That coupled with the exclusions contained in section 1002 narrows the scope of the bill.

The standard of originality used in the bill is similar to that presently used in copyright law. Under the bill, to be original the design must be a creative endeavor of the designer and provide a distinguishable variation over prior work which is more than merely trivial and has not been copied from another source. There are other requirements as well that actually make the standard used in the bill higher than the present copyright standard of originality. For example, an article must be useful, and it must not be staple or commonplace. The design must also be something that is not standard, common, prevalent or ordinary.

The definition of "original" coupled with the ordinary and commonplace language will exclude many items from protection. In addition, there is language in the bill that addresses other significant exclusions. The language in section 1002(4) provides that if the design of an item is dictated by its function, the design is not protected. That section also says that designs or shapes of the mechanical interface/interfit—must-fit—portion of an item is also not protectable. This language will assure that aftermarket parts manufacturers can continue to effectively compete with the original equipment manufacturer.

The third area of change relates to retailers and their concern over inadvertent liability for items sold that would infringe a design protected under the bill. A new subsection "(b)" of section 1021 was added to the bill. That new language would provide that a retailer who suffers damage by reason of injunctive relief wrongfully obtained under the bill has a cause of action against the applicant to recover damages and reasonable attorney's fees. The language used in the bill is similar to that found in the Antipiracy Act of 1984. The administration too is committed to improving the protection of intellectual property worldwide. It is important, therefore, that we adequately protect all forms of intellectual property at home. Questions about the effectiveness of our design patent law have been raised since at least as far back as the Report of the President's Commission on the Patent System in 1966. As recently as 1989, the Supreme Court noted that, "It is for Congress to determine if the present system of design [and utility] patents is ineffectual in promoting the useful arts in the context of industrial design." (*Bonito Boats* v. *Thunder Craft Boats*, 109 S. Ct. 971 (1989)).

Under the design patent law, designs must meet the ill-suited test of obviousness. Frequently they cannot be secured quickly enough to prevent piracy of short-lived popular designs; they are relatively expensive and are difficult to enforce.

The problem in obtaining design patents and enforcing them in the courts results from difficulty in applying the statutory test of obviousness. This concept, which is a basic part of the U.S. patent law, is ill-suited to designs. A recent study of cases reported from 1975 through 1986 showed that only 42 percent of the litigated design patents were held valid.

The expense of obtaining design patents today results primarily from the fact that the Patent and Trademark Office must examine each application to determine whether it is "new, original, and ornamental" in addition to being nonobvious. Because of examination proceedings, substantial legal assistance is generally required to obtain a design patent. This results in expenses far greater than required for copyright-type registration where no examination other than as to formalities is performed.

At the present time it takes about 32 months to obtain a design patent. Until the patent is granted, the designer or manufacturer markets the design at his peril, subject to its being freely copied. The alternative, withholding the design from the market until the patent issues, is impractical in many industries where styles change rapidly and may even be seasonal.

In addition, statistics indicate that the number of design patents issued in the United States is small in comparison to the number of design registrations issued in other industrially developed countries. For example, in calendar year 1989, the United States granted a total of 6,000 design patents, while Japan issued 32,000 registrations, West Germany 85,000, and France 25,000. Many feel that this illustrates the ineffectiveness of our design patent system.

Since the 1954 Supreme Court decision in *Mazer* v. *Stein* (347 U.S. 201), the Copyright Office has accepted certain registrations for designs embodied in useful articles so long as they meet the criterion of the design being separable from the useful article. Thus, copyright protection is now available for designs of such things as printed textiles and jewelry. But under the criterion, copyright protection is not available for designs of such things as furniture, office equipment, household appliances, utensils and containers, photographic machines, electrical and electronic apparatus, lighting and plumbing fixtures, gymnastic and sports equipment, and luggage, just to name a few. Moreover, some commentators have argued that the length of protection provided by the copyright law is inappropriate for some original designs. Also, innocent sellers and distributors of pirated copies of designs can be liable as infringers under the copyright law.

The proposed bill would provide a new form of protection for designs of useful articles—protection having a shorter term than copyright, tailored to protect sellers and distributors, quick, inexpensive, and more reliable than design patents. The bill would have features in common with both the patent law and the copyright law. The term of protection would be 10 years. This term would be similar in length to the 14 years of protection available under the design patent law but much shorter than the life of the author plus 50 years copyright term.

The requirements for obtaining protection are more similar to copyright law than to patent law. The relative ease of securing protection should eliminate many of the problems involved in securing design patents. The bill would provide only protection against copying of the registered design.

Protection would begin either on the date of registration or on the date the design is first made public, whichever occurs first. If the design is not registered within 1 year from the date it is first made public, protection under the bill would be lost. The bill requires that the design be original and fixed in a useful article. This is intended to deny protection to mere paper designs. Protection would also be unavailable for a design which is staple or commonplace or different from a staple or commonplace design only in insignificant details, or for a design dictated solely by a utilitarian function of the article that embodies it. The bill would also exclude protection for designs composed of three dimensional shapes and surfaces with respect to apparel.

The provisions of the bill are intended to establish procedures for obtaining protection quickly and inexpensively. The Administrator would determine whether the design "on its face" qualifies for protection. It would be unnecessary to conduct a search of existing designs since novelty is not a prerequisite to protection under the bill.

Relief against either infringement or a final refusal by the Administrator to register the design would be by civil action. In order to obtain quick relief, an applicant would have the option of securing a determination on the issues of registrability and infringement in the same action. Any aspect of an infringement dispute could be settled by arbitration.

The bill contains a number of provisions insuring protection of the public. Any person believing he would be damaged by a registration would be permitted to apply to the Administrator for cancellation of the registration on the ground that the design is not entitled to protection under the law. A design owner who omits the required design notice could not be awarded damages for infringement which occurred before the infringer received actual notice that the design is protected. Sellers and distributors of infringing articles would be exempt from liability under the bill, provided they had not induced manufacture of the infringing article or acted in collusion with the manufacturer, and providing that they disclosed the source of the articles being sold or distributed. An illustration or picture of a protected design in an advertisement, newspaper, motion picture and the like would not constitute an infringement. The bill would provide penalties for fraudulently obtaining protection, and for deceptively marking articles with the design notice.

We have requested early hearings on this bill. We are hopeful that this legislation will move quickly through the House and Senate and become law this Congress.

A TRIBUTE TO EDWIN LESLIE RAHN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. LANTOS. Mr. Speaker, on Saturday, April 20, of this year, the community of San Mateo, CA, will honor Edwin Leslie Rahn, the retired harbormaster of Coyote Point Marina.

This occasion provides me with an opportunity to publicly state my sincere admiration for this exceptional individual. I invite my colleagues to join me in paying tribute to him today.

Les has led an extraordinary and fruitful life. Born in Oradell, NJ, in 1927, he entered the Navy after graduating from high school in 1945. Upon finishing his 2½ year tour in 1948, he married the former Mary Frances Donohue. That same year he entered Union College and received his degree in mathematics in 1951.

During the Korean conflict, Les again served his country. He entered Officer Candidate School in New London, CT, finished second in his class and was commissioned an ensign in the Coast Guard Reserve in November 1952. After several tours in the North Atlantic aboard a 327-foot Coast Guard cutter, Les applied for aviation training. He learned to fly in the Navy PBM, a twin-engine seaplane.

When Les graduated from Advanced Flight at Corpus Christi and received his wings, he acquired one of the highest standard scores ever recorded at the training center. In recognition of this appointment, Les was awarded an Outstanding Achievement Award by the Daughters of the American Revolution.

Many of Les' flying missions with the Coast Guard were extremely challenging, and there is one story in particular he enjoys telling. One night, a young Alaskan boy was run over by a truck and was barely clinging to life. The boy was not expected to survive the night if he could not get to the hospital miles away. Les was asked to fly his Grumman amphibian into an inaccessible and unlit airport to evacuate the injured youth. He came through and the boy survived. For his exceptional performance, Edwin Leslie Rahn was awarded the Distinguished Flying Cross.

In 1973, after a distinguished 20-year flying career with the Coast Guard, Les decided to retire and settle down in California. In October 1974, Les took on the job of harbormaster at Coyote Point Marina in San Mateo County, where he could continue to do what he does best: helping people.

During the more than 14 years he served as harbormaster, Les was directly involved in the saving of many lives off Coyote Point. The marina's International Orange patrol boat could be seen out on the Bay many times during foul weather with a small disabled boat in tow. He also tended to the less dramatic responsibilities of his position, like maintaining and improving the facilities at the marina. Above all, Les was a friend of the boaters and was more than willing to lend his help when it was needed. In retrospect, he says his was a simple job and only required the "patience of Job and the wisdom of Solomon."

Shortly after marrying, Les and Mary started a family. Their first child, born in 1952, was a lovely daughter, Lisa Mary. Their son, David Leslie, was born during Les' tour of duty in San Juan, PR.

Sadly, David was killed in a tragic vehicle accident in 1978. Ten years later, Les lost his wife after a very long and difficult illness. It is said you can rightly judge the character of a man by how he faces adversity. By all accounts, Les is a man of inspiring character.

During Mary's illness, Les displayed a devotion and level of caring that few could imagine. By day, Les would meet his responsibilities as harbor master and by night, he would relieve the day nurse and care for Mary. He has often said that he learned a great deal about patience and humility during that sad time.

In 1989, Les decided it was time to retire and enjoy the fruits of his labor. He was blessed to meet a lovely lady, Dixie LeClair Anderson, and on November 1, 1989, they were married. They have been spending their summer months on Lake Tahoe in the 18-foot ski boat and the winter months on the San Francisco Bay in the 34-foot Sea Ray. I hope they are enjoying every minute of every day.

I was once told that Les never uttered a profane word in his life. Incredible as it may seem, this exemplifies the kind of man Les is. To me, he embodies the rare qualities of courage, devotion, strength, patience, and wisdom.

Mr. Speaker, the U.S. statesman, journalist, and Union Gen. Carl Schurz, once said "Ideals are like stars; you will not succeed in touching them with your hands. But like the seafaring man on the desert of waters, you choose them as your guides, and following them you will reach your destiny." Les, the kindly seafaring man whom we honor today, chose ideals as his guides. Those beacons will not lead him astray.

EXTEND WHISTLEBLOWER PROTECTION TO EMPLOYEES OF EXEMPT FEDERAL CORPORATIONS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SCHUMER. Mr. Speaker, today I am introducing legislation to extend whistleblower protections to Government employees who regulate our Nation's banks and thrifts.

It's hard to believe, but many of these regulators—individuals who oversee industries like savings and loans that have been ravaged by waste, fraud, and abuse—are not covered by the Whistleblower Protection Act, the Federal law that protects so many others from retaliation for disclosing wrongdoing. They are not covered because they are employees of Federal Government corporations which are exempt from coverage of the whistleblower statute. This legislation would eliminate this Government corporation exemption. Similar legislation, S. 392, has been introduced in the Senate by Senator LEVIN.

During the 101st Congress, my Task Force on Urgent Fiscal Issues of the House Budget Committee examined aspects of the savings and loan crisis that had escaped needed attention. At a hearing on October 25, 1990, the Task Force heard from two former Government regulators who attempted to expose improper and costly activities by S&L's. What they got for their efforts were not accolades, but the back of the Government's hand—they got fired.

The two witnesses had explosive stories to tell. One was a Federal Home Loan Bank examiner who refused to go along with an attempt by her superiors to get her to change her exam report on a troubled institution in favor of that institution. For refusing to capitulate, she was fired. The other whistleblower was fired from his job at the FSLIC after attempting to focus attention on thousands of miscalculations of adjustable rate loans in S&L portfolios throughout the Nation.

S&L examiners, or any other Federal regulators should not have to face such a stark choice—truth or consequences. Anyone working for the Federal Government should be able to blow the whistle on illegality and waste without having to worry that doing so puts their job in jeopardy.

Surprisingly, though, this is not the case. The Task Force found that not only are many financial regulators discouraged from stepping forward, but that employees of the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, and the Federal Reserve Board are not even covered by the Whistleblower Protection Act.

This is simply unacceptable. Of all the endeavors of the Federal Government, the cleanup of the thrift crisis and the oversight of the banking industry is the one most dependent on honest, courageous regulators who can spot abuses and do something about them. If we tie their hands now, we will only be using ours to write bigger tax checks down the road.

Government corporation employees, especially those who regulate federally insured banks and thrifts, should be covered by the same whistleblower protections that apply to most of their colleagues in Government service.

TRIBUTE TO DAYLE BAILEY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. WAXMAN. Mr. Speaker, on April 28, 1991, the United Chambers of Commerce of the San Fernando Valley is hosting a tribute to honor their current president, Ms. Dayle Bailey.

Ms. Bailey, a resident of Woodland Hills and mother of three children, has served in the United Chambers of Commerce for several years. She has held various positions, including treasurer, executive vice president, and president. Ms. Bailey is also the owner and president of her own executive management company located in the Mission Hills area.

During her term as president, Dayle worked on many legislative issues, including health care and insurance programs. She formed a health care committee to lower insurance costs to all businesses and developed a special insurance program for all United Chamber members.

Ms. Bailey's contributions to the community are numerous, as well as diverse. She created the Lucky Teal Fund in honor of the founder of the Pacoima Chamber of Commerce who was killed in a violent crime incident. She also worked closely with the Los Angeles Times and the League of Women Voters on a proposed public forum for the gubernatorial candidates.

Ms. Bailey's savvy for fundraising is evident in her activities for the Holy Cross Medical Center, the Valley Free Clinic, and the Mission

Hills Chamber. She was president of the Mission Hills Chamber of Commerce for 2 years, an active board member and past president of the Century Club, and the recipient of the Athena Award for Women of the Year for business achievements.

I ask my colleagues to join me in congratulating Dayle Bailey on this special occasion, recognizing her many contributions to our community and in wishing her and her family continued success and fulfillment in all of their endeavors.

SAN DIEGO LOSES A FINANCIAL LEADER: BILL FORD RETIRES

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. LOWERY of California. Mr. Speaker, I would like to make note to the House that William F. Ford, a leader in the financial services industry, is stepping down after 17 years with Security Pacific Corp., the Nation's fifth largest banking company. After over 40 years in the financial services industry, he is retiring as vice chairman of Security Pacific Corp. and chairman of the board and chief executive officer of Security Pacific Financial Services System, Inc., a group of some 10 companies totaling over $14 billion in assets, all based in San Diego.

One of nine children, he learned the finance business from his father, an Irish immigrant who came to America for a better life. Born in Albany, NY, and a veteran of World War II, Ford is a shining example of America's reputation as being the land of opportunity.

Ford was hired by Security Pacific in 1974, as the first employee and president of Security Pacific Finance Corp., one of Security Pacific's first efforts to diversify its nonbanking activities and gain a national presence. Through later acquisitions and dedicated management, he helped the company accumulate $2 billion in assets, occupying almost 240 offices in 43 States, with over 1,900 employees nationwide. In 1979, he demonstrated his commitment and high regard for the San Diego community by consolidating and moving its headquarters there. In 1984, he was appointed vice chairman and member of the Office of the Chief Executive of Security Pacific Corp., which is responsible for all of its nonbanking financial services subsidiaries. Six of these are now based in San Diego, employing nearly 1,000 people in San Diego and another 4,000 elsewhere in the United States and in 11 foreign countries.

Having been a member of the board of directors and various committees of the American Financial Services Association since 1977, he served as its chairman for the 1986–87 term, and was the recipient of their Distinguished Services Award in 1989. The association's mission is to promote a financial industry with increasing product quality, diversification, and competitiveness, thereby improving the flow of benefits to the public.

His long-term contributions to the industry have helped to bring new products and delivery systems to the marketplace, improve consumer services, and uphold the integrity of the industry. In doing this, Mr. Ford has compiled a lifetime reputation of quality financial service.

But, Bill Ford has done more than provide employment opportunities for some 5,000 people. He has steered his efforts and those of his employees toward assisting the communities in which they serve. Under his leadership and through his personal commitment to helping those less fortunate, he challenged his San Diego companies to demonstrate their support for the community through personal contributions to the United Way totaling over $130,000 for the 1990 campaign.

Another example of his commitment to public work has been his chairmanship of the Advisory and Investment Committees of the San Diego branch of the Local Initiatives Support Corporation [LISC]. Administered in California as the California Equity Fund, LISC provides capital to nonprofit community development corporations by sponsoring affordable housing. Limited partner investments by private corporations are channeled to increase the supply of affordable housing for low-income residents to revitalize existing neighborhoods and to expand the resources of community development corporations for further activities. Bill Ford chairs the committee which oversees the approval of grants, loans, and assistance for projects. In working with LISC, Bill has seen not only his own company, but other California firms participate more actively in providing affordable housing to their communities.

In addition, Bill Ford has inspired increased direct involvement by Security Pacific in San Diego. Under his guidance, Security Pacific initiated the San Diego Community Action Board. As part of its ongoing commitment to the area's citizens through the Community Reinvestment Act, the Community Action Board empowers local managers of Security Pacific to take a personal role in helping to direct funds to affordable housing, minority enterprise business development, education programs, and corporate philanthropy.

This produces two beneficial results—Security Pacific managers become personally and directly involved with community based organizations, and the community benefits from their approach which is tailored to local issues. In short, this local focus ensures that Security Pacific's 10 year, $2.4-billion community involvement program in California is administered by local decision makers for a better community.

Bill Ford, the private citizen, has been an active supporter of Securiteam, Security Pacific's volunteer network of some 450 San Diego employees, who in 1990, contributed over 6,000 hours of community service to 87 nonprofit organizations. He participated in the 1990 Habitat for Humanity Project, "Miracle on the Border," and is a strong supporter of his church and its activities. In addition, he has given his personal support to the San Diego Head Injury Foundation, an organization dedicated to providing comfort to the head injured and their families.

While Bill Ford may be stepping down from his responsibilities with Security Pacific, we remain confident that San Diego will continue to benefit from Bill's ongoing contributions and commitment to our community.

REV. HENRY WYMAN RETIRES

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, it is my great pleasure to rise today to honor an outstanding individual, a minister who is retiring after 22 years of distinguished service to his church and his community, Rev. Henry G. Wyman.

Dr. Wyman, a native of Bangor, ME, came to the village of Patchogue on Long Island in 1968 to serve as pastor of the Patchogue Congregational Church. As pastor of the church, a landmark built in 1893, he ministered to a congregation of about 500, leading Sunday services, counseling people, visiting the sick and officiating at weddings, baptisms and funerals.

But Dr. Wyman took his ministry outside the boundaries of his church, serving his whole community as he believed a minister should. A familiar voice on local radio, he delivered Sunday sermons on WALK Radio and frequently broadcast religious messages on WLIM Radio as well. He also provided for the spiritual needs of several of Patchogue's service organizations and is a longstanding member of the Patchogue Rotary Club and an honorary member of the Patchogue Lions Club.

A strong believer in the ecumenical spirit, Dr. Wyman has been the leader for the village's traditional Thanksgiving service, which brings together people of all faiths to celebrate the Thanksgiving season. In the same vein, he has been an active participant in the village's traditional Fourth of July celebration and other community celebrations.

Mr. Speaker, it is my personal privilege to recognize Dr. Wyman for his many accomplishments and his years of service to his church and his community. I wish he and his wife a long and happy retirement and I am sure he will continue to touch many lives as he has throughout his career. He will be sorely missed.

LET'S HELP THE WORKERS ON AMERICA'S RAILROADS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce a resolution to provide for a temporary prohibition of strikes or lockouts with respect to the unresolved disputes referred to in Executive Order No. 12714.

This resolution provides for the restoration of the status quo through August 16, 1991, unless an agreement is reached earlier. This also establishes a five-member mediation board—Special Board—to meet with all parties to the disputes and attempt by mediation to resolve them; to investigate these disputes and submit a report to Congress by July 15, 1991, setting forth recommendations on the course of action which Congress should take. This would ensure that these disputes are resolved in a fair and equitable manner within the limits of the collective bargaining and mediation processes contemplated by the Railway Labor Act.

The members of the Special Board are to be chosen in the same manner as the Congress has used to appoint members of the Commission on Railroad Retirement.

Unless the parties agree otherwise, this resolution provides for a 5-percent pay raise on June 15, 1991, to all employees affected by Executive Order 12714. This pay raise would be retroactive to February 15, 1991. This pay raise is vital to workers since they have not had a raise since 1987.

This Special Board would also look at the work rules recommended by the PEB which in some cases would force workers to be away from their families for long periods of time with no practical chance to return home when they are not working.

SAUDI DEROGATION OF AMERICAN SOVEREIGNTY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. LEVINE of California. Mr. Speaker, an outstanding editorial in today's Washington Post highlights the absurdity of the continuing Arab economic and political boycott against Israel.

The Saudis and Kuwaitis refusal to grant Senator LAUTENBERG a visa because his passport contained an Israeli entrance stamp is an outrage. This longstanding offensive policy enforced by Saudi Arabia, Kuwait, and other Arab nations is not only an impediment to the Middle East peace process, but an infringement on American sovereignty.

Will Secretary Baker and his entourage on his trip to the region object to an Israeli stamp marked in their passports so that the Saudis will allow them to enter their country? As the editorial notes, Americans have put up with this humiliating policy long enough.

The Lautenberg incident is just one more item in the laundry list of rejectionist policies of the Arab States toward Israel. Once again, it has been reaffirmed that it is these rejectionist policies, not Israeli intransigence, that are the root cause of the entire Middle East conflict.

I strongly urge my colleagues to review the following editorial.

[From the Washington Post, Apr. 16, 1991]

KOWTOWING TO SAUDI ARABIA

The Saudis and Kuwaitis were kind enough to receive half a million American troops to save their necks from Saddam Hussein. But they could not then see their way clear to receiving Frank Lautenberg, one among 17 U.S. Senators who sought to visit the Gulf. Typhoid? No, it was the fact that Sen. Lautenberg (D-NJ) had an Israeli stamp in his passport from an earlier trip. Twice the Saudi Embassy in Washington refused to stamp in the requisite visa. The State Department then issued Mr. Lautenberg the second passport that has come to be routinely provided to Americans caught in this bind. The visit went on.

In a letter, Sen. Lautenberg urged the secretary of state to stir a policy review by Saudi Arabia, Kuwait and other Arab nations conducting this secondary boycott of Israel and suggested that the secretary place the matter on the agenda of regional peacemaking.

But the visa rebuff is only tangentially an offense against Israel. It is directly an offense against the United States—the more sordid and insidious for seldom being accurately recognized. The Saudis and others are saying that they and not the U.S. government will determine the validity of an American passport. They are forcing a distinction between two kinds of Americans, those who will submit to Saudi derogation of American sovereignty and those who will not. This is being done, to repeat, by a couple of family-run governments that but for the United States would be provinces of Iraq.

For decades now, this form of humiliation of the United States has been greeted with a shrug or an indulgent chuckle by many traveling Americans, journalists as well as diplomats and businessmen. It even happens that Israelis are sometimes seen as villians of the piece for conforming with the law and dignity of their own visa procedures and inconveniencing Americans as a result. Who can tell to what extent such habits of shabby complicity have nourished in Arab minds the rejection of Israel, which is a root cause of the whole Middle East dispute? Not one day longer should the American government kowtow to Saudi Arabia in this manner.

TRIBUTE TO BOBBY PHILLS, OUTSTANDING ATHLETE AND STUDENT

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. HOLLOWAY. Mr. Speaker, it is my pleasure to pay tribute today to a young man who has distinguished himself academically and athletically, an individual whose achievements have brought credit to himself, his family, his university, and the entire State of Louisiana.

I am speaking today of Bobby R. Phills II, who attends Southern University in Baton Rouge, LA. I am privileged to represent Southern University in the 102d Congress, and the entire university community has every reason to be proud of Bobby Phills II. This young man has maintained a grade point average of 3.21, while pursuing a degree in animal science—preveterinary medicine. He is an outstanding basketball player, a point guard who is deadly accurate when shooting from three-point range. Mr. Speaker, Bobby Phills II has been on the honor roll during seven of the eight semesters he has attended Southern University. He has been named an academic All American by the Southwestern Athletic Conference [SWAC].

Mr. Speaker, Bobby Phills II is not just an outstanding student and great athlete. He is a young man willing and able to establish priorities and balance interests. He will be a success in whatever he does in the future. Bobby Phills II is a young man of ability, character, and integrity. He should serve as an example to students, and men and women, everywhere.

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GORDON. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary sponsor the Voice of Democracy Broadcast Scriptwriting Program. This year the program required high school students to write and record a 3- to 5-minute script entitled "Democracy—The Vanguard of Freedom," and over 138,000 students participated nationwide.

The winning contestant from Tennessee this year is Amy McBroom of Cookeville, and I congratulate her on preparing such a timely and thoughtful script. I respectfully request that Amy's script be inserted in the RECORD immediately following my remarks. I know it will be inspirational to all those who read it.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Amy D. McBroom, Tennessee winner, 1990-91 VFW Voice of Democracy Scholarship Program)

1775, "The shot heard around the world" launched the 13 American Colonies into a war to free themselves of oppressive rule by England. 1812, the United States again entered a war with England to rid this nation of continuing English interference. 1861, the battle began, which would guarantee freedom to all people living in this nation. 1898, United States troops entered the Spanish-American War which extended freedom to Cuba and the Philippine Islands. 1917, the United States declared war on Germany in an effort to protect freedom, not only in this country, but in Europe as well. 1941, the United States was forced into another global war in order to preserve freedom at home and abroad. 1950, this country took a stand against the spread of oppression in Asia. The 1960's, the United States forces again stood to defend freedom in Asia.

The United States, the leader of democracy in the world, has been the vanguard of freedom since this nation was founded in 1776, and before. No nation on the face of the earth has ever been a greater force for freedom, more ready to defend, preserve or encourage freedom in all corners of the globe. The United States, and the democratic ideals for which it stands, truly deserves the title of vanguard of freedom. The brave men and women of this nation have never been afraid, ashamed, or reluctant to stand tall in defense of freedom anywhere in the world that freedom has been threatened. Since that first great battle in 1775, the citizens of the United States have taken their stand for freedom, not just in the wars I have mentioned but in many quieter and more subtle ways, as well. When freedom and the ideals of democracy have been threatened in any part of the world, the United States citizens have been outraged. Herbert Spencer said, "No one can be perfectly free till all are free." In many respects this statement is true. It is our duty as human beings to preserve freedom in the world. As long as there are those who are oppressed, those who suffer in bondage, we are not truly free. That is why this nation cannot turn a deaf ear on the cry of suffering people and feel secure and happy with the blessings of freedom we enjoy in this country. We could not look the other way when the people of Poland or East Germany cried for help, any more than we could ignore the suffering and oppression in Southeast Asia or the threat to democracy in Europe during World Wars I and II. Because we cannot ignore aggression and tyranny, United States soldiers are at this moment intrenched in the sands of the Middle East. Some might ask, why are we there, why get involved in the problems of others? Because, I answer, we are a nation with a sense of caring and respect for others. Respect for human life and human rights that cannot be ignored. Also, history has shown us that aggression will not stop of its own accord. It will stop only when someone takes a stand against it. That is why the people of this nation have been willing to sacrifice, suffer and die on foreign soil to preserve freedom for ourselves and others. That is why this nation is, has been and will continue to be the vanguard of freedom.

What new challenges will the United States of America face in the future? We cannot predict. But, one prediction I will make is that the next generation of Americans will be as strong and as willing to carry the banner of freedom as the previous generations. Some people would say that Americans are growing soft and no longer possess the strength of character or ideals necessary to take a stand on important issues. I disagree. My generation has inherited a legacy that we cannot and will not abandon. A legacy of strength and dedication to the ideals of democracy. A legacy which many made the supreme sacrifice to obtain and hand down to us. I make my pledge to uphold that legacy and I believe that my generation and the generations that follow will continue to carry the banner of freedom as courageously as past generations. The example that has been set for us and the heritage left to us by our fathers and our grandfathers is a part of us. We will not desert the cause of freedom. The United States of America has been and is now the vanguard of freedom. I am determined to do all that I can to see that this nation remains the leading force for freedom in the world. I believe that others of my generation are just as determined to preserve freedom for ourselves and others. We must and will both individually and collectively meet the challenge of the future. And the United States of America will continue to be the Vanguard of Freedom.

CONCERN ON CLOSING SMALL POST OFFICES

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. TALLON. Mr. Speaker, I am concerned about the closing of this Nation's smaller post offices.

The U.S. Postal Service has for some time been shrinking the number of post offices in its inventory. Unfortunately, most of the post offices targeted for closing are in rural areas, areas that continually must struggle just to stay even with urban areas.

Several small communities in my district have been fighting for months simply to keep their post offices open. Trio and Fork are both small towns with hard working people who simply want basic postal services kept at their post offices. The alternative is not just driving miles and miles to get to the nearest post office, it is something much more serious—a town losing its identity and slowly dying off.

In most small towns across the United States the sense of community is strong and proud. Hard work and determination keep the people and the towns alive and thriving. There are really only two places in a rural community for people to come together—at church and the local post office. Both serve as more than just their obvious functions—they also provide the people of the community with a common meeting ground for all types of forums.

I am concerned that by closing the small post offices in rural communities the U.S. Postal Service is doing much more harm than it realizes. The decision to close a post office must not be one dictated by whether a post office is convenient to operate or not. If inconvenience had dictated the attitude 200 years ago, no one would have settled the West or fought the War of Independence. I urge the Postal Service to use restraint in closing our small post offices and I urge the Postal Service to review its criteria for making such decisions.

FAIRNESS FOR ADOPTING FAMILIES ACT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. LEHMAN of Florida. Mr. Speaker, unfair financial barriers continue to prevent many caring families from adopting children in need. The Fairness for Adopting Families Act (H.R. 1515) which I have recently introduced, together with Mr. RANGEL, Mrs. SCHROEDER, and Mr. WOLF, can help correct this problem. Our bill provides a modest tax break for American families who wish to adopt but cannot easily afford the initial adoption-related expenses. It corrects an inequity of giving adoptive families treatment similar to that provided biological families. Senator HATCH, together with Senators COCHRAN, CRAIG, HELMS, LEVIN, LOTT, LUGAR, MCCONNELL, PRESSLER, SHELBY, SIMON, SYMMS and THURMOND, has introduced a companion bill (S. 709), in the Senate.

The idea of helping both children in need and would-be parents has broad bipartisan appeal; its enactment is long overdue. President Bush himself has noted the urgency of the problem and promised, in his State of the Union Address, to help create a tax deduction for adoption expenses. Our legislation serves this need, allowing adoptive families a limited deduction for reasonable and necessary expenses incurred in a legal adoption.

The most important impact of this legislation quite properly is on the deserving children and hopeful parents whom it will help knit into a loving family unit. In addition, while at first glance a tax deduction may appear costly in budgetary terms, it actually can save the Government money. Rather than expending public funds for much-needed children's services such as foster care and Medicaid, this small tax break can help eliminate such dependency.

The envisioned deduction would not exceed $5,000-$7,000 for international adoptions. To be of greatest benefit to those most in need, the deduction would be disallowed for most families with a net annual income above $60,000. It also excludes expenses related to spousal adoption of stepchildren. To encourage private companies to assist their employees in this regard, adoption expenses reimbursed by employers would not be included in an employee's gross income.

Children without a permanent home deserve the stable, caring environment which adoptive families can provide. Our society would benefit from the resulting developmental advantages brought to these children. Government policy, then, should encourage people who are eager to become parents but face the initial financial obstacles associated with adoption. This legislation would do just that.

The text of H.R. 1515, the Fairness for Adopting Families Act follows:

H.R. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Adopting Families Act".

SEC. 2. DEDUCTION FOR ADOPTION EXPENSES.

(a) DEDUCTION FOR ADOPTION EXPENSES.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. ADOPTION EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the taxpayer during such taxable year.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The amount allowable as a deduction under subsection (a) with respect to the legal adoption of any child by the taxpayer shall not exceed $5,000 ($7,000 in the case of an international adoption).

"(2) INCOME LIMITATION.—

"(A) IN GENERAL.—The amount allowable as a deduction under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(i) the amount (if any) by which the taxpayer's adjusted gross income exceeds $60,000, bears to

"(ii) $10,000.

"(B) ADJUSTED GROSS INCOME.—For purposes of this paragraph, the adjusted gross income of the taxpayer for the taxable year shall be determined without regard to this section and—

"(i) after the application of sections 86, 135, 219, and 469, and

"(ii) for purposes of such sections, without regard to this section.

"(3) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

"(B) GRANTS.—No deduction shall be allowed under subsection (a) for any expenses paid from any funds received under any Federal, State, and local program.

"(c) QUALIFIED ADOPTION EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees (including agency fees), court costs, attorney fees, and other expenses which—

"(A) are directly related to the legal adoption of a child by the taxpayer but only if such adoption has been arranged—

"(i) by a State or local agency with responsibility under State or local law for child placement through adoption,

"(ii) by a non-profit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or

"(iii) through a private placement, and

"(B) are not incurred in violation of State or Federal law.

"(2) ADOPTION EXPENSES NOT TO INCLUDE CERTAIN AMOUNTS.—The term 'qualified adoption expenses' shall not include any expenses in connection with—

"(A) the adoption by an individual of a child who is the child of such individual's spouse, or

"(B) travel outside the United States, unless such travel is required—

"(i) as a condition of a legal adoption by the country of the child's origin,

"(ii) to assess the health and status of the child to be adopted, or

"(iii) to escort the child to be adopted to the United States.

"(3) CHILD.—the term 'child' means any individual who, at the time of adoption, has not attained age 18."

(2) DEDUCTION ALLOWED FROM GROSS INCOME.—Subsection (a) of section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (13) the following new paragraph:

"(14) ADOPTION EXPENSES.—The deduction allowed by section 220 (relating to adoption expenses)."

(3) CLERICAL AMENDMENT.—The table of sections for such part VII is amended by striking the last item and inserting the following:

"Sec. 220. Adoption expenses.
"Sec. 221. Cross reference."

(b) ADOPTION ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. ADOPTION ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The amount excludable from goss income under subsection (a) with respect to the legal adoption of any child by the taxpayer shall not exceed the excess (if any) of \$5,000 (\$7,000 in the case of an international adoption) over the amount allowable as a deduction under secton 220 with respect to such adoption.

"(2) INCOME LIMITATION.—

"(A) IN GENERAL.—The amount excludable from gross income under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so excludable (determined without regard to this paragraph but with regard to paragraph (1)) as—

"(i) the amount (if any) by which the taxpayer's adjusted gross income exceeds \$60,000, bears to

"(ii) \$10,000.

"(B) ADJUSTED GROSS INCOME.—For purposes of this paragraph, the adjusted gross income of the taxpayer for the taxable year shall be determined without regard to this section and—

"(i) after the application of sections 86, 135, 219, 220, and 469, and

"(ii) for purposes of such sections, without regard to this section.

"(c) ADOPTION ASSISTANCE PROGRAM.—For purposes of this section, an adoption assistance program is a plan of an employer under which the employer provides employees with adoption assistance if—

"(1) such plan is in writing,

"(2) the employee's rights under such plan are legally enforceable,

"(3) employees are provided reasonable notification of benefits available in the plan,

"(4) such plan is maintained for the exclusive benefit of employees,

"(5) such plan was established with the intention of being maintained for an indefinite period of time, and

"(6) such plan meets requirements similar to the requirements of paragraphs (2), (3), and (5) of section 127(b).

"(d) QUALIFIED ADOPTION EXPENSES.—For purposes of this section, the term 'qualified adoption expenses' has the meaning given such term by section 220(c)."

(2) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 136. Adoption assistance programs.
"Sec. 137. Cross reference to other Acts."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1990.

A TRIBUTE TO JOSEPH ABRAHAM

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. DARDEN. Mr. Speaker, today I would like to recognize the accomplishments of a young gentleman from Cobb County, GA named Joseph Abraham. Joseph recently won the Georgia State Spelling Bee and will representing his State at the Scripps-Howard National Spelling Bee in Washington, DC.

Joseph won the State title only after a hard-fought battle against several of the State's top spellers. He is the son of Robert and Judy Abraham, and currently an eighth grader at Dickerson Middle School in Cobb County.

On behalf of the people of the Seventh District of State of Georgia, I would like to express to Joseph that we are all very proud of him. We wish him the best of luck in the national competition.

THE NATIONAL CIVIC COMMEMORATION OF THE 1991 DAYS OF REMEMBRANCE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SWETT. Mr. Speaker, on Thursday, of last week here in the rotunda of our Nation's Capitol, a number of our distinguished colleagues, hundreds of Americans and foreign guests participated with the U.S. Holocaust Commission in the National Civic Commemoration of the 1991 Days of Remembrance to pay tribute to the 6 million victims of the Nazi Holocaust.

This was my first opportunity to paticipate in that ceremony, and I was particularly moved by the solemnity of that occasion. For me it takes on a special meaning since my wife's parents are both survivors of the Holocaust. It was most appropriate to remember and honor the 6 million victims of the Nazi "final solution" and to pay tribute to those brave heroes from the United States and other countries who fought for the liberation of others during the period of horror and inhumanity. In the words of Holocaust survivor, Nobel Prize laureate, and American professor, Elie Wiesel, which have been adopted for the seal of the U.S. Holocaust Memorial Council, "For the dead and the living we must bear witness."

Mr. Speaker, as my colleagues know, one of the principal tasks of the Holocaust Commission is the construction and operation of the Holocaust Memorial Museum on the Mall here in our Nation's Capital. As an architect, I find this a most fitting means to commemorate and symbolize this tragic event. Buildings are a permanent symbol and a permanent reminder, and particularly here in our Nation's Capital we use stone and glass and architectural forms to remind us of the values that all Americans share. Long after we are gone, this building will stand as a reminder for our children and our children's children.

It is most fitting and appropriate that our Nation honor those 6 million martyrs as well as pay tribute to the hundreds of thousands more who were able to escape the brutality and tyranny of Nazism and final safe haven here in the United States. These survivors of the Holocaust have enriched our Nation's business and commerce, our culture, and all areas of our Nation's life. We are blessed by what they have contributed, and it is proper for us to pay tribute to them as well.

I would like to pay tribute to those who made the 1991 Days of Remembrance National Civic Commemoration such a special event: Harvey Meyerhoff, the chairman of the U.S. Holocaust Memorial Council; Bill Lowenberg, vice chairman of the council; Benjamin Meed, a Holocaust survivor who chaired the Days of Remembrance Committee; and Abraham H. Foxman, vice chairman of the Days of Remembrance Committee.

Mr. Speaker, there were a number of eloquent speeches given on this occasion by distinguished public officials and private citizens who participate in the national civic observance. I was particularly moved by the words of

Benjamin Meed, a member of the U.S. Holocaust Memorial Commission and the chairman of the Days of Remembrance Committee.

He spoke on this occasion with particular moral authority. Like his wife, Benjamin Meed is a survivor of the Holocaust, of the Warsaw ghetto. He has devoted himself to remembering the Holocaust, not simply to dwell on the morbid, dark events of the past, but in order to commit us all to live for the future in such a way that we make it impossible for such a despicable and horrendous event ever to take place again.

Mr. Speaker, I insert Benjamin Meed's remarks in the CONGRESSIONAL RECORD, and I urge my colleagues to give them careful and thoughtful attention:

REMARKS BY BENJAMIN MEED

We are drawn together each year under this great dome of freedom to Remember: to remember the members of our families; to remember our friends; indeed, to remember the members of the Family of Man who were murdered by the Nazis in the Holocaust and through their policy of genocide. And we also remember a world which stood by silently while the killers killed.

We are here to remember the victims—husbands separated from their wives, children torn from their parents, joined again only in death. Lovingly we recall their lives, their suffering and their courage in the face of the brutal conditions of the ghettos, the forests and the Nazi death camps.

We meet again to tell the world that we have not forgotten how we were betrayed and abandoned by a world of indifference, that we shall we never forget Auschwitz, Treblinka, Majdanek, Buchenwald, Sobibor. That we shall never forget the Warsaw Ghetto and all the ghettoes and camps saturated with human blood.

Be we also come together each year to express our appreciation to those gallant men and women of the Allied Forces who liberated the few, desperate survivors of the Nazi death camps. The flags that surround us now are the flags of the United States Army Divisions that came to our rescue. And there are with us today only a few of those good men. To our liberators, we say: thank you and God bless you!

We also express our appreciation today to our President who understands the moral significance of those events only fifty years ago. When he faced evil in the Persian Gulf, he denounced it before the world, he stood firm, and he prevailed. To President George Bush, we say: thank you and God bless America!

As Survivors, we have pledged never again. We never meant ourselves only. We know that hatred is not confined to Jews alone. Once prejudice and racism lift their ugly heads, they spread, infecting others. We who have emerged from the pit of hell know the consequence of silence and indifference.

We are concerned about the fate of the Kurds and the Shi'ites of Iraq. Victims of a comtemporary slaughter by their own murderous rule, Saddam Hussein, they should not be victimized a second time by our indifference.

Just as we, under this dome, are bound together by our experiences, so too, are we bound together by our commitment to teach that hatred, prejudice and indifference to evil must not be tolerated; that life and liberty are the rights of all people, everywhere; and that we must stand ready to protect and defend these precious rights with unceasing alertness and eternal remembrance.

Thank you.

At the conclusion of the ceremony in the Capitol rotunda, Rabbi Irving Greenberg of the National Jewish Center for Learning and Leadership in New York City pronounced the benediction. Mr. Speaker, his prayer was particularly moving. I insert it in the CONGRESSIONAL RECORD:

BENEDICTION

El Mareh Rachamim:
Mighty God, full of mercy and forgiveness.
Lord who needs the fullness of mercy and forgiveness.
Hamtzay Menuchah Nechonah:
Help us discover a proper final rest for the souls of the six million
In the midst of the ranks of the sacred and pure martyrs,
Whose light shines as blindingly as the heavens.
Find a proper rest for the men, women and children who were murdered, burned, slaughtered, gassed, shot, buried alive,
Starved, beaten made sick, tortured, hounded to their death.
For more than 45 years, they have found no peace.
Nor have we.
The earth has not covered their blood, nor is their cry silenced—
In their lifetime so very few heard their anguish,
But we, here, hear them now.
In their death, even the forces of democracy barely raised a hand to object.
Now, here, in the seats of power, 45 years late, we raise our hands.
45 years late, but, still, perhaps we hope some years before some next time.
Lord, we do not want revenge.
We do not seek a feeling of moral superiority or of "holier than thou."
We want to remember so that never again
Will a democracy and its people sit six thousand miles away
And say that the bell tolls for them but not for us.
We want to remember, so that never again
Will a gospel of love allow itself
To spread hatred, stereotype of the others,
And indifference to the fate of innocent victims.
We want to remember, so that never again
Will American Jews enjoy their own blessings
While allowing their brothers and sisters across the sea
To be isolated and destroyed.
Help us, O Lord;
Help us, you who seek to help the Lord.
We stumble from year to year,
From ceremony to ceremony, ritual to ritual.
We strive to deny the final triumph to death and oblivion.
Book by book, brick by brick, memory by memory,
We try to give memory and morality the final victory.
Then, in a year like this,
We see genocide and abandonment.
We see refugees in cold, open mountains.
And the gates and borders are closed, again.
And we are devastated.
Lord, Help us—
Let our labor not be in vain.
Let our transmission to the children not be for nought.
Hold us up if we falter;
Goad us if we hesitate;
Hold out hope if we despair;
Give us your light, if the darkness encompasses us;
Throw us a line, if the waters reach too high
And the soul ebbs away.
This is our oath, here, today:
If we forget you, O Six Million,
May our right hand wither,
May our tongues be tied
If we fail to speak up, out of memory.
Lord, May we be forgotten by you
And may you be forgotten by us
If we fail to rise higher, to strive harder
To save all those, everywhere, who can still be saved,
In memory and love of those who were not saved.
And may our future actions say for us, "Amen."

STATEMENT TO THE PEOPLE OF THE SOVIET UNION AND THE PEOPLE OF AFGHANISTAN

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. RITTER. Mr. Speaker, despite 12 years of fighting, the agony of the Afghan war continues. The Soviet Government continues its attempt to keep its own favorite, Najib, in power in Kabul. This is wasting enormous Soviet resources including food, fuel, and other consumer goods, in addition to billions of dollars in weapons and ammunition, including Scud missiles, in keeping this illegitimate Afghan in Kabul. In March, the Kabul regime fired over 40 Scud missiles into just one area of southern Afghanistan causing great damage. But to date, the United States has given no Patriot missiles to the Afghans to shoot down the Scuds and protect themselves.

In the eyes of the Afghan people, Najib's regime is associated with the horrors of the Soviet occupation and the deaths of 1.5 million Afghans, equivalent to about 29 million citizens of the USSR losing their lives, or 50 percent more than the terrible losses of the Great Patriotic War. The Soviet occupation has also resulted in the displacement of 67 percent of the Afghan population and the exile of one-third of the population as refugees in neighboring countries. Seventy percent of Afghanistan was destroyed.

In 1990, Moscow delivered 3.5 billion dollars' worth of military assistance to keep the Najib faction in Kabul. Moscow also delivered $700 million in economic assistance, including food and fuel sorely needed by the Soviet people. Because Moscow, in order to prop up the Najib faction, must supply not only the army but an entire regime, the cost of this support will go higher and higher in the months and years ahead.

In contrast, the supporters of the Afghan resistance give less than 10 percent of what the Soviet Union gives. The resistance requires no salaries, no other costs. The resistance fights only for their freedom, and the freedom of Afghanistan. And they control 80 percent of Afghanistan, most recently capturing the city of Khost.

There is no prospect that Najib and his associates will expand their control in Afghanistan. As of now, his faction can only cling to

Kabul and several other cities. He is viewed by the vast majority of Afghans as a brutal dictator imposed from abroad which, in fact, he was. He was brought in by the Soviet Army in 1979 and made head of KHAD—the Afghan secret police. In 1985 he was elevated to President by the Soviet military and secret police. No Afghan in history that was imposed and protected from abroad has ever survived. The Soviets, keen analysts of history, should know that their huge investment in Najib is wasted, yet they continue to prop up this criminal. If the peoples of the Soviet Union were allowed to choose whether their government should cut off their assistance to a bloody tyrant, I think they would do so immediately.

A better way for the Soviet Union to ensure the security of its southern border—if that is its goal—is to permit the Afghans to resolve the conflict in Afghanistan by choosing their own leadership.

In a country with such strong nationalist tendencies and a history of resistance to outside aggression and interference, it is useless to try to play favorites among the warring Afghan factions. An elimination of weapons shipments to all factions at once will compel the Afghans to work with each other to resolve their problems and find their own (Afghan) solution to the conflict.

Soviet insistence on maintaining Najib in power in Kabul will destroy any settlement process before it begins. Afghans do not consider him a legitimate or credible Afghan leader. His only legitimacy is Soviet military and economic assistance. Without this support, he would quickly be discarded by Afghans.

So, in this post-cold-war period, let us work together to end weapons shipments into Afghanistan and let the Afghan people revert to their traditional political, economic, and social lifestyle. They are not a threat to their neighbors—and they will not be in the future.

Furthermore, in this time of economic crisis in the Soviet Union, the drain on Soviet resources that Najib's Kabul regime causes is a wasteful use of scarce commodities and hard currency that could be put to better use in the Soviet Union itself, for while the Soviet people wait in line for food and fuel, food and fuel are shipped to Afghanistan.

It is my sincere hope that the Soviet citizenry and Government will realize that the best guarantor of Soviet security on its southern flank is a demilitarized and peaceful Afghanistan. Let us give the Afghans a chance to achieve this by not imposing leaders on the Afghan people and by collectively halting the flow of weapons into the country and allowing free and fair internationally supervised elections. After 12 years of warfare, the Afghan people deserve this chance for peace. The Afghans should be allowed to select their own leaders and government. The Soviet Union has permitted this in many Eastern European nations and it should allow the same right of self-determination in Afghanistan—not continue to prop up a Stalinist dictator in Kabul with guns and precious resources.

Regrettably, on March 26 the Soviet Ambassador in Kabul gave a press conference in which he stated that, "'* * * the Soviet Union, despite all its economic difficulties, has not and will not reduce its assistance to Afghanistan. For example, wheat, petroleum, kerosene, diesel and other goods as assistance will be handed over to the Republic of Afghanistan * * *'"

The Soviet Government must stop the wasting of precious resources on Afghanistan that could instead be used to help the Soviet people. The only just solution is to stop the shipment of assistance to the bloody hands of Najib and his discredited regime and let the Afghans choose their own leadership.

HONORING THE SELECTION OF DICK McKIBBEN AS THE VILLAGE OF DELTA'S CITIZEN OF THE YEAR

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Ms. KAPTUR. Mr. Speaker, it is my distinct pleasure to join with the Delta Chamber of Commerce in congratulating Dick McKibben for his selection as Delta's Citizen of the Year. Few people in our community have made such a difference in the lives of others as has Dick McKibben—so people affectionately call him "The Father or Our Village."

I have had the honor and personal privilege of knowing Dick McKibben for many years. In fact, in 1984, I asked him to serve as a member of my academy selection committee, which selects young men and women for appointment to our Nation's prestigious service academies. As with everything he does, he brought enthusiasm and leadership to the committee. I remain grateful for his service and for imbuing the proceedings with his character and insight.

During his 12 years as mayor of the village of Delta, Dick McKibben left a mark on the village that will live on for many years to come. One of his most significant accomplishments was the construction of the 400,000,000-gallon reservoir. To build the reservoir, Dick had to ask the citizens of the village to pass a levy to pay for the reservoir. As we all know in the world of politics, asking the leaders and residents of a community to levy new taxes is not a pleasant pasttime. But Dick, true to form, got the job done. That reservoir—a sign of a community on the move—is a tangible example of his leadership skills and his ability to get the job done.

Dick's accomplishments as mayor of the village of Delta certainly didn't lessen his commitment to other causes. He has brought energy and enthusiasm to numerous other ventures including: the Delta Industrial Development Association; the 911 Emergency Advisory Committee; the Fulton County Police Association; the Delta Tax Board of Appeals; the Pike-Delta-York School Advisory Committee; the Delta Improvement Committee; the Fulton County Planning Committee; the Delta Chamber of Commerce; the Delta Recreation Council; the Fulton County Health Planning Commission; and a result of all his hard work he was selected in 1976 to "Who's Who in Ohio."

One accomplishment that I have not yet mentioned and that I have always been curious about, regarding Dick McKibben's musical talents. I am told that early in his marriage, he and his wife Julie took music lessons and started a combo band which played for round and square dances. As the old saying goes: "the family that plays together stays together"—maybe that's the recipe for the success of his 43-year marriage that has produced four children and six grandchildren.

When I think of Dick, I think most of all of the love he shows toward his family—and the special look he gets in his eye when he talks about them.

It is an honor to stand in this historic chamber as the representatives of the fine people of Delta, OH, and recognize a man who is so honorable and worthy of the public trust. A man whose counsel and wisdom and I will continue to value in the years to come. He's one of a kind and the world would be a far kinder place with more people of Dick McKibben's stature.

I know my colleagues in the U.S. House of Representatives join me today in congratulating Dick McKibben on this very important honor.

TRIBUTE TO BISHOP RAYMOND EUGENE RANGER ON HIS DIAMOND JUBILEE

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. GEREN of Texas. Mr. Speaker, we Americans have been blessed by the service of many leaders. One such leader we should honor is Bishop Raymond Eugene Ranger, a father of our country's electronic ministry and a living testimony to the qualities of stewardship and faith that made this country great.

Bishop Ranger celebrates his diamond jubilee this year, a quarter-century as a gospel minister, and a quarter-century of service to God, country, and community. I rise today, Mr. Speaker, to honor this American and his lifetime of faith and steadfast leadership.

A TRIBUTE TO BETH WATERS AND FORT KID

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. DUNCAN. Mr. Speaker, Mrs. Beth Waters has gone above and beyond the call of duty in her outstanding work on Fort Kid, a huge, new playground, in Knoxville.

This young woman could envision another use for the dormant World's Fair Park in downtown Knoxville. She coordinated the effort to transform the plot of land into a child's dream. Many people have had great ideas, but Beth Waters translated that vision into reality.

Beth Waters proposed the idea of building Fort Kid about a year ago. The mother of two preschoolers, Beth proposed the project as part of the city's bicentennial festivities.

The 12,000-square-foot playground will accommodate about 250 children at one time.

This is an outstanding way to use this site and make a contribution to the community.

Fort Kid was constructed totally by volunteers. Nearly 3,000 volunteers from all over the Knoxville area worked to erect the playground. This was the biggest volunteer construction effort in the city's history and a testimony to the great Tennessee spirit.

Volunteers worked 4½-hour shifts, 3 shifts each day for 5 days from April 3 through April 7, in order to build the playground structure.

Fort Kid was officially opened on Sunday, April 7.

The fort has many attractive and unusual playthings, such as tunnels, mazes, swings, slides, and bridges. It is well constructed of large posts, automobile tires, and the like. It is built to last and provide enjoyment for many children for years to come.

Beth Waters coordinated the building of Fort Kid, overseeing a number of committees that took care of the many details. This included raising money from private donors, area businesses, and civic groups.

The single largest donation came from school children who literally saved their pennies. They contributed $12,260.19 of the $100,000 budget.

Without all the volunteer help, it could have cost up to $250,000 to build Fort Kid.

Businesses loaned tools and skilled labor to the Fort Kid project. Some even helped to transport 291 tons of pea gravel from Louisville, KY, to Knoxville.

School children and University of Tennessee students worked along side the adult volunteers. Even a businessman visiting from Chicago helped out.

Willard Scott brought his greetings from the Fort Kid site on NBC's Today Show.

Fort Kid will no doubt be a wonderful place for kids of all ages to play for a long time to come. However, the sense of community pride and community spirit that this project brought forth is likely to make an even greater impact on Knoxville.

I commend Beth Waters for her vision and all her hard work to see this through completion. It is the people like Beth Waters across this country who make America so great.

Mr. Speaker, you may be assured that whenever I take my children to Fort Kid, I will remember Beth Waters and the people of east Tennessee who gave of themselves to make Fort Kid possible.

LETTER FROM VIOLA HOVDENES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, recently I received a letter from Viola Hovdenes from Tolna, ND.

Viola, along with her husband, owns a 640-acre farm in North Dakota. She, in a four-page letter, described the enormous frustration that she was feeling about the Federal Government. Her concerns range from a complicated Internal Revenue Service system to the S&L bailout, and many concerns in between.

I share many of the concerns expressed by Viola, and I thought her complaints were so eloquently stated that I would like to share them with my colleagues.

With Viola's permission, I am setting out the letter she recently wrote to me, and I hope it will charge all of us in Congress with the responsibility to start trying to make some improvements in these areas. The American people understand the need for a government, but they demand a government that works, not wastes. They want a government whose policies are fair to middle income Americans who work hard, and expect fair treatment from government policies.

TOLNA, ND,
March 5, 1991.

DEAR BYRON DORGAN: Are we all supposed to go go crazy over rules, regulations and bookwork? Income tax time is the time my husband and I come the closest to having a divorce.

I am the bookkeeper. I try to keep up monthly. I try to read what the laws are but I can't understand them anyway. All I do understand is that the IRS is after me and that there is a penalty for this and a penalty for that. And is it fair that the farm income tax is due February 15th and the ASCS doesn't get their statements out until the end of January? Our poor tax accountants work night and day and are so tired that they make mistakes. The tax accountants don't have time to take the time to talk over items. It's pressure, pressure, pressure. It's not fair! We may as well be Communists, take everything and give us back enough to buy food with. At least we could do more living instead of bookwork and be free from IRS worry over rules.

We have been to three different tax people over the last three years. Our regular guy is in Saudi Arabia. Anyway they shake their heads and almost cry too. They can't keep up with the IRS rules and that's their business. Those tax laws are so complicated, there is no way we can do our own taxes—page after page, and then we get charged $150 to $200 to send our money to the government who can give it away to every Tom, Dick and Harry. On top of that I just read the rule that we cannot deduct our tax filing bill because it's a personal expense. Whoopee Goldberg to that.

We are supposed to raise our kids for $2,050. Which month is that for? We have a college-age son who helps out on the farm in the summer. Our tax man tells us there is a new rule. Every paycheck, and he needs money every week, I'm supposed to send the Feds income tax withholding, the state-income tax withholding, and take out for social security. Well to hell—excuse me (it's not a much-used word in my vocabulary) with the IRS. I am not sitting at my desk once a week filling out any more forms. We will just have to give our son the money as a gift and not count his work as an expense. And yet you guys can bail out the S&L's and let the bigwigs go scot free. You can forgive our farm neighbors who bid away land from us that we had farmed for years—but we knew what we could pay for it and remain solvent. Oh yes, that farmer can buy his kids cars and four-wheelers, remodel his house, take trips to Las Vegas and Florida because they don't have to pay their bills. They are forgiven!

They can even be forgiven their debts and go out and buy surrounding farm land. Where is the justice in this? But will the IRS forgive the honest farmer if his income taxes are a few day late or if there is an under estimate or if there is an error in which the tax accountant wasn't even sure of the rules?

Between the IRS and the insurance companies, how can the ordinary person figure our what's going on? And I think there are a lot less intelligent people than me. Mr. Dorgan, I've had it! Even the war news was a relief compared to the news we hear about the crooks that are running this country and they better start straightening out things on the homefront!

If you want the credential of just who is writing this letter here is some information.

My husband is 61, I am 59. We now have a 680 acre farm. We have always made enough money from this farm to pay income tax altho my husband and I have worked off the farm occasionally. We have never borrowed money to put in a crop. We have never borrowed money to buy a piece of machinery. We have never borrowed money to build our house or quonsets or garage. We have never borrowed money to buy a car. We came into our marriage with no assets and we did borrow money to buy our first 160 acres. We paid the entire bill plus interest in 9 years. I think we have a nice comfortable farm, we have lived according to our means. The question is, if we could do it, why can't others?

I know it's hard for the young people. They've got to go slow. They might have to hang bathtowels on the windows for curtains like we did, or use bookshelves for kitchen cabinets like we did or herd cattle along the ditches. I will admit, prices for all the wonderful abundant food we raise are too low, machinery and taxes are too high and insurance, especially health insurance and health bills are out of this world. We are scared to live, scared to get sick and scared to die Mr. Dorgan. The rich get richer and the poor get poorer. Does anyone in Congress mention the WPA days? In Roosevelts' time a lot of good things were done, new bridges, parks etc. and people worked for their money?

This letter is too long—I have so much to get off my mind. I'll write again if I'm not doing bookwork, cooking, cleaning, washing clothes, gardening, yard work, church work, and giving my husband a hand with driving truck or combining. I work cheap. Maybe you won't want to hear from me again anyway.

A WEE BIT DISGUSTED,
VRILA HOVDENES.

NIH GRANTS RESEARCH INTEGRITY AMENDMENTS OF 1991

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. WEISS. Mr. Speaker, today I am pleased to introduce the NIH Grants Research Integrity Amendments of 1991.

Throughout my years in Congress, I have been a strong proponent of increased Federal funding for biomedical research. However, it has become increasingly apparent that other strategies are also necessary to improve the quality and objectivity of federally funded research.

During the last 3 years, the Human Resources and Intergovernmental Relations Subcommittee, which I am privileged to chair, has conducted investigations and three hearings regarding scientific misconduct and conflicts of interest. Last fall, the Government Operations

Committee issued a report based on those activities, entitled "Are Scientific Misconduct and conflicts of Interest Hazardous to Our Health?"

The report concluded that universities are often reluctant to find their own faculty guilty of misconduct, that several major institutional grantees have conducted inadequate investigations that resulted in retaliation against whistleblowers, that the National Institutes of Health have been reluctant to question the findings of university misconduct investigations, and that NIH has ignored potential conflicts of interest among grantees during the more than 2 years that they have attempted to develop guidelines or regulations to address those problems. The report also concluded that the public may be misled and endangered by scientific misconduct and conflicts of interest.

In our report, we expressed serious concerns about current policies and procedures intended to safeguard the objectivity of PHS-funded research. The committee report therefore recommended statutory changes or regulations to restrict conflicts of interest, require data sharing, and protect whistleblowers.

Scientists tell us that there are many kinds of conflicts of interest that could bias biomedical research. Financial conflicts may not be the most important, but they are the easiest to address. Our committee report therefore recommended that PHS regulations clearly restrict financial ties for researchers who conduct evaluations of a product or treatment in which they have a vested interest.

The NIH Grants Research Integrity Act directs the Secretary to promulgate regulations that would help minimize conflicts of interest among PHS grantees in the near future. The regulations would enable grantee institutions to develop their own policies and procedures to deal with conflicts of interest, but the Secretary of Health and Human Services would specify the types of potential conflicts of interest that are unacceptable for federally funded investigators, as well as those that are acceptable under certain circumstances. At the very least, public disclosure of financial ties would be required every time the research results are presented orally or in writing.

I think that many events of the last few years have shown us that conflict of interest policies for Federal grantees should be as clear and uniform as possible. The recent testimony of Stanford University officials is but one example of how safeguards that are outside the university and outside NIH are needed to protect NIH funds.

These conflict of interest regulations would apply to all grantees involved in the evaluation of products and treatments that have been developed or are under the final stages of development. The regulations would therefore not apply to what is generally considered to be basic research. In order to protect public health, the regulations would include but not be limited to clinical trials and epidemiological research.

The NIH grants research integrity amendments also include a requirement regarding data sharing, by which I mean making research data available to other scientists after the grantee scientist has published his or her results. The National Academy of Sciences and the National Science Foundation have already made it clear that Federal grantees should be expected to make their research data available to other scientists at a reasonable cost. This policy helps maximize the impact of Federal moneys, since other researchers may make unique contributions based on their own analyses. Data-sharing policies also help ensure the accuracy of the grantee's interpretations of research results, by providing other researchers with the opportunity to examine whether the written results are consistent with the data.

It is obvious that the public would benefit from a strong NIH data-sharing policy, especially as biomedical research becomes more and more expensive.

This legislation also includes a provision aimed at minimizing delays in the reporting and publication of research results that have public health implications. In the last few months, there has been controversy generated by the delay in reporting the results of important research on the treatment of AIDS and other potentially devastating diseases and injuries. In those publicized cases, the delay was often caused by publication lags, sometimes related to conflicting values: The scientist's desire to be published in a prestigious journal versus the desire to save lives. In the hearings our subcommittee held on scientific conflicts of interest, we heard testimony regarding the possible delay in publishing results that could have a negative financial impact on the researcher. Whatever the cause, the American public stands to benefit from the timely reporting of biomedical research findings. The bill requires the Secretary of HHS to make recommendations to address that issue.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "NIH Grants Research Integrity Amendments of 1991".

SEC. 2. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—

"(1) IN GENERAL.—In the case of any entity receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulations establish criteria for preventing, and for responding to the existence of, any financial interest in the project on the part of the entity that—

"(A) will create a bias in favor of obtaining results in the project that are consistent with the financial interest; or

"(B) may be reasonably expected to create such a bias.

"(2) Relevant projects.—A project of research referred to in paragraph (1) is a project of research whose purpose is to evaluate the safety of effectiveness of a drug, medical device, treatment, or other product or substance.

"(b) UNIFORM APPLICABILITY OF REGULATIONS.—The Secretary shall ensure that the criteria described in subsection (a) are uniformly applicable to each entity that is an entity described in such subsection, and may permit individual variation in the manner in which the criteria are implemented by such an entity. The Secretary may not provide that each such entity is to develop individual criteria regarding the circumstances that constitute a financial interest described in such subsection.

"(c) PROCESS FOR IDENTIFYING AND REPORTING CONFLICTS.—

"(1) EXISTENCE OF PROCESS AS CONDITION OF FUNDING.—The Secretary shall ensure that the criteria established under subsection (a) specify that, as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect, at the time the entity applies for the assistance and throughout the period in which the assistance is received, a process for identifying any financial interest that exists regarding the project; and

"(B) to report to the Secretary any such interest identified by the entity, including any such interest in existence at the time the entity applies for the assistance.

"(2) REGULATIONS.—The Secretary shall ensure that the criteria established under subsection (a) specify criteria for the process described in paragraph (1).

"(d) MONITORING OF PROCESS.—The Secretary shall monitor the process established by an entity pursuant to paragraph (1) of subsection (c) for the purpose of determining whether the process has been established, and is being conducted, in accordance with the criteria established under paragraph (2) of such subsection.

"(e) RESPONSE TO CONFLICTS.—In any case in which the Secretary finds that a financial interest exists regarding a project of research described in subsection (a) that is conducted or proposed to be conducted with assistance from the Secretary, the Secretary—

"(1) may disapprove the application for such assistance on the basis that the financial interest exists;

"(2) shall require that, as a condition of receiving the assistance, the entity disclose the existence of the financial interest in each public presentation of the results of the research;

"(3) may require that, as such a condition, the entity carry out such additional activities as the Secretary determines to be appropriate to protect the interest of the public regarding the project;

"(4) may terminate the assistance being received by the entity for conducting the project; and

"(5) may recover from the entity any portion of the assistance that is obligated for the project during the period in which the financial interest exists.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(2) The term 'financial interest' means a financial interest described in subsection (a).

"(g) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the NIH Grants Research Integrity Amendments of 1991.

"(h) AGREEMENT REGARDING COMPLIANCE WITH REGULATIONS.—For any fiscal year beginning after the date on which the regulations required in subsection (a) are issued, the Secretary may not provide a grant, cooperative agreement, or contract for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(1) will maintain the procedures described in the regulations; and

"(2) will otherwise be subject to the regulations.".

SEC. 3. REQUIREMENTS REGARDING AVAILABILITY IN RESEARCH COMMUNITY OF MATERIALS CREATED OR GATHERED IN PROJECTS OF BIOMEDICAL OR BEHAVIORAL RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 2 of this Act, is amended by inserting after section 493A the following new section:

"POSTPROJECT AVAILABILITY OF RESEARCH MATERIALS

"SEC. 493B. (a) IN GENERAL.—The Secretary may not provide financial assistance to any entity for the purpose of conducting a project of biomedical or behavioral research unless the entity agrees, subject to subsection (b), that—

"(1) after the completion of the project, the entity will make available to other researchers all data and other materials relevant to the results of the project that have been created or gathered in the course of the project, except to the extent that—

"(A) providing the research materials to a researcher would constitute a violation of a statute or regulation that provides for the confidentiality of the materials; or

"(B) it is not practicable to make the research materials available in the manner described in paragraph (2);

"(2) the manner in which the research materials will be made available is through the provision of reproductions of the materials, including (as appropriate to the research materials involved) photocopies, recordings, and diagrams, and copies made for use in computers; and

"(3) the entity will make the research materials available to a researcher within a reasonable period of time after the researcher makes a request for the provision of the materials.

"(b) DURATION OF PERIOD OF AVAILABILITY.—

"(1) MINIMUM PERIOD.—The Secretary may not provide financial assistance for the purpose described in subsection (a) unless the entity involved agrees, subject to paragraph (2), that research materials will be made available in accordance with such subsection during the 5-year period beginning on the earlier of—

"(A) the date on which the results of the project of research involved are published in a scientific journal; and

"(B) the date that is 3 years after the date on which the period of financial assistance provided by the Secretary for the project ends.

"(2) PERIOD OF POSSESSION.—The Secretary may not provide financial assistance for the purpose described in subsection (a) unless, with respect to the project of research involved, the entity involved agrees that if research materials remain the possession of the entity after the expiration of the 5-year period described in paragraph (1), the entity will continue to make the research materials available in accordance with subsection (a) until the materials are destroyed or otherwise leave the possession of the entity.

"(c) IMPOSITION OF CHARGES.—The Secretary may not provide financial assistance for the purpose described in subsection (a) unless, with respect to the project of research involved, the entity involved agrees that if the entity imposes a charge for providing research materials in accordance with such subsection, the amount of the charge imposed on a researcher making a request for the materials will be reasonably related to the direct costs incurred by the entity in providing the materials.

"(d) COMPLIANCE WITH AGREEMENTS.—In any case in which the Secretary finds that an entity has failed to comply with an agreement under this section regarding a project of research, the Secretary may recover from the entity any or all of the amounts provided to the entity by the Secretary as financial assistance for conducting the project.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'financial assistance' means a grant, cooperative agreement, or contract.

"(2) The term 'research materials', with respect to a project of biomedical or behavioral research, means the data and other materials described in subsection (a)(1).

"(f) ISSUANCE OF CRITERIA BY SECRETARY.—The Secretary shall by regulation issue criteria for carrying out this section.".

SEC. 4. TIMELY DISSEMINATION OF RESULTS OF CERTAIN PROJECTS OF RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 3 of this Act, is amended by inserting after section 493B the following new section:

"RECOMMENDATIONS REGARDING TIMELY DISSEMINATION OF RESULTS OF CERTAIN PROJECTS OF RESEARCH

"SEC. 493C. With respect to the results of projects of biomedical or behavioral research, the Secretary shall establish recommendations regarding the timely dissemination of any results that have any clinical application to a disease or disorder that poses a significant threat to the public health. Such recommendations shall include recommendations regarding the publication of such results in scientific journals.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1991, or upon the date of the enactment of this Act, whichever occurs later.

RECOGNITION AND TRIBUTE TO LOIS V. CARTER, ON HER RETIREMENT

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. DYMALLY. Mr. Speaker, I wish to bring to the attention of this Congress an exemplary American who has served this Nation with distinction, dedication, and compassion for over 25 years. Simply stated, Ms. Lois Carter, is one of the few women employed by the U.S. Government who rose from the lower ranks of the civil service and became the senior official of HHS's Office for Civil Rights, through sheer hard work, dedication to duty, and a compelling mission to bring about equality of legal and economic opportunities for all Americans in need. By her exemplary performance as both a specialist and field manager, she has become a model and inspiration for many young employees who have joined our career service and, who also can aspire to the top career position.

Born in Fayette, MO, Ms. Carter attended both Penn Valley Community College, Kansas City, MO, and the University of Kansas.

Prior to entering Federal Government service, Ms. Carter spent a number of years working in Missouri State agencies, including the Missouri Department of Agriculture, the Missouri Department of Revenue, the Attorney General's Office, and the Governor's Office. Additionally, she worked in the Missouri House of Representatives and in the City Counselor's Office in Kansas City. Therefore, Ms. Carter was well prepared for her work at the former Office of Economic Opportunity and the Department of Health and Human Service [HHS], the latter to which she has achieved a distinguished record after 17 years of service.

As the regional manager, Lois Carter, carried out the major responsibility for ensuring that programs and activities receiving Federal financial assistance from HHS in the four State region are in compliance to the civil rights laws passed by Congress; these include the title VI of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

Mr. Speaker, as many of my colleagues are aware, these modern civil rights laws, deal with our public policy of nondiscrimination with regard to race, national origin, to the handicapped and disabled, and to both the old and the young. But enforcement requires steadfast devotion to duty, and Lois Carter has provided the catalyst and the leadership to carry out her agency's mission so that both HHS and this Congress can rightfully say that she has been an exemplary model for us to emulate. It is because we have dedicated civil servants, like Lois Carter, that the laws of this Nation are in good hands; and as she takes leave after 25 years of public service, we in the Congress can only applaud the work and performance of these dedicated public servants.

Mr. Speaker, I trust this House joins me in wishing Lois Carter many more years of happiness and contentment for a job well done. For in the end, it is the American people who are beneficiaries of our laws and our public servants who execute them.

TRIBUTE TO GERALD DERUITER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a truly outstanding individual in this country, Mr. Gerald DeRuiter of Falmouth, MI. Gerald has diligently served on the Missaukee County Board of Commissioners as the representative of Ninth District for over 15 years. As he retires this year, I wish to take a moment to honor his work on behalf of the people of Missaukee County.

Born in Falmouth, MI, his family includes his wife, Ida Mae and seven children, all who are very proud of him. They all live in Michigan, and all but one lives within minutes of his home. He is the grandfather to 17 grandchildren.

For the last 16 years, Mr. DeRuiter has served faithfully on the Missaukee County Board of Commissioners and is credited with accomplishing many helpful improvements to Lake City, MI, including a new library and the remodeling of the Lake City court room.

Mr. Speaker, I know that you will join me in thanking and commending this truly exceptional man for all of his years of service to the people of Missaukee County. We all wish Mr. DeRuiter well, and hope for his continued success in all future endeavors.

NORTH GEORGIA COLLEGE TOP ROTC PROGRAM IN NATION

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. JENKINS. Mr. Speaker, I do not ask for this privilege often, but today I request the indulgence of the House in recognizing a group of young men and women and a college administration who have distinguished themselves in earning the top Army Reserve Officers Training Corps [ROTC] award in the country.

This year, the Douglas MacArthur Award was presented to the ROTC program at North Georgia College in Dahlonega for the second time. The president of the college, Dr. John H. Owen, Commandant of Cadets Col. Robert Barclay, Sgt. Maj. Robert Hand, Cadet Col. Jimmy Blackmon, Cadet Lt. Col. Jerald Page, and Cadet Lt. Col. Dawn Wood represented the college at the Pentagon ceremony when Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, presented the award.

To be chosen from among 315 programs in the large unit category competition signifies the quality of the overall military program at North Georgia College. Cadets in this competition are judged on academic, military, and leadership performance for the year. And the cadets train and study all during the year to meet these standards.

Further testimony to the effectiveness of the college's military program is the Nation's "Top Trainer" award which North Georgia College won earlier this year. This award is based on the performance of senior cadets at the Army's 6-week ROTC Advanced Camp.

North Georgia College is the only senior military college in the university system of Georgia. The college's focus on the military program has produced many leaders in and out of the military.

Winning top honors and producing leaders year after year requires a dedicated faculty and administration and the cooperation of the community. North Georgia College's formula includes all of these. The young men and women who bring talent, intelligence, and perseverance to this formula emerge as our leaders.

This group of young leaders and their sponsors and teachers deserve our highest praise and deepest respect. We should take note of their commitment to duty, honor, and excellence. We should learn from their long hours of training. We should emulate their focus on the highest of goals and the steps needed to accomplish them.

After having seen our military perform brilliantly in Operation Desert Storm, we can only believe that all of our military training programs are producing a higher quality of graduates. In this time of intensified training, the competition for the best grows stiffer. The best are better. That is why this honor at this time is so significant.

We salute you—the men and women of North Georgia College ROTC.

THRIFT MART—A MILWAUKEE SUCCESS STORY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. KLECZKA. Mr. Speaker, I would like to bring to my colleagues attention an article published in the recent edition of Veteran magazine.

The article features the achievement of three Milwaukee area residents, Jack Dyke, Larry Ziarek, and Tim Menges. These Vietnam veterans own and operate Thrift Mart, a business in West Allis, WI, which sells discarded household goods to residents of southeastern Wisconsin.

These devoted individuals returned from Vietnam to face another battle—a recession. Despite the economic odds, they purchased an abandoned store and converted it into a successful business.

Thrift Mart sells clothing, appliances, stereos, and books. A portion of the proceeds from the sale of these items—nearly one-quarter of a million dollars each year—goes to local Vietnam Veterans of America [VVA] chapters and State councils.

I am proud to honor Mr. Dyke, Mr. Ziarek, and Mr. Menges. Their hard work and dedication transformed a good idea into a large-scale operation which not only makes a profit, but benefits the Milwaukee community as well as all Wisconsin veterans.

The article follows:

GETTING DOWN TO BUSINESS

Jack Dyke, an unassuming and soft spoken Vietnam veteran from West Allis, Wisconsin, might well be the quintessential businessman. That's not to say that he wears a three-piece suit with all its accoutrements (red striped tie, a flash of handkerchief, and wingtips), but only that he works 12 hours to 15 hours a day—"that's normal," as he says—at a thrift store in the heart of a blue-collar neighborhood, just southwest of downtown Milwaukee.

The store that Dyke and his two partners own and operate sells discarded household goods (the vast majority of the donations are used clothing).

VVA has hired a Milwaukee telephone-solicitation firm to obtain the goods. In other words, Dyke and his partners operate the retail outlet which sells the goods purchased from VVA, a portion of the proceeds of which then goes to local chapters and state councils in the store's area. Nearly one-quarter of a million dollars is disbursed to local VVA groups using this method each year. Still, nearly 40 percent of the merchandise solicited by VVA is unusable, and Dyke and his partners are responsible for cleaning, sorting, marketing, and selling the rest—an enormous undertaking that takes a great deal of expertise.

"This isn't as easy as it looks," Dyke says, his hand sweeping across the interior of the store. "It takes some kind of creativity and a little guts to do it. You have to monitor what you're doing all the time. Just because you have money in the cash register doesn't mean you're doing well."

That's especially true in the thrift-store business, where appearance is not often reality and where the complexities of operating a business that has like Dyke's, 14,750 square feet of sales area and serves "a four-county area" can overcome even the most highly motivated and well-meaning free enterpriser. In fact, the sales area, featuring a wide range of clothing, appliances, stereos, and books, is only one part of the business. Underneath the 14,000-plus feet of store space is the same amount of storage space for the goods to be sorted, folded, cleaned, and priced. During our visit to the store, before this last Christmas, there must have been forty sleds that were to be put out in time for the holidays. "We do a good business at Christmas," Larry Ziarek, Dyke's enthusiastic, good-humored partner, notes. "It's really one of our busiest seasons."

But it wasn't always that way for Dyke and Ziarek, who grew up in the Milwaukee area, served in the Air Force in Vietnam, and ended up returning home to a recession that soon had them looking for other work. They found the thrift-store business by accident, after Milwaukee's blue-collar community was eviscerated by the energy crisis of the mid-1970s and the recession that followed.

"In order to be successful, you have to know how to operate a store like this one from top to bottom," Ziarek says. "You have to be able to do everything that you ask your employees to do. That's the only way to really make it. And we've done everything."

Everything includes paving the abandoned store's parking lot (part of Wisconsin's Kohl's Food Store chain) that had, until Dyke and Ziarek came along, seen better days. In fact, when they decided to rent the space and set up business, the store was in such disrepair that they had to spend nearly every waking moment refurbishing it. "It was a wing and a prayer," Dyke says now. "We had to do it all by our little lonesome. When we walked in here, we just looked at each other in amazement. We knew it was going to be nothing but work, work, work."

Inside, there were wires hanging randomly from the ceiling, and water stood in puddles on the floor. They approached a third partner, Milwaukean Tim Menges, to do the carpentry and wiring work in his spare time.

Menges is also a Vietnam veteran. Both he and Dyke, in fact, signed up for the Air Force on the same day. Dyke smiles remembering that time: "I had a low number in the lottery, Number 13 as I recall, and so did Tim. So we went down and signed up for the Air Force."

It was a complicated business from the very beginning. The three had to file for building and electrical permits, pass inspections, and set up shop, all before their own money, sunk into an enterprise that hadn't yet opened its doors, ran out. "We were real close to just throwing it in, I think," Ziarek says. "We wanted to be successful, but there were no guarantees. We were just working at it to make it work. We never really took a break."

Getting the store in shape for business was a difficult task. "We had our own interiors, and everything needed to be redone," Dyke says. "There was no heat in the building when we were doing this, so it was freezing half the time. And the lighting was poor, even after we opened the store."

That problem—the poor lighting—had to wait to be solved. In all, when the lighting fixtures were replaced and the store was fully lit, it cost the three partners $20,000 to have it done. "Operating a business, especially this kind of business, is very costly—you don't just take in money."

The work went ahead on schedule. Even Dyke and Ziarek's wives worked to get ready for the opening, unplugging the downstairs drains and toilets, which were overflowing with refuse. The two laugh about it now: "They never forgave us," Dyke says.

But even with this done, the store itself seemed a long shot, at best. "Both of us had five years experience in the thrift-store business and were willing to do it. We had both learned the trade," Dyke says. "But it's a lot different when you have to do it on your own hook. Even though we had that experience and we thought we could do the job better than we'd seen it done by others, we needed what every businessman needs, Capital."

Experience, once again, was the key, but both Dyke and Ziarek had it. Dyke started in the thrift-store business by serving five years as the manager of another store, while Ziarek was assistant manager. "That's just about how long it takes to learn the business," Dyke says, "and there's just no other way to do it." Still, Dyke adds, "without money to get started, we just weren't going to go anywhere.

And money, at least in non-recession-proof Milwaukee, was very hard to come by.

Getting the money to run the store however, wasn't the first order of business. That came later. First, the three had to establish themselves as credible businessmen. "It's not like you can go to a bank with an idea and just have them say 'fine, how much do you want,'" Ziarek says. "You have to have experience and credibility in the business. You have to be able to convince them that you know what you're doing. That's essential. Without that believability factor, you're just not going to win their trust."

What followed was a series of meetings between the store owners—for they were now fully in business and ready to open their doors—and the bank to work out the details of financial support.

The comparatively modest—but, nonetheless, essential—amount of money the store needed to begin operation and stay in operation eventually came through ("just in the nick of time, really," Dyke remembered and suddenly the Vietnam veterans-turned-businessmen were in business.

The first days were among the most nerve shattering, according to the owners, because there was no guarantee of success. "There never is," Jack Dyke says. The store grew—while the space requirements remain the same, the actual investment in time and hours increased. "We started out with three employees and one cashier," Dyke explained "and since that time, our overhead has tripled. Right now, we have twenty-five store employees, two truck drivers, two women in the office, and two managers. It's a large-scale operation."

The growth of Thrift Mart is not unprecedented—other thrift stores located around the country have done as well and better. But one of the facts of the business that fully 75 percent of all those who become involved in the business go belly-up within the first year, either from lack of experience or because they do not understand the economics of scale involved in running a thrift-store operation.

One consultant with a breadth of experience in the thrift-store business testifies as to the difficulty of "making a go of it in this industry."

"Thrift stores violate every principle of business I've ever known," he says. "The labor costs for the stores that make a profit are enormous—and the 'mom and pop' stores for that reason, just don't stay in business that long. Despite this, your sales potential is only limited by your ability to purchase goods. So experience is the key—unless you have that, you're not going to succeed. It's not like you can take a correspondence course on how to do this."

Dyke notes, "We do $500 to $600 in men's clothing every day, and we do $800 to $900 in women's clothing. But we have to monitor everything we do to see whether our price structure will attract customers. And we have to provide quality merchandise."

"We have to clean and package the material make them presentable, and we make sure to turn our stock over every two weeks—which is exactly what it takes to keep our customers coming in."

The store's customer base encompasses a four-county area in southeastern Wisconsin. "There are people who come down here from a couple hundred miles away," Larry Ziarek says. "We have repeat customers, even people who do most of their shopping here. We don't underestimate our customers' needs—we're here to make sure that there are things on the floor that they will want to buy."

There are really two customers to serve, according to Dyke—not just those who come through the door but also those whose discards form the store's merchandising base. "They want to have good service," Dyke says, "just like any other customer." The store currently has two trucks on the street every day picking up merchandise, according to the owners—material that, as usual, must be sorted and put out on the floor. It's a constant challenge to be able to present the material, as it is in any store.

"We just don't throw it out there in piles," Dyke says. "We have different sections of the store for different merchandise."

Nor will the store "just take anything," to use Dyke's words. "We used to be into furniture—couches and things like that. But we were taking too many things to the dump, making too many trips. So we just don't take them now. Our customers aren't that interested. Instead, we expanded our clothing side of the business."

With Christmas coming on, Dyke and Ziarek were busy planning for the types of merchandise the store needed to carry to keep their customer base as large as it is—but the two were also thinking ahead to the spring. "We not only have to turn our merchandise over every two weeks," Dyke says, "we have to stay current. We can't have winter clothing out there when people aren't interested in winter clothing." Planning and doing are, obviously, two different things. "Right now we've got our winter things out on the floor," Dyke says, "so we're storing our spring merchandise. It's a big project."

There are, of course, the undefined parts of the business that are the most difficult to assess, like community relations. The owners are very mindful of their place in the neighborhood, of the kind of business that they need to be. "This was a real eyesore when we first got here," Ziarek says, gesturing onto the floor. "We've made this a better place to live just by rehabilitating this building."

"We're not a dumpy store, and that's our community relations," Jack Dyke says simply.

But perhaps the most undefined part of the business, and any business for that matter, is what it takes to be successful. "We can't even be in business for 400k," Dyke says. "Our overhead for a store of this kind, for any store of this kind, is enormous. We've each done every part of this business, from cleaning floors, to waiting on customers, to running the cash register, to solicitation, to picking up the merchandise. That's the only way that we would ever know how to make a profit, to help our customers, and to do something for veterans. There's no other way. You're always here, it's 'location, location, location,' but really, without experience, there's just very little chance for success."

SALT LAKE CITY SEEKS PERMISSION FOR GOLF FACILITY

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. OWENS of Utah. Mr. Speaker, my golf game has a terrible slice. Unfortunately for all golfers in Utah who need to practice, we have a relatively small number of golf facilities. We have only a handful of golf courses in the city, and people have to drive many miles to avoid crowds.

In the heart of Salt Lake City is a large vacant lot that the Federal Government has deeded to the Mount Olivet Cemetery Association. The association will not use the land for 70 years. A group of golf supporters would like to turn this vacant lot into a golf facility. The cemetery association supports this proposal, but they need permission from the Federal Government for a temporary variance of property use.

Although my legislation is simple, the benefits are many. The golf facility will be a major recreational asset to our community—ideal for golf teams, junior golfers, and clinics. It will replace a large weeded vacant lot with trees, shrubs, grass, and flowers and will ultimately reduce costs of development for the cemetery.

Today I am launching a drive to help create this golfing center. We are not pitching for money, we simply want permission to productively use this vacant lands before the cemetery needs the land.

A GOOD FRIEND OF THE UNITED STATES

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. SOLARZ. Mr. Speaker, I would like to take this opportunity to pay my respects and bid farewell to a good friend of Members of this House.

For 11 years, Jason Yuan has worked in the Washington office of the Coordination Council for North American Affairs, which is the unofficial mechanism by which Taiwan conducts its relations with the United States. Over that period he has worked diligently to broaden and deepen the ties between people on Taiwan and people in America—particularly through his contacts with Members of Congress. Where there was misunderstanding on both sides, he sought to remove it. Where mutual interests were not being realized to their fullest, he endeavored to develop them further. In all cases, Jason cheerfully and energetically represented the interests of his Government and kept at the forefront those values and principles that bind the United States and Taiwan.

Recently, Jason was appointed director of the Office of North American Affairs of Taiwan's Foreign Ministry. His many friends in Washington will miss him. We are pleased, however, that in his new job he will continue to devote his talents to the friendship of Taiwan and the United States, and confident that we shall see him often in the future.

INTRODUCTION OF LEGISLATION TO LIMIT THE PENALTY FOR LATE ENROLLMENT IN THE MEDICARE PROGRAM TO 10 PERCENT AND TWICE THE PERIOD OF NO ENROLLMENT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, recently I introduced legislation, H.R. 1335, which is designed to limit Medicare premium penalties for late enrollment to 10 percent and limit the number of years penalties must be paid.

Presently, any worker who does not enroll in part B at the time they turned 65 is accessed a penalty of 10 percent for each year they delayed. For an example, someone who waited 5 years to enroll would have to pay a 50-percent penalty on top of their regular premium costs for as long as they continue coverage. Since there is no limit to the penalties, many beneficiaries pay two to three times the normal premiums. While the original idea was to discourage seniors from delaying election of part B until they anticipated extensive health costs, it now appears that the excessive penalty might deter purchase of much needed benefits.

Under my legislation, the penalties accessed individuals who delay coverage would last for a period equal to twice the number of years they were not enrolled in part B. For example, someone who waited 4 years to enroll would pay a 10-percent penalty for 8 years and then return to paying basic premium costs. This would reduce the number of beneficiaries paying premiums by 600,000. Some of those paying penalties are paying between 10 and 210 percent more than the basic premiums.

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. McGRATH. Mr. Speaker, I want to take this opportunity to reflect on the annual Days of Remembrance of victims of the Holocaust.

During my years as a public office holder in Nassau County, NY, I have had the honor of meeting many Holocaust survivors. Most survivors had relatives who did not return from the Nazi concentration camps. The stories I have heard are the most gut-wrenching and horrible accounts I could ever imagine. Yet, all descriptions of life in these camps express heroism and valor. The gallant struggle of the millions of Jews that were herded like cattle to eventually die in the bleakest of conditions is a tribute to the ability of man to overcome all that is terribly wrong with dictatorship regimes and totalitarian rule.

In recent years, we have seen a movement by some fanatical groups in this country claiming that the Holocaust did not even happen, that this dark segment in world history did not even take place. As ludicrous as this initially sounds, it is a reflection of the degree of anti-Semitism that still exists today. That is another reason we observe these Days of Remembrance. To simply let the Holocaust slip in to history will only serve the interests of these hate groups.

Additionally, this year's observance comes shortly after we have turned back the aggressions of another expansionist dictator, Saddam Hussein. Like Hitler, Saddam tried to exterminate innocent Jews and turn world feeling against all Zionists. And, like Hitler, Saddam failed in this quest. What Saddam did not understand was that he could not dissolve the alliance and he could not break the resolve of Israel. He was grasping at straws, looking for solutions to a problem that he had perpetrated and had no chance to win. By sending Scuds into populated areas, he had shaken a giant, made a proud people even more determined to rid the world of a ruthless dictator.

The Days of Remembrance, observed this year from April 7 through April 14 and April 26 through May 3, are designated each year by the U.S. Holocaust Memorial Council. Periodically, I pass the Holocaust Memorial on the Mall and it sparks bittersweet feelings. With most museums, we can't wait for them to open their doors. However, the Holocaust Memorial is different. The Holocaust Memorial will be a shrine to the 6 million who perished while at the same time be a learning center. Guests will be invited to participate and learn of the stories of individual Holocaust victims. The memorial will be a moving place, indeed.

Mr. Speaker, I urge all Members to please remember the short two word verse repeated by Jews worldwide: "Never Again!" Never again will anyone strike the terror endured by the Jews during the Holocaust. By observing the Days of Remembrance, we educate our youth of the horror of only 50 years ago and honor the victims, both living and dead, of the grim exhibit of man's inhumanity to man.

H.R. 1774, A NEW HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES AND RETIREES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. ACKERMAN. Mr. Speaker, today I have introduced comprehensive legislation to reform the Federal Employees Health Benefits Program [FEHBP]. This legislation is a revised version of the Federal Employees Health Benefits Reform Act of 1990, which I introduced in the 101st Congress. The revisions are the result of hearings conducted by the House Post Office and Civil Service Committee's Subcommittee on Compensation and Employee Benefits. In addition, changes were based on recommendations made by enrollee organizations, insurance carriers, and providers groups, as well as analysis provided by the Congressional Research Service and the General Accounting Office.

The reform proposal will replace the 30-year-old FEHBP, which has strayed from the principle of group insurance and is no longer meeting the needs of its 10 million beneficiaries. In 1989, a report by the CRS highlighted the deficiency in the FEHBP by showing that the Government is getting by cheaply when it comes to insuring its workers. For example, the typical Federal worker receives about $1,100 a year less in employer-paid health benefits than the typical private sector employee. The CRS report also demonstrated that benefits provided by private employers were often more generous than FEHBP benefits.

The FEHBP reform proposal would replace the current 19 fee-for-service options with a single two-option plan which would be managed by the Office of Personnel Management [OPM] in consultation with a newly created FEHB Board. The plan would consist of a standard option and a high option, for either self or family coverage. Enrollees who elect to participate in the high option would pay less out-of-pocket expenses if they choose to receive health care through providers who have negotiated agreements with the plan.

Federal enrollees could continue to enroll in health maintenance organizations [HMO's] as an alternative to the fee-for-service options. Under the new FEHBP, HMO's would be required to offer the same health services as provided under the standard option.

The Governmentwide fee-for-service options would be administered on a regional basis. The regions may be underwritten by insurance carriers, or self-insured by the Government. The regions would be competitively awarded. In the case where no prospective contractor in a specific region submits an acceptable bid, the Government would self-insure that region. In addition, the new FEHBP would permit employee-organization-sponsored health plans which currently self-insure to continue to provide benefits for members of their respective collective-bargaining units. The primary responsibilities of the carriers would include the processing of health insurance claims and the implementation of cost-control programs.

Annuitants could elect from among any of the health plans which, together with Medicare, would pay for virtually all reasonable and customary charges for services.

One of the major deficiencies of the current FEHBP is that an enrollee's premium is not related to the value of coverage. Current FEHBP plan premiums differ significantly because of the varying health care costs of the population enrolled in each plan. For example, the CRS found that there is only a 41-percent variation in the value of benefits among FEHBP plans, but a 246-percent variation in their premiums. To address this problem, the Ackerman bill specifies that the price difference between the standard option and the high option would represent solely the amount by which the actuarial value of the high option's benefits exceed the benefits for the standard option. Initially, the standard option premium would be set at $10 per pay period for self only coverage and $22 for family coverage. The enrollee's contribution for the high option would be established at $20 per pay period for self only coverage and $44 for family coverage. The enrollee premium increases would be limited to a rate equal to the lesser of the increase in the medical care component of the Consumer Price Index, or the increase in total FEHBP costs.

The new program would offer to Federal employees flexible spending plans [FSP's], which are now available to many workers in the private sector. Each worker may set aside in the plan a part of salary on a pretax basis to be used to pay his or her out-of-pocket health care expenses and insurance premium. Unused balances would be used to finance wellness programs for employees.

The new program would offer lower salaried employees an enhanced benefit by indexing their maximum out-of-pocket expenses to their wages.

The new program, if it were in place this year, would have increased Federal costs by an estimated $1.1 billion, plus $500 million in tax expenditures attributable to the FSP's. At the same time, it would save Federal enrollees an estimated $700 million.

SUMMARY OF BENEFITS

	Standard option	High option	High option (provider agreement)
Deductible	$250/500		$150/300
Maximum out-of-pocket	$2,000/4,000		$1,000/2,000
Hospital benefits (percent)	80	90	100
Surgical-medical benefits (percent)	80	85	100
X-rays and laboratory tests (percent)	80	85	100
Emergency and accidental benefits (percent)	100	100	100
Prescribed drugs (percent)	75	80	85
Mail order option copayment	$10	$5	$5
Well-baby benefits (percent)	80	85	100
Prosthetic devices (percent)	80	85	85
Mammography (percent)	80	85	100
Mental health and substance abuse:			
Inpatient (percent)	75		80
Outpatient (percent)	[1] 75		[2] 75

[1] Maximum 30 visits.

[2] Maximum 50 visits; an additional 50 if certified necessary.

HUNTINGTON'S DISEASE DESTROYS THE MIND AND BODY

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. ROEMER. Mr. Speaker, I would like to bring your attention to Huntington's disease, now thought to be one of the more common hereditary diseases in the world.

It is estimated that 1 in 10,000 people in the United States have Huntington's disease. These statistics are bad enough, but the true effect of Huntington's is more serious because of the ripple effect created by the disease. Multiple generations in the same family and many relatives in the extended family are likely to experience the disease and its consequences.

Huntington's disease causes the loss of both mental capability and physical control. Early symptoms—involuntary movements of the body and limbs, depression, withdrawal or euphoria, and forgetfulness—appear slowly.

As the disease progresses, speech becomes slurred, swallowing difficult and gait unsteady. Reasoning and judgment become imparied. The weakened individual succumbs to pneumonia, heart failure, or other complications.

Huntington's disease affects men and women and boys and girls of all races and ethnic groups throughout the world. Although symptoms usually appear between the ages of 30 and 50, children as young as 2 and adults as old as 80 have developed Huntington's disease. Children of afflicted parents have a 50-percent chance of inheriting the disorder.

Sadly, no effective treatment or cure for Huntington's disease exists. Medications provide limited relief, but no drug can stop the disease's steady progression.

Research has provided hope for the future. Although the gene has not yet been located, in 1983 scientists discovered a genetic flag known as a marker, indicating the approximate gene site responsible for Huntington's disease. This genetic breakthrough resulted in a test that can predict with almost 100-percent accuracy the onset of Huntington's disease before the symptoms occur.

Scientists expect to find the Huntington's disease gene within the next few years. It is my hope that this discovery will lead to effective treatment and an eventual cure.

I have become a cosponsor of House Joint Resolution 56, legislation to designate May 1991 as "National Huntington's Disease Awareness Month." I urge my colleagues in the House of Representatives to become cosponsors of this important commemorative. The designation of a National Huntington's Disease Awareness Month will generate the momentum we need to combat this disease of the mind and body.

A BILL TO RESTRICT OPENING OF THE WOODROW WILSON BRIDGE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise today to introduce legislation to restrict openings of the Woodrow Wilson Bridge to the hours between midnight and 4 a.m. The purpose of this bill is to address the serious traffic congestion caused by openings of the bridge for marine traffic. This legislation is identical to that introduced by Senators SARBANES, ROBB, WARNER, and MIKULSKI on February 6, 1991.

The Woodrow Wilson Bridge, a vital link in the Washington region's transportation system, is one of the 15 movable bridges in the Interstate Highway System. It is also one of the worst bottlenecks in the I–95 corridor. Originally designed to carry 75,000 vehicles per day, the bridge now serves well over 160,000 vehicles per day and traffic projections indicate that over 200,000 vehicles per day will cross the bridge by the year 2010—far exceeding the bridge's capacity. The congestion caused by this excess of vehicles is worsened by the opening of the drawspan during times of heavy traffic flow.

On September 14, 1990 the U.S. Coast Guard and Federal Highway Administration held a public hearing on the drawbridge operating schedule. At that hearing a dozen groups testified as to the negative impacts that the existing opening schedule has on the regional economy and emergency services. Both the Maryland and Virginia Secretaries of Transportation, the Maryland congressional delegation, the Director of Public Works for the District of Columbia, and some members of the Virginia congressional delegation have united in urging the U.S. Coast Guard, which has jurisdiction over drawspan operation, to increase restrictions on the opening schedule. Despite these efforts, a broad window for vessel passage is still permitted. For this reason, I see no course but to pursue a legislative remedy to this problem.

The Woodrow Wilson Bridge is 50 feet high and it is estimated that the drawspan needs to be opened 400 times a year to accommodate approximately 75 boats, many of which are recreational vessels. To place the needs of a few boaters over the needs of 160,000 individuals commuting to work and transporting goods across the country, in my opinion, is ill conceived.

Currently, delays due to raising of the bridge are exacerbated by mechanical malfunctions. On June 26, 1990 the bridge was opened to allow for the passage of a sailboat. The bridge, due to an electrical short, could not be closed for an hour and a half. As there is no viable alternative to this Maryland-Virginia connector, motorists were forced to wait for the malfunction to be corrected, with traffic piling up in both directions for several miles. Other, similar events, have also been documented.

While I commend the Secretary of Transportation for providing the District of Columbia with funding to repair the bridge's electrical system, such repairs cannot guarantee that mishaps will not happen in the future. Nor does this action by the Secretary address the overriding issue of daily delays caused by routine openings of the drawspan.

Mr. Speaker, clearly something must be done to ensure the orderly movement of motorists over the bridge during periods of heavy traffic flow. Each time the drawspan is raised it places the thousands of individuals who are dependent upon this interstate route in gridlock. It is simply foolhardy not to implement regulations to prevent a clearly avoidable situation. This legislation would restrict openings of the drawspan to between midnight and 4 a.m., when traffic is lightest. In addition, it allows for openings during periods of emergency as designated by the Secretary of Transportation. I urge my colleagues to join me in supporting this legislation.

BYRON HONORS SENIOR COLOR GUARD

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mrs. BYRON. Mr. Speaker, I rise today to recognize the outstanding efforts and dedication of the Senior Color Guard of the Morris Frock American Legion Post 42, Hagerstown, MD.

This veteran Senior Color Guard is composed of Army, Navy, Air Force, and Marine veterans of World War II, Korea, and Vietnam. They have just completed one decade of service, with dedication, pride, and patriotism. Their many honors include: 1989 national champions, 1989 and 1990 Maryland State champions, participation in Arlington National Cemetery Memorial Day services with the President, Maryland Special Olympics, Baltimore Orioles games, Fort McHenry, apple and cherry blossom parades, numerous veterans ceremonies, and countless parades in the tri-State area. They led the national convention parade held in Indianapolis, which included nearly 14,000 participants from the 50 States and eight foreign nations. As competitive participants in both the American Legion and VFW—William D. Byron Post 1936—National Conventions, they placed second in each instance.

The list of honors and accomplishments certainly does not end here. I wish to commend these outstanding individuals and organizations for their efforts to date, and extend my best wishes for their continued success.

THE NATIONAL TRAFFIC FATALITY AND INJURY REDUCTION ACT OF 1991

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. COOPER. Mr. Speaker, today I am introducing a much needed piece of legislation. This bill will save lives and money: two goals which no one could be against. It simply asks that automobile passengers buckle up their seat belts and that motorcycle riders wear safety helmets.

Mr. Speaker, this Congress should be concerned about the leading cause of death among Americans between 1 and 44 years of age. Traffic accidents result in an injury every 8 seconds and claim one life every 12 minutes. They are a major cause of epilepsy and cerebral palsy. Every year about 45,000 citizens die in vehicular accidents on our roads, an annual casualty rate almost as high as the entire Vietnam war.

The National Highway Traffic Safety Administration [NHTSA] says that seat belts could cut this fatality rate by a third. State seat belt laws have already saved more than 10,000 lives over a 5-year period. We must encourage States to pass laws: Before the first State law passed in 1984, nationwide seat belt use rates were around 13 percent, but with laws on the books in the majority of States, rates rose to a national average of 47 percent at the end of 1988. With this legislation we can move toward President Bush's goal of 70 percent usage by 1992.

The laws have been effective. For example, after Michigan passed its seat belt law, it experienced a 25-percent drop in fatal and severe injuries. Washington State projected that its law prevented more than 2,500 injuries over a 2-year period. Passage of a belt law in the remaining States would almost immediately reduce fatalities another 7 percent nationwide—that's more than 3,000 people saved every year—and 3,000 who will unnecessarily die if we delay passing this legislation.

Similarly, nationwide adoption of helmet laws could dramatically reduce deaths in motorcycle crashes. In States with such a requirement, more than 98 percent of riders wear helmets. The very first year after Louisiana adopted its helmet law, fatalities fell by almost a third—and that's a State with one of the less impressive results. NHTSA reports that between 1982 and 1987, helmets saved 4,600 lives, but another 9,000 people died unnecessarily because they didn't wear helmets.

We've had strong Federal requirements before. The safety standards in the 1966 Highway Safety Act led all but three States to pass tough motorcycle helmet laws. However, when Congress prohibited the enforcement of sanctions for the helmet standards in 1976, 28 States weakened or repealed their laws. In these States, just half of drivers and a third of passengers wore helmets. This led to a 61 percent increase in motorcyle fatalities in a 4-year period.

When our constituents are needlessly injured and killed in traffic accidents, taxpayers are often forced to pay their medical bills. The State of Texas reported paying an extra $32 million for the treatment of unhelmeted motorcyclists in just over a year. A startling study of a Seattle trauma center's injured riders found that tax money paid for nearly two-thirds of their medical costs. Insurance companies paid for a fifth. But victims and their families paid less than 1 percent of the medical bills. None of the victims was receiving government assistance before their accident. Yet, for each of the most severely injured victims, the public paid an average of $113,307 in medical costs. Studies in other parts of the country have had similar findings.

Costs for unbelted automobile riders are also substantially higher. A University of Tennessee study of its trauma center patients reported that hospital charges of unrestrained crash victims were nearly triple that of restrained victims. The study concluded that each 1 percent increase in seat belt usage would save approximately $5 million in hospital charges in Tennessee alone.

The legislation I am introducing provides strong incentives to encourage all States to adopt laws requiring motorcycle helmet and automobile seat belt use.

The first incentive is a $95 million grant program paid out of the highway trust fund. Grants will be made available to States which have in place the laws, and are to be spent for safety education, monitoring, and law enforcement. States may receive additional grants for up to 2 more years if they meet certain standards of helmet and seat belt use.

The second incentive begins in the third year after the bill is enacted. At that time, States which do not have both helmet and seat belt laws will be required to spend 1.5 percent of their highway funds on safety programs. In years after that, States which do not have both laws will be required to spend 3 percent of highway funds for enhanced safety programs.

Mr. Speaker, many States have done the right thing to protect the lives and health and pocketbooks of their citizens. The rest of the States need strong encouragement to do the same. We should not let the few who complain that seat belts and helmets are cumbersome force us to bury another generation of our young.

A TRIBUTE TO REVEREND JOHN J. McVEIGH

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 1991

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to an outstanding member of the Las Vegas community. Father John J. McVeigh is currently the pastor of St. Anne's Catholic Church and is being honored by Bishop Gorman High School for his many years of service to Gorman and to the entire community. This honor is bestowed upon him not only for his work in the Las Vegas community but also for the incredible career he has led both here and abroad.

Father McVeigh was raised in Pennsylvania and New Jersey. He served in the U.S. Navy from 1944 to 1949 and was discharged with the rating of yeoman first class. In 1949, he began studies in philosophy and theology at the Seminary of Our Lady of Angels at Niagara University in western New York.

His long career of service to Nevada began when he was ordained at the diocese of Reno on March 1, 1958. His assignments as an assistant pastor took him to St. Thomas Aquinas Cathedral in Reno, St. Anne in Las Vegas, and Little Flower in Reno.

He continued his educations at Catholic University in Washington, DC and, in 1965, was conferred the master of social work degree.

Returning to Nevada, he served as the director of the Nevada Catholic Welfare Bureau in Reno from 1965 to 1970.

Father McVeigh may be best known, however, for his work in Vietnam with Catholic Relief Services from 1970 to 1975. During the final days of the United States presence in Vietnam, the entire Nation heard of Father McVeigh's refusal to be evacuated to safety and leave his staff behind. Later, Time Magazine wrote about Father McVeigh and one of the last Amercan embassy messages from Ambassador Graham Martin to the White House.

It read:

> Saigon flash to relief services, who will not leave without his Vietnamese staff, who he knows will be persecuted . . . how will the President explain to Bishop Swanstrom, U.S. head of CRS, or Father McVeigh's great and good friend Cardinal Cooke, why I left him? I repeat I need 30 sorties tonight. Please get them for me. Warm regards, Martin. Secret.

Needless to say he brought his staff safely out of Vietnam to the cheers of an admiring Nation.

Following the evacuation from Vietnam, his service with Catholic Relief Services continued as regional director for Asia and the Pacific until he was recalled to diocesan service as pastor of St. Anne, Las Vegas, in 1978.

Father McVeigh has been a whirlwind of activity and involvement in southern Nevada and in the world. His service to our world community is unquestionable. It is fitting that one who has done so much is honored for his work with that which is most important to all of us—our children. It is our children for whom Father McVeigh has been a shining example as he has lent his guiding hand, at Gorman High School.

I urge my fellow Members of Congress to join me in honoring this fine man for the contributions he has made throughout a lifetime of service. We look forward to his continued service.

SENATE—*Wednesday, April 17, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

The PRESIDING OFFICER. The prayer today will be offered by guest chaplain Father Paul Peter from St. Adalbert Roman Catholic Church in Omaha.

PRAYER

The Reverend Paul F. Peter, St. Adalbert Roman Catholic Church, Omaha, NE, offered the following prayer:

Let us pray:

In a moment of silence let us remember Senator DAVID PRYOR, that he may have a speedy recovery.

We bow before Thee, O, Heavenly Father, the God of all mankind. You alone are the Master of the universe. You alone are the Father of all people.

At this moment of history we humbly stand to acknowledge our complete and total dependence upon You. Watch over America. Preserve her integrity. Grant peace and order to all nations.

Bless our U.S. Senators. May they always walk in justice, integrity, and with honor. Assist them to grow through hard decisions. Direct them to choose not what is easy but what is right; not what is popular but what is true; not what is glittering but what is enduring. For true peace and justice can come about only when facts are substituted for fallacy; when knowledge replaces ignorance and truth negates the false influences of prejudice.

Filled with love for America, knowing how richly we have all been blessed, we ask You this day, to accept our offerings of loyalty, love, and service. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 17, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leader time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair, in his capacity as a Senator from Nebraska, notes the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 832 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Nebraska [Mr. EXON].

NIOBRARA SCENIC RIVER DESIGNATION ACT

Mr. EXON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 33, S. 248, regarding the Niobrara and Missouri Rivers; that the bill be deemed read a third time and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill (S. 248), as amended, was deemed read a third time and passed as follows:

S. 248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be [sited] *cited* as the "Niobrara Scenic River Designation [act] *Act* of 1991".

SEC. 2. DESIGNATION OF THE RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"( ) NIOBRARA, NEBRASKA.—(A) The 40-mile segment from Borman Bridge southeast of Valentine downstream to its confluence with Chimney Creek and the 30-mile segment from the river's confluence with Rock Creek downstream to the State Highway 137 bridge, both segments to be classified as scenic and administered by the Secretary of the Interior. That portion of the 40-mile segment designated by this subparagraph located within the Fort Niobrara National Wildlife Refuge shall continue to be managed by the Secretary through the Director of the United States Fish and Wildlife Service.

"(B) The 25-mile segment from the western boundary of Knox County to its confluence with the Missouri River, including that segment of the Verdigre Creek from the north municipal boundary of Verdigre, Nebraska, to its confluence with the Niobrara, to be administered by the Secretary of the Interior as a recreational river.

"After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section.

"( ) MISSOURI RIVER, NEBRASKA AND SOUTH DAKOTA.—The 39-mile segment from the headwaters of Lewis and Clark Lake to the Ft. Randall Dam, to be administered by the Secretary of the Interior as a recreational river.".

SEC. 3. STUDY OF 6-MILE SEGMENT.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following at the end:

"( ) NIOBRARA, NEBRASKA.—The 6-mile segment of the river from its confluence with Chimney Creek to its confluence with Rock Creek.".

[(b) WATER RESOURCES PROJECT.—If funds are not authorized and appropriated, within 5 years after the date of the enactment of this Act, for the construction of a water resources project on the 6-mile segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek, at the expiration of such 5-year period, the 6-mile segment shall be designated as a component of the national wild and scenic rivers system, by operation of law, to be Administered by the Secretary of the Interior in accordance with sections 4 and 5 of this title and the applicable provisions of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287). The Secretary of the Interior shall publish notification to that effect in the Federal Register.]

(b) WATER RESOURCES PROJECT.—If, within 5 years after the date of enactment of this Act, funds are not authorized and appropriated for the construction of a water resources project on the 6-mile segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek, at the expiration of such 5-year period the 6-mile segment shall be

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

designated as a component of the National Wild and Scenic Rivers System by operation of law, to be administered by the Secretary of the Interior in accordance with sections 4 and 5 of this Act and the applicable provisions of the Wild and Scenic Rivers Act (16 U.S.C. 1271–1287). The Secretary of the Interior shall publish notification to that effect in the Federal Register.

SEC. 4. LIMITATIONS ON CERTAIN ACQUISITION.

(a) LIMITATIONS.—In the case of the 40-mile and 30-mile segments of the Niobrara River described in the amendment to the Wild and Scenic Rivers Act made by section 2 of this Act, the Secretary of the Interior shall not, without the consent of the owner, acquire for purposes of such segment land or interests in land in more than 5 percent of the area within the boundaries of such segments, and the Secretary shall not acquire, without the consent of the owner, fee ownership of more than 2 percent of such area. The limitations on land acquisition contained in this subsection shall be in addition to, and not in lieu of, the limitations on acquisition contained in section 6 of the Wild and Scenic Rivers Act.

(b) FINDING; EXCEPTION.—The 5 percent limitation and the 2 percent limitation contained in subsection (a) of this section shall not apply if the Secretary of the Interior finds, after notice and opportunity for public comment, that State or local governments are not, through statute, regulation, ordinance, or otherwise, adequately protecting the values for which the segment concerned is designated as a component of the national wild and scenic rivers system.

SEC. 5. NIOBRARA SCENIC RIVER ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Niobrara Scenic River Advisory Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall advise the Secretary of the Interior (hereinafter referred to as the "Secretary") on matters pertaining to the development of a management plan, and the management and operation of the 40-mile and 30-mile segments of the Niobrara River designated by section 2 of this [title] *Act* which lie outside the boundary of the Fort Niobrara National Wildlife Refuge and that segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek.

(b) MEMBERSHIP.—The Commission shall consist of 11 members appointed by the Secretary—

(1) 3 of whom shall be owners of farm or ranch property within the upper portion of the designated river corridor between the Borman Bridge and the Meadville;

(2) 3 of whom shall be owners of farm or ranch property within the lower portion of the designated river corridor between the Meadville Bridge and the bridge on Highway 137;

(3) 1 of whom shall be a canoe outfitter who operates within the river corridors;

(4) 1 of whom shall be chosen from a list submitted by the Governor of Nebraska;

(5) 2 of whom shall be representatives of the affected county governments or natural resources districts; and

(6) 1 of whom shall be a representative of a conservation organization who shall have knowledge and experience in river conservation.

(c) TERMS.—Members shall be appointed to the Commission for a term of 3 years. A member may serve after the expiration of his term until his successor has taken office.

(d) CHAIRPERSON; VACANCIES.—The Secretary shall designate 1 of the members of the Commission, who is a permanent resident of Brown, Cherry, Keya Paha, or Rock Counties, to serve as Chairperson. Vacancies on the Commission shall be filled in the same manner in which the original appointment was made. Members of the Commission shall serve without compensation, but the Secretary is authorized to pay expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairperson.

(e) TERMINATION.—The Commission shall cease to exist 10 years from the date of enactment of this Act.

SEC. 6. MISSOURI RIVER PROVISIONS.

(a) ADMINISTRATION.—The administration of the Missouri River segment designated in section 2 of this [title] *Act* shall be in consultation with a recreational river advisory group to be established by the Secretary. Such group shall include in its membership representatives of the affected States and political subdivisions thereof, affected Federal agencies, organized private groups, and such individuals as the Secretary deems desirable.

(b) BRIDGES.—The designation of the Missouri River segment by the amendment made by section 2 of this [title] *Act* shall not place any additional requirements on the placement of bridges other than those contained in section 303 of title 49, United States Code.

(c) EROSION CONTROL.—Within the Missouri River segment designated by the amendment made by section 2 of this [title,] *Act*, the Secretary shall permit the use of erosion control techniques, including the use of rocks from the area for streambank stabilization purposes, subject to such conditions as the Secretary may prescribe, in consultation with the advisory group described in subsection (a) of this section, to protect the resource values for which such river segment was designated.

SEC. 7. NATIONAL RECREATION AREA STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake and complete a study, within 18 months after the date of enactment of this section, regarding the feasibility and suitability of the designation of lands in Knox County and Boyd County, Nebraska, generally adjacent to the recreational river segments designated by the amendments made by section 2 of this [title] *Act* and adjacent to the Lewis and Clark Reservoir, as a national recreation area. The Secretary may provide grants and technical assistance to the State of Nebraska, the Santee Sioux Indian Tribal Council, and the political subdivisions having jurisdiction over lands in these 2 counties to assist the Secretary in carrying out such study. The study under this section shall be prepared in consultation with the Santee Sioux Tribe, affected political subdivisions, and relevant State agencies. The study shall include as a minimum each of the following:

(1) A comprehensive evaluation of the public recreational opportunities and the flood plain management options which are available with respect to the river and creek corridors involved.

(2) An evaluation of the natural, historical, paleontological, and recreational resources and values of such corridors.

(3) Recommendations for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic protection and integrity, recreational activities, or management and administration of the corridor areas.

(4) Alternative cooperative management proposals for the administration and development of the corridor areas.

(5) An analysis of the number of visitors and types of public use within the corridor areas that can be accommodated in accordance with the full protection of its resources.

(6) An analysis of the facilities deemed necessary to accommodate and provide access for such recreational uses by visitors, including the location and estimated costs of such facilities.

(b) SUBMISSION OF REPORT.—The results of such study shall be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 8. STUDY OF FEASIBILITY AND SUITABILITY OF ESTABLISHING NIOBRARA-BUFFALO PRAIRIE NATIONAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall undertake and complete a study of the feasibility and suitability of establishing a national park in the State of Nebraska to be known as the Niobrara-Buffalo Prairie National Park within 18 months after the date of enactment of this Act.

(b) AREA TO BE STUDIED.—The areas studied under this section shall include the area generally depicted on the map entitled "Boundary Map, Proposed Niobrara-Buffalo Prairie National Park", numbered NBP–80,000, and dated March 1990. The study area shall not include any lands within the boundaries of the Fort Niobrara National Wildlife Refuge.

(c) RESOURCES.—In conducting the study under this section, the Secretary shall conduct an assessment of the natural, cultural, historic, scenic, and recreational resources of such areas studied to determine whether they are of such significance as to merit inclusion in the [national park system.] *National Park System.*

(d) STUDY REGARDING MANAGEMENT.—In conducting the study under this section, the Secretary shall study the feasibility of managing the area by various methods, in consultation with appropriate Federal agencies, the [nature] *Nature* Conservancy, and the Nebraska Game and Parks Commission.

(e) SUBMISSION OF REPORT.—The results of the study shall be submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this [title.] *Act.*

Mr. EXON. As I understand, the motion to reconsider has been laid on the table?

The PRESIDING OFFICER. The Senator is correct.

NIOBRARA SCENIC RIVER DESIGNATION

Mr. EXON. Mr. President, I am pleased that the Senate has passed the Niobrara River legislation. The amendments I have offered represent a compromise between several different versions of Niobrara Scenic River legislation.

Scenic river designation will preserve the scenic character and pastoral landscape of the Niobrara for future generations. It is a biological masterpiece very much deserving of this kind of protection and recognition.

The history of the Niobrara River during the past several decades has been a difficult one. The push for scenic river designation began over 10 years ago when a group of landowners began circulating petitions to have a portion of it added to the Wild and Scenic Rivers System. In 1985, I introduced the first Niobrara scenic river bill. A few months later, a group came to me asking that I hold off while they worked for local protections. I held off for over 2 years, but nothing happened.

In recent months, there has been another push for local protections and this bill will serve as a necessary and helpful backstop. This compromise marks a landmark opportunity for a new era of cooperation.

We have worked to meld together several different Niobrara bills in this legislation. Throughout this debate I have worked hard to protect landowner rights along the Niobrara. Some in the area were concerned that scenic river designation would end up giving the Federal Government free rein to grab up land and make any changes it sees fit. That is not the case.

This legislation establishes a limited partnership, if you will, between landowners and the Federal Government. This legislation strictly limits the Federal Government's authority to condemn land as long as local protection efforts are successful. It is not my intention, nor the intention of any sponsors of the various Niobrara bills, for there to be widespread use of condemnation. Condemnation is very rare under the Wild and Scenic Rivers Act. If the local protections and management are successful, there will never have to be any condemnation.

Mr. President, this bill will be very good for Nebraska. With scenic river designation we will preserve for decades to come the beauty of this incredible place. Scenic river designation can also be leveraged into some important economic development. The recreation industry along the Niobrara has been growing in recent years and this legislation will fuel those efforts.

The world is changing at an amazing pace. It is hard to imagine what it will be like in 50 or 100 years. We send our children and grandchildren into a great unknown. By laying groundwork like this, though, we can be assured there will be a safe haven in an uncertain world.

Mr. President, at this time I also thank my good colleague and friend from Nebraska, Senator KERREY, for being cosponsor of this legislation.

I also ask unanimous consent at this time that support of this legislation in the form of a letter from the Governor of Nebraska be printed in the RECORD and also an article from the Omaha World-Herald of April 13, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEBRASKA,
Lincoln, NE, March 13, 1991.

Hon. BRUCE VENTO,
Chairman, Subcommittee on National Parks and Public Lands, Rayburn House Office Building, Washington, DC

DEAR CONGRESSMAN VENTO: I am writing to indicate my support for the passage of H.R. 614.

Over the years the scenic river debate in Nebraska has grown acrimonious. This issue needs to be resolved and we need to move on to preserve the section of the Niobrara River that is the subject of H.R. 614. However, it is important that we protect the river in a way that is consistent with the established farming and ranching lifestyles of the area.

Unfortunately, Nebraska does not have an establishing policy for protecting unique river areas. The last attempt to create a state protected river system occurred in 1980. That attempt failed.

We currently have a bill before the Nebraska unicameral to make it easier for county boards to use zoning to protect rivers or streams with special values. At this point it is not certain if that bill will be approved. However, that bill should be viewed as a supplement to and not as a substitute for the carefully designed federal legislation proposed.

Too often the debate over the Niobrara has been of the either/or variety: either the protection of the river is to be provided at the federal level or it is to be provided at the local level. Too seldom have some of the competing interests given serious though to how well we might do the job if all levels of government work together.

However, it is apparent from a review of H.R. 614 and its companion Senate legislation that Congressmen Hoagland and Bereuter and Senators Exon and Kerrey understand the importance of a cooperative effort. They desire that state and local governments in Nebraska have meaningful involvement in the development of the management plan and that Nebraskans also accept much of the responsibility for managing the river once it is designated. I add my wholehearted concurrence with their desires and my pledge to do whatever I can to obtain active Nebraska participation in protecting the Niobrara following Congressional action.

Sincerely,

E. BENJAMIN NELSON,
Governor.

[From the Omaha World-Herald, Apr. 13, 1991]

NIOBRARA CLAIMS MISLEADING

Rep. Bill Barrett makes claims on today's More Commentary page that deserve to be taken with a measure of skepticism.

Barrett, taking issue with an editorial suggesting that he wants a study of the Niobrara River because he lacks the votes to defeat the scenic river bill, writes that he will do all he can to stop the bill "because a very strong majority of 3rd District residents oppose it."

Barrett says "the most recent poll" showed that 78 percent of Nebraskans don't want federal control of the river.

His reference apparently is to a survey made last June by the Wirthlin Group, a Washington organization. Rep. Doug Bereuter said at the time that the survey used misleading questions.

The question that produced the 78 percent figure indicated that a choice was being debated as to whether to protect the river with federal, state or private methods. The question didn't inform participants that such a thing as a scenic rivers bill existed. And even through no state plan was on the table, state and private options carried equal weight.

True, about 78 percent of the participants said they preferred state or private methods. But whether that result reflects an informed view of the scenic rivers issue remains open to serious doubt.

Barrett understandably didn't mention an earlier World-Herald Poll in which the scenic rivers bill was described to the people who were interviewed. It received indications of support from 74 percent of the participants statewise and 65 percent of the participants in Barrett's congressional district.

Another contention of Barrett's that deserves skepticism is his assertion that the House and Senate scenic rivers bills "don't offer special landowner protection."

The legislation does offer special protection. Its limit on the authority of the federal government to acquire property along the river are much stricter than the current law provides.

Barrett contends that other language in the bill negates the protection. "Negates" is too strong a word for what would be accomplished by the language in question. The Secretary of the Interior would have the authority to suspend the limits in cases where it was demonstrated that the river was not being adequately protected. The rest of the time, the limits would remain in force.

The Niobrara is one of the country's more precious natural assets. It is still relatively unspoiled at a time when private and public interests have developed some other waterways to the point that they can scarcely be called rivers. How tragic it would be if significant portions of the valley fell into the hands of irresponsible developers and the law still contained nothing to preserve its beauty and ecological significance for future generations.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, is my leader's time reserved?

The PRESIDING OFFICER. The Senator is correct.

NATIONWIDE RAIL STRIKE

Mr. DOLE. Mr. President, for over 3 years, the administration, the carriers, and the unions have been working to avoid what has now happened: A nationwide railstrike that threatens the precarious economic recovery we have embarked upon and the livelihood of literally millions of workers whose jobs are dependent upon the efficient transport of parts and finished products.

DIRE CONSEQUENCES OF RAIL STRIKE

To say that the economic consequences of this strike are dire for all Americans is no understatement.

Our automobile industry—already suffering from consumer cutbacks—will be forced to shut down. Ford has said it will begin idling workers within 48 hours and Chrysler has said it will totally shut down in 3 days. I do not need to remind Members that this is in an industry that is already reeling from an unemployment rate that currently hovers around 17 percent.

Other industries that will be dramatically affected by the strike include nonrailroad employees at freight warehousing and transfer points, the wood products industry, and the coal mining industry. And of course, the agriculture industry—which is of particular concern to this Senator from Kansas—will also be hit hard. I have been hearing from lots of agriculture businesses who have indicated the disastrous consequences to their industry which in many cases is already suffering from historically low prices.

Indeed, this is the time of year when fertilizer is shipped for spring planting. Obviously, any prolonged interruption of rail service will impede the efforts of farmers to get their crops planted. The result of all this spells extreme hardship for the agricultural community and ultimately higher prices for consumers.

Finally, let us not forget the impact that this rail strike is having on thousands of commuters who depend on rail service to get to their jobs.

IMMEDIATE ACTION MUST BE TAKEN

Mr. President, the Congress has a job ahead of it, and we must do this job quickly. Railroad workers may be on strike today, but the American people can not afford to have Congress go on strike too in the face of a national emergency.

As the budget negotiations made clear last year with the threatened shutdown of the Federal Government, this great body has a habit of postponing tough decisions and tough votes until a real emergency exists.

The rail industry has now shutdown, and we will very soon see the shutdown of the American economy if we do not act now.

I think everyone agrees that labor disputes are best handled if the parties are able to resolve their differences on their own through the collective-bargaining process.

But this process has reached a stalemate with 8 of the 11 involved unions unable to reach agreement.

The Presidential Emergency Board offered its report in January and all cooling off periods have now expired.

The time has now come for Congress to act based on that report. While I cannot say I agree with everything in it, I believe it is balanced and, as Secretary Skinner has said, should form the nucleus for any congressional settlement of the dispute.

I know that the administration has been working around the clock to avert the disaster we now have on our hands. It is now time for Congress—Republicans and Democrats—to step up to the plate and work with administration to end this rail strike now.

I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The remainder of the leader time is reserved. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Parliamentary inquiry, Mr. President, are we still in morning business?

The PRESIDING OFFICER. The Senator is correct. The period for morning business extends until 10:30.

Mr. BIDEN. Mr. President, I ask unanimous consent I be able to proceed for 12 minutes under morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for up to 12 minutes.

CHINA: ROGUE ELEPHANT ON WEAPONS PROLIFERATION

Mr. BIDEN. Mr. President, I rise today to address a topic that I think is as important to future United States and world security interests as any that I have spoken to. But we seemed not to want to speak to it very much recently.

Mr. President, I rise today to address the topic of Chinese weapons proliferation, a subject that, I am sorry to say, we may be returning to again and again in the days and weeks ahead.

If true, recent press reports of Chinese involvement in the proliferation of medium-range ballistic missiles to Syria and Pakistan and nuclear weapons technology to Algeria, open a very new chapter in Chinese flouting of international norms of behavior, in my opinion.

It appears that China is becoming a rogue elephant among the community of nations. Last year when the Bush administration was defending its policy granting China most-favored-nation trade status, so-called MFN, we heard a great deal from the President and administration spokespersons about the positive effect of maintaining our relationship with the present Chinese leadership. This, as the Presiding Officer knows as well or better than anyone, relates to the events in Tiananmen Square and what our response should and should not be.

For example, we were told by Assistant Secretary of State Solomon that maintaining ties with Beijing enables us to raise our concerns about Chinese proliferation of ballistic missiles and weapons of mass destruction. We were specifically told that.

This was cited as one of the benefits of high-level dialog and why we should not engage in serious activity designed to demonstrate our condemnation of their actions in Tiananmen Square.

We were told: Look, one of the things you are going to have to pay for if you withdraw MFN is that we are going to lose our ties with Beijing and the people in Beijing, and one of the reasons we have to keep those ties, keep the access, is because we, the administration, are concerned about the proliferation of ballistic missiles and weapons of mass destruction.

Let me give some other examples of what the administration told the Foreign Relations Committee—on which the Presiding Officer sits—last year, about Chinese proliferation. We were told at the time, "The Chinese are on record * * * as saying they would not sell a particular class of intermediate range missiles, the M–9, to Syria."

We are also told, "We have no indications that the Chinese have ever delivered intermediate range missiles beyond those previously sold to Saudi Arabia or the M–9 to anyone."

Finally, Assistant Secretary of State Solomon told me, "The Chinese went on record saying that they would be prudent, they would not be exporting these kinds of weapons to unstable areas in the Middle East and we will hold them to that public pledge."

Mr. President, if reports that have been published now in the Washington Times and Time magazine are correct, these Chinese pledges appear to have been worthless. But I fear that this administration may be less than steadfast in holding the Chinese to their pledges if, in fact, as reported, they have been breached by the Chinese. If the Chinese have broken their pledge, my concern now is whether the administration will attempt to hold them to the pledge that they made.

I cannot help but sense that the administration has developed a "China syndrome," marked by a refusal to acknowledge or accept that Chinese diplomats are perfectly willing to tell us one thing while Chinese arms merchants go ahead and do another. One day we are told that the Chinese are prepared to live by "international guidelines" prohibiting the export of medium-range missiles. The next day, we read in the press that the Chinese are selling medium-range missiles to Syria and to Pakistan. I would not suggest that these two regions are stable areas of the world at the moment.

One day we are told that the Chinese will be prudent and responsible in exporting nuclear weapons technology and that such exports will be subject to international inspections. The next day we read in the press that the Chinese are assisting Algeria—that is right, Algeria, that stable nation of Algeria—in producing nuclear weapons technology.

This is not to say that the Bush administration has failed to communicate our concerns to the Chinese. But on Assistant Secretary Solomon's last trip to China, we saw the Bush administration's China syndrome more clearly than ever.

After his meeting with the Chinese leadership, Mr. Solomon said, "The Chinese have indicated that they will honor the parameters" of the missile technology control regime. The very same day, China's foreign Minister said, "Those countries that did not attend the MTCR"—that is the Missile Technology Control Regime—"that did not attend the MTCR meeting should not be called upon to assume corresponding obligations to an agreement reached among some other countries." An apparently contradictory statement on the same day.

In other words, while Mr. Solomon might wish it to be otherwise, apparently the Chinese do not feel bound to live by or live up to this international regime. While in Beijing, Mr. Solomon also said that there was no evidence that the Chinese had completed any new missile deals. A few days later, we read in the press about Chinese plans to sell medium-range missiles to Pakistan and to Syria.

Mr. President, after the Iraqi invasion of Kuwait, we heard speech after speech on this floor about how other nations had helped Saddam Hussein build his deadly arsenal, and how we must make sure that this terrible tragedy is not repeated.

Mr. President, press reports now tell us that what is happening is the Chinese are selling medium-range missiles to Syria. I realize that we have a newfound relationship with Mr. Assad, but let me go on record again and again and again. I see little or no distinction between Mr. Assad and Saddam Hussein, and I caution those who think that Saddam has seen the second coming to look at whether or not Mr. Assad is likely to see the second coming.

I would respectfully suggest, Mr. President, as far as I am concerned, Syria's dictator, Mr. Assad, is little better than Saddam Hussein, and yet according to the press, the Chinese are proceeding to help another Mideast dictator build another deadly arsenal.

That is why I am working with my colleagues on the Foreign Relations Committee, Mr. President, Democrats, and Republicans, to craft legislation to create an arms supplier cartel. If the key nations are willing to participate, and that is a very big if I might add, Mr. President, but several have already indicated their willingness to do so, such a cartel can be effective in controlling the spread of these dangerous weapons.

I might also note parenthetically that no matter what the legislation that I am able to craft, if I am able to craft it, Mr. President, it is going to depend upon a sense of urgency on the part of the President to see to it that such a cartel comes into being.

In this regard, I find myself in total agreement with Assistant Secretary Solomon. On that same trip to China, he said that if we want to try to limit proliferation of deadly weapons to the Middle East "China is going to have to be a player." Skeptics say the Chinese have made a firm decision to sell their missiles and their conventional weapons because they need hard currency that such sales provide. They say that China will never be a member in good standing of an arms supplier cartel, and that may be; that may be how it will turn out.

But China receives a lot more hard currency from trade with the United States than it does from arms sales to the Third World. Last year, the Chinese had a trade surplus with the United States of more than $10 billion, and it is climbing, Mr. President.

So I submit to my colleagues that we do have, in fact, the leverage we need to ensure at least the ear of, if not the active participation and good faith of, the Chinese in terms of their participation in any arms supplier cartel, and it is called MFN. If China continues to behave as a rogue elephant on weapons proliferation, we should be prepared to retaliate with a clear and unequivocal message that they will understand; that is, denying China most-favored-nation status.

We had a similar debate several years ago about dealing with Saddam Hussein, whether we should deny him the economic benefits of Commerce, the United States and other civilized nations. We were told, no, we can work this out. I have seen nothing to indicate the likelihood of the Chinese changing their attitude, short of some reason to change their attitude supplied by us and other Western countries.

Mr. President, we are planning to hold closed hearings with the administration and representatives of the intelligence community in the very near future to get to the bottom of this question to find out whether or not the press reports are accurate.

We will find out what the Chinese are doing and what, if anything, the administration is doing to stop whatever it is the Chinese are doing. I hope we have learned a lesson from the Persian Gulf. I know I have learned some lessons. I voted against an early use of force against Iraq.

I hope others will admit that maybe they should learn some lessons as well, Mr. President. I hope that we will be able to understand that folks like Assad do not change overnight, and patterns of misbehavior in the international community like the Chinese have been engaged in are not going to change absent some significant protests and significant actions by the United States and other Western nations.

I am hopeful about the peace process that Secretary Baker is pursuing between Israel and its neighbors. But I must confess I am not optimistic that we can cure the Bush administration of its "China syndrome." Nonetheless, we must try, Mr. President. The way to start is by confronting the Chinese about their arms sales policy. We must stop this rogue elephant in its tracks, and we must prevent the arming of another Mideast dictator.

I ask unanimous consent that the press articles to which I have referred to be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1991]

CHINA HELPS ALGERIA DEVELOP NUCLEAR WEAPONS

(By Bill Gertz)

Algeria is developing a nuclear weapons program with the help of the Chinese government, according to U.S. officials.

Details about the nuclear program were disclosed recently in a secret CIA briefing to members of Congress. The disclosure is based on intelligence reports that a nuclear reactor is being built at a site along Algeria's Mediterranean coast.

The CIA also disclosed that despite U.S. diplomatic efforts, the Chinese continue selling ballistic missiles to Third World countries, supplying advanced arms to Pakistan, Iran, Syria and Libya.

According to the CIA, the Chinese have made or plan deliveries of M–9 and M–11 intermediate-range ballistic missiles and Silkworm anti-ship missiles to Iran, Syria and Pakistan in the next several months.

China was the first nation ever to export intermediate-range missiles with the delivery of 1988 of CSS–2 East Wind missiles to Saudi Arabia. Some U.S. officials suspect the Saudi CSS–2 are nulcear-tipped.

The White House voiced its objections to the CIA for holding the congressional briefing because the intelligence information is expected to fuel political opposition from Congress to President Bush's efforts to improve U.S.-Chinese diplomatic relations.

The military nature of the Algerian-Chinese nuclear program could disrupt U.S.-Chinese ties.

U.S. officials have sought Chinese cooperation in halting the proliferation of missiles and weapons technology but have been rebuffed by Beijing, which is more interested in obtaining her currency through the weapons sales, the officials said.

The exact location of the Algerian nuclear reactor facility was not disclosed.

But according to the officials who declined to be named, the Chinese government is providng the nuclear reactor to Algeria and the reactor and a related research facility are the central components of the weapons program.

The reactor facility was photographed by a U.S. spy satellite in the early stages of construction.

More alarming to the officials, however, are intelligence reports that the Beijing government is supplying nuclear-weapons technology and military advice on how to match nuclear weapons to various aerial and missile delivery systems, the sources said.

The Bush administration has protested the Chinese-Algerian nuclear cooperation through diplomatic channels to the Beijing government.

The intelligence indicates that the nuclear program is designed for more than the production of electrical power and will be used to build weapons.

"There are no electrical-power generation facilities at the reactor and no electric-power transmission lines are nearby," said one official. "This is clearly a military nuclear reactor for weapons production."

A key indicator of the military nature of the nuclear facility was the discovery of a Soviet-made SA-5 surface-to-air missile battery nearby, which signaled an apparent defense against aircraft or missiles.

According to the administration sources, the Algerians want to build nuclear weapons to counter a perceived threat from the radical regime of Libya's Col. Moammar Gadhafi. Relations between Algiers and Tripoli have been strained in the past.

Libya is developing a ballistic-missile program known as the Fatah. Mobile transporters and missiles have been photographed by U.S. spy satellites at what is believed to be a missile test center.

China also has provided technical assistance to Iraq and Pakistan for their respective nuclear weapons programs, according to the officials.

The State Department had no immediate comment on the Algerian-Chinese nuclear program.

[From Time magazine, Apr. 22, 1991]

CHINA: FOR SALE: TOOLS OF DESTRUCTION

(By Bruce W. Nelan)

Even if China raised no cheers for George Bush's concept of a new world order, it did not hinder allied action against Iraq during the gulf war. Its acquiescence, though often reluctant, included abstaining in a key vote in the United Nations Security Council. Now that the war is over, however, Beijing is breaking ranks on at least one front. New evidence indicates that the Chinese are peddling missiles and nuclear technology to Third World customers in defiance of multilateral efforts to ban such sales.

Beijing's experts have secretly built a nuclear reactor that is now nearing completion in the Algerian desert, American officials say. U.S. intelligence has also learned that China has sent Pakistan parts for its M-11 missile system, which can propel an 1,100-lb. warhead 180 miles, and is negotiating the sale to Syria of its M-9 missile, with a range of 375 miles. With the Chinese missiles, Pakistan could target major cities and military installations in India, and Syria could put all of Israel under threat.

Mobile launchers for the M-11 arrived in Pakistan last month along with dummy missile frames for practice launches. Pakistani air force technicians are now undergoing training in China. Both of the Chinese missiles are considered more accurate and reliable than the Soviet-designed Scuds that Iraq rained on Israel and Saudi Arabia during the war.

Washington's evidence on the reactor in Algeria comes from satellite photographs and other intelligence data. "Most of the structure is finished," says a U.S. official. "We don't know if any nuclear fuel is there. We don't think it is in operation." What worries the watchers is that the reactor was built in secret and that its capacity—estimated at between 15 and 40 megawatts—is too small for generating electricity but too large for research. The likely conclusion, they say, is that its purpose is to produce plutonium for nuclear weapons.

If China covertly delivers nuclear fuel to Algeria or transfers M-9 missiles to Syria, it is violating specific, public commitments. The sale of missiles to Pakistan would not break any formal Chinese pledges but would overstep the guidelines set by the Missile Technology Control Regime (MTCR) agreed on by 15 countries. Even though China is not a party to that agreement, under U.S. law the violation could trigger economic sanctions against Beijing.

The Chinese Foreign Ministry's traditional reply to reports of such sales is that they are "utterly groundless." One reason for U.S. National Security Adviser Brent Scowcroft's controversial visit to Beijing in December 1989 was his effort to head off the M-9 sale to Syria. He got a general promise that China would not sell medium-range missiles to Middle East countries and a specific statement that China had no plans to sell the M-9 to Syria.

Asked last week about the nuclear-reactor project, a Foreign Ministry official in Beijing said, "We have never heard of that," and promptly changed the subject. Even in public, Chinese leaders make little pretense of being serious about controlling missiles and conventional armaments. They repeat pious slogans about eliminating nuclear weapons but otherwise imply that they will do what they wish with their "prudent and responsible" arms sales.

China never signed the nuclear non-proliferation treaty and did not take part in the recent MTCR conference in Tokyo. Because China did not attend, says Foreign Minister Qian Qichen, "it is not committed to implementing the agreement."

In China's faltering economy, the military has strong incentives to sell weapons abroad, even if it causes political problems. "When an arms deal happens to clash with the country's foreign policy," explains a Chinese defense analyst, "the military may operate independently, leaving damage control to the government." Some experts also believe the generals have had more political influence over such decisions since they crushed the pro-democracy movement by rolling tanks into Tiananmen Square in June 1989.

China's defense budget is so low—officially just in excess of $6 billion for 1991—that the 3.2 million-member People's Liberation Army has for years raised extra money by producing consumer goods for sale at home and expensive weaponry for customers abroad. The defense establishment has thus become a major hard-currency earner, though its overseas sales to Third World countries fell from $4.7 billion in 1987 to $1.1 billion in 1989.

The pressure to modernize the arsenal by raising money through arms sales is stronger than ever. Chinese commanders were shaken by the performance of U.S. high-tech hardware in the gulf war. Just three weeks ago the government decided to increase defense spending 12%.

No matter who is making the decisions in Beijing, China's current recklessness is leading toward confrontation. The U.S. asked Beijing last month for an explanation of the Algerian reactor project but so far has received no reply. If the Chinese continue on their present course and complete the deals with Algeria and Syria, relations between Washington and Beijing could become chillier than at any time since before Richard Nixon first went to China.—Reported by Jaime A. FlorCruz/Beijing and Jay Peterzell/Washington

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[From the Christian Science Monitor, Mar. 29, 1991]

CHINA WILL IGNORE UNITED STATES PRESSURE TO STOP SELLING ITS MISSILES

(By James L. Tyson)

BEIJING. China has spurned an accord limiting the sale of missiles overseas, even though Iraqi missile attacks during the Gulf war attested to the dangers of such trade.

The rejection by China conflicted with assertions by a leading United States diplomat, who met this month with Chinese officials as part of efforts by Washington to develop international restraints on missile sales.

China is one of just a handful of countries that have sold medium-range missiles abroad.

Foreign Minister Qian Qichen noted at a press conference Wednesday that China has not signed the missile technology control regime (MTCR) and did not attend a recent meeting in Tokyo of 15 signatories of the agreement. The MTCR limits sales in medium-range missiles and related technology.

"Those countries that did not attend the meeting should not be called upon to assume corresponding obligations to an agreement reached among some other countries," Mr. Qian said.

However, US Assistant Secretary of State Richard Solomon said after a two-day visit this month that, "we have the missile-technology control regime and the Chinese have indicated that they will honor those parameters."

The US is encouraging Beijing to join its effort to build a broad framework to control the spread of missile technology, Mr. Solomon said.

"As we try to find a multilateral mechanism to prevent the inflow of weaponry, China is going to have to be a player," Solomon said on March 12.

China's missiles sales have long worried US officials seeking to limit the spread into volatile regions of weapon systems capable of delivering nuclear or other devastating warheads.

United States intelligence services learned in 1988 that China had completed a $2 billion sale of CSS-2 medium-range ballistic missiles to Saudi Arabia.

Since then, there has been no evidence that China has completed another similar deal, according to Solomon.

After dismissing the MTCR as unsuitable for China, Qian said, "As for China's arms exports, in this, China has always been acting in a very prudent and responsible way.

"Actually, I think I can say that China's arms sales are very, very limited, so we hope that the largest weapons exporters in the world can adopt responsible and effective measures of self restraint."

The total value of China's arms sales to the third world from 1986 to 1989 exceeded the total for Britain or France, according to the Congressional Research Service.

China's trade in arms has declined in recent years, but it remains a major supplier of weaponry to developing countries.

Mr. BIDEN. I thank the Chair and my colleagues who may be listening.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGISTRATION OF MASS MAILINGS

The filing date for 1991 first quarter mass mailings is April 25, 1991.

Mass mailing registrations should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

A SIGNIFICANT ADDRESS BY GEN. NAT ROBB

Mr. HELMS. Mr. President, several weeks ago the North Carolina National Guard Association met for breakfast in the U.S. Capitol, and Nat Robb delivered a significant address.

Nat is a remarkable citizen. His full name is Nathaniel H. Robb, Jr. He is adjutant general of North Carolina. He holds the rank of major general and he is serving our State and the National Guard well.

Mr. President, I believe it is well to include in the RECORD some of Nat Robb's cogent observations relating to the future strategy for America's Armed Forces. Let me offer a few excerpts, and I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

FUTURE STRATEGY FOR U.S. ARMED FORCES

The future structure of the armed forces of the United States, to include the reserves and National Guard, is very much on the minds of the members of Congress and our military leaders. But, one of the most valued lessons that has come out of Operation Desert Storm is that the concept of "total force" worked, and it worked well.

National Guard and reserve units of all types, including combat (artillery), stood shoulder to shoulder with the active components in Saudi Arabia, Iraq, and Kuwait. General Carl E. Vuono, Chief of Staff, United States Army testified before the House Armed Services Committee that these units made a substantial contribution to the success of Desert Storm. The ability of the National Guard and reserves to perform under fire was validated and Congress should be more convinced than ever that the cliche, "more bang for the buck," is now fact.

The statistics are impressive. More than 1,000 National Guard and reserve units were mobilized involving more than 160,000 citizen-soldiers. It is interesting that even the National Guard Infantry Brigades that were not deployed had previously been rated by the Army as "deployable."

The point I want to make is that the present force structure of the National Guard and reserves should be preserved to the greatest extent possible. Fiscal contraints alone would dictate this when four reserve units can be supported for the same cost as one similar type active component unit.

I am also very concerned about, and strongly oppose, the so-called "Glenn Provision" of the Defense Authorization Bill. This provision would replace 30 percent of our Active Guard/Reserve personnel with active component personnel. The provision in the Senate bill would replace up to 5 percent of the present AGR force each year over the next six years.

This action would effectively terminate the employment of between 100 and 200 fulltime members of the North Carolina National Guard. Based on the exceptional performance of National Guard and Reserve units presently managed under the AGR program, I fail to see the rationale of the "Glenn Provision."

Finally, there is the important issue of caring for our citizen-soldiers returning from the Middle East. These brave men and women, many on very short notice, left their jobs, businesses, and families to perform their patriotic duty. We, as a grateful country, owe them tangible evidence of our pride and thanks. In this regard, I am proposing that members of the National Guard and reserves who served in the Middle East be allowed a 30-day "transition leave" benefit. This proposal would permit 30-day leave with pay and benefits after returning to their "home of record." This downtime would greatly assist them in assimilating back into their jobs, businesses and, more importantly, family life. I have presented this idea to the National Guard Association of the United States for further research.

Sincerely,

NATHANIEL H. ROBB, Jr.,
Major General (NC),
NCARNG, Adjutant General.

IN REMEMBRANCE OF RICH CASTRO

Mr. WIRTH. Mr. President, this morning in Denver, at the Basilica of the Immaculate Conception, hundreds of people crowded in standing-room only conditions, to pay tribute to one of Colorado's brightest lights, Richard Castro. And I would like to take this opportunity to join in mourning the passing of my friend, Rich Castro—and to say a few words about his life in politics and his passion for human rights.

Rich Castro was a young man when he died suddenly this weekend. His death was a great shock to me—and like many of my fellow Coloradans, I feel a profound sense of loss in his passing.

Although Rich's life was short in years, it was long in terms of public service and activism. Rich was a tireless volunteer, and always found time to play a constructive role in national, State and local community affairs. He was one of Colorado's youngest State legislators, a prolific writer, a municipal official and a champion for public education, equal rights, immigration reform and social justice. His greatest passion was human rights—and he devoted most of his professional life to the cause of racial equality and harmony.

Rich was a very modest man. He was always soft-spoken and seldom confrontational. His style was to conciliate, to heal and to persuade through force of reasoned argument. His greatest gift, I think, was his ability to engage in political debate without diminishing his capacity for friendship and good humor.

Rich was always true to his convictions, and never afraid of a fight—but he placed such a high value on human dignity and compassion for all people—that even his political opponents valued his friendship.

My deep regret is that Rich and I only recently had the opportunity to work more closely together. Rich served as an adviser to the Senate Democratic Task Force on Hispanic issues, and it was only in the last few years that we developed a close friendship. I came to value his judgment and advice a great deal—and will certainly miss the unique perspective he brought to national issues.

Rich Castro was a man who changed lives, who touched people, who made a difference. He was a voice for politics at its very best. His greatest legacy is that he went through life with a passion for doing the right thing—never afraid of controversy—and making friends along the way.

GREAT LAKES SEDIMENT REDUCTION ACT OF 1991

Mr. GLENN. Mr. President, I ask unanimous consent that the text of S. 829, the Great Lakes Sediment Reduction Act of 1991, be printed in the RECORD. I introduced the Great Lakes Sediment Reduction Act of 1991 yesterday on behalf of myself, Mr. LEVIN, Mr. DURENBERGER, Mr. METZENBAUM, and Mr. RIEGLE.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act may be cited as the "Great Lakes Sediment Reduction Act of 1991".

SEC. 2. PURPOSES.—It is the purpose of this Act to promote effective and efficient source reduction of sedimentation in federally authorized commercial harbors, channel maintenance project sites, and areas of environmental concern in the Great Lakes basin.

SEC. 3. FINDINGS.—Congress finds that—

(1) sedimentation in the Great Lakes System degrades the aquatic environment through transporting pollutants, increasing turbidity, decreasing oxygenation, destroying fish habitats, and causing other adverse effects;

(2) sedimentation impairs local uses and creates direct costs to the Federal Government, the States, local governments, manufacturers, and the maritime industry in harbor and public waterworks maintenance, decreased shipdraft, and other effects;

(3) the Federal Government spends approximately $33 million each year for maintenance dredging at federally authorized harbors in the Great Lakes System currently total approximately $33,000,000 per year;

(4) because the Great Lakes are a drinking water source, and a relatively closed hydrologic system, the cost of disposal of dredge materials can exceed dredging costs;

(5) over 50 percent of Great Lakes dredge spoils require disposal in confined disposal facilities at a cost 100-700 percent higher than open lake disposal;

(6) a significant portion of such materials originate from upstream erosion and runoff and can be abated through preventive measures;

(7) Great Lakes basin watersheds draining into federally authorized commercial harbors, channel maintenance project sites, and areas of environmental concern are vast with only a small percentage of the total acreage generating significant volumes of sediment.

(8) well targeted upstream erosion and runoff prevention measures could more than pay for themselves in dredging savings;

(9) while there are programs underway to reduce erosion and runoff, none is specifically directed at reducing loads of federally authorized commercial harbors, channel maintenance project sites, and areas of environment concern in the Great Lakes; and

(10) environmental studies in support of the Remedial Action Plans and Lakewide Management Plans lack adequate data about bedload transport from tributaries to the Great Lakes.

SEC. 4. DEFINITIONS.—As used in this Act, the term—

(1) "Materials Balance Model" means a quantitative and qualitative accounting of material flux and hydrodynamics within a river system designed to assess the origin, transport, and characteristics of sediment and related pollutant loadings into specific aquatic sites such as harbors, channels and areas of environmental concern;

(2) "Secretary" means the Secretary of the Army;

(3) "Great Lakes System", "Remedial Action Plan" and "Lakewide Management Plan" shall have the same meaning as that provided in section 118(a)(3) of the Clean Water Act;

(4) "erosion" means the detachment of soil particles by the action of water, wind, and other factors diminishing the productivity of a land resource base;

(5) "Administrator" means the Administrator of the United States Environmental Protection Agency;

(6) "runoff" means non-point source pollution from urban, rural, and other sources, including soil and chemical contaminants; and

(7) "sedimentation" means the deposition of materials which fills harbors, streams, and lakes and degrades water quality; and

(8) "bedload" means sediment that moves downstream in a river at a rate slower than the river discharge rate.

SEC. 5. (a) MATERIALS BALANCE MODELS.—For each major river system or set of major river systems depositing sediment into a Great Lakes federally authorized commercial harbor, channel maintenance project site, or Area of Concern, the Secretary, acting through the United States Army Corps of Engineers, in cooperation and coordination with the Administrator, and in consultation and coordination with the Great Lakes States (acting through the Great Lakes Commission), United States Soil Conservation Service, United States Geological Survey, and United States Fish and Wildlife Service, shall develop a Materials Balance Model which—

(1) includes, based on existing data, all subwatershed areas of each such river system or set or river systems which contribute significant upstream loadings of sediment and related pollutants to such federally authorized harbors, channel maintenance project sites, and Areas of Concern;

(2) measures the stream discharge rate, total suspended solids loadings, and bedload transport;

(3) measures additional parameters, such as nitrate, phosphate, persistent toxic substances and heavy metals on a river-by-river basis in accordance with any agreement between the Secretary and the host State and any other relevant non-Federal entity reached pursuant to section 5(d) of this Act;

(4) estimates the percent of total sediment loadings into such harbors, channels and Areas of Concern originating from each subwatershed of river system; and

(5) characterizes the physical nature of the sediment materials.

(b) METHODS.—In developing such Materials Balance Models, the Secretary shall—

(1) build upon data generated in earlier studies and programs including the Environmental Protection Agency's 1984 Harbor Sediment Program, Assessment and Remediation of Contaminated Sediments Program, Saginaw Bay studies under the Great Lakes Erosion and Sedimentation Program, International Joint Commission's 1982 "Guidelines and Register for Evaluation of Great Lakes Dredging Projects", and other studies;

(2) provide data to the International Joint Commission in a format compatible with the joint surveillance and monitoring program, and other programs contained in Annex 7, 11, 12, 13, and 14 of the Great Lakes Water Quality Agreement of 1978;

(3) support ongoing tributary monitoring programs through utilizing existing tributary loading stations;

(4) coordinate modeling activities, to the extent feasible, with the Environmental Protection Agency's mass balance modeling activities; and

(5) provide tributary bedload transport data to the Environmental Protection Agency in a form that can be readily integrated into present and future mass balance models for Remedial Action Plans and Lakewide Management Plans.

(c) SCHEDULE.—The Secretary shall develop the Materials Balance Models according to the following schedule:

(1) within 26 months following the date of the enactment of this Act, the Secretary shall develop 20 Materials Balance Models, including a model for the river system or set of river systems depositing sediments into each of the following Areas of Concern and commercial ports: the Port of Cleveland (Cuyahoga River), the Port of Toledo (Maumee River), the Port of Ashtabula (Ashtabula River and Harbor), the Ports of Duluth and Superior (St. Louis River), the Port of Detroit (Rouge and Detroit Rivers), the Calument Harbor and Indiana Harbor (Grand Calumet River and Indiana Ship Canal), the Ports of Bay City and Saginaw (Saginaw River and Bay), the Port of Waukegen (Waukegan Harbor), the Port of Buffalo (Buffalo River), the Port of Rochester (Genesee River), the Port of Green Bay (Fox River and Southern Green Bay), the Port of Sheboygan (Sheboygan River), the Port of Tonawanda (Niagara River), the Port of Milwaukee (Milwaukee Estuary), the St. Lawrence River, Port of Lorraine (Black River), Port of Erie (Erie Harbor) and other river systems feeding highly sedimentated commerical ports;

(2) within 48 months following such date of enactment, the Secretary shall develop models for river system depositing sediments into 10 additional federally authorized commerical harbors and channel maintenance project sites; and

(3) within 72 months following such date of enactment, the Secretary shall develop models for river systems feeding all remaining federally authorized commerical harbors and channel maintenance project sites.

(d) ADDITIONAL MODELING PARAMETERS.—For purposes of subsection (a)(3), evaluations of additional modeling parameters shall be carried out on a 50-percent cost share basis with a non-Federal entity.

SEC. 6. SEDIMENT REDUCTION ANAYLYSES—

(a) Within 18 months following the date of the enactment of this Act, the Secretary, with the concurrence of the Administrator, and in consultation and coordination with the Great Lakes States (acting through the Great Lakes Commission), United States Soil Conservation Service, the United States Geologic Survey, and other relevant Federal agencies, shall—

(1) develop an analytical method to project the effectiveness and efficiency of sediment source reduction approaches and scenarios in reducing upstream sediment loadings into specific Great Lakes federally authorized commerical harbors, channel maintenane project sites and areas of concern;

(2) utilize such method to conduct sediment load reduction anaylses in conjunction with each Materials Balance Model developed pursuant to section 5(a) of this Act to estimate the potential effectiveness and efficiency of upstream sediment source reduction approaches and scenarios to reduce sedimentation in Great Lakes federally authorized commerical harbors, channel maintenance sites and Areas of Concern.

(b) In developing and utilizing such analyses, the Secretary shall consider only those sediment reduction approaches and scenarios which are consistent with the United States Environmental Protection Agency's guidance issued pursuant to section 6217(g) of the Omnibus Budget Reconciliation Act of 1990, the relevant State nonpoint source pollution control programs, recommendations of any relevant Remedial Action Plans and programs and measures contained in Annex 3, and its supplement, of the Great Lakes Water Quality Agreement of 1978.

Sec. 7. Cost-Effective Grants To States.—(1) The Secretary shall make grants available to States for projects at reducing erosion and runoff that leads to sedimentation of federally authorized commerical harbors, channel maintenance project sites, and Areas of Concern. Projects receiving funding under this section must—

(A) be proposed by a State or States, or proposed by a State or States at the request of a remedial action planning committee, local government, port authority, or any other governmental or public or private entity;

(B) be consistent with the recipient State's non-point source pollution control program under applicable provisions of section 319 of the Clean Water Act, the United States Environmental Protection Agency guidance issued pursuant to section 6217(g) of the Omnibus Budget Reconciliation Act of 1990, and the recommendations of any relevant Remedial Action Plans and Lakewide Management Plans;

(C) be administered by agencies designated in the State's nonpoint source management program;

(D) improve water quality; and

(E) have the potential to reduce projected dredging costs, including environmental dredging, to an extent greater than the cost of the project within the lifetime of the project and the impact of the project on the system, as estimated by the relevant Materials Balance Model, where completed. For projects proposed for river systems not yet incorporated into a Materials Balance Model, the Secretary shall use existing data to conduct a preliminary estimate of potential impact on sediment loads, and award the grants to projects with probable cost-effectiveness.

(2) In making such grants, priority shall be placed on projects which—

(A) will reduce sedimentation of materials containing persistent toxic pollutants, as listed by the International Joint Commission; and

(B) are located in watersheds of Areas of Concern, as listed by the Environmental Protection Agency.

(3) Grants under this section shall be in such amounts and subject to such conditions as the Secretary shall determine.

SEC. 8. MEMORANDUM OF AGREEMENT.—Within 180 days following the date of the enactment of this Act, the Secretary shall enter into a Memorandum of Agreement with the Administrator regarding:

(1) cooperation and coordination with the Environmental Protection Agency in developing Materials Balance Models pursuant to this Act; and

(2) coordination of the Corps of Engineers activities pursuant to this Act with ongoing Environmental Protection Agency activities, including—

(A) mass balance modeling of toxic substances within the Great Lakes System; and

(B) Environmental Protection Agency biological assessments of Great Lakes basin river systems for purposes of developing ecologically relevant water quality criteria for suspended solids;

(C) cooperation and coordination with the Environmental Protection Agency in the development of the sediment load reduction analysis pursuant to section 6 of this Act; and

(D) cooperation and coordination in any other matters relevant to activities pursuant to this Act.

SEC. 9 (a) AUTHORIZATIONS.—For the purpose of carrying out the provisions of sections 5 and 6 of this Act, there are authorized to be appropriated to the Secretary $6,000,000 for each of the fiscal years 1993 through 1997.

(b) AUTHORIZATION FOR GRANTS.—For the purpose of carrying out the provisions of section 6 of this Act, there are authorized to be appropriated to the Secretary $6,000,000 for each of the fiscal years 1993 through 1997.

SADDAM HUSSEIN, UNNATURAL DISASTER

Mr. LIEBERMAN. Mr. President, yesterday the President of the United States announced a policy of establishing safe havens within Iraq for the orderly distribution of food, medicine, clothing, and shelter to the Kurdish refugees. Those havens will be protected, at least on a temporary basis, by United States and allied military forces.

This is an important, significant step in the right direction. In my remarks in this Chamber a week ago, I called for a dramatic increase in our assistance to the Kurds, saying, "there will be no safe havens unless their safety is assured by a military presence (and) protected by the use of force if they are violated." I hope that this new international effort will quickly provide relief for a devastated people. The scale of this disaster is immense, and an enormous, unprecedented humanitarian effort must be made.

But the problem goes beyond hunger, disease, shelter. The problem goes to the doorstep of Saddam Hussein. This is no ordinary relief campaign. We are not dealing with the consequences of an earthquake, tornado, hurricane or other natural disaster. We are dealing with an unnatural disaster by the name of Saddam Hussein. And unlike an earthquake or hurricane that comes and goes, Saddam continues to afflict his people to this day. He is the reason Kurds are dying. He must go. And more can and must be done to get rid of him.

Safe havens are only a temporary solution. The Kurds deserve safe passage home. They have homes, beds, farms, food, clothing in their villages in Iraq—at least in villages that have not been destroyed by Saddam's aggression. But they are afraid to go home. They are risking death from natural causes because of their fear of death by Saddam Hussein. The fact that a human being would choose to confront hunger, thirst, homelessness, and disease rather than confront Saddam Hussein is strong testimony to how evil he is, and how important it is for us to get him out of power. We must do more to lift from there afflicted people the terrible choice they face. We must give them hope, where currently there is none.

I wish we had acted sooner. I wish we have shot down the helicopters the minute we saw them fly against the rebels in Iraq. I wish we had called for a stop to the armed assaults against Iraqi civilians, and used air power to stop them if our warnings did not suffice. While such acts might not have kept the rebels from losing their battle against Saddam's forces, we could have prevented the wholesale slaughter of innocent lives, and perhaps we could have prevented the mass exodus of Kurds from their homeland.

Even now, we should make clear to Iraq's ruler and to his terrorized people that there will be no more killing fields. The Kurds cannot go home until they know they have no more to fear from Saddam Hussein.

We need not get involved in a ground war or a civil war to come out on the side of innocent people and against a one-sided slaughter. But we cannot pretend that we have nothing to do with the internal affairs of Iraq. Yesterday's announcement by the President provides proof that we have been involved in Iraq's internal affairs, and we are about to become more involved.

The people of Iraq want our help. Our troops have been greeted as liberators by nearly every Iraqi they see. The regime in charge of Iraq does not deserve our respect or our deference. A terrorist is claiming to run a country, and the international community of civilized nations cannot let him get away with it. We must use all reasonable economic, diplomatic and military means to bring about the downfall of Saddam's regime.

America, with its allies, must pursue a concerted policy of defeating the menace of Saddam Hussein once and for all, and bringing him to justice for his crimes. The people of America and of Iraq want such justice. International morality demands it.

TRIBUTE TO FORMER SENATOR JOHN TOWER

Mr. HEFLIN. Mr. President, I was profoundly and deeply moved by the tragic and senseless deaths of former Senator John Tower, his daughter Marian and 21 others in that fiery plane crash in my neighboring State of Georgia. His loss weighs heavily upon me and upon this body which is at the same time trying to cope with the death of another of our members, Senator John Heinz. Although Senator Tower has not served in this Chamber for over 7 years, his spirit still lurks these Halls and his influence still shapes any discussion of national defense.

Senator Tower perhaps did more to spur the successful military buildup of the United States during the 1980's than did any other Senator. His commitment to a strong defense was deeply held and his expertise in these matters was sharply honed and second to none. Although many people knew the John Tower who presided over the Senate Armed Services Committee from 1980 until 1984, few knew he served in the Navy in World War II and remained in the Naval Reserve throughout his tenure in the Senate. It was this patriotism and this belief in his convictions that led John Tower to press for the military buildup that he knew would help preserve this country from her foes whether they be cold war powers or Third World dictators. John was a staunch ally to President Reagan and their diligent efforts have been amply rewarded by the dwindling friction between the United States and the Soviet Union as well as our resounding success in both Panama and the Persian Gulf.

When John Tower left the Senate, the people of Texas lost one of their staunchest defenders and ablest legislators. He served four terms while few people expected he would win reelection in the democratic stronghold of Texas. After leaving the Senate, John's beliefs and abilities would not allow him to stray far from public service. He served 2 years as the United States' chief negotiator at the strategic arms reduction talks. John again applied his ability and his drive when he undertook the task of heading the Commission which delved into the Iran-Contra affair.

I am saddened to think that some people might remember John more for the time when he failed to win approval as the Secretary of Defense than for the accumulation of his innumerable successes and achievements. I supported John Tower because I believed strongly in his knowledge and understanding of the Defense Department and because I believed in the man. His patriotism and his work ethic would serve well as an example for us all.

My thoughts and prayers are with the family and friends of John and Marian Tower as they try to cope with this tremendous loss. As I attended services for John Tower in Dallas, I realized that above all, John should be remembered as a loving father, a devoted Texan, and a proud American.

THE POINTS OF LIGHT FOUNDATION—CELEBRATION OF SERVICE AND SERVICE AMBASSADOR AWARDS

Mr. KENNEDY. Mr. President, I commend the Points of Light Foundation for its efforts to encourage all Americans to participate in community service. The Foundation is a private nonprofit organization whose board is composed of 24 Americans from business, industry, the academic world, and voluntary service groups. The foundation's mission is to help make community service a greater part of the lives of every American, and thereby contribute to the ongoing struggle against illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency, and the plight of the elderly.

On Monday, April 15, the foundation launched their 12-day "Celebration of Service" to honor Americans who have been trail-blazers in community service, to enhance public awareness of the problems facing society and the need for personal involvement to alleviate them, and to identify worthwhile programs that can be used in all parts of the country to challenge others to become involved.

Each day during the Celebration of Service, the Points of Light Foundation will recognize one or two Americans as Service Ambassadors, people who have made a difference by participating in service programs. Today, I join with the Points of Light Foundation and Senator BRADLEY in commending Ms. Elizabeth Flood of Newark, NJ, an exemplary American who has made a significant contribution to her community and her country.

It is a privilege to work with the foundation, and I ask unanimous consent that appropriate background information on its good works may be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

THE POINTS OF LIGHT FOUNDATION—BACKGROUND

The points of Light Foundation is a private non-profit, non-partisan umbrella organization whose board is comprised of 24 Americans drawn from business, industry, academia and voluntary service groups. The Foundation's mission is to help make direct and consequential community service aimed at serious social problems central to the life of every American and to increase the opportunities people have for that kind of service through their workplace, schools, churches and civic organizations. We also will serve as a catalyst in the creation of new voluntary service initiatives.

The Foundation and its board recognize the crucial role government programs must play in this struggle but believe these approaches cannot be the only ray of hope on the horizon. Illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency and the plight of the elderly are problems that continue to defy government's best efforts. This void can only be filled by a redoubled effort from the private sector, by the profound and personal commitment of individuals to helping others.

Beginning Apr. 15, the Foundation is launching a 12-day Points of Light Celebration that is designed to honor those people who have been trailblazers in the community service effort; to sharpen public awareness of the problems facing society and the need for personal involvement to help alleviate them; and to identify worthwhile programs that can be replicated in other parts of the country and challenge others to get involved. Literally thousands of disparate groups and individuals have already been mobilized as part of this effort.

In conjunction with the Celebration, the Foundation will unveil a nationwide advertising campaign, created pro bono by Saatchi & Saatchi and the Advertising Council, that will bring the message of service into the home of every American. The slogan, "Do Something Good, Feel Something Real," stresses the sense of personal accomplishment that volunteers get from their work. The campaign will seek the help and cooperation of the media, businesses, schools, unions, religious groups and individuals. In addition, a toll-free 800 number will act as a national center for providing key information for community service efforts.

The Foundation is assisting or has helped to establish numerous successful service programs. These include:

One-to-One, a mentoring program for disadvantaged youth.

StarServe, a school-based community service effort.

Into the Streets, a college-based community service program operated by the Campus Outreach Opportunity League.

Naming of individual Points of Light Representatives, Leadership Companies and Partnerships.

The Foundation's mandate is long-term. After the Celebration of Service is over, we will pursue our mission on several fronts. First, we will evaluate our advertising campaign and toll-free telephone service in an effort to improve the response; and second, we will continue and improve our efforts to serve as a broker and coordinator for new programs. There are no easy answers. We are engaged in a day-to-day struggle that requires day-to-day commitment and energy.

POINTS OF LIGHT FOUNDATION HONORS ELIZABETH FLOOD

Mr. BRADLEY. Mr. President, our Nation's greatest resource is its people. Nowhere is this more evident than in our tradition of volunteers—the thousands of people who contribute their time, energy, and talents to improve the lives of others.

Everyday, in towns across the country, volunteers work in schools, hospitals, shelters, parks, and service organizations. They work with children, the elderly, the handicapped—and those who just need help in getting back on their feet. They ask for nothing back—other than to improve the quality of life for others.

The Points of Light Foundation was created to spotlight the contribution of volunteers in our society and to encourage others to get involved in projects in their communities. This week, the Points of Light Foundation is honoring volunteers from throughout the country who are making a difference in the lives of others.

I am proud that one of the recipients of the Service Ambassador Award, as well as the Presidential Volunteer Action Award, is Elizabeth Flood of Newark, NJ. For Ms. Flood, volunteering is a way of life. Since 1978, she has conducted a daily after school care program for the children who live in her public housing unit in Newark.

Over the years, the program has grown to help over 250 children. Ms. Flood has designed projects that help direct the childrens' energy and creativity toward music, dance, and art. Older children tutor younger children, helping schoolwork as well as instilling a sense of responsibility.

Each year, Elizabeth Flood and her family help to feed the homeless in Newark. This is done as a lasting tribute to the memory of her son, who died of asthma and who had showed a deep concern for the homeless.

Elizabeth Flood epitomizes the spirit of volunteerism. She shows us the impact that one individual can have on improving the quality of life in her community. She can take great pride in the many lives she has touched—and I am proud to be her Senator.

People like Elizabeth Flood and the other recipients of the Service Ambassador Award and Presidential Volunteer Action Award enrich our lives and our communities. They deserve our gratitude and our appreciation for their selfless and compassionate response to so many of the challenges facing our Nation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period of morning business is now closed.

FUTURES TRADING PRACTICES ACT

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of S. 207, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 207) to amend the Commodity Exchange Act to authorize appropriations for and enchance the effectiveness of the Commodity Futures Trading Commission, to curb abuses in the making of trades and the execution of orders at designated contract markets, to provide greater representation of the public interest in the governance of such contract markets, to enhance the integrity of the United States financial markets by providing for Federal oversight of margins on stock index futures, clarifying jurisdiction over innovative financial products and providing mechanisms for addressing intermarket issues, and for other purposes.

The Senate resumed consideration of the bill.

COMMITTEE MODIFICATION

Mr. LEAHY. Mr. President, in behalf of myself and Senator LUGAR, and for the Committee on Agriculture and Forestry, I send a modification of the committee substitute to the desk and ask that the committee substitute be so modified.

The PRESIDING OFFICER. The amendment is so modified.

The committee modification is as follows:

Beginning on page 159, strike line 4 and all that follows through page 168, line 11, and insert the following new title:

TITLE III—INTERMARKET COORDINATION

SEC. 301. MARGIN ON STOCK INDEX FUTURES.

Section 2(a)(1)(B) (7 U.S.C. 2a) is amended by adding at the end the following new clause:

"(vi)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option thereon) shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for the stock index futures contract (or option thereon).

"(II) The Board may at any time request any contract market to set the margin for any stock index futures contract (or option thereon) at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or its clearing system or to prevent systemic risk. If the contract market fails to do so within the time specified by the Board in its request, the Board may direct the contract market to alter or supplement the rules of the contract market as specified in the request.

"(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority under this clause only to the Commission.

"(IV) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market, on finding an emergency to exist, to raise temporary emergency margin levels on any futures contract or option on the contract covered by this clause.

"(V) Any action taken by the Board under this clause directing a contract market to alter or supplement a contract market rule shall be subject to review only in the Court of Appeals where the party seeking review resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit. The review shall be based on the examination of all information before the Board at the time the determination was made. The court reviewing the Board's action shall not enter a stay or order of mandamus unless the court has determined, after notice and a hearing before a panel of the court, that the agency action complained of was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.".

SEC. 302. EXEMPTION AUTHORITY.

Section 4 (7 U.S.C. 6) is amended—

(1) in subsection (a), by striking "It shall be unlawful" and inserting "Unless exempted by the Commission pursuant to subsection (c) or (d), it shall be unlawful"; and

(2) by adding at the end the following new subsections:

"(c)(1) In order to promote responsible economic or financial innovation and fair competition, the Commission by rule, regulation, or order, may (on application of any person) exempt any agreement, contract, or transaction (or classes thereof) otherwise subject to subsection (a) (including any person or class of persons offering, entering into, rendering advice or rendering other services with respect to, the agreement, contract, or transaction), either unconditionally or on stated terms or conditions or for stated periods, from any of the requirements of subsection (a), or from any other provision of this act except section 2(a)(1)(B), if the Commission determines, after notice and opportunity for hearing, that the exemption would be consistent with the public interest.

"(2) The Commission shall not grant any exemption under paragraph (1) from any of the requirements of subsection (a) unless the person seeking the exemption demonstrates to the satisfaction of the Commission that—

"(A) the requirement should not be applied to the agreement, contract, or transaction for which the exemption is sought and that the exemption would be consistent with the public interest and the purposes of this Act; and

"(B) the agreement, contract, or transaction—

"(i) will be entered into solely between institutional participants;

"(ii) will be entered into in connection with a line of business or for hedging or risk management purposes; and

"(iii) will not have a material adverse effect on the ability of the Commission or any contract market to discharge its regulatory or self-regulatory duties under this Act.

"(3) For purposes of this subsection, the term 'institutional participant' shall be limited to the following persons or classes thereof that the Commission determines have the financial and other qualifications adequate to fulfill the terms and conditions of the agreement, contract, or transaction:

"(A) A bank or trust company (acting in an individual or fiduciary capacity).

"(B) A savings and loan institution.

"(C) An insurance company.

"(D) A registered investment company under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).

"(E) A commodity pool subject to regulation under this Act.

"(F) A corporation, partnership, proprietorship, organization, trust, or other business entity with a net worth exceeding $1,000,000 or total assets exceeding $5,000,000, or the obligations of which under the agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by any such entity or by an entity referred to in subparagraph (A), (B), (C), (H), (I), or (K).

"(G) An employee benefit plan with assets exceeding $1,000,000, or whose investment decisions are made by a bank, trust company, insurance company, investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80a–1 et seq.), or a commodity trading advisor registered under this Act.

"(H) If otherwise authorized to engage in such transactions by law, any governmental entity (including the United States, any State, or any foreign government) or political subdivison thereof, or any multinational or supranational entity or any instrumentality, agency, or department of any of the foregoing.

"(I) A broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) acting on its own behalf or on behalf of another institutional participant.

"(J) A futures commission merchant, floor broker, or floor trader registered under this Act acting on its own behalf or on behalf of another institutional participant.

"(K) Such other persons that the Commission determines have such financial and other qualifications.

"(d)(1) To the extent that a swap agreement or class of swap agreements (as defined in section 101 of title 11, United States Code) may be considered to be subject to regulation under this Act, the Commission shall, by rule, regulation, or order, following notice and an opportunity for a hearing, exempt (effective as of October 23, 1974) from all of the prohibitions and requirements of this Act, including section 2(a)(1)(B), such swap agreement or class of swap agreements if—

"(A) the Commission determines that the exemption is consistent with the public interest;

"(B) each party to the swap agreement is a person included in one of the categories specifically enumerated in subparagraphs (A) through (K) of subsection (c)(3) at the time it enters into the swap agreement;

"(C) the creditworthiness of any party having an actual or potential future obligation under the swap agreement would be a material consideration in entering into or determining the terms, including pricing, cost or credit enhancement terms, of the swap agreement; and

"(D) the swap agreement is not one of a fungible class of agreements that is standardized as to its material economic terms and is not entered into and traded on or through a multilateral transaction execution facility: *Provided, however,* That the foregoing shall not be deemed to preclude any arrangement or facility, between and among parties to swap agreements, that provides for netting of payment obligations resulting from such swap agreements.

"(2) To the extent that any demand deposit, time deposit, or transaction account (as defined in subsections (b)(1), (c)(1), and (e), respectively, of section 204.2 of title 12, Code of Federal Regulations (as in effect on the date of enactment of this subsection)) whether indexed or otherwise, may be considered to be subject to regulation under this Act, the Commission shall, by rule, regulation, or order, following notice and an opportunity for a hearing, exempt from all prohibitions and requirements of this Act, including section 2(a)(1)(B), any such deposit or acount if—

"(A) the deposit or account is offered by—

"(i) a United States financial institution that is insured by a United States governmental agency or United States chartered corporation; or

"(ii) a United States branch or agency of a foreign bank that is licensed under the laws of the United States and regulated, supervised, and examined by United States Federal authorities having regulatory responsibilities for the financial institutions or under the laws of any State and regulated, supervised, and examined by State authorities providing regulatory supervision comparable to that provided by United States banking authorities, and the regulators oversee the financial integrity and customer protection of the deposits; and

"(B) the Commission determines that the exemption would not be contrary to the public interest.

"(e) The granting of an exemption under this section shall not affect the authority of the Commission under any other provision of this Act to conduct investigations in order to determine compliance with the requirements or conditions of such exemption or to take enforcement action for any violation of any provision of this Act or any rule, regulation or order thereunder caused by the failure to comply with or satisfy such conditions or requirements.".

SEC. 303. HYBRID COMMODITY INSTRUMENTS.

Section 4c (7 U.S.C. 6c) (as amended by section 203(a) of this Act) is further amended by adding at the end the following new subsection:

"(h)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in or involving an instrument which meets the following requirements.

"(A) To the extent that an instrument has an embedded or otherwise attached commodity option, the instrument derives less than 50 percent of its value at the date of issuance from the value of the commodity option; and

"(B) To the extent that an instrument has an embedded or otherwise attached contract of sale or a commodity for future delivery, on the date of issuance, it is expected that less than 50 percent of the value gained from and payable on the instrument will be due to movement in the price of the commodity or commodities specified in the instrument or in the terms and conditions of the transaction pursuant to which the instrument was issued.

This subsection shall not affect any other exclusion or exemption from this Act, of any transaction, including exemptions granted by any rule, regulation or order of the Commission.

"(2) Except as provided in paragraph (1), nothing in this subsection shall affect the jurisdiction granted to the Commission over any transaction under this Act.".

SEC. 304. INDEX PARTICIPATIONS.

Subsection (f) of section 4c (7 U.S.C. 6c(f)) is amended to read as follows:

"(f)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.

"(2) Nothing in this Act shall be considered to govern or in any way be applicable to any contract traded on a national securities exchange whereby any party to the contract acquires any interest in a stock index participation unit approved for trading by the Securities and Exchange Commission by order dated April 11, 1989, or pending such approval on or prior to December 31, 1990.

"(3) The Commission shall utilize its authority under this Act to facilitate the registration of any person who is a person associated with a broker or dealer, or an associated person of a broker or dealer (as defined in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) for the purposes of marketing stock index futures (or options thereon) to the public.".

Mr. LEAHY. I thank the Chair.

Mr. President, we discussed this issue at some length yesterday. Senators spoke also at some length about it. I will reiterate that we have before the Senate a major piece of legislation, one designed to do everything from audit trails to substantially strengthen enforcement procedures under the CFTC to make sure the people of this country can have confidence in the futures markets of the United States.

The futures markets of the United States have been one of the major commercial factors allowing the United States to grow as the No. 1 trading country of the world. It has certainly been vitally important in the United States, being the major agricultural producer and exporter in the world, as well as its involvement in everything from precious metals to other commodities.

I will not go over again some of the reasons why this legislation has been stalled for several years, in the face of the turf fights and unfortunately the ego of at least one, perhaps more people, not within this Chamber, but within the executive branch of government.

But having said all of that, I think we have put together a piece of legislation supported by every member of the Senate Agriculture Committee, Republican and Democrat alike, that is designed to do the one thing we set out to do, to make sure, notwithstanding the fact that the vast majority of the men and women who work in the commodities markets are totally honest and follow the rules, to make sure those few who are tempted to do otherwise will find if they succumb to temptation, it will bring about immediate action, enforcement, and very severe penalties.

This is necessary to protect the honest people who work in these markets, but also to protect the thousands and thousands of Americans, individual Americans, and American businesses who rely upon these markets either for their own personal investment or just to carry forward the commercial aspects of the United States itself.

Mr. President, I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana [Mr. LUGAR].

Mr. LUGAR. Mr. President, I rise to support the committee modification introduced by the chairman of the Agriculture Committee, Senator LEAHY. This modification makes minor changes to the Agriculture Committee-reported bill to reflect more completely the agreement between the CFTC and the Treasury Department.

Members will recall, in our recitation yesterday of the history of this legislation, that we pointed out the enormous efforts to bring compromise with elements of the administration, various agencies involved, Members of Congress. As a matter of fact, this bill as a whole represents very substantial compromise supported by Wendy Gramm, Chairman of the CFTC, and the Treasury Secretary, Nicholas Brady on issues dealing with the jurisdiction and coordination of regulatory efforts between the CFTC and the SEC.

The modification also has CFTC and Treasury concurrence. It is an appropriate fine-tuning of the overall compromise. This modification may not be embraced by all parties, but it strikes, in my judgment, a reasonable balance between the competing interests and addresses some of the criticisms leveled at the Agriculture Committee.

The committee amendment amends S. 207, the basic underlying bill, as reported from the Agriculture Committee, in basically two respects. First of all, in the section dealing with hybrid instruments, this modification clarifies that the objective of the legislation is to shift jurisdictional authority from the CFTC to the SEC if an instrument is more like a security than a futures contract. This clarification is needed because the Agriculture Committee's version prompted concern that the Agriculture Committee was trying to effectuate a massive transfer of the SEC's existing jurisdiction in stock index options and other options to the CFTC.

In fact, nothing could be further from the truth. The objective of the committee-passed version was to exclude from the reach of the Commodities Exchange Act and thus the CFTC those instruments that were more like the security than like a commodity futures contract. This modification clarifies that position.

Second, the modification clarifies the language dealing with swaps transactions to ensure that the overall bill does not unintentionally adversely impact the growing swaps industry.

It provides flexibility to the swaps industry while seeking to ensure we do not inadvertently permit the creation of the equivalent of a nonregulated futures market.

I emphasize, Mr. President, the discussion preceding this portion of the bill brought about very highly technical but likewise agreeable results. It was a listening process and a learning process.

In my opinion, this clarification will be helpful to those involved in the swaps industry and at the same time not inadvertently create a situation where there is no regulation and such instruments literally fall between the cracks even while the two large agencies are thinking about their jurisdiction.

I conclude, Mr. President, by saying that the contentions issues of this debate comes in the areas in which the CFTC has clearly had jurisdiction regarding the futures products. There is clear recognition on the part of the Agriculture Committee, on the part of Senator LEAHY and myself, that we are trying to make clear as best we can that new products should be accessible to investors.

These new products are called hybrids, a hybrid between a security and a future. And the basic question is which agency the CFTC or the SEC should regulate the product. In yesterday's debate, I went into detail on the type of hybrid instrument we were likely to see. In fact, it was an instrument that was become quite common, a debt security, which looks like a bond, has a term of maturity, has a regular interest payments, and has a stated interest on the face of the security. It looks like a security. But it also has a futures component.

The example I used yesterday suggested that the payment of interest would vary from the regular 8.4 percent in the illustration that I had, up and down, depending upon the price of oil, from a base price of $30 a barrel.

The hybrids are created to give investors the benefit of a security and normal payments, and at the same time give the benefits of the fluctuation of various markets, such as energy or agricultural, markets.

The question is, clearly, who should regulate these new instruments. The bill, S. 207, says they should be regulated by the SEC or the CFTC, depending upon the preponderance of the value coming from that particular instrument. And the bulk of the instruments that have come forward, these hybrids, these new innovations, are valued predominantly as securities.

What I have mentioned again today clearly falls into that category. Ultimately, in all, the differentials created by the futures component amount to about $96 in the illustration yesterday, and the bond finally pays out $1,000. So it turns out as a security under S. 207, the CFTC gives over jurisdiction to SEC under this example.

I do not want to characterize or dispute what is in front of us, Mr. President. It is a tempest in the teapot, although I fail to see why there has been such unusual contention over a fairly common sense demarcation line. If something, is valued as a security, it goes to SEC, or if it is valued primarily as a futures component, to the CFTC.

Nevertheless, the amendment we have now clarifies this even further and makes clear that we are trying in every way we can to bring about correct jurisdictional assignment.

For all of these reasons, Mr. President, I favor adoption of this amendment.

The PRESIDING OFFICER. Who seeks recognition? Does any other Senator seek recognition at this time?

If no Senator seeks recognition, the Chair, in his capacity as a Senator from Virginia, suggests the absence of a quorum.

Mr. LEAHY. Will the Chair withhold? Parliamentary inquiry. If there is no Senator seeking recognition, and if a quorum call is not in, what would be the regular order?

The PRESIDING OFFICER. The question would occur on the substitute amendment as modified.

Mr. LEAHY. Mr. President, I have been in many discussions, and I certainly do not want to preclude any rights of anybody, since the distinguished chairman of the Banking Committee is here, and he intends to speak.

I do not suggest at this moment that we go to the conclusion of this matter which, as the Chair has rightly noted, would be the regular order. But every one of us, when we have meetings within our caucuses, and discussions of how we streamline procedures in the Senate, how we move things along, invariably somebody says, "Yesterday we had *x* number of hours of quorum calls," or *x* amount of time in quorum calls.

Or many times, we will have Senators standing on the floor, if we are here in the evening voting on something, saying, "Why are we voting here in the evening, when we had 2 hours of quorum calls this morning," or this afternoon, or whatever. "Why do we do it now?"

The distinguished Presiding Officer and I both know that many times those quorum calls allow negotiations to go on. Maybe during an hour's worth of quorum calls, you can have negotiations that may save us 10 hours of time on the floor. That is perfectly justifiable.

But I urge Senators, if they want to speak on this matter or are going to offer amendments, come and do it. I am willing to enter into short time agreements, if other Senators are willing. That would require unanimous consent of all the other 99 Members. But this was well laid out yesterday.

We have been talking about this for 3 years. We talked about it at some length prior to the most recent recess, and I hope that Senators will come, say their piece, vote this up or down, and let the legislative process work its way.

I do not see why we need to spend a lot of time in quorum calls. If Senators want to cooperate and get going on this, we can be done by 2 o'clock this afternoon. I mention that because I do not want Senators coming up to me on the floor, if we are here this evening, saying, "Why is this taking so long," that we are ready to wrap it up right now.

I yield the floor.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I am going to make a formal presentation here on the issue that is before us. I want to make some preliminary comments to provide some background as to what brings us to the floor at this time with respect to a portion of the bill that has been brought before the Senate by the Agriculture Committee.

I want to particularly appeal to my colleagues and to professional staff that are assisting Members on this issue to give some very considerable, careful thought to the debate and the discussion as it ensues over the hours ahead. I say that because part of the bill that is in contention, the Title 3 area of the bill, is very technical. It is also very important. It is something that I think each Member has to understand in some considerable detail in order to cast a vote finally that they will have confidence is the best vote and the vote that will serve public policy ends best over the years ahead.

I do not relish the fact that we have a strong difference of opinion here. On one side of this issue is the Banking, Housing, and Urban Affairs Committee, the Agriculture Committee on the other side. But the fact is that we do have a sharp difference of opinion, not universally held, but majority held by Members of the two respective committees on this title III.

I think it is also important to note that in the normal course of events here in Senate when you have an issue that has been around for a long time and an effort is made within a given committee to strike a compromise, and when the administration, in this case in the form of the Treasury Department, gets involved to try to work out a series of unresolved issues, that you can end up late at night, as happened in this case, with a compromise being developed that is a compromise that is the product of fatigue, is the product of frustration, is the product of whomever the parties are to the discussion.

In this instance, not all of the parties that ought to have been in the discussion were in the discussion. It was essentially a sort of a three-cornered discussion between the CFTC on the one hand, the Commodities Futures Trading Commission, the administration on the other hand, and members of the Agriculture Committee providing sort of the third party at interest in the discussion. The matters, however, range out far more broadly than just those three parties at interest. In fact, in order to argue out and settle this issue in any kind of a reasonable and well-balanced, I think, long-term way, would have required other parties at interest to be present for those discussions and that negotiation. I would include in that group the Chairman of the Federal Reserve, the Chairman of the Securities and Exchange Commission and I think, as well, the Banking Committee in the Senate which, of course, has jurisdiction in the area of securities law.

So at a minimum, instead of a three-cornered discussion yielding the compromise, there should have been, in my view, at least six participants representing various vantage points collected in that discussion and from which the consensus should have been developed.

That did not happen. So the Agriculture Committee, working with the administration and with the CFTC, came up with an approach to its liking in title III and under the normal course of events has now brought this package to the floor and would like to steamroller this package on through.

I am all for the Agriculture Committee in carrying out its work. In fact, I think the remainder of their bill is very well done and I applaud them for it. I think the remainder of their bill, in terms of taking the margin setting requirements for stock index futures and putting that over in the Federal Reserve and doing other things in the reporting and recordkeeping area are important advances. They are things that I enthusiastically support and I think are valuable additions to the law. But that does not solve the problem in title III nor does it relieve any of us from the duty and burden of understanding the intricacies of that title so that we really are in a position to decide how it ought to be done.

I must say to my colleagues in the Senate that I regret this issue was not resolved prior to this time because I think it becomes very difficult to resolve a highly technical issue of that kind on the Senate floor. It is much better done between committees and the respective parties at interest prior to the time that a legislative proposal is fully brought to the floor. But we did not have that opportunity. We were not invited to participate; we were not allowed to participate. And so in a sense we are having to now participate at this point in the process, which makes it more difficult for all involved.

I might say, too, that having been through a lot of legislative efforts over 25 years now in the House and the Senate, I am well aware of the fact that, in a situation like this, a committee that has the bill under its jurisdiction and it is brought to the floor, even if a part of the bill like title III encroaches over into another area under the jurisdiction of a separate and different committee, that the committee bringing the bill to the floor, in this case the Agriculture Committee, has an obvious advantage. They have a head of steam in terms of bringing it here and find themselves in a position where just the general nature of the legislative flow is very favorable to them being able to enact their package, with whatever defects that it may carry.

There is one defect here that I think we really have to try to focus upon and deal with and change. In that regard, I want to cite the leadership of Senator TIM WIRTH and Senator KIT BOND, in a bipartisan way, both members of the Senate Banking Committee, who have been working with others on our committee, including the chairman of the Securities Subcommittee, Senator DODD from Connecticut, and I say with great sadness also the late Senator John Heinz, who was very much involved in the issue and would have been an active participant in support of what is now being offered as an alternative in this title III by Senators WIRTH and BOND.

Those Senators particularly have been very active in attempting to address and resolve this issue going back over a period now of some 2 years. In the previous discussions, the members of the Banking Committee has worked actively with members of the Agriculture Committee and with the administration and the various regulatory agencies to try to come up with a reasonable package that really, in the end, could enlist a consensus and in fact would produce what all could feel was very sound, long-term public policy.

As I said—and I do not want to be unduly repetitive here—unfortunately, in this latest round producing this title III before us now, there was not that kind of participation and so it now has to take place here on the Senate floor in this setting.

I might also say that in our caucuses, in the Democratic caucus over the last 2 weeks, we have had some discussion in the caucus on this issue. I want to just speak to that for a moment and so my remarks for the next short period of time are really addressed to my Democratic colleagues here in the Senate. Those of you that were present at those two caucus luncheons will recall that we had some debate, some animated debate, particularly the one 1½ weeks ago and then again yesterday—on this issue. We talked at that time about the complexity of this issue in just a sheer legal sense.

At the time of the first discussion in the caucus, I indicated then to the majority leader and to my colleagues in the caucus that we would endeavor to hold a hearing at the earliest possible moment in the Senate Banking Committee where we could have present Alan Greenspan, the Chairman of the Federal Reserve Board; a representative of the Treasury Department—unfortunately it could not be the Treasury Secretary, because he is out of the country, so Under Secretary Robert Glauber would have to stand in for him—and also then the Chairman of the Securities and Exchange Commission and the Chairman of the Commodity Futures Trading Commission as well.

So the first oppportunity that we could have those four parties, three regulators and the Treasury Department, present on the same day for a hearing was yesterday morning at 10 o'clock. Prior to that time Chairman Greenspan was traveling and unavailable so we were unable to accommodate him. In any event, the earliest chance for that hearing was yesterday, and so we had that hearing yesterday morning.

Unfortunately, because of the need to get the hearing record reproduced, we cannot have it in its entirety available for distribution to Members as a whole. It would number some dozens of pages, several dozens of pages, that would have to be read in any case. But I am going to summarize part of the testimony of these critical regulatory representatives and the administration, in terms of what they had to say to us yesterday.

I take the time to relate that history because I wish I had been in a position to give this information to our colleagues at an earlier time, 2 or 3 weeks ago. Had this situation been one in which we had been asked to participate at an earlier time we would have done so and, therefore, the information we have now since developed would have been developed at an earlier time and people would not be in a position to have to try to absorb it today or—if the issue is settled today or tomorrow or whenever it is settled—in that very short space of time. But that is the way it is, so it is important people understand that the hearing record of yesterday is a very important part of the, I think, basis for decision that we ought to have available and we ought to clearly understand before we vote.

I will do my best to summarize the high points of that testimonial record from yesterday because I think it goes directly to the heart of the defects of title III, and how those defects are corrected by the Wirth-Bond alternative that will be offered later and cosponsored by myself and several other colleagues on both sides of the aisle.

Having said all of that by way of background, then, I rise in opposition to title III of S. 207, the Futures Trading Practices Act of 1991.

I would say the Banking Committee has received letters expressing concerns about or outright opposition to title III of S. 207 from the following people: from Alan Greenspan, Chairman of the Federal Reserve, from FDIC Chairman William Seidman, from SEC Chairman Richard Breeden, from Mary L. Shapiro, a Commissioner on the SEC, and also a former staff member of the CFTC, and former general counsel of the Futures Industry Association.

We have also received communications of that sort from representatives of the Office of the Comptroller of the Currency, from three former general counsels of the SEC, from the American Bankers Association, the Securities Industry Association, the New York Stock Exchange, the American Stock Exchange, Fannie Mae, and Freddie Mac, as well as numerous others. These letters all raise substantial questions about title III.

It is important to reflect on who it is that is expressing these concerns because they obviously have to be considered as a counterweight or counterbalance to what has already been said yesterday and this morning by representatives of the Agriculture Committee in behalf of their bill.

After reading the letters I just cited and listening to the arguments on both sides of the issue, I myself have come to believe that title III of S. 207 is not flexible enough as written to allow the continuing development in an appropriate way in our financial markets in the United States. Instead, this bill in that area, that narrow area, would freeze an extremely broad interpretation of the current regulatory authority and does not, in my view, leave enough room for innovation and growth in the future.

I think title III will discourage the development of new products because of uncertainty as to where they will trade and who will regulate them. It continues a feature of current law that has continually led to problems and is why we are struggling once again to resolve this issue today, and that is a requirement that a product either be a future or a security and thus trade solely under one or the other regime.

Let me try to explain that in as plain language as I can. In our financial markets today we have securities that are direct, clear security instruments that trade in our securities markets and under the regulatory structure of the SEC.

Over here we have what we call futures contracts. They originally started out with agricultural commodities in this country. Futures contracts are traded on futures exchanges which are regulated under the CFTC. Futures have separate regulatory structures and treatment.

What has happened over the years is that the so-called hybrid products have been developed that mix the two together so we have a new product that is developed, part of which has a securities characteristic and part of which also has a futures characteristic. That is why it is called a hybrid, because it is part of both.

Depending upon how much it is one versus the other raises a question, then; where does it fit in? Where should it trade, in terms of what kind of market should it trade in, but also what kind of regulatory regime will it be treated with? Will it fall over on the securities side, or will it fall over on the futures and the commodity side?

Because this issue has been very contentious over a long period of time, and because of an interpretation of a law that has been in place for some years, we have not been able to crisply and cleanly settle the question of deciding how we deal with these hybrid situations.

If I can try to simplify it to one more level: Many of these hybrid products are so substantially of the securities character that it is easy to make a decision where they fit, so it is easy to decide that it falls over into the securities area and ought to be under the securities regulation system. The same is true of some futures contracts, new ones that are developed, where it is so predominantly a futures contract that there really is no question about it, that it falls over into the other category and falls under that regime.

The problem that is left is ones that are very close and very hard to judge, where there is a large element of futurity, as it is called—the futures element in that product—and also a large amount of securities identification and product in that same particular item that is under question. So it is the ones that are very closely balanced, as between securities and futures, that are the ones we are trying to deal with here in this title III today.

It is very hard to decide how to do it because three different people can look at the same product, a hybrid that has a lot of securities in it and a lot of futures in it, and one of the three people might say, I think it is principally a securities product. Let us put it under the securities regime. The second person might look at exactly the same thing and say, no, I do not agree with that. That is more a futures product. Let us put it under the futures regime. And the third person might look at it and say, I just cannot decide because it is almost 50/50, or it is 51/49. It is such a close call and relates to definitions of, generally, highly technical items. So the third person might say, I am not sure. So we have three people, all experts, looking at the same instrument and coming up with three different judgments.

How do we settle that? One of the ways we try to settle it now is if there is that kind of disagreement, people take the disagreement to court. Anybody who has ever gone to court knows that it is no fun and can take a long time. Additionally, it can cost a lot of money and can take 2 or 3 years, sometimes longer, to resolve an issue.

Somebody who wants to bring that new product to market, looking at the likelihood of a legal fight, may very well say: I do not need this hassle. I will not trade this new product in the United States because the United States cannot get its act together in this area. I will take this particular product and I will go overseas to Europe and I will trade this in Luxembourg, or I will trade this in France, or in Germany, or some other place.

That is what has been happening. What section 3, offered by the Ag Committee, would do is, they say, look, we will figure out how to deal with these middle cases, these situations that are kind of in the middle. We will have a 50-percent test and we will say if it is more than 50 percent securities, it falls on the securities side of the line; if it is more than 50 percent futures, it falls on the futures side of the line. So we will just set a nice 50-percent test and that will solve the problem.

That does not solve the problem. That is fiction and a myth of a solution. Because if you go back to my illustration and you are trying to decide which side of the line it falls on, if you go back to the case with the three experts and one of the experts said it falls on the securities side, and the second expert said, no, it falls on the futures side, and the third expert is pulling out his hair saying I do not know which side of the line it falls on, then you have not settled it. Many of these products are going to fall right close to the center in terms of this combination, this hybrid effect. So it is one thing to say there is a 50-percent test; it is another thing to be able to apply it as a practical matter.

So I say, now I really am in a dilemma because if these products are going to be developed and they have a certain value and we have to make a regulatory decision, how do we go about doing it in the case where it is a very close call and different people see it different ways?

We thought about that for a long time and we have come up with an answer, which is in the alternative being offered by members of the Banking Committee under the heading of the Wirth-Bond proposal, which we think provides a better answer.

By the way, when we put that alternative to our witnesses in the hearing yesterday, when we put it before Alan Greenspan and asked him whether our alternative was better, he said, yes, he thought it was better public policy.

Then we asked Mr. Glauber, speaking for the administration, if he thought it was better public policy, and he acknowledged as well that, in fact, the alternative that we are offering is better public policy.

So then we asked the head of the SEC and he also said the alternative that we were offering is a better answer to that problem. That was three of the four witnesses.

Not surprisingly, when we got to the fourth witness, who was the head of the Commodity Futures Trading Commission, the response from that person was, no. The alternative in the Agriculture Committee's version was preferred and, not surprisingly so, because it tilts in the CFTC's favor. So they like that one better.

But it was very significant that the other three, three out of the four, clearly expressed themselves as saying that the Wirth-Bond alternative in section 3 was the better public policy and would serve the country better into the future if enacted.

We say, how would it work? The way the Wirth-Bond alternative would work is we would say, look, if you have a new product that is almost evenly balanced between its composition as a security and a future and is in this 51–49 or 48–52 category as a blended product, that rather than try to fight it out in court, that may take a long period of time and may actually drive the product out of the United States into a foreign market where they do not have these hassles, why do we not have a situation where those middle situations can trade either place? In other words, let the market itself, the people who are bringing that product into existence decide whether they want to trade it in the securities markets under the securities law regime or in the futures market under the futures law regime and let the market itself decide.

I realize sometimes it almost seems like an alien notion to say that the market should decide rather than a group of law writers sitting here in the U.S. Congress. But in effect, what we are trying to do here, if we accept the proposition in the Agriculture Committee's bill, is to say, look, we will figure this out for the market; you market folks, stand aside; we are going to have a nice bright line here that is going to make it clear as to where the jurisdictions begin and end, and where you can trade and where you cannot.

Our view is fundamentally different. We say in this category in the center, the jump-ball category where you have nearly an equal mix between securities or futures, that the market itself will decide where it wants to go. If it opts to go over into the securities area and trade there, and that is where the market traffic moves and it can become robust in that area and become a new product that has financial significance and economic value to our country, then so be it. That will be the choice that the market itself makes.

If, on the other hand, the market forces decide to take it to the futures market and it developes and becomes robust and a significant item, fine and dandy. In other words, the market itself can make the judgment as to whether this blend should take that particular kind of hybrid product.

Someone might say, well, that is not a perfect answer either. We live in a world that very seldom gives us perfect answers. We live in a world of less than perfect answers. But I think in a situation like this where there is going to have to be an arbitrary line drawn under the approach suggested by the Agriculture Committee, which in turn will set off endless legal fights and battles and will create lots of income for high-priced lawyers that are paid $400 an hour, $500 an hour, $600 an hour and leave these issues up in the air for 2, 3, or 4 or 5 years, will virtually guarantee that they leave the United States and go to a foreign market where they can do that literally overnight. That is just not good, sound national policy. It is not good, sound national financial market strategy.

I think if we are going to have to rely on somebody to make the judgment, and I do not think it ought to be a staff member at 11 o'clock at night who comes up with an idea—with no disrespect to any Senate staff member—I do not think it should be somebody who works for one or the other regulatory bodies; I do not think it should be a member of the administration who may be fatigued, frustrated, has a backache at 11 o'clock at night and finally says, all right, let us do it this way; I'm sick of this; let us get it over with. I do not think we can decide it that way and cannot imbed it in law for years and years to come based on that kind of a process, especially when a number of the key parties of interest were not present and participating.

I think it is far more preferable in a situation like that to let the market itself decide. Markets are not perfect either, but markets have the great value of sorting out, in a sense equilibrating the judgments of everyone who wants to participate. In financial markets, in order to participate, you have to have a financial stake, you have to put some money on the table at some point if you want to participate. When people are putting their own money at risk in a financial market, they tend to pay more attention and be more careful about it.

So if I have to trust somebody's judgment in the end, I think the market forces, the whole blend of market forces, will probably tend to lead in a direction that gives us a durable and sounder long-term answer than we will get any other way.

Bear in mind, we are talking only about hybrid instruments that have elements of both securities and futures.

But also it is important to think about this point: If you leave that kind of a definition, the 50-percent definition test, which is subject to dispute and interpretation, you also create, I think, a perverse incentive for someone who is formulating a new product, to craft that product and take it right up to the 50-percent line, in a sense get your nose pressed right against that window as much as one can without presumably going over the 50-percent line into the other guy's backyard.

I do not think it is wise for us to create a legal line here that is so fixed in terms of establishing this jurisdiction that it encourages people to work up to the line and try to find a way to in effect create a situation where maybe they can inch over the line and somehow have the effect through the interpretive process of pulling that over into their backyard.

There is a lot of money at stake. These are markets that can develop into multibillion-dollar markets, and so you have financial incentives driving the creation process and the effort to try to secure market dominance or monopoly of that particular instrument, if you are clever enough to devise it.

So I think if we are going to have hybrid situations that are right in the middle, we probably ought to have them be in a situation where the market itself decides. I think that would give us the best answer in the end. And I think it will keep those products in the United States. It will provide jobs for American people, provide income for American people, as well as provide tax revenue for our Government. I think in that sense it is good economics as well.

Let me move ahead with some more of my prepared remarks.

A second problem on which we have to focus is that both versions of S. 207, the agriculture bill, fail to grant the CFTC sufficient exemptive authority. The financial products are now extensively regulated under Federal and State law. As a result, the CFTC should be authorized to grant exemptions from some or all or none of the requirements of the Commodities Exchange Act as they deem such exemptions to be in the public interest.

For example, the CFTC should be able to determine that a new product is not conducive to exchange base trading but should still be subject to other provisions of the CEA.

I want to be clear. I would strongly resist any exemptive provisions that would exempt financial products from appropriate regulation. We need regulation. We have it for a reason. We want it to be strong, fair, and balanced. But I think, at the same time, we should avoid regulatory structures that result in duplicative regulation. We often fall into that quandary without so intending.

Having said this, I want to again commend the Agriculture Committee for their efforts to resolve the jurisdictional uncertainties that currently surround new products. I think the efforts of that committee to undertake these complex and highly technical and contentious issues are commendable and they do help improve public policy in that area.

I say again it is clear that title III of S. 207 moves in the wrong direction. So it has to be treated separate and apart from the remaining very positive elements of this Agriculture Committee bill.

I mentioned we had before us yesterday in our hearing these key regulators, all of whom are the prinicipal parties at interest. I asked them for their professional opinion on the Wirth-Bond substitute as opposed to title III now in the agriculture bill. When I asked them which proposal would be better public policy for our country—and I had to squeeze a little bit with respect to Mr. Glauber to get an answer, but he was forthcoming—when I asked them to measure it by the yardsticks of which proposal would give us more innovation, would foster competition, and would provide regulatory certainty for a broad range of financial products, three of the four, including Glauber, said the Wirth-Bond alternative was the better alternative and was preferable.

I asked them which one would give us greater legal certainty so we would keep these issues out of court, and again they indicated, three of the four, that the Wirth-Bond alternative would give us greater legal certainty than would the proposal as drafted in title III of the administration's bill and is now incorporated in the Agriculture Committee version.

I want to quote a little bit from Alan Greenspan because he is the regulator who I think is most at arm's length on this. He is the one who does not have a direct jurisdictional stake in this and therefore I think can be fairly said to be the most detached and the most dispassionate in looking at the sheer merits of the issue.

Yesterday he said as follows:

> In recent years a wide variety of new products have been developed to serve the investment and risk management needs of the public. Many of these products have had some of the economic attributes of futures and their legality has been called into question by the exclusivity provisions of the CEA. For example, over the last 10 years, the swaps market—have developed and grown to involve transactions with $3 trillion in notional principal amount.

Just to explain, a swap transaction is an individually customized agreement in which parties agree to make payments to each other based on changes in interest rates or the value of oil or other products.

Swaps are used to manage risk by protecting financial institutions and others from fluctuations in interest rates or the prices of goods and instruments in which they deal.

Returning to Chairman Greenspan's testimony, and I again quote him, he said:

> The exclusivity provisions of the Commodities Exchange Act have cast a pall over this market, particularly in the area of swaps linked to prices for goods such as oil. Investors and financial institutions have been concerned that such transactions might be interpreted to be the economic equivalent of contracts of sale for future delivery under the CEA and therefore be considered illegal off-exchange futures. Thus, an active market in swaps related to prices of goods did not develop until the CFTC took administrative action to indicate that it would not view them as illegal off-exchange futures. Even with this exemption, there continues to be concern that developments in the swaps markets may run afoul.

This is still Greenspan speaking. He then said:

> This specter has almost surely inhibited innovation, not only in the swaps markets, but in other financial markets.

This is not the first time Chairman Greenspan has expressed that concern. He did so in a letter to me dated March 27, where he expressed his strong concerns about S. 207 as it had been reported out of the Agriculture Committee. He said in that letter:

> The approach taken by S. 207 will continue to preserve impediments to innovation and hybrids and risk management products and may well forestall developments in the swaps markets that could reduce systemic risk.

There he is talking about something bigger than just losing a market. He is talking about systemic risk, which means the chance for a financial and an economic catastrophe. He goes on to say:

> The 50-percent value test embodied in the bill is arbitrary, as will be any procedure for determining the value of the commodity component of a financial instrument, and could yield anomalous results for similarly structured instruments.
>
> The exemptive authority given to CFTC under this bill is narrow, and in some cases would prohibit the Commission from making appropriate exemptions.

This is Greenspan talking. He continues:

> The hearing requirement could lead to a cumbersome exemptive authority, which itself would pose an obstacle to innovation. Further, the regulatory exemption, once granted, itself creates uncertainty, as they may be revoked at a future date.

In a separate letter from Greenspan comparing the Wirth-Bond alternative to S. 207 as revised by the CFTC, Greenspan wrote this:

> The approach taken by the Bond-Wirth alternative goes further than the CFTC alternative to alleviate the difficulties for the financial markets created by the provisions of the CFTC, and therefore is, in our judgment, preferable, particularly in the area of swaps, bank deposits, and lending instruments.

I ask unanimous consent to make those two letters from Alan Greenspan and his testimony at yesterday's hearing part of the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. As I noted earlier, Mr. Glauber, who is the Under Secretary of the Treasury for Finance, testified at yesterday's hearing that he believes that the Wirth-Bond alternative is better public policy than S. 207 as reported or as revised.

I think this is important in light of the statements that we have been hearing that the administration, really Treasury, supports S. 207 as revised by the CFTC.

So the Treasury's position on S. 207 is really two positions. On the one hand, they say they support the dead of night agreement, and on other hand, when they came up to testify yesterday before our committee, and were asked directly and point blank whether the alternative fashioned by the Senator from Missouri and the Senator from Colorado is better public policy in this area, the Treasury Department had to testify that the alternative developed by Bond and Wirth is better public policy.

That is what we are here to try to do, it seems to me—to try to enact better public policy. That is the test we have to meet, not some other test. I know sometimes the steamroller gets rolling. The steamroller can really get rolling.

We can end up saying, well, we are for public policy; that this is as good as it should be. And here is a chance for public policy that is better than that, but we cannot take the better policy because we are locked into the public policy that is not so good. This may be better than what we have now, but if we are going to change the law, and I think we ought to, then let us change it so we do the best possible job. Let us not just cave in to the pressures from the CFTC.

I respect that organization. There is a very aggressive chairperson there, as there is at the SEC. I do not want to tilt the equation for one as against the other. They are both important. But I will tell you this: You cannot make these decisions on who the regulator is today, whether they are good or not, because regulators come and go.

So we cannot make the decision on that basis. We have to make the decision on the basis of what is the permanent pattern of law going to do for us in the public policy area over a period of years, not which strengthens one agency or diminishes another agency. That is not the issue.

The question here is what constutites good public policy? What gives us good, strong, well-regulated financial markets? What keeps those financial markets here in the United States?

So we cannot decide this on the basis of whether we like one regulator or dislike another regulator; one's ego is bigger than somebody else's ego. I have heard all of these arguments in both ways in this case. They have no relevance in this debate. They ought to be tossed into the ash can.

We ought to be making this decision based on what sets a pattern of public policy that is solid and strong for the next 2 years, 5 years, as far out as we can see. That is what the Wirth-Bond alternative, cosponsored by many of us on both sides of the aisle, will do. It will give us what Alan Greenspan yesterday said was better public policy, what Mr. Glauber, speaking for the Treasury Department yesterday, said was better public policy, and what the Chairman of the SEC said yesterday was better public policy.

So 3 out of 4 of the people on the working group designed and set up precisely to address and settle these issues were clear cut on that issue. If three out of four think it is better, then I think it is reasonable to say that it is better. There is no good, solid, relevant reason to throw aside what we know to be better, not particularly when it comes out of the kind of procedure and process which I have already described.

We do not do our best work in the dead of night around here, as a rule, and especially only when some of the relevant parties of interest are present.

I am going to end with a reference—I have others; I will insert those in the RECORD because others want to speak. I have spoken at sufficient length here, I believe. I think it is time for others to speak.

But I want to refer to one letter that I found particularly persuasive which came to us from Mary Schapiro. Mary Schapiro is in a unique position because, on the one hand, she now serves as a Commissioner on the Securities and Exchange Commission. But she is a person whose background is such that, prior to joining the SEC, she served as Executive Assistant to the Chairman of the CFTC. So she was in, what at times, are these two competing agencies.

Ms. Schapiro also served as the general counsel of the Futures Industry Association. So she is no stranger to futures. She understands them probably as well as anybody in this town. She has been able to look at it from both vantage points. She has been on both sides of this division: the futures side and the securities side.

What did she write? She is a highly respected regulator. In her letter to us, she said this:

> The exclusivity clause of the Commodities Exchange Act is doing damage to the capital raising ability of U.S. corporations. Quite simply, the exclusivity clause deprives U.S. corporations of needed flexibility in designing their capital instruments and hurts U.S. investors, particularly retail investors, by denying them the opportunity to invest in the financial instruments of their choice.

But we have a terrible problem in our economy right now of saving enough, and diverting the savings over into capital investment, into the private sector of our economy.

We see that manifestation all across the board. So anything that makes it more difficult to really attend to the capital investment needs of the United States and get the capital moving to create jobs and to create new economic strength—we do not want things to get in the way of that. We want things to foster that in a fully regulated, fair, open, proper way.

I want to read one other thing from her letter. This goes back to the way things were done prior to 1974. She says, that the exclusivity clause was enacted in 1974 for two reasons. The first was to ensure that all commodity futures traded on exchanges would be regulated to the same extent. She notes that, prior to 1974, unregulated futures contracts traded alongside of regulated futures contracts. So they wanted to get rid of that, and wisely so.

The second reason was: To protect exchange-traded futures from interference by State regulators and the potentially adverse, costly impact with compliance with 51 different regulatory schemes. Congress recognized and repeatedly reaffirmed the industrial use of a nationally uniform body of standards governing futures trading coupled with State antifraud legislation.

She notes that the exclusivity provision was not intended to and should not be used to prevent securities products from trading on regulated securities exchanges—we are talking about the hybrids in the middle again—or to prevent the institutions from utilizing swaps or other legitimate instruments specifically tailored to their needs. Yet, that is the situation that we now are finding ourselves being put into by virtue of this defect in title III in this particular matter before us.

My last thought would be this. We are here to set policy for the future. We are not trying to help one market as against another. We are not trying to help one regulator as against another. We are trying to construct a balance of regulatory treatment and definition and a manner of operation that keeps the markets fair, aspires investors' confidence, and enables the capital investment process in the United States to go ahead as fully as it possibly can, and to not see these markets through inadvertence or through poorly written law hightail it out of the United States and go somewhere else.

I am not here to try to tilt the balance toward anyone or against anyone. I am absolutely firmly of the view that that ought not to be any part of this legislation. But I think, unfortunately, given the way it has been constructed in the agriculture bill, it now has that characteristic to it. That, I think, has to be addressed and changed.

The rest of the bill, I think, is fine. I congratulate the Agriculture Committee. They have done a good job. The margins part, I believe, is right on target. They have done a good job in the other areas. But title III has to be changed, or we are going to pay a real price for it as we go down the road in terms of the economic vitality of this country. And that is something that ought not to happen.

I yield the floor.

EXHIBIT 1

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, March 27, 1991.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter requesting my views on Title III of S. 207, the Futures Trading Practices Act, as reported out of the Senate Agriculture Committee. In that letter you ask several specific questions about the regulation of hybrid instruments, including swaps, prescribed by the bill. I would like to focus on those matters on which I believe I can be of most assistance to you and give special attention to the treatment of swaps and deposits.

As I have noted in testimony and previous correspondence on these issues, various problems arise from a basic principle underlying the current approach to the implementation of the Commodity Exchange Act (CEA), under which instruments with elements of futurity may be considered to be futures contracts and therefore required to be traded on futures exchanges. This approach has led to confusion in financial markets and involvement of the courts, of which the situation involving index participations is a good example. The developers of new financial instruments—including risk-shifting products—are responding to perceived economic needs, but the uncertainty about the treatment of new financial instruments in the United States under the CEA tends to discourage such efforts and to give an edge to financial centers abroad.

Clearly, these provisions of the CEA are in need of repair, and I commend the Senate for seeking to make needed changes. However, as I indicated previously, the approach taken by S. 207 will continue to preserve impediments to innovation in hybrids and risk-management products and may well forestall developments in swap markets that could reduce systemic risk. The 50 percent value test embodied in the bill is arbitrary, and could yield anomalous results for similar structured instruments. The exemptive authority given to the Commodities Futures Trading Commission (CFTC) under this bill is narrow and in some cases would prohibit the Commission from making appropriate exemptions. The hearing requirement could lead to a cumbersome exemptive process which itself would pose an obstacle to innovation. Further, the use of regulatory exemptions, once granted, itself creates uncertainty, as they may be revoked at a future date.

Instead of this approach, which seeks to exempt certain hybrids from the CEA, it would be preferable, as I have noted previously, to allow such instruments to trade on markets selected by the parties. Thus, equity-related derivative products could trade on either securities or futures exchanges and banks and other financial institutions could offer commodity derivative products where appropriate prudential and investor protection safeguards are in place. In this way, owing to different customer bases, similar products could evolve in ways that best meet the needs of those customers.

In the case of the swap markets, I am concerned not only about the potential adverse effects of S. 207 on competition and innovation but also about its potential to impede the development of netting arrangements designed to reduce counterparty credit risks and, therefore, systemic risks in the financial markets. Last November, the Governors of the central banks of the Group of Ten countries released a report that concluded that netting arrangements, if properly designed, have the potential to reduce the size of credit and liquidity exposures incurred by participants in interbank and other wholesale financial markets, including the swap markets, and thereby contribute to the containment of systemic risk. However, the provision of S. 207 that limits the exemptive authority of the CFTC to swap agreements that are "not designed to and would not result in a trading market in the swap agreement" could prevent the development within the United States of multilateral netting arrangements for swap obligations. Other conditions of this swap exemption authority may also result in a failure to exempt certain existing swap transactions. The enactment of these provisions could push multilateral netting arrangements for swap obligations and the swap markets themselves offshore.

Proponents of the prohibition of multilateral netting of swap obligations have argued that such a system would, in effect, be a futures exchange and, therefore, should be subject to CFTC regulation. There are important differences, however, between a traditional futures exchange and the multilateral netting systems that have been developed in other financial markets. Participation in these netting systems generally is limited to commercial banks and other regulated financial institutions that traditionally have taken an approach to risk management that is fundamentally different from the approach used by futures exchanges. In designing multilateral netting systems, generally these institutions have adopted decentralized systems that preserve incentives for bilateral risk management (by allocating losses from a default in the first instance to the original counterparties of the defaulting participant) rather than adopting the centralized systems used in the futures industry that mutualize losses without regard to the original counterparties. For such decentralized systems, the regulatory framework developed by the CFTC for futures exchanges seems inappropriate. The case for CFTC regulation is further reduced if those other systems are subject to regulation by another federal agency.

In addition to extending the coverage of the act to swap transactions, Title III also suggests that the CFTC will have jurisdiction over some depository instruments and lending transactions. We do not believe that it is appropriate for banking activities of federally regulated institutions to be subject to the jurisdiction of the CFTC. Banks are subject to a comprehensive system of federal regulation designed to ensure the safety of the institutions and to protect their customers; there is no need to impose another layer of regulation on their activities, especially where that regulation is designed to meet concerns that are not relevant to banking activities. Further, the bill could be read to preclude banking regulators from overseeing banking transactions that are exempt by the CFTC, a situation that would be inadvisable.

I hope you find these comments to be helpful.

Sincerely,

ALAN GREENSPAN.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, April 15, 1991.

Hon. TIMOTHY E. WIRTH,
Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR: Thank you for your letter of April 12, 1991, requesting my views on two proposed alternatives to the exclusivity provisions of S. 207 as reported by the Committee on Agriculture, Nutrition and Forestry. One alternative was transmitted by Chairman Gramm of the Commodity Futures Trading Commission to the Chairman of the Senate Agriculture Committee by letter dated April 9, 1991 ("CFTC Alternative") and the other alternative accompanied your letter to me of April 12, 1991 ("Bond-Wirth Alternative").

Under the current approach to the implementation of the Commodity Exchange Act ("CEA"), instruments with elements of futurity may be considered to be futures contracts and therefore required to be traded on futures exchanges. This approach has led to confusion in financial markets and involvement of the courts, of which the situation involving index participations is a good example. The developers of new financial instruments—including risk-shifting products—are responding to perceived economic needs, but uncertainty about the treatment of new financial instruments under the CEA tends to discourage such efforts and to give an edge to financial centers abroad.

As I have previously indicated, S. 207, as passed by the Agriculture Committee, would continue to preserve impediments to innovation in hybrid's and risk management products and would forestall developments in swap markets that could reduce systemic risk. The exemptive authority given to the Commodity Futures Trading Commission ("CFTC") under this bill is narrow and in some cases would prohibit the CFTC from making appropriate exemptions. The hearing requirement could lead to a cumbersome exemptive process which itself would pose an obstacle to innovation. Further, the use of regulatory exemptions, once granted, itself creates uncertainty, as they may be revoked at a future date.

In my view, the approach taken by the CFTC Alternative generally addresses the difficulties created by the exclusivity provisions of the CEA more effectively than the provisions of the Agriculture Committee version. Nevertheless, it continues to rely on discretionary, and potentially restrictive exemptive procedures for dealing with swaps and bank deposits rather than the exclusionary approach of the Bond-Wirth Alternative. Further, it does not address lending transactions at all.

The Bond-Wirth Alternative, on the other hand, excludes certain swap transactions as well as certain deposit and lending transactions from the coverage of the CEA altogether, thus avoiding problems that may arise from a cumbersome exemptive process and the potential for revocation of any exemptions that may be granted for these transactions. It also would provide the CFTC with broader discretionary authority to exempt any instrument if the CFTC determines the exemption is consistent with the public interest. The approach taken by the Bond-Wirth Alternative goes further than the CFTC Alternative to alleviate the difficulties for the financial markets created by the provisions of the CEA, and therefore is in our judgment preferable, particularly in the areas of swaps, bank deposits and lending instruments. The exclusion approach also would remove possible conflicts in regulatory jurisdiction that might arise from continued CFTC jurisdiction over swaps. At the same time, the limitations on the exclusions ensure that these transactions are subject to Federal oversight or are limited to sophisticated investors.

I hope you find these comments to be helpful.

Sincerely,

ALAN GREENSPAN.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, yesterday, we began debate on reauthorization for CFTC, and some more reforms to address the many abuses which have occurred in the futures market during the past few years. If this were all S. 207 accomplished, I expect that we would have nearly unanimous support for the legislation. However, the real issue, as everyone in this Chamber well knows, is the continued jurisdictional squabbling between the SEC and the CFTC, and the concerns raised about the effects of the provisions in title III of this legislation on the capital markets.

So, as we begin debate on title III today, it is important to keep in mind what we are discussing is whether we want capital markets that are competitive in the global arena, which will encourage innovation, and which will provide legal certainty for market participants.

Before talking about the substantive concerns I have regarding the provisions in title III, I believe it is important to emphasize four points.

First, neither Senator RIEGLE nor I, nor any of our colleagues who have concerns about title III, oppose the enactment of S. 207. We do not wish to kill the bill or indefinitely delay its consideration. To the contrary, I will fully support the enactment of title I and title II and the margin provisions of title III.

I cannot support, however, sections 302, 303, and 304 of title III in their current form, or as revised by the proposed manager's amendment. These are the provisions which address the problems raised by the so-called exclusivity clause of the Commodity Exchange Act. These sections of the bill need to be amended. I believe the Bond-Wirth amendment corrects most of those problems, and I support the efforts of Senator BOND and Senator WIRTH to correct these problems.

The second matter which I call to the attention of this body, Mr. President, relates to the interests of farm groups. A number of my colleagues have indicated that they agree as a matter of policy with the concerns the financial regulators and others have expressed. However, they have also received letters and visits from several farm groups which have indicated their support for the passage of S. 207 as reported out of the Agriculture Committee. This has put them in a difficult position.

Let me allay their concerns. Quite simply, title III does not affect farmers at all. Most of the farmers that I have talked to, and who have encouraged me to back off my positions, think it does. They have been misled. Title I and II do, and I want to repeat that we do not object to title I or title II or the margin provisions of title III. But these provisions have absolutely no impact on farmers. They deal solely with margins on stock index futures, index participations, swaps, and hybrid securities. They deal with financial instruments, not agricultural commodities.

That is the point I want to make very strongly.

A lot of people talk about just a turf battle on this between the Agriculture Committee and the Banking Committee. It is not that. I am not interested in wasting time on turf battles. Agricultural commodities are their business. Financial instruments and hybrid securities are the business of the Banking Committee. I make the point very strongly that our staff, our people, are hired on that committee to deal with those kinds of instruments. I do not pretend to know all of the details of the Agriculture Committee's business, nor should I. Their staff is hired because they are experts in the area of agricultural products, and dealing with futures. We are not. That kind of separation needs to be made. The expertise is not there.

We have plenty of testimony that the chairman of the Banking Committee has already talked about, and letters from various groups that talk about how this is hurting our financial institutions. The last thing we need right now in this financial crisis with the S&L's and problems with the banks is legislation that further hampers our financial institutions.

So again I want to be very repetitious and indicate that our concern on the Banking Committee is dealing with financial instruments, not agricultural commodities. I must say how very disappointed I am that we cannot make that separation and that it is necessary to be out on the floor making these points, because for several years we have been trying to separate financial instruments from commodities and apparently have not been able to do so. The CFTC does not seem to want to keep their hands off financial instruments.

At a Banking Committee hearing just yesterday, Federal Reserve Chairman Greenspan and Treasury Undersecretary Glauber both said that title III does not affect farmers. Even Wendy Gramm, Chairman of the CFTC did not disagree that title does not affect farmers. Therefore, amendments to improve title III would not affect farmers either.

Again I sound like a broken record, but I hope some of the staff Members of my colleagues will get that point straight. They may still not agree with these changes that are proposed but they should not buy the argument from farm groups that changing title III has anything to do with farmers. It does not. No matter how many times I have to repeat it. The Ag Committee has done a good job on title I and title II. We are in favor of those. I wish the Ag Committee would recognize where they are intruding into financial products and be willing to come to a reasonable compromise.

The third issue which is important to emphasize at the outset of this debate is the breadth and depth of concern that has been expressed about the effects of title III. With the sole exception of the CFTC, every one of this country's principal financial regulators has written or testified that the language in title III of S. 207 will do irreparable harm to our capital markets.

Why are we being stampeded into this compromise by Treasury and the CFTC when all of the other major regulators disagree? Three out of four, yesterday, testified to that. S. 207 will do irreparable harm to our capital markets. Again we continue down this path.

This list includes the Federal Reserve, the Securities and Exchange Commission, the Comptroller of the Currency, and the FDIC. Again, the Federal Reserve, the Securities and Exchange Commission, the Comptroller of the Currency, and FDIC say it will do irreparable harm for our capital markets. The CFTC does not agree. Yet we are going to continue on this path with no cooperation from the CFTC in resolving this problem of financial instruments and hybrid securities and apparently no cooperation from the Ag Committee willing to look at the fact that there is some expertise in financial instruments on the Banking Committee that does not exist in the Ag Committee. We are not interfering with title I or title II. I do not know enough about it to interfere. I wish the Ag Committee would take the same attitude as far as financial instruments are concerned.

For example, Federal Reserve Chairman Alan Greenspan has written three letters and just yesterday testified before the Senate Banking Committee.

To quote Chairman Greenspan:

> Clearly, these provisions of the CEA are in need of repair. * * * However, the approach taken by S. 207 will continue to preserve impediments to innovation in hybrids and risk-management products and may well forestall developments in swap markets that could reduce systemic risk.

At this point I ask unanimous consent that a letter of April 15, 1991, from Chairman Greenspan be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, April 15, 1991.

Hon. TIMOTHY E. WIRTH,
Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR: Thank you for your letter of April 12, 1991, requesting my views on two proposed alternatives to the exclusivity provisions of S. 207 as reported by the Committee on Agriculture, Nutrition, and Forestry. One alternative was transmitted by Chairman Gramm of the Commodity Futures Trading Commission to the Chairman of the Senate Agriculture Committee by letter dated April 9, 1991 ("CFTC Alternative") and the other alternative accompanied your letter to me of April 12, 1991 ("Bond-Wirth Alternative").

Under the current approach to the implementation of the Commodity Exchange Act ("CEA"), instruments with elements of futurity may be considered to be futures contracts and therefore required to be traded on futures exchanges. This approach has led to confusion in financial markets and involvement of the courts, of which the situation involving index participations is a good example. The developers of new financial instruments—including risk-shifting products—are responding to perceived economic needs, but uncertainty about the treatment of new financial instruments under the CEA tends to discourage such efforts and to give an edge to financial centers abroad.

As I have previously indicated, S. 207, as passed by the Agriculture Committee, would continue to preserve impediments to innovation in hybrid's and risk management products and would forestall developments in swap markets that could reduce systemic risk. The exemptive authority given to the Commodity Futures Trading Commission ("CFTC") under this bill is narrow and in some cases would prohibit the CFTC from making appropriate exemptions. The hearing requirement could lead to a cumbersome exemptive process which itself would pose an obstacle to innovation. Further, the use of regulatory exemptions once granted, itself creates uncertainty, as they may be revoked at a future date.

In my view, the approach taken by the CFTC Alternative generally addresses the difficulties created by the exclusivity provisions of the CEA more effectively than the provisions of the Agriculture Committee version. Nevertheless, it continues to rely on discretionary, and potentially restrictive exemptive procedures for dealing with swaps and bank deposits rather than the exclusionary approach of the Bond-Wirth Alternative. Further, it does not address lending transactions at all.

The Bond-Wirth Alternative, on the other hand, excludes certain swap transactions as well as certain deposit and lending transactions from the coverage of the CEA altogether, thus avoiding problems that may arise from a cumbersome exemptive process and the potential for revocation of any exemptions that may be granted for these transactions. It also would provide the CFTC with broader discretionary authority to exempt any instrument if the CFTC determines the exemption is consistent with the public interest. The approach taken by the Bond-Wirth Alternative goes further than the CFTC Altnerative to alleviate the difficulties for the financial markets created by the provisions of the CEA, and therefore is in our judgment preferable, particularly in the areas of swaps, bank deposits and lending instruments. The exclusion approach also would remove possible conflicts in regulatory jurisdiction that might arise from continued CFTC jurisdiction over swaps. At the same time, the limitations on the exclusions ensure that these transactions are subject to Federal oversight or are limited to sophisticated investors.

I hope you find these comments to be helpful.

Sincerely,

ALAN GREENSPAN.

Mr. GARN. Should we not be concerned, or even alarmed, when the agencies we have entrusted with overseeing our capital markets, those with the expertise to properly address these highly complex and difficult issues, tell us that action we might take could impede the efficient and effective functioning of the capital markets? Are are going to ignore these expert witnesses?

Even more importantly is that the users of the capital markets have expressed these same concerns. This includes the securities industry, the banking industry, Government-sponsored enterprises, such as Fannie Mae and Freddie Mac, the legal community and the corporate community. This is not a narrow or parochial group of players. It is broad-based and cuts across industries.

In fact, many of these entities operate in both the securities and futures markets, so they do not have a vested interest in choosing one market over another. These are the market participants who are most directly affected by what we do, and who have the best understanding of the practical ramifications of the changes that would be wrought by title III.

I think the best discussion of these issues was that provided by Mary Schapiro. Ms. Schapiro is currently a Commissioner of the SEC and was formerly counsel to the Chairman of the CFTC and general counsel of the Futures Industry Association. She obviously has a unique background, and probably is in a better position than about anyone to understand these issues. She notes that "whatever it merits for the regulation of futures contracts, I believe that the exclusivity clause of the CEA is doing damage to the capital-raising ability of U.S. corporations."

Mr. President, I ask unanimous consent to print her letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SECURITIES AND
EXCHANGE COMMISSION,
Washington, DC, April 5, 1991.
Hon. CHRISTOPHER J. DODD,
Chairman, Senate Subcommittee on Securities, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DODD: I am writing as a member of the Securities and Exchange Commission and former staff member of the Commodity Futures Trading Commission ("CFTC") and General Counsel of the Futures Industry Association, to express my concerns with Title III of S. 207. I do so separately because I would like it to be clear that my concerns arise not out of any issue of jurisdiction or prior debates which have been characterized as turf wars; rather, given my experience with both futures and securities markets, I believe it is important that I express my views on the implications of S. 207 for the securities markets specifically, and the capital markets in general.

At the outset, let me state that whatever its merits for the regulation of futures contracts, I believe that the exclusivity clause of the Commodity Exchange Act is doing damage to the capital-raising ability of US corporations. Quite simply, the exclusivity clause deprives US corporations of needed flexibility in designing their capital instruments, and hurts US investors, particularly retail investors, by denying them the opportunity to invest in the financial instruments of their choice.

The effects of the exclusivity clause are even more troubling because these effects were neither contemplated nor intended when the exclusivity clause was first drafted. For these reasons, I believe that many of the efforts to limit the impact of the exclusivity clause of the Commodity Exchange Act are to be commended. The exclusivity clause, contained in the Commodity Futures Trading Commission Act of 1974, that created the CFTC and introduced the modern scheme of regulation, was an important provision with two primary purposes. The first was to ensure that commodity futures contracts such as silver, copper, sugar and cocoa traded on exchanges would be regulated to the same extent as other, already regulated, exchange traded futures such as wheat or soybeans. Prior to the 1974 amendments, a rather curious situation had developed in which a growing number of nonregulated futures contracts traded alongside of regulated futures contracts. Congress sought to remedy this anomalous situation by bringing exchange-traded futures under the CFTC umbrella.

The second principal reason for enactment of the exclusivity provision was to protect exchange-traded futures from interference by state regulations and the potentially adverse and costly impact of compliance with 51 different regulatory schemes. Congress recognized and repeatedly reaffirmed the value of a nationally uniform body of standards governing futures trading coupled with state antifraud enforcement.

Giving effect to these two purposes has been extremely important to the successful development of the futures markets. Preemption of state law, with the very wise carve-out for state antifraud provisions, has likely saved the futures exchanges, and financial intermediaries, enormous sums of money. In addition, the credibility, safety and soundness of transactions on futures exchanges have been promoted and enhanced by the inclusion of all types of exchange-traded futures contracts under the umbrella of federal regulations. I believe that the phenomenal growth of the U.S. futures markets since enactment of the 1974 law is testament to the salutary effect of comprehensive regulation. Indeed an increase of nearly 800% in transaction volume would not have been possible if institutional users did not have confidence in these markets—confidence that I believe is born of a belief that the markets are comprehensively regulated.

As the SEC savings clause demonstrates, however, I do not believe that the exclusivity provision was intended or should be used to prevent securities products from trading on regulated securities exchanges or to prevent institutions from utilizing swaps and other legitimate instruments specifically tailored to their needs. This Committee and the CFTC have rightly recognized that the exclusivity provision now impedes the development of useful, innovative financial products. Unfortunately, the proposed solution does not address the problem and, indeed, makes matters worse.

The basic problem with the exclusivity clause in today's markets is well recognized: it requires that all instruments (even securities) with elements of futurity be treated as futures contracts and therefore required to be traded on designated contract markets or futures exchanges. As Chairman Greenspan has pointed out, the potential for the strict application of this principle has led to confusion in financial markets and the involvement of the courts, which in turn has discouraged efforts to develop new and innovative instruments.

The 50% value test proposed by S. 207 seeks to utilize a simple, seemingly objective calculation to determine when an instrument is a security or a future. In reality, however, a 50% value test is not a useful or objective measure because various arbiters can measure the value of different parts of the instrument in a variety of ways based on different sets of assumptions. More importantly, certain products, such as equity hybrid instruments, simply cannot be broken into intellectually distinct pieces that can then be valued separately. As a result, the percentage test effectively guarantees that no new equity hybrid product will be able to trade. Further, I do not believe that such a test reduces the risk that there will be litigation over each new hybrid product. Hence, the chilling effect of the exclusivity clause will remain intact.

But, there is a further structural problem: if a securities exchange trades a product that the SEC has approved as a security and that exchange is sued on the grounds that the product has more than 50% of its value derived from a commodity, a court will not accord the SEC any deference for its determination because the SEC will be interpreting a commodities and not a securities statute. Rather, the CFTC likely will be asked for its view, and the CFTC will be accorded deference. In effect, the CFTC replaces the SEC as the agency with authority to determine what is a security. Thus, the chances that the innovators in our marketplaces will risk the introduction of new hybrid equity instruments are very small. That would be a very tragic and costly result.

Rather than employing an imprecise and perhaps unworkable exemptive test, I believe the best approach would be one that permits hybrid financial instruments to trade on either type of exchange. So long as the markets are regulated, and the public is protected, it is hard for me to discern any legitimate reason not to allow the exchanges and the regulated over-the-counter market to fully develop new products that meet the needs of investors. Let the SEC approve hybrid products for securities exchanges and let the CFTC approve hybrid products for futures exchanges, and I believe we will see that the ingenuity and variety of new instruments will enhance and enrich our capital markets.

S. 207 also has the potential to dramatically impact the swaps market. The same fundamental problem created by the exemptive authority for hybrids flows through the exemptive authority that S. 207 grants the CFTC in dealing with the swaps markets and even some banking products, such as demand deposits. Swaps and banking products have never before been subject to the regulation of the CFTC or dependent for their continued existence on an exemption from the CFTC. There is no doubt in my mind that the CFTC has tremendous institutional experience regulating the futures markets and in exercising reasoned and sound judgment over the areas under their existing authority. But, I do not believe that expertise extends to the swaps or banking industries, nor do I believe there is any logic in doing so.

Finally, the limitations of S. 207 on Index Participations ("IPs") lack any grounding at all in logic. The bill would deem *all* index participations to be futures and then would exempt from CFTC regulation only the eight IPs that were approved or pending before December 31, 1991. There are three fundamental problems with this: First, three of the "grandfathered" IPs are based on the S&P 500 index. S&P has an exclusive licensing agreement for S&P 500 futures with the Chicago Mercantile Exchange. Thus, if an IP is defined as a future, an IP on the S&P cannot trade. Second, all non-grandfathered IPs proposed by any other securities exchanges or based upon any other indices would be prohibited. The logic of this escapes me. If it is good for the public to be able to trade an IP at the AMEX, why not also at the Pacific Stock Exchange? If it is in the public interest to allow trading of an IP based on a grandfathered index, such as the NYSE Composite, why isn't it equally in the public interest to allow trading of an IP on other indexes, such as the Value Line Average or the Nikkei? Third, it is unclear whether the legislation would permit any modifications to the grandfathered IPs. These are not results driven by solid, reasoned public policy but rather by political compromise grounded in protectionism. The public is clearly the loser as it is deprived of the ability to trade IPs. I believe a better result would be to exempt all index participations from CFTC regulation.

This Committee, the SEC and the CFTC share a deep and abiding interest in maintaining the efficiency, soundness and competitiveness of the US markets for futures and securities. These provisions, however well intentioned, do not achieve those purposes and indeed will handicap our markets far into the future. It is vitally important that the full significance and potential impact of this bill be understood before it becomes law. Hearings should be held to analyze these issues and enable the Congress to explore fully the ramifications of this bill. Once done, I am certain that we will see that some basic changes need to be made to Title III in order to best serve the public interest. In any event, the SEC stands ready, as always, to work with you to develop alternative solutions to the problems created by the exclusivity clause.

Sincerely,

MARY L. SCHAPIRO,
Commissioner.

Mr. GARN. Mr. President, the fourth observation I would make is that we should not even be here. These are obviously highly technical and complex issues which are difficult for Members to understand, and which are going to be difficult to discuss here on the floor. The people who should be resolving these kinds of jurisdictional questions are the expert agencies.

I fail to understand why they have not been able to come to some agreement among themselves. There certainly is precedent. In 1982, then Chairmen Shad and Johnson resolved a similar, though less important, jurisdictional dispute, which was promptly ratified by Congress.

Maybe its simply that Congress has not put enough pressure on the interested parties to come to a reasonable, rationale division of responsibilities. Two years ago, when the disagreement between the SEC and CFTC over index participations first began brewing, I wrote a letter to both agencies urging them to resolve their differences amicably and avoid unnecessary and counterproductive litigation. I did not have a preference how they carved up the regulatory pie, just that they eliminated the uncertainty in the marketplace. Remember that was 2 years ago. This is not a new issue.

Obviously, my advice was not heeded and that of other Members of this body was not heeded. Maybe the outcome would be different if every Member of this body, especially those who do not want to vote on this issue, wrote to the Treasury Secretary and the Chairmen of the Federal Reserve, SEC and CFTC telling them they wanted them to reach a consensus view.

Mr. President, while this may appear to be simply a case of jurisdictional squabbling, as I noted at the outset, much more is at stake. This was acknowledged by each of the witnesses at yesterday's Banking Committee hearing.

However, to put these issues in the proper context, I think it is useful to provide a brief history of the division of jurisdictional responsibilities, and how we got where we are today. Virtually all the problems that have arisen under current law, and with Title III of S. 207, can be traced to the exclusivity clause of the Commodity Exchange Act.

The Commodity Futures Trading Commission was created in 1974. At that time, the Securities and Exchange Commission had been in existence for 40 years. The exclusivity clause, which was contained in the CFTC Act of 1974, was not intended to give the CFTC expansive jurisdiction over financial markets. There were two specific and limited reasons for giving the CFTC exclusive jurisdiction over commodity futures.

The first was to correct the anomaly that had resulted in some commodity futures which were traded on exchanges, such as silver and gold, be free from any regulation, while others which were also traded on exchanges, such as wheat and soybeans, were subject to regulation. The second reason for the exclusivity clause was to preclude the States from establishing 50 different regulatory schemes for exchange-traded futures.

The legislative history of the CFTC Act drives home the point that Congress never intended the jurisdiction of the CFTC to range beyond commodity futures traded on futures exchanges, and certainly not to spill over into the securities markets.

I quote from the committee report accompanying passage of the CFTC Act:

> While the Committee did wish the jurisdiction of the CFTC to be exclusive with regard to the trading of futures or organized contract markets, it did not wish to infringe on the jurisdiction of the SEC or other Government agencies.

The report goes on to say:

> Likewise, the Committee believes that regulation by the Commission of transactions in the specified financial instruments (i.e., security warrants, security rights, resales of installment loan contracts, repurchase options, government securities, mortgages and mortgage purchase commitments), which are generally between banks and other sophisticated institutional participants, is unnecessary, unless executed on a formally organized futures exchange.

Thus, the legislative history is absolutely clear that Congress did not intend for the CFTC to tread upon the jurisdiction of the SEC or other agencies like the banking regulators, nor regulate transactions, such as swaps, between sophisticated institutional investors.

However, since that time, a few courts and the CFTC have interpreted the exclusivity clause in an overly expansive manner which has called into question the regulatory scheme applicable to a wide range of financial products, including securities, banking transactions, insurance products and private agreements.

This is largely because of recent CFTC interpretations and a single Federal appeals court decision which basically stated that any product which has an element of futurity will be deemed a contract of sale for future delivery, and thus, according to the commodity laws, have to be traded on a futures exchange.

As Chairman Greenspan has noted, this reading of the CEA has adverse consequences for U.S. financial markets. It affects the multitrillion-dollar swaps and index options markets, financial institution depository accounts, and innovative financial products which have not yet been invented.

Therefore, it is vitally important that we resolve the problems stemming from the exclusivity provision of the Commodity Exchange Act, and the overly expansive readings of that statute by the courts. Unfortunately, however, rather than resolve the jurisdictional problem, title III of S. 207 exacerbates it.

At best, these provisions codify the current overreaching interpretations of the scope of the Commodity Exchange Act. At worst, they may grant the CFTC authority over a broad range of securities and banking products.

This is unacceptable. These provisions of title III must be substantially revised. I anticipate that there will be a number of amendments that will be offered to accomplish that goal. While I have no qualms with CFTC regulation of the futures markets, nor with the handling of the margins question, I oppose creating a new layer of regulation for banking and securities products.

We should make absolutely clear that the CEA does not apply to, and the CFTC has no jurisdiction over, demand deposits, time deposits or transactions accounts which are subject to regulation by the appropriate Federal banking agency, nor index options, nor swaps, nor insurance products regulated by the States, nor similar financial transactions other than those conducted on an organized futures exchange. This approach is entirely in keeping with the congressional intent underlying creation of the CFTC in 1974.

Does anyone in this body believe that the CFTC should be able to decide whether certain securities are able to be traded on a securities exchange? Or that the CFTC should have jurisdiction over bank depository instruments? Or over arms-length financial agreements entered into by two institutional investors, such as a bank and a pension fund? Or over certain annuities offered by insurance companies?

The drafters of S. 207 are obviously operating under those misconceptions, because the language currently in the bill is so broad as to give the CFTC authority to regulate such products or transactions. While I do not object to the CFTC regulating the commodity futures markets, I do not believe they, or the Agriculture Committee, should be overseeing banking, securities, insurance, and housing. We have no desire on the Banking Committee to intrude on the jurisdiction of the Agriculture Committee.

I have heard the arguments made that the CFTC is actually ceding jurisdiction under S. 207. That argument is only true if you accept that the CFTC currently has statutory authority to regulate the financial universe. I do not think anyone accepts that notion.

Mr. President, with respect to hybrid products, those which are not clearly securities or futures, we should craft a regulatory structure which promotes competition and encourages product innovation. Title III of S. 207 fails on both accounts. As Chairman Greenspan has noted, the test is "arbitrary" and could "yield anomalous results for similarly structured instruments."

I submit that if all interested parties are truly interested in resolving the problems raised by the exclusivity provision in a reasonable, rational and responsible manner, we can do so very quickly.

Very simply, the regulatory structure should provide that if the CFTC authorizes a hybrid product for trading on a futures exchange, it should be able to trade there. And if the SEC authorizes a hybrid product to trade on a securities exchange, it can trade there. If both agencies want to authorize similar products for trading, then the marketplace will be the ultimate determinant.

It is a two way street, and it is competition at its best. I would be pleased to sit down with Senator LEAHY, Senator RIEGLE, Senator DIXON, Senator BOND, Senator WIRTH, Senator GRAMM, and any other interested party to try to achieve a truly responsible solution to this issue.

In closing, Mr. President, I want to make my position very clear. The Agriculture Committee has done a good job on title I and title II. It is long overdue to have a reauthorization of CFTC. That farm group certainly should push for passage. All of the members of the Banking Committee that I am aware of feel very strongly about that. Again our problem is with certain parts of title III which I think Bond-Wirth would correct, or some other accommodation if that is not acceptable to the Senate.

But we simply must have an understanding of this separation between agriculture products and commodities futures and banking products. I cannot emphasize enough after 17 years on that Banking Committee, and what this country is going through, the disastrous losses that we have suffered in the S&L's and potential losses in the banking industry, rather than doing something—and that certainly is not the intent of the chairman or anyone on the Agriculture Committee to do that, not in any way whatsoever. But the language in title III, when you have all these regulators except one testify that it will harm the capital markets and hurt the banking industry, I do not know why we are here. I do not know why we are out here on the floor and why we do not sit down and resolve that, not as a jurisdictional dispute; that makes no difference to me.

But I cannot sit back as a member of the Banking Committee and have a law passed that does that harm, or even the potential for that harm. So I am a little bit puzzled as to why we are here on the floor and why we cannot sit down and resolve this rather than going down the path of following one regulator to the exclusion of every other financial institution regulator.

Their testimony is very pointed, very specific, and very damaging. So I would appeal to all those involved after 2 years of this struggle, let us recognize that overwhelmingly we all agree on title I and title II, and make the changes in title III that we can all be happy with and not have the unintended impact of causing further damage to the banking institutions and securities firms of this country.

(Mr. HEFLIN assumed the chair.)

Mr. LEAHY. Mr. President, obviously we are not debating the banking bill. We are debating an agriculture bill and the Commodity Futures Trading Commission.

I will allow the Banking Committee and others, as they should, to use their expertise to oversee the banking community as they always have. But I want to try to make sure that what we see in the area under the jurisdiction of the Agriculture Committee, whether it is commodities futures or anything else, is handled very well.

I will not speak to whatever situation the banking industry finds itself in today, but I am concerned about avoiding any problems in the area of commodities trading. We have worked very, very hard to do that here putting in tough regulations, by making sure that there is real oversight. I would suggest that in various financial markets there is probably a wish today that there had been that same kind of tough oversight and tough mechanisms there. I want to make sure that we have it in the futures area. It is an area where every Senator can make up his or her mind and vote the issue up or down and we can do that today.

DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PERSONNEL ACT OF 1991

Mr. LEAHY. Mr. President, I ask unanimous consent on behalf of the leadership that the Senate proceed to the immediate consideration of Calendar No. 44, S. 675, a bill regarding the Department of Veterans Affairs ability to recruit and retain physicians and dentists.

The PRESIDING OFFICER. Without objection the clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 675) to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities and to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 65

(Purpose: To make technical corrections)

Mr. LEAHY. Mr. President, on behalf of Senator CRANSTON, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. CRANSTON, proposes an amendment numbered 65.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, line 14, strike out "(d)" and insert in lieu thereof "(c)".

On page 55, line 17, strike out "(e)" and insert in lieu thereof "(d)".

On page 55, line 20, strike out "(f)" and insert in lieu thereof "(e)".

On page 88, line 11, insert ", respectively" before the period.

On page 95, line 2, strike out "Expanded-duty" and insert in lieu thereof "Expanded-function".

On page 110, line 10, strike out "201" and insert in lieu thereof "202".

On page 134, line 6, strike out "and".

On page 134, line 8, strike out "respectively." and insert in lieu thereof "respectively; and"

On page 134, between lines 8 and 9, insert the following new subclause:

(E) by redesignating section 5096 as section 8241.

On page 137, line 5, strike out "8270(f)" and insert in lieu thereof "8201(f)".

On page 137, line 9, strike out "8296" and insert in lieu thereof "8241".

On page 138, in the matter between line 22 and line 23, strike out "7001" and insert in lieu thereof "7101".

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I am delighted to bring before the Senate today S. 675, the proposed Department of Veterans Affairs Health-care Personnel Act of 1991. This measure, which I introduced on March 14, 1991, with the cosponsorship of Senators DECONCINI, ROCKEFELLER, GRAHAM, AKAKA, SPECTER, JEFFORDS, and DURENBERGER, is the final stage in an extended process dating back over the last several years, to enact legislation in two key areas involving VA health-care personnel—special pay for VA physicians and dentists and labor relations matters involving VA health-care personnel.

Mr. President, because the provisions of the pending measure—which I will refer to as the compromise agreement—are described authoritatively in an explanatory statement developed by the two Veterans' Affairs Committees which I will insert in the RECORD at the conclusion of my remarks, I will provide only an overview of the two key elements of the bill and discuss in detail only certain specific provisions.

TITLE I—THE DEPARTMENT OF VETERANS AFFAIRS PHYSICIAN AND DENTIST RECRUITMENT AND RETENTION ACT OF 1991

Mr. President, title I of this measure, the proposed "Physician and Dentist Recruitment and Retention Act of 1991", reflects my and others' efforts over the last two sessions of Congress to reach the goal of giving VA's Secretary and Chief Medical Director the tools with which to act with flexibility and speed in setting the levels of pay for physicians and dentists that I believe are necessary to ensure the effective functioning of VA facilities and the high quality of care that the Nation desires VA to provide. The bill would substantially raise the upper limits on the categorical rates, and total amounts, of special pay for VA physicians and dentists. This measure reflects the same goal as the committee sought to achieve in the Department of Veterans Affairs Nurse Pay Act of 1990, Public Law 101-366, that is, enabling VA to recruit and retain highly qualified health-care professionals, while not paying more than it must in order to do so.

Mr. President, the physician and dentist pay provisions in the compromise agreement rely heavily on the deliberations and recommendations of a VA task force report which is part of the quadrennial report to the President on the adequacy of special pay for physicians and dentists submitted to the Office of Management and Budget on October 10, 1989, as required under the provisions of Public Law 96-322. That task force report relied on data and recommendations contained in a study completed by a private firm—the Klemm Analysis Group—with which VA had contracted to analyze the adequacy of VA physician and dentist pay compared to the compensation of those working in non-VA facilities. Building upon the recommendations contained in these reports, the committee has developed a bill which I believe will enable VA to improve the recruitment and retention of high-quality physicians and dentists.

Mr. President, I first introduced the bill's physician and dentist pay provisions as S. 2701 on May 24, 1990. S. 2701 was derived in substantial part from title I of H.R. 4577 as passed by the House of Representatives on May 1, 1990. The Senate Veterans' Affairs Committee received testimony on S. 2701 and H.R. 4557 at its June 14, 1990, hearing. Based on the testimony and other information, I made certain revisions to the bill which were adopted by the committee at its June 28, 1990, meeting and incorporated into S. 2100, the proposed Veterans Benefits and Health Care Amendments of 1990, as reported on July 19.

Unfortunately, as my colleagues know, objections of Senators on the other side of the aisle to the agent orange and certain other provisions contained in S. 2100 prevented the Senate from considering the bill before the end of the 101st Congress and precluded the House and Senate Committees on Veterans' Affairs from reaching a compromise on a number of legislative proposals, among them physician and dentist special pay. On January 15, 1991, I introduced S. 127, the proposed Veterans Benefits and Health-Care Amendments of 1991, which include the same physician or dentist special pay provisions as S. 2100 in the 101st Congress. Representative SONNY MONTGOMERY, chairman of the House Veterans' Affairs Committee introduced H.R. 588 on January 23, 1991, a bill which in large part reflected agreements reached in House-Senate negotiations by the end of the 101st Congress. The House passed H.R. 593 by a vote of 399 to 0 on January 30, 1991. On March 14, 1991, introduced S. 675, cosponsored by Senators DECONCINI, ROCKEFELLER, GRAHAM, AKAKA, SPECTER, JEFFORDS, and DURENBERGER, the final Senate-House compromise agreement on physician and dentist special pay.

Mr. President, I acknowledge the debt that the Senate Veterans' Affairs Committee owes in the crafting of the special pay provisions in S. 2100 of the 101st Congress and in the compromise agreement to the excellent work of the House Committee and its leadership, Chairman SONNY MONTGOMERY and ranking minority member BOB STUMP. The invaluable work done by the House Committee in developing title I of H.R. 4557 provided a strong foundation upon which our committee could build. The committee has also had the benefit of numerous comments on H.R. 4557 and S. 2701 from affected parties. Finally, the committee is indebted to many VA officials for their outstanding cooperation in answering numerous inquiries and providing a large volume of technical data. The provisions contained in S. 675 reflect carefully coordinated views of the various participants and, I think represent excellent policy.

LEGISLATIVE BACKGROUND OF VA PHYSICIAN AND DENTIST PAY

Until 1975, VA physicians and dentists were paid generally in accordance with a pay schedule that applied to most Federal employees. During that year, legislation derived from provisions I authored was enacted in Public Law 94-123, the Veterans' Administration Physician and Dentist Pay Comparability Act, which established a temporary special pay mechanism for VA physicians and dentists. The administration's plan at the time was to develop a permanent, unified salary structure applicable to all Federal physicians. However, by 1979, administration officials had concluded that a unified structure was inappropriate, because it would not take into account the specific recruitment and retention needs of individual agencies.

In response, I introduced S. 2534 to establish a permanent VA special-pay program. I worked closely with my colleagues in both the Senate and the House to develop a measure which was enacted over a Presidential veto in 1980 as Public Law 96-330, the Veterans' Administration Health-Care Amendments of 1980.

We took great pains in that legislation to provide VA with flexible pay authorities designed to enable it to recruit and retain talented, dedicated employees. Today's compromise agreement would expand on the foundation established in 1980 and would also build several new structures of vital importance to the alleviation of VA's physician and dentist recruitment and retention difficulties.

CURRENT STATE OF VA PHYSICIAN RECRUITMENT AND RETENTION

Mr. President, on December 31, 1989, there were 12,734 physicians employed in the Veterans Health Services and Research Administration [VHS&RA]. Of those, 55 percent served full-time. Board-certification was held by 65.3 percent of full-time physicians and 72.2 percent of part-time physicians. Graduates of foreign—neither United States nor Canadian—medical schools held 36.7 percent of the full-time positions and 17.9 percent of the part-time positions in VHS&RA in 1989. The proportion of VA-employed physicians who held faculty appointments at universities was 29.6 percent of full-time employees and 49.3 percent of the part-time employees.

Mr. President, the Klemm report and the VA task force analyses demonstrate that VA has a doctor recruitment and retention problem. Such problems are clear to patients, physicians, nurses, administrators, and others in the medical center setting even though quantifying that sense may not always be possible. Numbers such as vacancy rates, time until an open position is filled, and turnover rates all shed some light on VA's difficulties.

Mr. President, a major reason for VA's physician recruitment and retention problem is the disparity between VA salaries and those earned by non-Federal physicians. While it is generally accepted that private practice is not the appropriate comparison group for VA physician salaries, reasonable comparisons may be made with academic physicians or physicians employed by health maintenance organizations. Data presented in the Klemm report indicates that VA physicians' and dentists' salaries are considerably lower, especially for specialists and those with many years' experience.

The inadequacy of the existing special pay authority has contributed to severe salary compression which has made disparity in salaries especially acute among experienced practitioners. VA hires many physicians at or near the maximum level of basic and special pay available and is then unable to provide them with salary increases commensurate with their length of service to VA. For example, the Klemm report shows that, although VA provides a greater rate of total compensation for physicians at the instructor level—usually physicians who have recently completed residency training—than do universities, salary compression within the VA system results in a great disparity between the salaries paid to VA physicians and medical school professors. The average full professor earns over $30,000 more than the average VA physician of comparable rank.

SPECIAL PROBLEMS WITH THE RECRUITMENT AND RETENTION OF PSYCHIATRISTS

Mr. President, the need to revise VA's special pay authority is illustrated by the great difficulties VA has placed in the recruitment and retention of psychiatrists. I have been concerned for quite some time about the quality of mental health services provided to our Nation's veterans. Surveys conducted by the National Association of VA Chiefs of Psychiatry [NAVACOP] and VA central office have shown increasing vacancy rates for psychiatry positions: 8 percent in 1986, over 14 percent in 1988, and almost 20 percent in January 1990. VA's February 1991 recruitment bulletin lists 76 psychiatry vacancies at 39 facilities. Despite this evidence, VA has not, up to this point, considered psychiatry a specialty as to which it encounters extraordinary recruitment and retention difficulties.

The main competitors for psychiatrist employees are the State mental health systems. Having been faced with chronic recruitment and retention problems of their own, many States are revising their pay scales upward. These actions are placing VA in very uncompetitive situations in increasing numbers of States. According to data compiled in 1989 by the National Association of State Mental Health Program Directors, there are 10 States where psychiatrists would be paid more than $100,000 for a 40-hour work week. For a full-time VA staff psychiatrist to be paid the maximum allowed—$98,982—that physician would have to be board-certified, have at least 8 years of VHS&RA service, and work at a location to which VA had granted the maximum geographic special pay. Furthermore, unlike psychiatrists employed by State facilities, full-time VA psychiatrists are considered on call 7 days a week and generally are prohibited from supplementing their income through outside clinical endeavors.

I note that in the cost estimate accompanying the July 11, 1990, VA report on S. 2701, VA listed psychiatry as one of the specialties for which it intends to exercise its authority to pay scarce specialty pay. Information gleaned from this report and from conversations with VA central office staff leads the committee to believe that if S. 2100 were enacted, VA would pay scarce specialty pay to psychiatrists at a rate of $15,000 per annum.

CURRENT STATE OF VA DENTIST RECRUITMENT AND RETENTION

Mr. President, full-time dentists face a salary compression problem nearly as serious as that faced by physicians. For example, 82.4 percent of full-time VA dentists in 1989 were in the chief grade; 1.1 percent were in higher grades, 16.5 percent in lower.

Special pay is paid to 98.9 percent of all VA full-time dentists and to 58.7 percent of the part-time dentists. All full-time dentists are eligible for special pay for full-time status, tenure, and geographic locality. Dentists in designated scarce dental specialties—oral surgery, periodontics, prosthodontics—may also receive scarce specialty pay. American Dental Association data indicate that even with scarce specialty pay VA dental specialists are paid approximately $30,000 less than their counterparts in private practice.

Despite the thorough and useful job the Klemm Analysis Group did regarding physician staffing, comparable information was not provided for the dental services. There are disputes, moreover, between representatives of dental associations and VA regarding data on turnover, replacement, and vacancy rates which the committee has not been able yet to unravel. In view of the dramatic 37-percent decline in first year enrollments in dental schools since 1978, as noted by the American Association of Dental Schools in its June 1990 testimony prepared for the committee, I believe that VA dentist recruitment must be closely monitored. Dental services are an important part of VA health care, and we must guard against a replication among dentists of the recruitment and retention problems faced by VA with respect to physicians.

MAJOR PROVISIONS OF PHYSICIAN AND DENTIST PAY LEGISLATION

Mr. President, the data and analyses I have discussed led me to believe that the time has come for significant revision of VA's special pay authority for physicians and dentists. Substantial increases in special-pay levels are needed if VA is to stem recruitment and retention problems. The cap on total special pay at $22,500, which was deemed sufficient in 1980, is simply inadequate for VA to provide salaries that are competitive with those which physicians and dentists can earn elsewhere. Maintaining competitive employment conditions is essential to maintaining the quality and quantity of clinicians veteran patients deserve.

The special pay categories established in Public Law 96-330 provide a coherent framework for the awarding of special pay to physicians and dentists. However, the amounts of special pay provided under each category, which have not been revised since 1980, are no longer adequate. Special pay for specialties in which VA has extraordinary difficulty in recruitment and retention, such as anesthesiology, radiology, and cardiac surgery is particularly inadequate. Under current law the maximum amount of special pay available under this category is $15,500. Even when combined with basic pay and other categories of special pay, this amount results in total salaries that are considerably lower than those offered by VA's competitors to similarly qualified physicians. The same is true for the category of special pay used to compensate physicians for service in geographic areas in which VA has had great difficulty in recruiting either physicians generally or specific categories of physicians. Increasing the maximum amount of scarce specialty special pay to $40,000 and the maximum amount of geographic special pay to $17,000 may seem high, but VA must be able to pay that price in some circumstances in order to remain competitive with other employers. Unless VA salaries are competitive with those offered by universities and by other Government agencies, VA will be forced to either spend large sums of money for contract care or reduce the quality and quantity of health-care services it provides to veterans.

In the case of special pay for length of service, a similar problem has arisen. Under current law physicians may receive $1,000 for 2 to 5 years of service, $2,000 for 5 to 8 years of service, and $3,000 for 8 or more years of service. These small increases do not provide experienced clinicians with sufficient incentive to remain with VA. Physicians who have recently completed medical school come to VA with the latest and most advanced training available, but they lack the experience in patient care and familiarity with the VA system which their more senior colleagues possess. Experienced physicians also play a valuable role in supervising and training residents. The compromise agreement would address the concerns about special pay for length of service by increasing the amounts of special pay in that category to ranges of $4,000 to $6,000 for 2 to 4 years, $6,000 to $12,000 for 4 to 8 years, $12,000 to $18,000 for 8 to 12 years, and $12,000 to $25,000 for 12 or more years.

Along the same lines, we included in the compromise agreement provisions which would increase the rates of special pay for service in executive positions. The maximum amount of special pay available to a physician serving as a service chief would be increased to $15,000 and the maximum available to a physician serving as a chief of staff or in an executive or director grade position to $25,000. Increasing the rates of executive medicine special pay should encourage more physicians to seek such positions.

Mr. President, the compromise agreement also contains provisions that would ease the current special pay authority's disincentives to part-time service. VA would be required to pay physicians and dentists working less than full time but more than half time with amounts of special pay directly proportional to those available to similarly qualified full-time physicians, with the exception of full-time status special pay, subject to a cap at three-quarters' time. A physician or dentist working less than half-time but at least one-quarter time would also be eligible to receive special pay, if the Chief Medical Director determines that paying special pay to such a physician or dentist would be the most cost-effective way to provide necessary medical or dental services. Although VA should endeavor to recruit and retain as many full-time physicians and dentists as possible, prohibitions against outside income for full-time employees cause many physicians and dentists to choose the more lucrative option of a combination of a part-time VA position and private practice or a university appointment.

Mr. President, the pending legislation includes a new basis on which VA would be able to pay special pay: the potential of additional pay for exceptional qualifications. This category would allow the Chief Medical Director to decide, personally and on a case-by-case basis, to pay up to $15,000 to a physician or up to $5,000 to a dentist solely on the basis of exception qualifications. This new category is designed to provide needed flexibility in various situations.

Mr. President, to ensure that VA does not pay physicians and dentists any more than it has to in order to recruit and retain qualified personnel, the compromise agreement contains provisions which would require VA Central Office to exercise oversight with regard to the administration of the special pay provisions at VA medical centers. The bill would require the Secretary of Veterans Affairs, after receiving the recommendations of the Chief Medical Director, to prescribe regulations that medical center directors would be required to follow when negotiating special pay agreements with physicians and dentists. The bill also requires the Chief Medical Director to set nationwide rates for length-of-service special pay, and for the Secretary, after receiving recommendations of the Chief Medical Director, to promulgate regulations regarding the determinations to designate nationwide scarce specialties, and to review all requests from medical center directors for provision of special pay for difficult to recruit and retain specialties on an individual-facility basis.

Other provisions in the compromise agreement would establish safeguards to protect against VA paying physicians and dentists unnecessarily high salaries. The compromise agreement would require a facility director to submit to the Secretary, via the Chief Medical Director, any special pay agreement that would cause a physician or dentist's total pay—basic pay and special pay—to exceed the annual rate of basic pay for executive level I, $134,100 for calendar year 1991. The Secretary would have 60 days within which to approve or disapprove the agreement. The Secretary could disapprove such an agreement only after determining that the agreement provides a physician or dentist with a greater amount of special pay than is necessary for recruitment or retention. Such a determination must be based on findings of fact regarding the specific position and the experience and qualifications of the individual physician or dentist. To assure adherence to the intent of this provision, the proposed new section calls for the Secretary to report annually to the Congress regarding VA's experience under this new subsection and to include in the report a detailed explanation of the basis for each disapproved action taken under this provision.

The committee does not intend for this requirement for central office approval to serve as a cap on special pay agreements. That function would be served by a provision which prohibits any physician or dentist's total salary from exceeding the amount specified in section 102 of title III, United States Code. Rather, central office oversight of special pay agreements that would cause total pay to exceed executive level I should serve as a guarantee that large amounts of special pay are provided to physicians and dentists only in those situations in which there is clear and strong evidence that such salaries are necessary for VA to recruit or retain highly qualified clinicians.

To further ensure that VA is not required to pay unnecessarily high salaries, the compromise agreement contains a provision which permits the Secretary, after receiving the recommendations of the CMD, to designate as ineligible for special pay certain categories of physicians and dentists with respect to which VA has no significant recruitment and retention problems. Not later than 1 year after determining that a specific category of physicians or dentists is ineligible for special pay, the Secretary must make a redetermination as to whether the category should remain ineligible.

This provision would apply only to a physician or dentist hired by VA after the effective date of this act. A physician and dentist in a category the Secretary determines to be ineligible for special pay who has a current section 4118 special pay agreement on the day before the effective date of this act would receive retention pay. A physician's or dentist's retention pay would be set at a rate which would not exceed the rate which, when added to basic pay, is equal to the sum of the annual rate of basic pay and the annual rate of special pay paid to that individual pursuant to the individual's final special pay agreement under section 4118. If the Secretary determines after a physician or dentist has entered into a contract under the new special pay authority that the category of physicians or dentists to which a physician or dentist belongs is ineligible for special pay, the determination would take effect at the end of the current contract.

In this regard, I note that this authority to designate categories of physicians or dentists as to which there are no recruitment and retention problems exists under current law and that VA has never exercised this authority. It is my intent, which I believe is shared by members of our committee and the House committee, that this authority be exercised only in those isolated instances where the Secretary has clearly documented, for a specific category of physicians or dentists, that there are no significant recruitment or retention problems. The Secretary should, in my view, exercise broadly the special pay authority contained in the compromise agreement and should not use retention pay or other authorities in such a way as to exclude large numbers of physicians and dentists from the new special pay benefit.

The compromise agreement also includes some modifications in the annual report on special pay which VA is required to submit to the House and Senate Committee on Veterans' Affairs. One of these modifications was prompted by testimony received by the committee at its June 14, 1990 hearing. Dr. Mark Tucker of the National Association of VA Physicians and Dentists [NAVAPD] stated that over the last 4 years 102 dentist positions—and 228 dental auxiliary positions—have been abolished at 129 of the 170 facilities which responded to a NAVAPD survey. Dr. Spencer Falcon, testifying on behalf of the American Psychiatric Association and the National Association of VA Chiefs of Psychiatry, expressed similar concerns, noting an alarming trend in large, unaffiliated facilities of replacing psychiatrists with physicians' assistants and nonpsychiatrist physicians. VA claims that positions are abolished when workload justifies it, whereas representatives of physicians and dentists' associations contend that positions often are abolished because either qualified replacements cannot be found at the going salary or VA does not want to fill the positions. Modifications of the reporting requirement to include information on abolished positions will enable Congress to better monitor the recruitment and retention of VA physicians and dentists.

COSTS OF PHYSICIAN AND DENTIST SPECIAL PAY REFORM

Mr. President, the Congressional Budget Office [CBO] estimated the cost of the physicians and dentist special pay provisions in the House bill, H.R. 598, at $63 million for the first year—fiscal year 1992—and a total of $352 million over the first 5 full years. The first year cost of $21.5 million above what the administration has proposed in its fiscal year 1992 budget request for the more restrictive administration-proposed special pay legislation. Our committee has attempted to follow the sense of the recommendations of VA's own panel of experts, the task force which reviewed the Klemm report data and recommendations and incorporated them to be the quadrennial report to the President on the adequacy of physicians and dentist special pay, to which I have referred earlier. I believe that the recommendations of a professional panel should be given more credence than a proposal that had to be approved by the Office of Management and Budget, which all too frequently favors short-sighted cost savings over investment of funds to attain long-term goals. The administration-proposed amount would be inadequate to achieve the type of recruitment and retention encouragement the committee have intended to provide.

Mr. President, some Senators have expressed reservations about the cost of the physician and dentist pay provisions in the bill. I note that the predominant rate-setting mechanism of this bill involves wide authorized ranges of rates of pay for various categories of special pay. Therefore, within the confines of the compromise agreement, VA would have considerable discretion in setting pay levels that it considers prudent but still adequate. While I share a deep interest in holding down costs, I believe that if VA is to continue to provide high-quality medical care to our Nation's veterans—and I'm certain every Member of the Senate wants that result—we must be willing to pay the salaries necessary to recruit and retain highly qualified physicians and dentists.

To continue to fail to pay VA doctors salaries which are competitive with those offered by other comparable facilities would be highly cost-effective because that practice requires VA to spend exorbitant sums to contract for care not available from VA staff doctors. Moreover, there is another cost of unwise frugality in physician pay. That cost—declining morale and a diminishing, dedicated full-time core of VA clinicians—is high and, although not precisely measurable, has very adverse implications for patient care. The testimony this committee has received showed the anger and hopelessness that VA clinicians feel and which many say is about to explode into a mass exodus which would make the already dramatic recruitment and retention problems pale by comparison.

Many highly skilled doctors work for VA; not all of them can be rewarded financially at a level that would match what some physicians and dentists can earn in the private market. What should be offered to all of them, however, is pride in VA and trust that VA and Congress are trying their best to provide fair and appropriate compensation. The approach in the committee bill would work to the benefit of all veterans receiving VA health care.

TITLE II—THE DEPARTMENT OF VETERANS AFFAIRS LABOR RELATIONS IMPROVEMENT ACT OF 1991

Mr. President, the compromise agreement before us today addresses issues of great importance to those who provide care and services to veterans in VA's health-care system. Whereas the provisions contained in title I address issues of pay for certain VA health-care employees, the provisions in title II relate to the equally important issues of the rights of health-care workers employed under VA's title 38 personnel system—physicians, dentists, nurses, optometrists, podiatrists, physicians' assistants, and expanded function dental auxiliaries—to engage in collective bargaining and the manner in which disciplinary actions are imposed on these employees and how such actions and other grievances are appealed.

In light of VA's well documented problems in recuiting and retaining qualified health-care professionals, it is fitting that this legislation encompasses both pay issues and these other important aspects of employment in VA's health-care system. I am extremely pleased that my longstanding efforts, which have been supported by the Veterans' Affairs Committee and the entire Senate over the past 4 years, to ensure collective bargaining rights for VA health-care professionals have finally led to comprehensive legislation that is agreeable to both Houses, the administration, and the many unions which represent VA employees.

SUMMARY OF PROVISIONS

Mr. President, title II would codify collective bargaining rights for health-care professionals appointed under the title 38 personnel system and would improve the mechanisms through which VA disciplines these employees and through which these employees may grieve disputes and appeal disciplinary actions brought against them. Included in this title are provisions which would:

First, provide that the Secretary's authority to prescribe by regulation the hours and conditions of employment and leaves of absence of title 38 employees is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5, which relates to labor-management relations.

Second, provide that collective bargaining and any grievance procedures provided under a collective bargaining agreement may not cover, or have any applicability to, any matter or question concerning, or arising out of: First, professional conduct or competence, which is defined as direct patient care or clinical competence; second, peer review; or third, the establishment, determination, or adjustment of employee compensation.

Third, grant the Secretary authority to determine, not subject to collective bargaining or review by any other agency, whether a matter concerns, or arises out of, professional conduct or competence.

Fourth, require that a petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving title 38 employees, or arising out of the applicability of title 5 to title 38 employees, be pursued only in the U.S. Court of Appeals for the District of Columbia Circuit.

Fifth, replace the current disciplinary board system through which are determined all charges of ineptitude, inefficiency, or misconduct of any full-time permanent VA title 38 health-care employee with new procedures based on the general Federal personnel system under title 5, United States Code.

Sixth, require that, whenever the Chief Medical Director brings charges based on conduct or performance against a full-time title 38 health-care professional, the employee has the right to appeal the action.

Seventh, require, if the case involves or includes a question of professional conduct or competence in which a major adverse action defined as any action which includes suspension, transfer, reduction in grade, reduction in basic pay, or discharge was taken, that the appeal be made to a Disciplinary Appeals Board.

Eighth, require that, in any other case which invoves or includes a question of professional conduct or competence in which a major adverse action was not taken or in any case of an employee not covered by a collective bargaining agreement, the appeal be made through Department grievance procedures.

Ninth, provide first that, in a case which involves an employee covered by a collective bargaining agreement and does not include a question of professional conduct or competence, the employee may elect to appeal the case through either the Department grievance procedures or grievance procedures provided through collective bargaining, and second that the election of which procedure to pursue is irrevocable.

Tenth, provide that, for disciplinary procedures, a question of professional conduct or competence is a question involving direct patient care or clinical competence and that the Secretary will make the determination, which is not reviewable by any other agency, as to whether professional conduct or competence is involved.

Eleventh, require that, whenever the Secretary proposes to prescribe regulations affecting disciplinary and grievance procedures, the Secretary shall publish the proposed regulations in the Federal Register not less than 30 days before the day on which they take effect.

Twelfth, require that a Disciplinary Appeals Board include in its record of decision in any mixed case—defined as a case that includes both major adverse action arising out of a question of professional conduct or competence and an adverse action which is not major or does not arise out of a question of professional conduct or competence—a statement of the Board's exclusive jurisdiction and the basis for the exclusive jurisdiction.

Thirteenth, require that, whenever charges are brought against a title 38 employee which could result in a major adverse action being imposed, the employee is entitled to at least 30 days advance written notice from the Chief Medical Director or other charging official specifically stating the basis for each charge, the adverse actions that could be taken if the charges are sustained, and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated with respect to each charge, except that the notice requirement could be waived if there is reasonable cause to believe that the employee has committed a crime for which the employee may be imprisoned.

Fourteenth, provide that an employee would have a reasonable time, but not less than 7 days, to respond orally and in writing to the Chief Medical Director or other deciding official, who would be required to be an official higher in rank than the charging official.

Fifteenth, provide that an employee is entitled to be represented by an attorney or other representative at all stages of the case.

Sixteenth, require that, if a proposed adverse action is not withdrawn, the deciding official render a decision in writing within 21 days of receipt of the employee's answer and that the decision include a statement of the specific reasons for the decision with respect to each charge.

Seventeenth, require that, if a major adverse action is imposed, the decision state whether any of the charges sustained arose out of a question of professional conduct or competence and, if any charges are sustained, that the notice of decision to the employee include notice of the employee's rights of appeal.

Eighteenth, authorize, notwithstanding the 21-day deadline for a decision, that a proposed adverse action be held in abeyance if the employee so requests, and the deciding official agrees, that the employee so requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973, provided that any such abeyance could not extend for more than 1 year.

Nineteenth, provide to employees against whom charges are brought the same notice and opportunity to respond as is provided to title 5 employees.

Twentieth, authorize the Secretary, if the Secretary finds a decision of the Disciplinary Appeals Board to be clearly contrary to the evidence or unlawful, to reverse the decision or vacate the decision and remand the case to the Board for further consideration.

Twenty-first, authorize the Secretary, if the Secretary finds the decision of the Board to be not justified by the nature of the charges, to mitigate the adverse action imposed.

Twenty-second, provide that an employee adversely affected by a final order of a Disciplinary Appeals Board may obtain judicial review of the decision.

Twenty-third, establish new disciplinary procedures and a new disciplinary appeals process, similar to those provided for under title 5, for cases that do not involve major adverse actions and a question of professional conduct or competence.

Twenty-fourth, preserve existing collective bargaining agreements and require that cases pending as of the date of enactment proceed as if the act had not been enacted.

BACKGROUND

In the last two Congresses, the Senate has gone on record as supporting legislation to extend meaningful collective bargaining rights to, and improve the disciplinary procedures applicable to, VA's title 38 employees—physicians, dentists, nurses, optometrists, podiatrists, physicians' assistants, and expanded function dental auxiliaries. Currently, VA employs nearly 69,000 health professionals appointed under title 38.

Beginning with the committee's May 21, 1987, hearing on various measures dealing with the VA health-care system and in subsequent activity both in followup to that hearing and in connection with the committee's April 28, 1988, hearing, the committee has heard from a variety of sources about problems in VA's personnel system as it relates to title 38 employees—physicians, dentists, nurses, optometrists, podiatrists, physicians' assistants, and expanded function dental auxiliaries. These concerns were reiterated during the committee's May 18, 1989, hearing and again at the committee's June 14, 1990, hearing.

For the past 4 years, both VA and witnesses representing employee groups have raised concerns about the current procedures under section 4110 of title 38—the provision under which disciplinary actions involving title 38 employees are carried out—the fairness and timeliness of the overall title 38 personnel system—especially in contrast to the system under title 5 which applies to other Federal employees, including other VA employees not covered by the title 38 system—and the ongoing, costly, and time-consuming litigation over issues relating to the relationship between title 5 and title 38 provisions.

As was discussed in detail in the committee's reports accompanying provisions reported by the committee and passed by the Senate in the last two Congresses (S. Rept. 100-215, pages 145-150, accompanying S. 9; S. Rept. 100-439, pages 164-167, accompanying S. 2011; and S. Rept. 101-126, pages 202-207, accompanying S. 13) the key issue underlying this matter is the relationship between the VA personnel system under title 38 and the general civil service system under title 5.

When VA's Department of Medicine and Surgery was established in 1946, the Congress created the separate VA personnel system, distinct from the general civil service system, in order to provide VA with greater flexibility in recruiting and employing health-care professionals. It was the view at that time that the civil service system was too cumbersome to permit the timely hiring that was felt to be necessary in order to enable VA to meet the health-care needs of the returning World War II veterans and also that the other attributes of the civil service system were not compatible with running a large health-care organization. The elements of this system, which are set out in chapter 73 of title 38, United States Code, and in regulations and guidelines issued by VA, have generally served the purpose of enabling VA to employ needed health-care professionals to operate its health-care system.

Among the areas addressed in current chapter 73 are those relating to employer/employee relations, such as those involving terms and conditions of employment, including how employee grievances over such terms and conditions are resolved, and disciplinary procedures. Specifically, current section 4108(a) gives the Secretary exclusive authority over the conditions of employment of title 38 personnel "[n]otwithstanding any law, Executive order, or regulation," and current section 4110 sets out the process by which disciplinary actions involving title 38 employees are to be conducted.

Many of these provisions date back to 1946 and, although there have been many significant changes in employee relations in the intervening years—most especially, the enactment in 1978 of the Civil Service Reform Act [CSRA], Public Law 95-454—VA authorities and practices have remained largely unchanged.

Meanwhile, in the 1978 CSRA, other Federal employees gained significant new rights to negotiate with regard to the terms and conditions of their employment and to utilize new methods to resolve grievances, including negotiated grievance procedures and binding arbitration. Title 38 employees, by way of contrast, remain limited, under the U.S. Court of Appeals decision in the Colorado Nurses case, which I will shortly discuss in detail, by section 4108 to whatever rights the Secretary of Veterans Affairs is willing to accord to them and have been unable to negotiate grievance procedures comparable to those available to other Federal employees. Likewise, under section 4110, all disciplinary actions involving title 38 employees, however minor, must be heard by a disciplinary board of 3 to 5 primarily peer employees, a trial-like adversarial process that frequently takes many months to reach a resolution and from which the only appeal available is in an internal VA action, with no recourse to outside judgment except in a court action. Civil service employees, on the other hand, have various methods for contesting disciplinary actions, both within and outside of their particular departments or agencies.

As is described in detail in the committee report accompanying S. 9 (S. Rept. 100-215, pages 141-150), challenges have been brought in recent years, including those brought by the American Federation of Government Employees [AFGE] and the National Federation of Federal Employees [NFFE], to the legality, in light of the enactment of CSRA, of certain aspects of the title 38 separate VA personnel system, particularly to those relating to the resolution of employee grievances and disciplinary actions. These challenges have been based on the theory that CSRA established Governmentwide procedures in the area of labor-management relations and, in so doing, superceded VA-specific laws. Although this legal theory was accepted in some cases before the Federal Labor Relations Authority [FLRA] involving VA disciplinary procedures in which the FLRA ruled that the VA was obligated to adhere to CSRA procedures, these results were reversed on appeal to Federal appellate courts.

In July 1988, the U.S. Court of Appeals for the District of Columbia Circuit, in the case *Colorado Nurses Association and VA Medical Center, Fort Lyon, Colorado* v. *Federal Labor Relations Authority*, 851 F.2d 1486 (D.C. Cir. 1988), reversed a prior decision of the FLRA which held that VA has a duty under the CSRA to bargain over conditions of employment for title 38 employees. The court ruled that the VA Administrator, now Secretary, has exclusive discretion to establish regulations concerning the working conditions of those employees appointed under the title 38 personnel system and is, therefore, not under any obligation to bargain with such employees based on the CSRA.

In response to the concerns raised at the 1987 hearing and in followup activity, I introduced legislation in 1987 that the committee reported, in section 324 of S. 9, and the Senate passed that year. Despite the good intentions of all those involved in that effort, it was not possible to develop an approach that was satisfactory both to VA and the employee organizations, and ultimately the decision was made, in conferring with the House, not to include any provisions on this subject in the legislation that ultimately was enacted as Public Law 100-322. However, because I and my colleagues on the committee remained interested in trying to resolve the problems that were identified in 1987 in the VA's disciplinary and grievance processes and procedures relating to title 38 employees, on August 1, 1988, the committee—and on October 18 the Senate—again voted its support for these provisions, as set forth in section 627 of S. 2011. Then, following the court's decision in Colorado Nurses, the Senate adopted, in a floor amendment on October 18, a provision which would have maintained the status quo while the parties negotiated a permanent resolution of the issues involved. Unfortunately, neither of these provisions was included in the legislation that ultimately was enacted as Public Law 100-687.

The effort to develop the provisions in the Senate-passed measures in 1987, 1988, 1989, and again in sections 249 and 250 of S. 2100, which was reported by the committee on July 19, 1990, have included significant consultation with many concerned parties, has been carried out with two fundamental, and sometimes conflicting, principles in mind. These are, first, that the separate title 38 personnel system for VHS&RA generally serves a valid and valuable purpose of permitting the VA to staff and manage a very large, complex, health-care system and, as such, should be maintained; and second, that as the Congress recognized with the enactment of the CSRA, there can and should generally be significant opportunity for employees to have disciplinary actions and grievances related to their employment resolved in a timely fashion with an opportunity for outside review.

The need for these provisions is essentially twofold: To ensure that title 38 employees are afforded the same fundamental rights as other Government employees in terms of their employee-management relations, while protecting the special professional nature of title 38 employment; and to provide VA with an important tool in its ongoing efforts to recruit and retain qualified health-care personnel.

I am extremely pleased when, in the 101st Congress, the House finally initiated legislation to address the problems in VA's labor-management relations. That legislation, which was contained in title III of H.R. 4557, was introduced on April 19, 1990, reported by the House Veterans' Affairs Committee on April 26, 1990, and passed the House on May 1, 1990. Prior to House passage, the provisions contained in title III of H.R. 4557 were never addressed at a legislative hearing and there had been no public comment by interested groups on the specific provisions. Thus, the Senate Veterans' Affairs Committee, to which the bill was referred, included the provisions of title III in the committee's June 14, 1990, legislative hearing.

At that hearing, the committee received testimony from the AFGE, the National Federation of Federal Employees [NFFE], and the American Nurses Association [ANA]. All of the organizations expressed support for the intent of, and the general approach taken in, H.R. 4557 to provide collective bargaining rights to title 38 employees and to improve the methods of considering disciplinary actions brought against such employees. However, each of the organizations expressed concern over provisions limiting the scope of collective bargaining and granting to the Secretary exclusive, nonreviewable discretion as to what could be excluded from collective bargaining.

Secretary's determinations regarding negotiability: As passed by the House, section 301 of H.R. 4557 would have excluded from collective bargaining any matter that covered, or had any applicability to, or arose out of "professional conduct or competence," which was defined as "direct patient care, clinical competence, professional judgment, or peer review." Section 301 further provided that the determination of whether a matter or question concerned or arose out of professional conduct or competence would be determined by the Secretary and that the Secretary's determination would not be reviewable by any other agency or by any court. It was the unanimous opinion of the organizations testifying at the June 14 hearing that the Secretary's determinations as to those issues—essentially, determinations as to their negotiability—should be subject to independent review by either the Federal Labor Relations Authority, the Federal Mediation and Conciliation Service, or the Federal Services Impasses Panel, as is done for bargaining agreements concluded under title 5.

Although the compromise agreement does not provide for independent agency review of the Secretary's negotiability decisions based on a "professional conduct or competence" interpretation, the prohibition against court review of such decisions has been eliminated. Thus, the Secretary's determination that a matter or question involves, or arises out of, professional conduct or competence would be reviewable by a court of competent jurisdiction—most likely a Federal district court. I would have preferred that the Senate bill's approach be included—providing for agency review of negotiability decisions except in matters falling within the jurisdiction of disciplinary boards, but the compromise agreement does provide for a check on the Secretary's exercise of discretion in this area, which is of critical importance to maintaining a situation of good faith bargaining.

Scope of collective bargaining: Another concern raised by each of the organizations testifying at the June 14 hearing was the definition of "professional conduct or competence." Section 301 of H.R. 4557 as introduced defined professional conduct or competence as "direct patient care, clinical competence, professional judgment, or peer review." The American Nurses Association testified that such a definition "too broadly defines professional conduct or competence" and expressed that concern on the basis of their belief that "most of what professional nurses bargain for relates to professional competency and conduct" (S. Hrg. 101–1082, pages 435–36). Other organizations requested a clear indication of what types of activities would be considered related to professional conduct or competence.

The compromise agreement has deleted the reference to "professional judgment" as a definition for professional conduct or competence and is drafted so as to clarify that professional conduct or competence means only "direct patient care" or "clinical competence." Matters concerning peer review, most significantly the operations of the Professional Standards Boards, would be excluded from collective bargaining under the compromise agreement, as would be matters related to the establishment, determination, or adjustment or employee compensation under title 38.

The exclusion from collective bargaining of matters concerning professional conduct or competence is designed to be limited to those matters that involve the manner in which health care is provided. Thus, the compromise agreement clarifies that professional competence and conduct relates only to matters involving direct patient care and clinical competence.

The compromise agreement would establish new disciplinary procedures and new procedures for employees to appeal adverse actions taken against them. These procedures are outlined in detail in the explanatory statement, which, as I noted earlier, I will ask to be inserted in the RECORD following my remarks. The new procedures are based upon the procedures generally applicable to Federal civilian employees under title 5 and would provide to title 38 employees the same notice, opportunity to respond, and representation rights as are provided to title 5 employees.

Under the compromise agreement, Disciplinary Appeals Boards would be created to consider appeals of major adverse actions which involve questions of professional conduct or competence. These Boards would replace the current disciplinary boards mandated under section 4110 of title 38. Whereas the section 4110 disciplinary boards determine charges and make recommendations to the Secretary regarding suitable disciplinary actions in a case, the Disciplinary Appeals Boards would hear appeals of cases in which a major adverse action involving an issue of professional conduct or competence had already been taken. Disciplinary Appeals Boards would be comprised of three VA employees, each of whom would be required to be of the same grade or senior to the employee appealing the action and at least two of whom would be required to be employed in the same category of position as the employee. The latter requirement is included in light of the fact that the Boards would be evaluating issues of clinical competence and direct patient care, for which a knowledge of the specific profession would be needed. All members of a Disciplinary Appeals Boards would be appointed by the Secretary and would receive appropriate training in the functions and duties of Disciplinary Appeals Boards.

Mr. President, I believe the changes made by the compromise agreement will preserve the due process rights of title 38 employees against whom adverse actions are brought and ensure that disciplinary actions are concluded in a more timely fashion than under the current system, which all parties agree is far too time consuming and is inefficient. Under the new procedures, title 38 employees would not be forced to wait for as long a year, as is commonplace under the current system, to have their cases determined and the appeal process to begin. They would know the specific basis of any charge brought against them and would be assured that the Department present its findings and decisions within set periods of time. They would be afforded the right to be represented by an attorney or other representatives at all stages of a case, to have oral hearings, to present their cases fully before persons trained in evaluating such cases, and to obtain judicial review of a case in which a major adverse action has been imposed.

Mr. President, I am very pleased that we have reached an agreement that provides collective bargaining rights and improved disciplinary and grievance procedures for the nearly 69,000 title 38 employees who provide health care to our veterans. This agreement would not have been possible without the active involvement of the organizations which represent title 38 employees, and I think the American Nurses Association, the National Federation of Federal Employees, and the American Federation of Government Employees and AFGE's president, John Sturdivant, for their consistent and persistent thoughtful advocacy on these matters. The important issues affecting VA health care employees will continue to be among my highest priorities in my capacity as chairman of the Veterans' Affairs Committee.

ADMINISTRATIVE REORGANIZATIONS

Mr. President, section 303 of the compromise agreement would modify section 210(b) of title 38, which contains report-and-wait requirements for VA administrative reorganizations, in order to establish a better balance between the need for VA to change and adapt and the needs of oversight committees to have advance notice of significant VA reorganizations. An administrative reorganization is defined under current law as one that involves a loss or transfer of functions away from a covered VA facility or office resulting in personnel reductions that exceed specified levels. VA cannot implement an administrative reorganization during a given fiscal year unless a detailed plan and justification has been sent to Congress not later than the date on which the President's budget for that fiscal year is submitted to Congress.

The compromise agreement would amend the report-and-wait restrictions in three ways. First, wherever VA submits a reorganization proposal to Congress, the waiting period before implementation would be only 90 days. Second, administrative reorganizations involving the transfer of personnel between the Veterans Benefits Administration and the Veterans Health Administration at the same facility would be exempt if the number of employees at the facility remained the same. Third, this measure would increase the level of personnel reductions at which report-and-wait restrictions would be triggered.

TECHNICAL RESTRUCTURING OF VA HEALTH CARE SYSTEM PROVISIONS

Mr. President, the compromise agreement also includes a technical restructuring of the provisions in current chapter 74 of title 38, relating to the organization of VA's health-care system.

These changes, which are purely technical in nature and meant to have no substantive impact, are the first of what will be a number of technical revisions to title 38 to reflect and codify the elevation of VA to a Cabinet-level department which occurred on March 15, 1989, pursuant to Public Law 100-527. Other, related changes to other chapters of title 38 will be proposed in the coming months.

Mr. President, the changes which are proposed in the pending measure would divide existing chapter 73 into two new chapters—chapter 74, entitled "Veterans Health Administration—Organization and Functions," which, as the title suggests, contains the provisions dealing with the overall organization of VA's health system, and chapter 74, entitled "Veterans Health Administration—Personnel," which includes all of the personnel-related provisions relating to VA's health-care system.

In addition, the measure would make various technical, stylistic changes at appropriate points in the two new chapters, such as substituting "Secretary" for "Administrator" and redesignating the Veterans Health Service and Research Administration as the Veterans Health Administration. Also, as the first step in what will be an overall renumbering of title 38 sections so that the section numbers conform to the chapters in which they are placed, the existing sections of chapters 73, which all are numbered in the 4100's, would be renumbered to begin with 73 or 74 as the first two digits depending on the new chapter in which they appear. This same renumbering process would also be carried out in current chapters 51, 53, 55, 57, 59, 61, 71, 72, 76, 78, 81, 83, and 85 so that the provisions in each of those chapters would be renumbered to begin with the first two digits of the chapter.

CONCLUSION

Mr. President, in closing I express my deep appreciation to the distinguished chairman and ranking minority member of the House Committee on Veterans' Affairs, Mr. MONTGOMERY and Mr. STUMP, as well as the ranking minority member of the Senate committee, Mr. SPECTER, and his predecessor, Mr. MURKOWSKI, for their cooperation and many courtesies on this measure.

Mr. President, it has been a pleasure to work with Senators SPECTER and MURKOWSKI and all the members of the Senate committee in the development of this legislation and I thank them all for their contributions to it.

I want also to note the contributions of, and express my deep gratitude to, the committee staff members who have worked on this legislation: on the minority staff, Doug Loon, Scott Waitlevertch, Carrie Gavora, and Todd Mullin, as well as Lisa Moore, who recently left the committee staff to serve on Senator MURKOWSKI's personal staff; Roy Smith, and Jim Rankin who so ably provide editorial support to the committee; and on the majority staff, Chuck Lee, Susan Thaul, Thomas Tighe, Janet Coffman, Brett Hansard, Shannon Phillips, Charlotte Hughes, Kelly Cordes, Michael Burns, Bill Brew, and Ed Scott.

I also wish to the as-always fine work and cooperation of the staff of the House Committee on Veterans' Affairs—Ralph Ibson, Greg Matton, Tina Alvarado, Carl Commenator, Kingston Smith, Pat Ryan, and Mack Fleming, as well as former staff member Vic Raymond, who left the House Committee last September to serve as the Deputy Director of the Commission on the Future Structure of Veterans Health Care, in working with us to reach the final agreement on this measure.

Finally, we are deeply indebted to Bob Cover and Joe Womach of the House Legislative Counsel's Office and to Charlie Armstrong and Greg Scott of the Senate Legislative Counsel's Office for their excellent assistance.

Mr. President, I ask unanimous consent that the text of the joint explanatory statement on the compromise agreement be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON H.R. 598

H.R. 598 as amended by the Senate reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills relating to Department of Veterans Affairs physician and dentist pay and labor relations considered in the Senate and the House of Representatives, but not enacted, during the 101st Congress. Those bills are H.R. 4557, which the House passed on May 1, 1990, and S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 598 as amended. Differences between the provisions contained in H.R. 598 as amended (hereinafter referred to as "Compromise agreement") and the related provisions in the House-passed version of H.R. 4557 (hereinafter referred to as the "House bill") and S. 2100 as reported in the Senate (hereinafter referred to as the "Senate bill") are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical and clarifying changes.

REVISION OF PHYSICIAN AND DENTIST SPECIAL PAY PROVISIONS

Current law: Section 4118 of title 38 United States Code, provides for a program of special pay for physicians and dentists employed in the Veterans Health Services and Research Administration (VHS&RA) of the Department of Veterans Affairs.

House bill: Section 101 would provide for a new program of special pay in a new subchapter III (consisting of proposed new sections 4131 through 4140) of chapter 73.

Senate bill: Section 262(a) would establish a new special-pay program in a new subchapter II (consisting of proposed new sections 4121-4130) of chapter 73.

Compromise agreement: Section 102 would provide for a new program of special pay in subchapter III (consisting of proposed new sections 7431 through 7440) of a new chapter 74.

REGULATIONS GOVERNING ADMINISTRATION OF SPECIAL PAY

Current law: Section 4118(a)(1) of title 38 requires that the Secretary, pursuant to the provisions of section 4118 and regulations prescribed by the Secretary, in order to recruit and retain highly qualified physicians and dentists, provide special pay to eligible physicians or dentists, in addition to any pay or allowance to which they are entitled, upon their execution of and for the duration of written agreements to complete specified periods of service in VHS&RA.

House bill: Proposed new section 4131(a) of title 38 would require the Secretary, pursuant to the provisions of proposed new subchapter III and regulations prescribed by the Secretary, to provide special pay to eligible physicians or dentists, in addition to any pay or allowance to which they are entitled, upon their execution of and for the duration of written agreements to complete specified periods of service in VHS&RA.

Senate bill: Proposed new section 4121(a) would authorize the Secretary, pursuant to the provisions of proposed new subchapter II and regulations prescribed by the Secretary after receiving the recommendations of the Chief Medical Director, to provide special pay to eligible physicians or dentists, in addition to any pay or allowance to which they are entitled, pursuant to a written agreement entered into by the physician or dentists with the Department.

Compromise agreement: Proposed new sections 7431(a) and 7431(b) would require the Secretary, pursuant to the provisions of proposed new subchapter III of proposed new chapter 74 and regulations prescribed by the Secretary after receiving the recommendations of the Chief Medical Director, to provide special pay to eligible physicians or dentists, only upon the execution of, and for the duration of, written agreements entered into by the physicians or dentists.

DESIGNATION OF CATEGORIES WITH NO RECRUITMENT AND RETENTION PROBLEMS

Current law: Section 4118(a)(3) of title 38(a) permits the CMD, in accordance with regulations prescribed by the Secretary, to determine categories of physicians and dentists for which there are no significant recruitment and retention problems, (b) makes such physicians and dentists ineligible for special pay, and (c) requires the CMD to make a redetermination in accordance with those regulations not later than one year after making any such recruitment and retention determination and each year thereafter.

House bill: Proposed new section 4131(d) would follow current law, except that the determinations would be made by the Secretary rather than the CMD.

Senate bill: Proposed new section 4121(d) would follow current law, except that it would also expressly state the CMD's authority to withdraw the designation made with respect to any category of physician or dentist positions if the CMD determines, on the basis of an annual review, that a significant recruitment or retention problem exists for physicians or dentists in that category.

Compromise agreement: Proposed new section 7431(d) follows the House bill, except that it would permit the Secretary to make the determinations only after receiving the recommendations of the CMD. In addition, proposed new section 7431(g) would, in the case of a physician or dentist who has a current section 4118 special pay agreement on the day before the effective date of this Act and who is in a category of physicians or dentists for which the Secretary has determined there is no recruitment and retention problem, authorize the Secretary, in accordance with regulations the Secretary is to prescribe, to pay "retention pay" in an amount not to exceed the rate which, when added to the basic pay payable to that individual, is equal to the sum of the annual rate of basic pay and the annual rate of special pay paid to that physician or dentist pursuant to the final agreement with that individual under section 4118. If such a determination is made after a physician or dentist has entered into a contract under this title, this determination would take effect at the end of the current contract.

PHYSICIANS OR DENTISTS PROHIBITED FROM RECEIVING SPECIAL PAY

Current law: Section 4118(a)(2) of title 38 prohibits the payment of special pay to any physician or dentist who (a) is employed or less than a half-time or on an intermittent basis, (b) occupies an internship or residency training position, or (c) is a reemployed annuitant.

House bill: Proposed new section 4131(e) 38 would follow current law.

Senate bill: Proposed new section 4127(e) would follow current law except that the CMD would be authorized to pay special pay to a physician or dentist employed on a less than half-time basis on the basis of the same factors as apply to those working full-time (except for full-time status) in proportion to hours worked if the CMD determines that payment of special pay to such a physician or dentist is the most cost-effective way for VA to acquire needed services.

Compromise agreement: Proposed new sections 7431(e) and 7431(f) follow the Senate bill, except that a physician or dentist employed on a less than one-quarter time basis would be prohibited from receiving special pay.

DURATION OF SPECIAL PAY AGREEMENTS

Current law: Section 4118(e)(1) of title 38 requires that any agreement entered into by a physician or dentist under this section be for a period of one year of service unless the physician or dentist requests an agreement for a longer period of service not to exceed four years.

House bill: Proposed new section 4132(a) would provide for written agreements entered into by a physician or dentist for special pay to cover a period of one year of service unless the physician or dentist agrees to a period of two, three, or four years of service.

Senate bill: Proposed new section 4122(a) would require a physician or dentist who enters into a special pay agreement to agree to serve for a period of one to four years.

Compromise agreement: Proposed new section 7432(a) follows the Senate bill.

REFUND OF SPECIAL PAY FOR BREACH OF CONTRACT

Current law: Section 4118(e)(2) of title 38 requires that a physician or dentist who voluntarily, or because of misconduct, fails to complete at least one year of service pursuant to a special pay agreement refund the total amount received under section 4118, unless the CMD determines, in accordance with regulations prescribed by the Secretary, that the failure is necessitated by circumstances beyond the control of the physician or dentist.

House bill: Proposed new section 4132(b) would require a physician or dentist who fails to complete any one of the years of obligated service under the physician or dentist's contract to refund the amount of special pay received since the last anniversary date of the agreement in any year of the agreement, unless the Secretary waives the refund requirement in whole or in part on the basis of a determination, in accordance with regulations prescribed by the Secretary, that the failure is necessitated by circumstances beyond the control of the physician or dentist.

Senate bill: Proposed new section 4122(b) is identical to the House provision, except that (a) the refund requirement would apply to a failure to complete only the first year of the physician or dentist's agreement, and (b) the CMD would make determinations regarding waivers of the refund requirement.

Compromise agreement: Proposed new section 7432(b) would (a) require a physician or dentist who fails voluntarily, or because of misconduct, to complete any of the years of service covered by the agreement (measured from the anniversary date of the agreement) to refund an amount of special pay received under the agreement for that year equal to (1) 100 percent of the amount of special pay received for the first year, in the case of a failure during the first year of service under the agreement; (2) 75 percent of the amount received for the second year, in the case of a failure during the second year; (3) 50 percent of the amount received for the third year, in the case of a failure during the third year; and (4) 25 percent of the amount received for the fourth year, in the case of a failure during the fourth year of service; and (b) authorize the Secretary to waive the refund requirement where the failure is determined to be the result of circumstances beyond the control of the physician or dentist.

SUBMISSION OF CERTAIN SPECIAL PAY AGREEMENTS TO CENTRAL OFFICE FOR APPROVAL

Current law: Current law contains no requirement for VA Central Office approval of special-pay agreements based on the amount by which an individual's special pay is increased or decreased from one year to the next.

House bill: Proposed new section 4132(c) would (a) require a facility director to submit to the Secretary any proposed special pay agreement that would provide a physician or dentist an amount of special pay that would exceed the preceding year's amount of special pay by more than 50 percent or would be more than 25 percent less than the preceding year's amount, (b) provide that any such agreement would take effect is not disapproved by the Secretary within 45 days after its submission, and (c) require the Secretary, in evaluating a special-pay agreement under this provision, to adjust amounts of special pay as necessary to reflect any change in the status of the physician or dentist from full-time to part-time status, from part-time to full-time status, or from one protection of part-time status to another.

Senate bill: No comparable provision.

Compromise agreement: Proposed new section 7432(c) follows the House bill except that it would provide that any such agreement, other than in the case of a physician or dentist employed in an Executive position in VA's Central Office, would take effect if not disapproved by the Secretary within 60 days. In addition, proposed new section 7432(d) would require that any proposed special pay agreement, other than in the case of the Chief Medical Director, that would take effect before October 1, 1994, and would cause a physician or dentist's total pay to exceed the annual rate of basic pay for positions specified in section 5312 of title 5 (Executive Level I) be submitted to the Secretary through the Chief Medical Director for review. A proposed agreement may be either approved or disapproved, but if neither approved nor disapproved within 60 days after the date on which the physician or dentist entered into the proposed agreement, that agreement shall take effect at the end of that 60-day period. Neither the Secretary nor the Chief Medical Director may modify a proposed agreement or dictate changes to a proposed agreement. However, if a proposed special pay agreement is disapproved, the Committees anticipate that it would be returned to the medical center director along with recommendations as to the level the Secretary, or the Secretary's designee, considers appropriate in order to facilitate the approval of an agreement. The compromise agreement specified that a proposed agreement may be disapproved under new section 4242(d) only if it is determined that the proposed amount of special pay is not necessary to recruit or retain the individual.

RESTRICTIONS ON RECEIPT OF MULTIPLE CATEGORIES OF SPECIAL PAY

Current law: Section 4118(c)(5) of title 38 prohibits a physician or dentist who receives special pay for an executive position from also receiving special pay for full-time status, length of service, or scarce specialty categories, except that (a) a physician or dentist serving as a Service Chief (or in a comparable position as determined by the CMD) on a full-time basis may receive special pay for the position as well as for full-time status and, if eligible, for being in a scarce specialty; and (b) a physician or dentist serving as a Chief of Staff on a full-time basis may receive both special pay for that position as well as for full-time status.

House bill: Proposed new section 4137(a) would permit physicians and dentists to receive all categories of special pay for which they are eligible, except that physicians and dentists serving in executive positions in Central Office would be prohibited from receiving scarce-specialty special pay.

Senate bill: Proposed new section 4127(a) is identical to the House provision, except that it would (a) allow a physician or dentist serving in Central Office to receive scarce-specialty special pay if the CMD determines that the specialty skills of that physician or dentist are necessary for the physician or dentist to carry out effectively the responsibilities of the executive position in which the physician or dentist serves, and (b) allow a Chief of Staff to receive scarce specialty special pay only if (1) the CMD determines that such pay is necessary for the recruitment and retention of highly qualified Chiefs of Staffs, and (2) the CMD personally approves payment of such pay on a case-by-case basis.

Compromise agreement: Proposed new section 7437(a) follows the House bill.

RATES OF SPECIAL PAY FOR FULL-TIME PHYSICIANS

Primary Special Pay

Current law: Section 4118(b)(2) of title 38 requires the Secretary to provide primary special pay to any eligible full-time physician at a rate of $7,000 per year.

House bill: No provision providing for primary special pay.

Senate bill: No provision providing for primary special pay.

Compromise agreement: No provision providing for primary special pay.

Full-time Status

Current law: Section 4118(c)(1)(A)(i) of title 38 provides for special pay for physicians for full-time status at an annual rate no greater than $6,000.

House bill: Proposed new section 4133(b)(1) would provide special pay for physicians for full-time status at an annual rate of $9,000.

Senate bill: Proposed new section 4123(1) is substantively identical to the House provision.

Compromise agreement: Proposed new section 7433(b)(1) contains this provision.

Length of Service

Current law: Section 4118(c)(1)(A)(ii) of title 38 provides special pay for tenure of service of full-time physicians at an annual rate no greater than (a) $1,000 for two years but less than five years of service, (b) $2,000 for five years but less than eight years of service, and (c) $3,000 for eight or more years of service.

House bill: Proposed new section 4133(b)(2) would provide special pay for tenure of service of full-time physicians at an annual rate within a range of (a) $3,000 to $6,000 for two years but less than four years of service, (b) $6,000 to $12,000 for four years but less than eight years of service, (c) $12,000 to $18,000 for eight years but less than fifteen years of service, and (d) $15,000 to $25,000 for fifteen or more years of service.

Senate bill: Proposed new section 4123(2) would (a) provide special pay for length of service of full-time physicians at a uniform national annual rate, specified by the CMD, within a range of (1) $4,000 to $6,000 for two years but less than four years of service, (2) $6,000 to $12,000 for four years but less than eight years of service, and (3) $12,000 to $25,000 for eight or more years of service; and (b) authorize the CMD, for length of service in excess of eight years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Compromise agreement: Proposed new section 7433(b)(2) would (a) provide special pay for length of service of full-time physicians at a uniform national rate, specified by the CMD, of (1) $4,000 to $6,000 for two years but less than four years of service, (2) $6,000 to $12,000 for four years but less than eight years of service, (3) $12,000 to $18,000 for eight years but less than twelve years of service, and (4) $12,000 to $25,000 for twelve or more years of service; and (b) authorize the CMD, for length of service of twelve or more years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Scarce Specialty

Current law: Section 4118(c)(1)(A)(iii) of title 38 provides for special pay for service by full-time physicians in a medical specialty as to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, at an annual rate of not less than $4,000 and not more than $15,500.

House bill: Proposed new section 4133(b)(3) would follow current law, except that it would (a) require the Secretary, or the Secretary's designee, to make the determinations regarding recruitment and retention difficulties and provide for such determinations to be made on a nationwide basis or on the basis of the needs of a specific medical facility, and (b) provide for an annual rate of not more than $40,000.

Senate bill: Proposed new section 4123(3) would follow current law, except that it would (a) authorize the CMD to make determinations on a nation-wide basis, on the basis of the needs of a specific medical facility, or on any other geographic basis, (b) specify a $4,000 minimum, and (c) provide that, for service by a physician who serves only a portion of a year in a position for which special pay is paid under this category, the annual rate would be calculated on the basis of the proportion of time served in that position.

Compromise agreement: Proposed new section 7433(b)(3) would (a) provide for special pay for service by full-time physicians in a medical specialty with respect to which there are extraordinary difficulties in the recruitment or retention of qualified physicians on a nation-wide basis or on the basis of the needs of a specific medical facility, at an annual rate of not more than $40,000 and (b) incorporate the Senate provision for calculation of the annual rate of special pay for a physician who serves only a portion of a year in a designated scarce specialty position on the basis of the proportion of time served in the position.

Field Executive Positions

Current law: Section 4118(c)(1)(B) of title 38 provides special pay for full-time service by physicians at annual rates no higher than (a) $9,900 for service as a Service Chief or in a comparable position as determined by the CMD, (b) $12,600 for service as a Chief of Staff or in an Executive Grade Position, and (c) $13,000 for service in a Director Grade position.

House bill: Proposed new section 4133(b)(4) would raise the maximum annual rate of special pay for such positions to (a) $15,000 for service as a Service Chief or in a comparable position as determined by the CMD, (b) $25,000 for service as a Chief of Staff or in an Executive Grade position, and (c) $25,000 for service in a Director Grade position.

Senate bill: Proposed new section 4123(4)(A) is substantively identical to the House bill, but would include minimum as well as maximum rates as follows: (a) $4,500 to $15,000 for service as a Service Chief or in a comparable position as determined by the CMD, and (b) $14,500 to $25,000 for service as a Chief of Staff or in an Executive or Director Grade position.

Compromise agreement: New section 7433(b)(4)(A) would provide annual rates of special pay for such positions as follows: (a) within a range of $4,500 to $15,000 for serice as a Service Chief or in a comparable position as determined by the CMD, (b) within a range of $14,500 to $25,000 for service as a Chief of Staff or in an Executive Grade position, and (c) a maximum of $25,000 for service in a Director Grade position.

With respect to physicians serving in Director Grade positions, the Committees recommend that VA continue its current practice of providing varying rates of executive medicine special pay for physician facility directors based on the complexity of the facilities they direct.

Central Office Executive Positions

Current law: Section 4118(c)(1)(B) of title 38 provides physicians' special pay for full-time service by physicians at annual rates no higher than (a) $13,000 for service as a Deputy Service Director, (b) $13,500 for service as a Service Director, (c) $14,400 for service as a

Deputy Assistant CMD, and (d) $15,300 for service as an Associate Deputy CMD or Assistant CMD.

House bill: Proposed new section 4133(b)(4)(B) would provide special pay for full-time service by physicians at annual rates of (a) $25,000 for service as a Service Director, (b) $30,000 for service as a Deputy Assistant CMD or Assistant CMD, (c) $35,000 for service as an Associate Deputy CMD, (d) $40,000 for service as a Deputy CMD, and (e) $45,000 for service as CMD.

Senate bill: Proposed new section 4123(4)(B) is substantively identical to the House provisions except that it would (a) provide special pay at annual rates of $22,500 for service as a Deputy Service Director and $27,500 for service as a Deputy Assistant CMD, and (b) would provide that, for service by a physician who serves only a portion of a year in an executive position and also serves a portion of that same year in another position or grade for which special pay is provided, the annual rate of special pay would be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

Compromise agreement: Proposed new section 7433(b)(4)(B) follows the Senate bill, except that it would provide $20,000 for service as a Deputy Service Director.

Board Certification

Current law: Section 4118(c)(1)(C) of title 38 provides for special pay for full-time physicians for board certification at an annual rate of (a) $2,000 for specialty or first board certification, and (b) an additional $500 for subspecialty or secondary board certification.

House bill: Proposed new section 4133(b)(5) would follow current law.

Senate bill: Proposed new section 4123(5) would follow current law.

Compromise agreement: Proposed new section 7433(b)(5) follows current law.

Geographic Location

Current law: Section 4118(c)(1) of title 38 provides special pay for full/time physicians, in an amount to be determined by the CMD pursuant to regulations, to no less than $2,000 nor more than $5,000 for service (a) in a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a specific category of physicians, or (b) in the VA Central Office.

House bill: Proposed new section 4133(b)(6) would follow current law except that (a) the Secretary, or the Secretary's designee, would be required to make the determination relating to recruitment and retention difficulties, (b) the annual rate of geographic special pay could not exceed $17,000, and (c) the provision includes no reference to Central Office.

Senate bill: Proposed new section 4123(6) is identical to the House provision except that (a) the CMD would be required to make the determination relating to recruitment and retention difficulties, and (b) there would be a range of geographic special pay of $2,000 to $15,000.

Compromise agreement: Proposed new section 7433(b)(6) follows the House bill.

The Committees anticipate that, as to the determination that there are extraordinary difficulties in the recruitment or retention of qualified physicians at a specific medical facility, the Secretary, or the Secretary's designees, would consider the input of the director of that facility.

Exceptional Qualifications

Current law: There is no provision for paying special pay to full-time physicians based on exceptional qualifications.

House bill: No provision.

Senate bill: Proposed new section 4123(7) of title 38 would (a) provide for special pay for full-time physicians with exceptional qualifications within a specialty at an annual rate of not more than $15,000, and (b) provide that special pay may be paid under this category only if personally approved by the CMD on a case-by-case basis and only to the extent that the amount paid under this category, when added to the total of other special pay categories, does not exceed the total amount that may be paid to a physician with the same length of service, specialty, and position as the physician concerned.

Compromise agreement: Proposed new section 7433(b)(7) contains the Senate provision.

Rates of Special Pay for the Chief Medical Director and Deputy Chief Medical Director

Current law: Section 4118(b)(1) of title 38 requires the Secretary to exercise the authority contained in section 4118 to provide the maximum amount of special pay authorized by that section to the CMD and the Deputy CMD.

House bill: Proposed new section 4133(c) would follow current law.

Senate bill: No provision.

Compromise agreement: New section 7432(d)(2) would (a) provide that the CMD shall receive, in addition to basic pay, special pay for that position at the rate specified in proposed new section 7433(b)(4)(B), and (b) provide that, for the CMD to receive special pay in the other categories for which the CMD is eligible, the Secretary must authorize such additional special pay. As noted above, the Deputy CMD's pay would be subject to the review and approval requirement of new sections 7432(c) and (d), as described above under the heading "SUBMISSION OF CERTAIN SPECIAL PAY AGREEMENTS TO CENTRAL OFFICE FOR APPROVAL".

SPECIAL PAY FOR PART-TIME PHYSICIANS: HALF-TIME OR GREATER

Current law: Section 4118 of title 38 provides for the payment of special pay to an eligible physician employed less than full-time but at least half-time, calculated on the basis of the proportion which the part-time employment bears to full-time employment, in an amount proportional to the following annual rates: (a) for primary special pay, $7,000; (b) for incentive special pay, a total of up to $15,500 consisting of (1) for length of service (A) $750 for more than two but less than five years of service, (B) $1,500 for five years but less than eight years of service, or (C) $2,250 for eight years or more of service; (2) for service in a medical specialty with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, an amount of not less than $3,000 but no more than $12,375, as determined by the CMD pursuant to regulations; (3) for service in an executive position (A) $7,220 for service as a Service Chief or in a comparable position as determined by the CMD, or (B) $9,190 for service as a Chief of Staff or in an Executive Grade position; (4) for board certification (A) $1,500 for specialty or first board certification, or (B) $1,875 for subspecialty or second board certification; and (5) for service in either (A) a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified physicians, or (B) the VA Central Office, an amount not less than $1,500 but not more than $4,000, as determined by the CMD pursuant to regulations.

House bill: Proposed new section 4134 would provide special pay for physicians employed less than full-time but at least half-time in an amount directly proportional to the amount the physician would receive if employed on a full-time basis, with the exception of full-time status special pay, subject to a ⅝ths cap on the proportion of full-time employment used to calculate special pay and except that the amount used for calculating board certification special pay would be fixed at $1,500 for specialty or first board certification and an additional $375 for subspecialty or secondary board certification.

Senate bill: Proposed new section 4124 would provide special pay for physicians employed less than full-time but at least half-time, based upon the factors and at the rates specified for full-time physicians, except for full-time status, in direct proportion to the amount that the physician would receive if employed on a full-time basis.

Compromise agreement: Proposed new section 7434 follows the Senate provision, except that it would set a cap of ¾ on the proportion of full-time employment that would be used to calculate special pay.

SPECIAL PAY FOR PART-TIME PHYSICIANS: LESS THAN HALF-TIME

Current law: Section 4118(a)(2) of title 38 prohibits the payment of special pay to any physician who is employed on a less than half-time basis.

House bill: Proposed new section 4131(e) would follow current law.

Senate bill: Proposed new section 4124 would provide special pay for physicians employed on a less than half-time basis, based upon the factors and at the rates specified for full-time physicians, except for full-time status, in direct proportion to the amount the physician would receive if employed on a full-time basis, subject to proposed new section 4127(e), which would require the CMD to determine that payment of special pay to a physician employed on a less than half-time basis is the most-effective way to provide needed medical or dental services at a VA facility.

Compromise agreement: Proposed new sections 7431(e) and 7431(f) follow the Senate provision, except that payment of special pay to a physician employed on less than a one-quarter time basis would be prohibited.

RATES OF SPECIAL PAY FOR FULL-TIME DENTISTS

Primary Special Pay

Current law: Section 4118(b)(2) of title 38 requires the Secretary to provide primary special pay to any eligible full-time dentist at a rate of $2,500 per year.

House bill: No provision providing for primary special Pay.

Senate bill: No provision providing for primary special Pay.

Compromise agreement: No provision providing for primary special Pay.

Full-time Status

Current law: Section 4118(c)(2)(A)(i) of title 38 provides for special pay for dentists for full-time status at an annual rate no greater than $1,000.

House bill: Proposed new section 4135(b)(1) would provide special pay for dentists for full-time status at an annual rate of $3,500.

Senate bill: Proposed new section 4125(a)(1) is identical to the House provision.

Compromise agreement: Proposed new section 7435(b)(1) contains this provision.

Length of Service

Current law: Section 4118(c)(2)(A)(ii) of title 38 provides special pay for tenure of service of full-time dentists in amounts not more than (a) $500 for two years but less than seven years of service, and (b) $1,000 for seven years or more of service.

House bill: Proposed new section 4135(b)(2) would provide special pay for tenure of service of full-time dentists in the amount of (a) $800 for two years but less than seven years of service, or (b) $1,600 for seven years or more of service.

Senate bill: New section 4125(2) would (a) provide special pay for length of service of full-time dentists at a uniform annual national rate, as specified by the CMD, within a range of (1) $1,300 to $2,000 for two years but less than four years of service, (2) $2,000 to $4,000 for four years but less than eight years of service, and (3) $4,000 to $8,300 for eight years or more of service; and (b) authorize the CMD, for length of service in excess of eight years, to set uniform national rates for rush ranges of years as the CMD considers appropriate.

Compromise agreement: Proposed new section 7435(b)(2) would (a) provide special pay for length of service of full-time dentists at a uniform annual national rate, specified by the CMD, of (1) $1,000 to $2,000 for two years but less than four years of service, (2) $2,000 to $3,000 for four years but less than eight years of service, (3) $3,000 to $3,500 for eight years but less than twelve years of service, and (4) $3,000 to $4,000 for twelve years or more of service; and (b) authorize the CMD, for length of service of twelve or more years, to set uniform national rates for such ranges of years as the CMD considers appropriate.

Scarce Specialty

Current law: Section 4118(c)(2)(A)(iii) of title 38 provides special pay for service by full-time dentists in a dental specialty as to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment and retention of qualified dentists, at an annual rate determined by the CMD, pursuant to regulations, of not less than $2,000 and not more than $7,500.

House bill: Proposed new section 4135(b)(3) would follow current law except that it would (a) require the Secretary, or the Secretary's designee, to make the determinations regarding recruitment and retention difficulties and provide for such determinations to be made on a nationwide or individual facility basis; and (b) provide for an annual rate of not more than $20,000.

Senate bill: Proposed new section 4125(3) is identical to the House provision, except that it would (a) require the CMD to make the determinations regarding recruitment and retention difficulties, (b) authorize the CMD to make determinations on any "other geographic basis," (c) require that such special pay be paid at an annual rate not less than $2,000 but not more than $30,000, and (d) provide that, for service by a dentist who serves only a portion of a year in a position for which special pay is paid under this category, the annual rate would be calculated on the basis of the proportion of time served in that position.

Compromise agreement: Proposed new section 7435(b)(3) would (a) provide special pay for service by full-time dentists in a dental specialty with respect to which there are extraordinary difficulties in the recruitment and retention of qualified dentists on a nationwide basis or on the basis of the needs of a specific medical facility, at an annual rate of not more than $20,000, and (b) incorporate the Senate provision for calculation of the annual rate of special pay for a dentist who serves only a portion of a year in a designated scarce specialty position on the basis of the proportion of time served in the position.

Field Executive Positions

Current law: Section 4118(c)(2)(B) of title 38 provides special pay for full-time service by dentists at annual rates no higher than (a) $2,750 for service as a Service Chief or in a comparable position as determined by the CMD, (b) $3,500 for service as a Chief of Staff or in an Executive Grade position, and (c) $3,625 for service in a Director Grade position.

House bill: Proposed new section 4135(b)(4) would raise the maximum annual rates of special pay for dentists serving in such positions on a full-time basis to annual rates no higher than (a) $5,000 for service as a Service Chief or in a comparable position as determined by the Secretary and (b) $9,000 for service as a Chief of Staff or in an Executive or Director Grade position.

Senate bill: Proposed new section 4125(4)(A) would raise the maximum annual rate of special pay for dentists serving in such positions on a full-time basis to annual rates within a range of (a) $3,000 to $5,000 for service as a Service Chief or in a comparable position as determined by the CMD, and (b) $3,500 to $8,000 for service as a Chief of Staff or in an Executive or Director Grade position.

Compromise agreement: Proposed new section 7435(b)(4)(A) would raise the maximum annual rate of special pay for dentists serving in such positions on a full-time basis to annual rates (a) within a range of $1,000 to $5,000 for service as a Service Chief or in a comparable position as determined by the CMD, (b) within a range of $1,000 to $8,000 for service as a Chief of Staff or in an Executive Grade position, and (c) a maximum of $8,000 for service in a Director Grade position.

Central Office Executive Positions

Current law: Section 4118(c)(2)(B) of title 38 provides special pay for full-time service by dentists at annual rates no higher than (a) $3,625 for service as a Deputy Service Director, (b) $3,750 for service as a Service Director, (c) $4,000 for service as a Deputy Assistant CMD, and (d) $4,250 for service as an Assistant CMD.

House bill: Proposed new section 4135(b)(4) would provide special pay for full-time service by dentists at annual rates no higher than (a) $9,000 for service as a Service Director, (b) $10,000 for service as a Deputy Assistant CMD, and (c) $10,000 for service as an Assistant CMD.

Senate bill: Proposed new section 4125(4)(B) would (a) provide special pay for full-time service by dentists at annual rates of (1) $8,000 for service as a Deputy Service Director, (2) $9,000 for service as a Service Director, (3) $10,000 for service as a Deputy Assistant CMD, and (4) $10,000 for service as an Assistant CMD; and (b) provide that, for service by a dentist who serves only a portion of the year in an executive position specified in this provision and also serves a portion of that same year in another position or grade for which special pay is provided, the annual rate of special pay would be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

Compromise agreement: Proposed new section 7435(b)(4) (a) would provide (1) ranges of $1,000 to $8,000 for service as a Deputy Service Director and $1,000 to $9,000 for service as a Service Director and, (2) an annual rate of $10,000 for service as a Deputy Assistant CMD or an Assistant CMD; and (b) contains the Senate provision for calculation of the annual rate of special pay for a dentist who serves only a portion of a year in a Central Office executive position.

Board Certification

Current law: Section 4118 of title 38 does not provide special pay for full-time dentists for board certification.

House bill: Proposed new section 4135(b)(5) would provide special pay for full-time dentists for board certification at an annual rate of (a) $2,000 for specialty or first board certification, and (b) an additional $500 for subspecialty or secondary board certification.

Senate bill: Proposed new section 4125(5) is substantively identical to the House provision.

Compromise agreement: Proposed new section 7435(b)(5) contains this provision.

Geographic Location

Current law: Section 4118(c)(2)(C) of title 38 provides special pay for full-time dentists in an amount to be determined by the CMD pursuant to regulations, of not less than $1,750 nor more than $2,500 for service (a) in a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, or (b) in the VA Central Office.

House bill: Proposed new section 4135(b)(6) would follow current law, except that (a) the Secretary, or the Secretary's designee, would require to make the determination relating to recruitment and retention difficulties, (b) the annual rate of geographic special pay could not exceed $5,000, and (c) the provision includes no reference to Central Office.

Senate bill: Proposed new section 4125(6) is identical to the House provision, except that (a) the CMD would be required to make the determination relating to recruitment and retention difficulties, and (b) there would be a range of geographic special pay of $1,750 to $5,000.

Compromise agreement: Proposed new section 7435(b)(6) follows the House bill.

The Committees anticipate that, as to the determination that there are extraordinary difficulties in the recruitment or retention of qualified physicians at a specific medical facility, the Secretary, or the Secretary's designees, would consider the input of the director of that facility.

Exceptional Qualifications

Current law: There is no provision for paying special pay to full-time dentists based on exceptional qualifications.

House bill: No provision.

Senate bill: Proposed new section 4125(7)(a) would provide for special pay for full-time dentists for exceptional qualifications within a specialty at an annual rate of not more than $5,000, and (b) would provide that special pay may be paid under this category only if personally approved by the CMD on a case-by-case basis and only to the extent that the amount paid under this category, when added to the total of other special pay categories, does not exceed the total amount that may be paid to a dentist with the same length of service, specialty, and position as the dentist concerned.

Compromise agreement: Proposed new section 7435(b)(7) contains the Senate provision.

SPECIAL PAY FOR PART-TIME DENTISTS: HALF-TIME OR GREATER

Current law: Section 4118 of title 38 provides for the payment of special pay to an eligible dentist employed less than full-time but at least half-time, calculated on the basis of the proportion which the part-time employment bears to full-time employment, in an amount proportional to the following annual rates: (a) for primary special pay, $2,500; (b) for incentive special pay, a total of up to $7,500, consisting of (1) for length of service, (A) $500 for more than two but less than seven years of service or (B) $1,000 for seven or more years of service; (2) for service in a dental specialty with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists, an amount not less than $1,500 but no more than $5,625, as determined by the CMD in accordance with regulations; (3) for service in an executive position (A) $2,750 for service as a Service Chief or in a comparable position as determined by the CMD, or (B) $3,500 for service as a Chief of Staff or in an Executive Grade position; and (4) for service in either (A) a specific geographic location with respect to which the CMD has determined, pursuant to regulations, that there are extraordinary difficulties in the recruitment or retention of qualified dentists, or (B) the VA Central Office, an amount not less than $1,310 but not more than $1,875, as determined by the CMD in accordance with regulations.

House bill: Proposed new section 4136 would provide special pay for dentists employed less than full-time but at least half-time in an amount directly proportional to the amount the dentist would receive if employed on a full-time basis, with the exception of full-time status special pay, subject to a ⅚ths cap on the proportion of full-time employment that may be used to calculate special pay, except that the amount used for calculating board certification special pay would be fixed at $1,500 for specialty or first board certification and an additional $375 for subspecialty or secondary board certification.

Senate bill: Proposed new section 4126 would provide special pay for part-time dentists employed on a half-time or greater basis, based upon the factors and at the rates specified for full-time dentists, except for full-time status, in direct proportion to the amount the dentist would receive if employed on a full-time basis.

Compromise agreement: Proposed new section 7436 follows the Senate provision, except that it would set a cap of ¾ on the proportion of full-time employment that would be used to calculate special pay.

SPECIAL PAY FOR PART-TIME DENTISTS: LESS THAN HALF-TIME

Current law: Section 4118(a)(2) of title 38 prohibits the payment of special pay to any dentist employed on a less than half-time basis.

House bill: Proposed new section 4131(e) would follow current law.

Senate bill: Proposed new section 4126 would provide special pay for dentists employed on a less than half-time basis, based upon the factors and at the rates specified for full-time dentists, except for full-time status, in direct proportion to the amount the denist would receive if employed on a full-time basis, subject to proposed new section 4127(e), which would require the CMD to determine that payment of special pay to a dentist employed on a less than half-time basis is the most cost-effective way to provide needed dental services at a VA facility.

Compromise agreement: Proposed new sections 743(e) and 7431(f) follows the Senate provision, except that the payment of special pay to a dentist employed on less than a one-quarter time basis would be prohibited.

REGULATIONS FOR CERTAIN DETERMINATIONS

Current law: Section 4118 requires that the Secretary issue regulations to carry out the special pay authorities, but contains no specific provisions specifying what determinations affecting special pay must be made under regulations.

House bill: Proposed new section 4137(b) would require that the following determinations be made under regulations prescribed by the Secretary: (a) a determination that there are extraordinary difficulties (on a nationwide or individual facility basis) in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment or retention of qualified dentists in a dental specialty, (b) a determination of the amount of special pay to be paid to a physician or dentist for a factor of special pay for which the applicable rate is specified as a range of amounts, and (c) a determination of whether there are extraordinary difficulties in a specific geographic location in the recruitment or retention of qualified physicians in a specific category of physicians or in the recruitment or retention of qualified dentists in a specific category of dentists.

Senate bill: Proposed new section 4127(b) is identical to the House provision, except that (a) it would require that regulations be prescribed by the Secretary after receiving the recommendations of the CMD, (b) determinations that there are extraordinary difficulties in recruitment or retention of qualified physicians or dentists in certain specialties could also be made on any "other geographic basis," and (c) the CMD would be required to establish uniform national rates of special pay to be paid to a physician or dentist for a factor of special pay for which the bill specifies a range of rates.

Compromise agreement: Proposed new section 7437(b) follows the House bill, except that the Secretary would prescribe special pay regulations only after receiving the recommendations of the CMD.

The Committees notes that, under section 553 of title 5, regulations having to do with matters relating to agency management or personnel are not subject to the rulemaking requirements of the Administrative Procedures Act.

PROCEDURES FOR AUTHORIZATION OF SCARCE SPECIALTY PAY ON AN INDIVIDUAL FACILITY BASIS

Current law: Section 4118 of title 38 does not provide for the payment of special pay for service in a scarce specialty on an individual facility basis.

House bill: Proposed new section 4137(c) would provide that, for the purpose of paying special pay, a determination by the Secretary that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment of qualified dentists in a dental specialty, on the basis of the needs of a specific medical facility, may only be made upon the request of the director of that facility.

Senate bill: Proposed new section 4127(c) is identical to the House provision, except that (a) if a facility director determines that the facility is unable to recruit or retain physicians or dentists in a specific category through the use of scarce specialty and geographic special pay authorities, the facility director would be required to notify the CMD and recommend the payment of special pay or an increase in the payment of special pay, as appropriate for that category of physicians or dentists; (b) the special pay (or the increase in special pay) recommended by the director would become effective with respect to that facility 45 days after the date on which the CMD receives the notification, unless, before the expiration of that period, the CMD disapproves the director's recommendation; and (c) the CMD could delegate or redelegate the authority to approve or disapprove the facility director's recommendation to an officer or employee of VHS&RA who holds a position in the direct line of authority between the CMD and the facility director higher than the one held by the director making the recommendation, as determined by the CMD.

Compromise agreement: Proposed new section 7437(c) follows the House bill.

LIMITATION ON AUTHORIZATION OF SCARCE SPECIALTY SPECIAL PAY ON AN INDIVIDUAL FACILITY BASIS

Current law: As noted above, section 4118 of title 38 does not provide for the payment of special pay for service in a scarce specialty on an individual facility basis; thus, there is no basis in current law for any limitation on such authority.

House bill: Proposed new section 4137(d) would prohibit the Secretary from providing special pay for a scarce specialty on the basis of the needs of a specific medical facility unless the Secretary also determines that special pay on the basis geographic location is insufficient to meet the needs of that facility for qualified physicians or dentists.

Senate bill: Proposed new section 4127(d) is identical to the House provision, except that it also would (a) specify that the CMD would make the determination of geographic-pay insufficiency upon the request of the facility director, (b) require that the determination relate expressly to the needs of the facility for qualified physicians or dentists in the specific category of physicians or dentists concerned, and (c) require that, if special pay is paid to a physician or dentist on any geographic or individual-facility basis, all physicians or dentists with the same specialty serving at the facility concerned be paid the same rate of such pay.

Compromise agreement: Proposed new section 7437(d) follows the House bill.

PROTECTION AGAINST REDUCTION IN SPECIAL PAY DUE TO ELIMINATION OF PRIMARY SPECIAL PAY CATEGORY

House bill: No provision.

Senate bill: Proposed new section 4127(f) of title 38 would require that a physician or dentist who was employed by VHS&RA, on an either full-time or part-time basis, on the day before the effective date of the new subchapter, and was receiving primary special pay and incentive special pay only for full-time-status, and tenure of service, be paid special pay under the new subchapter at a rate not less than the rate of special pay the physician or dentist received the day before the effective date of this bill.

Compromise agreement: Proposed new section 7437(e) follows the Senate bill. In addition, proposed new section 7431(g) would provide for retention pay, as described above under "DESIGNATION OF CATEGORIES WITH NO RECRUITMENT OR RETENTION PROBLEMS", for a physician or dentist who had been receiving special pay under a section 4118 agreement in a category for which the Secretary subsequently determines there is no significant recruitment and retention problem.

LIMITS ON THE MAXIMUM AMOUNT OF SPECIAL PAY

Current law: Section 4118(a)(1) of title 38 limits the total amount of special pay that may be paid to a physician or dentist to an amount no more than (a) $22,500 per year for a full-time physician, and (b) $10,000 per year for a full-time dentist, except that special pay received for service in a specific geographic location in which VA experiences severe recruitment and retention difficulties, which, under section 4118(d), is excluded from the maximum limit on total special pay.

House bill: Would place no limit on the maximum amount of special pay that a physician or dentist could receive.

Senate bill: Proposed new section 4127(h) of title 38 would set a cap on the total compensation (special pay plus basic pay) that a physician or dentist could receive at an amount no greater than the amount specified in section 102 of title 3, United States Code.

Compromise agreement: Proposed new section 7437(h) follows the Senate bill. In addition, as described above under "SUBMISSION OF CERTAIN SPECIAL PAY AGREEMENTS TO CENTRAL OFFICE FOR APPROVAL", proposed new section 7432(d) would require that any agreement (other than an agreement relating to the CMD's pay) that would take effect before October 1, 1994, and would cause a physician or dentist's total pay to exceed the annual rate of basic pay for positions specified in section 5312 of title 5, be submitted for approval to the Secretary through the CMD.

BASIC PAY CALCULATIONS

Current law: Section 4118(f)(1) of title 38 provides that, except as provided in paragraph (2) of section 4118(f) (discussed below), any additional compensation provided as special pay under section 4118 not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 84 of title 5, or other benefits related to basic pay.

House bill: Proposed new section 4138(e) would provide that, except as provided in subsections (b) and (d) of section 4138 (discussed below), any special pay would not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 84 of title 5, or other benefits related to basic pay.

Senate bill: No provision.

Compromise agreement: Proposed new section 7438(b) follows the House bill.

CALCULATION OF RETIREMENT BENEFITS

Current law: Section 4118(f)(2) of title 38 provides that special pay paid to any full-time employee after September 30, 1980, be included in average pay, as defined in section 8331(4) or 8401(3) of title 5, only (a) for the purposes of computing disability or death benefits paid under section 8337, 8341(d) or (e), 8442(b), 8443, or 8451 of title 5; or (b) if the employee has completed not less than fifteen years of full-time service, for the purpose of computing an annuity, except that, regardless of the length of such employee's service, no special pay could be included in average pay in computing an annuity that commenced before October 1, 1985, and only one-half of any special pay in computing an annuity that commenced on or after October 1, 1985, but before October 1, 1990.

House bill: Proposed new section 4138(b) would follow current law with respect to disability or death benefits and, with respect to an annuity computation under chapter 83 or 84, provide for all special pay to be considered as basic pay for chapter 83 or 84 purposes with no phase-in.

Senate bill: Proposed new section 4128(b) would follow current law with respect to disability or death benefits and, with respect to annuity computations under chapter 83 or 84, would provide for special pay provided to a physician or dentist under the new authority to be considered basic pay (b) in the case of a physician or dentist who has no VA service prior to the effective date of this measure but has at least fifteen years of service, and (b) in the case of a physician or dentist who has pre-effective date service and at least fifteen years of service, only in (1) an amount equal to the amount of special pay the physician or dentist was receiving immediately prior to the effective date, plus (2) an amount equal to 20 percent of the increased amount of special pay under the new law for each two years served after the effective date.

Compromise agreement: Proposed new section 7438(b) follows the Senate bill, except that the phase-in of the increase for those with pre-effective date service would be at the rate of 25 percent of the increased amount of special pay for each two years served after the effective date.

LIFE INSURANCE CALCULATIONS

Current law: Section 4118(f)(3) of title 38 requires that any special pay be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

House bill: Proposed new section 4138(c) would provide that special pay provided to a physician or dentist under the new authority or under an agreement entered into under section 4118 of title 38 and be considered as annual pay for the purposes of the provisions of chapter 87 of title 5, relating to life insurance for Federal employees.

Senate bill: No provision.

Compromise agreement: Proposed new section 7438(c) follows the House provision.

QUADRENNIAL REPORT ON SPECIAL PAY

Current law: Section 4118(g)(2) of title 38 requires the Secretary to (a) define the bases for pay distinctions, if any, among various categories of physicians and dentists, including between physicians and dentists employed by VA and physicians and dentists employed by other Federal departments and agencies and between all Federal sector and non-Federal sector physicians and dentists; (b) obtain measures of income from the employment or practice of physicians and dentists in the non-VA sector, including Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the amounts of special pay for VA physicians and dentists; (c) submit a report to the President, on such date as the President may designate but not later than December 31, 1988, and once very four years thereafter, recommending appropriate amounts of special pay; (d) include in such recommendations, when the Secretary considers it appropriate and necessary to do so, modifications of the special pay levels set forth in section 4118 of title 38 (1) whenever VA is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists because the incomes of non-VA physicians and dentists performing comparable types of duties significantly exceed the levels of total pay of VA physicians and dentists, or (2) whenever other extraordinary circumstances are such that special pay levels are needed to recruit or retain a sufficient number of well-qualified physicians and dentists.

House bill: Proposed new section 4139 of title 38 follows current law, except that it would require the Secretary to submit the report on such date as the President may designate but not later than December 31, 1992, and once every four years thereafter.

Senate bill: Proposed new section 4129 is substantively identical to the House provision.

Compromise agreement: Proposed new section 7439 follows the House provision, except that it would require the Secretary to submit the report not later than December 31, 1994, and once every four years thereafter.

INCLUSION OF RECOMMENDATIONS IN THE PRESIDENT'S BUDGET SUBMISSION

Current law: Section 4118(g)(3) of title 38 requires the President to include recommendations with respect to the exact rates of special pay for physicians and dentists under section 4118 in the Budget next transmitted to the Congress under section 1105 of title 31 after the submission of each report by the Secretary pursuant to section 4118(g)(2) (known as the "Quadrennial Report", described below).

House bill: Proposed new section 4139(c) follows current law.

Senate bill: Proposed new section 4129(c) follows current law, with an additional requirement that the President specify the added costs of the recommended rates of special pay.

Compromise agreement: Proposed new section 7439(c) follows the Senate bill.

ANNUAL REPORT ON SPECIAL PAY

Current law: Section 4118(g)(3) of title 38 requires the Secretary to submit to the House and Senate Committees on Veterans' Affairs, not later than April 30 of each year, a report on the implementation of section 4118, which must include (a) a review of the Secretary's and CMD's actions, findings, recommendations, and other activities to date for the fiscal year during which the report is submitted and for such portion of the preceding fiscal year as was not included in the previous annual report, and (b) a plan in connection with the implementation of section 4118 for the remainder of the fiscal year during which the report is submitted and for the succeeding fiscal year.

House bill: Proposed new section 4140 of title 38 would follow current law, but also would require the Secretary to include in the annual report (a) a description of the amounts of special pay paid during the preceding fiscal year by category of pay; (b) a list of (1) the geographic areas, and scarce specialties for which special pay was paid during the preceding fiscal year, (2) the areas and specialities for which special pay is being paid during the current fiscal year, and (3) the areas and specialties for which special pay is expected to be paid during the next fiscal year, and (4) a summary of any differences among those three lists; (c) a list of (1) the number of physicians and dentists who left employment with the Department during the preceding year, (2) the number who changed from full-time status to part-time status, and (3) the reasons therefor; and (d) the number of unfilled physician and dentist positions in VHS&RA and the reasons that each such position is unfilled.

Senate bill: Proposed new section 4130 is similar to the new section proposed in the House bill except that, the provision would be modified to require the Secretary to include (1) the number of physicians and dentists who change from part-time to full-time status, and (2) a summary of the reasons why physicians and dentists left employment with VHS&RA or changed their employment status; and (b) the following items would be added to the report: (1) the numbers of positions, by specialty, created and abolished during the preceding fiscal year and a summary of the reasons for such actions; (2) with respect to the number of unfilled physician and dentist positions (A) the number of unfilled positions in each specialty in VHS&RA, (B) the average and maximum lengths of time that those positions have been unfilled, (C) a summary of the reasons why the positions remained unfilled and, (D) in the case of any specialty not designated as a scarce specialty for purposes of special pay, an explanation (including comparisons with other specialties that have been so designated) of why the specialty has not been so designated; and (3) an assessment of the need for periodically adjusting the rates of special pay of physicians and dentists to reflect cost-of-living increases as a means of recruiting and retaining high-quality medical personnel.

Compromise agreement: Proposed new section 7440 contains this provision. However, it does not contain an assessment of the need for periodically adjusting rates of special pay of physicians and dentists. In addition, new section 7432(d)(3) would require the Secretary to include in the annual report (1) the number of agreements entered into during the period covered by the report which caused a physician's or dentist's total annual salary to exceed the amount specified in section 5312 of title 5 (Executive Level I); (2) the number of proposed agreements exceeding the amount specified in section 5312 which were disapproved by the Secretary; and (3) a detailed explanation of the Secretary's reasons for disapproving any agreements.

REIMBURSEMENT OF CONTINUING EDUCATION EXPENSES

Current law: Section 4113 of title 38 authorizes the Secretary to pay the expenses, except membership fees, of physicians and dentists to attend meetings of associations for the promotion of medical and related science.

House bill: Section 103 would require the Secretary to reimburse any full-time board-certified physician or dentist for up to $1,000 per year for expenses incurred for continuing professional education after September 30, 1990.

Senate bill: Section 264 would (a) require the CMD to reimburse any full-time board-certified physician or dentist—and authorize the CMD to reimburse other physicians and dentists—for up to $1,000 per year for continuing education expenses, and (b) authorize the CMD to reimburse continuing education expenses in excess of $1,000.

Compromise agreement: Proposed new section 7411 follows the House bill, except that the provision would apply only with respect to expenses incurred after September 30, 1991.

ELECTION OF CREDITING SPECIAL PAY FOR RETIREMENT ANNUITY AND INSURANCE

Current law: Under section 103(b)(2) of Public Law 96–330, a physician or dentist who was employed by VHS&RA on October 1, 1980, in a full-time status was permitted to make an irrevocable election, no later than April 1, 1981, not to have special pay counted as basic pay for the purposes of computing an annuity under chapter 83 or 84 of title 5.

House bill: No comparable provision.

Senate bill: Section 266 would permit a physician or dentist who elected not to have special pay under section 4118 included as basic pay for the purposes of either chapter 83 or 84 of title 5 irrevocably to elect to have special pay received under the new special pay authority considered basic pay for such purposes and included in average pay for the purposes of sections 8331(4) and 8401(3) of title 5 in the same manner and to the same extent as provided in the new special pay authority. The physician or dentist would be required to make such an election in writing at the time the physician or dentist enters into an agreement under the new provisions.

Compromise agreement: No provision.

The Committees note that the goal of the Senate provision would be met by the repeal of section 4118 and by the enactment of section 104 of the compromise agreement, which would authorize all physicians and dentists to enter into new agreements under new chapter 74. All special pay received under these new agreements would be counted as basic pay for the purpose of computing an annuity.

RECRUITMENT, RELOCATION, AND RETENTION BONUSES

Current Law: Section 5524a of title 5 permits the head of a Federal agency to provide advance payment of basic pay, covering not more than two pay periods, to any individual who is newly appointed to a position in the agency, at the initial rate of basic pay payable to the employee upon commencement of service in that position. Section 5706b of title 5 permits a Federal agency to pay an individual for expenses for travel to and from pre-employment interviews. Section 5753 of title 5 (a) permits the Director of the Office of Personnel Management (OPM), subject to regulations which OPM will prescribe, to authorize the head of an agency to pay a bonus to an employee who is newly appointed under the General Schedule, or an employee under any Federal pay authority who must relocate to accept a General Schedule position, if the Office determines that the agency would be likely to encounter difficulty in filling the position, in the absence of such a bonus; (b) requires the OPM to determine the amount of such a bonus up to a limit of 25 percent of the annual rate of basic pay for the position, exclusive of any locality comparability payment that may be applicable to the position; (c) requires that payment of such a bonus be contingent upon the employee entering into an agreement with the agency to complete a period of employment with the agency, pursuant to regulations prescribed by OPM, which the employee must repay on a pro rated basis, if the employee is separated from the agency or voluntarily fails to complete the agreed-upon period of service; and (d) requires that such a bonus be paid as a lump sum and not considered as part of the employee's basic pay. Section 5754 of title 5 (a) permits OPM, in accordance with regulations which OPM must prescribe, to authorize the head of an agency to pay an allowance to an employee under the General Schedule if the unusually high or unique qualifications of the employee make it essential for the agency to retain the employee and the agency determines that the employee would be likely to leave in the absence of a retention allowance; (b) provides that a retention allowance may not exceed 25 percent of the employee's annual rate of basic pay (exclusive of any locality comparability payment under section 5304 of title 5); and (c) requires that such an allowance be paid in at the same time and in the same manner as the employee's basic pay, but may not be considered part of the employee's basic pay.

House bill: Section 104 of H.R. 598 in the 102d Congress, as passed by the House of Representatives on January 30, 1991, would add new section 4120A to title 38 under which the Secretary would be authorized to permit the CMD to pay allowances or expenses to physicians, nurses, and other title 38 health-care employees, in the same manner, and subject to the same limitations as are provided in the authorities under sections 5524a, 5706b, 5753, and 5754 of title 5.

Senate bill: No provision.

Compromise agreement: Proposed new section 7410 follows the House bill.

EFFECTIVE DATES AND TRANSITION

House bill: Section 104 would (a) provide that the new special pay authority take effect on the later of (1) October 1, 1990, or (2) the date of enactment; (b) provide that the continuing education expenses provision apply to expenses incurred after September 30, 1990; (c) require that any agreement entered into under section 4118 of title 38 prior to the effective date remain in effect and be treated for all purposes in accordance with such section as in effect on the day before the effective day of the new special pay authority, except that an agreement that covers a period in excess of one year and that would expire more than one year after such effective date may be terminated in order to allow a physician or dentist to enter into a new agreement; (d) require that any new agreement take effect only on the anniversary date of the terminated agreement; and (e) prohibit a special pay agreement from providing special pay with respect to a period before the date on which the agreement is entered into.

Senate bill: Section 265 would (a) provide that the new special pay authority would take effect with respect to pay periods beginning more than 180 days after the date of enactment; (b) require the Secretary to terminate a special pay agreement entered into under section 4118, if (1) the agreement covers a period in excess of one year, (2) the agreement expires more than one year after the effective date of the new special pay authority, (3) the physician or dentist concerned requests termination of the agreement, and (4) the agreement is terminated for the purpose of permitting the physician or dentist concerned to enter into a new special pay agreement; (c) require that any new agreement take effect only after completion of the first year of service under the terminated agreement; and (d) provide that the continuing education expenses provision apply to expenses incurred after September 30, 1990.

Compromise agreement: Section 104 would provide that the new special pay authority would take effect with respect to the first pay period beginning after the earlier of (a) July 1, 1991, or (b) the end of the 90-day period beginning on the date of enactment. A physician or dentist who entered into a special pay agreement under section 4118 of title 38 which would not expire until after the beginning of that pay period would be permitted to negotiate a new agreement that would begin with that pay period. A physician or dentist who entered into a section 4118 agreement that expires before the first pay period as to which the measures take effect would be permitted (1) to extend the 4118 agreement until the beginning of that pay period, and (2) to negotiate a new agreement that would begin with that pay period. A physician or dentist hired by VHS&RA after the date of enactment but before the effective date would be permitted to negotiate both (1) a 4118 agreement that would expire as of the beginning of that pay period, and (2) a new agreement that would begin with that pay period. Proposed new section 7411 would apply to continuing education expenses incurred after September 30, 1991.

Mr. KOHL. Mr. President, I would like to engage the distinguished chairman of the Committee on Veterans' Affairs, Mr. CRANSTON, in a colloquy regarding proposed new sections 7439 and 7440 of title 38 as proposed to be added by S. 675. These provisions call for a review of pay for physicians and dentists and require the Secretary of Veterans Affairs to submit an annual report to the House and Senate Veterans' Affairs Committees on the use of the special pay authorities.

Mr. CRANSTON. Mr. President, I would be happy to respond to the concerns of the Senator from Wisconsin.

Mr. KOHL. Mr. President, late last year I was joined by a number of my colleagues, including Senators KASTEN, HEFLIN, D'AMATO, SHELBY, RIEGLE, and LEVIN, in writing a letter to Secretary Derwinski on behalf of the Department of Veterans Affairs dentists in the specialty of endodontics. We wrote because there seemed to be some compelling reasons why these specialists should be granted specialty pay. At this point, I would ask unanimous consent that the text of that letter and the Secretary's reponse be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 14, 1990.

Hon. EDWARD J. DERWINSKI,
Secretary, Department of Veterans Affairs, Washington, DC.

DEAR SECRETARY DERWINSKI: We are writing to request that you make a determination to grant special pay to the dental specialty of endodontics within the Department of Veterans Affairs. In light of the following considerations, this decision would appear to be most appropriate.

1. Recruitment and retention of endodontists is a problem. The Klemm Report recommended specialty pay for all dental specialties. A 1984 Dentistry Advisory Task Force made the same recommendation. In June of 1989, there were 129 applications for employment as a dentist on file with the DVA. There were ten from prosthodontists, four from oral surgeons, and one from a periodontist—all categories which receive specialty pay. There were none from endodontists. Yet an informal survey has indicated a need for more of these specialists.

2. Endodontics has been singled out for denial of specialty pay with no apparent justification, along with one other dental specialty. To my knowledge, no studies were done to justify that recruitment and retention of endodontists was any easier than it was for the other specialties receiving this pay.

3. DVA endodontists earn less than their DVA colleagues in other dental specialties, yet in the private sector pay for endodontists is the second highest of any dental specialty, and greatly exceeds the pay of at least one of the scarce specialties.

4. Other federal agencies, including all branches of the military and the USPHS, grant specialty pay to all dental specialties. Only DVA endodontists are not compensated equally with other dental specialties.

5. Endodontists are important to the DVA. Their surgical expertise in dealing with cases of acute pain and infection is vital to training the DVA's general dentists of the future. These skills are an important service to provide for our nation's veterans.

This lack of specialty pay is creating problems for the DVA. It has created an unfair penalty on the small number of DVA endodontists. Because of the numbers of individuals involved, granting this specialty pay would not cause a significant increase in the DVA budget. Without such action, the number of endodontists in the DVA will in all likelihood continue to decrease.

We appreciate your consideration of this request. We look forward to your response, to your assessment of the recruitment and retention of endodontists in the DVA, and to your views on the role this specialty plays for DVA dental services.

Warm regards,

Sincerely,

Herb Kohl, Howell Heflin, Richard Shelby, Carl Levin, Bob Kasten, Alfonse D'Amato, Don Riegle.

SECRETARY OF VETERANS AFFAIRS,
Washington, February 7, 1991.

Hon. HERBERT KOHL,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: This letter is in further reply to your request to designate endodontics as a scarce dental specialty for special pay.

Endodontics is not designated as a scarce specialty for the payment of incentive special pay because the Department of Veterans Affairs (VA) is not currently experiencing significant recruitment or retention difficulties for this specialty. Under present law, the Chief Medical Director may authorize the scarce specialty component of incentive special pay for a dental specialty when he determines that there are extraordinary difficulties in the recruitment or retention of qualified dentists in that specialty. In accordance with this law, VA regulations establish the procedures for identifying and compensating scarce specialties. The enclosed fact sheet, prepared by the Office of Personnel and Labor Relations, provides further information on this matter.

VA officials are continually monitoring the staffing situation for all dental specialties, and will not hesitate to authorize special pay for endodontists if the situation warrants.

Similar letters have been sent to the cosigners of your request. Please be assured that we appreciate the contributions that VA endodontists make to the quality care we seek to provide to our Nation's veterans.

Sincerely yours,

EDWARD J. DERWINSKI.

DEPARTMENT OF VETERANS AFFAIRS FACTSHEET

ISSUE

Designation of endodontics as a scarce dental specialty for the purpose of authorizing the scarce specialty component of incentive special pay.

DISCUSSION

The Chief Medical Director (CMD) has authority under 38 U.S.C. 4118(c)(2)(A)(iii) and VA Policy Manual MP-5, Part II, Chapter 3, Section B, paragraph 4b to authorize the scarce dental specialty component of incentive special pay when he determines that there are extraordinary difficulties in the recruitment or retention of qualified individuals in a particular specialty.

In making such determinations, the CMD considers a variety of factors, including turnover rate, replacement rate (i.e., a comparison between the previous and current staffing levels), number of qualified applicants refusing job offers, recruitment lag (i.e., the length of time to fill a vacant position), prevailing non-Federal salaries, and number of contracts used to provide the required services. Salary and staffing data from other sources (e.g., professional employee associations) may also be considered by the CMD in making these determinations.

An evaluation of the above factors as they apply to endodontists has not determined that VA has extraordinary problems recruiting and retaining these specialists. Further, the most recent annual report to Congress on the permanent authority for physician and dentist comparability pay under Section 104 of Public Law 96-330, dated April 1990, did not identify endodontics as a specialty for which VA had significant staffing problems.

Oral surgery, prosthodontics, and periodontics are the dental specialties currently approved to receive special buy in VA, based on the CMD's determination of severe recruitment or retention problems. Endodontics, like oral pathology and other dental specialties found in VA, is not authorized to receive specialty pay.

The majority of VA medical centers do not employ endodontists because there is insufficient workload to justify the creation of such positions. At these facilities, care which might otherwise be provided by endodontists is provided by general dentists and, in unusual situations, by fee basis or consulting endodontists. This practice has been found to effectively meet the health care needs of veteran patients.

Mr. KOHL. As the factsheet attached to the Secretary's letter points out, title 38 of the United States Code authorizes specialty pay when there are extraordinary difficulties in recruiting and retaining personnel. Currently, VA says it is not having difficulty in recruitment or retention in this field, and thus has not granted specialty pay to endodontists.

Mr. President, this is where I believe the reporting provisions in the bill now before us are of vital importance. While VA now says it has no problems in providing endodontic services for our veterans, I believe there is a need for further data to unequivocally establish that claim. I would like to ask the distinguished chairman of the Veterans' Affairs Committee if he believes there has been enough research into the problems of recruitment, retention, and pay scale for VA dentists.

Mr. CRANSTON. Mr. President, I share the Senator's concern that perhaps there has not been enough research into the recruitment and retention of VA dentists. As the Senator is aware, the most comprehensive data we have on pay issues in VA is contained in what is widely referred to as the Klemm report, a study completed by a private research firm which provided the basis for the recommendations issued in the quadrennial report to the President on the adequacy of special pay for physicians and dentists.

It is unfortunate that that report, while containing a wealth of information on physicians, does not provide the same degree of information on dentists. The lack of sufficient information on dentist recruitment and retention is one reason why the committee included in our bill the two reporting provisions to which the Senator referred. First, the Secretary of Veterans Affairs will be required to submit to the President a quadrennial report comparing the pay of VA physicians and dentists with those in other Federal agencies and in the private sector, and making recommendations for any needed modifications of the special pay levels where recruitment and retention is difficult. It is the policy of Congress that the pay levels in these sectors be reasonably comparable, and this report should help to ensure that. In fact, the Klemm report provided much of the data justifying Congress' actions in this special pay bill.

Mr. KOHL. I wish to commend my colleague for including this reporting requirement in the bill. Some of the information I have seen suggests that VA endodontists may be compensated at levels below their colleagues in other Federal agencies and the private sector receive. A comprehensive study of this situation would be very useful to the Secretary of the Department of Veterans Affairs and to the Congress.

Mr. CRANSTON. The second requirement in the compromise agreement is for an annual report to the House and Senate Veterans' Affairs Committees on the uses of the specialty pay authority. Among other requirements, and of interest to the Senator from Wisconsin, is a requirement that the report include the number of positions created and abolished in each specialty, the number of unfilled positions in each specialty, and summaries of the reasons for each vacancy or abolished position. If vacancies occur in specialties which do not receive specialty pay, an explanation would be required.

Mr. KOHL. I want to commend my colleague for this requirement as well. Such information would provide concrete evidence to Congress of when critical shortages are occurring. I will certainly be watching closely to see what happens with the endodontist positions currently in the VA system. I am concerned, Mr. President. While there has not been a comprehensive study addressing recruitment and retention of the individual dental specialties, three dental specialties have received specialty pay for 10 years while endodontics has not. An informal study conducted by one of my constituents has indicated that many VA service chiefs believe that patient care would be enhanced if there were greater access to endodontists. Without specialty pay, I am afraid that we may lose some of the endodontists we now have, and that veteran care may suffer. These reporting requirements will keep us up to date on those figures, and whether vacancies can be filled.

Now I am not an expert on the dental needs of veterans. And it may be that the VA can provide adequate care, as the factsheet from the Department indicated, by using consultant or freebasis endodontists in many situations where there is a need for an endodontist. But the informal survey I mentioned also indicated that there was a difficulty in recruiting consultant and fee-basis endodontists, even when funds were available. I would like to ask the distinguished chairman if it was his considered opinion that the Department should include such information in its quadrennial report, if indeed there is such a problem in the recruitment of consultant and fee-basis endodontists in areas where no VA endodontist is available. I believe such information would be appropriate in helping define whether the Department is unable to recruit or retain a sufficient work force.

Mr. CRANSTON. Although the quadrennial and annual reports on special pay focus on salaries for staff physicians and dentists, I think it would be useful to learn whether VA has significant difficulty in hiring consultant and fee-basis physicians and dentists. I would expect that VA would include such information in its reports. VA must be able to obtain the services of medical and dental specialists, from either salaried or contract personnel, if it is to provide our Nation's veterans with high-quality care.

Mr. KOHL. Mr. President, I thank the distinguished chairman for his work on this important piece of legislation, and I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 65) was agreed to.

H.R. 598, THE PHYSICIAN-DENTIST SPECIAL PAY AND LABOR RELATIONS ACT OF 1991

Mr. SPECTER. Mr. President, as the ranking minority member of the Senate Veterans' Affairs Committee, I would like to express my support for H.R. 598, the Physician-Dentist Special Pay and Labor Relations Act of 1991. This legislation makes great strides in providing adequate compensation for Department of Veterans Affairs' physicians and dentists and in improving employee rights for VA personnel. In order to continue to provide quality health care, it is of the utmost importance that we make the needs and concerns of VA employees a top priority.

H.R. 598 is legislation designed to assist in the recruitment and retention of VA physicians and dentists. It will allow certain VA physicians and dentists to be eligible for special pay according to regulations prescribed by the Secretary with the recommendation of the chief medical director. Eligibility for special pay is based on several factors which include: full-time working status, length of service, scarce medical specialty, board certification, geographic location, and exceptional qualifications within a specialty. The legislation includes provisions regulating pay increases which exceed Executive Level I, breach of contract, and pay for part-time employment. It will also provide continuing education funds—up to $1,000 a year—for each full-time, board certified physician and dentist. Further, the bill will bring much needed relief to the overburdened VA health care system. It will provide the pay incentive needed to help keep VA competitive with the private sector while encouraging physicians and dentists outside the VA to consider a career with the Department of Veterans Affairs.

I urge my colleagues in the Senate to support this long overdue legislation. While it is unfortunate that VA cannot offer its physicians and dentists salaries commensurate with those that doctors receive in the private sector, this legislation will aid in closing the gap that exists between VA and private sector wages. As the Department of Veterans Affairs assures more equitable salaries for physicians and dentists, it is also taking steps to alleviate unnecessary redtape for its employees. I am an original cosponsor of this legislation and I am proud to give it my full support.

TO INCREASE PAY FOR VA PHYSICIANS AND DENTISTS

Mr. MURKOWSKI. Mr. President, as the former ranking Republican of the Veterans' Affairs Committee, I rise today to speak about legislation which is designed to improve VA's ability to recruit and retain physicians and dentists. This legislation is derived from legislation approved by the Senate Veterans' Affairs Committee last year, legislation passed by the House during this session and the last session of Congress as well as a proposal submitted by the administration.

I am pleased that many of the views expressed by Secretary Derwinski have been addressed in this bill. I understand that while VA is not supportive of many of the provisions in the bill, VA will not object to its enactment.

Special pay for VA physicians and dentists has not been increased since 1980. As a result, pay for VA physicians and dentists is often inadequate to recruit and retain these qualified personnel, especially in certain geographic regions, and in certain clinical specialties. This bill should go a long way to improving this situation.

This legislation requires the Secretary of Veterans Affairs to provide special pay for physicians and dentists based on the following factors: full-time status, length of VA service, clincal specialty, geographic locations, board certification, and executive position. In some cases, VA currently pays special pay based on these factors, but under this bill the dollar amounts are very significantly increased. This bill is estimated to cost some $63 million in the first year of implementation, and exceeds—by $21 million—the cost of VA's own physician and dentist pay bill. It is somewhat more generous than I believe is necessary to recruit and retain physicians and dentists.

Mr. President, although I do not intend to vote against this bill, I wish to note for the record one of my concerns about the pending legislation.

This bill requires that no physician or dentist can be paid in an amount which exceeds the Executive Level I rate which is about $135,000 annually, unless the Secretary approves this level. I am pleased with this provision but I object to the fact that it will expire in September 1994. I see no justification for sunsetting this provision. The Secretary should have the permanent responsibility for approving such very high pay levels.

Finally, I want to acknowledge the hard work of Ms. Nora Egan and Ms. Meg O'Shea of the Department of Veterans Affairs. I thank them both for their assistance to me during the development of this legislation.

I also wish to thank Ms. Jo Sherman who just recently left the staff of Senator ALAN SIMPSON for her outstanding work on veterans issues. Jo has joined the VA's Office of Congressional Affairs. I wish her all the best. I know that the staff and Members of the Senate Veterans' Affairs Committee will greatly miss her experience and dedication.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. LEAHY. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 17, H.R. 596, that all after the enacting clause be stricken and the text of S. 675, as amended, be inserted in lieu thereof; the bill be read a third time and passed; and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 596), as amended, was passed.

Mr. LEAHY. I ask unanimous consent Calendar 44, S. 675 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank my colleagues for allowing this interruption.

Mr. BOND. There is no objection on the Republican side.

Mr. LEAHY. I note for colleagues, this was something that had been cleared on both sides. I especially thank the distinguished Senator from Missouri who had been on his feet seeking recognition and with his usual courtesy allowed us to put this housekeeping chore through.

I yield the floor so the Senator from Missouri can take the floor.

The PRESIDING OFFICER (Mr. GORE). The Senator from Missouri is recognized.

Mr. BOND. I thank my good friend from Vermont and my dear colleague with whom I am pleased to serve on the Agriculture Committee last year for his kind words.

* * *

FUTURES TRADING PRACTICES ACT

The Senate continued with the consideration of the bill.

Mr. BOND. Mr. President, as a member last year of the Agriculture Committee who fought last Congress for tough reforms to clean up the futures markets in the wake of scandals exposed by FBI sting operations in 1989;

And, as a principle author, who along with Senators LEAHY, LUGAR, DODD, and Heinz developed the Intermarket Coordination Act last October;

And, as an original cosponsor of this legislation last January;

I had fully expected to stand in this Chamber to urge my colleagues to support the Futures Trading Practices Act of 1991 (S. 207). Instead, there are provisions in it which I must oppose.

Somehow a bill that entered the committee process looking like Dr. Jekyll, was reported out of committee looking more like Mr. Hyde. Critical measures designed to foster competition and financial innovation in the United States have been replaced by provisions that will drive our financial markets offshore. Important directives intended to bring futures and securities regulation into harmony have been replaced by artificial barriers that divide financial markets and market regulator, alike.

As one of the few Members of this body privileged to have served on both the Agriculture and Banking Committes, I have had the opportunity to appreciate the importance of both the futures and securities markets. However, I also understand the strong links that tie the markets for stocks, stock options, and stock index futures together. As a result, it came as no surprise to me that the single conclusion—upon which all of the studies of our financial markets following the unfortunate stock market crash of October 1987 agreed—was that what appeared to be separate markets, in fact, behaved as a single market.

My colleagues will recall that last June, the administration submitted to Congress the Capital Markets Competition, Stability and Fairness Act designed to foster regulatory harmony among the stock, stock option, and stock index futures markets. The approach recommended by Treasury Secretary Brady was to consolidate the regulation of all stock and stock derivatives—including the authority to set margins—in the SEC.

Following the introduction of that legislation, I attended extensive hearings on both the Agriculture and Banking Committees on the intermarket issues confronting our Nation. Here is what I heard:

Alan Greenspan, the chairman of the Federal Reserve System, testified that he was shaken when the futures markets raised margins on stock index futures in the midst of a stock market crash in October 1989. While Chairman Greenspan had previously opposed Federal oversight of margins on futures, he stated that "The behavior of marginsetting in the last couple of years has shaken my confidence in that view." While the futures exchanges had done a good job of protecting their own markets, these margins had the potential to harm other related markets and the Nation's clearance, settlement and payments systems. In short, inappropriate margins can create systemic risk with disastrous consequences for our entire financial system.

SEC Chairman Breeden testified that his agency—acting under the Federal securities laws—had approved the trading of a new innovative financial product designed to permit small individual investors to purchase the equivalent of a basket of stocks. This new product—called an index participation—paid dividends and required the posting of 50-percent margins—just like other stocks. But the futures exchanges and the CFTC went to court to block the trading of this product in securities markets. A court in Chicago found that the product had characteristics of both stocks and futures—but concluded that under the Commodity Exchange Act, the CFTC had exclusive jurisdiction. The result was that index participations were banned from two SEC-regulated exchanges. They did not go to the futures designated contract markets. They, in fact, went overseas.

In addition to blocking the trading of index participations, Alan Greenspan warned that the current system of giving the CFTC exclusive jurisdiction over any financial product with an element of a futures contract could stifle innovation and competition because a broad range of financial products currently trading under other regulatory systems could be swept within the exclusive jurisdiction of the CFTC and be forced to trade only on a futures exchange.

Treasury Secretary Brady and Undersecretary Glauber testified that there remained a host of issues that cut across financial markets that remained unresolved in the wake of the stock market crash of 1987. Clearance and settlement systems were not linked; circuit breakers were not coordinated; intermarket frontrunning and other forms of fraudulent activity were not detected; and the United States could not speak with one voice in international negotiations on financial market issues.

While these hearings convinced me that there were a number of problems, I was not certain that the approach of a single regulator advocated by the administration was the only—or even the best—solution. As a result, I joined Senators LEAHY and LUGAR, the chairman and ranking member of the Agriculture Committee, and Senators DODD and Heinz, the chairman and ranking member of the Securities Subcommittee to explore alternative ways to address these issues.

After 3 long months of searching for common ground, the five of us thought we hit pay dirt. We developed the provisions of the intermarket coordination act. This legislation would: Enhance the safety of financial markets by consolidating margin setting authority over stocks, stock options, and stock index futures in the Federal Reserve Board; increase the competitiveness of our markets by permitting new innovative financial instruments with attributes of both securities and futures to trade in both markets; and promote stability by directing the SEC and CFTC to coordinate and harmonize regulations with respect to issues that cut across securities and futures markets.

Chairman LEAHY explained the process best last October when he stated:

> It took months for us to iron out our differences and consult with affected groups. Any draft compromise that was acceptable to the securities side was unacceptable to the futures side; and vice versa. What the SEC supported, the CFTC opposed. What the CFTC supported, the SEC opposed. Draft after draft took its place on the trash heap, each rejected by one party or the other refusing to give in.

Chairman LEAHY was equally eloquent in describing the outcome, when he concluded that the Intermarket Coordination Act was:

> A fair and reasonable compromise on a group of difficult hard-fought issues. It is a product which I am happy to recommend to my colleagues and which I will press for next year.

When the intermarket coordination provisions became title III of the Futures Trading Practices Act, I was hopeful that the Senate would take a small step forward to resolve critical issues confronting our financial markets. Instead, we have taken a giant leap back. What had taken five Senators with sharp pencils 3 months to write has been erased virtually overnight.

The Intermarket Coordination Act as introduced would have given the Federal Reserve Board the same margin authority over stock index futures that it currenlty has over stocks and stock options. It would have placed responsibiltiy for developing margin rules squarely on the shoulders of the only agency which can impartially protect against systemic risk across related markets.

The Fed could delegate day-to-day margin setting to the futures exchanges consistent with its margin rules.

Because the CFTC adamantly opposed Federal oversight margins as unnecessary, the Fed was restricted in allocating its margin authority to that agency for up to 30 months. The Intermarket Coordination Act as reported, however, leaves responsibility for the margin rules with the futures exchanges.

The Fed can request the exchanges to set different margin levels; if the request is not followed, can direct the exchanges to make the change. In addition, the Fed can transfer its modest new authority immediately to the CFTC.

While the Fed's confidence in current margin setting practices has been shaken—the absence of any statutory directive to the Fed requiring the development of appropriate margin rules—has shaken my confidence that this provision will result in any change at all. Although I trust the Fed to do the right thing, I would have felt more confident if the legislation spelled out the right thing to do.

Let me give a bit of specific background on the margin section because, as my distinguished colleagues from Michigan and from Utah have stated in their remarks on this bill, the margin setting powers are extremely important. They, along with the other provisions of titles I and II of this bill are extremely important, and we must pass them. What we are discussing and will be discussing, at least from my standpoint, is what comes afterwards. But it is important that we make a clear record on the margin issue.

Last year, Senator GORTON indicated he was going to offer an amendment to S. 1729, the Commodities Futures Trading Commission Reauthorization Act, which would do three things: Transfer jurisdiction over stock index futures from the CFTC to the SEC; grant the SEC margin setting authority over stock index futures; and amend the exclusivity clause. The results of the proposed Gorton amendment, which was strongly supported by Treasury Secretary Brady, was that holds were placed on S. 1729 by those opposed to any changes in the CFTC's authority.

Farm groups were mobilized and strong lobbying efforts in opposition to the Gorton-Treasury plan began. This went on for months until it became apparent the Gorton amendment did not have sufficient votes to be adopted. At this point, the holds were lifted. The Treasury and its allies then put holds on the bill in order to regroup and to turn the tide back their way. This, of course, further delayed the reauthorization and led us to where we are today.

My view throughout this entire process has been the Treasury proposal was on to something, but it went too far; in particular, the provision to transfer regulatory powers over stock index futures from the CFTC to the SEC. Thus, I suggested as a compromise: Do not touch jurisdiction over stock index futures, but instead deal with one of the Treasury's main points and give margin setting authority to our highest financial authority, the Federal Reserve Board.

I felt this would address the volatility questions, the liquidity questions, and the systemic risk problems raised by the Treasury without placing an unworkable dual regulatory scheme on the futures exchanges.

This suggestion led several of us to see if a middle ground could be found. Thus, Senators LEAHY, LUGAR, DODD, HEINZ, and I sat down to work it out. It is this process that continues to play out today.

I walked through this long story, Mr. President, in order to impress upon those who I hope may still be listening that responsible Senators, representing widely differing interests, have attempted to address some very serious issues. Unfortunately, parochial concerns and nearly paranoid views about jurisdiction, competition, and ultimately control, have made any progress seem difficult.

If nothing else is in title III that can be recommended, I must, however, express my satisfaction that margin language has survived. I hope and trust it will survive conference with the House.

I do not say this lightly, but I believe without some ultimate overseer, the lack of supervision and/or influence over the actions of the futures exchanges and clearinghouses means we are begging for trouble when the next market break occurs.

Treasury Secretary Brady has said this is crucial if we are to avoid a potential breakdown of the system. If world or national conditions cause another October 1987 or October 1989 downturn in the market, without Federal oversight, major institutions could fail.

One of the primary functions of margins is to protect the financial integrity of markets by reducing risks, both to the market participants and their creditors. Thus, margins should be set at levels sufficient to protect all players—brokers, clearinghouses, and other lenders—from possible credit losses that arise from changes in market prices.

Under current law, futures exchanges have the authority to set initial and maintenance margins for their market participants. They also control the so-called variation margin, which is the process of cashing out between clearinghouses and brokerage firms.

As such, margins are very important to the overall stability of the market; in particular, if one or more key players should fail. This, of course, was a major concern of the 1987 crash; that failure of one or more brokerage houses could have brought down the entire financial structure. Adequate margins are the first insurance against such occurrences. Adequate liquidity is the ultimate insurance.

Mr. President, the primary difficulty most people have with this issue is margins on stock exchanges appear very different in their levels, how they are regulated, and in their collection than margin on futures exchanges. However, everyone should understand the purposes are much the same whether we are discussing the margin on IBM stock or margin on stock index futures, pork bellies, potash or wheat, and that is to ensure those who borrow or make contracts for future performance are actually able to perform.

In addition, everyone must also understand that there is a very strong connection between margins on stocks and margins on stock index futures. That is because it is crystal clear that markets in stocks, stock options, and stock index futures behave as a single market. They are inextricably linked by common participants, intermarket trading strategies and economic forces, and their payment systems are closely interwoven.

This was brought home with a vengeance during the October 1987 crash when the danger of a default in the futures clearinghouse posed an extraordinary threat to our entire financial system. Clearly, a major disruption in one part of this linked market can do swift and sudden damage at the other end. Any liquidity problems or defaults can affect every other participant, whether they are direct or indirect players.

This is the systemic risk which the Federal Reserve and the Treasury feel is a grave risk. And this risk is why I believe we must give the Federal Reserve Board the broadest possible authority to ensure adequate liquidity and stability in these linked markets.

The Fed is clearly the only agency with the ability to look across New York or Chicago to determine where the risks and vulnerabilities are and to take appropriate action. Anything else is simply inadequate.

The status quo has only avoided failure by luck and good fortune, for a market regulatory system that encourages self-interest rather than marketwide interest is an accident waiting to happen.

Unfortunately, there are those who do not share this assessment. They believe that everything is rosey, the system is working, and not to worry. Sounds too much to me like Congress when the S&L warnings came during the mid 1980's. There are numerous letters we have received opposing even the margin setting authority.

I do not want us to follow a course of inaction, and that is why I feel it is necessary to push the margin provisions.

Mr. President, opponents have argued either that margins are not important, therefore, they do not need regulation, or that the only reason we want to change them is to provide a competitive edge for similar products sold on stock exchanges.

It is these sorts of arguments that make me even more convinced that the Fed is the appropriate regulator.

The proposal we drafted last year, and while somewhat watered down as part of title III now, gives Chairman Greenspan and the Fed authority, similar to what he has over securities exchanges.

In order to ensure futures exchanges are setting margins at prudential levels, and more important, that the Fed had powers to step in during an emergency and force action.

To those in the House who might be tempted to argue we do not need this oversight, I commend a little study of the matter. Questions they should ask themselves are:

No. 1, how are market participants when a clearinghouse can refuse payment to a brokerage during a crisis and no one has authority to do anything about it?

No. 2, how are market participants protected when the actions of one exchange acting on its information can dramatically raise margin levels in order to cover its own particular interest, irrespective of the interest throughout the broader market?

I must confess that the more I dug into this in order to answer these questions, the more nervous and concerned I became. In fact, it is safe to say that my interest in acting on this effort is even stronger now than when it began. That is why I am so pleased that at least this provision is included in the bill.

I hope my colleagues understand that giving margin authority for stock index futures to the Fed has nothing to do with jurisdiction or competition. Instead, it has everything to do with financial integrity, protection of investors, and stability.

That is why is it so important that simple, straightforward, obviously necessary reform be passed and signed into law, and why it is critical that the House not decide to try to dump this legislation out in conference.

We must not let those with financial interests in the status quo, who care more about their own interests than the Nation's, keep us from taking this necessary action.

While the margins provisions of S. 207 as reported are not as strong as I would have liked, they do provide some hope and they do provide a significant improvement. Unfortunately, the provisions that address financial product innovation and competition provide little hope at all for improving a bad situation.

Under the Intermarket Coordination Act as introduced, hybrid financial products, with attributes of both futures and securities—we are not talking about plain vanilla futures or plain vanilla securities, the things that are trading now and everybody recognizes they are futures and everybody recognizes, on the other hand, they are securities. We are talking about the hybrids, the ones that are part of one and part of the other, and there are many new financial instruments being developed in that area. The purpose of the act as introduced was to make it a jump ball. Both markets, the futures or the securities, or either, could trade these products.

It is our view that the best markets with the best products would score the points; the traders and investors—not the regulators and not the courts and not the $300-an-hour lawyers—would decide which products won and lost.

However, in the bill as reported out of the Agriculture Committee, what was once a jump ball has become a slam-dunk for the futures exchanges. The CFTC controls the ball, writes the rules, and keeps the score.

Under section 3 as reported, the CFTC retains exclusive jurisdiction over all financial instruments with elements of futures contracts or commodity options unless the agency determines that less than 50 percent of the value is derived from the futures or options characteristics. A rule that splits financial products down the middle based on value sounds fair, but the result can be that the futures market could always wind up with the bigger half.

Under the bill, the CFTC will decide which parts of new instruments have futures or options components. The CFTC will decide what model to use to determine the value. The CFTC will decide how the market for a product that has never traded will behave, since trading activity determines the value of an instrument.

All of these uncertainties caused Federal Reserve Chairman Alan Greenspan, in a letter to Chairman RIEGLE dated March 27, which I believe has already been made a part of the RECORD, to express his view that:

> The 50-percent value test embodied in this bill is arbitrary, as will be any procedure for determining the value of the commodity

component of a financial instrument, and could yield anomalous results for similarly structured instruments.

Mr. President, why are we splitting the baby when joint custody is in the best interests of fledgling, new, innovative products? King Solomon may have been wise, but when it comes to financial markets and products, investors should be the judge of which products are the best.

One specific example that does not go to the jurisdiction of the CFTC or the SEC is another very important issue arising out of this legislation and the existing law, and that is the market for swaps, which has already been referred to. The so-called swaps market will not change agencies. It will change countries from the United States to any other market that does not treat these innovative products as possibly futures contracts to be exempted, or to have the exemption revoked at the discretion of the CFTC.

Simplified greatly, swap agreements are customized financial products developed by our securities and banking industries to assist companies in raising capital, managing assets and liabilities, and reducing risks associated with foreign currency, interest rates, and business-related commodities.

If that sounds a little broad to you, let me suggest that two large institutions could come together and trade. Say, one has a bond denominated in yen, and they want to have return denominated in deutsche marks. They will find another institution with deutsche marks that wants yen, and they will swap the obligations.

Swaps help American companies raise capital at lower cost. Swaps help Government-sponsored enterprises, such as the Federal Home Loan Banks, to provide fixed-rate funding for home mortgages, which lowers the cost of home finance to home buyers. And swaps help exporters to manage exposures to foreign currency fluctuations, facilitating exports and reducing our balance of trade deficit.

The same creativity that gave rise to the swaps markets and is such a positive force in helping U.S. financial firms maintain an edge in fiercely competitive markets, when applied in the context of a broadly drafted statute with an exclusivity clause that forces all innovative products such as swaps to trade only on futures exchanges or to go before the Commission for a hearing and a process to get an exemption which can be revoked can, and I submit will, be fatal to our Nation's financial markets.

Consequently, the Intermarket Coordination Act, when introduced, had a clear, mandatory exemption from the Commodity Exchange Act to open the door for the development of the swaps market in the United States. Unfortunately, section 302 as reported slams the door shut, and drives these important markets abroad.

Rather than acknowledge that swaps agreements are not futures contracts and do not belong under the Commodity Exchange Act, the bill as reported sets up a series of obstacles that must be overcome to get out of the act. Not only are the tests difficult to meet, but they impose restrictions that prevent practices which were designed to make the swap market safer. Chairman Greenspan has concluded that the bill as reported "could push swaps markets themselves offshore."

While the swaps markets at least have the option of moving offshore, on the other hand, for many investors and companies that rely on safe and efficient securities in futures markets in the United States, there is no place to run. That is why the Intermarket Coordination Act as introduced mandated our financial market regulators to address many of the intermarket issues that have not been resolved since the stock market crash of 1987.

S. 207 as originally introduced would have required the SEC and the CFTC, in consultation with the Treasury and the Fed, to adopt coordinated circuit breakers to help prevent another market crash; facilitate linkages between the clearance and settlement systems in the securities and futures markets to reduce the risk of a collapse of the Nation's financial infrastructure; coordinate efforts to detect and deter fraudulent trading activities across securities and futures markets; foster a cross-margining system to protect against financial gridlock when margin calls threaten to strip liquidity from our markets; and ensure that in promoting regulatory harmony with securities and futures markets abroad, the United States speaks with one voice.

Simply stated, the Intermarket Coordination Act as introduced would put the SEC, CFTC, Treasury Department, and Fed, the so-called working group on financial markets, back to work to harmonize regulation of interrelated markets.

All of the provisions requiring intermarket regulatory coordination have been stripped from title III of the Futures Trading Practices Act. The only provision that would have forced our financial regulators to work together to help prevent a repeat of the stock market crash of 1987 has disappeared from this bill. That is a tragic mistake.

There are those who say that the Intermarket Coordination Act, that has already been adopted, mandates the same thing. It does not. It is limited in its approach and deals only with the SEC.

The provisions in section 305 of this bill accomplish all of the purposes and direct the CFTC, as well as the SEC, to cooperate.

Mr. President, in the last Congress, the distinguished chairman and ranking member of the Agriculture Committee reported on scandals that rocked our Nation's futures markets throughout 1989 in the wake of extensive Justice Department sting operations in Chicago. Senator LEAHY concluded that regulation of the futures market has suffered a nervous breakdown. Senator LUGAR informed us that the credibility of the Commodity Futures Trading Commission and its effectiveness to deal strongly with the futures industry has been called into question by the General Accounting Office and others knowledgeable about futures issues.

After extensive hearings and examination of trading abuses, market manipulation, conflict of interest, inadequate surveillance, and regulatory oversight in the futures markets, I strongly supported legislation to help the CFTC clean up the futures market. Under the Futures Trading Practices Act, the CFTC is required to devote and should devote its time and attention to implementing badly needed reforms to make the Nation's futures markets safer and fairer.

I cannot understand why, when Congress is giving the CFTC so much to do to help it recover from a regulatory nervous breakdown in the futures markets, it is also proposing to expand its regulatory authority over all financial products with any element of futurity. Do my colleagues really want the CFTC to regulate insurance company products that are currently subject to supervision by 50 State insurance commissions? Do my colleagues really want the CFTC to regulate bank accounts, certificates of deposit, and other bank products supervised by four Federal agencies and 50 State bank agencies? Do my colleagues really want the CFTC, for the first time since the New Deal, to decide what products should trade in securities markets?

In 1974, when Congress created the Commodity Futures Trading Commission to give one agency exclusive jurisdiction over futures contracts and require that all futures contracts trade solely on futures markets, Congress could not have intended that all securities products, all banking products, all insurance products with any element of futurity could be swept within the jurisdiction of the CFTC.

In the letter from Commissioner Schapiro, which has already been introduced by the distinguished Senator from Utah, Commissioner Schapiro, who served on the CFTC and served as general counsel of the Futures Trading Commission, has pointed out that the purpose of the exclusivity clause was to ensure that futures contracts, first, not be subjected to all of the possible conflicting jurisdictions of the 50 State blue sky laws and that unregulated products in futures not be traded alongside regulated products of the same kind in the same market.

A statute adopted in 1974 to centralize the regulation of futures contracts for the protection of our agricultural producers has become a threat to all of our other financial markets. Bank certificates of deposit were never meant to trade in futures pits. Individually negotiated swap agreements were never meant to trade in futures pits. Corporate bonds with floating interest rates were never meant to trade in futures pits. Yet the legislation before us can require just that.

I want to help strengthen the regulation of our Nation's futures markets as much, if not more, than any Member of this body. I know they are important. I believe we must strengthen their hand in regulating. But I do not want to drive all other financial markets offshore in the balance. When introduced, the Futures Trading Practices Act contained provisions designed to promote product innovation and competition among all financial markets. These provisions are now law. Unless they are restored, the United States will lose vital financial markets to other countries with a regulatory system which will welcome them with open arms.

Mr. President, competition in innovation has been the engine that drives our Nation's economy. When it comes to financial products, the United States remains the envy of the world. Congress has the opportunity today, enacting these amendments, to ensure that one of the most healthy and vibrant segments of our economy remains here at home. It would be a tragedy to watch our financial markets die from self-inflicted wounds. Congress will not be forgiven if we let a regulatory turf battle lead to an unconditional surrender in the global war for financial markets.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise not just to support the measure that has been brought forward at a critical moment by the Senator from Missouri and the Senator from Colorado, but to thank them for what they have done and to congratulate them for the clarity with which they have presented a difficult case.

The Senator from Missouri, the able, and if I may say in this context the learned Senator from Missouri, is on the floor. I want to thank him and to speak with the "concentration of mind" that Dr. Johnson once said was associated with the prospect of hanging, about the reference that the Senator made to the market crash of 1987. It happened I was in New York City that morning in 1987, and through the day as we watched an event that had only one other equivalent in the 20th century, the stock market crash of 1929. The earlier event defined a decade in American history. The question is would the 1987 event do the same? The earlier event defined a decade which ended with the Second World War. And the first event was not unrelated to the second. We did not understand what happened in 1929 and did not know what to do about it.

When the Securities and Exchange Commission was established in 1934, the market crash was an event not understood any better than economists could describe or prescribe what might be the best way to respond to the depression that followed. The economics profession could not do it. Today it could with confidence. Economists today can state with confidence that the Federal Reserve Board should not do what it did in 1930, 1931, and 1932 with the money supply. Similarly, the Securities and Exchange Commission today has a much greater confidence about how to deal with a market crash than it did in its formative period, or indeed, it did in 1987. We learn from the past.

Sir, I hope we have learned enough to pay heed to the counsel of those bodies that are assigned these regulatory responsibilities in our system. This is a very special American arrangement, the Federal Reserve Board, a central bank whose chairman is appointed by the President for a term that passes beyond the President's own term, who shares the power locally with regional banks, which in turn are members of a system from which they are selected.

It is a complex arrangement, but one which proves flexible and workable. The Securities and Exchange Commission and the Federal Reserve Board both grew out of crisis—the panic of 1907, in the case of the Federal Reserve Board, and the crash of 1929, in the case of the Securities and Exchange Commission. This does not mean that we are beyond the risk of such events. But that we try to act responsibly to prevent their recurrence.

I started by saying that I happened to be in New York that Monday in 1987 and watched nearly a trillion dollars disappear from our national wealth. The market lost nearly one-third of its entire value over 4 days. Nearly one-quarter on Monday alone, when the markets looked to be in a free fall. Events of the most extraordinary nature seemed to be upon us.

Some of us learned in time what had been the two precipitating events of the market crash. First, an unexpectedly high merchandise trade deficit which pushed interest rates to new high levels. And second, right here in the Congress, in the other body on the Ways and Means Committee, a pending measure that would have effectively eliminated the tax benefits associated with leveraged buyouts and impose a tax on "greenmail" profits. The Ways and Means Committee approved the measure Thursday night, October 15. Word reached Wall Street, and on Friday by the end of the day the market was in a virtual free fall. On Monday, the free fall occurred in earnest, having made its way around the world in the meantime.

I learned of the crash of 1987—though it began around 10 a.m.—at breakfast beforehand. I had a breakfast meeting with some Wall Street associates, and they knew what was coming, because it had already started it happen in London, having made its way around the world the previous Friday afternoon. Tokyo, around to London, and back to New York. That is the nature of finance in the world today. It is international, global, and it moves with the Sun. That may be its only real regularity, but it does that.

I recall with great passion, speaking on television the next day, Tuesday, when this all became a little clearer, saying to anyone watching not to worry, at least not to worry about the tax measure that had been adopted in the Ways and Means Committee. It would not become law.

There is much to learn from that day, and I hope we will.

Now, sir, we will soon have before us an amendment to be offered by Senators BOND and WIRTH which has the specific endorsement of the chairman of the Federal Reserve Board, the specific endorsement of the chairman of the Securities and Exchange Commission, the acknowledgment of the Under Secretary of the Treasury, with special responsibility in this area, that this alternative is a sounder policy than S. 207. We also have the warning that to not accept the alternative proposed by Senators WIRTH and BOND, is to take a very risky course. Risky with the Nation's economy and with other people's money, if I may put it thus.

We find ourselves in an almost uncomprehending situation. How does it come about that a measure of this consequence is reported from the Agriculture Committee without any evident consensus within the executive branch, and far less within the legislative branch?

In an effort to see whether there was such a consensus, yesterday the chairman of the Committee on Banking, Housing and Urban Affairs, Chairman RIEGLE of Michigan held a hearing at which that most able and deservedly respected chairman of the Federal Reserve, Dr. Alan Greenspan; the Under Secretary of the Treasury, Honorable Robert Glauber; Chairman of the Securities and Exchange Commission, the Honorable Richard Breeden; and the chairman of the Commodity Futures Trading Commission, the Honorable Wendy Gramm, Dr. Gramm, as she is known to so many of us, testified. The chairman put to this panel the question, given the alternative we have in title III of the measure on the floor and the alternative as proposed by Senators BOND and WIRTH, which was the soundest way to regulate our financial markets. That is, which would promote more innovation in the markets, new products, serving new needs that had not existed before, like the "swaps" described earlier by Senator BOND, which did not exist until markets were sufficiently international to need them. Chairman RIEGLE also asked which would foster more competition, and which would result in greater legal certainty, avoiding greater litigation. With great respect to the law profession, we ought not to create demand for its services, if I may put it that way.

The Chairman of the Federal Reserve said unequivocally—"Do what Senators WIRTH and BOND propose."

Secretary Glauber said, "What Senators WIRTH and BOND propose is the better policy." The Wirth-Bond alternative is better public policy.

And Chairman Breeden, having obviously the most direct interest in this matter, said the same. We needed to hear his view. His position was created in the 1930's for exactly this kind of question.

The factors cited by Chairman RIEGLE—innovation, competition, legal certainty—are the basis for choosing here, and we should heed the expert advice we have gotten, which is very clear.

But I would like to speak, if I may, to the matter of certainty which was touched upon by the Senator from Missouri, and ought to concern every Member of this body, which is that we are trading in an international system, and if we enact legislation which clogs up our own decision process, makes uncertain the validity of legitimate trading here or there, opens to litigation matters which previously would not have been in any way exposed, buyers and sellers have a very simple recourse. They go to London. They go to Tokyo. Those exchanges will handle these matters very quickly and efficiently in the traditional established places for the exchange of financial instruments.

I recall that the 1987 crash had as its immediate precipitance two events. One took place in the Longworth Office Building, and the other arose from bad news about our trade deficit. And bang, nearly a trillion dollars disappeared from the net value of our Nation's stocks and bonds. That is the international nature of markets today.

I do not see how a responsible body can say, well, we will act contrary to the advice of Dr. Alan Greenspan, the Chairman of the Federal Reserve, we will dismiss the judgments of the Under Secretary of the Treasury, and we will discount as somehow institutionally self-interested the views of the Chairman of the Securities and Exchange Commission.

To do that is to trifle with the wellbeing of the American financial markets. That is not the kind of behavior which the 20th century encourages. To the contrary. It encourages predictability, orderly procedures, and confidence in the fact that outcomes will be accepted and not be subject of litigation or uncertainty.

I simply would say to you, Mr. President, that we have heard from the executive branch and from the regulatory bodies independent within the executive branch. I can say to you I have heard from the community in New York where traditionally the exchange of financial instruments has been centered, Wall Street, so-called, and I would mention particularly the American Stock Exchange. I feel very confident in the proposal by the Senators from Colorado and from Missouri, and I very much hope it prevails. To do otherwise seems to me to put in jeopardy the preeminence of our Nation in the financial markets.

Mr. President, I have spoken at greater length than I intended. I see other Senators on the floor. I respectfully yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Illinois.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent I be recognized as in morning business for a period of 3 minutes to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 834 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I rise today to express my concerns about the Futures Trading Practices Act of 1991, the legislation before us today, S. 207, as reported by the Committee on Agriculture and recently revised by the Commodity Futures Trading Commission.

Titles I and II include some important provisions to reauthorize the Commodity Futures Trading Commission and to enhance the regulation of trading practices in our Nation's commodity futures markets. But, as we have discussed in the Banking Committee and elsewhere, I have deep concerns and reservations about title III of S. 207. The provisions of title III in my opinion fail to address the fundamental problems plaguing our financial market regulatory structure. Since the October 1987 market break—more than 3 years now—these problems have been studied, exposed, and debated. Yet the legislation before us would deny American investors meaningful solutions. Specifically, title III does not unify the equity and equity derivative markets in stocks, stock options, and stock index futures. Title III would stifle innovative financial products and competition and as a result does little to enhance the competitive position of our markets, which should be one of our primary concerns. And title III does little to restore investor confidence—I think perhaps our top priority—in terms of looking at financial instruments and dealing with a very broad and, unfortunately, increasingly skeptical body of consumers.

We should not be competing among ourselves with regulatory bodies devoting time and energy to jurisdictional battles. And, unfortunately, too much of that is going on here. Instead of competing with ourselves, what we ought to be doing is competing with Japan, Germany, France, and the United Kingdom.

(Mr. ADAMS assumed the chair.)

Mr. WIRTH. If there is a problem in our market structure, and I believe there is, we should address that problem and not just reauthorize the agencies responsible for regulating the markets without making fundamental changes.

All of this has a very complicated but important background, which I would like to briefly sketch.

In 1974, Congress created the Commodity Futures Trading Commission, designed to regulate futures trading in commodities, like pork bellies and soybeans. The Securities and Exchange Commission was to continue to regulate equities. At that time, this seemed to be a very sensible, functional approach to regulating the markets.

During the 1980's, however, hybrid financial instruments have blurred the essential distinction underlying this functional regulatory system. The old functional regulatory system between commodities and equities no longer was as clear as it should have been.

For example, an important instrument, the stock index futures, began to trade in 1982. These contracts gave holders the right to buy or sell a group of stocks whose value mimics changes in certain stock indices, such as the Dow Jones industrial average. Because this kind of an instrument constitutes a future, the stock index futures have been regulated by the CFTC. But stock index futures have a much closer relationship to stocks and stock options than to futures and agricultural commodities.

At this point, Mr. President, people's eyes begin to glaze over. On the one hand, you have the jurisdiction of a stock index future under the CFTC, but a stock index future is, in fact, based upon a stock, presumably falling within the jurisdiction of the SEC.

The jurisdictional clarity which at once exists begins to cloud. Between 1940 and 1986, the Dow industrials declined by more than 6 percent only three times. We are now getting into the issue of why these instruments are important, and why what happens in the Chicago market has a major impact on the overall market structure and has a major impact on what we call market volatility.

During this 45-year period of time, a 6-percent decline had occurred only three times. But in just the last 4 years, these markets have experienced four such devastating 1-day downturns. Something in going on, Mr. President. We had a relatively stable set of financial markets for 46 years. In the last 4 years, we have had some violent ups and downs, very unlike any in history and one of the things that I think we have to look at is: Is this important? Is this dangerous? Should we be alarmed by it? I think the answer to all three of those questions is, "Yes."

Numerous economists and financial experts have analyzed these changing financial structures in order to better understand the recent dramatic volatility of the stock market: Four major ups and downs in the last 4 years. And there is astounding unanimity among those who have studied this issue.

The Brady Commission, chaired by our current Secretary of the Treasury, the General Accounting Office, the New York Stock Exchange Blue Ribbon Smith Commission, the Office of Technology Assessment, Federal Reserve Board Chairman Alan Greenspan, and others, have all concluded that uncoordinated and insufficient regulation of financial instrument trading contributed significantly to the market volatility of the 1980's.

In other words, we had these two major markets that were uncoordinated, essentially in overlapping instruments, and what was going on is because there was not, in Mr. Brady's terms, a rationalization of those markets, that they were not working together. We, therefore, could have great damage done to them by one whipping up and coming back down, and it will spread across them all.

That is one of the fundamental issues underlying the relatively arcane but extremely important debate that is going on on the floor of the Senate today, and which will end up in a vote on the amendment which Senator BOND and I will be offering.

The Brady Commission report—that was the report chartered by President Reagan, chaired by former Senator Brady, now Treasury Secretary Brady—the Brady Commission report noted that the problems of the October 1987 stock market downturn could, to a large extent, be traced to the failure of the markets to act as one. That is the rationalization issue.

When faced with massive selling demand, the regulatory and institutional structures of the market places were unable to respond effectively to intermarket pressures. Let us remember that that was what the Commission found after the enormous drop that almost resulted in a major financial disaster in October 1987. Secretary Brady was asked to chair the Brady Commission and try to get to the bottom of it.

In sum, said the Brady Commission, the Nation's financial markets evolved in such a way that coordinated, meaningful regulation is necessary to promote market stability. New products closely linked our markets, and where we have in effect one market, we should regulate it as if we have one market. Not to do so is asking for trouble.

To continue this bifurcated, unrationalized, uncoordinated approach is to ask for further ups and downs and, Mr. President, in my opinion, to ask for the potential of the near disaster that we had in October 1987.

The market crises of the recent past are bound to occur again unless we address the problem of fragmented market regulation. There are three fundamental problems in this business of fragmentation. There are three basic problems, Mr. President, that exist because of the fact that we have these two disparate and relatively uncoordinated markets.

First, regulatory jurisdiction over stocks, stock options, and stock index futures is split, even though the economic functions of these various instruments are inexorably linked. We regulate what are essentially stock equity functions differently. We split them. That leads to one of the problems leading to volatility.

Second, the exclusive jurisdiction of the Commodities Futures Trading Commission—let us remember, it is a commission set up to trade pork bellies, futures on commodities, and so on—the exclusive jurisdiction of the CFTC over any instrument which has some element of futurity is stifling innovation and competition in new financial instruments.

Third, the lack of a coordinated regulatory authority over margins for stock index futures, coupled with the inability to devise a unified margin structure for all equity instruments, poses great risks of continued market volatility. In other words, if you go in and you want to borrow to buy a stock, you have a much tighter set of requirements on you than you do to go in and buy an instrument regulated by the CFTC.

Let me take each of these problems one at a time. First, the uncoordinated regulation. The markets for stock, stock options, and stock index futures are closely joined by common, underlying products and trading strategies that cross traditional market boundaries.

The 1988 report of the Presidential Task Force on Market Mechanism—that is, the Brady Commission—concluded that since the introduction of stock index futures trading in 1982, the markets for stock, equity options, and stock index futures have become "one market linked by financial instruments, trading strategies, market participants, and clearing and credit mechanisms."

Secretary Brady concluded, and he is chairing that Commission, "This is essentially one market."

The Brady Commission also went on to say these are "fundamentally driven by the same market forces.

Today, financial disruptions in one market can be transmitted quickly to other markets. Federal Reserve Chairman Alan Greenspan testified that:

> Losses can lead to the failure of key market participants, jeopardize contract performance, and threaten the integrity not only of the market in question, but other markets as well.

Likewise, Chairman Breeden of the Securities and Exchange Commission recently testified before the Agriculture Committee that:

> Our equities securities markets are vulnerable to destabilizing trading in the futures market that is then channeled into the securities market through program trading and other market linkages.

Mr. President, if this cross-market volatility is to be controlled, the bifurcated regulatory structure in which the SEC regulates stock and stock options, while the CFTC controls stock index futures, simply has to be addressed. The differences between these markets believed to be inherent when Congress created the fragmented structure in 1974 have almost completely disappeared. I explained that earlier. We thought commodities and equities were different, and they are now merging together. We have to rationalize the regulatory structure to recognize the realities of these market places.

Fragmentation weakens the ability of regulators to detect and pursue intermarket fraud. One of the important things we have to do to maintain consumer confidence so the consumers believe the market is not being rigged, that they are getting a square deal, is to make sure we unearth fraud. In order to unearth fraud, you have to be able to detect it, pursue it, and prosecute it.

Regulators who oversee only part of the market action simply cannot be expected to detect abnormal intermarket behavior. The financial players treat actions and stocks, stock options, and stock index futures as a unified market. So should the financial cops.

Fragmentation also means that potential investors seeking to participate in the complete equity market must understand and comply with the rules of two governing bodies enduring duplicative administrative costs and burdens. These costs undermine the ability of our markets to compete internationally. So we have the possibility of not being able to pursue fraud. We have volatility in the marketplace, and the taxpayers are paying for it.

Perhaps we should learn from the regulatory structures of our competitors. In Japan, trading of stocks and trading of futures are both regulated by the Ministry of Finance and Securities Bureau. In France, the same regulatory body has authority over both trading in stocks and in stock index futures, even though those instruments are traded on different exchanges.

As long as two agencies with different histories and different philosophies and different agendas struggle over the regulation of financial instruments, which in reality are a unified market, investors are going to find other countries' markets more attractive, and our competitive position will continue to suffer.

Since 1987, the U.S. futures market share of worldwide stock index futures has declined—reflecting just what we would expect—from approximately 94 percent to 40 percent. During the same period, stock index futures in Japan and other countries have expanded dramatically. So we are losing a competitive edge.

The second problem is the CFTC exclusivity, which I believe stifles product innovation and competition. The so-called exclusivity clause of the Commodity Exchange Act continues to impede the development of financial products and competition in our financial markets. The exclusivity clause blocks any entity other than a futures exchange from trading an instrument that possesses any element of futurity even if the instrument is predominantly a security. In short, it creates a monopoly for futures exchanges with nearly insurmountable barriers to competition. Many innovative financial instruments have been developed which contain some element of futurity but which also serve as investments in equities or other securities. Because of this anomalous exclusivity clause, the product developer must turn to the CFTC if the product has any element of futurity whatsoever.

So if you have an equity instrument that is predominantly a security, you still have to go to the Commodity Futures Trading Commission, a commission designed to trade pork bellies and agricultural commodities.

In at least 14 cases in the past 5 years, the CFTC has found it necessary to issue interpretive letters advising parties whether instruments are futures contracts or securities. In five cases, questions about the applicability of the exclusivity clause to financial products have been the subject of costly, time-consuming courtroom battles.

The history of one particular financial instrument serves to demonstrate the manner in which the exclusivity clause has worked to prevent useful innovation. The index participation, or IP, is a market basket product representing a broad range of securities. This innovative instrument was proposed for trading on several securities exchanges to provide an additional source of liquidity to the stock market, thereby enhancing the market's strength and stability. Now, this is an index participation based on a broad range of securities. It is an index instrument based upon securities.

The original version of the IP was unanimously found to be a security by the SEC, which approved their trading under the securities law. Instead of applauding this product innovation, the futures markets challenged the authority of the SEC to regulate a security, claiming the exclusivity clause precluded the trading of IP's on securities exchanges. The court, reading the law, that anomalous law which we ought to be trading, sided with the futures market but noted that: "Doubtless such a decision gives the futures markets the opportunity to block competition from an innovative financial product."

Let me read again what the Court said in ruling on this anomalous situation. It noted that, "Doubtless such a decision gives the futures markets the opportunity to block competition from an innovative financial product."

That is fundamental to our deliberations here as well, Mr. President—this whole business of blocking competition and innovation and making the United States even less competitive in a world marketplace in which our share of the market has declined rapidly. The Court, although bound by the exclusivity provision, understood what the legislation would do to competition, and we must understand that here as well.

The commodity exchanges were not trading IP's when they filed suit, nor are they trading them today. It was not that the commodity exchanges were saying that these instruments based on securities were something they wanted to do. They are not trading them at all. Indeed, no futures exchange has announced any intention or interest in making IP products available to the investing public. Here is something that would be good for the investing public, but because of this anomalous situation in the law on the Commodity Futures Trading Commission, those exchanges can block them. The consumer does not have access to them. What a situation for us to be in when we are trying to get a flow of capital moving, when we are, presumably, in this country trying to become increasingly competitive on world markets. No wonder U.S. consumers are going offshore to recognize their desire.

The exchanges only sought to prevent their competitors from offering these products. What we have the opportunity to do, Mr. President, is to break these egregiously anticompetitive practices. The investing public clearly is interested in these products, and it is not as if we are making this up. Before the court stopped trading of IP's on securities exchanges, more than 70 million were sold in just 4 months. That is, a new offering coming on, and immediately 70 million were sold.

The actions of the CFTC and the futures markets have played directly into the hands of our foreign competitors. Today, similar kinds of products are actively traded in Toronto and in Germany, and plans are under way for trading in London. Where are we in the United States? Zero, because one marketplace is saying, "We don't want the competition." Presumably, Mr. President, we ought to be encouraging and not discouraging, not stifling competition.

Many firms no longer will devote energy to developing financial products which might not be allowed to go on because of this anomalous legal situation. Why would anyone endure months or years of costly litigation only to have foreign competitors come in and steal their ideas? It just makes much more sense for innovative firms to take their nontraditional products overseas. If this monopoly practice of the futures exchanges continues, we are going to see more and more of these products going overseas.

The third problem is insufficient and uncoordinated margin regulation. This fundamental problem in our markets today is lack of a unified regulatory oversight of margin requirements on equities and equity derivatives, a clear and resounding finding of Secretary Brady's commission after the market crash of October 1987, the need to rationalize these requirements.

History should teach us, Mr. President, that leveraging can be dangerous. Stock speculation with borrowed funds largely contributed to the market crash of 1929. Today, an investor must put down at least 50 percent to buy stocks. Stock futures, on the other hand, can be purchased by highly leveraged investing.

In other words, if you are buying a security, if you are buying a stock, you have to put up 50 percent of the value at least. That is generally the norm. That is the norm today. That is designed to stop excessive speculation. But, if you are buying a future, if you are going in that direction, stock future, you can put down a very small percentage and leverage enormously. You have little stake in what is going on. But that market can swing wildly through excessive leverage, and we ought to be getting rid of that, Mr. President, if we are concerned about the stability of our financial markets and want to get away from that sharp up and down that has characterized the last 4 years.

At times, the margin on stock index futures has been as low as 2 percent. That means you can put up the money for two and you can get 100. That enormous kind of leverage is going to lead to this sort of volatility and is very dangerous, indeed. Even recognizing the differences between the purpose of margins in the stock and futures markets, low margins result in extreme leverage and an inadequate liquidity cushion in the financial system. It is no coincidence, Mr. President, that margins were low immediately before the market breaks in October 1987 and October 1989.

Futures exchanges have been known to lower margins in times of market stability only to raise them when volatility occurs. In times of market crises, increased demands for cash serve only to drain needed liquidity from the market.

In September 1990, the Office of Technology Assessment, our office in the Congress, report concluded that a unified Federal oversight of margins on stocks and stock derivatives was needed for two important reasons:

First, the OTA found that the links between markets now allow participants with great leverage in the futures market to make great demands on the liquidity of the securities markets.

Second, participants in futures markets also are participants in securities and options markets. The collapse of their financial integrity would threaten far more than the other clearinghouse members and could imperil basic U.S. financial mechanisms.

The OTA went on to say margins on both stocks and stock index futures limit the credit risks of individual participants primarily not to protect those participants but to ensure that in times of stressed markets cascading failures could not in the aggregate cause the breakdown of the market as a whole. And many believe that it was that cascading failure that brought us very close to financial catastrophe in October 1987. There was too much leverage built in; too much speculation when the bottom dropped out; people did not have their own capital at risk.

That kind of leverage and speculation spiraled and in the word of OTA, "cascaded"—a good word.

The OTA is not alone in its concern of uncoordinated markets. Chairman Greenspan has also stated repeatedly over the past 2 years that higher leveraging or lower margining in futures markets poses significant risks to overall market liquidity during market stress periods. The Brady Commission and the SEC have also called for consolidation of margin-setting authority to reduce credit and cash-flow problems in our markets.

Let me turn now, having looked at the background of this problem, to the legislation in front of us. S. 207, the legislation reported out and on the floor today, in my opinion fails to unify the regulatory control in one agency over stock, stock options, and stock index futures. The Brady report and other independent analyses cite the current fragmented regulatory jurisdiction as a major problem reducing investor confidence in our market.

S. 207 does little to address this concern. The provision on CFTC exclusivity are insufficient as well. When it comes to the issue of exclusivity, S. 207 is barely an improvement on current law. The legislation provides that index participations approved by or proposed by the Securities and Exchange Commission before December 31, 1990, are permitted to trade on stock exchanges.

In other words, the legislation simply grandfathers its first batch of instruments but would prohibit any further innovation in this area. Remember the IP's example. Millions of people wanted to buy these instruments, could not do so, and went offshore to do so. That is going to continue under S. 207 as written and on the floor. It has to be amended. We are going to continue to lose this competitive advantage in the United States.

What possibly could be the reason for all of this? Let me look at these. The four securities exchanges will be able to trade IP's, to go back to that example, as only those exchanges had submitted proposals before the 1990 cutoff.

There is this bizarre grandfather clause. Apparently all other securities exchanges will be precluded forever from trading in IP's. These exchanges will not be able to do it at all in the future, the Boston Stock Exchange, the Pacific Stock Exchange, the Midwestern Stock Exchange, the New York Stock Exchange, and the Cincinnati Stock Exchange, as well as that rapidly growing over-the-counter operation of NASDAQ.

What could possibly be the reason for this arbitrary cutoff? If the characteristics inherent to index participations qualify those instruments for trading on securities exchanges, why should we limit trading authority to preexisting products?

As for future innovations in hybrid securities, it appears that developers of future hybrid securities may trade those products on securities markets only if they prove that their product meets one of two tests.

The CFTC would be entitled, but not required, to grant an exemption from the exclusivity clause for products which satisfy five factors. The product must involve only institutional participants, must be designed only for hedging or risk management, must not adversely affect CFTC's ability to perform its regulatory duties, must not adversely affect a futures exchange, and must be consistent with the public interest.

These criteria are excessively narrow and I would say vague. Could the CFTC block a new useful product just because it might offer some competition to the futures exchanges? The CFTC has demonstrated previously its inclination for classifying any hybrid products as a futures contract in order to maintain jurisdiction over that product. We should anticipate that the CFTC will be no different in the future. Under a second test products would fall inside or outside CFTC regulation based on whether the commodity-based portion of the return of the instrument is more or less than 50 percent.

Although this provision provides the pretense of fairness, it is in fact capricious and autocratic. The CFTC would decide when an instrument's value is tied to a commodity and even how value is to be defined. The establishment of the 50-percent test means that the CFTC, not the SEC, will possess sole authority for deciding what is and is not a security.

The SEC enjoys no such jurisdiction. If the CFTC determines that an instrument lies within its jurisdiction, the SEC would be powerless to seek any jurisdiction over that product.

These new twists in CFTC exclusive jurisdiction will do little or nothing to promote product innovation and competition. Issuers would have to prove numerous detailed factors to the CFTC, could have their exemption revoked at any time, and could still be sued by futures exchanges seeking to prevent competition. American business and consumers would once again be sacrificed as innovative financial product developments go offshore to avoid regulatory uncertainty.

I believe Chairman RIEGLE noted the letter from Chairman Greenspan earlier. It is important to state it again. Federal Reserve Chairman Greenspan recently said in a letter to the Banking Committee chairman:

> The approach taken by S. 207 will continue to preserve impediments to innovations in hybrids and risk-management products and may well forestall developments in swap markets that could reduce systemic risk.

> The 50 percent value test embodied in the bill is arbitrary, as will be any procedure for determining the value of the commodity component of a financial instrument and could yield anomalous results for similarly structured instruments. The exemptive authority given to the CFTC under the bill is narrow and in some cases would prohibit the commission from making appropriate exemptions.

That, Mr. President, is a quote from Alan Greenspan, the Chairman of the Federal Reserve.

There are other problems in S. 207 as well. Another relates to margin regulation for stock index futures. The problem of margin regulation has been addressed partially by S. 207. I referred to that problem before. That is the problem of excessive leverage.

The legislation would empower the Federal Reserve Board to direct a futures exchange to adjust its margins on stock index futures contracts to levels which the Board finds appropriate to preserve the financial integrity of the exchanges or its clearing system or to prevent system risk. So far so good. S. 207 for the first time would grant a Federal authority the power to regulate margins on stock index futures on something other than an emergency basis. This is a step in the right direction. But there are concerns surrounding this provision as well.

First, the Federal Reserve is empowered initially to request a contract market to set margins for stock index futures.

Only if the market fails to do so, may the Board direct the market to act. This delay could effectively reduce the ability of the Federal Reserve to control margins in a sufficiently timely manner, to avoid market volatility. In other words, there is a loophole within this that could lead us right back into the excessive leverage we have had before.

Second, and perhaps more troubling, the Federal Reserve is authorized under the legislation to delegate any or all of its margin-setting authority over stock index futures to the CFTC. The Federal Reserve also has jurisdiction over margins on stock options but has delegated that authority to the SEC. If the Fed delegates margin-setting authority over stock index futures to the CFTC, we are going to get right back into other business of uncoordinated margin rules.

Because of these concerns that I have with title III as it presently reads, and as the CFTC proposes to revise the legislation, Senator BOND and I have worked to develop an alternative to that portion of the legislation, that part which is most of title III. The alternative addresses many of the reservations we have with S. 207, which I have described earlier.

The Bond-Wirth amendment restores to S. 207 important provisions, which were a part of the legislation when it was initially introduced, that mandate regulatory coordination of intermarket issues.

Let me go back, Mr. President. This came right out of the Brady Commission in October 1987, during the enormous market crash, near disaster. Mr. Brady is appointed head of the Commission. The Commission works, the Commission recommends; No. 1 recommendation, regulatory coordination. Mr. Brady becomes Secretary of the Treasury, and recommends that again. It is very important that we do that. That is in the Bond-Wirth amendment.

These provisions would require the SEC and the CFTC, in consultation with the Treasury Department and the Federal Reserve, to adopt coordinated circuit breakers to help prevent another market break. Why do we not do that? It should be done.

Second, it would require that we facilitate linkages between the clearance and settlement systems in ther securities and futures markets to reduce the risk of a collapse of the Nation's financial infrastructure.

Third, require that we coordinate efforts to detect and deter frauduent trading activities across securities and futures markets. Again, going to that issue, Mr. President, of investor confidence, it is absolutely imperative that investors do not think these markets are rigged, and one of the ways you do that is not only to have policemen, but policemen who have the tools to follow where fraud exists.

Fourth, to promote a cross-margining system to protect against financial gridlock when margin calls threaten to strip liquidity from the markets.

Fifth, promoting regulatory harmony with securities and futures markets abroad, and that the United States speaks with a single voice.

As it is now, you go to Toronto, London, or Tokyo, or Paris and look at this bifurcated United States system, and the SEC is squabbling with the CFTC over there. Senator BOND and I say we are going to have a single voice in the United States. These important intermarket directives would put the so-called working group on financial markets, established after the stock market crash of 1987, back to work to harmonize the regulation of interrelated markets—the premier recommendation coming out of now Secretary Brady.

Second, the Bond-Wirth alternative would provide the CFTC with authority to exempt new financial products from some or all of the provisions of the Commodity Exchange Act in order to promote financial innovation. S. 207, as described below, restricts the CFTC's flexibility by prohibiting exemptions except under certain narrow conditions. That is leading to U.S. investors having to go overseas, which is the opposite of what we want to accomplish.

Our alternative would permit the CFTC and SEC to decide which new innovative financial products with attributes of both securities and futures can trade in securities and futures markets. We would do so by retaining the CFTC's 50 percent test in S. 207, but also authorizing SEC to determine if a hybrid product is predominantly a security. This approach would encourage financial market innovation and promote competition by permitting a hybrid product to trade in both securities and futures markets.

Our alternative also addresses concerns about the regulatory treatment of two specific types of innovative financial products, swap agreements and index participation. In the area of swap agreements, these, as you know, Mr. President, are customized products designed to lower the financing costs and promote the export of U.S. firms. Unfortunately, they are being driven out of the United States because of uncertainty over their possible regulation as futures. S. 207 attempts, but fails, to lift this uncertainty by providing an exemption from futures regulation under certain circumstances. However, the uncertainty remains, because the exemption can be changed or revoked by the CFTC at any time in the future.

Our alternative, the Bond-Wirth alternative, includes an exclusion for swaps and makes clear that swap agreements are not governed by the Commodity Exchange Act.

The second area relates to index participation. S. 207 attempts to address the court decision that took index participation out of our markets by permitting IP's that had been approved or pending approval by the SEC prior to December 31, 1990, to trade on securities exchanges. This would, as I pointed out earlier, permit only eight index participations to trade on securities exchanges. Our alternative would permit all index participations approved by the SEC to trade in securities markets. Let us get them into the marketplace.

The Bond-Wirth alternative retains S. 207's provisions authorizing the Federal Reserve Board to set margin levels on stock index futures. It restores the regulatory coordination mandates originally included in S. 207 to help ensure that margins as well as other matters will be coordinated. Coordinated margins will better protect against the risks to the financial system from inappropriate margins and stock index futures. Such coordination is not assured by S. 207.

Finally, Mr. President, under broad interpretations of the Commodity Exchange Act, any financial product with an element of futurity, that is, any attribute of a futures contract or commodity option can be swept under the exclusive jurisdiction of the CFTC, even if those products are subject to intense regulation under other Federal or State laws.

It is possible that a broad reading of the act could bring some types of bank accounts, mortgages, and other loans, and insurance products such as annuities, under the jurisdiction of the CFTC. Any product whose costs or return varies as interest rates change could be construed as having an element of futurity. Do we want the CFTC to be exercising regulatory authority over some types of bank accounts? No. Over mortgages? No. Other kinds of bank loans? No. Insurance products, annuities? No. We want to make sure the CFTC which has blocked all this innovation—and it was originally designed, let us remember, for agricultural commodities, such as pork bellies and the like—does not have jurisdiction over these areas.

The alternative prevents potential duplicative and inconsistent regulation of bank or insurance products and loan transaction by making it very clear that they are not governed by the Commodity Exchange Act.

It is terribly important, Mr. President. We do not want bank accounts, insurance products, and so on, regulated by the CFTC.

S. 207 provides an exemption from the Commodity Exchange Act for certain bank products. However, the exemption can be changed or revoked by the CFTC at any time in the future. S. 207 does not address insurance products and loan transactions at all.

CONCLUSION

Much as I would like to do it, our amendment does not unify the market of stocks, stock options, and stock index futures under a single regulator. I think that ought to be done, but we are short of that in the ideal world. That is the kind of thing that ought to happen but it cannot without support from the administration to take that step, which I believe was really clear in what Secretary Brady was originally recommending. We do, however, make substantial improvements over current law and over the CFTC's proposed provisions.

A great deal of effort has been expended to solve the problems which created the market volatility of the past 5 years and to prevent even greater financial calamity in the future. But in our efforts to do something, let us do it right. Title III of S. 207 simply does not do the job. We need intermarket coordination between our securities and futures markets, not the same regulator—I wish it were not the same regulator but rather at least a coordinative mechanism. We need legitimate and wholesale modification in the exclusivity rule of the CFTC as it applies tc hybrid financial products so we can be competitive in a world market. And we need uniform regulation or margin controls.

We are at this for reasons that go far beyond what people might say is just a jurisdictional squabble or far beyond the protection of the New York market or Chicago market which is of no concern to this Senator from Colorado. We are at it because we want to make sure that our financial markets are sound and secure and consumers have faith in them, and that the basic purpose of this regulation is to have consumer confidence. That is the first and foremost thing that we have to do. Our legislation does much, much better in approaching that goal.

Second, we want to assure the consumer so that he will know that we can pursue fraud. If fraud occurs, people should not believe the market is fixed but know that the cops can go after it. The Bond-Wirth amendment does that.

Third, we want to dampen volatility. We had a long history of stability in our financial markets. That has been effectively shattered in the last 4 years. We have had massive volatility up and down, and to calm that down, by having very careful and thoughtful margin requirements.

And fourth, we want to assure that our financial markets are internationally competitive and that American consumers do not have to go overseas to buy their instruments.

The issues here are not a jurisdictional squabble; the issues here are soundness, investor confidence, innovation, and competition. Those are the issues. Not whether something is trading next to New York Harbor or on Lake Michigan. That is not the issue.

Those fundamental issues to our markets are ones that I hope all of our colleagues will understand in this very arcane and difficult issue. Bringing this back to basics, what is this all about. It is about investor confidence, about soundness of our markets; it is about our ability to compete.

I appreciate having so much time, Mr. President, to explain this extremely complicated and important issue.

The Bond-Wirth amendment makes a number of improvements to title III. I encourage my colleagues to support the amendment so we can resolve this issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, others may wish to speak on S. 207 and in due course Senators may wish to offer amendments. Indeed, during the past few hours we have heard excellent discussion from members of the Agriculture Committee and Banking Committee in particular, and I would expect that within a few hours an amendment will be offered. But prior to that time, I would like to review arguments I have heard and respond to some of them and offer Senators some further general basis on which they might cast votes on these very complex issues.

The underlying bill, S. 207, has as its crucial components titles I and II, titles which make important reform in the authority for the CFTC to monitor trading activity on the Nation's futures exchanges. I make that point, and it was well made by the distinguished ranking member of the Banking Committee, Senator GARN, that there was very little at issue with titles I and II. They are the results of a couple of years of hearings, at least one attempt at legislation last year, and another refinement this year. They are important reforms.

As I mentioned in the debate yesterday, the exchanges have adopted many reforms patterned on this debate and we are grateful for that. Investors are more confident because of that. The controversy before us today comes in title III. Title III is the area of a jurisdictional battle between two basic agencies, CFTC and SEC, and, as it turned out, two Senate committees, the Agriculture Committee and the Banking Committee.

For a long time, many of us involved in CFTC have argued that even though there are jurisdictional battles here, consideration of it ought to proceed and we are grateful that is now occurring.

S. 207, as reported by the Agriculture Committee, is a compromise of very many interests. The primary compromise was the Treasury Department, between the agency that offered basic thoughts about reform following the stock market crash after 1987, and the CFTC.

From testimony we have heard today and the arguments of Senators, the SEC obviously is not in agreement with Treasury or CFTC in this respect. And in fact, able regulators of all these agencies have offered some independent opinions that could give Senators some latitude for their votes.

The administration, President Bush, in its statement of administration policy, said, "Although the amended title III language on exclusivity issues, while containing modest improvements and clarification over the current situation, falls short of the broader competition in financial instruments the administration initially proposed, the administration generally supports title III as amended, in the spirit of the compromise reflected in the amendment."

I have read that in full, Mr. President, because, in fairness to the argument, as Senators will note, this language is not an overwhelming endorsement for title III.

The administration, having reviewed all of this, the argument of Treasury, CFTC, SEC, said it is not all the administration, and in particular the Secretary of the Treasury, Mr. Brady, might have hoped for, but nevertheless, given the long history of this measure, the administration comes down in favor of title III as it is in S. 207. And that is important to note.

I would suggest the votes we have today will not show ringing endorsement by many Senators; it's a very close issue. The administration has the same problem.

Now, Under Secretary of Treasury Robert Glauber yesterday testified before the Senate Banking Committee, and I quote: "While new title III does not go as far as our original proposal, particularly in the area of hybrid instruments, it is timely, it is constructive, and it deserves to be enacted."

Mr. Glauber was before the Banking Committee yesterday, not in the distant past but in the current debate, even as it raged on the floor here, and Secretary Glauber still comes down in favor of title III.

I would say, Mr. President, candidly, S. 207 is not everything that was expected by any party. The administration feels it is a modest achievement in jurisdiction area. Mr. Glauber believes it is a modest achievement. But both finally come down in support of title III as it appears in the Agriculture S. 207 bill. And I would suggest they do this because it was created from something that was hammered out by a lot of parties.

One reason the legislation did not progress last year was because the futures industry, people on the exchanges, a lot of people in business in this country, felt so adamantly that the bill did not recognize the jurisdiction of CFTC, and many Senators were asked to place holds on the legislation and many responded. We could not move forward or backward.

It is a source of satisfaction that we are at this point. We have an opportunity finally to get votes on these amendments and to progress toward reauthorization.

The Bond-Wirth amendment, which I understand will be offered later today or in due course in this debate, which has been discussed by its authors on the floor this afternoon, was drafted without the benefit of input from any segment of the futures industry or any regulator with regard to the futures industry. Although in full fairness I note that I understand an attempt was made as late as last evening by the authors of the amendment with the CFTC to try to gather support or see if changes might be suggested. But the Bond-Wirth amendment is a product essentially of the SEC and the Banking Committee.

This does not condemn that amendment. But if one is trying to weigh the merits of how we came to this juncture, the sorts of refinements that come from give and take in very controversial areas, there is something to be said for the S. 207 approach given the number of parties already involved.

The amendment of the distinguished Senator from Missouri and the distinguished Senator from Colorado, the Bond-Wirth amendment, is in my judgment the final product, as a very bitter war for turf between the two agencies comes to conclusion.

Some have argued it is really not a turf war, but, Mr. President, obviously the two agencies are not reconciled. I have been involved in the CFTC matter throughout my Senate career, and over the 14-year period of time I have seen occasions when CFTC and SEC were reconciled.

The so-called Johnson-Shad accord occurred at the beginning of the first Reagan administration. The two regulators, in this case Phil Johnson of the CFTC, and John Shad of the SEC, saw that a growing agenda of disputes was occurring between their two agencies, not unlike the situation we have today. It was not easy for them and for their staffs and for their constituencies in those exchanges to come to an accord, but they did so, over many weeks and months of discussion.

Ultimately, the so-called Johnson-Shad accord was put into legislative language and has served for nearly 10 years as a model to demonstrate a way in which these two great agencies, with dynamically growing industries behind them, could be reconciled. For a variety of reasons, Mrs. Gramm and Mr. Breeden have not been able to emulate their predecessors in this respect. To the contrary, they have both had very strong ideas as to how those products that have come up and those innovations that have occurred should be dealt with.

Ideally, we might have had a Gramm-Breeden accord. We do not have such a thing. We have the Treasury, finally, nominally in favor of the CFTC position in which it participated; the administration nominally in favor of that; and, likewise and still to this day, the SEC and the Banking Committee falling in support with the Wirth-Bond amendment.

So that, I suppose, will lead Members to say, "If this is the nature of the dispute, on what basis can we finally come down to one side or the other, and how do we characterize the arguments?"

I suggest that one basic way of characterizing this debate, and probably we will reiterate this argument from time to time, is that if there are investment products that are developed and there is dispute over who should be charged with regulating those products, a possible Bond-Wirth approach is what is called the jump ball approach.

The jump ball approach is, when you have one of these complex instruments with elements of a future and elements of a security, you choose your regulator. You take a look at the product you have, take a look at SEC, take a look at CFTC, and choose which one you want to regulate your product.

As a rule, in a commonsense way, that approach is suspect. The whole business of regulation is not meant to provide choices to Americans as to which regulators they would choose. Rather, the public policy behind regulation usually is to provide regulators to make certain people do not take liberties with the situation.

All I am suggesting is, in this particular case, as I understand what may be the Bond-Wirth amendment, the argument is being made that those who are innovative and have new products by and large will be discouraged in terms of providing these new products if they do not have the ability to choose their regulator.

Furthermore, if they are not able to choose a regulator they like in this country, they might choose one in another country. The argument is being made we are losing, offshore, some of these complex products because those who are fostering them are uncertain about their regulatory hurdles here and, therefore, have chosen to head overseas.

Let me mention, Mr. President, the Bond-Wirth amendment, at least in my judgment, as has been proposed, can be interpreted as an effort to deregulate the futures market. In the quest for promoting market innovation and competition, the proposal could also be said to sacrifice sound regulation and customer protection by letting the futures products leave the jurisdiction of the CFTC. Further products that are currently within the regulatory sphere of CFTC could find themselves under the SEC, or even worse, from a public policy perspective, without any regulator.

Even in the best case, where the product retains regulatory oversight, does the Senate want to take the position that futures products containing futures risk characteristics should be packaged as security-type products and sold to traditional securities customers? I doubt it. I do not think, really, as a matter of public policy, we want to come to that point.

It could be deduced the underlying reason for the Bond-Wirth action is that the Agriculture Committee bill does not give up enough of the committee and CFTC jurisdiction to satisfy proponents of the amendment. It is attractive to securities interests to be able to trade new futures-type products on their exchanges because the universe of customers who might purchase stock products is much larger than the universe of customers who might purchase products designated and regulated as futures contracts.

But it may be troubling to think that an unwary investor would purchase a product labeled as a stock when the product, in fact, has the risk attributes of a future. If we have the ability to choose our regulator, we have the ability to create that impression. We have that ability as the innovator, not as the regulator.

The Bond-Wirth amendment changes the CFTC-Treasury proposal in several respects. Some of these changes fail to foster sound public policy, in my judgment. Let's take a look at one area to begin with, the so-called exemptive authority. It is a feature of both S. 207, the Agriculture Committee bill, and the Bond-Wirth amendment that may be offered, that the CFTC should have the ability to exempt from CFTC regulation those products that do not require such regulatory oversight.

But the Bond-Wirth proposal does so in a manner that gives the CFTC very little ability to determine whether or not the product should have some regulatory oversight. I make that point because the Bond-Wirth amendment, perhaps inadvertently, may cast a particular new innovation out into regulatory limbo where there is no oversight by either of the Commissions.

One of the careful features of S. 207 was to make certain that somehow all of these hybrids, or innovative products, were regulated by one of the two: SEC or CFTC. My contention is that the language, as I read it, on the potential Bond-Wirth amendment, under some cases, could leave a product out in limbo without any regulation.

The Bond-Wirth proposal requires the CFTC to exempt from the requirement that products be traded on a regulated futures exchange, if the CFTC finds such an instrument to be consistent with the public interest. By requiring the CFTC to take exemptive action, the amendment removes any possibility of a regulatory safeguard to backstop and restrict products that are proper for futures-type regulation.

In S. 207 on the other hand, exemptive authority is discretionary rather than mandatory. It gives the CFTC the ability to exempt products, but it would not require them to do so.

The Bond-Wirth amendment, in my judgment, could place at risk retail customers who are unsophisticated in the risks inherent in complex financial transactions, whereas S. 207 restricts the application of these exemptive provisions to institutions, which are large, well-financed, and have supposedly sophisticated investors.

Mr. President, in addition to the problems of exemptive authority, there are problems that we need to discuss with the so-called hybrid instruments that have consumed such a large portion of the debate to date.

The original rationale offered by the SEC for changing the agriculture bill, S. 207, was that the committee-reported version supposedly was drafted to steal jurisdiction from the SEC and give it to the CFTC. S. 207, as amended with the CFTC-Treasury refinement, eliminates that objection. The Bond-Wirth amendment if offered in the current form goes the other way and takes jurisdiction and products, above and beyond that which were voluntarily given up under the 50-percent test, currently vested with the CFTC and permits those products to trade outside of the reach of the CFTC.

Critics of S. 207 have contended it may stifle innovation and drive offshore new financial products. That argument is used to justify the changes in the Bond-Wirth proposal. However, the facts do not support that position. Since 1986, only two instruments have not been permitted by the CFTC to trade outside of their jurisdiction. One of those was index participation [IP's] which the CFTC believes, and a court supported, are futures contracts. I say that, Mr. President, because we are talking about a span of almost 5 years; a period of time where products were not and could not have been driven offshore by the so-called intransigence of the CFTC. As a matter of fact, only two instruments have been denied the proper jurisdiction, at least that sought by the originators, by CFTC.

The Bond-Wirth proposal, in fact, may overturn 50 years of precedent. Over the years, the courts have carefully defined the scope of the securities statutes and the commodity futures laws. The Bond-Wirth proposal would scuttle all of this by permitting instruments to select their regulator or, worse, select no regulator. That, I think, Mr. President, is a point that those who are proposing this amendment really have to address and have not done so.

Under the Bond-Wirth amendment before me, if the SEC can find that a product derives at least 50 percent of its value from the elements of one or more securities, the product is suddenly outside of the sphere of CFTC regulation. This arguably would shift products like Treasury bond futures, stock index futures, and perhaps currency futures to a position of being regulated by someone other than the CFTC.

The question is: Who will regulate those products now outside the jurisdiction of the CFTC? That is another important consideration. Under the securities laws of 1933 and 1934, the SEC has jurisdiction over securities, and the courts over the years have established a working definition of what exactly constitutes a security. But the plan before me would allow futures products containing elements of a security to leave CFTC control.

In the first case, what are the elements of a security? And, following that, does the SEC have the authority to regulate something that may be a futures product that contains elements of a security? At a minimum, I foresee a great deal of litigation to define "elements of a security." We hope that the objective of title III was to minimize that litigation.

With regard to the so-called jump ball approach to the Bond-Wirth amendment, I would counter that the best approach is to establish a bright line test and let industry work inside of those parameters. S. 207 establishes such a bright line test. Although both contending sides in this argument say that the proposal of the other will encourage litigation, a bright line test will result in the certainty the industry is seeking.

The jump ball approach has too many negative aspects to warrant serious consideration, in my judgment. The jump ball approach permits issuers of a product to look for the best deal they can get, which may not be the best deal for the public. A good deal for the issuer might be the cheapest form of regulation, easiest method of registration, the least obtrusive form of regulation. It might deceive the public. If the SEC says that a particular hybrid product, which may have all the risk of futures contract, is a security, investors would be purchasing something that is called a security but may have very different risk profiles than a true security. Although not likely, it could encourage regulators to weaken regulatory structures to attract new products to their jurisdiction.

Last, if the promise is that both of the regulators can equally competently regulate the same type of transaction, ultimately it would lead to the demise of one of the regulatory bodies; in this case, probably the smaller and the lesser funded of the two, the CFTC.

Some may try to characterize the Bond-Wirth amendment as an attempt to resurrect the compromise put together by five Senators last year. I was one of those Senators, and I can testify the Bond-Wirth amendment goes far beyond the scope of that compromise, a compromise which purposely left the current jurisdictional situation regarding plain vanilla futures untouched and attempted to address the hybrids question only. Unfortunately, that compromise was found to be unacceptable by both the futures and securities industries. The Bond-Wirth amendment goes well beyond hybrid instruments and permits plain vanilla futures to trade in the securities markets.

Because the language in S. 207 is designed to address only the hybrid instrument situation and does not tamper with existing products, it is the preferable approach.

Mr. President, with regard to arguments concerning swaps transactions, the justification for change from the CFTC-Treasury compromise is even less clear than the jurisdictional fight on hybrid instruments. The interest groups who are concerned with the swaps provision believe that CFTC-Treasury fix is an acceptable compromise. So they have likewise joined that general aggregation of the Treasury, the CFTC, the administration, the Agriculture Committee, having come at least to some basic compromise through the weeks of argument about it.

The Bond-Wirth proposal would totally exclude all swaps transactions from CFTC oversight. The amendment would not permit any CFTC review or action. I agree with the assertion that if other regulators review swaps, which have been likened by the Office of the Controller of the Currency as similar to other financial futures, regulation a second time by the CFTC is not necessary. The CFTC has shown no indication of injecting a new regulatory burden on swaps products. Quite to the contrary, and a source of concern for the futures industry, the CFTC has been very permissive in leaving swaps transactions outside of CFTC jurisdiction.

However, the concern of CFTC that the Bond-Wirth amendment fails to address is that there may be situations where another regulator really does not exist. For example, the subsidiaries of investment banks that run swaps markets are not regulated by the SEC or anyone else. The CFTC is merely trying to ensure that someone is looking at those transactions and the risks posed by them. It is like the safety valve we have suggested on margins. In that case the safety valve was created by putting the Federal Reserve as the overseer of margin levels on stock index futures. If a problem surfaces, someone, in this case the CFTC, should ultimately be accountable.

The language in S. 207, the language acceptable to the interested parties, takes a more restrained tack. Given the fact that CFTC and bank regulators agree that certain deposits and swaps perform the same economic functions as commodities futures and options, S. 207 permits the CFTC to exempt deposits and swaps from CFTC jurisdiction if it is in the public interest. After the experience in the savings and loan industry following deregulation and what happened in the junk bond market, does it not make sense to have most oversight, albeit minimal, by the agency that is knowledgeable about futures-type transactions?

The swaps market has proliferated under the CFTC's July 1989 safe harbor policy statement. Why is there now concern the CFTC, when given the legal authority to exempt from regulation swaps products, would change tack and restrict the growth of this important industry?

Mr. President, I conclude with one final predicament that the Bond-Wirth amendment will pose when it is offered.

The provisions of Bond-Wirth would exclude from the CFTC's jurisdiction "any instrument that is issued by an insurance company that is exempted under the 1933 securities act."

A common thread of all of the amendments offered to modify S. 207, the agriculture bill, is to ensure that the CFTC will not have the ability to regulate transactions conducted by certain parties; in this case, insurance companies.

I have to wonder why, Mr. President, and I hope Senators will likewise have a question, should CFTC be prohibited from regulation of futures because of their origin in insurance companies?

In the first place, I do not think the CFTC deserves the reputation as a regulator that is interested in broadening its jurisdictional base.

Public policy suggests that situations might arise where a regulatory presence is warranted or even desired. Consider a situation created by a product issued by an insurance company—the focus of this amendment—where futures market expertise and regulatory oversight would be warranted. Do the authors of the Bond-Wirth intend that no regulatory oversight should exist? Literally interpreted, if an insurance company chose to issue treasury bond futures contracts or any other futures contract, it could do so without fear of any regulatory oversight.

Ignoring competitive aspects of such a law upon futures exchanges that might trade the same products and the fact that these exchanges have to comply with a great deal of regulation for the benefit of the investing public, is it prudent to demand that the CFTC not review any product that might otherwise come under its jurisdiction merely because of the issuer of the product, in this case, for example, insurance companies?

I make that point, Mr. President, not simply to be excessively technical. We are talking here about a broad principle, and that is, with these complex investment instruments, is there consumer protection? Is there somebody out there who finally regulates?

For all these reasons, Mr. President, I draw the attention of Senators back to the careful work done now over the course of 2½ years on S. 207. One reason that it does not have the defects that I have suggested with competing legislation is that careful screening, debate, compromise, check and balance within all the rest of the groups have led to a situation in which we believe all the instruments involved are finally covered by someone, and we have suggested a so-called bright line test to decide which agency, CFTC or SEC, will regulate. We also have established a very clear set of criteria for the courts to decide in the event there is ultimately a dispute, to create certainty for the investing public.

For these reasons, Mr. President, I commend once again S. 207, hopefully without the Bond-Wirth amendment or other amendments that would open gaps with regard to regulation; lead to an element in which those who initiate complex instruments could pick and choose the regulator; and, finally, hopefully, to bring criteria that provide clear certainty for the courts to resolve debates stemming from litigation if that is necessary.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The the Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, I hope that Senators have listened to the statement by the distinguished senior Senator from Indiana, who has laid out very clearly not only the history of what has gone into S. 207 with respect to item 3, he has given the history of attempting to reach agreements and compromises, an effort with which he was intimately involved. He has clearly laid out the frustrations we faced where just about every compromise you might reach would be acceptable to one side but not to the other, and back and forth.

We continued to try to get something that makes the most sense without giving undue weight to the other side. I think we have done that.

The reason I mention this, Mr. President—and I will not, of course, encourage a move to the regular order at this point because there are not members of the Banking Committee on the floor or Senators who have talked about an alternative amendment, and as manager of the bill I want to be protective of all Senators' rights—there has been a lot of debate yesterday, a lot of debate today about an amendment to title III, a possible amendment to title III. As of right now, and I make this as a parliamentary inquiry, Mr. President, is there any amendment pending to title III?

The PRESIDING OFFICER. The Chair advises the Senator that the only pending amendment is the committee substitute as modified.

Mr. LEAHY. Further parliamentary inquiry. The committee substitute, it is my understanding, has been modified as we have a right to do on the committee substitute, is that correct?

The PRESIDING OFFICER. The Senator from Vermont is correct.

Mr. LEAHY. Let me make a further parliamentary inquiry. I am not suggesting this will happen, but I make this further parliamentary inquiry. If we were to go to the regular order now, the regular order would be—assuming no Senator seeks the floor, assuming there is no further debate, and assuming there is not a quorum call—to go to the completion of this bill—first, the acceptance of the committee amendment and completion of the bill, is that correct?

The PRESIDING OFFICER. The Senator is correct. The regular order would be a vote on the pending amendment which is the committee substitute.

Mr. LEAHY. And then, following the vote on the pending amendment, if there was nobody seeking to be recognized or to engage in debate and if there was not a quorum call, what then would be the order?

The PRESIDING OFFICER. The Chair advises the Senator that the order then would be third reading of the bill and vote on final passage.

Mr. LEAHY. I thank the Chair. Obviously, I ask the question knowing the answer. I say this because a number of Senators have expressed to me concerns that they have: Either meetings this evening, dinners to attend, other commitments, and are wondering when we might be completed of this action.

I think it is safe to say—other than the fact, of course, we will protect the floor and hope that those who may offer another amendment might come back—the Senator from Indiana and I are ready to complete this bill, to have a vote on the committee substitute and to go to third reading and would be happy to do that in the next 29 seconds or so to give plenty of time.

I say this not sensationally, Mr. President, but we constantly have Senators come up and say how late are we going to go? How much will we go here? When are we going to get done? If Senators want to, we can vote on this bill right now.

So I say that because there is nobody that I know of on the Senate Agriculture Committee who is seeking an amendment or seeking a vote on anything other than the committee substitute as modified which can be done with a voice vote, or a third reading.

Having said that, Mr. President, I am about to suggest the absence of a quorum. I would like my colleagues to know that I will not suggest another absence of a quorum later on. This Senator is ready to complete it. I will not ask, as I said, to go to third reading until those who propose talking about another amendment have a chance to come to the floor.

Having managed bills off and on for 17 years here I think Senators know I have the well-deserved reputation of protecting the rights of Senators whether they agree or disagree with it, and I am not going to violate those rights.

I am hoping as I talk here that I may focus the attention of Senators who may want to offer amendments, but let us get it done. We can finish this thing in the next hour or two, or we can spend half the night here tonight, which I would hope we would not do. I know that distinguished leadership would like to keep us on track, and I would.

With that, Mr. President, now that there are people on the floor who have opposing views to mine on title III, I will yield the floor. I have done my duty I believe in putting everybody on notice that we are ready to go to third reading if there is no further debate and no further amendments. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, as always we appreciate the kind elucidation of our distinguished colleague from Vermont. As I am sure he realizes there have been discussions going on back and forth between staff with respect to one particular amendment that we thought we were going to be able to resolve.

Since my colleagues from Colorado, Senator WIRTH, and I returned from the Budget Committee in which we have had votes trying to get out the budget resolution, it appears that some difficulties have arisen with that amendment and the ability to get an amendment adopted by unanimous consent on both sides. We are continuing to explore that amendment and hope to be able to bring up that amendment or one like it very quickly.

It does not appear as I indicated that we will be able to get that amendment adopted without a vote. But in the interest of saving Members time and expediting the proceedings we have been conducting the discussions and negotiations. This is a very complicated matter in which every hour as we speak, as the weatherman says on early morning television, further revised improved conditions are being drafted to take account of the concerns that have been expressed by Members.

So I thank the Chair. I thank my distinguished colleague from Vermont.

Mr. LEAHY. Mr. President, if the Senator will yield for a question, I believe in continual refinements. We all do, but I can refine it so far. I am a proverbial small-town lawyer from Vermont and may not understand just how refining things can get.

So I ask the question of the distinguished Senator from Missouri. Does he have an idea when he might have an amendment, if he is going to, on a particular matter? I know of the one on which he wishes to speak. And also when he might have an amendment on title III? And also when we might vote on either or both of those? I ask this. I am going to be here no matter. But for those who are trying to juggle their times throughout this evening and so on, so they might know, too.

Mr. BOND. Mr. President, my colleague from Colorado, Senator WIRTH, and I have been discussing this, the possibility that I wanted to raise with the managers of the bill, that while we do have some minor amendments that may require votes there is a major amendment which has been discussed that essentially revises everything in title III beyond section 301.

If the managers and the leaders feel it is appropriate, perhaps we could lay the amendment down, establish some kind of time agreement on it, and have a vote at a time certain tomorrow. Knowing the schedule of our colleagues, it sometimes is of great assistance to know that at a time certain a vote will be held.

There is an amendment on which several of us have spoken at length already and could continue to do so for an even greater length of time. But I see the possibility that we could lay it down and have a vote at a time certain on tomorrow.

I ask my colleagues if that is agreeable.

Mr. LEAHY. Mr. President, if the Senator will withhold for just a second, obviously we all want to finish. I might note that the Senator from Missouri has always been cooperative in trying to set times, as have I might say all Senators who have been involved in this on both sides of the issue. I also have a great deal of respect for the two leaders, the Democrat and Republican leaders, who have to work in setting some kind of a schedule around here. I always get nervous when they try to plan schedules if it is my bill that is on the floor, or one that I am asked to manage.

The further thing is that the Senator from Indiana and I as the Republican and Democratic managers of this bill are being constantly asked by our colleagues on either side of the aisle what the schedule might be. That is an entirely different question than the substance.

Might I suggest this: Before we have any discussion rearranging the schedule we should consult with the distinguished majority leader which can be done either off the floor or during the quorum call. In fact, the distinguished majority leader is here now. Because as I said earlier, I do not have the authority to commit to anything like that. I wonder if we might suggest the absence of a quorum. I yield.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, before my good friend, the distinguished manager of the bill and the chairman of the Agriculture Committee suggests the absence of a quorum so that this matter will be discussed, I would like to express my opposition to a request that has been made by my friend from Missouri to put over the vote on this bill until tomorrow.

Mr. President, we have been on this issue for 3½ years.

The administration has entered into an accommodation of honor with every interested party in America concerning this legislation. It came out of the Agriculture Committee unanimously, with every Democrat and every Republican on the Agriculture Committee voting in favor of this bill.

I am a member of the Banking Committee. I attended the Banking Committee hearing yesterday. There is absolutely no merit whatsoever, not 1 percent of merit, in the contention that the Banking Committee has been deprived of any jurisdiction. The Shad/Johnson accord of 1962 settled this thing. The accommodation of honor contained in S. 207 has to do with jurisdiction over hybrids, and if there are more than half futures contracts, they go to the CFTC. If they are more than half stocks, they go to the New York Stock Exchange, and that is a gain. I underscore, Mr. President, with all the power and persuasion at my command, it is a gain for the Banking Committee.

Every person in that committee and every person in the Agriculture Committee who knows about this subject matter understands this issue perfectly well. For the rest of the Senators, they are now fully informed. I suggest that it is absolutely contrary to the interests of the Senate, the country, and the markets concerned to put this issue off until tomorrow; there is no reason for it. There is no justification for it. And should that request be made, unless persuaded otherwise by the leader, since I recognize I work on his team, I am going to be opposed to the idea. It is time to vote. We have been putting off a vote for 3½ years, and the request, in my view, is an unreasonable one. There are stronger words probably to follow if anybody will ever pay attention.

Mr. LEAHY. Mr. President, if the Senator will yield.

Mr. DIXON. I yield the floor.

Mr. LEAHY. Did I miss something the Senator was saying? Am I going to have to now not be able to sleep all night waiting for the CONGRESSIONAL RECORD to come out to find that out?

The PRESIDING OFFICER. The Chair advises the Senator from Vermont that he would be well to consult the video tape of the proceeding.

Mr. LEAHY. Mr. President, I hate to disappoint the 12 people in the country who might be watching this, but I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. GORTON. Mr. President, as a member of the Agriculture Committee during the last Congresses I worked with the chairman and other members to develop the Futures Trading Practices Act of 1989, a bill to reform the futures markets. The bill was drafted to enhance the effectiveness of the Commodity Futures Trading Commission and to curb abuses in the trading and execution of orders in the futures markets. The bill was a thoughtful piece of legislation and was likely to have raised the integrity of the futures markets and to have removed the cloud under which the futures markets have operated.

I supported the bill in the Agriculture Committee. Nevertheless, I believed that it failed to address a fundamental inconsistency in the regulation of the financial markets, a problem which contributed significantly to the precipitous collapses that rocked our markets and investor confidence during the late 1980's. A contributing factor to those instabilities was fragmented regulation of the securities and futures markets.

Prior to floor consideration of the committee's bill, I offered an amendment to transfer jurisdiction of stock index futures from the Commodity Futures Trading Commission to the Securities and Exchange Commission. My amendment would have ended divided regulation of the financial markets and would have consolidated regulation of markets which are inherently linked.

No action was taken during the 101st Congress on either the Futures Trading Practices Act or on my amendment. In fact, objections even to considering my amendment may have prevented the futures reforms package from passing during the 101st Congress, but I believed then, and believe now, that the problems associated with bifurcated regulation were too important to not be addressed.

Since I offered my amendment, this question has received a great deal of attention. In the Senate, five hearings involving no less than Alan Greenspan, Chairman of the Federal Reserve, Richard Breeden, Chairman of the SEC, Wendy Gramm, Chairwoman of the CFTC, and representatives of the Treasury, have occurred on fragmented regulation.

The Treasury Department even proposed its own bill, which along with Senator WIRTH I was prepared to offer last year. Countless hours were spent discussing this issue, by both Members and staff. In fact, during the final 3 months of 1990, a compromise among five members of the Banking and Agriculture Committees was developed, only to fall apart later. All this debate spurred by a simple one paragraph amendment.

Mr. President, today we are debating S. 207, a revised version of the Futures Trading Practices Act of 1989. S. 207 includes technical changes in securities and futures laws designed to resolve the problems associated with divided regulation. I commend my colleagues for their efforts, but despite all of their hard work this bill still fails adequately to address the principal problem. It does nothing to unify, or even to coordinate, regulation of stocks, options, and stock index futures. The bill will allow Members to claim that the problem has been addressed, but these minor changes will not solve the problem. Mark my words, we will be back debating these questions again in the near future, only then we will be debating legislation to defuse a bomb that will have already exploded.

Mr. President, trading in stocks, options, and stock index futures constitute one interrelated market. This was the conclusion of the Brady Commission which studied the 1987 stock market crash. Trading in either the securities markets or the derivative markets has a direct and material effect on the other. Yet, despite the obvious bridge that exists economically, no such link is present for the regulation of these markets.

What are the consequences of this division?

Divided jurisdiction has adversely affected investor confidence, slowed capital formation, stifled competition and innovation, and prevented the United States from speaking with a unified voice internationally. Perhaps the most apparent affect, though, has been increased volatility.

Since the advent of stock index futures in 1982, and as the futures markets have grown, massive sell-offs or more than 6 percent in the market have occurred four times in the last 4 years. Yet, in the 42 years immediately preceding the trading of stock index futures, the Dow Jones industrial average suffered a daily decline of more than 6 percent on only three occasions. And on each such occasion, the market was responding to a major news event. By contrast, none of the four crises since 1982 was in response to a major news event.

Mr. President, each of these dismal days rocked America's financial markets and seriously eroded investor confidence in those markets. This loss of confidence, in turn, adversely affects the operation of markets and the provision of capital necessary for a growing economy. New equity capital and public equity markets are essential to financing the innovative business ventures which are the primary engine of the Nation's economic growth.

Regulatory fragmentation also has created a serious impediment to innovation. Currently, a financial instrument with any degree of futurity must be traded on a futures exchange. But many hybrid products are not amenable to trading on a futures exchange. The result has been protracted litigation over what consititutes a future. Time which should be spent by exchanges developing new products has been spent in court. Rather than trade on a market for which they are not suited, many hybrids, such as index participations, have shifted to markets overseas.

Stock index futures are an example of stifled innovation. My amendment focused on stock index futures, not because it is the lone futures instrument capable of playing a role in the securities market, but because it is the only futures instrument that is inextricably tied to the securities market that has survived.

Mr. President, with the globalization of financial markets, other countries have provided us all the competition our markets need. We can no longer afford jurisdictional conflicts that stifle innovation at home and drive important U.S. business overseas.

Finally, divided regulatory agencies prevent the United States from speaking with a unified voice during international negotiations on financial markets. Other countries with major securities markets have a single body regulating those markets. The Japanese, for example, have regulation of stocks, options, and futures under one agency. Thus, they present clearer priorities and negotiating objectives than can the United States.

The CFTC and the SEC are different agencies with distinct agendas and objectives. With separate agencies having differing goals regulating linked markets, the rules governing those markets are inevitably inconsistent. Divided regulatory responses to market crisis is problematic at best. Coordinated regulation, on the other hand, would mean a more consistent approach to regulation of abusive intermarket trading practices and would ensure a coordinated reaction to market swings.

Mr President, the ability to raise capital efficiently is central to a strong economy. The bill we are debating addresses how we regulate some important financial devices and instruments, such as margins, hybrids, swaps. But this bill makes changes only around the edges. It fails to go to the heart of the matter by not focusing on regulatory fragmentation. It does not fill the vacuum which exists from divided regulation. Even with the modest changes propsoed in S. 207 we are leaving our markets and capital generating system open to disaster. Mr. President, more must be done. The markets are naturally linked; our oversight should be, too.

Mr. President, the distinguished Senators from Colorado and Missouri are still working on amendments or a set of amendments which would move significantly in the right direction. None go as far as my amendment did a year ago. We have not even considered whether or not we should have a single regulatory agency.

While, however, we are debating an issue on which debate should have started at least 18 months ago, we should at least see to it that we do the best job possible.

I look forward to supporting the initiatives of the distinguished Senators from Colorado and Missouri as they are presented to us in detail later on today and tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I would like to commend the chairman of the Agriculture Committee, Senator LEAHY and also the ranking Republican, Senator LUGAR, for their efforts to bring S. 207 before the Senate. I again want to reiterate my support for the Futures Trading Practices Act of 1991, which was reported unanimously by the Senate Agriculture Committee.

Mr. President, this bill reauthorizes the Commodity Futures Trading Commission for 5 years, institutes strict regulatory reforms to curb trading abuses, and provides for the resolution of long-standing jurisdictional disputes between the CFTC and the Securities and Exchange Commission. This bill ensures that American futures and securities markets remain productive, innovative, and internationally competitive.

It is my hope that the Senate will support S. 207, as reported by the Senate Agriculture Committee. I urge my colleagues to adopt this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KOHL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, parliamentary inquiry. What is the business before the Senate?

The PRESIDING OFFICER. The pending question is the committee amendment to the bill S. 207, as modified.

Mr. DODD. I thank the Chair.

Mr. President, I rise this afternoon in opposition to title III of S. 207, the Futures Trading Practices Act of 1991, as currently drafted. Title III has been separately titled the Intermarket Coordination Act of 1991.

Mr. President, it might be useful to take a minute or two to explain to my colleagues my thoughts about the situation in which we find ourselves in considering this legislation.

Frankly, Mr. President, this is a matter that never should be before this body in divisive faction. I deeply regret we find ourselves in a situation where we are asking our colleagues to draw some conclusions on one of the most complicated matters that can come before this body. A good part of last fall was spent in an effort to try and resolve these issues through extensive negotiations and conversations between the Banking Committee and the Agriculture Committee.

In fact, we arrived at such a compromise between myself, our former colleague, Senator Heinz, Senator BOND, Senator LUGAR, the distinguished Senator from Indiana, and the ranking member on the Agriculture Committee, and Senator LEAHY. Mr. President, regrettably that arrangement did not last very long despite the good efforts of many.

We tried to come up with a compromise that would satisfy the interests of all those involved in this matter. Regrettably, that did not work. Despite some efforts over the last several weeks to try to come to some conclusion or compromise on this matter, that also failed. I say that with a deep sense of regret because my feeling is that this matter is going to be decided other than on the merits of this particular case because, frankly, I think it is probably too much to expect that it will be as thoroughly debated as it should be before Members cast their votes.

Mr. President, I should say at the very beginning I am an original cosponsor of S. 207, and I strongly supported the measure as it was introduced. While I continue to support the important reform measures in this bill, reforms that I believe are essential for the protection of the futures market and the broader financial markets, I must object to certain provisions of title III as amended in the committee. I also object to certain provisions of what I understand will be offered as a manager's amendment to title III.

Let me emphasize that my objections cannot be resolved by simply dropping title III, as appealing as that might be. That title, Mr. President, is intended to address critical issues affecting the integrity of our financial markets, the capital formation process, financial innovation, and competition. In the absence of legislation, these issues will remain unresolved and American businesses and financial institutions will be the losers.

Before I discuss these issues in detail, I do commend Senators LEAHY and LUGAR as well as the Agriculture Committee as a whole for developing titles I and II of the legislation, the Futures Trading Practices Act, which was initially reported by this committee as S. 1729 in November 1989. It was a tough and courageous response to the indictments in Chicago and serious problems in the existing system of oversight of the futures markets.

Many have called this legislation the most sweeping futures reform package in decades, and, Mr. President, I would agree. The chairman and ranking member deserve a tremendous amount of credit for having moved that legislation along.

The bill expands the statutory authority and the resources of the CFTC and imposes industry services fees. It requires exchanges to deploy tamperproof computerized audit trails. It curbs dual trading. It also increases penalties against traders who engage in unlawful activity, and allows victimized customers to sue for punitive civil damages from floor traders and brokerage firms. In addition, Mr. President, the legislation tightens rules against exchange conflicts of interest.

These and other provisions of the legislation have been critically needed to strengthen and improve America's futures markets, which for many years have served the broad interests of America's farmers, industrial corporations, and other users of financial services. Our futures markets have been the most innovative, dynamic futures markets in the world, and there is strong public interest in ensuring their continued vitality and integrity. Titles I and II of this legislation do just that. The authors of those titles deserve the commendation and strong support of this body as we move through the legislative process.

Mr. President, I mentioned at the outset the so-called Leahy-Lugar-Dodd-Bond-Heinz compromise of last fall. Title III of the legislation as originally introduced was a measure that was drafted as an amendment to S. 1729 of last year. I joined Chairman LEAHY as a cosponsor, together with our colleagues Senator LUGAR, Senator BOND, and Senator HEINZ. The amendment was a compromise between the administration's proposal to shift jurisdiction over stock index futures from the CFTC to the SEC and the alternative, which was to do nothing about the risks to the financial system posed by leverage in the futures markets, and the threat to competition and innovation in the futures and securities industries created by an anticompetitive clause in existing laws, and the problems in coordinating regulation over the markets for stocks, options, and futures.

This compromise measure represented, we believed, a very serious effort by the leadership of the Committee on Agriculture, and the Banking Committee's Subcommittee on Securities to resolve the bitter and protracted battle over regulation of stock index futures and related issues.

When we developed it last year, we believed it offered our best chance to break the logjam that had prevented Senate consideration of S. 1729. The measure contained provisions to protect investors and to protect the U.S. financial markets from potential liquidity crises and other systemic risks generated by rapid and extreme price movements in the stock index and stock futures markets.

It accomplished these goals, Mr. President, by assigning authority for the regulation of margins for stock index futures to the Federal Reserve, which now has margin authority for stocks and options and is the agency charged with protecting the liquidity and stability of the financial system as a whole. It seemed to us at that time a good compromise, one with which all sides could live.

Mr. President, it also was designed to foster competition and financial innovation so that the U.S. financial markets can remain the world leader in financial services. It accomplished this by modifying the exclusivity clause of the Commodity Exchange Act to permit certain new and innovative hybrid securities products to trade in either the securities or the futures markets. This, it seems to me, is axiomatic if you are trying to provide a better product for the people who use these products, then we all I think accept the notion that competition will help. And so we tried through this process to make it possible for these hybrids to be traded in one or the other markets to encourage innovation and competition.

Mr. President, this compromise also was designed to provide certainty for the $3 trillion swaps market, which had come under a cloud as a result of the CFTC's statment that attempted to delineate the types of transactions over which the CFTC would assert or decline to assert jurisdiction.

In addition, title III, as introduced, sought to promote coordination between the CFTC and the SEC with respect to critical issues affecting the stability and integrity of the interconnected markets for stocks, options, and futures. Efforts of these two agencies would be directed at the detection and prevention of intermarket frontrunning, coordination of circuit breakers, coordination of clearance and settlement systems, and other such matters.

Mr. President, the Senate last year was prevented from considering S. 1729 as well as the compromise measure by those who, quite frankly, did not want to permit a vote on this compromise. It was a stong compromise. It was one that brought together the leadership of the two major committees to resolve those differences, we think, in a very thoughtful, intelligent fashion. Quite frankly, despite the crowded calendar of last fall, were prepared to come and offer that as a compromise here.

Frankly, those who saw the compromise as in some way eroding some of the business that they presently had were opposed to that compromise coming forward. That is why we are here today. This matter could have been dealt with and resolved last fall. Unfortunately, it was not.

Chairman LEAHY agreed to include it in the CFTC reauthorization bill this year. I agreed to join him as cosponsor of the legislation, along with Senators LUGAR, BOND, Heinz, and others. I hoped through our collective support it would be moved through the Senate early this year. So I did not feel that badly about it being rejected last year—I should not say "rejected." In fact, it was never voted on. I did not feel badly because we could come back this year, work it out, reintroduce it, submit it and, hopefully, given the support it had, move it quite easily.

It was clear since we intended to develop a true compromise, and it was, neither the futures industry nor the securities industry would be entirely satisfied. They were not. They should not be. Our job is not to protect the securities industry, or the futures industry, exclusively. And the fact that both of these markets were somewhat upset over what we had drafted was probably the best piece of evidence I could offer—that we had done something that in fact met the test of a true compromise.

It was also understandable that some members of the Committee on Agriculture would favor the futures industry position over that of the securities industry. Likewise, there were members of the Banking Committee who favored the securities industry over the futures industry. There were members out there in the community that, of course, were anxious to see a proposal that would be offered that would satisfy only their interests. However, I hoped that the compromise, while not acceptable to everyone, would present a middle ground that would permit the Agriculture and Banking Committees to address some, if not all, of their respective concerns.

Mr. President, instead, however, on March 5, just prior to the committee's markup, the CFTC, representatives of the futures exchanges, and Treasury struck a midnight deal on a substitute for title III which was presented at the markup the very next morning. There was no public debate on the proposal at the markup, no long hours such as we had spent last fall, and final language was not available. Nonetheless, it passed without opposition in the committee.

Soon afterwards, I began hearing from other financial regulators and from major banks, securities firms, and stock and options exchanges that the language as passed not only was terrible public policy, but it had the potential to kill a multi-trillion dollar swaps business and drive a host of financial products offshore.

At the end of my statement, Mr. President, I will place in the RECORD some of the letters that I have received as well as excerpts from those letters which strongly criticize this section of the bill as reported by the committee.

Mr. President, I believe it is fair to say that even the Agriculture Committee leadership, as well as the CFTC and the Treasury, agreed that the language was confusing and overly expansive. At that point, in early March, the CFTC and Treasury was sent off to fix the language, even though it had been passed on a voice vote. Most people recognized there were major gaps.

There were no hearings on the specific language, no debate, and it was done at the last minute, and moved through the committee quickly. Even the parties to the agreement admitted this had been done too quickly and that there were major problems that needed to be resolved.

At the same time, some Senators were urging the Senate leadership to bring the bill to the floor without delay. Senator RIEGLE, as chairman of the Senate Banking Committee, appropriately objected and asked that, at the least, consideration of the bill be put off until there was an opportunity to review the language and ask financial regulators under the Banking Committee's jurisdiction for their views.

Language arrived from the CFTC and the Treasury only last Wednesday. That language clearly did not go far enough to alleviate the concerns that had been raised by Senators BOND and WIRTH, who have been developing an amendment to fully address those issues.

A hearing was held in the Banking Committee yesterday, a rushed hearing, I might add. I was with Chairman RIEGLE when he called the Chairman of the Federal Reserve Board, and he had to literally try to paste together a hearing very quickly to find at least 1 day when we could bring together the Chairman of the Federal Reserve, the Chairman of the CFTC, a representative of the Treasury, and the Chairman of the Securities and Exchange Commission to say, what are we doing here? Had he not done that, this language would have gone through, I suspect, without any word coming in a formal hearing setting about what the implications of these provisions would be on a matter as profound and as potentially debilitaing to competition and to driving business offshore as this is.

This is a matter that is difficult to understand. You need expert advice. This is not a matter to be decided on whim. Yet had Chairman RIEGLE not fought for that, we would have been standing and voting on this matter without the benefit of the views of the Chairman of the Federal Reserve, the Treasury, the CFTC, and the SEC.

I think what was said at that committee hearing yesterday is very instructive. I hope that our colleagues and the principal members of their staff will take a look at what was said at that hearing yesterday. If you read what was said by people who have no ax to grind, no dog in this fight, and are at arm's length, you will draw the only conclusion which can be drawn about what needs to be done as we consider title III in this legislation. That language, Mr. President, clearly, as it was developed in the Agriculture Committee and in the amendment by Senator LEAHY did not go far enough to alleviate the concerns that have been raised.

Yesterday, of course, we had the hearing at which the Federal Reserve, Treasury, CFTC, and SEC commented on the language in S. 207 as reported, the revised language to be offered by Senator LEAHY, and the proposed Bond-Wirth amendment.

Mr. President, I agree that the reforms of titles II and I of S. 207 are vital. I said that earlier. I believe that we should consider them on the floor of the Senate as soon as possible. There has been a lot of work done on those two titles. I am completely satisfied an excellent job has been done. But the reforms sought by title III as originally introduced and as further developed by the Bond-Wirth amendment also are important. I do not believe it is appropriate to drop those provisions from the bill. Instead, we should try to modify them to address the concerns that have been raised.

Mr. President, I would like to take some time at this point to discuss the policy issues relating to those reforms in some detail. The first relates to margins for stock index futures. The differing treatment of margins for stocks and stock index futures has been a concern of many experts, particularly since the stock market break of October 1987.

Mr. President, since 1934 the Federal Reserve has had the authority to establish margins for stocks. However, margins for stock index futures are established by the individual futures exchanges.

As Secretary Brady has testified, and I quote him:

> Because the futures and stock markets are in reality linked as one market, futures margins have a direct and material impact on trading in the stock market. Low futures margins indirectly permit high leveraging in stocks. This leverage creates the potential for extreme volatility, starting in the futures market and washing back to the stock market. The resulting financial exposure cannot be confined to a single market, and can spread quickly to affect the entire financial system.

Last year in hearings before the Banking Committee, as well as the Committee on Agriculture, the Department of the Treasury, the SEC, and the Federal Reserve all testified, each one of them testified, that low margins on futures can drain liquidity from the payment system in times of crisis when it is most needed.

The Federal Reserve expressed concerns about the tendency of futures exchanges "to lower margins on stock index futures to such a degree in periods of price stability that they feel compelled to raise them during periods of extraordinary price volatility."

Chairman Greenspan, who in the past believed the Government should not be involved in margin setting, testified to the following: "I regret to say that the behavior of margin setting in the last couple of years has shaken my confidence in the view" that the Government should not be involved in margin setting.

He pointed out that the futures exchanges raised margins following the 190-point market drop on October 13 of 1989, during a very unstable period. Chairman Greenspan told the subcommittee: "I was shaken by that event."

The Federal Reserve, therefore, supported Federal oversight of margins on stock index futures, as well as stocks, to ensure that margin levels are adequate under a range of market conditions.

However, Mr. President, the same events that caused alarm to the Treasury, the Federal Reserve, and the SEC, were viewed differently by the CFTC, which has argued that there is no need for Federal oversight in this area. That is their argument.

In hearings before the Banking Committee, CFTC Chairman Gramm said, "The proof that the futures margining system works well is unequivocal. No clearing member firm defaulted in either October 1987 or October of 1989."

After sitting through hearings on this subject, I became persuaded that this issue needed to be addressed by Congress in some fashion. We came too close to a financial systems breakdown, as we all know, in October 1987 and October 1989 to find comfort in the fact that a financial catastrophe was, thankfully, avoided. Given the linkage between the stock options and stock index futures markets, one regulator should have overall responsibility in this area.

Let me underscore that this is not an issue of turf. It is not a turf battle, as far as we are concerned. It is a problem that, if unresolved, could threaten the stability of our Nation's financial payments system. For that reason, Mr. President, the compromise proposal developed by Senators LEAHY, LUGAR, BOND, Heinz, and myself, gave authority to regulate stock index futures margins not to the SEC, not to the CFTC, but to the Federal Reserve, which currently has margin authority for stocks and options.

Although the bill proposed by the administration last summer would have given this authority to the SEC, we believed that, given the level of distrust between the futures and securities industries on this issue, a more modest and thoughtful approach, a more neutral regulator, particularly one with the experience and credibility of the Federal Reserve, would be appropriate.

The bill as reported by the Agriculture Committee contains a more succinct grant of authority to the Federal Reserve than was included in the original compromise contained is S. 207 as introduced. I want to review it further, particularly as to the question of enforcement authority for margin violations. But it appears to carry out our intent in drafting the original compromise.

However, it also would permit the Federal Reserve to delegate its margin authority to the CFTC, while the original compromise did not permit delegation for a period of 30 months. In view of the CFTC's reluctance in the past to support Federal regulation of futures margins, we need to make it clear that we want to see this authority used appropriately, and aggressively, if necessary, to protect the financial markets from liquidity crises that may be brought on by overleveraging.

Mr. President, I want to emphasize that this provision is an essential part of our post market crash reforms. The House bill does not contain a similar measure, and I believe we must insist the Senate provision prevail in conference, even though it does not do everything I would like to see it do.

Mr. President, a second major concern has been the anticompetitive effect of the "exclusivity clause" of the Commodity Exchange Act. This clause has been interpreted by the courts to mean that if a financial instrument is a security but has elements of a futures contract, then the instrument may be traded by only on a registered futures exchange, even if the element of "futurity" is only a minor characteristic of the instrument.

As Federal Reserve Chairman Greenspan explained in testimony before the Security Subcommittee:

> Under the Commodity Exchange Act, any commodity contract with an element of futurity cannot be entered into except on a CFTC-regulated exchange. Moreover, this act defines the term "commodity" broadly to include not only physical commodities, like corn, and wheat, but intangible contractual interests, including financial instruments. This restriction, when interpreted broadly, serves to discourage the development of new financial products that might be offered outside of the futures exchanges and tends to stifle the innovation process.

That was testimony from Alan Greenspan.

In fact, the Seventh Circuit Court of Appeals in a case decided last year, the Chicago Mercantile Exchange versus the SEC, noted that the exclusivity clause, "gives the futures markets the opportunity to block competition from an innovative financial product." That is from that Seventh Circuit Court of Appeals decision.

Surely, Mr. President, this anticompetitive result was not intended by the Congress when it adopted the Commodity Exchange Act in 1974. The exclusivity clause of the CEA was designed to prevent the trading of unregulated futures products, not to prevent the trading of securities products under the regulatory scheme of the Federal securities laws, or banking products under the Federal banking regulators.

If this provision is not corrected, futures exchanges could have a virtual monopoly on the development of new products, preventing innovative and useful instruments from trading on securities and options exchanges.

I refer my colleagues not to my statement but to the statement of the Federal Reserve and the Seventh Circuit Court of Appeals.

Mr. President, it became clear to a number of us in this Chamber that neither the respective agencies nor the President's working group of financial markets have been able to settle this issue by agreement, regrettably. I think that is tragic, and I think the fault, quite frankly, lies at the executive branch level. They just could not get their act together. You had agencies competing with one another, and it looked absurd.

If Congress does not act, however, new products will continue to be subject to litigation, and the U.S. capital markets will see innovative products and market share leave our national boundaries. Frankly, that is happening.

You are not going to find people willing to go up for lengthy court battles if someone decides they belong in the securities field or the futures field. If you are facing litigation, Mr. President—and you do not have to be a brain surgeon to figure this out—you are going to go offshore and trade in that product. You are not going to wait, 2 or 3 or 5 years until a court decides which market you should have been in. That is axiomatic. If we do not clear this up, that is going to happen.

It becomes clear to a number of us that neither of the respective agencies, nor the President's working group, were able to settle this matter. Congress must act.

Accordingly, title III, as introduced, addressed this issue by modifying the exclusivity clause of the CEA to permit certain new hybrid securities products to trade under either the securities or futures regulatory systems.

I add, Mr. President, the futures exchanges have been breeding grounds for financial innovation for more than a decade. In supporting the original provision, it was my belief that the futures exchanges would be made stronger by competition, and they should welcome it, not erect roadblocks around it.

However, title 3, as reported by the committee and in the new language, which I understand will be offered by Chairman LEAHY, does not accomplish this goal of stimulating innovation and increasing competition. As Federal Reserve Chairman Greenspan has noted in a letter to Chairman RIEGLE, I quote:

> The approach taken by S. 207 will continue to preserve impediments to innovation.

Although the language purports to draw a bright line with its 50-percent value test, Chairman Greenspan has written:

> The 50-percent value test embodied in the bill is arbitrary, and could yield anomalous results for similarly structured instruments.

Mr. President, I guarantee that the 50-percent value test, while it looks good on paper, when you are trying to assess value on some of these products at the time of issuance and trying to determine if something is 51 percent a futures or 51 percent a security, you are going to just invite litigation, and that ought to be as clear as the nose on anyone's face.

This is just an invitation to litigation. I presume that every securities lawyer and futures lawyer in America is applauding this particular approach. This is going to be a bonanza of work for them, because I do not believe you are going to have anything but litigation in a tremendous number of areas as a result of that provision.

The original compromise proposal included in title 3 also sought to remove impediments to the markets for swaps—and this is also an extremely important area—an institutional market used by major corporations, banks, and securities firms to manage risk. This purpose was turned on its head in the bill as reported, Mr. President.

Indeed, Chairman Greenspan and virtually all of the major banks and securities firms that wrote to me and to others, have voiced serious concerns about the impact of the bill's language on this important market.

Mr. President, I understand that new language again will be offered by Senator LEAHY, the chairman of the committee, that will make some improvements in this area. But Chairman Greenspan testified just yesterday that it does not go far enough, in his view. In this area, Chairman Greenspan believes it should go beyond even the language of the original compromise. He notes particularly that the new language, and I quote him:

> * * * continues to rely on discretionary, and potentially restrictive, exemptive procedures for dealing with swaps and bank deposits rather than the more certain exclusionary approach.

I should note, Alan Greenspan is not one of these people who is inclined to make bold statements. One criticism of the Chairman of the Federal Reserve is that he does not take a forceful enough position on a number of questions. I disagree with that characterization. I think he has a very difficult and sensitive job to perform.

I would invite people to read the statement by the Chairman of the Federal Reserve yesterday before the Banking Committee. His statements were as unequivocal, clear, and unambiguous as any I have ever heard uttered by the Chairman of the Federal Reserve. This was a man who was not taking a cautious approach when talking about this legislation. He was sending up as clear a red flag and signal about what we are apt to do as I have ever heard uttered by the Chairman of the Federal Reserve.

So I invite, in fact I urge strongly, Members to review the testimony of the Chairman of the Federal Reserve yesterday. In fact, I suppose it may be the most important testimony. I suppose if you read the statements by Chairman Breeden, you would anticipate that the Chairman of the Securities and Exchange Commission would have a certain point of view. I suppose the same could be said of the Chairman of the CFTC.

Even the Treasury, I might add, sort of apologized for its statement. It argued that what was in the bill on new products was not the best, but you had to sacrifice that because we needed something else. But the most credible witness, I would suggest, is, with all due respect to other witnesses, the Chairman of the Federal Reserve. There is no specific turf he is trying to guard. In fact, he does not want jurisdiction in some of these areas.

If you are anxious to get an objective view, then listen, if you will, to the statements of the Chairman of the Federal Reserve about this matter, and I think you will come to the same conclusion I have and others have, that we need to do better than what we are doing here in title 3.

Title 3 in S. 207, as introduced, addressed other concerns relating to the split jurisdiction over stocks and stock index futures. In testimony before the Banking Committee, Treasury Secretary Brady warned, and I quote him:

> With our current system, it is simply too easy for intermarket abuses to slip through the cracks because of the dispersion of regulatory responsibility.

SEC Chairman Breeden said, and I will quote him:

> Both agencies, the SEC and the CFTC, only see one-half of what is in fact a coordinated trade that begins in one market and ends in the other.

These officials, Mr. President, therefore urged consolidated jurisdiction over stocks and stock index futures in order to police the market for fraud and manipulation. Both Treasury and the SEC also have said, that, "circuit breakers" for the stocks and futures markets are not coordinated, and that major problems remain in the clearance and settlement area that would have been better addressed by a single regulator over stocks and stock index futures.

Many of us in Congress had hoped that the President's Working Group on Financial Markets could resolve these key issues as a group without the need for new legislation.

However, it is clear, Mr. President, that while many issues have been resolved in a collegial manner by members of the group, a number of major issues apparently cannot be resolved in that manner, and that is why we are here.

Following the release of the Brady report on the October 1987 market crash, and the other reports on that event, the vast majority of studies, as well as the market regulators and private market participants, agreed with the fundamental premise of the Brady task force that stocks, options, and stock index futures really constitute one single market. In my view, that conclusion was simple and unrefutable.

In addition it was and remains clear that regulatory oversight over that one market remains fragmented among regulators with different statutory missions.

The original compromise proposal did not solve this problem entirely. But it did set forth directives to the SEC and the CFTC to coordinate on key intermarket issues and to report to Congress on their efforts. That part of title 3 was removed from the bill altogether. We were told that the reason it was dropped was that it was duplicative of directives contained in S. 648, the Market Reform Act, passed by Congress last year.

In fact, the directives of the original compromise were much broader than those in S. 648. I know that Senator WIRTH will discuss these differences in some detail when he offers his amendment which would restore the intermarket coordination language of the original compromise.

Mr. President, I understand the frustration of those who have worked so hard on futures market reform, and who would like to see the bill voted up or down today. I respect that. However, in view of the importance of the issues raised by title 3, I believe that Senators RIEGLE, BOND, WIRTH, and others have raised legitimate concerns about this legislation, concerns that were underscored in the testimony of the Federal Reserve Chairman before the Banking Committee 24 hours ago.

Senators BOND and WIRTH have developed language which would address these issues in a different manner, and I will have some more to say on the Wirth-Bond amendment at a later time.

At this point, however, I would like to have printed in the RECORD a number of letters that I received on S. 207 as reported by the committee. While I understand that changes reflected in the managers' amendment address some of the major concerns in the swaps area, I believe the letters will help our colleagues understand the importance of the market for hybrid securities, as well as swaps.

These letters will give Members a better understanding of what is at stake in this debate. We are not simply talking about arcane financial products, but products that are used by American corporations to raise capital and to manage risk. These are, as well, products on the cutting edge of financial innovation, which have made our banks and securities firms the most innovative in the world.

Mr. President, my colleagues may not want to read all of the letters, but let me recommend to those who have limited time the first letter I will include, which is a letter from Commissioner Mary Schapiro, of the SEC. Ms. Schapiro is someone the futures industry grew to know and respect, because not only is she a Commissioner of SEC, but she served as a staff member of the CFTC, and later as general counsel to the Futures Industry Association.

She was appointed Commissioner of the SEC, not only because she had the requisite intelligence and good judgment to serve in that capacity, but because it was believed she could bring to the SEC a unique perspective on the futures industry, as well.

Her letter explained that one clause, the exclusivity clause, under the current Commodity Exchange Act, has been interpreted overbroadly, well beyond its original intent, and it is the source of enormous problems for our capital markets.

Remember now, Ms. Schapiro has a background as a staff member of the CFTC, served as general counsel of their association, and now serves as a Commissioner of the SEC. This is a person who has been in and worked in both areas extensively, and she says, and I quote again:

> The exclusivity clause, under the Commodity Exchange Act, has been interpreted overbroadly, well beyond its original intent, and it is a source of enormous problems for the capital markets.

She states simply, and I go on further:

> Whatever its merits for the regulation of futures contracts, I believe that the exclusivity clause of the Commodity Exchange Act is doing damage to the capital-raising ability of U.S. corporation.

And she goes on:

> Quite simply, the exclusively clause deprives U.S. corporation of needed flexibility in designing their capital instruments and hurts U.S. investors, particularly retail investors, by denying them the opportunity to invest in the financial instruments of their choice.

Mr. President, this is not a person with an ax to grind. It is person who understands broadly what is at stake in this debate. I urge my colleagues to read her correspondence on this matter. The words are clear and unequivocal, and the warnings that she gives us need to be heeded. Commissioner Schapiro's letter very clearly laid out the original intent of the exclusivity clause and the problems that have been created by overly expansive interpretation of that clause. She, along with many others, have urged that hearings be held on the proposals in the title in S. 207.

In closing, I commend her letter to my colleagues for a closer reading, along with others, Mr. President, that I will ask to have them printed in the Record, at the conclusion of my remarks.

Mr. President, I know that this is not a matter that is on the front pages of our newspapers. It will not be reported, I guarantee you, tonight on the nightly news. There will be no segments on 60 Minutes, or some of the morning TV programs about it. When you start talking about IP's and swaps and margin requirements and stock index futures and the exclusivity rule, we are talking about a langauge that very few prople in public policy positions, particularly in Congress, understand. But I tell you, Mr. President, those who raise capital in this country, those who take the risks every day in this country, those who depend upon sound markets, stable markets, know what we are talking about here, and they are worried. They are worried that we have not taken the time to do the job right, and they say we are putting our capital markets in jeopardy, and they say that we are going to drive products off our shores at a time when we need to be doing everything to be more competitive in financial services.

So let us put aside the turf battles here. Let us try to forget, if we will, what the Chairman of the SEC might like or the Chairman of the CFTC. Let us do what is important to the people who rely on these markets, listen to what they are saying, listen to what the Chairman of the Federal Reserve Board is saying when he is warning us in clear, clear terms about the steps we are about to take.

So I hope, Mr. President, that those who have the time will review the correspondence and review the testimony of yesterday. If they do, I am confident that they will support the Bond-Wirth amendment as modified so that we might go back at least to approach what we tried last fall, when we could have dealt with this matter.

Mr. President, I ask unanimous consent that the letters to which I previously referred be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXCERPTS FROM THE S. 207 COMMENT LETTERS

Chairman Alan Greenspan, Chairman of the Federal Reserve:

"Clearly, these provisions of the CEA are in need of repair * * * However, as I indicated previously, the approach taken by S. 207 will continue to preserve impediments to innovation in hybrids and risk-management products and may well forestall developments in swap markets that could reduce systemic risk."

"The 50 percent value test embodied in the bill is arbitrary * * * and could yield anomalous results for similarly structured instruments."

"In the case of the swap markets, I am concerned not only about the potential adverse effects of S. 207 on competition and innovation but also about its potential to impede the development of netting arrangements designed to reduce counter-party credit risks and, therefore, systemic risks in the financial markets."

"The enactment of these provisions could push multilateral netting arrangements for swap obligations and the swap markets themselves offshore."

"In addition to extending the coverage of the act to swap transactions, Title III also suggests that the CFTC will have jurisdiction over some depository instruments and lending transactions. We do not believe that it is appropriate for banking activities of federally regulated institutions to be subject to the jurisdiction of the CFTC."

"Further, the bill could be read to preclude banking regulators from overseeing banking transactions that are exempted by the CFTC, a situation that would be inadvisable."

Mary L. Schapiro, Commissioner, Securities and Exchange Commission, Former Staff Member of the CFTC, Former General Counsel of the Futures Industry Association:

"The Banking Committee and the CFTC have rightly recognized that the exclusivity provision now impedes the development of useful, innovative financial products. Unfortunately, the proposed solution does not address the problem and, indeed, makes matters worse."

On the proposed 50% value test for hybrid instruments:

"In reality, however, a 50 percent value test is not a useful or objective measure because various arbiters can measure the value of different parts of the instrument in a variety of ways based on different sets of assumptions."

"The chances that the innovators in our marketplaces will risk the introduction of new hybrid instruments are very small. That would be a very tragic and costly result."

"Swaps and banking products have never before been subject to the regulation of the CFTC or dependent for their continued existence on an exemption from the CFTC * * * I do not believe that (the CFTC's) expertise extends to the swaps and banking industries, nor do I believe there is any logic in doing so."

"The limitations of S. 207 on Index Particpations (IPs) lack any grounding at all in logic * * *. All non-grandfathered IPs proposed by any other securities exchanges based upon any other indices would be prohibited. The logic of this escapes me. If it is good for the public to be able to trade an IP on the AMEX, why not also the Pacific Stock Exchange?"

"These are not results driven by solid reasoned public policy but rather political compromise grounded in protectionism. The public is clearly the loser as it is deprived of the ability to trade IPs."

"These provisions, however well mentioned, do not achieve those purposes and indeed will handicap our markets far into the future."

Richard C. Breeden, Chairman, Securities and Exchange Commission:

"The impact of this legislation would diminish the vitality and competitiveness of U.S. securities markets internationally. It would also weaken their ability to facilitate the raising of capital for U.S. businesses at the lowest possible cost * * *. New products would be barred from heretofore open and competitive markets unless market participants engaged in lengthy and expansive regulatory proceedings to prove to the CFTC that these products should be allowed to exist."

"Under the language of sections 302, 303 and 304 of S. 207 as marked up, for the first time in history, trading in securities on the nation's securities exchanges would depend, by statute, on the affirmative action of an agency other than the SEC * * *. As a result, the jurisdiction of the SEC would be permanently reduced, to the detriment of the SEC's ability to apply a coherent system of securities laws to future developments in the nation's capital markets."

"Title III of S. 207 now represents no compromise at all * * *. In the view of the SEC, it is bad public policy to severely restrict the flexibility of banks and securities firms to design new instruments to serve the financial needs of businesses across the United States as would occur under the provision of S. 207. I personally believe that the needs of our markets should not be sacrificed to domestic protectionism for any group."

Federal Deposit Insurance Corporation, L. William Seidman, Chairman:

"* * * we have reservations regarding portions of S. 207 as reported. Sections 302 and 303 contain provisions which affect institutions insured by the FDIC. These provisions generally would allow the Commodity Futures Trading Commission (CFTC) to regulate under the Commodity Exchange Act certain financial hybrid products, including certain swap agreements, deposit accounts, and hybrid instruments."

"We are concerned that S. 207 as reported would impose an additional layer of federal regulation and supervision on depository institutions. We are also concerned that this additional layer of regulation could increase the cost of developing new banking products and services and stifle innovation in the industry."

"As a consequence of our concerns, we support (Bond/Wirth) proposed amendments to S. 207. Under your proposal, there is a simple exemption for deposits issued by federally insured depository institutions and certain foreign banks regulated under federal law. This statutory exemption will provide certainty, eliminate any confusion, and reduce an unnecessary layer of federal regulation. The FDIC is pleased to endorse (Bond/Wirth) amendments."

Comptroller of the Currency, Robert B. Serino, Acting Chief Counsel:

"Our concerns with the Exemption Provisions of the bill center on the belief that Bank Contracts are not subject to the jurisdiction of the CFTC. Primarily, we are concerned that the exemption authority may imply that the CFTC has regulatory authority over Bank Contracts. We believe this would create confusion as to the regulatory scheme applicable to Bank Contracts, resulting from the creation of the presumption that the CFTC could regulate such instruments, although it would not expressly have this power."

"Any action which would inject the CFTC into the regulation of Bank Contracts would be nonproductive since banks are currently subject to substantial regulation . . . financial markets might be uncertain as to the regulatory scheme to which these instruments would be subject * * * This result could substantially inhibit incentives for the development of creative bank products."

"Moreover, involvement of the CFTC in the regulation of Bank Contracts might inhibit their development, along with the potential benefits they bring to financial institutions and the public * * * it will be important to ensure that regulatory authority is allocated in a manner that does not result in unwarranted overlapping regulation, which could cause needless disruption of healthy markets and stifle innovation."

Daniel L. Goelzer, Edward F. Greene, Harvey L. Pitt, Three Former General Counsels of the SEC:

"Title III should not be enacted in its present form * * * these provisions (regarding hybrid and new products) represent an ill-advised continuation of the very same adhoc approach utilized in the past that has made the resolution of the regulatory fragmentation so intractable in the first instance."

"Because current law does not comprehend these hybrid instruments, and the many forms of instruments that surely will evolve in our financial markets over the coming years, the important task of setting policy initiatives for our financial markets has been relegated to the judiciary, the branch of government most ill-equipped to fashion a regulatory framework for the future * * * the current state of law, therefore discourage innovative new financial products, given the high cost of litigation and the uncertainty of the outcome of such squabbles."

"* * * Title III would impose on issuers, financial markets and market participants an arbitrary fifty percent value test * * *. Title III applies this same arbitrary treatment to index participations * * *."

"* * * the fact that any new product is required to go through an approval process before it could come to the market means that the Euromarket, and other international markets will continue to develop products for issuers, many of which will not be offered or sold in the United States * * *."

"* * * the CFTC will decide what new instruments may be sold in the securities markets, and the CFTC may be under pressure for competitive reasons to limit the number of products which may be sold and traded other than on an commodities exchange * * * thus we will see in the United States only those instruments where the value of the option and future component is less than 50% as determined by the CFTC. The rest of the world—but the United States—will see whatever instruments investors find attractive."

"* * * we urge the Congress to reject Title III to S. 207 as presently drafted, and to amend the CEA to remove the rigid barriers, unforeseen and unintended, that have arisen to impede the development of new and useful products that further legitimate business purposes and diminish the global competitiveness of the United States."

Goldman, Sachs and Co., Robert E. Rubin, Partner:

"S. 207 will continue to deny U.S. investors access to the risk management and other benefits that flow from purchases of such securities. Issuers also will continue to be denied full access to the U.S. capital markets."

Security Pacific National Bank, Joshua D. Cohn, First Vice President and Counsel:

"S. 207 would create regulatory ambiguity for U.S. businesses that depend for their success on constant innovation in globally competitive markets."

"S. 207, as reported, would cast a significant shadow on the legality of the existing swap market. Concerns that business would move offshore as a result of these proposals are certainly well founded. Additionally the range of products available to domestic users would be diminished."

"It is our hope that S. 207 generally will be subject * * * to such revision as may be required to avoid both unnecessary overlaps of regulatory authority and the chilling ambiguity and confusion that may result if products beyond the scope of the commodity markets are viewed through a regulatory looking glass designed for the commodity markets."

Shearson Lehman Brothers, Howard L. Clark, Jr., Chairman and CEO:

"(C)ertain provision of Title III are likely to produce a number of undesirable consequences for the United States financial markets, in particular the swaps and hybrid securities markets * * * the effect of such provisions will be to diminish the competitiveness of important segments of our domestic financial markets, deter financial product development and innovation, restrict capital formation opportunities and eliminate opportunities to reduce risk exposure to interest rate, currency, equity price and commodity price risk, with providing significant countervailing benefits."

"The tangible and unique qualities of the domestic swap market, and the related benefits we see the market continuing to create—in product innovation, risk management and capital formation—would in our view be seriously jeopardized under the current version of S. 207 * * * Title III would * * * substantially reduce future swap activity involving United States counterparties and cast significant doubt on the legal status of existing swap transactions involving such parties. A substantial volume of swap activity will quickly migrate to foreign markets in which our domestic firms have excelled, without any discernible regulatory remedy or prospect of immediate retrieval."

CS First Boston, John M. Hennessy, President and CEO:

"We believe the language of S. 207 as reported to be ambiguous and subjective, which could cause substantial uncertainty in the market."

"The current structure of S. 207 would impact negatively on competitiveness of U.S. firms in the world-wide swap market by creating subjective standards which are ill defined and misunderstood, thereby driving more swap transactions into overseas markets."

American Bankers Association, Edward Yingling, Executive Director:

"In our view, no need exists for the CFTC to regulate certain types of swap agreements, deposit accounts and hybrid instruments since they are either subject to regulation by federal and state banking authorities or do not have sufficient indicia of futurity to require CFTC regulation."

"Given this potential for expensive and duplicative regulation by the CFTC of these deposit instruments, banking institutions will be reluctant to develop new and innovative products to suit the financial needs of their customers."

Merrill Lynch & Co. Inc., Bruce E. Thompson, Vice President:

"Merrill Lynch has serious concerns that S. 207 in its present form will have adverse consequences on the U.S. markets for hybrid securities and swap transactions which could inhibit the orderly development of these markets without commensurate gain in investor protection or systemic stability."

"The purposes of any amendment to the CEA relating to swaps should be to provide certainty to market participants regarding the legal status of swap transactions in the U.S., as well as to protect and enhance the innovative techniques employed in the swap market to hedge risk and provide financing, and to mitigate counterparty risk resulting from a large and growing market."

"The legal uncertainties and restrictions on innovation resulting from these provisions (in S. 207) are likely to have a chilling effect on the continued development of the market in the United States. Failure to address these uncertainties could result in the limitation on the availability of swap products in the United States, without a similar restriction in offshore markets, reducing the competitiveness of U.S. markets and the financial stability of users of these instruments in the United States."

Securities Industry Association, Gedale B. Horowitz, Chairman:

"Any legislation affecting swaps and/or hybrid products should enhance the capital raising process by reducing uncertainty, encouraging further innovation and preserving the efficiency and international competitiveness of these products and markets. Unfortunately, we believe that the provisions conerning swap and hybrids of S. 207 as reported will in fact undermine these very objectives that we believe are so critically important."

"The new section of the bill (that deals with swaps) lacks clarity and objectivity required to enable U.S. participants to conduct swaps business in the United States and to compete in the international marketplace. * * * It will also hurt the competitiveness of U.S. firms by making them unattractive counterparties for the many participants, particularly non-U.S. banks and securities firms, who will be reluctant to provide any such certification as to their subjective intent."

"The overall effect of S. 207 as reported is that it creates confusion and uncertainty. Swaps participants will be inclined to do business outside the U.S. * * *."

"The hybrid and exclusivity portions of S. 207 as reported raise serious questions about the ability of American capital Markets to compete in the future."

"The current language seems designed to move in precisely the opposite direction restricting innovation and competition in a series of existing and future products."

Freddie Mac, Maud Mater, Senior Vice President and Secretary:

"* * * the bill could potentially harm the continued development of swap markets."

"Interest rate and currency swaps are tools that we contemplate employing in order to manage interest rate risk. In addition, Freddie Mac recently has begun to tap global capital markets as a means of broadening the market for mortgage-related securities and lowering mortgage cost for American homebuyers. The proposed legislation increases uncertainty as to whether these types of transactions are permitted."

"The bill also appears to inhibit the development of margining and clearing systems that reduce counterparty credit risks associated with such transactions."

"The treatment of so-called "hybrid securities" also concerns us * * * the ability to be innovative in creating new securities could be affected, resulting in a disruption in the flow of affordable funds to the American homebuying public. The uncertainty relating to hybrid securities products could delay or prevent the creation of innovative security designs which otherwise would benefit both investors and homebuyers."

New York Stock Exchange, William Donaldson, Chairman:

"With regard to those provisions of Title III dealing with the exclusive jurisdiction of certain trading instruments, we believe that the proposed legislation falls short of the Treasury Department's original proposals."

J.P. Morgan, Michael E. Patterson, Executive President and General Counsel:

"The hybrid instruments provisions of Title III are an attempt to address a problem that has recently severely impeded the development of new financial products in the U.S. * * * We believe Title III does not go far enough."

"Contracts that compete with each other (even though their terms may be different) trade quite successfully on different exchanges and, inm some cases, on different types of exchanges or in the over counter market: currency options trade on the Philadelphia Exchange, which is regulated by the SEC and in the over the counter market, while options on currency futures trade on the Chicago Mercantile Exchange; the S&P 500 futures and options thereon trade on the Chicago Mercantile Exchange, while options on the S&P index trade on the Chicago Board Options Exchange. In each case, regardless of the exchange and applicable regulatory authority * * * trades and investors * * * have the freedom to choose which contract and which market place best suits their needs."

"Considering the hybrid nature of these instruments, J.P. Morgan believes that the market for such instruments is best served by maximum regulatory flexibility and that the market, namely, the traders and investors, should be allowed to determine the most appropriate forum for the trading of hybrid instruments. Logically, this means that hybrid instruments should be allowed to trade on securities exchanges, futures exchanges and the over the counter market."

Bankers Trust Company, James J. Baechle, Executive Vice President:

"The growth in the use of derivative products over the past decade has been one of the most positive developments for U.S. and world financial markets. If Title III passes in its current form, which requires all innovations to be presented to the CFTC * * * such innovation of necessity, will be curtailed."

"The exemption for other hybrid commodity instruments in general is based on an arbitrary (and in some cases unworkable) 50% of value test which creates uncertainty and inconsistency because the exemption depends on transitory market forces. Moreover, this exemption does not begin to address the status of the most innovative structures which combine elements of several different options and forwards in a single instrument . . ."

"Bankers Trust Company would favor ideally the approach to derivative products embodied in the 1990 Capital Markets bill which would have excluded such products from CFTC jurisdiction altogether."

Fannie Mae, Gary Perlin, Senior Vice President:

"There is considerable confusion on how these 50 percent tests would be conducted in practice, heightening chances for the unintended restraint of product innovation. While specific guidance could reduce this confusion, any tests mandated in the final version of legislation, or in accompanying formal interpretations should be simple enough to be practicable for market participants, and be consistent with market pricing conventions.

SECURITIES AND EXCHANGE
COMMISSION,
Washington, DC, April 5, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Senate Subcommittee on Securities, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DODD: I am writing as a member of the Securities and Exchange Commission and former staff member of the Commodity Futures Trading Commission ("CFTC") and General Counsel of the Futures Industry Association, to express my concerns with Title III of S. 207. I do so separately because I would like it to be clear that my concerns arise not out of any issue of jurisdiction or prior debates which have been characterized as turf wars; rather, given my experience with both futures and securities markets, I believe it is important that I express my views on the implications of S. 207 for the securities markets specifically, and the capital markets in general.

At the outset, let me state that whatever its merits for the regulation of futures contracts, I believe that the exclusivity clause of the Commodity Exchange Act is doing damage to the capital-raising ability of US corporations. Quite simply, the exclusivity clause deprives US corporations of needed flexibility in designing their capital instruments, and hurts US investors, particularly retail investors, by denying them the opportunity to invest in the financial instruments of their choice.

The effects of the exclusivity clause are even more troubling because these effects were neither contemplated nor intended when the exclusivity clause was first drafted. For these reasons, I believe that many of the efforts to limit the impact of the exclusivity clause of the Commodity Exchange Act are to be commended. The exclusivity clause, contained in the Commodity Futures Trading Commission Act of 1974, that created the CFTC and introduced the modern scheme of regulation, was an important provision with two primary purposes. The first was to ensure that commodity futures contracts such as silver, copper, sugar and cocoa *traded on exchanges* would be regulated to the same extent as other, already regulated, exchange traded futures such as wheat or soybeans. Prior to the 1974 amendments, a rather curious situation had developed in which a growing number of *nonregulated* futures contracts traded alongside of regulated futures contracts. Congress sought to remedy this anomalous situation by bringing exchange-traded futures under the CFTC umbrella.

The second principal reason for enactment of the exclusivity provision was to protect exchange-traded futures from interference by state regulators and the potentially adverse and costly impact of compliance with 51 different regulatory schemes. Congress recognized and repeatedly reaffirmed the value of a nationally uniform body of standards governing futures trading coupled with state antifraud enforcement.

Giving effect to these two purposes has been extremely important to the successful development of the futures markets. Preemption of state law, with the very wise carve-out for state antifraud provisions, has likely saved the futures exchanges, and financial intermediaries, enormous sums of money. In addition, the credibility, safety and soundness of transactions on futures exchanges have been promoted and enhanced by the inclusion of all types of exchange-traded futures contracts under the umbrella of federal regulation. I believe that the phenomenal growth of the U.S. futures markets since enactment of the 1974 law is testament to the salutary effect of comprehensive regulation. Indeed an increase of nearly 800% in transaction volume would not have been possible if institutional users did not have confidence in these markets—confidence that I believed is born of a belief that the markets are comprehensively regulated.

As the SEC savings clause demonstrates, however, I do not believe that the exclusivity provision was intended or should be used to prevent securities products from trading on regulated securities exchanges or to prevent institutions from utilizing swaps and other legitimate instruments specifically tailored to their needs. This Committee and the CFTC have rightly recognized that the exclusivity provision now impedes the development of useful, innovative financial products. Unfortunately, the proposed solution does not address the problem and, indeed, makes matters worse.

The basic problem with the exclusivity clause in today's markets is well recognized: it requires that *all* instruments (even securities) with elements of futurity be treated as futures contracts and therefore required to be traded on designated contract markets or futures exchanges. As Chairman Greenspan has pointed out, the potential for the strict application of this principle has led to confusion in financial markets and the involvement of the courts, which in turn has discouraged efforts to develop new and innovative instruments.

The 50% value test proposed by S. 207 seeks to utilize a simple, seemingly objective calculation to determine when an instrument is a security or a future. In reality, however, a 50% *value* test is not a useful or objective measure because various arbiters can measure the value of different parts of the instrument in a variety of ways based on different sets of assumptions. More importantly, certain products, such as equity hybrid instruments, simply cannot be broken into intellectually distinct pieces that can then be valued separately. As a result, the percentage test effectively guarantees that no new equity hybrid product will be able to trade. Further, I do not believe that such a test reduces the risk that there will be litigation over each new hybrid product. Hence, the chilling effect of the exclusivity clause will remain intact.

But, there is a further structural problem: if a securities exchange trades a product that the SEC has approved as a security and that exchange is sued on the grounds that the product has more than 50% of its value derived from a commodity, a court will not accord the SEC any deference for its determination because the SEC will be interpreting a commodities and not a securities statute. Rather, the CFTC likely will be asked for its view, and the CFTC will be accorded deference. In effect, the CFTC replaces the SEC as the agency with authority to determine what is a security. Thus, the chances that the innovators in our marketplaces will risk the introduction of new hybrid equity instruments are very small. That would be a very tragic and costly result.

Rather than employing an imprecise and perhaps unworkable exemptive test, I believe the best approach would be one that permits hybrid financial instruments to trade on either type of exchange. So long as the markets are regulated, and the public is protected, it is hard for me to discern any legitimate reason not to allow the exchanges and the regulated over-the-counter market to fully develop new products that meet the needs of investors. Let the SEC approve hybrid products for securities exchanges and let the CFTC approve hybrid products for futures exchanges, and I believe we will see that the ingenuity and variety of new instruments will enhance and enrich our capital markets.

S. 207 also has the potential to dramatically impact the swaps market. The same fundamental problem created by the exemptive authority for hybrids flows through the exemptive authority that S. 207 grants the CFTC in dealing with the swaps markets and even some banking products, such as demand deposits. Swaps and banking products have never before been subject to the regulation of the CFTC or dependent for their continued existence on an exemption from the CFTC. There is no doubt in my mind that the CFTC has tremendous institutional experience regulating the futures markets and in exercising reasoned and sound judgement over the areas under their existing authority. But, I do not believe that expertise extends to the swaps or banking industries, nor do I believe there is any logic in doing so.

Finally, the limitations of S. 207 on Index Participations ("IPs") lack any grounding at all in logic. The bill would deem all index participations to be futures and then would exempt from CFTC regulation only the eight IPs that were approved or pending before December 31, 1991. There are three fundamental problems with this: First, three of the "grandfathered" IPs are based on the S&P 500 index. S&P has an exclusive licensing agreement for S&P 500 futures with the Chicago Mercantile Exchange. Thus, if an IP is defined as a future, an IP on the S&P cannot trade. Second, all non-grandfathered IPs proposed by any other securities exchanges or based upon any other indices would be prohibited. The logic of this escapes me. If it is good for the public to be able to trade an IP at the AMEX, why not also at the Pacific Stock Exchange? If it is in the public interest to allow trading of an IP based on a grandfathered index, such as the NYSE Composite, why isn't it equally in the public interest to allow trading of an IP on other indexes, such as the Value Line Average or the Nikkei? Third, it is unclear whether the legislation would permit any modifications to the grandfathered IPs. These are not results driven by solid, reasoned public policy but rather by political compromise grounded in protectionism. The public is clearly the loser as it is deprived of the ability to trade IPs. I believe a better result would be to exempt all index participations from CFTC regulation.

This Committee, the SEC and the CFTC shares a deep and abiding interest in maintaining the efficiency, soundness and competitiveness of the US markets for futures and securities. These provisions, however well intentioned, do not achieve those purposes and indeed will handicap our markets far into the future. It is vitally important that the full significance and potential impact of this bill be understood before it becomes law. Hearings should be held to analyze these issues and enable the Congress to explore fully the ramifications of this bill. Once done, I am certain that we will see that some basic changes need to be made to Title III in order to best serve the public interest. In any event, the SEC stands ready, as always, to work with you to develop alternative solutions to the problems created by the exclusivity clause.

Sincerely,

Mary L. Schapiro,
Commissioner.

Board of Governors of the
Federal Reserve System,
Washington, DC, April 15, 1991.
Hon. Timothy E. Wirth,
Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

Dear Senator: Thank you for your letter of April 12, 1991, requesting my views on two proposed alternatives to the exclusivity provisions of S. 207 as reported by the Committee on Agriculture, Nutrition, and Forestry. One alternative was transmitted by Chairman Gramm of the Commodity Futures Trading Commission to the Chairman of the Senate Agriculture Committee by letter dated April 9, 1991 ("CFTC Alternative") and the other alternative accompanied your letter to me of April 12, 1991 ("Bond-Wirth Alternative").

Under the current approach to the implementation of the Commodity Exchange Act ("CEA"), instruments with elements of futurity may be considered to be futures contracts and therefore required to be traded on futures exchanges. This approach has led to confusion in financial markets and involvement of the courts, of which the situation involving index participations is a good example. The developers of new financial instruments—including risk-shifting products—are responding to perceived economic needs, but uncertainty about the treatment of new financial instruments under the CEA tends to discourage such efforts and to give an edge to financial centers abroad.

As I have previously indicated, S. 207, as passed by the Agriculture Committee, would continue to preserve impediments to innovation in hybrid's and risk management products and would forestall developments in swap markets that could reduce systemic risk. The exemptive authority given to the Commodity Futures Trading Commission ("CFTC") under this bill is narrow and in some cases would prohibit the CFTC from making appropriate exemptions. The hearing requirement could lead to a cumbersome exemptive process which itself would pose an obstacle to innovation. Further, the use of regulatory exemptions, once granted, itself creates uncertainty, as they may be revoked at a future date.

In my view, the approach taken by the CFTC Alternative generally addresses the difficulties created by the exclusivity provisions of the CEA more effectively than the provisions of the Agriculture Committee version. Nevertheless, it continues to rely on discretionary, and potentially restrictive exemptive procedures for dealing with swaps and bank deposits rather than the exclusionary approach of the Bond-Wirth Alternative. Further, it does not address lending transactions at all.

The Bond-Wirth Alternative, on the other hand, excludes certain swap transactions as well as certain deposit and lending transactions from the coverage of the CEA altogether, thus avoiding problems that may arise from a cumbersome exemptive process and the potential for revocation of any exemptions that may be granted for these transactions. It also would provide the CFTC with broader discretionary authority to exempt any instrument if the CFTC determines the exemption is consistent with the public interest. The approach taken by the Bond-Wirth Alternative goes further than the CFTC Alternative to alleviate the difficulties for the financial markets created by the provisions of the CEA, and therefore is in our judgment preferable, particularly in the areas of swaps, bank deposits and lending instruments. The exclusion approach also would remove possible conflicts in regulatory jurisdiction that might arise from continued CFTC jurisdiction over swaps. At the same time, the limitations on the exclusions ensure that these transactions are subject to Federal oversight or are limited to sophisticated investors.

I hope you find these comments to be helpful.

Sincerely,

Alan Greenspan.

Board of Governors of the
Federal Reserve System,
Washington, DC, March 27, 1991.
Hon. Donald W. Riegle, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

Dear Mr. Chairman: Thank you for your recent letter requesting my views on Title III of S. 207, the Futures Trading Practices Act, as reported out of the Senate Agriculture Committee. In that letter you ask several specific questions about the regulation of hybrid instruments, including swaps, prescribed by the bill. I would like to focus on those matters on which I believe I can be of most assistance to you and give special attention to the treatment of swaps and deposits.

As I have noted in testimony and previous correspondence on these issues, various problems arise from a basic principle underlying the current approach to the implementation of the Commodity Exchange Act (CEA), under which instruments with elements of futurity may be considered to be futures contracts and therefore required to be traded on futures exchanges. This approach has led to confusion in financial markets and involvement of the courts, of which the situation involving index participations is a good example. The developers of new financial instruments—including risk-shifting products—are responding to perceived economic needs, but the uncertainty about the treatment of new financial instruments in the United States under the CEA tends to discourage such efforts and to give an edge to financial centers abroad.

Clearly, these provisions of the CEA are in need of repair, and I commend the Senate for seeking to make needed changes. However, as I indicated previously, the approach taken by S. 207 will continue to preserve impediments to innovation in hybrids and risk-management products and may well forestall developments in swap markets that could reduce systemic risk. The 50 percent value test embodied in the bill is arbitrary, as well as any procedure for determining the value of the commodity component of a financial instrument, and could yield anomalous results for similarly structured instruments. The exemptive authority given to the Commodities Futures Trading Commission (CFTC) under this bill is narrow and in some cases would prohibit the Commission from making appropriate exemptions. The hearing requirement could lead to a cumbersome exemptive process which itself would pose an obstacle to innovation. Further, the use of regulatory exemptions, once granted, itself creates uncertainty, as they may be revoked at a future date.

Instead of this approach, which seeks to exempt certain hybrids from the CEA, it would be preferable, as I have noted previously, to allow such instruments to trade on markets selected by the parties. Thus, equity-related derivative products could trade on either securities or futures exchanges and banks and other financial institutions could offer commodity derivative products where appropriate prudential and investor protection safeguards are in place. In this way, owing to different customer bases, similar products could evolve in ways that best meet the needs of those customers.

In the case of the swap markets, I am concerned not only about the potential adverse effects of S. 207 on competition and innovation but also about its potential to impede the development of netting arrangements designed to reduce counterparty credit risks and, therefore, systemic risks in the financial markets. Last November, the Governors of the central banks of the Group of Ten countries released a report that concluded that netting arrangements, if properly designed, have the potential to reduce the size of credit and liquidity exposures incurred by participants in interbank and other wholesale financial markets, including the swap markets, and thereby contribute to the containment of systemic risk. However, the provision of S. 207 that limits the exemptive authority of the CFTC to swap agreements that are "not designed to and would not result in a trading market in the swap agreement" could prevent the development within the United States of multilateral netting arrangements for swap obligations. Other conditions of this swap exemption authority may also result in a failure to exempt certain existing swap transactions. The enactment of these provisions could push multilateral netting arrangements for swap obligations and the swap markets themselves offshore.

Proponents of the prohibition of multilateral netting of swap obligations have argued that such a system would, in effect, be a futures exchange and, therefore, should be subject to CFTC regulation. There are important differences, however, between a traditional futures exchange and the multilateral netting systems that have been developed in other financial markets. Participation in these netting systems generally is limited to commercial banks and other regulated financial institutions that traditionally have taken an approach to risk management that is fundamentally different from the approach used by futures exchanges. In designing multilateral netting systems, generally these institutions have adopted decentralized systems that preserve incentives for bilateral risk management (by allocating losses from a default in the first instance to the original counterparties of the defaulting participant) rather than adopting the centralized systems used in the futures industry that mutualize losses without regard to the original counterparties. For such decentralized systems, the regulatory framework developed by the CFTC for futures exchanges seems inappropriate. The case for CFTC regulation is further reduced if those other systems are subject to regulation by another federal agency.

In addition to extending the coverage of the act to swap transactions, Title III also suggests that the CFTC will have jurisdiction over some depository instruments and lending transactions. We do not believe that it is appropriate for banking activities of federally regulated institutions to be subject to the jurisdiction of the CFTC. Banks are subject to a comprehensive system of federal regulation designed to ensure the safety of the institutions and to protect their customers; there is no need to impose another layer of regulation on their activities, especially where that regulation is designed to meet concerns that are not relevant to banking activities. Further, the bill could be read to preclude banking regulators from overseeing banking transactions that are exempted by the CFTC, a situation that would be inadvisable.

I hope you find these comments to be helpful.

Sincerely,

ALAN GREENSPAN.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, April 12, 1991.

Hon. CHRISTOPHER S. BOND,
Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR BOND: The Federal Deposit Insurance Corporation is pleased to comment on your proposed amendments to Title III of S. 207 as reported by the Committee on Agriculture, Nutrition, and Forestry.

As you know, we have reservations regarding portions of S. 207 as reported. Sections 302 and 303 contain provisions which affect financial institutions insured by the FDIC. These provisions generally would allow the Commodity Futures Trading Commission (CFTC) to regulate under the Commodity Exchange Act certain financial products, including certain swap agreements, deposit accounts, and hybrid instruments. In addition, section 302 would allow the CFTC to exempt such instruments from regulation if it determined that an exemption would be in the public interest.

Banks regulated by the FDIC and the other federal banking regulators currently operate under a comprehensive system of federal and state regulation designed to protect depositors and ensure the safety and soundness of insured institutions. We are concerned that S. 207 as reported would impose an additional unnecessary layer of federal regulation and supervision on depository institutions. We also are concerned that this additional layer of regulation could increase the cost of developing new banking products and services and stifle innovation in the industry.

As a consequence of our concerns, we support your proposed amendments to S. 207. Under your proposal, there is a simple exemption for deposits issued by federally insured depository institutions and certain foreign banks regulated under federal law. This statutory exemption will provide certainty, eliminate any confusion, and reduce an unnecessary layer of federal regulation. The FDIC is pleased to endorse your amendments.

With best wishes.

Sincerely,

L. WILLIAM SEIDMAN,
Chairman.

COMPTROLLER OF THE CURRENCY,
ADMINISTRATOR OF NATIONAL BANKS,
Washington, DC, March 21, 1991.

Hon. PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of February 22, 1991 requesting comments on S. 207, the "Futures Trading Practices Act of 1991" (Bill). Your letter directs our attention to those provisions of the Bill that might affect financial institutions under the regulatory jurisdiction of the Office of the Comptroller of the Currency. Since receiving your letter, S. 207 underwent a mark-up by the full Committee, and our comments below are based upon the marked-up version.

Specifically, section 302 of the Bill would amend section 4 of the Commodity Exchange Act, 7 U.S.C. §1 *et seq.*, (CEA), to add subsections (c) and (d) to provide the CFTC with discretionary authority to exempt from the CEA certain agreements (Exemption Provisions). Included would be the authority to exempt individually negotiated interbank contracts, swap agreements and deposits offered by banks, either individually or by classes of these instruments (collectively referred to herein as Bank Contracts), after notice and opportunity for hearing. The CFTC would be requried to find that the grant of an exemption would not be "contrary to the public interest." In addition, the CFTC would be authorized to impose conditions on the grant of any exemption.

Our concerns with the Exemption Provisions of the Bill center on the belief that Bank Contracts are not subject to the jurisdiction of the CFTC. Primarily, we are concerned that the exemption authority may imply that the CFTC has regulatory authority over Bank Contracts. We believe this would create confusion as to the regulatory scheme applicable to Bank Contracts, resulting from the creation of the presumption that the CFTC could regulate such instruments, although it would not expressly have this power. In addition, we are concerned that any action which would inject the CFTC into the regulation of Bank Contracts would be nonproductive since banks are currently subject to substantial regulation.

We expressed our position that the CFTC has no power over Bank Contracts when the CFTC issued a proposed regulation concerning hybrid and related instruments (52 Federal Register 47022 (December 11, 1987)) (Proposed Rule). Under the Proposed Rule, the CFTC maintained it had jurisdiction to regulate Bank Contracts on the theory of the "economic equivalence" of these instruments to futures or options. We objected to the proposed rulemaking, and expressed policy concerns over possible disruption of the financial markets and the furnishing of banking products that are well-regulated by banking regulators. The CFTC and its staff addressed the concerns we and other bank regulators raised regarding the proposed rule and the regulatory problems encountered regarding new financial products that combine elements of futures or options contracts with debt or depository obligations. Considerable progress has been made in clarifying regulatory responsibilities since the publication of the Proposed Rule.

It is the OCC's view that, under existing law, swaps and deposits made within the purview of permissible banking activities are not contracts of sale for future delivery. A contract that does not cover potential future delivery of a commodity is neither a futures nor a forward contract under the CEA, and, therefore, is * * * side the regulatory scope of the CFTC.

By granting the CFTC exemption authority, the bill might establish a presumption that a bank's individually negotiated Bank Contracts are contracts for sale for future delivery, subject to regulation by the CFTC. Confusion regarding the regulatory status of financial instruments could follow since a presumption that the CFTC possessed regulatory authority, created by implication, would not necessarily mean that the CFTC would have jurisdiction over Bank Contracts. Thus, financial markets might be uncertain as to the regulatory scheme to which these instruments would be subject. If this were the case, banks desiring to offer products of this sort would encounter substantial additional legal costs in connection with the development of these products. This result could substantially inhibit incentives for the development of creative bank products.

We note that the Exemption Provisions could have the effect of excluding Bank Contracts from the CEA, if the CFTC so chose. However, it is not certain that any exemptions granted by the CFTC would be unconditional. A conditional exemption could have the effect of subjecting Bank Contracts to the same additional layers of regulation to which they would be subject if they were not exempt from the CEA.

Your letter mentions the concern expressed by some that should the CFTC exempt swaps and the other specified products from the CEA, such action might result in trading in an environment lacking appropriate safeguards, thus posing a threat to financial institutions and the public. As indicated above, we believe that with respect to Bank Contracts, appropriate regulatory authority already exists under banking laws. Moreover, involvement of the CFTC in the regulation of Bank Contracts might inhibit their development, along with the potential benefits they bring to financial institutions and the public.

We recognize the legitimate concerns of the CFTC to examine closely the regulation of products with characteristics of options and futures. Similarly, the CFTC has recognized the legitimacy of the OCC's supervisory responsibility for, and authority over, national banks. Because Bank Contracts are currently subject to extensive supervision, there is no need to subject banks to additional layers of regulation, administered by non-bank regulators. As banks develop new products, other than Bank Contracts, with characteristics that mirror those offered by other financial market participants, however, it will be appropriate to consider how to regulate those products. There must be opportunities for consultation and cooperation. Finally, it will be important to ensure that regulatory authority is allocated in a manner that does not result in unwarranted overlapping regulation, which could cause needless disruption of healthy markets and stifle innovation.

We very much appreciate the opportunity to provide you with our comments. Please let me know if I can provide any additional information.

Sincerely yours,

ROBERT B. SERINO,
Acting Chief Counsel.

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, March 12, 1991.
Hon. Richard G. Darman,
Director, Office of Management and Budget, Washington, DC.

DEAR MR. DARMAN: Thank you for your memorandum, dated March 8, 1991, requesting the views of the Securities and Exchange Commission ("SEC") on S. 207, a proposed amendment to the Futures Trading Practices Act of 1991. S. 207 addresses both the issue of margins on stock index futures and the scope of the so-called "exclusivity clause" of the Commodity Exchange Act ("CEA"). We note that the margin language of S. 207 is considerably weaker than either the Administration's proposed legislation of last year or the margin proposals contained in the Intermarket Coordination Act of 1991 introduced by Senator Leahy (the "Compromise Bill"). Nevertheless, while we believe that the stronger language of the Compromise Bill would be preferable, we defer comment on the margin proposals.

For the reasons described below we believe that the proposed provisions concerning exclusivity[1] would be extremely bad public policy, and must either be significantly improved or removed entirely from the legislation. Unless modified, the proposed treatment of the "exclusivity" clause would in our view be considerably worse than continuation of the status quo. Indeed, by codifying the most expansive definition of exclusivity, subject only to the ephemeral possibility of occasional exceptions or exemptions at the sole discretion of the CFTC, the language of the bill would constitute legislated domestic protectionism. As a result, most new "hybrid" securities products would be prohibited or driven offshore. In addition, the $3 trillion index options market would apparently be transferred to CFTC oversight. Most swaps business would be driven to foreign markets, and what remained in the U.S. would operate under crippling conditions. Even demand deposit accounts at banks would implicitly be regarded as subject to assertion of exclusivity—though the CFTC would have less discretion to abolish deposit products than swaps or securities hybrids.

As we have previously testified, the Securities and Exchange Commission believes that increased competition and innovation within the financial markets are critical to future economic growth and prosperity. Wherever possible, our laws should allow securities and futures instruments to be offered to investors free of arcane and unnecessary restrictions. Low cost capital can be achieved by minimizing regulatory hurdles, litigation and uncertainly as to the lawfulness of innovative forms of securities and futures instruments. Sadly, the so-called "exclusivity clause" of the CEA currently restricts significantly the offering of new products. The Administration has consistently proposed to eliminate this impediment to capital formation. Unfortunately, although S. 207 purports to further these goals, in fact—as currently drafted—the bill will stifle competition and crush innovation.

As currently written, S. 207 codifies into law the position that all financial instruments that the CFTC determines to include any degree of "futurity" must be exclusively traded on futures exchanges unless a product (i) meets an unrealistic mathematical test of the degree to which an instrument's "value" is based on a commodity, or (ii) receives a written exemption from the Commodity Exchange Act from the CFTC. While the bill provides the pretense of fairness through its "50 percent value" test, that test is misleading. Since only the CFTC would decide when an instrument's "value" is tied to a commodity, and since under the CFTC's existing analysis, new equity products with characteristics of both futures and securities always are viewed as 100 percent futures, in fact there will not ever be any equity-related hybrid that the CFTC would concede meets the requirements for the 50 percent exception. In effect, for the first time in history, the SEC would be denied the right to define what is a security, and this function will be solely conferred on the CFTC.

Under S. 207, the CFTC would be entitled, but not required, to allow the trading or sale of "any agreement, contract or transaction . . . either unconditionally or upon stated terms or conditions or for stated periods . . ." Exemption "may" be granted where the CFTC decides "that the exemption would be consistent with the public interest." Although the legislation appears to give the CFTC wide exemptive power, essentially all financial products would remain illegal until proven otherwise. In addition, S. 207 would prohibit the CFTC from granting an exemption unless an applicant proves the existence of at least five factors "to the satisfaction of" the CFTC.

The anticompetitive intent of S. 207 is demonstrated by an incredible provision that requires a would-be competitor to demonstrate that there will not be any "material adverse effect * * * on the ability of * * * any contract market to discharge its * * * self-regulatory duties.* * *" This appears specifically designed to allow futures exchanges to veto any exemption for a product that would compete with their own. No standards for the showing of harm to one of the futures exchanges are set forth in the language. Harm to the securities exchanges is never measured or considered, though they are the source of capital for much of American business.

We believe that the language of S. 207 should be revised to permit clearly and unequivocably the development of innovative securities products. In order to encourage competition and innovation, if the SEC determines that more than 50% of the features or characteristics of a product are those of a security (even if that product has some elements of a futures instrument), it should be exempt by statute from the exclusivity clause, so that the product would be eligible for trading in the U.S. securities markets. Similarly, if the CFTC determines that 50% or more of the features or characteristics of a given product are those of a commodity futures contract, that product should be free to trade on a commodity exchange, even though the product has some elements of a security. The SEC has supported such an approach for more than a year.

Discussed below are certain of our major concerns with the proposal.

1. HYBRID COMMODITY INSTRUMENTS

As currently drafted, the hybrid commodity instrument exemption would chill the development and introduction of new hybrid securities products. As drafted, the "50% value standard" depends, among other things, upon (1) what options pricing model is selected, (2) what volatility factor is assumed, and (3) whether there is a ready market by which to compute the value of the options or futures component. Moreover, the 50% value standard is not useful in analyzing innovative new products such as index participations that have characteristics of both securities and commodity options or futures. Under the analysis employed by the CFTC in the past, such products would always fail the 50% test, even though their predominant features are those of a security.

A more relevant test for the statutory language would be whether 50% or more of the "characteristics" of an instrument, not its "value," are those of a commodity or those of a security. for an equity product, mathematical computations of "value" measured only one limited aspect for determining whether or not the instrument is predominantly a security. Accordingly, any "50 percent test" should be based on all "characteristics" of the instrument, not simply one of many characteristics.

More broadly, we believe that any 50/50 test for allowing trading rights should provide that an instrument could be traded in the securities markets if "the instrument is determined by the Securities and Exchange Commission to have at least 50 percent of its value or characteristics derived from elements of a security as defined under Section 3(a)(10) of the Securities Exchange Act of 1934 or Section 2(1) of the Securities Act of 1933."

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[1] We first saw the proposed language last Wednesday following the mark-up of the Senate Agriculture Committee. No hearings have been held on this proposed language, which we believe could have a serious and long-lasting negative impact on the nation's securities markets.

2. EXEMPTIONS FOR INDEX PARTICIPATIONS

The exemption for Index Participations ("IPs") exempts only IPs that were approved for trading prior to April 11, 1989, or pending such approval on or before December 31, 1990. This provision simply creates an exemption for six IPs. All future IPs proposed by any of the nation's securities exchanges or by the National Association of Securities Dealers ("NASD") for NASDAQ trading would be forbidden, as would any successor products to the existing six IPs.

This anti-competitive restriction would lead to ludicrous results. For example, under the terms of this provision, only four securities exchanges would trade IPs, as only those exchanges had proposals to trade IPs included in the SEC's April 11, 1989 order or pending before the SEC by December 31, 1990. All other securities exchanges, including the Boston Stock Exchange, Pacific Stock Exchange, Midwest Stock Exchange, and Cincinnati Stock Exchange, as well as the NASD would be precluded from ever trading IPs. It would be equally ludicrous to allow IPs on the Standard & Poor's 500 Index, because it had been approved by the SEC, but not on other stock indexes that the SEC would also approve, such as the Value Line index or indexes on foreign stock markets, such as on the Japanese or British markets. Nonetheless, this is the utterly unjustifiable result of the express terms of this bill. Moreover, the bill would freeze in place all specifications of IPs, so that no useful refinements could be made in the future. For example, previous IPs provided for quarterly pass-through of dividends to the holders of IPs, but the bill would prevent an exchange from proposing a monthly pass-through of dividends. We see absolutely no reason for such extreme limitations other than pure domestic protectionism.

To ameliorate these concerns, the bill's version of Section 4c(f) of the CEA should provide that any IP approved by the SEC would be exempt from the CEA.[2] This would be entirely consistent with the bill's intent of letting this useful and innovative product, which had volume of over 70 millions IPs before it was abolished from the market by litigation, freely trade on a securities market. In addition, the section should specifically state that IPs are not considered futures.

3. IMPACT ON SEC JURISDICTION

Rather than simply resolving the existing uncertainty over the legal status of new products, the proposal raises serious questions concerning the Commission's current authority under the federal securities laws. Indeed, the bill may be read to give the CFTC jurisdiction over stock index options, other stock index products, and, perhaps, options on individual securities. This would represent a massive transfer of the SEC's existing jurisdiction—that in some cases we have exercised since 1934. Trading in index options alone last year aggregated $2.9 trillion, yet this activity on the Chicago Board Options Exchange, American Stock Exchange, New York Stock Exchange, Philadelphia Stock Exchange and the Pacific Stock Exchange would quite possibly become unlawful under the language of the bill. Aside from its regulatory implications, this would require significant staffing and budgetary increases for the CFTC, an agency that does not offset its costs by fees as does the SEC.

Section 4c(g)(B) would give the CFTC jurisdiction over any transaction "in or involving a commodity" not exempted under the bill. Since a "commodity" includes all goods and services in the world except onions, this would appear to cover any products "involving" stock indexes. Depending on the construction of the term "involving," it could also encompass options on the individual stocks comprising those indexes, or even the underlying securities themselves. Although the securities laws currently contain a provision explicitly giving the Commission jurisdiction over options, the fact that this proposal would be enacted subsequently could raise questions about the continued validity of the earlier provision. Such a result is clearly at odds with any responsible effort to clarify the scope of the CFTC's exclusive jurisdiction, and Section 4c(g)(B) should be deleted from the proposal in its entirety.

Under the Administration's bill, S. 2814, the philosophy was to permit competition and innovation wherever possible. The current language is designed to do exactly the opposite by restricting innovation and competition in virtually every imaginable case. We would strongly support a true 50% test: if the SEC finds a product 50% or more a security, it could be traded on a securities exchange. If the CFTC finds a product 50% a future, it could be traded on a commodity exchange. If both agencies made such a finding, the products could trade on both types of exchanges. Long and expensive regulatory proceedings would not be necessary and competition would be maximized. We believe that this is entirely consistent with the President's express position on S. 2814, as well as his longstanding commitment to minimize, not maximize, regulatory restrictions on competition.

4. IMPACT ON SWAPS

S. 207 also sets out narrow exception and exemptive provisions for swap contracts which would have a devastating effect on that market. While the exclusion may be intended to provide certainty, its limitations dramatically undermine its effectiveness. Specifically, the exclusion requires that any person entering into a swap agreement do so only to hedge or manage a business-related price risk. This requirement ignores the nature of the market and makes the exclusion unavailable to banks and other swap dealers. The exemptive provision is equally ineffective because it gives the CFTC complete discretion to grant no exemptions at all. Moreover, the substantive requirements for any exemption are extremely restrictive, limiting swaps to institutional participations and where the creditworthiness of each party to the swap agreement would be a material term of the negotiation of the swap agreement. Finally, any efforts to improve the efficiency and liquidity of the swap market through developing a trading market would destroy the exemption. The inevitable result of these provisions will be to drive most swaps offshore and to hamper severely the operation of any market remaining in the U.S.

The specific statutory language changes we propose are included in Exhibit A, with additions and deletions [bracketed].

Sincerely,

RICHARD C. BREEDEN,
Chairman.

EXHIBIT A

SEC. 303. HYBRID COMMODITY INSTRUMENTS.

Section 4c of the Act is amended by adding a new subsection (g) to read as follows:

"Sec. 4c(g) "(A) *Notwithstanding any other provision of law,* [n]othing in this Act shall be deemed to govern or in any way be applicable to any transaction which meets the following requirements—

"(1) to the extent that the instrument has elements of a commodity option, *less than 50% of its characteristics are those of a commodity option, or* the instrument derives less than 50 percent of its value at the date of issuance from the value of the commodity option, and

"(2) to the extent that an instrument has elements of a contract of sale of a commodity for future delivery, *less than 50% of its characteristics are those of a contract of sale of a commodity for future delivery, or* at the date of issuance it is expected that less than 50 percent of the change in the value of the instrument or its performance will be due to movement in the price of the commodity or commodities specified in the instrument or in the terms and conditions of the transaction pursuant to which the instrument was issued, *or*

"(3) the instrument is determined by the Securities and Exchange Commission to have at least 50% of its value derived from or 50% of its characteristics attributable to the elements of a security, as defined under Section 3(a)(10) of the Securities Exchange Act of 1934 or Section 2(1) of the Securities Act of 1933, or a group of index of securities; provided that this clause (3) shall not apply to transactions conducted on a designated contract market involving contracts of sale of a commodity for future delivery (or options thereon) or accounts and agreements related to such transactions.

["(B) Any transaction in or involving a commodity regulated under this Act not excluded by paragraph (A) above shall be subject to regulation by the Commission under sections 2(a)(1), 4, 4c or 19 of this Act."]

SEC. 304. INDEX PARTICIPATIONS.

(a) Section 4c(f) of the Commodity Exchange Act (7 USC 6c(f)) is amended to read as follows:

"(f)(1) Nothing in this Act shall be deemed to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.

"(2) Nothing in this Act shall be deemed to govern or in any way be applicable to any contract traded on a national securities exchange *or quoted through an automated inter-dealer quotation system operated by a securities self-regulatory organization* whereby any party to the contract acquires any interest in a stock index participation unit approved for trading by the Securities and Exchange Commission, *and such stock index participation unit shall not be a contract of sale of a commodity for future delivery.* [by order dated April 11, 1989, or pending such approval on or prior to December 31, 1990.]

"(3) The Commission shall utilize its existing authority under this Act to facilitate the registration of any person who is a 'person associated with a broker or dealer' or 'associated person of a broker or dealer,' as those terms are defined in section 3(a)(18) of the Securities Exchange Act of 1934, for the purposes of marketing stock index futures (or options thereon) to the public."

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[2] This would be accomplished by ending Section 4c(f)(2) after the word "Commission".

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, April 4, 1991.
Hon. NICHOLAS F. BRADY,
Secretary of the Treasury,
Washington, DC.

DEAR NICK: In the several weeks since the latest version of Title III of S. 207 (the CFTC Reauthorization Bill) originally surfaced, the SEC, as well as other agencies and firms, has carefully reviewed its provisions. Yesterday, we received a "revised" version of the language that has apparently been suggested by the CFTC to reduce the damage that would be done to the swap market by the original provisions of this legislation.

It is interesting that even the CFTC has acknowledged serious problems in the language of the bill as marked up by the Agriculture Committee. Notwithstanding the current revisions, it is the strong view of the Securities and Exchange Commission that the proposed language would do serious harm to the future competitiveness of U.S. securities exchanges, as well as reducing the ability of securities firms and banks to develop innovative new products to achieve the lowest possible cost of capital for U.S. industries.

Some have characterized the provisions of S. 207 as a slight improvement in current law with respect to exclusivity. In the opinion of the SEC, this legislation would not represent any improvement in current law. Indeed, by appearing to codify the most expansive assertions of exclusivity, the effect of this legislation could be extremely damaging. While some consider this provision to be benign, I want you to know that it is the very strong view of the SEC that this view is inaccurate, and that the provision would cause substantial harm.

I am sure that you have previously read the attached letter from Alan Greenspan to Senator Don Riegle. The SEC strongly supports the comments in Chairman Greenspan's letter, and we fully support his suggested approach to permit competition in America's financial markets.

I understand your previous view that you could support the general concept under consideration by the Agriculture Committee. However, I would hope that the subsequent analysis of both the Federal Reserve and the SEC concerning the actual legislative language produced by the Committee would warrant reconsideration solely directed to the "exclusivity" provision. With markets involving trillions of dollars potentially affected by the resolution of the exclusivity debate, the consequences are too serious to be resolved on the basis of less than complete analysis and deliberation. There is also no reason why haste should be allowed to create even a small risk of seriously adverse consequences for these markets.

I have attached a proposed revision to the Agriculture Committee's legislative language. This language would satisfy our concerns for the future competitiveness of U.S. markets, while maintaining many of the provisions sought by the Agriculture Committee. I would be happy to have the Commission's staff meet with the Treasury to explain any of the provisions of this alternative language so that you could consider it at the same time that you are considering the new proposals of the CFTC. Of course I would also be happy to meet with you individually at any time before you reach any further conclusions on how to resolve this issue.

Sincerely,
RICHARD C. BREEDEN,
Chairman.

SECURITIES INDUSTRY ASSOCIATION,
Washington, DC, April 8, 1991.
Hon. CHRISTOPHER DODD,
Chairman, Subcommittee on Securities,
Washington, DC.

DEAR SENATOR DODD: SIA is pleased to respond to your letter of March 28, 1991, to express our views on Title III of S. 207, The Futures Trading Practices Act, as reported by the Senate Agriculture Committee. As you are aware, SIA has had a longstanding interest and involvement in many of the issues raised by this title. SIA strongly believes that both the general objectives and specific provisions of Title III as reported out by the Agriculture Committee are deeply flawed.

First, you asked about the uses of, and markets for swaps and hybrid securities. Hybrid products and swaps are innovative new financial products that are vital for clients to manage risk and uncertainty in an increasingly risky and uncertain environment. Effective risk management aids the capital-raising process, thus improving long-term investment as well as economic growth for our nation. Moreover, effective risk management in the financial markets helps to promote safety and soundness of the entire financial system, as well as restore confidence in our markets. Any legislation affecting swaps and/or hybrid products should therefore enhance the capital-raising process by reducing uncertainty, encouraging further innovation and preserving the efficiency and international competitiveness of these products and markets. Unfortunately, we strongly believe that the provisions concerning swaps and hybrids (Sections 302 and 303) of S. 207 as reported will in fact undermine these very objectives that we all believe are so critically important. Before describing the specific problems created by these provisions as reported, we offer a brief chronology of SIA's interest and involvement in the evolution of this legislation.

Following the 1987 market break and the report of the Presidential Task Force on Market Mechanisms ("Task Force") chaired by now Secretary of the Treasury Nicholas F. Brady, SIA endorsed the major recommendations of the Task Force, including calls for one principal regulator to coordinate the critical regulatory issues which affect related market segments throughout the financial system, as well as one unified consistent margin-setting authority for functionally related products such as stocks, stock options and stock index futures. The Task Force and SIA also endorsed coordinated circuit breakers for the equity and equity-related markets.

After the 1989 "mini-crash," SIA again supported these and other proposals and made further recommendations to help curb the unsettling bursts of severe intraday volatility affecting the equity markets. The Administration's "Capital Markets Competitiveness, Stability and Fairness Act" (S. 2814), introduced last Congress, addressed virtually all of the recommendations made by SIA and received our strong support. SIA testified in support of the legislation in both the Senate and the House.[1]

The compromise drafted at the end of the 101st Congress, under your leadership, along with Senators Bond, Leahy and Lugar also addressed a number of important recommendations made by SIA, particularly the margin and coordinated circuit breaker proposals. However, it did not contain any language relating to the issue of jurisdiction over stock index futures which was of vital importance to SIA. Nonetheless, in testimony before the Agriculture Committee earlier this year, SIA testified that the proposed compromise in the last Congress was an important first step in rationalizing the regulation of our capital markets. It was acceptable to SIA as far as it went, but we testified that it did not go far enough because it did not address the jurisdiction issue.

SWAPS

The swaps provision of the original S. 207 was by and large satisfactory to SIA. While we had some qualms about the language concerning hybrids, it was generally unobjectionable, since it would have left our capital markets free to innovate and compete.

Title III of S. 207 as reported by the Agriculture Committee radically alters most of the key elements of that compromise. Oversight authority over margins would be granted to the Federal Reserve Board, but it could immediately delegate that authority to the CFTC without the 30-month trial period for Fed margin control envisioned by the original compromise in S. 207 as introduced.

Particularly great damage was done to the original thrust of the bill by the changes made to the swaps provision of the legislation. The new section lacks the clarity and objectivity required to enable U.S. participants to conduct swaps business in the United States and to compete in the international marketplace. It is particularly troubling that this provision, which was originally intended to create a workable exception for swaps free of many of the limiting provisions of the CFTC's 1989 Policy Statement Concerning Swap Transactions, is instead significantly more restrictive than the Policy Statement.

As reported, S. 207's swaps provisions are in two parts. Both parts rely on the definition of swap agreements set forth in the Bankruptcy Code as well as in S. 207 as introduced. The first part (proposed 4(d)(1) of the CEA) provides for exclusion from the CEA for certain qualifying swap agreements. The second part (proposed 4(d)(2)) mandates the CFTC to issue an exemption for certain other swap agreements under specified conditions. Both parts as drafted would undermine the existing swaps market and business by greatly increasing uncertainty and risk. Moreover, the existence of both an exclusion insofar as excluded swaps would not be deemed to be future contracts; whereas conceivably, exempted items might be.

The exclusion may well be intended to provide greater certainty, but the limitations on the exclusion dramatically undermine its effectiveness and, in fact, create vastly more uncertainty. The exclusion as written is so narrow as to define an illusory set of transactions. To be eligible for exclusion, the swap agreement must meet two criteria. The first is that "each party enters into the swap agreement to hedge or manage a business-related price risk." This criterion, which is significantly more restrictive than the Policy Statement's "line of business" test, ignores the nature of the market, making the exclusion unavailable to swap dealers (those banks, securities firms, and others whose business it is to offer swaps and manage the resulting interest rate or commodity price risk). Instead, this criterion would only apply when swaps are entered into between

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[1] Testimony of Edward I. O'Brien, President of SIA, before the House Subcommittee on Telecommunications and Finance, May 3, 1990; testimony of John Bachmann, past Chairman of SIA, before the Senate Banking Committee, July 11, 1990; and testimony of Marc Lackritz, Executive Vice President, SIA, before the Senate Agriculture Committee, February 20, 1991.

"end users" who are hedging or managing other business risks. The swaps business doesn't operate this way—swaps intermediaries (brokers and dealers) are integral to the operation of the market because the credit facilitation provided by intermediaries is necessary for the transactions to occur.

The second criterion necessary for the exclusion is that "each party reasonably expects to perform fully its obligations to make or receive payments at the time or times specified in the swap agreement." This provision requires an uncertain subjective evaluation of the intent of the parties entering into the swap. The criterion is intended to preclude termination and netting, two important risk reduction techniques that are encouraged by bank regulatory authorities. It will also hurt the competitiveness of U.S. firms by making them unattractive counterparties for the many participants, particularly non-U.S. banks and securities firms, who will be reluctant to provide any such certification as to their subjective intent.

The second part of the swaps proposal directs the Commission to exempt certain swap agreements. However, unlike S. 207, which included a mandatory provision requiring the CFTC to exempt swaps from all of the provisions of the CEA, the CFTC's proposal requires no exemption at all, but instead gives the CFTC discretion to exempt swap agreements "from any or all of the prohibitions and requirements" of the CEA. In addition, S. 207 as reported contains three substantive requirements for exemption not contained in S. 207 as introduced or the CFTC's Policy Statement.

The first requirement for exemption is that "each party to the swap agreement is an institutional participant" as defined elsewhere in the proposal to include certain financial institutions and corporations with net worth greater than $1 million. This requirement, while perhaps intended to be broad (since it includes registered floor brokers and floor traders), is generally very limited. Corporations and others must have net worth exceeding $1 million. Nowhere else in the world is it necessary to receive proof of a counterparty's net worth, evidence of which may not always be available or understood. Even if guaranteed by substantial companies or supported by other credit enhancements, corporations with less than $1 million of net worth would not be eligible. In addition, quasi-governmental entities like the IMF or the World Bank would not be eligible. Thus, the "discretionary exemption" would exclude many current participants in the market. Further, this $1 million net worth requirement would preclude insolvent companies and those in Chapter 11 bankruptcy or in workout situations from utilizing the swaps market to hedge their risks.

The second criterion for exemption requires that "the creditworthiness of each party to the swap agreement would be a material term of the negotiation of the swap agreement." While the CFTC's explanatory statement indicates that this provision is not intended to prohibit margin or collateral provisions, the criterion would appear on its face to embody a strict (if undefined) limit on such provisions. As a result, its intent is unclear. The criterion is also far too subjective to be workable and it is not clear whether it applies to the parties' master agreement or to each transaction under the master. In addition, the applicability of the section to options, where creditworthiness does not apply to the premium payor or to swaps with option features, such as caps and floors, is particularly unclear. Then too, where each side of a swap is a triple A credit, creditworthiness may not in fact be a negotiated term. The last criterion for exemption requires that "the swap agreement is not designed to and would not result in a trading market in the swap agreement." The term "trading market" is not defined. On its face, it would appear to prohibit completely a swap dealer from engaging in its customary business of making a market in swaps.

The overall effect of S. 207 as reported is that it creates confusion and uncertainty. Swap participants will be inclined to do business outside of the U.S. rather than answer intrusive questions about their business and face the uncertainty of their counterparty's eligibility under the CFTC's criteria. The imposition of congressionally mandated new and extraordinary requirements on swap participants creates new regulatory responsibilities for the CFTC and defeats the intent of the original framers of S. 207, who sought a statutory amendment on swaps to provide clarity and certainty for international and domestic participants.

We note for the record that some have called for an express exclusion for bank deposit account swaps and hybrid products structured as depository instruments. We are troubled by this primarily because of the negative inferences that might be drawn were certain types of products to be automatically excluded from the CEA, while others would have to rely on the exemption process. This could unnecessarily and unintentionally harm non-bank deposit products and the firms that engage in that type of swaps business.

HYBRIDS AND EXCLUSIVITY

The hybrid and exclusivity portions of S. 207 as reported (Sec. 303) raise serious questions about the ability of American capital markets to compete in the future. The United States has traditionally had the broadest, most liquid, and most innovative capital markets in the world. After the imbroglio over the ambit of the CEA developed around the IPs products, a principal purpose of Title III was to resolve questions over hybrids and exclusivity which threatened to drive new product trading and development overseas. The original compromise contained in S. 207 as introduced, while imperfect, did at least resolve some of the legal ambiguities and uncertainty inherent in the status quo.

Here too, the new language in S. 207 as reported is a radical step backwards in a dramatic change from the original compromise. As reported, S. 207 codifies into law the position that all financial instruments that the CFTC determines to include any degree of "futurity" must be traded on futures exchanges unless a product (1) meets a misleading mathematical test that less than 50% of its value derives from the value of the commodity option or future commodities prices or (2) receives a written exemption from the Commodity Exchange Act from the CFTC.

Even that apparently "neutral" 50% of the value test would likely provide no real relief since the test would be determined by the CFTC, and under the existing CFTC analysis, new equity products with characteristics of both futures and securities are always viewed as futures. Thus, it is highly unlikely that there would ever be an equity related hybrid that the CFTC would determine meets the requirement for the 50% exception. Moreover, the descriptive language accompanying the ostensibly clear value test is very murky and would lend little or none of the certainty promised by the numerical standard. Ultimately what is a hybrid remains unclear given the overly broad reach of the defining language.

Were this provision to pass unchanged, a number of deleterious results would ensue. Innovation in American securities markets could be stifled; all hybrids having any element of futurity could be subject to regulation by the CFTC; issuers would bear the heavy burden of proving numerous factors to the CFTC. Exemptions (if granted) could be revoked; the exemptive process itself takes too long as it calls for a hearing with all of its cumbersome procedures and delays. Specifically, hybrid products with embedded futures would have to pass muster in an exemptive process that may well be too narrow to accommodate them. Issuers would still be subject to suits based on competitive considerations, thus chilling competition among securities and futures exchanges. American markets would thus remain at a competitive disadvantage in this area.

The process of raising capital could be inhibited by the costs of potential litigation, or even driven to overseas markets. The confusion and uncertainty that the original compromise was designed to reduce or eliminate would only be exacerbated by the additional court challenges that would inevitably ensue.

The reported legislation has additional unfavorable aspects which make its modification imperative. The SEC's ability to define a security is called into question by the legislation. For example, it could be read to give the CFTC jurisdiction over stock index options, other equity index products and perhaps, options on individual securities. Contrast this with the original Administration bill in the last Congress, S. 2814, which was intended to stimulate competition and innovation wherever possible. The current language seems designed to move in precisely the opposite direction by restricting innovation and competition in a series of existing and future products.

The exclusivity definition codified by S. 207 as reported is strengthened in its application to banking, securities and other financial instruments. That expansive definition of exclusivity is subject only to the occasional exceptions or exemptions granted at the sole discretion of the CFTC. Many new hybrid securities products would, like index participations, be effectively banned or driven offshore. Arguably, jurisdiction over the entire index option market could be transferred to the CFTC. The net result of these rewritten provisions might well be to stifle precisely the increased competition and innovation critical to future economic growth and prosperity. Whenever possible our laws should allow securities and futures instruments to be offered to investors free of unnecessary restrictions. Low cost capital can be achieved only by minimizing regulatory hurdles, litigation and uncertainty as to the lawfulness of innovative forms of securities and futures instruments.

Despite seemingly broad exemptive authority, a financial innovator would have to meet the heavy burdens of proving at least five factors "to the satisfaction of the CFTC." One of the factors could even be read to give the commodities exchange a near veto over the exemption process by requiring that there be no material adverse effect on a future exchange's performance of self regulatory duties.

SIA has worked long and hard on the panoply of issues in this very complex and crucial area. We are deeply troubled that the result of all the effort to date is a measure we regard as destructive of the swaps market and injurious to the United States capital markets as a whole. We stand ready and eager to work with you, your colleagues, and staff to correct the inadequacies in the legislation.

Thank you for your consideration of our views.

Sincerely,

GEDALE B. HOROWITZ,
Chairman.

J.P. MORGAN,
New York, NY, April 9, 1991.

Re The Futures Trading Practices Act of 1991 (S. 207).

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: We at J.P. Morgan have been following the developments and debate concerning Title III of The Futures Trading Practices Act of 1991 (S. 207) with both interest and concern and I welcome the opportunity to respond to your questions regarding those provisions.

Since its inception in 1982, the swap market has grown to $2.5 trillion in notional principal amount. J.P. Morgan is one of the largest swap dealers in the world with a notional swap book in excess of $260 billion. The swap market is characterized by the participation of sophisticated financial institutions and corporations and government entities which generally enter into swaps in connection with market-making activities or in order to manage exposure to interest and exchange rate fluctuations. We believe it is important that S. 207, as finally enacted, not restrict unnecessarily the ability of American institutions to engage in these activities and either place them at a competitive disadvantage to foreign counterparts or drive the market for these products and services off-shore (as was the case recently with the Brent oil forward market following the *Transnor* decision).

The language of S. 207, as reported out of the Senate Agriculture Committee on March 6, 1991, raises concerns in this regard.

The exclusion contained in the language only applies to transactions between two end-users of swaps. Since almost all swaps are entered into on at least one side by a swap dealer, the exclusion is virtually meaningless.

The exemptive language contains two troublesome requirements. It requires that the creditworthiness of each party be a material term of the negotiation of the swap. While the creditworthiness of a counterparty is a material factor in the decision of whether or not to enter into a swap, it is not generally the subject of negotiation. It is also unclear as to whether it would be permissible to enter into a collateral or margining arrangement since arguably this may eliminate (or drastically reduce) credit risk to the counterparty. In order to prudently manage credit risk, J.P. Morgan has used various forms of risk reduction techniques, including bilateral netting, collateral and margin. As the size of the swap market grows, management of counterparty risk will be a critical factor in enabling us to continue in the business. As the market currently exists, these arrangements are on a bilateral basis. However, the ability to enter into multilateral netting arrangements, most likely in the form of a clearinghouse, would be an extremely useful tool. Title III as currently drafted would either restrict or absolutely prohibit all or some of these mechanisms.

The final requirement for the exemption is that the swap not be designed to, and not result in, a trading market. The term trading market has no established meaning in the context of the commodities regulation and is not defined in the legislation. On its face it might prohibit a swap dealer from engaging in the business of making a market in swaps as is customary today.

I should also point out that we would have preferred to see S. 207 explicitly exclude swaps from the provisions of the Commodity Exchange Act (the "Act"). Because S. 207 instead gives the CFTC the power to exempt swaps, it creates a negative inference that in the absence of the exemption such transactions are futures or options contracts subject to the Act. As such, market participants would be exposed to the risk that a counterparty could attempt to avoid performance of its obligations with respect to one of these transactions on the basis that it is an illegal off-exchange futures or options contract. To a certain extent, this risk exists even with respect to exempted products, as a counterparty could claim that the CFTC overstepped its authority or abused its discretion in providing the exemption.

The case for an exclusion for bank deposits is even more compelling. These are products offered by banking institutions which are already subject to extensive regulation by a combination of either state banking authorities, the Comptroller of the Currency, the Federal Reserve Board and the FDIC, each of which has, as a primary concern, the safety and soundness of the banks which they regulate and the safeguarding of the deposists of those banks' customers. In light of this comprehensive regulatory scheme, there is little, if anything, that CFTC regulation, even in the form of conditions for exemption from the Act, could add to further protect the deposists of bank customers, whether those deposits of bank customers, whether those deposits be tied to the value of commodity prices, equity indices or traditional interest rates.

The hybrid instruments provisions of Title III are an attempt to address a problem that has recently severely impeded the development of new financial products (including equity derivatives) in the U.S.—the so-called "exclusivity clause" of the Act. We believe Title III does not go far enough. Traders and investors have in the past, through their willingness to trade, determined the most viable and appropriate market for new financial products. Thus, contracts that compete with each other (even though their terms may be different) trade quite successfully on different exchanges and, in some cases, on different types of exchanges or in the over-the-counter market: currency options trade on the Philadelphia Exchange, which is regulated by the SEC and in the over-the-counter market, while options on currency futures trade on the Chicago Mercantile Exchange; the S & P 500 futures and options thereon trade on the Chicago Mercantile Exchange; the S & P 500 futures and options thereon trade on the Chicago Mercantile Exchange, while options on the S & P index trade on the Chicago Board Options Exchange. In each case, regardless of the exchange and applicable regulatory authority, traders and investors are generally protected against fraud, abuse and market manipulation, and they have the freedom to choose which contract and which marketplace best suits their needs. Those contracts that do not meet the needs of market participants (and examples abound), regardless of where they are traded and the regulatory scheme under which they are traded, will not be viable and will not survive.

Considering the hybrid nature of these instruments, J.P. Morgan believes that the market for such instruments is best served by maximum regulatory flexibility and that the market, namely, the traders and investors, should be allowed to determine the most appropriate forum for the trading of hybrid instruments. Logically, this means that hybrid instruments should be allowed to trade on securities exchanges, futures exchanges and the over-the-counter market.

Again, we appreciate the opportunity to express our views on S. 207. If we can be of any further assistance to you or provide you with any more specific information, we would be pleased to do so.

Very truly yours,

MICHAEL PATTERSON.

CHEMICAL BANK,
New York, NY, April 9, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Securities Subcommittee, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Mr. Shipley has asked me to respond to your letter to him dated March 28, 1991 regarding Title III of the Intermarket Coordination Act, as reported out of the Agriculture Committee of the United States Senate. As a Director of the International Swap Dealers Association, Inc. and a Managing Director of Chemical Bank responsible for interest rate, commodity and currency swap activity, I am delighted to have the opportunity to express Chemical Bank's views on Title III.

The swaps market has grown into a substantial market providing liquidity, stability and risk-shifting capability to market participants. Today swap agreements are considered important tools for risk reduction for both banks and their customers. Despite the established nature of the swaps market, since the Commodities Futures Trading Commission suggested the possible applicability of the Commodity Exchange Act to swap activities, the swaps market has been subject to legal uncertainty. This has created the risk of litigation, both by the Commodities Futures Trading Commission in the exercise of its enforcement powers and private litigants.

It is Chemical Bank's view that some form of legislation regarding the swaps market is desirable. However, if Title III is enacted in the form reported out of the Agriculture Committee, it will have a chilling effect on the swaps market. The result of this legislation could be that much of the swaps business now conducted in the United States will be driven offshore, and that many firms in the United States will no longer be able to utilize these risk mitigating instruments. Further, innovation and product development will be stifled.

There are several solutions which are possible. One approach could be the exclusion of swap agreements from the ambit of the Commodity Exchange Act, just as the Treasury Amendment excludes certain transactions of a similar nature. This approach would implicitly or by its formulation provide for regulation through existing channels, such as bank regulators in the case of bank participants in the swaps market. This is apparently the basis for the approach suggested by Chairman Greenspan in his letter to Senator Riegle dated March 27, 1991. This exclusionary approach with respect to the Commodity Exchange Act is in many respects the most appropriate in our view, but we realize that it is possible to obtain a similar result by providing an exemption from the provisions of the Commodity Exchange Act.

Accordingly, a solution which may be acceptable to all interested parties is legislation that permits or requires the Commodities Futures Trading Commission to exempt certain swap agreements or classes of swap agreements from all or part of the Commodity Exchange Act. This is the approach we are now pursuing in negotiations with the Commodities Futures Trading Commission through a coalition of banks and investment banks.

Title III is as originally reported out of the Agriculture Committee is formulated in such a way that it requires the Commodities Futures Trading Commission to undertake detailed determinations with respect to very specific aspects of the business and the practices in the swaps market and establishes a significant burden to the granting of exemptive relief. This undercuts the basic thrust of legislation to mandate relief that is at least analogous to the Treasury Amendment and equal to the safe harbor standards set forth in the Policy Statement issued by the Commodities Futures Trading Commission in July, 1989. Title III also creates circumstances under which parties which are dissatisfied with the granting of any exemption might mount time-consuming, debilitating and expensive challenges. If Title III were to be adopted as originally reported, we believe it would have the effect of perpetuating the legal uncertainty associated with legitimate and beneficial swap activity. The result would be to further hamper the competitiveness of the United States over the counter market, both vis a vis domestic exchanges and international competitors. It is also likely that the cumbersome exemptive process envisaged would stifle financial product development and innovation and risk management activities.

The existing negotiations with the Commodities Future Trading Commission appear at this time to be constructively addressing the major concerns we have within the framework of an exemptive approach, but ultimately we believe it is the responsibility of the Banking Committee, which has jurisdiction over both commercial and investment banks, and the full Senate to determine which solution best serves the public interest. We welcome the opportunity to keep you advised of developments as they occur, and we look forward to resolving the issues expeditiously.

Very truly yours,

JOSEPH P. BAUMAN.

NEW YORK STOCK EXCHANGE, INC.,
New York, NY, April 8, 1991.

Hon. DONALD W. RIEGLE, Jr.,
U.S. Senate,
Washington, DC.

DEAR SENATOR RIEGLE: The New York Stock Exchange has reviewed the drafts of the proposed amendments to Title III of S207 as proposed by the Treasury Department, the Commodities Futures Trading Commission and the Securities and Exchange Commission.

The amendments to Title III regarding the establishment of margin requirements represent a vast improvement over existing law and we support these amendments. We wish to express our appreciation to the Treasury Department for their efforts in developing these new margin provisions.

With regard to those provisions of Title III dealing with the exclusive jurisdiction of certain trading instruments, we believe that the proposed language falls short of the Treasury Department's original proposals. We have consistently supported those original proposals.

We recognize that the Treasury Department and the Commodities Futures Trading Commission have put much effort into reaching the proposed compromise on jurisdiction. However, we feel that the alternative language proposed by the Securities and Exchange Commission, which parallels that originally proposed by the Treasury Department, would allow for a free competition among products of similar characteristics.

For that reason, we support the language proposed by the Securities and Exchange Commission and urge that it be incorporated in the final legislation.

Sincerely,

BILL DONALDSON.

NEW YORK STOCK EXCHANGE, INC.,
New York, NY, April 17, 1991.

Hon. CHRISTOPHER S. BOND,
Hon. TIMOTHY E. WIRTH,
U.S. Senate,
Washington, DC.

DEAR SENATORS: The New York Stock Exchange has reviewed the drafts of the amendments to Title III of S. 207 proposed by the Treasury Department and the Commodity Futures Trading Commission and the alternative proposed by Senators Bond and Wirth.

The amendments to Title III regarding the establishment of margin requirements represent a vast improvement over existing law and we support these amendments. We wish to express our appreciation to the Treasury Department for their efforts in developing these new margin provisions.

With regard to those provisions of Title III dealing with the exclusive jurisdiction of certain trading instruments, we believe that the Treasury-CFTC proposed language falls short of the Treasury Department's original proposals. We have consistently supported those original proposals.

We recognize that the Treasury Department and the Commodity Futures Trading Commission have put much effort into reaching the proposed compromise on jurisdiction. However, we feel that the alternative language proposed by Senators Bond and Wirth, which parallels that originally proposed by the Treasury Department, would allow for a free competition among products of similar characteristics.

For that reason, we support the language proposed by Senators Bond and Wirth and urge that it be incorporated in the final legislation.

Sincerely,

WILLIAM H. DONALDSON.

GOLDMAN, SACHS & CO.,
New York, NY, April 5, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Subcommittee on Securities, Senate Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR CHAIRMAN DODD: On behalf of The Goldman Sachs Group, L.P. ("Goldman") and its subsidiaries, including J. Aron & Company ("Aron"), I am pleased to respond to your request for our view regarding Title III of S. 207, the Futures Trading Practices Act, as reported by the Senate Committee on Agriculture, Nutrition, and Forestry.

Goldman and its affiliates offer a full range of investment banking services on a global basis to corporations, governments and other investors. Goldman, Sachs & Co. and related companies are registered broker-dealers and futures commission merchants, and are members of the major futures and securities exchanges domestically and overseas. Goldman affiliates are major market makers and block traders in equity and fixed income securities and use futures and options extensively for their own account as well as for their clients. Aron is a significant dealer in the international markets for precious metals, foreign exchange, coffee, grain, crude oil and petroleum products. In connection with these activities, Aron actively participates in the futures, options, forward and cash markets.

In addition, as both principals and as financial advisors to institutional clients, Goldman entities have played an important role in developing and executing many of the financial products that are covered by Title III. Goldman and certain of its affiliates have acted as issuer or underwriter of billions of dollars of hybrid securities issued in the U.S. or foreign capital markets. These include hybrid securities with rates of return linked to various commodities and indices, securities with detachable warrants on foreign currencies or other commodities and commodity swaps and other commodity transactions in the forward and options markets. These types of financial products serve critical capital formation needs and hedging and achieve important risk management goals.

The global financial, futures and commodities markets have become increasingly interdependent and competitive. In this environment, hybrid securities, swap agreements and off-exchange commodity transactions play a crucial role in the conduct of the financial affairs of the institutions we advise, as well as in the management of our own finances. Accordingly, it is critical that the regulatory scheme for these instruments develops in a way that does not stifle the existing markets and that does not place U.S. firms at a competitive disadvantage with their foreign counterparts. U.S. investors and those seeking access to our capital markets will best be served by a framework that encourages the development of useful new hedging techniques and innovative capital markets products.

There are positive elements contained in Title III of S. 207 as reported by the Senate Committee. Nonetheless, we are concerned that portions of the regulatory structure contemplated by the bill do not provide the optimum degree of necessary flexibility. Our specific comments are set forth below.

1. HYBRID SECURITIES

Section 303 of S. 207 would amend the Commodity Exchange Act (the "CEA" or the "Act") to provide that if the option or futures component of a hybrid security accounts for less than 50 percent of the overall value, or expected change in the value, respectively, of that security, the security will not be subject to CFTC jurisdiction. We are pleased that this provision modifies the current regulatory treatment of hybrid securities insofar as it reduces the number of standards that such an instrument must meet in order to qualify for an exclusion from CFTC jurisdiction. It also increases the maximum permissible commodity components of instruments that are eligible for the exclusion.

However, in our view, S. 207 does not go far enough. Under the CEA, the offer and sale of hybrid securities that do not qualify for the new statutory exclusion will continue to be effectively prohibited. Securities with a commodity component that equals or exceeds 50 percent of the value of the security will continue to be prohibited in this country despite the fact that they can be, and are now being, issued and sold under the securities laws of other countries. Moreover, the CEA will continue to permit the issuance of debt securities with detachable warrants on foreign currencies while effectively prohibiting the issuance of similar securities linked to warrants on, for example, gold or oil. This leads to an arbitrary and unduly restrictive result despite the fact that, to our knowledge, no material regulatory problems have arisen in connection with the offer and sale of such hybrid securities in the numerous jurisdictions in which they are permitted.

Under current interpretation of the CEA, the limits placed on hybird securities have stifled domestic innovation and, with it, our international competitiveness. The changes contemplated by S. 207 will allow only a marginal increase in the market for these instruments. S. 207 will continue to deny U.S. investors access to the risk management and other benefits that flow from purchases of such securities. Issuers also continue to be denied full access to the U.S. capital markets. We, therefore, strongly urge review of the regulatory approach to hybrid securities embodied in S. 207 and development of a more balanced approach that will protect the public interest without sacrificing competition and innovation.

2. OFF-EXCHANGE COMMODITY TRANSACTIONS

Section 302 of S. 207 would authorize the Commodity Futures Trading Commission (the "CFTC") to exempt off-exchange commodity transactions that meet certain criteria from the general requirement of the CEA that futures contracts be traded on exchanges. While the scope of this exemptive authority is somewhat limited, its enactment would represent a material advance over existing law, which does not vest the CFTC with any similar authority. The current lack of exemptive authority for off-exchange futures transactions, coupled with the existing uncertainty regarding the precise line of demarcation between forward contracts and futures contracts, has created certain problems of U.S. participants in a number of important international commodity markets, including the Brent crude oil market. The bill's new exemptive authority can be used to alleviate problems of this type. Indeed, the Senate Agriculture Committee's Report on S. 207 specifically encouages the CFTC to review the situation in the Brent market and other off-exchanges commodity markers to determine whether the grant of exemptive relief would be appropriate. We view this as a very positive development.

3. SWAP AGREEMENTS

Section 302 of the bill excludes certain swap agreements from regulation under the CEA and directs the CFTC to exempt other swap agreements that meet various criteria from regulation under the Act. We have a number of concerns regarding these provisions. First, we question the bill's apparent assumption that most or all swap agreements are subject to CFTC jurisdiction. Second, the currently proposed exemptive authority is not broad enough to encompass significant components of the existing swap markets. Third, the bill may interfere with the development of collateral and netting arrangements that are desirable to reduce counterparty credit risk and, by extension, systemic risks in the financial markets. We understand that representatives of the CFTC, the Federal Reserve, the Treasury Department and the swap industry currently are discussing these and other issues, and we are hopeful that these discussions will produce a proposal that will concerned parties can support.

I hope that the foregoing is responsive to your inquiry. If we can provide you with any additional information concerning these matters, please do not hesitate to contact me.

Very truly yours,

ROBERT E. RUBIN.

MERRILL LYNCH,
Washington, DC, April 8, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Securities Subcommittee, Committee on Banking, Housing, and Urban Affairs, U.S. Senate. Washington, DC.

DEAR SENATOR DODD: Before undertaking to reply to your letter of March 28, 1991, we at Merrill Lynch would like to express to you and to Senator Heinz's other colleagues in the Senate our deep regret and sympathy at his tragic and untimely passing, and our appreciation for his interest in the issues affecting our industry.

Merrill Lynch appreciates the opportunity to comment on Title III of The Futures Trading Practices Act (S. 207) as reported by the Senate Committee on Agriculture, Forestry and Nutrition. Merrill Lynch has serious concerns that S. 207 in its present form will have adverse consequences on the U.S. markets for hybrid securities and swap transactions which could inhibit the orderly development of these markets without a commensurate gain in investor protection or systemic stability. Representatives of Merrill Lynch met with Commodity Futures Trading Commission (CFTC) Chairman Gramm to express our reservations regarding the swap provisions; we have also been part of an industry group working with the CFTC to arrive at acceptable statutory language regarding swap transactions.

THE SWAP MARKET

The global market for interest rate, currency, commodity and other index-linked swap transactions is today a massive one. Industry statistics suggest that in excess of $3 trillion of interest rate and currency swaps alone are currently outstanding. These instruments are used by U.S. government agencies and government sponsored entities, supranational entities, foreign sovereigns, municipalities, corporations and financial institutions to manage interest rate, currency, commodity and other price or rate risk, and as an integral element of financing and funding transactions. Indeed, it is estimated that in 1990 as much as 15 percent of underwritten corporate debt financings in the United States were linked to, and made possible by, related swap transactions. Accordingly, swap transactions are a vital risk management and hedging tool and a fundamental component of domestic and international capital markets.

Two important, and interrelated, characteristics of the swap market are particularly relevant in the discussion of the impact of S. 207 as it presently stands. The explosive growth of the market over the last several years has been fueled by the flexibility of the products and the ingenuity of market participants in designing such products to meet the needs of customers. Rapid innovation and an ability to respond to changes in the marketplace and in customer needs have been hallmarks of the development of the market. Thus, Merrill Lynch was particularly comfortable with the "individual negotiation" standard contained in the original version of the bill (directing the CFTC to exempt individually negotiated swaps undertaken in connection with a line of business or hedging activities).

The "customized quality of swap market transactions distinguishes the swap market from futures markets. Since the transactions involve counterparty-to-counterparty credit risks, the market is characterized by careful evaluation of counterparty credit and, where necessary, use of collateral or other forms of credit support. Because of the generally high credit quality of participants in the market, and the prudential employment of collateral and credit support, the incidence of default has been low. In fact, from the inception of its swap business in the late 1970's to date, Merrill Lynch has yet to experience a loss as a result of a counterparty default on a swap transaction. Thus, we believe that one of the principal purposes of an amendment to the Commodity Exchange Act (CEA) regarding swaps is not to redress any perceived inadequacy of regulation in the market, but rather to provide certainty regarding the legal status of swap transactions in the United States.

As the swap market has grown, a variety of efforts to reduce any potential credit risks and counterparty exposure, particularly among the dealer community, have been undertaken. Amendments to the U.S. Bankruptcy Code, and similar provisions in FIRREA, were adopted last year, clarifying the rights of parties upon the bankruptcy or insolvency of a counterparty to a swap transaction. Bilateral risk mitigation techniques are actively being employed or developed, and multilateral techniques are under consideration. The flexibility and innovation which distinguish the swap market are also evident in these developments.

EXISTING PROVISIONS OF S. 207 WITH REGARD TO SWAPS

The purposes of any amendment to the CEA relating to swaps should be to provide certainty to market participants regarding the legal status of swap transactions in the United States, as well as to protect and enhance the innovative techniques employed in the swap market to hedge risk and provide financing, and to mitigate counterparty risk resulting from a large and growing market.

These purposes are best achieved by exclusion of swap transactions meeting explicit and objective standards from the provisions of the CEA. S. 207 as it currently stands does not provide such an exclusion.

On the contrary, the exemptive authority granted to the CFTC in S. 207 would, we believe: enable the CFTC to exempt qualifying swap transactions from some, but not all, of the prohibitions and requirements of the CEA; authorize the establishment of financial or other requirements for the enumerated "institutional participants" in exempted swap transactions; leave unclear what role the creditworthiness of a party must play in qualifying swap transactions; and create vague limitations on the development of "trading markets" in swap agreements.

The legal uncertainties and restrictions on innovation resulting from these provisions are likely to have a chilling effect on the continued development of the market in the United States. Legal uncertainties under current law have already driven some swap business offshore. Failure to address these uncertainties could result in the limitation on the availability of swap products in the United States, without a similar restriction in offshore markets, reducing the competitiveness of U.S. markets and the financial stability of users of these instruments in the United States.

RECENT DEVELOPMENTS WITH REGARD TO SWAPS

We continue to believe that an exclusion from the provisions of the CEA for swap transactions meeting objective standards which foster market-driven innovation in risk mitigation is the preferred method of meeting the goals outlined above. We have joined with representatives of a large number of U.S. participants in the swap market to discuss with the CFTC and other regulators ways of addressing our concerns regarding the uncertainties and strictures in S. 207 as reported. Substantial progress has been made in developing language which would address many of these concerns and we appreciate the responsiveness of the CFTC and its staff to the concerns raised in these discussions.

HYBRID INSTRUMENTS

Merrill Lynch has been integrally involved in the developing market for hybrid instruments, including products indexed to physical commodities, indices and currencies. The ability of issuers and underwriters to develop new types of financial instruments, however, has been affected by the restrictions imposed under the CEA, as interpreted and applied by the CFTC. As a result, issuers have been prevented from exploring alternative means of financing their business operations in an increasingly competitive market environment, and investors have been prevented from taking advantage of valid investment opportunities. Accordingly, we believe that the CEA should be amended to provide greater certainty and flexibility to issuers and underwriters seeking to introduce new types of financial instruments.

To date, the CFTC has promulgated certain rules and interpretations concerning hybrid instruments which have facilitated their development by providing some degree of guidance to issuers and underwriters of these products. We recognize that certain of these products, if they in fact constitute futures contracts and commodity options rather than simply containing elements of such instruments, could implicate the customer protection and market integrity objectives of the CEA, and therefore, we understand the regulatory concern that such products not be marketed to members of the general public without the necessary safeguards against potential abuses.

Nevertheless, we believe that simpler and more objective tests can and should be adopted to provide a greater degree of certainty to issuers and underwriters. The development of innovative hybrid products historically has been a function of the evolving needs of market participants. Such innovation should not be discouraged on the basis of unnecessary legal uncertainties, particularly if our capital markets are to remain competitive with others worldwide. Consequently, in seeking the appropriate balance between the need to encourage flexibility and innovation in the capital markets and the purposes of the CEA and the CFTC's statutory mandate, consideration should be given to existing statutory frameworks which may also be applicable to the issuance of these products, such as the disclosure and investor protection provisions of the federal securities laws and the banking regulatory framework.

In our view, the hybrid instrument provisions of S. 207 represent substantial progress toward reconciling these competing interests and implementing a workable and effective approach to the regulation of these products. The creation of a "bright line" test, which seeks to determine whether an instrument is predominantly a futures contract or commodity option, should provide greater certainty to the marketplace than the existing CFTC precedents, which condition the availability of relief on complex formulas and computations. In addition, the adoption of a statutory exclusion for products which are not predominantly futures or commodity options would allow issuers and underwriters to avoid the substantial expense and delay associated with obtaining relief from the CFTC on a case-by-case basis.

Our one remaining concern rests with those products that do not meet the statutory "bright line" test and thus, under S. 207, would be prohibited, since they would be outside the scope of the exclusion. In certain instances, we can envision that products might be developed that would serve valid portfolio or risk management purposes, and we would suggest, at a minimum, that the CFTC be given the authority to grant exemptions from the CEA, either unconditionally or on specified terms and conditions.

We also believe that, where such instruments have significant characteristics of a security, their failure to be excluded from the CEA should not necessarily result in the complete prohibition of the product. We note that the SEC and others have suggested that, in certain instances, such instruments might properly be regulated and traded as securities. Certainly, where Congress or the SEC is comfortable that the federal securities laws are adequate, both in terms of disclosure and customer protection, then it may be appropriate to permit such a product to be regulated as a security and traded in the securities markets. At a minimum, serious consideration should be given to the proposals of this kind that have been articulated to date.

Again, we appreciate the opportunity to discuss our views on this topic so important to the operations of the U.S. capital markets.

Sincerely,

BRUCE E. THOMPSON, Jr.

SHEARSON LEHMAN BROTHERS,
New York, NY, April 5, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Subcommittee on Securities, Senate Russell Office Building, Washington, DC.

DEAR SENATOR DODD: This is in response to your letter of March 28, 1991, in which you asked for Shearson Lehman Brothers' views on Title III, the Intermarket Coordination Act, of S. 207, The Futures Trading Practices Act. We appreciate the opportunity to provide our thoughts on this important legislation.

Shearson Lehman Brothers shares the concerns raised by various federal regulators and others that certain provisions of Title III are likely to produce a number of significant undesirable consequences for the United States financial markets, in particular the swaps and hybrid securities markets. We believe the effect of such provisions will be to diminish the competitiveness of important segments of our domestic financial markets, deter financial product development and innovation, restrict capital formation opportunities and eliminate opportunities to reduce exposure to interest rate, currency, equity price and commodity price risk, without providing significant countervailing benefits.

The most immediate and dramatic effects of the legislation will be felt in the domestic swaps markets. Swaps are exchanges of payment streams which are used by market participants to manage interest rate, currency or commodity price risks. Because they are economically customized, swaps offer users unrivaled flexibility in managing their balance sheets and interest rate and currency exposure. Their utility is evidenced by the healthy expansion of the market since its inception in the early 1980's, a development in which United States firms, including banks, securities firms and insurance companies, have been at the forefront. Market participants include major corporations, financial institutions, U.S. government-sponsored agencies and foreign governments. Recent figures indicate that U.S. firms comprise just under 40% of the worldwide market for swaps.

The swaps market is a particularly unlikely forum for the types of abuses that have in recent years unsettled the financial markets and which usually create a need for remedial legislation. The market excludes the general public, being limited to financial intermediaries and sophisticated corporate, governmental and quasi-governmental participants. Market practice compels participants to evaluate counterparty creditworthiness carefully to assure that appropriate credit protections are met. In any market there is always risk; however, the likelihood of the swaps market experiencing significant credit difficulties is small.

Unlike futures contracts, which offer some abstract analytical parallels but are distinguished by a number of features—not the least of which is their fungibility—swaps are privately and individually negotiated and are not subject to futures exchange style offset and margining. Consequently, market participants have both the need and the opportunity to manage credit exposure contractually on a counterparty-by-counterparty basis.

Payment on swaps are tied to the value of debt, equity or other financial or commodity products. Because such values are based on standard interest rate, currency, equity, or commodity prices, which are almost always publicly available and readily verifiable, and because pricing of swaps at their inception is subject to negotiation between sophisticated parties, swaps are particularly unsuitable vehicles for fraud.

The tangible and unique qualities of the domestic swap market, and the related benefits we see the market continuing to create—in product innovation, risk management and capital formation—would in our view be seriously jeopardized under the current version of S. 207. If the bill as reported by the Agriculture Committee is adopted, the provisions of Title III would, we believe, substantially reduce future swap activity involving United States counterparties and cast significant doubt on the legal status of existing swap transactions involving such parties. A substantial volume of swap activity will quickly migrate to foreign markets, lessening U.S. competitiveness in an area of the financial markets in which our domestic firms have excelled, without any discernible regulatory remedy or prospect of immediate retrieval.

Minimizing the chronic jurisdictional uncertainities and legal conflicts that have beset the futures, securities and banking markets, which is a primary purpose of S. 207, would in our view exact an inordinate and harmful toll if such resolution were to come at the expense of the present viability and future vitality of the swaps market. We believe strongly that any resolution of this issue should at a minimum (i) make clear that the current swaps market is a discrete marketing falling outside the ambit of the Commodities Exchange Act and (ii) allow some reasonable flexibility for the future growth of the market, including the possibility of multilateral mitigation of credit risk falling short of the type performed by an exchange. To this end, we have been discussing with federal regulators appropriate changes to S. 207 as reported by the Agriculture Committee.

Hybrid instruments—regulated securities and bank-issued obligations having a greater or lesser proportion of their principal or coupon payments tied to the values of debt, equity or commodity products—offer considerable promise as customized and flexible risk management and capital formation vehicles. The growth and vitality of this market should be sanctioned statutorily by the establishment of broad and non-arbitrary jurisdictional boundaries that allow issuers and investors to use the most appropriate market, be it a securities, bank instrument, or commodities market, for their needs. The legislation should provide certainty in order to resolve ambiguities that exist under the current regulatory structure and to enable products to come to market in an efficient and expeditious manner. As in the case of swaps, legislation should not lessen U.S. competitiveness in an area where our own firms have excelled.

In closing, let me reiterate our appreciation for the opportunity to share our views on S. 207, and commend you for your recognition of the significance of the issues the bill raises. We look forward to assisting you in any way we can on these matters, and trust that you will not hesitate to contact me if we can be of further assistance.

Very truly yours,

HOWARD L. CLARK, Jr.

CS FIRST BOSTON,
New York, NY, April 5, 1991.

Hon. CHRISTOPER J. DODD,
Chairman, Securities Subcommittee, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SIR: We appreciate the opportunity to express our views in response to your letter, dated March 28, 1991, regarding Title III of The Futures Trading Practices Act (S. 207). You requested a description of the market for swaps and certain other derivative products, a discussion of our concerns about the impact of Title III on competition, innovation, risk management and the capital markets, and our related suggestions for modifications to Title III.

In providing an overview of the swaps and derivative markets, including hybrids, we will briefly describe: (1) the products themselves; (2) the major participants; (3) the applications and uses of these instruments; (4) the mechanics of executing transactions; and (5) the secondary market for these instruments.

"Swaps" has become an almost generic term for a wide variety of derivative instruments whose values depend on underlying movements in interest rates, exchange rates, equity prices and commodity prices. In its narrowest sense, "swaps" refers to interest rate swaps and currency swaps. However, in its broader connotations, "swaps" would include a wide array of derivative instruments including: equity swaps, commodity swaps, options on interest rate and currency swaps ("swaptions"), and caps, floors, and collars on interest rates, exchange rates, equity prices, and commodity prices. Moreover, each of the products named above can be further sub-divided into separate types of transactions. For instance, the classification "interest rate swaps" would include such transactions as amortizing swaps, reverse amortizing swaps, extendable swaps, cancelable swaps, forward swaps, zero coupon swaps, etc. "Hybrids" generally refers to customized swaps that take the form of a derivative security.

Obviously, a description of each of these instruments is far beyond the scope of this letter. However, it is possible to make a few general statements about these instruments. The products that fall under the broader meaning of swaps can typically be characterized as entailing a contractual agreement between two parties that extends for a certain period of time, in which payments will be made by both parties according to a formula that depends on an underlying notional principal amount and the value of an underlying variable (such as an interest rate). Although conventions have developed over the years with regard to definitions and broad contractual forms, an important characteristic of a "swap" is that it represents an agreement, negotiated transaction-by-transaction, between two counterparties that is tailored to each party's required specifications. Each party in a swap accepts the credit risk of its counterparty in the swap and the terms and extent of such credit risk are frequently an important point in the swap negotiation. Notional principal amounts are generally in excess of $5 million and can run as high as $500 million to $1.0 billion.

The swap market participants can be separated into professional swap dealers, swap brokers, and end-users. The professional swap dealers are generally affiliated with major investment banks, commercial banks and, more recently, insurance companies. Swap brokers act as an agent in arranging swap transactions between swap dealers or between swap professionals and end-users. Swap brokers are not parties to the swap transaction and do not risk capital. They charge a negotiable fee for arranging transactions. End-users consist of a fairly heterogenous group which would include: (1) financial institutions such as banks, thrifts, insurance companies, and finance companies; (2) business corporations; (3) sovereigns, governmental agencies, and supranationals; and (4) major investors such as pension funds, bank trust departments, hedge funds, and asset managers that exercise fiduciary responsibility.

Each category of end-user named above actively uses the swap market. Financial institutions have historically been the most active users of the swap market, although the use of swaps (and other derivative instruments) by corporations has increased sharply in the last five years. We believe that virtually all of the institutional clients at one time or another have used swaps or other derivatives to reduce borrowing costs or manage the financial risks of their underlying business. Sovereigns, governmental agencies, and supranationals use the swap market extensively to transform borrowings from fixed rate into floating rate (or vice-versa) or from one currency into another. Finally, there is a significant and growing use of swaps on the asset side of the balance sheet as major investors seek to transform fixed rate investments into floating rate (or vice-versa), as market viewpoints and arbitrage opportunities develop.

Swaps and related derivative instruments are not executed with individual investors, which is understandable given the large notional amount of the transactions, the credit criteria demanded of swap counterparties, and the financial sophistication required.

Swaps have generally been used to:

(1) Lower financing costs or increase investment returns by arbitraging fixed rate and floating rate securities markets in the same currency (using interest rate swaps) or in different currencies (using currency swaps).

(2) Hedge exposures to interest rates, exchange rates, equity prices and commodity prices.

(3) Create synthetic investment or financing structures that satisfy the investor's or borrower's objectives better than "plain vanilla" securities would.

Interest rate and currency swaps were initially created to arbitrage financing costs in different markets. While interest rate and currency swaps still are actively used to arbitrage markets, a large portion of swap transactions are now executed to hedge exposures against adverse interest rate and foreign exchange movements. Banks routinely use swaps to manage the gap between the duration of their assets and liabilities. For example, financial institutions that borrow on a floating basis and lend on a fixed basis can manage this mismatch with swaps by swapping the floating liabilities into fixed rate liabilities to lock-in a positive spread between its lending rate and its borrowing rate and to remove interest rate risk. Corporations are also active users of the swap market in their liability management programs. Interest rate caps and swaps in U.S. dollars and foreign currencies are commonly used by corporations to hedge the financing cost of their commercial paper and bank loans against rising interest rates.

Swaps, hybrids and other derivatives are also being used to custom-design investment and borrowing transactions that satisfy the user's underlying objective better than standard securities would. For example, issuers have used swaps to "front load" or "back load" effective interest payments on bond issues so they match projected cash flow patterns. Rather than having to search for a small group of investors who may happen to want this particular cash flow pattern, the issuer is able to sell a conventional bond into the market and re-engineer the desired cash flows privately using swaps. Alternatively, there are numerous examples of investor-driven deals in which the investor requests an unusual structure for a security that reflects its market outlook or liability exposure. The issuer sells the "hybrid", i.e., a custom-tailored security, to the investor and then uses derivatives to transform the security back into a more traditional format. In such a transaction the investor benefits by being able to design a security that satisfies its particular objectives and the issuer obtains an attractive financing because it was able to sell a security that exactly fit the investor's demand parameters. Swaps and other derivatives make these transformations possible.

Swaps are generally executed between a swap dealer and an end-user or between two swap dealers. Swap dealers generally have a marketing team that works with end-users to design swap structures appropriate for the end-users' objectives. When an end-user wants to enter into a swap for the first time, a master swap agreement is negotiated, which is a relatively extensive contract presenting the terms, conditions, and the responsibilities of each party. Although a standard form of swap document has been prepared by the International Swap Dealers Association, extensive negotiation between the parties on the contract is common. Subsequent transactions are typically documented by shorter confirmations which refer to and rely on the general terms and conditions previously negotiated in the master agreement. These confirmations put forth the specific economic terms of the transaction and exceptions, if any, to the master swap document that apply to the particular transaction.

When a party wants to execute a "plain vanilla" swap, it is not uncommon for the party to contact several swap professionals with whom master swap agreements have been previously negotiated and ask them to compete for the swap. The swap professional offering the most attractive terms is awarded the swap. Swaps that are more highly engineered are not generally put into competition, but are separately negotiated with the swap dealer that has developed the swap structure.

When a party wants to unwind an existing swap, one of the following three methods is employed:

(1) The swap is legally terminated with the opposite counterparty by mutual agreement. A payment by one of the counterparties to the other is made which reflects the market value of the swap at the time the swap is terminated. The payment depends on such things as interest rate levels, the remaining period of the swap, and other conditions in the swap market.

(2) The party wishing to unwind the swap assigns its rights and responsibilities to another party which is acceptable to the remaining swap counterparty. A payment is made between the party exiting the swap and the party being assigned the swap which reflects the market value of the swap at the time of the assignment.

(3) The party wishing to unwind a swap enters into an offsetting "mirror-image" swap with another counterparty. For instance, a swap counterparty paying fixed and receiving floating in a three-year swap can economically offset the transaction by entering a new three-year swap with another counterparty in which it receives fixed and pays floating. An adjustment payment may also be made on the new swap to reflect the terms of the new swap which are required to offset the original swap. In this technique, the party is legally responsible for both swaps but the cash flows of the two swaps offset one another.

In conclusion, swaps and hybrids, in their generic and specific forms, are invaluable tools to manage risk, reduce financing costs and increase investment yields for our U.S. institutional client base; without free access to such tools, U.S. financial managers would be at a substantial disadvantage to their foreign counterparts in competing for low cost capital in the 1990's.

Turning to the remaining questions in your March 28th letter regarding the current and foreseeable impact on competition and innovation of S. 207 as reported, our concerns fall mainly in two areas, swaps and hybrid instruments.

In regard to swaps, it is clear it was the intent of the Senate Agriculture Committee to clarify treatment of swaps under the Commodity Exchange Act; unfortunately, in its reported form, this statutory design has the potential to disrupt an extraordinarily successful institutional crossborder market. We believe the language of S. 207 as reported to be ambiguous and subjective, which could cause substantial uncertainty in the market. Extraordinary care must be taken when imposing regulatory requirements on an existing market; even clear, unambiguous rules which are more restrictive than offshore rules can be as damaging to the U.S. market as uncertainty.

Taken to its extreme, it is possible to suggest the current structure of S. 207 would impact negatively on competitiveness of U.S. firms in the world-wide swap market by creating subjective standards which are ill-defined and misunderstood, thereby driving more swap transactions into overseas markets. We concur with the views of Federal Reserve Board Chairman Greenspan that the potential for desirable reduction of systemic risk may be impaired by possible interpretation of S. 207 to prevent development of private netting arrangements designed to reduce counterparty credit risks.

However, we do not believe these possible dysfunctional results to have been the intent of either the Senate Agriculture Committee or the Commodity Futures Trading Commission. Our concerns about ambiguity and subjectivity can be adequately addressed by redrafting certain provisions of S. 207, and a correctly drafted, objective test for statutory and regulatory exemptions will provide greater certainty to the market and market participants than has been previously available. In this regard, it may be constructive for the legislative history accompanying S. 207 to address more specifically and in greater detail how the implementing regulations should be crafted to avoid disruption of a large and efficient global market. Finally, we believe a solution allowing the continued development of netting systems to reduce systemic risk can be achieved.

We are aware of and support the efforts of the major swap dealers, both banks and broker dealers, to resolve some of the issues discussed above. We believe that if accepted as part of S. 207, the recommendations of this coalition (including clarification of the definition of institutional participants and clarification of use of netting arrangements to reduce systemic risk) will resolve major concerns with the language of S. 207 as reported.

The hybrid instruments provision of S. 207 presents issues which are potentially less capable of resolution without more analysis and discussion. Others, including Chairman Greenspan and Securities and Exchange Commission Chairman Breeden, have expressed concerns (which we share) that the statutory language of S. 207 on hybrid instruments will have a negative impact on product innovation and competition and could further drive such product development into overseas markets. It should be noted that most product innovation in recent years has been in overseas markets and, ironically, engineered by U.S. firms operating in those markets. More regulatory uncertainty will only aggravate this trend.

Considerable attention has been paid to the 50 percent test embodied in the hybrid provision. From a pragmatic business perspective, we are concerned that the 50 percent value test, which is the linchpin of the provision, is vague and could create anomalous results. For example, over the life of an instrument, its "value" can change, even without any movement in the cash market; a simple change in the yield curve could result in the "value" of the commodity portion of the instrument dropping below or increasing above 50 percent. This means that the same hybrid instrument could, at time of issuance, have more or less than 50 percent of its value linked to commodities depending on market movements, so that the same instrument would be treated differently depending upon when it was issued. It is unclear to us how the regulatory scheme would impact on such an instrument when this occurred, particularly given the exclusive jurisdiction of the CFTC over products with the commodity value of more than 50 percent. Much depends on how "value" is to be computed, and S. 207 does not provide sufficient guidance.

We understand it was the intent of the Senate Agriculture Committee to create a functional regulatory approach to jurisdictional decisions involving hybrid instruments. We do not disagree with this approach fundamentally. However, as with swaps, our concerns are basic, i.e., to avoid ambiguity and uncertainty but also to avoid creation of clear rules which will unduly restrict innovation in a new and developing market.

We believe the hybrid instruments provisions is in need of further discussion and revision. A solution may be possible with further debate, perhaps by expanding the exemptive authority of the CFTC in order to achieve a more pragmatic result.

I hope the views of CS First Boston are helpful to you in your deliberations on this important legislation.

Very truly yours,
JOHN M. HENNESSY,
CS First Boston, Inc.

SECURITY PACIFIC NATIONAL BANK,
New York, NY, April 3, 1991.

Hon. CHRISTOPHER J. DODD,
Hon. JOHN HEINZ,
Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATORS: Thank you for requesting Security Pacific's comments on The Futures Trading Practices Act (S. 207) and, in particular, The Intermarket Coordination Act. I have been asked to respond to your inquiry. We have been following the development of S. 207 with some concern. We are aware of, and share to a considerable extent, Chairman Greenspan's reservations.

Most importantly to Security Pacific, S. 207 promises to formalize another tier of regulatory oversight upon businesses already fully supervised and, in the case of holding company-owned national banks, by multiple regulators. S. 207 would create regulatory ambiguity for U.S. businesses that depend for their success on constant innovation in globally competitive markets.

Security Pacific National Bank's swap group, as a case in point, has been a recognized world leader in interest rate and currency swaps and related products. In the present climate of diminished credit availability, our swap group has thought to apply developing mechanisms (such as marking-to-market and collateralizing) to limit credit risk in ways acceptable to Security Pacific and its counterparties. Since the CFTC issued its 1989 policy statement creating a "safe harbor" for swaps from regulation under the Commodity Exchange Act, however, risk elimination mechanisms have been viewed as potentially dangerous, apparently because risk elimination is effected in exchange-trading of futures contracts. We see a counterintuitive element in this safe harbor scheme that encourages market participants to preserve risk to mitigate their regulatory exposure.

S. 207, as recently reported by the Senate Committee on Agriculture, Forestry and Nutrition contains similar anomalies with respect to swaps. The exclusion from CEA jurisdiction proposed in new Section 4(d)(1) of the Act extends only to swaps between end users, leaving the bulk of swaps involving market makers (who provide credit intermediation and liquidity to the market) with only the potential for exemptive relief following CFTC notice and hearing. The standards within which the CFTC would be able to exercise its exemptive discretion are ambiguous and entirely novel, and therefore unilluminated by precedent. Subparagraph (C) appears designed to preserve credit risk in swaps, while subparagraph (D), fairly construed, would deny the swap market the benefit of risk netting and potential clearinghouse mechanisms that both international and national bank regulatory organizations now view favorably.

S. 207, as reported, would cast a significant shadow on the legality of the existing swap market. Concerns that business would move offshore as a result of these proposals are certainly well founded. Additionally, the range of products available to domestic users would be diminished.

We are aware that various firms and trade organizations have been negotiating possible revisions to Section 302 of S. 207 with the CFTC. Our understanding is that the CFTC has been receptive. It is our hope that S. 207 generally will be subject, with the cooperation of the CFTC, to such revision as may be required to avoid both unnecessary overlaps of regulatory authority and the chilling ambiguity and confusion that may result if products beyond the scope of the commodity markets are viewed through a regulatory looking glass designed for the commodity markets alone.

If I may be of further assistance, please do not hesitate to call at (212) 836-5997.

Sincerely,

JOSHUA D. COHN,
First Vice President and Counsel.

MORGAN STANLEY,
New York, NY, April 4, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Securities Subcommittee, Committee on Banking, Housing and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 28th regarding Title III of The Futures Trading Practices Act (S. 207). We appreciate your efforts in addressing our industry's concerns with the legislation, and we are eager to assist you and your staff in analyzing its impact.

Several officers at Morgan Stanley have been working with our government relations representatives to communicate our concerns with Title III to the relevant agencies, including the Commodity Futures Trading Commission, the Securities and Exchange Commission and the Treasury. I have enclosed a memorandum we have prepared that presents our views on the market for swaps, hybrids and other similar financial instruments and the impact of Title III on product innovation.

I hope our comments are helpful and will look forward to hearing from you and your staff if we can provide any further assistance.

Thank you again.

Best regards,

RICHARD B. FISHER.

MEMORANDUM—RE: TITLE III, S. 207 THE FUTURES TRADING PRACTICES ACT, APRIL 4, 1991

Swaps, hybrid securities and similar financial instruments have emerged to meet the real economic needs of market participants. The development of these products is characterized by a high degree of innovation to meet market requirements, and their viability is often highly sensitive to market conditions. A product that makes economic sense one day may no longer make sense just a few days or even hours later. Swaps are generally used by market participants to manage exposure to price risk on interest rates, commodities and other financial indices and to allocate the price risk in an economically efficient manner. Hybrid securities and similar financial instruments provide capital formation opportunities for issuers, attractive investments for investors and opportunities for financial intermediaries to match buyers and sellers of the options and futures embedded in these products. These instruments were not contemplated when the Commodity Exchange Act (the "CEA") was adopted. As a result, under the language of the CEA, it is often not clear whether these new instruments fall under the jurisdiction of the Commodity Futures Trading Commission (the "CFTC"). In some cases, this uncertainty has stifled innovation, forced transactions offshore, increased the cost of capital to U.S. issuers and made the U.S. financial markets less competitive.

We would welcome changes that eliminate this uncertainty. Title III attempts to address these problems with a new specific exclusion for swaps, a new functional test for whether a hybrid instrument should be treated as a future and a new procedure for securing exemptive relief from the CFTC. While we recognize and are pleased that the thrust of these changes is to clarify that the CEA does not apply to instruments which bear only some incidental resemblance to futures, we do not believe that Title III as proposed will eliminate the majority of the uncertainty.

As you know the International Swap Dealers Association has been active in suggesting improvements to the language in Title III for the swap exclusion. Concerns have been raised that the proposed language may unintentionally raise new questions about the exclusion of swaps. Furthermore, Alan Greenspan, Chairman of the Federal Reserve Board, believes that the development of proposed netting arrangements for swaps may inadvertently be impeded by Title III.

In the area of hybrid securities, Title III's new 50% "commodity value" test while simple in formulation leaves much to the rulemaking discretion of the CFTC. Whether a 50% test will provide clear guidance and will exclude instruments that only have incidental elements of "futurity" will depend on the rules promulgated by the CFTC to implement the test. Experience has shown that rules to quantify the "commodity value" of an instrument would be impractical; rule making of this kind would be very difficult to develop and would need ongoing refinement to deal with innovative new products which test the boundaries of, and the assumptions used to develop, the rules.

Finally, the new exemptive procedures, although theoretically helpful, may not be of much practical use. As proposed, the exemptive procedures are limited to privately placed offerings and would not be available for publicly registered offerings. Excluding public offerings from the exemptive procedures severely limits their usefulness. Furthermore, the hearing requirements will lead to a time-consuming process that is inconsistent with the speedy time tables necessary to develop and offer instruments whose appeal may quickly disappear with the passage of time and a change in market conditions. Finally, the public hearing process may interfere with development of new products since proprietary technology may have to be shared prematurely with competitors in the hearing process.

While we believe that Title III attempts to address the difficulties with the current regime, more can be done to increase regulatory certainty and to provide a speedier mechanism to resolve jurisdictional issues. These changes will be necessary to insure the competitivenes of the U.S. financial markets, to promote innovation and to expand capital formation activity. We hope our comments have been helpful and would be pleased to provide your Committee and your staff with more information.

MORGAN STANLEY & CO., INC.

SOLOMON BROTHERS, INC.,
New York, NY, April 9, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Securities Subcommittee, U.S. Senate, Washington, DC.

DEAR CHRIS: Thank you for your inquiry regarding Title III of S. 207.

You refer to concerns expressed by Messrs. Breeden and Greenspan regarding this proposed legislation. We share many of their concerns. We do believe that the version of Title III approved by the Agriculture Committee would have a crippling effect on the market for interest rate swaps in this country and on the development of new financial market products needed to reduce interest rate and currency risk in an uncertain world. A critical component of the intermediary function performed by both commercial and investment banks would be driven offshore, but more importantly issuers and institutional investors, including fiduciaries, would be forced to employ market alternatives (if available at all) that have inferior risk management capabilities.

Accordingly, we have, through the Securities Industry Association, worked to find common ground with the CFTC to offer significant revisions to Title III. If the modifications that appear to have resulted from that process were effected, Title III could become a useful measure to the extent that it clarifies the legal status of swaps and other hedging instruments.

Please feel free to contact Michael Andrews in our Washington office if we can be of further assistance in this matter.

Very truly yours,

JOHN H. GUTFREUND.

FREDDIE MAC,
Washington, DC, April 8, 1991.

Hon. DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter is to provide you with the views of the Federal Home Loan Mortgage Corporation ("Freddie Mac") on S.207, a proposed amendment to the Futures Trading Practices Act of 1991 which addresses the so-called "exclusivity clause" of the Commodity Exchange Act (the "CEA"). Although the bill does not affect Freddie Mac's current business in a pervasive manner, certain aspects of the legislation could inhibit future activities, and, as a result, the fulfillment of the corporation's housing mission.

Our first concern is that the bill could potentially harm the continued development of swap markets. Although Freddie Mac's participation in swap transactions historically has been minor, we can foresee an increasing need to utilize this type of transaction. Interest rate and currency swaps are tools that we contemplate employing in order to manage interest rate risk. In addition, Freddie Mac recently has begun to tap global capital markets as a means of broadening the market for mortgage-related securites and lowering mortgage costs for American homebuyers. If, for example, Freddie Mac were to issue mortage-related securities denominated in a foreign currency, we would want to enter into a currency swap transaction to eliminate foreign exchange rate risks.

The proposed legislation increases uncertainty as to whether these types of transactions are permitted. The bill also appears to inhibit the development of margining and clearing systems that reduce the counterparty credit risks associated with such transactions. Freddie Mac encourages any effort to revise the bill's language to eliminate these potentially adverse developments. We would encourage a broad "exclusion" for swaps from the Commodity Exchange Act as opposed to the somewhat narrow exemptive power given to the CFTC under S.207.

The treatment of so-called "hybrid securities" also concerns us. Although it does not appear that any securities previously issued by Freddie Mac would be affected, the ability to be innovative in creating new securities could be affected, resulting in a disruption in the flow of affordable funds to the American homebuying public. The uncertainty relating to hybrid securities products could delay or prevent the creation of innovative security designs which otherwise would benefit both investors and homebuyers.

I hope this information has been helpful to you. Please do not hesitate to contact us if you require any further assistance.

Very truly yours,

MAUD MATER,
Senior Vice President,
General Counsel and Secretary.

AMERICAN BANKERS ASSOCIATION,
Washington, DC, March 22, 1991.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The American Bankers Association ("ABA") wishes to express its strong concerns with the Futures Trading Practices Act (S. 207), as reported by the Senate Agriculture Committee. In particular, the ABA is extremely concerned about the detrimental impact that Section 302 covering exemptive authority and Section 303 governing hybrid commodity instruments may have on the development of new financial products. In large part, these Sections seek to extend the jurisdiction under the Commodity Exchange Act ("CEA") of the Commodity Futures Training Commission ("CFTC") over certain financial products. In our view, no need exists for the CFTC to regulate certain types of swap agreements, deposit accounts and hybrid instruments since they are either subject to regulation by federal and state banking authorities or do not have sufficient indicia of futurity to require CFTC regulation. The ABA is concerned that the manner in which these provisions have been drafted will have potentially wide ranging and undesirable effects on a vast array of existing and new financial products that may be offered outside of future exchanges. For example, as the bill is currently drafted, any financial product, including a deposit account, that does not satisfy all the enumerated prerequisites for exemption would be subject to CFTC jurisdiction. Given this potential for expensive and duplicative regulation by the CFTC of these deposit instruments, banking institutions will be reluctant to develop new and innovative products to suit the financial needs of their customers.

From a policy point of view, extending the jurisdiction of the CEA to require futures exchange trading for swap agreements, deposit accounts and hybrid instruments is both unnecessary and burdensome. Swap agreements are not offered to the public and financial institutions and securities firms, participants in the swap market, are currently subject to federal oversight and protection. Deposit accounts, while offered to the public, are also subject to comprehensive regulation by federal and state banking regulators. Hybrid instruments, to the extent they are structured as depository instruments, are similarly subject to comprehensive federal and state banking regulation.

Consequently, it is the ABA's position that these instruments, to the extent they are subject to federal or state banking regulator oversight or are not offered to the general public, should be expressly excluded from CFTC jurisdiction. The ABA is confident that any such exclusion could be drafted to ensure that the public interest is adequately protected.

The ABA would note that it would not support in any manner the total elimination of these provisions from the bill. Rather the ABA believes that the CEA should be clarified to exclude bank products currently subject to federal and state regulation from duplicative and potentially inconsistent regulation by the CFTC.

For example, an exclusion could be drafted for deposit accounts by removing current paragraph (d)(2) to Section 302 and, instead, inserting the following language in Section 2 of the CEA:

"This Act shall not apply to any demand deposit, time deposit, or transaction account (as defined in subsections (b)(1), or (c)(1), and (e) respectively, of Section 204.2 of Title 12, Code of Federal Regulations) subject to regulation by an appropriate federal banking agency."

This exclusion would ensure that new product development would not be stifled because duplicative and burdensome regulatory requirements would not be superimposed on existing bank regulation governing deposit accounts. Moreover, concerns that these instruments could escape any federal oversight would be avoided as the exclusion would be predicated on the deposit account being subject to federal or state banking regulation.

We appreciate the opportunity to express our concerns regarding Title III of S. 207. The ABA staff will be pleased to work with you and your staff to address these important issues for the banking industry.

Sincerely,

EDWARD L. YINGLING.

AMERICAN BANKERS ASSOCIATION,
Washington, DC, April 17, 1991.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The American Bankers Association ("ABA") wishes to express its strong support for the proposed amendment to be offered by Senators Bond and Wirth ("Bond/Wirth Amendment") to the Futures Trading Practice Act (S. 207). The ABA is the national banking trade association representing banks of all sizes and types, and in all locations. The asset of our membership represent approximately 95% of the industry total.

The ABA is extremely concerned about S. 207, particularly the provision applying to deposit instruments and loans. Specifically, the ABA is concerned about the detrimental impact those provisions would have on both the current legal status of these banking products, as well as future development of new financial products. For example, as presently drafted, S. 207 would provide that any deposit account that does not satisfy all the enumerated prerequisites for exemption would be subject to CFTC jurisdiction. As these accounts are already subject to comprehensive regulation by federal and state banking regulators, the ABA sees no need from a public policy point of view to subject them to a further layer of regulation. Moreover, given this potential for expensive and duplicate regulation by the CFTC of these deposit instruments and loans, the ABA believes that banking institutions would be reluctant to develop new and innovative products to suit the financial needs of their customers.

The Bond/Wirth Amendment would alleviate many of our concerns in this area. By providing that deposit instruments and loans offered by insured depository institutions are not subject to CFTC jurisdiction, the Amendment would clarify the legal status of these products. In addition, the Amendment would ensure that banking institutions will be able to continue to offer these bank products to their customers, as well as to keep pace with market demands by developing and offering new and innovative products that suit their customers' needs. Moreover, federal oversight over these products will be assured as they will continue to be subject to federal and state banking regulation.

The ABA appreciates the opportunity to express its full support for the Bond/Wirth Amendment. The ABA staff will be pleased to work with you and your staff to address these important issues for the banking industry.

Sincerely,

EDWARD L. YINGLING.

Mr. SIMON. Mr. President, I shall be very brief. I agree with some of the things that my colleague from Connecticut said. There is no question that the means that we have in this country for raising capital is extremely important to our country, which is one-fifth of the world economy, and important to the world. Just today, I think, in the Washington Post, maybe the New York Times, is a story about Poland's experiment in the stock market. They are going to open it up, I believe, in a few months. They have followed our means of raising capital, and they are trying to learn from us.

Second, I agree with the Senator from Connecticut in saying we should not worry about whose jurisdiction, whose toes we are stepping on. We have to do what is best for this country. But there is also on old saying, "If it ain't broke, do not fix it." And the system that we have is working basically pretty well.

Now, there has been some concern about margins. A year ago when we were talking about this not on the floor, but basically off the floor—I see Senator GRAMM, from Texas, here. We were talking about margins. And there has been a compromise here where we give jurisdiction ultimately to the Federal Reserve on that important question of margins. So, if the theory was correct—and I do not happen to believe it was correct—but those who say the futures market has been responsible for excessive velocity in the markets so that we can regulate it a little better, that has been taken care of.

The second major problem is the hybrid problem. Here my friend from Connecticut talks about if something is 51 percent one way or 51 percent another, there are going to be huge problems. They are rarely in these hybrids any 51 percent things. They are 80 percent, 20 percent. They are overwhelmingly one or the other. And the compromise that has been worked out here I think is a very practical compromise.

What the amendment offered by my friends from Missouri and Colorado would do would tilt things very dramatically in the direction of the SEC. And if we just ask ourselves which of the bodies has more problems within its jurisdiction already, the SEC or the CFTC, it is fairly clear almost every day's newspaper has some kind of an SEC problem. For us to shift more jurisdiction in that direction, I do not think makes sense.

Then, finally, Mr. President, I think one of the rules that we ought to follow in this whole area is the rule of prudence. Let us be careful. The Agriculture Committee, much to the credit of Senator LEAHY and Senator LUGAR, has come up with a carefully crafted answer that moves, but does not move too dramatically, moves more than the House. The House has simply reauthorized CFTC as it is right now. Candidly, we could leave that reauthorization as it is right now and I think have no jeopardy to the capital markets in this country.

But this compromise has been fashioned, and the futures industry has accepted this compromise. Frankly, I am a little surprised that they have accepted as much of a compromise as they have. But let us exercise prudence. Let us not accept in Bond-Wirth amendment that could cause real jeopardy to the future of something that is extremely important to the economy of this country and the economy of the world.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in support of the Agriculture Committee bill and in opposition to the Bond-Wirth amendment.

Mr. President, I guess everybody that has spoken today has said that this is a complicated, technical issue. In a sense it is a complicated, technical issue. But in another sense, we have voted on few issues in the 7 years that I have been in the Senate that have been any more clear-cut than this issue.

It is always instructive, when you are looking at a jurisdictional dispute, to go back and look at the source of the dispute. I do not want to go all the way back, but let me go back 3 years to talk about the source of the current controversy, because I think it is very instructive as to what we are talking about.

I remind my colleagues that 3 years ago there was an effort made by the Ag Committee to reauthorize the CFTC and to strengthen its enforcement powers. The Ag Committee had held a series of hearings. They had looked at problems that had emerged as the futures market had expanded and they sought to give more power to the CFTC to try to strengthen the market and to try to protect the public interest.

If we all think a little bit, we will remember what happened. What happened was that the SEC sought at that time to take jurisdiction over stock index futures from the CFTC and transfer them to the SEC. Three years later we are still involved in this debate.

Let me remind my colleagues a little bit about the source of that dispute. In 1978 an effort was made to trade stock index futures. A petition was made that they be allowed to be traded and the SEC, which is being portrayed to us today as this "fountain of all innovation and competition," looked at stock index futures and said, "They have limited utility. They have no demonstrated economic purpose." So the SEC said do not let these instruments be traded.

I remind my colleagues, that was in 1978. This whole story reminds me of an analogy, where a baby is born and the baby is ugly. So the mama of this baby puts this baby up for adoption. That, in essence, is what the SEC did in 1978.

They said we do not want this baby. This baby is ugly and we do not want to have anything to do with it.

So they put it up for adoption and along came the CFTC, which adopted this baby and took it off to the country. It grew up with its country cousins, pork bellies and grain futures, and it prospered and became one of the most important financial markets in the world.

Now, 3 years go by and the SEC comes back and says: "I love this baby. I want this baby back. This is my baby. I love it. I want it back." It cried great tears, demanded to have the right—maybe to kill the baby for all I know—but they wanted it back.

We were not swayed by those tears. We were not swayed and that effort was defeated. But our efforts to strengthen the regulatory powers of the CFTC were prevented from becoming a reality because of this jurisdictional dispute. Now we are back in round 2. Round 2 is called the Bond-Wirth amendment and before I get into it, let me remind my colleagues where we are in this debate because I think it is very important. I am sure a lot of legislative assistants are sitting in their offices—I hope you are listening to me; if you are, pay attention—trying to decide how to advise your Senator to vote. Let me remind you where we are.

First of all, the House dealt with this issue. They rejected all these changes. They adopted a clean reauthorization bill that simply strengthens CFTC's enforcement powers but does not get into this jurisdictional dispute at all. They do not have any intention of getting into it.

That is one half of this puzzle that is coming to the conference committee. When the Ag Committee, after 3 years of frustration, decided to work something out, the Treasury had opposed the CFTC's position and they sat down and worked out a compromise. This compromise, as one would expect, is an effort to come together and to work out an agreement.

They came together and worked out an agreement and it represented compromise on both sides—not unheard of, I would say, in the democratic process. This compromise was a compromise whereby the CFTC gave up its power to set margins. It gave it to the Federal Reserve Board. The fact that these margins have nothing to do with credit, and it makes absolutely no sense economically or logically, did not change the fact that it was part of the fabric of this compromise. The proponents of change wanted the Fed to have this ability to set margin requirements, even though the margin on a future is earnest money, whereas margin on a stock is downpayment on a loan.

But the CFTC made the compromise. The Treasury entered into an agreement and the agreement deals with hybrid products. Let me remind my colleagues that basically, while there is dispute about what the current law says—it was written before any of us on the floor were here; had we been here, of course, it would have been clearer—but that law basically says that anything that has any futurity in it belongs to the CFTC.

We can debate about that, but that is basically what the law says. What did the CFTC say in a spirit of compromise? The CFTC said: Look, rather than spending millions of dollars on lawyers, spend $10 on a calculator and basically, in a hybrid product that is part a future and part a security, if it is more like a security than a future, give it to the SEC and the securities market. If it is more like a future than a security, give it to the futures market and let it be regulated by the CFTC. And set up a simple process to try to calculate it. That was the essence of the compromise.

Now we are caught up in this battle of egos. Now the SEC, rather then claiming victory, which would have been wise, claims that this compromise is a great defeat. Those of us in politics understand you get defeats every day. But in any case we are now involved in this ongoing jurisdicational dispute whereby the whole 70-year financial regulatory process of the country is proposed to be turned on its head.

And that brings me to the Federal Reserve Bank. I have the highest regard for the Chairman of the Federal Reserve Board. He has been quoted many times today on the floor but let me try to place what he said in context.

First of all, he said that the committee bill before us is an improvement on current law. As compared to current law, he is in favor of the committee bill. If the vote is on adopting the committee bill or not adopting it, Chairman Greenspan is in favor of the committee bill. Nobody will disagree with that.

Chairman Greenspan, however, says there is a preferable alternative and that alternative is to allow financial instruments to choose which market they will trade on. Let me remind my colleagues that for 70 years we have had what is called functional regulation. Functional regulation is where we look at what something is, and then it is regulated by an entity that is specialized in regulating that type of financial asset.

Chairman Greenspan did not disagree with the thesis that this is counter to the current banking bill which is pending before the Congress, which is a movement away from letting different financial institutions choose their regulators. We had great experience with that, I might say, in the current financial crisis in the S&L's and the banks. In fact, for 15 years, virtually everything we have done in the name of regulation reform has been movement toward functional regulation.

The Chairman of the Federal Reserve Board is an economist and he believes that we ought to, in the equities and the futures markets, change 70 years of regulation and let new instruments choose which market they want to be in and who ought to regulate them.

Mr. President, maybe that is a good idea and maybe it is a bad idea. But it is a dramatically different idea than we have contemplated.

While I am going to argue that it is a bad idea, I guess I would say to my colleagues that if we are going to turn 70 years of regulatory process on its head, we ought to be doing that on a bill that is dedicated to that purpose, not a simple reauthorization bill for only one of the two affected agencies. If we are going to radically change the regulatory process whereby we regulate financial instruments in this country, we ought to hold many hearings, not one 90-minute hearing. We ought to have a bill dedicated just to that purpose. We ought to reauthorize the CFTC and then come back and adopt a bill to change dramatically the regulatory structure.

Mr. President, I do not think we are ready to do that. But let me explain why I think it probably is not a good idea.

First of all, futures and equities are not the same thing. That is why we have a Commodity Futures Trading Commission and why we have an SEC. If I sell you a stock, then that is an arm's-length transaction and I do not incur any liability in the process. If I sell you a future, there is an obligation for future delivery, and I take on some risk. The market for futures and the market for securities is fundamentally different, and that is why we regulate them separately.

Mr. President, while Alan Greenspan would like to change that and simply let these new emerging instruments choose their market, that is not really what the Bond-Wirth amendment does. It does not go as far as as Chairman Greenspan wants to go. It simply says that traders in futures can choose the equity market, but it specifically denies equities that are in this transition range on this continuum from moving in the other direction. It would allow stock exchanges to trade futures on individual stocks, but it would not allow these futures to be traded on a futures exchange. It gives the power of designation to the SEC, not to the CFTC, not to a joint determination.

Mr. President, if the logic of the Greenspan proposal is to allow new emerging instruments to choose, then we ought to let them choose and we ought to let them move in both directions. We ought to repeal the old agreements that prevented options from being sold on the futures exchanges. We ought to allow options to be sold anywhere and allow these hybrids to be sold anywhere.

That is not what the Bond-Wirth proposal does. The Bond-Wirth proposal is totally one-sided in that it allows futures to move under the jurisdiction of the SEC and, even further than that, it allows the SEC to have the power to designate.

Mr. President, what stuns me is that all of this is done in the name of competition, in the name of innovation. I ask my colleagues, is there anybody who is willing to say in the last 15 years that the SEC has allowed more innovation than the CFTC? In fact, Mr. President, I do not believe that the SEC would make that claim. I do not think any living person would make that claim. In fact, almost all of the financial innovation in the country has come from the futures exchanges which have been the very hub of innovation, not only in this country, but in the whole world.

In fact, I raised an example yesterday that I would like to raise again today: If stock index futures did not exist today, but came into existence in the future, and if the Bond-Wirth amendment as now written were the law of the land, and if SEC claimed jurisdiction and then refused to let them be traded, then, Mr. President, I am not certain that they could be traded.

Let me talk about foreign competition. What is the major impediment today to America's competitiveness on the world financial market?

Before I answer my own question, let me make it clear that we dominate the world market because we dominate the trading of American securities. But if we were going to take an action today that would increase America's competitiveness and increase our share of the world's financial market, what would we do?

I do not think we would adopt this amendment. I think we would by statute override the Securities and Exchange Commission which, despite requests by the New York Stock Exchange to be allowed to trade foreign securities and to interpolate from foreign accounting procedures to our generally accepted accounting procedures, has denied those requests. We would override the SEC and allow foreign securities to sell with the review of the New York Stock Exchange. That does not happen today because the SEC forbids it.

Mr. President, I have heard several examples of these phantom securities that are precluded from trading because of these jurisdictional disputes. There may be securities that have been precluded, but every time that I have tried to run one down—and I stand to be corrected because there are tens of thousands of them—but every time I try to run one down, it is either about to be traded somewhere else or it is being discussed somewhere else, or it turns out to be some gold index that is traded abroad because they did not want to meet the stringent reporting requirements in the United States.

So I am not claiming that every instrument finds America its home. What I am claiming is that we are the source of 99 percent of the innovation in the financial markets in the world, and at least 90 percent of that 99 percent comes in the futures markets under the jurisdiction of the CFTC.

Mr. President, what the Bond-Wirth amendment does is take half of the Greenspan proposal. It says "let futures trade on the equity market," but it does not say "let options trade on the futures market." It does not say let futures on individual stocks trade on the futures market.

Do my colleagues know why? Because the New York Stock Exchange is opposed to that. Mr. President, all we are saying is that you have freedom of choice in one direction. You have freedom of choice in the Soviet Union. You can join the Communist Party or not—at least in the Soviet Union prior to 5 years ago.

I want to be sure the equities markets of America understand what is going to happen if the Bond amendment is adopted. I hope we will be so wise as to reject the Bond amendment, and I feel increasingly confident we will. But I want to tell my colleagues, if this amendment is adopted, then I intend to come to the floor with other amendments and repeal all of the prohibitions that prevent options from being traded on the futures market and all of the prohibitions that keep hybrids from moving back in the other direction. If we are going to let futures trade on the equities market, why can we not have futures on individual stocks trade on the futures market?

Mr. President, listening to Chairman Greenspan yesterday, that is clearly the kind of regulatory regime he envisions, but that is not the regulatory regime that is going to be presented to us as an alternative either today or tomorrow. It is a one-way choice which raises the regulatory authority of the financial regulator that has been the least innovative and that has, in fact, tried to prevent the trading of stock index futures which have been the premier new instrument of the last 15 years.

Mr. President, in sum, we have a bill before us that is a compromise. It is, quite frankly, not my first choice. My first choice is to do what the House did, which is to leave the jurisdiction the way it is, to leave the commodity futures legislation as it now exists, so if something is a future it is regulated by the futures market; if it is a pure security, it is regulated by the SEC.

The problem is that while the proponents of stock index futures never had the votes to be successful, they had the votes that were sufficient to prevent us from reauthorizing a major regulatory agency and to prevent us from strengthening its ability to do its job. So in trying to accommodate the concerns, we have worked out a compromise. It is a compromise that is supported by the Treasury.

I know we have had a half a dozen people come over here and say, you know, the Treasury really would like to have had something else.

I do not know if that was an option they had. They may or may not have wound up with their second or third choice, but they made a decision and said "We do," and society respected it and most people were happy with it and rejoiced.

Whether this was the first choice of the Treasury Department is irrelevant. What is relevant is they have said "We are for this bill. It represents a compromise that we do support. It is a compromise. We did not get every single thing the way we wanted it, but we got enough that we are satisfied with it. We are signed on to it."

They have gotten the futures industry and those involved that have agreed to try to support this provision in conference. The Bond-Wirth amendment has no agreement. In fact, it is probably that no conferee would support that provision since the Agriculture Committee voted unanimously for the compromise.

So what did the Treasury get? They got part of what they wanted. They got an agreement that what they do get here, they are going to have an excellent change of getting in conference. They said a deal is a deal. We accept it. The Secretary of the Treasury is for it. The administration is for it. The administration has taken a position in favor of it. The Office of Management and Budget signed off on this position.

Now, all of a sudden, we have all of these people who are saying this really was not the President's first choice.

Well, Mr. President, all I know is the Treasury Department supports this provision. The Treasury Department opposes the Bond-Wirth amendment.

Finally, Mr. President, let me just say to those who like this idea of shopping the regulator, it is a new idea. It is not an idea that I have completely thought out. It is not an idea that I fully understand.

I would submit that probably there is not another Member, certainly not more than five, who have really had an opportunity to think through this revolutionary process. If we decide to go in that direction, it is something that ought to be studied for a year. We ought to have dozens of hearings, and we need a bill that goes both directions, not one direction.

So I urge my colleagues to end this 3 years of debate, reauthorize the CFTC, give them the strength they need to enforce the law and protect the public interest, accept this compromise which the Federal Reserve Bank says is an improvement on current law. Then, if we want, we could come back and have hearings—bring in expert witnesses, listen to the stock exchanges, look at trading options in Chicago, look at futures on individual stocks, let the New York Stock Exchange see if they really want that, let the Chicago Mercantile Exchange see if they really want that, give them a chance to be heard—and then make that decision.

My guess is we will not make that decision; it will not turn out to be a good idea; they will not be for it. But in any case, if we are going to decide that, we ought not do it here on this bill today.

So I urge my colleagues to support the committee's compromise—hard won, reasonable, practical. Reject the Bond-Wirth amendment. Now is not the time to turn 70 years of regulation on its head. And then, if this has merit, error alone needs the support of government. The truth will stand by itself. This idea will come up. We will debate it. We have 5 years for debate under the current reauthorization. If it has merit, we will end up doing it. My argument will be if it has merit, let us merge the two agencies.

Mr. President, it has been a long speech, but I think with all that has been said, it was important to try to put into the language of everyday people what the dispute is about. I hope my colleagues will reject this amendment when it is offered and let us get on with the business of protecting the integrity of America's financial markets, the best financial markets in the world, the envy of the world, with regulation that has been based on functional regulation.

I yield the floor.

Mr. CONRAD. Mr. President, I rise to strongly support S. 207, the Futures Trading Practices Act of 1991. I might note that I supported this bill when it passed the Senate Agriculture Committee in 1989.

This piece of legislation has been a long time coming. I can say, as a member of Senate Agriculture Committee, this has been scrubbed and washed and reviewed and analyzed so long that I think everyone ought to be ready to accept the reasonable compromise that is embodied in this bill.

Mr. President, very simply, this legislation is designed to strengthen the regulation of futures trading in the United States. The purpose is to assure that U.S. futures markets are most efficient, the most honest, and the most fair in the world. It makes several important changes in the operations of the Commodities Futures Trading Commission and of the futures exchanges.

First, as a consequence of the 1989 hearings—and I might just say to my colleagues who are listening, those and the 1991 hearings were extensive. We have heard some assert that this bill has not had a thorough review, that there have not been extensive hearings. I do not know where they were, but they were not sitting in that hearing room hour after hour when we heard witness after witness testify as to their views on the legislation before us.

First, as a consequence of those 1989 hearings, the futures industry is already well on the way to developing a computerized system of tracking floor trades which will allow closer regulation and supervision of floor traders.

Mr. President, I came to this body as a former State tax commissioner. I have had hundreds of auditors working for me. I know the necessity of having a good audit trail in order to assure ourselves there is not fraud in the markets.

The question before this body is very simple: Are we going to take action once and for all to assure the American public that they are safe, that they are secure, that they can be reasonably assured that they are protected from fraud and abuse in these markets?

Mr. President, this bill also strengthens the conflict of interest rules. I was instrumental in obtaining that strengthening of the conflict of interest provisions which are in this bill. My provision prohibits members of governing boards from participating in issues before the board in which they have a financial interest.

That sounds like an entirely reasonable thing. One would have expected that was already in the law. Unfortunately, it was not. That is hard to believe. We actually had people making decisions on issues before governing boards in which they had a financial interest.

Third, and particularly important, the CFTC is given additional regulatory powers and resources to more closely monitor the exchanges. One of these additional powers includes the second of my amendments. My provision allows CFTC to suspend from trading those who are caught violating the rules so they can be immediately removed from the fiduciary role of serving customers.

Mr. President, hard as it may be to believe, people who had been indicted for fraud and abuse were actually allowed to continue operating in the marketplace, buying and selling on behalf of clients. It is hard to believe. But that occurred. It could occur again unless we take action.

That is why this legislation is important. The Senate Committee on Agriculture passed this legislation unanimously. Every single member of the Senate Agriculture Committee that sat through weeks of hearings, hours and hours of debate, signed off on this legislation—not one dissenter. Every Republican, every Democrat, is on board with this legislation.

We have worked on a bipartisan basis with a wide variety of groups to develop a fair and effective piece of legislation. Not only have farmers and commodity groups participated in developing this bill, but also the Commodities Futures Trading Commission, the Department of Treasury, the Federal Reserve Board, the futures industry, the securities industry, the swaps industry, the banking industry, and other interested parties as well.

We have listened and we have been willing to make the technical adjustments in the language to assure that the legislation is specific and fair, and within the jurisdiction of the Agriculture Committee.

The futures markets comprise an industry essential for managing risk by sellers and buyers of commodities whether those commodities are wheat, oil, or stocks.

In addition to those hedgers, a small group of professional traders also engage in futures trading. Commodity prices are extremely volatile, moving in response to changes in the weather, international policy, trade policy, technology, interest rates, and currency exchange rates. Trades on futures exchanges are risky because futures trades are essentially bets that the prices of commodities will move in a particular direction.

I can tell you, Mr. President, there is nothing more volatile than commodities prices. However, precisely because of the volatility of commodities prices, futures markets are essential to risk management for a broad spectrum of businesses and individuals, ranging from wheat and cattle producers in North Dakota to managers of retirement fund portfolios with large investments in stocks and bonds. It is critical that this industry be regulated efficiently and fairly. This legislation, in my judgment, does that.

Title III of the Futures Trading Practices Act encompasses compromises on a number of highly controversial issues. First and foremost, the Federal Reserve Board is given authority to determine margins for stock index futures and stock index options traded on futures exchanges. This change was adamantly opposed by many and is a major component of the compromise.

I might say that the CFTC gave up significant ground in this compromise. They previously had jurisdiction in this area and they were willing, as part of a constructive compromise, to give up that margin setting to the Federal Reserve. I think that point should be noted. There are those who suggest the CFTC has been unwilling to compromise. In fact, they have given significant ground in the legislative vehicle before us.

I believe that change is important because it is good policy to coordinate the margins of stocks and stock index futures.

Second, the Commodity Futures Trading Commission is given authority and direction to exempt swaps from regulatory oversight if those swaps meet certain criteria. CFTC is given residual authority to reregulate swaps markets that do not operate in the public interest.

The committee did not believe the Federal Government should allow a major futures-type financial industry to be totally without regulatory oversight of any kind.

We will not allow the circumstances to arise that would see a repeat of the savings and loan debacle on our watch. As long as there are no abuses, the exemption of swaps from day-to-day regulatory oversight will continue.

The committee does not anticipate any of the current participants in the swaps industry are engaging or wish to engage in fraudulent activity. However, we are aware there are people in this world who are not completely honest and, unfortunately, some of them find their way into the futures markets, into the swaps industry, and should have ovesight.

Third, Mr. President, the controversy over trading stock index participations, securitized futures contracts, on stock exchanges is resolved by allowing these instruments to be traded on stock exchanges under a grandfather clause if they were created prior to December 31, 1990.

This seems to be the only way to settle the problem because, while the courts have ruled that stock index participations are futures contracts and should be traded on futures exchanges, a number of the Members of this body continue to demand that stock exchanges be given authority to trade these instruments.

Mr. President, this is a compromise in the best sense. It is a very difficult issue and ultimately we decide it. The fairest way to conclude it was to allow those who have already been trading on there exchanges to continue to do so.

Fourth, title III provides a compromise resolution of the controversy over hybrid instruments which have characteristics of both futures contracts and stocks or bonds.

Fundamentally, hybrids are those instruments that have both an element of futurity to them, but also have an element of security to them. The CFTC is provided with the authority to exempt certain instruments from its jurisdiction even though they are futures type instruments.

In addition, the compromise allows hybrid instruments with futures characteristics whose value is less then 50 percent dependent on the change in commodity prices to trade on stock exchanges.

This is a bright line test. That is what legislating is all about. In very complicated circumstances, we are asked to draw a line, to make a distinction. That is what we have done. Is it a perfect line? No one can honestly stand here and say, absolutely, this is where the line should be drawn.

Mr. President, there is no perfect answer to this question. Unfortunately, the controversy before us demands resolution. If we are going to protect the investing public, we have to make a decision.

The worst thing we could do in my judgment is to draw some fuzzy line, some line that would lead to endless litigation and controversy in the courts. What we have done is to say we are ready to draw that line, to draw it clearly and distinctly so that we do not find ourselves with 10 years of litigation and controversy in the courts.

Mr. President, it should be understood this compromise sharply reduces the authority of the Commodity Futures Trading Commission by eliminating from CFTC jurisdiction many instruments which have futures characteristics.

Just to review where we started this story, in current law CFTC has exclusive jurisdiction over futures instruments.

The CFTC is giving up jurisdiction, just as they did on the question of setting margins. Once again, in a good-faith attempt to compromise, they gave up jurisdiction.

This element essentially guts the 1974 provision that all futures contracts are to be regulated by the CFTC. The purpose of this compromise is to provide a fair and reasonable division between the regulatory authorities of the SEC, Securities and Exchange Commission, and the Commodity Futures Trading Commission, the CFTC.

I personally believe that this compromise is fair and reasonable for both the futures industry and the stock exchanges; but, most importantly, for the investing public.

Mr. President, our bottom line responsibility here is to all parties to the dispute. Clearly, we have concern about the futures industry in those parts of the country that are heavily dependent on agriculture. We also have a concern, in our role as stewards of the public interest about the stock exchanges of this country. But, most importantly, we have an obligation to the investing public.

This legislation advances the interests of the investing public. It continues to provide the investing public, particularly small investors, with a clear distinction between playing the more risky futures markets used by hedgers and professional traders and making less risky investments in publicly traded corporate stocks.

That is a very important point, Mr. President, very important. The futures markets are highly risky, and the investing public ought to understand that there is a distinction between investing in futures instruments and investing in stocks and bonds.

Mr. President, this provision continues to provide the investing public with that very clear distinction. It also provides a reasonable Federal oversight of margins on stock index futures. It provides rational Government policy on swaps, and it achieves a reasonable settlement of the stock index participations issue.

This is an excellent compromise, which protects the public interest while allowing for innovation and competition. The Futures Trading Practices Act, S. 207, should not be controversial. Unfortunately, this reform legislation has been caught in a jurisdictional dispute with the Securities and Exchange Commission. That, in my judgment, is regrettable. The SEC has a long and honored tradition, and has worked with the CFTC in the past to resolve jurisdictional issues arising from the development of hybrids.

Some people would like to deregulate the trade in futures contracts by allowing these highly risky instruments to trade on stock exchanges and to be sold by stockbrokers. Regardless of what they are called, these hybrid futures contracts will be futures contracts whose value depends on changes in commodity prices.

Proponents of this view offer dozens of arguments for deregulating futures contracts. However, the basic underlying reason for advocating the change is that the stock exchanges wish to make money by selling futures contracts retail to small investors.

Mr. President, this would be a very serious mistake for several reasons: First, some argue that futures contracts and stocks should be traded on the same exchanges. This, in my judgment, would harm the investing public. By making a clear separation of futures markets from stock markets, consumers are clearly warned against dabbling in futures contracts, unless they have a sound reason to hedge risk.

Exposing an unsuspecting public to hundreds of new futures type instruments traded on stock exchanges is a prescription for financial disaster for thousands of Americans. How will we explain this sudden change to retired Americans, who thought they were investing in stocks, but lost their life savings on risky futures contracts traded on stock exchanges?

Mr. President, I hope our colleagues will think very carefully of what kind of confused and mixed messages we will send the American public, if we make these radical changes without so much as a hearing focused on the specific elements that are in this new amendment before us.

Second, some argue that limiting futures contract trading to futures exchanges denies retail investors the ability to invest in instruments of their choice. Contrary to this assertion, retail investors may currently purchase futures contracts on futures exchanges. Furthermore, futures contracts are risk management tools. Users of futures who are managing risk are called hedgers. They are hedging risk. Users of futures who are not hedgers are often called speculators.

Do we really want to recruit a whole group of small invetors across America to be speculators? Is that really what we are about here in this Chamber? Is there an unsatisfied group of small speculators who are anxious to put their money at substantial risk? If so, they can already speculate on futures contracts under the careful regulation of the futures exchanges and the CFTC.

Third, some argue that exchanges should be able to trade any kind of instrument they want, whether it is a futures contract or a stock. This is really an argument that the regulation of stocks and futures should be subject to identical rules. It is not a sound argument.

The regulation of futures exchanges differs substantially from the regulation of stock exchanges because of the nature of the instruments. Futures trades are risk management tools. Stocks and bonds are claims on corporate entities. Separation in trading allows for specialization in regulation. Dual regulations would be required to properly regulate futures contracts traded on stock exchanges. One set of regulations would be required for stocks, and another for futures contracts.

Fourth, some argue that a level playing field for the two types of exchanges will be created by allowing creators of new instruments to select the exchange in which they will trade.

Mr. President, that is an open invitation to deregulation, because new instruments will be traded on the exchanges which regulate the least. In the case of futures contracts, the least regulation can be expected from the SEC. That is clear. That will not create a level playing field; it will create another deregulation disaster for the American public.

Fifth, some argue that the United States needs to allow stock exchanges to trade futures contracts, the so-called hybrids, so that we can be competitive in the world. In fact, our futures industry is already highly competitive nationally and internationally. Our futures industry has led the way in creating new risk management instruments for trading internationally.

Sixth, some argue that not allowing futures contracts—again the so-called hybrids—to be traded on stock exchanges damages the ability of U.S. corporations to raise capital. It is important to remember that future contracts are for the purpose of hedging risk, not raising capital.

No one can seriously believe that it will help U.S. industry to get heavily involved in speculative activities by buying and selling futures contracts. To assert that futures-type contracts are needed on stock exchanges to facilitate the raising of capital is to seriously confuse the purpose of capital raising and risk hedging.

Seventh, some argue that the 50-percent test designed to determine whether an instrument is a futures contract or a stock or bond is unfair because it is inherently unworkable and because the CFTC would not apply it equitably.

In fact, the record shows the test is workable, and the CFTC has provided numerous examples of how it will be used for various instruments.

Financial instruments whose value is 50-percent dependent on a play in the commodity prices are risky and should be considered for trading on futures exchanges. The CFTC has not and will not abuse power to regulate futures-type contracts. The CFTC, in fact, is losing jurisdiction under this compromise.

I have no interest in participating in a destructive deregulatory scheme promoted by various parties. Futures contracts are extremely risky by nature. They are also essential to risk management for a large number of industries.

Might I say that other members of the Agriculture Committee have no interest in participating in a destructive deregulatory scheme either. Futures markets work best when carefully and cautiously regulated. I believe that is verified by the 800-percent increase in trading of futures contracts since the implementation of the 1974 Commodity Exchange Act.

Eighth, some argue that the swaps compromise is destructive of the swaps industry. In truth, the number of technical corrections and compromises have been made in the swaps language, the swaps industry has signed off on the new language and is supporting the bill.

Mr. President, in conclusion, I strongly support this carefully crafted compromise. The Department of Treasury also supports the compromise. We have tried to draw a very careful line between the jurisdictions of the SEC and the CFTC. Many will argue that this line should be shifted a little one way or the other. In truth, this legislation has moved the line between SEC and CFTC jurisdiction in favor of the SEC on hybrid instruments.

My colleagues who oppose this compromise are, I believe, well intentioned. They are, however, advocating a position which is anticonsumer, antismall investor, and which, if implemented, would mislead the American public. Deregulated the sales of futures-types contracts will put at risk the savings of thousands of retirees and other small investors unnecessarily.

Let me conclude by saying again that I strongly support the careful compromise embodied in the Futures Trading Practices Act of 1991 and urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Missouri.

Mr. BOND. Mr. President, a number of things have been said about the proposed amendment that, frankly, have been said very eloquently but are not truthful. They do not reflect the real situation. I think it is important that we take a few moments and point out what the proposed amendment does and what it does not do.

First, let me comment, in reponse, that this destructive deregulatory scheme which we have heard is so vehemently opposed was in fact the basis of the compromise that was worked out last year by five Senators who are very much concerned about the problems with hybrids, the problems in the conflict between the CFTC, and the SEC and the need to establish Federal Reserve authority over stock index futures margins.

The five Senators, I restate one more time, who agreed upon that compromise were the chairman of the Agriculture Committee, the ranking member of the Agriculture Committee, the chairman of the Securities Subcommittee of the Banking Committee, the ranking member of that subcommittee, and me, who happens to have the great pleasure of being the only member who was serving on both committees. To say that it is a destructive deregulatory scheme, I am afraid, is a flight of fancy and hyperbole that we have to call to task.

We are not talking here about allowing futures to trade on stock exchanges or securities to trade on futures exchanges. There is a very clear body of law which says that the things that are clearly futures, 100 percent futures, the "plain vanilla futures," will and must trade on futures exchanges. Similarly, stock equity products are going to continue to trade on stock exchanges. We recognize in the proposed amendment the Johnson-Shad accord which divided jurisdiction between the SEC and CFTC in 1982. Contrary to what some of the opponents to the Bond-Wirth amendment say would be unacceptable, the amendment would allow people to choose whether they want to buy a stock index future or a stock index option. We have competition now between futures exchanges and stock exchanges. If you want to make a hedge or take a position based on where you think the stock index is going to go, you go to the futures exchange or you go to the securities exchange. That is competition that is good. That is what Chairman Greenspan said was good.

My dear friend from Texas said this is simply a battle of egoes. Having watched a litle bit of this battle, I will have to say that some of the regulators do get quite heated, and I guess, in all candor, I ought to confess that some of the Members of this body get quite heated and get themselves deeply involved in the arguments. But let us not say this is a battle of egoes when we already have a clear-cut statement by people who are involved in this regulatory field that the Bond-Wirth amendment, the amendment that I prepared with my colleague from Colorado, is a significant improvement over S. 207 as it applies to title III.

The Federal Reserve Chairman, Alan Greenspan, has said clearly the Wirth-Bond amendment is preferable. So has Bob Glauber, of the Treasury, who said that the Treasury had agreed to accept the language of the hybrid section because they wanted margins, but when pressed by the chairman of the Banking Committee and the ranking member yesterday, he said, yes, Bond-Wirth is better. Yes, clearly as a matter of policy, it is better. The Securities and Exchange Commission has presented its view. Certainly the testimony of Richard Breeden, the Chairman, yesterday was very persuasive. But I hope that my colleagues have had the opportunity also to read the letter from Mary Schapiro, an SEC Commissioner. It was introduced earlier today by Senator GARN. Commissioner Schapiro comes with the unique qualification of having served as counsel of the CFTC and as counsel to the Futures Industry Association. She knows both areas very well, and she said clearly the time has come when we have to do something about the exclusivity clause. I could give you a list of the many organizations. I am going to confine it to organizations and not just individuals, who have written to us saying that the Wirth-Bond amendment is preferable: The New York Stock Exchange, the American Exchange, the Office of the Controller of the Currency, the Federal Deposit Insurance Commission, the American Bankers Association, the Securities Industries Association, the Options Clearing Corporation, the Securities Traders Association, and the International Swap Dealers Association.

Wait a minute. I believe my colleague from North Dakota mentioned the International Swap Dealers Association. We have here a letter of April 15, 1991, from the International Swap Dealers Association, and it lists the members. It says in conclusion the members of ISDA believe it is of the utmost importance that the 102d Congress enact legislation. The CFTC proposal is a significant improvement over S. 207 as it was reported by the Agriculture Committee. The alternative proposal, which is the proposal submitted by my colleague from Colorado and me, would provide market participants with broader and cleaner assurances regarding inapplicability of the CEA to the swap business. Mr. President, I will provide my colleague from North Dakota and submit for the RECORD later on a copy of that letter for their information.

Mr. CONRAD. Will the Senator yield on that point?

Mr. BOND. I am happy to.

Mr. CONRAD. I do not know if the Senator has seen the letter dated April 15.

Mr. BOND. Yes.

Mr. CONRAD. I do not know if the Senator has seen a letter from the International Swap Dealers Association dated April 16. But I have in my hand that letter addressed to the chairman of the Agriculture Committee. At this point, with the Senators forbearance, I would just like to read into the RECORD the very short letter from the International Swap Dealers that says clearly they are supporting S. 207 as amended.

Perhaps I do not need to read the whole letter. I will just put it in the RECORD with the Senators' forbearance so other Members can see for themselves.

They had earlier responded to S. 207 prior to technical amendments. Now when they had a chance to review it with the amendments they are supporting the bill just as I indicated. I can understand the confusion given the fact that there were two bills—the bill as reported from the committee, versus the bill after being amended by the committee amendment.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL SWAP
DEALERS ASSOCIATION, INC.,
New York, NY, April 16, 1991.

Hon. PATRICK LEAHY,
Chairman, Committee on Agriculture,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: This letter responds to your request for clarification of our views regarding the provisions affecting swap agreements contained in the proposed substitute for Title III of S. 207 submitted to Senator Leahy on April 9, 1991. Members of International Swap Dealers Association, Inc., including 136 commercial banks, securities firms, insurance companies and others, act as dealers in swaps.

As we have stated before, we believe it is essential that the 102nd Congress adopt legislation that will provide legal certainty for the $2.5 trillion swap business by confirming that the Commodity Exchange Act does not apply to swap transactions. Unfortunately, S. 207, in the form it was reported by the Agriculture Committee, did not provide the needed certainty and was potentially harmful to the competitive position of U.S. firms in the worldwide swap business. We discussed these problems in detail in our April 9, 1991, letter to Senator Dodd.

In light of the problems with the swap provisions of S. 207 as reported by the Agriculture Committee, we appreciate the willingness of the CFTC to participate in detailed discussion of these provisions, and the substantial efforts that have led to the language contained in the substitute for Title III. It represents a significant improvement over the provisions in S. 207 as reported by the Agriculture Committee. In addition, even though this language does not incorporate all of the changes that we would consider important, we nevertheless believe that it represents a significant improvement over current law and if enacted would be both acceptable and beneficial to the industry and other users of swaps.

Respectfully submitted,
MARK C. BRICKELL,
Chairman.

Mr. BOND. I thank my friend from North Dakota. We will be delighted to see what position they take tomorrow. It will be of great interest and I will submit that for the record when we receive a copy of it.

But let me go back to the matter of the importance of changing the exclusivity clause. The reason it is absolutely essential now that the exclusivity clause be changed is that the exclusivity clause has been used to drive offshore markets from the U.S. market, instruments which have been developed for trading on the securities exchange, instruments which are being offered by federally insured banks as a means of either raising capital or providing market opportunities.

The index participation products was offered for trading on the American Stock Exchange and the Philadelphia Stock Exchange. It was approved by the Securities and Exchange Commission. There was a suit filed by the Chicago futures exchanges and the court said, although apparently not convinced of the policy soundness of the argument, the fact that there was some futurity in it meant that the exclusivity clause banned this instrument from trading anywhere but on a CFTC exchange.

The result is that that product has been driven offshore. That product has gone to Toronto to trade, and we understand it will trade in London. Similarly, the Wells Fargo Bank offered a certificate of deposit whose return was tied to a commodity, and the CFTC, despite the fact that the Wells Fargo was subject to bank regulations, exerted the exclusivity clause to prevent trading in or the sale of that CD. This has been used as a sword to stop competitors from the futures industry from offering innovative products.

As I said earlier, we are not talking about what is known as a plain vanilla future or plain vanilla security. I might refer back to the orphanage example, a very colorful example offered by my colleague from Texas. He said that the Securities and Exchange Commission abandoned that ugly orphan, the stock index futures, and they wanted to go back after it became a great success and decided yes, we love you now, we want you back and we want all of it back.

Well, frankly, under the exclusivity clause, not only does the futures exchange which adopted the stock index futures have the exclusive right of that orphan or that financial product, and it and its godfather, the CFTC, have the ability to say to all of the people in the neighborhood you cannot go back and accept any more orphans from that orphanage unless you get our approval or unless you let us take that child. The child cannot be adopted by an institution or a market in the United States. That child, that new financial product, can only be adopted in Tokyo or London or Luxembourg or Toronto. That is where our markets are going.

My colleague from Texas said, has the SEC allowed more innovation than the CFTC or has the CFTC allowed more innovation than the SEC? Good point. Clearly there is tremendous innovation on the CFTC and the CFTC-regulated exchanges. More power to them. I say that is great. Let them go. That is what the amendment proposed by the Senator from Colorado and myself would do.

What it would change is the ability of the CFTC or its regulated exchanges to say to somebody else, oh, you are proposing a new instrument, a hybrid instrument that is part future and part security. You cannot trade it. That is the situation we have now. And that is why our markets are being driven offshore. The U.S. financial position is being greatly eroded as a result.

There are questions raised about dual regulators. Why we could have dual regulators. Well, the assertion that it is unprecedented to allow a regulated entity to choose its regulator is just plain wrong. For years we maintained a dual system of bank regulation. Banks have a choice of a State or Federal charter and thus can be regulated by the Office of Comptroller of the Currency or the appropriate State regulator. In addition State banks can choose to be members of the Federal Reserve system or not, and thus can choose whether their primary regulatory is a Federal Reserve or FDIC.

Conversely, the savings and loan to which my colleague from Texas referred only had one Federal regulator, the Federal Home Loan Bank Board. But it was inept and ineffective.

My point is not to hold up the bank regulatory agencies as models of effectiveness. They are not always. My point is the problem is not whether regulated entities can choose who regulates them, but rather how prudent and tough the statutes that the regulator enforces is.

To continue with the banking metaphor, no one is suggesting the problems in the banking industry would vanish if we merged the regulatory agencies and did nothing else. We are looking at the whole package of changes in the underlying statutes.

Clearly, the proponents of the bill, S. 207, say that it simply applies the so-called functional regulation, and that the Bond-Wirth alternative lets people pick their regulators. The real problem is that banks, insurance companies, and securities already have a regulator and the CFTC has decided that it wants to regulate their products as well. But we do not need to bog down companies with a host of regulators with duplicative and inconsistent rules.

The CFTC believes that it should regulate all financial products that serve a riskhedging function. But as Chairman Greenspan has pointed out, there are a host of products that are already adequately regulated by bank regulators, securities regulators and insurance regulators that perform a risk shifting function.

The alternative that we will propose does not permit banks, securities firms, or insurance companies to issue or trade futures. Congress gave the SEC no authority to approve futures contracts for trading in security markets anymore than it gave the bank regulators authority to permit banks to issue futures contracts. The alternative we propose does not change that result. The problem is, under current law there is no end to what the CFTC considers to be a futures contract. It is not defined in the law.

If we applied the functional regulation to all financial firms, as I said, we might wind up with a single regulator. There is no functional difference between a checking account provided by a bank and a money market mutual fund offered by a securities firm. There is no difference in many respects between a mutual fund and an annuity contract offered by an insurance company. We might even go further and say that an index participation as it was offered on the securities exchanges was in essence a mutual fund.

The small investor could get into it for $15,000. To get into a futures index on the stock exchange, he would have to have $150,000 to put at risk. Certainly, this is a much more available product for the average family who wants to have a diversified interest in the stock market. As far as regulation and protection, contrary to what my colleague has just said, certainly there is a wide range of regulations and laws in the brokerage business, administered by the SEC and self-regulatory organizations that provide the protections that the small investors need.

With respect to products that are both securities and futures, the alternative that we will propose will let these hybrid products be regulated either by the CFTC or the SEC, based on the market in which they trade. Congress gave the CFTC the function of regulating the futures market. It gave the SEC the function of regulating the securities market. The alternative we intend to propose will provide for real functional regulation by making these agencies perform the functions that Congress gave them.

Finally, as a matter of competition for financial markets, the Bond-Wirth amendment does not change the underlying system of futures regulations or securities regulations. I would point out a couple of interesting comparisons. Let me ask the question. If you were a company with a financial product with elements of both a security and a future, who would decide whether to trade on a futures exchange or a securities exchange? If you are in London, the company can choose it. In Paris, the company can choose it. In Zurich, the company can choose it. In Luxembourg, the company can choose it. In Frankfurt, the company can choose it. In this country, currently, under existing law, it cannot go anyplace but a CFTC-designated market.

Even under S. 207, based on the tests they have provided, the CFTC is the one that devised the test. They would be the ones that prescribe the test. And a judge could make that decision.

Under the proposal we will offer, the company offering that product could make that decision.

Similarly, only in the United States can you be sued by a futures exchange for offering a financial product with elements of a future on a securities exchange. You cannot be sued in London, you cannot be sued in Paris, you cannot be sued in Frankfurt, you cannot be sued in Tokyo, in Amsterdam, or Hong Kong. That is why more and more products are being driven overseas.

The swaps market is, I think, in real danger of being driven overseas, and I believe that the compromise or the alternative that will be proposed will give a much clearer option to the company wishing to provide or sell an instrument, as to how that instrument is structured and where it trades. That is the kind of competitive opportunity that will strengthen our financial markets and not drive them abroad.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection it is so ordered.

IRAQ

Mr. D'AMATO. Mr. President, I would like to make several observations.

Much has been said recently about the United States action, lack of action, lack of world reaction to what is taking place in Iraq. Let me first say that we should not take exception with the efforts that are being undertaken at this time. Reasonable people may second guess and offer their own conclusions or solutions to a very complex problem. They may say we should have acted sooner, but we are acting and that is what is important, and it is necessary.

I say that I am pleased that the President has undertaken an action that will at least give some temporary refuge to the poor Kurds and to other innocent civilians who have been victimized by this madman, this terrorist, this butcher, Saddam Hussein.

Let me offer this as not a total solution, but at least as a manner by which we can address some of the problems.

Recently we heard that Iraq has petitioned the United Nations to lift the sanctions, to allow it to sell a billion dollars' worth of oil, so that it can buy desperately needed food, medical supplies, and other things for its people. Let me suggest that we do lift the sanctions, but we see to it, because we can control the flow of both oil and revenues, by way of agreement, that those moneys go for the refugees first, for the Kurds, for the Shiites, to pay for this massive effort. And it will be a massive effort, it will be an effort probably bigger than any we have seen in our lifetime in such a short period of time.

So let us use that money and see to it that that money goes to its rightful purpose.

Second, if we are going to say that is the end of this situation because we have nicely washed our hands and we have provided safe haven—and let us hope that we can—that is not going to be an easy job; it is going to be a job that takes time, effort, and money, and I can suggest some of the ways we get some of those moneys and I think it is appropriate that we have to stand up for something.

Let me also suggest that it is hard for me to believe that our European allies in the European Community had the good sense and judgment to finally step up to the plate, not needing us as a prod, to say Saddam Hussein should be tried as a war criminal. I think he should. I think we should tell the Iraqi generals who are still following him that we will not lift the sanctions as it relates to the normal intercourse of business, that they will be treated as the pariahs that they are. Make no mistakes about it, that we will use the world power economically and militarily if necessary to protect innocent civilians. You cannot have it two ways.

So while we commemorated just a week ago and had a great ceremony to the memory of 6 million people who perished because the world stood by indifferently, I do not think that what we are undertaking is sufficient to meet the needs of these people or to really cleanse ourselves of what is an obligation that each and every one of us has, the United States has and the world community.

I hope that we would be in the forefront of this effort.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUTURES TRADING PRACTICES ACT

The Senate continued with the consideration of the bill.

Mr. FOWLER. Mr. President, I rise to support reauthorization of the CFTC, as unanimously reported from the Senate Agriculture Committee.

I rise in opposition to the amendment proposed by my colleague, the Senator from Missouri, which would fundamentally alter what was agreed to in committee.

This legislation is highly complicated, because it deals with complex subject matter. Unfortunately, it has been severely mischaracterized in some quarters. The controversial parts of the bill have the following consequences:

MARGINS

For the first time, the Federal Government, through the Federal Reserve

Board, has authority over margins on stock index futures.

EXCLUSIVITY

The CFTC's jurisdiction is dramatically reduced by rolling back the exclusivity clause. The bill creates an objective predominant characteristics test. This bright line test allows innovation to proceed by letting the offerer know objectively and up front whether the hybrid instrument will trade under futures regulation or securities regulation.

SWAP DEALERS

Broad exemption authority is required in order to allow the swap market to develop in a competitive and innovative environment. However, the bill ensures there is no regulatory black-hole that would otherwise allow an unregulated futures exchange to develop.

GENERAL EXEMPTIVE AUTHORITY

For the first time in the 70-year history of Federal regulation of futures trading, the Commission would have exemptive authority with sufficient flexibility to address new products quickly. This will allow the development of new products and market systems, but ensure that appropriate regulatory and customer protection safeguards continue.

Proponents of this amendment argue this legislation will restrict competition and inhibit the development of new products. I am not one to stand in the way of progress. Nor am I willing to permit the development of unregulated financial markets that could develop from this "jump ball" approach offered today as an alternative.

This legislation will not restrict competition. It will not prevent the development of new products. Specific provisions have been incorporated into this agreement to insure our financial markets remain competitive world wide.

For instance, this legislation provides an outright exemption to the Commodity Exchange Act for a number of instruments—most hybrid debt instruments, all customized swap agreements, and all otherwise regulated commodity-valued bank deposits.

Furthermore, S. 207 empowers the CFTC to exempt any instrument from the Commodity Exchange Act and the exchange trading requirements "in order to promote fair competition."

If nothing else, the S&L debacle has shown us we cannot affort to allow the development of a regulatory black hole.

Exchange trading is compatible with the development of new, competitive, and innovative financial instruments. These exchanges are some of the most highly competitive in the world. Over their history, they have spawned significant innovation—financial futures, stock index futures, and foreign curency warrants. The spirit of capitalism is alive and well and I am confident that these innovations will continue.

This legislation is extraordinary in its scope. It is a carefully crafted bill that resulted from vigorous debate among market users, both agricultural and financial, futures and securities industries, swap dealers, and four Federal agencies. Nobody gets all they want in this bill. The industry is not entirely happy with it. But it does represent a compromise that does the necessary job of protecting the public interest. I urge my colleagues to join me in opposing this amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, in accordance with prior notice given to Senators, I am about to propound a unanimous-consent agreement for the consideration of amendments to the legislation now pending. This is the product of lengthy discussion among all of the interested participants, each of whom I believe is present or represented on the Senate floor.

Accordingly, Mr. President, I now ask unanimous consent that when Senator BOND offers his amendment relating to bank products today, there be 1 hour for debate equally divided and controlled in the usual form, with a possible relevant Gramm of Texas second-degree amendment to the Bond amendment as the only amendment to the Bond amendment in order; that at the conclusion or yielding back of time, the amendment be laid aside and that Senator BOND be recognized to offer the Bond-Wirth amendment as an alternative to title III of the pending committee substitute, on which there be no limitation on debate during the remainder of this day and on which no amendments to the amendment be in order; that the Senate resume consideration of this bill at 12 noon tomorrow; that there be 30 minutes on a possible Gramm second/degree amendment to the Bond bank products amendment; that upon the conclusion or yielding back of the time on the Gramm second-degree bank products amendment, the Senate proceed to vote on or in relation to the Gramm second-degree amendment, to be followed without any intervening action or debate by a vote on or in relation to the Bond first-degree bank products amendment, as amended, if amended; that following the disposition of the Bond bank products amendment, there be 15 minutes remaining for debate on the Bond-Wirth title III amendment, equally divided and controlled in the usual form, and at the conclusion of that time there be a vote on or in relation to the Bond-Wirth title III amendment.

I further ask unanimous consent that if the Bond-Wirth amendment is defeated, Senator BOND or Senator WIRTH be recognized to offer one further amendment with respect to reporting and regulatory coordination, on which there be 60 minutes equally divided and controlled in the usual form with one possible relevant second-degree amendment to be offered by Senator GRAMM on which there be no limitation on debate and that the Gramm amendment be the only amendment in order to the Bond or Wirth amendment; that following disposition of that amendment, no further amendments or motions to recommit be in order to this bill with the exception of the Agriculture Committee substitute amendment as modified and a Riegle-Leahy amendment if agreed to by the bill's managers; that there be 30 minutes equally divided and controlled in the usual form remaining on the bill including the consideration of the committee substitute and the Riegle amendment if offered, at the conclusion of which or yielding back of which there be a vote on the committee substitute, third reading of the bill and a vote on final passage of the bill, all of which shall occur without any intervening action or debate. But if the Bond-Wirth alternative amendment to title III is agreed to, there be no limitations or restrictions on amendments that may be offered.

Mr. LEAHY. Mr. President, reserving the right to object, I think it sounds like a very simple and straightforward unanimous-consent request; obviously, a very easy to understand item. I would ask only for this clarification, that it also be in order for the managers to move the usual technical unanimous-consent type amendments.

Well, Mr. President, let me state it this way. Nothing would preclude us from bringing up other amendments by unanimous consent, as I understand it.

Mr. MITCHELL. I believe the Senator is correct; that any action may occur with unanimous consent at any time with respect to this bill, notwithstanding the provisions of this agreement.

I inquire of the Chair whether or not my understanding is correct.

The PRESIDING OFFICER. The majority leader's understanding is correct.

Mr. LEAHY. I have no objection to this unanimous-consent request. I think it is an excellent one and I support it.

Mr. GARN. Mr. President, reserving the right to object, and I am not going to object, but I do wish to make an appeal that I made at the end of my rather lengthy remarks earlier today on this issue.

We have gone on now for more than 2 years since I wrote letters to the CFTC and the SEC and told them to solve this. I am a little bit tired of the turf battle that has gone on, but there are some issues that are far more important than turf battles and that is in the area of banking powers and the areas discussed at great length on title III today.

While I agree to bring this to an end, I hope that the parties in disagreement, as I said at the end of my statement, would continue to try and work out an accommodation. I think that would be much preferable to having to go through all of this procedure because certainly we on the Banking Committee do not want to interfere in any way with title I and title II.

We do want S. 207 to pass. We do think the reauthorization is way past due, obviously. But there are some extremely important issues to the competitiveness where every bank regulator except one has testified that title III as now written will cause severe harm. I think the Senate ought to consider that. More importantly, I think those who are in disagreement, I ask, during this evening and in the morning, that we continue in good faith to work out a compromise so that this bill can be passed tomorrow. I do not object.

The PRESIDING OFFICER. Is there any objection? Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That at 12 noon on Thursday, April 18, 1991, the Senate resume consideration of S. 207, the Community Futures Trading Commission Authorization, with 30 minutes debate on a possible Gramm relevant 2d degree amendment to amendment No. 68, the Bond amendment on bank products.

Ordered further, That upon the conclusion or yielding back of time on the Gramm 2d degree bank products amendment, the Senate proceed to vote on or in relation to the Gramm 2d degree amendment, to be followed without any intervening action by a vote on or in relation to the Bond 1st degree bank products amendment, No. 68.

Ordered further, That following the disposition of the Bond bank products amendment, there be 15 minutes of debate on the Bond-Wirth title III amendment, No. 69, to be equally divided and controlled in the usual form and at the conclusion of that time, there be a vote on or in relation to the Bond-Wirth title III amendment.

Ordered further, That if the Bond-Wirth amendment is defeated, either the Senator from Missouri [Mr. BOND] or the Senator from Colorado [Mr. WIRTH] be recognized to offer one further amendment with respect to reporting and regulatory coordination, on which there shall be 60 minutes debate, to be equally divided and controlled in the usual form: *Provided*, That the only amendment in order to this amendment be a possible relevant second degree amendment to be offered by the Senator from Texas [Mr. GRAMM], on which there shall be no time limitation.

Ordered further, That upon the disposition of that amendment, no motions to recommit and no further amendments be in order to this bill, with the exception of the Agriculture Committee's substitute amendment, as modified, and a Riegle-Leahy amendment, if agreed to by the bill's manager.

Ordered further, That there be 10 minutes remaining on the bill, equally divided and controlled in the usual form, including the consideration of the committee substitute and the Riegle-Leahy amendment, if offered, and that at the conclusion or yielding back of which, there be a vote on the committee substitute, third reading of the bill, and a vote on final passage of the bill, all of which shall occur without any intervening action or debate.

Ordered further, That if the Bond-Wirth alternative amendment to title III is agreed to, there be no limitation or restriction with respect to amendments that may be offered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation in permitting us to obtain consent to this agreement. I point out that this does not assure completion of this bill either tomorrow or at any time in the foreseeable future. I hope that is the result, but this agreement does not assure that. But it does enable us to proceed in what I hope will be an orderly and prompt manner as we continue our efforts to act on this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader for his help, and I thank those Senators on both sides of the aisle and both sides of the question on title III, for their cooperation and work in bringing this about. Senator LUGAR and I have spent a couple of days already on the floor getting this far. We thank those who might have moved us forward a little bit.

I know the Senator from Missouri is waiting to speak. I would appreciate if he would just indulge me for a moment to take care of a couple of housekeeping matters?

Mr. President, I ask unanimous consent that it be in order to send an amendment to the desk. I refer to an amendment to this bill, the so-called pay cap amendment on S. 207.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 66

(Purpose: To authorize the Commodity Futures Trading Commission to request additional positions in the Senior Executive Service)

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 66.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 83, strike line 19 and all that follows through page 85, line 8, and insert the following new section:

SEC. 102. HIRING AUTHORITY OF THE COMMISSION.

Section 12(b) (7 U.S.C. 16(b)) is amended—

(1) by designating the first through third sentences as paragraphs (1) through (3), respectively; and

(2) by adding at the end the following new paragraph:

"(4) The Commission may request (in accordance with the procedures set forth in subchapter II of chapter 31 of title 5, United States Code) and the Office of Personnel Management shall authorize pursuant to the request, eight positions in the Senior Executive Service in addition to the number of such positions authorized for the Commission on the date of enactment of this sentence.".

Mr. LEAHY. Mr. President, this amendment eliminates section 102 of the bill on hiring and pay authority and replaces it with a substitute.

Section 202 allows the CFTC to fix the compensation of employees without regard to the Federal pay cap. We adopted this provision in the Agriculture Committee to address concerns that the CFTC, like other financial regulators, had difficulty attracting and keeping top professional staff members. It is no secret that, today, talented young lawyers and financial experts can get top dollar from major private sector firms or from Federal bank regulators who are not limited by the pay cap.

Last year, however, Congress adopted a Federal pay reform bill which gave agencies far more flexibility in setting pay scales for employees to meet competitive pressures. We, like our colleagues in the Governmental Affairs Committee, want to give this new law a chance to work. We understand that the Banking Committee pulled a similar pay cap amendment for the SEC for this same reason.

Instead of addressing the pay cap, the new section 102 increases the number of CFTC senior executive service slots by eight. They currently have 22 SES slots. This will provide the CFTC with the means to hold onto proven top staff members in a competitive environment.

If it turns out, however, that the Banking Committee brings legislation to the Senate floor giving pay cap relief to the SEC, then I will be prepared to offer an amendment to that legislation offering similar relief to the CFTC. I do not want to see the CFTC placed at a competitive disadvantage to the SEC in attracting qualified staff members.

I understand that the House bill does not have a similar provision and there might be concerns on it. This will be an item reviewed in conference.

I urge adoption of my amendment.

Mr. President, I understand this has been cleared.

I yield to the Senator from Indiana.

Mr. LUGAR. Mr. President, I confirm the amendment has our support.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 66) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent, notwithstanding the unanimous-consent agreement just earlier entered into, that I be able to send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 67

(Purpose: To require the publication of Commission opinions)

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. KERREY, and Mr. HARKIN, proposes an amendment numbered 67.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 137, between lines 12 and 13, insert the following new section:

SEC. 262. PUBLICATION OF COMMISSION OPINIONS.

Section 2(a)(9) (7 U.S.C. 4a(h)) is amended by adding at the end the following new subparagraph:

"(C) Whenever the Commission issues for official publication any opinion, release, rule, order, interpretation, or other determination on a matter, the Commission shall provide that any dissenting, concurring, or separate opinion by any Commissioner on the matter be published in full along with the Commission opinion, release, rule, order, interpretation, or determination.".

On page 137, line 13, strike "262" and insert "263".

On page 144, line 11, strike "263" and insert "264".

On page 145, line 8, strike "264" and insert "265".

On page 147, line 1, strike "265" and insert "266".

On page 148, line 12, strike "266" and insert "267".

On page 151, line 20, strike "267" and insert "268".

On page 153, line 21, strike "268" and insert "269".

On page 154, line 20, strike "269" and insert "270".

On page 155, line 10, strike "270" and insert "271".

On page 156, line 1, strike "271" and insert "272".

On page 156, line 4, strike "272" and insert "273".

On page 157, line 6, strike "273" and insert "274".

On page 157, line 15, strike "274" and insert "275".

Mr. LEAHY. Mr. President, I offer an amendment to require the CFTC, whenever it issues for official publication any opinion, rule, order, or other official release, to include any dissenting, concurring, or separate opinion by any Commissioner on the matter.

Last year, the CFTC issued an important and controversial interpretation on the regulatory treatment of 15-day Brent oil contracts. One CFTC Commissioner—Fowler West—dissented, and prepared a detailed statement of his reasons. But when the CFTC submitted its Brent oil interpretation to the Federal Register for official publication, Commissioner West's dissent was omitted.

This was wrong. Silencing opposing voices on a Federal commission is bad law and bad policy. Congress created the CFTC as a 5-member Commission—not as a single-headed agency—so that the public could benefit from a diversity of viewpoints.

In this case, the results was especially unfair. High-priced lawyers with access to the Commission or to expensive private reporting services had no trouble getting their hands on the West dissent. But members of the public who rely on official outlets like the Federal Register had no access to the document.

Commissioner West's dissent is an important part of the legal history, not only of the Brent oil issue, but on the general issue of CFTC jurisdiction for off-exchange products. It has legal weight similar to that of a dissenting or separate case opinion of a Supreme Court Justice—or of the separate views of a Senator in a committee report on a bill or nomination.

Commissioner West had a right to state his dissent on the Brent oil issue. The public had a right to read his views. My amendment will assure that, in the future, dissenting voices on the CFTC will not be swept under the rug.

Mr. President, I urge adoption of my amendment.

Mr. LUGAR. Mr. President, I support the amendment offered by Senator LEAHY. While this amendment does not have the significance, in monetary terms, as some of the issues debated throughout the course of this bill, it addresses an issue that greatly concerns some Senators.

The purpose of the Leahy amendment is to ensure that the dissenting viewpoints of any Commissioner, be published whenever an opinion, release, rule, order, interpretation or determination is published by the Commission. This amendment merely compels the disclosure of the viewpoints of all of the Commissioners on a given matter, whether they are in the majority or in the minority.

I urge support of this provision.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 67) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I thank the Senator from Missouri for withholding so we could take care of these housekeeping chores. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, once again I thank the distinguished chairman of the Agriculture Committee and the ranking member for their consideration and help in bringing us to this position, where we can make some progress on this bill, and I hope with discussions tonight and laying down of the two amendments we will be able to have a good discussion and a vote on the morrow, or votes on the morrow, which will clear up some of these areas.

I express appreciation to my many colleagues who have been involved in the negotiations and the rather complex unanimous-consent agreement. I hope that will provide a minimum of dislocation and disruption to this body while we accomplish a very important purpose.

The first amendment I wish to offer tonight is on bank products. When CFTC Chairman Gramm testified on S. 207, she stated that loans and other bank products with elements of futurity have never been considered futures contracts by the CFTC or the courts. I agreed with Chairman Gramm that bank deposits and other bank products are not futures and should not be regulated by the CFTC under the Federal commodity laws. That is why I plan to offer on behalf of the Senator from Colorado [Mr. WIRTH] and myself, an amendment to make this clear.

As amply demonstrated by the debate on S. 207 there is really no clear-cut definition of a futures contract in our Federal commodity laws. Therefore, any instrument with an element of a futures contract could be made subject to the exclusive jurisdiction of the CFTC and forced to trade on a futures exchange.

As a consequence, it is important that we in Congress make clear that bank products with elements of futurity are not subject to the commodity laws. There are some who may say this amendment is unnecessary because the current CFTC does not believe that bank products should be regulated as futures contracts. While I certainly trust Chairman Gramm, a new chairman may feel differently, and there is nothing to stop the CFTC from claiming jurisdiction over bank products.

Many of my colleagues familiar with the regulation of the banking industry know that banks are regulated by the Fed, the OCC, the FDIC, OTS, as well as 50 State commissions which review and approve bank products sold to the public.

Because bank products are heavily regulated by Federal and State laws, Congress exempted the products from the Federal securities laws. The amendment I propose to offer would extend this exemption for bank products to the Federal commodities laws. The amendment would exclude bank deposits and loans offered by insured depository institutions regulated by Federal or State bank regulators. It is a simple amendment that applies to insured depository institutions as defined by the Federal Deposit Insurance Act, an insured credit union as defined by the Federal Credit Union Act, a Federal or State branch agency of a foreign bank as defined in the International Banking Act, and it provides an exclusion, saying that a loan made by a person, required to be registered under the Commodities Exchange Act in connection with transactions regulated under this act, is not covered in that exclusion. So the CFTC could regulate it.

This, I trust, meets some of the concerns that have been expressed on behalf of the futures industry.

Mr. President, for that reason I believe this amendment is a useful and helpful clarifying amendment. If there are other Members wishing to speak on that amendment, I would be happy to yield to them.

We have a call, supposedly coming in very shortly, from the CFTC to see if they have any further revisions on it. I understand the call is supposed to come in momentarily, and I want to find out if they have any further technical changes prior to laying down the amendment. As I understand the unanimous-consent agreement, it does not permit modification of the amendment once it is offered and, therefore, let me take this time to explain another item of confusion that arose this afternoon during the debate on this subject.

Those who were following the debate may recall that I offered to introduce a letter from the International Swap Dealers Association. The letter of April 15, from the International Swap Dealers Association addressed to Senator WIRTH and myself, refers to our proposal as the alternative proposal to the Commodity Futures Trading Commission substitute, the CFTC proposal for title III of S. 207.

In the April 15 letter, a rather lengthy letter, the ISDA went on to explain why they supported the alternative proposal; that is, our proposal. I will read pertinent excerpts from it.

> As explained below, we believe the alternative proposal goes further to provide the needed legal certainty and encourage both innovation and the development of risk reduction techniques. For these reasons we believe the alternative proposal is superior.

In addition, it talks about the desirability of the alternative providing an exclusion, rather than the CFTC proposal, which provides an exemption.

The problem with an exemption is if an exemption can be given, it can be revoked. The swaps dealers realize this trillion dollar market is in danger of being driven overseas if it is subject to the possible whims of a regulatory change of heart.

The letter goes on to discuss many different provisions of the alternative proposal comparing the CFTC proposal and concludes:

> Although the CFTC proposal is a significant improvement over S. 207 as it was reported by the Agriculture Committee, the alternative proposal would provide market participants with broader and clearer assurances regarding the inapplicability of the CEA to the swap business.

After I read just a small portion of that letter, my colleague from North Dakota pointed out there was an April 16 letter from the International Swap Dealers Association. I was not quite clear, because I had not seen the letter, as to what the contents were. I thought perhaps my colleague said the International Swap Dealers were supporting the CFTC proposal over the alternative or the proposal offered by the Senator from Colorado and myself.

I have now had a chance to review that letter. It is a clarification of their earlier position that the CFTC proposal to the title III reported out of the Agriculture Committee represents a significant improvement over the provisions in S. 207 as reported by the Agriculture Committee.

It goes on to state that:

> Even though this language does not incorporate all the changes that we would consider important, we nevertheless believe that it represents a significant improvement over current law.

This is clearly not to say they favor the CFTC provision over the alternative proposal, our proposal. They have stated, and it is apparent from reading these two letters, that for the purposes of the swaps agreements and swaps dealers, the alternative proposal Senator WIRTH and I have crafted is a significant improvement.

Mr. President, I ask unanimous consent that these two letters from the ISDA be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTERNATIONAL SWAP
DEALERS ASSOCIATION, INC,
New York, NY, April 15, 1991.

Hon. CHRISTOPHER S. BOND,
Hon. TIMOTHY E. WIRTH,
Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR BOND AND SENATOR WIRTH: This letter responds to your request for views of the International Swap Dealers Association, Inc. ("ISDA") on the provisions affecting swap agreements contained in your proposed alternative (the "Alternative Proposal") to the Commodity Futures Trading Commission's substitute (the "CFTC Proposal") for Title III of S. 207, the Futures Trading Practices Act. Members of ISDA, including 136 commercial banks, securities firms, insurance companies and others whose names are listed in Appendix A, act as dealers in swaps.

As a preliminary matter, I would like to emphasize our belief that it is essential that the 102nd Congress adopt legislation that will provide legal certainty for the $2.5 trillion swap business, by confirming that the Commodity Exchange Act (the "CEA") does not apply to swap transactions. As we pointed out in our April 9, 1991 letter to Senator Dodd, uncertainty over the applicability of the CEA, and particularly its rigid exchange trading requirement, has caused significant swap activity and innovation to move offshore. Unfortunately, S. 207, as it was reported by the Agriculture Committee on March 6, 1991, did not provide the needed legal certainty and could, we believe, cause serious harm to the competitive position of U.S. firms in the worldwide swap business. We addressed these problems in detail in our April 9 letter.

The problems with the swap provisions of S. 207 as reported by the Agriculture Committee have been widely recognized. In light of this, we appreciate the substantial efforts of the CFTC that have led to the current CFTC Proposal. It represents a significant improvement over the provisions in S. 207 as reported by the Agriculture Committee. As explained below, we believe that the Alternative Proposal goes further to provide the needed legal certainty and encourage both innovation and the development of risk reduction techniques. For these reasons we believe that the Alternative Proposal is superior.

EXCLUSION VS. EXEMPTION

In the Alternative Proposal, the swap provision is structured as an exclusion from the CEA. In this respect it differs from the CFTC Proposal which directs the CFTC to exempt swaps. We believe that an exclusion is preferable to an exemption because it is consistent with our belief that swaps lack the essential elements of futures contracts. It also avoids any possible negative implication of an exemption that swaps may be futures contracts. The use of an exclusion rather than an exemption would also eliminate any suggestion that S. 207 places on the CFTC a burden to oversee the swap business.

NO PUBLIC INTEREST TEST

The Alternative Proposal eliminates the requirement contained in the CFTC Proposal that the exemption may be granted only if the CFTC makes a determination that the exemption is "consistent with the public interest". It is particularly troubiing that this threshold is higher than the "not contrary to the public interest" standard used for bank deposit instruments in the CFTC Proposal. By providing an exclusion based only on objective criteria the Alternative Proposal adds significant legal certainty. It is also consistent with the fundamental objective that swap transactions should not be subject to regulation under the CEA.

PARTICIPANTS

Both the Alternative Proposal and the CFTC Proposal limit the scope of the exclusion or exemption to institutional participants. The categories of persons covered by the two proposals are identical in all respects except one. Under the CFTC Proposal, governmental entities only qualify if they have the requisite corporate or other power and authority to enter into the transaction. This limitation would in effect transform a lack of authority problem (such as in the Hammersmith and Fulham case in England) into a violation of the CEA. We do not understand why the presence or absence of corporate or other authority should, by itself, raise concerns under the CEA. The Alternative Proposal does not include the same limitation on qualifying governmental entities and is for this reason superior.

CREDITWORTHINESS TEST

Both the Alternative Proposal and the CFTC Proposal require that the creditworthiness of a party be a material consideration when entering into or evaluating the terms of a swap agreement. The Alternative Proposal expressly provides that the "creditworthiness" test is satisfied even where parties enter into arrangements requiring collateral, margin or any other form of bilateral credit enhancement to reduce credit risk or exposure. Although we do not believe that the CFTC Proposal is intended to limit such arrangements, there is no express provision in the CFTC's proposed statutory language and one must look to the explanatory materials for assurance. Given the importance of risk reduction both to participants and regulatory authorities, we believe that the approach of the Alternative Proposal is preferable.

STANDARDIZATION AND TRADING

The Alternative Proposal requires that a swap agreement not be "both standardized and fungible in all material respects with a class of other swap agreements" and, unlike the CFTC Proposal, contains a safe harbor so that a swap agreement will satisfy the standard of this clause if it is subject to individual negotiation between the parties as to material terms. The CFTC Proposal, on the other hand, requires that two separate tests be satisfied:

(i) the swap agreement must not be one of a fungible class of agreements that is standardized as to its material economic terms, and

(ii) the swap agreements must not be entered into and traded on or through a multilateral transaction execution facility.

By requiring a swap agreement to satisfy *both* a "standardization" test and a "trading" test, neither of which has a statutory definition or a generally understood meaning, the CFTC Proposal contains a notably higher level of uncertainty than the Alternative Proposal. Although the CFTC's explanatory materials are helpful in establishing the intent of the provision, such materials are not a substitute for express statutory language. By providing a safe harbor for swaps which are subject to individual negotiation as to material terms, the Alternative Proposal provides straightforward language that gives reasonable assurance that the existing swap business, as well as future innovative swap transactions, will qualify under the test.

MULTILATERAL ARRANGEMENTS

The Alternative Proposal expressly states that a multilateral payment netting facility among parties will not cause a swap agreement to fail either the "standardization" test or the "creditworthiness" test. Although the CFTC Proposal contains a proviso from the standardization and multilateral trade execution facility requirements that is designed to permit a multilateral payment netting arrangement or facility, the "creditworthiness" test must still be satisfied, so that parties are more restricted in their ability to structure these risk reduction arrangements. For this reason, the Alternative Proposal provides broader flexibility for swap participants to develop arrangements to address credit risk, and thereby reduce systemic risks.

The Alternative Proposal expressly permits multilateral arrangements for the processing of collateral or margin, as well as other credit enhancement arrangements. In contrast, the CFTC Proposal does not expressly address such multilateral arrangements. Instead, the explanatory materials state that certain of such arrangements would not be prohibited. The approach of the Alternative Proposal is preferable because it avoids any doubt on this important question.

CONCLUSION

Since July 1989 it has been the stated policy of the CFTC that swaps are not appropriately regulated as futures contracts. Other federal regulatory agencies, including the Board of Governors of the Federal Reserve System, the Department of Treasury, the Federal Deposit Insurance Corporation, the Office of Comptroller of the Currency and the Securities and Exchange Commission, have all supported legislation to make clear that swaps are not subject to the provisions of the CEA. They believe that by adopting such legislation the Congress will enhance the domestic and international competitiveness of U.S. firms, increase financial innovation and allow market participants more flexibility to reduce systemic risk.

The members of ISDA strongly believe that it is of the utmost importance that the 102nd Congress enact such legislation. Although the CFTC Proposal is a significant improvement over S. 207 as it was reported by the Agriculture Committee, the Alternative Proposal would provide market participants with broader and clearer assurances regarding the inapplicability of the CEA to the swap business.

Very truly yours,

MARK C. BRICKELL,
Chairman.

APPENDIX A

PRIMARY MEMBERS, MARCH 20, 1991

AIG Financial Products Corp.
Algemene Bank Nederland N.V.
Allied Irish Banks PLC.
Amsterdam-Rotterdam Bank N.V.
ASLK—CGER Bank.
Australia and New Zealand Banking, Group Limited.
Banca Commerciale Italiana.
Banca CRT-Cassa di Risparmio di Torino.
Banca Del Gottardo.
Banca Nazionale del Lavoro.
Banco di Napoli.
Banco Santander-New York.
Bankers Trust Company.
Bank Mees & Hope NV.
Bank of America NT & SA.
Bank of Boston.
Bank of Ireland.
Bank of Montreal.
The Bank of New York.
The Bank of Nova Scotia.
The Bank of Tokyo, Ltd.
Banque De L'Union Europeenne.
Banque Indosuez.
Banque Nationale de Paris.
Banque Paribas.
Barclays Bank PLC.
Baring Brothers & Co., Limited.
Bayerische Hypotheken und Wechsel Bank AG.
Bayerische Vereinsbank AG.
Bear Stearns Capital Markets Inc.
Berliner Bank Aktiengesellschaft.
BHF Bank.
Bierbaum Martin Group.
Caisse Nationale de Credit Agricole.
Canadian Imperial Bank of Commerce.
Cargill, Inc.
Chase Manhattan Bank.
Chemical Bank.
Christiania Bank.
Citibank, NA.
Confiri Servizi Finanziari SpA.
Commerzbank AG.
Commonwealth Bank of Australia.
Confederation Financial Ltd.
Continental Bank, N.A.
Credit Commerical de France.
Credit Lyonnais.
Credit Suisse Financial Products.
Dai-Ichi Kangyo Bank.
Daiwa Europe Bank plc.
Den Danske Bank.
Deutsche Bank AG.
Deutsche Cenossenshaaftbank—DG Bank.
Dresdner Bank AG.
Elf Trading S.A.
Finacor.
First Interstate Bank Limited.
The First National Bank of Chicago.
The Fuji Bank Limited.
Fuji Capital Markets Corp.
Garvin GuyButler Corporation.
General Re Financial Products Corp.
Girozentrale und Bank der Osterreichischen Sparkassen AG.
Goldman, Sachs & Co.
Greenwich International Ltd.
Hessische Landesbank—Girozentrale.
Hill Samuel Bank Ltd.
Hongkong Bank.
IBJ International.
The Industrial Bank of Japan, Limited.
The Industrial Bank of Japan (Switzerland) Ltd.
Industriekreditbank AG.
Intercapital Brokers Ltd.
Istitudo Bancario San Paolo Di Torino.
Istituto Mobillare Italiano.
J. Henry Schroder Wagg & Co. Ltd.
Kidder, Peabody & Co.
Kleinwort Benson Limited.
Lloyds Bank PLC.
The Long Term Credit Bank of Japan, Limited.
Manufacturers Hanover Trust Company.
Maryland National Bank.
Mellon Bank, NA.
Mercadian Capital.
Merrill Lynch & Co., Inc.
Midland Montagu.
The Mitsubishi Bank, Limited.
The Mitsubishi Trust and Banking Corporation.
The Mitsui Taiyo Kobe Bank, Ltd.
Mitsui Taiyo Kobe Global Capital, Inc.
The Mitsui Trust & Banking Co., Limited.
Morgan Grenfell & Co. Limited.
Morgan Guaranty Trust Company of New York.
Morgan Stanley & Co., Inc.
National Australia Bank Limited.
National Bank of Canada.
NatWest Capital Markets Limited.
Nederlandsche Middenstandsbank NV.
The Nikko Securities Co. International Inc.
The Nippon Credit Bank, Ltd.
Nomura International Limited.
Norddeutsche Landesbank Girozentrale.
The Norinchukin Bank.
Nuova Interfin Capital Market s.r.l.
Phibro Energy, Inc.
Prudential-Bache Capital Markets.
Rabobank Nederland.
Republic National Bank of New York.
N.M. Rothschild & Sons, Limited.
The Royal Bank of Canada.
The Royal Bank of Scotland/Charter House Bank.
The Saitama Bank, Ltd.
Salomon Brothers Inc.
Sanwa Bank.
Sanwa Financial Products.
Saudi International Bank.

Security Pacific Hoare Govett, Inc.
Shearson Lehman Hutton Inc.
Skandinaviska Enskilda Banken Corporation.
Societe Generale.
Sumitomo Bank Capital Markets, Inc.
The Sumitomo Bank, Limited.
The Sumitomo Trust & Banking Co., Ltd.
Svenska Handelsbanken/Svenska International PLC.
Swiss Bank Corp. International Limited.
Swiss Volksbank.
The Tokai Bank, Limited.
The Toronto Dominion Bank.
Tradition-Berisford LP.
Union Bank of Finland Ltd.
Union Bank of Switzerland.
S.G. Warburg & Co. Ltd.
Westdeutsche Landesbank Girozentrale.
Westpac Banking Corporation.
Wood Gundy, Inc.
Yamaichi Securities Co., Limited.
The Yasuda Trust & Banking Co., Ltd.

INTERNATIONAL SWAP
DEALERS ASSOCIATION, INC.,
New York, NY, April 16, 1991.

Hon. PATRICK LEAHY,
Chairman, Committee on Agriculture, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: This letter responds to your request for clarification of our views regarding the provisions affecting swap agreements contained in the proposed substitute for Title III of S. 207 submitted to Senator Leahy on April 9, 1991. Members of International Swap Dealers Association, Inc., including 136 commercial banks, securities firms, insurance companies and others, act as dealers in swaps.

As we have stated before, we believe it is essential that the 102nd Congress adopt legislation that will provide legal certainty for the $2.5 trillion swap business by confirming that the Commodity Exchange Act does not apply to swap transactions. Unfortunately, S. 207, in the form it was reported by the Agriculture Committee, did not provide the needed certainty and was potentially harmful to the competitive position of U.S. firms in the worldwide swap business. We discussed these problems in detail in our April 9, 1991, letter to Senator Dodd.

In light of the problems with the swap provisions of S. 207 as reported by the Agriculture Committee, we appreciate the willingness of the CFTC to participate in detailed discussion of these provisions, and the substantial efforts that have led to the language contained in the substitute for Title III. It represents a significant improvement over the provisions in S. 207 as reported by the Agriculture Committee. In addition, even though this language does not incorporate all of the changes that we would consider important, we nevertheless believe that it represents a significant improvement over current law and if enacted would be both acceptable and beneficial to the industry and other users of swaps.

Respectfully submitted.

MARK C. BRICKELL,
Chairman.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislatiive clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 68

Mr. BOND. Mr. President, I send to the desk an amendment on behalf of myself, Mr. WIRTH, and Mr. GARN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. WIRTH, and Mr. GARN, proposes an amendment numbered 68.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"SEC. . Nothing in this Act shall be considered to be applicable to any deposit (as defined under the Federal Reserve Act and regulations promulgated thereunder in effect on the date of enactment of this amendment) if the deposit is offered by—

"(1) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(2) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)); or

"(3) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).

"SEC. . (a) Nothing in this Act shall be considered to be applicable to—

"(1) any loan, made by—

"(A) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(B) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7));

"(C) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)); or

"(D) a foreign bank (as defined in section 1(b)(7) of the International Banking Act (12 U.S.C. 3101(7)), to a person specified in subsection (1)(3); or

"(2) any loan that is a consumer credit transaction subject to the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(b) The provisions of subsection (a) of this section shall not apply to a loan made by a person required to be registered under this Act in connection with transactions regulated under this Act."

Mr. BOND. Mr. President, very simply, I have already described this measure. Essentially, it codifies the current position of the CFTC that bank products should not be regulated by the CFTC that bank products should not be regulated by the CFTC.

There has been a potential that has been raised, a question has been raised about the extent of the exclusivity clause. We have been advised by bank regulators, particularly the Federal Reserve, that the potential for such regulation has a chilling effect on the ability of banks to develop innovative banking products.

I urge my colleagues to consider this very carefully tonight, and to realize that banks are regulated by the Federal agencies that we mentioned before, by the State regulatory agencies, and this is not an instance in which banks need the additional regulation, or their customers need the protection of CFTC regulation or oversight.

Mr. President, on behalf of myself and the other cosponsors, I urge my colleagues to support the amendment.

I yield the floor, Mr. President.

Mr. LEAHY. Mr. President, this is an amendment that we were prepared to accept. I understand it is going to be voted on tomorrow. It excludes from the CFTC certain bank deposits that are regulated by Federal banking agencies.

I should note that currently S. 207 as drafted requires the CFTC to exempt these instruments. Some bank industry officials and regulators have expressed some concern that the exemptive process might not be direct enough. This amendment will resolve the controversy.

I am not absolutely sure that this amendment is necessary, but in order to move forward and settle one area of controversy on this bill, I will support it tomorrow.

I understand that the proponents want a rollcall vote, which they are entitled to if they seek it. Hopefully, when we see what the schedule looks like tomorrow, such as the many committees meetings, they may want to consider a more expeditious approach. 15-minute rollcall votes take longer than voice votes. But I am not going to prolong the matter here tonight. I intend to vote for it whichever way it goes.

Mr. BOND. Mr. President, I thank my distinguished colleague from Vermont for his kind comments. Mr. President, the only reason we seek a rollcall vote is to provide strength to the position of our conferees when they go to the House so they will be able to convince the House that this is an important amendment if it passes, as I assume it will.

Mr. President, I know of no others on this side who wish to discuss or debate this measure any further. I am prepared to yield the remainder of my time on this amendment so we can proceed to lay down the larger amendment.

Mr. LEAHY. I yield the remainder of the time we have.

The PRESIDING OFFICER. All time is yielded back.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 69

(Purpose: To improve intermarket coordination)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. WIRTH, Mr. GARN, Mr. RIEGLE, Mr. DODD, and Mr. MOYNIHAN, proposes an amendment numbered 69.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 4 of the Committee modification, strike line 1 and all that follows through page 12, line 9, and insert the following new sections:

SEC. 302. EXEMPTIVE AUTHORITY.

Section 4 (7 U.S.C. 6) is amended—

(1) in subsection (a), by striking "It shall be unlawful" and inserting "Unless exempted by the Commission pursuant to subsection (c), it shall be unlawful"; and

(2) by adding at the end the following new subsections:

"(c)(1) In order to promote responsible economic or financial innovation and vigorous and fair competition, both nationally and internationally, the Commission by rule, regulation, or order, shall (on application of any person) exempt any agreement, contract, or transaction (or classes thereof) otherwise subject to subsection (a) (including any person or class of persons offering, entering into, rendering advice or rendering other services with respect to, the agreement, contract, or transaction), either unconditionally or on stated terms or conditions or for stated periods, from any of the requirements of subsection (a), or from any other provision of this Act except section 2(a)(1)(B), if the Commission determines that the exemption would be consistent with the public interest and the purposes of this section.

"(2) The Commission, after notice and opportunity for hearing, shall have the authority to revoke any exemption previously granted under paragraph (1) if the Commission determines that any of the minimum requirements prescribed in paragraph (1), any or additional conditions imposed by the Commission, is no longer being satisfied.".

SEC. 303. HYBRID COMMODITY INSTRUMENTS, SWAP AGREEMENTS, DEMAND DEPOSITS, TIME DEPOSITS, AND INSURANCE PRODUCTS.

Section 4c (7 U.S.C. 6c) (as amended by section 203(a) of this Act) is further amended by adding at the end the following new subsections:

"(h)(1) Notwithstanding any other provision of law, nothing in this Act shall be deemed to govern or in any way be applicable to any transaction in an instrument, other than an index participation (as defined in subsection (f)), if—

"(A)(i) to the extent that the instrument has the elements of a commodity option, its predominant characteristics are not those of a commodity option, or the instrument derives less than 50 percent of its value at the date of issuance from the value of the commodity option; and

"(ii) to the extent that an instrument has the elements of a contract of sale of a commodity for future delivery, its predominant characteristics are not those of a contract of sale of a commodity for future delivery, or at the date of issuance it is expected that less than 50 percent of the change in the value of the instrument or its performance will be due to movement in the price of the commodity or commodities specified in the instrument or in the terms and conditions of the transaction pursuant to which the instrument was issued;

"(B) the instrument is determined by the Securities and Exchange Commission to have as its predominant characteristics those of securities (as defined under section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)) or section 2(1) of the Securities Act of 1933 (15 U.S.C. 77b(1))) or at least 50 percent of its value derived from the elements of a group of securities; or

"(C) the instrument is a security (as defined under section 3(a)(10) of the Securities Exchange Act of 1934) listed or traded on a national securities exchange or quoted through an automated interdealer quotation system operated by a national securities association registered with the Securities and Exchange Commission.

"(2)(A) To the extent that the designation is consistent with the other provisions of this Act (including section 2(a)(1)(B)), nothing in paragraph (1) shall be considered to prevent the Commission from designating any board of trade as a contract market for any instrument.

"(B) If an instrument may trade other than on a designated contract market pursuant to paragraph (1), and if the Commission designates any board of trade as a contract market for that instrument—

"(i) this Act (including section 2(a)(1)(B)) shall apply only to transactions in that instrument that are conducted on a designated contract market (including transactions between a futures commission merchant and the customer of the futures commission merchant that are incidental to a transaction on a designated contract market); and

"(ii) this Act (including section 2(a)(1)(A)) shall not apply to transactions in that instrument that are conducted pursuant to paragraph (1) other than on a designated contract market.

"(C) To the extent that transactions in any instrument are conducted pursuant to paragraph (1) other than on a designated contract market, the transactions shall not be considered to be transactions involving contracts of sale of a commodity for future delivery.

"(i)(1) Notwithstanding any other provision of law, nothing in this Act shall be considered to govern or in any way be applicable to any swap agreement or class of swap agreements (as defined in section 101 of title 11, United States Code) where—

"(A) each party to the swap agreement is a person included in one of the categories specified in paragraph (3) at the time the party enters into the swap agreement;

"(B) the creditworthiness of any party having an actual or potential future payment obligation under the swap agreement is a material consideration in entering into or evaluating the terms (including credit enhancement terms) of the swap agreement, except that creditworthiness shall not be considered to be immaterial as a result of an agreement for the exchange, payment, or delivery of mark-to-market payments, margin, collateral, or any other form of credit enhancement or replenishment to reduce the credit risk or exposure of any party to the swap agreement; and

"(C) the swap agreement is not both standardized and fungible in all material terms with a class of other swap agreements, except that, for purposes of this subparagraph, a swap agreement shall not be considered to be standardized or fungible in all material terms with a class of other swap agreements if it is subject to individual negotiation between the parties as to material terms.

"(2) A swap agreement shall not fail to satisfy the requirements of the foregoing subparagraphs (B) and (C) of paragraph (1) as a result of a bilateral or multilateral arrangement or facility between or among parties to swap agreements that provides for the netting of payment obligations resulting from the swap agreements or for the netting of obligations to make mark-to-market, margin, or collateral payments or transfers or to provide any other form of credit enhancement or replenishment relating to the swap agreements.

"(3) For purposes of paragraph (1), the term 'person' shall mean the following persons or classes thereof:

"(A) A bank or trust company (acting in an individual or fiduciary capacity).

"(B) A savings and loan institution.

"(C) An insurance company.

"(D) A registered investment company under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).

"(E) A commodity pool subject to regulation under this Act.

"(F) A corporation, partnership, proprietorship, organization, trust, or other business entity with net worth exceeding $1,000,000 or total assets exceeding $5,000,000, or the obligations of which under the agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by any such entity or by an entity referred to in subparagraph (A), (B), (C), (H), (I), or (K).

"(G) An employee benefit plan with assets exceeding $1,000,000, or whose investment decisions are made by a bank, trust company, insurance company, investment adviser registered under the Investment Advisors Act of 1940 (15 U.S.C. 80a-1 et seq.), or a commodity trading advisor registered under this Act.

"(H) Any governmental entity (including the United States, any State, or any foreign government) or political subdivision thereof, any multinational or supranational entity, or any instrumentality, agency or department of any of the foregoing.

"(I) A broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) acting on its own behalf or on behalf of another institutional participant.

"(J) A futures commission merchant, floor broker, or floor trader registered under this Act acting on its own behalf or on behalf of another institutional participant.

"(K) Such other persons that the Commission determines have the financial and other qualifications adequate to fulfill the terms and conditions of the agreement, contract, or transaction.

"(j) Nothing in this Act shall be considered to be applicable to any deposit (as defined under the Federal Reserve Act) if the deposit is offered by—

"(1) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(2) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)); or

"(3) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).

"(k) Nothing in this Act shall be considered to govern or in any way be applicable to any instrument that is issued by an insurance company that is exempt under paragraph (2) or (8) of section 3(a) of the Securities Act of 1933 (15 U.S.C. 78c(a)).

"(l) Nothing in this Act shall be considered to govern or in any way to be applicable to—

"(1) any loan made by—

"(A) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(B) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7));

"(C) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)); or

"(D) a foreign bank (as defined in section 1(b)(7) of the International Banking Act (12 U.S.C. 3101(7)), to person specified in subsection (1)(3);

"(2) any loan that is a consumer credit transaction subject to the Truth in Lending Act (15 U.S.C. 1601 et seq.); or

"(3) any loan made in connection with transactions in securities or commodities accounts by a broker-dealer registered with the Securities and Exchange Commission.".

SEC. 304. INDEX PARTICIPATIONS.

Subsection (f) of section 4c (7 U.S.C. 6c(f)) is amended to read as follows:

"(f)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.

"(2)(A) Nothing in this Act shall be considered to govern or in any way be applicable to any index participation traded on a national securities exchange or quoted through an automated inter-dealer quotation system operated by a securities self-regulatory organization if the index participation has been approved for trading by the Securities and Exchange Commission.

"(B) The Commission shall have the power, right, and authority to designate any board of trade as a contract market for any index participation, if the Commission determines that the designation is consistent with the requirements of this Act (other than section 2(a)(1)(B)).

"(C) If the Commission designates any board of trade as a contract market for any index participation—

"(i) this Act (other than section 2(a)(1)(B)) shall apply only to transactions in that index participation that are conducted on a designated contract market (including transactions between a futures commission merchant and the customer of the futures commission merchant that are incidental to a transaction on a designated contract market); and

"(ii) this Act (including sections 2(a)(1)(A) and 2(a)(1)(B)) shall not apply to transactions in that index participation, or in any other index participation, that are conducted on a national securities exchange or through the facilities of an automated inter-dealer quotation system operated by a securities self-regulatory organization.

"(D) Notwithstanding any other provision of law, no index participation shall be traded on a national securities exchange or a designated contract market, or quoted through an automated inter-dealer quotation system operated by a securities self-regulatory organization, unless that index participation meets the following minimum requirements:

"(i) Trading in the index participation shall not be readily susceptible to manipulation of the price of the index participation, nor to causing or being used in the manipulation of the price of any underlying security, option on the security or option on a group or index of the securities.

"(ii) The group or index of securities shall be predominately composed of the securities of unaffiliated issuers and shall be a widely published measure of, and shall reflect, the market for all publicly traded equity or debt securities or a substantial segment thereof, or shall be comparable to the measure.

"(E) To the extent that such transactions in any index participation are conducted pursuant to subsection (a) on a national securities exchange or through the facilities of an automated inter-dealer quotation system operated by a securities self-regulatory organization, such transactions shall not be considered to be transactions involving contracts of sale of a commodity for future delivery.

"(F) For purposes of this paragraph, the term 'index participation' means an instrument that is an interest of indefinite duration in the current value of a portfolio of securities.".

SEC. 305. DIRECTIVES REGARDING INTERMARKET ISSUES.

(a) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall each respectively—

(1) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to strengthen the overall stability of domestic equity and equity derivative markets and maintain fair and orderly markets through the adoption and approval of appropriate coordinated "circuit breaker" mechanisms and similar requirements;

(2) establish (for all domestic equity and equity derivative markets) effective prohibitions on intermarket frontrunning, and require the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket frontrunning, fraud, and other violations;

(3) adopt (for all domestic equity and equity derivative markets) such rules and regulations, issue such orders, and approve, subject to applicable requirements, such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets and clearing organizations subject to their respective regulatory authority as may be necessary or appropriate to authorize the prompt implementation of systems for the cross-margining of intermarket positions and the use of such intermarket positions as security interest for loans and other extensions of credit and the establishment or maintenance of margin on futures and options contracts; and

(5) establish policies with regard to the negotiation and development of international regulatory agreements and standards involving intermarket issues.

(b) OTHER ISSUES.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System shall identify and address other intermarket issues as the issues arise.

(c) REPORT.—Not later than 15 months after the effective date of this Act, the Securities Exchange Commission and the Commodity Futures Trading Commission shall report to Congress on the actions the Commissions have taken to carry out this section.

Mr. BOND. Mr. President, I am pleased to send this amendment to the desk in behalf of myself, Mr. WIRTH, Mr. GARN, Mr. RIEGLE, Mr. DODD, and Mr. MOYNIHAN.

These are essentially the provisions that we discussed earlier today. As I said at the time, it goes back rather closely to the compromise that was worked out last year. We have had an opportunity to have further refinements on it.

As a result of the discussions yesterday in the Banking Committee, which were very fruitful and involved the principal regulators, the Chairman of the Federal Reserve, the Chairman of the CFTC, the Chairman of the SEC, and Mr. Glauber representing the Secretary of the Treasury, we did have some ideas expressed.

The reason for the delay in presenting this amendment is we wanted to spell out very clearly our basic purpose, and that was to ensure that where there is a hybrid and only where there is a hybrid product, not when there is what we call a plain vanilla future or a plain vanilla security, that either a CFTC-designated contract market could trade it or it could trade under the SEC jurisdiction. We wanted to make sure this was a two-way street, and that someone with a hybrid product in the gray area between the black and white on securities on the one hand and futures on the other, there would be what we call the jumpoff—allow the competing products that people who are offering them and the people who want to purchase them choose which forum they wish to function in. If they are going to go to a futures exchange, obviously they are going to set up the instrument with mutual executory obligations.

There are maintenance margins, and there are variation margins. When the market moves one way, the person on the disfavored side may have to come up with a variation margin. The parties to the futures contract look to the clearinghouse for credit risk. These are the indicia of a futures contract. On the other hand, if they are trading on a securities exchange, then they would have to be in the form of a security.

I mentioned earlier today index participations which under this amendment could be traded on a securities exchange. This would afford the small investor an opportunity for about one-tenth of the risk of a futures contract to take a position in expectation of a rise in the value of the stock index just as they could through a stock index option.

There are many new products being developed every day to meet the changing and emerging financial needs in the marketplace. And it is our belief that the competitive ability of the American financial markets is best served, the financial needs of those who participate are best served, if they are not subject to the threat of litigation under the exclusivity clause.

I have already pointed out the index participations were driven offshore. Other instruments such as swaps are in danger of being driven offshore as other markets now operate offshore because ours is the only country which gives a sword to the futures regulator to allow them to stop any other exchange of any other entity from dealing in a product that has some element of futurity.

There is one other point that I want to raise about this proposal by Senator WIRTH and myself. That is the impact on agriculture and the impact on farmers. A lot of people have said they have heard from farmers and farm organizations who are concerned about any kind of amendment in this area. As one who has as many farmers in agricultural businesses in my State as about anyone else here, and as one who values very highly his relationship with them, I want to spend just a few minutes discussing how this amendment to title III, much less title III itself, affects farmers.

In my travels around Missouri I spent time asking farmers what they think about what I am doing on this issue. Surprising to me, the first point they make is they do not trust Chicago. They say we ought to keep an eye on them. Then we get into the discussion about whether the CFTC should be given broader authority to regulate new nonagricultural products. They are astounded. Why give them a bigger tent, they tell me, when the CFTC is having trouble keeping the handle on the abuses already existing? They all know about the scandal in soybeans. They question whether it makes more sense to expand the scope of operations and the required attention span of the CFTC.

We have heard recently about the significant trading in the coffee futures market the day before a significant change in the position of Brazilian coffee exporters was announced. One of the Commissioners of the CFTC at that time suggested that there ought to be some ban or some limitation on insider trading.

Mr. President, I point this out just to note for my colleagues that what farmers, at least in my State, and I believe they will find in their States, really want is a tough cop on the beat to watch Chicago, to watch the futures markets, to watch those markets where agricultural commodities are being traded and futures in them are being traded. They do not want a new insurance regulator, a bank regulator, or a security regulator.

Once again, as usual, I think the Missouri farmers have put their finger on the issue. We need title I and title II of S. 207 to give the CFTC some long-needed teeth. I think the job that the Agriculture Committee has done in crafting those provisions is an outstanding one.

I had the pleasure of working on those measures in the last session. I was deeply disappointed that we could not get them to a vote last year because I think that everybody who deals in the futures markets needs and wants and expects good, tough regulation.

Certainly the future of the futures market is best served when people can deal with confidence in the futures market. But as Secretary Brady pointed out, because of the 1987 crash there are other things we need. We need the ability of the Fed to oversee other margins. The CFTC gets new, broader margin authority or has the option of the Federal Reserve to have it delegated to them.

I believe that under the alternative proposed by the Senator from Colorado and myself, there will be much less confusion in the international financial markets and in the United States financial markets with the result that we will have far more innovative, useful products trading in the markets and a much larger volume traded here rather than being driven offshore. I hope my colleagues will, if they have questions, discuss with farmers in their States what they think the CFTC devoting time and energy of chasing down swap products, insurance products, or bank deposits versus CFTC policy of policing the beat the farmers care about, the soybean pit, the grain trade, and those other areas.

For those reasons, Mr. President, I want to make it clear, and I hope my colleagues understand that the proposal of the Senator from Colorado, others and myself, is not designed in any way to take away from the regulation which is so essential to protecting markets in agricultural commodity futures, but is designed to see that our overall financial markets work much better.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Are we operating under a time agreement?

The PRESIDING OFFICER. We are not operating under a time agreement.

Mr. GRAMM. I would like to propound some questions to the distinguished Senator from Missouri about the amendment, and these questions are simply being asked because I am not sure what the ramifications of the amendment are. As we normally think of bank deposits and bank loans, I do not want anything in this bill to expand the CFTC's power over either one of these.

My concern, however, is the difficulty that might exist in distinguishing between what is traditionally thought of as a loan and what is traditionally thought of as a future.

Let me just pose the following question: Is it the Senator's intention in this amendment to deny the CFTC any existing jurisdiction over bank loans and bank deposits as they relate to futures and to futures markets that would be analogous to what the SEC has under current law with regard to bank loans and bank deposits as they relate to securities and security markets?

Mr. BOND. Mr. President, I say, as my colleague probably knows, I have been advised that there are explicit exemptions from the SEC laws for bank activities and bank sales of securities. I ask my colleague, what is the existing CFTC jurisdictional limitation with respect to banks?

Mr. GRAMM. I think the problem we have here is that I am not sure any of us know what jurisdiction the SEC has over deposits or loans or what jurisdictions the CFTC has over deposits or loans. If the purpose of the Senator's amendment is to assure that this bill does not expand the CFTC's jurisdiction, then I do not think I have any problems with it. But if the purpose of his amendment is to deny the CFTC jurisdiction that it currently has and jurisdiction that is parallel to the SEC's jurisdiction, then I think that I have real problems with it.

Let me try to give an example.

Let us say that a bank makes mortgage loans and that the mortgage loans are then bundled and sold as securities on the secondary market. It would be my assumption that in that market the SEC would preserve its traditional jurisdiction, that once the bundled mortgages are traded on the securities market, the SEC would have jurisdiction related to fraud and the protection of the public interest.

What I am wondering is, if a bank made loans, say, denominated in future wheat deliveries, and they were made in thousand-dollar denominations, and then those loans were sold on the secondary market, under the Senator's amendment, would the CFTC have the same jurisdiction over those secondary markets that the SEC would have with regard to the bundled mortgages? That is what I am trying to understand. There is not any sinister motive here. Are we preserving a parallel between the SEC and the CFTC? I am concerned about stripping away any powers that the CFTC may now have, unless we are doing the same thing to the SEC.

Mr. BOND. Mr. President, as I mentioned a moment ago, there are explicit exemptions in the securities law, 3(a)(2) and 12(i), under the 1934 act, for bank activities. If a bank, however, goes into the securities market, then the bank is subject to the laws and regulations of the securities market. If a bank went into the futures market to sell some kind of future, it is my understanding that they would be subject to the usual regulations on any product traded on a designated contract exchange.

But if my good friend from Texas is saying, if a bank starts selling futures contracts—if that is his question—that bank has all the problems it needs with its Federal and/or State regulators, because that is not what banks do. There are certain things that you get down to when you start making loans. I do not believe any bank examiner is going to allow a federally insured depository institution to try and set up a futures market under the guise of making loans.

That is not the concern that the Federal Reserve raised when it strongly urged that there be a clear-cut statement of policy on loans and demand deposits of banks. Usually everybody knows what bank deposits, bank loans traditionally are. They may develop bells and whistles on them but they have to be basically money lent out or money paid in with the expectation that interest will change hands and not that they will be some kind of futures activity. If there is some kind of futures activity then that clearly falls outside the scope of their authority to act as a bank but the concern is that there might be a suit filed against a normal loan or other activity by the CFTC or a futures contract market.

Mr. GRAMM. Let me try then to understand the Senator's concern, and again all I am trying to do is to be sure that we are not denying an agency the ability to do its job. I have just been handed by the trusty staff of the Ag Committee the copy of the securities laws. In section 78(j) the law makes it very clear that even if a security is not registered, then that does not limit the ability of the Securities and Exchange Commission to regulate in the public interest and to protect investors.

So, as I read this, and I may be wrong, to the degree to which a loan or deposit becomes a security, the SEC still has jurisdiction.

The distinguished Senator from Missouri talks about regulation, but paragraph D of his provision includes foreign banks. Let me just make up a hypothetical example.

Let us say the Bank of Yugoslavia opens a branch bank and they make loans denominated in grain. They make 1,000 loans at $1,000 a loan. The loans are to be paid in grain on a date certain in the future. They go on the secondary market and they sell these loans. It seems to me at that point that they have become futures.

I am wondering if it is the Senator's intention to deny the CFTC the ability at that point to step in and regulate them.

What I am saying is that maybe we could solve this whole thing with very simple language that says the following: To whatever degree existing, law, which is not changed by this provision, preserves jurisdiction for the SEC over bank loans and bank deposits, as they relate to securities, and as they relate to security markets, nothing in this provision would take away corresponding powers of the CFTC over bank deposits and bank loans as they relate to futures and to the futures market.

In other words, if before the adoption of the bill that is before us, the CFTC has fraud powers that relate to loans or deposits being manipulated to be futures, and nothing in the Senator's amendment takes away the powers it already has or the power that would be parallel to the SEC, then I do not know that we have any disagreement.

Mr. BOND. Mr. President, my colleague is talking about a Yugoslavian bank. I point out this amendment only applies to a Federal or State branch or agency of a foreign bank, and as such it is regulated in the United States. So some bank trying to offer grain denominated loans or other contracts, I suspect is totally outside the scope of the banking laws.

The other point I would note is that there is no corresponding power in the SEC to the exclusivity clause in the CFTC. The CFTC has a sword that can be used to strike down trading in financial instruments that goes beyond anything that may be presented on a CFTC exchange. The IP's, for one, is an example where the exclusivity clause was used to take away jurisdiction from another regulated entity, the American and the Philadelphia stock exchanges.

I do not know and I would be happy to be informed by my colleague as to the equivalent power that the SEC may have. It is clear that both agencies may have general antifraud provisions, and there is a whole range of both State common law and mail fraud statutes that would deal with attempt to set up some kind of fraudulent enterprise.

But beyond that I would ask my colleague what specific powers he may be referring to. The main concern of the banking regulators is that the exclusivity clause could be used to regulate or to interfere with a deposit or a loan issued by a bank and that is what we need to clarify. That is the purpose of this amendment.

Mr. GRAMM. If I might respond, I know that the SEC has powers over securities in the security markets with regard to fraud statutes no matter who is in the process of issuing or marketing those securities, be they banks or be they individuals.

My concern here is not whether CFTC is going to have jurisdiction over bank deposits, like checking accounts, or loans, or like commercial credit. My concern is what happens when loans are made. If the loans are traded on a secondary market, you have a bank regulator that is challenged to regulate banks in their banking operation. But what happens if a bank gets into the futures business? Do they escape regulation by the fact that they are a bank? It is my contention that they do not escape regulation of the SEC because they are a bank if they get into the business of dealing in the securities markets.

For example, most banks speculate and engage in transactions related to currency futures. It is an ongoing transaction. To the extent that they engage in currency futures they are regulated by the CFTC and in the regulation of that market.

Now what happens if a bank decides it does not want to be regulated? It makes loans denominated in foreign currencies that become futures and engages in those transactions. Does that exempt them from the CFTC when clearly the loan is simply a vehicle to create a future? That is what I am trying to understand.

Mr. BOND. Mr. President, if there is any possibility that a bank could become a futures trading entity by using loans denominated in some kind of future product, I think that we have a weakness in the basic banking laws because that is not what banks are chartered to do. As I have said before, if a bank were to buy a futures contract, then it would be subject to the futures contract or it sells a futures contract on the market but when it has loans and deposits as a normal banking institution, then I do not see how under the heavily regulated system we have for financial institutions that there is any way in which a bank could become a futures market by denominating loans in grain. That just defies all standards of banking safety and soundness. That is now what banks are permitted to do. If there is a one thing we do it is we regulate our banks rather tightly in the United States.

Mr. GRAMM. Mr. President, all I am saying is, I do not know what is going to happen in the days to come. I think one of the things we know for certain is that we have a great deal of innovation going on.

What I am concerned about here is not that you are simply trying to prevent the CFTC expanding powers over bank loans and bank deposits. I do not have any concern about that at all. What I am concerned about is that, unintentionally, creating a void in the regulatory process. Bank regulators that, after all, have their own problems related to banking, are now going to be responsible for regulating instruments that may be futures posing under the name of deposits or loans, and that powers that the SEC currently has over securities, related to fraud and the protection of the public interest, are going to be denied to the CFTC.

You are talking about credit unions in the amendment—I am not sure that the credit union regulators are prepared to regulate futures or securities. I do not know what kind of expertise they have. I know they do a great job in regulating credit unions.

So what I am saying is if the SEC exercises power under current law related to deposits or loans to protect the public interest against fraud and to protect the integrity of the securities market, do we want to deny to CFTC those same powers through the Senator's amendment to protect the integrity of the futures markets, and the futures industry?

Mr. BOND. Mr. President, the whole purpose of this amendment is to make clear that the very special tool that CFTC has under the CEA, the exclusivity clause, is not, for example, used by some future CFTC to interfere with any kind of bank products. The adjustable rate mortgages, for example, were subject to a proposed rulemaking to say that ARM's were not to be considered as futures. The Commission said that they anticipated that additions and refinements of these categories may be made.

There is an uncertainty as to how far the CFTC or even the futures industry itself can pursue the normal banking products under the exclusivity clause.

I really think we are getting far afield when you try to think about how a credit union might get into the business of operating a futures market. If the credit union regulators have half the ability I am confident they have, they are going to blow the whistle when they see the first sign that a credit union is trying to run a futures market.

The same problem does not exist, there is not a mirror image, on the SEC side. There are general fraud provisions that both entities have. And I am confident that those fraud provisions will continue to be exercised as will the general criminal fraud, mail fraud statutes, and everything else. What we are attempting to do is to give certainty that loans, demand deposits, deposits, CD's will not be struck down by the exclusivity clause.

Mr. GRAMM. Mr. President, I think there are two issues here, and I think now I am beginning to understand what the Senator is trying to do. It is not the Senator's concern that the bill before us has expanded the CFTC's powers. It is the Senator's concern that the Senator wants banks to be able to say what is a bank product and deny the CFTC the ability to say no, that is a future.

Would the Senator be in favor of saying that, to the degree to which the Securities and Exchange Commission has the ability to say, no, that is not a bank deposit or a bank loan, it is a security, and it comes under our jurisdiction under current law, would the Senator be willing to have an amendment to preserve the same power for the CFTC?

Mr. BOND. Mr. President, as I pointed out before, when banks engage in any of these activities, if they go into a market, then they are regulated by that market. But, basically, the activities within the bank are normal banking activities regulated by bank regulators regardless of what they are and if they are selling securities in the guise of normal banking activities or if they are trying to sell futures in the guise of normal banking activities, that, to me, is something that can be and should be dealt with by the banking regulators, just as the CFTC would have the authority on one of its designated contract markets to say, you know, you are holding yourself out as a taker of deposits, and if somebody, if the CFTC contract market offered and claimed to offer a Federal deposit insurance on a checking account with one of the Commission's merchants, then I would think that the CFTC itself would have the power to and have the responsibility to knock that down.

Mr. GRAMM. Mr. President, I would think that that is obvious. What this amendment says is that anything a bank does, the bank regulators have jurisdiction over and the CFTC does not have jurisdiction. If a bank calls something a deposit and they say it is a deposit, and the CFTC says, it is a future since it calls on the delivery of something in the future and has all the characteristics of a future, such as a loan that is denominated in oil to be delivered in the future, that sells on a secondary market or is traded indirectly, then under this amendment, the bank could say, no, it is a deposit. And the agency that is given responsibility for the regulation of futures would have no recourse whatsoever because the bank or the bank regulator would have the final word.

There are two types of problems here. One is a problem where those activities would undermine the solvency of the bank. And I guess you could argue that if the bank regulators were sufficiently knowledgeable and experienced in those areas, that they would be able to regulate that. Why we would want them to do it, however, rather than the agency that is charged with it, that has the expertise, I do not know.

But what about the case where the regulator says, well, you know, this futures business is a good business. You are earning money doing it. Go ahead and do it and we will regulate you in doing it instead of the CFTC.

So you would have banks issuing futures that are called deposits, that are trading on the open market, and you are saying that if they were securities, the SEC could step in and exercise its oversight responsibility. You are saying that the CFTC cannot do that.

Mr. BOND. Mr. President, maybe I ought to urge my colleague to let loose of that bone of the SEC competition. We are not fighting a battle between the SEC and the CFTC. This is a concern expressed by the banking regulators and the Federal Reserve. The CFTC does not let the banking regulators come in and say the products being sold, transactions on a designated contract market, are actually bank deposits and bank loans so they should examine them; the banking regulators do not send people in or try to go in and regulate the futures exchange. The futures exchanges, the contract markets, have their regulators. To suggest somebody might violate the law is to suggest we pass a law to ban everything.

To carry this to the absurd extreme, perhaps we should give the CFTC jurisdiction over the Maryland Game and Fish Commission because somebody might call something a rockfish but it could be that they develop some kind of futures contract and call it a rockfish and the game and fish commission would go out and sell licenses to go after rockfish but they are really futures.

That is the ludicrous extent to which this can go. By calling something a name that is inappropriate, that does not in any way suggest a sham transaction is going to be approved by the regulators or is appropriate under the law.

I just do not think we can stretch that far, to say that a loan or deposit somehow can be taken away from or can become something different just by labeling a loan or deposit. I believe there is a body of law to indicate these are clearly defined in law and are certainly subject to the normal regulatory oversight.

Mr. GRAMM. Mr. President, it is clear to me when we are talking about rockfish and the game and wildlife commission we are trying to score debating points and not address the issue. The bottom line is, however, under the amendment before us, it would be the bank that would determine what something was. By simply calling it a deposit, it would be a deposit no matter what it was in reality.

This creates two problems. One problem is the lack of ability of the bank regulator to engage in effective futures regulation, a capacity they have not been trained to do and have no expertise in.

The second problem, is do we want banks to be able to engage in the futures business under the regulation of bank regulators who may decide that it is something they want them to do in order to improve their profitability?

All I am saying is this. Under existing law, the SEC has jurisdiction if the SEC finds that something is a security and is trading as a security. It does not matter what banks call it. The SEC has the ability to regulate securities and the marketing of securities. The fact a bank says it is a deposit does not change the reality of it.

What this amendment would do, however, for banks, Federal and State branches, for credit unions, for foreign banks, it would say: If that institution says it is a loan, it does not matter what market it trades in, it does not matter what its characteristics are, it is a loan.

Now that I have listened to the distinguished Senator, the conclusion I have reached is that he basically means to say here, if a bank says something is a loan, nobody else beside the bank regulator can look behind that claim.

That is far afield from what most people believe that this amendment is doing. Most people believe this letter that was sent out, which said the existing bill expanded CFTC power banks and bank deposits. But this amendment is not about that.

This amendment is an attempt to deny a Federal agency that is given the responsibility for regulating futures products and the futures industry the ability to do that job if the marketer of an instrument or the creator of it is a bank. I submit that is fundamentally different from how the amendment has been advertised.

If it were the purpose of the Senator to narrow the scope of this bill and say that nothing in this bill will expand the power of the CFTC over deposits and loans, I cannot see any reason we would want to oppose it.

I urge my colleagues not to laugh this idea off. I think there is a genuine problem here, and it is one we ought to understand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, on the basic Bond-Wirth amendment, if I speak this evening I will speak only for a very few minutes. I know all our colleagues who are unable to be on the floor are probably in their offices following the debate going on about futures, security instruments, IP's, and swaps.

But let me ask my distinguished colleagues—Do they have any particular idea of how much longer the debate might go on?

Mr. GRAMM. Mr. President, I am not going to convince the Senator from Missouri and, if I have lost the attention of the distinguished chairman, then I am wasting his time and mine, and I do not have any further debate.

Mr. LEAHY. Quite the contrary.

Mr. GRAMM. I am through, Mr. President.

Mr. LEAHY. The reason I asked the question, Mr. President, is that I have had inquiries on the matter from Senators through our Cloakroom. I suspect the other Cloakroom has had similar ones.

I will mention I am probably going to speak tonight for just a minute or two with regards to the Bond-Wirth amendment to title III. I spoke at much greater length about it earlier today and yesterday. So that is why I will only be very brief.

I see my good friend from Missouri. I have just heard the response of my good friend from Texas. I might ask if the Senator from Missouri has some idea how much longer we will go on, simply to pass the word on.

Mr. BOND. Mr. President, my distinguished colleague from Vermont and I yielded back all the time on the bank powers amendment and we thought we were finished with that. I was prepared to yield back the time and shut down on the broader Wirth-Bond amendment. I was attempting to answer questions from my colleague from Texas. I had a 7:30 dinner engagement and my desire is to be gone. I have about 30 seconds to cite to my friend from Texas something that has just been called to my attention.

And I am more than happy to see this wonderful discussion come to a close.

Mr. LEAHY. Mr. President, I mentioned earlier today about how cooperative my friend from Missouri is. I meant that very seriously. In the years I have known him, since the Senate benefited from his joining the membership here, I thought it would be nothing but.

So I will yield immediately, of course, to the Senator from Missouri.

Mr. BOND. I thank my colleague. I just will point out that one of the reasons why the Federal Reserve and other bank regulators are anxious to have the exemption is the fact that in the Federal Register for December 11, 1987, the Commission proposed to establish an exemption from compliance with certain CFTC regulations for a class of hybrid institutions that are predominantly debt obligations, bank deposits, or other transactions.

In that proposal, it goes on to say that eligibility for such an exemption would be established through a filing procedure affording the Commission notice of the proposed offering, requiring the issuer or offerer's consent to submit to special calls, and mandating disclosure to participants in the exempted transaction, that the transaction will not be regulated by the CFTC.

I further understand that the current CFTC has no interest or intent in pursuing that. But the fact that the CFTC, on December 11, 1987, proposed a rule which would require a bank to come in and get an exemption from the CFTC before offering a bank deposit has caused the concern, and it was for that purpose that we offered the amendment to make sure that they could not do that.

I believe it was gross overreaching. I want to make sure it does not happen again.

I thank the Chair. I thank my distinguished colleague and I yield the floor.

Mr. LEAHY. Mr. President, I know of no other Senator who wishes to speak on this matter. While the Senator from Missouri is on the floor, I want to speak briefly to his amendment. I want to alert him to that.

I emphasize that the amendment is different from the five-Senator compromise of last year, which I happened to join in. The five-Senator compromise used the so-called jump-ball theory. Certain hybrids, like index participations, which are as much futures as they are securities, could trade either as futures or securities.

The hard part of working out that compromise was separating the traditional, plain vanilla futures—an expression that our late and admired colleague, Senate Heinz, had coined—which remained exclusively under the CFTC, from new hybrid securities. We wanted each side to keep the products it had developed and nurtured. New ones would be up for grabs.

The approach made for good regulation. The CFTC has specialized rules for futures trading to protect customers, prices, and markets. These are equivalent to the SEC's very specialized rules in the securities markets, rules based on years of practice and experience with the markets under its jurisdiction

We drew that line. Traditional futures, those with mutual executory obligations, stayed with the CFTC. Traditional securities stayed with the SEC, and the jump-ball hybrids went either way.

The amendment being presented to us rejects this approach. It allows plain vanilla futures based on securities—exact copycats of those traded today in Chicago and New York—to move over to the Stock Exchange, but there is no road going back. It is a one-way street. Plain vanilla securities cannot move to the CFTC. Thus, the basic fairness and the balance of last year's compromise is gone.

At least 36 existing approved contracts, over half of the futures industry, would switch over. That is not a narrow jump-ball approach.

Mr. President, I ask unanimous consent to print in the RECORD a chart showing the contracts which would switch over under even the most narrow reading of that proposal.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

COMMODITY FUTURES CONTRACTS TRADED 1986-90 DIRECTLY AFFECTED BY BOND-WIRTH AMENDMENT*

CHICAGO BOARD OF TRADE

GNMA Mrtges, CDR
Cash Settle GNMA
T-Bonds
T-notes (6½-10 yr)
T-Notes (5-year)
T-Notes (2-year)
Japanese Government Bonds
30-Day Interest Rate
Corporate Bond Index
Mortgage Backed
CBOE 250 Index
TOPIX
Institutional Index
Municipal Bond Index
Major Market Index
MMI Maxi
NASDAQ-100

CHICAGO MERCANTILE EXCHANGE

T-Bills (90-day)
Domestic CD (90-day)
Nikkei 225
S&P 500 Index
S&P 100 Index
S&P OTC 250

COFFEE SUGAR AND COCOA

Int'l Market Index
CPI-W

COMMODITY EXCHANGE

Moody's Index

KANSAS CITY BD. OF TRD.

Value Line Index
Mini Value Line

MIDAMERICA COMMODITY EXCHANGE

T-Bonds
T-Bills
T-Notes

NEW YORK COTTON EXCHANGE

Five Year Treasury Note
Two Year Treasury Note

NEW YORK FUTURES EXCHANGE

NYSE Composite Index
Russell 2000
Russell 3000
T-Bond (30 Year)

Mr. LEAHY. Mr. President, I spoke at some length on this matter when it first came up Tuesday. I spoke again on it today. I suspect that perhaps there are Senators now who find that excitement waning.

So, Mr. President, I am perfectly willing to shut down the debate on the CFTC authorization, which I understand we can do under the unanimous-consent agreement.

Of course, the unanimous-consent agreement would then control the order of votes tomorrow. I ask as a parliamentary inquiry, Mr. President, what is necessary to end the debate on CFTC tonight? Is it necessary for the proponents of the amendment or opponents to yield back any time, or is it just necessary for debate to stop?

The PRESIDING OFFICER. There is no time to yield back. It can simply cease.

Mr. LEAHY. Mr. President, it sounds like a pretty sensible thing to me. I cease.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the Senator from Wisconsin [Mr. KOHL] as chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 102d Congress.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEAHY. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION MESSAGE FROM THE PRESIDENT—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to send you the annual report of the National Science Foundation for Fiscal Year 1990. This report describes research supported by the Foundation in the mathematical, physical, biological, social, behavioral, and computer sciences; engineering; and education in those fields.

Achievements such as the ones described here are the basis for much of our Nation's strength—its economic growth, national security, and the overall well-being of our people.

As we move into the 1990's, the Foundation will continue its efforts to expand our Nation's research achievements, our productivity, and our ability to remain competitive in world markets through innovation and discoveries.

I commend the Foundation's work to you.

GEORGE BUSH.

THE WHITE HOUSE, *April 17, 1991.*

MESSAGES FROM THE HOUSE

At 1:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 22. A concurrent resolution extending the appreciation of Congress to all American-Indian veterans for their service in the Armed Forces of the United States.

At 10:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 16. Joint resolution designating the Week of April 21-27, 1991, as "National Crime Victims' Rights Week";

S.J. Res. 64. Joint resolution to authorize the President to proclaim the last Friday of April 1991, as "National Arbor Day"; and

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

The message also announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 218. Joint resolution to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week; and

H.J. Res. 222. Joint resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference of the National Railway Labor Conference and certain of their employees.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-945. A communication from the Secretary of the Army and the Acting Secretary of Education, transmitting, pursuant to law, notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of lands and facilities surrounding Lake Isabella and Pine Flat Lake, California; to the Committee on Agriculture, Nutrition, and Forestry.

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*Assumes all futures or securities or group of securities are covered. Other major groups of futures, such as those of currencies and precious metals, may also be included as having value based on "elements of" securities.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

The following-named persons to be members of the National Advisory Council on Educational Research and Improvement, for the terms indicated:

Eunice N. Sato, of California, for a term expiring September 30, 1991;

Dale P. Gold, of Virginia, for a term expiring September 30, 1992;

Jack Raymond Reed, of Mississippi, for a term expiring September 30, 1993;

Sandra Mills, of Wisconsin, for a term expiring September 30, 1993; and

Pedro Roig, of Florida, for a term expiring September 30, 1992.

The following-named persons to be members of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for the terms indicated:

Timothy W. Tong, of Arizona, for the remainder of the term expiring August 11, 1992;

Donald J. Sutherland, of New York, for a term expiring August 11, 1996; and

Hans M. Mark, of Texas, for a term expiring April 17, 1996.

Peter deCourcy Hero, of California, to be a member of the National Council on the Arts for the remainder of the term expiring September 3, 1994.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON (for himself and Mr. BRYAN):

S. 832. A bill to authorize the Secretary of Commerce to develop and expand new national markets for recycled paper and other commodities; and to carry out a program requiring Federal departments to procure and use recycled paper and paper products in carrying out their functions; to the Committee on Governmental Affairs.

By Mr. FOWLER (for himself, Mr. NUNN, Mr. HOLLINGS, Mr. GRAHAM, Mr. SASSER, Mr. SHELBY, Mr. GORE, Mr. SANFORD, and Mr. PRYOR):

S. 833. A bill to amend title XIX of the Social Security Act to allow for State matching payments through voluntary contributions; to the Committee on Finance.

By Mr. STEVENS:

S. 834. A bill to amend title 38, United States Code, to increase the salary of the Governors of the United States Postal Service, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 835. A bill to amend title IV of the Social Security Act to establish AFDC minimum payment standards; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 836. A bill to amend the Energy Policy and Conservation Act with respect to the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself and Mr. DANFORTH):

S. 837. A bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions; to the Committee on Finance.

By Mr. DODD (for himself, Mr. COATS, Mr. KENNEDY, Mr. PELL, and Mr. ADAMS):

S. 838. A bill to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MCCAIN (for himself and Mr. DANFORTH):

S. 839. A bill to amend the Federal Aviation Act of 1958 to ensure that airline computer reservation systems are available to users on a nondiscriminatory basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURENBERGER:

S. 840. A bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. SYMMS):

S. 841. A bill to amend the Internal Revenue Code of 1986 to allow an additional 50-percent deduction for the costs to employers of providing family leave in certain cases involving a birth, an adoption, or a serious illness of a child, spouse, or dependent of the employee; to the Committee on Finance.

By Mr. BREAUX:

S. 842. A bill to amend the Clayton Act to prohibit certain activities by local governments that operate airports, and for certain other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself, Mr. KASTEN, Mr. PRYOR, Mr. HOLLINGS, Mr. LOTT, and Mr. BIDEN):

S. 843. A bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. ADAMS, Mr. BOND, Mr. BURNS, Mr. COCHRAN, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. HARKIN, Mr. MCCAIN, and Mr. SYMMS):

S. 844. A bill to provide for the minting and circulation of $1 coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG:

S. 845. A bill to direct the Secretary of State to seek an agreement from the Arab countries to end certain passport and visa policies, and for other purposes; to the Committee on Foreign Relations.

By Mr. MITCHELL (for Mr. PRYOR) (for himself, Mr. DASCHLE, Mr. RIEGLE, Mr. DURENBERGER, Mr. BURDICK, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. MCCAIN):

S. 846. A bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies; to the Committee on Finance.

By Mr. BRADLEY (for himself and Mr. HATCH):

S.J. Res. 124. Joint resolution to designate "National Visiting Nurse Associations Week" for 1992; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. DIXON, Mr. BIDEN, Mr. BURDICK, Mr. CHAFEE, Mr. CONRAD, Mr. DECONCINI, Mr. DODD, Mr. DURENBERGER, Mr. GLENN, Mr. KERRY, Mr. LAUTENBERG, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROTH, and Mr. BROWN):

S.J. Res. 125. Joint resolution to designate October 1991 as "Polish American Heritage Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON (for himself and Mr. BRYAN):

S. 832. A bill to authorize the Secretary of Commerce to develop and expand new national markets for recycled paper and other commodities; and to carry out a program requiring Federal departments to procure and use recycled paper and paper products in carrying out their functions; to the Committee on Governmental Affairs.

RECYCLED PAPER NATIONAL MARKET ENHANCEMENT ACT

Mr. GORTON. Mr. President, today I am introducing a bill designed to decrease landfills, increase the market for recycled goods, and further to encourage the Federal Government to "practice what it preaches."

Currently, recycling is costly and inefficient, due to the lack of sufficient markets for recycled commodities. Though many municipalities have implemented effective recycling programs, a viable market for recycled paper and paper products remains to be created.

The Recycled Paper National Market Enhancement Act of 1991 will help combat our Nation's serious problems with municipal solid waste disposal. It will increase the available markets for recycling and thus decrease recycling's costs. It will increase the amount of municipal solid waste recycled. It will require the Federal Government to purchase recycled paper and encourage private business to do the same.

Specifically, this legislation will require the Secretary of Commerce to: prepare a report determining how recycled paper can be better utilized; conduct a domestic market analysis for recycled paper; and establish a Federal procurement program for recycled paper.

Each year, the Federal Government purchases an estimated 734,000 tons of paper products. In 1988, the United States produced 179.6 million tons of municipal solid waste; of this, 40 percent (or 71.8 million tons), was paper and paper products.

By purchasing recycled paper, the Federal Government will enhance the market for recycled paper and paper products. Federal procurement will decrease the cost of recycling and increase the amount of municipal solid waste recycled. I hope that once recycled paper becomes more cost-effective, private industry will join the Government's lead in purchasing recycled paper.

Mr. President, I ask unanimous consent that a full copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recycled Paper National Market Enhancement Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Secretary of Commerce should undertake a national search for new markets for recycled paper and other commodities, and advise interested States and other entities on how to expand existing markets for recycled matter;

(2) the United States is producing too much solid waste;

(3) solid waste is overflowing municipal landfills, and that this overflow causes environmental degradation, including hazardous and toxic waste sites, polluted land and water, and the need for additional incinerators;

(4) sending valuable material to landfills instead of reusing and recycling that material is a waste of our natural resources;

(5) the amount of land currently used by landfills could be used in other more productive ways;

(6) the handling and transporting of municipal solid waste is a large cost to the taxpayer;

(7) recycling is a proven way to reduce the amount of the solid waste stream;

(8) though many municipalities have implemented effective recycling programs one of the impediments to enhancing successful recycling programs is the lack of markets for recycled goods, and lack of markets increases the costs of recycling, and decreases the amount of solid waste recycled;

(9) according to the Environmental Protection Agency, paper is 40 percent of the total volume, by weight, of existing landfills;

(10) the Federal Government can expand the existing markets for recycled paper and paper products which will result in a reduction of the amount of municipal solid waste;

(11) the Federal Government purchases over 700,000 tons of paper each year at a cost exceeding $600,000,000, and by purchasing recycled paper and paper products, the Federal Government will enhance the market for recycled paper and paper products; and

(12) specific targets for procurement of recycled paper and paper products by the Federal Government are necessary and will increase recycling.

SEC. 3. REPORT BY SECRETARY OF COMMERCE.

(a) RECYCLED PAPER.—Prior to the expiration of the 60-day period following the date of the enactment of this Act, the Secretary of Commerce shall conduct a study for the purpose of—

(1) determining in what manner and to what extent recycled paper can be better utilized by the United States, and the several States, including political submissions of such States;

(2) determining the costs likely to be incurred in recycling and the most effective way of minimizing such costs; and

(3) conducting a domestic market analysis of recycled paper.

(b) REPORT.—The Secretary of Commerce shall report the results of such study conducted pursuant to subsection (a), together with his views and recommendations, in the Federal Register.

SEC. 4. PROCUREMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Commerce shall, by regulation, establish a program for the purpose of requiring each Federal department to purchase and use a certain percentage of recycled paper and paper products in its operations.

(b) PROCUREMENT.—Under the program established pursuant to subsection (a), the Secretary of Commerce shall require each Federal department to take such action as may be necessary to assure that recycled paper and paper products are purchased under each contract, including subcontracts, for the procurement of 10,000 pounds or more of paper or paper products.

(c) EXCEPTIONS.—(1) Under such program, any decision not to use recycled paper and paper products shall be based on a determination that such items are—

(A) are not reasonably available within a reasonable period of time;

(B) fail to meet the performance standards set forth in the applicable specifications or fail to meet the reasonable performance standards of the procuring agencies; or

(C) available only at an unreasonable price.

(2) For purposes of this section, an unreasonable price is one which exceeds by more than 10 percent the price of nonrecycled paper or paper products.

(d) LEVELS.—The program established pursuant to this Act shall establish procurement levels for Federal departments for the acquisition of recycled paper and paper products as follows:

(1) For fiscal years 1993 and 1994, 33 percent of all paper and paper products procured during those fiscal years shall be recycled paper and paper products.

(2) For fiscal years 1995 and 1996, 42 percent of all paper and paper products procured during those fiscal years shall be recycled paper and paper products.

(3) For fiscal year 1997, and each fiscal year thereafter, 50 percent of all paper and paper products procured during such fiscal year shall be recycled paper and paper products.

SEC. 5. PUBLICATION; EFFECTIVE DATE; ENFORCEMENT.

(a) PUBLICATION.—Within 90 days following the establishment of the program required by this Act, the Secretary of Commerce shall publish a copy of such program in the Federal Register, and shall submit a copy thereof to Congress.

(b) EFFECTIVE DATE.—Such program shall take effect upon the expiration of the 60-day period following the date of its publication in the Federal Register.

(c) ENFORCEMENT.—It shall be the responsibility of the Secretary of Commerce to enforce the recycled paper and paper products procurement program established pursuant to this Act.

SEC. 6. DEFINITIONS.

As used in this Act, the term—

(1) "paper and paper products" includes nonpermanent printing and writing paper, corrugated boxes, napkins, tissue paper, and such other paper and paper products as may be considered necessary or appropriate to be included in such term by the Secretary of Commerce;

(2) The term "recycled paper and paper products" means paper and paper products that contain no less than 20% post-consumer materials, as defined by the E.P.A.

(3) "Federal department" means any department, agency, or other instrumentality of the executive, legislative, or judicial branch of the United States Government.

By Mr. FOWLER (for himself, Mr. NUNN, Mr. HOLLINGS, Mr. GRAHAM, Mr. SASSER, Mr. SHELBY, Mr. GORE, Mr. SANFORD, and Mr. PRYOR):

S. 833. A bill to amend title XIX of the Social Security Act to allow for State matching payments through voluntary contributions; to the Committee on Finance.

STATE MATCHING PAYMENTS THROUGH VOLUNTARY CONTRIBUTIONS

• Mr. FOWLER. Mr. President, today I rise before you to introduce important legislation to assist State Medicaid budgets with the financial burden of recent federally mandated expansions and address the hardship which disproportionate share hospitals currently face in providing indigent care. This bill will allow States to use voluntary contributions from hospitals as a portion of the State Medicaid match.

During these tough budget times—when health care costs are skyrocketing and the Federal Government keeps setting new mandates for the Medicaid Program—we must allow the States to use creative methods of financing their Medicaid match. I would much rather see a system of voluntary contributions from hospitals than the tax increases that might otherwise be needed to fund essential health-care services for indigent patients.

For the past few years the Health Care Financing Administration has attempted to limit how the States are able to finance their individual Medicaid programs. Congress has examined this issue for several years, but refused to take definitive action. This is the year to send a message to the States that the Federal Government is willing to work together with them to improve access to proper health care for our indigent citizens.

Under this legislation, not more than 10 percent of the total State Medicaid match may come from voluntary donations. Also, individual hospital donations may not exceed 10 percent of the participating hospital's gross revenues. These caps, along with current law, will ensure that there is no abuse by the States or individual hospitals.

In my home State of Georgia, the State legislature has implemented an Indigent Care Trust Fund to financially assist numerous disproportionate share hospitals. This program receives donations from contributing hospitals and utilizes the funds generated to help pay for indigent care throughout the State. Fifty-seven hospitals are currently participating in this program, which provides valuable assistance to the poor, including much needed perinatal case management and postpartum home visits for women and children. Due to forthcoming regulations by the Health Care Financing Administration, there is a growing uncertainty of the Indigent Care Trust Fund's future. Thus, the Georgia Department of Medical Assistance has been unable to proceed with plans to expand Medicaid coverage for pregnant women and children from 133 percent of the poverty level to 150 percent or higher.

Mr. President, the Congress needs to act now and put this issue to rest by allowing the States to use proven methods of expanding Medicaid benefits to indigent citizens. If we sit back and wait, the administration may, indeed, move to take this important financing tool away from State governments.

Mr. President I urge all my fellow colleagues in the Senate to join me, Mr. NUNN, Mr. HOLLINGS, Mr. GRAHAM of Florida, Mr. SASSER, Mr. SHELBY, Mr. GORE, Mr. SANFORD, and Mr. PRYOR in support of this bill. I also ask unanimous consent that this amendment to title XIX of the Social Security Act be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATE MATCHING PAYMENTS THROUGH VOLUNTARY CONTRIBUTIONS.

(a) VOLUNTARY CONTRIBUTIONS.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 4755(a) of the Omnibus Budget Reconciliation Act of 1990, is amended by adding at the end the following new subsection:

"(z)(1)(A) Subject to subparagraphs (B) and (C), financial participation described in subsection (a)(2) may include the application of private funds donated by hospitals to, and subject to the unrestricted control of, the State.

"(B) Financial participation may not include—

"(i) donations to the extent their aggregate amount exceeds in any Federal fiscal year 10 percent of the non-Federal portion of expenditures under the plan in the year, or

"(ii) donations made by, or on behalf of, or with respect to, any particular hospital, to the extent that their aggregate amount in an annual cost reporting period exceeds 10 percent of the gross revenues of the hospital (not taking into account any Federal revenues under this title or under title V or title XVIII).

"(C) For purposes of this paragraph, the fact that a hospital may receive some benefit from a transfer of funds to a State shall not prevent the transfer from being treated as the donation of funds, unless the amount of benefit to the hospital is directly related, in timing and amount, to the timing and amount of the transfer.".

(b) EFFECTIVE DATES.—The amendment made by subsection (a) shall apply to funds donated on or after January 1, 1992.●

By Mr. STEVENS:

S. 834. A bill to amend title 38, United States Code, to increase the salary of the Governors of the U.S. Postal Service, and for other purposes; to the Committee on Governmental Affairs.

POSTAL SERVICE GOVERNORS COMPENSATION ACT OF 1991

Mr. STEVENS. Mr. President, today I am introducing a long-needed change in the Postal Reorganization Act relating to the pay of the Board of Governors of the U.S. Postal Service. In addition, the legislation, if enacted, would enhance their ability to carry out their sworn duties.

The annual salary of the Postal Service Governors was set in 1970 at $10,000. My bill will increase the annual salaries to $30,000, to recover the reduction in compensation caused by 253 percent inflation since the date of enactment. This increase would be in line with the increased compensation granted to fellow postal workers who have seen a 286-percent increase in their wages since 1970.

As recognized from the beginning by the Kappel Commission, which laid the foundation for postal reorganization in 1968, the essential element for the success of the Postal Service is a governing Board with full authority for postal management. The immense size of the Postal Service, together with its $40 billion budget, its geographic scope, and its pervasive impact on every household, business, and community, requires oversight by persons of ability, energy, and experience. It is inconsistent with this requirement that the salary paid to those essential individuals since the enactment of the Postal Reorganization Act, should be reduced, through inflation, by approximately two-thirds of its original value. Moreover, the reduction of the value of the compensation is contrary to trends in the private sector, where the fees paid to outside directors of large corporations are rising. Companies in the private sector have come to depend upon the diligent, objective judgment of outside directors to monitor and evaluate the decisions of operating management, and they are increasingly willing to pay substantial amounts to obtain the time and energy of qualified directors. Similar considerations apply no less in a vast public enterprise such as the Postal Service, an enterprise I might add would be, in effect, the eighth largest private company in the United States, if it were a private company. To ensure that service as a Governor of the Postal Service remains attractive to persons of talent and stature, the salary paid to the Governors should be adjusted to restore some of the value lost through inflation.

It has also become increasingly apparent over the past 20 years that the Board of Governors of the Postal Service, as a group and as individuals, from time to time need to obtain the services of others to help them perform their duties effectively. Such assistance may take the form of clerical help to deal with a surge of correspondence occasioned by a major postal rate proceeding, or the need to utilize expert advice to aid in the evaluation of a major policy initiative or capital expenditure facing the Board. Although it is implicit in the Postal Reorganization Act that the Board of Governors may employ clerical or professional help, consistent with their overall authority to direct the exercise of these responsibilities, it is appropriate to codify that explicit recognition of authority. But more important, it is inherent upon the whole concept of the Board of Governors that they are independent of management and that they have the duty to ensure, on behalf of the American people, that the actions requested by management are in the proper interest of all ratepayers and postal customers. They cannot do that job adequately if their only source, or their primary source, is postal management. The current Board has a capable secretary who does all that can be done. But one person cannot do it all. This legislation simply gives the members, with the approval of the Board, the ability to hire limited supplemental staff either in Washington, or in their own communities, to help them carry out their duties.

I do not perceive a huge bureaucracy being created. I do not perceive even a very large staff, but we must authorize some staff. We cannot hold the Board of Governors accountable for action and deny them the ability to freely probe, question, and assure themselves that the course the postal management wishes to take is the proper course. Those hired will be retained with the approval of the Board of Governors and will be subject to the same basic policies and restrictions which govern all U.S. Postal Service employees. These statutory policies include a 5-year time limit, right of removal applicable to executive employee contracts, prohibition of political job recommendations, and general applicable principles of pay applicability, executive salary limitations, and employment opportunities for the disadvantaged and handicapped. In addition, in order to ensure that the Board and its members should not establish a separate bureaucracy, individuals employed, or contracted to assist the Board or its members, will not be considered members of the postal career service. Mr. President, I ask unanimous consent to print at the end of my remarks the complete text of the bill.

Incidentally the total amount of money involved in this is very small and because of the circumstances it will not come out of the taxpayers' funds, it will come out of the ratepayers' funds. But those ratepayers deserve better service from the Board of Governors and I believe they will get that service if the compensation is in line with modern conditions; conditions now as compared to 1970, and they have the staff preparation that enables them to do their job in a shorter period of time when they are in session.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Postal Service Governors Compensation Act of 1991".

SEC. 2. INCREASED SALARY FOR POSTAL SERVICE GOVERNORS.

Section 202(a) of title 39, United States Code, is amended by striking "$10,000" and inserting in lieu thereof "$30,000".

SEC. 3. STAFF ASSISTANCE FOR BOARD OF GOVERNORS.

(a) IN GENERAL.—Section 205(a) of title 39, United States Code, is amended by adding at the end the following: "The Board is authorized, by contract or other employment subject to the policies and restrictions of sections 1001(c), 1002, and 1003 of this title, to obtain such staff to assist the Board or its members as the Board shall determine by resolution to be appropriate.".

(b) CONFORMING AMENDMENT.—Section 1001(b) of title 39, United States Code, is amended by striking "and 1001(c)" and inserting in lieu thereof "205(a), and 1001(c)".

SEC. 4. EFFECTIVE DATE.

The provisions of this Act shall take effect on October 1, 1991.

SECTIONAL ANALYSIS

SEC. 1. SHORT TITLE

The Postal Service Governors Compensation Act of 1991.

SEC. 2. INCREASED SALARY FOR POSTAL SERVICE GOVERNORS

This section amends 39 U.S.C. 202(a) to increase the yearly salary of the Governors of the United States Postal Service from $10,000 to $30,000.

SEC. 3. STAFF ASSISTANCE FOR BOARD OF GOVERNORS

Subsection (a) amends 39 U.S.C. 205(a) to make explicit the authority of the Board of Governors of the Postal Service, by employment contracts or other arrangements, to obtain support staff for the Board as a whole, or its individual members. (Any such contracts or arrangements must be approved by a resolution of the Board of Governors.) All such employment arrangements, moreover, will be subject to certain policies and restrictions which govern employment within the Postal Service, including the five-year time limit and right of removal applicable to executive employment contracts (39 U.S.C. 1001(c)), the prohibition of political recommendations (39 U.S.C. 1002), and the policies of pay comparability, executive salary limitation, and opportunity for the disadvantaged and handicapped (39 U.S.C. 1003).

Subsection (b) makes a conforming amendment to 39 U.S.C. 1001(b) to provide that individuals employed under contracts or other arrangements to provide staff assistance to the Board or individual Board members will not be members of the postal career service.

By Mr. MOYNIHAN:

S. 835. A bill to amend title IV of the Social Security Act to establish AFDC minimum payment standards; to the Committee on Finance.

MINIMUM BENEFIT FOR FAMILIES ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill that would require that AFDC payments, when combined with food stamp benefits, equal at least 50 percent of the poverty level. Under this proposal, the minimum monthly AFDC-food stamp benefit for a family of three would be $464.

Children now make up the largest proportion of poor persons in the United States. Some 12.6 million, 39.9 percent of the poor. This development is linked to recent changes in the American family. Today, nearly one-quarter of all families are headed by a single mother. That's up from 19.4 percent in 1980, 11.5 percent in 1970.

Single parent families now represent two-thirds of all poor families. And they seem out of the reach of the standard economic prescriptions. The annual poverty status report recently issued by the Bureau of the Census suggests that the economic growth and high employment levels of the last decade made no impact on this group.

In 1988, we enacted legislation, the Family Support Act, to address child poverty and welfare dependency. This proposal introduced a wholly new concept to welfare, a social compact. Society owed single mothers support while they acquired the means of self-sufficiency; mothers owed society the effort to achieve this goal. Absent fathers owed child support to both. But the social calamity that is welfare dependency will not be reversed overnight. What took near a generation to create will take near a generation to remedy.

Meanwhile, we have 12.6 million children who live in pauperdom; who at the very least must be provided with food, clothing, and shelter.

The Federal Government does not set benefit levels. States do. And some States set their's quite low—Alabama: $118 a month for a family of three; Mississippi: $120; Tennessee: $184; Texas: $184; and Louisiana: $190. By contrast, the State of Alaska pays $846. This is over seven times as much as Alabama and Mississippi, a range that greatly exceeds geographical differences in the cost of living.

Since the 1970's, Social Security benefits have been indexed to inflation. As a result, poverty among the elderly has been nearly eliminated—surely one of our most significant achievements. Indeed, by 1989 the proportion of the elderly who were poor had dropped to 11.4 percent, down from 35.2 percent in 1959. Similarly, Supplemental Security Income, a national program of income assistance for the aged, blind and disabled, also provides federally set benefits which are indexed to inflation. By contrast, the value of AFDC benefits has steadily dropped over the past two decades. From 1970 to 1989, the median maximum benefit for a family of three declined in real terms by 37 percent. In Texas the decline was 60 percent.

The welfare benefits required under this bill are extremely modest—some $217 a month in AFDC payments for a family of three. If we took the minimum benefit for a family of three included in President Nixon's family assistance plan and passed by the House back in 1970, and inflated it forward to today, we would have a payment of $364—over two-thirds more than that required by this proposal. Many people would argue that a much higher minimum payment is justified, and I might well agree. But in support of the proposal, I would advance three points. One, the minimum benefit will increase over time. As the poverty level goes up with inflation, the minimum benefit will increase also. Two, in the States that are affected, this bill would increase income going to some of our neediest families. And three, the cost is bearable—$250 million to the Federal Government.

It is time we took this badly needed step to ensure that the poorest children in the Nation receive at least the barest level of support.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minimum Benefit for Familes Act of 1991."

SECTION 2. AFDC MINIMUM PAYMENT STANDARDS.

(a) STATE PLAN REQUIREMENT.—(1) Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended—

(A) by striking "and" at the end of paragraph (44);

(B) by striking the period at the end of paragraph (45) and inserting "; and"; and

(C) by inserting after paragraph (45) and before the matter following such paragraph the following new paragraph:

"(46) provide for payment standards under the plan that meet the requirements of section 411.".

(2) Part A of title IV of such Act is amended by inserting after section 410 the following new section:

"MINIMUM PAYMENT STANDARDS

"Sec. 411. (a)(1) In order to be approved under section 402, subject to paragraph (2), a State plan shall provide that the payment standard in effect under the plan for a family of a given size is such that the amount of aid payable under the plan to a family of such size with no income other than income under this part (and reducing such income only by the applicable standard deduction as specific in section 5(e) of the Food Stamp Act of 1977), when added to the value of any food stamp allotment to which such family or the household of such family is entitled, equals or exceeds an amount equal to 50 percent of the income official poverty line established by the Office of Management and Budget (and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(2) For the purposes of paragraph (1)—

"(A) the total value of any food stamp allotment in the case of any family shall be considered to be the total value of the allotment which such family would receive if it were considered a household with no income (except under this part) for purposes of the Food Stamp Act of 1977 (whether it is actually living along or with one or more other persons or families); and

"(B) in the case of a family which includes one or more dependent children but in which there is no adult whose needs are taken into account in determining the amount of aid payable (unless the application of this clause would result in a larger amount of aid for such family than the amount of aid which would be paid to a family of the same size and income which includes one or more such adults), the payment standard established by the State shall be such that the standard (without taking into account the value of any food stamp allotment) will equal an amount that is not less than 50 percent of the difference between the income official poverty line described in paragraph (1) applicable to a family with 3 members and the income official poverty line described in paragraph (1) applicable to a family with 3 members and the income official poverty line applicable to a family with a number of members equal to 3 plus the number of such dependent children.".

(b) Effective Dates.—(1) Except as provided in paragraph (2), the amendments made by this section shall become effective on October 1, 1992.

(2) In the case of a State plan under section 402 of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 836. A bill to amend the Energy Policy and Conservation Act with respect to the petroleum reserve; to the Committee on Energy and Natural Resources.

REGIONAL PETROLEUM RESERVES

• Mr. AKAKA. Mr. President, today I am introducing legislation to establish an emergency petroleum reserve in Hawaii. I offer this bill on behalf of myself and Senator INOUYE.

The Islands of Hawaii are rich in many things—especially beauty—but poor in fossil fuels. We rely on oil for 90 percent of our energy needs. All of it arrives by ocean tanker. That is why an emergency oil reserve is of great concern to the people of Hawaii.

Compared to the mainland, Hawaii faces a much greater risk of an oil supply disruption. The reason for this is obvious: We have no overland access to domestic sources of crude. While the lower 48 States and Alaska have access to oil transported by pipeline, rail, or highway, all of Hawaii's crude oil and refined products arrive by ocean tanker.

Our total reliance on tanker deliveries makes Hawaii exceptionally vulnerable to a cutoff of oil supplies should a crisis disrupt imports. A severe disruption of imports would cause our oil supplies to run dry and Hawaii's economy would grind to a halt.

In a crisis, Hawaii's only means of access to the petroleum reserve would be by tanker delivery from the Gulf of Mexico through the Panama Canal. Studies commissioned by the State of Hawaii have determined that the delivery time for strategic petroleum reserve oil to Hawaii from the Gulf of Mexico would be as much as 53 days. This exceeds the State's average commercial working inventory by 23 days.

That's why an oil supply disruption is Hawaii's greatest nightmare. When the Middle East sneezes, the mainland may catch a cold, but Hawaii comes down with double pneumonia. That is why we need an emergency petroleum reserve.

Hawaii tax dollars help fill and maintain the strategic petroleum reserve. But Hawaii doesn't benefit from the energy security the reserve provides. That's not fair. And it's not right.

Hawaii should be able to enjoy the same energy security that the rest of the Nation enjoys. It's a matter of simple equity.•

By Mr. BUMPERS (for himself and Mr. DANFORTH):

S. 837. A bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, or student loans of students who agree to perform services in certain professions; to the Committee on Finance.

TREATMENT OF CERTAIN STUDENT LOANS

• Mr. BUMPERS. Mr. President, I am today introducing legislation that will correct an inequity in the taxation of students whose education loans are canceled. This legislation updates section 108(f) of the Internal Revenue Code to take into account new programs for the cancellation of student loan debts that did not exist when this section was enacted.

Normally, when an idividual's debts are discharged or canceled, the individual is deemed to have received taxable income in the amount of the discharge or cancellation. However, section 108(f) currently provides that when a debt or loan of a student is discharged or canceled by the Federal or a State government, the student is not considered to have received taxable income in the amount of the cancellation. This is similar to provisions of section 108(f) that have the same effect when it is the debt or loan of a farmer is discharged or canceled.

The problem is that section 108(f) does not apply to the many new programs where private universities and colleges are the ones discharging or canceling the student loan debts. This means that in these cases the loan discharge or cancellation generates taxable income for the student in the amount of the discharged or canceled debt.

It is not fair to provide different tax treatment for the discharge or cancellation of debts when it is the Federal Government or a State government is the moving party than when it is a private university or college that is involved. There is no tax policy that would justify or explain this different tax treatment based on who discharges or cancels the debt or loan.

Section 108(f) only applies to cancellation of Federal or State government student loans because these were the only loan cancellation programs in existence in the mid-seventies when this section of the code was enacted. Section 108(f) was enacted to deal with Federal and State loan cancellation programs that sought to encourage doctors to serve in rural areas. Other grounds for cancellation of Federal and State student loans have been adopted since then and they all fit within the language of section 108(f) regarding the discharge of indebtedness/taxable income question.

In the past few years, however, a large number of universities and colleges have established loan cancellation programs where their own loans are the ones being canceled. These newer loan cancellation programs seek to encourage students to serve as low-paid employees of a community service organization and to serve as public interest of legal services lawyers. These new programs are not covered by the existing language of section 108(f).

The growth of these new loan cancellation programs is a response to: First, the increase in the size and importance of university and college loan programs; second, cutbacks in Federal loan programs; third, the rapid increase in the cost of higher education; fourth, the rapid increase in student loan indebtedness; and fifth, the perception that financial considerations are undermining the commitment of the next generation to public and community service.

The most well developed private loan cancellation programs so far are for law law school graduates who are entering public interest law or legal services work. There are now 32 law schools with loan cancellation programs: American University, Boston College, Brooklyn Law School, Columbia, Cornell, Duke University, Emory University, Franklin Pierce Law Center, Georgetown University, Hamline University, Harvard, Hastings College of the Law, Loyola Law School in Los Angeles, New York University, Northeastern University, Northwestern University, Santa Clara University, Southwestern University, Stanford University, Suffolk University, Tulane University, University of California—Berkeley, University of California—Davis, University of Chicago, University of Iowa, University of Michigan, University of Notre Dame, University of Southern California, University of Virginia, and Yale University.

Other loan cancellation programs have been established by the bar associations of Arizona, Arizona Bar Foundation; the State of Maryland, Maryland State Scholarship Administration; the bar association of North Carolina, North Carolina Legal Education Assistance Foundation; and the bar association of Tennessee, Tennessee Interest on Lawyers' Trust Accounts. There are two local communities that have established programs, New Haven, CT, Real Estate Education Fund, and Columbus, OH, Columbus Bar Association. The ABA house of delegates has passed a resolution calling on law schools to get up these loan cancellation programs.

It is more difficult to obtain lists of other, nonlaw school loan cancellation programs. The Maryland program covers doctors, nurses, and social workers. There is a loan cancellation program at Stanford's Engineering School for grads going into teaching. Consideration has been given to establishing such programs at the Kennedy School of Government, the Harvard and Stanford Business Schools, and the Yale School of Public Management.

Loan cancellation is a new idea that is spreading beyond the law schools. And the legislation I am introducing today would encourage the spread of this loan cancellation for public service idea. Much of the experience so far is with law school graduates, but the same idea could well be extended to graduates of medical schools, schools of social work, schools of architecture, or to undergraduates.

At present the total amount of university/college sponsored student loans is dwarfed by the Federal and State loan programs. And, the Federal and State loan cancellation programs also dwarf the loan cancellation programs that have been established by these schools. At present only a fairly wealthy university or college can afford to set up its own loan program. And, even fewer universities or colleges can afford to set up a loan cancellation program. But, these are both trends that this legislation will encourage.

The National Association for Public Interest Law [NAPIL] has compiled statistics that find that the total amount of the loans canceled in 1989 for law students was $1.1 million and that 361 law school graduates had loans partially cancelled. Harvard University Law School was the largest participant with $537,000 in loans canceled for 129 graduates. Second was Columbia Law School with $208,700 in loans canceled for 41 graduates. A new survey is being conducted by NAPIL regarding the Nation's legal services, legal aid, and public defenders programs and it should be ready in a few months.

These loan cancellation programs at law schools respond to two realities in the marketplace. First, the tuition increase at law schools has increased much faster than the rate of inflation. The median tuition increase at public law schools for in-State students has been 181 percent between 1985 and 1986, at public law schools for out-of-State students has been 205.1 percent, and at private law schools has been 186.8 percent. The inflation during this period has amounted to only 85.8 percent.

Second, salaries in the marketplace for public and community service positions are low, particularly in relation to the student debt load and competing salaries at law firms and elsewhere in the legal community. According to the National Association for Law Placement, the average salary for 1987 law graduates was $35,800 and the average salary for first year associates with large firms was $53,638. By way of contrast the salaries at public interest law firms was around $20,000 for first year associates and less than $30,000 for lawyers with 5 years of experience.

This extreme salary differential is the key reality that has led to the establishment of so many loan cancellation programs at America's law schools. For example, based on a major survey 84 percent of the Nation's public defender programs found difficulties in recruitment and educational debts played an important role in limiting the number of applicants and 81 percent of these programs found this to be true in the recruitment of minority applicants.

The original purpose of section 108(f) is well served if it is modified to cover the new loan cancellation programs of private universities and colleges. These loan cancellation programs have the same basic purpose and goal of the Federal and State government student loan cancellation programs which are already covered by section 108(f).

Extending section 108(f) is also consistent with the current tax policy with respect to university and college scholarship funds, which are not considered to be income to the student receiving the scholarship unless the amount of the scholarship exceeds the costs of tuition and course related expenses. If the university or college had given the student a scholarship rather than a loan, the scholarship would not have constituted taxable income. When the college or university cancels a loan, it is, in effect, converting a loan into a scholarship and this also should not generate taxable income.

The schools that are participating in these loan cancellation programs can leverage their funds if they cancel loans rather than simply expand the amount of scholarships they award in the first place. A scholarship that is awarded to a law student who immediately goes to work for a law firm for a $75,000 salary can easily repay a $5,000 scholarship, but the money is much more effective if the same $5,000 is spent to cancel the loan of a law school graduate who is working in a public defender program for $20,000. In this case the need for the "scholarship" is better determined after a student graduates.

Most of these loan cancellation programs at law schools are ingeniously tailored to carefully limit expenditures. Programs only provide assistance while an individual remains in the public sector and in most programs educational debts are not discharged until the individual's third year in practice and then are forgiven gradually over the next 6 years. If at any point, a graduate accepts employment in the private sector or his or her salary exceeds a maximum amount, no further loan cancellation will take place.

Amending section 108(f) would encourage universities and colleges to establish and expand loan cancellation programs and to solicit charitable contributions to fund loan cancellation programs, encourage more young people to perform public and community service under these programs, and help to relieve the student loan debt problem. This would be much cheaper to the Federal Government than sponsoring its own loan cancellation programs for its own loans.

If the loan cancellation programs are established in the private sector at each university and college, there would be a great deal more innovation and experimentation and promotion of it than if there's a national program. This is a case where a very small investment of the Federal Government's revenue can have a multiplier effect for actions in the private sector.

Amending section 108(f) does not undermine the 1986 tax reform law. Basically it just updates section 108(f) so that it applies to the range of student loan cancellation programs which have come into existence since section 108(f) was enacted in 1976. This is a technical problem that extends the current tax policy to similarly situated taxpayers. It does not involve adoption of any new policy on the discharge of indebtedness issue.

The Joint Committee on Taxation has found that this bill would result in a negligible revenue loss in each of the five fiscal years contained in the 1992–96 budget period. (March 15, 1991, letter from Stuart A. Brown.) With only $1.1 million in loans canceled for law students, the bill would lose an insignificant amount of revenue. Most of the students whose loans are cancelled are probably in the 15-percent tax bracket. This amendment might be a catalyst to spur the formation of more loan cancellation programs, but the revenue impact of this would be long term and probably would not be reflected in the estimate.

These loan cancellation programs and this legislation is strongly supported by the American Bar Association, the National Senior Citizens Law Center, NAPIL, the Association of American Law Schools, the National Legal Aid and Defenders Association, the National Association for Law Placement, the Project Advisory Group, and the Law School Admissions Council. I am sure that the coalition in favor of the legislation will expand rapidly when we publicize what we are doing with the bill.

I am interested in this issue because I have been the principal advocate in the Congress for amending the Federal student aid programs to provide for loan cancellation for students who perform full-time, low-paid community service upon graduation. Because my proposals concern cancellation of a Federal Government loan by the Federal Government itself, it falls within the current language of section 108(f). But, this work on my other bill brought this issue covered in this bill to my attention.

The bill I am introducing covers three types of loan cancellation programs.

First, it extends the current discharge of indebtedness provision to include discharge of loan debt by institutions of higher education. This provision covers programs where it is the university or college's own loans that are being cancelled.

This provision also covers cases where a private bank is canceling its own loans. Banks might in some cases be persuaded to cancel the loans of some students in exchange for community service in the community in which the bank is located. I know of no programs where banks are now doing this, but given the problems we've had with the limitations of section 108(f), we might as well try to take future developments into account this time.

Second, the bill also includes a provision that provides the same tax treatment if a university or college extends an additional loan—which it then cancels—to the student to help the student repay loans from some other source, including the Federal and State government. This would cover plans where the loan was not extended by the university or college itself but where it helps the student to repay other loans. The college or university must take steps to ensure that the loans given to the student which are then canceled are, in fact, used by the student for the purpose of repaying the student's other loans.

Third, the bill includes a provision that permits the university or college itself to repay the other loan. The second provision is different only in that the student is the one who actually makes the payment, while with the third it is the university or college that cuts the check.

We want to make sure to cover all of the different types of loan cancellation programs. We want to encourage innovation and not constrain the programs in ways that have no bearing on the Federal Government's legitimate tax policy interests.

The bill provides that the loan cancellation cannot be funded by the employer of the student. We need this limitation to avoid any possibility of an employer substituting loan cancellation, which this bill ensures does not generate taxable income, for wages and salary, which is fully taxable.

The employment of the student must be in a field that is related to the education provided by the university or college to the student.

Finally, the bill is prospective in application. It applies only to loan cancellations that occur after the date of enactment of the legislation. It confers no retroactive windfall on any student for a loan cancellation in the past.

This legislation should enjoy bipartisan support. It is basically a technical amendment to bring section 108(f) up to date to cover the new loan cancellation programs that have come into existence since section 108(f) was last amended. We all will benefit from these loan cancellation programs as they encourage more of our young people to serve the community.●

● Mr. DANFORTH. Mr. President, today I, along with Senator BUMPERS, am introducing legislation to amend section 108(f) of the Internal Revenue Code to include new programs for the cancellation of loan debts. Under current law, if the Federal or a State government cancels student loan debts, no income is generated to the student debtor. Today, there are many new programs that use the cancellation of student debt to encourage people to enter public service. These new programs are often instituted by someone other than the Federal or State governments. Because these loan cancellation programs are not covered by section 108(f), the student debtors are taxed on the amount of the canceled loan. For a recent graduate working in a low-paid public interest job, the tax burden created by this is heavy. These new loan cancellation programs are an excellent way to encourage advanced degree students to enter the public service. In order to make them truly effective and more widely used, the Tax Code must be updated.

Section 108(f) of the Internal Revenue Code was enacted in the mid-seventies with the intent of encouraging doctors to practice in rural areas. This part of the Code has been expanded to include other grounds for cancellation of Federal and State student loans. The inclusion of private loan cancellation programs, based on the same basic premise, would be a natural extension of section 108(f). A revenue estimate done by the Joint Committee on Taxation found that the amendments to the Code would result in a negligible revenue loss for the fiscal years 1992–96.

More and more private institutions have begun to offer loan cancellation as an incentive for students considering public interest work. These programs help defray the costs of increasingly expensive graduate studies while making up for the decreasing availability of Government loans. They also offset the salary advantages of entering the private sector instead of public interest work. The programs instituted by universities serve the same purpose as those administered by the Federal and State governments. They should therefore receive the same tax treatment.

Many of the new loan cancellation programs are sponsored by law schools. Each program is structured differently, but most are designed for graduates who perform law related work for the Government, private groups serving the public interest, or nonprofit organizations. The Jaffin Loan Assistance Program at Columbia University School of Law is an example of one such loan cancellation system. The program at Columbia applies to all loans received under institutionally approved and certified loan plans. Columbia offers loan forgiveness for graduates according to their adjusted gross income, based on a scale of decreasing benefits for income over $35,000. Loan forgiveness begins in the 4th year of public interest work, with full forgiveness by the 10th year. The number of graduates who entered the program has risen steadily since 1983, with 31 students entering in 1988. While the structure of each loan cancellation program is different, the results are similar.

Loan cancellation programs are not limited to private institutions, nor are they only present at law schools. Public universities, such as the University of Maryland, the University of Virginia, the University of Michigan, and many schools in the California system have different types of loan cancellation programs. Organizations such as the Minnesota Bar Foundation and the Florida Bar Foundation are currently studying loan forgiveness programs, and the Arizona Bar Foundation has begun implementing its own statewide program. Other types of graduate programs, such as the Kennedy School of Government at Harvard, and Stanford Business School are considering loan cancellation programs. The Stanford School of Engineering currently has in place a loan cancellation program for its graduates who go into teaching. These are worthwhile programs and should be encouraged.

Private loan cancellation programs, like Government sponsored programs, are an important way to make public interest careers more feasible for debt burdened graduate students. They help meet the needs of the community at large by increasing the number of professionals available to serve. It is natural that they should receive the same tax treatment as Government programs, under section 108(f). By supporting all loan cancellation programs we can help encourage graduate students to enter into public service.•

By Mr. DODD (for himself, Mr. COATS, Mr. KENNEDY, Mr. PELL, and Mr. ADAMS):

S. 838. A bill to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes; to the Committee on Labor and Human Resources.

CHILD ABUSE, DOMESTIC VIOLENCE, ADOPTION AND FAMILY SERVICES ACT

• Mr. DODD. Mr. President, I rise today, to introduce legislation to reauthorize and amend CAPTA—the Child Abuse Prevention and Treatment Act.

Even as we focused on the Persian Gulf in recent months, all of us knew that unresolved problems continue to mount at home. In complexity and importance, our domestic issues present greater national challenges than our conflict overseas. Our national wellbeing is more vitally dependent upon their resolution. And no single item is more important on our home agenda than the welfare and protection of our children.

The children of America, Mr. President, are under assult. Poverty, illicit drugs, community dysfunction, and family disintegration are destroying young lives. Abuse occurs in all parts of our country and across all socioeconomic strata. In some instances, it kills. At the very least, it cripples.

The terms "national emergency" and "crisis" are clearly both apt and valid—though I hesitate to use them. Great problems are hard to convey; we have difficulty appreciating large magnitudes and synthesizing multiple facets. Far easier to identify with a small child trapped in a well than it is to hold the thought that 2.4 million reports of child mistreatment were filed in 1989—more than 900,000 of them officially substantiated.

"National emergency" and "crisis," sadly enough, are terms that have lost their impact from overuse. What we need is new vocabulary to convey the truth that the threats to our children constitute a fundamental, primal, and grave danger to our society. And we must show the widsom, resources, determination, and compassion to confront it, now.

It is estimated that 2.5 percent of American children are abused or neglected each year. In 1989, 360,000 children were under foster care. And behind these startling statistics lie further unpleasant and difficult, but relevant, facts. From trailer parks to inner cities, many families are isolated and devoid of any community support. Median family income has plateaued since the 1970's despite proportionally more two-income families. Half of all marriages now end in divorce—most of them involving children. And the median income of families headed by a single mother in 1987 was $9,838. As Commissioner Horn of the Administration for Children, Youth and Families testified, "the American family is struggling to survive under enormous pressures."

Other factors contribute to abuse and neglect: Teen pregnancy results in children becoming parents, but with neither the skills nor the capacity for parenting. Substance abuse leads to disability and abandonment—there were 2,400 drug-exposed newborns in Los Angeles in 1989, and possibly 375,000 nationwide each year. HIV infection and physical or mental disabilities are other causes for neglect.

The response on behalf of children, meanwhile, has been piecemeal and inadequate. Child protection services are shorthanded and overburdened. The child welfare system itself is but an amalgam of Federal and local programs and agencies lacking coherent strategy and leadership. The U.S. Advisory Board on Child Abuse and Neglect accurately concludes that we spend billions of dollars on programs that belatedly attempt to remedy the consequences of what we've failed to prevent, detect, and treat early on. This, Mr. President, is why CAPTA is important.

CAPTA is a package of programs designed to support families at risk—to identify problems before they become crisis and to intervene before there is abuse. It seeks to interrupt the cycle of abuse in families and across generations.

Recognizing the disturbing increase in child abuse, the majority of States have established children's trust funds to allow States to pay for abuse and neglect prevention efforts. Matching Federal funds are provided for innovative, neighborhood-oriented prevention programs under the community-based prevention grants.

The child abuse treatment improvement grants fund demonstrates to address the effects of abuse and neglect on children placed in out-of-home care. Too often, there are no services for children beyond their removal from the abusive or neglectful environment. There are few services that consider the child in the context of his or her family—that address the needs of the family as a unit. These grants would enable State or local child welfare agencies to vary the approaches to better out-of-home care and reunification.

The Emergency Protective Child Services Grants enable child welare agencies to hire more workers and improve staff training, thereby reducing caseloads and strengthening their care. It was originally enacted in the 1988 drug bill. This provision attempts to reach families affected by substance abuse.

Child protective services are currently overwhelmed by the complexity and volume of their caseloads. Lack of housing, AIDS, substance abuse, and high staff turnover rates are all contributing problems. The General State Grant Program, a new provision, would restructure the formula grant program to States, strengthening their intake, investigation, and disposition of child abuse and neglect reports. It would also improve case management services and enhance general systems for data retrieval, referrals, assessments, and training. The States would specify how the funds are to be used to these ends and provide baseline data.

The legislation introduced today represents a modest starting point—an effort to stem the tide. It must also be a rallying point around which we gather consensus, cohesion, and support. The needs of these families and children are urgent and the consequences of delay, in many cases, will be devastating and lasting. Level funding—the failure to make progress—will mean the deepening of crisis rather than its resolution. We must consider the lives at risk and how their individual predicaments amount to our social peril.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abuse, Domestic Violence, Adoption and Family Services Act of 1991".

SEC. 2. FINDINGS.

Congress finds that—

(1) each year, hundreds of thousands of American children are victims of abuse and neglect with such numbers having increased dramatically over the past decade;

(2) many of these children and their families fail to receive adequate protection or treatment;

(3) the problem of child abuse and neglect requires a comprehensive approach that—

(A) intergrates the work of social service, legal, health, mental health, education, and substance abuse agencies and organizations;

(B) strengthens coordination among all levels of government, and with private agencies, civic, religious, and professional organizations, and individual volunteers;

(C) emphasizes the need for abuse and neglect prevention, investigation, and treatment at the neighborhood level;

(D) ensures properly trained and supported staff with specialized knowledge, to carry out their child protection duties; and

(E) is sensitive to ethnic and cultural diversity;

(4) the failure to coordinate and comprehensively prevent and treat child abuse and neglect threatens the futures of tens of thousands' of children and results in a cost to the Nation of billions of dollars in direct expenditures for health, social, and special educational services and ultimately in the loss of work productivity;

(5) all elements of American society have a shared responsibility in responding to this national child and family emergency;

(6) substantial reductions in the prevalence and incidence of child abuse and neglect and the alleviation of its consequences are matters of the highest national priority;

(7) national policy should strengthen families to remedy the causes of child abuse and neglect, provide support for intensive services to prevent the unnecessary removal of children from families, and promote the reunification of families if removal has taken place;

(8) the child protection system should be comprehensive, child-centered, family-focused, and community-based, should incorporate all appropriate measures to prevent the occurrence or recurrence of child abuse and neglect, and should promote physical and psychological recovery and social re-integration in an environment that fosters the health, self-respect, and dignity of the child;

(9) because of the limited resources available in low-income communities, Federal aid for the child protection system should be distributed with due regard to the relative financial need of the communities;

(10) the Federal government should ensure that every community in the United States has the fiscal, human, and technical resources necessary to develop and implement a successful and comprehensive child protection strategy;

(11) the Federal government should assist communities in their child protection efforts by—

(A) promoting coordinated planning among all levels of government;

(B) generating and sharing knowledge relevant to child protection, including the development of models for service delivery;

(C) strengthening the capacity of States to assist communities;

(D) allocating sufficient financial resources to implement community plans;

(E) helping communities to carry out their child protection plans by promoting the competence of professional, paraprofessional, and volunteer resources; and

(F) providing leadership to end the abuse and neglect of the nation's children and youth.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. REFERENCES.

Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

Subtitle A—General State Program

SEC. 110. GRANT PROGRAM FOR CHILD ABUSE NEGLECT PREVENTION AND TREATMENT.

Section 107 (42 U.S.C. 5106a) is amended—

(1) by striking out subsections (a) and inserting in lieu thereof the following new subsection:

"(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary, acting through the Center, shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

"(1) the intake and screening of reports of abuse and neglect through the improvement of the receipt of information, decisionmaking, public awareness, and training of staff;

"(2)(A) investigating such reports through improving response time, decisionmaking, referral to services, and training of staff;

"(B) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

"(C) improving legal preparation and representation;

"(3) case management and delivery services provided to families through the improvement of response time in service provision, improving the training of staff, and increasing the numbers of families to be served;

"(4) enhancing the general child protective system by improving assessment tools, automation systems that support the program, information referral systems, and the overall training of staff to meet minimum competencies; or

"(5) developing, strenghtening, and carrying out child abuse and neglect prevention, treatment, and research programs."; and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection:

"(c) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall annually submit a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. The plan shall describe the current system capacity of the State in the relevant area or areas from which to assess programs with grant funds and specify the manner in which funds from the State's programs will be used to make improvements. The plan required under this subsection shall contain, with respect to each area in which the State intends to use funds from the grant, the following information with respect to the State:

"(1) INTAKE AND SCREENING.—

"(A) STAFFING.—The number of child protective service workers responsible for the intake and screening of reports of abuse and neglect relative to the number of reports filed in the previous year.

"(B) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in report-taking, screening, decision-making, and referral for investigation.

"(C) PUBLIC EDUCATION.—An assessment of the State agency's public education program with respect to—

"(i) what is child abuse and neglect;

"(ii) who is obligated to report and who may choose to report; and

"(iii) how to report.

"(2) INVESTIGATION OF REPORTS.—

"(A) RESPONSE TIME.—The number of reports of child abuse and neglect filed in the State in the previous year, the agency response time to each with respect to initial investigation, the number of substantiated and unsubstantiated reports, and where appropriate, the response time with respect to the provision of services.

"(B) STAFFING.—The number of child protective service workers responsible for the investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

"(C) INTERAGENCY COORDINATION.—A description of multidisciplinary investigation teams and interagency coordination processes that exist, including the extent to which they are available Statewide, whether protocols or formal policies governing interagency relationships (among agencies responsible for child protective services, criminal justice, schools, health, mental health, and substance abuse) and responsibilities for prevention, intervention and treatment exist, the extent to which there is use of special interagency child fatality review panels including a listing of those agencies that are involved and how all teams are trained.

"(D) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as investigation, risk assessment, court preparation, and referral to and provision of services.

"(E) LEGAL REPRESENTATION.—An assessment of the State agency's current capacity for legal representation, including the manner in which workers are prepared and trained for court preparation and attendance.

"(3) CASE MANAGEMENT AND DELIVERY OF ONGOING FAMILY SERVICES.—For children for whom a report of abuse and neglect has been substantiated and the children remain in their own homes and are not currently at risk of removal the State shall and assessment of the following:

"(A) RESPONSE TIME.—The number of cases opened for services as a result of investigation of child abuse and neglect reports filed in the previous year, including the response time with respect to the provision of services from the time of initial report and initial investigation.

"(B) STAFFING.—The number of child protective service workers responsible for providing services to children and their families in their own homes as a result of investigation of reports of child abuse and neglect.

"(C) TRAINING.—The types and frequency of pre-service and in-service training programs available to support direct line and supervisory personnel in such areas as risk assessment, court preparation, provision of services and determination of case disposition, including how such training is evaluated for effectiveness.

"(D) INTERAGENCY COORDINATION.—The extent to which treatment services for the child and other family members are coordinated with child welfare, social service, mental health, education, and other agencies.

"(4) General system enhancement.—

"(A) Automation.—An assessment of the capacity of current automated systems for tracking reports of child abuse and neglect from intake through final disposition and how personnel are trained in the use of such system.

"(B) Assessment tools.—A description of whether, how, and what risk assessment tools are used for screening reports of abuse and neglect, determining whether child abuse and neglect has occurred, and assessing the appropriate level of State agency protection and intervention, including the extent to which such tool is used statewide and how workers are trained in its use.

"(C) Information and referral.—A description and assessment of—

"(i) information and referral systems, including their availability and ability to link families to various child welfare services such as homemakers, intensive family-based services, emergency caretakers, home health visitors, daycare and services outside the child welfare system such as housing, nutrition, health care, special education, income support, and emergency resource assistance; and

"(ii) efforts undertaken to disseminate to the public information concerning the problem of child abuse and neglect and the prevention and treatment programs and services available to combat instances of such abuse and neglect.

"(D) Staff capacity and competence.—An assessment of basic and specialized training needs of all staff and current training provided staff. Assessment of the competencies of staff with respect to minimum knowledge in areas such as child development, cultural and ethnic diversity, functions and relationship of other systems to child protective services and in specific skills such as interviewing, assessment, and decisionmaking relative to the child and family, and the need for training consistent with such minimum competencies.

"(5) Innovative approaches.—A description of—

"(A) research and demonstration efforts for developing, strengthening, and carrying out child abuse and neglect prevention, treatment, and research programs, including the interagency efforts at the State level; and

"(B) the manner in which proposed research and development activities build on existing capacity in the programs being addressed.".

SEC. 111. GRANT PROGRAM FOR INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

Section 109 (42 U.S.C. 5106c) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 109. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND JUDICIAL HANDLING OF CHILD ABUSE AND NEGLECT CASES.";

(2) in subsection (a), by striking out paragraphs (1) and (2), and inserting in lieu thereof the following new paragraphs:

"(1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;

"(2) the handling of cases of suspected child abuse or neglect related fatalities;

"(3) the investigation and civil and criminal court handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and

"(4) the handling of cases that involve a combination of jurisdictional authorities, such as interstate, Federal-State, and State-Tribal.";

(3) in subsection (b)—

(A) by striking out "and 8(e) or receive a waiver under section 8(c)" in paragraph (1);

(B) by striking out "and" at the end of paragraph (3);

(C) by inserting "annually" after "submit" in paragraph (4); and

(D) by striking out the period at the end thereof and inserting the following: "; and

"(5) submit annually to the Secretary a report on the manner in which assistance received under this program was expended throughout the State, with particular attention focused on the areas described in paragraphs (1) through (4) of subsection (a).";

(4) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting ", and maintain" after "designate"; and

(ii) by striking out "child abuse" and inserting in lieu thereof "child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities";

(B) by striking out "judicial and legal officers", in subparagraph (B) and inserting in lieu thereof "judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect";

(C) by inserting before the semicolon in subparagraph (C), the following: ", including both attorneys for children and, where such programs are in operation, court appointed special advocates";

(D) by striking out subparagraph (E) and inserting in lieu thereof the following new subparagraph:

"(E) representatives from child protective service agencies, including attorneys who legally represent such agencies;";

(F) by striking out "handicaps;" in subparagraph (F), and inserting in lieu thereof "disabilities; and"; and

"(G) by striking out subparagraph (G) and redesignating subparagraph (H) as subparagraph (G);

(5) in subsection (d)—

(A) by striking out "the State task force shall" in the matter preceding paragraph (1), and inserting in lieu thereof "and at three year intervals thereafter, the State task force shall comprehensively";

(B) by striking out "judicial" and all that follows in paragraph (1), and inserting in lieu thereof the following: "both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal;";

(C) by inserting "legislative, policy, and trainings" before "recommendations" in paragraph (2); and

(6) in subsection (e)(1)—

(A) by striking out "child abuse" and all that follows through "child victim" in subparagraph (A), and inserting in lieu thereof the following: "child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family";

(B) by striking out "improve the rate" and all that follows through "abuse cases" in subparagraph (B), and inserting in lieu thereof the following: "improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children"; and

(C) in subparagraph (C)—

(i) by inserting ", protocals" after "regulations"; and

(ii) by inserting "and exploitation" after "sexual abuse".

Subtitle B—Community-Based Prevention Grants

SEC. 121. TITLE HEADING AND PURPOSE.

(a) Title Heading.—The heading for title II (42 U.S.C. 5116 et seq.) is amended to read as follows:

"TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS".

(b) Purpose.—Section 201 (42 U.S.C. 5116) is amended—

(1) in the section heading to read as follows:

"SEC. 201. PURPOSES."; and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"It is the purpose of this title, through the provision of community-based child abuse and neglect prevention grants, to assist States in supporting child abuse and neglect prevention activities.".

SEC. 122. DEFINITIONS.

Section 202 (42 U.S.C. 5116a) is amended—

(1) in paragraph (1), by striking out "and" at the end thereof;

(2) in paragraph (2), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) the term 'children's trust fund' means **[To be supplied]**.".

SEC. 123. STATE ELIGIBILITY.

Section 204 (42 U.S.C. 5116c) is amended in the matter preceding paragraph (1), by striking out "or other funding mechanism".

SEC. 124. LIMITATIONS.

Section 205 (42 U.S.C. 5116d) is amended—

(1) by striking out paragraph (1) of subsection (a) and inserting in lieu thereof the following new paragraph:

"(1) Allotment formula.—

"(A) In general.—Amounts appropriated to provide grants under this title shall be allotted among eligible States in each fiscal year so that—

"(i) 50 percent of each such State allotment is based on the number of children in each such State; and

"(ii) the remaining 50 percent of each such allotment shall be an amount equal to 25 percent of the total amount collected by each such State, in the fiscal year prior to the fiscal year for which the allotment is being determined, for the children's trust fund of the State for child abuse and neglect prevention activities.

"(B) Use of amounts.—Not less than 50 percent of the amount of a grant made to a State under this title in each fiscal year shall be utilized to support community-based prevention programs as authorized in section 204(a), except that this subparagraph shall not become applicable until amounts appropriated under section 203(b) exceed $10,000,000."; and

(2) in subsection (b)(1)—

(A) by striking out "advisory board" and all that follows through "Treatment Act" in subparagraph (A);

(B) by redesignating subparagraph (B) and (C) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (A), the following new subparagraphs:

"(B) demonstrate coordination with other child abuse and neglect prevention activities and agencies at the State and local levels;

"(C) demonstrate the outcome of services and activities funded under this title;

"(D) provide evidence that Federal assistance received under this title has been supplemented with non-Federal public and private assistance (including in-kind contributions) at the local level (Federal assistance expended in support of activities authorized under paragraphs (1), (2), and (3) of section 204 shall be supplemented by State assistance);

"(E) demonstrate the extent to which funds received under this title are used to support community prevention activities in underserved areas, in which case the supplemental support required under subparagraph (D) shall be waived for the first 3 years in which assistance is provided to a grantee described in this subparagraph;".

Subtitle C—Certain Preventive Services Regarding Children of Homeless Families or Families at Risk of Homelessness

SEC. 131. CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS.

Section 302(b) (42 U.S.C. 5118a(b)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3), the following new paragraphs:

"(4) the provision of emergency housing-related assistance necessary to prevent the placement of children in out-of-home care, to facilitate the reunification of children with their families, and to enable the discharge of youths not less than 16 years of age from such area, including assistance in meeting the costs of—

"(A) rent or utility arrears to prevent an eviction or termination of utility services;

"(B) security and utility deposits, first month's rent, and basic furnishings; and

"(C) other housing-related assistance;

"(5) the provision to families, and to youths not less than 16 years of age who are preparing to be discharged from such care, of temporary rent subsidies necessary to prevent the initial or prolonged placement of children in out-of-home care, which subsidies are provided in an amount not exceeding 70 percent of the local fair market rental value and are provided for a period not to exceed 180 days; and".

Subtitle D—Child Abuse Treatment Improvements Grants

SEC. 141. ESTABLISHMENT OF PROGRAM.

The Act is amended by adding at the end thereof the following new title:

"TITLE IV—MISCELLANEOUS PROGRAMS

"SEC. 401. CHILD ABUSE TREATMENT IMPROVEMENTS GRANT PROGRAM.

"(a) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this section as the 'Secretary'), acting through the Administration for Children, Youth and Families, may award grants to eligible entities to improve the treatment of children exposed to abuse or neglect and the families of such children, particularly when such children have been placed in out-of-home care.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

"(1) be a State or local public or nonprofit private entity;

"(2) have the approval of the State agency responsible for administering public child welfare services, to apply for such grant;

"(3) be responsible for administering or providing child welfare services (including out of home services); and

"(4) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require including the information required under subsection (c).

"(c) CONTENTS OF APPLICATION.—An application submitted by an entity under subsection (b)(4) shall contain—

"(1) a description of the proposed program to be established, implemented or improved using amounts received under a grant, including the specific activities to be undertaken, the agencies that will be involved, the process that has been established for evaluating such activities, and the nature of any innovations proposed;

"(2) evidence of the need that the activity or program, to be conducted using amounts received under the grant, will address;

"(3) assurances that amounts received under the grant will be used to supplement, not supplant, existing funds provided by the State for child welfare purposes;

"(4) assurances that the applicant entity will provide not less than 20 percent of the total amounts needed to pay the costs associated with the program funded under such grant;

"(5) assurances that the applicant entity will provide information to the Secretary concerning the progress and outcome of the program to be funded under such grant;

"(6) a description of the procedures to be used to disseminate the findings derived from the program to be funded under such grant within the State;

"(7) a description of the extent to which multiple agencies will be involved in the design, development, operation, and staffing of the program to be funded under such grant; and

"(8) and other information determined appropriate by the Secretary.

"(d) USE OF FUNDS.—An entity may use amounts provided under a grant awarded under this section to—

"(1)(A) develop models of out-of-home care that are designed to promote the reunification of children with their families, including training and support components for foster parents to enable such parents to assist the birthparents with reunification efforts;

"(B) develop comprehensive service approaches for child out-of-home care and for the families of such children, specifically focused on reunification; and

"(C) establish activities that are designed to promote visitation of parents and children, such as the establishment of neutral settings for structured visits between biological parents and children in care;

"(2) develop activities that are designed to support relatives caring for children who have been abused or neglected or children from families where substance abuse is present;

"(3) enhance the reimbursement and other support provided to foster parents, including relatives, to promote better recruitment and retention of foster parents;

"(4) develop activities and programs designed to—

"(A) promote the healthy physical, social, emotional, and educational development of children in out-of-home care and under child abuse preventive services supervision, including—

"(i) the conduct of comprehensive, multidisciplinary assessments of the physical, social, emotional, and educational development of such children, with particular attention given to the needs and strengths of the families of such children; and

"(ii) the development of services to meet such needs which involve multiple service agencies and alternative support systems within the community;

"(B) provide training for foster parents to address the physical, social, emotional, and educational needs of the children in their care; or

"(C) provide special programs to assist children with academic or developmental problems;

"(5) develop and implement programs that provide mentors, who are adults from the community or who are former foster youths, to use and out-of-home care, in order to address their special needs, increase self esteem, and provide role models;

"(6) provide incentives that may be necessary to establish and recruit foster family homes for special populations, including children who are medically fragile or have other special physical, mental, and emotional disabilities, adolescent mothers and their children who are in care, and children who have been sexually abused;

"(7) hire staff with specialized knowledge in the areas of substance abuse, child development, education, health care, and adolescents, to provide support and act as a resource for caseworkers working with children and families with special needs in these areas; and

"(8) conduct other activities as the Secretary determines appropriate.

"(e) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this section the Secretary shall consider—

"(1) the geographic dispersion of the applicants for such grants;

"(2) the likelihood that the proposed service approach of the applicant would be transferable to other sites; and

"(3) the need for variety in the problems to be addressed be the applicants and in the models used to address similar problems.

"(f) ADMINISTRATION.—In administering the grant program established under this section the Administration for Children, Youth and Families shall—

"(1) require grantees to submit annual reports concerning the projects funded under such grants and a final report assessing the outcome of such projects;

"(2) arrange for the dissemination of project results through such means as the child welfare resource centers and the National Clearinghouse on Child Abuse and Neglect; and

"(3) provide for the evaluation of projects funded under this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for fiscal year 1992, and such sums as may be necessary in each of the fiscal years 1993 and 1994.".

SEC. 142. TECHNICAL AMENDMENT.

The Act is amended in the table of contents in section 1(b) by adding at the end thereof the following new items:

"TITLE IV—MISCELLANEOUS PROGRAMS

"Sec. 401. Child abuse treatment improvements grant program.".

Subtitle E—Reauthorization of Certain Programs

SEC. 151. EMERGENCY GRANT PROGRAM.

Section 107A(e) (42 U.S.C. 5106a–1(e)) is amended by striking out "and such sums" and all that follows through the end thereof and inserting "such sums as may be necessary for fiscal year 1991, $40,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".

SEC. 151. GENERAL GRANT PROGRAMS.

Subsection (a) of section 114 (42 U.S.C. 5106h(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title, except for section 107A, $150,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994. Of amounts appropriated under this section in any fiscal year—

"(1) 33⅓ percent of such amounts shall be made available in each such fiscal year for activities under sections 104, 105 and 106; and

"(2) 66⅔ percent of such amounts shall be made available in each such fiscal year for activities under sections 107 and 108.

A State may spend the entire amount provided to such State under this title in a fiscal year for the purposes described in subsection (a)(5) of section 107, except that subsequent to the date on which the amount appropriated and available under paragraph (2) exceeds $40,000,000, such State shall not spend in excess of 15 percent of such amounts for the purposes described in subsection (a)(5) of section 107.".

SEC. 152. COMMUNITY-BASED PREVENTION GRANTS.

Section 203 (42 U.S.C. 5116b) is amended—

(1) by striking out subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b) (as so redesignated), by striking out "such sums" and all that follows through the period and inserting in lieu thereof "$50,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

SEC. 153. PREVENTIVE SERVICES FOR CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS.

Section 306(a) (42 U.S.C. 5118e(a)) is amended by inserting ", and such sums as may be necessary in each of the fiscal years 1993 and 1994" before the period.

TITLE II—CHILDREN WITH DISABILITIES TEMPORARY CARE

SEC. 201. SHORT TITLE.

This title may be cited as the "Children With Disabilities Temporary Care Reauthorization Act of 1991".

SEC. 202. REFERENCES TO CHILDREN WITH DISABILITIES.

The Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended—

(1) in section 203, in the first sentence, by striking "handicapped children" and inserting "children with disabilities"; and

(2) in section 205—

(A) by striking "working with handicapped" and all that follows through "families" in subsection (a)(2)(C), and inserting the following: "working with children with disabilities, with chronically ill children, and with the families of such children,"; and

(B) by striking "the term" and all that follows through "such term in" in subsection (d)(2), and inserting the following: "the term 'children with disabilities' has the meaning given the term 'handicapped children' in".

SEC. 203. STATE INTERAGENCY COORDINATION.

(a) IN GENERAL.—Section 205(a)(1) of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended—

(1)(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(B) in clause (iii) (as so redesignated), by striking "and" after the semicolon at the end;

(C) in clause (iv) (as so redesignated), by striking the period at the end and inserting "; and"; and

(D) by inserting after such clause (iv) the following new clause:

"(v) with respect to State agencies described in subparagraph (B), provide documentation of a commitment by all such agencies to develop a State plan for coordination among the agencies in carrying out programs and activities provided by the State pursuant to a grant under section 203."; and

(2)(A) by inserting "(A)" after "(1)"; and

(B) by adding at the end the following new subparagraph:

"(B) State agencies referred to in subparagraph (A)(v) are State agencies responsible for providing services to children with disabilities or with chronic or terminal illnesses, or responsible for financing services for such children, or both, including State agencies responsible for carrying out State programs that—

"(i) receive Federal financial assistance; and

"(ii) relate to social services, maternal and child health, comprehensive health and mental health, medical assistance and infants, or toddlers and families.".

(b) DEFINITION.—Section 205(d) of such Act (42 U.S.C. 5117c(d)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) the term 'State' means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, or Palau.".

SEC. 204. REPORTS.

Section 205(c) of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended in the second sentence to read as follows: "Such report shall include—

"(1)(A) information concerning costs, the number of participants, impact on family stability, the incidence of abuse and neglect, the types, amounts, and costs of various services provided, demographic data on recipients of services, and such other information as the Secretary may require; and

"(B) with respect to services provided by the States pursuant to section 203, information concerning the number of families receiving services and documentation of parental satisfaction with the services provided;

"(2) a specification of the amount and source of public funds, and of private funds, expended in the State for temporary child care for children with disabilities or with chronic or terminal illnesses; and

"(3) a State strategy for expanding the availability in the State of temporary child care, and other family support, for families of children with disabilities or with chronic or terminal illnesses, which strategy specifies the manner in which the State intends to expend any Federal financial assistance available to the State for such purpose, including any such assistance provided to the State for programs described in section 205(a)(1)(B).".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 206 of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended—

(1) in the first sentence, by inserting before the period the following: ", and $20,000,000 for each of the fiscal years 1992 through 1994"; and

(2) in the second sentence, by striking "Such sums" and inserting "Amounts appropriated under the preceding sentence".

SEC. 206. REVISION OF SHORT TITLE.

Section 201 of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 (42 U.S.C. 5117) is amended by striking "This title" and all that follows and inserting the following: "This title may be cited as the 'Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986'.".

SEC. 207. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1991, or on the date of the enactment of this Act, whichever occurs later.

TITLE III—REAUTHORIZATION OF PROGRAMS WITH RESPECT TO ADOPTION AND FAMILY VIOLENCE

SEC. 302. ADOPTION OPPORTUNITIES.

Section 205 of the Child Abuse Prevention and Treatment Act of 1978 (42 U.S.C. 5115) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following new subsection:

"(a) There are authorized to be appropriated, $30,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994, to carry out programs and activities under this Act except for programs and activities authorized under sections 203(b)(8) and 203(c)(1)."; and

(2) in subsection (b), by striking out "and 1991" each place that such occurs and inserting in lieu thereof "1991, 1992, 1993, and 1994".

SEC. 302. FAMILY VIOLENCE PREVENTION.

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to carry out this Act, $75,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.".●

By Mr. MCCAIN (for himself and Mr. DANFORTH):

S. 839. A bill to amend the Federal Aviation Act of 1958 to ensure that airline computer reservation systems are available to users on a nondiscriminatory basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRLINE COMPUTER RESERVATION SYSTEM AVAILABILITY ACT

● Mr. MCCAIN. Mr. President, the last several months have seen an acceleration of the trend toward concentration and a lack of competition in the airline industry. Midway Airlines, formed in 1979 in response to deregulation, is in chapter 11 bankruptcy. Similarly, Pan Am and Continental are also in bankruptcy court. Eastern Airlines is in the process of liquidation. Today, just eight carriers control over 90 percent of the market.

The Secretary of Transportation, in recent testimony before Congress, could be certain only that at least three air carriers will survive. How have we come to this state?

A primary cause is the airline ownership of computer reservation systems or CRS's. There is virtual unanimity that something must be done in this area to restore the competitive balance.

Recent testimony by the General Accounting Office [GAO] illustrates the anticompetitive effect of CRS's. According to GAO, each carrier must, as a practical matter, have its flights listed on each CRS system. The booking fees charged by the CRS systems far exceed the costs of providing the service, hence transferring hundreds of millions of dollars in revenues from carriers that do not own CRS's to those that do.

The GAO has calculated that United and American Airlines, who together control 75 percent of the CRS market, each receive over $300 million per year in monopoly CRS profits, paid for by other carriers. This $300 million is in addition to a reasonable profit for the service provided.

Is there any question why American and United are the two leading candidates to survive the current shakedown in the industry? Is there any doubt why American and United have the resources to buy international routes from troubled carriers? These two carriers are prospering because they are each drawing over $300 million a year in excess profits, at the expense of their competitors.

The excess profits come about in two ways. First, the CRS's charge excessive booking fees, which other carriers must pay to successfully market their product. Second, there is the "halo effect," whereby the airlines owning CRS's are able to achieve from 10 to 15 percent of their bookings as a result of owning a CRS system, not from some competitive factor associated with the airline service.

As one airline analyst has noted:

> It is difficult to fully grasp the enormity of the transfer of wealth among airlines caused by CRS monopoly power. * * * At the starting line American is allowed to step forward over half a billion dollars' worth in revenues, over a third of a billion dollars' worth in profits, while all other competitors have to step back behind the starting line equal amounts. Then at the end of the first year of the race everyone is held in place for an instant while American is moved that same distance ahead again and the other competitors are moved back that same distance. This is repeated every year. The cumulative effects of this annual distortion in airline competition have grown to enormous proportions and continue to grow.

During the Easter recess, the Department of Transportation [DOT] issued a Notice of Proposed Rulemaking on CRS systems. I congratulate Secretary Skinner for recognizing the problem and issuing these rules. The rules would require that all CRS's be available from a single terminal, allow CRS users to reconfigure their systems, and cut to 3 years from 5 years the subscription term that CRS vendors can require of travel agents. These proposed rules are a step in the right direction; however, a rulemaking alone will not solve the inherent anticompetitive effects of airline ownership of CRS systems.

The DOT rulemaking does not deal with booking fees, stating that it is impracticable and inefficient to regulate the fees. The Department takes this position despite its own 1988 study on CRS systems which concluded that booking fees by the two largest CRS's appeared to equal 192 percent and 233 percent of their average unit costs for producing reservations during 1986. How does this translate into actual fees paid by airlines: DOT data for 1988 showed that the big two CRS systems received $62 million in fees from USAir, $56 million from Delta, $50 million from Northwest, and the list goes on.

In addition, the nexus is so tight between airline ownership of CRS systems and the same airline's marketing practices, that a rulemaking alone will never completely dispel the halo effect.

What is needed is legislation requiring airlines to divest themselves of CRS systems. The DOT rulemaking does not deal with excessive booking fees nor would it fix the halo effect. Only divestiture can cure the anticompetitive effects of CRS's. Only divestiture can level the playing field for airline competition. Only divestiture can ensure that the promise of airline deregulation is upheld.●

By Mr. DURENBERGER:

S. 840. A bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their home; to the Committee on Finance.

DAY CARE PROVIDER TAX SIMPLIFICATION ACT

● Mr. DURENBERGER. Mr. President, over the past several years, Congress, working with the President, has adopted important legislation to help address the problems of day care availability and affordability. Just last year, we expanded the tax credit for child care and adopted the bipartisan ABC child care bill.

Unfortunately, it appears that every time we take a step toward expanding day care, a new hurdle presents itself. While obstacles can be expected from time to time in grappling with day care issues, it is inexcusable when these obstacles are created by the Federal Government.

But that is just what happened 2 weeks ago, when the Internal Revenue Service issued a technical advice memorandum affecting a home day care provider in Minnesota. If the IRS adopts this ruling nationwide, which I expect they will, it will create a severe and irrational compliance problem for every home day care provider in this country who seeks to legitimately deduct the expenses associated with operating a day care facility in their homes.

According to the IRS, home day care providers are entitled to a tax deduction for the expenses associated with their day care operations only in proportion to the amount of time that a child uses a given room each day. This means, for example, that a home day care provider would be entitled to a deduction for its childrens' playroom only during the time in the day when a child is actually physically present in the room. If a child crawls in the playroom for 10 minutes, crawls out of the room into the living room for 10 minutes, crawls into the kitchen for 10 minutes, and then returns to the playroom—traveling through the living room—the day care provider would have to keep exact records to determine the amount of time the child spends in each room in order to claim an appropriate tax deduction. Mr. President, that is absurd:

Mr. President, to comply with the IRS ruling, day care providers will have to follow children around the house with a clip board, or will have to install video cameras in each room to monitor the comings and goings of children, in order to justify their legitimate day-care expenses. I believe that Congress never intended such an onerous recordkeeping burden to be placed on family day care providers. That is why I am today introducing legislation that would spell out clear and simple tax deduction rules for day care providers.

In 1977, Congress created a special section of the Internal Revenue Code to ease the recordkeeping burdens of providers. This separate treatment reflects the belief that caring for our children, and adults who are not able to care for themselves, is more important than keeping scrupulously detailed daily logs for tax purposes. I believe my legislation will facilitate Congress' intent in this area.

The Day Care Provider Tax Simplification Act, which has been endorsed by a leading Minnesota day care advocacy group, Resources for Child Caring, will permit home day care providers to claim a home expense deduction based simply on the total amount of time that rooms in the house are open and available for providing day care services.

Deductions will be allowed for the areas of the house regularly used by the children at least 1 hour per day. This rule would apply in those cases where the rooms are used for 80 percent of the days that the facility is open for business. Deductible areas will be measured as a portion of the total square footage of the house. Those rooms, such as a family room, kitchen, bathroom, and bedrooms, which are determined to be in regular use, will be considered to be available for use throughout the day and fully deductible for the day.

For example, if a home day care facility is to accept children for 10 hours each day, and the children spent an hour in the kitchen, and 3 hours in the playroom, and 6 hours in the bedroom, the day care provider could fully deduct the square footage of all three rooms for the 10 hour day that it was open. In addition, if the provider spent an hour prior to opening, cooking and preparing the house for the children, the house would be deemed open for the children for 11 hours each day.

Under this bill, utility expense accounting would also be simplified. Utility expenses, including electric, gas and fuel oil, and telephone expenses, could be deducted in proportion to the number of hours out of the year that a home is used as a day care facility.

Mr. President, Minnesota is the first State that has been affected by this IRS ruling. But I can assure every member of the Senate that when this ruling is applied nationwide, all of my colleagues will be hearing from family day care providers in their States. I hope all of you will join me in overturning this onerous and ill-conceived tax compliance burden arbitrarily imposed by the IRS.

Mr. President, I ask unanimous consent that the text of the bill and a copy of the letter of support from Resources for Child Caring be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Day Care Provider Tax Simplification Act".

SEC. 2. SIMPLIFIED METHOD OF COMPUTING DEDUCTIONS OF HOME DAY CARE PROVIDERS.

(a) IN GENERAL.—Subparagraph (C) of section 280A(c)(4) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new clauses:

"(ii) SIMPLIFIED ALLOCATION METHOD.—If a portion of a dwelling unit is used for the purposes described in subparagraph (A) for at least 1 hour on at least 80 percent of the days that such dwelling unit is used for such purposes, then the amount of the expenses attributable to that portion shall be determined under clause (i) as if such portion was used—

"(I) on all days the dwelling unit was used for such purposes, and

"(II) for the total number of hours that any portion of the dwelling unit was used for such purposes on such day (rather than the number of hours actually used).

"(iii) SPECIAL RULE FOR UTILITY EXPENSES.—Notwithstanding clause (i) or (ii), the amount of expenses for utilities which are treated as attributable to the use of a dwelling unit for the purposes described in subparagraph (A) shall be equal to the product of the total amount of such expenses for the taxable year, multiplied by the percentage determined by dividing—

"(I) the total number of hours any portion of the dwelling unit was used for such purposes during the taxable year, by

"(II) the total number of hours in such taxable year.

For purposes of this clause, the term 'utilities' means electrical energy, gas and fuel oil, water and sewer services, and telephone services."

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 280A(c)(4) is amended by striking "(C) ALLOCATION FORMULA.—If" and inserting:

"(C) ALLOCATION FORMULAS.—

"(i) IN GENERAL.—If".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

RESOURCES FOR CHILD CARING,
St. Paul, MN, April 16, 1991.

Senator DAVE DURENBERGER,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR DURENBERGER: We are very pleased to hear that you are introducing a bill that supports the important work of hundreds of thousands of family child care providers across the country. In doing so you will be reducing the record keeping burden on providers and allowing them to spend more time caring for children. This will also help support parental choice in choosing child care and improve the quality of care that our children receive.

We support a bill that allows family child care providers to allocate their house expenses based on the following Time-Space formula: The Time percent is determined by adding up the hours that a home is used for business purposes, divided by the total number of hours in a year. A home is considered used for business purposes when children being cared for are present, or when the provider is conducting business activities in the home, such as cleaning, cooking activity preparation, record keeping, etc., when children are not present. The Space percent is based on whether or not a room is regularly used for business purposes, rather than how many hours each room is used for business purposes. The square footage of those rooms regularly used for business purposes is divided by the total square footage of the house. Multiplying the Time percent and the Space percent together equals the Time-Space formula.

This interpretation of the Time-Space formula has been used for many years by family child care providers. Because of recent attempts by the IRS to change this interpretation and require providers to keep an unreasonable amount of records for each room used in business, we believe it is vital to change the law to prevent confusion and misunderstanding.

We are grateful for your efforts on behalf of family child care providers and children and we will fully support a bill that meets this description.

Thank you for your concern.

Sincerely,

DAVID ALLEN,
Executive Director.●

By Mr. CRAIG (for himself and Mr. SYMMS):

S. 841. A bill to amend the Internal Revenue Code of 1986 to allow an additional 50 percent deduction for the costs to employers of providing family leave in certain cases involving a birth, an adoption, or a serious illness of a child, spouse, or dependent of the employee; to the Committee on Finance.

FAMILY LEAVE BENEFITS ASSISTANCE ACT

● Mr. CRAIG. Mr. President, I am today introducing a bill that will give this body a chance.

The Family Leave Benefits Assistance Act of 1991 will give the Senate an alternative to the strong-arm, mandated features of the Family and Medical Leave Act currently being considered.

The choice is this: We can either spend our time productively, placing before the President a bill that will relieve the very real burdens of families and employers—or we can waste our time wrangling over a bill that might give benefits to some people and place an even heavier burden on businesses.

We can pass a voluntary family leave bill that will offer incentives to employers and will likely win favor with the President—or we can end up with a mandatory approach that ignores many small businesses, loads heavy costs on others—and will be voted by the President. The first approach will yield a necessary and beneficial legislative product; the second, only talking points for the next campaign.

The Family Leave Benefits Assistance Act which I am introducing today has, in most instances, the same or better benefits to offer as the veto-bound Family and Medical Leave Act.

It offers leave for the serious illness of a spouse, while the other bill offers nothing in this area. It is available to all businesses, while the mandatory bill ignores small businesses with fewer than 50 employees.

I know my State of Idaho depends on these small businesses for its economic survival and I suspect your States do, too. It is a fact that more than 95 percent of America's employers would be exempt from the mandatory bill.

But the major difference between the bill being introduced today and the legislation it would replace is simply the fact that it is voluntary, with incentives, rather than mandatory, with penalties. It is the carrot, rather than the stick. It is leadership by moral example, rather than by using force.

If the burdens of families facing the birth or adoption of a child, or the serious illness of a spouse or family member, can be alleviated by tax incentives for employers, then such a course is charitable to both. The mandatory bill will force employers to bear that hardship alone; the bill I am introducing will allow a sharing of the burden.

Mr. President, I do not believe that most of my colleagues in the Congress have, as their first priority, their own reelections. I believe that most of us came here for the same reasons: to do what is best for the country; to find solutions to the real problems that our constituents face. This is our chance to prove why we are really here. This is an opportunity to offer workers the leave time they must have for critical family needs.

This bill will give employers an incentive to grant that leave. This measure will be available to employers of every size. And this bill will most likely be signed by a President who has promised to veto any mandatory approach.

I urge your careful consideration and your support of the Family Leave Benefits Assistance Act of 1991.●

By Mr. BREAUX:

S. 842. A bill to amend the Clayton Act to prohibit certain activities by local governments that operate airports, and for certain other purposes; to the Committee on the Judiciary.

FAIR AIRPORT ACCESS ASSURANCE ACT

● Mr. BREAUX. Mr. President, today I am reintroducing the Fair Airport Access Assurance Act, legislation that will restore competition in the ever growing market for airport services. This legislation is identical with S. 1822, a bill that I introduced in the 101st Congress that would amend the Clayton Act to prohibit federally financed airports from imposing unreasonable and unjustly discriminatory taxes, fees, or conditions on nontenant, nonaeronautical, commercial users of the airport, where the effect of such taxes, fees, or conditions may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

This bill does not interfere with the ability of an airport to restrict competition on its premises. Nor does the bill interfere with the ability of an airport and an on-airport concessionaire to enter into a revenue-enhancing fee agreement. This bill will, however, interfere with any airport scheme to restrict competition by charging gross receipts fees that prevent off-airport service providers from competing with on-airport concessionaires.

On-airport concessionaires such as car rental companies have complained for some time about their off-airport competitors. And, perhaps coincidentally in some cases, we have approximately 80 airports now taxing the gross receipts of off-airport small business men and women who are the competitors of these on-airport concessionaires. In the car rental industry, small off-airport operators compete with giant on-airport counterparts by offering lower prices to the consumer who is often willing to endure the inconvenience of venturing off-airport to rent his or her car. Taxes and fees on off-airport operators at amounts that are near or equal to amounts negotiated by on-airport concessionaires threaten the ability of off-airport operators to offer consumers lower prices; such fees and taxes are, therefore, a serious threat to the survival of these businesses as competitors of on-airport concessionaires.

Last year's bill, S. 1822, was the subject of hearings by the Judiciary Subcommittee on Antitrust, Monopolies and Business Rights. I urge my colleagues to examine the record of those hearings because it amply demonstrates the need for this legislation.

The subcommittee heard, for example, from a small businessman in Louisiana, Ed Chance, who testified that, by taxing off-airport businesses, the airports were simply seeking to remove any price differential between off- and on-airport businesses. "Once the off-airport operator has increased his or her prices, the large on-airport companies have achieved their objective—they have removed the price differential between on- and off-airport rental cars. If the price of renting on- or off-airport is the same, the customer will forego the inconvenience of renting cars from off-airport companies."

Another small businessman who testified was a Dollar Rent-A-Car licensee with a fleet of only five cars. When the Montrose, Colorado Airport assessed an 8-percent fee that was equal to the amount paid by the on-airport operators, he, quite justifiably, complained. The airport responded by more than doubling his fee to 15 percent, over twice the amount negotiated by the on-airport operators.

The effect of gross receipts access fees on the small business men and women that operate off-airport businesses is clear. What is also clear is that if the off-airport car rental market is destroyed, rental care prices will rise and consumer choices will diminish. Indeed, a 1989 Department of Transportation study of gross receipts fees concluded that the mere imposition of such fees will have an adverse affect on consumer prices and choices.

The Consumer Federation of America, which supports this legislation, estimates that these fees could cost consumers approximately $125 million per year. The American Association of Retired Persons is also concerned, and states that "it is in the interest of our members that this legislation succeed if the market is to remain open." The off-airport services market is finding it very difficult to remain open without the legal means to challenge an airport's anticompetitive conduct.

As matters now stand, the airports, when confronted with charges of anticompetitive conduct, claim that they are immunized from the antitrust laws by the State action doctrine. Because State law permits them to set fees and prices, they argue that they are immune from the marketplace discipline imposed by the antitrust laws. I believe, Mr. President, that if that is the case, then the law should be changed.

This legislation, Mr. President, is not anti-airport. It would only affect those federally financed airports that are charging unreasonable and unjustly discriminatory fees on nontenant, nonaeronautical businesses, and then only if the effect of such fees can be shown to substantially lessen competition or tend to create a monopoly.

Moreover, airports can no longer claim that, by restricting their ability to eliminate competition, this legislation will somehow deny then access to needed revenues. Last year, the Congress authorized airports to assess passenger facility charges [PFC's], against air travelers. Estimates of the annual increase in airport revenues run as high as a billion dollars, and press reports estimate that individual large airports will now be able to raise tens of million of dollars annually.

Mr. President, it is rare that we enact legislation that is badly needed by both small business and consumers. Enactment of my legislation provides that opportunity. I hope that my colleagues will join me in supporting legislation to ensure that airport access fees are not anticompetitive.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The Fair Airport Access Assurance Act of 1991".

SEC. 2. ANTITRUST LIABILITY OF LOCAL GOVERNMENTS.

The Clayton Act (15 U.S.C. 12 et seq.) is amended by redesignating section 27, and any reference to such section, as section 28 and inserting after section 26 the following new section:

"SEC. 27. It shall be unlawful for any city, county, parish, town, township, village, or other general or special function governmental unit that owns or operates an airport that receives Federal assistance or issues airport improvement bonds the interest on which is tax exempt under the Internal Revenue Code of 1986 to impose an unreasonable and unjustly discriminatory tax, fee, or condition on non-tenant, non-aeronautical, commercial users of such airport, where the effect of such tax, fee, or condition may be to substantially lessen competition or tend to create a monopoly in any line of commerce, whether or not such tax, fee, or condition is authorized by State law.".

SEC. 3. LIMITATION ON APPLICABILITY TO CIVIL ACTIONS.

This Act and amendments made by this Act shall not apply to any civil action in which a judgment has been entered on or before the date of the enactment of this Act.•

By Mr. BREAUX (for himself, Mr. KASTEN, Mr. PRYOR, Mr. HOLLINGS, Mr. LOTT, and Mr. BIDEN):

S. 843. A bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels; to the Committee on Commerce, Science, and Transportation.

REPEAL OF COAST GUARD RECREATIONAL BOAT TAX

• Mr. BREAUX. Mr. President, 10 years after the administration first asked the Congress to impose a user fee on recreational boat use, the 1990 Budget Reconciliation Act, a primary tool for controlling Federal spending and the expansion of the Federal budget deficit, authorized the collection of recreational boating user fees. Many of us were under the impression that a fee would be charged for specific services to be rendered by the U.S. Coast Guard. It is now clear, Mr. President, that the Federal Government would be under no requirement to render any specific service to boat users in relation to any fees charged to them. The Coast Guard is required to implement the collection of the fees, but as far as I can tell, Mr. President, not one penny of the collection will directly benefit the Coast Guard.

Under the law, the Coast Guard will collect $25 per year from owners of boats that are 16 to 20 feet long, and $35 if the boat is 20 to 27 feet. Those in the 17 to 40 feet category will pay $50, and those longer than 40 feet will pay $100. Boat owners who do not pay up, may be subjected to a fine of $5,000.

These boat user fees, approximately $130 million will be generated, will be consigned, not to the Coast Guard for rendering services to boat users, Mr. President, but, to the General Treasury.

We are not playing it straight with America's boat-owners: These moneys that will be collected as boat user fees, Mr. President, are in fact deficit reduction taxes. A deficit reduction tax will be charged to 6 million recreational boat users—even some canoe and kayak owners—in America; 300,000 recreational boat users are in the State of Louisiana.

Ten thousand registered recreational boat owners often join you, Mr. President, in the pleasures of pleasure-boating, or what was pleasure before this federal intrusion. These boat owners already pay fees to their respective states, and endure Federal excise and fuel taxes to engage in pleasure boating activities.

The 6,000 of them who drop their boats in Coast Guard jurisdictional waters off the Atlantic, Pacific, and Gulf of Mexico, however, are railing against the singling out of their particular activities to shoulder the misery of Federal taxes, not-so-well-disguised as boat user fees, in support of the Federal deficit.

This is clearly a discriminatory tax, Mr. President, and today I am joined by Senators BOB KASTEN of Wisconsin and DAVID PRYOR of Arkansas in introducing in the Senate a bill that would repeal it. I note, Mr. President, that our bill is the companion bill to the House bill and introduced by Representatives DAVIS and BATEMAN in January 1991. The Davis-Bateman bill now has 117 cosponsors.

I urge my colleagues in the Senate to join us in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COAST GUARD RECREATIONAL BOAT TAX REPEAL.

Section 2110 of title 46, United States Code, is amended—

(1) by repealing subsection (b);

(2) in subsection (c), by striking "subsections (a) and (b)," and inserting "this section,"; and

(3) by redesignating subsections (c) through (i) as subsections (b) through (h), respectively.•

• Mr. KASTEN. Mr. President, I am pleased to join my colleague from Louisiana, Mr. BREAUX, in introducing this bill to repeal the fees imposed on recreational boaters which were mandated by last fall's Omnibus Budget Reconciliation Act of 1990. While there were lots of reasons that I voted against the budget bill, this disguised tax as one of them.

Probably the most ironic thing about these fees is that they are sometimes called the Coast Guard user fees. While the Coast Guard will have to expend its resources to be the traffic cop and collect these fees, the fees certainly are not set aside for any of the Coast Guard's important missions.

This is just another Federal tax that only serves to beef up the U.S. Treasury. This is a boating tax, not a fee—and it doesn't benefit the Coast Guard at all. The roughly $130 million collected from boaters across the country—who already pay their fair share of taxes—goes directly to Uncle Sam. Money collected from these fees will not go to the Coast Guard or any other Federal program that will benefit U.S. recreational boaters.

The fees proposed range from $25 for vessels over 16 feet but less than 20 feet, to $100 for vessels over 40 feet in length. These fees will make boating more expensive, and thus be one more threat to the viability of the boat and other manufacturers who have already been impacted by the luxury tax that was enacted in the same Budget Act.

With 81 boat manufacturers, 79 motor, trailer and accessory manufacturers, 20 fishing tackle manufacturers, and 735 marine dealers, the damage this measure could cause is widespread in my State.

This fee is really a wolf in sheep's clothing that will only serve to put Wisconsin's boating industry on the rocks. Coupled with other taxes—such as the new gas tax, luxury taxes, and other user fees—this proposed tax will hit the Great Lakes' boating industry.

The imposition of these fees—or tax—will hit hard the 482,000 recreational boaters in my State of Wisconsin. My State is proud to rank sixth in the Nation in the number of registered boats. Wisconsinites take full advantage of the lovely lakes and rivers that Wisconsin offers our citizens and those who visit our State.

I look forward to working through the Commerce Committee and with my Senate colleagues on this matter. But this fee has to go.•

By Mr. DOMENICI (for himself, Mr. ADAMS, Mr. BOND, Mr. BURNS, Mr. COCHRAN, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. HARKIN, Mr. MCCAIN, and Mr. SYMMS):

S. 844. A bill to provide for the minting and circulation of $1 coins; to the Committee on Banking, Housing, and Urban Affairs.

UNITED STATES ONE DOLLAR COIN ACT

• Mr. DOMENICI. Mr. President, I am pleased to reintroduce a bill I introduced in the 101st Congress, which was cosponsored by 30 of my distinguished colleagues, to create a $1 coin. This legislation offers two great advantages to every American: Cost savings and convenience.

Creation of a $1 coin can save the Government and consumers millions of dollars spent each year to print $1 bills and to retrofit machines to accept bills. In these times of burdensome deficit numbers, creation of a durable $1 coin is intuitively logical.

My bill authorizes the minting of a golden-colored Christopher Columbus $1 coin, to observe his discovery of the New World. It is appropriate to honor Columbus at this time because the 500th anniversary of his discovery is in 1992. The proposal directs the Department of the Treasury to place the new coin into circulation within 18 months of enactment of the legislation.

We are not the first industrialized nation to update our currency. Due to inflation, the $1 bill now buys about what 25 cents purchased in 1950. Many other countries have experienced this phenomenon and have updated their coinage to meet the demands of today's commerce. A $1 coin is similarly necessary in the United States.

Japan, England, Norway, Australia, and most recently Canada, are among seven of the nations that have circulated such coins, golden in color, with great success. They have learned from our experience with the Susan B. Anthony coin that a distinctive gold-colored $1 coin is most acceptable to consumers, while a silver-colored one, similar to the quarter, is not.

These countries have replaced the equivalent paper currency with a coin, generally over a 3-year period. My legislation does not require the elimination of the $1 bill. However, replacement of the $1 bill has been suggested to me and I believe it has merit.

Why is coinage reform necessary? The most significant reason to me is the savings to be realized by the Government and consumers. Based on data from the General Accounting Office, over a 30-year period, the Government can save an estimated $318 million each year in costs associated with minting a $1 coin instead of a $1 bill. According to the Government Accounting Office, this could average $1.3 billion annually in cash-flow dollars.

We are literally throwing our money away with a $1 bill. Every year the U.S. Government prints 3.2 billion dollar bills, at a cost per bill of 2.6 cents. These bills have an average life of 17 months. At the end of that period, the bills are returned to the Government, taken to a special facility, shredded, and dumped into a landfill. This is an undesirable and unnecessary abuse to the environment and the taxpayer. By contrast, the $1 coin would cost 6 cents to mint, but would remain in circulation for up to 30 years.

Any environmentalist will tell you that reusable articles are better than disposable ones. The same holds true for money: Twenty-one $1 bills are needed to do the job of a single $1 coin.

One dollar bills also contribute to the increasing cost of vending machine products. It costs $2,400 to purchase a bill changer and $400 to retrofit a vending machine to accept $1 bills. This cost is passed on to the consumer. The $1 coin, however, eliminates the need for these costs, costs that are ultimately paid by the consumer.

Our mass transit systems face expensive retrofitting of fare machines on buses. This expense could be avoided by the circulation of a $1 coin. Such retrofitting cost Cleveland, Washington, and Chicago $5 million, $8.7 million, and $15 million respectively. Additionally, paper counters must be hired to sort and stack $1 bills at the end of each day. This is a tedious, labor-intensive task that significantly increases the cost of mass transit.

I would like to share with you a scenario that has occurred in Chicago that demonstrates the compelling need for a $1 coin. The Chicago Transit Authority [CTA] spends about $2 million each year processing the 285,000 $1 bills it receives every day. To reduce this expense, the CTA tried to encourage people to use tokens by raising the cash fare from 95 cents to $1.25 and giving a deep discount on tokens purchased in bulk: 10 for $9 or 90 cents per ride. The CTA succeeded in reducing the volume of $1 bills from 350,000 to 285,000 daily. The tragedy of this story lies in the fact that economically wise commuters who could afford to purchase bulk fares benefited while those who could only afford to purchase one fare at a time saw an increase per ride of 31 percent.

Clearly, the cost savings to the Government and consumers of a $1 coin is evident.

A second compelling reason for a $1 coin can be said in one word: Convenience. More and more common transactions require handfuls of quarters—coin laundries, parking meters, long-distance phone calls, for those who don't use calling cards, newspaper stands, and even change from a $5 bill in Washington's Metro.

Additionally, with edges easily distinguishable by touch from the quarter, a $1 coin is strongly supported by those among us who are visually handicapped. This $1 coin, therefore, has the potential for improving the ease of purchases for the visually handicapped and provides protection from unscrupulous cashiers.

An efficient and convenient society requires this change.

In conclusion, Mr. President, I am convinced that putting a $1 coin in our pocket will be a great convenience, and it will prove a significant savings to the taxpayer—savings that will add up to over $10 billion over the life of these gold-colored dollars. I urge my colleagues to lend their support to the United States One Dollar Coin Act of 1991.●

By Mr. LAUTENBERG:

S. 845. A bill to direct the Secretary of State to seek an agreement from the Arab countries and end certain passport and visa policies and other purposes; to the Committee on Foreign Relations.

ANTIBOYCOTT PASSPORT ACT OF 1991

● Mr. LAUTENBERG. Mr. President, Secretary Baker is back in the Middle East today searching for ways to get the peace process going again. I just recently returned from the Middle East. Frankly I must say I was surprised and discouraged by attitudes evinced by Arab States in the gulf conflict. What discouraged me is the intransigence toward Israel I encountered with virtually all Arab diplomats and their lack of perspective on the obstacles this poses to peace.

Mr. President, the Arab nations, except for Egypt, continue to isolate and alienate Israel politically. They continue to refuse the reality of Israel's existence. They boycott her and anyone who does business with her. They even boycott any company doing business with a company doing business with Israel. How foolish. They maintain a state of war against her. After 43 years of existence, they refuse to accept Israel as a permanent neighbor. That is not a basis for peace.

To crystallize the point, and to show the depth of Arab rejection of Israel, I want to share with the Senate my experience in trying to get a visa for a recent Senate leadership trip to Saudi Arabia and Kuwait.

Because my diplomatic passport had an Israeli entrance stamp from a previous visit to Israel, the Saudi Arabian Government said it would not give me a visa. Like Saudi Arabia, the Kuwait Government has a longstanding policy of rejecting passports with Israeli entrance stamps. So do a majority of the Arab League countries. Because of these policies, the State Department followed its established guidelines. It issued to me an entirely new diplomatic passport as the only means to secure a visa from the Saudi Arabian and Kuwaiti Governments, and thus enable me to participate in the leadership trip.

An editorial in yesterday's Washington Post correctly characterized this visa rebuff as an offense against the United States. It aptly criticized the American Government for kowtowing to Saudi Arabia by issuing duplicate passports.

Mr. President, it is the height of absurdity that the Governments of Saudi Arabia and Kuwait are prepared to refuse a United States Senator a visa for a congressional delegation visit because his diplomatic passport has an Israeli entrance stamp. It is a slap in the face to all Americans. In maintaining their visa policies, Saudi Arabia and Kuwait are sending a clear but disturbing message to all Americans. American soldiers coming to fight to restore security in the region are welcome. But, Americans who have committed the offense of ever having visited Israel are not. Would the Saudis and Kuwaitis have denied an American soldier entry if he or she had visited Israel?

Mr. President, the U.S. Government condones this policy. It accepts this policy. It accepts the fact that American diplomats and other travelers have to endorse the Arabs' refusal to even recognize Israel's existence in order to travel to a majority of Arab countries. It buys into this hatred and totally unacceptable view.

Rather than condoning and acquiescing to this policy, Mr. President, the U.S. Government should demand that Arab countries eliminate this practice. The State Department should no longer issue two passports for diplomats traveling in the region. It's an insult to Israel, to our Ambassadors, and to our country that our Ambassadors and other American government personnel, and tourists, should have to have two passports to travel in the Middle East if they want to visit Israel.

Israel is a friend and ally. Her security is essential to American security interests in the region. By providing two passports—especially to diplomats—the U.S. Government is slapping Israel in the face and supporting Arab efforts to isolate and completely alienate Israel. Arab countries—especially our allies in the war—should welcome U.S. diplomats to their country, especially after our role in the gulf war, and should support U.S. foreign policy interests. They should welcome American companies to their shores, and not boycott them.

Mr. President, today I am introducing legislation to require the Secretary of State to instruct our Middle Eastern diplomatic corps to immediately commence negotiations with Arab countries toward a reversal of their policy of not providing entrance visas for citizens and diplomats if their passport contains an Israeli entrance stamp. It would require the Secretary of State to report to Congress within 60 days of enactment on progress and prospects for securing a reversal of this outdated policy. If, within 90 days of enactment, negotiations have not resulted in a commitment from each Arab country to reverse this policy, the State Department will be prohibited from issuing duplicate passports to officials of the U.S. Government traveling in the Middle East. It would also immediately prohibit the issuance of passports designated for travel only to Israel.

Mr. President, the Arab countries' policy of rejecting passports from any citizen that has been to Israel is a stark reminder that despite all the developments of recent months, Arab nations except for Egypt still pursue a far-reaching policy of rejection of Israel. The policy is an impediment to peace and flies in the face of U.S. national security interests in the region. It brings nothing to Arab countries and is an insult to American diplomats, citizens, and soldiers. It should be reversed. I have asked Secretary Baker to lodge a formal complaint about the visa matter with the Governments of Saudi Arabia and Kuwait and to place it on his agenda as the United States continues to search for ways to bring peace to the Middle East.

I also raised this matter personally in Cairo earlier this month, when I had the opportunity to meet with President Hosni Mubarak and Egyptian Foreign Minister Ahmed Esmat Abdel Meguid, who has been nominated by Mubarak to head the Arab League. In my meetings, I called on them to seek a reversal of Arab policy of rejecting anyone who shows evidence of even visiting Israel.

Mr. President, Secretary Baker is in the Middle East now. He will be visiting Saudi Arabia and other Arab countries that continue to cling to this hateful and woefully outdated policy of isolating Israel and anyone who has ever been to Israel. I hope Secretary Baker will raise this issue in his discussions with Arab leaders. Our Arab League coalition partners should discard this visa policy, along with the boycott against Israel and companies doing business with Israel, as relics of the past which pose obstacles to peace.

Mr. President, I ask unanimous consent that the following documents be included in the RECORD: the text of the bill, copies of the April 16 Washington Post and an April 17 Bergen Record editorial, and a letter I sent to Secretary Baker on March 26 on this matter. I urge my colleagues to support this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 845

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "Anti-Boycott Passport Act of 1991".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The nations of the Arab League except Egypt remain in a state of war with Israel, a friend and ally of the United States, and refuse to recognize Israel and her right to exist.

(2) As part of their effort to isolate Israel and her allies, the majority of Arab countries generally reject the passports of, and deny entrance visas to, private persons and governmental officials whose passport or other documents bear an Israeli entrance stamp or marking or otherwise reflect that the person has visited Israel.

(3) The passport and visa policy of the majority of Arab League nations is an impediment to peace in the Middle East and must be reversed.

(4) The passport and visa policy of the majority of Arab League nations is an affront to the Government of the United States.

(5) The passport and visa policy of Saudi Arabia and Kuwait, both members of the Arab League, demonstrates a business as usual attitude and lack of appreciation for the successful efforts of the United States to reverse the Iraqi occupation of Kuwait and to restore the security of Kuwait and Saudi Arabia.

(6) Officials of the United States Government traveling in the Middle East are, as a general practice, issued two passports so that they can travel to Israel and to Arab countries in compliance with the passport and visa policy of the majority of Arab League nations.

(7) To avoid challenging the passport and visa policy of the majority of Arab League nations the State Department has issued official passports to United States Government officials, designated for travel only to Israel.

(8) The United States Government's policy of issuing two passports for official travel in the Middle East, and its policy of issuing official passports designated for travel only to Israel, constitute acquiescence in, and the appearance of acceptance of, the rejection of Israel by Arab countries.

(9) The United States Government's policy of issuing two passports for official travel in the Middle East, and its policy of issuing official passports designated for travel only to Israel, are at odds both with the recognition of Israel by the United States and with the rejection in United States policy and law of the Arab boycott of Israel.

(10) The reversal of the passport and visa policy described above would be an important confidence-building measure and would contribute to the peace process in the Middle East.

(11) The administration should vigorously encourage the nations of the Arab League which maintain the passport and visa policy described in this section to reverse their policy of rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) direct the Secretary of State to seek an end to the policy of the majority of Arab League nations of rejecting passports, and denying entrance visas to persons whose passport or other documents reflect that the holder has visited Israel, and to secure the adoption of policies that assure that the travel to such Arab League nations by persons who have visited Israel shall not be unreasonably impeded; and

(2) prohibit United States Government acquiescence in the policy of the majority of Arab League nations of rejecting Israel by rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the holder has visited Israel, especially with respect to travel by officials of the United States.

SEC. 4. NEGOTIATIONS.

The Secretary of State shall immediately instruct the United States Middle Eastern diplomatic corps to seek an end to the policy of the majority of Arab League nations of rejecting passports of, and denying entrance visas to, private persons and officials of all nations whose passport or other documents reflect that the holder thereof has visited Israel.

SEC. 5. REPORT TO CONGRESS.

The Secretary of State shall submit a report to the Foreign Relations Committee and Appropriations Committee of the Senate, and the Foreign Affairs Committee and Appropriations Committee of the House of Representatives within 60 days of the date of enactment of this Act. The report shall describe the status of efforts to secure an end to the passport and visa policy of the majority of Arab League nations as described in section 4, and describe the prospects that such efforts would be successful within 90 days of the date of enactment of this Act.

SEC. 6. PROHIBITION ON THE ISSUANCE OF ISRAEL-ONLY PASSPORTS.

Notwithstanding any other provision of law, the Secretary of State shall not issue any passport that is designated for travel only to Israel. Within 90 days of the date of enactment of this Act, the Secretary of State shall cancel any passport already issued which is designated for travel only to Israel.

SEC. 7. POLICY OF NONACQUIESCENCE.

(a) The Secretary of State shall not issue more than one official or diplomatic passport to any official of the United States Government for the purpose of enabling that official to acquiesce in or comply with, the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

(b) The Secretary of State shall promulgate such rules and regulations as are necessary to assure that officials of the United States Government do not comply with, or acquiesce in, the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

(c) This section shall take effect within 90 days of the date of enactment of this Act, except that, if the Secretary of State fails to conduct negotiations pursuant to section 4 or to submit a report under section 5, this Act shall take effect on the date of such refusal.

[From the Washington Post, Apr. 16, 1991]

KOWTOWING TO SAUDI ARABIA

The Saudis and Kuwaitis were kind enough to receive half a million American troops to save their necks from Saddam Hussein. But they could not then see their way clear to receiving Frank Lautenberg, one among 17 U.S. senators who sought to visit the Gulf. Typhoid? No, it was the fact that Sen. Lautenberg (D-NJ.) had an Israeli stamp in his passport from an earlier trip. Twice the Saudi Embassy in Washington refused to stamp in the requisite visa. The State Department then issued Mr. Lautenberg the second passport that has come to be routinely provided to Americans caught in this bind. The visit went on.

In a letter, Sen. Lautenberg urged the secretary of state to stir a policy review by Saudi Arabia, Kuwait and other Arab nations conducting this secondary boycott of Israel and suggested that the secretary place the matter on the agenda of regional peacemaking.

But the visa rebuff is only tangentially an offense against Israel. It is directly an offense against the United States—the more sordid and insidious for seldom being accurately recognized. The Saudis and others are saying that they and not the U.S. government will determine the validity of an American passport. They are forcing a distinction between two kinds of Americans, those who will submit to Saudi derogation of American sovereignty and those who will not. This is being done, to repeat, by a couple of family-run governments that but for the United States would be provinces of Iraq.

For decades now, this form of humiliation of the United States has been greeted with a shrug or an indulgent chuckle by many traveling Americans, journalists as well as diplomats and businessmen. It even happens that Israelis are sometimes seen as villains of the piece for conforming with the law and dignity of their own visa procedures and inconveniencing Americans as a result. Who can tell to what extent such habits of shabby complicity have nourished in Arab minds the rejection of Israel, which is a root cause of the whole Middle East dispute? Not one day longer should the American government kowtow to Saudi Arabia in this manner.

[From the Bergen (NJ) Record]

ABSURDITY IN ARABIA

Saudi Arabia and Kuwait welcomed half a million American troops willing to risk death to defeat Saddam Hussein. But when Sen. Frank Lautenberg, D–N.J., applied for a visa recently, he ran into a wall.

Mr. Lautenberg's offense? He visited Israel. He has a stamp on his passport to show it.

Mr. Lautenberg is furious. He is, rightly, angry not only at the Kuwaitis and Saudis, but also with the U.S. State Department for tolerating this nonsense. It was mid-March when Mr. Lautenberg applied for his visa. He and 16 other senators planned to visit Saudi Arabia and Kuwait to study post-war conditions. "We were trying to get an assessment of the needs of the area," he says. "I would have thought the delegation would be welcomed."

Instead, congressional aides reported, neither Kuwait nor Saudi Arabia would grant the visa because Mr. Lautenberg's passport showed that he had visited Israel. Mr. Lautenberg said the denial was unacceptable, and told aides to try again.

On the second go-around, the State Department tried to sidestep the issue by issuing Mr. Lautenberg a brand-new passport. This acquiescence made Mr. Lautenberg even angrier. The policy pursued by Saudi Arabia, Kuwait, and many other Arab states—with the honorable exception of Egypt—is first and foremost an insult to Israel. The rejection of Israel by many Arab states is so total and so unreasoning that they refuse to allow tourists, business people, journalists, and even high-ranking foreign officials such as Mr. Lautenberg to visit if their passports show any sign of an Israeli visit. Arab states also impose rigid economic boycotts against companies that do business with Israel.

But the Arab passport policy is also, as Mr. Lautenberg argues, an insult to the United States. Arab governments are refusing to recognize the validity of a U.S. passport unless the passport's owner will kowtow to Arab foreign policy, and Arab hatreds. This humiliation has been shrugged off for years by American visitors to the Middle East because access would otherwise be impossible.

Mr. Lautenberg refuses to wink and look the other way. He has written to Secretary of State James A. Baker III to ask that Mr. Baker raise this issue with Arab heads of state, as he tries to arrange Arab-Israeli peace talks. "The policy is an impediment to peace and must be reversed," Mr. Lautenberg wrote.

Dropping the outmoded passport policy would cost Arab countries nothing. But it would be a sign to Israel, and to the world, that Arab leaders are willing to take a modest step toward recognizing the realities of the late 20th century. Israel exists, and Israel will continue to exist. No real progress on a lasting Middle East peace can be made until the Arab states recognize this.

Using American passports to pretend otherwise is a disgraceful charade, demeaning to Arab leaders who insist on such a policy and to the State Department officials who go along with it.

U.S. SENATE,
Washington, DC, March 26, 1991.

Hon. JAMES A. BAKER III,
Secretary of State, State Department, Washington, DC.

DEAR SECRETARY BAKER: I am writing to ask you to insist that our Arab coalition allies reverse their long-standing policy of denying entry to Americans who have an Israeli visa stamp in their passports.

I was outraged that the governments of Saudi Arabia and Kuwait were prepared to refuse me a visa for a Congressional delegation visit because my diplomatic passport had an Israeli immigration stamp. In maintaining their visa policies, Saudi Arabia and Kuwait are sending a clear but disturbing message to all Americans. American soldiers prepared to fight to restore security in the region are welcome. But, Americans who have ever visited Israel are not.

The policy is a sad reminder that despite all the developments of recent months, Arab nations except for Egypt still pursue a far-reaching policy of rejection of Israel. Indeed, it is a rejectionism that goes so far as rejecting Americans who have visited Israel. The policy is an impediment to peace and must be reversed. As you seek confidence building measures in the region, I encourage you to urge Saudi Arabia, Kuwait and all Arab nations to abandon their outdated policy.

If Arab countries agreed to reverse this policy, it would demonstrate a positive first step toward recognizing Israel's right to exist. It would bring hope to many that Arab nations will one day formally end their state of war with Israel and enter direct negotiations for peace agreements with that country.

I urge you to lodge a complaint with the governments of Saudi Arabia and Kuwait over this matter and place it on your agenda as you continue to search for ways to bring peace and stability to the Middle East.

Sincerely,

FRANK R. LAUTENBERG.●

By Mr. MITCHELL (for Mr. PRYOR, for himself, Mr. DASCHLE, Mr. RIEGLE, Mr. DURENBERGER, Mr. BURDICK, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. MCCAIN):

S. 846. A bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies; to the Committee on Finance.

LONG-TERM INSURANCE CONSUMER PROTECTION ACT

Mr. MITCHELL. Mr. President, I rise to introduce legislation for Senator PRYOR, who, as we are all aware, has been hospitalized. Our prayers and best wishes are with Senator PRYOR in his recuperation.

The legislation Senator PRYOR had intended to introduce himself today is the Long-Term Care Insurance Consumer Protection Act. This legislation will require States to adopt minimum consumer protection for private long-term care insurance.

I commend Senator PRYOR, as chairman of the Special Committee on Aging, for his commitment to the protection of consumers who purchase private long-term care insurance. I share Senator PRYOR's interest in the quality, availability, and affordability of private long-term care insurance.

During the 100th Congress I introduced legislation to provide a comprehensive Medicare long-term care benefit. My legislation provided for a significant role for private long-term care insurance because I believe that long-term care is an insurable event, and that if affordable, quality long-term care insurance policies could be made more available to persons with the financial ability to purchase them.

Since the introduction of my legislation, more information has become available about the private long-term care insurance market. The news has been mixed. On the one hand, the number of private long-term care policies being marketed has increased. But, initial cost estimates of such policies may have been underestimated.

If private long-term care insurance is to play a part in protecting elderly and disabled Americans from the financial devastation of chronic illness, policies must be affordable and of good quality. It is important that the private insurance industry develop policies that are balanced in that regard.

I look forward to working with Senator PRYOR as he continues to refine his legislation in an effort to improve consumer protections for private long-term care insurance, and I commend him for his continued efforts in this important area.

Mr. President, I ask unanimous consent that a statement, previously prepared by Senator PRYOR, be submitted for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

● Mr. PRYOR. Mr. President, I am pleased to be joined by Senators DASCHLE, RIEGLE, DURENBERGER, BAUCUS, ROCKEFELLER, BURDICK and MCCAIN in introducing today the Long-Term Care Insurance Consumer Protection Act of 1991. This legislation will provide basic, Federal consumer protections for long-term care insurance.

I would like to take this opportunity to applaud the ongoing efforts and commitment of my colleagues who are joining me today in introducing this bill. All have played leadership roles on the issue of health insurance for older Americans, and I am glad to be working with them. Today, Representatives WYDEN, COLLINS, and others are introducing a companion measure in the House.

During the Pepper Commission's struggle to find solutions to our long-term care problem, I became interested in the possibilities that private long-term care insurance may hold. Recognizing that, for the foreseeable future, the public sector, will not be able to comprehensively meet every long-term care need of our Nation, the Commission recommended the promotion and regulation of private long-term care insurance.

In recent years, the growth in the sales of these policies has been rapid. The number of policies sold, and the number of companies selling these policies, has doubled in less than 3 years. Long-term care insurance policies have improved over the past few years, they continue to evolve. Despite the gains that have been made, room for improvement remains. Many policies contain overly restrictive limitations on benefits and do not meet basic standards recommended by the NAIC [National Association of Insurance Commissioners].

There is also room for improvement in the regulation of this insurance. The NAIC has made progress in the development of the model standards. However, recent reports from the HHS inspector general and the General Accounting Office [GAO] indicate that many States do not have important consumer protections in place. The GAO found that most policies contain definitions that potentially limit access to beneficiaries. Such definitions can eliminate coverage for policyholders who would otherwise qualify for benefits. Also, the GAO noted that consumers risk unpredictable premium increases that make it difficult for them to retain their policies. The inspector general found that 33 States do not provide minimum consumer protections. The fact that States are adopting these standards in varying degrees and a lack of support from the industry for these standards is troublesome.

Already at risk because of inadequate regulation of this market and the fear associated with long-term care, consumers face difficult choices in the purchase of this type of insurance. It is clear that consumers face even more complexities in understanding long-term care insurance policies than they do in understanding Medigap policies.

As chairman of the Aging Committee, I want to ensure that abuses that have plagued the Medigap market are not repeated in the long-term care market. Unfortunately, we are already hearing about problems that we cannot let go unaddressed. Here are just three examples:

A man in Illinois had been paying $1,000 per year for a so-called guaranteed renewable and level premium nursing home policy he had for 10 years. Just when he was entering a nursing home, he received a notice that the company had been sold to another corporation and his new rates were $11,000 per year. Unable to meet the new premium, he was forced to drop the policy, receiving no benefits or refund.

An insurance company collected annual premiums of almost $2,000 for 3 years for an 80-year-old widow from Philadelphia. When the widow entered a nursing home, the company canceled the policy, claiming she had not fully disclosed her health history. The agent had taken the health history from the widow's daughter over the phone and then sent the widow a blank application to sign.

An 89-year-old widow from Oregon took out two nursing home policies. In selling her the policies, the insurance agent said that, with this insurance, she would never be a burden to her children should she ever have to go into a nursing home. The widow paid more than $5,000 in premiums on the policies, only to find they wouldn't pay any of the $10,000 in nursing home bills she later accumulated. The insurance company said her care didn't meet their definition of "skilled care."

Mr. President, as with any legislation being introduced, this bill is but the first step in the legislative process. We have attempted to craft what we believe represents a fair response to the varying recommendations of consumers and their advocates, the National Association of Insurance Commissioners, the insurance industry and the insurance agents. In this effort, our goal has always been to strike the appropriate balance between the need for consumer protection with the need to assure affordability. With that in mind, each of these interested parties will have the opportunity to analyze and respond to this legislation. I look forward to their comments and suggestions on how we can strengthen this legislation and assure these important consumer protections.

The Long-Term Care Insurance Consumer Protection Act of 1991 is supported by the American Association of Retired Persons, the National Committee to Preserve Social Security and Medicare, Families United for Senior Action, and Consumers Union. I urge my colleagues to join us by cosponsoring this bill.

Mr. President, I ask unanimous consent that the text of the bill as well as a summary of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long-Term Care Insurance Consumer Protection Act of 1991".

SEC. 2. ESTABLISHMENT OF FEDERAL STANDARDS FOR LONG-TERM CARE INSURANCE POLICIES.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by adding at the end the following new section:

"LONG-TERM CARE INSURANCE STANDARDS

"SEC. 1931. (a) IMPLEMENTATION OF POLICY STANDARDS.—

"(1) IN GENERAL.—

"(A) NEW ISSUES.—No long-term care insurance policy (as defined in subsection (i)) may be issued, sold, or offered for sale in a State on or after the date specified in paragraph (4) unless—

"(i) the Secretary determines that the State has established a regulatory program that—

"(I) provides for the application and enforcement of the standards established under paragraph (3), and

"(II) complies with the requirements of paragraph (5),

by the date specified in paragraph (4), and the policy has been approved by the State commissioner or superintendent of insurance under such program; or

"(ii) if the State has not established such a program, the policy has been certified by the Secretary (in accordance with such procedures as the Secretary establishes) as meeting the standards established under paragraph (3).

For purposes of this paragraph, the advertising or soliciting with respect to a policy, directly or indirectly, shall be deemed the offering for sale of the policy.

"(B) REVIEW OF STATE REGULATORY PROGRAMS.—The Secretary periodically shall review regulatory programs described in subparagraph (A)(i) to determine if they continue to provide for the application and enforcement of the standards established under paragraph (3).

"(2) SANCTIONS.—Any person who issues or renews a policy, on or after the date specified in paragraph (4), in violation of paragraph (1), is subject to a civil money penalty of not to exceed $25,000 for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(3) PROMULGATION OF STANDARDS.—

"(A) IN GENERAL.—If, within 12 months after the date of the enactment of this section, the National Association of Insurance Commissioners (in this section referred to as the 'NAIC') promulgates model standards that incorporate the requirements of subsections (d) through (h), such standards shall apply under paragraph (1).

"(B) DEFAULT.—If the NAIC does not promulgate the model standards under subparagraph (A) by the deadline established in that paragraph, the Secretary shall promulgate, within 12 months after such deadline, a regulation that provides standards that incorporate the requirements of subsections (d) through (h) and such standards shall be applied under paragraph (1).

"(C) CONSULTATION.—In establishing standards under this paragraph, the NAIC or Secretary shall consult with a working group composed of representatives of issuers of long-term care insurance policies, consumer groups, and other qualified individuals. Such representatives shall be selected in a manner so as to assure balanced representation among the interested groups.

"(D) LIMITED PREEMPTION.—The standards established under this paragraph preempt provisions of State law which conflict with such standards, but nothing in this section shall be construed as preventing a State from applying standards that provide greater protection to policyholders of long-term care insurance policies.

"(4) DEADLINE FOR APPLICATION OF STANDARDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is—

"(i) the date the State adopts the standards established under paragraph (3), or

"(ii) 1 year after the date such standards are first established,

whichever is earlier.

"(B) STATE REQUIRING LEGISLATION.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

"(i) requiring State legislation (other than legislation appropriating funds) in order for the standards established under paragraph (3) to be applied, but

"(ii) having a legislature which is not scheduled to meet in 1993 in a legislative session in which such legislation may be considered,

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1993. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

"(5) ADDITIONAL REQUIREMENTS FOR APPROVAL OF STATE REGULATORY PROGRAMS.—For purposes of paragraph (1)(A)(i)(II), the requirements of this paragraph for a State regulatory program are as follows:

"(A) CONSUMER ACCESS TO COMPLIANCE INFORMATION.—

"(i) IN GENERAL.—The program must provide for consumer access to complaints filed with the State commissioner or superintendent of insurance with respect to long-term care insurance policies.

"(ii) CONFIDENTIALITY.—The access provided under clause (i) shall be limited to the extent required to protect the confidentiality of the identity of individual policyholders.

"(B) ACCESS TO OTHER INFORMATION.—The program must provide for consumer access to information reported under subsection (c)(4).

"(C) PROCESS FOR APPROVAL OF PREMIUMS.—The program must provide for a process for approving or disapproving proposed premium increases with respect to long-term care insurance policies and must establish a policy for the holding of public hearings prior to approval of such a premium increase. No such premium increase shall be approved (or deemed approved) unless the proposed increase is accompanied by an actuarial memorandum which supports the increase and which contains such information as may be required under the standards under subsection (a)(3).

"(b) REGULATION OF SALES PRACTICES.—

"(1) DUTY OF GOOD FAITH AND FAIR DEALING.—

"(A) IN GENERAL.—Each individual who is selling or offering for sale a long-term care insurance policy has the duty of good faith and fair dealing to the purchaser or potential purchaser of such a policy.

"(B) PROHIBITED PRACTICES.—An individual is considered to have violated subparagraph (A) if the individual engages in any of the following practices:

"(i) TWISTING.—Knowingly making any misleading representation or incomplete or fraudulent comparison of any health care insurance policy or insurers for the purpose of inducing, or tending to induce, any person to retain or effect a change with respect to a long-term care insurance policy.

"(ii) HIGH PRESSURE TACTICS.—Employing any method of marketing having the effect of, or intending to, induce the purchase of long-term care insurance policy through undue pressure.

"(iii) COLD LEAD ADVERTISING.—Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

"(2) COMPLETION OF MEDICAL HISTORIES PROHIBITED.—A person who is selling or offering for sale a long-term care insurance policy may not complete the medical history portion of an application.

"(3) PROHIBITION OF SALE OR ISSUANCE TO MEDICAID BENEFICIARIES.—A person may not knowingly sell or issue a long-term care insurance policy to an individual who is eligible for medical assistance (other than only as a qualified medicare beneficiary) under this title.

"(4) PROHIBITION OF SALE OR ISSUANCE OF DUPLICATE SERVICE BENEFIT POLICIES.—A person may not sell or issue a service-benefit long-term care insurance policy—

"(A) knowing that the policy provides for coverage that duplicates coverage already provided in another service-benefit long-term care insurance policy (unless the policy is intended to replace such other policy), or

"(B) for the benefit of an individual unless the individual (or a representative of the individual) provides a written statement to the effect that the coverage (i) does not duplicate other coverage in effect under a service-benefit long-term care insurance policy or (ii) will replace another service-benefit long-term care insurance policy.

In this paragraph, the term 'service-benefit long-term care insurance policy' means a long-term care insurance policy which provides for benefits based on the amount and type of services furnished, rather than on the amount of expenses incurred.

"(5) PROVISION OF OUTLINE OF COVERAGE.—No person may sell or offer for sale a long-term care insurance policy without providing to the purchaser or potential purchaser (or representative) an outline of coverage that complies with the standards established under subsection (a)(3).

"(6) CIVIL MONEY PENALTY.—Any person who sells, offers for sale, or issues a long-term care insurance policy in violation of this subsection is subject to a civil money penalty of not to exceed $25,000 for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(c) ADDITIONAL RESPONSIBILITIES OF ISSUERS.—

"(1) REFUND OF PREMIUMS.—If an application for a long-term care insurance policy (or for a certificate under a group long-term care insurance policy) is denied or an applicant returns a policy or certificate within 30 days of the date of its issuance pursuant to subsection (h), the issuer shall refund to the applicant, not later than 30 days after the date of the denial or return, any premiums paid with respect to such a policy.

"(2) MAILING OF POLICY.—If an application for an long-term care insurance policy (or for a certificate under a group long-term care insurance policy) is approved, the issuer shall transmit to the applicant the policy (or certificate) of insurance not later than 30 days after the date of the approval.

"(3) INFORMATION ON DENIALS OF CLAIMS.—If a claim under a long-term care insurance policy is denied, the issuer shall, within 60 days of the date of a written request by the policyholder or certificate holder (or representative)—

"(A) provide a written explanation of the reasons for the denial, and

"(B) make available all information directly relating to such denial.

"(4) REPORTING OF INFORMATION.—The issuer of a long-term care insurance policy shall periodically (not less often than annually) report to the Commissioner or superintendent of insurance of each State in which the policy is sold, and shall make available to the Secretary, upon request, information respecting—

"(A) the long-term care insurance policies of the issuer that are in force,

"(B) the most recent premiums for such policies and the premiums imposed for such policies during the previous 5-year period,

"(C) the lapse rates, replacement rates, and rescission rates for policies (by agent), and

"(D) the claims denied (as a percentage of claims submitted) for such policies.

Information under this paragraph shall be reported in a format specified in the standards established under subsection (a)(3) to carry out this subsection. For purposes of subparagraph (C), there shall not be included as a lapse of policy such a lapse due to the death of the policyholder. For purposes of subparagraph (D), there shall not be included as a denied claim a claim that is denied solely because of the failure to meet a deductible, waiting period, or exclusionary period.

"(5) ACCESS TO INFORMATION.—Each such issuer shall provide the Secretary and the Commissioner or superintendent of insurance of each State in which the policy is sold such information as the Secretary, Commissioner, or superintendent, may request.

"(6) PROVISION OF OUTLINE OF COVERAGE FOR RENEWALS.—Each issuer of a long-term care insurance policy shall provide, at the time of renewal of such a policy, an outline of coverage that meets the applicable standards established pursuant to this section.

"(7) MEDICAL ASSESSMENTS FOR THE ELDERLY.—Before issuing a long-term care insurance policy to an applicant who is 75 years of age or older, if the policy is not guaranteed issue the issuer shall obtain one of the following:

"(A) A report of a physical examination.

"(B) An assessment of functional capacity.

"(C) Copies of medical records.

"(8) CIVIL MONEY PENALTY.—Any issuer of a long-term care insurance policy who—

"(A) fails to make a refund in accordance with paragraph (1),

"(B) fails to transmit a policy in accordance with paragraph (2),

"(C) fails to provide, make available, or report information in accordance with paragraph (3), (4), or (5),

"(D) fails to provide an outline of coverage in violation of paragraph (6), or

"(E) issues a policy without obtaining certain information in violation of paragraph (7),

is subject to a civil money penalty of not to exceed $25,000 for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(d) REQUIREMENTS RELATING TO RENEWABILITY.—

"(1) IN GENERAL.—No long-term care insurance policy may be canceled or nonrenewed for any reason other than nonpayment of premium or material misrepresentation.

"(2) CONTINUATION AND CONVERSION RIGHTS FOR GROUP POLICIES.—

"(A) IN GENERAL.—Each group long-term care insurance policy shall provide covered individuals with a basis for continuation or conversion in accordance with this paragraph.

"(B) BASIS FOR CONTINUATION.—For purposes of subparagraph (A), a policy provides a basis for continuation of coverage if the policy maintains coverage under the existing group policy when such coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. A group policy which restricts provision of benefits and services to or contains incentives to use certain providers or facility, may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy.

"(C) BASIS FOR CONVERSION.—For purposes of subparagraph (A), a policy provides a basis for conversion of coverage if the policy entitles each individual—

"(i) whose coverage under the group policy would otherwise be terminated for any reason, and

"(ii) who has been continuously insured under the policy (or group policy which was replaced) for at least 6 months before the date of the termination,

to issuance of a policy providing benefits identical to, substantially equivalent to, or in excess of, those of the policy being terminated, without evidence of insurability.

"(D) TREATMENT OF SUBSTANTIAL EQUIVALENCE.—In determining under this paragraph whether benefits are substantially equivalent, there shall be taken into consideration the differences between managed care and non-managed care plans.

"(E) GROUP REPLACEMENT OF POLICIES.—If a group long-term care insurance policy is replaced by another long-term care insurance policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

"(e) BENEFIT STANDARDS.—

"(1) USE OF STANDARD DEFINITIONS AND TERMINOLOGY AND UNIFORM FORMAT.—

"(A) IN GENERAL.—Each long-term care insurance policy shall, pursuant to standards established under subsection (a)(3)—

"(i) use uniform language and definitions, and

"(ii) use a uniform format for presenting the outline of coverage under such a policy.

"(B) CERTAIN VARIATION IN LANGUAGE PERMITTED.—Such standards may permit the use of non-uniform language, but only to the extent required to take into account differences among States in the licensing of nursing facilities and other providers of long-term care.

"(2) DISCLOSURE.—

"(A) OUTLINE OF COVERAGE.—The outline of coverage for each long-term care insurance policy shall include at least the following:

"(i) A description of the principal benefits and coverage under the policy.

"(ii) A statement of the principal exclusions, reductions, and limitations contained in the policy.

"(iii) A statement of the terms under which the policy (or certificate) may be continued in force or discontinued, the terms for continuation or conversion, and any reservation in the policy of a right to change premiums.

"(iv) A statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy (or master policy) contains the contractual provisions that govern.

"(v) A statement of the value of the policy (determined in accordance with standard established to carry out this subparagraph).

"(vii) A description of the terms, specified in subsection (h), under which a policy or certificate may be returned and premium refunded.

"(viii) Information on national average costs for nursing facility and home health care and information (in graphic form) on the relationship of the benefits provided under the policy to such national average costs.

"(ix) A statement of the percentage limit on annual premium increases that is provided under the policy pursuant to paragraph (8).

"(x) Information (in graphic form) on the projected effect of inflation on the value of benefits provided under the policy during a period of at least 20 years.

"(B) CERTIFICATES.—A certificate issued pursuant to a group long-term care insurance policy shall include—

"(i) a description of the principal benefits and coverage provided in the policy;

"(ii) a statement of the principal exclusions, reductions, and limitations contained in the policy; and

"(iii) a statement that the group master policy determines governing contractual provisions.

"(C) LONG-TERM CARE AS PART OF LIFE INSURANCE.—In the case of a long-term care insurance policy issued as a part of or a rider on a life insurance policy, at the time of policy delivery there shall be provided a policy summary that includes—

"(i) an explanation of how the long-term care benefits interact with other components of the policy (including deductions from death benefits);

"(ii) an illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits (if any) for each covered person; and

"(iii) any exclusions, reductions, and limitations on benefits of long-term care.

"(3) LIMITING CONDITIONS ON BENEFITS; MINIMUM BENEFITS.—

"(A) IN GENERAL.—A long-term care insurance policy may not condition or limit eligibility—

"(i) for benefits for a type of services to the need for or receipt of any other services,

"(ii) for any noninstitutional benefit on the medical necessity for such benefit,

"(iii) for benefits furnished by licensed providers on compliance with conditions which are in addition to those required for licensure under State law, or

"(iv) for custodial care (if covered under the policy) only (I) to care provided in facilities which provide a higher level of care or (II) to care provided in facilities which provide for 24-hour or other nursing care not required in order to be licensed by the State.

"(B) HOME HEALTH CARE SERVICES.—If a long-term care insurance policy provides benefits for home health care services, the policy—

"(i) may not limit such benefits to services provided by registered nurses or licensed practical nurses;

"(ii) may not require benefits for such services to be provided by a nurse or therapist that can be provided by a home health aide or other licensed or certified home care worker acting within the scope of the worker's licensure or certification;

"(iii) may not limit such benefits to services provided by agencies or providers certified under title XVIII; and

"(iv) must provide benefits for personal care services (including home health aide and homemaker services), home health services, and respite care in an individual's home.

"(C) NURSING FACILITY SERVICES.—If a long-term care insurance policy provides benefits for nursing facility services, the policy must provide such benefits with respect to all nursing facilities that are licensed in the State.

"(D) MINIMUM PERIOD OF COVERAGE.—Each long-term care insurance policy shall provide benefits over a period of at least 12 consecutive months.

"(4) PROHIBITION OF DISCRIMINATION.—A long-term care insurance policy may not treat benefits under the policy in the case of an individual with Alzheimer's disease, with any related progressive degenerative dementia of an organic origin, or with any organic or inorganic mental illness differently from an individual having another medical condition for which benefits may be made available.

"(5) Limitation on use of preexisting condition limits.—

"(A) Initial issuance.—

"(i) In general.—Subject to clause (ii), a long-term care insurance policy may not exclude or condition benefits based on a medical condition for which the policyholder received treatment or was otherwise diagnosed before the issuance of the policy.

"(ii) 6-month limit.—A long-term care insurance policy may exclude benefits under a policy, during its first 6 months, based on a condition for which the policyholder received treatment or was otherwise diagnosed during the 6 months before the policy became effective.

"(B) Replacement policies.—If a long-term care insurance policy replaces another long-term care insurance policy, the issuer of the replacing policy shall waive any time periods applicable to preexisting conditions, waiting period, elimination periods and probationary periods in the new policy for similar benefits to the extent such time was spent under the original policy.

"(6) Use of functional assessment.—

"(A) In general.—Each long-term care insurance policy—

"(i) shall determine eligibility for, and level of, benefits (other than for nursing facility services) available under the policy based on a professional assessment of the policyholder's functional ability, and

"(ii) shall specify the level (or levels) of functional impairment required under such an assessment to obtain benefits other than for nursing facility services) under the policy.

"(B) Appeals process.—Each long-term care insurance policy shall provide for an appeals process, meeting standards established under this subsection, for individuals who dispute the results of an assessment conducted under this paragraph.

"(7) Inflation protection.—

"(A) Optional rider at time of initial issuance.—Each long-term care insurance policy shall permit the policyholder, at the time of initial sale, an option of providing for inflation protection described in subparagraph (B).

"(B) Inflation protection described.—The inflation protection described in this subparagraph provides, at the time of each annual renewal of a policy, for an increase of a specified percentage (but not less than 5 percent) in the dollar payment levels and the maximum payment limit on benefit coverage above the levels or limit in effect during the previous policy year. In applying this subparagraph, the increases shall be compounded annually and the policy may provide for rounding such an increase to the nearest multiple of $1 (in the case of dollar payment levels) or $100 (in the case of the maximum payment limit).

"(8) Specification of limits on premium increases.—Each long-term care insurance policy shall specify a limit on the percentage increase in premiums for a policy that may be made in any between one policy year and the subsequent policy year.

"(f) Nonforfeiture.—

"(1) In general.—Each long-term care insurance policy shall provide that if the policy lapses after the policy has been in effect for a minimum period (specified under the standards under subsection (a)(3)), the policy will provide without payment of any additional premiums benefits equal to—

"(A) a percentage (specified under such standards) of the benefits otherwise available at term, or

"(B) such other type of benefits as such standards may provide.

"(2) Establishment of standards.—The standards under subsection (a)(3)—

"(A) may not provide more than 2 additional types of benefits under paragraph (1)(B), and

"(B) may provide that the percentage or amount of benefits under paragraph (1) must increase based upon the period of time in which the policy was in effect.

"(g) Limit of Period of Contestability.—The issuer of a long-term care insurance policy may not cancel such a policy or deny a claim under the policy based on fraud or misrepresentation relating to the issuance of the policy unless notice of such fraud or misrepresentation is provided within 6 months after the date of the issuance of the policy.

"(h) Right To Return (Free Look).—Each applicant for a long-term care insurance policy shall have the right to return the policy (or certificate) within 30 days of the date of its delivery (and to have the premium refunded) if, after examination of the policy or certificate, the applicant is not satisfied for any reason.

"(i) Long-Term Care Insurance Policy Defined.—

"(1) In general.—In this section, except as otherwise provided in this subsection, the term 'long-term care insurance policy' means any insurance policy, certificate, or rider advertised, marketed, offered, or designed to provide coverage for each covered person on an expense incurred, indemnity, prepaid, or other basis, for one or more diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes a group or individual annuity or life insurance policy or rider which provides directly (or which supplements) long-term care insurance.

"(2) Policies excluded.—Except as provided in paragraph (4), the term 'long-term care insurance policy' does not include any medicare supplemental policy (as defined in section 1882(g)) and any insurance which is offered primarily to provide—

"(A) basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, or major medical expense coverage,

"(B) disability income or related asset-protection coverage,

"(C) accident only coverage,

"(D) specified disease or specified accident coverage, or

"(E) limited benefit health coverage.

"(3) Treatment of certain life insurance policies.—Except as provided in paragraph (4), the term 'long-term care insurance policy' does not include life insurance policies—

"(A) which accelerate the death benefit specifically for—

"(i) one or more of the qualifying events of terminal illness,

"(ii) medical conditions requiring extraordinary medical intervention, or

"(iii) permanent institutional confinement;

"(B) which provide the option of a lump-sum payment for those benefits; and

"(C) in which neither the benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care.

"(4) Inclusion of policies marketed as long-term care insurance.—The term 'long-term care insurance policy' also means any product which is advertised, marketed, or offered as long-term care insurance.".

(b) Report on Assessment Methods for Functional Ability.—Within 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the different methods that may be used to conduct assessments of functional ability described in section 1931(e)(6)(A) of the Social Security Act and the relative effectiveness of each of such methods.

(c) Report on Solvency Protection.—Within 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on standards that may be applied to assure the solvency of insurers with respect to long-term care insurance policies.

(d) Study of Standard Measure of Value for Long-Term Care Insurance Policies.—The Secretary of Health and Human Services shall provide for a study to develop a standard measure of value for long-term care insurance policies. Within 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on such study.

SEC. 3. INCREASE IN FUNDING FOR LONG-TERM CARE INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE.

The subsection (f) of section 4360 of the Omnibus Budget Reconciliation Act of 1990 relating to authorization of appropriations for grants is amended by inserting before the period at the end the following: "and an additional $20,000,000 for each of fiscal years 1993, 1994, and 1995, to fund such grant programs for the purpose of providing information, counseling, and assistance relating to the procurement of adequate and appropriate long-term care insurance".

Long-Term Care Insurance Consumer Protection Act—Summary

1. CONSUMER ACCESS TO INFORMATION

Requires states to make available to consumers information regarding:

Complaints received with respect to long-term care insurance policies;

The number of policies sold by company;

The most recent premiums for each policy sold in the state;

The lapse and replacement rates for policies

The number of policy rescissions; and

The claims denied as a percentage of claims submitted (excluding claims denied because the policyholder has not met deductibles or waiting periods)

Why needed: Most states do not maintain separate files on long-term care insurance complaints, making it virtually impossible for consumers to get good, objective information about the reputation and quality of a particular company or agent. Consumers have the right to know basic information long-term care insurance before they spend their hard-earned dollars.

2. INFLATION PROTECTION

Requires all policies to offer an inflation protection feature that provides for an increase of a specified percentage not less than 5 percent in the policy's dollar payment levels and maximum payment limit. The increases are to be compounded annually.

Why needed: Consumers should have the option to purchase inflation protection and should be informed as to how benefits are eroded without this type of protection. However, to assure consumer flexibility and affordability, this legislation does not require all policies to have inflation protection. Assuming a conservative inflation estimate of 5 percent per year, without inflation protection a long-term care insurance policy benefit is eroded by 50 percent in just 10 years. Seniors pour thousands of dollars per year into these policies only to find that their benefits have been whittled away, just when they need protection the most.

3. NONFORFEITURE BENEFITS

Requires each policy to contain a nonforfeiture benefit which conforms to one of the 3 nonforfeiture models developed by the National Association of Insurance Commissioners (NAIC). At least one of the models identified by the NAIC must be a reduced paid-up model whereby policyholders would be guaranteed a specified percentage of benefits after a certain vesting period. Similar to a whole life policy or a home mortgage, a nonforfeiture benefit for long-term care insurance would assure that a policyholder did not have to forfeit vested equity in a policy should the policy lapse.

Why needed: Because long-term care policies are typically held for 10 or 20 years before their benefits are used, the possibility of a policy lapsing during this period is significant. For example, assuming a conservative lapse rate of 10 percent per year, only 7 percent of policies purchased at age 65 are still in force at age 85, when they are most likely to need the coverage.

When a long-term care insurance policy lapses, the policyholder forfeits a significant amount of equity which has been built up to pre-fund future needs. Individuals often pay into long-term care insurance policies for 10, 15, 20 years or more only to find that a premium increase suddenly makes the policy unaffordable. When this happens, policyholders surrender years of equity and are left with no long-term care protection whatsoever.

4. MARKETING ABUSES

a. Explicitly prohibits "churning" whereby an individual is pressured into switching policies in order for the agent to capture a new sales commission.

Why Needed: When an individual drops an old policy to buy a new policy, they will be forced to meet new preexisting condition waiting periods, during which time they will not be covered by insurance.

b. Explicitly prohibits high pressure sales tactics.

Why needed: Using threats, or capitalizing on the fear of financial catastrophe associated with going into a nursing home should not be tolerated, particularly with the frail elderly.

c. Prohibits agents from filling in the medical history portion of an application.

Why needed: There is evidence of problems with agents who fill in medical history questions incorrectly. If an agent incorrectly answers these questions on behalf of an applicant, an applicant would likely face the possibility of having claims denied at a later date on the basis that the applicant misrepresented his/her health status at the time of application.

d. Prohibits sale of a long-term care insurance policy to an individual who is eligible for Medicaid. An exception is made for qualified Medicare beneficiaries (QMBs).

Why needed: Medicaid beneficiaries, by definition, already receive comprehensive coverage for long-term care services without cost-sharing requirements.

5. OUTLINE OF COVERAGE

Requires the NAIC to develop insurers to provide a standardized outline of coverage which states:

The principal benefits and exclusions under the policy

Graphic information on national average nursing home and home health care costs and their relationship to benefits provided under the policy

Graphic information on the effects of inflation on benefits provided under the policy over at least a 20 year period

A statement that the premium for the policy will not increase more than a specified percentage during any given calendar year (the percentage specified will be developed by the insurer and may not be exceeded)

Why needed: Currently, many insurance companies have devised their own outline of coverage which is very different in format and content than other companies, making it very difficult for individuals to compare policy provisions. In addition, consumers generally do not receive any information about how the benefits under the policy compare to average costs of such benefits, or how much the policy can be expected to be worth over time. The requirement to disclose maximum annual premium increases under the policy will bring predictability and accountability.

6. GUARANTEED RENEWABILITY

Requires all policies to be guaranteed renewable. Policies could only be cancelled for nonpayment of premuim or material misrepresentation.

Why needed: Some states still allow insurers to cancel long-term care insurance policies because the health of the policyholder has deteriorated. Guaranteed renewability prevents insurers from suddenly dropping coverage for policyholders who are no longer considered "profitable".

7. STANDARD DEFINITIONS AND TERMINOLOGY

Requests the NAIC to develop, within 12 months of enactment, standard definitions and terminology for benefits used in long-term care insurance policies.

Why needed: Today, frivolous variations in policy definitions leave consumers confused and highly susceptible to high pressure sales pitches which try to convince them that their coverage is substandard. Consumers have the right to know that "home health care", for example, means the same thing in every policy so that they can make true comparisons based upon benefit levels and price.

8. PRIOR INSTITUTIONALIZATION

Prohibits the imposition of prior hospitalization requirements on the receipt of benefits. Also prohibits the use of prior institutionalization (i.e., a nursing home stay) requirements on the receipt on non-institutional (i.e., home and community care) benefits.

Why needed: Despite the fact that the NAIC model act contains a prohibition on the use of prior institutionalization, several states have not adopted this provision and several insurers (large and small) still sell policies that restrict eligibility for benefits upon a stay in the hospital (usually 3 days) or a prior stay in a skilled nursing facility. A prior hospitalization requirement effectively excludes two-thirds of the policyholders from receiving nursing home benefits.

9. HOME HEALTH CARE

Prohibits limiting such benefits to services provided to RNs or LPNs or to Medicare-certified agencies and facilities. Prohibits exclusion of personal care services, such as home health aide and respite care. Requires use of functional assessment tool for home care eligibility. Provide policyholders with an explicit right to appeal denials for home care eligibility.

Why needed: Restricting home health care services to specific providers or Medicare-certified facilities severely limits the options of the policyholder. Often, policyholders do not need skilled nursing care; rather, they need assistance with the activities of daily living, things such as bathing, walking, feeding, toileting, and eating. In addition, Medicare-certified facilities are the exception, not the rule, and they often have long waiting lists. Policyholders should have the right to use their benefits at any license nursing or home health facility in the state.

11. TIMELY PROVISION OF INFORMATION

Requires:

a. Insurers to refund premiums to policyholders within 30 days of an application denial or return under the fee look period.

b. Insurers to transmit the policyholder, within 30 days of a policy application approval, a copy of the actual policy or certificate.

c. Insurers to give written notice, within 60 days of a claim denial, the reasons for such denial. Insurers must also make available to policyholders all information directly relating to such denial.

d. Insurers to obtain, prior to the issuance of a policy, a physical exam report, a functional capacity assessment, or medical records for all applicants age 75 or older.

Why needed: Policyholders have the right to know why their claims were denied in a timely manner and to have timely refund of premiums when appropriate. There have been documented instances where insurers delay timely information or refunds in order to buy time or discourage the policyholders from getting payment. Many policyholders are frail elderly individuals who cannot afford to fight the insurance company, or wait months for payment. Because nursing home stays are very expensive, delay in receiving claims payments can quickly result in bankruptcy for the individual and increased government costs through Medicaid.

12. COUNSELING

Provides a $20 million authorization for states to establish long-term care insurance counseling programs.

Why needed: Counseling programs now exist in several states and have proven to be a valuable and cost effective resource for consumers seeking to get objective information about policies.●

● Mr. DASCHLE. Mr. President, I rise today with Senators PRYOR, RIEGLE, DURENBERGER, BAUCUS, and BURDICK to introduce the Long-Term Care Insurance Consumer Protection Act of 1991, a measure that establishes basic consumer protection standards for the rapidly expanding long-term care insurance [LTCI] market. The ultimate goal of this legislation is to ensure that individuals who purchase LTCI have the peace of mind that, when and if they need it, their policy will afford them the long-term care protection that they expect and deserve.

As we look to the next decade, one of the foremost health challenges we face as a nation is how to ensure that our senior citizens and disabled individuals have access to high quality long-term care services. There is much debate in Washington about if and how a public long-term care program should be established. Even if enacted, given the Federal budget deficit and the costs of such a program, the benefits may be rather limited. Good private long-term care insurance therefore, is becoming increasingly important to protect against what can be astronomical expenses for nursing home stays and home health care.

Though LTCI will never be able to cover the majority of our society's long-term care needs, this is a growing market that will, undoubtedly, continue to expand over the years. While just 10 years ago there was essentially no long-term care insurance market, recently the field has burgeoned with over 100 companies having sold nearly 2 million policies.

With this dramatic proliferation of business has come not only beneficial innovations in coverage, but also, unfortunately, numerous instances of abuse by some unscrupulous companies. While the majority of insurance companies and their agents strive to provide high value insurance policies to their customers, a growing body of evidence suggests that thousands of individuals every year are victimized by marketing and sales abuses from a minority of companies and agents who exploit the fears of the elderly and use the complexity of insurance to confuse policy holders.

For example, Jake and Martina Holzer, an elderly couple from Trail City, SD, lost their farm and their life savings after an insurance company refused to reimburse Martina for nursing home expenses she incurred after she had a stroke and required institutionalization. Martina had been paying premiums to this company for a long-term care policy she purchased in 1985. The company engaged in post-claim underwriting to avoid paying the bill, even though there was no indication when Martina originally applied for the insurance that she had any medical condition that would preclude her from coverage. Though the couple won a $13.5 million settlement on this case, the insurance company committing the fraud is still operating in a number of States across the country.

Unfortunately, this example is not unique. Congressional investigations have uncovered numerous examples of fraud and abuse in this market. Policies are sold to unsuspecting individuals that duplicate benefits they already possess, or agents persuade people to buy inappropriate and more expensive replacement policies rather than renew their existing coverage. A few companies engage in predatory pricing, enticing consumers to purchase insurance with extremely low premiums, only later to boost them so high they are unaffordable. As a result, policies lapse, investments are lost, and benefits disappear.

Perhaps most frightening of all is when insurers refuse to pay claims because of inaccuracies on the insurance application, even when the agent bears responsibility for the incomplete information. In addition to post-claim underwriting, many policies promise more than they deliver by disguising limitations in technical legalese or in the fine print of a policy. Thinking they are protected, policyholders discover they have no coverage at all just as they enter a nursing home. Often alone, frail, and without additional resources, they have no recourse for challenging the company's action.

Even policies sold by the reputable companies and responsible agents that represent most of the market may confuse consumers and provide benefits that are more illusory than real. First, companies employ widely varying terms and practices, making it difficult to compare policies and choose the one most suited to individual needs. Second, individuals typically forfeit all of their benefits if they let their policies lapse for whatever reason. Despite years of faithful payment of premiums, investing tens of thousands of dollars, most lapsed long-term care policies, unlike whole life insurance, return nothing to the policyholder. As few as 2 out of every 10 people who initially buy long-term care insurance and eventually enter a nursing home will actually receive long-term care benefits.

The insurance industry has tried to tell us that the combination of industry self-policing, market pressures, and State adoption and enforcement of vigorous standards developed by the National Association of Insurance Commissioners is cleaning up this market. Unfortunately, a recently released GAO study paints a very different picture. That study reports that many States do not meet NAIC standards. For example, 24 States still have not developed standards requiring insurers to guarantee policy renewal, and 18 States have not adopted standards disallowing Alzheimer's disease exclusions. Though insurers have adopted NAIC standards more quicky than States have, most policies GAO reviewed still did not meet all of NAIC's standards. In recent testimony before the House Ways and Means Committee, GAO concluded that, while NAIC standards provide the foundation for consumer protection, many problems remain in this market.

Before more individuals invest their hard-earned money in insurance coverage that may prove nonexistent or deficient, it is imperative that we adopt minimum Federal standards that all long-term care insurance products must meet. These standards must provide consumers with reasonable protections while also preserving the flexibility needed by the insurance industry to innovate in response to new information and changing consumer demands. We need to continue to encourage and stimulate private sector responses to our long-term care needs.

The bill Senators PRYOR, RIEGLE, DURENBERGER, BURDICK, and I are introducing today attempts to strike that balance by carefully defining a set of basic mandates that leave room for alternative approaches. The Federal standards prohibit agent and marketing abuses ensure that policies are understandable and comparable, grant consumers greater access to information about insurance companies and their practices, and provides protection against inflation, forfeited investments, and inadequate benefits.

In sum, this legislation is our first attempt to set out guidelines we believe will offer important consumer protections in this market. We look forward to working with insurers, consumers, and other interested parties to improve the bill as it makes its way through the legislative process.

Our legislation is not a substitute for the well-designed public program this country needs to finance long-term care. But it will offer consumers of private insurance the peace of mind that their policies meet minimum standards and are likely to furnish the promised benefits when expected and needed.

I hope that the Senate will give timely consideration to this legislation.•

• Mr. RIEGLE. Mr. President, today I am introducing with Senators PRYOR and DASCHLE and others, S. 846, the Long-term Care Insurance Consumer Protection Act. This bill provides for minimum standards for private, long-term care to protect individuals who want to purchase policies consistent with their individual needs and resources.

The long-term care insurance market today, in Michigan and across the country, is confusing and the potential for abuse is high, particularly because information that consumers need to purchase policies is not readily available. It's not easy to make comparisons in benefits and price among different policies and materials explaining benefits use different terminology and formats that add to confusion. People must sort through a maze of limitations, waivers and charges. Under these circumstances, it is no wonder some buy policies that don't meet their needs or adequately protect them against the high costs of long-term care. People can often make decisions out of fear and spend large sums but get little or no return.

Many policies are also limited in their coverage or very expensive. Problems include cancellation of policies or limitations of benefits such as requirements of prior institutionalization to even receive benefits, or very restrictive definitions limiting the type of care one can receive. In some cases, policies appear to be designed so an individual is not likely to receive benefits. We have even heard stories where, one of most vulnerable groups, low-income seniors, have been pressured to buy policies, even though they are eligible for comprehensive benefits under Medicaid. These are problems similar to those prevalent in the Medigap market in which Congress recently enacted changes to address the problems. We must act here as well.

Several studies by the U.S. General Accounting Office and Inspector General underscore the need for action and, among other things, outline abuses in sales practices such as pressuring people to switch policies that require them to meet new requirements before receiving benefits. In some cases, people have little or no information about policies. Objective information about the quality and coverage of a particular policy is needed in a timely fashion.

Mr. President, I was recently contacted in Michigan about a case that is a particularly good example of what can happen if changes are not enacted.

> A Detroit area couple was approached in their home by an insurance agent who implied that he was from the Social Security Administration [SSA]. Since they thought he was with the government, they let him in their home. The agent told them they would receive great benefits—all levels of care, no prior hospitalization, guaranteed renewable—and only have to pay premiums for two years. Since the coverage sounded good, the couple wrote out a check for $1,085. The only information the agent provided was a reprinted copy of the Health Care Financing Administration guide to Medicare supplemental coverage. He left no outline of benefits. After three weeks, the couple hadn't received any more information and started to get suspicious. They called the SSA who told them they had nothing to do with these policies. They were unable to get in contact with the agent. They never received a copy of the policy contract. After repeated attempts to get their money refunded, they contacted someone at the Area Agency on Aging to advocate on their behalf. The couple eventually received a refund about three months later.

This couple is certainly not the only one being approached is such a way and they were fortunate to get their refund. This is just one example of why reform is needed. This is a new and growing market, making it even more important that we act now. This legislation we introduce today will begin the debate on this very important issue. People who can afford long-term care policies need basic protections so that policies are appropriate and affordable.

Mr. President, this bill uses a model similar to that used to enact important reforms to the Medigap supplemental insurance market. Specifically, the legislation provides a mechanism for developing a national standards for long-term care policies. The model standards will be developed through the State Insurance Commissioners with input from consumer groups, Medicare beneficiaries, insurers and others. These national standards include protections regarding sales practices, access to information, and policy coverage issues. The bill also expands current enforcement capacity and authority as well as provided grants to States for counseling.

In the past, I have been concerned about unnecessarily imposing financial penalties on insurers selling nonapproved policies in States that do not adopt the model simplification regulation. But in this case, recent studies show that States have not adopted the Model regulation on a voluntary basis. The voluntary, State-by-State approach to regulation is resulting in drastic differences in consumer protection and minimum standards in many States. While my home state of Michigan has been active in passing State laws intended to protect citizens in this area, all States have not. Some uniformity is need so citizens are informed about their choices and afforded basic protections.

In introducing the Long-Term Care Consumer Protection Act of 1991 today, we want the reaction of interested parties about this bill and their input. The model developed by the National Association of Insurance Commissioners was used in designing the legislation. But there are other issues to be considered such as how to ensure enforcement, other simplification methods, and the need for more information on long-term care.

The bill is supported by Consumers Union, Families U.S.A., American Association of Retired Persons, and the National Committee to Preserve Social Security and Medicare. As I have in the past, I also intend to work closely with the National Association of Insurance Commissioners as well as the Michigan Insurance Bureau. I know insurers are concerned that this is a new market where products are constantly changing and improving. But we need some minimum standards. And in fact, this bill would still allow such innovation in the current market to occur. We will continue to work closely with these groups and all other interested groups as we refine and improve the bill.

Choosing a long-term care policy is one of the most important decisions a person can make and it can also be one of the most complicated. I believe this proposal puts into place a mechanism for significantly reducing the potential for abusive sales practices in the long-term care market and ensuring that reasonably priced and quality insurance products are sold.

Older Americans are a growing percentage of the population, 12 percent this year and rising. Together with this, is a growth in the number of people needing long-term care. These demographics should be a force for change. Future increases in the number of patients requiring these services underscore the need for a sound and efficient system. This is the start in this Congress of our continuing efforts to address this country's long-term health care needs. I will continue to work in Congress to ensure access to high quality long-term care for all Americans.

I hope that my colleagues in the Senate will join me in cosponsoring this important piece of legislation to ensure affordable high quality long term health care for Americans.•

By Mr. BRADLEY (for himself and Mr. HATCH):

S.J. Res. 124. Joint resolution to designate "National Visiting Nurse Associations Week" for 1992; to the Committee on the Judiciary.

NATIONAL VISITING NURSE ASSOCIATIONS WEEK

• Mr. BRADLEY. Mr. President, I rise today with my distinguished colleague from Utah, Mr. HATCH, to introduce a resolution proclaiming the week of February 16 through February 22, 1992, as National Visiting Nurse Associations Week.

Mr. President, the contributions that the Visiting Nurses Associations have made in caring for and improving the lives of thousands of Americans for more than a century are deserving of our recognition and support. The best way I can think of to highlight their special place in our country's health care system is to simply look at one of many people they provide needed care for every day.

Bobby, not his real name, is a 2-year-old boy in Springville, NY, who is suffering from a very rare disease called severe combined immune deficiency [SCID], a disease in which victims are sometimes referred to as "bubble babies." There are only 15 known SCID patients in the United States. Until recently, the future for these children was bleak—most died at an early age or faced a life of isolation in a plastic environment. A new drug called Adagen has recently been approved to treat the disease, making it possible for patients like Bobby to live independently outside of their plastic bubbles. The Visiting Nurse Association of Western New York in Amherst is helping Bobby to achieve his independence. The agency administers the weekly injections, monitors his condition, and provides the education his family needs to keep him at home with his parents and six brothers and sisters.

Bobby is one of the more than 2 million patients each year who benefit from the home health care service provided by the 422 Visiting Nurse Associations [VNA's] in the United States. VNA's are located in both rural and urban areas and provide a wide range of services that enable patients of all ages to live independently in their homes. More importantly, VNA's provide care to all who need it, regardless of their ability to pay. The role VNA's play in our health care system is indisputable. The availability of VNA services brings relief and support to the Americans who truly want to convalesce, recover, or spend their remaining days in the comfort of their own homes.

We are asking you to support this unique concept of health care by cosponsoring our resolution to designate February 16 through 22, 1992, as Visiting Nurse Associations Week. Last year, 51 Senators joined us in this effort to ensure that Visiting Nurse Associations obtain the recognition they deserve.

Mr. President, I would ask that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 124

Whereas Visiting Nurse Associations have served homebound Americans since 1885;

Whereas such Associations annually provide home care and support services to more than 1,500,000 men, women, children, and infants;

Whereas such Associations serve 422 urban and rural communities in 45 States;

Whereas such Associations adhere to high standards of quality and provide personalized and cost-effective home health care and support, regardless of an individual's ability to pay;

Whereas such Associations are voluntary in nature, independently owned, and community based;

Whereas such Associations ensure the quality of care through oversight provided by professional advisory committees composed of local physicians and nurses;

Whereas such Associations enable hundreds of thousands of Americans to recover from illness and injury in the comfort and security of their homes;

Whereas such Associations ensure that individuals who are chronically ill or who have physical or mental handicaps receive the therapeutic benefits of care and support services in the home;

Whereas, in the absence of such Associations, thousands of patients with mental or physical handicaps or chronically disabling illnesses would have to be institutionalized;

Whereas such Associations provide a wide range of services, including health care, hospice care, personal care, homemaking, occupational, physical, and speech therapy, "friendly visiting services", social services, nutritional counseling, specialized nursing care by registered nurses, and meals on wheels;

Whereas in each community serviced by such an Association, local volunteers support the Association by serving on the board of directors, raising funds, visiting patients in their homes, assisting patients and nurses at wellness clinics, delivering meals on wheels to patients, running errands for patients, working in the Association's office, and providing tender loving care; and

Whereas the need for home health care for young and old alike continues to grow annually: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That February 16 through February 22, 1992, is designated as "National Visiting Nurse Associations Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.●

By Mr. SIMON (for himself, Mr. DIXON, Mr. BIDEN, Mr. BURDICK, Mr. CHAFEE, Mr. CONRAD, Mr. DECONCINI, Mr. DODD, Mr. DURENBERGER, Mr. GLENN, Mr. KERRY, Mr. LAUTENBERG, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. RIEGLE, Mr. ROTH, and Mr. BROWN):

S.J. Res. 125. Joint resolution to designate October 1991 as "Polish American Heritage Month"; to the Committee on the Judiciary.

POLISH AMERICAN HERITAGE MONTH

Mr. SIMON. Mr. President, as in previous years, I am today introducing a joint resolution to designate October 1991 as "Polish-American Heritage Month." I am always honored to sponsor this measure, but this year the privilege is even greater given the courageous steps taken by Poland to create an open market economy which has not been seen in Eastern Europe in 45 years.

On May 3, 1791, Poland ratified the first liberal constitution in Europe. It was patterned after our constitution and it established three independent branches of government—executive, legislative and judicial. Their constitution threatened the domination of the monarchies in Europe, and Poland was subsequently partitioned by foreign powers in 1795 and would not become an independent state again until 1918. After two world wars and decades of imposed Communist rule, Poland was the first Warsaw Pact country to hold free democratic elections.

However, freedom has not come without cost to the Polish people. The opening of their economy to market forces, while cutting inflation and drastically reducing shortages of food and other goods, has also brought severe recession, unemployment and a lower standard of living to the people of Poland. We have been able to show its support for this fledgling democracy by forgiving 70 percent of the $3 billion in foreign debt owed to our government. This action will be of tremendous help to Poland in her difficult transition to an open economy.

Poles all over the world are proud of such compatriots as His Holiness Pope John Paul II, who has been a strong advocate of human rights, and the Nobel Peace Prize winner and now President of Poland, Lech Walesa. In the United States, Polish-Americans have added incalculably to American life. Whether in arts and letters, entertainment, sports, the military, politics, science or education all our lives are enriched by the achievements of Polish-Americans.

By designating October as Polish-American Heritage Month, we can assure the people of Poland of our continued support for them in this exciting but difficult time. We share the Polish people's love of freedom, and we commend them for their brave steps toward a free and prosperous society.

Mr. President, I ask unanimous consent that the resolution marking Polish-American Heritage Month be printed in the RECORD in full.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 125

Whereas the first Polish immigrants to North America were among the first settlers of Jamestown, Virginia, in the seventeenth century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contribution to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas, the Polish Constitution of May 3, 1791, was modeled directly on the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Poles and Americans of Polish descent take great pride and honor in the greatest son of Poland, his Holiness Pope John Paul the Second;

Whereas Poles and Americans of Polish descent and people everywhere applauded the efforts of Solidarity's leader and now President Lech Walesa in fighting for freedom, human rights, and economic reform in Poland;

Whereas the Polish American Congress is observing its forty-seventh anniversary this year and is celebrating October 1991 as "Polish-American Heritage Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated "Polish-American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a month with appropriate ceremonies and activities.

Mr. DIXON. Mr. President, I am proud to join with my distinguished colleague, PAUL SIMON, to introduce Polish-American Heritage Month. This resolution would designate October 1991, as a time of celebration for Americans of Polish descent.

The last year has brought exciting times to Poland, as well as to the Polish community in Illinois and the Nation. Poles in this country have shared the exhilaration and frustration felt by their countrymen overseas, as they work to eliminate the vestiges of Communism.

Polish-Americans have contributed greatly to the richness of American life. From the contributions of Gen. Thaddeus Kosciuszko and Gen. Casimir Pulaski in the Revolutionary War, to Nobel Prize winner Marie Sklodowski Curie, and diplomat, statesman and concert pianist Ignace Paderewski, Polish-Americans have been leaders in a great many fields.

Illinois is a place of special importance to the Polish-American community. Chicago is home to the largest Polish community outside of Warsaw. Two of its Congressmen, my distinguished colleagues DAN ROSTENKOWSKI, and BILL LIPINSKI, are prime examples of the talent within the community.

Mr. President, should one drive along Milwaukee Avenue, on the northwest side of Chicago, one would see numerous businesses whose storefronts have Polish signs out front. It is a bit of Warsaw in Chicago.

The resiliency of the Polish people throughout the centuries, in the face of adversity, motivates the community today. It is therefore most appropriate that we in Congress dedicate October of this year as "Polish-American Heritage Month."

I urge my colleagues to join Senator SIMON and me in this effort.

I thank my colleagues.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. MOYNIHAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 50

At the request of Mr. SYMMS, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 150

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 150, a bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to Government bonds.

S. 250

At the request of Mr. FORD, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 313

At the request of Mr. SPECTER, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 313, a bill to carry out obligations of the United States under the United Nations Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from a person who engages in torture or extrajudicial killing.

S. 377

At the request of Mrs. KASSEBAUM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 377, a bill to amend the International Air Transportation Competition Act of 1979.

S. 396

At the request of Mr. WIRTH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 396, a bill to amend the Solid Waste Disposal Act to require producers and importers of tires to recycle a certain percentage of scrap tires each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such tires, and for other purposes.

S. 397

At the request of Mr. WIRTH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 397, a bill to amend the Solid Waste Disposal Act to require producers and importers of newsprint to recycle a certain percentage of newsprint each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such newsprint, and for other purposes.

S. 398

At the request of Mr. WIRTH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 398, a bill to amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead-acid batteries.

S. 399

At the request of Mr. WIRTH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 399, a bill to amend the Solid Waste Disposal Act to prohibit the Administrator of the Environmental Protection Agency from listing used oil and affiliated materials as a hazardous waste under that act, to require producers and importers of lubricating oil to recycle a certain percentage of used oil each year, to require the Administrator to establish a recycling credit system for carrying out such recycling requirement, and for other purposes.

S. 400

At the request of Mr. SYMMS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 400, a bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails.

S. 416

At the request of Mr. DANFORTH, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 416, a bill to amend the Internal Revenue Code of 1986 to make permanent the tax credit for increasing research activities.

S. 465

At the request of Mr. GLENN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 465, a bill to require the Secretary of Agriculture to conduct a pilot program to permit two States to enter into a reciprocal agreement for the interstate shipment and marketing of State inspected meat and poultry products and to establish a task force to advise the Secretary with respect to such pilot program, and for other purposes.

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 554

At the request of Mr. GLENN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 554, a bill to establish an interagency Committee on Degradable Plastics Standards for the development of uniform definitions, standards, and testing procedures for plastic products made from certain commodities, to encourage the development, production, and use of environmentally safe degradable plastic products, and for other purposes.

S. 555

At the request of Mr. BRADLEY, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Arizona [Mr. DECONCINI] were added as a cosponsor of S. 555, a bill to amend the Drug Free Schools and Communities Act of 1986 to provide education on the problems associated with the use of tobacco.

S. 603

At the request of Mr. GLENN, the names of the Senator from South Dakota [Mr. PRESSLER], and the Senator from North Dakota [Mr. CONRAD] were added as a cosponsor of S. 603, a bill to require the Administrator of General Services to establish procurement criteria for plastic products containing recycled material; to establish an interagency task force on plastic container coding to coordinate the expertise, responsibilities, and initiatives of Federal agencies to facilitate use of degradable plastics, without adversely affecting recycling of nondegradable plastic products, to require coding of plastic containers to facilitate separation of degradable plastic containers from nondegradable plastic containers and sorting of nondegradable plastic containers by resin type to promote recycling containers, and for other purposes.

S. 642

At the request of Mr. COATS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption for dependents of a taxpayer.

S. 643

At the request of Mr. COATS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 643, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption for dependent children of a taxpayer who are 6 years old or younger.

S. 701

At the request of Mr. COATS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 716

At the request of Mr. JEFFORDS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 716, a bill to establish a replacement fuels and alternative fuels program, and for other purposes.

S. 736

At the request of Mr. GRAHAM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 736, a bill to amend the Outer Continental Shelf Lands Act.

S. 752

At the request of Mr. CHAFEE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 752, a bill to amend the Internal Revenue Code of 1986 to make the allocation of research and experimental expenditures permanent.

S. 786

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 786, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering.

S. 816

At the request of Mr. MOYNIHAN, the names of the Senator from Colorado [Mr. WIRTH], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 816, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Baltic peoples to alleviate suffering.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the names of the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. HELMS], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 12

At the request of Mr. DECONCINI, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Joint Resolution 12, a joint resolution proposing a constitutional amendment to limit congressional terms.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 82

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Carolina [Mr. HELMS], the Senator from Hawaii [Mr. AKAKA], the Senator from Delaware [Mr. BIDEN], the Senator from California [Mr. CRANSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Alabama [Mr. SHELBY], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Utah [Mr. GARN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Jersey [Mr. BRADLEY] were added as consponsors of Senate Joint Resolution 82, a joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Nevada [Mr. BRYAN], the Senator from Utah [Mr. HATCH], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 97, a joint resolution to recognize and honor members of the reserve components of the Armed Forces of the United States for their contributions to victory in the Persian Gulf.

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the names of the Senator from Indiana [Mr. COATS], the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Utah [Mr. GARN], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 110

At the request of Mr. MOYNIHAN, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 110, a joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

SENATE JOINT RESOLUTION 111

At the request of Mr. BRADLEY, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. LEVIN], the Senator from Michigan [Mr. RIEGLE], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 111, a joint resolution marking the seventy-fifth anniversary of chartering by Act of Congress of the Boy Scouts of America.

SENATE JOINT RESOLUTION 121

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 121, a joint resolution designating September 12, 1991, as "National D.A.R.E. Day."

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. CRANSTON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Concurrent Resolution 19, a concurrent resolution condemning the People's Republic of China's continuing violation of universal human rights principles.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. KERRY, the names of the Senator from Colorado [Mr. WIRTH], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Concurrent Resolution 26, a concurrent resolution calling for the United States to support a new agreement among the Antarctic Treaty Consultative Parties which would provide comprehensive environmental protection of Antarctica and would prohibit indefinitely commercial mineral development and related activities in Antarctica.

SENATE RESOLUTION 61

At the request of Mr. GRASSLEY, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Resolution 61, a resolution relating to the role of the Corps of Engineers in the management of the Missouri River System.

SENATE RESOLUTION 103

At the request of Mr. DIXON, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Resolution 103, a resolution relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PERSONNEL ACT

CRANSTON AMENDMENT NO. 65

Mr. LEAHY (for Mr. CRANSTON) proposed an amendment to the bill (S. 675) to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities and to authorize collective bargaining over conditions of employment of health-care employees of the Department of Veterans Affairs, and for other purposes, as follows:

On page 55, line 14, strike out "(d)" and insert in lieu thereof "(c)".

On page 55, line 17, strike out "(e)" and insert in lieu thereof "(d)".

On page 55, line 20, strike out "(f)" and insert in lieu thereof "(e)".

On page 88, line 11, insert ", respectively" before the period.

On page 95, line 2, strike out "Expanded-duty" and insert in lieu thereof "Expanded-function".

On page 110, line 10, strike out "201" and insert in lieu thereof "202".

On page 134, line 6, strike out "and".

On page 134, line 8, strike out "respectively." and insert in lieu thereof "respectively; and"

On page 134, between lines 8 and 9, insert the following new subclause:

(E) by redesignating section 5096 as section 8241.

On page 137, line 5, strike out "8270(f)" and insert in lieu thereof "8201(f)".

On page 137, line 9, strike out "8296" and insert in lieu thereof "8241".

On page 138, in the matter between line 22 and line 23, strike out "7001" and insert in lieu thereof "7101".

FUTURES TRADING PRACTICES ACT

LEAHY AMENDMENT NO. 66

Mr. LEAHY proposed an amendment to the bill (S. 207) to amend the Commodity Exchange Act to authorize appropriations for and enhance the effectiveness of the Commodity Futures Trading Commission, to curb abuses in the making of trades and the execution of orders at designated contract markets, to provide greater representation of the public interest in the governance of such contract markets, to enhance the integrity of the U. S. financial markets by providing for Federal oversight of margins on stock index futures, clarifying jurisdiction over innovative financial products and providing mechanisms for addressing intermarket issues, and for other purposes, as follows:

Begininng on page 83, strike line 19 and all that follows through page 85, line 8, and insert the following new section:

SEC. 102. HIRING AUTHORITY OF THE COMMISSION.

Section 12(b) (7 U.S.C. 16(b)) is amended—

(1) by designating the first through third sentences as paragraphs (1) through (3), respectively; and

(2) by adding at the end the following new paragraph:

"(4) The Commission may request (in accordance with the procedures set forth insubchapter II of chapter 31 of title 5, United States Code) and the Office of Personnel Management shall authorize pursuant to the request, eight positions in the Senior Executive Service in addition to the number of such positions authorized for the Commission on the date of enactment of this sentence.".

LEAHY (AND OTHERS) AMENDMENT NO. 67

Mr. LEAHY (for himself, Mr. KERREY, and Mr. HARKIN) Proposed an amendment to the bill S. 207, supra, as follows:

On page 137, between lines 12 and 13, insert the following new section:

SEC. 262. PUBLICATION OF COMMISSION OPTIONS.

Section 2(a)(9) (7 U.S.C. 4a(h)) is amended by adding at the end the following new subparagraph:

"(C) Whenever the Commission issues for official publication any option, release, rule, order, interpretation, or other determination on a matter, the Commission shall provide that any dissenting, concurring, or separate opinion by any Commissioner on the matter be published in full along with the Commission opinion, release, rule, order, interpretation, or determination.".

On page 137, line 13, strike "262" and insert "263".

On page 144, line 11, strike "263" and insert "264".

On page 145, line 8, strike "264" and insert "265".

On page 147, line 1, strike "265" and insert "266".

On page 148, line 12, strike "266" and insert "267".

On page 151, line 20, strike "267" and insert "268".

On page 153, line 21, strike "268" and insert "269".

On page 154, line 20, strike "269" and insert "270".

On page 155, line 10, strike "270" and insert "271".

On page 156, line 1, strike "271" and insert "272".

On page 156, line 4, strike "272" and insert "273".

On page 157, line 6, strike "273" and insert "274".

On page 157, line 15, strike "274" and insert "275".

BOND (AND OTHERS) AMENDMENT NO. 68

Mr. BOND (for himself, Mr. WIRTH, and Mr. GARN) proposed an amendment to the bill S. 207, supra, as follows:

1. At the end of the bill add the following:

"SEC. . Nothing in this Act shall be considered to be applicable to any deposit (as defined under the Federal Reserve Act and regulations promulgated thereunder in effect on the date of enactment of this amendment) if the deposit is offered by—

"(1) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(2) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)); or

"(3) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).

"SEC. . (a) Nothing in this Act shall be considered to be applicable to—

"(1) any loan, made by—

"(A) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(b) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7));

"(C) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)); or

"(D) a foreign bank (as defined in section 1(b)(7) of the International Banking Act (12 USC 3101(7)), to a person specified in subsection (i)(3); or

"(2) any loan that is a consumer credit transaction subject to the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(b) The provisions of subsection (a) of this section shall not apply to a loan made by a person required to be registered under this Act in connection with transactions regulated under this Act."

BOND (AND OTHERS) AMENDMENT NO. 69

Mr. BOND (for himself, Mr. WIRTH, Mr. RIEGLE, Mr. DODD, Mr. GARN, and Mr. MOYNIHAN.) proposed an amendment to the bill S. 207, supra; as follows:

Beginning on page 4 of the Committee modification, strike line 1 and all that follows through page 12, line 9, and insert the following new sections:

SEC. 302. EXEMPTIVE AUTHORITY.

Section 4 (7 U.S.C. 6) is amended—

(1) in subsection (a), by striking "It shall be unlawful" and inserting "Unless exempted by the Commission pursuant to subsection (c), it shall be unlawful"; and

(2) by adding at the end the following new subsections:

"(c)(1) In order to promote responsible economic or financial innovation and vigorous and fair competition, both nationally and internationally, the Commission by rule, regulation, or order, shall (on application of any person) exempt any agreement, contract, or transaction (or classes thereof) otherwise subject to subsection (a) (including any person or class of persons offering, entering into, rendering advice or rendering other services with respect to, the agreement, contract, or transaction), either unconditionally or on stated terms or conditions or for stated periods, from any of the requirements of subsection (a), or from any other provision of this Act except section 2(a)(1)(B), if the Commission determines that the exemption would be consistent with the public interest and the purposes of this section.

"(2) The Commission, after notice and opportunity for hearing, shall have the authority to revoke any exemption previously granted under paragraph (1) if the Commission determines that any of the minimum requirements prescribed in paragraph (1), any or additional conditions imposed by the Commission, is no longer being satisfied.".

SEC. 303. HYBRID COMMODITY INSTRUMENTS, SWAP AGREEMENTS, DEMAND DEPOSITS, TIME DEPOSITS, AND INSURANCE PRODUCTS.

Section 4c (7 U.S.C. 6c) (as amended by section 203(a) of this Act) is further amended by adding at the end the following new subsections:

"(h)(1) Notwithstanding any other provision of law, nothing in this Act shall be deemed to govern or in any way be applicable to any transaction in an instrument, other than an index participation (as defined in subsection (f)), if—

"(A)(i) to the extent that the instrument has the elements of a commodity option, its predominant characteristics are not those of a commodity option, or the instrument derives less than 50 percent of its value at the date of issuance from the value of the commodity option; and

"(ii) to the extent that an instrument has the elements of a contract of sale of a commodity for future delivery, its predominant characteristics are not those of a contract of sale of a commodity for future delivery, or at the date of issuance it is expected that less than 50 percent of the change in the value of the instrument or its performance will be due to movement in the price of the commodity or commodities specified in the instrument or in the terms and conditions of the transaction pursuant to which the instrument was issued;

"(B) the instrument is determined by the Securities and Exchange Commission to have as its predominant characteristics those of securities (as defined under section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)) or section 2(1) of the Securities Act of 1933 (15 U.S.C. 77b(1))) or at least 50 percent of its value derived from the elements of a group of securities; or

"(C) the instrument is a security (as defined under section 3(a)(10) of the Securities Exchange Act of 1934) listed or traded on a national securities exchange or quoted through an automated interdealer quotation system operated by a national securities association registered with the Securities and Exchange Commission.

"(2)(A) To the extent that the designation is consistent with the other provisions of this Act (including section 2(a)(1)(B)), nothing in paragraph (1) shall be considered to prevent the Commission from designating any board of trade as a contract market for any instrument.

"(B) If an instrument may trade other than on a designated contract market pursuant to paragraph (1), and if the Commission designates any board of trade as a contract market for that instrument—

"(i) this Act (including section 2(a)(1)(B)) shall apply only to transactions in that instrument that are conducted on a designated contract market (including transactions between a futures commission merchant and the customer of the futures commission merchant that are incidental to a transaction on a designated contract market); and

"(ii) this Act (including section 2(a)(1)(A)) shall not apply to transactions in that instrument that are conducted pursuant to paragraph (1) other than on a designated contract market.

"(C) To the extent that transactions in any instrument are conducted pursuant to paragraph (1) other than on a designated contract market, the transactions shall not be considered to be transactions involving contracts of sale of a commodity for future delivery.

"(i)(1) Notwithstanding any other provision of law, nothing in this Act shall be considered to govern or in any way be applicable to any swap agreement or class of swap agreements (as defined in section 101 of title 11, United States Code) where—

"(A) each party to the swap agreement is a person included in one of the categories specified in paragraph (3) at the time the party enters into the swap agreement;

"(B) the creditworthiness of any party having an actual or potential future payment obligation under the swap agreement is a material consideration in entering into or evaluating the terms (including credit enhancement terms) of the swap agreement, except that creditworthiness shall not be considered to be immaterial as a result of an agreement for the exchange, payment, or delivery of mark-to-market payments, margin, collateral, or any other form of credit enhancement or replenishment to reduce the credit risk or exposure of any party to the swap agreement; and

"(C) the swap agreement is not both standardized and fungible in all material terms with a class of other swap agreements, except that, for purposes of this subparagraph, a swap agreement shall not be considered to be standardized or fungible in all material terms with a class of other swap agreements if it is subject to individual negotiation between the parties as to material terms.

"(2) A swap agreement shall not fail to satisfy the requirements of the foregoing subparagraphs (B) and (C) of paragraph (1) as a result of a bilateral or multilateral arrangement or facility between or among parties to swap agreements that provides for the netting of payment obligations resulting from the swap agreements or for the netting of obligations to make mark-to-market, margin, or collateral payments or transfers or to provide any other form of credit enhancement or replenishment relating to the swap agreements.

"(3) For purposes of paragraph (1), the term 'person' shall mean the following persons or classes thereof:

"(A) A bank or trust company (acting in an individual or fiduciary capacity).

"(B) A savings and loan institution.

"(C) An insurance company.

"(D) A registered investment company under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

"(E) A commodity pool subject to regulation under this Act.

"(F) A corporation, partnership, proprietorship, organization, trust, or other business entity with net worth exceeding $1,000,000 or total assets exceeding $5,000,000, or the obligations of which under the agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by any such entity or by an entity referred to in subparagraph (A), (B), (C), (H), (I), or (K).

"(G) An employee benefit plan with assets exceeding $1,000,000, or whose investment decisions are made by a bank, trust company, insurance company, investment adviser registered under the Investment Advisors Act of 1940 (15 U.S.C. 80a-1 et seq.), or a commodity trading advisor registered under this Act.

"(H) Any governmental entity (including the United States, any State, or any foreign government) or political subdivision thereof, any multinational or supranational entity, or any instrumentality, agency or department of any of the foregoing.

"(I) A broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) acting on its own behalf or on behalf of another institutional participant.

"(J) A futures commission merchant, floor broker, or floor trader registered under this Act acting on its own behalf or on behalf of another institutional participant.

"(K) Such other persons that the Commission determines have the financial and other qualifications adequate to fulfill the terms and conditions of the agreement, contract, or transaction.

"(j) Nothing in this Act shall be considered to be applicable to any deposit (as defined under the Federal Reserve Act) if the deposit is offered by—

"(1) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(2) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)); or

"(3) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).

"(k) Nothing in this Act shall be considered to govern or in any way be applicable to any instrument that is issued by an insurance company that is exempt under paragraph (2) or (8) of section 3(a) of the Securities Act of 1933 (15 U.S.C. 78c(a)).

"(l) Nothing in this Act shall be considered to govern or in any way to be applicable to—

"(1) any loan made by—

"(A) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(B) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7));

"(C) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)); or

"(D) a foreign bank (as defined in section 1(b)(7) of the International Banking Act (12 U.S.C. 3101(7)), to person specified in subsection (i)(3);

"(2) any loan that is a consumer credit transaction subject to the Truth in Lending Act (15 U.S.C. 1601 et seq.); or

"(3) any loan made in connection with transactions in securities or commodities accounts by a broker-dealer registered with the Securities and Exchange Commission.".

SEC. 304. INDEX PARTICIPATIONS.

Subsection (f) of section 4c (7 U.S.C. 6c(f)) is amended to read as follows:

"(f)(1) Nothing in this Act shall be considered to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.

"(2)(A) Nothing in this Act shall be considered to govern or in any way be applicable to any index participation traded on a national securities exchange or quoted through an automated inter-dealer quotation system operated by a securities self-regulatory organization if the index participation has been approved for trading by the Securities and Exchange Commission.

"(B) The Commission shall have the power, right, and authority to designate any board of trade as a contract market for any index participation, if the Commission determines that the designation is consistent with the requirements of this Act (other than section 2(a)(1)(B)).

"(C) If the Commission designates any board of trade as a contract market for any index participation—

"(i) this Act (other than section 2(a)(1)(B)) shall apply only to transactions in that index participation that are conducted on a designated contract market (including transactions between a futures commission merchant and the customer of the futures commission merchant that are incidental to a transaction on a designated contract market); and

"(ii) this Act (including sections 2(a)(1)(A) and 2(a)(1)(B)) shall not apply to transactions in that index participation, or in any other index participation, that are conducted on a national securities exchange or through the facilities of an automated inter-dealer quotation system operated by a securities self-regulatory organization.

"(D) Notwithstanding any other provision of law, no index participation shall be traded on a national securities exchange or a designated contract market, or quoted through an automated inter-dealer quotation system operated by a securities self-regulatory organization, unless that index participation meets the following minimum requirements:

"(i) Trading in the index participation shall not be readily susceptible to manipulation of the price of the index participation, nor to causing or being used in the manipulation of the price of any underlying security, option on the security or option on a group or index of the securities.

"(ii) The group or index of securities shall be predominately composed of the securities of unaffiliated issuers and shall be a widely published measure of, and shall reflect, the market for all publicly traded equity or debt securities or a substantial segment thereof, or shall be comparable to the measure.

"(E) To the extent that such transactions in any index participation are conducted pursuant to subsection (a) on a national securities exchange or through the facilities of an automated inter-dealer quotation system operated by a securities self-regulatory organization, such transactions shall not be considered to be transactions involving contracts of sale of a commodity for future delivery.

"(F) For purposes of this paragraph, the term 'index participation' means an instrument that is an interest of indefinite duration in the current value of a portfolio of securities.".

SEC. 305. DIRECTIVES REGARDING INTERMARKET ISSUES.

(a) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall each respectively—

(1) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to strengthen the overall stability of domestic equity and equity derivative markets and maintain fair and orderly markets through the adoption and approval of appropriate coordinated "circuit breaker" mechanisms and similar requirements;

(2) establish (for all domestic equity and equity derivative markets) effective prohibitions on intermarket frontrunning, and require the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket frontrunning, fraud, and other violations;

(3) adopt (for all domestic equity and equity derivative markets) such rules and regulations, issue such orders, and approve, subject to applicable requirements, such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets and clearing organizations subject to their respective regulatory authority as may be necessary or appropriate to authorize the prompt implementation of systems for the cross-margining of intermarket positions and the use of such intermarket positions as security interest for loans and other extensions of credit and the establishment or maintenance of margin on futures and options contracts; and

(5) establish policies with regard to the negotiation and development of international regulatory agreements and standards involving intermarket issues.

(b) OTHER ISSUES.— The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System shall identify and address other intermarket issues as the issues arise.

(c) REPORT.—Not later than 15 months after the effective date of this Act, the Securities Exchange Commission and the Commodity Futures Trading Commission shall report to Congress on the actions the Commissions have taken to carry out this section.

NATIONAL COMMISSION ON A LONGER SCHOOL YEAR

PELL (AND KASSEBAUM) AMENDMENT NO. 70

Mr. LEAHY (for Mr. PELL, for himself and Mrs. KASSEBAUM) proposed an amendment to the bill (S. 64) to provide for the establishment of a National Commission on a Longer School Year, and for other purposes, as follows:

Beginning on page 29, line 14, strike Title IV, and all that follows through and including page 31, line 13.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing on Tax Fairness: Ensuring Corporate Compliance.

This hearing will take place on Wednesday, April 17, 1991, at 9 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanore Hill of the Subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs, be allowed to meet during the session of the Senate Wednesday, April 17, 1991, at 10 a.m. to conduct a hearing on issues in the UMTA reauthorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., April 17, 1991, to consider S. 341.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 17, 1991, at 9:30 a.m., to receive testimony on S. 250, the National Voter Registration Act of 1991. Witnesses include the following: Mr. R.H. Brennenman, chairman of the Board of Commissioners and Board of Elections, Lancaster County, Pennsylvania; Mr. Tony Bernhard, associate chairman, Legislative Committee, California County Clerks Association; Ms. Elaine R. Jones, deputy director-counsel, NAACP Legal Defense and Educational Fund; Mr. Edward A. Hailes, Jr., counsel, Washington Bureau of the NAACP; Ms. Birgit Seifert, public policy analyst, Mexican American Legal Defense and Educational Fund; Mr. Steve Barr, political director, Rock the Vote, Beverly

Hills, California; and Mr. Robert G. Krause, director of address information systems, Marketing and Customer Service Group, U.S. Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES, ENVIRONMENTAL OVERSIGHT, RESEARCH, AND DEVELOPMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Environmental Oversight, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, April 17, beginning at 2 p.m., to conduct a markup on the Lead Exposure Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Wednesay, April 17, at 2:30 p.m. to hold a hearing entitled "Cyprus: International Law and the Prospects for Settlement."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Foreign Relations Committee be authorized to meet during the session of the Senate on Wednesday, April 17, at 10 a.m. to hold a hearing on "START: Present Status and Prospects."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Foreign Relations Committee be authorized to meet during the session of the Senate on Wednesday, April 17, at 2 p.m. to hold a nomination hearing on Raymond Seitz to be Ambassador to the United Kingdom and Northern Ireland.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding an Oversight Hearing on April 17, 1991, beginning at 2 p.m., in 216 Hart Senate Office Building on "The Status of Tribal Jurisdictional Authority in Indian Country: An Assessment of Emerging Issues."

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 17, 1991 at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 17, 1991 at 10 a.m., to hold a hearing on the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade [GATT].

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel, of the Committee on Armed Services be authorized to meet in open session on Wednesday, April 17, 1991 at 9:30 a.m., to receive testimony on manpower programs in the defense authorization request for fiscal years 1992 and 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERMANENT INVESTIGATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Governmental Affairs Subcommittee on Permanent Investigations be authorized to meet on Wednesday, April 17, at 9 a.m., for a hearing on IRS collection of corporate tax.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support, of the Committee on Armed Services be authorized to meet in open/closed session on Wednesday, April 17, 1991 at 2 p.m., to receive testimony on logistics programs in the fiscal year 1992-93 defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, the Committee on Veterans' Affairs hereby requests unanimous consent to conduct a hearing on April 17, 1991, to receive testimony regarding the legislative agenda of veterans' organizations, AMVETS, Ex-POW's, Jewish War Veterans, and Veterans of World War I.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HUNGARIAN HUMAN RIGHTS STATEMENT

• Mr. LIEBERMAN. Mr. President, 1989 was truly a marvelous year. To quote the distinguished British historian, Michael Howard, now of Yale University: "In 1989, while the nations of Western Europe celebrated the bicentenary of the French Revolution, the nations of Eastern Europe reenacted it." Like the Parisians who stormed the Bastille, the peoples of Eastern Europe tore down the barbed wire and the walls that separated them from the West. Eastern Europe has begun to return to the heart of Western civilization.

Like the French Revolution, however, this new burst of freedom has had its darker side. Political passions have led to increased appeals to nationalism. In some cases, these appeals have exacerbated the persecution of minority groups.

This has been particularly true for Europe's largest minority, the Hungarians. It is not widely known that there are two and a half million Hungarians living in Rumania, mainly in Transylvania, and smaller numbers in Slovakia, Yugoslavia, and the U.S.S.R. This diaspora is a legacy of the dismemberment of the Austro-Hungarian Empire; as a result of the Triainon Peace Treaty of 1919, Hungary lost two-thirds of its territory and three-fifths of its population. These Hungarians, who had lived for centuries in their homeland, suddenly found themselves dispossessed.

Given their large numbers, the status of the Hungarians in Rumania is of particular concern. Not surprisingly, they were extremely poorly treated under the cruel reign of Nicolai Ceausescu. Ceausescu forbade the teaching of the Hungarian language and closed the Hungarian Bolyai University in 1959. It was no accident, therefore, that the revolt against Ceausescu was led by the heroic Hungarian pastor, Rev. Laszlo Tokes.

Because of my concerns about the status of the Hungarian minority in Rumania, and the country's democratic prospects in general, I participated in a United States delegation that observed the national elections in May 1990. During my stay in Bucharest, I met with some of the leading figures of the Hungarian community there, including Geza Domokos. We discussed the past problems of the Hungarian community and their prospects for improvements. I left more committed than ever to supporting the Hungarians in their struggle for freedom and dignity inside Rumania.

Unfortunately, the fall of the Ceausescu regime has not meant the end of discrimination against Hungarians. The most egregious example was a violent incident involving the well-known writer, Andras Suto. Suto's left eye burst apart when he was beaten in March 1990 by pitchfork-wielding nationalists in his hometown of Tirgu Mures, Rumania. Suto had been attending a meeting with approximately 70 other members of the Democratic

Alliance of Hungarians in Rumania at the organization's local office.

The next day, ethnic Rumanians armed with farm tools again attacked a peaceful crowd of 10,000 ethnic Hungarians who had gathered in the city's main square to protest the previous day's anti-Hungarian riot. Tragically, at least 6 people were killed and more than 300 injured.

Discrimination has also taken more subtle forms. In the field of education, the Rumanian authorities have revived the Ceausescu-era law that required a minimum of 15 ethnic minority students for any native-language class. The authorities have also rejected the idea of reopening the Bolyai University in Kolozsvar.

Rumanian authorities have restricted access to the mass media. Just last February, the Hungarian-language TV program was reduced to 180 hours per week. And half of this broadcast time has been relegated to a channel which is inaccessible in Transylvania, the areas where most Hungarians live. The draft of the new Rumanian Constitution bans political parties along ethnic, religious, or linguistic lines, thereby preventing Hungarians from organizing themselves.

Mr. President, the breakdown of the totalitarian order in Eastern Europe must not be replaced by the vitriolic hatreds of the pre-war era. If the new governments of Eastern Europe want to be fully accepted by the West, they must adhere to standards of tolerance and minority rights. These countries must create democratic institutions and promote tolerance of minorities, including their large Hungarian populations. Hungarians have now rediscovered their freedom in their homeland. But they will not be fully free until they have these same rights in other countries. Until then, we must support their struggle with the same tenacity that we demonstrated in the fight against Communist tyranny.●

RESOLUTION OF LANCASTER, NH

● Mr. SMITH. Mr. President, the town of Lancaster, NH, has expressed support for a resolution which requests that Congress propose an amendment to the Constitution to prohibit desecration of the American flag.

I agree that the "law as interpreted by the United States Supreme Court no longer accords to the flag the reverence, respect, and dignity to which * * * (the flag) is entitled." Therefore, I join with the town of Lancaster and urge Congress to pass a constitutional amendment to protect the American flag. Interestingly, those who seek protection for the provocative act of flag-burning under the first amendment are often the same who aspire to limit other provisions of the Bill of Rights, such as the right to bear arms which is explicitly guaranteed under the second amendment.

Mr. President, I ask that the town of Lancaster's resolution be entered into the RECORD immediately following my remarks:

The resolution follows:

RESOLUTION

Whereas, Although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

Whereas, There are symbols of our nation such as the Washington Monument, the United States Capitol Building, memorials to our greatest leaders, and our flag, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas, The law as interpreted by the United States Supreme Court no longer accords to the flag the reverence, respect, and dignity to which it is entitled; and

Whereas, It is only fitting that people everywhere should join in a forceful call for the restoration of the flag to its proper station under law and decency: Now, therefore, be it

Resolved, That the voters of the Town of Lancaster, New Hampshire respectfully request the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.●

A NEW TRADITIONALISM FOR DEMOCRATS

● Mr. SIMON. Mr. President, one of the most stimulating people in America today is John Silber, the president of Boston University. Sometimes I disagree with him strongly, and then at other times, he comes up with things that are absolutely on target.

His call for a program that pays people for being productive rather than nonproductive is absolutely on target.

I do not agree with everything he says in a recent item in the Wall Street Journal, but his call for a revival of a WPA-type program is precisely what the Nation needs. In addition, we ought to screen people as they come in so that if they have no ability to read and write, or have no marketable skills, we may get them into programs providing these things.

To do that would be the real anti-drug program. It would start diminishing rather than increasing the underclass in our society.

The bill that I have introduced to guarantee a job opportunity for all Americans out of work 5 weeks or longer moves us to exactly that position. It would pay people at the minimum wage for 32 hours a week on projects selected by people in their community.

I ask to insert the John Silber article into the RECORD at this point.

The article follows:

[From the Wall Street Journal, Apr. 5, 1991]

A NEW TRADITIONALISM FOR DEMOCRATS

(By John Silber)

The Democrats can win the White House in 1992. But to do so, we must assess our party's situation with painful honesty.

Having lost five of the past six presidential elections, the Democrats can count on only the District of Columbia, claiming at best that as the District goes, so goes either Massachusetts or Minnesota. The Democratic hold on Congress is little consolation, for the direction of the nation is charted in the White House.

Nineteen months from now a Democrat can win—but only if, first, the party recalls and reaffirms its guiding principle that government can make a positive difference for the working men and women of America. Republican presidents are fond of invoking the name of John F. Kennedy, but nearly 11 years of Reagan-Bush have revealed this as a ploy. Republicans do not share President Kennedy's central conviction that government cannot sit on the sidelines but can and must confront the domestic problems of this nation.

Second, our party must recognize the failures in its nominating process that have distanced it from its constituents. Democrats must once again become the party of inclusion—not just in caucuses and conventions, but at the polls as well.

Once the party of farmers, working men and women (union and nonunion alike), teachers and other professionals, racial and ethnic minorities, Protestants, Catholics and Jews, Democrats appealed—victoriously—to Americans as Americans. But in 1972 the party abandoned FDR's grand alliance and began to appeal to voters as members of special interest groups. As these groups became increasingly important in the nominating process, the party became increasingly ideological and hostile to compromise.

Now traditional Democrats have come to feel abandoned or ignored, and they have wondered what has happened to their party. In great numbers they voted for Ronald Reagan and George Bush—not because they had become Republicans but because they saw traditional Democratic values best represented in these candidates.

THE REPUBLICAN EXAMPLE

Third, Democrats must re-establish bipartisanship on national security and foreign policy. In 1947, Sen. Arthur S. Vandenberg of Michigan, who with many Republican leaders had been a firm isolationist before the war, reversed his position to support Harry S. Truman on the Marshall Plan and NATO. By turning his party away from its discredited isolationist past, he gave it new life. We should profit by the Republican example. It is folly to disagree with the opposing party when it is right. If Republicans say two plus two is four, Democrats are not obligated to argue that it is five.

Democrats need to reassert their belief in a positive role for government. They do not believe that the best government is almost no government at all, nor that deregulation is the remedy for all problems. Americans have seen the havoc wrought by hands-off government: ineffective regulation of the S&Ls, deterioration of the banking system, conversion of the stock market into a computer-driven casino, the loss of competitiveness in American business with the consequent loss of jobs, the failure of the war on drugs, increased crime and violence, the decline in personal security, in our basic infrastructure, and in the quality of our schools.

Democrats need to develop the knowledge, common sense, vision and courage to address our greatest responsibility—our children. The Department of Education should serve as a National Bureau of Educational Standards to provide tests to measure student competence and the competence of teachers; persuade states to deny certification to high schools in which less than 80% of the graduating class passes the 12th-grade test, and colleges to deny academic credit to students until they pass that exam; encourage choice by urging school boards to contract with private companies to achieve schools of higher quality; and offer day-care programs for all children from three to six years of age every working day of the year so that working and single teen-age mothers who need to work or go to school can escape permanent entrapment in welfare.

In this way we can ensure for the first time in our nation's history that all children have the ability to enter the first grade prepared to succeed, to experience school as a place of fulfillment and delight, prepared to stay in school and to avoid the use of drugs, alcohol, and the practice of irresponsible sex. And if we succeed in this, we can begin to reduce the destruction and loss wrought by random crime and violence, drug and alcohol addiction, and adolescent pregnancy.

If we do not give all children a vision of themselves as competent, responsible individuals able to support themselves and their families, and a vision of the consequences of moral irresponsibility, we will never restore civil order or reduce the need for jails, welfare and increased police protection. Unless young people can earn an honest living and look ahead to a good life without crime or drugs, they will make a dishonest living and take their pleasures, however short-lived and destructive, where they find them.

Democrats should acknowledge that the War on Poverty, despite good intentions and some successes, has increased poverty and dependency. Incentives are needed to help those on welfare regain control of their lives and liberate themselves from entrapment in an underclass. Americans are disgusted with filthy cities and decaying infrastructure, while able-bodied, mentally sound people are unemployed. They are ready for a revival of the WPA and programs that require work for remuneration: programs that rebuild our infrastructure, provide thousands of jobs, and rehabilitate those addicted to drugs or alcohol.

Americans want an end to welfare fraud by the rich who use Medicaid trusts to defraud taxpayers. They want common sense used in the allocation of health dollars where major savings can be made through preventive medicine, including inoculations for children. It has been estimated that 40% of our children lack one or more essential inoculations. The lack of these ounces of prevention will inflict great human suffering and millions of dollars in expenses for avoidable cures. They want an end to mandated heroic treatment of patients for whom it is futile, cruel and expensive. They want an end to the ambulance-chasing that has driven malpractice insurance costs so high that many communities are without obstetricians or adequate medical care.

As crime and violence increasingly dominate our streets Democrats can offer more than the "hands off" Republican prescription. They can stand up to the gun lobby on automatic weapons. They can state the plain truth that these guns have one purpose, to kill people, and that they are no more sporting weapons than the Patriot missile. They can convince Americans that in the long run the use of abandoned military bases as sites for prison-schools to transform ill-educated young offenders into responsible citizens will be far less costly than endlessly building more prison warehouses, or putting hardened criminals back on the streets.

THE MOST IMPORTANT RESOURCE

Democrats, while supporting free trade, should, unlike the Republicans, act to protect sound companies from corporate raiders and encourage basic research and its translation into products made by American workers to be sold competitively on world markets. Under the Republicans we lost immense parts of the microchip industry and run the risk of losing high-definition television to Japan. The Democrats can ensure that American industry will have the level playing field that will prevent more such disasters.

America is still a young, powerful nation rich in natural resources, including the most important—the intelligence and imagination of its people. When we develop our human capital and restore the banks and stock markets to provide financial capital, we will again have an America where life is good, where families and children flourish, where all are safe not only in their homes but on the streets, an America in which working men and women can enjoy in peace and security the fruits of their labor and anticipate a future unclouded by random violence.

The great years of America lie not behind us but before us. We are too young and strong to step back or step down. We are ready for leadership that will use government positively to harness the strengths, the talents and the virtues of our people. If the Democrats offer new hope and hard work, they can win.•

TRIBUTE TO AL GORE OF TENNESSEE FOR HIS LEADERSHIP OF THE ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

• Mr. McCAIN. Mr. President, as Senate Vice Chairman of the Environmental and Energy Study Conference, I rise today to express the conference's gratitude to our colleague from Tennessee, AL GORE. AL is concluding 4 years of service as the study conference's Senate chairman. He was first elected to serve for the 100th Congress and was reelected for the 101th Congress.

It is, of course, the purpose of the study conference to provide those 90 of us in the Senate and the 290 Members of the House who receive its services with balanced information that will enable us make the best informed policy decisions. AL has made an exceptional contribution to that effort.

We all are aware of AL'S great concern about these issues. He has studied them deeply. His foresight in calling attention to problems, often years before they become a public concern, is well known.

AL's guidance has been invaluable in making sure the conference has provided us with the opportunity to debate current and emerging issues and keep well ahead of the headlines. This has been especially true on issues such as climate change and the international environment.

AL has been extremely generous with his time, chairing innumerable discussions for Senators and House Members with administration officials, outside experts and others. He has made sure we have been aware of the latest scientific findings and the full array of policy options on the issues.

I am very pleased that AL is continuing to serve on the study conference's executive committee, and it is my expectation that he will continue to make an invaluable contribution to the conference.

On behalf of House Chairman BOB WISE, House Vice Chair JAN MEYERS, the executive committee and the Senators and House Members who rely on the study conference, many thanks to AL for his outstanding service.•

UNITED STATES ONE DOLLAR COIN ACT OF 1991

• Mr. D'AMATO. Mr. President, today I rise to speak in support of legislation, introduced by my distinguished colleague from New Mexico, to mint and circulate a gold-colored Christopher Columbus $1 coin. I am pleased to be a cosponsor of Senator DOMENICI's bill, the United States One Dollar Coin Act of 1991.

I also cosponsored this legislation in the 101st session of Congress because the $1 coin will provide savings to the Government in addition to providing many consumer benefits.

According to the General Accounting Office, the $1 coin could save the Government over $100 million each year for the next 30 years. The $1 coin's durability—20 years, compared to dollar bills that last for approximately 18 months, will contribute greatly to this overall savings. A decrease in the cost of transporting currency to the Federal Reserve banks and not having to shred old bills also contributes to the savings.

The $1 coin would make using vending machines easier and less expensive. Individuals would not have to be weighed down by pockets full of coins in order to use coin laundries, and other vending machines, pay telephones, and parking meters.

The mass transit industry would save between $50 and $100 million in costs associated with straightening and counting dollar bills. Costs incurred with the retrofitting of fare machines on buses could also be avoided by the use of a dollar coin.

The visually handicapped would benefit from the $1 coin because they could safely identify it by its distinctive design.

Although the Susan B. Anthony coin makes many of us shudder when considering the likelihood of the success of a $1 coin. The $1 coin contemplated by my esteemed colleague from New Mexico is easily distinguished from the quarter. The bill provides for a gold-colored coin with smooth edges.

Moreover, the bill provides for the commemoration of the 500-year anniversary of Christopher Columbus' discovery of the New World. It seems fitting to acknowledge and honor Christopher Columbus' discovery of this country in connection with an integral part of the success of this country—our economy.

I urge my colleagues to support this coin reform legislation.•

ARMS TO ENEMIES

• Mr. SIMON. Mr. President, Anthony Sampson had an article in Newsweek magazine titled "A Last Chance To Call a Halt."

It is an appeal to the arms producing nations of the world to slow down the arms bazaar. Our long-term interest compels us to move in that direction. Unfortunately, short-term gain and political pressures militate against that rational, long-term answer.

I hope we will pay more attention to this eloquent appeal.

I ask to enter the article into the RECORD at this point, and I urge my colleagues who have not read it to do so.

The article follows:

[From Newsweek, Apr. 8, 1991]

A LAST CHANCE TO CALL A HALT

(By Anthony Sampson)

It didn't take long. At the Singapore arms fair two weeks ago European arms manufacturers were boasting that their system had been "combat-tested" in the gulf war. But this was a war that provided a caricature of the danger of the international arms trade: it was the Soviets and the West who sold Saddam Hussein the weapons which enabled him to build up the world's fourth biggest fighting force. Will the West ever stop selling weapons to potential foreign enemies?

Arms-control experts insist that we now have a unique chance—perhaps a last chance—to stop the reckless selling of weapons. There is a lesson in the history of the last 20 years in the Middle East. Ever since oil prices quadrupled in 1973, arms sellers have been turning oil into arms, with little sign of any consistent diplomatic objective on the part of the buyers. In the 1970s they equipped the Shah of Iran with the most sophisticated tanks and planes, supposedly to defend him against the Russians; but the shah's arsenal was then taken over by the Ayatollah Khomeini, who used it against Iraq. Saddam was armed to defend Iraq against Khomeini, and then turned his weapons against Kuwait and Saudi Arabia. In the meantime the Saudis and Kuwaitis were spending billions of dollars on planes, tanks and high-tech systems which proved almost useless when they faced a real danger. In the words of Adnan Khashoggi, the arms middleman for the Saudis in the '70s: "The Arabs have learned that it's no good buying arms if you can't use them."

The gulf war has certainly produced some agonized rethinking among arms buyers. The Kuwaitis were humiliated by their defenselessness against the Iraqis. The Saudis made little effective use of their own costly weaponry. Soviet exports also suffered; the Scud missile was a clumsy instrument compared with the pinpoint-accurate Patriot and Tomahawk systems.

It is the effectiveness of computerized missiles that provides both a new danger and a new opportunity for arms control. Nearly every country in the Middle East now wants Patriots or their successors, and the United States is for the time being the only supplier. The French and the British are lagging behind the Americans in most sophisticated weaponry, and the Soviets are still more backward. The old excuse for selling weaponry—that if we don't, the Russians will—is now less persuasive.

The Americans thus have a clear opportunity, and responsibility, to take a new initiative to control arms sales. There are some hopeful signs. The Missile Technology Control Regime (MTCR), set up by seven nations in 1987, has already had some effect, particularly in stopping the Condor 2 missile which Iraq was developing with Argentina and Egypt. There is also a new opportunity to restrain competition among manufacturers in NATO countries. If Europe had a more integrated arms industry, there would be less pressure to find markets abroad.

OLD JUSTIFICATION

The most effective way to cut back on arms buying is to stop the flow of money financing it. The most startling fact about the arming of Iraq was the willingness of the West to provide not only the finances but also the subterranean channels, including the Italian Banca nazionale del Lavoro, currently under investigation in Washington. And the most worrying development since the gulf war has been the decision of President George Bush to revive export credits for Americans arms companies, to enable them to compete more effectively with European arms exporters. The president's motive is clear: "Maintenance of a viable U.S. defense is critical," as presidential spokesman Marlin Fitzwater explained it. It is an old justification. But in the past the providers of aid to the developing world, including the World Bank, have been far to little concerned with the linkage with arms. Now at last the World Bank and the IMF are insisting on restrictions on military spending—strongly backed by the former president of the World Bank, Robert McNamara. And donor countries, particularly Japan, are watching their clients' military aspirations more carefully.

Controlling arms sales today is mainly a question of political will. The five permanent members of the U.N. Security Council—the Russians, Americans, French, Chinese and British—between them sold 87 percent of the weapons bought by developing countries in the late 1980s. Having acted in unison over the gulf war, they should be able to confront the mistakes which helped to cause the war. The United Nations, with its enhanced prestige, should be able to monitor sales more effectively, perhaps with the help of a register of arms sales, as advocated by Norway's former prime minister Gro Brundtland. The United States' missile superiority gives it the power to extend and enforce missile-technology control. And the Japanese, who do not export weapons but who supply critical components, could become important participants in new plans for the control and monitoring of arms sales. It will not be easy to withstand national pressure to sell weapons for short-term economic advantage. But if we cannot face up to the danger and the opportunity this time, we may not have another chance.•

HONORING GRAHAM MANUFACTURING CORP.

• Mr. KASTEN. Mr. President, I rise today to honor the achievement of a truly distinguished corporate constituent—the Graham Manufacturing Corp. of Marshfield, WI.

Last month, the Marshfield Area Chamber of Commerce and Industry awarded Graham the distinction of "Firm of the Year." Founded by Thomas and Ruth Graham in 1968, the company has been producing wood doors for over two decades.

Graham Manufacturing has built a lasting tradition of excellence—and deserves the attention and praise of all who are concerned with the health of our business sector. I ask my colleagues to join me in congratulating the Grahams and President Mike Clem on this important occasion.•

HOLOCAUST MEMORIAL DAY

• Mr. SIMON. Mr. President, I would like to spend a few moments talking about Holocaust Memorial Day, which was commemorated April 12, 1991. Holocaust Memorial Day serves as a reminder of the atrocities committed against humanity. And we need to remind ourselves that the scourge of inhumanity still plagues us as we approach the 21st century.

The millions of humans that suffered and died under the Nazi regime must never be forgotten. Their memory must live in our hearts and souls as a reminder of the evils of racism. All of Europe was caught in the horrible conflagration of World War II, and many people suffered because of their religion and nationality—but none more than the Jewish people. European Jewry was singled out for extermination, and, as we know all too well, Hitler succeeded in murdering 6 million Jews.

The day we have chosen to remember the Holocaust has come at a time when we are witnessing another brutal attack on humanity in the form of Saddam Hussein's vicious assault on the Kurdish people. The scale and scope are clearly different than the Nazi Holocaust, but the horrors are starkly reminiscent. In Cambodia in the mid-1970's, Pol Pot decimated his own people in a wild killing spree that boggles the mind. International condemnation followed the disclosure of this genocide, with vows that the world cannot and will not stand by and allow such crimes to occur, or to go unpunished.

We are now in a situation in Iraq where Saddam seems to be exacting vengeance for those opposed to his rule—Shiites in the south, Kurds in the north, Sunnis who joined the insurrection. Just as it is important to understand what happened 45 years ago, we must recognize what is happening now—and act before it is too late. Saddam's military attacks against the Kurds have resulted in a huge exodus, with tragic results. The United States ought to take the lead worldwide in ensuring that humanitarian aid on an adequate scale reaches the Kurds as quickly as possible.

I join with my colleagues here in the Senate, and with all Americans, in hope and prayer that the world shall never witness such atrocities again. While great strides have been made, anti-Semitism has not been eradicated from the world scene. Holocaust Remembrance Day is an important occasion to remember the horrors of anti-Semitism, genocide, racism, and aggressive war, because it is our collective memory of the Holocaust that will prevent future holocausts. We can never forget.•

HONORING EAU CLAIRE SMALL BUSINESS DEVELOPMENT CENTER AND BADGER WINDOW SYSTEMS

• Mr. KASTEN. Mr. President, the small businesses of Wisconsin are the powerhouse of our State's economic growth. Over 62 percent of the new jobs created are directly attributable to these small businesses—ventures on the cutting edge of society, creating the products and services sought by the American people.

I recently had the privilege of touring a number of successful small businesses in Wisconsin that have been assisted by small business development centers [SBDC's]. These SBDC's are excellent incubators of small business growth—and I'd like to draw my colleagues' attention to the achievement of one of these centers today.

On April 2, I visited Badger Window Systems, Inc., of Eau Claire, WI—a firm that specializes in producing vinyl commercial and residential windows. Begun in June 1986, it has expanded from 3 to 30 employees—and is still growing.

Badger Windows has taken a master business plan and turned it into a reality through unflinching dedication to quality.

The Badger Windows success story is due in large part to the hard work of president Art Syth. But it would not have been possible without the assistance and counsel of assistant dean for business outreach, Fred Waedt, and the local SBDC.

At a time when some are proposing drastic cuts in the Federal budget for SBDC's, it is important to note successes like that of Badger Windows.

Let us keep this system of small business incubators alive—by supporting full funding for SBDC's.•

THE 2506 BRIGADE

• Mr. GRAHAM. Mr. President, I rise today to pay tribute to the heroic efforts of the 2506 Brigade on the 30th anniversary of their valiant effort to liberate Cuba from one of the most oppressive dictatorships the Western World has known. It was 30 years ago today, on April 17, 1961, that a military brigade made up of brave Cuban patriots of all ages landed on the beaches of Giron. Their hearts were filled with passion and courage as they fought in the early hours of dawn to liberate their beloved homeland, to realize the promise that Fidel Castro had cynically betrayed. Their vision of a new Cuba was palpable, just a few hours away. That vision never materialized. These brave men never received the expected military support to successfully complete their mission. Yet, their victory was one of courage and one that earned them worldwide respect and admiration.

On this day, let us reaffirm the plight of the Cuban diaspora, but most importantly, let us remember that the brigade's mission has not been accomplished: the total and unconditional liberation of Cuba. The tyrant Castro must not in any way hinder Cubans from fulfilling their dream of a free and independent Cuba. "Cuba libre" means democracy, an open economy, a man's right to express freely and without fear to his neighbor his thoughts, where there is no longer need for Radio Marti or TV Marti because communication is free and open and dynamic. It means a vibrant Cuban culture in the best tradition of Marti, which will flourish and stand out once again among the Latin American community of nations when liberty is restored. It means a Cuba that is at the center of world attention not due to its militarism at home and adventurism abroad, but because it is the Cuba that has allowed its people freely to express their historical creativity.

On this solemn anniversary, Mr. President, let us reiterate our respect and support for the political prisoners that continue to languish in Castro's jails and pray for those Cubans who have lost their lives and endured the pain of family separation in the pursuit of liberty.

It is with great pride and hope for the liberation of Cuba that I submit this resolution honoring the brave men of the Brigade 2506.•

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,223d day that Terry Anderson has been held captive in Lebanon.

Mr. MOYNIHAN. Mr. President, as the distinguished Republican Leader BOB DOLE records in his estimable "Historical Almanac of the United States Senate," the Senate created its first staff position, the post of Doorkeeper, on April 7, 1789. James Mathers—"an Irish immigrant who earlier had distinguished himself in the Revolutionary War"—was chosen for this post which he held for 22 years until his death.

In the two and more centuries since, the staff of the Senate has grown, and with it the number of exceptionally able and devoted persons who have given some or all of their working careers to the institution. But I would not know of any whose service can be compared to that of Peter Galbraith of the staff of the Committee on Foreign Relations who has, quite literally, risked his life in the performance of his duties.

On Easter weekend, March 30–31, Mr. Galbraith crossed the Tigris River—under bombardment—from Syria into northern Iraq. There he spent two harrowing, incredibly heroic days among the Kurdish inhabitants of that region. This included one hellish night in the city of Dihok, then held by the Kurdish resistance and under continuous bombardment from the forces of Saddam Hussein.

This bombardment included the use of phosphorus shells.

In utter disregard of his own safety, Mr. Galbraith met with Kurdish leaders, spoke with refugees, watched and recorded the unimaginable devastation of that region and those people. The Mathers spirit is still alive in this Chamber.

Somehow, he survived. He crossed back into Syria and returned to the United States where he reported his experiences to the American public on television programs and in a graphic article in the current New Republic. He has of course provided even more information to the Committee on Foreign Relations itself.

In any organization within the executive branch there would surely exist a form of recognition for such service above and beyond the call of duty. A military medal, a departmental citation. We have nothing of that sort for members of the Senate staff. This is no dereliction on our part. It is simply that in two and more centuries we have not seen the like of young Galbraith: The indifference to his own welfare and safety; the all-consuming concern for the welfare and safety of an oppressed people caught up in a ghastly travail. At minimum I would wish to record this Senator's admiration for an incredible display of grace under pressure. I ask unanimous consent that his New Republic article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Republic, Apr. 29, 1991]

LAST STAND

(By Peter Galbraith)

KURDISTAN.—Dihok is a pleasant northern Iraqi city of 100,000, situated on the gently sloping sides of a valley and surrounded by mountains. On this Easter morning its people, mostly Kurds but also Christian Assyrians and Chaldeans, were fleeing. Since my arrival the previous evening, the city had been under continuous bombardment from Iraqi forces. After eight months of sanctions and two months of war, little gasoline remained in this oil-producing region of Iraq. So mostly the refugees walked—long lines of women, children, and armed men—streaming toward the relative safety of the high mountains north of the Zakho-Amadiyah Road. The few vehicles that did move were extraordinarily over-burdened. Even the trunks of cars provided passage to one or two adults, or several children. It was a scene strikingly reminiscent of the photographs of the exodus from Paris just before the arrival of the Nazis.

I drove through the high mountain region that was to become the refugees' destination. With spring rains, the rocky Kurdish landscape was green, and there were wild flowers in the new grass. The almond trees in abandoned orchards were in bloom, and I stopped to photograph some newly arrived refugee children. On that sunny day at least some of the children seemed to enjoy the novelty of their new location. But in the mountains it gets cold at night. In the 1980's, the Iraqi regime systematically dynamited or bulldozed every village in Kurdistan, and thus there were no shelters within miles. These urban refugees had only the food they could carry—not much for those who came by foot and only a little more for those who drove.

I had come to Dihok at the invitation of Jalal Talabani, the chairman of the Patriotic Union of Kurdistan and one of the two principal Kurdish leaders. He was deeply frustrated by the unwillingness of the Bush administration to talk to any Iraqi opposition figures. Obviously he also hoped the information I collected on the visit might influence Congress to support the anti-Saddam rebellion in northern and southern Iraq. As it turned out, my trip coincided with the collapse of the Kurdish insurgency and the beginning of a new humanitarian calamity.

I'd entered Iraq a day earlier under sporadic artillery fire, by crossing the Tigris River in a small boat from Syria. (Alone among the Kurds' neighbors, Syria permitted people and supplies to pass through its frontier to the rebels.) The next stop was Zakho. Just across the Khabur River from Turkey, Zakho was under the rule of the Kurdish guerrillas, the Peshmerga, literally "those who face death." The streets were crowded, shops open, and a sense of purposefulness and order prevailed. Loudspeakers played political messages, and slogans, some in imperfect English ("We librated Kurdistan"), adorned public buildings. The Peshmerga were using earth-moving equipment to tow abandoned Iraqi trucks to repair sheds. And they were attempting to rebuild a span on the bridge to Turkey (blown up by the departing Iraqis), in the hope of making an avenue for food, gasoline, and other commodities in desperately short supply. The Kurds had even restored electricity, something the Baath regime is still unable to do in Baghdad. Yet this picture of Zakho proved illusory. Two days later the city fell.

In Dihok I joined Talabani as he presided over a meeting of local notables. A large man who looked even larger in his baggy Peshmerga uniform, Talabani is a genuinely charismatic figure, and evidently a skilled politician. The gathering had the air of a lively town meeting, with much give and take between Talabani and his interlocutors. A former judge said the priority must be on restoring the courts. A teacher urged the execution of several citizens accused of passing on military information to the Iraqis. Talabani demurred, saying that a fair hearing was essential. An Assyrian raised the issue of religious minorities, and Talabani said that the protection of these rights is an integral part of the Iraqi Kurdistan Front program, which also includes Kurdish autonomy and support for a democratic Iraq.

The principal reason given for the administration's reluctance to support the Kurdish rebellion was a fear that the rebel agenda includes the breakup of Iraq. Yet to his own people in Dihok, Talabani said much the same thing that he had told the Senate Foreign Relations Committee a month before: "It is very difficult to change the borders of five countries. We are not for an independent Kurdistan; we are asking for our national rights within the framework of Iraq. I know of dreams and reality. All Kurds dream of an independent, unified Kurdistan, but we have to face the reality."

Later Talabani and his top lieutenants adjourned to the home of an engineer, Lizginn Hamzani, where forty guests were served a lavish meal. Hamzani is one of the men who made the Kurdish revolution, and he did so because he thought he had the backing of President Bush. Until a month ago Hamzani was the commander of the National Defense Battalion of Dihok, an all-Kurdish light battalion financed by the Baghdad regime. Through this sinecure, he had grown quite wealthy and was able to build a solid stone house. Following Iraq's military collapse and the Shiite uprising in the south, Hamzani and his fellow officers saw an opportunity to join a cause in which he says he always believed. He assumed, as did all other Kurds with whom I spoke, that Bush's call on the Iraqi people to overthrow Saddam would also mean U.S. backing for the rebellion. And with U.S. support, Hamzani figured, Saddam would surely fall. Nearly 300 Kurdish officers in various territorial units made the same calculation. The meal I shared with Hamzani in his fine stone house was surely the last he was able to eat there.

Heading from Dihok toward the relative safety of the mountain town of Amadiyah, we stopped at Saddam's hilltop palace, an opulent retreat with imported marble floors, enormous bathtubs, and fancy Italian fixtures. Two hundred acres, including a private lake, orchard, and vegetable patch, lie within a high concrete wall studded with numerous guard towers. From this palace we could see another on top of Gera Peak that is accessible only by helicopter or pack animal. Talabani told me these are just two of fifteen of Saddam's palaces within a fifty-kilometer radius. He never spends more than a day or two a year at each. But it will be a while before Saddam returns to this palace. The local people have smashed every window and every light.

What the refugees fleeing Kurdistan's cities fear most is the vengeance of the Iraq army. In 1988, after the Iran-Iraq war ended, the Iraqi air force launched massive chemical weapon attacks on villages along the Iraq-Turkey border. The villages were adjacent to Peshmerga camps, but characteristically the regime did not attack the rebels. Instead it went after villages, where the terrifying impact of poison gas could be most effectively exploited. This year, with whole cities having joined the rebellion, it is frightening to contemplate the scale of the potential vengeance. I heard tales of massacres of entire neighborhoods as the army retook Kurkuk. Certainly the bombardment of Dihok was intended to maximize civilian casualties.

After the Baath regime destroyed the villages of Kurdistan, they moved the inhabitants to overcrowded new settlements that were under the eve of the army. They were called Victory Cities but were really concentration camps. One such settlement sits just outside Zakho. When I went there on Easter Sunday, the army was gone but so was the food. One man carried a bag of grain, treated for use as rat poison. This is all the inhabitants had left to eat, he said, and they were trying to wash the poison off the grain. The water supplies had also broken down, and the people were using a very polluted well. Even worse off than the city-dwellers, the inhabitants of the settlements have no food or transportation resources to get them to the mountain refuges. Unless help comes they will either be slaughtered or starve.

By late in the day we were back in Zakho, and the mood among my Kurdish companions had changed sharply. Clearly they were becoming aware of the extent of their military collapse. Dihok had fallen that morning and the shelling sounded close to Zakho. They decided to get me out to Syria as soon as possible, rather than waiting, as we had earlier agreed, to make the crossing under the cover of darkness. A young Kurd named Mohid was assigned to take me back to Syria. We drove out of Zakho along the Iraqi army road that parallels the Khabur River, which is the Turkish border. As we approached the Syrian border, we came under frequent artillery fire. With shells landing as close as fifteen yards away, I made a dash across the mudflats to a sandbagged position at the river's edge. From there a small boat took me to Syria. The next day the Iraqis seized the border crossing.

Some of my Kurdish companions are now in Turkey, as I have discovered from seeing them quoted in the Western press. But so far I have heard nothing about Talabani or Hamzani. And of course I'll never know what happened to the children playing on Easter Sunday among the mountain almond blossoms.

TELEPHONE RATES AND PROCEDURES FOR OPERATION DESERT STORM PERSONNEL

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 56, Senate Joint Resolution 77 regarding telephone rates and procedures for Desert Storm personnel.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 77) relative to telephone rates and procedures for Operation Desert Storm personnel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment.

Mr. HOLLINGS. Mr. President, I rise to express my complete and wholehearted support for Senate Joint Resolution 77. As my colleagues know, I am an original cosponsor of this legislation, and I am pleased that the Commerce Committee, which I chair, could repair this resolution so that it could be considered in a timely manner by the Senate today.

Mr. President, this resolution will help relieve thousands of U.S. soldiers and their loved ones of the burden of paying inordinate sums to communicate with their loved ones while they are stationed in the Persian Gulf region. The costs of telephone calls and fax communications to that region of the world are simply too high. Americans are putting their lives on the line to protect Saudi Arabia, yet still the Saudis are charging a $.73 surcharge per call. It is enough of a hardship to be separated from loved ones, and to know that those people are in great danger. It is even worse when the only way one has of keeping in touch with loved ones in the gulf region—the telephone—costs so much.

Our service personnel and their families should not have to choose between going broke or denying themselves the comfort of hearing each others' voices and sharing life's troubles and joys.

This is not a new problem—we have been fighting these surcharges for years. However, in times like these, it is only fair that our allies substantially reduce, and even waive, these charges. Long-distance companies in this country have themselves reduced prices of telephone calls to Saudi Arabia, and I commend them for that. The Saudis should do the same. Quite simply, it is the right thing to do.

Although this resolution does not specifically mention the government of Turkey, I also encourage Turkey to take its own steps to reduce their telephone rates now that United States service personnel are stationed in that country. I believe that such action by the Turkish Government can only serve to strengthen the ties between our two nations.

The resolution calls for the State Department to negotiate with the Saudi Arabian Government to eliminate these charges and for the Federal Communications Commission to use its existing regulatory powers to ensure that telephone service providers adopt flexible building policies and procedures in connection with these calls. I urge these government agencies to act quickly to implement the terms of this joint resolution.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, shall it pass?

So the joint resolution (S.J. Res. 77), as amended, was passed.

The preamble was agreed to.

The joint resolution and its preamble are as follows:

S.J. Res. 77

Whereas United States service men and women deployed in the Persian Gulf for Operation Desert Storm rely heavily on telephone service to communicate with their families at home;

Whereas, in addition to the significant cost of a call to or from Saudi Arabia, there is imposed a $0.73 per minute surcharge by Saudi Arabia on all calls not using Saudi telecommunications facilities;

Whereas the expense of these calls has placed an additional burden on members and families of the Armed Forces at a time when they are already bearing great burdens for the Nation and the world; and

Whereas the Federal Communications Commission has special tariff procedures which allow for promotional offerings such as an "Operation Desert Storm Special Offering": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the sacrifices borne by the men and women of the United States Armed Forces participating in Operation Desert Storm, and by their families—

(1) the Department of State should immediately undertake to convince the Government of Saudi Arabia to eliminate the $0.73 per minute surcharge where Saudi facilities are not used in transmission, and to reduce the charge applicable to calls using Saudi facilities;

(2) The Federal Communications Commission exercise its existing regulatory authority to ensure that local and interexchange telephone service providers adopt flexible billing procedures and policies in connection with costs incurred by service persons or their families for telephone calls to and from the Persian Gulf;

(3) the Federal Communications Commission work with appropriate State authorities to ensure that no family or spouse is disconnected from basic telephone service due to financial hardship imposed by such costs; and

(4) United States long distance service carriers should file, and the Federal Communications Commission should immediately consider, special reduced rates to and from the Saudi Arabia theater, to be effective for the duration of the conflict.

Mr. LEAHY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL TOURISM WEEK

Mr. LEAHY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 102, a joint resolution designating the second week in May as "National Tourism Week," and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 102) designating the second week in May 1991 as "National Tourism Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 102) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution and its preamble are as follows:

S.J. Res. 102

Whereas travel and tourism is the third largest retail industry and the second largest private employer in the United States, generating nearly six million jobs and indirectly employing another two million six hundred and forty thousand Americans.

Whereas total travel expenditures in the United States amount to more than $350,000,000,000 annually, or about 6.5 percent of the gross national product;

Whereas tourism is an essential American export, as thirty-eight million seven hundred thousand foreign travelers spend approximately $44,000,000,000 annually in the United States;

Whereas development and promotion of tourism have brought new industries, jobs and economic revitalization to cities and regions across the United States;

Whereas tourism contributes substantially to personal growth, education, appreciation of intercultural differences, and the enhancement of international understanding and good will; and

Whereas the abundant natural and manmade attractions of the United States and the hospitality of the American people establish the United States as the preeminent destination for both foreign and domestic travelers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning the first Sunday in May 1991 is designated as "National Tourism Week". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. LEAHY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED

Mr. LEAHY. Mr. President, I ask unanimous consent that Calendar No. 39, S. 647, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMMISSION ON A LONGER SCHOOL YEAR ACT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 50, S. 64, regarding a longer school year commission.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 64) to provide for the establishment of a National Commission on a Longer School Year, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Table of contents.

TITLE I—NATIONAL COMMISSION ON A LONGER SCHOOL YEAR

Sec. 101. Short title.

Sec. 102. National Commission on a Longer School Year Act

TITLE II—NATIONAL WRITING PROJECT

Sec. 201. Findings.

Sec. 202. National writing project.

TITLE III—MISCELLANEOUS

Sec. 301. Instruction on the history and principles of democracy in the United States.

TITLE IV—EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS

Sec. 401. Education programs for commercial drivers.

TITLE I—NATIONAL COMMISSION ON A LONGER SCHOOL YEAR

SEC. 101. SHORT TITLE.

This title may be cited as the "National Commission on a Longer School Year Act".

SEC. 102. NATIONAL COMMISSION ON A LONGER SCHOOL YEAR ACT.

(a) ESTABLISHMENT.—There is hereby established a National Commission on a Longer School Year Act (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall consist of nine members, of whom—

(A) three members shall be appointed by the President from among the Secretaries of the executive departments as set forth in section 101 of title 5, United States Code;

(B) three members shall be appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives; and

(C) three members shall be appointed by the President pro tempore the Senate upon the recommendation of the Majority Leader and Minority Leader of the Senate.

(2) REQUIREMENTS.—

(A) Members of the Commission shall be appointed on the basis of exceptional education, training, or experience from—

(i) individuals who are representatives of nonprofit organizations or foundations committed to the improvement of American education;

(ii) individuals who are engaged in the professions of teaching;

(iii) individuals engaged in school administration, members of school boards, parents or representatives of parents or parent organizations;

(iv) individuals who are State officials directly responsible for education; and

(v) individuals representing organizations with an interest in lengthening the academic year or lengthening the school day.

(B) The first nine members of the Commission shall be appointed no later than 60 days after the date of enactment of this Act.

(3) VACANCIES.—A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) TERMS.—Members of the Commission shall be appointed to serve for the life of the Commission.

(5) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(6) ACTIVITY OF COMMISSION.—The Commission may begin to carry out its duties under this subsection when at least 5 members of the Commission have been appointed.

(c) FUNCTIONS OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations regarding the advisability of lengthening the school day to a predetermined minimum number of hours and lengthening the academic year in all United States public elementary and secondary schools. Such recommendations shall include—

(A) a comparative analysis of the length of academic days and academic years in schools throughout the United States and in schools of other nations;

(B) a recommendation of the appropriate number of hours per day and days per year of instruction for United States public elementary and secondary schools;

(C) an examination as to whether an increase in the length of school days and school years should be accompanied by an appropriate increase in teacher compensation;

(D) a model plan for adopting a longer academic day and academic year in all United States public elementary and secondary schools by the end of this decade, including recommendations regarding mechanisms to assist States, school districts, schools, and parents in transitioning from current academic day and year to an academic day and year of a longer duration;

(E) suggestions for such changes in laws and regulations as may be required to facilitate States, school districts, and schools in adopting longer academic days and years;

(F) an analysis and estimate of the additional costs, including the cost of increased teacher compensation, to States and local school districts if longer academic days and years are adopted; and

(G) a plan to assist States and local districts in meeting all such additional costs.

(2) REPORT.—The Commission shall submit a final report and plan pursuant to subsection (d).

(d) COMMISSION REPORT.—

(1) REQUIREMENT.—Not later than September 1, 1991, or one year after the Commission concludes its first meeting of members, whichever is longer, the Commission shall submit a report to the President and the Congress on the study and recommendations required pursuant to the provisions of this subsection.

(2) CONSIDERATIONS.—The report described in paragraph (1) shall consider current educational policies and practices regarding the length of the school year and school day throughout the United States and the world.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out this subsection, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) TESTIMONY; PUBLIC HEARINGS.—In carrying out this subsection, the Commission shall receive testimony and conduct public hearings in different geographic areas of the country, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the advisability of lengthened academic day and year.

(3) INFORMATION.—The Commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out this subsection. Upon request of the Chairman of the Commission, the head of the agency shall furnish such information to the Commission.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(5) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

(6) SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

(f) ADMINISTRATIVE PROVISIONS.—

(1) MEETINGS.—The Commission shall meet on a regular basis, as necessary, at the call of the Chairman or a majority of its members.

(2) QUORUM.—A majority of the appointed members of the Commission shall constitute a quorum for the transaction of business.

(3) CHAIRMAN AND VICE CHAIRMAN.—

(A) The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission for the life of the Commission.

(B) The Chairman of the Commission, in consultation with the Vice Chairman, shall appoint and fix the compensation of a staff administrator and such support personnel as may be reasonable and necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates.

(4) OTHER FEDERAL PERSONNEL.—Upon request of the Chairman of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any personnel of such agency to the Commission to assist the Commission in carrying out its duties under the subsection. Such detail shall be without interruption or loss of civil service status or privilege.

(g) TERMINATION OF THE COMMISSION.—The Commission shall terminate 90 days after submitting the final report required by subsection (d).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1991 and such sums as may be necessary in each of the fiscal years 1992 through 1994 to carry out the provisions of this title.

TITLE II—NATIONAL WRITING PROJECT

SEC. 201. FINDINGS.

The Congress finds that—

(1) the United States faces a crisis in writing in schools and in the workplace;

(2) only 25 percent of 11th grade students have adequate analytical writing skills;

(3) over the past two decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to them due to inadequate writing abilities;

(5) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

(6) most teachers in the United States elementary schools, secondary schools, and colleges, have not been trained to teach writing;

(7) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

(8) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

(9) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the country who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

(10) the National Writing Project has become a model for programs in other academic fields;

(11) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

(12) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

(13) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

(14) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

(15) each year approximately 85,000 teachers voluntarily seek training through word of mouth endorsements from other teachers in National Writing Project intensive summer workshops and school-year inservice programs through one of the 141 regional sites located in 43 States, and in 4 sites that serve United States teachers teaching overseas;

(16) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

(17) 13 National Writing Project sites in 8 different States have been discontinued in 1988 due to lack of funding; and

(18) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support.

SEC. 202. NATIONAL WRITING PROJECT.

(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the "grantee"), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

(2) to support classroom research on effective teaching practice and to document student performance; and

(3) to pay the Federal share of the cost of such programs.

(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as "contractors") under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

(1) be conducted during the school year and during the summer months;

(2) train teachers who teach grades kindergarten through college;

(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

(4) encourage teachers from all disciplines to participate in such teacher training programs.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term "Federal share" means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least 5 sites throughout the State.

(4) SPECIAL RULE.—For the purposes of paragraph (1), the costs of teacher programs do not include the administrative costs, publication cost, or the cost of providing technical assistance to the grantee.

(e) CLASSROOM TEACHER GRANTS.—

(1) IN GENERAL.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

(A) conduct classroom research;

(B) publish models of student writing;

(C) conduct research regarding effective practices to improve the teaching of writing; and

(D) conduct other activities to improve the teaching and uses of writing.

(2) SUPPLEMENT AND NOT SUPPLANT.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

(3) MAXIMUM GRANT AMOUNT.—Each grant awarded pursuant to this subsection shall not exceed $2,000.

(f) NATIONAL ADVISORY BOARD.—

(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

(2) COMPOSITION.—The National Advisory Board established pursuant to subsection (a) shall consist of—

(A) national educational leaders;

(B) leaders in the field of writing; and

(C) such other individuals as the National Writing Project deems necessary.

(3) DUTIES.—The National Advisory Board established pursuant to subsection (a) shall—

(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

(B) review the activities and programs of the National Writing Project; and

(C) support the continued development of the National Writing Project.

(g) EVALUATION.—The National Writing Project may reserve up to $100,000 from the amount authorized to be appropriated pursuant to the authority of this section to evaluate the teacher training programs conducted pursuant to this Act. The results of such evaluation shall be made available to the appropriate committees of the Congress.

(h) RESEARCH AND DEVELOPMENT ACTIVITIES.—

(1) GRANTS AUTHORIZED.—From amounts available to carry out the provisions of this subsection, the Secretary, through the Office of Educational Research and Improvement, shall make grants to individuals and institutions of higher education to conduct research activities involving the teaching of writing.

(2) PRIORITY.—(A) In awarding grants pursuant to paragraph (1), the Secretary shall give priority to junior researchers.

(B) The Secretary shall award not less than 25 percent of the funds received pursuant to subsection (i)(2) to junior researchers.

(C) The Secretary shall make available to the National Writing Project and other national information dissemination networks the findings of the research conducted pursuant to the authority of paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the grant to the National Writing Project, $10,000,000 for fiscal year 1991 to carry out the provisions of this section.

(2) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated $500,000 for fiscal year 1991 to carry out the provisions of subsection (h).

(j) DEFINITION.—As used in this Act—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(2) the term "junior researcher" means a researcher at the assistant professor rank or the equivalent who has not previously received a Federal research grant; and

(3) the term "Secretary" means the Secretary of Education.

TITLE III—MISCELLANEOUS

SEC. 301. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4608 (as added by Public Law 100–297) as section 4610; and

(2) by inserting before section 4610 (as redesignated by paragraph (1) of this section) the following:

"SEC. 4609. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM ESTABLISHED.—The Secretary shall carry out a program to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and civil responsibility. Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall continue and expand the educational activities of the National Bicentennial Competition of the Constitution and Bill of Rights administered by the Center for Civic Education.

"(3) CONTRACT AUTHORIZED.—The Secretary is authorized to enter into a contract with the Center for Civic Education to carry out the program required by paragraph (1).

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and Bill of Rights;

"(2) school and community simulated congressional hearings following the course of study at the request of participating schools; and

"(3) an annual competition of simulated congressional hearings at the congressional district, State, and national levels for secondary students who wish to participate in such program.

"(c) PROGRAM PARTICIPANTS.—The education program authorized by this section shall be made available to public and private elementary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—Funds provided under this section may be used for the advanced training of teachers about the Constitution and Bill of Rights after the provisions of subsection (b) have been implemented.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for the fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.".

TITLE IV—EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS

SEC. 401. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

Part C of the Adult Education Act (20 U.S.C. 1211 et seq.) is amended by inserting at the end thereof the following new section:

"SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of eligible commercial drivers so that such drivers may successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(b) FEDERAL SHARE.—The Federal share of the costs of adult education programs authorized under subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

"(c) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers in partnership with agencies, colleges, or universities described in paragraph (2);

"(2) local educational agencies, State educational agencies, colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the memberships of which include commercial drivers.

"(d) REFERRAL PROGRAM.—Grantees shall refer individuals who are identified as having literacy skill problems to appropriate adult education programs as authorized under this Act.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'approved apprentice training programs' has the meaning given such term in the National Apprenticeship Act of 1937.

"(2) The term 'eligible commercial driver' means a driver licensed prior to the requirements of the Commercial Motor Vehicle Safety Act of 1986.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 for each of fiscal years 1991, 1992, and 1993 to carry out the provisions of this section.".

AMENDMENT NO. 70.

Mr. LEAHY. Mr. President, I send a technical amendment on behalf of Senators PELL and KASSEBAUM to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. PELL (for himself and Mrs. KASSEBAUM), proposes an amendment numbered 70:

Beginning on page 29, line 14 strike title IV, and all that follows through and including page 31, line 13.

The PRESIDING OFFICER. The question is an agreeing to the amendment.

The amendment (No. 70) was agreed to.

Mr. DURENBERGER. Mr. President, I would like to ask my good friend from Massachusetts for a clarification both on the makeup of the Commission under title I of this act and on the information gathered by this Commission. It is my understanding that membership on the Commission is not intended to be restrictive to education groups only, and that in order to receive the comprehensive input that is envisioned under this study that membership on the Commission include noneducational entities with an interest in lengthening the school year. Is that correct?

Mr. KENNEDY. Yes, that is correct.

Mr. DURENBERGER. It is also my understanding that the language in the act outlining information gathered at public hearing was purposefully left broad enough to allow a variety of interests input into the process, including agricultural groups and other business and recreational groups that may have an interest in the length of the school year, but not necessarily a direct interest in education.

Mr. KENNEDY. The Senator from Minnesota is correct, the committee's intent was to conduct a comprehensive study of the issue surrounding the length of the school year.

Mr. DURENBERGER. I thank the Senator from Massachusetts for this clarification.

Mr. COCHRAN. Mr. President, I am pleased to support S. 64, a bill to study extending the school year, authorize funding for the national writing project, authorize funding for classroom instruction on the Constitution of the United States, and authorize funding for programs to improve literacy skills for commercial truck drivers.

Each title of this bill is important and for a modest funding level will offer Federal support to improve the quality of education in the Nation's classrooms.

I am particularly pleased that the legislation includes a bill introduced earlier this year as S. 264, to support the national writing project. The bill garnered 40 Senate sponsors in the 101st Congress and has similar bipartisan support in the 102d. Identical legislation passed the other body during the 101st Congress unanimously and currently has over 100 cosponsors. In addition, the Appropriations Committees of both Houses agreed to a $2 million appropriation for the program in fiscal year 1991, pending enactment of authorizing legislation.

The United States faces a crisis in writing both in our schools and in the workplace. The "Writing Report Card," the Nation's assessment of student writing ability, conducted by the U.S. Department of Education, recently reported that fewer than 25 percent of our high school juniors can write an adequate letter. Universities and colleges across the country report increasing numbers of entering freshmen who are unable to meet the writing demands of college work. Lack of writing skill also contributes to the unfavorable comparisons of American students with those in other countries in many academic subjects. In testimony before the Senate Labor and Human Resources Committee, business leaders expressed serious concern about the basic skills of entry level workers. They indicated that the lack of writing ability is a key element of our Nation's illiteracy problem.

S. 64 authorizes $10 million in Federal support for the national writing project, which currently provides training to teachers to enhance the teaching of writing at 143 sites in 44 States, most of which are associated with universities. Last year, 87,000 teachers voluntarily sought training in one of the national writing project intensive summer and school-year workshops.

The national writing project is a teachers-teaching-teachers program which identifies and promotes productive techniques used in the classrooms of our best teachers. It is a positive program celebrating good teaching practice, one which through its work with schools, increases the Nation's corps of successful classroom teachers. When the project was funded for an unprecedented 10th year by the National Endowment for the Humanities, a spokesman said:

> I have no hesitation in saying that the national writing project has been by far the most effective and cost-effective project in the history of the endowment's support for elementary and secondary education programs.

In Mississippi, national writing project sites have contributed greatly to the remarkable improvement in the quality of teaching. Program participants include not only English teachers but also teachers of history, geography, math, reading, science, and elementary schools. The result has been a measurable improvement in student performance and a rekindling of teachers' enthusiasm, confidence, and morale.

Over the past 17 years, the national writing project has received numerous national awards and has been generously funded by private foundations such as the Carnegie and Mellon Foundations, as well as State and local agencies. However, program needs have far exceeded the funding potential of these organizations. Each year more and more teachers seek training from one of the existing sites. In light of the need for approximately 250 regional sites to establish a network to serve all the Nation's teachers, it is discouraging to note that 13 sites in 8 States have become inactive within the past year due to inadequate funding.

S. 64 authorizes the funding of 50 percent of the cost of existing sites and 50 percent of the cost of establishing new sites, with a maximum of $40,000 per site on a dollar-for-dollar matching basis. It would fund matching grants to teachers to conduct research on effective classroom practices and to the national writing project to disseminate information on effective teaching of writing. The Office of Educational Research and Information in the U.S. Department of Education would receive $500,000 to conduct research on the teaching of writing and on methods to use as a learning tool to improve the quality of education.

In light of the widespread problems described in the "Writing Report Card," this legislation could not be more timely. As Union Carbide warned in its report "Undereducated, Undercompetitive USA":

> Without improvements, we have, at best, an undereducated population which keeps this Nation from reaching its highest economic potential.

Since the ability to put thoughts into words is fundamental to learning, it is unfortunate that many teachers are not prepared to teach writing as part of basic education and consequently fail to concentrate on their students' writing abilities. By improving writing instruction as part of a basic education, I believe this legislation will provide a very high return for a modest investment and will take us further toward our goal of improving the quality of education in our Nation.

I thank other Senators for joining in support of this legislation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 64) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 64

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Table of contents.
TITLE I—NATIONAL COMMISSION ON A LONGER SCHOOL YEAR
Sec. 101. Short title.
Sec. 102. National Commission on a Longer School Year Act.
TITLE II—NATIONAL WRITING PROJECT
Sec. 201. Findings.
Sec. 202. National writing project.
TITLE III—MISCELLANEOUS
Sec. 301. Instruction on the history and principles of democracy in the United States.

TITLE I—NATIONAL COMMISSION ON A LONGER SCHOOL YEAR

SEC. 101. SHORT TITLE.

This title may be cited as the "National Commission on a Longer School Year Act".

SEC. 102. NATIONAL COMMISSION ON A LONGER SCHOOL YEAR ACT.

(a) ESTABLISHMENT.—There is hereby established a National Commission on a Longer School Year Act (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall consist of nine members, of whom—

(A) three members shall be appointed by the President from among the Secretaries of the executive departments as set forth in section 101 of title 5, United States Code;

(B) three members shall be appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives; and

(C) three members shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader and Minority Leader of the Senate.

(2) REQUIREMENTS.—

(A) Members of the Commission shall be appointed on the basis of exceptional education, training, or experience from—

(i) individuals who are representatives of nonprofit organizations or foundations committed to the improvement of American education;

(ii) individuals who are engaged in the professions of teaching;

(iii) individuals engaged in school administration, members of school boards, parents or representatives of parents or parent organizations;

(iv) individuals who are State officials directly responsible for education; and

(v) individuals representing organizations with an interest in lengthening the academic year or lengthening the school day.

(B) The first nine members of the Commission shall be appointed no later than 60 days after the date of enactment of this Act.

(3) VACANCIES.—A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) TERMS.—Members of the Commission shall be appointed to serve for the life of the Commission.

(5) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(6) ACTIVITY OF COMMISSION.—The Commission may begin to carry out its duties under this subsection when at least 5 members of the Commission have been appointed.

(c) FUNCTIONS OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations regarding the advisability of lengthening the school day to a predetermined minimum number of hours and lengthening the academic year in all United States public elementary and secondary schools. Such recommendations shall include—

(A) a comparative analysis of the length of academic days and academic years in schools throughout the United States and in schools of other nations;

(B) a recommendation of the appropriate number of hours per day and days per year of instruction for United States public elementary and secondary schools;

(C) an examination as to whether an increase in the length of school days and school years should be accompanied by an appropriate increase in teacher compensation;

(D) a model plan for adopting a longer academic day and academic year in all United States public elementary and secondary schools by the end of this decade, including recommendations regarding mechanisms to assist States, school districts, schools, and parents in transitioning from current academic day and year to an academic day and year of a longer duration;

(E) suggestions for such changes in laws and regulations as may be required to facilitate States, school districts, and schools in adopting longer academic days and years;

(F) an analysis and estimate of the additional costs, including the cost of increased teacher compensation, to States and local school districts if longer academic days and years are adopted; and

(G) a plan to assist States and local districts in meeting all such additional costs.

(2) REPORT.—The Commission shall submit a final report and plan pursuant to subsection (d).

(d) COMMISSION REPORT.—

(1) REQUIREMENT.—Not later than September 1, 1991, or one year after the Commission concludes its first meeting of members, whichever is longer, the Commission shall submit a report to the President and the Congress on the study and recommendations required pursuant to the provisions of this subsection.

(2) CONSIDERATIONS.—The report described in paragraph (1) shall consider current educational policies and practices regarding the length of the school year and school day throughout the United States and the world.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out this subsection, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) TESTIMONY; PUBLIC HEARINGS.—In carrying out this subsection, the Commission shall receive testimony and conduct public hearings in different geographic areas of the country, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the advisability of lengthened academic day and year.

(3) INFORMATION.—The Commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out this subsection. Upon request of the Chairman of the Commission, the head of the agency shall furnish such information to the Commission.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(5) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

(6) SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative and support services as the Commission may request.

(f) ADMINISTRATIVE PROVISIONS.—

(1) MEETINGS.—The Commission shall meet on a regular basis, as necessary, at the call of the Chairman or a majority of its members.

(2) QUORUM.—A majority of the appointed members of the Commission shall constitute a quorum for the transaction of business.

(3) CHAIRMAN AND VICE CHAIRMAN.—

(A) The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission for the life of the Commission.

(B) The Chairman of the Commission, in consultation with the Vice Chairman, shall appoint and fix the compensation of a staff administrator and such support personnel as may be reasonable and necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates.

(4) OTHER FEDERAL PERSONNEL.—Upon request of the Chairman of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any personnel of such agency to the Commission to assist the Commission in carrying out its duties under the subsection. Such detail shall be without interruption or loss of civil service status or privilege.

(g) TERMINATION OF THE COMMISSION.—The Commission shall terminate 90 days after submitting the final report required by subsection (d).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1991 and such sums as may be necessary in each of the fiscal years 1992 through 1994 to carry out the provisions of this title.

TITLE II—NATIONAL WRITING PROJECT

SEC. 201. FINDINGS.

The Congress finds that—

(1) the United States faces a crisis in writing in schools and in the workplace;

(2) only 25 percent of 11th grade students have adequate analytical writing skills;

(3) over the past two decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to them due to inadequate writing abilities;

(5) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

(6) most teachers in the United States elementary schools, secondary schools, and colleges, have not been trained to teach writing;

(7) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

(8) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

(9) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the country who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

(10) the National Writing Project has become a model for programs in other academic fields;

(11) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

(12) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

(13) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

(14) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

(15) each year approximately 85,000 teachers voluntarily seek training through word of mouth endorsements from other teachers in National Writing Project intensive summer workshops and school-year inservice programs through one of the 141 regional sites located in 43 States, and in 4 sites that serve United States teachers teaching overseas;

(16) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

(17) 13 National Writing Project sites in 8 different States have been discontinued in 1988 due to lack of funding; and

(18) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support.

SEC. 202. NATIONAL WRITING PROJECT.

(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the "grantee"), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

(2) to support classroom research on effective teaching practice and to document student performance; and

(3) to pay the Federal share of the cost of such programs.

(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as "contractors") under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

(1) be conducted during the school year and during the summer months;

(2) train teachers who teach grades kindergarten through college;

(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

(4) encourage teachers from all disciplines to participate in such teacher training programs.

(d) Federal Share.—

(1) In general.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term "Federal share" means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

(2) Waiver.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

(3) Maximum.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least 5 sites throughout the State.

(4) Special rule.—For the purposes of paragraph (1), the costs of teacher programs do not include the administrative costs, publication cost, or the cost of providing technical assistance to the grantee.

(e) Classroom Teacher Grants.—

(1) In general.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

(A) conduct classroom research;

(B) publish models of student writing;

(C) conduct research regarding effective practices to improve the teaching of writing; and

(D) conduct other activities to improve the teaching and uses of writing.

(2) Supplement and not supplant.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

(3) Maximum grant amount.—Each grant awarded pursuant to this subsection shall not exceed $2,000.

(f) National Advisory Board.—

(1) Establishment.—The National Writing Project shall establish and operate a National Advisory Board.

(2) Composition.—The National Advisory Board established pursuant to subsection (a) shall consist of—

(A) national educational leaders;

(B) leaders in the field of writing; and

(C) such other individuals as the National Writing Project deems necessary.

(3) Duties.—The National Advisory Board established pursuant to subsection (a) shall—

(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

(B) review the activities and programs of the National Writing Project; and

(C) support the continued development of the National Writing Project.

(g) Evaluation.—The National Writing Project may reserve up to $100,000 from the amount authorized to be appropriated pursuant to the authority of this section to evaluate the teacher training programs conducted pursuant to this Act. The results of such evaluation shall be made available to the appropriate committees of the Congress.

(h) Research and Development Activities.—

(1) Grants authorized.—From amounts available to carry out the provisions of this subsection, the Secretary, through the Office of Educational Research and Improvement, shall make grants to individuals and institutions of higher education to conduct research activities involving the teaching of writing.

(2) Priority.—(A) In awarding grants pursuant to paragraph (1), the Secretary shall give priority to junior researchers.

(B) The Secretary shall award not less than 25 percent of the funds received pursuant to subsection (i)(2) to junior researchers.

(C) The Secretary shall make available to the National Writing Project and other national information dissemination networks the findings of the research conducted pursuant to the authority of paragraph (1).

(i) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated for the grant to the National Writing Project, $10,000,000 for fiscal year 1991 to carry out the provisions of this section.

(2) Research and development.—There are authorized to be appropriated $500,000 for fiscal year 1991 to carry out the provisions of subsection (h).

(j) Definition.—As used in this Act—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(2) the term "junior researcher" means a researcher at the assistant professor rank or the equivalent who has not previously received a Federal research grant; and

(3) the term "Secretary" means the Secretary of Education.

TITLE III—MISCELLANEOUS

SEC. 301. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4608 (as added by Public Law 100-297) as section 4610; and

(2) by inserting before section 4610 (as redesignated by paragraph (1) of this section) the following:

"SEC. 4609. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

"(a) General Authority.—

"(1) Program established.—The Secretary shall carry out a program to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and civil responsibility. Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) Educational activities.—The program required by paragraph (1) shall continue and expand the educational activities of the National Bicentennial Competition of the Constitution and Bill of Rights administered by the Center for Civic Education.

"(3) Contract authorized.—The Secretary is authorized to enter into a contract with the Center for Civic Education to carry out the program required by paragraph (1).

"(b) Program Content.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and Bill of Rights;

"(2) school and community simulated congressional hearings following the course of study at the request of participating schools; and

"(3) an annual competition of simulated congressional hearings at the congressional district, State, and national levels for secondary students who wish to participate in such program.

"(c) Program Participants.—The education program authorized by this section shall be made available to public and private elementary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) Special Rule.—Funds provided under this section may be used for the advanced training of teachers about the Constitution and Bill of Rights after the provisions of subsection (b) have been implemented.

"(e) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for the fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.".

Mr. LEAHY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRENGTHENING EDUCATION FOR AMERICAN FAMILIES

Mr. MITCHELL. Mr. President, earlier today, the Senate Labor and Human Resources Committee approved S. 2, the Strengthening Education for American Families Act.

As I said in January, this legislation is the guideline for our education agenda. It is not the full agenda, but it sets the path that we will follow during the remainder of the 102d Congress.

S. 2 can be broken down into four simple components.

The bill enhances economic growth, which is particularly important now for so many areas that are facing economic hardship. The bill improves accountability for programs already in place. It expands important efforts we know are effective, and it raises student performance by providing parents, teachers, and principals with the flexibility necessary to better target local needs.

In effect, S. 2 restores common sense to education.

We have established in legislation eight national education goals. These goals are designed to ensure excellence by the year 2000.

But goals alone cannot be the answer. We need accountability. We need to measure performance. Parents need to know if their children are learning.

That is why we disagree with the President's approach to measuring student performance.

The President has created a joint council with the Governors to measure student achievement. The intent of this council is meritorious. The intent is to measure student achievement against national education goals. But intent is not the question at hand.

The question that I have, and that many in Congress share, is whether a council designed to be objective and free of political pressure in measuring student performance can be objective, when several of the voting members on the council work in the White House.

I do not know the answer to that question. But I do not want to wait to find out. I do not think Americans want to wait to find out.

For that reason, S. 2 includes a truly independent National Council on Educational Goals. This council will have no White House representation. It will have no Members of Congress as official or ex officio members.

This council will be comprised of a bipartisan group of Governors, and others, who have experience working with education issues—either in States and local school districts or in higher education.

If our students are to reach the goals by the year 2000, there is no question that we need an objective council to measure our Nation's progress.

True accountability begins with measuring where we are and measuring our progress as it is achieved.

Another critical component to S. 2 is designed to ensure that today's adults, as well as tomorrow's adults, are ready for the work force of the future.

We simply cannot enhance economic growth when between 23 and 27 million Americans are functionally illiterate. We cannot afford to leave these Americans behind as we move toward an ever more technological economy.

S. 2 includes an interagency task force to coordinate literacy programs throughout the Federal Government. State literacy resource centers will provide training, technical assistance, and coordination among available programs as well.

Coordination is another form of accountability. Again, we seek to make sure that existing efforts work.

Through workplace literacy partnerships and work force literacy assistance to small- and medium-sized businesses, we hope to expand our partnership effort with the business community to improve productivity on the job.

As critical as literacy efforts are for adults, even less fortunate is the fact that too many of our high school seniors graduate with poor reading skills. Too many graduate with poor math and science skills. Far too many do not graduate at all.

American education is in need of a revolution. To really spur effective teaching methods and raise student achievement, we need to provide communities with flexibility to design and implement their own targeted strategies.

That is why S. 2 fosters local vision. Through school-based management, Democrats are inviting parents, teachers, and principals to design their own plan to raise student performance levels. Only through this type of flexibility will innovative techniques be created to target local problems.

Local problems cannot be micromanaged from Washington. S. 2 provides the flexibility necessary to enhance local innovation.

To further local efforts in areas with large numbers of economically disadvantaged students, S. 2 includes a Model Schools of Excellence Program.

Model schools will be designed by local school districts working together or working with an area university or community organization or State educational agency to improve the quality of education offered, to ensure that students have a place to which they want to go, not a place to which they have to go.

We recognize that not all students learn at the same pace. And, not all students learn in the same manner. For some, learning by the chalk and blackboard method is not enough. For this reason, S. 2 includes Classrooms for the Future.

This program will enable local schools to develop curricula that combines classroom teaching methods with interactive technology.

Some students may learn concepts from a computer, working at their own pace or working with groups of other students, that they otherwise may not grasp in a large classroom from a blackboard. Democrats invite parents, teachers, principals, and school administrators to think about classes in nontraditional ways.

S. 2 also increases funding for the effective Star Schools Program to assist more communities in linking up for learning. While it may not be possible to have topnotch teachers in all subjects in every school, while that is certainly our goal, the satellite technology under Star Schools can give all students access to expert instruction regardless of where students live.

High technology is not only for businesses. It is for schools as well.

Another way in which we hope to foster local vision is by increasing funds for the Eisenhower Math and Science Program. Math and science education are critically important today and we cannot afford to let our students' abilities in these areas slip further.

Rounding up our efforts to reach the national education goals is an extension of the Dropout Demonstration Assistance Program.

S. 2, as approved by the Labor Committee today, is truly a commonsense plan. We set goals. We create a council to measure progress on the goals. We improve accountability. We provide flexibility. And, we invite the real experts, those parents, teachers, principals, and school administrators who work with students on a daily basis, to design their own plans of excellence.

As I said in January, S. 2 is our blueprint for education. For each of the national education goals, we will work on legislation during this Congress. Many of the goals are addressed in S. 2, but others will be addressed later this year and next year.

We will increase funding for Head Start. A quality education begins with preschool and we need to increase our efforts in early childhood development.

We will pass legislation addressing the recruitment and retention of teachers. We simply must make sure that we have enough teachers and that those teachers are qualified to teach the subjects for which they were hired.

We will pass legislation to reauthorize the Higher Education Act. As I've said many times, no student who studies hard should be precluded from higher education because of cost alone.

The ideas presented in S. 2 are revolutionary. We are not proposing changes at the margins. We are proposing changes that will change the way education is delivered. We are looking at tomorrow and we are asking communities to join with us in meeting that challenge.

As John F. Kennedy said in 1961, "Our progress as a nation can be no swifter than our progress in education."

Mr. MITCHELL. Mr. President, with each day, the United States and other nations expand their efforts to provide relief to Kurdish, Shi'ia, and other Iraqi civilians fleeing Saddam Hussein's retribution.

We can only hope and pray that this massive humanitarian relief effort will not be too late to prevent widespread death and disease. The Iraqi people, having already suffered greatly at the hands of the Iraqi military, certainly deserve to find safe haven at the border.

It is unfortunate that the United States, as General Scowcroft recently said, had not anticipated the extent of the refugee crisis. It is perhaps impossible to have predicted the scale of the uprising against Saddam Hussein, or the indiscriminate brutality to which all Iraqis subsequently would be subjected.

Still, our response has been painfully slow in the context of the enormous need. The United States and its coalition partners have a compelling responsibility to help alleviate the human suffering that has followed our success in forcing Iraqi troops from Kuwait.

I, therefore, am pleased that the President has recognized this responsibility by proposing an expanded United States role in assisting Iraqi refugees. This will involve significant numbers of American troops in the setting up of secure camps and facilitating food delivery to those in need.

While the administration has funds at its disposal to use in such an emergency, I am confident that the Congress will fully support requests for additional assistance to make American participation as effective as possible.

It is fortunate that the administration has reversed its opposition to such a direct and significant American role in the humanitarian relief effort.

The horrendous plight of over 1 million refugees along the Iraqi border affords no one, and certainly not the United States, the luxury of remaining uninvolved. I hope that the President's statement reflects an American commitment to doing all it can to end the suffering.

I believe there is another step the United States should take. It is a simple and straightforward action. The President should clearly state the United States Government's support for democracy in Iraq.

It is regrettable that there appears to be confusion on this point. But last week I met with leaders of various Iraqi opposition groups. They all asked that the United States express its support for democracy in their country.

Each of these Shi'ia and Kurdish leaders said he felt that democracy represented the best guarantee of the peoples' rights in the long run.

They did not request American military intervention on behalf of their efforts to depose Saddam Hussein. But they do not seek the removal of one brutal military regime only to have it replaced by another military regime.

This is why they all agreed that the most important thing the United States can do to promote their struggle against Saddam Hussein is simply to support democracy in Iraq.

Just last Thursday, the Senate, in Senate Resolution 99, unanimously called for a United States policy "in support of democracy and respect for human rights and international law in Iraq."

The Senate shares the Iraqi opposition's desire that United States support for a democratic Iraq be clearly articulated.

This is not inconsistent with maintaining Iraq's territorial integrity. Indeed, a representative government might best ensure the survival of the Iraqi State.

Yet United States support for Iraq's territorial integrity should not be misconstrued as a preference for just another dictator in Baghdad.

The Iraqi opposition leaders I met with only asked for an unequivocal statement of American support for a democratic Iraq.

I hope that President Bush will join the Senate in clearly stating that the United States supports democracy in Iraq.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. CONRAD). Without objection, it is so ordered.

RAILWAY LABOR DISPUTE SETTLEMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 222, a resolution regarding the ongoing rail strike; that the joint resolution be deemed to have been read three times, passed, the preamble be agreed to; and that the motion to reconsider be laid upon the table; that Senator GRAHAM of Florida be authorized to sign the enrolled joint resolution; and that the House be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 222) was deemed passed.

Mr. KENNEDY. Mr. President, the reason for following this particular procedure is that it is the understanding of the majority and minority leaders that this expedites the engrossment of the legislation and expedites the matter going to the President, who anticipates signing the measure this evening.

It is important for the RECORD that we understand why we are following that particular procedure.

Mr. President, first of all, I want to express my appreciation to my colleague, Senator HATCH, for all of his help and assistance in moving this measure to the time this evening where we are able to take this action. We have seen over the period of the past days a remarkable coming together of not only the membership of our committee in the Senate, but also the full membership of the Senate and the House of Representatives with Secretary Skinner, who has been a very constructive and positive force, as well as the President.

I think all of us understand the significance of a national strike and all of us understand the importance of meeting our responsibilities in a timely way. I think this is really an example of the institution at its finest in responding to a matter of emergency.

I am grateful to my colleague, Senator HATCH, for all of his constructive suggestions and his cooperation in working together with me and with the majority leader.

Second, I want to thank Senator MITCHELL in particular for his constancy in ensuring that we were going to be able to move expeditiously. Over the period of the last several days, he has taken an enormous amount of his own time in familiarizing both himself and the interested Members of the Senate with the particular details of the legislation that was being considered and also indicating his strong support for the measure. This, I think, has been indispensable in bringing us to the point of where we are this evening.

I am grateful as well for all the cooperation that we have had from Speaker FOLEY and from the chairmen of the Commerce and Labor Committees, and, I believe, even the Environmental Committee in the House of Representatives, but primarily Chairman DINGELL for all of his work. He is a knowledgeable individual on this issue.

Over the period of the last 29 years, we have had, I believe, 10 or 11 different occasions where we have had to take action with regard to a strike in the railroad industry. None have involved disputes over issues as extensive as the range of issues that are involved in this strike—disputes over working conditions, wages, health care issues. These complex issues involve 98 carriers, 11 unions, and some 200,000 employees in the railroad industry.

This has been an enormously important question for the country, and I think all of us should be satisfied that we are able to meet our responsibilities in a relatively short period of time.

Mr. President, I will speak very briefly, but I would like to just give a summation as to what is incorporated in the legislation. First, let me thank my colleague, Senator METZENBAUM, who has been involved in all of the details of resolving this issue.

Senator METZENBAUM is the chairman of the Labor Subcommittee of our Labor and Human Resources Committee and has a great deal of understanding and knowledge in the area of labor-management relations, and he has been invaluable in helping to move this process along.

I would also like to thank the members of the staff who have been absolutely magnificent in helping us this evening. They have done really yeoman work around the clock for a period of days. I know Senator HATCH feels as I do in regard to the work that has been done by Sarah Fox of my staff. We are all enormously obligated to staff on both sides of the aisle for really an outstanding job.

Mr. President, I am pleased to say that a satisfactory bipartisan compromise has been reached on legislation to end the railroad strike and resolve the remaining issues in the dispute. Legislation implementing the compromise will be fashioned this evening by unanimous consent without the need for a rollcall vote by the Senate once the House of Representatives has acted.

The essence of the compromise is that the remaining issues in the dispute will be resolved by a follow-on special board to be promptly appointed by the President. The Special Board will consist of three members under an informal understanding that was reached between Congress, the administration, and the parties. And that is the heart of the present compromise.

It is expected that one of the members of the Board will be a member of the former Presidential Emergency Board. He will therefore have extensive experience with the many complex issues in this controversy. The other two members of the Special Board will not be members of the former Board and will therefore bring a fresh look to these challenging issues.

Within 5 days after the new Board is appointed, any party may ask it to clarify ambiguities in the recommendations of the former Board. Within 15 days after the Board is appointed, it must issue an interim report responding to these requests by the parties. Within 10 days after that report, any party may ask the Board to modify any specific recommendation made by the previous Board on which parties are still in disagreement. Issues that were not part of specific recommendations by the previous Board will not be considered by the new Board.

In another important part of the compromise the new Board is required to give a presumption of validity to the recommendations of the old Board. Any party requesting a modification of those recommendations will have the burden of persuasion and must show that the old recommendation was demonstrably inequitable or based on a material error or material misunderstanding. After 30 more days the new Board must issue its final report, and 10 days later the report will become binding on the parties with the force of law. Additional procedures are included to enable the parties to obtain any necessary clarification from the Board and the determinations in its finality report. Finally, the parties are entitled through mutual written agreements to reach whatever settlement they wish, notwithstanding the Board's report.

Again, I want to commend the Members of the Congress, including the Senate and House leadership, for all of their skillful cooperation. I also commend the many staff members on both sides of the aisle who facilitated our efforts to reach this compromise. I also commend Secretary Skinner and other members of the Bush administration who have been a central part of this bipartisan effort.

We have all worked closely together to expedite this satisfactory resolution of this long dispute without a long divisive strike and with a minimum of disruption for the Nation, for business, and for the traveling public. This accord is good for labor, good for business, good for the economy, and good for the Nation, and I look forward to its implementation.

Mr. HATCH. Mr. President, I appreciate the comments of my colleague, and I appreciate the efforts and the work he has expended in helping to bring this to pass. We have been working day and night on this for almost a week and, frankly, for a long time before that in other ways.

I have to say that this is a reasonable and good, effective resolution of what could have been a disastrous problem to this country. The railway industry handles better than a third of all the tonnage shipped in this country and a lot of businesses depend upon it, a lot of workers depend upon it, more than 200,000 workers and, frankly, these problems just had to be solved. Everybody felt that the Presidential Emergency Board recommendations might have solved these problems but there were some loose ends that had to be gathered up.

Mr. President, I am pleased that we have been able to act on this legislation so promptly.

As my colleagues and all of our constituents know, it is in our Nation's best interest to settle this rail strike as quickly as possible. Our economy depends on the regular transportation of goods by rail.

President Bush has urged expeditious action to restore this essential service.

At the outset, I want to commend the President, Secretary Skinner, Senator KENNEDY, Senator METZENBAUM, Senator MITCHELL, Senator DOLE, and Congressmen DINGELL and LENT for their concerted efforts to end this strike.

But, we should also not fail to commend the months and months of work put in by the Presidential Emergency Board, chaired by Robert Harris. There can be no disagreement that this was a mammoth undertaking; it involved the review of thousands of pages of testimony and documents to produce a 100-page report.

Additionally, I want to recognize the service performed so admirably by the members of the National Mediation Board.

The legislative action we are taking today builds on the work of the PEB.

The pre-strike status quo will be restored until the process described below is complete. The timeframe for completion is 65 days from the appointment of the Special Board.

During this period, a Special Board will be appointed by the President which will consist of 3 members. One of the members will be from the Presidential Emergency Board just completed. It is my understanding that this member will be Robert O. Harris.

This special panel will have until the expiration of the cooling off period to perform two functions: First, answer questions of interpretation about the meaning of provisions in the Presidential Emergency Board report; and second, to resolve issues still in disagreement between the parties only where the PEB made specific recommendations. Where the PEB made no specific recommendation, the issue would not be subject to review by the Special Board. For example, the Special Board would not review the line sales issue.

In the latter case, there is presumptive validity to the current PEB provisions. Second, the party seeking the change has the burden of proof that any such recommendation was demonstrably inequitable or involved a material error or material misrepresentation.

There will also be a process for addressing loose ends on the drafting of contracts.

This joint resolution may not be exactly what any of the parties would have preferred. It should be obvious that, in any negotiation, any individual or organization tries to win as much as it can.

But, Mr. President, this resolution is fair. And, most importantly, it takes a strong stand in favor of collective bargaining as the way to develop labor agreements. It does not set up the Congress of the United States as an arbitrator now and forever.

Again, I commend my colleagues for their dedication to resolving this strike and urge immediate passage of this joint resolution by the Senate.

I would like also to acknowledge the hard work of the number of our staff members: Sarah Fox of Senator KENNEDY's staff, who has been a very strong worker on this matter; Jim Brudney, and Al Cacozza of Senator METZENBAUM's staff; Jim McMillan of Senator DOLE's staff; Bob Carolla of Senator MITCHELL's staff; the House Energy and Commerce staff, and officials from the Department of Transportation—all have been very, very important.

Last, but certainly not least, I want to express special thanks to my personal labor counsel, Sharon Prost. She has worked day and night on this. I think she deserves an awful lot of credit for the work she has done along with Sarah Fox and of course all the other staff people.

I want Ken, Matthew, and Jeffrey to know how hard she worked to solve this difficult strike in a fair and effective way.

Mr. President, the Presidential Emergency Board, on page 78 of the report, states that "it is clear that the retroactive payment which will be recommended as well as the general wage increases proposed, may be larger than one or two carriers can reasonably afford." Further, the Board cites in this connection "uncertainty and possible loss of jobs that the inability of a railroad to meet its financial obligations would entail."

The Board accordingly recommends that the parties negotiate "to adapt the Board's recommendations to the particular circumstances present in each railroad." That recommendation may make perfect sense in the context of the PEB, which is meant in part to provide a structure for negotiation, for voluntary settlement by the parties.

A particular problem may arise here, however, when we use the recommendation of the PEB in a legislative solution. In the absence of a voluntary agreement on individual adaptation, we could be imposing upon the carrier "impracticable," even ruinous, wage and benefit levels.

Such an outcome could have a particularly harmful impact on my State of Utah, its shippers and rail workers, and on the western part of the country in general. One of the major carriers serving my State and the west has been very actively negotiating with its unions in an attempt to adopt the PEB-recommended wage and payment levels to its circumstances.

It is my understanding, that the legislation we are considering today establishes a binding process under which the Special Board would have authority to adapt the wage and benefit levels to that which the page 78-carrier's operations can sustain—if the Special Board, in accordance with the procedures established in this resolution, were to find that such a modification was in order. Similarly, it is my understanding that if the Special Board so finds, it would have authority to refer the matter of adaptation of these provisions to the carrier's financial circumstances to binding arbitration should the Board believe that such a procedure is appropriate.

I ask my friend from the State of Massachusetts if my understanding is correct.

Mr. KENNEDY. The understanding of my friend from Utah is correct, and I might add that I know this is also an issue of particular concern to our colleague on the Labor and Human Resources Committee, Senator Bingaman, who has spoken with me about his concerns.

Under this legislation the Special Board would have authority to adapt the recommended wage and benefit levels to fit the individual circumstances of the carrier, if the Board in accordance with the procedures we have established were to find that the evidence submitted to the Special Board so warrants. Further, as the gentleman states, if the Special Board finds that the appropriate process to accomplish such an adaptation is a separate binding arbitration process, the Board could so provide.

We are also concerned that page 78 of the report not become a loophole used to evade or delay payment of the recommended benefit levels by carriers who do not fit the page-78 description and who have not engaged in the negotiation process contemplated by page 78. The PEB recommended that any carrier seeking relief under page 78 engage in bargaining with its unions to attempt to adapt the recommended wage and benefit levels to its individual circumstances. It is our understanding that only one carrier has attempted to do so. It is our understanding that only one carrier notified its unions of its intent to seek relief under page 78; only one carrier has actively engaged in negotiations to that end; and, only one carrier was identified in the formal communication to the unions on this issue by the National Railway Labor Conference. I ask unanimous consent that a copy of the Railway Conference's letter of April 8, 1991, on this point be printed in the Record. It is our view that only one carrier has acted in compliance with the PEB's requirements regarding page 78, and thus only one carrier has preserved its rights under the provision.

Mr. HATCH. I thank my good friend.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Railway Labor Conference,
Washington, DC, April 8, 1991.

Messrs. R.I. Kilroy, V.M. Speakman, D.C. Buchanan, Donald Carver, W.G. Fairchild, Mac Fleming, F.A. Hardin, R.J. Irvin, C.W. Jones, E.P. McEntee, L.D. McFather, J.L. Walker.

Gentlemen: This is to inform you that the National Railway Labor Conference fully supports the findings and recommendation in Emergency Board Report No. 219 contained on page seventy-eight as follows:

"It is clear that the retroactive payment which will be recommended, as well as the general wage increases proposed, may be larger than one or two carriers can reasonably afford. If that is the case it will be up to the Carrier involved to show the Brotherhoods the particular economic facts on which it relies and which make the Board's recommendations impracticable. The Board anticipates that the Brotherhoods would sympathetically examine the situation and take into account that a delay or even denial of a retroactive wage payment and/or immediate wage increase may be more desirable than the uncertainty and possible loss of jobs that the inability of a railroad to meet its financial obligations would entail. It is up to the parties, in other words, to adapt the Board's recommendations to the particular circumstances present on each railroad."

The conference understands this language to have vitality and meaning. The conference is further aware that the Southern Pacific Lines carriers have made known to you their position that the language quoted is applicable to them. We support the right of a carrier (believing the language quoted to be applicable to it) to follow the procedures suggested by that language and to obtain a remedy(s) consistent with that language and its spirit and intent.

Very truly yours,

C.I. Hopkins, Jr.

Mr. DOLE. Mr. President, I would like to express my strong agreement with the colloquy of my good friends, the Senators from Utah and Massachusetts, regarding adaptation of the PEB-recommended wage and payment levels to the particular circumstances of a carrier which cannot afford the PEB-recommended levels. I believe this is absolutely vital to the shippers, rail workers and citizens of my State and indeed to the Nation's transportation system as a whole.

It would be a grave error if this Congress were to impose upon any carrier wage and benefit levels that its operations cannot sustain and which could indeed contribute to financial failure. I look forward to the Board's careful examination of this and other matters within the scope of its mandate.

Mr. HATCH. Mr. President, once again this is an effective resolution of what has been a horrendous problem. I think everybody concerned deserves a great deal of credit for it.

Again, I just want to thank my great colleague from Massachusetts for the work he has done, for the efforts he has made, and for the energy that he has expended on this matter. And, frankly, without him, it would not have happened. That is true of a number of other people as well.

Certainly, I want to pay specific tribute this evening to this Senator at 11:30 p.m., and we are anxious to get this down to the President for his signature so that this matter will be ended and we can go about our country's business and, hopefully, get the country back on its feet again.

Mr. KENNEDY. Mr. President, the Senator from Utah has been typically kind and generous in mentioning a number of members of our staff on our side of the aisle who are indispensible.

I, too, want to underline the yeoman service of Sarah Fox of the Labor and Human Resources Committee, who recently joined our committee and has really been enormously valuable and helpful and dedicated, and has done extraordinary work; Jim Brudney and Al Cacozza, of Senator Metzenbaum's staff, and Bob Carolla of Senator Mitchell's staff, who were involved in all of the negotiations and have provided invaluable assistance; and Sharon Prost, of Senator Hatch's staff, who has been enormously effective and valuable in helping us to shape this bipartisan legislation, with Jim McMillan of the minority leader's staff.

I would also like to thank Paul Donovan, Lorrie McHugh, Nick Littlefield, Gary Hernberg, Suzanne Butler, and Esther Higginbotham for all their hard work in connection with this issue. I think this is, as I mentioned earlier, a fair and just conclusion.

Mr. METZENBAUM. Mr. President, I rise to support this emergency resolution that creates an orderly, balanced process to resolve the current dispute between railway labor and the national freight carriers. This resolution represents the culmination of long hours of bipartisan negotiation between both Houses of Congress and the administration. I want to applaud the leadership of Senators KENNEDY, HATCH, MITCHELL, and DOLE, along with Chairman DINGELL and Secretary Skinner, who have worked tirelessly to craft the resolution.

This consensus resolution embodies two crucial principles. First, it fulfills our duty to the public to minimize the dramatic economic impact of a national railroad shutdown by ordering the parties back to work immediately. At the same time, it respects the principle of collective bargaining by establishing a process that I believe could result in mutual, voluntary agreements by the parties to this dispute. Everyone agrees that such a result is preferable to Congress precipitously short-circuiting the bargaining process by prematurely imposing a contract.

The resolution provides a new Special Board to help the parties narrow their remaining differences. Both sides should try to settle their differences voluntarily to avoid the uncertain rulings of this new Board. But each party will have the option to be heard by this new Board on the remaining areas of true disagreement. After a period of 65 days from the time this new Board is appointed by the President, if the parties have not reached a voluntary agreement, then and only then, the final determination of this new Board will be imposed on the parties. This imposition will be automatic without need for further action by Congress or the President.

Mr. President, this is a compromise. I would have preferred not to allow any bypass of the collective bargaining process. But given the urgency of this situation, I accept the need to enact this resolution on an expedited basis, I urge my colleagues to support this fair, balanced resolution.

ORDERS FOR TOMORROW

Mr. KENNEDY. Mr. President, I ask, on behalf of the majority leader, unanimous consent that when the Senate completes its business today, it stand in recess until 9:30, Thursday, April 18, that following the prayer, the Journal of proceedings be deemed approved to date; that there then be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein; that the time from 9:30 a.m. to 10 a.m. be under the control of the majority and the minority leaders; and that the time from 10 a.m. to 11 a.m. be under the control of the majority leader or his designee; and that at 11 a.m. the Senate stand in recess until 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, and if the acting Republican leader has no further business, I ask unanimous consent the Senate stand in recess, as under the previous order, until 9:30 a.m., Thursday, April 18.

There being no objection, the Senate, at 11:30 p.m., recessed until Thursday, April 18, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 17, 1991:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAPHNE WOOD MURRAY, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1995, VICE BEVERLY FISHER WHITE, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. CARL E. VUONO, 196-26-8696, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE ARMY AND REAPPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 3033:

TO BE CHIEF OF STAFF OF THE ARMY

To be general

GEN. GORDON R. SULLIVAN, 020-26-9577, U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF MAJOR UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

ROBERT J. ABBLITT, 0110
MICHAEL P. ABRAHAM, 3089
KEVIN P. ADAMS, 4133
RICHARD C. ADAMS, 2698
LEROY R. ALBRIGHT, 0169
JOHN J. ALLEN, 7108
KATHRYN A. ALLEN, 6671
TRAVIS M. ALLEN, 0770
GEORGE S. AMLAND, 3849
FRANK K. ANDERSON, JR, 7573
HOWARD W. ANDERSON, JR, 0653
KEITH R. ANDERSON, 3503
TERRY N. ANDERSON, 6173
BRUCE J. ANICH, 2734
MICHAEL S. ARCHER, 3696
WALTER H. AUGUSTIN, 3145
BRUCE A. AVERITT, 6641
RONALD F. BACZKOWSKI, 4806
KURT A. BADEN, 8966
GREGORY P. BALZER, 7082
GEORGE N. BAMBROUGH, JR, 2499
JOHN N. BARCLAY, 5009
HOWARD F. BARKER, 8739
ROBERT H. BARROW, JR, 3349
WILLIAM L. BARTELS, II, 4224
GREGORY A. BASS, 7400
MARK H. BEAN, 9541
MARK L. BEBO, 3525
DAVID R. BECKER, 1747
DAVID M. BELL, 2511
WILLIAM S. BENNETT, 2071
DAVID W. BERKMAN, 5066
RANDALL E. BERNARD, 2801
DAVID A. BETHEL, 8647
ROBERT R. BICKEL, 2673
DEBRA M. BIELY, 1144
CHRISTOPHE H. BIGGS, 9806
KEITH A. BIRKHOLZ, 8924
ELVIS E. BLUMENSTOCK, 4188
MICHAEL S. BOHN, 8715
EUGENE L. BOLEY, 4324
MICHAEL S. BONEM, 1533
JOHNNY D. BORJA, 8292
VINCENT P. BOUSA, 7238
TONI G. BOWERS, 9499
GREGORY D. BOYD, 9190
FRANK R. BOYNTON, 2186
STEPHEN D. BRAAM, 7530
KENT W. BRADFORD, 7604
SCOTT G. BRADLEY, 2345
RONALD R. BRASSARD, 3747
MICHAEL J. BRENNAN, 9372
STEVEN J. BRENNAN, 7962
ROGER C. BRENT, 9013
BROOKS R. BREWINGTON, 0784
MICHAEL M. BROGAN, 2241
MICHAEL F. BROOKER, 2493
JEROME W. BROWN, JR, 3329
STEPHEN E. BROWN, 7094
PHILIP R. BROWNING, 9735
JAMES F. BROWNLOWE, 8525
JOHN J. BRYANT, 9119
PAUL A. BRYGIDER, 9879
WILLIAM H. BUCKEY, 7695
EDWARD C. BUCKNER, 4154
ROBERT C. BURGE, 9797
MARK A. BURGER, 3508
DONALD M. BURLINGHAM, 7897
JOHN R. BURNETTE, 0594
JEFFERY L. BUSH, 0233
LARRY R. BUYNAK, 1236
BARETT R. BYRD, 5759
SCOTT R. CAMPBELL, 1100
SCOTT T. CAMPBELL, 7251
SHAWN E. CARR, 6737
STEPHEN D. CHACE, 3891
THOMAS M. CHANEY, 6271
MICHAEL A. CHENGERI, 1852
FRANCIS W. CHESNEY, 7429
PHILIP G. CHURCHILL, II, 1965
DON D. CLINE, 2806
NORMAN R. COBB, 5691
DAVID D. COBERT, 0858
MARK W. COCHRAN, 3118
PATRICK COFFEY, 9910
JOSEPH M. COLE, 4232
JOHN T. COLLINS, 0709
DANIEL J. CONN, 4179
KEVIN E. CONYERS, 9200
WILLIAM C. COOK, 9276
STEPHEN B. COOPERIDER, 0780
BRADFORD T. COPPOCK, 2626
GREGORY V. CORBETT, 6763
BRIAN T. COSTELLO, 6430
STEPHEN R. COTE, 5457
PETER J. COTSONAS, 8698
ROBERT A. COTTERELL, 1673
RICHARD E. COYLE, JR, 6147
PETER B. COZ, 6336
LYLE M. CROSS, 9942
CHARLES A. DALLACHIE, 7822
DAVID F. DAMBRA, 0143
RAYMOND C. DAMM, JR, 4021
PAUL J. DAVIDOVICH, 0980
KEITH T. DAVIES, 5514
CLAUDE H. DAVIS, III, 7997
JON M. DAVIS, 8884
MICHAEL J. DEAN, 9284
RAYMOND F. DEATHERAGE, 6554
MICHAEL H. DECKER, 6358
JEAN C. DERESCHUK, 8294
GILBERT DESROCHES, 0715
JOHN P. DIFFLEY, 4150
PAUL E. DIMARCO, 9922
JOHN K. DODGE, 4878
JAMES M. DOLL, 0194
JOHN D. DONAHUE, 6089
JOSHUA W. DORSEY, I, 0875
FRANK H. DUCKWORTH, JR, 2101
RICHARD D. DUDLEY, 9747
JAMES C. DUNCAN, 0182
EDWARD T. DUNLAP, 9763
MICHAEL G. DUNNAGAN, 7135
JOHN J. DUPRAS, 2118
WILLIAM O. DWIGGINS, 6757
ANDREW P. DWYER, 1041
KARL S. ELEBASH, III, 9562
MICHAEL B. ELKO, 4034
DONALD M. ELLIOTT, 0098
JAMES J. EMERSON, 3438
ANDREW D. ENGELKE, 1940
ANGELA F. EPPS, 8781
DAVID W. ESTRIDGE, 3144
JOHN E. EVANS, 4040
JOHN F. FELTHAM, 0330
ROBERT A. FITZGERALD, JR, 9531
PAUL D. FLOWER, 0763
STEPHEN A. FOGLIO, 6334
JOHN D. FOLDBERG, 7777
GARY F. FORJAN, 3175
ERNEST H. FORNI, III, 5726
[redacted]
STEVEN L. FRANKLIN, 1249
KEVIN F. FREDERICK, 1065
LEE P. FUTCH, 3246
JOHN E. GALLI, 0306
THOMAS B. GALVIN, 8653
MARK E. GANDER, 2313
STEPHEN T. GANYARD, 5967

MICHAEL A. GARRISON, 9873
STEVEN L. GAUDREAU, 9840
STEPHEN L. GEIGER, 5412
MICHAEL D. GEORGE, 7341
THOMPSON A. GERKE, 4314
PAUL C. GIBBONS, 1763
STEPHEN V. GIUSTO, 5090
WILLIAM W. GO, 2672
PATRICK R. GOOD, 7954
TIMOTHY R. GOSSETT, 6301
PATRICK J. GOUGH, 0623
JOHN S. GRACZYK, 4329
DAVID J. GRECO, 7763
DAVID L. GREENFIELD, 2549
FREDERICK R. GRIGGS, III, 5580
GREGORY W. GROVE, 2951
RICHARD W. GUIDRY, 2354
DAVID H. GURNEY, 4617
ANDREW S. HAEUPTLE, 6317
JOHN W. HALINSKI, 6994
DARREL L. HANDGRAAF, 7794
WILLIAM E. HARRIS, 5056
GORDON E. HARTWAY, II, 0416
CALVIN E. HASTINGS, 0725
MARK R. HAUCK, 4271
MANTFORD C. HAWKINS, II, 7610
STEPHEN D. HAWKINS, 1162
ERIC HEIDHAUSEN, 8150
JOSEPH A. HEINS, [illegible]
HUGH A. HENRY, 9834
GARY B. HERBOLD, 2852
EUGENE A. HERRERA, 3853
CLIFFORD D. HESTER, JR, 0830
CHAD W. HOCKING, 6503
MELINDA HOFSTETTER, [illegible]
WILLIAM P. HOLOWECKI, 7293
TIMOTHY W. HOONAN, 9855
JAMES E. HORR, JR, 1411
GREGG H. HORSTMAN, 8937
RICHARD G. HOUCK, 5011
RAYMOND W. HOWER, 4985
STEPHEN P. HUBBLE, 4423
CARL F. HUENEFELD, 4695
NORA S. HUETE, 2866
PAUL D. HUGHES, 2247
KENNETH S. HUNTER, 0060
GARY R. IBANEZ, 6368
DONALD M. INGRAM, 9832
TIMOTHY J. JACKSON, 9155
KENNETH E. JACOBSEN, 7723
BRIAN J. JAMES, 8990
JAMES F. JAMISON, 8106
MITCHELL A. JAURENA, 3726
CARL J. JENKINS, 6252
RUSSELL I. JONES, 5664
JAMES C. JUMPER, JR, 3258
JOEL P. KANE, 2697
MARK M. KAUZLARICH, 4305
PATRICK A. KELLEHER, 7288
DAVID A. KELLEY, JR, 9737
MICHAEL A. KELLEY, 2514
JAMES A. KESSLER, 4042
BRUCE R. KIME, 1095
ROBERT F. KLUBA, JR, 5560
RALPH H. KOHLMANN, 5559
LEE KORZAN, 6055
BRUCE T. KOWALSKI, [illegible]
JOHN T. KRAUSE, 7321
DAVID W. KUEHN, 9209
DWIGHT S. LADA, 2171
GARY A. LAMBERTSEN, 2234
FRANK R. LAWSON, 7971
ODIN F. LEBERMAN, JR, 8160
WILLIAM J. LEITHEISER, JR, 8599
CLARKE R. LETHIN, 3846
DOARIN R. LEWIS, 6802
CARL A. LEWKE, 6363
MICHAEL A. LHEUREUX, 7132
DENNIS M. LINDBERG, 9004
THOMAS J. LINDBLAD, 3311
PHILIP A. LINDEMAN, 8708
STEPHEN L. LITTLE, 6898
SCOT D. LLOYD, 8065
MATTHEW G. LOGSDON, 4175
EDWARD W. LOUGHRAN, 8238
JOHN A. LOWE, 1709
JAMES W. LUKEMAN, 2472
JEROME M. LYNES, 4480
WILLIAM R. LYON, JR, 8434
CHARLES J. MAGILL, 8914
JEAN T. MALONE, 3825
RICHARD V. MANCINI, 9578
BRIAN MANTHE, 8633
JOEL A. MARQUARDT, 8638
JONATHAN B. MARTIN, 2478
KENNETH B. MARTIN, 3654
STEVEN P. MARTINSON, 8837
ALEXANDER V. MARTYNENKO, 8058
DEAN H. MARVIN, 0832
ROLAND L. MASSEY, 5635
MICHAEL C. MAYNARD, JR, 2966
EUGENE T. MCBRIDE, 4209
PAUL T. MCBRIDE, 9619
DANIEL C. MCCARRON, 8592
PETER G. MCCARTHY, 7397
GARY K. MCCOWEN, 6212
JAMES E. MCCOWN, III, 3934
STEPHEN C. MCCULLEY, 6576
WILLIAM F. MCEVOY, 4625
DESMOND P. MCGLADE, 3033
MICHAEL J. MCGRATH, 6855
STEVEN J. MCGRATH, 7844
PAUL D. MCGRAW, 0420
DANIEL E. MCGUINNESS, 1777
FRANKLIN D. MCKINNEY, JR, 3578
JOHN D. MCMASTER, 7710
CHRIS D. MCMENOMY, 2137
JAMES F. MCNEIVE, 1815
TIMOTHY L. MECOMBER, 8871
JAMES E. MEYEN, 7435
DWAIN A. MEYER, 2198
STEPHEN N. MIKOLASKI, 3768
GEORGE F. MILBURN, III, 2964
WALTER L. MILLER, 1347
GREGORY K. MISLICK, 5315
GREGORY T. MITCHELL, 8144
MARK E. MONROE, [illegible]
GARY W. MONTUORI, 6839
DANIEL E. MOODY, 6203
CHRISTOPHE M. MOONEY, 4399
TERRY M. MOORES, 4899
JOSEPH A. MORTENSEN, 3235
HUEY D. MOSER, JR, 6466
BOBBY A. MOSLEY, 7833
MATHEW D. MULHERN, 1501
CHRISTOPHE U. MULHOLLAND, 1570
WILLIAM L. MUNCK, 4661
DWIGHT A. MUNDY, 5272
JOHN D. MURPHY, JR, 9140
JAMES T. MURTHA, 9633
SCOTT L. NELSON, 5428
OBRENE L. NEWMAN, JR, 7246
LAWRENCE D. NICHOLSON, 1342
DONALD A. NIESEN, 9221
MARK L. NOBLIT, 3077
CARLOS I. NORIEGA, 8348
HERBERT A. OAKES, JR, 3336
GORDON P. OBERMUELLER, 7134
PATRICK W. OBRYAN, 3834
CHRISTOPHE L. OCONNOR, 9295
ANDREW W. ODONNELL, JR, 5504
DENNIS P. ODONOGHUE, 4292
MICHAEL B. OHARA, JR, 3164
GARY R. OLES, 4062
MARK T. OLSEN, 7417
MICHAEL S. ONEIL, 6727
REUBEN A. PADILLA, 5316
GUS E. PAPAGOLOS, 0928
LEON M. PAPPA, 7173
PAUL E. PAQUETTE, 9215
RICHARD L. PARK, 8570
THOMAS G. PEERY, 9472
RICHARD J. PETROFF, 8319
BUDDY L. PEYTON, 3687
WILLIAM J. PHILBIN, 0164
TIMOTHY A. PHILLIPS, 7660
THEODORE L. PLAUTZ, 7172
CURTIS J. POWELL, 4216
THOMAS A. PROGAR, 2226
CHRISTOPHE F. PSILLAS, 2623
DONALD J. PUTNAM, 1777
RAYMOND R. PUTNAM, 1610
WALTER J. QUINLAN, 6580
CHARLES H. RADERSTORF, 1247
CARL K. RADFORD, 5226
ROBERT W. RALL, 1539
HENRY G. RAUM, 8480
DENNIS W. RAY, 1451
CONSTANCE A. REEP, 3548
DAVID A. REICHERT, 4324
DAVID C. REINAMAN, II, 4202
EDWIN S. RENEGAR, 5167
BRUCE A. REXROAD, 4352
WILLIAM E. RIDENOUR, II, 7397
DAVID A. RIEDEL, 9103
JAMES E. RILEY, JR, 4253
NORMAN J. ROBISON, 6845
JOSEPH C. RODGERS, JR, 2963
MURRAY O. ROE, JR, 7845
VICTORIA J. ROSE, 4929
CRAIG D. ROSS, 9879
JAMES G. ROUSE, 9651
WILLIAM A. RUDOLPH, 5751
MARK J. RUGER, 2904
JOHN R. RUNNING, 1259
BEVERLY J. RUNOLFSON, 2554
TERRY M. RYAN, 5060
THOMAS M. RYCHLIK, 7396
DENNIS G. SABAL, 2681
MICHAEL B. SAGASER, 8967
CECIL R. SAMSON, 6997
EMILE E. SANDER, I, 6965
FRED H. SANFORD, 4512
JEFFREY M. SANKEY, 8423
ANTHONY L. SAUNDERS, 6981
MICHAEL L. SAUNDERS, 2402
SHEILA M. SCANLON, 6668
BRET D. SCHOMAKER, 4853
KEVIN M. SCOTT, 6891
MICHAEL W. SCOTT, 6757
STEPHEN M. SHEEHAN, 2264
CARLYLE E. SHELTON, 6905
KEITH C. SHULTIS, 9184
MICHAEL P. SLATER, 0261
RICHARD S. SLATER, 6491
DALE M. SMITH, 5954
DAVID E. SMITH, 5691
RASLER W. SMITH, 9367
RICHARD E. SMITH, 7408
MARCUS SNEED, 0096
STEPHEN L. SPEHN, 3233
THOMAS R. SPENCE, 3718
LEE A. STEBBINS, 8599
THOMAS G. STEIN, 5515
JOHN A. STEWART, III, 7310
PETER K. STINGER, 4081
JAMES H. STROUP, 4247
MARK P. STUCKY, 0088
KEITH M. SWEANEY, 4238
WILLIAM H. TAGGART, 7246
JEFFREY G. TAWEEL, 9233
GARY S. TEPERA, 8027
CHARLES T. THOMPSON, 7906
KEITH B. THOMPSON, 7741
KENNETH J. THOMPSON, JR, 6803
MARK H. TRIPLETT, 9804
GREGORY A. TRUBA, 3731
CRAIG A. TUCKER, 2958
CECIL G. TURNER, 3641
THOMAS S. ULLRICH, 5961
DAVID K. UNDELAND, 3196
ANTHONY J. VERDUCCI, 7785
JOHN A. VILLALTA, 4823
JEFFREY S. VOGEL, 7382
PATRICIA J. VOGLER, 2049
RONALD E. VONLEMBKE, 1857
ROBERT E. WALDEN, 7758
MICHAEL A. WALLACE, 3020
JEREMIAH J. WALSH, 5225
STEVEN L. WALSH, 0909
STANLEY H. WATKINS, 7884
WILLIAM J. WEISS, JR, 3326
FRED WENGER, III, 2439
MARK E. WHEELER, 9055
ROBERT F. WHEELER, 5922
FREDERICK J. WHITTLE, 1749
WILLIAM W. WIGGINS, 4049
DAN B. WILLIS, 6914
MARY P. WILLIS, 6091
ROBERT E. WILSON, JR, 5775
SANDRA L. WILSON, 6463
ERIK M. WOLF, 4452
MARK F. WOOD, 8208
MICHAEL D. WYKOFF, 5854
KAY L. YOUNG, 0350
WALTER T. ZABICKI, 4891
ROBERT M. ZEISLER, 1679

HOUSE OF REPRESENTATIVES—*Wednesday, April 17, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we pray each day for justice in the affairs of people, we remember particularly the hostages who are denied the freedoms that are their rightful heritage. Our earnest petition, O gracious and loving God, is that people will be moved by Your spirit of reconciliation and peace so that the hostages will again know the security and warmth of their own lands and their own families. May Your presence and Your abiding spirit be with them and be their hope and strength this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska [Mr. BARRETT] please come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 740. An act to provide a new civil cause of action in Federal law for international terrorism that provides extraterritorial jurisdiction over terrorist acts abroad against United States nationals.

The message also announced that, pursuant to section 1024, title 15, of the United States Code, the Chair, on behalf of the Vice President, appoints Mr. SMITH to the Joint Economic Committee.

REPRESENTATIVE WILLIAM NATCHER: A NATIONAL TREASURE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it is very rare when we uncover one national treasure within a week, but here we have uncovered two national treasures within 1 week. The first, an early copy of the U.S. Constitution, was found affixed to the rear of a picture bought at a flea market sale, and the second national treasure, uncovered just yesterday in the Washington Post, is the dean of the Kentucky congressional delegation, Congressman WILLIAM NATCHER. BILL NATCHER, my friend for these past 20-plus years, has served this Congress well. He is notable for the fact that since 1953 when he first walked into this Chamber, he has never missed a vote or a quorum call; but we who know him better know that his record goes beyond not missing votes. It is a positive record of civility, of decency, of competency, of courtliness, in the way he handles his responsibilities.

The only thing that I would say negative about the gentleman from Kentucky [Mr. NATCHER] is that he always comes to the floor so elegantly clothed and so perfectly suited, so elegantly shod, that he makes all of us by contrast look disheveled, really quite messy and in disrepair.

But, with that sole exception, everything about the gentleman from Kentucky [Mr. NATCHER] is wonderful and positive, and we in the Kentucky delegation are very proud to share our national treasure with the United States and the world.

I am including the Washington Post article which profiles BILL NATCHER at this point in the RECORD:

[From the Washington Post, Apr. 17, 1991]

CONGRESSMAN NATCHER, PRESENT ON ALL COUNTS—THE KENTUCKY OCTOGENARIAN'S VOTING VIGOR

(By Lois Romano)

In a world of excesses, he is a man of unheralded self-restraint. In a congressional atmosphere of frenetic fund-raising, surplus staff and haphazard attention to substance, he is a paradigm of order and control.

There is no one left on the Hill like him: "When I first got here 37 years ago, I was number 435 out of 435," says Congressman William Natcher. "I looked around the House floor and thought, 'None of you are ever going to die and none of you are ever going to retire.' Now, here I sit."

Where the gentleman from Kentucky sits is fourth from the top in the House of Representatives—in terms of both age and seniority. At 81, he is one of the most powerful members of Congress as evidenced by the $200 billion purse he controls as chairman of the labor, health and human services and education subcommittee of the House Appropriations Committee.

He is a throwback to a time when seniority meant something, when a campaign could be paid for with a Texaco credit card, and roll calls weren't parliamentary weapons used to keep members in Washington.

That this Democratic representative has, for nearly four decades, made a total of 16,883 votes and quorum calls, paid for every campaign out of his own pocket and rarely uses more than a third of the congressional allowance provided to hire staff, is no small feat. He is the lone member of Congress who can boast as much.

"When I talk to new members I say to them maybe it's better in the beginning to miss one vote that isn't so important," says the member who has missed not a one. "I say to them I don't advise you to do this. When you've been here as long as I have and never missed a day or a vote, it's right around your neck."

He is a sweet and courtly man, who although revered by his congressional colleagues commands little attention off the Hill. "He fits the part of the congressman from the tip of his polished black shoes to the top of his white hair," says Vic Fazio (D-Calif.), a member of the Appropriations Committee.

"The ultimate Southern politician," adds Dennis Eckart (D-Ohio). "I assure you he knows every member's name."

"He's so identified with the institution and all that's good about it," says Mary Rose Oakar (D-Ohio), who became the first woman to sit on the gym committee that Natcher chairs.

The worst that is said about the man amounts to this: He is stubbornly practical about getting his massive appropriations bill—a prime target for wild-card funding amendments—through the Congress and past the White House. No horse trader, he. This singlemindedness, it is said, makes him rather inflexible when it comes to earmarking new or controversial monies, such as abortion funding. And predictably, he manifests his time-earned eccentricities.

Hearings start at 10 a.m. sharp, adjourn at noon and restart at 2 p.m. No exceptions. "And when you're interested in a particular project," advises one staffer, "you better not leave to go to the bathroom—he stops for no one. That old man will sit there during a mark-up in 100-degree weather in his three-piece navy suit till 8 o'clock at night without moving. And you better stay real close to him or you'll lose whatever it is you want."

He has saved about 16,000 pieces of mail sent to him over the years, and refuses to relinquish them to House storage rooms. They are packaged in brown paper and piled in a closet in his office, which he proudly shows off. "I have 200 letters from presidents," he says, as well as letters from "Tony Randall, Lynda Carter and Bob Hope. . . . I keep the originals." He also collects gavels, porcelain bells and replicas of White House china. His office looks like the Mount Vernon gift shop.

He has never cared to deal with the media, not during his campaigns, or his years as the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

controversial chairman of the District of Columbia appropriations subcommittee when he intermittently held up Metro funding, or through recent time when he has been sought out for friendly stories. He agreed to chat for this piece, but when the interview was abruptly interrupted by—what else—a roll call, Natcher refused to speak to the reporter again. "I believe we're finished," he said crisply when approached after a hearing.

Nonetheless, for an enlightening 15 minutes he shared his philosophy and thoughts about the job he loves. There is something so poignant, even sad, about how this man defines his life, his loves, his losses, his universe, through his perfect voting record.

He says he had not realized he was voting at 100 percent until 1958, five years into his tenure, when a clerk phoned him to inform him. "Ever since then, I made up my mind I'd see where I could take it," he says.

He takes no chances with his vote. He enters the electronic voting card he carries in his wallet not once, as required, but five or six times at different stations on the House floor. "Then I ask the floor clerk to check to make sure it took," he says. "I sat there one day and watched one of my colleagues vote—and we sat and waited for the light to go on [next to his name on the board] and it never did."

He says he has had "a thousand narrow escapes" but will only speak of one.

When his wife of 53 years passed away in January, he says, he simply accepted the fact that he would miss his first roll call vote. "I just said to myself, 'Well, this is it,'" he says with resignation. "I just made up my mind to the fact. . . ."

There was the Monday he needed to fly his "beloved Virginia" to her final resting place in Kentucky. There was the day of viewing at the funeral parlor. And finally, there was the burial itself, scheduled for a Thursday that the House was in session. "I would have missed five votes that day," he recalls with precision.

But, he says, the days seemed to break his way and the services were delayed because the six grandchildren could not make it to Kentucky in time. "But I had some help," he says, pointing skyward. "I guess it was just meant for me not to miss a vote."

"People just don't realize how extraordinarily easy it is to miss a vote," says Rep. Tom McMillen (D-Md.), who has himself made the effort to maintain a perfect voting record since his 1986 election. "You can't undervalue his accomplishment. . . . It will never be duplicated. I've already told myself I am not going to go crazy when I miss my first vote."

There are other disciplines too. Natcher still swims aggressively in the House gym several times a week. Every day the House is in session, he keeps a journal, which he has locked away somewhere. Once a year he pulls the bound books out of their sanctuary and invites a photographer to memorialize the occasion. There are 52 volumes now. "I dictate and then have it typed on the finest bond I can find," he explains. "I put it down just like it happens every day. It takes some doing. You have to be right well organized."

And he writes religiously to each of his grandchildren weekly. While all receive identical letters, he is quick to note that no one receives a copy. "I started it when they were born—wrote to welcome them," he says. "And kept on going. Every week."

A staff of "five ladies"—his words—helps him with his obsessions. "I dont' have any need for an administrative assistant, a press secretary or a legislative aide," he says flatly. "We get it all done. I don't need to pay any 18 people."

What he does get done with such a low overhead is impressive. As financial puppeteer for some of the most popular and sensitive social programs around—Job Corps, student aid, Social Security administration, biomedical research—he is on the minds of many special interests. Labor groups and universities parade before him, abortion advocates wince at his name, members beg him for pennies.

He listens to all, changes his mind for virtually none.

The job has enormous potential for power brokering. That he doesn't take a dime of campaign money, of course, greatly diminishes the input of lobbying groups who would so like to sway him. "They all come to see me and I hear them out nice," he says. "But this is the best system. My wife—she didn't like the way they did things up here, but she believed you could be in politics and do it right."

To a certain extent, Natcher has tried to preserve the purity of 1953, the year he came to Washington by virtue of a special election. To the amazement—and at times frustration—of his peers, he has never been influenced by the times. He believes he is reelected not because he is so powerful or so smart, but because he effectively does his "duty." He still runs his own reelection campaign, driving himself from event to event. He says his last campaign cost him a little more than $6,000.

The Washington Post files on him overflow with stories about his tightfisted control of the D.C. appropriations subcommittee in the '60s and early '70s. He is legendary for his refusal to release millions in Metro funding—despite public pleas by President Nixon. To Natcher, it was cut and dried: If the local government was not upholding its end of the bargain to improve the highways, it didn't get the money. "It took the combined effort of the White House and the House leadership to get that money finally released," recalls Rep. Dave Obey (D-Wis.), then a junior member of the subcommittee. "If you decide to fight him, you'd better be prepared to pull out all the stops. He believes you can only have one quarterback at a time—and he's it on his committee."

In recent years, liberal House Democrats have been stymied by Natcher's refusal to loosen restrictions for federally funded abortions. (The bill's language for the past decade permits federal funding of abortions only if the mother's life is in jeopardy.) Over his reservations, the House slapped an amendment onto his bill two years ago that would have allowed abortion funding in times of rape or incest. President Bush vetoed the bill, and the House failed to override the veto.

Sources say Natcher remains adamant against introducing such funding into his bill again. But the abortion-rights Democrats still hope to persuade Natcher to give his blessing to an extended floor debate on the matter. "We want an up-or-down vote on this issue," says one such Democrat who did not want to be identified. "But to his practical mind, it's counterproductive to getting his bill passed. Those of his generation simply fail to acknowledge there might be some value in simply making a point."

On other issues of a contemporary nature, however, members say Natcher tries. "I've been badgering him on [funding for] breast cancer research," says Oakar, "and he's really evidenced a desire to learn about the issue."

Says one member of the Appropriations Committee: "You're not going to see him poring over the newest studies on this or that, but he does listen. I mean, he wasn't the last member of the Congress to realize the importance of AIDS research funding."

During the brief interview, Natcher alludes to the time when he might quit the good fight. He says the bells and china in his office would then go to his lone granddaughter. And the gavels and other masculine mementos would be given to the grandsons. He says that upon his retirement, he would also release his prized journals.

And the question is posed: Is he planning to cast his last vote any time soon?

"Oh, no, no," he says, quite astonished by the question. "No plans. No plans at all."

And then, the bell tolls once again for Bill Natcher.

INTRODUCTION OF RESOLUTION CALLING FOR WAR CRIMES TRIAL AGAINST SADDAM HUSSEIN AND IRAQI OFFICIALS

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, on behalf of the distinguished ranking Republican on the Foreign Affairs Committee, my good friend, the gentleman from Michigan [Mr. BROOMFIELD] and myself, today I am introducing a concurrent resolution calling upon the President of the United States to take action through the United Nations to bring Iraqi officials, beginning with Saddam Hussein, before an appropriate international tribunal to be judged for war crimes and crimes against humanity.

We have seen during the course of recent years, beginning with the gassing of Kurdish citizens of Iraq years ago, Saddam Hussein engaging in a pattern of crimes against humanity, genocide, the mass killing of innocents. Our television screens are filled with children and old people dying of hunger, disease, and cold and persecution and helicopter gunfire.

The 12 nations of the European Economic Community are calling for the same action. It is high time that Saddam Hussein and his henchmen pay for their crimes before an international tribunal properly constituted.1

A CLEAR CHOICE ON BUDGET PRIORITIES

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, later today the House of Representatives is going to get a very clear choice on the budget priorities of this Nation. We are going to get an opportunity to vote not only on the resolution presented by the Budget Committee, but also on the resolution that was sent to this Congress by the President of the United States.

It has been suggested by our Republican counterparts that there is no difference between these budgets, but I think when the Members have a chance to examine these alternatives they will understand that there is a very real fundamental difference between these budgets and the future of this country's children and the future of this country's working men and women in their efforts to support their families, to provide for an education, to achieve health care, and to provide for the safety of their children.

There are dramatic and very substantial differences in the health care of very young children and our ability to fight off infant mortality, to improve the health statistics of young children who have problems in their ability to thrive from the very onset of life in this country.

We have an opportunity in the Democratic budget to reverse those figures, to reverse those declines, to make major commitments for full participation in the Head Start Program, the most successful pre-education program that we have in this Nation, yet only a third of the children who are already eligible without expanding eligibility are able to participate. The other two-thirds fall between the cracks, become far more expensive, and end up dropping out of school. That is the difference in the two budgets.

THE BUDGET AND FAIRNESS

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, for months now, the pundits have been writing that President Bush really has no domestic agenda.

The pundits are wrong.

The President has a domestic agenda. It is just not one that includes many of America's working families.

Today, this body will consider the President's budget, which is the essence of his agenda. It would cut Medicare; put such rigid restrictions on college student aid that most middle income working families would be excluded entirely, and underfund the war against drugs and crime.

Oh yes. There is one more thing. It also asks—again—that we approve a capital gains tax break for the rich.

Fortunately, the House Budget Committee has drafted an alternative. It protects Medicare. It invests more in education for all Americans; and it provides the funds necessary to obtain the personnel, equipment, and training required to back up all the tough talk against drugs and crime.

And—quite reasonably, in this Member's view—it also asks that the rich pay their fair share.

I congratulate the chairman of the House Budget Committee, Mr. PANETTA, and urge my colleagues to support the committee's budget.

For those who care about fairness and America's working men and women, Mr. Speaker, the choice is clear.

THE RAILROAD STRIKE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the railway workers are on strike, and I do not blame them. How would you like to go three years without a pay raise? How would you like to have your seniority stripped away? How would you like to report to work and be told that you are reassigned 1,500 miles away next weekend?

And listen, if you raise your voice, listen to what you are told. You are told, "Look here, Buster, be thankful that you have a job."

The truth is, Mr. Speaker, the American worker is sick and tired of getting the shaft. Their wages have been cut, their benefits have been stripped, their pensions are underfunded, and in some cases they are even taken away, stolen.

□ 1010

Their jobs are shipped overseas, their families are fractured.

But, "Look here, Buster, don't complain, be thankful you have a job."

Ladies and gentlemen, the American workers have but one weapon, and that is to strike, and it is a shame they have to strike, but it is up to labor. Since the air traffic controllers, if organized labor lets the railway workers go down the chute, then there is no one left to help these workers but labor unions.

I am hoping Congress addresses the issues and gives some fairness to the American workers. They sure deserve it.

INTRODUCTION OF BUDGET SIMPLIFICATION AND REFORM ACT

(Mrs. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. PATTERSON. Mr. Speaker, once again we in Congress find ourselves standing at the entrance of the budget maze. We have tough battles to fight and difficult decisions to make as we work our way through the twists and turns, toward the goal of achieving a fair and adequate budget solution.

Today, I am introducing the Budget Simplification and Reform Act. This bill attempts to bring some sanity to the Federal budget process. It is my hope that this bipartisan approach will help make our budget process simpler, stronger, and more honest.

Among the ideas included in the bill are limitations on continuing resolutions, an expedited rescission process, and the elimination of the current services baseline. It would also amend congressional budget procedures to provide for a biennial budget and a binding budget resolution.

Under BSRA, all provisions of appropriations bills that benefit 10 or fewer beneficiaries would have to be disclosed. In addition, it would require that both the President and the Congress identify funding sources for any additional Federal spending.

I ask that my colleagues consider this legislation as we work toward reaching an equitable budget solution.

CONGRESSIONAL SUPPORT FOR RECOMMENDATIONS OF KNIGHT COMMISSION ON INTERCOLLEGIATE ATHLETICS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I am sure many of us were enthralled with the NCAA basketball championships. We had the opportunity to watch some very talented men and women play some superb basketball. Now that March madness is over we should do more than cheer for the young men and women athletes at our colleges and universities. May is fast approaching and that brings reality and graduation.

Recently, we have received a copy of "Keeping Faith With the Student-Athlete/a New Model for Intercollegiate Athletics." This report was published by the Knight Foundation Commission on Intercollegiate Athletics. The report focused on the abuses in the college athletic system and the commission devised principles that could correct the situation.

My district is the home of basketball. Just about a year ago, Dr. Edward Steitz passed away and he was commonly referred to as Mr. Basketball. Dr. Steitz was concerned and outspoken about the need for reform in college athletics. If he was here today, I know he would be in support of the Knight commission. Dr. Steitz was the athletic director of Springfield College and Springfield College is an excellent example of college with a strong athletic program that does not sacrifice the integrity of its academic program.

The report by the Knight commission sets forth principles that colleges and universities should follow. I have introduced a concurrent resolution that expresses the sense that Congress supports the recommendations of the Knight commission.

This will send a message to our athletes that we are concerned about them as individuals. In addition, it will tell universities and colleges that it is time to make a change. I urge you to support House Concurrent Resolution 119. Let us take action before the academic integrity of our universities is sacrificed.

UNITED STATES MUST NOT STAND BY WHILE INTERNATIONAL OUTLAWS COMMIT GENOCIDE

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, the world continues to witness Saddam Hussein's annihilation of the Kurdish people. What he has failed to achieve by gassing and bombing, he now tries to accomplish by mass starvation and freezing. No less than 1,000 innocent refugees are dying in the mountains each day. Many, maybe most, of these victims are children under 5 years old.

If the new world order means anything, it is that the United States will not stand by while international outlaws commit genocide.

After urging the Iraqi people to rise up, our President has finally stood up for them. He is to be congratulated for his decision yesterday to provide greater relief and safety to Kurds in northern Iraq.

But our efforts to bring peace to Iraq will not end in a month. Nor will they stop at the 36th parallel. Peace will only come once the Kurds and Shiites can return home without the threat of massacre. And peace will only come once these persecuted peoples have a say in how their country is run.

Mr. Speaker, as the moral leader of the free world, the United States should immediately place before the United Nations a resolution demanding that sanctions against Iraq will not be lifted until the Iraqi people have food, safety, and free elections. That is what our soldiers fought for, that is what the people of Iraq deserve, and that is what it takes to bring real peace and stability to this region.

IN SUPPORT OF THE BRADY BILL

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, today I rise in support of the second amendment rights, my right, our right to bear arms. I do this with a great deal of thought and concern and have looked at two differing bills. One is the Brady bill, the other is the Staggers bill.

I will support the Brady bill because it does not infringe on my ability to bear arms and to hunt. I did hunt in northern Indiana, growing up, and I want to protect those rights.

But as we debate the budget today, as we debate the budget impact of a bill that might require us to have automatic and immediate control on computers overlooking into people's background, I am not sure we can afford it, timewise or budgetwise.

Also, my constituents sent me here not just to look over the budget and spend our money wisely and prudently, but also for public purposes, not special interests.

Finally, Mr. Speaker, my State, Indiana, has adopted the 7-day waiting period that the Brady bill has recommended. This is a commonsense approach that would provide a consistent State law from one State to the other, which Indiana has already had the consistency and commonsense approach to adopt.

INVESTIGATION INTO THE ADMINISTRATION AND ENFORCEMENT OF U.S. EXPORT CONTROL PROGRAMS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, my oversight subcommittee is conducting an investigation into the administration and enforcement of U.S. export control programs. As part of this review, the subcommittee is examining the enforcement activities of the U.S. Customs Service and the Department of the Treasury's Office of Foreign Assets Control [OFAC], which administers trade and financial sanctions against selected foreign countries. The subcommittee will begin hearings on this issue on April 18, 1991.

Last week, OFAC revealed the names of 89 businesses and individuals determined to be agents and front companies in Iraq's arms procurement and financial network. The action taken by OFAC puts the world on notice that when they deal with those designated nationals, they deal with Saddam. The OFAC list will also assist the allied nations in discovering hidden wealth that could be used to pay part of Iraq's war reparations.

The subcommittee's investigation hopes to shed light on who is acquiring sophisticated technology, machinery, weapons, and other dangerous materials, how potential adversaries are able to circumvent U.S. export control laws, and whether improvements can be made to strengthen U.S. export control systems.

We, the United States, sell voluminously. We screen very carelessly.

Mr. Speaker, we have got to change our priorities.

EXTENDING THE APPRECIATION OF CONGRESS TO ALL AMERICAN INDIAN VETERANS FOR THEIR SERVICE IN THE ARMED FORCES

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs and the Committee on Armed Services be discharged from further consideration of the Senate concurrent resolution, S. Con. Res. 22, extending the appreciatiion of Congress to all American Indian veterans for their service in the armed forces of the United States, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

Mr. RHODES. Mr. Speaker, reserving the right to object, I do so in order to yield to the gentleman from California [Mr. MILLER] so that he may explain the purpose of the Senate concurrent resolution.

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to bring before the House today this resolution extending the appreciation of Congress to all American Indian veterans for their service in the armed forces of the United States.

American Indians have contributed to all phases of American life, but among their more striking contributions are in the defense of this country. Native Americans have fought in unusually high numbers in every major war in this country's history. Ironically, they were not even made citizens of the United States until 1924.

From the early days of the Revolution to raising the flag at Iwo Jima, American Indians have performed their duties with valor and commitment.

In Operation Desert Storm, American Indians again answered the call. Again they came out in great numbers and some gave their lives to the struggle.

We must remember their courage, sacrifice, and contributions. They are the pride of the Indian nations and great defenders of this Nation.

Mr. Speaker, this resolution extends the appreciation of the Congress to all American Indian veterans. Their contributions and sacrifices have helped preserve democracy and the integrity of this country.

I urge my colleagues to support this resolution.

Mr. KYL. Mr. Speaker, I rise in support of Senate Concurrent Resolution 22, and I wish to join all my colleagues today in commending all American Indian veterans who served in Operations Desert Shield and Desert Storm.

Mr. Speaker, one of the very first casualties of the war was a member of the San Carlos Apache Tribe from my congressional district in Arizona. Pfc. Michael Noline died on January

26 in a collision of two armored vehicles after a combat raid near the Kuwait border. He made the ultimate sacrifice for freedom on that day, a sacrifice this Nation will never forget.

That Private Noline and hundreds of other Indian Americans including Navajo, Hopi, Apache and Pima, served with honor and distinction in the gulf comes as no surprise, for Indian Americans have a long history of serving so ably in defense of this Nation. One of the most notable contributions came during World War II when, using their native Navajo language, the Navajo Code Talkers helped secure communications during war effort. The Navajo language code was never broken, no doubt helping lead the United States to a successful conclusion of that war.

Let us never forget the contributions and sacrifices of our Indian veterans—and all veterans—who served so ably in this most recent conflict, and other conflicts, abroad.

With the passage of this resolution, we say thank you to those who served, to their families, and to the communities that raised them. We are proud of every one of you.

Mr. RHODES. Mr. Speaker, the minority concurs in the Senate concurrent resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 22

Whereas, American Indians, of various Indian tribes across the nation, have a long, proud and distinguished tradition of service in the Armed Forces of the United States;

Whereas, American Indians have historically served in the Armed Forces of the United States in numbers which far exceed their representation in the population of the United States;

Whereas, American Indians have lost their lives in the service of their nation, and in the cause of peace, including Operations Desert Storm and Desert Shield; and

Whereas, American Indians currently deployed in the Persian Gulf have continued this proud and courageous tradition of service in the Armed Forces of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. APPRECIATION.

The Congress expresses its appreciation to:

(1) all American Indian veterans for their long, proud, and distinguished tradition of service in the Armed Forces of the United States;

(2) all American Indian service men and women currently or heretofore deployed in the Persian Gulf region as part of Operations Desert Shield and Desert Storm; and

(3) the families of American Indian service men and women and members of Indian tribes nationwide who have supported their loved ones through traditional ceremonies and have prayed for the safety and continued strength of all American forces and Allied partners.

SEC. 2. CONDOLENCES.

The Congress expresses its condolences to the families whose loved ones have made the ultimate sacrifice in the service of their nation and in the cause of peace.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

□ 1020

REASONS TO OPPOSE H.R. 5

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the American economy, like the American railroad system, seems to be sputtering and almost grinding to a halt, and, when we look at the Federal deficit this year, $350 billion in deficit, we know we have got some serious economic challenges ahead of us.

Mr. Speaker, one thing we cannot do is to ensure that we have a sputtering economy and that our economy begins to grind to a halt like our railroads and other sectors of the economy, and, if we change the work rules so that employees have an incentive to strike, we are going to see strikes like we now see in the railroads spread throughout our economy.

The United States of America cannot, cannot, afford to see our economy go down like this. I am asking my colleagues to join me in opposing the H.R. 5 which would change the work rules and give an incentive to American workers throughout the United States to strike and bring down the American economy.

CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1992

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 123 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, House Concurrent Resolution 121.

□ 1022

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 121) revising the congressional budget for the U.S. Government for the fiscal year 1991 and setting forth the congressional budget for the U.S. Government for the fiscal years 1992, 1993, 1994, 1995, and 1996, with Mr. GRAY in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, April 16, 1991, all time for general debate had expired.

Pursuant to the rule, the concurrent resolution is considered as having been read for amendment under the 5-minute rule.

The text of House Concurrent Resolution 121 is as follows:

H. CON. RES. 121

Resolved by the House of Representatives (the Senate concurring), That the budget for fiscal year 1991 is revised and replaced, the budget for fiscal year 1992 is established, and the appropriate budgetary levels for fiscal years 1993, 1994, 1995, and 1996 are hereby set forth.

RECOMMENDED LEVELS AND AMOUNTS

SEC. 2. (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1990, October 1, 1991, October 1, 1992, October 1, 1993, October 1, 1994, and October 1, 1995:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $793,000,000,000.

Fiscal year 1992: $850,400,000,000.

Fiscal year 1993: $909,800,000,000.

Fiscal year 1994: $966,300,000,000.

Fiscal year 1995: $1,025,700,000,000.

Fiscal year 1996: $1,079,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1991: $0.

Fiscal year 1992: $0.

Fiscal year 1993: $0.

Fiscal year 1994: $0.

Fiscal year 1995: $0.

Fiscal year 1996: $0.

and the amounts for Federal Insurance Contributions Act revenues for hopsital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1991: $74,100,000,000.

Fiscal year 1992: $82,100,000,000.

Fiscal year 1993: $88,600,000,000.

Fiscal year 1994: $94,400,000,000.

Fiscal year 1995: $100,600,000,000.

Fiscal year 1996: $107,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,187,500,000,000.

Fiscal year 1992: $1,269,400,000,000.

Fiscal year 1993: $1,272,600,000,000.

Fiscal year 1994: $1,300,900,000,000.

Fiscal year 1995: $1,341,600,000,000.

Fiscal year 1996: $1,407,300,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $1,155,200,000,000.

Fiscal year 1992: $1,212,500,000,000.

Fiscal year 1993: $1,212,100,000,000.

Fiscal year 1994: $1,234,400,000,000.

Fiscal year 1995: $1.209,100,000,000.

Fiscal year 1996: $1,276,900,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1991: $362,200,000,000.

Fiscal year 1992: $362,100,000,000.

Fiscal year 1993: $302,300,000,000.

Fiscal year 1994: $268,100,000,000.

Fiscal year 1995: $183,400,000,000.

Fiscal year 1996: $197,100,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1991: $3,567,200,000,000.

Fiscal year 1992: $3,993,300,000,000.

Fiscal year 1993: $4,364,300,000,000.

Fiscal year 1994: $4,707,700,000,000.

Fiscal year 1995: $4,966,900,000,000.

Fiscal year 1996: $5,237,700,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1990, October 1, 1991, October 1, 1992, October 1, 1993, October 1, 1994, and October 1, 1995, are as follows:

Fiscal year 1991:

(A) New direct loan obligations, $18,100,000,000.

(B) New primary loan guarantee commitments, $109,900,000,000.

Fiscal year 1992:

(A) New direct loan obligations, $15,400,000,000.

(B) New primary loan guarantee commitments, $114,200,000,000.

Fiscal year 1993:

(A) New direct loan obligations, $15,600,000,000.

(B) New primary loan guarantee commitments, $118,000,000,000.

Fiscal year 1994:

(A) New direct loan obligations, $15,500,000,000.

(B) New primary loan guarantee commitments, $121,400,000,000.

Fiscal year 1995:

(A) New direct loan obligations, $15,600,000,000.

(B) New primary loan guarantee commitments, $125,600,000,000.

Fiscal year 1996:

(A) New direct loan obligations, $14,900,000,000.

(B) New primary loan guarantee commitments, $127,300,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new primary loan guarantee commitments for fiscal years 1991 through 1996 for each major functional category are:

(1) National Defense (050):

Fiscal year 1991:

(A) New budget authority, $289,100,000,000.

(B) Outlays, $297,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $290,800,000,000.

(B) Outlays, $295,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $290,900,000,000.

(B) Outlays, $292,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $327,800,000,000.

(B) Outlays, $320,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $341,900,000,000.

(B) Outlays, $333,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $356,600,000,000.

(B) Outlays, $346,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1991:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $1,600,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

Fiscal year 1992:

(A) New budget authority, $21,900,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

Fiscal year 1993:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $7,200,000,000.

Fiscal year 1994:

(A) New budget authority, $20,900,000,000.

(B) Outlays, $18,400,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $7,500,000,000.

Fiscal year 1995:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $19,400,000,000.

(C) New direct loan obligations, $1,900,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

Fiscal year 1996:

(A) New budget authority, $22,600,000,000.

(B) Outlays, $20,000,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $8,100,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1991:

(A) New budget authority, $16,500,000,000.

(B) Outlays, $15,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $17,700,000,000.

(B) Outlays, $16,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $18,600,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $18,500,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $19,200,000,000.

(B) Outlays, $18,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,000,000,000.

(B) Outlays, $19,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1991:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $3,100,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1992:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1993:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $5,900,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1994:

(A) New budget authority, $6,500,000,000.

(B) Outlays, $5,800,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1995:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $4,900,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1996:

(A) New budget authority, $6,500,000,000.

(B) Outlays, $4,900,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1991:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $18,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $19,500,000,000.

(B) Outlays, $19,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $20,500,000,000.

(B) Outlays, $20,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $22,500,000,000.

(B) Outlays, $21,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $23,500,000,000.

(B) Outlays, $22,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $24,400,000,000.

(B) Outlays, $23,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1991:

(A) New budget authority, $20,000,000,000.

(B) Outlays, $15,400,000,000.

(C) New direct loan obligations, $7,600,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

Fiscal year 1992:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $17,000,000,000.

(C) New direct loan obligations, $7,500,000,000.

(D) New primary loan guarantee commitments, $8,200,000,000.

Fiscal year 1993:

(A) New budget authority, $19,000,000,000.

(B) Outlays, $15,500,000,000.

(C) New direct loan obligations, $7,300,000,000.

(D) New primary loan guarantee commitments, $7,600,000,000.

Fiscal year 1994:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $14,500,000,000.

(C) New direct loan obligations, $7,100,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

Fiscal year 1995:

(A) New budget authority, $18,400,000,000.

(B) Outlays, $13,600,000,000.

(C) New direct loan obligations, $6,800,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

Fiscal year 1996:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $6,500,000,000.

(D) New primary loan guarantee commitments, $5,600,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1991:

(A) New budget authority, $97,900,000,000.

(B) Outlays, $112,400,000,000.

(C) New direct loan obligations, $4,900,000,000.

(D) New primary loan guarantee commitments, $64,700,000,000.

Fiscal year 1992:

(A) New budget authority, $105,700,000,000.

(B) Outlays, $104,700,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $66,600,000,000.

Fiscal year 1993:

(A) New budget authority, $57,300,000,000.

(B) Outlays, $53,600,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $69,200,000,000.

Fiscal year 1994:

(A) New budget authority, $39,100,000,000.

(B) Outlays, $30,700,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $71,800,000,000.

Fiscal year 1995:

(A) New budget authority, $21,600,000,000.

(B) Outlays, −$41,400,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $74,500,000,000.

Fiscal year 1996:

(A) New budget authority, $18,500,000,000.

(B) Outlays, −$37,700,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $77,300,000,000.

(8) Transportation (400):

Fiscal year 1991:

(A) New budget authority, $31,200,000,000.

(B) Outlays, $31,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $34,700,000,000.

(B) Outlays, $33,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $37,800,000,000.

(B) Outlays, $35,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $40,500,000,000.

(B) Outlays, $36,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $43,500,000,000.

(B) Outlays, $38,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $46,800,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1991:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $7,700,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1992:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $6,700,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1993:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $6,400,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1994:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $6,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1995:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $6,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $7,400,000,000.

(B) Outlays, $6,800,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1991:

(A) New budget authority, $44,200,000,000.

(B) Outlays, $43,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $12,500,000,000.

Fiscal year 1992:

(A) New budget authority, $50,600,000,000.

(B) Outlays, $47,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,200,000,000.

Fiscal year 1993:

(A) New budget authority, $51,600,000,000.

(B) Outlays, $49,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,300,000,000.

Fiscal year 1994:

(A) New budget authority, $50,300,000,000.

(B) Outlays, $49,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,600,000,000.

Fiscal year 1995:

(A) New budget authority, $51,700,000,000.

(B) Outlays, $50,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $14,000,000,000.

Fiscal year 1996:

(A) New budget authority, $53,600,000,000.

(B) Outlays, $47,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $14,300,000,000.

(11) Health (550):

Fiscal year 1991:

(A) New budget authority, $73,100,000,000.

(B) Outlays, $71,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1992:

(A) New budget authority, $83,100,000,000.

(B) Outlays, $83,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1993:

(A) New budget authority, $93,000,000,000.

(B) Outlays, $92,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1994:

(A) New budget authority, $102,700,000,000.

(B) Outlays, $101,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1995:

(A) New budget authority, $113,500,000,000.

(B) Outlays, $112,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1996:

(A) New budget authority, $126,000,000,000.

(B) Outlays, $124,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(12) Medicare (570):

Fiscal year 1991:

(A) New budget authority, $105,700,000,000.

(B) Outlays, $104,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $120,100,000,000.

(B) Outlays, $116,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $131,500,000,000.

(B) Outlays, $128,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $145,700,000,000.

(B) Outlays, $142,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $162,200,000,000.

(B) Outlays, $157,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $181,400,000,000.

(B) Outlays, $176,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1991:

(A) New budget authority, $210,900,000,000.

(B) Outlays, $169,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $221,900,000,000.

(B) Outlays, $180,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $230,300,000,000.

(B) Outlays, $188,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $240,400,000,000.

(B) Outlays, $199,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $253,900,000,000.

(B) Outlays, $209,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $266,900,000,000.

(B) Outlays, $219,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1991:

(A) New budget authority, $2,300,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $8,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,500,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $9,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $10,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $8,400,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1991:

(A) New budget authority, $32,200,000,000.

(B) Outlays, $31,200,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $16,000,000,000.

Fiscal year 1992:

(A) New budget authority, $34,400,000,000.

(B) Outlays, $34,000,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $18,200,000,000.

Fiscal year 1993:

(A) New budget authority, $35,700,000,000.

(B) Outlays, $35,900,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $19,800,000,000.

Fiscal year 1994:

(A) New budget authority, $36,800,000,000.

(B) Outlays, $38,200,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $19,700,000,000.

Fiscal year 1995:

(A) New budget authority, $38,100,000,000.

(B) Outlays, $37,900,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $20,500,000,000.

Fiscal year 1996:

(A) New budget authority, $39,100,000,000.

(B) Outlays, $37,600,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $21,300,000,000.

(16) Administration of Justice (750):

Fiscal year 1991:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $14,300,000,000.

(B) Outlays, $14,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $15,000,000,000.

(B) Outlays, $15,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $15,000,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $15,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $16,400,000,000.

(B) Outlays, $16,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1991:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $11,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $11,900,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $15,000,000,000.

(B) Outlays, $14,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $15,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $16,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1991:

(A) New budget authority, $219,700,000,000.

(B) Outlays, $219,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $235,400,000,000.

(B) Outlays, $235,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $253,000,000,000.

(B) Outlays, $253,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $268,800,000,000.

(B) Outlays, $268,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $280,400,000,000.

(B) Outlays, $280,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $292,500,000,000.

(B) Outlays, $292,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1991:

(A) New budget authority, −$300,000,000.

(B) Outlays, $800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $0.

(B) Outlays, −$2,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $0.

(B) Outlays, −$1,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $0.

(B) Outlays, −$800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $0.

(B) Outlays, −$1,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $0.

(B) Outlays, −$1,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1991:

(A) New budget authority, −$33,700,000,000.

(B) Outlays, −$33,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, −$32,900,000,000.

(B) Outlays, −$32,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, −$35,400,000,000.

(B) Outlays, −$36,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, −$80,900,000,000.

(B) Outlays, −$76,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$100,500,000,000.

(B) Outlays, −$94,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$111,000,000,000.

(B) Outlays, −$100,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

The CHAIRMAN. No amendments are in order except the amendments printed in House Report 102-33, which shall be considered in the order and manner specified in the report, shall be considered as having been read, shall not be subject to amendment or to a demand for a division of the question, and shall be in order even if amending portions of the concurrent resolution already changed by amendment. If more than one amendment in the nature of a substitute is adopted, only the last amendment adopted shall be considered as having been finally adopted in the Committee of the Whole and reported back to the House.

It is also in order to consider any amendment provided for in section 305(a)(5) of the Congressional Budget Act of 1974 necessary to achieve mathematical consistency.

PERFECTING AMENDMENT OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FORD of Michigan:

Section 2(b) is amended by reducing in fiscal year 1992 the appropriate levels of budget authority and budget outlays as set forth below:

(1) Functional category (300):

(A) New budget authority, $100,000,000.

(b) Outlays, $100,000,000.

(2) Functional category (400):

(A) New budget authority, $100,000,000.

(B) Outlays, no change.

(3) Functional category (750):

(A) New budget authority, $100,000,000.

(B) Outlays, no change.

(4) Functional category (800);

(A) New budget authority, $100,000,000.

(b) Outlays, $100,000,000.

Section 2(b) is amended by increasing in fiscal year 1992 the appropriate levels of budget authority and budget outlays as set forth below;

(1) Functional category (500)

(A) New budget authority, $400,000,000.

(b) Outlays, $200,000,000.

The CHAIRMAN. Under the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Is the gentleman from Ohio [Mr. GRADISON] opposed to the amendment?

Mr. GRADISON. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio [Mr. GRADISON] will be recognized for 30 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment to increase budget authority and outlays for function 500 of the budget by $400 million and $200 million respectively and to reduce certain other budget functions by a corresponding amendment; in other words, to add nearly half a billion dollars to the money available to the Committee on Appropriations for education and to pay for that in the budget so that it is budget neutral by reducing other programs, none of which is reduced more than 1 percent.

Mr. Chairman, this amendment is in furtherance of what I have called sincerely this year the home front budget initiative, and we have been working on it since the early part of the year.

The amendment would target additional funding for education and related programs without jeopardizing any of the initiatives agreed to by the Committee on the Budget. Decisions made by the committee in nutrition, health, energy, security, transportation and infrastructure, the elderly, veterans, anticrime, antidrugs, rural poverty, the working poor, and the homeless and competitiveness would not be affected by the offsetting reductions in this amendment.

In a recent column in the Wall Street Journal written after our victory in the gulf, John Akers, the chief executive officer of IBM, Inc., wrote:

> As our focus shifts back to the home front, now is the time for an equal commitment to rescue our educational system.

Because of the constraints of the Budget Act, my amendment cannot reduce the defense budget. I want to repeat that. I have already had people say, "You're not taking money from defense for education; are you?" My answer to it is: I wish that I could, but under the rules I cannot do that, so the defense budget is in no way affected by this amendment.

Mr. Chairman, I cannot raise taxes to pay for the budget, although I am required to give my colleagues a budget neutral amendment, and that is why it is necessary to selectively reduce other programs to pay for it.

A truly equal commitment would mean that this administration would ask the Congress to declare a national education emergency and provide off-budget funding for our programs. That is what we did in the Middle East. We declared an emergency, and took it off budget, and we did not have to go through this exercise. A majority of us are not ready to scrap the Budget Act, so my amendment is the best we can do.

I want to reassure the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA], that I think that, given the constraints that they have operated under as a result of last year's budget agreement, they have done as well as anybody could expect. What this amendment seeks to do is not to criticize the actions of the Committee on the Budget; in fact we try to stay consistent with the Committee on the Budget. I should make it clear on the record that this amendment employs the same methodology as the Committee on the Budget in reducing noninitiative discretionary domestic funding by 1 percent in order to provide the $400 million.

Mr. Chairman, the protected initiatives that were set out by the Committee on the Budget are still protected in this amendment. In other words, in fuction 300, the 1 percent reduction does not apply to EPA operations, superfund, land acquisition through the land and water conservation fund. In function 400, the 1 percent reduction does not apply to aviation, Federal aid to highways, mass transit and Amtrak. In function 750, the 1 percent reduction does not apply to antidrug abuse programs, anticrime programs or the Legal Services Corporation. Finally, in function 800, the 1 percent reduction does not apply to the Internal Revenue Service.

With that in mind I believe the issue is simple. No other domestic priority is in my mind more important than education. Everybody talks a good game about how much we recognize the need to move, to move decisively, to move boldly, and to do it quickly, and this is the quickest way that we can respond to the cry that is across the country for us to show that we are willing to do something.

Tomorrow many of us have been invited to the White House to join the President when he will publicly announce what is indicated to us by the White House press as a major initiative in education, an indication that, as he turns now from problems in the world arena to the domestic problems of this country, he turns first for his attention to the focus on education, and we welcome that, and we are looking forward to working with him on it.

□ 1030

I believe that the Congress today, since the budget is before us, can, consistent with that thought, indicate that we believe education to be such an important priority in our country that we are willing to take a little bit away from a lot of discretionary programs and put this additional money in education. We must be fair to the Budget Committee. They had already increased the new money for education by about $2 billion, and this is on top of what they did.

This is an additional amount of new money. When I say it is new money, I mean it is not money we are going to print. It is permitting, under the budget, the Committee on Appropriations to decide the appropriate way to spend an additional $400 million on top of the new money that the gentleman from California [Mr. PANETTA] and the Budget Committee had already suggested in the budget resolution.

I hope that during this debate we will not get into arguments about which way is the best way to spend the money, because neither this amendment nor our action here can bind the Appropriation Committee. The Appropriations Committee will decide where within the function the money is going to be spent.

We are not operating in a vacuum. We have been in consultation with them. We have a pretty good idea where they think the immediate needs are, and where they are likely to do it. I have every confidence in the world that the House is going to be proud of the decisions made by the Appropriations Committee when they come back to us later this year with the appropriation to spend this money, if we make it possible for them to do it.

Obviously the Appropriations Committee will do their own job, but I am going to guess a little bit at some of the things they could do. It is possible to say, although we cannot say with any certainty exactly what they will do, that a $200 million increase in Chapter 1, which is compensatory education for early intervention in children's lives to bring them up to their peer group if they are running behind, will provide services for about 250,000 additional children. This is where you start to stop high school dropouts. You do not do that in high school. You do it in grade school. These are children at risk by everybody's standard. Every evaluation of Chapter 1 shows that these services narrow the skill gap between the children at the bottom of the scale and the rest of us, and that this is where we get the biggest payoff and the biggest bang for our buck.

Another $100 million for Head Start adds 25,000 preschoolers who can be better prepared for the world that they are going to find when they get to school. Children are being raised without a parent in the house during the day and without any preparation to go to school. I am happy to tell you that every evaluation that has been made for many years of Head Start indicates that we have never had a program of school preparation or anything related to education that has had the kind of payoff to the taxpayers that that program has provided.

Now, as little as $50 million invested to expand the TRIO Programs would offer hope of college education for about 75,000 minority high school students. And finally, adding about $50 million to the Job Corps could buy us 2,500 slots for disadvantaged kids who are hanging around on the street corner right now. Investments in the Job Corps have been found by many studies to return to us $1.46 for every Federal $1 that we spend.

The chairman of the Budget Committee, the gentleman from California [Mr. PANETTA], and the members of the Budget Committee are to be commended for taking a step in the right direction in the areas of education and training, identifying those areas among the Nation's most important priorities. Our amendment will allow us to make a slightly greater stride in preparing this country's children for the future, and clearly indicates that it is Congress' intent to join the President in making education our No. 1 domestic priority.

Mr. GRADISON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by my distinguished colleague, the gentleman from Michigan [Mr. FORD]. I want to talk about where we are in considering the funding for education in the fiscal year 1992 budget. No matter what number is proposed by the President, it is reasonable to expect that my friends on the other side of the aisle are going to outbid the administration, and that, of course, was not only predictible, it is exactly what happened. The curse of being President, when it comes to the budget, is that you go first.

That budget was laid on the table for all the world to see on February 4, and there has been plenty of time to look at it and see how to appear to one-up the President. The President, in putting a budget together, had to do something which the country needs but does not always sell here in the House of Representatives, and that is to have a comprehensive budget which has balance among all of the competing claims for funds. After all, this is a zero sum game under the new budget agreement.

Increases in one area obviously require cuts in another. I think it is interesting, therefore, as I listened to the presentation by my colleague, the gentleman from Michigan [Mr. FORD], that while he has said a great deal and very effectively, I might add, about what would be done with this money that he recommends be spent, he has said virtually nothing about where the cuts would come from.

Well, there are cuts, and there are dollar-for-dollar cuts to balance the increases which he has recommended. Those cuts are on top of cuts which the Democratic majority on the Budget Committee has already recommended to fund increases which they have proposed in education and in other areas.

Therefore, I would like to give some specific examples of where these cuts might come from. I listened very carefully to the description of the gentleman from Michigan [Mr. FORD] concerning some of the areas which would not be affected by the cuts within a certain function, but I would like to go further and point out from where these cuts might come.

Under function 300, the natural resources and environment function, there would be cuts in budget authority of $100 million. That could effect protection of endangered species, wetlands conservation and restoration, protection of wildlife refuges, reforestation, protection, and restoration of the Civil War battlefields.

Under function 400, there is an additional $100 million in cuts from budget authority. That, of course, is the transportation function. Programs not protected, that is, exposed and vulnerable to the cuts which the amendment offered by the gentleman from Michigan would require, include the search and rescue missions of the Coast Guard, drug-related missions of the Coast Guard, the Maritime Administration, NASA's aeronautics program, and the Northeast corridor improvement program.

And in addition to this, another $100 million is called for in cuts from function 750, the administration of justice function. Once again leaving out the things which would be protected under the proposal of the gentleman from Michigan, I note that programs which could be cut—and the cuts have to come from somewhere—include the Immigration and Naturalization Service, drug-related services of the FBI, the Customs Service, nonrelated activities of the Secret Service, and various court and judicial services. I do not know where these cuts that would come later would be made, but I know they are there and it is useful to recognize that fact.

My overall concern about much of the debate about funding for education goes back to the way in which the majority, in its report on the budget, has supported its increases. The focus is entirely on the money side, and I could not find a single word about education reform. Certainly to put more money into education sounds well and good, but to do that without pointing out areas which are indeed crying out for reform in the education system may not have the effect of increasing the quality of education, which, of course, is what we are after.

In my own community—and I say this with great sadness—my constituents have reached the point where they have for the first time in memory turned down the school levy necessary to keep our Cincinnati public schools operating.

☐ 1040

Why? As near as we can figure it out, it is a feeling on the part of the taxpayers of the city of Cincinnati School District that they are dissatisfied with the quality of education being offered by those schools. They are dissatisfied with what they perceive to be excessive administrative overhead in the running of our own system. In other words, they do not think they are getting their money's worth. As a result of this, they do not want to pump more money into what is admittedly a very troubled school system.

Mr. Chairman, I think we should listen to people who make these pleas. I just observe again, with a degree of sadness, that there is no mention, really none at all that I have heard, and certainly none that I have read in the committee report, about the need for educational reform as a quid pro quo, or at least a major element in the increased spending that is recommended here.

Mr. Chairman, I am not here to support the Democratic budget. That is not my role, nor should it be. But I think it is useful to make this point: That adoption of the Ford amendment amounts to repudiation of the Democratic budget proposal.

Mr. Chairman, we heard in the Committee on the Budget and have heard on the floor that the proposal which the Democratic majority on the Committee on the Budget put together and unanimously supported is the greatest thing since sliced bread. It was so perfect, they were not willing to consider any changes in it when we marked up that budget proposal in the Committee on the Budget.

Now, with the ink barely dry on the committee report, we have a proposal to move around an additional $400 million of budget authority and $200 million of outlays in what we were told is, if not a perfect, then an awfully good document.

Mr. Chairman, I will listen as this debate proceeds on the amendment of the gentleman from Michigan [Mr. FORD] with great care to see what the response is of my chairman, the gentleman from California [Mr. PANETTA], and others on the Committee on the Budget. Will they defend their budget here today, as they did yesterday, and as they did against proposals for change a week ago Tuesday when we took this up in committee, or are they just going to go along with this pressure for a change in order to keep some kind of peace?

Mr. FORD of Michigan. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. KILDEE], the chairman of the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor.

Mr. KILDEE. Mr. Chairman, I rise in strong support of the amendment by the gentleman from Michigan, [Mr. FORD].

Chairman FORD's amendment would add $400 million to the $2 billion already in the budget resolution for the Department of Education.

Mr. Chairman, I would also like to commend Chairman PANETTA for his tremendous work on this budget resolution.

Last year's budget agreement with the White House not only imposed strict caps on domestic spending, it also erected walls between the domestic, defense and foreign aid accounts, thus making it impossible to transfer funds to high priority programs such as education, Head Start and job training.

Under those tough conditions, Chairman PANETTA has all but worked a miracle to bring to this House a balanced, compassionate budget resolution which reverses the President's budget for working families and our children.

The Ford amendment builds on the excellent framework provided by the House Budget Committee's resolution.

Chairman FORD's amendment increases the Appropriations Committee's ability to provide significant funding for those programs which directly address the pressing needs of our Nation's children—education, Head Start, and job training.

Mr. Chairman, too often it seems we want to make our investments at the wrong end of the process.

We cannot find a cure for cancer or AIDS without educating the scientists and researchers who will work at our world-class labs.

We cannot design and build the roads, bridges, and airports without trained engineers and skilled workers.

We cannot build NASA's space station without the trained and educated people to design the blueprints, develop the new technology, and construct the station.

Yes, it is important to continue funding health research, infrastructure development, and science and technology.

But it is equally important to remember that we cannot make any long-term advances in these crucial areas without a well educated and trained work force—from the rocket scientists to construction workers.

Other countries understand the basic necessity of investing in education and training.

The elementary and secondary school systems in Germany and Japan are well-known for their ability to educate their students to a high level.

Our economic competitors place great emphasis on helping students make the transition from classroom to workplace.

As a result, their workers have among the highest literacy rates in the world.

Moreover, students from around the world come to study at our first-class universities and colleges.

They take back to their homelands the knowledge, the skills and the expertise to develop their Nation's industries, and run their business and governments.

One could say that one of America's major exports is our higher education system.

We must make sure that American children have at least as equal an opportunity as these foreign students to get a degree from our Nation's universities and colleges.

Mr. Chairman, America is already No. 1 in higher education—but many of our students are unable to go to college.

But keeping America No. 1 in higher education, and making us No. 1 worldwide in elementary and secondary education is not going to happen by just wishing it or by merely setting ambitious goals for our students, teachers and administrators, and it not going to happen by calling ourselves the education Congress or the education President.

It is going to take hard work—and money.

It is going to take cooperation—and money.

And it is going to take money invested in our children.

Our recent success in the Persian Gulf provided graphic evidence of our Nation's return on investment of almost $3 trillion in defense since 1981.

I would like to think that the $2 billion in the budget resolution—plus the $400 million added by the Ford amendment—represent this House's downpayment on a similar concerted investment in securing the future of our children.

I urge my colleagues to support the Ford amendment.

Mr. GRADISON. Mr. Chairman, I yield 9 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, we have two strong parties today and both are strong advocates of education. As former State senators, my good friend, DALE KILDEE and I, once wrote a school aid bill and served together on the Higher Education Committee in the State senate. I also served as chairman of the Committee on Community Colleges.

Mr. Chairman, the question before us is where do we put our scarce resources to improve the quality of education and be competitive in the year 2000?

President Bush has appointed, and the Senate has confirmed a new Secretary of Education, Lamar Alexander. As the Governor of Tennessee, he put through some major reforms in education working with the private sector, Al Shanker, and the teacher unions, to incorporate better pay for teachers and provide more State dollars for education. These reforms made Tennessee a national leader in the education of its children. That record is a matter of history today. The President will announce at the White House tomorrow approximately 46 new ideas with respect to education as his initiative to improve the quality of education in the United States.

As a former classroom teacher, a lot of this is not new. Some of these ideas have been around a long time. It seems that in education we like to recycle good ideas. But today we cannot afford to reinvent the wheel.

□ 1050

So we have to start with the dollars that are available. And I have to say at the outset that we have a national deficit that is unparalleled in American history, and if we are going to invest in our children I suggest that we be careful that we do not leave them with a legacy of financial debt that they cannot pay. The interest on the national debt this year is over $200 billion, right off the top of the general funding. The deficit is unparalleled, and as I have said, our children and our children's children are going to pay for that deficit.

I think we have to be very careful that we do not just add more dollars to existing education programs and put this country in peril and close to bankruptcy. I know we have the ability to print paper money here. My father brought me down here when I was 12 years old and we had a chance to visit the Treasury building and watch dollars being printed.

I think when States have to comply with the balanced budget amendments and the local governments are cutting budgets and Governors all over the country are cutting budgets, the Congress must accept its responsibility to address the deficit as well as spending programs. I hope that the Ford amendment and the President's initiatives tomorrow can be formulated into a compromise that takes the best ideas out of both those proposals. The compromise can be put into the appropriations mark by the Subcommittee on Labor, Health and Education, chaired by Chairman NATCHER, with myself as the ranking member on the Republican side. I think we can do that within the caps and within the limitations of the budget.

Governor Alexander and the President tomorrow are going to announce some new ideas. I have not seen the specifics. We met with the Secretary yesterday morning. We discussed the umbrella ideas. He is proposing four major areas of concentration to guide our schools toward the year 2000.

We need better and more accountable schools. We know that. There is no question I think on either side of the aisle in respect to accountability and quality of education. One of the programs that is being talked about is national testing. I have mixed feelings about national testing because a question arises as to who makes up the test, who sets the test for the students in the 50 States. Are they uniform? Can we make comparisons between Michigan, Ohio, Kentucky and other States? I am not so sure we can do that.

But be that as it may, we ought to at least have the capability through this legislation to look at those ideas. I do not think we should close that idea out, although I personally do have some reservations. I think that the principle of allowing local school systems, the elected schools boards, the faculties, and the parents, to determine the priorities of education over the years has been basically a sound principle, and I support that, and I think most of us do.

However, we acknowledge that we have some weak programs in the country that need to be supported both by the State and the Federal level. The President is going to discuss things like demonstration grants and new opportunities to work with the private sector and the inner city school system.

We have a new superintendent in the Detroit school system, a young woman, 41 years old, who thinks that we should have choice. Her definition of choice is to be able to move within the Detroit system from one school to another. A bill that has been introduced by a State senator in Michigan, Senator Dan DeGrow and Representative O'Neil from Saginaw, proposes that choice be made within the intermediate school district, that you can move from one to another within a given intermediate district. So I think we have to be careful when we discuss the question of choice as to whether we include it in the broad sense of public versus private education, tax tuition credits, vouchers, and the like. But nevertheless, the Secretary would like some demonstration grants to at least look at some of those ideas, particularly the inner city schools in which a lot of the black community is suggesting that we look at choice or alternatives to the existing system, where we have dropout rates of up to 50 percent. The children in the city of Detroit are dropping out of the school system in great numbers that is unacceptable, I am sure, to all Members of Congress and to this Nation.

In the area of research and development, I have looked at some studies in which we have compared our first grade students in math and science with Taiwan and Japan. In the first grade we do very well. At the end of the fifth grade U.S. students are last in those categories.

The point I want to make with this study and these facts is that the Taiwanese and the Japanese students are going to school 200 days a year. I am not sure that is a positive idea, but we ought to look at it. We ought to allow a school system willing to try it to fund a demonstration grant and give that school system an opportunity to look at what the results could be in a 200 day-a-year school system. The Japanese and the Taiwanese students were ahead of us at the end of the fifth grade, light years ahead of us, not because they are any smarter, they were just working harder.

So with the President tomorrow announcing his program, with Congressman FORD's ideas on existing programs which I fully support, like Head Start, Tech prep and some of the others, I think we can work out a compromise that will be good for education, good for our kids and good for America.

Mr. FORD of Michigan. Mr. Chairman, I yield myself 30 seconds. I want to thank the gentleman from Michigan for his support. His support of education has been consistent.

I do want to reassure him, however, I expect to be at the White House tomorrow as chairman of the Education and Labor Committee with an open ear and an open mind. I have heard all kinds of rumors, as has my colleague from Michigan, about what is likely to be in the announcement.

The one thing I can commit to in the presence of the House is that just because it comes from that side of the aisle or from the other end of the street does not mean it will not be treated fairly in our committee, and we will listen and pay attention. Sooner or later Members here will introduce the President's ideas in the form of legislation. As soon as we have specific things to look at, I can assure the gentleman that they will get our attention.

Mr. GRADISON. Mr. Chairman, I yield 5½ minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I have always supported education. I have been on the Appropriations subcommittee that funds education for 26 years. In fact, I have been one of the Members who has supported most of the programs in effect today before they were ever started.

But it is a mistake to take $100 million out of the Justice function where it has already been reduced to $500 million less than the President's request in the budget resolution. In order to support education for another $400 million, when it has already gotten a $2 billion increase, a good share of the $2 billion already came out of the Justice function.

Members should know what they are voting on when they vote to take $100 million out of the Justice function. The administration's budget request for the Justice function was $14.8 billion. The resolution before the House only carries $14.3 billion, $500 million less than the budget request by the President, and the administration request did not include a dime for the Juvenile Justice Program. That is $80 million, with very strong House support. We have virtually always put that $80 million back in some way or another.

So the Justice function under the resolution is $580 million below the level that it takes to support the administration's request after we also fund juvenile justice. Now this amendment would take another $100 million out of it. That is not what we should be doing today.

What the House would be doing by adopting this amendment and the resolution would be to adopt the same approach that was adopted year before last. The House came in here in April 1989 with a budget resolution that robbed the Justice Department, but had to come back in September and scrounge around to find the money to put these reductions back in. That is what the House would be going to get into this year if you vote for this, because it is not tolerable to slash funding for the Justice function, no matter what the money is shifted to.

□ 1100

Now, it is said that some programs are exempt under this amendment if they deal with crime and drugs. Well, 97 percent of the money in the Justice function is for agencies that deal in some way with crime and drugs. There is not much funding left to reduce with that is not in some way or another concerned with crime and drugs.

The reason the administration requested an increase in dollars for this function is because we must annualize some big programs that we funded or approved right here in the House last year and the year before. Prisons are now completed and need to be opened. We funded the construction the year before last. They need to be opened now.

We need to fund parole reform, 85 new judges, S&L investigations. Both sides of the aisle tried to outbid one another last year in putting more money in for S&L investigations. That is one reason. We need to annualize that.

Do we not want to hire the additional people to investigate and prosecute these cases? If you vote for this amendment, you are voting to cut S&L investigations. There is no doubt about it, and prosecutions, too.

But, even if we could some way find enough money in programs which do not affect crime or do not affect drugs, what would they be? Well, here are some of the things, the few things that are left: one is the Missing Children's Program. We would have to have at least a 10-percent, probably a 20-percent, cut across-the-board in these programs if we exempt everything that is not connected in an agency with crime or drugs.

Missing Children's Program, do we want to cut that 10 or 20 percent?

The Juvenile Justice Program, we would have to cut them clear out, $80 million. We will have enough trouble cutting other programs enough to fund it.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I am happy to yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, this is the second time you mentioned juvenile justice. I wish the gentleman would look at the report on page 31, and that is specifically exempted from this amendment, which is juvenile justice assistance.

Mr. SMITH of Iowa. All right.

Mr. FORD of Michigan. It is specifically exempted. You mentioned several programs.

Mr. SMITH of Iowa. No. That is juvenile justice assistance.

Mr. FORD of Michigan. Nothing gets cut more than 1 percent.

Mr. SMITH of Iowa. That is not true. It cannot possibly be true. There is no way that can be true.

Mr. FORD of Michigan. It is in writing, NEAL.

Mr. SMITH of Iowa. What is a few words in a report? That is just smoke and mirrors, and you know that. I am talking about the facts and the money, the dollars. There must be funds, not just words, to fund it. We can write anything in a report and say that it does something it does not do, but they cannot write a check based on a few words in a budget report.

Also, the Child Abuse Program, this House came in here last year and passed a new Child Abuse Program. We cannot fund it with this budget resolution, let alone taking another $100 million out of this function. Are you against Child Abuse Programs? If so, why did the House vote for it last year? Those who vote for this amendment are voting to cut Child Abuse Programs, no question about it.

Also involved are the Antitrust Division, the Civil Rights Division, Tax Division, Parole Commission. We need to do a lot of work in the parole area. The U.S. Trustees, Legal Services Corporation, Civil Rights Commission; if you support this across-the-board cut, you are supporting a cut in the Civil Rights Commission 10 to 20 percent below last year's level. They want an increase, but even level funding would not be possible under this amendment. Do you want to cut the Civil Rights Commission 10 to 20 percent below last year's level? Equal Employment Opportunity Commission. It would be slashed by this amendment too. These programs are just some of the programs you would cut if you vote to cut another $100 million out of the Justice function when the resolution before us has already taken $500 million out of this function in order to help with the increase of this other function by $2 billion.

I think Members should look at the facts here.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, after all this debate all I know is this: We have gone full cycle, Gramm-Latta, Gramm-Rudman, Gramm bankrupt.

My question is: What is next? Why does not Congress just simply take all the debt and deficits off budget? Why not? Like crooks, Congress has two sets of books.

Now, think about it. All we would have to do is give it a catchy new name. How about Gramm larceny? And then we would all have another 5 years.

I see these two great chairmen debating over here. Mr. Chairman, if you are going to stop crime, if you are going to stop poverty, you are going to have to start educating people. It is time that Congress sets up some priorities. That is our job.

The priorities of this country are so misdirected by our budgets that if we threw our budgets at the ground collectively they would probably miss.

The Ford amendment is an on-target amendment, and if we would listen to Chairman FORD we would do more.

Crime, poverty, narcotics, alcoholism, social deviance, these are not themselves the major problem. They are symptomatic of a greater problem, and if we do not have education, we do not have jobs, we do not have individual growth, and we are going to continue to have them and become a second-rate social nation.

I support the Ford amendment. Damn it, find some money somewhere else.

It is time we come up with some money for education, and it is time that instead of talking about being the education leaders, the President and the Congress and the Senate, why not come up with some money? Then maybe 700,000 high school students could graduate and be able to read, because right now there are 700,000 high school kids graduating that can't even read. Shame.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The time of the gentleman has expired.

The Chair would remind all Members that Members ought to be addressed in the third person, as the gentleman from a particular State, and not by first names. And the Chair would advise Members, in characterizing the acts of this body, to refer to the House rules for guidance. Those House rules have not been followed in recent statements.

Mr. GRADISON. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we are faced today with something similar to when you must choose between your children. What you try to do in those instances is be fair with your children, and the question today is fairness.

The gentleman from Iowa pointed out that while this amendment has merit, there are other programs that also have merit. It is the responsibility of a budget to make priority choices.

I am a strong supporter of "Chapter 1." I visited Chapter 1 Programs during the Easter recess, and likewise, of Head Start. Both serve a very worthy purpose.

However, I would urge the Committee on Education and Labor to take a look at the redtape that they have wound around the Chapter 1 Program. A lot more effective use of that money could be made if it were not for much of the redtape that is involved in Chapter 1. So let us address this problem rather than short other good programs today.

I want to point out that the Committee on the Budget, in dealing with natural resources—function 300—already took out $900 million below the President's request, whereas the same Committee on the Budget has added $2 billion to the education function above the President's request. They have been more than fair.

Let us recognize that there are many important functions of government. The Ford amendment would take $100 million out of function 300, a program vital to our Nation's future.

Now, what does that mean? That means reducing the America the Beautiful Program, that means reducing the EPA grants which our communities need, that means reduction in the number of wildlife refuges that we can fund, that means reductions in the Park Service, which are enjoyed by millions of Americans, that means reductions in fish and wildlife programs, that means reductions in our effort to protect endangered species, that means reductions in the soil conservation programs, that means reductions in the EPA program to deal with leaking underground water pollutant sources, and it means reductions in the underground storage program. It also, in the transportation function, means cuts in the Coast Guard which, of course, means that there will be less to deal with oil spills, to deal with response by the Coast Guard in prevention of spills, and in handling the problems of drug interdiction.

What I am saying here is, be careful. This is a vote that seemingly that you are doing something for education without penalizing any other needed program. Education has received an additional $2 billion, and I support that on the part of the Committee on the Budget, but let us not take an additional $100 million out of some very important and vital programs that have already suffered a reduction of $900 million below the President's request.

Some of the supporters of the point I am making, and in opposition to the amendment, are the Friends of the Earth, the Defenders of Wildlife, the National Parks and Conservation Association, the Wilderness Society, the Izaak Walton League, the Association of State Water Pollution Control Administrators.

Please keep in mind that we need to have fairness in the budget process, and we have to recognize that there are many different priorities, all of which are good.

Again, I would reiterate that we recognize the importance of education with a $2 billion increase, while at the same time we are reducing the conservation, the natural resource programs by $900 million.

Let us not take an additional hit of $100 million against natural resources, as this amendment would do. Weigh it carefully in terms of this Nation's priorities. I believe if you do, you will recognize that this amendment is not fair. It is not in the best interests of the overall equity in terms of budgeting.

□ 1110

Mr. FORD of Michigan. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER], a member of the Committee on Education and Labor.

Mr. ROEMER. Mr. Chairman, everybody who has spoken so far in this Chamber is exactly on the point. This amendment is about tough critical choices for our future.

I met 1 month ago with the director of correctional facilities in Indiana. I asked him why we are spending so much money on building prisons in Indiana, hundreds of millions of dollars. We are spending nationwide billions of dollars.

He said that the biggest indicator of how many prison cells we will need in the year 2015 is the number of at-risk children in the second grade.

Now, if we do not make some tough choices here today supporting education funding and Head Start programs and preparing our workers for the future through preparation in vocational educational programs, in targeted Job Corps programs, we are going to be spending more money on prisons. We are going to have a larger debt with the Japanese and the Germans and we are going to continue to have, as I have, only 35 percent of my students enrolled in Head Start programs, a program that works.

Finally, Mr. Chairman, yes, we are receptive to change and reform. We need some new ideas in our schools and we will be receptive to looking at some ideas, such as national testing and magnet schools, and so forth. We are not throwing money at this problem.

Mr. Chairman, I rise in strong support of the Ford amendment to increase funding for education, training, and related programs by $400 million. This amendment builds upon Chairman FORD's homefront budget initiative by increasing our commitment to education in the fiscal year 1992 budget resolution.

I commend the Budget Committee for its recommendation that education be increased by $2 billion, which is triple the increase proposed in the President's budget. However, I believe that we need to go further in increasing education spending.

Education must be a top domestic policy priority for the United States. Providing quality education is an investment in the future of our Nation. Numerous studies have shown that for every $1 spent on early childhood education programs, such as Head Start, the return on that investment is $6 in savings in terms of welfare costs, remedial education, crime, and other social problems.

Far too many of our youth continue to leave school without the fundamental skills to be productive in the workplace. If we fail to adequately educate these youth, we are foreclosing their opportunities to become productive members of society. Their hopes and futures turn into despair and failure. The costs to these youth are enormous in terms of lost opportunities and shattered dreams. The costs to society are enormous as well in terms of our economy and our ability to remain competitive.

We must ensure that America remains strong economically and able to meet the workplace challenges of the future. We as a nation must work to improve the future of our children. Increased funding for education is a sound investment in our Nation's children and our future.

Although I personally believe that we could go even further in investing in education, I strongly support the Ford amendment and I urge my colleagues to do the same.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK], a member of the committee.

Mrs. MINK. Mr. Chairman, I rise in very vigorous and strenuous support of the recommendation of our committee Chair here for additional funds in the educational function.

I have heard the debates this morning, critical of the suggestion that there would be individuals in this body willing to stand up and articulate the importance of education to the future of this country. This is what this debate is all about.

It is a question of determining where your priorities are. This is an investment in our future. It is not a funding for today or a look back to yesterday. This is an effort of this Congress to look to the future of this country. There is no better way to spend an additional $400 million than on the future of our country and our children. This investment will pay enormous dividends.

If we are concerned about crime, about drugs, and about all these other things that plague our Nation, it is an investment in our children, in education, to give them an opportunity to see that there is a chance for them in the future that is going to make a differnce.

I admit that we should stand here and congratulate the Budget Committee for coming up with $2 billion additional money for education beyond the budget, but this is only a paltry beginning. Think of it. We have over 12 million children in our country who come from poverty levels, and yet we are only able to accommodate a little over a third in a Head Start Program that everybody says is the most excellent program that ever has been put in place by the Congress in years past.

We can only fund it at 35 or 36 percent. This is really tragic. We have to only talk about full funding in the next 7 or 8 years. I would like to see full funding right now, but I am content to say that we must make progress in small steps, and I cannot describe this amendment that our chairman has offered as anything but a small step toward a future that is so essential.

Mr. FORD of Michigan. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in strong support of the Ford amendment.

Mr. Chairman, I yield to the gentleman from the Virgin Islands.

Mr. DE LUGO. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Michigan [Mr. FORD].

I would like to associate myself strongly with the remarks of the gentleman from Indiana [Mr. ROEMER] and the gentlewoman from Hawaii [Mrs. MINK].

Mr. Chairman, I am proud to make a statement today in support of the amendment offered by the gentleman from Michigan [Mr. FORD] to increase significantly the priority this Government places in education in this country by authorizing an additional $400 million and increasing outlays by an additional $200 million in the next fiscal year.

I salute the initiative Chairman FORD has taken on behalf of the tens of millions of people in this country who will benefit from the amendment he has offered. The Chairman's untiring commitment to this important legislation and his strong leadership in bringing it to the floor are remarkable, particularly in these times of budget constraints where we must operate under a virtual fiscal straightjacket. Chairman FORD recognizes—and is asking us to recognize—that every community, every city, every county, every State and territory has a stake in this important amendment. It is a solid commitment that will affect every family in America.

No domestic programs are more important than those that enhance and improve education. The future of the American people and the future of this great Nation, indeed the future of the global community, is dependent upon the education we endow to our young. For us to provide the quality of life we expect in America, for us to remain competitive with other nations, for us to share the American dream in this generation and for generations to come, we must ensure that our Nation's citizens have a solid foundation in learning.

Chairman FORD's amendment redoubles our support for a broad spectrum of programs, including health and nutrition, Head Start, training in science and math, student financial assistance, and vocational and adult education. History has shown that these programs really work and make a significant difference in the achievements of our Nation's students, from prekindergarten through postsecondary education.

These programs which Chairman FORD has identified are all crucial to successful learning in America today. They comprise a cornerstone of our democracy, for through knowledge comes freedom, in freedom comes strength, and in strength comes a more firm commitment to democracy.

I urge the Members to support this important amendment offered by Chairman FORD. It is an investment in the future of the American people and America itself.

Mr. FORD of Michigan. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we are talking about hard, tough decisions here today. We are talking about setting priorities so that we can invest in this great country, because right now 40 percent of the children who come to school for the first time as first graders are programmed to fail.

Mr. Chairman, the programs that we are crying about cutting are important, but they pale beside that statistic.

In the years since the Patriot missile was begun to be developed until it was used in the Persian Gulf, this country went from producing 70 percent of the world's consumer technology down to 5 percent.

We sent our Secretary of State around the world begging for funds to pay for that emergency. In another future conflict, we may be begging for the technology. We cannot afford to not invest in our children.

Mr. FORD of Michigan. Mr. Chairman, I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS], the chairman of the Subcommittee on Labor-Management Relations of the Committee on Education and Labor.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, during the past district work period, I circulated a proposal in the House that asked our Budget Committee to increase the amount for education, as the chairman of the full committee had supported, an amount four times greater than the increase upon which the Members will now be asked to vote. During that district work period, with Members out of town, in only 3 days I secured almost 100 signatures, in effect cosponsors, for a proposal 4 times greater than this. We know that the Members of this House, as do their constituents, strongly support appropriate funding for America's schools, America's children and college and university students.

The current deficit situation in the United States and the accounting principles inherent in the Gramm-Rudman law have created a situation which has made this Congress very much like the small town pharmacist who, because he does not have enough medicine in the back room to cure everyone in town, has decided he will cure no one. As a result, he puts just one drop of the curative in every little prescription bottle, and sends people on their way with a pat on the head, telling them to take two aspirin, swallow this taste of medicine and get a good night's sleep. That is what is happening in this country, and as a result have you noticed that we are curing nothing. The bridges are falling down. Some say the children are not being taught properly. The roads are not being repaired. We have trouble in space and all the rest.

Can't we decide to cure something in this country? Cannot this Congress provide enough attention and assistance to make a true difference in at least one important American institution—education?

□ 1120

That is what Chairman FORD's amendment is all about. If adopted, let me just tell you a couple of things it might do. If we put this additional $400 million here and the Committee on Appropriations decided to spend it on chapter 1, the 3 R's, it would bring an additional 420,000 students in America under chapter 1. If you will vote for this and the appropriators will decide to put it into Head Start, it will bring 130,000 American poor children into Head Start. That will mean only 70 percent of the poor children in this country are not receiving Head Start services instead of 80 percent not served as it is this morning.

If we decide to put this money into Pell grants, it will mean that your sons and daughters will have a $200 increase in their Pell grant money to help them pay those high tuitions and fees. But more important, it will mean that 200,000 more students become eligible for Pell grants in the United States, almost a quarter of a million new students being assisted if this money is used for Pell grants.

Let us be the pharmacist who cures ills in the United States, let us vote for the Ford amendment and do something positive for the schools and for education in this country.

Mr. GRADISON. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DANNEMEYER], a member of the Committee on the Budget.

Mr. DANNEMEYER. I thank my chairman for yielding.

Mr. Chairman, it is time that we begin to improve public education in America. We will do so when we present to the States a constitutional amendment that will reinstitute voluntary prayer in public schools. The denial of this practice came to us in 1962, and ever since, this Nation has been adrift in how we are going to educate our children.

There are twin goals in public education, education of competence and education of conscience.

Education of conscience principally belongs in the home and in the religious community of the family. But it also belongs in our public schools in order for us to teach our kids that there is a God in Heaven who created this world and everything in it and in order to have discipline in the classroom which establishes an environment for learning.

I am sad to say that in my work on the Committee on the Judiciary in the last 6 years in this House, the committee has bottled up the constitutional amendment and never brought it to the floor for a vote.

I hope in this Congress we can bring it to a vote on the floor of the House so that Members can explain to their constituents where they stand on this fundamental reform that is needed if we seriously intend to improve public education in the United States.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget.

Mr. PANETTA. Mr. Chairman, as has been pointed out here by Chairman FORD and others who have addressed this issue, the Budget Committee gave a great deal of thought and discussion to the issue of education and Head Start and the need to make investments in our children, in our society. There is little doubt that if this Nation is going to become competitive in the future, we simply have to put more resources in these areas. And, in fact, education funding was the No. 1 priority in the committee budget that we present to the House. We tripled the increase that the President suggested to some $2 billion. We also put $350 million more into Head Start, putting it on a track toward full funding.

So I believe the committee did a good job in this area. But I also recognize and sympathize with those who want to put additional resources into it. I guess if there are additional resources to be put into an area, children should be our No. 1 priority.

Since this amendment does do it in a way that is deficit-neutral and takes it from the nonpriority areas, I am not opposed to it.

This week the President is going to announce an education initiative. His concerns are worthy concerns, and we should listen to them. But the test of any commitment to education is not just words, it is action. I think the committee recommendation and the Ford amendment will show that the House, when it comes to education, is ready to make this issue its No. 1 priority, not just in words but in actions as well.

Mr. GRADISON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to sum up in this way: I think it is perfectly clear from the debate itself and from the comments just made by the chairman of the Committee on the Budget, that education is already funded in the budget resolution before us well above current levels. What bothers me about the debate on this issue more than anything else is that I do not sense that it is focusing on the need for real change in the schools. In my judgment, this amendment is not focusing on the need for real change in the schools. One listening to this debate might get the impression that it is only money that matters. And that simply is not true.

What can make a difference is added funding for some carefully designed research, incentives, and service programs to help States and localities reform and revitalize our education system and move that system and our children more rapidly toward achievement of our national education goals.

Mr. Chairman, this is not a free vote. It involves making choices. As debate has already brought out, it involves a choice between education and the environment. We have already heard from the gentleman from Ohio [Mr. REGULA] a listing of six national organizations interested in the environment who are opposed, and indeed they have sent us a letter opposing the Ford amendment.

This amendment involves a choice between education and child abuse funds, as has been pointed out quite forcefully on this floor a little while earlier by the gentleman from Iowa [Mr. SMITH], a member of the Committee on Appropriations.

This amendment involves a choice between education and drug programs.

Mr. Chairman, whether you like the President's version, or you like the version brought here by the Committee on the Budget, they are at least balanced packages.

Mr. Chairman, I urge a "no" vote on the Ford amendment.

Mr. FORD of Michigan. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise to support the Ford amendment. The engine which pulls America is education. If you look at the host of problems we confront today, that is going to be a long uphill road. We need more investment in education.

There has been a change since I was younger, looking to go off to college. That change in America is increasingly less affordable for working Americans, and we need to do more to invest in that affordability, that accessibility.

The Ford amendment will do that. It will give us a strong, powerful engine that will help pull us forward.

We talk about problems, we talk about problems in the environment, talk about problems in health care, but really the solution to those problems begins and ends with education.

Mr. Chairman, this is an appropriate, important, crucial amendment which should be supported by all Members of the Congress. I applaud its author, and I hope all Members will join in supporting this amendment.

Mr. FORD of Michigan. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in strong support of the Ford amendment.

Mr. Chairman, it is time to turn all this rhetoric into results. Let us support it strongly.

Mr. FORD of Michigan. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to close with one simple observation. Mr. GRADISON has proceeded as a gentleman, but his presentation has been a little bit misleading. This debate and this action was about the budget, and the budget is about money. Whether or not we adopt legislation that can be called the education reform will be done by the committees of the House and the Senate in the normal authorization process.

☐ 1130

Mr. Chairman, that is not what we are doing here today. We are simply deciding how much money the Committee on Appropriations can spend in each of the functions of the budget, and what we have done is very carefully preserved the priorities that the Committee on the Budget set up by not touching those programs and taking a small amount, no more than 1 percent, from any program, from other budget functions, and I can understand when the chairman of the Committee on the Budget, the subcommittee chairman of the Committee on the Budget, see money being taken from their functions and being put in another chairman's function and that they might not like that, and I regret the fact that I have gotten between friends of many years' standing.

However, Mr. Chairman, I want to tell my colleagues something. I am willing to take anybody on on this issue because I believe the American people have heard all the rhetoric they want about how much we want to do for their children. They are waiting back there saying, "All right; put up or shut up."

This is a chance to put up or shut up. I say to my colleagues, "Don't claim you're for education if you can't vote for it when it comes to the hard, tough choices of putting your money where your mouth is."

Mr. PENNY. Mr. Chairman, I rise in support of the amendment offered by Congressman FORD to increase spending for education and training programs by $400 million next fiscal year. The additional spending provided by this amendment will result in significant increases for several education programs so vital to our children's well-being and to our Nation's future productivity: the Chapter 1 Compensatory Education Program, Head Start, college student financial assistance, math and science education, and others.

Passage of this amendment will mean that tens of thousands of students will have access to these successful programs. Furthermore, passage of this amendment adheres to the desire of so many of us for full funding of these cost-effective education and training programs before the end of the decade.

It is important for Member's to know that this additional spending in programs we all identify as high priority is completely offset by reductions in other functional spending categories in the budget. Chairman FORD is to be commended for adhering to the spirit and the letter of the pay-as-you-go budget process now in place.

Mr. Chairman, this amendment, which targets for spending increases the most cost-effective education and training programs currently in place, paid for by a reduction in low-priority domestic spending, deserves overwhelming support.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The question is on perfecting the amendment offered by the gentleman from Michigan [Mr. FORD].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FORD of Michigan. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 158, not voting 12, as follows:

[Roll No. 67]

AYES—261

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Bennett
Bentley
Berman
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bustamante
Campbell (CO)
Carper
Carr
Chapman
Clay
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gray
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Payne (VA)
Penny
Perkins
Peterson (FL)
Petri
Pickett
Pickle
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Reed
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sanders
Sangmeister
Savage
Sawyer
Schaefer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thornton
Torres
Traficant
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yatron

NOES—158

Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bereuter
Bevill
Bliley
Boehner
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Cardin
Chandler
Clinger
Coble
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dreier
Emerson
English
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Goss
Gradison
Grandy
Green
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Holloway
Hopkins
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jones (GA)
Kasich
Kolbe
Kolter
Kyl
Lagomarsino
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Mazzoli
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison
Myers
Nichols
Nowak
Nussle
Orton
Oxley
Packard
Parker
Patterson
Paxon
Pease
Pelosi
Porter
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Sabo
Santorum
Sarpalius
Saxton
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Slaughter (VA)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Thomas (CA)
Thomas (WY)
Torricelli
Traxler
Valentine
Vucanovich
Walker
Whitten
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Bryant
Dornan (CA)
Dymally
Hughes
Kostmayer
Lehman (FL)
Marlenee
Peterson (MN)
Roukema
Towns
Udall
Yates

☐ 1154

The Clerk announced the following pairs:

On this vote:

Mr. Kostmayer for, with Mr. Lehman of Florida against.

Mr. Dymally for, with Mr. Dornan of California against.

Messrs. BOEHNER, LIPINSKI, and TRAXLER changed their vote from "aye" to "no."

Messrs. HENRY, GILMAN, COLEMAN of Missouri, ECKART, MOLLOHAN, and COUGHLIN changed their vote from "no" to "aye."

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KOPETSKI. Mr. Speaker, I was unable to be present for the vote on rollcall No. 68, the Dannemeyer amendment, and had I been present, I would have voted "no" on rollcall vote No. 68.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. DANNEMEYER:

Strike all after the resolving clause and insert the following:

That the budget for fiscal year 1992 is established, and the appropriate budgetary levels for fiscal years 1993, 1994, 1995, and 1996 are hereby set forth.

RECOMMENDED LEVELS AND AMOUNTS

SEC. 2. (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1991, October 1, 1992, October 1, 1993, October 1, 1994, and October 1, 1995:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1992: $850,413,000,000.
Fiscal year 1993: $909,736,000,000.
Fiscal year 1994: $966,288,000,000.
Fiscal year 1995: $1,025,708,000,000.
Fiscal year 1996: $1,079,813,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1992: $0.
Fiscal year 1993: $0.
Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1992: $82,100,000,000.
Fiscal year 1993: $88,600,000,000.
Fiscal year 1994: $94,400,000,000.
Fiscal year 1995: $100,600,000,000.
Fiscal year 1996: $107,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1992: $1,214,096,000,000.
Fiscal year 1993: $1,205,829,000,000.
Fiscal year 1994: $1,222,914,000,000.
Fiscal year 1995: $1,254,282,000,000.
Fiscal year 1996: $1,302,290,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1992: $1,149,475,000,000.
Fiscal year 1993: $1,132,790,000,000.
Fiscal year 1994: $1,136,552,000,000.
Fiscal year 1995: $1,098,132,000,000.
Fiscal year 1996: $1,139,594,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1992: $299,062,000,000.
Fiscal year 1993: $223,054,000,000.
Fiscal year 1994: $170,264,000,000.
Fiscal year 1995: $72,424,000,000.
Fiscal year 1996: $59,781,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1992: $3,993,300,000,000.
Fiscal year 1993: $4,364,300,000,000.
Fiscal year 1994: $4,707,700,000,000.
Fiscal year 1995: $4,966,900,000,000.
Fiscal year 1996: $5,237,700,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1991, October 1, 1992, October 1, 1993, October 1, 1994, and October 1, 1995, are as follows:

Fiscal year 1992:
(A) New direct loan obligations, $14,699,000,000.
(B) New primary loan guarantee commitments, $115,695,000,000.

Fiscal year 1993:
(A) New direct loan obligations, $14,977,000,000.
(B) New primary loan guarantee commitments, $116,989,000,000.

Fiscal year 1994:
(A) New direct loan obligations, $13,583,000,000.
(B) New primary loan guarantee commitments, $118,897,000,000.

Fiscal year 1995:
(A) New direct loan obligations, $13,446,000,000.
(B) New primary loan guarantee commitments, $120,913,000,000.

Fiscal year 1996:
(A) New direct loan obligations, $13,688,000,000.
(B) New primary loan guarantee commitments, $122,544,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new primary loan guarantee commitments for fiscal years 1992 through 1996 for each major functional category are:

(1) National Defense (050):

Fiscal year 1992:
(A) New budget authority, $290,820,000,000.
(B) Outlays, $295,245,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:
(A) New budget authority, $290,904,000,000.
(B) Outlays, $291,986,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $289,878,000,000.
(B) Outlays, $286,666,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $297,282,000,000.
(B) Outlays, $288,620,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $306,778,000,000.
(B) Outlays, $293,235,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1992:
(A) New budget authority, $18,120,000,000.
(B) Outlays, $14,887,000,000.
(C) New direct loan obligations, $1,744,000,000.
(D) New primary loan guarantee commitments, $9,349,000,000.

Fiscal year 1993:
(A) New budget authority, $18,130,000,000.
(B) Outlays, $15,483,000,000.
(C) New direct loan obligations, $1,625,000,000.
(D) New primary loan guarantee commitments, $9,344,000,000.

Fiscal year 1994:
(A) New budget authority, $18,562,000,000.
(B) Outlays, $16,102,000,000.
(C) New direct loan obligations, $1,431,000,000.
(D) New primary loan guarantee commitments, $9,304,000,000.

Fiscal year 1995:
(A) New budget authority, $19,319,000,000.
(B) Outlays, $16,746,000,000.
(C) New direct loan obligations, $1,448,000,000.
(D) New primary loan guarantee commitments, $9,361,000,000.

Fiscal year 1996:
(A) New budget authority, $20,173,000,000.
(B) Outlays, $17,416,000,000.
(C) New direct loan obligations, $1,455,000,000.
(D) New primary loan guarantee commitments, $9,406,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1992:
(A) New budget authority, $15,839,000,000.
(B) Outlays, $15,623,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:
(A) New budget authority, $16,473,000,000.
(B) Outlays, $16,248,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:
(A) New budget authority, $17,131,000,000.
(B) Outlays, $16,897,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $17,817,000,000.
(B) Outlays, $17,573,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $18,529,000,000.
(B) Outlays, $18,276,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1992:
(A) New budget authority, $5,328,000,000.
(B) Outlays, $2,550,000,000.
(C) New direct loan obligations, $1,198,000,000.
(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 1993:
(A) New budget authority, $5,541,000,000.
(B) Outlays, $2,652,000,000.
(C) New direct loan obligations, $1,742,000,000.
(D) New primary loan guarantee commitments, $1,150,000,000.

Fiscal year 1994:
(A) New budget authority, $5,763,000,000.
(B) Outlays, $2,759,000,000.

(C) New direct loan obligations, $724,000,000.

(D) New primary loan guarantee commitments, $1,200,000,000.

Fiscal year 1995:

(A) New budget authority, $5,993,000,000.

(B) Outlays, $2,869,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $1,250,000,000.

Fiscal year 1996:

(A) New budget authority, $6,233,000,000.

(B) Outlays, $2,984,000,000.

(C) New direct loan obligations, $849,000,000.

(D) New primary loan guarantee commitments, $1,280,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1992:

(A) New budget authority, $19,612,000,000.

(B) Outlays, $18,460,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $20,396,000,000.

(B) Outlays, $19,198,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $21,212,000,000.

(B) Outlays, $19,966,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $22,060,000,000.

(B) Outlays, $20,765,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,943,000,000.

(B) Outlays, $21,595,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1992:

(A) New budget authority, $21,429,000,000.

(B) Outlays, $15,984,000,000.

(C) New direct loan obligations, $8,288,000,000.

(D) New primary loan guarantee commitments, $8,464,000,000.

Fiscal year 1993:

(A) New budget authority, $19,073,000,000.

(B) Outlays, $15,580,000,000.

(C) New direct loan obligations, $8,265,000,000.

(D) New primary loan guarantee commitments, $8,462,000,000.

Fiscal year 1994:

(A) New budget authority, $17,462,000,000.

(B) Outlays, $14,541,000,000.

(C) New direct loan obligations, $8,203,000,000.

(D) New primary loan guarantee commitments, $8,470,000,000.

Fiscal year 1995:

(A) New budget authority, $18,377,000,000.

(B) Outlays, $13,627,000,000.

(C) New direct loan obligations, $8,236,000,000.

(D) New primary loan guarantee commitments, $8,424,000,000.

Fiscal year 1996:

(A) New budget authority, $14,473,000,000.

(B) Outlays, $13,047,000,000.

(C) New direct loan obligations, $8,387,000,000.

(D) New primary loan guarantee commitments, $8,175,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1992:

(A) New budget authority, $108,025,000,000.

(B) Outlays, $104,799,000,000.

(C) New direct loan obligations, $1,380,000,000.

(D) New primary loan guarantee commitments, $67,768,000,000.

Fiscal year 1993:

(A) New budget authority, $60,419,000,000.

(B) Outlays, $55,764,000,000.

(C) New direct loan obligations, $1,355,000,000.

(D) New primary loan guarantee commitments, $70,827,000,000.

Fiscal year 1994:

(A) New budget authority, $38,669,000,000.

(B) Outlays, $29,360,000,000.

(C) New direct loan obligations, $1,356,000,000.

(D) New primary loan guarantee commitments, $72,450,000,000.

Fiscal year 1995:

(A) New budget authority, $21,295,000,000.

(B) Outlays, $45,141,000,000.

(C) New direct loan obligations, $1,341,000,000.

(D) New primary loan guarantee commitments, $73,816,000,000.

Fiscal year 1996:

(A) New budget authority, $21,720,000,000.

(B) Outlays, $40,693,000,000.

(C) New direct loan obligations, $1,324,000,000.

(D) New primary loan guarantee commitments, $75,218,000,000.

(8) Transportation (400):

Fiscal year 1992:

(A) New budget authority, $32,900,000,000.

(B) Outlays, $31,891,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $34,195,000,000.

(B) Outlays, $33,167,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $35,562,000,000.

(B) Outlays, $34,493,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $36,987,000,000.

(B) Outlays, $35,873,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $38,699,000,000.

(B) Outlays, $37,308,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1992:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $6,704,000,000.

(C) New direct loan obligations, $940,000,000.

(D) New primary loan guarantee commitments, $466,000,000.

Fiscal year 1993:

(A) New budget authority, $6,461,000,000.

(B) Outlays, $6,522,000,000.

(C) New direct loan obligations, $953,000,000.

(D) New primary loan guarantee commitments, $468,000,000.

Fiscal year 1994:

(A) New budget authority, $6,697,000,000.

(B) Outlays, $6,482,000,000.

(C) New direct loan obligations, $967,000,000.

(D) New primary loan guarantee commitments, $469,000,000.

Fiscal year 1995:

(A) New budget authority, $6,953,000,000.

(B) Outlays, $6,695,000,000.

(C) New direct loan obligations, $980,000,000.

(D) New primary loan guarantee commitments, $471,000,000.

Fiscal year 1996:

(A) New budget authority, $7,239,000,000.

(B) Outlays, $6,789,000,000.

(C) New direct loan obligations, $994,000,000.

(D) New primary loan guarantee commitments, $473,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1992:

(A) New budget authority, $43,636,000,000.

(B) Outlays, $42,643,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,281,000,000.

Fiscal year 1993:

(A) New budget authority, $45,382,000,000.

(B) Outlays, $44,349,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,994,000,000.

Fiscal year 1994:

(A) New budget authority, $47,197,000,000.

(B) Outlays, $44,973,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $14,880,000,000.

Fiscal year 1995:

(A) New budget authority, $49,085,000,000.

(B) Outlays, $45,834,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $15,572,000,000.

Fiscal year 1996:

(A) New budget authority, $51,048,000,000.

(B) Outlays, $43,218,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $16,268,000,000.

(11) Health (550):

Fiscal year 1992:

(A) New budget authority, $81,295,000,000.

(B) Outlays, $77,703,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $185,000,000.

Fiscal year 1993:

(A) New budget authority, $89,587,000,000.

(B) Outlays, $85,609,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $120,000,000.

Fiscal year 1994:

(A) New budget authority, $97,650,000,000.

(B) Outlays, $93,296,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $60,000,000.

Fiscal year 1995:

(A) New budget authority, $106,146,000,000.

(B) Outlays, $101,424,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $115,275,000,000.

(B) Outlays, $110,141,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1992:

(A) New budget authority, $118,301,000,000.

(B) Outlays, $114,450,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $129,066,000,000.

(B) Outlays, $124,865,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $140,295,000,000.

(B) Outlays, $135,728,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $152,220,000,000.

(B) Outlays, $147,265,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $165,159,000,000.

(B) Outlays, $159,783,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1992:

(A) New budget authority, $220,115,000,000.

(B) Outlays, $174,552,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $227,976,000,000.

(B) Outlays, $181,607,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $238,691,000,000.

(B) Outlays, $190,093,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $251,580,000,000.

(B) Outlays, $200,304,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $264,411,000,000.

(B) Outlays, $210,505,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1992:

(A) New budget authority, $5,853,000,000.

(B) Outlays, $5,853,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,453,000,000.

(B) Outlays, $6,453,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $7,078,000,000.

(B) Outlays, $7,078,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,738,000,000.

(B) Outlays, $7,738,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $8,447,000,000.

(B) Outlays, $8,447,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1992:

(A) New budget authority, $33,390,000,000.

(B) Outlays, $32,223,000,000.

(C) New direct loan obligations, $1,149,000,000.

(D) New primary loan guarantee commitments, $14,632,000,000.

Fiscal year 1993:

(A) New budget authority, $34,726,000,000.

(B) Outlays, $33,513,000,000.

(C) New direct loan obligations, $1,037,000,000.

(D) New primary loan guarantee commitments, $12,624,000,000.

Fiscal year 1994:

(A) New budget authority, $36,046,000,000.

(B) Outlays, $34,781,000,000.

(C) New direct loan obligations, $902,000,000.

(D) New primary loan guarantee commitments, $12,064,000,000.

Fiscal year 1995:

(A) New budget authority, $37,380,000,000.

(B) Outlays, $36,079,000,000.

(C) New direct loan obligations, $791,000,000.

(D) New primary loan guarantee commitments, $12,019,000,000.

Fiscal year 1996:

(A) New budget authority, $38,763,000,000.

(B) Outlays, $37,425,000,000.

(C) New direct loan obligations, $679,000,000.

(D) New primary loan guarantee commitments, $11,724,000,000.

(16) Administration of Justice (750):

Fiscal year 1992:

(A) New budget authority, $13,301,000,000.

(B) Outlays, $12,772,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $13,833,000,000.

(B) Outlays, $13,285,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $14,386,000,000.

(B) Outlays, $13,816,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $14,961,000,000.

(B) Outlays, $14,363,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $15,560,000,000.

(B) Outlays, $14,931,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1992:

(A) New budget authority, $13,011,000,000.

(B) Outlays, $11,599,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $450,000,000.

Fiscal year 1993:

(A) New budget authority, $13,532,000,000.

(B) Outlays, $12,063,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $14,073,000,000.

(B) Outlays, $12,546,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $14,636,000,000.

(B) Outlays, $13,047,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $15,221,000,000.

(B) Outlays, $13,569,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1992:

(A) New budget authority, $206,738,000,000.

(B) Outlays, $206,738,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $215,640,000,000.

(B) Outlays, $215,640,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $220,731,000,000.

(B) Outlays, $220,731,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $220,904,000,000.

(B) Outlays, $220,904,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $219,970,000,000.

(B) Outlays, $219,970,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1992:

(A) New budget authority, $0.

(B) Outlays, $4,611,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $0.

(B) Outlays, $754,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $0.

(B) Outlays, $406,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1992:

(A) New budget authority, −$39,817,000,000.

(B) Outlays, −$39,817,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, −$41,958,000,000.

(B) Outlays, −$41,958,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, −$44,168,000,000.

(B) Outlays, −$44,168,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$46,451,000,000.

(B) Outlays, −$46,451,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$48,351,000,000.

(B) Outlays, −$48,351,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 3(a) It is the sense of Congress that the Department of the Treasury shall initiate a program to issue Treasury obligations redeemable in gold, that

(1) have an annual investment yield not exceeding 2 per centum;

(2) have principal and interest redeemable at maturity in gold.

(b) The aggregate value of these obligations shall not exceed $20,000,000,000.

(c) Revenues collected pursuant to this program shall be used solely for the purpose of reducing the Federal budget deficit.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. DANNEMEYER] will be recognized for 30 minutes and the gentleman from California [Mr. PANETTA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are two policy courses that we should pursue in dealing with the budget. The first is to restrain to the greatest extent possible the increase in spending, 1992 over 1991, which is the year we are talking about, fiscal year 1992. The second is to address, the issue of monetary reform in order to reduce interest costs.

Mr. Chairman, this chart displays what has happened to the budget and spending of the Federal Government since 1968 when a historic decision was made, when we severed the link between the dollar and gold. The facts just jump out at you. You cannot deny it. The deficits have essentially come into our system since that time. This 23-year experiment with the dollar being backed by nothing should be declared over.

☐ 1200

Mr. Chairman, the second policy option we should pursue is to take a step down the road of reforming the monetary system. This budget resolution has some language in it which directs the Treasury to sell not more than $20 billion of gold-backed bonds. Nobody knows what the interest rate on those bonds would be. I believe there is good evidence it would be between 2-percent and 3-percent interest. That would significantly reduce the cost of borrowing money not only to the Government, but hopefully for all Americans when we truly reform the monetary system by once again linking the dollar to gold.

Not linking the dollar to gold results in these deficits that are massive and staring us in the face. For instance, we are going to add $426 billion to the national debt in fiscal year 1992—$426 billion. That is the measure of the deficit. Over the next 5 years we will add $1.8 trillion to our national debt. That is the spending stream that we are now pursuing. That is one option that should be pursued.

The other option, as I mentioned, is to restrain the growth in spending. The budget alternative that this Member is offering to the House does not cut anything from what we are spending in 1991. To be precise, we are spending in this fiscal year about $1.392 trillion. The budget alternative that I am talking about will spend $1.430 trillion. It is an increase in spending of some $38 billion.

I believe it is a responsible alternative, and I think this chart shows each Member where we are headed. In 1980 it took 30 percent of the personal income tax in this country to pay the interest on the debt. That is the red line. In 1991 it is taking almost 60 percent of the personal income tax to pay the interest on the debt. If we continue on our current course, by 1997 or 1998 we are going to take all of the revenue of the personal income tax to pay the interest on the debt.

The green line is the percentage of all revenue exclusive of Social Security. In 1980 it took 20 percent to pay the interest on the debt. Currently it takes about 40 percent. Either measure is a clear indication that we just cannot continue on the current course of spending.

What this alternative does is just modestly reduce the increase that otherwise would take place, and we get there by going back to fiscal year 1990 and letting 1991 spending grow 4 percent over 1990. In 1992 spending would grow over 1991 an additional 4 percent. By effectively limiting growth to the rate of inflation, we exempt from this limitation Social Security, the Resolution Trust Corporation, Desert Storm, and unemployment compensation, because I do not pretend to suggest to my colleagues that we should be reducing any of those. We are going to have to pay those bills.

But this alternative, over the next 5 years, if adopted, will reduce this projected increase in our debt of $1.8 trillion by some $475 billion.

It is very, very important that we reduce the level of spending projected for fiscal year 1992, and this alternative produces the lowest spending level of all five budgets that we will be considering today. It is $46 billion lower than baseline, it is $28 billion lower than the Democratic alternative, it is $11 billion lower than the President, and it is $5 billion lower than my colleague, the gentleman from Ohio [Mr. KASICH]. I commend the gentleman from Ohio for the work that he has done because I think his alternative is a responsible alternative as well.

Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume and I rise in opposition to the substitute.

This is a substitute which we have seen in past budget debates. I have a great deal of respect for the gentleman from California [Mr. DANNEMEYER] who is now a member of the Budget Committee and is sincerely committed to his beliefs both with regard to the need to move toward the gold standard, and also with regard to his sense of priorities within our society. I do not believe that those priorities are reflected in a majority of either the Democratic or the Republican side, particularly when it comes to the discretionary area because he proposes an additional cut of almost $16 billion in the discretionary area which would bring the amount, for example, in the general science, space, and technology below the levels not only of the committee but also of the President. That is true also for energy, it is true for transportation, it is true for education and health care, for income security, for veterans, for the administration of justice.

I think all of us recognize that operating within the caps that were established in the Budget Committee is a difficult enough constraint in terms of these priority areas within our society, much less to go back and say that we ought to eliminate another $16 billion from those vital programs that serve people.

So it is for these reasons that I would oppose the substitute and ask Members to do the same.

Mr. Chairman, I reserve the balance of my time.

Mr. DANNEMEYER. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, let me just first say that I greatly respect the gentleman from California [Mr. DANNEMEYER]. If this House, if this Congress, indeed if this Nation would just listen to the gentleman from California, who talks in real language, uses real figures and understands real economics, we would not have the problems that we have in this country. We would be at a balanced budget. Indeed, if we had just listened to Senator PHIL GRAMM from Texas and adhered to Gramm-Rudman, we would be at a balanced budget today.

But what we are presented with today is a Democrat budget that raises spending to 25 percent of GNP, which is the highest that it has been since 1946. It puts us on a track that will get us to reaching 20 percent of GNP for taxes and for the first time in the history of this country for consecutive years thereafter, after 1994. That is what we are presented with, yet we very easily dismiss out of hand the Dannemeyer budget.

Spending is the problem, ladies and gentlemen of this House. Spending is the problem. While many Members point out that the 1992 budget resolution calls for only 2.6 percent increase in spending over 1991, a whole lot of smoke and mirrors are distorting the true picture. We use a lot of smoke and mirrors in this Congress. We should look at the increase over 1990 levels. Those are the levels from which we passed the Budget Reconciliation Act of 1990.

The 1991 budget had 12.6 percent more spending than in 1990, and that is before $77 billion in supplementals that we recently passed. That means that Congress wants to increase spending by a massive 21 percent over 2 years.

Under the budget proposed by the Democrats, 60 percent of the total receipts, 60 percent of the total receipts from individual income taxes will be consumed by the interest on the national debt.

The budget agreement does not mandate spending. It sets caps and we have heard caps for 2 days, and rubber caps at that. But yet, both the Gradison budget and the Democrat budget spend just about all that is available to them.

We must cut spending. We are not prohibited from cutting spending by the budget agreement. We cannot make last year's budget agreement a floor for spending levels. It must be a ceiling. Congress is spending every penny allowed under the agreement, and as we all know, Congress will boost those ceilings later with supplementals.

The Dannemeyer budget offers real change. It reduces the deficit by $45.8 billion in 1992 and $472 billion plus over 5 years. It does it the old fashioned way: It cuts spending, which is the only way that it works.

I must say at this point for Members of my side of the aisle, this Dannemeyer budget does not pick up the tax increases that come from the budget agreement for 1992. It does not pick up the tax increases. So in essence, we are refuting the tax increases that were implemented on this country last year.

The Dannemeyer amendment excludes from the freeze all of the issues that give us political heartache, the RTC funding, Social Security, unemployment insurance, Desert Storm, and undistributed offsetting receipts. And the Dannemeyer budget maintains the budget agreement's defense spending figures which saves $9.8 billion in 1992 and $161 billion over 5 years.

□ 1210

Under mandatory programs, excluding interest, they are allowed scheduled beneficiary and inflation increases from the 1991 base. That allows these programs to grow by 7.1 percent which saves a lot of money, and then nondefense discretionary that we talk a lot about, the spending programs are held to 4 percent annual growth from the 1990 base which saves $26 billion in 1991, and $157.5 billion over 5 years.

Mr. Chairman, we have an opportunity here, my colleagues, to actually do something to reduce spending and not continue on the devastating road that we are on if we adopt the Democrat proposal.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I oppose the Dannemeyer amendment, but I want to pay tribute to the gentleman from California [Mr. DANNEMEYER], because he has brought forward some ideas that probably could be incorporated into a solid future for our country.

I am not too crazy about all the budget, so I would not be very upset about that, my not supporting the gentleman's substitute, I say to the gentleman from California [Mr. DANNEMEYER].

My concern is basically this: I think one thing we can do in America is take a look at the limited dollars we have and take care of America first. If there is any money left over, then take a look at some of our foreign accounts.

Second of all, I know it is preaching to the choir, but I think we have to look at some fair trade programs. Mr. Chairman, we are getting our clock cleaned by countries like Japan, and I think we could put together a trade program that will gnaw away that debt. We cannot separate our budget deficits from our trade deficits. That is basically where my concern is.

My concern is on the exodus of jobs. America's No. 1 export is jobs.

Mr. Chairman, I did offer for the committee as an amendment a particular amendment that would force the respective bureaus of our Congress and the General Accounting Office to file a report with the Committee on the Budget of both the House and the Senate to set forth in detail the impacts that this budget will have on American jobs, either the growth or the further demise of American jobs.

The Committee on Rules was instructed to take basically substitutes. I am not offended by that. But I would like to engage in a colloquy with our chairman, who I think has done a tremendous job on the issue.

Mr. Chairman, my little amendment calls, in essence, for some instrument or mechanism that would create an analysis of the budget and the impact it is going to have on either the further erosion of jobs or possibly the gaining of some jobs. Being that it was not allowed, I would like to know if the gentleman, in his particular capacity, might be able to add some language or to be able to effect, in essence, such a program, if you will, or a response, that might satisfy this. I think it is important for our country.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

I understand the gentleman's concerns, and they are legitimate concerns. He discussed his possible amendment with me. I understand why it was not made in order, because it did not involve a substitute. But it addresses a legitimate area of concern which is: how do these budgets, in fact, impact with regard to jobs in this country?

It is something that I hope to look at in terms of perhaps some language directions that we can make within the conference when we engage in the conference with the other body on this issue, and if not, it would be my hope that I could write a letter to the General Accounting Office, the GAO, and ask them to look at this aspect of whatever budget is finally adopted.

Mr. TRAFICANT. Mr. Chairman, I appreciate that. I am thankful that the chairman will at least take issue with it.

Mr. DANNEMEYER. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Dannemeyer alternative budget.

The time has come to admit a mistake and make corrections. The Congress was wrong to adopt a budget which dramatically increased the American people's tax load. The Congress was wrong to label that very same tax increase as a deficit reduction package. The Congress was wrong to tax America into a recession.

We told the Democratic Party that the budget agreement they foisted upon President Bush would cripple our economy.

Last month housing starts fell 9.3 percent. There has been a broad-based drop in manufacturing output—a 9.25-

percent first-quarter plunge. Unemployment is up to almost 1.2 percent since October. We have lost 1.3 million jobs in the past 6 months.

When last year's budget was passed, we were told the 5-year deficit would be $546.5 billion. Today we are facing a 5-year projected budget deficit of $865.2 billion. Some estimate it will turn out to be closer to $1 trillion, largely because of the negative impact that new taxes have had on the economy.

We're not going to control the deficit until we control the spending juggernaut.

The Gradison budget and the committee's budget may not appear to contain outrageous spending increases. A close look, however, reveals last year's and this year's budget package balloons Federal spending by 21 percent.

We can't keep going down this road. We will have a $318 billion deficit this year. This means we will spend nearly $30 billion next year just to pay for interest on this year's increase.

Last fall's budget agreement was not a deficit reduction package—it was a sham.

Congressional spending is like a runaway freight train; our economy is on a train ride to hell.

The time has come to pull the emergency cord and bring this runaway spending to a screeching halt. The Dannemeyer budget is an effective tool to put the brakes on Government spending.

The Dannemeyer substitute will reduce the deficit by $45.8 billion for fiscal year 1992 and $472 billion over 5 years by holding the increase in nondefense discretionary spending to 4 percent.

If Congress had enacted a Dannemeyer-type approach last session, we would be well on our way to a balanced budget. But as we all know, Congress adopted a tax and spend sham package which has driven our economy into recession, closed our businesses and thrown our people out of work.

We have a chance today to make amends. I urge my colleagues to support the Dannemeyer budget and vote for fiscal responsibility.

Mr. DANNEMEYER. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from California [Mr. Cox].

Mr. COX of California. Mr. Chairman, I rise in strong support of the efforts by my colleague, the gentleman from California, to offer an alternative to the inside-the-beltway groupthink that now dominates our budget deliberations.

Some years ago, when I first came to Washington to work as a lawyer for President Reagan in the White House, we were in the midst of what was called the Gramm-Rudman-Hollings deficit reduction glidepath, a 5-year program of deficit reduction which eventually would bring us to a zero annual deficit.

Fiscal year 1992, under Gramm-Rudman, was to be a zero-deficit year. Instead, what we are looking at under the proposal in advance by this Congress is perhaps the largest deficit in American history.

The proposal by my colleague, the gentleman from California, does not cut spending. Instead, in some accounts, it increases spending by 7 percent, overall by more than 4 percent. There are no spending reductions even in this proposal, which is viewed as too difficult to swallow by most in Washington.

□ 1220

Not everyone, however, is sticking with the rhetoric of just last fall when we were talking about the Budget Agreement as the deficit reduction agreement, because now the facts are out.

Now that the more than 1,000 page document has been made available to the American people, and they have read it. Here is what one of the authors of the Gramm-Rudman-Hollings bill, our colleague from the other body has to say about that bipartisan agreement: "That agreement," he says, "is a lie and a fraud." I am quoting from the March 11, 1991 Washington Post. "The truth is that last fall's deal has catapulted the United States into a new era of hyperdeficits. The budget submitted February 4 by the Office of Management and Budget acknowledges that we will add $378.6 billion to the National Debt in 1991, plus another $343 billion in 1992. Expect these numbers to increase dramatically as the recession continues." My colleagues conclude, "As a blueprint for genuine deficit reduction, this plan is a sham."

What we are doing here today is voting upon a resolution that will seal that agreement, that sham. I, for one, intend not to participate, but rather to vote for the much more responsible alternate offered by my colleague from California. I should add that it is time that we look at overhauling the entire Federal budget process because the process itself, inexorably, drives the United States to this slipshod and outrageous result.

I offer H.R. 298, the Budget Process Reform Act, cosponsored by over 130 Members in the House. If adopted, it will put the United States in a different environment in which the system can be responsible, even if we individual Members feel it not possible to vote that way all the time.

Again, I compliment my colleagues for offering this responsible alternative. I intend to vote for it, and I urge my colleagues to do the same.

Mr. PANETTA. Mr. Chairman, I yield 9 minutes to the distinguished gentleman from Texas [Mr. STENHOLM], a member of the Committee on the Budget.

Mr. STENHOLM. Mr. Chairman, I listened to the debate and have found in the past that the gentleman from California, [Mr. DANNEMEYER's] amendments probably tended to support them more often than not. We have always lost by substantial margins. A few years ago it began to occur to me that we could make all the great speeches, as we have heard today, and cast all the blame we could possibly cast about who is at fault, and never get anywhere.

The budget agreement that has been much maligned that occurred last year, whether a Member wants to admit to it or not, is a small step in the right direction, at least in this Member's opinion. It is much better to take a small step in the right direction than to take a gigantic step, and not have anything happen.

Now, I have listened to many of my colleagues on this side of the aisle talking about the big spending Democratic Congress. I would like to have, perhaps, an exchange of some debate on this issue as to the numbers that we are talking about. I want to use the 8 years of the Reagan administration, which this Member as a Democrat, voted with more often than not. However, when we look at what President Reagan asked this Congress to spend every year, and compare it to what we spent, I find these results, certified by CBO, and I believe OMB would also do the same. President Reagan asked Members to spend $7,383,000,000,000; we spend $7,568,000,000,000 in actual outlays. That is $195,000,000,000 more. In discretionary spending, which is really what we are talking about today, because let there be no mistake on any Member's part, the Democratic budget is living within the same caps that the Republican budget is living within, and this one Member is dedicated to seeing that we not exceed that.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Pennsylvania.

Mr. WALKER. On the gentleman's figures, does the gentleman include in those figures the rescissions that President Reagan asked for during that same period of time, that covered some of that spending?

Mr. STENHOLM. No, we do not. We are talking about requests and actual performance.

Mr. WALKER. If the gentleman will continue to yield, that is right, but the fact is that the President did offset a number of his spending requests with significant rescissions, which the Congress did not act on, and thereby increased spending by not acting on the rescissions.

Mr. STENHOLM. That perhaps could be factual, but how many dollars would the gentleman concede that we had an actual rescission request?

Mr. WALKER. I do not know that figure, but I do know that the figures that the gentleman quotes strike me as being figures that do not include the rescissions, and that does, in fact, have an impact on the request.

Mr. STENHOLM. Without knowing the numbers exactly, I would concede that point to the gentleman, and concede that and be happy when reviewing the remarks to put the numbers in, and still make the point that I am making today, because if we are talking in terms of a $195 billion difference, I doubt that President Reagan asked Members to rescind $2 trillion in the last 8 years.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. PANETTA. The gentleman does not have to concede to anything because the fact is that the Congress provided about 90 percent of the savings that were proposed in the rescissions by the President. We did not accept the President's rescissions, but other savings were found within the appropriations bills.

So the gentleman, if he is making the comment that somehow we have rejected all the savings that the President recommended, he is wrong.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank my colleague from Texas for his contribution, and I will be the first to admit on the floor that the gentleman's contribution on the issue of budget and spending, if it were followed by the majority of the Members of the House, we would be a lot closer to a balanced budget than we are today. I want to thank the gentleman in the well for that.

However, I would make one observation about the comparison the gentleman has made, and I do not have this analysis before me, but I will put it in the CONGRESSIONAL RECORD when I revise my remarks, because I had an analysis made comparing the Reagan budget requests all the years that he was here, with what Congress responded, in the way of spending. What we have to understand is that it is interesting to compare requests to spending by Congress, but what is more important, is that once the level of Federal spending ratchets upward as it did with Congress, the President was in the position, if he wanted to reduce spending by lower levels of what Congress has appropriated, it is very difficult to do that, as the gentleman knows. Therefore, we were unable, because we did not have the votes around here in the decade of the 1980's, to restrain the growth of Federal spending, and that is the problem with this institution.

Mr. STENHOLM. Mr. Chairman, I concur with the gentleman's observations in that.

My point, and I have listened to the debate, and I have listened to Members make statements that insinuate that it is all Congress' fault. My only purpose in participating now is to suggest that there is equal fault on both ends of Pennsylvania Avenue regarding the spending question, and it is not a fair assertion to be made on the floor that it is somehow our fault. I said "our" collectively.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Chairman, I say on that point, the Presidents propose and Congress dispose. A President can only spend what we appropriate. The responsibility in the Constitution is right here. We are responsible to the American people to the level of spending, not what a President does.

Mr. STENHOLM. Again, I obviously concur to that.

Let me say in concluding, with a point I wish to make, we sometimes take great liberty in casting blame. My point, if it is 90 percent, or whatever the rescissions were, it cannot be totally the Congress' fault that over the last 8 years we have added $2 trillion of new debt, when spending by Congress has come within a small percentage point of the amount that the President has asked and demanded that we spend.

Now, there is a perception by the general public out there that tend to believe Members of Congress when they stand in the well and say it is all our fault that we have literally spent ourselves into oblivion. Members cannot prove that by the spending numbers that we have had. Members cannot add up $200 billion or 10 percent more, if my chairman is correct and I assume him to be correct, Members cannot add up $200 billion more spending by the Congress and come up with $2 trillion of new debt on spending alone. Something else has had to happen. That is where I think the budget debate today is. I wished I could support the gentleman today, but I have made a decision that I would rather move Members a small step in the right direction than to continue to participate in some activities in which there is reason to believe that we cannot get anywhere. Perhaps I am wrong in that.

Again, the gentleman has been very honest with me. I would be honest with him. Some of the difficulty, and I will be parochial, agriculture last year alone in this budget that we passed in the fall that no Member liked at the time, we cut agricultural spending entitlement version 15 percent.

□ 1230

Now, that is real, 15 percent cut.

Now, the gentleman would cut us again.

Now, there is a limit to how far we can go and how fast. I would agree with the general direction, but we cannot make those kinds of cuts without a plan.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Chairman, you know, we talk about cuts and people may listen and believe we are cutting something. Let us focus on what is going on.

In 1991, the current fiscal year, we are going to spend $1.392 trillion. Under the budget proposal that I am talking about, we would spend $1.430 trillion. That is an increase of $38 billion, 1992 over 1991.

Under the proposal of the gentleman from California [Mr. PANETTA] the chairman of the Democrat Committee, the spending would go up to $1.458 trillion. That is $28 billion higher than what I am suggesting.

If you want to lower the whole base of Federal spending, here is the chance, I say to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, the gentleman makes a good point. I have difficulty counteracting that one at all at this stage.

I am just saying, let us give the appropriating process a chance to function. It is going to be interesting as we listen to the debate on this floor today, when we get into individual appropriation bills late this year, as this gentleman sticks with all my colleagues who want to live with this law that we are passing today, you say it is not good enough, but I am saying it is good enough for me this year. We will fight the battle again next fall and into next year as we make the step in the direction the gentleman wants to go; but I look particularly in the area of national defense and I will predict right here and now that this spending level that the gentleman says is too high is going to be very binding on those of us who beleive that national security is important in this country and who have not yet completely focused on the caps on defense and what it is going to be doing to us, and that is my point, the major point that I would make to the gentleman today.

Let us look at this proposal. It is not nearly as bad as some would make it. It is not perfect, but it is moving us in the right direction. I think the gentleman goes a tad too far at this stage.

Mr. DANNEMEYER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I would contend that what we are doing is making a fundamental macroeconomic decision when we decide on budgets. In that sense, the Dannemeyer budget is a very good presentation.

I came here yesterday and spoke on the relative priorities between the Democratic budget and the budget offered by the President in the area of science, space, and technology. If you want to look at relative priorities, it seems to me that the President's budget makes more sense than the Democratic budget; but the overriding objective to get out of parochial interests, whether they be agriculture or science, space, and technology, the fundamental macroeconomic question before us is, are we going to invest dollars in this country for the future? How are we going to invest in the future?

I would suggest to you that it becomes impossible to appropriately address the future if you are coming up with massive deficits, and therefore massive debt. If that debt is in fact driving you toward massive interest payments where the interest payments are driving out our ability to make good expenditures for things that are in the national interest, be they defense, be they space, be they technology, whatever they are, there are a lot of things that we could be spending the money better on than spending it on interest. As long as we continue to pile up debt and deficit we drive out our ability to do good spending because of interest payments that we have before us. That leads to significant economic decline.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Surely, I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, the gentleman is making the point again, one of which I certainly would like to agree with, but try to answer this question for me. If spending in the last 8 years of the Reagan Presidency, and let us use that for the base, but we can say for the last 8 years or whatever, if spending by the Congress which has the constitutional obligation, if spending went up approximately $200 billion or $220 billion, if we accept a 10-percent float in here, how can it be spending alone that created $2 trillion of new debt during the same period.

Mr. WALKER. Well, in large part because we spent away much of the economic progress that the country made. We had a significant increase in the overall economic performance of the country and we spent all that away, plus some.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield further?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. STENHOLM. I thought, Mr. Chairman, we were following an economic game plan that we said was moving us in the right direction.

Mr. WALKER. But we did not.

Mr. STENHOLM. An economic game plan that was set by the administration.

Mr. WALKER. We continued to spend at rates much higher than the inflation rates. We spent vastly more than the inflation rate throughout the decades of the 1980's, be it the President who was proposing it or be it the Congress that was spending it.

The fact is that what we did was took the inflation rate, doubled the inflation rate, spent at that rate, and so we are not raising the kind of revenues out of the economic growth that covered all that spending. So therefore, we continued to massively pile up deficits.

What I am suggesting to the gentleman is that during that time, those deficits also drove up the interest payments that we have to make each year and that ultimately is going to result in an economic decline that this country can ill afford.

I think what we ought to be doing is voting for budgets that drive down debt, drive down deficits, and encourage entrepreneurial activity.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The time of the gentleman from Pennsylvania has expired.

Mr. DANNEMEYER. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman.

Mr. STENHOLM. Mr. Chairman, we are talking about a point of philosophy now and judgment regarding economic policy.

But would the gentleman concede that a President and a White House, with the Treasury and the OMB and the movement, tries to set the economic direction for a country, and would we not assume that a President, when he submits a budget to us, is taking all those things into consideration when he presents a budget to the House?

Mr. WALKER. Well, I would suggest that they do, but I would also suggest that Congress did not follow any of those budget recommendations. As a matter of fact, Congress declared most of those budget presentations of the Reagan White House dead on arrival on Capitol Hill and took off and did its own thing.

Mr. STENHOLM. On both sides of the aisle.

Mr. WALKER. And did many things detrimental to the economic performance. I think had we followed the Reagan plans in many instances, we would have ended up with greater growth activity that might have covered some of this, but the fact is that Congress did not do that and instead went its own way, and in my mind undermined some of our ability to perform.

I think some of the things we did with regard to taxes along the way, ultimately the President might have come on board, but was not in his original budget plan, probably hurt the economy and therefore hurt our ability to get the money that we needed to sustain the spending we were doing.

Mr. DANNEMEYER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, I want to take my 2 minutes to make two points. First, I want to pay special tribute to a colleague of mine from California [Mr. DANNEMEYER], who has steadfastly over the years, year in and year out, stood up for the high principles of fiscal responsibility in this country. To the gentleman from California [Mr. DANNEMEYER] and his colleagues and his staff, I want to pay special tribute.

The second point I want to make is that over the years both Republican and Democratic Presidents have failed to use a constitutional tool that we have given them, and that is the exercise of the veto. We have spent enormous amounts of time talking about balanced budget amendments and the line item veto. Obviously, you need a two-thirds vote of the House and of the Senate to accomplish those objectives. But I think the President of the United States should exercise the power that we gave him, and that is to exercise the veto on appropriation bills that exceed the bounds of fiscal responsibility.

President Reagan was usually identified as a conservative, but I think you will find that in his 8 years vetoed only 2 appropriation bills, 2 continuing resolutions, and 2 supplementals, out of about 85 appropriation bills.

Now, I ask you, was he a fiscal conservative or not?

This President is not exercising the constitutional veto. He has vetoed appropriation bills, but not for fiscal reasons.

So I suggest that we have within our grasp on the Republican side a minority who could sustain a veto both in the House and in the Senate. I have suggested to the President that if we are going to bring this fiscal dilemma under control over a period of the next 5 years, that the President of the United States must exercise that veto and the Congress must sustain that veto. Together, we can bring down these deficits.

☐ 1240

The CHAIRMAN pro tempore (Mr. MAZZOLI). The Chair would advise that the gentleman from California [Mr. PANETTA] has 16 minutes remaining, and the gentleman from California [Mr. DANNEMEYER] has 4 minutes remaining.

The Chair would also advise that the gentleman from California [Mr. PANETTA] has the right to close.

Mr. DANNEMEYER. Mr. Chairman, I do not see the gentleman from Texas [Mr. ARMEY] on the floor, and I therefore yield myself such time as I may consume.

I see the gentleman from California [Mr. PANETTA], chairman of the Committee on the Budget, on the floor, and I ask his attention to these comments because they relate to what was supposed to have been done in the budget summit agreement last year.

In August of last year the projection was that if we did not do something, we would add a little over $1 trillion to the national debt over the next 5 years. That was the premise on which the reduction package was adopted last fall, which contained the tax increases of $160 billion over 5 years. That was the claim that was made. It was said to all of us that we were supposed to reduce the projected deficit by some half a billion dollars over 5 years, roughly. The package came, I think, totally to about 490 in the closing days of the session, but that was the claim.

Then, when we got back here in January of this year, what did we find? That the projected deficit over the next 5 years is still $1 trillion. Now, part of the explanation, of course, is we are spending money for the Resolution Trust Corporation which was not considered, part of it for Desert Storm. I admit that. Those total about $130 billion.

My question is: How did it come to be that we raised taxes on the American people $160 billion over 5 years and claim some savings, and yet the projected deficit over the next 5 years in January of this year is the same amount that was projected in August of last year that was used as the justification for the tax increase?

Mr. Chairman, will the gentleman from California [Mr. PANETTA], please explain that to me?

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the chairman of the committee.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, obviously it is a question that ought to be addressed to the Office of Management and Budget as well as to the Congress. But it relates specifically to some of the areas that the gentleman just pointed out. The biggest contributor to the deficit that we are looking at right now in the $300 billion category is about $100 billion next year that goes for the S&L situation.

Mr. DANNEMEYER. Right, I admit that.

Mr. PANETTA. And in addition to that, you have got the recession, which resulted in reduced revenues. The combination of those——

Mr. DANNEMEYER. On that point I am going to reclaim my time. Can it not be, sir, could it not be that the cause of the recession was the tax package that this Congress adopted and inflicted on the American public?

Mr. PANETTA. Certainly, that is the gentleman's viewpoint, but it is not the viewpoint of the White House, and it is not my viewpoint. I think the basic thrust that drove the recession was essentially the Persian Gulf crisis and the spike in oil prices that took place in September.

Mr. DANNEMEYER. I thank my colleague for his response. I believe that if we want to get out of the recession, there are three taxes we should lower right now: capital gains tax rate in order to provide increased jobs for this country; we should remove the penalty on senior citizens who want to work beyond 65 and if they choose to work, they pay a huge penalty up to age 70; and we also should rescind the 1-percent increase in the Social Security tax. I do not agree with my colleague, Senator MOYNIHAN, on a lot of things, but on this he is right. It was not necessary to raise that tax on Social Security by a little over 1 percent effective January of last year, and we should rescind that.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to my colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank my colleague for yielding.

Mr. Chairman, I am stunned to hear that the recession started with the Persian Gulf crisis. The fact is that the economic indicators started down the first part of July, almost immediately after the announcement at the White House that we were going to raise taxes. So the fact is that in July the economy began to show weakening at the indicator level and by August we were actually in the recession. So that I think it is a little bit stunning to hear that we are now blaming the Persian Gulf crisis when, in fact, it was the tax policy that drove the recession.

The CHAIRMAN pro tempore. All time of the gentleman from California [Mr. DANNEMEYER] has expired.

Mr. DANNEMEYER. Mr. Chairman, the gentleman from California [Mr. PANETTA] has time remaining. Would he yield to me?

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DANNEMEYER] and I would ask him to yield.

Mr. DANNEMEYER. I yield to the chairman.

Mr. PANETTA. Mr. Chairman, the gentleman from Pennsylvania [Mr. WALKER] is correct, there was a weakening in the economy. Dr. Boskin has often testified time and time again that the one thing that eventually threw us into a full-scale recession was the oil spike that took place during the initial Persian Gulf crisis.

Mr. DANNEMEYER. Well, since that oil spike has now been removed, one would believe if it was the cause, we should be out of it right? The gentleman from California is not saying anything in response, Mr. Chairman. I am puzzled. The gentleman from California [Mr. PANETTA] is not a man who is at a loss for words.

Mr. PANETTA. If the gentleman will yield, the gentleman is not that naive. He knows that once we get into a recession, it is not just a matter of changing oil prices, it is a matter of pulling out of a number of areas in order to try to resurrect from what is a deep recession.

Mr. DANNEMEYER. I hope my colleague will join us in reducing the taxes that I have described because I think it is the most constructive thing we can do to get this Nation out of the recession along with adopting a budget for the Federal Government which restrains spending and reforms the monetary system.

Earlier today Mr. STENHOLM of Texas and I discussed Reagan budget proposals and congressional responses. Enclosed is an analysis which shows that from 1982 to 1990, if Congress had appropriated each year what the President requested, the total level of spending in 1991 would have been $234 billion lower than what it was. Congress is responsible for the deficit mess, not the President.

FEDERAL BUDGETS—THE PRESIDENT VERSUS CONGRESS

[By fiscal year; outlays in billions of dollars]

Function	President's requests			Actual outlays		
	WED (1)	CBO (2)	OMB (3)	WED	CBO	OMB
1982						
National defense	188.9	188.8	186.8	186.3	185.3	185.3
Medicare	46.6	47.1	43.2	46.6	46.6	46.6
Social security	159.6	154.7	156.7	156.0	156.0	156.0
Net interest	82.6	82.5	68.4	85.0	85.0	85.0
Other	217.8	221.1	253.6	272.8	255.5	272.9
Total	695.5	695.3	708.1	745.1	728.1	745.7
1983						
National defense	221.1	221.1	220.0	209.9	209.9	209.9
Medicare	55.4	55.4	51.0	52.6	52.6	52.6
Social security	173.5	173.5	175.3	170.7	170.7	170.7
Net interest	112.5	112.5	97.1	89.8	89.8	89.8
Other	195.1	195.1	230.1	285.3	273.0	285.3
Total	757.6	757.6	773.3	808.3	796.0	808.3
1984						
National defense	245.3	245.3	245.0	227.4	227.4	227.4
Medicare	59.8	59.8	59.8	57.5	57.5	57.5
Social security	178.2	178.2	178.9	178.2	178.2	178.2
Net interest	103.2	103.2	106.3	111.1	111.1	111.1
Other	262.0	262.0	273.4	277.6	267.6	277.5
Total	848.5	848.5	863.3	851.8	841.8	851.8
1985						
National defense	272.0	272.0	272.0	252.7	251.5	252.7
Medicare	69.7	69.7	69.8	65.8	64.3	65.8
Social security	190.6	190.6	190.6	188.6	190.2	188.6
Net interest	116.1	116.1	116.1	129.4	129.4	129.4
Other	277.1	277.1	291.7	309.8	301.4	309.7
Total	925.5	925.5	940.3	946.3	936.8	946.3
1986						
National defense	285.7	285.7	285.7	273.4	273.4	273.4
Medicare	67.2	67.2	67.2	70.2	70.2	70.2
Social security	202.2	202.2	202.4	198.8	198.8	198.8
Net interest	142.6	142.6	142.6	136.0	136.0	136.0
Other	276.0	276.0	276.1	311.9	311.6	311.6
Total	973.7	973.7	973.9	990.3	989.8	989.8

	COM (4)			COM		
1987						
National defense ..	282.2	....	....	282.0	....	....
Medicare	70.2	....	....	75.1	....	....
Social security	212.2	....	....	207.4	....	....
Net interest	148.0	....	....	138.6	....	....
Other	281.4	....	....	300.7	....	....
Total	994.0	....	....	1,003.8	....	....
1988						
National defense ..	297.6	....	....	290.4	....	....
Medicare	73.0	....	....	78.9	....	....
Social security	219.4	....	....	219.3	....	....
Net interest	139.0	....	....	151.7	....	....
Other	295.3	....	....	323.7	....	....
Total	1,024.3	....	....	1,064.0	....	....
1989						
National defense ..	294.0	....	....	303.6	....	....
Medicare	84.0	....	....	85.0	....	....
Social security	233.8	....	....	232.5	....	....
Net interest	151.8	....	....	169.1	....	....
Other	330.6	....	....	352.4	....	....
Total	1,094.2	....	....	1,142.6	....	....
1990 (5)						
National defense ..	303.0	....	....	297	....	....
Medicare	94.9	....	....	97	....	....
Social security	246.7	....	....	249	....	....
Net interest	170.1	....	....	179	....	....
Other	337.1	....	....	380	....	....
Total	1,151.8	....	....	1,202	....	....

	Cumulative					
	WED	CBO	OMB	WED	CBO	OMB
National defense ..	2,389.8	2,389.7	2,385.8	2,316	2,315	2,316
Medicare	620.8	621.3	613.1	630	629	630
Social security	1,816.2	1,811.3	1,815.9	1,800	1,802	1,800
Net interest	1,165.9	1,165.8	1,139.3	1,186	1,186	1,186
Other	2,472.4	2,476.7	2,569.2	2,816	2,768	2,815
Total	8,465.1	8,464.8	8,523.3	8,749	8,700	8,749
DEVIATIONS 1982–88 (6)						
National defense ..	−74	−75	−70	....	....	....
Medicare	+9	+8	+7	....	....	....
Social security	−16	−9	−16	....	....	....
Net interest	+20	−20	+47	....	....	....
Other	+344	+291	+246	....	....	....
Total	+284	+235	+226	....	....	....

[1] Rep. W.E. Dannemeyer: President's budgets as submitted (FY 82 Reagan budget submitted in March, 1981); actual outlays as reported.

[2] Congressional Budget Office: President's budgets as submitted, excluding off-budget programs (FFB); actual outlays (updated), excluding off-budget programs.

[3] Office of Management & Budget: original budget requests adjusted for comparable accounting (defense includes imputed accruals for military retirement, Medicare includes premiums as offsetting receipts, totals include off-budget outlays).

[4] Composite: estimates have been identical beginning in FY 1987.

[5] Estimated.

[6] Actual outlays less President's requests.

Mr. PANETTA. Mr. Chairman, I yield myself 4 minutes for the purpose of closing.

Mr. Chairman, again I think there are many who respect the viewpoint of the gentleman from California [Mr. DANNEMEYER] in terms of how we confront what I think is a legitimate concern, which is the horrendous deficits that face this country.

But in addressing the deficit, it is always the same approach. Somehow when you address a problem as severe as the deficit, what you cannot do is go after some holy areas that should not be touched.

You should not touch defense spending. Interestingly enough, his proposal does not reduce below the cap, as he does in other areas, the defense number. That you should not raise any revenues of any taxes even if it is on the wealthiest individuals in the society. Somehow that is wrong.

So what you ought to do if you are really serious about going after the deficit is go after the investments that we make in people in our society; go after education, go after health care, go after nutrition, go after housing, go after science and research. Those are the areas, those are the areas where perhaps we can balance the budget if we just stick to cutting those investments within our own society.

Mr. Chairman, that does not work, and all of you know that it does not work. And the real thrust of the budget agreement last year by the President himself and by the leadership in the Congress, both sides, was to recognize the fact that if you are dealing with these horrendous deficits, you have to go after everything; you have to go after entitlements. There was a $100 billion reduction in entitlements in the budget agreement. You also have to go after discretionary savings, and there was $180 billion to $200 billion in savings in that area.

Two-thirds of that package involved spending savings. One-third involved revenue increases.

So if you are serious about the deficit, if you are honest with the American people about what has to be done, you will stop kidding them, stop kidding them.

Mr. Chairman, I will yield to the gentleman from California [Mr. DANNEMEYER] after I finish.

Mr. Chairman, let us stop kidding the American people. Do not pretend that somehow this horrendous deficit that faces us can just be solved by either restoring the gold standard or just cutting the hell out of domestic spending. It is not going to work. The gentleman knows it, and I know it.

So I think the Congress needs to recognize the statement that was made in the budget agreement, which is that the President and the Congress are going to join hands to try to stick to some firm caps on spending and we want to do it not only in 1992 but for the next 5 years, that offers the best hope within our system of trying to begin to reduce this deficit that confronts the country.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Chairman, I want to repeat again so that we do not misunderstand what is going on: The budget spending total that the gentleman is talking about today for the country for fiscal year 1992 is $1.458 trillion. That happens to be an increase of $66 billion more than we spent in 1991.

The budget total I am talking about is $1.430 trillion, which happens to be $38 billion more than we are going to spend this year. Nothing, my proposal does not cut anything; it increases spending in 1992 over 1991 by $38 billion. It spends less than your total by some $28 billion, and if you want to do something about controlling the deficit, Mr. Chairman, vote for my proposal because it will spend $28 billion less in a very responsible way and in the out years will significantly reduce this deficit that is mushrooming in this Nation.

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Mr. PANETTA. Reclaiming my time, Mr. Chairman, the gentleman from California [Mr. DANNEMEYER] is correct. He offers reduced spending, but he offers reduced spending in the areas that he wants to reduce spending in. He does not offer it in areas across the board. He is willing to go after the most vulnerable citizens in our society. He says they do not count, they are the ones that ought to pay the sacrifice, and leave the people at the upper income levels alone. Go after the most vulnerable Americans.

Mr. Chairman, it is for that reason that I oppose this proposal.

Mr. Chairman, I yield back the balance of my time.

Mr. KYL. Mr. Chairman, I rise in support of the Dannemeyer substitute and in opposition to the alternative budget resolution for fiscal year 1992 which was reported by the Budget Committee.

The Dannemeyer substitute provides the most dramatic deficit reduction of any of the alternatives that will come before us today, and it does so with no new taxes.

The deficit will total $49 billion less under the Dannemeyer budget than under the President's budget in fiscal year 1992. It will total $63 billion less than the Budget Committee's plan.

Unlike either of those alternatives—which start from a current services baseline and thus build a 12.6-percent increase in spending from the very start—the Dannemeyer budget freezes domestic discretionary spending at fiscal year 1990 levels with only a 4-percent adjustment for inflation. It maintains defense spending at the levels set in last year's budget agreement, saving $9.8 billion in fiscal year 1992 and $161 billion over 5 years.

Mr. Chairman, it isn't good enough just to stick with last year's budget agreement. Some of us argued then, and we all know now, that that agreement was not a deficit reduction plan at all. It was a blueprint for higher taxes and dramatically increased Federal spending, with deficits remaining at unacceptably high levels for the foreseeable future.

There was an alternative to the budget agreement last fall, an alternative which parallels the Dannemeyer substitute in many respects, but the Democratic leadership denied the members of the House the opportunity to even vote on it at that time. It would have resulted in significant reductions in the deficit, without resorting to tax increases. Well, we have an opportunity to demonstrate to the American people today who is serious about reducing the deficit and how that should be accomplished.

I urge support for the Dannemeyer substitute.

Mr. GEPHARDT. Mr. Chairman, during the past couple of years many in the Congress have focused aggressively on U.S. efforts in basic research and development, math and sciences education, advanced defense and commercial technology and manufacturing as well as export promotion—all key components of the American competitiveness puzzle. And, many of us have worked hard to ensure that adequate funding, and not only rhetoric, is available for key programs that will make America economically stronger and healthier.

The areas I've mentioned are not new, but ones which have been overlooked and neglected by the administration. However, the need to include these basic ingredients in U.S. competitiveness policies has been enforced in report after report, ending with the most recent one entitled "Gaining New Ground: Technology Priorities for America's Future" issued by the Council on Competitiveness in March 1990.

The budget resolution's initiative on technology and competitiveness is consistent with the consensus recommendations included in the Council's report. And it is necessary, if as the report states:

> America is to regain its once-commanding lead in critical technologies and establish a pragmatic plan for public and private-sector action.

Last year was the first year that the House had as part of its budget resolution, a competitiveness and economic development package. In the resolution we are considering today, there is once again an effort to enhance our country's competitiveness. This initiative, developed as a result of expertise and leadership from the Budget Committee, is our effort to establish priorities that the administration has identified but not funded in its budget.

Our serious commitments to the National Institute of Standards and Technology [NIST] and its Advanced Technology Program [ATP]; DARPA; National Science Foundation math and science education programs; the Department of Defense's manufacturing technology, science and engineering education and technology support programs; the Export-Import Bank, the Trade Development Program [TDP] and the U.S. and Foreign Commercial Service will strengthen the U.S. technology and industrial base and encourage U.S. exports to new and old markets abroad.

The direction given to U.S. technology and competitiveness policies through the important programs included in the budget resolution will no doubt help us regain the lost edge we have witnessed in these areas. By going back to the basics of American economic prosperity we will, as the Council on Competitiveness stated, "once again stand head and shoulders above other nations in the world because of our great technological strength."

Mr. YOUNG of Florida. Mr. Chairman, the American people will be shocked to know that the largest single item in the 1992 budget resolution we consider today will not provide a single dollar for the education of our children, health care or housing for families, for our national security, or for the benefits promised to our Nation's veterans and retirees.

The largest single outlay in this budget resolution is the $304 billion that our Nation will pay in interest on the national debt that will exceed $4 trillion next year.

Much has been made during this 2-day debate about the need to balance the Federal budget, and this Member has been one of the most vocal over the years in this regard. My colleagues should be aware that if not for the interest payment on the national debt, we actually would have a $23 billion surplus in fiscal year 1992. In fact, without the annual interest payment, we would have had surpluses this fiscal year and in each of the 4 prior fiscal years.

The fact is, that of the increase in the national debt during the Reagan and Bush administrations, $2.274 trillion, or 74 percent of the increase, went just to pay the interest on the national debt. The accumulated interest payment would have been even higher had President Reagan's economic policies not cut in half the interest rate during the early 1980's. Following my remarks, I will include a chart which details the growing interest payment on the national debt and its direct contribution to the national debt.

As I said in my opening remarks, these funds cannot be used to improve the quality of our children's education, the health care for young and old, the building of highways and bridges, health care and compensation for our Nation's veterans, or for the maintenance of our national security. And over the next 5 years, this payment is going nowhere but up. Between fiscal years 1992 and 1996, we will pay an additional $1.627 trillion in interest.

For more than 20 years, I have been warning my colleagues that the day of reckoning would come when they would be held accountable for their tax and spend policies in which the revenue generated by their tax increases never quite caught up with their spending on new and bigger programs. Throughout this same time, I also have urged my colleagues to face the budget head on and cast the difficult votes necessary to establish our Federal priorities.

Instead, this Congress has relied on gimmicks and phoney accounting year after year to claim to the people back home that we have discharged our fiscal responsibilities. Along came the Gramm-Rudman Act in which a computer was supposed to calculate and spit out automatic across-the-board cuts. I strongly opposed this legislation because it simply allowed Members of Congress to avoid casting the tough votes that would reduce Federal spending.

When Gramm-Rudman's spending reductions became too painful, the Congress stepped in to exempt a whole list of programs from its automatic cuts. In the end, more than two-thirds of all Federal outlays were exempted from sequestration. It soon became obvious that Gramm-Rudman would not succeed and its deficit-reduction targets were altered and its timetable for a balanced Federal budget was extended. Under the new scenario, the 1992 budget we considered today was supposed to be balanced. Instead, we are faced with the prospect of a $281 billion deficit.

With the failure of Gramm-Rudman, the Congress last year spent more than 9 months searching for a new gimmick. When it became obvious that all the gimmicks had been tried and failed and that years and years of phoney accounting and shifting of expenditures from 1 fiscal year to another had finally caught up with us, the leadership convened a series of private negotiations at an Air Force base 20 miles from the Capitol, to attempt to come to agreement on a 5-year, $500 billion budget reduction package. After weeks and weeks of these secret meetings, and the defeat of the first agreement, the leadership brought to the House and Senate a budget agreement that raised taxes, increased Federal spending, and will leave our Nation, at the end of this fiscal year, with a deficit of $318 billion—the largest in our Nation's history.

If the precariousness of our fiscal house is not already obvious, my colleagues should stop and consider the impact on our Nation of a sharp rise in interest rates. Although currently less than 10 percent, a prolonged 2-percent increase in interest rates could push our annual interest payment over $400 billion. A return of interest rates in excess of 20 percent, as they were in 1979 and 1980, would prove to be catastrophic and could dive the interest payment to more than half a trillion dollars per year.

Mr. Chairman, there should be no surprise in finding that more than 30 years of sustained deficit spending has left our Nation in fiscal chaos. Just like any individual consumer who continues to buy with a charge card without ever reducing their principal, the rising interest payment soon overwhelms the ability even to meet the finance charges. That is where we find ourselves today and why it should be evident that we need a real reform of our budget process to force this Congress to once and for all face its fiscal responsibilities head on.

We need to prohibit a repeat of last year's closed door budget negotiations, the imposition of gimmick legislation such as Gramm-Rudman, and the reliance upon accounting techniques which shift outlays between fiscal years or low-ball budget estimates with the hope that the shortage will be covered in future supplemental appropriations bills.

What we need is a new budget process which cuts away the layers of bureaucracy that have made the current process so ineffective and have actually contributed to the problem. We need to early in the year develop a simple estimate of revenues and the balancing level of outlays. Then we should allow the Appropriations Committee, and those committees responsible for mandatory entitlement programs, to bring before this House individual bill after bill, under open rules, allowing Members to have the opportunity to scrutinize every program and to debate and where appropriate amend the legislation. This is how our forefathers envisioned this process working in full view of the American people.

Finally, Mr. Chairman, I want to commend my colleague from California [Mr. DANNEMEYER] for his amendment today which provides a real solution to the ongoing burden of the annual interest payment. Included in his amendment is the authorization for the Secretary of the Treasury to issue up to $20 billion in gold-backed Treasury bonds which could finance a portion of the national debt at less than half the current rate of interest. This is a proposal my colleague from California has brought before this House time and again and which deserves our serious review and support.

Mr. Chairman, the day of reckoning has arrived and we are now being held accountable for decades of unrestrained Federal spending. We should make a commitment to the American people today that we will begin the process of making the difficult decisions and casting the tough votes to put our fiscal house in order. That is the challenge before us in the 5 months we have before fiscal year 1992 begins October 1.

INTEREST PAID ON THE NATIONAL DEBT

[Dollar amounts in billions]

Fiscal year	Interest paid on the national debt	Fiscal year deficit	Total accumulated national debt	Total Federal outlays	Interest as a percent of total outlays
1980	$74.8	$73.8	$908.5	$590.0	12.7
1981	95.5	78.9	994.3	678.2	14.1
1982[1]	117.2	127.9	1,136.8	745.7	15.7
1983	128.6	207.8	1,371.2	808.3	15.9
1984	153.8	185.3	1,564.1	851.8	18.1
1985	178.8	212.3	1,817.0	946.3	18.9
1986	190.2	221.2	2,120.1	990.3	19.2
1987	195.3	149.7	2,345.6	1,003.8	19.5
1988	214.1	155.1	2,600.8	1,064.1	20.1
1989	240.9	153.4	2,867.5	1,144.1	21.1
1990	264.8	220.4	3,206.3	1,251.7	21.2
1991[2]	286.3	318.1	3,617.8	1,409.6	20.3
1992[2]	304.0	280.9	4,021.1	1,445.9	21.0
1993[2]	320.0	201.5	4,365.5	1,454.2	22.0
1994[2]	330.0	61.7	4,586.8	1,427.1	23.1
1995[2]	334.5	2.9	4,773.3	1,470.3	22.8
1996[2]	338.5	19.9	4,949.4	1,540.9	22.0

[1] The fiscal year 1982 budget was the first submitted by President Reagan.

[2] Estimate.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 79, noes 332, not voting 20, as follows:

[Roll No. 68]

AYES—79

Allard
Armey
Ballenger
Bliley
Broomfield
Bunning
Burton
Callahan
Coble
Combest
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Franks (CT)
Gekas
Gilchrest
Gingrich
Goss
Grandy
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Herger
Holloway
Hopkins
Houghton
Hunter
Inhofe
Ireland
James
Kyl
Lewis (FL)
Lightfoot
Lowery (CA)
McEwen
Miller (OH)
Moorhead
Nichols
Oxley
Packard
Petri
Porter
Pursell
Quillen
Ravenel
Rhodes
Ritter
Rohrabacher
Roth
Schaefer
Schulze
Sensenbrenner
Shays
Shuster
Slaughter (VA)
Solomon
Spence
Stearns
Stump
Taylor (MS)
Taylor (NC)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Young (FL)
Zimmer

NOES—332

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hutto
Hyde
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kleczka
Klug
Kolbe
Kolter
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Zeliff

NOT VOTING—20

Alexander
Aspin
Bevill
Bryant
Dornan (CA)
Dymally
Gephardt
Hughes
Kennelly
Kopetski
Kostmayer
Lehman (FL)
Levine (CA)
Marlenee
Rose
Roukema
Towns
Udall
Volkmer
Yates

□ 1313

The Clerk announced the following pair:

On this vote:

Mr. Dornan of California for, with Mr. Hughes against.

Mr. WYDEN and Mr. RIGGS changed their vote from "aye" to "no."

Mr. CUNNINGHAM and Mr. JAMES changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. KASICH:

Strike all after the resolving clause and insert the following:

That the budget for fiscal year 1992 is established, and the appropriate budgetary levels for fiscal years 1993, 1994, 1995, and 1996 are hereby set forth.

RECOMMENDED LEVELS AND AMOUNTS

SEC. 2. (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1991, October 1, 1992, October 1, 1993, October 1, 1994, and October 1, 1995:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1992: $849,900,000,000.
Fiscal year 1993: $914,200,000,000.
Fiscal year 1994: $1,000,100,000,000.
Fiscal year 1995: $1,077,800,000,000.
Fiscal year 1996: $1,143,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1992: $2,800,000,000.
Fiscal year 1993: $800,000,000.
Fiscal year 1994: −$400,000,000.
Fiscal year 1995: −$600,000,000.

Fiscal year 1996: −$4,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1992: $82,705,000,000.

Fiscal year 1993: $90,123,000,000.

Fiscal year 1994: $96,814,000,000.

Fiscal year 1995: $103,105,000,000.

Fiscal year 1996: $110,190,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1992: $1,235,000,000,000.

Fiscal year 1993: $1,180,200,000,000.

Fiscal year 1994: $1,228,800,000,000.

Fiscal year 1995: $1,273,700,000,000.

Fiscal year 1996: $1,324,400,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1992: $1,184,600,000,000.

Fiscal year 1993: $1,175,600,000,000.

Fiscal year 1994: $1,133,700,000,000.

Fiscal year 1995: $1,165,900,000,000.

Fiscal year 1996: $1,226,200,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1992: ($334,700,000,000).

Fiscal year 1993: ($261,400,000,000).

Fiscal year 1994: ($133,600,000,000).

Fiscal year 1995: ($88,100,000,000).

Fiscal year 1996: ($82,400,000,000).

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1992: $3,978,300,000,000.

Fiscal year 1993: $4,313,900,000,000.

Fiscal year 1994: $4,529,500,000,000.

Fiscal year 1995: $4,715,700,000,000.

Fiscal year 1996: $4,889,600,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1991, October 1, 1992, October 1, 1993, October 1, 1994, and October 1, 1995, are as follows:

Fiscal year 1992:

(A) New direct loan obligations, $14,698,000,000.

(B) New primary loan guaraptee commitments, $190,235,000,000.

Fiscal year 1993:

(A) New direct loan obligations, $14,976,000,000.

(B) New primary loan guarantee commitments, $193,517,000,000.

Fiscal year 1994:

(A) New direct loan obligations, $13,581,000,000.

(B) New primary loan guarantee commitments, $196,717,000,000.

Fiscal year 1995:

(A) New direct loan obligations, $13,447,000,000.

(B) New primary loan guarantee commitments, $199,992,000,000.

Fiscal year 1996:

(A) New direct loan obligations, $13,650,000,000.

(B) New primary loan guarantee commitments, $202,539,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new primary loan guarantee commitments for fiscal years 1992 through 1996 for each major functional category are:

(1) National Defense (050):

Fiscal year 1992:

(A) New budget authority, $290,800,000,000.

(B) Outlays, $295,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $290,900,000,000.

(B) Outlays, $291,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $291,900,000,000.

(B) Outlays, $286,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $295,100,000,000.

(B) Outlays, $288,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $297,800,000,000.

(B) Outlays, $293,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1992:

(A) New budget authority, $21,400,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $1,745,000,000.

(D) New primary loan guarantee commitments, $9,349,000,000.

Fiscal year 1993:

(A) New budget authority, $20,700,000,000.

(B) Outlays, $17,800,000,000.

(C) New direct loan obligations, $1,625,000,000.

(D) New primary loan guarantee commitments, $9,344,000,000.

Fiscal year 1994:

(A) New budget authority, $19,000,000,000.

(B) Outlays, $18,000,000,000.

(C) New direct loan obligations, $1,432,000,000.

(D) New primary loan guarantee commitments, $9,305,000,000.

Fiscal year 1995:

(A) New budget authority, $20,600,000,000.

(B) Outlays, $18,000,000,000.

(C) New direct loan obligations, $1,449,000,000.

(D) New primary loan guarantee commitments, $9,360,000,000.

Fiscal year 1996:

(A) New budget authority, $19,300,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $1,455,000,000.

(D) New primary loan guarantee commitments, $9,406,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1992:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $15,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $16,300,000,000.

(B) Outlays, $15,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $16,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $17,600,000,000.

(B) Outlays, $17,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $18,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1992:

(A) New budget authority, $4,500,000,000.

(B) Outlays, $3,700,000,000.

(C) New direct loan obligations, $1,197,000,000.

(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 1993:

(A) New budget authority, $5,500,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,741,000,000.

(D) New primary loan guarantee commitments, $1,150,000,000.

Fiscal year 1994:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $4,900,000,000.

(C) New direct loan obligations, $724,000,000.

(D) New primary loan guarantee commitments, $1,200,000,000.

Fiscal year 1995:

(A) New budget authority, $4,900,000,000.

(B) Outlays, $4,000,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $1,250,000,000.

Fiscal year 1996:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $3,200,000,000.

(C) New direct loan obligations, $850,000,000.

(D) New primary loan guarantee commitments, $1,280,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1992:

(A) New budget authority, $19,700,000,000.

(B) Outlays, $19,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $19,500,000,000.

(B) Outlays, $19,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $19,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $18,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1992:

(A) New budget authority, $20,100,000,000.

(B) Outlays, $15,200,000,000.

(C) New direct loan obligations, $8,288,000,000.

(D) New primary loan guarantee commitments, $8,464,000,000.

Fiscal year 1993:

(A) New budget authority, $17,600,000,000.

(B) Outlays, $14,100,000,000.

(C) New direct loan obligations, $8,265,000,000.

(D) New primary loan guarantee commitments, $8,462,000,000.

Fiscal year 1994:

(A) New budget authority, $16,200,000,000.

(B) Outlays, $13,300,000,000.

(C) New direct loan obligations, $8,202,000,000.

(D) New primary loan guarantee commitments, $8,470,000,000.

Fiscal year 1995:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $8,236,000,000.

(D) New primary loan guarantee commitments, $8,424,000,000.

Fiscal year 1996:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $8,387,000,000.

(D) New primary loan guarantee commitments, $8,175,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1992:

(A) New budget authority, $104,000,000,000.

(B) Outlays, $93,900,000,000.

(C) New direct loan obligations, $1,380,000,000.

(D) New primary loan guarantee commitments, $142,539,000,000.

Fiscal year 1993:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $49,400,000,000.

(C) New direct loan obligations, $1,355,000,000.

(D) New primary loan guarantee commitments, $147,358,000,000.

Fiscal year 1994:

(A) New budget authority, $11,900,000,000.

(B) Outlays, ($33,600,000,000).

(C) New direct loan obligations, $1,356,000,000.

(D) New primary loan guarantee commitments, $150,278,000,000.

Fiscal year 1995:

(A) New budget authority, $13,000,000,000.

(B) Outlays, ($38,200,000,000).

(C) New direct loan obligations, $1,341,000,000.

(D) New primary loan guarantee commitments, $152,915,000,000.

Fiscal year 1996:

(A) New budget authority, $13,600,000,000.

(B) Outlays, ($26,100,000,000).

(C) New direct loan obligations, $1,294,000,000.

(D) New primary loan guarantee commitments, $155,242,000,000.

(8) Transportation (400):

Fiscal year 1992:

(A) New budget authority, $33,400,000,000.

(B) Outlays, $32,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $34,300,000,000.

(B) Outlays, $33,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $35,600,000,000.

(B) Outlays, $34,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $36,900,000,000.

(B) Outlays, $34,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $39,000,000,000.

(B) Outlays, $34,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1992:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $6,500,000,000.

(C) New direct loan obligations, $939,000,000.

(D) New primary loan guarantee commitments, $466,000,000.

Fiscal year 1993:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $5,500,000,000.

(C) New direct loan obligations, $953,000,000.

(D) New primary loan guarantee commitments, $464,000,000.

Fiscal year 1994:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $5,300,000,000.

(C) New direct loan obligations, $966,000,000.

(D) New primary loan guarantee commitments, $459,000,000.

Fiscal year 1995:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $5,500,000,000.

(C) New direct loan obligations, $980,000,000.

(D) New primary loan guarantee commitments, $452,000,000.

Fiscal year 1996:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,400,000,000.

(C) New direct loan obligations, $993,000,000.

(D) New primary loan guarantee commitments, $443,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1992:

(A) New budget authority, $45,000,000,000.

(B) Outlays, $45,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,281,000,000.

Fiscal year 1993:

(A) New budget authority, $44,400,000,000.

(B) Outlays, $43,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,994,000,000.

Fiscal year 1994:

(A) New budget authority, $44,900,000,000.

(B) Outlays, $43,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $14,880,000,000.

Fiscal year 1995:

(A) New budget authority, $45,400,000,000.

(B) Outlays, $44,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $15,572,000,000.

Fiscal year 1996:

(A) New budget authority, $45,700,000,000.

(B) Outlays, $40,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $16,268,000,000.

(11) Health (550):

Fiscal year 1992:

(A) New budget authority, $80,400,000,000.

(B) Outlays, $80,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $185,000,000.

Fiscal year 1993:

(A) New budget authority, $91,300,000,000.

(B) Outlays, $90,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $120,000,000.

Fiscal year 1994:

(A) New budget authority, $102,500,000,000.

(B) Outlays, $101,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $60,000,000.

Fiscal year 1995:

(A) New budget authority, $113,600,000,000.

(B) Outlays, $112,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $126,000,000.000.

(B) Outlays, $125,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1992:

(A) New budget authority, $113,800,000,000.

(B) Outlays, $113,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $124,500,000,000.

(B) Outlays, $124,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $138,500,000,000.

(B) Outlays, $138,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $154,600,000,000.

(B) Outlays, $154,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $174,600,000,000.

(B) Outlays, $174,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1992:

(A) New budget authority, $222,500,000,000.

(B) Outlays, $184,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $232,400,000,000.

(B) Outlays, $193,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $241,200,000,000.

(B) Outlays, $201,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $249,100,000,000.

(B) Outlays, $210,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $258,900,000,000.

(B) Outlays, $219,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1992:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $8,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $9,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $10,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1992:

(A) New budget authority, $32,400,000,000.

(B) Outlays, $32,300,000,000.

(C) New direct loan obligations, $1,149,000,000.

(D) New primary loan guarantee commitments, $14,851,000,000.

Fiscal year 1993:

(A) New budget authority, $32,900,000,000.

(B) Outlays, $32,800,000,000.

(C) New direct loan obligations, $1,037,000,000.

(D) New primary loan guarantee commitments, $12,625,000,000.

Fiscal year 1994:

(A) New budget authority, $34,000,000,000.

(B) Outlays, $35,500,000,000.

(C) New direct loan obligations, $901,000,000.

(D) New primary loan guarantee commitments, $12,065,000,000.

Fiscal year 1995:

(A) New budget authority, $35,100,000,000.

(B) Outlays, $35,100,000,000.

(C) New direct loan obligations, $791,000,000.

(D) New primary loan guarantee commitments, $12,019,000,000.

Fiscal year 1996:

(A) New budget authority, $36,100,000,000.

(B) Outlays, $34,700,000,000.

(C) New direct loan obligations, $679,000,000.

(D) New primary loan guarantee commitments, $11,725,000,000.

(16) Administration of Justice (750):

Fiscal year 1992:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $13,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $15,300,000,000.

(B) Outlays, $14,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $16,500,000,000.

(B) Outlays, $16,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1992:

(A) New budget authority, $11,600,000,000.

(B) Outlays, $11,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $12,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $11,900,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $13,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1992:

(A) New budget authority, $229,800,000,000.

(B) Outlays, $229,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $239,100,000,000.

(B) Outlays, $239,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $246,300,000,000.

(B) Outlays, $246,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $248,900,000,000.

(B) Outlays, $248,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $251,100,000,000.

(B) Outlays, $251,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1992:

(A) New budget authority, $100,000,000.

(B) Outlays, $200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $100,000,000.

(B) Outlays, $100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $100,000,000.

(B) Outlays, $200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $100,000,000.

(B) Outlays, $100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $100,000,000.

(B) Outlays, $100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1992:

(A) New budget authority, $34,500,000,000.

(B) Outlays, $34,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $36,900,000,000.

(B) Outlays, $36,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $34,000,000,000.

(B) Outlays, $34,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $34,000,000,000.

(B) Outlays, $34,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $36,000,000,000.

(B) Outlays, $36,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Ohio [Mr. KASICH] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Does the gentleman from California [Mr. PANETTA] oppose the amendment?

Mr. PANETTA. Mr. Chairman, this gentleman is opposed.

The CHAIRMAN pro tempore. The gentleman from California [Mr. PANETTA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I watched with great interest the discussion that went along on the last amendment. I want to explain basically what I am doing, because I think this is an amendment that Members can support across the board.

Mr. Chairman, I am not involved in my amendment in gutting the operations of the Federal Government, nor involved at all in going in and doing anything different than what the administration does in the area of entitlements, or on the premium for Medicare.

Mr. Chairman, all I basically do to get the bulk of my savings is hold the rate of budget authority growth to the rate of inflation for 5 years. By doing that, I save $8.1 billion more than the administration's plan in the first year, and $85 billion over 5 years. Those numbers, as opposed to the Panetta plan, I will save $13.4 billion in the first year, and $172 billion over 5 years.

Mr. Chairman, I want all Members to focus on this chart. This is, I believe, a miniature scandal that is brewing here when it comes to the way in which we do our budget numbers. You may recall that last year we got together and said we should not use the surpluses from Social Security to mask the deficit. So we moved the Social Security calculations off budget.

Lo and behold, we are now using the S&L crisis, the calculations of the savings and loan crisis in this country, to mask the real cost of the deficit and the real glidepath of the Federal Government.

Mr. Chairman, if you look at this chart, you can see that the argument that we are only increasing spending marginally over these next 5 years as provided for under the budget agreement looks pretty well like they are right. One can see that the increases are rather small. There are no dramatic increases.

What one must understand is that under the calculations of the administration in the last 2 years, there is at least $90 billion in revenue they are projecting is going to come in from the S&L crisis.

Mr. Chairman, nobody in this country has been right, let alone in the Washington, DC area, in terms of the total revenues that are going to be generated from the S&L crisis.

What I say is let us take the S&L funding completely out of the picture and look at what happens to this budget deal. When one does that, they can see the dramatic increases in the growth of Federal spending.

Mr. Chairman, what we are doing is we are hiding that dramatic increase in Federal spending by masking it with the S&L crisis. When you strip the S&L crisis out of the calculations, you can see that the increases in Federal spending are absolutely dramatic on a year-to-year basis.

Furthermore, there was a discussion about how bad things were in the Reagan years, how spending went up so high. We happen to have a chart that reflects that as well.

What you can see in this chart is that the Reagan rate is the bottom number, and the top rate is the current spending rate. This is what I would call the deficit wedge. The deficit wedge indicates that the growth in Federal spending is up dramatically in these 5 years as opposed to the Reagan years.

Mr. Chairman, going back to the chart that has to do with the S&L crisis, whether you believe that we have done a good job or not, or what kind of chart we are setting a course on, or whether the gentleman from California [Mr. PANETTA] is right, or the gentleman from Ohio [Mr. GRADISON] is right, or whether this gentleman is right, the bottom line is over the next 5 years we are going to add $1.3 trillion to the national debt, and that is absolutely crazy.

Then we come to the floor and we applaud ourselves for the fantastic job we are doing in controlling Federal spending under the budget deal, while at the same time we add $1.3 trillion to the national debt.

□ 1320

Under the Kasich plan, all we do is hold the growth in budget authority to the rate of inflation, and we will, over a period of 5 years, save a modest $85 billion over the administration's plan, and as compared to the Democrat plan we save $172 billion.

Look, folks, nobody should be afraid to go home and tell their constituents that they voted to hold the growth of discretionary spending to the rate of inflation. No Member should be opposed to that.

This is a good plan and I ask for Members' support in vast numbers on a bipartisan basis.

Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. JONES], chairman of the Committee on Merchant Marine and Fisheries.

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong opposition to this amendment.

Yesterday, I testified before the Appropriations Committee and requested funding for discretionary programs within the Maritime Administration and the National Oceanic and Atmospheric Administration.

I have also requested funding for Coast Guard programs, Corps of Engineers programs, and Department of the Interior programs.

The Appropriations Committee is already facing a difficult job to fund necessary programs and projects in which committees and Members are interested. Across-the-board reductions in domestic spending allocations make its job even harder.

Any Member who has requested appropriations for any programs or projects cannot, in good conscience, support this amendment.

I urge opposition to the amendment.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding the time to me.

Mr. Chairman, I would like to take just a moment to applaud the gentleman from Ohio [Mr. KASICH] for the thoughtful work and the expensive work he has put into this process. Working virtually alone, he has come up with a very good alternative. I would also like to remind the body that what we are doing is marking up the budget beginning with a base instrument of the Democratic majority's budget from the Budget Committee, and anything we vote on will be an amendment to that. So the question Members must ask themselves is: Is this proposal before us a better alternative in budgeting than the alternative brought by the Democratic majority in the Budget Committee?

I am going to say that the Kasich alternative is a better alternative we must all vote for. Let me just talk for a quick minute about the fundamental problem with the committee mark, which is that it is based on unrealistically optimistic economic assumptions. I am going to give a quick example.

During the period of time in which the Nation is in a recession, given the assumption that the recession will be shallow and short by the Congressional Budget Office, the Democratic budget proposes cuts in unemployment insurance by $431 million, and by making that cut, by assuming those increased revenues of some $11 billion, they make it possible to increase spending in other mandatory levels of spending.

The upshot of that is that we will be back, if this budget passes and we pass legislation to conform with it, looking for special supplemental appropriation bills to cover such things as the shortfalls in unemployment insurance unless the optimistic forecast of the Congressional Budget Office holds up.

Let us take a look at the budget. Entitlement spending is 52 percent of our budget; $1 out of every $7 of that 52 percent finds its way into the hands of people at or below the poverty level of income. If six out of every seven entitlement dollars are going to people with greater than entitlement incomes, we must see the need, the opportunity, and the ways in which we can have entitlement reform. Kasich does that; the Democratic budget in report language allows that the committees ought to discuss it while Kasich does it.

We ought to try to find a way to hold down the interest on the debt, 20 percent of our budget. We ought to have real restraint in the growth on discretionary spending, and we ought to keep the tax extenders in the law as the President proposed. Kasich does that and he retains in that some vestige of respect for the American people, their entrepreneurial talent, their creativity, their ability to spend their money on a more productive basis on behalf of themselves and their families than the Government can. Kasich understands these things, he does these things. The Democratic budget ignores them or allows for the possibility to talk about them.

I say vote for the Kasich amendment.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. BERMAN], a member of the Budget Committee.

Mr. BERMAN. Mr. Chairman, I thank the chairman of our committee for yielding the time to me.

Mr. Chairman, I rise today in opposition to the Kasich substitute and in support of the House budget resolution.

While both budgets are constrained by a pitiful lack of resources given the urgent unmet domestic needs around the country, the House budget resolution more reflects my values and priorities, and is therefore more deserving of my support.

One of the more troubling aspects of the Kasich substitute is that it is silent or ignores a number of modern day issues which, if confronted, could begin to reshape our country's future.

His substitute supports a cut in the capital gains tax, despite the fact most of the benefits would flow to the very wealthy at a time when income inequality in our country is greater today than at any time since the Great Depression.

The House budget resolution strongly rejects a cut in the capital gains tax. It opposes the economic policies advanced over the last decade by Republican administrations which have led to the top one-fifth of working Americans taking home more money than the other four-fifths together.

The substitute does not provide any funding increases over inflation for successful programs like Head Start, WIC, prenatal care or childhood immunization to help pull children out of poverty.

The House budget resolution provides for large increases above inflation for these programs. It addresses the cruel condition that in the richest country in the world, one of five children is born into poverty.

In the few minutes I have left, I would like to focus on the international affairs part of the Kasich substitute—one of the most glaring flaws of the proposal.

The Kasich substitute cuts international affairs programs by $500 million below the House budget resolution and close to $1 billion below the allowed budget cap.

Mr. Chairman, since 1985, U.S. foreign aid spending has declined by $4 billion, from $19 billion to $15 billion—in real terms by almost a third. The poorest regions of the world, principally Africa, have seen drastic declines in United States assistance. After decades of clear world leadership, the United States has now fallen behind other developed countries in foreign aid spending—at the expense of our political and economic influence worldwide.

The Kasich substitute does nothing to reverse these disturbing trends, and while perhaps, unintended, exacerbates them.

Instead, it retreats from our country's ability to seize the initiative on significant historic events taking place in Eastern Europe and poignant and tragic human disasters taking place around the world.

I know the gentleman from Ohio supports the historic political and economic transformation taking place in Eastern Europe—but his substitute does not reflect this support. Surely, the transformation of communism to capitalism and totalitarianism to democracy is worthy of more American resources that his substitute provides.

Neither does the gentleman's substitute adequately provide for the human suffering and tragedy we are witnessing among Kurdish refugees in Turkey, Iran, and Iraq. The whole refugee account totals less than the $500-million cut being proposed in the substitute.

Other desperate refugee problems are developing in the Horn of Africa, the Sudan, and South Africa. Eastern European and Southeast Asian refugees continue to overwhelm the world's ability to cope.

Does the gentleman really want to cut back our efforts in these areas?

What about programs to feed starving children and to provide much needed health care to the poorest of the poor? What about population planning and the multilateral development banks? All these programs would be cut under the gentleman's substitute.

The House budget resolution does recognize the dramatic changes taking place around the world, as well as other unprecedented worldwide demands and provides sufficient resources to address them. It rejects declining foreign aid budgets of recent years.

It recommends shifting foreign aid away from military assistance into humanitarian and development assistance.

It also provides for new initiatives in Africa and Eastern Europe. And it makes no reduction in the level for aid for Israel and Egypt.

In addition, the House budget resolution provides a large increase over last year for the Export-Import Bank. This increase reflects that American foreign aid in the 1990's must go beyond promoting democracy and stability in the world. It must be used as a strategic policy tool by the Federal Government to gain markets in the emerging democracies in Eastern Europe and around the world. Western European and Pacific rim countries have been providing this assistance to their businesses for years. The United States must be commensurately involved in this area if we are to compete with them economically.

Mr. Chairman, we must change our notion of national security for the decade ahead. The events of the past 10 years, particularly since 1989, provide historic opportunities for the United States to foster freedom, peace, and stability in a dramatically changing world. The committee's budget assumes vital assistance increases to the poorest regions of the world, and to fragile democracies. It targets the root economic causes of international conflict to make our post-cold-war world more stable and secure.

In our $5 trillion economy, I believe that the United States can and must provide substantially more in foreign aid than we have done in past years, and certainly more than the Kasich substitute. The committee budget does so in the context of obvious fiscal constraints, and I urge my colleagues to support its adoption.

☐ 1330

Mr. KASICH. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want the gentleman from California who just spoke to support my amendment, and let me tell the Members why.

In the income security area, I actually provide $1.5 billion more in budget authority than the Democratic alternative and $4.3 billion more in outlays in the category of income security. So if the gentleman is worried about the programs of the poor, I am more generous to the programs of the poor in the category of income security than his alternative is.

The gentleman is criticizing me for being a skinflint there. He ought to be criticizing his own people.

We have taken care of the problem for the people who are the poorest, which are the people that we target in terms of helping them. Additionally, the numbers speak for themselves. The other point is, as the gentleman knows, it has never been my intent to take the half billion dollars a year out of the foreign aid category, aid to nations. It has been taken out of a bureaucracy that has been created that does not even serve in the area of direct aid to nations.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, I rise in support of the Kasich budget substitute.

Much is going to be said this week and on this floor about how Congress is doing its part to restore fiscal discipline to the Federal budget. Unfortunately, we have a long way to go, believe me.

Yes, there is a holding of the line in defense spending, but just look at what is called domestic discretionary spending. This year it is going up over 9 percent.

In the budget before us, in the Democratic party's budget before us, it is going to go up over 6 percent next year. What it comes down to is domestic spending is growing much faster than the rate of inflation.

Mr. Chairman, these trends cannot continue if we are going to be serious in our efforts to reduce the deficit and balance the budget.

The Kasich budget provides an alternative to runaway spending and high deficits. Simply put, it is a flexible freeze proposal which limits increases in domestic discretionary spending to the rate of inflation, thereby providing those programs with a cost-of-living adjustment.

The Kasich budget is humane, as has just been pointed out. In that area of income security that most affects the needy in our society, the Kasich budget actually spends slightly more than the majority's budget, or the majority's budget spends less. Modestly slowing the rate of spending growth, which is what the Kasich budget does, is not a cut. It is a slowing of the rate of growth while revenues rise.

Mr. Chairman, the Kasich budget achieves real savings relative to what this Congress would otherwise spend in the Democrats' or the President's proposal: $13 billion this coming year, close to a $100 billion better in deficit reduction over the next 5 years.

Mr. Chairman, these savings alone will not eliminate our huge budget deficit, but the Kasich budget, I believe, is a good first step.

For this reason, I urge its adoption.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I rise in support of the budget alternative offered here by my good friend Mr. KASICH of Ohio.

Mr. Chairman, last year many of us argued for reduced spending and voted against the budget resolution because it raised spending and raised taxes. I worked with Mr. KASICH, my colleague from Michigan, Mr. PURSELL, and others to develop a budget alternative that provided real reductions in spending but were not allowed to bring it to the floor for a vote. The budget alternative offered here today by Mr. KASICH embodies many of the ideas we fought for last year.

Mr. KASICH's proposal brings the fairness of our progressive tax structure into the budget by applying means testing in the Medicare Program. It reduces international spending—foreign aid if we must make sacrifices at home, so should our foreign beneficiaries. It at least holds domestic spending to the rate of inflation or the President's budget request, whichever is lower. And perhaps most importantly, it does not further increase the deficit by spending all the way up to the domestic budget cap.

Mr. Chairman, regardless of the budget alternative we finally choose today, none of us should remain complacent or pretend we have solved the continuing budget crisis simply because we have met the requirements of last fall's Budget Enforcement Act. All the budget alternatives we are considering today will start fiscal 1992 with projected annual deficits of almost $300 billion. During fiscal 1992, Mr. Chairman, outstanding Federal debt will top $4 trillion. Just the interest payments alone will exceed $200 billion. Mr. Chairman, a little over a decade ago we were outraged at annual deficits of $40 billion and a Federal debt that hadn't breached the trillion dollar mark.

We have become immune to the sound of such enormous numbers as if they have very little meaning. And we have cynically turned our backs on the effect this mountain of red ink has on our ability to fund desperately needed programs. Had we not incurred this massive debt, the $200 billion we will pay as interest would go a long way toward feeding the hungry, educating our children, and maintaining a sound economy.

Our current path does little to truly stop our massive overspending and mounting debt. Future budget debates will not focus on our visions for a better world but will degenerate into contentious battles over increasingly limited resources. We will be forced to dedicate an even greater portion of those resources to fund the debt we will leave our children.

Mr. Chairman, as many of us have said time and time again, we cannot continue on this course. I look forward to the day when we face up to our fiscal responsibilities and debate budget alternatives that present real choices.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Chairman, I rise in support of the Kasich budget proposal, because it makes sense. It is the only realistic, viable proposal before us this week.

It is a live within your income approach to fiscal sanity. The people of New Hampshire, and the people of America, who paid their income taxes this week, have to live within their means. In our small businesses, we have to live within our revenues. Our cities and our towns have to live within their income. The Federal Government should do the same.

The Kasich budget proposal simply says that the U.S. Government should hold its domestic discretionary spending increases to no more than the rate of inflation. In plain English, it says let's make a start today toward living within our income. Let's operate the Federal checkbook the same way we operate our family and business checkbooks. Let's keep our rate of spending increases to our rate of income growth.

This budget proposal should be supported by all who opposed the Omnibus Budget Reconciliation Act of last fall. This budget proposal should also be supported by all of you, who campaigned for tax fairness last fall. It calls for a modest start to means testing both Medicare and farm subsidies.

The Kasich budget proposal is a good start toward a return to common sense, live within your income budgeting. That's why I shall support it, and I urge my fellow Members of Congress to do the same.

☐ 1340

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, this is the fiscal year in which the Federal budget was supposed to be balanced under the original Gramm-Rudman Act. Instead, what we have is a record-setting $378 billion deficit if we include the so-called off-budget items.

Last year, last October, there was another agreement reached, and that was supposed to balance the budget by 1995. By December, it was clear by the people who reached that agreement, that that date was unrealistic. I say we should get serious about balancing the Federal budget. The way we do that is by making cuts that hurt a little bit.

Now, there are some cuts in the Kasich, and some reductions in the increase of spending, in the Kasich legislation that I do not like. However, I think we all have to share a little pain if we are going to bring our spending in line with our revenues. It is not that unreasonable to do. All we have to do it slow down the rate of growth of spending.

I believe that the debate, the argument between the two sides and the similarities between the administration's budget bill and the Democrats' budget bill are moot. Neither side should be proud that their package looks like the other. It provides for $290 billion in deficit.

Now, we are already spending 20 cents on every dollar to pay the interest on the national debt. There is no way we are going to be able to dig ourselves out of this situation if we let that debt continue to grow, and that wedge of interest payments continue to grow. What we need to balance the budget is a balanced budget constitutional amendment. We need a line item veto. However, what we need more than anything, is for Members of Congress to say no to unnecessary spending. The time to begin is now.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Chairman, it is not lost upon me that the last three speakers, including myself, are freshmen Members of Congress. First, let me speak to the freshmen Members of Congress who were involved in campaigns last year, many against incumbents, and me being one. The budget was a big issue, the budget and fiscal responsibility was a big issue in the campaigns. This is Members' last and only chance to do something about the promises that Members made during that campaign. This is the only budget that Members will see that do anything about at least approaching the problem of deficit spending. This is the Members' opportunity.

When we go back home, this is the vote that people are going to look at. This is the chance for all Members.

Let me clear one other point if I may to the Members at large, in picking up with the gentleman from Ohio [Mr. KASICH] said, which I think is an important point, perhaps glossed over. That is, what this budget does in the area of income security. We, in the Kasich budget, put $12 billion more over the next 5 years in income security. We do more in this budget than the Democrats do in their budget for poor people in this country in the area of income security. This is a compassionate budget. This is a fair budget. This is a budget that at least starts the process of having some measure of responsibility in this body for the future of this country, and the kind of debts that we are enduring.

Mr. Chairman, $1.7 trillion. I repeat, $1.7 trillion is going to be added to the deficit under the budget cap and the budget summit that was approved last year, if we do not do something about it now. This is only a drop in the bucket, frankly, but our only chance. Please support this budget.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Chairman, I rise in support of the Kasich amendment.

Today, the House will be considering two indistinguishable budget proposals—one by the gentleman from California [Mr. PANETTA] and one by the gentleman from Ohio [Mr. GRADISON]. With all due respect, either could be called a Bart Simpson plan. Each offers more of the same old budgeting today, but promises better deficit reduction tomorrow. In that regard, both are underachievers.

The budget proposal offered by the majority would result in outlays 16.5 percent higher than those produced by the fiscal year 1990 budget while the one offered by the minority calls for only $6.8 billion less than the majority.

That means real deficit reduction is going to be put off until 1993 when the budget crunch may be even worse and the likelihood of reductions even more remote.

The difficulty can be traced back to last year's budget agreement. The summiteers agreed to do almost nothing to reduce expenditures in the short term; instead, they allowed spending to be judged against a rising baseline.

Thus, the agreement relieved all parties of the responsibility for dealing with past fiscal excesses. At the same time, it delayed the kind of spending cuts that are necessary to ever balance the budget without new taxes.

The impression given the American people was quite different, however. What they understood us to say was not "deficits happen" but "give us more taxes this year and we'll get serious about spending reduction soon after." And by "spending reductions" they hoped we meant real reductions—reductions that cut the deficit—not reductions from projected spending increases. The test of whether we really intend to reduce spending is today.

Regrettably, the budget of the distinguished gentlemen from California [Mr. PANETTA] proposes to spend almost every penny allowed by last year's agreement in the area of discretionary spending. The substitute offered by the gentleman from Ohio [Mr. GRADISON] is not much different.

The American people expect more—more financial discipline, more deficit reduction, more of the hard choices that are essential if we are ever to get our house in order.

I believe we should treat last year's agreement not as a means of doing as little as possible but as an opportunity to do as much as we can—as quickly as we can. Procrastination will only make the job more difficult.

And if you don't want to take my word for it, read the March 11 Washington Post column by a Member of the other body from South Carolina. Look in particular at how he describes the apologists for procrastination in terms that might be ruled out of order if used here on the floor.

I urge my colleagues to support the proposal by the gentleman from Ohio [Mr. KASICH]. His substitute calls for $16.5 billion less in outlays in fiscal year 1992 than the House Budget Committee proposal and $172.2 billion less over the next 5 years.

Specifically, the Kasich substitute cuts spending for foreign aid by $500 million a year, holds increases in discretionary spending to the rate of inflation—using fiscal year 1990 as a base—and initiates the task of entitlement reform. At the same time, it does not penalize the elderly by cutting Social Security; nor does it reduce veterans' benefits below last year's spending levels.

Mr. Chairman, let us not be underachievers. As my colleague from California [Mr. DANNEMEYER] has pointed out, interest payments on the national debt took up roughly 60 percent of the individual income taxes collected in fiscal year 1991. Six of ten Americans work and sweat and save to pay their taxes to do what—to pay interest on the national debt. Such a situation cannot continue. I again urge adoption of the Kasich substitute.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I rise in opposition to the Kasich budget amendment. I rise in opposition to the Democratic proposal. I rise in opposition to the President's and the Republican Party's budget proposal.

In my view, neither of the major budget proposals addresses the major crises facing this country in terms of the underfunding of education, in terms of the underfunding of nutritional programs, in terms of the underfunding of housing, in terms of the underfunding of environmental needs, and in terms of the underfunding of a host of programs that have been thoroughly neglected during the last decade.

In addition, in my view, neither of the major budget proposals addresses the very serious deficit crisis facing this country, and we are now looking at the largest deficit in the history of the United States this year. There is no reason to believe that it will be better at all next year.

□ 1350

Nor do either of the major budget proposals deal with the extremely unfair tax situation which exists in this country today in which the wealthiest people in our country who have become much wealthier over the last decade are still able under both budget proposals to pay significantly less in taxes than they did 10 years ago, while the middle class and the poor are paying more, nor in my view do either of the major budget proposals address the fact that finally the cold war is over and now we have an opportunity to significantly cut military spending, and yet neither proposal deals with that reality.

Mr. Chairman, today in the Washington Post, the distinguished Congressman, the gentleman from California [Mr. PANETTA], chairman of the Budget Committee, writes an article which is headlined, "Our Budget Is Better." In fairness to the gentleman from California [Mr. PANETTA], I agree with him. The Democratic budget is in fact better than the Republican budget.

The Republican budget proposes a $25 billion cut in Medicare over a 5-year period of time on top of the $43 billion proposal passed by Congress and the President last year over a 5-year period of time. To cut back on Medicare and shift that burden to health care consumers all over this country when the cost of health care is now out of control is to my mind unconscionable.

The Republican proposal, as I understand it, cuts back on veterans' programs—unconscionable.

The Republican proposal talks about a reduction in capital gains taxes for the rich, when the rich are in fact enjoying huge tax breaks already—unconscionable.

The gentleman from California [Mr. PANETTA] however writes, representing the Democrats, that they are going to put $2 billion over the 1991 budget into education, but the fact of the matter is that $2 billion goes nowhere far enough to addressing the enormous educational crises facing this country, where 25 percent of our kids ar dropping out of high school, when millions of young working class kids cannot afford to go to college.

I would ask the gentleman from California [Mr. PANETTA], I would ask the Republicans, why is it in Western Europe, in Scandinavia, college education is the right of virtually all their young people? Why cannot the United States do the same?

The gentleman from California [Mr. PANETTA] talks about a $315 million increase in 1991 in terms of Head Start. We all know that Head Start is a wonderful program. It is a cost-effective program. Why are we not saying once and for all that every young child in this country, every kid, has the right to Head Start, has the right to decent child care? That should be our proposal.

The gentleman from California [Mr. PANETTA] talks about increasing funding for WIC, several hundred million dollars for that. A recent study came out which pointed out that 5 million children in the United States of America go hungry. We are not talking about the Third World. We are talking about the United States of America. A budget proposal should come before this Congress which says that hunger for children, hunger for any American, is an absolute disgrace. We are going to wipe out hunger within a year.

This is the United States of America. This is not a Third World country, an underdeveloped country.

So I say to the gentleman from California [Mr. PANETTA], yes, your program is in fact better than the Republican program, but it is not a very good program and we in the Congress deserve a budget proposal which says let the wealthy start paying their fair share of taxes so that our children do not have to go hungry. Let us cut military spending so all of our people can enjoy a decent standard of living.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, for the past 2 years now I have heard on this floor a constant chorus, and we just completed one, as a matter of fact, about the budget deficit and the national debt. I can imagine how that chorus of concern heightens as Members go home and talk to their constituents about the fact that we have maxed out our credit cards.

For the past 2 days we have heard a prolonged listing about every program in the Federal inventory, as if the world would cease to turn if we did not fully fund each of them. I reject that notion.

I support the Kasich budget. I believe it does a great job of saving more.

I want to say that I understand it is not easy to work with the budget, and I compliment the chairman and the ranking member for undertaking this really difficult job. It takes two things for us to save a little money and have a responsible budget. One is to have a discipline in this body to set priorities and work within the available resources we have. We have not shown an inclination to have that discipline.

The second, of course, we have to have taxpayers and voters who are willing to do that, and I suggest to you that many are.

Mr. Chairman, I support the Kasich budget and I urge my colleagues to do so also.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman from California [Mr. KASICH] for this time.

Mr. Chairman, it is about time that we get serious about the deficit. We have heard lots of calls today and lots of speeches about lofty goals and a heartfelt belief that our Government should have some sort of responsibility for this program or that program of this group of people that needs help or that group of people, wherever they are in the world, wherever they are in this country. How are we going to pay for that?

Yes, we hear lip service about the deficit, but we keep hearing all sorts of rhetoric about new spending proposals.

Well, we have a budget deficit right now even before all of these lofty goals are met of $350 billion to $400 billion a year. How much money will be left for meeting the basic needs of our people if we keep adding $30 billion to $40 billion a year more in spending just to pay for the interest on last year's increase in the deficit?

Yes, we do not have the Third World country, but we have some people who are willing to spend us into a Third World economy. If we keep handling our economy the way we have been doing, we will not have the money to meet any of the basic needs of our people. We will not have the money to keep the peace of the world. As our economy shrinks and the ranks of the jobless increase because we have been irresponsible today, we will hear even more heart-wrenching stories tomorrow.

The Kasich budget offers us an alternative. It is not Draconian. It is responsible. If we can just keep the level of spending down to the rate of inflation we can work our way and grow our way out of this budget challenge, but if we do not, if we are irresponsible, if we try to spend so much money that we have an ever-increasing amount of money that we have to spend each year just to pay for the interest, we are all going to live in poverty. The future will be a future of despair, of deprivation and decline.

I believe the Kasich budget puts America on the road to prosperity and to progress, and I urge a vote for the Kasich budget.

Mr. KASICH. Mr. Chairman, I yield 1½ minutes to the very distinguished gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, a lot has been said about the Kasich proposal. We all know that it is the only real spending restraint that we have before us now.

We have two votes coming after the Kasich vote, and I have expressed myself on those two items.

Let me just try to appeal to my colleagues' sense of politics. If you want to go home and tell your constituents that you were for spending restraint, then vote for Kasich.

This is not a vote against the President. This is not even a vote against the proposal of the gentleman from California [Mr. PANETTA] and the Democratic proposal. This is a vote that you can hold up to your constituents and tell them that you indeed were for spending restraint. That is the very least that you can do.

□ 1400

I have been home, like many of us, over the last 3 weeks, and there is a brewing tax revolt out there. The American people are tired of paying taxes and they are tired of their Government spending too much money. At least show your constituents that when you are given the opportunity for spending restraints, you choose spending restraint and vote for the Kasich proposal.

Mr. KASICH. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut [Mr. SHAYS], a member of the Committee on the Budget.

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Chairman, the 5-year budget plan is working and, in my judgment, working very well. For the first time, we are having a real debate about priorities.

The President has submitted a budget which is within the spending limits and, frankly, so has the majority party of Congress when it slightly amended the President's budget.

As someone who voted for last year's 5-year spending plan, I never viewed the spending caps as the minimum, but as the maximum that could be and should be spent.

The Kasich amendment brings spending in below the spending caps and it does it responsibly. I strongly urge my colleagues to support the Kasich amendment.

Mr. PANETTA. Mr. Chairman, the gentleman from Ohio [Mr. KASICH] I understand is at the baseline here in terms of his time, and I, therefore, yield the gentleman 1 additional minute.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. PANETTA] yields 1 minute to the gentleman from Ohio [Mr. KASICH].

The gentleman from Ohio [Mr. KASICH] has 2½ minutes remaining.

Mr. KASICH. I thank the gentleman for yielding me this additional time.

Mr. Chairman, I really want to take this time to praise LEON and BILL GRADISON for their hard work. I have worked with LEON now for 3 years. I mean what a gentleman and nice guy who is, without question, committed to where this country is going.

I was hoping that last night that the ghost of future debts, wrapped with chains, would visit LEON in his sleep and today he would stand in support of my amendment. But here is the situation: I think we all have to be concerned about it. This is where I come from on my proposal.

You increase the Federal debt by $1.3 trillion over the next 5 years. My proposal is not the greatest thing since sliced bread, but it is $85 billion less than at least the administration proposal, more than that in terms of the Democratic proposal. All we do is a simple thing of holding the growth of budget authority to the rate of inflation. It is not radical surgery, we are not reducing spending. We are above, like they say, we are at least at the rate of inflation, and I think it is a very reasonable proposal, one that I believe the Democrats can vote for and still consistently—maybe you have to vote for LEON's proposal, then you go ahead and do that. But what you are saying is Congress needs to have a new direction, we have to have some restraints, and we are willing to do it in a reasonable manner. That is what this proposal represents.

To my Republican colleagues who feel as though they want to support the President, you can support the President as a substitute for what LEON is doing. Supporting my proposal basically says you want to slow the growth of Federal spending to the tune of $85 billion less than what the President spends over 5 years.

The Chamber of Commerce has strongly endorsed this proposal, as have a lot of the taxpayer-concerned groups that are in the Washington, DC, area.

If we had a national plebiscite on this vote, I promise you the American people would say, "Adopt this budget proposal," because it is very reasonable in its approach.

We are not talking about last year's cuts or anything like that, but we are talking about basically restraining the growth.

Frankly, if my proposal is adopted, it would only be the beginning for what should be our task, which is to rein in this incredible growth in Federal spending that we have seen in this country.

I appreciate the Chairman's leniency in terms of the stopwatch today, and again I thank the chairman of the committee.

The CHAIRMAN pro tempore. The Chair would once again remind Members that the rules do ask us to refer to Members as "the gentleman from" or "the gentlewoman from."

The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I yield myself 3 minutes in order to close debate.

Mr. Chairman, there is really no other member of the Budget Committee who has worked as hard as the gentleman from Ohio [Mr. KASICH] in trying to develop the substitutes that he has presented, not only in the past but today as well. He has sincerely committed himself to the same goal that I think we all share, which is to try to achieve the fairest and most equitable approach to reducing the horrendous debts that face us not only now but in the future as well.

There has always been a certain attraction to his approaches because there is a certain equity, when he talks about a freeze, that I think has always attracted Members. One of the problems that I have with this particular approach that he has presented today is that it really is not a freeze. It targets certain areas for deeper cuts than others.

So it does not present the equity that we sometimes have seen in past proposals that try to freeze spending across the board. That is not the case here.

At first glance, the main problems are, again he targets Medicare with a $25 billion cut in Medicare. While I think the gentleman is legitimately interested in means testing, of that $25 billion, which is the President's number, only $1.2 billion comes from means testing. The bulk of the $25 billion is going right at the hospitals, right at the providers.

As everyone knows, we have lost almost 600 hospitals in this country because of the reductions in that area, and there is another thousand that are likely to be shut down if we impose these additional cuts on the hospitals.

Second, on discretionary spending, again it is the same basic target of most of the proposals from the other side of the aisle. This one cuts almost $20 billion below the cap with regard to discretionary. The fundamental concern I have is, I guess, again the fairness issue because every substitute has to be measured, still, on the basis of fairness.

Mr. Chairman, I was visited by a ghost last night, and it is the ghost of what I have seen happen during the 1980's, where the main burden has fallen on the elderly, on working families, on children, and on the middle class. And when you look at this proposal, again who is targeted? The $25 billion in Medicare cuts impacts on the elderly, $20 billion in cuts on discretionary that again impacts on education, on health care, on nutrition, on veterans, and many others who are vulnerable Americans.

This proposal would tax State and local employees on Medicare. That is OK to tax State and local employees with regard to Medicare. The $1 billion in user fees, it is OK to provide $1 billion in user fees that largely impact on the middle class. That is no problem. But then at the same time, he provides a 30-percent cut in the capital gains tax, from which the benefits go to the wealthiest in our society, and also add to the deficit, I might add, anywhere from $11 billion to $12 billion.

So it is fundamentally on this issue that I would ask the Members to reject the substitute.

Mr. Chairman, I yield back the balance of my time.

Mr. WELDON. Mr. Chairman, I rise today in support of the Kasich substitute budget. I would like to commend my colleague for his tireless efforts to identify means to reduce the deficit without cutting critical Federal programs.

The Kasich substitute will reduce the deficit by $172 billion more than the Democratic alternative. It reduces bloated farm subsidies, holds down overall domestic discretionary spending below the rate of inflation, and makes significant reductions in our foreign aid budget. These are important steps and I will vote for this substitute.

There is, however, one element of this package to which I strongly object. Included in this budget are excessive cuts in the Medicare Program. Most objectionable to me are proposals that some portions of Medicare be means-tested. The notion of means testing, which is included in the President's budget, is not without some merit. Those who are better off should be less reliant on the Government for Medicare. I am afraid, however, that this proposal sets a dangerous precedent.

Since Congress implemented the prospective payment system for in-patient hospital services in 1983, reimbursement rates have failed to keep pace with rising costs. I am afraid that the same will be true of Medicare beneficiaries. Today, we speak of means-testing for the wealthy elderly. Next year, will we include the middle class? Will 1993 see the end of subsidies for lower income senior citizens?

Congress has fallen down that slippery slope too often. I do not want to see that happen to our senior citizens. For that reason, I will have very serious reservations about any legislative proposals which implement such a means-testing scheme.

Mr. Chairman, I am pleased to support the Kasich budget, because it is the best package to be considered today. I hope, however, that the fiscal year 1992 budget debate will highlight the dangers of initiating a means-test for Medicare. Because I am unwilling to drive our seniors down that slope.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. KASICH].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 303, not voting 14, as follows:

[Roll No. 69]

AYES—114

Allard
Archer
Armey
Baker
Ballenger
Bateman
Bennett
Bereuter
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Coble
Condit
Cooper
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goss
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Herger
Hobson
Holloway
Houghton
Hunter
Inhofe
Ireland
James
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Martin
McCandless
McCollum
McEwen
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Moody
Moorhead
Myers
Nichols
Oxley
Packard
Parker
Penny
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Rhodes
Ridge
Riggs
Ritter
Rohrabacher
Santorum
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Slattery
Solomon
Spence
Stump
Sundquist
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Walker
Walsh
Weber
Weldon
Wylie
Zeliff
Zimmer

NOES—303

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Atkins
AuCoin
Bacchus
Barnard
Barrett
Barton
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Hopkins
Horn
Horton
Hoyer
Hubbard
Huckaby
Hutto
Hyde
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Regula
Richardson
Rinaldo
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Vucanovich
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yatron
Young (AK)
Young (FL)

NOT VOTING—14

Aspin
Bryant
Dornan (CA)
Dymally
Gray
Hughes
Kostmayer
Lehman (FL)
Levine (CA)
Marlenee
Roukema
Towns
Udall
Yates

☐ 1433

The Clerk announced the following pair:

On this vote:

Mr. Dornan of California for, with Mrs. Roukema against.

Mr. PICKLE changed his vote from "aye" to "no."

Mr. BROOMFIELD changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KOSTMAYER. Mr. Speaker, I was unavoidably detained in my congressional district earlier today. Had I been present, I would have voted "no" on rollcall No. 68, the Dannemeyer substitute, and "no" on rollcall No. 69, the Kasich substitute.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GRADISON

Mr. GRADISON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. GRADISON:

Strike all after the resolving clause and insert in lieu thereof the following:

That the budget for fiscal year 1992 is established, and the appropriate budgetary levels for fiscal years 1993, 1994, 1995, and 1996 are hereby set forth.

RECOMMENDED LEVELS AND AMOUNTS

SEC. 2. (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1991, October 1, 1992, October 1, 1993, October 1, 1994, and October 1, 1995:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1992: $849,800,000,000.
Fiscal year 1993: $914,000,000,000.
Fiscal year 1994: $999,800,000,000.
Fiscal year 1995: $1,077,500,000,000.
Fiscal year 1996: $1,143,500,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1992: $2,700,000,000.
Fiscal year 1993: $600,000,000.
Fiscal year 1994: $700,000,000.
Fiscal year 1995: $900,000,000.
Fiscal year 1996: $4,300,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1992: $82,708,000,000.
Fiscal year 1993: $90,123,000,000.
Fiscal year 1994: $96,814,000,000.
Fiscal year 1995: $103,105,000,000.
Fiscal year 1996: $110,190,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1992: $1,248,900,000,000.

Fiscal year 1993: $1,192,900,000,000.

Fiscal year 1994: $1,238,700,000,000.

Fiscal year 1995: $1,286,400,000,000.

Fiscal year 1996: $1,340,500,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1992: $1,192,600,000,000.

Fiscal year 1993: $1,189,400,000,000.

Fiscal year 1994: $1,152,400,000,000.

Fiscal year 1995: $1,186,300,000,000.

Fiscal year 1996: $1,249,100,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1992: $342,800,000,000.

Fiscal year 1993: $275,400,000,000.

Fiscal year 1994: $152,600,000,000.

Fiscal year 1995: $108,800,000,000.

Fiscal year 1996: $105,600,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1992: $3,986,400,000,000.

Fiscal year 1993: $4,327,900,000,000.

Fiscal year 1994: $4,548,500,000,000.

Fiscal year 1995: $4,736,400,000,000.

Fiscal year 1996: $4,912,800,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1991, October 1, 1992, October 1, 1993, October 1, 1994, and October 1, 1995, are as follows:

Fiscal year 1992:

(A) New direct loan obligations, $14,700,000,000.

(B) New primary loan guarantee commitments, $190,200,000,000.

Fiscal year 1993:

(A) New direct loan obligations, $15,000,000,000.

(B) New primary loan guarantee commitments, $193,500,000,000.

Fiscal year 1994:

(A) New direct loan obligations, $13,600,000,000.

(B) New primary loan guarantee commitments, $196,700,000,000.

Fiscal year 1995:

(A) New direct loan obligations, $13,400,000,000.

(B) New primary loan guarantee commitments, $200,000,000,000.

Fiscal year 1996:

(A) New direct loan obligations, $13,700,000,000.

(B) New primary loan guarantee commitments, $202,500,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new primary loan guarantee commitments for fiscal years 1992 through 1996 for each major functional category are:

(1) National Defense (050):

Fiscal year 1992:

(A) New budget authority, $290,800,000,000.

(B) Outlays, $295,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $290,900,000,000.

(B) Outlays, $291,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $291,900,000,000.

(B) Outlays, $286,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $295,100,000,000.

(B) Outlays, $288,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $297,800,000,000.

(B) Outlays, $293,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1992:

(A) New budget authority, $23,500,000,000.

(B) Outlays, $17,800,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $9,300,000,000.

Fiscal year 1993:

(A) New budget authority, $21,800,000,000.

(B) Outlays, $18,300,000,000.

(C) New direct loan obligations, $1,600,000,000.

(D) New primary loan guarantee commitments, $9,300,000,000.

Fiscal year 1994:

(A) New budget authority, $20,600,000,000.

(B) Outlays, $18,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $9,300,000,000.

Fiscal year 1995:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $18,500,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $9,400,000,000.

Fiscal year 1996:

(A) New budget authority, $21,200,000,000.

(B) Outlays, $18,600,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $9,400,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1992:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $17,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $20,700,000,000.

(B) Outlays, $19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $20,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $23,700,000,000.

(B) Outlays, $22,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $25,100,000,000.

(B) Outlays, $23,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1992:

(A) New budget authority, $4,100,000,000.

(B) Outlays, $3,700,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $1,100,000,000.

Fiscal year 1993:

(A) New budget authority, $5,100,000,000.

(B) Outlays, $4,800,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $1,200,000,000.

Fiscal year 1994:

(A) New budget authority, $5,500,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $1,200,000,000.

Fiscal year 1995:

(A) New budget authority, $4,800,000,000.

(B) Outlays, $3,900,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $1,200,000,000.

Fiscal year 1996:

(A) New budget authority, $4,900,000,000.

(B) Outlays, $3,400,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $1,300,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 1992:

(A) New budget authority, $19,700,000,000.

(B) Outlays, $19,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $19,400,000,000.

(B) Outlays, $20,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $20,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $19,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $18,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1992:

(A) New budget authority, $20,200,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $8,300,000,000.

(D) New primary loan guarantee commitments, $8,500,000,000.

Fiscal year 1993:

(A) New budget authority, $17,700,000,000.

(B) Outlays, $14,200,000,000.

(C) New direct loan obligations, $8,300,000,000.

(D) New primary loan guarantee commitments, $8,500,000,000.

Fiscal year 1994:

(A) New budget authority, $16,400,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $8,200,000,000.

(D) New primary loan guarantee commitments, $8,500,000,000.

Fiscal year 1995:

(A) New budget authority, $16,900,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $8,200,000,000.

(D) New primary loan guarantee commitments, $8,400,000,000.

Fiscal year 1996:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $12,700,000,000.

(C) New direct loan obligations, $8,400,000,000.

(D) New primary loan guarantee commitments, $8,700,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1992:

(A) New budget authority, $104,000,000,000.

(B) Outlays, $93,900,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $142,500,000,000.

Fiscal year 1993:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $49,400,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $147,300,000,000.

Fiscal year 1994:

(A) New budget authority, $12,000,000,000.

(B) Outlays, $33,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $150,300,000,000.

Fiscal year 1995:

(A) New budget authority, $13,000,000,000.

(B) Outlays, −$38,100,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $152,900,000,000.

Fiscal year 1996:

(A) New budget authority, $13,000,000,000.

(B) Outlays, −$26,100,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $155,200,000,000.

(8) Transportation (400):

Fiscal year 1992:

(A) New budget authority, $34,300,000,000.

(B) Outlays, $32,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $35,100,000,000.

(B) Outlays, $34,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $35,700,000,000.

(B) Outlays, $35,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $36,900,000,000.

(B) Outlays, $35,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $39,000,000,000.

(B) Outlays, $37,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1992:

(A) New budget authority, $5,500,000,000.

(B) Outlays, $6,500,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1993:

(A) New budget authority, $5,500,000,000.

(B) Outlays, $5,800,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1994:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $5,600,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1995:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $5,500,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $450,000,000.

Fiscal year 1996:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,400,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1992:

(A) New budget authority, $47,000,000,000.

(B) Outlays, $45,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,300,000,000.

Fiscal year 1993:

(A) New budget authority, $46,200,000,000.

(B) Outlays, $46,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $14,000,000,000.

Fiscal year 1994:

(A) New budget authority, $45,500,000,000.

(B) Outlays, $45,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $14,900,000,000.

Fiscal year 1995:

(A) New budget authority, $45,300,000,000.

(B) Outlays, $45,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $15,600,000,000.

Fiscal year 1996:

(A) New budget authority, $45,700,000,000.

(B) Outlays, $41,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $16,300,000,000.

(11) Health (550):

Fiscal year 1992:

(A) New budget authority, $81,300,000,000.

(B) Outlays, $81,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1993:

(A) New budget authority, $91,800,000,000.

(B) Outlays, $91,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1994:

(A) New budget authority, $102,600,000,000.

(B) Outlays, $102,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1995:

(A) New budget authority, $113,600,000,000.

(B) Outlays, $112,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $126,000,000,000.

(B) Outlays, $125,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1992:

(A) New budget authority, $113,800,000,000.

(B) Outlays, $113,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $124,500,000,000.

(B) Outlays, $124,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $138,500,000,000.

(B) Outlays, $138,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $154,600,000,000.

(B) Outlays, $154,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $174,600,000,000.

(B) Outlays, $174,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1992:

(A) New budget authority, $222,700,000,000.

(B) Outlays, $184,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $232,400,000,000.

(B) Outlays, $194,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $238,200,000,000.

(B) Outlays, $204,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $249,100,000,000.

(B) Outlays, $215,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $258,800,000,000.

(B) Outlays, $223,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1992:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $8,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $9,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $10,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1992:

(A) New budget authority, $34,000,000,000.

(B) Outlays, $33,600,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $14,800,000,000.

Fiscal year 1993:

(A) New budget authority, $34,000,000,000.

(B) Outlays, $33,900,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $12,600,000,000.

Fiscal year 1994:

(A) New budget authority, $35,200,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $12,100,000,000.

Fiscal year 1995:

(A) New budget authority, $36,200,000,000.

(B) Outlays, $36,100,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $12,000,000,000.

Fiscal year 1996:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $35,700,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $11,700,000,000.

(16) Administration of Justice (750):

Fiscal year 1992:

(A) New budget authority, $14,800,000,000.

(B) Outlays, $14,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $15,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $16,400,000,000.

(B) Outlays, $15,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1992:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1992:

(A) New budget authority, $230,100,000,000.

(B) Outlays, $230,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $240,100,000,000.

(B) Outlays, $240,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $248,200,000,000.

(B) Outlays, $248,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $252,100,000,000.

(B) Outlays, $252,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $255,600,000,000.

(B) Outlays, $255,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1992:

(A) New budget authority, $100,000,000.

(B) Outlays, $200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $100,000,000.

(B) Outlays, $100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $100,000,000.

(B) Outlays, $200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $100,000,000.

(B) Outlays, $100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $1,000,000.

(B) Outlays, $1,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1992:

(A) New budget authority, ($34,500,000,000).

(B) Outlays, ($34,500,000,000).

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, ($36,900,000,000).

(B) Outlays, ($36,900,000,000).

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, ($34,000,000,000).

(B) Outlays, ($34,000,000,000).

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, ($36,600,000,000).

(B) Outlays, ($36,600,000,000).

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, ($36,000,000,000).

(B) Outlays, ($36,000,000,000).

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Ohio [Mr. GRADISON] will be recognized for 1 hour and a Member opposed to the amendment will be recognized for 1 hour.

Mr. PANETTA. Mr. Chairman, this gentleman is opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from California [Mr. PANETTA] will be recognized for 1 hour.

The Chair recognizes the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to offer a substitute amendment to House Concurrent Resolution 121—which, as you all know, is the President's budget.

Presidential budgets during the Reagan administration received painfully little support, even among Republicans. There were three House votes on Reagan budgets in the 1980's. His fiscal year 1985 budget received 1 vote. His fiscal year 1987 budget garnered 12 votes. The following year he attracted 27 votes. None of these votes included even a single Democrat. Both parties instinctively recognized that it was the "loyal opposition's" proper role to set forth an alternative in response to the agenda of the Republican President.

Similarly, today, it is fitting that the President's budget be placed before the legislative branch. But this year, President Bush's budget appears destined for a different—and better—reception than Presidents' budgets in the last decade. As I have noted on several occasions, this budget was not "dead on arrival." Even the Washington Post, hardly a bastion of support for Republican administrations, called it "the first mainly honest Presidential budget that the country has had in 10 years," and applauded its "return to basic credibility."[1]

For further evidence of the strength of the President's budget, simply look at what the loyal opposition has to offer. The Democrats propose the same defense spending as the President, the same international spending, and virtually the same total domestic discretionary spending. The real difference in discretionary domestic spending between the two plans nets out to a little less than $3 billion, or two-tenths of 1 percent of the total $1.45 trillion budget.

Democrats' "Reordered Priorities"

[Domestic discretionary account, in billions of dollars]

Added to President	$8.25
Cut from President	5.45
Net changes	2.8

Change percentage: 1.3 percent of Domestic Discretionary. 0.2 percent of Total Budget.

The differences are slight because the President's budget was a credible and balanced plan to begin with. It is a document intended to guide the activity and policies of a major world power during the upcoming year, not a political pamphlet intended for the soap box of a party trying to figure out what it stands for. It is offered by the people whose job it is to administer the Nation's policies. It is, in short, a plan designed for governing.

The Bush budget is a balanced plan: It recognizes that under the budget agreement, we have finite resources controlled by a tight discipline. But within that framework, the President makes responsible choices and tradeoffs. The result is a package with which the administration can truly govern through fiscal year 1992. I have no hesitation in offering this amendment and the administration's fiscal plan for next year.

Now, considering the many similarities between the two proposals remaining before us, why do I urge my colleagues to support the President's budget and reject the Democrats'? There are several reasons, which I would like to discuss with you.

ECONOMIC GROWTH

The Democrats talk about strengthening the economy, but they do nothing to pursue this goal. Yesterday, in fact, they completely ignored the part of the budget debate—the Humphrey-Hawkins debate—specifically set aside for discussion of economic goals and policy. Given all the attention on the other side of the aisle devoted to anti-recession, anti-unemployment policy options, it is hard to fathom why they ignored what should have been an important discussion.

The President has not ignored these issues. He encourages savings through family savings accounts. He promotes investment through extending tax provisions such as the research and experimentation credit. He seeks the capital gains tax preference to stimulate business investment. The Democrats offer no savings incentives, no growth incentives, and no tax extenders—in fact, the Ways and Means chairman expressly rejected these just the other day.

INVESTING IN THE FUTURE

The President expands our commitment to science and research—areas with a proven track record of return on Government investment. If we truly intend to remain competitive, if we want to seek and develop new technologies and remain a leader in the world, these investments are necessary.

To the Democrats, science is little more than this year's cash cow. They would cut $1.26 billion from the President's science request, representing 30 percent of all the domestic discretionary reductions they use to pay for other things. They used to do this with the defense budget, but that's no longer available to them.

The Democrats say this reduction is intended to slow down the space station, because of a few problems that have arisen. In fact, their proposal will ground the space station. It also will force us to cancel several shuttle flights, and will relegate us to second- or third-class status in the space exploration community—we, who are supposed to be the world leaders in exploring new frontiers.

FISCAL RESPONSIBILITY

The President's plan shows a budget surplus by 1996; the Democrats still have a $65 billion deficit in that year. Savings in the President's budget exceed those required by last year's budget agreement; the Democrats barely meet the maximum deficit amount for 1992, and are curiously vague about what happens after that. The President specifies where his savings would be; the Democrats resort to vague 1-percent reductions, $919 million in unspecified reductions—victims unknown—and wind up spending almost $300 billion more than the President over 5 years.

That $300 billion is half again as much as we are supposed to save in defense spending over the period. The Democrats show us that they don't save money, they just spend it elsewhere.

PRESERVING MEDICARE

The fourth issue is preserving Medicare. This is a sensitive point to many Members, and it should be—Medicare is an important program for many senior citizens, sometimes the most important program. But we must also recognize that unless we continue to wrestle down the growth in Medicare costs, we might not be able to provide Medicare 15 years from now. That's when the hospital insurance trust fund is currently projected to become bankrupt if changes are not made.[2] Medicare costs grew by more than 11 percent a year through the 1980's and in the next decade Medicare is expected to surpass even Social Security as the largest domestic item in the budget.

Medicare Spending

[In billions of dollars]

1980	$32
1986	75
1991	116
Current law 1992	129.7
President's budget 1992	126.9

The President suggests holding down Medicare costs by $25 billion over the next 5 years. This is an on-going effort, building on the progress made last year. Opponents may try to scare the elderly by saying this is an unfair cut in their benefits, but consider two things. First, annual Medicare spending will grow by $60 billion by 1996 even after this $25 billion restraint.

Second, the President's proposals are focused on cutting costs, not cutting benefits. Individual Members may disagree—as I do—with some of the specific cost restraints the President suggests, but no one who cares about securing the future of Medicare can disagree with the fact that something must be done to bring cost increases under control.

SOCIAL SECURITY/JOBLESS BENEFITS

A fifth issue has to do with Social Security and unemployment benefits. The Democrats cut $431 million from funds for administering unemployment compensation, based on a Congressional Budget Office [CBO] projection that the recession will be shorter and shallower than the Office of Management and Budget [OMB] predicts—based, in other words, on a rosy scenario. This is the party that has complained vigorously about the need for recession relief, and yet they cut funds to distribute that relief. They also cut $52 million from Social Security administrative expenses—again based principally on hope.

These two items are especially interesting considering that in the last 2 months, 52 Democratic Members have written to the President urging him to release $120 million in "emergency" Social Security administrative funds, which they now are cutting by $52 million. Furthermore, 81 Democrats have written to the President complaining about underfunding in the administration of unemployment compensation. Now they're cutting that, too.

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[1] "Mr. Bush's Budget," the Washington Post editorial page, Feb. 5, 1991.

[2] See the Report on Medicare Projections by the Health Technical Panel to the 1991 Advisory Council on Social Security, March 1991.

FAIRNESS

Finally, let's talk fairness. This is a subject on which our Democratic friends have expressed themselves early and often. But what have they really done about it?

For one thing, they have started a little bidding war. The President's budget has been on the table since February. So in the name of fairness the House Democrats added $10 million here, $15 million there so they could be more fair than the President. Then here on the floor, education was bid up yet again. Wait until next week in the Senate—they will probably raise the bid yet again.

Democrats seem to equate more spending more with more fairness. In contrast, the President equates fairness with targeting Government benefits to those most in need. He would reduce entitlement subsidies to the wealthy—subsidies that are paid for by middle-income working people. The Democrats pay lip service to the idea but shy away from commitment. The President would extend the health insurance tax deduction for self-employed people. The Democrats, who keep telling us they are so concerned about the uninsured in this country, astonishingly reject this extension. Who's fair?

Finally, the majority seems to suggest that curbing entitlement spending is unfair. They would have you think that entitlement spending goes mostly to the poor. This is not true. About 80 percent of entitlements go to the nonpoor. They would also have you think that the President's budget cuts entitlements for the poor. Again, that's simply not true. In constant 1992 dollars, entitlement spending for poor people was $13 billion in 1962, $56 billion in 1972, $84 billion in 1982 and will be $141 billion under the President's budget in 1992.

Clearly, the President's budget is not unfair in its entitlement spending for the poor.

Most entitlement spending involves the Government taking tax dollars out of some middle-income pockets and returning it to others. The President offers several proposals to make this entitlement transfer system more fair and to control runaway entitlement spending. As I mentioned earlier with regard to Medicare, he has thereby challenged the Congress at least to come up with a different alternative for entitlement savings—but the Democrats have simply backed down.

The President squarely faces the problem of runaway entitlement spending, proposing $34.5 billion in savings in this area. He has thereby challenged the Congress at least to come up with a different alternative.

But the Democratic budget looks the other way. The Democrats seem to believe the entitlement problem will take care of itself.

These are the broad outlines of the differences between the two budgets. From them, I believe it is clear who is investing in the future, trying to expand the economy, trying to be responsible with taxpayers' money, and trying to promote fairness—and it is not the Democrats.

A CLEAR CHOICE

Let me conclude, Mr. Chairman, with a few remarks aimed principally at my Republican colleagues.

The budgets we are debating here today are framed, by necessity, along the lines of last year's budget agreement. Some Members who voted against that agreement feel that supporting the President's budget now would be inconsistent.

Let me say to those Members: I, too, voted against the budget agreement. But it is now law. We are committed to following its guidelines.

Some of you supported the alternative offered by my able colleague from California, Mr. DANNEMEYER. Some supported the proposal by the gentleman from my own State of Ohio, Mr. KASICH. If you preferred those alternatives fine. But we now must recognize that neither was adopted. So we are left with the choice of the President's budget or the Democrats'.

For the reasons I have outlined, I think the choice for Republicans is very clear.

☐ 1440

Mr. PANETTA. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, we begin the debate on the President's budget. First of all, my thanks to the ranking member of the Budget Committee, the gentleman from Ohio [Mr. GRADISON] for offering this proposal so that the House could consider it. He offered it in committee and now he offers it on the floor of the House. The President is entitled to this vote. Each year he is the first to have to proceed with a budget proposal, and it lays out his priorities for the country.

The issue we decide today by our vote on the President's budget is whether or not it represents our priorities as well. It is clear that the budget agreement that was agreed to by the President and the Congress constrains the flexibility of both the President and the Congress as we try to deal with this budget. We are both forced to adhere to the caps that have been established in defense and international aid and domestic discretionary. We are both forced to adhere to the pay-as-you-go requirements with regard to any entitlement expansions or tax reductions. And we are both, for the first time in a long time, required to be straight with the American people about the size of the deficits that we confront and the economic realities that this country confronts at the present time.

The President's budget, and I said this yesterday and I repeat it now, the President's budget is indeed the most honest budget that has been submitted by a President in the last 10 years. He has discarded the games, the smoke and mirrors, and the deceptions that we saw in the budgets presented to us during the 1980's.

But in that effort the President had the opportunity to set a new direction for this Nation, not only in terms of budget honesty, not only in terms of confronting the realities that we face on the deficit as well as the budget, but he also had the opportunity to change the priorities of the Nation as well.

☐ 1450

The great failure of the budget presented by the President is that he failed to fully seize the opportunity to break with the past. Instead, the shadow of David Stockman still lurks over the President's budget.

The cuts of the 1980's are still present, and those are cuts that we have seen time and time again and rejected time and time again, not just on this side of the aisle but on both sides of the aisle, Republicans and Democrats alike.

Listen to the past repeated in this budget. Education is less than baseline. For all of the discussion about education, it is less than baseline in the President's budget. Energy is cut by $242 million. Low-income weatherization is cut by $176 million. Rural housing is cut by $189 million. Maternal and child health, nutrition, food assistance, job training, mass transit, we have seen them time and time again and rejected them time and time again.

Listen to the entitlement programs that are targeted in the President's budget. It is a page from the Gramm-Latta book of cuts.

Medicare, $25.2 billion. No question, no question that we have to look at this issue.

But is the issue to close more hospitals in this country? We have closed 600. Do we close another 1,000? Is that the way we reduce costs in Medicare? No.

We had understood in last year's agreement we were going to do $43 billion in Medicare cuts, and that was in terms of the providers and hospitals, but don't hit them again and again and again.

Veterans' cuts, $3.5 billion in pensions, and in other benefits that flow to veterans at a time when we are talking about expanding veterans' benefits for those returning from the Persian Gulf.

Student loan cuts of $1.1 billion; foster care cuts of $1.7 billion; trade agreement assistance, at a time when we are confronted with lost jobs in our own society, wiped out, wiped out in the President's budget, $905 million cut; $1.9 billion cut from agricultural programs. Those are not the priority of this Nation in the 1990's. Maybe the 1980's, but not the 1990's.

Our priorities are working families where people are having a difficult time educating and feeding and protecting their children. Our priorities are economic security, energy security, and fairness for all, fairness for all.

We have gone through the 1980's where the haves got more and the have-nots got less. That time is over with. If we are going to share the burden, let everyone share it equally. That is the choice that faces the House today as we vote on these budgets.

Some would say that that choice is rather insignificant. My view is that it is a choice between the failures of the past and the opportunities of the future.

I would urge Members to vote for the future, reject the President's budget, and vote for the committee budget.

Mr. Chairman, I reserve the balance of my time.

Mr. GRADISON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas [Mr. ARCHER], the ranking Republican member of the Committee on Ways and Means.

Mr. ARCHER. Mr. Chairman, I believe it is very important to reframe the debate for a few minutes to look at important domestic and economic policy issues which the Democrat budget resolution does not address—but which the President's budget meets head on with sound initiatives.

In particular, I would like to draw your attention to a number of important tax incentives contained in the President's budget—and paid for in his budget—which are totally absent from the Democrat plan.

Do you care about low income housing? The targeted jobs tax credit? Research and development? Health insurance for small businesses? Savings and capital investment? Energy?

If you do, you had better think twice about voting for the Democrat budget. You won't find incentives there. None of them is accommodated in the Democrat budget resolution.

We are talking about core incentives for economic growth and savings, international competitiveness and concern for human resources which should enjoy bipartisan support: a permanent research tax credit, family savings accounts, changes in individual retirement accounts to allow withdrawals for first-time home buyers, enterprise zones, the 25-percent health insurance deduction for small businesses, a capital gains tax reduction, extension of the low-income housing tax credit, extension of the targeted jobs tax credit, and energy tax incentives.

The absence of these important domestic and economic policy concerns in the Democrat budget is a fatal flaw.

One of the few facts upon which economists can agree is that research and experimentation has been the single most important factor for growth in advanced countries.

The President's budget accords recognition to its importance by permanently extending the current-law 20 percent R&E credit and extending for an additional year the R&E foreign allocation rules.

In contrast, the Democrat budget resolution would eliminate both the R&E credit and the allocation rules at the end of 1991.

Similarly, the Democrat budget would eliminate at the end of 1991 the current law deduction for 25 percent of health insurance premiums paid by self-employed small businessmen and women. If you care about the plight of the uninsured, how can you eliminate that modest protection for small businessmen and women and their families?

The same thing is true of the low-income housing credit and the targeted jobs tax credit. Under the Democrat plan, they're eliminated at the end of 1991.

Many have expressed concern in recent years that our country's national savings rate is too low to sustain adequate growth and to maintain our economic standing. The Democrat budget is ominously silent in this regard.

In contrast, the President's budget addresses this concern through a series of proposals—including the creation of family savings accounts to allow nondeductible contributions of up to $2,500 per tapayer to stimulate personal savings.

The President's budget also recognizes that the purchase and buildup of equity in a home is the single most significant form of savings for the average American. His budget facilitates investing in a home by allowing first-time home buyers to withdraw penalty free up to $10,000 from an IRA.

To help economically distressed areas share in the benefits of growth, the President's budget would designate up to 50 enterprise zones which would receive specified wage credits and investment incentives. This is an important step in rebuilding and revitalizing our inner cities and economically distressed rural areas. The Democrat budget is silent on the issue.

The President's budget proposal also reduces the tax rate on capital gains. There has been a lot of abstract discussion—too much in fact—on whether cutting capital gains taxes is fair. Are lost jobs and reduced economic growth fair? Is further dependency on foreign investment fair?

There is no question that a preferential rate for capital gains will increase economic activity and speed the economy back on the road to growth. Have the politics of envy become so powerful that we are willing to forgo new jobs and economic growth because of the way someone can play with a so-called distribution table?

In conclusion, the Democrat budget resolution fails to address critical tax issues which can strengthen America's long-term future. In contrast, the President's budget proposal would promote increased savings, capital formation, infrastructure, and international competitiveness. Rather than merely paying lip service to incentives, the President's budget proposal incorporates them—and pays for them.

Mr. PANETTA. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from South Carolina [Mr. SPRATT], a member of the Committee on the Budget.

Mr. SPRATT. Mr. Chairman, I rise in favor of the Democratic budget resolution.

Like President Bush's budget, our budget hits the target set last fall; it says within the limits set for all three categories of discretionary spending: domestic, defense, and foreign aid. We likewise follow in this budget resolution the agreement of last fall by requiring that any new entitlements be funded with new taxes under the pay-go rules. But when it comes to domestic spending priorities, we part company with the President. We take money from programs like the manned space station and put it into needs that we consider more pressing, such as children, education, and the Nation's infrastructure.

In the case of children, we provide a $2 billion increase for elementary, secondary, and higher education, three times the increase sought by the President, whose education budget would not even keep pace with inflation. Our budget gives Head Start a $350 million increase, which is almost four times the increase the President sought. At this rate of increase, we can fully fund Head Start in 9 years; at the President's rate of increase, it will take 50 years to fund Head Start fully.

In the case of infrastructure, we provide increases of $1 billion for the highway program, $1 billion for aviation, $281 million for mass transit, and $26 million for Amtrak.

Finally, we commit more to the safety net. We provide increases of $2.014 billion to finance homeless and low-income housing programs and a 12 percent increase or $1.264 billion for the antidrug program. And we reject the President's proposed cuts in programs for veterans.

We also restore cuts in three other areas. First, we reject the President's request to cut $990 million from the Postal Service budget over the next 5 years by making the Postal Service pay a larger share of the costs for health benefits and cost-of-living adjustments for retired postal employees and their survivors. Second, at a cost of $25 million, we save the postal subsidy for rural newspapers. We do, however, accede to the President's request and scale back significantly the postage subsidy for nonprofits. Third, we reject the President's proposal to cut the Rural Electrification Administration [REA] budget. During the past decade, the Reagan and Bush administrations have tried to eliminate REA, an agency that helps millions of our constituents who live in rural areas.

To pay for these selected increases, we propose a 1-percent across-the-board cut in nonpriority programs, deeper cuts in low-priority programs, and some program eliminations.

In the area of defense, this budget and the President's budget agree, at least as to total spending. In last year's budget agreement, we capped defense spending—function 050—in fiscal year 1992 at $290.8 billion in budget authority and $295.3 billion in outlays. We appropriated for fiscal year 1991 less than the ceiling, and made it clear that the cap is a ceiling but not a floor. A good part of the defense cuts that we are counting on come from downsizing our standing forces. The Persian Gulf war postponed the build-down in force levels, so Congress allowed the Defense Department a shortfall of some 16,000 off the reduction of 100,000 in end-strength legislated for in fiscal year 1991. This will have an impact on fiscal year 1992, since these 16,000 soldiers, sailors, airmen, and marines will be on the payroll when fiscal year 1992 begins. Our aim since last year has been to reduce military personnel by 25 percent over 5 years, but to accomplish the reduction with as little pain as possible, relying on early outs for those who want them, and on voluntary retirements rather than forced and arbitrary reductions in force. Certainly, in the aftermath of the war with Iraq, we want to continue that policy; we don't want to end Desert Storm by dropping arbitrarily some of the men and women who served us so well. That's one reason for budgeting to ceiling.

Another reason for budgeting to ceiling is that the ceiling isn't that high. It represents a defense spending reduction of about 3 to 4 percent in real terms. To budget at the ceiling of $290 billion, DOD had to terminate 13 programs on top of the 9 terminated last year. The terminations include the M-1 tank and the Bradley fighting vehicle, as well as the Apache helicopter and the OH-58D [AHIP] helicopter, leaving the Army with virtually no major systems in production. The Navy has terminated the top-of-the-line F-14D fighter, the A-12 attack plane, and its advanced tactical fighter, as well as the P-7A ASW airplane; and the Navy is stopping the Trident submarine at 18 rather than 20 boats as planned. The Air Force decided last year to end production of the F-15E fighter; in 2 years, the Air Force will end production of the F-16 fighter. Granted, the Pentagon still found room beneath its ceiling to ask $4.6 billion for SDI and $4.8 billion for the B-2 bomber. I don't expect either request to be fully funded by Congress, but I do think they will be changed mostly at the margins. By the time we deal in Congress with the V-22 tilt-rotor aircraft, sundry equipment for the Guard and Reserve, the F-14D fighter and the follow-on to the A-12 attack aircraft, personnel issues, and the Army's tank production line, among other things, we will be bumping the ceiling ourselves.

So, at $290 billion, we are close to the margin, but we are buying enough to maintain a strong defense. We keep defense spending on a downward path, as we should in a world in which the Warsaw Pact has disintegrated and the Soviet threat has receded. We downsize our forces, but still provide enough to keep faith with the men and women who have served us well. We terminate programs, but provide enough to hedge against change and to maintain the essentials of a defense industrial base.

By complying with last year's summit, our budget resolution represents a significant effort to cut the deficit down to size. It is not sufficient, in my opinion, but it is significant. Last year's agreement helps control spending, and I think that without its constraints, the deficit for next year would be higher than projected. Given political realities, I believe it is the best we can do this year. But the fact remains that our on-budget deficit for next year will still be $362.1 billion, virtually the same as the 1991 on-budget deficit. I think the deficit is the gravest economic threat facing our Nation. The national debt has reduced national savings, reduced productivity, and reduced our autonomy, forcing us to rely on foreign credit. Between 1950 and 1980, the national saving rate was about 7 percent of GNP. Today, the national saving rate is 2 to 3 percent of GNP, about one-third the prior rate. I am voting for this budget resolution because it upholds last fall's agreement; but next year, I think we should revisit the agreement of last fall and do more to reduce the deficit.

□ 1500

Mr. GRADISON. Mr. Chairman, I yield 5½ minutes to the gentleman from North Carolina [Mr. McMILLAN], a member of the Committee on the Budget.

Mr. McMILLAN of North Carolina. Mr. Chairman, 1992 is the second year under the discipline of the Budget Enforcement Act of 1990 which set spending caps, mandatory pay-go provisions and tax revenue adjustments to reduce the baseline deficit by $500 billion over 5 years. The ultimate goal is a balanced budget in 1996. The Republican proposal meets that goal using OMB estimates.

I would like to request unanimous consent to insert the following two analyses in the RECORD.

We are off to a slow start due to the essential funding of deposit insurance and the recession which together impacts the 1991 and 1992 deficits by about $150 billion. To achieve our objectives, we must hold outlay growth to half the rate of inflation with no new taxes from this point on.

The Republican budget holds outlay increases for fiscal year 1992 to 2.6 percent over fiscal year 1991. The Democratic budget is slightly higher. More importantly, it limits compound outlay growth to 1.8 percent from 1991 to 1996. The Democratic budget is slightly higher.

Proposed Democratic changes amount to only 45 additions totaling $8.252 billion and 17 decreases totaling $5.226 billion out of 1,005 discretionary accounts affecting only 0.4 percent of the President's proposal. They accept the discipline of the agreement and 99.5 percent of the President's proposals.

We've heard a lot of exaggerated rhetoric about the necessity of those changes and its impact on life in America. However, the real truth is that they are minor adjustments to play to one interest at the expense of another. In most cases, it is simply a case of one-upping the President and the Republicans with a little more money for some Energy, Housing, Education, Health and Welfare programs at the expense of a wide range of other programs. This is, after all, a zero-sum game.

We have heard about all of the great increases in the Democrat's budget but what about the cuts?

First, the Democratic budget reduces funding to the FEMA disaster relief fund by $74 million in outlays for fiscal year 1992.

The people in North and South Carolina who had to suffer through Hurricane Hugo and the people of California who suffered through the earthquake can't be too excited to hear of such priority cuts. In fact, most people believe FEMA needs more money to meet the unexpected natural disaster situations that are sure to come along each year.

Second, the Democratic budget underfunds Unemployment Insurance Administrative costs by $431 million below the President's request.

I thought their budget was a budget for working families. How can such cuts be helpful to families as we pull out of this recession?

Third, the Democratic budget calls for unspecified cuts in the following programs: education, health grants, research and development, housing, agriculture, transportation, and justice programs.

The real work of the Budget Committee, the authorizing committees, and the Appropriations Committees lies ahead of us. It is going to be tough to live within the discipline of the Budget Enforcement Act and address the foreign and domestic challenges we face.

The Budget Enforcement Act requires a 5-year reconciliation, and the President's proposal does that with initiatives to stimulate higher economic growth and to encourage the development of cost-effective alternatives that enhance essential policy goals and Government services.

One example of success is the defense budget which is managing a reduction in real terms of close to 3 percent per year as we downsize our forces. The Persian Gulf war showed us that we can, in fact, get better results out of a shrinking budget. Suppose we did the same in the areas of education, housing, or health care?

The situation compels us to also look at reforms in entitlement programs, not to reduce essential services, nor to ignore unmet needs, but to address the causes of costs running out of control. If we fail to address runaway costs, we will fail to provide the resources required to address real needs in health care, education, the environment, and restoring our broken communities.

Health and Medicare are prime examples of where the House has an opportunity in the coming year to make substantial progress. These costs have increased at a compound annual rate of over 10 percent for the last decade and are projected to exceed that in the next.

MEDICARE

One notion that must be dispelled from this debate is the accusation that the seniors of this Nation have something to fear from the proposals in the President's budget regarding Medicare. The Democrats want to treat Medicare as some sort of politically correct speech that must be restricted on the floor of this House. They want the seniors of this Nation to think that somehow the infidels are coming to take away their Medicare benefits and only the Democrats are standing strong in their defense.

Well, if you look at the truth of the matter, the Democrats' main concern is with one of the President's proposals that would call for high-income seniors, those with singular incomes over $125,000 or couples with incomes over $150,000, to pay for 75 percent of their premiums, up from the current 25 percent that everyone currently pays now. That means if you are a billionaire senior citizen retiree, the Democrats want to protect your full subsidy of 75 percent of the Medicare premium which will be $1,113 in fiscal year 1992. And they want to make sure that everyone else is forced to pay more than their fair share in taxes to make sure that billionaire continues to get that full $1,113 subsidy in 1992. So much for looking out for the working family.

Amid all of the posturing and gesticulation over there, the Democrats fail to mention that the committee language unanimously endorsed the President's concept of income-relating the Medicare part B premium in their own report language adopted April 9. So when you hear the protestations over there on Medicare, just remember that fact.

The other thing that the Democrats fail to mention is that in their desire to make political hay out of Medicare once again, they are in effect saying that nothing is wrong with the system as it is and that we should continue to operate Medicare like we have done in the past. By doing that, they are implicitly saying that we should continue to let the question of defensive medical practices go unchecked in Medicare which drives up costs to patients, providers, and the Federal Government.

I have one rural county in my district where there is only one doctor who is currently taking any new Medicare patients. Why? The administrative headaches of complying with all of the Medicare directives coupled with the low reimbursement rates and the increased liability exposure for treating Medicare patients have made it prohibitive in terms of costs and time to extend health care to new patients. These are the realities the Democrats are trying to sweep under the rug by failing to even mention Medicare in their budget other than to pump it up with more money.

We have to look at the fundamental causes that are driving up Medicare costs, Medicaid costs, and privately provided health care costs in this Congress before any more people are priced out of the health care delivery system. And to do that, we must start talking honestly and openly about Medicare and take it off of the politically correct pedestal.

They are being driven by defensive medical procedures which Secretary Louis Sullivan estimates to be about $150 billion per year out of our total annual national health care expenditure of $650 billion or about 23 percent. Defensive medical costs really serve no other purpose than to provide doctors and hospitals with evidence they have done everything conceivable to a patient as a protection against litigation even if those procedures are not necessary. We also have the problems of duplication of capacity and excessive overhead in the health care system often imposed by Government.

We have financial resources already to resolve the issues of lack of access and affordability of health care if we take the bull by the horns in this session of Congress. We need to address issues of defensive medicine, liability, duplication, and excessive overhead. Payments for defensive medicine by Government could be as high as $75 billion by 1996 if we don't act now.

My hope and expectation is that the Budget Committee will begin to work in a bipartisan way to develop guidelines for cost-effective alternatives for authorizing committees to pursue fields for fiscal year 1993 and beyond. This is the only committee in the House with a global perspective. If we do not do so, we will once again find ourselves in the box of budgeting for appearance rather than for results.

I urge my colleagues to support the President's proposal, but more importantly, let's start debating performance and cost-effective alternatives instead of add-on one-upmanship. That is the real way to help working Americans and bring this budget to balance.

Mr. Chairman, at this point I insert a chart for the RECORD.

TOTAL BUDGET

	Fiscal year—						
	1990	1991	1992	1993	1994	1995	1996
Democrats budget:							
Budget authority	1,358.5	1,490.3	1,590.1	1,816.5	1,866.3	1,732.0	1,827.2
Outlays	1,251.7	1,392.7	1,458.8	1,470.9	1,499.9	1,483.7	1,561.8
Revenues	1,031.3	1,092.8	1,169.2	1,250.7	1,331.5	1,415.4	1,495.4
Deficit	(220.4)	(299.9)	(289.5)	(220.2)	(168.4)	(68.3)	(66.4)
Social Security surplus	....	62.8	72.0	83.9	98.4	113.7	130.9
Deposit insurance	58.0	103.0	87.0	47.0	25.0	(47.0)	(43.0)
On-Budget (without Social Security):							
Budget authority	1,083.8	1,187.5	1,269.4	1,272.6	1,300.9	1,341.6	1,407.3
Outlays	1,026.6	1,155.2	1,212.5	1,212.1	1,234.4	1,209.1	1,276.9
Revenues	749.7	793.0	550.4	808.8	966.3	1,025.7	1,079.8
Deficit	(276.9)	(362.2)	(362.1)	(302.3)	(258.1)	(183.4)	(197.1)
President's budget (OMB scoring):							
Budget authority	1,368.5	1,520.0	1,577.8	1,533.7	1,605.8	1,677.5	1,759.6
Outlays	1,251.7	1,408.6	1,445.8	1,454.2	1,427.1	1,470.3	1,540.8
Revenues	1,031.3	1,091.4	1,165.0	1,252.7	1,365.3	1,467.3	1,560.7
Deficit	(220.4)	(318.2)	(280.9)	(201.5)	(61.8)	(3.0)	19.9
Social Security surplus	....	60.4	82.4	73.3	89.3	103.9	121.8
Deposit insurance	....	111.8	88.1	44.2	(38.1)	(42.3)	(29.9)

TOTAL BUDGET—Continued

	Fiscal year—						
	1990	1991	1992	1993	1994	1995	1996
On-budget (without Social Security):							
Budget authority	1,083.8	1,218.9	1,260.7	1,193.1	1,239.0	1,286.6	1,340.7
Outlays	1,026.6	1,171.7	1,194.2	1,187.8	1,150.2	1,183.8	1,246.1
Revenues	749.7	793.2	849.8	914.0	993.8	1,077.5	1,143.5
Deficit	(276.9)	(378.5)	(344.4)	(273.8)	(150.4)	(108.3)	(102.8)
President's budget (CBO scoring):							
Budget authority	1,368.5	1,507.1	1,590.8	1,598.2	1,547.4	1,710.8	1,794.2
Outlays	1,251.7	1,401.7	1,461.9	1,466.9	1,498.9	1,479.5	1,542.3
Revenues	1,031.3	1,093.5	1,172.2	1,246.3	1,325.5	1,408.8	1,486.2
Deficit	(220.4)	(308.1)	(289.7)	(220.8)	(173.4)	(70.7)	(56.1)
Social Security surplus	....	60.4	69.0	79.0	97.0	112.0	128.0
Deposit insurance	....	103.0	97.0	47.0	25.0	(47.0)	(43.0)
On-budget (without Social Security):							
Budget authority	1,083.8	1,204.2	1,269.9	1,254.7	1,282.6	1,321.4	1,375.4
Outlays	1,026.8	1,182.0	1,212.7	1,205.3	1,230.7	1,202.0	1,254.8
Revenues	748.7	793.8	853.4	905.3	960.3	1,019.1	1,070.6
Deficit	(276.9)	(368.2)	(359.3)	(300.0)	(270.4)	(182.9)	(184.2)

BUDGET PROJECTIONS AND UNDERLYING ASSUMPTIONS

[In billions of dollars]

	fiscal year—					
	1991	1992	1993	1994	1995	1996
Budget projections:						
Baseline total deficit	298	298	239	211	128	135
Deficit assuming compliance with discretionary caps[1]	298	284	215	160	57	56
Deficit assuming caps and excluding deposit insurance	194	186	167	135	103	99
As a percentage of GNP:						
Baseline Total Deficit	5.3	5.0	3.7	3.1	1.8	1.8
Deficit assuming compliance with discretionary caps[1]	5.3	4.7	3.4	2.4	.8	.7
Deficit assuming caps and excluding deposit insurance	3.5	3.1	2.6	2.0	1.4	1.3
Economic assumptions (by calendar year):						
Nominal GNP (billions of dollars)	5,700	6,107	6,505	6,919	7,358	7,824
Real GNP	0	3.3	2.9	2.8	2.7	2.7
Fixed-weighted GNP price index (percentage change)	4.6	3.8	3.8	3.8	3.8	3.8
CPI–U (percentage change)[2]	4.9	3.5	3.6	3.6	3.6	3.6
Unemployment rate (percent)	6.8	6.4	6.2	6.0	5.8	5.6
3-month Treasury bill rate (percent)	6.6	7.0	6.7	6.3	5.9	5.7
10-year Government note rate (percent)	7.9	7.7	7.6	7.4	7.3	7.2

[1] Include savings in defense and nondefense discretionary spending that remain to be enacted in future appropriation bills, along with associated debt service savings.

[2] CPI–U is the consumer price index for all urban consumers.

Notes.—Projections include Social Security and the Postal Service, which are off-budget. Projections assume the provision of additional resources to the Resolution Trust Corporation and the Bank Insurance Fund beyond those available under current law.

Source: Congressional Budget Office.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], who is also chairman of the Select Committee on Children, Youth and Families.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from California for yielding time to me.

I want to say that I think this is very important, to back the committee's budget and turn down the President's budget. When we get into a budget debate, most people's eyes glaze over. They think, "Oh, boy, this'll be exciting." All Members are throwing numbers around and trying to say it is not that different, it is not that different. It is big time different. It is big time different.

There are 93 percent of the accounts that are different in the House Committee on the Budget's budget versus the President's budget. That is a very substantial difference. Let me say what I think is so critical. If we take every single American family, and they go through some economic downturn, my guess is when they are sitting at the kitchen table trying to figure out how to make ends meet, in a very difficult family budget, the last thing they are going to do is to not give the children shots this year, or not to send the children to school this year, or not to give the children much milk this year. They will try to hold the children in their family harmless from the budget cutbacks as long as possible. I do not think there is an American family anywhere that would not agree with those priorities.

Therefore, I want to say that the Committee on the Budget's priorities are much more like the American family's kitchen table priorities. This country truly is in an economic downturn. We have all sorts of problems.

☐ 1510

I am very pleased that the Ford amendment passed today so we have more focus on youth, in particular this bill much more fully funds the WIC Program, the Women's, Infants and Children Feeding Program.

My goodness, even the CEO's from the Fortune 500 companies are back there saying that is the best investment portfolio America has.

The Budget Committee also puts money into funding Head Start. The way they have it in, it would fully fund it in 10 years. The way it is in the President's budget, we would wait 50 years. Boy, there is a big difference.

You know, we have seen the future. It is wearing diapers. It is going to inherit this national debt and we are not doing well in getting them prepared to inherit the national debt.

Now, children did not cause this debt. Children did not cause this recession. They did not even vote for anyone who caused the recession and they did not have anything to do with all the special interest groups who would rather have this or have that.

I think we ought to be holding children harmless from this economic downturn, and that is exactly what the Budget Committee's budget does.

So I really hope that if you are truly interested in the future of this country, which are its children and its young people, there is absolutely no question how these two budgets line up.

Here we are making real commitments. We are putting dollars behind it.

We have had so much rhetoric, we have had more rhetoric on families than we have ever seen, but it is now time that we really produce. The Budget Committee has produced it. It has produced even better with the Ford amendment today, and I heartily endorse it and I hope everyone votes for it, for our children's sake.

Mr. GRADISON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, there are a lot of ways to decide whether a budget resolution is any good. New proposals and proposals to substantially change spending priorities are bound to get a lot of attention in this House and have a big influence on how we vote; but how about the little proposals that seriously damage longstanding programs. I know to some of you this may be boring stuff compared to all the discussion of changing domestic spending priorities. But boring as it may be, it is not unimportant.

As Members on both sides of the aisle are well aware, the Republican Party has done everything possible in the last several years to protect the orderly function of the Nation's unemployment insurance program. As money for administration of the program by States declined because of declining unemployment, both the Reagan and the Bush administration did everything during those years to keep the States funded so they could continue to run good programs.

This year the administration even went so far as to seek an emergency supplemental appropriation of $150 million just so States could continue to effectively run their unemployment insurance programs.

Now, after all this fine work by Republicans and Democrats, too, the Democrat budget proposes to remove almost one-half billion dollars from the administration's $2.3 billion proposal to pay for effective administration of this program.

In a time of recession when many States are having trouble just getting the unemployment checks out the door, I find it incredible that the party of Franklin Delano Roosevelt would brazenly undercut a critical part of the domestic safety net in this fashion.

So Mr. Chairman and my colleagues, if you want long lines of unemployed, if you want your unemployed workers to wait a month or two to get the money to pay their mortgage, if you want hungry children on your conscience, support the Democrat budget. If not, I urge my colleagues to support the budget of the President.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The Committee will rise informally in order that the House may receive a message

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. SPRATT) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting

CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1992

The Committee resumed its sitting.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I yield myself 10 seconds to respond to the last Speaker.

Mr. Chairman, we treat the Unemployment Compensation Program exactly the way the President treated it this year, which is that when he provided a supplemental, he declared it an emergency and that is exactly the way we treated it in the budget we proposed to the House.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. It surprises me, Mr. Chairman, that the Republicans see very little difference between the President's budget and the Democratic budget.

Let us ask a little child who gets fed from the WIC Program if there is a difference between eating and not eating.

Let us ask the child who gets into Head Start.

Let us ask the worker who builds the highway that gets funded under the Democrats' budget, the AIDS patient and the veteran who needs health care.

Let us ask the senior citizens who would have to pay laboratory fees under the President's Medicare cuts, but does not under the Democratic budget.

Let us ask a foster care parent who can barely make it and who would be cut under the President's budget.

Education, job training, immunization, drug abuse programs, transit, energy assistance, solar and alternative energy research, the National Institutes of Health to find a cure for cancer and Alzheimer's disease. Is there a difference? You bet there is a difference.

The difference is that the Democratic budget starts to look at the needs of our people. I look forward to the day when NATO and Japan pay for their own defense. We spend almost $200 billion a year on them, 15 percent of our budget. Then we will really be able to make a difference in deficit reduction and investments in America.

But until that day, this Democratic budget is a step in the right direction. There is a difference. The difference is the Democrats stand up for the people.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE], a member of the Budget Committee.

Mr. WISE. Mr. Chairman, two headliners or two occurrences sometimes bring meaning to a budget debate. Today in the paper our Government is going to press Japan to allow more American contractors to build Japan's infrastructure. In another setting, our office in Charleston, WV, has people calling by the score wanting jobs in Kuwait to rebuild the Kuwaiti infrastructure.

Mr. Chairman, do you realize that today following Operation Desert Storm there is a nation where half the highways are substandard, where half the bridges are deficient, where a major airport has not been built since 1974, and every one of them is hopelessly clogged. That is not Iraq. That is the United States of America.

Let us look at what the Democratic budget does versus the President's budget.

Federal aid to highways. The resolution's $1 billion increase in the Democratic budget is nearly 150 percent more than the President's requested increase. That is in the first year.

Check the second year, where we up it to $2 billion, double that.

Mass transit. The resolution's $281 million increase is three times, or 300 percent greater than the President's requested increase.

Aviation. The Democratic budget matches the President's budget on a $1 billion increase.

Waste water treatment grants, $80 billion worth of sewer treatment needs in this country. The President proposed cutting that $200 million. The Democratic budget rejected that.

Community development block grants, the last program really left since revenue sharing for many of our counties and cities, the resolution rejects the President's request for almost a $200 million reduction and instead increases funding by $70 million, or a 266-percent increase above the President's request.

I think it is great that we are fighting to build Japan's infrastructure. I am sure it is nice and it is important that we rebuild Kuwait's infrastructure. This budget needs to undertake and the Democratic budget does undertake more substantively rebuilding the infrastructure of the United States, and that is where we need to start.

Mr. GRADISON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman it has been enjoyable the last day and a half or so listening to the debate. I know it is hard for our colleagues on this side of the aisle when your theme song is more and it has been more and you are attempting to continue to use that theme song, but really what you have is a little bit more and a little bit less.

In today's Washington Post was a taking exception article from the chairman of the Budget Committee entitled, "Our Budget Is Better." If you will notice in terms of the quote he says, "Budgets are not just numbers and dollar signs. They express the priorities of a nation."

That is clear when it is finally passed, but when it is presented by the Democrats or it is presented by the Republicans in terms of the President's budget, it is also the political priorities of a particular party.

□ 1520

I was pleased to note that the chairman of the committee indicated that the President's budget did away with smoke, did away with mirrors, and did away with deceptions. Those actually were discarded.

Unfortunately, the Democrats are heavily into recycling, and those very same items show up as part of the so-called Democrat budget. I say "so-called" because the budget was supposed to be a 5-year plan. The President addressed 1992, 1993, 1994, 1995, and 1996 in a 5-year plan. the Democrats' budget does not. It addresses the years 1992 and 1993 in terms of real choices as to where money is going to be spent. But for 1994, 1995, and 1996 they simply baseline it. They do not go into the policies they want to make there. Why would they do that? Because under the 5-year argument, after 1993 you do have the distinct categories where you have got to even out the numbers. You can rob from one to put it in another. They will not tip off where they are going to take money in the out years where they have the ability to do it. They could not come to an argument under the budget procedure on their side of the aisle. So they simply baselined the numbers. In fact, the Democrats do not have a budget, what they have is a manifesto. Half of this article is the plea, "Our budget is better," and it is wrapped up in me-tooism. Women, Infants, and Children has been commented on. No one has noticed that the President put over $220 million more into that program. It is a good program. Two months later the Democrats put in $350 million more. They say, "We support women, infants, and children." Everybody supports women, infants, and children. As a matter of fact, the Democrats' political manifesto seems to be women, infants, and children, of America, unite, "You have a couple of bucks to gain."

In program after program, the Democrats look like a supermarket captive brand with a yellow slash across them, "10 percent more, buy me." In fact, the rhetoric is so canned in these areas that if the President, I firmly believe, had put in $350 million for Women, Infants, and Children, you would have put in $360 million just to be $10 million better, and used exactly the same rhetoric.

The Democrat manifesto plays up winners, their song is "More." But under this agreement, as everybody understands, if you are going to reward some, you have got to deny others, if you are going to pay Paul, you got to rob Peter, but you must at least have the decency to identify Peter. You do not. You hide it in terms of unspecified cuts. As a matter of fact, when the President talked about where he would make adjustments in the real budget, in a budget designed to govern, he offered changes that cry out to be made.

For example, it was mentioned in the veterans area, do you know what the President has suggested in part of those cuts for veterans? He said, "Look, you support, I support, we all support funding veterans getting that first home." Nothing down, guaranteed loan program. "But should we do that for the second home when they move up or the third home or their fourth home or their fifth home?" Let us give them that helping hand, but do you know, just 10 percent down cuts the default rate by 30 percent. Let us give them that first helping hand, but let us adjust it down in the out years.

Democrats' response: No. The President said, "Look, in Medicare part B, it is voluntary. Why is there almost 100 percent subscription in that area?" It is very simple: It is an $1,100-plus subsidy to every individual who signs up for Medicare B.

The President said, "Hey, how about those people making more than $125,000 who are retired, should we give them a 75-percent subsidy? Should those very same working women with infants subsidize a wealthy American for his Medicare Program at 75 percent?" The President said, "No. How about giving them only a $300 subsidy, make them pay 75 percent and the Government subsidize?" And when you say the Government, it is working men and women subsidizing these wealthy individuals at only a 25-percent level. Democrats said "No."

The President's budget can be criticized because he is honest in terms of where he pays money. But the Democrat manifesto ducks the out years. It is really telling that the heart of the Democrat program is the same old song, "More, more, more."

Finally, when you ask them where do the cuts come from, they do not have the courage to show them; they hide in the shadows of unspecified or across-the-board cuts.

The President's budget is responsible across the board. It is a product of governance, it is a product for all of us. The Democrat manifesto is not better for all of us, and even the Washington Post knows it.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. KILDEE], a member of the Committee on the Budget.

Mr. KILDEE. I thank the chairman for yielding.

Mr. Chairman, those who say that there is not much difference between the committee's budget and the President's budget have not spent much time in a Head Start Program where 3, 4, and 5 year-olds learn some of the basic skills they need to keep up with their more advanced peers. Nor have they visited a compensatory education classroom where elementary school children work to improve their literacy and math skills that could make a difference between staying in school or dropping out before graduation, or watched secondary school students in vocational education classes learning the computer and high-technology skills they will need to find a job in a competitive market, or visited clinics providing low-income mothers and infants the food and formula they need to stay healthy and out of the hospital, or talked with senior citizens who face the terrible choice between heating or eating.

Mr. Chairman, the budget which Chairman PANETTA brings to this House contains a vastly different set of domestic priorities from those of the President's budget.

The committee budget makes significant investments in Federal programs which have proven their effectiveness over the years.

The $2.4 billion increase for education, including compensatory education, vocational education, and Pell grants.

That is 3½ times the President's proposed increase for education.

Also $350 million for Head Start, again, 3½ times the President's proposal.

And we put the Head Start Program on track to reach full funding by the end of the decade.

Another $350 million increase for the WIC Feeding Program, and we assume full funding by fiscal year 1996.

We reject the administration's cut in job training funds and instead, provide a $266 million increase for these crucial programs.

We also reject the President's $600 million cut in the Low-Income Home Energy Assistance Program and provide funds sufficient to keep pace with inflation.

Mr. Chairman, those who say that there is little or no difference between the Democrats' budget and the President's budget must be looking at two different documents than what we have before us today.

Because the two budgets before us have crystal clear and critical differences in priorities.

Mr. Chairman, now is the time to invest in our childrens' education, in their health, in their nutrition, and above all, in their future.

We owe it to them and to our Nation's future.

I urge my colleagues to reject the Gradison amendment.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Chairman, the President's budget would reduce Federal support to the States for foster care services by $1.7 billion over 5 years.

It is widely acknowledged that the State programs which handle child abuse and neglect, and foster care, are under severe stress

The National Committee for the Prevention of Child Abuse reported just yesterday that there were 2.5 million reports of child abuse and neglect in 1990, a 31-percent increase over 1985, and a 167-percent increase over 1980.

Two out of 3 workers handling these reports claim that resources are inadequate to investigate all cases needing investigation, much less to provide services to the families to prevent the need for expensive foster care.

Is it any surprise that the foster care caseload rose 30 percent between 1986 and 1989?

The President would solve this problem by reducing Federal support to the States for some basic, yet important, activities, which are designed to reduce the need for the placement of children into foster care. For example, the referral of families to services, and the development of case plans for children who may enter foster care.

The Department has tried to cut this funding stream before. In 1987, the Departmental Appeals Board at HHS rejected the Department's claim that these activities are not allowable under the Federal statute. In fact, the Board found that limiting Federal reimbursement for these activities would work against the purpose of Federal law—which seeks to prevent the need for removing a child from his home and placing him in foster care.

Families that come to the child welfare system have fallen through many cracks—cracks which are getting wider and wider. But our President isn't concerned. His budget fails to address the plight of children and families in America today. Thus, he fails to pave the way for our country's future economic success.

A few selected facts:

Families face growing economic stress. The real income of the poorest 20 percent of Americans living in families declined 21 percent between 1973 and 1988. Today, one out of five children lives in poverty. Middle class families have felt the pinch too: real family incomes for the bottom 50 percent of families stagnated or declined between 1973 and 1988.

Single-parent families are becoming the norm. Over 24 percent of children lived in 1-parent families in 1989, compared with 9 percent in 1960. Based on current trends, it is estimated that 70 percent of white children and 94 percent of black children born in 1980 will spend part of their childhood living in a single parent family.

In 1987, the United States ranked 22d among industrialized nations for infant mortality rates. About 32 percent of all women nationally do not receive adequate prenatal care.

In today's economy, a high school education makes you or breaks you. Yet many of our youth drop out. High school dropouts are at risk for unemployment and welfare. But even those youth who stay in school aren't learning enough. One study reports that 50 percent of high school seniors have inadequate reading skills, and 80 percent inadequate writing skills.

□ 1530

Mr. GRADISON. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY. I yield to the gentleman from Ohio [Mr. GRADISON], my friend.

Mr. GRADISON. Mr. Chairman, it is generous of the gentleman from New York [Mr. DOWNEY] to yield.

Let me just point out that in the debate earlier in the day that the gentleman from Ohio [Mr. SMITH], from the gentleman's side of the aisle, criticized the amendment of the gentleman from Michigan [Mr. FORD] which was under consideration because it would in its across-the-board cuts have reduced funds for child abuse enforcement.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. MILLER], the former chairman of the Select Committee on Children, Youth, and Families.

Mr. MILLER of California. Mr. Speaker, Members of the House, tomorrow, with great fanfare, the President and his new Secretary of Education will launch a national education initiative. But what we ought to understand is that in that effort to educate the children of this Nation the President's budget destroys the basic building blocks of children in this Nation. In his effort to try and increase funding for the Women's, Infants and Children's Program, for the Head Start Program, in fact he misses the mark. He misses the mark of getting children who need to be prepared ready for school, and so his answer is to come back in the 12th grade and to test them to see how they are doing. Children who will be denied nutrition supplements so that they can learn will be denied the participation in Head Start Programs. Only one-third of the children in this Nation qualify, so they will not be school ready.

So, Mr. Chairman, the answer will be: "We will spend billions of dollars at the end of the process to try and make up for the inadequacies that the President's budget provides to those children." These are the most fundamental things we can do on behalf of children. We can feed them, we can educate them, and we can protect them from abuse, and the President's budget fails on all three grounds to provide the kinds of protections, the kinds of nutrition, and the kinds of education that very young children in this Nation need.

Now there is an alternative to the President's budget. It is the budget proposed by the chairman of the Committee on the Budget, the Democratic alternative, which in fact addresses these. Yes, it is more money, but it also speeds up the timetable by which more children can get the benefits of Head Start, more children can get the benefits of nutrition, more pregnant women can get the benefits of decent nutrition so that we do not have low birth weight babies, so we do not continue to syndrome in this country of low income children being born with less brain capabilities than children in middle income and high income families. We have got to understand that that is a road to the destruction of thousands of children in this country.

Mr. Chairman, that is addressed in the Democratic budget. It is about the building blocks of a society, it is about the building blocks of an education system, it is about the building blocks of a work force that almost every business organization that has looked at these proposals and has suggested that this country invest more, be on the Democratic proposal. This is the business organizations of this country that are saying that, if we do not make the kind of investments on the kind of timetable outlined in the Democratic budget, that they will not be able to assemble the work force necessary for this country to compete.

That is difference in this budget. The difference in the budget is about caring for children and not accepting that some children, through no fault of their own, under no control of their own, will just simply fall through the cracks and miss an opportunity to participate in American society.

Mr. Chairman, the Democrats repudiate that approach.

When the President introduced his 1992 budget, he told the Congress and the American people that the time had finally come "to reserve the long-term trend of underinvestment in children."

That's comforting and familiar rhetoric. But the President's budget reneges on the President's promises.

The Democratic budget proposal protects our investments in children and their families.

The Democratic budget rejects the administration's plan to pilfer money from community health centers and the maternal and child health block grant to fund a narrowly targeted infant mortality initiative.

We have made progress in reducing infant deaths, but that success is tempered by the fact that critically ill newborns are being saved with costly high technology rather than cost-effective preventive care. Congress rejected the President's proposal, and our budget restores funding to the critical prenatal care programs that have proven to reduce low birthweight and infant mortality.

The Democratic budget proposal rejects the President's cuts in the child nutrition program and includes sufficient funds to move us toward full funding for WIC—also proven to ensure healthy births and to save money.

It rejects the President's 50-year timetable to fully fund Head Start and includes enough funds to make sure all eligible low-income preschoolers will be in Head Start by the end of the decade instead of the one-fifth participation rate today.

The Democratic budget triples the President's proposal for education with a $2 billion increase for elementary, secondary, and higher education, and substantial increases for student aid, math/science programs, compensatory and special education, and education for homeless children.

The President uses smoke and mirrors in his child welfare proposal, at a time when children are at greater risk than ever before. Just yesterday, the National Committee for the Prevention of Child Abuse and Neglect released 1990 data: 2.5 million reports of child abuse—a 31-percent increase since 1985. And over 1,200 child-abuse-related deaths—a 38-percent increase in the same time period—were documented in 1990.

The President's 33-percent increase for child welfare would be negated by his proposal to eliminate the existing $250 million program to support State efforts to prevent placement of children in foster homes. The Democratic proposal rejects this sham.

The Democratic budget proposal recognizes the urgency of the day, for our children and families and for the work force of the 21st century.

The budget we are considering today also protects other vulnerable groups. The President's budget unconscionably requested a $154 million decrease from the fiscal year 1991 appropriation for the Indian Health Service. This at a time when 17 of the 50 existing IHS hospitals are older than 50 years compared with the average age of 7 years for private hospitals. The President also calls for a 92-percent reduction in funding for construction of health and sanitation facilities at a time when more than 20 percent of native American homes lack toilets. The Indian Health Service itself reports a backlog of $572 million for sanitation facilities including water wells, septic tanks, and water purification systems for Indian homes, yet the President asks for no new funding in this area.

The President proposed that his small increase be funded from third party insurance collections. The assumption is that $129 million would be collected. In 1990, the IHS was only able to realize $3.7 million in insurance collections. A jump to collecting $129 million in 1992 is completely unrealistic. Mr. Chairman, the Budget Committee has recommended that the Indian Health Service funding level be restored and instead of the 9.7-percent decrease proposed by the President, has asked for a modest increase of 5.8 percent over last year's funding level.

I urge my colleagues to join me in supporting this recommendation as well.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. SCHUMER], a former member of the Committee on the Budget.

Mr. SCHUMER. Mr. Chairman, I rise today in opposition to the President's budget and ask my colleagues to support the budget resolution developed by the Budget Committee. First, I would like to take this opportunity to congratulate the distinguished Chairman of the Budget Committee for his leadership in this difficult area. He has produced a budget resolution with the proper priorities, children, education, and crime. It is the last of these, the funding provisions for antidrug and anticrime programs, that I particularly want to discuss today.

Mr. Chairman, we have just completed a war in the Persian Gulf. If is now time to turn our full attention and resources to the war that is raging here at home—the war on drugs and crime. Just as we ensured that our troops in the gulf with sufficient supplies of the very best equipment to wage that war, we must also ensure that our troops on the front lines of the war on crime have the resources they need to fight that battle.

The committee budget provides the funding to wage the war on crime and it puts the resources in those areas where they are needed most. The committee budget exceeds the President's in funding of both antidrug law enforcement efforts as well as antidrug health, education, and treatment programs. The committee budget also matches or exceeds the President's in every significant anticrime area. For example, the committee budget exceeds the President's in such vital areas as the FBI, the U.S. attorneys, and prison construction. It also restores unconscionable cuts proposed by the President in the Juvenile Justice Programs and in Federal aid to State and local drug enforcement efforts.

Over the past decade we have witnessed a tenfold increase in drug control spending from $1.5 billion in 1981 to $10.5 billion in 1991. Despite this infusion of resources, drug abuse and drug-related crime remains one of this country's most serious problems. Clearly, the need for maximum funding of these efforts has never been greater.

The Budget Committee's resolution does just that. The Budget Committee resolution calls for an outlay increase of $1.2 billion for antidrug and anticrime funding. That is the largest outlay increase in the whole budget. In addition, the proposed increase of $1.5 billion in budget authority represents the third largest authority increase in the budget. The 12-percent increase in discretionary antidrug and anticrime programs represents the second largest percentage increase in the budget. Without doubt, this budget makes fighting crime one of its highest priorities.

Antidrug funding must be a top priority and the Budget Committee resolution exceeds the President's budget in funding antidrug programs. The Budget Committee resolution provides for $142 million more in budget authority than the President's budget and $74 million more in outlays. This brings the total antidrug funding for fiscal year 1992 to $11.8 billion, an increase of 12 percent over the freeze level. This funding restores cuts the President's budget would make in drug-related portions of the Secret Service and Office of Justice programs, the office within the Department of Justice that helps States and local drug enforcement efforts. This is no time to be weakening our commitment to antidrug law enforcement efforts. Nor is it time to avoid full Federal support of drug abuse prevention and treatment programs. The committee budget includes $179 million in budget authority above freeze level for health-related drug prevention and treatment. This is $62 million, over 50 percent, more than the President's budget provides for this vital area.

In the area on nondrug, anticrime funding, the committee bill is again far tougher and preferable to the President's. The committee bill increases funding for the FBI's anticrime efforts by $311 million over last year. This is $22 million above the President's recommendation. The committee budget increases funding for the U.S. attorneys by $112 million, $25 million above the President. The committee budget responds to the crisis of overcrowding in our Federal prisons—now operating at 160 percent of capacity—by increasing funding for prison construction by $61 million over last year. This is $50 million above the President's recommendation in this area. Finally, the committee budget calls for a $3 million increase in funding for juvenile justice programs. This is $70 million more than the President's budget which would cut juvenile justice funding by 90 percent.

In sum, the Budget Committee's resolution provides the funds needed to wage the war on crime and targets those resources in the areas where they are needed most, antidrug funding, the FBI, the U.S. attorneys, Juvenile Justice, and prison construction. I urge you to reject the President's bill and support the committee resolution.

Mr. GRADISON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Mr. Chairman, I thank the gentleman from Ohio [Mr. GRADISON] for yielding me this time.

Mr. Chairman, all of this grand rhetoric we are hearing this afternoon, as the distinguished chairman of the Committee on the Budget knows and as everyone else in this room knows, runs totally into the realities of the Budget

Act. The fact of the matter is that there is nothing that the gentleman from California [Mr. PANETTA] or anyone else in this room can do to build up one discretionary program without taking it from another discretionary program, but they are very silent on the other side of the aisle as to those programs they are reducing.

Mr. Chairman, I am here today just to make it clear to my colleagues that 1.2 billion of those dollars they shower on certain objectives come out of the 250 function, which is the science function in the budget. If there is ever a case of consuming our seed corn, it seems to me that cutting the science function is a perfect case of it. What is it we are going to cut? The Democrats say they want more for education. Yet a cut of the size that they propose almost certainly means a cut in the education functions in the National Science Foundation.

☐ 1540

Or shall we cut the research NSF is doing to make America more productive? Or should we cut "Mission to Planet Earth" in the NASA budget, a program designed to give us some hard data so we will know whether or not we are facing a terrible crisis and an expensive crisis in global warming? About that they are very silent.

They tell us all the wonderful things they are going to do with the money they have stolen from the science account, but they do not tell us the loss they would impose upon that account.

Fortunately, the second reason the rhetoric is so faulty this afternoon is that it makes no difference anyway what they do with all these puts and takes in the domestic discretionary program, because under the Budget Act we cannot appropriate money for one program and take it from another program in the budget resolution. We can only do that in an appropriation bill, so all the puts and takes in their budget, as compared with the President's, are simply, in the end, a phantasm.

They are not binding on the Appropriations Committee, they are not binding on this House, and they are not binding on the Congress. They are binding on no one. That is the reality of what we are doing this afternoon.

Mr. McMILLAN of North Carolina. Mr. Chairman, will the gentleman yield.

Mr. GREEN of New York. I yield to the gentleman from North Carolina.

Mr. McMILLAN of North Carolina. Just on that point, Mr. Chairman, in response to the gentleman's comments about Justice, I think in the aggregate the Democratic resolution increases funds for Justice by $204 million, but they make unspecified cuts of $769 million.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The time of the gentleman from New York [Mr. GREEN] has expired .

Mr. GRADISON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. MILLER], a member of the Budget Committee.

Mr. MILLER of Washington. Mr. Chairman, I have enjoyed working with the chairman, ranking minority member, and other members of the Budget Committee. Many people have said before me that the differences between the Democrats' budget and the President's budget are small. That is true, but I agree the differences are significant. Yes, they both had to meet certain spending caps under last year's budget agreement, but there are significant differences.

When you look at the differences, the President's budget comes out ahead. Let us look at the tax side.

The Democrats claim that they support research and development as a way to promote economic growth in job creation. But then they ignore the President's proposal to extend the tax credit for research and experimentation.

The Democrats claim they are concerned about health care for working Americans, but they they ignore the President's proposal to extend the health insurance deduction for the self-employed.

Let us look at the spending side. The Democrats claim they are concerned about rising unemployment. Then they cut funds from the President's budget needed to administer unemployment compensation.

The Democrats claim they are concerned about investments, but they cut drastically funds from the President's budget for science and research. And, finally, the Democrats claim they are concerned about the environment, but you would not know it based on their budget, since they cut from the President's budget critical funding needed to protect endangered species, conserve and restore wetlands, protect wildlife refuges, and achieve reforestation.

Yes, there are spending increases in education in the Democratic budget, although without any educational reform. But they do it by cutting in the areas of administration of unemployment compensation, conservation and environment, and science and research.

When you look at these differences between the two budgets, they are small, but they are significant. And the differences favor our voting for the President's budget.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. PEASE], who is also a member of the Budget Committee.

Mr. PEASE. Mr. Chairman, I rise in support of the Budget Committee's budget and opposed to the Gradison substitute. I would like to begin by congratulating our chairman, the gentleman from California [Mr. PANETTA] for an excellent job. This is my first year on the Budget Committee. I have been very impressed with the job that he has done in leading the committee.

I would also like to congratulate President Bush for using real numbers, honest numbers, in his budget for the first time in 8 years under Republican administrations. And I would like to congratulate the President for coming up with a budget which is reasonable enough that the Republican Members of the House do not feel they have to run away from it. That is real step forward.

Last fall we spent a lot of time talking about fairness in trying to put together a budget summit agreement. I think it is a real achievement of last October's agreement that we insisted, especially in the area of taxes, on fairness across the income spectrum.

This year there are not huge differences between the President's budget and the Democratic one, but there are real differences and they speak to fairness.

The Bush-Gradison plan would cut back on Medicare, veterans' programs, guaranteed student loans, foster care, maternal and child health programs, community development block grant programs, community services block grant programs, low-income energy assistance and, yes, trade adjustment assistance, the only program to help workers who lose their jobs because of trade.

Let us look especially at the area of taxation. No one has mentioned it on the floor today, but the Gradison substitute picks up the President's recommendation for a lower rate on capital gains, a rate proposal that provides $11 billion in benefits, almost exclusively to high-income Americans.

That is not consistent with the fairness doctrine they adopted last fall. We ought to reject the Gradison substitute.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. ESPY], another distinguished member of the Budget Committee.

Mr. ESPY. Mr. Chairman, I am here at this moment to speak on behalf of rural Americans and the 27 percent of our population who still proudly live in America's small cities and towns. And in that regard, I am happy to rise and I have to rise in opposition to the President's budget and in support of the committee resolution. But I am proud that we are having this debate because it serves to highlight the differences between the President's budget and the committee resolution, and, oh, there are so many deep differences.

Mr. Chairman, rural America is drowning in a sea of troubles, and that is certainly no exaggeration. So the question quite simply for this national ship of state is whether we will throw out a life preserver or a millstone. Quite simply, in my opinion, the President's budget constitutes a millstone around the neck of rural America. Why do I say that?

I think that these reductions are severe and very deep. There is a $500 million reduction for the discretionary programs serving rural America. There is a $400 million reduction in rural housing loans. There is a huge reduction in farm ownership and operating loans. There is a 25-percent reduction in rural water and waste disposal grants, when we have communities around our Nation where folks still live without running water and indoor plumbing.

There is a $125 million reduction in rural development direct loans for water and waste, for community facilities and business and industry projects. The President, in his proposal, tried to means test certain agricultural programs which in my opinion, Mr. Chairman, will serve to drive farmers off the land, into bankruptcy, and will severely impact the degree to which they can repay their farm loans.

In addition, the President proposes to terminate the Economic Development Administration and the Appalachian Regional Commission. Quite simply, Mr. Chairman, I would say that the President's proposal is really a millstone. We ought to defeat it and pass the committee resolution.

The CHAIRMAN pro tempore. The Chair wishes to state that the gentleman from California [Mr. PANETTA] has 29 minutes remaining, and the gentleman from Ohio [Mr. GRADISON] has 28 minutes remaining.

Mr. GRADISON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY], a member of the Budget Committee.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, let us take a moment to examine what it is we are asking the Members of this House to choose between today.

This is the President's budget. It was submitted in compliance with the law on February 4. It is a very detailed budget, full of hard choices, tough decisions, and real numbers. In fact, the realism of the President's budget has been applauded by everybody today, and it has been applauded by the Washington Post, I am told. This is a real budget proposal, with real numbers and a real analysis. It is concrete, it is detailed, and it exists. It has been here since February 4.

This is the Democrat majority's budget. It is built on false economic assumptions and on optimistic economic assumptions and faulty methodology. It represents a system of priorities and values. It was based on a specious analysis of inequity or alleged inequity of income distribution in America. It depends on the Congressional Budget Office, which shows itself to be incapable of even the most rudimentary economic analysis. In fact, it is mysticism.

□ 1550

That is it, pure and simple. Now, we have been hearing an awful lot about who is being fair to who around here in this budgetary process. Surely it is true when you take 25 percent of the Nation's GNP away from the American people who built it, who earn the money in making it, and put it in the hands of Government, that is not fair. That is not fair to anybody.

Then when you reallocate, redistribute that 25 percent of the GNP from these people instead of these people, somebody gets hurt and somebody gets helped. We are all bleeding our hearts with somebody else's money over who gets hurt around here, and nobody has spoken for the beleaguered taxpayer.

I know about that man and that woman who are working to support their children that the gentlewoman from Colorado [Mrs. SCHROEDER] talked about so passionately earlier. I am that man, and I am married to that woman, and we have five children in college. Times get tough. We sit down and we work through our budget, just as the gentlewoman from Colorado [Mrs. SCHROEDER] said. We do not ask what are we going to get from the Government. We ask what will the Government leave us of the money we worked so hard to earn?

That is compassion. Is it fair for the working men and women in this country to be left a greater share of the money they earn on behalf of their children and a greater degree of freedom and privilege and responsibility as parents to decide what is best for our children and for ourselves? Is that fair? I think that is fair. Or would we rather turn our money and our children's destiny over to the Government? I think not.

Mr. Chairman, I say vote for the Gradison substitute.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE], a distinguished member of the Committee on the Budget who has worked on veterans issues for the committee.

Mr. PAYNE of Virginia. Mr. Chairman, I rise in opposition to the Gradison substitute and in support of House Concurrent Resolution 121, as passed by the Budget Committee.

As a veteran and a former member of the Veterans' Affairs Committee, I would like to share with you some things I have learned about veterans' medical care.

The veterans population is aging as our World War II and Korean War veterans have reached or are approaching retirement age. As a result, the demand for VA medical services has increased. The number of outpatients treated by the VA has risen 25 percent over the last 10 years, and the number of veterans receiving nursing home care has risen 41 percent. Yet, the veterans medical care budget has declined relative to the growth of general medical costs. In constant dollars, the veterans medical care budget has increased by 6 percent over the last decade, while general per capita medical costs have grown 48 percent.

When I go back to my district, the veterans I have spoken with are worried about long waits for outpatient treatment, a shortage of hospital beds, and the closing of parts of hospitals. I am sure many of you have heard similar stories.

Yet the President's budget does not include adequate funds to address this problem. The 4-percent increase given for veterans' medical care is still $23 million less than what is needed to cover general inflation and is even more inadequate when you consider that medical costs are rising roughly 11 percent this year. We cannot continue this 10-year trend of not allowing veterans medical care spending to keep up with the needs of our veterans.

The committee budget begins to address this problem. Funding for veterans medical care is increased above the amount necessary to cover general inflation. These funds are needed to address the growing medical needs of our veterans.

Our veterans did not turn their backs on us when we needed them. We should not turn our backs on our veterans when they need us. If you want to make a real, tangible commitment to all of our veterans who have sacrificed for us, reject the Gradison substitute and vote for the committee budget.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I come to the well today with gifts for my Republican colleagues. There is a great propensity to wear yellow buttons, as all Members know, celebrating victories. Here is an opportunity for my Republican colleagues to celebrate another victory today, a yellow button that says, "I voted for the President's budget."

Mr. Chairman, we are hopeful that all Republicans who have spoken so eloquently for it today will proudly put that button on and follow their dictates when we have an opportunity an hour from now to register the priorities of the two political parties. Because the gentleman from Texas [Mr. ARMEY] is correct: the budget is the ultimate political document. It expresses the priorities and values of the people who submit them.

The red, white, and blue document we are about to vote on is the President's priority. Soon we will have a chance to vote on the beginning of a blueprint for America's budget that will be offered by the Democrats.

Mr. GRADISON. Mr. Chairman, if the gentleman would yield, I just wanted to thank the gentleman.

Mr. FAZIO. Mr. Chairman, I am happy to be thanked. I will yield for that purpose alone.

Mr. GRADISON. Mr. Chairman, we are going to need a lot of those buttons.

Mr. FAZIO. We do have a lot of them. They are all going to be worn, I am sure. We look forward to the Republicans validating the fact that they want to cut $25 billion out of Medicare over the next 5 years.

Mr. Chairman, the Republicans came to the budget negotiations last year suggesting we cut $90 billion out of the Medicare budget. They were prevented from doing that, of course. But this is nothing new, because over the last 15 years proposals from Presidents Reagan and Bush, from 1981 through 1995, would have cut almost $200 billion out of the Medicare Program.

Mr. Chairman, this is part of a tradition. We think the votes today will validate their historic lack of commitment to the needs of middle income elderly in this country, low-income elderly, and even, frankly, some who might be able to afford a little more.

Mr. Chairman, veterans will appreciate noticing those wearing yellow buttons. For those who want to get on with the business of bringing Head Start to every young American child, they have an opportunity to see which side Republicans and Democrats are on. The yellow buttons are a signal, a beacon, which I think will be very indicative of the personal values that we bring to this budget debate.

Mr. Chairman, I look forward to being clear about who cares about America's elderly and America's children. This debate is all about that, and these buttons will indicate which side one is on.

Mr. GRADISON. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KOLBE], who appears to be having some trouble getting one of those buttons. We very sincerely would like to wear them on our side. I just hope there are enough of them to go around.

Mr. KOLBE. Mr. Chairman, I would yield to the ranking Republican on the committee, the gentleman from Ohio [Mr. GRADISON], for a response.

Mr. GRADISON. Mr. Chairman, seriously looking at this budget, I did not see the union bug on it. I will not dwell on that. Maybe the gentleman from Texas [Mr. STENHOLM] would want to say something about the subject

Mr. Chairman, I do want to comment very briefly about the Medicare Program. Of course, we are concerned about Medicare, because if the hospital insurance trust fund stays on autopilot, it is going to go bankrupt within 15 years. We are concerned enough to ensure the elderly that there is going to be money in the future to pay for their hospital bills under Medicare.

The changes which have been made in recent years, including those made last year, with the broad support, I might add, on the Democrat side of the aisle, were directed at the providers, not at the beneficiaries, who are protected. That is also true with regard to the proposals made by the President, the $25 billion we are hearing so much about. That is virtually all directed at providers. The beneficiaries are not only protected, but we are as anxious to protect them as you are.

□ 1600

Mr. KOLBE. Mr. Chairman, I want to thank the gentleman for his comments in that regard.

Mr. Chairman, I do rise in support of the President's budget proposal, the Gradison substitute. Since I do, I am very proud to be sporting the button. Thank you, Mr. FAZIO, for bringing the buttons to us here today.

Let me make it clear at the outset that both budget proposals that we are considering here today have more spending in them than I would like to see. But that was an issue we decided last fall in the budget summit agreement. The Congress agreed to the caps in defense and the domestic discretionary and international affairs accounts. While those caps may have been higher than I would have liked to have seen, that is the reality of what we are dealing with today.

At the outset we can say both of these budget proposals come within those budget caps. So within those constraints what we must examine are the differences between these proposals. People watching this debate might be excused for being a little bit confused. We have heard that the differences are large, we have heard that the differences are small; we have heard that the differences are significant, and we have heard that the differences are insignificant. I guess it is all a matter of whether you look at the glass as being half full or half empty, because I guess you could see it both ways. The differences are small in one sense, but they are also significant.

Candidly, and this is the first point I would like to make, quite candidly on the numbers side the differences are small. There is no way of getting around it, they are really ridiculously small in terms of the dollar amounts. In fact, there is a $3 billion net difference between the President's and the majority's budgets, and that is less than two-tenths of a percent of the total spending that is proposed this year. And the Democratic majority's budget changes only 62 of the 1,005 domestic discretionary accounts.

The second point is that there are some differences in priorities. First of all, the cuts, where there are cuts on the majority's budget, they are unspecified. People are always griping in this body about the Appropriations Committee being given too much latitude, and yet here we are telling the appropriators: "You decide where you are going to make these cuts because we are not going to do it."

The third point that I would like to make is that the cuts, where we do see them specified, are as the gentleman from New York [Mr. GREEN] said, very much the seed corn of the United States. The cuts are in our science and R&D accounts. The increases are applied kind of across-the-board to a whole series of accounts that we all would agree are good, to alcohol, drug abuse, mental health programs, Head Start. Take the alcohol and drug abuse and mental health programs. There it goes from $3,079,000,000 to $3,099,000,000 or less than a third of a percent of an increase. But the cuts, the cuts in the R&D and science, those are significant.

The fourth point I would like to make is that the Democrats have relied on a rosy scenario. Surprise, surprise. In the past we have always accused the Office of Management and Budget of relying on too rosy a scenario. Here it is the other way around, and the result is $431 million less for the Unemployment Compensation Administration than is going to be necessary if their projections and assumptions are wrong.

The bottom line, Mr. Chairman, is that none of us should issue any laudatory press releases about either of these budget proposals, but on balance I think the President's budget is more realistic, and it is more fair.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR], a member of the Budget Committee.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the House Budget Committee offers the House a reinvest-in-America budget, an opportunity to renew and rebuild the basic transportation structures that support the great engine of growth that is our national economy.

On the eve of consideration by the Surface Transportation Subcommittee of the Committee on Public Works and Transportation, chaired by our colleague, the gentleman from California [Mr. MINETA], the committee is prepared to reauthorize the Nation's highway, bridge and mass transit programs for the next 5 years. This Democrat budget gives the Public Works and Transportation Committee the budget authority and outlay figures needed to fulfill some $80 billion in construction requirements to keep our transportation portfolio modernized and competitive and progressive.

The President's budget shortchanges the highway program and actually cuts mass transit. It will not lift us beyond gridlock. It will not lift us into a more progressive future of growth and economic expansion. Only in aviation does the President's budget match the House Budget Committee's resolution and keep pace with the system's users and with the legislation Congress enacted last year to draw down the surplus in the aviation trust fund and invest those moneys in safety and system capacity expansion and enhancement.

If Members want to move forward, if they want to move beyond gridlock, beyond decay and decline of our Nation's basic infrastructure facilities, if they want to lift this country forward and into progress and growth over the next 5 years and into the latter part of this decade, then defeat the President's budget and vote for the House Budget Committee's resolution which moves us on the right path and keeps us in the direction of rebuilding the Nation's portfolio of major infrastructure requirements.

Mr. GRADISON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HOUGHTON], a member of the Budget Committee.

Mr. HOUGHTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, lots of Members have been speaking on the budget today. It has really consumed the whole day and it goes the way of all budget discussions. I never knew a budget that was a happy affair. It is just like taking castor oil. You do what you have to do although you do not like it.

But in the process, the budgeting really is to determine the room in which we can operate during any set given time, and that is this next year. That room really was designed for us last year by the budget summit.

So what we can say is we are really putting our finishing touches on it. And what does that mean in terms of numbers? Let us not talk about Medicare, let us not talk about health, let us not talk about education. That was all decided. We are talking about six-tenths of 1 percent as far as the expenses are concerned, so really our work is done.

But is it? I wonder. Frankly, I do not think so.

You see, we have only decided to talk about the expense side of the budget. What about the revenues? I bet there are only a handful of people in this entire city who know what the revenues are expected to be in the latest forecast. Let me tell Members what they are.

Last year in January, the revenue estimate was about $1,200 billion. That is the income coming in under which our expenses rest. Then when the budget summit was agreed on, and this is by the CBO figures, those revenues had risen to $1,220 billion roughly. Then in January, the latest cut at this thing, the CBO says that they are now $1,170 billion, which means that since the budget summit was agreed upon, and we are only talking about the fringes now, the expense side, our revenues have fallen $50 billion.

So what do we do when revenues fall? If anyone has set up a budget over the year, they know you do two things. You either cut the expenses or you try to increase the revenues.

This House has decided today not to try to cut the expenses. It had two opportunities to do that and it decided not to. So the only thing left to do is to try to stimulate the budget and the economy with the money that we do already have, and try to boost the economy, boost jobs, boost business, and therefore boost our revenues.

We just cannot say the work was done. Certain things have to be done now. As everyone knows, the devil is in the details, and I submit the Gradison substitute budget does just this.

Let me add that frankly the only businesses that are growing in this country, to my knowledge, are businesses which have an edge, and they are the businesses which export. Those are the businesses which have a technological advantage.

What does the Gradison substitute do? It increases research and development, it improves competitiveness, it helps the National Science Foundation. There is not much room, but there is some, and we must use it wisely, and frankly, the Gradison substitute does that.

I urge Members' support for the Gradison substitute.

Mr. PANETTA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong opposition to the President's budget which is before us today in the form of the Gradison amendment.

Last year was a difficult one for the Congress and the President. We struggled with a host of complicated, contentious issues, the most important of which was finding a multiyear response to our Nation's deficit problem. In the end, on a bipartisan basis, Congress and the President made a deal that will produce real deficit reduction over the next 5 years and—we thought at the time—eliminate for this year, another contentious and counterproductive budget debate.

That is why I am especially disturbed by the President's budget proposal. In my view, it breaches the 5-year budget deal we negotiated last year. The cuts to Medicare and foster care would be particularly devastating. The President achieves deficit reduction by proposing yet again items that have been soundly rejected by the Congress on a bipartisan basis in the past. He and his advisers know full well that these warmed-over proposals are unlikely to be passed this year. His budget also unnecessarily reignites the tax fairness debate and plays favorites with certain of the expiring tax provisions.

Let me highlight the most serious shortcomings of the President's budget and the Gradison amendment.

MEDICARE

Our budget agreement last fall included specific, painful reductions in Medicare, totaling $43 billion over the 5-year period. We met those targets in the reconciliation bill and understood that no further Medicare reductions would be necessary for deficit reduction purposes in fiscal years 1992 and 1993. That was the deal we all supported.

Now the President and his budget advisers ask us to cut another $25 billion out of Medicare. Let me be clear: I will not agree to an additional $25 billion of Medicare reductions this year. They are unfair to millions of Americans who rely on Medicare for their health coverage and to the providers of those services who have assumed that last year's budget deal set the rules of the game for the immediate future. I have two specific concerns:

First, the President's budget proposes over $20 billion in Medicare provider reductions over the next 5 years. These cuts would be in addition to the $34 billion in provider reductions adopted as part of last year's budget deal. Of particular concern is the $8 billion cut in funds for indirect medical education. This cut would hit hardest inner-city hospitals that have the highest rates of bad debt and charity care in the Nation because they serve so many uninsured patients. America's hospitals are providing $10 billion in charity care and deserve better treatment.

Second, the President's budget is replete with the usual array of tired old proposals for raising revenues and reducing Medicare costs that have been rejected time and again by Congress, often on a bipartisan basis. Proposals like requiring State and local employees to pay Medicare taxes are nonstarters. They have been rejected repeatedly in the past. They will be rejected again this year. When we brought State and local employees into the Medicare system in 1986, we made a compact by grandfathering all existing employees. In the interest of fundamental fairness, the Congress has rejected the administration's repeated attempts to break that deal. It is time for the administration to get the message—a deal is a deal.

FOSTER CARE

The President's policies for helping abused and neglected children are also disappointing.

Over the past 10 years, America's children have been getting a raw deal from Uncle Sam. This is especially true of abused or neglected children. We've all read stories about the lives these children lead. Crack cocaine is just the most recent of the many burdens we have asked them to shoulder. It doesn't take any great imagination to realize that the deck is stacked against these kids. The only consistent support they can count on is the support they get from foster parents. Take away $2 billion from foster care programs, as the President has proposed, and you take away the last bit of hope for a lot of troubled kids.

This proposed funding cut is not only unjust; it is foolishly shortsighted. Money spent on these kids today is an investment in the future, not a handout. It means that they have a better chance of leading productive adult lives. Without this chance, it's safe to say that the money saved today will be lost many times over tomorrow.

On this score, the budget resolution reported by the House Budget Committee is far superior. It shifts priorities from the President's budget, investing more in education and other programs of critical importance to children. By contrast, the President's budget offers no solid proposals for preparing poor kids for school, stemming the flow of abused kids into our foster care system, or improving the nutrition of America's children. The answer this administration offers is unresponsive, not kinder and gentler.

By rejecting the Gradison amendment, investing carefully now, and paying for those investments today, we will improve the country that our children and grandchildren will inherit from us.

OTHER ISSUES

Finally, Mr. Chairman, let me make a few general comments about the President's revenue proposals and other issues raised by the budget resolution.

By again proposing to reduce the capital gains tax rate, the President has chosen to reignite the tax fairness debate and other distributional issues. Reducing the capital gains tax rate will cost the Treasury money without enhancing economic growth or productivity. It primarily helps the rich who had a pretty good 10 years and don't need the additional help.

I would also note that the President has played favorites with the list of tax provisions scheduled to expire at the end of this year. For example, he has proposed to make permanent the R&D tax credit but has suggested 1-year extensions of other popular provisions like the low-income housing credit. If we are going to walk down this road of selectivity, we best have good reasons for our decision to treat one expiring provision more favorably than another. It is not clear to me what the President's reasons are.

For instance, I recently wrote Treasury Secretary Brady inquiring about the administration's official position on the current exception from the alternative minimum tax under section 57(a)(6) of the Internal Revenue Code for gifts of appreciated tangible personal property which is due to expire at the end of this year. I specifically asked whether the exception should be broadened to include charitable contributions of other appreciated property, such as the gift of appreciated stock or real estate to educational institutions. Last year, the administration took the position during the House-Senate conference on the budget reconciliation bill that the limited exception contained in the Senate bill for gifts of appreciated tangible personal property should be expanded to a broader universe of appreciated property.

Thus, it came as quite a surprise to me that the President's budget for fiscal year 1992 did not contain any recommendation for an extension or expansion of the current limited exception beyond this year. Since the administration specifically recommended the permanent extension of the R&D tax credit, and the temporary extension of five other expiring provisions, I hope that the Secretary will clarify for me whether the omission from the President's budget of the current exception means that the administration has changed its position from last year or the omission is an oversight.

With regard to funding of the Internal Revenue Service, I would note that the budget resolution reported by the House Budget Committee provides $179 million more for fiscal year 1992 than is available this year. The resolution also assumes that, in accordance with the Budget Enforcement Act of 1990, an additional $172 million in budget authority can be added in fiscal year 1992 for any compliance initiative, making the total additional funds equal to $351 million. The President's budget would have provided an extra $622 million in budget authority for fiscal year 1992.

I am concerned that the budget resolution reported by the House Budget Committee does not authorize adequate funding for the Internal Revenue Service and may impair the Service's ability to improve tax administration in fiscal year 1992. I have three specific concerns: modernization of IRS information systems, audits of high-income taxpayers and corporations, and reduction of the accounts receivable inventory.

One-quarter of the President's requested increase in IRS funding would be dedicated to modernization of antiquated and inadequate information systems. Without these funds, the IRS and taxpayers will be forced to rely on a labor-intensive and paper-driven Federal tax system designed for the 1950's.

Further, at funding levels below the President's request, needed improvements in the IRS's audit program are unlikely. Today, the IRS examines 50 percent fewer upper income taxpayers and 30 percent fewer corporations than it did a decade ago. Meanwhile, IRS expects to question 50 percent more working men and women about their tax returns. This is neither balanced nor fair and is unacceptable to me.

In addition, at funding levels below the President's request, it is doubtful that the IRS will undertake additional efforts to reduce its $100 billion accounts receivable inventory. That, quite simply, translates to lost revenues that we can ill afford to forgo. For all these reasons, I hope that our House conferees on the budget resolution will return with additional budget authority for IRS administration. It's an investment well made.

On the issue of Social Security administrative expenses, I am pleased that the budget resolution reported by the House Budget Committee accepts the President's full request of $2.54 billion for the old-age, survivors, and disability insurance programs. This amount, which is $246 million above the freeze level, will help the agency deal with a rising backlog of unprocessed disability claims and ease the financial pressure on thousands of disabled children and adults who are waiting for benefits across the country.

Mr. Chairman, I am profoundly disappointed in the President's budget proposal. I expected better: More recognition of the difficult task we achieved by approving last year's budget compromise and more creative solutions to the problems that remain before us. I hope we see better from this administration in the weeks and months ahead.

I urge my colleagues to vote "no" on the Gradison amendment. We can and will do better.

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Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, the President this year has put back on the national agenda a critical issue with respect to energy. Regrettably, his budget advisers have not listened to his energy advisers, and the Committee on the Budget here in the House has wisely come forth with a far more important and realistic proposal when it comes to how we are going to invest our money on these critical issues.

First and foremost, let me indicate that we are taking a step here in contrast to what the administration is advocating to see to it that we continue to build our strategic petroleum reserve, which is the most important protection for jobs and consumers when there are oil crises. The President used it in January and helped rescue us from a clear and dramatic price increase that started the night before when the war started. Regrettably, he did not use it last fall when we might have protected our economy from a higher price that we paid for several months. Mr. Chairman, we are going to fill that reserve to have it available for future crises.

Mr. Chairman, second, we have a situation in which this country is losing its edge technologically, and throughout the energy budget proposed by the House of Representatives Committee on the Budget, we will begin back on the track of advancing that cause. We are going to do it in the area of renewable energy resources which we need desperately in this country and around the world. We are going to do it in upgrading our fossil fuel energy uses, our production facilities, and how we use fossil fuels. We are going to do it by promoting alternative-fuel vehicles that the President wants to have happen but this budget takes seriously and will help make happen.

Mr. Chairman, over and over again we are going to face in the future the problems of addressing how to have prosperity without poisoning ourselves, and that requires a skillful energy policy that helps advance technology for that purpose.

We can, and this budget helps us, move forward on the goals of making us economically competitive for the next century, making sure we are protecting our health in the next century and making sure we advance American technology.

Mr. GRADISON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, I rise in support of the Gradison amendment in the nature of a substitute.

Mr. Chairman, last year Congress agreed to a budget reconciliation package that would reduce the deficit, realizing, of course, that this goal is only achievable if spending is brought under control. I supported the agreement last year, and I commend the Gradison budget for living within that agreement.

The goals of the Gradison amendment are commendable as well as realistic. While the committee budget stresses fairness for all Americans and appears to target working families, it fails to identify where the unspecified reductions will come from or to include growth-oriented tax proposals. The Gradison amendment, on the other hand, rightfully extends tax credits which stimulate the economy and encourage savings and investment at a time when we need it most.

Such critical tax provisions include the extension of the research and experimentation credit and health insurance deduction for the self-employed. The extension of these and other tax provisions are important public policy, and the budget of the United States should include them.

It is easy in a debate like this to criticize specifics, and that has been going on on both sides. However, I must say that the Gradison amendment, representing the President's budget, is honest. It is consistent, and it is fair, and it will, if enacted, lead toward a balanced budget.

Mr. PANETTA. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I rise in opposition to the Gradison amendment because of the cuts in veterans' benefits, Medicare, and education.

Mr. Chairman, I would like to turn to another topic, the NASA budget. I really believe the space station is critical to our Nation's ability to lead the world in high technology and our ability to compete economically against other nations.

My understanding is that the budget resolution before us today contains funding for function 250 programs including NASA-related activities which totals approximately $17.7 billion. This amount is approximately an 8-percent increase over last year, but more than $1 billion less than the President believes is needed to maintain America's all-important leadership in space, science, technology, and industry.

Mr. Chairman, I would ask the chairman, the gentleman from California [Mr. PANETTA], are these figures correct?

Mr. PANETTA. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I am happy to yield to the gentleman from California.

Mr. PANETTA. They are correct.

Ms. OAKAR. In the gentleman's opinion, would America profit scientifically, educationally, industrially, from increased funding for function 250 programs beyond the committee's proposed level of funding?

Mr. PANETTA. If the gentlewoman will yield further, obviously, this is an area where we were faced with constraint within the priorities that were established, and clearly we want to make these investments. We have made about $1.1 billion above the President in science and technology and about another $200 million in R&D energy, but this is also an area for concern.

□ 1620

This is also an area for concern.

Ms. OAKAR. Would it be the gentleman from California, Mr. PANETTA's, intention to seek to achieve sufficient funding for Function 250 and NASA to maintain our leadership in space, science, technology, and industry when this budget resolution is taken to conference with the Senate? I always worry about the Senate, as the chairman of the committee knows.

Mr. PANETTA. If the gentlewoman will continue to yield, my intention is obviously to try to find sufficient funding for this whole area, in the total area of space, science, and technology based on requirements with other priorities.

Ms. OAKAR. Mr. Chairman, I want to thank the chairman of the Committee on the Budget. I am proud to represent a NASA site at Lewis Research Center in Cleveland.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. GRADISON].

Mr. Chairman, it is true that the President's budget proposal supports the high performance computing initiative and includes modest funding increases for important programs such as the Defense Advanced Research Projects Agency, and the National Institute of Standards and Technology.

However, President Bush's proposal fails to support other critical areas such as job training and vocational education that are vital to the world's transition from an era of military confrontation to one of economic competition.

SCIENCE, SPACE, AND TECHNOLOGY

Some have argued that this budget resolution does not make explicit tough choices. Many of the same Members have then complained that this budget cuts space spending. Well, that is but one of the explicit tough choices that this budget resolution makes.

However, this budget does not provide less funding for science, space, and technology. It provides less funding than the President in space, but it provides more for science and technology here on Earth.

Mr. Chairman, the Budget Committee proposal is exceptional for the attention it devotes to enhancing international competitiveness.

The United States must promote such emerging technologies as semiconductors, x-ray lithography, and high definition systems that will form the backbone of every conceivable industry.

The committee resolution provides significantly more than the President for research in the Defense Advanced Research Projects Agency [DARPA], for DOD Manufacturing Technology, Science and Engineering Education, and Engineering Support Technology—Defense Department programs that work. The committee provides more for the Advanced Technology Program and the Competitiveness Council in the Commerce Department. The committee provides more for Department of Education math and science education and vocational education programs. And the committee provides more for research at the National Institutes of Health, and for research in alternative fuels, fuel conservation, and environmental protection. These increases, coupled with increases equal to the President for the National Science Foundation and the important technology and manufacturing programs within the National Institute of Standards and Technology [NIST], including increased funding and loan authority for the Advanced Technology Program within NIST, leaving the committee resolution way ahead of the President in science and technology.

Space spending gets a full increase for inflation—not a cut. If we had more money to spend, we might well choose to increase space spending even more. But space exploration can wait—our children can't.

Mr. Chairman, I urge my colleagues to oppose the amendment offered by the gentleman from Ohio and to support the Budget Committee resolution. Despite the budgetary constrictions facing the Congress and the Nation, the Budget Committee has developed a proposal that will provide businesses with the atmosphere and confidence to make decisions for the future.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Indiana [Ms. Long].

Ms. LONG. Mr. Chairman, I rise in opposition to the President's budget and in support of the committee's budget. I think that both the President's budget and the committee budget are thoughtful efforts, neither of which contain tax increases. However, the committee effort prevails as a fairer budget for most Americans, and I also believe for American businesses, in the long run.

First, the priorities contained in the committee resolution really make more sense and provide for a fairer treatment of this Nation's elderly, veterans, farmers, and average Americans. The resolution places a greater commitment to health programs, to education, to drug enforcement, energy, transportation, and competitiveness.

Second, it is better for American business because the committee resolution places a greater priority on improving our work force through job training which will increase U.S. competitiveness internationally and it places an emphasis on basic research in the education of the maths and sciences.

Finally, it will assist business because it places a strong emphasis on rebuilding the critically needed infrastructure and transportation systems of this Nation to prepare us for the 21st century.

The President's budget is a good effort but I have to conclude that the committee resolution makes more sense for our country.

The CHAIRMAN pro tempore. (Mr. Mazzoli). The gentleman from Ohio [Mr. Gradison] has 16 minutes remaining, and the gentleman from California [Mr. Panetta] has 10½ minutes remaining.

Mr. GRADISON. Mr. Chairman, I would like to advise the Chair that I am reserving most of my time for the closing statement by our leader, the gentleman from Illinois [Mr Michel].

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. Durbin].

Mr. DURBIN. Mr. Chairman, if the issue on this budget resolution is whether or not a Member should vote for it, I ask them to apply this criterion, this guideline. If the No. 1 issue in the minds of America today is health care, the yardstick to be applied to this budget offered by President Bush, as opposed to the Democratic alternative, makes a very clear choice. On the issue of health, the Democratic budget does the following: Where President Bush cuts $25 billion from Medicare over the next 5 years, the Democratic budget does not. The net impact of that means, for hundreds of thousands of senior citizens across America, they will continue to have access to quality, affordable health care. Furthermore, if a person lives in the part of rural America as I do, it means that those hospitals which are struggling to survive will have a chance. Under the President's budget, they will not. Under the Democratic budget, they will.

However, the assistance for health care does not end with senior citizens. The Democratic budget also puts money into the WIC Program. We have heard about it on the floor. The WIC Program is a nutrition program for children and young mothers, an effort to make certain that as the mothers are pregnant, and in the early years of the lives of the children, they receive appropriate nutrition so that they can grow up healthy. Our budget, of course, targets full funding for WIC by 1996. The President's budget does not.

Childhood immunizations: There is no more cost-effective way to improve the health of America today than to make certain that every child, every infant, is immunized against major diseases. Most middle American families take it for granted their children will get these shots. If a person happens to live in a poor family, or in a remote rural area, they may not have a chance to get the shots. When the child presents himself to kindergarten, it is the first time that they get a chance to be immunized. This bill introduced on the Democratic side puts $50 million more into child immunization. It means for 350,000 children in America, they will get this protection.

If the issue is health care, the vote is clear. Vote no on President Bush's budget, vote yes on the Democratic alternative.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. Stenholm], a member of the Committee on the Budget.

Mr. STENHOLM. Mr. Chairman, it is no secret that there have been a number of House budgets in the past, which this Member has not been able to warmly embrace. Back in my office, I have a drawer full of alternative budget proposals which I and other members of conservative Democrat forums have offered during the 1980's.

No such alternative emerged from the file drawer during this year's budget debate for one primary reason: The gentleman from California [Mr. Panetta], chairman of the committee and the Committee on the Budget successfully crafted a document which begins to reaffirm what the entire Democratic Party is all about. We have created a budget which is both caring and responsible. In doing so, we have shown the inclusiveness of our party.

This year in the Committee on the Budget we learned a new word: "prioritization." We recognized that if we were able to achieve full funding for programs which have proven themselves as worthwhile and cost effective, we must decide at the same time which programs will receive smaller increases or be eliminated.

We are beginning to learn that we cannot do everything for everybody.

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We must resolve to do even more and to do certain things as well as possible. For example, experts tell us that the earliest influences on a child's life makes some of the biggest differences in his or her successes. That is why I believe in targeting money for Head Start and WIC.

Furthermore, when it comes to fairness, there were two areas in which I felt it was particularly important to reject the President's budget.

First, I opposed the President's cut of $25.2 billion additional in Medicare. My colleague earlier stated that the Democratic budget does nothing for economic growth. In rural areas which depend fully on their hospitals for any economic growth, an additional cut of $25 billion without a plan would have been devastating.

Now, I agree we need to make cuts in this area, but we need a plan that cuts, not another cut with no plan.

The second area had to do with infant mortality. To his credit, the President proposed increased funding to address this issue, but focused that money on urban areas alone. In the Budget Committee, we affirmed that rural infants are just as precious as urban infants and we increased infant mortality programs without geographical or other prejudice. We also refused to pay for this funding by cutting from effective programs such as community and migrant health centers or maternal and child health care.

I make this point specifically, because as you look around for solutions to the health care problems of this country, when we look around the country whether it is urban or rural, we find that one of the most successful programs are community and migrant health centers. They deliver the health care cost efficiently, and yet the President suggested taking money from that and moving it into another area, and I think that is a legitimate area of difference.

I urge rejection of the President's budget and support of the Democratic alternative package.

Mr. GRADISON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, Harry Truman made famous the fact that "the buck stops here" on a President's desk—what President Truman did not say is that the buck starts here in Congress. And these days there are entirely too many bucks involved. I think most would agree that managing the national budget—or should I say bringing it under control—is the most important task that the American people sent us here to do. I take my hat off to the Budget Committee and its leadership for the job they are trying to do—provide for all the needs and wants while still balancing the budget and erasing the deficit. We all know this cannot be done unless Congress makes some fundamental changes. People in my district were not favorably impressed with our budget effort last year. They were even less impressed with the results. They know there is still tremendous waste in government—waste which the GAO estimates at $180 billion per annum. I am asked, "Is this Congress also going to dance to Lawrence Welk?" I fear that many think it does, and not many are ready to buy into the proposition that this year's Congress will really meet its challenges head on—that this year Congress will cut out the deficit, strip out the pork, stamp out the redundancies. There are not many believers—and rightly so—because nothing we are going to vote on today comes close to those goals. But at least the President's budget attempts to shift focus and prioritize spending within some limits. It begins to make some of the hard choices. I urge support for the President's budget because it is the safest port for the American economy in the fiscal storm that is blowing. But it is not enough. We cannot pass any of the budget choices available this year and go away satisfied that our work is well done. The taxpayers—the people we work for—are asking for less waste, less spending, and a balanced budget. Why can we not do better?

Mr. GRADISON. Mr. Chairman, I yield such time as he may consume for a closing statement to be made by the distinguished gentleman from Illinois [Mr. MICHEL], our Republican leader.

Mr. MICHEL. Mr. Chairman, I obviously rise in support of the President's budget. While this pin I hold which states "I voted for the President's budget," is in the past tense; we will vote for the President's budget and be mighty proud to wear it for the balance of the day and well into next week.

May I at the very outset pay my compliments and thanks and appreciation to the distinguished gentleman from Ohio [Mr. GRADISON] who this year took over the reins as our ranking member on the Budget Committee from the gentleman from Minnesota [Mr. FRENZEL] who left the Congress after serving with such distinction. And then, too, I would like to thank my leadership appointee, the gentleman from North Carolina [Mr. McMILLAN]. I thank these gentlemen for the great job they have done, and all the Members, particularly on our side of the aisle, who serve on the Budget Committee.

The gentleman from California [Mr. DANNEMEYER] had his own substitute.

The gentleman from Ohio [Mr. KASICH] had his own substitute.

They are very conscientious, hardworking Members, and frankly, probably there are several others who have some reservations about the President's budget because they are hardliners when it comes to spending. They have proposed spending levels less than what the President had proposed. The point is they do it in good sincerity because when the roll is called on appropriation bills, you are going to find those two gentlemen also voting against increased spending. They do it with good conscience and I respect those Members. I voted for one substitute, voted against the other, because I thought it was a bit too extreme.

I am most happy to rise at this time in support of the President's budget, because it possesses three cardinal virtues of a good budget: It is inclusive in scope, specific in detail, and honest in its assumptions.

The President's tax policy encourages competitiveness, encourages savings, although not as much as some of us would like because it is limited under our given set of circumstances, and then aids first-time homebuyers and stimulates economic growth.

In the work last year on that torturous budget trail when we had so much dissension within our ranks and so much controversy, we did at least establish specific budget caps.

The committee this year was under some wraps, no question about it, because we all wanted to hold fast to what we had agreed to last year. That was a 5-year agreement and I think we can conclude that 3 years of that agreement is solid; the other 2 may be open to conjecture. I applaud everyone for having held to the general principles of that agreement.

Now, the President's budget provides us with specifics, such as a permanent extension of the research and experimentation credit. Here is a proposal that some can say is inappropriate for these times. I happen to think the extension of the R&E credit is good even in a recessionary period so that we keep on the front edge of research and development. We never want to be second best.

I think having concluded, for example, the recent war in the Persian Gulf as expeditiously as we did is due in no small measure to the fact that we have been out on the cutting edge of scientific research and development. We do not want to lose that advantage. The R&E credit is one of the most effective tools in allowing U.S. companies to compete in the world market.

The President has the courage to confront the crucial and politically sensitive question of Medicare cost containment.

A recent report by the Advisory Council on Social Security states the hospital insurance fund will be out of funds by the year 2006.

We all know that Medicare is projected to grow by nearly 12 percent this coming year.

I am reminded of a recent conference in my home community with representatives from the Canadian plan, the American Medical Association, the Chrysler plan, and several other business plans and labor plans. The conference was held by an organization called the Peoria Area Labor-Management Group, in which we were all trying to come to grips with the crisis of rising medical costs.

If we do not make some adjustment Medicare costs will continue to skyrocket.

So we cannot put it off to another day or simply sweep it under the rug.

The President's proposal would save about $3 billion in this area. These cuts do not add to the burden of needy beneficiaries. Those earning more than $125,000 annually would be required under the President's budget to pay higher premiums.

I have to ask Members, those of us in that salary bracket, is there any good reason for the Federal Government to be subsidizing our Medicare premiums? Of course not. If we would just face up to this fact we could do so much more for those less fortunate.

The Medicare system is self-destructing before our very eyes. Unfortunately, the majority in its budget has chosen to ignore the clear danger signals about the health of Medicare.

Let us look at the Democrat budget for a moment. It is incomplete and very mysterious when it comes to telling us where money for new programs will come from. In fact, it deserves the title the "Agatha Christie Budget," since it contains so many mysteries about funding levels.

We hear of expanded unemployment benefits, of the Mickey Leland nutrition bill and an expanded Medicad Program. But how will all these new spending programs be paid for?

The majority's answer, a nice smile, a shrug, silence, giving the phrase "silent majority" quite frankly a richer, deeper meaning.

□ 1640

Defense spending and international affairs numbers are treated by the Democrats the same as in the President's budget.

But the Democrats tell us, as they always tell us, that they are more compassionate than all the rest of us. Do you want to know what their vaunted compassion amounts to in this budget? I think the distinguished gentleman from Ohio and others on our side have pointed out that of the $1.4 trillion budget they are moving around somewhere between $3 billion to $10 billion. That is big money, even back in Peoria, believe me, no question about that. But it is less than 1 percent of the total budget we are talking about here.

Now, if that is compassion, I would hate to see what neglect looks like.

And even here they fail. The Committee on Appropriations will reshuffle these priorities when they begin work on the annual appropriations bills. The committee is not bound by the priorities assumed in the budget resolution.

The Democrats' budget only gives us the good news, the programs which increase, telling everybody what we are going to do for them. Not what it is going to cost or what they might have to take away. These increases are paid for by freezes or across-the-board cuts in programs, frankly affecting the environment, the administration of justice, general Government functions, as well as large cuts in the area of space, science, and technology.

Mr. Chairman, the President's budget complies with last fall's budget enforcement procedures. I am grateful for that, because it was a tortuous trail with which we ended the session last year. Many of us were disillustioned because of the trauma that resulted from those negotiations.

But I will tell you the one thing that we did really preserve out of that experience was a set of meaningful spending caps. While some would say they are too high, nevertheless there ought to be a ceiling. If we can do less than that, well and good. But I want to be calling the roll on appropriations bills, the 13 general appropriations bills, and just see who antes up at that time on levels of spending below those spending caps.

There is increased funding in the President's budget for education, Head Start, the WIC Program, drug prevention programs, the National Institutes of Health, the National Science Foundation, aviation, highways, law enforcement programs.

You can always argue, "Oh, there ought to be more." Sure, shoot the moon. You know, there are no inhibitions on the part of some. But I say that the President's budget is a good budget.

It provides funding for space programs where the United States can seize the initiative in the race for the future.

These programs keep us on that sharp cutting edge and push out the frontiers of knowledge and science, and I think we all benefit from that.

So I would urge my colleagues to vote for the President's sensible, responsible, and, yes, responsive budget.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. MAZZOLI). The gentleman from Ohio [Mr. GRADISON] has 5 minutes remaining.

Mr. GRADISON. Mr. Chairman, I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KOLTER].

Mr. KOLTER. Mr. Chairman, I rise in opposition to the Gradison amendment.

Mr. Chairman, the time has now come for tax fairness. For almost 11 years, working Americans have been cast aside as the wealthy and the powerful have been given greater means to accumulate wealth.

But now, as we prepare to vote on this budget, we must stand prepared to restore budget fairness to the American people: To American working people, senior citizens, our children, to our veterans, our farmers—to every American.

The administration's budget does not restore fairness. The President's budget cuts Medicare; it cuts veterans programs; it cuts guaranteed student loans, and foster care and maternal and child health care. It cuts community development block grants and community services block grants. The President's budget cuts low-income energy assistance and rural development, and cuts child nutrition and Pell grants for families with incomes as low as $23,500.

It is obvious then, that those of us here in the House of Representatives, the House of the people, must reject the President's budget because it is not fair. It does not help America.

We must reject the $25 billion in Medicare cuts the administration proposes and support increases for Social Security and Medicare.

We must reject the administration's call for veterans cuts and support a $1.1-billion increase for veterans medical care, veterans research, and claims processing.

Surely if we can fund war, if we can fund smart weapons, if we can fund foreign rebuilding efforts, then we can bear the financial burden to care for those men and women who put their lives on the line in the recent war in the Persian Gulf and in our past conflicts. Smart weapons will not operate without men and women operators. Smart tanks must be manned with smart personnel.

We must support our men and women coming home from the Persian Gulf. We must support our troops now with this budget.

We cannot turn our backs on our veterans any more than we can turn our backs on our farmers.

The spending plan of the House Budget Committee, which I support, includes $704 million more than the President's budget does for rural programs. This plan includes $239 million more than the President proposes for rural housing loans. If this country cannot help rural working families and farmers obtain housing, then what is it we can afford?

In addition, the Budget Committee has earmarked a $2-billion increase in low-income housing and homeless programs, with increases in low-income energy assistance and other community services.

In closing, Mr. Chairman, we must return fairness to the budget. We must end tax cuts for the rich. We must level the playing field in America. We must help those Americans who have not benefited from large inheritances or sweetheart deals.

To restore fairness we must end the economic aristocracy in America. If this is the people's House, then we must begin the 1990's with this budget. Vote here and now for fairness: Fairness to America's working families, farmers, seniors, and veterans. I ask my colleagues to support the House Budget Committee proposal and reject the administration's hurtful budget.

Mr. PANETTA. Mr. Chairman, I yield the balance of my time to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

The CHAIRMAN pro tempore. The distinguished majority leader is recognized for 6 minutes.

Mr. GEPHARDT. Mr. Chairman, first I want to congratulate the chairman of our Budget Committee and all of the members of the committee for all of the hard work that was done to put this budget together. I want to congratulate them for their timely work. This is a budget that comes almost exactly on time, which is something that we have not always been able to do. For that I appreciate the efforts that everyone made.

I want to pay special homage to the chairman of the committee, who is one of my close friends and, I think, one of the most able Members of this House. He performed ably when we had the budget summit last fall, and he has continued to do that on behalf of the committee and on behalf of the Democratic Party in the House of Representatives. I do not think we could have a better chairman of the Committee on the Budget than the gentleman from California [Mr. PANETTA].

I think he has performed with excellence and with a real sensitivity toward the needs of our country. I congratulate him for the product that the committee produced.

Mr. Chairman, most of the time in the past we have not had a discussion between the merits of two plans. In some of the years past we just had one plan and the Members only got to vote on one plan, maybe with some amendments, but essentially there was not a debate between the two parties, between two visions of where the country should go.

I understand that the differences in terms of dollars may not be as large as sometimes in the past, because we had a budget summit and we have caps and we have targets, and obviously the differences may not be that great in terms of dollars. But I submit that the difference between these two budgets, these two visions of where the country should go in the next year, is great and that Members will be casting in the next few minutes perhaps the most important vote that you will cast for the rest of this Congress because you will be voting on a blueprint, a roadmap that we will be following in the appropriations process for the next 3, 4, and 5 months.

To me there are two major differences between these proposals. The first major difference has to do with what the President's proposal does to middle-income Americans. There are three things that, if you vote for the President's proposal, you are voting to do to middle-income working families.

The first thing, of course, is Medicare. The President's proposal cuts an additional $25 billion out of the Medicare Program. It affects 34 million people. And, yes, it can be said, it is only cuts in hospitals and physicians. But everybody here knows that those cuts on hospitals and physicians wind up being borne by the Medicare recipients, the senior citizens who get the benefits of that program.

We had this debate last fall. The budget summit agreement that we came back with had heavier cuts in Medicare. Many of us voted for that budget summit agreement. It was the will of the Congress and ultimately the President last fall that we would not cut Medicare to that level; that was the decision we made. And now, a few short months later, the President and many Members on the other side are coming back with the proposal that goes back to the levels that the Congress and the country refused last fall. I think we should stick with the decision that we made. It was tough to make it; we made it. How can we justify to the Medicare recipients now that we want another $25 billion back and we are going to cut out of their reimbursement for hospitals and doctors?

Yesterday I talked to a senior citizen who said she has to worry every day whether she has enough money to eat. It seems to me those are not the people that we should be trying to cut.

Second, student loans; if you adopt the President's proposal, you are going to cut 200,000 student loans for families that are middle-income families. In fact, arguably they are even falling out of the middle-income category.

□ 1650

If there is anything we know, we need to educate our youngsters to compete in the world economy which we are going to be competing in. The last thing in the world we need to be doing is making it harder for middle-income kids to get a college education, but that is what the President's budget does.

Third and finally, there is the renewed call for a cut in the capital gains tax. I do not think we need to go back through this argument, but I am just going to take one more minute to do it.

We had this argument at the budget summit. We decided, as a Congress and as a people, we were not going to cut the taxes of the wealthiest of Americans, that, if we are going to have a tax cut in the future, and I hope someday we can, that it should be focused at middle-income families that are squeezed in this country that are experiencing economic pain and difficulty. But yet, in light of that, the President comes back with the proposal that says, "Let's give a tax cut, not to middle income America, but to the top one in five and 10 percent of taxpayers."

Mr. Chairman, I say to my colleagues, "If you vote for the President's proposal, you're voting to put that proposal in place. If you vote for the Democratic proposal, you're not voting to put that proposal in place."

Finally, I want to talk about the priorities that are in this budget. It may not be huge dollars, however, as my colleagues know; only in Washington would we say that $3 billion or $10 billion is not a lot of money. To everyone else in America, to everyone else in the world, it is a heck of a lot of money, and what the approach of the committee does, and the reason it is better, is that it recognizes what I think we have got to be recognizing in this country about where we want this country to go, and what we want it to be, and what we want it to do.

At every town hall meeting I have, someone in the back stands up and says, "Congressman, how am I going to compete against somebody in Mexico or Malaysia who is willing to work at a job like the one I'm doing for 50 cents an hour, and I'm being paid $12 or $15 an hour?" I call it the $64 question of the 1990's.

We are going to have a Mexican free trade issue in front of us in a few days, and the issue there will be: How do we compete against countries that have a much lower standard of living? The answer I give my constituents is, the only honest answer we can give is, "If you're going to be paid $15 an hour, you've really got to produce $15 an hour more than the person you're competing against."

How in the world, if that is what we want to do, and I think that is what we want to do as a people, we want a high-wage/high-skilled society, but we will never achieve it unless we are willing, in a budget like this as our Committee on the Budget did, to make a change in priorities, even if it is $10 billion or $5 billion, and say, "Yes, we're going to put more money in Head Start so that kids are ready to go to school to get the education, to be competitive with the Japanese and the Europeans instead of being competitive with Third World countries."

Yes, we are going to realize the President's national education goal. We are not just going to talk about it. We are going to do it. We are going to make it happen. Yes, we are going to put more money into job training. Yes, we are going to put money into nutrition programs and programs for women and infants so we can have the healthy people to compete. Yes, we want a high-wage/high-skilled society. That is the kind of country that we want it to be 10 and 20 years from now.

Mr. Chairman, that is what this decision is about, and so I come today to say, "Vote for a budget that helps average, ordinary, middle-income, working families and help the future citizens of this country have the ability to compete, not against people that are working for 50 cents and a dollar an hour, but are competing against people who work for $20, and $30, and $50 an hour. We can do it if we have the courage today to vote for a budget that will make it happen."

Mr. MATSUI. Mr. Chairman, before us today is the President's budget proposal, which is being offered by the Republicans as a substitute for the resolution agreed to by the Budget Committee. I think it is significant that the Republicans are willing to offer the President's budget this year. It is significant, I believe, because it shows us how similar the two resolutions before us today are.

I will vote against the Republican substitute and for the Budget Committee resolution, but this is not a great test of wills and values. The budget agreement enacted last year does not allow us to make great decisions regarding spending priorities—whether to increase domestic spending and decrease defense expenditures. Those decisions were set for the next few years for us by the 1990 budget resolution.

As Members of Congress, we should step back and consider how we have come to be in this position. During the 1980's, Congress failed to live up to efforts to restrain Federal spending. We went through two incarnations of the Gramm-Rudman-Hollings balanced budget law before we realized that threats of across-the-board cuts alone would not reduce the size of the deficit. Gramm-Rudman did not work. Every time it got tough, every time Congress was faced with choosing between priorities, we backed off.

Now we are faced with truly hard choices. Defense spending is coming down because the specter of international relations has changed. We are no longer concerned with building up arms to defeat the Soviet threat. As Members of Congress the decisions we must now make are not between guns and butter, but rather how we will divide up the stick of butter. We must now decide whether the importance of funding infant mortality prevention outweighs the importance of building highways and bridges. We must choose between biomedical research that could save lives and space research. These are truly hard decisions, yet last year's budget resolution lets us largely abdicate the responsibility for making these decisions until 1993.

Many speakers over the last 2 days have exhorted us as to how these two resolutions differ. They do differ, but the margin of flexibility allowed by the 1990 budget resolution does not really allow us to develop a sweeping blueprint of national priorities. The Democratic budget resolution does target areas that I believe should receive funding priority, such as education, infant mortality prevention, medical research, and nutrition programs. And while there is a difference in how the Democrats and the Republicans have enunciated their priorities, there is not that much to distinguish these two proposals.

What stands out in the Democratic budget is that we have rejected the cuts in entitlement programs put forth by the President in his resolution. These cuts in Medicare, child welfare, and other programs would be devastating to both the integrity of the programs and those they serve. The President's recommendation for cuts of $25.2 billion in Medicare over 5 years would have had a catastrophic effect on a program that had seen dramatic cutbacks over the past 10 years.

I think the committee took the right step in rejecting the President's request to take money from programs such as the maternal and child health block grant and community and migrant health centers—programs that designed to stem the growth in infant mortality—and use those funds to pay for a new infant mortality initiative. Instead, the committee rightly restored funds for these two programs, and used funds from the President's request to supplement them.

I am pleased to see increases in programs that I view as priorities, such as Head Start, maternal and child health care, and education. But shifting these few funds from one domestic program to another does not solve the bigger problems that lie before us.

Mr. Chairman, choosing one budget resolution over another today will not solve these problems. We must stick to our resolve to observe the limits of last year's budget agreement and commit to making solid and lasting deficit reduction during the 1990's. I urge my colleagues to vote against the Gradison amendment and to support the budget resolution put forth by the House Budget Committee.

Mr. KYL. Mr. Chairman, I rise in opposition to both the Gradison substitute and the budget resolution reported by the Budget Committee. Both alternatives are based upon last year's budget agreement, which was nothing more than a blueprint for higher taxes and higher Government spending.

I voted against the budget agreement last fall because I didn't believe it would in fact reduce the deficit, and we all know now it hasn't.

In its fiscal year 1991 budget submission, the administration projected total deficit spending over the next 5 years at $62.5 billion. By contrast, the administration's fiscal year 1992 budget submission, which was made after last fall's budget agreement, and which is embodied in the Gradison substitute, projects total deficit spending over the next 5 years at $865.2 billion. The budget agreement is no deficit reduction plan at all. Federal spending is soaring out of control.

If the Budget Committee and Gradison plans are adopted, and Federal spending is left unchecked, there will no doubt be another drive this fall to increase taxes under the guise of deficit reduction. That may well be the death knell for an economy already inrecession. The American people are already feeling the pinch of excessive taxation, and cannot bear any more.

This House had an opportunity to adopt effective deficit reduction plans earlier today when it took up the Dannemeyer and Kasich alternatives. I supported both of those plans. They were defeated.

I urge my colleagues to reject these two approaches so that we can go back and redraft an effective deficit reduction plan. We can do better. The American people deserve better.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the President's budget proposal that recognizes the critical need to preserve our national security while focusing on the most important domestic needs of our country.

Recent events in the Persian Gulf have forced Americans to realize the importance of continuing an effective long-term strategy for our national defense. While I was encouraged by last year's great reforms in Eastern Europe, I cautioned then, as I do now, against drastic reductions in defense spending. Saddam Hussein has reaffirmed our need for a strong and effective defense system to protect the interests and ideals of the United States, and I urge my colleagues to recognize this critical national need.

I am also strongly in support of the President's recognition of the importance of a strong, healthy American economy. The President's budget provides for the establishment of family savings accounts, encouraging all American families to open long-term, tax-free savings accounts. I also continue to support proposals that would lower the cost of capital for American businesses. A cut in the tax rate on capital gains means more capital available to businesses, and that means more jobs available to Americans.

I am especially pleased that the President's budget includes my proposal to permit first-time homebuyers to make penalty-free withdrawals from their individual retirement accounts [IRA's] to help cover the cost of a downpayment. This proposal, which I have introduced as H.R. 352 in this Congress, encourages increased IRA savings while helping to combat the skyrocketing cost of housing and the growing inability for many Americans to own their own piece of the American dream.

Keeping within the strict budget limitations needed to reduce the Federal deficit, the President's budget sets education, affordable housing, and the war on crime and drugs as domestic priorities for 1992. I support these priorities, along with the implementation of a comprehensive national energy strategy that focuses on all aspects of our Nation's energy needs, and our need to save energy.

I urge my colleagues to support President Bush's budget as it is contained in Mr. GRADISON's amendment.

Mr. PENNY. Mr. Chairman, budget resolutions are more than sets of numbers; budget resolutions are statements of priority. The budget resolution presented by the House Budget Committee not only stays clearly within the budget caps established by last year's reconciliation act, it allows for increased spending for education, training, infrastructure, and energy security. It deserves our support.

The President's budget which is also before us today as the Gradison amendment provides for less than an inflation increase for education, zeroes out funding for important and needed energy conservation programs, and orders draconian reductions in Medicare—even though it was agreed in last year's budget agreement that Medicare would not be the subject of further reductions.

The President's budget this year also provides for an explosion of spending for space, even though the latest studies show the space station may not be feasible for several years, and orders the Ways and Means Committee to reduce capital gains and to increase taxes by $3 billion next year. The priorities in the Gradison budget neither reflect the budget agreement nor the needs of the Nation for repair of our education and physical infrastructure and should be rejected by the House.

The new budget process, with spending caps and a pay-as-you-go process for tax expenditures and entitlement spending is not a perfect process, but it is all we have. The committee has been diligent in balancing the requests for new spending with the requirements for fiscal restraint established by the new process, and I urge an aye vote on passage and a nay vote on the Gradison-Bush budget.

The CHAIRMAN pro tempore (Mr. MAZZOLI). All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. GRADISON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GRADISON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 89, noes 335, not voting 7, as follows:

[Roll No. 70]

AYES—89

Archer
Armey
Baker
Barton
Bateman
Bereuter
Bliley
Broomfield
Chandler
Clinger
Coble
Coleman (MO)
Coughlin
Crane
Dickinson
Edwards (OK)
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hastert
Henry
Hobson
Holloway
Houghton
Hunter
Hyde
Ireland
Kasich
Klug
Kolbe
Lagomarsino
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lowery (CA)
McCollum
McCrery
McDade
McEwen
McMillan (NC)

Michel
Miller (OH)
Miller (WA)
Moorhead
Myers
Oxley
Petri
Porter
Pursell
Quillen
Ramstad
Regula
Rhodes
Ridge
Ritter
Rogers
Roth
Schulze
Shaw
Shuster
Slaughter (VA)
Smith (TX)
Solomon
Spence
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Wolf
Wylie
Young (AK)
Young (FL)

NOES—335

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barnard
Barrett
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hoagland
Hochbrueckner
Hopkins
Horn
Horton
Hoyer
Hubbard
Huckaby
Hutto
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Levin (MI)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Riggs
Rinaldo
Roberts
Roe
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yatron
Zeliff
Zimmer

NOT VOTING—7

Dornan (CA)
Dymally
Hughes
Lehman (FL)
Levine (CA)
Udall
Yates

☐ 1716

Messrs. SKEEN, SENSENBRENNER, and SWETT changed their vote from "aye" to "no."

Mrs. VUCANOVICH, Mr. COBLE, and Mr. SLAUGHTER of Virginia changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. BORSKI. Mr. Chairman, I rise in support of House Concurrent Resolution 121, the congressional budget resolution for fiscal year 1992. In particular, I am pleased to see that this legislation rejects President Bush's proposed 5-year, $25 billion Medicare reductions.

Last year, Congress approved a budget that cut Medicare by $43 billion over a 5-year period. These cuts were painful to both Medicare beneficiaries and providers, but were necessary to achieve the deficit reduction targets mandated by law.

Despite these reductions, the President's fiscal year 1992 budget calls for an additional $25 billion reduction for Medicare, over and above those mandated last year. While these proposed cuts would come mostly from providers, their impact upon our elderly population would be severe.

Mr. Chairman, I represent a district with a high proportion of elderly individuals, many of whom rely on Medicare to meet the rising costs of health care. Many of the hospitals in my district rely on Medicare reimbursements to provide these individuals with quality health care services. Like many urban hospitals across the Nation, these hospitals would be devastated by further reductions in these payments.

Nevertheless, the President has proposed reducing reimbursements to hospitals by an additional $15.9 billion over the next 5 years. The President claims that these cuts are designed to reduce waste in the Medicare hospital reimbursement system, and would not directly affect beneficiaries. But in the last 2 years, 500 of our Nation's hospitals have shut down, in part because of reduced reimbursements. The senior citizens in my district simply cannot afford to see any of the few hospitals in their community close their doors.

Fortunately, Mr. Chairman, the Budget Committee has drafted a budget resolution that rejects the President's Medicare cuts and instead focuses on improving the quality of Medicare services to the elderly. House Concurrent Resolution 121 assumes full funding for Medicare, as well as $177 million in additional funding to meet Medicare administrative expenses. This increase will allow faster and more accurate payment of Medicare claims, thereby reducing Medicare program costs in the long run.

Mr. Chairman, we should not unfairly and disproportionately single out older Americans for enormous domestic spending cuts. I urge my colleagues to support House Concurrent Resolution 121 because it reduces the deficit without jeopardizing the benefits and services that our Nation's 35 million Medicare beneficiaries rely on the most.

Mr. COYNE. Mr. Chairman, earlier this year, I stated my strong concern that the administration's budget for fiscal year 1992 leaves our country unprepared for the future. Our quest for budget discipline has left us with a zero sum game where for someone to win, others must lose. We are playing this game at a time when our economy remains in recession and the world is experiencing great turmoil, from the Middle East to Eastern Europe and the Soviet Union.

My concerns over our misplaced priorities has only grown as the full impact of the administration's budget, if enacted becomes more evident. With a majority of states facing budget deficits which must erased through program cuts or tax increases, the administration's budget would increase these States' fiscal woes by, for example, reducing funding for community development block grants and eliminating mass transit operating assistance for most large metropolitan areas.

Last week, the House Budget Committee reported an alternative to the administration's budget which far better meets the real needs of the American people. The House budget resolution stays within the spending caps enacted last year for discretionary spending and reaffirms the pay as you go principle for all new entitlement programs. At the same time, this resolution focuses limited resources on programs that affect most directly the quality of life for millions of Americans.

America's children definitely emerge as winners under the House budget resolution. This resolution calls for an increase of $2 billion over current levels—an increase three times greater than the administration's—for elementary and secondary education, Pell grants, and other basic educational programs.

We cannot compete in the future if our children are not prepared for the future programs like Head Start prepare children to succeed in school, and deserve our support. While the administration would wait 50 years before fully funding the Head Start Program, the House budget would achieve this goal by the end of the decade.

America's families and working men and women clearly benefit from the House priorities for the Federal budget. We all want to live safely in our homes and in our communities, and the House budget addresses this concern by increasing anticrime funding above the administration's request in a number of areas, including support for the FBI and the U.S. criminal justice system. The House budget rejects the administration's attempt to eliminate access to Pell grants and child nutrition programs for many middle-class families. The House budget protects job training benefits for workers who lose their job due to unfair foreign competition.

America's cities and States are dealt with more fairly. The House budget calls for new investments in highways, airports, and mass transit—with a $1 billion increase for highway obligations, a $1 billion increase for aviation and $281 million for mass transit. The House budget rejects the adminstration's attempt to cut community development block grants by $288 million and instead increases funding for this program by $100 million.

In addition, communities combating the growth of illegal drug activity will benefit from an increase of $1.3 billion in Federal antidrug spending, with increases for both law enforcement and drug treatment at levels above those included in the administration's budget request.

The House budget protects our Nation's senior citizens from being among the biggest losers under the administration's budget plan. The House budget rejects the administration's proposal to cut Medicare by $25 billion over the next 5 years, and contains increased funding for Social Security and Medicare administration to ensure that seniors receive the benefits they deserve.

There are simply limits to the levels of cuts that programs like Medicare can absorb. Last year's Budget Reconciliation Act provides for $42.5 billion in Medicare cuts over 5 years, but this is not enough for the administration. The administration shows its lack of concern over protecting the health of seniors by requesting an additional $25 billion in Medicare cuts.

Compared to the administration budget, the House budget plan makes the American people the overall big winners. Still, in today's zero sum game, there are still losers. Among the losers under both the administration budget and unfortunately the House budget resolution are those Americans whose needs will likely go unmet because national leaders seem afraid to confront the need for new revenues.

Among those losers in the budget are the approximately 35 million Americans who have no health insurance. The House budget points to the need but doesn't follow through by providing hope for millions of Americans who are afraid they can't afford to be ill. Neither the administration nor the House budget offers much hope for these Americans.

The House budget notes that the current recession will likely create a need for extended unemployment benefits. In the current economic climate, it is unfortunate but true that an unemployed worker will often exhaust his or her benefits before ever finding a new job. Still, American workers risk losing in both the job market and in the Federal budget process because neither the administration nor House budget provides a specific plan to provide extended benefits.

The House budget notes the possibility of acting to meet these needs and others under the pay as you go principle, but does not endorse any specific action toward that end. That decision is left for each Member to consider.

I support the principle of pay as you go. Under the Budget Reconciliation Act of 1990, pay as you go requires that new entitlements be funded either through budget cuts or new revenues. The administration has shown its interest in continuing to cut programs like Medicare which have already suffered serious cuts.

If the administration can revisit programs like Medicare for additional cuts, I believe Congress should be willing to revisit the question of additional revenues. There are a number of revenue options the House should consider to address the needs of the uninsured, the unemployed and other Americans who find themselves losers in the current budget debate.

Among these options that should be considered is a surtax on incomes above $1 million. During last year's debate over budget reconciliation, the Joint Committee on Taxation estimated that a 10 percent surtax on incomes above $1 million would raise $7.6 billion over 5 years.

Another revenue raising option with a large revenue potential is the value added tax [VAT]. Even a VAT which exempted food, housing, and medical care would generate $310 billion over the next 4 fiscal years, according to the Congressional Budget Office. CBO has estimated that adding a 38 percent bracket would provide $101 billion worth of deficit reduction over 5 years while levying a 5 percent surtax would shrink the deficit by $129 billion. Various energy taxes could raise substantial amounts of new revenue while also encouraging conservation and a decrease in foreign oil imports.

These and other revenue sources deserve serious debate in the House. While that debate will unfortunately not take place in the context of action on the House Budget Resolution, we should remember that the needs of our country will not be met until we confront our fears over the issue of new revenues. As long as we give into the urge to sidestep this issue, budget debates will continue to leave our Nation unprepared to face the future.

Mr. WEISS. Mr. Chairman, by now, I hope my colleagues are familiar with the sting that Americans feel from the effects of the recession.

Housing starts are down. Unemployment is up to 6.8 percent and so are the claims for unemployment insurance. Industrial production has also fallen. Businesses are closing and credit is tightening.

These economic indicators bode ill for the country when one takes into account the Nation's chronic problems, like a failing education system, a poor national infrastructure and an increasingly expensive health care system. In short, the Federal Government's neglect in the 1980s of these domestic problems has come back to haunt us.

My constituents are asking what I and the rest of Congress are doing to ease the pain experienced by families across the country.

Today, by voting on a House budget resolution, we begin to establish what the Federal Government's priorities should be in the midst of a recession.

In general, I support the priorities set forth in the Democratic budget resolution.

Democrats are correct to oppose the $25 billion in additional cuts to Medicare that President Bush requested. Democrats are right to increase education spending above the rate of inflation and to support the Trade Adjustment Act, particularly at a time when workers face stiff overseas competition.

But I have reservations too.

In a strange twist of what President Nixon once proclaimed—"We are all Keynesians now"—Congress and the President are now saying, "We are only Keynesians in time of economic growth." In essence, that attitude abandons, even adulterates, Keynesian economic principles. Instead of increasing Federal spending during times of recessions, Congress and the President are bending over backwards to cut Federal spending.

In an economic recession, Federal spending should be used to spur further economic growth and to keep money in the pockets of consumers to maintain demand in the economy.

What's worse, the President wants not only to cut spending but to shift the financial burden of Federal programs to local and State government. Called the "States-as-lab" experiment, it is particularly detrimental to many local governments, whose budgets are already being stretched beyond their limits. This proposal is incredulous given the following: Two-thirds of the 50 States have revenue shortfalls, and dozens of cities, like New York, Philadelphia, and Hartford, are running huge budget deficits.

For instance in New York City, the government is running a record $1 billion budget deficit and, with further Federal cutbacks, it struggles to provide the basic services to New Yorkers, much less pay for extra financial burdens. What experiments does President Bush expect from New York City?

What's more, I suspect President Bush's "New Federalism" is a partisan attempt to embarrass Democratic legislatures and mayors across the country. By withdrawing Federal support for Federal programs, the President has put the burden on these elected officials, who are largely from urban Democratic areas, to pay more for Federal programs as well as pay for much-needed local services, like roads, fire safety, police protection, garbage collection and education.

I also am disappointed that Congress has not tried to alter the budget agreement that forbids the transfer of savings from defense spending to domestic programs. This effectively disposes of any so-called peace dividend, which could help cities and States cope with their budget problems, in spite of the fact that over $100 billion of the defense budget is intended to counter a now, non-existent Warsaw pact.

This aspect of the agreement is even more egregious and insensitive during a recession. No wonder the American people are becoming disillusioned with government. We hesitate little to committing hundreds of billions of dollars for the S&L bailout and for the war in the Persian Gulf, but we balk at spending money to meet the desperate needs of the American people.

I raise these concerns in hopes that the Congress can act quickly to ease the pain of the recession and make the Federal Government more responsive to the immediate needs of Americans.

I will support the Democratic budget resolution, but I have an eerie feeling that this is the way it was in 1931 and 1932 under Herbert Hoover.

Mr. TOWNS. Mr. Chairman, for 8 years, the Congressional Black Caucus has brought before this body an alternative view of the fiscal priorities of this Nation, in most recent years in the form of the CBC quality of life budget. Perhaps the most extraordinary testimony to the value of this effort has come in the hundreds of inquiries that we have received regarding our position on the fiscal year 1992 budget resolution and many colleagues in the House and constituents around the country looking to support a CBC alternative.

Mr. Chairman, the members of this caucus believe that America has the capacity to provide for our national security, and to reduce the Federal deficit while supporting crucial social programs. In our view it is wholly possible to achieve these objectives without destroying the fabric of the Federal budget process.

We believe that any budget resolution must begin with an unyielding commitment to the preservation and enhancement of the human and physical resources of this Nation, particularly our children. We must advance priorities for spending which will expand available health care; increase resources for student aid and extend teacher training from preschool to professional. We must create an adequate supply of affordable housing and safe and accessible transportation. We must continue to expand our job training programs with skills upgrading initiatives and retaining incentives to increase workforce diversity and competitiveness. The Congressional Black Caucus believes that such a commitment will meet the moral test of Government and builds a fiscal foundation which would support those most in need of our help.

We have had to make very difficult decisions. Because of the limitations posed by the 5-year budget package in relation to spending caps and walls which restrict the transferral of savings between categories, we have sought to reach agreements with the House Budget Committee to pursue broad goals and increases over baseline for programs consistent with the historic positions taken by the caucus in previous alternative budgets. Because of the truncated nature of the present budget process, and the abbreviated timetable associated with these deliberations, we have elected to offer a statement of spending priorities to the House Budget Committee. By this action, we are placing a mandate before the Congress which demands that we mend the holes in the safety net for the poor, the elderly, the young, the physically disadvantaged and the jobless.

The House Budget Committee has embarked upon a course which makes "fairness" and "economic investment in the future of this Nation" the focal points of our fiscal agenda. There is much to be done. For those who assume our labors have ended, be on notice that the members of the Congressional Black Caucus have redefined their venue of battle. We shall engage in these deliberations over the long term, in every committee of jurisdiction. We ask only that you join in fulfilling our responsibilities to these goals by carrying forward our budgetary commitments through the appropriations process. The only ceilings and walls which will exist for those we serve will be created by our capacity to meet the needs of the American people through compassion.

Mr. ZIMMER. Mr. Chairman, this is the fiscal year in which the Federal budget was supposed to be balanced under the initial Gramm-Rudman Act. Instead, what we have is a record-setting $378 billion deficit, if you inlcude the so-called off-budget items.

Last October, there was another agreement reached that was supposed to balance the budget by 1995. By December, it was clear to the people who had reached the agreement that their projected date was unrealistic.

I say we should get serious about balancing the Federal buget, and the way we do that is by making cuts that hurt a little bit.

I am voting for some reductions that I don't like, but I think we all have to share a little pain if we are to bring our spending in line with our revenues. And it isn't that unreasonable to accomplish. All we have to do is slow down the growth of spending.

I believe that the arguments between the two sides on the similarities between the administration budget bill and the Democrat's budget bill are moot. Neither side should be proud that their package looks like the other's. Both provide for a $290 billion deficit. We are already spending 20 cents of every Federal dollar to pay the interest on the national debt. There is no way that we are going to be able to dig ourselves out of this situation if we let that debt continue to grow and allow interest payments to continue to grow.

We need a balanced budget constitutional amendment; we need a line item veto; and we need to reform the congressional budgeting process; but what we need more than anything is for Members of Congress to say no to unnecessary spending, and the time to begin is now.

Ms. HORN. Mr. Chairman, we are addressing a topic that is part of every decision that we make here in Congress—the Federal budget.

Last year's budget agreement put Congress and the administration in a tough—yet responsible—spot with regard to spending policies. When a proposal is presented for a much-needed energy policy, we must first ask "How much will it cost?" When a proposal is presented for programs to fulfill basic needs for food, housing and health care for American families and the elderly, we must first ask "How much will it cost?" The costs, if we accept the proposal, must be offset by revenues or cuts in other programs. As the distinguished chairman of the Budget Committee, Mr. PANETTA, emphasized in his comments, these restrictions require us to make some tough spending choices.

In making these choices, the House Budget Committee worked with themes of fiscal discipline, fairness in spending, and investments in the future for families and the economy. These are important themes. The chairman should be commended for emphasizing a working families budget.

I think, more and more, we are finding ourselves at a crossroads, Mr. Chairman. President Bush talks about the need for a new world order. I clearly agree with the President that we must build a new international cooperation through competitiveness, trade, and diplomatic relations. We must, at the same time, strengthen our domestic competitiveness through education, worker training, infrastructure, and research and development. I hope that the Congress will work closely with the administration, in a bipartisan manner, to pursue these objectives in a fair and open process.

Mr. Chairman, the term "working family" in itself is a crossroads for this society. It is not beyond any of our memories to reincarnate a time when the family did not have to work two jobs to keep food on the table, a roof over their heads, and adequate health care for their children. My district is comprised of many such families. It is made up of communities that spread outward as population shifted. Families moved to these communities so they could afford a little bigger home, with a little more room for their children.

Good jobs and good education are primary concerns for these families. I strongly support the committee's focus on education that includes a shift of $2 billion to learning programs. The resolution provides direction in elementary, secondary, and higher education through increases in chapter 1 Compensatory Education Programs—which emphasize math and science—such as Head Start, and adult and vocational programs. Both programs are important to prepare workers for the technology-based jobs that are a growing part of the St. Louis economy.

We must recognize that the most vital component of a successful company is the quality of its work force. If our companies are expected to compete, and essentially regain our edge in high technology and biotechnology internationally, we must prepare our students and our workers as professionals and technicians in those areas. We must get our educators and businesses together.

I have met a number of times with Monsanto Corp. which is headquartered in my district, and these meetings emphasized the need for scientists and engineers to fill jobs. Monsanto works closely with schools in St. Louis on science fairs, scholarships, and research grants. These efforts help, but they are not enough.

The budget resolution matches the President's request for the National Science Foundation for basic research in universities, and exceeds the request for funding the Commerce Department's National Institute for Standards and Technology [NIST] and Advanced Technology Program. Basic research in manufacturing technology and technology transfer will be an important part of our ability to compete with Japan and Germany in the international high-technology market. This commitment will help prepare our businesses for these challenges.

An additional $100 million for economic conversion is included in the resolution. The St. Louis Economic Council, comprised of government, industry, and community leaders, was organized last summer when Chrysler threatened to close one of two plants in Fenton—just outside my district. The council was again overwhelmed with more than 9,000 layoffs—since last June—by McDonnell Douglas because of work force shrinkage and then the A–12 contract cancellation. Economic conversion funds are necessary to retrain workers and provide community assistance as unemployment continues to rise.

Mr. Chairman, the resolution puts a priority on programs to combat the declining order of our domestic environment. The United States continues to rank 19th among industrialized nations in infant mortality. My own State of Missouri ranks 30th in the United States, which means that for every 1,000 babies born in Missouri in 1988, 10.1 died as infants. Twelve million American children live in households with incomes below the poverty line—268,000 of these children live in Missouri. More than 488,000 babies are born to teenagers annually. Of all the babies born in Missouri during 1988, 13.7 percent—10,456 babies—were born to teen mothers. Twenty-four percent of all mothers received no early prenatal care. These are astounding numbers for a country as wealthy as ours.

Mr. Chairman, our children deserve the chance to live and grow in a healthy family through investments in maternal and child health, WIC, Head Start, and veterans programs. It seeks a hopeful family through investments in education, child care, job training, and fairness for all Americans in nutrition and energy assistance programs.

Finally, I want to recognize that the resolution also supports investment in the environment, through sound programs for energy conservation, economic development, and infrastructure included in the committee budget. It rejects the administration's proposal to reduced spending for energy conservation, infrastructure, and mass transit. It accepts the administration's proposal to fund airport improvement projects through the aviation trust fund.

Businesses cannot be expected to operate efficiently without sound infrastructure. Both mass transit and airport improvement programs are vital to the economy in the St. Louis area. Last month I attended the groundbreaking for a new Metro-Link system for the metropolitan region. This system will ease traffic congestion and conserve energy consumption significantly. It will get workers to their jobs wisely. Decreases in infrastructure programs, proposed by the President, would negatively impact the growth potential of St. Louis. I am pleased the resolution rejects those cuts.

I urge my colleagues to consider the needs and future of the entire community as we work to balance expenditures with cuts required to meet them. Making cuts is not easy, but if we consider the burdens our Federal debt places on our children, they make sense for the future.

Mr. VENTO. Mr. Chairman, I rise in support of House Concurrent Resolution 121 as reported by the House Budget Committee.

Despite the renowned budget summit agreement, the choices we make here today are real and they are tough. They are reflective of differences in priorities between the Congress and the administration, and they are reflective of the differences that cross the vast interests of the membership of the House. This budget resolution, and the decisions we must make as a part of considering it, are not easy—and they were not meant to be.

As we are all so painfully aware, the budget summit agreement has locked in many of the parameters of the national budget and eliminated significant discretion in realigning our overall priorities for the next 2 fiscal years. We are not allowed to choose between guns and butter, but instead must pit domestic program against domestic program. As the debate has shown, this is a difficult process.

We have heard some Member's views during this debate. They have attempted to suggest little differences between the budget approved by the House Budget Committee and the budget presented by the President in February. I disagree with that assessment.

Try and sell that view of no difference to the people who would be cut from the Medicare Program or the Trade Adjustment Assistance Program or the Guaranteed Student Loan Program as a result of the Bush budget cuts and reductions of domestic programs. Contrast that to the product of the House Budget Committee: More children will be served by an additional increase of $127 million in our WIC budget, and more folks will be served by the real and currently functioning empowerment program of the community services block grant [CSBG] that is being rescued from the Bush budget doldrums, and more new kids will be provided a Head Start with an additional $250 million over the President's budget, and countless others, from the homeless, to people who need and use mass transit, who will have better lives as a result of the House budget resolution.

I would say to my colleagues who paint everything cloudy gray: You are $13 billion in reprioritization of the President's funding proposal incorrect.

Frankly, I do share the concerns of many of my colleagues regarding the limitations of the budget summit agreement in terms of really addressing domestic priorities. Yet, I also think that Chairman PANETTA and his committee have done a good job, despite the limited flexibility, at providing a clear blueprint for our spending in fiscal year 1992 and the following 4 years that better reflects domestic needs.

We must now take this blueprint and apply more than a dose of the rhetoric of Desert Storm to the domestic front. This budget, replete with the corrections made here, barely begins to allow us to put money where our promises to people are. Yes, defense spending is within the caps set by the agreement. But the resolution provides $290.8 billion in budget authority for defense spending in fiscal year 1992. Yes, international spending is within its cap. And the resolution provides $21.9 billion in international spending in fiscal year 1992. I remain unconvinced that we are appropriately weighing our true national security priorities with the compromise parameters of October 1990. I am skeptical that this budget process within which we work serves the American people fairly and equitably.

The bottom line of this budget resolution, and the programs that would be funded by it, is that it move the process forward on the basis of compromise with the October 1990 agreement, therefore promoting our national security through strengthening its people, our greatest resource, and through its support of our vital economic strengths. The resolution rejects the politically deep, and in many cases fatal, cuts to programs that serve the impoverished elderly, hungry children, and the working poor. I would add, those proposed cuts were a continuation of the Republican theme of the 1990's. The resolution would increase funding for housing programs, drug treatment programs, environmental cleanup programs, and education and nutrition programs. It will help reduce our reliance on foreign energy supplies, enhance our crumbling infrastructure, and promote equity in applying some of the necessary cuts we must make in Federal spending.

Mr. Chairman, this is the budget today that should achieve consensus agreement and should be supported. I thank Chairman PANETTA for his leadership and his committee for doing their job by bringing this forward to the House. I ask my colleagues to vote "aye."

Mr. FRANKS of Connecticut. Mr. Chairman, this week the House began debating the budget resolution for fiscal year 1992. Last year's budget agreement set rigid parameters for this year's discussion. It is my understanding that all the proposed budget alternatives have met the required spending caps established by last year's agreement. It appears that there is little difference between the Democratic proposal and the President's budget and all we have to do now is decide on funding levels for some domestic spending accounts and decide if this body has the courage to place real restraints on spending for the next 5 years.

Mr. Chairman, I supported the substitute amendments offered by Congressmen DANNEMEYER and KASICH. In my judgment, reducing the deficit should be a top priority for the Congress. The substitute amendments offered by Congressmen DANNEMEYER and KASICH, while allowing for increases each year, would have made real progress in reducing the deficit. The Dannemeyer substitute amendment would have saved $45.8 billion in fiscal year 1992 alone. Over the course of 5 years it would have saved $472.2 billion. Congressman KASICH's substitute estimated savings at $16.5 billion over the Democrat's proposal and $172.2 billion over 5 years.

By holding annual increases to the rate of inflation, Congressman KASICH's proposal allows for modest increases in domestic discretionary spending which will provide real restraint and savings in Federal spending through fiscal year 1995. Congressman KASICH's proposal incorporates means-testing recommendations for certain high-income individuals receiving medicare and farm subsidies which I feel is necessary. As half the Federal budget is spent on entitlements, reduction in the deficit can only go so far without examining and reducing this area of the budget. The

Kasich substitute will also eliminate $500 million from international spending. The cuts will not be made from an individual country's account, but will be found in other areas.

The substitute amendments offered by Congressmen DANNEMEYER and KASICH were not passed today. Mr. Chairman, I will now support the President's budget which is being offered by Congressman GRADISON. I believe it contains the blueprint for a 5-year period growth and prosperity, which the Democrat's budget proposal does not. For a budget with a growth priority, the Democratic proposal is missing a plan of action. The President proposes a plan of action. This year there are several expiring tax incentives. While the President is supporting their extension, the Democrat's budget does not mention their existence. The President's growth proposals; such as capital gains, enterprise zone, family savings accounts, and penalty-free withdrawals from IRA's for first time home buyers, are quickly rejected by the Democrat's proposal.

Transportation infrastructure does well under the Gradison substitute. The Highway Trust Fund will receive an increase in funds. Over the next 5 years, the budgets for highway construction and rehabilitation, and mass-transit funds will be enlarged. The President has also committed in his proposal to several railroad, airport, and highway demonstration projects.

The media has recently been printing a number of articles indicating that global warming may be occurring faster than previously thought. Under the President's proposal, the Global Change Research Program is scheduled to receive a 34-percent increase over 1991 appropriations. This program is vital to further understanding the effects of global warming and deforestation to our planet.

Finally, the Gradison substitute will achieve $6.3 billion in savings in fiscal year 1992 alone through redirecting entitlement resources to where they are most needed. Again, in my judgment, without looking for savings in entitlement programs, the budget will not achieve real reduction unless entitlement resources are redirected.

Mr. Chairman, I will cast my vote for the Gradison substitute amendment which will promote a healthy, growing economy and make real progress toward deficit reduction.

Mr. DYMALLY. Mr. Chairman, as we discuss the budget resolution, I would like to take this opportunity to commend the Budget Committee and its distinguished chairman, the gentleman from California [Mr. PANETTA], for their commitment to the expansion of the Job Corps Program. The Job Corps is a program that provides many disadvantaged youth a glimmer of hope of a better future. By providing residential education, training, and job replacement for disadvantaged youth between the ages of 16 and 21, these youth receive comprehensive education and training services which offers them an alternative to the perils of the drug related crime and gang violence.

I would like to reiterate my commitment and that of the Congressional Black Caucus to the expansion of the Job Corps Program, and specifically in support of the 50–50 plan. This plan will result in the opening of 50 additional centers around the Nation, each offering 400 yearly training slots, in areas of need to serve 50 percent more of the youth.

The Job Corps 50–50 plan once authorized will seek to open 50 more centers while at the same time improving existing services. At the completion of the 10-year plan, it is estimated that more than 70 percent of the Nation's most disadvantaged youth will be educated and trained by Job Corps.

The costs of expanding this worthy program are minimal when we consider that the cost of building of a single prison is at $17,000 per bed to incarcerate those at-risk youth.

Mr. Speaker, the budget resolution complicated the defense of specific line item programs. However, the Congressional Black Caucus will lend its full support to the 50–50 plan.

Ms. PELOSI. Mr. Chairman, I rise in support of House Concurrent Resolution 121, the fiscal year 1992 budget resolution. I commend the chairman of the Budget Committee, Congressman, LEON PANETTA, for his efforts on the budget, which addresses many of the critical needs of this Nation.

House Concurrent Resolution 121 rejects the misguided priorities contained in the President's budget by instead targeting the Nation's resources towards the needs of working families for programs that will contribute to the long-term economic strength of our Nation. It also protects and expands proven programs which support the disadvantaged and helps to ensure that all American children have enough to eat, a roof over their heads, access to health care, and the opportunity to learn.

Clearly, producing this year's budget resolution was not an easy task. While the parameters of this budget were established by last year's summit agreement, the committee did a commendable job of meeting the challenges of a strict spending ceiling with extremely limited resources. It is not a painless budget, but it is fair and fiscally responsible given the committee's constraints, and unlike the President's budget, it doesn't rely on "less is more" rhetoric without providing the funding to back up its priorities.

For example, in the area of health care, the budget rejects the President's inadequate plan to underfund a number of vital health programs, including infant mortality, community and migrant health centers, and the maternal and child health care block grant. The budget also targets AIDS-related programs for increased funding, to address one of the Nation's most important health concerns and one of our greatest domestic challenges. Consequently, House Concurrent Resolution 121 provides a $450 million increase for AIDS-related programs, including a $188 million increase in the Public Health Service [PHS] budget for AIDS, which is $123 million above the President's request. These health care programs are vital to my district and in a time of severe fiscal austerity, I applaud the committee for its exemplary actions with regard to funding for AIDS and other health care programs.

In the area of housing, the budget provides an increase of $2.014 billion for HUD low-income housing and McKinney Act homeless programs. This much-needed funding increase will allow for new initiatives, including funding for critical AIDS-related housing.

The budget also identifies education as a key priority. However, unlike our "Education President," this budget resolution provides the funding to back up the rhetoric—$2 billion, or 9 percent over the current funding level, is included for elementary, secondary, and higher education, which is triple that of the President's request. It also rejects the administration's attempt to exclude a number of working families from the Pell Grant Program. House Concurrent Resolution 121 also calls for a $350 million increase for Head Start, which would result in all Head Start eligible children being served by the year 2000, unlike the administration's budget, whereby full funding would take 50 years.

House Concurrent Resolution 121 also addresses critical nutritional needs by increasing funding for the special feeding program for women, infants, and children [WIC] by $350 million, representing the first installment toward full funding of this important program.

Finally, House Concurrent Resolution 121 contains $800 million above the current level to enhance the energy security of the United States through energy conservation research and development, solar and alternative fuel research and development, energy conservation loans, and other programs. Although energy-related economic concerns helped compel us to fight in the Persian Gulf, the President's budget request in this area was inadequate and shortsighted. In contrast, this budget realistically confronts our Nation's tremendous energy needs.

Mr. Chairman, again I commend my colleagues serving on the Budget Committee for their efforts on this budget and I urge my colleagues to join me in supporting their effort.

Mr. KLECZKA. Mr. Chairman, today the congressional budget resolution is before the House. Now that the budget process has been reformed by placing caps on spending categories, it will focus our attention on what is deserving of Federal funding. When compared to the President's budget proposal, this budget blueprint for fiscal year 1992 more accurately reflects the Nation's priorities.

This resolution continues the budget policy of investment in America's future: our families, our workers, and our competitiveness in the global economy.

Make no mistake, the budget process reforms enacted last year force Congress and the administration to work within the spending limits. If the lid is blown off a spending cap, across-the-board cuts will be ordered for the over-budgeted category until it is scaled back to its legal limit.

As a result, we need to make the most out of every dollar in a fair, responsible manner. For these reasons, House Concurrent Resolution 121 rejects the President's $25 billion Medicare cut proposal, as well as his proposed cuts for veterans and farmers, child nutrition, and energy assistance for low-income families. It also rejects the President's misguided capital gains tax break, which primarily benefits upper-income individuals while offering little or nothing to many families.

Mr. Chairman, not enough can be said about the vital importance of education and worker training. It has a direct impact on the country's economic competitiveness and an individual's standard of living. Especially disturbing to me is the fact that elementary, secondary, and higher education all appear on the President's top 10 list for budget cuts, despite his pledge to be the education President.

The budget resolution shifts needed funds to education programs. It provides triple the amount of resources recommended by the President. It also supports the Head Start Program by adding 93,000 children to its enrollment.

Tough decisions lie ahead, but they need to be made. The budget resolution recognizes this reality and does the right thing by recommending reduced funding for some Federal programs and elimination of other nonpriority ones to increase efficiency.

Where should our funding priorities be? Clearly, we must respond to community development needs during this economic downturn. House Concurrent Resolution 121 calls for significant increases above the President's request for housing assistance and community development, nutrition for women, infants, and children, and health programs.

Veterans' health programs should also receive serious attention in our budget. Sufficient funding is essential to meet the needs of our newest veterans now returning from service in the Persian Gulf. Special attention must be given to health care programs for veterans.

As for Medicare, last year's Budget Reconciliation Act included nearly $44 billion in Medicare cuts over the next 5 years. Additional cuts, as proposed by the administration, would directly violate this hard-won compromise. The administration should look for reductions in other areas before asking for more Medicare cuts.

Economic growth depends on a strong infrastructure to help commerce flow freely and to enhance our quality of life. House Concurrent Resolution 121 invests in roads, transit, aviation, waste water treatment, and other aspects of our infrastructure which have been taken for granted for too long.

However, more attention needs to be given to environmental protection. The funding increases I have outlined do not apply to environmental programs. It is important that more resources, perhaps from the huge Bush proposal for a space station, be devoted to cleaning our air and water, so that the Earth continues to be a more desirable place to live than outer space.

This budget resolution promotes growth with fairness for working families. It is a step in the right direction to rebuild America's strength for the 21st century, and I urge my colleagues to support it.

Mr. BORSKI. Mr. Chairman, I rise in support of the House Concurrent Resolution 121, the congressional budget resolution for fiscal year 1992. In particular, I am pleased to see that this legislation, as amended by Congressman FORD, substantially increases our investment in education and training programs.

Mr. Chairman, recent studies have shown that U.S. elementary and secondary school students perform poorly in areas of great importance for competitive skills. Compared with students in other industrialized countries, ours finished last or near-last in many comparisons of math and science skills and knowledge. Working Americans do not have the confidence they once did that our educational system will prepare their children to be competitive in the world economy.

Unfortunately, President Bush's proposed education budget does not go far enough to better prepare our children for school and motivate them to take advantage of educational opportunities. Under his proposal, education programs would be increased by only 3 percent, which represent a reduction after accounting for inflation. Proven, cost-effective compensatory programs like Head Start and Chapter 1 would still only serve half of all eligible children under the Bush budget.

Furthermore, the President's spending proposals for higher education programs would have a devastating impact on middle-income families. Under his proposal, only low-income individuals would be eligible to receive Pell Grants. If implemented, about 14,500 Pennsylvanians would lose their Pell Grants in 1992–93. As a result, middle-income families would have to borrow more than they can afford if they want to send their children to college.

Fortunately, Mr. Chairman, House Concurrent Resolution 121 provides a $2 billion, or 9 percent, increase for education programs—an amount three times higher than the increase proposed by the President. This includes substantial increases for compensatory education, math and science education, vocational and adult education, and student aid. House Concurrent Resolution 121 also quadruples the President's request for Head Start to $350 million, which will increase by 72,000 the number of children served by the program.

Furthermore, the Ford amendment provides an additional $400 million increase for Head Start, Chapter 1, vocational education, and student financial aid. This amendment, which I supported, further promotes cost-effective investment in proven education programs.

Mr. Chairman, if our Nation is to be competitive in the next century, we must have a productive and well-educated work force. I urge my colleagues to support House Concurrent Resolution 121 to equip the next generation of working Americans with the skills they require to prepare for our future challenges.

Mr. WOLPE. Mr. Chairman, I rise in strong support of the House budget resolution. Given the tight fiscal situation we face, this is a time when priorities are more illustrative than dollars, and I am proud to say that in that respect, the Budget Committee resolution before us is far more consistent with the priorities of my Michigan constituents than the administration's budget. It is far more sensitive to the needs and concerns of middle-income taxpayers and of working families.

Today, our Nation is faced by a series of domestic crises which dwarf the threat of any external military power. We are losing our lead in the global economic race. Our crumbling infrastructure and failing educational system are unable to meet the needs of our economy. The cost of health care has skyrocketed, and today 40 million Americans cannot afford health insurance. And in most prosperous Nation in the world, one out of five children lives in poverty.

Despite the President's rhetorical commitment, his education budget does not even keep pace with inflation, and student financial aid would be cut so drastically that 200,000–400,000 middle-income students would no longer be able to receive aid. The enormously successful Head Start Program would not be able to provide services to all eligible children until 2040. The collapse of our transportation network notwithstanding, the Bush budget would shift the responsibility for rebuilding our roads and highways to the States, which are already having trouble making ends meet, and would dramatically reduce mass transit funding. Likewise, on the healthcare front, the Bush budget is remarkably insensitive. In spite of the huge Medicare cuts in last year's budget, the President has requested an additional $25 billion in cuts over the next 5 years. And, in the wake of the gulf war, which demonstrated the dangerous vulnerability of our energy dependence, the President proposes a $242 million cut in energy programs, and target conservation to receive only 8 percent of all energy R&D funds. Improvements in efficiency would be the quickest, cheapest, and most environmentally benign method of displacing our dependence on petroleum. Yet, the level of support for conservation programs would remain roughly 65 percent under the level of funding such programs received in 1979. Clearly, the Bush budget is out of sync with America's needs, and with the priorities of the American people.

In my view, the Budget Committee resolution would establish a new path for our Nation, a path that points to a more prosperous, secure future for America.

First, children and families are given the highest priority. They will receive much-needed relief in the form of a $2 billion, or 9 percent, increase in funding for elementary, secondary and higher education. Head Start, WIC, infant mortality and childhood immunization programs, and the war on drugs, will all receive substantial increases over the President's request. The committee proposes a $350 million increase over 1991 in the Head Start Program, 3½ times that of the President and enough to serve an additional 72,000 children, 50,000 more than the President. And the special funding program for pregnant women, infants, and children, WIC, is targeted for full funding by 1996, with a $350 million increase now, nearly triple that of the President. Equally important, the committee budget provides for 350,000 more child immunizations than last year, 70,000 more than the President's budget.

Second, our economic foundation will be bolstered by increased funding for basic R&D, for job training programs, for highway and mass transit programs, and for energy programs designed to reduce our Nation's dangerous dependence on foreign aid.

Third, by eliminating the $25 billion in Medicare cuts and the $3.5 billion in cuts in veterans health care programs requested in the Bush budget, Congress will reaffirm its commitment to our most vulnerable Americans. A program of particular importance to Michigan, Low Income Home Energy Assistance, would also be spared a 37-percent cut proposed in the administration budget, and instead would receive a modest increase.

Finally, it is important to note that in spite of the increases in these important programs, this resolution strictly conforms to the parameters of last year's budget agreement. This means that to meet the highest priority needs, it has been necessary to freeze or reduce spending in many important areas. Some programs have been frozen, others have been funded at levels lower than the President has requested. For example, where the President called for a 13-percent increase in space programs, the Budget Committee has asked for a far more modest increase. Also, the President's request for a 120-percent increase in funding for the superconducting super collider has been scaled back. A variety of other domestic programs would, out of necessity, also face a budgetary freeze, or slight reductions. Some programs even face outright elimination. My colleagues, there is no question that this budget does not address all of the problems we face here at home. But in these tight budgetary times, the issue here is balance. Priorities must be reordered. And that means the need to accept some painful tradeoffs. This budget charts a new and more hopeful course for our Nation, a course that will begin the task of rebuilding America.

I urge support of the House Report Committee resolution.

Mr. POSHARD. Mr. Chairman, I rise in support of House Concurrent Resolution 121, the congressional budget resolution for fiscal year 1992. I congratulate Chairman PANETTA and all of the members of the Budget Committee for their work in bringing this resolution to the floor.

I voted for the final budget agreement last year because it made the best of a bad situation. The first alternatives we were presented with were not acceptable, for my district or the country, and I had no trouble voting against them. But in the end we agreed on a budget that was relatively fair, balanced, and made progress on the deficit.

That alone would not bind me to this resolution if I thought it was not a good one, but because it observes the spending caps set in the 5-year agreement by continuing the pay-as-you-go policy, and invests in the domestic priorities of our Nation, I support it.

When I look at this document I see progress on the single most important issue in Congress, the one which impacts all of the other initiatives we consider, and that is the budget deficit. It confirms the wisdom of the budget agreement from last year. And I am pleased to see the first product of that venture roll off the assembly line in such good working order.

But this is not simply a document containing the formulas to reach specific mathematical targets in various functions known only to the people who study Federal budgets. No, this document must also be judged for its comfort, and the committee has rightly exercised its option to make adjustments in the administration's budget and redirect our spending priorities, again, I empahsize, within the spending limits.

In my district there is a crying need for education, health care, and services for low income families and single parents. This is truly a land of plenty, but there is a tremendous underclass in this country unable to fully participate in the American dream.

There is no reason why people should have to do without health care. In a Nation of promise and opportunity there is no reason why hunger should keep a child from learning or making the most of his or her abilities. But it happens, and people in my district are engulfed by the poverty and despair it produces. In this resolution we make a commitment to help them.

This resolution proposes full funding in the near future for two of the most successful Federal programs in history, WIC and Head Start. This is a strong one-two punch on the insidious danger of children who are malnourished or without proper supervision and instruction. If we are going to invest in our human capital in proven, effective ways, then we can't go wrong with these two programs. The committee is wise to shift the administration's priorities in this area to more fully meet the tremendous need in America's communities. I also support the readjusted priorities in fighting another national tragedy, the level of infant mortality in this modern Nation, in rural and urban neighborhoods alike.

Health care in rural areas is in critical condition. I have seen too many hospitals close, babies born in helicopters and ambulances, people wither away from lack of proper medical attention to support further cuts in medical services. The very fact that the committee resolution protects Medicare from the kind of cuts the adminsitration proposed makes it worthy of my support. But, fortunately, it does more.

I have just returned from 2 weeks of meeting with students and educators in my district, not to mention young people just starting families, who are extremely concerned with the rising cost of education. I hear a lot of talk about making America No. 1 in education, and competing with the Japanese and others in test scores and ability, but then we are presented a budget that attacks the Pell grant and Student Loan Program. The committee resolution wisely restores those cuts.

I hate to say it, but it seems as if some of the budget writers are saying, "If you're poor, don't get sick. If your parents can't afford private school, don't worry about competing. If you're a single mother and want to make something of your life, don't come here looking for help." That's not the America I know. That's not what I envision for a budget that invests in improving the quality of life for people who need some help.

And an equally strong case can be made in areas such as transportation, antidumping programs, veterans, and energy research, all places where the committee correctly adjusts the priorities of the administration blueprint.

But no budget could address all of these concerns without coming back to the guiding principle for any such agreement, budget discipline. This resolution does not arbitrarily spend more than we have or fudge the numbers to make them say what we want. Instead it makes hard choices about where we spend the precious taxpayer dollar.

It says that as wonderful as a new space mission is it doesn't quite match the need of hungry families, and in a perfect world a capital gains tax cut might be nice but we can't afford that kind of break for the wealthiest of Americans and still have a fair system.

I was serious when I voted for the final budget agreement last year because I wanted $500 billion in deficit reduction over the next 5 years. In the most complicated part of the congressional process the goal is really very simple. It all boils down to how you want to get from point A to point B. You have a spending cap and a pay-as-you-go mandate, and now all you have to do is decide what's most important. And for me, the committee is right on the priorities and right on the price.

Mrs. BYRON. Mr. Chairman, there is much in this budget that represents excellent work by the Budget Committee Chairman LEON PANETTA, and others. It reflects a priority for programs like Head Start, WIC, education, health care, and much, much more. It reflects a desire to keep our promise to senior citizens in the area of Medicare. It reflects a priority for veterans' health care.

All of that and much, much more I support as representing the right choices for the right investments in human potential in this country.

But, once again, I am struck by the willingness of the President, and the Congress to ignore the presence of a crippling debt that has the potential of strangling this country's economy.

The deficit in this budget for the record is over $360 billion. That is just the operating budget deficit that is disclosed in this budget. But, if one looks at one of the back pages of the President's budget submission to Congress, one discovers that because some spending is considered off budget the amount of money we are going to be required to borrow will increase the country's gross indebtedness by $404 billion during this coming fiscal year.

I think this country is seriously off track. It is spending money it doesn't have on many things it doesn't need. It is unwilling to confront in a real way the wrenching problem of either significant cuts in expenditures, or increases in taxes, but is content rather to continue to charge much of the cost of government to our children and the grandchildren.

Every day, 7 days a week, 52 weeks a year, we will spend a billion dollars a day more than we have, and that billion dollars is represented by this group of politicians and this group of Americans to be a billion dollars we want someone else, our kids, our grandkids to pay for.

It represents, in my judgment, the most irresponsible period of fiscal policy in this country's history. It represents a gridlock between a President unwilling to lead, and a Congress incapable of leading and unwilling to follow. And it represents an American people that want the benefits of the spending programs, but resist the burden of the taxes to pay for them.

I fear that one day soon, the country with $3.4 trillion in debt, and $400 billion a year in deficits, will find its leaders looking back scratching their heads, and wondering how things could have collapsed, and asking themselves how could we not have seen that we couldn't keep doing this without an economic collapse. I think it is better to answer those questions now, than allow the economic collapse that could force them to be answered later under much more difficult circumstances.

I would like to have voted for this budget, but I simply have to continue to raise my voice against the practice of spending a billion dollars a day that we don't have. It is fundamentally irresponsible fiscal policy. Some way, some day, it must be stopped.

Mr. BACCHUS. Mr. Chairman, I am voting for this budget resolution today because I believe it is a necessary first step that will allow us to write a fiscal year 1992 budget in a responsible, deliberative manner.

However, I am far from satisfied with some of its provisions, especially in the areas of space exploration and scientific research. I believe there is unanimous agreement in this House that we must increase our competitiveness in the international marketplace. But how in the world can we profess a commitment to competitiveness when we fail to invest in one of the few technology areas in which the United States remains the clear international leader? Instead of cutting the President's proposed NASA budget by $1.2 billion, we should be spending more on space research and exploration. I also question the decision to cut Energy Department general science programs by $80 million. I will be working throughout the budget process, from the authorization committee to the appropriations committee to the floor, to obtain the largest possible increase for NASA and to ensure that we invest in scientific research.

On a more positive note, Mr. Chairman, I applaud the budget resolution's commitment to meeting the needs of our children. The increased spending on health and nutrition programs, Head Start, and education will save us much more later. But such a wise investment in preventive government further underscores the shortsightedness of not investing adequately in space exploration and science. Not only must we prepare our children to be productive members of society, but we must also provide them with the value-added jobs that will make them leaders in the international marketplace.

I hope we will have many opportunities to debate these vital issues during this budget process. I am voting for this resolution today to get this process started so we can confront our challenges with the time to do so responsibly.

Mr. HASTERT. Mr. Chairman, I rise today to express my strong opposition to the House concurrent resolution on the budget for fiscal year 1992.

This budget does not address the needs of America's future, and would slash badly needed funds from programs that are critical for maintaining American competitiveness in the global arena.

Mr. Chairman, America has long dominated the field of high-energy physics, thanks to the diligent research efforts of our top scientists working to make new discoveries about the fundamental makeup of the universe.

Scientists, working at the Fermi National Accelerator Laboratory in Batavia, IL, have dedicated themselves to investigating the nature of matter and pioneering ways to approach the challenges our country faces in the fields of medical research, manufacturing technology, and educational enhancement.

The work being done at Fermilab simply deserves the continued support of the Government, because it is so vital to our Nation's future. The funds earmarked by the President for Fermilab are for improvements to Fermilab's technological capacity, which is absolutely vital to the continuing work of its scientists and our Nation's high energy physics program.

Improvements to the existing accelerator at the laboratory, collectively called Fermilab III, will significantly extend the reach of the Tevatron, the world's first superconducting accelerator and the highest energy proton-antiproton collider.

The budget resolution has classified these important improvements as new starts, and by doing so has targeted them for deep reductions in funding. Mr. Chairman, it is for this reason I must oppose the budget resolution.

Fermilab III should not be part of an overall effort to reject new starts. Fermilab III consists of a series of improvements to the existing 20-year-old accelerator. These improvements differ from new starts in that the overall accelerator is fully operational and only components of it are being replaced to increase its efficiency of operation. The construction of these improvements has been underway for 2 years with full funding.

Fermilab has developed a cost-effective plan for increasing the luminosity of the Tevatron by more than a factor of 50 above its design. Fermilab III consists of an upgrade of the Linac—linear accelerator—from 200 MeV to 400 MeV, the replacement of the 20-year-old main ring with the main injector and substantial improvements of the two large, general purpose detectors.

The present focus at Fermilab has been the search for the top quark, the last unobserved fundamental building block of matter. Scientists working at Fermilab expect that Fermilab III will enable them to discover the top quark.

Fermilab III will make it possible to realize the full scientific potential of the Tevatron at a small fraction of the cost required to build the Tevatron accelerator complex and its detectors. The Linac upgrade and the main injector are the components of Fermilab III that require line-item approval in the congressional budget. Congress has appropriated a total of $16.6 million in fiscal year 1990 and fiscal year 1991. The Linac upgrade is slated for completion in fiscal year 1992 at a total cost of $22.8 million. The final $6.2 is included in the Department of Energy fiscal year 1992 budget request.

The DOE fiscal year 1992 budget request contains the initial $43.5 million for construction of the main injector. The main injector could be completed within 4 years at a total estimated cost of $177.8 million. Funding for the first year of construction of the main injector is crucial.

The Department of Energy's own High Energy Physics Advisory Panel strongly recommended the "immediate commencement and speedy completion of construction of the main injector." This was determined to be the highest priority recommendation for the 1990s. Under the constant budget scenario, it was the only initiative to be recommended for new construction. The advisory panel further recommended the need to take full advantages of existing high energy physics facilities prior to the construction of the SSC to take advantage of the many physics opportunities available.

Throughout the 1990's Fermilab will be the only opportunity for the U.S. high-energy physics community to carry out the research at the forefront of the field.

There are three primary reasons that funding for Fermilab III is essential. First, prior to the intended completion of the SSC at the turn of the century, Fermilab will continue to be the largest and most powerful accelerator in the country. We desperately need this operating facility to stay competitive internationally. Second, if the start of the construction of the main injector is postponed, we may lose some of our best scientists to foreign accelerator laboratories. Third, a comprehensive high energy physics plan and the existence of experienced physicists depends on the implementation of Fermilab III.

Fermilab and the SSC's futures are intertwined. Fermilab III's full implementation in the 1990's is the only opportunity for U.S. physicists to gain experience in the design, construction, and operation of the equipment that is essential to operate the SSC. Fermilab will continue to provide the training and instruction necessary to receive Ph.D's in high-energy physics and accelerator physics. That valuable experience will not only ensure that the SSC is constructed in a timely fashion, but that it has the trained personnel needed to operate.

In addition, I fear that failure to fund Fermilab III will result in a flight of human capital to foreign laboratories competing with Fermilab in its efforts to detect the top quark. Some of our Nation's top physicists conduct research at Fermilab precisely because of its powerful Tevatron accelerator.

All indicators lead us to believe that the SSC will not be completed until after the year 2000. The U.S. high-energy physics program needs to be healthy and competitive in the interim in order to ensure it can provide the scientific and technological base necessary to use it to its best advantage when it becomes operable. To assure this, we need to provide for the full utilization of existing facilities, including cost effective upgrades. Full funding for Fermilab III can give the United States this firm base in high energy physics while the SSC is being built.

The CHAIRMAN pro tempore (Mr. MAZZOLI). Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. MAZZOLI, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the concurrent resolution (H. Con. Res. 121) revising the congressional budget for the U.S. Government for the fiscal year 1991 and setting forth the congressional budget for the U.S. Government for the fiscal years 1992, 1993, 1994, 1995, and 1996, pursuant to House Resolution 123, he reported the concurrent resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the concurrent resolution, as amended.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PANETTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 261, nays 163, not voting 7, as follows:

[Roll No. 71]

YEAS—261

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Regula
Richardson
Rinaldo
Roe
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yatron

NAYS—163

Allard
Andrews (NJ)
Applegate
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carr
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dreier
Duncan
Edwards (OK)
Emerson
English
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Myers
Nichols
Nussle
Orton
Owens (UT)
Oxley
Packard
Pallone
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Rhodes
Ridge
Riggs
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Sanders
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Skeen
Slaughter (VA)
Smith (IA)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vander Jagt
Visclosky
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Dornan (CA)
Dymally
Hughes
Lehman (FL)
Levine (CA)
Udall
Yates

☐ 1755

The Clerk announced the following pair:

On this vote:

Mr. Hughes for, with Mr. Dornan of California against.

Mr. HOPKINS changed his vote from "yea" to "nay."

So the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Concurrent Resolution 121, the concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT IN HOUSE CONCURRENT RESOLUTION 121, CONCURRENT RESOLUTION ON THE BUDGET, 1992

Mr. PANETTA. I ask unanimous consent that in the engrossment of House Concurrent Resolution 121, the concurrent resolution on the budget, 1991, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in passing the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 598. An act to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 248. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes.

REQUEST TO MAKE IN ORDER TONIGHT CONSIDERATION OF A JOINT RESOLUTION RELATING TO THE RAIL STRIKE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it be in order tonight to consider in the House a joint resolution to be introduced by Representatives DINGELL and LENT relating to the rail strike, that the joint resolution be debatable for not to exceed 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, and I will not object, but would the majority leaders give us some idea of timing for this evening? What is going to happen?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I will ask the gentleman to yield also to the chairman of the committee, but I believe it is planned that there will be a meeting of the subcommittee and the committee within the next hour, and that we will try to be back on the floor with the bill around 8:30. If there is an hour of debate taken and all the time is taken, we would probably have a vote about 9:30 this evening. That will be the only vote, and if this bill is passed in the same form by the Senate tonight or tomorrow morning, which we would hope, it would mean we would not have to have votes tomorrow; but of course, we do not know that until we know what the Senate has done.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. GINGRICH. Reserving the right to object, Mr. Speaker, I would ask my good friend, the gentleman from Michigan, to withdraw his request until say 7 o'clock. We are frankly and candidly trying to talk with the Secretary of Transportation, and we cannot find him right at this minute. We would like to have time to sort this out.

We believe we could have unanimous consent say at 7 to take this bill up at 8:30, and we would not have lost anything.

We would recommend the staff to proceed on that presumption, but if we could go to special orders or do whatever is appropriate and then ask the question at 7 o'clock, we think at that point we could say yes.

Mr. GEPHARDT. Mr. Speaker, on the basis of that, I withdraw the unanimous-consent request.

The SPEAKER pro tempore. The gentleman from Missouri withdraws his request.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I take this time simply to inform Members that if we get a bill and if we get it through the House this evening, it may be necessary to go to conference with the Senate if there is a difference, and we do not know that that will happen, but Members should be on the alert that this could happen and you may be needed to stay in the area this evening.

Further, that if we have a conference this evening, we would want to finish it this evening and bring back that product tonight.

☐ 1800

But again, we do not know that a conference would be needed, and we hope one will not be needed.

Members should also be advised that there will be no votes expected before 9:30 this evening on this or any other matter.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES TODAY SUBJECT TO A CALL OF THE CHAIR

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses today subject to a call of the Chair.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1292

Mr. CAMPBELL of Colorado. Mr. Speaker, I ask unanimous consent that the name of the gentleman from California [Mr. PANETTA] be deleted as a cosponsor of H.R. 1292. His name was listed on that bill by accident.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EXPLANATION OF LEGISLATIVE PROGRAM

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman, the majority leader, is recognized.

Mr. GEPHARDT. Mr. Speaker, I simply wanted Members to know that when I said before that there will not be a vote until 9:30, that if we come back to the floor at 7 o'clock and ask for unanimous consent at that time and unanimous consent is not obtained, there is the possibility that prior to 9:30, there could be an effort to come back to the floor to ask for the voting on a rule which would require a vote possibly prior to 9:30.

I simply put Members on notice. We will, obviously, contact offices. We hope that that will not happen, but I want you to be on notice that it might happen.

TRIBUTE TO FORMER REPRESENTATIVE ALBERT RAINS

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to one of the greatest Alabama Congressmen to ever serve my State and our Nation. Albert Rains, who died on March 22, was elected to Congress in 1944, representing North Alabama's old Fifth District. He served as the State's Congressman-at-Large for 2 years before retiring in 1965 to return to his home in Gadsden.

Albert Rains was a good friend of mine and when he left Congress, he became one of my constituents. We stayed in very close touch over the years and I always valued his insights. I am going to miss him very much.

Very few people achieve as much as Albert Rains did. He left a legacy for our Nation which will always be remembered.

He is best known for his outstanding work in developing the housing programs which have benefited thousands of people over the years. In fact, Albert Rains was known in Congress as "Mr. Housing."

Albert achieved greatness from humble beginnings. He was a blacksmith's son who worked his way through school. He was largely self-taught and obtained a license to practice law by reading at night. He was considered a brilliant orator.

When he came to Congress, he drew on his experiences as a schoolteacher and principal as well as a steelworker. Albert Rains cared deeply about people and the legislation he wrote reflects his concern that the American people should have decent housing. He went to bat for the needy, the elderly, the military, and for rural programs.

Much has been written about Albert Rains, but I feel that the Gadsden Times captured his essence the best in an editorial on March 26. I request that this editorial be printed in the RECORD.

[From the Gadsden Times, Mar. 26, 1991]

ALBERT RAINS WAS A POLITICAL GIANT

Albert Rains would have served as a good model for anyone wishing to preserve the image of the quintessential congressman.

This man was symbolic of just about everything associated with the giants of any political era. The requirements for such stature are basic but hard to achieve, and he had them all. Safe from any real re-election challenge, he was entrenched by seniority, sat at the head of the table on three major legislative committees, helped guide the partisan political establishment to which he belonged and was a friend of presidents.

The death of Mr. Rains marks the passing of yet another of the Southern Democrat stalwarts whose feats and reputation in Washington was legendary. Hardly any key legislation was passed during his time without the guidance of one or more of this handful of Democrats. It is unlikely this kind of coalition will be seen again now that seniority no longer is the overriding criteria for legislative assignment and advancement.

Mr. Rains had been away from Washington for many years, thus his name doesn't generate the immediate recognition among the younger generation as it does with their parents and grandparents. But all three are affected by legislation he helped draft. And future generations will be, too.

Foremost among them are laws which created or expanded federal housing programs. He was generally referred to in Washington as "Mr. Housing." He also was instrumental in legislation affecting banking and transportation. He authored the first major transit bill and was a ranking member of the committee dealing with banking. His friendship with Presidents Kennedy and Johnson made his influence even greater.

Background adds to the Rains' story. He was a school teacher while still a teenager. He went back to college and became a lawyer. Setting up practice in Gadsden in the late 1920s, he was the city's attorney and the county's district attorney. He got his first political experience as a state legislator, where he continued to put his speaking skills to use.

Mr. Rains was away from Gadsden much of the time for 20 years while he served in the House, but he maintained an unbroken and close friendship with the community and the rest of his congressional district. In Gadsden where he made his home for 60 years, he was associated with various community causes, particularly the Lions Club of which he was a charter member.

Albert Rains was recognized nationwide for his political strength. He sponsored and wrote legislation that will endure. But he always kept the down home atmosphere of Gadsden and his native DeKalb County, never forgetting the people he was sent to represent.

ANNUAL REPORT OF NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology.

(For message, see proceedings of the Senate of today, Wednesday, April 17, 1991.)

EARTH DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 119) to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to acknowledge the work of our colleague, the gentleman from Wisconsin [Mr. OBEY], who is the chief sponsor.

Mr. Speaker, at this time I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise today to support House Joint Resolution 144, designating April 22, 1991 as "Earth Day" and I would like to commend the gentleman from Wisconsin [Mr. OBEY] for his efforts on behalf of our environment.

April 22, 1990, will mark the 21st anniversary of our Nation's first Earth Day. On that first Earth Day, the United States saw the beginning of the environmental movement, as well as the largest organized demonstration in history.

Now, Earth Day, 1991, will come in a few short days, and we have the opportunity once again to enact landmark environmental legislation to address new environmental problems which we are only beginning to understand.

As we all know, the problems we face in our country are different, however, our problems are also those of our neighbors. And their problems, if not addressed, become ours. Therefore, it is vital that we offer our assistance to those countries that need our help. The United States, despite our problems, is the leader in environmental technology, and we have the opportunity to lead the world into a better future.

There are many steps we can take each day to protect our environment. Turning down the thermostat, insulating our houses, using energy efficient cars, and light bulbs are all ways in which we can protect the environment and save money at the same time.

In Congress, it is hoped that the debate on the national energy strategy will yield productive solutions to our energy dilemma.

Accordingly, I urge my colleagues to support this measure and I hope that everyone will join in and enjoy the celebration of Earth Day and learn a little more about our environment.

Mr. RIDGE. Mr. Speaker, continuing on my reservation of objection, I yield to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I was pleased to have had the opportunity to introduce the resolution to declare Earth Day, 1991 with my colleague from Wisconsin [Mr. OBEY].

Much of the success of last year's 20th anniversary celebration was the tangible effect that the process had on individual Members of Congress. Collectively, the events surrounding Earth Day have resulted in a Congress more personally aware of environmental affairs, their severity and their consequences, than ever before in history.

But, let's be honest, there are a few things missing from this year's 21st celebration of Earth Day. There's no huge rally on The Mall, no Tom Cruise, no John Denver, no Richard Gere. Yet here we are, expected to continue our work to help heal and protect the Earth—after the hype has died and the fanfare has withered leaving the typical lobbyists.

Now, now is the time when we must do our best work.

This Congress, our list of legislative challenges and responsibilities is long: RCRA, clean water, wetlands, endangered species, an energy strategy, and more. And in the area of foreign assistance, we have to be positive that our scarce dollars do not in any way contribute to destruciton of the natural resources of the countries we are seeking to help and in fact work positively to protect them.

Mr. Speaker, resources to address our concerns are not easy to come by. Efficiencies and creative new approaches will be needed. Efforts to work more closely with the States, many of which have more stringent environmental standards than the Federal Government, should be a high priority.

From the oil fires in Kuwait to interstate transport of waste, from pollution in Eastern Europe to the growing hole in the ozone layer, there is a great deal that should be, must be addressed, and addressed forcefully.

When this country gathers its will, its expertise, and its resources, there is little that we cannot accomplish.

Earth Day is a good time to remember this. I hope you will all join me in supporting this resolution.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, before we conclude this matter, I yield to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. RIDGE], my colleague, for yielding, and I do want to address briefly the question of Earth Day.

Mr. Speaker, I was here in the Congress 21 years ago when we had the first Earth Day, and it was an exhilarating and inspiring experience. It galvanized especially young people all over the land.

In addition, last year we had a similarly really truly encouraging and worthwhile celebration of Earth Day, and one hopes that we are educating the public. I think we are.

There is one segment of that great big wide public out there that we have not seemed to reach in terms of educating them for Earth Day, and that seems to be that narrow constituency, that small constituency of decisionmakers, down at 1600 Pennsylvania Avenue.

Mr. Speaker, I think countries around the world are coming to a grim realization that the problems of greenhouse gases and global warming are real. There is some controversy at the margin as to how soon, how fast, how much with it they are, but the fact of global warming is there. The effect of the accumulation of greenhouse gases is real. No serious scientist debates, and decision makers, and scientists and top government people all over the developed world are cudgling their brains to figure out how they can reduce their impact on the global environment, how they can reduce especially the consumption of fossile fuels that seems to be the engine propelling the accumulation of greenhouse gases, and the destruction of the ozone and the seemingly irreversible, inevitable process moving us toward global warming.

They are trying to reverse the seemingly irreversible, and they are giving it great attention and concern.

Mr. Speaker, I find it truly ironic that at this time, when there is an emergent consensus around the world that global warming and greenhouse gases are bad for us, this administration chose to announce a national energy policy that has as its underpinnings not conservation, not energy efficiency, not renewable sources of fuel, but a greater and greater and greater reliance on more development, more transportation from abroad, and more consumption here at home of—you guessed it—more fossil fuel.

Imagine the irony that this administration received from the Secretary of Energy, Jim Watkins, a thoughtful, a courageous draft of a national energy plan that has as its intellectual underpinnings a rational balance between energy production and energy savings, a rational role for energy conservation, for energy efficiency, for development of alternate fuels. And it is a source of great disppointment to me and great concern that the administration, and I take it from published reports with he architect of this trashing of Admiral Watkins' program being the gentleman from New England, Mr. Sununu, it is a source of great chagrin and embarrassment to me that this administration has given a straightarm to concepts that have been rationally developed and thoughtfully put in forms that would lead us to more rational use of energy, more creative application of research and investment to alternative fuels, and more concern for energy efficiency.

This myopic, irrational reliance that this administration places on greater and greater and greater production of fossil fuels, and greater and greater and greater consumption of fossil fuels, more than half of them that will be imported from abroad, most of that from the Persian Gulf, vastly increasing our energy security problems, is a source of great chagrin and embarrassment to me.

Mr. Speaker, I helped organize several years ago an organization called GLOBE. [Global Legislators Organization for a Balanced Environment]. I served as its first chairman. The organization now has a 15-member delegation from the European parliaments, including the chairman of their Environment Committee; a 15-member delegation from the Japanese Diet, including Noboru Takeshita, the former Prime Minister of Japan; and a 15-member delegation from the United States, including all of the leadership of the House and the Senate. It is a prestigious and highly, formidably able group.

Yesterday we had a dozen legislators from Brazil and they asked me, "How could you do it? With the consensus around the world driving governments, driving legislatures to adopt more thoughtful energy policies, how could you trash concepts of energy efficiency, energy conservation, and development of alternative fuels?"

Of course they are very proud of the development of alternative fuels in Brazil, and they very subtly and gently enunciated the feeling that it was somewhat anomalous that we would be trashing Brazil, criticizing Brazil for her destruction of tropical rain forests, which do produce a great amount of fossil fuels, which do contribute to global warming, while at the same time out of the other side of our mouth we are relying almost exclusively on continued production of fossil fuel energy abroad, continued transportation of fossil fuel energy from abroad to our shores, and continued consumption of fossil fuels in this country.

Legislators in parliaments around the world have been in touch with me in recent weeks, as chairman of GLOBE, asking for an explanation. Frankly, Mr. Speaker, I have none. My term as chairman expired, and our organization is honored to have Senator AL GORE as the new chairman of GLOBE and Congressman GERRY SIKORSKI will shortly be moving into position as chairman of the American delegation to GLOBE U.S.A.

I hope they will come up with an answer to thoughtful, conscientious legislators around the world, especially in the developed world, to give them some understanding, some perception of how this administration could have turned its back on sanity, could have turned its back on rationality, and retreated into this utterly destructive posture of more and more and more fossil fuels which will continue to degrade our environment and expose us to global warming, holes in the ozone, and more acid rain and all manner of sad environmental defects.

I thank my colleagues.

Mr. OBEY. Mr. Speaker, I, along with Congressman PORTER and 225 other cosponsors, support House Joint Resolution 144 and its companion, Senate Joint Resolution 119, which designate April 22, 1991, as Earth Day.

The purpose of this legislation is simple—to promote a conservation ethic and awareness in our society regarding the need to protect our environment. It is clear that if our children and our children's children are to grow up in an environment which is wholesome, we must instill in each new generation the awareness that is necessary to meet the challenges that confront us. In this regard, it is refreshing that this year, 21 years after the first Earth Day, schools and communities across the Nation are planning events to celebrate this important event, with the goal of making every day Earth Day.

In 1969, Senator Gaylord Nelson realized the value that a nationally organized series of events like the powerful campus teach-ins directed at the Vietnam war could have in placing the issue of the environment on the national agenda. He announced his proposal for a national Earth Day to be held the following year and he drew together talented young people to organize the event. The result was Earth Day. I remember the first Earth Day fondly, as it was just after my first year in Congress. Earth Day 1970 was important enough to many Members of Congress that they left Washington and participated in teach-ins all across the country.

April 22, 1970, was a day that sensitized an entire generation. Approximately 20 million American citizens joined together in celebrating the Earth. Their main objective was to enlighten the world about our environmental mismanagement. Unfortunately, after 20 years and increased participation by over 200 million people, our society is still environmentally lethargic.

This resolution will designate April 22, 1991, as Earth Day and will reemphasize the fact that this year's events are part of a 21-year tradition. We can only hope that, whereas Earth Day 1990 focused on environmental awareness, Earth Day 1991 will focus on environmental action by highlighting people who have made personal changes in their lifestyles for the betterment of the Earth. Earth Day 1991 will mark another step toward a society guided by a conservation ethic.

I have a special message for interest groups which are supportive of this resolution: I hope you are tough minded enough not to be fooled by some Members of this institution whose only indication of support for environmental protection is to pose for political holy pictures by supporting this resolution. My feeling is that Members of Congress who signed on and supported this resolution today ought to be willing to cast the tough votes tomorrow to make this Earth Day more than just a passing fancy.

As the next generation enters the working world, the burden of environmental reconciliation will be magnified. With strong leadership now, perhaps our great-grandchildren will be able to enjoy nature as we now know it. I'm happy to say that over 315 communities and cities have already committed themselves to Earth Day 1991. However, we must not stop striving towards our goal to make every day Earth Day.

I am hopeful that Monday, April 22, will be only the beginning of a week in which every citizen of the world takes stock of where we are and where we are going. Wouldn't it be wonderful if environmental education were provided in every school kindergarten through high school, as in Wisconsin? In this way, we could cultivate a deeply ingrained conservation ethic in our children to assure that we will not continue to mortgage our planet's future for momentary gain.

I am optimistic that our children and their children will grow up knowing that, as individuals, they have it in their power to make lifestyle decisions and to insist on governmental policies which will create a cleaner, healthier environment and a more livable planet for all of humanity.

Mr. JAMES. Mr. Speaker, in honor of Earth Day, I rise today to talk about the future of our world.

Today, all of us will be more conscious about the need to protect our environment. We'll discuss the dangers of worldwide deforestation, offshore oil drilling, air and water pollution, and global warming.

All of these are certainly important environmental initiatives. They are issues that must be seriously addressed.

An equally important part of Earth Day, however, is for each and everyone of us to examine our daily lives and discover how we can personally take steps that will help protect the environment.

Whether it be taking reusable bags to the grocery store; recycling newspapers, glass, aluminum, and motor oil; or, building our homes to be energy efficient; all of us can do our part.

In the past year, more Americans have become concerned about the environment.

Without any fanfare, Americans in thousands of communities are tackling serious environmental problems by just doing it.

Local schools annually conduct newspaper recycling drives, community-service organizations dispose of Christmas trees, customers work with local businesses to reduce the use of nonbiodegradable products, and community leaders purchase land for precious wildlife.

Even Washington is joining in.

Since last Earth Day, Congress has enacted the Clean Air Act, the Pollution Prevention Act, and the National Environment Education Act. Deliberations on important environmental initiatives such as the future of our forests and global warming have begun.

And in my home State of Florida, we're working to preserve valuable wetlands, endangered wildlife, and our fragile coastlines.

One of our top concerns is offshore oil drilling. I'm proud to work with my colleagues in the Florida delegation to ensure that our beaches are never covered with oil. To reaffirm my support, I'm signing a letter today written by my colleague and friend, the Honorable ANDY IRELAND.

Mr. IRELAND is helping to lead an effort to stop oil drilling in the Eastern Gulf of Mexico. I'm proud to support his effort.

All of these initiatives are being undertaken by Americans who want to leave a better world for our children. To me, that's the importance of Earth Day. It's more than just a yearly celebration, it's a time for all of us to reaffirm our resolve to leave something very valuable for our children—a cleaner world.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 119

Whereas the world faces an international environmental crisis which demands the attention of citizens of every nation of the world, including the United States, so that alliances can be built that transcend the boundaries dividing countries, continents, and cultures;

Whereas there is a need to confront environmental problems of increasing severity, including climate change, depletion of the stratospheric ozone layer, loss of forests, wetlands, and other wildlife habitats, acid rain, air pollution, ocean pollution, and hazardous and solid waste buildup;

Whereas it is important that the next generation be guided by a conservation ethic in all of its relations with nature;

Whereas education and understanding is necessary for individuals to recognize the environmental impact of daily living and to become environmentally responsible consumers by conserving energy, increasing recycling efforts, and promoting environmental responsibility in communities;

Whereas major public policy initiatives are necessary to cure the causes of environmental degradation, such as eliminating the manufacture and use of chlorofluorocarbons, minimizing and recyling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and initiating sustainable development throughout the world;

Whereas nearly 21 years ago, millions of individuals in the United States joined together on Earth Day to express an unprecedented concern for the environment, and such collective action resulted in the passage of sweeping laws to protect the air, water, and land;

Whereas the 1990's should be observed as the "International Environmental Decade" in order to forge an international alliance in response to global environmental problems; and

Whereas to inaugurate the new environmental decade, individuals should again stand together in cities, towns, and villages around the world for a day of collective action to declare a shared resolve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 22, 1991 is designated as "Earth Day", and the people of the United States are called upon to observe the day with appropriate ceremonies and activities in our grade schools, high schools, colleges and local communities with the objective of making every day Earth Day.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 16) designating the week of April 21–27, 1991, as "National Crime Victims' Rights Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so in order to yield to our colleague, the gentleman from Pennsylvania [Mr. GEKAS], who is the chief sponsor of this resolution.

Mr. GEKAS. I thank the gentleman for yielding.

I say to the Members, to all who are within listening and viewing distance from this podium, that the adoption of this resolution will result in the establishment of next week, April 21 through April 27, as "National Crime Victims' Rights Week." This is not the first time that we will have done this particular deed as Members of the Congress and it will follow a pattern in which increasingly the public, as represented in the Congress, is being made aware of the rights of crime victims and to try to strike a balance between what everyone seems to be pushing for, the rights of the defendants in cases where we feel that some recognition, overwhelming recognition, ought to be given to those who suffer the consequences of a violent crime.

Every day, and I repeat so that the full focus of this can be made clear, every day in our country there are 16,000 burglaries committed.

I said, "every day."

□ 1810

There are 13,000 assaults every day, 3,000 robberies, which is a violent crime. A robbery is to steal from someone's person through violence. Three thousand a day. There are 350 rapes a day in our country, 60 murders a day, 62 deaths by motor vehicle every single day.

Needless to say, Mr. Speaker, the toll that that is taking then in the form of lives, and property, and cost, and so forth is almost immeasurable.

The particular fact that has to be brought to light as well here is that women are increasingly becoming the victims of crime. As the number of crimes go up, proportionately the victimization of women goes even higher in those statistics. It is calculated that because of this trend that three out of every four women in our country will face and be a target of some violent crime at one point or another through their lifetime. Now that is an appalling figure.

Mr. Speaker, we know the recent emphasis that we have put on this legislative body, as well as in the States, on the victims of rape, and we have done some great reforming legislation with respect to the victims of rape, and how testimony can be proffered, and some safeguards that have been put in for a rape victim so that we make sure that she is not the person on trial, but rather the defendant who perpetrated the crime. But still we need to recognize that there is more.

The cost of these burglaries, property damage, as great as it is, is, as best as can be said, serious, and there are thousands of injuries and deaths that occur as a result of violent crime, and then on top of that those who do survive go through a period of grief, frustration, lingering pain, and psychological damage. We are talking about people who are families and friends of the person who has become a victim of a homicide or even of an assault. So, all of this mounts up into a society that is pretty well stunned by the crimes that are committed in our country.

The President of the United States, through his initial campaign for the Presidency, and later in his inaugural address, and since then, has become a champion of victims of crimes, and he has set up a White House ceremony next week in order to properly focus on this particular problem. He is following along a pattern that was set by his predecessor, President Reagan, who not only established such a week as we are replicating here next week, but also created a task force on victims' rights, which, in turn, made certain recommendations which turned into legislation that we, as a Congress, were able to enact and place into law which compensates crime victims through a system of collection of fines by the very people who committed those crimes. So, there is a kind of ironic justice there that we are putting on record, and it will continue through the years to come.

So, Mr. Speaker, I ask the Members and everyone else to help, not only in supporting the resolution, but in the support of the actual commemoration where we stop and think about what crime is doing to our people and that this war on drugs and war on crime that we have all declared shall indeed continue until we can see positive results and a peaceful, nonviolent future somewhere down the line in the history of the United States.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. RIDGE] for yielding the time and the gentleman from Ohio [Mr. SAWYER] who heads the Committee on Post Office and Civil Service.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I would like to thank my friend and colleague, the gentleman from Pennsylvania [Mr. GEKAS], who has been a moving force in support of this kind of initiative and defender and promoter of victim crime legislation. On the Committee on the Judiciary he is an outspoken proponent and supporter of the President's crime bill initiative.

Mr. Speaker, under my continuing reservation of objection, I yield to our colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleaded to rise in strong support for House Joint Resolution 171 designating the week beginning April 21, 1991, as "National Crime Victims' Rights Week," and I command my colleague Mr. GEKAS, from Pennsylvania for his efforts to honor those who are victims of crime.

Recently, Representative BEN NIGHTHORSE CAMPBELL was on his way to his Capitol Hill home, when a man tried to mug him. Mr. CAMPBELL was fortunate to be strong enough to fight off his attacker and he can consider himself lucky that he only injured his ankle while fighting off the mugger. However, there are millions of Americans who cannot fend off their attacker or attackers.

Mr. Speaker, by supporting National Crime Victims' Rights Week, the victims of crime can become aware of the various support organizations and how they can help the victims. The victims need to know they have rights.

The Bureau of Justice estimates that there are 35 million American victims of crime each year. Six million victims fall prey to violent crimes such as rape, assault, murder, child abuse, and drunken driven casualties. These crimes can leave the victim physically, psychologically, and financially paralyzed for numerous years following the incident. Victims need to be educated of their rights.

The victims of crime and the advocates who support and assist the rights of victims need to be honored with appropriate ceremonies and activities.

The advocates who serve the rights of victims have the difficult job of constantly taking on the criminal justice system. They are continuously stressing the point that all victims have equal rights no matter what their race, religion, or ethnic background may be.

By designating the week beginning April 21, 1991, as "National Crime Victims' Rights Week" we have the opportunity to enlighten the American people that victims of crime have rights and those rights are protected from criminal activity.

Accordingly, Mr. Speaker, I urge my colleagues to join me in supporting this important resolution.

□ 1820

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 16

Whereas thirty-five million individuals in the United States are victimized by crime each year, with six million falling prey to violence;

Whereas the Department of Justice estimates that five out of six individuals will be the victim or intended victim of crime during their lifetimes;

Whereas many victims suffer severe psychological, physical, and emotional hardships as a result of victimizations;

Whereas the Nation must commit its collective energies to improving the criminal justice and social services response to victims; and

Whereas, as a Nation committed to justice and liberty for all, efforts must be continued to remove the inequities victims face and to protect and restore individual rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21 through April 27, 1991, is designated as "National Crime Victims' Rights Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities:

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 218) to designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so, to acknowledge the work and sponsorship of this measure by our colleague and friend, the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from Washington.

Mr. MORRISON. Mr. Speaker, I thank the gentleman for yielding.

I thank the committee for their expeditious processing of this measure. I thank the majority of the House for joining in the cosponsorship, particularly the gentleman from Tennessee [Mr. GORDON], who helped in acquiring the cosponsors.

Mr. Speaker, by this resolution we ask America to join us in Tissue and Organ Donor Awareness Week. It has been almost a decade now that this House has come together and has advocated this concept. We have asked America to give of themselves by signing up as organ donors.

It has been a dramatic success, and we could tell a lot of stories here, as we pointed out the lives that have been saved over this time. Maybe partially because some of you have given of your extra time in dealing with these commemoratives on the floor, but what happens, springing into action during this week, a number of voluntary organizations waiting for this opportunity to get the word out to America.

Unfortunately, in the organ donor arena, even with all the success we have had, demand grows faster than supply. So through this process today we are asking Americans to help America to live on by giving to others, and to sign up as organ donors. We make it very, very easy to do so, but you have to plan ahead.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I simply want to acknowledge the work of the gentleman from Washington [Mr. MORRISON]. I can recall being with him on the floor as he embarked on a similar effort over the past couple of years, and I know of his interest in this effort, not only with the resolution but in making tissue and organ donations available and familiarizing people with the necessity and value of the program. The moral imperative has been one of his special commitments that he has brought to the House of Representatives. So I commend him today, not only for his leadership on this initiative during this year, but for his continuing leadership in activities of this kind throughout his congressional career.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I thank my colleague, the gentleman from Pennsylvania, and I pause just briefly to thank both the gentleman from Washington [Mr. MORRISON] and the gentleman from Pennsylvania in turn for their tenacity and patience in bringing this matter before us in this way.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 218

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 21, 1991, and the week beginning April 19, 1992, are each designated "National Organ or Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1830

NATIONAL ARBOR DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 64) to authorize the President to proclaim the last Friday of April 1991, as "National Arbor Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, under my reservation I do so simply to acknowledge the work of the sponsorship of the gentleman from New Jersey [Mr. ROE], who is the chief cosponsor of this resolution.

Mr. ROE. Mr. Speaker, I want first of all to thank Chairman CLAY, Mr. SAWYER, the distinguished chairman of the Subcommittee on the Census and Population and the gentleman from Pennsylvania [Mr. RIDGE], for their support on the expedient passage of Senate Joint Resolution 64, "National Arbor Day 1991." I would also like to commend my fellow sponsors on the House bill, House Joint Resolution 66, for their assistance and attention to this matter.

It was over 100 years ago that the State of Nebraska established the first official Arbor Day observance in America. Today, there are less than a handful of states that do not have an Arbor Day which is observed by schools, service clubs, and civic groups, as well as Arboricultural, Horticultural, and Agricultural groups.

The importance of trees to the environment has been recognized throughout history. In the ancient world, trees were worshiped as deities, and in some civilizations, a festival celebrating trees was an important part of culture. Every day we are reminded that this resource like any other is finite. Man's encroachment on the environment can have serious consequences, through carelessness or accident it can be destroyed. I believe it is very appropriate to honor those who work to make us aware and educate all of us to the vital need to protect and preserve our arboreal resources.

Just a few weeks ago, we joined together to celebrate the National Cherry Blossom Festival in our Nation's Capital. This event which celebrated the magnificent display of blossoms was possibly one of the most spectacular presentations in the history of these arbors. These wonders are just additional evidence of our Nation's devotion to this national resource.

Speaker, I would like to commend the Committee for National Arbor Day, and the Honorable Harry J. Banker who publishes the National Arbor Day Review and all the organizations which lent their support for their work to bring this legislation to life and ensure that Friday, April 26, National Arbor Day will more than enhance public awareness in name only.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 64

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1991, as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the joint resolutions that we just considered and passed, namely, Senate Joint Resolution 119, Senate Joint Resolution 16, Senate Joint Resolution 64, and House Joint Resolution 218.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. RIDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on Senate Concurrent Resolution 22, which was adopted earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CREATING JOBS FOR AMERICANS SHOULD BE HIGH BUDGET PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS of New Jersey. Mr. Speaker, on Monday of this week I had the occasion to host a meeting in my district at which several hundred unemployed construction workers from my First District in New Jersey turned up at the local Carpenters Union Hall in hopes of hearing some information about their prospect of getting a job in the rebuilding of Kuwait.

The news that we were able to give them that day was not particularly the news that they wanted to hear. We had to tell them there were very few jobs in Kuwait that are presently available, and that the prospects for American workers to receive those jobs are, frankly, not particularly good, unless we take some action at this time.

What I thought was particularly poignant about that is that this is a country with more amassed wealth than anywhere in the world, a country that is capable, as we have seen very recently of achieving virtually anything, anywhere in the world, on a military and technological basis, but we have permitted our economy to deteriorate to the point where hundreds of people, skilled people, hard working, motivated people living in this country, are willing to pick up and move halfway around the world because there is not a sufficient job for them here in the United States.

That is why I cast a "no" vote today on both of the budget resolutions before the House of Representatives. Let me hasten to say that I am very proud that my party took a stand in its budget resolution in favor of a lot of priorities that I know my constituents also stand for.

We took a stand for good benefits for senior citizens; we took a stand for increased educational opportunities for all of our people; we took a stand for cleaning up the environment; and when the time comes in the appropriations process to make sure that the dollars are delivered to make those promises a reality, I will be there to support the delivery of those dollars.

But in the two budget resolutions that we had before us today, we really had a broader question about where we are going as an economy, where we are going as a country, and what our economic strategy is and is not.

I voted against the President's proposal and the proposal of our Democratic Party for three reasons. The first reason is that in the midst of the worst recession we have had in over a decade, I did not see an antirecession, progrowth, proindustrial base proposal in either one of those budgets.

The President wants us to believe his capital gains tax cut proposal will produce jobs. He wants us to believe if we give a massive tax benefit to the wealthiest 2 or 3 percent of people of our economy, that they will do the right thing with it. It will trickle down, and those unemployed workers I talked to Monday will benefit from it.

I do not believe that, they do not believe that, and anyone who studied the economic history of this country in the 1980's knows that the objective record does not support that.

My own party needs to come up with a program for economic growth that leaves more dollars in people's pockets and makes people have an incentive to invest more of those dollars in the diminishing industrial base of this country, so people can have the kind of jobs where they can support their family and move on and improve their standard of living, and not just stand still the way they are today.

The second reason I voted against both proposals is that, as the gentleman from Vermont [Mr. SANDERS] said, there is a 1-percent difference between the two. One percent.

Now, the fundamental question here, and I know there are others who would disagree with the way I come at this question, is that a budget of $1.45 trillion is just too much. That is too many dollars going out of the pockets of working men and women in this country and coming to Washington.

I would argue that there is very little difference between the Republican proposal and the Democratic proposal. They share in common one basic economic point, and that is that the proper economic policy is to take money away from people who earned it, and use the Federal Government in Washington to redistribute it.

The only thing they differ on is to whom to redistribute that money. The Republicans in the White House want to redistribute the money to noncompetitive defense contractors, to our foreign creditors, and to their favorite clients served by the Federal bureaucracy.

Some Members in the Democratic Party want to use the Government to redistribute that money to bureaucracies which claim to be helping people move ahead, but the objective record says they just are not. They just are not moving ahead.

The third reason that I opposed this budget is that I do not think it engages in the same kind of analysis we need to have when we look at spending. We ought to ask ourselves three questions whenever we are asked to spend one of the taxpayers' dollars.

☐ 1840

The first question is does this spending induce or retard economic growth.

The second question that we ought to ask is if the Government did not provide this service, would somebody else, or is it really necessary to provide nutrition for young children or housing for senior citizens or environmental protection, and if it is, we should do it, and we should do it at a greater level and with greater quality then we are doing today.

Finally, we ought to ask ourselves the question whether it is the best way to deliver that service. Does it really make sense? Is this appropriation going to build more houses or add to the housing bureaucracy? Is this appropriation going to provide higher income for senior citizens or more bureaucrats in the Federal Government?

Those are the kinds of questions we ought to be asking ourselves. The 300 or 500 workers I talked to on Monday were not included in this budget today. There was not a sufficient proposal to put them back to work building America, not selling each other insurance policies or doing word processing for each other, although we need those service industries and they are good. But there was no proposal to face the inexorable deterioration of the industrial base of this country.

I do not want to be in a position in this country 10 years or 20 years from now where if I want to build a house or manufacture steel or buy a car that I cannot buy a product made in the United States. That is the path that we are on. That is the direction we are in, and each of the two budget proposals taxed our people, led us further down that road and did not deal with the fundamental problems of the American economy.

INTRODUCTION OF RESOLUTION TO REPLACE IRAQI GOVERNMENT WITH UNITED NATIONS ADMINISTERED GOVERNMENT

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Under a previous order of the House, the gentleman from Florida [Mr. BACCHUS] is recognized for 5 minutes.

Mr. BACCHUS. Mr. Speaker, my first vote as a Member of this House was a vote for a new world order.

In January, I voted to authorize the President of the United States to use military force to end the occupation of Kuwait by Saddam Hussein.

I did so because I seek a new world in which our American dream of freedom and democracy can one day become a reality for everyone, everywhere.

I did so because I believed our President when he said that he believed in that same new world.

But today that new world we sought in January looks very much like the same old world. Today, when I listen to our President, I am not sure what he believes.

The new world I envisioned is not one where armies are allowed to slaughter their own people with helicopter gunships and chemical weapons. It is not one where starving, freezing children are allowed to die on remote mountains. It certainly is not one where the United States of America turns away from its responsibility to a brave and helpless people, offering only the hollow excuse that we cannot interfere in the internal affairs of another nation.

There is a word from the old world order to describe what is happening in Iraq. That word is genocide. The mountains of Iraq are the new death camps, the new killing fields. One thousand precious lives are lost every day.

I'm far more interested in saving real lives than I am in the heartless nuances of heedless realpolitik. If the new world order is to mean anything at all, we must use all reasonable diplomatic, economic, and military means to end the mass murder of the Kurds, prevent the mass sacrifice of the Shiites, and remove Saddam Hussein from power. We must send a message once and for all that we value the fundamental human rights of oppressed people more than we value the territorial rights of oppressive governments.

President Bush did a superb job in bringing the world community together to drive Saddam Hussein from Kuwait.

Rarely has the moral and military might of the United States been so effectively and properly applied.

Why has the President not shown the same leadership in bringing the world community together to help the innocent people of Iraq? Can we truly celebrate victory amid reports of mass starvation and mass execution? Can we truly treasure the homecoming of our troops while children are tortured before the eyes of the world? Are the yellow ribbons we have worn so proudly beginning to fray?

I applaud the actions the President took yesterday to protect the Kurdish refugees. I wish that those and other urgently needed actions had come sooner. In recent weeks, I've been deeply disappointed in the President. He called on the people of Iraq to rise up against Saddam Hussein. I heard him. The whole world heard him. America must not abandon them now.

So today I have joined my distinguished colleague from New York, Mr. SOLARZ, in a letter to the President urging him to seek a Security Council resolution calling for the resignation of the brutal government of Saddam Hussein and its replacement by a government administered by the United Nations that would hold free and fair elections. We believe that this resolution must authorize the use of whatever means are necessary to enforce this demand.

In concert with other members of the allied coalition, we must do all we can to stop the slaughter in Iraq. We should destroy Iraqi helicopters, warplanes, and artillery when used against civilians. We should arm and finance what remains of the resistance against Saddam Hussein.

Building on the belated efforts of recent days, we should expand our relief efforts to feed, clothe, and shelter the vast refugee populations fleeing oppression. We should work through the United Nations to create safe havens for refugees inside Iraq. We should move quickly to provide American troops to protect the Kurds in northern Iraq, and we should not remove our remaining troops from southern Iraq at this time, for that would allow Saddam to slaughter the Shiite refugees we left behind, even as he has slaughtered the Kurds.

I am not advocating solely unilateral action by the United States. I am not advocating that we march on Baghdad and impose a government on the people of Iraq.

I am advocating that we help give the Iraqi people the means to accomplish what President Bush encouraged them to do: Overthrow Saddam Hussein, and establish a new government that will live in peace with its own people and with the rest of the world. I am advocating that we live up to the principles that our brave men and women have been defending in the Persian Gulf.

America must continue to stand for what America is supposed to stand for. Only then will we have a victory truly worth celebrating. Only then will we have real hope for the new world we seek.

BUILDING A NEW MACEDONIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, this Sunday the Macedonia Baptist Church in Mount Vernon, NY, is breaking ground for a new church building. This is not a new experience for Macedonia, which has had a number of homes in the 78 years of its existence. Instead, it is yet another milestone on a path of growth and service that has made major contributions not only to thousands of individual lives, but also to the entire Mount Vernon community.

When Macedonia was founded in 1913, by 11 men and women under the leadership of the Reverend James D. Morris, it met in a small mission at 111 West Third Street. Little more than a year later, it moved to South Eighth Avenue. In the years that followed, a succession of locations on South Ninth Avenue were the home for this growing congregation, until the completion in 1925 of the church building that the Reverend Rinico Nelson called a "Christian bulwark in our city * * * an edifice that would serve as a beacon light to all who came within the vicinity of the community."

That magnificent structure has served Macedonia well for over half a century. It has been expanded and redecorated, and has seen the congregation flourish and prosper. Now, the time has come for the church to begin construction of a new home. The task is one to which this congregation is well suited, for the people of Macedonia are builders. They have built a senior citizens' home that ensures decent care for the elderly, built up scholarship funds that provide college opportunities to young members of the congregation, and established a day care center that builds children into responsible members of the community. Under the inspired leadership of the Reverend Richard H. Dixon, who has served since 1958, Macedonia has built a congregation that is a model of dedication and involvement, and in the process has helped in many ways to build a better Mount Vernon.

I look forward to joining the friends and members of Macedonia as they begin construction of what will no doubt be an impressive new building. It will be a reflection of the congregation's continued growth, strength, and vitality. More importantly, it will reflect the spirit and commitment of the people of Macedonia. It is that spirit that has enriched the lives of so many and which has reached out to others throughout Mount Vernon. I know my colleagues join me in congratulating Reverend Dixon and the Macedonia congregation for all they have done and wish them every success in future endeavors.

NATIONAL LIBRARY WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, once each year we celebrate National Library Week. It gives us an opportunity to take a look at our most taken-for-granted institution. Libraries are taken for granted at every level. Libraries are an endangered species of institutions. More and more of them are being closed on a daily basis and many of them are facing tremendous budget cuts which threaten their survival over the next few years.

It is ironic that at a time like this the administration in the White House chooses to place zero in the budget for one act which offers some aid to libraries across the country. The Library Services and Construction Act was proposed to be zeroed out by this administration. It is ironic also because this administration supported a White House Conference on Libraries which is to take place this year between July 9 and July 13, a White House conference to consider the future of libraries and how libraries can be more effective in our society, and certainly how libraries can contribute to educational reform, which is very much on the minds of people these days.

We are told that tomorrow the President will announce a major new initiative for education.

□ 1850

When he was elected, he said he wanted to be known as the education President, and one great step toward the achievement of that goal, one great step toward being worthy of that label will be taken tomorrow with the unveiling of the next step in the President's education reform plan.

There are some serious contradictions that we face from an administration that places zero in the budget for library aid, which is already quite small; $135 million is all we are talking about. It has been at that level for the last 10 years almost. You know, $135 million is ridiculous for a basic institution undergirding all learning processes.

To allow our libraries to close is about as ridiculous as saying that we are going to fight a major war and shut down the ammunition dump. Are we going to fight a major war and the warehouse where all the spare parts are kept for the military vehicles will be closed? Libraries are that basic to the learning process. It is a great contradiction.

Mr. Speaker, I am not going to use stronger language because I think everything related to education, we ought to make an attempt to lift it above partisan deliberations and try to proceed on education in this country on a nonpartisan plane rather than hurl accusations at each other. Let us plead with each other to be rational, to be logical, to apply scientific methods as we proceed to try to improve education in America.

Certainly libraries are part of the process of improvement of education. I applaud the President's speechwriter or the President himself. He signed this letter, which he does every year for National Library Week, which has all of the right language. It is quite informed about the role of libraries and the importance of libraries.

I would like to begin my statement by placing in the RECORD the President's letter designating National Library Week. I will now just read a few quotes from this letter from the President. It begins:

> There is at the center of virtually every American town a library, a repository of history and of our recorded hopes, dreams, and plans for tomorrow. Libraries require only that we have the desire to learn and to explore the fascinating world of knowledge and ideas. For those with the desire to read but lacking the ability, libraries hold a key to literacy as well, offering special educational programs for everyone. Libraries provide access to all of these treasures through both electronic and conventional retrieval services. Libraries also serve as favorite sanctuaries for our children. For students engaged in the lifelong process of learning, these institutions serve as a valuable point of reference. Indeed, for every citizen, from the serious researcher to the individual reading for pleasure, libraries refresh the spirit and enrich the intellect for every citizen. This year National Library Week is a celebration of the fact that those who read succeed. Libraries enable us to enjoy more fully the benefits of learning and opportunity and by promoting literacy for all Americans we can share those benefits with many of our fellow citizens.

Always we get an excellent letter from the White House. I agree with the basic reasoning, the basic statement in the letter, but there is a great contradiction between what the President states in his letters for National Library Week and what the administration consistently has been doing for the last 2 years, and before that the Reagan administration for the last 8 years.

We are embarked on a series of ridiculous kinds of contradictions when we move to restrict libraries at the same time we are calling for a new effort to improve education.

Mr. Speaker, I yield to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman from New York very much for yielding, because his concerns are my concerns.

Mr. Speaker, I am compelled to make a statement this evening, having met with several librarians from the State of Vermont yesterday, and they educated me as to what the President has in mind not only for the libraries in the State of Vermont but for the libraries throughout this country.

I agree very much with the gentleman from New York as to the horrendous impact that these proposed cuts are going to have.

Mr. Speaker, I rise in strong opposition to the President's proposal to decimate the Department of Education's funding for libraries. Shortly after the First Lady launched the "Year of the Lifetime Reader" campaign, the man who would have the American public think of him as the education President cut Federal support for the Library Services and Construction Act by 75 percent.

Ironically, at the same time the White House has announced a conference on library and information services. President Bush is quoted as saying that "improving the Nation's library and information services may be one of the best investments we make in our campaign to end illiteracy," that we need to "ensure that our Nation's libraries continue to serve as a valuable source of knowledge and training," that we "must meet the information needs of all of our citizens—especially minorities, the elderly, disadvantaged young people, and persons living in rural areas."

This, at the same time as he is cutting Federal aid for libraries through LSCA from $143 million to $35 million in his budget proposal. The impact of a cut of this magnitude would be enormous on the public library system.

In my State of Vermont, a rural State, we are very dependent on the small amount of Federal aid we receive for libraries. Let me give you just a few examples. LSCA title I provides $211,000 for regional libraries which provide services to the 42 towns which have no local library, as well as supplemental book collections to 196 small, rural libraries and consulting services, continuing education across the State. LSCA title II provides $136,000 in matching funds for renovation, construction, and technology enhancement. In Vermont none of these funds are used for administration. LSCA title III provides an 800 line connecting libraries around the State to a computerized data base, itself funded by the State. Our State librarian, Patricia Klinck, summed up the effect of the proposed cuts quite clearly: "In a rural environment, LSCA funding means the difference between access and isolation."

Not only is the 75-percent cut devastating to our public libraries. The fact is that the remaining $35 million for literacy is not specifically designated and would become part of the State Block Grant Program, which includes funds for welfare, human services, and education. Library services would, in all likelihood, not fare well in competition with more immediately obvious pressing needs such as hunger and housing, especially in these difficult economic times.

We must not allow these cuts to go through. We must speak out on the specific impacts of these and the many other cuts being quietly implemented while nonconsequential actions are used in a shell game to divert media attention from the real issues. In his letter accompanying the announcement of the White House Conference on Library and Information Services, President Bush writes, "Our ability to stay ahead depends, in large part, on our ability to stay informed." I could not agree more. The problem is that when the U.S. Government says one thing and does another, it is difficult for the American people to do that.

Mr. Speaker, I thank the gentleman from New York for allowing me to speak.

Mr. OWENS of New York. Mr. Speaker, I would like to proceed with my theme that we have illogic prevailing. We have contributions that are hard to bear.

I would like to make a plea to the new Secretary of Education, Mr. Alexander, and his overseers in the White House to reexamine this attitude and their posture on libraries. It contradicts so much of what they are proposing with respect to education.

Libraries are very high cost/benefit operations. For the amount of money we put into them, we get a tremendous benefit. There is probably no other educational enterprise that we engage in which yields such a high benefit for the low cost.

The Federal Government has never been a great supporter of libraries. The library aid at this point being proposed by Congress is $143 million. If we take the whole history of the Library Services and Constitution Act over a period of about 25 years, all of that money that has been used for aid to libraries would not equal the cost of one single aircraft carrier. One aircraft carrier costs $3.3 billion, $3.5 billion. Federal aid to libraries has not even added up to one aircraft carrier all the years that it has been available. So we are talking about a very small amount of money.

We do have a White House Conference on Library and Information Services going forward. It was initiated by Congress, signed by the President, and our total Government is behind this conference that will be held in July.

☐ 1900

Of course, the preamble to that law—Public Law 100-382—the preamble to that law includes in it statements like the following: "The future"—I am quoting from the preamble—"The future of our society depends on developing the learning potential inherent in all children and youth, especially literary, reading, research, and retrieval skills." It goes on with many other statements which are very much on target in terms of the role and the need of libraries.

Mr. Speaker, instead of reading this summary by the American Library Association, I will submit the summary in its entirety for the RECORD.

SUMMARY OF AMERICAN LIBRARY ASSOCIATION APPROPRIATIONS RECOMMENDATIONS FOR FISCAL YEAR 1992 LABOR–HHS–EDUCATION APPROPRIATIONS

[In thousands of dollars]

Library program	Fiscal year—		Fiscal year 1992—		
	1990 appropriation	1991 appropriation	Authorization	Administration request	ALA recommendations
Library Services and Construction Act	126,321	132,163	(1)	35,000	207,500
Title I, public library services	82,505	83,898	(1)	[3]35,000	100,000
Title II, public library construction	18,900	19,218	(1)	0	55,000
Title III, interlibrary cooperation	19,551	19,908	(1)	0	35,000
Title IV, Indian libraries	....	(4)	(4)	(4)	....
Title V, foreign language materials	0	976	(1)	0	1,000
Title VI, library literacy	5,365	8,163	(1)	0	10,000
Title VII evaluation and assessment,	0	0	(1)	0	500
Title VIII, library learning center programs[5]	0	0	(1)	0	6,000
Higher Education Act Library Programs	10,325	10,735	(1)	0	[6]21,000
Title II-B, training and research	855	976	(1)	[7]0	5,000
Title II-C, research libraries	5,738	5,855	(1)	0	10,000
Title II-D, technology	3,732	3,904	(1)	0	5,000
Title VI, section 607 foreign periodicals	0	0	(1)	0	1,000
Hawkins/Stafford Elementary/Secondary School Improvement Act, ESEA chapter 2[8]	487,894	469,408	672,000	462,577	500,000
National Commission on Libraries and Info. Science	750	732	750,000	911	911
National Center for Education statistics (including library surveys)	39,739	63,524	(1)	80,060	80,060
National Library of Medicine (including Medical Library Assistance Act)	81,861	91,408	(9)	100,554	100,554

[1] Such sums.

[2] For LSCA, ALA recommends amounts authorized for fiscal year 1990 in Public Law 101–254, signed March 15, 1990.

[3] Proposed to be used for adult literacy activities.

[4] Funded at 2 percent of appropriations for LSCA, II, and III.

[5] Under Public Law 101–254, no appropriation may be made for LSCA VIII unless the total for LSCA I, II, and III is at least equal to the previous year's total plus 4 percent. (ALA's first priority for LSCA funding is restoration of LSCA programs currently funded.)

[6] For HEA II, ALA recommends amounts authorized for fiscal year 1987.

[7] Part of a proposed consolidation of several graduate fellowship programs will Secretary setting priorities for each year.

[8] The six targeted uses of chapter 2 funds include school library resources and training of librarians.

[9] 42 USC 275.

Mr. Speaker, I also would like to note a few other items that I would like to submit for the RECORD, including a summary of recommended level of appropriations for items which relate to libraries.

The President, as I said before, placed in the budget zero for the Library Services and Construction Act, but the American Library Association recommends a rather conservative figure, $207,500,000. For the Higher Education Act Library Programs, a total of $21 million is recommended. For the Hawkins-Stafford Elementary, Secondary Improvement Act, which contains chapter 2 which relates to libraries, $500 million is recommended. The Library of Congress, the National Library of Medicine, everything that relates to libraries, there are recommendations here which I agree with. They are far from the sums that have been requested by the administration, and of course, unfortunately, they are far from the sums that have been recommended in the budget resolution which was passed today. I placed the summary of the recommended appropriations into the RECORD.

I will insert the letter from the White House at this point:

THE WHITE HOUSE,
Washington, March 28, 1991.

There is at the center of virtually every American town a library, a repository of history and of our recorded hopes, dreams, and plans for tomorrow. Libraries hold the acquired wisdom of the ages, as well as contemporary ideas and information, providing access to these treasures through both electronic and conventional retrieval services.

Libraries require only that we have the desire to learn and to explore the fascinating world of knowledge and ideas. For those with the desire to read, but lacking the ability, libraries hold a key to literacy as well, offering special educational programs for everyone.

Libraries also serve as favorite sanctuaries for our children, revealing in their quiet rooms new worlds to entertain and to challenge growing young minds. For students engaged in the lifelong process of learning, these institutions serve as valuable points of reference. Indeed, for every citizen—from the serious researcher to the individual reading for pleasure—libraries refresh the spirit and enrich the intellect.

This year, National Library Week is a celebration of the fact that those who read succeed. Libraries enable us to enjoy more fully the benefits of learning and opportunity; and by promoting literacy for all Americans, we can share those benefits with millions of our fellow citizens.

GEORGE BUSH.

One of the items which will be discussed at the White House Conference on Libraries is a brandnew proposal that will require considerable funding from the Federal Government. Only the Federal Government can make it happen. It is called NREN, the proposed National Research and Education Network. It is a high-capacity, high-quality computer network which supports a broad set of applications and network services for the research and education community. The NREN will be an expansion and an upgrading of the existing interconnected array of mostly research networks such as the national NSFNET and the regional networks, NYSERNET and SURANET, and local area networks on campuses known collectively as Internet. The aim is to reach gigabit per capacity over several years. This has been described as a national highway for information. It will be for the average American, placed at their disposal kind of an electronic retrieval system already available to corporations and scientists doing high-level research. It will be a very efficient, efficient system since it will research everybody, and kind of a hope for the future, dream for the future, which I hope will be discussed extensively at the White House Conference on Libraries. It will require funding. It will require considerable new funding. It will be in accordance with the kind of proposals that are being made by the President and the Governors in their six recommended goals for education.

Those six goals cannot be realized unless there is more support via libraries and new kinds of information systems. An electronic retrieval system would be a vital necessity in order to upgrade our entire educational system, especially the parts which talk about increasing our students' abilities in the areas of math and science. Mr. Speaker, I will include a summary of the National Research and Education Network factsheet in the RECORD at this point.

NATIONAL RESEARCH AND EDUCATION NETWORK FACTSHEET, APRIL 1991

What is the NREN? The proposed National Research and Education Network (or NREN, pronounced en-ren) is a high-capacity, high-quality computer network which supports a broad set of applications and network services for the research and education community. The NREN will be an expansion and upgrading of the existing interconnected array of mostly scientific research networks, such as the nationwide NSFNET (the backbone) and regional networks such as NYSERNET and SURANET, and local area networks on campuses and elsewhere, known collectively as the Internet. The aim is to reach gigabit (a gigabit is one billion bits) per second capacity over several years.

The concept of the NREN originated as a means to connect supercomputer centers and to accommodate the massive amounts of data produced by high-performance computer projects. Reports over the past several years by a number of organizations—the White House Office of Science and Technology Policy and its Federal Coordinating Council for Science, Engineering, and Technology (FCCSET), the National Research Council, the Congressional Office of Technology Assessment, EDUCOM and others—have shaped the concept and moved it forward.

Supercomputers and super networks are needed to address "grand challenges" such as global climate change and the mapping of the human genome, but such advanced computing and communications capacity also makes possible the transmission of unprecedented volumes of other kinds of electronic data and information—from electronic mail to electronic journals to entire digital library collections including audio and visual components. Educational needs are now part of the NREN plan although it is undecided how wide the range of users and institutions will be. However, the ability of a researcher to connect to computerized tools is becoming a necessity for scholars in all fields, students at all levels, and information seekers wherever located.

Administration Plan. Development of the NREN is part of a Presidential initiative described in a 1991 report from the Office of Science and Technology Policy, "Grand Challenges: High-Performance Computing and Communications." This multiagency initiative calls for $638 million in President Bush's FY 1992 budget, an increase of about 30 percent over similar activities in FY91. These funds would support activities in four program areas; high-performance computing systems, advanced software technology and algorithms, the NREN, and basic research and human resources. The OSTP report calls the FY92 network under this plan the "Interagency Interim NREN."

Legislation. Legislation to establish the NREN was first introduced by Sen. Albert Gore Jr. (D–TN) in 1988. He introduced the bill again in the 101st Congress, and a revised version of S. 1067 passed the Senate in October 1990, but the House did not act on HR 3131, the companion bill.

Sen. Gore has again introduced legislation this year (S. 272, the High-Performance Computing Act of 1991) on which his Science, Technology, and Space Subcommittee held a hearing on March 5. A revised version of S. 272 was approved by the parent Commerce, Science, and Transportation Committee on March 19.

A companion bill (H.R. 656) has been introduced by Rep. George Brown (D–CA), Chairman of the Science, Space, and Technology Committee. Two subcommittees held a hearing March 7 on H.R. 656. Rep. Rick Boucher (D-VA) presided as Chairman of the Science Subcommittee at the hearing cosponsored by the Technology and Competitiveness Subcommittee, chaired by Rep. Tim Valentine (D-NC). H.R. 656 is expected to be marked up this spring.

A third bill is also pending (S. 343), the Department of Energy High-Performance Computing Act of 1991), introduced by Sen. J. Bennett Johnston (D-LA), Chairman of the Energy and Natural Resources Committee. S. 343 would have the Energy Department establish a Federal High-Performance Computer Network to serve many of the same purposes envisioned for the NREN.

Provisions of Bills. S. 272 and H.R. 656 assign a lead role to FCCSET, which is to develop a National High-Performance Computing Plan involving multiagency collaboration. The long list of agencies includes the Library of Congress, the National Agricultural Library, the National Library of Medicine, and the Department of Education. The National Science Foundation is designated the lead agency to coordinate NREN development among the various agencies.

In the Committee-approved version of S. 272, the NREN is to link research and educational institutions, government, and industry in every state. Federal agencies are to work with state and local agencies, libraries, educational institutions and organizations, and private network service providers in order to ensure that researchers, educators, and students have access to the network. Within the federal government, NSF is to have primary responsibility for connecting colleges, universities, and libraries to the network. To the extent practicable, the network is to provide access to electronic information resources maintained by libraries, research facilities, publishers, and affiliated organizations.

The bills call for various agency activities and/or FCCSET reports to address such issues as standards to provide interoperability, common user interfaces, network security and user privacy, protection of copyrights, pricing policies and plans for eventual commercialization of the network.

Library Interest. The Senate bill as ordered reported includes some improvements suggested by the American Library Association and the Association of Research Libraries in testimony and recommended amendments, as well as some elements suggested by a Partnership for the NREN (20 education, library, and computing organizations, including ALA, ARL, the American Association of Law Libraries, the Chief Officers of State Library Agencies, the Coalition for Networked Information, EDUCOM, and the Special Libraries Association).

These improvements include the idea of NREN connections to all 50 states, additional references to education as a whole and to libraries, collaboration with potential users, the possibility of using the network as a dissemination vehicle for federal databases and information, and specifying library and information science in research, education, and training components.

S. 272 and H.R. 656 call for development of a mechanism to coordinate and manage the network, but are not very specific about the governance structure. This is probably the most important unresolved issue as far as Partnership for the NREN organizations are concerned. Also of concern to library and education organizations is the issue of how S. 272 and S. 343 may be reconciled, particularly with regard to governance issues and the ability of the network to serve education, broadly defined.

EDUCOM estimates that federal funding of the current internet amounts to only about 10 percent of the total investment, with the remainder coming from universities, states, and industry. The bills should provide more explicitly for a governance structure with balanced participation by users of the network (including government, the private sector, education and libraries) in establishing policy and in developing standards. Among all the reports and studies should be one on progress in connecting the broad education and library communities to the network, and on possible mechanisms for ensuring long-term, low-cost communications for educational institutions and libraries.

ALA has endorsed the concept of a National Research and Education Network with library participation for the following reasons listed in ALA testimony in March 1991 on S. 272 and H.R. 656:

The NREN has the potential to revolutionize the conduct of research, education, and information transfer.

Current Internet users want library-like services, and libraries have responded with everything from online catalogs to electronic journals.

Libraries provide access points for users without an institutional base.

With libraries and their networks, the support structure to make good use of the NREN already exists.

NREN development should build on existing federal investments in the sharing of library and information resources and the dissemination of government information.

The NREN's higher capacity will enable the sharing of full text and nontextual library and archival resources.

Libraries provide a useful laboratory for exploration of what services and what user interfaces might stimulate a mass marketplace.

Public, school, and college libraries are appropriate institutions to bridge the growing gap between the information poor and the information rich.

Libraries of all types linked to the NREN would enhance the national investment in the network, spread its benefits more widely, and increase access to the resources available over it through an institution already established to assist users with information needs.

Another set of issues called Government information policy issues relating to matters of grave concern to libraries and involve libraries. The Government information policy issues include issues related to depository libraries, issues related to the Office of Management and Budget Circular A–130. A–130 is a circular that has been in existence for some time, promulgated for the Office of Management and Budget under Freedom of Information and is of intense interest. It was announced that they will provide guidance to the Federal agencies to provide electronic information products to depository libraries, but not both products and services. Such a number of Government publications are being distributed through on-line services such as electronic billboards, and moves to eliminate products alone would restrict public access to Government information.

Currently, depository libraries are participating in pilot projects which would provide for the dissemination of electronic services throughout the Government Printing Office. These are like the national highway of information. They are new systems of disseminating information, electronic format, which require the coordination and the support of Government. This is one of the many Government information policy issues which is of concern to the library community. It is also concerned about the Paperwork Reduction Act Reauthorization. We are concerned about the Freedom of Information Act, and a number of other acts of considerable importance. Mr. Speaker, I ask to place the summary of Government information policy issues in the RECORD in its entirety at this point, and it is as follows:

Government Information Policy Issues

Factsheet, April 1991

GPO Appropriations: For the Superintendent of Documents operation, the Government Printing Office is requesting $27,371,000 for FY92. Together with $755,000 in funding from FY91 which Congress withheld from obligation until FY92, this would give SuDocs $28,126,000, compared with $25,745,000 in FY91. Of the total, $22,616,000 would be for distribution to depository libraries. In appropriations testimony in February, Public Printer Robert Houk provided a status report on the original five pilot electronic projects, efforts which GPO expects to complete in 1991.

On cost sharing, a controversial issue with cost implications for libraries, Houk said that all participants in online electronic dissemination services, including depository libraries, "may be required to pay a portion of the cost of such services to the extent allowed by law. Adequate controls are essential and limitations on free service access must be considered early in any arrangement to make databases available to the public through the depository library network."

Katherine Mawdsley, University of California, Davis, testifying about GPO appropriations on behalf of ALA and the Association of Research Libraries, urged GPO SuDocs funding at a level which would support distribution of electronic information through the Depository Library Program, and sustain the current distribution of paper and microfiche.

Depository Libraries. Rep. Charles Rose (D-NC), Chair of the Joint Committee on Printing, plans hearings on April 25 regarding public access to government information through depository libraries and other means. Three depository librarians have been invited as witnesses.

Revision of OMB Circular A–130. In a move of intense interest to the library community, the Office of Management and Budget announced that it will revise guidance to federal agencies to provide electronic information products to depositories—but not both products and services. Since a number of government publications are being distributed through online services, such as electronic bulletin boards, moves to limit agency compliance with depository requirements to products alone would restrict public access to government information. Currently, depository libraries are participating in pilot projects for the dissemination of electronic services through the Government Printing Office.

The announcement regarding depository libraries appears in OMB's plans to revise its controversial OMB Circular No. A-130, Management of Federal Information Resources, published in the March FEDERAL REGISTER (56 FR 9026–28). This is an advance notice, not a draft of the revised circular. OMB invites comments on the issues most requiring revision, on new formulation of policy, and on the directions that formulation should take. Comments are due by May 3; OMB is likely to issue a draft circular for public comment soon after the date.

Paperwork Reduction Act Reauthorization. The reauthorization of the Paperwork Reduction Act failed to pass before the 101st Congress adjourned. Prospects for this controversial legislation are uncertain at this time. OMB cites the Paperwork Reduction Act as its authority for Circular A-130, and plan to revise the circular despite the lack of an authorization since September 1989.

Freedom of Information Act. Congress is considering explicitly including computer and electronic records under the Freedom of Information Act in the same manner as documents printed on paper. Rep. Gerald Kleczka (D-WI), joined by Rep. Bob Wise (D-WV), introduced HR 1423, the Freedom of Information Public Access Improvement Act of 1991, on March 13. The Senate Judiciary Subcommittee on Technology and the Law, chaired by Sen. Patrick Leahy (D-VT), is in the process of drafting proposed amendments to the FOIA.

One last item I would like to place in the RECORD, Mr. Speaker, relates to an article which was placed in the Wall Street Journal on February 13, 1991. In this article they talk about many public libraries being forced to close their doors for months. There are towns in West Virginia where libraries have closed, and they are not sure when they will reopen. We know of West Virginia, but I submit that there are probably many others across the country that are closing and have not been noted by the Wall Street Journal.

Forty States have major problems in terms of budget for the entire States. The recession has hit very hard. The mismanagement of the Reagan years, and the mismanagement of the Bush years is coming home. We are pouring more money into savings and loan associations than we are into maintaining the educational infrastructure or the physical infrastructure of the Nation. All of this is hitting all of our institutions. Libraries are very small. They have very little political clout, so they are just a preview, just a preview of coming attractions in terms of institutions which will be wiped out in their entirety if we do not change our policies, and turn the management of our Government around.

In this article, the Wall Street Journal has done a great service by listing all the States of the Union and the amount of money spent on libraries in each one of those States per capita. For the number of people, for each person in the State, the following amounts are spent. I will give a few examples from the article. New York leads the list, and we are proud in New York of the great amount of assistance that comes from the State, and the tradition of maintaining libraries at the local level, but even with this great effort we are so proud. We are only spending $29.48 per person for libraries in New York. The District of Columbia is to be congratulated, because the District of Columbia has resources which are quite meager compared to the State of New York, and they rank second, with an expenditure of $29.46 per person. And so it goes until we get down to Mississippi, which spends $6.58 per person; Arkansas spends $5.98 per person.

I will insert the article here:

[From the Wall Street Journal, Feb. 13, 1991]

Many Public Libraries Suffer Major Blows In Local Budget Crises

(By James S. Hirsch)

POCA, W.VA.—When the one-room library closed down here in June, it was like a death in the family.

On the library's last day, children brought stuffed bears and flowers for the librarian. Later, residents who hadn't heard the news pounded on the locked wooden door of the building.

"They couldn't believe we were really closing," says Betty Hamilton, the librarian. "To a child, the library was always there. Then suddenly something is missing from their life. It's like when someone dies, there's a little empty space there."

The Poca library was one of three small branches closed last year in Putnam County, a bedroom community for Charleston and Huntington. Why? Each branch cost about $15,000 a year to operate—more than the county could afford.

TROUBLING TREND

Finally, the small libraries begged enough money to reopen part-time this week. But after making do for eight months, the people of the three communities offer a dark glimpse of life without libraries—and a warning to other areas of the country, both urban and rural, where many of the nation's 15,000 public libraries are struggling to survive.

Libraries face soaring costs for books, periodicals and computers just as their budgets are being squeezed by cash-strapped local governments. Few libraries have been closed completely, but officials are cutting hours, trimming staffs, slashing book and periodical budgets and leaving broken boilers and other problems unfixed.

The New York City library system has cut hours by 10% since 1988 and faces a new 8% budget cut. In Brooklyn last week, demonstrators draped library doors with black cloth to protest layoffs and service cuts, including programs affecting children. The Los Angeles system has been under a hiring freeze since last year that has left the libraries with about 110 positions unfilled, or 10% of the staff. In Dade County, Fla., library officials have to cut back by 3%, and that "may mean shutting smaller branches," a spokesman says.

In Philadelphia, the public library has canceled orders for 20,000 new books and has delayed reopening three branches that are undergoing capital improvements. "I just got a report that says we still have toilet paper but don't have paper towels," says Elliot Shelkrot, president and director of the Free Library of Philadelphia. "It gets down to basics."

Throughout the U.S., libraries are pleading for money. In a special election, residents in Rockland County, N.Y., went to the polls last week to vote on one issue: Whether to increase property taxes to raise $245,000 annually for public libraries in Suffern and Sloatsburg. The tax passed, 336 to 142.

GROWING ILLITERACY

The cutbacks come despite growing concern that illiteracy rates are rising and that workers don't have sufficient reading skills. The retrenchment is particularly painful now beause library use traditionally goes up during recessions, when people flock to branches to seek out newspaper want-ads and books become an important source of free entertainment.

Public libraries are especially vulnerable in a slumping economy. Libraries usually don't charge fees and instead get most of their money from local governments. But today, may cities and counties, struggling with budget problems, are cutting services across the board. Libraries, considered less essential than services such as police and fire protection, often get the crumbs of a shrinking economic pie.

No help is coming from Washington. The Department of Education increased its allotment for public libraries to $132 million in 1990 from $74.5 million in 1981, an increase that library advocates say fails to keep up with inflation. And President Bush's new budget recommends a 73% cut, to $35 million.

A LARGE CIVIC ROLE

The library cutbacks have hit especially hard in rural America, where branches play a larger civic role than their urban counterparts. They often serve as cultural centers, social dens and auxiliaries to local grade schools. Yet public support is difficult to muster in the hardscrabble counties, where anti-tax fever runs high and where, according to Peggy Bias, director of the Putnam County, W.Va., library system, many adults "think a library's a luxury." She adds, "They didn't have it when they were growing up and don't see why they need it."

Few states need healthy libraries more than West Virginia, which is ranked 49th in the nation in state literacy ratings, according to U.S. Census figures. In fact, West Virginia has one of the nation's most innovative public library systems, thanks to the flamboyant state library commissioner, Frederic J. Glazer. During his 19-year tenure, Mr. Glazer has more than doubled the number of public libraries and installed a model computer network system with the help of shrewd marketing and irrepressible showmanship.

Testifying before a committee of state legislators in 1972, Mr. Glazer gave each member a five-cent pack of Life Savers. Because West Virginia was spending four cents per capita on library services at the time, Mr. Glazer told the lawmakers, "This pack costs more than we're spending for library service, and that's shameful."

His efforts paid off. West Virginia now spends $2.96 of state money per person on library service, compared with the national average of $1.37—but when spending from local governments is included, West Virginia is ranked near the bottom among states. Under Mr. Glazer's stewardship, the number of libraries in the state has risen to 185 from 90. In the early 1980s, a computer network was installed in 120 libraries, connecting remote mountainous communities with phone and microwave links, to tell library users where they can find books in the system. Satellite dishes are being put up in about 100 libraries this year, paid for by a private donation.

State funding, however, has been stagnant for several years, and makes up only 38% of the money needed to run the libraries. For all his progress, Mr. Glazer can't overcome economic reality. "Uncle Sam can bail out all these businesses, but he can't bail out a library," Mr. Glazer laments. "Libraries are just as important as Chrysler, and if they're uncertain, let them build cars with workers who can't read."

A 1979 WORLD BOOK

Even his best efforts couldn't prevent five branches from closing last year, including those in the small towns of Poca, Eleanor and Buffalo in Putnam County, which has a total population of 42,597. Holding 5,000 books each, these so-called "outpost" branches are squat prefabricated wooden structures that had been rolled into town. The buildings came without windows, but now each has one—only because the libraries used part of a small grant for books to do the construction.

When the Poca branch was in full swing, a financial adviser helped residents with tax forms. Copier and fax machines drew crowds. Rhododendrons bloomed in front, and Ms. Hamilton, the librarian, notarized wills, read stories to preschool children and allowed overdue book borrowers to pay fines with cans of food, which were donated to a soup kitchen. But the problems were obvious, too: The library's World Book is dated 1979.

Before the libraries got their reprieve, Putnam officials tried to keep the branches open with three proposed tax levies, but all failed. The most recent, in November, received 58.4% of the vote, just shy of the 60% needed for passage.

READING LESS

The closings cut deep wounds, not all of which will be healed by the limited reopenings. At Buffalo High School, entire classes depended on the library for research projects; after the building closed, students had to be bused to libraries in other towns. "It hurts, particularly with the better students," says Bill Sanders, the principal. "In a small town, anytime you lose something, you lose part of your life."

In Eleanor, six-year-old Traci Flynn would walk to the library and check out Garfield books. In the summer, she went for story hours, when the librarian read poems and fairy tales, led sing-alongs and served cookies and Kool-Aid. But all that ended last June when the library closed. The main county library is 10 miles away in Hurricane, and Traci's parents, who both work, rarely had time to take her there. Traci's school doesn't have a library, so she read few books. "We have books, but she doesn't like to read the same ones over again," says her mother, Carla Flynn.

In Poca, it used to take Carol Carroll three minutes to drive to the library, where her two children would check out Judy Blume books. With the library closed, it took 20 minutes to reach the main library, so trips were reduced. "I was so naive, I never thought a library could close," she says. "It's like a church packing up and hitting the road. It's just supposed to be there."

In January, the county library commission asked for $40,000 from the Putnam County Commission and the Putnam County School Board to reopen the branches. The school board, which already gives $40,000 a year, turned down the request, suggesting the branches use volunteers instead of paid librarians.

"We have a lot of justifiable causes, and we can't fund all of them," says Sam Sentelle, the school superintendent. Noting that all of Putman's high schools and middle schools have libraries, he adds, "We need more books for our own libraries." In addition, he says, "The electorate has turned down tax money for the library, and if the schools gave their money to the library, it would circumvent popular will."

The county, however, agreed to put up $20,000, in addition to the $71,000 it already spends. That was enough to reopen the branches for 30 hours a week starting this week. On Monday, Putnam library officials cut a red ribbon on the staircase leading to the front door and children from a local elementary school brought Ms. Hamilton flowers and a heart-shaped balloon inscribed with the message, "You're special." But the joy could be short-lived: If more money isn't found, even the parttime hours will be cut in half.

THE $11,000 LIBRARIAN

Other libraries, like the one in Peterstown (pop 640), a poor tobacco-farming community on the Virginia border, get by on a shoestring and a prayer. Nestled amid oak and maple trees in the Appalachian Mountain Range, the carousel-shaped wooden library has been used for wedding receptions, slumber parties, scout meetings and political forums.

Students at the local grade school, which lacks a book collection of its own, come frequently. On a recent day, the doors fly open and 25 fourth graders noisily drop off books, then rush for the stacks to find Hardy Boys, the Black Stallion, and Nancy Drew. When the children leave, librarian Annette Rule-Place and her three volunteers grab the returned volumes and scurry to the shelves. They have a half-hour to replace about 100 books before the next class arrives.

The library almost closed in the mid-1980s. Monroe County had cut back its funding after money from federal revenue sharing dried up (a problem that also hit Putnam, where federal revenue sharing once accounted for 16% of the county's budget). Ms. Rule-Place laid off her one paid assistant, cut magazine subscriptions and opened the library only three days a week. Even though the county had no book stores, support for its two public libraries has been difficult to gain. The libraries twice asked voters to approve a property tax levy, but lost both times.

So. Ms. Rule-Place's library has hung on through private donations and grants, which, together with public money, make up its $24,240 budget. Two years ago, it landed an additional $25,000 state grant, which has allowed the library to stay open six days a week.

Ms. Rule-Place and her volunteers also scrape up nickels and dimes. On the checkout desk sits a large tin can for contributions. So far today: 37 cents. The library once raised a few dollars when Ms. Rule-Place dressed up some children as Little Bo Peep, gave them a tin cup and sent them to a mall. "I went as Mother Goose," she says proudly.

A native West Virginian, Ms. Rule-Place has used her own money for crayons, glue, pencils and other supplies. She is also the judge for the grade school spelling bee and coordinator for the county's Girl Scouts. Her annual salary is $11,000. "I want these kids to have the same educational opportunities as kids from New York or Pennsylvania, and I'm going to do my damnedest to make sure they do," she says.

Her 14-year career as a librarian has a storybook twist. She met her third husband here. He was standing in adult nonfiction and it was love at first sight. They married two years later. "All good things," Ms. Rule-Place says, "happen in a library."

Libraries' Lament—States ranked by all money spent per capita for public libraries in 1989, preliminary data in dollars

New York	$29.48
District of Columbia	29.46
Maryland	24.45

Alaska	23.64
Ohio	23.34
Connecticut	22.10
New Jersey	21.16
Wyoming	19.83
Washington	19.81
Illinois	19.25
Massachusetts	19.18
Minnesota	18.62
Colorado	18.01
Indiana	17.95
Hawaii	17.23
Wisconsin	16.53
Virginia	16.29
California	15.89
Kansas	15.85
Oregon	14.74
Arizona	14.53
New Hampshire	14.46
Michigan	13.83
Utah	16.64
Missouri	13.37
Nebraska	13.16
South Dakota	13.09
Maine	12.66
Vermont	12.37
Florida	11.93
Iowa	11.85
Rhode Island	11.71
Louisiana	11.53
New Mexico	11.34
Pennsylvania	10.99
North Carolina	10.55
Oklahoma	10.24
Georgia	10.06
Idaho	9.84
Nevada	9.65
Texas	8.94
South Carolina	8.72
Delaware	8.22
Alabama	8.13
North Dakota	8.01
Tennessee	7.70
Montana	7.56
West Virginia	7.46
Kentucky	7.04
Mississippi	6.58
Arkansas	5.98

Source: National Center for Education Statistics.

These statistics come from the National Center for Education Statistics.

All over, we are spending a very paltry sum for libraries. Again, in a serious contradiction, if we want to improve education, then it is important that everyone take a close look at what we are doing with our libraries. The analogy is not far-fetched when they say that to close libraries at a time when we want to reform and improve education, it is similar to trying to fight a major war at the same time we close down the ammunition dump, or the warehouse for spare parts. These contradictions are particularly strange at a time when the President has galvanized and mobilized the entire leadership of the country, corporations, and Governors, around a set of education goals. The President has six goals he has proposed. The Governors have endorsed the six goals. All education policy is going to be very much affected by these goals that have been set forth in the next few years. Probably what the President will be saying tomorrow, part of what the President will be saying tomorrow when he announces the new initiatives on education will relate to these goals.

Goal 1, in summary form, by the year 2000, all children in America will start school, ready to learn. That is a very ambitious goal. Underneath that goal they have the objective of trying to educate parents, so parents can nurture their children better, and enable their children to be better prepared when they start school. Education research continues to emphasize the importance of exposing children to literature at an early age, in order to promote the development of language among children, and other reading readiness skills they will need when they enter school.

☐ 1910

A 1978 study by William Teal, for example, found that the children who were most successful in acquiring reading skills were those who had been exposed to a wide variety of printed materials, and had been read to regularly by parents and other care givers. For a variety of reasons, and most of these reasons are financial, this kind of regular and intensive exposure to literature is not provided to many young children in family day care and even in some center-based care arrangements.

In recent years public libraries in many communities have been trying to fill the gap for our day care centers and parents. For example, the Howard County Public Library's Baby-Wise Program has developed a series of teaching kits which they regularly deliver along with books, toys, and educational games to the family day care providers in their community.

Another example, the Hennepin County Public Library conducts workshops for family day care providers on the selection and use of children's literature which the county social service agency has made a part of its in-service training requirement for providers.

A special preschool bookmobile makes scheduled stops at family day care homes and child care centers throughout the area. That is done in Hennepin County in Minnesota.

The Brooklyn Public Library has a Child Place Program, and it serves 45,000 preschool children and their caretakers each year. The staff of the Brooklyn Public Library teaches parents, day care providers and others how to prepare their children to read and learn.

The New York Public Library which covers Manhattan, Staten Island and the Bronx in New York, maintains deposit collections of books and materials on the premises of many Head Start and child care facilities and conducts regular workshops for child care providers on the selection of materials for use for preschool children.

In Florida, the Jacksonville Public Library conducts regular reading workshops for functionally illiterate parents and their children. While the children attend a story hour program, their parents are taught how to read using the same books their children are listening to. Later the parents then read the story to their children.

In Oregon, the Rouge River Public Library has an outreach program in which volunteers visit the families of the newborn to give them a library card, to deliver a presentation on the services of the library for parents of young children and to instruct them in how to read to children.

These are only a few examples of how goal number one of the President and the Governors, preparing young children so that they are ready to learn when they enter school, is facilitated by libraries, already being facilitated by libraries, and so much more could be done if the Federal Government would understand the kinds of supportive services and the kind of supportive role that libraries can play in the realization of a goal number one.

Goal No. 2 of the President, by the year 2000 the high school graduation rate will increase to at least 90 percent. At this point 25 percent of our students are dropping out of high school. In concentrated areas like Chicago and New York, 50 percent of the high school students are dropping out before they graduate.

Libraries have helped a great deal, but it is my understanding that research indicates that youth who are the most likely to drop out are those who are the least prepared academically and are the least involved in school activities.

Libraries have been playing a major role in targeting special services to this category of students in order to help improve their academic performance and keep them from dropping out of school.

There are numerous summer programs that are conducted by libraries. In the Shawnee Mission in Kansas, in South Carolina and Illinois, all have extensive summer reading programs serving thousands of children.

Many of them also have after-school programs targeted for the same category of young people in order to help them to learn to read and be able to prepare themselves better for their classroom work.

Such youngsters will not drop out of high school because they are acclimated and able to cope with the environment and reap great benefits from the experience. That is goal No. 2.

Goal No. 3 is by the year 2000, American students will leave grades 4, 8, and 12. They will have demonstrated competency over challenging subject matter, including English, mathematics, science, history, and geography.

Report after report on educational reform in recent years has proclaimed the importance of reorienting our current curricula and our current methods of instruction so that we can better develop what is called information literacy. Literacy means many things, and one of the new forms of literacy that we have to consider is information literacy, the new set of skills which are required in a knowledge-based economy.

Information literacy means a person knows how to use information to solve problems and to obtain the objectives that they want to obtain.

For example, in its 1986 report, "A Nation Prepared," which was published by the Carnegie Forum on Education and the Economy, they declared that—

> The skills needed now in our society are not routine skills. Our economy will be increasingly dependent on people who have a good intuitive grasp of the ways in which all kinds of physical and social systems work. Such people will have the need and the ability to learn all the time, as the knowledge required to do their work twists and turns with new challenges and the progress of science and technology. They will not come to the workplace knowing all they have to know, but knowing how to figure out what they need to know, where to get it, and how to make meaning out of it. We are describing people who have the tools they need to think for themselves, people who can act independently and with others, who can render critical judgment and contribute constructively to many enterprises, whose knowledge is wide ranging and whose understanding runs deep.

Information literacy is the foundation for all other skills in a knowledge-based economy, the one skill through which all other skills and competencies can be acquired and maintained. It is, in short, knowing how to learn. Information literacy is knowing how to learn. Information literacy is the great contribution that libraries alone can make.

Inevitably, libraries must be central to developing these new information-access skills and facilitating the lifelong learning that has become an economic imperative. As one library educator has put it:

> If the challenge is to learn how to learn and how to place one's learning within a broader societal and information environment, then libraries and resources become the logical center for such learning.

Goal No. 4 of the President and the Governors—by the year 2000 U.S. students will be first in the world in mathematics and science achievement. By the year 2000, our students will be first in the world in mathematics and science achievement.

All of the recent reports concerning the crisis in math and science education have focused on the need to reconfigure our current authoritarian instructional approach to one in which there is a greater participation and more hands-on learning by students. Public and school libraries have shown themselves to be effective partners in this more interactive instructional method. These libraries provide multimedia materials to supplement classroom instruction and they offer a noncompetitive environment in which independent self-directed learning is facilitated. The Whitehall, MT, High School Library, for example, worked with the school's science department to develop a Videotaping Through Microscopes Program to enhance student participation in difficult microbiology experiments and in learning how to use the microscope.

Public and school libraries also promote math and science education by using new technologies to give teachers, students, and parents greater access to science and math information and resources. The Radnor High School Library in Pennsylvania, for example, instructs science students in the use of electronic data bases like Dialog for performing science research. Automated bibliographic networks allow users to identify, locate, and obtain highly specialized information from libraries throughout the Nation.

A number of libraries also sponsor instructional television networks which provide instructional programming to the classroom and to the community at large. In Leon County, FL, for example, the library-sponsored instructional television network offered a series of after-school programs designed to help students with their homework and to familiarize and involve parents with what their children are learning in the classroom.

Libraries also provide students and their families with free access to microcomputers and other expensive information technologies which they may not be able to purchase on their own. Last year, 44,000 people used the free Apple microcomputers offered by the New York Public Library at 54 different locations.

□ 1920

Many of the people who use them are students working on classroom assignments. The library is the only place in all of New York where microcomputers can be used for free.

Goal No. 5 of the President and Governors reads as follows:

> Goal No. 5: By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Libraries continue to play an instrumental role in the battle against illiteracy. They have proven to be particularly effective in reaching and educating adults with the lowest literacy levels. Frequently, adults with low literacy skills have had humiliating experiences in school classrooms and are more comfortable with literacy programs provided at their neighborhood library.

There have been some effective outreach programs conducted by libraries in this area.

Mr. Speaker, because they do not have the same stigma as schools and other public institutions, libraries are an important way to reach people who are functionally illiterate. The Onodaga County, NY, Public Library conducts outreach for its literacy program at the waiting rooms of social service agencies; libraries in South Carolina target outreach to persons at substance abuse treatment centers; the Missoula Public Library in Montana offers a literacy program at a local mall; and the Lane County Library in Oregon uses a bookmobile to deliver literacy materials and instruction to rural residents.

They provide services to special populations all the time. Libraries have also been effective in delivering literacy instruction to members of special populations who are often overlooked by other providers. In Colorado, a library-sponsored bookmobile provides low-literacy reading materials and literacy and English-as-a-Second-Language instruction to migrant farmworkers throughout the State. The Chicago Public Library offers library services and peer tutoring to inmates at the Cook County jail. The New York Public Library has provided English-as-a-Second-Language instruction to 11,000 adults and literacy instruction to another 3,500 since 1984.

Lifelong learning is a part of this goal. As the "peoples' university", the public library is also an essential resource for the pursuit of lifelong learning by adults. Last year in New York State alone, over 428,000 people obtained job, career, and education information and counseling services through their local library. These users received career counseling and advice on developing a résumé, information on job and educational opportunities, and participated in programs on how to start small- and home-based businesses.

Goal No. 6 reads as follows: By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conductive to learning.

Violence in our schools is a major problem. But part of that violence is due to the fact that they are confronted with children who have difficulties in coping with the processes of schooling because they got off on the wrong foot, they did not have any nurturing parents, they did not start school with a readiness to learn, they were not helped in any way to master the one important skill that precedes all other skills, and that is the skill of reading.

This cycle of hopelessness often leads to dropouts, drug abuse, alcoholism, and begins in the early grades and can be counteracted only by a massive infusion of Federal aid to make certain that this goal, goal No. 6, as well as all of the other goals that have been set forth by the Governors and the President are realized in a meaningful manner.

To talk alone is not enough; I have tried to put out the fact that we have many contradictions. I hope that we can persuade the administration. I hope that the new Secretary of Education can be persuaded to begin a more systematic, a more logical and a more scientifically based approach to the improvement and reform of education in America.

If such an approach is begun, then I think there would be no need to make the argument that at the center of any learning enterprise there are always libraries, if that learning enterprise is to be successful.

Libraries are analogous to the ammunition dumps in war or the spare parts warehouses where the equipment for fighting vehicles is provided. If you do not have an ammunition dump, if you do not have the spare parts, the war effort will certainly falter and not succeed.

As we go forward and we see the President's initiatives on education, the new initiatives, tomorrow, I hope that the contradictions that are so apparent between the President's letter concerning National Library Week and his praise of libraries and his placement of zero in the budget for libraries, that kind of contradiction we will not have to live with much longer.

Mr. FAZIO. Mr. Speaker, it gives me great pleasure to join in the special order to celebrate National Library Week.

As a U.S. Representative from Sacramento, CA, I can take great pride in the library services of Sacramento. My good friend Gary Strong, California State librarian, works hard to being quality library service to the people of California. Working in concert, the Sacramento Public Library and the libraries of our elementary and secondary schools do much to enrich the educational lives of our young, our old, the blind and disabled, as well as the curious reader of fiction, history, biography, science, or religion.

As chairman of the Subcommittee on Legislative Appropriations, I have along with my California colleague and the ranking minority member, JERRY LEWIS, had to become closely involved in library and information science as we have reviewed the activities of the Library of Congress and the depository library program of the Government Printing Office. One of the pleasures of this chairmanship has been an opportunity to work with librarians from across the country to assure that the information needs of the American people are met by these two institutions.

Our Founding Fathers were men of letters who had a vision of the Nation which they wanted to build. One of their first acts in providing for the move of the seat of government from Philadelphia to Washington was to establish a library for the Congress and to appropriate $5,000 for the purchase of books. This small appropriation and this large vision brought into being what is now the greatest library in the world, the Library of Congress—a national base of knowledge for the American people.

After the British burned the Capitol in 1814, using library books as kindling, it was Thomas Jefferson himself, then in retirement at Monticello, who offered for sale his personal library as a replacement. In offering his library to Congress he said:

> I do not know that it contains any branch of science which Congress would wish to exclude * * * there is, in fact, no subject to which a Member of Congress may not have occasion to refer.

In 1897, the Library was moved to the original building across the street, the Thomas Jefferson Building. This building is one of the grandest architectural monuments in the United States. I am pleased to report to my colleagues that phase one of the renovation/restoration of this building is now complete. The main reading room, which has been closed for over 3 years, will reopen on June 3. I urge my colleagues to attend one of the special previews of this grand symbol of liberty and learning the Librarian of Congress has arranged for Members of Congress. Not only is the past preserved for our grandchildren, but future access to knowledge is insured. Modern technology has been installed to allow for ready access to the Library's computers and to provide for a national information base in the upcoming century.

Let me recite a few facts about our Library which we have so wisely deemed the library of the American people.

Today the Library of Congress has 97 million items in all formats—manuscripts, prints, photographs, motion pictures, maps, atlases, music, sound recordings, computer programs, and so forth. Some 470 languages are represented in the collections. The Library receives 31,000 items a day from all over the world of which 7,000 are selected for the collections. The Library has personal papers of 23 Presidents of the United States and over 535 miles of books shelves.

The Library has six overseas offices to collect materials in countries without a developed book trade—in some of these overseas offices books and other materials are collected for other major libraries as well as our own.

The Library of Congress, since 1902, has provided cataloging information to libraries throughout the United States—saving them in excess of $370 million annually. This information, now electronically stored, has become the foundation for the national information base.

As a pilot project, the Library has offered on-line access to its data bases to 50 State libraries. Thirty-three States are now on-line with the Library of Congress.

The Congressional Research Service provides scholarly research and information to the Congress on public policy issues and answers over 500,000 research and reference requests a year.

Through the National Library Service for the Blind and Physically Handicapped, the Library circulates over 20 million talking books and books in braille to over 700,000 readers in all 50 States and in U.S. territories. There is a network of 160 regional and subregional libraries across the country.

The Library administers the U.S. copyright laws as well as taking the lead in insuring international protection of intellectual property for U.S. citizens—over 600,000 claims to copyright each year are registered. Copyright also contributes to development of the Library of Congress collections through a mandatory deposit provision of the act.

The Library's Center for the Book promotes reading and literacy, using commercial and cable television, and coordinating activities with 23 State Centers for the Book, including the one in Sacramento.

Currently, the Library is developing more and more programs to share its resources with the American people. This is done through interlibrary loan, through traveling exhibits, answering over 2 million reference questions each year, and through a new initiative, the American memory project in which our subcommittee has taken a personal interest. Using laser technology and interactive video and audio disks the Library collections can be made more readily available on a large scale through libraries across the country. A pilot program from this new technology, locating equipment and disks in high school, public, and university libraries, has been developed and will be expanded to 30 more test sites this fall.

The Library of Congress is also reaching out to the world. As a result of the plunder and devastation of the Central Library in Kuwait and the Kuwait University Library, the Library of Congress will be extending a hand to the Kuwaitis to help them replace what is lost. The Library of Congress has almost all of the Kuwaiti newspapers on microfilm as well as many of their government publications. In fact, the Library has holdings that the Kuwaitis are unlikely to find anywhere else in the Middle East. The replacement of much of the Kuwaiti heritage is only possible because of the universality of our Library of Congress.

The Library of Congress is also a center for cultural programs, including concerts, poetry and literature readings, motion picture showings, seminars, folklore workshops, and so forth. I believe it most appropriate that the people's representatives in Congress can take credit for developing and nurturing the finest intellectual resources known to civilization. It was Thomas Jefferson, the virtual godfather of the Library of Congress, who said: "Enlighten the people generally, and tyranny and oppression of body and mind will vanish like evil spirits at the dawn of the day."

Another program, dear to the heart of librarians, and one for which the Congress of the United States provides special jurisdiction through the Subcommittee on Legislative Appropriations and the Joint Committee on Printing, is the Government Depository Library Program administered by the U.S. Government Printing Office.

To help fulfill its responsibility to inform the public on the policies and programs of the Federal Government, Congress established the Depository Library Program. This program is based upon three principles: First, with certain exceptions, all Government publications shall be made available to depository libraries; second, depository libraries shall be located in each State and congressional district in order to make Government publications widely available; and third, these Government publications shall be available for the free use of the general public.

Publications are supplied to libraries in both paper and microform formats and in some cases in electronic format.

It is interesting to note that before the establishment of designated depositories, or any systematic method for the distribution of public documents, special acts of Congress were passed at various times providing for the printing of a sufficient number of copies of the public journals of the Senate and House of Representatives for distribution to the executives of the several States and each branch of the State and territorial legislations.

I have learned the importance of Government depository libraries to the American people as well as the dedication of libraries in making their Government's information available to the citizenry. I have visited the depository library of the University of California at Davis to observe firsthand the usefulness of these publications to our university students.

Mr. Speaker during National Library Week I think that each of us should reflect on the role that the U.S. Congress has played in providing vital information and knowledge resources for our constituents. What better role could we as the people's representatives have? I salute America's librarians who do so much for our country.

Mr. SCHULZE. Mr. Speaker, the glory and soul of freedom and democracy is intelligence. Mr. Speaker, it is with this in mind, that I salute National Library Week, April 14 through April 20, 1991.

This special week is an appropriate time to commence preparation for the White House Conference on Library and Information Services scheduled for this July in the Washington Convention Center.

The goals of this convention accurately reflect a sense of transition and potential at this moment in the continuum of history. The goals focus on systems for enhancing access to information, cultivating literacy, increasing productivity and perpetuating our liberties in their pristine forms. It is ultimately to this latter objective that I address my remarks.

There is so much information in existence, that every level of business, industry and government is practically buried under an avalanche of knowledge. But this is mostly wasted, unless the specifically pertinent information is efficiently united with the person or organization that needs it. This capacity is well exemplified by the Library of Congress, which I commend.

But this capacity must be available at all levels of American life as an essential element of our infrastructure. Improved library and information systems have the potential for combating illiteracy as well. To teach Americans to read, particularly adults, will avoid wasting human resources, and recycle talent and skill into the American work force.

Learning to read comes full circle when it becomes an intrinsic pleasure for those who discover new vision, adventure and autonomy.

And finally, synthesizing the seemingly unwieldy universe of information, and making it efficiently accessible will preserve the most cherished elements of our American heritage—our freedoms and liberties.

During my life of public service, I have all too often seen proposed legislation and policies which have failed in the past, or which lose value under the light of germane information. An informed public is much less likely to repeat past failures. Indeed, as we have seen in Eastern Europe and briefly in China, once the free flow of information is uninhibited, freedoms and liberties flourish.

The relationship is inseparable; the level of efficient access to information is directly linked to every aspect of the quality of life. Consequently, I ask my colleagues and constituents alike to support the future of our heritage by supporting the goals of National Library Week and the White House Conference on Library and Information Services.

Mr. DERRICK. Mr. Speaker, "Kids Who Read Succeed" is more than a slogan for National Library Week. It should be the rallying call to action on behalf of our Nation's children, for reading is the most important discipline in education and the basis of success in almost every endeavor. Exposure to books and reading at an early age is the key to creating a desire to read. That desire leads to eventual success in learning to read and to achievement in every aspect of life.

The public library plays a vital role in our country's effort to become a Nation of readers. Millions of preschoolers are introduced to the pleasures of reading by a skilled children's librarian. In South Carolina alone in 1990, over 5,000 preschool programs were held in public libraries and 2,500 visits were made outside the library to child care centers and other agencies to bring books and children together. Public libraries support and assist parents in reading aloud to young children and in encouraging reading throughout the years of childhood and adolescence.

Library Services and Construction Act funds are used to employ trained children's librarians, to provide continuing education opportunities for librarians, to purchase books and other materials, and to establish demonstration programs for reaching children and parents with books and services. Programs begun with LSCA funds have been a catalyst for the establishment of similar programs in other libraries as information about these successful programs has been disseminated to other libraries around the country.

Our children are our most valuable resource. Public libraries are in the mainstream to insure that we have literate, informed and productive citizens today and in the future. We must make it possible for libraries to place increased emphasis on the service to children and youth and continued LSCA funding is vital to this effort.

Mr. GOSS. Mr. Speaker, resources as varied as braille, children's masks, encyclopedias, periodicals and travel guides can all be found in libraries across the country. This is proof that libraries are not made but grow and expand to meet the needs of the communities they serve. Here in Washington, we can take great pride that the money the Federal Government has allocated in the Library Services and Construction Act and the Higher Education Act has been utilized in such beneficial and diverse ways.

Community initiatives such as "Community Reads 91" in my home district, appeals to businesses to sponsor publicity for literacy awareness. The library is no longer for the elite or those who can read. Its shelves are open to everyone, and the wealth available on those pages can belong to anyone, with some assistance. I am proud that we can boast of a very strong volunteer start on literacy programs, evidence of community commitment to the library system.

Libraries can not be lost in this year's budget shuffle. Our "Education President" must acknowledge the community resource we have in libraries. They preserve our history, tickle our imaginations and broaden our horizons. They are indeed a national treasure.

Mr. RAVENEL. Mr. Speaker, I am submitting these remarks on behalf of the South Carolina State Library on this day, April 17, 1991.

We have all read and heard a great deal about the problems of America's educational system. In order for our public schools and institutions of higher learning to be able to provide the educational foundation our young people need, the libraries at the heart of these institutions must have the resources they need.

In January 1988, Congress recognized the importance of libraries by authorizing the President to call a White House Conference on Library and Information Services. This White House Conference will explore such topics as how libraries can more effectively support literacy and adult education programs, how to provide business and industry with improved access to needed information, and how to best meet the needs of special groups such as children, senior citizens, and the disabled. The conference will be held here in Washington this summer and will bring together a cross section of librarians, library trustees, civic leaders, and library users. The three delegates from my district illustrate the diversity of the participants; one is a public television station manager, one a college professor, and one a best-selling author.

Delegates to the White House Conference will establish this Nation's agenda for libraries and library services into the next century. America's libraries must be able to rise to the challenges of satisfying the diverse needs of our diverse society. The White House Conference on Library and Information Services is a worthwhile endeavor which deserves the wholehearted support of the Members of Congress.

Mr. SPENCE. Mr. Speaker, one of the indicators of the quality of life in a community is the quality of its public library. As South Carolina's population increases along with library usage, our public library facilities are experiencing growing pains. In one recent survey, nearly 1 million more square feet of space is needed in order for public libraries in South Carolina to provide adequate facilities.

An LSCA title II construction grant provides an incentive to a community to raise matching funds for construction or renovation of its library facilities. Because Federal funds must be matched with equal or larger amounts of State or local funds, construction grants are an inducement to lower levels of government to enter into a partnership with the Federal

Government and to share responsibility for providing adequate library facilities. In my home county of Lexington, a title II grant of $100,000 will be matched with more than $700,000 in local funds to convert a former department store into a library.

In 1990, title II construction planning involved 23 projects in 20 South Carolina counties. Continued support of LSCA title II construction funding can make a real difference in the excellence of library facilities in South Carolina and across our Nation.

Mr. MAZZOLI. Mr. Speaker, I thank our colleague, the gentleman from New York [Mr. OWENS] for sponsoring this special order on libraries.

Libraries are the intellectual, the social, and the economic underpinnings of any community. And, although libraries are mainly administered by local government, they merit attention at the Federal level, especially now when libraries across the Nation in large cities and small towns are financially strapped.

Mr. Speaker, through the course of history, we have read and been taught about the ice age, stone age, the iron age, and the bronze age, just to name a few. Today, we are in the midst of the information age. And, libraries are the only institutions dedicated to amassing, collating, and cataloging this vast and diverse body of knowledge so we, the users, can apply it to the betterment of our fellow humans and of the planet we inhabit together.

To address the challenges which the information explosion poses and to capitalize on the promise this knowledge explosion offers, libraries must become stronger and healthier and this strength and health depends heavily on adequate local, State, and Federal funding.

It is propitious, perhaps, Mr. Speaker, that the White House Conference on Library and Information Services will take place in July. White House conferences over the years have served to increase public awareness of issues of national importance. This one, I devotedly hope, will follow this pattern because our libraries—our precious national treasures—will only be able to survive their economic woes if the people of the United States are alerted to their problems and are energized to solve those selfsame problems.

I have worked with Ms. Harriet Henderson, who came to my community from the Newport News, VA, library system, since she took over the reins of the Louisville Free Public Library system. I have found her to be a most thoroughgoing professional and a person determined to upgrade and improve the Louisville and Jefferson County library system.

I have nominated Ms. Henderson to be an at-large delegate to the White House Conference on Library and Information Services which will take place this July. Since she has extensive experience on the ground, as we term it, as director in Newport News and now Louisville, and since Harriet has exhibited the traits of leadership and stamina which will be required to develop the communitywide consensus and the requisite resources—human and financial—the job of restoring our library system takes, I am certain Ms. Henderson would make a solid contribution to the White House Conference.

Library support will always be a largely local function, and, if our libraries are to remain equal to the challenge of the information age, local citizens and local governments will have to do the bulk of the work and provide the bulk of the money. But that does not mean there is no role for the Federal Government. There is a role and it is vital. The role involves financial grants, such as those provided under the Library Services and Construction Act, which among other things, helps local library systems defray the cost of construction and renovation of library facilities and link-up with other information services to provide a range of resources to users, and supports communities which have particularly serious library problems.

The President's fiscal year 1992 budget—in another case of misplaced priorities—recommended a 75-percent cut in our funding for libraries to only $35 million. Fortunately, our Democratic budget resolution, before the House today, would restore the funds cut by the President. Our budget blueprint would provide total library funding for fiscal year 1992 of $148 million, a $5 million increase from the $143 million provided by the Congress in fiscal year 1991. I applaud the Budget Committee on its recognition of the need for Federal assistance for libraries, and I hope we can do even better by our Nation's libraries in the years ahead.

Let me conclude, Mr. Speaker, by again thanking the gentleman from New York for taking this special order and asking permission to extend at this point material about my father and me which appeared in Whitney North Seymour and Elizabeth N. Layne's book on libraries titled, "For the People: Fighting for Public Libraries," and an article from the April 19 Washington Post by Haynes Johnson which supports our Nation's public library system:

FOR THE PEOPLE: FIGHTING FOR PUBLIC LIBRARIES

(By Whitney North Seymour, Jr. and Elizabeth N. Layne)

THE PURSUIT OF HAPPINESS

Romano Mazzoli grew up in the little mountain village of Maniago in northern Italy. When he was a small child, the family home caught fire and he suffered extensive burns which left his face badly scarred. In 1914, shortly after he turned eleven, Romano's father moved his wife and children to the United States, so he could join a family-owned tile, terrazzo, and marble business in Louisville, Kentucky. Three months after they arrived in Louisville, the boy's father died. Romano was sent to live with relatives.

He went to the local public school where, because he could speak no English, he was placed in the first grade. His embarrassment at being a large boy among small children was compounded by his disfiguring facial scar. He felt himself a misfit, and even though he began to advance rapidly in school as he learned to read and speak English, his relatives took him out of school when he reached seventh grade and apprenticed him in the family business.

Romano Mazzoli had a strong native intelligence. He was dextrous, imaginative, ingenious, intuitive, and a tremendously hard worker. He soon mastered the difficult craft of laying tile, setting terrazzo and mosaics, erecting marble, and doing decorative plasterwork. Before long he was a master mechanic, and soon a job foreman. As the business expanded, Romano was sent out of town to run jobs in distant cities, where he stayed at the branch YMCA or a local rooming house. The time after work hours was spent reading whatever he could lay his hands on. He haunted the public library every place he went. he developed an interest in music. Simultaneously he began to develop self-confidence and a love for his adopted country.

Eventually Romano Mazzoli went into business for himself. By hard work and the support of a devoted wife, the business flourished. He earned enough to send his three children to school for the education he never had. He personally taught them to respect and love books and music.

Today one of those children is a member of the United States Congress, who proudly carries on his father's name—Representative Romano L. Mazzoli of the Third District of Kentucky. Congressman Mazzoli speaks feeling of the impact of the public library on three generations of his family:

Many times over the years, Dad told me that, in his judgment, he was "Americanized" by the free pubic library system in the city of Louisville. What Dad meant by this, of course, was that the libraries enabled him to gain the knowledge and the understanding and the appreciation of things around him which he did not acquire in the formal setting of a classroom. The acquisition of this body of knowledge—in the countless hours he spent in libraries around the country—gave Dad the confidence to open up to the world around him and to open up to himself. The free public library system enabled him—a man of few means—to grow socially and intellectually.

I am sure that because of my dad's great love of books and of the printed word, I acquired a love of books: a love affair which continues to the present day.

And, as I look around my son's room, I see that this respect for and love of the written word has been transferred from my father through me to my son. He is only a junior in high school, yet he subscribes to four classical book clubs and is acquiring valuable book sets which he will have use of all the days of his life.

When Thomas Jefferson wrote his poetic introduction to the Declaration of Independence, he singled out three "unalienable" rights with which we have been endowed: "Life, Liberty, and the Pursuit of Happiness." As the experience of the Mazzoli family so graphically shows, probably no institution contributes more to the citizen's Pursuit of Happiness than the nation's public libraries.

[From the Washington Post, Apr. 19, 1991]

PUTTING THE SQUEEZE ON LIBRARIES

(By Haynes Johnson)

In affluent, pleasantly suburban Potomac, a community blessed with good schools and public-spirited citizens, residents have learned through the Potomac Gazette that their admirable public library faces a problem. Soaring Montgomery County deficits are forcing cuts in staff and curtailment of popular programs. Further trims may be needed as county officials wrestle with proposals to reduce library hours and eliminate full and part-time staff positions to meet budgetary shortfalls.

"It's sad not to be able to do as much," says Larry Dickter, who heads Potomac Library's adult services. He adds that "we're experiencing a sense of loss" not only because of valued colleagues affected but also because of the prospect of further reduction of programs and services.

It is not an isolated problem. Even as he spoke this week, public library representatives from around the nation were cornering their representatives and senators on Capitol Hill. They had come to lobby for restoration of proposed Bush administration budget cuts that represent, as the American Library Association puts it, "yet another attempt to eliminate federal library programs."

The Bush proposals, requesting a cut of more than 75 percent in Education Department library programs—from the $143 million appropriated last year to $35 million—comes after the "zeroing-out" Reagan-era slashes in federal funds provided states and local governments. The now-familiar Reagan rationale was that the federally assisted library programs had been well established and that states and localities were more than able to maintain them.

That may have been true during the boom of the 1980s. But that bubble has burst. Like the federal government, state and local governments are battling increasing record deficits. Caught in the vice are such crucial institutions as public libraries that no longer can turn so confidently or easily to federal or local governments for help.

Across the nation, public library systems large and small are in the midst of hard times. As in Potomac, big-city libraries are being forced to slash staffs, freeze hiring levels, cancel purchases of new book orders and computers, delay opening new branch systems and cut programs and services affecting adults and children.

The reasons for this dismaying situation are not obscure or even that complicated. They are part of the legacy bequeathed Americans from the freebooters who had full reign over the nation's destinies in the last decade. Evidence of that reckless, spendthrift decade's disasters continues to accumulate, and not only in the obvious growing problems of debt and deficits. News this week of the federal seizure of First Executive Corp.'s California life-insurance unit—the nation's single largest insurance failure—comes after the collapse of the junk-bond market, the savings and loan debacle, the real estate market Waterloo and increasing strains on the national banking system. All are consequences of the policies and attitudes of the '80s.

In the context of the present, with so much dramatic news of war and starvation and recession and unrest beating on people daily, the plight of America's public libraries is, not surprisingly, largely ignored. That doesn't mean that ordinary citizens are uncaring. On the contrary, they care greatly as was evidenced by demonstrators who hung black cloth across library doors in Brooklyn recently to protest new layoffs and service cuts.

To its credit, the Wall Street Journal devoted Page One "leader" space to a major article about the woes of public libraries during the decisive Persian Gulf ground-war assaults. The article began by focusing on the closing of a one-room library in Poca, W. Va., an event that reporter James S. Hirsch likened to a death in the family.

"On the library's last day," he wrote, "children brought stuffed bears and flowers for the librarian. Later, residents who hadn't heard the news pounded on the locked wooden door of the building."

He quoted the librarian, Betty Hamilton, as saying: "They couldn't believe we were really closing. To a child, the library was always there. Then something is missing from their life. It's like when someone dies, there's a little empty space there."

That, in essence, is what's happening with the nation's libraries. They are not in danger of dying, but they are being diminished. As they decline, they take America down with them.

Mr. SPRATT. Mr. Speaker, I am pleased to participate in the special orders today in recognition of National Library Week. During this week, we take time to pay tribute to the many services that our libraries provide.

Older Americans are the fastest growing segment of our Nation's population. Older Americans presently comprise 13 percent of South Carolina's population, and this number is increasing every year. Because of its mild climate and comparatively low cost of living, South Carolina has been ranked as the third most desirable State for retirement, and retirees are choosing to live in South Carolina in ever increasing numbers.

Many of our older citizens have special needs which the libraries of our State are attempting to address. Library Services and Construction Act [LSCA] funds have enabled our public libraries to develop innovative programs to reach these senior citizens. These programs include personal delivery of library books for homebound patrons, armchair traveler programs in nursing homes, and providing magnification equipment to patrons with vision problems. The York County Library in my district recently coordinated a senior citizens fair, in which elderly residents could obtain information about all the services that are available to them from different local and State agencies. This library also published a directory of these agencies and services and distributed it to the public.

These valuable services need to be made available to our senior citizens. Continued LSCA funding is vital for public libraries to be able to continue this work.

STRENGTHENING U.S. POLICY TOWARD THE BALTIC STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, today, I join my good friend from Illinois, Mr. DURBIN, in introducing a bill which strengthens U.S. policy toward the blossoming democracies in the Baltics.

The courageous Baltic States of Estonia, Latvia, and Lithuania need our help. Soviet forces have ruled the Baltic States ruthlessly since World War II, with only erratic support from the United States. While United States policy up to now has been nonrecognition of the Soviet annexation of the Baltic States, the time is right to help these brave people break the shackles of Soviet domination once and for all, by supporting their desires for freedom and independence.

Since Saddam Hussein's invasion of Kuwait last August 2, most of us in Congress have focused on events in the Persian Gulf, and for good reason. In January, the Soviet Union took advantage of our gulf war preoccupation by undertaking an act of brutal aggression in Lithuania. Recalling Stalin's action in Hungary in 1956, Mr. Gorbachev called in the tanks against the Lithuanian people.

Soviet troops forcibly seized communications systems, a printing plant, a television tower, and government buildings. This belligerant act was a total departure from Mr. Gorbachev's highly proclaimed and much-publicized ideals of perestroika and glasnost, which are the foundation of our improved United States-Soviet relationship. As a result, at least 140 Lithuanians were wounded and at least 15 lost their lives, some of whom were crushed by tanks.

Although the attention of the world now centers on the plight of the Kurdish and Shiite refugees in Iraq, Turkey, and Iran, it is time to support the principle of popular sovereignty, and act on behalf of our friends in the Baltic States. The people of Lithuania, Estonia, and Latvia have chosen to follow a democratic path. Their leaders were freely and openly elected. They bravely boycotted the recent referendum imposed by the Soviet Union. They embody the democratic ideals of our forefathers and they deserve our support.

Our bill will strengthen United States policy toward the Baltic States. The legislation is similar to S. 670, which was introduced last month by our distinguished colleague, Senator PAUL SIMON. It calls for the appointment of cultural representatives by the Secretary of State and permanent commercial representatives by the Foreign Commercial Service to each of the three Baltic States. These representatives would be located in the Baltics.

The legislation also urges the President to appoint a special envoy to assist in Baltic-Soviet independence negotiations and to raise the issue of Baltic independence at the September 1991 U.S. General Assembly session. Finally, the bill makes the Baltic States eligible for United State assistance.

Mr. Speaker, I encourage my colleagues to join us in supporting a stronger United States policy toward the Baltic States by cosponsoring this bill.

THE ANTI-STRIKE-REPLACEMENT LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. FAWELL] is recognized for 60 minutes.

Mr. FAWELL. Mr. Speaker, I have asked for this time this evening so that I might discuss, and I think several of my colleagues may be here also, to discuss H.R. 5, which is referred to as the antistriker replacement law, which is legislation now pending before the Committee on Education and Labor, in regard to which I think many people in this body are not fully aware of all of its aspects, as well as I think the Nation in general is not aware that such legislation as that is pending.

Basically, what the legislation does is alter 50 years, more than 50 years of labor law in this Nation by creating two new unfair labor practices. One is a prohibition in regard to the employer being able to hire permanent replacement workers during a labor dispute. That is, where labor exercises the undoubted right that it does have to withhold labor and individuals under the NLRA have the perfect right, of course, to go on strike and to remain on strike until such time as they believe their demands have been met.

Always during the last 50 or 55 years, ever since the Wagner Act came into being in this Nation, the employers have had the concomitant right also, if they wish—and it is a difficult right for employers to exercise just as it is a difficult right for the employees to go on strike—it is difficult for the employer to exercise this right to hire permanent replacement workers. Although over the years this right of the employer has not been used greatly, it is a right which is there and in those situations where there are egregious economic demands. In effect, the employer states, "I can't in good conscience accept those economic demands. If I did, I would be out of business or I wouldn't be able to compete in this global economy."

Thus, he would say to those who have gone on strike, "The only thing that I can do, the only alternative I have, is to hire permanent replacement workers."

This has been standard law. It is standard law right now. That would be taken away from the employers of America. I think it is an awfully important item for us to recognize today that 88 percent of the workers of America are not members of labor unions and that, therefore, the fact that, as I see it, the people of this Nation are not really aware of this type of legislation, we ought to be, as Members of Congress, aware of that lack of awareness before we consider adopting legislation such as this. But it does not stop there. It also declares that there is another new unfair labor practice, and that new unfair labor practice is in effect to say to any employee that elects to stick with the employer during a strike, this legislation would say, "Well, you can do that, you can exercise the right," which is granted by the National Labor Relations Act for over 50 years, to not strike, and that is a right of labor in this country just as is the right to withhold one's labor, the right not to strike.

□ 1930

However, Mr. Speaker, under this bill, if an employee decides, "Well, I will not strike for any number of reasons," exercises that statutory right, guess what happens to that employee when the strike is over.

The returning members of the labor union who were on strike can bump him from his job.

Now heretofore the courts have been very clear that one has the right, if there are vacancies, that the returning strikers have the right, to be first considered for any vacancies. But the courts have made it very clear that for those employees who elected not to strike there is no vacancy there, and the person who remains with the employer cannot be bumped. That goes out the window, too, and, as a result, we trivialize, if not as a practical matter just eliminate, all meaning to the right of the workers of America to not go on strike.

Now the bill also, as a practical matter, and many people were not aware of this, but it also covers all employees who are employed in a non-union setting. A number of people are not aware of the fact that under the National Labor Relations Act all employees, whether a member of a labor union or not, have a right to go on strike and, therefore, under those circumstances, if this bill were to pass, even in a nonunion setting where, say, two or three people engage in concerted activity because they are objecting to, for instance, the wages or any of the terms and conditions of employment, they have a right, though not a member of a labor union, to walk off the job, and the employer has the obligation to enter into bargaining with them.

But the employer has had for the last 55 years, under those circumstances of course, to also hire permanent replacement workers. He does not have to necessarily accept the fact in that instance that he just has to wait for those people to return and only to hire temporary replacement workers. So, as a practical matter, over the years that right of the employer to be able to hire permanent replacement workers is something that is utilized, though not too often, in the nonunion setting, as well as it is utilized, although not too often even in the union settting where a strike takes place.

Mr. Speaker, all of this would change now, and this is something that from my viewpoint would mean that we are removing the balance of risks and the balance of rights that one might say exists between employee and labor unions and employers. As a practical matter the labor union will be able to say that these are—let us assume egregious economic demands—and the employer is not able to say, "Well, under the circumstances where I know I can't live with that, I know I'm going to lose business. I'll maybe lose my business completely to foreign competition or to other competition who are not able to say that I am going to have to go with permanent replacement workers." If he cannot say that, then his only alternative is just to capitulate to what the unions request of him, and that pertains to all economic strikes.

It is not an easy thing, for instance, for any employer to make the decision that he has to hire permanent replacement workers and retrain his work force. So, it is not something that employers want to go into, and all we have to do is look at the Greyhound strike, for instance, where the employer elected to use permanent replacement workers. They are now in bankruptcy.

So, it is not something that anybody, any employer, wants to do, but my colleagues see that there is that balance of risks. The striker who goes on strike knows that he takes the risk of perhaps losing his job if there are not vacancies there after the strike. That has always been the case, and that is a risk. The employer, on the other hand, takes the risk, if he uses permanent replacement workers, of also having damage done to his business because he has to retrain workers, and so forth.

So, Mr. Speaker, we are just throwing out the window 50 years of unquestioned labor law, and that I think is deeply very unfortunate, and the thing that I feel that is of concern, or should be of concern, to all of us is that perhaps none of us, being so very busy, are fully aware of what is actually taking place here, and I think that we ought to be aware of that.

There is some talk about having an amendment that would in effect in this bill not be effective in regard to the nonunion setting as though, if that amendment were to pass, that that would just solve the problems insofar as employers are concerned, for instance, who are not with union contracts. What those who present such an amendment seem to be unaware of is that the labor law in this land of ours has always applied equally to all of America's workers. Whether they are union or nonunion, the rights that are afforded are the same.

If, for instance, this bill passes granting these kinds of powers; that is, to not have to worry about permanent replacement workers and having the ability to bump any employee that sticks with the employer in a strike, if that is applicable only to the labor unions, then obviously they have a tool to be able to solicit membership which is fantastic, which obviously we will say to all of those who do not join the union, "Well, if you don't join the union, that's the only way that you can protect yourself, you see, from having permanent replacement workers come in and the only way that you can be assured that you can come back and bump the person who was set as a permanent replacement to your job is to join the union," and so obviously unions which are very concerned about the fact that their membership has fallen greatly during the last several decades would just love to be able to have the law altered so as to give them those kinds of powers.

Now, Mr. Speaker, there are a number of other people here who also would like to speak on this subject, and so I will yield to the gentleman from Florida [Mr. IRELAND] for comments on this matter.

Mr. IRELAND. Mr. Speaker, I thank the gentleman from Illinois [Mr. FAWELL] for yielding.

Mr. Speaker, as the gentleman from Illinois [Mr. FAWELL] has said, soon we will all be asked to vote on H.R. 5, the so-called striker replacement bill. Big labor has targeted this bill as it's No. 1 priority and a must-win issue. If H.R. 5 becomes law, it will be a disaster for American small businesses. The union bosses' gain will be the country's loss—in terms of higher labor costs, more frequent strikes, and the ripple effect on suppliers, customers, subcontractors, and related businesses.

This bill isn't about protecting union members from unfair labor tactics by corporate America. What the bill is about is allowing one or two employees in a small, nonunion firm to hold that company hostage to their employment demands, no matter how unreasonable they may be.

As the National Federation of Independent Business has pointed out in a letter to Members of Congress:

> H.R. 5 incorporates many of the definitions contained within the National Labor Relations Act [NLRA] and existing case law. In doing so, the bill implicitly covers any business that employs two or more employees.

Now I know that there are those who claim that this bill doesn't apply to nonunion small businesses. But they are wrong—and here's why:

H.R. 5 would make it an unfair labor practice "to offer, or to grant, the status of permanent replacement employee to an individual for performing bargaining unit work for the employer during a labor dispute."

This is one of two instances in H.R. 5 in which the term "labor dispute" appears. The legislation does not specifically define "labor dispute." Instead, it incorporates the definition already contained in the NLRA as follows:

> The term labor dispute includes any controversy concerning terms, tenure or conditions of employment or concerning the association or representation of persons negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relations employer and employees.

In other words, any two employees who walk off a job to protest a "working condition" are considered to be engaged in a labor dispute. Every business with two or more employees could be therefore covered by the legislation.

And this isn't just pie-in-the-sky speculation. It is a very real problem. A recent example of the broad scope of protected activity falling within the "labor dispute" category is found in a recent Seventh Circuit Court of Appeals decision, NLRB versus Jasper Seating Co. That case involved a nonunion manufacturer whose plant had a large overhead door which was left open when the outside temperature exceeded 68 degrees. One day, two employees who worked near the door requested the door be closed. The supervisor refused the request because the majority of workers in the shop wanted to keep the door open. The two complaining employees walked off the job and were dismissed by the employer.

The NLRB held that the two employees were unlawfully dismissed because, by protesting the working conditions at the plant, they were exercising the legal right to engage in concerted activity.

The seventh circuit enforced that decision, noting that the two employees had a right to protest their working conditions, even if their complaint was unreasonable, lacked merit, and did not have the support of a majority of their fellow employees.

Such situations are generally avoided, however, by the exercise of management's ability to permanently replace such striking workers.

If H.R. 5 were applied to the facts of the Jasper case, the two striking nonunion employees would be engaged in a "labor dispute," and would therefore have immediate reinstatement rights to the jobs they voluntarily vacated—whenever they chose to return to work.

To permit such disruptive activity will not only cause friction between groups of workers, but will also severely restrict an employer's ability to manage and to maintain proper workplace discipline.

What's more, H.R. 5 would apply to any individual who—and I'm reading right from the bill now—"has exercised the right to join, to assist, or to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection through the labor organization involved in the dispute."

Now, supporters of H.R. 5 will try to tell you that the term "labor organization" only applies to certified union representation. But the NLRA definition says otherwise:

> The term "labor organization" means any organization of any kind . . . in which employees participated and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

In other words, whenever any group of employees act in concert—whether over a wage increase or other terms or conditions of employment—the group constitutes a labor organization within the meaning of the NLRA. The courts have made clear in several decisions that you do not need to have a certified union represent your employees to have a labor organization as recognized by the definition contained in the NLRA.

Finally, H.R. 5 would make it an unfair labor practice to permanently replace an individual performing "bargaining unit work" for the employer during a labor dispute.

According to labor experts, past positions taken by the NLRB and the courts make it clear that, while not defining "bargaining unit work," the NLRA has always been interpreted to apply to all workers, whether they are affiliated with a certified union or not.

Clearly, H.R. 5 has implications for all businesses—union and nonunion. And there is no question that smaller firms have the most to lose if this bill were to become law.

Small businesses generate more than 57 percent of all new jobs in the United States. They set the standard for the rest of the world in creativity, innovation, and entrepreneurial spirit. The striker replacement bill is a direct threat to this vital sector of our economy and to our continued competitiveness in world markets. I urge you to vote against H.R. 5.

☐ 1940

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Florida [Mr. IRELAND]. Once again, he has exhibited the fact that he does his homework and is aware of what the rather arcane labor law is in regard to these circumstances. That is one of the things we hope that we can bring out to our colleagues this evening, that perhaps even the drafters had not realized the full effect their legislation would have.

At this time I yield to the gentleman from Texas [Mr. ARMEY], because I know he has some comments on this and I always welcome the innovative comments from my good friend from the State of Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Let me begin my comments, Mr. Speaker, by expressing my appreciation to the gentleman from Illinois [Mr. FAWELL] for taking this special order. I would like to point out that I have had the privilege, since I have been in Congress, to sit next to HARRIS FAWELL on the Education and Labor Committee. It has been a privilege for me in particular because HARRIS FAWELL is always one of the most well prepared, most thoroughly disciplined researchers of the fine print of legislation of anybody in Congress, and I have found it to my advantage to sit next to the gentleman on so many occasions because by doing so I could crib off the gentleman's margin notes on the legislation and give the appearance of knowing quite often much more than I did by virtue of the gentleman's hard research. So let me thank the gentleman for that.

Mr. Speaker, I would like to talk about this legislation a little bit and put it in the context of understanding this: Who is labor in America today?

We have so many pretensions in legislative and political dialog that sometimes we lose sight of the facts, and there is a tendency, particularly in Washington, to confuse things. We tend to refer to labor, or we use the word, "labor," in Washington when we are referring to organized labor, unionized labor in general, but even more particularly, the AFL–CIO and other national union headquarters here in Washington, DC, inside the beltway. We tend to believe and in some cases we tend to represent the proposition that these institutions inside the beltway in Washington, DC, represent the American workers, and we lose sight of the fact that these institutions represent themselves before the American workers.

☐ 1950

Let us make a few things clear. First of all, we can talk about working men and women of this country and talk about all of those people who get up and go to work every day, whether they like it or not, quite often to a job they do not particularly enjoy, because they have children and obligations, and in fact do that heroic thing of bringing home the family's bacon. Or we can talk about labor. If I talk about labor, I am talking about a group of people who sit in Washington, DC, primarily, collecting the dues from those working men and women who choose to join their organizations, and chronically misrepresent the best interests of those men and women as they serve their own first best self-interests.

This is what I call institutional Potomac fever. We need to be aware of this distinction, because each and every Member of Congress has in their home district a large number of working men and women who voted in their congressional election and to whom they have an obligation of representation. That representation to the folks back home is what we ought to put first.

Mr. FAWELL. If the gentleman would yield, I can recall a hearing last year on this legislation, and a member of one of our large labor unions said, "We represent the working men and women of America."

I could not help but say, "Well, certainly you represent some of them, but you represent only 12 percent of the working men and women in private firms of America."

He seemed shocked that I pointed this out to him. In the construction trades, for instance, especially in residential construction trades in my area, 95 percent are nonunion. They are just now learning, for instance, that because of this legislation they may lose the right which they always know is there in abeyance if there are egregious economic demands they cannot possibly meet, the right to be able to hire replacement workers. They are hopping mad.

I am just concerned that not enough people in this Nation are aware of that. The gentleman is so correct. In Washington we think of labor as only the professional labor organizations. Bless their heart, they do their jobs, and that is part of America. But the largest part of American working men and women are not members of labor unions.

Mr. ARMEY. I thank the gentleman for that observation. Let me remind the gentleman, the people at the AFL–CIO's headquarters downtown, the people in the legal foundation of AFL–CIO, those high-placed lawyers, they are working for themselves, just as everybody else is in this town.

We should remember that there is no working man or woman in this country today that is denied the right to join the union if they so choose. They are free to make that choice. Only 12 percent of the nonpublic employed people in this country have elected to choose the union.

If my calculations are correct, that means that 88 percent of the working men and women of this country have made a conscious choice to not join the union.

Why would they make that choice? Mr. Speaker, I have a startling revelation for you. People who are smart enough to learn the responsibilities and the skills of parenthood, to maintain themselves in employment, are smart enough to understand when they get fair value for their dollar. They sit down and they consider the option before them to join the union. If I join the union, and if by having done so I then accept the compulsion to give up some of my hard-earned earnings to the union, will they in fact use that in my best interests, so that it will translate into benefits for me and my family? And they judge it not to be.

So the fact of the matter is, the consistent decline in union membership we have seen over the years, that is such a frustration to all these union bosses here in town, is the free choice of working men and women, to take their hard-earned income and to do the best they can for themselves and their families, without having any part of it siphoned off to serve the interests of the union leaders. This has been a frustration to the union.

Mr. Speaker, I have to say I have been on the Committee on Education and Labor for over 6 years. I can tell Members there has not been a single piece of labor legislation that has been taken up and seriously considered by this committee that was not written at the AFL–CIO headquarters inside the beltway in this town.

It is not the working men and women in Chicago, Detroit, and Dallas, TX, that have said, "We want you to consider this legislation." It is the union bosses here. And they are something different.

As we looked at that, when I first came here, I was confused. I would look at a bill that was taken up by the committee. We would examine the bill, and I had, being from back home and somewhat naive in these matters, an initial impulse to examine the bill with respect to this question.

I would say, "What would the passage of this legislation do for the men and women working back in my district?" Every time I could find no answer.

When I finally began to ask the question, "What will it do for the union bosses in Washington, DC, and the AFL–CIO's high-priced union lawyers in Washington, DC," I began to understand why somebody wanted the legislation, irrespective of its negative impact on the workers in Dallas, TX. And the workers know that, too. They therefore are refusing to join the union.

So I am going to make this point at this time, and then maybe I will speak again later. But the point we need to remember here, this bill, H.R. 5, the so-called Striker Replacement Act, is not about serving the interests of the men and women that are working for a salary back home on behalf of their family. It is about trying to assuage the frustrations of the union leaders for their inability to convince those folks to join unions. It is a union membership bill. That is the reason we have it here.

Mr. Speaker, we need to understand one other thing while I am making the point. We cannot in good conscience vote for those union leaders to have a completely unchecked right to take their 12 percent of America's labor force out on strike and cripple the right of the 88 percent of those who choose not to join the union, who want to work on behalf of their children, to be on the job that day.

The fact of the matter is, while those 12 percent are trying to leverage special privilege under the law, given this legislation, to have a strike that cannot be responded to by management, and to coerce management in this strike circumstance, they will during this incident of increased numbers of strikes, with the attendant strike violence that seems always to be there, temporarily force layoffs on those nonunion workers.

We need to examine that consideration. Why would we want to pass legislation that serves the greed of a few, and forces the cost to be borne by so many?

Mr. Speaker, I thank the gentleman for yielding.

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Texas, who is always articulate and knows his subject matter. In a sense, it is good to be able to have these special orders and to realize when you speak some of these I believe truths, that sometimes I think in committee you feel like the skunk at the picnic when you utter these things that are deemed to be not utterable. But these things need to be said, I think.

Again, I hope that we will serve the purpose of apprising people in general of what Congress is about and doing here.

I would now like to yield time to my good friend from the State of Illinois [Mr. PORTER], who also has some comments in reference to this legislation.

Mr. PORTER. Mr. Speaker, I thank my esteemed colleague from Illinois for yielding to me and permitting me to address this important issue. I might say to my colleague that I have been an admirer of him ever since I was elected to the Illinois House of Representatives in 1972 and he was a member of the Illinois Senate.

Mr. Speaker, before this House considers H.R. 5, the bill to ban any permanent replacement of striking workers, we ought to take time to carefully consider the single case where our current labor laws do in fact allow permanent strike replacements. There is only one such instance.

Let me point out that permanent replacement is not allowed when employees strike against unsafe working conditions, or against an employer who refuses to bargain in good faith, or when an employer is in violation of fair labor practice laws. Workers involved in an "unfair labor practice" dispute are guaranteed full reinstatement after the strike is over, under our law, as they should be.

The single exception to the rule is the economic strike—a strike for higher wages or increased benefits. Current law says that when employees voluntarily walk off their jobs to demand higher pay, employers have the right to try to stay in business by offering permanent employment to replacement workers—workers who are willing to accept the pay and benefits the employer is offering.

Our labor laws have maintained this distinction, clearly and consistently, for over 50 years, a distinction so essential to fair and balanced labor relations that, until now, it had never been seriously questioned—even by organized labor.

House Resolution 5 would wipe out this distinction, and, in the process, wipe out any notion of fairness or equity during labor negotiations and strikes.

The reasoning is simple: In an unfair labor practices dispute, the employer has broken the law. By denying that employer the right to use permanent replacements, we deny his ability to continue "business as usual" while operating outside the law.

Likewise, when workers have been forced to the picket line by an employer's abusive and illegal labor practices, they are guaranteed automatic reinstatement with full benefits after the strike is over. Current law stacks the odds against the employer who chooses to violate his employee's legal rights, and prevents him from continuing business until the dispute has been settled.

In an economic strike, however, when the employer has not broken the law, has treated labor fairly, and has bargained in good faith—whose only offense has been to disagree with the union's economic demands—the employer has the right to try to stay in business by hiring replacement workers. To attract qualified replacements, it is often necessary to offer permanent employment.

When organized labor does resort to an economic strike, the law already prohibits discrimination based on union membership, and mandates preferential rehiring of returning strikers with full benefits as vacancies occur. Employers are also prohibited from promising preferential treatment to any prospective employees, and may not offer replacements a better deal than they offered the strikers at the bargaining table.

Current law is therefore designed to prevent every dispute and union demand from triggering a strike. When union members voluntarily walk away from $38,000 a year production jobs in Maine, or $98,000 a year jobs as pilots, or $200,000 a year job as professional football players, they know that there is a substantial risk that other workers might find such pay acceptable.

An economic strike—a strike for higher pay—is a voluntary, calculated risk on the part of the union. A union striking for economic demands, which may or may not be reasonable, should not be afforded the same immunity to risk given to workers whose legal rights have been violated by their employer.

Under the provisions of H.R. 5, unions would no longer have to weigh the risks of job loss against the reasonableness of their economic demand. Under the strike replacement ban, the risk disappears, and strikers making any sort of economic demand, no matter how outrageous, would have the same right to automatic reinstatement as workers protesting an employer's illegal labor practices.

A permanent replacements ban would abolish the mutual risk faced by the opposing sides in an economic strike—the vital mutual risk that pressures both management and labor toward compromise and conciliation, and makes both sides think twice about demands or policies likely to precipitate a strike.

H.R. 5 is not an attempt to correct some loophole or address a pervasive problem. Two General Accounting Office reports have shown that permanent replacements are used in only 15 to 17 percent of strikes, and affect less than 4 percent of all strikers.

The infrequency with which employers have exercised their option to permanently replace strikers demonstrates the effectiveness of mutual risks in bringing labor and management closer to compromise, conciliation and continued productivity.

What the proposed legislation would do is create the "no-risk economic strike," at a time when 73 percent of all Americans believe—according to a recent Time/CNN poll—that organized labor has either too much or just the right amount of power.

Disproportionate power on either side of the bargaining table is just bad public policy, and a permanent replacements ban represents an unjustified shift of power to labor's side of that table.

For over 50 years strikes have remained an option of last resort. If enacted, this legislation would make them the first.

Mr. FAWELL. Again I certainly thank my friend from Illinois [Mr. PORTER], who has written this on this subject and I appreciate very much his comments.

Mr. Speaker, what we have in this legislation is a major assault by the professional unions of this Nation representing, as has been indicated, only 12 percent of the private work force, and holding this out as what the people of this great Nation want. I hope we can begin to ring the bell and to apprise people of what is taking place.

What has not been emphasized a great deal here, though I did make some comments about it, is that section 7 of the National Labor Relations Act makes it very clear, after it recites all of the rights of labor, whether members of professional unions or not, to be able to strike, and collectively bargain, to engage in concerted activity in regard to the terms and conditions of employment and wages and so forth, it understandably and rightly recites all of those rights of the workers, but interestingly, Mr. Speaker, it leaves out one right as though it never existed, and it is right there in section 7(2). It sets forth the right of a worker not to strike. You do not have to strike, you do not have to join a union, and if there is a strike and you are not a member, or even if you are a member, you can exercise your right not to strike. That is so important.

The legislation not only takes away from the employer the right to hire permanent replacement workers, for instance, which has been brought out as what he or she must have to be able to counter an egregious economic demand, but it goes further and goes after that guy or that gal who says I am sticking with the employer, I elect my right which has been given to me for the last 55 years, I elect the right not to strike, and they say to that person all right, you can elect not to strike, but let us tell you that when the strike is concluded and we want to, and the striker comes back, he is able to bump you out of a job, and that has not been emphasized. I think it certainly should be.

Again, Mr. Speaker, I yield to my friend, the gentleman from Texas [Mr. ARMEY].

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Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wanted to talk and to pick up on the point that we have so much rhetoric going on here surrounding this pretension that H.R. 5 is advanced in the interests of protecting the rights of the worker. You know, one of our colleagues on the Committee on Education and Labor refers to this as the right-to-bump bill.

We go to work because we need a job. Most of us appreciate having a job, and we have a certain sense of appreciation for the employer that risks their capital, investment and so forth to make a job possible and a certain loyalty to them. But our loyalty to our family and our needs of our family are even greater.

What happens in a bill like this, if it is passed into law, what you do is you not only take away the right to work from the person that might welcome the opportunity to be a replacement worker for somebody who voluntarily walked off the job in a strike but you take away the right to accumulate seniority on the part of that worker who says, "I must stay on the job. My youngsters need this salary to come in constantly. I am loyal to my employer. I appreciate the right I have to work here."

Let us say I started on the same job behind you 30 days. You went out on strike for 35 days, and I stayed on the job. In this process of accumulating seniority toward raises, advancement and so forth we would not allow me to count, under this bill, I would be prohibited from counting the time that I stayed on the job and the gentleman sat off the job. So that, in fact, the best effort that I made to improve my situation and that of my children is denied me. On behalf of the person who says, "I would go out on strike," they are saying, "We will hold at harm the person who says, 'I cannot afford to; I choose not to go on strike.'" They would hold at harm the person who said, "I would welcome the opportunity to work for a little while or perhaps permanently if I work out here given the opportunity." They hold at harm the person who, for example, maybe, let us say in the airplane industry, a steward or stewardess who does not fly because the mechanics decided to go on strike, and there is no provision in this law that says if, in fact, this strike harms other workers in the firm that we make an exception to the firm's right to hire a replacement worker in order to maintain operations so these other innocent bystanders are not victimized by this strike.

What I am going to suggest is we cannot afford to let those people who simply want to take away this very, very delicate balance between labor and management that has helped us to minimize strikes and attendant strike violence, that has helped us to work out collective bargaining negotiations in peaceful fashions in the past more frequently than not, and it is to give them, in effect, what amounts to on behalf of the union the unmitigated right to go out on strike, call the strike and then coerce the results because their point will simply be, "You must shut down operations during the period of this strike irrespective of its impact on anybody else affiliated with the firm or come to terms with us on our terms." Now, that, I think, is going to result in labor going out on strike more frequently, the strikes being more often, more violent, and I just want to give the Members a quick look here.

Here is a study done by the Wharton School from the period 1975 to 1981. Let me just take one at random. I mean, just what would surprise you most?

The top 20 unions in America were they had experienced union violence during periods of labor strife and strikes from 1975 to 1981, before PATCO, before, it is said, the apparent need for this legislation arose, if we go down this list, the Teamsters were the most violent, 384 violent incidents; the Mine Workers, 204; the Steelworkers, 130; Auto Workers, 128; State, County and Municipal Workers, 116; Machinists, 104; Food and Commercial Workers, 83, and this I was amazed at, the teachers, the National Education Association, and very likely the largest union in the Nation, but the teachers had 80 incidents of violence during that period of time.

The question is where do we have any protection for that person who is assaulted while they are walking to work, that has stones thrown at their automobile? We have had people, for example, who have been beaten with bats. People have been shot at. In one case we had rifle shots actually coming out of the union's headquarters office, and they still were unable to prove in a court of law that the union encouraged that violence.

But I have to tell the Members that I am concerned. I have had so many people visit my office and tell me the stories, truck drivers, coal-truck drivers in West Virginia. There was one gentleman that was shot in the leg as a rifle shot came right through the door of his truck and penetrated his leg.

So I would say we need to be cognizant of these real impacts of giving organized labor an unmitigated right to bully management in total disregard of the other workers in the organization.

Mr. Speaker, I thank the gentleman again for yielding me time.

Mr. FAWELL. Mr. Speaker, I thank the gentleman. I think we have another labor bill coming along.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I would simply announce to the body that we are about to offer a unanimous-consent request which will ask unanimous consent, when it is offered, for the consideration of the bill that will bring a resolution of the rail strike situation.

We believe that the matter will be brought before the House, if the unanimous-consent request is offered and is made, about 9:15 and, therefore, the vote on this matter would happen sometime after 9:15. It will call for an hour of debate. So at the latest the vote could be held about 10:15 this evening, 10:15 or 10:30, but we believe that the vote could come anytime after 9:15.

PERMISSION TO CONSIDER TONIGHT HOUSE JOINT RESOLUTION 222, RESOLVING THE RAIL STRIKE SITUATION

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it be in order tonight to consider in the House the joint resolution (H.J. Res. 222); that the joint resolution be debatable for not to exceed 1 hours, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion except an amendment to be offered by Representative DINGELL and one motion to recommit.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Is there objection to the request of the gentleman from Missouri?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I most likely would not object, I would ask the distinguished majority leader if he would just explain the amendment to be offered by the gentleman from Michigan [Mr. DINGELL], because as I understand it, and maybe the majority leader can inform us, an agreement has been reached between the administration and both sides of the aisle on the bill that will come before the floor which would not require any substantive amendment.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Further reserving the right to object, I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, the gentleman is correct. The only reason we wanted to leave this language in was in case at the last moment a very technical amendment would have to be offered to clean up some problem that we are not seeing at the moment, but we do not expect that.

We believe there is a total agreement between all parties on what the bill should contain.

Mr. SOLOMON. Mr. Speaker, further reserving the right to object, I would just ask the gentleman, if there were to be some technical amendment, if we could see it in advance.

Mr. GEPHARDT. Absolutely.

Mr. SOLOMON. Fine. And also there is the possibility there might not even be a recorded vote on this? Is that correct?

Mr. GEPHARDT. It is possible, but we never know.

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Mr. SOLOMON. Mr. Speaker, I thank the gentleman. I will not object, and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE POLITICS OF TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, in the unseemly rush to push through two major trade agreements—Mexico Free Trade and the General Agreements on Tarriffs and Trade [GATT], we are told by proponents of the urgent need to support the Mexican Government's willingness to enter into the compact.

We hear—behind closed doors—that if we do not incorporate the Mexican economy into ours that there is a real possibility of civil unrest there in the near future, because of the country's poverty and the instability of its local governments.

It is being inferred—in all of the lobbying—that we must move very quickly on this because President Salinas has only 2 years left in office. That since he cannot succeed himself, we must deal with him because after he is gone, we do not know what we will be dealing with down there.

These arguments sound like trade policy driven by desperation or expendiency—which is always bad for a business, and Mr. Speaker, trade is business, but—in a representative form of government—it is much more.

Trade in goods and services, per se, is understood by the uninitiated to be agreements between countries to buy each other's products. To those in government, especially elected officials who must answer to constituents, the use of trade treaties for international advantage, either military or economic, becomes difficult to explain.

An American worker thrown out of his job by plant closings due to the opening of a free trade zone with Mexico doesn't give a hoot for the problems of illegal immigration from Latin America across the Mexican border. The theory that supplying jobs inside Mexico will discourage illegal immigration sounds much more reasonable inside an air-conditioned office in Washington than it sounds as a rationale in a shuttered steel town during an election year.

The Keynesian idea of redistribution of wealth through U.S. tax law seems to have been expanded through trade policy to the redistribution of U.S. wealth worldwide.

The old Marshall plan idea has undergone some Machiavellian twists. Instead of tied-aid packages going to underdeveloped countries as was the practice after the Second World War, we now send not only dollars which can be spent to buy products or agricultural goods from our competitors; but, also, we have traded off preeminence in whole industries—microelectronics, consumer electronics, machine tools, ball bearings, to name but a few—in order to satisfy the demands of U.S. diplomatic or ideological goals.

In 1984, the beginning year of staggering trade deficits, the late Secretary of Commerce, Malcolm Baldrige, made a speech before the National Conference of Governors outlining the use of this strategy. He warned that the rising balance of payments deficit would have to be borne in order to stimulate the economies of "recession bound Europe" and to transfer dollars into Third World countries staggering under the burden of debt to international banks.

Interestingly enough, this remarkable statement of the thrust of free trade policy for the 1980's received no comment in the press or by any of the pundits; and, disappointedly enough, raised no outcry from American industry.

In all fairness, few people at the time could grasp the sea change that was taking place in our national policy. The concept of opening up U.S. markets to a flood of imports whose sales would prime the pumps of foreign economies is breathtaking in scope and was audacious in its execution.

And there were a host of powerful advocates, else it would not have been so quickly implemented with so little public outrage. There were the economic ideologues who truly believe as an article of faith, that the market should decide which businesses will survive. But, as we have seen played out over the last 10 years, there is not the one free market envisioned by these theoreticians in their ivory towers. We have learned, from the devastating balance of trade deficit, that the free market, the open economy exists only in textbooks and in econometric models being run through business schools and think tanks.

The ideologues, when questioned about the growing evidence of their failed vision and the continued resistance of our trading partners to opening their markets to U.S. products, answer defensively, "They are wrong! And one of these days, they'll find out that we were right!" These pure of theory remind me of the early priests going forward to face the Indians carrying only the cross to protect their belief. It took several generations of lost churchmen to convince Spain that she had better buttress the faith with soldiers.

We have lost a generation of businesses to the free market/trade ideologues and when this idea of unrestricted play was extended into the domestic financial arena, it almost destroyed our savings and loan industry and has left many of our major corporations struggling under a burden of debt from leveraged buyouts and ill-conceived mergers. The decisions of the marketplace have proven to be about as arbitrary, and as fair, as those of the Indians, who probably sacrificed the well-meaning priests to their gods.

I can understand ideology as the basis of a theology, but not as a basis for the economic policy of a vibrant, secular nation. However, other powerful interests endorsed the radical view of the ideologues—so much quick profit can be made when an economic system is in flux that not only do entrepreneurs thrive, but speculators grow apace. After all, to the audacious, opportunity exists only in the movement of money and markets, whether up or down. Closely held, long-term investment creates no new millionaires. The high flyers wholeheartedly supported the newest economic fad. After all, it gave a legitimacy to their menacing financial schemes and if the 1980's saw some of their numbers indicted and jailed, many more took millions of dollars out of old line companies and retired before the junk bonds came due.

International business also had an interest in the new religion. Aware of the markets created by Marshall plan money in the fifties, they looked to the markets in nations newly invigorated with U.S.-exported dollars. Dollars which, when earned abroad and reinvested abroad, escaped the high corporate U.S. income tax. Large U.S. manufacturers struggling with growing environmental restrictions and increasing labor costs eagerly sought out manufacturing bases in nations where labor and environmental law were nonexistent and where it was possible, in some industries, to lease manufacturing lines on short-term contracts if the items were fashion related and/or speculative in nature.

Large agribusiness, long experienced in international trade, welcomed the entrance of the corporate manufacturing giants of America into the global economy. Some of their more venturesome members, who from the earliest years of the cold war had pushed for sales to the enemy and had suffered a pariah treatment in certain political circles, also gained a legitimacy from the new company they were keeping and from adherence—by the ideologues—to their long-held laissez faire attitudes in international trade.

As large U.S. business interests increasingly became more international, the cost to the traditional American manufacturer was enormous. As late as 1983, 70 percent of all manufacturing employees were working in companies with 100 or less workers. The profile of the U.S. manufacturing base, forced into international competition by economic policy of this time, was not that of big business and giant corporations, but of thousands of small companies in hundreds of towns across the country engaged for the most part in making component parts for the other 30 percent.

It was these companies that the free marketplace, with its flood of imports, shook out. Targeting and dumping of specific industries had begun in the 1970's, but many of the appeals against these illegal marketing practices did not come to the Government until the early 1980's. And every appeal to the Government for protection from illegal foreign marketing practices was turned away with myriad strategies. The industrial fasteners' 232 petition and the Houdaile Corp.'s 301 petition were flatly turned down. Steel and machine tools received voluntary restraint agreement programs with questionable enforcement on the part of the Government. Other industries just withered under the onslaught with only sporadic pleas for help—forgings, shipbuilding, ball bearings, microelectronic manufacturing. The loss in consumer electronics is too grim and too long to be included in this article.

The shoe industry and the apparel industry were put on the bargaining table at every trade meeting with an underdeveloped country. After a decade of cutthroat competition against countries whose wages rarely break through $1 an hour, U.S. shoe manufacturing has virtually disappeared and 60 percent of all apparel sold in the United States is imported. The loans owed to the international banks by the Third World remain largely unpaid.

If imports were sucking out our wealth, before too long, they began to suck out our jobs creating the infamous Rust Belt in the North Central States. In order to stimulate our own economy, sluggish from the deep recession of 1982–83 and beginning to show the effects of the loss of value added industry, interest rates had to be kept high to attract the lost dollars back onshore for our growing internal debt created by the failure of supply-side economics.

In effect, an international Ponzi scheme had been created. Dollars out for imports balanced by dollars back in attracted by high interest rates and increasingly, fewer U.S.-produced products. Needless to say, once in place, every effort, every policy had to keep the two-way flow of dollars moving. Any threat of disruption, whether from protectionist legislation or foreign retaliatory action, was met by a barrage of free trade propanganda and capitulation to every foreign demand.

"Protectionist" became an ephithet, Adam Smith an icon, and agri-business laughed all the way to the bank. If we were being targeted and dumped on with subsidized manufactured products, we were the most guilty of all in targeting and dumping subsidized agricultural products.

The comparative advantage economists—those who believe that each nation should supply to the world economy only those goods which they produce best—were euphoric, the primed economy kept expanding and the flow of foreign wealth and defense dollars ringing through U.S. cash registers drowned out the pleas of our foundering domestic industries.

Over the years of the greatest peacetime expenditure for defense, our strategic position as a fortress of democracy was being eroded by a growing dependence on industrial production in countries within 1 hour's flight time from the Soviet Union. By 1989, the fourth largest U.S. defense contractor was Thomson CSF, the French giant controlled and subsidized mainly by the Government of France.

History has some lessons to teach us about the value of industry to a nation's strength. Edward Crankshaw in his book, "The Shadow of the Winter Palace," reports on the fight waged in Russia between the free traders and the protectionists in the early days of the Industrial Revolution. The protectionists desired to shelter fledgling domestic industries against manufactured imports from Europe. However, grain, Russia's major export was controlled by the wealthy landowners, influential with the Czar. They feared that industrial competition from Russia would cause barriers to be raised inside Europe against their agricultural products.

The first serious Russian economist, Heinrich Storch, the most vocal of the free trade advocates took Adam Smith's "Wealth of Nations" as his bible. He felt that Russia would be flouting her destiny if she diverted her resources from agriculture to industry. He believed, also, that the highly productive Russian soil would pay for the import of all the manufactured goods which the country could absorb.

Crankshaw reports the debate in great detail and, it is obvious from the stagnant economy of Russia in the 19th century that the free traders won. However, it should be instructive to note that this economic background and the outcome of the debate is reported as being one of the causes of the Russian Revolution at the end of the century. The agricultural economy allowed for no opportunity for the people of Russia. The entrenched elite stayed entrenched for far too long.

Strangely enough, according to the headlines of last summer, the fate of the Uraguay rounds of GATT hinges on the access of United States agricultural products to export markets. One would think we were mainly a nation of grain farmers. Modern Adam Smith economists remain unchanged after almost 200 years, despite Russia's experience.

To the American manufacturer, however, the Government's interest in trading oranges for machine tools and supplying export bonuses for grain sales abroad, has begun to prove disastrous. Faced with competition from socialist countries which subsidize their corporations and use the value added tax as export bonuses for manufactured goods, fighting for market share against the cartels and mercantilist economies of Southeast Asia, the average U.S. manufacturer feels abandoned by policymakers and a seige mentality is developing in the most vulnerable sectors.

The surprising strength of support for the 1990 textile-fiber-shoe bill, both in the House and Senate this summer, is evidence, I believe, of a fight-back mentality growing in the grassroots of America. Textiles represent jobs for 2 million American workers. Over 2 million American families will be affected by the loss of this industry, not counting the trickle-down effect through the communities to the banker, the baker, and the automobile salesrooms. Currently, textiles account for 25 percent of the trade deficit—now approaching a staggering $500 billion to the world.

The unrest in the country is being fueled, in part, by recent evidence brought out by a Ways and Means oversight subcommittee that as many as 39,000 foreign corporations operating onshore have underpaid taxes in amounts between $35 billion and $50 billion, without penalties, fines, and interest.

The budget deficit, $104 billion above the Gramm-Rudman-Hollings ceiling accepted in the 1989 winter, when investigated, should give even the most stolid free trader pause. Of the unexpected $68 billion shortfall reported last July, $37 billion was accounted for in lower-than-expected IRS collections of corporate taxes, including payroll deductions; $19 billion was in higher-than-expected outlays for interest payments, much of that flowing offshore tax free. Coincidentally, the rock bottom figure needed to get us through this period without catastrophic cuts is approximately $50 billion—in the range of estimated underpayment of taxes by some of our foreign guests.

The Ponzi scheme, when it evolved, was fueled by a highly industrialized economy. By the end of a decade of exporting America's manufacturing base, the tax returns of a service economy are coming up short. If service industries require little long-term investment of capital contrasted with manufacturing, they also return less value added products thus creating lower tax revenues. If service industries require less skilled workers at lower cost, they also offer fewer benefits—medical coverage, retirement—to their workers and the workers pay less taxes all the while needing more government services to replace benefits once supplied by the private sector.

I am firmly convinced that the emergence of the idea of a service economy in the mid-1980's was sheer expediency. The rapid decline of our preeminence in the microelectronic industry, the industry of the future which was supposed to replace the heavy industrial sector—twilight industries they were called in those days—left our ideologists with no place to go. That we were becoming a service economy, by default, certainly could not be acknowledged. Once it became evident that we had allowed ourselves to be stripped of our manufacturing base, then services had to be lauded and heralded as the wave of the 1990's.

We would celebrate America's decline from a nation of highly skilled, highly paid workers to a country of clerks and food handlers, agricultural laborers, and health care workers. I use the word "celebrate" deliberately. Having spent most of my adult life as an editor in the newspaper business, I feel a real need to comment on a phenomenon of this period which I have never observed before: The creation of a whole jargon as a substitute for economic policy.

Think about the plethora of words and phrases we have been given to refer to complex economic issues and then think of how we have been conditioned by the opinion makers to respond to them: Free trade, supply-side economics, free marketplace, comparative advantage economics, libertarian, revenue neutral, revenue enhancing, global village, mutual dependence—international interdependence—Adam Smith, service economy, consumer in any context—all good; smokestack industries, heavy industry, protectionism, wealth creation, value-added in any context, subsidies, government regulations—all bad. Words which have almost disappeared from usage, because they are totally out of vogue: Taxes, national interest in any context, patriotism, treason, "Made in America—100 percent," solvency, American corporation, debt-free.

In the old dictionaries there is a description of jargon as being the language of thieves and Gypsies. It refers to the need to be wary of the language of the fly-by-nights passing through the village selling something which they really cannot deliver.

In offering us new meanings for old words, the modern alchemists are trying to create a new reality. However, if one takes the time to examine this offering, it is not really new. It is as old as Rousseau, Ricardo, and Marx, and yes, as old and outdated as Adam Smith. All of the hype, all of the ideals to the contrary, some economic and historical truths prevail. Debts will be paid whether in currency or by demand against real assets. Nationalism will not fade out or disappear as evidenced by the surprising resurgence of old national entities in Eastern Europe after 50 to 75 years of Russian efforts to absorb them. Jargon can substitute for belief only until it is challenged by evidence. The current economic crisis should signal the Gypsies that it is time to move on.

But, another factor putting pressure on them, one never included in their econometric models, is the democratic processes underlying this Nation. Unlike most of our other nation-competitors, we are not a cabinet government. There is a popular election every 2 years which serves as a referendum on the behavior of the Government, especially its economic behavior, and signs of unrest began to show up in the polls in the last election year. At this time there is no charismatic leader around which the disaffected can coalesce and the major issue, the loss of economic preeminence in the world, is not easily defined in political slogans; but, the unrest is such that a dramatic downturn in the economy could produce a populist leader in either party, virtually overnight.

In the interim, the next November elections may see some House Members replaced. It will be a beginning of picking-them-off-around-the-edges as everyone holds his/her breath approaching the 1992 Presidential election year.

It seems to me an unfortunate accident of timing that just as the European Community puts the final touches to its agreements on a united European block, after years of negotiations, straws in the wind predict that U.S. trade policy will be embroiled in tremendous domestic political controversy by 1992.

I think the pot is beginning to boil and if it is true that powerful Democrat chairmen in the House will be stepping down in order to keep unspent campaign contributions collected over years, the change in direction in trade policy could be radical. Contrasted with the free trade of the 1980's, any change would have to be more protectionist.

It is also reasonable to assume that the withdrawal of U.S. military support form both NATO and Southeastern Asia will cause a sigh of relief from American taxpayers at the beginning of the end of the Pax Americana. Much of the onus of our $3½-trillion internal deficit can be laid at the feet of our 40-year commitment to protecting the free world.

The efforts of this administration to raise funding from our allies to help defray the expenses of the current crisis in the Middle East tends to make my point. Such a radical change in policy, I think, anticipates the possibility of a taxpayer revolt. Because, if indeed, we are living in a global village, more than any nation in the world we made it a possibility with our microelectronic inventions and aerospace breakthroughs. Starting with the Marshall plan, followed by literally hundreds of U.S.-sponsored programs and billions of dollars, we also—more than any other nation built that global village.

In truth, we created much of our own commercial and agricultural competition and in our enthusiasm to do well while doing good, we never looked ahead to the consequences for our own country of such bountiful sharing of all of our resources. Much of the money loaned to other nations for both World War I and II was never repaid and no demand has been made by the United States for repayment.

Against this history, the economics of the international burden seems to have become too heavy for the American people to accept. I predict, increasingly, America will become more isolationist. Before too long, the cry will grow to bring home not only American troops, no matter where they are assigned, but to bring back onshore U.S manufacturing jobs so the released soldiers will have worthwhile jobs. The numbers of electronics engineers and electronics technicians freed up by demobilization not only of the military, but of the defense industries will put great strains on a service-oriented economy to accommodate the level of skills of the half million or more expected job seekers.

The cost of the Pax Americana is beginning to show up in the most obvious ways—broken bridges and pot-holed highways. It is an anomaly to me, as a member of the Transportation Committee of the House, that we are demanding the Government of Japan spend more money on building infrastructure when our own bridges and roadways are in such bad shape, when we don't have one stretch of highspeed railway in our own Nation. But, the empty factories and overgrown industrial parks are another mark of our efforts to be the engine of the world. The bill is coming due in so many different ways, in so many different communities that my long experience on the political scene leads me to believe that some major changes will be demanded by the American electorate. The question is to find a formula acceptable to the people, yet strong enough to be effective in revitalizing the economy. Every effort must be made to accommodate and protect the unique American economic system with all of its possibilities of upward mobility economically. Socially, among the leading nations of the world, we are the only true democracy. We have no royal house, no hereditary titles, no recognized ruling families. And, we cannot move toward the economic entrenchment of an elite through the acceptance of cartel structures in our industries and the inherent tyranny of powerful international corporations unrestrained by any political body or bodies. The American people will not accept it.

George Orwell envisioned the all-powerful state with its thought control and its double-speak—jargon, of a kind—but, another writer, a screenwriter, envisioned a more brutal condition, the corporate controlled state in a movie titled "Rollerball." Using poetic license and for effect, these writers dealt in extremes, but current business writers are beginning to echo some of the themes. Hobart Rowan and Jodie T. Allen writing in the Washington Post, March 18, 1989, headlined an article on superfirms, "Brave New World, Inc.," and Business Week's, May 14 cover story was "The Stateless Corporation." Both articles are rewarding, but disturbing reading.

We cannot afford to make a mistake in the path we take out of this morass of debt and economic instability. We cannot respond to the challenge of competing with socialist and/or mercantilist nations by being copy cats.

Our antitrust laws, when they were enforced, created the unique economic mixture that gave America such a strong middle class. Smaller companies were protected from being vertically integrated into the giants, and the giants were protected from their small suppliers banding together against them to set prices. It is a simplistic explanation of 90 years of antitrust law; but, overall, by trial and error, it served to maintain a balance between the great and the small and guaranteed a fair, competitive price in the market. Startup operations could not be frozen out at either end of the spectrum since, absent patent infringement or proprietary information, all raw and semifinished materials and component parts were available to anyone who wanted to buy them for manufacture and/or assembly.

Unfortunately, in the 1980's, the ideologues began to give new interpretations to old law. And, while the threat of possible antitrust action continued to discourage U.S. corporations from adding vertically or horizontally to their lines, foreign corporations seemed able to extend the tentacles of their well-established foreign cartels to America with impunity. The free marketplace has become the free-for-all marketplace for some foreign corporations, while many American companies watch from the sidelines unable to compete under the double standard being applied by various courts and agencies.

Despite the power of the proponents of this antique economic theory, I believe, as with all fads, it has peaked and is beginning to weaken. The results of the experiment have proven so disruptive of the economy and of communities across the country, that the time is coming when the people of America will reject it, given the chance.

My gravest concern is that the political swing not be so extreme that after years of no industrial policy, we will embrace a form of socialist industrial control in a panic to gain back that which we have lost. It is for this reason I continue to speak and write about the deplorable losses in our manufacturing base and the concomitant costs to the American way of life. The history of how this has happened is replete with evidence that no U.S. industrial policy has proved to be a windfall to other governments of the world, replete with industrial policies of all sorts. Japan has a master industrial plan that projects to the year 2015.

The challenge of the 1990's will be to develop a pluralistic approach to Government control and intervention. No purists need apply. We have had excellent results in Government-supported operations like the Defense Advanced Research Projects Agency [DARPA] and the record of the first 20 years of the space agency shine. The Chrysler bailout worked and the loan was paid off in record time. The Federal National Mortgage Association [Fanny Mae] has been a stellar performer in the investment markets.

We can do it. We must do it, lest the summer of our discontent, become the winter of the people's disillusionment with us all.

□ 2050

LOOKING AT THE CHALLENGE OF THE NORTH AMERICA FREE TRADE AGREEMENT

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 25 minutes.

Mr. DREIER of California. Mr. Speaker, I take this time this evening, as we are waiting for this critically important legislation which will be designed to ensure that we have a decrease in costs to the American consumer caused by this strike which is going on, this rail strike, because virtually everyone is affected by it, and I wanted to take this time to talk about an issue which is going to be debated very vigorously in this House in the next several weeks, and we will clearly have a conclusion; I hope a positive one. I hope, just like we will have a positive solution to this strike problem that we are dealing with this evening, that we will have a solution that is brought about that will benefit the American consumer and the consumers throughout the world as we look at the challenge of what has become known as the Mexico-United States free-trade agreement, the North America free-trade agreement. It is clearly something that is designed to benefit the consumer.

Mr. Speaker, there are many items which have become very controversial as this debate has continued, and I think that we need to look at some of those problems, and at the same time we need to look at what we offer as solutions to those problems.

For starters, there has been a book that I read in the last year and a half or so which has recognized that, as we face the challenge of trying to provide a wide range of services and products to consumers, we want to provide them at the lowest possible cost, and in a fascinating volume that was written by John Naisbitt called "Megatrends 2000," which was the followup to his first "Megatrends" book, he talks early on in the book about the reduction of those barriers and how it will provide an overall benefit to consumers throughout the world.

Now we have seen some groups work closely toward a reduction of barriers so that they can provide a wider range of services and products, and most notably that is going to be coming about on December 31, 1992, with the emergence of what has become known as EC–92. The European Community has recognized that, if it is going to compete internationally, that it must reduce barriers among these countries so that they can work together as a solid, unified economic bloc.

□ 2100

What will come about with that solid economic block? Well, clearly a reduction of barriers in trade among those countries in the European Community and at the same time a reduction in costs for those in surrounding areas. But the existence of that solid block has created a situation which needs to be addressed, and a response is coming about to EC–92. It is that our neighbors in the Pacific Rim, which are so often addressed by my good friend from Baltimore, the gentlewoman from Maryland [Mrs. BENTLEY], are uniting as an economic block.

They are uniting as an economic block, and I happen to think that there will be a benefit that has accrued from that unification which has taken place. But as that happens, it is clear to me that we in this part of the world need to put together our own response so that we can provide a positive low-cost pack of services and products to consumers throughout the world.

So as we see EC-92 emerging, and as we see the Pacific Rim uniting, as they provide goods and services to other countries throughout the world, it is apparent that what we need to do in the United States is move ahead with this agreement that has been developed between Canada and the United States and expand it, expand it by including our southern neighbors. There are tremendous benefits in that not only to consumers throughout the world but to consumers on both sides of the border, north and south, as we move ahead with this kind of program.

If one looks at a lot of the problems that exist on the borders—and I happen to represent southern California, so I know that we have many problems that exist on the border—we see that one of the great things we debate in the House, and have debated for years, has been the problem of illegal immigration. We have had immigration reform bills in the past several Congresses, and we still have a problem.

I am convinced that while it may not be a panacea, the reduction of these barriers that exist in trade between the United States of America and Mexico will have a salutary effect on this problem of immigration. One of the things that we find in the border States, Texas, Arizona, New Mexico, California, we see many people from Mexico who have to come into the United States to work, and they send their salary back to Mexico. Well, if we are able to see a reduction in those barriers, that will not be necessary because there will be many United States companies which will want to invest in Mexico.

I think that if one looks at what is offered between our two countries, the United States of America and Mexico, it is clear that the United States offers both capital and technology, and Mexico offers both markets and labor.

Now, many people, those who are critical of the prospects of moving ahead with the free trade agreement between the United States and Mexico, say that we will see United States businesses simply taking advantage of this 70 cents an hour labor force in Mexico, and we will, therefore, see a tremendous loss of jobs in the United States because of it. But, if we look at the facts, I really don't believe that that will be the case, Mr. Speaker.

Canada has, of its imports, 87 percent of them coming from high-cost areas, high labor cost areas, because those items which are being imported in Canada are items which are clearly expensive items, items which are created by well-trained labor, not unskilled labor. And in this country it is 64 percent. Sixty-four percent of the imports into the United States come from high labor cost countries.

The only reason it is less than the 87 percent in our country is that we have agreements with China and Third World countries, which do not have low-cost labor, and that is the reason that it is less.

The demand in this country is clearly for those products which are created by high labor cost countries. It seems to me that we need to recognize that benefits can be accrued on both sides of the border if we move ahead with this.

I think if we look at the old adage that a rising tide lifts all ships, it is apparent that we will be able to help the people of Mexico.

Now, I have many colleagues in this Congress who, like me, are concerned about the plight of those who are less fortunate than Americans. We, of course, are anguishing over the plight of the Kurds who are starving in the north of Iraq and in southern Turkey and in Iran at this point.

We are also very concerned about people who are less advantaged in Mexico. Well, it seems to me that if we want to do what we can to enhance the quality of life for our southern neighbors, moving ahead with a free trade agreement would be a very good and positive step for us.

There are other justifiable concerns which have been raised, and I think that I met today with Dr. Blanco, who is the chief negotiator. And he, as we move ahead with the free trade agreement, he clearly wants to address the concerns that labor faces.

Another segment that is concerned is the environmental community. I am very proud of my record here in the Congress, Mr. Speaker, as it addresses the environment. I am one who believes that we clearly do have to play a role here at the Federal level in addressing environmental concerns in this country. The area I represent in southern California, the Los Angeles Basin, happens to have the highest number of first stage smog alerts in the United States. So I am one who clearly is very sensitive to addressing the environmental needs that exist in Mexico, the air pollution problems in Mexico City, as many of us have witnessed on a number of occasions. And so the argument that some have used is that United States business that does not like the kinds of environmental constraints which have been imposed on them by Federal law here will seize the opportunity to go into Mexico and pollute without any kind of responsibility to the people of Mexico. Again, a fallacious argument, Mr. Speaker. The reason being that the Mexican Government clearly does have many environmental constraints which are modeled in large part after the environmental requirements which we have here in the United States.

And the problem has been as follows, Mr. Speaker. There are many businesses in Mexico which have been existing and polluting for years. It is widely acknowledge that the Mexican Government has had a difficult time imposing the proper environmental constraints on existing businesses, but they have, Mr. Speaker, had success in putting together those kinds of requirements on new businesses in Mexico. So while some people say that United States companies will move into Mexico and seize the opportunity to pollute because of lax environmental regulations, they are wrong. As a new business, whether it is domestic, inside of Mexico, or a business that would come in under a new free trade agreement arrangement, they would have to meet the environmental constraints imposed under Mexican law.

There is another area which is of concern in my State of California. People in the agriculture industry do not want to see the Mexican labor force undercut the United States ability to deal with the sale of agricultural products, specifically those in the citrus and other areas of California. And I know in Florida and other States, they are very concerned about it. And there are some justifiable concerns which need to be addressed. Again today I brought one of those to the attention of Dr. Blanco, who is our negotiator. There is something called hydrogen glyceride, which is sprayed on grapes, and it is illegal in the United States. It cannot be used. It is not approved by the EPA, and yet it is utilized in Mexico. The spraying of this pesticide allows the grapes to come to market earlier than it would if it is not used. What has happened is that Mexican grapes have, therefore, been able to come to market beating the California market. For that reason, it seems to me that we need to have some kind of negotiated agreement on the use of that and many other items which are utilized on one side of the border and not on the other side of the border.

So what I am saying, Mr. Speaker, is that because of some concerns that have been understandably raised in the area of labor, in the area of the environment, and in the area of agriculture, it does not mean that we should penalize the consumer on both sides of the border, in the United States and Mexico, and clearly cast aside the necessity to provide those goods and services to people because of these questions.

☐ 2110

What we need to do, Mr. Speaker, is answer these questions and have a negotiated settlement, so that these things can be addressed.

We in the Congress, if we move ahead with what is misnamed the fast-track provision so that our negotiators can go ahead, we in the Congress, and I will not vote for a bad agreement between Mexico and the United States, but I want us to move ahead with an agreement.

One of the arguments that another Member has given in opposition to this is why is it that we have to have a fast track? Why do we have to move ahead so quickly here if we are going to be undertaking a very serious matter, that of eliminating these barriers between Mexico and the United States.

Mr. Speaker, I argue that it is essential that we move ahead and move ahead expeditiously. That gets back to what I raised at the outset: we are seeing countries throughout the world unifying. I am talking again about the Pacific Rim and Western Europe.

Many in Western Europe are going to prepare to seize on the 100 million strong labor force, and ultimately market, that exists in Eastern and central Europe, and that again will give them an added advantage in dealing with this.

So as these parts of the world move ahead, why should the United States of America be so far behind? Some who have said that we should delay this process have not recognized that this is not a new concept. This is something that we have been discussing for years and years. It is just that the necessity for it has become greater and greater, and that is why it is now on the front burner.

President Bush has very accurately put this as one of his top domestic policy priorities. It is a top domestic priority, because he wants to help the American consumer, and also the consumer in Mexico and other parts of the world.

Mr. Speaker, it seems to me as we look at the domestic policy priorities which have been established by President Bush, that this is a very important one, because of his desire to do everything that he possibly can to assist consumers on both sides of the border, in the United States and in Mexico.

Mr. Speaker, it is obviously controversial, and it is obviously something that is going to be contentious when we proceed here in the House of Representatives with a debate. But this is something that President Bush thinks is important, and it is something I think is very important, too, and I hope a majority of this House will recognize its importance. Because we cannot stand alone. We often talk about this technology which carries the word from the floor of the Congress, not just to people throughout the United States, but to the world. We are seeing with tremendous communication advances a shrinking world. That is also happening in the area of trade.

Mr. Speaker, I do not believe that I as a Member of Congress have the right to say to a consumer in this country that you cannot buy the best quality product at the lowest possible price without my imposing a penalty on you. Frankly, those who want to stall and delay this process are getting to the point where a penalty will be imposed on that American consumer.

Mr. Speaker, we today passed out what I think is a horrible budget. It is an unfortunate thing that we passed it in this House, spending hundreds of billions of dollars, the cost of which is being passed on to future generations.

Mr. Speaker, this is Wednesday night, so I guess it was 2 days ago at this time, 9:15 in the evening, people were rushing to the U.S. Post Office with less than 2 hours and 45 minutes to go before that April 15 deadline to pay their income taxes, to send it to those of us here in Washington.

I for one happen to think that that burden is a little too high. I know very well that the ranking Republican on the Rules Committee, who is with us tonight, the gentleman from New York [Mr. SOLOMON], feels that he and the people in upstate New York pay too much in taxes and the consumer is being penalized by our spending policies here and by the taxes which they have to pay.

So President Bush has very rightfully put on the front burner this United States-Mexico Free Trade Agreement so that we can do something to benefit the American consumer, because it has been very frustrating. I think this agreement can help us clearly emerge from this very, very slow moving economy.

Mr. Speaker, the signs are that we are coming out of it. I saw that the Dow Jones industrial average closed at 3,005 today, setting an all-time record. I think that bodes well for the future. Maybe those on the floor of the stock exchange are convinced that we are going to be passing a United States-Mexico Free Trade Agreement, and that might have played a role in encouraging them to run it as high as it is.

Mr. Speaker, we have a lot of tough battles ahead. This is clearly one of the most important ones. We are going to have a lot of "Dear Colleagues" circulated. There is going to be a lot of talk about this, a lot of very good arguments given on both sides.

Mr. Speaker, I am confident that this House will do the right thing and provide President Bush with the support that he needs to bring about something that will clearly be a great boost for the American consumer and consumers throughout the world.

SUMMARY OF HOUSE JOINT RESOLUTION 222

The SPEAKER pro tempore (Mr. HAYES of Illinois). The gentleman from New York [Mr. SOLOMON] is recognized for 15 minutes.

Mr. SOLOMON. Mr. Speaker, I might just alert the membership that there has been an agreement reached on the rail strike legislation, which is House Joint Resolution 222, which will be coming before the House, hopefully any moment now. Perhaps I might just read some of the resolved clauses so that those Members that are listening in their offices or are on their way over here might understand a little bit about what is going on.

Mr. Speaker, this is an agreement, as I understand it, that has been agreed to by both Houses, by the House, the Senate, as well as the administration, as well as management and labor. The House will pass this bill, possibly without even a vote here, in a few minutes, as soon as the Members come to the floor and the managers of this bill arrive.

I understand that the Senate will take this bill up first thing tomorrow morning, and this should result in the railroads going back to work, which is absolutely critical at this time because of the recession we are in.

Mr. Speaker, we have just gone through 8 years of unparalleled growth in this country. Now we are in a recession. We certainly do not want to do anything and we do not want this Congress to be responsible for prolonging this recession. The reason we need this legislation is because of jobs and the economy in this country.

Mr. Speaker, I happen to come from an area in upstate New York where the recession first started. We have a lot of unemployment there. Certainly we want to get those people back to work.

I would just simply begin to read the resolved clauses of this legislation, which states:

> The following conditions shall apply to the disputes referred to in Executive Order No. 12714 of May 3, 1990, between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and the employees of such railroads represented by the labor organizations which are party to such disputes:
>
> (1) The parties to such disputes shall take all necessary steps to restore or preserve the conditions out of which such disputes arose as such conditions existed before 12:01 a.m. on April 17, 1991, except as otherwise provided in this joint resolution.

Mr. WALKER. Would the gentleman yield?

Mr. SOLOMON. I will be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Could the gentleman explain that clause to us?

Mr. SOLOMON. I will, as I get a little further into the bill. This legislation is just out of the printers. It is still hot to handle. But let me just continue for a minute.

Mr. WALKER. I was having trouble understanding what the bill was really saying there. I was just wondering whether the gentleman could explain what the effect of the language is that he just read to the House.

□ 2120

Mr. SOLOMON. It will.

It goes on to say that except as otherwise provided in this joint resolution, it goes on with some other technical information. But I think one of the things that people are interested in hearing is that under section 2, appointment of special board, what this does is set up another Presidential Emergency Board. It says that:

> The President shall promptly appoint a 3-member special board. One member of the special board shall be an individual who was a member of Presidential Emergency Board No. 219. The remaining 2 members shall be appointed by the President from a list of arbitrators compiled by the National Mediation Board. No member appointed to such special board shall be pecuniarily or otherwise interested in any organization of employees or any railroad. The compensation of the members of the special board shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of the special board appointed under this subsection as if such special board were a board created under such section 10.

Section 3 deals with the resolution of issues in disagreement, and it goes on to say that requests for clarification or interpretation of ambiguities—"within 5 days after the special board is appointed under section 2, any party to the disputes referred to in Executive Order No. 12714 may request the special board to clarify or interpret any ambiguities in the recommendations of Presidential Emergency Board No. 219."

Section B, clarification and interpretation report, says that "within 15 days after the special board is appointed under section 2, the special board shall issue a report addressing requests made under subsection (a)."

Then it goes on with another section, requests for modification.

> Within 10 days after the special board issues its report under subsection (b), any party to the disputes referred to in the executive order may request the special board to modify any special recommendation of Presidential Emergency Board No. 219 with respect to any issue on which the parties may remain in disagreement. Issues on which Presidential Emergency Board No. 219 made no specific recommendation shall not be subject to consideration by the special board.

I just look around the room here to see where the managers of the bill are from the Energy and Commerce Committee. I assume they are on their way over because we want to dispose of this legislation and get it over to the Senate as soon as we possibly can.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I hope they are not in their offices waiting for the gentleman to finish reading their bill for them.

Mr. SOLOMON. I hope they are not either, because I still have a couple of long pages to go.

But in anticipation of their arrival, Mr. Speaker, I will just say that subsection (d), procedure and determination says, "The special board shall conduct such proceedings as it considers necessary to review requests made under subsection (c)."

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I just wanted to make the gentleman aware, since it is somewhat different than the information that he had a few minutes ago, that we understand that the Senate is in session, and as soon as the House has cleared action on this legislation the Senate will deem it to have been passed so that the action can be completed on it yet tonight.

Mr. SOLOMON. That is very good news, because we were worried that as long as this strike stays in effect it does severely affect the economy throughout the country. Just, for example, I was on the phone with an automobile dealer from upstate New York a few minutes ago and they are on a just-in-time order situation now. Because of the recession they have not stocked up on automobiles, and as they have been selling them, they have been ordering them from Detroit. Should the strike, of course, continue in effect, they would not have automobiles to sell. And if we just magnify this all over the country, the automobile industry is a major, major part of the economy of this country. That is why we cannot afford to have this strike stay in effect.

Mr. WALKER. If the gentleman will yield, that is also true, of course, of the manufacturing process for automobiles. Most of the automobile factories have gone to a just-in-time ordering system for parts that they put into automobiles so that a rail strike affects the ability of the automobile manufacturers to make the cars in the first place. So this indeed is a situation which can rapidly escalate into major layoffs in the country.

But it does appear as though the Senate is prepared to act yet tonight. The bill should be enrolled and be sent to the White House sometime in the course of the night or early tomorrow morning. So we should have the action underway.

I did not hear, in what the gentleman was telling us about the nature of the bill, a time frame. It is my understanding that this new board will essentially act for a 65-day period. Is that the gentleman's understanding as well?

Mr. SOLOMON. That is correct. As a matter of fact, that would be a cooling off period when all parties could get back together, and that the new presidential emergency board could then attempt to negotiate a settlement of all of the involved issues.

Mr. WALKER. That of course should give some time for some of the issues that have been outstanding to be resolved and for some of the things that have exacerbated the process to perhaps be worked out.

I think the gentleman has described the nature of the board which is going to be put together to do this, and I agree with him. I think it is good news that the situation with regard to presidential appointment was resolved in the legislation. But it does appear as though we are creating a time frame that hopefully will resolve the issues before we have to come back again in a similar situation.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. SOLOMON. I would take notice that the ranking Republican on the Energy and Commerce Committee has just arrived in the chamber. We are very, very happy to see him. But I yield to the gentleman from Texas.

Mr. BARTON of Texas. The ranking member may want to speak. I would just like to report that the committee has just met. Chairman DINGELL should be on the floor in the next 5 minutes. We reported by unanimous consent, without any negative votes, the compromise legislation. And we are very hopeful that the train will leave the track and we will move forward.

Mr. SOLOMON. I appreciate that information from the gentleman from Texas, and since the gentleman from New York [Mr. LENT] has just arrived on the floor, perhaps the gentleman from Pennsylvania [Mr. WALKER] could repeat the information he just received from the Senate as far as the Senate's action.

Mr. WALKER. I was just telling the other gentleman from New York that it is our understanding that the Senate is in session and that as soon as we complete action here that they will deem the action taken by the House to have passed the Senate, which means we will complete action on this matter tonight. And it is my understanding that the President will sign this as soon as it reaches the White House. Is that the understanding of the gentleman from New York?

Mr. LENT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from New York.

Mr. LENT. Mr. Speaker, that is my understanding. I just wanted to report that the full Energy and Commerce Committee within recent minutes has reported out legislation, House Joint Resolution 222, with some very minor technical amendments to settle the national railroad strike.

□ 2130

For any of our Members who may be en route to the House Chamber, the sooner they get here the better, because we will be in a position to take this legislation up momentarily.

Mr. SOLOMON. I have just been reading a draft of the legislation, but to put it in layman's language, perhaps the gentleman could just give us a brief summary of what the agreement contains.

Mr. LENT. If the gentleman will yield further, very, very briefly, what we are doing here is the President will appoint a Special Board to review the situation as between the parties, and that that Special Board will settle ambiguities in the Presidential Emergency Board. It will consider issues on which there is disagreement between the parties where the Presidential Emergency Board issues specific recommendations, and it will also clarify other issues as requested by the parties.

The main thing is the railroad workers, under the terms of this legislation, will return to work as soon as possible under conditions in effect prior to April 17, 1991, except where there is a mutual agreement between the individual labor union and the railroads.

As I mentioned a moment ago, a special three-person Special Board shall be appointed by the President. Any party seeking modification of the existing PEB, or Presidential Emergency Board, recommendation can overcome the presumptive validity of the recommendation if the party shows to the Board that the outcome of the PEB recommendation was based on a material error or a material mistake or is demonstrably inequitable.

The time line for the Board's considerations is as follows: Following the appointment of the board during the first 5 days, the parties present clarification issues to the board. During the 6th to 15th day, the board considers and rules on clarification issues. Between the 16th and the 25th day the parties present remaining disagreements to the board. Between the 26th and the 55th day, the board considers and rules on remaining disagreements, and between the 56th and 64th day, the parties would be allocated a cooling-off period where they may negotiate and conclude agreements, and by the 65th day, the Presidential Emergency Board, with revisions, if any, by the board, minus any issues the parties have mutually agreed are settled as imposed and have the same effect as if the parties had arrived at a mutual agreement under the Railway Labor Act.

That is a simplified version of what is in the legislation.

Mr. SOLOMON. Mr. Speaker, I thank the ranking member on the Committee on Energy and Commerce, because that is really good news, I think, for everyone out there, for business, for labor and management together.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Texas.

Mr. FIELDS. Mr. Speaker, I appreciate the gentleman yielding. Here comes our chairman.

We had an extraordinary crisis that Congress dealt with in literally 1 day. We began at 8 a.m. this morning, and I think tribute must be paid to the chairman, the gentleman from Washington [Mr. SWIFT], and the chairman, the gentleman from Michigan [Mr. DINGELL], the gentleman from New York [Mr. LENT], and the gentleman from Pennsylvania [Mr. RITTER], because this crisis had the potential of costing this Nation $50 million to $1 billion a day, and to be able to handle it in such a short period, I think, is a tribute to the gentlemen I mentioned. I think it is a tribute to the Congress.

I wish we took some of the other problems that we confront as seriously and dealt with them as expeditiously.

Mr. SOLOMON. I thank the gentleman.

I also would like to commend the gentleman from Washington [Mr. SWIFT] for the swift action that they took on this bill today, because, as the gentleman said, if this had carried on for another 3 or 4 days, it could have been an economic catastrophe for this country at a time when we can ill afford to have that happen. So, again, I commend the gentleman from Washington [Mr. SWIFT], and certainly the ranking member of the full committee, the gentleman from New York [Mr. LENT].

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I just wanted to thank the gentleman for the colloquy that has been going on. The chairman of the full committee is handling a couple of details, and he will be here immediately to bring up the bill.

But I think that the opportunity that you had to talk with the gentleman from New York [Mr. LENT], who is the ranking Republican on the full committee, has been very helpful in layout out what the issues are.

Very shortly we will get to the consideration itself of the legislation, and at that point we will have a detailed explanation.

I think the important thing here is that the House is ready to act and hopefully within about an hour we will have this resolved. We will have done our part with the possible exception of a brief conference.

I am still very hopeful that we will be able to have this bill on the President's desk before midnight tonight.

Mr. SOLOMON. I really do appreciate the gentleman's response. Again, this House, every Member, owes the gentleman and the committee, the gentleman from Michigan [Mr. DINGELL], the chairman of the committee, and all of the Members a debt of gratitude for getting it to the floor.

PROVIDING FOR SETTLEMENT OF RAILROAD LABOR-MANAGEMENT DISPUTES

Mr. DINGELL. Mr. Speaker, pursuant to the order of the House earlier today, I call up the joint resolution (H.J. Res. 222) to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees, and ask for its immediate consideration.

The text of House Joint Resolution 222 is as follows:

H.J. RES. 222

Whereas the labor disputes between certain railroads represented by the National Carriers Conference Committee of the National Railway Labor Conference and certain of their employees represented by certain labor organizations threaten essential transportation services of the United States;

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained;

Whereas the President, pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), by Executive Order No. 12714 of May 3, 1990, created Presidential Emergency Board No. 219 to investigate the disputes and report findings;

Whereas the recommendations of Presidential Emergency Board No. 219 issued on January 15, 1991, have formed the basis for tentative agreements between some, but not all, of the parties to the disputes;

Whereas the recommendations of Presidential Emergency Board No. 219 issued on January 1991, have not resulted in a settlement of all the disputes;

Whereas all the procedures provided under the Railway Labor Act, and further procedures agreed to by the parties, have been exhausted and have not resulted in settlement of all the disputes;

Whereas it is desirable to resolve such disputes in a manner which encourages solutions reached through collective bargaining;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential transportation services;

Whereas the Congress finds that emergency measures are essential to national security and continuity of transportation services by such railroads; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONDITIONS DURING RESOLUTION OF DISPUTES.

The following conditions shall apply to the disputes referred to in Executive Order No. 12714 of May 3, 1990, between certain railroads represented by the National Carriers' Conference Committee on the National Railway Labor Conference and the employees of such railroads represented by the labor organizations which are party to such disputes:

(1) The parties to such disputes shall take all necessary steps to restore or preserve the conditions out of which such disputes arose as such conditions existed before 12:01 a.m. on April 17, 1991, except as otherwise provided in this joint resolution.

(2) The final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the disputes referred to in Exective Order No. 12714 of May 3, 1990, so that no change shall be made before the expiration of the period described in section 3(e) of this joint resolution by such parties, in the conditions out of which such dispute arose as such conditions existed before 12:01 a.m. on April 17, 1991.

(3) Except as provided in section 3 of this joint resolution, the report and recommendations of Presidential Emergency Board No. 219 shall be binding on the parties upon the expiration of the period described in section 3(e) of this joint resolution, and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

SEC. 2. APPOINTMENT OF SPECIAL BOARD.

The President shall promptly appoint a 3-member special board. One member of the special board shall be an individual who was a member of Presidential Emergency Board No. 219. The remaining 2 members shall be appointed by the President from a list of arbitrators compiled by the National Mediation Board. No member appointed to such special board shall be pecuniarily or otherwise interested in any organization of employees or any railroad. The compensation of the members of the special board shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of the special board appointed under this subsection as if such special board were a board created under such section 10.

SEC. 3. RESOLUTION OF ISSUES IN DISAGREEMENT.

(a) REQUESTS FOR CLARIFICATION OR INTERPRETATION OF AMBIGUITIES.—Within 5 days after the special board is appointed under section 2, any party to the disputes referred to in Executive Order No. 12714 of May 3, 1990, may request the special board to clarify or interpret any ambiguities in the recommendations of Presidential Emergency Board No. 219.

(b) CLARIFICATION AND INTERPRETATION REPORT.—Within 15 days after the special board is appointed under section 2, the special board shall issue a report addressing requests made under subsection (a).

(c) REQUESTS FOR MODIFICATION.—Within 10 days after the special board issues its report under subsection (b), any party to the disputes referred to in Executive order No. 12714 of May 3, 1990, may request the special board to modify any specific recommendation of Presidential Emergency Board No. 219 with respect to any issue on which the parties remain in disagreement. Issues on which Presidential Emergency Board No. 219 made no specific recommendation shall not be subject to consideration by the special board.

(d) PROCEDURE AND DETERMINATION.—The special board shall conduct such proceedings as it considers necessary to review requests made under subsection (c). In making a determination under this subsection, the special board shall accord a presumption of validity to the recommendations of Presidential Emergency Board No. 219. The party requesting a modification of a particular Presidential Emergency Board recommendation shall bear the burden of persuasion with respect to the modification of such request. In order to overcome such presumption of validity, the party requesting a modification must show that the Presidential Emergency Board recommendation is demonstrably inequitable or was based on a material error or material misunderstanding. No later than 30 days after the 10-day period described in subsection (c), the special board shall complete its review and issue a final determination on all requests made under subsection (c), modifying in whole or in part the recommendation of Presidential Emergency Board No. 219 as to which the request was made, or denying such request.

(e) EFFECT OF DETERMINATION.—Upon the expiration of 10 days after the issuance of the determination of the special board under subsection (d), such determination shall be binding on the parties and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

(f) CLARIFICATION OF DETERMINATION.—In the event of disagreement as to the meaning of any part or all of the determination by the special board under subsection (d), or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may, by December 31, 1991, apply to the special board for clarification of its determination, whereupon the special board shall reconvene and shall promptly issue a further determination with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the special board, be made with or without a further hearing.

(g) PRECLUSION OF JUDICIAL REVIEW.—There shall be no judicial review of any report or determination of the special board under this section.

SEC. 4. MUTUAL AGREEMENTS PRESERVED.

Nothing in this joint resolution shall prevent a mutual written agreement to any terms and conditions different from those established by this joint resolution.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DINGELL: Strike all after the resolving clause and insert in lieu thereof the following:

SECTION 1. CONDITIONS DURING RESOLUTION OF DISPUTES.

The following conditions shall apply to the disputes referred to in Executive Order No. 12714 of May 3, 1990, between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and the employees of such railroads represented by the labor organizations which are party to such disputes:

(1) The parties to such disputes shall take all necessary steps to restore or preserve the conditions out of which such disputes arose as such conditions existed before 12:01 a.m. on April 17, 1991, except as otherwise provided in this joint resolution.

(2) The final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the disputes referred to in Executive Order No. 12714 of May 3, 1990, so that no change shall be made before the expiration of the period described in section 3(e) of this joint resolution by such parties, in the conditions out of which such dispute arose as such conditions existed before 12:01 a.m. on April 17, 1991.

(3) Except as provided in sections 3 and 4 of this joint resolution, the report and recommendations of Presidential Emergency Board No. 219 shall be binding on the parties upon the expiration of the period described in section 3(e) of this joint resolution, and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

SEC. 2. APPOINTMENT OF SPECIAL BOARD.

The President shall promptly appoint a 3-member Special Board. One member of the special Board shall be an individual who was a member of Presidential Emergency Board No. 219. The remaining 2 members shall be appointed by the President from a list of arbitrators compiled by the National Mediation Board. No member appointed to such Special Board shall be pecuniarily or otherwise interested in any organization of employees or any railroad. The compensation of the members of the Special Board shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of the Special Board appointed under this subsection as if such Special Board were a board created under such section 10.

SEC. 3. RESOLUTION OF ISSUES IN DISAGREEMENT.

(a) REQUESTS FOR CLARIFICATION OR INTERPRETATION OF AMBIGUITIES.—Within 5 days after the Special Board is appointed under section 2, any party to the disputes referred to in Executive Order No. 12714 of May 3, 1990, may request the Special Board to clarify or interpret any ambiguities in the recommendations of Presidential Emergency Board No. 219.

(b) CLARIFICATION AND INTERPRETATION REPORT.—Within 15 days after the Special Board is appointed under section 2, the Special Board shall issue a report addressing requests made under subsection (a).

(c) REQUESTS FOR MODIFICATION.—Within 10 days after the Special Board issues its report under subsection (b), any party to the disputes referred to in Executive Order No. 12714 of May 3, 1990, may request the Special Board to modify any specific recommendation of Presidential Emergency Board No. 219 with respect to any issue on which the parties remain in disagreement. Issues on which Presidential Emergency Board No. 219 made no specific recommendation shall not be subject to consideration by the Special Board.

(d) PROCEDURE AND DETERMINATION.—The Special Board shall conduct such proceedings as it considers necessary to review requests made under subsection (c). In making a determination under this subsection, the Special Board shall accord a presumption of validity to the recommendations of Presidential Emergency Board No. 219. The party requesting a modification of a particular Presidential Emergency Board recommendation shall bear the burden of persuasion with respect to the modification of such recommendation. In order to overcome such presumption of validity, the party requesting a modification must show that the Presidential Emergency Board recommendation is demonstrably inequitable or was based on a material error or material misunderstanding. No later than 30 days after the 10-day period described in subsection (c), the Special Board shall complete its review and issue a final determination on all requests made under subsection (c), modifying in whole or in part the recommendation of Presidential Emergency Board No. 219 as to which the request was made, or denying such request.

(e) EFFECT OF DETERMINATION.—Upon the expiration of 10 days after the issuance of the determination of the Special Board under subsection (d), such determination shall be binding on the parties and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

(f) CLARIFICATION OF DETERMINATION.—In the event of disagreement as to the meaning of any part or all of the determination by the Special Board under subsection (d), or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may, by December 31, 1991, apply to the Special Board for clarification of its determination, whereupon the Special Board shall reconvene and shall promptly issue a further determination with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the Special Board, be made with or without a further hearing.

(g) PRECLUSION OF JUDICIAL REVIEW.—There shall be no judicial review of any report or determination of the Special Board under this section.

SEC. 4. MUTUAL AGREEMENTS PRESERVED.

Nothing in this joint resolution shall prevent a mutual written agreement to any terms and conditions different from those established by this joint resolution.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. WILLIAMS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to the order of the House earlier today, the gentleman from Michigan [Mr. DINGELL] will be recognized for 30 minutes, and the gentleman from New York [Mr. LENT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, my remarks will not explain the legislation except to indicate that this amendment is essentially a technical amendment which cleans up certain defects which crept into the legislation as the drafting process went on. It has been cleared with and discussed with my colleagues on the minority who are well familiar with it. There is nothing in the bill here which is changed except defects in the draftsmanship and in misspellings and things of that sort.

Mr. LENT. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am happy to yield to the gentleman from New York.

Mr. LENT. Mr. Speaker, I would just like to confirm the statement that the gentleman has made that the amendments are purely technical in nature, and the minority has no objection to them.

Mr. DINGELL. Mr. Speaker, my purpose here is to pay tribute, first, to the distinguished gentleman from Washington [Mr. SWIFT], who has processed this legislation within the committee, and his very able staff; also, the very able staff of the full committee, my two dear friends on the side of the minority, the gentleman from New York [Mr. LENT], the distinguished ranking member, and the gentleman from Pennsylvania [Mr. RITTER], ranking member of the subcommittee.

The staffs of the minority, I think, deserve special tribute as does the distinguished Secretary of Transportation, who has worked with us most closely, and his staff. I would like to pay tribute also to my colleagues in the Senate who have worked upon this legislation.

Mr. Speaker, while not all are happy with the legislation, the bill was reported unanimously from the full committee, unanimously from the subcommittee, and it is my belief that, consistent with the way that similar resolutions have worked in the time since 1962 when this committee has brought some 16 of them to the floor, it will work to resolve the issues and see to it that rail service commences.

□ 2140

It is my belief that this will effectively be a process which over a very brief period of time will rationalize the differences, will leave with Members a work arrangement between management and labor on the railroads which will resolve the question which vex all parties at this time, and will terminate the strike.

I commend all of my colleagues on the committee, their staffs, and all who worked with Members, under some very remarkable time pressure. We have brought this bill to the floor from the committees at a speed which I have never, never often seen.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. WILLIAMS). The Chair is advised that the gentleman from Pennsylvania [Mr. RITTER] will control 30 minute on the minority side. The Chair recognizes the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, as I understand it, the gentleman from Washington [Mr. SWIFT] wishes to explain the overall bill at this time.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I will make two points. Let me make a preamble. I think that often Congress is accused of being unnecessarily and too frequently partisan. We are sometimes guilty of that. Sometimes I think we are misunderstood. We are carrying out legitimate differences of opinion that exist between the parties.

This is an issue that is complex and dire. It is one on which the temptation for trying to make partisan advantage is great, and it is one in which no one, either side, the administration or Congress, House or Senate, try to do that. Resolving this issue quickly is terribly important to the health of our economy, and I think that all of my colleagues can be proud in the expeditious way in which we addressed the issue, the flexibility in which we addressed the issue so that the compromises which can take days and sometimes months in this institution, in effect, can be honestly worked out in a period of hours.

With that, let me describe the provisions of the agreement that has been worked out between Members of the Senate, Members of the House, and with the concurrence of the administration. First of all, the railroad workers will return to work as soon as this bill is enacted and signed into law, under conditions that prevailed immediately prior to the strike.

Second, a three-person special Board will be appointed. That Board will, first of all, settle ambiguities in the Presidential Emergency Board; second, consider issues on which there is disagreement between the parties where the PEB issued specific recommendations; third, clarify other issues as requested by the parties. The Board will not consider issues on which the PEB makes no specific recommendations and which parties did not raise an issue.

There is presumptive validity given to the PEB report, and the burden of persuasion rests upon the party seeking modification of a particular PEB recommendation.

The party seeking modification of a PEB recommendation can overcome the presumptive validity of the recommendation if the party shows to the Board that the outcome of the PEB recommendation was based on a material error or material misunderstanding, or is demonstrably inequitable.

The time line for the Board's consideration is as follows: Following appointment of the Board, there are 5 days for the parties to present clarifying issues to the Board, followed by 10 days during which the Board continues and rules on the clarification issues. Following that, 10 more days are devoted to the parties presenting the remaining disagreements to the Board. Then the Board has 30 days to consider and rule on the remaining disagreements. Finally, there is a 10-day cooling off period for the parties, where they may negotiate and conclude agreements. That takes a total of 65 days.

With the revisions by the Board, if any, minus any issues the parties have mutually agreed to, the PEB is imposed and shall have the same effect as if the parties arrived at a mutual agreement under the Railway Labor Act.

That is the agreement that was developed. It is a fair one. I heartily recommend to my colleagues to support it.

Mr. RITTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. LENT], the ranking member of the Committee on Energy and Commerce.

Mr. LENT. Mr. Speaker, the passage of this bill means the strike is over. The strike that began at 12:01 this morning concerns more than management or labor; it means the disruption of rail service for thousands of commuters who must find alternative ways of getting to work; it means the tremendous waste of fruits, vegetables, and poultry that will spoil before getting to market; it means the loss of potentially billions of dollars to the American economy.

I support this legislation and urge my colleagues to join me in voting to get America on the move again. I want to commend the chairman of the Energy and Commerce Committee, JOHN DINGELL, as well as subcommittee chairman AL SWIFT, for their efforts in moving this process along expeditiously and fairly. I also want to note the able assistance of my good friend and colleague, DON RITTER, who is the ranking Republican on this subcommittee. We have been able to work together in a bipartisan manner to ensure that American lives will not be further disrupted.

The legislation before us isn't perfect; no compromise ever is. But it does accomplish several goals. First, it stops the strike and gets America moving again. However, it does so without unduly interfering with the collective bargaining process, and without tilting the scales toward either labor or management. In addition, this bill does not set the dangerous precedent of making Congress the final arbiter in all future contract disputes.

Mr. Speaker, the members of the Energy and Commerce Committee have worked tirelessly with our other colleagues and our friends in the Senate. Our actions have been swift, decisive, and fair. The result is a compromise that deserves our support.

My understanding is that the bill we are considering tonight could be on the President's desk by midnight tonight.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. BRUCE].

Mr. BRUCE. Mr. Speaker, first of all my congratulations to the gentleman from New York [Mr. LENT], the gentleman from Michigan [Mr. DINGELL], the gentleman from Pennsylvania [Mr. RITTER], and the gentleman from Washington [Mr. SWIFT], for some excellent work.

A number of Members have said that enactment of legislation that developed from the Presidential Emergency Board recommendation builds on a number of precedents which have been set in the past. One of the precedents often cited is the most recent precedent, involving the Chicago and Northwestern Railroad. As a sponsor of legislation implementing the Emergency Board recommendations in that case, I would like to point out a difference between the Chicago and Northwestern and this case, which I believe has a great deal of merit.

For this purpose, I would like to engage in a colloquy with the chairman of the Subcommittee on Transportation and Hazardous Materials, the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT, the Emergency Board recommends in this case that crew issues be decided through local arbitration. My understanding is that the PEB does not recommend any specific cash settlement for those workers who no longer have jobs after any arbitration is completed. Is that understanding correct?

Mr. SWIFT. Mr. Speaker, if the gentleman will yield, that understanding is correct.

Mr. BRUCE. Mr. Speaker, when I agreed to sponsor legislation implementing the Presidential Emergency Board recommendations in the Chicago and Northwestern case, I did so in great part because those recommendations contained $50,000 cash settlements for those union members who voluntarily decided to resign their positions.

☐ 2150

It was my belief that a cash settlement of that size would induce a significant number of union members to voluntarily move to new careers. While the cash settlement was significant, it was also a very worthwhile investment by rail management. It allowed the CNW to streamline its operations and improve its competitive capabilities. At the same time, it did not take the costs of the competitive improvements out of the pockets of railway workers. My belief that this would induce significant voluntary departures was correct and many employees sought retirement, to the benefit of workers and management.

Does the gentleman agree that in passing this legislation it is the sense of Congress that any local arbitration on crew consist issues build on the success of the $50,000 voluntary payments made and make those job losses voluntary?

Mr. SWIFT. Mr. Speaker, I agree that the gentleman's understanding is certainly the sense of Congress.

Mr. RITTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we meet this evening to vote on legislation designed to end the railroad strike and reaffirm the integrity of the Railway Labor Act and particularly the integrity of the Presidential Emergency Board process. The rail strike affects everyone, not only those who are employed or who manage or who ride the railroads; if this strike were allowed to continue, jobs in the railroad industry and manufacturing across the board and in agriculture would be imperiled.

We have heard that as many as a half million jobs above and beyond the 250,000 jobs in the railroad industry would be at stake. As much as a billion dollars a day could be lost.

As Secretary Skinner told the Transportation and Hazardous Materials Subcommittee this morning at 8 a.m., a fragile economy cannot long endure the effects of a national railway shutdown.

My own district, the Lehigh Valley of Pennsylvania is the home of a major Conrail marshalling yard, an intermodal facility, Union Pacific's corporate headquarters, Bethlehem Steel, and many smaller and mid-size manufacturers who depend on railroads. Thousands of jobs depend on the ability to get materials of production and finished goods into the marketplace. The same is true across America.

In an age of just-in-time inventory when railroad cars back up to factories, unload, and the material goes on to the production line, we can ill-afford a national strike.

Mr. Speaker, the Presidential Emergency Board recommendations are at the nucleus of the bill that we will vote on shortly.

The gentleman from New York [Mr. LENT] talked about presumptive validity given the PEB report and recommendations. That is important, because this Presidential Emergency Board worked for 10 months. Their report extended to 21,000 pages.

The burden of persuasion rests upon the party that seeks to modify this long and durable process and seeks to modify any particular Board recommendations. The party seeking modification of a PEB recommendation can overcome the presumptive validity of the recommendation if that party shows to the board that the outcome of the Emergency Board recommendation was based on a material error or a material misunderstanding or is demonstrably inequitable.

Again, this preserves the integrity of the Presidential Emergency Board process. The bill also establishes a fair and equitable mechanism for the resolution of disputes that are at this time still unsettled. The bill favors neither management nor labor, but is fair to both.

Mr. Speaker, my colleagues and our staffs have worked diligently throughout recent days and nights to bring this legislation to the floor this evening and save the United States from an economic catastrophe when our economy is in soft shape.

The House leadership and the administration have worked with us in our efforts to bring legislation to the floor tonight.

I want to commend the hard work and leadership of Chairman DINGELL and our ranking minority member, the gentleman from New York [Mr. LENT].

For Chairman SWIFT and myself, this was a kind of maiden voyage. I must say, the two of us had able captains in Chairman DINGELL and ranking minority member LENT.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, I rise in support of this resolution, House Joint Resolution 222.

Mr. Speaker, I rise to express my support of House Joint Resolution 222 dealing with the current situation with our Nation's freight railroad carriers and railroad workers. On April 16, 1991 at 12:01 a.m., negotiations between 11 major railroad unions and freight carriers ceased. We are now confronted with a major railroad strike or shutout while this Nation is struggling to break the bonds of an economic recession. The economic realities will be devastating. Equally as important is the fact that, railroad laborers have not received a pay increase in 3 years and are confronted with unreasonable recommendations that were issued by Presidential Emergency Board No. 219. I strongly believe that a reasonable agreement could have been reached if the carriers had exhibited more concern for its workers, where wages, work rules, and health benefits were concerned.

The parties involved in this agreement began negotiations 3 years ago.

Mr. Speaker, the negotiations process properly followed the procedures governing railroad labor disputes. The parties began negotiating a settlement 3 years ago. However the negotiations broke down. Subsequently, the National Mediation Board intervened and ultimately recommended the appointment of a Presidential Emergency Board to study the issues. President Bush's Presidential Emergency Board No. 219 issued its report and I believe that PEB No. 219 went too far in agreeing with the carrier's bargaining positions.

As of today, the labor laws that govern railroad disputes have been exhausted and the Congress has authority to step in and stop a transportation strike. The participation of the Congress, I feel, should focus on two key issues: The interruption of interstate commerce, and privilege of railroad laborers to bargain collectively for wages, health care benefits, and work rules.

Mr. Speaker, I am very concerned about interruptions in interstate commerce. A protracted railroad labor strike will have a devastating impact on our economy and national security. The railroads are essential in moving our Nation's auto parts, paper products, steel, lumber, coal, glass products, chemicals, and plastics. Even more important, our troops are still in the Persian Gulf and may need vital equipment and other essentials that are transported by the freight railroad carriers.

However, the concern for interruptions in interstate commerce must not overshadow the concerns for the laborers who dedicate their lives to their respective carriers. The unions, using the collective bargaining process, have taken a strong stand on their wages, health and welfare benefits, and work rules. The freight carriers contend that they are unable to provide pay increases and health benefits. This is far from the truth. Freight carriers are financially sound due to increasing profits and favorable tax laws. I strongly feel that the Congress should respect these vital wishes of the 235,000 railroad workers.

I urge the Congress to move quickly to pass House Joint Resolution 222 to extend negotiations and set up a board to further study the issues in dispute. For the Congress to accept the recommendation of Presidential Emergency Board No. 219, I believe, would be tantamount to voting away railroad jobs, wages, and health care benefits without the consent of railroad workers.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, when we started out in these negotiations, there were two issues: How many people does it take to safely operate a train, and how many miles must a crew travel to earn a day's pay?

Mr. Speaker, this is a good agreement. What it does, first of all it says that this issue should not be returned to the Congress anymore.

Second, it says that we do not reopen the Presidential Board anymore.

Third, it is a bipartisan solution, and lastly, it is a responsible proposal.

What this legislation does, is stops the strike. It does not interfere with the collective bargaining process and it makes the Congress no longer the ultimate arbiter.

This is a good resolution. It brings pain to both sides and it is something that is needed to rescue economic stagnation in this country.

SETTLEMENT OF RAILROAD DISPUTE, APRIL 17, 1991

(PRESIDENTIAL EMERGENCY BOARD NO. 219)

(1) Railroad workers return to work under conditions in effect prior to April 17, 1991, except where there is a mutual agreement between the individual labor union and the railroads.

(2) A three person Special Board shall be appointed.

(3)(a) The Special Board will:

(1) Settle ambiguities in the Presidential Emergency Board (PEB).

(2) Consider issues on which there is disagreement between the parties where the PEB issued specific recommendations.

(3) Clarify other issues as requested by the parties.

(b) The Board will not consider issues on which the PEB made no specific recommendations (i.e. line sales, etc.).

(4) There is presumptive validity given to the PEB report and recommendations. The burden of persuasion rests upon the party seeking modification of a particular PEB recommendation.

(5) The party seeking modification of a PEB recommendation can overcome the presumptive validity of the recommendation if the party shows to the Board that the outcome of the PEB recommendation was based on a material error, or material mistake, or is demonstrably inequitable.

(6) The time line for the Board's considerations is as follows: Following appointment of the Board—

Days 1–5—Parties present clarification issues to the Board.

Days 6–15—Board considers and rules on clarification issues.

Days 16–25—Parties present remaining disagreements to the Board.

Days 26–55—Board considers and rules on remaining disagreements.

Days 56–64—Parties have a "cooling off" period where they may negotiate and conclude agreements.

Day 65—PEB, with revision by the Board (if any), minus any issues the parties have mutually agreed as settled, is imposed and shall have the same effect as if the parties had arrived at a mutual agreement under the Railway Labor Act.

Mr. RITTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, we have been working all day on this agreement in a bipartisan manner. I think this agreement really reflects the best process of this House. I think it is important to commend our chairman, the gentleman from Michigan [Mr. DINGELL], the gentleman from Washington [Mr. SWIFT], the gentleman from Pennsylvania [Mr. RITTER], and the gentleman from New York [Mr. LENT], who just did a tremendous job.

This issue was very important to me. I must have one of the largest rail labor populations in America, some people who deserve a good compensation and health care package, people who are some of the most hard-working and productive people in my congressional district, people who want to work and people who want to provide service to the people in the Houston area and all of Texas.

I was very concerned that if this strike were prolonged, there would be a great deal of diversion of cargo from our rail system and that would have a long-term negative effect on the railroad; so it is great to report that tonight there will be an agreement, not only in the House but also in the Senate, and an agreement that the President can sign.

In addition to being worried about the rail employees in my district, I was worried about other workers. In Houston, we are one of the largest port cities in America, in fact the largest in terms of import tonnage; 28 percent of the cargo that moves out of the Port of Houston moves by rail.

It was reported that as much as a million dollars per day could be lost by some of our petrol-chemical companies, and it was reported that if this strike were prolonged, if it did take several days or actually go into weeks, that some of those refineries would shut down and jobs would be lost.

So again, I think it is wonderful that we can report to the country and particularly to my home district that we have reached an agreement, that we will go forward and work out the differences that remain.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I would first like to express my deep gratitude to the chairman of the committee, to Chairman SWIFT and our friends on the other side of the aisle for their hard work in developing this piece of legislation which is before us for consideration this evening.

Now, Mr. Speaker, I would like to enter into a colloquy with the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL].

Mr. Speaker, I will ask the chairman, the Presidential Emergency Board, on page 78 of the report, states that it is clear that the retroactive payment which will be recommended as well as the general wage increases imposed, may be larger than one or two carriers can afford. Further, the Board cites in this connection uncertain and possible loss of jobs that the inability of a railroad to meet its financial obligations would entail. In other words, the Board appears concerned that it is possible that the inability of one or two carriers to afford the recommended wage and payment levels could go so far as to contribute to the carriers failure. It is my firm understanding that the only carrier which has sought and which would be covered by this language on page 78 is the Southern Pacific Railroad Co.

The Board recommends that the parties negotiate "to adapt the Board's recommendations to the particular circumstances present in each railroad." That recommendation makes perfect sense in the context of the PEB, which is, first and foremost, meant to provide a structure for negotiation, for voluntary settlement by the parties.

The problem arises when we convert the PEB into a legislative imposition. In the absence of a voluntary agreement on individual adaptation, we could be imposing upon the carrier "impracticable," even fatal, wage and benefit levels.

It is my understanding, Mr. Chairman, that the legislation we are considering today does not impose on the Southern Pacific Railroad Co. the wage levels set forth in the PEB, but instead establishes a binding process under which the Special Board would have full authority to adapt the wage and benefit levels to that which the Southern Pacific's operations can sustain, if the parties do not reach voluntary agreement on the matter.

It is my further understanding that the Special Board would have authority to decide that the matter of adaptation to the carrier's financial circumstances should be referred to binding arbitration, should the Board believe that is the most appropriate method to accomplish the task.

I ask the Chairman, Mr. DINGELL, if my understanding is correct.

□ 2200

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. SLATTERY. I yield to the chairman of the committee, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Speaker, the understanding of my friend from Kansas is correct. The Congress is well aware from its experience with Conrail, the Rock Island, and the Milwaukee, of the consequences when income from operations is not adequate to sustain a railroad. This is a matter of grave importance to the national transportation system. But I emphasize to the gentleman from Kansas that the Southern Pacific is the only railroad qualified under the PEB's page 78 language to raise this issue.

Mr. SLATTERY. I thank the chairman for his clarification.

Mr. Speaker, again I commend the chairman for his hard work and his leadership.

Mr. SCHAEFER. Mr. Speaker, will the gentleman yield?

Mr. SLATTERY. I yield to the gentleman from Colorado.

Mr. SCHAEFER. I thank the gentleman for yielding.

Mr. Speaker, I would like to thank the two gentlemen for entering into their colloquy. This side of the aisle wholeheartedly supports the outcome of this situation.

Mr. SLATTERY. I thank the gentleman.

Mr. RITTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, Members of the House, the railroad strike has been ended because the Congress of the United States was able to muster its collective will and work on a bipartisan basis to end it to the satisfaction, at least temporarily, of the parties involved. Would it that this could occur on budgetary matters and other kinds of crises that we face on a daily basis in this body. But for once we can feel proud that the rush to action, the call to action was answered by the Members in a bipartisan way and one in which they worked with the White House itself and with all the parties.

This should be considered a banner day for the Congress of the United States and should signal new efforts on a whole host of other issues on which we could work in the same manner.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio, [Mr. ECKART].

Mr. ECKART. Mr. Speaker, I thank the gentleman for yielding.

Seven years ago rail labor/rail management first started debating the questions of health and welfare issues.

Forty months ago they first filed their notices to negotiate these matters. Then on January 17 PEB issued their report. On the 17th the time ran out, and people agreed not to strike. It has been a long time to get to this point, and people wonder why did it take so long? Well, it was 15 hours ago that the strike began. It was 14 hours ago that the committee began its work. Now, just shortly after 10 p.m., the strike will end. The strike will end and send a very powerful message to railroad workers across this country that you are going to get what you thought you could not get, and that is, a second chance. The strike will end, and rail management will get what they did not think that they could get, and that is, an end to a strike that was going to cost them $50 million a day, and some certitude to the negotiating process.

This is the largest, most complicated negotiation that has gone on in 29 years; 10 unions, 200 railroads, 200,000 railroad workers.

Mr. Speaker, with this bill, railroaders will go back to work, the country will get back about the business of moving the business and commerce, and we will send a very powerful message that the playing field is level, that the negotiations will be fair and we will balance the needs and the opportunities for all those who seek to participate in the collective-bargaining process.

Mr. RITTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume, only to observe that great credit belongs to members of the committee, certainly the gentleman from Pennsylvania, who has been most cooperative and helpful in this and has done very well; the distinguished gentleman from New York, the ranking member who has done an outstanding job; the chairman of the subcommittee, the gentleman from Washington [Mr. SMITH] and all the other members and the staff which worked very hard.

Certainly the Secretary of Transportation has been an outstanding force in accomplishing this legislation.

One last thought I would like my colleagues to keep in mind: Never, never, never during the consideration of this legislation was there one moment of partisan behavior or recriminations. That does great credit, I think, to the members of the committee, members of the subcommittee, and to the institution.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 222, legislation to resolve the current railway strike. And I would like to take this opportunity to commend the gentleman from Michigan [Mr. DINGELL], the gentleman from New York [Mr. LENT], the gentleman from Washington [Mr. SWIFT] and the gentleman from Pennsylvania [Mr. RITTER] for their Herculean efforts to bring this improtant legislation to the floor today.

Since January 1988, there has existed a dispute between our Nation's railway unions and our class I freight transporters. Unfortunately, as of 12:01 a.m. on Wednesday, April 17, 1991, all existing channels of resolution had been exhausted, and the unions and their 235,0000 workers decided to strike.

Unfortunately, at this time our economy is currently experiencing a period of recession and the railway strike could devastate our Nation. The Department of Transportation estimates that the strike could idle as much as 550,000 workers in industries directly affected by rail transporation. The effect of this sudden shock to the economy is a test we would all like to avoid.

In my own 22d District of New York, among other industries, my constituents depend on the General Motors plant in Tarrytown, NY, for their livelihoods. Unfortunately, General Motors estimates that within the next 24 hours, the company will be forced to curtail approximately 75 percent to 80 percent of their operations. During this time of economic hardship, such a curtailment would be an additional burden that could devastate these working families.

The legislation before us would allow our Nation's railway workers to return to their jobs and provide the services that our Nation so desperately needs. At the same time, the legislation creates a Special Emergency Board to resolve the remaining disputes between our railway workers and the railroads. Furthermore, the legislation establishes a 65-day cooling off period during which the Board, the unions, and the railroads will have an opportunity to resolve this crisis.

We sympathize with the concerns of both the unions and the railroads and it is our hope that the new Special Board will resolve those issues and our Nation can return to work.

Mr. Speaker, I urge my colleagues to support this legislation in order to allow our Nation to return to work.

Mr. DINGELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WILLIAMS). Pursuant to the order of the House of earlier today, the previous question is ordered.

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. DINGELL].

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RITTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 400, nays 5, not voting 26, as follows:

[Roll No. 72]

YEAS—400

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (FL)
Zeliff
Zimmer

NAYS—5

DeFazio
Edwards (CA)
Gonzalez
Moody
Perkins

NOT VOTING—26

Aspin
Berman
Bryant
Dornan (CA)
Dymally
Flake
Ford (TN)
Hall (OH)
Hughes
Lehman (FL)
Levine (CA)
Markey
Martin
McDade
McDermott
Miller (OH)
Molinari
Murphy
Sharp
Solarz
Udall
Vander Jagt
Waxman
Weber
Yates
Young (AK)

□ 2235

Mr. DeFAZIO and Mr. MOODY changed their vote from "yea" to "nay."

Mr. BENNETT changed his vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I was present during rollcall No. 72 on House Joint Resolution 22 and voted "yea." However, the RECORD indicates that I did not vote.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Joint Resolution 222, the joint resolution just passed.

The SPEAKER pro tempore (Mr. WILLIAMS). Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I do not intend to object, I take the time simply to ask the gentleman from Michigan whether or not we are going to take some action with regard to enrolling the bill, so that it can be acted upon as quickly as possible?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I can advise the gentleman from Pennsylvania [Mr. WALKER] that the Speaker has advised me he is going to have the bill enrolled just as fast as he can, get it to the Senate, and hopefully the Senate will act on it tonight so it will go to the White House at the earliest possible moment.

Mr. WALKER. Mr. Speaker, reclaiming my time, I thank the gentleman. I did not know whether we needed a unanimous request for hand enrollment or not.

Mr. DINGELL. If the gentleman will yield further, I am advised that if we were to do that, we might actually slow the process.

Mr. WALKER. Mr. Speaker, I do not want to do that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of today, Wednesday, April 17, 1991, the House will now stand in recess subject to the call of the Chair.

The House is now in recess.

Accordingly (at 10 o'clock and 38 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 2335

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TAYLOR of Mississippi) at 11 o'clock and 35 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 222. Joint resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DREIER of California, for 25 minutes, today.

Mr. SOLOMON, for 15 minutes, today.

(The following Members (at the request of Mr. BACCHUS) to revise and extend their remarks and include extraneous material:)

Mr. OWENS of Utah, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RIDGE) and to include extraneous matter:)

Mr. KLUG.
Mr. DUNCAN.
Mr. GOODLING.
Mr. McEWEN.
Mr. SCHULZE.
Mr. COUGHLIN.
Mr. CRANE in two instances.
Mr. LOWERY of California in two instances.
Mr. GALLEGLY in two instances.
Mr. McGRATH.
Mr. CAMP.
Mr. GOSS.
Mr. OXLEY.
Mr. GEKAS.
Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. BACCHUS) and to include extraneous material:)

Mrs. KENNELLY.
Mr. STARK.
Mr. ERDREICH.
Mr. HAMILTON in two instances.
Mr. DONNELLY.
Mr. CAMPBELL of Colorado.
Mr. PENNY.
Mr. TRAFICANT in two instances.
Mr. SMITH of Florida in two instances.
Mr. KLECZKA.
Mr. SKELTON in two instances.
Mr. PALLONE.
Mr. BERMAN.
Mr. TALLON.
Mr. APPLEGATE.
Mr. MINETA.
Mr. LUKEN.
Mr. LaFALCE.
Mr. JOHNSON of South Dakota.
Mr. WEISS.
Mrs. SCHROEDER.
Mr. DORGAN of North Dakota.
Mr. MAZZOLI.
Mr. WAXMAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 248. An act to amend the Wild and Scenic Rivers Act to designate certain sements of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 740. An act to provide a new civil cause of action in Federal law for international terrorism that provides extraterritorial jurisdiction over terrorist acts abroad against United States nationals; to the Committee on the Judiciary.

ADJOURNMENT

Mr. SWIFT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Thursday, April 18, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1101. A letter from the Secretary of Education, transmitting a notice of Final Priorities for Technology, Educational Media, and Materials for Individuals With Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1102. A letter from the Secretary of Health and Human Services, transmitting the Family Planning and 5-Year Plan reports for the two most recently ended fiscal years, pursuant to 42 U.S.C. 300a-6a(a); to the Committee on Energy and Commerce.

1103. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to exercise authority under section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, in order to provide international assistance in the Persian Gulf region, pursuant to 22 U.S.C. 2318(a)(2); to the Committee on Foreign Affairs.

1104. A letter from the Secretary of Commerce, transmitting his notification that, pursuant to Executive Order No. 12730, foreign policy controls will be expanded to include 39 chemicals that can be used in the production of chemical weapons, pursuant to 50 U.S.C. app. 2405(o)(1); to the Committee on Foreign Affairs.

1105. A letter from the Office of Management and Budget, transmitting the CBO and OMB report estimating the change of outlays in each fiscal year through 1995 as a result of the passage of Public Law 102–26, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

1106. A letter from the Office of Management and Budget, transmitting the CBO and OMB report estimating the change of outlays in each fiscal year through 1995 as a result of the passage of Public Law 102–27 and Public Law 102–28, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

1107. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1108. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1109. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the second report on the extent to which Federal agencies are using the authorities vested in them by the Federal Technology Transfer Act of 1986, pursuant to 15 U.S.C. 3710(b); to the Committee on Science, Space, and Technology.

1110. A letter from the Secretary of Veterans Affairs; transmitting a draft of proposed legislation to amend title 38, United States Code, to delete the requirement that settlements of claims in excess of $1,000,000 on a construction contract be provided for specifically in an appropriation law, and to provide instead that the Secretary notify the House and Senate Committees on Appropriations of construction contract claims settlements of more than $1,000,000; to the Committee on Veterans' Affairs.

1111. A letter from the Assistant Secretary for Fossil Energy, Department of Energy; transmitting a report on Candidate Sites for Expansion of the Strategic Petroleum Reserves to 1 Billion Barrels; jointly, to the Committees on Appropriations and Energy and Commerce.

[Omitted from the Record of April 9, 1991]

1112. A letter from the Secretary of the Army and Acting Secretary of Agriculture, transmitting notification of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of lands and facilities surrounding Lake Isabella and Pine Flat Lake, CA, pursuant to 16 U.S.C. 505a, jointly, to the Committees on Agriculture, Public Works and Transportation, and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

By Mr. ANTHONY:

H.R. 1840. A bill to suspend until January 1, 1995, the duty on N,N′-Ethylenebis(5,6-dibromo-2,3-norbornanedicarboximide; to the Committee on Ways and Means.

H.R. 1841. A bill to suspend until January 1, 1995, the duty on 1,2-Dibromo-4-(1,2-dibromoethyl)cyclohexane; to the Committee on Ways and Means.

H.R. 1842. A bill to suspend until January 1, 1995, the duty on Tetrabromocyclooctane; to the Committee on Ways and Means.

H.R. 1843. A bill to suspend until January 1, 1995, the duty on certain chemicals; to the Committee on Ways and Means.

H.R. 1844. A bill to extend until January 1, 1995, the existing suspensions of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 1845. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions by multicandidate political committees and to limit contributions in House of Representatives elections from persons other than individual in-State residents; to the Committee on House Administration.

By Mr. BALLENGER:

H.R. 1846. A bill to suspend until January 1, 1995, the duty on 3-amino-acetanilide-4-sulfonic acid; to the Committee on Ways and Means.

H.R. 1847. A bill to suspend until January 1, 1995, the duty on 2,4-dinitroaniline; to the Committee on Ways and Means.

H.R. 1848. A bill to suspend until January 1, 1995, the duty on chloranil; to the Committee on Ways and Means.

H.R. 1849. A bill to suspend until January 1, 1995, the duty on diazo-2,1,4-sulfonic acid and its salts; to the Committee on Ways and Means.

H.R. 1850. A bill to suspend until January 1, 1995, the duty on acet-p-anisidine; to the Committee on Ways and Means.

By Mr. BARNARD (for himself and Mr. JENKINS):

H.R. 1851. A bill to extend until January 1, 1995, the existing suspension of duty on certain piston engines; to the Committee on Ways and Means.

By Mrs. BOXER (for herself, Mr. AUCOIN, Mr. BRYANT, Mr. SCHEUER, Mr. DEFAZIO, Mr. JONTZ, and Mr. STOKES):

H.R. 1852. A bill to amend title 10, United States Code, to improve Department of Defense oversight of special access programs; to the Committee on Armed Services.

By Mr. BUSTAMANTE:

H.R. 1853. A bill to provide for the duty-free liquidation or reliquidation of, and the refund of customs duties for, certain entries of tissue paper products; to the Committee on Ways and Means.

By Mrs. BYRON:

H.R. 1854. A bill to amend the Magnuson-Moss Warranty Federal Trade Commission Improvement Act to require that consumer product warranties include a statement of the availability from the manufacturer of spare parts; to the Committee on Energy and Commerce.

By Mr. CARDIN:

H.R. 1855. A bill to extend through December 31, 1994, the suspension of import duties on synthetic rutile; to the Committee on Ways and Means.

H.R. 1856. A bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions; to the Committee on Ways and Means.

By Mr. COUGHLIN:

H.R. 1857. A bill to extend for 3 years the existing suspension of duty on Ala Pro; to the Committee on Ways and Means.

By Mr. CRAMER:

H.R. 1858. A bill to suspend until January 1, 1995, the duty of Basic Blue 1; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 1859. A bill to make a technical correction with respect to the temporary duty suspension for clomiphene citrate; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota (for himself, Mr. JENKINS, Mr. GRANDY, and Mr. MOODY):

H.R. 1860. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members; to the Committee on Ways and Means.

By Mr. DWYER of New Jersey:

H.R. 1861. A bill to suspend for a 3-year period the duty on famotidine; to the Committee on Ways and Means.

H.R. 1862. A bill to extend the existing suspension of duty on D-carboxamide; to the Committee on Ways and Means.

H.R. 1863. A bill to extend the existing suspension of duty on amiloride hydrochloride; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 1864. A bill to amend the Internal Revenue Code of 1986 to allow small builders to compute on the installment sales method income from the sale of certain residential real property, and for other purposes; to the Committee on Ways and Means.

By Mr. GRADISON:

H.R. 1865. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. HATCHER:

H.R. 1866. A bill to suspend until January 1, 1995, the duty on pyrmethyl alcohol; to the Committee on Ways and Means.

H.R. 1867. A bill to suspend until January 1, 1995, the duty on TAC; to the Committee on Ways and Means.

H.R. 1868. A bill to suspend until January 1, 1995, the duty on metmercazole; to the Committee on Ways and Means.

By Mr. HATCHER (for himself and Mr. COBLE):

H.R. 1869. A bill to suspend temporarily the duty on fluometuron and IBTF; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mr. LEACH, Mr. DELLUMS, Mrs. UNSOELD, Mr. PERKINS, Mrs. COLLINS of Illinois, Mr. ROYBAL, Mr. TOWNS, Mr. WEISS, Mr. CLAY, Mr. MOODY, Mr. DEFAZIO, Ms. PELOSI, Mr. MFUME, Mr. OBERSTAR, Mr. RAHALL, Mr. BROWN, Mr. FRANK of Massachusetts, Mr. EDWARDS of California, Mrs. SCHROEDER, Mr. Ackerman, Mr. Payne of New Jersey, Mr. Hayes of Illinois, Mr. Conyers, Mr. AuCoin, Ms. Norton, Mr. Owens of New York, Mr. Foglietta, Mr. Markey, Mr. Studds, Mr. Washington, Mr. Lehman of Florida, and Mr. Kopetski):

H.R. 1870. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nonmilitary purposes; to create the U.S. Peace Tax Fund to receive such tax payments; to establish a U.S. Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 1871. A bill to suspend temporarily the duty on Tralomethrin; to the Committee on Ways and Means.

H.R. 1872. A bill to suspend temporarily the duty on Fenbendazole; to the Committee on Ways and Means.

H.R. 1873. A bill to suspend temporarily the duty on halofuginone hydrobromide; to the Committee on Ways and Means.

H.R. 1874. A bill to extend until January 1, 1995, the existing suspension of duty on certain sulfonaides; to the Committee on Ways and Means.

H.R. 1875. A bill to suspend temporarily the duty on fenoxaprop-ethyl and fenoxaprop-p-ethyl; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 1876. A bill to suspend until January 1, 1995, the duty on ceramic (non-porcelain) mugs; to the Committee on Ways and Means.

H.R. 1877. A bill to suspend until January 1, 1995, the duty on imitation non-metal jewelry; to the Committee on Ways and Means.

H.R. 1878. A bill to suspend until January 1, 1995, the duty on porcelain ornaments; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself and Mr. Durbin):

H.R. 1879. A bill directing the Secretary of State and the Director of the Foreign Commercial Service to appoint permanent cultural and commercial representatives to the Baltic States, to encourage the President to appoint a special envoy to encourage Baltic-Soviet negotiations, and to extend certain assistance to the Baltic States; to the Committee on Foreign Affairs.

By Mr. LaFALCE:

H.R. 1880. A bill to increase the amount of deduction for health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mrs. LOWEY of New York:

H.R. 1881. A bill to suspend until January 1, 1995, the duty on vigabatrin, nitrazepam, and clobazam; to the Committee on Ways and Means.

By Mr. McCURDY (for himself, Mr. Condit, Mr. Hamilton, Mr. Zeliff, Mr. Livingston, Mr. Dickinson, Mr. Schumer, Mr. English, Mr. Bryant, Mr. Hyde, Mr. Hancock, Mr. McCandless, Mr. Petri, Mr. Payne of Virginia, Mr. Bliley, Mr. Kleczka, Mr. Bereuter, Mr. Ravenel, Mr. Frank of Massachusetts, Mr. Santorum, Mr. Swift, Mr. Skelton, Mr. Inhofe, Mr. Harris, Mr. Holloway, Mr. Rowland, Mrs. Meyers of Kansas, Mr. Penny, Mr. McDermott, Mr. Skeen, Mr. Armey, Mr. Sabo, Mr. Sikorski, Mr. Olin, Mr. Roemer, Mr. Slattery, Mr. Broomfield, Ms. Pelosi, Mr. Smith of Texas, Mr. Tallon, Mr. Owens of Utah, Mr. Boehner, Mr. Sangmeister, Mr. Fascell, Mr. Kolbe, Mr. Glickman, Mr. Campbell of Colorado, Mr. Pease, Mr. Gibbons, Mr. Shaw, Mr. Russo, Mrs. Lowey of New York, Mr. Schaefer, Mrs. Vucanovich, and Mr. Frost):

H.R. 1882. A bill to establish a commission to advise the President on proposals for national commemorative events; to the Committee on Post Office and Civil Service.

By Mr. McEWEN:

H.R. 1883. A bill to amend the Internal Revenue Code of 1986 to permanently extend the special employment tax treatment of certain family services providers; to the Committee on Ways and Means.

H.R. 1884. A bill to amend the Harmonized Tariff Schedule of the United States to extend the suspension of the duties on certain bicycle parts, and for other purposes; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. Rinaldo, and Mr. Dingell):

H.R. 1885. A bill to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MINETA:

H.R. 1886. A bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration; to the Committee on Public Works and Transportation.

By Mr. OBERSTAR:

H.R. 1887. A bill to suspend until January 1, 1995, the duty on Peridur; to the Committee on Ways and Means.

By Mrs. PATTERSON:

H.R. 1888. A bill to suspend until January 1, 1995, the duty on Phospholan; to the Committee on Ways and Means.

By Mrs. PATTERSON (for herself, Mr. Stenholm, Mr. Payne of Virginia, Ms. Long, Mr. Penny, Mrs. Lloyd, Mr. Parker, Mr. Lancaster, Mr. Johnson of South Dakota, Mr. Wilson, Mr. Zimmer, Mr. Hughes, Mr. Browder, Mr. Santorum, and Mr. Valentine):

H.R. 1889. A bill to amend the Congressional Budget Act of 1974 to reform the Federal budget process, and for other purposes; jointly, to the Committee on Government Operations and Rules.

By Mr. PETERSON of Minnesota (for himself, Mr. Obey, Mr. Johnson of South Dakota, and Mr. Sanders):

H.R. 1890. A bill to increase the minimum basic formula price for class I milk, to provide payments to producers of milk that is not used for fluid milk products, and to establish the solid content of packaged fluid milk products; to the Committee on Agriculture.

By Mr. ROE:

H.R. 1891. A bill to extend until January 1, 1995, the existing suspension of duty on certain sulfonamides; to the Committee on Ways and Means.

H.R. 1892. A bill to suspend temporarily the duty on N,N-dithio-di-(2,1-phenylene) bis benzamide until January 1, 1995; to the Committee on Ways and Means.

H.R. 1893. A bill to suspend temporarily the duty on dephenyl guanidine until January 1, 1995; to the Committee on Ways and Means.

H.R. 1894. A bill to suspend temporarily the duty on di-o-tolyl guanidine until January 1, 1995; to the Committee on Ways and Means.

By Mr. ROTH:

H.R. 1895. A bill to repeal the United States prohibition on air transportation with South Africa; to the Committee on Works and Transportation.

H.R. 1896. A bill relating to the tariff treatment of certain weaving machines for fabrics in excess of 4.9 meters in width; to the Committee on Ways and Means.

By Mr. THOMAS of Wyoming (for himself, Mr. Rohrabacher, Mr. Cox of California, Mr. Kyl, Mr. Bunning, Mr. Gingrich, Mr. Walker, Mr. DeLay, Mr. Ballenger, Mr. Hancock, and Mr. Taylor of North Carolina):

H.R. 1897. A bill to limit the growth in the number of civilian employees within each branch of the Government; jointly, to the Committees on Post Office and Civil Service, House Administration, and the Judiciary.

By Mr. TOWNS:

H.R. 1898. A bill to amend the Social Security Act to repeal the reduced Medicare reimbursement for new physicians; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. VALENTINE:

H.R. 1899. A bill to extend until January 1, 1995, the existing suspension of duty on Tfs Lys Pro in free base and tosyl salt forms; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. Broomfield, and Mr. Camp):

H.R. 1900. A bill to provide for the granting of asylum in the United States to nationals of Laos, Vietnam, Cambodia, and Burma who assist in the return to the United States of living Vietnam POW/MIA's; to the Committee on the Judiciary.

By Mr. VALENTINE:

H.R. 1901. A bill to extend until January 1, 1995, the existing suspension of duty on norfloxacin; to the Committee on Ways and Means.

H.R. 1902. A bill to suspend until January 1, 1995, the duty on keto ester; to the Committe on Ways and Means.

H.R. 1903. A bill to suspend until January 1, 1995, the duty on lisinopril; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 1904. A bill to suspend until January 1, 1995, the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 1905. A bill to suspend until January 1, 1995, the duty on certain chemicals; to the Committee on Ways and Means.

H.R. 1906. A bill to suspend for a 3-year period the duty on certain sheet glass; to the Committee on Ways and Means.

By Mr. VOLKMER:

H.R. 1907. A bill to suspend temporarily the duty on oxalacetic acid diethyl ester sodium salt; to the Committee on Ways and Means.

H.R. 1908. A bill to extend until January 1, 1995, the existing suspension of duty on difenzoquat methyl sulfate; to the Committee on Ways and Means.

H.R. 1909. A bill to extend until January 1, 1995, the existing suspension of duty on sulfathiazole; to the Committee on Ways and Means.

H.R. 1910. A bill to extend until January 1, 1995, the existing suspension of duty on sulfamethazine; to the Committee on Ways and Means.

By Mr. VOLKMER (for himself, Mr. Poshard, Mr. Wolf, Mr. DeFazio, and Mr. Jontz):

H.R. 1911. A bill to amend the Solid Waste Disposal Act to authorize the Administrator of the Environmental Protection Agency to provide grants for the purchase of recycling equipment; to the Committee on Energy and Commerce.

H.R. 1912. A bill to amend the Internal Revenue Code of 1986 to provide a 25-percent investment tax credit for recycling equipment; to the Committee on Ways and Means.

By Mr. CARPER:

H.R. 1913. A bill to suspend until January 1, 1995, the duty on PCMX; to the Committee on Ways and Means.

By Mr. MFUME:

H.R. 1914. A bill to provide for the acquisition and publication of data on police brutality complaints, and for other purposes; to the Committee on the Judiciary.

By Mr. SPRATT:

H.R. 1915. A bill to suspend for a 3-year period the duty on omega-dodecalactam; to the Committee on Ways and Means.

By Mr. WYDEN (for himself, Mrs. Collins of Illinois, Mr. Roybal, Mr. Markey, Mr. Rangel, Mr. Bereuter, and Mr. McCloskey):

H.R. 1916. A bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies; to the Committee on Energy and Commerce.

By Mr. ANDERSON (for himself, Mr. Horton, Mr. Rahall, Mr. Roybal, Mr. Murphy, Mr. Kildee, Mr. Neal of Massachusetts, Mr. Wolf, Mr. Machtley, Mr. Lent, Mr. Weldon, Mr. Jontz, Mr. Torres, Mr. Poshard, Mr. Dornan of California, Mr. Lagomarsino, Mr. Kolter, Mr. Hutto, Mr. Stokes, Mr. Gonzalez, Mr. Roe, Mr. McCandless, Mr. Lehman of Florida, Mr. de Lugo, Mr. Bustamante, Mrs. Bentley, Mr. Bilirakis, Mr. Staggers, Mr. Oberstar, Mr. Jones of North Carolina, and Mr. Dellums):

H.R. 1918. A bill to amend title 38, United States Code, to provide a service pension of $100 per month for veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. DINGELL (for himself, Mr. Lent, Mr. Swift, and Mr. Ritter):

H.J. Res. 222. Joint resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees; to the Committee on Energy and Commerce.

By Mr. FOGLIETTA (for himself, Mr. Kennedy, Mr. Riggs, Mr. Skeen, Mr. Annunzio, Mr. Hastert, Mr. Ravenel, Mr. McDermott, Mr. Ramstad, Mr. Clement, Ms. Kaptur, Mr. McNulty, Mr. Levine of California, Mr. Scheuer, Mr. Hansen, Mr. Roe, Ms. Norton, Mr. Bonior, Mr. Guarini, Mrs. Mink, and Mr. Rangel):

H.J. Res. 223. Joint resolution to designate September 17, 1991, as "Constitution Day"; to the Committee on Post Office and Civil Service.

By Mrs. PATTERSON (for herself, Mr. Gordon, Mr. Ravenel, Mr. Goodling, Mr. Bennett, Mr. Tallon, and Mr. Hutto):

H.J. Res. 224. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, Presidential, State, and local elections; to the Committee on the Judiciary.

By Mr. SCHULZE (for himself, Mr. Thomas of Georgia, Mr. Roth, Mr. Tanner, Mr. Montgomery, Mr. McDade, Mr. Lagomarsino, Mr. Dingell, Mr. Hastert, Mr. Jontz, Mr. Wilson, Mr. Hansen, Mr. Roberts, Mr. Yatron, Mr. Ravenel, Mr. Poshard, Mr. Owens of Utah, Mr. Ray, Mr. Martin, Mr. Peterson of Minnesota, Mr. Quillen, Mr. Fields, Mr. Stump, Mr. Payne of Virginia, Mr. Mollohan, Mr. Oberstar, Mr. Costello, Mr. Marlenee, Mr. Huckaby, Mr. Fazio, Mr. Young of Alaska, Mr. Clement, Ms. Kaptur, Mr. Kolter, Mr. Camp, Mr. Harris, Mr. Hefley, Mr. Rangel, Mr. Roe, Mr. Volkmer, Mr. Panetta, Mr. Crane, Mr. Baker, Mr. Rhodes, Mr. Lancaster, Mr. Jenkins, Mr. Bunning, Mr. Livingston, Mr. Hatcher, Mr. Dickinson, Mr. Brewster, Mr. Paxon, Mr. Gallo, Mr. Ramstad, Mr. Santorum, Mr. Guarini, Mr. Derrick, Mr. DeLay, Mr. Hancock, Mr. Gillmor, Mr. Johnson of South Dakota, Mr. Smith of Oregon, Mr. Martinez, Mr. Fish, Mr. Solomon, Mr. Sundquist, Mr. Eckart, Mr. Rahall, Mr. Brooks, Mr. Clinger, Mr. Vander Jagt, Mr. Kasich, Mr. Kopetski, Mr. Doolittle, Mr. Cardin, Mr. Gilchrest, Mr. Pallone, Mr. Jefferson, Mr. de la Garza, Mr. DeFazio, Mrs. Byron, Mrs. Meyers of Kansas, Mrs. Vucanovich, Mr. Oxley, Mr. Regula, Mr. Weber, and Mr. Zimmer):

H.J. Res. 225. Joint resolution to designate September 28, 1991, as "National Hunting and Fishing Day"; to the Committee on Post Office and Civil Service.

By Mr. STALLINGS (for himself, Mr. Callahan, Mr. LaRocco, Mr. Marlenee, Mr. Morrison, Mr. Thomas of Georgia, Mr. Vento, Mr. Volkmer, and Mr. Wyden):

H.J. Res. 226. Joint resolution designating the month of June 1991 as "National Forest System Month"; to the Committee on Post Office and Civil Service.

By Mr. LIPINSKI (for himself and Mr. Kleczka):

H.J. Res. 227. Joint resolution to designate October 1991 as "Polish-American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. LANTOS (for himself and Mr. Broomfield):

H. Con. Res. 127. Concurrent resolution calling upon the President to take action through the United Nations to bring Iraqi officials, including President Saddam Hussein, before an appropriate international tribunal to be judged for war crimes and crimes against humanity; to the Committee on Foreign Affairs.

By Mr. PENNY (for himself, Mr. McCurdy, Mr. Moody, Mr. Browder, and Mr. Andrews of New Jersey):

H. Con. Res. 128. Concurrent resolution expressing the sense of the Congress regarding the need for a new approach to controlling the growth of Federal spending and reforming the priorities of such Federal spending in order to revive the progressive goal of national fiscal policy; jointly, to the Committees on Government Operations and Ways and Means.

By Mr. TALLON (for himself, Mr. Roth, Mr. Oberstar, Mr. Swett, Mr. Browder, Mr. Abercrombie, Mr. Lantos, Mr. Jefferson, Mr. Lancaster, Mr. Synar, Mr. Neal of Massachusetts, Mr. Riggs, Mr. Boehlert, Mrs. Unsoeld, Mr. Lowery of California, Mr. Hefner, Mr. Quillen, Mr. Upton, Mr. Carr, Mr. de Lugo, Mr. Skelton, Mr. Bateman, Mr. Bacchus, Mr. Mavroules, Mr. Ravenel, Mr. Rahall, Mr. Fuster, Mr. Zeliff, Mr. Hughes, Mr. Horton, Mr. Stenholm, Mr. Gillmor, Mr. Valentine, Mr. Applegate, Mr. Jenkins, Mr. Hutto, Mr. Camp, Mr. Boucher, Mr. Gekas, Mr. Brewster, and Mr. Slaughter of Virginia):

H. Con. Res. 129. Concurrent resolution expressing the sense of Congress that employers resume normal business travel and that travel and tourism-related businesses intensify efforts to promote travel both to and within the United States; to the Committee on Energy and Commerce.

Mr. EDWARDS of Oklahoma (for himself, Mr. Michel, Mr. Gingrich, Mr. Lewis of California, Mr. Hunter, Mr. McCollum, Mr. Weber, Mr. Vander Jagt, Mr. Archer, Mr. Gradison, and Mr. Solomon):

H. Res. 127. Resolution to amend the Rules of the House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. HASTERT:

H. Res. 128. Resolution applauding the Architect of the Capitol and the Committee on House Administration for developing an effective recycling program in the House office buidings, and supporting ongoing efforts to expand and update source separation and recycling in the House office buildings during the 102d Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LOWERY of California:

H.R. 1917. A bill for the relief of Michael Wu; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mrs. Johnson of Connecticut and Mr. Savage.

H.R. 5: Mr. Roemer.

H.R. 34: Mr. Burton of Indiana, Mr. Kyl, Mr. Gallegly, Mr. Johnson of South Dakota, Mr. Sanders, Mr. Shays, Mr. Hefley, Mr. Miller of Washington, Mrs. Johnson of Connecticut, Mr. Cox of California, Mr. Morrison, Mr. Hall of Texas, Mr. Hastert, Mr. Emerson, and Mr. Roe.

H.R. 44: Mr. Weldon and Mr. AuCoin.

H.R. 68: Mr. Machtley, Mr. Traxler, Mr. Skaggs, and Mr. Gray.

H.R. 77: Mr. Gilchrest, Mr. Lightfoot, Mr. Gilman, Mr. Roe, and Mr. Hansen.

H.R. 78: Mr. Gekas, Mr. Upton, Mr. Miller of Ohio, and Mr. Grandy.

H.R. 81: Mr. Hall of Ohio, Mr. Weiss, Mr. Hertel, Mr. Scheuer, and Mr. Engel.

H.R. 173: Mr. Applegate, Mr. Evans, Mr. Ravenel, Mrs. Unsoeld, and Mrs. Lowey of New York.

H.R. 179: Mr. Dwyer of New Jersey, Mr. Gordon, Mr. Stearns, and Mr. Stallings.

H.R. 187: Mr. Shays, Mr. Paxon, Mr. Owens of New York, Mr. Manton, Ms. Kaptur, Mr. Jacobs, Mr. Clay, and Mr. Kildee.

H.R. 298: Mr. Weber, Mr. Saxton, Mr. Miller of Ohio, and Mr. Gilchrest.

H.R. 303: Mr. Dwyer of New Jersey, Mr. Camp, Mr. Chapman, and Mr. McCrery.

H.R. 310: Mr. Smith of Texas, Mr. Doolittle, Mr. Quillen, Mr. Machtley, and Mr. Sensenbrenner.

H.R. 350: Mr. Wilson, Mr. Serrano, Mrs. Kennelly, and Mr. Fish.

H.R. 351: Mr. Blaz, Mr. Jontz, Mr. Ravenel, Mr. Wolf, Mr. Moran, Mr. Dwyer of New Jersey, Mr. Bliley, Mr. Thomas of Wyoming, Mr. Scheuer, Mr. Hughes, Mr. Kyl, Mr. Costello, Mr. de Lugo, Mr. Gordon, Mr. Hyde, Mrs. Meyers of Kansas, Mr. Jefferson, Mr. Eckart, Mr. Fish, Mr. Weiss, and Mr. Dreier of California.

H.R. 352: Mr. Herger, Mr. Roe, Mr. Thomas of Wyoming, Mr. Gallegly, Mr. Zeliff, Mr. Fish, Mr. Coughlin, Mr. Sisisky, Mr. McNulty, and Mr. Smith of New Jersey.

H.R. 371: Mr. Jenkins.

H.R. 413: Mr. Quillen, Mr. Hertel, Mrs. Unsoeld, Mr. Derrick, Mr. Spence, Mr. Johnston of Florida, Mr. Lewis of Florida, and Mr. Hammerschmidt.

H.R. 467: Mr. Martin, Mr. Wolf, Mr. Stearns, Mr. Bennett, Mr. Kolter, Mr. Engel, Mr. Lehman of Florida, Mr. Dixon, Mr. Hertel, Mr. Bilbray, and Mr. Johnston of Florida.

H.R. 516: Mr. Ackerman, Mr. Brown, Mr. Machtley, and Mrs. Unsoeld.

H.R. 539: Mr. Dellums, Mr. Engel, Mr. Towns, Mr. Jefferson, Mr. Foglietta, and Mr. Weiss.

H.R. 540: Mr. Gibbons, Mr. Kanjorski, Mr. Studds, and Mr. Valentine.

H.R. 559: Mr. Smith of Florida and Mr. Roe.

H.R. 565: Mr. Sundquist and Mr. Hertel.

H.R. 587: Mr. Campbell of Colorado.

H.R. 652: Mr. Lagomarsino and Mr. Campbell of Colorado.

H.R. 661: Mr. DeLay, Mr. Davis, Mr. Fuster, Mr. Scheuer, Mr. Hall of Ohio, Mr. Ramstad, and Mr. Gilman.

H.R. 698: Mr. Markey.

H.R. 699: Mr. Markey.

H.R. 722: Mr. LaFalce.

H.R. 723: Mr. LaFalce.

H.R. 766: Mr. Campbell of California, Ms. Molinari, Mr. Torres, and Mr. Weiss.

H.R. 768: Mr. Herger.

H.R. 811: Mr. Allard.

H.R. 821: Mr. Stokes, Mr. Bliley, Mr. Gilchrest, Mrs. Meyers of Kansas, Mr. LaFalce, Mr. Sanders, and Mr. Scheuer.

H.R. 826: Mr. Solomon.

H.R. 827: Mr. Lipinski, Mr. Bilirakis, and Mr. Pallone.

H.R. 843: Mrs. Lowey of New York and Mr. Levine of California.

H.R. 908: Mr. Faleomavaega.

H.R. 915: Mr. Martinez and Mr. Grandy.

H.R. 916: Mr. Engel.

H.R. 945: Mr. Solomon, Mr. Martin, Mr. Riggs, Mr. Fields, Mr. Montgomery, Mr. Livingston, Mr. Gordon, Mr. McEwen, Mr. Poshard, Mr. Smith of Texas, Mr. Hancock, Mrs. Meyers of Kansas, Mr. Traficant, Mr. Volkmer, and Mr. McGrath.

H.R. 951: Mr. McNulty, Mr. Spence, Mr. Boehner, Mr. Martin, Mr. Cox of California, Mr. Gilchrest, Mrs. Bentley, Mr. Swift, Mr. Schulze, Mr. Hochbrueckner, and Mr. Crane.

H.R. 961: Mr. Roe, Mr. Foglietta, and Ms. DeLauro.

H.R. 967: Ms. DeLauro and Mr. Sarpalius.

H.R. 1059: Ms. DeLauro, Mr. Engel, and Mr. Gonzalez.

H.R. 1070: Mr. Gingrich.

H.R. 1093: Mr. Doolittle, Mr. McCloskey, Mr. Frank of Massachusetts, Mr. Engel, and Mr. Sarpalius.

H.R. 1125: Mr. Lagomarsino.

H.R. 1144: Mr. Fish and Mr. Weiss.

H.R. 1155: Mr. Ford of Tennessee, Mr. Klug, Mr. Sangmeister, Mr. Johnston of Florida, Mr. Inhofe, Mr. Sikorski, Mr. Kolbe, Mr. Hansen, Mr. Roe, and Mr. Miller of Washington.

H.R. 1163: Mr. Sanders and Mr. Scheuer.

H.R. 1197: Mr. Evans, Mr. Hertel, Mr. Jenkins, Mr. Owens of New York, Mrs. Patterson, Mr. Scheuer, Mr. Torres, and Mr. Wolpe.

H.R. 1200: Mr. Lancaster, Mr. Weiss, Mr. Foglietta, Mr. Fish, Mr. Lehman of Florida, Mr. Bacchus, Mr. Hubbard, Mr. Waxman, Mr. Owens of Utah, Mrs. Johnson of Connecticut, Mr. Bruce, Mr. Huckaby, Mr. Costello, Mr. Martinez, Mr. Bilbray, Mr. Conyers, Mr. Pickle, Mr. Engel, Mr. Ford of Tennessee, Mr. Poshard, and Mr. Lewis of Georgia.

H.R. 1235: Mr. Peterson of Minnesota, Mr. Murphy, Mr. Carper, Mr. Orton, Mr. Payne of Virginia, Mr. Frost, Mr. Wyden, and Mr. Bustamante.

H.R. 1263: Ms. DeLauro and Mr. Jacobs.

H.R. 1264: Ms. DeLauro and Mr. Jacobs.

H.R. 1270: Mr. Hyde.

H.R. 1292: Mr. Condit.

H.R. 1325: Mr. Barrett and Mr. Emerson.

H.R. 1330: Mr. Jefferson, Mr. Espy, Mr. Boehner, Mr. Skelton, Mr. Burton of Indiana, Mr. Smith of Oregon, Mr. Gillmor, Mr. Bruce, Mr. Stallings, Mr. Barton of Texas, Mr. Allard, Mr. Duncan, Mr. Stump, Mr. Anderson, Mr. Cunningham, Mr. Santorum, Mr. Gordon, Mr. Vander Jagt, Mr. Doolittle, Mr. Edwards of Oklahoma, Mr. Barrett, Mr. Crane, Mr. Weber, Mr. Morrison, Mr. Martin, Mr. Clement, Mr. Sundquist, Mr. Rose, Mr. Walker, Mr. Camp, Mr. Boucher, Mr. Grandy, Mr. Poshard, Mr. Lightfoot, and Mr. Stenholm.

H.R. 1348: Mr. Geren of Texas, Mr. Rahall, Mr. Ramstad, Mr. Weber, Mr. Lantos, Mr. Crane, Mr. Spence, Ms. Oakar, Mr. Gordon, Mr. Edwards of California, Mr. Coble, Mr. Kleczka, Mr. Peterson of Minnesota, Mr. Gingrich, Mr. Sabo, Mr. Williams, Mr. Dicks, Ms. Pelosi, Mr. Swett, Mr. McEwen, Mr. Machtley, Mr. Ravenel, Mr. Abercrombie, Mr. Johnson of South Dakota, Mr. Combest, Mr. Bereuter, Mr. Chapman, Mr. Engel, Mr. Miller of California, Mr. Wise, Mr. Lehman of Florida, Mr. Tallon, Mr. Jones of North Carolina, Mr. Gillmor, Mr. Sangmeister, Mr. Shays, Mr. Hyde, and Mr. Rinaldo.

H.R. 1360: Mr. Engel.

H.R. 1406: Mr. Gejdenson, Mrs. Lowey of New York, Mr. Campbell of Colorado, Mr. Bonior, Mrs. Unsoeld, Mr. Abercrombie, Mr. Crane, Mr. Dreier of California, Mr. Fields, Mr. Saxton, Mr. Inhofe, Mr. Wise, and Mr. Herger.

H.R. 1421: Mr. Barton of Texas, Mr. Dreier of California, Mr. Riggs, Mr. Kolbe, Mr. Doolittle, Ms. Molinari, Mr. Jones of Georgia, Mr. Santorum, and Mr. Franks of Connecticut.

H.R. 1439: Mr. Herger.

H.R. 1454: Mr. Sikorski, Mr. Mavroules, Mr. Sawyer, Mr. Miller of California, Mr. Glickman, Mr. Jontz, and Mr. Leach.

H.R. 1468: Mr. Stearns.

H.R. 1473: Mr. AuCoin, Mr. Kennedy, Mr. Taylor of North Carolina, Mr. Traficant, Mr. Engel, Mr. Camp, Mr. Ravenel, Mr. Gonzalez, Mr. Chapman, and Mr. Sisisky.

H.R. 1476: Mr. Johnston of Florida and Mr. Volkmer.

H.R. 1504: Mr. Gonzalez, Ms. Slaughter of New York, Mr. Frank of Massachusetts, and Mr. Foglietta.

H.R. 1572: Mr. Allard, Mr. Bateman, Mr. Brewster, Mr. Gordon, Mr. Emerson, Mr. Inhofe, Mr. Andrews of New Jersey, Mr. Tallon, Mr. Ramstad, Mr. Johnson of South Dakota, Mr. Weber, Mr. Thomas of California, Mr. Marlenee, Mr. Stump, Mr. Machtley, Mrs. Byron, Mr. Edwards of California, Mr. Bliley, Mr. Wilson, Mr. Goodling, and Mr. Schaefer.

H.R. 1629: Mr. Volkmer and Mr. Miller of Ohio.

H.R. 1649: Mr. Serrano, Mr. Lehman of Florida, and Mr. Manton.

H.R. 1667: Mr. Young of Florida and Ms. Ros-Lehtinen.

H.R. 1676: Mr. Bateman and Mr. Kolbe.

H.R. 1719: Mr. Skeen, Mr. Porter, Mr. Dwyer of New Jersey, Mr. Roe, and Mr. Schaefer.

H.R. 1753: Mr. Camp.

H.R. 1755: Mr. Armey, Mr. Camp, Mr. Hansen, Mr. Shaw, Mr. Sundquist, Mr. Porter, Mr. Barnard, Mr. Rhodes, Mr. Goodling, Mr. Cox of California, and Mr. Sensenbrenner.

H.J. Res. 21: Mr. Thomas of Wyoming, Mr. Zeliff, Mr. Kolter, Mr. Santorum, and Mr. Inhofe.

H.J. Res. 22: Mr. Rohrabacher, Mr. Zeliff, Mr. Kolter, Mr. Sundquist, and Mr. Santorum.

H.J. Res. 66: Mr. de la Garza.

H.J. Res. 78: Mr. Burton of Indiana, Mr. Bilbray, Mr. DeFazio, Mr. Machtley, Mr. Dornan of California, Mr. Lent, Mr. Thomas of Wyoming, Mr. Rangel, Ms. Molinari, Mr. Panetta, Mrs. Lowey of New York, Mr. Andrews of New Jersey, Mr. Horton, Mr. Lagomarsino, Mr. McNulty, Mr. Bonior, Mr. Lancaster, Mr. Bilirakis, Mr. Roe, Mr. Mfume, Mr. Hyde, Mr. Martin, Mr. Vento, Mr. Fish, Mr. Engel, and Mr. Walsh.

H.J. Res. 90: Mr. Alexander, Mr. McCloskey, Ms. Snowe, Mr. Fawell, Mr. Jenkins, Mr. Riggs, Mr. Rhodes, Mr. Wolf, Mr. McNulty, and Mr. Dornan of California.

H.J. Res. 103: Mr. Anderson, Mr. Annunzio, Mr. Ballenger, Mr. Barnard, Mr. Bennett, Mr. Blaz, Mr. Bonior, Mr. Broomfield, Mr. Callahan, Mr. Carper, Mr. Cooper, Mr. Coyne, Mr. Cramer, Mr. Darden, Mr. Dellums, Mr. Derrick, Mr. Donnelly, Mr. Dorgan of North Dakota, Mr. Eckart, Mr. Engel, Mr. Espy, Mr. Fazio, Mr. Ford of Tennessee, Mr. Frost, Mr. Gejdenson, Mr. Gingrich, Mr. Gordon, Mr. Gunderson, Mr. Hamilton, Mr. Hansen, Mr. Hochbrueckner, Mr. Houghton, Mr. Ireland, Mr. Jenkins, Ms. Kaptur, Mr. Kolter, Mr. Lent, Mr. Livingston, Mrs. Lloyd, Mr. McDade, Mr. Mfume, Mr. Murphy, Ms. Oakar, Mrs. Patterson, Mr. Ray, Mr. Sisisky, Mr. Skaggs, Mr. Studds, Mr. Stump, Mr. Sundquist, Mr. Upton, Mr. Valentine, Mr. Walsh, Mr. Weldon, Mr. Yatron, Mr. Clinger, Mr. Olin, Mr. Nowak, Mr. Anthony, Mr. Riggs, Mr. Ravenel, and Mr. Tauzin.

H.J. Res. 141: Mr. Sanders, Mr. Young of Alaska, Mr. Gonzalez, Mr. Swett and Mr. Jacobs.

H.J. Res. 143: Mr. Cunningham, Mr. Doolittle, Mr. Grandy, Mr. Hall of Texas, Mr. Hefley, Mr. Lewis of Florida, Mr. Miller of Ohio, and Mr. Porter.

H.J. Res. 154: Mr. Dooley, Mr. Wolpe, Mr. McCrery, Mr. Dymally, Mr. Fawell, Mr. Livingston, Ms. Oakar, Mr. Oberstar, Mr. Andrews of Texas, Mr. Chandler, Mr. Lowery of California, Mr. Schulze, Mr. McCloskey, Mr. Jenkins, Mr. Rhodes, Mr. Stokes, Mr. Stump, Mr. Flake, Mr. Weldon, Mr. Bryant, Mr. Neal of North Carolina, Mr. Hobson, Mr. Shuster, Mr. Taylor of Mississippi, Mr. Atkins, Mr. Moran, Mr. Coughlin, Mrs. Unsoeld, Mr. Doolittle, Mr. Zimmer, Mr. Gonzalez, Mr. Hall of Texas, Mr. Hall of Ohio, Mr. Jacobs, Mr. Sarpalius, Mr. Solarz, Mr. Goodling, Mr. Hayes of Illinois, Mr. Andrews of Maine, Mr. AuCoin, Mr.

ASPIN, Mr. HAYES of Louisiana, Ms. MOLINARI, and Mr. FOGLIETTA.

H.J. Res. 171: Mr. SWETT, Mr. WHEAT, Mr. WASHINGTON, Mr. ECKART, Mr. PETRI, Mr. SARPALIUS, Mr. THOMAS of Wyoming, and Mr. SANTORUM.

H.J. Res. 173: Mr. ACKERMAN, Mr. ANNUNZIO, Mr. ASPIN, Mr. BENNETT, Mr. BERMAN, Mr. BILBRAY, Mr. BOEHLERT, Mr. BONIOR, Mrs. BOXER, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CHANDLER, Mr. CLAY, Mr. CONYERS, Mr. DANNEMEYER, Mr. DEFAZIO, Mr. DICKINSON, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ENGEL, Mr. FAZIO, Mr. FISH, Mr. FOGLIETTA, Mr. FUSTER, Mr. GILMAN, Mr. GONZALEZ, Mr. GREEN of New York, Mr. GUARINI, Mr. HASTERT, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HOUGHTON, Mr. HUGHES, Mr. JEFFERSON, Mr. JONES of Georgia, Mr. KENNEDY, Mr. KLUG, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LENT, Mr. LEVINE of California, Mr. LEWIS of California. Mr. MACHTLEY, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MCNULTY, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MILLER of California, Mr. MOODY, Mrs. MORELLA, Ms. NORTON, Mr. NOWAK, Ms. OAKAR, Mr. ORTON, Mr. PAXON, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PICKLE, Mr. POSHARD, Mr. QUILLEN, Mr. RITTER, Mr. ROE, Mr. SCHEUER, Mr. SCHIFF, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. STARK, Mr. STOKES, Mr. THOMAS of Wyoming, Mr. TOWNS, Mr. TRAFICANT, Mr. WALSH, Mr. WAXMAN, Mr. WEISS, Mr. WOLF, and Mr. YATRON.

H.J. Res. 175: Mr. QUILLEN, Mr. VALENTINE, Mr. ESPY, Mr. BLILEY, Ms. KAPTUR, Mr. POSHARD, Mr. BALLENGER, Mr. DERRICK, Mr. HUCKABY, Mr. DEFAZIO, Mr. ROSE, Mr. HUGHES, Mr. FALEOMAVAEGA, Mr. GEJDENSON, Mr. WEISS, Mr. FOGLIETTA, Mr. LEHMAN of Florida, Mr. LANCASTER, Mr. STARK, Mr. WALSH, Mr. DONNELLY, Mr. JEFFERSON, Mr. OWENS of Utah, Mr. EMERSON, Mrs. UNSOELD, Mrs. BOXER, Mr. MATSUI, Mr. ROWLAND, Mrs. MEYERS of Kansas, Mr. RANGEL, Mr. HERTEL, Mr. MARTINEZ, Mr. ENGEL, Mr. ZIMMER, Mrs. LLOYD, Mr. JENKINS, Mr. HATCHER, Mr. DWYER OF New Jersey, Mr. FROST, and Mr. LEWIS of Georgia.

H.J. Res. 194: Mr. Dwyer of New Jersey, Mr. MINETA, Mr. LAGOMARSINO, Mr. HOCHBRUECKNER, Mr. DARDEN, Mr. MOLLOHAN, Mr. ROYBAL, Ms. PELOSI, Mrs. MINK, Mrs. BYRON, Mr. LEHMAN of California, Mr. UPTON, Mr. HASTERT, Mr. VOLKMER, Mr. BRUCE, Mr. STUMP, Mr. BREWSTER, Mr. ALEXANDER, Mr. DE LA GARZA, Mr. CARR, Mr. DERRICK, Mr. SPENCE, Mr. HUTTO, Mr. SABO, Mr. SMITH of Iowa, Mr. MANTON, Mr. MAVROULES, Mr. MILLER of California, Mr. RUSSO, Mr. ANDREWS of New Jersey, Mr. RICHARDSON, Mrs. UNSOELD, Mr. SYNAR, Mr. MCNULTY, Mr. MORAN, Mr. JEFFERSON, Mrs. LOWEY of New York, Mr. VENTO, Mr. BROOKS, Mr. ANNUNZIO, Mr. TRAXLER, Mr. KLECZKA, Mr. SWIFT, Mr. DURBIN, Mr. KILDEE, Mr. TORRES, Mr. GLICKMAN, Mr. FROST, Mr. AUCOIN, Mr. GRAY, Mr. GONZALEZ, and Mr. HOYER.

H.J. Res. 209: Mr. ENGEL and Mr. KOLBE.

H. Con. Res. 56: Mr. COX of California, Mr. FAWELL, Mr. MOORHEAD, Mr. GEJDENSON, Mr. DAVIS, and Mr. KLUG.

H. Con. Res. 69: Mr. HEFLEY.

H. Con. Res. 103: Mr. HYDE, Mr. BURTON of Indiana, Mrs. BYRON, Mr. DELAY, and Mr. TRAFICANT.

H. Res. 101: Mr. NOWAK, Mr. RAHALL, Ms. WATERS, Mr. SAVAGE, Mr. RAVENEL, Mrs. LLOYD, and Mr. PALLONE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1292: Mr. PANETTA.

PETITIONS, ETC.

Under clause 1 of rule XXII,

58. The SPEAKER presented a petition of the Legislature of Rockland County, NY, relative to urging the Congress to enact a 1-percent surcharge on Kuwaiti rebuilding projects to benefit veterans' hospitals; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE THRAWN RICKLE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. CRANE. Mr. Speaker, one of the fastest growing interest groups in the United States in recent years is the environmentalist "Greens." Indeed, their influence on our political system was demonstrated last year by the passage of the Clean Air Act, a bill which now is expected to be ineffective in improving the quality of the air we breathe at great and unnecessary expense. Recognizing the power of the Green movement, we should be aware of the influences on their political agenda. In his syndicated column, the Thrawn Rickle, Dr. Robert G. Williscroft examines the motivating philosophies of the Green movement. I submit Dr. Williscroft's article on this issue to my colleagues and urge them to read and consider his conclusions.

THE THRAWN RICKLE

(By Robert G. Williscroft)

The Greens are a loosely knit group of people that is being led by a smaller cadre of ideologues who got their social science from Marx and their physicial science from science popularizers. They have built an anti-freedom, anti-democratic, anti-science world view on this.

From Marx they learned about the collective, the dialectic, and centralized control, without understanding the lessons from current history. From the life sciences they learned about a connection between chemicals and cancer, without understanding the nature of minute dangers and minuscule concentrations. From physics they learned that reality is not always what it seems to be, and drew misinformed analogues to eastern mysticism that reinforced their radically subjective and intuitive approach to deep ecology. From a marriage of Marxist theory and a misunderstanding of the Second Law of Thermodynamics, which states that energy in the universe never increases, they developed a political-economic system incorporating no private land ownership and never expending energy. From a misapplication of quantum physics they derived a new world order that denies the cause and effect of market economics. From ecologists they gained a superficial understanding of the oneness of global processes and the living earth. Out of metaphor they created reality: the living earth became a goddess.

The common thread within the green movement is "stasis," or "sustainability" in their jargon. Their earth doesn't change; it shows little or no effect from human activity. They want to destroy human infrastructure—our markets, our cities, our communication networks, the very essence that makes us human. They propose to limit human movement by curtailing modern communication methods and modern transportation. According to green prophet E.F. Schumacher, the ideal world is where people are ". . . relatively immobile . . . [where] the movement of populations, except in periods of disaster, [is] confined to persons [with] a very special reason to move, such as . . . scholars. . . ." In short, a place where only the intellectual elite—the eco-bosses—can move about.

Theirs is a simple world. People would not need to understand anything more complex than a shovel or a horse-pulled plow. If the world is sufficiently simple, ordinary people can understand its entirety. Failing this, if it is sufficiently subjective, ordinary people will be unable to understand it. In the first case, there will be no complexities like nuclear power or space exploration. In the second, people can be duped by the earnest leaders of the eco-movement into opposing things they don't understand until stasis is reached.

David M. Graber is a research biologist for the National Park Service. He writes in the Los Angeles Times: "Human happiness, and certainly human fecundity, are not as important as a wild and healthy planet. . . . We have become a plague upon ourselves and upon the Earth. . . . Until such time as Homo sapiens should decide to rejoin nature, some of us can only hope for the right virus to come along."

Graber's implications are astonishing. To take his statements seriously is naive, but it is only a short step from wishing for the right virus to creating and distributing one. It only takes a few drops of anthrax virus in the Los Angeles water system to kill the entire population of Southern California.

Think about this the next time you hear a politician give lip service to the greens and their "good intentions."

ANIMAL WELFARE POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 10, 1991, into the CONGRESSIONAL RECORD:

ANIMAL WELFARE POLICY

A decade ago, the term "animal rights" was rarely used. Today, the debate over animal rights rages, and animal rights advocacy is one of the fastest growing movements in the nation. The welfare and rights of animals involve complex ethical, legal, and scientific issues, as well as strong emotions. While most animal rights groups use advertising and telephone campaigns to encourage better treatment of animals, some have resorted to violence, with one group, the Animal Liberation Front, declared a terrorist group by the FBI.

Laws governing animal welfare issues exist at the state and federal levels. Congress has jurisdiction when, for example, animals are transported across state lines for commercial purposes or when they are used for testing in federal laboratories. Over the years, Congress has passed several animal protection measures, ranging from restricting driftnet fishing and protecting the bald eagle to requiring the humane transportation of animals and allowing pets in federally assisted housing for the elderly and handicapped. This session, several issues are before Congress:

ANIMAL TESTING

Each year, tens of millions of animals are used in laboratory experiments, typically for basic research or to determine whether a certain product is safe for human use. The majority of these animals are mice and rats. Dogs, cats, rabbits, monkeys, and guinea pigs are also used. Ten federal agencies sponsor or conduct animal testing, including the Departments of Agriculture, Defense, Energy, Interior, and Transportation. The Food and Drug Administration requires products to undergo animal experimentation, as do the Environmental Protection Agency and the National Cancer Institute.

The use of animals in biomedical testing has facilitated the transplant of organs, the treatment of cancer and diabetes, and the development of vaccines. The National Institutes of Health consider animal testing to be essential to improving the health standards of Americans, and eliminating the use of animals in biomedical research could add to the cost of new drugs or delay their development. Animal rights advocates believe that advances could occur without animal testing. They believe that animals are misused in laboratories and that many of the experiments involving animals are unnecessary. Substantial disagreement arises about alternatives to current animal testing practices, such as using computer models or cell tissue cultures. It is uncertain how much such alternatives will continue to reduce the use of animals, and extensive animal testing will be required to establish the validity of the alternatives.

In 1985 Congress amended the Animal Welfare Act of 1966 to reflect the importance of the "three R's": reduction in the number of animals used, refinement of cruel techniques, and replacement of animals with plants and computer simulations. A national data bank is being set up to list all experiments conducted on animals to prevent senseless repetition, and labs must establish committees to evaluate the experimental use of animals. Although the Act potentially could cover all warm-blooded animals, the U.S. Department of Agriculture (USDA) has issued regulations covering only about 20% of all animals used in labs. This session Congress may consider legislation to further encourage the use of alternatives as well as to protect research facilities from violence.

TREATMENT OF PETS BY DEALERS

There is growing concern about puppies bred in "puppy mills", which produce dogs for resale in pet stores, often under crowded and unsanitary conditions. Each year, about half a million puppies die before they enter the local pet store.

Cruelty to animals is prohibited by law in all 50 states. The Animal Welfare Act requires that commercial animal dealers be licensed, inspected, and regulated. USDA enforcement of the Act is hampered by the limited number of inspectors. Currently, only 68

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

inspectors are available to cover over 9,000 sites, including laboratories, animal exhibitors, and dealers.

WILDLIFE PROTECTION

Abuses committed to wild animals, especially to endangered species, are another concern. Some of the worst abuses occur with elephants. In 1969 Congress passed the Endangered Species Act which prohibits transactions of any endangered species, other than by zoos. Today increased attention is being given to the commerce of wild animals that are not endangered, including birds and monkeys. Many of these animals die before they can be sold. Various measures before Congress would limit commerce in wild animals.

Congress is also involved in the debate about dolphins killed by driftnets for tuna. Under the Marine Mammal Protection Act, foreign and domestic fishermen must limit dolphin deaths. However, an estimated 100,000 dolphins die in driftnets each year. Last session Congress passed legislation requiring that all tuna be labeled "dolphin safe"; this session it is considering legislation that "unsafe" tuna be labeled "with technologies that are known to kill dolphins".

FARM PRODUCTION TECHNIQUES

Farm animals today are generally raised under quite different conditions than they were a few decades ago. Although my general experience in Indiana is that farmers treat farm animals well, livestock and poultry production techniques of modern agribusiness can include crowded conditions and inadequate exercise and ventilation. Veal production has come under fire because calves are often confined in small quarters and fed a liquid diet to make the meat pale and tender.

Farmers argue that it is in their best interest to provide the best possible conditions for the animals they raise, because good conditions foster healthy animals and thus boost profits. They also argue that strict new regulations could boost consumer prices and put our nation's farmers at a competitive disadvantage with producers in other countries. Others argue that the profit motive may be inconsistent with optimal conditions for animals. This session Congress may consider legislation regarding the feeding and confinement of veal calves.

Overall, my impression is that animal welfare issues have become important for many Americans and will increasingly find their way onto the Congressional agenda. I support more effective enforcement of the Animal Welfare Act, and believe that reasonable efforts should be taken to try to minimize unnecessary or prolonged pain or distress among animals.

REMARKS OF REAR ADM. DAN McKINNON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. SKELTON. Mr. Speaker, Rear Adm. Dan McKinnon, commander of the Naval Systems Command and chief of the Supply Corps, recently addressed the Jefferson City Navy League at its annual banquet in Missouri's capital city. Admiral McKinnon is a fellow Missourian, and a graduate of the University of Missouri. His address was so outstanding, that I wish to share it with other Members of this body. His vision of the future was certainly well thought out and expressed. The pertinent part of his address is as follows:

I think we all know the country's goals in the Middle East. Clearly, it is the protection of Saudi Arabia, clearly also, it is the liberation of Kuwait. But as I observe U.S. resolve at work in the Middle East today, I think what we are also seeing is something akin to what this Nation's, indeed the world's, national security concerns will be in the decades ahead.

When I speak to Navy officers, I use a phrase, "the future is now; you see it in the Persian Gulf." If one takes at full face value the changes that have taken place in Eastern Europe and the Soviet Union, and then extends with that the hope that our major primary adversary since World War II is now joining a new world order, one that helps all nations focus on the well-being of their people in an atmosphere of peace and cooperation among the major historic powers, then you must ask, "what will be our security concerns . . . what are the threats ahead that drive the need for worldwide deployment and use of American military forces?" My answer is twofold. First, today's new friends could still be tomorrow's adversaries, and so we give up our position of being number one in military power at great risk. But, just as important, and based on an assumption of no big major confrontation, our future role is found in the instability that exists throughout the world. An instability that is fed by an increasing world population and decreasing per-capita resources; aspirations, fed by mass communications, that cannot be met; disintegration of tribal and certain old societies (look at Africa and Eastern Europe); religious upheaval and fundamentalism, and the proliferation of high technology military weapons, especially atomic and chemical. We increasingly see destabilizing high technology weapons in the hands of smaller countries with unstable leadership.

I think the conflict in the gulf is representative of the conflicts of tomorrow . . . one nation attempting to improve itself at the expense of the wealth and people of another; the threat of terrible weapons in the hands of an irrational leader, all combining in a way that resulted in an explosion. Clearly, we must prevail in the Persian Gulf. Clearly also, if we cannot come to grips with a tyrant like Saddam Hussein today, the world may not be able to handle his type tomorrow.

That is why I say, when it comes to the security of all nations, the drive toward a world at peace without a threat of World War III, and a need by all nations to address the planet's problems, The "Future is Now!" we must find a successful formula to handle this radical and dangerous leader, and future ones of his ilk.

One of the most wonderful things about today's Navy is our people. The sons and daughters of Americans, sailors and officers, are the finest I have seen in nearly 35 years of service. Life as a sailor aboard ship is no picnic. The hard work, the pressures are daunting—with 12- to 18-hour days, 7 days a week—away from family, friends, and sweethearts, facing danger and uncertainty. Some years ago I worried about all-volunteer force. But no more. I was a product of the Korean war draft—I joined the Navy, not because I knew much about the sea, but because I knew a lot about Missouri mud—just kidding, colonel. I'm not sure where these bright young people came from. But they are there. At sea. No drugees . . . no mis-fits and trouble makers. Just the best Americans can produce. And over 11,000 of those sailors are Missourians—with more than 1,400 in Operation Desert Storm. I know many of you here tonight have relatives, or sons and daughters or friends, in our Navy. You can be proud of them . . . one and all. They are performing for you—as part of the finest Navy the world has ever seen.

DEMOCRATIC SPENDING PRIORITIES; ON THE SIDE OF WORKING FAMILIES

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. SMITH of Florida. Mr. Speaker, tomorrow we will vote on the fiscal year 1992 budget. Last year we agreed on spending caps for the five areas of the budget. Each is to be handled as a totally separate account. This is unfortunate because savings in one area now can not be transferred to another. One unfortunate effect of the Budget Enforcement Act is that these fire walls preclude money saved in defense from being applied toward education.

Yet within these accounts there are ways to direct this Nation's spending priorities. These priorities reflect the direction in which the country should head. To understate the matter, the Democratic direction and the Republican direction differ profoundly.

Republicans want the country to head in the direction of Medicare cuts, extravagant spending on the Space Program, a slashed energy plan, and education spending that does not keep pace with inflation.

Democrats want our Government to help working families; our budget triples the President's increase for education, rejects his $25 billion Medicare cuts and his $66 million Energy Program cut, and provides substantial increases for drug enforcement, prevention, and treatment. These important human intensive programs to lay a strong foundation for America now and in the future.

The bottom line is this: the Bush budget will soak the middle class which has suffered the worst loss of real income in the last 10 years. The administration's decision to pursue a capital gains tax cut shows that it is business as usual at 1600 Pennsylvania Avenue—benefits for only the very rich.

Most Americans are feeling the pinch. Will young families be able to buy homes? Will their children receive a quality education? Will we have an adequate energy supply tomorrow and 20 years from now? The GOP says no, the Democratic Party says yes.

TRIBUTE TO TINY TOTS NURSERY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Tiny Tots Day Nursery of my 17th Congressional District of Ohio. The Tiny Tots Day Nursery will be celebrating the "Week of the Young Child," April 14 through April 20, with special activities for young children.

The year's theme is "Quality Child Care—Good Beginnings Never End." This years logo depicts an adult reading to a small group of children, thus correlating the theme with the "Year of the Lifetime Reader 1991."

Tiny Tots Nursery advocates reading to children as a successful method to teach reading skills. Toddlers are interested in hearing the same beloved story over and over. Preschoolers are generally more involved in the reading process and will mimic, retell the story in their own language, or draw a picture about the story in their own viewpoint.

The Tiny Tots "Week of the Young Child" activities include: parent/child activity and relationship development on Monday, "My Favorite Story" on Tuesday, "Child Interaction Day" on Wednesday, "Secret Pal Day" on Thursday, and "Balloons Galore" on Friday.

Mr. Speaker, I would like to recognize all of the members and parents behind the Tiny Tots Day Nursery for the outstanding contribution they have made to the education and literacy of our children. It is truly an honor to represent this exceptional organization.

GET TRAVELERS BACK IN THE SKIES AND BACK ON THE ROADS

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. TALLON. Mr. Speaker, today I am introducing a concurrent resolution expressing the sense of Congress that employers resume normal business travel and that travel and tourism related businesses intensify efforts to promote travel both to and within the United States.

In an unprecedented cooperative effort, the GO*USA travel coalition of more than 40 industry groups have come together for one reason—to get travelers back in the skies and on the roads again. It is rare that so many interests in this diverse industry can come together to work for a common goal, but it is being done through this cooperative campaign, and it is being done successfully.

As well, the public sector has become an integral part of this effort bringing in over 25 members of the Tourism Caucus and 6 Governors as a part of their leadership circle. These public officials have agreed to coordinate their efforts to support the goals of the coalition.

I am certain that the attention that this coalition has brought to the safety and economy of travel to and within the United States will pay off as the Nation's big tourist season approaches.

RUSSELL BARRETT—DEDICATED PUBLIC SERVANT

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. APPLEGATE. Mr. Speaker, it is, indeed, an honor for me to bring to the attention of my fellow Members of the U.S. House of Representatives the accomplishments of Mr. Russell Barrett, who is being recognized on Saturday, April 20, 1991, by his friends and supporters for his record of public service.

With his election 30 years ago in 1961 to the position of township trustee in Perry Township, Carroll County, OH, Russ Barrett began a very distinguished career. After only 2 years of serving as trustee, his dedication to improving the area was rewarded with his election as Carroll County commissioner, a post he held for the next two decades, completing nearly a quarter of a century of helping people and responding to their needs.

Despite his daily involvement in Carroll County affairs, Russ Barrett found time to participate in other activities, as well, including the Tri County Cattle Association, the Soldiers and Sailors Relief Commission, the County Fair Board as well as serving as president, vice president and treasurer at different times of the County Commissioners and Engineers Association for the Southeast District of Ohio.

Mr. Speaker, Russ Barrett, deserves the praise and thanks of Carroll County, OH, and on behalf of the U.S. House of Representatives, I congratulate him on a job well done and wish him the best of luck.

MICHAEL WU

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. LOWERY of California. Mr. Speaker, I am pleased to introduce legislation to enable a deserving young man to become a citizen of the United States. This bill would provide for the naturalization of Michael Wu of San Diego, CA. The House approved this legislation last year, unfortunately the Senate did not act on it before the end of the 101st Congress. It is my hope that in 1991 the full Congress will work to enable Michael Wu to become a citizen.

Michael is 25 years old and was born on the island of Taiwan. He has been a permanent resident of the United States since April 18, 1980. Michael has Down's syndrome. He strongly desires to become a citizen of this great Nation. His parents are naturalized citizens and his brother is in the process of becoming a citizen. They are all hard working, responsible residents of San Diego.

Michael has taken the naturalization exam six times since 1985, but because of his condition he has been unable to satisfactorily complete the history and Government portion of the exam. Despite his inability to meet this requirement, Michael understands the concept of citizenship and wants to achieve this goal.

Michael attends the Association for Retarded Citizens [ARC] in San Diego and has developed a number of useful skills. All who know him believe that Michael can be a productive member of our society and deserves to become a citizen.

This legislation would classify Michael as a child of tender years notwithstanding his age. This designation would exempt him from the test and allow him to become a citizen with the support of his parents.

Mr. Speaker, despite his disability, Michael Wu can contribute to life in San Diego and in this Nation. It is the American tradition to allow him to make this contribution as a citizen. I ask my colleagues to support this legislation which would mean so much to Michael and his family and which would reflect the true spirit of the American people.

THE REFORM OF COLLEGE ATHLETICS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 17, 1991, into the CONGRESSIONAL RECORD:

THE REFORM OF COLLEGE ATHLETICS

Like most Americans, Hoosiers have great enthusiasm for athletics. If sports were eliminated from the American scene, many persons would have a tremendous void in their lives. The success of this year's college basketball championships in Indianapolis attests to the great popularity of college sports. But fans of college sports have become uneasy with the repeated scandals involving illegal recruiting, poor academic records and dismal graduation rates. According to a recent poll, 60 percent of the public, nearly 70 percent of university trustees and almost half of university presidents believe that college athletics is in need of reform. Some of the critics even suggest that Congress take a more active role in reform efforts.

THE PROBLEMS

The difficulties in college athletics revolve around two basic issues. First, there is widespread evidence that the academic performance of college athletes continues to decline. Division I football and basketball programs in the U.S. graduate only 30 percent of their players. Often players are admitted to colleges and universities even though they do not meet minimum admission standards. Second, college athletic programs, particularly at large universities, have evolved into large money-making operations. Winning has huge financial rewards. CBS paid the NCAA $143 million to televise this year's basketball tournament, and will pay $1.1 billion over the next seven years for television rights. The pressure to win and get a larger share of these revenues has led to numerous recruiting violations and charges of exploitation of student-athletes. In the last decade, nearly half of all big-time football programs have been penalized by the NCAA.

THE KNIGHT COMMISSION

There has been a raft of proposals in recent years to reform college athletics. The most recent and wide-ranging is a study by the

Knight Commission, a group sponsored by the Knight publishing family and consisting of university and NCAA officials as well as government and business representatives. The Knight Commission has focused on four areas for reform.

First, the Commission recommends that university presidents be given more control over their athletic programs. Presidents would have the same degree of control over athletics that they exercise elsewhere in the university and would oversee all financial matters in their athletic departments. Second, the Commission proposes to elevate academic standards by raising student-athlete admission requirements and ensuring that they make progress toward a degree over a five-year period. Third, the Commission would seek to control the enormous sums of money flowing into college athletic programs. All funds raised and spent for athletics would be subject to oversight and approval by the university. And fourth, the Commission proposes a more active role for the NCAA in monitoring the finances of athletic programs. The NCAA would audit all academic and financial matters related to athletics on an annual basis.

CRITICISMS

Most individuals involved in college athletics agree that the Knight Commission report is a good first step in serious reform. It would make athletic programs more accountable to the university hierarchy and to the NCAA. It would make a serious attempt to control the flow of money into those programs, and to ensure that college athletes receive an adequate education. Since only a tiny fraction of college athletes will ever make it to the professional ranks, the majority of student-athletes must be prepared for a career outside athletics.

Some, however, have questioned how forcefully university presidents will implement the Commission's proposed reforms. Athletic departments generate enormous sums of money, and have attained considerable power and autonomy at some universities. Many feel it is unrealistic to ask university presidents to exert more control over coaches, athletic directors and alumni. Critics point out that similar recommendations were made in 1929 in the Carnegie Report, and that study went largely ignored by universities.

The critics argue that more stringent reforms are required. They note that the primary mission of universities is to educate students, not to promote athletics. They favor reforms that would deemphasize the importance of college athletics—for example, by distributing equitably the millions of network television dollars, banning freshmen from participating in athletics, and limiting the amount of time a player can be in practice.

The failure of past reform proposals has prompted some to call for federal oversight of college athletics. It has been suggested that the Knight Commission is a last ditch attempt to keep Congress and federal regulators at bay. Last year Congress did take a modest step in that direction. It passed the Student Right-to-Know Act, which requires colleges and universities receiving federal financial assistance to provide information on graduation rates of athletes starting in July 1993. A school that does not comply risks losing federal aid. Congress is considering other reform legislation, including proposals to mandate financial disclosure reports from college athletic departments.

CONCLUSIONS

Like most sports fans, I am troubled by the state of college athletics today. Clearly, the central mission of the university should be to educate all of its students, and some universities have been derelict in fulfilling that responsibility to student-athletes. However, I also believe that college athletics presents unique opportunities for universities. The great demand for college sports in America today, the growing number of games carried on television, and the strong public support for reform provide university presidents, coaches, and student-athletes with the opportunity to improve the system. The goal should be to strike a balance between athletics and education, and to hold college athletes to stronger academic standards.

I think that the Knight Commission rightly makes the universities responsible for the condition of athletics on campus, and I hope that they are able to reform themselves. After the universities, the NCAA must take an active role in enforcing academic standards and auditing financial records. The NCAA must ensure that student-athletes get the same educational chances and responsibilities as other students. It is my hope that this can be done without Congressional or government involvement.

AT THE READY FOR DESERT STORM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to bring to the attention of this body a little known and thankfully unneeded contribution to our recent operation in the gulf.

Amgen, Inc., is a Thousand Oaks, CA, biotechnology company that developed, manufactures, and markets a product called Neupogen [G-CSF]. This remarkable product is being used by physicians in the United States and Europe to help cancer patients deal with some side effects of chemo and radiotherapy. Mr. Speaker, I have visited this company and have seen the research facilities and manufacturing plant, and I am proud that they are a California company.

Certain types of chemotherapy closely resemble the mustard gas that was in the possession of the Iraqi army. Among the most serious toxicities of mustard gas is suppression of bone marrow production of blood cells. There is speculation that this gas was used by Iraq in its war with Iran. American military physicians and others within the Department of Defense were concerned, with good cause, that should the situation call for it, Iraq would once again use this deadly weapon.

Several months ago, Amgen was contacted by Dr. Anthony Melaragno of the U.S. Navy Medical Research and Development Command. He believed that Neupogen could be useful in dealing with some of the most serious toxicities of mustard gas. He contacted Dr. Richard Stead of Amgen to inquire as to the availability of the product. Working with Dr. Stead and his Amgen colleague Larry Souza, Ph.D., the researcher who first cloned G-CSF, preclinical tests were completed rapidly by Dr. Barry Meisenberg and Dr. Rod Monroy. A clinical trial protocol was developed to insure that should the need arise, G-CSF would be available to members of the alliance. This protocol, written by Amgen and the Department of Defense, received rapid approval and support from the U.S. Food and Drug Administration.

When the conflict began, Amgen acted immediately. It's senior management ordered the shipment of 10,000 vials of G-CSF to American military medical facilities in Germany. The material was sent with no fanfare nor with a bill. While the 1,200 Amgen employees around the world were pleased to do this for our troops, they were even more pleased that the need to administer this drug never arose.

I rise today to add my congratulations to those of the Honorable Secretary of the Navy H. Lawrence Garrett III. Amgen always has performed remarkably in the laboratory. This action shows that their excellence goes beyond science.

INTRODUCTION OF LEGISLATION TO EXTEND THE SUSPENSION OF THE IMPORT DUTY ON SYNTHETIC RUTILE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. CARDIN. Mr. Speaker, today I introduced legislation to extend the suspension of the import duty on synthetic rutile. Few have heard of synthetic rutile, but this titanium bearing mineral, used as a feedstock in the production of titanium dioxide, is vital to the paint, plastics, and paper industries in the United States. Titanium dioxide is used as a nontranslucent ingredient in almost all paints, all printing papers except newsprint, and a wide variety of plastics and other products. As a principal feedstock for the production of titanium dioxide, synthetic rutile is a commodity vital to a large and important industry employing thousands in California, Delaware, Georgia, Louisiana, Ohio, Tennessee, and Maryland. SCM Chemical, with a large facility in Baltimore, is a major producer of titanium dioxide.

Beginning in 1974, the import duty on synthetic rutile has been suspended by Congress. There have been a series of extensions of this suspension, with the most recent due to expire in 1992. For the reasons set out below, I believe the duty suspension for synthetic rutile should be extended again—through December 31, 1994—and I ask for my colleagues' support.

The most obvious reason for the suspension of duty on synthetic rutile is its inconsistent treatment under the Harmonzied Tariff Schedule of the United States. All other feedstocks for titanium dioxide—natural rutile, ilmenite, and titanium slag—are listed as duty-free. Only synthetic rutile is subject to duty, apparently for the sole reason that it was not a commercially available product when the tariff schedules were originally written. There is no logical reason for such disparate treatment of only one of four substances which are all put to the same use. This illogical distinction results only in an unfair and anticompetitive hardship on titanium dioxide producers dependent on synthetic rutile.

The producers who use synthetic rutile would suffer both in terms of production and employment as a result of any duty. There is currently only one domestic producer of synthetic rutile, Kerr-McGee Chemical Corp., and it is unable to supply the total domestic demand for the feedstock. The cost/price squeeze caused by reliance on imports of synthetic rutile and the costs of any duty on such imports would threaten the economic health of much of the domestic titanium dioxide industry and those it employs.

Continuation of the duty-free status for synthetic rutile would help protect an important domestic industry—not by erecting trade barriers, but by removing them. I look forward to the support of my colleagues for this measure.

WHY ARE WE STILL BEING BLAMED FOR DEFICIT SPENDING?

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. SMITH of Florida. Mr. Speaker, there has been a rumor going around that Members of Congress, especially from this side of the aisle, are spendthrifts. This rumor is especially troubling considering the amount of debt that has been generated in the last 10½ years under the direction of Presidents elected from the other party.

Now, I could stand up here and recount the all too familiar history in the last 10 years of one of the most massive, government sponsored, redistributions of wealth in history—a transfer of wealth from the poor and the middle class to the truly wealthy. But, I won't do that.

I could mention the 1981 Tax Reform Act which, with the blessing of the Reagan administration, kicked-off the "Decade of Rich and Famous." But that would be beating a dead horse.

I could recount the sorry history of the application of supply-side economics that turned the U.S. budget into a giant financial experiment that failed. But that would be wallowing in the past.

Of course, the current administration hasn't quite learned the economics lessons of the 1980's. They have proposed yet another entitlement program for the rich, a reduction in the capital gains tax. But, I suspect the lessons of the supply-side philosophy have already trickled down to the American public. So why belabor the obvious?

Instead, I want to debunk this notion once and for all that we, on this side of the aisle, play fast and loose with the public's money.

In order to do that I could reiterate that the House Appropriations Committee under the leadership of Chairman WHITTEN has consistently held spending below the President's recommendations. But, why instruct my colleagues on something they already know?

I could point out that the current system of spending caps under which we now operate was basically designed by the House and Senate majority leadership. But why repeat a history of which we are all aware?

Rather than restate the obvious, allow me to suggest that we are blamed for profligate spending because this administration tries to define fairness as profligacy. When we try to adequately fund prenatal care, a program that makes real economic sense, we are "big spenders." But when the President wants to spend billions to shoot exotic weapons into outer space, he is being "prudent."

The budget resolution that has emerged from the Budget Committee under the able direction of Chairman PANETTA is yet another example of the type of balanced, fiscally responsible program we, on this side of the aisle, have been producing for years. This resolution increases, beyond the President's proposals, funding for education, Head Start, child immunizations, infant mortality, and I could go on, without exceeding the spending caps. The resolution does this, I should add, without cutting Medicare, Food Stamps, Veterans Compensation, crop insurance, and I could go on, as the President proposes.

In the face of the overwhelming evidence to the contrary, why are we still being blamed for deficit spending? We should ask the President to explain, but that might be, for him, too taxing.

THE DANGERS OF APPEASEMENT AND ISOLATIONISM

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. LEVINE of California. Mr. Speaker, the following address by my colleague Representative STEPHEN J. SOLARZ outlines the historic similarities between the Warsaw Ghetto uprising against the Nazis and the recent gulf campaign against Saddam Hussein. As Representative SOLARZ observes, both fights were not about power and materialism but about principle and morality. The nearly 50-year lapse between these two events has not altered this basic struggle for the forces of good over the forces of evil.

Perhaps the most significant connection between these two events is the danger of appeasing dictators bent on ruthless aggression. We learned a costly lesson from World War II—a lesson that cost millions of lives. We learned that tryants on the war path must be stopped while it is still possible, and before it becomes too late. We also learned that isolationism is not moral, but morally bankrupt. We learned that this country must assume responsibility in world affairs and be prepared to use force appropriately if it can save lives in the future. In essence, we have learned that international intervention can and should be morally justified.

I strongly urge my colleagues to review this extremely insightful speech.

ADDRESS BY REP. STEPHEN J. SOLARZ, WARSAW GHETTO UPRISING ANNIVERSARY, APRIL 7, 1991

We gather this afternoon in a solemn act of remembrance and redemption.

It was almost five decades ago that the Jewish resistance in the Warsaw Ghetto—in one of the most glorious acts of rebellion in the history of our people or of any people—took up arms against their Nazi oppressors.

And it was just over five weeks ago that the American-led coalition triumphed in the field of battle against the forces of a new Mesopotamian megalomaniac who, like his biblical predecessor, Nebuchadnezzar, was intent on destorying the Jewish people.

These two events—the Warsaw Ghetto uprising and the war in the Gulf—while so far apart in time, so incomparable in their magnitude, and so different in their conclusions—are more clearly connected than might at first seem apparent.

The differences are obvious.

In Warsaw, there were perhaps 500 Jews armed with a handful of guns and Molotov cocktails fighting by themselves against one of the mightiest and most well-equipped armies in the history of mankind.

In the Gulf, there were 500,000 American soldiers armed with the most sophisticated weaponry in the history of warfare fighting alongside 26 other countries against an enemy completely outgunned if not entirely out-manned.

In the Ghetto, the Jews were doomed to defeat and death from the very beginning of their revolt, with the only question being how long they would be able to fight and how many Germans they would be able to take with them.

In the Gulf, the triumph of the coalition was certain with the only question being how heavy a price in blood and treasure would have to be paid for it.

Yet the similarities and the connections between the spring of 1943 and the winter of 1991 are ultimately far more significant.

In both the Ghetto and the Gulf, the fight was not about power but principle, not about materialism but morality.

It was a fight not simply between two people or two countries, but, in its most fundamental sense, between the forces of good and the forces of evil.

Yet there was another, and far more important, connection between the Warsaw Ghetto uprising and the Holocaust of which it was a part and the confrontation in the Gulf almost 50 years later.

It was, after all, the comparison to the Second World War, and our failure to stop other tyrants bent on aggression when it was still possible to do so at a relatively low cost, that constituted the most compelling argument in favor of the use of force in the Gulf.

Like the 1930's, when Nazi Germany, fascist Italy, and imperial Japan were on the march, Baathist Iraq was on the march in the 1990s as well.

And it seemed clear that unless we stopped Saddam Hussein now, we would only have to stop him later, but under circumstances where he would be much more difficult and dangerous to deal with than he was now.

During the course of the Congressional debate on how best to deal with Saddam and his murderous minions, we were told by those opposed to the use of force that we should be patient and give sanctions more of a chance to work.

Yet the still powerful and painful lessons of World War II reminded us of the fact that we were patient when Japan invaded Manchuria in 1931.

We were patient when Mussolini attacked Abyssinia in 1935.

We were patient when Hitler remilitarized the Rhineland in 1936.

We were patient when Chamberlain offered Czechoslovakia on a silver platter to Hitler at Munich in 1938.

We were patient when the Wehrmacht blitzkrieged Poland in 1939.

We were patient when Germany overran France and the Low countries in 1940.

We were patient right up to December 7, 1941, when Japan attacked us at Pearl Harbor, by which time more than a million Jewish men, and women, and children had already been consumed by the fires of the Holocaust.

Six months after the brutal occupation of Kuwait, the time for patience had clearly ended and the time for firmness had surely arrived.

Once again the stage was set, as it had been over half a century ago, for a cataclysmic confrontation between an army committed to plunder and repression, and an alliance committed to liberation and legitimacy.

A few minutes before I rose to conclude the debate in the House of Representatives on the resolution authorizing the use of force in the Gulf, in what I strongly suspected would be the most significant speech I would ever give, I knew that I was about to be tested not only as an American but as a Jew.

The thought that overwhelmed me in this moment of truth was that our country now had the chance to show that it had not forgotten the six million and that, if their suffering and their sacrifice was going to be given a redeeming significance, it would be necessary for us not only to acknowledge but to act on the great lesson of our time—a lesson they taught us as they entered, one by one, naked and defenseless, into the gas chambers and on to the killing fields of Nazi-occupied Europe.

The lesson that evil still exists and that when evil is on the march it must be confronted.

And let there be no doubt about what Saddam Hussein, a modern pharaoh, intent not on enslavement but extermination, had in mind—because it was not just the oil revenues or the national assets of Kuwait that was the motivating force behind his malevolent and murderous aggression.

A week after the war began, following a series of utterly unprovoked Scud attacks against civilian population centers in Israel, Saddam issued a statement in which he said that "Iraq's missile attacks against Israel have succeeded in tranforming Tel Aviv into a crematorium."

The use of that word was not accidental.

It strongly suggests that one of Saddam's objectives was to finish the job which Hitler began 50 years ago.

I thank God that this time our national leadership had the courage and the vision to move against the tyrant before he could work his wicked will and that this time there is a Jewish state to defend the Jewish people and to make sure that never again will they be defenseless before the onslaught of their enemies.

But there is another lesson which emerges from what history will undoubtedly record as the most terrible and tragic chapter in the long history of man's inhumanity to man—a lessen that recent events suggest we may still not have learned.

It is a lesson that tells and teaches us that evil must not only be confronted when it is on the march, but extirpated when it is on the rampage—and that the principle of non-intervention in the internal affairs of other countries, must not become a rationalization for paralysis, when a government which clearly lacks legitimacy is carrying on a campaign of mass murder against its own people.

Just as international intervention would have been morally justified against the Nazis in Germany, and the Khmer Rouge in Cambodia, so too would it be justified now against the Baathist regime in Iraq.

There is, of course, nothing we can do, in the Gulf or elsewhere, to bring back to life those whose souls and spirit were snuffed out in gas chambers of Nazi-occupied Europe.

We cannot even adequately pay homage to the courage and dignity they displayed on the altar of hatred and cruelty.

But we can give meaning to the awful and agonizing fate that befell them if we resolve to do everything in our power, as we did in the Gulf, to prevent the triumph of evil.

In the aftermath of the Holocaust, nothing will ever by the same.

The memory of the six million has irrevocably shaped the consciousness, if not the conscience, of mankind.

Here in our own country, the indifference with which we once witnessed the attempted extermination of an entire people, and the elimination of a flourishing civilization, has been transformed into an encouraging willingness to use our power and our resources on behalf of the noble work of rescue and relief.

Where we once followed a policy of indifferent isolationism, we now act on the basis of an enlightened internationalism.

Where we once rejected the "St. Louis," we have welcomed the boat people.

Where we once turned our backs on the Jews of Europe, we have participated in the rescue of the Jews of Ethiopia.

Where we once were indifferent to the fate of the Jewish people, we now provide the support which makes possible the survival of the Jewish homeland.

This is the legacy of the Holocaust.

This is the obligation of our nation.

From their final resting place, the six million call upon us to never forget.

From our earthly abode, we can only respond: We never will.

DR. D. ALLAN BROMLEY COORDINATES FEDERAL DECADE OF THE BRAIN EFFORT

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. RITTER. Mr. Speaker, shortly after enactment of Representative Silvio Conte's resolution (Public Law 101–58), President Bush proclaimed the "Decade of the Brain" to begin January 1, 1990. We all miss our distinguished colleague, the late Representative from Massachusetts [Mr. Conte], who was very proud of the fact that his legislation became the first congressional resolution to endorse a specific area of research since the National Geophysical Year.

Now, after 1 year, we can see this special designation provides opportunities for all of us to consider our roles in this decade in promoting brain research to eliminate not only suffering from mental disorders, but also a total economic burden on this Nation of $305,000,000 annually. In that regard, it was gratifying to note that President Bush appointed my good friend, Dr. D. Allan Bromley, Director of the Office of Science and Technology, to coordinate the national efforts on the various Decade of the Brain projects. Dr. Bromley, serving as science adviser to the President, is on leave from his position as Henry Ford II professor of physics at Yale University, where he was founder and director of the A.W. Wright Nuclear Structure Laboratory.

Also, I am pleased to point out that the National Alliance for the Mentally Ill [NAMI] intends to follow through on Silvio Conte's legacy, and, in conjunction with Dr. Bromley's office, will serve as an important monitor of our progress during the next 10 years in the multidisciplinary efforts of scientists, government leaders, families, and consumers in achieving an understanding of the brain function in relation to behavior, development, and health.

Last year, NAMI initiated a new research quarterly, the Decade of the Brain, whose editorial policy includes reporting on new fields of investigation to inform their readers as to "the exciting research advances on the brain and of the availability of effective treatment of disorders and disabilities that affect the brain" as stated in the Conte resolution. I congratulate NAMI, which now has 1,046 affiliates nationally, over 130,000 members, and urge them to continue their leadership efforts to eliminate serious mental illness from our society by the year 2000.

Mr. Speaker, in the most recent issue, the lead story in the Decade of the Brain is authored by Dr. Bromley, outlining his responsibilities as Federal coordinator. I feel this is a major effort, of special interest to all the Members and I therefore submit the following for review:

[From the Decade of the Brain, Winter 1991 issue]

COORDINATING THE FEDERAL DECADE OF THE BRAIN EFFORT

(By D. Allan Bromley, Ph.D.)

It has always seemed astonishing to me that we know vastly more about the first microsecond of the existence of our universe, or about the constituents of any atom, or about the interior of the sun, than we do about the three pounds of tissue inside our own heads. Brain research is truly one of the great frontier areas of science. Of particular interest to the National Alliance for the Mentally Ill (NAMI) and the millions of people afflicted with mental disorders, it is a frontier that promises enormous practical payoff in the form of new treatments and possibly new ways of prevention. Even more important, it is a profoundly philosophical human adventure, an attempt by the human brain to understand itself.

To make significant progress in that effort during the 1990s—the 10-year span President Bush has designated as the Decade of the Brain—we will need to draw on every aspect of modern science, including molecular and cellular biology, computational science, behavioral science, brain imaging technologies, even aspects of theoretical physics. We will need the dedicated, coordinated efforts of many individuals and organizations in the private and public sectors alike.

My office, the Office of Science and Technology Policy (OSTP), is charged with coordinating Federal scientific efforts concerning brain research during the commemoration of the Decade of the Brain. As this field is important to several Federal agencies, the Administration has begun this effort with an initiative on Brain and Behavioral Sciences in the Federal Coordinating Council on Science, Engineering, and Technology

(FCCSET) Committee on Life Sciences and Health. This group is working on an integrated Federal effort to take advantage of the extraordinary opportunities now before us in neuroscience.

This initiative is headed by Dr. Roger Porter, Deputy Director of the National Institute of Neurological Disorders and Stroke (NINDS), with Dr. Alan Leshner, Acting Director of the National Institute of Mental Health, and Dr. Steven Zornetzer, Director of Life Sciences in the Office of Naval Research, as Vice-Chairs. Key government agencies involved in a broad spectrum of brain research are represented on the subcommittee developing this initiative, including many key components of the Public Health Service, including NIMH, NINDS, and other ADAMHA and NIH Institutes. Because brain research has such important implications for international efforts to promote science, the group also includes representatives from the Departments of Commerce, Education, Defense and State.

Federal activities associated with the Decade of the Brain are directed toward two different audiences, the public and the scientific enterprise. We want to increase the public's awareness and understanding of the brain and its disorders. At the same time, we want to involve the scientific community in exploring both existing knowledge and promising new frontiers in brain research.

With these dual goals in mind, nine specific research areas have already been identified that can form the basis of an integrated program in this tremendously challenging frontier. These areas include: (1) human behavior and mental disorders; (2) addiction; (3) aging; (4) development; (5) learning and memory; (6) communication and sensory disorders; (7) environmental impacts; (8) brain and spinal cord injury; and (9) restoration of function. Using these topics as a framework, Federal agencies can receive input from the scientific community and voluntary health organizations, such as NAMI, in building a coordinated effort for this vitally important Decade.

We are also considering the possibility of creating a 10-year national research plan for the neurosciences. This will mark a very important strategic step in planning a decade ahead for what activities and initiatives the Federal Government should consider supporting and fostering.

OSTP will act as a central clearinghouse for this work. But we will need the cooperation of a great many other institutions and organizations, including NAMI. We intend to make the Decade of the Brain a cornerstone of Federal efforts in the life sciences.

With the cooperation of groups such as yours, we will be contributing to one of the most important initiatives in science and technology the Federal government has undertaken in this decade. We expect that these efforts will contribute substantially to a new capacity to free the brain of illness and enhance its vast human potential in health.

SALUTING SHANE SALERNO'S WAR ON DRUGS

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. LOWERY of California. Mr. Speaker, I rise to honor Mr. Shane Salerno, a young man of outstanding leadership, determination, and creativity, someone who has shown initiative and courage in serving his community. His efforts to educate the public, and his peers, about the dangers of drug and alcohol abuse in particular deserve our attention and our admiration here today.

Mr. Salerno is a young man who has been unusually active in trying to better his community. He led a campaign to improve the safety of a local road, fought the reduction of the security staff of his high school, and invited the candidates for the city council to speak to students in order to improve political awareness. Any one of these accomplishments would be worthy of recognition, but he has recently made a unique and invaluable contribution to the people of San Diego by creating his own antidrug video.

Not content with our progress thus far in the war on drugs, this San Dieguito High School senior took it upon himself to make a difference. Unimpressed with the current drug-awareness videos that use actors and dramatizations to make their point, Mr. Salerno decided to create his own film featuring teens who had experienced drug abuse problems themselves.

The video "Sundown: The Future of Children and Drugs," presents no-nonsense interviews with former teen addicts to teen audiences. The movie enables teens to speak directly and honestly to each other about the horror of drug addiction and challenges them to take control of their lives. Mr. Salerno's cold look at reality has been shown on a local cable network, and runs regularly in libraries and schools throughout San Diego County.

More than praise his idea, we should commend the bold action Mr. Salerno took. In creating his own video, he had to overcome obstacles that would have discouraged most others from completing the project. He invested large amounts of his time into producing and directing the film, personally raised the necessary funds, and located fellow teens who were willing to be subjects in his film. Mr. Salerno's perseverance demonstrates what is required of each of us if we wish to end the scourge of drugs.

Mr. Speaker, this individual attack on one of society's most intractable problems should give us hope and teach us how solutions are born. Mr. Salerno's work demands that we engage ourselves in the drug war. His lesson is one of taking responsibility, and Americans would do well to follow his example.

SALUTE TO MANAGEMENT WEEK IN AMERICA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to help recognize the men and women who keep America in business—the Nation's managers.

This year marks the 13th observance of Management Week in America. Sponsored by the National Management Association, the week of June 3–7 is being set aside to develop and recognize management as a profession and to promote our American competitive enterprise system.

Since its inception in 1978 by the National Management Association, Management Week in America has grown in recognition and activities each succeeding year, and deservedly so. For just as we need people with vision to develop the ideas that keep America moving forward and people with the skills to produce the goods and services that result from those ideas, so too do we need the people to ensure that those ideas are carried out.

The National Management Association, with more than 75,000 members covering the spectrum of American business, industry and the public sector, helps those managers improve their skills and abilities, and contributes to improving our productivity and our economy.

I would like to pay special recognition to the Santa Clarita and San Fernando Valley chapter, which is sponsoring annual Manager of the Year awards in conjunction with the Chambers of Commerce in Santa Clarita, Canyon Country and Pacoima. These individuals will be recognized on June 14.

Mr. Speaker, I ask my colleagues to join me in commemorating Management Week in America, and in supporting policies to make our free enterprise system stronger and even better able to meet the economic challenges of the years ahead.

BET AM SHALOM SYNAGOGUE: A NEW ADDITION FOR A SPECIAL CONGREGATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mrs. LOWEY of New York. Mr. Speaker, I have the pleasure of representing a district which is rich in a variety of religious traditions. Today, I would like to pay tribute to one of the most unique—Bet Am Shalom Synagogue in White Plains, which is dedicating a new addition to its building on Sunday.

For many years, Bet Am Shalom was a small congregation, little known and hardly noticed in Westchester's Jewish community. It was a place where those who wanted to help build a reconstructionist tradition could join a small group of like-minded people. In recent years, however, the secret has gotten out, and the small sanctuary has overflowed on Sabbath mornings. Bet Am Shalom is still a haven for those who are seeking something special, but there are more of them than ever before.

To accommodate its burgeoning size, the synagogue undertook a capital campaign that has resulted in a beautiful new addition to their building. It features a larger sanctuary for special events, several classrooms, and an impressive new library.

The addition serves as a testament to the vitality and strength of this congregation. The magic of Bet Am Shalom, however, does not reside in any building. Rather, it is to be found in the character and dedication of the individuals who make up the congregation. Bet Am Shalom counts among its members some of the most involved men and women in the

Westchester community, people who give generously of their time and their talents to numerous local charities and institutions.

I'm sure, Mr. Speaker, that my colleagues all join me in wishing Bet Am Shalom Synagogue and its members a future of continued growth, satisfaction, and nachas, and I count on their continued presence in our community for many years to come.

THE POPULATION INSTITUTE HONORS HERBLOCK

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. SCHEUER. Mr. Speaker, I take great pleasure in extending congratulations to my good friend, Herblock, upon receipt of the Population Institute's Global Media Award for Excellence in Population Reporting. Herblock's insight has distinguished him as one of the most gifted political cartoonist of our day. Herblock has a keen understanding of the ramifications of overpopulation and its effect on every aspect of the quality of life around the globe. As a founding member and chairman of the Global Committee of Parliamentarians on Population and Development, I understand and share Herblock's commitment to unchecked growth and development. I am proud to recognize Herblock for both his tenacity and talent, and to thank him for lifetime job well done.

Mr. Speaker, I request that the following remarks by Werner Fornos, president of the Population Institute, upon the presentation of a Global Media Award for Excellence in Population Reporting to Washington Post editorial cartoonist Herblock on March 19, 1991, be entered into the CONGRESSIONAL RECORD.

POPULATION INSTITUTE HONORS HERBLOCK

Editorial cartoonist receive far too little credit for their journalistic contributions. Efforts to include their work in the CONGRESSIONAL RECORD have failed. The venerable New York Times still rigidly adheres to its longtime policy that cartoons and caricatures are too frivolous for its editorial pages. I find this somewhat ironic when one considers that the celebrated cartoonist Thomas Nast once plied his trade for a New York newspaper.

It was Nast who first used the donkey and the elephant to symbolize our major national political parties. Even more significant is the fact that Nast's relentless attacks against the "Tammany tiger"—another symbol he created—had as much to do with bringing down the corrupt post-Civil War New York City political machine as did any words set in type. Before Tammany's leader, the infamous Boss William Marcy Tweed, was convicted of defrauding the city of $30 million, he said: "I never worried about what the newspapers wrote about me. Most of my constituents can't read. But that damned cartoonist!"

It seems appropriate that one of our Founding Fathers, Benjamin Franklin, is said to have been this nation's first political cartoonist, for when you think about it only a democratic society can tolerate political cartoons. I often wonder how far Adolph Hitler or Saddam Hussein might have gone with their maniacal craze for power had there been the equivalent of a Herblock working for newspapers in Berlin and Baghdad when they were on the rise.

When Herblock's first cartoon depicting the world overpopulation problem appeared some 25 years ago, global population was little more than three billion. Today it is at 5.4 billion, growing by 95 million a year, and projected to double in only 40 years. Herblock's strong social conscience extends to a deep and abiding concern about the spiralign growth of the world's human numbers. He is concerned about the horrendous consequences of population pressures: poverty, hunger and human deprivation. And that concern is brilliantly reflected in his editorial cartoons.

The man we honor today is the heir to a proud American tradition passed down from such giants as Benjamin Franklin, Abraham Lincoln, Mark Twain and Will Rogers—each of whom first made us smile, then made us think. Herblock is an avowed advocate of human rights, including the basic right of couples to limit the number of children they will have and to decide when they will have them. He is as much a champion of civil liberties as any Justice who ever served on the United States Supreme Court. He is truly a national treasure.

THE THRAWN RICKLE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. CRANE. Mr. Speaker, this Monday marks the 21st anniversary of Earth Day. Much has changed since then. The past two decades have brought cleaner air, fresher water, and a clearer message from environmentalists: "the only way to save the Earth is to abolish private ownership of land." The "Green's" transformation from grassroots democracy to ecofascism has put a stranglehold on American progress. Robert G. Williscroft, a former NOAA official, outlines the enviro-evolution and many more compelling issues in a series of essays titled "Thrawn Rickle." The following is a highlight from his series.

Rarely do we find someone willing to challenge conformity in favor of the truth so I urge my colleagues to read Dr. Williscroft's article and consider where we are, and where the environmental movement is taking us.

THE THRAWN RICKLE

(By Robert G. Williscroft)

"It's not easy being green," crooned Kermit to an entire generation of tykes. Columnist Alston Chase quotes a German Green politician: "Grassroots democracy sounded wonderful before we were elected to Parliament. But now we are in power, centralized solutions seem far more effective."

"Green" is an idea whose time has come. It is impossible today to find a politician who will disavow "the environment." The typical attitude is to decry radical actions by fringe greens while giving lip service to their so-called underlying principles. Is "Green" as Time Magazine says, merely that "* * * our stand on the planet is that we support its survival * * *"? Or is there something behind the rhetoric of survival, beyond the National Wildlife calendars, beneath movie-star environmental protests?

In Reason, Virginia Postrel quotes David Brower, whom she considers to be the "Archdruid" of the American environmental movement: "I founded Friends of the Earth to make the Sierra Club look reasonable. Then I founded Earth Island Institute to make Friends of the Earth look reasonable. Earth First! now makes us look reasonable. We're still waiting for someone to come along and make Earth First! look reasonable." Earth First! is the group responsible for spiking trees, sabotaging logging equipment, and undertaking other terrorist activities in the name of the environment.

Wendell Berry, an eloquent agrarian admired by greens writes: "In living in the world by his own will and skill, the stupidest peasant or tribesman is more competent than the most intelligent workers or technicians or intellectuals in a society of specialists." Stephanie Mills, the green journalist puts it this way: "[Recreation activities of young moderns] may not cultivate the endurance necessary for the kind of labor required to dismantle industrial society and restore the Earth's productivity." (* * * dismantle industrial society and restore the Earth's productivity * * *"?) Elsewhere she writes, "The ecofascist in me finds it hard to trust even the outcome of a democratic process * * *." (* * * ecofascist * * *?) She goes on to imply that the only way to save the Earth is for an elite group of biology-smart ecologists to rule the rest of us with benevolent firmness. She concludes that a major element in bringing this about is that private ownership of land must be totally abolished.

Is this beginning to sound familiar? Stay tuned for further details.

LAKE CITY ARMY AMMUNITION PLANT CELEBRATES 50TH ANNIVERSARY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. SKELTON. Mr. Speaker, This year marks the 50th anniversary that the Lake City Army Ammunition Plant has been in operation. For 50 years this plant has made small arms ammunition during both peace and war times. The Lake City Army Ammunition Plant was the first Government-owned facility to be established under a World War II program to expand small arms ammunition production in the United States.

While the plant's operations have fluctuated with the need for ammunition, one thing has remained constant—the outstanding dedication of Lake City employees. Their commitment to safety, quality, and productivity has made these qualities the proud legacy of the entire operation at Lake City. These people are the same ones who make up the Lake City 25-Year Club. The club represents a group of people who have devoted at least 25 years to providing the U.S. military and its allies with quality ordnance.

They deserve our recognition and our thanks. I am pleased to submit this statement to that end.

TRIBUTE TO THE INSURANCE WOMEN OF TRUMBULL COUNTY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Insurance Women of Trumbull County of my 17th Congressional District of Ohio. As the local chapter of the National Association of Insurance Women [NAIW], the Insurance Women of Trumbull County will be observing NAIW Week, May 19 through May 25.

Professional insurance women have made significant contributions to the insurance industry. They have become increasingly effective locally and statewide in promoting public awareness of important issues such as tort reform, automobile safety, and the problem of drinking and driving. On a national level, the 20,000 members of NAIW have endeavored to reaffirm to the industry as a whole the highest professional standards.

Mr. Speaker, I would like to commend the Insurance Women of Trumbull County for their praiseworthy accomplishments in the insurance industry, and urge our citizens to honor the women who are performing such important and diverse roles.

EFFORTS TO MAKE HIGHER EDUCATION AND PUBLIC SERVICE MORE AFFORDABLE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. CARDIN. Mr. Speaker, today I am introducing legislation to correct an inequity in the taxation of students whose education loans are canceled. By updating section 108(f) of the Internal Revenue Code to take into account new programs for the cancellation of student loan debts, the Congress will be providing incentives to colleges and universities to create and expand loan forgiveness programs for students who choose careers in public service. Senator DALE BUMPERS will be introducing this legislation in the Senate today.

Under our tax laws when an individual's debts are discharged or canceled, the individual is deemed to have received taxable income in the amount of the discharge or cancellation. Section 108(f) provides, however, that when a debt or loan of a student is discharged or canceled by the Federal or a State government, the student is not considered to have received taxable income in the amount of the cancellation.

Loans forgiven by private universities and colleges do not receive this special consideration. This means that when a private university cancels or discharges a loan, taxable income is generated for the student in the amount of the discharged or canceled debt. Section 108(f) applies to the cancellation of only Federal or State government loans because these were the only programs in existence when this section of the code was enacted. My legislation would update section 108(f) to recognize the new loan forgiveness programs established by private universities and colleges.

This change is consistent with our tax policy regarding university and college scholarship funds which are not considered to be income to the student receiving the scholarship unless the amount of the scholarship exceeds the costs of tuition and course related expenses. Current law has the perverse result of providing favorable tax treatment for financial assistance provided up front as scholarships and tax penalties for aid provided later in the form of loan forgiveness. In many cases financial need is better gauged when a student's future line of work is known.

This legislation specifically covers three types of loan programs. It extends the current discharge of indebtedness provision to include programs where a university or college's own loans are being canceled. (Also covered would be loans by private banks that are canceled. Though no such programs exist now, such loan forgiveness should be treated equitably.) The bill also provides the same tax treatment when a university or college extends an additional loan—which it then cancels—to the student to help repay loans from some other source, including the Federal and State government. This would cover instances where the university helps the student repay loans provided by a third party. Finally, the bill would allow the university or college to repay a third-party loan directly on behalf of the student.

The bill provides that the loan cancellation cannot be funded by the employer of the student. This ensures that employers do not substitute nontaxable benefits for taxable wages. The employment of the student must be in a field that is "related to the education" provided by the university or college to the student. The bill applies only to loan cancellations occurring after the date of enactment. The Joint Committee on Taxation has judged that this bill would have negligible revenue loss over the next 5 fiscal years.

The Federal Government has traditionally recognized its legitimate interest in encouraging students to choose careers in community service. By correcting this inequity in our tax laws we can further this goal by creating incentives for our Nation's private universities and colleges to provide financial assistance to students who serve in the community interest. As Federal assistance for higher education grows tighter and the costs of higher education continue to escalate, our efforts to make higher education and public service more affordable take on an added urgency.

ECUADORIAN LEAGUE OF FLORIDA: 10TH ANNIVERSARY CELEBRATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to announce that on April 20, 1991, the Ecuadorian League of Florida will celebrate its 10th anniversary. As an active member of the Hispanic Coalition, the Ecuadorian League of Florida [LEF] is a civic, cultural, social, and recreational community organization.

LEF, in conjunction with Florida International University, has developed and organized one of the best football-soccer tournaments in south Florida. Teams from every ethnic background participate every year. The organization also publishes a bimonthly magazine that is mailed to over 3,000 families in Florida and to over 40 other Ecuadorian organizations around the United States.

In addition, LEF sponsors a yearly event called Reina de Reinas [Queen of Queens] in which more than 40 Hispanic organizations compete for that title. In the business field, LEF sponsors the Ecuadorian Business and Professional Organization which provides assistance and support to all Ecuadorian professionals and businessmen.

I commend LEF for promoting unity and cultural awareness amongst the Hispanic community of Florida and of the United States. I would like to acknowledge those who are instrumental to the wonderful benefits LEF affords to the south Florida community. The active board of directors includes: Raul E. Ona, founding president, Angel Villenas, secretary, and Anna Ona and Susan Villenas, directors.

TRIBUTE TO THE LATE SENATOR JOHN HEINZ

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. WAXMAN. Mr. Speaker, at the beginning of this month, our Nation suffered a tragedy with the death of Senator John Heinz. There is no way to measure the loss his death brings to his family, his friends, this institution, and our country.

I frequently worked with John over the years on Medicare and many other issues. Most recently, I served with him on the Pepper Commission, where we struggled to find a way to bring health services and long-term care to all Americans. It is how I will remember him: A tireless and caring advocate for people in need—particularly the elderly and the least privileged citizens of our country.

Since John's death, many have shared wonderful reminiscences about his life and extraordinary work. One of his closest friends, Senator TIM WIRTH, was particularly eloquent in his touching eulogy at John's memorial service. TIM'S remarks, which follow, are a lasting tribute to the remarkable life of a remarkable man.

In describing John, TIM said that "John Heinz left us still shining, still hard at work at the demanding job he loved, still growing as a public servant and as a private man." And it is that image that makes John a colleague we will not forget, that makes his death so difficult to accept.

I know all my colleagues join me in expresing our deepest sympathy to John's wife, Teresa, his sons, and his entire family.

TRIBUTE TO SENATOR JOHN HEINZ

(By Senator Timothy E. Wirth)

Thank you all for joining the Heinz family today in this healing ceremony of grief and love and faith.

"The elected," Robert Lowell said of those who hold high office in Washington, "They come here bright as dimes and die disheveled and soft.

John Heinz left us still shining, still hard at work at the demanding job he loved, still growing as a public servant and as a private man.

That is what makes his death so hard to bear and his life so important to understand.

It was not a glamorous life. Only in fiction does glamour figure in politics.

In real life, politics—if done right, as John did it—stretches a man to his limits, deepens his knowledge and calls him not just to learn but to lead, to see through his own time to the needs and the possibilities of the next generation.

John brought three essentials to this career of public service.

He worked hard. He was stubborn. And he set the right priorities.

I've never known anyone with a more prodigious capacity for work. He would have breakfast in Pittsburgh and be back on Capitol Hill the same morning for a hearing, knowing his brief thoroughly.

He had little patience with those who were ill-prepared and even less with those who did not work hard.

Heaven help the staffer or witness who tried to do a snow job on John Heinz!

His determination to defend and advance the causes for whch he cared did not always make him popular. but John willingly took that risk, as a committed politician must.

He could send the Senate leadership up the wall faster than anyone else I have seen, especially when he took the floor on behalf of his State and then would not budge an inch.

He didn't care how lonely or uncomfortable it got. He would stay there fighting for fair treatment for Pennsylvania until he won.

And he picked the right fights. The cause of decent health care has not had a fiercer advocate. The rights of senior citizens have not had a more devoted defender. Long term care, health maintenance organizations, hopice care, the diabetes network—the list is a long one.

He had a deep feeling about how life ought to be, a deep commitment to people who had lived a full life, given of themselves and now deserved the respect and care of their communities.

He focused the same compassion on workers displaced and powerless in the face of crunching world change and threatened with job loss and family despair, people who had contributed all of their lives and now needed help.

How wise labor had been in trusting their instinct that he would be their friend. They took a chance and endorsed John when he first ran in 1971.

And how proud he was to be their champion.

It was a direct line from here to his commitment to the environment—he believed that the Earth has nurtured us, and that it is our obligation in turn to take care of the Earth.

He developed a depth of knowledge and understanding, and a consequent sense of urgency to solve the problems we are facing.

Enormous energy and creativity were thrown into the task.

"Get the World Bank up here—they don't understand what they're doing" he roared.

He was outraged that every year fires were destroying areas the size of Pennsylvania in the Amazonian Rain Forest.

He said that we need strategies to sustain rather than destroy our natural resources, and wondered if we could use marketplace incentives to solve environmental problems.

The energy—the intellect—the phenomenal memory that caught and challenged everyone—were all part of the remarkable talent and the joy of working with John.

But perhaps most basic to his effectiveness was an endearing innocence.

He really believed that he could make the world a better place.

For all his sophistication, he had a wonderfully naive, almost little-boy-like mischievous commitment to making it better—such a contrast to the jaded resignation of our time.

His was not just an exemplary public career, earned with distinction and carried with enormous confidence. He also strove to master the other half of the political balancing act—the close and nurturing relationship with his family.

Out of the pride he felt in each of his sons, he came better to understand his own growth and his political mission.

He developed an equilibrium that gave him the freedom to dare and to believe that he could do better and that, as a result, the world could be better.

If it is true that "of those to whom much has been given, much will be asked," must we not seize this sense of the possible from his life, heed his compulsion, take up his commitment, and incorporate them in our own way of living and our own responsibility for the future.

Of course, we must.

We shall.

A final note.

John and I were friends. With Teresa and Wren, we were a foursome, devoted, committed, bound to one another, all of us managing somehow to make each of the others better;

Better in what we tried to accomplish;

Better at understanding and thinking about our children; and

Better in the new ways that we invented to laugh and to cope with political life.

Now we are diminished.

But the void will be filled by his children, all of our children, the next generation who join in the kind of life John Heinz had helped us to create; a shining life, a giving life, a rewarding life, a life of love and growth and steady faith in the way the world ought to be.

TELEPHONE COOPERATIVES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, today Mr. JENKINS, Mr. GRANDY, Mr. MOODY and I are introducing legislation to ensure the continued viability of telephone cooperatives that serve millions of rural Americans.

Tax-exempt telephone cooperatives are nonprofit organizations that play a critical role in providing local and long-distance telephone service, especially in sparsely populated rural communities. Congress granted telephone cooperatives tax-exempt status in 1916, and has always understood that this exemption is necessary to ensure the availability of reliable, universal telephone service in rural America at a reasonable cost.

Although the telephone industry as a whole has experienced significant regulatory changes in the past decade, the nature and function of telephone cooperatives have not materially changed since 1916. Yet, in responding to these regulatory changes, the IRS recently issued a ruling that may cause virtually all telephone cooperatives to lose their exempt status.

Cooperatives are currently exempt from paying Federal taxes so long as 85 percent of their income is collected from cooperative members. In applying the 85-percent test, certain income received from nonmember telephone companies for the performance of communication services is not treated as member income but simply discarded from the income computations.

Specifically, the IRS has now concluded that billing and collection revenues of the cooperative are nonmember income for purposes of the 85-percent test. In addition, the IRS stated that the historical practice of the telephone cooperatives to include the amounts collected from members for long-distance calls is incorrect in the new regulatory environment.

This position threatens the tax-exempt status of most cooperative telephone companies because it recharacterizes income that's always been considered favorable income under the 85-percent testing rules. That's just not right, and we need to correct it.

First, to ensure that regulatory changes affecting the entire telephone industry do not cause unintended and unacceptable results under the 85-percent income test, this legislation clarifies that income received by a telephone cooperative from a nonmember telephone company would be treated as collected from members when services are directly or indirectly paid for by members of the cooperative. Thus, if a member places and pays for a long distance call to a nonmember, the amount paid by the long distance carrier to the cooperative for originating the call is treated under the 85-percent test as income collected from cooperative members.

Second, the bill reaffirms present law that income received by a telephone cooperative from a nonmember telephone company for performance of communication services which involve members, but isn't paid directly or indirectly by members, remains excluded for purposes of the income testing rules.

Third, the bill excludes from the 85-percent income formula revenues received by the telephone cooperative from billing and collection services performed for a nonmember telephone company. Telephone cooperatives often collect from it's members not only charges for local phone service provided by the cooperative, but also charges for the amount owed to the long-distance carrier for the customer's long-distance calls. The cooperatives are compensated by the long-distance carrier for this service that's provided directly for the benefit of their members.

It seems to me that the IRS's position has unfairly jeopardized the tax exemption existing for cooperative telephone companies. And I think that we need to respond quickly to this problem.

I urge my colleague to help further these efforts by cosponsoring this legislation that will help to maintain communication services in rural areas where it might otherwise not exist.

The full text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN AMOUNTS RECEIVED BY A COOPERATIVE TELEPHONE COMPANY INDIRECTLY FROM ITS MEMBERS.

(a) IN GENERAL.—Paragraph (12) of section 501(c) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by adding at the end thereof the following new subparagraph:

"(E) In the case of a mutual or cooperative telephone company (hereafter in this subparagraph referred to as the 'cooperative'), income received or accrued directly or indirectly from a nonmember telephone company for the performance of communication services by the cooperative which are directly or indirectly paid for by members of the cooperative shall be treated for purposes of subparagraph (A) as collected from members of the cooperative for the sole purpose of meeting the losses and expenses of the cooperative."

(b) CERTAIN BILLING AND COLLECTION SERVICE FEES NOT TAKEN INTO ACCOUNT.—Subparagraph (B) of section 501(c)(12) of such Code is amended by striking "or" at the end of clause (iii), by striking the period at the end thereof clause (iv) and inserting ", or", and by adding at the end thereof the following new clause:

"(v) from billing and collection services performed for a nonmember telephone company."

(c) CONFORMING AMENDMENT.—Clause (i) of section 501(c)(12)(B) of such Code is amended by inserting before the comma ", other than income described in subparagraph (E)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

(e) NO INFERENCE AS TO UNRELATED BUSINESS INCOME TREATMENT OF BILLING AND COLLECTION SERVICE FEES.—Nothing in the amendments made by this section shall be construed to indicate the proper treatment of billing and collection service fees under part III of subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to taxation of business income of certain exempt organizations).

THE NATIONAL ENDOWMENT FOR THE ARTS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. WEISS. Mr. Speaker, on April 13, 1991, the Washington Post printed the op-ed article, "The Art Your Money Buys," written by National Endowment for the Arts [NEA] Chairman John Frohnmayer. In light of the controversy surrounding last year's reauthorization of the NEA and a few of its grants, as well as the ongoing "misinformation campaign" now being conducted, I urge my colleagues to read Chairman Frohnmayer's op-ed, which appears below.

[From the Washington Post, Apr. 13, 1991]

THE ART YOUR TAX MONEY BUYS

(By John Frohnmayer)

It's your 68 cents, so let's talk about it. That's what each citizen pays in taxes—on average—for everything the National Endowment for the Arts does. You are entitled to know what it buys, who chooses; what we who administer it stand for (that is, unless you're tired of reading and hearing about arts wars, for which I wouldn't blame you).

During the 25 years of its existence, the endowment has made 90,000 grants. Of these, about 30 have been controversial. Still, I would guess those 30—or maybe just a couple of them—are all most of you know about the endowment. Consider the following:

What it buys:

During the past 25 years, your tax money that went to the endowment has helped bring into being 70 new choruses and 120 new symphony orchestras. Some of the music that they have made and you have enjoyed is sacred, some secular.

It has helped pay for 364 new theaters at which you have seen plays, both good and bad, depicting love and hate and joy and envy and success and failure—just like our lives.

Your 68 cents has helped create 2,940 local arts agencies that produce your strawberry festival, bluegrass competition, flatfoot clogging contests and community sings. Countless of you have, in addition, given your time, dollars and sweat to make these things happen.

And you have spent 68 cents to bring artists to more than 11,000 of your kids' schools—each year reaching 4.5 million children who will know that there is at least one living poet in this country and that those actors on stage and television are real people who probably were kids once too.

A sense of self-worth, of the ability to communicate—that's what the arts teach with your 68 cents—and it is fundamental to all learning, from calculus to drawing.

Who chooses?

A bunch of bureaucrats in D.C.? No, actually you do. More than 1,200 citizens will sit on endowment panels this year to recommend, on a competitive basis, which applications should be funded. Most of you are visual artists, or architects, or dancers or folk arts lovers, but you may also be a pharmacist from Muncie, Ind., or a minister from Louisville, Ky., because at least one knowledgeable lay person sits on every panel. Citizens on the panels are of all races, from all parts of the country and represent diverse view points.

Your panel recommendations, fought over, debated and usually resolved by the consensus of the panel, are forwarded to the National Council on the Arts, 26 distinguished Americans who review these recommendations in public sessions and affirm or reject them. You know some of these council members, because you have been thrilled by Arthur Mitchell's Dance Theatre of Harlem (or his dancing if you were lucky enough to see him); you have been moved by the pathos of an August Wilson play that Lloyd Richards produced; or you have been transported by the beauty of Phyllis Curtin's voice. But you know the others on the council as well, because they are your friends, neighbors, colleagues—good and decent people who care about our society.

Finally, the National Council recommendations for funding come to me, and I can say yes or no. I decide on the basis of our twofold mission: to support quality arts and to make those arts accessible to the American people.

What do we stand for?

I came to the government sharing a common cynicism about government workers. My experience hasn't confirmed it. The government workers here at the endowment are smart, compassionate, incredibly hard-working and in spite of the past two years of art wars, amazingly good-humored.

I'm chairman of the National Endowment for the Arts—and I'm sure these people serve it so well—because of a belief that people become more human through the arts. Dance, music, drama and design interpret our world in carrying forth its wisdom from generation to generation.

As our enabling legislation says: "* * * while no government can call a great artist or scholar into existence, it is necessary and appropriate for the federal government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry but also the material conditions facilitating the release of this creative talent."

But let's return to those few controversial grants, because even though they are only a minuscule percentage of what we have funded, some ask: "How does the endowment serve the public interest by making controversial grants?" First, while the endowment is for everybody not everything we do is for everyone. With tax dollars you support schools, although not all of you have children. Your taxes build bridges in North Dakota and Arizona over which you may never drive. You may not agree with the agricultural, health, labor or environmental programs your taxes support. It's the compromise we recognize as the social contract.

Second, society grows through living illustrations. Some controversies we resolve; some stay with us, but few are resolved by ignoring them. Sometimes art provides a vehicle—a forum—for that public debate. "Driving Miss Daisy" (the original play was funded by the endowment) prods our conscience gently. Other works prod debate more confrontationally.

Finally, our society is diverse, which is a source of strength as well as a challenge. The endowment's mandate from Congress is not to dictate content, but to seek" * * * artistic excellence and artistic merit * * * taking artistic excellence and artistic merit * * * taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public." That is exactly what we intend to do. No blacklists, no ideological preconceptions.

We will continue to use your 68 cents—wisely I hope—so that we can leave for our children, and their children, a sense of who we are as human beings, what we share as a nation and what we have achieved as a civilization.

SUPPORT CONSUMER PROTECTIONS FOR NURSING HOME INSURANCE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. WYDEN. Mr. Speaker, today I am introducing legislation, in conjunction with Senator

PRYOR, chairman of the Senate Aging Committee, that would provide older people substantial protection against the crushing costs of long-term care.

This protection is achieved by establishing, for the first time, minimum standards for growing private long-term care insurance market. With these protections, the growing number of older persons who purchase these policies would be protected from the ravages of inflation, ripoff sales practices, and unscrupulous companies that try to wiggle out of paying claims.

Since Congress has not passed comprehensive long-term care legislation, millions of seniors believe they have only one alternative: purchase a private long-term care insurance policy. But the evidence shows that many of these policies are not worth much more than the paper they're written on.

Action is urgently needed because the market for long-term care insurance is booming: the number of these policies sold has more than doubled in the last 3 years. As of June 1990, over 1.65 million long-term care insurance policies had been sold.

The industry lobby will argue that the Federal Government should stay out of this area and leave everything to the States and the National Association of Insurance Commissioners [NAIC]. But two new governmental reports argue otherwise.

The inspector general of the Department of Health and Human Services has determined that only 17 States have substantially adopted the National Association of Insurance Commissioner's [NAIC] model standard adopted in January 1990. And even fewer have adopted the NAIC's consumer protections adopted in December 1990. In addition, the inspector general determined that only 9 States took any enforcement actions against long-term care insurance companies and agents in 1990.

A report by the General Accounting Office released this month found:

Less than half the States have adopted laws requiring guaranteed renewability;

Eighteen States still allow exclusion of benefits for Alzheimer's victims; Nineteen States still allow the use of a "prior hospitalization" requirement, which effectively keeps two-thirds of the elderly from qualifying for home care benefits; and

Forty States have not adopted the NAIC's minimum recommended standards for home health care benefits.

Rarely have Federal reports been as blunt about the increasing number of abuses in a growing health care market.

The most specific problems consumers face with the private long-term care insurance market are:

A dizzying array of terms and definitions, making it virtually impossible to compare policies;

High and unpredictable premiums, which force over 15 percent of policies to lapse each year;

The vast majority of policies do not keep pace with inflation, severely eroding benefit levels just when people need them the most;

Policyholders pay their premiums for years only to find that their claims are denied or delayed indefinately;

Agents "churn" seniors into new policies in order to get a new commission;

Scare tactics;

High pressure sales; and

Clean sheeting, whereby an agent fails to report an applicant's preexisting health condition, leaving the policyholder vulnerable to claims denials or policy cancellation, and

These problems cause seniors to be misled into purchasing policies which are unnecessary, inappropriate, and highly restrictive. Often alone, frail, and without additional resources, older persons are unable to fight the insurance company.

Before more individuals invest hard-earned dollars in substandard policies, Congress must adopt minimum Federal standards for all long-term care insurance products. These standards must provide consumers with reasonable protection while preserving the flexibility the industry needs to respond to changing data and consumer demands.

The legislation I am introducing today will address these problems in a fair and reasonable manner. It is strongly supported by AARP, Consumers Union, Families USA, the National Committee to Preserve Social Security and Medicare, and the United Seniors Health Cooperative.

Enacting long-term care insurance reform is one step Congress can take this year to protect seniors that won't cost any Federal money. I urge my colleagues to join me in a bipartisan effort to provide meaningful Federal consumer protections for long-term care insurance.

I insert a summary of the bill and the endorsement letters at this point:

LONG-TERM CARE INSURANCE CONSUMER PROTECTION ACT SUMMARY

1. Consumer Access to Information: Requires states to make available to consumers information regarding: complaints received with respect to long-term care insurance policies; the number of policies sold by company; the most recent premiums for each policy sold in the state; the lapse and replacement rates for policies; the number of policy recisions; and the claims denied as a percentage of claims submitted (excluding claims denied because the policyholder has not met deductibles or waiting periods).

Why Needed: Most states do not maintain separate files on long-term care insurance complaints, making it virtually impossible for consumers to get good, objective information about the reputation and quality of a particular company or agent. Consumers have the right to know basic information about long-term care insurance before they spend their hard-earned dollars.

2. Inflation Protection: Requires all policies to contain an inflation protection feature which would increase benefit levels by at least 5% compounded annually.

Why Needed: Assuming a conservative inflation estimate of 5 percent per year, without inflation protection a long-term care insurance policy benefit is eroded by 50 percent in just 10 years. Seniors pour thousands of dollars per year into these policies only to find that their benefits have been whittled away to be virtually worthless just when they need protection the most.

3. Nonforfeiture Benefits: Requires each policy to contain a nonforfeiture benefit which conforms to one of the 3 nonforfeiture models developed by the National Association of Insurance Commissioners (NAIC). At least one of the models identified by the NAIC must be a reduced paid-up model where policyholders would be guaranteed a specified percentage of benefits after a certain vesting period.

Similar to a whole life policy or a home mortgage, a nonforfeiture benefit for long-term care insurance would assure that a policyholder did not have to forfeit vested equity in a policy should the policy lapse.

Why Needed: Because long-term care policies are typically held for 10 or 20 years before their benefits are used, the possibility of a policy lapsing during this period is significant. For example, assuming a conservative lapse rate of 10 percent per year, only 7 percent of policies purchased at age 65 are still in force at age 85, when they are most likely to need the coverage.

When a long-term care insurance policy lapses, the policyholder forfeits a significant amount of equity which has been built up to pre-fund future needs. Individuals often pay into long-term care insurance policies for 10, 15, 20 years or more only to find that a premium increase suddenly makes the policy unaffordable. When this happens, policyholders surrender years of equity and are left with no long-term care protection whatsoever.

4. Marketing Abuses:

a. Explicitly prohibits "churning" whereby an individual is pressured into switching policies in order for the agent to capture a news sales commission.

Why Needed: When an individual drops an old policy to buy a new policy, they will be forced to meet new preexisting condition waiting periods, during which time they will not be covered by insurance.

b. Explicitly prohibits high pressure sales tactics.

Why Needed: Using threats, or capitalizing on the fear of financial catastrophe associated with going into a nursing home should not be tolerated, particularly with the frail elderly.

c. Limits the differential between new sales commissions and renewal commissions to no more than 200 percent.

Why Needed: Many long-term care insurance policies have heavily front-loaded commissions: the agent earns a hefty commission for a new sale and much smaller commissions for policy renewals. This sort of commission structure provides a strong financial incentive to "churn" individuals into new policies which may not be appropriate in order to garner a higher sales commission.

d. Prohibits agents from filling in the medical history portion of an application.

Why Needed: There is evidence of problems with agents who fill in medical history questions incorrectly. If an agent incorrectly answers these questions on behalf of an applicant, an applicant would likely face the possibility of having claims denied at a later date on the basis that the applicant misrepresented his/her health status at the time of application.

e. Prohibits sale of a long-term care insurance policy to an individual who is eligible for medicaid. An exception is made for qualified Medicare beneficiaries (QMBs).

Why Needed: Medicaid beneficiaries, by definition, already receive comprehensive coverage for long-term care services without cost-sharing requirements.

5. Outline of Coverage: Requires the NAIC to develop and insurers to provide a standardized outline of coverage which states: the principal benefits and exclusions under the policy; graphic information on national average nursing home and home health care

costs and their relationship to benefits provided under the policy; graphic information on the effects of inflation on benefits provided under the policy over at least a 20 year period; and a statement that the premiums for the policy will not increase more than a specified percentage during any given calendar year. The percentage specified will be developed by the insurer and may not be exceeded.

Why Needed: Currently, many insurance companies have devised their own outline of coverage which is very different in format and content than other companies, making it very difficult for individuals to compare policy provisions. In addition, consumers generally do not receive any information about how the benefits under the policy compare to average costs of such benefits, or how much the policy can be expected to be worth over time. The requirement to disclose maximum annual premium increases under the policy will bring predictability to premium increases and will put the burden upon insurers to disclose the potential annual increases under the policy.

6. Guaranteed Renewability: Requires all policies to be guaranteed renewable. Policies could only be cancelled for nonpayment of premium or material misrepresentation.

Why Needed: Some states still allow insurers to cancel long-term care insurance policies because the health of the policyholder has deteriorated. Guaranteed renewability pervents insurers from suddenly dropping coverage for policyholders who are no longer considered "profitable".

7. Standard Definitions and Terminology: Requests the NAIC to develop, within 12 months of enactment, standard definitions and terminology for benefits used in long-term care insurance policies.

Why Needed: Today, frivolous variations in policy definitions leave consumers confused and highly susceptible to high pressure sales pitches which try to convince them that their coverage is substandard. Consumers have the right to know that "home health care", for example, means the same thing in every policy so that they can make true comparisons based upon benefit levels and price.

8. Prior Institutionalization: Prohibits the imposition of prior hospitalization requirements on the receipt of benefits. Also prohibits the use of prior institutionalization (ie, a nursing home stay) requirements on the receipt on non-institutional (ie, home and community care) benefits.

Why Needed: Despite the fact that the NAIC model act contains a prohibition on the use of prior hospitalization, 19 states have not adopted this provision and several insurers (large and small) still sell policies that restrict eligibility for benefits upon a stay in the hospital (usually 3 days) or a prior stay in a skilled nursing facility. A prior hospitalization requirement effectively excludes two-thirds of the policyholders from receiving nursing home benefits.

9. Home Health Care: prohibits limiting such benefits to services provided to RNs or LPNs or to Medicare-certified agencies and facilities. Prohibits exclusion of personal care services, such as home health aide and respite care. Requires use of an independently conducted functional assessment for home care eligibility. Provides policyholders with an explicit right to appeal denials for home care eligibility.

Why Needed: Restricting home health care services to specific providers or Medicare-certified facilities severely limits the options of the policyholder. Often, policyholders do not need skilled nursing care; rather, they need assistance with the activities of daily living, things such as bathing, walking, feeding, toileting, and eating. In addition, Medicare-certified facilities are the exception, not the rule, and they often have long waiting lists. Policyholders should have the right to use their benefits at any licensed nursing or home health facility in the state.

10. Preexisting Conditions: Establishes a one-time maximum 6 month preexisting condition exclusionary period. A preexisting condition is defined as a condition for which treatment was sought or was otherwise diagnosed within a 6 month period preceding the effective date of the policy.

Why Needed: Today, several states allow for preexisting condition exclusion periods over 6 months in duration and allow insurers to institute new exclusion periods when the individual purchases a new policy. These additional exclusion periods represent unnecessary additional underwriting which leave policyholders completely unprotected.

11. Timely Provision of Information: Requires:

a. insurers to refund premiums to policyholders within 30 days of an application denial or return under the free look period.

b. Insurers to transmit to the policyholder, within 30 days of a policy application approval, a copy of the actual policy or certificate.

c. insurers to give written notice, within 60 days of a claim denial, the reasons for such denial. Insurers must also make available to policyholders all information directly relating to such denial.

d. insurers to obtain, prior to the issuance of a policy, a physical exam report, a functional capacity assessment, or medical records for all applicants age 75 or older.

Why Needed: Policyholders have the right to know why their claims were denied in a timely manner and to have timely refund of premiums when appropriate. There have been documented instances where insurers delay timely information or refunds in order to buy time or discourage the policyholder from getting payment. Many policyholders are frail elderly individuals who cannot afford to fight the insurance company, or wait months for payment. Because nursing home stays are very expensive, delay in receiving claims payments.can quickly result in bankruptcy for the individual and increased government costs through Medicaid.

12. Counseling: Provides a $20 million authorization for states to establish long-term care insurance counseling programs.

Why Needed: Counseling programs now exist in several states and have proven to be a valuable and cost effective resource for consumers seeking to get objective information about policies.

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, April 17, 1991.
Hon. RON WYDEN,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN WYDEN: On behalf of the over five million members of the National Committee to Preserve Social Security and Medicare, we are pleased to inform you of our support for your legislation, the Long-Term Care Insurance Consumer Protection Act that you are introducing today with Senator David Pryor. With the long-term care insurance market booming in recent years—over 1.7 million policies sold to date—the time is now to take federal action to protect the rights of all consumers, particularly seniors.

This legislation for the first time, establishes consumer protections for those interested in purchasing a long-term care insurance product. These protections that we strongly support include standardization of all long-term care insurance policies; inflation protection; guaranteed renewability; and much needed counseling services.

Members of the National Committee worry that they or their loved ones may need long-term care at some point. We all want affordable nursing home and home health care available that will not bankrupt our families. As the Congress continues its debate and discussion of possible federal long-term care program options, we feel it is essential to move forward with these consumer protections as the only alternative currently available—long-term care insurance.

We thank you for your willingness and fortitude to tackle this difficult issue. The National Committee pledges to work with you and your colleagues in the Congress to see that the Long-Term Care Insurance Consumer Protection Act is enacted into law.

Sincerely,

MAX RICHTMAN,
Executive Vice President.

FAMILIES UNITED FOR SENIOR ACTION,
Washington, DC, April 16, 1991.
Hon. RON WYDEN,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WYDEN: I am very pleased to provide our full support for legislation you are introducing today, the Long-Term Care Insurance Consumer Protection Act. This legislation takes a comprehensive approach to the myriad consumer fraud and abuse problems that pervade the sale of private long-term care insurance.

Last year, Families USA Foundation published a preliminary look at real-life stories of long-term care insurance fraud. Post-claims underwriting, agent misrepresentation, delayed claims payments, and arbitrary claims denials were only some of the frequent abuses we uncovered. And all the abuses amounted to consumers being bilked out of thousands of dollars, as well as their peace of mind.

All of this leads me to the inescapable conclusion that the real solution to the long-term care problem confronting this country lies in the creation of a federal public long-term care program. But to the extent that private long term care insurance is a part of the total long-term care financing picture and continues to be sold, these abuses simply must stop.

I applaud your leadership protecting seniors and their families and I hope you will count on our full and active support for passage of your bill.

Sincerely,

RONALD F. POLLACK,
Executive Director.

CONSUMERS UNION,
Washington, DC, April 17, 1991.
Congressman RON WYDEN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WYDEN: Consumers Union strongly supports the "Long-Term Care Insurance Consumer Protection Act of 1991," which you plan to introduce today. The Act would extend to citizens across the entire country important consumer protection measures when they purchase a private long-term care insurance policy.

Consumer Reports has rated private long-term care insurance policies for the past three years, and we have found that they do not meet consumers' needs. For the most part, they are designed to protect insurance companies against risk, rather than protect the policyholder. Some of the most egregious problems include inadequate protection against inflation, failure to provide nonforfeiture values in the event of cancellation (causing consumers to lose up to $60,000 in equity), unfair pricing practices, possible insurer insolvency, and variation in definition of basic policy terms. The result—too often, consumers do not have the protection they thought they had bought.

The Act builds on the model Congress adopted in its pathbreaking reform of the Medicare supplement insurance market. It offers the first significant steps toward transforming the long-term care market into a market that provides consumers with good value for premium dollars.

Consumers Union supports a public, Medicare-type of solution to the nation's growing long-term care problem. But as long as people continue to buy private long-term care insurance policies, we will work to support important improvements in the regulation of this market. This Act is a very big step toward reforming this market, and we commend you for introducing this bill today. We look foward to working with you as the bill passes through the legislative process.

Sincerely yours,

LINDA LIPSEN,
Legislative Counsel.
GAIL SHEARER,
Manager, Policy Analysis.

[Release, April 17, 1991]

UNITED SENIORS HEALTH COOPERATIVE STRONGLY SUPPORTS THE DEVELOPMENT OF NATIONAL STANDARDS FOR CONSUMER PROTECTION IN LONG-TERM CARE INSURANCE

WASHINGTON, DC.—The United Seniors Health Cooperative, a non-profit consumer group, strongly endorsed the proposed Long Term Care Insurance Consumer Protection Act of 1991 that was introduced today by Senator Pryor and Representatives Wyden, Daschle and Reigle.

"Effective national standards for long-term care insurance regulations are the only way to guarantee that citizens in every state have at least a minimum level of consumer protection," said Jame Firman, President of United Seniors. "Thirty states currently have consumer protection laws for long-term care insurance that are inadequate and four other states, including the District of Columbia, have no laws at all."

"Long-term care insurance is very complex, confusing and expensive," said Dr. Firman. "As a result, elderly persons are particularly vulnerable to the unsavory tactics of unscrupulous agents and companies. National standards are needed to protect consumers and to ensure that consumers can get fair value for their money."

United Seniors is calling on Congress to establish a Federal Commission to develop national standards for long-term care insurance, instead of giving the responsibility exclusively to the National Association of Insurance Commissioners (NAIC).

"A Federal Commission is the only way to guarantee the full and balanced participation by consumer and industry representatives that is needed to develop the best possible standards for consumer protection. National standards for consumer protection are just too important to leave solely to a handful of regulators."

United Seniors Health Cooperative is a non-profit consumer group with more than 10,000 older members in the greater Washington area. United Seniors counsels several thousand older persons on health insurance issues. The Cooperative does not sell or endorse any insurance products and has no ties to any insurance companies. United Seniors has been responsible for several major studies on the quality and affordability of long-term care insurance and has written practical, nationally-acclaimed books on the subject for both consumers and professionals.

LSCA FUNDING

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. TALLON. Mr. Speaker, in South Carolina, and across the country, many of the written records housed in our courthouses, in our archives, and in our libraries are disintegrating. The major cause of this great problem is the chemicals present in most paper produced after the middle of the 19th century. These chemicals are literally causing the paper to self-destruct. Old records and those we use every day—deeds from the 1920's, wills from the 1950's, library books published in the 1890's—materials that illuminate our past and ensure our future are threatened. Additionally, these materials are endangered by heat and humidity found in aging buildings without proper climate control.

Work is already being done by the Library of Congress to slow down the deterioration of their collections. Unfortunately, most of our libraries and museums in America do not have either the expertise or the resources to deal with this challenge. In South Carolina, the Palmetto Archives, Libraries, and Museums Council on Preservation [PALMCOP], is taking action to combat this problem through statewide preservation planning and training. Using Library Services and Construction Act Title III funds, this group has sponsored workshops, conducted training sessions, monitored preservation needs, and served as a model for other States to emulate in their efforts.

The challenge to preserve our written records is great. LSCA funding has been vital to preservation efforts in South Carolina, and it is essential that we continue to have LSCA funds to assist with this tremendous problem.

RICH CASTRO

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mrs. SCHROEDER. Mr. Speaker, I have the sad duty to share with my colleagues notice of the death last Saturday of Rich Castro, the executive director of the Denver Agency for Human Rights and Community Relations.

Rich packed into his young life more accomplishments than most people twice his age. He was a member of the Colorado Legislature for 10 years, a member of the Denver School Board, a columnist for La Voz newspaper, chairman of the board of directors of the Auraria Higher Education Center, and a member of the Senate Democratic Hispanic American Task Force.

Rich was a friend of mine and I will miss him.

[From the Denver Post, Apr. 14, 1991]

HISPANIC CHAMPION RICH CASTRO DIES AT 44

(By Judith Brimberg)

Rich Castro, Denver's director of community relations and a strong voice for Colorado Hispanics, died at 5:55 p.m. yesterday of a brain hemorrhage.

At his bedside in Aurora Presbyterian Hospital were his wife, Virginia, his son, Richard Jr., and other family members.

The Rev. Marshall Gourley, pastor of Our Lady of Guadalupe Church, administered last rites.

"He was surrounded by his friends and family, and died peacefully," said Tomas Romero, a close friend.

Mayor Federico Peña ordered city flags to be flown at half-staff in Castro's memory. The Castro family will receive vistors from noon to 3 p.m. today at the Platte Park Community Center, 1500 S. Grant St.

Castro, 44, was rushed to the hospital Thursday after being stricken in an Aurora cafeteria. A respirator had been used to keep him breathing when he failed to respond to treatment.

Castro belonged to a cadre of young Hispanics across the nation who fought a discriminatory political system and paved the way for the successes of the '80s, Hispanic leaders said.

"We doubled our voter registration and the number of Hispanic elected officials during the 1980s," said Andy Hernandez, director of the Southwest Voter Registration and Education Project.

"Rich was part of a very young generation of elected officials that took on the fight for their community during the early '70s, and their country has been made better for it."

As a member of the Colorado Legislature from 1974–1984, Castro focused on reforming legislative districting to give Hispanics more access to state elective office.

He recently recalled how—as a member of the state reapportionment commission in 1981—he organized Hispanic communities across Colorado to testify about attempts to dilute minority voting strength. The number of Hispanics in the Colorado Legislature increased from seven in 1981 to 10 in 1990.

At the time of his death, he had embarked on another statewide campaign to create awareness of the importance of reapportionment in the wake of the 1990 census. Castro also concerned himself with immigration policy, especially as it pertains to Mexicans and Latin Americans, and bilingual education.

A highly effective conciliator, he was known for his generosity to people on their way up. Many of the current crop of Hispanic lawmakers were his proteges, officials said.

"He never was too busy to help you," said Ralphie Lutrey, a former legislative candidate and a bilingual education teacher. "He walked in my precinct when I ran for the legislature last fall."

Castro's interests encompassed a broad range of social issues, including mental health, prisons and even parking privileges for handicapped drivers.

A prolific writer, Castro was a columnist for La Voz de Colorado and was working on a book about Hispanic Colorado legislators at the time of his death. He also was preparing a video presentation for the Colorado Hispanic League's August convention on the history of Hispanics in Colorado.

"He was an incredible advocate for Hispanics in the national arena," said Arturo Vargas of the Mexican American Legal Defense and Education Fund. "He raised issues of interest to Hispanics in national forums."

Castro was born in Denver on Sept. 29, 1946, and was educated at Annunciation High School, Metropolitan State College and the University of Denver, where he received a master's degree in social work.

After serving for three years as director of the Westside Coalition's Neighborhood Planning Organizations, he was elected to the Colorado Legislature. Between 1975 and 1982, he was a consultant to the Denver Commission on Community Relations. Denver Mayor Federico Peña appointed him executive director of the human rights agency in 1983.

Castro was named to a vacant seat on the Denver School Board in 1988, but failed to win election by 281 votes in 1989.

He was a member of numerous boards and commissions in Colorado and was a member of the national boards of the Southwest Voter Registration and Education Project and of MALDEF.

He won numerous awards for his work in the field of human rights, including the Martin Luther King Junior Humanitarian Award in 1988 and the American Jewish Committee Human Relations Award in 1986.

Referring to the second award, the American Jewish Committee's Bobbi Neal said: "He was for human rights for everybody, for all ethnic groups."

In addition to his wife and son, he is survived by four other children, Chris Lucero, Phillip Lucero and Ronnie Lucero, all of Denver, and Brenda MacDonald of Michigan; his father, Archie Castro; and three brothers, Ron, Don and Jaime, all of Denver.

RICH CASTRO REMEMBERED BY HIS FRIENDS

Denver Mayor Federico Peña: "The city of Denver, the state of Colorado, the nation and advocates of human rights everywhere have lost a special friend.

"He was a humanitarian of special stature who will be missed by thousands of people whose lives are better today because of his compassion."

State Sen. Don Sandoval, D-Denver: "He was like my brother. He was welcome in any crowd . . . he would sit down, talk to people and make a table laugh for hours. He was so intense about what he believed in . . . true nondiscrimination."

Paul Sandoval, a former legislator and former Denver school board member: "He was a very serious minded, very loyal, and a very caring person—caring about issues that affect people. But he had another side, and one of his greatest contributions to people was laughter. He brought joy to people by making them laugh."

Bernie Valdez, former Denver manager of social services and former Denver school board president: "I am devastated at the untimely death of Rich Castro. I knew him since his student days at the University of Denver and saw him grow from a shy, reticent young man into a giant, sensitive human being. He possessed great convictions and the courage to work and fight for them. I loved him as one of my sons."

Audrey Alvarado, executive director, Latin American Research and Service Agency: "He was one of the most visible, strongest voices that we had. There's a lot of grieving that we'll have to do."

Tomas Romero, newspaper columnist and close friend: "Rich was a great patriot. His achievements as a public servant were only exceeded by his humanity and generous spirit."

State Sen. Claire Traylor, R-Jefferson County: "He always had good humor, and he was one of the most fair and honest people I have ever served with in the legislature."

Sen. Tim Wirth, D-Colo.: "Rich Castro was a dear friend for many years, and I am greatly saddened by his passing today. My prayers are with his family.

"Rich was one of Colorado's most eloquent advocates for the equal rights of all people, and I know that his legacy of compassion and service will continue to bear fruit for a long time."

Deborah Espinosa, director of El Pueblo Museum in Pueblo: "He sounded very happy, very upbeat, very clear, and there was no indication of what was about to happen. We were talking about the future."

RESTORING THE PUBLIC TRUST: A NATIONWIDE ACCOUNTING OF POLICE BRUTALITY INCIDENCE

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. MFUME. Mr. Speaker, in the 1960's, Americans watched as the struggle for civil rights played out on national television. They were witnesses as throngs of riot police ferociously clubbed peaceful demonstrators. And even today, as we recall the evolution of civil rights in America and watch old newsreels which chronicled such historical events, these scenes of brutality seem just as horrifying.

It is no less venomous that law enforcement officers willfully and publicly brutalized American citizens struggling for constitutional freedoms. It is paradoxical that people are still without certain liberties almost 30 years later and are still being brutalized by some law enforcement officials.

Recently, through the medium of television, all of America was once again witness to law enforcement officers brutalizing an American citizen, Rodney King. Many people nationwide are already aware that some law enforcement officers harass and brutalize the citizenry—particularly minorities—and show a total disregard for civil liberties, despite their charge to "protect and serve" the public. However, the doggish beating of Rodney King, captured on film by a concerned citizen has brought this issue to the fore of America's collective conscience and has intensified the outcry against police brutality present in many communities across the Nation.

Mr. Speaker, perhaps what makes the episode most repugnant, even more than the severity of the horrendous injuries suffered by Mr. Rodney King, is that so many law enforcement officers stood by and watched, in tacit agreement, as he was brutally beaten and shocked with an electric prod. This event could not have enjoyed such widespread support from officers, if a climate of tolerance for these acts did not exist, and the fear of reprisals from authorities, eliminated.

Law enforcement officials are put in place to protect and serve the public and are in fact consigned with the public trust. Policies inconsistent with this charge—those which allow police brutality to go on unchecked—are policies which effectively breach the public trust and must be abolished.

Minorities far too often are the victims of police brutality and often least able to demand remuneration for unwarranted and excessive abuse. More importantly, few opportunities exist for victims of bona fide police brutality to expose such incidents and bring charges against the police department, essentially leaving law enforcement in the position of policing themselves on this issue.

Mr. Speaker, the Rodney King incident and many other episodes of police brutality directed against minority citizens, suggests clear evidence that some police brutality is indeed racially motivated, especially when it is clear that the victims have no recourse and are fearful of reprisals. Police brutality must be eliminated if law enforcement officers are to effectively carry out their mandate—to protect and serve the public. Establishing and maintaining that trust is key if citizens are to feel that their safety and best interest is the concern of law enforcement officials.

The effectiveness of successful law enforcement depends on a partnership between citizens, police officers, and law enforcement officials. Therefore, the answer to eliminating police brutality lies within strengthening that relationship; it does not rest solely with one individual or a single department. Additionally, since police brutality in some instances is symptomatic of unbalanced community and race relations, the solution also lies in ameliorating or strengthening this relationship as well.

Mr. Speaker, the barbaric beating of Rodney King is indeed abhorrent and a clear indication that police brutality exists and may be escalating unchecked. It is converse to the ideals of American society and tramples on the civil liberties of which every American is assured by the Constitution.

Had the beating of Mr. King not been captured on videotape by an observer and broadcast on newscasts nationwide, I am confident that this matter would not have received the immediate attention it deserves. Unfortunately, there are many bona fide claims of police brutality which go unresolved, much to the detriment not only of the individual and his or her family, but to the community, as well. More importantly, however, there is no reliable accounting of when and where police brutality occurs and against whom. It is similarly difficult to monitor the resolution of brutality claims.

To ameliorate this situation, I intend to introduce legislation which calls for an accounting of police brutality claims nationwide. More importantly, this legislation will identify how the claims of police brutality are resolved.

Mr. Speaker, effective law enforcement officials are an asset to any community and should be commended for such efforts. Nevertheless, it is imperative that the public trust be kept uppermost. This bill is an active effort to achieve that goal.

A TRIBUTE TO JUDGE WILLIAM T. ALLMON

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. APPLEGATE. Mr. Speaker, it is somewhat customary in the U.S. House of Representatives to bring to the attention of the Members special events in one's congressional district or notable accomplishments of constituents. However, I would like my colleagues to take particular note of the retirement of a very special public official in the 18th Congressional District of Ohio and personal friend of mine, the Honorable William T. Allmon, who retired last year after completing 24 years on the bench at the county level.

With his retirement, Judge Allmon completes a very distinguished career of public service beginning in 1964 when he was elected to the Ohio House of Representatives for a 2-year period. In 1966, he decided that he could best serve the public on a more local level and was elected to the position of county court judge of Carroll County where he continued to serve for 18 years to 1984. He was then elected as Carroll County Probate and Juvenile Court Judge until his recent retirement. He served the Nation honorably, as well, as a member of the U.S. Navy in World War II.

Throughout his years on the bench, Judge Allmon has been recognized and honored for his fairness, compassion, and honesty, all hallmarks of a man with integrity and character.

Judge Allmon has touched the lives of so many individuals in so many ways. He has provided guidance and counsel to the troubled. He has been a friend to countless numbers and while they may not have been thought of at the time by certain individuals, his decisions were designed more to rehabilitate than simply to punish.

Few people in Carroll County or elsewhere could be more involved in their community than is Judge Allmon. Despite heavy work schedules, he always found the time to participate in civic affairs and was recognized as a leader in many areas.

Mr. Speaker, Judge Allmon's absence from the bench will be missed in my area, but we wil be fortunate to have him remain among us for many years to come. On behalf of this august body, I congratulate my friend, Bill Allmon, upon his retirement.

THE THOMASTON WOODS STORY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. McEWEN. Mr. Speaker, I wish to take this opportunity to bring to the attention of my colleagues, a good news story, one filled with compassion and with action. A dedicated group of parishioners from St. Thomas Episcopal Church in Terrace Park, OH, took to heart President Bush's call for 1,000 points of light throughout this Nation. Recognizing the need for safe, affordable housing for low-income families in their communities, this group began with moneys from the church endowment fund—adding to these funds from private investment.

Mr. Speaker, I offer my congratulations and thanks to the St. Thomas Episcopal Church for their efforts on behalf of this most worthy endeavor. I commend to the attention of my colleagues, this summary of The Thomaston Woods Story.

In February, 1987, the Senior Warden of Saint Thomas Episcopal Church in Terrace Park, Ohio approached a recently retired parishioner who had been a businessman and said, "What can Saint Thomas do about the lack of affordable housing in our area? Would you please look into it."

He asked another parishioner who was a social worker for help. They proceeded with the blessings of Saint Thomas' clergy, and called on almost every Social Service Agency in the area including the Clermont Metropolitan Housing Authority, the Chamber of Commerce, the Hamilton and Clermont County Commissioners, and various Township Trustees. They found that the lack of affordable housing was indeed a problem in the area and one that was not being effectively addressed.

They developed six proposals: a shelter, a 100 unit multi-family rental project, a residential rehabilitation assistance program, and three others. These were presented to the Vestry of the Parish, who chose the rehabilitation program and the 100 unit project for execution and voted the 1988 income from the Parish's Endowment Fund, some $22,000, as seed money.

During 1988, the key pieces of a housing organization were put in place. At the top, a private, non-profit Section 501(c)(3) corporation, St Thomas Housing Corporation, was established to supervise the creation and operation of all the housing outreach of Saint Thomas Church with advice and support from the Vestry and Clergy. It is this separate, yet co-ordinated, organization for housing outreach which has allowed the Parish to take on time-consuming major projects without interfering with the existing mainstream programs of the Parish.

The Housing Corporation Trustees first formed a Rehab Committee that immediately took on the Vestry's instructions to start serving needy homeowners who couldn't maintain their own homes.

Next, the Trustees formed a Survey committee to verify the need for additional, permanent affordable housing in the area. The area selected was Clermont County because much work on affordable housing was in progress in Hamilton County and 17% of Saint Thomas parishioners live in Clermont County. The survey confirmed the need.

Finance, Site and Design Committees were formed. These committees were staffed with individuals from the parish who had expertise in the development of real estate projects and wanted to use their expertise in the Lord's Work. A beautiful site was optioned. An architect was found who would design a set of townhouses that would meet the need in a solid, supportive and economic fashion. A financing plan was designed that would raise virtually all of the $5,000,000 needed from sources beyond Saint Thomas Parish, but would keep the project under Parish control.

Key to this phase of the 100 unit project, was the enlistment of a corps of first class experts in real estate development and financing. The careful work of these individuals plus their strong reputations provided assurance to all involved that this project would be successful. Accountants, attorneys, contractors, architects, consultants, state and local governmental housing professionals, real estate agents, bankers, investors, apartment managers, and the mortgage company all seemed to give the project a little extra because of its non-profit, charitable nature.

By the end of 1988, the site was under control of the Corporation, the design was complete and the financing plan was in place. Key to the financing was obtaining an allocation of Federal income tax credits from the State of Ohio. Sale of these credits to corporate investors generated fund to cover 50% of the cost. This work began in October, 1988 but the final sale was not completed until August of 1989. Along the way, a 150 page prospectus was prepared and numerous presentations made, all focused on convincing sophisticated banks, insurance companies and other corporations that Saint Thomas Parish was capable of successfully creating and managing a large low-income housing project.

Inevitably, difficulties of timing occurred. Should we commit funds for a legal prospectus before we had investors committed? Should we pay large fees for a mortgage commitment before we knew we could break ground? How much should we pay for a land option we might not be able to use? In each case, we resolved the problem by bringing all the involved individuals together, seeking spiritual guidance and making a joint decision to take another big step. While there were many unpleasant "surprises" as costs rose, we rarely surprised ourselves. No one carried the worry burden alone.

Planning for good communications helped. Having press officers, appointing Vestry members to various housing committees, making frequent presentations to Vestry and parishioners, and regularly holding open meetings all contributed.

In 1989, the financing was in place, planning for operations was done and, on December 8, with the bishop in attendance, the groundbreaking was held. Typical of the maturity of housing team members, the Operating Board got into high gear in the spring before financing was assured. Plans and policies were developed, the Management firm was selected, public relations problems were anticipated and handled, budgets were developed, and a creative approach to resident services was designed.

This approach to resident development involves making each prospective tenant aware of the growth opportunities that living in Thomaston Woods offers them and soliciting their acceptance of the responsibilities that go along with living in a special place. Social service agencies, schools, and local citizens are now prepared to offer whatever assistance any resident might require to advance their life-style.

The key innovative feature, funded by the Saint Thomas Vestry, is an on-site Coordinator of Resident Services. This person will serve as an ombudsperson making sure that each opportunity for individual growth is recognized and capitalized on and that conflict is resolved appropriately.

Saint Thomas Church could not have done this without its financial supporters large and small. Some of these are professionals providing grants, loans, and capital to a project which, in their experienced judgment will be successful. Others are amateurs giving of their time, talent and treasure solely as a statement that this is what God wants them to do. Thomaston Woods needed both to become a reality.

That reality can be seen first hand at 322 Amelia-Olive Branch Road in Clermont County.

We have raised the money to provide the shelter to improve the living conditions for the first 100 families of Thomaston Woods.

INTRODUCTION OF THE LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. MARKEY. Mr. Speaker, I am pleased to join with Representatives MATTHEW RINALDO, the ranking minority member of the Subcommittee on Telecommunications and Finance, and JOHN DINGELL, chairman of the Energy and Commerce Committee, in introducing the Limited Partnership Reform Act of 1991.

This bipartisan legislation is designed to amend certain provisions of the Federal securities laws in order to reform the regulation of limited partnership reorganizations, popularly known as rollups. I believe the balanced package of reforms provided for in this bill are essential in order to make rollup disclosure documents more readable, curb certain abusive practices associated with some limited partnership reorganizations, assure investors opposed to a rollup are afforded a fair opportunity to fight the transaction, and provide for dissenters' rights options for those limited partners who choose not to invest in a rolled up business entity.

Since 1980, approximately $130 billion has been invested in limited partnerships. The bulk of these investments have been in real estate or oil and gas limited partnerships. Investing in limited partnerships has allowed millions of Americans to pool their savings and place them into the hands of a general partner who would use these funds to acquire and manage real estate or oil and natural gas properties.

By investing in limited partnerships, millions of small investors around the country have been able to participate in the purchase of commercial office buildings, shopping malls, oil and natural gas extraction, or other investment opportunities. In recent years, however, a growing number of limited partnerships have been reorganized, or rolled up, into new business entities, often with very different investment objectives and characteristics, and almost always leading to very substantial losses in investor equity.

According to an SEC report submitted to the Subcommittee on Telecommunications and Finance in February 1991, 65 limited partnership rollups have occurred during the last 5 years. These rollups have involved nearly 1,200 limited partnerships, 1.2 million investors, and an exchange value of approximately $6.9 billion. During this same period of time, over $100 billion of new limited partnership interests have been registered for sale to the public. Interestingly, as new offerings of limited partnerships have tapered off, from a high of 428 in 1985, to a low of 106 in 1990, the number of rollups has been escalating, from a low of 7 in 1985 to a high of 17 in 1990. As a result, the number of individual investors affected by rollups is increasing dramatically. In fact, one private estimate suggests that more than 340,000 individual investors could see their limited partnerships rolled up in 1991.

Overall, rollups have performed poorly when traded on the stock market. An analysis by the Liquidity Fund, a firm which purchases limited partnerships on the secondary market, of 13 major rollups conducted in the last 7 years found that investors were faced with losses averaging 44 percent from the exchange value provided at the time of the rollup on the very first day of trading. The SEC, in a report submitted to the subcommittee in March 1991, has confirmed that when rollup securities reach the stock market, they generally have continued to fare poorly—dropping in value by an annual average of 23 percent from the first day trading price.

The subcommittee's investigation has provided evidence indicating that abusive practices often associated with the rollup transaction itself may directly contribute to much of this loss in investor equity. Witnesses have indicated that controversial practices, such as the change from a finite-life to an infinite-life investment, the imposition of supermajority voting requirements that entrench existing management, new fee structures which provide greatly increased compensation to management, and the high transaction costs often associated with the rollup transaction itself, all have led Wall Street studiously to avoid investing in rollups.

Unfortunately, investors seeking protection from abusive rollups today find themselves confronted by something of a regulatory black hole. Because many rollup transactions involve the exchange of limited partnership interests for securities in a business entity which has been approved for listing on a national securities exchange, they are subject to the exchange exemption from state merit review, or blue sky, laws. This prevents State securities regulators from subjecting them to scrutiny.

At the Federal level, rollups are subjected to the same disclosure requirements and proxy solicitation rules governing other corporate transactions. Unfortunately, the subcommittee's investigation has indicated that the primary protection afforded to investors under Federal securities laws—full disclosure—may not be sufficient to assure that investors can make an informed decision regarding whether or not to approve a rollup proposal. These densely worded, typically 200- to 800-page disclosure documents often are so complex that even SEC Chairman Richard Breeden has stated that after having read them he "would like to meet the person who can understand all the provisions in the documents."

Moreover, limited partners seeking to organize in opposition to a rollup sometimes find themselves stymied by proxy solicitation rules which restrict their ability to communicate with one another, allow general partners to deny them access to investor lists they need in order to organize opposition to the rollup. At the same time, current regulations allow general partners to make unlimited use of the partnership's funds to pursue the rollup, including the payment of broker-dealers for soliciting limited partners to vote in favor of the proposed transaction.

Finally, under current law, those opposed to the rollup are forced to accept securities in the new rolled up business entity so long as the transaction is approved by a simple majority of investors, a phenomenon known as the cram down.

The Limited Partnership Rollup Reform Act of 1991 would change this situation. The bill would not ban rollups. Instead, it would provide for a balanced package of narrowly-focused legislative remedies, including reforms aimed at:

Assuring rights for investors opposed to the rollup by requiring an appraisal and compensation or the right to retain a security under the same terms and conditions as the original issue;

Improving disclosure by requiring rollup prospectuses to meet minimum standards of readability and by mandating that these prospectuses provide a clear, concise executive summary of the proposed transaction and its effects;

Reforming the proxy solicitation rules so that limited partners can engage in preliminary communications with one another in order to decide whether or not to oppose a rollup without running afoul of the SEC's proxy solicitation rules, and directing the SEC to hold up the vote on a proposed rollup transaction if the sponsor fails to respond to timely requests by a limited partner for a list of other investors;

Preventing securities broker-dealers from having a financial incentive to solicit yes votes for a rollup;

Requiring independent fairness opinions to be rendered for all rollup transactions, based on an independent analysis of the terms of the proposed transaction;

Preventing supermajority voting requirements from being imposed as the result of a rollup; and,

Preventing limited partners from having to pay the costs of a rollup transaction that is defeated.

I believe that this package of responsible rollup reforms will assure that limited partners get better and more understandable disclosure, facilitate the ability of limited partners to communicate with one another, assure that those who choose to oppose a rollup proposal have a more level playing field during the proxy solicitation process, and assure that dissenting investors are not subjected to cram down provisions. I am proud to join with Representatives DINGELL and RINALDO in sponsoring this important piece of legislation and I strongly urge my colleagues to give it their cosponsorship and support.

SECTION-BY-SECTION ANALYSIS OF THE LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1991

(A Bill to amend the Securities Exchange Act of 1934 to protect investors in limited partnerships in rollup transactions, and for other purposes)

SECTION 1. SHORT TITLE.

This section sets forth the short title of the Bill, the "Limited Partnership Rollup Reform Act of 1991".

SEC. 2. REVISION OF PROXY SOLICITATION RULES WITH RESPECT TO PARTNERSHIP ROLLUP TRANSACTIONS.

PROXY RULES

Adds a new Section 14(h) to the Securities and Exchange Act of 1934 to require new proxy solicitation rules to be adopted in connection with partnership rollups. Such new rules shall:

Permit dissenting owners of shares in the proposed limited partnership rollup to contact other limited partners, prior to the transaction date, without first having to file a written proxy statement with the Securities and Exchange Commission (SEC).

Prohibit any general partner from providing any type of compensation directly or indirectly to any person providing solicitation services if: 1) the rate of compensation for soliciting "yes" votes is higher than the rate provided for soliciting "no" votes; or 2) compensation is contingent on the transactions' approval or completion.

Require that any limited partner has the right to receive a list of the names of all limited partners and general partners involved in the proposed transaction. If the request is not fully complied with the SEC shall suspend all action on the proposed rollup transaction.

Require that the rollup prospectus be written in a manner understandable to the everyday investor. The prospectus must also include a summary discussing any and all effects of the proposed transaction, any conflicts of interest or any changes to the original investment which may occur as a result of the transaction, and any provisions providing for "dissenters' rights."

Require that each prospectus be accompanied by a "fairness" opinion prepared by an independent person and whose compensation is not contingent upon approval of the transaction.

Require that all shareholders have at least sixty days to review a prospectus. In the event that changes are made to the original prospectus, the review period shall be extended as determined by the SEC.

EXEMPTIONS

Directs the SEC to exempt certain securities or persons from the above mentioned requirements if such requirements are found to compromise the public interest or the protection of investors.

EFFECT ON COMMISSION AUTHORITY

This subsection shall not, in any way, limit nor preclude any SEC authority that may be required to be imposed under this subsection.

DEFINITION

This section defines the term 'partnership rollup transaction' to be a transaction involving an acquisition, merger, consolidation, or proposed sale of substantially all the assets of a limited partnership, real estate investment trust, or such other substantially economically equivalent instrument as the Commission determines.

SCHEDULE FOR REGULATIONS

This section requires that the SEC shall publish proposed regulations to rollup transactions within 9 months of the enactment date, and to prescribe final regulations within 18 months of the enactment date of this Bill.

SEC. 3. DISSENTERS' RIGHTS IN ROLLUP TRANSACTIONS.

REGISTERED SECURITIES ASSOCIATION RULES

This section amends Section 15A(b) of the Securities Exchange Act of 1934 to require rules to prevent general partners from participating in any rollup transaction that does not protect the rights of dissenting investors. Such protections include:

(1) the right to continue with the investment under its original terms or to receive just compensation;

(2) the right to maintain the same or similar voting power; and,

(3) the right not to bear the costs of a rejected rollup transaction.

In addition, restrictions would be placed on the amount of new fees charged by the general partners to the limited partners as a result of the rollup transaction.

LISTING STANDARDS OF NATIONAL SECURITIES EXCHANGES

This section amends Section 6(b) of the Securities Exchange Act of 1934 to prohibit an exchange from listing any security resulting from a rollup transaction unless such transaction provided for "dissenters' rights."

DESIGNATION OF NATIONAL MARKET SYSTEM SECURITIES

This section amends Section 11A(a) of the Securities Exchange Act of 1934 to prohibit any national market system from trading any security resulting from a rollup transaction unless such transaction provided for "dissenters rights."

EFFECTIVE DATE

The amendments of this section shall take effect 18 months after the date of enactment of this Act.

PROLIFERATION PROFITEERS: PART 9

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. STARK. Mr. Speaker, it took them 15 years, but today Pakistan can build nuclear weapons. With much assistance from western companies, Pakistan built a high-speed gas centrifuge plant to enrich uranium to weapons-grade levels. If Islamabad could build such a facility, there's no reason that Iraq, Syria, Iran, Libya, or other countries could not eventually do likewise.

To prevent this nuclear proliferation nightmare, the West must halt the flow of nuclear weapons technology. I recently introduced legislation which can help lead the way to a strict multilateral nuclear export control regime. Under my legislation, H.R. 830 any foreign company which sells nuclear equipment, materials, or technology—without the proper safeguards—to countries of proliferation concern will have its imports barred from entering the United States. This will hit the proliferation profiteers in the one place they care about—the bottom line.

Today, I am placing into the Congressional Record the ninth in a series of case studies on foreign firms furthering nuclear proliferation. Let us act now to prevent future examples of this kind, while peace and security still have a chance.

TWELVE FOREIGN FIRMS REPORTEDLY ENGAGED IN NUCLEAR WEAPONS-RELATED TRADE WITH IRAQ

FIRM 9: MATRIX-CHURCHILL (UNITED KINGDOM)

Matrix-Churchill is a British machine tool manufacturer. The firm was purchased in 1987 by TMG Engineering, which was controlled by the Iraqi-front company Technology Development Group and its parent, the Baghdad-based al-Harabi Trading. Military experts believe Iraq could have no other use for the machine tools produced by the company except for military purposes. According to a German scientist, Bruno Stemmler, who visited Iraq in 1987 and 1988, Matrix-Churchill precision lathes were present in an Iraqi factory used to manufacture centrifuge components. The firm has admitted its trading relationship to Iraq, but argues that all of its exports received British government export licenses and were not used for manufacturing arms. Witnesses, however, have apparently seen engineers from Matrix-Churchill training Iraqis to work their machines, 13 of which were reportedly sent to the military research and development center Sa'ad 16. An Italian newspaper claims that the firm coordinated the commissions between Iraq and the United States, Britain, Germany, and Italian companies selling technology to Iraq. The nuclear and weapons-related procurements of Matrix-Churchill were partially financed through the Atlanta, Georgia branch of the Italian Banca Nazionale Del Lavoro.

Sources: BBC Television, 9/3/90; Financial Times, 9/9/89; Financial Times, 11/21/89, p. 10 by Alan Friedman, La Repubblica, 9/16/89, p. 10 by Arturo Zampaglione; Sunday Times, 12/16/90, pp. 1–2, 4–5; U.S. News & World Report, 6/4/90, p. 45.

PAYING FOR PROGRESS

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. PENNY. Mr. Speaker, along with our colleagues DAVE MCCURDY, JIM MOODY, GLEN BROWDER, and ROBERT ANDREWS, I am today introducing a sense of the Congress resolution encompassing the recommendations contained in the recent Progressive Policy Institute [PPI] study "Paying for Progress." This report proposes six fundamental changes to the process of determining the Nation's fiscal priorities and controlling the growth of Federal spending.

First, the PPI study proposes replacing the failed Gramm-Rudman system with new, progressive limits of Federal expenditures under which Federal spending, excluding interest payments, cannot increase faster than the average American's capacity to pay for it as measured by per capita income growth in the previous year. Second, this proposal suggests dividing the Federal budget into a public consumption account, encompassing Government operations and transfer payments, and an investment account, covering capital investments in infrastructure, education, and research and development. Annual revenues flowing to the Federal Treasury would cover all consumption-related expenses, while the Federal deficit is strictly confined to net annual capital public investments.

Third, Federal expenditures for any program or activity not pension-related that has not been reauthorized within the preivous 10 years would be barred. This sunset of programs is an essential element to keep effective programs working and to retire old, unworkable and ineffective programs. As a government—both the Congress and past and current Presidents share the blame for this—we are unable to kill programs no matter how ineffective or unnecessary. Fourth, to demonstrate that Government itself can contribute in a meaningful way to fiscal discipline, the PPI study proposes that spending for Federal Government administrative and personnel expenses be reduced by 3 percent a year in at least 2 nonconsecutive years and to use the savings to increase the Federal tax exemption for small children in moderate-income families and to expand the earned-income tax credit for working poor families.

Fifth, the resolution provides that Federal benefits and tax preferences for high-income people be reduced and that the resulting savings be used to educate and train young Americans. Finally, the resolution we introduce today proposes that as long as payroll taxes are used to reduce the Federal budget deficit, the payroll tax burden should be equitably distributed through lifting the cap on salaries and wages subject to the payroll tax thereby reducing the payroll tax rate for low- and middle-income Americans.

Last year the Congress and the administration established a budget process that will produce significant deficit reduction in the next 5 years. The next step is to put in place policies that will alleviate the tax burden of middle and lower income families and allow for economic opportunity for these same Americans. In taking this step, we must also make the operation of the Federal Government as efficient as possible. The recommendations in the resolution accomplish both goals.

Mr. Speaker, I urge our colleagues to study the proposed recommendations of the PPI study and to cosponsor the resolution we introduce today.

I ask that a copy of the concurrent resolution be printed in the RECORD at this point:

H. CON. RES. —

Whereas the current Gramm-Rudman system has failed to control the growth of Federal spending, the burden of Federal taxes, or the size of the Federal deficit;

Whereas in fiscal year 1991 Federal spending will claim the largest share of the Nation's economy of any year since World War II;

Whereas Federal taxes during the current Administration are forecast to claim the largest share of the economy of any Administration since World War II;

Whereas the failure of the Gramm-Rudman system has produced a large and permanent Federal budget deficit;

Whereas such budget deficit impedes income gains by average Americans;

Whereas such budget deficit also diverts scarce public resources from crucial programs to debt service;

Whereas such budget deficit also increases pressures to raise taxes on average Americans; and

Whereas such budget deficit also constricts the Federal Government's ability to address national problems and respond to new needs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should—

(1) replace the failed Gramm-Rudman system with new, progressive limits on Federal expenditures under which Federal spending, excluding interest payments, cannot increase faster than the average American's capacity to pay for it, as measured by per capita income growth in the previous year;

(2) promote progressive spending priorities by dividing the Federal budget into a "Public Consumption Account", covering Government operations and transfer payments, and an "Investment Account", covering capital investments in infrastructure, education, and research and development, and require that annual revenues cover all consumption-related expenses while the Federal deficit is strictly confined to net annual capital public investments;

(3) bar any Federal expenditure for any program or activity not pension-related that has not been reauthorized within the previous 10 years;

(4) reduce Federal spending for administrative and personnel expenses by 3 percent a year in at least 2 nonconsecutive years, and use the savings to increase the Federal tax exemption for small children in moderate-income families and expand the earned income tax credit for working poor families;

(5) reduce Federal benefits and tax preferences for high-income people and use the savings to educate and train young Americans; and

(6) ensure that as long as payroll tax revenues are used to reduce the Federal budget deficit, the payroll tax burden is equitably distributed by lifting the cap on salaries and wages subject to payroll tax and using the additional revenues to reduce the payroll tax rate.

PERSONAL EXPLANATION

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, Mr. Speaker, I rise today to express my apology for inadvertently including Representative LEON PANETTA in the list of cosponsors of H.R. 1292, legislation to codify the current grazing fee formula. Through an error by my staff, my friend from California was listed as a cosponsor of this legislation even though he never indicated he wished to be a cosponsor of this legislation. I apologize to my colleague and regret any inconvenience this may have caused him or his staff.

SALUTE TO RICK TUTTLE

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. BERMAN. Mr. Speaker, we rise today to pay tribute to Rick Tuttle, an extraordinary man, an outstanding member of our community, and a close personal friend. A recognized leader in the fields of education and government, Rick currently is serving his second term as Los Angeles City Controller.

Throughout his career, Rick has unselfishly dedicated himself to the cause of eliminating injustice and oppression. His efforts have already been recognized by a wide and varied group of community service organizations and now he is being honored as a deserving recipient of the Anti-Defamation League of B'nai B'rith's Distinguished Public Service Award.

Rick's concepts of justice and equal rights had their genesis in the earliest days of the civil rights movement. He took these deep-rooted beliefs with him into Mississippi and Georgia where he worked as a civil rights volunteer in 1963, organizing voter registration drives, lunchcounter sit-ins, and demonstrations. In 1968, the NAACP paid tribute to his humanitarian commitment by presenting him with its Equal Justice Award.

After becoming Los Angeles City Controller in 1985, he spearheaded local legislation that culminated in adoption of the city's civil rights law banning discrimination against women and minorities by some of the city's prominent public and private clubs.

Rick has compiled an impressive track record during the past 6 years in public office. For example, he introduced a tax amnesty program which has yielded over $13 million in business taxes for the city's general fund. He is credited with improving the collection of mandatory child support payments by implementing a payroll deduction program for city employees.

His administration of the city's more than 30,000 employees and $6.5 billion budget has been characterized by the highest degree of integrity and fairness.

Prior to becoming Los Angeles City Controller, Rick distinguished himself as a member of the Los Angeles Community College Board of Trustees, serving as president of the board and chair of the board's audit committee. He was the founder of the Labor Studies Center of the Los Angeles Community College District. For 14 years, Rick was an associate dean of students and student activities Officer for UCLA. The students at that fine school paid special tribute to Rick when they dedicated the UCLA 1975 yearbook to him. It is no wonder that he continues to serve the school as a member of the board of directors of the University Religious Conference.

Despite a seemingly overwhelming schedule of professional responsibilities, Rick has managed to fulfill the private obligation he believes he owes to his community. He was a member of the Los Angeles West Chamber of Commerce for 4 years. He is a member of the Bay Cities Jewish Community Center Board of Directors and the UCLA Hillel Advisory Committee.

This tribute would not be complete without making special mention of his wife, Muff Singer, an outstanding, accomplished, and distinguished author of children's books and the former administrative assistant of Congressman BERMAN'S Los Angeles office. Muff and Rick are the parents of a delightful 9-year-old daughter, Sarah Emily.

It is an honor to ask our colleagues to join us in saluting Rick Tuttle, a remarkable man, an invaluable member or our community, and our compatriot.

RELIEF FOR TISSUE PAPER PRODUCTS FROM MEXICO

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. BUSTAMANTE. Mr. Speaker, I rise today to introduce a bill to liquidate and reliquidate customs duties paid on entries of certain tissue paper products made after December 31, 1988, and before July 1, 1990, classified under the harmonized tariff schedule subheadings 4818.10.00, 4818.20.000, and 4818.30.00 as though such entry had been made in July 1, 1990. Prior to the conversion to the harmonized tariff schedule on January 1, 1989, certain tissue paper products from Mexico had been eligible for duty-free entry into the United States under the GSP Program. As a result of the methodology used to convert import data from the tariff schedule of the United States to the harmonized tariff schedule nomenclature, certain tissue paper products from Mexico were deemed not to be GSP eligible.

Tissue paper products from Mexico serve as an important source of supplemental supply to the United States tissue paper products industry, which has been operating at close to full capacity, and cannot always fully meet demand in the United States market with its production alone. The loss of GSP eligibility seriously affected the operations of Mexican tissue paper products producers exporting to the United States. My legislation seeks to provide relief with respect to certain entries of tissue paper products which have been adversely affected by the loss of GSP eligibility as a result of the conversion to the harmonized tariff schedule.

CONGRESS NEEDS TO RELIEVE THE HEALTH INSURANCE BURDEN ON THE SELF-EMPLOYED

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. LAFALCE. Mr. Speaker, today I have introduced a bill to rectify what I believe to be one of the most glaring examples of discrimination in the U.S. Tax Code. My bill would permit self-employed individuals to deduct as business expenses 100 percent of the costs they incur to provide themselves and their families with health insurance coverage. Under present law, this group of taxpayers can deduct only 25 percent of such costs, and even that provision is scheduled to expire at the end of September unless Congress acts to extend it.

This is discrimination based solely on the form a business chooses to organize itself. Corporations get to deduct 100 percent of their health insurance costs, including those which pertain to owners of the business who are also employees of that business. But partners in a partnership, or sole proprietors of an unincorporated business, are subject to this anomalous 25 percent rule. There is no good public policy reason to treat these people differently, and my bill would eliminate the rule and let them deduct 100 percent just like corporations can.

In addition, Mr. Speaker, it is important to note that many partnerships and sole proprietorships are small businesses. My bill will provide these frequently struggling entrepreneurs with needed relief if they already have health insurance costs, and it will also serve as an incentive for those businesses which do not have health insurance to seek it out and provide access to insurance for themselves and their employees.

I hope my colleagues will join me in pushing to eliminate this highly discriminatory provision in the tax law.

TRIBUTE TO DAVID B. RUSSELL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize a truly outstanding individual in this country, Mr. David B. Russell of Midland, MI. Dave has been a strong force in Midland for many years. His contributions are evident throughout the community.

A native of Algonac, MI, Mr. Russell attended Michigan State Normal in Ypsilanti. It was there that he received a bachelor of science degree and worked as a freshman football coach. In the fall of 1938, Mr. Russell came to Midland and joined the Midland Community Center as boys' sports director.

In 1942, he was inducted into the Army and served with the 13th Armored Division in Europe during World War II. When he was discharged in 1945, he returned to Midland and was named assistant director of the Midland Community Center. In 1947, he was appointed as director of the center.

During his tenure as director of the Midland Community Center Mr. Russell oversaw a tremendous expansion in the programming and facilities offered at the center and in the community, including a new building for the center, an ice rink, and a tennis center. Not only did he perform planning duties extremely well, but he was often seen counseling and nurturing the young people of Midland. His dedication to the youth of Midland is unparalleled by any other in the community. This dedication has led to a very successful youth program in Midland. To many he was simply known as "Mr. Community Center." He retired from his position in 1977.

Not only was he the cornerstone of Midland youth activities, but Mr. Russell has been involved in many other organizations throughout the State and Nation. For a number of years he was the commissioner of Boys' State of Michigan, longtime chairman of the Michigan AAU Basketball Committee and member of the national AAU Basketball Committee. He also served as the State chairman of the athletic committee for the Michigan American Legion.

Mr. Russell has been the recipient of numerous community service awards including the Emil Joseph Kapaun Award in 1959, awarded by the American Legion, State of Michigan, the Liberty Bell Award for community service in 1972, awarded by the Midland County Bar Association, Community Leader of America Award in 1972, and in 1975, he was the winner of the annual Fellowship Award of the Michigan Parks and Recreation Association for his contributions to the field of recreation. In 1990, he was elected as one of the inaugural members of the Midland County Sports Hall of Fame.

Mr. Speaker, on Tuesday, April 23, 1991, Mr. David B. Russell will be further honored for his many contributions to the Midland community by having his name entered into the Exchange Club of Midland's Book of Golden Deeds. I know that you will join me in thanking and commending him for all of his accomplishments that have helped out the Midland community. He has indeed left his mark on the people of Midland.

LEGISLATION TO TERMINATE CERTAIN AMENDMENTS TO THE FOREIGN REPAIR STATION RULES OF THE FAA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. MINETA. Mr. Speaker, today I introduced legislation to terminate certain amendments to the foreign repair station rules of the Federal Aviation Administration. This legislation is identical to legislation I authored in the last Congress.

On December 22, 1988, new Federal aviation regulations took effect that permit repairs and maintenance on U.S. airline aircraft to be conducted overseas to a far greater extent than previously allowed. Prior to the regulatory change, U.S. airline aircraft could only be maintained at a foreign repair station if the aircraft were used in international service. Also, the previous regulations, as interpreted by the Federal Aviation Administration, limited overseas repairs to those necessary to move the aircraft in a safe airworthy manner. Routine and periodic scheduled maintenance had been regarded as outside the scope of what was permitted at a foreign repair station.

The 1988 revisions permit U.S. aircraft operated in U.S. domestic service to be maintained at foreign repair stations and do not limit the scope of work that may be performed. Any and all types of maintenance are permitted. My bill would terminate the effectiveness of these regulations to their previous formulation upon the date of enactment of the bill.

I recognize that some changes to the current rules on foreign repair stations are needed. Foreign manufacturers of aircraft and equipment should be able to conduct repairs and maintenance on their own manufactured equipment, even if that equipment is operated solely within the domestic United States. Likewise, foreign-based subsidiaries of U.S. aeronautical firms should have the ability to conduct maintenance on U.S. aircraft without the need for individual regulatory exemptions.

In both of these situations, the companies involved have long-standing, well-understood quality control systems upon which the FAA already relies heavily in the manufacture and maintenance of aircraft. Outside of these circumstances, I see no safety benefit to be gained from permitting U.S. aircraft to be routinely maintained abroad.

In fact, I see potential safety problems if performance of routine maintenance on U.S. aircraft is permitted abroad outside of the circumstances just described. The FAA's air carrier safety inspection workforce continues to be understaffed. Though the FAA has made good strides in recent years in hiring additional inspectors, more are needed.

Beyond the safety inspection issue, I believe that permitting maintenance to be conducted abroad in a wholesale fashion could significantly weaken airline managements' ability to directly control one of the most significant aspects of the airlines' operations, maintenance.

FAA safety inspections have revealed that airlines which fail to maintain adequate management controls are the ones that are likely to have deficiencies with respect to safety. While the responsibility for maintenance would continue to rest with the airlines under the new rule, I see no reason to encourage, through regulations, a diminishment of practical control and direct authority.

I believe that it is important to note that in last year's Transportation Appropriations Report, Congress directed the FAA to take a cautious approach to certification of foreign repair facilities, based on lack of surveillance resources and the discrepancy between drug testing rules applicable to U.S. and foreign maintenance personnel. In all fairness, the FAA has adhered to these restrictions and foreign stations have been limited to work traditionally performed overseas under the original rule. In addition, U.S. carriers have initiated a substantial expansion of domestic overhaul facilities.

I do, however, continue to be concerned that the 1988 changes encouraged foreign governments to subsidize construction of overhaul facilities in the hope of siphoning away work presently performed in the United States. While this sort of movement of work would not be consistent with the intent of present regulations or the directive of the Transportation Appropriations Report, I believe the 1988 changes should be rescinded and a clearer more sensible rule developed. I am reintroducing this bill to compel the FAA to rescind its 1988 rulemaking eliminating certain regulatory restrictions on foreign repair facilities. I urge my colleagues to support it.

CARI LEE SKOGBERG, WINNER OF VOICE OF DEMOCRACY CONTEST IN SOUTH DAKOTA

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. JOHNSON of South Dakota. Mr. Speaker, every year for over 30 years, the Veterans of Foreign Wars of the United States and its ladies auxiliary have sponsored the Voice of Democracy broadcast scriptwriting contest. This year's contest theme was "Democracy—The Vanguard of Freedom." More than 138,000 secondary school students participated in the contest, competing for the 14 national scholarships totaling $62,500. The top contestant from each State came to Washington, DC for the final judging as a guest of the Veterans of Foreign Wars.

Ms. Cari Lee Skogberg is the 1990–91 winner from Belle Fourche, SD. Ms. Skogberg attends Belle Fourche High School and has received top awards in several writing contests. She extends her interests in several school organizations concerning public relations and drama. Cari Skogberg also shows openness to her world through international relationships in "pen pal" correspondence and involvement in international music camps.

Ms. Skogberg presents insight to the true meaning of democracy and freedoms in the United States of America. She recognizes our changing world in which people of varying degrees of background understand the need to have freedoms of choice whenever it is necessary. Cari Skogberg also recognizes the fact that the freedoms we hold dear in America are at times, taken for granted. While major historical accomplishments have been made in Europe and elsewhere, Ms. Skogberg asserts her view that, "we can work together to make the world a better place."

I would like to take this opportunity to submit Cari Lee Skogberg's award winning script to the CONGRESSIONAL RECORD, for the benefit of my colleagues and other interested readers.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Cari L. Skogberg)

Crash! The first section of the wall hit the ground with a mighty bang. Immediately, an explosion of cheers rose up from the crowd. People screamed, cried, danced, and hugged one another with joy. They knew that their lives would never be the same. The Berlin Wall had finally crumbled. Many years of democracy seeping through its cracks had finally weakened it to the point of collapsing. Germany would once again be reunited. Communism was a thing of the past.

Within the past few years, the world has changed drastically. I feel fortunate to have lived at a time when so many historic events have taken place. It will give me great pride when I am old, to tell my grandchildren about the reunification of Germany, the free political elections in Poland, the reforms made in the Soviet Union. I can see them now, gazing up at me, asking Grandma what was life like in the "old days". I will smile and reply with hundreds of stories about how, at one time, children just like them didn't have the freedom to choose what kinds of toys they played with, or what kinds of clothes they wore, or what they wanted to be when they grew up. Instead, everything was decided for them. One day, though, things began to change. New and exciting things started to happen. A new kind of government called a democracy was established in their country. Now, they could make more decisions for themselves. They could choose what they wanted to study in school, and what kind of job they wanted to have. They were so happy that they no longer had to follow the government's strict orders as they had once before. They were finally free!

That story may seem quite simple. It only gives a very basic outline of what changes democracy brought about to the communist countries. However, I won't be so concerned with teaching my grandchildren about the exact meanings of communism and democracy. My purpose will be to establish a sense of pride in their hearts. I want them to feel proud and blessed that they live in a country which has always had a democratic government. I want them to understand how fortunate they are to live in the freedom that our democratic system provides. I want them to grow up knowing that democracy is the vanguard of their freedom.

I am only a high-schooler now, but I know that what I have learned in my past few years has set a strong foundation for my beliefs later on in life. I have learned just how fortunate I am to live in a country which grants me so many freedoms. I attribute that understanding to living during such a crucial time in history. I guess I could say I've got front row seats to one of the most spectacular and memorable shows ever. I have seen on TV the Chinese protests in Tiananmen Square, I have watched Russia slowly unfold into an open society. I have read first hand accounts of the uprisings in Czechoslovakia. I have intently kept track of relations between East and West Germany until at last the Berlin Wall came tumbling down.

What was the motivation force behind all of these events? What was it that people were so willing to risk their lives to obtain? Democracy—something that I had all along, and had so blindly taken for granted until now. Never again will I complain about lack of freedom—to do what I want to do. I realize now just how lucky I am that I don't live in a country where all of my beliefs are decided for me by the government. I live in the United States of America, a free country, and I will always be thankful for that.

I think what excites me most about the recent sweep of democracy throughout the world is the prospect of what the future holds. Now that we're all on the same team, we can work together to make the world a better place. Just think of the differences our countries can make by joining together. We can shelter the homeless, feed the hungry, work hand in hand to make brighter futures for everyone. We have finally learned that though we may be different on the outside, we are all so much alike on the inside, and that's what counts.

I feel that, that accomplishment is just as symbolic of our new democratic partnerships as the Berlin Wall ever was to communism. Yes, when I am a grandmother I will be sure to tell my grandchildren about what happened when I was young. I will be sure to tell them that their democratic system of government and the freedoms that they are granted because of it, are two of the most valuable gifts that they will ever receive. And maybe when they have grandchildren, they can tell them what it was that led to peace and understanding between the countries of the world. I certainly hope so.

THE FIRST-TIME HOMEBUYERS ASSISTANCE ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. GOODLING. Mr. Speaker, for many people interested in owning a home, the lack of a down payment is their primary obstacle. I recently visited a home builder in York, PA, who has developed a unique and innovative arrangement in which moderately-priced single-family homes are constructed for purchase with no down payment. A local financial institution finances 80 percent of the loan, while the remaining 20 percent, in the form of a second mortgage, is financed by the local builder.

The creative financing plan described above allows people who want to buy a home, but cannot afford a down payment, to make a purchase. The advantages to the buyer, in terms of long-term financial security, are obvious.

The builder in question, however, has encountered severe financial difficulties because of the way the U.S. Tax Code treats this enterprise. Today, I am introducing the First-Time Homebuyers Assistance Act to correct this problem, allowing the builder to continue his program and enabling other small companies to undertake similar projects.

Currently, the Tax Code limits a builder's ability to finance second mortgages because it assumes that buyers are paying the entire balance of their obligations in the year in which the property is purchased. Current law also requires builders to pay taxes on the entire amount of the income received from a mortgage, in the year the purchase is made. For a builder, it becomes almost impossible to pay these taxes, not having cash on hand to do so until the balance of the mortgage payment is received at a future date. In technical terms, the Tax Code prohibits a builder from using the installment method to calculate his tax liability. In real terms, this situation places a builder in a financial bind and jeopardizes the future of this and similar housing programs.

The First-Time Homebuyers Assistance Act will enable a small builder to use the installment method to calculate his tax liability under certain specific circumstances. The bill: First, applies to newly-built, owner-occupied units only; second, stipulates that the purchaser be a first-time homebuyer who qualifies for 100 percent of the loan; third, directs that a second mortgage on the property be no more than 20 percent of the sales price; fourth, applies only to single-family homes costing no more than 75 percent of the median home price in a given area—indexed for inflation; and, fifth, limits the participation of building companies which can qualify for the exception, to prevent abuse.

Mr. Speaker, my legislation is narrowly drawn to apply only to small builders and to eliminate the possibility that businesses could take unfair advantage of the changes which are mandated. I would urge my colleagues to cosponsor this measure to help innovative small builders throughout the country, and allow people who cannot afford a down payment to purchase a home.

THE ANNOUNCEMENT OF THE "SPENDTHRIFT AWARD"

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. SMITH of Texas. Mr. Speaker, last month, I introduced a resolution calling on the Federal Government to adopt policies to better control overhead expenses and to cut these indirect costs by 10 percent in fiscal year 1992.

Today, I announced the first Spendthrift Award, a monthly award to call public attention to examples of wasteful overhead spending by the Federal Government.

These awards will show Congress and Federal agencies how it is possible to cut overhead expenses, make Government more efficient and responsive, and better use taxpayers' dollars.

A spendthrift is someone who spends money wastefully—even recklessly.

The purpose of the Spendthrift Award is to make known particular ways in which Federal officials squander taxpayer's dollars.

It seeks to direct attention to ways in which billions of dollars in Government spending are effectively left unmanaged.

Ultimately, it is intended to serve the cause of helping change what is a scandalous system, make Federal managers more responsive and efficient, and save taxpayers billions that can and should be put to better use serving the legitimate interests of citizens.

This first Spendthrift Award goes to Federal Travel Supervisors whose collective failure to control yearend Government travel over the last 20 years has cost taxpayers an estimated $2 billion.

Continued failure to get control of this yearend spending could cost taxpayers an additional $1.6 billion over the next 5 years.

A staff investigation into the Government yearend travel turned up not only billions in wasteful spending but an unending string of horror stories.

Examples abound:

Rush bookings of meetings in Las Vegas and Palm Springs.

Government supervisors assigning travel dollar amounts to employees to spend before year's end.

Calls to travel agents: "We've got $49,000 left in our travel budget. Set up some meetings. We'll figure out what they're about later."

Government officials and travel agents talking off the record repeatedly made the same points: Federal travel funds are near and dear to managers.

They are treated as if personal.

Considered a perk of Federal employment, managers use travel to reward other employees.

Off the record, these officials readily agreed that there was plenty of fluff in their own agency's travel budget.

Most agreed with one manager who said: "You could cut our travel by 10 percent and we wouldn't even notice."

These views appear to be confirmed by the decisions of travel supervisors to authorize excessive end-of-the-year travel at enormous expense to the taxpayer.

Our study and analysis of available data begins the documentation of this wasteful spending pattern.

It is estimated that over the last 20 years, Federal Travel Supervisors on average approved in the last month of the business year a 48-percent increase in travel over the average rate for each of the preceding 11 months.

Since 1971, this yearend spending frenzy—done over the signatures of countless Federal travel supervisors—has cost taxpayers an estimated $2 billion.

For the record, Department of Defense officials traveled most at year's end.

According to available records, they booked an estimated 64 percent of the total end-of-year travel in excess of the preceding 11-month averages.

Sporadic reports of travel abuses not withstanding, this first Spendthrift Award targets an area of Government spending that still gets little attention.

There is no end to the kinds of attention Washington gives to the what questions—what should we fund with taxpayer dollars.

Nor is there a lack of curiosity about the who questions—who is to get the money.

But travel budgets do not fall within the scope of the what and who questions.

Travel dollars are one of the first things Government officials neatly tuck into their budgets.

But they also are about the last thing either the executive or legislative branches want to manage.

Travel is a how question—how are Government funds to be managed and spent.

Travel spending will exceed $7 billion next year.

It will exceed the spending respectively for the National Science Foundation, Pell grants for postsecondary education, Head Start, and the School Lunch Program.

Simply on the basis of total dollars spent, it is a form of governmental lunacy not to commit more attention to how these Government travel dollars are used.

Yet in Washington today those expenditures remain largely a mystery, a small part of what is the Federal budget equivalent of a giant black hole—Government overhead spending.

The first Spendthrift Award takes notice of the yearend decisions of Federal Travel Supervisors.

Runner-up Award goes to the Department of the Treasury.

Several years ago it decided no one had an interest in knowing what kinds of travel Federal supervisors were approving in the last 30 days of the business year.

It stopped gathering and publishing the data that details such spending.

Congress should act to begin to get better control of travel policy.

First, it should cut spending for Government travel by at least 4 percent in the next fiscal year.

That amount would equal the funds consumed by excess travel spending in the last month of the business year.

Next year alone that would save $280 million.

And that $280 million could be redirected to programs like Head Start or Compensatory Education, programs to support the growth and development of our Nation's children.

Over 5 years, a one-time cut of 4 percent in travel spending coupled with the holding of travel spending increases to the rate of inflation would free up a total of $1.6 billion for such purposes.

These savings cause one to wonder what we might accomplish by exploring and better understanding the giant black hole of overhead spending that is deep in the outer reaches of the Federal budget.

TRIBUTE TO MAJ. GEN. GEORGE S. BOWMAN, JR.

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. BAKER. Mr. Speaker, I rise to pay tribute to a constituent who spent 37 years of his life in faithful service to the United States. As a member of the U.S. Marine Corps, Maj. Gen. George S. Bowman, Jr., had three crosses of military honor bestowed on him for his service in World War II, Korea, and Vietnam. Today, I want to bring his other outstanding achievements and awards to the attention of the House.

General Bowman was born in Hammond, LA, on December 24, 1911, where he attended both grade school and high school. He was elected to the national honor guard and received an academic and athletic scholarship to Louisiana State University [LSU]. During his college days, General Bowman was awarded three letters in football and two in track. In addition, in 1935, he was given the rank of cadet colonel of the Cadet Corps. He graduated LSU in 1936 with a bachelors of science in electrical engineering.

In July 1936, he was appointed a second lieutenant in the U.S. Marine Corps. By 1939, General Bowman was designated a naval aviator and from there, embarked on a distinguished military career which brought him continuing advancements in rank and positions of greater responsibility throughout his life.

His military assignments brought him service in combat zones during three wars and earned him the following list of personal decorations: The Distinguished Service Medal; Legion of Merit with Combat "V" and Gold Stars in lieu of second, third, and fourth awards; Distinguished Flying Cross; Bronze Star Medal with Combat "V"; Air Service Medal with Base Clasp; American Campaign Medal; Asiatic-Pacific Campaign Medal with one Bronze Star; World War II Victory Medal; Navy Occupation Service Medal with Asia clasp; National Defense Service Medal with one Bronze Star; Korean Service Medal with two Bronze Stars; Korean Chung Mu; National Order of Vietnam Knight, 5th Class; Vietnamese Cross of Gallantry with Palm; United Nations Service Medal; Korean Presidential Unit Citation; Vietnamese Armed Forces Meritorious Unit Citation with Bronze Palm, and Vietnamese Campaign Medal with device.

His assignments included duty as head, Personnel Branch, Division of Aviation at Headquarters Marine Corps; commanding officer, Marine Aircraft Group 12, 1st Marine Aircraft Wing and chief of staff, 2d Marine Aircraft Wing; attendance at the National War College in 1953–54; director of Junior School, Marine Corps Schools, Quantico, VA; deputy assistant director of the Division of Aviation at Headquarters Marine Corps; assistant chief of staff, J–3, CIHC Pacific, and assistant wing commander, 1st Marine Aircraft Wing.

In August 1970, General Bowman became commanding general, Marine Corps Base, Camp Pendleton, CA, which is one of the largest commands in the Marine Corps. For the next year and a half, General Bowman commanded a base which included almost 46,000 marines, dependents, and civilian employees; 125,000 acres with 4,562 buildings and an annual budget of almost $200 million.

In addition to his years of discipline, devotion, leadership, and honor in the military, General Bowman made contributions to the community in which he lived. He retired from active duty while at Camp Pendleton to accept the position of superintendent of the Marine Military Academy, Harlingen, TX. At the time of his arrival there was little growth taking place at the school, a $350,000 mortgage existed, and the financial burdens far exceeded revenues received. During the next 7 years under his leadership, the Corps of Cadets grew from 142 students to 312, a $4 million endowment fund was established and facilities were improved and many other facilities were constructed.

General Bowman further contributed to the community in which he lived by serving as a member of United Way, the Retired Officers Association, the Harlingen State Bank, the Good Government League, and the Grace Episcopal church.

Mr. Speaker, I am certain that my colleagues will want to join me in paying tribute to General Bowman for his distinguished contribution to the defense of this country and to the betterment of his community. We congratulate him for his outstanding achievements and wish him, his wife Velma, his daughter Diane Cunningham, his six grandchildren and two great grandchildren all possible happiness in the years ahead.

BREAST CANCER SCREENING SAFETY ACT

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mrs. LLOYD. Mr. Speaker, one out of every nine women will be diagnosed with breast cancer this year. Last year 44,000 women died from breast cancer desipite the fact that one-third of these deaths are preventable. More can and must be done to prevent these tragedies. Shortly, I will be joining my colleagues Senator ADAMS and Senator MIKULSKI and Congresswoman SCHROEDER in reintroducing the Breast Cancer Screening Safety Act. The Women's Health Equity Act, of which I am a sponsor, contains a number of additional bills aimed at combating breast cancer. However, in the meantime many women's lives remain in jeopardy due to undetected cancer.

I would like to share a letter I recently received from my constituent, Mrs. Bobbie Sue Foster, who is making a difference in saving lives in Cleveland, TN. Mrs. Foster is a survivor of breast cancer, 10 years already, I am happy to report. Her experience with fighting breast cancer and her training as a nurse inspired her to help others in learning the important self-detection techniques which are crucial in catching the cancer early. She has taught hundreds of women in Tennessee the relatively simple, but crucial, lifesaving techniques so that others may be as lucky as she. Her letter also demonstrates that she can't do it all alone. We in the government must assist others like Mrs. Foster by providing adequate funding to ensure that educational materials are available to women, to ensure that breast cancer research is adequately funded, and to put an end to the rising breast cancer rate through proper preventive and screening measures. I urge my colleagues to heed Mrs. Foster's plea and do their part in ending this needless tragedy.

DEAR MRS. LLOYD: In 1981 I had breast cancer, as a result of this I'm interested in teaching other women early breast cancer detection methods. As of this date I've taught nine classes that have been attended by over 350 women. I receive my materials from the National Cancer Institute in the form of pamphlets and booklets to pass out to the ladies that attend. I called the National Cancer Institute this a.m. to reorder more material and was told it was in short supply and they would send me what they could—I questioned them as to why the supply was short and it was due to funding.

I find it very distressing how uneducated women are about mammography and detection methods—a 15¢ pamphlet could save a woman's life, with proper instruction as well as being cost effective to the insurance companies and the federal government after insurance benefits are depleted, as often happens.

Mrs. Lloyd this disease kills approx 44,000 (NCI 1990) women. Do you think Congressmen would let this slip by them if as many males died from testicular cancer?

I am a nurse and a survivor of breast cancer for 10 years. I do not charge for my classes, I work full time and do these on my off days from work and in the afternoons. If I can save one woman's breast or life it's worth it all.

Can you please do something about the funding to the National Cancer Institute? I cannot afford to purchase the material from a private concern.

As always our support and prayers are with you.

BOBBIE SUE FOSTER.

TRIBUTE TO SENIOR FRIENDSHIP CENTERS

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. GOSS. Mr. Speaker, it is the hope of every Member of Congress to point to his or her own district and say "there is a program that is an example to the Nation". I am very proud to be able to do just that today. There are currently eight senior friendship centers scattered across my district in southwest Florida, answering the increasingly urgent and unmet needs of the elderly. Our community is fortunate to be able to claim as a member, Brother William Geenan, the most effective senior advocate I know and the man who was able to make this initiative a reality.

Senior friendship centers have successfully become the antithesis of the heavily-laden Federal bureaucracy. Currently, our answer to coping with an increasingly aging population is to limit the choices of our senior citizens. Senior friendship centers open the door of opportunity for the elderly. These centers are the opposite of an institution. By offering seniors an alternative to seemingly endless days in the confines of their home or an institution, senior friendship centers capitalize on the abilities of the elderly. These centers give seniors a place to "hang out," where they can take dance lessons or receive outpatient health care. Candlelight dining is offered, both in the center and on wheels. Visitors play cards, join the camera club and discover new hobbies in their golden years.

Brother Geenan fine-tuned the formula for senior citizen satisfaction and the scope of this endeavor has grown tremendously. Client case managers (social workers) manage 585 clients monthly. The health service reports 1,500 patients making 4,050 visits annually to the volunteer physicians and nurses staffing the clinic. The living rooms (adult day care) serve 60 clients a day with 17 people coming daily to the Alzheimer's units. These figures do not even attempt to estimate the revitalization that is occuring among the senior contingent in my district.

In a greatly anticipated dedication ceremony on April 26, 1991, the newest addition to the senior friendship coalition, the South County Senior Friendship Centers complex, will be dedicated. This beautiful facility overlooking the intrecoastal waterway in Venice boasts a living room for socialization and recreation, candlelight dining, a unit for Alzheimer's respite, a health service and the annex, which will include transportation dispatch and the small appliance repair shop. Florida's District 13 is grateful for the service and compassion the existing senior friendship centers provide to our elderly loved ones and anticipates many wonderfully full years for more and more of our senior citizens. Thank you Brother Geenan and the staff and benefactors of all senior friendship centers!

TIME FOR COMPREHENSIVE BUDGET REFORM

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. McGRATH. Mr. Speaker, last year, the President and a bipartisan group of five Members of Congress worked in secret to create a 5-year, $500 billion budget deficit reduction package. I did not support this effort chiefly because I believe New York taxpayers received a disproportionate share of the increased tax burden. More unfortunate, the budget agreement will fail to reduce the colossal budget deficit. For fiscal year 1991, interest on the national debt will be some $240 billion and the projected budget deficit will be over $300 billion.

Congress has obviously failed to reduce this ever-growing mountain of debt. I believe, however, that we in Congress can overcome this deficiency by instituting major budgetary reform. Ever since the passage of the Budget Impoundment and Control Act of 1974, Congress has consistently ignored much of the legislative deadlines the law imposed. Only once, in 1987, did Congress pass all 13 appropriations bills on time.

For most years, the Federal budget was passed in one fell swoop through a continuing resolution. Appropriation committees, charged with passing separate legislation to pay for each portion of the Government, disregarded their deadlines and lumped all Government spending in one mammoth bill. Failure to pass such a behemoth would result in a complete shutdown of all Government agencies and chaos among recipients of Government benefits.

Correcting this quandary cannot be solved by simply cutting a program here or raising a tax there. The problem is within the current budget process. I have recently cosponsored a bill, introduced by Representative CHRISTOPHER COX, Republican of California, which would radically change the way Congress passes a Federal budget.

H.R. 298 is a comprehensive budget process reform bill which attempts to streamline the budget process while minimizing the political fear of spending cuts. By changing procedures to make overspending budget targets difficult, unnecessary spending would be largely eliminated.

The measure contains several commonsense features to ensure compliance with budgeting procedures. The bill would mandate a single-page summary containing spending targets for the 19 categories currently used in the budget. This document would then be passed by Congress as a joint resolution rather than the current nonbinding resolution, which does not require the President's signature.

Changing to a House-Senate Joint Resolution would ensure executive and legislative branch input on the initial spending targets. No authorization or appropriation bill could be voted on in the House until this bill is passed.

The measure includes strict enforcement mechanisms which discourage excess spending once budget targets are decided. First, Congress could only spend more than the agreed-upon ceilings by a two-thirds, super majority in each House. Under this bill the only way to pass spending proposals by simple majority would be to authorize and appropriate within the ceilings of the enacted budget agreement.

Second, Congress would be required to set a spending level for each Federal program except Social Security and interest on the national debt. If an entitlement program is projected to exceed its spending ceilings, benefit adjustments will be required.

Third, the President would be granted enhanced rescission authority, a type of line-item veto, to any over-budget portion of proposed spending. In other words, the President would merely be enforcing Congress' spending limits. If no budget is enacted, the President would have authority to cut any authorization or appropriation in excess of the previous year's funding levels.

Additionally, passage of the first over-budget spending bill would subject all spending legislation in that category to a two-thirds vote. This would prevent Members from passing less urgent appropriations first and saving the more popular programs, which could more easily garner a two-thirds vote, for last.

Fourth, "current services" budgeting would no longer be permitted. This process enables Congress to increase spending while saying cuts actually take place. Current services refers to the amount of funding required to sustain the previous year's programs. For example, if in fiscal year 1991, $25 million were needed for a program, the same program in fiscal year 1991 may need $30 million to provide similar services because of inflation. While to most people this would translate into a $5 million spending increase, the current Federal budget accounting system does not consider it an increase at all because the same services would be offered. However, if Congress only appropriates $27 million it would then be considered a "cut" in spending. Sound incredible? I certainly agree. H.R. 298 would eliminate the current services method of accounting.

Finally, in order to avoid embarrassing and unnecessary shutdowns of the Federal Government, the bill includes a sustaining mechanism to determine Federal spending levels when a budget is not passed. Rather than shut down Government services, spending is frozen at the previous year's levels.

Budget considerations are now the driving force behind any legislative debate. Until we are able to control the Federal budget, the ability to expand and create necessary Federal social programs will remain severely restrained. The time has come for comprehensive budget reform which relies less on burdensome tax increases and more on spending cuts.

NATIONAL TAX FREEDOM DAY

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. SANTORUM. Mr. Speaker, today, with dozens of my colleagues I will introduce a resolution which recognizes National Tax Freedom Day. Tax Freedom Day is the day that each taxpayer quits paying taxes to the Federal, State, and local government and begins earning money for food, housing, and other life's necessities.

This year the Nation's Tax Freedom Day falls on May 8, the latest ever. Over the years Tax Freedom Day has increased with regularity. For instance in 1929 Tax Freedom Day was February 9. By 1950 it was April 3 and in 1982 had advanced to May 3.

We all know that taxes are a major issue for our constituents. I have asked each one of you to join with me in introducing a House joint resolution observing the day that the average American quits paying taxes and begins earning money he/she can keep. Over two dozen Members have joined me as original cosponsors of the National Tax Freedom Day resolution.

The Tax Foundation, a respected nonprofit, nonpartisan research and public education organization founded in 1937, has calculated on which date Tax Freedom Day falls. In addition to calculating the Tax Freedom Days for the States and Nation, they have determined the tax bite in the 8-hour day. Since 1929, the tax bite in the 8-hour day has increased over three times from 52 minutes to 2 hours and 49 minutes today. If this rate continues, by the middle of the 21st century American taxpayers will be working nearly 5 of each 8-hour day to pay Federal, State, and local taxes. This must not happen, but will unless we start to do something about it.

The House, with the help of the Budget Committee, must take immediate action to stop taxation creep. This is a deadly fiscal illness that will send our country into bankruptcy thus jeopardizing our free way of life.

During the consideration of the congressional budget resolution, I will make specific recommendations on how we can stop these tax increases by raising the level of debate in the House. I firmly believe that we must end poverty, decrease taxes, and end Government payments and benefits to the wealthy. A plan needs to be adopted that emphasizes fairness and simplicity.

The Tax Foundation not only has identified the National Tax Freedom Day but has determined the Tax Freedom Day for each State. In my home State, Pennsylvania, Tax Freedom Day will be May 7. Pennsylvania ranks 24th in total taxes paid. It is ranked 11th in total Federal tax burden. And is listed as 40th in total State and local tax burden. In other words residents of Pennsylvania work 42 days to pay for State and local taxes and 85 days to pay Federal taxes.

I ask unanimous consent that the Tax Foundations' special report, "Tax Freedom Day 1991 Is May 8", be printed at the conclusion of my remarks. In this report you will find tables that give details as to Tax Freedom Day by State as well as other details concerning the tax bite in the 8-hour day and taxes as a percentage of income by State. The special report is a powerful indictment of those in Government for their lack of spending and taxing controls.

I am happy to report that Citizens for a Sound Economy has asked, Members of the 102d Congress, to lead the uncelebration of National Tax Freedom Day 1991 by cosponsoring National Tax Freedom Day. It is very refreshing to find that some groups want to end the uncontrolled Government doling out of payments, benefits, and pork. This cannot continue. We can control taxes and spending while at the same time meeting the needs of those in poverty: veterans, seniors, and others that have been guaranteed help under a Government contract.

In closing, Tax Freedom Day can only be celebrated in future years if the day moves back in time. Nothing would please me more than to announce next year that Tax Freedom Day is earlier than this year. But I will not be able to do that without the support of my colleagues.

TAX FREEDOM DAY 1991 IS MAY 8—STATE TAX FREEDOM DAYS RANGE FROM APRIL 24 TO MAY 26

(By Paul G. Merski)

The nation's Tax Freedom Day for 1991 falls on May 8. This latest ever date means the average American will work 128 days—from January 1 to May 8—to satisfy all federal, state and local tax obligations, with every cent "earned" from the beginning of the year going to the tax collectors.

While Tax Freedom Day nationwide is May 8, each state has its own specific Tax Freedom Day which falls earlier or later in the year depending on local tax and income circumstances.

Table 1 presents Tax Freedom Day by state and rank. Tax Freedom Day estimates are calculated to represent "tax burdens" and should not be confused with tax collections. The tax burden is defined as total taxes as a percentage of total income for each state. The Tax Freedom Day by state methodology is designed to determine the geographic incidence of taxes.[1]

TABLE 1.—TAX FREEDOM DAY BY STATE

[Calendar year 1991]

State	Tax Freedom Day	Number of days	Rank
United States	May 8	128	......
Alabama	April 25	115	50
Alaska	May 11	131	10
Arizona	May 7	127	21
Arkansas	April 26	116	49
California	May 7	127	22
Colorado	May 2	122	38
Connecticut	May 17	137	4
Delaware	May 21	141	3
District of Columbia	May 26	146	2
Florida	May 4	124	32
Georgia	May 3	123	35
Hawaii	May 16	136	5
Idaho	April 28	118	47
Illinois	May 9	129	16
Indiana	May 2	122	36
Iowa	May 7	127	23
Kansas	May 5	125	29
Kentucky	April 29	119	43
Louisiana	May 4	124	33
Maine	May 8	128	19
Maryland	May 11	131	12
Massachusetts	May 8	128	18
Michigan	May 12	132	8
Minnesota	May 14	134	6
Mississippi	April 24	114	51
Missouri	April 28	118	46
Montana	May 4	124	31
Nebraska	May 7	127	25
Nevada	May 8	128	17
New Hampshire	April 29	119	44
New Jersey	May 14	134	7
New Mexico	May 7	127	20
New York	May 26	146	1
North Carolina	May 3	123	34
North Dakota	May 6	126	27
Ohio	May 6	126	26
Oklahoma	May 2	122	37
Oregon	May 10	130	15
Pennsylvania	May 7	127	24
Rhode Island	May 12	132	9
South Carolina	May 1	121	41
South Dakota	April 28	118	48
Tennessee	April 29	119	45
Texas	May 5	125	30
Utah	May 1	121	40
Vermont	May 10	130	13
Virginia	May 2	122	39
Washington	May 10	130	14
West Virginia	May 1	121	42
Wisconsin	May 11	131	11
Wyoming	May 6	126	28

Source: Tax Foundation.

THOSE WHO PAY TAXES THE LONGEST

The residents of fifteen states and the District of Columbia will work past the nationwide Tax Freedom Day of May 8 before earning enough to pay their taxes. Tax Freedom Day arrives the latest in the following "top ten" taxpaying states:

State	Number of days	Tax Freedom Day	Rank
New York	146	May 26	1
District of Columbia	146	May 26	2
Delaware	141	May 21	3
Connecticut	137	May 17	4
Hawaii	136	May 16	5
Minnesota	134	May 14	6
New Jersey	134	May 14	7
Michigan	132	May 12	8
Rhode Island	132	May 12	9
Alaska	131	May 11	10

Individuals in these ten states will spend, on average, 9 extra days working to pay off their total tax liabilities when compared to the national average. At the top of this list, residents of New York and the District of Columbia will work two and one-half weeks more than the average American before fulfilling their tax obligations.

THOSE WHO PAY THEMSELVES FIRST

On the early end of the 1991 Tax Freedom Day calendar are the residents of the following ten states:

State	Number of days	Tax Freedom Day	Rank
Mississippi	114	April 24	51
Alabama	115	April 25	50
Arkansas	116	April 26	49
South Dakota	118	April 28	48
Idaho	118	April 28	47
Missouri	118	April 28	46
Tennessee	119	April 29	45
New Hampshire	119	April 29	44
Kentucky	119	April 29	43
West Virginia	121	May 1	42

Individuals in these states will satisfy their total tax obligations an average of 10 days earlier than the national average.

Mississippi and Alabama residents will finish paying off their taxes more than two weeks earlier than the average American and more than a month earlier than the residents of New York and the District of Columbia.

FEDERAL VS. STATE/LOCAL BURDEN

Tax Freedom Day by state and type of tax is presented in Table 2. Here the effects of federal and state/local taxes are examined separately. Delaware, Connecticut and New Jersey face the highest federal tax burdens this year while the residents of the District of Columbia, New York, and Alaska pay the most in state and local taxes.

TABLE 2.—TAX FREEDOM DAY BY STATE

[Total, Federal, and State/local taxes; calendar year 1991]

	Number of days	Tax Freedom Day	Rank
Total Taxes			
U.S. total	128	May 8	......
Mississippi	114	April 24	51
Alabama	115	April 25	50
Arkansas	116	April 26	49
South Dakota	118	April 28	48
Idaho	118	April 28	47
Missouri	118	April 28	46
Tennessee	119	April 29	45
New Hampshire	119	April 29	44
Kentucky	119	April 29	43
West Virginia	121	May 1	42
South Carolina	121	May 1	41
Utah	121	May 1	40
Virginia	122	May 2	39
Colorado	122	May 2	38
Oklahoma	122	May 2	37
Indiana	122	May 2	36
Georgia	123	May 3	35
North Carolina	123	May 3	34
Louisiana	124	May 4	33
Florida	124	May 4	32

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[1] Tax Foundation, *Federal Tax Burden by State*, 8 pp.

TABLE 2.—TAX FREEDOM DAY BY STATE—Continued

[Total, Federal, and State/local taxes; calendar year 1991]

	Number of days	Tax Freedom Day	Rank
Montana	124	May 4	31
Texas	125	May 5	30
Kansas	125	May 5	29
Wyoming	126	May 6	28
North Dakota	126	May 6	27
Ohio	126	May 6	26
Nebraska	127	May 7	25
Pennsylvania	127	May 7	24
Iowa	127	May 7	23
California	127	May 7	22
Arizona	127	May 7	21
New Mexico	127	May 7	20
Maine	128	May 8	19
Massachusetts	128	May 8	18
Nevada	128	May 8	17
Illinois	129	May 9	16
Oregon	130	May 10	15
Washington	130	May 10	14
Vermont	130	May 10	13
Maryland	131	May 11	12
Wisconsin	131	May 11	11
Alaska	131	May 11	10
Rhode Island	132	May 12	9
Michigan	132	May 12	8
New Jersey	134	May 14	7
Minnesota	134	May 14	6
Hawaii	136	May 16	5
Connecticut	137	May 17	4
Delaware	141	May 21	3
Dist. of Columbia	146	May 26	2
New York	146	May 26	1
Federal Taxes			
U.S. total	83	March 24	......
Alaska	72	March 13	51
Mississippi	72	March 13	50
Utah	75	March 16	49
Idaho	76	March 17	48
West Virginia	76	March 17	47
South Carolina	76	March 17	46
Wyoming	77	March 18	45
Kentucky	77	March 18	44
South Dakota	77	March 18	43
Alabama	77	March 18	42
Arkansas	77	March 18	41
Maine	78	March 19	40
Louisiana	78	March 19	39
New Mexico	78	March 19	38
Montana	78	March 19	37
Arizona	78	March 19	36
Oklahoma	79	March 20	35
Colorado	79	March 20	34
Iowa	79	March 20	33
North Carolina	80	March 21	32
Georgia	80	March 21	31
Indiana	80	March 21	30
Dist. of Columbia	81	March 22	29
North Dakota	81	March 22	28
Virginia	81	March 22	27
Missouri	81	March 22	26
Nebraska	81	March 22	25
Kansas	81	March 22	24
Tennessee	81	March 22	23
Hawaii	82	March 23	22
Wisconsin	82	March 23	21
Oregon	82	March 23	20
Vermont	83	March 24	19
Texas	83	March 24	18
Minnesota	83	March 24	17
California	83	March 24	16
Ohio	83	March 24	15
Massachusetts	85	March 26	14
Maryland	85	March 26	13
Washington	85	March 26	12
Pennsylvania	85	March 26	11
Michigan	85	March 26	10
Florida	85	March 26	9
New York	86	March 27	8
New Hampshire	86	March 27	7
Illinois	87	March 28	6
Rhode Island	87	March 28	5
Nevada	89	March 30	4
New Jersey	91	April 1	3
Connecticut	94	April 4	2
Delaware	96	April 6	1
State/Local Taxes			
U.S. total	45	February 14	......
New Hampshire	33	February 2	51
Tennessee	37	February 6	50
Missouri	37	February 6	49
Alabama	38	February 7	48
Arkansas	39	February 8	47
Florida	39	February 8	46
Nevada	39	February 8	45
South Dakota	40	February 9	44
Virginia	41	February 10	43
Illinois	41	February 10	42
Texas	42	February 11	41
Pennsylvania	42	February 11	40
Indiana	42	February 11	39
Mississippi	42	February 11	38
Kentucky	42	February 11	37
Connecticut	42	February 11	36
Georgia	42	February 11	35
Idaho	43	February 12	34
Colorado	43	February 12	33
New Jersey	43	February 12	32
Ohio	43	February 12	31
North Carolina	43	February 12	30
Massachusetts	43	February 12	29
Kansas	43	February 12	28
Oklahoma	43	February 12	27
California	44	February 13	26
South Carolina	44	February 13	25
Rhode Island	44	February 13	24
West Virginia	45	February 14	23
Washington	45	February 14	22
North Dakota	45	February 14	21
Delaware	45	February 14	20
Nebraska	45	February 14	19
Louisiana	46	February 15	18
Utah	46	February 15	17
Maryland	46	February 15	16
Montana	46	February 15	15
Vermont	47	February 16	14
Iowa	47	February 16	13
Oregon	47	February 16	12
Michigan	48	February 17	11
Arizona	49	February 18	10
New Mexico	49	February 18	9
Wyoming	49	February 18	8
Wisconsin	50	February 19	7
Maine	50	February 19	6
Minnesota	51	February 20	5
Hawaii	55	February 24	4
Alaska	60	March 1	3
New York	60	March 1	2
Dist. of Columbia	65	March 6	1

Source: Tax Foundation.

TAX BITE IN THE EIGHT-HOUR DAY

How much time does the average American work each day to pay all taxes? How much does this time differ from state to state?

Measuring the bite that taxes take from the typical worker's 8-hour day offers another illustration of government's weight on the nation's private production. In 1991, the average American will spend 2 hours and 49 minutes each workday satisfying federal, state and local tax collectors. Of that, the federal government will claim 1 hour and 50 minutes while state and local governments will take a 59-minute chunk.

From state to state these times vary widely (see table 3). The residents of Connecticut, for example, will need 2 hours and 4 minutes of the workday to pay their federal tax burden—one half-hour more each day than taxpayers in Mississippi who will work about one and one-half hours to pay Uncle Sam. At the state/local level, taxpayers in New Hampshire will spend 43 minutes each workday to pay state/local tax obligations because there is no broad-based personal income tax and no general sales tax. At the high end, the residents of the District of Columbia will work nearly an hour and a half every day to satisfy their local tax collectors.

TABLE 3.—TAX BITE IN THE 8-HOUR DAY

[State-by-State comparison; calendar year 1991]

	Hours:minutes		
	Total taxes	Federal taxes	State/local taxes
U.S. total	2:49	1:50	:59
Alabama	2:32	1:42	:50
Alaska	2:53	1:34	1:19
Arizona	2:47	1:43	1:04
Arkansas	2:32	1:42	:50
California	2:47	1:49	:58
Colorado	2:40	1:44	:56
Connecticut	3:00	2:04	:56
Delaware	3:06	2:06	1:00
Dist. of Columbia	3:11	1:46	1:25
Florida	2:43	1:52	:51
Georgia	2:41	1:46	:55
Hawaii	2:59	1:47	1:12
Idaho	2:35	1:40	:55
Illinois	2:49	1:55	:54
Indiana	2:41	1:46	:55
Iowa	2:47	1:45	1:02
Kansas	2:44	1:47	:57
Kentucky	2:37	1:41	:56
Louisiana	2:43	1:42	1:01
Maine	2:48	1:42	1:06
Maryland	2:52	1:51	1:01
Massachusetts	2:48	1:51	:57
Michigan	2:54	1:51	1:03
Minnestoa	2:57	1:49	1:08
Mississippi	2:30	1:34	:56
Missouri	2:36	1:47	:49
Montana	2:44	1:43	1:01
Nebraska	2:46	1:47	:59
Nevada	2:48	1:57	:51
New Hampshire	2:36	1:53	:43
New Jersey	2:56	2:00	:56
New Mexico	2:47	1:42	1:05
New York	3:12	1:52	1:20
North Carolina	2:42	1:45	:57
North Dakota	2:46	1:46	1:00
Ohio	2:46	1:49	:57
Oklahoma	2:41	1:43	:58
Oregon	2:50	1:48	1:02
Pennsylvania	2:46	1:51	:55
Rhode Island	2:53	1:55	:58
South Carolina	2:39	1:41	:58
South Dakota	2:35	1:41	:54
Tennessee	2:36	1:47	:49
Texas	2:44	1:49	:55
Utah	2:39	1:39	1:00
Vermont	2:51	1:49	1:02
Virginia	2:40	1:46	:54
Washington	2:51	1:51	1:00
West Virginia	2:38	1:40	:58
Wisconsin	2:53	1:48	1:05
Wyoming	2:46	1:41	1:05

Source: Tax Foundation.

In 1991, the residents of 43 states and the District of Columbia will have to work longer than they did in 1990 before their state-specific Tax Freedom Days, and in 27 of the states the increased burden exceeds the three-day advance in the nationwide date (see table 4). The taxpayers in four states will be done with taxes earlier in 1991 that in 1990, and three states have the same date this year as last. The steepest increases in tax burdens are occurring in Connecticut, Georgia, Louisiana, Nebraska, New Hampshire and West Virginia, where Tax Freedom Day is six days later than in 1990.

TABLE 4.—TAX FREEDOM DAY BY STATE

[Calendar years 1990–1991]

	Tax Freedom Day 1990	Tax Freedom Day 1991	Change from 1990 to 1991
U.S. total	May 5	May 8	3
Alabama	April 21	April 25	4
Alaska	May 11	May 11	0
Arizona	May 2	May 7	5
Arkansas	April 22	April 26	4
California	May 3	May 7	4
Colorado	April 28	May 2	4
Connecticut	May 11	May 17	6
Delaware	May 18	May 21	3
Dist. of Columbia	May 21	May 26	5
Florida	May 2	May 4	2
Georgia	April 27	May 3	6
Hawaii	May 16	May 16	0
Idaho	April 25	April 28	3
Illinois	May 6	May 9	3
Indiana	April 28	May 2	4
Iowa	May 5	May 7	2
Kansas	May 1	May 5	4
Kentucky	April 25	April 29	4
Louisiana	April 28	May 4	6
Maine	May 6	May 8	2
Maryland	May 8	May 11	3
Massachusetts	May 3	May 8	5
Michigan	May 8	May 12	4
Minnesota	May 13	May 14	1
Mississippi	April 19	April 24	5
Missouri	April 25	April 28	3
Montana	May 6	May 4	−2
Nebraska	May 1	May 7	6
Nevada	May 9	May 8	−1
New Hampshire	April 23	April 29	6

TABLE 4.—TAX FREEDOM DAY BY STATE—Continued

[Calendar years 1990–1991]

	Tax Freedom Day 1990	Tax Freedom Day 1991	Change from 1990 to 1991
New Jersey	May 9	May 14	5
New Mexico	May 4	May 7	3
New York	May 23	May 26	3
North Carolina	May 1	May 3	2
North Dakota	May 5	May 6	1
Ohio	May 1	May 6	5
Oklahoma	April 28	May 2	4
Oregon	May 5	May 10	5
Pennsylvania	May 3	May 7	4
Rhode Island	May 9	May 12	3
South Carolina	April 26	May 1	5
South Dakota	April 28	April 28	0
Tennessee	April 25	April 29	4
Texas	May 2	May 5	3
Utah	May 2	May 1	−1
Vermont	May 11	May 10	−1
Virginia	April 28	May 2	4
Washington	May 9	May 10	1
West Virginia	April 25	May 1	6
Wisconsin	May 8	May 11	3
Wyoming	May 2	May 6	4

Source: Tax Foundation.

TAX FREEDOM DAY HISTORY

Table 5 traces the history of Tax Freedom Day since 1929. In that year, taxpayers had satisfied their total tax obligations by February 9th. Forty years later in 1969, Tax Freedom Day pushed into the month of May for the first time, landing on May 1st.

TABLE 5.—TAX FREEDOM DAY AND TAX BITE IN THE 8-HOUR DAY

[Selected calendar years 1929–1991]

Year	Tax Freedom Day	Tax bite in the 8-hour day (hours:minutes)
1929	February 9	:52
1931	February 15	1:00
1933	March 5	1:24
1935	March 1	1:17
1937	March 6	1:24
1939	March 6	1:24
1940[1]	March 8	1:29
1941	March 17	1:40
1942	March 19	1:43
1943	April 6	2:06
1944[1]	March 30	1:58
1945	April 1	1:59
1946	March 31	1:57
1947	April 3	2:01
1948[1]	March 28	1:55
1949	March 24	1:48
1950	April 3	2:02
1951	April 10	2:11
1952[1]	April 10	2:12
1953	April 10	2:12
1954	April 6	2:05
1955	April 9	2:09
1956[1]	April 11	2:13
1957	April 13	2:14
1958	April 10	2:12
1959	April 14	2:16
1960[1]	April 17	2:22
1961	April 18	2:22
1962	April 18	2:21
1963	April 19	2:23
1964[1]	April 15	2:[illegible]
1965	April 15	2:17
1966	April 18	2:21
1967	April 20	2:24
1968[1]	April 25	2:32
1969	May 1	2:38
1970	April 28	2:34
1971	April 25	2:31
1972[1]	April 29	2:36
1973	April 29	2:36
1974	May 3	2:41
1975	April 28	2:35
1976[1]	May 1	2:40
1977	May 3	2:41
1978	May 3	2:41
1979	May 3	2:41
1980[1]	May 1	2:39
1981	May 4	2:43
1982	May 3	2:41
1983	April 30	2:38
1984[1]	April 28	2:36
1985	May 1	2:38
1986	May 2	2:40
1987	May 4	2:43
1988[1]	May 3	2:43
1989	May 4	2:44
1990	May 5	2:44
1991[2]	May 8	2:49

[1] Leap year makes Tax Freedom Day appear a calendar day earlier.

[2] Estimate.

Source: Tax Foundation.

May 8, 1991, is the latest Tax Freedom Day on record, continuing the decades-long trend of rising tax obligations. In the 1980s, tax cuts under the Economic Recovery Tax Act of 1981 (ERTA) helped reduce the federal burden, so Tax Freedom Day retreated to April 28 in 1984. Since then, major tax bills have boosted the date to its present high of May 8. Sixteen separate tax bills passed since ERTA have increased taxes, and except for the Tax Reform Act of 1986, tax legislation since 1981 has been purely an exercise in revenue-raising.

The state/local tax burden peaked in the 1976–1977 period before Proposition 13 in California set off a successful round of tax limitation measures in the states which caused it to dip until 1981. Then resumed its steady long-term rise, and continued fiscal pressures in many states indicate this trend is likely to continue.

TAX FREEDOM DAY OUTLOOK

Although the average American will work until May 8 and forfeit over 35 percent of his total income in 1991, the government will spend all that money and more. Tax Freedom Day does not reflect the estimated $318 billion in federal deficit spending for 1991, but the impact of this deficit will be felt in future tax increases and/or a weaker economy.

Spending a record 128 days from January 1 to May 8 to pay off the tax collectors may come as a shock to many Americans. But the combined pressures of a persistent federal budget deficit, demands to expand funding for new and existing programs, budget crises in numerous states and the slowdown in income growth could easily postpone Tax Freedom Day even further in years to come.

TAX FREEDOM DAY CALCULATION

Tax Freedom Day represents the nation's "effective" tax rate or total taxes as a percentage of total income. For 1991, the Tax Foundation estimates that rate to be 35.1 percent. The associated 1991 tax and income figures for the U.S. and each state's share of these totals are presented in table 6. In the state of Texas, for example, total taxes are $105.7 billion and total state income is estimated at $309.7 billion. Therefore, Texas's ratio of taxes to income is 34.1 percent—1 percent lower than the national average. While nationwide Tax Freedom Day is May 8, Texas's overall tax rate causes its Tax Freedom Day to occur three days earlier on May 5.

TABLE 6.—TAXES AS A PERCENTAGE OF INCOME BY STATE

[Total, Federal and State/local taxes; Calendar year 1991]

	Taxes (in billions of dollars)			Income (NNP)	Taxes as a percent of total income		
	Total	Federal	State/local		Total	Federal	State/local
U.S. total	1,780.1	1,157.9	622.2	5,069.8	35.1	22.8	12.3
Alabama	20.6	13.8	6.8	65.1	31.6	21.2	10.4
Alaska	6.0	3.3	2.7	16.7	36.0	19.6	16.4
Arizona	22.7	14.0	8.7	65.2	34.8	21.5	13.3
Arkansas	11.4	7.6	3.8	36.0	31.8	21.2	10.6
California	233.7	153.1	80.5	672.2	34.8	22.8	12.0
Colorado	22.6	14.7	7.9	67.6	33.4	21.7	11.7
Connecticut	34.8	24.0	10.8	92.8	37.5	25.9	11.6
Delaware	5.6	3.8	1.8	14.4	38.7	26.3	12.5
District of Columbia	6.7	3.7	3.0	16.8	39.9	22.1	17.7
Florida	88.0	60.5	27.5	259.5	33.9	23.3	10.6
Georgia	40.3	26.4	13.9	119.9	33.6	22.0	11.6
Hawaii	8.9	5.3	3.6	23.8	37.3	22.3	15.0
Idaho	5.2	3.3	1.9	16.1	32.4	20.7	11.7
Illinois	89.8	60.9	28.9	254.7	35.3	23.9	11.4
Indiana	34.3	22.6	11.8	102.4	33.5	22.0	11.5
Iowa	17.7	11.1	6.6	51.0	34.7	21.8	13.0
Kansas	16.4	10.7	5.7	48.1	34.2	22.2	11.9
Kentucky	19.4	12.5	6.9	59.4	32.6	21.0	11.6
Louisiana	22.2	14.0	8.3	65.7	33.9	21.3	12.6
Maine	8.1	4.9	3.2	23.1	35.0	21.2	13.7
Maryland	41.0	26.5	14.5	114.5	35.8	23.2	12.7
Massachusetts	53.3	35.2	18.1	152.2	35.0	23.2	11.9
Michigan	68.1	43.6	24.5	187.7	36.3	23.2	13.1
Minnesota	32.8	20.3	12.5	89.2	36.8	22.8	14.0
Mississippi	11.1	7.0	4.1	35.7	31.2	19.6	11.6
Missouri	31.7	21.7	10.0	97.6	32.5	22.2	10.3
Montana	4.5	2.8	1.7	13.2	34.1	21.4	12.7
Nebraska	10.0	6.4	3.6	28.9	34.7	22.2	12.5
Nevada	8.7	6.1	2.6	24.8	35.0	24.4	10.6
New Hampshire	8.5	6.1	2.4	26.0	32.6	23.5	9.1
New Jersey	78.3	53.3	25.0	213.5	36.7	25.0	11.7
New Mexico	8.1	5.0	3.1	23.3	34.9	21.3	13.5
New York	175.6	102.9	72.7	439.0	40.0	23.4	16.6
North Carolina	39.2	25.4	13.7	115.9	33.8	21.9	11.8
North Dakota	3.6	2.3	1.3	10.4	34.6	22.1	12.4
Ohio	71.8	47.3	24.5	207.3	34.6	22.8	11.8
Oklahoma	17.7	11.4	6.3	53.0	33.5	21.6	11.9
Oregon	18.5	11.7	6.8	52.1	35.5	22.5	13.0
Pennsylvania	83.7	56.0	27.7	241.3	34.7	23.2	11.5
Rhode Island	7.5	5.0	2.5	20.8	36.1	24.0	12.1
South Carolina	18.4	11.6	6.7	55.6	33.0	20.9	12.1
South Dakota	3.7	2.4	1.3	11.4	32.2	21.1	11.1
Tennessee	27.4	18.8	8.6	84.2	32.5	22.3	10.2
Texas	105.7	70.4	35.3	309.7	34.1	22.7	11.4
Utah	8.6	5.3	3.3	25.9	33.2	20.6	12.6
Vermont	3.8	2.4	1.4	10.8	35.6	22.7	12.9
Virginia	44.6	29.7	14.9	133.9	33.3	22.2	11.1
Washington	34.7	22.6	12.1	97.5	35.6	23.2	12.4
West Virginia	8.8	5.5	3.3	26.6	33.0	20.7	12.3
Wisconsin	33.8	21.0	12.8	93.8	36.0	22.4	13.6
Wyoming	3.1	1.9	1.2	8.9	34.5	21.0	13.5

Source: Tax Foundation methodology and published and unpublished data from U.S. Department of Commerce, Bureau of Economic Analysis; and Government Finance Division, Bureau of the Census.

The 1991 estimated totals for federal and state/local tax and income amounts are based on National Income and Product Account (NIPA) data produced by the U.S. Department of Commerce, Bureau of Economic Analysis. The Tax Foundation, in cooperation with other organizations, has developed a special allocation methodology to distribute the total federal and state/local tax burden by state.[2] This allocation determines the geographic origin of taxes to show where the burden of taxes is actually borne. Total income in the Tax Freedom Day analysis is represented by net national product (NNP).[3] Each state's share of this income total is allocated based on its specific state product and personal income.

While the results presented in this report are useful in making broad state-by-state comparisons, caution should be used in drawing conclusions from any one table.

A single analysis cannot fully reveal the entire story about a state's taxation. While this analysis specifically examines each state's total tax revenues, states may collect significant amounts of revenues from nontax sources.

Despite the allocation of each state's tax and income amounts based on their geographic origin, the exact degree of tax burden that a state may export to nonresidents is not quantifiable. For example, a portion of sales taxes in a high tourist state will be paid by nonresidents.

Finally, relatively small differences in the tax and income figures between states may cause big differences in rankings.

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[2] Tax Foundation, *The Tax Burden in Relation to National Income and Product, Research Aid No. 4*, 24 pp.

[3] Net National Product (NNP) equals Gross National Product less capital consumption allowances. A technical paper is available which explains why NNP is best for tax burden analysis.

THE CLONING OF THE CYSTIC FIBROSIS GENE: AN AMERICAN BIOMEDICAL RESEARCH SUCCESS STORY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. GEKAS. Mr. Speaker, on March 13, 1991, the Congressional Biomedical Research Caucus conducted a briefing and reception for Members and staff of the Congress. This was our third health policy briefing convened by the caucus, which illustrates the success of basic biomedical research in discovering the causes of disease and potential remedies. The cloning of the cystic fibrosis gene demonstrates why America is preeminent in the world in biomedical research. We were pleased that caucus cofounder Representative BILL RICHARDSON (NM) was present for the event and made supportive opening remarks. Also, caucus member Representative BILL GREEN (NY) was in attendance. The caucus has grown in membership to 54 members and we welcome new participation. I am pleased that there has been great interest in the caucus programs throughout the Nation, including in my district, the Hershey Medical Center, where outstanding basic biomedical research is conducted.

Our moderator and speakers on the cloning of the cystic fibrosis gene are truly world class in the field of biomedical research and are excellent examples of the way research is funded and conducted in the United States. Dr. Bill Brinkley, chairman of the department of cell biology and co-director of the Gregory Fleming James Cystic Fibrosis Research Center, University of Alabama at Birmingham demonstrates how research funded by the Federal Government is conducted at universities across the United States in cooperation with private funding sources. The cystic fibrosis center in which Dr. Brinkley is a co-director was founded with the help of the Cystic Fibrosis Foundation, a private non-profit organization. The center depends on scientists receiving individual investigator initiated research grants (ROIs) from the National Institutes of Health. The success of biomedical research in the United States is based on this untargeted approach to conducting basic research without any director of a center determining a scientist's area of investigation. Dr. Brinkley is a leading cell biologist and scientific investigator on cell behavior.

The partnership of the Cystic Fibrosis Foundation with the Federal Government in funding biomedical research has increased our ability to find a cure for one of the most common genetic diseases in our country. President Robert K. Dresing, founder and CEO of the Cystic Fibrosis Foundation has been the support and inspiration for founding many such cystic fibrosis centers at universities across our Nation. It is because of selfless volunteers like President Dresing that we are able to expand out tax dollars in biomedical research with private funds that has brought us to the brink of a remedy. Without his effort and vision, we would not have made the progress we have toward ultimately ending this tragic disease.

The final two speakers before the caucus are the team responsible for cloning the cystic fibrosis gene: Dr. Francis S. Collins, professor and chief, Division of Medical Genetics, University of Michigan, Ann Arbor, and Dr. Richard Boucher, professor and director, Cystic Fibrosis Research Center, University of North Carolina. They are both directly involved in the research which is solving the puzzle of the cause and potential remedies for cystic fibrosis. It is Dr. Collins' laboratory and leadership in developing the technique of "gene jumping" that made the cloning of the cystic fibrosis gene possible. We look forward to other successes in employing Dr. Collins' methods to other genetic diseases. We owe him much gratitude for his fine work and to bringing us to the threshold of the discovery of a cure for this disease which robs our children of a full life span.

Dr. Boucher brings us from the laboratory to the patient's bedside and the importance of clinical biomedical research in treating individuals with cystic fibrosis and working with families who have this genetic trait. He is a leading scientific investigator and clinician. I am sure that in the near future because of Dr. Boucher's work in "gene therapy" we will have great success in caring for patients with cystic fibrosis and extending their lives.

The remarks of all four of our speakers before the caucus on the cystic fibrosis story were outstanding and for that reason I want my colleagues to have the benefit of them without reducing the text. Over the next 2 days I will submit their statements in full. The text of Dr. Brinkley and Mr. Dresing's remarks before the Congressional Biomedical Research Caucus follow and Dr. Collins and Dr. Boucher's remarks before the caucus will be included tomorrow:

Dr. BRINKLEY: Thank you Congressman Gekas, distinguished members of the caucus and guests. It is a very special privilege to address this caucus today and before I introduce our first speaker, I want to say how grateful we in the scientific community are for the Congressional Biomedical Research Caucus. Indeed, we appreciate the opportunity afforded to bench scientists to appear before Members of Congress and the health policy staff, in an informal way, to share the exciting new developments taking place at the cutting edge of basic research. Hopefully, programs such as the one we bring you today, will be helpful as you formulate health policy and establish funding priorities. Of course from our point of view, it is the latter, the funding priorities, that we consider to be the most important issue at hand. We welcome the opportunity to share information coming from our laboratories and to document ways in which America's investment in biomedical research is paying off in dramatic dividends in prevention, diagnosis and treatment of major diseases.

For many years, the U.S. Congress has been the best friend and chief benefactor of American science. Since World War II, there has been a sustained effort to improve the health of American citizens. Through the creation of the National Institutes of Health and the National Science Foundation and a policy of funding individual investigators and small laboratories via a peer review system, American biomedical science has flourished. Today, we enjoy world preeminence in science and technology and are the unquestionable leaders in biomedical science and medical research. It is no accident that over the past 40 years, U.S. scientists have dominated the quest for Nobel Prizes, winning 61 of the 95 prizes awarded in medicine. By the same token, we should remember that these awards were for work done 20 to 30 years ago. Therefore our scientific leadership is very fragile and must be sustained through a stable funding policy.

The scientific community had a real scare in 1990. The funding of new and competing grants at NIH dropped from a high of 6,000 in 1986 to 4,600 in 1990, and near panic spread throughout the country. If this trend continued, many felt that American leadership in biomedical research and technology would go the way of the steel, automotive and electronics industries. For the first time, the biomedical community spoke out as it never had before. Congress heard our pleas and in fiscal year 1991 restored the 6,000 RPGs. Some argue that restoring the number of grants is not the way to go—we must seek a more realistic formula that will balance and stabilize research funding. Nevertheless, given the deficit and the state of our economy, many are grateful for the increase but more funds are needed for the future—a need clearly expressed by President Bush's proposed 6 percent increase for NIH and a 17.5 percent increase for NSF for fiscal year 1992.

Considering the state of our economy and the legitimate needs of many other deserving elements of society, some feel that our Government is investing disproportionate levels of funding for biomedical research. I hope that today's presentation will serve to justify this investment and provide testimony for the need for additional funds in the future to maintain and stabilize America's biomedical science enterprise.

In his opening remarks at the first Congressional Biomedical Research Caucus on October 3, 1990, Dr. Leon Rosenberg, Dean of the Yale University School of Medicine, cited the remarkable achievements in cystic fibrosis research as a shining example of success of the U.S. biomedical research effort. Indeed, there have been many success stories in the annals of American medical science but few, if any, provide a more salient example of the rewards of the NIH support of untargeted, fundamental research, than the CF story. This remarkable achievement, made possible by teamwork and state-of-the-art biotechnology, provides a dramatic example of the flow of progress from the laboratory bench to the patient's bedside. Moreover, it provides hope to hundreds of thousands of CF children and young adults throughout the world. It should be remembered however, that this achievement would not have been possible without a knowledge base generated through 30 years of basic research—research funded through NIH grants awarded to individual investigators in small laboratories at universities and medical schools throughout America.

Today we are fortunate to have as our speakers three individuals who are playing an important role in this important research and patient care effort, each in his own way representing the best of management and administration, brilliant scientific strategy, fundamental research, gene therapy and improvements in prevention and patient care.

At this time I would like to introduce our first speaker. He does not wear a white lab coat, nor does he run a research lab or answer to the title of doctor. Nevertheless, his unique role in the quest for the cystic fibrosis gene is no less impressive. Mr. Robert Dresing, president and CEO of the Cystic Fibrosis Foundation, is a parent of a 23-year-old son who has cystic fibrosis. He served on the board of trustees since 1968 and was elected president of the board in 1982. In 1984, he assumed the leadership of the foundation. Having been a very successful self-employed entrepreneur and businessman, he realized that teamwork and collaboration were essential elements in any successful venture. With the help of an outstanding organization, he set about to establish cystic fibrosis research centers across the Nation. I would be remiss if I neglected to tell you that the first CF research center was established at the University of Alabama at Birmingham. Today there are 13 such centers at major universities and medical centers across the North American continent. Bob Dresing has also helped create a network of over 125 care centers for the highest quality of diagnosis and treatment of cystic fibrosis. His driving ambition is to put the foundation out of business in his son's lifetime. At this time I would like to call on Mr. Robert Dresing, president and CEO of the Cystic Fibrosis Foundation, who, indeed, may soon be on the verge of going out of business.

Mr. ROBERT K. DRESING: Thank you Dr. Brinkley and members of the biomedical research caucus for inviting me to meet with you today.

As president of the Cystic Fibrosis Foundation I am very proud to say that the quality and momentum of advances in cystic fibrosis science remians unsurpassed. We are frequently told that cystic fibrosis research has reached the stage of becoming one of the greatest success stories since polio was eliminated in this century. Our milestones, however, have not been reached easily. But our challenges had a way of forcing us to become entrepreneurs of science—finding the best researchers and committing adequate resources to them.

In the few minutes we have I'd like to present a progress report. Our progress provides hope to individuals by applying what is learned in the laboratory to the bedside—to the patient. We have seen that funding basic research has a positive rippling effect, with one discovery leading to another. Hopefully this will lead us back to making a difference to the person with CF.

And if there's one point I particularly want to hammer home to you today, it is that science is a process. If this process is slowed by a lack of funding and support, the pace of biomedical research and all that we have achieved could be irreparably damaged.

We are where we are today because of an important partnership. A partnership joining the CFF foundation, the NIH, academic researchers and Congress. As in all relationships, the development of the science—which is leading us to our ultimate victory—has involved the cooperation, input and dedication of all participants.

The 14-year partnership started with the congressionally-mandated state of the art study conducted by the NIH and the Cystic Fibrosis Foundation in 1977. The study urged the recruitment of new scientific minds into CF research. By issuing more than 10 requests for funding during the past decade, the various institutes of NIH have educated the scientific community and encouraged quality of research.

In another, equally important recommendation of the study, the foundation—at the NIH's encouragement—established a network of CF research centers with an investment of $23 million of our own money. Our network of 13 CF research centers ensures scientists the opportunity to attack this disease and devote all of their energies toward finding a cure. These centers have become the focal point for the dramatic scientific advances that we are currently witnessing.

As a result of both the congressional appropriation process and the presence of highest quality research, the centers have recently been recognized and awarded as NIH/CFF centers of excellence.

Because of the foundation's concern about the possibility of good science going unfunded, 2 years ago we launched a special initiative with the NIH to fund grants that were submitted to NIH, earned good priority scores and yet could not be funded. To date we have been able to fund $3 million worth of excellent work that would otherwise go unsupported. We did this as a stop-gap measure, however, to prevent slowing down the momentum we have achieved. Frankly, as a small foundation we cannot continue to bear such a financial burden. And that is why we are asking for your increased support to the NIH.

Although our successes are many, the timetable, I feel, has been far too long. I am frustrated daily by every single death of a child with CF. But the momentum of the science we are seeing today gives us every reason for hope and optimism.

I wish we somehow had the vision to support and carry out everything right. The war on cancer begun in the early 70's illustrates how financial investments can yield returns in a magnitude never predicted. While the cancer death rate is still intolerable, I firmly believe that the biotechnology revolution that has developed TPA, the growth hormone, and other new treatments spring directly from the country's investment in basic science nearly 20 years ago.

We've seen how investments in biomedical research can save money in the long run. One example shows that improved outpatient breast biopsies provide an alternative for nearly half a million women annually. Within 1 year, money saved by reduced diagnosis and treatment costs could reach $169 million—NIH made a $10.6 million investment.

Another NIH example shows laser treatment for Diabetic retinopathy has greatly reduced the severe vision loss and saved money. Clinical trials evaluating the procedure required $48.2 million. The potential annual savings are more than $2 billion.

These are examples of how clinical research makes a difference. The foundation now has more than a dozen major clinical trials of new treatments involving half of the 120 CF care centers around the country. Again, we are trying to apply what is learned through basic science to the patient as quickly as possible.

We are selfish as parents of CF children. I am particularly selfish because I hear the clock ticking away. But I recognize that, with increasing investment in biomedical research, the light at the end of the tunnel we are finally seeing is indeed hope. But for us its been a 36-year process to get to this point. We started at ground zero. And now the results of biomedical research are exploding not only in scientific journals but also on the pages of major newspapers and magazines. This indicates to me that we are beginning to see the incredible return on the investment. This is a critical time for funding to be continued and our scientists supported.

We must not allow the progress, the momentum, of scientific achievements to be interrupted. We are gaining ground and must maintain our pace. I say there's no limit on the speed this research can move. The most challenging time may be ahead as dollars need to stretch farther to support new technologies by biomedical researchers. And you remain instrumental in our track record of success.

Some people have referred to the discovery of the cystic fibrosis gene as our success story. But, as a parent of a child with cystic fibrosis I do not want to call it a success story yet. To date, we have not saved a single life and for this reason we feel a very real sense of urgency. Cystic fibrosis continues to be the most common genetic disease robbing American children of precious years of life. There is no cure but recent advances continue to give us hope. Truly there should be no limits to what we can achieve together.

Throughout this process, we continue to make wonderful friends, on the Hill, with the NIH, and the scientific community. I will introduce you to two of these friends today.

TRIBUTE TO THE EASTERN ALAMANCE EAGLES

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. COBLE. Mr. Speaker, as most people are quite aware by now, the State of North Carolina, is the home of this year's NCAA national basketball champions, the Duke University Blue Devils. We in the Sixth District of North Carolina can boast of our own basketball champions this year. Ironically, they were crowned on the home floor of Duke's arch rivals, the University of North Carolina Tar Heels. The North Carolina 3–A boys' high school basketball champions are the Eagles of Eastern Alamance High School in Mebane, NC. The Eagles captured the State title by defeating T.C. Roberson High School of Skyland, NC, 69 to 66 on March 23, 1991, at the Dean E. Smith Center in Chapel Hill.

The Eagles of Eastern Alamance withstood a furious last-minute rally by the Roberson Rams to win their first State championship. Eastern Alamance led 65 to 56 with less than 3 minutes to play, but Roberson was down by only 1 point with just 49 seconds left in the game. A valiant effort by the Eagles held off the final charge of the Rams including a 60-foot shot by Roberson which bounded off the backboard and front rim at the buzzer to seal the championship for the Eagles.

A successful season, which culminates in a State championship, is not the work of a single individual. It takes a team effort to scale such lofty heights. But that team must be led in the right direction, and much of the credit for leading the Eagles to the 3–A championship must be given to their fine head coach Tal Jobe. Along with his assistants John Moon and Mike Robinson, Coach Jobe assembled an excellent basketball squad which capped off a tremendous season with the state title.

Congratulations to every member of the Eagles' basketball squad including Tyrone Satterfield—who was named as the championship game MVP—Chad Andrews, Dallas Berry, Mikey Bynum, Greg Harris, Chris Hartley, Bryant Johnson, David Lemon, Derek Mann, Anthony Noell, William Oliver, Carl Parker, and Carlo Parker. Behind the scenes support, which is vital to any winning squad, was tremendous for the Eagles. Managers Curtis Clark and Vance Newlin, statistician Tracy Clark, and video manager Garth Saunders all played key roles during the Eagles' drive to the title.

On behalf of the citizens of the Sixth District of North Carolina, we offer our congratulations to principal Cecil Caison, the faculty and staff, the families and friends of the team, and to all of the fans and supporters of Eastern Alamance High School on winning the North Carolina 3–A boys' high school basketball championship. To coin a phrase, the Eagles got it done in '91!

INTRODUCTION OF THREE MISCELLANEOUS TARIFF BILLS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mrs. KENNELLY. Mr. Speaker, today I am introducing three miscellaneous tariff bills.

The first would suspend the current 11 percent ad valorem duty on nonmetal, plastic duty for 3 years. The second would suspend the current 9 percent ad valorem duty on porcelain ornaments for 3 years. And the third would suspend the current 13.5 percent ad valorem duty on ceramic—(nonporcelain)—mugs for 3 years.

These items are generally not produced in the United States. Further, it is my understanding that the resultant revenue loss from enactment would be minimal and that these are noncontroversial issues. I would urge my colleagues support.

INTRODUCTION OF THE LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1991

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. DINGELL. Mr. Speaker, I am pleased to join my colleagues on the Energy and Commerce Committee in introducing legislation to curb abuses in partnership rollup transactions. And I want to commend the Chairman, Mr. MARKEY and Ranking Republican Mr. RINALDO of our Subcommittee on Telecommunications and Finance for their dedicated work on the series of hearings which focused attention on the serious negative impacts of rollups on individual investors.

The record shows that many general partners are rolling up or combining several limited partnerships into one unit that trades on a stock exchange. Unscrupulous sponsors are using abusive practices to stampede investors into voting in favor of the rollup, and the stock price almost always dramatically sinks once the unit becomes publicly traded. The investors are sunk—as Jonathan Swift observed:

Subscribers here by thousands float,
And jostle one another down.
Each paddling in his leaky boat,
And here they fish for gold and drown.

—while the general partner makes out like a bandit.

We have a strong national interest in preserving the fairness and honesty of our securities markets. Accordingly, we are today sponsoring legislation to amend the proxy solicitation and related provisions of the Federal securities laws with respect to partnership rollup transactions. These amendments will provide investors with a number of important protections including meaningful dissenters' rights.

We anticipate prompt hearing and markup of this important legislation. We encourage our colleagues' support.

TWENTIETH ANNIVERSARY OF NATIONAL HUNTING AND FISHING DAY

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. SCHULZE. Mr. Speaker, today I'm introducing a joint resolution to recognize the twentieth anniversary of National Hunting and Fishing Day, to be celebrated on September 28, 1991.

Over the past 50 years hunters and fishermen have contributed over $12 billion to conservation programs through license fees, self-imposed excise taxes, and currently provide $3 million a day for conservation programs. In addition, sportsmen contribute $28 billion into our Nation's Economy while enjoying healthy exercise, peaceful solitude, and appreciation of the great outdoors while hunting and fishing.

This resolution will provide deserved national recognition for the important contributions sporting men and women have made to the respectful use of our wildlife and natural resources.

I urge the passage of this resolution.

TRIBUTE TO RICHARD R. DUNDERMAN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. GILLMOR. Mr. Speaker, I rise today to congratulate a constituent of mine, Richard R. Dunderman, upon being named citizen of the year by the Antwerp Chamber of Commerce.

This award is given to recognize outstanding individuals for their contributions to the community. There is no doubt in my mind that Richard Dunderman deserves such recognition.

Richard Dunderman has met many challenges with great honor and distinction. Whether it has been as Antwerp police chief, or as a chief hospital foreman, or during his proud service in the U.S. Navy, he has earned the respect and admiration of his peers.

Mr. Speaker, our future depends on setting positive examples of service and competence for our children. That is why I am pleased to see that Richard Dunderman has been honored in this way. He deserves to be held up as an example of dedication and integrity. I congratulate him and his family.

INTRODUCTION OF TARIFF TECHNICAL CORRECTION LEGISLATION

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing a bill today to make a technical correction in the tariff suspension applicable to clomiphene citrate.

Clomiphene citrate is a pharmaceutical preparation, approved by the Food and Drug Administration, used to treat human infertility. In bulk form, the product is a white powder which is then compressed into tablets and packaged for oral administration to the patient.

Under the prior Tariff Schedules of the United States [TSUS], clomiphene citrate was importable duty free in all forms under a temporary suspension provision. There is no known domestic source of this product. When the United States switched to the Harmonized Tariff System [HTS] in 1989, the schedules became categorized in a way so as to distinguish between bulk products and finished goods.

As a result of the conversion to HTS, the reference to the clomiphene citrate temporary duty suspension in HTS 9902.29.95 resulted in a retention of duty free status only for bulk product. Since the domestic firms importing the bulk product, of which there are only two, import both bulk powder and finished tablets, it is important to continue the same duty free treatment that existed before the conversion to the HTS. Absent this result, the firm that finds it necessary to import the finished tablet will be unfairly disadvantaged relative to prior law, in a very small market.

Treating bulk clomiphene differently from the finished product is an unintended consequence of the conversion to HTS. The simple solution is to amend the temporary duty suspension language so that it refers to both sections of the schedules in which the product is currently classified: either 2922.19.15 or 3004.90.60. The latter section has only recently been confirmed by the Customs Service as the correct one for the finished product. My bill will accomplish the necessary technical correction by adding the reference to section 3004.90.60.

Mr. Speaker, this is noncontroversial legislation, and I urge the chairman of the Subcommittee on Trade, Mr. GIBBONS, to hold hearings on this issue in the context of miscellaneous trade and tariff bills after the deadline for introduction of those bills on April 19.

THE JERSEY SHORE WELCOMES HOME THE TROOPS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, April 21, the New Jersey shore communities of Manasquan and Sea Girt will jointly host a statewide celebration to welcome home troops who served in the Persian Gulf. I am sure that the residents of both communities, as well as many visitors, will turn out in large numbers to welcome these returning heroes.

Those being honored include the 213th medical detachment based at the Sea Girt Army Camp and various members of the Army and Air Force National Guard, including the 170th Air Refueling Group based in Pomona, New Jersey. The troops will be officially welcomed home by Maj. Gen. Vito Morgano, the State commander of the New Jersey National Guard.

Plans call for a parade through both communities followed by a ceremony at the Sea Girt Army Camp. Businesses and homes along the way will be decorated to show the widespread support that these brave servicemen and servicewomen have earned from their friends and neighbors on the home front. The distinguished mayors of both communities—William M. MacInnes of Sea Girt and John L. Winterstella of Manasquan—have been devoting a great deal of their time and energy to making sure that Sunday's event is successful. I am confident that an enthusiastic Jersey shore reception will await the returning troops.

Mr. Speaker, we will probably never be able to fully express our gratitude to our American troops who made Operation Desert Storm such a brilliant success. The parades and other welcoming ceremonies that are taking place throughout America are but a small symbol of our admiration for those who sacrificed so much and demonstrated such dedicated professionalism in the cause of upholding international law. We welcome these troops home and wish them all the best upon their return to civilian life, in the knowledge that their fellow citizens recognize, appreciate and will never forget what they accomplished.

BIRMINGHAM NEWS RECEIVES PULITZER PRIZE

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. ERDREICH. Mr. Speaker, I would like to take this opportunity to congratulate my hometown newspaper, the Birmingham News, on winning the Pulitzer Prize for editorial writing. The paper's three-member editorial board captured the most prestigious prize in journalism with a nine-part series of editorials on the inequities of Alabama's State tax structure.

The series served as a catalyst for what has become the most united front for tax reform in the history of the State. The News brought home the gross unfairness of a system that taxes formula for infants, but not formula for calves. With its insightful, thoughtful series, the News glued together a coalition of business, education, and community leaders spearheading the effort to bring equity and fairness to Alabama's tax system.

The State of Alabama, and my district in particular, is fortunate to have a newspaper that not only fulfills its role as the State's leading newspaper of record, but takes to heart its responsibility as a civic leader as well. That civic-mindiness is best personified by the News' employees. Since 1909, the News has operated under the leadership of the Hanson family, whose civic contributions to our State and community over the years have been endless. The editorial page won the Pulitzer under the guidance of Ron Casey, who was raised in a steel-manufacturing Birmingham suburb. Other members of the Pulitzer Prize-winning editorial team include Harold Jackson, who grew up in Birmingham, and Joey Ken-nedy, a son of the south who has lived in Alabama for more than a decade.

I join the Pulitzer Prize committee in honoring the men and women of the Birmingham News for their commitment to excellence in journalism.

A TRIBUTE TO NORMAN J. TRUDEAU

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to C.M. Sgt. Norman J. Trudeau, a man whose commitment and hard work has left an indelible mark on the U.S. Air Force. In all the debate regarding America's defense requirements, little mention is made of one of the most important factors in America's defense readiness—the morale of our fighting people. There is little more important that we can do than recognize those who have given of themselves to ensure the security and wellbeing of our country. Chief Troudeau is a fine example of an individual who gave it his all and proudly served his Nation in the Armed Forces.

Chief Trudeau has faithfully served in the U.S. Air Force for the past 30 years. Chief Trudeau entered the Air Force in May 1961, and since that time he has served as one of America's finest. He served overseas at Elmendorf Air Force Base, Greenland; RAF Alconbury, England; RAF Bewntwaters, England; Landsay Air Station, Germany; and Hahn Air Base in Germany. Here in the continental United States, he served at Pease Air Force Base, NH; ENT Air Force Base, CO; and Scott Air Force Base in Illinois.

Mr. Speaker, Chief Master Sergeant Trudeau's assignments have been demanding and his performance exemplary. His devotion has won him numerous awards including the Meritorious Service Medal with four oak leaf clusters, the Air Force Commendation Medal with one oak leaf cluster, the Air Force Good Conduct with nine oak leaf clusters, and the National Defense Service Medal with a bronze service star.

I join with Chief Trudeau's many friends and colleagues in saluting him for his dedicated and distinguished support of our Nation's defense. His contributions exemplify the mission of the U.S. Air Force and will be sorely missed. Thank you Chief Trudeau for serving your country so well.

INTRODUCTION OF H.R. 1701

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. LANCASTER. Mr. Speaker, today I want to draw attention to H.R. 1701, a bill I have just introduced which will provide relief from payments of tariffs imposed on a substance used in the manufacture of pharmaceuticals in the Lederle-Praxis facility in Sanford, NC.

Lederle-Praxis has a new manufacturing facility in the Third District of North Carolina. We are proud to have such a distinguished research and development company choose our area to continue the significant contributions to public health it has made for over 80 years. Through its research of drugs and vaccines for major diseases, Praxis has helped to aid thousands of citizens in the United States and worldwide.

H.R. 1701 provides tariff relief for a product called CEFIXIME, an antibiotic drug which Lederle distributes. It is useful in the treatment of ear infections in children and bronchitis in adults and children. CEFIXIME is important because it acts against bacteria that may resist treatment with other drugs.

Mr. Speaker, the value of this medicine to our citizens is immeasurable. Thus, it is a product for which consumer availability and cost is crucial. The duties assessed on this substance are an impediment which has a negative effect on cost and availability. These impediments are not imposed on other substances which are not produced by any company here in the United States, thus they should be removed for CEFIXIME. Removing these particular tariffs will cause no economic disadvantages to anyone, but will only lead to competitive gain for our domestic economy and, most importantly, the consumers who purchase and rely on this vital product.

I urge my colleague to support H.R. 1701.

IN CELEBRATION OF THE 43RD ANNIVERSARY OF THE STATE OF ISRAEL

HON. CHARLES LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. LUKEN. Mr. Speaker, today we observe one of the most important events of the post-World War II era—the day upon which the Jewish people declared the independent sovereign State of Israel. The existence of Israel in our time is a cause for celebration. For 43 years, this state has represented hope and freedom for Jews throughout the world. It has also been a beacon of modern democracy and statesmanship in the Middle East. The great accomplishments of this young state over the years are a tribute to the diligence, courage, and perseverance of the Israeli people.

The ancient Hebrews first entered the land of Israel about the 18th century B.C. when the patriarch Abraham led his people to what was then called Canaan—and much later became known as Palestine. Since then the Jews and their descendants have been forced to battle for their freedom with the Egyptians, Babylonians, Romans, Byzantinians, Arabs, Ottomans, Spaniards, Nazis, and the British. The fact that the Jews have survived, endured and even thrived throughout history is testimony to their courage and conviction.

Forty-three years ago the State of Israel was born and, again, was immediately enveloped in a war for survival. The new Israeli people, still traumatized by the atrocities of the Holocaust, came from all over the world to defend the new state. They came with a common purpose and yearning—to live as a free and independent people in their own country. The whole world watched as the new nation fought courageously against overpowering odds until the armistice ended the fighting. Even then, many wondered whether Israel could survive more than a few years.

Today Israel is the most stable country in the Middle East and the only democracy between Athens and New Delhi. The people of Israel are perhaps our closest friends and allies. Our two peoples share in common a commitment to liberal democratic values, an ethical system rooted in the Old Testament, and a pioneering spirit born of religious persecution and forged in a long and arduous fight for independence.

I extend my congratulations to the Jewish people of Israel on this special day. May the State of Israel continue to be a source of encouragement and inspiration for all peoples of the world.

TRIBUTE TO JAMES R. LANG

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. KLUG. Mr. Speaker, next week, Madison will lose one of its caring community leaders; a man who has long been a friend to Dane County, which I have the honor of representing; and a man who has been a close personal friend for several years. Today, I wish to recognize his many contributions and outstanding example of civic service.

Since 1986 James R. Lang has run the First Wisconsin National Bank of Madison with energy, grace, and diligence. During his tenure, the bank's assets rose from $505 million to $700 million, culminating with record income in 1990.

Jim's 519 employees rallied around his leadership to make his bank one of the region's more successful at a time when banks around the country were fighting for their very lives.

Instead of fighting off financial ruin, First Wisconsin in Madison was growing and prospering; serving as a model for the entire Nation.

But it wasn't just his business success that made Jim a leader in my community. To honor his employees hard work and dedication, as well as the achievements of the bank's retirees, Jim threw a daylong party at Circus World Wisconsin. As the chair of the United Way he mobilized 300 volunteers and raised a record $6.4 million to meet the needs of those in the community who needed a helping hand. He also helped found a Madison chapter of Inroads, an organization that helps recruit quality minority college students as future employees.

Jim Lang's record of accomplishments should be no surprise. A retired U.S. Navy Reserve Captain, Jim served as chief engineer on a minesweeper and destroyer during the Vietnam and Dominican Republic conflicts.

His love of the sea was apparent when, with great relish, he accepted the responsibility of chairman of the State board to restore the U.S.S. *Wisconsin.*

Like myself, Jim prides himself on his ties to Milwaukee's Marquette University High School. It was this affiliation that first brought us together, and which helped to build the foundation of our friendship.

Our loss is Iowa's gain. As the new president of Firstar Corp. of Iowa, Jim Lang will serve the people of Des Moines with the same sense of distinction he has served his friends in Madison.

I wish Jim, and his wife Pat, well in their new venture. I congratulate them, and I want them to know they leave behind a grateful community, and speaking personally, a grateful congressman who wouldn't be here today without Jim's encouragement and support.

UNSUNG HEROES ON A TRAGIC AFTERNOON

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. COUGHLIN. Mr. Speaker, less than 2 weeks ago, the people of the Commonwealth of Pennsylvania and the Nation were shocked by the news of the sudden and tragic death of Senator John Heinz and six others as the result of a mid-air collision over suburban Philadelphia.

Last week thousands gathered in Pittsburgh and later in Washington to eulogize Senator John Heinz, extolling him as a national leader, a dedicated public servant of Pennsylvania, a devoted husband and father, and a friend to whomever had the privilege to have known him, as well as those less fortunate in our society.

At the same time, six more private services were held to remember the four pilots and two schoolgirls who were also killed in this most unfortunate accident.

Mr. Speaker, part of the healing process in such a tragedy is not to dwell only on the sadness of the moment, but to remember the happiness and joy that each one of these people gave to their families and friends. In addition, one must strive to find something positive in the awful scene at the Merion Elementary School on that fateful Thursday afternoon.

Mr. Speaker, the men and women of the Narberth Ambulance Corps, the Penn Wynne-Overbrook Hills Fire Company, the Narberth Fire Company, and Merion Fire Company of Ardmore, the Lower Merion Police Department, as well as the teachers, volunteers, and administrators at the Merion Elementary School all deserve our highest praise for their heroic efforts on that day.

The majority of the rescue personnel who responded to the school are volunteers—men and women who are, and were, willing to interrupt their daily lives to aid a neighbor in need of help. Despite being volunteers, these men and women performed their duties with the utmost professionalism, responding rapidly to douse the flames and treat the wounded.

Likewise, the teachers and administrators, as well as school volunteers of the Merion Elementary School exhibited great presence of mind as they executed the evacuation of the school and led the students to safety.

Often, in the aftermath of a disaster, we hear that the outcome could have been worse. Mr. Speaker, I am one who truly believes that if it were not for the dedication and professionalism of the responding rescue personnel and the resiliency of the adults in the school, this plane crash would have been even more catastrophic.

Mr. Speaker, if a tragedy such as this one can have any redeeming side whatsoever, it must be in the contributions of the men and women who responded to it so swiftly and ably.

SUPPORT FOR LATVIA

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 1991

Mr. MOAKLEY. Mr. Speaker, I rise to commemorate one of the darkest moments in the history of Soviet-occupied Latvia. Forty-two years ago, on March 25, 1949, Soviet authorities, then under the control of Josef Stalin, deported over 42,000 Latvians from their homeland to the wilderness of Siberia.

During the decade between 1939 and 1949, Latvia, along with Lithuania and Estonia, experienced repeated human disasters. Not only did it lose many to death in World War II, it lost its infant democracy to the dealings of Hitler and Stalin and lost 15,000 also to Siberia at the hands of the Soviets. The deporations in 1949 were a final attempt by Josef Stalin to dilute ethnic resistance and establish preeminent Soviet hegemony in Latvia in the aftermath of the war. After 50 years, the Soviets are still strongarming the Baltics and suppressing self-determination.

Two and one-half months ago, news came to us that five Latvians had lost their lives in the latest crackdown from the central authority inside Russia. The struggle for independence and freedom in Latvia has been a protracted, ever-present struggle which has chosen such dates as March 25, 1949, and January 13, 1991, to make its indelible statements.

When we reflect on the resolve of the Latvian people and their Baltic neighbors, we will undoubtedly linger on these dates which bracket a small period in a long struggle. But this period is a very personal one to the United States; it covers years of our greatness. Through Hitler, through World War II, through the Marshall Plan, through Stalin, through the depths of the cold war—through all that against which we have struggled—Latvia has struggled to attain that which we struggled to make possible. Now, as Latvia converges on its goal of freedom, we must provide as much support and assistance as we are able or face commemoratives of future dates as struggles continued honored but unrewarded.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 18, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 19

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on overview of NASA's budget for fiscal year 1992.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office, and the Office of Technology Assessment.
SD-116

Banking, Housing, and Urban Affairs
To hold hearings on modernization of the banking industry, focusing on the feasibility of risk-based deposit insurance premiums.
SD-538

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 39, to designate the coastal plain of the Arctic National Wildlife Refuge as wilderness.
SD-406

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To resume hearings on proposed legislation authorizing funds for foreign assistance, focusing on the U.S. Information Agency and the Voice of America.
SD-419

Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the role of menopause and gender differences in aging on the development of disease in mid-life and older women.
SD-430

APRIL 23

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain defense programs.
SD-124

Veterans' Affairs
To hold hearings on proposed veterans health care legislation, including parts A, C, and C of Title II of S. 127, to increase the rates of compensation for veterans with service-connected disabilities.
SR-418

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to examine the science education programs of various Federal agencies.
SD-138

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-1902

Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold open and closed hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on space launch issues and programs.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on wasteful ordering practices in the Department of Defense supply system.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Forest Service, Department of Agriculture.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Bureau of Investigation, Department of Justice.
S-146, Capitol

Finance
To hold hearings to examine the U.S. unemployment compensation program.
SD-215

Judiciary
To resume hearings on legislative proposals to strengthen crime control.
SD-226

2:00 p.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the fiscal years 1992–1997 future year defense plan.
SR-222

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on security in the post-cold war era.
SD-138

APRIL 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.
SD-124

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Armed Services
Manpower and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on reserve and national guard programs.
SR-232-A

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA space science programs, focusing on "Mission to Planet Earth," an environmental monitoring program designed to formulate data on Earth's environmental systems through the use of spacecraft.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Rules and Administration
Business meeting, to mark up S. 250, to establish national voter registration procedures for Federal elections.
SR-301

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy conservation programs of the Department of Energy.
SD-116

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To hold open and closed hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on Army and Air Force ammunition programs.
SR-222

Commerce, Science, and Transportation
To hold hearings on the nominations of Jack Warren Lentfer, of Alaska, and John E. Reynolds III, of Florida, each to be a Member of the Marine Mammal Commission.
SR-253

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to examine Arctic Oceans research.
SR-253

Select on Indian Affairs
To hold oversight hearings on new school construction, repair, and improvement on Bureau of Indian Affairs' school facilities.
SR-485

APRIL 25

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1992 for certain defense programs.
S-407, Capitol

Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on the National Critical Technologies report.
SR-232-A

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Governmental Affairs
To hold hearings to examine the effectiveness of the management of asset-forfeiture programs at the Justice and Treasury Departments.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Bureau of Mines and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration, and the Research and Special Programs Administration, Department of Transportation.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of National Drug Control Policy, and the Financial Crimes Enforcement Network, Department of the Treasury.
SD-116

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

APRIL 26

9:45 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To resume hearings to examine and evaluate global warming on climate change and other environmental consequences of energy strategies.
SD-406

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.
SD-138

MAY 7

10:00 a.m.
Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on habeas corpus reform.
SD-226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.
SD-192

MAY 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.
SD-138

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 484, to establish conditions for the sale and delivery of water from the Central Valley Project, California.
SD-366

MAY 9

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for veterans' education and reemployment rights.
SR-418

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine insurance company insolvency.
SR-253

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 395, to establish the Department of Energy's Fast Flux Test Facility (FFTF) in the State of Washington as a research and development center to be known as the Research Reactor User Complex.
SD-366

MAY 13

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 570, to implement a national energy strategy, focusing on subtitle B of Title V, provisions relating to nuclear waste management.
SD-366

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for fossil energy and clean coal technology programs.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Smithsonian Institution and the National Gallery of Art.
SD-116

Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on the views of officials in the law enforcement field.
SD-226

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the

Commission on National Service, and the Points of Light Foundation.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on pipeline safety.
SR-253

MAY 16

9:00 a.m.
Veterans' Affairs
To hold hearings on S. 775, to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans, H.R. 153, to repeal certain provisions of the Veterans' Judicial Review Act relating to veterans' benefits, and sections 111 through 113 of S. 127, relating to radiation compensation.
SR-418

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Minerals Management Service, Department of the Interior, and the Indian Health Service, Department of Health and Human Services.
SD-116

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.
SD-138

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 21

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on enforcement of antidumping and countervailing duties.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Energy.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.
SD-138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.
SD-138

MAY 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.
SD-138

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 5

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of the Interior, and Members of Congress.
S-128, Capitol

JUNE 6

9:00 a.m.
Veterans' Affairs
Business meeting, to mark up pending legislation.
SR-418

JUNE 18

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

CANCELLATIONS

APRIL 18

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on implications of the Persian Gulf war and other international developments.
SH-216

2:00 p.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings to review issues relating to the United States-Mexico free trade agreement.
SD-226

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.
SD-138

POSTPONEMENTS

APRIL 23

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings to review the enforcement and administration of the Foreign Agents Registration Act.
SD-342

HOUSE OF REPRESENTATIVES—*Thursday, April 18, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We see in our world, O God, the power of might and all the forces of our invention, and yet we do not see as clearly the power of the spirit. We confess that we so easily recognize the might used between individuals or nations, but we fail to admit the power of the spiritual forces that truly touch the lives of people. Teach us, gracious God, to see the energy of the spirit, encouraged by loyalty and integrity, by faithfulness and allegiance, by steadfastness and fidelity so that we truly claim the human gifts that You so freely bestow. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. MCNULTY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 64. An act to provide for the establishment of a National Commission on a Longer School Year, and for other purposes;

S.J. Res. 77. Joint resolution relative to telephone rates and procedures for Operation Desert Storm personnel; and

S.J. Res. 102. Joint resolution designating the second week in May 1991 as "National Tourism Week."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolutions on Thursday, April 18, 1991:

H.J. Res. 222. Joint resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees;

S.J. Res. 16. Joint resolution designating the week of April 21-27, 1991, as "National Crime Victims' Rights Week"; and

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

ALOIS BRUNNER, MOST WANTED NAZI CRIMINAL

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Mr. Speaker, Adolf Eichmann called him "one of my best men." A Greek deportee said, "He personified Teutonic sadism in all its horror." Both were referring to Alois Brunner, the most wanted Nazi criminal alive today.

This man was personally responsible for sending to their deaths more than 120,000 Jews from Austria, Germany, France, Slovakia, and Greece. He flogged his victims with a horsewhip made of thin leather thongs threaded with iron wire, and then terrorized his Jewish victims with a pistol aimed against their necks, foreheads, or temples.

Near war's end, he sent 180 children from Jewish-run orphanages to their deaths, including 34 children from Louveciennes, France.

For his crimes against humanity, Alois Brunner was sentenced to death in absentia in 1954 by French courts in Paris and Marseilles, but he escaped capture. He also is wanted in Austria and in Germany, but since 1955, he has lived in Damascus under the protection of the Syrian Government, which provides him with bodyguards, and he boasts about his crimes with impunity.

The time has come, Mr. Speaker, for Alois Brunner to be brought to justice, for him to be returned to Germany for trial. That is why I am introducing today a resolution expressing the sense of the House that the President of the United States personally call upon President Assad to permit without delay the extradition of Alois Brunner for trial in Germany.

Mr. Speaker, I urge my colleagues to join me in cosponsoring this important resolution, because this man has hidden long enough.

PRAISING THE ACTIONS OF OUR TROOPS AND THE PRESIDENT'S NEW WORLD ORDER

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise today to pay tribute not only to the soldiers of Operation Desert Storm, but also to their Commander in Chief, President George Bush. Their decisive victory over aggression, combined with the triumph of democracy over communism, has fueled the President's pursuit for a new world order. Our troops, the vanguard of the world-wide coalition united against Saddam Hussein, are the first heroes of the new world order.

As we continue to welcome home our heroes, we must remember the reasons for which they were called upon. Threats and aggression to our national security interests remain, and our ability to protect ourselves must remain as well. The President's hope for a new world order is firmly rooted in this idea.

Meanwhile, as our Secretary of State works with foreign leaders for a permanent end to the causes of conflict in the Middle East, we must show the world that we remain committed to the ideals we see being adopted daily in Eastern Europe and elsewhere. Indeed, the hard work of freedom, requires commitments both here and abroad. To these goals, and the hope of a new world order, we must remain true.

PASS THE FAMILY MEDICAL LEAVE ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, as the Select Committee on Children, Youth, and Families, looks at the Tax Code we find indeed it is not family friendly. As we have looked at many Government programs, we find that is not family friendly, either.

One of the most amazing things is that when we look at the private sector, we also find it is not family friendly. One of the most amazing things that has come out as we talk to young families is they tell us that their children are sick in the morning or something happens to their day care, they do much better off phoning the office and telling their employer they had car trouble. People are sympathetic to car

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

trouble. They are not sympathetic when something happens to your family arrangements. That is a very serious condemnation on what the workplace is really like and how families are not welcome.

This body will shortly have a chance to turn that attitude around by passing the Family Medical Leave Act that will make the Federal Government a much more family friendly employer and it will say to the private sector that people should be able to have time off without pay when they have a baby, adopt a baby or when a baby is critically ill.

I certainly hope this body passes it this time and that the President signs it this time, because the more we listen, the more we realize there is a lot of rhetoric about families, but there is very little follow-through in all sectors of our economy and this is a chance to make a breakthrough to change it.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to welcome all of our guests in the gallery. The Chair is delighted you are here, but it is necessary for the Chair to remind our guests that any sign of approval or disapproval, any applause or other reaction to anything said on the floor is against the rules of the House, and the Chair hopes we will have your cooperation.

TIME FOR CONGRESS TO PASS A NATIONAL RAPE SHIELD LAW

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. RAMSTAD. Mr. Speaker, this week NBC News broadcast to 9 million viewers the identity of an alleged rape victim in Palm Beach, FL.

The New York Times likewise found her name news fit to print.

In true tabloid fashion, the Times revealed intimate details of the woman's life that would be judged prejudicial and irrelevant by any court of law. That woman now bears a scarlet letter and is currently being tried by a court of public opinion.

Withholding names of sexual assault victims has been a widely accepted practice in this country for two decades. Victims rights groups have repeatedly demonstrated that public disclosure brings more pain to the victim and discourages others from coming forward.

Women were victims of more than 100,000 rapes last year, an all-time record. And violence against women is increasing four times faster than the overall crime rate.

It is now clear that some major news organizations can no longer be trusted to act responsibly. It is time for Congress to pass a national rape shield law to protect the privacy of sexual assault victims.

I am introducing such legislation, and urge my colleagues to join me in this effort.

USE AMERICAN STEEL TO REBUILD KUWAIT

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Madam Speaker, the fires continue to burn. What is perhaps the worst ecological disaster in our history is currently taking place in Kuwait as an estimated 6 million barrels of oil a day continue to burn in over 600 oil wells.

This past Tuesday I appeared in Houston, TX, with Red Adair, the most internationally famous firefighter in terms of oil fires in the world at a conference in Houston with over 1,000 experts in the techniques of suppressing these kinds of incidents.

Unfortunately at that conference, Red Adair publicly and privately threatened to pull out all his equipment from Kuwait because of the bureaucracy that is being placed in his way and in the way of all those companies who are trying to cap these wells and extinguish the fires causing this disaster.

Madam Speaker, this is absolutely outrageous. I am today asking the President to convene a special President Task Force of the State Department, the Defense Department, and the Commerce Department to expedite and facilitate the process for the experts in this country to work with the Governments of Kuwait and Saudi Arabia to be able to control these fires and stop this disaster.

I ask for your support.

THE ARROGANCE OF THE FEDERAL BUREAUCRACY

Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, the arrogance of some members of the Federal bureaucracy never ceases to amaze me. They seem to care very little for the American taxpayer.

The latest ridiculous expenditure is an agreement on the part of the International Monetary Fund, which is funded largely by the U.S. taxpayer, to pay $24 million to buy a one-quarter acre piece of vacant property in downtown Washington to expand their headquarters. This is 2½ times the assessed value of this property. This is a ridiculous expenditure.

Just think of how many poor people could be helped, how much good could be done with this $24 million.

Senator BYRD has been criticized recently for getting some Federal offices and agencies to move to West Virginia. With the costs in this city, it just makes good sense to move some of these departments and agencies to some of the smaller cities, small town, and rural areas across this Nation where the land and building costs are much less and where the cost of living is also quite a bit lower than in Washington.

Madam Speaker, $24 million is just too much for a one-quarter acre piece of property, with no building on it. A church there now will be moved.

We should substantially reduce the appropriations for the International Monetary Fund if they are going to spend money in a foolish, ridiculous way such as this.

SUPPORT THE CRIME VICTIMS RESTITUTION ACT OF 1991

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Madam Speaker, yesterday I introduced the Crime Victims Restitution Act of 1991, to require criminals convicted of Federal offenses to pay restitution to their victims in the full amount of their losses. Such restitution orders are currently only optional.

Identical restitution provisions were included in the Victim's Rights and Restitution Act of 1990, which I offered as an amendment to the Crime Control Act. My amendment passed by voice vote, and identical legislation was included in the Senate anticrime package. However, the restitution provisions were unaccountably absent from the House-Senate conference report on the crime bill.

Federal courts should be required to order convicted criminals to compensate the people they have harmed. Losses relating to property, bodily injury, death, and emotional injury all would be redressed under my bill. It is tough on crime, it helps the victims of crime rebuild their lives, and perhaps, most importantly, it is just.

Let us do something concrete and meaningful to help crime victims. Support the Crime Victims Restitution Act of 1991.

A SALUTE TO THE AIR FORCE ACADEMY FOOTBALL TEAM

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Madam Speaker, today I would like to congratulate the U.S. Air Force Academy football team on receiving the "Commander in Chief's" Trophy for the third year in a row. In fact, the Falcons have won the coveted trophy 4 out of the last 5 years.

In order to capture this year's trophy, the Air Force Academy soundly defeated the Navy Midshipmen 24–7 and the U.S. Military Academy Cadets 15–3. This award tops off a great season that ended with a bowl victory over Ohio State.

The team certainly deserves the trophy. Strong team spirit, a determination to win, and excellent coaching, led by head coach Fisher Deberry, added up to a winning team and super season.

Tomorrow at a ceremony at the White House, President Bush will present the trophy to 26 seniors of the Falcon football team. I know for a fact that these young men are looking forward to meeting their Commander in Chief for the first time.

We congratulate these outstanding young men.

WHERE HAVE OUR MIDDLE EAST FRIENDS GONE?

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Madam Speaker, where, oh where, have our Middle East friends gone? What happened to them? America has spent billions and billions of its dollars to go over there to defend Kuwait and Saudi Arabia and try to bring freedom to these countries. We spent 250 American lives in an attempt to do this, to help these people.

Now where are they? Kuwait wants to be rebuilt. It is going to take billions of dollars, maybe tens of billions of dollars to do it. So who is the first one that they go to? They go to Japan. They go to Japan to buy the first 12,000 tons of steel pipe and then they go to Venezuela to buy thousands and thousands of tons more steel to help build the country.

What is the matter with the United States? We are the ones who spent the lives and the money. What did Venezuela do, and what happened to Japan? What happened to all the money that they are supposed to send over? They are reneging on their promise to spend the money they said they were going to.

I think it is a shame. I think we in this country better start looking out for No. 1 for a change.

Let us get some of those jobs back here. Let us get that steel from the United States. If they are going to build it, then build it with American steel using American labor.

RECESS

The SPEAKER pro tempore (Mrs. SCHROEDER). Pursuant to the order of the House of Thursday, April 11, 1991, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 10 o'clock and 17 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1038

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. The meeting will come to order.

The Chair is delighted to have the opportunity to welcome again into the Chamber so many distinguished former colleagues and to welcome an opportunity for all of us to enjoy with them a discussion of our mutual concerns and interests and to compliment and thank them for their steadfast concerns with the Congress and with the issues in which we are jointly involved.

The Chair would like to turn the gavel over to one of the former Members with whom I have very many years of common service, and all of them reflected with great pleasure on my part and, I hope, on his, one who has left this Chamber and this House to become a distinguished member of the Federal judiciary serving on the Court of Appeals for the District of Columbia.

It is my pleasure now to give the gavel to the Honorable Abner Mikva.

□ 1050

Mr. MIKVA (presiding). The former Members of Congress are again in their annual session. It is delightful to see so many of you here at this special occasion.

I still remember the nicest words that were always said about Congress, that there are three ways to leave. Two of them are very painful. Most of you left the third way, and even those of you who left the other way, it is nice to know you did not leave the third way. We are glad you are here.

The Clerk will call the roll.

The Clerk called the roll of former Members of Congress, and the following Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING ANNUAL SPRING MEETING, APRIL 18, 1991

William H. Ayres of Ohio.
Jim Bates of California.
Lindy Boggs of Louisiana.
Donald G. Brotzman of Colorado.
Clarence J. Brown of Ohio.
John H. Buchanan, Jr., of Alabama.
Elford A. Cederberg of Michigan.
Charles E. Chamberlain of Michigan.
Jeffery Cohelan of California.
James C. Corman of California.
Paul W. Cronin of Massachusetts.
Norman E. D'Amours of New Hampshire.
Michael A. Feighan of Ohio.
Louis Frey, Jr., of Florida.
Robert A. Grant of Indiana.
Robert P. Hanrahan of Illinois.
Ralph R. Hardine of Idaho.
Harry G. Haskell of Delaware.
William D. Hathaway of Maine.
Jeffrey P. Hillelson of Missouri.
Jed Johnson, Jr., of Oklahoma.
Walter H. Judd of Minnesota.
Robert W. Kastenmeier of Wisconsin.
Peter N. Kyros of Maine.
Russell B. Long of Louisiana.
Manuel Lujan, Jr., of New Mexico.
Thomas A. Luken of Ohio.
Gale McGee of Wyoming.
Clark MacGregor of Minnesota.
William S. Mailliard of California.
James R. Mann of South Carolina.
George Meader of Michigan.
Lloyd Meeds of Washington.
Daniel A. Mica of Florida.
Abner J. Mikva of Illinois.
John S. Monagan of Connecticut.
Frank E. Moss of Utah.
Shirley N. Pettis of California.
Howard W. Pollock of Alaska.
Thomas F. Railsback of Illinois.
John J. Rhodes of Arizona.
Paul Rogers of Florida.
John H. Rousselot of California.
Harold S. Sawyer of Michigan.
John G. Schmitz of California.
William L. Scott of Virginia.
Carlton R. Sickles of Maryland.
Lynn Stalbaum of Wisconsin.
John H. Terry of New York.
Andrew Jackson Transue of Michigan.
Victor V. Veysey of California.
Charles W. Whalen, Jr., Ohio.
Larry Winn, Jr., Kansas.

Mr. MIKVA (presiding). At this point the Chair recognizes the distinguished former minority leader of the House of Representatives, the president of this association, everybody's good friend, John Rhodes.

Mr. JOHN J. RHODES. Mr. Speaker, it is always good to be back on the House floor. Those of us who served in the House and Senate, of course, feel a special place in our hearts for the Congress and the freedom for which it stands.

This December marks the 200th anniversary of the adoption of the Bill of Rights. In the last 2 years, a series of revolutions in Eastern Europe by people who want to enjoy those same rights which are guaranteed in our Constitution have changed the political map of the world.

Less than 2 years ago, while attending a seminar in Berlin that brought together current and former Members of Congress with their counterparts in the German Bundestag, each of the Germans shared their dream to walk through the Brandenburg Gate in their lifetime. Neither I nor any of the other Americans present, and I imagine none of the Germans either, thought that would happen in this century.

Yet, less than 2 years later, the Berlin Wall is down, Germany is reunited, the Warsaw Pact has been disbanded for all practical purposes, and the Soviet Union is on the verge of totally unforeseen economic and political disarray.

Mr. Speaker, our association has been trying to help in the process of restoring representative democracy in Eastern Europe. At the request of the United States Embassy in Budapest, we sent an observer delegation to observe the first free election in Hungary in nearly half a century.

□ 1100

We have hosted representatives of the democratic parties from Hungary for a briefing on the workings of the Congress. Likewise, we have hosted delegations from the Polish Parliament, the Hungarian Parliament, and leaders of the democratic reform movement of Czechoslovakia at the Capitol. The President of Hungary spoke at our association's meeting last spring. We are grateful to the U.S. Information Agency and the German Marshall Fund for helping make these programs possible. We expect to continue to expand these projects with Eastern Europe in the coming year.

Although our alumni association of Congress originally started primarily so we could maintain our friendships with one another, our objectives have become much greater than that.

You know, some of our colleagues have said to me, "Well, I don't know about your organization. I think about all you do is get together, and drink, and eat, and lie to each other." And I said, "Well, you know, we do get together, and we do drink a bit, and we do eat a bit, and we do lie to each other, but we do a lot of other things too."

Within our membership, we number half the President's Cabinet, as well as the President, himself. We have a number of Governors, Federal judges, mayors, university presidents, corporate and trade association executives, law professors, authors, and other accomplished professionals with a variety of impressive credentials. We all share the unique experience of having served in the Congress and our objective is to have this reservoir of talent more widely utilized for the public good. To that end, this year, I appointed a committee headed by our distinguished colleagues from Nebraska and Florida, Mr. McCollister and Mr. Rogers. This committee was divided into four subcommittees, headed by our incoming President Bill Hathaway of Maine, our Treasurer Clarence (Bud) Brown of Ohio, former Army Secretary John O. Marsh of Virginia, and our able colleague from Idaho, Orval Hansen.

At this point in the RECORD, I will list the four subcommittees and their membership.

ADMINISTRATIVE SUBCOMMITTEE

William D. Hathaway, chairman.
J. Glenn Beall, Jr.
James C. Corman.
Abner J. Mikva.
Thomas F. Railsback.
Carlton R. Sickles.

FINANCE SUBCOMMITTEE

Clarence J. Brown, chairman.
Joseph W. Barr.
John N. Erlenborn.
Louis Frey, Jr.
Richard H. Ichord.
Horace R. Kornegay.
Charles McC. Mathias, Jr.

MEMBERSHIP SUBCOMMITTEE

Orval Hansen, chairman.
Donald G. Brotzman.
Joe M. Kilgore.
Wiley Mayne.
James W. Symington.

PURPOSE AND PROGRAM SUBCOMMITTEE

John O. Marsh, Jr., chairman.
Howard H. Callway.
Clark MacGregor.
James D. "Mike" McKevitt.
Frank E. Moss.
Fred Schwengel.

I have to admit that when I asked these people to serve, I could not help but think of one of my favorite Everett Dirksen stories. You know Ev was a great raconteur and I was with him once and he was making a speech out in Illinois, and he was trying to make the point that the impossible can be accomplished. He told the story something like this:

He said, "You know, once upon a time there was a rooster who was the master of the hen house. One day he gathered the hens who were in his charge into the hen house, and when all were assembled he said to them: 'Girls, I wouldn't have you think that I'm unmindful of your merits. I am not. I have great respect for each of you and I love you dearly.' But whereupon he rolled out an ostrich egg and he said, 'I just brought this along to show you that it can be done.' "

I think that is exactly what I said to John McCollister and Paul Rogers, "Think big," and they did, and we will I am sure benefit from the work of this committee.

The purpose of this committee was to take a long-range look at the priorities of the organization and how we might better utilize the enormous talent within the association. The committee's report will be presented to our next meeting of our board of directors to be implemented. Among other things, it will recommend that we continue to develop our Campus Fellows Program which in the last year has added a high school project to the already successful college program. We want to thank the UPS Foundation for its continued support of this program to reach young people to encourage them to learn about our system of representative Government. At this point, I include the list of 226 visits completed in 49 States by association members.

The list referred to follows:

Colleges, Universities, and High Schools Visited Under the Campus Fellows Program

COLLEGE/UNIVERSITY/HIGH SCHOOL, LOCATION, FELLOW, AND STATE/COUNTRY

Alaska Pacific University, Alaska, William S. Mailliard (California).

Albion College, Michigan, David S. King (Utah).

Albion College, Michigan, Ted Kupterman (New York).

Albion College, Michigan, Martha Keys (Kansas).

Alfred University, New York, Frank E. Moss (Utah).

American College in Paris, France, David S. King (Utah).

American College in Paris, France, Byron L. Johnson (Colorado).

Arizona State University, Arizona, Gale W. McGee (Wyoming).

Arizona State University,[1] Arizona, Jacques Soustelle (France).

Assumption College, Massachusetts, Gale W. McGee (Wyoming).

Auburn University, Alabama, William L. Hungate (Missouri).

Auburn University,[1] Alabama, Alan Lee Williams (United Kingdom).

Avila College,[1] Kansas, Karin Hafstad (Norway).

Bainbridge Jr. College, Georgia, Gilbert Gude (Maryland).

Baylor University, Texas, James Roosevelt (California).

Baylor University,[1] Texas, Peter von der Heydt (Germany).

Bowling Green State U., Ohio, Robert P. Hanrahan (Illinois).

Bradley University, Illinois, Charles W. Whalen, Jr. (Ohio).

Brandeis University, Massachusetts, Abner J. Mikva (Illinois).

Brandeis University, Massachusetts, L. Richardson Preyer (North Carolina).

Brenau College, Georgia, Ralph W. Yarborough (Texas).

Brigham Young University,[1] Utah, Jacques Soustelle (France).

California Poly. State—San Luis Obispo, California, John B. Anderson (Illinois).

California Poly. State—San Luis Obispo, California, Frank E. Evans (Colorado).

California Poly. State—San Luis Obispo, California, Robert N. Giaimo (Connecticut).

California Poly. State—San Luis Obispo, California, John R. Schmidhauser (Iowa).

California Poly. State—San Luis Obispo, California, Ralph W. Yarborough (Texas).

California Poly. State—San Luis Obispo, California, Robert R. Barry (New York).

Cameron University, Oklahoma, William D. Hathaway (Maine).

Cameron University, Oklahoma, William L. Hungate (Missouri).

Cameron University, Oklahoma, Dick Clark (Iowa).

Carleton College, Minnesota, William S. Mailliard (California).

Carroll College, Montana, Ralph W. Yarborough (Texas).

Chaminade College, Hawaii, Catherine May Bedell (Washington).

Chatham College, Pennsylvania, Catherine May Bedell (Washington).

Chatham College, Pennsylvania, Martha Keys (Kansas).

Charleston College,[1] South Carolina, John M. Reid (Canada).

Clarke College, Georgia, William L. Hungate (Missouri).

Footnotes at end of article.

Clarke College, Georgia, William S. Mailliard (California).

Colgate University, New York, William S. Mailliard (California).

College of the Sequoias, California, Gale W. McGee (Wyoming).

Colorado State University[1], Colorado, Alastair Gillespie (Canada).

Columbia College, South Carolina, Catherine May Bedell (Washington).

Columbia College, South Carolina, Martha Keys (Kansas).

Columbia College, South Carolina, James M. Quigley (Pennsylvania).

Columbia College[1], South Carolina, John Reid (Canada).

Columbia College, South Carolina, Henry S. Reuss (Wisconsin).

Columbia College, South Carolina, Nick Galifianakis (North Carolina).

Concordia College, Michigan, Walter H. Moeller (Ohio).

Connecticut College, Connecticut, Ralph W. Yarborough (Texas).

Converse College, South Carolina, Jed Johnson, Jr. (Oklahoma).

Dartmouth College, New Hampshire, John O. Marsh, Jr. (Virginia).

Dartmouth College, New Hampshire, William S. Mailliard (California).

Davis & Elkins College, West Virginia, Frank E. Moss (Utah).

Davis & Elkins College, West Virginia, J. Glenn Beall, Jr. (Maryland).

Denison University, Ohio, Frank E. Moss (Utah).

DePauw University, Indiana, Hugh Scott (Pennsylvania).

Dillard University,[1] Louisiana, Georg Kahn-Ackermann (Germany).

Doshisha University, Japan, Catherine May Bedell (Washington).

Duke University, North Carolina, Georg Kahn-Ackermann (Germany).

Eckerd College, Florida, William L. Hungate (Missouri).

Elmira College, New York, Charles W. Whalen, Jr. (Ohio).

Friends University, Kansas, Henry P. Smith, III (New York).

Furman University, South Carolina, Jed Johnson, Jr. (Oklahoma).

Furman University, South Carolina, Charles W. Whalen, Jr. (Ohio).

Georgetown University, Washington, DC, Celio Borja (Brazil).

Grinnell College, Iowa, Neil Staebler (Michigan).

Guilford College, North Carolina, Gale W. McGee (Wyoming).

Gustavus Adolphus College, Minnesota, Charles W. Whalen, Jr. (Ohio).

Hamilton College, New York, William S. Mailliard (California).

Hartwick College, New York, Ralph W. Yarborough (Texas).

Hiram College, Ohio, Howard H. Callaway (Georgia).

Hiram College, Ohio, Roman L. Hruska (Nebraska).

Hope College, Michigan, Walter H. Judd (Minnesota).

Hope College, Michigan, Gale W. McGee (Wyoming).

Hope College, Michigan, Catherine May Bedell (Washington).

Idaho State University, Idaho, John R. Schmidhauser (Iowa).

Indiana State University, Indiana, Gordon L. Allot (Colorado).

Indiana Univ. Northwest, Indiana, Neil Staebler (Michigan).

Indiana Univ. Northwest, Indiana, William L. Hungate (Missouri).

Indiana Univ. Northwest, Indiana, Tom Railsback (Illinois).

Jackson State University, Mississippi, Allard K. Lowenstein (New York).

Johns Hopkins University, Maryland, Hugh Scott (Pennsylvania).

Johns Hopkins University,[1] Washington, DC, Celio Borja (Brazil).

Kansai University, Japan, Frank E. Moss (Utah).

Kansas-Newman College, Kansas, Henry P. Smith, III (New York).

Kansas State University, Kansas, Paul N. McCloskey, Jr. (California).

Keio University, Japan, Frank E. Moss (Utah).

King College, Tennessee, Charles W. Whalen, Jr. (Ohio).

King's College, Pennsylvania, Philip Hayes (Indiana).

Kirkland College, New York, William S. Mailliard (California).

Kwansei Gakuin University, Japan, Frank E. Moss (Utah).

LaGrange College, Georgia, Ralph W. Yarborough (Texas).

Lake Forest College, Illinois, Ralph W. Yarborough (Texas).

Lindenwood College, Missouri, Gaylord Nelson (Wisconsin).

Longwood College, Virginia, Paul W. Cronin (Massachusetts).

Luther College, Iowa, Gilbert Gude (Maryland).

McNesse University, Louisiana, William S. Mailliard (California).

Marshall University, West Virginia, John J. Gilligan (Ohio).

Mary Hardin Baylor College, Texas, Brooks Hays (Arkansas).

Matanuska-Susitna Community College, Alaska, William L. Hungate (Missouri).

Mesa Community College, Arizona, Gale W. McGee (Wyoming).

Miami University-Middletown, Ohio, James Roosevelt (California).

Miami University-Middletown, Ohio, James W. Symington (Missouri).

Mid-America Nazarene Coll., Kansas, John B. Anderson (Illinois).

Mid-America Nazarene Coll., Kansas, John Dellenback (Oregon).

Millsaps College, Mississippi, Allard K. Lowenstein (New York).

Montclair State College, New Jersey, Walter H. Judd (Minnesota).

Montclair State College, New Jersey, Ralph W. Yarborough (Texas).

Morehead State University, Kentucky, Dan Kuykendall (Tennessee).

Morehouse College, Georgia, William S. Mailliard (California).

Morehouse College, Georgia, William L. Hungate (Missouri).

Morris Brown College, Georgia, William S. Mailliard (California).

Morris Brown College, Georgia, William L. Hungate (Missouri).

Mount Vernon College, Washington, DC, Martha Keys (Kansas).

Murray State University, Kentucky, Brooks Hays (Arkansas).

Nanzan University, Japan, Catherine May Bedell (Washington).

New Trier High School, Illinois, John V. Lindsay (New York).

New York University, New York, George McGovern (South Dakota).

Northern Illinois University, Illinois, William L. Hungate (Missouri).

Northern Kentucky University, Kentucky, Martha Keys (Kansas).

North Park College,[1] Illinois, Karin Hafstad (Norway).

Northwestern University,[1] Illinois, Karin Hafstad (Norway).

Oklahoma State University, Oklahoma, Ralph W. Yarborough (Texas).

Oregon State University, Oregon, Martha Keys (Kansas).

Otterbein College, Ohio, James Roosevelt (California).

Purdue University-Calumet, Indiana, William L. Hungate (Missouri).

Purdue University-Calumet, Indiana, Tom Railsback (Illinois).

Randolph-Macon College, Virginia, Gale W. McGee (Wyoming).

Randolph-Macon College,[1] Virginia, Hugh Scott (Pennsylvania).

Revere High School, Ohio, John B. Anderson (Illinois).

Rockhurst College,[1] Kansas, Karin Hafstad (Norway).

Rose Hulman Institute of Technology, Indiana, Gordon L. Allott (Colorado).

St. Cloud State University, Minnesota, Charles W. Whalen, Jr. (Ohio).

St. Lawrence University, New York, Roman L. Pucinski (Illinois).

St. Mary-of-the-Woods, Indiana, Gordon L. Allott (Colorado).

St. Mary's College, Indiana, Gale W. McGee (Wyoming).

St. Michael's College, Vermont, Walter H. Judd (Minnesota).

St. Norbert's College, Wisconsin, Martha Keys (Kansas).

St. Olaf College, Minnesota, William S. Mailliard (California).

Salem College, North Carolina, Martha Keys (Kansas).

Sangamon State University, Illinois, Andrew J. Biemiller (Wisconsin).

Sangamon State University, Illinois, Martha Keys (Kansas).

Sangamon State University,[1] Illinois, Alan Lee Williams (United Kingdom).

Sangamon State University,[1] Illinois, Alastair Gillespie (Canada).

Siena College, New York, Frank E. Moss (Utah).

Siena College, New York, Charles W. Whalen, Jr. (Ohio).

Southeast Comm. College, Kentucky, Donald E. Lukens (Ohio).

Southern Illinois University, Illinois, John R. Schmidhauser (Iowa).

Southwestern College, Kansas, Henry P. Smith, III (New York).

Spelman College, Georgia, William S. Mailliard (California).

Spelman College, Georgia, William L. Hungate (Missouri).

SUNY—Binghamton, New York, John B. Anderson (Illinois).

SUNY—Plattsburg, New York, L. Richardson Preyer (North Carolina).

State University of Oswego, New York, Martha Keys (Kansas).

Syracuse University, New York, Charles W. Whalen, Jr. (Ohio).

Talladega College, Alabama, Ted Kupterman (New York).

Tougaloo Southern Christian College, Mississippi, Allard K. Lowenstein (New York).

Transylvania University, Kentucky, James M. Quigley (Pennsylvania).

U.S. Air Force Academy[1], Colorado, Alan Lee Williams (Great Britain).

U.S. Coast Guard Academy, Connecticut, Ralph W. Yarborough (Texas).

U.S. Naval Academy, Maryland, John S. Monagan (Connecticut).

U.S. Naval Academy, Maryland, William S. Mailliard (California).

U.S. Naval Academy[1], Maryland, Alan Lee Williams (Great Britain).

University of Alaska, Alaska, William L. Hungate (Missouri).

University of Alaska, Alaska, William S. Mailliard (California).

University of Arizona[1], Arizona, Celio Borja (Brazil).

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226 visits—68 Fellows

[1] International projected fund by the Ford and Rockefeller Foundations for visit of Parliamentarians from the United Kingdom, Germany, France, Canada, Brazil and Norway.

Also, we have continued to develop our exchange programs with our sister organization of former members of the German Bundestag which is represented here today by our friend Georg Kahn-Ackermann who joined us for our meeting last year which marked the 10th anniversary of cooperation between our two associations. We have undertaken in the last year a program with each of the German political foundations. In the fall, we published a comparative study of the United States Congress and the German Bundestag with the support of the Friedrich Naumann Foundation, the German Ministry for Research and Technology, the Wingspread Conference Center, the National Endowment for the Humanities, the United States Information Agency, and the American Institute for Contemporary German Studies of the Johns Hopkins University. In the fall, as guests of the Friedrich Ebert Foundation and the German Marshall Fund, a joint delegation of current and former Members of Congress observed the first German election in a united Germany since the end of World War II. This spring we completed a seminar with the Hanns Seidel Foundation and we have accepted an invitation from the Konrad Adenauer Foundation to send a delegation from the association to Germany this fall.

Our neighbors to the north have likewise formed an Association of Former Members of the Canadian Parliament and they are represented here today by their president, Bill Clark and his colleagues, Jack Ellis and Reid Scott. It will be my pleasure to travel to Ottawa next month to attend their annual meeting. I am pleased to report that we are in discussions with the Donner Foundation to initiate some joint Canadian-United States visits to college campuses as an expansion of our current Campus Fellows Program.

We also are pleased that Senator Giuseppe Vedovato is here today representing the Italian Association of Former Members of Parliament with which we have exchanged visits and the former president of the Council of Europe.

I would like the members from foreign organizations which I have mentioned to stand at this time so that everybody can see you and greet you properly. We are very happy to have you here.

I am pleased to report that our Australian and New Zealand colleagues also have established associations and Carlton Sickles is going to be attending the third annual meeting of the Australian Association next month.

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Mr. Speaker, at this time I also want to thank our many contributors who continue to make our growing educational programs possible and at this point I will enter in the RECORD our current list of financial sponsors.

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It is now my sad duty to inform the Congress of our deceased colleagues who passed away since our meeting last spring.

Maurice Gwinn Burnside of West Virginia.
Laurence J. Burton of Utah.
Marguerite Stitt Church of Illinois.
John Sherman Cooper of Kentucky.
Ed Edmondson of Oklahoma.
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Earl Wilson of Indiana.
John G. Tower of Texas.
John Zwach of Minnesota.

I would like to request a moment of silence in their honor and memory.

[A moment of silence was observed.]

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. JOHN J. RHODES. I am happy to yield to my good friend, the gentleman from Maryland, Mr. STENY HOYER.

Mr. HOYER. I thank the gentleman very much, Mr. Speaker, and I want you to know that it is a great honor for me to be asked by Speaker FOLEY to come and just give a few brief words of welcome from the leadership on our side. I understand JOHN MYERS, my colleague, will do the same.

It is always nice to be at the organization which represents the safe haven for those of us who are here. JIMMY HAYES, a Member from Louisiana, came up to me, saw me sitting next to Lindy Boggs, and he said to me, "I didn't know your redistricting problems were that bad." I said, "I don't think they are." But I am pleased to be here.

I am particularly pleased to be here with Carlton Sickles, one of my predecessors. I was 26 years of age and I got a call from Carlton Sickles, who was then running for Governor, and he said, "I would like you to run for State senate." And I said, "Carlton, I will lose for the State senate. I want to run for the House." He said, "No, I want you to run for the State senate," and so I turned him down.

About 5 or 6 days later I got the same call, "I was putting together a ticket and I want you to run for the State senate." I said no, no. I was then working with Danny Brewster, a gentleman I think probably some of you know, somebody who made a real impact on my life and gave me a real opportunity. I do not know whether you have seen him lately, but he is doing very, very well, by the way.

□ 1110

So finally Carlton called up Danny Brewster, who was paying my salary at that pont in time. I was working for him over on the Senate side. Gale McGee was there, and Russell Long, of course, was there. And so he suggested to Danny that perhaps I ought to run for the Senate, and Danny called me and said, "You know, I think you can do this." I thought I was dead sure a loser, and it so happens that I did run for the Senate on Carlton Sickles' ticket, and I was elected, and that was the start of my political career.

So it is always good to be here with Congressman Sickles. He was, by the way, you know, our Congressman at Large for the time that he was here, so he was the whole State.

I want to on behalf of Speaker FOLEY and DICK GEPHARDT, who are both sorry they cannot be here, but the Dalai Lama, as you know, is speaking just about at this time in the Rotunda, and that is why they are not here, but so many of you have given very distinguished service to this country and have been real leaders to which so many of us that are now in the Congress looked up, learned from, and are following in the footsteps of; the precedents you set and the tone that you set was incredibly important, and the fact that you stay active and continue to give advice and counsel, I think, is very, very important for the welfare of this institution about which you care so much quite obviously.

I hope you are as proud as those of us who serve here, as divisive as the war may seem to have been, the fact of the matter is I think one of the finest moments in the 10 years that I have been here, and I am a short timer, and I understand that, was the debate over the war. The public I speak to on whichever side of the issue they fell felt the Congress really did reflect a representative, deep concern about taking a very important action on behalf of the country and, of course, the fact that it is covered by C-SPAN gavel to gavel and they got that opportunity to see it, I think, was really good for the Congress as an institution, again, irrespective of the side one side or the other may have taken.

I do also want to join with the distinguished minority leader in welcoming our Canadian, Italian, and German friends to this gathering. This is, as I am sure you are aware, probably one of the most distinguished groups of Americans with which you will associate and see who have given incredibly quality service to our country.

On behalf of Speaker FOLEY and Majority Leader GEPHARDT and Majority Whip GRAY, DAVE BONIOR, VIC FAZIO, and myself, we certainly want to welcome you back and say how pleased we are to have you here and how pleased we are to work with you.

I would be remiss if I did not say to my good friend John Rousselot that all of you know so well, and I tell this story, because I think if there was any Member that I came with a negative attitude about, you know, this leftwing, pinko Commie coming to the Congress of the United States, thinking about this rightwing radical John Rousselot, and I will never forget John Rousselot coming to the well, frequently, and coming over to this lectern to preach and lecture and admonish the Members of my side of the aisle with a wit and humor that I think was really the essence of what this institution is all about.

We have obviously philosophical differences, but something that we do not differ on is that of our caring about our constituency and our desire to serve America well. I think we share that in common.

My experience has been that there are very, very few people ever on either side of the aisle who do not fit that definition.

So it is always good to see him, my good friend.

Mr. Leader, thank you for yielding this time to welcome our colleagues. You may not be active voting Members, but we are all colleagues, active or inactive, and we welcome you to the House Chamber.

Thank you very, very much. Thank you all.

Mr. JOHN J. RHODES. I thank the gentleman from Maryland for those very kind and well-constructed words. It is always nice to hear them from a distinguished Member of the House.

I would like to now yield to my good friend from Indiana, JOHN MYERS.

Mr. MYERS of Indiana. I thank you, Mr. Leader, thank you for yielding.

Since this is a time to reflect and a time to say thank you and appreciation, I welcome the opportunity today to welcome all of you back.

You remember just a few years ago when you came here as freshmen, being sworn in and you looked at all the old timers, and it just seems like yesterday, does it not, when all of us came in here?

And I am always somewhat reluctant to come over. I am always glad to see so many people through the years that we have learned to know and to respect and to see all of you who have come back, but I have some mixed emotions. I am always afraid you have something contagious, that retirement disease. So I am a little bit reluctant always to come over.

This morning I was torn whether to go to hear the Dalai Lama or to come and hear our dolly, our colleague, Lindy Boggs. So I was asked on the elevator, "Are you going to hear the Dalai Lama?" And I said, "No, I am going to see our dolly, Lindy Boggs." I really came to see Lindy this morning to see her win an award here, but also on behalf of the Republican leadership, we do welcome you back. It is always great to see all of you and thank you for the years, some of you who were here when I first got here, and the rest of us who are still serving here, for the contribution and the help you gave us.

Because, as you know, we come here quite often from different backgrounds, from all over the country. You get thrown in here all of a sudden, and there is no training period here, as we all know, and one day you are back home living a normal life, and all of a sudden you have got to vote on these heavy issues. So it does take a lot of help.

We thank you for those years of help. Thank you for the years right today that you continue to show interest in the important things that are going on in this body and throughout the world, and especially thank you colleagues from other parliaments who come back to help us.

The relationships we have with the parliaments of other countries: there must be peace in the world, and in order to really cement that peace, we have to continue that relationship with the parliaments of other nations.

Today on behalf of the Republican leadership, I join the majority Democrat leadership, and I thank you for what you have done for us and for the country. Thank you for coming back and visiting us. Best wishes to all of you.

Mr. JOHN J. RHODES. I thank you, and I say to the gentleman from Indiana, he just made a remark about something that I had noticed, too.

There are not any sitting Members who are just beating the doors down to join this organization of ours.

Mr. MYERS of Indiana. I am keeping a distance here.

Mr. JOHN J. RHODES. And that is the way it should be. But once a Member, always a Member. And so we always feel welcome here.

And now, Mr. Speaker, it is my great pleasure to turn to the gentleman from Minnesota, the cofounder of the Association of Former Members of Congress, with Brooks Hays, and he is always welcome, and he will always be recognized by me to say whatever he wants to say.

Mr. JUDD. I would just like to add one small footnote to this good report on the work of this organization.

As you just said, Mr. Chairman, it began one day in a conversation with Congressman Brooks Hays of Arkansas, one of my closest personal friends in Congress. We both had been in religious work, both had been missionaries in a sense, and we were just as concerned with how to be most useful in influencing events for good in our country and world in the years ahead. Fewer people seemed to understand and support the main purposes and operation of our own unique form of government. So much could be done better for our country if more of those now in charge understood better what the former Congressmen knew firsthand about our Government, how it operates, what the difficulties, the opportunities, the responsibilities are.

The main group talking to students besides faculty, was the press. Now, a major part of the press' job, like a doctor's, is to find out what is wrong with a patient, and report it, with advice.

More and more of the students were developing a certain cynicism regarding their own government without much idealism and the desire and responsibility to maintain our basic freedoms. Brooks commented, "It is too bad that most of us former Members are just sitting at home reading the newspapers, good people, but retired, when there is a vitally important mission for us—a service we can render better than anyone else." I agreed and said that we ought to be working in the colleges; helping students better understand what actually goes on in Congress, how its most important responsibilities are carried out, and how they can be carried out better. There is less and less confidence in our Government, what its basic role is or should be, and so on. Why don't we try to get a lot of former Members to go out into the colleges to get some publicity and support for the effort. Surely, the colleges will invite former Members in for discussions. They are not there now to get more votes for themselves. They are not running for office. They have no concern except the well-being of this country. They will be listened to. In a sense, they can be very useful to our country, after they are out of office, in this developing of better understanding of our republic, our form of government from the bottom up, the final decision in the hands of the people, instead of government from the top down, as has been the case in most of the past and is in so much of the world today. That was our limited original objective.

I am making this comment for only one reason, I am, of course, proud of the developments in the broader work of this association of former Members, the things that you, Mr. Chairman, and others have talked about in the annual meeting, the forward looking. I just deeply and devoutly hope that we will also remember and strengthen the mission of former Members of Congress to make our experience and counsel more available to the students who will be in control of this country in the future.

□ 1120

I think we have a greater mission than we have realized, once we are out not running for office.

I am only expressing this hope, and I hope those here will forgive an oldtimer who is 92 years old. I have nothing to share. All Members have been patient to put up with me. I am just pleading for everyone not to forget that important mission that every single former Member could fulfill, to go into the colleges and talk to the political science students, and economic students, an so on about what actually happens, and what is necessary to have a good, democratic-republican form of government.

Mr. JOHN J. RHODES. Thanks, Walter. It is always good to hear those words of wisdom from our surviving founder. All Members thank the gentleman for those remarks.

I did mention that several of our former Members are doing just what they said, and serving in other areas. One of those Members just walked in. I would like to have the gentleman stand up, Secretary of Interior, Manuel Lujan.

Now, Mr. Speaker, it is my great pleasure to do what we have all been waiting for me to do, and that is to give the Distinguished Service Award to a very distinguished person. This lady has a wonderful record in the Congress of the United States, not only in legislation, but also, for want of a better word, I will say extracurricular activities, such as being tapped by the leadership to be chairman of all the bicentennial activities of the House of Representatives. She did an outstanding job. And as a result, the observance of the bicentennial in the House of Representatives, I think, was as good or better than any similar body or any similar observation in the country.

Lindy, whenever a good person leaves the House or Senate, we always feel two things. One is that we are sorry that the person will no longer be serving in the capacity in which he or she did serve; but the second one is a feeling, he or she deserves to take a rest and do some of the things that he or she has wanted to do. I am sure that Lindy feels that way, and we all feel that way about her.

However, I want to express the hope that as she progresses in her beautiful life, and it is a beautiful life, that she will remain a very active, caring, contributing member of the Association of former Members of the Congress. I bet that she will.

Lindy, would you please come up now and let me present to you, first, a gavel. This is for you. It says:

> Presented to the Honorable Lindy Boggs on the floor of the House of Representatives by the United States Association of Former Members of Congress in recognition of her distinguished service to the Republic, Washington, D.C., April 18, 1991. .

Lindy, also, it just so happens that when the word got out that you were to be given the Distinguished Service Award, a lot of people decided they would like to write letters and thank you for everything that you have done. These two books contain those letters. I know you will want to read them at your leisure.

Mrs. BOGGS. Thank you so much. My goodness, thank you so very much.

Nothing could be more meaningful to me than to receive an award for service to the Republic, and to receive it from the Association of Former Members of Congress, and to have it presented by my own, close, good friend, John Rhodes.

It is such a pleasure to me. It is very difficult for me to contain myself. To be of service to the Republic is something that has been an abiding interest of mine all of my life.

Fifty years ago, my husband, Hale, as a young Congressman, brought me here to this institution. I have had a love affair with it every since. It is really remarkable, when we think about the fact that I have been here for one-fourth of the time of this Constitutional Republic, and I have learned to love and to respect, to admire the Members of this institution, in both the Senate and the House, with such admiration that it knows no bounds.

Here we meet in the 200th anniversary, as John has told Members, of the Bill of Rights. Surely, there have been no stronger defenders of the Bill of Rights than the Members of Congress, throughout the ages. Now that we are in the final year of the formal celebration of the Bicentennial of the U.S. Constitution, and have completed the events surrounding the Bicentenary of the House and the Senate, it was very fitting, I thought, last night, that we were in that glorious room, the Benjamin Franklin Dining Room at the State Department, and were able to look up at Dr. Franklin and to remember that when he had come from the final formal signing of the Constitution, he was met by a woman in Philadelphia who said, "Well, Dr. Franklin, what kind of government have you given us?" He replied, "A republic, Madam, if you can keep it."

I feel that it was a charge of enormous proportions to keep the system of government, with its unique tripartite system of checks and balances among the three branches of government, and between the two Houses of Congress. During the Bicentennial effort, we have really tried very hard to showcase the role of Congress in the keeping of the Republic.

I had the pleasure, John, of being the chairman of the Joint Senate-House Committee in 1976 for Bicentennial arrangements, and sat on the U.S. Commission of the Bicentennial of the American Revolution. This time, of course, I have had the joy of being the chairman of the Bicentenary of the House and of sitting on the U.S. Constitution Bicentenary of the Constitution Board. My late daughter, Barbara Sigmund, said, "Mom, you have the best scam going in the world. Everything is bound to be 200 years old sometime."

I had such pleasure working with Senator BYRD and with Joe Stewart and with DICK BAKER, and on our side with the Bicentenary Commission and with Ray Smock, the Historian of the House and the Offices of the House, and the Commission on the Bicentenary of the House very wisely had three sitting Members who were Democrats, three sitting Members who were Republicans, the majority and minority leaders, and two former Members of Congress as part of the Commission. Of course, John Rhodes has been on that Commission the whole time, and Dick Bolling and Tom Vandergriff were the other two who served in that capacity.

We had many celebratory events, including a Joint Session of Congress. We went to Philadelphia for a meeting that reenacted the signing of the Great Compromise that made the Constitution possible. We had tremendous collaboration with other organizations. Of course, Fred Schwengel and his magnificent contribution to the U.S. Capitol Historical Society, the Library of Congress under Jim Billington, had a magnificent program, all year long, and now into this year as well.

Very solidly among it, I don't know if it is still but an exhibit called My Dear Wife, with letters from Members, during their time in Congress, to their wives, if it is still here, I recommend that Members go to see it.

We also worked with the U.S. Commission on the Bicentennial of the Constitution, particularly in the exhibit of the first Federal Congress at the National Portrait Gallery, which was an exhibit of very, very splendid artistic as well as humanistic interest.

□ 1130

Then, of course, we had with the U.S. Commission on the Bicentennial several collaborative efforts. Chief among them have been the Portait Gallery exhibit and now they are engaged in an encyclopedia of the Congress, an encyclopedia that apparently is badly needed and has the enthusiastic interest of scholars and practitioners all over the country.

We published many volumes. Among them, we upgraded the biographical directory for the first time since 1971.

We put out a book on the architecture of the Capitol, and the bibliography of depositors of former Members' papers and memorabilia. If you have not listed yours in there, I do hope that you will get in touch with the Office of the Historian and make certain that we have your depository, your papers listed as well. There is tremendous interest all over the country in this.

We were swamped with information from universities and colleges, from libraries, from archives and from individuals who are very anxious to have this compiled.

We also published a booklet on blacks in Congress, women in Congress, and a very practical guide to the Capitol grounds and the Capitol buildings for Members to be able to use in their offices.

Through it all, we were encouraged that 11,187 persons who had served in the Congress, 9,395 in the House and 1,195 in the Senate, had upheld the Constitution and had served the Nation through wars and near-wars and the aftermath of wars; through depression and recession and their aftermath; through the rapidly changing times that we have all been exposed to, starting of course with industrialization and then going through the information explosion. It would not have been possible for our system of government to really survive through all these changes without the consistent, wonderful service to the Republic of the Members of Congress.

Through it all, of course, we have fumed and fussed and fought. We have castigated and cajoled, but overall, as has been said here earlier this morning, there has been an overriding, overwhelming camaraderie and the genuine respect and the solid friendships that were formed and fostered, as is certainly evidenced here today.

When Hale, my husband, was the Majority Leader, before that he was the Majority Whip for 9 years, and nobody could know better than I what it takes to be able to bite your tongue and be able to compromise, to be able to push legislation forward for the good of the country, to be able to reconcile differences, sometimes even to simply swallow them because you could never really reconcile them; but through it all, I know that we in the Congress could not have been able to do all this without the encouragement of the spouses of the Members of Congress.

You know, I have had two professions in my life, one as a Member of Congress and one as a congressional spouse, and I am not too sure that congressional spouse wasn't a more difficult profession.

It is no wonder then that 34 wives of Members of Congress have become Members of Congress themselves.

Yesterday evening we were treated to the fact that the auxiliary of this organization is very active and very supportive, as they always have been through your active service days.

But today we meet here at the end of the railroad strike, effective action promptly taken and in cooperation with the President and, of course, that makes us realize that the end of the war has come with prompt effective action and with cooperation by the Congress with the President.

Now we have to make certain that we are able to work with him to secure the peace.

You know, it is very, very close now to the year 2000 until we enter a new millennium. I was so struck by the fact that Walter said that he was 92. Just think, he was born a year before this century began. We have to look forward, as you seem to be doing, to the year 2000. We have to prepare people to serve the Republic for the next millennium and we have to do it in ways that are perhaps different than at other times. It is a very difficult time for the whole country. It is a difficult time for young people and it is a difficult time for recognizing that they are going to live in a global economy, in a global environment, and that they are going to have to be trained for highly competitive jobs.

So it was with great pleasure that I recognize that you are not only reaching out to our proverbial friends, to the Germans, to the Italians and to the Canadians, but that you have also gone out to Poland, to Czechoslovakia, to Hungary, and we are very, very pleased that you made some initial entries into the Soviet Union.

Now we have to think about the actual training of our young people for the rest of this century. Nothing could be more important, as you have heard, than extending the Fellows Program from colleges down to the high school level. I salute you for that, because there is no way that we can possibly train the young people for keeping the Republic in the 21st century unless you are able, of course, to train them today.

So it is with a great deal of pleasure and a great deal of joy that I am given this tremendous honor. It could not have pleased me more than anything else that could be done.

I feel that your work extends out to the whole country. Just think of what you continue to do. We have Manny here today to emphasize it.

After all, the Members of this association, the former Members of Congress, make up half of the Cabinet. Ed Madigan, Dick Cheney, Jack Kemp, Manny Lujan, Nick Brady, and Ed Derwinski are all members of the Cabinet and, of course, in the administration the President and Vice President are both former Members of the Congress as well.

The World Bank is run by our former colleague, Barber Conable.

We have many of you placed in responsible positions in the Government and outside of the Government that keep our country moving and going. So last night as I thought about all this, and I wondered what I was going to be able to confine myself to say today, I felt like going up to that portrait of Dr. Franklin and saying, "Sir, these persons and their counterparts through the history of our Republic have indeed saved the Republic."

Thank you for your contributions and thank you for honoring me in such a meaningful, special way.

□ 1140

Mr. RHODES. Lindy, thank you very much. Your remarks, as usual, were well made, and I am sure that each of us was very pleased to have the chance to be here not only to honor you but to hear your words of wisdom.

If I may be allowed one personal note, Hale Boggs was a very good friend of mine, and I know he is very proud of you. He should be.

I am about to close this meeting. I guess, my year as president of the association is near its completion. I want to thank all the membership for their active participation and wish our incoming president, Bill Hathaway, and vice president Bud Brown every success in the continuation of the development of our association. I particularly want to thank Jed and Linda for all the cooperation and all the fine things which you have done for the association and for me individually.

One of the reasons that I feel very strongly about the work of the committee which John McCollister and Paul Rogers chair is because I hope that it starts in motion a course of action which will lead to the type of financing which we absolutely must have in order to take some of the weight off of Jed Johnson so he can spend more time in doing things which he wants to do for the organization instead of having to worry about where the next dollar is coming from.

So, my good friends and colleagues, again I want to thank you for all of the things which you have done and especially to thank you for the fact that I believe most of you here, and a lot of the people who are not here, recognize the work of this organization.

Dr. Judd's words were absolutely perfect. We have a reservoir of expertise, of capability that the country needs and which we must do our very best to make available in ways that are best adapted to not only our capabilities but to the needs of the country and, in fact, the free world.

So, thank you, and I hope I will see all of you at the Mansfield Room for lunch in a very short period of time.

[Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. MIKVA (presiding). The Chair thanks the gentleman from Arizona for his leadership and for his eloquence, as we thank the distinguished gentlewoman from Louisiana for reminding us of the rare privilege we have all had.

The gentleman from Indiana, Congressman MYERS, said it very eloquently when he talked about this bittersweet experience. We are pleased to see each other, having evaded the grim reaper 1 more year as we at the same time mourn our distinguished colleagues who have not been so fortunate. We remember nostalgically the excitement of having been a part of this great stage with its important policy decisions, and we also remember the frustration of trying to persuade the other 434 prima donnas or 534 prima donnas to agree with our great ideas of how the country should run.

We compliment each other on how well we look even though we know that we are not looking quite as hardy as we used to when our eyesight was better. But overall, the sweet overcomes the bitter and we remember what a rare privilege we had to be in this place, which is the very first institution of our republic and our democracy.

We are grateful that we have had the privilege of serving in the very first branch of government.

Without objection, the Association of Former Members stands in recess sine die, and the House continues its recess.

Accordingly (at 11 o'clock and 45 minutes a.m.), the House continued in recess, subject to the call of the Chair.

□ 1207

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 12 o'clock and 7 minutes p.m.

ADJOURNMENT TO MONDAY, APRIL 22, 1991

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. BACCHUS). Is there objection to the request of the gentleman from Utah?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 24, 1991

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday, April 24, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

MAKING IN ORDER CONSIDERATION OF BILLS UNDER SUSPENSION OF THE RULES ON WEDNESDAY, APRIL 24, 1991

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that it might be in order on Wednesday, April 24, 1991, for the Speaker to entertain motions to suspend the rules and pass each of the following bills: H.R. 427, H.R. 690, and H.R. 749.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD, and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

□ 1210

GETTING RID OF SADDAM HUSSEIN

The SPEAKER pro tempore (Mr. BACCHUS). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, I take this time at midday as we begin on special orders to raise a very important issue which has been hotly debated over the past several weeks since we have witnessed the liberation of Kuwait, and that is what do we do with Saddam Hussein.

Freedom loving people throughout the world obviously want to see a resolution of this. We have all witnessed the struggle that has gone on, the horrible pictures we have seen on television of helpless Kurds in the northern part of Iraq who have become refugees, refugees in both Turkey and Iran now. It has become apparent that we need to take action.

We have had a wide range of recommendations come forward—from the statement from President Nixon that I saw in the newspapers a few days ago that possibly the CIA should be taking out Saddam Hussein—to what I think is clearly a balanced way in which we can approach this. We want to get rid of Saddam Hussein, so I would like to announce that I am going to join as a cosponsor with my very distinguished colleague, the senior ranking Republican on the House Foreign Affairs Committee, the gentleman from Michigan [Mr. BROOMFIELD] who yesterday, along with my California colleague [Mr. LANTOS] introduced a resolution calling on the United Nations Security Council to confer and move ahead with the prospect of bringing Saddam Hussein before a court to be tried for war crimes. I believe that is something which is absolutely essential, and it is clearly a balanced approach for us as we look at this.

He is responsible, as the world knows, for the most heinous acts that we have witnessed in years, and it seems to me that as we look at this problem this is the best approach we can take. I urge my colleagues to join as cosponsors.

This morning I had the chance to meet with some members of the Iraqi resistance, Kurds, Shiites, those in the Sunni movement, and it is apparent to me that people in Iraq clearly want to have a degree of self-determination, and they would like to see Saddam Hussein replaced. I clearly believe that Iraqis, like other people throughout the world, want to see a move toward democracy in their country, and there is a chance for that. But there is not a chance for that as long as the repression by Saddam Hussein continues.

One of the horror stories I was told this morning came from a man who had just seen in the north of Iraq a few days ago, a case of a woman who approached her 12-year-old son who had just been killed, and her immediate reaction was Saddam Hussein had done this. The Iraqi people are looking to the United States of America as well as the United Nations for leadership. I hope very much that this House will be able to pass the Broomfield resolution and that we will be able to successfully see Saddam Hussein tried for international war crimes, and that we will be able to see the people of Iraq have the degree of self-determination which they desperately seek.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to my friend, the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, what does the Broomfield resolution call for?

Mr. DREIER of California. I thank my friend for raising the question. The resolution calls for the U.N. Security

Council to confer and meet with members of the coalition and proceed with a trial that would bring to justice Saddam Hussein for war crimes, and that is the step that has been taken.

Obviously there are some details with which I am not familiar, but this is the first step of the resolution.

Mrs. BENTLEY. It is the first step. I have been criticized because I have been saying that he should be dispensed with.

Let us suppose the United Nations acts in calling for the war crime trial but they cannot get their hands on Saddam Hussein, then what do we do? What does the gentleman suggest we should do?

Mr. DREIER of California. Let me respond to that with an answer that was given to that exact question to one of the members of the Iraqi resistance this morning, and that would be as follows: What we should do is provide the degree of encouragement to the Iraqi people who clearly will replace Saddam Hussein, which is what I was told this morning.

Now there has been sort of an up and down indication from the United States, and they were slightly discouraged 2 weeks ago. But the very positive statements which have come from the President and the humanitarian assistance which has come forward has provided them with once again a boost, and I think that that boost itself will move them in the direction to replace Saddam Hussein as long as we and others in the free world continue to provide that kind of encouragement. And frankly, it may be that we would get to the point where some kind of military assistance would be necessary.

Mrs. BENTLEY. I want to commend the very distinguished gentleman from California for bringing this up, for calling it to the attention of all of the Members of the House, because I think it is a very, very important step that must be taken when we consider those thousands and thousands and thousands of refugees who are suffering so severely because of this one man.

Mr. DREIER of California. I thank my friend for her very helpful contribution and her kind remarks.

MISPLACED BUDGET PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of Utah. Mr. Speaker, yesterday, though I strongly supported the spending priorities set by the House Budget Committee, I reluctantly voted not to support the resolution itself.

Americans have always believed that investment in our children is the key to a vital, competitive economy, and yet the skills, knowledge, and resources of today's generation of young people have not kept pace with an increasingly demanding global marketplace. The priorities for spending outlined in the chairman's resolution—in education, health care, energy conservation, the environment and in our rotting infrastructure—these are important steps in the right direction. The committee, in fact, provided the House with a sorely needed reexamination of our domestic condition and a comprehensive vision of worthy goals.

The alternatives offered by the other side of the aisle, by contrast, were totally unacceptable. Because of its spending targets, almost half the Republicans in this body did not support the President's budget when it came to a vote.

Given today's fiscal constraints at all levels, Federal and State Governments must cooperate in a constructive manner. Thus, I am particularly pleased that the resolution rejected the administration's disastrous block grant proposal. Community development programs have enabled State and local governments to contribute significantly to our housing, educational, and medical needs. With all levels of government enduring the pinch of the current recession, the Federal Government must not desert our communities.

I am also heartened by the resolution's energy security program. Our economic future must not continue to be held ransom by instability in the Persian Gulf, which will always remain the world's most volatile region. Conservation and alternative energy sources must be pursued before reckless drilling into environmentally sensitive areas.

We must also repair our crumbling infrastructure. Quality highways, airports, and mass transit systems have an unquestionably positive impact on our economic vitality, and I am pleased that the committee addressed this need so thoroughly.

Above all, we must continue to invest more in this Nation's human capital, particularly in the areas of education and health care.

A productive work force must have knowledge and skills commensurate with the pace of rapidly changing technology. American students will face even more competition with those of Europe and Asia, and without a commitment by the Congress to give research and education the priority it deserves, their skills will continue to lag. This budget paid more than lip service by providing more funds for research and development.

Our industries will soon face a shrinking labor pool. Technological change and global competition will make necessary a more scientifically and technically capable work force to make up for decreasing numbers of available workers. Thus, we cannot afford to limit educational opportunities to a select few. The resolution acknowledged this need by allowing more funds for Head Start, elementary, secondary and higher education programs.

A healthy work force is a productive work force, and effective, early intervention programs must be given top priority. The committee's efforts on behalf of WIC and other nutrition programs, childhood immunization, and community health centers are to be commended. Likewise, the new priority given to drug treatment programs is a welcome step. These efforts will save millions of dollars in future health care costs.

I support the resolution's priorities enthusiastically. My reservations arose not from the budget's priorities, but the inadequacy of its steps toward fiscal soundness.

Mr. Speaker, I supported last fall's Budget Reconciliation Act, and I have immense confidence in Budget Committee Chairman PANETTA, so it was with great and serious thought that I began to question the extent to which this resolution is fiscally sound.

Under that proposal, we project budget deficits expected to be over $360 billion for fiscal year 1992, down to just over $302 billion in fiscal year 1993, and to $197 by fiscal year 1996.

This optimistic projection of budget deficits is the fifth such hopeful projection I have witnessed in the 4½ years since my return to the House. I believe this projection will turn out to be as false and inaccurate as those predecessor scenarios were. But the national accumulated debt, we are told, will rise from just over $4 trillion in 1992 to just over $5 trillion by 1996. Unforeseen events, such as a prolonged recession, deepening S&L problem, more bank failures, or another national security crisis—any of these could easily undermine the annual deficit reduction targets of the resolution. The debt projection is based on overly optimistic theories, and you can be absolutely certain that the accumulated debt will, by fiscal year 1996, be significantly greater than $5 trillion.

Mr. Speaker, that vote for last year's budget compromise followed 7 months of intensive negotiation between Congress and the White House. I supported it only because it was the best possible at the time, the lesser of the fiscal evils we then faced. I was prepared to do more in terms of raising consumer taxes and increasing spending cuts because the deficit reduction levels were totally inadequate, and I so stated at that time. And we certainly can make greater efforts to cut spending. I am becoming increasingly convinced that more immediate, austere measures are necessary.

It is our responsibility in the Congress to present the American public with not only a clear choice of priorities, but our clear judgment of the magnitude of the problem.

Our collective lack of political will to balance the budget—and the consequent ever-increasing Federal deficit—will remain an economic albatross around the Nation's neck for generations to come. Huge debt continues to tap our national savings and investment. It has left our Nation a net debtor of grotesque proportion. We have found our hands tied by interest payments and obligations to foreign creditors. And it has our young people wondering what burdens await them in the future.

It is with more than passing concern that I note that the Republicans did not win national elections when they ran on a platform of whining and complaining about unbalanced Federal budgets. Only when they promised economic good times and embraced spending to prime the pumps and fuel the economy were they rewarded with the Presidency.

Ronald Reagan, who ran for President on the absolute promise that he would balance the budget in 3 years, and that he could also assure improved economic conditions, instead quadrupled the deficits in that period and became the champion of increasingly unbalanced budgets as a tactic for such prosperity.

It is necessary, he said, to spend our children's resources to have prosperity. Only a negative impact would be had, we were implicitly told, by fiscal discipline. His pitch, which the American people bought was "we can spend ourselves into prosperity." I didn't agree with that theory when it was preached by the Democratic party, and I don't agree with it as a Republican doctrine either.

So it is with some trepidation that I remind my colleagues that we have not done enough to begin to put our economic house in order. More difficult decisions, and probably increasing economic distress, await us in the months and years ahead.

I strongly admire what Chairman PANETTA and the House leadership presented yesterday. That budget was probably the best possible following last fall's budget agreement. But I reluctantly voted to oppose the budget for principally symbolic reasons, because I feel so strongly the need to do more.

□ 1220

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING THE ALLOCATION FOR THE APPROPRIATIONS COMMITTEE FOR FISCAL YEAR 1992 PURSUANT TO SECTION 603 OF THE CONGRESSIONAL BUDGET ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, section 603 of the Congressional Budget Act, as amended by the Omnibus Budget Reconciliation Act of 1990, authorizes the chairman of the Committee on the Budget to submit to the House a spending allocation for the Committee on Appropriations if the Congress has not completed action on the budget resolution by April 15.

Although the House has now passed the budget resolution for fiscal year 1992, the Senate has not yet taken up the measure ordered reported by the Senate Budget Committee. Therefore, in order to allow the Appropriations Committee to begin work on its fiscal year 1992 spending bills in a manner consistent with the statutory spending caps, I hereby submit the section 602(a) allocation for that committee:

[In millions of dollars]

	New budget authority	Outlays
Mandatory programs	208,450	203,337
Discretionary programs	513,505	527,458
Total:	721,955	730,795

As required by the act, the allocation is consistent with the discretionary spending limits contained in the President's budget.

I am also attaching an explanation of these figures, prepared by the staff of the Committee on the Budget.

EXPLANATION OF ALLOCATION UNDER SECTION 603 OF THE CONGRESSIONAL BUDGET ACT

The allocation meets the requirements of the Congressional Budget Act and Balanced Budget and Emergency Deficit Control Act.

As required by Section 603, for all three categories of discretionary programs (defense, international, and domestic), the amount to be allocated is computed by starting with the caps as stated in the "preview report" prepared by the Office of Management and Budget (OMB) and included in Part Five of the Budget of the United States Government, Fiscal Year 1992.

To those amounts are added the special budget authority allowances described in Sections 251(b)(2)(E)(i) and (ii) of Balanced Budget and Emergency Deficit Control Act. These amounts will, by law, cause an upward adjustment of the caps by the end of this session of Congress. By including them, the allocation will be consistent with the figures that will be used for fiscal year 1992 sequester calculations. (Also, it should be noted that the special budget authority adjustment is explicitly allowed to be included in budget resolutions under Section 606(d)(1) of the Congressional Budget Act.)

The special budget authority allowance is a specified percent of the total end-of-session caps, for all three categories over all three years (fiscal years 1991 through 1993). The specified figure is 0.079 percent for the international category and 0.1 percent for the domestic category. The end-of-session caps to which these percents are applied are OMB's start-of-session caps plus adjustments for: (1) the $172 million in new budget authority requested by the President for the IRS "hold harmless increment"; (2) the $12,158 million in new budget authority for the IMF quota increase requested by the President for fiscal year 1992; and (3) enacted emergencies in H.R. 1281 and H.R. 1282.

The three items just listed cause an upward adjustment to the end-of-session caps; these "hold-harmless" are specified in Sections 251(b)(2)(A), (C), and (D), respectively, of the Balanced Budget and Emergency Deficit Control Act. While they are assumed for purposes of computing the caps against which the special budget authority allowance percents are to be applied, they are not directly included in this allocation because Section 606(d)(2) of the Congressional Budget Act hold harmless for these three items by providing that any such funding not be counted for purposes of the Congressional Budget Act.

This computation of the discretionary caps for purposes of the Congressional Budget Act was used by CBO in computing its current estimate of the maximum deficit amount and by both the House and Senate Budget Committees in computing the caps applicable to the fiscal year 1992 budget resolution.

As a matter of policy, H. Con. Res. 121 as adopted by the House provides $392 million less in discretionary new budget authority for the international category (and, therefore, the total allocation) than the amount of the cap included in this allocation. The conference agreement on the budget resolution will establish the ultimate level of the total allocation.

For mandatory programs funded by the Appropriations Committee, the amount allocated equals CBO's current estimate of the fiscal year 1992 baseline level of those programs.

FURTHER DETAIL REGARDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS UNDER SEC. 603 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1992

[In millions of dollars]

	New budget authority	Outlays
Mandatory programs:		
Current level (existing law)	202,859	199,413
Assumed legislation	5,591	3,924
Subtotal	208,450	203,337
Discretionary programs:		
Defense	291,361	295,800
International	22,165	19,751
Domestic	199,979	211,907
Subtotal	513,505	527,458
Appropriations Committee total	721,955	730,795

SHADES OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I have to congratulate our construction industry for being persistent in trying to push into Japan's construction market. Our contractors have been trying for a very long time.

In 1972, President Nixon went to Hawaii to meet with the then Prime Minister and construction was one of the issues discussed along with citrus, aerospace, and other items.

At that time, promises were made to open up that Far East market. Here we are almost 20 years later asking again that Japan open its construction sector to American companies.

In construction, there is no doubt that the Japanese are getting the lion's share in this bilateral or is it unilateral, arrangement. Last year, Japanese firms won $2.8 billion in new work in the United States—and American firms only $310 million in Japan.

Something must be done quickly because we are running up against statutory deadlines in meeting the terms of the United States-Japan agreement.

Japanese firms must stop following their illegal bidding practices on publicly funded projects. Dango must be stopped. It is illegal in Japan just as it would be here. Bid rigging is not allowed in the United States and certainly not on publicly funded projects.

Japan must liberalize its market on construction projects. By maintaining noncompetitive practices, Japan is introducing inefficiency in its construction practices at the cost of more money to the taxpayers of Japan. By liberalizing its market, everyone wins.

As a signatory to the 1979 Government Procurement Code of the General Agreement on Tariffs and Trade [GATT], Japan is obligated to open up bidding on Government projects to firms from other signatory countries.

Japan needs to live up to this agreement. Recently an American-German joint venture firm bid on a people mover, only to be knocked out by the rewriting of the specifications and giving it to a Japanese firm at a lower cost. The Japanese firm had no experience in building people movers, while the American-German venture had built approximately 14 of the 18 total people movers built in the world.

Another equally astounding story was the one told to American engineers that Japanese soil was special so American engineers would not understand what to do in stopping Japan's manmade island from sinking. Remember, that island is being built for the new airport. What a ridiculous thing to say.

How many manmade islands do we have in the United States? Offhand, I can think of the airport at San Francisco. We had an airport in Baltimore for many years that had been made out of the dredge fill from the bottom of the harbor. It is now a very fine marine terminal, and we have a newer airport, a bigger one.

American engineers have built projects all over the world in every type of terrain and soil. We are experts at construction. Perhaps that is the problem. We are successful at our engineering projects. This is as ridiculous as saying that Japanese snow is different and, therefore, skis made in the United States cannot go down on Japanese snow; Japanese stomachs are different and, therefore, they cannot eat American rice.

Japan has another reason to liberalize its market. If the Japanese have access to our tax-paid Government projects, then American firms should have the same opportunity in Japan.

I agree with the tough United States stance taken by some officials, which was reported in the Washington Post, “that the current thinking called for Japanese companies to be barred from federal contracting in airports, mass transit, highways, water control and other fields.”

It is a two-way street. Senator MURKOWSKI's statement, “You fish or cut bait” is right. I heartily endorse that statement.

Mr. Speaker, maybe America's construction workers need to react in the same way that America's small farmers are beginning to: “We do not buy Japanese autos, VCR's, radios, and TV sets until their doors are wide open to all American products and services in the same way that they are open in the United States of America.”

Mr. Speaker, I have another item to report along the line of unfair trade.

NINTENDO'S JOY STICK

Last week, Nintendo, the Japanese game giant, was ordered to pay $25 million to consumers who had been gouged by a price fixing scheme.

An 80-percent share of the U.S. market was not enough, and a multibillion dollar U.S. business was not enough.

They wanted it all.

Nintendo wanted every bit of profit it could fleece from the American consumer.

What a classic example of monopoly and how its control of markets leads to unquestioned profits. I have nothing against profits, but profits can corrupt, and absolute profits corrupt absolutely.

The Nintendo case is a classic example of the results of lowering our barriers to let in Japanese products—the Japanese producers coerce retailers to sell at a fixed price or the producer cuts the flow of the product.

And we are not allowed to sell a simple product like rice in Japan.

The farmer who had a 10-pound bag of American rice on display at a trade fair in Japan recently was threatened with criminal action if he did not remove it.

When will we wake up?

There are games being played, and not just the ones programmed for computer screens, but ones programmed to exploit the American consumer. Nintendo has added a definition to joystick. It is not just a gizmo to operate a cursor, it is also the joy Nintendo derives by sticking it to us—the American consumers—while Nintendo laughs all the way to the Bank of Japan—with its branch offices in DC and the RTC.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. OWENS of Utah) to revise and extend their remarks and include extraneous material:)

Mr. OWENS of Utah, for 5 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. BACCHUS, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, on April 23, 24, and 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. GEKAS.
Mr. GREEN of New York.
Mr. BARTON of Texas.
Mr. BROOMFIELD.
Mr. CAMP.
Mr. ZIMMER.
Mr. OXLEY.
Ms. ROS-LEHTINEN.
Mr. GALLEGLY.
Mr. CUNNINGHAM.
Mr. HASTERT.
Mr. HERGER.
Mr. RINALDO.
Mrs. BENTLEY in three instances.

(The following Members (at the request of Mr. OWENS of Utah) and to include extraneous matter:)

Mr. RICHARDSON.
Mr. LEVIN of Michigan.
Mr. DEFAZIO.
Mr. ACKERMAN.
Mr. PEASE.
Mr. MAZZOLI.
Mr. LANTOS.
Mrs. KENNELLY.
Mr. HALL of Texas.
Mr. MATSUI.
Mr. JACOBS.
Ms. OAKAR.
Mr. FASCELL.
Mr. ATKINS.

SENATE JOINT RESOLUTIONS REFERRED

Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 77. Joint Resolution relative to telephone rates and procedures for Operation Desert Storm personnel; to the Committees on Energy and Commerce and Foreign Affairs.

S.J. Res. 102. Joint Resolution designating the second week in May 1991 as “National Tourism Week; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that

that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 222. Joint Resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 16. Joint resolution designating the Week of April 21-27, 1991, as "National Crime Victims' Rights Week," and

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 222. Joint Resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 32 minutes p.m.) under its previous order, the House adjourned until Monday, April 22, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1113. A letter from the Secretary of Agriculture, transmitting the annual report on the 1990 Youth Conservation Corps Program, pursuant to 16 U.S.C. 1705; to the Committee on Education and Labor.

1114. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorizations of appropriations for programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, the Family Violence Prevention and Services Act, and the Temporary Child Care for Children With Disabilities and Crisis Nurseries Act of 1986; to the Committee on Education and Labor.

1115. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 04-91, concerning a proposed cooperative defense program under a memorandum of understanding with the Ministries for National Defense of Spain, France, the Netherlands, and Italy concerning the NATO NMMS, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

1116. A letter from the Assistant Secretary for Finance and Administration, the Smithsonian Institution, transmitting the annual pension report for the year ending 1989 for the Smithsonian Institution, the Woodrow Wilson International Center for Scholars, and Reading is Fundamental, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1117. A letter from the Administrator, NASA, transmitting a letter expressing his views about budget reductions in the request from the President; to the Committee on Science, Space, and Technology.

1118. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act and the Railroad Unemployment Insurance Act to enhance the authority of the Government to recover debts resulting from overpayments of benefits under those acts; jointly, to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN:

H.R. 1919. A bill to extend through December 31, 1994, the existing temporary suspension of the duty on certain disposable surgical gowns and drapes; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. MANTON, Mr. HERTEL, Mr. BENNETT, Mr. ECKART, Mr. PICKETT, Mr. FALEOMAVAEGA, Mr. STUDDS, Mr. OWENS of Utah, Mr. JEFFERSON, and Mr. FASCELL):

H.R. 1920. A bill to amend the Antarctic Conservation Act of 1978 to protect the environment of Antarctica, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries; Science, Space, and Technology; and Energy and Commerce.

H.R. 1921. A bill to amend the Oil Pollution Act of 1990 to protect the environment of Antarctica from oil spills, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. ANDREWS of Texas:

H.R. 1922. A bill to restore until January 1, 1995, the rate of duty on myclobutanil that was in effect under the Tariff Schedules of the United States on December 31, 1988; to the Committee on Ways and Means.

H.R. 1923. A bill to temporarily suspend the duty on dicyclopentenyloxyethyl methacrylate; to the Committee on Ways and Means.

H.R. 1924. A bill to extend the temporary duty suspension for certain articles; to the Committee on Ways and Means.

H.R. 1925. A bill to temporarily suspend the duty on 4,5-dichloro-2-n-octyl-4-isothiazolin-3-one; to the Committee on Ways and Means.

H.R. 1926. A bill to extend until January 1, 1995, the existing temporary suspension of the duty on triethylene glycol dichloride; to the Committee on Ways and Means.

H.R. 1927. A bill to temporarily suspend the duty on 2-methyl-4-isothiazolin-3-one; to the Committee on Ways and Means.

By Mr. ANTHONY:

H.R. 1928. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of certain motor fuel and motor fuel blending stock; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 1929. A bill to extend the existing suspension of duty on certain diamond tool and drill blanks, and for other purposes; to the Committee on Ways and Means.

H.R. 1930. A bill to exempt semiconductors from the country of origin marking requirements under the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. BUSTAMANTE:

H.R. 1931. A bill to provide a separate tariff classification for, and to suspend temporarily the duty on, certain opal borosilicate glassware imported in sets; to the Committee on Ways and Means.

By Mr. DELLUMS (for himself, Mr. BLILEY, and Ms. NORTON):

H.R. 1932. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to establish a predictable and equitable method for determining the amount of the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

By Mr. DWYER of New Jersey:

H.R. 1933. A bill to suspend for a 3-year period the duty on Resin Diaion HP 20; to the Committee on Ways and Means.

H.R. 1934. A bill to extend the existing suspension of duty on certain wood veneer; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 1935. A bill to suspend for a 3-year period the duty on m-chloroperoxybenzoic acid [MCPBA]; to the Committee on Ways and Means.

By Mr. GREEN of New York (for himself and Mr. RANGEL):

H.R. 1936. A bill to provide permanent duty-free treatment for certain chemicals; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 1937. A bill to amend the Harmonized Tariff Schedule of the United States to suspend the duty on certain clock radios, and for other purposes; to the Committee on Ways and Means.

H.R. 1938. A bill to extend until January 1, 1995, the existing suspension of duty on acet quinone base; to the Committee on Ways and Means.

H.R. 1939. A bill to suspend for a 3-year period the duty on finasteride and finasteride tablets; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (by request):

H.R. 1940. A bill to extend the temporary suspension of duty on 1(1-((4-chloro-2-(trifluoromethyl) phenyl) imino)-2-propoxethyl)-1h-imidozole; to the Committee on Ways and Means.

H.R. 1941. A bill to extend the temporary suspension of duty on 2, 6-dichlorobenzonitrile; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 1942. A bill to suspend for a 3-year period the duty on (3R-(3-alpha(R*),4-beta))-4 (acetyloxy)-3(1-(((1,1-dimethyl ethyl) dimethylsilyl)oxy)ethyl)-2-azetidinone, also known as acetoxy azetidinone; to the Committee on Ways and Means.

By Mr. LIGHTFOOT:

H.R. 1943. A bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots; to the Committee on Public Works and Transportation.

By Mr. MACHTLEY (for himself, Mr. ATKINS, Mr. DONNELLY, Mr. FRANK of Massachusetts, Mr. KENNEDY, Mr. MARKEY, Mr. MAVROULES, and Mr. REED):

H.R. 1944. A bill to provide an 8-percent interim geographic pay increase for certain Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 1945. A bill to amend the Foreign Trade Zones Act to renew the existing customs exemption applicable to bicycle parts, not reexported, in foreign trade zones; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 1946. A bill to restore the grave marker allowance for veterans; to the Committee on Veterans' Affairs.

By Mr. SCHULZE:

H.R. 1947. A bill to suspend temporarily the duty on sodium formaldehyde sulfoxylate; to the Committee on Ways and Means.

H.R. 1948. A bill to extend until January 1, 1995, the existing suspension of duty on certain unimproved wools; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself and Mr. YATRON):

H.R. 1949. A bill to suspend temporarily the duty on certain chemical intermediates; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 1950. A bill to extend the existing suspension of duty on 3,5,6-trichloroaslicylic acid; to the Committee on Ways and Means.

H.R. 1951. A bill to suspend temporarily the duty on anthraquinone disulfonic acid sodium salt; to the Committee on Ways and Means.

H.R. 1952. A bill to suspend temporarily the duty on carbonic dihydrazide for use in water treatment; to the Committee on Ways and Means.

H.R. 1953. A bill to suspend temporarily the duty on acid violet 19; to the Committee on Ways and Means.

By Mr. SKEEN (for himself, Mr. RICHARDSON, and Mr. SCHIFF):

H.R. 1954. A bill to establish a commission to provide compensation to individuals who lost their land or mining claims to the U.S. Government for the establishment of the White Sands Missile Range; to the Committee on the Judiciary.

By Mr. SLATTERY:

H.R. 1955. A bill to amend the Internal Revenue Code of 1986 to permit an income exclusion for U.S. savings bonds used for the higher education expenses of a grandchild; to the Committee on Ways and Means.

H.R. 1956. A bill to amend the Internal Revenue Code of 1986 to provide that the unearned income of children attributable to personal injury awards shall not be taxed at the marginal rate of the parents; to the Committee on Ways and Means.

By Ms. SLAUGHTER of New York:

H.R. 1957. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee on Ways and Means.

By Ms. SLAUGHTER of New York (for herself and Mr. HORTON):

H.R. 1958. A bill to suspend temporarily the duty on certain fine fabrics of wool or fine animal hair; to the Committee on Ways and Means.

By Mr. STOKES:

H.R. 1959. A bill to extend the existing suspension of duty on mixed ortho/paratoluenesulfon amides; to the Committee on Ways and Means.

H.R. 1960. A bill to direct the Secretary of the Interior to construct a national training center at the National Afro-American Museum and Cultural Center and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Education and Labor.

By Mr. TAYLOR of Mississippi:

H.R. 1961. A bill to suspend temporarily the duty on phenyl hydrazine; to the Committee on Ways and Means.

H.R. 1962. A bill to suspend temporarily the duty on mandelic acid; to the Committee on Ways and Means.

By Mr. VALENTINE (for himself and Mr. PRICE):

H.R. 1963. A bill to suspend until January 1, 1995, the duty on ranitidine hydrochloride; to the Committee on Ways and Means.

By Mr. ZIMMER:

H.R. 1964. A bill to suspend until January 1, 1995, the duty on certain thermosetting polyimide resins; to the Committee on Ways and Means.

H.R. 1965. A bill to suspend until January 1, 1995, the duty on certain high-purity luminescent grade zinc sulfide; to the Committee on Ways and Means.

By Mr. MAVROULES:

H.J. Res. 228. Joint resolution to designate October 1991 as "National Down Syndrome Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. TOWNS (for himself, Mr. HORTON, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. HARRIS, Mr. CLEMENT, Mr. DURBIN, Mr. TALLON, Mr. MANTON, Mr. ESPY, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. DEFAZIO, Mr. MARTINEZ, Mr. SERRANO, Ms. PELOSI, Mr. LANCASTER, Mr. OWENS of Utah, Mr. MFUME, Mr. ROE, Mr. FROST, Mr. DYMALLY, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. ABERCROMBIE, Ms. OAKAR, Mr. SPENCE, Mr. JEFFERSON, Mr. SCHEUER, Ms. NORTON, Mr. LEWIS of Georgia, Mr. FAZIO, Mr. FISH, Mrs. BOXER, and Mr. TORRICELLI):

H.J. Res. 229. Joint resolution designating July 15, 1991, as "National Minority Organ Donor Encouragement Day"; to the Committee on Post Office and Civil Service.

By Mr. APPLEGATE:

H. Con. Res. 130. Concurrent resolution expressing the sense of the Congress regarding the awarding of contracts for the rebuilding of Kuwait, that such contracts shall reflect the extent of military and economic support offered by the United States in the liberation of Kuwait; jointly, to the Committees on Foreign Affairs and Public Works and Transportation.

By Mr. DIXON (for himself, Mr. LEWIS of California, Mrs. SCHROEDER, Mr. MATSUI, Mr. TOWNS, Mr. MFUME, Mr. THOMAS of California, Mr. MOODY, and Mr. WAXMAN):

H. Con. Res. 131. Concurrent resolution expressing support for humanitarian, refugee, and emergency relief assistance for the refugees and displaced persons of Iraq; to the Committee on Foreign Affairs.

By Mr. SOLARZ (for himself and Mr. BURTON of Indiana):

H. Con. Res. 132. Concurrent resolution supporting Turkey's inclusion in the full range of political, economic, and military institutions in Europe, including the European Community and the Western European Union; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

85. By the SPEAKER: Memorial of the General Assembly of the State of Pennsylvania, relative to American made steel being used to rebuild Kuwait; to the Committee on Foreign Affairs.

86. Also, memorial of the General Assembly of the State of Pennsylvania, relative to the migratory waterfowl hunting days; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. MORRISON, Mr. CAMPBELL of California, Mr. MAVROULES, and Mr. DE LA GARZA.

H.R. 299: Mr. ROHRABACHER, Mr. HANCOCK, Mr. DANNEMEYER, Mr. STUMP, and Mr. BENNETT.

H.R. 304: Mr. DORGAN of North Dakota and Mr. MILLER of Ohio.

H.R. 479: Mr. HEFLEY and Mr. DOOLITTLE.

H.R. 524: Mr. TAUZIN.

H.R. 667: Mr. BORSKI, Mr. ROSE, Mr. MCMILLEN of Maryland, Mr. CHAPMAN, and Mr. ERDREICH.

H.R. 739: Mrs. LLOYD and Mr. TAYLOR of Mississippi.

H.R. 744: Mr. CLEMENT and Mr. CARPER.

H.R. 745: Mr. ENGEL and Mr. MACHTLEY.

H.R. 809: Mrs. BOXER, Mr. TAYLOR of Mississippi, and Mr. SCHEUER.

H.R. 906: Mr. HALL of Ohio, Mr. WISE, Mr. SERRANO, Mr. LEWIS of Georgia, and Mr. ENGEL.

H.R. 907: Mr. ABERCROMBIE and Mr. FISH.

H.R. 977: Mr. DWYER of New Jersey, Mr. ECKART, Mr. HAYES of Illinois, and Mr. HERTEL.

H.R. 1027: Mr. ENGEL.

H.R. 1028: Mr. FISH and Mr. ENGEL.

H.R. 1064: Mr. CRANE and Mr. JONES of North Carolina.

H.R. 1116: Mr. KANJORSKI and Mr. FALEOMAVAEGA.

H.R. 1143: Mr. LIPINSKI, Mr. DWYER of New Jersey, Mr. JONTZ, Mr. TORRES, Mr. HAYES of Illinois, Mr. FROST, Mr. OWENS of Utah, Mr. KANJORSKI, Mr. DE LUGO, Mr. GILMAN, Mr. REED, Mr. KOSTMAYER, Mr. MRAZEK, Ms. SLAUGHTER of New York, Mr. FISH, Mr. SOLOMON, and Mr. ENGEL.

H.R. 1154: Mr. DORGAN of North Dakota, Mr. EVANS, Mr. QUILLEN, Mr. JEFFERSON, Mr. STUDDS, Mr. GONZALEZ, Mr. BACCHUS, Mr. NOWAK, and Mr. DURBIN.

H.R. 1186: Mr. DEFAZIO, Mr. GINGRICH, Ms. LONG, Mr. JONES of North Carolina, Mr. OBERSTAR, Mr. SKEEN, Mr. HUTTO, Mr. TAUZIN, Mr. ENGEL, Mr. HUCKABY, Mr. ROSE, Mr. THOMAS of Georgia, Mr. RAMSTAD, Mr. FLAKE, Mr. JOHNSTON of Florida, Mr. PETERSON of Minnesota, Mr. LEACH, Mr. SABO, Mr. COLEMAN of Missouri, Mr. EMERSON, Mr. SMITH of Oregon, Mr. BURTON of Indiana, Mr. GRANDY, Mr. INHOFE, Mr. MCCLOSKEY, Mrs. LOWEY of New York, and Mr. VANDER JAGT.

H.R. 1187: Mr. TALLON, Mr. FRANK of Massachusetts, Mr. PERKINS, Mr. CAMPBELL of Colorado, Mrs. PATTERSON, Mr. BONIOR, Mr. TAYLOR of Mississippi, Mr. JEFFERSON, Mr. WISE, and Mrs. UNSOELD.

H.R. 1202: Mr. FROST, Ms. NORTON, Mr. WOLPE, Mr. WYDEN, Mr. SIKORSKI, Mr. EVANS, Mr. Bonior, Ms. Pelosi, Ms. DeLauro, Mr. Foglietta, and Ms. Slaughter of New York.

H.R. 1300: Mr. Owens of New York and Mr. Hochbrueckner.

H.R. 1346: Mr. Durbin, Mr. Reed, Mr. Rangel, Mr. Swett, Mr. Vento, Mr. Gonzalez, Mr. Wheat, Mr. Dymally, Ms. Waters, Mr. Nowak, and Mr. Brown.

H.R. 1389: Mr. Kostmayer, Mr. Levine of California, and Mr. Hochbrueckner.

H.R. 1468: Mr. Doolittle, Mr. Gibbons, and Mr. Packard.

H.R. 1497: Mr. Wise, Mr. Dorgan of North Dakota, Mr. Hall of Texas, Mr. Roe, Mr. Brown, Mr. Ravenel, Mr. Lewis of California, Mr. Smith of Texas, Mr. Synar, Mr. Bryant, Mr. Poshard, and Mrs. Unsoeld.

H.R. 1508: Mr. Hunter.

H.R. 1516: Mr. Stump, Mr. Quillen, Mr. Payne of Virginia, Mr. Camp, Mr. Morrison, and Mr. Barnard.

H.R. 1527: Mr. Burton of Indiana, Mr. Ravenel, Mr. Darden, and Mr. Tallon.

H.R. 1549: Mr. Roe, Mr. Sarpalius, Mr. Lagomarsino, Mr. McEwen, Mr. Pickett, and Mr. Ackerman.

H.R. 1598: Mr. Bilirakis, Mr. Kennedy, Mr. Miller of Washington, Mr. Harris, Mr. McEwen, Mr. Quillen, Mr. Frank of Massachusetts, Mr. Regula, Mr. Dickinson, Mr. Young of Alaska, and Mr. Olin.

H.R. 1652: Mr. Lagomarsino, Mr. Engel, Mr. Brown, Mr. Swett, Mr. Bacchus, and Mr. Bustamante.

H.R. 1711: Mr. Gilman, Mr. Skeen, and Mr. Horton.

H.R. 1727: Mr. Skaggs, Mr. McGrath, and Mr. Peterson of Minnesota.

H.J. Res. 87: Mr. Upton, Mr. Tauzin, Mr. Richardson, Mr. Moody, Mr. Hutto, and Mrs. Morella.

H.J. Res. 152: Mr. Paxon, Mr. Carper, Mr. Kanjorski, Mr. Machtley, and Mr. McDade.

H.J. Res. 154: Mr. Johnson of South Dakota, Mr. Dellums, Mr. Coleman of Texas, Mr. Camp, Mr. Miller of Ohio, and Mr. Torricelli.

H.J. Res. 162: Mr. Lewis of Georgia and Mr. Faleomavaega.

H.J. Res. 189: Mr. Ballenger, Mr. Boucher, Mr. Brown, Mr. Camp, Mr. Carper, Mr. Cooper, Mr. Engel, Mr. Fawell, Mr. Fish, Mr. Guarini, Mr. Jontz, Ms. Kaptur, Mr. Lancaster, Mr. Lent, Mr. McGrath, Mr. Moody, Mr. Neal, of Massachusetts, Mr. Perkins, Mr. Rangel, Mr. Rinaldo, Mr. Spence, Mr. Sundquist, Mr. Taylor of Mississippi, Mr. Wolf, and Mr. Young of Alaska.

H.J. Res. 201: Mr. Roe, Mr. Owens of New York, Mrs. Vucanovich, Mr. Matsui, Ms. Kaptur, Mr. Lipinski, Mr. Downey, Mr. Levine of California, Mr. Conyers, Mr. Abercrombie, Mr. Bonior, Mr. Rahall, Mr. Horton, and Mr. Lewis of California.

H. Con. Res. 77 Mr. Engel.

H. Con. Res. 100: Mr. Engel.

H. Con. Res. 113: Mr. Faleomavaega, Mr. Wolpe, Mr. Gallegly, Mr. Stark, Mr. Schumer, Mr. Gibbons, Mr. Abercrombie, Mr. Chandler, Mr. Gejdenson, and Mr. Valentine.

H. Con. Res. 125: Mr. Solarz.

SENATE—*Thursday, April 18, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, the Reverend William L. Corder, Parkwood Baptist Church, Annandale, VA.

The Reverend William L. Corder.

PRAYER

The guest chaplain, the Reverend William L. Corder, offered the following prayer:

Let us pray:

Our Father and our God, we reverence and hallow Your name. We praise You for Your faithfulness, mercy, and love that endures forever. We acknowledge You as our rock, our fortress, and our hope.

Forgive us when as leaders and people we only pay lipservice to our profession that "In God We Trust." As we have stamped this on our coins so we ask You to stamp this on our hearts.

We thank You for this great Nation and the many blessings we have enjoyed as a people. Recognizing that with great blessings go great responsibilities, we beseech You to make us as great spiritually as You have blessed us materially.

Grant to Your servants in the Senate great wisdom, knowledge, and understanding as they grapple with the tough issues and decisions they must make. May they always champion the cause of the poor, the needy, the powerless, and the dispossessed. In doing this work, which is Your work, may they experience the blessings of Your presence and the strength of Your grace.

Bless them also, Father, in their professional lives and in their personal lives as they attempt to meet both the needs of those they represent, and those who make up their families.

Remind the people to always pray for them and to commend them to You.

It is in Christ's name that I pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. I yield to the Senator from Arizona.

THE GUEST CHAPLAIN

Mr. DECONCINI. Mr. President, I take great pleasure in welcoming the guest chaplain, the Reverend William L. Corder.

On July 1 of this year, he will retire as pastor of Parkwood Baptist Church in Annandale where he served for 25 years as the church's only pastor. For a quarter of a century he has been a friend of his congregation, as well as minister, and active in the community.

He has provided, as Hubert Humphrey has said, "strength to lean on and an example to learn from."

I know he will be sorely missed by those he served for so long.

The reverend is truly a man who can measure his life by service to others. I have been told some stories by staff members in my office who are members and parishioners of Reverend Corder's church.

What happens when a young woman in the congregation who suddenly became critically ill and her family wanted Reverend Corder to be with them during this time of crisis? Reverend Corder left everything else and stayed with this family for 2 nights until the young woman did pass on.

From a personal note, I have visited his church and you can feel the warmth within that church among the parishioners, the dedication that this man has served not only God and his country but his fellow men in the deepest way one can do.

I am certain that after his retirement Reverend Corder will still be reaching out and helping those not only within his own church but within the entire community.

On behalf of this Senator—and I know I can speak for all of us here—I thank the reverend for his life of service. I wish him God's blessings in future endeavors.

Thank you, Reverend Corder.

Thank you, Mr. President.

The PRESIDENT pro tempore. The majority leader.

CLOSED CAPTIONING OF SENATE SESSIONS

Mr. MITCHELL. Mr. President, those watching the proceedings of the Senate today will notice that the words spoken also appear on their television screens. This open captioning is being shown to inaugurate the closed captioning of all Senate sessions, a practice which will begin with the second session of the 102d Congress.

After today, the words viewers can now see will be visible only to those with decoders. The hearing-impaired, the elderly, and those for whom English is a second language, will all have the same opportunity every other American has had for years, of seeing the Senate in action.

It is important in a democracy that the people know what is being done in their name. Democratic government is government whose officials are accountable to the people.

For government to maintain the confidence of the people, accountability cannot be limited to regularly scheduled elections. People have a right to hear and see and evaluate what their elected representatives are saying and doing on a daily basis.

From the earliest years of our democracy, Americans have had a right to come to the Capitol and see their elected representatives debate the issues of the day. Today, more than a million Americans visit the Capitol Building each year and many of them spend some time in the Senate galleries, listening to debate.

But a short visit to the Senate gallery is no substitute for the ability to see important national debates in full, or for the ability to follow the progress of legislation over many weeks or months.

In the last decade, the televising of Senate sessions made the Senate accessible to an audience far beyond the capacity of the Senate Visitors' Gallery. The expansion of cable television services now brings C-SPAN to almost half our population.

The step of making our sessions close captioned is a logical extension of televising them. It means that the approximately 23 million Americans who are hearing-impaired will have the same opportunity as other Americans to see their legislators in action and to follow the debate.

The Senate undertook to review the goal of closed captioning in July 1987. The result of that review is today's announcement of the Senate's plan to close caption its sessions.

In the meantime, the Congress passed the Americans with Disabilities Act. That law, which took effect in July 1990, prohibits discrimination against those with disabilities and applies to all Federal operations. The Congress has applied that law to its own operations, and the captioning process is one of the major steps being taken to implement the spirit of the law.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The technology which has made our Nation an economic giant has also sometimes made our Government seem remote and unconcerned with daily events.

It is only fitting that technology should now be turned to the task of making this part of Government more accessible to all the people it serves.

The progress of American democracy over two centuries has been marked by broadened opportunities of all kinds. We have sought to expand opportunity to all Americans, not to limit it to the favored few. We have sought to expand prosperity to all, and we have succeeded to an extent never before known in history.

Expanded opportunity depends on the broad involvement of Americans in their Government. It is when they are unable to see or hear what is being done in their behalf that accountability suffers.

Making Senate sessions accessible to the hearing impaired is one more step on the path of giving every American a full opportunity to know what Government is doing in his or her behalf, to become informed, to become involved. The vitality of our democratic system depends on that kind of involvement by all citizens. I hope one effect of closed captioning will be to let us hear from those Americans who have hitherto been barred from hearing us work.

It is our goal that all Americans should have the opportunity to fully use their abilities, not to be limited by their disabilities.

Mr. President, I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

CLOSED CAPTIONING

Mr. DOLE. Mr. President, for too long proceedings in the U.S. Senate could only be seen, or heard, by people in this Chamber. Hard to believe now, but as recently as 1984, television and radio coverage of Senate action was nonexistent.

Now that we have taken the long overdue step into the 20th century, we must now take another long overdue step forward—and that is making Senate proceedings available to the 28 million Americans who are hearing-impaired, 2 million of whom are profoundly deaf.

Today, I am pleased to join with Senate Majority Leader GEORGE MITCHELL in today's demonstration of closed-captioned broadcasting of the U.S. Senate.

Closed captioning not only opens new doors for those with hearing disabilities, but also for those with learning disabilities, and those using English as a second language.

Studies have shown that captioning improves the vocabulary and comprehension of remedial readers. Additionally, those working with illiterate adults have found that captioning is effective in motivating adults to learn reading skills.

I look forward to the day when this capability becomes a permanent part of the Senate, and of our democracy.

Mr. HARKIN addressed the Chair.

The PRESIDENT pro tempore. The time, until 10 a.m., is under the control of the majority and minority leaders.

Mr. HARKIN. Will the minority leader yield me some time?

Mr. DOLE. I am happy to yield to the distinguished Senator from Iowa, who is one of the pioneers and architects of the American Disabilities Act which passed this Chamber by a strong bipartisan vote.

Mr. HARKIN. I thank the leader for his kind remarks.

CAPTIONING OF THE SENATE'S TELEVISED FLOOR PROCEEDINGS

Mr. HARKIN. Mr. President, I want to again compliment the majority leader and the minority leader for their efforts to bring this to fruition. This is indeed, Mr. President, a happy day for all Americans with hearing problems, those who are deaf, those who are hard of hearing, because now when I turned on my television over in the office I could see the opening prayer and you could read it at the bottom of your television screen.

Now, I do not know if people who hear well understand what that means to deaf people. I remember my brother, who is deaf. When I was growing up we did not have television. We had radio. We would gather around the radio set on Sunday evenings and listen to the Jack Benny show and different things like that. My brother could never hear what was going on; never understood what radio was because he could not hear.

I remember that day back a long time ago when we got our first television set, when he could see the programs on television, and how that opened up new vistas for him. But he still could not understand what people were saying. Well, he could read their lips a little bit and stuff like that.

Then it was in 1978, I believe, when I was privileged to join the distinguished Senator from West Virginia, Jennings Randolph, at the White House with President and Mrs. Carter when the first closed caption device was delivered to the President of the United States. There was a big ceremony at the White House and they turned it on and there you could see the closed captions come on the television screen.

I was privileged to have purchased one of the first devices made and delivered it to my brother in Iowa. Watching him as he first turned that on and was beginning to read and to understand what people were saying was like when we first got the television set and he did not have to sit aside from the radio and not understand what was going on. Now he could watch movies, sporting events and, of course, as the National Captioning Institute began to caption more and more programs, his vistas became even broader.

So this is what we are doing now in opening the Senate, and beginning early next year with closed captions is now going to permit our deaf citizens, millions of them across this country, to understand and to watch what this Senate does just like hearing people all over this country. I can tell you they are going to watch and they are going to read and they are going to have a better understanding of what we do here.

But it is not just deaf people. It is people who are hard of hearing. And beyond that, there are people, many people, as we know, in this country for whom English is not their first language, and they are starting, they are trying to learn English. They now can turn on and watch the Senate and the House in session and begin to understand what we are doing here, because they can read it.

So, I am just delighted that we finally have reached this point. I want to congratulate all of the Senators who have worked so hard, again especially the distinguished minority leader who has been a great leader for so many years in being attentive to the needs of our disabled citizens in this country.

We also, I might just add, last year passed legislation, which is now part of the law, that will provide that beginning in 1993 every television set sold in America with the screen size of 13 inches or over will have to have a little chip that will automatically decode every closed captioned program. Every set sold in America 13 inches or above. That little chip is going to cost about $5 more. So now we do not have to buy these great big decoding machines that cost about $200. It also means that when a deaf person travels and goes to a hotel and turns on the television set will understand what is going on all over America. I know it does not mean we have to retrofit, but all the new sets coming in. So perhaps in another 10 to 12 years most of the television sets in America will have that chip and when they turn on the television set and flip a little switch they get the closed captioning anywhere. So we are moving ahead in America.

So I, Mr. President, just wanted to take this time to be here and say what a great day this is, not only for my brother, who can now watch and keep a closer track of what I am doing here, but for all deaf Americans who now see that next January they are going to be able to really understand fully and comprehend fully what the Senate of the United States is doing.

For too long the deaf and hard of hearing have been excluded from the political process of their country. I am proud to be here today to witness that chapter of our history come to a close.

Mr. President, several years ago, we decided that it was important that we be accountable to our constituents, and that they have the opportunity to partake in the legislative process via television. I am honored to witness today the Senate's initiative to afford this same opportunity to the millions of Americans who are deaf and hard of hearing. And soon, my brother will be able to keep a more informed eye on me.

In 1988, the Commission on the Education of the Deaf issued a report which identified captioning of television as one of the most important technologies for deaf and hearing-impaired individuals. The Commission also found that closed captioning is the more effective technology for speeding the attainment of literacy, and more importantly, in helping the deaf person participate in the wider world that is routinely accessible to those to hear. I subscribe to this view.

It is also important to note that closed-captioned television can be beneficial to more than just deaf people. It can help hearing children and adults learn to read. Captioning can also facilitate the acquisition of the English language by those whose first language is not English.

But, equally as important as all of this, is the message that the Senate will send to the Nation. By closed captioning our televised floor proceedings, we send the message that we are committed to equal access for all Americans with Disabilities. We are committed to implementing the Americans with Disabilities Act in an effective and meaningful way. For too long, deaf and hard-of-hearing Americans have been excluded from the political process. I'm proud to be here today to witness that chapter of our history come to a close.

Mr. STEVENS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I thank you.

I am proud to be here also. I understand the comments of my good friend. My father was blind, as I have said here on the floor many times, for a period of his life, and I understand very much the efforts of those who have tried to deal with those who are permanently impaired in terms of hearing or sight.

I think this effort today to expand access to the activities of the Senate finally coming into fruition is really a great day for us. The captioning being done as we speak is not just a demonstration of technology; it is a demonstration of a commitment to the hearing impaired. By sharing open captioning—which is visible to everyone today—those in our viewing audience can see how closed captioning of the Senate proceedings will appear in the future to those who need or want the written word.

Captioning will be used to assist the hearing impaired become more knowledgeable about their Government. This new tool will enable them to become full participants in our democratic form of government. In addition, these captioned proceedings will aid in sharing our form of government with new citizens and guests in our country who might be new to spoken English.

I do believe these captioned proceedings will also aid our educators who are conducting classes on the legislative process, and teaching debating skills, English, and language arts. There are a great many things this captioning process can aid in our country.

But I would like to state just my opinion that the demonstration is a benchmark really in the Senate proceedings to develop these captioning proceedings.

I commend the Secretary of the Senate, Joe Stewart, and his able deputy, Jeri Thomson, for their efforts to make this technology work for the U.S. Senate and for the American people. They really deserve recognition today. We have asked that it be done on the Rules Committee, but they have made it possible.

Thank you, Mr. President.

Mr. BURNS addressed the Chair.

The PRESIDENT pro tempore. The time is under the control of the majority and minority leaders.

Mr. BURNS. I ask unanimous consent that the time be subtracted from the leader time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. BURNS. Mr. President, this is a historical day for the U.S. Senate in using closed caption. In our activities in the Commerce Committee, and particularly on the Subcommittee on Communications, we felt for a long time ago this is one of the most important things we can do for our folks in the United Sates who are handicapped to the point of impaired hearing and these types of maladies. And it was very important.

So I am very honored that I could be a part of this this morning in bringing in this new technology. As technology goes in this country, we are in the middle of a technology explosion. And as these technologies come along, we want to make them available to as many of our American people as possible, so they can use them.

(The remarks of Mr. BURNS pertaining to the introduction of S. 847 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I thank you for your kindness and the time this morning. I suggest the absence of a quorum.

The PRESIDENT pro tempore. Will the Senator withhold the suggestion momentarily?

Mr. FORD. Mr. President, I am pleased to join the majority leader, Senator MITCHELL, and the Republican leader, Senator DOLE, in informing our colleagues of the progress on closed captioning of Senate floor proceedings.

Experience has proven that televising Senate floor proceeedings was the right thing to do. Television coverage makes it possible for people all over the country to observe the Senate from their homes, offices, and classrooms. Television has achieved the ideal that we hoped for when we first turned on the cameras—and that ideal is that the Senate would serve as an educational forum stimulating public discussion and deepening public understanding of the issues facing the Nation. Television has achieved this ideal to an extent that could never be met by the public galleries and publication of speeches and debates in the CONGRESSIONAL RECORD.

But there are some individuals who have been denied access as an audience; and they are those individuals with impaired hearing. The steps the Senate has taken to date with closed captioning will ultimately make Senate floor proceedings available to them.

At this time I would like to review the past efforts to provide captioning. In June 1989, the Committee on Rules and Administration, on which I serve as chairman, reported Senate Resolution 13. This resolution authorized the Secretary of the Senate to enter into a contract with the Secretary of Education for closed captioning of floor proceedings. This action was taken because of the Department of Education's expertise in captioning and the leadership role it has played in the spread of captioning throughout the film and television media. The contract was approved by the Rules Committee and the Appropriations Committee in June of 1990, and the Education Department issued a request for proposals in November 1990, with bids to be submitted by January 1991. Both the contract and the request for proposal set forth the Senate's requirement for verbatim real-time captioning at a rate of 200 words per minute with 95-percent accuracy.

As the majority leader noted, no bids were submitted to the Department of Education pursuant to the RFP. Consequently, the Senate decided to undertake this effort in-house. It is our expectation that the Senate will have captioned broadcasts with the beginning of the second session of this Congress. I have no doubt that this activity will reflect the same consistent level of quality and excellence that the Senate derives from the Official Reporters of Debate and the Senate Recording Studio.

Thank you, Mr. President.

Mr. KASTEN. Mr. President, I rise today to draw to my colleagues' attention a truly historic event that will take place next January.

Next January—for the first time ever—the television coverage of our Senate proceedings will be closed-captioned for the hearing-impaired. This is a great victory for those of us who have believed for a long time that hearing-impaired Americans deserve improved access to our democratic process.

These men and women will be able to follow our debates on the C-SPAN network. Think what this will mean for millions of Americans.

At the Delavan School for the Deaf in Delavan, WI, and all other educational institutions for the hearing-impaired, they will have direct access to the best civics class in America—live coverage of the U.S. Government in action.

In communities all over this country, no citizen will be denied the right to follow our proceedings just because he or she is hearing-impaired. All they will need, from now on, is access to cable TV.

Last year, I had a deaf intern here in my Washington office. He was a bright and helpful young man. When I think of how much more he could have done if our TV's had had closed captioning, I become more and more convinced that this pilot program is an essential step.

I think this closed-captioning program will be a great success. It will turn many of our hearing-impaired friends and neighbors from silent partners into active participants in the work of democracy.

And that, Mr. President, is what it's all about.

Mr. McCAIN. Mr. President, I am enormously pleased to be able to serve here in the Senate as we begin to caption our proceedings. For over 3 years now, I have joined my colleagues in working to make our Nation's communications network accessible for deaf and hearing impaired Americans. Captioning of the U.S. Senate, the greatest deliberative body in the world, is a major step in that direction.

Since coming to the Senate, I have witnessed considerable progress in this area. In 1989 I introduced the Telecommunications Accessibility Enhancement Act, a bill to mandate that the resources of the Federal Government be fully accessible by telecommunications for the deaf and hearing impaired. Another goal of that measure was to make sure that all Senator's offices could be reached by TDD. I am pleased that these goals have come to fruition.

This body, with my strong support, then passed the ADA, of which I authored the communications section. This mandated that our Nation's telephone system be accessible. We then passed, and the President signed, the Harkin-McCain Television Decoder Circuitry Act, which will enable any American, at the touch of a switch, to view closed captioned television. And now, finally, the U.S. Senate has begun to caption its proceedings. Mr. President, indeed, our progress has been admirable, and I am pleased to have been able to play a part in it.

The reward for what we have done will be great. For too long, much too long, our society has unfortunately closed itself off—most incorrectly I must add—to those who could not hear. For too long our society has suffered because it did not recognize how much our deaf and hearing impaired citizens can offer.

Mr. President, on this historic day, I wholeheartedly welcome our new audience, and I encourage them to become even more involved in the political process, for we will all benefit.

CONCLUSION OF CAPTIONING

The PRESIDENT pro tempore. The time period allocated for the commencement of the captioning of the Senate's session is now concluded. The period for the transaction of routine morning business will continue with Senators permitted to speak therein, and the time between now and 11 o'clock is under the control of the majority leader or his designee. Now will the Senator repeat his suggestion?

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, as I understand it, under the previous order, the leader has a certain amount of time designated. I ask unanimous consent my time be taken from the leader's time.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

STRENGTHENING EDUCATION FOR AMERICAN FAMILIES ACT

Mr. DASCHLE. Mr. President, I rise this morning in support of S. 2, the Strengthening Education for American Families Act. This bill reflects the Senate's understanding that quality education is fundamental to America's strength and demonstrates its commitment to providing all Americans with an opportunity to reach their fullest potential.

The critical importance of education in an increasingly competitive global economy is clear. To be part of the work force in the year 2000, Americans must set education goals and have flexible and innovative means to reach them. S. 2 accepts that challenge and establishes a framework to meet it.

Clearly, the statistics indicate that we are losing the battle to push our education system to a higher level. In America this year, one student in four will not finish high school; only 7 percent of our 17-year-olds will be able to handle college science courses; and nearly 30 million people, young and old, are illiterate. This is the picture of an education system that has wandered off course.

The implications of this situation are alarming.

Without parents who can read to their children, how will children be motivated to learn?

Without a high school diploma, how will children ever be independent, productive additions to today's highly technological work force?

With these problems amplified across millions of families, how will we, as a nation, maintain a dominant position in an increasingly competitive global economy?

Mr. President, S. 2 represents a bold, innovative step toward addressing the unmet education and training needs in America today.

S. 2 defines national education goals to be reached by the year 2000 and it establishes an independent, National Council on Educational Goals to monitor our progress toward those goals. It sets as its objectives by the year 2000 that illiteracy in America be eliminated; that our high school graduation rate increase to at least 90 percent; that all children in America start school ready to learn; that American students leave grades 4, 8, and 12 having demonstrated competency in a broad range of basic subjects; that our students be first in the world in math and science achievement; that every school in America be free of drugs and violence and offer a disciplined environment conducive to learning; that every school in the Nation possess a highly qualified teached faculty; and that no qualified student be denied the opportunity for postsecondary education because of financial or other barriers.

A nation that can produce a military victory as conclusive as Operation Desert Storm can surely meet these objectives if it has the commitment and will to do so.

S. 2 also initiates a frontal assault on illiteracy in America. Today, nearly 30 million Americans can be considered illiterate. That means they are unable to read and write at a minimum of an eighth grade level.

S. 2 establishes a mechanism to coordinate Federal, State and local efforts to combat illiteracy, broadens literacy efforts to include nonprofit, private, community-based and volunteer organizations, and increases funding for literacy initiatives, including those in the workplace. Elimination of illiteracy is critical as American jobs shift to the service and retail sectors that require high-level problem solving, communication, reading, writing, and math skills.

The bill establishes flexible programs to promote local school-based management techniques, model schools of excellence, enhanced math and science programs, interactive computer learning, and satellite technology for multistate learning networks. By allowing teachers, school administrators and parents to design their own plan to raise student performance levels, this approach will encourage innovative programs targeted to local problems. Above all, it acknowledges the importance of local control over basic education decisions and the fact that local problems cannot be micromanaged from Washington.

Finally, S. 2 extends school dropout assistance to help keep children in school.

The ambitious scope of this proposal may raise concerns in the minds of some about its cost. But consider the costs of not implementing this program.

Today, America's industrial sector spends $30 billion annually on remedial education for its employees. Each year's class of dropouts costs our Nation $240 billion in earnings lost and taxes forgone during their lifetime. Illiteracy costs us over $200 billion annually in lost productivity, crime, accidents, employee errors, extra training programs, welfare payments and remedial education. Those are the figures I hope people will consider: $30 billion for the industrial sector alone; $240 billion in lost earnings and taxes; $200 billion in lost productivity.

S. 2 represents a long overdue investment not only in the future of our students, but the future of our economy. In fact, this legislation might well be titled the Economic Revitalization Act of 1991.

Education is the key to saving America more than just $200 billion in lost productivity. It can save the $101 billion by which our education-starved economy trails behind the rest of the world in trade as well. Without the investments envisioned in this legislation, American students will lag farther and farther behind their Japanese and European counterparts. And, as they lag, so will American business and America's trade performance.

Education underpins our own families and the American family. As we invest in learning, we invest in ourselves and in our country, too.

So, Mr. President, let us make those investments. Let us start with this legislation. Let us build on it in the certain knowledge that the fight for learning is the fight for our future—as individuals, as families, and as Americans seeking a place of pride for their Nation in the century ahead.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EDUCATION CONGRESS

Mr. WIRTH. Mr. President, a year ago I suspect that many of us in this Congress and many across the country would have difficulty being optimistic about the ability of our society as a whole to understand, much less to meet, the enormous challenges that we face, particularly in the field of education. The statistics were grim and remain so, and there appeared to be the lack of will to take on these issues.

But during the gulf war something quite extraordinary and healthy happened to our country as we watched and waited and prayed together for the safety and success of our men and women in the desert. Americans at home found a new strength and a sense of shared purpose. The war reminded us how much, in a country so vast, we are neighbors still.

In the countless individual acts of generosity to the families of those who were called to duty, Americans put aside their self-absorption and self-seeking. They wrote a collective epitaph for the "me" decade. Now we must build on that determination and that greatness. We have proved our power against an aggressive enemy. We need now to cry out that life at home is as precious as life abroad, that mothers and fathers and children have as much a right to be free from the tyranny of violence, poverty, fear, and ignorance in Kremmling, CO, as in Kuwait.

We must mobilize for that common goal. There are many goals, Mr. President, to which we can and should recommit ourselves. We have great social, racial, and economic divisions to heal here at home. We have a health care system to salvage, a recession to overcome and our environment to repair. We have a whole series of problems, Mr. President, probably the most important of which is the education fabric of the country and our resolve to take that on.

As a nation, we need to rework the last decade's definition of success, asking not what is in it for me but how much I can do for the whole; asking not only how do I take care of me and mine, but how can I help strengthen family and community values and help America regain her moral and economic bearings.

Unless we change our cultural signals and our sense of what is important, we are not going to be able to do what has to be done to preserve our future. And our future is our children. Their needs are critical. They require a comprehensive effort starting now. We must all work together from beginning to end. The country needs all Americans to perform in the best possible way we can. That means Federal, State and local governments must maintain their financial commitments.

We know that the President of the United States will be coming out today with a set of new proposals, and I look forward to reviewing those. I am sure some of his recommendations will warrant immediate consideration and some will be more difficult. But we have a major obligation together to take those on. As we strive to develop new methods and strategies to improve our educational system, we cannot neglect our responsibility at the Federal level. Everybody in this body, I am sure, has during campaigns and on the Senate floor and elsewhere voiced support for cost effective and productive education programs. And during the last 10 years we have in the Congress, often against the budget recommendations of the White House, supported these programs financially.

But what we have done, obviously, has not been enough. Last year we embarked upon a decade-long effort to improve education. We have set ambitious but attainable goals. Achieving them will play a major role in reinvigorating our economy and recapturing our position in the world market. If we do not have the best educated and most skilled work force, our position in the world economy will continue to fall behind.

Our budgets must reflect the importance of these goals. We cannot merely demand results. We have to provide the means to attain them, to put our money where our mouths have been.

Excellence in education is clearly a three-legged stool. With support from Federal, State, and local levels, the system can be solid and strong once more. But only with that kind of backing can we realize the goals that Americans have set for themselves and yearn for for their children. We have reached the point where we must actually confront what we, as Americans, truly value.

Last week we had quite an extraordinary development in the Budget

Committee. By a vote of 15 to 6, a bipartisan vote, the Budget Committee supported the so-called homefront initiative, an amendment which I had offered to dedicate $4.4 billion to our country's children.

This, Mr. President, at a time when we have had so much budget gridlock familiar to all budgeteers, all watchers of that incredibly arcane and difficult process, all of those who are quite discouraged by the inability of the budget process to really set priorities.

But we voted for new dollars, Mr. President, not a reworking of existing programs. A $4.4 billion commitment coming out of the Budget Committee by that overwhelming and surprising vote, reflects, I believe, the very real concern of people across the ideological spectrum, across the political spectrum, across the geographic spectrum, that it is time for us now to readjust our priorities and truly focus on education.

Where did that money come from, first of all? Under the Budget Enforcement Act that we accepted last year, the Congress limited its spending to certain caps for defense, foreign operations, and domestic programs. Within the domestic program cap was a little more than $9 billion of new funding for all domestic programs. What the homefront initiative does is to take almost half of the money available to discretionary programs and focus it on children.

The Budget Committee said this is the priority. Of the money available we are going to spend half of the discretionary money on children. That is our true commitment to education.

Of the $9 billion plus we had available within the cap, we said half of that is going to go to education and child-health programs. The initiative included an increase of $700 million for critical health services to children including WIC, immunizations, infant mortality initiatives, community health centers, and child care grants to help our kids be prepared to learn. It also added about $2 billion to programs that enhance equity in education including chapter 1, handicapped, Even Start, Head Start, and impact aid.

The Head Start Program in particular deserves our attention and concern. We know that over the last 25 years that has been the single most effective program. It has been proven that kids who have gone through the Head Start Program perform better in terms of job performance, are less likely to drop out of school—the whole pattern of measurements of how individuals perform and relate to their society increase significantly if they have been through Head Start. If they have not been through Head Start, their life chances are significantly diminished.

Despite the fact we know how effective Head Start has been, less than one child in three who are eligible for Head Start is enrolled. We are cheating a vast number of our Nation's children.

The homefront initiative included a major increase for Head Start. The President has spoken about Head Start. Everybody in the country talks about Head Start. It is now time that we put some money into Head Start rather than just talking about how great it is but cheating those kids who are not enrolled.

Further, included in the homefront initiative, because competitiveness is absolutely crucial, was about a $600 million increase for programs in math, science, vocational and adult education, literacy, and job training for dislocated workers.

In the final thrust of the homefront initiative is a $1.1 billion increase for student aid an opportunity for programs including TRIO, Pell grants and campus-based aid programs.

Again let me say, Mr. President, $4.4 billion sounds like a lot of money out of a budget that is already under a tremendous amount of pressure. But surely a Nation that can spend $90 million a day to bail out profligate savings and loans can find $12 million a day to aid the education of our Nation. That is our future, Mr. President, and that future is clearly in crisis unless we all join together to focus this as the priority it must be.

This Federal contribution is not going to break new ground and it does not have to. What we have to do is simply follow up on that which we already know how to do. It is support for proven and cost effective programs, programs that are too crucial to leave to nonsupport.

Mr. President, I look forward to working with this administration and its new initiative and particularly with Secretary Alexander.

I ask unanimous consent that additional information about the homefront initiative be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> If the Homefront Initiative is fully enacted, it is estimated that there would be an additional: 25,000 more Coloradans served at Community Health Centers; 18,000 more of Colo's kids could get this year's immunizations; $10 million for Chapter 1; $4.5 million for Head Start—bringing the total from 30% to 38%; $4.5 million for handicapped education; $2.5 million for vocational education; and $750,000 for impact aid.
>
> Other programs would receive additional funds as well.

Mr. WIRTH. I believe that President Bush has made a terrific appointment in the Secretary. Secretary Alexander comes out of a very distinguished career in the State of Tennessee, both as its Governor and the president of the University of Tennessee. He has enormous energy and commitment, a great humor and a steely toughness as well to undertake this extremely important set of initiatives. It is now imperative that Members of the U.S. Senate provide this support as well.

A final note, Mr. President: when we were doing this $4.4 billion initiative in the Budget Committee, those of us most outspoken in supporting this were almost derided by some members of the Appropriations Committee who said to us it does not make any difference what we do here in the Budget Committee. It makes no difference what priorities we attempt to set in the Budget Committee—they are not relevant. The appropriators are going to do their own thing anyway.

I do not believe that. This is contrary to what we were told in the Budget Committee by some senior members, that the Budget Committee coming out with a vote on a bipartisan basis with broad support that truly ran the ideological poles of the committee, the geographical poles of the committee, 15-to-6, this initiative came out.

I cannot believe that $4.4 billion focused on Head Start, focused child immunization, focused on early childhood education programs, focused on student aid, focused on Women, Infants, and Children 'Programs, the guts of what we know how to do and do well—I cannot believe that is not going to meet with a responsive chord among the appropriators. It is imperative that we set some priorities. We cannot be vanilla here. We are too often vanilla and do not set any priorities. It is imperative that set of priorities show up in what the appropriators do just as it shows up in what the Budget Committee has done.

I appreciate the opportunity, Mr. President, to be here this morning to speak on this very important initiative and to thank my colleagues on the Budget Committee on both sides of the aisle who supported this extremely important amendment. The distinguished Senator from Illinois who is here on the floor, Senator SIMON, has led on this front for so many years. I have admired him since we came into the Congress together. He does a great job on this and so many other initaitives. I know his commitment to education is second to none.

Mr. President, I appreciate the time, and I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President, I want to commend my colleague from Colorado for his views on this. The budget process is about setting priorities. If that is not what it is about, then let us forget having a Budget Committee. Thanks to the leadership of Senator TIM WIRTH we have set a priority.

Let me just add that I am concerned that in a moment without careful consideration the Budget Committee also took a step backward however in the adoption of an amendment that says, if we cannot move ahead in terms of any entitlement programs and providing taxing for us, we will have to provide for any new programs out of the current spending.

Two examples: One, long-term care—if we are going to do that, frankly there is no way of taking that out of existing programs. Under the amendment that was adopted, and I hope we will reconsider it on the floor, if we are to have a long-term care program paid for by a half percent increase in Social Security, we could not do that without a 60-vote margin here in the Senate. I think that is a restriction that is unwise.

In an area that I know the Senator from Colorado is very much interested in, the area of higher education, where in the last 10 years we have slipped and slipped perceptively, there is talk in the higher education community of working out a revenue increase to pay for it. A revenue increase that frankly the Senator's predecessor, Senator Gary Hart, was for, and I do not know whether the Senator is in favor of it or not, but talking about an oil import fee to pay for a substantial improvement in higher education. We cannot do that without a 60-vote margin now as I understand the amendment that we adopted way at the end in the Budget Committee. My hope is we can review and modify that.

But it is extremely important that we move ahead and make the priorities that Senator WIRTH has led the fight on. Candidly, I did not expect the kind of vote we had in the Budget Committee on behalf of the amendment. I was tremendously pleased.

If I can add one other comment here, Mr. President, in line with what Senator WIRTH has said. This morning the new Secretary of Education met with some of us about outlining a new program. I hope we really can get a new program.

Yesterday, the Senate unfortunately, and in a partisan split, passed an education bill that really can be of some substantial help. There is no reason education should be a partisan matter. We ought to all unite in moving ahead.

Interestingly, in fiscal year 1949 we spent 9 percent of our Federal budget on education. Today we spend 3 percent of the Federal budget on education. We have to do better.

I applaud my colleague from Colorado for his leadership here.

Mr. WIRTH. Mr. President, I think obviously as the Senator pointed out right at the beginning of the comments, it is our responsibility to set priorities. That is what we are elected to do, not try to be all things to all people even though that might be more convenient and comfortable at times. We have to say that some things are more important than others.

But it is the place as the Senator clearly pointed out—he and I were on the House Budget Committee together and we are now on the Senate Budget Committee—budgets are where you set those priorities. Some things are more important.

I will review very briefly if I might some of the numbers that were brought out by the distinguished Senator from Illinois, absolutely accurately related to choices on domestic versus defense spending.

We came out happy with the euphoria of the situation in the Persian Gulf with great justification. Our military performed brilliantly. We are still in a situation where the amounts of money being spent on defense are still very, very high on any measure.

The measure that I think is the most productive one to the Senator relates to how much money we are spending in 1991 compared to what we spent through the duration of the cold war. It is convenient—and I think one measure, not 100 percent accurate, but one reasonable measure to say how much did we spend during the norm of the cold war expenditures? The answer to that is absent the spike of Korea, absent the spike of Vietnam, absent the very sharp ramp-up of the Reagan buildup in the 1980's, the norm for the amount of money that we spent on defense was $235 billion a year at the height of the cold war. At the time we had this confrontation with the Soviet Union we as a norm spent $235 billion. The cold war is over. We are spending $288 billion.

I think that gives us a sense, not a perfect measure by any means, but if we are going to think about priorities clearly the cold war is over. We have new needs. We have to project power in different ways—all of those things. But even given that, the differential is very striking: $288 billion today. The norm was $235 billion over the last 40 years in constant 1991 dollars.

The Senator from Illinois offered a number of amendments in the Budget Committee, some of which I supported, some of which I did not, but again focusing on these priorities I hope all of us take that to heart. It is easy to kind of rush and put more money into defense. It is much tougher to think about what programs are going to aid those kids in our future, and that is where I think our first priority has to be.

Mr. SIMON. Mr. President, I could not agree more with the Senator from Colorado. Let me just add that the budget agreement we entered into the end of last year restricts us. If I want to take $500 million from star wars and put it into education, into the Head Start Program where I think we face a major security threat long-term to our country, and our failure to do what we should in education, that now takes 60 votes in this body.

I have an amendment that Senator BRADLEY is cosponsoring that would bring that back down to 50 votes. There is no reason that we should have a little sanctuary over here called defense spending where we cannot shift unless you have 60 votes.

One of the things is, for example—and the Senator from Colorado and the Presiding Officer have been among those people who have discussed this—the last 10 years we have been debating the B-1 bomber. Do you know how many B-1 bombers were used in the Middle East? Not a single one. It was useless in that kind of a situation. We have to reevaluate defense spending in today's needs, in today's world. We are not doing it, and the Senator from Colorado is absolutely correct. I applaud his statement, and I applaud his leadership.

Mr. President, if no one else wishes the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I would ask unanimous consent that I be able to speak against the time allotted to the majority leader to discuss education issues this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRENGTHENING EDUCATION FOR AMERICAN FAMILIES ACT

Mr. BINGAMAN. Mr. President, I rise today to speak in support of S. 2, Strengthening Education for American Families Act. I would particularly like to focus my remarks on title II, the National Academic Report Card Act of 1991.

Over the past decade, we have witnessed a growing concern about educational achievement in the United States. There has been an increasing acceptance that there needs to be a more sustained national effort if the quality of education offered to American students is to improve. If this movement is to be sustained, action must be taken in response to the espoused six national education goals. However, actions taken to date by the National Governors' Association [NGA] and the President have been motivated and manipulated by political, not educational, considerations.

In September 1989, the President and the Governors met at an education summit in Charlottesville. They agreed upon six goals to be achieved by the year 2000: First, all children will start school ready to learn; second, 90 percent of high school students will graduate; third, all students will master basic skills; fourth, U.S. students will be first in the world in science and mathematics achievement; fifth, every adult American will be literate; and sixth, every school will be drug-free and safe. These are laudable goals. But, goals in and of themselves are not enough to implement change. What is clearly required at this juncture, as we move to address attainment of the national goals, is an independent council or respected assessment experts, who are also education shareholders, and who can bring some order and organization to the methodological chaos: a national council on education goals.

The national education goals were, in effect, drafted by the NGA and adopted by the President. These goals were actually policy decisions made only by Federal and State executives. But, as we all know, policy decisions are not carried out by the executive branch alone. There was minimal participation from parents and the key educational stakeholders who will be responsible for implementing these goals. This policy of exclusion continues to be reflected in the composition of the national goals panel. This composition will lead to a politization of the assessment process. If you honestly want to effect lasting change and produce a credible assessment, politics must be kept out of the assessment process.

A broad-based council made up of people with experience in assessment and policymaking, and those who are education stakeholders is essential to assure the unbiased development of assessment needs as well as the continuing assessment and evaluation of success toward goal achievement.

If we are to improve the quality of American education, there is no doubt that measuring student progress will play a critical role. A joint statement issued at the 1989 education summit stated:

> When goals are set and strategies for achieving them are accepted, we must establish clear measures of performance and then issue annual report cards on the progress of students, schools, the States, and the Federal Government.

Clearly, establishing national goals will have little meaning unless we are able to assess where we currently stand and to measure our progress in attaining these goals.

There was and is no effective mechanism for measuring individual school performance relative to the established national education goals. It is clear that we need more information about the quality of education as well as more information about the conditions under which education takes place and the conditions of children receiving that education. There is a need to establish effective and direct ways to measure progress toward the national education goals so that policymakers at the local, State, and the Federal levels can begin to effectively and substantively address the issue of improving the quality of American education.

Before we can establish appropriate assessment measures I believe that we first need to develop a consensus about what intellectual competencies we expect children to develop in schools; we need a clear understanding of what we expect children to know and to be able to do. These expectations must be sufficiently detailed before there can be a designing of appropriate program assessment instruments or national tests. A national consensus about what standards children are expected to achieve at various stages in their academic careers is a precondition to developing national tests or systems of national assessment. Not the reverse process of developing assessment tools and national tests by experts alone as the current goals panel is doing.

In January 1990, I introduced S. 2034, the National Report Card Act. It established a national council on education composed of highly respected, bipartisan experts to study, evaluate, and report on the progress of the Nation's educational achievement, from preschool through postsecondary education. Title II of S. 2 is an evolution of that bill, taking into account further input the Senate Labor Committee received in its hearings last year. It is essentially identical to the version S. 3095 reported by the Labor Committee last October.

This past, July, a full 7 months after introduction of my National Report Card Act, the Governors and some of the President's advisers met in Mobile, AL. One of the outcomes of this meeting was the establishment of a competing national educational goals panel, which unfortunately falls well short of the mark for an independent report card.

Unfortunately, the Governors and the President chose to ignore the need for independence as expressed originally in my Report Card Act. Instead, they set up a panel comprised of six Governors, four administration officials, and four ex-officio Members of Congress—all political officeholders. In effect, as the people responsible for making and implementing national and State educational policy, they have made arrangements so that they, and no one else, would be the judge of their own work. This would serve the purpose of shielding those who set the goals from any accountability for achieving those goals.

An additional concern is that, in order to keep control of decisionmaking in the assessment process, the Governors enacted a rule whereby the panel cannot act on any proposal or statement unless 75 percent of the 10 members agree. This effectively gives both the Governors and the administration independent vetoes over any reports issued.

Another severely limiting factor in terms of carrying out the panel's mission is that there is no budget for the panel to conduct its business nor any mechanism for it to commission data collection, particularly any new data collection. In essence this is an unauthorized panel which is using education funds originally intended for other educational purposes to fund its operation.

Essentially, the Governors and the President have set up a group—totally ignoring the concept developed in the Report Card Act—to monitor education progress, and this panel is made up of political officials who will be monitoring their own achievement and do not have funding to carry out their mission.

Three major conclusions drawn from hearings held on the Report Card Act were: First, there is a need for a report card that would contain information about school indicators being used to achieve national goals; second, the general public should be meaningfully involved; and third, there should be an independent national council to monitor progress toward the national goals.

I believe that there is no issue of greater long-term consequence to our Nation's future than the performance of our educational system. This is a critical year for education; 3 years since Mr. Bush declared himself the "Education President"; the beginning of the second year of the decade; 18 months since the education summit in Charlottesville. Up to now, fanfare, lipservice, and pontificating seem to have supplanted substantive action. Analytical and evaluative substance will not be forthcoming unless we have an independent, nonpartisan council on educational goal attainment. Instead of two separate panels, S. 2 will authorize the creation of a single council made up of education stakeholders, experts, and policymakers.

Broad-based participation is, I believe, vitally important to achieving the national goals. In order to ensure this broad-based participation, S. 2 authorizes matching funds for State summits of education. State summit reports will help generate the necessary and meaningful discussion of the local level about the national goals. Funding ongoing grassroots deliberation will help keep public momentum behind the process by including and not excluding all of those involved in attempting to achieve the national educational goals.

Credibility and continuity must be a significant consideration for any evaluative group responsible for assessing educational progress. Wise and honest politicians will understand that the better part of politics is to avoid having politics involved in the work of improving education.

This past year saw much wasted time as the administration sought to exercise political control over the assessment process. It was a battle in which the administration was intent on exercising and keeping control over the assessment process for political reasons. The intent of S. 2 is to stress the importance of an independent council to achieve the national goals. Even discussions with the National Governors Association failed to reconcile the differences. It is still my very strong conviction that an independent council is of the utmost importance if we are to honestly and credibly assess and report on our success in attaining the national goals on education.

If this Nation is to improve the quality of education offered to our students and to improve the quality of our work force it is crucial that we pay close attention to monitoring and measuring student progress and that we sustain this effort over a long period of time. The National Academic Report Card Act, title II of S. 2, will also set up a monitoring and measuring infrastructure for education that will have a broad base of community participation. I urge your consideration and support of this entire bill.

Mr. President, I shall summarize for my colleagues my own views at this important time in our country's history as it relates to education. This afternoon the President will announce initiatives he is going to push in the area of education to improve our country's educational system. I certainly, I am sure along with all colleagues in this body, welcome that activity and that initiative by the President.

I also, of course, point out that yesterday in the Labor and Human Resources Committee we were able to report a bill, S. 2, which has in it many of the provisions this Congress has previously passed upon and approved at committee level, and even here on the Senate floor, designed to improve education. I think the President's initiatives today pick up on some of those ideas and add to them.

I believe we are going into a period of heightened attention to education issues; appropriately, we are giving greater attention to education issues. I am very pleased to see the administration join that debate with the Congress because it is a very important debate and one that needs to be joined.

In September 1989, the President and the Governors got together to set some national education goals, or to discuss that, and they did set six national education goals, and I think that was a positive step. There were some flaws in the process and one major flaw in my view was the goals were set by the Governors and the President without the involvement of people in the education community, without the involvement of the business community, without the involvement of all of those who are working in the fields trying to improve education throughout the country.

We have tens of thousands, if not hundreds of thousands of people throughout the country who are in that position who are devoting their lives to providing a better education for our students, and they were not participants in that. I think that process was flawed for that obvious reason.

One other way in which I am afraid the process has become flawed is we do not now have, although there was a call from the Charlottesville summit for the establishment of a national report card to assess progress and to assess how we are all doing in moving toward accomplishment of these education goals, we do not now have in place a credible mechanism for assessing that progress.

The mechanism we have is one which the Governors and again the President established on their own without coming to Congress for advice or consultation, and it is essentially a 10-person panel made up of 6 Governors, 3 Democrats, 3 Republicans, which is entirely appropriate, and then 4 representatives of the administration: Mr. Sununu, Mr. Darman, Mr. Porter, all of whom of course are advisers, and an assistant to the President, and of course the Secretary of Education as well.

Again, my concern with the establishment of this so-called assessment panel is that it again does not involve those who are in education, those who have been working in this field, and people in the business community who have shown great leadership in trying to help deal with this.

Very frankly, Mr. President, the assessment panel now in place—and the administration resists any effort to change that assessment panel—is not independent.

We have a rule the panel operates under which is that 8 out of 10 of the members of that panel have to agree in order for the panel to make recommendations or include something in their report. They are intending to issue a report this fall assessing progress toward educational goals, issue another report in the fall of 1992 assessing progress toward educational goals, and each year after that.

One of the provisions in S. 2 which, very frankly, has been controversial is a proposal I made last year in the Congress to establish a national report card, a panel at the national level, that would be independent, would not be made up of politicians, would not be made up necessarily of those in office, but would have a majority of its Members be people who were independent and able to exercise objective opinion on how much progress is in fact being made.

I think that is crucial and it is crucial not only because we need the findings of this panel to be above suspicion but it is also crucial that we need to have this national panel that was the assessment of progress toward national goals to assess not only the States, not only the school district, not only the student, but as to how the Nation is doing. That means those of us here in the Federal Government, assess how the Congress is doing, assess how the President is doing, assess how the Department of Education is doing.

I fear very much on the track we are on today, absent S. 2, we will not get that kind of fair and objective and independent assessment of how we are all doing.

Very simply, and I have made this point several times in the committee and here on this Senate floor already, we need a broader-based panel. We need to involve people who have made a career of this and whose judgment and opinions are not subject to question for their political motivation.

I think we have a provision in title II of S. 2 that would accomplish that for us. So I am very hopeful the Senate will move expeditiously to pass the bill. I do hope the initiatives the President announces this afternoon can be quickly presented to the Congress in legislative form and that we can have hearings on those and include some of those in legislation that will be passed this year intended to improve education.

But one of the key elements I believe is essential we not lose sight of is the credibility and independence of the group, the mechanism we have established to assess our progress and to give us real legitimate feedback. If we have a stacked deck, if we have a group driven by some political motive, then I think we will all be poorly served.

The panel which I have proposed would be half Democrat, half Republican. There would be no basis, as I see it, for a claim of partisanship in that panel. It would not only be half Democrat and half Republican. The majority of people on that panel would not be officeholders, would not be people running for office. I think that is a very important element for the people of this country to focus on as we go foward, and hopefully cooperatively, working toward achievement of these national education goals.

I yield the floor.

Mr. LOTT. Mr. President, I ask unanimous consent I be recognized for up to 5 minutes out of the majority leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION FIRST

Mr. PELL. Mr. President, this is "Education First Week," a period not only to look at what needs to be done but also to look at what we have accomplished.

Under Democratic leadership the Congress has reauthorized two major pieces of education legislation over the past 3 years. In 1988 we reauthorized the Elementary and Secondary Education Act and strengthened the chapter 1 program of compensatory education for poor children. We provided a new focus upon basic skills for disadvantaged students in both elementary and secondary school. We also required each chapter 1 school to increase the test scores of its disadvantaged students in order to qualify for additional Federal aid.

Last year we enacted a new Vocational Educational Act. For the first time that act requires linking basic skills instruction and vocational training. It also stipulates that training be state of the art, and be provided for jobs that actually exist in the community. We include provisions for performance standards to evaluate the progress of Federal vocational education programs.

We also attempted last year to enact major parts of the President's education initiative, a much-needed National Literacy Act, and a National Teacher Act to attract talented people into teaching and to upgrade the skills of those already in the classroom. Unfortunately, that legislation was killed by objections from the other side of the aisle in the closing hours of the session.

This year, we have also gotten out of the gate fast. We are already hard at work with hearings on reauthorization of the Higher Education Act and the Office of Education Research and Improvement. Already we are focusing upon the need to improve educational opportunity not only for the poor but also for hard-pressed middle-income families. Already we are giving careful consideration to the need for better assessment of student achievement in our Nation's schools.

Just yesterday the Senate Labor and Human Resources Committee approved S. 2, the Strengthening Education for American Families Act. That legislation expands the goals work done last year and includes new goals in teaching and postsecondary education. It folds in the National Literacy Act authored by Senator SIMON. And, it includes a series of new initiatives that focus upon such critical areas as upgraded math and science instruction, and greater innovation and flexibility in local school programs. It also extends critically important programs in areas such as dropout prevention and state-of-the-art technology instruction.

In education funding, we have also provided strong leadership. Where the President sought an increase of only 2 percent, about half the inflation rate, the Democrats sought and achieved education funding increases totaling almost 10 percent. This year, with a President seeking only $750 million in additional education funding, we are pushing hard for $3.1 billion in new education spending.

That increase would provide a maximum Pell grant of $2,800 and more grants for more deserving students. It would enable the chapter 1 program to reach more students and to extend basic skills instruction into more grades. It would also provide important increases in literacy, vocational education, and math and science instruction.

Mr. President, while the administratiion has talked about education, the Democrats have done something. We have worked hard to streamline and modernize existing programs, start new initiatives where needed, and provide sufficient funding for our education programs to be effective.

We welcome the President's new initiative in education and will give it the same careful consideration we gave to his education initiative last year. Partisanship aside, every American wants the President to become the Education President. But we want him to do it the old fashioned way—to earn it.

And earning it means not only rhetoric. It means strengthening programs already in place, and it means facing up to the fact that education needs to be better funded. More money isn't the only answer, but you cannot expect to move ahead without adequate funding. It also means new programs that strike more than a political chord and actually go to the heart of our problems in education.

If we are to achieve the goals set forth last year by the President and the Governors, we must recognize that all of us has an important role to play, that there may be other goals that are equally important, and that programs to speed education on its way toward meeting all those goals are required at every level.

For our part, in the Senate we stand ready to build upon what we have already done. We stand ready to work with the President just as we sought to do last year. But most of all, we stand ready to help build the kind of educational system that will keep America in the forefront of competition in the world economy.

EDUCATION

Mr. LOTT. Mr. President, I look forward to the recommendations from the President this afternoon on education matters. I am convinced that our new Secretary of Education, Lamar Alexander, is an innovator. He is going to have some very strong proposals to present to the Congress for us to consider.

I think it is appropriate that we give education that high level of recognition and consideration and support financially, as we try to improve the overall education of our country.

S. 2: A DEMOCRATIC INITIATIVE TO ACHIEVE EDUCATIONAL EXCELLENCE BY THE YEAR 2000

Mr. SANFORD. Mr. President, events of the past few months have demonstrated that when the United States dedicates itself to getting a job done, we can accomplish our mission with stunning success. The United States has shown the world that we are leaders in military capability and technology. A much-heralded component of our military success was our so-called smart bombs. My question is: If we can create a generation of smart bombs, why can't we also produce a generation of smart kids? By similarly focusing our leadership and resources in the field of education, we could achieve results equally as impressive as our victory in Kuwait.

The new Democratic legislative initiative, S. 2, the Strengthening Education for American Families Act, is a step in the right direction. The bill establishes goals for a decade of education. It addresses some of the most compelling and heartbreaking problems in our society today—high dropout rates, illiteracy, lack of school readiness. Most importantly, the bill focuses attention where it rightfully should be directed: at the State level. The goals included in the legislation were formulated with the participation of Governors around the country. The Governors have committed themselves to achieving eight fundamental national education goals in their States and communities. S. 2 gives States the support and resources they need to carry out their tasks, while giving them the flexibility they need to respond to local concerns. The legislation allows the Federal Government to focus attention on education—to declare that major improvements in our educational system are a national priority—which demands cooperation between the Federal, State, and local governments. The Democratic Congressmembers supporting this bill are saying:

> Take notice! Education is a critically important issue for our Nation's future. We cannot continue to prosper as a nation when 25 percent of our young people never finish high school, when 2 in 10 adults are functionally illiterate. We must do a better job. It's up to you States to carry out the work, but we're going to give you the support you need to do that.

Let me talk briefly about some of the national education goals articulated in S. 2. One crucial Democratic proposal is that by the year 2000 all children in the United States will begin their school careers physically and emotionally ready to learn. The best remedy for starting school with the self-confidence and motivation necessary for learning is to grow up in a strong, supportive, stimulating home environment. Unfortunately, not all children are lucky enough to have this type of family life, and the Government cannot ever serve as a replacement for that. What Government can do, however, is to see to it that children who begin life at risk have access to programs that we know help them overcome some of their disadvantages—they must have access to quality day care and to a positive preschool experience. The most successful program we have is Head Start: we ought to fully fund it. This is the obvious answer to meeting the first national education goal of having 100 percent of our children ready to begin school. Let me repeat: we ought to fully fund Head Start.

The national education goals supported in S. 2 call for increasing the high school graduation rate to 90 percent by the end of this century. That's a tall order, given that currently some 25 percent of our students fail to graduate from high school. The goals call for students to demonstrate competency in varous subject matters throughout their school careers, and for the United States to produce the world's top science and math students. To meet these goals, schools simply have to do a better job of teaching, and of teaching all students. We cannot allow students to fall through the cracks year after year, moving through grade levels without learning basic reading or math skills; if we do, we will never graduate 90 percent of our students, we will not produce a generation of students highly qualified in the sciences, math, or any other subject, for that matter. This means that when students are struggling with basic academic skills, they must have access to quality remedial programs such as chapter 1. In addition, we have to increase students' motivation to stay in school and to do well there. This is an area where States and local school districts must do the most crucial work, by designing programs that build student and parental enthusiasm for local school initiatives.

But the Federal Government can certainly do its part to help in this area, by funding higher education and setting national standards for teaching professionals. One of the national education goals states that no qualified students shall be denied postsecondary education because of financial barriers. If students know that staying in school is a path to bigger and better things—that college or advanced technical schooling is an option for them—then they have an added incentive to remain and even to excell in school. From a national policy perspective, this calls for a greater emphasis on grants over loans. It also demands a more attentive regulatory role by the Federal Government. While we want to help finance education for deserving students who could not otherwise attend school, the Federal Government certainly does not want to be the prime supporter of fly-by-night, supposed trade schools that are more than happy to take tuition money from students but often do little else for them.

A key to achieving any of these national education goals is having a highly qualified and diverse teaching faculty in every school in the Nation. We must elevate the importance of teaching, giving teachers at all grade levels the respect and admiration they deserve. This is a simple, cost-free step. All it requires is a change of attitude that should come about automatically once a strong educational system is seen as a top national priority. We can also work toward establishing national standards for teachers—another goal we moved closer to when Congress appropriated funds for the National Board of Professional Teaching Standards in a supplemental authorization bill passed last month.

Another point on this subject: if we are to recognize teachers as true professionals, we must pay them as such. We cannot expect to attract talented, bright, energetic people into teaching careers when this line of work offers meager rewards both in terms of status and salary. If salary levels offer any indication of the importance we place on an occupation, one would conclude that as a society we regard caring for and educating our children, especially our youngest, to be among the least valued professions in the nation.

If we hope to remain internationally competitive in the next millennium, we must dedicate ourselves—our resources and our energy—toward better educating our children. The Democratic Party has shown leadership and commitment to these concerns for decades. The Strengthening Education for American Families Act is the latest example of our party's initiative in this vitally important area.

IN HONOR OF THE DALAI LAMA

Mr. AKAKA. Mr. President, I rise to pay special tribute to a man of peace, whose dedication to the cause of truth, understanding, and fraternity exemplifies the essence of the human spirit. His Holiness, the Dalai Lama, has toiled and sacrificed on behalf of the human rights and freedoms of the Tibetan people during more than three decades in exile. As the religious and spiritual leader of the people of the Tibetan Buddhist Sect, he has stood in witness to their continued persecution. Congress and the administration have recorded the human rights violations against the Tibetan people. Recent actions by the Government of China have included the brutal suppression of demonstrators in March 1989, which led to the deaths of as many as 60 Tibetans, continued restrictions against Tibetans from engaging in the worship of their religion and the conduct of thier religious activities, and constant credible reports of torture and mistreatment in penal institutions in Tibet.

The Dalai Lama has vigorously and tirelessly sought a peaceful end to the conflict which has claimed the lives of over 1 million of his Tibetan followers. The suffering and torment in Tibet have raised deep concerns in the U.S. Congress, among my constituents in Hawaii, and the people through the world.

Throughout the Dalai Lama's life, he has charted a course of peace. In 1989, he was awarded the Nobel Peace Prize for his lifelong work. His five point peace plan, presented before the Congress on September 21, 1987, and his Strasbourg Proposal of June 15, 1988, provide a realistic basis upon which to establish a constructive dialogue between China and Tibet. It is my hope that through greater trust, mutual respect, and cooperation, peace will come to Tibet.

Mr. President, my grandfather brought from China to our great Nation the legacy of a noble tradition. My Chinese ancestors believed, as many Chinese still believe, in the words of the ancient Confucian philosopher Mencius, who said that no nation can long survive without the virtue of humanity. It is only through a humane government that there can be respect and commitment from the people for their leaders. As Americans, we live in a nation where humanity is a sacred virtue. We are committed to justice and dedicated to the rights of the individual. We should commend His Holiness, the Dalai Lama, for his struggle for this sacred virtue of a more humane government.

TRIBUTE TO SENATOR JOHN HEINZ

Mr. HEFLIN. Mr. President, I rise today to pay tribute to our friend and colleague, John Heinz, who was struck down as he endeavored to fulfill his duty to his constituents. As bits of the news about a small plane crash with a helicopter began to be heard here in Washington, I joined fellow Senators in praying that the rumors would be false and that John would not be involved. Unfortunately, we learned that this tragedy had taken the lives of seven people including this devoted man who had served the people of Pennsylvania as the consummate public servant for over 20 years.

During my 12 years in the Senate, I have had an opportunity to observe the compassion, the intelligence and the devotion which John Heinz brought to this job. He was an outstanding Senator who has been, at times, a trusted ally and, at other times, a formidable opponent. Above all he has represented all that is good about the Senate and about public service. He had the intelligence to have well thought out beliefs and the convictions to back those beliefs with his undivided attention. He was an outstanding representative for his Pennsylvania constituents, but perhaps more importantly, an able and competent representative for the entire Nation.

John Heinz' devotion to the elderly citizens of this country is legendary. He has been responsible for many of the protections and benefits which have come their way in the last several years. He was a steadfast defender of the Medicare system and helped ensure the passage of the nursing home reform legislation in 1987. Just last year his efforts to remove the Social Security trust funds from Federal deficit calculations were finally rewarded. It is somewhat ironic that such a young man would for so many years serve as one of the staunchest crusaders for elderly rights. But that is one of the apparent contradictions that made John Heinz such an interesting man.

Mr. President, in my judgment, it is fitting that John Heinz would be performing his duties when this crash occurred. His well-known work ethic had him travelling to a field hearing on this horrible day. To the end, he was working to represent the people who elected him. I join the people of Pennsylvania in offering my prayers and my support to his wife Teresa, their three sons and the entire Heinz family.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,224 day that Terry Anderson has been held captive in Lebanon.

MS. SHIRLEY BURFORD OF MEMPHIS, TN, HONOREE OF THE POINTS OF LIGHT FOUNDATION

Mr. GORE. Mr. President, I am proud to pay tribute to Shirley Burford from Memphis, TN, who is being honored by the Points of Light Foundation for her countless hours of community service through the Corporate Volunteer Council of Memphis. Ms. Burford serves as chair of this council, an organization which provides a framework for workplace volunteers to establish and refine their volunteer programs and learn about community needs and concerns.

Through Ms. Burford's leadership, the Corporate Volunteer Council supports literacy programs, communitywide collection drives of various kinds, corporate fundraising for projects to meet community needs, Junior Achievement, Adopt-a-School, and programs designed to break the cycle of poverty in underprivileged areas in Memphis and Shelby County.

I know that many lives have been touched and improved through Ms. Burford's dedication to her community, the State of Tennessee, and the Nation. It is my pleasure to join with the Senator from Massachusetts in honoring her today. I congratulate Ms. Burford on this achievement and wish her every success as she continues in her efforts in behalf of the people of Shelby County.

THE POINTS OF LIGHT FOUNDATION—CELEBRATION OF SERVICE AND SERVICE AMBASSADOR AWARDS

Mr. KENNEDY. Mr. President, I commend the Points of Light Foundation for its efforts to encourage all Americans to participate in community service. The Foundation is a private nonprofit organization whose board is composed of 24 Americans from business, industry, the academic world, and voluntary service groups. The Foundation's mission is to help make community service a greater part of the lives of every American, and thereby contribute to the ongoing struggle against illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency, and the plight of the elderly.

On Monday, April 15, the Foundation launched their 12-day Celebration of Service to honor Americans who have been trailblazers in community service, to enhance public awareness of the problems facing society and the need for personal involvement to alleviate them, and to identify worthwhile programs that can be used in all parts of the country to challenge others to become involved.

Each day during their Celebration of Service, the Points of Light Foundation will recognize one or two Americans as Service Ambassadors, people who have made a difference by participating in service programs. Today, I join with the Points of Light Foundation and Senator GORE in commending Shirley Burford of Memphis, TN, an exemplary American who has made a significant contribution to her community and her country.

It is a privilege to work with the Foundation, and I ask unanimous consent that appropriate background information on its good works may be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

THE POINTS OF LIGHT FOUNDATION

BACKGROUND

The Points of Light Foundation is a private non-profit, non-partisan umbrella organization whose board is comprised of 24 Americans drawn from business, industry, academia and voluntary service groups. The Foundation's mission is to help make direct and consequential community service aimed at serious social problems central to the life of every American and to increase the opportunities people have for that kind of service through their workplace, schools, churches and civic organizations. We also will serve as a catalyst in the creation of new voluntary service initiatives.

The Foundation and its board recognize the crucial role government programs must play in this struggle but believe these approaches cannot be the only ray of hope on the horizon. Illiteracy, poverty, homelessness, alcohol and drug abuse, delinquency and the plight of the elderly are problems that continue to defy government's best efforts. This void can only be filled by a redoubled effort from the private sector, by the profound and personal commitment of individuals to helping others.

Beginning Apr. 15, the Foundation is launching a 12-day Points of Light Celebration that is designed to honor those people who have been trailblazers in the community service effort; to sharpen public awareness of the problems facing society and the need for personal involvement to help alleviate them; and to identify worthwhile programs that can be replicated in other parts of the country and challenge others to get involved. Literally thousands of disparate groups and individuals have already been mobilized as part of this effort.

In conjunction with the Celebration, the Foundation will unveil a nationwide advertising campaign, created *pro bono* by Saatchi & Saatchi and the Advertising Council, that will bring the message of service into the home of every American. The slogan, "Do Something Good, Feel Something Real," stresses the sense of personal accomplishment that volunteers get from their work. The campaign will seek the help and cooperation of the media, businesses, schools, unions, religious groups and individuals. In addition, a toll-free 800 number will act as a national center for providing key information for community service efforts.

The Foundation is assisting or has helped to establish numerous successful service programs. These include:

One-to-One, a mentoring program for disadvantaged youth.

StarServe, a school-based community service effort.

Into the Streets, a college-based community service program operated by the Campus Outreach Opportunity League.

Naming of individual Points of Light Representatives, Leadership Companies and Partnerships.

The Foundation's mandate is long-term. After the Celebration of Service is over, we will pursue our mission on several fronts. First, we will evaluate our advertising campaign and toll-free telephone service in an effort to improve the response; and second, we will continue and improve our efforts to serve as a broker and coordinator for new programs. There are no easy answers. We are engaged in a day-to-day struggle that requires day-to-day commitment and energy.

SENATOR ROBERT C. BYRD RECEIVES AWARD FROM ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES

Mr. HARKIN. Mr. President, our distinguished chairman of the Appropriations Committee, Mr. BYRD of West Virginia, was honored recently by the Association of Community College Trustees with its highest public service award, the National Education Service Award.

It was given at the Association's annual Washington seminar, attended by some 600 college trustees and administrators from more than 40 States, in recognition of Senator BYRD's tireless support of education as a national priority. Indeed, as both appropriations chairman and former majority leader, Mr. BYRD's leadership has been a constant force, particularly in the last dozen years, in maintaining the opportunity programs that help struggling Americans in their pursuit of marketable skills.

Under his leadership, the appropriations process last year produced one of the largest 1-year increases that Congress has ever adopted for Department of Education programs, an increase of $2.7 billion or 13 percent. Most important for the people seeking postsecondary training to gain competitive skills was the $566 million increase in Pell grant funding, which allowed a boost in the maximum Pell grant to $2,400. This program, which has helped some 25 million students over two decades, has become a cornerstone of American competitiveness.

In his response to the award, Mr. BYRD challenged educators to rededicate themselves to the pursuit of excellence. I ask unanimous consent that the text of his message to the ACCT membership appear at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR ROBERT C. BYRD, ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES, WASHINGTON, DC, FEBRUARY 24, 1991

I sincerely thank you for naming me the recipient of your 1991 National Education Service Award.

I have nurtured a lifelong faith in education. I have always believed that formal education and skills training—vocational education, if you will—can open doors of opportunity to young people and even older adults—doors that would otherwise be closed to them.

As trustees of literally hundreds of public community colleges, junior colleges, and technical schools across our country, you are stewards of the dreams of millions of American men and women—young, middle-aged, and older.

As you have chosen to honor me here today, I want to take this opportunity to salute all of you for the outstanding efforts that you are expending as trustees and officials of your individual boards and institutions.

Some years ago, I began searching for some means by which I might make a direct contribution toward the education of young men and women in my home state of West Virginia, and I came up with a modest idea.

Since 1969, I have annually presented Robert C. Byrd Scholastic Recognition Awards to the valedictorians of the graduating classes of West Virginia's public, parochial, and private high schools, and Schools for the Deaf and Blind.

To date, those Robert C. Byrd Scholastic Recognition Awards have been presented to more than 5,800 West Virginia high school graduates.

The Robert C. Byrd Scholastic Recognition Awards consists of U.S. Savings Bonds, paid for out of a private trust fund that I established.

In 1985, the success of the Scholastic Recognition Awards prompted me to initiate a national Honors Scholarship program. Awarded on a merit basis, these national, federally funded, $1,500, first-year Robert C. Byrd Honors Scholarships are intended to encourage excellence in education by giving motivated and able students a boost in pursuing their college educations.

Thus far, 19,856 Robert C. Byrd Honors Scholarships have been awarded nationally since the inception of this program.

I am proud that my name is associated with an effort to promote educational excellence in our society. And I shall not flag in my commitment to advance education in America.

At one time, most jobs and occupations available to Americans required little or no formal education.

But we long ago passed the point of zero-education.

According to a recent study, more than half of the new jobs created between now and the year 2000 will require some education beyond high school.

Further, by the year 2000, roughly one-third of all U.S. jobs will require a college degree.

Frankly, I believe that traditional higher education—that offered at most of our great private and state universities—is in a crisis today. I likewise believe that many of your institutions offer our best opportunities for, if not solving this crisis, at least blunting its impact on our culture and our economy.

Ironically, at the same time that the requirement for a college-level education is increasing, the cost of higher education is soaring out of sight at most of America's most prestigious colleges and universities.

That is the first facet of the crisis in traditional higher education: the Crisis of Price.

According to the New York Times, for this current academic year, the cost for tuition, room and board, books, and incidental expenses for one year for an undergraduate student at Harvard will be an estimated $22,160. For Yale, that estimated cost will be $22,520. For Princeton, the estimate is $22,400. At MIT, the cost is $22,994.

Here in Washington, the estimated cost of one year at George Washington University is $19,600. At American University, the figure is $18,264. And the 1990–91 estimated cost at Georgetown University for tuition alone is $14,440.

Even at public universities, prices are climbing. At Maryland, tuition alone for state residents this year is $2,269, while Virginia residents will be expected to pay tuitions of $2,966 at Charlottesville.

In effect, the costs of one year of college at America's premier institutions of higher education are being priced out of the reach of most middle- and moderate-income American families.

At the same time that costs are soaring at major universities, large numbers of scholars at the most prestigious universities have lost the desire to teach, particularly if that means teaching undergraduates or nonresearch-oriented adults.

That is the second facet of the current crisis in traditional higher education: the Crisis of Purpose.

For added prestige—Nobel prizes, recognition through publications in professional journals, and other institutionally enhancing activities—many schools are paying inflated salaries for research-oriented personnel. As a result, undergraduate students at many top-flight schools receive no exposure to those institutions' most acclaimed scholars, having instead to depend on graduate students for basic instruction.

Surprisingly, at the same time at some large campuses, a decline in academic integrity and a confusion of purpose have led to the proliferation of questionable and even fatuous nonsense courses.

At Vassar, for example, one can take for credit a course entitled "Sociology of Sociability"—a course purporting to study the social dynamics of fraternity partying and similar social gatherings.

Not to be outdone, the University of Massachusetts offers "Ultimate Frisbee"; Kent State has "Dance Roller Skating"; Illinois provides credit for "Pocket Billiards"; and the University of North Carolina at Greensboro offers a credit course called "Deadhead 101"—a semester-long examination of the cassette-recorded music and video-filmed concerts of the rock group called the "Grateful Dead."

Related to this unfocused sense of purpose is the third facet of the crisis in traditional higher education: the Crisis of Perspective. Against this background of soaring costs and blurred aims on large and prestigious campuses, our community colleges and their related sister institutions offer attractive alternatives to much traditional higher education.

Because of their proximity to large and concentrated potential constituencies, tuition and costs at community colleges can be, and are, significantly lower than at more distant campuses. Commuting and working students can obtain quality courses at reasonable prices.

Likewise, rooted as they are in stable communities, many community colleges have built up working relationships with important local businesses and industries. The curricula in these community colleges can often be directly tailored to prepare students for specific careers or for career advancement—goals that increasingly qualified and accomplished community college faculties find neither abhorrent nor compromising.

Similarly, the pragmatic orientation of most community colleges precludes the development of wasteful and frivolous course offerings.

With their ties to living, vibrant American communities, community colleges can permit young students to move more maturely and naturally to adulthood and useful citizenship in our society.

We should entertain no illusions. America is locked in genuine competition with our world trading partners and trading rivals alike for markets and customers. If our way of life and our standard of living are to be preserved, we will require the talents, skills, and faculties of well-educated, well-trained men and women.

Cultivating and producing those qualified people will be more and more a role for community colleges, vocational and career schools, and junior colleges. At your colleges and institutions, increasing numbers of young Americans and working adults are building for their futures and for our future.

Again, I commend you for the exceptional contributions that you are making to America's educational strength and economic progress through your efforts as trustees and officers of our community colleges, and I hope for the institutions that you represent even greater success as we move toward the twenty-first century.

H.R. 598: THE DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PERSONNEL ACT OF 1991

Mr. CRANSTON. Mr. President, yesterday, April 17, 1991, the Senate passed H.R. 598, the Department of Veterans Affairs Health-Care Personnel Act of 1991. In my remarks in the RECORD—beginning on S. 4537—I referred to an explanatory statement—developed jointly by the House and Senate Veterans' Affairs Committees—in which the provisions of this legislation are described in detail. Contrary to my stated intention, the portions of the explanatory statement describing titles II, III, and IV of the bill were not submitted for printing in the RECORD at the conclusion of my remarks.

Thus, Mr. President, I now ask unanimous consent that these portions of the explanatory statement of H.R. 598 as agreed to by the committees and passed by the Senate on April 17 be printed in the RECORD at this point.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON TITLES II, III, AND IV OF H.R. 598

H.R. 598 as amended by the Senate reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills relatings to Department of Veterans Affairs physician and dentist pay and labor relations considered in the Senate and the House of Representatives, but not enacted, during the 101st Congress. Those bills are H.R. 4557, which the House passed on May 1, 1990, and S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 598 as amended. Differences between the provisions contained in H.R. 498 as amended (hereinafter referred to as "Compromise agreement") and the related provisions in the House-passed version of H.R. 4557 (hereinafter referred to as the "House bill") and S. 2100 as reported in the Senate (hereinafter referred to as the "Senate bill") are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical and clarifying changes.

EXTENSION OF COLLECTIVE BARGAINING RIGHTS TO TITLE 38 EMPLOYEES

Current law: Under the Federal Service Labor-Management Relations Act (FSLRA), which was enacted as part of the Civil Service Reform Act of 1978 (Public Law 95-454) and codified in chapter 71 of title 5, United States Code, federal employees are granted the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with the terms of that Act.

Section 4108 of title 38 provides that the Secretary of Veterans Affairs "shall prescribe by regulation the hours and conditions of employment and leaves of absence" of health-care professionals appointed under title 38.

In a July 1988 decision, the U.S. Court of Appeals for the District of Columbia Circuit held, in the case *Colorado Nurses Association and VA Medical Center, Ft. Lyon, Colorado*, v. *Federal Labor Relations Authority*, 851 F.2d 1486 (D.C. Cir. 1988), that the VA Secretary has exclusive discretion to establish regulations concerning the working conditions of those employees appointed under the title 38 personnel system and is, therefore, not under any obligation to bargain with such employees under the FSLRA.

House bill: Section 301 of H.R. 4557 would amend section 4108 of title 38 so as to provide that the Secretary's authority to prescribe by regulation the hours and conditions of employment and leaves of absence of title 38 employees is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5, which relates to labor management relations.

Senate bill: Section 249 would provide that the provisions of chapter 71 of title 5 would generally apply to the personnel-administration authorities in section 4108 of title 38.

Compromise agreement: New section 7422(a) (as proposed to be added by section 202 of the compromise agreement) follows the House bill.

Scope of Collective Bargaining

House bill: Section 301 of H.R. 4557 would provide that collective bargaining and any grievance procedures provided under a collective bargaining agreement may not cover, or have any applicability to, any matter or question concerning, or arising out of, "professional conduct or competence" (defined as (a) direct patient care, (b) clinical competence, (c) professional judgment, and (d) peer review).

Senate bill: Section 249 would provide that the collective bargaining rights of employees as set forth in chapter 71 of title 5 would not apply with respect to (a) the prohibitions set out in section 4108(a) (1) through (6) (relating to work outside VA and conflict-of-interest situations) or (b) matters covered by section 4110 (certain disciplinary actions, which are proposed to be limited to certain major actions by section 250 (discussed below)).

Compromise agreement: New section 7422(b) (as proposed to be added by section 202 of the compromise agreement) follows the House bill with an amendment clarifying that collective bargaining and any grievance procedures established under collective bargaining may not cover, or have any applicability to, any matter or question concerning or arising out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title.

The Committees note that the reference to peer review in this section is intended to refer to, but is not limited to, the operation, determinations, and membership of the Professional Standards Boards of the Department.

The reference to "professional judgment" has been deleted from the definition of "professional conduct or competence" because it is the belief of the Committees that the meaning of that term is fully encompassed by the term "clinical competence".

Review of Secretary's Collective Bargaining Determinations

House bill: Section 301 of H.R. 4557 would grant the Secretary exclusive authority to determine, not subject to collective bargaining or review by any other agency or by any court, whether a matter concerns, or arises out of, professional conduct or competence.

Senate bill: No provision.

Compromise agreement: New section 7422(d) (as proposed to be added by section 202 of the compromise agreement) follows the House bill with an amendment deleting the prohibition against court review of the Secretary's determination whether a matter concerns, or arises out of, (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation.

Jurisdiction for Certain Cases

House bill: Section 301 of H.R. 4557 would provide that a petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving title 38 employees, or arising out of the applicability of title 5 to title 38 employees, may be pursued only in the United States Court of Appeals for the District of Columbia Circuit.

Senate bill: No provision.

Compromise agreement: New section 7422(e) (as proposed to be added by section 202 of the compromise agreement) follows the House bill.

PERSONNEL ADMINISTRATION: FULL-TIME EMPLOYEES

New section 7423 (as provided to be added by section 202 of the compromise agreement) is a recodification in the proposed new subchapter II of chapter 74 of the provisions contained in current section 4108(a) (1) through (6), which set forth prohibitions relating to work outside VA and conflict-of-interest situations applicable to full-time, title 38 employees.

ADVERSE PERSONNEL ACTIONS

Disciplinary Actions and Appeal Procedures

Current law: Section 4110 of title 38 requires the Chief Medical Director (CMD), under regulations prescribed by the Secretary, to appoint disciplinary boards comprised of not less than three nor more than five employees, senior in grade, of the Veterans Health Services and Research Administration, to determine charges of inaptitude, inefficiency, or misconduct of any full-time, permanent health-care professional appointed under title 38.

House bill: Section 302 of H.R. 4557 would replace current section 4110 with four new sections: 4110, 4110A, 4110B, and 4110C. Revised section 4110 would provide that full-time, permanent title 38 employees have the right to appeal an adverse personnel action resulting from a charge brought by the CMD (or an official designated by the CMD) based on conduct or performance, as follows:

(a) In any case involving or including a question of professional conduct or competence in which a major adverse action was taken, the appeal would be required to be made to a Disciplinary Appeals Board (DAB) under new section 4110A (discussed below).

(b) In any case involving or including a question of professional conduct or competence in which a major adverse action was not taken, the appeal would be required to be made through Department grievance procedures under section 4110B (discused below).

(c) In any case not involving or including a question of professional conduct or competence in which either a major or minor adverse action was taken, the appeal would be through Department grievance procedures under new section 4110B, except that an employee covered by a collective bargaining agreement would be authorized to elect to appeal through either the 4110B procedures or the grievance procedures provided through collective bargaining.

For these purposes, a major adverse action is an adverse action that includes a suspension, transfer, reduction in grade, reduction in basic pay, or discharge, and a question of professional conduct or competence is a question involving direct patient care, clinical competence, professional judgment, or peer review.

Senate bill: Section 250 would:

(a) Retain current 4110 disciplinary boards but provide that a disciplinary board is not required in a case in which the proposed action is suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand, or admonishment.

(b) Establish a new adjudication and review procedure for cases in which the proposed action is suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand, or admonishment.

(c) Require that (1) the Secretary authorize review, under procedures established through collective bargaining, of (A) grievances by employees covered by a collective bargaining agreement, and (B) lesser disciplinary actions involving such employees, (2) in a case involving a question of clinical competence, as determined by either party, any person selected to serve as an arbitrator be qualifed as an arbitrator and also be a physician, dentist, or nurse, or otherwise qualifed in examining and adjudicating health-care issues, and (3) the Secretary authorize, through a Department review procedure, review of lesser disciplinary actions (suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand or admonishment) imposed on, and grievances of, supervisors and employees not covered by a collective bargaining agreement.

Compromise agreement: New section 7461 (as proposed to be added by section 203 of the compromise agreement) follows the House bill except the reference to "professional judgment" has been deleted (as in new section 7422, relating to collective bargaining) from the definition of "professional conduct or competence" because of the Committees' belief that the meaning of this term is fully encompassed by the term "clinical competence".

Judicial Review of Disciplinary Actions and Appeals

House bill: New section 4110(d) would provide that an issue of whether a matter or question concerns, or arises out of, professional conduct or competence is not itself subject to any grievance procedure provided by law, regulation, or collective bargaining and may not be reviewed by any other agency or by any court.

Senate bill: No provision.

Compromise agreement: New section 7461(d) (as proposed to be added by section 203 of the compromise agreement) follows the House bill except that the language that would prohibit court review of the Secretary's determination as to whether a matter or question concerns, or arises out of, professional conduct or competence is deleted.

As in section 202 of the compromise agreement (relating to collective bargaining) the Committees have deleted the reference to "professional judgment" from the definition of "professional conduct or competence" because of the Committees' belief that the meaning of that term is fully encompassed by the term "clinical competence".

Publication of Proposed Regulations

House bill: Revised section 4110(e) would require the Secretary to publish in the Federal Register for notice-and-comment, not less than 30 days before the date on which they are to take effect, regulations the Secretary proposes to prescribe under proposed new sections 4110, 4110A, 4110B, and 4410C.

Senate bill: No provision.

Compromise agreement: New section 7461(e) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Appeal Procedures for Major Disciplinary Actions Involving Professional Conduct or Competence

House bill: New section 4110A(a) would provide that disciplinary appeals boards (DABs) appointed under new section 4110C would have exclusive jurisdiction to review any case which arises out of (or which includes) a question of professional conduct or competence of a full-time, permanent title 38 employee and in which a major adverse action was taken.

Senate bill: Section 250 would require that section 4110 disciplinary boards be maintained to determine the charges in any disciplinary action brought on the basis of performance or conduct.

Compromise agreement: New section 7462(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Mixed Cases

House bill: New section 4110(A) would require a DAB to include in its record of decision in a "mixed case"—a case including both a major adverse action arising out of a question of professional conduct or competence and an adverse action which is not a major adverse action or which does not arise out of a question of professional conduct or competence—a statement of the board's exclusive jurisdiction.

Senate bill: No provision.

Compromise agreement: New section 7462(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Notice and Opportunity to Respond—Major Adverse Actions

House bill: New section 4110A(a) would provide that in a case in which charges are brought against a title 38 employee involving a question of professional conduct or competence which could result in a major adverse action, the employee:

(a) is entitled to (1) advance written notice from the CMD or other charging official specifically stating the basis of the charge, the adverse actions that could be taken and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated, (2) the opportunity to present an answer orally and in writing to the CMD or other deciding official, who must be higher in rank than the charging official, and to submit affidavits and other documentary evidence in support of the answer; and

(b) is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill, with amendments to clarify the notice and opportunity to respond that would be required to be available to employees. Thus, new section 7462(b) provides that in any case in which charges are brought against an employee which arises out of, or includes, a question of professional conduct or competence which could result in a major adverse action, the employee is entitled to at least 30 days advance written notice. An exception is made for situations in which there is reasonable cause to believe that the employee has committed a crime for which the employee may be imprisoned, in which case the 30-day written notice would not be required. New section 7462(b) also provides that an employee has at least seven days to present an answer orally and in writing in response to the notice that charges are being brought.

The Committees note that these requirements parallel the notice requirement applicable to civil service employees under section 7513 of title 5.

Decisions

House bill: New section 4110A(b) would provide that (a) if a proposed adverse action covered section 4110A is not withdrawn, the deciding official must render a decision in writing within 21 days after receipt by the official of the employee's answer; (b) the decision must include a statement of the specific reasons for the decision with respect to each charge and in the case of a major adverse action, state whether any of the charges sustained arose out of a question of professional conduct or competence; and (c) if any of the charges are sustained, the notice of the decision to the employee must include notice of the employee's rights of appeal.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Authority to Hold Proposed Adverse Actions in Abeyance

House bill: New section 4110A(b) would provide that a proposed adverse action may be held in abeyance for up to a year if the employee requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Opportunity to Respond to Charges

House bill: New section 4110A(b) would authorize the Secretary to require that any answer and submission from an employee be submitted so as to be received within 30 days of the date of the written notice of the charges, except that the Secretary shall allow the granting of extensions for good cause shown.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill with an amendment to provide that the Secretary may not require an employee to submit an answer prior to the passage of seven days after the date of written notice of the charges.

Timeliness of Appeals to Disciplinary Appeals Boards

House bill: New section 4110A(b) would require that the Secretary require any appeal to a DAB from a decision to impose a major disciplinary action be received within 30 days after the date of service of the written decision on the employee.

Senate bill: No provision.

Compromise agreement: New section 7462(b) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Determination of Jurisdiction

House bill: New section 4110A(c) would require a DAB to determine whether a matter is properly before it prior to considering an appeal in a case under this section.

Senate bill: No provision.

Compromise agreement: New section 7462(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Authority of Disciplinary Appeals Boards

House bill: New section 4110A(c) would require a DAB to sustain, dismiss, or sustain in part and dismiss in part, each charge appealed to it and, if the deciding official is sustained (in whole or in part) with respect to any charge, to approve the action as imposed, approve the action with modification, reduction, or exception, or reverse the action.

Senate bill: No provision.

Compromise agreement: New section 7462(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Procedures

House bill: New section 4110A(c) would require that a DAB (a) afford an employee appealing an adverse action an opportunity for an oral hearing and, if such a hearing is held, provide the employee a transcript of it, and (b) render a decision within 45 days of completion of the hearing, if a hearing is held, and in any event no later than 120 days after the appeal commenced.

Senate bill: No provision.

Compromise agreement: Subsections (c) and (d) of new section 7462 (as proposed to be added by section 203 of the compromise agreement) follow the House bill.

Secretary's Action

House bill: New section 4110A(d) would provide that (a) except as discussed in items (b) and (c), below, after resolving any question as to whether a matter involves professional conduct or competence, the Secretary must cause the DAB decision to be executed in a timely manner and in any event not later than 90 days after it is received and, pursuant to the DAB's decision, may order reinstatment, award back pay, and provide such other remedies as the board found appropriate, including expungement of records relating to the action; (b) authorize the Secretary, upon a determination that a decision of a DAB is clearly contrary to the evidence or unlawful, to (1) reverse the decision of the DAB, or (2) reverse the decision of the DAB and remand the matter for further consideration; (c) the Secretary may mitigate the adverse action imposed if the Secretary finds that DAB decision (while not clearly contrary to the evidence or unlawful) to be not justified by the nature of the charges; and (d) the Secretary's execution of a DAB decision would be the final administration action in a case.

Senate bill: No provision.

Compromise agreement: Subsections (d) and (e) of new section 7462 (as proposed to be added by section 203 of the compromise agreement) follow the House bill with an amendment to clarify that the Secretary, upon a determination that a decision of a DAB is clearly contrary to the evidence or unlawful, may vacate a decision of the DAB and remand the matter for further consideration.

Management Representation Before Disciplinary Appeals Boards

House bill: New section 4110A(e) would authorize the Secretary to designate a Department employee to represent management in any case before a DAB.

Senate bill: No provision.

Compromise agreement: New section 7462(e) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Judicial Review of a Final Decision by a Disciplinary Appeals Board

House bill: New section 4110A(f) would (a) authorize a title 38 employee adversely affected by a final decision of a DAB (after action by the Secretary) to obtain judicial review of the decision; and (b) require that a reviewing court review the record and hold unlawful and set aside any action, finding, or conclusion found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) obtained without procedures required by law, rule, or regulation having been followed; or (3) unsupported by substantial evidence.

Senate bill: No provision.

Compromise agreement: New section 7462(f) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Disciplinary Actions and Appeal Procedures Applicable to Cases other than those Involving Major Adverse Actions Arising out of Professional Conduct or Competence

House bill: New section 4110B(a) would require the Secretary to prescribe by regulations procedures for the consideration of grievances of title 38 employees arising from an adverse personnel action in which the action taken either is not a major adverse action or does not arise out of a question of professional conduct or competence.

Senate bill: Section 250 would require that the Secretary prescribe regulations for the consideration of a proposed action in which the proposed action is suspension of 14 days or less, reassignment without reduction in basic pay, reduction in rank without reduction in basic pay, reprimand, or admonishment.

Compromise agreement: New section 7463(a) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Procedures

House bill: Subsections (a) and (b) of new section 4110B would provide in a case of an adverse personnel action in which the action taken either is not a major adverse action or does not arise out of a question of professional conduct or competence (a) DABs would have no jurisdiction; (b) an employee who is a member of a collective bargaining unit may seek review of the adverse action either under Department grievance procedures prescribed by the Secretary or through grievance procedures determined through collective bargaining, but not under both; and (c) the employee's election of which grievance procedure to follow is nonrevocabale.

Senate bill: No provision.

Compromise agreement: Subsections (a) and (b) of new section 7463 (as proposed to be added by section 203 of the compromise agreement) follow the House bill.

Required Components of Appeal Procedures

House bill: New section 4110B(c) would require grievance procedures established under section 4110B to include:

(a) A right to formal review by an impartial examiner within VA, who, in a case arising from a question of professional conduct or competence, would be required to be selected from the panel of employees designated by the Secretary as qualified to set on a DAB.

(b) A right to a prompt report of the findings and recommendations by the impartial examiner.

(c) A right to a prompt review of the examiner's findings and recommendatiions by an official of a higher level than the official imposing the adverse action.

(d) A right to be represented by an attorney or other representative at all stages of the appeal procedure.

Senate bill: Section 250 would provide that an employee against whom a lesser disciplinary action is proposed would be entitled to:

(a) Advance written notice stating the specific reasons for the proposed action.

(b) A reasonable time to answer orally and in writing and to furnish affidavits and other supporting documentary evidence in support of the answer.

(c) Representation by an attorney or other spokesperson.

(d) A written decision and the specific reasons for the decision at the earliest practicable date.

Any agency review procedure would be required to include:

(a) An informal review by an official of a higher level than the official who made the decision.

(b) A prompt decision by such higher level official and a right to formal review by an impartial examiner within VA.

(c) A prompt report of the findings and recommendations by the impartial examiner.

(d) A prompt review of the examiner's findings and recommendations, together with any comments by the employee and the Department on such findings and recommendations, by an official of a higher level than the official who conducted the review.

Compromise agreement: Subsections (c), (d), and (e) of new section 7463 (as proposed to be added by section 203 of the compromise agreement) follow the House bill with an amendment provding that an employee against whom are brought charges not involving professional conduct or competence which could result in a major adverse action being imposed is entitled to the same notice and opportunity to answer those charges as provided in the case of an employee against whom are brought charges involving professional conduct or competence that could result in a major adverse action. In any other case in which charges are brought against an employee, the employee would be entitled to (a) an advance written notice stating the specific reason for the proposed action, and (b) a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

Appointment of Disciplinary Appeals Boards

House bill: New section 4110C(a) that would require that (a) the Secretary from time to time to appoint boards, to be known as DABs, to hear appeals of major adverse actions; (b) each DAB consists of three Department employees who are senior in grade or the same grade as the employee appealing an adverse action; and (c) the Secretary designate one member of each DAB to be chairman and another to be secretary and that both would have the authority to administer oaths.

Senate bill: Section 250 would provide that, as under current law, the 4110 disciplinary boards would have not less than 3 nor more than 5 members who are senior in grade to the charged employee and that the majority of the board members would be required to be employed in the same category of position as the charged employee.

Compromise agreement: New section 7464 (as proposed to be added by section 203 of the compromise agreement) follows the House bill except that a majority of the members of a DAB are required to be employed in the same category of position as the appealing employee.

Regulations Pertaining to Disciplinary Appeals Boards' Operations

House bill: New section 4110C(b) would require that the appointment of DABs and the DABs' proceedings be carried out under regulations prescribed by the Secretary.

Senate bill: No provision.

Compromise agreement: New section 7464(b)(2) (as proposed to be added by section 203 of the compromise agreement) follows the House provision.

Maintenance of Verbatim Records of Hearings.

House bill: New section 4110C(b) would require that verbatim records be maintained of DAB hearings.

Senate bill: No provision.

Compromise agreement: New section 7464(b)(2) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Confidential Records

House bill: New section 4110C(c) would (a) authorize, notwithstanding sections 3301 (regarding the confidential nature of claims) and 4132 (regarding the confidentially of certain medical records), the chairman of a DAB, upon the request of the employee whose case is before the DAB (or the employee's representative), to review records or information covered by those sections; (b) authorize the chairman of a DAB to authorize the disclosure of such records or information to the employee (or representative) to the extent the DAB considers appropriate for purposes of proceedings of the DAB in the case; (c) authorize the chairman, in cases where the chairman has exercised the authority to review or release to the employee information that is covered by sections 3301 and 4132 (relating to confidentiality of medical records), to direct that measures be taken to protect the personal privacy of individuals whose records are involved; and (d) provide that any person who uses or discloses such a record or information for any purpose other than in connection with the DAB's proceedings shall be fined not more than $5,000 for a first offense and not more than $20,000 for a subsequent offense.

Senate bill: No provision.

Compromise agreement: New section 7464(c) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Designation of Employees to Serve on Disciplinary Appeals Boards

House bill: New section 4110C(d) would (a) require the Secretary to provide for the periodic designation of VA employees who are qualified to serve on DABs and provide that those designated shall constitute the panel from which DAB members are appointed; (b) require that the Secretary provide without charge a list of the names of those employees on the panel to any person who requests one; (c) require the Secretary to announce periodically (at least once a year) at VA medical facilities and in the Federal Register that the roster of employees on the panel is available; (d) require that the Secretary provide notice of a new name being on the list of panel members at least 30 days before the individual may serve on a DAB or as a grievance examiner; and (e) authorize employees, employee organizations, and other interested parties to submit to the Secretary comments concerning the suitability for service of anyone named on the list.

Senate bill: No provision.

Compromise agreement: New section 7464(d) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Training of Panel Members

House bill: New section 4110C(d) would require that the Secretary provide training in the functions and duties of DABs and in grievance procedures for employees selected to be on the panel.

Senate bill: No provision.

Compromise agreement: New section 7464(d) (as proposed to be added by section 203 of the compromise agreement) follows the House bill.

Requirement to Prescribe Regulations

House bill: Section 303 of H.R. 4557 would require the Secretary to prescribe regulations under new sections 4110, 4110A, 4110B, and 4110C within 180 days after the date of enactment, and require that such regulations be published in the Federal Register for notice-and-comment not less than 30 days before they are to take effect.

Senate bill: No provision.

Compromise agreement: Section 204 follows the House bill.

Preservation of Existing Collective-Bargaining Arrangements

House bill: Section 304(a) of H.R. 4557 would provide that any determination under chapter 71 of title 5, of a collective bargaining unit within VHS&RA, any recognition under chapter 71 of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit for VA employees, that is in effect on the date of enactment shall not be affected by the amendments made by the Act and shall continue in effect in accordance with the terms of such determination or regulation.

Senate bill: No provision.

Compromise agreement: Section 205 follows the House bill.

Pending Actions

House bill: Section 304(b) of H.R. 4557 would require that cases pending on the date of enactment or brought before either the establishment of Department grievance procedures pursuant to new section 4110B or a negotiated grievance procedure through collective bargaining proceed in the same manner they would have if the provisions of this legislation had not been enacted.

Senate bill: No provision.

Compromise agreement: Section 205 follows the House bill.

TECHNICAL AMENDMENTS TO THE NURSE PAY ACT OF 1990

RATES OF PAY FOR PHYSICIAN ASSISTANTS AND EXPANDED-FUNCTION DENTAL AUXILIARIES

Current law: The Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101–366) established a new section 4141 of title 38, pursuant to which rates of pay for registered nurses working in VA, and for certain other health-care positions as determined by the Secretary, generally, are to be established at locally competitive levels based on local wage surveys. The authority provided in section 4141 to establish ranges of basic pay for grades in covered positions replaced the authority in prior section 4107(b) to establish a schedule for nurses (and, by cross reference, for physician assistants and expanded-function dental auxiliaries).

House bill: Section 301(a) of H.R. 598 would require that, after August 14, 1990 (the day before the date of enactment of the Nurse Pay Act), physician assistants and expanded-function dental auxiliaries continue to be paid according to the salary schedule in section 4107(b) of title 38 as in effect on August 14, 1990, until the effective date of a determination by the Secretary that one or both of these occupations are to be covered by a new salary schedule and thus be paid based under the provisions of section 4141.

Senate bill: Section 301(a) of S. 675 is substantively identical to the House bill.

Compromise agreement: Section 301(a) contains this provision.

The Committees note their expectation that the requirement for continuation of payments to physician assistants and expanded-function dental auxiliaries "according" to the salary schedule in section 4107(b) as in effect on August 14, 1990, will mean that employees in these groups will receive any cost-of-living adjustment to the rates in that salary schedule since August 1990.

RATES OF PAY FOR CENTRAL AND REGIONAL OFFICE EMPLOYEES IN POSITIONS COVERED BY THE NURSE PAY ACT OF 1990

Current law: Section 4141 of title 38, enacted in the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101–366), contains provisions which (a) require the adjustment of the rate of basic pay for each grade in a position covered by a new schedule created according to section 4141 (1) whenever there is an adjustment under section 5305 of title 5 in the rates of pay under the General Schedule, and (2) at such additional times as the director of a VA health-care facility determines appropriate, with respect to covered positions at that facility (section 4141(d)(1)); (b) prohibit the director of a VA health-care facility from adjusting rates of basic pay for any pay grade so that the minimum rate of basic pay for that grade is greater than the beginning rates of compensation for corresponding positions at non-VA health-care facilities (section 4141(d)(3)); (c) provide that, if the director of a VA health-care facility determines—after conducting a survey under the new authority or at any other time that a adjustment in rates of pay is scheduled to take place under section 4141—that it is not necessary to adjust the rates of basic pay for employees in covered positions at that facility, the director is not required to make such an adjustment (section 4141(d)(4)).

House bill: Section 301(c) of H.R. 598 would (a) require the Chief Medical Director to prescribe regulations providing for the adjustment of the rates of basic pay for Regional Office and Central Office employees in positions covered by the new pay schedule, and (b) provide the Chief Medical Director with the same authority to adjust or not adjust rates of basic pay for Regional and Central Office employees in covered positions as is provided to facility directors in section 4141(d).

Senate bill: Section 301(b) of S. 675 is identical to the House bill.

Compromise agreement: Section 301(b) contains this provision.

EXTENSION OF ANNUAL REPORT ON FURNISHING HEALTH CARE

Current law: Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (Public Law 99–272) requires the Secretary to submit to the House and Senate Committees on Veterans' Affairs an annual report for each of fiscal years 1986, 1987, 1988, and 1989 on the impact of that law on the furnishing of medical care and services to veterans.

House bill: Section 302 of H.R. 598 would extend the requirement for that annual report through fiscal year 1991.

Senate bill: Section 302 of S. 675 is identical to the House provision.

Compromise agreement: Section 302 contains this provision.

MODIFICATION OF ADMINISTRATIVE REORGANIZATION REQUIREMENTS

Current law: Section 210(b)(2) of title 38 imposes certain requirements for advance notification to the Congress of planned VA administrative reorganizations which result in full-time equivalent employees (FTEE) reductions that exceed specified levels.

Definition of an Administrative Reorganization and a Covered Facility

Current law: For certain reorganizations, an advance report detailing the reorganization must be provided to the Congress not later than the date on which the President submits the budget for the fiscal year in which the reorganization is to be implemented. For purposes of this report-and-wait requirement, an administrative reorganization of a covered field office (a VA facility outside of the Central Office that is the permanent duty station for 25 or more employees) is defined as one which results in a reduction during any fiscal year in the number of FTEE with permanent duty station at the office by 10 percent or more, or by a percentage which, when added to the percentage of FTEE reduced during the preceding year, is 15 percent or more. An administrative reorganization of a covered Central Office unit (a Central Office unit that is the permanent duty station for 100 or more employees) is defined as one which results in a reduction in the number of FTEE with permanent duty station at the office by 25 percent or more during any fiscal year, or by a percentage which, when added to the percentage of FTEE reduced during the preceding year, is 30 percent or more.

House bill: Section 301 of H.R. 5740 would for purposes of this report-and-wait requirement (1) redefine the administrative reorganization of a covered field office as one which results in reduction during any fiscal year in the number of FTEE with permanent duty station at the office by 15 percent or more, or by a percentage which, when added to the percentage reduction of FTEE during the preceding year, is 25 percent or more; and (2) delete Central Office units from the coverage of this requirement.

Senate bill: No provision.

Compromise agreement: Section 303 follows the House bill.

Reporting Requirement

Current law: As noted above, reorganization proposal for a fiscal year must be submitted to the Congress no later than the day the President submits the budget in January for that fiscal year.

House bill: Section 301 of H.R. 5740 would revise this report-and-wait requirement so as to allow action to implement a reorganization of a covered field office to begin upon the expiration of 60 days of continuous Session of Congress following the date of submission of the report, regardless of when the report is submitted.

Senate bill: Section 703 would require that a VA reorganization proposal be submitted to Congress not later than April 1 of the year preceding the fiscal year in which the reorganization is to be implemented, thus shortening the current waiting period by approximately two-and-a-half months.

Compromise agreement: Section 303 follows the House bill except that it would require a waiting period of 90 days, rather than 60 days, of continuous Session of Congress.

Notification Requirements for Central Office Reorganizations

Current law: The Secretary of Veterans Affairs is required to provide the Congressional Committees on Veterans' Affairs notice of a reorganization of a Central Office unit if the unit is the duty station for more than 25 but less than 100 employees and the reorganization involves a reduction in any fiscal year in the number of FTEE with permanent duty station at the office by 10 percent or more, or by a percentage which, when added to the percentage reduction made in the preceding year, is 15 percent or more.

House bill: Section 301 of H.R. 5740 would modify the 30-day advance notice requirement to apply only to administrative reorganizations of VA Central Office units that are duty stations for 100 or more employees and then only if the reorganization results in the reduction of 25 percent or more of the office's FTEE in any fiscal year.

Senate bill: No provision.

Compromise agreement: Section 303 would require a 30-day advance notice to the Committees of an administrative reorganization of the Central Office unit if the unit is the duty station for more than 30 employees and the FTEE reduction would be 50 percent or more in any fiscal year.

Exemptions

Current law: For the purposes of the report-and-wait provisions in section 210(b)(2), an administrative reorganization means the consolidation, elimination, abolition, or redistribution of functions under the authority granted to the Secretary.

House bill: Section 301 of H.R. 5740 would exempt from the report-and-wait requirements a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Services and Research Administration at a VA medical and regional office center, if after the consolidation or redistribution the same number of FTEE continues to perform the affected functions at the facility.

Senate bill: Section 703 of S. 2100 contains a similar provision and would further limit the report-and-wait requirements to offices and facilities which have as their primary mission providing care and services to veterans.

Compromise agreement: Section 303 follows the House bill.

TECHNICAL CORRECTION TO LIMITATION ON PAYMENT OF PENSION TO VETERANS IN NURSING HOMES

Current law: The Omnibus Reconciliation Act of 1990 (OBRA), Public Law 101-508, amended Section 3203(f)(1)(B) of title 38 so as to limit, from the date of enactment until September 30, 1992, monthly VA pension payments to $90 to veterans receiving a VA pension who are also eligible for Medicaid, have no dependents, and receive nursing home care in a nursing home participating in Medicaid.

House bill: No provision.

Senate bill: Section 304 of S. 675 would make a technical correction to section 3203(f)(1)(B) so as to provide, consistent with the express intent of the OBRA conferees (H.Rept.No. 101-964, pages 982-83), that veterans receiving care in State veterans homes would be excluded from the reduction in pension payments.

Compromise agreement: Section 304 follows the Senate bill.

RECEIPT OF HONORARIA BY VETERANS HEALTH ADMINISTRATION EMPLOYEES

Current law: Section 601(a) of the Ethics Reform Act of 1989 (Public Law 101-194) prohibits all federal officers and employees (except members and staff of the Senate) from receiving a payment of money (or any other thing of value), except for certain necessary travel expenses, for an appearance, speech, or article.

House bill: Section 303 of H.R. 598 would amend sections 4233 and 4114 of title 38 so as to permit an employee of the Veterans Health Administration to receive and retain fees (or any other thing of value) paid to that person for an appearance, speech, or article, so long as the appearance, speech, or article does not create a conflict of interest or an appearance of a conflict of interest.

Senate bill: No provision.

Compromise agreement: No provision.

REORGANIZATION AND REDESIGNATION OF PARTS IV, V, AND VI OF TITLE 38

Current law: Current chapter 73 of title 38, entitled "Department of Medicine and Surgery", contains provisions relating to the organization of VA's health-care system.

House bill: No provision.

Senate bill: Title IV of S. 675 would divide existing chapter 73 into two new chapters—chapter 73, entitled "Veterans Health Administration—Organization and Functions", which contains provisions dealing with the overall organization of VA's health-care system, and chapter 74, entitled "Veterans Health Administration—Personnel", which contains all of the personnel-related provisions relating to VA's health-care system. In addition, these provisions renumber provisions in current chapters 51, 53, 55, 57, 59, 61, 71, 72, 76, 78, 81, 83, and 85 so that the provisions would be renumbered to begin with the first two digits of the chapter. This same renumbering is carried out in new chapters 73 and 74.

Compromise agreement: Title IV follows the Senate bill.

The Committees note that the changes made by title IV are purely technical in nature and are meant to have no substantive impact.

S. 64, A BILL TO ESTABLISH A NATIONAL COMMISSION TO STUDY LENGTHENING THE SCHOOL YEAR

Mr. PELL. Mr. President, last evening the Senate approved and sent to the House, S. 64, which would establish a National Commission on a Longer School Year. I believe this bill is an important initiative, and I am proud to have been a cosponsor. It would not mandate an increase in the length of the school year, even though that is something that I, personally, believe should be done. Instead, it would establish a national commission to study the feasibility of lengthening the school year and then to report its findings to the President and Congress.

I have a strong, long-held interest in a longer school year. For years, I have carried with me a chart showing how the United States ranks with other nations. We do not fare well. The average length of the school year in the United States is 180 days. In Japan, however, it is 243. In South Korea, 220; in Italy, 216; in the Soviet Union, 210; in Thailand, 200; in the United Kingdom, 196; in Canada, 196; and in France, 190.

American students today spend more than half of the year not in school but on vacation. To my mind, if we are to retain our leadership in the world economy we need to take a very careful look at increasing the length of the school year.

I must point out, however, that any such action must also be accompanied by a commensurate increase in teacher pay. It would be unwise, indeed, to increase the length of the school year and not recognize the additional demands that would be placed on our teachers.

I understand that the administration may well be interested not only in the idea of a longer school year but also in the concept of a longer school-day. I believe we would all welcome their active participation and support for this legislation. For my own part, I would most definitely welcome the opportunity to work with them in examining the merits of lengthening the school-day.

The two amendments that were a part of S. 64 are also important. The enactment of authorizing language for the national writing project is something that has been of great concern to Senator COCHRAN, and I am very glad that we were able to accommodate him in this area. He has worked hard to secure appropriations for this program, and the enactment of authorizing language would mean that the funds already appropriated would not lapse.

We also seek in the legislation we passed yesterday to reauthorize the Bicentennial Competition on the Constitution and change its name to We the People. This is the highly successful education program on our Constitution run by the Center for Civic Education under the able leadership of Chuck Quigley. This program enjoys widespread support and is generally recognized as the best education program to come out of the Commission on the Bicentennial of the Constitution. It would be a shame, indeed, if we did not continue this program beyond the life of the Commission, and that is just what our legislation seeks to do.

Mr. President, this is a small, but important piece of legislation, and I am very pleased that we have been able to take favorable action and send this bill to our colleagues in the House for their consideration.

SENATOR MOYNIHAN: STILL RIGHT AS RAIN ON SOCIAL SECURITY

Mr. HOLLINGS. Mr. President, our distinguished colleague PAT MOYNIHAN is, with good reason, recognized as the Senate's foremost champion and watchdog of the Social Security Program. In part, this is a function of his chairmanship of the Finance Subcommittee on Social Security. But even more so it is due to the simple fact that no other Senator—and few other Americans—can match Senator MOYNIHAN's knowledge of the Social Security Program, its historical evolution, its financing, and its impact on the social fabric of our Nation. On this issue, Senator MOYNIHAN combines the sharp insights of an Ivy League professor with the protective instincts of a subcommittee chairman. It is a formidable combination.

Right to the point of the Social Security payroll tax, Senator MOYNIHAN is right as rain in insisting that this excessive and regressive tax be cut. Today, that payroll tax is generating vast revenues in excess of the current expenses of the Social Security Program. The crux of the problem is that, concerning the Social Security trust fund, there is no trust and no fund. Every last dime in this de facto slush fund is being siphoned off to cover the general operating expenses of the Government. At best, this is an outrageous hoax. At worse it is simple criminal fraud. Either way, it is high time to put a stop to it.

Mr. President, there is an old maxim in this body that first-rate Senators hire first-rate staff, and certainly Senator MOYNIHAN is a good case in point. Both on his subcommittee and on his personal staff, Senator MOYNIHAN has assembled an exceptionally knowledgeable and competent team to advise him on Social Security issues. One of those experts, Eduard Lopez, published a superb article in the April 22 issue of the New Republic on the financing of the Social Security Program. I ask unanimous consent that the article be reprinted in the RECORD at the conclusion of my remarks.

Mr. President, Senator MOYNIHAN knows that he has my energetic support in his campaign to roll back the Social Security payroll tax and to put the Social Security System on a sound, pay-as-you-go basis. I am confident that a solid majority of our Senate colleagues will agree that this tax cut is a matter of basic equity and fairness to working Americans.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DÉJÀ VIEWS

(By Edward A. Lopez)

The setting is Washington, D.C. A political debate is under way on the subject of Social Security taxes. A senator has denounced the Social Security financing arrangements favored by the president of another party. The scheme involves the buildup of large reserves, invested in Treasury bonds, to pay benefits at a far future date. The senator, a member of the Finance Committee, charges trickery: the funds are being used to finance budget deficits, and the tax burden falls disproportionately on those least able to pay. There are liberals and conservatves on both sides of the debate.

Daniel Patrick Moynihan versus George Bush, right? Wrong. The senator was Arthur Vandenberg, a Republican from Michigan, and the president was Franklin Delano Roosevelt. The year was 1937. The debate was the first of only two in the history of Social Security over the fundamental question of whether the program should be financed as a reserve plan or on a pay-as-you-go basis (that is, whether the system should build a reserve to pay future benefits, or simply schedule future tax rate increases to handle projected costs). The debate lasted three years and was finally resolved in favor of pay-as-you-go on recommendations from a bipartisan advisory council.

The second debate now comes fifty years later. Is there anything to be learned from the first in the context of the second?

The Social Security Act of 1935 was developed by President Roosevelt's Committee on Economic Security, which was headed by Labor Secretary Frances Perkins. The act established payroll taxes for employees and employers, set at a rate of 1 percent each starting in 1937 and scheduled to rise incrementally to 3 percent by 1949. Wages in excess of $3,000 per year were not taxable. The act also established earnings-related old-age benefits, which were scheduled to begin in 1942. The financing arrangements called for accumulating a reserve of $47 billion by 1980 to cover anticipated costs as the system matured.

Roosevelt's contribution to the plan was his specific instruction that it be financed from employee and employer payroll taxes. The main factor in Roosevelt's thinking was his belief that the program should be on an insurance model. Social Security was not to be a welfare program. People would establish entitlement to benefits through their work and contributions. This way, Roosevelt hoped, the program would enjoy enough popular support to survive any subsequent attempts at political sabotage. Another key factor, however, was more practical. The payroll tax would start in 1937 and benefits would not begin until 1942. Payroll tax revenues would be invested in U.S. Treasury bonds. The Treasury could thus use the money for years to finance other New Deal programs.

The financing debate began soon after enactment in August 1935. Republican presidential candidate Alf Landon charged that billions of dollars would be raised and wasted by Washington big spenders. This wasn't an extreme position. Similar views were expressed by the AFL, the U.S. Chamber of Commerce, and The New York Times, keynesian economists voiced concern about the effects on a weak economy of raising so much more in Social Security taxes than would be immediately spent on benefits.

The debate was stepped up in January 1937 when the payroll taxes went into effect. Senator Vandenberg questioned the fiscal prudence and political viability of building up a $47 billion Social Security reserve. The envisaged reserve would be more than enough money to buy all the farms in the United States. That such a fund "would remain intact and not suffer periodical depletions," the senator declared, "is more than human nature in a political democracy can rationally anticipate." He recommended that benefits begin sooner, that the tax rate increase scheduled for 1940 be postponed, and that the fund's accumulation be limited.

Eventually a commission was set up to investigate the financing method. The first Social Security Advisory Council was appointed in May 1937, the same month the Social Security Act was held to be constitutional. The council deliberated for a year and a half. Business delegates wanted to resolve the issue in favor of a pay-as-you-go plan. A council member from the CIO wanted to keep the reserves and use them to finance construction projects. In April 1938 Senator Henry Cabot Lodge proposed cutting payroll taxes by almost half. The economy was in a recession and the tax cut would be remedial, he argued. The Senate rejected the proposal, but Roosevelt was worried enough to ask the council to report before the next session of Congress in January 1939.

The council's report came out in December 1938. It recommended new benefits for wives and widows and children, and proposed that benefit payments begin two years earlier, in 1940. The benefit expansion and accelerated start-up meant something of a retreat from the existing reserve financing plan, since the increased spending would mean a smaller fund accumulation. On the question of financing, the council recommended a "reasonable contingency reserve." Congress enacted the council's recommendations, and also postponed the 1940 tax rate increase, in the Social Security Amendments of 1939. Social Security was managed on a pay-as-you-go basis for the next fifty years.

Well, almost. In 1977 the Social Security system was in financing trouble. Inflation was in double digits, and benefits were indexed to inflation according to a faulty formula enacted in 1972 that actually overindexed benefits in times of very high inflation. The formula was modified, but Congress took the opportunity to inject more near-term revenues into the system by accelerating the increases in the tax rate schedule. For example, a rate increase scheduled for 2011 (to garner more revenues when the baby boomers start to retire) was moved up to 1990. By 1983 the system faced another crisis caused by still high inflation and the 1981-82 recession, which curtailed revenues. Benefit outlays were trimmed and the tax rate increase schedule was further accelerated.

The 1977 and 1983 revisions represented a reversal in financing policy, but the shift was hardly debated. As a result of the change, the Social Security system is projected to build a reserve over the next thirty-five years of some $9 trillion in Treasury debt. The reserve now stands at roughly $240 billion, or close to a year's worth of benefits—a reasonable contingency reserve. But it is rising by more than $1 billion a week this year, a rate that will rise to $2 billion by 1996 and $3 billion a week by 2000. The last rate hike planned in current law went into effect on January 1, 1990. The rate is now 6.2 percent each for both employers and employees (excluding 1.45 percent for Medicare). Before 1977 this was the rate planned for 2011. If we were to go back to pay-as-you-go financing, we would not need this rate until 2015.

On the eve of the last rate increase, Senator Daniel Patrick Moynihan, for whom I work, announced a proposal to cut the Social Security tax rate to 5.1 percent. We should, he said, go back to pay-as-you-go financing, with a reasonable contingency reserve. (Robert J. Myers, who served as Social Security chief actuary for twenty-three years and was on the staff of Roosevelt's Committee on Economic Security, had been urging this for years). Moynihan's main argument has been that large sums of Social Security revenue are being used to finance budget deficits, violating the integrity of the Social Security trust funds and making government finance more regressive. This year he added a new twist: the economy is in a recession and the tax cut will provide a needed stimulus.

Sound familiar? An element common to both debates is an underlying polemic that is political in nature but produces unusual political allies and opponents. In the first debate Republicans Alf Landon and Arthur Vandenberg tried to exploit the financing issue in order to undermine Roosevelt's success with the New Deal. By focusing their attack on the financing of Social Security, they found allies in those who supported the program but had concerns about its financing aspects, including liberals in the labor movement and the Keynesians. On the other side, Roosevelt was defending a financing system considered by many liberals to be too conservative for its reliance on regressive payroll taxes.

In the current debate the Moynihan proposal was quickly seen by many liberals as a good political issue for the Democrats. New York Governor Mario Cuomo and Democratic National Committee chairman Ron Brown believed it would be a good counterpoint to President Bush's proposed capital gains tax cut. (A year later Senate Majority Leader George Mitchell endorsed the plan.) They also recognized an opportunity to steal the tax-cut issue from the Republicans. Many conservatives embraced the proposal too because it was, after all, a tax cut, and perhaps because they feared losing the tax-cut issue to Democrats. But many conservatives and liberals, such as President Bush and House Ways and Means Committee chairman Dan Rostenkowski, opposed the idea because they were worried about having to make up to revenue loss with other tax increases.

Another element common to both debates is the concern over the use of Social Security reserves to finance other government programs. The first time around, conservatives feared that the availability of the funds would lead to a socialistic expansion of government programs. They also said that the reserve would inevitably tempt Congress to liberalize Social Security benefits and create larger obligations for the future. Five decades later Moynihan has argued that the government's growing reliance on payroll-tax revenue is shifting the fiscal burden to low- and middle-income workers. He also seems to share the conservative concern of the 1930s that Congress cannot be trusted with large Social Security reserves.

A third common element is the economic argument that a Social Security tax cut would help an ailing economy. In 1936-37 the country was in a recession. Some, perhaps, took the opportunity to urge a payroll tax cut for political gain. But Keynesian economists also argued for a tax-cut stimulus, eager to give their new views practical application and effect. The government, however, was unwilling to give up the money. In 1991 we are again in a recession. Some supply-side and Keynesian economists argue that a Social Security tax cut would be a good economic stimulus. Others are worried about the budget deficit and the potential effect on interest rates of cutting Social Security taxes. The governments is still unwilling to give up the money.

One thing at least can be learned from all of this. In 1937-38 a bipartisan advisory council thrashed out fundamental political, social, and economic issues in order to resolve the first debate. Labor representatives on the council wanted to spend the reserves on works projects to create jobs. Some economists and business representatives wanted to go to pay-as-you-go financing. The Roosevelt administration wanted to keep the reserve plan. In the end, the council proposed new benefits and a reasonable contingency reserve. The benefit expansion pleased liberal critics and the retreat from reserve financing satisfied others. Roosevelt got to keep his Social Security program financed with payroll taxes. A political compromise, to be sure. But one that worked well for more than fifty years. And one based on sound financing principles that we should now return to.

(The remarks of Mr. LOTT pertaining to the introduction of S. 848 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DALAI LAMA AND TIBET

Mr. KERRY. Mr. President, it is ironic and disturbing that in this year in which the United States committed its military might, its political will, its financial muscle, and the blood of its soldiers to wrest the tiny emirate of Kuwait from the ruthless invasion of a neighboring giant, Iraq, the United States has yet to express an adequate outrage over the plight of Tibet and the similar invasion and occupation it has suffered at the hands of the Government of China.

We are about to honor the Dalai Lama, but we are not honoring the Dalai Lama in the way many of us wanted to. We wanted to have a joint meeting of the U.S. Congress. That joint meeting is not taking place because of various reasons, but I think most realistically because we do not want to offend China.

In disregard of the principles of support for democracy and self-determination and human rights that the United States has always stood for around the world, we continue to permit the administration to support Beijing in its illegal, illegitimate, and wrongful efforts to retain its hold on Tibet.

This is the policy of real-politik that we have engaged in since Henry Kissinger and Richard Nixon broke the barriers toward a relationship between the United States and China. I do not want to see that relationship broken. China is far too important a country to ever again be as isolated as it was in the decades after the revolution. But I do believe that it is in the interests of the United States, of the rest of the world, and of China itself, for the United States to take the strongest possible stand on Chinese violations of human rights and democracy at home, and Chinese imperialism and conquest abroad.

China's conquest and annexation of Tibet has caused decades of suffering and deformation upon the Tibetan people. China's approach to subjugating Tibet has been, unfortunately, all too similar to Saddam Hussein's approach to subjugating Kuwait—killing those who resist, stripping the country of resources, and occupying it, in disregard of the human rights and basic needs of the people. China has stolen Tibet from its people, and the United States should never, for a moment, suggest that this is acceptable to us.

As the Boston Globe editorialized recently:

> To undo Iraq's annexation of Kuwait, Bush forged a coalition of 30 countries and waged the most intensive bombing campaign history has ever known. His response to China's brutal efforts to exterminate the culture, religion, and nationhood of Tibet has been a timorous acquiescence to Beijing's line—that it will not tolerate interference in the internal affairs of China.

Tibet is about as much an internal province of China as Kuwait is an internal province of Iraq. The difference is we have tolerated China's rule of Tibet almost as if we did not care about the people, while we put everything we had into recovering Kuwait.

Maybe the difference is about oil. Maybe the difference is about the Middle East. But if you look at the impact on people, there is no difference. And the United States needs to use, at the least, some of our wide panoply of resources to demonstrate to China that its policy toward Tibet must change.

The Soviet Union for years suffered economically not only because of the ineptitude of management under a Communist system, but also because the West, led by the United States, cut off the Soviet Union from the cream of Western aid and Western technologies.

If China wants to advance as it ought to, and to assume its full place in the community of nations for the long term, it will need to find a way to democratize internally, and cease oppressing its neighbors, particularly Tibet.

We should impose economic sanctions on China which are significant enough to send a message to the current regime that the principles we fought for in the gulf do not apply only to Saddam Hussein.

The irony is that the Tibetan people themselves are represented during this period of suffering by a man who epitomizes the opposite approach to life from that of conquest and aggression. The Dalai Lama is not merely the religious leader of the Tibetan people, and thus the living symbol in exile of the nationhood that has been otherwise denied them by the Chinese; the Dalai Lama is also a calm and moral man who asks each of us to find in truth a "kinder, gentler" world.

President Bush has talked of how he wants human progress to be led by people from all over the land working as individuals to better the world, which he calls "a thousand points of light."

The Dalai Lama's life has been dedicated to trying to restore even a single point of light to the Tibet he was forced to flee from by the Chinese invasion four decades ago.

The people of Tibet live for the day of freedom. They have the right to wonder why we are not doing more to help them in their fight. Mr. President, we have resolved in the past to help Tibet. But it is up to the President to carry the message to the Chinese. I hope every Member of this institution will take this up with the White House, and that the cause of the Tibetan people will never be forgotten until they are free.

I ask unanimous consent that the Boston Globe editorial, "Another Kowtow to Beijing" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Mar. 29, 1991]

ANOTHER KOWTOW TO BEIJING

In his latest gesture to the regime in Beijing, President Bush seems to be saying that some invaders of their neighbors are more equal than others.

Four decades ago, China did to Tibet what Saddam Hussein tried to do to Kuwait. More than a million Tibetans have perished as a consequence of China's genocidal occupation of their country.

To undo Iraq's annexation of Kuwait, Bush forged a coalition of 30 countries and waged the most intensive bombing campaign history has ever known. His response to China's brutal efforts to exterminate the culture, religion and nationhood of Tibet has been a timorous acquiescence to Beijing's line—that it will not tolerate interference in the internal affairs of China.

Bush gave the masterminds of the Tiananmen massacre a flagrant proof of his docility when he thwarted an address that the Dalai Lama was to have given to a joint session of Congress on April 16. To preclude an event that would have peeved the heirs of Mao Tse-tung, the administration sponsored an appearance on the same date by Violeta Chamorro, the Nicaraguan president whose election Bush originally celebrated as a victory over the Red menace in Central America.

Fortunately, as compensation for the joint-session address that the administration sabotaged, the Dalai Lama will be able to speak for his people's survival at a special ceremony in the Capitol rotunda on April 18.

The legislators who arranged this ceremony are to be commended. However modestly, they are defending the principle that Saddam's theft of Kuwait is no less intolerable than the Soviet occupation of the Baltic nations, Indonesia's annexation of East Timor, or China's colonization of Tibet. A new world order, if it is to be truly just, can be founded only on this principle.

Less admirable is the inconstancy of the Democratic leadership in Congress. Having originally supported a joint session for the Dalai Lama, Democrats fearful of defying a popular president on an issue of foreign policy reneged on their word. Their fear of Bush may be less blatant than his subservience to the rulers in Beijing, but it is shameful nonetheless.

The imperious attitude of the Chinese regime was on display in nearly identical letters its consulate in New York sent on March 20 to the presidents of Cornell University and Massachusetts Institute of Technology. Seeking to prevent appearances by the Dalai Lama this week at those colleges, the deputy consul general wrote:

"The Chinese government resolutely opposes his visits to other countries in whatever capacity and under whatever reason to deliver reports distorting Tibet's history and current situation or advocating 'Tibetan independence.' It also opposes any country that takes advantage of the 'Tibet issue' to interfere in China's internal affairs." The letter concluded with the "hope that you would kindly use your influence to handle this matter properly."

The presidents of Cornell and MIT resisted this attempt to interfere in the internal affairs of their universities. The president of the United States should have been no less resistant to Chinese interference in the affairs of his country.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 12 o'clock.

Thereupon, at 11 a.m., the Senate recessed until 12:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BOREN].

FUTURES TRADING PRACTICES ACT

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 207) to amend the Commodity Exchange Act to authorize appropriations for and enhance the effectiveness of the Commodity Futures Trading Commission, to curb abuses in the making of trades and the execution of orders at designated contract markets, to provide greater representation of the public interest in the governance of such contract markets, to enhance the integrity of the United States financial markets by providing for Federal oversight of margins on stock index futures, clarifying jurisdiction over innovative financial products and providing mechanisms for addressing intermarket issues, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Bond-Wirth-Garn amendment No. 68, to make applicable to any deposit (as defined under the Federal Reserve Act and regulations promulgated thereunder in effect on the date of enactment of this amendment) if the deposit is offered by an insured depository institution or credit union, or a Federal or State branch or agency of a foreign bank.

(2) Bond-Wirth amendment No. 69, to improve intermarket coordination.

Mr. DOLE. Mr. President, I consider a compromise to be a process through which adjustments and concessions are made on all sides in order to reach a settlement. While we may not have a settlement in this case, since nothing is a done deal until the votes are in, the ink is dry, and the bill is on the President's desk, I believe that everyone will agree that adjustments and concessions have been made on all sides with respect to the futures groups and their primary regulator and the securities groups and their primary regulator.

The compromise legislation before us, as modified by the committee amendment, is the result of exhaustive work by the distinguished Senator from Vermont, the chairman of the Agriculture Committee, and the distinguished Senator from Indiana, the ranking Republican on that committee, who have done an excellent job at piecing a bill together that is sensitive to all sides of a controversy that has been going on for 3 years.

PROCESS WAS FAIR

While certain groups and individuals have taken issue with the process followed in the resolution of issues and the drafting of the legislation before us, I must emphasize, Mr. President, that this legislation is the result of over 3 years of work and countless meetings, studies, hearings, and reports. In my book, Mr. President, nothing could be fairer.

I also wish to emphasize that this compromise is the result of extensive negotiations in recent weeks—and I emphasize extensive—between officials at the Treasury Department and those at the CFTC since S. 207 was unanimously reported by the Agriculture Committee on March 6.

I believe it is fair to say that everyone knew that these negotiations were going on, that the purpose of these negotiations was to achieve a compromise, and that any interested parties could have availed themselves of the opportunity to offer their suggestions and input into the shaping of that compromise.

When we embarked on the path of crafting this legislation, we all knew that any bill addressing the issues set forth in title III has by its very nature all the makings for dispute and controversy given that it touches on such highly sensitive matters as jurisdiction between regulatory agencies, jurisdiction between congressional committees, and jurisdiction among futures exchanges, stock exchanges, and other financial organizations for the right to trade financial products worth literally billions of dollars.

In addition, the fact that this legislation deals with some of the most complicated and technical matters that this body can consider has not made the situation any easier to deal with.

Although the bill before us, as modified by the committee amendment, by no means satisfies everyone who has an interest in this legislation, it does represent the closest we have come after 3 years of debate and squabbling to resolving these seemingly intractable problems.

As I read the two alternatives we are considering—S. 207 as modified by the committee amendment, and the Bond-Wirth proposal, the issue boils down to hybrids and who decides who gets to trade hybrids and who gets to regulate hybrids.

We have heard testimony on these issues and talked to all the experts and I feel it is fair to say that there is an impressive consensus out there shared by the Treasury Department, the CFTC, segments of the securities industry, the futures industry, and a host of other groups representing a broad scope of interests who believe that S. 207—including the hybrid provision—is an improvement over current law and stalemate.

Mr. President, we started out on the course of drafting this legislation with the purpose and intention of ensuring tighter regulation over—and coordination among—this Nation's financial markets that over the last decade have become increasingly related and interdependent.

The historic 508-point stock market break of October 1987 and subsequent market disruptions underscored the need for congressional intervention on the critical issue of market regulation, and it is my deepest concern and regret that it has taken us over 3 years to get where we are today.

The American public is not getting its money's worth if we continue to delay and bicker over the passage and implementation of this legislation.

We are all in agreement that title I contains critical reauthorization language for the CFTC and title II gives the CFTC important and much-needed regulatory tools and responsibilities with respect to its oversight role over the futures markets. Let us not stop these important reforms when it comes to title III which makes a serious and solid attempt to deal with the jurisdictional issues stemming from the need to better coordinate the futures and stock markets by reforming margin oversight on stock index futures and providing a way to determine whether a product should be traded and regulated as a future or a security.

Mr. President, the issues raised in this legislation are extremely important and certainly no good comes—and indeed possibly a great deal of harm may come—from further procrastination.

I know that there are Members on both sides of the aisle who have concerns over S. 207 and its impact on the securities markets. I think, however, that after 3 years of meetings, countless studies by the experts, and hours upon hours of negotiations, the time has come to put jurisdictional politics aside and support the important policy reforms—reforms that are supported by the Secretary of the Treasury and the CFTC—which are contained in this legislation.

So, Mr. President, for all the reasons I have stated—and I believe it will be settled today—I also want to commend my distinguished friend from the State of Illinois, who has worked long and hard on this legislation, and many others who have certainly been actively involved and personally involved. I hope we can resolve the issue today and pass this legislation and defeat the Bond-Wirth amendments and go on and get it out of here and get it resolved after 3 years of work.

Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, first, I want to express my personal appreciation to my distinguished colleague and warm friend, the senior Senator from Kansas, who has been a formidable leader here for many, many years. He has been a fair and very decent person in respect to this very contentious matter now for a period of time spanning over 3 years, and in his sage counsel this morning.

I hope Members on both sides will pay close attention to this bill, S. 207, which is an accommodation of honor. It is a compromise.

The distinguished senior Senator from Kansas, who has spent so many years here, has been involved in a lot of compromises.

While I am only in my 11th year in the U.S. Senate, Mr. President, I served 20 years in the Illinois Legislature; 12 years in the Illinois House; 8 years in the Illinois Senate—leadership in both bodies—and I guess I have voted for thousands of compromises in my life, most of which did not totally suit me.

May I say, Mr. President, to my friend from Kansas that this one does not totally suit me, but this is a compromise. My friend from Kansas, in his usual, careful way, has come right to the heart of the situation in suggesting that we ought to get this behind us.

I simply want to say, in the Banking Committee the other day, Secretary Glauber of Treasury was there, and he said something I think is so wise: "Let us not ruin a good bill to try to get one that some of us think would be a better bill."

This is a good bill. It deals with a problem that has been before us for so long.

Mr. President, I am saying to the distinguished Senator who was in the cloakroom with me a moment ago, and who is now in the chair, Senator DASCHLE, "what an inside dispute." The Washington Post is our newspaper here in this town that reports fully on what we do.

Mr. President, you could read the whole Washington Post today from cover to cover; there is not one line about this debate that has consumed this whole week, this whole week.

We have been on nothing but this bill either in the committee or on this floor. There is not one jot, one line, one paragraph anywhere in the Post, either in the news or on the editorial page, about this inside dispute, which is largely a turf battle.

Mr. President, I hope my colleagues and friends of all different political persuasions will remember this simple truth as we come here to vote about noon today. This whole thing arose out of the stock market crash of 3½ years ago when the Dow dropped 508 points. The distinguished Secretary of the Treasury, whose imprimatur is on this bill, S. 207, who embraces this and who through his responsible efforts brought about this compromise, came before us as a head of the Brady Commission, made four recommendations to the Congress to be done to solve this whole problem. Every one of them has been done, the circuit breakers, the communications between the markets, and so forth; all of that has been done. The only thing left that has not been done is the question of margins.

In this very title III that my friend, the Senator from Missouri, KIT BOND would attack we have the margins question taken care of finally.

There is not anybody in the Chicago market, may I say to my friend from Kansas, or this Senate that likes that. They will live with it. So I say there is a responsible result.

What does it simplistically do? It just simplistically says look, there are a whole bunch of instruments out there we call hybrids; you cannot tell whether it is truly a stock or truly a futures contract. As to all those hybrids that nobody can really figure out which agency they belong in, if they are more than 50 percent of future contracts they could go under the CFTC; if they are more then 50 percent a stock they go under the SEC. What could be fairer than that? Put them where they belong.

Some say, oh, let them pick their own market. Let me tell you the last time we tried that in deregulation—and that was recommended by the same chairman of the SEC—that was in the thrift experience. It did not turn out very well at all.

I think we need regulation to protect the consumer, to protect the marketplace. And that is what we do in this legislation. I think it is a piece of legislation nobody likes very much, but it is a piece of legislation that accurately deals with the problem in an accommodation of honor between people of all different political persuasions.

I would say, Mr. President, to my colleagues and friends here, let us settle this contentious thing that we have lived with all these years, since the stock market crash; let us get rid of it today; let us reject the Bond-Wirth amendment and vote for S. 207 and send it to the conference and determine finally what is to be done.

I thank very much the President and my colleagues and will appreciate a vote against Bond-Wirth and a vote for this bill.

Mr. HARKIN. Mr. President, I rise in support of S. 207 as reported by the Committee on Agriculture, Nutrition, and Forestry, and as modified by the committee amendment.

Chairman LEAHY andd Senator LUGAR have done an excellent skillful job in working out a compromise on the very complicated and contentious issues in this legislation. I urge my colleagues to vote in favor of this measure without subjecting it to amendments that would weaken the legislation and the protections it provides to agriculture and other commodity-based industries, investors, and the public.

The history of this legislation has been recounted before in this debate, but I believe it merits a brief revisiting. The Agriculture Committee reported out a strong piece of legislation in November 1989 to reauthorize and strengthen the Commodity Futures Trading Commission and to provide important new regulatory safeguards and protections relating to futures trading.

That legislation was developed in response to momentous events involving the futures exchanges that undermined confidence in the honesty and integrity of those markets and raised questions about the effectiveness of the Federal system for regulation of futures trading.

As a Senator representing one of our leading agricultural States, I want to underscore the critical importance of the futures market to the agricultural community, to farmers and to anyone buying or selling agricultural commodities. Farmers, grain elevator operators and others need markets that they know to be honest and that they can use with confidence for hedging and management of risks associated with movements in commodity prices. But price movements in the futures markets affect not only those who trade in the markets. The cash prices that farmers receive are set largely in reliance on the futures markets.

And just as the futures markets are important to agriculture, they are also indispensable to the whole range of industries and businesses that deal with commodities and are affected by movements in their prices.

Moreover, in recent years the futures markets have assumed a broader and extremely important role in helping investors manage risks associated with movements in the financial markets.

Those in agriculture and other industries who depend on the futures markets need markets that are honest and that they can use with confidence. Investors will not use these markets if they do not have confidence in their integrity. And because of the importance of the futures markets to many segments of our economy and, indeed to our Nation's economy as a whole, the public has an important stake in ensuring the integrity of the futures markets and maintaining confidence in their functioning.

Mr. President, I would like to note a few of the provisions of the first two titles of the bill that I believe are particularly significant from the standpoint of improving the regulations of futures trading and increasing protection for those in agriculture, investors, and the public.

The bill reauthorizes the CFTC and increases the authorized levels of spending by the agency in order to enhance its regulatory capabilities. The bill gives the CFTC new authority and powers to regulate futures trading and prevent abuses.

The bill requires the futures exchanges to develop computerized audit trials to reduce the potential for fraud in executing and recording transactions.

The bill suspends dual trading unless the exchanges have systems to police the activity adequately.

The bill also requires futures exchanges to take steps to prevent conflicts of interest in exchange actions, to prevent insider deals, and to broaden representation on governing boards to include farmers and others who are affected by the exchanges' actions. These provisions are especially important to give farmers, the public and others affected by exchange decisions a voice in the decisionmaking process.

The bill provides for civil punitive damages and higher penalties for trading violations.

Unfortunately, these improvements in the regulation of futures trading that are so important to agriculture, investors and the public have been held in limbo as a debate has raged about which Federal agency will have regulatory jurisdiction over certain financial futures. Notwithstanding the assertions that have been made, this is a battle over the turf of regulatory agencies.

The bill reported by the Agriculture Committee, and as modified by the committee amendment, contains a rigorously nogotiated compromise that deals fairly with the competing interests and the controversy involved in the jurisdictional question. The bill represents a truly significant compromise on the issue of jurisdiction over certain products that have attributes of both futures and securities.

The jurisdictional issues had their genesis chiefly in the concerns which arose after the October 1987 stock market crash that insufficient mechanisms were in place to regulate the margin requirements for stock index futures. The controversy surrounding that issue is fully resolved in S. 207. The bill contains a compromise that lessens the CFTC's authority with respect to stock index futures margins and gives the Federal Reserve Board oversight powers regarding the margin requirements for these futures. The Agriculture

Committee's bill thus eliminates the controversy on this root issue in the jurisdictional battle.

However, the critics of the existing futures regulatory system have broadened their arguments and expanded the jurisdictional issues far beyond the matter of regulating margins on stock index futures. The Agriculture Committee dealt with these issues as well, reaching compromises that are fair and that reflect sound policy.

In the debate on these jurisdiction issues there has been a lot of talk about the importance of encouraging financial innovation and promoting fair competition. These matters are seen as very important in maintaining the United States' role in global financial markets.

S. 207, however, allows ample opportunity for innovation. The CFTC is given broad powers to exempt products in order to facilitate the development of new instruments and trading mechanisms.

The bill establishes a specific test that excludes from CFTC jurisdiction those hybrid financial products as to which less than 50 percent of the return arises from futures or options components subject to CFTC regulation. This provision will determine regulatory jurisdiction as between the CFTC and the SEC based on whether the product is predominantly a futures product or equity product.

Many attempts have been made to craft a test for allocating regulatory jurisidiction between the CFTC and the SEC. While the formulation in S. 207 may not be a perfect test, it is the best that anyone has been able to devise. It is, moreover, a test that makes sound practical sense because it is based on the attributes of the product and the way in which the financial return on the product is obtained.

Index participations, which have been held by a Federal court of appeals to fall under the exclusive jurisdiction of the CFTC under current law, would be allowed to trade on securities exchanges if they were approved or proposed prior to December 31, 1990. This provision thus represents a significant curtailment of the CFTC's jurisdiction.

A number of questions have arisen pertaining to the regulatory status of swap transactions under current law and the manner in which swaps should be treated in legislation dealing with the jurisdiction of the CFTC. S. 207 clarifies the regulatory status of swap agreements by requiring that most of them be exempted from the Commodity Exchange Act.

S. 207 would also exempt from CFTC jurisdiction bank deposits that are not otherwise excluded under the bill's test for jurisdiction of hybrid products. In this regard, I would note that I would be concerned about exempting from CFTC jurisdiction transactions or arrangements that would in fact constitute and function as futures.

Mr. President, I want to point out that this compromise received the unanimous approval of the Agriculture Committee and is supported by the administration in the spirit of compromise. S. 207 has the support of all the major farm and agricultural commodity organizations. Twenty-five of these groups have signed a letter urging support for S. 207 and opposing alternative proposals that would upset the jurisdiction compromise that has been reached.

We must not lose sight of the fact that S. 207 does represent a compromise. By definition that means that not everyone is pleased with it. But it is a fair compromise and it is one that is necessary to move this piece of legislation and the important improvements it contains pertaining to futures trading regulation.

The alternative proposal concerning the jurisdiction issues offered by Senator BOND and Senator WIRTH is unsound from the standpoint of regulatory policy and offers less protection to agriculture, investors and the public.

It has been asserted that S. 207 encroaches on the jurisdiction of the SEC, giving too much power to the CFTC. But in fact the bill carves out a significant segment of the CFTC's statutory jurisdiction under current law and gives that to the SEC. The alternative proposal, by contrast, would shift the balance dramatically in the direction of the SEC, giving it authority to assert jurisdiction over various products that are predominantly futures.

The proponents of the alternative also argue that S. 207 will foster uncertainty and litigation concerning the proper regulator of new hybrid products. Under current law, however, there have been only 2 litigated cases during the existence of the CFTC in which the jurisdiction of the agency was in dispute. S. 207 further clarifies the allocation of jurisdiction between the CFTC and the SEC.

The alternative amendment would also allow the authors of new products to choose the Federal agency by which they will be regulated. This approach is very dubious policy. As others have noted, such a scheme would allow selection of the less rigorous regulator. The sponsor of a product could circumvent the protections applicable to futures trading by labeling it a security. The alternative would thus allow fragmentation of regulation and generate uncertainty in circumstances where clarity is needed.

The jurisdiction provisions of S. 207 are based on the rationale that it is logical and practical to have one regulator with authority over futures products and one regulator with authority over securities products. The bill leaves regulatory jurisdiction with the agency that has been involved in the development of the various innovative products—futures-based products with the CFTC and securities-based products with the SEC. The CFTC has regulatory expertise regarding futures products because that has been the agency's specialty. The SEC does not have such expertise, but would be given the power to regulate futures products under the alternative proposal.

Maintaining the jurisdiction of the CFTC over futures products is very important from the standpoint of ensuring that the regulatory safeguards apply to the trading of futures products. It is generally recognized that trading in futures is more risky than in securities. That is why the Commodity Exchange Act provides specific protections relating to futures trading that are enforced by the CFTC. The SEC does not provide these protections.

The alternative proposal even goes as far as to give the SEC power to remove a futures product from CFTC jurisdiction and allow it to be sold retail without regulation. It would indeed be ironic to adopt in this legislation significant new protections applicable to futures trading and then allow the SEC to exempt futures products from those protections.

It is argued that the CFTC is included to hold the reins too tight, thereby stifling innovation in the financial markets and driving business overseas. The U.S. futures industry has been tremendously innovative under current law. S. 207 gives the CFTC additional authority to exempt innovative products and directs the CFTC to exempt certain products, such as most swap transactions. I cannot subscribe to the argument that innovation requires abandoning the regulation of products that function in practice as futures.

Finally, I want to return to the importance of this legislation to agriculture. It has been said that the issues involved in title III and the Bond-Wirth alternative do not involve farmers. That is not so. The agriculture community has a strong interest in having a regulatory agency with adequate authority and jurisdiction overseeing commodity futures trading. If the CFTC loses authority to regulate trading in futures, either through limitations or a transfer of authority to the SEC, serious doubts would arise about the ability of the CFTC to regulate the agricultural commodity futures trading. The fragmentation of futures trading reflected in the Bond-Wirth proposal also raises the possibility that futures products relating to agricultural commodities could be traded as securities outside CFTC regulation. And I would again note the stated opposition of the major agricultural groups to amending the jurisdiction provisions of S. 207.

Mr. President, for these reasons I urge my colleagues to support S. 207 as approved by the Agriculture Committee and to reject efforts to upset the carefully crafted jurisdictional compromise it contains.

AMENDMENT NO. 68

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, in lieu of the amendment that I had reserved the right to offer, I ask unanimous consent that I might have 2 minutes to engage in a colloquy with the floor managers of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, reserving the right to object, and I do not intend to object, I wonder if we could expand that to give me the option of having 1 minute in addition after the colloquy in case there are any uncertainties raised in that colloquy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri that he be allotted 1 minute following the 2 minutes allotted to the Senator from Texas?

Hearing no objection, without objection, it is so ordered.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, a great deal of analysis occurred last night on the pending amendment. Much of the amendment, in the opinion of experts, is already included in the bill that has come out of the Agriculture Committee. There are a couple of additions that I think give some people concern. I think basically we are all in agreement with the intent of this amendment. The intent of this amendment is to exempt legitimate traditional deposits and legitimate traditional loans from the jurisdiction of the CFTC.

I am concerned, however, that in drafting it, since none of us are experts in this area, we have included, for example, loans that are subject to the Truth in Lending Act as exemptions. The Truth in Lending Act is policed by the Federal Trade Commission. The Truth in Lending Act involves finance companies and pawnshops. I do not think any of us knows the ramifications of that. I think there are some concerns about foreign banks. There are concerns about the absence of a definition of loans.

But, Mr. President, in a spirit of accommodation so that we can solve this contentious issue, I am prepared to support this amendment. I want, however, to ask the assurance of the Republican floor manager, recognizing these complicated areas where we do not have expertise, that the floor manager will take into account what we are trying to do here and will look at finance companies and pawnshops, foreign banks, and the whole definition of loans and of deposits. I hope that he will do that to assure that, in the final bill, since there is no provision in the House bill, we are doing what we intend to do, which is to exempt traditional deposits and traditional loans.

Mr. LUGAR. I am very pleased to respond to the distinguished Senator from Texas. I agree with him. However, in the interest of proceeding with completion of the bill, I will join him in support of the amendment offered by Senator BOND. But I indicate to the Senator from Texas that my support is not without reservation.

I am concerned that, by excluding from the CFTC regulation all instruments that are called deposits or loans, we may be unintentionally opening up the door for development of unregulated futures products, and that concerns me. I am also concerned we might be tipping the playing field, and that concerns me. But I respond by indicating those concerns will be with us when we proceed to the conference.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I begin by extending my sincerest thanks to my colleagues, the distinguished Senator from Indiana and my good friend the Senator from Texas. I appreciate very much their support on this vitally important matter. We have, as I indicated last night in the debates, discussed this extensively with Federal Reserve Chairman Greenspan and his staff, who have been very helpful. It was their clear indication this language is appropriate. There are definitions in the law on deposits. They say that the common law with respect to the definition of a loan is very clear. They urge the support of this amendment. I have a letter from Chairman Greenspan, dated this morning, for anyone who wishes further confirmation. I thank my colleagues and I urge all colleagues to support this vitally important amendment.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, notwithstanding any other unanimous-consent agreement, I ask unanimous consent to proceed for 3 minutes on the Bond-Wirth amendment covering bank deposits.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, reserving the right to object, if we are going to have a continuing debate on this, I would ask for the same time.

Mr. LEAHY. I include that as part of my request.

The PRESIDING OFFICER. Is there objection? Without objection the Senator from Vermont has 3 minutes and the Senator from Missouri has 3 minutes.

Mr. LEAHY. Mr. President, yesterday, in order to move this bill forward and take at least one controversy off the table, I offered to accept a provision of the Bond-Wirth amendment covering bank deposits. S. 207, as reported from the Agriculture Committee, requires the CFTC to exempt bank deposits containing CFTC-regulated futures or options components if they met a "public interest" test. The Bond-Wirth provision excludes these products directly from commodity laws.

The Banking Committee insisted, however, that this amendment be widened to include also an undefined range of bank loans.

I did not consider the bank loan provision necessary. In fact, I have heard from many interested groups since yesterday on this issue raising concerns that the language could have adverse effects.

I received a memo from the Securities Industry Association raising strong concerns about it. I ask unanimous consent that that memo be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 18, 1991.

MEMORANDUM FOR SECURITIES INDUSTRY ASSOCIATION

Re Proposed Bond-Wirth amendment to S. 207 relating to bank deposits and loans.

The captioned amendment proposes an exclusion from the Commodity Exchange Act for bank deposits, bank loans and consumer credit loans.

The proposed amendment would have a number of potential adverse consequences.

Because the exclusion is not subject to any substantive limitation, the scope of the activity that may be conducted under the exclusion is unclear and potentially extremely broad, including the offer of futures- and option-like instruments directly to the general public.

This would afford banks and unjustified competitive advantage both over securities broker-dealers, who have no similar exclusion, as well as futures exchanges, whose activities are subject to extensive CFTC regulation. This is entirely inconsistent with the notion of a level regulatory playing field to promote fair and efficient competition.

Moreover, insofar as the exclusion extends to consumer credit transactions, it would also apply to transactions which do not necessarily involve banks, such as pawn shop and car sales financings.

As important, under an exclusion, the covered activities would no longer be subject to a public interest determination by the Commodity Futures Trading Commission (CFTC). As a result, the Commission would not be in a position to take steps to protect the public interest should developments warrant such action in the future. This is particularly troubling in light of the potential scope of the excluded activities and involvement of the general public. In the event of unanticipated adverse developments, either in terms of adverse impacts on the futures markets, or inventor protection concerns, the CFTC will have no ability to take protective action. Unlike securities, transactions in bank deposits and loans are not subject to a parallel regulatory scheme focused on investor and market protection.

Mr. LEAHY. Mr. President, I still intend to accept the amendment, and support it. I note, however, that the House does not have a similar provision. Before going to conference with the House, I will confer with responsible regulatory officials to make sure that this language will not create a danger to public investors. Out of fairness to the Senator from Missouri and others supporting it, I should note that.

If I have any time remaining of my 3 minutes, I yield it back.

Mr. BOND. Mr. President, again, I thank the distinguished chairman of the Agriculture Committee, my good friend, for his accommodation today and last night. I assure him, as I have my colleagues, that the language has at least been approved by the Federal Reserve, and I will ask that the letter of today's date from Chairman Greenspan be printed in the RECORD.

I make one final point with respect to the need for this legislation. I pointed out last night that, in December of 1987, the CFTC at that time proposed an exemption for bank deposits, which would require approval of the CFTC for the issuance of bank deposits, which are under the jurisdiction of banking regulators. For that reason, the Federal Reserve and other bank regulators feel this amendment is vitally necessary.

With that, Mr. President, I send this letter to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, April 18, 1991.

Hon. CHRISTOPHER S. BOND,
Committee on Banking, Housing and Urban Affairs, U.S. Senate,
Washington, DC.

DEAR SENATOR: I understand that the Senate is considering additional amendments to S. 207, as modified by amendments transmitted by Chairman Gramm of the Commodity Futures Trading Commission to the Chairman of the Senate Agriculture Committee by the letter dated April 9, 1991 ("CFTC Alternative"). These additional amendments would add to the CFTC Alternative an exclusion from the CFTC's jurisdiction for certain deposits at insured banks and certain loans made by these banks. I understand that these additional amendments would be considered as a substitute for the language that accompanied your letter to the April 12, 1991 ("Bond-Wirth Alternative").

As you are aware, I have previously indicated that the exclusivity provisions of S. 207, as passed by the Senate Agriculture Committee, would preserve impediments in the Commodity Exchange Act ("CEA") to innovation in hybrid's and risk management products and would forestall developments in swap markets that could reduce systemic risk. I have also previously indicated that the CFTC Alternative generally addresses the difficulties created by the exclusivity provisions of the CEA more effectively than the version passed by the Agriculture Committee, but that it continues to rely on discretionary, and potentially restrictive exemptive procedures for dealing with swaps and bank deposits and does not address lending transactions at all.

Although the addition of specific exclusions for loan and deposit transactions involving insured banks to the CFTC alternative would consitute a further step toward resolving the uncertainties created by the exclusivity provisions of the CEA, this step would still fall short of the Bond-Wirth Alternative. The Bond-Wirth Alternative would extend the more certain exclusionary approach to swap transactions, provide the CFTC with broader general authority to exempt hybrid products, thus facilitating innovation and competition, and would provide greater certainty for securities hybrid products. For example, as I understand it, the Bond-Wirth Alternative would permit certain securities hybrids to trade on both securities exchanges and contract markets subject to the jurisdiction of the CFTC. For these reasons, I believe that the Bond-Wirth Alternative would be preferable to the CFTC Alternative even with the proposed amendments.

I hope you find these comments to be helpful.

Sincerely,

ALAN GREENSPAN.

Mr. BOND. Mr. President, I see no one else seeking recognition, so I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—98

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth

NAYS—0

NOT VOTING—1

Pryor

So, the amendment (No. 68) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 69

The PRESIDING OFFICER. Under the previous order the pending business is the Bond-Wirth title III amendment. There remains 15 minutes of debate, to be equally divided and controlled in the usual form.

Who yields time?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself 2 minutes.

Mr. President, I will be very brief. The amendment before us, the Bond-Wirth amendment, is better public policy, it better promotes competition, it better fosters innovation, and it better provides for legal certainty. That is not just the supporters on the floor talking about it. At the hearing on Tuesday before the Banking Committee, the Federal Reserve, the Treasury, and the SEC said that it is better public policy. The CFTC disagreed with fostering innovation, promoting competition and providing legal certainty. The choice is really between the public interest and the interest of a monopoly which wants its way of life preserved.

So what is the Bond-Wirth amendment seeking to replace? It is not a compromise, although supporters may call it that. How can someone call it a compromise when the Federal Reserve and the SEC strongly oppose it? Where I come from, that is no compromise. Where are the farmers? Senator KASSEBAUM and I agree that farmers in our States——

Mr. WIRTH. Mr. President, I make a point the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

Mr. BOND. Mr. President, the farmers in Missouri and the farmers who talked to Senator KASSEBAUM in Kansas say that from the CFTC they want a tough cop on the beat so that the Feruzzi soybean scandal does not recur nor does the FBI need to be infiltrating the grain pens. They certainly do not think the CFTC regulatory burden should be expanded.

Many of you just agreed with me that the CFTC should not be regulating bank deposits or loans. As simple as that seemed to all of us, it was fiercely resisted for a long time. That is why we need to take the next step of resolving the equally simple exclusions of insurance products, individually negotiated contracts and securities. That is why we need Bond-Wirth.

Mr. President, let me repeat, every one of the Nation's major financial regulators with the CFTC the sole exception told us that the Bond-Wirth proposal was better public policy, better for fostering competition and innovation and better at providing legal certainty.

Mrs. KASSEBAUM. Mr. President, I rise to support the amendment.

At the onset, I want to emphasize that this is not a debate about agriculture or about farm commodities. This debate is about very sophisticated financial products that have nothing to do with the business of farming in any way. The debate is over hybrid financial instruments that are a cross between traditional stock certificates and traditional financial futures contracts.

The debate is over where such hybrid products should be traded. Should they be traded on securities exchanges or should they be traded on futures exchanges? Mr. President, I believe the free market should decide where hybrid products should be traded.

Mr. President, does it make sense to prohibit a product having substantial securities attributes from being traded on a securities exchange? Does it make sense to prohibit a product having substantial futures attributes from being traded on a futures exchange? Common sense dictates hydrid products should be free to trade on both futures and stock exchanges. Free market competition will ensure that products are directed to the exchange where they serve their best and highest purpose. If we are going to have overlapping products—then we need overlapping competition. It is that simple.

Some have argued that the Bond-Wirth amendment only establishes one-sided competition. Mr. President, I know Senator BOND is committed to two-way competition. If the opponents do not feel the Bond-Wirth amendment is clear on this point, then I know Senator BOND would welcome their suggestions of more specific statutory language.

Both the SEC and the CFTC are competent regulators. As long as one of these independent agencies is regulating the product, I am confident sufficient Government oversight is being provided to the public. How can one argue against overlapping regulatory expertise? What better way to achieve overlapping regulatory expertise than having hybrid products competing directly against each other on both securities and futures exchanges.

This common-sense approach is wholeheartedly endorsed by Federal Reserve Chairman, Alan Greenspan. As the country's lender of last resort, Chairman Greenspan is our point man whenever the market crashes or our economy is threatened. Chairman Greenspan is in a unique position to understand the linkage between the futures markets and the securities markets. Chairman Greenspan stated clearly and unequivocally that hybrid products should be traded in direct competition on both futures and stock exchanges. Chairman Greenspan stated that only through such competition will such hybrid products achieve their highest and best use in the marketplace.

The idea of a mathematical test to determine where a product should be traded puzzles me. This sounds like something that would be done in Eastern Europe. Determining a products highest and best use before placing it in the free market produces anomalies.

Let us take a moment to explore the analytical reasons for this test. On which exchange would a product trade if under the test it is exactly 50 percent futures and exactly 50 percent security? If a product's attributes are evenly divided would there be a compelling analytical reason to choose one exchange over another?

Let us take this a step further. What if the hybrid product is 50.001 percent futures and 49.999 percent securities? From a policy standpoint should the .001 percent be the determining factor as to where the product should be traded? Such a hairsplitting test is rather artificial.

Mr. President, yesterday was a significant triumph for the discipline of the free market over economic engineering. In Poland a stock exchange was established in the former Communist headquarters. At a time when Eastern Europe is moving toward free markets and away from artificial economic tests, we are on the verge of sliding down the slippery slope of preventing the free market from determining where hybrid products should be traded. This is a mistake that flaws the otherwise good reforms of S. 207. Let's take the reforms of S. 207, strike this one flaw, and pass a bill where the free market decides where hybrid products should be traded. This will ensure hybrid products are put to their highest and best use.

Mr. GORTON. Mr. President, at the conclusion of my statement yesterday, I indicated that I was prepared to support any amendment which I think will enhance the coordination of and reduce the volatility in our financial markets beyond the modest steps taken in the Futures Trading Practices Act of 1991. The Bond-Wirth alternative is one such amendment.

Although the Bond-Wirth amendment does not reform the regulation of our markets to the extent I believe is necessary, it nonetheless offers some important regulatory reforms which will stabilize our markets and promote innovation.

The Bond-Wirth alternative would authorize the Federal Reserve Board to set margin levels on stock-index futures. This important step will protect against risks to the financial system from inappropriate margins on stock-index futures by ensuring that an independent third party oversees margin levels.

The Bond-Wirth alternative also would provide the CFTC with broad exemptive authority to promote innovation. Under current law most futures and options governed by the Commodity Exchange Act must trade on a commodity exchange. Many new financial products are not suitable for trading on a commodity exchange, either because they are customized to suit the needs of specific companies or are more efficiently traded in private markets. In addition, many new financial products are subject to extensive regulation under other Federal or State laws.

The purpose of the exemptive authority contained in the Bond-Wirth alternative is to foster responsible economic or financial innovation and to promote vigorous and fair competition between domestic markets and between foreign markets. With this exemptive authority, the CFTC can facilitate the development of additional new products that might be considered futures contracts under the terms of the Commodity Exchange Act but that are not amenable to trading on a designated contract market. This provision will provide greater regulatory flexibility with respect to transactions in existing markets, as well as for new transaction or markets.

A final significant provision in the Bond-Wirth alternative would encourage financial market innovation and foster competition by permitting hybrid products to trade in both securities and futures markets with the consent of the SEC and the CFTC. This section would make clear that instruments that are securities as currently defined under Federal securities laws are not governed by the Commodity Exchange Act. This would allow index participations [IP's] to trade in the market for which they are best suited.

Mr. President, these are only a couple of the very good elements contained in the Bond-Wirth alternative. I strongly support this amendment. I encourage my colleagues to do what is best for America's capital raising system and to also support this amendment.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, as we proceed to vote on the amendment that will significantly affect U.S. financial markets, I want to make just two brief points.

I must admit that I am becoming a little more than frustrated when I hear about the interest of farm groups in passing S. 207. I want to see S. 207 passed. I support the farmers. Their interests are addressed in titles I and II, which I fully support.

Title III has nothing to do with farmers. I want to make this as clear as possible. The Bond-Wirth amendment does not affect the farmers at all. The fact is that three sections of title III, which the Bond-Wirth amendment addresses, do not mention farmers or agriculture. If you have any doubts, I encourage you to read the amendment. We can pass this amendment; we can also pass S. 207, and the farm groups will be happy.

While political considerations often tend to dictate policy, I think it is also worth noting that the Bond-Wirth amendment is good public policy. Each of our country's principal financial regulators, with the exception of the CFTC, has written or testified that the provisions of title III as reported by the Agriculture Committee will adversely affect U.S. financial markets.

I hope none of my colleagues, with the banking situation in this country we have today, want to hurt our financial markets, impairing our competitiveness, and chilling product innovation.

In the Banking Committee hearing just this past Tuesday, Fed Chairman Alan Greenspan, Under Secretary Glauber, and SEC Chairman Breeden stated that the Bond-Wirth amendment was the preferable alternative to title III.

I urge my colleagues to support the Bond-Wirth amendment. It presents the same issue as the Bond-Wirth amendment we just passed so overwhelmingly.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself such time as I may take of what is remaining.

We talk about who supports this. The administration supports our compromise. Whether we are talking about this person or that person testifying one way or the other, the administration supports our compromise.

Yesterday, one of the Senators put in the RECORD a letter referencing 25 major farm groups across the country saying that they support it. The reason they do, of course, is that the Bond-Wirth amendment, the one on which we are about to vote, which is substantially different than the one on which we just voted, would take away CFTC jurisdiction in basic areas.

The amendment has two main problems. First, it is not fair. Second, it is one-sided. More than half of the futures industry current trading volume and half of the CFTC's jurisdiction are affected. Under the amendments, the question of fairness is a one-way street. The amendment also sacrifices customer production. It promotes regulatory forum shopping. It allows identical products to trade under either system. What will happen? People will go around to which market has the loosest rules and say: "Let's go there."

I want these products to trade where the toughest regulations are not the loosest. The amendment makes no provision for oversight once futures products begin trading on the securities side. I do not believe in that. I want tough, tough oversight.

We know what happens in financial markets when there is not tough oversight. Eventually, the consumers and taxpayers pay for it. We do not want that to happen. That is why the administration supports our compromise.

Let me tell you right now, Mr. President, that we do not want an amendment that takes away the strict enforcement and oversight provisions of S. 207. I urge my colleagues to support the committee, support the administration, and vote against the Bond-Wirth amendment.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I yield 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I strongly associate my position with that of my chairman, Senator LEAHY, and the unanimous Agriculture Committee view. We have looked at this issue for 2½ years.

Senator LEAHY has expressed the basic issue.

Let me try a different way. There are different ways in which SEC and CFTC might take a look at a hybrid instrument, an instrument which has an element futures, and an instrument which has a degree of security. That is the basic argument.

In the case of the SEC position, the Bond-Wirth amendment incorporates the so-called jump ball approach; that is, if you come out with an innovative idea, you try to find your regulator and you choose whichever one you think will give you the best deal. The position that the Agriculture Committee takes, Senator LEAHY and I, Senator GRAMM and others, is that we ought to take a look at whether or not this instrument is more a security or more a future. And there are definitive ways of making that determination from the stream of income which comes from the instrument.

That way it is defensible.

Most importantly, our method makes certain that no instrument escapes regulation altogether. I think that point is very important. Our allegation is that under the Bond-Wirth amendment some contrivances might escape regulation altogether.

For these reasons I urge Senators to vote against the Bond-Wirth amendment and preserve the bill S. 207 as it came out of the committee.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. BOND. I yield 1 minute to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, the CFTC needs an authorization and Congress should pass an authorization bill.

I have no problem with titles I and II of this bill.

I would like to focus on title III, which attempts to address the need for intermarket coordination between the stock markets and the futures markets. This is important because without enhanced intermarket coordination our capital markets are vulnerable to potential, radical, market volatility.

Many of the agriculture groups are supporting title III as the Agriculture Committee would write it. I recognize that the commodity exchanges are extremely important to the cattlemen and other agriculture constituents. They don't want the CFTC weakened and neither do I. But that isn't the objective, nor would that be the outcome, if Congress enacted intermarket coordination reform as provided in the Bond-Wirth amendment. Stock index futures are only about 5 percent of all futures trading, and allowing them to trade on a securities exchange would not weaken the CFTC or the commodity exchanges.

Some of the agriculture groups are concerned that the Bond-Wirth amendment would be the camel's nose under the tent and the first step toward the SEC taking over commodity futures regulation. No one has contemplated that. The CFTC was created to ensure the integrity and stability of the commodity futures markets. This is as important today as it was when the CFTC was created in 1974. But intermarket coordination isn't a problem dealing with soybeans, or wheat, or porkbellies, or other commodity futures. It isn't a hypothetical about what might be proposed in 5 years.

It is a real problem. The need for, and deficiency in, intermarket coordination was dramatically illustrated on October 19, 1987, when the stock market fell 508 points. This was the largest one day drop in market stock prices since the Dow Jones began computing index numbers in 1885.

The various studies on why the October 19 market break occurred and how to insure it never happens again concluded that markets for stocks, stock options, and stock index futures are really "one market." In light of this reality, reforms need to be made to better coordinate the stock index futures markets and the equity markets.

The financial community already recognizes the one-market reality, as do regulators in other countries. Yet Congress is on the threshold of taking a step backward if it enacts title III as amended by the Agriculture Committee.

If we want to minimize the likelihood of another market break we need to make some regulatory changes to help contain the risk to this country's financial system. The Bond-Wirth amendment addresses some of these concerns. A failure to enact this amendment will impede innovation, and drive new financial instruments to overseas markets.

A second issue is how to best foster capital formation innovation.

It is an issue that deals with market stability, investor confidence and efficient capital markets.

CONGRESS' FIRST OPPORTUNITY

This is the first opportunity this Congress will have to address modernizing our financial system to make it more competitive.

Some of the products we will be discussing are reasonably new. Some types of swaps, LP's, and other hybrid instruments were not in existence when Congresss created the CFTC.

Innovation is making the regulators' job more complicated.

Innovation is making Congress' job more difficult.

But innovation is also one of the hallmarks our capital markets. And this type of innovation is keeping U.S. companies and financiers on the cutting edge.

As financial markets have become more global the need for currency and interest rate swaps has grown. New products have been developed to meet the needs of the marketplace. In some cases they have been tailor made for individual transactions.

Congress has a responsibility to make sure our laws encourage this innovation while keeping in place a regulatory framework that guarantees the integrity of our financial markets.

MARGIN RULES

All versions of the bill and the Bond-Wirth amendment contain the same margin rule requirements. The Federal Reserve would be granted the authority to set margin levels on stock index futures. This would put all margin requirements under the Federal Reserve's jurisdiction. This affords maximum protection against systemic risk, and volatility.

EXEMPTIONS VERSUS EXCLUSIONS

The "exclusivity" clause of the Commodity Exchange Act [CEA] has been interpreted by the courts to require that any financial instrument with any degree of "futurity" to be traded on a futures exchange. But many of the new "hybrid" financial products are not suitable for trading on a futures exchange.

Some of them are tailor made for specific risk management situations, and to address interest rate or currency fluctuations. These are risks of doing business in the 1990's. These are needs that were not contemplated when the Commodity Exchange Act was enacted.

The exclusivity clause has been the subject of protracted litigation over what constitutes a "future." The exclusivity clause and the related litigation has stifled innovation. The exclusivity clause pigeonholes where products can trade. The result is the business has moved overseas markets.

Mr. President, I have been convinced that we cannot be competitive if we spend all our time in court. At Tuesday's banking hearing I asked whether a developer of a hybrid product could be sued by a futures exchange for offering a financial product with elements of a future on a securities exchange.

In London, the answer is no.

In Paris, the answer is no.

In Frankfurt, in Toyko, in Amsterdam, in Hong Kong the answer is no, no, no, and no.

But under S. 207 the answer is yes. Under Bond-Wirth, the answer is as it should be—no.

As we start to modernize our capital markets and financial laws, we should put an emphasis on limiting litigation. S. 207 would impede capital formation and foster litigation. That is not the type of economic activity that will keep America in the competitive forefront.

Another question asked at the hearing Tuesday was, "in the major markets around the world who decides whether a company's financial hybrid product should trade on a futures exchange or a securities exchange?"

In London: the company who developed the product decides.

Ditto for Paris, London, Luxembourg, and Frankfurt.

Under S. 207, the CFTC staff, and/or a judge would decide. Under Bond-Wirth, the company that developed the product would decide.

The Agriculture Committee bill would provide a very complicated mechanism for exempting certain bank products and swaps. Bond-Wirth would exclude them from coverage under this bill. Exclusion is clearer, it is better, and it is more final. Exclusions can not be revoked by agencies, exemptions can.

The exemption mechanism and the 50-percent test for hybrids reminds me of the bureaucratic mess Congress set up for section 89 of the Tax Code—the nondiscrimination rules for fringe benefits a couple of years ago. Diagrams of how the fringe benefit provisions worked looked like a spaghetti bowl. The diagram outlining the steps for swap exemptions and hybrid trading under this bill is more spaghetti out of the same bureaucratic pot. They are just as complicated as section 89. Congress had to correct its mistake on section 89. Congress should not enact another unworkable scheme. If we do not enact the Bond-Wirth amendment now, we will have to correct our mistakes later.

Mr. President, the U.S. financial market has traditionally been the most innovative in the world. We should enact regulatory mechanisms to maximize that innovation and to ensure that these products are appropriately regulated. I hope the Senate will enact Bond-Wirth amendment.

Mr. President, I came into this debate as one who had no memory of past jurisdictional disputes. Let me say to my fellow Senators that if you do not adopt the Bond amendment, what you have actually done is made future American hybrid securities noncompetitive in the world markets. You will have forced them overseas because there is no question but you have created a jurisdictional dispute between two regulatory agencies; a regulatory nightmare and a litigation bonanza. This will drive the hybrid business overseas because product developers will go where they do not have to litigate and argue about which was the right exchange on which to trade. That is it in a nutshell.

Reference has been made to the danger of letting the developer of the hydrid financial product decide which regulated market would be best suited for trading that product. Some have suggested that this will lead to regulator shopping. I don't think that would happen, but does it really matter if it did?

Who does not have confidence in the Securities and Exchange Commission to regulate future innovative hybrid securities? Anyone? The SEC is one of the most respected, professional agencies in Federal Government. They are tough and they are effective.

The SEC did not want to regulate stock index futures at first. But nobody is saying the SEC is incompetent.

Why are we making things so complicated? Why are we turning the innovation of financial futures hybrids into a dispute over whether 51 percent of the value is in one jurisdiction, 49 in the other? The only real significance is that litigation would ensue. This prospect cripples innovation and capital formation. As a result you do not get a market for hybrid American securities of this type. That is the issue as I see it.

The PRESIDING OFFICER. Who yields time? If no Senator yields time, the time will be deducted equally.

Mr. BOND. Mr. President, I yield a minute to my distinguished cosponsor, the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Thank you very much, Mr. President. I thank the distinguished Senator from Missouri for doing such a good job on an important amendment.

Mr. President, I urge my colleagues to support the Bond-Wirth amendment to S. 207.

I want to emphasize that the debate over title III is not simply a jurisdictional dispute between the Commodity Futures Trading Commission and the Securities and Exchange Commission. Important public policy issues are also at stake here.

The current regulatory structure reduces investor confidence in our capital markets, limits the ability of regulators and markets to address market breaks and periods of high volatility, and stifles the development of new financial products, reducing the competitive position of our markets.

These issues are really important here. They are what Senators should consider when deciding how to cast their votes.

During Tuesday's Banking Committee hearing, Federal Reserve Board Chairman Alan Greenspan, SEC Chairman Richard Breeden, Under Secretary of the Treasury Robert Glauber, and CFTC Chairman Wendy Gramm were all asked whether the Bond-Wirth alternative or S. 207 as revised was preferable from a public policy point of view.

Three of the four—everyone but CFTC Chair Gramm—responded that the Bond-Wirth alternative was better public policy.

The result was the same when the four were asked which proposal would better promote innovation and competition. Everyone but the CFTC Chair indicated that the Bond-Wirth alternative is preferable to S. 207 as revised in this area.

Because we do not believe title III as revised adequately addresses the public policy concerns central to this issue, Senator BOND and I have worked to develop an alternative to that portion of the legislation. I urge my colleagues to support the Bond-Wirth alternative.

Two important points to be made. First, as Senator GARN said, it has absolutely nothing to do with agriculture. We are talking about financial instruments. Second, this issue should not be here on the floor of the U.S. Senate. The reason we are all here is, in effect, a failure of the ability of the administration to come to grips with this issue clearly and firmly as they should.

Having said both of those, this has nothing to do with farms. We really should not be doing this. This is something that should be done by the regulators.

Two central issues remain. One, the competitive—untouched upon by the distinguished Senator from New Mexico.

We have seen the U.S. share of these markets go offshore very rapidly because the CFTC has blocked the offering of a lot of these instruments. Our amendment makes this more competitive.

I think more important, Mr. President, is the safety and soundness issue. We saw a major problem in the markets in 1987 and again in 1989.

The prudent vote is a vote for Wirth-Bond.

Mr. LEAHY. Mr. President, I yield to the Senator from Illinois 1 minute.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I thank the distinguished manager.

Mr. President, I would like to take this opportunity to put this amendment in perspective. As my colleagues know, the proponents of this amendment argue that it promotes innovation, reduces uncertainty, and serves investors. None of these contentions are accurate.

There have been a number of major innovations since the Commodity Futures Trading Commission was created in 1974. Two of the most important are financial futures, traded on futures exchanges, and regulated by the CFTC, and junk bonds, not traded on any exchange and regulated by the SEC. Financial futures have been enormously successful. Junk bonds were a major cause of the thrift debacle.

The CFTC has been the biggest promoter of financial innovation, and has been responsible for more innovation than any other Federal agency. The SEC, on the other hand, the major beneficiary of this amendment, has been hostile to innovation at every turn, and even in 1978 turned down stock index products on the grounds that they served no economic purpose. This amendment, therefore, is not pro-innovation.

This amendment is supposed to increase certainty and decrease litigation. But this is a nonsolution to a nonproblem. There have only been two jurisdictional court cases in the last 17 years, and the $2.5 trillion swaps market has grown up without any CFTC interference. If the foundation for swaps was some sort of jurisdictional "quicksand," then how could it have grown so fast?

Let us keep a few things in mind. First, the CFTC does not now have, and does not argue that it has, jurisdiction over traditional swaps. The truth of this assertion can easily be seen from the size of the swaps market, which has grown up, as I pointed out earlier, without any CFTC interference.

What the CFTC does have, however, is jurisdiction over swaps that are not just economically the same as futures, but which also have all the characteristics of exchange-traded futures but for the fact that they are traded off-exchange;

The CFTC also does not now have jurisdiction over bank deposits, or loans, or insurance products. This is a total red herring. No bank or no insurance company even hinted that this was ever even a potential problem. We should also remember that bank deposits and other bank products are not at issue here. That issue has been taken care of, even though it was never an issue in the first place. I have talked to the American Bankers Association about this matter, and they assure me that the deposits clarification was and remains their only interest in this debate.

Some backers of this amendment claim that the CFTC only has jurisdiction over futures if they are traded on futures exchanges. If that is true, however, then it has no jurisdiction at all, because the exchanges would disband to avoid the costs involved with CFTC regulation.

Backers of this amendment assert that it was put together in a back room in the dead of night and that some parties were left out of the compromise. Let's set the record straight. First, title III is the only compromise that has gone through the regular committee markup process. Second, every party had an opportunity to participate in the negotiations that led up to the compromise. Third, the SEC deliberately decided not to compromise. Chairman Breeden, in fact, was in Hong Kong during the final negotiations, which demonstrates that he never had any serious intent to compromise. Fourth, last year's compromise was no compromise at all, and this year's Agriculture Committee hearings demonstrated that no one on any side of the issue supported it. Finally, it may seem strange that this issue is before the Agriculture Committee, but it is no more strange than Banking Committee jurisdiction over transit, a transportation issue, or export controls, a foreign policy/national security issue, or the Defense Production Act, a Pentagon procurement issue.

Frankly, in my view, the procedural arguments all go the other way. This amendment was only shown to the Senate late yesterday. It has not been well-considered and it has serious drafting flaws. It could, in fact, either deregulate most futures trading, or legitimize bucket shops, or transfer inadvertently much more jurisdiction to other agencies than the proponents of this amendment claim. This is not a good way to make law, and the amendment should be rejected for this reason alone.

It is worth keeping in mind that there is no customer protection in the swaps market. Bank regulators and the SEC are only concerned with the solvency of the bank and securities firms swaps dealers.

While the SEC can, in theory, protect customers in non-exchange-traded securities products, such as junk bonds, its practical ability to do so is very limited, since it has little surveillance capabilities in these areas.

It is argued that customer protections are not important because only institutions participate in the swaps and hybrids marketplaces. But these institutions include State and local governments, insurance companies, pension funds, and businesses. Do not these participants deserve a fair and equitable marketplace?

Titles I and II of S. 207 are based on the proposition that even institutional customers deserve protection to ensure a fair, equitable marketplace. If protection is thought necessary for futures, why not for other, equally high-risk products that become marketplace traded, whether on an exchange or on an off-exchange basis?

Further, Mr. President, it is worth keeping in mind that problems have arisen in other areas. For example, just last week, institutions trading in junk bonds complained they were victimized by insider trading.

Finally, consider the S&L experience. They were institutions, and some S&L's were clearly victimized in the junk bond market. Would not it have been better if the SEC had been able to detect the fraudulent trading practices early and therefore lessened the damage to these S&L's?

As I said at the outset, proponents of this amendment argue that the issues here are innovation, litigation avoidance, competition, and investor confidence. Yet, the amendment promotes innovation by weakening the most innovative agency, pursues litigation avoidance by destroying certainty and creating a vast new lawyers relief act, advances competition by fixing the results, and promotes investor confidence by weakening investor protection.

Almost no one understands these new products. We should therefore be very cautious before we abandon the fundamental principles of functional regulation and customer protection, as this amendment seeks to do. If institutional customers don't need protection, then why do they need it to trade currency futures on a futures exchange? If functional regulation is not important, then why not let the CFTC regulate securities traded on a futures exchange, and let bank regulators handle bank securities activities?

If, however, functional regulation is important, if fair, open, honest marketplaces are important, then this amendment should be rejected.

We started this issue 3½ years ago because of a stock market crash. We are three-quarters of the way finished in responding to the recommendations made by the Brady Commission on how to prevent another such crash. We have enacted large trader reporting, and coordinated clearing, and circuit breakers are now in place. This bill has the last piece, on margins oversight.

That is what is important here, not the Wirth-Bond proposal. Not one bank, not one securities firm, and not one investor has called on me to express the view that future financial innovations are being jeopardized because of inadequacies in the law. We should therefore enact what is important, title III as we have it before us, and go slow on fundamental changes based not on problems that do exist but only on problems that might someday exist.

I urge my colleagues to defeat this amendment.

I remind my colleagues that this vote is a vote against an honorable accommodation, a compromise that has been worked out over 3½ years that deals with this problem fairly by saying if it is more than half a futures contract it goes under the CFTC; if it is more than half a stock it goes under the SEC.

It is fair. It is reasonable. The administration signed off on it. I urge my colleagues to reject the Bond-Wirth amendment and then to vote for S. 207. I thank my colleagues.

The PRESIDING OFFICER. Who yields time?

Mr. RIEGLE. Mr. President, I ask unanimous consent that a minute be added to each side so I might ask the Senator from Missouri for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I am happy to yield to the distinguished chairman of the Banking Committee.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. I thank my colleague. I rise in support of the Bond-Wirth substitute. There is a very important distinction between it and S. 207.

Alan Greenspan, who I think is probably the most arms-length observer who can comment meaningfully on this, has made it very clear the Bond-Wirth proposal is better for markets; it is better for stability. We have debated it fully over the last 2 days. I strongly urge my colleagues to support the Bond-Wirth amendment.

I yield the remainder of my time.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. We have spent hours discussing this issue. Strong statements and good speeches have been made on both sides. The fact is that we have in title III a compromise designed not to disturb any industry's existing products but still allow innovation. That is why the administration and the Secretary of the Treasury support it. They know that without compromise we will never resolve this issue.

We have been marching up and down this field for 2½ years. The distinguished Senator from Indiana and I have brought this issue before the committee numerous times. We have had hours and hours of meetings with distinguished Senators from both sides of the aisle, from both the Banking and Agriculture Committee, trying to resolve this.

There is no way to pass a bill where any side declares total victory. We have a good compromise which the Treasury Department supports, which makes sense within the industry, and which allows the United States to continue to be the leader in innovative financial markets. I urge my colleagues to accept it.

We still have a long road ahead on this bill including a conference with the House. We have a bill that has real teeth in it. We have a bill that is going to make sure we cut down the potential for cheating in the markets. We have a bill which makes sure that those few traders who succumb to the temptation to be dishonest will get caught and be severely punished. That is something we can do for the American people.

We should go forth knowing that no one Senator is going to be able to write a bill with everything they want. This bill does not have everything I wanted. But it is a result of 2½ years of heavy work among every single interested party. That is why we have a product that is unanimously reported from the Agriculture Committee and with the support of the administration.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Missouri has 30 seconds.

Mr. BOND. Mr. President, I will be very brief.

Bond-Wirth is better public policy; better promotes competition; better fosters innovation and better provides for legal certainty.

And that is not just me talking. The Federal Reserve Board, the Treasury Department, and the SEC—as well as a whole host of financial experts—are the ones who have made this point.

Choice is really between the public interest and the interest of a monopoly which wants its way of life preserved.

So what is Bond-Wirth seeking to replace? Clearly not a compromise. Although supporters are calling it that I would hope someone could explain how it could be a compromise when both the Federal Reserve, and the SEC strongly oppose it. Where I come from that is no compromise.

And where are the farmers? Well my Missouri farmers are telling me they want a tough cop on the beat, so that the Feruzzi soybean scandal does not recur; nor does the FBI need to infiltrate the grain pits. They certainly do not think the CFTC's regulatory burden should be expanded.

Many of you just agreed with me that the CFTC should not be regulating bank deposits or loans. As simple as this seemed to all of us—it was fiercely resisted for a long time.

That is why we need to take the next step of resolving the equally simple exclusions of insurance products, individually negotiated financial contracts, and securities.

That is why we need Bond-Wirth.

Mr. President, let me repeat. Every one of the Nation's major financial regulators—with the CFTC the sole exception—told us that the Bond-Wirth proposal was better public policy, better for fostering competition and innovation, and better at providing legal certainty.

Mr. President, this is not a compromise, the underlying amendment. If we do not adopt Bond-Wirth the only compromise that will be made is to compromise the future of our financial markets. This is not a choice between New York and Chicago. It is a choice between the United States or Tokyo, London, or Toronto.

Mr. President, the Senate now has the opportunity to make its choice for the public interest or a narrow parochial one. I only hope the Senate chooses wisely and I urge they support this amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senators from Missouri and Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 33, nays 65, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—33

Adams
Bond
Bradley
Chafee
Danforth
Dodd
Domenici
Garn
Gorton
Graham
Hatch
Kassebaum
Kennedy
Kerry
Lautenberg
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Packwood
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Specter
Stevens
Wirth

NAYS—65

Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dole
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gramm
Grassley
Harkin
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kasten
Kerrey
Kohl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Nickles
Nunn
Pell
Pressler
Reid
Robb
Seymour
Shelby
Simon
Simpson
Smith
Symms
Thurmond
Wallop
Warner
Wellstone

NOT VOTING—1

Pryor

So, the amendment (No. 69) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Missouri [Mr. BOND] and the Senator from Colorado [Mr. WIRTH] may offer an amendment with 60 minutes of debate equally divided and controlled in the usual form. On expiration of the debate on the Bond-Wirth amendment, the Senator from Texas [Mr. GRAMM] may offer a relevant second-degree amendment with no time limitation.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to proceed for 2 minutes on a procedural matter without it counting against anyone's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I see the distinguished Senator from Colorado [Mr. WIRTH] on the floor. I know the distinguished Senator from Missouri [Mr. BOND] is nearby. There is 1 hour on the next amendment. I am wondering if the distinguished proponents of that amendment would be willing to modify the unanimous-consent agreement to limit that to one-half hour, under all the other terms, to be equally divided, and so on.

Mr. WIRTH. Mr. President, if the Senator will yield, at this point, I think we would not, and let me explain to him why. We want to be accommodating and are trying to move this through, and the purpose is not to delay this in any way, shape, or form.

But the amendment which the distinguished Senator from Missouri and I will be offering goes to a very important issue of safety and soundness. There were a number of Senators who were nervous about this last amendment, did not know whether to go one way or the other. This is a different issue and we want to have time to discuss it.

Mr. LEAHY. I do not want to get into the merits of it, so I shall not. I withdraw my request.

I yield back any time of that 2 minutes.

AMENDMENT NO. 71

(Purpose: To require the Securities and Exchange Commission and the Commodity Futures Trading Commission to take certain actions regarding intermarket issues)

Mr. WIRTH. Mr. President, I send an amendment to the desk on behalf of myself, Senator BOND, Senator RIEGLE, Senator DODD, and Senator GARN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH], for himself, Mr. BOND, Mr. RIEGLE, Mr. DODD, and Mr. GARN, proposes an amendment numbered 71.

Mr. WIRTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12 of the Committee amendment (as modified), after line 9, add the following new sections:

SEC. 305. DIRECTIVES REGARDING INTERMARKET ISSUES.

(a) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall each respectively—

(1) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to strengthen the overall stability of domestic equity and equity derivative markets and maintain fair and orderly markets through the adoption and approval of appropriate coordinated "circuit breaker" mechanisms and similar requirements;

(2) establish (for all domestic equity and equity derivative markets) effective prohibitions on intermarket frontrunning, and require the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket front-running, fraud, and other violations;

(3) adopt (for all domestic equity and equity derivative markets) such rules and regulations, issue such orders, and approve, subject to applicable requirements, such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets and clearing organizations subject to their respective regulatory authority as may be necessary or appropriate to authorize the prompt implementation of systems for the cross-margining of intermarket positions and the use of such intermarket positions as

security interest for loans and other extensions of credit and the establishment or maintenance of margin on futures and options contracts; and

(5) establish policies with regard to the negotiation and development of international regulatory agreements and standards involving intermarket issues.

(b) OTHER ISSUES.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall identify and address other intermarket issues as the issues arise.

(c) REPORT.—Not later than 15 months after the effective date of this Act, the Securities Exchange Commission and the Commodity Futures Trading Commission shall report to Congress on the actions the Commissions have taken to carry out this section.

SEC. 306. STUDY ON INTERNATIONAL COMPETITIVENESS OF UNITED STATES FINANCIAL MARKETS

Not later than 18 months after the effective date, the General Accounting Office and the Department of the Treasury, in consultation with the Securities and Exchange Commission, Commodity Futures Trading Commission and Federal Reserve Board, shall each submit to Congress a study on the competitiveness of United States financial markets. The study shall include:

(1) a comparison of the regulatory systems in foreign countries with major financial markets with the regulatory system in the United States;

(2) an assessment of the extent, if any, to which the regulatory system governing United States financial markets impedes international competitiveness;

(3) the extent to which financial products developed in the United States are issued and traded in foreign markets as the result of United States laws; and

(4) recommendations to enhance the competitiveness of United States financial markets.

The PRESIDING OFFICER. Who yields time?

Mr. WIRTH. Mr. President, I control the time. I will use such time as I may consume.

Mr. President, I will take a couple of minutes and try to frame what this amendment is all about and why it is significantly different from what we discussed earlier.

What we were really talking about earlier was in large part a turf dispute between the CFTC and the SEC. We had deeply felt commitments by those who represented very ably their cities, their markets, and they did that very well. Whether that is New York or Chicago, I am agnostic in all of that and I do not have a stake in that. But there was that battle and people were kind of choosing up sides between individuals, between markets, between commitments made, between committees. All of those choice we had to make.

I talked to any number of Senators about that previous vote, and it was very awkward for them. Who do I vote with? Well, I am going to go with so and so. I am going to go with that individual.

This amendment has nothing to do with those turf fights at all. This amendment has to do with attempting to coordinate the mechanism between these two markets. We have a market in Chicago, we have a market in New York. One of the fundamental problems that we have faced in this whole history of the SEC–CFTC is how do you tie the two together? How do you make sure that what happens in New York is understood in Chicago? How do you make sure what is done in Chicago is understood in New York? That is what this amendment is all about. How do we get coordination between these two markets?

I know that almost all Senators are very aware of some of the problems that have existed in these financial markets and have been concerned about them. We have seen the rapid erosion of some, we have seen an escalation of problems, we have seen the spikes of the markets go up and come down very, very rapidly. There has been a kind of instability in these markets. And a lot of people will be concerned about that instability, why it has existed.

Looking at this over the last 3 years since the market crash of October 1987, most analysts looking at this say well, we have to develop much better mechanisms between the two marketplaces. We have to address the so-called inter market issue.

Secretary Brady, when he chaired the Brady Commission which came out of the initial crash in October 1987, talked about rationalizing the market. We have done a little bit of that with the margin requirements to coordinate margin requirements. We have done some of the rationalization in S. 207 and everybody agreed that was a good thing to do.

Initially, in the legislation that was considered by the Agriculture Committee, the amendment that Senator BOND and I are offering was initially in the Agriculture package. Somewhere it got dropped and we think it ought to be back in there. The purpose is to get back to coordinating these two markets.

Now let me explain in some greater detail why it is that we have these mechanisms in here and why we think they are necessary to try to obviate some of the problems that we have in this fragmented regulatory structure.

The Brady Commission, the General Accounting Office, the New York Stock Exchange Blue Ribbon Smith Commission, OTA, Federal Reserve Chairman Greenspan, all of them, all of these groups have concluded that uncoordinated and insufficient regulations of financial instrument trading contributed to the volatility of the late 1980's. None of us want to see that volatility continue. These markets have emerged and changed and we all know that. A lot of new products are in there. What we are doing in this amendment is putting into the law a number of mechanisms to coordinate those two markets so that they understand each other, so that there can be tracking. If there is fraud it can be tracked from one market to another. A variety of items.

Let me give you an example. This amendment would say what we have to do is to adopt a coordinated circuit breaker to help prevent another break. With circuit breakers, when something happens, you get an automatic stop of that market. Let us make sure that automatic circuit breaker is consistent in both markets so that one market would not have a circuit breaker that would disrupt the other market.

Second, facilitate linkages between the clearance and settlement systems in the securities and futures market to reduce the risk of the collapse of the Nation's financial infrastructure. The clearance process in October 1987—looking back at that, that clearance process was extraordinarily important and almost led to a disaster in October. What our amendment does here, as well, is to facilitate the linkage of this very important clearance process. Technical, yes; important, of enormous importance.

Third, we coordinate efforts to detect and deter fraudulent trading activities across the securities markets and the futures markets. One of the important elements in all of this is to make sure that investors believe that there is soundness and safety and that these markets are not manipulated. How do you trace fraud from one market to another? What we are doing is coordinating the efforts to detect and deter fraud to help and assure consumer confidence.

Fourth, promoting a cross-margining system to protect against financial gridlock when margin calls threaten to strip liquidity from our market. Again, Mr. President, a problem that occurred in October 1987. It was clearly identified by all the people looking at that market who said that we ought to do this.

Finally, it ensures that, in promoting regulatory harmony with securities and futures markets abroad, the United States speaks with a single voice; has a single voice so that it can explain U.S. markets and the U.S. position around the world.

Now, what we do we do? How do we implement this? We would put the so-called working group on financial markets that was established after the October 1987 crash, we would put that back to work to harmonize the regulation of interrelated markets. These provisions address many of the concerns related to intermarket issues and would direct the regulator to implement some key recommendations of the Brady report, including coordinated circuit breakers, cost margining clearance and settlement facilities.

Now again let me say, Mr. President, there were a number of our colleagues who were really concerned about this last amendment. Where do I go? Do I vote with Chicago, do I vote with New York, do I vote with this friend or that friend? A lot of it was jump-ball decision. People were uncomfortable about it. And essentially we should not have been making those decisions anyway. They should have all been made by the regulators. But the failure of the regulatory system put that issue here. This amendment is something I think we can all agree on. I do not see any reason why we could not have these mechanisms to accommodate these various markets, one with the other. It is very important that we do so. We want to avoid the problems that we had in 1987, the problems that we had in 1989.

I hope that my colleagues would see their way clear to accepting what I think is a very prudent step. This is a prudent amendment. It has nothing to do with one market battling another.

I regret that we did not pass the Bond-Wirth amendment earlier today. That amendment included a number of important provisions designed to promote innovation and competition in our financial markets. Unfortunately, those provisions will not be included in S. 207.

However, the amendment also included important provisions to direct the SEC and CFTC to work together to address the intermarket issues that have become so important in today's financial world. These provisions were originally a part of S. 207 but were no longer in the legislation when it emerged from the Agriculture Committee.

Over the last few days, many Senators have discussed the fragmented regulatory structure and the need to improve coordination between the stock and futures markets and their regulators.

The Brady Commission, the GAO, the New York Stock Exchange blue ribbon Smith Commission, the Office of Technology Assessment, Federal Reserve Board Chairman Alan Greenspan, and others have all concluded that uncoordinated and insufficient regulation of financial instrument trading contributed significantly to the market volatility of the late 1980's.

The Nation's financial markets have evolved in such a way that coordinated, meaningful regulation is necessary to promote market stability. New products have closely linked our markets and where we have, in effect, one market, we should regulate as if we have one market.

Not to do so is asking for trouble. The market crises of the recent past are bound to occur again unless we address the problems of fragmented market regulation.

MARKET COORDINATION AMENDMENT

The amendment would restore to S. 207 provisions to require the SEC and CFTC, in consultation with the Treasury Department and the Federal Reserve Board, to:

Adopt coordinated circuit breakers to help prevent another market break;

Facilitate linkages between the clearance and settlement systems in the securities and futures markets to reduce the risk of a collapse of the Nation's financial infrastructure;

Coordinate efforts to detect and deter fraudulent trading activities across securities and futures markets;

Promote a cross-margining system to protect against financial gridlock when margin calls threaten to strip liquidity from our markets; and

Ensure that in promoting regulatory harmony with securities and futures markets abroad, the United States speaks with a single voice.

These important intermarket directives would put the so-called Working Group on Financial Markets, established after the stock market crash of 1987, back to work to harmonize the regulation of interrelated markets.

These provisions address many of the concerns related to intermarket issues and would direct regulators to implement some key recommendations of the Brady Report, including coordinated circuit breakers, cross-margining, clearance and settlement facilities.

The amendment also directs the GAO and the Treasury Department to provide Congress with a study that:

Compares the regulatory systems of foreign countries with major financial markets to the U.S. regulatory system;

Assesses the extent to which our regulatory system impedes international competitiveness;

Assesses the extent to which U.S. laws result in financial products developed in the U.S. are issued and traded abroad and

Recommendations to enhance the competitiveness of U.S. financial markets.

Opponents of the amendment argue that it is unnecessary and duplicates many provisions of the Market Reform Act that we passed last year.

However, the provisions of the amendment do not duplicate those of the Market Reform Act.

The Market Reform Act contains no provisions with respect to implementation of cross-margining, establishment of effective intermarket frontrunning prohibitions or negotiation of international regulatory agreements.

The Market Reform Act does not require the agencies to implement circuit breakers. It only requires them to report to Congress regarding their efforts in this area.

The Market Reform Act's provisions to establish linked or coordinated clearance and settlement facilities only apply to the SEC, not the CFTC.

The intermarket coordination provisions do not duplicate already existing law. These provisions were originally part of S. 207 and should be restored to the legislation.

The studies the amendment mandates will provide us with objective analyses of the questions surrounding the impact of our current system on our international competitiveness and help resolve the debate over hybrid products.

Mr. President, I ask unanimous consent that a document describing why we need coordinated circuit breakers, cross-margining and the other items I discussed be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

1. WHY WE NEED COORDINATED CIRCUIT BREAKERS

When the market is falling dramatically, circuit breakers stop market movements for a short period of time, giving the markets a chance to avoid panic.

If circuit breakers are uncoordinated, however, the aggregate selling pressure from the markets that are closed (for example, the stock market) is funneled into the market that remains open (such as the stock index futures market). And, because the prices in two markets are linked, the panic that could have occurred in the stock market can shift to the stock index futures market. That selling pressure can then jump back to the stock market as soon as it reopens.

For that reason, the Brady Report and the President's Working Group on Financial Markets both called for coordinated circuit breakers.

2. WHY WE NEED CROSS-MARGINING

At present, market participants must meet separate margin requirements in each market, even if their positions in a second market would offset to some degree their positions in the first market if all those transactions had been executed in a single market.

Cross-margining would permit the collection of margin based on a participant's aggregate market exposure across all interrelated markets, and would give each market the chance to see a market participants total exposure across all markets. Therefore, cross-margining would reduce participant liquidity needs and strain on the financial system when the markets are moving precipitously.

3. WHY WE NEED COORDINATED CLEARANCE AND SETTLEMENT

The clearance and settlement systems for transactions in securities, securities options, futures contracts and options on futures contracts are integrally related, and the clearing procedures for any of these products potentially can affect other clearing systems, other products, other clearing systems, and the financial system.

Coordinated clearance and settlement would improve monitoring of market participants' aggregate exposure and would also facilitate the coordination of settlement time frames and the netting of participant payment obligations among clearing systems.

4. WHY WE NEED FRONTRUNNING PROHIBITIONS

A broker-dealer or FCM who knows about an imminent large customer order in the stock market may be able to take advantage of that information by buying or selling stock index futures (or vice versa) for its own proprietary account.

Frontrunning prohibitions prevent a broker-dealer or FCM from exploiting its knowledge of such non-public trading information to its own advantage and to the detriment of its own customers and other market participants.

5. WHY WE NEED TO COORDINATE NEGOTIATION OF INTERNATIONAL REGULATORY AGREEMENTS

Today, unitary foreign regulatory agencies must negotiate separate regulatory agreements with the SEC and the CFTC.

The two agencies represent the same government, and the same public. Therefore, this provision would force the SEC and the CFTC to act as one agency for the purpose of negotiating such agreements.

It sets up a prudent set of mechanisms. We ought to be conservative related to these markets. We ought to be careful related to these markets. We ought to be focusing on the whole business of safety and soundness of our marketplaces, protecting consumers, protecting investors. That is what we have done and it is what has made our markets liquid over the years. It has made people put money into them rather than put money under the mattress. This is a safety, soundness, prudence amendment.

I hope my colleagues accept this Wirth-Bond amendment. It has nothing to do with one market versus another. It is something we ought to agree with.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield as much time as the Senator from Illinois may desire.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank distinguished manager on the Republican side for his many kindnesses during this long and contentious period and for the time allocated this afternoon.

I say to my colleagues that we should reject his amendment. My understanding is the managers will offer a motion to table this amendment. We extended the greatest courtesy to our colleagues and gave them an up-or-down vote on the last vote. Their amendment was rejected 65 to 33.

Mr. President, we have been going through this terrible, contentious debate for 3½ years now. It is coming quietly, I think, and, hopefully, shortly to a conclusion when we vote ultimately on the CFTC bill that is the accommodation of honor between the administration and Members of both sides that came out of the Agriculture Committee unanimously.

What my friends from Missouri and Colorado want to do here is open it all up. Almost everything in this amendment plus some more was in the amendment we just defeated 65 to 33. Should the argument be that we are working on cooperation between the agencies, and I hear my colleague and good friend from Colorado saying that, let me read from the existing law.

We passed Public Law 101-432 on October 16, 1990. In 15 U.S.C. 78(b) here is what it says in section 8:

> INTERMARKET COORDINATION.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall report to the Congress no later than May 31, 1991, and annually thereafter, until May 31, 1995. . . .

So, for the next 5 years they are going to make these reports, Mr. President. What do the reports do? They report on:

> (1) the efforts their respective agencies have made relating to the coordination of regulatory activities to ensure the integrity and the competitiveness of United States financial markets;
>
> (2) the efforts their respective agencies have made to formulate coordinated mechanisms across marketplaces to protect the payments and market systems during market emergencies;
>
> (3) the views of the respective agencies with respect to the adequacy of margin levels, use of leverage by participants; and
>
> (4) such other issues and concerns relating to the soundness, stability, and integrity of international capital markets as may be appropriate.

Mr. President, we have already done it. This amendment is intended purely and solely to continue this terrible, divisive debate in the Congress eternally. It has gone on for 3½ years. There has been more committee time and more floor time involved in this debate, and more vituperative epithets hurled on this issue than any issue in the Congress in the last 3½ years. It is so important that this morning the Washington Post did not write anything about it.

I hope my colleagues want to get something to rest, finally. This is at rest. The last vote, 65 to 33 decided that issue among our colleagues, with everybody here who could be here to vote. Ultimately and shortly I prayerfully hope we will vote on the bill which is the accommodation of honor. This is nothing but mischief.

I ask my colleagues, when the distinguished managers move to table shortly, to give us an aye vote to table this legislation, and pass this bill, and send it to conference where the two Houses can resolve this issue finally, and give us a bill that goes to the President for his signature to protect the consumers in this country, to keep these markets all competitive, and to keep us dominant in the world marketplace.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself 5 minutes.

Mr. President, I would reiterate some of the arguments my distinguished colleague from Illinois has already argued and add at least this further thought. This amendment before us has two sections. One, section 305, was part of the amendment we just defeated. It has been resurrected and put together with section 306, a study on competitiveness of U.S. financial markets.

On the face of it there could never be harm in an academic study of how competitive our markets are. That sort of study goes on all the time, whether we mandate it in the Congress or not. People are deeply interested in this. All of us in America want to make certain that the things we do are competitive with what else goes on in the world and in this very, very competitive field, the financial marketplace, that is especially true.

I add to the debate the thought that mandating by law such studies, I believe, is unnecessary. But the problem I find as I examine carefully the language, is that once again the mandate goes to the General Accounting Office, and the Department of the Treasury with input from Securities and Exchange Commission, the Commodity Futures Trading Commission, and the Federal Reserve Board.

Each of these groups has been testifying, as Senator DIXON pointed out, for years. The Agriculture Committee, the Banking Committee, these days seemingly routinely, are bringing together a panel of these distinguished persons and they offer views on the jurisdictional questions of the CFTC and SEC. An argument is often made by those who favor the SEC point of view that somehow the competitiveness of our markets is suffering.

Specifically, they have alleged that investors or authors of new investment products, very complex instruments, will be discouraged by having to go to the CFTC to the point they will go overseas.

As one of the last statements in the debate we heard about an hour ago, the comment was made that this is not a question between New York and Chicago, it is a question between America and Japan or Germany or what have you. I think that was a farfetched argument and I say that respectfully—but nevertheless—I am simply not aware that investment instruments that are sound, that, in the light of day pass scrutiny of regulators, are going to have a great deal of trouble finding a home in America and finding a lot of investors.

If the authors of this amendment are suggesting that investment opportunities that are so complex or so dubious that they would find trouble with our regulators go overseas, that may be where they belong. In other words, I do not believe the U.S. Congress is inherently bound to try to keep every strange scheme within our purview.

I suggest that was, in part, the argument we just had and the vote we just had. The suggestion, of those offering the Bond-Wirth amendment on that occasion, was that people who think up new schemes ought to be able to choose their regulators. Those of us who had argued against that said we better take a hard look at such an approach where the investor chooses the regulator.

So, therefore, Mr. President, at the proper time, I will support a motion to table the Bond-Wirth amendment. I do not believe that it offers a great deal except new contention. We are going to have a difficult conference with the House on this piece of legislation. To have this study running on, to have additional testimony, to have each of these distinguished regulators coming into our committees offering additional arguments on the argument we have just had does not seem to me to be productive.

Mr. WIRTH. Will the Senator yield?

Mr. LUGAR. I will be happy to yield to the distinguished Senator.

Mr. WIRTH. I was very interested in the comments made by the distinguished Senator from Indiana about the study. We are concerned about the competitiveness of this. I do not know what one would be afraid of and what a study might show.

Let us assume that creates the kind of continuing problems that the Senator from Indiana is suggesting. What would happen if we left the study out altogether and had in here only the intermarket coordinating mechanisms that were originally proposed by the distinguished Senator from Indiana or proposed by the distinguished Senator from Vermont or proposed as part of the compromise within your original bill? The language on those intermarket coordinating mechanisms is exactly the language proposed by the leadership of the Agriculture Committee.

From my point of view, that is the most important element in here, and I would ask if the concern, as expressed by the distinguished Senator from Indiana and the distinguished Senator from Illinois, is the study and what the study suggests, if that study were out of here and we went back just exactly to your language as you originally proposed, is that the sort of thing that we could then agree upon and be out of here?

Mr. LUGAR. I ask the Chair to allocate 2 more minutes to me so I can respond to the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. My response—and I will be advised if this is correct or not—but my understanding is, looking at the text of current law in front of me, the Senator suggests we might pick up section 305, which essentially is current law, and drop section 306.

Mr. WIRTH. If the Senator might further yield, it is not law. What we are doing is doing what you all suggested earlier: We direct the regulators to establish these kind of coordinating mechanisms so we will have a greater rationalization between the markets. It has nothing to do with harming CFTC or harming the SEC, aiding the SEC or aiding the CFTC. It does not do any of that.

It says, get together these guys. And one of the reasons we have this enormous debate is because they have not gotten together. I think maybe you and the distinguished Senator from Vermont might consider that if your big problem is on the study and raising these issues, what if we separated it out, went to your language and went to the intermarket coordinating mechanisms? Maybe it is something you will consider.

I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield 2 minutes to the Senator from Illinois [Mr. SIMON].

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I hope this amendment will be rejected, as the previous amendment was. This amendment calls for two things: coordination and study.

The reality is the statute is very explicit in calling for coordination right now. The statute reads, "The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, the Chairman of the Commodity Futures Trading Commission shall report to the Congress not later than May 31, 1991, and annually thereafter," and so forth, on coordination, and the statute spells out that coordination.

As far as study, frankly, we do not need additional study. This thing has—I do not want to say this dog been around for a long time because that would have inferences that are improper. But we have been bouncing this issue back and forth, and, finally, we are at the point where we are going to resolve it and there are issues that, frankly, we ought to get resolved and move on. This is one of them. Plus, I think it would simply raise questions in the securities market and the futures industry that are unnecessarily raised.

So I hope the amendment will be defeated.

I yield back any time I may have left to the Senator from Vermont.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield myself 1 minute.

Mr. President, I want to make it very clear I associate myself with the remarks of the Senator from Indiana and the Senator from Illinois.

We have legislation passed by the Congress, signed into law, subsequent to the original compromise. Putting this in is simply going to muddy the waters. I have almost never made a motion to table in my 17 years here, but at the end of this time, I will, just so we can get on with this bill and get on with conference.

The Senator from Texas has asked for 3 minutes. I yield the distinguished Senator from Texas 3 minutes.

Mr. GRAMM. Mr. President, I thank the distinguished chairman for yielding.

I hope that we will table this amendment. We had a tough vote a moment ago. We have had a 3-year debate. It has been a very hotly contested issue. Arguments were made on both sides. Hundreds of letters were written. Thousands of lawyers became independently wealthy in the process. But we decided the democratic process worked. The jurisdictional transfer was soundly defeated—soundly defeated.

Mr. President, the amendment before us was embodied at least 90 percent in the previous amendment that was soundly defeated.

So, first of all, we have already voted on most of it.

Second, to the extent that the amendment has any relevance to what we are debating, it is already the law of the land. The Market Reform Act of 1990 mandates studies and reports for intermarket coordination, for clearance and settlement. We are already doing these studies. The Treasury is already involved; the Federal Reserve Board is involved.

What is different about this amendment? Why not throw away a few more million dollars on a few more studies? What is different is we have settled the issue. What this amendment would do is continue to stir the controversy. It would guarantee that 18 months from now we would be back here doing this again.

We have made a fundamental decision today and, in my opinion, that decision is going to become the law of the land. What I say is, let that decision have an opportunity to work. Let us not induce the SEC, the CFTC, the Treasury, and the Federal Reserve Board to spend 18 months continuing to debate the issue until we can bring it back and debate it again. Give the new agreement that has been reached here by a vote of almost 2 to 1 an opportunity to work.

If we adopt this amendment, all we are doing is dragging this old dead cat back across the table again. Bury it. The cat is dead. The people have decided. Let the SEC and the CFTC work together. We have settled the jurisdictional dispute. Let us devote the energy that has been squandered, quite frankly, on the issue for 3 years trying to make our markets work better, trying to make our markets even more competitive.

To stir this up any more serves no purpose. I urge my colleagues, even if they voted against the compromise that was adopted, to vote no on this amendment. Let the will of the Senate stand. Let us not bring this back in 18 months and dedicate all these agencies, all these lobbyists, all these interest groups, to continue to debate an issue that we have today decided.

I urge my colleagues to vote to table this amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WIRTH. I yield to the Senator from Missouri such time as he may consume.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. BOND. I thank my distinguished colleague from Colorado.

I would like to ask a question of the distinguished floor managers of the bill. There seems to be objection to the study, section 306. I, for one, would be happy to drop the study, and I would appreciate knowing whether that might solve the problem which we have had raised on the floor. I ask the distinguished chairman of the committee and the ranking member if we jettison the study, if they will be willing to accept section 305, which essentially was in the bill introduced which each of them and myself signed on initially in the initial version of S. 207?

Would that get rid of the objection if we took out the study?

Mr. LUGAR. Let me respond to the distinguished Senator from Missouri that section 305 differs materially from the law previously passed in this respect. The amendment of the Senator from Missouri and the Senator from Colorado requires specific action within a time certain. It requires the regulators, within 1 year to adopt rules and regulations. Now that might be fine if they can reach agreement, but as the past 2½ years will attest, agreements in this area are hard in coming.

The requirement of reporting to the Congress, adopted in Public Law 101-432 that Senator DIXON talked about earlier, mandated there be reports by the Secretary of the Treasury, the board of governors of the Federal Reserve, Securities Exchange Commission and so forth, and that is one thing. But to require the adoption of rules and regulations in another.

Let me just say I believe we have accomplished in law already the required information gathering which the Senator is seeking and which it seems to me could be important to us. But the Senator's amendment goes beyond that, and therefore at least my own view would be I would not be in favor of adopting that amendment.

Mr. LEAHY. If I may also respond——

Mr. BOND. I would appreciate it if perhaps—if we have a lengthy statement—it could be on the Senator's time. I appreciate the edification of my distinguished friend from Indiana, but time is awasting. I will be happy to yield briefly to the distinguished chairman.

Mr. LEAHY. On the Senators time. Would I support it with that dropped out? The answer is, briefly, no.

Mr. BOND. I thank the chairman. I still believe if there is a question, I would be willing, if the primary sponsor of the measure would be, to ask unanimous consent to take the study out. But I will leave that to his decision.

Mr. WIRTH. Mr. President, I ask unanimous consent that section 306, the study, be removed from the Wirth amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. LUGAR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I reserve the right to object to make sure the chairman's attention can be focused on this particular request at this time.

I would advise the chairman that a unanimous-consent request has been made by the authors of the bill to strike section 306 and leave 305.

Mr. LEAHY. Mr. President, I do not want to object to anybody doing anything. If I might, I do this as a parliamentary inquiry. The yeas and nays have not yet been ordered; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Would they not have the right to modify—I have no intention of objecting to modifying the amendment. Am I correct they would have the right to modify it in any event?

The PRESIDING OFFICER. The unanimous-consent request precludes modification.

Mr. LEAHY. Mr. President, I think Senators know me well enough to know I would be the last person to object to such a request. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 12 of the Committee amendment (as modified), after line 9, add the following new sections:

SEC. 305. DIRECTIVES REGARDING INTERMARKET ISSUES.

(a) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall each respectively—

(1) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to strengthen the overall stability of domestic equity and equity derivative markets and maintain fair and orderly markets through the adoption and approval of appropriate coordinated "circuit breaker" mechanisms and similar requirements;

(2) establish (for all domestic equity and equity derivative markets) effective prohibitions on intermarket front-running, and require the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket front-running, fraud, and other violations;

(3) adopt (for all domestic equity and equity derivative markets) such rules and regulations, issue such orders, and approve, subject to applicable requirements, such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets and clearing organizations subject to their respective regulatory authority as may be necessary or appropriate to authorize the prompt implementation of systems for the cross-margining of intermarket positions and the use of such intermarket positions as security interest for loans and other extensions of credit and the establishment or maintenance of margin on futures and options contracts; and

(5) establish policies with regard to the negotiation and development of international regulatory agreements and standards involving intermarket issues.

(b) OTHER ISSUES.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall identify and address other intermarket issues as the issues arise.

(c) REPORT.—Not later than 15 months after the effective date of this Act, the Securities Exchange Commission and the Commodity Futures Trading Commission shall report to Congress on the actions the Commissions have taken to carry out this section.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank the Chair. I thank my colleagues for the accommodation.

Let me go back to the point raised earlier about Public Law 101-432. The problem with Public Law 101-432 of October 16, 1990, is, as was cited already by the distinguished Senator from Illinois, a clear direction to report to Congress, not to take action. It requires reports from Congress. It said agencies shall cooperate in the development of reports and shall provide copies to other agencies. That is not a directive forcing action.

The problem is we still have tremendous need to get action to adopt the coordinating policies. There are continuing efforts needed to make sure we have the coordination which is required.

I believe it is critical to look back to the statements by Treasury Secretary Brady, who at the time was head of the Brady Commission, who stated:

> The October 1987 crash demonstrates the issues which have an impact on cross-related markets and throughout the financial system include clearing and credit mechanisms, margin requirements, circuit breaker mechanisms and information systems for monitoring intermarket activities.

The provision in the Wirth amendment is very simple. It is a directive from Congress to both the SEC and the CFTC to work cooperatively to adopt rules and regulations to address four critical issues identified in the Brady Commission report.

First, it requires coordinated circuit breakers to make sure when markets start to plunge in New York and Chicago there is a coordinated halt to prevent another crash. Second, it requires the clearance and settlement systems, which the Brady Commission report found had come to a complete gridlock in October 1987, are linked and coordinated to prevent a collapse of the financial infrastructure in the future.

It requires the SEC and CFTC to work together and to deter intermarket front running, a very heinous white collar crime but a very lucrative one if you do not deal with it.

In addition, the amendment requires the development of procedures for cross margining to enable investors who trade in both securities and futures markets to escape a liquidity squeeze in the midst of a market meltdown. And that is what we almost had in 1987.

It requires the United States speak with one voice in negotiations when we deal with markets abroad so that they know we do have a coordinated response.

Some argue the amendment duplicates the provisions of the Market Reform Act that was adopted in the last Congress. As I have said before, that is not true. The Market Reform Act as introduced would have required the SEC and the CFTC to coordinate clearance and settlement systems, only one of the five intermarket issues addressed in this amendment. But due to opposition in the House the directive to the CFTC was dropped. They have never been explicitly directed to cooperate.

Now, one of the last letters sent by our dear friend, the late Senator from Pennsylvania, was a letter directed to Secretary Nicholas Brady. He was obviously concerned about the decision in the Agriculture Committee markup on S. 207 of the dropping of the intermarket coordination. He lists those and states, as I have stated, that the Market Reform Act of 1990 contained only a single provision directing the SEC to facilitate linked or coordinated clearance. He notes the CFTC directive was dropped and the Market Reform Act contains a reporting requirement only.

In conclusion, he says:

> In my view, the original intermarket directives contained in S. 207 go much further than the provisions of the Market Reform Act because they applied to both the SEC and CFTC and mandated a coordinated resolution of a broad range of critical intermarket issues that remain unresolved. Sincerely, John Heinz, United States Senate.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, March 21, 1991.

Hon. NICHOLAS BRADY,
Secretary, Department of the Treasury, Washington, DC.

DEAR NICK: Following our discussion, I requested my staff to review the intermarket coordination provisions of S. 207 that were dropped during the Agriculture Committee markup of Title III. These intermarket directives would have required the SEC and CFTC, in consultation with the Treasury Department and the Federal Reserve Board, to adopt rules and regulations within one year addressing: (1) coordinated circuit breaker mechanisms to strengthen the stability of equity and equity derivative markets and maintain fair and orderly markets, (2) intermarket frontrunning and the sharing of information necessary to detect intermarket fraud, (3) the establishment of linked or coordinated clearance and settlement mechanisms, (4) implementation of cross-margining of intermarket positions, and (5) policies with regard to international regulatory agreement and standards involving intermarket issues. The SEC, CFTC, Treasury and Federal Reserve Board were also directed to address other intermarket issues as they arise and to report to Congress on actions taken to carry out these directives.

In contrast, the Market Reform Act of 1990 (P.L. 101-432) contained only a single provision directing the SEC to facilitate linked or coordinated clearance and settlement systems. A similar directive to the CFTC contained in the bill as introduced (S. 648) was dropped in conference due to objections raised by the House Agriculture Committee. The Market Reform Act also contains a reporting requirement comparable to the provision originally contained in S. 207.

In my view, the original intermarket directives contained in S. 207 go much further than the provisions of the Market Reform Act because they applied to both the SEC and CFTC and mandated a coordinated resolution of a broad range of critical intermarket issues that remain unresolved.

Sincerely,

JOHN HEINZ,
U.S. Senate.

Mr. BOND. I have taken the liberty of reading that letter because I believe this was an issue on which John Heinz felt very strongly. He felt very strongly about the bill. He felt very strongly about the provisions. And, in particular, he felt very strongly about intermarket coordination.

I ask that my colleagues consider the reasoning behind it, however. Only as the ranking member on the Securities Subcommittee, he recognized that there was a lack of and a need for intermarket coordination. Think back to his position at the time. Having studied it as a ranking member in the Banking Committee Subcommittee on Securities, he felt it was absolutely essential.

For that reason, I urge my colleagues to adopt the amendment as modified, which does not require reports but which does in fact direct action which is essential to maintain our competitiveness. I would have liked to have seen a study, because perhaps it is a measure, S. 207 as amended, by the CFTC, on which there has only been 90 minutes of hearings in the Banking Committee. Perhaps that is a good measure and will foster international competitiveness. Maybe I will be proven wrong.

But in any event, I can assure my colleagues that we, without any reports, will continue to discuss the issues with them, and call it to their attention. But now today we are talking about directing specific action.

I urge my colleagues to follow through on the strong recommendations of the Brady Commission Report, and adopt the Wirth amendment.

Mr. LEAHY. Mr. President, parliamentary inquiry. When does all time on both sides run out?

The PRESIDING OFFICER. About 19 minutes between the Senator from Vermont, who controls 11 minutes, and the Senator from Colorado, who controls 8 minutes 40 seconds.

Mr. LEAHY. That would be about 2:10, approximately; approximately 2:11:06, approximately.

I ask unanimous consent that, at such time that all time runs out, there be additional time from then until 2:40 this afternoon equally divided between the proponents and opponents of this amendment.

I make this request to accommodate a number of Senators who require it at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield 2 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Thank you, Mr. President; and I thank Senator LEAHY. I will not take the 2 minutes. I simply want to respond to my colleague and friend from Missouri.

The law now says that these various agencies shall report to Congress annually, No. 1, on their efforts, the efforts their respective agencies made relating to the coordination of regulatory activities to ensure the competitiveness of the U. S. international markets; No. 2, the efforts which the respective agencies have made to formulate coordinated mechanisms across marketplaces to protect the payments and market systems during market emergencies.

Clearly the statute provides protection that we need right now.

I yield.

The PRESIDING OFFICER. Who yields time?

Mr. WIRTH. I yield myself such time as I may consume.

Mr. President, first of all, I ask unanimous consent to include in the RECORD the language from the legislation introduced by Senators LEAHY and LUGAR on January 14, S. 207.

I ask unanimous consent to include in the RECORD from that legislation pages 81 through 83.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 304. DIRECTIVES REGARDING INTERMARKET ISSUES.

(a) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve Sytem, shall each respectively—

(1) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to strengthen the overall stability of domestic equity and equity derivative markets and maintain fair and orderly markets through the adoption and approval of appropriate coordinate "circuit breaker" mechanisms and similar requirements;

(2) establish (for all domestic equity and equity deriviate markets) effective prohibitions on intermarket frontrunning, and require the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket frontrunning, fraud, and other violations;

(3) adopt (for all domestic equity and equity derivative markets) such rules and regulations, issue such orders, and approve, subject to applicable requirements, such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets and clearing organizations subject to their respective regulatory authority as may be necessary or appropriate to authorize the prompt implementation of systems for the cross-margining of intermarket positions and the use of such intermarket positions as security interest for loans and other extensions of credit and the establishment or maintenance of margin on futures and options contracts; and

(5) establish policies with regard to the negotiation and development of international regulatory agreements and standards involving intermarket issues.

(b) OTHER ISSUES.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall identify and address other intermarket issues as the issues arise.

(c) REPORT.—Not later than 15 months after the effective date of this Act, the Securities Exchange Commission and the Commodity Futures Trading Commission shall report to Congress on the actions the Commissions have taken to carry out this section.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

Mr. WIRTH. Mr. President, I ask, for the purposes of the RECORD, my colleagues to understand that this language which I just included in the RECORD is exactly the language of the Wirth-Bond amendment.

This language was proposed by Senator LEAHY and was proposed by Senator LUGAR on January 14, 1991. At that time, Mr. President, apparently they felt that current law, which has been cited here, was not adequate. That is why they introduced the language that Senator BOND and I are asking to be restored today.

Now they are making the argument that that language is not necessary. Why did they introduce it to begin with? Well, the fact is that what is in current law requires only reports. It says nothing about the agencies having to act in the various areas that we are requiring.

Let me again repeat, for the purposes of those watching this relatively arcane and difficult debate and issue, let me again outline what we are requiring the regulatory agencies to do.

The purpose of this is to get these two markets to coordinate their activities together. It is not an advantage to New York. It is not an advantage to the SEC. It is not an advantage to Chicago. It is not an advantage to CFTC.

All this amendment says—this is identical to the language introduced by Senator LEAHY and Senator LUGAR last January—all we do in this amendment is say: Get together, SEC and CFTC, New York and Chicago; get together.

Why? The reason we say get together goes right back to what happened in 1987, and again, by the way, in 1989. What happened was the market was almost to the point of collapse. Our financial market almost fell apart, Mr. President. We are all familiar with that very, very close call that we had.

When that market collapse occurred, the Commission was appointed, and now-Secretary Brady was the Chairman of that Commission. One of the recommendations of the Brady Commission, a recommendation as well of everybody else who has looked at this situation, was get these two markets to coordinate their activities together.

That is what this Wirth-Bond amendment does. It is exactly what Senator LEAHY and Senator LUGAR were proposing be done earlier. Coordinating the regulatory structure, coordinating the activities, in a variety of ways.

Now, let me give you an example of one of the things we require to have done. We say that the SEC and the CFTC ought to coordinate efforts to detect and deter fraudulent trading activities across securities and futures markets. We have seen the fact that in the Chicago market, there has been a variety of investigations about fraud. We had earlier, in the 1980's, examinations of fraud in the New York market.

Now these instruments are so tied together that fraud can move from one market to the other. Who could be opposed to coordinating the efforts to pursue fraud from the New York market to the Chicago market, or from the Chicago market to the New York market? Who could be opposed to that?

This is a simple law enforcement measure. Forget all the securities issues. Why in the world would anybody be opposed to a piece of legislation requiring the coordination of efforts to go after white-collar crime? What is the problem with that?

I have no idea why we would not support this. Why would we not go after and put together an amendment on activities that would coordinate the margin system between these two markets? We ought to be doing that. Why would we not be going after developing circuit breaker coordination so that what happens in one market cannot have a deleterious effect on the other?

It simply is a prudent thing for us to do, prudence reflected originally in the Leahy-Lugar bill to develop these intermarket mechanisms. This has nothing to do with one advantage of one market over the other. It is saying to the two markets get yourselves together and act.

This is not in any other law. In other law, there are various reports required of the SEC, required of the CFTC. Those reports can come until the cows come home. I could not care less about those reports. What I want to see, Mr. President, is action by these two agencies to coordinate their activities.

These markets are too important not to be treated very carefully. The liquidity of the American marketplace, the trust that American consumers have in those marketplaces that there will not be fraud, these are some of the great qualities that we have in this extraordinary financial system.

One of the whole theories of regulation since the SEC was established, one of the whole theories when the CFTC was established, was to ensure consumer confidence in the safety and soundness of these systems.

The Wirth-Bond amendment, taken verbatim from the language offered by Senator LEAHY and Senator LUGAR, is exactly the language they proposed in January 1991. This language is designed to promote exactly that, coordination between the markets, safety and soundness, investor confidence. That is, I believe, our first responsibility in looking after the regulators and in chartering the regulators. They are regulating to promote consumer confidence, to promote consumer safety, to promote the safety and soundness of what can be sometimes fragile markets, but very important and liquid markets.

So, Mr. President, I urge my colleagues, no matter how they voted previously, that this is a prudent vote to take, a vote for good sense. Let us require these two markets to coordinate one with the other. I repeat, Mr. President, that this language that I had, by unanimous consent, included in the RECORD is exactly the language of the Leahy-Lugar bill in January 1991. Let us adopt their original good idea.

I yield the floor.

The PRESIDING OFFICER (Mr. GORE). Who yields time?

Mr. LEAHY. Mr. President, just to make sure that we have the unanimous-consent request right, I ask unanimous consent that the vote on or in relation to the Wirth-Bond amendment occur at 2:40 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I point out that when the vote occurs on that amendment, it will be on the motion to table. There are parts of this proposal that were in earlier drafts of my proposals and parts that were not. In the meantime, other legislation has been adopted by Congress. I am going to oppose it, because I think it keeps the turf war alive. One of the reasons we are still debating this issue today is that we have had a turf war. People do not want to talk about it, but it is a reality. We all understand, and the press understands. I do not have commodities exchanges, and I do not have stock exchanges in my State. We do not have groups related to them.

What I am concerned about, as chairman of the Senate Agriculture Committee, is the responsibility for the reauthorization of the CFTC. If you look at titles I and II, they are very tough, from audit trails to enforcement. This tough language was developed by myself, the Senator from Indiana, and Republicans and Democrats who worked very hard on it. Title III has been a major part of the debate. We have just had a vote that lays out very clearly how the Senate feels on title III. By a two-to-one margin, we voted to keep title III. At the appropriate time I will move to table this amendment. If the tabling motion is successful, I will tell my colleagues that very shortly thereafter, we will go to final passage on S. 207. In fact, if a tabling motion is successful, I will be willing to yield back all but just a few minutes for either side on S. 207, so we can go to final passage.

Mr. WIRTH. Will the Senator yield?

Mr. LEAHY. I yield the floor, so anything else is on another Senator's time.

Mr. WIRTH. Mr. President, I was going to ask the Senator from Vermont, who stated, as others have stated, that since this legislation was introduced by Senators LEAHY and LUGAR, other legislation has passed that makes some of the provisions of the bill that Senator BOND and I offered unnecessary. I ask what legislation has passed since January 14, 1991 that makes this legislation unnecessary?

In fact, nothing has passed. The fact of the matter is that the provisions originally proposed by Senators LEAHY and LUGAR were important in January, and they are important today. Those are the provisions that Senator BOND and I are offering. They are focused on, again, the prudence of governing these marketplaces, making them coordinate one with the other. It was a good idea then, as it is today, and it ought to be passed today.

Mr. President, I am happy to yield to the distinguished Senator. Maybe there was legislation passed, and I did not know what legislation.

Mr. LEAHY. Mr. President, I refer to Public Law 101-432, of October 16, 1990, the SEC Market Reform Act, which covers the issues raised in the pending amendment. This amendment is going to reopen those issues that the various agencies have worked out. We have circuit-breakers in place now at the state and futures exchange. On fraud enforcement, we have the agency staffs sharing of information. These things have been worked out. Let us take S. 207 and pass a clean, well-thought-out bill. Let us go to conference knowing that turf wars that have been settled, or issues that have been closed, are not going to be reopened.

I yield the floor.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired. The Senator from Vermont has 5½ minutes.

Mr. WIRTH. Mr. President, parliamentary inquiry. I thought we just agreed that the time was going to be extended.

The PRESIDING OFFICER. The Chair advises that under the terms of the agreement, after all time has expired of the 5½ minutes remaining of the Senator from Vermont, then the time between that and 2:40 will be equally divided.

Mr. LEAHY. Mr. President, I ask unanimous consent that, without adding additional time, the Senator from Colorado be able to use the time that he would get once my initial time has ended, and to do that at any time he wants.

The PRESIDING OFFICER. Without objection, the Senator from Colorado has 20 minutes.

Mr. WIRTH. I thank the distinguished Chair and, again, the Senator from Vermont for his generosity.

Again, the point has been made that some legislation has been passed that obviates the necessity for this amendment. Well, the legislation referred to by the distinguished chairman of the Agriculture committee was passed in October 1990. He introduced this language in January 1991. Obviously, when they introduced the language in January 1991, they thought there was a need for it. Well, there is. That is why we are simply introducing the language that was in section 207. Why in the world have we now gotten so stubborn on this, that in some way that language that was introduced by the leadership of the committee, is not something that should be done. That is clearly something they felt at that point ought to be done. Of course, looking at this whole market mechanism and the coordination between these two markets, it is important to do. All we are doing is very simply saying, let us coordinate between these two markets, and do it, coordinate between the two markets. Thank you very much. I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I ask if I might be yielded 3 minutes.

Mr. LUGAR. I am pleased to yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I will be brief, but let me make a point. The fact that an idea was a good idea prior to the last vote does not mean it is a good idea now. For 3 years I have taken the position that we should leave jurisdiction as it was defined initially in dividing up the responsibilities of these two Federal agencies.

It would be very easy to go back and find things that I have said, amendments that I have supported, letters that I have signed, that took that position. If a Member stood up today and offered as an amendment my old position prior to the compromise agreement, they might cite me as an authority on it, but I am no longer for that position. In fact, it is now irrelevant, because we have adopted a compromise. So the fact that any Member who now supports the compromise had a different position prior to the previous vote, where 65 Members of the

Senate spoke clearly on this issue, is simply not relevant to this debate.

Second, to the degree that this amendment has any purpose other than to continue to stir up controversy and make it difficult for us to get on with the job of making American markets even more competitive, it mandates activities related to intermarket coordination, coordination of regulatory activities, protection of the payment system that are already the law of the land. They are part of the action that we took under the Market Reform Act of 1990.

I remind my colleagues you are not talking about a mere study when you say, in the amendment "shall adopt rules and regulations, * * * establish prohibitions, * * * adopt such rules, * * * adopt such rules, * * * establish policies." Those are not studies. That is policy. The fact that that might have been a policy of the Treasury Department prior to the compromise that we have now adopted is irrelevant.

The point is we have spoken on this issue. Rather than mandating studies and mandating actions and stirring up controversy and continuing to debate, let the voices of 65 Members of the Senate be heard. Give the agreement that has been reached by almost a 2 to 1 margin an opportunity to go into effect and an opportunity to work. Let us use the energies that would be squandered by continuing to stir this turf war, by trying to make the new compromise system that we have adopted today work.

I urge my colleagues, however they voted on the merits of two different regimes of regulation which we voted on before, given that we have adopted the Agriculture Committee's approach, do not go on stirring the pot. Allow the compromise to work. Vote to table this amendment and let us get on with the job of adopting this bill and then working together to make it work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. I wonder if the Senator will yield.

The PRESIDING OFFICER. Who yields time.

Mr. WIRTH. I yield to the chairman of the committee whatever time he may consume.

Mr. RIEGLE. I thank the Senator from Colorado. I will try to be brief here.

Mr. President, I rise in support of this amendment. Frankly I am not sure what the Agriculture Committee members and the Senator from Texas are afraid of here. I, for the life of me, cannot understand what is creating such an anxiety and fear from this amendment. This amendment not only had the broad sponsorship of most of the people who are now on the other side of this issue with respect to the basic package that has come out of the Agriculture Committee, but the things that it sets forth are things that we better make sure we achieve. For anyone to stand up and argue against the purposes, the intentions, and the goals of this amendment I think takes on an impossible argument. I would say even more, that I think it is an irresponsible argument.

First of all, it calls for the adoption and approval of appropriate and coordinated circuit breaker mechanisms and similar requirements. We know we need that. I mean, experience has taught us that. That is an evenhanded proposition. That is not tilting toward or against anybody or any given agency.

When it says "to establish effective prohibition on intermarket front running," should we not be establishing prohibitions on intermarket frontrunning, and require the self-regulatory organizations and contract markets, subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket frontrunning, fraud and other violations? What is wrong with making sure that we take care of that problem?

It moves on into the area of clearance and settlements of transactions, another area that has been a problem and it ought to be nailed down so there is no question about it.

The notion is that the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, should sit down around the table and work these items out. I mean if the Government cannot work with itself, what does that say? Of course it can, and it should, and it ought to be required to, and there ought not to be any question about it. It ought to be laid out here in this fashion.

What this talks about is a system of coordinated measures to make sure that the markets operate properly, that they operate properly and that is in the public interest. You know we ought to be in here looking after the public interest, the public interest, not any other interest. Not the interest of a given agency, not the interest of a given market, not the interest of a given product. We ought to be looking after the public interest.

If there was ever a public interest amendment, this is it. That is why, quite frankly, the people who are in here supporting S. 207 have in the past themselves supported these very things, have called for these very things. Now they are backing away. I am frank to say I do not understand why. The notion that these problems have been taken care of 100 percent I do not think is an accurate representation. The fact that we had a vote in here an hour ago, it was not on these issues. It was not on this amendment. It was a different amendment.

This amendment has to do with making sure that we really are coordinating, and in an intelligent and meaningful way, cross-market activities in a way that provides those safeguards to investors and to our economic system, and we need more of that, not less. We need more safeguards for investors and more safeguards for the economic system. We have had a lot of jockeying for power and a lot of elbowing involved in the debate up until this point.

This is a very evenhanded amendment and it says that a lot of the jockeying and the elbowing has to come to an end because the parties have to sit down around the table and work these issues out, and it is time they did it. I do not have any patience for anyone who is not willing to sit down at the table and work them out, because the people who hold these jobs work for the people of the United States of America and not anybody else.

So this is a good amendment. It is a good amendment and it ought to be adopted.

I know reference was made earlier to John Heinz. Probably more than any other Member he articulated the need for precisely these items and helped lay the foundation as to why these items were needed. If he were here today, and God I wish he were, he would be leading this debate in behalf of this amendment and properly so.

This amendment ought to pass. There is not one decent argument against this amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask the chairman to yield to me 5 minutes.

Mr. LEAHY. I yield such time the Senator from Indiana would utilize.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise because for the past hour the contention has been made by the opponents of this amendment that Senator LEAHY and I introduced in legislation precisely the wording of this amendment on January 14 and that all the authors of the amendment currently are doing is trying to resurrect our good ideas on January 14.

I suspect that Members will be mystified as to how this could be, why Senator LEAHY and I would be prepared to vote for tabling the language which we found to be satisfying on January 14. Therefore, I just recite the history of why we came to that language.

Senators ought to know that we made an attempt—and this has been reported by many, in a bipartisan, a two-committee effort, the Banking Committee Senators and Agriculture Committee Senators—to try to come to some agreement to alleviate this jurisdictional hassle which has gone on for a long period of time. In 1989 Senator LEAHY and I held hearings and finally got through our committee a CFTC reauthorization bill, Titles I and II of S. 207 we are now considering.

We did not even have the privilege of getting to the floor with that reauthorization effort because an amendment was offered by a distinguished Senator, Senator GORTON of Washington, who wanted to get into the jurisdictional problems of the SEC and the CFTC. Because strong forces in America, not only the two agencies but exchange and securities dealers, commodities dealers, all weighed in, and ultimately it was impossible to get a reauthorization bill to the floor at all. There were so many Senators with holds on that legislation that the leadership on both side of the aisle finally saw this was a gesture in futility.

But nevertheless we kept trying. As the large 5-year farm bill came along the track this looked like an opportunity for the CFTC reauthorization bill to be resurrected.

I can remember individually meeting in various rooms around the Capitol, with the distinguished chairman of our committee, with Senator BOND, the late Senator Heinz and, Senator DODD from the Banking Committee. We also had a good number of our fellow committee members looking over our shoulder. We had staff in and out of the room. An earnest attempt was made, and a so-called compromise in fact was fashioned.

Sadly enough, as often is the case in these affairs that are very complex, even when there is good will on all sides—and there was on this occasion—unhappily our amendment could not reach a point in which the two basic agencies and the various industries saw that it was in their advantage to proceed. As a result the holds continued and the amendment did not occur, and the farm bill passed.

As we approached a new Congress this January, clearly before us the reauthorization bill of CFTC still lay ahead. The language that has been cited by Senator BOND, Senator WIRTH, Senator RIEGLE today was in fact a part of the language that came from that prior joint effort, the compromise effort of the five Senators. In other words, we picked up things where we had left them last September when we were debating the farm bill. That was the way we started the CFTC process in January.

Mr. President, from that point onward, of course, we found once again that many of the parties involved showed no more spirit of compromise than they had the year before. I make that point because it was obvious that however well-meaning the five Senators who met last year was, they were going no further with this situation this year.

Parties weighed in. We began to have hearings. The distinguished chairman of the CFTC and others began to testify. So, quite frankly, Mr. President, Senator LEAHY and I and members of our committee finally adopted other language that we felt better fit the situation.

I have no apology for having participated in the compromise effort, trying to work with Banking Committee members, having to listen to a great number of SEC and security interest pleas. The essence of compromise is an attempt to find some bridges. Unfortunately, the language of S. 207 was a bridge that we unhappily were unable to cross. So we proceeded on.

As the distinguished Senator from Texas [Mr. GRAMM] has expressed, the compromise of last year did not work this year. As far as I am concerned, that particular situation is over. What might have been language that would have been adopted January 14 was not adopted by all parties. As a matter of fact, and the Senator from Texas expressed it as well, until this vote today, we have not had the possibility of solving this problem in 3 years. Now we have solved it, at least as far as the Senate is concerned.

In a way, I am sorry we keep resurrecting issues in one last try at the summit. But clearly the language we are talking about now simply was not a part of our final agreement. The arrangement we have arrived at, the vote we just had today, is at least an acceptable arrangement for the Agriculture Committee and the Senate. I am prepared to leave it at that point.

But I did want to take the time of the Senate to try to reconcile these arguments that somehow or other Senator LEAHY and I were passionately in favor of the language on January 14 and somehow less so now. The language on the 14th was our attempt to try to get together with members of another distinguished committee and various other interests. It failed and we proceeded on to a different course.

The PRESIDING OFFICER. Who yields time?

Mr. WIRTH. I yield to the Senator from Missouri whatever time he may consume.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I have listened to the very fine statements. I wonder if I might inquire of our distinguished ranking member, who it was in the compromise efforts, who in the Agriculture Committee, or what was the basis for the objection to directing that two commissions work together to solve the problem identified by the Brady Commission as a very serious impediment to an effective functioning of our markets?

Mr. LUGAR. I would say respectfully to the Senator from Missouri, I cannot recall who said what to whom, or at which point of the debate this particular section was dropped from the text. I do not find great objection in the argument the Senator is making. I am just saying we simply tried a different path.

Mr. BOND. I gather by that it was not the Senator or the distinguished chairman who objected.

Mr. LUGAR. No, it was not.

Mr. BOND. Again, I thank my distinguished friend. I think that quite frankly his statement reflects a problem that many of us have. This particular provision mandating cooperation between two agencies, not just reports, was not focused on. It was not a major part of the compromise coming out of the Agriculture Committee. Obviously, it did not stir any strong memories.

I have spent a good bit of time on the floor, Mr. President. In the last 2 days, several have suggested to me it was too much time on the floor. But in all that time as we debated the amendment, my distinguished friend from Colorado and I proposed, which essentially was designed to change the means of resolving the hybrid question, I do not really recall anybody focusing on market directives.

The Senate has spoken. This body is clear. We are going forward at least in the conference with the approach to hybrids that was recommended by the CFTC and adopted by the managers of the bill. That was the major controversy. That is over with. We have settled a very long and difficult dispute between two extremely important agencies.

Now it has been stated that this amendment which mandates cooperation is designed to stir up controversy. I have heard it said it is reopening a jurisdictional battle.

First, it was not a jurisdictional battle. We are not debating whether to bring the two agencies together and consolidate them.

But whatever that debate was, it was essentially over how hybrids are treated. Now that that is over with, we are faced with a situation that I think everybody in this body would agree upon, that we have two important agencies, the SEC and the CFTC, that are not working well together. They do not think highly of each other. Well, I will not go any further than that. They have very different views and they feel rather strongly about those views.

But, as the Treasury Secretary has pointed out time and time again, it is extremely important for the effective functioning of the markets in this country that those agencies with their own jurisdiction, now operating under a new directive on how to handle hybrids, coordinate their efforts on circuit breakers, on intermarket front running, and on a number of critically important issues.

I urge my colleagues to look at the fact, No. 1, major recommendations of the Brady Commission have not been adopted. In the past, we have called for reports. That has not brought them together. We are not interfering with jurisdiction, we are saying to two agencies the battle is over, stop fighting, coordinate and make sure you have the rules and regulations working together so we do not have an intermarket meltdown, so we do not have front running—which is a vicious white collar crime, a means of stealing from the other participants in the market—bring your two agencies together, adopt your own rules and regulations, but stop fighting and start talking together. That is all this amendment asks.

I think it is a reasonable request. Whatever their views on the compromise, so S. 207's hybrid provisions, I hope those people recognize we ought to, from this body, make our own decision to tell the agencies go to work. I think everybody has had enough of the battles.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, parliamentary inquiry. How much time remains?

The PRESIDING OFFICER. There are approximately 5 minutes remaining to each side.

Mr. LEAHY. Approximately 5 minutes out of the remaining 8 minutes?

The PRESIDING OFFICER. A total of 10 minutes.

Mr. LEAHY. I yield myself 1 minute.

Mr. President, the distinguished Senator from Missouri has quoted the concerns of the Secretary of the Treasury. The Secretary of the Treasury supported the compromise in S. 207. And it is a compromise.

I add, again, that we could have 100 separate bills here if each Senator goes exactly where he or she wants. I want something that is going to pass, not something that is going to stay up in the air forever. The strong, tough enforcement mechanism that is in S. 207 would never get enacted. I want a bill enacted. I want strong enforcement in place.

I am going to oppose this amendment to stop the turf wars and get on with enforcing the law.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I yield myself as much time as I consume.

In summary, Mr. President, this amendment I offered with Senator BOND does not change the compromise in any way, shape, or form. It has absolutely nothing to do with the turf war.

The reason we are here with this endless debate is the fact there has been a fundamental regulatory failure. The regulators have not gotten together to do the job they are supposed to do. That is why we are debating on the floor something, as I have said over and over again, we should not be debating.

All we are doing in this amendment is requiring the regulators to do what they ought to do, which is to get together, to do what the regulators ought to do.

We have two disparate markets, one in Chicago, one in New York; one governed by the Securities and Exchange Commission, one governed by the Commodity Futures Trading Commission. Those two markets, we are saying, ought to get together.

The historic purpose of financial regulation is to assure the safety and soundness of our financial institutions, to underline and underscore investor confidence, to make sure investors do not believe the deal is rigged somehow, to be able to pursue fraud, to be able to make sure what one market does does not have an adverse effect on the other, does not give one investor a leg up on the other, does not give one marketplace the ability to manipulate the market to the detriment of the other, to make sure individual investors believe they are being treated fairly, like all other investors.

That is why we regulate. That is why we regulate in these financial markets. That is why we ought to agree to this amendment.

We ought to be saying, get together your regulators and make sure there is a consistency in what you do. Unfortunately, in the past there has not been that kind of consistency. We have not had the kind of organized, regulated, rationalized approach to these financial markets. They do different things but they have to get together. That is all this amendment says.

It came out of the Brady Commission. That is what our own OTA said ought to be done. It is what every group looking at the financial catastrophe that we barely averted in 1987 said we ought to do.

I would think all of us, having been through the S&L crisis, having been through the mindless deregulation of the 1980's in which we allowed financial instruments to run amok, in which we did not pursue the kind of careful stewardship that we believe the regulators ought to do—having been through all of that, we would say why do we not learn our lesson? At least let us take a small step in the learning of that lesson and coordinate these markets together and assure a little more effective regulation, a little more soundness in these institutions, a little more rationalization of these very important markets.

They are very special, Mr. President. They are very special and have to be treated in that way.

I hope our colleagues will vote for this amendment, vote against the tabling motion, vote for the amendment which is saying to the regulators: Coordinate. The bottom line, Mr. President, is if Senators vote against this amendment what Senators will be saying is we do not care if our financial regulators work together or not. That is what it is all about. Do we care to have our financial regulators work together or do we not? That is the bottom line.

I believe we have an obligation to American consumers, American investors, and to our financial markets that our regulators do a lot better job than they are doing now, and we ought to force them to sit down and work together. Obviously, they are not doing that. We would not be here today if they were.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Vermont has 3½ minutes remaining.

Mr. LEAHY. Mr. President, let me conclude debate on this issue. We have debated similar issues on the past amendment. I urge Senators to vote consistent with their last vote. In other words, I ask those who voted against the last amendment to vote for the motion to table which I am going to make at the expiration of my time.

Again, I remind Senators that we have been trying for 3 years to get a bill through that has the tough enforcement provisions, the tough audit trails, the tough disciplinary procedures, the needed enforcement staffs, and all the other things we need for strict oversight of the commodities markets. We are never going to have that until S. 207 becomes law.

Let us not muddy the water. Let us not keep a turf war alive. The President of the United States can bring in all his appointees and bang heads in order to stop the turf wars. But let us get on with this bill, not with something that has been the subject of endless debates for 3 years.

I urge my colleagues to vote to table on this amendment. If there is a vote to table, there will be no other amendments and we will be in a position then to go on almost immediately to final passage.

Let us get on to the very difficult and arduous task of the conference committee. And then we can get those tough enforcement procedures in place.

The PRESIDING OFFICER. The Senator from Vermont has 1½ minutes remaining.

Does the Senator wish to yield back his time?

Mr. LEAHY. I yield back my remaining time.

Mr. President, I move to table.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the motion to table the amendment offered by the Senator from Colorado [Mr. WIRTH], amendment No. 71, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 57, nays 41, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—57

Akaka
Bentsen
Biden
Boren
Breaux
Bumpers
Burdick
Burns
Coats
Cochran
Conrad
Craig
Cranston
Daschle
DeConcini
Dixon
Dole
Durenberger
Exon
Ford
Fowler
Glenn
Gramm
Grassley
Harkin
Hatch
Heflin
Helms
Inouye
Jeffords
Johnston
Kasten
Kerrey
Kohl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Symms
Thurmond
Wallop
Warner
Wellstone

NAYS—41

Adams
Baucus
Bingaman
Bond
Bradley
Brown
Bryan
Byrd
Chafee
Cohen
D'Amato
Danforth
Dodd
Domenici
Garn
Gore
Gorton
Graham
Hatfield
Hollings
Kassebaum
Kennedy
Kerry
Lautenberg
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Pell
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Specter
Stevens
Wirth

NOT VOTING—1

Pryor

So the motion to lay on the table the amendment (No. 71), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, as a point of clarification regarding the swaps provision. The banks of the Farm Credit System enter into swap transactions in connection with their asset/liability management policies and in order to reduce financing costs. These transactions are generally entered into through the Federal Farm Credit Banks Funding Corporation, which serves as the fiscal agent of the banks. Farm Credit System banks are denominated by statute in 12 U.S.C. 2011 and 2121 as instrumentalities of the United States and are authorized pursuant to their general corporate and incidental powers to contract and to enter into swap transactions. Accordingly, under the langauge in S. 207, they are eligible to be classified as institutional participants under the proposed legislation.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to make a technical modification to the bond amendment No. 68 to S. 207 to conform the bill to the amendment recently adopted by the Senate by a vote of 98 to 0.

The technical amendment is to strike the provision of section 302 that adds a new section 4(d)(2) to the Commodities Exchange Act, since this section has been superseded by the action the Senate took earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

"SEC. . Nothing in this Act shall be considered to be applicable to any deposit (as defined under the Federal Reserve Act and regulations promulgated thereunder in effect on the date of enactment of this amendment) if the deposit is offered by—

"(1) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(2) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)); or

"(3) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).

"SEC. . (a) Nothing in this Act shall be considered to be applicable to—

"(1) any loan, made by—

"(A) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(B) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7));

"(C) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)); or

"(D) a foreign bank (as defined in section 1(b)(7) of the International Banking Act (12 USC 3101(7)), to a person specified in subsection (1)(3); or

"(2) any loan that is a consumer credit transaction subject to the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(b) The provisions of subsection(a) of this section shall not apply to a loan made by a person required to be registered under this Act in connection with transactions regulated under this Act."

(Later the following occurred and appears at this point in the RECORD by unanimous consent.)

AMENDMENT NO. 68, AS FURTHER MODIFIED

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Bond amendment No. 68 be further modified to ensure its proper placement in the bill, as passed, and I send that modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so further modified.

The amendment (No. 68), as further modified, is as follows:

On the committeee modification, strike page 8, line 21, through page 9, line 25.

On page 11, after line 12, insert the following new sections:

"SEC. . Nothing in this Act shall be considered to be applicable to any deposit (as defined under the Federal Reserve Act and regulations promulgated thereunder in effect on the date of enactment of this amendment) if the deposit is offered by—

"(1) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(2) an insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)); or

"(3) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)).

"SEC. . (a) Nothing in this Act shall be considered to be applicable to—

"(1) any loan, made by—

"(A) an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2));

"(B) and insured credit union (as defined in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7));

"(C) a Federal or State branch or agency of a foreign bank (as defined in section 1(b)(7) of the Internatinal Banking Act of 1978 (12 U.S.C. 3101(7)); or

"(D) a foreign bank (as defined in section 1(b)(7) of the International Banking Act (12 U.S.C. 3101(7)), to a person specified in subsection (1)(3); or

"(2) any loan that is a consumer credit transaction subject to the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(b) The provisions of subsection (a) of this section shall not apply to a loan made by a person required to be registered under this Act in connection with transactions regulated under this Act."

Mr. KERREY. Mr. President, I rise in support of S. 207, the Futures Trading Practices Act of 1991, and the Agriculture Committee's amendment to the bill.

Those who denounce the proposed title III of S. 207 have raised some legitimate concerns about the 50/50 value test that will be used to determine the regulatory treatment of hybrid instruments. Essentially those concerns are based on a fear that the test is arbitrary, that it will lead to more litigation, not less, and that it will make the CFTC the king of the regulatory hill.

For the various reasons already explained by the chairman and ranking member of the Committee on Agriculture, those concerns are either exaggerated or simply not supported by the facts. But reasonable people can disagree over these issues.

What troubles me—and the reason I support the committee bill—is that those on the other side have failed to offer a better alternative. In fact, if I correctly understand the position of the Chairman of the SEC and the leadership of the Banking Committee, their basic message is: Let the market decide. Let those who operate in the marketplace have some choice regarding their preferred regulator. Let's not stand in the way of innovation. Let's not discourage the creativity of those in the financial sector whose creativity—as we know too well—seems boundless.

Mr. President, I find such an appeal rather chilling. I find it unsettling because it comes in the wake of the 1980's, in the wake of the S&L scandals, the bank failures, and the business bankruptcies triggered by investments in such innovative instruments as junk bonds. As we grapple almost weekly with the problems that beset the RTC, I must ask: Have we learned nothing?

I come from a business background myself and I certainly recognize the value of our securities markets, our futures markets, and the marketplace itself. I applaud and encourage the innovation that these markets have employed to the benefit of industry and to the strength of the United States as an economic power. I also understand, from firsthand business experience, that Government intervention can sometimes be quite harmful.

But there is a strong role for the Government to play in regulating our financial markets. If that role is clearly and carefully prescribed, it should provide for orderly and logical regulation—regulation that ensures soundness and integrity but is nevertheless fully compatible with innovation and competition both in the international marketplace and here at home.

Mr. President, in my view S. 207, as amended by the Committee on Agriculture, provides for a clearer regulatory framework than the forum shopping scheme proposed by the SEC and the Banking Committee. It attempts to provide a sharper distinction between futures-based instruments and securities-based instruments, the markets in which they are traded, and the regulatory agencies that watch over them. The Banking Committee's proposal would only blur these distinctions even further.

For that reason, Mr. President, I urge adoption of S. 207 as amended by the Agriculture Committee.

DEFICIENCY ORDERS

Mr. HEFLIN. Mr. President, I have reviewed with great interest section 202 of S. 207 relating to deficiency orders. As someone with at least a passing familiarity with the legal concepts of due process and procedural fairness, I am concerned that the CFTC deficiency order procedures may not provide the elements of basic procedural fairness for the accused. This is not just an academic concern: It is integral to our American system of justice. The Supreme Court has long recognized that fairness of procedure is "due process in the primary sense." *Brinkerhoff-Faris Trust & Savings Co.* v. *Hill*, 281 U.S. 673, 681 (1930). Procedural fairness is ingrained in our national traditions and is designed to maintain them.

> An "appropriate" governmental "determination" must be the result of a process of reasoning. It cannot be an arbitary flat contrary to the known facts. This is inherent in the meaning of "determination." It is implicit in a government of laws and not of men—*Joint Anti-Fascist Refugee Committee* v. *McGrath*, 341 U.S. 123, 136 (1951).

I think Justice Frankfurter put it best when he said:

> [A] democratic government must * * * practice fairness; and fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights.
>
> * * * Appearances in the dark are apt to look different in the light of day.
>
> * * * No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it. Nor has a better way been found for generating the feeling, so important to a popular government, that justice has been done—341 U.S. at 170–173 (footnote omitted):

This concern over fairness is replete throughout the history of American jurisprudence. As the learned treatise of Davis on Administrative Law observes:

> Clearly, any list of criteria for evaluating procedures must include fairness, which might well be in the number one position—K.C. Davis, Administrative Law Treatise, Vol. 2, 10:4 at 318 (2d ed. 1979).

Consistent with these fair and sound principles, Congress through the years has tried to craft the provisions of the Commodity Exchange Act with due regard for the concept of fairness. Under existing law, if the CFTC wants to suspend trading on a contract market or take other disciplinary action against that market, the CFTC must prove in a full-scale adjudicatory proceeding that the exchange is violating or has violated any of the Act's provisions. 7 U.S.C. 7b and 8(a). In comparison, section 202 authorizes the CFTC, through basically rulemaking procedures, to impose deficiency orders on exchanges that are not satisfying the new statutory provisions on audit trails.

Mr. President, I don't want to speculate about the possible arguments lawyers might make about the fine line between "violating the act's provisions" and "not satisfying the act's provisions," but I do have to concede that I don't see much distinction there, and I doubt that courts will either. Indeed, it is only when the CFTC has "reason to believe" that provisions of the act are not being followed that the deficiency orders contemplated by section 202 and the enforcement actions currently permitted in section 6(b) of the Act, 7 U.S.C. 9, both are activated. Accordingly, I have been concerned that exchanges could face what are, in effect, disciplinary measures without receiving the basic elements of fundamentally fair procedures they are afforded in other administrative proceedings.

The committee has been sensitive to the legal and procedural issues that concern me. Section 202 reflects this sensitivity by creating a sort of regulatory hybrid: That is, a fusion of rulemaking and adjudicatory procedures. For instances, the deficiency process in section 202 includes a required CFTC notice of specific deficiencies the CFTC believes may exist and the precise evidence supporting this belief. It then provides an opportunity for an exchange to submit for the record evidence supporting its satisfaction of statutory standards. It also provides for oral argument before the Commission itself to allow an exchange to present its case directly to the Commission based upon the evidence in the record. In addition, section 202 provides for searching and meaningful judicial review, not a rubber stamp based upon agency deference.

It is worth emphasizing that the Commission, not the exchange, has the burden of showing that there is a deficiency in an exchange's system. If the Commission meets this burden, the exchange then has a full and meaningful opportunity to challenge the proposed deficiency order and its underlying analysis, both as to methodology and the merits of its conclusion. Implicit in section 202 is the expectation that, beforehand, the Commission normally would request from an exchange written data, information and documents. See 17 C.F.C. 1.50.

The burden of proving that there is a deficiency, however, remains with the Commission. The fundamental principle of the Administrative Procedures Act is that the proponent of the rule or order has the burden of proof. The allocation of the burden of proof under new sections 8e(b) and 8e(d)(2)(B) of the Commodity Exchange Act, as created by this legislation fully comports with this fundamental principle. See 5 U.S.C. 556(d).

Let me note that this same process, whereby the Commission has the burden of proof, also applies to Commission proceedings to suspend dual trading as set forth in new section 8e(c). In order to suspend dual trading, the Commission, not the exchange, has the burden of proving that the requirements of new section 5a(b) are not met insofar as exchange systems are not capable of and are not being used to detect and bring appropriate disciplinary actions with regard to violations attributable to dual trading at that contract market; a dual trading suspension would not harm the public interest; and other remedies in the deficiency order process are not more appropriate.

Mr. President, as I read section 202 of the bill, the committee has outlined what it intends to be the minimum level of protection for deficiency orders. New section 8e(d)(1) gives the CFTC freedom to set the terms under which an exchange may present its evidence to the Commission, including an oral argument before the Commission. The Commission therefore may supplement the deficiency order process with enhanced procedural safeguards applicable to agency adjudications, such as the right to present and to cross-examine witnesses in order to establish a meaningful record.

Moreover, I would expect the CFTC typically to provide exchanges with preliminary notice of the areas of deficiency inquiries and to allow exchanges the opportunity to make written submissions to the Commission prior to the issuance of a proposed deficiency order. This approach is consistent with the self-regulatory spirit of the Commodity Exchange Act. This approach also would address the concerns which underlay the pre-complaint submission practices in both securities and commodities administrative enforcement actions, where the accused may make a written submission prior to the filing of a complaint. See 17 C.F.C. part 11, appendix A; 17 C.F.C. 202.5(c). If this course were to be adopted, the Commission would be acting in a manner consistent with current Commission practice in rule enforcement reviews and rule 1.50, under which the exchange, which has the best access to its own records, is afforded the opportunity to come forward with an initial showing that its systems are effective and satisfactory. See 17 C.F.R. 1.50.

In light of the inherently adversarial nature of the deficiency process, I urge you, Mr. President, as we go forward toward a conference with the House on this bill, to reject any efforts to water down the safeguards already in the provisions regarding deficiency orders. I hope that the Committee's intent to provide procedural fairness in deficiency orders, even if it means adjudicatory-like procedures in some cases, is not forgotten merely because certain elements of the deficiency process are rulemaking in nature. As Judge Weinfeld said, in the context of CFTC rule disapproval proceedings, "regardless of the label attached to the proceeding, it is the intent of Congress that governs the procedures used." *Commodity Exchange, Inc.* v. *CFTC*, 543 F. Supp. 1340, 1349 (S.D.N.Y. 1982), aff'd, 703 F.2d 682 (2d Cir. 1983). In this instance, the intent of Congress, as reflected in the provisions of section 202, is to provide a hybrid rulemaking-adjudicatory procedure, where the statute prescribes the basic process an affected exchange is due, subject to the addition of other procedures that are appropriate supplements in any given case.

Mr. DURENBERGER. Mr. President, I rise to express my strong support for the Futures Trading Practices Act and urge my colleagues to vote in favor of this important legislation. I believe we were remiss in failing to adopt this legislation last year, and I want to commend the managers of this bill for their persistence in getting this bill through the Senate today.

Mr. President, adoption of this bill will restore an important measure of confidence to producers, consumers, farmers, investors, and market professionals who have been calling for tighter regulation of futures trading practices. The need for stricter regulation was amply demonstrated 2 years ago when fraud indictments were filed against 48 traders at the Nation's 2 largest futures exchanges in Chicago. So far, 32 of those traders have been convicted or pled guilty, including 10 soybean traders convicted of criminal fraud in the handling of customer orders in 1991; 8 were also convicted on racketeering charges.

The bill we are considering today should significantly diminish the chance that we will see a repeat of practices similar to what we witnessed in 1989. Under the bill, futures exchanges will be given 3 years in which to implement new audit trail systems capable of showing the times, sequence and terms of every futures transaction within 1-minute intervals. In addition, the bill expands the CFTC's power to direct a contract market to improve its trade practice oversight and disciplinary systems and increases civil penalties for contract market violations to $500,000 per violation.

This bill also requires CFTC to ban the practice of dual trading—that is, when a broker trades futures contracts for his customers and his own account on the same day—unless the Commission finds that the contract market's trade oversight system detects and disciplines abuses.

Mr. President, in addition to the strict investor-protection regulations outlined above, this legislation also contains one of the most far-reaching reforms in the area of intermarket coordination. This bill empowers the Board of Governors of the Federal Reserve System to direct an exchange to adjust its margins on stock index futures contracts or options thereon to levels which the Board finds appropriate to preserve the financial integrity of the exchange or its clearing system, or to prevent systemic risk.

Mr. President, the reforms contained in this bill are long overdue. I urge my colleagues to support this legislation.

Mr. LEAHY. Mr. President, I ask unanimous consent that the committee substitute to S. 207, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, there is one-half hour left under the unanimous-consent agreement before final passage. I am willing to yield back. I yield the remaining 15 minutes of that half-hour.

Mr. LUGAR. Mr. President, on our side, we are prepared to yield back the 15 minutes and proceed to final passage.

The PRESIDING OFFICER. Will the Senator from Vermont send to the desk the modification to his amendment according to the unanimous-consent request? There are 15 minutes allocated to the Senator from Vermont.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, all time has been yielded back, has it not?

The PRESIDING OFFICER. All the time has been yielded back.

Mr. LEAHY. Mr. President, I ask unanimous consent——

The PRESIDING OFFICER. The Senate will come to order. Senators will please take their seats so Senators can be heard.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 707, the CFTC authorization bill; that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken; that the text of S. 207, as amended, be inserted in lieu thereof, and that the bill be advanced to third reading.

The PRESIDING OFFICER. Is there objection to the Senator's request? Without objection, it is so ordered.

The PRESIDING OFFICER. The question now occurs in H.R. 707, as amended.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. Pryor] is absent because of illness.

The PRESIDING OFFICER (Mr. Reid). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—90

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Symms
Thurmond
Wallop
Warner
Wellstone

NAYS—8

Brown
Domenici
Garn
Moynihan
Rudman
Smith
Stevens
Wirth

NOT VOTING—1

Pryor

So, the bill (H.R. 707), as amended, was passed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I move that the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask uannimous consent that S. 207 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank all Senators, and my distinguished colleague from Indiana, Mr. LUGAR, and all others who have worked on this. I would only remind all Senators not to lose sight of the real focus of this bill. It is not turf battles. It is tougher regulation of the futures market. This bill calls for new audit trails, tougher disciplinary procedures, tougher penalties, undercover investigations. As a former prosecutor, it is a prosecutor's bill, and I am pleased with it. I hope that we can soon be in conference and be completed.

This is a needed bill. It is a bill that will be the toughest commodities oversight bill ever passed if it is enacted into law, and it is one much needed.

Mr. President, before we finish this legislation I would like to take a moment to mention the outstanding job that Chuck Riemenschneider and Ken Ackerman and Jim Cubie of the majority staff and Chuck Conner and Brent Baglien, of the minority staff did in holding together this complex legislation.

There is no legislation considered by the Senate that is more complex technically and politically. It took outstanding work by these professionals to get this job done.

Mr. LUGAR. Mr. President, I thank my distinguished chairman for his commendation. I simply want to say that his leadership throughout this long period of consideration of the Futures Trading Practices Act has made it possible for us to finally move as a united body.

We came to the floor debate with a unanimous vote, but we are most grateful, as always, to Senators and to our staffs. I want to mention specifically Chuck Conner and Brent Baglien of my staff who have worked on this bill and commend all the members of the Senator LEAHY's staff who have made a big difference in a bipartisan way toward a very important product.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, I ask unanimous consent to address the Senate as if in morning business not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. MACK. I thank the Chair.

(The remarks of Mr. MACK pertaining to the introduction of S. 856 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent I be permitted, as in morning business, to speak for about 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey is recognized for 7 minutes.

MIDDLE EAST VISAS

Mr. LAUTENBERG. Mr. President, Secretary Baker is back in the Middle East again searching for ways to get the peace process going. I just recently returned from the Middle East and I must say I continue to be discouraged by attitudes evinced by Arab States in the gulf conflict. What is discouraging is the continued intransigence toward Israel I encountered with virtually all Arab diplomats and their lack of perspective on the obstacles this poses to peace.

Mr. President, the Arab nations, except for Egypt, continue to isolate and alienate Israel politically. They continue to refuse the reality of Israel's existence. They boycott her and anyone who does business with her. They even boycott any company doing business with a company doing business with Israel. How foolish. They maintain a state of war against her. After 43 years of existence, they refuse to accept Israel as a permanent neighbor. That is not a basis for peace.

To crystallize the point, and to show the depth of Arab rejection of Israel, I want to share with the Senate my experience in trying to get a visa for a recent Senate leadership trip to Saudi Arabia and Kuwait.

Because my diplomatic passport had an Israeli entrance stamp from a previous visit to Israel, the Saudi Arabian Government said it would not give me a visa. Like Saudi Arabia, the Kuwaiti Government has a longstanding policy of rejecting passports with Israeli entrance stamps. So do a majority of the Arab League countries. Because of these policies, the State Department followed its established guidelines. It issued to me an entirely new diplomatic passport as the only means to secure a visa from the Saudi Arabian and Kuwaiti Governments and thus enable me to participate in the leadership trip.

An editorial in Tuesday's Washington Post correctly characterized this "visa rebuff" as "an offense against the United States." It aptly criticized the American Government for kowtowing to Saudi Arabia by issuing duplicate passports.

Mr. President, it is the height of absurdity that the Governments of Saudi Arabia and Kuwait are prepared to refuse a United States Senator a visa for a congressional delegation visit because his diplomatic passport has an Israeli entrance stamp. It is a slap in the face to all Americans. In maintaining their visa policies, Saudi Arabia and Kuwait are sending a clear but disturbing message to all Americans. American soldiers coming to fight to restore security in the region are welcome. But, Americans who have committed the offense of ever having visited Israel are not. Would the Saudis and Kuwaitis have denied an American soldier entry if he or she had visited Israel?

Now the Crown Prince of Kuwait says he wants American troops to stay in Kuwait to protect it. Is he going to check the passports of American soldiers to make sure they have never committed the sin of setting foot in Israel?

The U.S. Government condones this policy. It accepts this policy. It accepts the fact that to travel to Arab countries, Americans are forced to endorse Arab denial of Israel's existence. It buys into this hatred and totally unacceptable view.

Rather than condoning and acquiescing in this policy, Mr. President, the U.S. Government should demand that Arab countries eliminate this practice. The State Department should no longer issue two passports for diplomats traveling in the region. It is an insult to Israel, to our ambassadors, and to our country that our ambassadors and other American Government personnel, and tourists, should have to have two passports to travel in the Middle East if they want to visit Israel.

Israel is a friend and ally. Her security is essential to American security interests in the Middle East. By providing two passports—especially to diplomats—the United States Government is slapping Israel in the face and supporting Arab efforts to isolate and completely alienate Israel. Arab countries—especially our allies in the war—should welcome U.S. diplomats to their country, especially after our role in the gulf war, and should support U.S. foreign policy interests. They should welcome American companies to their shores, and not boycott them.

Yesterday, I introduced legislation to require the Secretary of State to instruct our Middle Eastern diplomatic corps to immediately commence negotiations with Arab countries toward a reversal of their policy of not providing entrance visas for citizens and diplomats if their passport contains an Israeli entrance stamp. It would require the Secretary of State to report to Congress within 60 days of enactment on progress and prospects for securing a reversal of this outdated policy. If, within 90 days of enactment, negotiations have not resulted in a commitment from each Arab country to reverse this policy, the State Department will be prohibited from issuing duplicate passports to officials of the U.S. Government traveling in the Middle East. It would also immediately prohibit the issuance of passports designated for travel only to Israel.

Mr. President, the Arab countries' policy of rejecting passports from any citizen that has been to Israel is a stark reminder that despite all the developments of recent months, Arab nations except for Egypt still pursue a far-reaching policy of rejection of Israel. The policy is an impediment to peace and flies in the face of U.S. national security interests in the region. It brings nothing to Arab countries and is an insult to American diplomats, citizens, and soldiers. It should be reversed. I have asked Secretary Baker to lodge a formal complaint about the visa matter with the Governments of Saudi Arabia and Kuwait and to place it on his agenda as the United States continues to search for ways to bring peace to the Middle East.

I also raised this matter personally in Cairo earlier this month, when I had the opportunity to meet with President Hosni Mubarak and Egyptian Foreign Minister Ahmed Esmat Abdel Meguid, who has been nominated by Mubarak to head the Arab League. In my meetings, I called on them to seek a reversal of Arab policy of rejecting anyone who shows evidence of even visiting Israel.

Secretary Baker is in the Middle East now. He will be visiting Saudi Arabia and other Arab countries that continue to cling to this hateful and woefully outdated policy of isolating Israel and anyone who has ever been to Israel or does business with Israel. I hope Secretary Baker will raise this issue in his discussions with Arab leaders. Our Arab League coalition partners should discard this visa policy, along with the boycott against Israel and companies doing business with Israel, as relics of the past which pose obstacles to peace.

Mr. President, I ask unanimous consent that Senator MOYNIHAN be listed as a prime cosponsor of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

RESOLUTION FOR THE FREEDOM OF TIBET

Mr. MITCHELL. Mr. President, at noon today, Members of Congress had the opportunity to listen to His Holiness, the Dalai Lama of Tibet. The tragedy suffered by this man and his people is of long duration.

The Chinese invasion of Tibet in 1950 and the brutal crushing of the Tibetan people's revolt in 1959 signaled the beginning of a terrible and immoral repression of Tibetan culture and people, a repression which continues to this day.

The Dalai Lama and 100,000 of his people fled his homeland in 1959, and have devoted their lives to preserving the culture, tradition, and faith of Tibet in their current home in northern India.

Indeed, the culture of Tibet can now only be experienced outside of Tibet, not within its borders. Six thousand monasteries in Tibet have been reduced to almost nothing; 12 remained by 1980. Centuries of architecture and the testament of human faith for countless generations have been obliterated from the face of the Earth. Rarely has any culture been subjected to such a determined effort at extinction.

In recent months, we have heard a great deal about the plight of the people of Kuwait. We have heard a great deal about the suffering of the people of Iraq. We have heard a great deal about the Kurds. We speak of genocide toward national and ethnic groups.

But I say to Members of the Senate, there are no words to describe the extinction of a culture, with everything that it means to its people. But what the Chinese Government has done in Tibet surely is one of the crimes against which the Senate and the world must take a stand. More than 1 million Tibetans have lost their lives since the Chinese invasion, one-fifth of the entire population.

Let me repeat that, so there can be no misunderstanding of the enormity of the tragedy, and the crime which the Chinese Government has committed. More than 1 million Tibetans have lost their lives, one-fifth of the population of that country. Monks have been murdered, or forced into secular life. The faith of the people has been crushed. Its practice has been severely repressed.

The wonder of it all is that, notwithstanding these terrible crimes, notwithstanding the bitter knowledge that he could not help his people in their time of need, the Dalai Lama is a man of peace and compassion, not a seeker of revenge. His words today moved all who were able to listen.

If we find his words useful, we should try to practice what he suggests. That is something not just for individuals, but for governments to take to heart, including our own.

Mr. President, I ask unanimous consent that the prepared statement by the Dalai Lama for today's ceremony be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY HIS HOLINESS THE DALAI LAMA OF TIBET TO MEMBERS OF THE U.S. CONGRESS AT THE U.S. CAPITOL ROTUNDA, APRIL 18, 1991

Mr. Speaker, Senator Mitchell, Representative Gephardt, Senator Dole and Representative Michel, Senators, Congressmen and other distinguished guests, and Brothers and Sisters:

When I was a small boy living in Tibet, President Roosevelt sent me a gift: a gold watch showing phases of the moon and the days of the week. I marvelled at the distant land which could make such a practical object so beautiful. But what truly inspired me were your ideas of freedom and democracy. I felt that your principles were identical to my own, the Buddhist beliefs in fundamental human rights—freedom, equality, tolerance and compassion for all.

Today, I am honored to stand under this great dome and speak to you. I do so as a simple Buddhist monk: someone who tries to follow the Buddha's teaching of love and compassion, who believes, as you do, that all of us have the right to pursue happiness and avoid suffering. I always pray that the good core of our human character—which cherishes truth, peace and freedom—will prevail.

Our generation has arrived at the threshold of a new era in human history: the birth of a global community. Modern communications, trade and international relations as well as the security and environmental dilemmas we all face make us increasingly interdependent. No one can live in isolation.

Thus, whether we like it or not, our vast and diverse human family must finally learn to live together. Individually and collectively we must assume a greater sense of universal responsibility.

I also stand here as a free spokesperson for the people of Tibet.

While our soldiers were fighting Communist Chinese troops in Korea, China invaded Tibet. Almost nine years later, in March 1959—during the suppression of a nation-wide revolt against Chinese occupation—I was forced to flee to India. Eventually, many thousands of my compatriots followed me. Since then, Tibetan refugees have lived in exile. We were heartened in 1959, 1961, and 1965 by three United Nations Resolutions recognizing the Tibetan people's fundamental rights, including the right to self-determination. Your government supported and voted for these resolutions.

China, however, ignored the views of the world community. For almost three decades, Tibet was sealed from the outside world. In that time, as a result of China's efforts to remake our society, 1.2 million Tibetans—one fifth of the population—perished. More than 6,000 of our monasteries and temples were destroyed. Our natural resources were devoured. And in a few short decades the artistic, literary and scientific legacy of our ancient civilization was virtually erased.

In the face of this tragedy, we have tried to save our national identity. We have fought for our country's freedom peacefully. We have refused to adopt terrorism. We have adhered to our Buddhist faith in non-violence. And we have engaged in a vigorous democratic experiment in the exile community as a model for a future free Tibet.

Tibet today continues to suffer harsh oppression. The unending cycle of imprisonment, torture, and executions continues unabated. I am particularly concerned about China's long term policy of population transfer onto the Tibetan plateau.

Tibet is being colonized by waves of Chinese immigrants. We are becoming a minority in our own country. The new Chinese settlers have created an alternate society: a Chinese apartheid which, denying Tibetans equal social and economic status in our own land, threatens to finally overwhelm and absorb us. The immediate result has been a round of unrest and reprisal. In the face of this critical situation, I have made two proposals in recent years.

In September of 1987, here on Capitol Hill, I presented a Five Point Peace Plan. In it, I called for negotiations between Tibet and China, and spoke of my firm resolve that soon Tibet will once again become a Zone of Peace; a neutral demilitarized sanctuary where humanity and nature live in harmony. In June of 1988, at the European Parliament in Strasbourg, I elaborated on my call for negotiations, and made personal suggestions which would protect the territorial integrity of the whole of Tibet, as well as restore the Tibetan people's right to govern themselves. I also suggested that China could retain overall responsibility for the conduct of Tibet's foreign relations.

It has been almost three years since the Strasbourg Proposal. In that time, many Tibetans have expressed profound misgivings over my stand for being too conciliatory. Beijing did respond: but the response was negative. The Chinese government, it is clear, is unwilling to engage in meaningful dialogue. As recent events in China itself indicate, the Communist leadership refuses even to acknowledge the wishes of its own people. I regret that my sincere efforts to find a mutually beneficial solution have not produced meaningful dialogue. Nevertheless, I continue to believe in a negotiated solution. Many governments and parliaments, as well as the U.S. Congress, support this effort.

For the sake of the people of China as well as Tibet, a stronger stand is needed towards the government of the People's Republic of China. The policy of "constructive engagement," as a means to encourage moderation, can have no concrete effect unless the democracies of the world clearly stand by their principles. Linking bilateral relations to human rights and democracy is not merely a matter of appeasing one's own conscience. It is a proven, peaceful and effective means to encourage genuine change. If the world truly hopes to see a reduction of tyranny in China, it must not appease China's leaders.

Linking bilateral relations to respect for basic rights will significantly decrease the present regime's readiness to resort to further violence, while increasing the strength of the moderate forces which still hope for a peaceful transition to a more open society. These efforts should be viewed not as an attempt to isolate China but as a helping hand to bring her into the mainstream of the world community.

In the future, I envision Tibet as an anchor of peace and stability at the heart of Asia; a Zone of non-violence where humanity and nature live in harmony. For hundreds of years the Tibetan plateau was a vital buffer between Asia's great powers: Russia, China and India. Until Tibet is once more demilitarized and restored to its historical neutrality, there can be no firm foundation for peace in Asia. The first step is to recognize the truth of my country's status; that of a nation under foreign occupation.

Recently, the United States has led the international community in freeing a small country from a cruel occupation. I am happy for the people of Kuwait. Sadly, all small nations cannot expect similar support for their rights and freedoms. However, I believe that a "new world order" cannot truly emerge unless it it matched by a "new world freedom." Order without freedom is repression. Freedom without order is anarchy. We need both a new world order that prohibits aggression and a new world freedom that supports the liberty of individuals and nations.

I would like to conclude by recalling a recent and moving experience. On my last trip to the United States, I was taken to Independence Hall in Philadelphia. I was profoundly inspired to stand in the chamber from which your Declaration of Independence and Constitution came. I was then shown to the main floor before the Liberty Bell. My guide explained that two hundred years ago this bell pealed forth to proclaim liberty throughout your land. On examining it, however, I couldn't help noticing the crack in the bell. That crack, I feel, is a reminder to the American people who enjoy so much freedom, while people in other parts of the world, such as Tibet, have no freedom. The Liberty Bell is a reminder that you cannot be truly free until people everywhere are free. I believe that this reminder is alive, and that your great strength continues to come from your deep principles.

Finally, my main task here today is to thank you—the Congress of the United States—on behalf of six million Tibetans for your invaluable support in a critical time of our struggle. The Congressional bills and resolutions you have passed over the last five years have given the Tibetan people renewed hope.

I offer you my prayers and thanks, and I appeal to you to continue working for the cause of liberty.

Thank you.

Mr. MITCHELL. Mr. President, there is pending on the Senate Calendar a resolution which, if adopted by the Senate, will express the outrage we feel toward this crime. Senate Concurrent Resolution 19 condemns the continuing violation of universal human rights principles by the People's Republic of China. It describes those violations with particular attention to the crime in Tibet.

I believe it fully appropriate if the Senate today, on the day of the visit by the Dalai Lama, shows its strong feeling of revulsion at the crimes committed in Tibet and elsewhere by the Chinese Government, and agrees to this resolution.

Accordingly, Mr. President, I ask unanimous consent that the Senate proceed to Calendar item No. 48, Senate Concurrent Resolution 19.

Mr. DOLE. Reserving the right to object, and I shall be constrained to object at this time, I certainly share the views expressed by the majority leader in his statement about the Dalai Lama and the people of Tibet.

I appreciated very much the comments of the Dalai Lama this morning in the rotunda of the Capitol, a ceremony attended by the leadership and many other Members of this body and Members of the House and hundreds of interested people from all across America.

But at this time, I am not able to clear the resolution. I, therefore, object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, the distinguished Senator from New York, Senator MOYNIHAN, working with Senator PELL, the chairman of the Foreign Relations Committee, Senator HELMS, the ranking member of the Foreign Relations Committee, myself, and Senator DOLE, has prepared a resolution which is more limited in scope and narrow in language and reach than that to which objection was just made.

I now inquire of the distinguished Republican leader whether it would be agreeable to move to that resolution.

Mr. DOLE. We have no objection; I have no objection.

We would like also to move a Yugoslav resolution, and one with reference to an international tribunal on gulf war crimes. We thought they had been cleared. Now we are told that they have not been cleared. We thought we could do all three of these about the same time.

But in any event, I am not going to hold up this resolution. Hopefully, we will work out the problem on the other two. I think Senator MOYNIHAN is prepared, as is Senator HELMS. Even though this does not go as far, as the majority leader indicated, as the other resolution, I think it does at least represent an expression of how we feel about the general problem, and I am pleased to be a cosponsor.

Mr. MITCHELL. Mr. President, if I might, I have just learned from the distinguished Republican leader's words that there was a problem with the other two resolutions to which he refers. I was not previously aware of that. I would like the opportunity to inquire about that. I had not had that opportunity.

If the distinguished leader would prefer to defer action on this until we find out whether the other two can be cleared, I will be prepared to do that. I was not previously aware there was an objection.

Mr. President, I will momentarily call upon the distinguished Senator from New York, and I note the presence of the distinguished Senator from North Carolina, to address this resolution.

I support this resolution. I am a cosponsor of it. It does not go as far as I would like. For one thing, it does not condemn China. I do not see why we should be reluctant to condemn China for what is clearly a crime of great magnitude, and I do not know why that was not included in the resolution. In any event, we do share the view, indeed.

I want to commend the distinguished Republican leader for a very powerful statement made today during the ceremony welcoming the Dalai Lama. It was extremely effective, and I believe he deserves the commendation of all for that.

In any event, I will now yield to the distinguished Senator from New York and the distinguished Senator from North Carolina to present this resolution.

I want to determine the status of the two resolutions to which the Republican leader referred.

The PRESIDING OFFICER. The Senator from New York.

FREEDOM AND HUMAN RIGHTS FOR TIBET

Mr. MOYNIHAN. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 107) expressing the sense of the Senate concerning freedom and human rights for Tibet.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MOYNIHAN. Mr. President, I would like to point to a statement never made before by this body. We have now recorded the judgment of the International Committee of Jurists that Tibet was a sovereign and independent nation before it was invaded.

And, second, I would like to note—it will be obvious to any who reads the resolution—the very forceful statement of the Republican leader directed to the People's Republic of China. He said today in the rotunda, and it is repeated in this resolution, that the Chinese should know, as Tibetans move forward with recovering their independence and freedom, that the United States stands with them.

We have never said that before. It brought the rotunda to its feet, with resounding applause, and it is recorded in the Senate resolution this afternoon.

I thank the majority leader for making this possible. I thank my friend, the ranking member, and I just want to thank the Senate itself for an extraordinary act in a necessary moment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, at the conclusion of my remarks, I ask unanimous consent that the splendid statement delivered this morning by the distinguished Republican leader, Mr. DOLE, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. I thank the Chair.

Mr. President, it is time to use some strong language, words like invasion, murder, imprisonment, slave labor, forced abortion, pillage of natural resources, environmental horrors, cultural genocide, and violation of every recognized standard of human rights and decency.

These are words, every one of them, that apply to the Chinese Communist policy toward Tibet for the past 40 years.

Mr. President, the resolution before us is short, but it is exceedingly significant. First, it commends the President of the United States for having met with the spiritual and temporal leader of Tibet, His Holiness the Dalai Lama. To my knowledge, Mr. President, George Bush is the first chief of state of a major country to do that, but surely President Bush will not be the last to do that.

Second, it puts the Chinese Communists on notice that the American people and the American Congress stand with the people of Tibet and are united on the goals of freedom and human rights in Tibet.

Yesterday, our distinguished guest, with whom many of us had lunch today, the Dalai Lama, received a Freedom Award from Freedom House. In answer to a question posed to him, he said the following: "Sometimes our Chinese brothers and sisters need to learn new lessons."

This resolution—and I commend the distinguished Senator from New York for his leadership in preparing it—is precisely the sort of lesson that the Chinese Communists need to learn and learn right now. There will be other lessons, but this is an excellent place to start.

I support and cosponsor the resolution, and again I commend the Senator from New York.

EXHIBIT 1

REMARKS OF SENATOR BOB DOLE WELCOMING THE DALAI LAMA

Your Holiness, ladies and gentlemen:

We are gathered today to welcome His Holiness, the Dalai Lama, to our Nation's Capitol.

His journey to this place, to this moment in time, has already been a long and difficult one.

Exiled from his homeland for more than half his life; repeatedly frustrated and rebuffed in his efforts to resolve his differences with the Chinese Government—he has never wavered in his determination to bring freedom to his people; in his commitment to the path of nonviolence to achieve that noble goal.

His path has already been long and difficult, and the end of his journey is still not in sight.

But today, together, let us reaffirm this message, loud and clear. As His Holiness, and the people of Tibet, go forward on their great journey, we are with them. We, the people of the United States; the Congress of the United States, we stand with them. It is a message that needs to be heard by the Government of the People's Republic of China.

We may differ, among ourselves, as to the best way to go forward on this journey. That is the nature of this freedom we enjoy, and the people of Tibet seek—every person has the right to his own viewpoint; every person has the obligation to respect the views of others.

But however we may differ in our prescriptions on strategy and tactics, we all agree on the final goal: freedom and human rights for the people of Tibet.

The meeting that His Holiness had this week with President Bush makes clear that all of us, all Americans, however we may differ in our approach, are united in our commitment to that final goal.

Ladies and gentlemen: you have gathered today to hear the words of the Dalai Lama, not mine.

So let me close by offering my personal welcome to His Holiness; and by saying for all of us—you inspire us by your example, and you honor us with your presence.

Mr. MOYNIHAN. Mr. President, it is a practice in this body to be courteous, but none is ever more so than the distinguished senior Senator from North Carolina. I thank him for the vigor of his statement and the conviction behind it.

Mr. President, no other Senator having risen in this matter, I believe it speaks of the conviction of the Senate, the strength of this statement, citing the International Commission of Jurists, that "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law." The importance of this statement cannot be underestimated in the present international climate.

Mr. President, that being the case and it being important to move quickly in this matter, I urge adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 107) and its preamble are as follows:

S. RES. 107

Whereas during the past four decades, repressive actions by the Chinese Government have resulted in the deaths of as many as one million Tibetans, the destruction of a large part of Tibet's unique cultural heritage, the flight of the Dalai Lama and tens of thousands of Tibetans from their homeland;

Whereas the United States Department of State, human rights organizations including Amnesty International and Asia Watch, and the international press continue to report human rights violations in Tibet including the use of excessive force on peaceful demonstrations, arbitrary arrest and detention, unfair trials, torture and death from torture, the restriction of religious practices, and systematic pattern of discrimination, among other violations;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for the peaceful expression of their political, cultural and religious views, including Tamdin Sithar, Yulo Dawa Tsering, Turing Chungdak, Ngawang Puchung, Tseten Norgye, Lhakpa Tsering, Dawa Dolma, Tenzin Phuntsog, Ayal Tsering, and Ngawang Youdon;

Whereas in 1960 the International Commission of Jurists' report on Tibet stated that "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law": Now, therefore, be it here

Resolved by the Senate, That:

The Senate commends the President for his historic meeting with His Holiness the Dalai Lama of Tibet;

It is the sense of the Senate that the government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them; and

It is the sense of the Senate that all Americans are united on the goals of freedom and human rights for Tibet.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senator is informed the Senate is not in morning business.

Mr. BYRD. Mr. President, is there any business before the Senate?

The PRESIDING OFFICER. There is no business before the Senate.

Mr. BYRD. I ask unanimous consent that notwithstanding the fact that no business is pending before the Senate, I be allowed to speak.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

PAYING FOR THE PERSIAN GULF WAR

Mr. BYRD. Madam President, on April 10, 1991, President Bush signed into law H.R. 1282, the Operation Desert Shield/Desert Storm Supplemental Appropriations Act for fiscal year 1991. In accordance with the provisions of that Act, the Comptroller of the Department of Defense has submitted a detailed list of transfers amounting to $32.2 billion from the accounts established in that measure, to reimburse various accounts of the Department of Defense which were drawn down to finance U.S. incremental costs of past and ongoing Desert Shield/Desert Storm operations. The Appropriations Committee has taken the 7-day waiting period provided in the Supplemental Appropriations Act to examine the details as presented and has no objection to the transfers occurring as requested. The transfers have, therefore, been approved.

Madam President, I should note, however, to date, our allies in the gulf coalition have contributed slightly less than $29 billion, so that about $3.7 billion of the amounts requested to be transferred will come from taxpayers' money in the account titled the Persian Gulf regional defense fund. The $29 billion in allied contributions contained in the defense cooperation account will be completely depleted to defray the expenses listed. The committee expects that the amounts which have been withdrawn from the regional defense fund will be reimbursed as soon as additional allied contributions are received. Of the $54.6 billion pledged by our allies for this effort, some $32.9 billion in cash and in-kind assistance had been received as of April 12. The amount still owed by our allies comes to about $20.8 billion.

Madam President, the committee expects that the contributions pledged by our allies will be made. The Treasury is out of allied cash at the moment and has found it necessary to dip into taxpayers' money, the American taxpayers' money. The liabilities from the war have not yet been met, and the administration stated in its request for this first transfer of funds that the transfer does not include combat-related costs for Operation Desert Shield/Desert Storm; it does not include costs related to the replacement of major end items; and it does not include repair of certain damaged or unserviceable equipment resulting from those operations. So, as those costs become known, "subsequent transfers will be required," according to the administration. The original administration estimate, in requesting supplemental appropriations to cover the incremental costs of the war, was $68.5 billion. We do not yet know the total amount that will be needed, but we expect our allies to pay their fair share, and at least to pay what they pledged to pay. I shall include for the record a chart of the breakdown of what has been pledged, what has been received, and the amount still owed. There have been reports that our Persian Gulf allies, particularly Saudi Arabia and Kuwait, will need some additional time to make good on their pledges. They owe around $9 billion each. We expect it in cash, as promised. There have been reports that the Saudi's want to pay part of that tab in oil, but that is not acceptable to the Treasury Department and it should not be acceptable. How can we use oil to reimburse defense contractors and replenish accounts for operations and maintenance? That will not work. The Saudis can do as they always do, sell their oil on the international marketplace, and use the cash to pay us. The same goes for the Kuwaitis. I note that both Saudi Arabia and Kuwait, and the United Arab Emirates as well, have provided cash contributions to the Soviet Union in recent months, and I do not question that. I also note that the Gulf Cooperation Council, of which these three countries are a part, has developed plans for a multi-billion-dollar aid program for Egypt and Syria in order to tie those two economies into some new Arab order and fashion them into free-market and free-enterprise economics. I do not question the use of those Arab States' funds for that purpose. But, first and foremost, I think, is their responsibility to make good on their commitments to the United States.

Madam President, the Supplemental Appropriations Act that the President signed contained several provisions to ensure that no arms sales go forward from the United States to any country which has not first fulfilled its pledges to the United States. That language is clear—an allied country must have "fulfilled its commitment" to "contribute resources to defray any of the costs" of Operation Desert Shield/Desert Storm before any arms sales, credits or guarantees for defense articles or defense services under the Arms Export Control Act are made available. I am opposed to any such action until the commitments are fulfilled.

In addition, I should note that section 107 of the Supplemental Appropriations Act essentially prohibits the provision to any other country of any military equipment, supplies or other materials which the United States transported to the Middle East for the use of our Armed Forces or the armed forces of any other country, unless it is first approved by the Congress or unless it is to be prepositioned for use of U.S. Armed Forces in the future.

At the initiative of Senator STEVENS of Alaska, the committee included a proviso that this section should not apply until a permanent cease-fire goes into effect in the region. However, such a cease-fire and end to hostilities has now been put into place, blessed by the United Nations, and accepted by all parties. Therefore, the Stevens proviso is no longer applicable. Further, sections 107 and 108 of the Supplemental Appropriations Act require certain reports concerning the equipment which was captured from the Iraqis by the coalition forces, and concerning the administration's plans for returning our forces or keeping any of our forces in place in the region. These reports are needed to ensure that the United States takes no action to rearm the region without the development of an explicit consensus within the Congress.

The President has made it clear that he intends to withdraw our forces as expeditiously as possible, and I certainly applaud that action. At the same time, I also support his use of our Armed Forces to help bring relief to the Kurdish refugees on the Iraqi-Turkish border. Their plight is horrendous and the United States cannot turn its back on this human tragedy. With the exception of such relief efforts, U.S. forces and U.S. equipment and arms should not remain in the region without the development of a coherent U.S. policy and without the approval of the Congress.

It would be tragic, madam President, if we and our European allies, together with the Soviet Union and China, engaged in a new decade of arming the states of the Middle East. Can anyone deny that the West was guilty of complicity in the violence which Saddam Hussein has visited on his neighbors and his own people? Where did he get the tens of billions of dollars, according to the National Journal of April 13, 1991, some $53.6 billion worth of weaponry, communications and computer gear from 1979 to 1988? He got it from the countries which sit on the Security Council of the United Nations. Arms transfers cannot and should not be the central focus of United States security policy in the Middle East. Arms control and restraint need to take the front seat. To those who argue that arms transfers are a means of real security and that, if we do not take the lead, our European allies will beat us to the arms bazaar, I say that if we do not take the lead in a new effort at arms control, no one else will. We should take the lead in changing the face of tomorrow in the Middle East. New and better and more arms may be good for arms manufacturers, but it is not very good for anybody else. So that is the general intent of the provisions that the Congress approved in the supplemental and further efforts need to be made.

Madam President, I note that the Turkish Government is bearing, once again, the brunt of efforts to help relieve the plight of the Kurdish refugees. Turkey should be commended for its action here. I point out, madam President, that Turkey too, which was promised some $4.5 billion in contributions by our allies, has so far only received less than half of that. Some $1.3 billion has been received, according to a Wall Street Journal article of April 17, 1991. Turkey's losses far exceed the amount that was pledged, and she is clearly a net loser, and will continue to lose revenue because of the cut off of prewar Iraqi oil shipments, and trade, as well as a sharp drop in tourism.

Madam President, we today see the same problem in helping the Kurdish refugees as we faced in funding the war itself. Our allies are certainly cheering us on, and it sounds like sweet music to our ears. But the U.S. military is taking the lead. The President will be proposing a new supplemental appropriations request and I am told that the administration will want perhaps $200 million to come out of the accounts set up in the Treasury by the supplemental law to fund the incremental costs of the war. I do not have a problem with that conceptually, but I do not know how successful the latest "Tin Cup" exercise by the administration is going to be. I understand that the State Department has sent demarches to our allies, that is, requests for contributions from them for our efforts in the humanitarian relief now underway. I have no idea how the allies are going to respond, but the United States cannot do everything alone.

Madam President, in summary, I shall tell my colleagues that the Appropriations Committee has allowed, as of today, some $32.2 billion to reimburse DOD accounts for incremental costs of the war. Because of the shortfalls in the payment of amounts pledged by our allies, $3.7 billion of that comes from the pockets of the U.S. taxpayer. It comes from the money that was contributed by the U.S. taxpayers through the legislation that we recently passed. I assume that the President intends to live up to the law passed in terms of restrictions on arms sales, arms transfers, and reports to inform the Congress concerning withdrawal of forces and possible arrangements for a new American military presence, if any, in the region. Last, I can assure my colleagues that the Appropriations Committee will give expeditious treatment to any request for further transfers to support our humanitarian relief to the Kurds, but I want to again raise a caution flag that our allies have got to get out of the cheerleading mode and roll up their sleeves to help with resources and financial contributions. The war may be over, but the future of the region and the role of the international community in some new world order is being fashioned as we speak.

Madam President, I ask unanimous consent to include in the RECORD the table to which I referred, and also the article from the New York Times entitled "Turkey Waits in Vain for the Big Payoff From Gulf War Stance."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TURKEY WAITS IN VAIN FOR THE BIG PAYOFF FROM GULF WAR STANCE

(By Philip Revzin)

BURSA, TURKEY.—Turkey's firm stand against neighbor Iraq in the Gulf crisis cost it about $7 billion, left it with more than 250,000 Kurdish refugees on its border and threatens to increase political instability. But it has made M. Muzaffer Akpinar one happy bathrobe maker.

Brand new German and American computer-controlled looms silently weave 1,200 bathrobes a day at Penta Tekstil A.S.'s bathrobe and towel factory in this gritty manufacturing town across the Sea of Marmara from Istanbul. Penta's all-cotton, velvety-feel robes, in rich browns, blues and greens, sell for $65 at J.C. Penney, Kmart, Sears and Montgomery Ward stores in the U.S.

Penta shipped 240,000 bathrobes to the U.S. last year under Turkey's import quota of two million. But now, in the first tangible gain Turkey can claim from its pro-coalition stand, the U.S. is nearly doubling quotas on Turkish bathrobes and some other textile items. Mr. Akpinar, Penta's sales manager, says he will ship $7 million worth of robes to the U.S. this year, up 40% from last year, and hopes to double sales next year.

Permission to sell more bathrobes to J.C. Penney is a far cry from the sweeping economic and political gains Turkey had hoped to reap from its early and courageous cooperation with the U.S.-led effort to liberate Kuwait. Only days after the invasion, Turkish President Turgut Ozal shut off two Iraqi oil pipelines through Turkey. He later allowed U.S. warplanes to fly hundreds of sorties against targets in northern Iraq from NATO bases in eastern Turkey and kept 100,000 troops massed along the border to tie down Iraqi divisions on the other side.

It was a risky decision. Political opponents hope to capitalize on discontent over the Gulf gamble by toppling Mr. Ozal's Motherland Party in legislative elections due to begin next year. Mr. Ozal would remain president even if the party he founded lost the vote, but his position would be weakened. Radical Islamic fundamentalists also hope to exploit economic discontent.

"WE HAVE GOT NOTHING"

It wasn't supposed to be this way. Mr. Ozal chose the winning side in the war and that's good news for him, of course. But he expected—and promised Turks—too much in return for his stand: billions of dollars to compensate for Trukey's financial losses, enough political capital to unblock Turkey's stalled application for membership in the European Community, and a powerful role for Turkey in Middle East diplomacy. In the local press, Mr. Ozal pledged even more: that financial returns would compensate Turkey threefold.

He remains publicly optimistic. In an interview in the pink-stucco presidential palace in Ankara, as Kurds continue to pour across the border and Saddam Hussein remains in power in Baghdad, Mr. Ozal still maintains that "Turkey has come out of this crisis very well."

But when pressed, he acknowledges that expectations haven't been matched by reality—especially the responses of Europe and the Gulf states. Others are much more downbeat than that. "Ozal said for every dollar we lost we'd get three back," says Hikmet Cetin, general secretary of the Social Democratic Populist Party, one of the leading opposition parties. "Instead, we lost $7 billion and got back 250,000 Kurds.'

Overall, declares Mr. Cetin, "We have got nothing. Zero."

TOURISTS DISAPPEAR

Critics say Mr. Ozal unnecessarily raised hopes that Turks' participation alongside the U.S. would bring monetary gain to a struggling economy. "Ozal was guilty of building up unjustified expectations," says a foreign diplomat. "Rather than basing his truly courageous stance on national security, he laid out for his people a mercantile balance sheet that was unseemly."

Instead, Turkey's economy is in even worse shape now. Shutting off the Iraqi pipeline cost $2.5 billion in lost fees. The loss of contracts inside Iraq cost $1 billion. The collapse of tourism and loss of lucrative Gulf export markets because of the war cost another $3.5 billion, Turkish officials estimate. And caring for thousands of Kurds could cost millions more.

Turkey's current-account deficit (which includes trade in goods and services plus certain financial transfers) has ballooned to more than $2.5 billion. Inflation, which had been easing down to around a 50% annual rate, is more than 75%, partly because of war-related spending. The central bank spent $2 billion of Turkey's $11 billion in reserves to meet current bills. Turkish Airlines workers recently went on strike demanding a pay increase of 680%; the state offered them a paltry 300%.

So far, tourists haven't returned, the pipeline from Iraq is still shut and the impact of lower oil prices hasn't yet translated into lower inflation.

Signs of economic devastation are everywhere. Edouard Speck, general manager of the Swissotel Bosphorus, a gleaming, glass-fronted 503-room hotel in Istanbul, fusses over the sumptuous lunchtime buffet served to a handful of businessmen in the hotel's glass and marble dining room. "We're lucky we only have 150 rooms ready," he says.

Mr. Speck says Istanbul's business hotels, normally packed to 95% occupancy, are hovering around 40% occupancy now. While he doesn't expect to see many tourists this year, Mr. Speck hopes business travel will gradually pick up. Meanwhile, he's still planning the gala opening of his huge and glittering ballroom on Turkey's National Day, April 23, with a lavish Miss Turkey beauty pageant.

"LAWRENCE OF ARABIA"

Across town at the mammoth Covered Bazaar, tourists are as scarce as bargains. Stall-keepers pounce on an American backpacker and a bewildered British family. Scores of Bulgarian tourists pass by, but don't buy much. In a narrow street around the back of the bazaar, four men with portable telephones staff Istanbul's off-floor gold and currency futures market. While activity seems to swirl, even here few transactions are actually being made.

Circumstances conspire to put Turkey in a less favorable position than some other coalition participants. Bankers say, for example, that most of Turkey's $43 billion in foreign debt is owed to private banks rather than to governments, so it couldn't benefit as Egypt did from a $7 billion write-off of U.S. government loans. Mr. Ozal came back from a visit to the U.S. last month with only $200 million in direct aid, but the Bush administration will ask Congress for $700 million in military and economic aid for Turkey next year.

Mr. Ozal now says he never expected to get all $7 billion back. But he does expect the $4.5 billion that has been pledged, mainly by Japan, Kuwait and Saudi Arabia; so far, only $1.3 billion has arrived.

Hasan Cemal, editor of the daily Cumhuriyet newspaper, thinks official pique at slow-paying Gulf countries was the reason government-controlled television recently showed the movie "Lawrence of Arabia" for the first time in 20 years. "This is seen here as an anti-Arab movie," says Mr. Cemal. "So they're sending the Arabs a message: Pay up."

DISAPPOINTED WITH EUROPE

Many Turks are starting to feel let down. "If the increased textile quotas are all we get, Turkey will be very, very disappointed," says Bulent Eczacibasi, a supporter of Mr. Ozal's policies who is chairman of the Turkish Industrialists and Businessmen's Association in Istanbul. "We need cash now. The burden that fell on Turkey needs to be eased."

As a means of easing that burden, Mr. Ozal has suggested that Turkey somehow join the proposed U.S.-Canada-Mexico North American free trade zone, a suggestion that has evoked puzzled stares in Washington, on geographic grounds if nothing else. Mr. Ozal says he only meant the U.S. should drop all tariffs and barriers to trade with Turkey. He concedes, though, that nothing will be done for Turkey before the U.S. decides on a Mexican pact, currently a contentious issue in Congress.

Mr. Ozal's and Turkey's major disappointment is with Europe. "What's not come up to our expectations is mainly on the European side," Mr. Ozal says. The EC has so far given Turkey only about $231 million in emergency aid. Turkey asked Europe to raise its textile quotas by 35% and got an offer of 15%. A further EC aid package of about $732 million that long pre-dates the Gulf crisis is still being blocked by a Greek veto.

As for full EC membership, even though Turkey is the longest-pending applicant, it is unlikely to be admitted before Austria and possibly even Poland, Hungary and Czechoslovakia. Mr. Ozal had hoped the fallout from the Gulf crisis would ease Turkey's path in Europe, but "it hasn't," he says. The EC says high-inflation, low-income Turkey isn't ready to join. Mr. Ozal thinks the EC isn't ready for a member whose population is 98% Muslim.

NEEDED: YOUNG TURKS

What Turkey has gained is security. It has seen Iraq, a powerful and troublesome neighbor, humbled and its military might destroyed. Turkey's 800,000-man army now is the biggest in the region. The Bush administration is helping to improve Turkey's firepower: The U.S. will leave in Turkey at least two Patriot anti-missile batteries provided during the war, and may send as many as eight more. The U.S. also will give Turkey 40 F–4E fighter planes, and has pledge to help establish a Turkish Defense Fund to be financed by various countries, to help upgrade the Turkish military.

And Mr. Ozal pledges to push ahead with his ambitious plan to modernize and Westernize the economy no matter how much or how little help he gets. "We're in a stage of transformation, which will take more than a few years, from an Eastern European-like command economy to the free market," Mr. Ozal says.

That transformation will require thousands of young Turks like Mr. Akpinar of Penta—who at the age of 29 owns a piece of his company—to produce high-quality goods like bathrobes for export. On the wall outside Mr. Akpinar's office in Bursa hangs a photo of Mr. Ozal cutting the ribbon to open the $5 million Penta plant two years ago. "Ozal loves medium-size, clean, export-oriented industries," says Mr. Akpinar. Adds Penta Chairman H. Murat Vargi: "If you open a steel mill, Ozal won't come."

Mr. Vargi, who thinks the higher textile quota will eventually pay off for Turkey even more than short-term financial aid, nonetheless says the country is suffering right now. "Nobody is thanking Turkey or Ozal for what we did," Mr. Vargi says. "He's getting flak on all sides at home, and he doesn't deserve this much criticism."

Adds a foreign diplomat in Ankara: "Ozal's got to be disappointed with the way things turned out. Saddam is still there, the Kurds are at his door, and the bills haven't been paid. This is not what he had in mind at all."

ALLIED FINANCIAL CONTRIBUTIONS TO DESERT STORM

[Dollar amounts in millions]

	Initial pledge (1990)	Second pledge (1991)	Total pledge	Cash	In-kind	Total received to date	Percent received	Amount owed
Saudi Arabia	3,339	13,500	16,839	4,536	3,059	7,595	45.0	9,244
Kuwait	2,506	13,500	16,006	7,000	21	7,021	44.0	8,985
UAE	1,000	3,000	4,000	2,870	191	3,061	77.0	939
Germany	1,072	5,500	6,572	5,772	782	6,554	99.7	18
Japan	1,740	9,000	10,740	8,699	65	9,354	87.0	1,386
Korea	80	305	385	110	44	154	40.0	231
Other	3	12	15	4	11	15		

ALLIED FINANCIAL CONTRIBUTIONS TO DESERT STORM—Continued

[Dollar amounts in millions]

	Initial pledge (1990)	Second pledge (1991)	Total pledge	Cash	In-kind	Total received to date	Percent received	Amount owed
Total	9,740	44,817	54,557	28,991	4,763	33,754	62	20,803

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee, the acting majority leader for the afternoon.

MORNING BUSINESS

Mr. GORE. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

HUMAN RIGHTS IN YUGOSLAVIA

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 106 submitted earlier today by Senator DOLE regarding human rights in Yugoslavia.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 106) to express Senate support for democracy and human rights in Yugoslavia and Senate opposition to the use of force against democratic republic governments in Yugoslavia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. BYRD. Reserving the right to object, Madam President, I personally have no objection. Has this request been cleared by the leadership on both sides?

Mr. GORE. If the President pro tempore will yield, yes, it has been cleared on this side of the aisle.

Mr. BYRD. I thank the Senator.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Madam President, in short, this resolution puts the Senate on record in support of democracy and human rights in Yugoslavia. I am pleased that the distinguished chairman and ranking Republican of the Foreign Relations Committee and the distinguished Senator from Idaho [Mr. SYMMS] have cosponsored this resolution. They all agree with me on the importance of sending a strong signal to the people of Yugoslavia, that the Senate stands one hundred percent on the side of freedom, democracy, and human rights. They all agree that such a message needs to be sent now—now while the situation in Yugoslavia is fluid and so uncertain.

Yugoslavia has been in the news a great deal over the past few months, teetering on the brink of a military crackdown. The six Republics and two provinces have been engaged in a sort of tug-of-war. The four democratic Republics are trying to renegotiate the structure of Yugoslavia, but are meeting resistance from the hardliners, led by the Serbian Government, who want to perpetuate a centralized system and retain a significant role for the hardline Yugoslav Army.

Meanwhile, human rights abuses continue in parts of Yugoslavia under the control of the Serbian Government. According to the State Department, in the province of Kosova, repressive measures continued and intensified over the course of the past year. Tens of thousands of Albanians have lost their jobs, hundreds have been beaten and arrested. As I saw for myself, last year, Kosova is a police state.

But, we have seen these police state tactics used in the capital of Serbia, Belgrade. Just last month, Serbian authorities, under the direction of Serbian President Slobodan Milosevic and his cronies, fired upon a large crowd of anti-Communist protesters—they followed up with tear gas and clubs. Most of these protesters were young Serbs who are fed up with Communist policies and want the opportunities that come with democracy—they see the emptiness of Communist promises.

Mr. President, this resolution calls on the hardliners to cease their repression and refrain from the use of force and coercive tactics. It also notes that in view of the human rights abuses that continue in parts of Yugoslavia, the criteria on aid to Yugoslavia established in section 599a of the fiscal year 1991 foreign operations appropriations bill has not been met. Finally, this resolution sends a warning to the Communist forces in Yugoslavia: It states that in the event of a military crackdown against the democratic republic governments the Senate urges the President to suspend all economic and technical assistance.

Mr. President, this resolution does not seek to influence the future structure of Yugoslavia—that is for the people of Yugoslavia to decide and they will—in Republic referendums to be held by the end of May. Instead, this resolution seeks to send a message of support to democratic forces within all of the Republics and Provinces of Yugoslavia. In Yugoslavia, we are witnessing a struggle between democracy and communism and we need to take a stand for democracy.

Mr. McCONNELL. Madam President, I am not aware of any further debate on this issue.

Mr. GORE. It has been cleared on this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 106

Whereas in 1990 four of the six republics in Yugoslavia elected non-Communist democratic governments;

Whereas in 1990 two republics in Yugoslavia elected Communist governments;

Whereas in 1990 the provinces of Kosova and Vojvodina were stripped of their autonomous status by the government of the Republic of Serbia;

Whereas the United States Department of State's 1990 annual report on human rights states that, "in the province of Kosova, Serbian authorities continued and intensified repressive measures that featured in 1990 thousands of political arrests, tens of thousands of politically motivated job dismissals, and widespread police violence against ethnic Albanians."

Whereas the Yugoslav Army has threatened the use of military force to undermine the democratic republics of Yugoslavia and to suppress human rights in the province of Kosova and elsewhere;

Whereas despite continuous and good-faith efforts by the democratic Republics to come to a negotiated agreement on the future structure of Yugoslavia, there remains a threat of a military crackdown;

Whereas the political situation in Yugoslavia is highly uncertain: Now, therefore, be it

Resolved, That:

SECTION 1. United States policy toward Yugoslavia should be based on support for democracy and human rights for all of the people of Yugoslavia.

SEC. 2. The Senate calls on Serbian President Slobodan Milosevic to cease all repressive policies against the Albanian population of Kosova.

SEC. 3. The Senate calls on Yugoslav President Jovic and the Yugoslav Army to refrain from the use of coercive tactics and force against the democratically elected governments of the republics of Bosnia-Hercegovina, Croatia, Macedonia, and Slovenia.

SEC. 4. The Senate notes that the criteria established in Section 599A of Public Law 101-513 have not been met by the Yugoslav and Serbian governments.

SEC. 5. In the event of a military crackdown by the Yugoslav Army or the imposition of martial law in Yugoslavia, the President should immediately suspend all economic and technical benefits provided by the United States to Yugoslavia.

Mr. McCONNELL. Madam President, I move to reconsider the vote.

Mr. GORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PERSIAN GULF WAR CRIMINALS PROSECUTION ACT

Mr. GORE. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 62, S. 253 a bill to provide for the establishment of appropriate leader forums for the enforcement of the Geneva Conventions, introduced by Senator McCONNELL.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 253) to provide for the establishment of appropriate legal forums for the enforcement of the Geneva Conventions.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Criminals Prosecution Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole";

(2) the United Nations has reaffirmed the principles of international law recognized by the Charter of the Nuremberg Tribunal, and the judgments of the Tribunal;

(3) the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means";

(4) on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait:

(5) the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (also known as the "Fourth Geneva Convention") imposes certain obligations upon a belligerent state, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict and requires that persons committing "grave breaches" are to be apprehended and subjected to trial:

(6) "grave breaches" are defined to include "willful killing, torture, or inhuman treatment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity";

(7) there is evidence that Iraqi authorities have violated provisions of the Fourth Geneva Convention through their inhumane treatment and acts of violence against the Kuwaiti civilian population by subjecting Kuwaiti civilians to physical coercion, suffering, and extermination in order to obtain information, and by other actions;

(8) both Iraq and Kuwait are parties to the Fourth Geneva Convention;

(9) the Geneva Convention Relative to the Treatment of Prisoners of war (also known as the "Third Geneva Convention") sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities and requires that persons committing "grave breaches" are to be apprehended and subjected to trial;

(10) there is evidence that Iraqi authorities have violated provisions of the Third Geneva Convention by their physical and psychological abuse of military and civilian prisoners of war, including members of the international press, by placing prisoners of war in solitary confinement, failing to shelter them against air bombardment, and denying them contact with the outside world, and by other actions;

(11) Iraq is a party to the Third Geneva Convention;

(12) there is evidence that Iraqi authorities committed crimes against peace by firing missiles on Israel with the intent of making it a party to war and with the intent of killing or injuring innocent civilians;

(13) there is evidence that Iraqi authorities, by inflicting grave risk to the health and well-being of innocent civilians in the region by willfully setting on fire Kuwaiti oil wells and willfully spilling oil into the Persian Gulf, resulting in the mass pollution of air and water, have committed crimes against the peace, in that such acts constitute engaging in military and other hostile uses of environmental modification techniques;

(14) there is evidence that Iraqi authorities have violated, and continue to violate, international law, by using chemical and other illegal weapons against the citizens of Iraq, by shelling and bombing indiscriminately the cities and other civilian-populated regions of Iraq, by torturing and committing the summary killing of tens of thousands of Iraqi citizens, and by expelling through force and threats of force millions of Kurdish and Shi'a citizens of Iraq; and

(15) Iraqi authorities who have committed crimes under international law must be prosecuted for committing such crimes because a failure to try and punish them would establish a dangerous precedent and would negatively impact the value of deterrence on the commission of future crimes under international law.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "crimes under international law" means crimes against humanity, crimes against peace, and war crimes;

(2) the term "crimes against humanity" means murder, extermination, enslavement, deportation, or any other inhumane act committed against any civilian population, or any persecution on political, racial, or religious grounds;

(3) the term "crimes against peace" means the planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any such act or engaging in military or other hostile uses of environmental modification techniques having widespread, long-lasting, or severe effects as a means of destruction, damage, or injury of another country;

(4) the term "war crimes" means violations of the laws or customs of war, including violations of any of the Geneva Conventions;

(5) the term "Iraqi authorities" means any officer, employee, or agent of the Government of Iraq (or any agency or instrumentality thereof), including any member of the armed forces or security forces of Iraq;

(6) the term "Persian Gulf region" means the region consisting of the Persian Gulf and the countries bordering the Persian Gulf, incluing Iraq; and

(7) the term "Persian Gulf war criminals" means Iraqi authorities who have committed crimes under international law in the Persian Gulf region at any time on or after August 25, 1988.

TITLE I—ACTIONS BY UNITED STATES AGENCIES AND COURTS

SEC. 101. COLLECTION AND MAINTENANCE OF RECORDS.

The President shall direct the appropriate United States Government departments and agencies to collect and maintain evidence of crimes committed by Persian Gulf war criminals.

SEC. 102. DETERMINATION OF JURISDICTION FOR PROSECUTIONS.

The President shall consult with the Attorney General, the Secretary of State, and the Secretary of Defense to determine the appropriate jurisdiction for the prosecution of Persian Gulf war criminals, including Federal and specially appointed courts of the United States.

TITLE II—INTERNATIONAL CRIMINAL TRIBUNAL

SEC. 201. PROPOSAL FOR ESTABLISHMENT.

The Congress urges the President, acting through the Permanent Representative of the United States to the United Nations, to propose to the Security Council the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals who may not more appropriately be prosecuted in Federal and specially appointed courts of the United States.

SEC. 202. ALTERNATIVE MEANS FOR ESTABLISHMENT.

In the event the United Nations Security Council fails to take action to establish an international criminal tribunal for the prosecution of Persian Gulf war criminals, the Congress urges the President to work with the partners in the coalition of nations participating in Operation Desert Storm to establish such an international criminal tribunal.

SEC. 203. ESTABLISHMENT OF STATE DEPARTMENT OFFICE.

(a) ESTABLISHMENT.—(1) There is established within the Department of State the Office for the Prosecution of Persian Gulf War Criminals (hereafter in this Act referred to as the "Office").

(2) The Secretary of State shall designate an officer or employee of the Department of State to serve as Director of the Office.

(b) ADMINISTRATION.—(1) The Assistant Secretary of State for International Organization Affairs (or any successor Assistant Secretary) shall administer the Office.

(2) The Secretary of State shall make available to the Office such personnel and office space as the Office may require.

(c) FUNCTIONS.—The Office shall—

(1) develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals;

(2) advise the Permanent Representative of the United States to the United Nations in

any discussions or negotiations on matters relating to the establishment of such an international criminal tribunal; and

(3) carry out such duties and responsibilities as may be required of the Department of State to implement the United States role with respect to the prosecution of Persian Gulf war criminals before such international criminal tribunal once it is established.

TITLE III—CONGRESSIONAL OVERSIGHT

SEC. 301. PRESIDENTIAL REPORT.

No later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report—

(1) setting forth the proposal developed by the Office under section 203;

(2) describing the evidence of crimes under international law that justifies the prosecution of Persian Gulf war criminals before an international criminal tribunal; and

(3) identifying Iraqi authorities who should be prosecuted for committing such crimes.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

The title was amended so as to read "A bill to provide for the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals, to establish an office within the Department of State to implement the U.S. role with respect to the tribunal, and for other purposes."

Mr. PELL. Madam President, over 40 years ago, after the Nuremberg trials that followed World War II, Justice Robert Jackson wrote:

> If the nations which command the great physical forces of the world want the society of nations to be governed by law, [the Nuremberg] principles may contribute to that end.

A few years earlier, in his opening speech as Chief Nuremberg Prosecutor, Justice Jackson had said that the "principle of personal liability is a necessary and logical one if International Law is to render real help to the maintenance of peace."

It is in that spirit that we bring before the Senate the bill S. 253, the Persian Gulf War Criminals Prosecution Act of 1991, which has just been reported out by the Foreign Relations Committee.

This legislation, which received the committee's unanimous support, combines language suggested by the junior Senator from Kentucky [Mr. McCONNELL] with proposals advanced by the senior Senator from Connecticut [Mr. DODD] and myself to make sure that the perpetrators of war crimes in the Persian Gulf are brought to justice for their war crimes, for their crimes against humanity, and for their crimes against the peace.

Our proposal has been urged by numerous eminent and distinguished scholars of international law, two of whom testified at our hearings last week.

Under the provisions of this legislation, the Congress would be on record in stating that:

> Iraqi authorities who have committed crimes under international law must be prosecuted for committing such crimes because a failure to try and punish them would establish a dangerous precedent and would negatively impact the value of deterrence on the commission of future crimes under international law.

I might add a personal note here on the subject of deterrence. My own father was a member of the United Nations War Crimes Commission which addressed the question of how to handle the war crimes committed during World War II. He strongly believed in the need for future deterrence, and he said at the time:

> I am thinking of my unborn grandchildren, and I'll see myself damned, in the most literal and theological sense of the word, I'll leave no stone unturned that might save them from a third war. I do not ask to revenge the dead innocents, but I intend to protect those that are to come.

In addition to putting the Congress on record in stating that the Iraqi war criminals must be prosecuted, this legislation would require that the President first decide whether any courts in the United States would be the appropriate place to prosecute any of these Iraqi war criminals.

Then, as the next step, the Congress urges the President to propose, through our United Nations Representative, that an international criminal tribunal be set up by the United Nations to prosecute those Iraqi war criminals who he has decided should not be prosecuted in United States courts.

And finally, if the United Nations decides not to set up a court, the Congress urges the President to work with our coalition partners from the Desert Storm operation to set up just such a court.

In order to make sure that some firm and accountable direction is established for this effort, the legislation also sets up a special office in the State Department to follow through on the proposals contained in the bill.

Madam President, I have no doubt that this is the right direction for us to take. In fact, I think the administration has lagged woefully behind on this subject.

I regret that we were not able to have any executive branch witnesses come up to testify at our hearings last week. In fact, the State Department's press spokeswoman was quoted just this past Tuesday as saying that this issue is "not something we have been actively moving on." And yet, Mr. President, the foreign ministers of the 12 European Community nations have already agreed to urge the United Nations to begin war crimes proceedings. The EC nations were responding to such a proposal that was first made by Germany's Foreign Minister Hans-Dietrich Genscher, who said last weekend that Saddam Hussein is "personally responsible for genocide and war crimes."

Several days ago, Foreign Minister Jacques Poos of Luxembourg, who now holds the EC presidency, was quoted as saying that the EC ministers "consider Saddam Hussein personally responsibile for the crime of genocide as defined by the Geneva Convention of 1948 (on the Prevention of the Crime of Genocide). I will be discussing with the UN Secretary-General how this convention can be applied. * * * [This will be] a clear political signal to the Iraqi dictator and other dictators in the years to come who might be inclined to follow Saddam Hussein's example."

Dutch Foreign Minister Hans van den Broek spoke of "irrefutable crimes" by Saddam Hussein during the gulf war.

And British Foreign Office Minister Tristan Garel-Jones endorsed the war crimes prosecution idea as well.

The proposal of the EC nations was presented to U.N. Secretary General Javier Perez de Cuellar earlier this week, and, according to press reports, he told Luxembourg Foreign Minister Poos that "he would submit the European request to a legal examination" and give a response "in the shortest possible time." The Secretary General was quoted as saying:

> It is an interesting idea. I will consult with my legal advisers to see how we can proceed. Then I will give the European Community my opinion about the matter.

Madam President, the United States should be presenting its proposal as well, and that is what this legislation is designed to accomplish. I will close my remarks with the words of the noted philosopher, teacher and author Elie Wiesel before our committee just last week. He said:

> Let history record our determination that whenever an aggressor will launch war against defenseless countries, his story will inexorably lead him before an international court of justice. His sentence will almost be irrelevant. His personal future will matter little. What will matter is the exposure of his criminal deeds. What will matter is that he will remain in the annals of history as an example of what human beings, driven by fanaticism or ambition, can do to one another.

Madam President, I urge my colleagues to support this legislation.

Mr. McCONNELL. Madam President, the Senate Foreign Relations Committee this morning reported out this bill which deals with the question of war crimes trials for Saddam Hussein and his henchmen. Quite simply, it provides that the administration pursue three obvious options:

First, to look at the possibility of trying Saddam and his henchmen in this country under our laws.

Second, to pursue the establishment of an international criminal court—none exists at present—before which Saddam, and others found guilty of war crimes, could be brought.

Third, the exploration of the option of having a coalition court. That is, the winning countries trying Saddam Hussein and his henchmen. This latter option is the Nuremberg example where the winning coalition tried those who committed war crimes on the losing side.

Madam President, when we introduced this legislation in January, I was motivated in large measure by Hussein's humiliation of our combat fliers by publicly parading them in front of international TV and forcing them to denounce their countries. I was reminded of the Geneva Convention banning this kind of treatment of POW's and set about establishing a means to enforce that code. Adding to the abuses our POW's suffered, Hussein and Iraqi authorities clearly violated restrictions against torture, hostage taking, and extrajudicial executions of civilians, among many other charges.

There is no shortage of victims of Hussein's ruthless invasion and occupation of Kuwait, and now the mountain of allegations and charges has grown with the shameful abuses committed against Iraqi Kurds.

When we launched Operation Desert Storm, President Bush did so with the strong support of the United Nations and a majority of the Members of the Congress. It was important to me that the President forged international political and military support for the effort as he protected constitutional imperatives requiring the Congress to mandate the use of force in war. It reflected our tradition and commitment to the rule of law.

If we are to do more than talk about a new world order, if we truly believe law must prevail over tyrants, we must now crown our military and political victory by establishing a court to consider the legal charges against Hussein and his government. The war will not be over and we will not live up to the ideals enshrined in our Constitution and law if we do not advance the cause for war crimes trials.

Initially, I thought the credibility of the proceedings should not be tainted by winners judging losers. However, in hearings before the Foreign Relations Committee, international legal scholars persuaded me that capable, independent jurists could and would objectively assess the facts and reach a fair judgment.

As a result of amendments this morning in committee, the legislation now lays out three options for the President. First, he may consider prosecuting Iraqi authorities charged with war crimes in the United States courts. I included this provision at the request of lawyers in the administration who pointed out if we had custody of an official, we might very well want to charge him here rather than waiting for the establishment of an international tribunal.

The second option available to the President is to present our evidence to the United Nations and work to establish an international criminal tribunal. Since the United Nations authorized the use of force launching Operation Desert Storm, the United Nations ought to come together to render a final legal judgment.

Although this international court would be the best possible option, I am a realist about the difficulties of working out such a consensus. So, the bill now offers a third option. If efforts at the United Nations do not succeed, the President should consider working with our partners in Operation Desert Storm and create a coalition court.

It is important to the future world order that we not walk away from events in the gulf—that the cause and principles we fought for are not abandoned to vigilante, street justice.

Just this week the 12 European Community countries agreed to press Secretary de Cuellar to launch a formal war crimes investigation and tribunal. The time is clearly now, to move toward an international consensus on legal proceedings just as we did on the use of force.

I urge my colleagues to support this bill and send the strongest possible message to our President to work with our European allies and partners in the gulf to bring this war to a legitimate—a legal end.

AMENDMENT NO. 72

(Purpose: To add a reference to the Geneva Convention relating to the use of environmental modification techniques)

Mr. McCONNELL. Madam President, on behalf of Senator McCAIN and Senator SIMON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. McCAIN (for himself and Mr. SIMON), proposes an amendment numbered 72.

Mr. McCONNELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 3 insert the following additional language before the word "there":

"Iraq is a signator to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed in Geneva, Switzerland on May 8, 1977, which provides in Article 1 that: Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party." and, "

Mr. McCAIN. Madam President, this amendment would include within the findings of the bill specific reference to the international convention which Iraq clearly violated when the military forces of Iraq in Kuwait, acting under the direct orders of the political leadership of Iraq, deliberately caused incalculable harm to the regional environment in the Persian Gulf.

Iraq is a signator to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. The leaders of Iraq revealed their customary contempt for international agreements to which they are a party when they ordered the systematic destruction of the entire Kuwaiti oil production infrastructure, and when they ordered millions of gallons of oil to be dumped into the Persian Gulf.

The bill before us cites the relevant international conventions that Iraq has so thoroughly violated in all their crimes against humanity with the exception of this convention on the environment. The specific identification of Iraq's violation of the convention, contained in this amendment, will provide a basis for the prosecution of Iraq's despicable environmental terrorism. I urge my colleagues to adopt it.

In closing, let me commend the authors of this legislation. Their efforts have recognized a fundamental truth governing all international affairs: Peace and security in any region of the world rests primarily on respect for international law. This legislation will contribute significantly to encouraging that respect. The United States Armed Forces have brought peace and freedom to the beleaguered people of Kuwait. With this bill, Congress undertakes to bring justice to the region. I am pleased to join my colleagues in this effort.

AMENDMENT NO. 73

Mr. GORE. Madam President, on behalf of Senator PELL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE], for Mr. PELL, proposes an amendment numbered 73.

Mr. GORE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 19, strike all beginning with (3) through State on line 20 and insert the following:

"(3) Support and facilitate the carrying out of such duties and responsibilities as may be required of the United States Government to implement the United States role with respect to the prosecution of Persian Gulf war criminals before such international criminal tribunal once it is established.".

The PRESIDING OFFICER. Is there further debate? If there is not, the question is on agreeing to the amendment.

The amendment (No. 73) was agreed to.

Mr. McCONNELL. Madam President, I move to reconsider the vote.

Mr. GORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Persian Gulf War Criminals Prosecution Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole";

(2) the United Nations has reaffirmed the principles of international law recognized by the Charter of the Nuremberg Tribunal, and the judgments of the Tribunal;

(3) the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means";

(4) on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

(5) the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (also known as the "Fourth Geneva Convention") imposes certain obligations upon a belligerent state, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict and requires that persons committing "grave breaches" are to be apprehended and subjected to trial;

(6) "grave breaches" are defined to include "willful killing, torture, or inhuman treatment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity";

(7) there is evidence that Iraqi authorities have violated provisions of the Fourth Geneva Convention through their inhumane treatment and acts of violence against the Kuwaiti civilian population by subjecting Kuwaiti civilians to physical coercion, suffering, and extermination in order to obtain information, and by other actions;

(8) both Iraq and Kuwait are parties to the Fourth Geneva Convention;

(9) the Geneva Convention Relative to the Treatment of Prisoners of War (also known as the "Third Geneva Convention") sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities and requires that persons committing "grave breaches" are to be apprehended and subjected to trial;

(10) there is evidence that Iraqi authorities have violated provisions of the Third Geneva Convention by their physical and psychological abuse of military and civilian prisoners of war, including members of the international press, by placing prisoners of war in solitary confinement, failing to shelter them against air bombardment, and denying them contact with the outside world, and by other actions;

(11) Iraq is a party to the Third Geneva Convention;

(12) there is evidence that Iraqi authorities committed crimes against peace by firing missiles on Israel with the intent of making it a party to war and with the intent of killing or injuring innocent civilians;

(13) Iraq is a signator to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed in Geneva, Switzerland on May 8, 1977, which provides in Article 1 that: Each State party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party." and there is evidence that Iraqi authorities, by inflicting grave risk to the health and well-being of innocent civilians in the region by willfully setting on fire Kuwaiti oil wells and willfully spilling oil into the Persian Gulf, resulting in the mass pollution of air and water, have committed crimes against the peace, in that such acts constitute engaging in military and other hostile uses of environmental modification techniques;

(14) there is evidence that Iraqi authorities have violated, and continue to violate, international law, by using chemical and other illegal weapons against the citizens of Iraq, by shelling and bombing indiscriminately the cities and other civilian-populated regions of Iraq, by torturing and committing the summary killing of tens of thousands of Iraqi citizens, and by expelling through force and threats of force millions of Kurdish and Shi'a citizens of Iraq; and

(15) Iraqi authorities who have committed crimes under international law must be prosecuted for committing such crimes because a failure to try and punish them would establish a dangerous precedent and would negatively impact the value of deterrence on the commission of future crimes under international law.

SEC. 3. DEFINITIONS.

For purposes of this Act—

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(2) the term "crimes against humanity" means murder, extermination, enslavement, deportation, or any other inhumane act committed against any civilian population, or any persecution on political, racial, or religious grounds;

(3) the term "crimes against peace" means the planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any such act or engaging in military or other hostile uses of environmental modification techniques having widespread, long-lasting, or severe effects as a means of destruction, damage, or injury of another country;

(4) the term "war crimes" means violations of the laws or customs of war, including violations of any of the Geneva Conventions;

(5) the term "Iraqi authorities" means any officer, employee, or agent of the Government of Iraq (or any agency or instrumentality thereof), including any member of the armed forces or security forces of Iraq;

(6) the term "Persian Gulf region" means the region consisting of the Persian Gulf and the countries bordering the Persian Gulf, including Iraq; and

(7) the term "Persian Gulf war criminals" means Iraqi authorities who have committed crimes under international law in the Persian Gulf region at any time on or after August 25, 1988.

TITLE I—ACTIONS BY UNITED STATES AGENCIES AND COURTS

SEC. 101. COLLECTION AND MAINTENANCE OF RECORDS.

The President shall direct the appropriate United States Government departments and agencies to collect and maintain evidence of crimes committed by Persian Gulf war criminals.

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The President shall consult with the Attorney General, the Secretary of State, and the Secretary of Defense to determine the appropriate jurisdiction for the prosecution of Persian Gulf war criminals, including Federal and specially appointed courts of the United States.

TITLE II—INTERNATIONAL CRIMINAL TRIBUNAL

SEC. 201. PROPOSAL FOR ESTABLISHMENT.

The Congress urges the President, acting through the Permanent Representative of the United States to the United Nations, to propose to the Security Council the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals who may not more appropriately be prosecuted in Federal and specially appointed courts of the United States.

SEC. 202. ALTERNATIVE MEANS FOR ESTABLISHMENT.

In the event the United Nations Security Council fails to take action to establish an international criminal tribunal for the prosecution of Persian Gulf war criminals, the Congress urges the President to work with the partners in the coalition of nations participating in Operation Desert Storm to establish such an international criminal tribunal.

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(a) ESTABLISHMENT.—(1) There is established within the Department of State the Office for the Prosecution of Persian Gulf War Criminals (hereafter in this Act referred to as the "Office").

(2) The Secretary of State shall designate an officer or employee of the Department of State to serve as Director of the Office.

(b) ADMINISTRATION.—(1) The Assistant Secretary of State for International Organization Affairs (or any successor Assistant Secretary) shall administer the Office.

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(c) FUNCTIONS.—The Office shall—

(1) develop the United States proposal for the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals;

(2) advise the Permanent Representative of the United States to the United Nations in any discussions or negotiations on matters relating to the establishment of such an international criminal tribunal; and

(3) Support and facilitate the carrying out of such duties and responsibilities as may be required of the United States Government to implement the United States role with respect to the prosecution of Persian Gulf war criminals before such international criminal tribunal once it is established to implement the United States role with respect to the prosecution of Persian Gulf war criminals before such international criminal tribunal once it is established.

TITLE III—CONGRESSIONAL OVERSIGHT

SEC. 301. PRESIDENTIAL REPORT.

No later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report—

(1) setting forth the proposal developed by the Office under section 203;

(2) describing the evidence of crimes under international law that justifies the prosecution of Persian Gulf war criminals before an international criminal tribunal; and

(3) identifying Iraqi authorities who should be prosecuted for committing such crimes.

Mr. GORE. Madam President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECENT EVENTS IN IRAQ

Mr. GORE. Madam President, if there is no other business my colleagues would like to pursue at this point, I want to address the Senate on the subject of recent events in Iraq and in the areas along the border between Iraq and Turkey, and between Iraq and Iran.

The world community has been moved by the precarious struggle for existence of hundreds of thousands of innocent men, women, and children forced by their fear of Saddam Hussein into the harsh mountains of northern Iraq. As part of that world community, we have watched young babies perish and the elderly succumb to the cold, the hunger, the brutality of a dangerous and difficult exodus.

I wish our Government's responses had displayed more foresight and more alacrity. Our President, who displayed such brilliant initiative in summoning others to make war, needed to be pleaded with before he would confront one of the war's unintended consequences. But, at last, he has.

Americans support President Bush's warning to Iraq to stop military action north of the 36th parallel, which now becomes the de facto southern boundary of the safe zone. Americans also support President Bush's parallel warning to Iraq not to interfere in any way with the efforts to provide relief to those Kurds who are enduring such terrible suffering.

I believe Americans will support efforts to enforce this demand if Saddam Hussein does not comply. The President's decision, announced earlier this week, to fully engage our own military forces in the rescue effort, has its risks, but it seems to me that most Americans will also feel that this was an act well taken in the name of the United States, even if belatedly.

It is essential now, however, to take stock of what else needs to be done, not only in the coming days but also in the longer term. We must plan better or be continuously forced to improvise. The suffering of the Kurds and others should be warning enough to us about the costs of being constantly overtaken by events. The President is having to make up for lost time now, and that, among other things increases the risk factor for our own troops. It is essential that planning for the relief operation overcome the disabilities of a late start. There are indications that the President has caught even the United Nations offguard, and it is not clear whether he has made sure that Saddam Hussein will stay out of the way.

I, myself, would like to go on record in support of the difficult calculation just made by the President, that the risks to our personnel—who are now asked to help distribute the relief supplies and to provide some semblance of security and order while that process takes place—are acceptable during the time period when this operation can be expected to take place and then conclude.

I believe that the military units of Iraq which have so recently been enduring the devastation of the war in the southern part of Iraq understand very clearly what will happen to them if they should ignore the clear warnings provided by President Bush. I believe our country will be just as united in support of this operation as we were in support of some very difficult and risky operations during the Persian Gulf war. But there are steps that we need to take to minimize these risks and to define the outcomes we are now seeking. For example, at a minimum, we need to settle any doubt that the United Nations is in support of this operation and is ready to accept the responsibility for taking it over once we and our allies have made it a going proposition. That is now in some doubt and that doubt must be quickly resolved.

In the near term, a successful relief effort may well require steps beyond those already taken. The continued presence of Republican Guard units north of the 36th parallel is one of the most immediate sources of concern. The presence of such units can undermine efforts to build any sense of confidence among the refugees or to provide for the security of relief personnel.

As long as these units can remain in the region, even if we take no overt action, we may have trouble persuading the Kurds to relocate far enough away from the Turkish border down to areas where food and medical care and some kind of shelter can be provided. Certainly, if our plan is one day soon to have the Kurds leave the encampments we are now building and return to their dwellings in Iraq, it is hard to realize their agreeing to do so if it means passing through the ranks of their worst, most feared enemies. Ultimately, the President may find he has to tell Iraq that such units must withdraw.

According to the President's announcement, we will establish several encampments the size of small cities. I take it as a given that we cannot allow either the Iraqi military or civilian police authorities to operate in these encampments or in their vicinity. Consequently, it seems clear that those providing relief, whether it is the United States and some of our allies, or the United Nations, must also be prepared to provide for public order.

Arguably, the authority for this action comes from Resolution 688 on the refugee crisis. If there is any doubt about that, then steps must be taken to strengthen and clarify the resolution. It would, of course, be absurd for the United Nations to try to save lives while Saddam Hussein is trying to take them all in the same territory.

Meanwhile, attention must also be paid to the refugee crisis near and in Iran. That country is straining its resources to deal with an immense number of desperate people. Conditions appear to be as urgent there as they are in the north. But the international response to date has been ineffective, in large measure, because of Iran's own estrangement from the rest of the world.

Nonetheless, Iran has a problem on its doorstep almost as bad or the one on the Turkish border. Indeed, the number of people is as great or greater. It is only the apparently more efficient efforts by Iran compared to those of Turkey which have kept the suffering from reaching quite the horrendous levels as we see on the Turkish border. Thousands of innocent lives are at stake. We should be clear about that. Iran is asking for help. If ever there is a time for the world community to respond to a request from Iran, now is that time. We and other nations should extend ourselves and move fast.

Also, there appear to be continuing skirmishes involving units of the Iraqi military and Kurds on this part of the Iraqi border. This must also be dealt with, notwithstanding the fact that it is south of the 36th parallel, because the relief operations are going to be underway there, just as they are on the Turkish border. Indeed, they are already underway, albeit without our full participation on the part of Iraq, and spilling over the border into Iran.

What is perhaps most disturbing is what seems to be a lack of clear focus on this problem at the Iranian border which, I repeat, is as great in its human dimension as measured by the number of people involved, as is the problem on the Turkish border. The issue for here and for now is not our dislike of Iranian policy but the saving of lives. Iran does appear to be doing a more effective job, as I said before, but it should specify exactly what it would like to see from the world community in assisting them in their efforts to deal with the suffering now underway.

In the south of Iraq, there is yet another different kind of problem. As we withdraw our military forces from the occupied zone, it seems to me inconceivable that the almost 40,000 individuals who have left that zone and put their lives in our care should be turned over to Iraqi authority against their will. The image of men, women, and children in that part of Iraq, on the Kuwaiti border, hanging on to the trousers' legs of American soldiers as they withdraw, looking over their shoulders at Iraqi machine guns poised to deal with those who have in some cases been demonstrating publicly against the regime of Saddam Hussein, that cannot be allowed to take place. It is not too extreme to say that their blood would be on our hands if we were to acquiesce in such a tragedy.

In addition, many of the people who normally live in that area are expressing fear about what will happen after we leave. It is good that Secretary Cheney has publicly pledged that we are going to take care of the safety of these people, but there seems to be a great deal of confusion as to the details. And that is where the difference between life and death will be found, in those details. What are they?

Having inquired, Madam President, I would like to say I am not satisfied that our Government is clear about what those details are.

In particular, I think our arrangements may be inadequate at the point where our protection is withdrawn and the safety of refugees becomes dependent upon the United Nations. In theory, there is some protection from the presence of U.N. peace-keeping forces after they replace United States forces on the Iraqi side of the demilitarized zone. But their mandate may at present be inadequate. They appear authorized only to monitor Iraqi observance of the demilitarized zone, but not to concern themselves with what happens to people inside that zone.

There is a danger that we may eventually see U.N. forces passively standing by while Saddam Hussein's civilian police round up the innocent for slaughter. Do we doubt that he is capable of doing precisely that? He is right now engaged in an effort to reestablish the extent of his power over the people of Iraq, in all of its parts. He has and will continue to have less ability to threaten his neighbors than he had before the start of the war. But his power inside of Iraq, the base from which he will seek to rebuild power in the region and the world, is now being reestablished.

One of the means by which he reestablishes his power is to slaughter those who disagree with him. Having seen these people, chanting against Saddam Hussein's rule, on television, what will his reaction be?

I do not think it is a difficult question to answer. But we cannot pretend that vague arrangements will suffice. We need to be clear, as we were not clear about what was happening to the Kurds when this tragedy began to unfold, and about what was happening to the Shiites just east of the area we are now discussing.

And again here it seems clear additional steps are now needed. The behavior of Iraqi civilian police toward the people within the demilitarized zone needs to be officially included within the mandate of the U.N. forces. Kuwait's border with Iraq must be porous enough to permit flight and relocation to an emergency zone in the north of Kuwait, should that prove to be necessary.

Now, there is another matter involving the suffering of Iraqi citizens which we should also anticipate and not allow ourselves to be surprised by when it occurs.

Temperatures will continue to climb in the weeks ahead. The public health threat in the heart of Iraqi population centers, including Baghdad and those cities and towns up and down the river valley, could well become critical as warming temperatures bring the threat of cholera and other communicable diseases, which threaten precisely because of the devastation visited upon the water systems, sewer systems, and other parts of the infrastructure of the nation.

What will be our reaction if we witness widespread deaths from a pandemic in the populated regions of Iraq's center? We need to address these questions now. The world community needs to think about and prepare for addressing such questions right now.

Critics say that as we address questions such as that one, or the problems surrounding the establishment of these encampments in the north, or the relief efforts on the Iranian border, or the fate of those refugees along the Kuwait border, that in doing so we are now simply dividing Iraq into segments and in the process destroying the territorial integrity of that country.

The President points out that creating safe zones is not the same thing as promoting the establishment of regions that are fully and permanently independent of Iraq. Arguably, however, the steps he has taken reduce the sovereign authority of the Government of Iraq to act as it pleases within its own borders, and the further steps that I am discussing here would have a similar, and additive, effect. But the cease-fire itself already crosses that line.

The government in Baghdad essentially retains only those sovereign powers not claimed by the U.N. Security Council. And if we have already denied the Government of Iraq the power to use oil to rebuild its military force, how much farther is it to deny the Government of Iraq the power to exploit the circumstances of the postwar environment to spill the blood of its own people in a never-ending sacrifice to the power of the Baathist regime in Baghdad.

Imagine, then, that we do take the necessary steps to prevent the vast calamity which is rising to engulf the Kurds and others. Obviously, any success we have in stabilizing the situation is a mere holding operation. We are not going to accept the idea of hundreds of thousands of people indefinitely huddled together on the perimeter of Iraq; indefinitely at the mercy of events. True, we have stood by and witnessed other mass tragedies: In Cambodia and in the Sudan, for example. But in this situation we have the ability to decide otherwise.

The whole world realizes what is going on. Our allies—to their credit—are in the front ranks of those pressing for action and are telling us more needs to be done.

We are dealing with a government in Iraq that defied the United Nations even to the point of warfare, and which has now been defeated as a result. We are able to bring tremendous force to bear on the Government of Iraq, because even after our ground forces leave the gulf, we will continue to control the air space of Iraq, and we control its economic future with the continued application of the sanctions.

We have, in other words, the power to influence events in Iraq. But that power can be wasted if it is not directed toward clear objectives.

What is it we would like to see in Iraq? We want the people of Iraq to be able to return to their homes and to live at least in relative safety. Saddam Hussein has made offers of amnesty. But who will believe him? And who should? Previous offers of amnesty have been followed quickly by betrayal and murder.

Even the words of this offer of amnesty clearly spell out wide exceptions large enough to accommodate whatever violence Saddam Hussein wishes to visit upon the people who so unwisely believe in the simple word "amnesty" coming from his lips.

Who will urge the Kurds and the Shiites and others who have fled to return and to place their lives and the lives of their families in the grip of this man simply because he has given his "word"?

Clearly, the minimal requirement here is to secure not only a statement of the terms of an unconditional amnesty, but also to put in place a network of observers who will monitor the situation. That is a thin reed to lean on, of course: mere words juxtaposed to the reality of a regime which will sacrifice anything, commit any crime, and go to any length to preserve its power; a regime which would prefer to rule a valley of the dead rather than allow the living their freedom.

In the end, I believe we will finally have to confront the central questions, questions the administration still apparently hopes to escape; namely, what will happen to the political organization of Iraq, and how can we encourage change?

In any such analysis, it is necessary to grasp something which continues to elude many people. Saddam Hussein may be a singular personality, but alone his removal from power will not end Iraq's government by terror. We must be clear about this point. He and his lieutenants, including the Army command, are united in crime and culpability for what has happened to Iraq and its people.

The removal of Saddam Hussein alone will not reveal a layer of honest and decent underlings to lead Iraq. It will only reveal the next layer of those who are complicit in his crimes. Anyone who has studied the history of his rule understands that fact. If we look the truth in the eye, we will see it is not only Saddam Hussein who must be removed from power, but his government.

Until Saddam Hussein is gone, until his government is gone, and until the Iraqi state is reestablished on a new footing, there can be no solution on an enduring basis for the hundreds of thousands of refugees, nor durable basis for regional security and stability.

We must recognize that simple, if difficult fact.

This conclusion leads to clear operational consequences for American policy. We must decide that our goals in this region cannot be mortgaged to the survival of a government which has demonstrated time and time again a capacity for mass, unconscionable violence against its own people and against its neighbors.

On the contrary, our efforts must be focused on isolating that government internationally, and on encouraging its downfall at the hands of authentic forces from within Iraq.

Madam President, the force which we are in a position to exercise right now in Iraq, by virtue of the sanctions, by virtue of our leadership of an international coalition, by virtue of our control of the airspace in Iraq, by virtue of the international community's control of its oil revenue, by virtue of our ability to communicate with elements inside Iraq—all must be organized and orchestrated toward the objective of removing Saddam Hussein from power, and removing his government from power.

That is necessary in order to achieve our goals and the just goals of the world community, and the aspirations of the Iraqi people—even Iraqis who have, in the past, been supporters of Saddam Hussein. He is reestablishing his power by exercising continued terror against them as well.

One of the most important things we can do to isolate the government of Saddam Hussein is to document, through testimony and evidence gathered under international auspices, its criminal nature and deeds. This may or may not lead to indictments and trials in absentia.

The President seemed, the day before yesterday, to hint he would trade the equivalent of immunity in return for Saddam Hussein's prompt departure into permanent exile. But the only way to seal the door to any return to international acceptability for Saddam Hussein and for his regime is to thoroughly document their crimes and lay them on the public record for the world to see.

Then, if we wish to plea bargain with Saddam Hussein, which is how I would characterize the offer of immunity in return for his departure—and I do not do that in a way that is designed to cast prejudice upon that, because I think the President is right to consider that possibility—but, if we wish to even consider such an arrangement, the best way to do it is to first indict him and lay out the record.

Meanwhile, every effort should be made to emphasize that under the present government, Iraq will exist as a pariah state. Iraq's suspension from the United Nations, a process which begins with a Security Council resolution, would be a useful expression of that status, with both symbolic and practical consequences, that should increase the discomfort and isolation of Saddam Hussein and his government.

The process of nurturing internal forces capable of bringing down Saddam Hussein and his government should begin with a clear statement that the United States will never relent on sanctions until a new government has been formed; one which will arguably give voice to the peoples of that nation, and respect their basic rights and needs.

Why are we so reluctant to speak out in favor of democracy and the principles we hold most dear in seeking a resolution for this crisis, which is lingering past the time when we all hoped it would end?

Let me emphasize, we must demand not just the downfall of Saddam Hussein, which the President has been doing in words, but the replacement of his system of government as the condition for modifying the sanctions beyond those forms of relief necessary for the health and basic sustenance of the Iraqi people. We must underscore that our fundamental dispute is not with the people of Iraq, but with their government.

Of course, even if that government were to be replaced, Iraq must still bear responsibility toward other nations and people for damages and crimes, but certainly a decent government in Baghdad should invite a reassessment of those obligations.

It is also time for the Government of the United States, at the highest levels, to contact those who are in a position to speak out for the oppressed peoples of Iraq. We do not have to recognize them as a government in exile, or formalize their position. But it is shameful that for years we have refused to even meet these people in the open; that we have refused to even allow them to state their case publicly here in the United States in a forum of our choosing.

Why do we seem automatically to assume that neither they nor the peoples of Iraq are capable of self-discipline and self-government? That assumption betrays our most basic leap of faith which led to the establishment of this country and its revolutionary form of government.

When did we come to think that self-government was beyond the capability of certain peoples? How did we come to accept that we could export sophisticated equipment, including advanced weaponry to Iraq, but that these same people, who could master these advanced devices, are somehow incapable ever of mastering the techniques of democracy?

Why, when representatives of the Kurds explicitly say they are not seeking independence from Iraq, but some form of autonomy for themselves within Iraq, does our Government brush that extraordinary series of statements aside?

It is not just moral outrage that should lead us to reappraise our policy. Iraq is a potentially wealthy and powerful nation. It has a large and talented population, and it has, in addition to its resource base in oil, another resource base in the form of fertile agricultural regions.

As we have seen, if these resources are under the control of a totalitarian state, they can menace the entire region. We cannot risk allowing such hostile power to again take root and grow in Iraq.

But vigilance is not enough. That is essentially a defensive waiting game, and dictators have notoriously long lives and long careers. The resources of the Iraqi State must be directed to peaceful purposes under the guidance of a different regime which exists to meet the needs of its people. Until there is such a regime, there will remain the ultimate risk of Saddam Hussein's reemergence.

Moreover, if we believe that a stable Iraq is in our interest, surely we now can see that dictatorship there is not the cure for internal instability, but the cause. If our objective is to make sure we do not have to face another Iraqi bid for regional hegemony and for world influence based on aggression, the reconsolidation of Saddam Hussein's control over Iraq is precisely the wrong outcome.

If we are concerned about Kurdish irredentism as a threat to Turkey, and Shiite fundamentalism as a threat to the gulf states, then we should understand that oppression nurtures extremism. And yet, it seems to me that our Government completely discounts the possibility that the solution to the stability of Iraq is that its peoples must live at peace with each other within a democratic and just framework.

Instead, we seem to have banked entirely on the survival of the existing system of government, even though we say we would like to see it under a different individual leader.

We should request nothing from Saddam Hussein, but rather state our demands and be prepared to enforce them. We are not asking him to avoid military operations north of the 36th parallel; we are telling him. The clear implication is that if he refuses to comply, we will use force to enforce it.

Similarly, we must make it clear that in the end, we will never be reconciled either to him or to his government; that even after our ground forces are withdrawn, unless he prepares the way for his own departure, we will grease the skids.

In this connection, let me note that American covert assistance to the Afghan resistance was highly effective in changing the balance in that struggle, even though there was never any thought of a direct United States military engagement. We have options that do not at all depend on a sustained U.S. military presence. We should be considering them. The exercise of power begins with a correct understanding of its extent as well as its limits.

I fully agree with the President that the United States should remove its ground forces from the occupied zone as planned and from the region, but the President is confronting us with a false choice when he says that to complete that withdrawal, we must be passive about the internal affairs of Iraq. We are already deeply involved in those internal affairs and must, of necessity, remain so for some time. We must pick our preferred course of action. If we do not succeed in imposing an agenda that reflects American goals of regional and international security, Saddam Hussein will have an opportunity to impose his. He is seeking to do so right now.

The withdrawal of our armies does not require us to leave Saddam Hussein to his own devices. We have to believe that he not only intends to survive on power but to recover what he has lost and then to grasp for another opportunity to dominate. He is gaining strength again right now. Therefore, if we do not want to be forced at some future time to reintroduce our armies, we must recognize that the removal from power of Saddam and his government are vital pieces of unfinished business.

In my opinion, Madam President, and I want to state this clearly, President Bush should not be blamed for Saddam Hussein's survival to this point. There was throughout the war a clear consensus that the United States should not include the conquest of Iraq among its objectives. On the contrary, it was universally accepted that our objective was to push Iraq out of Kuwait, and it was further understood that when this was accomplished, combat should stop. That is also why, after it became apparent that Iraqi forces were being routed, pressure mounted rapidly here and abroad to proclaim a cease-fire.

If it was a mistake to believe that Saddam Hussein would be a prompt political casualty of the war, as the debacle it turned out to be for Iraq, that his rule would end shortly after the defeat of his armies, then that was a mistake widely shared throughout our country.

But only the President could speak on behalf of the United States to suggest that Saddam Hussein ought to be overthrown, and only the President could decide on behalf of the United States to permit the use of Iraqi combat helicopters to suppress rebellion, in clear violation of the understanding of the conditions agreed to at Safwan. The President's appeal was, therefore, arguably a factor in stirring up rebellion.

The President's decision not to ground the Iraqi combat helicopters conferred an important, perhaps decisive, advantage to Saddam Hussein in overcoming rebellion and then in generating the mass, panicked flight with which we are now confronted.

There have been published reports that the United States took other steps to encourage rebellion. I do not know whether that is the case or not. We should know.

Certainly, I am prepared to accept that the President, as an individual, is as shocked and angered at what is happening before our eyes as any American. I believe, however, his initial refusal to act was the result of a conviction he has held and continues to hold about basic American interests in this situation. The President beleives the United States must withdraw its ground forces from the region in the shortest possible time, and I agree. And he evidently believes that the collapse of centralized authority in Iraq would put that withdrawal in doubt. He also believes that the territorial integrity of Iraq is important to the future stability of the entire region.

So far, I believe most Americans agree, but, unfortunately, the President also appears to have believed that Saddam Hussein's government was critical to these purposes because Saddam Hussein could commit Iraq to a cease-fire, which was the necessary condition for our withdrawal, and because Saddam Hussein, or preferrably in the President's mind his associates, could prevent the collapse of Iraq.

Maddam President, why do we seem so frequently to strike an alliance with dictators of the worst stripe?

Mr. SPECTER. Will the Senator yield for a question or does he prefer to finish before yielding?

Mr. GORE. I prefer to finish the statement because I do not have longer to go and then I will yield.

In my previous comments in the past few weeks, I have tried to deal with aspects of the President's thinking that I believe misjudged how we ought to respond in the specific context of Iraq. But others have noticed that the President's approach to developments in Iraq reflects an even larger pattern in his approach to events in other parts of the world. The President speaks of a new world order, but he confronts a tension between a world order based on correct and cooperative relations among governments and the nature of those governments.

The President has tried to escape this dilemma by applying a strict interpretation of the doctrine of noninterference in the internal affairs of other states. Our business, he seems to have been saying, has to do only with the external behavior of the government in Baghdad. What that government does internally may be vile, but it is not our business, and we should keep out. This is not an improvised position on the part of the President but a statement of real principle, clearly of major importance in the President's thinking. It is the way he reacted to the Government of China after Tiananmen Square. He placed so much importance on that principle that he sent close associates to have a very pleasant exchange of views and even raise their glasses in toast to those who were responsible for Tiananmen Square, very soon after the tragedy occurred.

The same principle governed the way he reacted to the Soviet Union in the wake of efforts to destroy the movement for full independence in the Baltics. The same principle guides, I believe, the overly prolonged attachment to Gorbachev in preference to some greater lines of communication to other emerging centers of power within the Soviet Union.

We should speak out for democracy. We should be willing to stand for the principles upon which our Nation is based and for which our Nation stands throughout the world. We should not be too quick or too righteous in that regard to deny that the President's approach does have its values, even in complex international tradeoffs on issues of right and wrong. At the hour of choice in the Security Council, would China and the Soviet Union, for example, have facilitated American policy against Iraq if the United States had earlier disrupted its ties with those governments? The President is within his rights to believe that the world is often too ambiguous a place for crisp moral certainties. And yet, is a cool amoralism to be the foundation of the new world order? Is our objective nothing more than peaceful relations among states, no matter what may be going on within those states?

Even the Charter of the United Nations seems to point in that direction. I had to reread that document, and it is clear that the United Nations was brought into being to regulate relations among states and not to regulate their internal behavior, except if it becomes a threat to international stability. At least that would be what you might call a strict constructionist reading of the Charter.

(Mr. LAUTENBERG assumed the chair.)

And yet again we need to recognize that there is wisdom in this restraint. All governments wish to be treated as sovereign equals, despite the gross disparities that exist among them in terms of power. In particular, when they participate in an international organization, they must take care not to be exposed to a "tyranny of the majority." So, although some countries taking shelter behind the doctrine of noninterference are using this to cover their crimes, others may need this doctrine to protect themselves against bloc voting intended to victimize them.

What is happening in Iraq catches us and the world community at a point where our thinking about international order and international justice is thin. We do not know how to handle this kind of issue very well. But I believe we all share a sense that statesmen who deal in tightly sealed compartments with issues of national interest on the one hand, and with issues of international justice on the other, are not building anything durable for future generations. The debate which has erupted over the President's original course of official noninvolvement with the fate of the Kurds is driven by the sense that this was a step away from the path we must follow.

It would be unseemly to treat the ongoing suffering of hundreds of thousands of people as an abstraction. For the moment, we must focus on how to successfully respond in the present instance, to the plight of those whose fate is in our hands. But I want to point out that this crisis is certainly not going to be the last time we have to confront a disastrous misalignment between the principle of nonintervention in the internal affairs of states and our deepest impulses about what is humane, morally imperative behavior.

As we witness the tragedy of the Kurds and others who wished to escape domination in Iraq, and who have instead become a nation of the dispossessed, we must wonder whether there is a golden mean whereby justice and order can be reconciled; not in an imaginary world suddenly repopulated by a new and better kind of humanity, but in our own world populated by the descendents of Adam.

It is not enough, in this situation we now face, to declare that the future of Iraq is entirely the business of its present government. Our leaders once told our troops that the way home was figuratively "through Baghdad," meaning that the Government of Iraq had to be checked. It is time for our statesmen to take that remark as a guide for themselves.

We cannot deal with our problems in this part of the world merely by attempting to contain such evil. It will not let us alone, even if we turn away from it. No one is talking about ensnaring Amercian military forces in an unending civil war. We are talking about using American influence and power to speed, rather than delay, the end of a regime and a system of government which we cannot tolerate either morally or in terms of our fundamental interests.

The stories we read now record the deaths of children, of infants. Every morning, they bury the children first, we are told. These stories confound our sense of justice, our sense of compassion and conscience. They make clear the need for actions the President is now taking, but they also point toward other steps that must eventually be taken, although—it seems to me—they are still being resisted by the administration.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Pennsylvania.

Mr. BUMPERS. Will the Senator from Pennsylvania yield for one minute?

Mr. SPECTER. I had already stated to my colleague from Arkansas that I would on the condition that I retain the right to the floor. I had stated earlier that I had some questions for the distinguished Senator from Tennessee, so if the Senator from Tennessee would stay, I would ask unanimous consent that I retain my right to the floor after the Senator from Arkansas concludes.

The PRESIDING OFFICER. The Senator from Arkansas.

PRESIDENT BUSH'S NEW EDUCATION STRATEGY

Mr. DOLE. Mr. President, earlier today, President Bush unveiled his new education strategy to the American people. The new strategy, "America 2000," is a forward-looking proposal, one which will provide the first step in helping our schools, teachers, and students achieve the educational goals set forth by the President and the Nation's Governors.

It's pretty clear to all of us that an improved educational system is vital for the future competitiveness of our Nation. We've certainly heard plenty about the inadequacies of our schools.

The President's plan is designed to forge a strong partnership between all levels of government, schools, teachers, parents, and communities. "America 2000" proposes that the Federal Government show its commitment to encouraging innovation and creativity in our schools, yet recognizes that State and local efforts are the prime mover behind educational reform.

I also want to point out that the President, as well as our new Secretary of Education, Lamar Alexander, have made clear that they want to work with Congress in a bipartisan manner to make these important reforms in education. Unfortunately, I think some of my colleagues on the other side of the aisle want to make this a partisan issue—this morning, in fact, several congressional Democrat leaders held a press conference to criticize the President's strategy, even before it had been released to the public. I think we owe it to America's young people to study the President's, and all others', proposals carefully, to make sure that we are making the right decisions to put our educational system back on the right track. Mr. President, education is not a Democratic issue, nor is it a Republican issue. It is an American issue. I want to applaud President Bush for his leadership on his educational initiative and urge all of my colleagues to work with him to produce true educational reform.

WISHING A SPEEDY RECOVERY TO SENATOR PRYOR

Mr. BUMPERS. Mr. President, I send to the desk a Senate resolution which essentially wishes our esteemed and beloved colleague, Senator DAVID PRYOR, a speedy and complete recovery, and ask that it be considered immediately.

The PRESIDING OFFICER. Is the Senator asking for its immediate consideration?

Mr. BUMPERS. Yes.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 108) relative to the illness of the honorable Senator PRYOR, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Is there any objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there debate on the resolution?

Mr. BUMPERS. Mr. President, I do not believe there is a more popular and beloved Member of the Senate than Senator DAVID PRYOR, and we are all very pleased at the prognosis.

I wanted to do this just as a token of our love and appreciation for him. I hope he will be back and among us very shortly, which I am sure he will.

Mr. GORE. Mr. President, on the resolution just briefly, may I say that sometimes when the subject of an individual colleague arises there are extravagant statements which sometimes stretch credulity. May I simply say in all sincerity that no Member of this body would have credulity strained in the least upon hearing the statement that there is no more beloved Member of the Senate than Senator DAVID PRYOR.

In other circumstances, except if it would not embarrass him, you would see people flocking over here talking at length on this and he would be watching on C-SPAN and he would think, Oh, my goodness. I can hear his comment.

I will refrain because I know my colleague has other matters to discuss, but I just want to second what the Senator from Arkansas has said.

The PRESIDING OFFICER. If the Senator from Pennsylvania would suspend just a moment, the Chair would ask that his name be added to the list of those who are cosponsoring the resolution.

Mr. BUMPERS. I thank the Presiding Officer. And I also add the distinguished Senator from Tennessee to cosponsorship.

Mr. SPECTER. Mr. President, on the resolution, I would like to associate myself with the remarks of the Senator from Arkansas and Senator from Tennessee except for the one comment of the Senator from Tennessee that Senator PRYOR would be watching C-SPAN II and be listening to these comments. He, in any circumstance, has much better sense than to be watching C-SPAN II. I am sure that he is engrossed in some very important historical novel or doing some activity which is at least entertaining.

But aside from that, I do associate myself with the remarks and would ask, as the only Representative, I was about to say on this side of the aisle until my distinguished colleague from Idaho arrived, that I be listed as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 108) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follows:

S. RES. 108

Whereas our esteemed colleague, David Pryor, is in George Washington University Hospital recovering from an illness; and

Whereas his exemplary service in State and national public offices merits the respect and admiration of his colleagues; and

Whereas his recent illness requires him to be absent from the United States Senate: Now, therefore, be it

Resolved, That the Senate express its regret that Senator Pryor's illness will require his absence from the Senate Chamber; and be it further

SEC. 2. The Senate express its heartfelt wishes to Senator Pryor for a speedy and complete recovery, and that he return to his duties, serving the people of Arkansas, in the very near future.

PERSIAN GULF WAR CRIMINALS PROSECUTION ACT

The Senate continued with consideration of the bill.

Mr. SPECTER. I thank my colleague from Tennessee for being willing to respond to questions as to the content of his presentation. I had been listening to the comments of the distinguished Senator from Tennessee for approximately 40 minutes and heard him raise questions about the conduct of the President relative to what is going on in Iraq. My colleague accused the President of a lack of foresight and the absence of clear objectives in the region and operational consequences to his actions.

I had occasion to be with a group of Senators talking with the President in the White House 2 days ago, on Tuesday, and among a number of subjects, the subject was broadened about what our conduct should be in Iraq. I know that the President would be interested in any suggestions anyone would have which would clarify objectives, as articulated by the distinguished Senator from Tennessee, or would state some clear operational consequences.

As I listened to the statements of the Senator from Tennessee, there was a strong condemnation of the Iraqi Government and an urgent statement about removing that Government not only because of its brutality toward the Kurds, but also its threat to regional stability.

That raises the question as to whether the Senator from Tennessee would endorse the further use of force in the region. I raise that question in the context of the tremendous difficulty that Congress faced in supporting the use of force in January.

We were on this floor on January 10, 11, and 12, and had a fierce debate about the use of force, which was supported by a vote of 52 to 47. I commend my distinguished colleague from Tennessee for being among those who were in the 52 supporting the use of force, as was this Senator. But in this instance, I have grave doubts as to the likelihood of securing authorization from the Congress of the United States to use force.

The distinguished Senator from Tennessee then talks about foresight on, as he put it, the public health threat in the heart of Baghdad. With warming temperatures coming, the Senator from Tennessee notes that the possibility of a spread of cholera demands attention. I pick that out among a great many concerns raised by the distinguished Senator from Tennessee, but the question would arise as to what the United States is prepared to do by way of acting to stem the outbreak of cholera in Baghdad, given that our budget shortages preclude our acting to stem the rise of infant mortality in Pittsburgh. I just wonder, where we are looking for clear objectives and operational consequences and seeking clear insight, what it is that the President should be doing in solving the potential problem of cholera in Baghdad.

When the distinguished Senator from Tennessee raises the issue about taking criminal action against Saddam Hussein saying that we first indict him, the question comes to my mind as to where we are going to indict Saddam Hussein.

This Senator introduced a resolution, which was passed by a vote of 97 to 0, calling for the trial of Saddam Hussein in a specially established international criminal court. But when the Senator from Tennessee talks about indicting Saddam Hussein, I ask the Senator from Tennessee where is the Senator from Tennessee going to indict Saddam Hussein?

Mr. GORE. Will the Senator yield for a response?

Mr. SPECTER. Yes. But let me sharpen the question. I do not wish to engage in a debate which is unduly long, therefore I would like to direct my colleagues' attention to the first question.

It seems to me, under any circumstance imaginable to carry out what the Senator from Tennessee has suggested will require additional force. I note at the same time the Senator from Tennessee saying that he agreed with President Bush's efforts to bring the troops home as quickly as possible. Therefore, I would be interested to know whether the Senator from Tennessee is prepared to use force to accomplish the objectives that he has articulated, to solve the problems on which he has been very critical of

President Bush, and whether he thinks he can get 52 votes in this body to use force when that is all he could get on January 12.

Mr. GORE. I appreciate my colleague's thoughtful questions. Let me say first of all with regard to my colleague's suggestion that I communicate to the President because he is eager to hear ideas and suggestions. I have written privately to the President with many of these ideas and suggestions. I did that some time ago. I have not yet heard back. I am not complaining about that. I will be pleased to write him again.

But I do not wish to leave the impression that I have not communicated directly to the President. I have done so, and any correspondence of that kind I will be happy to keep completely private. I do not wish to use such a communication as a partisan device, or as a means of merely criticizing the President.

Indeed in that respect I hope the Senator will acknowledge that I have not simply criticized the President but also commended the President for those steps, some of which were taken with a good deal of courage, and also have publicly offered my willingness to share in acknowledging that I would identify with some of the very difficult risks just now taken. I think most Americans would.

The President has shown courage. It takes courage to change your mind and reverse your policy. I am glad the President has done that in some important respects just in the last couple of days.

The Senator has gone on to ask a number of questions. First and seemingly the most important has to do with the use of force. The word "force" needs to be defined before I can answer precisely. But I assume that what the Senator is referring to is the introduction of U.S. ground forces in the vicinity of Baghdad to attempt personal capture of Saddam Hussein. If that is the question, then of course I would say I agree with the President. That should not be done. I agree with that.

But the word "force" is acceptable to a broader definition. Complete and total control of 100 percent of the airspace over Iraq is a use of force. Complete control of oil exports from Iraq, and distribution of any revenues coming from that oil is a use of force. We are doing that now. Complete control of anything that is imported by Iraq into its territory is the use of force. We are doing that now.

My point is that these uses of force should be organized and directed toward clear objectives. Presently our implicit assumption is that that is in our national interest for the present Government of Iraq to reconsolidate the nation-state of Iraq.

Mr. SPECTER. If the Senator from Tennessee is willing to use only those items which he has articulated—the airspace, stopping them from using their oil—how will that possibly oust the Iraqi Government? How would the Senator from Tennessee accomplish that?

Mr. GORE. Mr. President, in response to my colleague, let me say that in listing those three items, I did not say this is an exclusive list. There are other exertions of force which we are presently engaged in right now which I did not include in that list. I listed those only as examples.

I believe that the application of the sanctions, the control of the airspace, our relationship to elements within Iraq opposed to Saddam Hussein, our organization of diplomatic efforts in the United Nations and other measures should all be used in an organized way toward a clear objective which we have as yet not adopted.

Let me repeat. The central point is this: we must decide whether or not we believe it is in our interest to have a different government in Baghdad.

We have implicitly assumed in the policy we have been following in the postwar environment that the government of Saddam Hussein—hopefully, without him as an individual, I grant you that—is the best means for establishing order, preventing the emergence of a vacuum that might cause Iran on one side, or Syria, to exploit it that might tempt Shiite elements in the south, or—a thought that might be anathema to some of our allies, such as Saudi Arabia—that democratic elements might be encouraged to come to power.

I think the problem is precisely that we are sometimes too prone to place our bets on authoritarian, even totalitarian regimes, as the best means for establishing—in this case reestablishing—order and control over a region that is important to us geopolitically. It is that objective which I think ought to be changed.

In any event, is the President woolgathering about the departure of Saddam Hussein? What makes the President think that our current policy will succeed in causing the departure of Saddam Hussein? Saddam Hussein is gaining in power right now. He is beginning his climb back up.

Mr. SPECTER. Mr. President, I reseek the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I thank the Chair. Not to in any way curtail an explanation for my question to the Senator from Tennessee, but I do not hear anything from my colleague by way of enumeration which could achieve the ousting of the Iraqi Government which is different from what the President is pursuing at the present time.

When the Senator from Tennessee talks about the control of the airspace, the action that President Bush accomplished through the United Nations has achieved that. He talks about diplomatic efforts. The President is on the phone continually to world leaders. In fact, when a group of Senators met with him Tuesday, he had just come from a telephone conversation with various leaders.

When we talk about oil for military purposes, that has been imposed as a sanction.

What the Senator from Tennessee is restating amounts to all of what the President has already undertaken to do. When the Senator from Tennessee talks in terms of "prone to place bets with authoritarianism," the President is not doing that at all. He has stated his keen interest in ousting the current government from power. But that is a consequence which is not going to occur unless there is force used to accomplish that purpose.

A suggestion was made by former President Nixon, hypothetically, about an assassination that has been rejected by President Bush. I am not going to ask the Senator from Tennessee to respond on his sense there, but I say that the Senator from Tennessee has articulated absolutely, positively, no device or approach which would oust the Iraqi Government from power.

Mr. GORE. Will the Senator yield?

Mr. SPECTER. I will yield without losing my right to the floor.

Mr. GORE. Mr. President, let me just very briefly respond to some of the other points made earlier by my colleague from Pennsylvania.

First of all, on the matter of public health, as I sought to make clear in my remarks, I believe that is a U.N. responsibility and a global responsibility. It should not be equated with a routine public health problem, because in a highly populated area, when all of the sanitation facilities, sewage disposal facilities, and water distribution facilities are removed, consequences for the public health may be masked during the cold weather. As the temperatures warm, the conditions become present for an extremely widespread problem. It may not happen, but many public health experts warned us openly that it will. I only say to my colleague that I think we ought to be considering this and planning for it.

Finally, to my colleague: He said if I call for the indictment of Saddam Hussein—to lay out the record about his crimes and those of his regime—my colleague asks, "where would we indict him?"

Moments before I spoke—and my colleague may not have been present on the floor—we passed, unanimously, a resolution establishing our support to set up tribunals for that purpose. It was sponsored by the Senator from Kentucky [Mr. McCONNELL]. In any event, it is a procedure which has been used, in a modified form, before.

I know my colleague wishes to go on with his own remarks, and I am grateful for the chance to respond to his questions that were posed earlier. I regret that he stated in his comments that he does not feel in agreement with what I have outlined here. I have spent 40 minutes outlining what I think should be done, and I will not repeat it. I commend my remarks to my colleague. But again, it depends on our definition of force, and it depends upon what one would like to see accomplished.

In conclusion, I do not believe that President Bush has yet concluded that it is in our national interest to have the government of Saddam Hussein removed from power. I believe it is in our interest to have Saddam Hussein end his government, removed from power. I believe I should place our bets on the reconstitution of a different kind of government in Iraq.

Does that mean that we have to march into Baghdad on the ground to do that? No, I think that would be unwise. Is that the only kind of force that we can use? No. We have, as I enumerated earlier, lots of weapons in our arsenal—diplomatic, military, and other means. Those should all be used in a concerted way to achieve a clear objective, and the first thing we should do is agree on that objective. It is precisely there that I think the President is not in sync with what the American people would like to see.

I yield the floor.

Mr. SPECTER. I thank my colleague from Tennessee for his responses to my questions.

I had heard the presentation of the Senator from Tennessee for the 40 minutes and, by way of very sharp disagreement with his concluding comment, I represent that the President is not acting at a variance from what the American people would like to have accomplished.

I believe that the President of the United States has enjoyed phenomenal popularity ratings in the polls because he has acted in accordance with the wishes and desires of the American people.

Having heard the 40-minute presentation of the Senator from Tennessee, it is the suggestion of this Senator that there are no clear objectives articulated at variance with the objectives which the President of the United States has already stated.

When you talk about President Bush's interest in not ousting totally a governmental structure in Iraq, that is not to say the President has not been as forceful as he could on trying to get rid of Saddam Hussein and to try to change his government.

When the distinguished Senator from Tennessee goes through a series of comments about air space and diplomatic efforts and no use of oil for military purposes, there is no clarity of objective offered and there is no operational consequences described.

Saddam Hussein is going to remain in power forever if nothing more is done than what is articulated by the Senator from Tennessee.

Stated simply, I do not believe that the President is fairly subjected to criticism for not having clear objectives or operational consequences based upon the arguments advanced by the distinguished Senator from Tennessee.

When it comes to the use of power for world health, I would agree totally there ought to be as much action taken by the United Nations as possible. But when we talk about action by the United Nations or action there as the Senator from Tennessee talked about Cambodia and the Sudan, where is it you draw the line; how much can the United Nations or the United States be expected to undertake?

When we talk about some action which ought to be taken by the President on an indictment of Saddam Hussein, I do not believe the comments of the Senator from Tennessee add anything at all to what the President has already done.

I know that Senator MCCONNELL's resolution about the international court had been agreed to earlier. In fact, I had been consulted on that. I raised no objection and thought it was a good idea for it takes an additional step along the line toward the creation of an international criminal court, the goal or the resolution offered by this Senator that I referred to earlier. But you cannot indict Saddam Hussein until you have a court to have the indictment issued in.

It does absolutely no good and does not advance the clear objective or operational consequence to stand on the Senate floor and say we ought to indict Saddam Hussein.

We do not need to get a more horrendous record than we have already about atrocities against Kuwait, about sending 39 Scud missiles into the civilian population centers of Israel, totally in violation of international law, about atrocities against prisoners of war and against civilian hostages. The record is replete.

Having had some experience as a prosecuting attorney, this is an open and shut case for the longest sentence against Saddam Hussein without leveling any further indictments.

Mr. President, I have sought the floor because I do not believe that there is a case against what the President is doing in Iraq at the present time.

When the distinguished Senator from Tennessee commends the President for taking steps to protect the Kurds and for using U.S. military force to stabilize the situation and make sure the Kurds are protected, I think that is a commendable acknowledgement by the Senator from Tennessee about very appropriate and important actions taken by the President.

I think the objectives have been identified by President Bush and everything is being undertaken. But if Senators or others have anything specific they think would do a better job, I know the President is ready, willing, and anxious to entertain any such suggestions.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

IN MEMORY OF JOHN HEINZ

Mr. SYMMS. Mr. President, I take the floor this afternoon to talk about my friend, since 1973, when I was first sworn into the House of Representatives, John Heinz.

When I came to the Congress in 1973, one of the first people I met, Mr. President, was a young Congressman from Pennsylvania, Henry John Heinz III, and he came over to me in his charming and friendly fashion and introduced himself to me on the floor and congratulated me on my election and said, "Symms, I have got an Idaho connection."

Of course, I was well aware that part of John's life after he graduated from the Harvard School of Business had been his involvement when the Heinz Corp. bought Ore-Ida Foods, which is a well-known food processing company in this country famed for Ore-Ida potatoes. He has spent a lot of time in Idaho getting that company up and running and made it very profitable and one of the leading food processing companies in America.

Through that connection he had loved Idaho, because he had the opportunity to visit our State many times. He loved the outdoors, he loved recreation, he loved to ski, and he eventually ended up having a vacation residence in my State.

I used to kid him all the time, since he was one of my constituents, that he should contribute to my campaigns. We used to have a good time talking about it.

But, Mr. President, it was a tragic loss to this country and to his family, to his three sons, Henry, Andre, and Christopher, his wonderful wife, Teresa, and the wonderful family. They have had a tragic loss to them, but it is a tragic loss to all of us.

This week when I sat in the Finance Committee it has not seemed the same to me not to have my friend John Heinz there. He was one of the brightest people I have had the privilege to meet. He was capable, probably without a doubt one of the most strong-willed people I have known, and a young man. I used to kid him about that as well, Mr. President, that he was 6 months yonger than I am. His birthday was October 23, 1938.

I feel a tragic loss in my life. But I feel thankful I had the privilege of knowing John Heinz. I know all others share in that view that had the opportunity to work with him and to know him.

When I recall some of my memories of John, I remember about a year ago we had a bill that had gone through the Finance Committee to waive some tariff from products coming into the country. I had some friends from a pharmaceutical company call on me and ask for some assistance. I asked them what company would be objecting to their asking for the waiver of the product that they wanted to bring in, who was their competition? They told me the name of the company, and I asked, what State it was based in, and they said "Pennsylvania."

I said, "you have got a good case, but there are two sides to every issue. Not that I am not willing to help you. I am. But I can tell you that my friend Senator Heinz is going to be in there protecting the people of the State of Pennsylvania, and he will not be easily dissuaded of this. If in any way it will have an impact on the job base in the State of Pennsylvania, John Heinz simply will not be talked out of this."

However, since these fellows were my friends, I said "I will talk to him, but I can tell you in advance how it will come out." My prediction was correct. It came out as I said, because he also holds a seat on the committee and was able to be in a position to have an impact on the matter.

I say that as a compliment to John Heinz. He was strong-willed, he was bright, he was capable, he was independent, and he will always, Mr. President, hold a very, very special place in my heart, and I miss him.

Mr. President, I would like to also say my sympathies are with his family. I was fortunate to be one of those Members of the Senate who attended the special service of thanksgiving for his life at the Heinz Memorial Chapel in Pittsburgh.

I ask unanimous consent that the program from the service be printed in the RECORD immediately following my remarks. It was so well conducted by our distinguished colleague from Missouri, Senator DANFORTH.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SERVICE OF THANKSGIVING FOR THE LIFE OF H. JOHN HEINZ III

(Heinz Memorial Chapel, Wednesday, April 10, 1991)

From the personal diary of Henry John Heinz, September 17, 1910:

Give, and it shall be given unto you; good measure, pressed down, and shaken together, and running over, shall men give into your bosom. For with the same measure that ye mete withal it shall be measured to you again.—Luke 6:38

To do a common thing uncommonly well brings success.—Henry John Heinz (1844–1919)

ORDER OF SERVICE

Prelude:

Andante, Der Tod und das Madchen, F. Schubert.

Sarabande, Suite No. 3 in G Minor, J. S. Bach.

Meditation from Thäis, J. Massenet.

Aprés un Rêve, Fauré-Casals.

Little Fugue in G Minor, J. S. Bach.

Procession: (standing).

Mr. Danforth: I am the resurrection and the life, saith the Lord; he that believeth in me, though he were dead, yet shall he live; and whosoever liveth and believeth in me shall never die.

I know that my Redeemer liveth, and that he shall stand at the latter day upon the Earth; and though this body be destroyed, yet shall I see God; whom I shall see for myself and mine eyes shall behold, and not as a stranger.

Blessed are the dead who die in the Lord; even so saith the Spirit, for they rest from their labors.

Prayer: (standing).

Mr. Danforth: The Lord be with you.

All: And with Thy Spirit.

Mr. Danforth: Let us pray.

All: O God, whose mercies cannot be numbered: Accept our prayers on behalf of thy servant John, and grant him an entrance into the land of light and joy, in the fellowship of thy saints; through Jesus Christ thy Son our Lord, who liveth and reigneth with thee and the Holy Spirit, one God, now and for ever. Amen.

The Old Testament Lesson, Isaiah 61:1-3.

The Old Testament lesson promises God's comfort for those in mourning.

The Spirit of the Lord God is upon me; because the Lord hath annointed me to preach good tidings unto the meek; he hath sent me to bind up the broken-hearted, to proclaim liberty to the captives, and the opening of the prison to them that are bound; to proclaim the acceptable year of the Lord, and the day of vengeance of our God; to comfort all that mourn; to appoint unto them that mourn in Zion, to give unto them beauty for ashes, the oil of joy for mourning, the garment of praise for the spirit of heaviness; that they might be called trees of righteousness, the planting of the Lord, that he might be glorified.

Largo, Concerto in D Minor for Two Violins, J. S. Bach.

Psalm 121: This psalm recognizes God's knowledge of all our acts and thoughts and his presence everywhere even at our death.

All:

I will lift up mine eyes unto the hills, from whence cometh my help.

My help cometh from the Lord, which made heaven and Earth.

He will not suffer thy foot to be moved; he that keepeth thee will not slumber.

Behold, he that keepeth Israel shall neither slumber nor sleep.

The Lord is thy keeper; the Lord is thy shade upon thy right hand.

The sun shall not smite thee by day, nor the moon by night.

The Lord shall preserve thee from all evil: he shall preserve thy soul.

The Lord shall preserve thy going out and thy coming in, from this time forth, and even for evermore.

The Epistle, 2 Corinthians 4:16–5:1.

This Epistle foresees the new life with God.

That is why there is no weakening on our part, and instead, though this outer man of ours may be falling into decay, the inner man is renewed day by day. Yes, the troubles which are soon over, though they weigh little, train us for the carrying of a weight of eternal glory which is out of all proportion to them. And so we have no eyes for things that are visible, but only for things that are invisible; for visible things last only for a time, and the invisible things are eternal.

For we know that when the tent that we live in on earth is folded up, there is a house built by God for us, an everlasting home not made by human hands, in the heavens.

Adagio, Quartet No. 72 in C Major, F.J. Haydn.

The Gospel, John 14:1–3; 25–27.

The Gospel assures us that Christ has prepared for us our home with God.

Mr. Danforth: The Holy Gospel of our Lord, Jesus Christ, according to John.

All: Glory Be to Thee, O Lord.

Mr. Danforth: Let not your heart be troubled; ye believe in God, believe also in me. In my Father's house are many mansions; if it were not so, I would have told you. I go to prepare a place for you. And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also.

These things have I spoken unto you, being yet present with you. But the Comforter, which is the Holy Ghost, whom the Father will send in my name, he shall teach you all things, and bring all things to your remembrance, whatsoever I have said unto you. Peace I leave with you, my peace I give unto you: not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid.

The Gospel of the Lord.

All: Praise Be To Thee, O Christ.

Tributes: (seated). Mr. Henry John Heinz IV, Mr. Andre Thierstein Heinz, Mr. Christopher Drake Heinz, Dr. Theordore E. Stebbins, Senator Timothy E. Wirth.

Liebesleid, F. Kreisler.

Brother James' Air (Psalm 23), G. Jacob.

Songs My Mother Taught Me, A. Dvorak-F. Kreisler.

Homily: Mr. Danforth.

The Lord's Prayer (kneeling or sitting).

All: Our Father, who art in heaven, Hallowed be thy Name. Thy kingdom come, Thy will be done, On Earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; But deliver us from evil. For Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

Prayers: Archbishop Bevilacqua Bishop Wuerl.

Hymn: (standing).

ALL THINGS BRIGHT AND BEAUTIFUL

All things bright and beautiful,
All creatures great and small,
All things wise and wonderful,
The Lord God made them all.

Each little flower that opens,
Each little bird that sings,
He made their glowing colors,
He made their tiny wings.

The purple headed mountain,
The river running by,
The sunset and the morning
That brightens up the sky.

He gave us eyes to see them,
And lips that we might tell
How great is God Almighty,
Who has made all things well.—M. Shaw.

The Commendation: (kneeling or sitting).

Give rest, O Christ, to thy servant with thy saints.

Response: Where Sorrow and Pain Are No More, Neither Sighing, But Life Everlasting.

Thou only art immortal, the creator and maker of mankind; and we are mortal, formed of the earth, and unto earth shall we return. For so thou didst ordain when thou createdst me, saying, "Dust thou art, and unto dust shalt thou return." All we go down to the dust, yet even at the grave we make our song: Alleluia, alleluia, alleluia.

Response: Give Rest, O Christ, to Thy Servant With Thy Saints, Where Sorrow and Pain Are No More, But Life Everlasting.

Into thy hands, O merciful Savior, we commend thy servant John. Acknowledge, we humbly beseech thee, a sheep of thine own fold, a lamb of thine own flock, a sinner of thine own redeeming. Receive him into the arms of thy mercy, into the blessed rest of everlasting peace, and into the glorious company of the saints in light. AMEN.

Blessing:

Song of Creation: Andre Thierstein Heinz—D. Pearson.

Glorify the Lord forever.

All you works of the Lord, praise him forever.

In the firmament of his power

Response: Glorify the Lord, Praise Him Forever.

Let the earth glorify the Lord.

Glorify the Lord, praise him forever.

Glorify the Lord, O mountains glorify the Lord,

Response: O Hills and all That Grows Upon the Earth, Praise Him Forever.

Glorify the Lord, O springs of water, seas and streams,

Whales and all that moves in the waters, glorify the Lord.

All the birds of the air, glorify the air,

Response: Glorify the Lord, Praise Him Forever.

O beasts of the wild and all you flocks and herds

Glorify the Lord, praise him forever.

Men and women everywhere

Response: Glorify the Lord, Praise Him Forever.

Let us glorify the Lord, Father, Son, and Holy Spirit.

Glorify the Lord forever.

In the firmament of his power,

Response: Glorify the Lord, Praise Him Forever.

A Prayer attributed to St. Francis: Henry John Heinz IV.

Lord, make us instruments of your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

Hymn: America The Beautiful, S. Ward, K. Bates.

O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain!
America! America!
God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea!

O beautiful, for pilgrim feet,
Whose stern, impassioned stress
A thoroughfare for freedom beat
Across the wilderness!
America! America!
God mend thy every flaw,
Confirm thy soul in self control,
Thy liberty in law!

O beautiful, for heroes proved,
In liberating strife,
Who more than self their country loved,
And mercy more than life!
America! America!
May God thy gold refine,
Till all success be nobleness,
And every grain divine!

O beautiful, for patriot dream,
That sees beyond the years,
Thine alabaster cities gleam,
Undimmed by human tears!
America! America!
God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea!

Recessional: Ode to Joy, L. van Beethoven.

USHERS AND HONORARY PALLBEARERS

Jeanne A. Alexander, Dixon R. Brown, W. Russell G. Byers, Joseph Clarke, Alexander C. Cortesi, Stewart Dalzell, Ronald R. Davenport, Victor E. Ferrall, Jr., A. Lawrence Groo, Samuel M. Grossman, Mark Hampton, Elsie H. Hillman.

Henry L. Hillman, Mark Hoffman, Arie L. Kopelman, Howard M. Love, William H. Luers, David L. O'Loughlin, Russell D. Martz, Anthony J. F. O'Reilly, Charles Page, William H. Rea, Fred M. Rogers, Dolores M. Senanis.

Clifton W. Shannon, J. Pedro Simoes-Ferreira, Theodore E. Stebbins, Norton Stevens, Lynn Swann, Peter H. Tillou, Neil Y. Van Horn, O. Mallory Walker, James M. Walton, George R. Whitmer, Timothy E. Wirth.

CLERGY

The Reverend John C. Danforth, The Most Reverend Anthony J. Bevilacqua, Archbishop of Philadelphia, The Most Reverend Donald W. Wuerl, Bishop of Pittsburgh.

MUSICIANS

Pittsburgh Symphony Orchestra String Quartet: Andres Cardenes, violin, soloist, Mark Huggins, violin, soloist, Randolph Kelly, viola, soloist, Anne Martindale Williams, cello, soloist.

Guest Violinists: Alison Peters, Christopher Wu.

Organist: Dr. Robert S. Lord.

Heinz Chapel Choir: John Goldsmith, director.

Prayer: Christopher Drake Heinz, Ecclesiastes Rabbah 7:13.

When God created the first man, he led him round all the trees in the Garden of Eden.

God said to him, "See My works, how beautiful and praiseworthy they are. Everything I have created has been created for your sake. Think of this, and do not corrupt or destroy My world; for if you corrupt it, there will be no one to set it right after you."

IN MEMORY OF JOHN TOWER

Mr. SYMMS. Mr. President, I wish to speak briefly about a man that had a lot to do with the formation of my political views; that, of course, is our departed colleague, John Tower.

I was a young second lieutenant stationed for a brief period of time in Kingsville, TX, when Senator Tower was running for the Senate his first time in 1961. He was running for the Senate, if I recall, against then Senate majority leader Lyndon Johnson who was also running for Vice President of the United States. That is where I started watching Senator Tower's—then college Professor John Tower—political campaign and how it drew me to it because here was a man who stood for principle, and he believed that principled politics from a conservative point of view made the most pragmatic position that could be taken. He was a thinker who thought his positions through with a great deal of care.

Senator Tower was not at all unabashed to take a conservative position. This was before Barry Goldwater had run his race in 1964 for President.

If you want to look at the ideological side of the political events that happened in the United States, then Senator Tower was the predicate to the election of Ronald Reagan in 1980. He was the predicate to the restoration of American foreign policy and our defense policy. It is so interesting how his life played such an important role in those events.

It was John Tower who was the first Republican Senator elected in Texas since reconstruction. It was when he ran that the people thought Republicans should not be elected in that part of the country. But his election fueled the Goldwater candidacy, which in a way brought about the event of Ronald Reagan becoming a famous national figure and becoming Governor of California.

It was interesting that throughout John Tower's career, he had this very firm, dedicated, studious, and capable view, a student, if you will, of America's foreign policy. How peace through strength was an important factor if we are to survive in this troubled world we live in; and how all of the events of his career played to some of the major events that have happened in the 30-year period of time during his life as a public figure.

From the time he was first elected to the Senate in 1961, the Goldwater election, and then the Reagan election, and his chairmanship of the Armed Services Committee, where literally John Tower was the architect of the restoration of America's defense capability. He was one of the unsung heroes in our glorious victory in the Persian Gulf of recent weeks. And how important I think his life was to so many of us. I shall miss John Tower.

Mr. President, the sad part for me about Senator Tower was to see him passing, yet never really able to reconcile the fact the had literally been lynched by the U.S. Senate. Here was a person who had been the architect of the defense buildup. He had lavish praise placed on him by his colleagues when he retired from the Senate. Then to come to the Senate and be denied confirmation to the job that he had worked so hard for: to be Secretary of Defense.

I guess it will be my saddest moment when I look back over the years in the Senate and certainly an all-time low-point, from my point of view, for the U.S. Senate, when they refused to confirm Senator Tower. I believe the vote was 47 to 53. It was close; but it was not adequate. It was sad, because there was really no reason for it except pure partisan politics. It really is a blot, in my view, as one Senator, on the record of the U.S. Senate.

Another great Senator that I admired and loved so much, who was here when I came to the Senate and had grown to know very well, being a member of the Northwest delegation, was the late Senator Scoop Jackson from Washington State.

I know that Senator Tower—and I know this from friends of his, and from my personal conversations with him—was distraught when Senator Jackson passed away, and how he was so concerned. I think that had he known—of course, no one knows what will happen in the future—that his friend Scoop Jackson was going to be taken from us, I am not sure whether he would have left the Senate. And how those things happen. Because I will always believe that had Henry Jackson continued to live, that John Tower would have been confirmed as Secretary of Defense, and he would have been a great Secretary of Defense for this President and this country. If we would have had Senator Jackson's presence here in the Senate, we would not have slipped down into the gutters of partisan politics and bickering, and besmirching of this great man's character.

So I am sorry that we lost him before he had been able to reconcile that loss. But nevertheless, in my book, he was a great American, a great patriot. He was loved by his family. My sympathy goes to his daughters and his former wife, Lou, who remain. What a tragedy that his other daughter, Marian, was with him, and I extended my sympathies to Penny and Jeanne today.

But I think one other thing should be said about John Tower, the man, and I think our colleague, BILL COHEN, made one of the most appropriate statements on Senator Tower, that really says it all, of what a tower of a man he truly was.

But I think one of the things that should be said: Soldiers, sailors, marines, and airmen throughout the world grieved at the loss of this man because they know what he meant to them. I know, for example, that Col. Jim Jones, who is the commander of our Marine Expeditionary Force that is in the Mediterranean now, grieved at the loss of John Tower because he knows, as a marine colonel, what he meant to our ability to project force, to our ability to have our troops to be the best armed and best trained in the world. How John Tower worked for the quality of life for our military personnel. There was nothing he would not do to go the extra mile to see that our troops were taken care of. I know that I can speak for military personnel throughout the world that grieve the loss of that great man.

But I think another thing that marks the quality of someone who has the positive impact on the political system in this country that I believe John Tower had is the quality of the people that worked for him. When I think of the likes of Paul Moore, Jim McGovern, Will Ball, Rhett Dawson, and so many, many others that have found so much success and have been so important to different administrations that have come through this town; to the impact that he had on arms negotiations; to the impact that he had on the confrontation between the superpowers, where it ended up that the United States was successful and is well on the way toward winning the cold war. Those are the things that I will always remember about John Tower.

When I go back to those days in the early 1960's, as a young man in Texas for a brief period of time, and then watching his career the next year, being so excited that he had been elected to the U.S. Senate. I thought it was remarkable that we would get someone of that quality elected to the Senate.

And then to have the privilege later—which I had no idea, of course, then—to have been able to meet John and know him personally, and watch him and work with him. It was an event that I will cherish all my life. I will miss him. But I am proud to say that I had the privilege to know him.

But I think it is interesting that all of these people that worked for Senator Tower hold him and held him in such high esteem. I think the fact that not only have they been successful in their lives, but that they hold him in such high esteem, speaks very well of this very, very fine man.

So, Mr. President, I extend my sympathies to the family, and those that will miss him. And I know that I speak for so many people.

I said to some of my colleagues in the Senate that it is probably not appropriate, because they did not have a graveyard at the Alamo, but when I think of the words William Barret Travis wrote in his letter that he sent out in the message to the people of Texas and all Americans in the world, that that will be the way that I will always remember John Tower. On Texas Day, when I was a Member of the House and invited to that function and heard Senator Tower stand up and read Travis' message, that is the way I will always remember John Tower.

He truly will go down in the 20th century as one of those people of the same quality as William Barret Travis, who commanded those patriots at the Alamo.

Mr. President, I close in reading William Barret Travis' comments:

> *To the people of Texas & all Americans in the world:*
>
> FELLOW CITIZENS AND COMPATRIOTS: I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment & cannonade for 24 hours & have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, & our flag still waves proudly from the walls. I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism & everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and to die like a soldier who never forgets what is due to his own honor and that of his country. Victory or Death.
>
> WILLIAM BARRET TRAVIS,
> *Lieutenant Colonel, Commandant.*

John Tower did not win the last fight in his confirmation to become Secretary of Defense. Neither did Barret Travis win his last fight. But they won the struggle. They won the war. They left the mark and they left the memory. In that memory, John Tower will live forever, for this Senator.

I yield the floor.

THE DEATH OF JOHN TOWER

Mr. DODD. Mr. President, I rise today to pay tribute to John Tower, whose sudden death came as a stunning blow. To Members of the U.S. Senate, and to this Member in particular, John Tower's death is an important—and tragic—loss.

When John Tower died in that plane crash, the country lost more than just a former Senator and accomplished arms negotiator. John Tower was indeed both of these things. But when John Tower's life was taken, the country also lost a man whose integrity, dedication, and commitment to this institution and this country could never be challenged.

Mr. President, during the years 1981 through 1984, I had the privilege of serving with Senator Tower in this body. During his years as chairman of the Senate Armed Services Committee, John Tower impressed me time and time again with his solid commitment to our Nation's security. His understanding of defense and national security issues was thorough, and his capabilities as chairman were formidable.

John Tower was a colorful, engaging and sharp-witted man. He was a true Texan; both a dignified gentleman and a determined, dogged fighter. Whatever the issue, there was never any doubt as to John Tower's stand on it. He staked out his position, stood up for his ideals, and fought relentlessly for everything he believed in.

As a Senator, John Tower was a formidable and important advocate. But John Tower's commitment to public service was perhaps best demonstrated in the years immediately following his retirement from the Senate. In 1985 and 1986, he served as the head of the Reagan administration's negotiating team for the strategic arms talks in Geneva.

And once that commitment was finished, John Tower was called upon once again—this time to head a commission on the Iran-Contra scandal.

John Tower's willingness to take an objective look at the activities of an administration he had worked for showed that his allegiance was truly to America. In the end, the Tower commission broke important new ground, laying the foundation for an inquiry into the role of the national security council during the Iran-Contra affair.

I am proud to have served with John Tower in this body. But Mr. President, my experience with John Tower began before I joined the Senate in 1981, before the breakout of Iran-Contra or the strategic arms talks in Geneva.

Mr. President, 24 years ago John Tower was one of five Senators who chose to reject consensus in favor of fairness in standing up for my father. I will never forget the careful consideration and objectivity that John Tower displayed then. Mr. President, I think that experience taught me more about the integrity and character of John Tower than any of my other encounters with him, in or out of this body.

Mr. President, John Tower gave this body 24 years of dutiful, loyal, and effective service. But to this country, Mr. President, John Tower gave a lifetime. All of us who have had the pleasure of working with John Tower, and all of us who have benefited from his work, owe him our respect and gratitude for his relentless dedication. He will be deeply missed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

Also received was a message from the President urging action on the pending treaty on the abolition of forced labor, with accompanying papers.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT—PM 41

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

Of all the great social and technological changes of the 20th century, none may be more crucial to our wellbeing and that of future generations than the change that has occurred in the way we view our environment. Ours was the first generation to see the many colors of Earth from the vastness of space, and to recognize that our decisions will determine whether the next generation lives in a polluted world of lowered expectations or in a world that sustains humanity and a wondrous diversity of life.

Given these high stakes, I am pleased to report that 1990 was a landmark year in the Nation's efforts to enhance environmental quality.

—We enacted the Clean Air Act Amendments of 1990, providing the United States with the world's most advanced, comprehensive, and market-oriented laws to address air pollution, including acid precipitation, urban air quality, toxic air pollutants, and global ozone layer depletion.

—We adopted an international agreement and enacted laws to phase out chlorofluorocarbons (CFCs) and other substances that deplete the Earth's ozone layer, which protects us from the harmful effects of solar radiation.

—We enacted the Oil Pollution Act of 1990 and adopted a major international agreement to strengthen laws related to oil pollution prevention, liability, and response.

—We enacted the most environmentally progressive farm bill ever. It will help farmers protect water quality and wildlife habitat and it launches a part of our America the Beautiful initiative to begin a long-term national tree planting and improvement campaign aimed at both rural and urban areas.

—In partnership with the Nation's Governors, we developed ambitious national educational goals, while the Congress and the executive branch strengthened environmental education programs. These actions are an essential part of our efforts to revitalize American education and to improve the environment.

—We made other commitments to environmental stewardship, including the expansion of national parks, wildlife refuges, marine sanctuaries, and recreation areas; accelerated cleanup of Federal facilities; enhanced protection of marine mammals, the African elephant, the Florida panther, and other threatened species; and the suspension for up to 10 years of oil and gas leasing in many areas off our coastlines pending further environmental and resource analysis.

The complete record is told in this report. I am proud that our Administration played a catalytic and constructive role in securing these achievements. Progress has come from working cooperatively with the Congress, State and local governments, environmental and conservation groups, corporations, educators, and scores of individuals, as well as other nations and international institutions.

Our achievements in 1990 add to a growing national record of environmental action that has improved the quality of American life. Compared to the conditions facing Americans earlier in my lifetime, our skies are clearer, our lakes and streams are cleaner, and our major technologies are less wasteful.

Our work, however, is incomplete. Americans are sobered by the scope of the stewardship challenge and recognize that it requires ongoing vigilance and action. We know, for example, that increased trade and economic development is needed to reduce poverty and improve the quality of life for all of the world's people. However, if we fail to make wise economic and environmental choices, those needed increases in economic activity are likely to result in new burdens on the Earth's ability to sustain life. Our challenge is both to provide greater opportunities for an expanding population and to protect the environment upon which we depend.

Several forces work in our favor. Our economy is fundamentally sound, which allows us to make environmental investments and serve as a model for others. Our technology is first-rate, as is our research establishment. Our citizens are eager to make a personal contribution.

In the days ahead, therefore, we must summon the full measure of our powers to achieve environmental results. In that effort we should be guided by what science tells us about the most serious threats to our health and environment, and also by our knowledge of what works and what does not.

In particular, we must learn to harness wherever possible the power of the marketplace in service to the environment. The goal of a healthy environment may not be provided by markets acting alone. However, government regulations are blunt tools that impose unforeseen human costs. Therefore, we need to consider all costs and benefits of government programs as they are developed and expand the use of market incentives that deliver results at the lowest possible cost to society. As a corollary, we need to strengthen the base of scientific and economic understanding that supports such decisions.

Our environmental efforts should also be guided by a holistic view. The environment is composed of a seamless web of relationships between living organisms and the air, water, and land that surround them. Accordingly, rather than continue to address environmental issues in isolation from each other or from other social goals, we must expand our efforts to understand and protect the functional integrity of the environment—and our place in it.

We can also apply American ingenuity to the challenge of preventing pollution. There is no reason to think of pollution as an inevitable problem that occurs at the end of a pipe. Quite the contrary: as pollution becomes more costly, and because we recognize the environment is an enclosed sphere, we are finding that pollution prevention can be less costly and better for the environment.

Our efforts to enhance the quality of the domestic environment must be accompanied by comparable efforts toward global environmental quality. In these times, Americans are aware that our political and economic security is affected by actions occurring abroad. Likewise, we know that environmental threats do not stop at a line on a map. In the months and years ahead, we need to broaden our dialog with other nations and international institutions and together address environmental issues that know no boundaries.

At home, two further principles will guide our environmental policies. First, we will continue to harness the enthusiasm and expertise of citizen volunteers. Partnerships between the public and private sectors have always been a key to our success, and their value in environmental affairs is growing. Second, we will continue to enforce environmental laws firmly and fairly. Our record and our message in this regard are absolutely clear: polluters must pay.

Taken together, these principles—and the new programs and initiatives that are putting them into action—represent a turning point in American environmental affairs. No longer should we as a nation focus on isolated fragments of what is, in fact, a complex, interconnected set of problems. Nor should we accept rigid, shortsighted measures that stymie innovation, shift pollution from one location to another, or impose unnecessary costs. In the future, our national environmental strategy must be comprehensive, long-range, efficient, and adaptable to changing information about risks and benefits.

In the coming months, our Administration will pursue a number of new initiatives to advance these principles. For example, in December 1990 I established by Executive order the President's Commission on Environmental Quality. This Commission will soon be at work building public-private partnerships to help achieve concrete results in the areas of pollution prevention, conservation, education, and international cooperation. A program of Presidential awards for achievement in conservation and environmental affairs will stimulate voluntary activity and recognize the outstanding efforts of individuals and organizations. Each of these projects is intended to underscore my belief that environmental stewardship must flow from action by all Americans, not just from government action.

In the legislation arena, our Administration will work with the 102nd Congress toward enactment of amendments to the Clean Water Act and other laws, seeking opportunities to incorporate innovative, market-oriented provisions. We will also seek to make progress toward the goal of no-net-loss of wetlands and to strengthen programs to revitalize the Great Lakes, the Chesapeake Bay, and other productive ecosystems. And we will work for a National Energy Strategy that provides a balance among the goals of increased energy efficiency, increased use of alternatives fuels, and environmentally responsible development of all U.S. energy resources.

I have proposed that the Congress give the environment a permanent place at the Cabinet table by creating a Department of the Environment. Given the importance of environmental matters, both domestically and internationally, the Environmental Protection Agency is already accorded equal status with other major Federal departments in my Administration. However, I feel this policy should be established in law for the future. The Congress should reject extraneous provisions that would delay consideration of this proposal.

Looking abroad, the United States will continue to seek to conclude an international convention on global climate change in time for its signing at the 1992 United Nations Conference on Environment and Development in Brazil. In our view, such a convention must be comprehensive in scope, addressing all sources and sinks of greenhouse gases, adaptation as well as mitigation measures, and continued scientific and economic research and policy responses. The United States is committed to a series of domestic actions that have many benefits such as curbing air pollution, conserving energy, and restoring forest lands and that also help to curb greenhouse gas levels. These actions—recently established in law or proposed by my Administration—will hold U.S. net emissions of greenhouse gases at or below the 1987 level through the foreseeable future. An effective response to potential climate change also requires that all nations participate and meet obligations that are appropriate to their circumstances.

I have also proposed that a worldwide convention on forests be developed and ready for signing by world leaders at the U.N. conference in 1992. Forests provide diverse benefits, helping to clean our air and water, foster biological diversity, and sequester greenhouse gases. We should take steps now to protect and enhance them. In the coming year, I also hope we can move forward on U.S. proposals for integrated economic and environmental assistance in such regions as Latin America and the Caribbean, Eastern and Central Europe, and the Middle East.

The worldwide market potentially available for U.S. exports of environmental goods and services approaches $60 billion annually, and it is growing. I have directed the Department of Commerce to assess that market, and I look forward to the creation of a partnership between business and government to develop the opportunities for environmental technology exports. This effort will help to create new jobs while enhancing the quality of life here at home and around the globe.

The causes and effects of environmental problems are diverse and complex. We should be humbled by the fact that the more we learn, the more questions arise. But unlike the situation a generation ago, we know today that ecological degradation can be halted and, indeed, reversed through rigorous analysis, constructive dialogue, and hard work. Let us work together in this generation to achieve a more productive harmony between humanity and the environment.

GEORGE BUSH.

THE WHITE HOUSE, *April 18, 1991*.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on April 18, 1991, during the recess of the Senate received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolutions.

S.J. Res. 16. Joint resolution designating the week of April 21–27, 1991, as "National Crime Victims' Rights Week";

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment; and

H.J. Res. 222. Joint resolution to provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

Under the authority of the order of the Senate of April 17, 1991, the joint resolution, House Joint Resolution 222, was signed on April 18, 1991, during the recess of the Senate, by Mr. GRAHAM.

MESSAGES FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 121. A concurrent resolution revising the congressional budget for the United States Government for the fiscal year 1991 and setting forth the congressional budget for the United States Government for the fiscal years 1992, 1993, 1994, 1995, and 1996.

ENROLLED JOINT RESOLUTION SIGNED

At 4:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 64. Joint resolution to authorize the President to proclaim the last Friday of April 1991, as "National Arbor Day".

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 121. A concurrent resolution revising the congressional budget for the United States Government for the fiscal year 1991 and setting forth the congressional budget for the United States Government for the fiscal years 1992, 1993, 1994, 1995, and 1996.

ENROLLED JOINT RESOLUTIONS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that on today, April 18, 1991, he had signed the following enrolled joint resolutions previously received signed by the Speaker of the House:

S.J. Res 16. Joint resolution designating the week of April 21-27, 1991, as "National Crime Victims' Rights Week"; and

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, April 18, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 16. Joint resolution designating the week of April 21-27, 1991, as "National Crime Victims' Rights Week"; and

S.J. Res. 119. Joint resolution to designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-946. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize appropriations for the planning, construction, acquisition, alteration, repair of facilities, and other public improvements of Agricultural Research Service facilities at Beltsville, Maryland; Riverside, California; New Orleans, Louisiana; Greenport, New York; and Yakima, Washington; to the Committee on Agriculture, Nutrition, and Forestry.

EC-947. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report stating that the amounts appropriated for the Board of International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc. are less that the amount necessary to maintain the budgeted level of operation; to the Committee on Appropriations.

EC-948. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report stating that certain appropriations to the Department of Veterans Affairs have been reapportioned on a basis indicating a need for a supplemental estimate of appropriations; to the Committee on Appropriations.

EC-949. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1992 and 1993; to the Committee on Armed Services.

EC-950. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report on biological or infectious agents used in Department of Defense Biological Defense Research programs; to the Committee on Armed Services.

EC-951. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Department of the Army, transmitting, pursuant to law, a report on the section to retain the Training and Audio Visual Support Center function at Fort Eustis, Virginia as an in-house operation; to the Committee on Armed Services.

EC-952. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a revised baseline for the T-45TS Defense Enterprise Program; to the Committee on Armed Services.

EC-953. A communication from the Acting Secretary of the Navy, tramsitting, pursuant to law, notice of six programs which have breached the unit cost threshold by more than 15 percent; to the Committee on Armed Services.

EC-954. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-955. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Maritime Administration for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC-956. A communication from the Secretary of Energy, transmitting, pursuant to law, the Strategic Petroleum Reserve Annual, Quarterly, and Test Sale Report; to the Committee on Energy and Natural Resources.

EC-957. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-958. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-959. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-960. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-961. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-962. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-963. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual summary on United States coal imports for 1990; to the Committee on Energy and Natural Resources.

EC-964. A communication from the Administrator of General Services, transmitting, pursuant to law, a prospectus for the construction of the Department of Transportation Headquarters facility in Washington, D.C.; to the Committee on Environment and Public Works.

EC-965. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the annual report of the Commission for 1991; to the Committee on Finance.

EC-966. A communication from the Administrator of the Health Care Financing Administration, transmitting, pursuant to law, a report on conversion of hospital's Medicare capital payments to a prospective payment system; to the Committee on Finance.

EC-967. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act for the quarter ended December 31, 1990; to the Committee on Finance.

EC-968. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the initial application percentage increase for fiscal year 1992 that will be recommended for hospitals subject to the Medicare prospective payment system and for excluded hospitals and units; to the Committee on Finance.

EC-969. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the annual reports on numerous trust funds that were enclosed in the winter issue of the Treasury Bulletin; to the Committee on Finance.

EC-970. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice that the President has authorized the use of certain available refugee assistance funds; to the Committee on Foreign Relations.

EC-971. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend the African Development Fund Act to authorize consent to and authorize appropriations for the United States contribution to the sixth replenishment of the resources of the African Development Fund; to the Committee on Foreign Relations.

EC-972. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty-day period prior to April 11, 1991; to the Committee on Foreign Relations.

EC-973. A communication from the Executive Director of the Office of Navajo and Hopi Relocation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-974. A communication from the Executive Director of the Illinois and Michigan Canal National Heritage Corridor Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-975. A communication from the Director of the Information Security Oversight Office, transmitting, pursuant to law, the annual report of the Office for fiscal year 1990; to the Committee on Governmental Affairs.

EC-976. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-977. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, notice of the approval of an amendment to the PACER SHARE personnel management demonstration project; to the Committee on Governmental Affairs.

EC-978. A communication from the Co-Chairs of the Franklin Delano Roosevelt Memorial Commission, transmitting, pursuant to law, the annual report of the Commission for 1990; to the Committee on Governmental Affairs.

EC-979. A communication from the Chairman of the National Commission on Migrant Education, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-980. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-981. A communication from the Executive Director of the National Commission on Responsibilities for Financing Postsecondary Education, transmitting, pursuant to law, the Commission's plan to provide an audit report for fiscal year 1991; to the Committee on Governmental Affairs.

EC-982. A communication from the President of the James Madison Memorial Fellowship foundation, transmitting, pursuant to law, the annual audit report of the Foundation for fiscal year 1990; to the Committee on Governmental Affairs.

EC-983. A communication from the Solicitor of the United States Commission on Civil Rights, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-984. A communication from the Director of the Office of Financial Management, General Accounting Office, transmitting, pursuant to law, the annual report of the Comptrollers General Retirement System; to the Committee on Governmental Affairs.

EC-985. A communication from the Executive Director of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-986. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Department of Transportation under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-987. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report of the Office under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-988. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1992, and for other purposes; to the Committee on the Judiciary.

EC-989. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report of the Service under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-990. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report of the General Services Administration under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-991. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the annual report of the Peace Corps under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-992. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report of the Federal Judicial Center for fiscal year 1990; to the Committee on the Judiciary.

EC-993. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department of Labor for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-994. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority for Educational Media Research, Production, Distribution, and Training Program; to the Committee on Labor and Human Resources.

EC-995. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for Technology, Educational Media, and Materials for Individuals with Disabilities Program; to the Committee on Labor and Human Resources.

EC-996. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Health, United States, 1990"; to the Committee on Labor and Human Resources.

EC-997. A communication from the Under Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual proceedings of the Ninety-Ninth Continental Congress of the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

EC-998. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, thirty-eight recommendations for legislative action; to the Committee on Rules and Administration.

EC-999. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for the period October 1990 through January 1991; to the Committee on Small Business.

EC-1000. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees was submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Special report entitled "Report on Legislative Activities of the Committee on Labor and Human Resources, United States Senate, during the 101st Congress" (Rept. No. 102-39).

Mr. KENNEDY. Mr. President, pursuant to section 136 of the Legislative Reorganization Act of 1946, as amended, (2 U.S.C. 190d), the Labor and Human Resources Committee is filing its report on the committee's legislative activity during the 101st Congress. The jurisdiction of the committee covers numerous domestic policy challenges, including health care, education, employment and labor, child care, and other issues affecting America's children and families. It was the goal of the committee last Congress, as it is in this Congress, to direct its activity toward the basic needs of hard-pressed American families and their children.

Fifty-four separate measures from the Labor and Human Resources Committee became public laws in the 101st Congress, making it one of the most productive periods in the committee's history. More bills were enacted into law from the committee than in any previous Congress, with the exception of the 89th Congress in 1965 and 1966, when many of the Great Society programs, including the Elementary and Secondary Education Act, the Higher Education Act, the Older Americans Act, the Manpower Act, and numerous health measures, were first enacted.

At the beginning of the 101st Congress, the Democratic policy committee in the Senate established its legislative agenda for the entire Congress, and identified 63 priority items for action in the 1989 and 1990 sessions; 57 of these items were actually enacted into law; 28, or almost half of these measures, originated in the Labor and Human Resources Committee.

In the area of legislation affecting children and families particularly, the 101st Congress was one of the most productive Congresses in the last 20 years. Legislation enacted from the committee in this area includes: The reauthorization and expansion of Head Start, to bring the program to all 3-, 4-, and 5-year-old children by 1994; the landmark 1990 Child Care Act, which is the first comprehensive child care legislation enacted since World War II; the 1990 and 1991 increases in the Federal minimum wage, which are the first increases since 1981; the groundbreaking National and Community Service Act, which is a call to action by all Americans, young and old, in and out of school, to serve their communities and their country in volunteer and service projects; the Americans With Disabilities Act, a historic step to end discrimination and open the doors of opportunity for 43 million disabled Americans; and the reauthorization and expansion of the McKinney Homeless Assistance Act, which provides a broad range of services to homeless families with an emphasis on the prevention of homelessness.

In the area of education and training, legislation enacted from the committee includes: the reauthorization and reform of the Perkins Vocational Education Program, the most comprehensive strengthening of vocational education legislation since the program was enacted in 1963; the Excellence in Math/Science and Engineering Education Act, which seeks to improve the quality of math and science education in the Nation's schools and colleges; the 1989 Drug Free Schools and Community Act, which strengthens drug education and drug prevention in America's schools and communities; the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act, which uses Defense Department appropriations to assist workers, communities and companies in adjusting to military spending cutbacks and in making the transition to a peacetime economy through job training, job placement and relocation assistance; and the reauthorization of the National Endowment for the Arts, which removes content restrictions on the grant making authority of the NEA.

In the area of health care, legislation enacted from the committee includes: the revitalization and expansion of the National Health Service Corps, a highly successful program which was cut back too deeply by budget reductions in previous years, and which places physicians in urban and rural underserved areas; the Ryan White Comprehensive AIDS Care Act, which provides urgently needed relief to urban and rural health care systems overwhelmed by the twin epidemics of AIDS and drugs; the Disadvantaged Minority Health Improvement Act, which contains a sense of initiatives to improve the health of minorities and other disadvantaged Americans; the Emergency Medical Services Planning and Development Act, which establishes a formal grant program to develop trauma and emergency medical assistance programs throughout the country; the Safe Medical Devices Act, which is the first comprehensive updating and strengthening of the system for regulating all items, other than drugs, used for medical care purposes, such as wheelchairs, hospital beds, pacemakers, heart valves, and CAT scanners; and the Nutritional Labeling and Education Act, which for the first time establishes uniform regulations for food labels and ensures that consumers have access to this basic information.

In the area of employment and labor, legislation enacted from the committee includes: reform of the pension fund reversion requirements, which will restrict the ability of employers to terminate certain benefit plans in order to capture surplus assets for other uses; legislation which increased the maximum penalties for violations of the Occupational Safety and Health Act, the Miner Safety and Health Act and the Fair Labor Standard Act; the Older Workers Benefit Protection Act, which overruled recent Supreme Court decisions that allowed employers to discriminate against older workers in employment benefits; and the housing trust fund, which amends the Labor Management Relations Act to permit unions and employers to bargain for and establish joint trust funds for housing assistance to employees.

More complete descriptions of these important laws and descriptions of each of the committee's other bills enacted into law are included in the report filed today.

In addition to this legislation, the committee conducted extensive oversight hearings on programs within its jurisdiction. The committee has jurisdiction over large numbers of Federal programs related to health, education, labor, and public welfare. The committee held 154 hearings in Washington and 33 field hearings to review and conduct oversight of programs in its jurisdiction. The committee also conducted staff studies, special inquiries, and investigations of many of these programs.

The work of the committee reflects our strong bipartisan consensus of the members on the vast majority of issues. The ranking minority member, Senator ORRIN HATCH, played a central role in advancing and achieving our consensus on many of these measures, and I commend him for his outstanding contributions to the committee's work throughout the 101st Congress. I also commend the Democratic members of the committee, Senator PELL, chairman of the Education, Arts, and Humanities Subcommittee; Senator METZENBAUM, chairman of the Labor Subcommittee; Senator DODD, chairman of the Children, Family, Drugs, and Alcoholism Subcommittee; Senator SIMON, chairman of the Employment and Productivity Subcommittee; Senator HARKIN, chairman of the Disability Policy Subcommittee; Senator ADAMS, chairman of the Aging Subcommittee; and Senator MIKULSKI and Senator BINGAMAN for their leadership and valuable contributions to the committee's work. I also thank Senator KASSEBAUM, ranking member on the Education, Arts, and Humanities Subcommittee; Senator JEFFORDS, ranking member on the Labor Subcommittee; Senator COATS, ranking member on the Children, Family, Drugs, and Alcoholism Subcommittee; Senator THURMOND, ranking member on the Employment and Productivity Subcommittee; Senator DURENBERGER, ranking member on the Disability Policy Subcommittee; and Senator COCHRAN, ranking member on the Aging Subcommittee, for their cooperation and assistance throughout the 101st Congress.

On behalf of the members of the committee, I also express my gratitude to the staff of the committee who worked hard in developing the legislation in the committee and sorting out differences in the committee, on the Senate floor, with the House, and with the administration. The committee's record of accomplishment in the 101st Congress is in no small respect a result of the contributions of the committee's outstanding staff.

I would also like to pay special tribute to Senator Spark M. Matsunaga, a valued member of the committee for 8 years until his death in 1990. Senator Matsunaga served as chairman of the Aging Subcommittee, where he was deeply involved in meeting the needs of the Nation's senior citizens. He was also an effective leader for the committee on many other issues in the areas of education, labor, and health programs. We greatly miss his leadership and friendship.

Finally, I want to thank the majority leader, Senator MITCHELL, for his cooperation throughout the 101st Congress. The committee's productive record would not have been achieved without his strong leadership.

I ask unanimous consent that a list of major legislation of the 101st Congress enacted from the Labor and Human Resources Committee be inserted in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LISTING OF MAJOR PUBLIC LAWS OF THE 101ST CONGRESS FROM THE LABOR AND HUMAN RESOURCES COMMITTEE

H.R. 678—To make a correction in the Education and Training for Competitive America Act of 1988—Public Law 101-26.

H.R. 1300—To amend the Head Start Act to increase the amount of authorization to be appropriated for Fiscal Year 1990—Public Law 101-120.

H.R. 2087—Child Abuse Prevention and Treatment Act—Public Law 101-126.

H.R. 2088—To revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1989—Public Law 101-127.

H.R. 2710—Amendments to the Fair Labor Standards Act of 1938 to increase the minimum wage—Public Law 101-157.

S. 1390—To authorize funds to be appropriated for the construction of a mouse research laboratory—Public Law 101-190.

H.R. 1312—To revise and extend the programs of the Domestic Volunteer Service Act of 1973—Public Law 101-204.

S. 1877—James Madison Memorial Fellowship Foundation—Public Law 101-208.

H.R. 3614—Drug-Free Schools and Communities Act—Public Law 101-226.

H.R. 2281—To amend the elementary and Secondary Education Act of 1965 to extend the authorization for certain school dropout demonstration programs—Public Law 101-250.

H.R. 2742—Library Services and Construction Act—Public Law 101-254.

S. 1949—To amend the Labor Management Relations Act of 1947 to permit parties engaged in collective bargaining to bargain over the establishment and administration of trust funds to provide financial assistance for employee housing—Public Law 101-273.

S. 2300—Simon Wiesenthal Center—Public Law 101-300.

H.R. 3910—National Assessment of Elementary and Secondary Education—Public Law 101-305.

S. 1999—To amend the Higher Education Act of 1965 to clarify the administrative procedures of the National Commission on Responsibilities for Financing Postsecondary Education—Public Law 101-324.

S. 933—Americans With Disabilities Act—Public Law 101-336.

H.R. 4790—Breast and Cervical Cancer Mortality Prevention Act—Public Law 101-354.

H.R. 4273—Tuberculosis Prevention—Public Law 101-368.

S. 2461—Drug Treatment Waiting Period Reduction Grant Program—Public Law 101-374.

S. 2240—Ryan White Comprehensive AIDS Resources Emergency Act—Public Law 101-381.

H.R. 7—Carl D. Perkins Vocational Education Act—Public Law 101-392.

H.R. 2372—National Atmospheric Testing and Radiation Compensation Act—Public Law 101-426.

S. 1511—Older Workers Benefit Protection Act—Public Law 101-433.

S. 1824—Education of Individuals With Disabilities—Public Law 101-476.

S. 2753—Reauthorization of the Developmental Disabilities Assistance Bill of Rights Act—Public Law 101-496.

H.R. 4151—Human Services Reauthorization Act—Public Law 101-501.

H.R. 4238—Vaccine and Immunization Act Amendments—Public Law 101-502.

H.R. 5794—Age Discrimination Claims Assistance Amendments Act—Public Law 101-504.

H.R. 5835—Omnibus Budget Reconciliation Conference Report, S. 5, Child Care and S. 685, Employee Pension Protection Act of 1989 as amendments thereto—Public Law 101-508.

H.R. 4739—Defense Authorization Act included Division D, the Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990, S. 2884 as an amendment thereto—Public Law 101-510.

H.R. 5769—Interior Appropriations Conference Report, S. 2724, Reauthorization of the National Endowment for the Arts and Humanities Act as an amendment thereto—Public Law 101-512.

H.R. 5257—Labor, HHS and Related Agencies Conference Report, S. 3095, National Education Report Card as an amendment thereto—Public Law 101-517.

H.R. 5759—Age Discrimination in Employment Act Amendments to clarify the application of such act to employee group health plans—Public Law 101-521.

H.R. 5702—Disadvantaged Minority Health Improvement Act—Public Law 101-527.

H.R. 3562—Nutrition Labelling and Education Act—Public Law 101-535.

S. 580—Student Athlete Right-to-Know—Public Law 101-542.

H.R. 3069—Displaced Homemakers Self Sufficiency Assistance Act—Public Law 101-554.

H.R. 5112—Home Health Care Demonstration—Public Law 101-557.

H.R. 5113—Injury Control Program Reauthorization—Public Law 101-558.

S. 2056—Health Objectives 2000—Public Law 101-582.

S. 2930—American Samoa—Public Law 101-583.

H.R. 996—Excellence in Math, Science and Engineering Education—Public Law 101-589.

H.R. 1602—Emergency Medical Services and Trauma Care Improvement Act—Public Law 101-590.

H.R. 4487—National Health Service Corps—Public Law 101-597.

H.R. 5140—School Dropout Demonstration Program Expansion—Public Law 101-600.

S. 1430—National and Community Service Act—Public Law 101-610.

S. 2857—National Institutes of Health Reauthorization—Public Law 101-613.

S. 2946—Transplant Amendments—Public Law 101-616.

H.R. 3095—Comprehensive Medical Device Improvement Act of 1990—Public Law 101-629.

S. 845—FDA Revitalization—Public Law 101-635.

S. 1939—Taft Institute Reauthorization—Public Law 101-638.

S. 2628—Mental Health Amendments—Public Law 101-639.

H.R. 3789—Stewart B. McKinney Homeless Assistance Act—Public Law 101-645.

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. Con. Res. 29. An original concurrent resolution setting forth the Congressional Budget for the U.S. Government for fiscal years 1992, 1993, 1994, 1995, and 1996 (Rept. No. 102-40).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Res. 104. An original executive resolution relating to the return of certain treaty amendments.

S. 100. A bill to set forth U.S. policy toward Central America and to assist the economic recovery and development of that region.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 253. A bill to provide for the establishment of appropriate legal forums for the enforcement of the Geneva Conventions.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 786. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering.

By Mr. NUNN, from the Committee on Armed Services, with an amendment in the nature of a substitute and an amended preamble:

S.J. Res. 97. A joint resolution to recognize and honor members of the reserve components of the Armed Forces of the United States for their contributions to victory in the Persian Gulf.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Melissa Foelsch Wells, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Zaire.

Raymond George Hardenbergh Seitz, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Raymond George Hardenbergh Seitz.

Post: Ambassador to the Court of St. James's.

Contributions, amount, date and donee:

1. Self, none.
2. Spouse, Caroline Richardson, none.
3. Children and spouses, Manning Barr; Hilary Brewster; and Thomas Cutler, none.
4. Parents, deceased.
5. Grandparents, deceased.
6. Brothers and spouses, John F.R. Seitz, brother, none.
7. Sisters and spouses, deceased.

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD of April 11, 1991, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS (for himself, Mr. McConnell, Mr. Kasten, Mr. Lott, Mr. Craig, Mr. Helms, Mr. McCain, Mr. Hatch, Mr. Coats, and Mr. Symms):

S. 847. A bill to limit spending increases for fiscal years 1992 through 1995 to 4 percent; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days to report or be discharged.

By Mr. LOTT (for himself and Mr. Cochran):

S. 848. A bill to provide financial assistance for the establishment of the Hiram Rhodes Academic Science Complex at Alcorn State University in Claiborne County, MS; to the Committee on Labor and Human Resources.

By Mr. LIEBERMAN (for himself and Mr. Reid):

S. 849. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 850. A bill to make the temporary suspension of duty on menthol feedstocks permanent; to the Committee on Finance.

S. 851. A bill to temporarily suspend the duty on laurylIactam; to the Committee on Finance.

By Mr. DASCHLE:

S. 852. A bill to suspend temporarily the duty on imitation nonmetal jewelry; to the Committee on Finance.

S. 853. A bill to suspend temporarily the duty on ceramic (nonporcelain) mugs; to the Committee on Finance.

S. 854. A bill to suspend temporarily the duty on porcelain ornaments; to the Committee on Finance.

By Mr. GLENN (for himself and Mr. Rudman):

S. 855. A bill to amend the act entitled "An act to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War"; to the Committee on Energy and Natural Resources.

By Mr. MACK (for himself and Mr. Graham):

S. 856. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes; to the Committee on Finance.

By Mr. METZENBAUM:

S. 857. A bill to require providers of long-distance telephone services to offer to all classes of customers served by such provider the same lowest increment time billing for long-distance service; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. Stevens, and Mr. Akaka):

S. 858. A bill to amend the Agricultural Act of 1949 to provide that the milk price support and milk inventory management program applies only to milk produced in the 48 contiguous States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY:

S. 859. A bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. Simon, Mr. D'Amato, Mr. Kasten, Mr. DeConcini, Mr. Lugar, Mr. Cohen, Mr. Pressler, Mr. Garn, Mr. McCain, Mr. Seymour, Mr. Dixon, and Mr. Coats):

S. 860. A bill to support democracy and self-determination in the Baltic States and the republics within the Soviet Union; to the Committee on Foreign Relations.

By Mr. THURMOND (for himself and Mr. Hollings):

S. 861. A bill to amend title 18 of the United States Code to permit the prosecution of a murder of a United States national abroad; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 862. A bill to provide for a demonstration program for vior dire examination in certain criminal cases, and for other purposes; to the Committee on the Judiciary.

S. 863. A bill to amend the Federal Rules of Civil Procedure with respect to the examination of prospective jurors; to the Committee on the Judiciary.

S. 864. A bill to amend the Federal Rules of Criminal Procedure with respect to the examination of prospective jurors; to the Committee on the Judiciary.

S. 865. A bill to provide for a demonstration program for vior dire examination in certain civil cases, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself, Mr. Mack, Mr. DeConcini, Mr. Seymour, and Mr. Pryor):

S. 866. A bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 867. A bill to establish a commission in the Department of the Interior to provide compensation to individuals who lost their land or mining claims to the U.S. Government for the establishment of the White Sands Missile Range; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON:

S. 868. A bill to amend title 10, United States Code, and title 38, United States Code, to improve educational assistance benefits for members of the Selected Reserve of the Armed Forces who served on active duty during the Persian Gulf war, and for other purposes; to the Committee on Veterans Affairs.

By Mr. CRANSTON (for himself, Mr. DeConcini, Mr. Rockefeller, and Mr. Akaka):

S. 869. A bill to amend title 38, United States Code, to improve the availability of treatment of veterans for post-traumatic stress disorder; and for other purposes; to the Committee on Veterans Affairs.

By Mr. CRANSTON (for himself and Mr. Seymour):

S. 870. A bill to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, CA; to the Committee on Energy and Natural Resources.

S. 871. A bill to provide estate tax credit for the transfer of property for inclusion in the Golden Gate National Recreation Area, CA; to the Committee on Finance.

By Mr. PELL (by request):

S. 872. A bill to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1992 and 1993 for the Inter-American Foundation; to the Committee on Foreign Relations.

By Mr. BOREN:

S. 873. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. Moynihan, Mr. Akaka, Mr. Graham, Mr. D'Amato, Mr. Kohl, Mr. Adams, Mr. Dodd, Mr. Chafee, and Mr. Simon):

S. 874. A bill to amend the Public Health Service Act to establish a demonstration program to allow drug-addicted mothers to reside in drug-abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NUNN (for himself and Mr. Warner):

S. 875. A bill to authorize certain construction at military installations for fiscal year 1992 and 1993, and for other purposes; to the Committee on Armed Services.

By Mr. MOYNIHAN:

S. 876. A bill to amend the Head Start Act to fund the Head Start Program as an entitlement program, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

By Mr. SEYMOUR:

S. 877. A bill for the relief of Shen-Yen Kuan and certain members of his family; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. Hatfield, Mr. Sarbanes, Mr. Kerry, Mr. Lugar, and Mr. Bradley):

S. 878. A bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes; to the Committee on Foreign Relations.

By Mr. HATFIELD (for himself, Mr. Kasten, Mr. Dodd, and Mr. Bradley):

S.J. Res. 126. Joint resolution to designate the second Sunday in October of 1991 as "National Children's Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL:

S. Res. 104. An original executive resolution relating to the return of certain treaty amendments; from the Committee on Foreign Relations.

By Mr. DOLE:

S. Res. 105. Resolution recognizing the contributions of the Hugoton Gas Field to the Nation; considered and agreed to.

By Mr. DOLE (for himself, Mr. Symms, Mr. Pell, and Mr. Helms):

S. Res. 106. Resolution to express Senate support for democracy and human rights in Yugoslavia and Senate opposition to the use of force against democratic republic governments in Yugoslavia; considered and agreed to.

By MOYNIHAN:

S. Res. 107. Resolution expressing the sense of the Senate concerning freedom and human rights for Tibet; considered and agreed to.

By Mr. BUMPERS (for himself, Mr. Adams, Mr. Akaka, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bingaman, Mr. Bond, Mr. Boren, Mr. Bradley, Mr. Breaux, Mr. Brown, Mr. Bryan, Mr. Burdick, Mr. Burns, Mr. Byrd, Mr. Chafee, Mr. Coats, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. Craig, Mr. Cranston, Mr. D'Amato, Mr. Danforth, Mr. Daschle, Mr. DeConcini, Mr. Dixon, Mr. Dodd, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Exon, Mr. Ford, Mr. Fowler, Mr. Garn, Mr. Glenn, Mr. Gore, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grassley, Mr. Harkin, Mr. Hatch, Mr. Hatfield, Mr. Heflin, Mr. Helms, Mr. Hollings, Mr. Inouye, Mr. Jeffords, Mr. Johnston, Mrs. Kassebaum, Mr. Kasten, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Nunn, Mr. Packwood, Mr. Pell, Mr. Pressler, Mr. Reid, Mr. Riegle, Mr. Robb, Mr. Rockefeller, Mr. Roth, Mr. Rudman, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Seymour, Mr. Shelby, Mr. Simon, Mr. Simpson, Mr. Smith, Mr. Specter, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Wallop, Mr. Warner, Mr. Wellstone, and Mr. Wirth):

S. Res. 108. Resolution relative to the illness of the Honorable David Pryor, a Senator from the State of Arkansas; considered and agreed to.

By Mr. SASSER:

S. Con. Res. 29. An original concurrent resolution setting forth the Congressional Budget for the U.S. Government for fiscal years 1992, 1993, 1994, 1995, and 1996; from the Committee on the budget; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS (for himself, Mr. McConnell, Mr. Kasten, Mr. Lott, Mr. Craig, Mr. Helms, Mr. McCain, Mr. Hatch, Mr. Coats, and Mr. Symms):

S. 847. A bill to limit spending increases for fiscal years 1992 through 1995 to 4 percent; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

FOUR PERCENT SOLUTION ACT

Mr. BURNS. Mr. President, now that the war is over, we all must focus our attention on the important domestic matters at hand. There has been talk about the need to commit the resources necessary to win the war on drugs or to fight against poverty.

These are issues of great importance to the American people. We understand that and we are trying to respond.

But, Mr. President, I am concerned that there is a message out there that we are not hearing—or should I say that we are not listening to.

In a recent Washington Post-ABC News poll, 81 percent of those surveyed said the country was not making enough progress on the Federal budget deficit.

The American people are still concerned about the size of our deficit—and frankly so am I.

I know that many of my colleagues will respond saying, "we dealt with that issue last year." But did we? I have my doubts.

In 1995—the last year covered under the 1990 budget agreement—we will still be paying over $200 billion to serve our national debt.

That is a lot of money folks! A lot of money that could be funding programs like WIC, Head Start, transportation and long-term care for the elderly.

But as we all know, you can't start paying off the principle until you get ahead of the interest—we can not even begin to address the debt until we get rid of the deficit.

It is for this reason that I am introducing a revised version of a bill I introduced last year called the Four Percent Solution Budget Act. I am extremely pleased to have Senators McConnell, Kasten, Lott, Craig, Helms, McCain, Hatch, and Coats join me as original cosponsors of this bill.

The 4-percent solution limits spending increases to a level roughly equal to inflation using the framework laid by last year's budget agreement. If enacted this year, the 4-percent solution would balance the budget by fiscal year 1995.

Our proposal reforms the budget process to put the emphasis on the crux of our deficit problem: Federal spending.

The Progressive Policy Institute, a forward-looking think tank with Democratic leanings issued a report this February entitled, Paying for Progress: A Progressive Strategy for Fiscal Discipline. They say that there is justice in the Democrats' complaint that the tax cuts of the eighties led to the deficits of the eighties, but conclude that spending increases have the greater consequences for the deficit.

It seems that there is a consensus building on both sides about the need to bring Federal spending under control.

Unfortunately, last year's package will not work to effectively reduce Federal spending.

In fact, over the next 5 years, domestic spending will increase by $1.83 for every dollar of new taxes raised. Prior to last year's agreement, Washington was spending at a rate of $1.57 for every tax dollar brought in.

The 1990 package did contain some features that may help control the growth of Government. The 4-percent solution builds on those features.

The 1990 budget agreement established, for the first time, limits on Federal spending. This was definitely a step in the right direction.

However, the current spending limits will do little to control spending. They are too high and they come on the heels of a huge spending increase in 1991.

When you look at aggregate spending figures, it appears that Federal spending is growing at a modest rate. But those figures are masked by the fact that defense spending is declining in nominal terms and by the one time costs and later revenues of the off-budget S&L bailout.

A closer analysis of domestic spending reveals that from 1990 to 1991, domestic discretionary spending jumped 9.5 percent. Domestic mandatory—or entitlement—spending jumped a whopping 12 percent.

So the current spending limits start on a jacked-up base, and then they increase from there.

Next year, domestic discretionary spending is slated for a 6.1-percent increase.

Under the 4-percent solution, the domestic spending limits are lowered to allow for a 4-percent growth rate. This is equal to roughly $32 billion in new spending each year from 1992 to 1995.

The spending limits on defense and international spending set by the 1990 law remain the same because they are already set to grow at or below 4 percent.

The 4-percent cap applies to all domestic spending—except the off-budget S&L bailout and interest on the national debt. The primary change here from current law is the fact that entitlement spending is brought under the domestic spending limit.

Under last year's agreement, current entitlement spending can grow unchecked. Entitlement spending makes up 52 percent of all Federal spending.

We cannot let half of the entire Federal budget grow unchecked. If we do, we will never be able to get rid of the deficit.

By placing a realistic spending limit on all domestic spending, we create an environment in which Federal spending is controlled and domestic programs compete for the available resources.

This will focus the debate on appropriate questions and priorities.

Members of Congress need to come to the same philosophical realization that the comic strip character Shoe came to here settin' on his bar stool. He says, "I never learn * * * whenever I throw money at a problem to make it disappear, the only thing that disappears is my money."

We are often too quick to throw money at our Nation's problems with no regard to the fact that we aren't solving those problems.

The 4-percent solution will force a rigorous, and long overdue, debate about our Federal spending priorities. Congress must learn that no program is immortal. Times change, the Federal Government's programs should change, too.

This process will be greatly enhanced, in my opinion, by the passage of S. 20, a bill introduced by Senator ROTH of which I am a cosponsor.

S. 20, the Federal Program Performance Standards and Goals Act, requires that measurable performance goals to be established for all Federal programs. If this legislation becomes law, it will greatly enhance our ability to determine which programs are effective and should be continued and which are a waste of taxpayers' money and should be cut or eliminated.

There was also a lot of talk last year about the issue of tax fairness. Well, what about spending fairness.

Is it fair that we subsidize health benefits for people who make over $125,000 a year with Federal tax dollars.

Payments to individuals have risen to 46 percent of the total budget, most of that does not go to the poor.

If we are going to preserve a responsible safety net for the needy and balance the budget, we may have to reduce subsidies for those who clearly are not needy.

These are the tough decisions that will only be made if Congress is forced to make them—politicians do not like to make tough choices.

Finally, our legislation replaces the Gramm-Rudman deficit targets with the new spending limits.

The Gramm-Rudman process, as amended last year, remains intact.

However, the sequester process is tied to spending limits rather than deficit targets. If a spending limit is breached, then a minisequester will take effect, but only in the category in which the breach occurred.

This process will ensure that Federal spending is kept in check.

It is my hope that my colleagues will look seriously at the concept embodied in the 4-percent solution. I truly believe that this concept can, and will, lead to a balanced budget.

The question is do we start now, or do we wait until our budget problems reach crisis proportions again. I think we owe it to the American people to start now. After all, it is their money we are wasting.

I look forward to working with my colleagues, on both sides of the aisle, to bring Federal spending under control.

I ask unanimous consent that a copy of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Four Percent Solution Act of 1991".

SEC. 2. UNIFIED CAP ON ALL DOMESTIC SPENDING.

(a) UNIFIED CAP.—Subsection (a) of section 601 of the Congressional Budget Act, as amended by section 13111 of the Budget Enforcement Act of 1990, is amended to read as follows:

"(a) DEFINITIONS.—As used in this title and for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, the term 'spending limit' means—

"(A) with respect to fiscal year 1991—

"(i) for the defense category: $288,918,000,000 in new budget authority and $297,660,000,000 in outlays;

"(ii) for the international category: $20,100,000,000 in new budget authority and $18,600,000,000 in outlays; and

"(iii) for the domestic category: $182,700,000,000 in new budget authority and $198,100,000,000 in outlays;

"(B) with respect to fiscal year 1992—

"(i) for the defense category: $291,361,000,000 in new budget authority and $295,800,000,000 in outlays;

"(ii) for the international category: $34,025,000,000 in new budget authority and $19,613,000,000 in outlays; and

"(iii) for the domestic category: $805,690,000,000 in outlays;

"(C) with respect to fiscal year 1993—

"(i) for the defense category: $291,480,000,000 in new budget authority and $292,523,000,000 in outlays;

"(ii) for the international category: $22,612,000,000 in new budget authority and $20,438,000,000 in outlays; and

"(iii) for the domestic category: $837,920,000,000 in outlays;

"(D) with respect to fiscal years 1994 and 1995—

"(i) for the domestic category (I) Fiscal year 1994: $871,430,000,000 in outlays, and (II) Fiscal year 1995: $906,290,000,000 in outlays; and

"(ii) for each of the 2 other categories an amount set by law during the consideration of the concurrent resolution on the budget for fiscal year 1993.".

(b) POINT OF ORDER.—Subsection (b) of section 601 of the Congressional Budget Act of 1974 is amended—

(1) by striking "DISCRETIONARY"in the caption for such subsection; and

(2) in paragraph (1), by striking "or 1993" and inserting "1993, 1994, or 1995".

(c) CONSIDERATION OF LEGISLATION IN HOUSE.—Section 603 is amended—

(1) by striking "DISCRETIONARY" in the caption for subsection (a); and

(2) by striking "discretionary" in subsection (a).

SEC. 3. AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

The Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) Section 250 is amended to read as follows:

"SEC. 250. TABLE OF CONTENTS; STATEMENT OF BUDGET ENFORCEMENT THROUGH SEQUESTRATION; DEFINITIONS.

"(a) TABLE OF CONTENTS.—

"Sec. 250. Table of contents; budget enforcement statement; definitions.
"Sec. 251. Enforcing spending limits.
"Sec. 252. Enforcing pay-as-you-go.
"Sec. 253. Repealed.
"Sec. 254. Reports and orders.
"Sec. 255. Exempt programs and activities.
"Sec. 256. Special rules.
"Sec. 257. Repealed.
"Sec. 258. Suspension in the event of war or low growth.
"Sec. 258A. Modification of presidential order.
"Sec. 258B. Alternative defense sequestration.
"Sec. 258C. Special reconciliation process.

"(b) GENERAL STATEMENT OF BUDGET ENFORCEMENT THROUGH SEQUESTRATION.—This part provides for the enforcement of the deficit reduction assumed in House Concurrent Resolution 310 (101st Congress, second session) and the Four Percent Solution Act of 1991 and the applicable spending limits for fiscal years 1991 through 1995. Enforcement, as necessary, is to be implemented through sequestration—

"(1) to enforce spending levels assumed in that resolution and Act (with adjustments as provided hereinafter); and

"(2) to enforce the requirement that any legislation increasing direct spending be on a pay-as-you-go basis.

"(c) DEFINITIONS.—As used in this part:

"(1) The terms 'budget authority', 'new budget authority', and 'outlays' have the meanings given to such terms in section 3 of the Congressional Budget and Impoundment Control Act of 1974 (but including the treatment specified in section 257(b)(3) of the Hospital Insurance Trust Fund) and the term 'spending limit' shall mean the amounts specified in section 601 of that Act as adjusted under section 251 of this Act.

"(2) The terms 'sequester' and 'sequestration' refer to or mean the cancellation of budgetary resources provided by discretionary appropriations or direct spending law.

"(3) The term 'breach' means, for any fiscal year, the amount (if any) by which new budget authority or outlays for that year (within a category of spending and appropriations) is above that category's spending limit for new budget authority or outlays for that year, as the case may be.

"(4) The term 'category' means, for fiscal years 1991, 1992, 1993, 1994, and 1995, any of the following subsets of spending and appropriations: defense, international, or domestic. Spending and appropriations in each of the three categories shall be those so designated in the joint statement of managers accompanying the conference report on the Omnibus Budget Reconciliation Act of 1990, except that the domestic category shall include all direct spending. New accounts or activities shall be categorized in consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate. Contributions to the United States to offset the cost of Operation Desert Shield shall not be counted within any category.

"(5) The term 'baseline' means the current-year levels of new budget authority, outlays, and receipts.

"(6) The term 'budgetary resources' means—

"(A) with respect to budget year 1991, new budget authority; unobligated balances; new loan guarantee commitments or limitations; new direct loan obligations, commitments, or limitations; direct spending authority; and obligation limitations; or

“(B) with respect to budget year 1992, 1993, 1994, or 1995, new budget authority; unobligated balances; direct spending authority; and obligation limitations.

“(7) The term ‘appropriations’ means budgetary resources (except to fund direct-spending programs) provided in appropriation Acts.

“(8) The term ‘direct spending’ means—

“(A) budget authority provided by law other than appropriation Acts;

“(B) entitlement authority; and

“(C) the food stamp program.

“(9) The term ‘current’ means, with respect to OMB estimates included with a budget submission under section 1105(a) of title 31, United States Code, the estimates consistent with the economic and technical assumptions underlying that budget and with respect to estimates made after submission of the fiscal year 1992 budget that are not included with a budget submission, estimates consistent with the economic and technical assumptions underlying the most recently submitted President’s budget.

“(10) The term ‘real economic growth’, with respect to any fiscal year, means the growth in the gross national product during such fiscal year, adjusted for inflation, consistent with Department of Commerce definitions.

“(11) The term ‘account’ means an item for which appropriations are made in any appropriation Act and, for items not provided for in appropriation Acts, such term means an item for which there is a designated budget account identification code number in the President’s budget.

“(12) The term ‘budget year’ means, with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

“(13) The term ‘current year’ means, with respect to a budget year, the fiscal year that immediately precedes that budget year.

“(14) The term ‘outyear’ means, with respect to a budget year, any of the fiscal years that follow the budget year through fiscal year 1995.

“(15) The term ‘OMB’ means the Director of the Office of Management and Budget.

“(16) The term ‘CBO’ means the Director of the Congressional Budget Office.

“(17) For purposes of section 252, legislation enacted during the second session of the One Hundred First Congress shall be deemed to have been enacted before the enactment of this Act.

“(18) As used in this part, all references to entitlement authority shall include the list of mandatory appropriations included in the joint explanatory statement of managers accompanying the conference report on the Omnibus Budget Reconciliation Act of 1990.

“(19) The term ‘deposit insurance’ refers to the expenses of the Federal Deposit Insurance Corporation and the funds it incorporates, the Resolution Trust Corporation, the National Credit Union Administration and the funds it incorporates, the Office of Thrift Supervision, the Comptroller of the Currency Assessment Fund, and the RTC Office of Inspector General.

“(20) The term ‘composite outlay rate’ means the percent of new budget authority that is converted to outlays in the fiscal year for which the budget authority is provided and subsequent fiscal years, as follows:

“(A) For the international category, 46 percent for the first year, 20 percent for the second year, 16 percent for the third year, and 8 percent for the fourth year.

“(B) For the domestic category, 53 percent for the first year, 31 percent for the second year, 12 percent for the third year, and 2 percent for the fourth year.”.

(2) Section 251 is amended—

(A) in the caption by striking “DISCRETIONARY”;

(B) in subsection (a)(1), by striking “and section 253”;

(C) in subsection (a)(2), by striking “discretionary”;

(D) in subsection (a)(5), by striking “discretionary”;

(E) in subsection (b)—

(i) by striking “DISCRETIONARY” in the caption;

(ii) by striking paragraph (1);

(iii) in paragraph (2) in the matter before subparagraph (A), by striking “discretionary”;

(iii) in paragraph (2), by striking subparagraphs (E) and (F); and

(iv) by striking “(2) When OMB” and inserting “When OMB”.

(3) Section 252 is amended—

(A) in subsection (a), by striking “increases the deficit” and inserting “breaches a category’s spending limit”;

(B) in subsection (b)—

(i) by striking “and section 253”;

(ii) by striking “net deficit” and inserting “net spending”;

(iii) by striking “deficit” and inserting “spending”;

(iv) in paragraph (1) by striking “and receipts”;

(v) in paragraph (2)—

(I) by striking “or section 253”; and

(II) by striking “deficit” and inserting “spending”;

(C) in subsection (c) by striking “DEFICIT” in the caption and inserting “SPENDING”;

(D) in subsection (d) by striking “or receipts” each place it appears; and

(E) in subsection (e), by striking “or receipts”.

(4) Section 253 is repealed.

(5) Section 254 is amended to read as follows:

“SEC. 254. REPORTS AND ORDERS.

“(a) TIMETABLE.—The timetable with respect to this part for any budget year is as follows:

“Date:	Action to be completed:
5 days before the President’s budget submission.	CBO sequestration preview report.
The President’s budget submission.	OMB sequestration preview report.
August 10	Notification regarding military personnel.
August 15	CBO sequestration update report.
August 20	OMB sequestration update report.
10 days after end of session.	CBO final sequestration report.
15 days after end of session.	OMB final sequestration report; Presidential order.
30 days later	GAO compliance report.

“(b) SUBMISSION AND AVAILABILITY OF REPORTS.—Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the Federal Register.

“(c) SEQUESTRATION PREVIEW REPORTS.—

“(1) REPORTING REQUIREMENT.—On the dates specified in subsection (a), OMB and CBO shall issue a preview report regarding spending and pay-as-you-go sequestration based on laws enacted through those dates. The report shall also include a projection of the deficit for statistical purposes only.

“(2) SPENDING SEQUESTRATION REPORT.—The preview reports shall set forth estimates for the current year and each subsequent year through 1995 of the applicable spending limits for each category and an explanation of any adjustments in such limits under section 251.

“(3) PAY-AS-YOU-GO SEQUESTRATION REPORTS.—The preview reports shall set forth, for the current year and the budget year, estimates for each of the following:

“(A) The amount of net spending increase or decrease, if any, calculated under subsection 252(b).

“(B) A list identifying each law enacted and sequestration implemented after the date of enactment of this section included in the calculation of the amount of spending increase or decrease and specifying the budgetary effect of each such law.

“(C) The sequestration percentage or (if the required sequestration percentage is greater than the maximum allowable percentage for medicare) percentages necessary to eliminate a spending increase under section 252(c).

“(d) NOTIFICATION REGARDING MILITARY PERSONNEL.—On or before the date specified in subsection (a), the President shall notify the Congress of the manner in which he intends to exercise flexibility with respect to military personnel accounts under section 255(h).

“(e) SEQUESTRATION UPDATE REPORTS.—On the dates specified in subsection (a), OMB and CBO shall issue a sequestration update report, reflecting laws enacted through those dates, containing all of the information required in the sequestration preview reports.

“(f) FINAL SEQUESTRATION REPORTS.—

“(1) REPORTING REQUIREMENT.—On the dates specified in subsection (a), OMB and CBO shall issue a final sequestration report, updated to reflect laws enacted through those dates.

“(2) SPENDING SEQUESTRATION REPORT.—The final reports shall set forth estimates for each of the following:

“(A) For the current year and each subsequent year through 1995 the applicable spending limits for each category and an explanation of any adjustments in such limits under section 251.

“(B) For the current year and the budget year the estimated new budget authority and outlays for each category and the breach, if any, in each category.

“(C) For each category for which a sequestration is required, the sequestration percentages necessary to achieve the required reduction.

“(D) For the budget year, for each account to be sequestered, estimates of the baseline level of sequestrable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions.

“(3) PAY-AS-YOU-GO SEQUESTRATION REPORTS.—The final reports shall contain all the information required in the pay-as-you-go sequestration preview reports. In addition, these reports shall contain, for the budget year, for each account to be sequestered, estimates of the baseline level of sequestrable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions. The reports shall also contain estimates of the effects on outlays of the sequestration in each outyear through 1995 for direct spending programs.

"(4) EXPLANATION OF DIFFERENCES.—The OMB report shall explain any differences between OMB and CBO estimates of the amount of any net spending change calculated under subsection 252(b), any excess spending, any breach, and any required sequestration percentage. The OMB report shall also explain differences in the amount of sequesterable resources for any budget account to be reduced if such difference is greater than $5,000,000.

"(5) PRESIDENTIAL ORDER.—On the date specified in subsection (a), if in its final sequestration report OMB estimates that any sequestration is required, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

"(g) WITHIN-SESSION SEQUESTRATION REPORTS AND ORDER.—If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for that budget year and before July 1 of that fiscal year) that causes a breach, 10 days later CBO shall issue a report containing the information required in paragraph (f)(2). Fifteen days after enactment, OMB shall issue a report containing the information required in paragraphs (f)(2) and (f)(4). On the same day as the OMB report, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

"(h) GAO COMPLIANCE REPORT.—On the date specified in subsection (a), the Comptroller General shall submit to the Congress and the President a report on—

"(1) the extent to which each order issued by the President under this section complies with all of the requirements contained in this part, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not; and

"(2) the extent to which each report issued by OMB or CBO under this section complies with all of the requirements contained in this part, either certifying that the report fully and accurately complies with such requirements or indicating the respects in which it does not.

"(i) LOW-GROWTH REPORT.—At any time, CBO shall notify the Congress if—

"(1) during the period consisting of the quarter during which such notification is given, the quarter preceding such notification, and the 4 quarters following such notification, CBO or OMB has determined that real economic growth is projected or estimated to be less than zero with respect to each of any 2 consecutive quarters within such period; or

"(2) the most recent of the Department of Commerce's advance preliminary or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarters and the immediately preceding quarter is less than one percent.

"(j) ECONOMIC AND TECHNICAL ASSUMPTIONS.—In all reports required by this section, OMB shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31, United States Code.".

(6) Section 256(d)(1) is amended by striking "and 253".

(7) Section 257 is repealed.

(8) Section 258A(a) is amended by striking "the deficit" and inserting "spending".

(9) Section 258C is amended—

(A) in subsection (a)(1), by striking "or 253";

(B) in subsection (a)(2), by striking "deficit" and inserting "spending";

(C) in subsection (a)(4), by striking "deficit" and inserting "spending"; and

(D) in subsection (a)(5), by—

(i) striking "amount of the deficit" and inserting "spending"; and

(ii) striking "maximum deficit amount" and inserting "spending limits".

SEC. 4. ADDITIONAL AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.

The Congressional Budget Act of 1974 is amended as follows:

(1) Section 604 is repealed.

(2) Section 605(b) is amended—

(A) by striking the caption and inserting "SPENDING LIMIT BREACH POINT OF ORDER IN THE SENATE";

(B) by striking all after "would result in," and inserting "that would result in a spending limit breach for the appropriate category in the first fiscal year covered by that resolution that exceeds the spending limits specified for such fiscal year in section 601(a).".

(3) Section 606 is amended—

(A) in subsection (b), by striking "maximum deficit amount" and inserting "spending limits";

(B) in subsection (c), by striking all after "concurrent resolution or conference report" and inserting "exceeds the spending limits for that year as set forth in section 601(a), or if the adoption of such amendment would result in a level of total budget outlays for that fiscal year which exceeds the spending limits for that year as set forth in section 601(a)."; and

(C) by striking subsection (d).

(4) Section 301(b)(7)(A) is amended by striking "the deficit" and "deficit" each place such terms appear and inserting "spending".

SEC. 5. ELIMINATION OF CURRENT SERVICES BASELINE.

(a) THE PRESIDENT'S BUDGET.—Section 1105(a)(5) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section—

"(A) estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year;

"(B) estimated expenditures and proposed appropriations the President decides are necessary to support the Government for each function and subfunction in the fiscal year for which the budget is submitted; and

"(C) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction;".

(b) CONGRESSIONAL BUDGET.—Section 301(e) of the Congressional Budget Act of 1974 (2 U.S.C. 632(e)) is amended by—

(1) inserting after the second sentence the following: "The starting point for any deliberations in the Committee on the Budget of each House on the concurrent resolution on the budget for the next fiscal year shall be the estimated level of outlays for the current year in each function and subfunction. Any increases or decreases in the congressional budget for the next fiscal year shall be from those estimated levels.";

(2) striking paragraphs (2) and (3) and inserting the following:

"(2) a comparison of levels for the current fiscal year with proposed spending for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function and subfunction;

"(3) information, data, and comparisons indicating the manner in which and the basis on which the committee determined each of the matters set forth in the concurrent resolution, including information on outlays for the current fiscal year and the decisions reached to set funding for the subsequent fiscal years;";

(3) striking paragraph (8);

(4) redesignating paragraph (9) as paragraph (8) and adding "and" at the end thereof; and

(5) redesignating paragraph (10) as paragraph (9).

(c) CONGRESSIONAL BUDGET OFFICE REPORT TO COMMITTEES.—The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(f)(1)) is amended to read as follows: "On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report, for the fiscal year commencing on October 1 of that year, with respect to fiscal policy, including—

"(A) estimated budget outlays in all functions and subfunctions for appropriated accounts for the current fiscal year and estimated budget outlays under current law for all entitlement programs for the next fiscal year;

"(B) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits); and

"(C) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in those levels based on proposals in the budget submitted by the President for that fiscal year.".

Mr. MCCAIN. Mr. President, I would like to thank my colleague, Senator BURNS, for introducing this much-needed legislation. We must control excessive Government spending if we wish our private sector to remain vibrant and competitive. No longer can we afford as a Nation to permit the Federal Government to consume 25 percent of our gross national product and still expect to be the world's economic leader.

Last year, the Congress passed the largest tax increase in the history of the United States—over $166 billion over 5 years. An integral part of the budget agreement were much advertised and painful spending cuts that would reduce the deficit by $500 billion over the same 5-year period. Thus, tax increases and spending cuts would balance the budget by 1995.

Three facts are now self-evident: First, taxes did increase; but second, spending was not cut; and third, the deficit continues to grow rather than shrink. In fact, close analysis of domestic spending for fiscal year 1991 reveals the explosive growth in domestic discretionary spending. It accelerated by 9.5 percent while entitlement spending accelerated even faster by 13 percent. There is no evidence of the painful spending cuts. There is clear evidence of a substantial increase in Government spending.

Under the terms of the 1990 budget package, every dollar of new taxes will result in a $1.83 increase in domestic spending.

As a result, American families and businesses will pay more in taxes to support more spending and larger deficits. This simply must stop.

Mr. President, the problem with fiscal policy in the Congress is that we have failed to link Federal finances with private sector finances. Congress acts, year after year, without regard for the economic health of our Nation. The prioritization of Government over taxpayers must be reversed.

This legislation will clearly control Government spending. It will not cut spending, but simply limit it to a modest 4-percent annual increase. This is not draconian legislation that attempts to eliminate Government programs.

In fact, it will provide an annual 4-percent increase in spending level for all programs. The key to spending control is not the mirage of painful cuts, but consistent and vigilant efforts to control the rate of increase in Government spending.

The Four Percent Solution Budget Act will control the rate of growth in Government spending. If enacted this year, this legislation would save American families and businesses $255 billion over 4 years.

It would not increase their tax burden by $166 billion over 5 years, and would not produce annual budget deficits that exceed $300 billion.

But, this legislation would truly balance the budget by 1995.

I commend Senator BURNS for this effort to control Government spending and balance the budget. This effort is consistent with other legislation aimed at controlling spending, balancing the budget, and limiting taxes.

He is a cosponsor of the Legislative Line-Item Veto Act and the McCain Tax Fairness And Accountability Act which would require a 60-vote supermajority in the Senate for any new tax or tax increase. I thank him for his tireless support of these efforts, and look forward to working closely with him on the "Four Percent Solution Budget Act."

Finally, I rise in support of this legislation because the American taxpayer deserves more fiscal responsibility and less deficit spending from Congress. This is taxpayer friendly, fiscally sound legislation which I wholeheartedly support.

Mr. CRAIG. Mr. President, last year, as a Member of the other body, I cosponsored the 4 percent solution to our budget dilemma. To my regret, Congress chose to ignore this sensible, workable solution and instead approved a budget summit agreement that burdened the American people with one of the largest tax increases in history—and increased spending and the size of the Federal Government.

I commend my colleague from Montana for his leadership in again presenting the Congress with an opportunity to enact true budget reform.

Without smoke-and-mirrors, without draconian cuts, without even violating the parameters of the 1990 budget summit agreement, the Four Percent Solution Budget Act will save the American people $255 billion and balance the Federal budget by 1995. It simply limits the rate of increase in Federal spending to 4 percent—just about the rate of inflation.

Mr. President, I've probably heard more about the budget than about any other issue from the people in my State of Idaho. When I tell them that we can balance the budget by slowing the increase in Federal spending—not cutting spending, but just allowing it to increase more slowly than we do now—they can't understand why Congress won't do it.

Frankly, Mr. President, neither can I.

I hope my other colleagues in the Senate will take a long, close look at what Senator BURNS is offering, and join us in passing this much-needed reform.

Mr. HATCH. Mr. President, I rise today in support of the 4-percent solution introduced by my colleague, Senator BURNS.

This country is faced with an enormous deficit which continues to grow each year despite our past efforts of at least $206.7 billion. This is more than three times the size of the Gramm-Rudman-Hollings target we were facing just 1 year ago.

The Omnibus Budget Reconciliation Act of 1990 was intended to cut the deficit by nearly $500 billion by the year 1995. After the release of the budget data for the fiscal year 1992, however, it is readily apparent that this goal will not be met.

Government spending appears to be growing at a modest rate when you look at the aggregate spending figures of the budget agreement. This is just an illusion, however. These growth figures are masked by the decline, in nominal terms, of defense spending and the fact that the S&L bailout figures, though technically off budget, are included in the aggregate totals of Federal spending. This gives the appearance of modest Federal spending growth.

Upon closer analysis of the spending figures, a different picture emerges. For fiscal year 1991, domestic discretionary spending grew at a rate of 9.5 percent, while entitlement spending jumped by an incredible 13 percent. These can hardly be called modest rates of growth.

The problem here is not a lack of revenue; it is an increase in spending. For every $1 that taxes went up in last year's omnibus budget reconciliation, new domestic spending jumped by $1.83. How can we expect to reduce the deficit if we spend more than we collect each year? Congress has shown a distinct inability to curb the growth of spending. This legislation will change that.

The failure of Congress to control its spending habits is apparent to the taxpayers. In a poll conducted by The Washington Post and ABC News, 81 percent of those surveyed stated that not enough progress is being made on the deficit.

This legislation heeds the call of the American taxpayer. It would reverse the current spending trend by holding the rate of total domestic spending to 4 percent. In addition, it would create a pay-as-you-go system for spending similar to the revenue provision in the 1990 omnibus budget reconciliation. Any increase in spending would have to be offset by a corresponding decrease in spending somewhere else. This would remove the incentive for raising taxes. There would be no reason for the tax-and-spend advocates in Congress to raise taxes if spending could not be increased as well.

I urge my colleagues to support this legislation. If the 4-percent solution were to be enacted this year, we could have a balanced budget by 1995 with no more new taxes. Congress cannot be allowed to continue to operate in the traditional tax-and-spend environment. We must be made accountable for how and where the American taxpayers' money is spent.

Mr. McCONNELL. Mr. President, I rise today to offer my support for the Four Percent Solution Budget Act, introduced today by the distinguished Senator from Montana [Mr. BURNS]. This proposal offers a solution to the continuing Federal budget deficits that plague our great country. The 4-percent solution, if adopted, would control spending, reduce the budget deficit, and produce a policy of balanced budgets by fiscal year 1995, all without having to resort to tax increases.

As we all remember, the Congress and the administration last year agreed on a 5-year budget plan that was intended, in theory, to reduce the projected Federal deficit by nearly $500 billion. The package contained a record 5-year $165.5 billion tax increase. In return for these new taxes, we promised the American public lower budget deficits. Despite the tax increases, the projection for the fiscal year 1991 budget deficit has grown from $230 billion to more than $318 billion. Even more disturbing is the fact that domestic spending will be increased by $1.83 for every dollar of new taxes raised by the budget agreement. Is it any wonder that in a recent Washington Post-ABC News poll, 81 percent of those surveyed said the country was not making enough progress on the Federal budget deficit? As I have stated previously, the deficit problem does not exist because of lack of revenues, but due to an inability to curb the growth of Federal spending.

Last year's budget agreement did contain some features that may help control the growth of government spending. Separate spending caps have been placed on domestic, international, and defense spending. It is my belief, however, that the current caps are flawed because they are set too high, and they come on the heels of a huge spending increase in 1991. For example, a closer analysis of domestic spending reveals that from 1990 to 1991, domestic discretionary spending jumped 9.5 percent. Domestic mandatory or entitlement spending increased 13 percent. The caps, therefore, start on an inflated base, and increase from there. In fiscal year 1992, domestic discretionary spending is slated for a 6.1 percent increase and an additional 5.3 percent in fiscal year 1993. I am not convinced that these spending caps will bring the deficit under control.

The 4-percent solution will bring the deficit under control. It caps total domestic spending at 4 percent above the previous year's level. This is roughly the rate of inflation and still provides domestic spending an approximately $32 billion increase each fiscal year. This increase could be allocated throughout domestic programs based on the country's priorities. There is no question that the debate for determining those priorities and how to allocate domestic spending would be rigorous. That is our job. Such debate is exactly what is needed. Congress cannot continue to tax and spend and tax and spend without being held accountable for how and where we spend taxpayers' money. The best part of the 4-percent solution is that if it is enacted beginning in fiscal year 1992, the budget would be truly balanced by 1995.

Again, I thank the Senator from Montana for introducing this legislation.

Mr. President, I yield the floor.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 848. A bill to provide financial assistance for the establishment of the Hiram Rhodes Revels Academic Science Complex at Alcorn State University in Clairborne County, MS; to the Committee on Labor and Human Resources.

HIRAM RHODES REVELS ACADEMIC SCIENCE COMPLEX

Mr. LOTT. Mr. President, today I am pleased to introduce legislation to establish the Hiram Rhodes Revels Academic Science and Center for Community Development Complex at Alcorn State University—the oldest historically black land-grant university in the world. Alcorn State is located in southwest Mississippi in a college community called Lorman. The university seeks to build a living memorial to its first president and the first black to serve as a U.S. Senator, the late Honorable Hiram Rhodes Revels.

Revels was a noted religious leader, politician, educator, and developer of human resources. He was also deeply concerned about educational opportunities for the rural poor. He served in the U.S. Senate from February 24, 1870 to March 3, 1871. Although brief, his stint as a Senator was best described by historians as being "marked by a quiet but determined fight to improve race relations in the South, preserve rights (of blacks), and rebuild the economy of Mississippi."

The late Senator Revels began his illustrious career as a Methodist minister in Natchez, MS. Through his leadership and commitment to patriotic principles, this black Republican recruited two black regiments of soldiers to fight in the Civil War and served himself as a chaplain.

He was later appointed alderman for the city of Natchez by the Mississippi military governor, Gen. Albert Ames. Revels did not confine his educational teachings to school buildings, but espoused his teachings in religious edifices, places of business, community meeting places, and other areas where there were opportunities for learning.

Revels was elected U.S. Senator in 1870, from the State of Mississippi to the 41st Congress, replacing ex-Confederate President Jefferson Davis. He served with distinction, most notably on the Education, Labor, and District of Columbia Committees. Enfranchisement for black and white citizens in Georgia after the Civil War found an eloquent spokesperson in the form of Senator Revels. Unity was promoted by Revels' plea for amnesty for all those who would pledge their support to the new U.S. Government. Wendell Phillips called Senator Revels the "15th amendment in flesh and blood" because of Revels' efforts to promote equality and civil rights.

In 1871, Senator Revels answered the call of Gov. James L. Alcorn of Mississippi and left the U.S. Senate to assist in the founding of Alcorn University—an institution which in 1878, was selected to become the first historically black land-grant college in the United States of America. The contributions that the late Senator, educator, religious leader, and politician made to the State of Mississippi and the Nation still impact the lives and socioeconomic conditions of people in this great country.

Despite the many advances that have been made as a result of the pioneering work of Senator Revels, his dreams and aspirations have not fully come to fruition for the people he loved—the rural poor. Alcorn State University seeks to bring these dreams closer to reality by establishing a Hiram Rhodes Revels Academic Science and Center for Community Development complex in his honor.

This proposed living memorial will be more than an edifice of brick and mortar. It will encompass the dream of Hiram Rhodes Revels and his lecture themes: To improve the socioeconomic conditions of the disadvantaged by providing quality education in areas in which the rural poor and minorities are underrepresented. Alcorn State University is committed to providing quality education and research for the rural poor. This commitment transcends the boundaries of the State of Mississippi and hopes to continue to impact the quality of life in all of America for the less fortunate.

For some 120 years, Alcorn has been at the forefront of educating black students who have gone on to professional and graduate schools in pursuit of careers in many scientific and related fields. For example, the first female dentist to graduate from the University of Mississippi school of dentistry, received her undergraduate degree from Alcorn State University. In 1977, 5 of the 14 black students who graduated from the University of Mississippi medical school received their undergraduate degrees from Alcorn State University.

When President Ronald Reagan appointed members to the Council on Environmental Quality, one of the persons he selected was Dr. William Mills, a chemistry graduate of Alcorn State University.

The university has had very a successful history of producing graduates who have obtained doctoral degrees in the sciences and the field of mathematics. This clearly demonstrates the potential of the university to become a major resource in preparing individuals who are capable of contributing to America's competitive edge in our global society. The list of Alcorn's math and science graduates who have done well is quite extensive. The university, however, yet faces one great challenge—that of providing talented students and enthusiastic and dedicated faculty with adequate science facilities. In addition, the university seeks to acquire more adequate facilities for conferences, workshops, and seminars which would be highly beneficial in conducting oncampus training for community leaders.

The rural location of this land-grant university and its desire to assume an effective role in the economic and social development of the community, State, and Nation, provide strong justification for Federal support to strengthen the capacity of the institution so it can achieve its service mission to the national community. The university now enlists aid to continue as a vital resource for the development of the Nation's science and mathematics professional work force.

The proposed facilities will house all science programs—natural, social—at Alcorn State University. Also, it will house facilities for conferences, workshops, seminars, and lodging accommodations. The academic science and center for community development complex will significantly strengthen and expand the capabilities of the university to conduct quality scientific research and teaching, and the delivery of community and economic development programs.

Central to the purpose of the facilities is the expansion of opportunities for minorities and the socioeconomically disadvantaged to pursue careers in the sciences and related fields. Equally as important, it will foster economic and community development among the rural and urban poor of Mississippi.

The Hiram Rhodes Revels Academic Science and Center for Community Development will be available and accessible to individuals throughout the Nation and the world. This will allow Alcorn State University to continue to provide leadership in many facets of human endeavors locally, nationally, and internationally. I urge my colleagues to join me in supporting this legislation.

By Mr. THURMOND:

S. 850. A bill to make the temporary suspension of duty on menthol feedstocks permanent; to the Committee on Finance.

S. 851. A bill to temporarily suspend the duty on lauryllactam; to the Committee on Finance.

TARIFF LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce two bills which will suspend the duties imposed on certain chemicals used by the manufacturing industry. Currently, these chemicals are imported for use in the United States because there is no known domestic supplier or readily available substitute. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

The first bill would permanently suspend the duty on certain menthol feedstocks. This duty imposes an unnecessary burden on the U.S. menthol industry by increasing production costs.

Previously, I have introduced bills to relieve this burden. In 1983, a temporary duty suspension was included in the Miscellaneous Tariff Act of 1984 which became law in October 1984. This act provided for the suspension of this duty until December 31, 1987.

This duty suspension was reintroduced in 1987 and included in the Omnibus Trade and Competitiveness Act of 1988. It provided for the duty suspension until December 31, 1990. During the 101st Congress, I introduced a bill to permanently suspend the duty on menthol feedstocks. However, this duty suspension was extended only until December 31, 1992, in the Customs and Trade Act of 1990.

The bill being introduced today will permanently suspend the duty on menthol feedstocks. This relief is warranted because the American menthol market has not significantly changed since 1984 when the duty was first suspended.

The second bill would temporarily suspend the duty on laurryllactam—omega-dodecalactam—until December 31, 1995. This chemical has not benefited from a previous duty suspension. Laurryllactam is used in the manufacturing of small plastic pellets, which are used to make speciality products, such as fuel and vent lines, for automobiles. This chemical is important to the production of these fuel and vent lines because of its unique characteristics. These characteristics include: Low moisture absorption, superior processing capabilities, flexibility, heat stability, and chemical resistance.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these suspensions will allow domestic producers to maintain or improve their ability to compete internationally. As previously stated there is no domestic producer or source of these chemicals; therefore, no American company will be harmed. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bills be printed in the RECORD immediately following my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT DUTY-FREE TREATMENT.

(a) IN GENERAL.—Chapter 29 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description for subheading 2906.14.00:

"2906.17.00	Mixtures containing not less than 90 percent by weight of stereoisomers of 2-isopropyl-5-methyl-cyclohex-anol, but containing not more than 30 percent by weight of any one such stereoisomer .	Free	Free (A,E,IL) ..	45%"

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking out heading 9902.29.05.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

S. 851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAURYLLACTAM.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	Laurryllactam (provided for in subheading 2933.79.50)	Free	No change	No change	On or before 12/31/95".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. GLENN (for himself and Mr. RUDMAN):

S. 855. A bill to amend the act entitled "An Act to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War"; to the Committee on Energy and Natural Resources.

EXTENSION OF AUTHORIZATION FOR CONSTRUCTION OF KOREAN WAR VETERANS MEMORIAL

• Mr. GLENN. Mr. President, I rise today to introduce legislation to extend for 2 additional years the authorization for the construction of a memorial honoring Korean war veterans. As my colleagues may recall this memorial project was originally authorized in 1986, Public Law 99-572. The subsequently enacted Commemorative Works Act, Public Law 99-652, provides that legislative authority for a commemorative work shall expire at the end of the 5-year period beginning on the date of the enactment of such authority. Hence the Korean War Veterans Memorial authority will expire in October of this year.

I must commend all those who have been associated with this project for the past 4½ years—the American Battle Monuments Commission, the Korean War Veterans Memorial Advisory Board, and all those who have made donations to make this memorial a reality. Much progress has been made: a site on The Mall has been selected and approved; a national design competition has been conducted and a design selected; an architecture and engineering contract has been awarded to turn the winning design into detailed drawings and specifications; an eminent sculptor has been selected to sculpt the figures which are the focal point of the design; and almost $9 million is on hand to be applied to the construction and maintenance of the memorial.

The Commemorative Works Act, in laying out the steps that must be followed for any memorial project, requires that the site and design be approved by the Fine Arts Commission, the National Capital Planning Commission, and the Secretary of the Interior or the Administrator of the General Services Administration who are advised by the National Capital Memorial Commission. Approval of all these individuals and groups is required before final plans and specifications can be drawn up, before a construction contract can be let, and before a construction permit can be issued. If a construction permit has not been issued within the 5-year authorization period, the authorization will expire.

The Korean War Veterans Memorial is the first memorial project to come along under the new requirements and procedures of the Commemorative Works Act. While the ABMC and the Advisory Board have worked steadily at fulfilling all the requirements, they have run into unanticipated problems in getting their design approved by the various commissions. The Advisory Board, Army Corps of Engineers, and the designated architects have attempted in good faith to incorporate all the recommendations of the various approval commissions. However, changes recommended by one organization have been rejected by another and vice versa until the project resembles a ping pong ball being batted back and forth in an unending round of design approval.

At this point it is unlikely that, even if the design problems are resolved expeditiously, the remaining steps required for the issuance of a building permit can be accomplished in the time remaining of the 5-year authorization. Hence I am submitting legislation today to extend the authority for this memorial for an additional 2 years, until October 1993. I am not aware of any opposition to this proposal and hope that it can be enacted quickly so that the veterans of the "forgotten war" will not be forgotten again.●

By Mr. MACK (for himself and Mr. GRAHAM):

S. 856. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes; to the Committee on Finance.

FAIRNESS IN MEDICAID FUNDING ACT

Mr. MACK. Mr. President, I rise today to introduce the Fairness in Medicaid Funding Act of 1991.

The bill would change the Federal Medicaid matching funds formula and result in a more accurate and fair disbursement of these funds to the States. Over the last several years, the General Accounting Office [GAO] has evaluated the existing Medicaid formula and has concluded that it does not meet the objectives originally set up by Congress. GAO looked at these original objectives and developed an alternative formula. In its judgment, this new formula would do a much better job at allocating Medicaid dollars than the present formula. My bill would use the GAO formula not to change policy but only the process by which Medicaid dollars are allocated.

The essence of the Medicaid formula has been unchanged since 1965. The formula had two major purposes. First, Congress wanted to make certain the Federal matching funds reflected a State's ability to pay benefits to those in need. And second, Congress wanted to determine how many residents of each State needed Medicaid benefits. At the time—over 25 years ago—policymakers believed that an estimate of a State's per capita income would adequately respond to both objectives.

A per capita income formula may well have done an acceptable job in the past in meeting congressional intentions.

But during the past 25 years, the Federal Government has collected more and better economic data.

Today, there are much better measurements available, and we ought to use them.

A significant weakness of the current formula is that it does not adequately reflect a State's ability to pay benefits. In essence, the money a State can pay in Medicaid benefits depends upon how much income its residents and businesses produce.

A measurement of per capita income, however, reflects only part of the total income produced by a State's residents and businesses.

Per capita income, for example, does not include corporate retained earnings, which is a significant share of a State's business income. This means that two States with the same per capita income may actually have significantly different abilities to pay Medicaid benefits.

The result is that States with relatively little corporate income may receive significantly less in Federal reimbursement than Congress intended.

In addition, the per capita income formula does not adequately measure the number of people in need of Medicaid benefits. That need is essentially determined by the number of residents with incomes low enough to qualify for Medicaid. But two States with roughly equal per capita incomes can have dramatically different percentages of residents qualifying for Medicaid. Yet, both States would receive the same matching rate from the Federal Government. This just does not make sense.

My proposal, built on the GAO's recommendations, would base the Federal share for Medicaid on:

First, per capita income plus corporate income produced within a State. This is a much more accurate measure of a State's ability to finance Medicaid benefits.

Second, the State's poverty ratio, which generally indicates the number of persons in each State who are in need of Medicaid benefits.

All of these statistics are already compiled for other purposes by the Federal Government.

According to GAO, nearly 30 States would receive the same or a higher Medicaid reimbursement rate under this legislation.

Mr. President, since becoming a U.S. Senator, one of my goals has been to make sure the Federal pie is fairly divided so that each State receives its fair share. In fact, Mr. President, the first bill I introduced in the U.S. Senate in 1989 would require Federal agencies to use updated U.S. Census statistics when calculating population-based grants.

The goal of the Fairness in Medicaid Funding Act of 1991 is the same. Its passage will ensure that States receive what they deserve and need from Washington, based upon an objective, fair and contemporary evaluation of each State's needs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Fairness in Funding Act of 1991".

SEC. 2. CHANGE IN FEDERAL MEDICAL ASSISTANCE PERCENTAGE.

(a) IN GENERAL.—Subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d(b)) is amended to read as follows:

"(b)(1)(A) Except as provided in paragraph (3), the term 'Federal medical assistance percentage' means, for each of the 50 States and the District of Columbia, 100 percent reduced by the product of the applicable percentage (as specified in subparagraph (B)) and the ratio of—

"(i)(I) for each of the 50 States, the total taxable resources (TTR) ratio of the State specified in subparagraph (C), or

"(II) for the District of Columbia, the per capita income ratio specified in subparagraph (D),

to—

"(ii) the population in poverty ratio of the State or District, as described in subparagraph (E).

"(B)(i) For the purposes of this subsection, the applicable percentage is a percentage estimated by the Secretary with the advice of the General Accounting Office (GAO) that, when applied under subparagraph (A), would result in an amount of aggregate payments under section 1903(a) for calendar years 1992 through 1996 equal to the amount of aggregate payments that would have been made under such section for quarters in such years if this subsection were applied as in effect immediately preceding the Medicaid Fairness in Funding Act of 1991.

"(ii) The applicable percentage estimated by the Secretary under clause (i) shall continue to apply with respect to quarters after fiscal year 1996.

"(C) For purposes of subparagraph (A)(i)(I), the total taxable resources (TTR) ratio for each of the 50 States is—

"(i) an amount equal to the most recent 3-year average of the total taxable resources (TTR) of the State, as determined by the Secretary of the Treasury, divided by

"(ii) an amount equal to the sum of the 3-year averages determined under clause (i) for each of the 50 States.

"(D) For purposes of subparagraph (A)(i)(II), the per capita income ratio of the District of Columbia is—

"(i) an amount equal to the most recent 3-year average of the total personal income of the District of Columbia, as determined in accordance with the provisions of section 1101(a)(8)(B), divided by

"(ii) an amount equal to the total personal income of the continental United States (including Alaska) and Hawaii, as determined under section 1101(a)(8)(B).

"(E) For purposes of subparagraph (A), with respect to each of the 50 States and the District of Columbia, the population in poverty ratio is—

"(i) an amount equal to the the 3-year-average of the number of individuals in the State (or the District of Columbia) whose family income is below the income official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981), divided by

"(ii) the total of the averages determined under clause (i) for the 50 States.

"(2) The Federal medical assistance percentage for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be 50 percent.

"(3)(A) Except as provided in subparagraph (B), the Federal medical assistance percentage shall in no case be less than 40 percent or greater than 83 percent.

"(B) The Federal medical assistance percentage shall be 100 percent with respect to amounts expended as medical assistance for services which are received through an Indian Health Service facility whether operated by the Indian Health Service or by an Indian tribe or tribal organization (as defined in section 4 of the Indian Health Care Improvement Act).

"(4) For purposes of any provision of law other than a provision of this title, unless otherwise specifically provided, any reference to the "Federal medical assistance percentage" as defined in this section shall be considered a reference to such terms as defined under this subsection before the date of the enactment of the Medicaid Fairness in Funding Act of 1991.".

(b) CONFORMING AMENDMENT.—Section 1118 of the Social Security Act (42 U.S.C. 1318) is amended by striking "(as defined in section 1905)" and inserting "(as defined in section 1905(b), as in effect immediately preceding the date of the enactment of the Medicaid Fairness in Funding Act of 1991)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made to States with respect to calendar quarters beginning on or after January 1, 1992.

SEC. 3. ADMINISTRATION EXPENDITURES.

(a) IN GENERAL.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)), as amended by sections 4801(a) and 4401(b) of the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "75 percentum" and inserting "the Federal medical assistance percentage";

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) with respect to amounts expended for nursing aide training and competency evaluation programs, and competency evaluation programs described in section 1919(e)(1) (including the costs for nurses aides to complete such competency evaluation programs) regardless of whether the programs are provided in or outside nursing facilities or the skill of the personnel involved in such programs, an amount equal to the Federal medical assistance percentage of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such programs; plus";

(C) in subparagraph (C), by striking "75 percent" and inserting "the Federal medical assistance percentage"; and

(D) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) an amount equal to the Federal medical assistance percentage of so much of the sums expended (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to State activities under section 1919(g); plus";

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "(A)(i)" and inserting "(A)";

(ii) by striking "90 percentum" and inserting "the Federal medical assistance percentage";

(iii) by striking "and the plan of any other State approved under this title, and" and inserting "and the plan of any other State approved under this title; plus"; and

(iv) by striking clause (ii);

(B) in subparagraph (B), by striking "75 percentum" and inserting "the Federal medical assistance percentage";

(C) in subparagraph (C), by striking "75 percentum" and inserting "the Federal medical assistance percentage"; and

(D) in subparagraph (D) (as added by section 4401(b) of the Omnibus Budget Reconciliation Act of 1990) by striking "75 percent" and inserting "the Federal medical assistance percentage";

(3) in paragraph (4), by striking "100 percent" and inserting "the Federal medical assistance percentage";

(4) in paragraph (5), by striking "90 percentum" and inserting "the Federal medical assistance percentage";

(5) by striking paragraph (6) and inserting the following new paragraph:

"(6) subject to subsection (b)(3), an amount equal to the Federal medical assistance percentage of the sums expended with respect to costs incurred during such quarter (as found necessary by the Secretary for the elimination of fraud in the provision and administration of medical assistance provided under the State plan) which are attributable to the establishment and operation of (including the training of personnel employed by) a State medicaid fraud control unit (described in subsection (q)); plus"; and

(6) in paragraph (7), by striking "subject to section 1919(g)(3)(B), an amount equal to 50 percentum" and inserting "subject to section 1919(g)(3)C), an amount equal to the Federal medical assistance percentage".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made to States with respect to calendar quarters beginning on or after January 1, 1992.

• Mr. GRAHAM. Mr. President, as a former Governor, I am more than aware of the tight fiscal situation States are experiencing due to escalating Medicaid costs and the slump in revenue caused by the recession.

Medicaid costs represent a large portion of State budgets, most of which must be balanced. Medicaid spending is projected to rise 25 percent this year on top of an 18-percent increase last year.

For this reason alone, States deserve to receive a Federal matching rate which is determined in a fair manner. In a 1983 report and testimony to the House last year, the General Accounting Office [GAO] stated that the Medicaid Program uses a Federal matching formula that denies the poorest States of billions annually in Federal health care dollars.

According to the GAO, the poor could receive more and better health care from Medicaid if the formula the Government uses to reimburse States was changed to ensure that needier States get a larger share of the Federal money.

The GAO has recommended that the current Medicaid formula, which uses per capita income both to measure the abilities of States to finance program benefits and the incidence of poverty, be revised.

Per capita income is a faulty indicator of a State's ability to finance program benefits as it does not reflect all the income States are potentially able to tax, said the GAO. Per capita income is also a poor measurement of the incidence of poverty because two States with the same per capita income can have very different poverty rates.

Instead, the GAO suggests that the formula incorporate estimates of total taxable resources [TTR]. TTR is a more comprehensive measure of States' ability to finance program benefits because it reflects both income produced within the State and income received by State residents, even if received from out-of-State sources.

Additionally, the GAO recommends the use of poverty levels instead of per capita income in computing the Federal Medicaid share. Lastly, lowering the guaranteed 50-percent minimum federal share to 40-percent would help equalize the Medicaid share for States.

The legislation which we are introducing today incorporates the three GAO recommendations. The measure would use: First, total taxable resources; second, poverty levels; and third, a minimum 40-percent share in calculating the Federal Medicaid matching rate.

Replacing per capita income with different measures of States' financing capacities and poverty rates would offset the fiscal disadvantage that low-tax-base, high poverty rate States face under the existing formula.

Mr. President, our bill would make the distribution of Medicaid funds more equitable, and, essentially, the formula more fair. I am pleased to be introducing this important bill along with Senator MACK, and hope that my colleagues in the Senate look closely at this issue.

By Mr. METZENBAUM:

S. 857. A bill to require providers of long-distance telephone services to offer to all classes of customers serviced by such provider the same lowest increment time billing for long-distance service; to the Committee on Commerce, Science, and Transportation.

BILLING FOR LONG-DISTANCE TELEPHONE SERVICE

● Mr. METZENBAUM. Mr. President, I am today introducing legislation to correct a serious inequity in the way long-distance telephone companies bill their residential customers.

The situation today is that residential customers are being left behind as the Nation's long-distance phone companies move to more modern billing techniques that more accurately measure the timing of long distance phone calls.

While the phone companies' now bill their business customers for the exact length of their calls down to the nearest second, or at worst, up to the nearest 6 second increment, residential customers' bills are rounded up to the nearest full minute.

That means if I place a 3 minute 3 second call from Washington to Cleveland from my home, I get billed for a full 4 minutes of service. Yet, if I place the call from a business telephone, I would be billed for exactly 3 minutes and 3 seconds or at the worst, 3 minutes and 6 seconds.

Why should residential customers pay more money for the same call?

Furthermore, rounding to the nearest minute makes up a larger percentage of the cost of a short call. On a 3 minute 1 second call rounded to 4 minutes, the unused time accounts for about 25 percent of the cost of the call.

Therefore, people who attempt to save money by keeping their calls as short as possible are precisely the ones who are harmed the most by rounding.

Mr. President, business users have demanded more accurate billing from the phone companies, and they have received it.

But what about other people who make long-distance calls—lower income people, senior citizens on fixed incomes?

Working people, farmers, students—every one of them has the right to be charged only for the services they use.

What possible reason is there for businesses to get a better deal?

Consider this.

The New York Times reports that charging people for those extra few seconds after they hang up accounts for nearly $2 billion in additional revenue each year—4 percent of the total $50 billion yearly long distance business.

That is a lot of money.

And, according to General Accounting Office statisticians, the estimate is accurate.

I have asked AT&T representatives for their opinion. But they have thus far declined to comment.

Mr. President, the phone companies are technologically capable of providing all customers the more accurate billing.

This bill would ensure that they do.

All customers—small businesses, international conglomerates, senior citizens, factory workers, and students would all be offered the same deal.

It is the fair thing to do. It is the right thing to do.

This bill is supported by the Consumer Federation of America.

I believe it's a reasonable bill, and I urge my colleagues to support it.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREMENT TIME BILLING.

Effective 180 days following the date of the enactment of this Act, each provider of long distance telephone service shall make available to all customers, including business and residential, the same increment time billing for such long distance telephone service.

SEC. 2. FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission, within 60 days following the date of the enactment of this Act, shall issue such regulations as may be necessary to implement the purposes of this Act.

SEC. 3. DEFINITION.

For purposes of this Act, the term "increment time billing" means the method used by a provider of long distance telephone services in calculating, for purposes of billing, the time utilized in connection with a long distance telephone call.●

By Mr. INOUYE (for himself, Mr. STEVENS, and Mr. AKAKA):

S. 858. A bill to amend the Agricultural Act of 1949 to provide that the milk price support and milk inventory management program applies only to milk produced in the 48 contiguous States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MILK PRICE SUPPORT LEGISLATION

● Mr. INOUYE. I rise to introduce a bill to amend the Agriculture Act of 1949 to provide that the milk price support and milk inventory management program applies only to milk produced in the 48 contiguous States.

This matter arose in the Omnibus Budget Reconciliation Act of 1990. This bill contained a provision—section 1105 (h)—calling for a reduction in the price received for milk produced in the United States. Specifically:

> Beginning January 1, 1991, the Secretary shall provide for a reduction in the price received by producers for all milk produced in the United States and marketed by producers for commercial use, in addition to any reduction in price required under subsection (g).

The price reduction is set at 5 cents per hundredweight of milk marketed in 1991 and will increase to at least 11.25 cents in each of the calendar years 1992 through 1995.

These price reductions are not new since similar reductions were authorized in 1982. The major difference between 1982 and now is that in earlier years the United States was defined as the 48 contiguous States in the continental United States. Hawaii, Alaska, and U.S. territories were exempted from these price reductions.

In Hawaii's case, the rationale for the exemption is that our island State is strictly a fresh milk industry and is regulated by the State. A strict quota system is used to discourage surplus production. In fact, Hawaii is a milk deficient State. Milk from the continental United States is imported into the State. Thus, Hawaii does not contribute to the dairy surplus prevalent in the continental United States. Finally, even if there were an occasional surplus of fluid milk, these supplies would not make their way to Commodity Credit Corporation [CCC] storage since there are no manufacturing plants in the State to produce butter, powdered milk, or hard cheeses. Similar arguments apply to Alaska and the U.S. territories.

Mr. President, I have attached, as a part of my statement letters I have received from Puerto Rico Delegate FUSTER and Governor Hernandez-Colon which provide strong support for this bill.

The conditions calling for the exemption in 1983 still hold today. I urge my colleagues to support this amendment to correct this inequity.

Mr. President, I ask unanimous consent that the full text of my bill and the letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MILK PRICE SUPPORT AND MILK INVENTORY MANAGEMENT PROGRAM LIMITED TO 48 CONTIGUOUS STATES.

(a) IN GENERAL.—Section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) APPLICATION OF SECTION.—This section shall apply only to milk produced in the 48 contiguous States in the continental United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on January 1, 1991.

COMMONWEALTH OF PUERTO RICO,
San Juan, PR, April 4, 1991.

Hon. DANIEL K. INOUYE,
U.S. Senate, Washington, DC.

DEAR SENATOR INOUYE: I write to thank you for introducing legislation that will free milk producers from Puerto Rico and Hawaii from price reductions legislated in the Omnibus Budget Reconciliation Act of 1990 and the Food Agriculture, Conservation, and Trade Act of 1990. Previous price reductions of this type in effect from 1983 to 1990 have not applied to Puerto Rico in recognition of the fact that the Island's milk industry is self-sufficient and entirely separate from that on the U.S. mainland. Your legislation is necessary to remove a milk assessment that will have a detrimental impact on the dairy industry in Puerto Rico.

Because Puerto Rico's milk industry is entirely separate from that on the U.S. mainland, local dairy farmers neither benefit from Commodity Credit Corporation purchases of excess dairy products nor contributes to the U.S. milk surplus. Since 1957 Puerto Rico has had in place an effective system of supply management for its milk production. Indulac, a corporation organized under the Commonwealth's laws and governed by a board comprised of dairy farmers, milk producers, and public sector officials, maintains a system which has been very effective in controlling milk surpluses.

The Omnibus Budget Reconciliation Act of 1990 mandates a price reduction to milk producers—five cents per hundredweight in 1991 rising to 11.25 cents per hundredweight in 1992—that is designed to discourage surplus milk production by refunding the reductions to those producers who have not increased their production over that of the prior year. Under the Act, the U.S. Department of Agriculture will then have to recoup these refunds by reassessing the other producers—those who had increased their production—in order to maintain a given revenue level.

We do not believe that the U.S. Congress intended to impose price reductions that would so seriously harm Puerto Rico's milk industry and milk consumers, nor to make Puerto Rico pay for a program it does not use, a program designed for the U.S. mainland and not for an island economy.

In addition to having a successful milk supply management program in place, Puerto Rico faces the existing reality of higher milk prices than those on the U.S. mainland, due primarily to the transportation costs of importing grain. With a growing demand for milk, a population with an average income one-third of that of the United States, Puerto Rico is simply not in a position to absorb new assessments on its milk.

On behalf of the Commonwealth of Puerto Rico, I deeply appreciate your efforts to rectify this situation, and I am confident that with your leadership this bill will ultimately become law.

Cordially,

RAFAEL HERNÁNDEZ COLÓN.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 1991.

Hon. DANIEL K. INOUYE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INOUYE: I write in strong support of your bill which would limit the proposed reduction of producer prices for milk to the 48 contiguous states. I have always opposed any attempt to include Puerto Rico, Hawaii and other non-contiguous areas in such "milk tax" legislation, and I applaud your efforts to correct this with your new bill.

Because this matter is of great importance to the 3.6 million U.S. citizens of Puerto Rico, I have pursued it vigorously in the House, and the Chairman of the House Committee on Agriculture, the Hon. E. (Kika) de la Garza, was so informed in my letter to him of February 28, 1991.

As we both know, this reduction in the price received by producers of commercially marketed milk, imposed by the Omnibus Budget Reconciliation Act for Fiscal Year 1991, amounts to a thinly-disguised tax on milk, the revenue from which will be remitted to the Commodity Credit Corporation (CCC). Last year's Farm Bill also provides for an additional—and potentially more substantial—tax on milk producers beginning in 1992 to offset costs associated with the U.S. Department of Agriculture's milk price support program through the CCC.

But, traditionally, Puerto Rico has had no relationship with the CCC and does not participate in agriculture support programs. Price reductions to milk producers in effect for the years 1983-1990 were applicable only to the 48 contiguous states, in recognition of the fact that other states and insular areas, because of their distance from the United States, have domestic milk industries and do not sell surplus milk to the CCC nor otherwise benefit from the CCC program.

In the case of milk, Puerto Rico has its own agency, known as Indulac, which purchases what little surplus milk is produced in Puerto Rico, and therefore has no need for the CCC. Puerto Rico was initially included in this program when it was begun in 1982 and was later excluded on this basis. Puerto Rico's supply-management system relies on quotas, with excess milk purchased by Indulac, a corporation set up under the laws of the Commonwealth of Puerto Rico and administered by a board representing the Commonwealth Government, dairy farmers and milk producers.

The price of milk in Puerto Rico, like that for other insular jurisdictions, is already considerably higher than that on the U.S. mainland because of the transportation costs on imported grains. It is not economically feasible for Puerto Rican milk producers to sell surplus milk to the CCC because the milk would be sold at an enormous loss due to the higher costs of production.

Moreover, the CCC program could be detrimental to Puerto Rico because it attempts to discourage increased milk production without taking into account the particular needs of an island with an insular milk industry and a growing demand for milk. We feel that we should not be obligated to pay for services we do not receive and that taxing milk in the poorest region of the United States is a counterproductive measure. The Commonwealth of Puerto Rico will be the most severely affected by the taxes, given that it is the most populous of the offshore areas and has the highest milk consumption and production levels.

Again, Senator Inouye, I commend your attempts to resolve this matter legislatively in the Senate, and I look forward to working with you on this issue which is so very important to the Commonwealth of Puerto Rico.

With warm personal regards, I am

Cordially yours,

JAIME B. FUSTER,
Member of Congress.●

By Mr. GRASSLEY:

S. 859. A bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots; to the Committee on Commerce, Science, and Transportation.

LIMITATIONS ON AGE RESTRICTIONS IMPOSED UPON AIRLINE PILOTS

● Mr. GRASSLEY. Mr. President, today I rise to introduce legislation that would allow individuals to serve as commercial pilots until they are 65 years old provided they meet necessary physical requirements.

In 1959, the Federal Aviation Administration adopted a rule which prohibited persons over 60 years of age from serving as pilots for certified air carriers and for other commercial operators using large aircraft. This regulation is still in effect today.

The choice of the age of 60 was totally subjective and discriminatory. It discriminates because it treats all pilots over age 60 as a class and allows no exceptions. Obviously there are pilots over 60 whose health, skill and judgment are excellent. In fact, there are numerous cases of pilots approaching the age of 60 who have performed heroic actions, only to be forced to retire.

On July 19, 1989, United Flight 232 crashed in Sioux City, IA. As the National Transportation Safety Board aircraft accident report stated,

> Flight 232 experienced a catastrophic failure of the number 2 tail-mounted engine during cruise flight. The separation, fragmentation and forceful discharge of stage 1 fan rotor assembly parts from the number 2 engine led to the loss of the three hydraulic systems that powered the airplane's flight controls. The flight crew experienced severe difficulties controlling the airplane.

And yet, even with these severe difficulties, Capt. Alfred Haynes, a veteran of 33 years' flying experience was able to maneuver the aircraft into an emergency landing, saving dozens of people's lives.

Regrettably, Capt. Haynes is being forced to retire by this arcane FAA rule.

Capt. David Cronin flew United Flight 811 back to Honolulu after a section of its right side was ripped away, sucking nine people from the plane. Captain Cronin made numerous split second decisions after the accident, which saved many lives. Later he credited his 38 years of experience as the reason for his success.

Captain Cronin was forced to retire 1 month later.

There is no evidence that there are substantial safety differences between pilots age 59 and pilots aged 61 or 62. Previous studies done by the FAA are flawed and not applicable.

The choice of the age 60 is arbitrary because it applies only to pilots but not other flight personnel. It applies to certified airline pilots but the FAA turns around and lets these same pilots fly planes with fewer than 30 seats, where equipment is likely to be less sophisticated and crews smaller.

Does this make sense? Pilots over the age of 60 can fly numerous other kinds of aircraft, including commuter planes and private planes. They are even allowed to fly the planes of the Federal Aviation Administration.

Why should an agency regulation automatically eliminate a qualified and experienced pilot from flying because of age alone? This is discrimination. The civil rights of an entire class of people are being violated on a daily basis by the Federal Government.

Medical technology exists to evaluate pilots of all ages to determine whether they are fit to fly. The Director of the National Institute on Aging has listed the necessary tests for the FAA and the Congress. Pilots wishing to continue to fly past age 60 would be called upon to undergo a rigorous medical exam and competency check.

Presently we are enduring a shortage of qualified pilots. Older pilots are being forced to retire, depriving the traveling public of their seasoning and experience. This rule contributes to the shortage of experienced and qualified pilots.

If a pilot can prove that they have the mental and physical requirements to fly, they should be allowed to fly commercial flights.

I urge my colleagues to support this anti-age discrimination legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON AGE RESTRICTIONS IMPOSED UPON AIRCRAFT PILOTS.

Section 602(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1422(b)) is amended by adding at the end thereof the following new paragraph:

"(3) LIMITATION ON AGE RESTRICTIONS.—The Administrator shall not, solely by reason of the age of a person, if such person is less than sixty-five years of age—

"(A) refuse to issue an airman certificate to, or refuse to renew such certificate for, such person, if such person is applying for the issuance or renewal of such certificate in order to serve or continue to serve as a pilot of an aircraft; or

"(B) require an air carrier to terminate the employment of, or refuse to employ, such person as a pilot on an aircraft of such air carrier.".●

By Mr. DOLE (for himself, Mr. SIMON, Mr. D'AMATO, Mr. KASTEN, Mr. DECONCINI, Mr. LUGAR, Mr. COHEN, Mr. PRESSLER, Mr. GARN, Mr. MCCAIN, Mr. SEYMOUR, Mr. DIXON, and Mr. COATS):

S. 860. A bill to support democracy and self-determination in the Baltic States and the Republics within the Soviet Union; to the Committee on Foreign Relations.

DEMOCRACY IN THE BALTICS AND THE SOVIET UNION

Mr. DOLE. Mr. President, I am pleased to join the distinguished Senator from Illinois, Senator SIMON, in offering a bill which—in the words of the title—will "support Democracy and self-determination in the Baltic States and the Republics within the Soviet Union."

I am pleased that the following Senators, from both sides of the aisle, have joined in cosponsoring this bipartisan legislation: Senators D'AMATO, KASTEN, DECONCINI, LUGAR, COHEN, PRESSLER, GARN, MCCAIN, SEYMOUR, DIXON, and COATS.

Mr. President, these past 2 years have been among the most remarkable of this century. In an ironic twist on Communist theology, the people of Poland, and Hungary, and Czechoslovakia, and East Germany, and Bulgaria—they have all decided they truly had nothing to lose but their chains. And they have broken those chains of Communist domination that had held them in slavery for a half century.

Nations such as Romania, Yugoslavia, and now even Albania, have taken the first strides toward democracy—though they still have a considerable way to go before they successfully complete their journey to full freedom.

Among the most remarkable struggles for freedom and self-determination are those still on-going in the Baltic States, and in so many of the constituent Republics of the Soviet Union itself.

The fundamental purpose of this legislation is to put the United States squarely, and unequivocally, on the side of those engaged in these historic and courageous struggles.

Mr. President: Let us be clear. We have an enormous stake in our relationship with the Soviet Union. In cooperation with the Soviet leadership, we have made considerable progress on critical issues such as arms control and some of the regional conflicts. Generally speaking, the Soviets played a constructive role in the Persian Gulf war.

So, none of us wants to disrupt that relationship; none of us wants to undermine President Gorbachev; none of us seeks to split apart the Soviet State.

But neither do we believe that our equity in constructive United States-Soviet relations gives Gorbachev a blank check for aggression against the Baltics, or repression against the constituent Republics of the Soviet Union.

Nor do we believe that our desire for continued bilateral progress with Moscow requires us to compromise on our commitment to freedom and the support of those seeking their freedom.

The future of the Soviet State is up to the people of the Soviet Union.

As this legislation makes clear, our only position on that issue is that the people of the Soviet Union—and not just the Kremlin—should have the final say on their own future; and that, whatever happens, it happens in an atmosphere of peace, not through the use of force.

Everything else is not our business.

But the fate of freedom, human rights, and self-determination for all people, in the Baltics, the Soviet Union and elsewhere, that is our business, and the business of all free men.

That is the message of the U.N. Charter, of which the Soviet Union is a signatory; that is the message of the Helsinki accords, of which the Soviet Union is a signatory.

And that is the message of this legislation.

Mr. President: As the earlier reading made clear, this bill has four essential components.

One, it affirms that United States policy is to support democratization and self-determination within the Soviet Union.

Two, it reaffirms that United States policy is to support restoration of independence for the Baltic States.

Three, it directs that the administration shape our foreign assistance and trade programs to support those who share those first two goals. I should add that this provision mirrors the provisions of S. 9, which I introduced in the first days of this session, and which I hope will be acted on soon by the Foreign Relations Committee and on the floor of the Senate.

Four, the bill sends this clear message to the Soviet authorities: The use of force to repress or frustrate the will of the people of the Baltics and the Soviet Union will have serious repercussions for United States-Soviet relations.

Mr. President, I don't think that any of these provisions ought to be very controversial.

I think all of them, though, are very important, and worthy of the prompt, and favorable consideration of the Senate.

Mr. President, a number of important groups, representing Americans who trace their ancestry to the Baltic States and the constituent Republics of the Soviet Union, have endorsed this legislation. I ask unanimous consent to include in the RECORD, letters from some of those organizations, supporting the bill.

I would also note that Congressmen DAVE BONIOR, and JERRY LEWIS have introduced identical legislation in the House, with a large number of cosponsors, so I hope and anticipate that the House will be acting on this bill, too.

In closing, I want to thank all Senators who are cosponsoring this bill. And I especially want to thank Senator SIMON and his staff for their hard work in support of this bill.

Mr. President, I ask unanimous consent that the text of the bill and the letters mentioned earlier be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support democratization within the Soviet Union and support self-determination, individual representation in international organizations, and independence for all Soviet republics which seek such status;

(2) to continue to support restoration of independence for Estonia, Latvia, and Lithuania;

(3) to shape its foreign assistance trade and other programs to support those republics whose governments are democratically elected and to encourage democracy throughout the Soviet Union; and

(4) to strongly support peaceful resolution of conflicts within the Soviet Union and between the central Soviet government and the Baltic States and Soviet republics, condemn the actual and threatened use of martial law, pogroms, military occupation, blockades, and other uses of force which have been used to suppress democracy and self-determination, and view the threatened and actual use of force to suppress the self-determination of Soviet republics and the Baltic States as an obstacle to fully normalized United States-Soviet relations.

SEC. 2. REPORT TO CONGRESS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a comprehensive report on actual and threatened uses of force against the Baltic States, the Soviet republics, and autonomous regions within the Soviet Union. For 1992 and each subsequent year such a report shall be included as part of the annual country reports on Human Rights Practices prepared by the Department of State in compliance with section 116(d)(1) of the Foreign Assistance Act of 1961.

UKRAINIAN NATIONAL
ASSOCIATION, INC.,
Washington, DC, March 20, 1991.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.
Hon. PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR SENATORS DOLE AND SIMON: The Ukrainian National Association applauds your leadership in introducing legislation "to support democracy and self-determination in the Baltic States and Republics within the Soviet Union.'

United States foreign policy must be based on support for democracy and self-determination and should recognize that the democratic movements in the Soviet Union exist only in the republics. The Soviet Union, as an empire, is simply incapable of democratic reform because, as Dr. Zbigniew Brzezinski recently testified at a CSCE hearing, democracy and empire are inconsistent.

To effectively promote the democratization of the USSR, the United States must target its assistance programs at the republic and lower levels. The long-term interests of the United States will only be served if it is identified with the democratic movements in the republics and not the repressive policies of the central government.

On July 16, 1990, the Ukrainian Parliament voted 355-4 in support of the Declaration on the State Sovereignty of Ukraine. During the year, the parliaments in each of the other 14 republics enacted similar declarations of sovereignty or independence. Your legislation effectively addresses this changing situation in the Soviet Union and provides the framework for assisting the development of democratic institutions. The Ukrainian National association fully supports the provisions of your bill and will work for its enactment.

Sincerely,
EUGENE M. IWANCIW,
Director, Washington Office.

ARMENIAN ASSEMBLY OF AMERICA,
Washington, DC, March 19, 1991.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.
Hon. PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR SENATORS DOLE AND SIMON: The Armenian Assembly of America deeply appreciates your leadership in introducing legislation "to support democracy and self-determination in the Baltic States and Republics within the Soviet Union."

This legislation codifies United States support for democracy as opposed to totalitarianism in the Soviet Union and positions the United States squarely against the actual or threatened use of force by the Soviets against the Republics. For Armenians, the pursuit of self-determination in Nagorno-Karabakh brought vicious pogroms, economic blockades which continue to this day, and joint Soviet and Azerbaijani military actions which continue to kill and deport families in and around the region. Following Armenia's Declaration of Independence last August, the central Soviet government has tightened the screws on the Republic of Armenia even further. In fact, despite President Gorbachev's December 1988 pledge to rebuild the entire earthquake zone by December 1990, only ten percent of the planned Soviet construction is complete (Soviet crews having been pulled out) and the 1991 Soviet budget cuts out funds for reconstruction.

This same type of Soviet behavior has occurred in other Republics and regions where advocates of democracy have succeeded. If the past is any guide to the future, the Republics which boycotted or voted contrary to the central government in last Sunday's referendum are in for more of the same.

Considering the circumstances in the Soviet Union, we hope your colleagues will agree that this legislation is a measured, appropriate response—legislation which Congress should pass overwhelmingly. The Armenian Assembly of America unequivocally and wholeheartedly supports this bill, and we look forward to working for its enactment.

Sincerely,
VAN Z. KRIKORIAN,
Director, Government and Legal Affairs.

JOINT BALTIC AMERICAN
NATIONAL COMMITTEE,
Rockville, MD, March 20, 1991.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I am writing on behalf of the Joint Baltic American National Committee to thank you for introducing legislation to support democracy and self determination in the Baltic countries and republics of the Soviet Union. As you know, the Baltic countries of Estonia, Latvia and Lithuania reasserted their right to democracy and independence last spring. Since taking these first steps towards freedom, the people of Estonia, Lativa and Lithuania have endured constant intimidation and repression on the part of the Soviet Union, culminating in the first weeks of this year in a bloody occupation by Soviet "black beret" troops of several buildings in the capitals of Latvia and Lithuania.

In his State of the Union address President Bush stated that it is his goal to help the Baltic countries rather than to punish the Soviet Union. The Joint Baltic American National Committee shares that goal—we believe that the best way to help Estonia, Latvia and Lithuania realize their independence is through providing assistance to the democratic governments and the private sector of the Baltic countries as they privatize and make their transition to a market economy. The bill that you are proposing has these same interests and goals at its foundation.

The Joint Baltic American National Committee has initiated efforts to authorize and appropriate funds to assist Estonia, Latvia and Lithuania in making the transition back to democracy more smoothly. If adopted by the Congress this measure would provide for the promotion of democratic ideals in Estonia, Latvia and Lithuania through Congress to Congress exchange programs, reconstruction and ecological programs, and educational and technical assistance programs. We feel very strongly that the best way to promote democracy in Eastern Europe is through programs such as these which teach people to help themselves. We would like to thank you once again for your commitment to the promotion of democracy and self-determination in the Baltic countries and in republics of the Soviet Union. We hope for your continued support.

Sincerely,
OLGERTS R. PAVLOVSKIA, PH.D.,
Chairman.

CONGRESS OF RUSSIAN-AMERICANS, INC.,
Washington, DC, March 20, 1991.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Thank you for sponsoring our resolution supporting democracy and self-determination in the republics of the USSR. The Congress of Russian-Americans commends you on recognizing the need for legislation directing foreign aid to the republics and encouraging democracy in the USSR. This should always be the policy of the United States.

We also commend you for requiring the Secretary of State to provide detailed reports on the use of Central Government force before foreign assistance will be offered.

Once again we thank you. If there is anything we can do to help, do not hesitate to call.

Sincerely,

EUGENIA ORDYNSKY,
Executive Director.

Mr. SIMON. Mr. President, I am pleased to sponsor this legislation with the distinguished minority leader, Senator DOLE. Our bill concerns the Soviet Union, their crackdown in the Baltics and the shape of our foreign assistance program toward the U.S.S.R. What we are calling for is in keeping with our aid program in Eastern Europe, particularly the emphasis placed on democratic institution building. I hope my colleagues will agree that our approach ought to be adopted as U.S. policy.

We are calling for a report to Congress on the actual and threatened use of force against the Baltic States and the Soviet Republics. This report, which we are asking be prepared annually from now on, will be included in the annual State Department country reports on human rights practices. The State Department ought to focus on this problem in these reports, given the weight we place on the human rights dimension in our foreign policy and given the criticial importance of the future of the Soviet Union to our national security.

But our bill goes further than calling for a report. We are asking that the policy of the United States support democratization and self-determination inside the Soviet Union, and support the efforts of those republics that seek independence. We are asking that we continue to support the restoration of Estonian, Latvian, and Lithuanian independence, the history of which is well-known to my colleagues in Congress. And those republics, like Armenia and most recently Georgia, that have followed democratic procedures and are trying to establish the rule of law, ought to be given our support and advice.

One of the more interesting things we are calling for, and I am sure it will be controversial for some, is that we want to shape our foreign aid, trade and related programs to support those republics whose governments are democratically elected and to encourage democracy throughout the Soviet Union. Supporting democracy and a democratic government has long been the basis for U.S. policy toward the U.S.S.R., and in our view the best way to get there at this juncture is to extend a helping hand to those republics who have already held democratic elections and who agree on the necessity of the rule of law and human rights.

Finally, we ask that U.S. policy strongly support the peaceful resolution of conflicts between the Baltic States and the U.S.S.R. and inside the Soviet Union; that we condemn such things as martial law, pogroms, military occupation, blockades, and other threatened or actual uses of force; and that we view the use of force or the threat of force against the Baltic States or the republics as an obstacle to fully normalized United States-Soviet relations.

This is more a statement of reality than it is a redirection of policy. A better United States-Soviet relationship is clearly dependent on an improved human rights situation, progress on Baltic independence and progress on self-determination for the Russian and non-Russian people within the Soviet Union. It is our intention that this legislation will encourage positive changes on human rights, the rule of law and self-determination.

Let me add here that we are not supporting the dissolution of the Soviet Union. This is not an anti-Gorbachev measure. But it is clear that there are some strong independence movements that will continue to gather momentum whether we act or not, whether we support democrats and reformers with technical training and advice or not. Certainly in the case of the three Baltic States, whose sovereignty was lost in 1940, there ought to be no question but that we in the United States support the immediate, peaceful restoration of Baltic independence.

On the question of the Baltics I have earlier introduced a bill, S. 670, that calls for the appointment of permanent cultural and commercial attaches to each Baltic State, and, among other things, encourages the United Nations General Assembly to take up the issue of Baltic independence at the next session. But we ought not shy away from trying to work out a mechanism to begin aid and trade programs for the Baltics, and for certain other republics, in order to support democratic rule.

And if we can help spread democratic institutions within the Soviet Union by giving some incentives to open still further the Soviet system and work towards a freer economy, then we ought to do it. This legislation promotes these objectives, and I hope my colleagues in the Senate will take a careful look at it, discuss it and debate it with us, and then move on it.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 861. A bill to amend title 18 of the United States Code to permit the prosecution of a murder of a U.S. national abroad; to the Committee on the Judiciary.

MURDER OF A U.S. NATIONAL ABROAD

Mr. THURMOND. Mr. President, today, I rise to introduce legislation, along with my colleague Senator HOLLINGS, which will address an unfortunate loophole under Federal law which permits persons who murder Americans in certain foreign countries to go unpunished. The Murder of United States Nationals Act of 1991 ensures that those who kill American nationals while outside of the United States will face prosecution.

Under current Federal law, the U.S. Government cannot extradite a person to another country in the absence of an extradition treaty or congressional authority to do so. This limitation applies even in cases where an American has been murdered. To further complicate the matter, the Federal Government has no jurisdiction to prosecute a person residing in the United States who has murdered an American abroad except in limited circumstances, such as a terrorist murder or the murder of a Federal official. As a result, an individual can murder an American in any one of the approximately 70 countries with which we do not have an extradition treaty, return to the United States, and go unpunished. Some of the countries with which we do not have an extradition treaty include the Philippines, South Korea, Kuwait, and Saudi Arabia. If an American national is killed in any one of these countries, it is possible that the killer will go unpunished if he or she manages to return to the United States.

Mr. President, one might wonder whether this is likely to occur. Unfortunately, I have been made aware of just such a case where a suspect in the killing is walking our Nation's streets unpunished. In 1988, Carolyn Abel, an American teaching and studying in South Korea, was brutally murdered. She was attacked in her sleep, repeatedly stabbed, and finally her throat was cut. Shortly thereafter, an American confessed to helping another American in covering up the murder. Unfortunately, that person had already returned to the United States. South Korea, one of many countries with which the United States does not have an extradition treaty, requested that the suspect be extradited to face murder charges. Yet, current law prohibits such a procedure. According to State Department and Justice Department officials, there is evidence to believe that this person may be responsible for the death of Ms. Abel. Nevertheless, our Government's hands are tied and she walks the streets a free woman. Clearly, Federal criminal law and the procedures for extradition must be remedied.

The Murder of United States Nationals Act of 1991 would amend current law in two ways. First, it would add a new section to title 18 to make it a Federal offense to kill or attempt to kill a national of the United States while such person is in another country. Prosecution under this section, however, would be limited to cases in which the alleged murderer resides in the United States and to cases in which the Attorney General certifies that the country in which the crime occurred lacks the lawfully ability to secure the return of the alleged murderer.

Mr. President, the second half of this bill amends the procedures for extradition to provide the executive branch with the necessary authority, in the absence of an extradition treaty, to surrender to foreign governments those who commit violent crimes against U.S. nationals. This authority is limited to those cases involving victims who are U.S. nationals and to cases in which the Attorney General certifies that: First, the evidence presented indicates that had the offense occurred in the United States, it would constitute a crime of violence under Federal law; and second, that the offense charged is not of a political nature. Since this amendment is procedural in nature and since extradition treaties are retroactively applicable, it is intended that this section of the bill apply retroactively.

Without question, it would be difficult to hold the Federal Government responsible for the prosecution of every crime committed against Americans abroad. However, Congress should provide the executive branch with the authority to prosecute those who commit vicious, brutal acts against Americans and who now reside in the United States. Further, the executive branch should have the authority, in limited cases, to surrender for trial those offenders who are responsible for heinous acts committed against Americans in foreign countries without regard to the existence of an extradition treaty.

In closing, there are certainly cases in which the impediment to our having extradition treaties with some countries is their inferior criminal justice systems. However, there are other countries with which extradition treaties are being discussed and still others with which we recently joined forces with in the war against Iraq. Furthermore, democracy is spreading throughout the world faster than anyone could have anticipated and certainly faster than extradition treaties can be negotiated and ratified. A complete bar to extradition ignores these worldwide changes which are unfolding before us and does not serve the ends of justice. Simply put, brutal murderers of Americans should not be free to walk the streets of our Nation because we lack the formality of an extradition treaty. In this era of unprecedented world travel and accessibility to foreign nations, the United States ought to have the tools it needs to ensure that those who choose to victimize Americans are appropriately punished—either here in the United States or in appropriate cases, in the country where the crime occurred.

For these reasons, I strongly urge my colleagues to support this measure.

● Mr. HOLLINGS. Mr. President, a little more than 2 years ago, a bright and promising young American woman, Carolyn Abel, was savagely murdered in Seoul, South Korea. Another American woman is strongly suspected of having committed this murder; her alleged accomplice in covering up the crime has confessed, and the suspect herself has flunked a lie detector test. Yet despite the impressive body of incriminating evidence against this suspect, she has gotten off scot free, has never been brought to justice, and is living today in the United States—all because of a legal technicality which prohibits the United States from extraditing her to South Korea for trial.

Mr. President, I ask that two letters related to this case be printed in the RECORD at the conclusion of my remarks: My letter of May 1, 1989, to Secretary of State James Baker, and Assistant Secretary for Legislative Affairs Janet G. Mullen's letter to me dated December 26, 1989.

Mr. President, the travesty of justice surrounding the murder of Carolyn Abel, and countless others like it, are possible because, under current U.S. law, our Government cannot extradite a person to another country in the absence of an extradition treaty or congressional authority to do so. Making matters worse, the Federal Government has no jurisdiction—save in a very restricted range of special circumstances—to prosecute a person residing in the United States who has murdered an American abroad.

Mr. President, to close this absurd loophole in current law, I join my distinguished senior colleague from South Carolina today in sponsoring the Murder of United States Nationals Act of 1991, which ensures that those who kill American nationals while outside the territory of the United States will be brought to justice.

This legislation is urgently needed, Mr. President. Today, an American can murder another American in any one of some 70 countries with which we do not have an extradition treaty, flee to the United States, and thereby go unpunished by authorities in the country where the crime was committed.

Mr. President, the Murder of United States Nationals Act of 1991 would amend existing U.S. law in two critical respects. One, it would amend a new section to title 18 to make it a Federal crime to kill or attempt to kill a U.S. national while such a person is in another country. Prosecution under this section would be limited to cases in which the alleged murderer resides in the United States, and to cases in which the U.S. Attorney General certifies that the country in which the crime was committed lacks the lawful ability to effect the return of the alleged murderer.

Second, the bill would amend the current extradition procedures to give the executive branch authority, in the absence of an extradition treaty, to surrender to foreign governments persons who commit violent crimes against U.S. nationals. This authority would be limited to cases involving crime victims who are U.S. nationals and to cases in which the Attorney General certifies two conditions: First, that the evidence presented indicates that had the offense occurred on U.S. soil, it would constitute a crime of violence under Federal law, and second, that the alleged offense is not of a political nature. It is expressly intended that this section of the bill will apply retroactively, which is permitted since all international extradition treaties can be retroactively applicable.

Mr. President, it strikes me that the amendments contained in this bill are just plain common sense. Indeed, I would hope that we will pass this bill promptly and routinely, just as we would any other technical amendments to previously passed legislation—technical amendments designed to correct outrageous oversights or mischievous loopholes that were obviously not intended in the original legislation. Surely, no Senator will disagree that the executive branch should have authority, in carefully circumscribed conditions, to extradite offenders suspected on credible evidence of committing heinous acts against Americans in foreign countries. I urge my colleagues to support this simple but important legislation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 1, 1989

Hon. JAMES A. BAKER III,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: Late last year Carolyn J. Abel, the daughter of my constituent Dr. Francis L. Abel, Chairman of the School of Physiology of the Medical School of the University of South Carolina, was brutally murdered in Seoul; South Korea. I have been following this matter closely and the facts are accurately related in the enclosed letter from friends and colleagues of Dr. Abel.

As you will note from the enclosed, it is requested that legislation be enacted and an extradition treaty be worked out with South Korea that will allow the murderer of Carolyn Abel to be returned to Korea for trial on this awful offense. I would appreciate your having the Department's legal office look into this for me and advise me of the Department's willingness to help in this tragic situation.

With warm regards, I am
Sincerely yours,
ERNEST F. HOLLINGS.

U.S. DEPARTMENT OF STATE,
Washington, DC, December 26, 1989.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Washington, DC.

DEAR SENATOR HOLLINGS: This is in reply to your letter to the Secretary dated May 1, 1989, enclosing a letter from a number of your constituents about the prospects of bringing to justice the person(s) responsible for the death of Carolyn Abel, an American citizen who was brutally murdered in Seoul, Korea.

The facts stated by your constituents are essentially the same as those reported to the Department. Carolyn Abel, an American citizen who had been teaching at a private school in Seoul, was found dead in her apartment in Seoul on December 20, 1968. Her throat had been slashed, and her torso and face had been stabbed many times.

In statements made in February, 1989, a teacher at the school reportedly accused a former colleague of having committed the murder. The teacher also reportedly said that she had helped the other teacher rearrange the scene of the crime so that it would look as if the murder had been committed in the course of a robbery. The teacher who confessed to helping cover up the crime after the fact has been convicted in Korean court of destroying evidence and aiding the escape of a criminal suspect, and she received a one-year sentence.

The individual she accused of the murder, however, had returned to the United States before the statement about her alleged participation in the crime had been made and therefore was not subject to investigation by the Korean authorities. In a polygraph examination conducted by the Department of Justice pursuant to a Korean letters rogatory request, that individual denied any involvement in the murder. The results of that examination have been provided to the Korean authorities.

The Department shares your constituents' concern that the perpetrator of this horrible crime be brought to justice. To this end, the Department has sought to assist the Government of Korea in the conduct of its investigation so that it may obtain sufficient evidence to identify the person or persons responsible. The Department just recently received a diplomatic note from the Government of Korea indicating that it seeks the return of the accused individual to stand trial for the murder of Carolyn Abel. Under United States law, however, the United States cannot return that individual in the absence of an extradition treaty. Valentine v. Neidecker, 299 U.S. 5 (1936).

Your constituents advanced three proposals aimed at bringing the murderer in this case to justice.

Your constituents first urge you to consider pursuing legislation that would give the Secretary discretion to extradite fugitives in the absence of a treaty. The Department has not in the past sought such authority, and the Congress has not seen fit to establish it. We find virtue in the current procedure, under which the Senate is afforded an opportunity to provide its advice and consent to the establishment of extradition relations with a particular State. However, should the Senate wish to carve out an exception that would give the Secretary discretion to extradite in the absence of a treaty, the Department would be willing to entertain the proposal.

Second, your constituents propose the enactment of a federal statute that would give the United States jurisdiction over certain (unspecified) offenses committed abroad against U.S. citizens. Presumably, they had in mind serious common crimes such as murder and felonious assault. Such an assertion of jurisdiction would be based on the "passive personality" principle under international law.

The United States has generally taken the position that the exercise of extraterritorial criminal jurisdiction based solely on the nationality of the victim interferes unduly with the application of local law by local authorities. The practical problems associated with the investigation of offenses that occur abroad—for example, the difficulties in obtaining physical evidence and testimony in admissible form—suggest that it is in the interest of justice to allow the foreign jurisdiction to prosecute such offenses that are in violation of its law.

For these reasons, the United States has spoken against the assertion of "passive personality" jurisdiction and has avoided its application under U.S. law. The Congress, for its part, has generally chosen not to authorize the United States to exercise such jurisdiction.

Third, your constituents advocate the conclusion of an extradition treaty with Korea, and they urge that such a treaty be made retroactive. Under the general practice of States, extradition treaties are generally retroactive. The rule may vary, but at a minimum it holds that extradition may be had for an offense committed before an extradition treaty comes into force if the conduct in question was criminal in both jurisdictions at the time of commission; clearly, this is the case for the crime of murder. In U.S. practice, an extradition treaty is presumed to be retroactive in this sense unless it specifically provides to the contrary.

Independent of the tragic death of Ms. Abel, the Department, together with the Department of Justice, has had under consideration the question of negotiating an extradition treaty with Korea. As you can appreciate, this question involves the evaluation of a number of factors. The Department would be pleased to receive your views on the matter.

As you may be aware, Department officials have been in contact with members of the victim's family and have kept them apprised of developments in the case. I assure you that we will continue to keep the family informed to the fullest extent possible. In the meantime, the Department will continue to pursue the case with the Korean authorities to ensure that they take every possible step to bring the perpetrator of this heinous crime to justice.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.•

By Mr. BREAUX (for himself, Mr. MACK, Mr. DECONCINI, Mr. SEYMOUR, and Mr. PRYOR):

S. 866. A bill to amend the Internal Revenue Code of 1986 to clarify that certain activities of a charitable organization in operating an amateur athletic event do not constitute unrelated trade or business activities; to the Committee on Finance.

OPERATION OF AMATEUR ATHLETIC EVENTS BY CHARITABLE ORGANIZATIONS

• Mr. BREAUX. Mr. President, college bowl games are an American tradition. Through college bowl organizations, funds are provided to support the educational and athletic programs of the participating colleges and universities. National Collegiate Athletic Association [NCAA] rules require that a minimum of 75 percent of each bowl's gross revenue be given to the participating institutions and their conferences. The needs of our colleges and universities for funding has led a number of the tax-exempt bowl organizations to seek support from individuals and organizations. Some of this support has proven to be so generous that the recipients have recognized their sponsors by having their names associated with bowl events.

The Internal Revenue Service has recently taken positions regarding the tax treatment of income received by these bowl organizations that seriously undermine the ability of these bowls to provide the maximum level of support to the participating colleges and universities. I am introducing legislation today which would clarify certain provisions of the tax law relating to amateur athletic events that will assure, as I believe present law intends, that our colleges and universities—not Uncle Sam—are the recipients of bowl game proceeds.

College bowl organizations are not-for-profit organizations that qualify for tax-exempt status under section 501(c) of the Internal Revenue Code. While generally exempt from Federal income tax, these organizations are subject to tax on any unrelated trade or business income realized during a taxable year. The Internal Revenue Code defines unrelated trade or business as any trade or business of a tax-exempt organization the conduct of which is not substantially related, aside from the need of such organization for income or funds or the use it makes of the profits derived, to the exercise or performance by such organization of the charitable, educational, religious, or other exempt purpose and function constituting the basis for its exemption under Internal Revenue Code section 501 (Sec. 513(a)).

At issue is how the Internal Revenue Service interprets this term. Many of the sponsors of these bowl games are so generous that the bowl organizations choose to recognize their contribution to college athletics by placing the sponsors name in the bowl game title or by other similar means. This practice should not be construed to be anything other than recognition of a sponsor's generosity. IRS is attempting to treat a sponsor's support as taxable income to these not-for-profit organizations that qualify for tax-exempt status. This bill will ensure that associating a sponsor's name with an amateur athletic event, such as recognition of a sponsor's name by including it in the title of the event or some other form of name recognition of a sponsor at an amateur athletic or related event, does not constitute an unrelated trade or business.

A second provision of this bill would codify IRS' current position regarding other types of income received by these organizations in association with amateur athletic events. This list includes the sale of broadcast rights for such amateur sports events. It also includes circumstances whether the exempt organization enters into an agreement with a third party giving that third party the right to produce and sell a game program; or circumstances in which the organization enters into an agreement with a third party giving that third party the right to use the name or logo of the tax-exempt organization, the amateur athletic event, or related activities.

The final issue addressed by this bill is the tax treatment of the licensing of the right to produce or to sell event programs. Bowl organizations, the NCAA, and other amateur sports organizations generally license their rights to an unrelated third party to produce and sell an event program. In exchange for these rights, the exempt organization receives a royalty. The Internal Revenue Code exempts royalties received by tax-exempt entities from taxation. However, the IRS has challenged whether the fee received from transferring these rights qualifies as a royalty and has claimed that such fees are unrelated to the exercise or performance of the charitable purpose. Although IRS lost in the 10th circuit, they are still taking the position that such receipts should be taxed. See *NCAA* v. *Comm'r of Internal Revenue,* 914 F. 2d 1417 (10th Cir. 1990). This bill would codify the conclusion of the 10th circuit.

By clarifying these issues, the bowl organizations will be able to turn over the maximum amount of money to the participating schools. Without these changes in law, the bowl organizations will be required to turn 34 percent of those proceeds over to the Federal Government resulting in less revenues to the schools. This bill is good tax policy and is good educational policy especially during these times when Congress and the administration are looking for ways to fund and improve our educational system. I look forward to working with my colleagues on the Senate Finance Committee toward adoption of this legislation.•

By Mr. HEFLIN:

S. 862. A bill to provide for a demonstration program for vior dire examination in certain criminal cases, and for other purposes; to the Committee on the Judiciary.

S. 863. A bill to amend the Federal Rules of Civil Procedure with respect to the examination of prospective jurors; to the Committee on the Judiciary.

S. 864. A bill to amend the Federal Rules of Criminal Procedure with respect to the examination of prospective jurors; to the Committee on the Judiciary.

S. 865. A bill to provide for a demonstration program for vior dire examination in certain civil cases, and for other purposes; to the Committee on the Judiciary.

VOIR DIRE LEGISLATION

Mr. HEFLIN. Mr. President, I rise today to introduce legislation regarding the voir dire process in federal courts. The voir dire process is simply the method by which potential jurors are selected to sit on a jury. The legislation which I am introducing goes directly to establishing a more functional approach to voir dire, and to protecting the right to a fair and impartial jury.

Presently, federal rules permit attorneys to participate in conducting voir dire only at the discretion of the court. The legislation that I am introducing alters this process and guarantees an attorney's participation in the examination of prospective jurors. I believe that the attorneys representing clients are best equipped to elicit bias in potential jurors. Attorneys are generally more knowledgeable about the facts of a particular case and by participating in the voir dire process are better equipped to elicit a potential jurors' bias which may not be readily apparent. Therefore, I am convinced that the voir dire process can be substantially improved through the limited participation of attorneys who are directly involved in a case.

I am introducing four separate bills today. Two of these bills are identical to legislation which I have introduced in previous sessions of Congress. These bills legislatively amend the federal rules of civil and criminal procedure which would have a direct impact on all the federal courts. This legislation has received criticism in the past, especially from federal judges who believe that such changes would undermine their authority in the courtroom. Although I disagree with the premise that a result of these bills would be a loss of courtroom control, I do believe that judge's fears while unfounded, are sincere.

In order to alleviate these fears, these previous legislative proposals have been compromised to establish study districts in which these procedural changes can be examined. I appreciate the efforts of the federal judiciary to compromise and to acknowledge a willingness to study these proposed changes. The two alternative proposals which I am introducing are a result of thoughtful compromise and I am hopeful that they will be speedily enacted. These compromises passed the Senate last year.

I believe that an impartial and unbiased jury is the cornerstone of constitutionally protected right to trial by jury. I further believe that this legislation will help to protect and enhance this fundamental tenet and I urge my colleagues to support these bills.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 867. A bill to establish a commission in the Department of the Interior to provide compensation to individuals who lost their land or mining claims to the U.S. Government for the establishment of the White Sands Missile Range; to the Committee on Energy and National Resources.

WHITE SANDS FAIR COMPENSATION ACT

• Mr. DOMENICI. Mr. President, we have recently been blessed with a great moral and military victory in the Persian Gulf. I am happy to say that much of the advanced technology that was deployed so successfully against the enemy forces, such as the brilliant Patriot missile system, was tested in my home State. I am not the least bit embarrassed to rise before this body and claim bragging rights for the State of New Mexico and the role it has played in giving this country its pride back.

New Mexico, you understand, has a long history of standing firmly behind the President and this country in time of war. At the outbreak of World War II, President Roosevelt needed the temporary use of ranch land in the White Sands area of New Mexico for a bombing range. Many ranchers and hard rock miners—about 150 families—were required to leave behind their ranches and claims so the military would have an adequate site for its testing and training needs. Most of these folks, I am proud to say, willingly did so with the full expectation that they would be able to resume their former livelihood when the war ended.

However, several years later, in 1975, the Government determined it would have a continuing long-term need for the use of the rangeland as a military testing and training facility and took permanent possession. History will show that this area played an important part over the years in the development of U.S. military capabilities as the premier peacekeeping force in the world. As I mentioned earlier, testing and training for the use of the Patriot missile system took place in the close vicinity of these very lands. Obviously, one must concede that the Government took possession of the lands for what must be considered a higher and better use on a national perspective.

But what of the ranchers and miners who gave up their claims to the land? They were compensated, to be sure, for those lands to which they held free title; however, they received no compensation for the remainder of the lands within their ranch units—the public domain lands—for which they held grazing permits or mining claims. Now, one might ask why the Government should compensate a rancher or miner for land which is not theirs but which belongs to the people of the United States? The answer to that question is that the Government must consider each ranch or mining claim as a full unit of business, including both patented lands and public domain lands within the unit boundaries which had been used in the pursuit of the rancher's or miner's livelihood.

Consider this analogy, if you will: A businessman who manufactures widgets purchases a small shop to set up his widget making factory. His business begins well, but he sees that, in order to stay up with the competition, he must expand his factory and make more widgets at a lower price. The landlord of a large vacant building next door offers to lease the widget maker the building at a moderate price for a period of 10 years, with an option to extend. The widget maker leases the vacant building and over the next few years puts thousands of dollars of capital expenditures into the building so it can be specially outfitted to make widgets. The widget maker doesn't get rich, but he works hard and makes a comfortable living manufacturing widgets. He lives the American dream.

After a time, the landlord of the building decides he has a better use for his property and tells the widget maker that he must pack up his factory and move out. He very generously, or so he thinks, offer to buy out the remainder of the term of the lease from the widget maker even though the widget maker didn't pay for the lease in advance. The landlord is amazed and taken aback when the widget maker threatens to file suit on him for loss of his business. After all, the building didn't belong to the widget maker, did it?

Now, this may seem like a simple story and indeed it is just so; however, the message is clear: The landowner, by merely taking back what was rightfully his, not only reneged on the expectation of a long-term business arrangement, but in so doing affected the widget maker's ability to maintain his livelihood. That is exactly the situation in which the White Sands ranchers and miners were put by the Government when they were compensated for the loss of their fee lands, but not for the public domain lands within their ranch unit or claim. These folks lost not only their own patented lands, but also the ability to maintain their livelihood from the businesses they had engendered, businesses which included the use of the public domain lands as an integral part of the business package.

I want to say that two well established organizations, the banking industry and the Internal Revenue Service, have recognized for some time now that public domain lands within a ranch unit lend an intrinsic value to the ranch over and above that of the patented acreage and facilities. The fact of the matter is, as recently stated to me by the president of one of New Mexico's banks, many western ranches would not be of much value at all if the public lands and federal grazing permits were not considered as part of the ranch. I have in my possession letters from the IRS and the banking industry which document the fact that public domain lands and appurtenant privileges are calculated in determining estate taxes and ranch appraisals. I believe this is proof enough that the value of a ranch unit—or a mining claim—must include all the lands controlled by the rancher or miner and not merely the fee lands. I ask unanimous consent that these letters be printed in the RECORD at the end of my statement.

Briefly, let me explain that the White Sands ranchers did seek relief through legal remedies; however, the courts' decision was that the ranchers had no right to compensation for their loss of use of the public domain lands in their former ranch units. I disagree with that decision. The Congress, it seems, is the final hope for these folks to be fairly compensated for the loss of their livelihood.

My bill will establish a seven-member commission appointed by the Secretary of Interior to evaluate the owners' claims and distribute $17.5 million in compensation. The truly unfortunate thing about this situation is that most of the original patriots who willingly left their homes and ranches are no longer with us today and went to their rest believing their Government had done them wrong.

Finally, Mr. President, I would like to say that 1991—the year of this Nation's great victory over the injustices in the gulf—is clearly an appropriate time to correct the injustices perpetrated on the White Sands ranchers and miners and finally fully compensate them for the sacrifices they have endured to ensure the military superiority enjoyed by this country. To this end, I am introducing my bill, the White Sands Fair Compensation Act of 1991, in the hopes the Congress will act swiftly and favorably toward its passage.

I ask unanimous consent that the text of the bill be printed in the RECORD along with the previously mentioned letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "White Sands Fair Compensation Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the White Sands Missile Range is a vital national defense installation;

(2) the United States established the White Sands Missile Range during World War II, temporarily displacing ranchers and miners working on land in the area of the Range and later, in 1975, permanently taking the land;

(3) individuals who owned land or mining claims in what is now the Range made a significant contribution to the effort of the United States to win World War II and to the post-war national defense program by vacating their land at the request of the United States Government;

(4) these individuals have not been fully compensated by the United States Government for the loss of their land;

(5) the United State Government has an obligation to pay full compensation to these individuals for the loss of their land; and

(6) the only way for these individuals to receive full compensation is through an Act of Congress.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established in the Department of the Interior a commission to be known as the White Sands Fair Compensation Commission.

(b) MEMBERSHIP—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 7 members appointed by the Secretary. In making appointments to the Commission, the Secretary shall consider—

(A) individuals whose names are submitted by the Governor of New Mexico and any Member of Congress representing New Mexico; and

(B) individuals from New Mexico with special knowledge in the area of agricultural economics or the history of the establishment of the White Sands Missile Range.

(2) TERMS; VACANCIES.—Members shall be appointed for the life of the Commission. The President shall appoint a new member, consistent with the requirements of paragraph (1), if a vacancy on the Commission arises.

(3) COMPENSATION.—Members shall serve without pay or compensation except as provided in paragraph (4).

(4) TRAVEL EXPENSES.—Each member shall be allowed travel expenses, including per diem in lieu of subsistance, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) QUORUM.—4 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(d) OFFICERS.—The chairman, and all other officers of the Commission, shall be elected by the members to serve terms determined by the Commission.

(e) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Commission with such professional, technical, and clerical staff and services and administrative support as the Secretary determines necessary for the Commission to carry out its responsibilities under this Act. Amounts required by the Secretary to carry out this subsection shall be paid from funds appropriated under section 10.

(f) BYLAWS.—The Commission may make such bylaws, rules, and regulations as it considers necessary to carry out its functions.

SEC. 4. EVALUATION AND PAYMENT OF CLAIMS.

(a) EVALUATION.—The Commission shall evaluate the claims submitted by owners relating to the taking of their property.

(b) PAYMENT.—The Commission shall make payments to those claimants the Commission determines have not been fully compensated by the United States for the taking of their property.

(c) DETERMINATION OF AMOUNT OF PAYMENT.—In evaluating claims, the Commission shall determine that value the property had in 1975 based on established precedents for the valuation of similar real estate in New Mexico. The payment amount shall be an amount which exceeds the difference between the amount the Commission so determines and the amount of the payment received by the claimant in 1975 from the United States. Any payments received by claimants from the United States between 1942 and 1975 for the lease of property by the United States shall not be considered by the

Commission in determining values under this subsection.

(d) PRIORITY OF CONSIDERATION.—In considering claims, the Commission shall give priority to claims submitted by those claimants who owned property until the date the United States took the property in 1975.

SEC. 5. APPEAL PROCEDURE.

If a claimant disputes a decision of the Commission, the claimant may appeal that decision to the Secretary. The Secretary may uphold the decision or reject it. If the Secretary rejects a decision of the Commission relating to the determination of a payment amount under section 4(c), the Secretary may increase the amount of the payment, or, if no payment was approved by the Commission, the Secretary may authorize a payment to be made. The Secretary may not decrease the amount determined by the Commission. The decision of the Secretary shall be final and no further appeals, or judicial review, shall be permitted.

SEC. 6. LIMITATIONS

(A) FILING OF CLAIMS.—No claims may be filed under this Act after the 12 month period beginning on the date of enactment of this Act.

(b) FILING OF APPEALS.—No appeals may be filed by a claimant after the 30 day period beginning on the date the claimant is notified of the determination of the payment amount by the Commission under section 4(b).

SEC. 7. TERMINATION OF COMMISSION.

The Commission shall terminate 1 year after completing action on all claims filed under this Act.

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "claimant" means an owner who files a claim pursuant to this Act;

(2) the term "Commission" means the White Sands Fair Compensation Commission;

(3) the term "owner" means any individual (or their heirs or assignees) who owned property in 1975;

(4) the term "property" means ranching units or mining claims in the area of the Range taken by the United States for national defense purposes after 1941 and which are part of the Range as of the date of enactment of this Act;

(5) the term "Range" means the White Sands Missile Range, New Mexico; and

(6) the term "Secretary" means the Secretary of the Interior.

SEC. 9. BUDGET ACT COMPLIANCE.

No authority under this Act to make payments shall be effective in any fiscal year except to such extent and in such amounts as are provided in advance in appropriation acts.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $17,500,000, which may remain available until expended, to pay claims and for necessary expenses of the Commission and the Secretary related to carrying out this Act.

PRODUCTION CREDIT ASSOCIATION
OF SOUTHERN NEW MEXICO,
Roswell, NM, April 17, 1991.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: I would like to express my concerns regarding legislation affecting the lease of federal lands by individuals for the purpose of grazing livestock.

It is a common practice for agricultural lenders to place considerable value on a ranching unit which includes federal leases. This value is based on the number of animals the ranch unit can accommodate as well as appraisals by licensed real estate appraisers. These appraisers justify a grazing lease value based on income potential and replacement cost values.

Oftentimes, leasees have paid considerable amounts for the private properties and the assignment and transfer of the associated federal grazing leases. These same people also invest their own time and money improving the leased federal lands. The only way they can regain their investment is from the sale of the "ranch unit" which includes the assignment and transfer of the grazing lease.

Another strong reason for valuing federal grazing leases is based on tax considerations. The Internal Revenue Service definitely places a value on federal grazing leases in an individual's estate.

It is based on these facts that lenders do indeed loan funds for the purchase of ranching units (including the federal grazing lease) and the purchase of livestock for these ranches.

I hope this letter clearly expresses the great concern shared by Production Credit Association of Southern New Mexico and all financial institutions concerning legislation affecting federal grazing leases and the values associated with these leases.

Sincerely,

JIM MCCOY,
Vice President.

FIRST NATIONAL BANK
OF CHAVES COUNTY,
Roswell, NM, April 15, 1991.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: In response to your inquiry concerning whether or not BLM Permits have value, the answer is a definite yes. Whenever ranches are bought and sold, the BLM Permit has value because it allows the rancher to have control of enough acreage to produce a profitable operation.

In some cases, if it were not for the BLM Permit, the ranch would be too small to be profitable with just the deeded acres. Ranch loans in our area usually depend on deeded land and leased BLM land to have enough production for repayment.

If you have any questions concerning this matter, please to not hestitate to contact us.

Sincerely,

LARRY G. STOERNER,
President.

INTERNAL REVENUE SERVICE,
Great Falls, MT, September 30, 1983.

Mr. ——— ———,
Glasgow, MT.

DEAR MR. ——: Enclosed is a copy of my revised report showing adjustment to the real estate acreage for the farmland and net minerals. My valuation of the real property is based upon the comparable sales in the area. The Drewery Angus to Tew Ranch sale provided supports my valuation after computation of a more realistic evaluation of animal units on the leased grazing of 600 a.u.m. The following is a summary of the comparable sales:

	Crop adj. time	Grass adj. time	Lease value	Sale date
Hanson to Carlson	$225–$279	$74–$87	0	1/79
Drewery to Tew	$181–$200	$70–$70	$40/aum	2/80
Amundson Estate	$200–$200	$63–$65	0	82
Durfrey to Amston	$250–$250	$100–$100	0	12/82

Hanson to Carlson was a sale south of Miles City of 6057 acres of rough badland grazing. Another sale was out of the Shefelbeine Estate north of the subject in March of 1982 which sold 250 acres of rough badland grazing for $75 per acre. These sales support my valuation of the deeded acreage of the subject at $200/acre for the cropland and $70/acre for the grazing.

I disagree with your evaluation that the over 9,000 acres of State and Federal lease held by the decedent should be given no value. Comparable sales and appraisals made show the value of leased grazing to range from $40 to $50 per a.u.m. Even the estate's appraisal of the subject property recognizes that the State and Federal grazing privileges are worth ⅓ of the value of deeded grazing. (See attached copy) My valuation would result in the State and Federal grazing privileges being worth approximately ¼ of the value of the deeded grazing. The following is a summary of sales of grazing privileges.

Eiselein Ranch Appraisal, Date: 12/80, Value: $50/aum.

Fraser to Keefer, Date: 9/77, Value: $45/aum.

Knerr to Kindle, Date: 4/76, Value: $40/aum.

Mr. Lawrence's appraisal per letter of September 7, 1983 of cutter and canner cows from $36 to $42 per hundredweight is an indication of the Glasgow market. The Billings market shows a range of $41 to $49.50 per hundredweight for slaughter cows for the week of April 3–10, 1981. The Glasgow market would likely be a few cents below the Billings market in general. However, what we are valuing in the Edward Paine estate as of April 1981 are bred cows and cow/calf pairs. Middle aged 900–1100 pound cows with calves were selling for $575–$650 per pair and bred cows for $500–$550 per head as of the valuation date. USDA—Weekly Livestock Summary, Billings, Montana. I am also aware of a sale in January of 1981 of 100 head of 10–12 year old cows in very poor shape for $475 per head, where the buyer only expected to be able to get one years calf crop and would have the additional expense of three months feeding cost before calving. Therefore, my valuation of $400 per head for the bred/cow-calf pairs is reasonable and discounts the value for poor condition and must stand in the valuation for the cattle in the Edward Paine Estate.

Further, there is a disallowance of the farm debts incurred after decedent's date of death which were merely the operating expenses of carrying on the decedent's business of operating the farm and not necessarily incurred in preserving the estate for sale or to effect distribution to the beneficiaries. Decedent's will provides for the property to be left as a unit, except for the livestock which passed to Eddy Paine Jr., indicating a sale was not a necessity for distribution to the beneficiaries. These operating expenses would be properly deductible on the estate income tax return and not the estate tax return. *Estate of Brewer*, BTA Memo. op. Dec. 12,233–H.

Also I will need to know whether Mr. Paine was actively engaged in the management of the ranch at the time of his death in order to allow the installment payment election. I was informed that he was living in a nursing home prior to his death. I have computed the installment payments that would be due if it is found the estate qualifies for this election.

I will need to know whether the estate agrees with my adjustments to the Edward Paine Estate within the next 3 weeks, as I will have to close it out at this time. Thank you for your cooperation in handling this matter.

Sincerely yours,

JAMES K. STREETER,
Estate Tax Attorney.

INTERNAL REVENUE SERVICE,
Albuquerque, NM, July 31, 1990.

Re: Estate Tax Valuation of State and Federal Lease Land.

Mr. ——— ———,
Glenwood, NM.

DEAR MR. ———: I apologize for the delay in responding to your inquiry. As I understood your question, you wanted to know how farm or ranch land would be valued for estate tax purposes when it was used in conjunction with either or both State and Federal grazing permits. If I have not addressed your question or you wish to discuss other issues, you should not hesitate to contact me at the number noted above.

Section 2031 of the Internal Revenue Code provides in relevant part that the value of the gross estate of a decedent will be determined by including property in the gross estate on the basis of the fair market value of the property as of the date of the decedent's death, unless the executor elects the alternate valuation method under section 2032 of the IRS Code. Internal Revenue regulation 20.2031-1(b) provides in relevant part that the fair market value of property is the price at which the property would change hands between a willing buyer and a willing seller, neither being under a compulsion to buy or sell and both having knowledge of relevant facts.

It is my understanding that the grazing permits may be renewed periodically by the governmental agency and they retain the discretion not to renew the permit. It is also my understanding that with respect to the federal permit there is no right, title, or interest in the federal land created by the permit. However, absent abuse of the land, the permits are generally renewed and enhance the value of the land. When farmland is sold, the purchaser will consider the existence of the permits because the purchaser who otherwise qualifies will generally be able to obtain a new grazing permit.

Although a grazing permit does not create any right, title, or interest in the federal land affected by the permit, it is a valuable component part of the nearby fee land and has been recognized as having value in several court decisions. See *Estate of Cronin* v. *Cronin*, 89 S.D. 632, 237 N.W. 2d 171 (1975); *United States* v. *Jarnillo*, 190 F. 2d 300 (10th Cir. 1951). See also *Board of Supervisors of County of Modoc* v. *Archer*, 18 Cal. App. 3d 717, 726, 96 Cal. Rptr. 379, 386 (1971), which held that a federal grazing permit was a possessory interest in real property which exists as a result of possession, exclusive use, or a right to possession or exclusive use of land . . . unaccompanied by the ownership of a fee simple or life estate in the property", and *Ruelas* v. *Ruelas*, 7 Ariz. App. 98, 346 P2d.490, 493 (1968), which held that a federal grazing permit "has an economic value which affects the value of the patented land to which the permit is an adjunct." Accordingly, the grazing permit is a valuable asset attached to the land owned in fee by the decedent and is thus an element of the value of the land owned in fee. Rev. Rul. 86-99, 1986-2 C.B. 159.

If the governmental unit adjusts the animal units per month for the leased land, the value of the fee should decrease because the return to the rancher has also decreased. In other words, because the value of the lease has decreased, the value of the fee which takes the value of the lease into consideration has also decreased.

Again, if you have additional questions in this matter, please do not hesitate to contact me.

Sincerely yours,

DON TENNENT,
Estate Tax Attorney.●

By Mr. CRANSTON:

S. 868. A bill to amend title 10, United States Code, and title 38, United States Code, to improve educational assistance benefits for members of the Selected Reserve of the Armed Forces who served on active duty during the Persian Gulf war, and for other purposes; to the Committee on Veterans' Affairs.

EDUCATIONAL ASSISTANCE AMENDMENTS

● Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce S. 868, a bill to improve educational assistance benefits for certain servicemembers and reservists who served during the Persian Gulf conflict. Specifically, this bill would amend chapters 30, 32, and 35 of title 38, United States Code, and chapter 106 of title 10 to restore educational assistance entitlement to participants in the programs under these chapters who had received benefits for the pursuit of courses which they were unable to complete because either they were reservists who were called to active duty or, in the case of active-duty servicemembers, they were assigned duties that prevented them from completing their courses. The bill would also amend chapter 106 to extend the delimiting date for reservists' education entitlement by the length of their periods of active duty, and provide that reservists are not to be considered to have been separated from the Selected Reserve for education benefit purposes by reason of their active-duty service.

Mr. President, these provisions are derived from two Persian Gulf benefits bills—H.R. 1108, as introduced on February 25, and, in part, from S. 490, as introduced by Senator BOREN on February 26. Similar provisions were included in the Persian Gulf servicemembers and veterans' benefits package—H.R. 1175, as passed by the House on March 13, and in S. 578, as part of the leadership amendment passed by the Senate on March 14 as an amendment to H.R. 1175—but not included in S. 725 as enacted in Public Law 102-25. Unfortunately, the measure enacted on April 6 was limited by a monetary cap on funding for all veterans' benefits in the bill and, as a result, did not include these provisions.

RESTORATION OF EDUCATIONAL ASSISTANCE ENTITLEMENT

Mr. President, from August 1 through the present time, many active-duty servicemembers and reservists have had to leave school in order to serve in the Persian Gulf or in support of military operations there. Section 1 of this bill would restore educational assistance to participants in programs for active-duty servicemembers, dependents and survivors, and reservists who had received payment of VA-administered educational benefits but were unable to complete their courses as a result of a change in their duties, or of their activation, in connection with the Persian Gulf conflict. This measure would restore to them the entitlement they used for the interrupted course. Thus, upon returning to school, they would resume their educational pursuit with the amount of entitlement that they had before entering the period of schooling that they were unable to finish.

DELIMITING DATE FOR RESERVISTS' EDUCATION ENTITLEMENT

Mr. President, current statutory requirements allow reservists participating in the educational assistance program under chapter 106 of title 10 to use their educational benefits until the end of the 10-year period following their attaining eligibility or until they are separated from the Selected Reserve, whichever occurs first. Section 2 of the bill is designed to ensure that reservists do not have any less time in which to use their benefits by reason of their active-duty service in connection with the Persian Gulf conflict. Thus, it would provide both that the period of active duty would not count as part of the 10-year period and that, for education benefit purposes, the individual would not be considered to have been separated from the Selected Reserve.

Mr. President, I urge my colleagues to support this legislation, which, as a matter of basic fairness, would ensure that veterans of the Persian Gulf period are not limited in their opportunity to use their educational benefits by the requirements of active-duty service during this extraordinary period.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) CHAPTER 30 PROGRAM.—Section 1413 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in paragraph (2) shall not—

"(A) be charged against any entitlement of any individual under this chapter; or

"(B) be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(2) Subject to paragraph (3), the payment of the educational assistance allowance referred to in paragraph (1) is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A) in the case of a member of the Selected Reserve, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, or 673b, of title 10; or

"(B) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(C) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A) or (B), his or her couse pursuit.

"(3) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual lost training time, as determined under paragraph (2)(C) of this subsection.".

"(b) CHAPTER 32 PROGRAM.—(1) Section 1631(a) of such title is amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph—

"(i) shall not be charged against the entitlement of any eligible veteran under this chapter; and

"(ii) shall not be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(B) The payment of an educational assistance allowance referred to in subparagraph (A) of this paragraph is any payment of a monthly benefit under this chapter to an eligible veteran for pursuit of a course or courses under this chapter if the Secretary finds that the eligible veteran—

"(i) in the case of a member of the Selected Reserve, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, or 673b of title 10; or

"(ii) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

"(iii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) or (ii) of this subparagraph, his or her course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(iii) of this paragraph.

"(D) The amount in the fund for each eligible veteran who received a payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall be restored to the amount that would have been in the fund for the veteran if the payment had not been made. For purposes of carrying out the previous sentence, the Secretary of Defense shall deposit into the fund, on behalf of each such veteran, an amount equal to the entire amount of the payment made to the veteran.

"(E) In the case of a veteran who discontinues pursuit of a course or courses as described in subparagraph (B) of this paragraph, the formula for ascertaining the amount of the monthly payment to which the veteran is entitled in paragraph (2) of this subsection shall be implemented as if—

"(i) the payment made to the fund by the Secretary of Defense under subparagraph (D) of this paragraph, and

"(ii) any payment for a course or courses described in subparagraph (B) of this paragraph that was paid out of the fund,

had not been made or paid.".

(2) Section 1631(a)(2) of such title is amended by inserting "in paragraph (5)(E) of this subsection and" after "Except as provided".

(c) CHAPTER 35 PROGRAM.—Section 1711(a) of such title is amended—

(1) by striking out "Each" and inserting in lieu thereof "(1) Each"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 1795 of this title limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allownce to an individual for pursuit of a course under this chapter if the Secretary finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, or 673b of title 10; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.".

(d) SELECTED RESERVE PROGRAM.—Section 2131(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Notwithstanding any other provision of this chapter or chapter 36 of title 38, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this chapter; or

"(ii) be counted toward the aggregate period for which section 1795 of title 38 limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this chapter if the Secretary of Veterans Affairs finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, or 673b of this title; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

"(C) The period of which, by reason of this subsection, and educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 1795 of title 38 shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.".

SEC. 2 DELIMITING DATE.

Section 2133(b) of title 10, United States Code, is amended by adding at the end the following:

"(4)(A) In the case of a member of the Selected Reserve of the Ready Reserve who, during the Persian Gulf War, served on active duty pursuant to an order to active duty issued under section 672 (a), (d), or (g), 673, or 673b of this title—

"(i) the period of such active duty service shall not be considered in determining the expiration date applicable to such member under subsection (a); and

"(ii) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

"(B) For the purpose of this paragraph, the term 'Persian Gulf War' shall have the meaning given such term in section 101(33) of title 38.".•

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, and Mr. AKAKA):

S. 869. A bill to amend title 38, United States Code, to improve the availability of treatment of veterans of post-traumatic stress disorder; and for other purposes; to the Committee on Veterans' Affairs.

VETERANS POST-TRAUMATIC STRESS DISORDER TREATMENT ACT OF 1991

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced S. 869, legislation to address the unmet needs of combat veterans for post-traumatic stress disorder [PTSD] care. I am pleased that my colleagues on the Veterans' Affairs Committee, Senators DECONCINI, ROCKEFELLER, and AKAKA, join as original cosponsors of this bill. In the past two Congresses, I introduced legislation that incorporated provisions similar to those in sections 2 and 3 of this bill which were reported by the committee and passed by the Senate, but, unfortunately, were not agreed to by the House. I am very hopeful that this is the year that meaningful PTSD legislation will be enacted, and I am encouraged that the House is also considering legislation to address this issue.

BACKGROUND

I have long been concerned about the diagnosis and treatment of PTSD and have monitored actively for many years VA's response to veterans with PTSD and other mental health care needs. In 1979, legislation I authored, enacted in Public Law 96-22, established entitlement to readjustment counseling for Vietnam-era veterans. That legislation, the first measure that sought to address the psychological impact of the Vietnam war on those who served there, was enacted only after a 10-year effort, during which the Senate passed the legislation four times, to convince VA and our colleagues in the House that the mental health care needs of Vietnam veterans—including the need for treatment of what came to be known as PTSD—were not being met by the system.

In 1980, the year after that legislation was enacted, the American Psychiatric Association, in its Diagnostic and Statistical Manual of Mental Disorders—third edition—first designated PTSD as a clinically recognized psychological disorder and assigned a clinical name and a set of diagnostic criteria to the condition that had been evident in combat veterans for decades.

In 1983, based on concerns that had arisen from the early experience of the vet centers about the extent of PTSD among Vietnam veterans, I authored legislation, enacted in Public Law 98-160, to require VA to provide for the conduct of a study to establish "the prevalence and incidence of post-traumatic stress disorder and other psychological problems in readjusting to civilian life." VA contracted with the Research Triangle Institute [RTI] to conduct the study.

I also authored the legislation that was enacted in 1984, in Public Law 98-528, which established the Chief Medical Director's Special Committee on PTSD. That committee's seven annual reports on VA's activities related to PTSD have made extremely helpful recommendations for improving PTSD services and have identified specific problems in VA's administration of its specialized PTSD programs, as well as in the administration of claims for benefits related to PTSD. The 1984 legislation also authorized the designation of special diagnostic and treatment programs for PTSD and mandated the establishment of a National Center on PTSD, to which was assigned the responsibilities to carry out and promote training of health care and related VA personnel in, and research into, the causes and diagnosis of PTSD and the treatment of veterans with PTSD and to serve as a resource and training center for all PTSD-related activities carried out by VA. I am very pleased that the national center, under the leadership of current director, Dr. Matthew Friedman of the White River Junction VA Medical Center and his colleagues at the other national center sites, has evolved into a first-rate center of clinical and educational excellence.

On July 14, 1988, I chaired an oversight hearing, during which we learned that preliminary results of the PTSD study showed that the incidence of PTSD among Vietnam veterans was much higher than had previously been thought. The testimony presented at that hearing—followed 4 months later by the formal release of the comprehensive $10 million study conducted by RTI—raised serious questions about VA's capacity, under then-current law and practice, to furnish the care needed by veterans suffering from this disorder.

The RTI study, as it has come to be known, is often referred to as the finest epidemiological mental health study ever conducted, and its findings have been universally accepted and, I note, never questioned by VA.

The study's findings were alarming. RTI found that 479,000 male veterans of the Vietnam theater of operations, representing slightly over 15 percent of all male servicemembers who served in the theater, were suffering from full-blown cases of PTSD. Another 350,000 male theater veterans, representing 11.1 percent of those who served in the theater, were found to be suffering from clinically significant PTSD symptoms which warranted professional attention. Of the approximately 7,200 women veterans of the Vietnam theater, 8.5 percent were found to have current cases of PTSD and another 7.8 percent were found to be suffering from PTSD symptoms. RTI also found that the prevalence rates for current PTSD were higher among black and Hispanic male veterans of the Vietnam theater, 20.6 and 27.9 percent, respectively, than among white/other male theater veterans, 13.7 percent of whom were found to have current PTSD.

In addition, the study also found that 960,000 male Vietnam theater veterans—over 30 percent of all such male veterans—and over 1,900 female theater veterans—over 26 percent of all such female veterans—had suffered from the full-blown disorder at some point in their lives.

It is important to note that the noninclusion of other special populations in the RTI study has been an issue of great concern to veterans' representatives from the native American, Asian-American, native Hawaiian, native Pacific Islander, and Native Alaskan groups. The fiscal year 1991 budget includes earmarked appropriations of $1.5 million for a study of PTSD among, and treatment methods for, veterans of those groups. That study is being conducted by the National Center on PTSD in consultation with representatives of veterans of those groups.

As chairman of the Veterans' Affairs Committee, I found the RTI findings tremendously disturbing. The best scientific inquiry found that over 800,000 men and women veterans were then suffering from symptoms of a highly disturbing, life-altering, psychological disorder that for nearly all of them was likely to be directly related to their service in Vietnam. The researchers also found that a great majority had not received the help they needed and that their utilization of VA mental health services was very low. The study reported that, of male veterans with current PTSD, only 20 percent had ever utilized any VA mental health services and that in the 12 months preceeding the study, only 10.3 percent of them had utilized any VA mental health services. Overall, approximately 80 percent of the male veterans with current PTSD had not received mental health services from any source during the previous 12 months.

Mr. President, I am not aware of any other such uncontroverted study that has documented such a great unmet need among veterans for medical treatment for a very serious condition that is directly related to their active-duty service. Combat veterans' needs for treatment and services for PTSD related to their service are precisely the type of needs that the VA medical care system was established to meet. Unfortunately, despite this documented need, VA has not placed a high priority on addressing it, and the system has simply not done well by these veterans.

For the past 3 fiscal years, including the current one, and for the fiscal year 1992, the administration has requested no new funds for expanded PTSD treatment or research activities. In fact, although the administration accepts the validity of the RTI study's findings, it consistently has taken the position that its budget requests and available resources provide adequately for the treatment needs of veterans with PTSD. I have strongly disagreed with that assertion and have raised the issue repeatedly with the Secretary, the Deputy Secretary, and the Chief Medical Director over the past several years. Despite their assurances that PTSD treatment is among their highest priorities, no new initiatives or reallocation of internal resources to enhance PTSD treatment has been forthcoming. Their reluctance to take meaningful steps in this regard has been very disappointing and, frankly, puzzling to me.

However, because of the high priority that Congress has placed on providing adequate resources for PTSD treatment, as reflected in specific additional appropriations over the past 3 fiscal years and, most recently, in the Persian Gulf war supplemental appropriation, VA's treatment programs have been significantly expanded and improved. At my urging, the Senate initiated PTSD treatment add-ons, which were adopted by the full Congress in VA's appropriations acts, of $5 million in fiscal year 1989, $6 million for fiscal year 1990, and $5 million for fiscal year 1991, each of which has been carried forward and added to the subsequent year's baseline funding. In addition, the supplemental appropriations bill recently enacted to over the costs of the Persian Gulf war included an additional $4 million for PTSD treatment activities in this fiscal year, which I also urge, and am confident will be, carried forward into next year as well.

Need for additional PTSD treatment programs: Mr. President, VA currently employs three basic models through which specialized PTSD treatment is furnished. First, specialized inpatient PTSD units [SIPU's] provide intensive care for PTSD in a hospital setting, generally through a 3-month course of treatment. Second, PTSD clinical teams [PCT's]—consisting of four FTE, two of which are funded through VA central office and two provided by the host medical center—provide outpatient PTSD treatment to veterans who are referred to the hospital from vet centers or other sources and follow-up care to veterans discharged from an SIPU. The PCT's also serve as a resource to staffs in the general psychiatry wards and in substance abuse programs in their facilities. Third, PTSD/substance abuse units [PSU's] provide either inpatient or outpatient care to veterans with a dual diagnosis of PTSD and substance abuse, which unfortunately is common among veterans with PTSD.

The seventh annual report of the Chief Medical Director's Special Committee on PTSD reported that, as of February 1, 1991, 18 VA medical centers operated SIPU's, 44 operated PCT's, and 4 operated PSU's. VA has advised that, with the $5 million provided in the regular appropriations act for fiscal year 1991 for specialized PTSD treatment, eight new PCT's, three new SIPU's, and up to four new PSU's will be established and that some of the funds will be used to augment resources for existing SIPU's.

In its most recent report, the Special Committee on PTSD reiterated the need for additional inpatient and outpatient PTSD care in the VA system. SIPU's, which are designed to treat veterans with severe cases of PTSD through an intensive 3-month program, have been plagued by chronic waiting lists for the past 3 years. The special committee reported that this problem remains; that, as of January 1, 1991, over 1,300 veterans were waiting for either preadmission screening at the SIPU's or for admission to treatment; and that the length of wait ranged from 0 to 5 months for screening and, in addition, from 1 week to 13 months for admission to treatment. It is totally unacceptable for veterans who need treatment for PTSD to have to wait as long as 5 months just to be screened for admission into a program and then be told to wait for as long as 13 months before they can receive the treatment they need. The special committee stated that "for those veterans in need of specialized inpatient treatment, this inaccessibility to care can have a detrimental effect upon the veteran."

In addition, the special committee once again recommended, as it has in each of its annual reports since 1985, that each of VA's 158 medical centers with a psychiatry or psychology service have a PCT. Moreover, the special committee noted that the specialized PTSD treatment programs that do exist "tend to be located in the eastern part of our country [which] does not coincide with the location of the veteran population" with PTSD treatment needs.

It is clear that, despite the modest growth in PTSD treatment activities, much more must be done before VA will have met its responsibilities to care for veterans with PTSD.

Mr. President, the RTI study's findings of the hundreds of thousands of veterans with PTSD, the inadequate number of PTSD treatment programs, and the chronic waiting lists indicate as clearly as possible that the Department has not fully met its responsibilities to our veterans. Veterans with PTSD suffer from a disorder that is not as easily seen as is a physical injury, yet the pain they feel is no less real and their need for treatment is no less important. The legislation we are introducing today would go a long way toward ensuring that these veterans are given the help they need.

SUMMARY OF PROVISIONS

Mr. President, the provisions of our bill would:

First, present a series of congressional findings regarding what PTSD is, the findings of the RTI study as to the incidence of PTSD among Vietnam veterans, and the need for increased VA treatment programs to address the huge unmet need for such treatment.

Second, amend section 602 of title 38 so as to require that a veteran who is diagnosed by a mental health professional to be suffering from PTSD related to service in a combat theater and whose service in a combat theater is verified by the Veterans Benefits Administration, be furnished care and services for the disorder as if the veteran's PTSD had been adjudicated as service connected.

Third, require that the determination by the Veterans Benefits Administration of whether the veteran served on active duty in a combat theater be made by the most expeditious means practicable.

Fourth, require that whenever a veteran is referred by a vet center to a VA general health care facility for a determination regarding the veteran's eligibility for care and services under section 602—as amended by the provision I have just described—the veteran be evaluated for diagnostic purposes within 7 days after the date on which the referral is made.

Fifth, amend section 612A of title 38 so as to require VA to furnish readjustment counseling upon request to any veteran who served on active duty in a theater of combat operations, as defined by the Secretary, during World War II or the Korean conflict.

Sixth, require the Secretary, not later than December 1, 1991, to devise and initiate implementation of a plan to increase, to levels commensurate with the needs of veterans suffering from PTSD related to active duty, the availability of PTSD treatment provided by the Department, including treatment provided in specialized inpatient and outpatient PTSD treatment programs, PTSD substance abuse programs, and in vet centers.

Seventh, require that the plan also provide for enhancing outreach to inform combat veterans, the family members of combat veterans, and State and local health and social service organizations of the availability of such treatment and provide for the appropriate encouragement of veterans to participate in treatment.

Eighth, require that the Secretary provide a schedule for the implementation of the plan, appropriate criteria for the selection and training of staff necessary to increase the availability to the treatment and outreach, and the facilities, personnel, funds, and other resources necessary to carry out the plan.

Ninth, require that the Secretary, not later than 90 days after the date of enactment of the legislation, submit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on the required plan. The report would be required to include a description of the plan; an assessment of the facilities, personnel, funds, and other resources necessary to increase treatment availability and enhance outreach in accordance with the plan; a description of the efforts undertaken by VA to make such resources available for the treatment of veterans for PTSD; an estimate of the availability of community-based residential treatment of veterans for PTSD and whether, in light of that estimate, there is a need for increased availability of PTSD treatment by VA; an assessment of the need for, and potential benefit of, providing scholarships, tuition reimbursements, or other educational assistance to improve the training and specialization of individuals in the provision of such treatment; and any other proposals and recommendations that the Secretary considers appropriate to increase the availability of such treatment.

Tenth, require that the Secretary consult with the Special Committee on PTSD in preparing the report.

PRIORITY CARE

Mr. President, the provisions I have just outlined would make a tremendous positive impact on VA's current, inadequate methods of providing care for veterans with PTSD. As I noted earlier, the extent of this problem among Vietnam veterans is well documented and urgent.

Section 2 of the bill, which addresses the problem of veterans with PTSD being unable to obtain needed care on a timely basis, is substantively similar to legislation I introduced in section 201 of S. 13 in the last Congress, which passed the Senate on October 3, 1989, and was reported by the committee on July 19, 1990, in S. 2100. Section 2 would require VA to provide treatment for PTSD for a Vietnam-era veteran or a veteran of another period of war or of hostilities—as determined by the Secretary—on a priority-care basis once a diagnosis of the disorder has been made by a mental-health professional designated by the Chief Medical Director and the veteran's service in a combat area is verified without the need for a pretreatment adjudication on the issue of service-connection. This section would also require VA to accomplish an evaluation of a veteran within 7 days after the referral of the veteran to a VAMC from a Vet Center.

Mr. President, the practical effect of this provision would be that, if an appropriate VA diagnostician concludes that a veteran of service in an area of combat or hostilities is suffering from PTSD and that the PTSD is related to that service, care would be forthcoming on a priority basis without the veteran having to wait for a formal VA adjudication of service connection, as long as the Veterans Benefits Administration [VBA] or another designated office or official verified that the veteran served in a war theatre. This verification would have to take place as quickly as possible.

The provision for verification was added in 1989 to address concerns raised by service organizations that combat-area service should be verified by someone other than the diagnostician who diagnoses combat-related PTSD. As was noted in the committee report accompanying S. 13 (S. Rept. No. 101-126, page 106), verification of combat-area service can be done easily by checking a veteran's form DD 214, "Report of Release or Discharge from Active Duty", or a veteran's official military personnel file if the discharge record is unavailable or incomplete.

Mr. President, I recognize that this provision would entail some reallocation of VA resources, but I strongly believe that any such change in focus so as better to serve the needs of combat-area veterans with PTSD is fully in accordance with the historic priorities of the VA to address those needs of veterans which are associated with their military service, most especially VA's mission of treating physical or mental health problems that are related directly to service.

The intent of this provision to enable veterans suffering from PTSD to receive VA health care on a priority basis without the need for their PTSD to be formally adjudicated as service connected. This provision would also have the effect of removing the encouragement for a veteran to seek compensation for the disorder to receive necessary treatment for it. Veterans suffering from PTSD should not be made to await the outcome of the VA claims adjudication process before being able to receive treatment. Indeed, Vet Center team leaders who testified at the committee's July 14, 1988, hearing stated that a veteran's participation in the claims process "completely stops the therapeutic process."

Additionally, they testified that the process is a "very slow process," which then, in 1988, could take 4 to 6 months to complete. VBA currently reports that the processing of an unsuccessful claim at the regional office level—from the date of filing a claim to the regional office's certification of the claim to go before the Board of Veterans Appeals [BVA]—takes approximately 471 days. According to the BVA, the processing of a claim at the BVA takes on the average an additional 150 days. Accordingly, many Vet Center counselors are hesitant to suggest that a veteran undergo the adjudication process unless the veteran is in deep financial distress. Similarly, at the June 14, 1989, hearing, representatives of both the National Association of VA Chiefs of Psychiatry and Psychology testified that veterans with PTSD are generally ill-equipped to cope with the VA adjudication process and that, from a clinical standpoint, the adjudication process can often be extremely stressful to them.

Mr. President, I recognize that some veterans in financial distress will still need to undergo the adjudication process in order to obtain compensation. However, my purpose in recommending this provision is to make it possible to avoid, for combat-area veterans in need of PTSD care, the delay in receiving care, and the stress that the adjudication process can entail.

PRIORITY-CARE EVALUATIONS

The provision in section 2 which requires VA to conduct evaluations of veterans referred to Vet Centers to Va medical centers within 7 days of the date of the referral addresses the situations, which are documented in the record of the committee's June 14, hearing, of veterans being referred to medical centers from Vet Centers and not being able to gain access to either evaluations or needed treatment and of Vet Centers failing to make the referral because they were certain, based on experience, that the veteran would not receive an evaluation or treatment at the medical center. By requiring that such diagnostic evaluations be conducted within 7 days after the referral is made, this provision should ensure that veterans begin the treatment process without having to wait in yet another line just to receive a diagnosis of their condition.

READJUSTMENT COUNSELING ENTITLEMENT

Mr. President, section 3 of the bill we are introducing would expand entitlement for readjustment counseling at Vet Centers so as to include World War II and Korea veterans who served in a theater of combat operations. Since the 100th Congress, I have sought legislation to provide for readjustment counseling for all combat-theater veterans. The Senate has passed such legislation twice—in section 605 of S. 2011 in the 100th Congress and section 202 of S. 13 in the 101st Congress—and Congress recently enacted legislation in the Persian Gulf supplemental authorization bill, now Public Law 102-25, to expand entitlement for readjustment counseling to individuals who served on active duty after the end of the Vietnam era in areas at a time during which hostilities occurred in the area.

I note that the administration supported the expansion of entitlement for readjustment counseling for post-Vietnam-era combat theater veterans. In fact, the administration requested legislation that was nearly identical to the language that I proposed, and the Senate passed, 3 years ago. However, the recently enacted legislation does not address World War II and Korea veterans, many of whom seek help at Vet Centers. VA's Readjustment Counseling Service, which administers the Vet Center program, advises that annual surveys indicate that Vet Centers see approximately 700 to 1,000 new World War II and Korea veterans each month.

Numerous research papers have been published over the last decade which provide evidence that an expansion of Vet Center eligibility would be very beneficial for some older veterans.

A case study in the September 1985 American Journal of Psychiatry, entitled "Post-Traumatic Stress Disorder: A Thirty-Year Delay in a World War II Veteran," describes in detail a World War II veteran's history with PTSD manifested after a delay of many years, following the veteran's forced early retirement. This case study generated two letters to the Journal, one in July 1986 and one in November 1986, in which other cases of PTSD in older veterans were discussed. An article in the October 1986 issue of Military Medicine, entitled "Post-Traumatic Stress Disorder in the Older Veteran," discussed a group therapy program at a VA medical center in Texas for Veterans of World War II and Korea.

An article in the February 1987 issue of Hospital and Community Psychiatry, entitled "Post-Traumatic Stress Disorder in World War II Naval Veterans," discussed the authors' findings of PTSD among a group of World War II naval veterans who were attending a reunion of the crew of a U.S. destroyer that saw heavy combat in the Pacific during the war. Another article in the American Journal of Psychiatry, in the September 1987 issue, entitled "Survivors of Imprisonment in the Pacific Theater During World War II," summarizes data obtained from 41 survivors imprisoned by the Japanese during World War II. The data suggested that 40 years later half of the subjects met the full set of DSM-III criteria for PTSD. A July 1988 article in Military Medicine, entitled "Case Report: Flashback as a Post-Traumatic Stress Disorder (PTSD) Symptom in a World War II Veteran," alerts health-care personnel to an often unrecognized diagnostic entity, namely PTSD in a combat veteran expressed after more than 40 years of apparently healthy functioning.

These studies, and the fact that more than 8,000 veterans of World War II and the Korean conflict come to Vet Centers seeking help each year, clearly establish that this legislation is needed. The Vet Centers have done a tremendous job in providing needed counseling to thousands of Vietnam-era veterans, and I believe strongly that the expertise of Vet Center staff should be tapped for the benefit of older combat theater veterans who could be helped by it.

PLAN FOR ADEQUATE SERVICES

Mr. President, section 4 of the bill would require that VA, not later than December 1, 1991, devise and initiate implementation of a plan to accomplish two things—first, increase the availability of various forms of PTSD treatment for veterans in VA's health-care system to levels commensurate with the needs of veterans suffering from the disorder as the result of their active-duty service and, second, enhance VA's outreach activities so as to inform combat veterans, including veterans who are members of ethnic minority groups, the family members of such veterans, and State and local health and social service organizations of the availability of PTSD treatment from VA and to provide appropriate encouragement for the veterans to participate in treatment.

Mr. President, these provisions would require VA to address the issue of meeting the needs of veterans with PTSD in a comprehensive manner. It would, however, provide the Department the discretion to develop the plan internally, taking advantage of the vast expertise that exists within the National Center on PTSD, the Chief Medical Director's Specific Committee on PTSD, and the staffs of the Readjustment Counseling Service and Mental Health and Behavioral Science Service.

Mr. President, I note that the bill would not mandate the establishment of a special number of specialized medical programs in attempting to address this enormous problem. I have had some success in advocating for specific appropriations to expand specialized programs for PTSD treatment and will continue to advocate such add-ons as long as the needs remain. However, I believe the proper course of action to take in seeking to improve PTSD services and treatment through legislation is to set forth clearly the issue and the high priority Congress attaches to it and require VA to carry out a mandate to make the necessary improvements. This is the approach that I followed in the late 1970's which led to the establishment of Vet Centers to carry out the mandate to provide readjustment counseling, and I am confident that such an approach with regard to providing PTSD care on a priority basis would result in similar broad expansions of specialized PTSD treatment programs such as SIPU's, PCT's, PSU, and any new treatment models, which I understand are being actively explored, that prove effective in meeting the mandate that this legislation would create.

REPORT

To ensure that Congress is a fully informed participant in the process of change that VA would be required to undertake to meet the needs of veterans with PTSD, section 5 of the bill would require VA, not later than 90 days after the date of enactment of this legislation, to submit to the Committees on Veterans' Affairs of the Senate and House a report describing the plan VA would be required to develop. The report would be required to include a description of what facilities, personnel, funds, and other resources are necessary to increase the availability of treatment and enhance outreach in accordance with the plan, and a description of what efforts have been undertaken by the Secretary to make such resources available for the treatment of PTSD.

The Secretary would be required to include in the report information on other resources that might be brought to bear on this problem—including an estimate of the availability of community-based residential treatment of veterans for PTSD and the impact of such treatment on the demand for treatment by veterans—and an assessment of the need for, and potential benefit of, making available scholarships, tuition reimbursement, or other educational assistance to health-care students and health-care professionals in order to improve the training and specialization of these individuals in the provision of PTSD treatment.

The Secretary would also be required to include such other proposals and recommendations as the Secretary considers appropriate to increase the availability of PTSD treatment. In preparing the report, the Secretary would be required to consult with the Special Committee on PTSD and the Secretary's Advisory Committee on the Readjustment of Vietnam Veterans.

Taking into account the available data regarding veterans' PTSD-care needs, I believe that, by providing VA with a 3-month period after the enactment of this legislation to develop a plan and prepare a report on it, the bill would grant ample time to VA to determine the number and type of new specialized PTSD treatment programs and appropriate expansions of existing programs that would be required to meet the treatment needs of veterans with PTSD.

It should also be ample time to develop a plan to improve outreach to the hundreds of thousands of veterans, including veterans who are members of ethnic minority groups, in accordance with the plan. Taken as a whole, this legislation would make unmistakably clear Congress' assessment that much, much more needs to be done, and that Congress places a top priority on caring for veterans with service-related psychological problems.

CONCLUSION

Mr. President, this legislation is intended to place the proper priority on treating veterans with PTSD related to their service and to create meaningful expansions and improvements in VA's system of providing mental-health care to veterans who need it as a result of their service.

I have been increasingly disappointed that for years the Department has been unwilling to make meaningful changes and address a painfully obvious problem among those whom it is required to serve. In my role of chairman of the Veterans' Affairs Committee it has long been my view that this is the area in which VA has most clearly failed to meet its primary mission to serve those who are wounded—whether psychologically or physically, or both—in the service of our Nation.

I applauded the administration's actions when it sent Vet Center staff to California in the hours after the Loma Prieta earthquake to provide needed counseling to the victims, and I was equally supportive of the administration's offer to make the staff of the National Center on PTSD available—on call, in fact—to American civilians who had been taken hostage in the gulf subsequent to the Iraqi invasion of Kuwait. Such actions demonstrate the value of VA's excellent staff and leading research in stress-related psychiatric care.

However, it is clear that the veterans who are in need of care as a result of their service must take the highest priority when the VA weighs and ranks its many competing priorities. The hundreds of thousands of Vietnam combat veterans whose PTSD is documented, and the untold thousands of combat veterans from other wars that evidence suggests are still suffering from PTSD, have waited far too long for the help they need. All of those individuals have had their lives profoundly and adversely affected by this disorder, as have their family members and loved ones, upon whom the effects are secondary but nevertheless significant.

I believe strongly that VA must meet its fundamental obligation to these veterans, and I believe that this legislation would go a long way toward ensuring that that is done.

I urge my colleagues strong support for this vitally important measure.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

This Act may be cited as the "Veterans Post-Traumatic Stress Disorder Treatment Act of 1991".

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Post-traumatic stress disorder (PTSD) is a highly disruptive and debilitating psychological disorder that can result from exposure to combat or any other traumatic event outside the range of conventional human experience.

(2) Post-traumatic stress disorder can have a destructive impact on the life of a person suffering from the disorder by adversely affecting his or her behavior, ability to work with, relate to, and communicate with others, and ability to maintain gainful employment.

(3) In 1980, the American Psychiatric Association officially recognized PTSD as a diagnosis in its "Diagnostic and Statistical Manual of Mental Disorders (Third edition)" and identified combat experience as a potential cause for PTSD.

(4) A Congressionally-mandated study of Vietnam-era veterans, released in November 1988, regarding the frequency of symptoms of PTSD and other problems relating to readjustment from combat of such veterans, found that 479,000 male veterans of the Vietnam theater of operations (representing 15.2 percent of all such male veterans) suffered from the full effects of PTSD and that another 350,000 of such veterans (representing 11.2 percent of all such male veterans) experienced some symptoms of the PTSD.

(5) That study also found higher incidences of PTSD among Black and Hispanic male veterans of the Vietnam theater of operations than among all male veterans of that theater, but did not include data on the incidence of the disorder among veterans of other ethnic groups.

(6) A large body of evidence indicates that such psychological disorders related to combat stress as war neurosis, combat fatigue, and the disorder commonly known as "shell shock" are analogous to PTSD and that thousands of veterans of combat in World War II and the Korean War experienced and continue to experience symptoms of such disorders.

(7) That evidence also indicates that veterans of combat in military operations conducted after the Vietnam era, including operations in Lebanon, Granada, and Panama, also suffer from symptoms of PTSD.

(8) Although debilitating, PTSD can be treated successfully, and an individual experiencing the disorder can learn coping skills, including how to mitigate the effects of the anxiety, depression, anger, guilt, fear, alienation, and emotional outbursts that he or she experiences.

(9) Early intervention and treatment of acute PTSD can be an important part of a therapeutic course to prevent long-term, chronic PTSD.

(10) The Department of Veterans Affairs has a responsibility to provide opportunities for treatment of PTSD and other stress-related psychological problems to the hundreds of thousands of combat veterans who suffer from PTSD and to conduct outreach activities that provide both actual notice of the availability of such treatment to those veterans and appropriate encouragement for such veterans to participate in the treatment.

(11) The Department has made some progress in expanding diagnosis and treatment programs relating to PTSD.

(12) Through readjustment counseling, specialized inpatient and outpatient programs, and general psychiatric services offered in its hospitals and outpatient clinics, the Department has provided needed treatment to thousands of veterans for PTSD.

(13) Despite such progress the Department can and should be doing much more to provide treatment to veterans for PTSD and other stress-related psychological problems and to provide outreach services to make veterans aware of, and encourage them to participate in, treatment opportunities available through the Department.

(14) It is in the public interest for the Secretary of Veterans Affairs to develop a plan that ensures immediate, on-demand treatment opportunities for the thousands of veterans who suffer from, and need treatment for, this disruptive, life-threatening disorder.

SEC. 2. CARE FOR COMBAT-THEATER VETERANS WITH SERVICE-RELATED POST-TRAUMATIC STRESS DISORDER.

(a) REQUIREMENT TO FURNISH CARE AND SERVICES.—(1) Section 602 of title 38, United States Code, is amended—

(A) by inserting "(a)" before "For"; and

(B) by adding at the end the following new subsections:

"(b)(1) A veteran referred to in paragraph (2)(A) who is diagnosed by a mental health professional designated by the Chief Medical Director (following an examination of the veteran by such professional) to be suffering from post-traumatic stress disorder related to service referred to in such paragraph shall be furnished care and services for such disorder pursuant to sections 610(a)(1)(A) and 612(a)(1)(A) of this title even though such disorder has not been determined to be service-connected.

"(2)(A) A veteran eligible for the care and services referred to in paragraph (1) is a veteran who, as determined by the Chief Benefits Director, served on active duty in a theater of combat operations (as defined by the Secretary) during World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, or in any other area during a period in which hostilities occurred in such area.

"(B) In the case of a veteran who is diagnosed as suffering from post-traumatic stress disorder, the determination of whether the veteran served on active duty as described in subparagraph (A) shall be made by the most expeditious means practicable.

"(c) For the purposes of subsection (b) of this section, the term 'hostilities' means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.".

(2)(A) The heading of such section is amended to read as follows:

"§ 602. Special provisions relating to mental illness disabilities"

(B) The item relating to such section in the table of sections at the beginning of chapter 17 of title 38, United States Code, is amended to read as follows:

"602. Special provisions relating to mental illness disabilities.".

(b) TIMELINESS OF EVALUATION AND VERIFICATION OF STATUS.—Section 612A of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) Whenever a veteran is referred by a center to a Department general health-care facility for a determination regarding such veteran's eligibility for care and services under section 602(b) of this title, the veteran shall be evaluated for diagnostic purposes within 7 days after the date on which the referral is made.".

SEC. 3. ELIGIBILITY FOR SERVICES AT VET CENTERS.

Subsection (a) of section 612A of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) Upon the request of any veteran who served on active duty in a theater of combat operations (as defined by the Secretary) during World War II or the Korean conflict, the Secretary shall furnish counseling to such veteran in order to assist the veteran to overcome any psychological problems associated with such service. The counseling shall include a general mental and psychological assessment to ascertain whether the veteran has mental or psychological problems associated with such service.".

SEC. 4. IMPROVEMENT OF POST-TRAUMATIC STRESS DISORDER TREATMENT AND OUTREACH SERVICES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN FOR TREATMENT AND OUTREACH SERVICES IMPROVEMENT.—Not later than December 1, 1991, the Secretary of Veterans Affairs shall devise and initiate implementation of a plan—

(1) to increase the availability of treatment of veterans suffering from post-traumatic stress disorder by the Department of Veterans Affairs (including treatment provided in inpatient and outpatient programs providing specialized treatment for PTSD,

treatment for PTSD in conjunction with substance abuse, and treatment in Vet centers) to levels commensurate with the needs of veterans suffering from the disorder as a result of active duty; and

(2) to enhance outreach activities—

(A) to inform combat veterans (including veterans who are members of ethnic minority groups), the family members of such veterans, and appropriate State and local health organizations and social service organizations of the availability of such treatment; and

(B) to provide appropriate encouragement for such veterans to participate in such treatment.

(b) IMPLEMENTATION.—In carrying out the plan for the improvement of the provision of treatment and outreach activities referred to in subsection (a), the Secretary shall—

(1) prescribe a schedule for the implementation of the plan;

(2) prescribe appropriate criteria for the selection and training of staff necessary to increase the availability of the treatment and enhance the outreach activities referred to in such subsection; and

(3) provide the facilities, personnel, funds, and other resources necessary to carry out the plan.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "Vet center" shall have the meaning given the term "center" in section 612A(j)(1) of title 38, United States Code.

(2) The term "active duty" shall have the meaning given such term in section 101(21) of such title.

(3) The term "veteran" shall have the meaning given such term in section 101(2) of such title.

SEC. 5. REPORT BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and subject to subsection (b), the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the plan required by section 4. The report shall contain the following information:

(1) A description of the plan.

(2) What facilities, personnel, funds, and other resources are necessary to increase the availability of treatment and enhance outreach activities in accordance with the plan.

(3) A description of the efforts undertaken by the Secretary to make such resources available for the treatment of veterans for post-traumatic stress disorder.

(4) An estimate of the availability of community-based residential treatment of veterans for post-traumatic stress disorder and the impact of such availability on the increased availability of such treatment by the Department.

(5) An assessment of the need for, and potential benefit of, making available scholarships, tuition reimbursement, or other educational assistance to health care students and health care professionals in order to improve the training and specialization of such individuals in the provision of such treatment.

(6) Such other proposals and recommendations as the Secretary considers appropriate to increase the availability of such treatment.

(b) REPORT ASSISTANCE.—In preparing the report referred to in subsection (a), the Secretary shall consult with the Special Committee on Post-Traumatic Stress Disorder established pursuant to section 110(b) of Public Law 98-528 (38 U.S.C. 612A note) and the Secretary's Advisory Committee on Readjustment of Vietnam Veterans.

SEC. 6. TECHNICAL AMENDMENTS.

Section 612A of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "Administrator" and "Veterans' Administration" each place it appears and inserting in lieu thereof "Secretary" and "Department", respectively;

(2) in subsection (h)—

(A) by striking out "Administrator" and "Veterans' Administration" each place it appears and inserting in lieu thereof "Secretary" and "Department", respectively; and

(B) in paragraph (5), by striking out "the Secretary considers" and inserting in lieu thereof "such Secretary considers"; and

(3) in subsection (j) (as redesignated by section 2(b)(1)), by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department".●

By Mr. CRANSTON (for himself and Mr. SEYMOUR):

S. 870. A bill to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, CA; to the Committee on Energy and Natural Resources.

S. 871. A bill to provide estate tax credit for the transfer of property for inclusion in the Golden Gate National Recreation Area, CA; to the Committee on Finance.

EXPANSION OF GOLDEN GATE RECREATIONAL AREA

● Mr. CRANSTON. Mr. President, today I am introducing two bills to provide for the expansion of the Golden Gate National Recreation Area in California. The first bill authorizes the Secretary of the Interior to acquire by donation approximately 1,300 acres for inclusion in GGNRA. The second bill permits the estate which owns the property to receive an estate tax credit for this donation of the land to the Federal Government.

Mr. President, right now we have a rare opportunity to add national park quality land to the Golden Gate National Recreation Area without Federal appropriations for the acquisition. The land is the Phleger estate, nearly 1,300 acres of unbroken forest just south of San Francisco in San Mateo County. Here visitors find towering redwoods and other evergreens—Douglas fir, madrone, tan oak and bay trees. The understory contains California hazelnut and huckleberry shrubs, trillium and red clintonia, pink star flowers and sword ferns. It is home to mountain lion, bobcats, deer, and coyote. The property is also one of the last remaining links needed to complete the Bay Area Ridge Trail, a 400-mile hiking trail through all nine counties around San Francisco Bay.

Surrounded by protected parkland, the Phleger estate is the most important piece of open space and unprotected viewshed left on the San Francisco Peninsula. Its addition to the Golden Gate National Recreation Area would create a continuous greenbelt extending from GGNRA's Sweeney Ridge to Wunderlich County Park, linking 56 square miles of open space and completing permanent protection for the entire area.

There is urgency to act now. Mrs. Phleger died this past December and the estate must sell the $30 million property to pay estate taxes by September 5, 1991. Cooperating with the local community, the estate has offered to sell the 1,300 acres to the Peninsula Open Space Trust at a favorable price of $25 million. The Peninsula Open Space Trust expects have $12 million for the purchase—$6 million in local park moneys from the Midpeninsula Regional Open Space District and $6 million in donations from Save the Redwoods League and others. Thus, an additional $13 million needs to be found.

The legislation I am introducing would provide that funding by permitting the estate to donate the land to the Federal Government in lieu of paying estate taxes. It's my understanding the tax obligation is approximately $13.7 million.

Mr. President, there is precedent for permitting an estate to satisfy its estate tax obligations with land rather than cash. In 1976 Congress passed legislation which allowed the estate of LeVere Redfield to donate land within the boundaries of the Toiyabe National Forest as a credit against estate taxes owed. Again in 1984 Congress permitted the estate of Elizabeth Schultz Rabe to donate lands at Lake Tahoe to the U.S. Forest Service to meet estate tax obligations with land rather than cash. My legislation will provide the same opportunity for the estate of Mary Elena Phleger.

I hope this Congress will act favorably on these bills so we can expand the Golden Gate National Recreation Area, creating a permanent uninterrupted greenbelt on the San Francisco Peninsula, protecting a beautiful redwood forest, preserving extraordinary scenic vistas and valuable wildlife habitat, and protecting the existing important resources of GGNRA.

Mr. President, I ask unanimous consent that the text of the legislation be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Secretary of the Interior is authorized to acquire by donation approximately 1,300 acres of land in San Mateo County, California, known generally as the Phleger property and bearing San Mateo County Assessor's numbers 067-280-010, 067-280-050, 067-280-060, 067-280-080, 067-280-100, and 067-280-110 and any successor parcel numbers designated by the Assessor for these lands. Upon acquisition of the property and publication of notice in the Federal Register, the Secretary shall revise the boundary of the Golden Gate National Recreation Acre to reflect the inclusion of such property within the area and prepare and make available a map displaying such boundary revision in accordance with 16 U.S.C. 460bb-1(b).

S. 871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT ALLOWED.—Subject to the provisions of this Act, and notwithstanding any period of limitation or lapse of time, the Secretary of the Treasury shall allow credit against the tax imposed by chapter 11 of the Internal Revenue Code of 1986 (relating to the imposition of estate tax) upon the estate of Mary Elena Phleger for the conveyance by the estate to the United States of real property included in the gross estate and described as approximately 1,300 acres in San Mateo County, California, bearing San Mateo County Assessor's parcel numbers 067-280-010, 067-280-050, 067-280-060, 067-280-080, 067-280-100, and 067-280-110 and any successor parcel numbers designated by the Assessor for these lands.

SEC. 2. AMOUNT OF CREDIT.—The amount allowed as a credit under section 1 shall be equal to the lessor of—

(a) the fair market value of the real property transferred by such estate as of the valuation date used for purposes of the tax imposed by chapter 11 of the Internal Revenue Code, or

(b) the federal estate tax liability (and interest thereon) of such estate.

SEC. 3. LIMITATIONS.—(a) The provisions of this Act shall apply only if the executor of such estate executes a deed (in accordance with the laws of the State of California) transferring title to the United States within 90 days of enactment of this Act, but only if such title is satisfactory to the Attorney General or his delegate.

(b) The provisions of this Act shall apply only if the real property transferred is accepted by the Secretary of the Interior and added to the Golden Gate National Recreation Area. The lands shall be transferred to the Secretary of the Interior without reimbursement or payment from the Department of the Interior.

(c) Unless the Secretary of the Interior determines and certifies to the Secretary of the Treasury that there has been an expeditious transfer of the real property under this Act, no interest payable with respect to the tax imposed by chapter 11 of the Internal Revenue Code shall be deemed to be waived by reasons of the provisions of this Act.

SEC. 4. EFFECTIVE DATE.—The provisions of this Act shall be effective upon enactment.•

By Mr. PELL (by request):

S. 872. A bill to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1992 and 1993 for the Inter-American Foundation; to the Committee on Foreign Relations.

INTER-AMERICAN FOUNDATION AUTHORIZATION

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal year 1992 and 1993 for the Inter-American Foundation.

This proposed legislation has been requested by the Inter-American Foundation, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the president of the Inter-American Foundation, which was received on April 9, 1991.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. sec. 290f(s) is amended to replace the phrase "$16,932,000 for the fiscal year 1990 and $25,000,000 for the fiscal year 1991" with the phrase "$28,794,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal year 1993, consistent with the Budget Enforcement Act of 1990 (P.L. 101-508)".

INTER-AMERICAN FOUNDATION,
Rosslyn, VA, March 11, 1991.

Hon. DAN QUAYLE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: The Inter-American Foundation respectfully submits proposed legislation amending the Foreign Assistance Act of 1969 to authorize the sum of twenty-eight million seven hundred ninety-four thousand dollars ($28,794,000) for Fiscal Year 1992, and such sums as may be necessary for Fiscal Year 1993, consistent with the Budget Enforcement Act of 1990. This legislative proposal is needed to carry out the President's Fiscal Year 1992 budget plan.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

If there are any questions, please contact us.

Sincerely,

BILL K. PERRIN,
President.•

By Mr. BOREN:

S. 873. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives; to the Committee on Finance.

SAFE HARBOR LEASING RELIEF FOR ELECTRIC COOPERATIVES

• Mr. BOREN. Mr. President, I am introducing legislation regarding the tax treatment of safe harbor leases utilized by rural electric cooperatives.

Under a safe harbor lease, a party sells an asset to a second party and then leases it back. The buyer makes a down payment to the seller/lessee and gives the seller/lessee a mortgage note for the balance. As payments are made, the seller has interest income. However, the seller also leases the asset back and these rental expenses provide a deduction. It was clearly intended when the law was enacted that the seller's interest income under the note would be offset by the rental expense deduction.

This bill would amend section 277 of the Internal Revenue Code to clarify that ongoing income and deductions, generated by a safe harbor lease transaction and reported by a cooperative, are to be matched to avoid distortion of income. Cooperatives typically separate business with members from business with nonmembers, in effect treating their operations as if it were carried on through two separate entities. In this context, they treat the income and matching deduction attributable to safe harbor leases as nonmember sourced, and segregate these amounts from income and deductions attributable to member transactions.

The Internal Revenue Service has suggested that the deductions associated with these transactions should not be matched against the lease income, but rather it should be allocated in part against member income and in part against nonmember income. The IRS approach creates a distortion on a cooperative's tax return by a mismatching of lease expenses and lease income. Since the law requires segregation of the two types of business, a cooperative cannot offset the losses and the income. As a result, a cooperative could be subject to large tax bills where it actually has a loss.

When safe harbor leasing was enacted it was intended to benefit financially distressed companies. Even though safe harbor leasing was subsequently repealed, it did serve a beneficial purpose. In fact, some cooperatives owe their continued existence to this provision. It seems odd that it could now be argued that the very businesses this provision was meant to rescue must now lose that benefit because of an obscure accounting theory unique to cooperatives. The irony is that this suggestion is only being made with respect to cooperatives, and not with respect to other industries. No one is arguing that Chrysler or USX should be forced to modify their accounting rules to give back lease benefits.

There is no policy justification for treating cooperatives, who provide needed utility services in rural areas, different from all other corporations in their accounting for safe harbor leases. A distinction based on the type of service provided would be blatantly unfair and this certainly was not our original intent.

Mr. President, I urge my colleagues to give this bill their immediate consideration and join me as a cosponsor. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"In the case of a rural electric cooperative described in section 1381(a)(2)(C) of the Internal Revenue Code of 1986, any interest income in connection with a transaction involving qualified leased property which was treated as a lease under section 168(1) of the Internal Revenue Code of 1986 (as in effect before the amendments made by the tax reform act of 1986) or any corresponding prior provision of law shall be offset by any rental expense in connection with such transaction before allocation of such income or expense to members and nonmembers of such cooperatives for purposes of such Code."•

By Mr. DECONCINI (for himself, Mr. MOYNIHAN, Mr. AKAKA, Mr. GRAHAM, Mr. D'AMATO, Mr. KOHL, Mr. ADAMS, Mr. DODD, Mr. CHAFEE, and Mr. SIMON):

S. 874. A bill to amend the Public Health Service Act to establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations; to the Committee on Labor and Human Resources.

FAMILIES IN RESIDENTIAL TREATMENT ACT

• Mr. DECONCINI. Mr. President, I do not have to remind anyone in this body of the devastating effect drugs are having on families in America today. The number of children born exposed to drugs and raised in drug abusing families is soaring. One national hospital survey estimates that 11 percent of all pregnant women use illegal drugs. And, a national study reveals that 375,000 infants are born drug-exposed each year. According to another study, the number of babies exposed to illegal drugs could rise to 4 million by the year 2000. There is widespread agreement that the problem of drug and alcohol abuse by pregnant women and mothers of infants and small children is serious and worsening.

Mr. President, today I am reintroducing the Families in Residential Treatment Act [FIRST], along with Senators ADAMS, AKAKA, CHAFEE, D'AMATO, DODD, GRAHAM, KOHL, MOYNIHAN, and SIMON. This legislation would fund six demonstration projects in which addicted mothers in residential treatment would be allowed to have their children with them. These drug and alcohol treatment programs would target economically disadvantaged addicted women and their children and would offer primary health care, child care, parenting and jobs skills, nutrition, and health, social, education, and employment services with followup services after discharge. The idea is to maximize successful treatment, keep families together, and break the intergenerational cycle of addiction. According to Dr. T. Berry Brazelton, professor emeritus of pediatrics at the Harvard Medical School and the author of 17 books on child rearing, 85 percent of drug addicted babies can be rehabilitated if proper nurturing is provided. This rate of recovery is most encouraging and illustrates that programs such as the one we are proposing will pay dividends.

We are now seeing a new population in hospitals across this country. I'm talking about "boarder babies"—infants who are medically ready to be discharged from the hospital but have no place to go. Many of these babies are born to drug-addicted mothers and abandoned at birth or they are unable to leave the hospital with their mother because she is considered unable or unfit to care for the child.

Ten years ago the boarder baby phenomenon did not exist in this country. Five years ago it did not exist. Today it exists with a vengeance. A June 1989 survey conducted in five U.S. cities by the Child Welfare League of America found that nearly 70 percent of the 300 babies abandoned in hospitals in those five cities were impaired by drugs; 70 percent.

The stories of these children will break your heart. In one special shelter in California, some of the children have been in 15 foster homes by the age of 4. One small boy saw a double drug-related homicide in his home. Another 2 year old was abandoned at a construction site and had to be taught how to hug. This is a national tragedy. It's a tragedy compounded by a tragedy. I agree with David Liederman, executive director for the Child Welfare League of America. "The last thing we want to do in this country," he says, "is to start warehousing kids. That's why we began closing orphanages at the turn of the century. Infants and small children need families."

I will admit that the uncertainty of successfully treating drug-addicted parents has made reuniting some families difficult, even impossible. But hope does exist for rebuilding families affected by drugs. I want to focus on that hope. I want to maximize it. As Mr. Liederman says, infants and small children need families.

According to current research, overall use of drugs has decreased but drug addiction is more widespread and its consequences more serious. Women make up a large number of crack users and a larger proportion of crack addicts; yet, despite recommendations of researchers over the past two decades, women and children have received the lowest priority in terms of delivered drug treatment services. Women are significantly underrepresented in alcoholism programs, for example. The National Institute on Alcohol and Alcoholism found that one-third of all Americans who are either alcoholics or alcohol abusers, about 6 million people, were women. Yet, they account for only 20 percent of those in treatment, according to the National Council on Alcoholism. Tragically, two-thirds of the hospitals surveyed in 1989 by the U.S. House of Representatives' Select Committee on Children, Youth and Families reported that they had no place to refer pregnant addicts for treatment.

For low-income mothers, particularly single mothers, there is a major barrier to treatment. Since most residential programs do not allow clients to bring their children into treatment with them, a woman who needs help is often forced to choose between treatment and placing her children in foster care. By admitting her alcohol or drug addiction to the child welfare system, she runs the risk of being judged unfit and not getting her children back. It's a choice with the cards stacked against families. The problem is compounded by the fact that drugs and AIDS have stretched family services to the breaking point.

The numbers are overwhelming. Right now it is estimated that 360,000 children live in foster homes. By 1995, the number of troubled children coming into out-of-home placements is expected to increase to 840,000 children. The children entering the child welfare system today are not only more numerous, they are more troubled and more seriously abused than even 5 years ago. The experts tell us that these increases are due in large part to an increase in substance abuse by pregnant women and parents of young children. Officials in New York, for example, estimate that 57 percent of foster care children come from families that allegedly are abusing drugs. And this comes at a time when there is a severe shortage of people willing and able to provide foster care in the United States. The General Accounting Office is reporting that an average of 60 percent of the people who serve as foster parents quit providing care within 1 year. The conclusion is clear. Our society is producing more abused kids than it can possibly handle.

Our bill is asking for $10 million to fund these projects for the first year. There are those who will say we're strapped for money. We can't afford it. It's just not possible. To these people, I would cite the old adage, "Penny-wise and pound-foolish." What we pay for treatment is nothing compared to what we pay in emotional and social costs for not taking care of these mothers and their children.

I understand from D.C. General Hospital that the cost to maintain a boarder baby ranges from $800 to $1,000 a day. The care for one cocaine exposed baby is twice that amount—$2,000 a day. Sixty days of medical care for just one cocaine exposed baby costs up to $120,000. The inspector general of

Health and Human Services now estimates that it will cost $5 billion to provide hospital and foster care until age 5 for all the crack-exposed babies born each year. And these figures don't include the cost for child abuse and neglect, welfare, and incarceration—all problems associated with drug and alcohol addiction.

Currently, there are only a handful of residential centers in the country that permit women to take their children with them into treatment. Pomeroy House, a residential treatment center for women alcoholics in San Francisco, is one. Part of Pomeroy's treatment focuses on teaching mothers basic facts about child development. Counselors often find they must also "re-parent" the mothers, some of whom became pregnant when they were only 13.

Many of the mothers at Pomeroy were physically abused as children by alcoholic parents. They continued the cycle of behavior and in turn became abusive parents themselves—with little or no skills for raising kids. One mother, age 36, was the abused child of alcoholic parents. She had abused her own children exactly as her mother had abused her. In an act of self-defense, she had stabbed her child's father to death when he started to beat her. Her one chance of keeping her daughter depended on how well she did at Pomeroy House.

Pomeroy gave her new skills as a way out of a destructive pattern of behavior. She was forbidden to hit her child and encouraged to use verbal methods instead. It never occurred to her until she entered Pomeroy, she said, that there might be a more effective way of dealing with her own children.

Pomeroy empowers people to achieve a better quality of life. It's a treatment plan that has a high rate of success. Sixty percent of women who graduate are sober and drug free 12 months after they leave, according to officials at the center.

We have hard data which indicate that mothers whose children reside with them during treatment for substance abuse consistently stay in treatment longer than women separated from their children, thereby increasing their chances of recovery. Amity, Inc., is a long-term residential treatment facility in my hometown of Tucson, AZ. According to officials there, it is common for women enrolled in the Amity therapeutic community to have left their children in drug houses as collateral for drug trades, or even to have sold them for drugs.

Prior to August 1981 the Amity program had been traditionally male dominated. Changes were instigated that August, and a specialized women's program was put in place. As space allowed, women were allowed to bring their children into treatment with them. Mr. President, the results are impressive. Women whose children resided with them during drug treatment at Amity stayed in treatment longer than women separated from their children—525 days versus 197 days, on average.

We see similar results at Mabond Family Center/Odyssey House in New York City. Seventy percent of the adult population there are parents. Sixty-eight percent are second or third generation substance abusers. Mothers who are allowed to bring their children into treatment with them stay at Odyssey House twice as long as those without children. Twice as long. Odyssey has the capacity to treat 25 adults and 25 children for a 12-to-18-month period. The program provides training in parenting skills, preschool programs, and developmental assessments for the children. In order to graduate, a participant in the program must obtain a high school diploma or equivalent, be employed or enrolled in vocational school, and have arranged satisfactory housing. In addition, the parent must make arrangements to continue therapy after she leaves the program.

Operation PAR is a comprehensive substance abuse treatment organization in the Tampa Bay area of Florida. It networks its program with available community services—the local health department, State protective services, and local drug treatment systems. Operation PAR is innovative—and it takes a family approach to treating addiction.

Operation PAR has data which support the notion of a high early drop out rate among women in residential treatment facilities which do not address women's issues. In these facilities, 23 percent of the men left treatment within the first 60 days. In contrast, 63 percent of the women left within this same time frame. And the reason most women gave for leaving treatment? They needed to go home to take care of their children.

So Operation PAR constructed Par Village, a therapeutic community where mothers in treatment can reside with their children. The 14 homes—originally two- and three-bedroom houses located on a thoroughfare—were donated and moved by the county, which had originally planned to raze them at a cost of $375,000. It has been said, "There's always one moment in childhood, when the door opens and lets the future in." In the case of Operation PAR, the door is the door to drug-free communities and drug-free lives.

The mission of the legislation we are introducing today is critical: break the cycle of addiction and destructive behavior, and rebuild families and shattered lives. Mr. President, let us seize the opportunity. After all, there is always one moment in childhood when the door opens and lets the future in.

That is precisely the purpose of our bill—to let the future in for those whose lives have been shattered by drugs. Mr. President, I ask unanimous consent that the text of our legislation be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) research studies strongly suggest that the incidence of drug abuse among women in general and women of childbearing age in the United States is increasing;

(2) drug-abusing women who have children traditionally experience significant barriers to drug abuse treatment because most residential drug abuse treatment programs do not accommodate the children of such women;

(3) mothers are deterred from entering residential treatment programs because—

(A) such programs do not offer services for the children of such mothers;

(B) there are few long-term child care resources available; and

(C) custody of such children may be lost if mothers enter residential treatment without adequate plans for such children;

(4) the availability of family foster home placements has substantially decreased so that it has become increasingly difficult to meet the special and often complex needs of drug exposed children who enter the foster care system;

(5) mounting evidence demonstrates that women whose children reside with them during treatment for drug abuse consistently stay in treatment longer than women separated from their children, thereby increasing the chances of recovery for women whose children reside with them during drug abuse treatment; and

(6) residential drug treatment programs that offer comprehensive services to both mothers and their children can avert crises leading to child abuse and neglect and can facilitate family preservation by supporting and strengthening the family.

SEC. 2. PURPOSE.

It is the purpose of this Act to attempt to rebuild economically disadvantaged drug-affected families by—

(1) reducing the barriers to successful drug abuse treatment for economically disadvantaged high-risk mothers by allowing such mothers to bring their children into residential drug abuse treatment programs with them; and

(2) teaching such mothers new behavior and employment skills which can help to break the cycle of drug addiction in the next generation.

SEC. 3. PROJECT ESTABLISHED.

Part A of the title V of the Public Health Service Act (42 U.S.C. 290aa) is amended by inserting at the end thereof the following new section:

"SEC. 509H. MODEL RESIDENTIAL PROJECTS FOR ALCOHOL AND DRUG ABUSING WOMEN AND THEIR CHILDREN.

"(a) PROJECT AUTHORIZED.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Office, shall make grants to establish not less than 6 projects in which addicted mothers in residential drug abuse treatment facilities are permitted to have their children reside with them during the course of such treatment. Such residential drug abuse treatment and prevention projects shall target economically disadvantaged addicted women and their children (age 10 years and younger) and shall offer—

"(A) primary health care, including prenatal and postpartum care for pregnant women and pediatric health care, either onsite or through cooperative arrangements;

"(B) child care;

"(C) parenting and jobs skills;

"(D) nutrition; and

"(E) other health, social, education, and employment services as necessary;

with follow-up services after discharge to facilitate the access of the family to needed services. Such services shall be provided by qualified personnel.

"(2) TERM OF PROJECTS.—The Secretary, acting through the Director of the Office, shall only award grants under this section for projects which will be operated for a period of at least 3 years.

"(b) APPLICATION.—Each entity desiring to receive a grant under this section shall submit an application to the Director of the Office at such time, in such manner and accompanied by such information as the Director of the Office may reasonably require. Each such application shall include assurances that the mothers selected for participation in such project have been evaluated to ensure that such mothers are committed to remaining in drug abuse treatment and prevention projects assisted under this section.

"(c) EVALUATION.—The Director of the Office shall conduct evaluations to determine the effectiveness of the projects assisted under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for each fiscal year thereafter to carry out this section.".●

● Mr. GRAHAM. Mr. President, I rise today to speak in support of Senator DECONCINI'S residential treatment program for drug-addicted mothers.

According to the House of Representatives Ways and Means Committee, as many as 375,000 drug-exposed infants are born each year. This clearly is a problem we must not ignore. This legislation authorizes $10 million for no less than six model programs to allow drug-addicted mothers to receive treatment and still live with their children.

Treatment programs with child care work. In fact, women whose children reside with them during treatment are less likely to leave treatment prematurely than those who are separated from their children. One of the first residential programs in the Nation is located in St. Petersburg, FL. Operation PAR, which stands for parental awareness and responsibility, opened PAR Village in April 1990. PAR Village consists of seven homes for two to three women and their children. This 18 to 24 month program provides case management, parenting classes, life skills, and vocational training.

PAR Village also concentrates on the next generation. Many children who are exposed to drugs either in the womb or in their home environment develop learning deficiencies leading to underachievement, excessive school dropout rates, adult illiteracy, and unemployment. PAR Village offers emotional conseling, educational tutoring, and substance abuse prevention classes to keep children on the right track.

This legislation will allow addicted mothers to enter treatment without abandoning their children. Programs like PAR Village not only allow mothers and their children to remain together, but also offer these families a chance to truly prosper.

I urge my colleagues to join Senator DECONCINI and myself as sponsors of this crucial legislation.●

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 875. A bill to authorize certain construction at military installations for fiscal years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

MILITARY CONSTRUCTION AUTHORIZATION ACT 1992 AND 1993

● Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize certain construction at military installations for fiscal years 1992 and 1993, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Construction Authorization Act, 1992 and 1993".

SUBDIVISION 1—FISCAL YEAR 1992

TITLE I—ARMY

SEC. 1101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $105,800,000.
Fort Rucker, $17,700,000.
Redstone Arsenal, $74,700,000.

ALASKA

Fort Greely, $7,600,000.
Fort Wainwright, $7,950,000.

ARIZONA

Fort Huachuca, $18,000,000.

CALIFORNIA

Fort Hunter Liggett, $4,700,000.
Fort Irwin, $10,320,000.
Sierra Army Depot, $1,950,000.

COLORADO

Fort Carson, $10,500,000.
Pueblo Army Depot, $6,300,000.

GEORGIA

Fort Benning, $2,150,000.
Fort Gordon, $1,200,000.
Fort Stewart, $950,000.

HAWAII

Fort Shafter, $5,650,000.
Schofield Barracks, $3,650,000.

INDIANA

Fort Benjamin Harrison, $125,000,000.

KANSAS

Fort Riley, $1,800,000.

KENTUCKY

Fort Campbell, $17,050,000.
Fort Knox, $23,450,000.

LOUISIANA

Fort Polk, $22,730,000.

MARYLAND

Aberdeen Proving Ground, $7,250,000.
Fort Ritchie, $2,400,000.

MASSACHUSETTS

Natick Research Center, $4,250,000.

MISSOURI

Fort Leonard Wood, $12,200,000.

NEW HAMPSHIRE

Cold Regions Laboratory, $3,700,000.

NEW JERSEY

Fort Dix, $20,000,000.

NEW MEXICO

White Sands Missile Range, $4,250,000.

NEW YORK

Seneca Army Depot, $1,150,000.
United States Military Academy, West Point, $14,300,000.

NORTH CAROLINA

Fort Bragg, $13,400,000.

OKLAHOMA

Fort Sill, $3,350,000.

OREGON

Umatilla Army Depot, $11,100,000.

PENNSYLVANIA

Letterkenny Army Depot, $3,150,000.
Tobyhanna Army Depot, $8,200,000.

TEXAS

Corpus Christi Army Depot, $3,400,000.
Fort Hood, $31,500,000.
Fort Sam Houston, $4,350,000.
Red River Army Depot, $2,020,000.

UTAH

Dugway Proving Ground, $4,000,000.
Tooele Army Depot, $14,700,000.

VIRGINIA

Fort A.P. Hill, $6,100,000.
Fort Belvoir, $5,950,000.
Fort Eustis, $8,500,000.
Fort Lee, $6,700,000.
Fort Myer, $5,550,000.
Fort Pickett, $2,800,000.
Fort Story, $900,000.
Vint Hill Farms Station, $3,550,000.

WASHINGTON

Fort Lewis, $42,100,000.

WISCONSIN

Fort McCoy, $18,500,000.

CONUS CLASSIFIED

Classified Location, $3,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Feucht, $590,000.

Grafenwoehr, $960,000.

KOREA

Camp Carroll, $5,300,000.

Camp Hovey, $9,100,000.

Camp Walker, $2,250,000.

KWAJALEIN ATOLL

Kwajalein, $77,400,000.

SEC. 1102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 1104(a)(6)(A), at the following installations, in the number of units shown, and in the amount shown for each installation:

(1) Fort Hunter Liggett, California, one hundred and fifty-four units, $22,000,000.

(2) Fort Irwin, California, one hundred and seventy-two units, $18,000,000.

(3) Fort Carson, Colorado, one unit, $150,000.

(4) Fort Stewart, Georgia, one unit, $190,000.

(5) Hawaii, Oahu Various, one hundred and forty units, $16,500,000.

(6) Fort Leonard Wood, Missouri, two units, $360,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 1104(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $5,220,000.

SEC. 1103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 1104(a)(6)(A), improve existing military family housing in an amount not to exceed $74,980,000.

SEC. 1104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,469,725,000 as follows:

(1) For military construction projects inside the United States authorized by section 1101(a), $622,600,000.

(2) For military construction projects outside the United States authorized by section 1101(b), $95,900,000.

(3) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $11,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $114,600,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $7,200,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $137,400,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $1,397,025,000, of which not more than $360,783,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $84,000,000, to remain in effect until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $18,870,000 for the amount authorized for projects funded by the Defense Business Operations Fund; and

(3) $100,000,000 for the balance of the amount authorized for the construction of the Administration Building at Fort Benjamin Harrison, Indiana.

SEC. 1105. AUTHORIZATION OF FAMILY HOUSING PROJECT FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2102(a) of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101–510), is amended by striking out "Kansas, Fort Riley, two hundred and four units, $12,500,000." and inserting in lieu thereof "Kansas, Fort Riley, two hundred and fifty units, $16,500,000."

SEC. 1106. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS.

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99–167, 99 Stat. 961), authorizations for the following project authorized in section 102 of that Act, as extended by section 2105(b) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100–180; 101 Stat. 1185), section 2106(b) of the Military Construction Authorization Act, 1989 (division B of Public Law 100–456; 102 Stat. 2092), section 2105(b) of the National Defense Authorization Act, 1990 and 1991 (division B of Public Law 101–181; 103 Stat. 1619) and section 2106(a) of the National Defense Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1762) shall remain in effect until October 1, 1992, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later:

(1) Family housing, new construction, six units, in the amount of $596,000 at Fort Myer, Virginia.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding the provisions of section 2701 of the Military Construction Authorization Act, 1989 (Public Law 100–456, 102 Stat. 2115), authorizations for the following projects authorized in sections 2101 and 2102 of that Act, as extended by Section 2106(c) of the National Defense Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1762) shall remain in effect until October 1, 1992, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later:

(1) Battalion Headquarters in the amount of $2,300,000 at Fort Wainwright, Alaska.

(2) Family housing, new construction, one hundred and eight units, in the amount of $9,100,000 at Fort Bliss, Texas.

(3) Operations facility in the amount of $5,300,000 at Location 276 (Turkey).

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1990 PROJECTS.—Notwithstanding the provisions of section 2701(b)(1) of the National Defense Authorization Act, 1990 and 1991 (Public Law 101–189, 103 Stat. 1645), authorizations for the following projects authorized in sections 2101 and 2102 of that Act shall remain in effect until October 1, 1992, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later:

(1) Family housing, new construction, two units, in the amount of $400,000 at Fort Rucker, Alabama.

(2) Military Operations on Urbanized Terrain in the amount of $5,600,000 at Schofield Barracks, Hawaii.

(3) Alter Dormitory in the amount of $3,750,000 at Melvin Price Support Center, Illinois.

(4) Child Development Center in the amount of $1,500,000 at Fort Riley, Kansas.

(5) M1 Tank Driver Training Facility in the amount of $5,900,000 at Fort Knox, Kentucky.

(6) Improve Electrical Distribution in the amount of $8,600,000 at Fort Monmouth, New Jersey.

(7) Armament Technology Laboratory in the amount of $11,800,000 at Picatinny Arsenal, New Jersey.

(8) Vehicle Maintenance Facility in the amount of $1,400,000 at Dugway Proving Ground, Utah.

(9) Enlisted Petroleum Training Facility in the amount of $8,300,000 at Fort Lee, Virginia.

(10) Family housing, new construction, one unit, in the amount of $210,000 at Fort Lee, Virginia.

(11) Sewage Treatment Plant in the amount of $3,250,000 at Kwajalein, Kwajalein Atoll.

(12) War Reserve Storage in the amount of $6,100,000 at Classified Overseas Locations.

TITLE II—NAVY

SEC. 1201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALASKA

Adak, Naval Security Group Activity, $12,700,000.

Amchitka, Fleet Surveillance Support Command, $7,200,000.

Anchorage, Naval Security Group Support Detachment, $2,600,000.

Shemya, Naval Security Group Support Detachment, $3,140,000.

CALIFORNIA

Camp Pendleton, Amphibious Task Force, $17,750,000.

Camp Pendleton, Marine Corps Air Station, $2,010,000.

Camp Pendleton, Marine Corps Base, $1,460,000.

China Lake, Naval Weapons Center, $16,600,000.

Concord, Naval Weapons Station, $1,250,000.

Coronado, Naval Amphibious Base, $1,600,000.

Fallbrook, Naval Weapons Station Annex, $9,700,000.

Miramar, Naval Air Station, $3,250,000.

Monterey, Naval Postgraduate School, $2,900,000.

Port Hueneme, Naval Construction Battalion Center, $17,250,000.

San Diego, Fleet Combat Training Center, Pacific, $640,000.

San Diego, Naval Station, $3,110,000.

San Diego, Naval Submarine Base, $14,130,000.

San Diego, Naval Supply Center, $1,750,000.

San Diego, Navy Public Works Center, $16,800,000.

Seal Beach, Naval Weapons Station, $3,780,000.

Twentynine Palms, Marine Corps Air-Ground Combat Center, $680,000.

Vallejo, Mare Island, Naval Shipyard, $3,570,000.

CONNECTICUT

New London, Naval Submarine Base, $5,680,000.

New London, Submarine Support Facility, $5,800,000.

DISTRICT OF COLUMBIA

District of Columbia, Commandant Naval District Washington, $5,750,000.

FLORIDA

Jacksonville, Naval Aviation Depot, $3,300,000.

Mayport, Naval Station, $3,140,000.

Orlando, Naval Training Center, $21,430,000.

Panama City, Naval Coastal Systems Center, $11,150,000.

Pensacola, Naval Air Station, $4,000,000.

Pensacola, Naval Supply Center, $5,700,000.

GEORGIA

Kings Bay, Naval Submarine Base, $9,780,000.

HAWAII

Barbers Point, Naval Air Station, $3,300,000.

Honolulu, Naval Communication Area Master Station, Eastern Pacific, $1,500,000.

Lualualei, Naval Magazine, $8,700,000.

Pearl Harbor, Naval Inactive Ship Maintenance Facility, $3,200,000.

Pearl Harbor, Naval Shipyard, $800,000.

Pearl Harbor, Naval Submarine Base, $62,000,000.

Pearl Harbor, Naval Public Works Center, $13,440,000.

ILLINOIS

Great Lakes, Naval Training Center, $7,000,000.

INDIANA

Crane, Naval Weapons Support Center, $9,450,000.

MARYLAND

Annapolis, David Taylor Naval Ship Research Development Center, $3,450,000.

Annapolis, Naval Radio Transmitting Facility, $5,220,000.

Bethesda, National Naval Medical Center, $4,470,000.

Indian Head, Naval Ordnance Station, $6,600,000.

Patuxent River, Naval Air Test Center, $5,800,000.

St. Inigoes, Naval Electronic Systems Engineering Activity, $8,450,000.

NEVADA

Fallon, Naval Air Station, $2,500,000.

NEW JERSEY

Earle, Naval Weapons Station, $4,900,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $2,500,000.

Cherry Point, Marine Corps Air Station, $18,450,000.

Cherry Point, Naval Aviation Depot, $7,700,000.

New River, Marine Corps Air Station, $7,100,000.

OKLAHOMA

Tinker Air Force Base, Naval Air Detachment, $4,700,000.

PENNSYLVANIA

Philadelphia, Naval Inactive Ship Maintenance Activity, $4,000,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, $2,250,000.

Charleston, Fleet and Mine Warfare Training Center, $14,620,000.

Charleston, Naval Weapons Station, $3,250,000.

Parris Island, Marine Corps Recruit Depot, $5,100,000.

TEXAS

Kingsville, Naval Air Station, $1,500,000.

VIRGINIA

Chesapeake, Naval Security Group Activity, Northwest, $13,800,000.

Dahlgren, Naval Surface Warfare Center, $18,280,000.

Little Creek, Naval Amphibious Base, $12,730,000.

Norfolk, Naval Air Station, $9,370,000.

Norfolk, Naval Communication Area Master Station, Atlantic, $6,550,000.

Norfolk, Naval Station, $340,000.

Norfolk, Naval Supply Center, $1,250,000.

Norfolk, Navy Public Works Center, $7,300,000.

Norfolk, Oceanographic System Atlantic, $3,250,000.

Oceana, Naval Air Station, $7,270,000.

Portsmouth, Naval Hospital, $6,600,000.

Portsmouth, Shore Intermediate Maintenance Activity, $14,000,000.

Yorktown, Naval Weapons Station, $4,650,000.

WASHINGTON

Bangor, Commander, Submarine Group 9, $2,050,000.

Bangor, Trident Refit Facility, $2,170,000.

Bremerton, Puget Sound Naval Shipyard, $39,700,000.

Bremerton, Puget Sound Naval Supply Center, $12,550,000.

Everett, Naval Station, $21,790,000.

Whidbey Island, Naval Air Station, $6,800,000.

VARIOUS LOCATIONS

Land Acquisition, $45,900,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

BAHRAIN ISLAND

Bahrain Island, Administration Support Unit, $1,300,000.

CUBA

Guantanamo Bay, Naval Station, $2,750,000.

GUAM

Naval Communication Area Master Station, Western Pacific, $2,000,000.

Navy Public Works Center, $670,000.

ICELAND

Keflavik, Naval Air Station, $9,300,000.

Keflavik, Naval Communication Station, $10,600,000.

ITALY

Naples, Naval Support Activity, $11,270,000.

Sicily, Naval Communication Station, $2,750,000.

Sigonella, Naval Air Station, $12,150,000.

PUERTO RICO

Roosevelt Roads, Naval Station, $7,660,000.

SCOTLAND

Edzell, Naval Security Group Activity, $1,400,000.

VARIOUS LOCATIONS

Host Nation Infrastructure Support, $2,000,000.

Satellite Terminals, $10,570,000.

SEC. 1202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 1204(a)(6)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown, for each installation:

(1) Camp Pendleton, Marine Corps Base, California, one hundred and fifty units, $16,172,000.

(2) Lemoore, Naval Air Station, California, Community Center, $1,070,000.

(3) Point Mugu, Pacific Missile Test Center, California, one hundred units, $11,160,000.

(4) San Diego, Navy Public Works Center, California, two hundred sixty units, $29,800,000.

(5) Washington Naval District, District of Columbia, Demolition, $9,910,000.

(6) Mayport, Naval Station, Florida, Community Center, $710,000.

(7) Lakehurst, Naval Air Engineering Center, New Jersey, Housing Office, $340,000.

(8) Guantanamo Bay, Naval Station, Cuba, two hundred and seventy-eight units, $38,400,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may, using amounts appropriated pursuant to section 1204(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,200,000.

SEC. 1203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 1204(a)(6)(A), improve existing military family housing units in the amount of $55,438,000.

SEC. 1204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,537,700,000, as follows:

(1) For military construction projects inside the United States authorized by section 1201(a), $502,750,000.

(2) For military construction projects outside the United States authorized by section 1201(b), $64,450,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $12,400,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $77,200,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $1,000,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $169,200,000; and

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $710,700,000, of which not more than $72,900,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 and title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and,

(2) $185,120,000 for the amount authorized for projects funded by the Defense Business Operations Fund.

TITLE III—AIR FORCE

SEC. 1301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for each of the installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, $9,200,000.

ALASKA

Eielson Air Force Base, $26,400,000.

Elmendorf Air Force Base, $1,400,000.

Shemya Air Force Base, $38,400,000.

ARIZONA

Luke Air Force Base, $8,800,000.

Williams Air Force Base, $5,700,000.

CALIFORNIA

Beale Air Force Base, $3,050,000.

Castle Air Force Base, $4,300,000.

Edwards Air Force Base, $14,300,000.

March Air Force Base, $7,910,000.

Sierra Army Depot, $2,700,000.

Travis Air Force Base, $8,280,000.

Vandenberg Air Force Base, $80,000,000.

COLORADO

Buckley Air National Guard Base, $42,050,000.

Cheyenne Mountain Air Force Base, $610,000.

Falcon Air Force Station, $1,400,000.

Peterson Air Force Base, $26,300,000.

United States Air Force Academy, $15,000,000.

DELAWARE

Dover Air Force Base, $10,150,000.

DISTRICT OF COLUMBIA

Bolling Air Force Base, $5,400,000.

FLORIDA

Cape Canaveral Air Force Station, $24,000,000.

Eglin Air Force Base, $2,830,000.

Homestead Air Force Base, $4,900,000.

Tyndall Air Force Base, $850,000.

GEORGIA

Robins Air Force Base, $14,100,000.

HAWAII

Camp H. M. Smith, $2,600,000.

Hickam Air Force Base, $7,100,000.

ILLINOIS

Scott Air Force Base, $13,290,000.

KANSAS

McConnell Air Force Base, $7,650,000.

LOUISIANA

Barksdale Air Force Base, $6,300,000.

MARYLAND

Andrews Air Force Base, $5,400,000.

MASSACHUSETTS

Hanscom Air Force Base, $11,200,000.

MICHIGAN

K.I. Sawyer Air Force Base, $1,700,000.

MISSISSIPPI

Columbus Air Force Base, $600,000.

Keesler Air Force Base, $3,400,000.

MISSOURI

Whiteman Air Force Base, $44,450,000.

MONTANA

Conrad Strategic Training Range Site, $700,000.

Havre Strategic Training Range Site, $700,000.

NEBRASKA

Offutt Air Force Base, $26,350,000.

NEVADA

Nellis Air Force Base, $8,400,000.

NEW HAMPSHIRE

New Boston Satellite Tracking Station, $4,210,000.

NEW JERSEY

McGuire Air Force Base, $22,500,000.

NEW MEXICO

Cannon Air Force Base, $1,300,000.

Holloman Air Force Base, $38,700,000.

Kirtland Air Force Base, $5,600,000.

NEW YORK

Griffiss Air Force Base, $2,700,000.

Plattsburgh Air Force Base, $960,000.

NORTH CAROLINA

Pope Air Force Base, $8,200,000.

Seymour Johnson Air Force Base, $11,200,000.

NORTH DAKOTA

Dickinson Strategic Training Range Site, $640,000.

Grand Forks Air Force Base, $4,400,000.

Minot Air Force Base, $3,950,000.

OHIO

Wright-Patterson Air Force Base, $39,300,000.

OKLAHOMA

Altus Air Force Base, $61,340,000.

Tinker Air Force Base, $3,700,000.

Vance Air Force Base, $4,750,000.

SOUTH CAROLINA

Charleston Air Force Base, $21,850,000.

SOUTH DAKOTA

Belle Fourche Strategic Training Range Site, $640,000.

Ellsworth Air Force Base, $2,710,000.

TENNESSEE

Arnold Engineering Development Center, $2,400,000.

TEXAS

Dyess Air Force Base, $620,000.

Kelly Air Force Base, $13,900,000.

Lackland Air Force Base, $5,700,000.

Lackland Air Force Base Training Annex, $1,170,000.

Laughlin Air Force Base, $4,250,000.

Randolph Air Force Base, $410,000.

Reese Air Force Base, $2,000,000.

Sheppard Air Force Base, $16,670,000.

UTAH

Hill Air Force Base, $6,750,000.

VIRGINIA

Langley Air Force Base, $5,800,000.

WASHINGTON

Fairchild Air Force Base, $2,500,000.

WYOMING

F.E. Warren Air Force Base, $5,300,000.

Powell Strategic Training Range Site, $700,000.

VARIOUS AND CLASSIFIED LOCATIONS

Classified Location, $16,400,000.

Various Locations, $5,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ASCENSION

Ascension Island Auxiliary Airfield, $11,000,000.

CANADA

Various Locations, $20,700,000.

GERMANY

Ramstein Air Base, $3,500,000.

GREENLAND

Thule Air Base, $12,700,000.

GUAM

Andersen Air Force Base, $2,600,000.

ICELAND

Keflavik Air Base, $10,500,000.

PORTUGAL

Lajes Field, $5,000,000.

UNITED KINGDOM

RAF Molesworth, $15,600,000.

VARIOUS LOCATIONS

Classified Location, $3,600,000.

Classified Location, $5,500,000.

Classified Location, $3,500,000.

SEC. 1302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land, acquisition) using amounts appropriated pursuant to section 1304(a)(8)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

(1) Castle Air Force Base, California, one hundred fourteen units, $10,517,000.

(2) Edwards Air Force Base, California, housing office, $453,000.

(3) Tyndall Air Force Base, Florida, housing maintenance facility, $410,000.

(4) Scott Air Force Base, Illinois, housing office, $550,000.

(5) Andrews Air Force Base, Maryland, housing office, $571,000.

(6) Seymour Johnson Air Force Base, North Carolina, housing office, $365,000.

(7) Tinker Air Force Base, Oklahoma, housing office, $370,000.

(8) Hill Air Force Base, Utah, one hundred thirty units, $11,628,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 1304(a)(8)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,000,000.

SEC. 1303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of Title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 1304(a)(8)(A), improve existing military family housing units in an amount not to exceed $141,236,000.

SEC. 1304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,143,400,000 as follows:

(1) For military construction projects inside the United States authorized by section 1301(a), $800,450,000.

(2) For military construction projects outside the United States authorized by section 1301(b), $94,200,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101), and as amended by section 2307 of the Military Construction Authorization Act, 1990, (division B of Public Law 101–189; 103 Stat. 1638), $44,000,000.

(4) For the construction of facilities for the 37th Tactical Fighter Wing at Holloman Air Force Base, New Mexico as authorized by Section 2301(a) of the Military Construction Authorization Act, 1991 (division B of Public Law 101–510; 104 Stat. 1771), $39,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $11,500,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $67,700,000.

(7) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $5,050,000.

(8) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $172,100,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $909,400,000 of which not more than $140,900,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 1301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $25,640,000 for the amount authorized for projects funded by the Defense Business Operations Fund.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2115), authorizations for the following projects authorized in section 2301 and of that Act, as extended by section 2309 of the Military Construction Authorization Act, 1991 (division B of the Public Law 101–510; 104 Stat. 1775), shall remain in effect until October 1, 1992, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later:

(1) Alter Combat Intelligence Operations Center in the amount of $1,000,000 at Ramstein Air Base, Germany (authorized as part of Classified Locations in the amount of $16,473,000).

(2) Post Office in the amount of $550,000 at Incirlik Air Base, Turkey.

(3) F–16 Aircraft Maintenance Unit Facility in the amount of $2,800,000 at Osan Air Base, Korea.

(d) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1990 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1990 (division B of Public Law 101–189; 103 Stat. 1645), authorization for the following projects authorized in section 2301 of that Act shall remain in effect until October 1, 1992, or the date of the enactment of an Act authorizing funds for fiscal year 1993, whichever is later:

(1) Civil Engineer Shop Facility in the amount of $2,700,000 at Eaker Air Force Base, Arkansas.

(2) Convoy Road in the amount of $500,000 at Eaker Air Force Base, Arkansas.

(3) Water Well and Elevated Storage in the amount of $850,000 at Eaker Air Force Base, Arkansas.

(4) Add To and Alter Child Development Center in the amount of $630,000 at McClellan Air Force Base, California.

(5) Child Development Center in the amount of $1,200,000 at McClellan Air Force Base, California.

(6) Upgrade Electrical Distribution in the amount of $9,500,000 at McClellan Air Force Base, California.

(7) Add To and Alter Child Development Center in the amount of $1,100,000 at Robins Air Force Base, Georgia.

(8) C–141 Depot Maintenance Hangar in the amount of $13,700,000 at Robins Air Force Base, Georgia.

(9) Wing Headquarters and Command Post in the amount of $2,150,000 at Grissom Air Force Base, Indiana.

(10) Alter Dormitories in the amount of $3,200,000 at England Air Force Base, Louisiana.

(11) Base Supply Complex in the amount of $4,100,000 at England Air Force Base, Louisiana.

(12) Dormitory in the amount of $8,500,000 at Loring Air Force Base, Maine.

(13) Child Development Center in the amount of $680,000 at Newark Air Force Base, Ohio.

(14) Child Development Center in the amount of $1,950,000 at Wright-Patterson Air Force Base, Ohio.

(15) Child Development Center in the amount of $1,550,000 at Tinker Air Force Base, Oklahoma.

(16) Child Development Center in the amount of $2,400,000 at Bergstrom Air Force Base, Texas.

(17) Noise Suppressor Support Facility in the amount of $650,000 at Carswell Air Force Base, Texas.

(18) Add To and Alter Child Development Center in the amount of $730,000 at Kelly Air Force Base, Texas.

(19) Child Development Center in the amount of $1,300,000 at Hill Air Force Base, Utah.

(20) Procurement Facility Consolidation in the amount of $3,700,000 at Hill Air Force Base, Utah.

(21) LANTIRN Maintenance Facility in the amount of $220,000 at Hahn Air Force Base, Germany.

TITLE IV—DEFENSE AGENCIES

SEC. 1401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE COMMUNICATIONS AGENCY

Classified Location, $4,500,000.

Reston, Virginia, $600,000.

DEFENSE LOGISTICS AGENCY

Tracy Defense Depot, California, $2,000,000.

Jacksonville Defense Fuel Support Point, Florida, $2,200,000.

Pensacola Defense Fuel Support Point, Florida, $16,000,000.

Columbus Defense Construction Supply Center, Ohio, $89,000,000.

Dayton Defense Electronics Supply Station, Ohio, $2,000,000.

Craney Island Defense Fuel Support Point, Norfolk, Virginia, $19,800,000.

Fort Belvoir, Virginia, $27,000,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $1,000,000.

St. Louis Aerospace Center, Missouri, $1,000,000.

DEFENSE MEDICAL FACILITIES OFFICE

Little Rock Air Force Base, Arkansas, $690,000.

San Diego Naval Training Center, California, $17,500,000.

Stockton Naval Communications Station, California, $22,000,000.

Travis Air Force Base, California, $2,000,000.

Tyndall Air Force Base, Florida, $800,000.

Hickam Air Force Base, Hawaii, $13,800,000.

Fallon Naval Air Station, Nevada, $6,000,000.

Nellis Air Force Base, Nevada, $1,000,000.

Camp Lejeune, North Carolina, $4,600,000.

Cherry Point Marine Corps Air Station, North Carolina, $34,000,000.

Fort Bragg, North Carolina, $170,000,000.

Fort Sill, Oklahoma, $2,700,000.

Tinker Air Force Base, Oklahoma, $4,100,000.

Carlisle Barracks, Pennsylvania, $510,000.

Dallas Naval Air Station, Texas, $3,500,000.

Langley Air Force Base, Virginia, $1,150,000.

DEFENSE NUCLEAR AGENCY

White Sands Missile Range, New Mexico, $20,000,000.

Arnold Engineering Development Center, Tennessee, $7,000,000.

NATIONAL SECURITY AGENCY

Camp Smith, Hickam Air Force Base, Hawaii, $488,000.

Fort George C. Meade, Maryland, $14,722,000.

OFFICE OF THE SECRETARY OF DEFENSE

Defense Language Institute, Monterey, California, $6,000,000.

Uniformed Services University of the Health Sciences, Bethesda, Maryland, $600,000.

Pentagon, Arlington, Virginia, $80,100,000.

Classified Locations, $35,600,000.

SPECIAL OPERATIONS COMMAND

Kodiak Coast Guard Support Center, Alaska, $2,050,000.

Coronado Naval Amphibious Base, California, $2,100,000.

Miramar Naval Air Station, California, $4,900,000.

Eglin Air Force Base, Florida, $14,450,000.

Fort Campbell, Kentucky, $5,800,000.

Kirtland Air Force Base, New Mexico, $2,050,000.

Fort A.P. Hill, Virginia, $2,300,000.

Oceana Naval Air Station, Virginia, $2,350,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE LOGISTICS AGENCY

Diego Garcia Defense Fuel Support Point, $16,100,000.

DEFENSE MEDICAL FACILITIES OFFICE

Camp Essayons, Korea, $1,050,000.

Camp Humphreys, Korea, $2,350,000.

K–16 Army Airfield, Korea, $1,450,000.

Classified Location, $10,400,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $5,100,000.

NATIONAL SECURITY AGENCY

Classified Location, $4,490,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $2,100,000.

SEC. 1402. FAMILY HOUSING.

The Secretary of Defense may construct or acquire one family housing unit (including land acquisition), using amounts appropriated pursuant to section 1406(a)(11)(A), at a classified location in the total amount not to exceed $160,000.

SEC. 1403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to Section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 1406(a)(11)(A), improve existing military family housing units in an amount not to exceed $40,000.

SEC. 1404. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 1405 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 1405. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991 for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 1404, in the amount of $358,800,000.

SEC. 1406. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1991, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,331,400,000 as follows:

(1) For military construction projects inside the United States authorized by section 1401(a), $326,960,000.

(2) For military construction projects outside the United States authorized by section 1401(b), $26,940,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661, 100 Stat. 4035), as amended, $37,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189, 103 Stat. 1640), $40,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,000,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $15,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $79,700,000.

(8) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526), $633,600,000.

(9) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990, (Public Law 101–510), $100,000,000.

(10) For an energy conservation program under Section 2865 of title 10, United States Code, $30,000,000.

(11) For military family housing functions:

(A) For construction and acquisition of military family housing facilities, $200,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $26,000,000, of which not more than $21,664,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—Funds appropriated to the Department of Defense for fiscal years before fiscal year 1992 for military construction functions of the Defense Agencies that remain available for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 1401(a) in the amount of $17,000,000.

(c) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 and authorized by law, the total cost of all projects carried out under section 1401 may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) $147,100,000 for the amount authorized for projects funded by the Defense Business Operations Fund;

(3) $139,000,000 (the amount authorized for military construction under Section 1401(a) for the construction of the Hospital Replacement at Fort Bragg, North Carolina); and,

(4) $10,000,000 (the balance of the amount authorized for the construction of the Defense Logistics Headquarters at Fort Belvior, Virginia).

SEC. 1407. HOSPITAL, FORT BRAGG, NORTH CAROLINA.

The Secretary of Defense, may, in advance of appropriations for the project, enter into one or more contracts for the design and construction of the military construction project authorized by section 1401(a) to be constructed at Fort Bragg, North Carolina. Each such contract shall limit the payments the United States is obligated to make under the contract to the amount of appropriations available, at the time the contract is entered into, for obligation under such contract.

SEC. 1408. DEFENSE LOGISTICS AGENCY, HEADQUARTERS BUILDING, FORT BELVOIR, VIRGINIA.

The Secretary of Defense, may, in advance of appropriations for the project, enter into one or more contracts for the design and construction of the military construction project authorized by section 1401(a) to be constructed at Fort Belvoir, Virginia. Each such contract shall limit the payments the United States is obligated to make under the contract to the amount of appropriations available at the time the contract is entered into, for obligation under such contract.

SEC. 1409. TRANSFER AUTHORITY.

(a) NATO INFRASTRUCTURE.—If the Secretary of Defense (hereafter referred to in this section as Secretary) determines that funds authorized to be appropriated for contributions to the North Atlantic Treaty Organization Infrastructure program under section 2806 of title 10, United States Code, are in excess of the contributions required for the NATO Infrastructure program, the Secretary may use such excess to fund authorized Defense Agency projects.

(b) DEFENSE AGENCIES.—If the Secretary determines that it is necessary to make contributions in excess of the amount appropriated for the NATO Infrastructure program, under the authority of section 2806 of title 10, United States Code, the Secretary may transfer unobligated funds authorized to be appropriated for the Defense Agency projects into the NATO Infrastructure program.

TITLE V—GUARD AND RESERVE FORCES FACILITIES

SEC. 1501. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1991, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $50,400,000, and

(B) for the Army Reserve, $57,500,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $20,900,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $131,800,000, and

(B) for the Air Force Reserve, $20,800,000.

TITLE VI—EXPIRATION OF AUTHORIZATIONS

SEC. 1601. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles I, II, III, and IV for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1993, or the date of the enactment of the Military Construction Authorization Act for Fiscal Year 1994, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1993, or the date of the enactment of the Military Construction Authorizations Act for Fiscal Year 1994, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 1602. EFFECTIVE DATES.

Titles I, II, III, IV and V shall take effect as of October 1, 1991 or the date of enactment of the Military Construction Authorization Act for Fiscal Year 1992, whichever is later.

SUBDIVISION 2—FISCAL YEAR 1993

TITLE I—ARMY

SEC. 2201. AUTHORIZED ARMY CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ARKANSAS

Pine Bluff Arsenal, $80,600,000.

CALIFORNIA

Sierra Army Depot, $2,300,000.

HAWAII

Schofield Barracks, $4,700,000.

LOUISIANA

Fort Polk, $17,500,000.

OREGON

Umatilla Army Depot, $117,200,000.

PENNSYLVANIA

Letterkenny Army Depot, $5,400,000.

TEXAS

Red River Army Depot, $3,100,000.

UTAH

Tooele Army Depot, $9,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Grafenwoehr, $12,200,000.

KWAJALEIN ATOLL

Kwajalein, $45,500,000.

TURKEY

Location 276, $3,000,000.

(c) VARIOUS LOCATIONS WORLDWIDE.—The Secretary of the Army may carry out repair of real property in excess of $15,000 at various installations and locations in an amount not to exceed $436,000,000.

SEC. 2202. FAMILY HOUSING.

The Secretary of the Army may, using amounts appropriated pursuant to section 2204(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,060,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2204(a)(6)(A), improve existing military family housing in an amount not to exceed $58,240,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,521,727,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $220,000,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $60,700,000.

(3) For unspecified minor military construction projects authorized under section 2805 of title 10, United States Code, $160,000,000.

(4) For repair of real property authorized by Section 2201(c), $436,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $83,100,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $69,300,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,407,627,000, of which not more than $379,881,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $85,000,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2) and (4) of subsection (a); and

(2) $19,800,000 for the amount authorized for projects funded by the Defense Business Operations Fund.

TITLE II—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

CALIFORNIA

Camp Pendleton, Marine Corps Base, $23,100,000.

Twentynine Palms, Marine Corps Air-Ground Combat Center, $4,600,000.

GEORGIA

Albany, Marine Corps Logistics Base, $4,100,000.

HAWAII

Honolulu, Naval Communication Area Master Station, Eastern Pacific, $1,400,000.

RHODE ISLAND

Newport, Naval Education and Training Center, $22,000,000.

SOUTH CAROLINA

Charleston, Naval Weapons Station, $600,000.

TENNESSEE

Memphis, Naval Air Station, $9,060,000.

TEXAS

Kingsville, Naval Air Station, $8,500,000.

VIRGINIA

Norfolk, Naval Station, $500,000.

Norfolk, Naval Supply Center, $12,400,000.

Oceana, Naval Air Station, $3,600,000.

Yorktown, Naval Weapons Station, $1,100,000.

WASHINGTON

Bremerton, Puget Sound Naval Shipyard, $1,400,000.

Silverdale, Strategic Weapons Facility Pacific, $25,940,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ICELAND

Keflavik, Naval Air Station, $2,000,000.

VARIOUS LOCATIONS

Host Nation Infrastructure Support, $3,000,000.

(c) VARIOUS LOCATIONS WORLDWIDE.—The Secretary of the Navy may carry out repair of real property in excess of $15,000 at various installations and locations in an amount not to exceed $435,400,000.

SEC. 2202. FAMILY HOUSING.

The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,200,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to Section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to Section 2204(a)(6)(A) improve existing military family housing units in the amount of $2,000,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,538,000,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $82,800,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $5,000,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $142,000,000.

(4) For repair of real property authorized by Section 2201(c), $435,400,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $79,900,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $8,200,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $784,700,000, of which not more than $108,800,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2) and (4) of subsection (a); and

(2) $15,500,000 for the amount authorized for projects funded by the Base Defense Operations Fund.

TITLE III—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for each of the installations and locations inside the United States:

ARIZONA

Davis-Monthan Air Force Base, $2,750,000.

CALIFORNIA

Castle Air Force Base, $4,200,000.

FLORIDA

Cape Canaveral Air Force Station, $34,000,000.

MISSOURI

Whiteman Air Force Base, $82,850,000.

NEBRASKA

Offutt Air Force Base, $1,350,000.

NORTH DAKOTA

Grand Forks Air Force Base, $5,100,000.
Minot Air Force Base, $1,400,000.

OHIO

Wright-Patterson Air Force Base, $5,600,000.

OKLAHOMA

Altus Air Force Base, $3,000,000.
Tinker Air Force Base, $900,000.

SOUTH CAROLINA

Charleston Air Force Base, $29,500,000.

TEXAS

Dyess Air Force Base, $7,500,000.
Kelly Air Force Base, $12,250,000.

VARIOUS LOCATIONS

Various Locations, $10,300,000.
Various Locations, $4,350,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

CANADA

Various Locations, $20,200,000.

GREENLAND

Thule Air Base, $9,200,000.

(c) VARIOUS LOCATIONS WORLDWIDE.—The Secretary of the Air Force may carry out repair of real property in excess of $15,000 at various installations and locations in an amount not to exceed $352,000,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land acquisition) using amounts appropriated pursuant to section 2304(a)(6)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

(1) Beale Air Force Base, California, housing office, $306,000.

(2) Moody Air Force Base, Georgia, housing maintenance facility, $290,000.

(3) Barksdale Air Force Base, Louisiana, housing maintenance and storage facility, $443,000.

(4) Minot Air Force Base, North Dakota, housing maintenance and storage facility, $237,000.

(5) Cannon Air Force Base, New Mexico, housing office, $480,000.

(6) Shaw Air Force Base, South Carolina, housing office, $351,000.

(7) Lajes Field, Portugal, water wells, $365,000.

(8) Hill Air Force Base, Utah, eighty-two units, $6,553,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $9,957,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of Title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(6)(A), improve existing military family housing units in an amount not to exceed $168,518,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,947,500,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $191,900,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $29,400,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $153,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $54,200,000.

(5) For repair of real property authorized by Section 2302(c), $352,000,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $188,000,000; and

(B) For support of military housing (including functions described in Section 2833 of title 10, United States Code), $979,000,000 of which not more than $169,200,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2) and (5) of subsection (a); and,

(2) $13,150,000 for the amount authorized for projects funded by the Defense Business Operations Fund.

TITLE IV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amount shown for the following installation inside the United States:

DEFENSE NUCLEAR AGENCY

Eglin Air Force Base, $64,000,000.

(b) VARIOUS LOCATIONS WORLDWIDE.—The Secretary of Defense may carry out repair of real property in excess of $15,000 at various installations and locations in an amount not to exceed $17,400,000.

SEC. 2402. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2403 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992 for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2402, in the amount of $266,200,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, repair of real property, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $803,600,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a) $32,000,000.

(2) For military construction projects at Fort Bragg, North Carolina by section 1401(a) of this Act, $20,000,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, as amended, $27,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for fiscal years 1990 and 1991, $50,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, $28,000,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $51,700,000.

(8) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), $440,700,000.

(9) For base closure and realignment activities as authorized by the Defense Realignment and Closure Act of 1990, section 2902 of the National Defense Authorization Act for fiscal year 1991 (P.L. 101–510, 104 Stat. 1810), $100,000,000.

(10) For repair of real property authorized by section 2401(b), $17,400,000.

(11) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $26,800,000, of which not more than $22,559,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (4) of subsection (a); and

(2) $32,000,000 (the balance of the amount authorized for the construction of the Climatic Test Chamber at Eglin Air Force Base, Florida).

SEC. 2405. TRANSFER AUTHORITY.

(a) NATO INFRASTRUCTURE.—If the Secretary of Defense (hereafter referred to in this section as Secretary) determines that funds authorized to be appropriated for contributions to the North Atlantic Treaty Organization Infrastructure program under section 2806 of title 10, United States Code, are in excess of the contributions required for the NATO Infrastructure program, the Secretary may use excess to fund authorized Defense Agency projects.

(b) DEFENSE AGENCIES.—If the Secretary determines that it is necessary to make contributions in excess of the amount appropriated for the NATO Infrastructure program, under the authority of section 2806(c)1 of title 10, United States Code; the Secretary may transfer unobligated funds authorized to be appropriated for the Defense Agency projects into the NATO Infrastructure program.

TITLE V—GUARD AND RESERVE FORCES FACILITIES

SEC. 2501. AUTHORIZED GUARD AND RESERVE CONSTRUCTION, REPAIR OF REAL PROPERTY, AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1992, for the costs of acquisition, architectural and engineering services, repair of real property, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $54,100,000, and

(B) for the Army Reserve, $28,200,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $26,400,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $40,600,000, and

(B) for the Air Force Reserve, $36,700,000.

TITLE VI—EXPIRATION OF AUTHORIZATIONS

SEC. 1601. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATION AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles I, II, III, and IV for military construction projects, repair of real property, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1994, or the date of the enactment of the Military Construction Authorization Act for Fiscal Year 1995, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1994, or the date of the enactment of the Military Construction Authorization Act for Fiscal Year 1995, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 1602. EFFECTIVE DATES.

Titles I, II, III, IV, and V shall take effect as of October 1, 1992 or the date of enactment of a Military Construction Authorization Act for Fiscal Year 1993, whichever is later.

SUBDIVISION 3

TITLE VII—GENERAL PROVISIONS

SEC. 1701. CONSTRUCTION OF RESERVE COMPONENT FACILITIES.

Section 2233(a)(2) of title 10, United States Code, is amended by inserting "acquire, construct," immediately following "necessary to".

SEC. 1702. COST LIMITATION OF OPERATION AND MAINTENANCE FUNDED PROJECTS.

Section 2233a(b) of title 10, United States Code, is amended by striking out "$200,000" and inserting in lieu thereof "$300,000".

SEC. 1703. TEST OF LONG-TERM FACILITIES CONTRACT.

Section 2809(c) of title 10, United States Code, is amended by striking out "1991" and inserting in lieu thereof "1993".

SEC. 1704. LEASING OF MILITARY FAMILY HOUSING.

Section 2828(g)(8) of title 10, United States Code, is amended by striking out "1991" and inserting in lieu thereof "1993".

SEC. 1705. TURN-KEY SELECTION PROCEDURES.

Section 2862 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "(1)";

(B) by inserting in the first sentence after "Secretary concerned" the following: "or director of the Defense Agency"; and

(C) by striking out "(2)" and inserting in lieu thereof "(b)"; and

(2) by striking out subsections (b) and (c).

SEC. 1706. ACQUISITION AND CROSS-SERVICING AGREEMENTS.

Section 2343 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Sections 2207 and 2306(b) of this title and section 3741 of the Revised Statutes (41 U.S.C. 22) shall not apply to acquisitions of military or family housing construction acquired through governments of the North Atlantic Treaty Organization for elements of the Armed Forces deployed in Europe and adjacent waters."

SEC. 1707. COST LIMITATION ON OPERATION AND MAINTENANCE AND UNSPECIFIED MINOR CONSTRUCTION FUNDED PROJECTS.

Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "$1,000,000" and inserting in lieu thereof "$1,500,000"; and

(2) in subsection (c), by striking out "$200,000", and inserting in lieu thereof "$300,000".

SEC. 1708. LIMITATION OF SPACE BY PAY GRADE.

Section 2826 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) Up to 300 square feet in multi-bedroom family housing units may be excluded for the applicable maximum net floor area prescribed by subsection (a) to provide indoor recreation space within existing space at locations in Alaska."

SEC. 1709. HOMEOWNERS ASSISTANCE PROGRAM.

Section 2832(b)(1)(B) of title 10, United States Code, is amended by striking out ", except that such funds may not be obligated after September 30, 1991." and inserting in lieu thereof a period.

SEC. 1710. EXTENSION OF BENEFITS UNDER HOMEOWNERS ASSISTANCE PROGRAM TO CERTAIN SERVICE MEMBERS OF EMPLOYERS TRANSFERRED OVERSEAS.

Section 1013 of Public Law 89–754 (80 Stat. 1255, 1290) is amended—

(1) in subsection (b)(3) by striking out "unaccompanied by dependents"; and

(2) in subsection (b)(3), by striking out "fifteen months" and inserting in lieu thereof "three years,".

SEC. 1711. HEALTH, SAFETY AND ENVIRONMENTAL QUALITY EMERGENCY CONSTRUCTION.

(a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter III the following new section:

"§2864. Health, safety and environmental quality emergency construction

"(a) Subject to subsections (b) and (c), the Secretary concerned may carry out a military construction project not otherwise authorized by law if the Secretary determines (1) that the project is vital to protection of the quality of the environment, health or safety and (2) the requirement for the project is so urgent that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with protection of health, safety and environmental quality. This section does not authorize a project that is otherwise eligible for funding under chapter 160.

"(b) When a decision is made to carry out a military construction project under this section, the Secretary concerned shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include (1) the justification for the project and the current estimate of the cost of the project, (2) the justification for carrying out the project under this section, and (3) a statement of the source of the funds to be used to carry out the project.

"(c)(1) The maximum amount that the Secretary concerned may obligate in any fiscal year under this section is $30,000,000.

"(2) A project carried out under this section shall be carried out within the total amount of funds appropriated for military construction that have not been obligated.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of such chapter is amended by adding at the end the following new item:

"2864. Health, safety and environmental quality emergency construction.".

SEC. 1712. CONVEYANCE OF JURISDICTION AND CONTROL OVER CERTAIN LANDS AT KIRTLAND AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE.—The Secretary of Energy shall convey to the Secretary of Defense, without consideration, jurisdiction and control of the real property, including any improvements thereon, described in subsection (b) for use by the Department of Defense.

(b) DESCRIPTION OF PROPERTY.—(1) The real property referred to in subsection (a) is a tract of land located in Bernalillo County, New Mexico, in a portion of section 32, Township 10 North, Range 4 East, New Mexico principal meridian and consisting of approximately 60 acres.

(2) The exact acreage and legal description of the property referred to in paragraph (1) shall be determined by a survey satisfactory to the Secretary of Energy.

SEC. 1713. OPTIONS ON REAL PROPERTY.

Section 2677 of title 10, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof:

"§2677. Options on real property";

(2) in subsection (a)—

(A) by inserting "or lease" after "acquisition"; and

(B) by striking out "for a military project of" and inserting in lieu thereof "by"; and

(3) by striking out the period at the end of subsection (b) and inserting in lieu thereof "or, in the case of an option to lease, an amount that is not more than 12 percent of the appraised annual fair market rental value of the property.".

SEC. 1714. MILITARY HOUSING RENTAL GUARANTEE PROGRAM.

Section 802(b) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note) is amended—

(1) in subsection (g), by adding the following new paragraph:

"(3) In addition to the contracts authorized by subsection (f) and paragraphs (1) and (2) of this subsection, the Secretary of each military department may enter into one or more agreements under this paragraph for not more than a total of 2,000 family housing units."; and

(2) in subsection (h), by striking out "1991" and inserting in lieu thereof "1993".

SEC. 1715. WAIVER OF SECURITY DEPOSITS FOR MEMBERS RENTING PRIVATE HOUSING AUTHORITY TO INDEMNITY LANDLORD.

Section 1055 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by striking out ", to the extent funds are provided in advance in appropriation Acts," in the first sentence;

(2) by striking out "(b)(1)" and inserting in lieu thereof "(b)";

(3) by redesignating subparagraphs (A) through (F) of subsection (b)(1) as paragraphs (1) through (6);

(4) by redesignating subsection (b)(2) as subsection (d);

(5) in subsection (c)(1), by striking out "issue a special order under section 1007 of title 37 to authorize the withholding" and inserting in lieu thereof "may withhold";

(6) in subsection (c)(1) by inserting ", in accordance with section 1007 of title 37," after the word "member" and by deleting the immediately following word, "of,";

(7) by striking out subsection (c)(2);

(8) by redesignating subsection (d) as subsection (c); and

(9) by redesignating subsection (d) as subsection (e).●

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, February 14, 1991.

Hon. J. DANFORTH QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize certain construction at military installations for Fiscal Years 1992/1993, and for other purposes." This legislative proposal is needed to carry out the President's Fiscal Year 1992 budget plan. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress, and that its enactment would be in accord with the program of the President.

This Proposal would authorize appropriations for new construction and family housing support for the Active Forces as follows: $2,469,725,000 for the Department of the Army in Fiscal Year 1992 and $2,521,727,000 in Fiscal Year 1993; $1,537,700,000 for the Department of the Navy in Fiscal Year 1992 and $1,538,000,000 in Fiscal Year 1993; $2,143,400,000 for the Department of the Air Force in Fiscal Year 1992 and $1,947,500,000 in Fiscal Year 1993; and $1,331,400,000 for the Defense Agencies in Fiscal Year 1992 and $803,600,000 in Fiscal Year 1993. The proposal would authorize $358,800,000 for the United States's share of the NATO Infrastructure Program in Fiscal Year 1992 and $266,200,000 in Fiscal Year 1993. Title V, totaling $281,400,000 in Fiscal Year 1992 and $186,000,000 in Fiscal Year 1993, would authorize appropriations for the Guard and Reserve Forces. Title VI establishes the effective dates for the program. Title VII contains the general provisions.

An identical letter has been sent to the Speaker of the House of Representatives.

Sincerely,

TERRENCE O'DONNELL.

By Mr. MOYNIHAN:

S. 876. A bill to amend the Head Start Act to fund the Head Start Program as an entitlement program, and for other purposes; to the Committee on Labor and Human Resources.

LEGISLATION TO MAKE HEAD START AN ENTITLEMENT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to make Head Start an entitlement. Last year's Head Start reauthorization provides for steady increases in the authorized level of funding for the program, from just over $2 billion in fiscal year 1991, to some $7.7 billion in fiscal year 1994. But the appropriation for the current fiscal year is still less than the authorized amount, and the President is asking for only $2 billion next year, less than half the authorized level.

Underfunding Head Start means shortchanging our future. That is what happens when we fail to provide educational opportunities to those children most at risk. At current funding levels, less than one-third of eligible children are enrolled in Head Start. New York City was able to reach only 15 percent of its eligible population in 1990. According to the Census Bureau and the Council of Great City Schools, urban children are only half as likely to have access to early childhood education as suburban children.

Our most able and revered mayor of New York, David Dinkins, is perhaps our Nation's greatest champion of Head Start. He knows its consequences for our future. In one of his very first initiatives, the mayor brought together in an urban summit 35 of our Nation's mayors on November 12 and 13, 1990. At the end of the summit they declared their support for making Head Start an entitlement. This is also supported by the National League of Cities.

Certainly more funding will not cure all the ills these children suffer. Among other things, we need the best teachers and the safest school environment for Head Start to meet its stated goals. If we don't provide access to Head Start for all those children in need we are doing less than we ought to provide opportunities for our youngest citizens, and those that will be our next generation.

I urge my colleagues to support this bill, and ask unanimous consent that the text be printed in the RECORD in full.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENTITLEMENT.

(a) IN GENERAL.—Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated and there are appropriated to carry out this subchapter (other than section 651A), $4,273,000,000 for fiscal year 1992, $5,924,000,000 for fiscal year 1993, and $7,660,000,000 for fiscal year 1994.

"(b) LONGITUDINAL STUDY.—There are authorized to be appropriated and there are appropriated to carry out section 651A $2,000,000 for fiscal year 1992, $2,000,000 for fiscal year 1993, and $2,000,000 for fiscal year 1994.

"(c) EXCLUSION FROM BUDGET.—Notwithstanding any other provision of law, amounts appropriated by this section shall not be counted as new budget authority, outlays, deficit, or surplus, for purposes of—

"(1) the budget of the United States Government as submitted by the President;

"(2) the congressional budget; or

"(3) the Balanced Budget and Emergency Deficit Control Act of 1985.".

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1991.●

By Mr. DODD (for himself, Mr. HATFIELD, Mr. SARBANES, Mr. KERRY, Mr. LUGAR, and Mr. BRADLEY):

S. 878. A bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes; to the Committee on Foreign Relations.

WORLD SUMMIT FOR CHILDREN IMPLEMENTATION ACT

● Mr. DODD. Mr. President, I rise today to introduce a singularly important piece of legislation—legislation that is urgent in its appeal, fundamental in its necessity, and heroic in its scope. It would bring the United States into an international coalition to protect and enhance the lives of all children—children overseas who are the victims of war and disease as well as children here in America who suffer from poverty and neglect.

The impetus for this act, as many of my colleagues know, was the World Summit for Children held in 1990. That extraordinary gathering of heads of state was convened because children throughout the world are under assault. Each year, 14 million children—that's 40,000 per day—die from largely preventable causes. Dehydration, for example, claims 8,000 lives daily in the developing world. In the United States, lack of prenatal care is associated with 46,000 deaths every year. Irrespective of national economy or state of development, poverty, strife, neglect, and disease are needlessly shortening and crippling young lives and thereby threatening the futures of their parent societies.

The consensus of the world summit was to target specific goals to be met by the year 2000. Chief among them: the reduction of child mortality rates by at least one-third, access to basic education and completion of primary education by at least 80 percent of grade school-age children, and a halving of maternal mortality and preschool malnutrition rates. The world summit also charged national governments to adopt plans of action by the end of 1991. The United States was a principal participant of the summit and a signatory of its declaration and plan of action. This act, which I now introduce, fulfills our pledge and implements a U.S. plan of action on behalf of children. Moreover, it serves as a challenge for us—to match the easy, prochild rehtoric that has been a poor substitute for action to improve their lives.

The legislation has two parts. The international sections authorize increased funding for critical programs that benefit children. These include the Child Survival Fund, mainly for low-cost, high-yield measures such as immunizations and oral rehydration therapy, and UNICEF which has led the worldwide campaign to universally immunize children against six killer diseases. Likewise, basic education programs and efforts to distribute vitamin A. The vitamin A program, I might add, epitomizes the so much for so little aspects of this bill. Each dose of vitamin costs 3 cents; yet its deficiency has resulted in widespread blindness and mortality.

Noting that 2 million women of childbearing age are estimated to be infected with the AIDS virus, this legislation permanently authorizes the International AIDS Prevention and Control Fund. The bill also recognizes the plight of the 9 million child refugees worldwide. Refugee assistance is so often too little, too late. Consider the images of suffering from Turkey, Iraq, and Iran. Funding for refugee programs and for other severely disadvantaged children would be modestly increased.

We also, once again, call upon the President to sign the United Nations Convention on the Rights of the Child. This convention gives us the opportunity to make the welfare of our children a point of law—guaranteeing children, quite simply, the right to survival, protection, and safe development. This document has been signed by 135 heads of state. It is time that we parted company with the Governments of Iraq and Iran and those remaining few that have withheld their support.

The domestic sections of this act call for increased funding for Head Start and WIC—the Women, Infant, Child Program. WIC provides food supplements and nutrition education for pregnant women, infants, and small children who are at risk for malnutrition. Head Start is a preschool program for disadvantaged children ages 3 to 5. Both programs have long records of proven success and cost effectiveness. Every dollar invested in WIC reduces Medicaid spending by up to $3, because infant mortality is reduced and fewer babies are born premature or with low birthweight. Every dollar invested in Head Start saves $4.75 in later special education, crime, and welfare costs.

This legislation also authorizes additional funds to help develop and deliver new vaccines for children. We are currently witnessing a regression in preventable childhood diseases in America. Outbreaks of measles in Chicago correlate with startling rates of underimmunization throughout the country. It is clear, a priori, that underfunding immunization programs is a very, very expensive way to economize.

The strength of this legislation is that we know it will work. It supports programs that have repeatedly been shown to be effective and cost saving; there is no issue here of "will versus wallet." The nature of this legislation is urgent. The consequences of childhood disease, malnutrition, neglect, or abuse are unforgiving. Delayed help is too often help too late; the status quo for millions of children is simply not tenable.

To assess our progress, this legislation requires the President to report annually to Congress on the status of efforts to achieve the world summit goals. This simple proviso is important. It will be the yardstick by which we measure our faith and commitment to our heirs. Children have neither power, representation, nor influence. They simply represent our future and our legacy. It is indeed true that our national character can be measured by how we care for our children. This legislation is a test of our character which we must not fail.●

● Mr. HATFIELD. Mr. President, I am privileged today to join my colleague, Senator DODD, in sponsoring the World Summit for Children Implementation Act of 1991. We bring before you a bill that, if enacted, would begin to take steps toward solving many of the problems facing our children.

As we near the end of the 20th century, many more countries are turning to democracy and freedom, and still there are vast portions of our population dying each day from starvation and from diseases that could be prevented with a simple vaccine. Sadly, it is our children who are suffering most.

Last year there was held a summit unlike any other that has ever been held. At the World Summit for Children, the 71 Presidents and Prime Ministers in attendance made a promise to the children of the world. They set goals to eradicate child mortality and malnutrition, and to work toward guaranteeing education for all youth. These promises were not empty, Mr. President.

They were made with every intention of making good on them by the year 2000. Never before has there been a greater commitment to end the tragic and unnecessary misery faced by our children, and never before have organizations who fight for our children joined hands in a united coalition to meet these goals so quickly.

The United States, along with the other 159 nations represented at the World Summit for Children, developed a blueprint to provide the needed aid. Today, Senator DODD and I present the World Summit for Children Implementation Act of 1991, which is a direct result of the goals set at the summit. This legislation builds upon the success of several existing programs, both domestic and international. It is consistent, I believe, with the targets and goals of many of us in Congress and as the ranking Republican on the Senate Appropriations Committee I am committed to doing all that I can to meet these goals within this fiscal year.

For the Women, Infants, and Children Program, the bill calls for an increase in funding. The WIC Program has already demonstrated success in reducing the infant mortality rate, the number of premature births, and the percentage of infants born at low birth weight or with disabilities. Still, worldwide there are 40,000 children dying each day of hunger and infection. Approximately 500,000 women are dying each year—one woman each minute—because something has gone wrong in pregnancy or childbirth.

Passage of this bill would increase funding for education of children. The Head Start Program has also shown great success, but requires additional funding in order to provide needed education to all eligible 3- and 4-year-old children. The World Summit for Children called for basic education for all children, and set goals to improve upon the great number of children who are not attending school. More than 110 million children in the developing world lack access to primary education.

Other programs, such as the children's vaccine initiative, and the international infant and child mortality provisions, are designed to address the worldwide health threats which claim the lives of over 14 million children under 5 each year. We know that many of these deaths are preventable so long as the money and the infrastructure to deliver services are available.

Mr. President, I'd like to mention perhaps the most tragic of circumstances of some children—the plight of the refugee child. As the Iraq exodus continues, we have been acutely sensitized to the displaced and especially aware of the toll that it has taken on the children. But as one who has long been involved as a refugee advocate, I can attest to the numbing effect the sheer numbers of displaced people can cause at times. I have spoken many times about compassion fatigue many times and remain concerned that we not remove refugees from our priority list whenever we discuss our humanitarian programs.

Indeed, the refugee disaster in northern Iraq among the Kurdish people is an atrocity that continues daily, and yet it is only a small percentage of the vast numbers of people displaced around the world. Children are especially vulnerable to disease and deaths which occur among refugee people. An estimated 7 million children are now growing up in refugee camps—for many of them it is the only home they have known—and we have got to offer them some hope for their futures.

The difficulties facing children are seemingly endless, and yet we place our greatest optimism with our young. The World Summit for Children confirmed the value of the life of each and every child. The legislation we are introducing today will join the U.S. Government fully and completely with the other nations of the world and with over 40 interest groups to insure the survival of that which is most precious to us—a child.•

By Mr. HATFIELD (for himself, Mr. KASTEN, Mr. DODD, and Mr. BRADLEY):

S.J. Res. 126. Joint resolution to designate the second Sunday in October of 1991 as "National Children's Day"; to the Committee on the Judiciary.

NATIONAL CHIDREN'S DAY

• Mr. HATFIELD. Mr. President, from the first strikes by the elusive stealth fighters to the pinpoint accuracy of our cruise missiles, the men and women who served in the Persian Gulf war were the best equipped, best trained forces this country has ever sent into battle. One of my most vivid memories of the conflict has been and will remain the sights of a Patriot missile streaking into the night sky over Dhahran and Tel Aviv and suddenly finding their target with a brilliant flash of light.

I did not support that war, but it is truly remarkable what a decade has done for our Nation's military when it has enjoyed increasing budgetary and political attention in the name of national security. However, it is not the Persian Gulf war which I want to talk about today. I would like to talk about our children—children who are more important to our Nation's security than any stealth fighter, Patriot missile, or M1-A1 tank.

Mr. President, I rise before you today to introduce a joint resolution designating the second Sunday in October as National Children's Day. I do this in hope of sparking a debate over how we as legislators can help prevent the children of this country from slipping through the cracks. It has been my longstanding belief that our children are this Nation's most valuable resource and we as legislators ought to set aside a day to recognize this simple fact.

As good as the 1980's were for the military, what has happened to the children of this country? Many of the key measures of children's well-being dramatically indicate that the 1980's were a terrible decade. Child poverty, violent deaths among teenagers, and births to unmarried teens all increased substantially. One American child in five now lives in poverty. Another one in five children lives with a single parent. By the year 2000, both numbers will be one in four if current trends continue.

Allow me to give even more startling statistics. Every day 135,000 children take a gun to school. Every 32 seconds, a 15- to 19-year-old woman becomes pregnant. Every 55 seconds, a child is born to a mother who does not even hold a high school diploma. And finally, every 14 hours, a child the age of 5 or younger is murdered.

America's future depends on us to reverse these trends, Mr. President. America's future depends on whether we are willing to help our children today.

Today, children in this, the richest country on earth, are falling asleep in class because their families cannot find adequate shelter for the night, children whose stomachs hurt because they have no food to eat before or during school, and children who cannot concentrate because they are still shaken up from last night's beating. Most of these children are not going to break the cycles of poverty and despair without our help.

Children who are well nourished at school or at home do better on achievement tests. Children who have adequate shelter to get a good night's sleep have better attention spans. And children whose parents get counseling on parenting and support are more likely to reach their intellectual potential. We as legislators are in a position to understand these connections.

Yet the problems still exist. The American taxpayers spend billions of dollars every year on the military, yet we cannot find enough money to help the children of the United States break the cycles of poverty. I agree with the words of Marian Edelman of the Children's Defense Fund that we as a Nation are guilty of economic child neglect.

Congress must now do what makes sense—what is not only fiscally wise but also morally correct. We must commit ourselves to helping provide the underprivileged, unwanted, uneducated, and disabled children of this country with the basic needs to break the grip of poverty. In 1990, we touched the tip of the iceberg. Among other things, we took important steps in child care and early childhood education by passing comprehensive child care legislation. We also reauthorized and expanded Head Start Programs for preschoolers. However, this is only a beginning.

The 1980's was the decade of military buildup with remarkable results. Let us make the 1990's the decade of poverty prevention for our Nation's children and see if we can have the same kind of impact on the children as we did on our military arsenal.•

ADDITIONAL COSPONSORS

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 102

At the request of Mr. COHEN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 102, a bill to amend title IV of the Higher Education Act of 1965 to allow resident physicians to defer repayment of title IV student loans while completing accredited resident training programs.

S. 173

At the requst of Mr. HOLLINGS, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 202

At the request of Mr. COCHRAN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 202, a bill to amend the Fair Labor Standards Act of 1938 to exempt from such Act certain individuals involved in model garment programs, and for other purposes.

S. 253

At the request of Mr. PACKWOOD, his name was added as a cosponsor of S. 253, a bill to provide for the establishment of appropriate legal forums for the enforcement of the Geneva Conventions.

At the request of Mr. REID, his name was added as a cosponsor of S. 253, supra.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such Act, and for other purposes.

S. 405

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 405, a bill to amend the Harmonized Tariff Schedule of the United States to exclude certain footwear assembled in beneficiary countries from duty-free treatment.

S. 471

At the request of Mr. MCCAIN, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 471, a bill to protect consumers by regulating certain providers of 900 telephone services.

S. 489

At the request of Mr. HATCH, the names of the Senator from Washington [Mr. GORTON] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 489, a bill to provide grants to States to encourage States to improve their systems for compensating individuals injured in the course of the provision of health care services, to establish uniform criteria for awarding damages in health care malpractice actions, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 602

At the request of Mr. SASSER, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 602, a bill to improve the food stamp and nutrition programs, and for other purposes.

S. 651

At the request of Mr. GARN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 685

At the request of Mr. GLENN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 685, a bill to establish Summer Residential Science Academies for talented, economically disadvantaged, minority participants, and for other purposes.

S. 715

At the request of Mr. BURNS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 715, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 786

At the request of Mr. PELL, the names of the Senator from Connecticut [Mr. DODD] and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 786, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Kurdish peoples to alleviate suffering.

At the request of Mr. MOYNIHAN, the names of the Senator from Colorado [Mr. WIRTH], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 786, supra.

At the request of Mr. PACKWOOD, his name was added as a cosponsor of S. 786, supra.

S. 795

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 795, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 809

At the request of Mr. MCCAIN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 809, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 845

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of S. 845, a bill to direct the Secretary of State to seek an agreement from the Arab countries to end certain passport and visa policies and for other purposes.

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 86

At the request of Mr. GARN, the names of the Senator from Washington [Mr. ADAMS], the Senator from Hawaii [Mr. AKAKA], the Senator from Missouri [Mr. BOND], the Senator from Colorado [Mr. BROWN], the Senator from Nevada [Mr. BRYAN], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. EXON], the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], the Senator from Washington [Mr. GORTON], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 86, a joint resolution designating April 21 through April 27, 1991 and April 19 through April 25, 1992, as "National Organ and Tissue Donor Awareness Week."

SENATE JOINT RESOLUTION 107

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 107, a joint resolution to designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day."

SENATE JOINT RESOLUTION 110

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Joint Resolution 110, a joint resolution expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

SENATE JOINT RESOLUTION 115

At the request of Mr. MOYNIHAN, the names of the Senator from Virginia [Mr. WARNER], the Senator from Arizona [Mr. DECONCINI], the Senator from North Dakota [Mr. BURDICK], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. INOUYE], the Senator from Colorado [Mr. BROWN], the Senator from California [Mr. CRANSTON], the Senator from Utah [Mr. HATCH], the Senator from Connecticut [Mr. DODD], the Senator from Ohio [Mr. GLENN], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 115, a joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week."

SENATE JOINT RESOLUTION 120

At the request of Mr. INOUYE, the names of the Senator from California [Mr. CRANSTON], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 120, a joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

SENATE JOINT RESOLUTION 124

At the request of Mr. BRADLEY, the names of the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. SHELBY], the Senator from Vermont [Mr. JEFFORDS], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Colorado [Mr. BROWN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 124, a joint resolution to designate "National Visiting Nurse Associations Week" for 1992.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Concurrent Resolution 27, a concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes.

SENATE RESOLUTION 78

At the request of Mr. HOLLINGS, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Resolution 78, a resolution to disapprove the request of the President for extension of the fast track procedures under the Omnibus Trade and Competitiveness Act of 1988 and the Trade Act of 1974.

SENATE CONCURRENT RESOLUTION 29—ORIGINAL CONCURRENT RESOLUTION REPORTED SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT

Mr. SASSER, from the Committee on the Budget, reported the following original concurrent resolution; which was placed on the calendar:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1992.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1992, including the appropriate budgetary levels for fiscal years 1993, 1994, 1995, and 1996, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1992.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Display of Federal retirement trust fund balances.
Sec. 5. Social Security.
Sec. 6. Major functional categories.
Sec. 7. Sale of Government assets.
Sec. 8. Accounting treatment of Social Security revenues.
Sec. 9. Reserve fund for family and economic security initiatives.
Sec. 10. Sense of the Congress in support of children and the family.
Sec. 11. High priority domestic discretionary programs.
Sec. 12. Fairness in Federal program benefits.
Sec. 13. Veterans' programs.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1992, 1993, 1994, 1995, and 1996:

(1) FEDERAL REVENUES.—(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1992: $847,100,000,000.
Fiscal year 1993: $913,400,000,000.
Fiscal year 1994: $1,000,500,000,000.
Fiscal year 1995: $1,078,400,000,000.
Fiscal year 1996: $1,147,900,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1992: $0.
Fiscal year 1993: $0.
Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1992: $82,100,000,000.
Fiscal year 1993: $88,600,000,000.
Fiscal year 1994: $94,400,000,000.
Fiscal year 1995: $100,600,000,000.
Fiscal year 1996: $107,100,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of total new budget authority are as follows:

Fiscal year 1992: $1,268,000,000,000.
Fiscal year 1993: $1,269,300,000,000.
Fiscal year 1994: $1,296,700,000,000.
Fiscal year 1995: $1,334,900,000,000.
Fiscal year 1996: $1,399,000,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1992: $1,198,300,000,000.
Fiscal year 1993: $1,200,800,000,000.
Fiscal year 1994: $1,159,100,000,000.
Fiscal year 1995: $1,196,200,000,000.
Fiscal year 1996: $1,255,600,000,000.

(4) DEFICITS.—The amounts of the deficits are as follows:

Fiscal year 1992: $351,200,000,000.
Fiscal year 1993: $287,400,000,000.
Fiscal year 1994: $158,600,000,000.
Fiscal year 1995: $117,800,000,000.
Fiscal year 1996: $107,700,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1992: $3,989,200,000,000.
Fiscal year 1993: $4,353,100,000,000.
Fiscal year 1994: $4,593,100,000,000.
Fiscal year 1995: $4,793,700,000,000.
Fiscal year 1996: $4,981,300,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1992: $15,400,000,000.
Fiscal year 1993: $15,600,000,000.
Fiscal year 1994: $15,500,000,000.
Fiscal year 1995: $15,600,000,000.
Fiscal year 1996: $15,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1992: $113,700,000,000.
Fiscal year 1993: $117,500,000,000.
Fiscal year 1994: $120,900,000,000.
Fiscal year 1995: $125,100,000,000.
Fiscal year 1996: $129,300,000,000.

(8) SECONDARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new secondary loan guarantee commitments are as follows:

Fiscal year 1992: $83,800,000,000.
Fiscal year 1993: $87,200,000,000.
Fiscal year 1994: $90,700,000,000.
Fiscal year 1995: $94,400,000,000.
Fiscal year 1996: $98,100,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1992: $422,000,000,000.
Fiscal year 1993: $363,900,000,000.
Fiscal year 1994: $240,000,000,000.
Fiscal year 1995: $200,600,000,000.
Fiscal year 1996: $187,600,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1992: $875,500,000,000.
Fiscal year 1993: $1,013,800,000,000.
Fiscal year 1994: $1,167,500,000,000.
Fiscal year 1995: $1,335,900,000,000.
Fiscal year 1996: $1,517,700,000,000.

SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The appropriate levels of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $315,300,000,000.
Fiscal year 1993: $338,700,000,000.
Fiscal year 1994: $365,500,000,000.
Fiscal year 1995: $389,800,000,000.
Fiscal year 1996: $417,200,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The appropriate levels of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1992: $250,200,000,000.
Fiscal year 1993: $262,600,000,000.
Fiscal year 1994: $273,400,000,000.
Fiscal year 1995: $283,300,000,000.
Fiscal year 1996: $292,800,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1992 through 1996 for each major functional category are:

(1) National Defense (050):

Fiscal year 1992:

(A) New budget authority, $290,800,000,000.

(B) Outlays, $295,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $290,900,000,000.

(B) Outlays, $292,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $289,100,000,000.

(B) Outlays, $291,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $292,000,000,000.

(B) Outlays, $292,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $300,600,000,000.

(B) Outlays, $297,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1992:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $7,000,000,000.

(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1993:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $1,800,000,000

(D) New primary loan guarantee commitments, $7,200,000,000.

(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1994:

(A) New budget authority, $21,400,000,000.

(B) Outlays, $19,200,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $7,500,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

Fiscal year 1995:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $19,800,000,000

(C) New direct loan obligations, $1,900,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $20,100,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $8,100,000,000.

(E) New secondary loan guarantee commitments, $500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1992:

(A) New budget authority, $16,500,000,000.

(B) Outlays, $16,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $16,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $16,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $16,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,800,000,000.

(B) Outlays, $17,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1992:

(A) New budget authority, $5,400,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $5,300,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1992:

(A) New budget authority, $19,500,000,000.

(B) Outlays, $19,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $20,700,000,000.

(B) Outlays, $20,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $20,500,000,000.

(B) Outlays, $19,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $20,700,000,000.

(B) Outlays, $20,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $21,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1992:

(A) New budget authority, $22,600,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $7,500,000,000.

(D) New primary loan guarantee commitments, $8,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $19,200,000,000.

(B) Outlays, $15,700,000,000.

(C) New direct loan obligations, $7,300,000,000.

(D) New primary loan guarantee commitments, $7,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $7,100,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $6,800,000,000.

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $6,500,000,000

(D) New primary loan guarantee commitments, $7,800,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1992:

(A) New budget authority, $105,900,000,000.

(B) Outlays, $105,100,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $66,600,000,000.

(E) New secondary loan guarantee commitments, $83,400,000,000.

Fiscal year 1993:

(A) New budget authority, $57,700,000,000.

(B) Outlays, $53,900,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $69,200,000,000.

(E) New secondary loan guarantee commitments, $86,800,000,000.

Fiscal year 1994:

(A) New budget authority, $38,700,000,000.

(B) Outlays, $30,200,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $71,800,000,000.

(E) New secondary loan guarantee commitments, $90,200,000,000.

Fiscal year 1995:

(A) New budget authority, $21,100,000,000.

(B) Outlays, $42,000,000,000.

(C) New direct loan obligations, $2,900,000,000

(D) New primary loan guarantee commitments, $74,500,000,000.

(E) New secondary loan guarantee commitments, $9,900,000,000.

Fiscal year 1996:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $38,300,000,000.

(C) New direct loan obligations, $3,000,000,000

(D) New primary loan guarantee commitments, $77,300,000,000.

(E) New secondary loan guarantee commitments, $97,600,000,000.

(8) Transportation (400):

Fiscal year 1992:

(A) New budget authority, $32,200,000,000.

(B) Outlays, $33,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $33,500,000,000.

(B) Outlays, $34,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $34,100,000,000.

(B) Outlays, $33,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $35,000,000,000.

(B) Outlays, $34,300,000,000.

(C) New direct loan obligations, $100,000,000

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $36,400,000,000.

(B) Outlays, $36,700,000,000.

(C) New direct loan obligations, $100,000,000

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1992:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $6,700,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,400,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,100,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,100,000,000.

(C) New direct loan obligations, $1,500,000,000

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,600,000,000.

(B) Outlays, $6,300,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1992:

(A) New budget authority, $54,200,000,000.

(B) Outlays, $48,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $12,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $53,700,000,000.

(B) Outlays, $51,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $12,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $52,900,000.

(B) Outlays, $51,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $53,200,000,000.

(B) Outlays, $51,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $54,800,000,000.

(B) Outlays, $49,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,800,000,000.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1992:

(A) New budget authority, $82,900,000,000.

(B) Outlays, $83,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $92,900,000,000.

(B) Outlays, $92,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $102,200,000,000.

(B) Outlays, $101,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $112,300,000,000.

(B) Outlays, $111,100,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $124,500,000,000.

(B) Outlays, $123,800,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1992:

(A) New budget authority, $120,000,000,000.

(B) Outlays, $116,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $131,300,000,000.

(B) Outlays, $128,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $145,300,000,000.

(B) Outlays, $141,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $161,700,000,000.

(B) Outlays, $157,200,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,800,000,000.

(B) Outlays, $176,200,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1992:

(A) New budget authority, $221,300,000,000.

(B) Outlays, $180,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $229,200,000,000.

(B) Outlays, $188,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $240,600,000,000.

(B) Outlays, $198,700,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $253,400,000,000.

(B) Outlays, $207,900,000,000.

(C) New direct loan obligations, $100,000,000

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $266,100,000,000.

(B) Outlays, $217,100,000,000.

(C) New direct loan obligations, $100,000,000

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1992:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $8,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $6,500,000,000.

(B) Outlays, $8,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $10,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $8,400,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1992:

(A) New budget authority, $33,400,000,000.

(B) Outlays, $33,500,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $18,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $34,900,000,000.

(B) Outlays, $34,600,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $19,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $35,000,000,000.

(B) Outlays, $36,300,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $19,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $35,700,000,000.

(B) Outlays, $35,400,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $20,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $36,300,000,000.

(B) Outlays, $35,100,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $21,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1992:

(A) New budget authority, $12,900,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $14,500,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1992:

(A) New budget authority, $13,300,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $14,100,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1992:

(A) New budget authority, $235,400,000,000.

(B) Outlays, $235,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $253,000,000,000.

(B) Outlays, $253,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $268,800,000,000.

(B) Outlays, $268,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $280,400,000,000.

(B) Outlays, $280,400,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $292,500,000,000.

(B) Outlays, $292,500,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1992: $312,800,000,000.

Fiscal year 1993: $337,900,000,000.

Fiscal year 1994: $357,000,000,000.

Fiscal year 1995: $369,900,000,000.

Fiscal year 1996: $380,700,000,000.

(20) Allowances (920):

Fiscal year 1992:

(A) New budget authority, $0.

(B) Outlays, −$16,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $0.

(B) Outlays, −$12,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $0.

(B) Outlays, −$76,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $0.

(B) Outlays, −$14,600,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $0.

(B) Outlays, −$22,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

(A) Fiscal year 1992:

(A) New budget authority, −$32,600,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $−33,300,000,000.

(B) Outlays, −$33,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, −$33,900,000,000.

(B) Outlays, −$33,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$34,500,000,000.

(B) Outlays, −$34,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$35,000,000,000.

(B) Outlays, −$35,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

SEC. 7. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets to nongovernment buyers; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of allocations and points of order under sections 302, 601, and 602 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from asset sales or prepayments of loans shall not be allocated to a committee and shall not be scored with respect to the level of budget authority, outlays, or revenues under a committee's allocation under section 302, 601, or 602 of that Act.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "asset sale" and "prepayment of a loan" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the terms "asset sale" and "prepayment of a loan" do not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986.

SEC. 8. ACCOUNTING TREATMENT OF SOCIAL SECURITY REVENUES.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the Congress should not enact—

(A) major spending changes to the Social Security system; or

(B) major revenue changes to the Social Security system,

without a fair and open debate of the budgetary consequences of those changes in the context of the concurrent resolution on the budget; and

(2) the Congress should not enact major reductions in Social Security revenues unless the current actuarial estimates of the Social Security Trust Funds over the next 75 years indicate the Trust Funds are actuarially sound.

(b) ACCOUNTING TREATMENT.—For purposes of allocations and points of order under sections 302 and 311 of the Congressional Budget and Impoundment Control Act of 1974 with respect to this concurrent resolution on the budget, the amounts by which estimated Social Security revenues (excluding Social Security revenues provided for in the bill, resolution, amendment, or conference report with respect to which this paragraph is applied) exceed the appropriate level of Social Security revenues specified in this concurrent resolution on the budget shall not be—

(1) deemed to reduce Social Security outlays;

(2) allocated to a committee as outlays; or

(3) scored as outlays with respect to the level of Social Security outlays,

under a committee's allocation under section 302 of that Act or the appropriate level of Social Security outlays specified in this concurrent resolution on the budget.

(c) DEFINITIONS.—For purposes of this section—

(1) the terms "Social Security revenues" and "Social Security outlays" shall have the same meaning as under title III of the Congressional Budget and Impoundment Control Act of 1974; and

(2) no provision of any bill or resolution, or any amendment thereto or conference report thereon, involving a change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of Social Security revenues unless such provision changes the income tax treatment of Social Security benefits.

SEC. 9. RESERVE FUND FOR FAMILY AND ECONOMIC SECURITY INITIATIVES.

(a) INITIATIVES TO IMPROVE THE HEALTH AND NUTRITION OF CHILDREN AND TO PROVIDE FOR SERVICES TO PROTECT CHILDREN AND STRENGTHEN FAMILIES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to improve the health and nutrition of children and to provide for services to protect children and strengthen families.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(b) ECONOMIC RECOVERY INITIATIVES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery initiatives for unemployment compensation or other, related programs when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary for economic recovery initiatives for unemployment compensation or other, related programs.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and

602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) to carry out this subsection.

(c) Continuing Improvements in Ongoing Health Care Programs and Phasing-In of Health Insurance Coverage for All Americans.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs or to begin phasing-in health insurance coverage for all Americans when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to make continuing improvements in ongoing health care programs or to begin phasing in health insurance coverage for all Americans.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) to carry out this subsection.

(d) Expand Access to Early Childhood Development Services For Low-Income Pre-Schoolers.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to expand access to early childhood development services for low-income pre-schoolers when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary to expand access to early childhood development services for low-income pre-schoolers.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon such legislation (if a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

(e) To Fund Surface Transportation.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for surface transportation when another committee or committees of the Senate or a committee of conference have reported legislation that will, if enacted, reduce budget authority and outlays in an amount that is equal to or exceeds the funding necessary for legislation that increases funding for surface transportation.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) to carry out this subsection.

SEC. 10. SENSE OF THE CONGRESS IN SUPPORT OF CHILDREN AND THE FAMILY.

It is the sense of the Congress that if a surtax on the income of millionaires is enacted, then the revenue generated by such a surtax will be used to offset a commensurate increase in direct tax assistance to families, which will include increasing dependent exemptions and tax credits for children.

SEC. 11. HIGH PRIORITY DISCRETIONARY PROGRAMS.

(a) Finding.—The Congress finds that, within the current inventory of Federal programs and projects (both domestic and defense), there are inefficient, parochial, and outdated programs.

(b) Sense of Congress.—It is the sense of the Congress that, within the discretionary allocations included in this concurrent resolution on the budget, the Committees on Appropriations should—

(1) consider proposals to terminate substandard and inefficient projects and programs in 1992;

(2) reduce the Federal investment in outdated projects and programs; and

(3) reallocate those resources to higher-priority discretionary programs and projects.

SEC. 12. FAIRNESS IN FEDERAL PROGRAM BENEFITS.

(a) Findings.—The Congress finds that—

(1) Federal spending for all segments of the population has grown significantly over the last 2 decades, and that Federal benefits increasingly have been provided not necessarily to those with low pre-Federal transfer incomes, but to those who have pre-transfer incomes above their poverty thresholds;

(2) substantial amounts of Federal Government spending, nearly $26.5 billion in calendar year 1989, went to households with incomes that put them in the top 20 percent of all households; and

(3) Government assistance in the form of—

(A) school lunch subsidies which are provided to all participating students regardless of family income;

(B) direct income support payments to farmers with incomes over $125,000 per annum;

(C) low-cost loans to students from higher income families, and at times, awarded without regard to family income;

(D) nonstandardized benefit structures for payments to survivors of service persons whose death occurred while on active duty or as a result of service-connected illness; and

(E) large subsidies for the wealthiest medicare beneficiaries,

continues to grow unabated.

(b) Sense of Congress.—It is the sense of the Congress that legislation should be enacted to provide a wiser, more fair and more equitable distribution of Federal benefits. Subsidies that are provided to the wealthiest segments of our society should be either redirected to provide more assistance to the poor and the underprivileged, or applied to further deficit reduction.

SEC. 13. VETERANS' PROGRAMS.

It is the sense of the Congress that—

(1) veterans' programs are a top National priority and that there are critical needs, particularly in the area of veterans medical care which must be addressed; the Congress urges the Committees on Appropriations, while acting within the limits of the discretionary caps, to give maximum consideration to veterans' benefit programs; and

(2) the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1990 placing limits on the estate size of incompetent veterans without dependents may be inconsistent with the Americans with Disabilities Act (Public Law 101-336) and therefore discriminatory; the committees of jurisdiction should consider modifying these provisions on a deficit-neutral basis to provide alternate methods for achieving the budget savings assumed within that Act.

SENATE EXECUTIVE RESOLUTION 104—RELATIVE TO THE RETURN OF CERTAIN TREATY AMENDMENTS

Mr. PELL, from the Committee on Foreign Relations, reported the following original executive resolution; which was placed on the Executive Calendar:

S. Exec. Res. 104

Resolved, That the Secretary of the Senate is directed to return to the President of the United States, as requested in his message to the Senate under date of March 19, 1991, the following treaties:

1. A 1979 Amendment to Regulation 49(4)(b) of Annex II of the International Convention on Load Lines, 1966, adopted at London November 15, 1979 (Treaty Document 97-14, 97th Congress, 1st Session).

2. The 1983 Amendments to Regulations 47 and 48 of Annex II of the International Convention on Load Lines, 1966, adopted at London November 17, 1983 (Treaty Document 100-12, 100th Congress, 2nd Session).

SENATE RESOLUTION 105—RECOGNIZING THE CONTRIBUTIONS OF THE HUGOTON GAS FIELD TO THE NATION

Mr. DOLE (for himself and Mrs. KASSEBAUM) submitted the following resolution; which was considered and agreed to:

S. RES. 105

Whereas the Hugoton Gas Field holds the most recoverable reserves of any gas field in the United States, and is one of the largest fields in the world;

Whereas the Hugoton Gas Field has been a major source of natural gas for the United States, yielding over 28.8 trillion cubic feet of natural gas since it was discovered in 1927;

Whereas Hugoton's minerals were of particular importance to the Nation during World War II, the Korean Conflict, and the Vietnam War;

Whereas natural gas has long played a critical role in the energy needs of the United States; and

Whereas the Hugoton Gas Field will be a vital part of our Nation's future energy security: Now, therefore, be it

Resolved, That the Hugoton Gas Field is recognized for its important contributions to the Nation.

SENATE RESOLUTION 106—RELATIVE TO DEMOCRACY AND HUMAN RIGHTS IN YUGOSLAVIA

Mr. DOLE (for himself, Mr. SYMMS, Mr. PELL, and Mr. HELMS) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas in 1990 four of the six republics in Yugoslavia elected non-communist democratic governments;

Whereas in 1990 two republics in Yugoslavia elected communist governments;

Whereas in 1990 the provinces of Kosova and Vojvodina were stripped of their autonomous status by the government of the Republic of Serbia;

Whereas the U.S. Department of State's 1990 annual report on human rights states that, "in the province of Kosova, Serbian authorities continued and intensified repressive measures that featured in 1990 thousands of political arrests, tens of thousands of politically motivated job dismissals, and widespread police violence against ethnic Albanians."

Whereas the Yugoslav Army has threatened the use of military force to undermine the democratic republics of Yugoslavia and to suppress human rights in the province of Kosova and elsewhere;

Whereas despite continuous and good-faith efforts by the democratic republics to come to a negotiated agreement on the future structure of Yugoslavia, there remains a threat of a military crackdown;

Whereas the political situation in Yugoslavia is highly uncertain: Now, therefore, be it

Resolved, That:

SECTION 1: United States policy toward Yugoslavia should be based on support for democracy and human rights for all of the people of Yugoslavia.

SEC. 2: The Senate calls on Serbian President Slobodan Milosevic to cease all repressive policies against the Albanian population of Kosova.

SEC. 3: The Senate calls on Yugoslav President Jovic and the Yugoslav Army to refrain from the use of coercive tactics and force against the democratically elected governments of the republics of Bosnia-Hercegovina, Croatia, Macedonia and Slovenia.

SEC. 4: The Senate notes that the criteria established in Section 599A of P.L. 101-513 have not been met by the Yugoslav and Serbian governments.

SEC. 5: In the event of a military crackdown by the Yugoslav Army or the imposition of martial law in Yugoslavia, the President should immediately suspend all economic and technical benefits provided by the United States to Yugoslavia.

SENATE RESOLUTION 107—CONCERNING FREEDOM AND HUMAN RIGHTS FOR TIBET

Mr. MOYNIHAN (for Mr. PELL, for himself, Mr. HELMS, Mr. MITCHELL, Mr. DOLE, Mr. MOYNIHAN, Mr. CRANSTON, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas during the past four decades, repressive actions by the Chinese Government have resulted in the deaths of as many as one million Tibetans, the destruction of a large part of Tibet's unique cultural heritage, the flight of the Dalai Lama and tens of thousands of Tibetans from their homeland;

Whereas the United States Department of State, human rights organizations including Amnesty International and Asia Watch, and the international press continue to report human rights violations in Tibet, including the use of excessive force on peaceful demonstrations, arbitrary arrest and detention, unfair trials, torture and death from torture, the restriction of religious practices, and systematic pattern of discrimination, among other violations;

Whereas the Government of the People's Republic of China continues to imprison Tibetans for the peaceful expression of their political, cultural and religious views, including Tamdin Sithar, Yulo Dawa Tsering, Turing Chungdak, Ngawang Puchung, Tseten Norgye, Lhakpa Tsering, Dawa Dolma, Tenzin Phuntsog, Ayal Tsering, and Ngawang Youdon;

Whereas in 1960 the International Commission of Jurists' report on Tibet stated that "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law": Now, therefore, be it

Resolved by the Senate that, the Senate commends the President for his historic meeting with His Holiness the Dalai Lama of Tibet;

It is the sense of the Senate that the Government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them; and

It is the sense of the Senate that all Americans are united on the goals of freedom and human rights for Tibet.

SENATE RESOLUTION 108—RELATIVE TO THE ILLNESS OF THE HONORABLE DAVID PRYOR, A SENATOR FROM THE STATE OF ARKANSAS

By Mr. BUMPERS (for himself, Mr. ADAMS, Mr. AKAKA, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BOREN, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BURDICK, Mr. BURNS, Mr. BYRD, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WELLSTONE, and Mr. WIRTH) submitted the following resolution; which was considered and agreed to:

S. RES. 108

Whereas our esteemed colleague, David Pryor, is in George Washington University Hospital recovering from an illness; and

Whereas his exemplary service in state and national public offices merits the respect and admiration of his colleagues; and

Whereas his recent illness requires him to be absent from the United States Senate: Now, therefore, be it

Resolved, That the Senate express its regret that Senator Pryor's illness will require his absence from the Senate chamber; and be it further

Resolved, That the Senate express its heartfelt wishes to Senator Pryor for a speedy and complete recovery, and that he return to this duties, serving the people of Arkansas, in the very near future.

AMENDMENTS SUBMITTED

FUTURES TRADING PRACTICES ACT

WIRTH (AND OTHERS) AMENDMENTS NO. 71

Mr. WIRTH (for himself, Mr. BOND, Mr. RIEGLE, Mr. DODD, and Mr. GARN) proposed an amendment, which was subsequently modified, to the bill (S. 207) to amend the Commodity Exchange Act to authorize appropriations for and enhance the effectiveness of the Commodity Futures Trading Commission, to curb abuses in the making of trades and the execution of orders at designated contract markets, to provide greater representation of the public interest in the governance of such contract markets, to enhance the integrity of the U.S. financial markets by providing for Federal oversight of margins on stock index futures, clarifying jurisdiction over innovative financing products and providing mechanisms for addressing intermarket issues, and for other purposes, as follows:

On page 12 of the Committee amendment (as modified), after line 9, add the following new sections:

SEC. 305. DIRECTIVES REGARDING INTERMARKET ISSUES.

(a) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall each respectively—

(1) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to strengthen the overall stability of domestic equity and equity derivative markets and maintain fair and orderly markets through the adoption and approval of appropriate coordinated "circuit breaker" mechanisms and similar requirements;

(2) establish (for all domestic equity and equity derivative markets) effective prohibitions on intermarket frontrunning, and require the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to establish effective procedures for sharing price, trading, and enforcement data for the detection of intermarket front-running, fraud, and other violations;

(3) adopt (for all domestic equity and equity derivative markets) such rules and regulations, issue such orders, and approve, subject to applicable requirements, such rules of the self-regulatory organizations and contract markets subject to their respective regulatory authority as may be necessary to facilitate the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) adopt such rules and regulations, issue such orders, and, subject to applicable requirements, approve such rules of the self-regulatory organizations and contract markets and clearing organizations subject to their respective regulatory authority as may be necessary or appropriate to authorize the prompt implementation of systems for the cross-margining of intermaket positions and the use of such intermarket positions as security interest for loans and other extensions of credit and the establishment or maintenance of margin on futures and options contracts; and

(5) establish policies with regard to the negotiation and development of international regulatory agreements and standards involving intermarket issues.

(b) OTHER ISSUES.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, shall identify and address other intermarket issues as the issues arise.

(c) REPORT.—Not later than 15 months after the effective date of this Act, the Securities Exchange Commission and the Commodity Futures Trading Commission shall report to Congress on the actions the Commissions have taken to carry out this section.

PERSIAN GULF WAR CRIMINALS PROSECUTION ACT

McCAIN (AND OTHERS) AMENDMENT NO. 72

Mr. McCONNELL (for Mr. McCAIN, for himself, Mr. SIMON, and Mr. McCONNELL) proposed an amendment to the bill (S. 253) to provide for the establishment of appropriate legal forums for the enforcement of the Geneva Conventions, as follows:

On page 7, line 3 insert the following additional language before the word "there":

"Iraq is a signator to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed in Geneva, Switzerland, on May 8, 1977, which provides in Article 1 that: Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party." and,"

PELL AMENDMENT NO. 73

Mr. GORE (for Mr. PELL) proposed an amendment to the bill S. 253, supra, as follows:

On page 11, line 19, strike all beginning with (3) through State on line 20 and insert the following:

(3) Support and facilitate the carrying out of such duties and responsibilities as may be required of the United States Government to implement the United States role with respect to the prosecution of Persian Gulf war criminals before such international criminal tribunal once it is established.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m. April 18, 1991, to consider S. 341.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 18, at 10 a.m. to hold a business meeting to consider and vote on pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 18, 1991, at 10 a.m., to hold a hearing on "Crime Control—The Administration's View."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet during the session of the Senate on Thursday, April 18, at 9:30 a.m., for a hearing on the subject: "Alcohol Dependency: Are Veterans Getting the Health Care They Need?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence, of the Committee on Armed Services be authorized to meet in closed session on Thursday, April 18, 1991 at 2 p.m. to receive testimony on recent developments in Soviet strategic forces in review of the fiscal years 1992–93 national defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs be allowed to meet during the session of the Senate Thursday, April 18, 1991, at 2 p.m. to conduct a hearing on the reauthorization of the urban mass transportation act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, April 18, 1991, at 9 a.m., to receive testimony on Department of Energy National Security Programs in the fiscal years 1992–93 national defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 18, 1991, at 9:15 a.m. to hold a hearing on the Uruguay round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade [GATT].

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, April 18, beginning at 9:30 a.m., to conduct a hearing on the Civilian Radioactive Waste Program of the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Foreign Relations Committee be authorized to meet during the session of the Senate on Thursday, April 18, at 2 p.m. to hold a hearing to review the fiscal year 1992 foreign assistance request for the Western Hemisphere.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE RETIREMENT OF MAJ. GEN. KEITHE E. NELSON, THE JUDGE ADVOCATE GENERAL, U.S. AIR FORCE

• Mr. CONRAD. Mr. President, I rise today to pay tribute to a fellow North Dakotan, Maj. Gen. Keithe E. Nelson, the Judge Advocate General of the U.S. Air Force. General Nelson is retiring from the Air Force having completed over 31 years of distinguished service. We owe him a debt of gratitude for his many contributions to his Nation and the legal profession.

General Nelson was born in Grand Forks, ND, and is an alumnus of the University of North Dakota, where he received an undergraduate degree in philosophy in 1958 and a bachelor of laws degree in 1959. He was commissioned an officer in the Air Force through the Reserve Officer Training Corps at the university in June 1958 and entered active duty in August 1959.

General Nelson has held many challenging positions in assignments throughout the world and excelled in every one. In 1985, he was appointed the Deputy Judge Advocate General of the Air Force, and was elevated to his present duties in 1988.

I know General Nelson will be truly missed. His colleagues know him as a gentleman, a superior officer, and a lawyer's lawyer. One of General Nelson's primary concerns has been the morale and welfare of Air Force personnel and their families. He translated his concerns into direct action by revitalizing and improving the outstanding legal assistance programs which serve all Air Force personnel, their dependents, and retirees. He also spearheaded the implementation of the total force concept in the Judge Advocate General's department and is largely responsible for the extremely effective combination of active, reserve, and air national guard legal support enjoyed by today's Air Force and demonstrated so impressively in Operations Desert Shield and Storm. Finally, I must emphasize the principles of professionalism, integrity, vision, and dedication he has lived by and instilled in his subordinates throughout his career. The Air Force and the Judge Advocate General's department have benefited immeasurably from his leadership.

The Air Force has recognized General Nelson's accomplishments with numerous decorations and awards, including the Air Force Commendation Medal, the Meritorious Service Medal, the Legion of Merit, and upon his retirement, the Distinguished Service Medal. General Nelson will return to North Dakota and continue his service to the public and the legal profession as the director of Judicial Planning and Research for the North Dakota Supreme Court.

I know I speak for my colleagues in the Congress and for our Nation in thanking General Nelson for his dedication to duty and wishing him success in his future endeavors.•

A SALUTE TO THE CHINESE AMERICAN SERVICE LEAGUE

• Mr. DIXON. Mr. President, I would like to take this opportunity to honor the Chinese American Service League [CASL], an organization dedicated to solving the problems faced by Chinese-American residents and immigrants in Chicago, as the league members receive the prestigious Sara Lee Foundation 1991 Chicago Spirit Award.

CASL was founded in 1978 by a group of Chinese-American professionals concerned about the assimilation of Chicago's 35,000 Chinese immigrants into their new American home at a time when there was a severe lack of social services catering to their special needs. With one eye on making the transition from the old country a little easier and the other on helping new arrivees retain their wondrous Chinese culture, the CASL established free English translation services, individual and family counseling, and support for elderly immigrants.

From these humble origins, the CASL has developed into the largest and most viable social service agency for Chinese-Americans in Chicago. Their services have helped more than 14,000 Chinese-Americans make the transition to their new land. CASL now also provides employment counseling, immigration services, day care vocational training, health screening, and energy assistance as means of further aiding new arrivals.

CASL's success can be traced to the committed volunteers who selflessly give of their time and energies to make the organization an integral part of Chicago's burgeoning Asian community. I would like to especially commend Mark Chan, president of the board of directors of the CASL, and Bernarda Wong, executive director of CASL, for their exemplary service, not only to Chinese-Americans, but to the entire city of Chicago and the State of Illinois.

Mr. President, I salute the CASL and congratulate its members on their wonderful achievements. They truly are a magnificent point of light for the city of Chicago and the State of Illinois.•

THE RAIL LABOR AGREEMENT

• Mr. WELLSTONE. Mr. President, I rise to outline for the record my position on the emergency resolution passed by the Senate late last night. As a member of the Labor and Human Resources Committee, I have in recent weeks been in close touch with all parties to these negotiations, and worked with my colleagues on the committee trying to craft a fair and reasonable compromise agreement. I am grateful to Chairman KENNEDY, ranking minority member HATCH, and Senator METZENBAUM, chairman of the Labor Subcommittee, who worked so long and hard to develop this final agreement.

In the last 30 years, we have had only a relatively few occasions where Congress has acted regarding a strike in the rail industry. None of those disputes has involved such deep disagreements on such complex and contentious issues as these negotiations, including working conditions, wages, health care, seniority districts, and a host of other issues. There are 98 carriers, 11 national unions, and over 230,000 rail industry employees covered by the procedures outlined in this resolution.

House Joint Resolution 222 embodies two important principles. First, it respects the principle of collective bargaining by establishing a 65-day process for further negotiations between the parties refereed by a new advisory board composed of a former member of Presidential Emergency Board 219 and two new members who will hopefully offer a fresh perspective on the issues. It is my hope that this process will result in voluntary, mutual agreements by the parties on items on which they continue to disagree.

Second, the agreement fulfills our obligation to the American public by requiring the parties to return to work immediately, avoiding the dramatic economic effects of a nationwide railroad work stoppage.

I must say candidly, Mr. President, I was disappointed in some of the terms of the final agreement. I am concerned that one of the major pillars of the social compact between labor and management in this country, the right to strike, could in the long term be vitiated for rail labor by the agreement made under threat of outright imposition of the Presidential Emergency

Board recommendations. I had hoped the threat of a strike would prompt the parties to negotiate in good faith toward a final and prompt resolution of those issues which continue to divide them. I am concerned that the delicate balance between railroad labor and management has shifted dramatically during the 1980's decade of deregulation.

The collective bargaining process is the best way to ensure a just settlement of longstanding labor disputes. I am grateful to see this important principle reaffirmed, and hopeful that the new Board will consider on its merits all of the information provided by the parties, as provided for in the resolution. I urge the new Board members to consider that their findings will profoundly affect the lives and livelihoods of 230,000 railroad employees and their families. Those workers have worked for the last 3 years without a pay increase. They have agreed to extend voluntarily the most recent cooling-off period for 60 days to prevent a strike from inhibiting our efforts in the Persian Gulf. Their families have often suffered from their difficult work schedules and falling real incomes.

If these realities are considered by members of the new Board, I am hopeful that the negotiation mechanism and timetable established for further clarification and board reports on outstanding issues will lead to a just and reasonable settlement of the remaining disputes by all parties.

Railroad workers and their families deserve decent wages, working conditions, and health care benefits. And they deserve the second chance this bill would provide—a second chance many thought they would not get if Congress had imposed outright the PEB recommendations—to continue to negotiate in good faith toward a just settlement.●

RAIL STRIKE SETTLEMENT

● Mr. DURENBERGER. Mr. President, yesterday morning our country woke up to a nationwide rail strike. Ten of our railroad unions struck the major class I freight rail carriers over a dispute concerning wages, health benefits, and work rules. This strike occurred after the parties negotiated to impasse over their respective issues, and failed to reach agreement based on the recommendations of a Presidential Emergency Board [PEB].

This strike occurred during a period when our Nation could ill afford a major disruption to commerce. In my home State of Minnesota, many of our manufacturing industries have implemented 1-day, just-in-time inventory systems, where they maintain only 1 day of inventory before exhausting their supply of raw materials. Similarly, many lumber, paper, and grain companies have vastly reduced their inventories, as well as their ability to store finished products. Moreover, our economy is emerging from a recession that has left thousands of good, hardworking Americans unemployed and displaced. This rail strike can only harm our Nation's industries and their employees as they attempt to survive during an economic downturn. Indeed, there can be no doubt that even a relatively short, 1- or 2-day strike could have a major impact on the economy in Minnesota and in the country as a whole.

That is why, Mr. President, I am pleased that the Congress and the administration have reached an agreement that will end this dispute. The congressonal delegation, composed of Senate and House Republicans and Democrats, negotiated with the administration long into the small hours of Wednesday morning on a compromise package that will avoid a major disruption of our economy.

In brief, the compromise provides for a second Board to be appointed by the President to study and provide recommendations that will serve as a basis for a negotiated solution to this impasse. Significantly, the compromise provides that upon enactment of this implementing legislation, the unions will return to work and the railroads will not change working conditions until the parties have presented their rearguments before the new Board. The result is that the country will be spared a national crisis, and the parties will be granted further opportunity to work out their difficulties through a dispute resolution procedure.

The compromise package addresses several other issues that I believe are vitally important. The new Board will have jurisdiction to modify only those areas on which the first Board issued substantive recommendations. Significantly, however, the new Board must assume that the PEB's initial recommendations were presumptively valid; a party challenging the PEB's recommendation has the burden of persuasion that the initial PEB's guidance was the result of a mistake, an error, or was demonstrably inequitable. The result is that the 9 months that the first Board spent carefully examining issues such as wages, health benefits, and work rules, will not be wasted.

Mr. President, I applaud this compromise legislation. It provides substantive review for the parties in areas where they either disagree as to the PEB's recommendation or where they require clarification of the first PEB report. On the other hand, it requires the second panel to give due respect to the PEB's extensive efforts to reach compromise.

I would like to add one further comment. I am a strong supporter of the collective bargaining process, and I do not take lightly Federal intervention in a labor dispute that disrupts labor and management's right to settle their dispute on their own. Nevertheless, I feel that after the parties have spent over 3 years attempting to resolve their differences, after the parties have exhausted all of the dispute resolution mechanisms codified under the Railway Labor Act, and after the parties spent 9 months presenting extensive evidence before the Presidential Emergency Board, I honestly believe that quick resolution of this dispute was not likely to occur.

Mr. President, I believe that the Federal Government has a legitimate role to play in facilitating a settlement between the parties when a labor dispute poses a substantial threat to interstate commerce. I have great confidence that Government has played a constructive role in creating a mechanism for the parties to work out their differences before this second Board. Accordingly, I strongly endorse this legislation that seeks to avert a national economic crisis caused by the current rail strike.●

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE ELECTIONS

● Mr. GORE. Mr. President, as outgoing chairman of the Environmental and Energy Study Conference, I want to congratulate our colleagues, Senators John McCain and Chris Dodd, who this morning have been elected the study conference's chairman and vice chairman for this Congress.

For the House, Representatives Bob Wise and Jan Meyers have been reelected chairman and vice chair.

The officers were elected by the study conference's executive committee, which itself was elected earlier this week.

Senate members of the executive committee for the 102d Congress are Senators John H. Chafee, Christopher J. Dodd, Patrick Leahy, John McCain, Bob Packwood, Claiborne Pell, and myself.

Those serving on the Executive Committee from the House are Representatives Anthony C. Beilenson, Bill Brewster, George E. Brown, Jr., Jim Cooper, Peter A. DeFazio, Harris W. Fawell, Dean A. Gallo, Bill Green, Steve Gunderson, Scott L. Klug, Jim Kolbe, Bob Livingston, Bill Lowery, Jan Meyers, Frank Pallone, Jr., Gerry E. Studds, Mike Synar, Craig Thomas, Bob Wise, and Ron Wyden.

The study conference is the largest legislative service organization, or caucus, in Congress, with a membership of more than 380 Senators and House Members. It provides objective analysis of the environmental, energy, and natural resources issues before us and organizes forums and briefings for Senators and House Members to discuss the issues with administration officials and outside experts. The conference does not take political positions.

The contributions of the conference to our policymaking have never been more important than they are now. The headlines are filled with environmental and energy problems we must address, from disturbing new reports on the seriousness of ozone layer depletion to the ramifications of our dependence on Persian Gulf oil.

I look forward to working with the conference's new officers and the other members of the Executive Committee in guiding this fine organization.●

ONEOK INC. ENERGY STRATEGY

● Mr. BOREN. Mr. President, Congress is currently struggling with comprehensive energy legislation. I believe this effort may have a greater impact on the future of the State of Oklahoma and the entire Nation than any other legislation we address this year.

Many energy proposals have been put forth. The President has compiled his national energy strategy. I have recently joined with my colleague, Senator NICKLES, in outlining a plan that we believe will greatly improve the Nation's energy situation by removing regulatory barriers to oil and gas production and marketing and would provide new tax incentives for domestic production. Our colleagues, Senators JOHNSTON and WALLOP, have introduced their energy package which is currently being considered by the Senate Energy Committee.

Mr. President, as we deliberate on these different legislative proposals, I hope my colleagues will consider the views of a company that has become a leader in the energy industry in my State. ONEOK, Inc., is a diversified energy company headquartered in Tulsa. ONEOK's various divisions provide natural gas utility services, compresses and transports natural gas, and explore and drill for new oil and gas production. ONEOK is a leader in the compressed natural gas [CNG] industry and is paving the way in research on the use of CNG vehicles.

The board of ONEOK has compiled a seven-point energy plan designed to strengthen America's energy industry and reduce our dependence on imported oil. Their position paper puts forth their views on several issues, but it stresses the need for petroleum price stability. ONEOK suggests several specific policy options that would lead us toward that goal.

Mr. President, I have strongly endorsed particular items of ONEOK's strategy and I am currently studying the effects of others. However, I feel that my colleagues could benefit from hearing the views of such an experienced and diverse energy company and I ask that the ONEOK plan be printed at this point in the RECORD.

ONEOK INC. ENERGY STRATEGY

1. We support increased federal funding for research, development, and demonstration of natural gas utilization technologies.

2. We support efforts that promote energy efficiency rather than conservation mandates.

3. We support an aggressive national energy policy initiative to substitute natural gas for oil products in order to reduce the United States' dependence on unstable oil supplies.

4. We support a national energy policy that recognizes the positive impact which the use of clean-burning natural gas can make on the environment.

5. We support a practical environmental approach to exploration based on fact rather than emotion. We support development of oil and gas resources on federal lands, with appropriate environmental measures.

6. We support stable crude oil prices at a level that will permit the domestic industry to attract capital and sustain activity at a level sufficient to replace production.

Courses of action that could support stable crude oil prices:

a. We support the use of tax credits as an incentive to provide new capital for the development of energy supply.

b. We support an oil import fee on crude oil and petroleum products. This fee would be imposed on crude oil and oil-derived products priced below $25 per barrel (in current $'s).

c. We support a requirement that crude oil importers contribute a percentage of their imports to fill the Strategic Petroleum Reserve.

7. We support amendments of the Public Utility Holding Company Act (PUHCA) that will tend to increase the use of natural gas for the generation of electrical power.●

THE NATIONAL GUARD GETS THE APACHE

● Mr. DECONCINI. Mr. President, throughout the Persian Gulf war, the Army's Apache helicopters performed with exceptional skill. As you know, the Apache is made in Mesa, AZ, by McDonnell Douglas Helicopter Co. The Army plans to purchase 807 Apaches—enough to outfit 40 Apache battalions. Of these battalions, 12 National Guard and Reserve units—including Arizona—are to be equipped with the world's finest attack helicopter.

I recently read an article which detailed the experiences of one Guard unit—the South Carolina Army National Guard's 151st—with their newest addition, the apache. I found the story to be both entertaining and enlightening. So that my colleagues can enjoy it, I ask that this article from the April 1991 edition of Rotor & Wing International magazine entitled "On an Exercise With the 151st" be printed in the RECORD at this point.

The article follows:

ON AN EXERCISE WITH THE 151ST

(By David S. Harvey)

Jan. 12, 1991, was a tense day in the minds of people worldwide. The prospect of war had materialized as the last-ditch peace effort—by United Nations' Secretary General Perez de Cuellar—to persuade Saddam Hussein to withdraw from Kuwait failed.

It was also a tense day for a group of people from around Columbia, S.C. They suddenly faced the prospect of taking their "citizen Apaches" to the Mideast for war. The men and women of the 151st Aviation Battalion, South Carolina Army National Guard (SCARNG), also happened to be at a drill at their McEntire ARNG facility.

The 151st is only the second National Guard unit in the nation to be qualified on the McDonnell Douglas AH–64A Apache. (The other unit is the 1/130th Battalion with the North Carolina Army National Guard, based in Morrisville. The U.S. Army's overall plan is to eventually equip 12 Guard and Reserves units with the antitank helicopter.)

The steps to convert the battalion—a former UH–1 Huey unit—to operating the complex Apaches were numerous. In fact, only since April 1990 has the 151st been declared fully mission ready in the Army's eyes. Reaching that point was an immensely satisfying, if stressful, undertaking for the unit.

"We started with this back in April 1987 when we were first told we'd be getting the Apache," says Lt. Col. Mark Rhett, 151st battalion commander. Before joining the Guard fulltime, Rhett flew OH–6s in Vietnam with the active Army, and it was he who shepherded the unit's Apache acquisition from start to finish. "To put it mildly," he grins, "it was not an easy assignment. Maybe the hardest thing I've had to do in the Army.

"It's essentially an intricate process of timing: you have to get everyone trained individually, then get them welded together as a team," Rhett explains. "After that you have to get the aircraft into your system—all the logistics, maintenance, and training aspects. And, finally, you have to take that team, work it up, present it to the Army, and win your spurs with them by being declared ready. Remember, too, these [guardsmen] are people with civilian jobs and family lives to consider."

Like other Guard units, the 151st has a number of fulltime personnel. They keep things running on a "Monday-to-Friday" basis, joining with the parttime personnel who come in weekends and evenings.

"We're a very cohesive unit: the same people have been around for a long time. You get to know them," Rhett says. "We're also highly focused, [with] no 'painting rocks' or other soldier-type duties to distract us. Our job is to keep the unit up to the highest readiness levels we can. Not flying Monday through Friday gives us opportunities the regular folks don't have. We can concentrate on maintenance, for instance."

SOLVING PROBLEMS

In 1990, the 151st pilots logged a lot of hours, more than 3,500. That was before the Army imposed 60% cuts in flight hours on U.S.-based Army aviation forces early this year. The cuts were to conserve spare parts fleetwide during Desert Shield and, subsequently, Desert Storm. During R&WI's mid-January visit, much time was spent figuring out how to compensate for fewer FTPs (flight training periods).

The visit to the 151st presented an opportunity to ask whether the Apache's highly publicized problems had spilled over to the 151st since deliveries began in September 1989.

"Yes, they've had problems, sure they have, but now we've got them licked," says Rhett. "And the way I see it, it's been a question of maintenance as much as anything.

"If you provide enough maintenance support to the aircraft, there's no reason why it should give trouble," he adds. "In many ways, it's actually a simpler aircraft to keep flying than the Huey."

"We don't have a maintenance question about our fully mission capable rate," injects Maj. Les. Eisner, the 151st executive officer, "because it's been in the 80% to 85% range so long that we've stopped worrying about it."

Rhett believes people misunderstand the Apaches in one important respect.

"It's a system designed to fly and fight at night. That—in its complexity—was something most entirely new, and in my view, the Army was its own worst enemy by failing to anticipate the kind of maintenance workload that would cause.

"The mechanical problems have been the kind you would expect. But when you didn't have the maintainers there—because they're off 'painting rocks,' which they have to do in the regular Army—you couldn't control the situation. In our case, we took some time to get on top of the aircraft.

"The chance we have between the weekends to work on the system has been a big help. So is having the same folks in the hanger all the time. In most cases, we can fix trouble within 30 minutes of it happening, and we put about 220 maintenance man hours a month into each of the 18 Apaches.

"The maintenance guys here can tell you more or less what to expect from individual aircraft. To them, the aircraft kind of have personalities."

Of the 18 AH-64s in the battalion, 16 were capable of going into battle that afternoon. And because the 151st has FAD-1 (Force Activity Designator-1) status, total mobilization was possible at any time.

Throughout the SCARNG Armory that day, support personnel with the unit were going through pre-Gulf War practice drills. Soldiers paraded in chemical warfare suits, quizzed each other on military procedures, stripped M-16s, practiced first aid, and boned up on special aircraft recognition charts, all with an air of noticeable purpose.

Should an order to mobilize come, says Rhett, it would be possible in just a few days to move the entire battalion to a departure point—most likely Fort Bragg, N.C.—before heading to the Middle East. All equipment to be transported would be packed neatly into 24 railcars and 22 Army Milvans.

"We've already done it," he states, "to Fort Hood last year."

THE BRIEFING

Though the Persian Gulf is thousands of miles from South Carolina, an operation with that part of the world in mind was outlined in the pilot's briefing, held that morning at 0900. Later that night, three helicopter companies would be flying, with two of tem—B and C—made up of a mix of the 151st's Apaches and Bell OH-58 "A plus" (has a upgraded transmission) scouts. These would participate in what attack aviators call a "movement to contact" exercise. The third company—a headquarters element—would provide battlefield command and control using a Sikorsky UH-60 Black Hawk, with an OH-58 standing as backup.

The maneuver area around the McEntire base is woodsy terrain, but briefers went out of their way to provide a desert flavor. To be "attacked" were mechanized infantry units equipped with hardware straight out of the Iraqi OB (order of battle inventory). Enemy air would include Iraqi aircraft.

Phase lines (which divide the tactical map into sectors) had names like Ishmael, Hussein, and Abdul across the FLOT (forward line of troops), but "all-American" ones (Bod, Earl, and Dan) behind it. A lot of attention was paid to the dreaded ZSU-23-4 "quad" gun, a four-barrel, fast-firing antiaircraft weapon. (This weapon did shoot down a number of allied aircraft after the Persian Gulf war began on Jan. 17.)

R&WI was asked to leave the room temporarily while a classified briefing on electronic warfare tactics was given. You can safely surmise it concerned Iraq, too.

Rhett pointed out that there is no hard-and-fast tactical doctrine for how to fly Apaches into the attack. Within certain limits, individual commanders are allowed to develop their own tactics. For this exercise, the 151st would move into the kill via a series of coordinated maneuvers involving the OH-58s and AH-64s.

The night exercise would have company scouts making the first moves into the battlefield. They were to cross the imaginary phase lines that, like grill marks on a steak, divide up the terrain below. The scouts would go in low, while the Apaches (called guns) would keep watch on them from above and behind. This tactic is called a "bounding overwatch."

The scouts would then move out to the flanks of each section in a sector, checking as they proceeded. Once the scouts radioed "set" to the team of Apaches, the antiarmor ships would move up behind the scouts.

Each company would perform these maneuvers until it could be visually confirmed that the first two teams were lined up—scouts on the flanks, guns slightly behind and toward the middle of the sector. A third company team (in tonight's exercise, one scout and two guns) would then move in behind them.

Once this maneuver is completed, the aerial ballet would be repeated as the helicopters, usually two companies working abreast, move forward to the point where the battle begins.

B Company commander Capt. Chris Eaker, a civil engineer in civilian life, later explained the intricacies of the maneuvers. "People don't realize how complex this type of operation is. It's a systemized attack, not an individual kind of thing at all. There's no white-scarf element to antiarmor helicopters anymore—if there ever was. It's because of the coordination that it works."

For the flight that night, the Apaches were not armed. In the briefing, however, their mission load was given as eight Rockwell International Hellfires, 382.75 folding-fin aerial rockets, and 1,000 rounds of 30mm ammunition for the McDonnell Douglas M230 Chain Gun.

NIGHT MOVES

With precision timing and dusk drawing in, the 151st took to the air. Ten Apaches, six OH-58s, and the UH-60 droned out across territory that is strictly South Carolinian in nature, but was no doubt Kuwaiti in most of the pilot's minds. R&WI observed the exercise from the vantage point of the UH-60.

The operation was timed so the aircraft would arrive at the passage point as darkness fell. One by one the scout/gun teams broke out of the loose formations they had been flying.

The Apache pilots turned on their Martin Marietta TADS/PNVS (target acquisition/designation system/pilot-night vision system) and dropped low into the hilly terrain, seeking cover in the topography. The OH-58 scouts moved to the flanks, their pilot/observers pulling down their ITT Electro-Optical Products AN/AVS-6 night-vision goggles.

The in-transit time from takeoff from the McEntire ramp to the first company's passage point was about 20 minutes. B and C companies then "fought" for about 1.6 hours, a typical time for this kind of exercise.

Unlike regular units—which have access to ranges like at Fort Hood, Texas, or the Fort Irwin, Calif., National Training Center—National Guard units have to make do with what's on hand locally. As a result, they often find it difficult getting satisfactory realism in practice sessions.

"Obviously you can't have people firing lasers out here where there are farms and houses," explains Maj. Eisner, a fulltime guardsman, "although clearly we have to have some kind of target system out there."

ENVELOPE, PLEASE

The scheme the 151st came up with involves having the crews open envelopes in their cockpits and then "attack" the target described in the envelope. There are a number of envelopes aboard, and during this mission, orders to open particular envelopes were issued from the Black Hawk as the aircraft reached certain positions.

"X-Ray 43, go ahead and open up envelope five," the order came over a headset in the Black Hawk. "Roger . . . [pause] . . . X-Ray 43 has three BTRs [Soviet armored personnel carrier] at five clicks [kilometers]. Attacking."

Out in front of the Black Hawk, in the rapidly gathering gloom, X-Ray 43 drops to NOE (nap-of-the-earth) height and flies a series of attack routines until the imaginary dispatch of Hellfires and rockets accomplishes target destruction.

Although the envelope's contents determine the battle situation, the pilots have plenty of options available to carry out the attack, and are expected to choose the best one.

If, for instance, a call for artillery fire at the target would be better than flying a 'hasty attack' (flying the helicopter into the kill), then the crews are expected to demonstrate that kind of judgment. Their responses were noted in the Black Hawk for debriefing later.

"It sounds sort of hokey, doesn't it?" says Rhett later. "But it's actually an effective way to inject some realism here. The guys came up with the idea themselves."

Asked if there were better ways to do it, Rhett emphasizes that training on the Link Combat Mission Simulators (CMS) the Apache community uses, plus occasional live-fire maneuvers when working with the regular Army, should also be taken into account.

"These guys know what they're doing. All we're asking them to do is go through some of the routines, but in a kind of random way. They set weapons-control switches, call ranges and distances, set up the attack [and] the equipment just the same [as in a real battle]. There's just nobody firing back."

Upon completing the night mission, a debriefing revealed that all the Apaches could have gone right out again, if needed. There were a few glitches, but nothing that couldn't be fixed on the flightline.

BACK HOME

By midnight the 151st facility was a ghost town again. The helicopters on the flightline were merely odd-shaped forms on an otherwise deserted apron.

The wind whistled through high trees as a cold front prepared to pass to the northeast. At the time, one wondered where these aircraft—with their cheerful crews—would be in a couple of months. Would palm trees make the same reassuring down-home sound?

Would the winds of war tear through the infectious cameraderie of the 151st? One fervently hoped they wouldn't . . . but it was on our minds, nevertheless.

THE GUARD AND DESERT STORM

On the day after allied forces swept into Kuwait City, Lt. Col. Mark Rhett, commander of South Carolina Army National Guard's 151st Aviation Battalion, was stoic—though evidently disappointed—about the 151st not being tasked to join Operation Desert Storm.

"It's like not being asked to a party you didn't want to go to in the first place. It hurts not to be asked," he said ruefully.

"We have guys here who have written to their politicians actually pleading for the unit to go—the spirit was that good. But the final call to mobilize never came. We may yet go to the region—to do postwar reconstruction-type duties—but that's not been decided."

Rhett was not alone in his disappointment.

For example, the North Carolina Army National Guard's 1/130th Battalion, the nation's only other combat-ready Guard unit with AH–64 Apaches, was sent to Fort Hood, Texas, for preparation for mobilization to the Mideast. At presstime (early March), the unit was still at Fort Hood.

The same situation happened to Company B, 2nd Battalion, 224 Aviation from the Virginia ARNG. Its soldiers and Black Hawks were activated, but only got as far as Fort Rucker, Ala. On the other hand, Virginia's 986th Medical Detachment (Air Ambulance) and its UH–1 Hueys were activated in September to Fort Bragg, N.C., and left for Saudi Arabia Feb. 4.

Meanwhile, in West Virginia, the ARNG aeromedical unit there saw its helicopters (UH–1s) shipped to the Mideast, but the Guardsmen were told, "Sorry, you're not needed." The regular Army took over the helicopters instead.

Another ARNG company that did see action in the short war was Company G, 149th Aviation Battalion, based at Grand Prairie, Texas. Capt. John Stanford reported the unit was alerted Dec. 1 for active duty and 180 soldiers and their CH–47D Chinooks were sent to Fort Hood and then deployed to the Mideast for mission-support tactical operations.

Numerous other ARNG aviation units were activated; that much is obvious from the many civil pilots who were forced to leave jobs and families to prepare for war (see page 14). These units mentioned above are among the very few that saw desert sands. Now that the war is apparently over, emotions are mixed among those who stayed stateside. Some believe that the Army decided not to include them in the action, a move counter to the philosophy of a "ready" contingency force and the whole scheme of active/Guard coordination. Others feel more ARNG units weren't called in because the helicopters in the Gulf performed well and the war was short.•

MINORITIES IN ENGINEERING

• Mr. SIMON. Mr. President, I would like to take a moment to note the good work of the National Action Council for Minorities in Education, and to comment on the damage done by the Education Department's December press release on minority scholarships.

NACME is the largest private organization committed to bringing more minorities into science and engineering careers. In the State of Illinois, the organization has helped 800 students at 7 universities, at a cost of $1.6 million. In a recent NACME publication, the group's president, Dr. George Campbell, Jr., makes a very strong case not only for increased financial aid in general, but for minority scholarships in particular. I would ask that it be included in the RECORD at the conclusion of my remarks.

A few weeks ago, the new Secretary of Education asked us to ignore the press releases on minority scholarships that the Department issued in December, and for schools and organizations like NACME to go back to what they were doing before. I wish we could do that. But the Department has raised questions, and now will keep everyone in suspense for the next several months. This is having an effect on minority youth who are deciding right now whether they will feel welcome in college. And it is having a very real effect on organizations like NACME. Dr. Campbell tells me that some of the corporations that fund NACME's scholarships are now afraid to be involved because of the controversy unnecessarily created by the Education Department. I hope that Secretary Alexander can help to get this unfortunate, damaging episode behind us, soon.

The article follows:

ASSAULT ON MINORITY SCHOLARSHIPS—A STEP BACKWARD FOR ACCESS TO HIGHER EDUCATION

(By George Campbell, Jr., Ph.D.)

INTRODUCTION

The Department of Education ruled in December 1990 that scholarship programs based on ethnicity violate Title VI of the 1964 Civil Rights Act.[1] The policy statement was issued in response to the Fiesta Bowl's announcement of a new Martin Luther King Jr. Scholarship. Astonished by the department's choice of this particular initiative to repudiate, the education community reacted immediately. Their public outcry helped persuade Bush administration officials that such a crude interpretation of Title VI was both untenable and impractical.

After all, hundreds of endowed scholarships in America are effectively, if not explicitly, based on ethnicity. Scholarship programs have been established for descendants of the Declaration of Independence signatories and for lineal descendants of confederate soldiers. Females of Greek descent are eligible for The Daughters of Penelope scholarships. The Italian Catholic Federation provides aid to Catholics of Italian descent. There are Sons of Norway, Sons of Poland and Sons of Italy scholarships. The United Negro College Fund offers scholarships primarily to African Americans, and B'nai B'rith awards scholarships to members of the Jewish faith.[2]

The Education Department's hastily revised position retreated somewhat from its initial proclamation by exempting federally funded programs and private sources of scholarships which provide support directly to students. Yet it continues to prohibit universities, i.e., those that receive federal support, from setting aside their own operating funds for scholarships directed at specified ethnic groups.

Moreover, the new ruling remains cloudy in several areas. It is not clear whether state-funded programs are exempt and, if so, whether state universities are permitted to set aside minority scholarships from their operating funds, leaving private universities at a recruiting disadvantage. What will be the status of endowed, ethnic-based scholarships now in the hands of the university? That is, are such endowments to be considered internal operating funds? Technically, the ruling could preclude the use of university resources in administering private scholarship funds, for example in identifying students, nominating them or distributing the funds. Denying the involvement and expertise of universities, on which funders now rely, will reduce economies of scale and lead to higher administrative costs. Thus the government's softened position still threatens to deprive students of already scarce resources, further strained by the weight of the current recession.

The explicit attack on minority scholarships represents a significant step backward in federal support of equitable access to higher education for African Americans, Hispanics and American Indians. The four-year grace period allowing colleges to adjust their policies to comply with the new ruling offers little solace, since the Department of Education will be obliged to demand compliance when existing programs are challenged. It is encouraging that Secretary-designate Lamar Alexander has announced his intention to completely rescind the ruling. Until that happens, however, there will be challenges.

The Education Department's stricture must be considered in the context of recent changes in national financial aid policies, the impact of those trends on minorities, and the potential consequences for specific efforts, including NACME's scholarship programs.

A DECADE OF REDISTRIBUTION

Over the past ten years, the amount of financial aid available per student from all sources remained virtually constant in current dollars, while the cost of a college education at both public and private institutions more than doubled (Figure 1).

[Charts not reproducible for the RECORD]

Moreover, the composition of financial aid has changed dramatically. In the mid-1970s, 80% of the student aid funds available were outright grants of scholarships. Slightly less than 5% were in the form of work-study support, and the remaining 15% were offered as loans. Today loans exceed scholarships. This means that, in inflation-adjusted dollars, *scholarship* funds per student have declined by 75% since the 1970s (Figure 2).[4]

Clearly these trends negatively impact the poor, and thus minorities disproportionately. Minority families are considerably more reluctant than their counterparts to take on the substantial debt burden required to finance a college education, particularly since the payoff—the promise of upward mobility—is perceived to be uncertain at best. The effect can be seen, for example, in the 10% reduction in college participation rates for African American, Hispanic and American Indian males between 1976 and 1988 (Figure 3). For minority women, the 3% decline was less dramatic, but still discouraging (Figure 4). Participation rates increased 5% for all other ethnic groups combined during the same time period.[5]

In addition, the gap between the college participation rates of the top and bottom quartiles in income level for all ethnic groups has grown by a third since 1979, when the gap was at a minimum.[6]

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[1] Footnotes at end of article.

A recent NACME survey of 1,200 minority engineering students revealed that, in spite of the need, less than half of the respondents took advantage of loan opportunities.[7,8] In the same survey, 56% indicated that they had a serious financial problem, jeopardizing their continuing education. At the Engineering School of the City College of New York, which has one of the largest minority engineering enrollments in the country, the 1990 median family income was $12,000, and 70% of the full-time students had jobs.[9] Students worked an average of 20 hours per week while carrying a rigorous full-time engineering course load. The NACME survey identified some full-time students who worked full-time, 40 hour per week jobs. These circumstances severely impinge upon academic performance.

Recent decisions and trends in federal, state and university policies amplified the changes in composition of financial aid. Together they generated a reallocation of resources from poor to more affluent students and further exacerbated the financial situation for minority students.[10] Pell Grant eligibility limits have been extended to include higher income levels, leaving fewer dollars available for students with the greatest need. Social Security benefits that previously provided support for higher education to qualifying children have been eliminated. College savings plans and prepaid tuition programs benefit only those with discretionary income. Admissions policies and enrollment decisions have resulted in more students from higher income families attending tax-supported state universities, where tuition covers only 15%–20% of the cost. Ironically, because minority college participation rates have been declining, a disproportionate amount of taxes from lower income groups support college educations for young people from higher income groups.

The source of financial aid has been changing in recent years with institutional grants gaining relative to other funds. According to the American College Testing Program study, this trend has also contributed to the redistribution of financial aid resources from low to higher income groups. While a significant fraction of institutional support is need-based, the average family income of recipients is higher than that for recipients of funds from other sources, such as Pell Grants, and many schools have dropped the policy of admitting students without regard to their ability to pay.

The fact is, universities use financial aid to achieve a variety of other institutional objectives, e.g., to attract more outstanding students or to achieve a particular geographic mix, as well as to provide more equitable representation of qualified minorities. Now that a greater portion of the financial aid responsibility is in the hands of the universities, a prohibition on university-provided minority scholarships further jeopardizes the goal of equal access.

IMPACT ON NACME SCHOLARSHIPS

NACME scholarships provide a good example of the effectiveness of university-private sector collaborations. With a well-defined objective—to increase the number of African American, Hispanic and American Indian graduates in engineering—NACME's uniquely structured programs engage the established strengths of universities and private industry. Colleges nominate students, process their financial aid data and administer the funds. Industry, in addition to supplying financial support, provides mentors, internships and career development information.

Designed to serve a dual purpose, NACME's Incentive Grants Program (IGP) supports students with high potential for success in engineering and, at the same time, rewards colleges and universities that attract and graduate significant numbers of African Americans, Hispanics and American Indians. Over the last twelve years, NACME has invested almost $35 million in IGP, the largest private scholarship fund for minority students in engineering, typically providing from $3,000 to $18,000 depending on need—to individual students during the course of their academic careers. Block grants go to those universities that demonstrate the ability and commitment to provide a nurturing environment for minority students. "Incentive" in IGP, then, refers to both the students and the universities.

NACME works with university staff, faculty and administrators to develop and promote education strategies leading to higher academic performance, as well as improved retention of students. This collaborative approach, inherent in IGP, has produced support programs for minority engineering students, precollege education initiatives and new outreach and recruitment efforts.

The IGP strategy has been a successful one. More than 10% of the minority graduates since 1979—4,258 students—were NACME scholars. For the 1990–91 academic year, 65 universities were selected to receive IGP awards for new students. Those schools, representing just over one-fifth of the nation's accredited engineering programs, yielded two-thirds of the nation's minority engineering graduates in 1990. The average retention rate for IGP scholars is twice the national average for minority students.

NACME's latest scholarship initiative, the Corporate Scholars Program (CSP), was inaugurated in 1990. CSP provides scholarships of $12,000 to $20,000, to students with demonstrated engineering leadership potential. Recognizing that effective scholarship programs offer much more than just financial aid, NACME and a sponsoring corporation provide each CSP student an academic and a career mentor, as well as summer internships. And since one goal is to respond to the technical needs of the American workforce, CSP targets those engineering disciplines facing critical shortages. Professional development seminars on campus involving faculty and corporate R&D staff, an integral component of the program, provide exposure to developing technologies and future opportunities, as well as leadership training.

If the Education Department's ruling is not rescinded, NACME would, of course, be able to continue to identify qualified students and provide appropriate funding. However, the close collaboration with colleges and universities would certainly be weakened. A more arm's-length relationship would require private scholarship programs, like NACME's, to duplicate some financial aid administrative processes that universities already have in place. Ultimately, federal sanctions against minority scholarships could lead to a dismantling of successful partnerships that have developed over the past fifteen years. And the policy could interrupt an effort that has unequivocal strategic significance to the American scientific enterprise.

CONCLUSION

Under pressure from the Civil Rights Movement of the 1960s, the federal government assumed a leadership role in expanding opportunities for minorities through enactment of legislation and promulgation of executive orders. Following the government's lead, universities and the private sector joined the effort to increase access to higher education for America's diverse population groups.

Scholarships directed at minorities became an important vehicle in carrying out this mission. Rather than providing preferential treatment or undeserved support for academically deficient students, effective scholarship programs were used as leverage, allowing the higher education community to focus attention on the underrepresentation of talented, well-trained, eminently qualified minority students. NACME scholars, for example, have SAT scores and grade point averages comparable to their Asian and white classmates. Administering minority scholarships permitted universities to devote necessary human and intellectual resources to solving institutionalized problems created by centuries of discriminatory practices.

In engineering, collective public-private sector efforts have generated measurable results. In 1971, only 500 minorities received B.S. degrees in the field. That number has now increased almost tenfold.

In sharp contrast, recent statistics for other disciplines show declining college participation rates and increasing attrition rates among minorities. The data offers compelling evidence of a steady erosion of the progress achieved in the 1970s, fueled in part by shifting financial aid policies, culminating in the latest Education Department pronouncement.

Even with set-asides, minorities have never received a share of available financial aid funds in proportion to their population distribution. In response to the Education Department's ruling, it is tempting to argue that the vast resources the nation chooses to spend on science and engineering scholarships and fellowships is inherently discriminatory, given the small fraction of minorities selecting these fields. Only 6.5% of the engineering graduates in 1990 were African American, Hispanic or American Indian. Of the Ph.D. degrees awarded in 1989, only 1.7% in electrical engineering, 1.0% in mechanical engineering and 1.9% in both physics and mathematics went to these groups that together comprise 27% of the college-age population. Minorities would have to increase their numbers in science and engineering Ph.D. programs by a factor of fifteen to twenty to get a proportional share of the fellowships.

Perhaps the most insidious aspect of the federal government's decision is its significance as an aggressive assault on the upward mobility of minorities. Even if it is changed, the ruling has introduced an element of uncertainty that will lead to restraint and caution on the part of donors, higher education administrators and students whose financial needs hang in the balance. It is yet another force bifurcating the nation into haves and have-nots. Any policy that limits the capability of America's collective work force, that limits its potential to add value to the global economy, is a subversion of the nation's future competitiveness.[12] In short, the Education Department's interpretation of the Civil Rights Act is a formula for disaster.

FOOTNOTES

[1] Letter from Michael L. Williams, Assistant Secretary for Civil Rights, United States Department of Education, to John Junker, Executive Director, Fiesta Bowl, 4 December 1990.

[2] D.J. Cassidy, *The Scholarship Book*, 3rd ed. (Englewood Cliffs: Prentice Hall, 1990).

[3] Karen DeWitt, "U.S. Eases College Aid Stand, But Not All The Way," *New York Times*, 19 December 1990, Section A, p. 1, col. 1.

[4] 1989 Annual Report, NACME, Inc., p. 16.

[5] United States Department of Commerce, Bureau of the Census, *Current Population Reports* (Washington, D.C.: GPO, 1976 through 1988).

[6] T.G. Mortenson, "The Reallocation of Financial Aid to Middle Income and Affluent Students, 1978 to 1990," *ACT Student Financial Aid Research Report Series* (American College Testing Program), May 1990, 90–2.

[7] D.L. Friedman, "Minorities in Engineering School: A Data Base for Retention Efforts," *NACME Research Letter, April 1990.*

[8] D.L. Friedman and N.W. Kay, "Keeping What We've Got: A Study of Minority Student Retention in Engineering," *Engineering Education*, April 1990, 407–412.

[9] A.R. Brown unpublished report, "Program for the Retention of Engineering Students," School of Engineering, City College of New York, October 1990.

[10] Mortenson, op. cit.

[11] Mortenson, op. cit.

[12] R.B. Reich, "Does Corporate Nationality Matter?," *Issues in Science and Technology*, Winter 1990–91, pp. 40–44.●

TRIBUTE TO STANLEY FLEISHMAN, LONG BEACH, LONG ISLAND

● **Mr. D'AMATO.** Mr. President, I want to share with you the honor that is being bestowed upon a distinguished resident of Long Beach, Long Island, Stanley Fleishman.

"Rockets" Fleishman has seen the whole transition of Long Island from a series of coastal villages and vast farmlands to a merchandising and manufacturing powerhouse where millions of New Yorkers have found their fortunes.

The program for the Long Beach Lions Club dinner contains a humorous rendition of "Rockets'" life in Long Beach. But only his friends and neighbors can really appreciate the feeling for community that he has expressed on hundreds of occasions sharing the joys and sadnesses of life in a small town. I ask that the text of this program be printed at the conclusion of my remarks.

Mr. President, I take pleasure in saluting Stanley Fleishman as an individual and as a representative of the kind of Americans who add civility and compassion to the daily lives of their neighbors. Such people are the real heroes in our society and we rightly honor them.

The text follows:

OUR GUEST OF HONOR: STANLEY "ROCKETS" FLEISHMAN

Truly a favorite son of Long Beach, Stanley Fleishman is one of a few people of his generation who can boost of being born in Long Beach Hospital. A fine example of the adage about "Long Beach sand in one's shoes." Stanley has spent his whole life here, and the rumor is he's never even been over the Long Beach Bridge. (Actually, no one is quite sure how he's going to get to this April 20th celebration at Temple Avodah in Oceanside.)

For many years, Stanley, along with his father, Morris, and his brother, Norman, was part of a local fixture and landmark, the Fleishman automobile agencies. Today, Stanley and Norman operate Fleishman Federal Leasing at the same location.

A product of the Long Beach City Schools, Sampson College and New York State Technical Institute at Farmingdale, Stanley spent two years in the Army as a Sergeant defending Italy during the Korean War. Upon his return, "Rockets" set out to make his mark on the Long Beach scene. Although the Long Beach Lion's Club has chosen this occasion to honor Stanley for his outstanding 're-run' as Lions President in 1989–1990, this is only one of many local organizations Stanley has served over the years.

Always active in town, "Rockets" was previously Lions President in 1970–1972. For the last ten years, he has served as Chairman of the Board of the Long Beach Chamber of Commerce. Over the last thirty years, he has alternatively served as both Chairman and member of the Long Beach Recreation Commission. He has been a past Associate Director of the Long Beach Memorial Hospital as well as a Trustee of the Nassau County Reference Library. Stanley is a past Chairman of the Board of the Long Beach Democratic Club, as well as the Chairman for the Committee to Bring Casino Gambling to Long Beach. "Rockets" has been an active member of many other local fraternal organizations including Temple Emanu-el.

Recently re-married, Stanley and his "best wife" Fran, a teacher in the Long Beach School District, enjoy a warm family life. Included in the fun are Stanley's daughter Randi, an Assistant District Attorney in Queens, and Fran's children, Sari, an editor of a jewelry trade magazine, her husband, Ben Lido, and Fran's younger daughter, Amy, a student at Nassau Community College.●

ORDER FOR PRINT AND REFERRAL OF TREATY DOCUMENT NO. 102–3 TO THE COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that a message from the President urging Senate action on the Convention (No. 105) Concerning the Abolition of Forced Labor with accompanying papers be printed in the treaty document series as Treaty Document No. 102–3 and referred to the Committee on Foreign Relations.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

REFERRAL OF NOMINATION TO BE ASSISTANT SECRETARY AND FISH AND WILDLIFE

Mr. MITCHELL. As in executive session, I ask unanimous consent that the nomination of Mike Hayden, of Kansas, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, transmitted today by the President, be referred jointly to the Committees on Energy and Natural Resources and Environment and Public Works.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 71, 72, 73, 74, 75, 76, and 77.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The **PRESIDING OFFICER.** Without objection, it is to ordered.

The nominations considered and confirmed, en bloc, are as follows:

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

Eunice N. Sato, of California, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1991.

The following-named persons to be Members of the National Advisory Council on Educational Research and Improvement for the terms indicated:

Dale P. Gold, of Virginia, for a term expiring September 30, 1992.

Jack Raymond Reed, of Mississippi, for a term expiring September 30, 1993.

Sandra Mills, of Wisconsin, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1991.

Pedro Roig, of Florida, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1992.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Hans M. Mark, of Texas, to be a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring April 17, 1996. (Reappointment.)

The following-named persons to be members of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for the terms indicated:

For the remainder of the term expiring August 11, 1992:

Timothy W. Tong, of Arizona, vice Sam E. Keith, Jr.

For a term expiring August 11, 1996:

Donald J. Sutherland, of New York, vice R. James Woolsey, term expired.

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

Peter deCourcy Hero, of California, to be a member of the National Council on the Arts for the remainder of the term expiring September 3, 1994.

LEGISLATIVE SESSION

The **PRESIDING OFFICER.** Under the previous order, the Senate will return to legislative session.

HUGOTON GAS FIELD

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 105 submitted earlier today by myself and my colleague, Senator KASSEBAUM, regarding the Hugoton Gas Field.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 105) recognizing the contributions of the Hugoton Gas Field to the Nation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 105) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 105

Whereas the Hugoton Gas Field holds the most recoverable reserves of any gas field in the United States, and is one of the largest fields in the world;

Whereas the Hugoton Gas Field has been a major source of natural gas for the United States, yielding over 28.8 trillion cubic feet of natural gas since it was discovered in 1927;

Whereas Hugoton's minerals were of particular importance to the Nation during World War II, the Korean Conflict, and the Vietnam War;

Whereas natural gas has long played a critical role in the energy needs of the United States; and

Whereas the Hugoton Gas Field will be a vital part of our Nation's future energy security: Now, therefore, be it

Resolved, That the Hugoton Gas Field is recognized for its important contribution to the Nation.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR COMMITTEES TO FILE REPORTED LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Friday, April 19, from 12 noon to 3 p.m., Senate committees may file reported Legislative and Executive Calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR BUDGET COMMITTEE TO FILE COMMITTEE REPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Budget Committee may have until 8 p.m. this evening to file its report to accompany the concurrent budget resolution for fiscal years 1992, 1993, 1994, 1995, and 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to the provisions of Public Law 101-650, appoints the following individuals to the National Commission on Judicial Discipline and Removal;

The Senator from Alabama [Mr. HEFLIN];

The Senator from Pennsylvania [Mr. SPECTER]; and

Mr. Frank M. Tuerkheimer, of Wisconsin.

APPOINTMENT BY THE SECRETARY OF THE SENATE

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101-509, his appointment of Dr. Ann Russell, of Massachusetts, to the Advisory Committee on the Records of Congress.

MEASURE PLACED ON CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that House Concurrent Resolution 121, the House budget resolution, now at the desk be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ORGAN DONOR AWARENESS WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 218 designating National Organ Donor Awareness Week just received from the House; that the joint resolution be deemed read a third time and passed; and that the motion to reconsider passage of the joint resolution be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 218) was deemed passed.

NATIONAL ORGAN DONOR AWARENESS WEEK

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 86, the Senate companion; that the Senate proceed to its immediate consideration; that the resolution be deemed read a third time and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 86) was deemed passed, as follows:

S.J. RES. 86

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21 through April 27, 1991, and April 19 through April 25, 1992, are designated as "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation acknowledging such.

ORDERS FOR FRIDAY, APRIL 19, AND TUESDAY APRIL 23, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, April 19; that on Friday, April 19, the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 9:30 a.m. Tuesday, April 23; that on Tuesday, April 23, following the prayer, the Journal of proceedings be deemed approved to date; that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

I further ask unanimous consent that at 10 a.m., the Senate begin consideration of the Concurrent Budget Resolution reported by the Budget Committee on Thursday, April 18, and that on Tuesday, when the Senate begins consideration of the resolution, there be 40 hours remaining on the resolution.

I further ask unanimous consent that the Senate stand in recess on Tuesday, April 23, from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as under the previous order until 10 a.m. on Friday, April 19.

There being no objection, the Senate, at 6:18 p.m., recessed until Friday, April 19, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 18, 1991:

DEPARTMENT OF STATE

MARY ANN CASEY, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD L. CROMER, 519-34-5921, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. EDWARD P. BARRY, JR., 209-30-0308, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MARTIN J. RYAN, JR., 173-30-4022, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. LAWRENCE E. BOESE, [illegible]FR, REGULAR AIR FORCE.
BRIG. GEN. PHILLIP E. BRACHER, 312-36-5202FR, REGULAR AIR FORCE.
BRIG. GEN. ROBERT A. BUETHE, JR., 321-32-7571FR, REGULAR AIR FORCE.
BRIG. GEN. HIRRAM H. BURR, JR., 451-68-0445FR, REGULAR AIR FORCE.
BRIG. GEN. MICHAEL J. BUTCHKO, JR., 232-60-3064FR, REGULAR AIR FORCE.
BRIG. GEN. LEWIS E. CURTIS, III, 425-68-2494FR, REGULAR AIR FORCE.
BRIG. GEN. BRETT M. DULA, 526-58-1230FR, REGULAR AIR FORCE.
BRIG. GEN. MARVIN S. ERVIN, 250-64-7992FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES A. FAIN, JR., 252-58-5560FR, REGULAR AIR FORCE.
BRIG. GEN. LAWRENCE P. FARRELL, JR., 461-62-7344FR, REGULAR AIR FORCE.
BRIG. GEN. BRUCE L. FISTER, [illegible]FR, REGULAR AIR FORCE.
BRIG. GEN. CHARLES E. FRANKLIN, 422-48-1002FR, REGULAR AIR FORCE.
BRIG. GEN. BUSTER C. GLOSSON, 240-64-4340FR, REGULAR AIR FORCE.
BRIG. GEN. THOMAS R. GRIFFITH, 236-62-4219FR, REGULAR AIR FORCE.
BRIG. GEN. KENNETH L. HAGEMANN, SR., 523-50-8579FR, REGULAR AIR FORCE.
BRIG. GEN. LARRY L. HENRY, 405-54-3759FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES F. HINKEL, 452-66-1999FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES M. HURLEY, 465-70-1803FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN P. JUMPER, 226-60-7457FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN G. LORBER, 482-48-7661FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES E. MCCARTHY, 008-28-4847FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN F. PHILLIPS, 463-70-3144FR, REGULAR AIR FORCE.
BRIG. GEN. JOSEPH J. REDDEN, 524-56-3036FR, REGULAR AIR FORCE.
BRIG. GEN. ERVIN J. ROKKE, 471-42-8254FR, REGULAR AIR FORCE.
BRIG. GEN. DONALD B. SMITH, 485-46-7195FR, REGULAR AIR FORCE.
BRIG. GEN. EDWIN E. TENOSO, 550-52-0367FR, REGULAR AIR FORCE.
BRIG. GEN. THAD A. WOLFE, 535-38-2846FR, REGULAR AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY NURSE CORPS

To be colonel

BARBARA G. COVINGTON, 262-96-4089

MEDICAL SERVICE CORPS

To be colonel

DENNIS M. KOWAL, 548-54-6158
PETER D. TREMBLAY, 060-40-8120

ARMY

To be lieutenant colonel

CHARLES E. FARDELMANN, 135-40-0205
THOMAS J. MULYCA, 111-40-9669

DEPARTMENT OF THE INTERIOR

MIKE HAYDEN, OF KANSAS, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, DEPARTMENT OF THE INTERIOR, VICE CONSTANCE BASTINE HARRIMAN.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 18, 1991:

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH & IMPROVEMENT

EUNICE N. SATO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1991.

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR THE TERMS INDICATED:

DALE P. GOLD, OF VIRGINIA, FOR A TERM EXPIRING SEPTEMBER 30, 1992.

JACK RAYMOND REED, OF MISSISSIPPI, FOR A TERM EXPIRING SEPTEMBER 30, 1993.

SANDRA MILLS, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1993.

PEDRO ROIG, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1992.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

HANS M. MARK, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 1996.

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR THE TERMS INDICATED:

FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 11, 1992:

TIMOTHY W. TONG, OF ARIZONA.

FOR A TERM EXPIRING AUGUST 11, 1996:

DONALD J. SUTHERLAND, OF NEW YORK.

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

PETER DECOURCY HERO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 1994.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

A TRUE KENTUCKY GENTLEMAN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BROOMFIELD. Mr. Speaker, those of us who have been serving in this body for some time have come to love and respect BILL NATCHER, a man who has represented for us much of what this institution should stand for.

BILL has often said that if you take care of the health of your people and the education of their children that you will continue to live in the strongest nation in the world.

BILL has served for 37 years in the House, many of them on the Subcommittee on Labor, Health and Human Services, and Education. He has used his chairmanship of this subcommittee wisely, and I'd like to think that's one reason why America does indeed continue to be No. 1 in the estimation of its own people and throughout much of the world.

An article in yesterday's Washington Post discusses BILL's integrity, his hard work, and his devotion to the House of Representatives.

I am sure that much will be written in future years about BILL's service to his constituents and to the American people. This article is but one chapter in the first, rough draft of BILL's life, a biography that I hope will do full justice to one of the most honest and dedicated members of Congress in America's history.

Mr. Speaker, I ask that the Washington Post article be reprinted in the CONGRESSIONAL RECORD:

CONGRESSMAN NATCHER, PRESENT ON ALL COUNTS

THE KENTUCKY OCTOGENARIAN'S VOTING VIGOR

(By Lois Romano)

In a world of excesses, he is a man of unheralded self-restraint. In a congressional atmosphere of frenetic fund-raising, surplus staff and hap-hazard attention to substance, he is a paradigm of order and control.

There is no one left on the Hill like him: "When I first got here 37 years ago, I was number 435 out of 435," says Congressman William Natcher. "I looked around the House floor and thought, 'None of you are ever going to die and none of you are ever going to retire.' Now, here I sit."

Where the gentleman from Kentucky sits is fourth from the top in the House of Representatives—in terms of both age and seniority. At 81, he is one of the most powerful members of Congress as evidenced by the $200 billion purse he controls as chairman of the labor, health and human services and education subcommittee of the House Appropriations Committee.

He is a throwback to a time when seniority meant something, when a campaign could be paid for with a Texaco credit card, and roll calls weren't parliamentary weapons used to keep members in Washington.

That this Democratic representative has, for nearly four decades, made a total of 16,883 votes and quorum calls, paid for every campaign out of his own pocket and rarely uses more than a third of the congressional allowance provided to hire staff, is no small feat. He is the lone member of Congress who can boast as much.

"When I talk to new members I say to them maybe it's better in the beginning to miss one vote that isn't so important," says the member who has missed not a one. "I say to them I don't advise you to do this. When you've been here as long as I have and never missed a day or a vote, it's right around your neck."

He is a sweet and courtly man, who although revered by his congressional colleagues commands little attention off the Hill. "He fits the part of the congressman from the tip of his polished black shoes to the top of his white hair," says Vic Fazio (D-Calif.), a member of the Appropriations Committee.

"The ultimate Southern politician," adds Dennis Eckart (D-Ohio). "I assure you he knows every member's name."

"He's so identified with the institution and all that's good about it," says Mary Rose Oakar (D-Ohio), who became the first woman to sit on the gym committee that Natcher chairs.

The worst that is said about the man amounts to this: He is stubbornly practical about getting his massive appropriations bill—a prime target for wild-card funding amendments—through the Congress and past the White House. No horse trader, he. This singlemindedness, it is said, makes him rather inflexible when it comes to earmarking new or controversial monies, such as abortion funding. And predictably, he manifests his time-earned eccentricities.

Hearings start at 10 a.m. sharp, adjourn at noon and restart at 2 p.m. No exceptions. "And when you're interested in a particular project," advises one staffer, "you better not leave to go to the bathroom—he stops for no one. That old man will sit there during a mark-up in 100-degree weather in his three-piece navy suit till 8 o'clock at night without moving. And you better stay real close to him or you'll lose whatever it is you want."

He has saved about 16,000 pieces of mail sent to him over the years, and refuses to relinquish them to House storage rooms. They are packaged in brown paper and piled in a closet in his office, which he proudly shows off. "I have 200 letters from presidents," he says, as well as letters from "Tony Randall, Lynda Carter and Bob Hope. . . . I keep the originals." He also collects gavels, porcelain bells and replicas of White House china. His office looks like the Mount Vernon gift shop.

He has never cared to deal with the media, not during campaigns, or his years as the controversial chairman of the District of Columbia appropriations subcommittee when he intermittently held up Metro funding, or through recent time when he has been sought out for friendly stories. He agreed to chat for this piece, but when the interview was abruptly interrupted by—what else—a roll call, Natcher refused to speak to the reporter again. "I believe we're finished," he said crisply when approached after a hearing.

Nonetheless, for an enlightening 15 minutes he shared his philosophy and thoughts about the job he loves. There is something so poignant, even sad, about how this man defines his life, his loves, his losses, his universe, through his perfect voting record.

He says he had not realized he was voting at 100 percent until 1958, five years into his tenure, when a clerk phoned him to inform him. "Ever since then, I made up my mind I'd see where I could take it," he says.

He takes no chances with his vote. He enters the electronic voting card he carries in his wallet not once, as required, but five or six times at different stations on the House floor. "Then I ask the floor clerk to check to make sure it took," he says. "I sat there one day and watched one of my colleagues vote—and we sat and waited for the light to go on [next to his name on the board] and it never did."

He says he has had "a thousand narrow escapes" but will only speak of one.

When his wife of 53 years passed away in January, he says, he simply accepted the fact that he would miss his first roll call vote. "I just said to myself, 'Well, this is it,'" he says with resignation. "I just made up my mind to the fact. . . ."

There was the Monday he needed to fly his "beloved Virginia" to her final resting place in Kentucky. There was the day of viewing at the funeral parlor. And finally, there was the burial itself, scheduled for a Thursday that the House was in session. "I would have missed five votes that day," he recalls with precision.

But, he says, the days seemed to break his way and the services were delayed because the six grandchildren could not make it to Kentucky in time. "But I had some help," he says, pointing skyward. "I guess it was just meant for me not to miss a vote."

"People just don't realize how extraordinarily easy it is to miss a vote," says Rep. Tom McMillen (D-Md.), who has himself made the effort to maintain a perfect voting record since his 1986 election. "You can't undervalue his accomplishment. . . . It will never be duplicated. I've already told myself I am not going to go crazy when I miss my first vote."

There are other disciplines too. Natcher still swims aggressively in the House gym several times a week. Every day the House is in session, he keeps a journal, which he has locked away somewhere. Once a year he pulls the bound books out of their sanctuary and invites a photographer to memorialize the occasion. There are 52 volumes now. "I dictate and then have it typed on the finest bond I can find," he explains. "I put it down just like it happens every day. It takes some doing. You have to be right well organized."

And he writes religiously to each of his grandchildren weekly. While all receive identical letters, he is quick to note that no one receives a copy. "I started it when they were born—wrote to welcome them," he says. "And kept on going. Every week."

A staff of "five ladies"—his words—helps him with his obsessions. "I don't have any need for an administrative assistant, a press secretary or a legislative aide," he says flatly. "We get it all done. I don't need to pay any 18 people."

What he does get done with such a low overhead is impressive. As financial puppeteer for some of the most popular and sensitive social programs around—Job Corps, student aid, Social Security administration, biomedical research—he is on the minds of many special interests. Labor groups and universities parade before him, abortion advocates wince at his name, members beg him for pennies.

He listens to all, changes his mind for virtually none.

The job has enormous potential for power brokering. That he doesn't take a dime of campaign money, of course, greatly diminishes the input of lobbying groups who would so like to sway him. "They all come to see me and I hear them out nice," he says. "But this is the best system. My wife—she didn't like the way they did things up here, but she believed you could be in politics and do it right."

To a certain extent, Natcher has tried to preserve the purity of 1953, the year he came to Washington by virtue of a special election. To the amazement—and at times frustration—of his peers, he has never been influenced by the times. He believes he is reelected not because he is so powerful or so smart, but because he effectively does his "duty." He still runs his own reelection campaign, driving himself from event to event. He says his last campaign cost him a little more than $6,000.

The Washington Post files on him overflow with stories about his tightfisted control of the D.C. appropriations subcommittee in the '60s and early '70s. He is legendary for his refusal to release millions in Metro funding—despite public pleas by President Nixon. To Natcher, it was cut and dried: If the local government was not upholding its end of the bargain to improve the highways, it didn't get the money. "It took the combined effort of the White House and the House leadership to get that money finally released," recalls Rep. Dave Obey (D-Wis.), then a junior member of the subcommittee. "If you decide to fight him, you'd better be prepared to pull out all the stops. He believes you can only have one quarterback at a time—and he's it on his committee."

In recent years, liberal House Democrats have been stymied by Natcher's refusal to loosen restrictions for federally funded abortions. (The bill's language for the past decade permits federal funding of abortions only if the mother's life is in jeopardy.) Over his reservations, the House slapped an amendment onto his bill two years ago that would have allowed abortion funding in times of rape or incest. President Bush vetoed the bill, and the House failed to override the veto.

Sources say Natcher remains adamant against introducing such funding into his bill again. But the abortion-rights Democrats still hope to persuade Natcher to give his blessing to an extended floor debate on the matter. "We want an up-or-down vote on this issue," says one such Democrat who did not want to be identified. "But to his practical mind, it's counterproductive to getting his bill passed. Those of his generation simply fail to acknowledge there might be some value in simply making a point."

On other issues of a contemporary nature, however, members say Natcher tries. "I've been badgering him on [funding for] breast cancer research," says Oakar, "and he's really evidenced a desire to learn about the issue."

Says one member of the Appropriations Committee: "You're not going to see him poring over the newest studies on this or that, but he does listen. I mean, he wasn't the last member of the Congress to realize the importance of AIDS research funding."

During the brief interview, Natcher alludes to the time when he might quit the good fight. He says the bells and china in his office would then go his lone granddaughter. And the gavels and other masculine mementos would be given to the grandsons. He says that upon his retirement, he would also release his prized journals.

And the question is posed: Is he planning to cast his last vote any time soon?

"Oh no, no," he says, quite astonished by the question. "No plans. No plans at all."

And then, the bell tolls once again for Bill Natcher.

PENNSYLVANIA GRANGE WEEK, APRIL 21–27, 1991

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. GEKAS. Mr. Speaker, I rise today to announce the designation of April 21–27, 1991 as Pennsylvania Grange Week. In accordance with the rich history of the Grange in the agricultural and rural progress of our Nation, the Commonwealth of Pennsylvania will honor the 40,000 members of the Pennsylvania Grange.

The Pennsylvania State Grange was founded on September 18, 1873 in Reading, PA. As an affiliate of the National Grange, established by Oliver Hudson Kelly in 1867, the Pennsylvania State Grange rapidly became a voice for the needs of Pennsylvania farmers. During this period in the Commonwealth's history, farming was a part of most Pennsylvanians' lives.

Advancing the causes of farming in a society that was becoming increasingly dominated by big business and big railroads was one of the early challenges which the grange successfully met. Many of the laws which ensure fair and equitable interstate commerce today can be traced to the grange movement of the late 19th century. Though farmers presently comprise less than 1 percent of Pennsylvania's population, the Pennsylvania State Grange is still an important force in the advancement of rural interests. The Pennsylvania Grange has provided me and many members of the Pennsylvania congressional delegation invaluable consultation on the 1990 farm bill and a host of other legislative measures essential to rural America.

I call upon my colleagues to join me during the week of April 21 in recognizing accomplishments and contributions of the Pennsylvania State Grange.

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE ELECTIONS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. GREEN of New York. Mr. Speaker, as former House chairman of the Environmental and Energy Study Conference, I should like to announce the reelection this morning of our colleagues, BOB WISE and JAN MEYERS, as House chairman and vice chair of the study conference for the 102d Congress.

Senators JOHN MCCAIN and CHRIS DODD have been elected Senate chairman and vice chairman.

The officers were elected by the study conference's executive committee. The committee was elected earlier this week by the full study conference membership.

Those elected to serve on the executive committee for the House are Representatives ANTHONY C. BEILENSON, BILL K. BREWSTER, GEORGE E. BROWN, JR., JIM COOPER, PETER A. DEFAZIO, HARRIS W. FAWELL, DEAN A. GALLO, STEVE GUNDERSON, SCOTT L. KLUG, JIM KOLBE, BOB LIVINGSTON, BILL LOWERY, JAN MEYERS, FRANK PALLONE, JR., GERRY E. STUDDS, MIKE SYNAR, CRAIG THOMAS, BOB WISE, RON WYDEN, and myself.

Those who will serve on the executive committee for the Senate are Senators JOHN H. CHAFEE, CHRISTOPHER J. DODD, AL GORE, PATRICK LEAHY, JOHN MCCAIN, BOB PACKWOOD, and CLAIBORNE PELL.

The study conference is the largest legislative service organization in Congress, with a membership of more than 290 House Members and 90 Senators. The conference provides us with objective analysis of environmental, energy and natural resources issues and provides forums and briefings for Senators and House Members to discuss these issues with representatives of the administration, the science community and interest groups. The conference does not take political positions. It was founded in 1975.

The conference has become an even more vital resource to Congress than its founders could have imagined, as the issues have become increasingly complex and technical, and concerns have grown that human activities may be overwhelming some of the Earth's natural resources.

I congratulate the new study conference officers and, as an executive committee member and House chairman of the conference's Climate Study Group, look forward to assisting them in their efforts.

THE NATIONAL TRAINING CENTER FOR AFRO-AMERICAN MUSEUM PROFESSIONALS ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. STOKES. Mr. Speaker, I rise today to introduce the National Training Center for Afro-American Museum Professionals Act, a measure to help train professionals in Afro-American history and culture for our Nation's museums.

Mr. Speaker, in legislation enacted in 1976, Congress first recognized that there is a gross underrepresentation of Afro-American museum professionals. In 1978, Congress passed legislation which established a national commission to develop plans for construction and operation of a museum.

The National Afro-American Museum and Cultural Center at Wilberforce, OH, opened to the public in April 1988. The museum has exceeded all expectations in the quality of exhibits and number of visitors. Moreover, this museum has one of the largest collections of Afro-American historical and cultural material in our Nation.

It was the intent of Congress to establish a training center and educational program at the museum. A paucity of Afro-American museum professionals in our Nation has resulted in the failure to preserve important Afro-American historical and cultural artifacts. While there are efforts underway to establish Afro-American museums in several other States, no institution in our Nation has a curriculum leading to a degree in Afro-American museum studies. By means of a contract with a consortium of institutions of higher education, a program of study leading to a graduate degree in Afro-American museum studies will be implemented at the training center.

The museum now seeks support from Congress for establishment of the training center. Congress intended that there be a Federal-State partnership to fund the museum, yet thus far the State of Ohio has assumed almost exclusive financial responsibility. The State of Ohio assumed this responsibility with the understanding, based on the original legislation, that Congress would provide financial support.

If the charge of the original legislation is to be met, the training center must be constructed. However, the State has gone as far as it can without Federal financial support. Completion of the second phase of construction is a prerequisite for implementation of the Museum Studies Program.

Mr. Speaker, I ask my colleagues to keep in mind the original intent of Congress not only to build a museum, but also to establish a training center with an Afro-American Professional Museum Studies Program. The museum at Wilberforce is already a national treasure. With the establishment of the Museum Studies Program, a solid foundation will exist for the preservation of African-American heritage. I urge my colleagues to support this critical legislation.

PRESERVE FAIR TREATMENT FOR PUBLIC EMPLOYEE DEFERRED COMPENSATION PLANS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BROWN of California. Mr. Speaker, I rise today to address an issue of great concern to employees of State and local governments across the United States, including more than 11,000 employees of San Bernardino County.

Deposit insurance reform legislation is now moving in the House and the Senate. Legitimate concerns have been raised about the scope of Federal deposit insurance, and I agree that this issue should be examined carefully. But in our headlong rush to avert a crisis in the banking industry, and to distance ourselves from the taint of the savings and loan debacle, we must not damage those deserving small depositors who rely on Federal insurance.

Unless we act, employees of State and local governments throughout the United States will lose the protection of Federal deposit insurance on their employee savings plan, known as the section 457 plan. A 457 plan is a long-term, tax deferred savings plan like an IRA or a 401(k), but it is available only to employees of State and local governments. The plan allows employees to direct their investments to either mutual funds or to federally insured certificates of deposit and to shift those investments around as often as once a month. Ninety percent of the employees of San Bernardino County, CA, who use the 457 plan choose to invest in the federally insured certificates of deposit, instead of the higherpaying but riskier mutual funds.

When we passed FIRREA, the FDIC was charged with the responsibility of harmonizing its deposit insurance policies with those of the FSLIC. FSLIC permitted passthrough insurance of section 457 funds, FDIC did not. After review, FDIC concluded that it lacked legal authority to insure such accounts, and advised Congress that passthrough deposit insurance of section 457 plans would be terminated on January 29, 1992. At that time, FDIC stated that:

> While there are no economic or policy reasons why the deposits of 457 plans should not be afforded the same passthrough insurance coverage that is provided for the deposits of most other trusted employees benefit plans, the FDIC has declined to insure such deposits on a passthrough basis because of a staff opinion . . . that the plain language of section 457 does not provide the participants in such plans with any ownership interests in the plan's deposits upon which passthrough insurance coverage could be based. If Congress were to amend the Internal Revenue Code, or enact some other statutory provision, to provide that 457 plan participants have ownership interests in the funds of such plans, a basis would exist for extending insurance coverage to plan participants.

The statement reflects the fact that, while legal ownership of 457 plans technically resides in the State or local government, in practice the State or local government holds a fiduciary relationship to the plan participant, as in other trusted employee benefit plans. FDIC's opinion was that Congress could act to protect passthrough insurance for the plans, merely by clarifying that fuduciary relationship in statute.

I do not advocate any actions which would increase the risk of the FDIC. The FDIC itself has clearly stated on several occasions that 457 plans deposits do not represent any risk to the deposit insurance fund. But Mr. Speaker, I am very concerned that, unless some attention is devoted to this issue now, it will not be corrected in time. Unless we act to extend the date, or to provide permanent passthrough insurance, we will have broken our promise to State and local government employees across the country to provide deposit insurance for their retirement savings.

Last year my colleague, Mr. HUBBARD from Kentucky, held field hearings on 457 plans. He and the gentleman from Illinois [Mr. HYDE] both introduced bills last year to continue deposit insurance on section 457 plans. Mr. HUBBARD's bill was H.R. 5008, and Mr. HYDE's was H.R. 3721. In this Congress, we are just beginning to grapple with the proposals to reform the entire banking system. Many Members believe that deposit insurance reform could take place this year; others believe that the prospects for passage this year are remote. In either case, the clock is already ticking for 457 plan participants.

I encourage all of you to join me in preserving deposit insurance for employees of State and local governments.

AMERICANS AND TEXANS SALUTE OUR COMMANDER IN CHIEF AND OUR TROOPS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BARTON of Texas. Mr. Speaker, I am always pleased and honored to present to my colleagues in Congress the accomplishments of my many fine constituents. Today, it is my distinct pleasure to tell you about the efforts recently made by several Americans who combined their individual hopes and prayers with those of millions of other Americans all desiring to reassure President Bush of their support for his decision to launch Desert Storm and to assure the men and women serving in the Persian Gulf of their support for their unrelenting efforts to end the tyranny of Saddam Hussein.

Like many great ideas, this one started small and grew quickly beyond all expectations. It started when a constituent of mine, Dr. W.N. "Bud" Walters from Willis, TX, determined there should be a special salute to President Bush recognizing his profound leadership in this time of national crisis. Dr. Walters asked his friend Peter Enns—who has a special way with words—to compose a special message which would fulfill Dr. Walters' goal of encouraging millions of Americans throughout the Nation to reflect on the President's leadership and to offer their prayers on his behalf.

Peter Enns went to work and wrote a Message In a Minute. The Message In a Minute proved to be so popular that ultimately over 1 million copies were printed and disbursed to over 10,000 churches. With the help of these churches, the Message In a Minute brochures eventually found their way into approximately 2.3 million American households. An instant success, the message was also recorded and played on many radio stations throughout the Nation. I would like to share this inspirational Message In a Minute with my colleagues.

President Bush and Commander in Chief,
A man of compassion, you understand grief.

One nation united, in peace and in war,
The world respects us, as never before.
You've been tried as a leader, You were in control
You suffered a hit, and the war took its toll.
A young fighter pilot, God helped you survive.
"Mission accomplished," you came back alive.
You traveled the world, and the world knows your name.
Positions of power have taught you their game.
Years of experience have helped make you wise.
You've seen nations fall, and you've seen nations rise.
President Bush, we're proud of the way,
You made your decision, by stopping to pray,
To seek God's direction in doing what's right.
Before you committed our troops to the fight.
You had our support, as you stood against wrong,
And now we thank God that this war wasn't long.
We yearn for the day that all battles will cease,
And the nations of earth, live together in peace.

Realizing the astounding influence which the message had on millions of Americans, Dr. Walters sought a way to bring the message of love and hope from these many Americans to the American fighting force in the Middle East. With the help of Colonels Meridith Standley and Jim Ammerman of the Armed Forces Chaplain Board and Col. Richard Peterson, chaplain to Gen. Norman Schwarzkopf and his personal staff in Riyadh, Dr. Walters coordinated the efforts of many dedicated Americans to print, package, deliver, and distribute to over 280,000 American troops in Saudi Arabia a small booklet which was prepared to facilitate personal devotional reading, Bible study, and to serve as a reference book. The booklet, "This New Life," was written by Rev. Billy Joe Daugherty, pastor of the Victory Christian Center of Tulsa, OK. Reverend Daugherty is pastor to over 9,000 members of his nondenominational church which also includes a television outreach ministry which serves several States.

I realize Dr. Walter's efforts and those of his friends and associates did not occur in a vacuum and many other Americans also found ways in which they could show their support for the United States of America, President Bush, and the American troops and their families. However, good ideas and initiative always deserve recognition. I know my colleagues join me in congratulating Dr. Walters and his associates on a job well done.

OPPOSITION TO H.R. 5

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BROOMFIELD. Mr. Speaker, I wish to voice my strong opposition to a bill which would wreak havoc in the workplace and prove especially disastrous for small businesses.

H.R. 5, the striker replacement legislation, would upset the delicate negotiating balance between unions and management that has existed for more than 50 years under the National Labor Relations Act.

This bill takes the risk out of going on strike. It creates open season for any worker who wants to disrupt the workplace. It would encourage workers to press any demands, no matter how unreasonable, with the absolute certainty that they would be able to return to work at any time they pleased.

Businesses would be faced with three unappealing options. First, they could summarily capitulate to the strikers' demands. Second, businesses could attempt the almost impossible task of finding replacements who would be willing to work even though they knew they would be out on the street in short order. Third, the owners could choose to go out of business.

The striker replacement bill also brings the Federal Government into an area that it has wisely stayed out of up to this point. For 50 years, only recognized unions had the right to strike. This legislation extends the right to strike and the absolute right of return to the workers in any nonunionized business—from a mom-and-pop grocery to a small shoe store.

This legislation could be a death sentence for many small businesses, particularly in this uncertain economy. The bill is inequitable and unwise, and I urge my colleagues to vote against it.

TRIBUTE TO REV. CALVIN COOLIDGE BROWN

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. KOLTER. Mr. Speaker, I rise today before the United States House of Representatives to specifically honor and pay very special tribute to the Reverend Calvin Coolidge Brown of Beaver County, PA, who for 30 solid years has faithfully and steadfastly served God, his church, and our community in Beaver Falls, PA, in my Fourth Congressional District.

The Reverend Brown, who has joined in marriage more than 250 couples in Beaver County, and baptized or received by Christian experience more than 500 persons, has especially worked very hard on a great number of civic duties, responsibilities and local endeavors. But he has become most recently involved with his deep concern about community youth, whereas the Reverend Brown has assumed the important task of rooting out street drugs and corruption.

Born and raised in Mississippi—one of eight children—the Reverend Brown grew up on a 20-acre cotton, corn, and soybean farm, and later served 3 years in the U.S. Air Force before learning the trade of barbering and butchering.

The Reverend Brown later moved to Cleveland, drove a truck for 5 years, joined the Open Door Baptist Church and married the former Eva Johnson. Both Reverend Brown and his wife enrolled into a Baptist Seminary of the Bible in preparation of proclaiming the Gospel.

In November 1960, the Reverend Brown received a call from Tabernacle Baptist Church in Beaver Falls to be the pastor, and currently continues to serve God and the community in that capacity.

Since his calling, he led the congregation in building a new sanctuary, breaking ground in 1971 and completing this house of God in 1973, with many additions added later.

But the Reverend Calvin Coolidge Brown is an exceptional groundbreaker in more ways than one. He was the first chaplain for the city of Beaver Falls and city council, and was the first black employee of the Economy Supermarket—now Foodland—where he helped keep the door open for additional black employees.

In 1966 and 1967, the Reverend Brown was recognized by the Beaver County Clergy Council for help in pastoring mental illness and other counseling. In 1967, 1968, and 1973, he accepted the invitation of the Pennsylvania Senate to serve as temporary chaplain. Reverend Brown, a member of the Kiwanis Club, received a special recognition award from the Civic Improvement League of Beaver County in 1969. In 1973, Reverend Brown was cited by the Pennsylvania House of Representatives for his outstanding community work and, in 1977, Reverend Brown was a guest of Richard Crenna, television star, on behalf of the American Cancer Society. In 1978 he received a special award from the Beaver Valley Service Club, and has worked long and hard with the Red Cross of Beaver County. He was also president of the local American Cancer Society for 8 years, where he was again recognized for special service.

Reverend Brown was a guest of Mrs. Jimmy Carter in Aliquippa, PA, during the Democratic Presidential Campaign in 1980.

In May, 1984, the Reverend Brown, received a call to render God's service to American servicemen in Germany, where he preached the Word. Twice in 1986, the Reverend Brown was favorably cited by local, State and Federal representatives of Beaver County for his overall work achieved in the county and State.

Currently, the Reverend Brown also serves as a commissioner on the Housing Authority of Beaver County and as vice chairman. He is also vice moderator of the Allegheny Union Baptist Association of the Beaver area.

Mr. Speaker, I rise today before the U.S. Congress to honor this man of God, Rev. Calvin Coolidge Brown, not only because of the many souls he has led to Christ to do His will, but also because of his many earthly services conducted on behalf of his community, his church and his fellow man for many, many years.

As Reverend Brown always says, "We can't park here, we must drive until the day is done." On behalf of 30 years of faithful service, I am truly proud to commend Reverend Brown before my colleagues here today.

HONORING ALAN (ACE) GREENBERG

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to bring your attention to the 10th anniversary of the Raoul Wallenberg Committee of the United States. In celebration of that occasion, the committee will honor Alan (Ace) Greenberg, its chairman emeritus and most dedicated volunteer, on May 1, 1991, in New York City.

The Raoul Wallenberg Committee of the United States was created in order to bring recognition to, and discover the fate of, Raoul Wallenberg, a hero who saved the lives of approximately 100,000 Hungarian Jews during the Holocaust. To name a few of its outstanding accomplishments, the committee has funded five human rights fellowships, one Swedish fellowship, and published "A Hero For Our Time" and "Raoul Wallenberg's Children." The two publications have been used as an educational tool in schools and libraries to enlighten the young about Mr. Wallenberg's heroism.

Alan Greenberg began his association with the committee when he took part in a candlelight vigil in New York on January 17, 1983. Since that event, Ace has remained dedicated to its purpose. As chairman and CEO of the Bear Stearns Cos., Ace also is one of Wall Street's most respected leaders.

I should like to join my colleagues in extending all the best to Ace Greenberg and the Raoul Wallenberg Committee of the United States. It is my hope that the committee will continue its efforts to educate the public about one of the world's most extraordinary heroes and to investigate the details of his fate.

THE FEDERAL RESEARCH AGENCIES MINORITY SCHOLARSHIP AND LOAN REPAYMENT PROGRAM ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. STOKES. Mr. Speaker, Congressman HOYER, Congressman TOWNS and I have joined together to introduce a bill which we believe will address the problem of recruitment and retention of senior scientists and administrators faced by our Federal research agencies. The bill is entitled the "Federal Research Agencies Minority Scholarship and Loan Repayment Program Act." The measure is intended to not only address the crisis that these institutions face with regard to senior scientists and administrators, but also to assist them in their efforts to increase minority representation in their work force.

The difficulties that Federal research agencies are experiencing in recruiting and retaining qualified scientists and top-level science administrators has been widely reported. Our distinguished colleague, the late Congressman Silvio Conte had a measure pending, H.R. 3752, the Senior Biomedical Research Service Act, which would have addressed this issue. It is well known that NIH has an especially difficult time recruiting minorities for these positions. For example, at the end of December 1989, NIH had a total of 2,922 full- and part-time employees in positions rated GS–GM 13 and above. Of these, only 331—or 11 percent—were minorities; 155 were black and 37 Hispanic. The Alcohol, Drug Abuse and Mental Health Administration [ADAMHA] and the Centers for Disease Control [CDC] have similarly dismal statistics.

The underrepresentation of minorities is particularly acute in the highest levels. Of the 191 Senior Executive Service positions filled at the end of December 1989, only 5 positions were filled by blacks and none were filled by Hispanics. At the GS–GM 15 level, blacks held 22 of 521 positions; and Hispanics only held 11 of these positions. These dismal statistics have been virtually the same for the past 3 years, even though efforts have been made to attract more minorities into senior level positions.

The area of minority recruitment is an area that has been a major concern of the Labor/Health and Human Services/Education Appropriations Subcommittee, on which Mr. HOYER and I serve. As a result of our efforts, in its fiscal year 1991 appropriations report, the committee directed these research agencies to establish a program to recruit minorities into their various career fields. However, the current statutory authorities would somewhat restrict them in carrying out this mandate.

Therefore, my colleagues and I are introducing this bill to enable NIH, ADAMHA, and CDC to take a more direct role in recruiting and retaining minorities into their work force. In essence, the institutions would be able to select and train minorities for its future work force in much the same way that the military selects and trains its future officers through the ROTC Program. The Federal Research Agencies Minority Scholarship and Loan Repayment Program is modeled after the highly regarded Undergraduate Scholar Program which I initiated at the Central Intelligence Agency and the National Security Agency.

The bill calls for a nationwide competition to be held to select qualified minority candidates to enter into an agreement to work at NIH, ADAMHA, and CDC in exchange for up to $10,000 in undergraduate scholarship aid per year. These students would also receive on-the-job training at the agencies during their off-terms. This would allow the students to gain work experience, learn about the career fields available, and establish mentor relationships with the agency's senior level administrators.

The bill would also enable these agencies to meet its need for minority clinical researchers by forgiving up to $20,000 of their educational debt in exchange for a commitment of employment service to the agency.

These programs do not require substantial new resources. NIH, ADAMHA and CDC can accommodate 25, 10, and 5 students respectively per year at a cost of approximately $1 million. The loan forgiveness program will cost no more than $1 million in fiscal year 1992. The Government will recoup its investment through the contributions these individuals will make during their service to the agencies. Given both the shortage of scientists and science administrators who will make a commitment to Federal service and the changing demographics of our Nation, this is an investment for the future that we cannot afford not to make.

Original cosponsors for the Federal Research Agencies Minority Scholarship and Loan Repayment Program Act are LOUIS STOKES of Ohio, STENY HOYER of Maryland, and EDOLPHUS TOWNS of New York.

RIALTO UNIFIED SCHOOL DISTRICT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BROWN of California. Mr. Speaker, the Rialto Unified School District, in my California congressional district, will celebrate its 100th anniversary on April 24, 1991. The school district's motto: "Youth: Our Most Valuable Resource" is reflected in the dedication of the many people in the district involved in the crucial enterprise of educating our community's youth.

On April 9, 1891, the Rialto School District was created from a part of the Brooke School District. Three years earlier, recognizing the growth in the area and the need for a school sited in Rialto, a bond election was held and voters approved $6,000 for the construction of one or more schools in Rialto.

By 1906, the schools in Rialto were already crowded, and voters approved $18,000 for the construction of an eight-room schoolhouse. As early as the turn of the century, voters in Rialto were recognizing the integral role their schools played in the community. Today, the school district continues to encourage the active participation and support of parents and the community, recognizing that cooperative efforts assure high quality education.

The last of the 1940's saw the beginning of growth in Rialto. The first new school buildings in 28 years were completed. From 1951 through 1964, 10 new schools were completed. On July 1, 1964, the school district officially united, and Eisenhower High School and Rialto Junior High became a part of the new district.

Rialto's population currently stands in the 70,000-plus range. The present K through 12 population is approximately 19,990; the projection is for 25,000 by the mid-1990's. Rapid growth in the city presents all the problems associated with growth, and the unified school district is involved in the need for bond issues and continued school construction. And yet, the dedicated men and women of the Rialto Unified School District continue to fulfill its mission: "To maximize student academic, social, and cultural development so that graduates can apply acquired knowledge and skills to live meaningful and productive lives."

I ask my colleagues to join me in recognizing 100 years of significant accomplishments by the Rialto Unified School District.

MODIFIED FINAL JUDGMENT: HAMSTRINGING U.S. COMPETITIVENESS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BARTON of Texas. Mr. Speaker, an article in the April 6, edition of the Dallas Morning News announced Rockwell International Corp.'s plans to sell its Network Transmissions Systems Division, a unit which supplies fiber optic, microwave and other products to, among other customers, local telephone companies. Rockwell officials have apparently decided that this division could perform better if it is aligned with a major telecommunications company.

Unfortunately, the Modification of Final Judgment, enforced by the Federal District Court overseeing the AT&T divestiture, broadly prohibits the Bell companies from manufacturing in the United States. Therefore, the seven Bell companies—who comprise 60 percent of the U.S. telecommunications industry's capital resources—are prohibited from acquiring this manufacturing unit from Rockwell, even though it might make perfect business sense for any one of the seven companies to seek such an affiliation.

In contrast, foreign firms are free to enter U.S. telecommunications equipment manufacturing markets. In fact, almost every major foreign player has entered the U.S. market. In the Morning News article, three of the four major competitors of Rockwell in the United States were identified to be foreign companies.

Mr. Speaker, I have cosponsored H.R. 1523, a bill introduced by my colleague, Mr. OXLEY of Ohio, which would permit the Bell Companies to perform research, develop and manufacture telecommunications equipment, and customer premises equipment, subject to specific safeguards. It would be doubly ironic for U.S. competitiveness if our Nations telecommunications policy prevented each of the seven U.S. based Bell companies from affiliating with the to-be-sold Rockwell unit and the ultimate acquirer turns out to be a foreign company.

Mr. Speaker, I ask that this article from the April 6 edition of the Dallas Morning News appear in the RECORD.

[From the Dallas Morning News, Apr. 6, 1991]

ROCKWELL PLANS TO SELL DIVISION

(By Jim Mitchell)

Rockwell International Corp. plans to sell its Network Transmission Systems Division, a unit that represents a major share of Rockwell's telecommunications business and its Dallas-area operations.

Rockwell's chief operating officer, Kent M. Black, said substantial changes in the commercial telecommunications marketplace prompted the decision to divest the division, which supplies fiber optic, microwave and other products to long distance and local telephone companies.

Across the industry, such equipment sales to domestic long-distance telephone companies has slowed after enjoying a growth surge soon after the breakup of American Telephone & Telegraph Co. in 1984.

About 2,700 of Network Transmission Systems' 3,600 workers are in Richardson. The rest are in Longview; El Paso; San Jose, Calif.; Nogales, Mexico, and Georgetown, Ontario.

Overall, Rockwell employs about 6,000 in the Dallas-Fort Worth area. The proposed sale does not affect Rockwell's defense operation, with about 2,300 workers in the Dallas area.

No employees are to lose their jobs as a result of planned divestiture, Mr. Black said. Rockwell intends to sell the division as a whole.

"This (decision to sell the unit) has no real short-term significance," Mr. Black said. "There will be no layoffs as a result of this action."

The Network Transmission Systems Division recorded about $500 million in annual sales or more than half of the $851 million generated by Rockwell's telecommunications operations in the fiscal year ended Sept. 30, 1990.

Mr. Black said the Network Transmission Systems Division has been profitable. But based on trends within the industry, Rockwell officials decided the division could do better if it aligned with a major telecommunications company "than under our ownership."

Despite its size, Rockwell's Network Transmission Systems operation contributed about 10 percent of the $5 billion in sales from Rockwell's electronics sector and about 4 percent of Rockwell's $12.3 billion in overall sales during the fiscal year ended Sept. 30, 1990. The electronics sector also includes industrial automation, avionics and defense electronics businesses.

"It was a decision we thought through for a considerable length of time," Mr. Black said. "And (we) concluded that. . . . with changes in the marketplace, it was in the best interests of Rockwell, Rockwell shareholders and Rockwell employees to sell this unit at this time."

The company has hired Wall Street adviser Dillon, Read & Co. to market the division and hopes to complete the sale by the end of the year, Mr. Black said. Major competitors of the Network Transmission Systems Division include Northern Telecom Inc., American Telephone & Telegraph Co., Ericsson and Fujitsu.

Rockwell chairman Donald R. Beall said sale of the division will "help us achieve our goals for long-term growth in earnings per share, and return on equity by allowing us to focus further resources on continued strengthening and growth in our business and other actions to enhance shareholder value."

One of the nation's largest defense and commercial electronics companies with about 100,000 employees, Rockwell has posted mixed financial results in recent months.

In the 1990 fiscal year, Rockwell earned $624.3 million or $2.56 a share on revenues of $12.3 billion. Several sectors of the company's business, including defense electronics and automotive electronics, have been under pressure.

Rockwell stock, traded on the New York Stock Exchange, closed down 1, closing at 26⅞ on volume of 305,000 shares.

Mr. Beall said the company, which will report second-quarter earnings in mid-April, likely "somewhat below" the 70 cents a share the company earned during the second quarter of the 1990 fiscal year.

RECOGNITION OF LT. COL. LINWARD APPLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. SKELTON. Mr. Speaker, an outstanding soldier who has led the ROTC unit at Lincoln University, Jefferson City, MO, retires from active duty June 1, 1991. Since Lt. Col. Linward Appling assumed his duties as a professor of military science at Lincoln University in 1985, the ROTC unit has won numerous competitive awards and has become a leading provider within our State of 2d lieutenants for the U.S. Army, both Active and Reserve. Lieutenant Colonel Appling ends a most remarkable career. Lieutenant Colonel Appling was born in Roberta, GA, and is a 1961 graduate of Crawford County High School. He entered the Army in 1961 as a private and spent his first 9 years in the service as a noncommissioned officer. In 1970, he received a BA degree in social science, with emphasis in business, from Coker College, Hartsville, SC, and in 1975, an MA degree in political science, with emphasis in public and health care administration, from Wichita State University, Wichita, KS. His initial assignment as an officer was with the 4th Battalion, 10th Infantry, Fort William D. Davis, Republic of Panama, where he served as platoon leader, company executive officer, assistant operation officer [S–3], and company commander. In 1971, he returned to Vietnam for his second tour of duty and served as a reconnaissance platoon leader and company commander in the T Infantry (Air Mobile), S Airborne Division. Subsequent assignments include company commander at Fort Jackson, SC, the armor officers' advanced course at Fort Knox, KY, assistant professor of military science at Wichita State University, Wichita, KS, organizational effectiveness/organizational development staff officer, battalion operations officer [S–3], and executive officer with the 193d Light Infantry Brigade, Fort Clayton, Republic of Panama, and as the J–1 for the Joint Special Operation Support Element and the Deputy Adjutant General of the U.S. Readiness Command, MacDill Air Force Base, Tampa, FL.

Lieutenant Colonel Appling's military education includes the Infantry Officers' Candidate School, 1969; Airborne School, 1975; armor officers' advanced course, 1978; Command and General Staff College, 1978; the organizational effectiveness/organizational development staff course, 1982, the Armed Forces Staff College, 1982; Military Personnel Officers' School, 1985; and the Armed Forces defense computer science course.

His awards include the Bronze Star Medal, the Defense Meritorious Service Medal, the Air Medal, the Army Commendation Medal—three awards—the Army Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal—two awards—and several theater and service medals. He wears the Combat Infantryman's Badge and the U.S. and Korean Parachutist Badges.

He and his daughter, Linda, reside in Jefferson City, MO, and I am pleased that he will remain a resident of Jefferson City, MO, on the faculty at Lincoln University. He will head the Participants Training Program there. I know that the other Members join me in wishing Lieutenant Colonel Appling the best in the days ahead. He retires with the satisfaction of having contributed immeasurably not only to the U.S. Army during his years of service, but also with the satisfaction of having been an inspiration to Army leaders of the future.

INTRODUCTION OF WHITE SANDS FAIR COMPENSATION ACT OF 1991

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. SKEEN. Mr. Speaker, today I am reintroducing the White Sands Fair Compensation Act, which would authorize $17.5 million to individuals who lost their land or mining claims to the U.S. Government for the establishment of White Sands Missile Range during World War II.

During the last session of Congress we were successful in getting the House Judiciary Subcommittee on Administrative Law and Governmental Relations to conduct a hearing on this legislative matter.

This legislation establishes a seven-member commission which will evaluate the claims submitted by owners related to the taking of their property and make payments to those claimants not fully compensated. In evaluating claims, the Commission would determine the value the property had in 1975 when the U.S. Government permanently took the lands comprising White Sands Missile Range based on established precedents for the value of similar real estate in New Mexico. Priority consideration would be given to the claims of ranchers and miners who owned property continuously between 1941 and 1975.

To gain a broader understanding of the plight these individuals have undergone over nearly half a century, one must go back to the international strife that plagued this country of united Americans during World War II. Most Americans were asked to sacrifice for the great causes this nation fought for.

The ranchers and miners affected by this legislation are just a few of the many patriotic individuals who made great sacrifices for this country. All of these fine people gave up their lands, their livelihood and their homes to the U.S. Government which pledged that these ranchers and miners would be returned their property once World War II ended. The productive land these people gave up was ultimately used to develop and detonate the most destructive weapon known to mankind the atomic bomb. Nearly 45 years after Hiroshima and Nagasaki, and after the rebuilding of Japan and Europe, and after a bill authorizing the compensation of Japanese-Americans interned in American prisons during World War II, these ranchers and miners are still trying to rebuild their lives and salvage what is left of the future. In a real sense, the destruction of World War II has never ended for these individuals and their families and it is ironic that a nation which can establish a Marshall plan to rebuild Europe has failed to adequately compensate its own citizens.

The Aleutian and Pribilof Islands Restitution Act, title II of Public Law 100-383, provides a precedent for compensation of these White Sands ranchers and miners.

When the Japanese attacked the two western most Aleutian Islands during World War II, the U.S. military evacuated about 900 Aleuts from the Pribilof Islands and from many islands in the Aleutian chain. Though this action was militarily justified, the Aleuts were treated poorly during the relocation period. When the Aleuts returned to their villages after the war, they were confronted with wartime destruction, much of which was done by U.S. military personnel.

In Public Law 100-383, Congress stated:

> The United States has not compensated the Aleuts adequately for the conversion or destruction of personal property, and the conversion or destruction of community property caused by the United States military occupation of Aleut villages during World War II. There is no remedy for the injustices suffered by the Aleuts during World War II except an act of Congress providing appropriate compensation for those losses which are attributable to the conduct of United States forces and other officials and employees of the United States.

If this same standard were used for the White Sands ranchers and miners, it would allow them to be compensated for public domain lands included in the ranch and mining units, as this is an established precedent for ranch valuation in New Mexico.

I have introduced this bill as remedy for the 150 or so ranching families who were displaced by the creation of the White Sands Missile Range. This legislation would be a significant step in the process of bringing an end to this controversy. This bill is the result of an intensive study and consultation with the ranchers and miners, their families, individuals of the New Mexico Cattle Growers Association and the range management specialists at New Mexico State University.

TO PUT TEETH INTO THEIR WORDS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. OXLEY. Mr. Speaker, I commend to the attention of my colleagues a recent article written by columnist and scholar Ben Wattenberg regarding the hypocrisy demonstrated by certain of the critics of the President's Persian Gulf policies.

The sniping we have heard from some Members of Congress is just that—risk-free armchair quarterbacking from politicians who vigorously opposed U.S. military action when the President needed their support the most.

I urge my colleagues' attention to this article.

TO PUT TEETH INTO THEIR WORDS

Some leading Democrats and liberals have said they were shocked, dismayed and distressed that President Bush did not help the Kurds in their moment of military agony. They say we should do something now. Fair enough.

But lest the waves of hypocrisy climb dangerously toward nostril-level, there are some questions that should be asked of Democrats and liberals. Answers may yield a serious and sustainable American policy.

Question: Are Dem/libs in favor of intervening in civil wars?

In Vietnam, they were not. Not intervening in a civil war was offered as the prime reason for opposition. We were told that America should abstain even when the bad-guy side in a civil war was communist, expansionist and backed by our nuclear-tipped adversary, the Soviet Union.

In Nicaragua, ditto. Moreover, this time the conflict was "in our back yard." But the Dem/lib line was that civil wars were out of bounds for America.

Question: Are liberals prepared to use force?

Liberals made the Democratic Party the Dove Party. They opposed use of force under almost any circumstance. Iraq's invasion of Kuwait was cross-border aggression, a sin of the first magnitude, without ambiguities of "internal affairs" that come with civil wars. Liberals said: Thou Shalt Not Use Force. And so, when the president asked for congressional approval to blast Iraq out of Kuwait, two-thirds of the Democrats voted no.

Question: If Mr. Bush had helped the Kurds militarily, would liberals have said, "Kurdistan is another Vietnam?

If we had grounded Saddam's helicopters, wouldn't he have used artillery and tanks agianst the Kurds? If we then pounded Saddam's artillery and tanks, wouldn't he have likely used ground troops against the Kurds? What then? Escalation, in order to prevail.

How would liberals have responded? Because many of the same players said that (a) Nicaragua, (b) Angola, (c) Kuwait, and (d) El Salvador "was another Vietnam," it is likely that if involvement in Kurdistan had lasted a while, it too would have been Vietnamized by liberals.

Question: Why don't the critical Democrats put their money where their mouths are? If they did, they would help their party, their country and the world. A "sense of the Congress" resolution, if passed with a majority of Democrats, could help rescue the current tragic situation.

The resolution should formalize the logical results of current liberal rhetoric. It could say that America made a mistake in not helping the Kurds earlier. It could say that the United Nations should do the job. (The letter to the president circulated by Rep. Stephen Solarz, New York Democrat, is a wise first step.) In the event the United Nations does not act with sufficient force (alas, likely), the resolution should seek allied support.

It should say America should now help the Kurds, with low-casualty military action if necessary, in order to halt potential genocide and to achieve Kurdish autonomy within an Iraqi federal democracy. And it should say we will not betray the brave kurds if the going gets tough.

Such a resolution would resonate everywhere. It need not announce in a rub-noses-in-it manner that liberals have recanted. But its implication would be clear. It would mean that in the post-Cold War world, liberals and Democrats are prepared to selectively support the good guys in civil wars.

Upon what principle could such a resolution be based? That America is the only superpower, that superpowers have unique responsibilities and can act unilaterally.

What might Mr. Bush do with such a resolution?

He would have to seriously rethink his policy regarding the Kurdish situation. He says we shouldn't get bogged down in a civil war. That is reasonable; after all, he knows that if it happened, America could be split apart again in hawk-dove discord, as in Vietnam and Nicaragua.

But if liberals were seriously supportive, new possibilities would emerge. In fact, America could move with dispatch toward creating a new world order.

LOSING THE UDALL LEGEND

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. JACOBS. Mr. Speaker, eloquent David Rhon wrote this Indianapolis News editorial. Good for him.

The song says "From this valley they say you are going * * *."

We might well say to MO, "From this hill they say you are going. We shall miss your bright eyes (sic) and sweet smile."

I don't believe it extravagant to suggest that MO UDALL is the closest thing to Lincoln since Lincoln.

How sad it is that America has been denied his Presidency.

[From the Indianapolis News, Apr. 17, 1991]

LOSING THE UDALL LEGEND

In the 1976 Democratic presidential primary, Oklahoma's Sen. Fred Harris, something of a poltical populist, quipped that he lost his bid for the presidency because his supporters, the little people, were too short to reach the voting lever.

Harris, however, siphoned off enough votes in four primaries—New Hampshire, Massachusetts, Wisconsin and Michigan—to deny Rep. Morris "Mo" Udall, D-Ariz., the nomination. Jimmy Carter was the winner, and the rest, as they say, is history.

It is hard to say what would have happened had Udall been the nominee instead of Carter.

But one can argue that Udall is one of the most capable politicians never to have been president. He is certainly one of the funniest.

He even made fun of his glass eye, describing himself as a "one-eyed Mormon Democrat from conservative Arizona—and you can't have a higher handicap than that."

Campaigning the depressed Farm Belt during the presidential primary, he would rhetorically ask his rural farm audiences if they knew the difference between a pigeon and an Iowa farmer. "The pigeon," he explained, "can still make a deposit on a tractor."

Udall narrowly failed to become the first candidate since James Garfield to go directly from the House of Representatives to the White House. Nevertheless, in three decades on Capitol Hill he accomplished about as much as anyone, authoring the Alaska lands act, the strip mining reclamation act, the nuclear waste act, the federal wilderness act and the campaign reform act of 1974. He also authored a delightful book titled "Too Funny to Be President".

Now comes word that Udall, who has been suffering from Parkinson's disease and who was injured in a fall last January, probably is resigning his House seat.

Rep. George Miller, D-Calif., remarked on hearing the news, "Mo" Udall is one of the legends in Congress. The guy's a hero to all of us who came after him. If he leaves, it will be a major, major loss."

As columnist George Will once observed, "All wit rests on a cheerful awareness of life's incongruities. It is a gentling awareness, and no politician without it should be allowed near power."

By that measure alone, Morris K. Udall should have been in the White House, but has served the nation admirably in Congress.

TRIBUTE TO THE MEDICAL STAFF OF THE SAN DIEGO NAVAL HOSPITAL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the fine medical staff of the Naval Hospital in San Diego, California. As many of my colleagues are aware, I had an accident which required immediate medical attention. I was extremely fortunate to be able to be taken to Naval Hospital San Diego.

My first weeks in Congress were tumultuous. In the midst of the wrenching debate over authorizing the war in the Persian Gulf and setting up my Washington and San Diego offices, I suffered an eye injury which threatened my vision. I was rushed from the San Diego Airport to Naval Hospital and almost immediately into surgery.

Due to the exceptional skill and professionalism of the Ophthalmology Department, my vision was saved in that eye. For that, I am exceedingly grateful to the men and women of San Diego Naval Hospital. In particular, I wish to express my appreciation to the following individuals:

CAPT John Sutphin, MC, USN, Chairman of the Ophthalmology Department.

CDR Larry Sutton, MC, USN, Anesthesiology.

LCDR Steve Morrow, MC, USN, Anesthesiology.

LT Anita Kraft, MC, USN, Anesthesiology.

LCDR Kelly Keefe, MC, USN, Surgeon.

LCDR Katheryn Steuernagel, NC, USN, O.R. Nurse.

HM2 Martin Deleon, Scrub Techs.

HM2 Michael Messer, Scrub Techs.

LTJG Kathleen Vidal, 4E Ward.

ENS Mary Strom, 4E Ward.

ENS Wanda Sadowy, 4E Ward.

ENS Patricia Paulson, 4E Ward.

RN Janet Harrison, 4E Ward.

RN Hazel Burman, 4E Ward.

HM3 Virgelo Buscagan, 4E Ward.

HM3 Cynthia Freston, 4E Ward.

HN Theresa Lamb, 4E Ward.

HN Andrew Barker, 4E Ward.

HN Gen Corpuz, 4E Ward.

HM3 Michael Cain, Eye Clinic.

LT Gary Tanner, Eye Clinic.

Mr. Speaker, at a time when our service men and women are returning from the Persian Gulf, it is comforting to know that our military health care providers are dedicated and professional. I know my colleagues join me in saluting the men and women of San Diego Naval Hospital for their outstanding service and commitment.

A TRIBUTE TO CHRIS SEEGER

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. HERGER. Mr. Speaker, I ask that my colleagues join with me in paying tribute to a truly exceptional senior staff member, Christopher C. Seeger. After 20 years of loyal, dedicated service on Capitol Hill, Chris is preparing to return to the private sector.

I personally owe Chris my continued gratitude for the invaluable help he provided to me when I first was elected to the House in 1986. As Chief of Staff to Congressman Norman Shumway, Chris offered wise counsel and invaluable assistance in helping me assemble a staff, organize my office, and acclimate to the ways of Congress and the Nation's Capital. I have continued to depend upon Chris through the years, and want him to know that I consider him a trusted and loyal friend.

Chris enjoys the well-deserved respect and friendship of many members, most especially those in the California delegation. From his earliest days on the Hill, as legislative assistant to Representative Charles Teague, Chris has demonstrated outstanding leadership skills. When newly-elected Representative William M. Ketchum of California was sworn into office in 1973, Chris assumed command of the Ketchum organization, serving as Administrative Assistant and organizing an effective, enthusiastic congressional "team."

Following the untimely death of Bill Ketchum in June 1978, Chris was appointed Administrator of the vacant congressional district by the Clerk of the House. For the remainder of the year, he and a small staff served the interests of California's 18th Congressional District in an exemplary manner.

After the 1978 election, Chris was recruited by my friend and colleague, former Representative Norman D. Shumway, to be his Chief of Staff. Norm was fond of saying that those of us on this side of the aisle would do well to emulate the slogan of that rental car company: "We Try Harder." Chris demonstrated his own grasp of that premise, as well as his exceptional abilities as an administrator and manager. He developed a staff which was highly motivated, professional, capable, and loyal. In fact, Chris' track record with staffing speaks volumes for his success: throughout his tenure, he has experienced very little turnover in senior positions. Equally telling is the fact that staff members who have left to further their educations, advance their careers, or begin families continue to solicit Chris' advice and guidance. Past and present staff consider Chris a mentor as well as a friend, and that sentiment is not limited to those who worked directly with or for him.

One need only spend a short time with Chris to understand the secret of his winning ways with people. From the moment he arrives each day, he treats all those who cross his path with kindness and respect. He takes the time to learn their names and interests and to inquire about their families and friends.

Countless Hill employees, be they housekeeping personnel, garage attendants, Capitol

Hill police, committee or personal staff members, have stories to tell concerning Chris Seeger's personal thoughtfulness, concern and assistance, especially in time of need. On the wall of his office hangs a framed reminder of the philosophy he embodies so well: The most important word in the English language is "we;" the least important word is "I."

While our colleague, Norm Shumway, retired last year, Chris has continued to apply his convictions effectively. For the past 4 months, he has paved the way for Norm's successor, Representative JOHN T. DOOLITTLE. I know that Chris' knowledge and experience have been invaluable to JOHN during the opening days of his congressional career, and that an excellent new organization stands ready to fill the void when Chris departs as a result.

No one even distantly acquainted with Chris will be surprised to learn that, prior to coming to the Hill, Chris served with distinction for 6 years as a U.S. Air Force officer. He was released as a captain in 1971 following a tour in Vietnam which earned him the Distinguished Flying Cross, the Air Medal with six oak leaf clusters, and the Air Force Commendation Medal.

Now, Chris will utilize his military discipline, leadership experience, legislative knowledge and personal charisma to meet a new and exciting challenge. As vice president and legislative liaison for United Services Automobile Association [USAA], Chris will establish the prestigious San Antonio-based company's Washington office. While he will be off the Hill, I am certain he will be neither gone nor forgotten. He has too many friends on the Hill for the former loss to occur, and he has left too strong a mark to permit the latter.

Chris Seeger personifies the very finest human qualities, professionally and personally. He understands that actions speak much more loudly than words, and Chris Seeger's actions are those of a decent man, a dedicated public servant, and a committed citizen. All those who are privileged to know him and work with him, now and in the future, will benefit from the experience. I know that my colleagues will be pleased to join with me in expressing congratulations and commendation on a job well done, and in extending every best wish to Chris and his wife, Kristin, as they pursue new goals.

MATHEWS COUNTY, VA

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. BATEMAN. Mr. Speaker, I am proud to represent Mathews County, VA, and to congratulate the county on its bicentennial. The act of the Virginia General Assembly which created the county became effective on May 1, 1791, and the county will conclude its bicentennial celebration on May 1 of this year. Therefore, I am pleased to include in the RECORD today a copy of a statement prepared by the county's unofficial historian, Mr. J. Martin Diggs, which discusses Mathews fine heritage.

MATHEWS COUNTY, VIRGINIA—200 Years Old

(By J. Martin Diggs)

In 1790 some residents of that portion of Gloucester County, Virginia lying between the North River and Chesapeake Bay petitioned the Virginia General Assembly to create a new county by separating this area from Gloucester. The area in question also embraced Kingston Parish. An act was passed by the General Assembly in December 1790. The borders of the newly created county did not exactly follow parish lines but rather natural geographic lines. The act became effective May 1, 1791 and the newly created county was named for Thomas Mathews, Speaker of the Virginia House of Delegates.

Bicentennial celebrations have been going on in Mathews since November 1990, the two hundredth anniversary of the presentation of the petition to the Virginia General Assembly. Celebrations will culminate with a mammoth birthday party being planned for May 1, 1991.

Some of the folk who have left indelible marks on state and national history had roots in Mathews County. Bordering on the Chesapeake Bay and almost surrounded by other tidal waters; Mobjack Bay, North River and Piankatank River it was natural that Mathews men would take to the water for a livelihood. This they have done not alone working the local waters but engaging in shipbuilding locally and in nearby ship yards. Many of the county's men have taken to the sea so that they have won the distinction that: "The sun never sets on Mathews men." In addition such individuals as General Robert E. Lee, President William Henry Harrison, Thomas Nelson, signer of the Declaration of Independence, had roots in Mathews. Over the years there have been many others in various activities who have left their imprint upon the state and the nation.

ALICIA CERVERA: THE QUEEN OF BRICKELL"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today one of my constituents, Alicia Cervera, who recently was featured in the Miami Herald as a successful broker for condominiums in Downtown Miami's Brickell Avenue area. The article, "Queen of Brickell carves niche among the high-rises", tells her story:

When Alicia Cervera was growing up in Cuba and Peru, she dreamed of following in her mother's footsteps and becoming a builder, but the thought of becoming a queen never crossed her mind.

The exclusive broker for condominiums in the Brickell area, Cervera has been dubbed the "Queen of Brickell" by friends and clients.

The daughter of a Peruvian ambassador to Cuba and a developer, Cervera left Cuba for Miami in 1961 with her husband after he received political asylum from the Mexican government. She began researching the real estate market for friends who also were planning to move to Miami.

"When I arrived, many friends asked about property in Miami," said Cervera. "I got involved in real estate as a favor to my friends. A couple of years later, I got my license.

In 1970, she started a real estate company bearing her name. Cervera Real Estate, which employs her husband and their three children, works exclusively in the high-rent Brickell area of downtown Miami and has become successful beyond her wildest dreams.

"We did much better than I thought we could," said Cervera, president and chief executive. "I didn't want to be this involved. It captured me. I just wanted to help friends and send my kids to school."

She has seen most of her dreams come true. Her daughters are both University of Miami graduates and her son is currently a student there.

One of her biggest coups was securing the sales agent job for the Brickell condominium Villa Regina. When giant developer Trammell Crow took over the property after real estate tycoon Nicholas Morley defaulted, the building was in need of an agent. Cervera was the logical replacement.

"Alicia was well known as the player on Brickell," said Trammell Crow area partner Chris Wheeler. "As the search for a replacement for Morley progressed, her name just kept coming up. We interviewed her and came away pleased."

Today, working with developer Ujo Colombo, Cervera Real Estate is trying to sell 147 units in a 40-story building called the Bristol. The residential building, planned for Brickell Avenue and Southeast 21st Street, will be the first construction project in the neighborhood since 1981.

Though the structure is not yet built, Cervera said she has deposits on 20 percent of the units.

Cervera represents such Brickell landmarks as the Atlantis, the Imperial and Harry Helmsley's 254-unit, $60 million project, the Palace on Brickell. The buildings attract people from all over the world.

"In 1950, I went with my father for three years to New York and acted as his secretary," said Cervera. "I met all kinds of people, and it has helped me to deal with all the different nationalities. Your approach in selling has to be different to each nationality."

She credits her success to working directly with developers. Cervera believes that because she is in touch with the public every day, she has a better feel for customers' needs then developers do.

"I'm more aware if they want Jacuzzis and such," she said. "I'm also involved in advertising and do a lot of research and marketing for the developers."

Real estate is Cervera's hobby. During her free time, occasionally spent bike riding, she is constantly thinking of ways to sell her next project.

Cervera is enamored with Miami's ethnic and cultural mix.

"The other day, someone from Europe said that Miami is like St. Tropez for the Europeans," she said. "If that happens, I want to be there."

I am happy to pay tribute to Ms. Cervera by reprinting this article from the Miami Herald. Ms. Cervera's story is typical of the many successful immigrants who have helped make America what it is today.

TUFTONIA'S DAY, 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. MARKEY. Mr. Speaker, I rise today to pay tribute to Tufts University in Medford, MA and to commemorate Tuftonia's Day, 1991. The annual holiday was inspired by the Tufts fight song, "Tuftonia's Day," written by Elliot Wright Hayes, class of 1916. Tufts alumni and students all over the world will be celebrating with their alma mater on April 19. Tufts was founded in my district in 1852, and has been turning out the best and brightest ever since.

Our colleagues BILL RICHARDSON of New Mexico, class of 1970, and PETE DEFAZIO of Oregon, class of 1969, are testament to that fact. I am also proud to count three Tufts alumni among my current staff.

I grew up just a few miles away from Tufts, which I have always respected not only for its academic prowess but also for the intense loyalty that the students and alumni show their alma mater. I congratulate Tufts' president, Jean Mayer, the over 65,000 alumni of Tufts, and the 7,900 current students from all 50 States and 99 different countries on Tuftonia's Day, tomorrow.

I urge my colleagues to join with Tufts and all Tuftonians on this festive occasion, singing with vigor the song that inspired the holiday:

Steady and true, rush along Brown and Blue
Raise a mighty score today.
Fearless tear down the field and never yield!
Brown and Blue, Brown and Blue for aye!

Hammer them hard, boys, and break through their guard,
That is the old Tuftonia's way.
And our glorious banner once again will wave o'er Tuftonia's Day.
T-U-F-T-S, T-U-F-T-S, Hurrah! Hurrah! for the dear old Brown and Blue.
Up on the Hill tonight all will be gay.
Victorious in the fight, we'll raise the standard of dear old Tufts to Glory!
Pile up a mighty score.
It's bound to soar.
Now one goal more!
Nothing can stop us; its Tuftonia's Day.
Push it right through, boys, we're rooting for you.
Now then smash their guard once more.
See, they are losing fast, their line can't last!
Brown and Blue, boys, forevermore.
Right through the hole, lads, and make it a goal in the good old fashioned way.
And we'll all turn out with a lusty shout to honor Tuftonia's Day.
T-U-F-T-S, T-U-F-T-S, Hurrah! Hurrah! for the dear old Brown and Blue.
Up on the Hill tonight all will be gay.
Victorious in the fight, we'll raise the standard of dear old Tufts to Glory!
Pile up a mighty score.
It's bound to soar.
Now one goal more!
Nothing can stop us; its Tuftonia's Day.
—E.W. Hayes (Class of 1916).

INTRODUCTION OF TWO BILLS TO PROTECT THE ANTARCTIC ENVIRONMENT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing, along with other Members, two bills concerning environmental protection of Antarctica. One bill, the Antarctic Environmental Protection Act of 1991, addresses the serious problem of waste disposal and waste management at United States facilities in Antarctica. The other bill, the Antarctic Oil Spill Protection Act of 1991, provides needed protection against oilspills in Antarctica from United States vessels and facilities.

This is the second Congress I have introduced legislation to protect the Antarctic environment from man's wasteful practices. In the 101st Congress, I introduced, and the Committee on Merchant Marine and Fisheries reported, H.R. 4210, the Antarctic Environmental Protection Act of 1990. Due to its wide sweep, that bill was referred to four committees in the House and not otherwise reported. This year, I am introducing two separate pieces of Antarctic legislation, divided along committee jurisdictional grounds, for more expedited consideration of these measures.

Both bills complement legislation introduced by our late, esteemed colleague, Silvio Conte, and signed into law by President Bush at the end of the 101st Congress. The Conte law, Public Law 101–594, prohibits United States citizens from engaging in any mineral resource activity in Antarctica, pending the entry into force for the United States of a new international agreement which will prohibit or indefinitely ban mining in Antarctica by all parties to the Antarctic Treaty. Public Law 101–594 also urges the Secretary of State to negotiate a new international agreement for Antarctica which provides the continent with comprehensive and permanent environmental protection from the potential hazards of mining as well as from other human activities on the ice.

The State Department is in the process of negotiating with other treaty parties a new environmental protocol to the Antarctic Treaty. The treaty parties themselves recognize that the existing system of agreements and nonbinding recommendations is inadequate to ensure comprehensive and binding environmental protection. The negotiations, called the XI special consultative meeting, were begun last November in Vina del Mar, Chile, and will continue, and hopefully conclude, in a meeting scheduled for Madrid, Spain, later this month.

On March 5, 1991, the three Merchant Marine and Fisheries Committee subcommittees of jurisdiction conducted a joint oversight hearing on the status of the administration's negotiation of the environmental protocol. Mr. Curtis Bohlen, the Assistant Secretary of State for Oceans, International Environmental, and Scientific Affairs, briefed the subcommittees on the status of these negotiations. It was clear from this briefing that the treaty parties have made considerable progress on a draft protocol, but there is a long way to go on several key issues before consensus can be reached.

One of the remaining critical issues in the new protocol is how to resolve the impasse over mining. On the one hand, Australia, France, and New Zealand, among a large number of other treaty parties, are urging a permanent prohibition on mining in Antarctica. On the other end of the spectrum, the United States, the United Kingdom, and Japan appear to be continuing to support the convention on the regulation of Antarctic mineral resource activities, or CRAMRA. CRAMRA was negotiated in 1988, but has not entered into force due to the second thoughts of a growing number of parties over the prospect of mining in Antarctica.

The United States signed CRAMRA, but the President has wisely not submitted the convention to the Senate for its advice and consent. Both the Conte law and the Gore resolution—also enacted into law last year, Public Law 101–620—make clear Congress' opinion that CRAMRA does not provide adequate environmental protection for Antarctica, and, indeed, could promote the wrong type of commercial activities in Antarctica. I urge the President and the Secretary of State to negotiate a strong provision in the protocol consistent with the Conte law's call for a permanent prohibition or indefinite ban on mining. If the United States would exercise much-needed leadership on this question, I am confident the few remaining parties who support CRAMRA can be persuaded to adopt this more rational point of view.

Once the minerals question is resolved, the parties can turn their attention to the more immediate and critical problems of waste management, marine pollution, environmental impact assessment procedures, and conservation of Antarctic fauna and flora. It is these critical problems that my bills address. I have introduced these bills for two reasons—one, to indicate my views about the types of provisions and standards that should be included in the new protocol, and two, to serve as the basis for domestic implementing legislation. If the protocol negotiations collapse, or the impasse over mining remains, it may be necessary for the United States and other Nations to enact separate legislation regulating the activities of their citizens in Antarctica. The message is clear to the administration—do the right thing for Antarctica now, or we will have to correct the mistakes later.

The Antarctic Environmental Protection Act of 1991 amends the Antarctic Conservation Act of 1978. This law has not been amended and updated since its original passage. But, a lot has transpired since 1978. The world is more conscious of the need to keep Antarctica in its relatively pristine state so that the continent can be used as a platform for valuable scientific research. Once the continent is polluted, important work on detecting and monitoring global climate change will be tainted, too. We also need to develop and implement a new philosophy on bringing materiel to Antarctica so that waste in and from Antarctica can be reduced accordingly. We also have to protect Antarctica from the hazards of oil spills. Recent accidents have shown the need to take more care with the transportation of fuel oil, because once the oil is spilled, it is nearly impossible to remove from the ice.

The United States Antarctic Program [USAP] and the Antarctic Conservation Act are administered primarily by the National Science Foundation [NSF]. I, among other Members of Congress, have been critical in the past of NSF's administration of the USAP. Protection of the environment has taken a back seat to the pursuit of research, establishment of bases, and logistical support for scientific research. The USAP's support of Antarctic research is important, but it cannot succeed if the underlying environment is contaminated with waste, oil, open burning, and landfills.

I am pleased that the NSF is beginning to take seriously the need to have good environmental practices in Antarctica. But, the proof of this new-found interest is not yet in. NSF's efforts are based on 1978 legislation which is outdated and needs, in my opinion, amending to address the current range of environmental issues. NSF's efforts are also largely voluntary and may not be binding on all participants in the USAP, including other Government agencies as well as private citizens and private tour operations. To carry out the provisions of the new protocol and to make sure that the Antarctic Conservation Act is binding on all United States citizens in Antarctica, amendments to the act are needed.

More specifically, the Antarctic Environmental Protection Act would regulate waste disposal practices at United States bases in Antarctica; require the cleanup of past dump sites; prohibit the discharge of plastics, other garbage, and hazardous substances from United States vessels; require the designation of new specially protected areas; confirm the application of the National Environmental Policy Act [NEPA] to Federal activities in Antarctica; and augment the civil penalties in the act and make them available for the protection of Antarctic resources and the conduct of environmental education and training programs. To ensure that NSF takes into account U.S. standards and laws and receives the benefit of other agencies' expertise, my bill requires the Environmental Protection Agency to assist NSF in the development of waste management regulations, the Coast Guard to regulate vessel sources of pollution, and the National Oceanic and Atmospheric Administration to administer an environmental monitoring program. The bill also authorizes needed appropriations for NSF, the Coast Guard, and NOAA for fiscal years 1992 and 1993.

The second bill, the Antarctic Oil Spill Protection Act of 1991, amends the Oil Pollution Act of 1990, Public Law 101–380, to apply its key principles to United States activities in Antarctica. I have adapted the provisions of the Oil Pollution Act to apply to the unique physical and legal circumstances of Antarctica. My bill prohibits the discharge of oil in Antarctica by any United States citizen or vessel and requires persons who do discharge oil to remove the oil, restore the affected environment, and compensate injured third parties. The Coast Guard, which is the U.S. expert on oil spills, is charged with administering the act, and can assess civil penalties for violations of the act's requirements. The civil penalties so collected will be deposited in a trust fund and used to help protect specially protected areas and provide training and environmental education to persons visiting Antarctica.

The Coast Guard is also authorized to require and approve oil spill response plans from United States vessels that pose a threat of discharging oil into the Antarctic environment, and to ensure that these vessels have evidence of financial responsibility in an amount sufficient to undertake their potential liability under this act. Further, the bill directs the Coast Guard to undertake a study of the safety of United States and other vessels subject to the jurisdiction of the United States to make sure the vessels can navigate safely in Antarctic waters and that United States citizens traveling on these vessels are safe. I am concerned that, with an increasing number of United States tourists visiting Antarctica by ship, the vessels that carry them should be safe to operate in this harsh environment.

I urge my colleagues to support these Antarctic environmental protection measures. When the time comes, I will urge their passage.

TRIBUTE TO EDWARD M. SWEENEY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. GUARINI. Mr. Speaker, I rise today in order to recognize the accomplishments of a citizen in my district, Mr. Edward M. Sweeney. I believe he represents in many ways the ideal citizen, one who dedicates his life to serving his community.

Ed's home is Bayonne, NJ. He graduated from St. Mary's Grammar School, Bayonne High School, and the New Jersey State Fire College. Ed served in the U.S. Navy during World War II, holding the rank of motor machinist mate 3rd class. He and his wife Loraine have five children.

As an employee of the Bayonne Fire Department from 1943 until 1975, Ed Sweeney exemplified the highest standards of public service. He started out serving as a fireman, then was promoted to mechanic, captain and finally superintendent of apparatus. Later, he served as director of public works, and in 1979, he was appointed director of the merged departments of public works and parks and recreation, where he worked until his retirement in June 1990.

As director of public works and parks and recreation, Ed accomplished a great deal for the citizens and the city of Bayonne. He operated a successful recycling division, setup a cost effective and efficient method for snow and ice removal, and instituted ferry service from Brady's Dock in Bayonne to the South Street sea port in New York. Ed also upgraded all the parks and playground areas, installing new play structures in Bayonne's Di Domenico Park. Ed Sweeney's renovations provided facilities that could also be used by disabled children. The citizens of Bayonne are still benefiting from the programs and projects established by Ed Sweeney.

Ed has been an active participant in countless community organizations, including the Salvation Army, New Frontier Democratic Club, St. Andrews Holy Name Society, Emerald Society State of New Jersey Law Enforcement Officers and Firemen, Irish American League, Mackenzie Post 165, Ireland "32," Firemen's Mutual Benevolent Association, County Donegalmen's Association, and Bayonne St. Patrick's Day Parade Committee. In 1976, Ed was chosen to be grand marshal of the St. Patrick's Day Parade.

Through commitment and dedication to their communities, citizens like Ed Sweeney have contributed to the strength and development of the United States. Ed's hard work has helped make the town of Bayonne a safe place to live, a good place to raise a family, and a friendly place in which all citizens feel a sense of belonging. Men and women, like Ed, who protect and improve the quality of life for the members of the communities, are an invaluable asset to America as we face the challenges of the future.

On Friday, April 26, 1991, Ed will be presented with the Distinguished Citizen Award by the Boy Scouts of America. He will also be honored by the city of Bayonne with a commemorative resolution. I ask my distinguished colleagues to join me and these groups in congratulating Mr. Edward M. Sweeney for his lifelong dedication to the city of Bayonne.

NUTRITIONAL HEALTH FOR OLDER AMERICANS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Ms. OAKAR. Mr. Speaker, there are few images more haunting than older Americans suffering from malnutrition. Yet as many as 50 percent of our hospitalized elderly population have been said to suffer from this condition. Malnutrition which in many cases is preventable and treatable. Malnutrition which if prevented and treated early, would significantly reduce hospital stays and surgery recovery times. Malnutrition which can drain the vitality out of thousands of seniors.

As a senior member of the House Aging Committee and as someone with a keen interest in our older citizens, I want us to work to keep seniors free-living and vital as long as possible. To do so reduces the demand on our over-burdened health care system and saves precious health care dollars. Of all the "high-technology" methods we can employ to preserve and promote life while saving money, feeding people is one of the most effective.

In March we celebrated National Nutrition Month. I would like to join in supporting the work of the 35 member organizations who form the Nutrition Screening Initiative. I enthusiastically support their call to make screening for nutritional status an integral part of Americ's health care system. We must work together to make nutrition assessment or screening as commonplace as the checking of blood pressure or pulse in the care of older adults.

Increased efforts to improve the nutrition of all Americans were among my recommendations to the Pepper Commission which were incorporated into the Pepper Commission Report. Last year, this recommendation—to promote 21 national health objectives for healthy lifestyle—was signed into law. This language is also an integral component of my legislation H.R. 8, the Universal Health Care For All Americans Act. The Nutrition Screening Initiative is consistent with this specific recommendation.

Fellow colleagues, I call your attention to the recently released "Healthy People 2000", Department of Health and Human Services' health objectives for the Nation. In it, Secretary Louis Sullivan calls for an increase to at least 75 percent the number of health professionals providing nutritional assessment for older Americans. In 1988, the Surgeon General's Workshop on Health Promotion and Aging recommended that "a nutrition assessment be done at admission to all institutional or community based health care settings."

Mr. Speaker, we must not delay in taking this simple yet effective step toward providing better preventive care for our Nation's older citizens. Together we can work to institutionalize nutrition screening because nutritional status is a vital sign of America's health. Through the leadership of this Congress and the public and private sector organizations involved with the Nutrition Screening Initiative, we can significantly improve the quality of nutritional health for all of older Americans.

MEDICARE TO CONSIDER COVERAGE OF PREVENTIVE HEALTH SERVICES TO THE ELDERLY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. RINALDO. Mr. Speaker, I am pleased to join with my colleagues ED ROYBAL and RALPH REGULA in introducing legislation to require Medicare to consider coverage of preventive health services to the elderly. This bill would allow payment under Medicare for colon and cancer screening examinations, annual physical examinations—including various tests such as serum cholesterol, blood pressure, and basic screening exams for vision/hearing loss—and basic mental health screening tests. Under this measure, each benefit would be reviewed as part of a trial program, available in a number of States and communities, before the benefit would be expanded to a nationwide basis. Where the trial program finds a service to be effective, the benefit would become a permanent part of the Medicare Program.

As vice chairman of the Select Committee on Aging, I consider health care a top priority in Congress, and it is my firm belief that this Nation's elderly and disabled should not be unfairly burdened by health care needs. Many insurance policies, such as Blue Cross/Blue Shield, do not cover preventive care. The lack of insurance coverage is a disincentive for people to get the kind of screening that would show a serious illness soon enough for it to be effectively treated. I have always made efforts to improve Medicare and broaden it so that it does not just cover acute care. The purpose of our bill is to prevent serious illnesses from developing to the point where they are expensive to treat. The services that this bill would provide may not be covered by a senior citizen's private health insurance any more than they are currently covered by Medicare.

I will continue to oppose cuts in Medicare benefits. I know the struggle many older Americans face simply to keep pace with inflation and the skyrocketing cost of health insurance, and I am committed to improving their fragile economic status.

TRIBUTE TO VIETNAM VETERANS

HON. CARL C. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. PERKINS. Mr. Speaker, I stand before you today to honor and recognize our country's Vietnam veterans.

My district in eastern Kentucky is well known for its commitment to our Nation's armed services and for always responding to our country in times of war. The people of eastern Kentucky are a fiercely proud folk who put loyalty to our Nation above virtually everything else.

That goes a long way toward explaining why eastern Kentucky has consistently sent proportionately more of its kind to fight in wars than essentially any other part of the country.

Mr. Speaker, I'm proud of our loyalty and I'm proud of our commitment to fight when called upon.

And once again, when war broke out in the Persian Gulf, eastern Kentucky was there. We performed our jobs with dignity and with marvelous speed. I am proud of our performance.

I'm also proud of all those towns and communities back home—no matter how big or small—that are preparing parades and special ceremonies to honor our returning troops.

I can't begin to tell you how good it makes me feel to have seen whole towns rally together in support of our soldiers in the war against Iraq. And now, Mr. Speaker, I am overjoyed to see these same communities come together to pay tribute to these men and women as they come home.

And when these hometown rallies take place, they should be to honor all veterans of past wars.

Just recently, I met with a gentleman from Lewis County in my district who is a Vietnam veteran. He told me that he felt he had not received the recognition that he deserved for picking up and fighting for our country over in Vietnam. He wasn't sure whether people saw him as a hero like those returning soldiers from the Middle East.

Well, Mr. Speaker, I think many Vietnam veterans share those same feelings. And as I told that gentleman, that disturbs me greatly and is the reason I stand before you today.

Mr. Speaker, all veterans are heroes. And they all deserve to be recognized equally for their heroism in combat and for defending the freedoms that we as Americans enjoy.

And so, today I would like to humbly recognize all our veterans who fought in Vietnam. I would like to see that all these joyous festivities being planned for our troops coming home include the due recognition of all our other veternas who fought in past wars.

Mr. Speaker, all veterans are heroes. Our Vietnam veterans are heroes. Today, I'd like to see our country renew its devotion and gratitude for those men and women who fought in Vietnam.

God bless them and God bless America.

CYPRUS—A NATION CAUGHT BETWEEN U.N. RESOLUTIONS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. FEIGHAN. Mr. Speaker, during the Gulf crisis, the United States stood firmly behind full implementation of the U.N. resolutions upholding the rule of law and opposing illegal occupation of a sovereign nation—first employing sanctions and ultimately resorting to use of force to enforce them. In the wake of these actions, heightened attention is now directed at world situations which parallel that of occupied Kuwait. One such situation exists in Cyprus—a nation caught between U.N. resolutions against illegal occupation and a world community unsure of how to enforce them.

Much like the Kuwaiti situation the United States initially imposed an embargo on the aggressor nation, Turkey. In the case of Turkey, it was an arms embargo instead of an economic embargo as was applied to Iraq. In both cases, Iraq and Turkey, the embargo was kept in place for a short period of time and was replaced with an alternative policy approach. In the case of Iraq, it was military action. In the case of Turkey, it was diplomatic efforts without the pressure of an arms embargo, which was thought by the State Department to be impeding Turkey's willingness to withdraw its troops.

The conventional wisdom resulting from both cases, Turkey and Iraq, is that embargoes don't bring about the desired result. In the case of the Turkish arms embargo, it is generally felt that during the 3 years which the arms embargo was in place, Turkish troops did not return to Turkey.

New information, which had not been previously compiled and which has recently come to my attention, suggests that the congressionally imposed arms embargo on Turkey may have had some positive influence on the withdrawal of Turkish troops from Cyprus. This data is contained in a senior thesis of a Princeton University student and is based on troop withdrawal numbers taken from the United States official UNFICYP reports and from interviews with numerous officials from the United Nations, the United States, Turkey, Greece, Turkish-Cypriots and Greek-Cypriots.

The Turkish troop withdrawal numbers show that during the 3½ years that the arms embargo was in place and in 1984 when the Congress seriously threatened its reimposition, Turkish troops were withdrawn from Cyprus at an average rate of 2,900 troops per year. If that rate had continued, the last Turkish troops would have been withdrawn from Cyprus and the bulk of the U.N. resolutions regarding Cyprus would have been implemented by 1986.

Those who were in the House and Senate in 1978 remember that they were strongly encouraged to vote to lift the embargo because they were told that it would facilitate Turkey's ability to remove troops from Cyprus. The embargo was described to be a political impediment to the removal of the troops.

During the 13 years since the arms embargo was lifted, no Turkish troops have been withdrawn from Cyprus. The one brief exception involves a small troop withdrawal in 1984, when numerous votes on Capitol Hill reduced American aid to Turkey and suggested a return to the embargo.

This new data regarding the effectiveness of the imposition of the arms embargo on Cyprus and the ineffectiveness of its removal with respect to the removal of Turkish troops should give pause to those who would discount as ineffective non-force options. It should alter the conventional wisdom which concluded that the congressionally imposed arms embargo on Turkey had no positive impact whatsoever on the military occupation of Cyprus.

By presenting this new data I am not suggesting that we today reimpose the arms embargo on Turkey. I am, however, suggesting that our foreign policymakers should first attempt to fully understand, through the benefits of perspective, past efforts to solve the Cyprus problem before they ponder ways to bring about compliance with U.N. resolutions regarding Cyprus.

ISRAEL INDEPENDENCE DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. WAXMAN. Mr. Speaker, 43 years ago, the remnants of European Jewry fulfilled an ancient dream by establishing a haven for homeless Jews from around the globe in the land of Israel. I rise to ask you and my colleagues to join me in wishing the State of Israel well on the occasion of her 43d birthday.

Every Member of this body is well aware of the fact that this has been a particularly difficult year for the State of Israel. Besides the usual Arab hostility toward the only Middle Eastern democracy, the pernicious violence of the intifada continues to rage, striking unsuspecting citizens deep within Israeli territory. Unfortunately, what will be remembered as the most significant event of Israel's 43d year is the infamous Scud. While these crude weapons of terror took only a few lives, their impact extended far beyond the severe property damage they inflicted.

For the first time in history, Israel did not respond to a direct attack. Instead, ceding to the urgent requests of the United States, Israel restrained herself. Mr. Speaker, I can think of very few nations on Earth that possess the self-confidence and the strength to restrain from responding to a direct hit upon a civilian center. Israel's restraint is not only a testament to Israeli verve, but also exemplifies the unique nature of the United States-Israel relationship.

As difficult as it is to believe, through the violence, the bloodshed, the embargo, and the constant state of war, things are looking better for the State of Israel. Changes in the Soviet Union are now yielding what Israel values more than anything else—Jews in search of a home. Thousands upon thousands of Soviet Jews are escaping a crumbling Soviet Union to be welcomed into this tiny bastion of democracy in a hostile neighborhood. Despite the serious economic and social dislocation these new immigrants will cause and are already causing the State of Israel, they are greeted with open arms and instant citizenship. As Israelis, these new citizens will experience democracy and the freedom to live as Jews. In turn, these new immigrants provide Israel with the exiles to fulfill the hopes and dreams of Zionism and the population to protect the security and future of the State of Israel.

We have just been through a very difficult year during which Israel displayed the quality of her character and friendship. I only hope that as our Nation attempts to bring the parties in the Middle East together in peace, we do not forget who was with us during the war.

Mr. Speaker, as I join my colleagues in wishing Israel well today, I want to express my profound hope that Israel's 44th year be more peaceful than the last.

WILLIAM WHITE WILL BE MISSED

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. MATSUI. Mr. Speaker, I rise today to advise you that an outstanding member of the Sacramento community, Mr. William White, has recently passed away. A native of Sacramento, Mr. White has made numerous contributions to our community and we will all miss his presence.

As a superior court judge for over 29 years, Mr. White dealt with a tremendous range of issues and personalities, consistently acting judiciously and fairly in his case determinations. He combined a comprehensive understanding of the law, an appreciation of the importance and role of laws and a legal system, and a sensitivity to the concerns of those who entered his court. Mr. White's courtroom presence and fairness made him a favorite of Sacramento lawyers. In fact, a Sacramento County Bar Association's judicial poll rated Mr. White the top Sacramento Superior Court judge from 1976 to 1981.

Mr. White attended law school at McGeorge School of Law and for many years taught courses there on probate law. Before opening a law practice in the early 1930's, Mr. White was a member of the National Guard, sustaining an injury in 1927 when his unit was called up to quell the Folsom Prison Thanksgiving Day riot. In addition to his many years of service as a superior court judge, Mr. White was a member of the Sacramento, CA, and American Bar Associatons, the American Judicare Society, and the National College of Probate Judges.

William White is survived by his wife Dorothy White; four children; Mary Ravizza, Denis White, Wendy Virga, and Janet McIntyre; as well as 15 grandchildren and 12 great-grandchildren. William White has made a tremendous contribution to all our lives and he will be missed greatly. We all mourn the loss of such an exceptional man.

CALL TO CONSCIENCE ON PLIGHT OF SOVIET JEWS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. MAZZOLI. Mr. Speaker, many Jews who wish to leave the Soviet Union are repeatedly denied the right to leave. This is particularly poignant in the case of Venlamin Zakharin.

Venlamin Zakharin has been repeatedly denied a visa on the grounds that he holds State secrets. Mr. Zakharin is an engineer, and he and his wife have been trying to bring their two children to the United States for several years. Even though the whole family has been granted permission from the U.S. Government to enter our country for permanent residence, Mr. Zakharin continues to be denied an exit visa.

In February 1990, the Soviet Government demanded that Zakharin's wife, Irina, divorce her husband if she and her two children wanted to leave the country. When the couple appealed to the international community, the Soviet Government reconsidered and Irina and the two children were allowed to leave.

This case is even more urgent for the Zakharins because one of their sons has a health problem that cannot be treated in the U.S.S.R., and the wife and two children must leave immediately for treatment in the United States.

Despite hunger strike protests by both Irina and Venlamin Zakharin, the Sovet Government continues to refuse Venlamin's request for an exit visa, and the family must, out of necessity for the child's health, be separated.

This heartbreaking story is only one of many existing cases of Soviet refusniks who have been denied the right to leave the U.S.S.R.

TRIBUTE TO FOURTH, FIFTH, AND SIXTH GRADE STUDENTS OF BEAVERTON MIDDLE SCHOOL, BEAVERTON, MI

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. CAMP. Mr. Speaker, I rise today to recognize the achievements of the fourth, fifth, and sixth graders at Beaverton Middle School in Beaverton, MI. These students, as participants in National Reading Month, read 1,306 books during the month of March.

"Reading opens us up to the world," says First Lady Barbara Bush. The young men and women who played a role in this special month had the opportunity to open the world a little bit more for themselves. Reading is an activity we don't pay enough attention to, especially in this day and age of television, where we are being bombarded with incredible amounts of information through the various electronic mediums.

Through projects like National Reading Month and the First Lady's Read-A-Book Program we can continue to keep our Nation's young people on the positive path of reading. At a time when the illiteracy rate in the United States is at an all time high, this should be a very important priority for our educational system.

Mr. Speaker, I commend the students at Beaverton Middle School for their diligence and commitment in taking part in National Reading Month. Their efforts are an example for all of us to follow.

SALUTE TO ALEX FIORE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor one of the leading citizens of my district and an outstanding American, Alex T. Fiore.

Alex Fiore was one of the leaders of the drive that made the community of Thousand Oaks a city back in 1964, and he's been on the city council since incorporation. His leadership and his vision have been instrumental in making Thousand Oaks one of the best places to live in the entire United States.

Alex has served as the city's mayor five times, and has been on more boards and commissions than my time allows me to relate. Suffice it to say that he's played a key role in virtually every civic event in the Conejo Valley since the Eisenhower administration.

Despite his involvement in city affairs, Alex has found time to participate in a wide variety of community groups as well, including Little League, Cub Scouts, Conejo Youth Employment and the Thousand Oaks High School Scholarship Foundation. For his efforts, he has received numerous honors and awards, including being named Don Triunfo in 1977 and the Chamber of Commerce Man of the Year in 1978.

In addition, Alex served his Nation proudly in the U.S. Navy during World War II, and later served as an administrator for Rockwell International, retiring as vice president for finance and administration and controller of the company's Rocketdyne division.

For his service to his country, Alex will be named Patriotic Citizen of the Year by the Conejo Valley Chapter of the Military Order of the World Wars, and also receive the group's Silver Patrick Henry Medallion. As the honorary chairman of the chapter's Red, White and Blue Ball this year, it will be my privilege to help present Alex with these honors.

Mr. Speaker, I ask my colleagues to join me in saluting a fine man and an outstanding American, Alex Fiore, for his service to his country and his community.

THE SUPREME COURT RULING IN COTTAGE SAVINGS VERSUS COMMISSIONER

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mrs. KENNELLY. Mr. Speaker, I rise today to express outrage at the Supreme Court's decision yesterday in Cottage Savings Association versus Commissioner.

In 1980, the Federal Home Loan Bank Board permitted thrift institutions to enter into reciprocal sales of substantially identical mortgage loans without having to reduce their net worth by the difference between the transferred loans' book value and market value. Many thrift institutions entered into such reciprocal sales simply because they did not have to report losses on these transactions for regulatory purposes but generated tax losses.

The Internal Revenue Service, I believe correctly, challenged these losses. These transactions were nothing more than a regulatory device to infuse cash into the savings and loans using the tax code. However, the Supreme Court ruled yesterday in Cottage Savings Association versus Commissioner that the tax losses were justified because the pools of loans were materially different because the loans were made to different individuals and were secured by different homes.

The Court's ruling is off base. The Court simply ignored the fact that these transactions were designed to specifically generate losses. In addition to the billions the government has already been forced to spend on the savings and loan debacle, this ruling will result in the Internal Revenue Service having to refund at least several billion dollars. Further, under the tortured logic Justice Marshall utilized to justify the realization of the losses, no exchange of any pool of debt would ever not qualify for a tax loss.

I have introduced legislation, H.R. 1141, which would disallow losses on transactions of this nature. As a result of this decision and evidence that other financial institutions may be considering these types of swaps, I intend to work with the Ways and Means Committee and the Joint Committee on Taxation on much needed reform in this area.

COMMUNITY DEVELOPMENT BLOCK PROGRAM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, one of the best programs that the Federal Government carries out is the Community Development Block Program. People don't hear as much about this as they hear about other programs precisely because it is so well run that it provides no basis for those seeking to write about scandal. As a member of the subcommittee which, under the leadership of our colleague from California [Mr. LANTOS], thoroughly investigated the work of the Department of Housing and Urban Development, I can tell you that virtually nothing of a negative sort came out about the CDBG Program. To the credit of the gentleman from Texas [Mr. GONZALEZ] the Banking Committee has protected and improved this program and those on the Appropriations and Budget Committees have also been supportive.

This program works especially well in many of the cities which I represent and one of those cities where CDBG has played a particularly important role is Fall River. Under the leadership first of Mayor Viveiros and now of Mayor Bogan, Fall River has made excellent use of these Federal dollars. And Community Development Director Paul Poulos has become a national leader in the movement based in part on his very successful record in Fall River.

It was therefore particularly appropriate that the Fall River program was selected as the one to be depicted in the current poster being used to celebrate the Community Development Program nationwide. The National Community Development Association took a photograph which had been taken of the Fall River Program at work, with four children who were enjoying a CD-funded day care center in August 1989 prominently featured. Mr. Speaker we recently met in Fall River to celebrate the use of this poster and the four children once again were there to illustrate the value of the CD Program. While their faces—and the back of one of their heads—now look out at people all across the country, the names aren't on the poster and I think it is appropriate that these children be given the recognition here that they are entitled to get for their willingness to participate in this effort.

Therefore, Mr. Speaker, I want to congratulate Datun Taiwo, Mathew Comeau, Melissa DeLima, and Stephanie Fiola for appearing in the National Community Development poster. And of course I want to congratulate an excellent photographer, George Hovorka of the Fall River Community Development Agency who took this photograph and made it available for the poster.

NEW HAMPSHIRE HONORS DANIEL TOOMEY ON HIS RETIREMENT

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. SWETT. Mr. Speaker, I rise before you today to honor Nashua firefighter Daniel Toomey as he retires from the Nashua Fire Department. Toomey has served with dedication and distinction on the Nashua Fire Department for 21 years.

Throughout his tenure with the department, Toomey has been a leader in his local union and the State AFL–CIO and has fought for the rights of working men and women. He has served as president of the International Association of Firefighters Local 787, as president of the Nashua Area Labor Council and was a founder of the New Hampshire coalition of occupational safety and health.

He has also served as a State representative where he fought for family leave legislation and was a key leader in the rewriting of workers compensation programs in the Granite State.

Yet with all his public accomplishment, he is justifiably proudest of the job he has done as a husband and father.

Mr. Speaker, I ask my colleagues to join me in honoring Daniel Toomey, a man of principle who has represented his department and his State in true New Hampshire fashion.

DUTY-SUSPENSION LEGISLATION AFFECTING FINE WOOL FABRIC

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Ms. SLAUGHTER of New York. Mr. Speaker, today I have introduced a duty-suspension bill designed to eliminate a quirk in the U.S. tariff schedule that unfairly penalizes companies which manufacture fine wool suits. Due to lack of domestic production, these companies are forced to import high-quality wool from abroad. The tariff rate on this wool, however, is substantially higher than the tariff rate on finished suits made from the same fabric. In other words, our tariff system actually encourages the import of finished suits over the import of fabric which can be made into suits right here in the United States by American workers.

One of my district's largest employers, Hickey Freeman, has been adversely affected by this quirk of our tariff system. It is a tragedy that at a time when America is struggling to maintain its manufacturing base in the face of increased global competition our tariff structure is working against American manufacturers.

The current duty on wool fabrics is 36 percent, while the duty on finished suits made from the same fabric is only 21 percent. This explains why import penetration by men's suits is twice as much as that by wool fabric.

The wool fabrics needed to make fine men's suits are either not made in the United States or are made in quantities insufficient for the needs of the domestic tailored clothing industry. The apparel industry estimates that U.S. textile mills produce only 3 to 5 percent of the 3.4 million yards of this type of fabric that is used every year.

I have introduced legislation which would eliminate the tariff on the finest fabrics, those made of 80 count yarn and finer. My bill would also cut in half the current 36 percent tariff on fabrics made of yarn counts between 70 and 79. No other wool fabrics would be affected. Domestic textile manufacturers would not need to fear increased competition because only the finest wool fabrics, which are not currently produced domestically, would be affected by this bill.

Our domestic manufacturers of fine men's suits deserve fair treatment under our tariff schedule. My legislation would give them that. Let us give American manufacturers the support they need.

A+ STUDENTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. RANGEL. Mr. Speaker, I am honored to call to your attention the endeavors and successes of a remarkable school in the 16th Congressional District: P.S./I.S. 223, also known as the Mott Hall School.

Each year, New York City's 620 public schools compete in a reading examination. For the past 3 years, Mott Hall students have won first place. And this year, they did it again—with a 100-percent reading record at or above grade level.

Surely, theirs is a winning streak that any student would envy. Upon closer examination, it is nothing short of remarkable. The students at Mott Hall, you see, have not had it so easy. Over half of them come from families that live in poverty. Some have only recently arrived in the United States; the English that they read so masterfully is not even their native language.

How then have these students so consistently performed with excellence? Because they could.

My district, Mr. Speaker, teems with youth like those in Mott Hall—children filled with promise and hope, bursting with the desire to achieve something with their lives. Yet tragically, society seems to tell them that they cannot achieve, that they have no opportunity, that they need not even try to come in first place.

Mott Hall students try—and they succeed.

Mott Hall is a school committed to excellence in mathematics, science, and technology—a commitment that its students make good on every day of the week. The school staff, a group of highly and dedicated professionals led by the inspiring principal, Mirian Acosta-Sing, encourages students to integrate their assigned subjects and pursue independent and creative projects.

The teachers' hard work pays off. Mott Hall students are models of diligence, who are regularly accepted at elite prep schools. They leave Mott Hall confident of their abilities and committed to their communities.

These 425 youngsters in grades 4 through 8 know that they are in a special place, and they work hard to keep it that way. They involve their parents in their schoolwork, and even have them sign a pledge to provide a quiet workplace and after-school assistance. They work with the community, reclaiming parks from drug abusers and weeds, serving in homes for the elderly, and tutoring younger students to show them that they, too, can succeed if only they try. And above all, they study—and study hard.

Four years, four top placements in reading. It is indeed wonderful news, but when one thinks about it, not all that surprising. As Mirian Acosta-Sing tells her students, "I knew you could do it."

DEMOCRACY—THE VANGUARD OF FREEDOM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. RICHARDSON. Mr. Speaker, I would like to share with my colleagues the words of one of my young constituents: "Democracy has made freedoms possible, but democracy cannot be taken for granted, because success is a long and continuous struggle." The author of those words, Katherine Yanda, is a high school senior from Santa Fe, NM, who is the statewide winner of the Voice of Democracy Broadcast Scriptwriting Contest. Katherine's message is one that I take seriously, and because democracy is most successful and equitable when all of our citizens participate, I have created an internship program in my office in order to encourage our youth to partake in this democracy. I am extraordinarily proud to share Katherine's broadcast script with you and hope that it encourages each of us to draw on the talents of our most promising youth, like Katherine, who will help our Government protect the freedoms we hold dear.

DEMOCRACY—THE VANGUARD OF FREEDOM

(By Katherine Yanda)

Sofia, Bulgaria. Recently released from Communist rule, the people wait in ever longer lines for bread and meat. Yet now, instead of the one government newspaper that has reported news for almost half a century, there are over forty publications in the capital city. Thousands crowd in a square in Poland, all faces upturned for the results of an election that they participated in, to hear the names of leaders that they elected. The wall between East and West Berlin was destroyed; families separated over forty years ago, danced reunited in the rubble. All these are freedoms that the United States has enjoyed and participated in for over two hundred years, yet are new and wonderful to many countries. Democracy has made these freedoms possible, but democracy cannot be taken for granted, because success is a long and continuous struggle.

The United States of America enjoys more freedom than any other country in the world. We enjoy liberties because we have fought for them and maintained them. The Constitution and Bill of Rights were written to ensure that our freedom was maintained, but in and of themselves do not solve all problems. The reasons that the United States has succeeded is because the people continue to change and work to better the nation. It is because we have this ability to change that our freedom is ensured.

To many countries, democracy appears to be the golden answer to every obstacle. When people are given freedom and rights, they expect that all problems will be solved. A democratic government allows people to think, to be creative, to choose. What people new to the democratic process do not realize is that this creates conflict as all people do not want the same things and do not have the same ideas of what is right and what is wrong.

To be a successful institution, democracy takes constant work and must encompass the ability to compromise. Our government is made up of a body of continually changing delegates. These delegates are elected by the people and represent their ideas. They rarely find answers that please everyone, but they find answers that work. The three branch system of judicial, representative, and executive balances the country. If the nation swings too far in one direction, we have the freedom to begin a counteraction to bring it back to the middle again. United States citizens have the right to make changes when the country is not being run as they feel is right.

It is because of this ability to change that freedom can flourish. It flourishes because there is not one person dictating right and wrong to an entire country; all people have a say in what happens. It is in this way that the United States has successfully survived two radically changing centuries. Because we have the freedom to choose our leaders, and the freedom to think the way we wish, America has prospered and become a leader in the world community. Democracy breeds creativity and initiative.

A successful, thriving democracy takes continual participation from all of its constituents. Freedom must be guarded carefully, it cannot be taken for granted. Although we were born and raised with the freedoms that some nations are just now receiving, we must cherish these rights as if we were also just receiving them. We need to look at our right to say what we want as if the first free newspaper had just been created. We need to vote for our leaders as if they had been chosen for us for the last 50 years. We need to relish our right, to do what we want, when we want and we must look at our democracy, not as an incompetent government, but as an institution that has upheld freedom for two hundred years, because of our right to choose and our ability to change our nation for the better.

TRIBUTE TO JOHN H. COSTELLO, SR.

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. ATKINS. Mr. Speaker, I rise today to inform my colleagues of the passing of John H. Costello, Sr., an honorable man, philanthropist and community leader from Lowell, MA.

All too recently I had the pleasure of advising you of John's accomplishments: his attendance at Lowell High School and Dartmouth College, his years as a professional hockey player with the Boston Olympics, his service as an officer in the Navy, and his ultimate return to Lowell and the beginning of his career with the Lowell Sun.

The Lowell Sun, founded in 1878 by John's grandfather, is one of the oldest family-based newspapers in the country. John became president of the paper in 1956; his son now serves as its editor. During John's tenure, the newspaper increased its circulation to become the most widely read community newspaper in New England.

In 1987, John and his family acquired complete control of the stock of the company, thus preserving this company as one of the oldest family owned and regionally based newspapers in the country. The accomplishment demonstrates what was for John a life-long dedication to the city of Lowell. As you may be aware, Lowell was a manufacturing town which had suffered greatly during the middle of this century. The redevelopment of this increasingly vibrant community is attributable in part to the quiet support of John and his involvement in community growth programs both personally and in his capacity as Editor of the paper.

John is also remembered for his philanthropy. The Lowell Sun charities has donated generously to worthy causes in this community.

John's achievements were publicly honored in 1988, when he received the Dr. An Wang Award. This award is presented to those individuals whose activities have demonstrated their commitment and dedication to the business community.

John's continuing support of the revitalization of this community, and his emotional and financial support of the city and its citizens, will be sorely missed. My condolences go to his family who, I am sure, can temper their sadness with the knowledge that John's accomplishments and achievements will long be remembered.

KILDEE HONORS RECIPIENTS OF WALTER REUTHER AWARD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday April 18, 1991

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise today to honor eight extraordinary members of the United Auto Workers' Local 599 who have shown tremendous loyalty and commitment to both union and community.

Mr. Speaker, for the past 15 years, UAW Local 599 has recognized such dedication and contributions by long-term members at its annual Walter Reuther Distinguished Service Award ceremony. This year, the ceremony will be honoring these eight exemplary individuals on Sunday, April 21, in Davison, MI.

Those receiving the prestigious union award have held important leadership positions in the union and have served the union with great distinction for at least 20 years. They are Charles G. Abbey, Everett "Bud" Evans, Russ Hawley, Dick Hazel, Sam Iaquinto, and Arturo Reyes.

Each of these individuals, Mr. Speaker, have made considerable sacrifices and contributions to their union and to the community of Flint, my hometown, in which they have worked. They have dedicated themselves to improving the working conditions in our auto plants in Flint, and collectively and individually they have made our city a better place to live.

Mr. Speaker, it is fitting that these fine union members are receiving an award named after Walter Reuther, since he epitomized all that is good in our society. He was compassionate, he believed in justice and freedom, and he devoted himself to working to protect and enhance human dignity.

Two other individuals also richly deserve to be associated with such qualities—and both will be receiving special awards at the April 21 ceremony.

One of the awardees is James Kalemis, who is chairperson of the TeleCommunication Commission, which oversees cable television in Flint. Mr. Kalemis first went to work for Buick in 1935 and, while he retired from Buick in 1982, he has continued to be a vital contributor to the union. As a strong advocate of both union and community affairs, he has been instrumental in a number of programs at Local 599.

The second special award will recognize the only honorary member of the local UAW, other than myself, the Honorable Judge Donald R. Freeman. As a tireless advocate of justice and the law, Judge Freeman has given unparalleled service to the union membership and to the people of Flint. He is a man of honor and intellect and a man of great compassion.

All eight of these remarkable individuals represent outstanding role models in their communities and for their fellow union members.

Mr. Speaker, I urge the House of Representatives to join me, Local 599, and the community of Flint in honoring them. They have set a standard that we would all do well to emulate, and they continue their good work for those around them.

I thank them for all they have done, and I commend them for the honor they will be receiving in recognition of their tremendous accomplishments.

ISRAEL'S 43D YOM HA'ATZMAUT

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. PAXON. Mr. Speaker, as we approach the eve of Israel's 43d Independence Day, Yom Ha'atzmaut, which will be celebrated this Sunday, April 21, Israel's strength and commitment to the democratic ideals we value becomes only more poignant.

This tiny country has struggled for an independent and peaceful coexistence in the Middle East. They have fought for the freedoms many of us take for granted; freedom of speech, religion, and thought.

Recent events in the Persian Gulf have earned Israel a renewed respect. She showed a great deal of foresight, restraint and respect for what would ultimately benefit the world.

I have only respect for Israel's commitment and conviction in their struggle for a peaceful life in a hostile environment.

We have recognized the value of Israel's strength and often looked to our only ally in the Middle East for support and leadership.

Struggle for survival is in the conscious thought of the Israeli people every day, Mr. Speaker. They live a life that we cannot imagine.

Today, it is even more important to focus on the celebration of life in Israel and the commitment to the same values we in the United States hold so dear.

I will join, this Sunday, in my community's celebration in Buffalo, NY, and I urge each and every one of my esteemed colleagues to join their communities in celebrating Israel's 43d Yom Ha'atzmaut.

TUFTS DAY

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. DEFAZIO. Mr. Speaker, today, I rise with great pride to join the thousands of my fellow Tufts University alumni throughout the world who today turn their thoughts to alma mater as they celebrate the seventh annual Tuftonia's Day.

I feel fortunate to have had the opportunity to get a higher education; an opportunity increasingly remote for many Americans. When I was a student at Tufts, I never expected to be standing at a podium addressing the U.S. House of Representatives. The education and experiences I received while attending Tufts helped make it possible for me to stand here today and honor that institution.

Alumni of Tufts include some familiar names. Among them is our distinguished colleague from New Mexico, Mr. RICHARDSON, actor William Hurt, Grammy Award singer and songwriter Tracy Chapman, astronaut Rick Houck, speechwriter Richard Goodwin, and businessman David Burke.

I take this opportunity to recognize Tuftonia's Day and join with alumni, from Medford to Melbourne, from Hartford to Hong Kong, and from San Diego to Sao Paulo, in saluting the rich history, great accomplishments and continuing excellence of Tufts University. To Tuft's students, faculty, administration, and alumni, happy Tuftonia's Day.

NEED TO SEEK OUT LONG-TERM SOLUTIONS TO NATION'S AILMENTS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. MAVROULES. Mr. Speaker, I rise today to address a critical issue which the 102d Congress must confront. As America begins to waver amidst economic competition with other nations and its domestic economy appears ominously unstable, a need has arisen to seek out efficient, long-term solutions to the ailments of the Nation. It is a widely held belief that inadequate education of the Nation's youth plays a major role in the future of our Nation's industrial base. As the world becomes a more complex, competitive place in which to function, it is important that citizens are provided with the tools that will not only give our country a greater edge in economic competition, but will also create a foundation on which stable economic and social interactions may be built. To achieve this, it is necessary for the Federal Government to provide bold leadership and incentives to State and local administrations to implement innovative programs to improve our Nation's education system.

Currently, the administration's fiscal year 1992 budget confronts the dilemma of education primarily though its support of block grants and the Educational Excellency Act, a bill that seeks to provide a greater amount of choice to both students and parents in how they will be educated. On the other hand, the Democratic alternative submitted by Representative WILLIAM FORD, the homefront budget initiative, seeks to acquire a substantially greater amount of funding than the President's request. Besides action taken through the budget, there are currently bills in committee which would make serious strides toward a higher literacy rate; increasing chapter 1 school improvement grants, assimilating a more qualified teaching force, and creating organizations to better judge the state of the educational system in the United States.

The White House proposal of the Educational Excellency Act, currently in the Senate, appears to be a continuation of the Republican policies of the past decade. In a hearing on the budget before the House Ways and Means Committee a prominent White House aide stated that the President did not believe that improvements in education would necessarily parallel the amount of Government spending. Consequently, the amount of money slated by the fiscal year 1992 budget toward education is only 1.7 percent higher than the amount of money designated for 1991. According to the Committee for Educational Funding, this amount is less than half the amount that inflation has risen in the past year.

Instead of proposing extensive Government programs, the administration is suggesting that in order to improve the educational performance of our schools, moves should be made to adapt public education to a sort of market system. Of the $690 million proposed in the Educational Excellence Act, $200 million is to go to schools which participate in programs that encourage student/parent choice as to where the child will attend school.

In theory, a system such as this would encourage schools to create efficient programs; if a particular school did not appeal to parents and students, it would be less attractive, and thereby lose students. Competition and student satisfaction would push schools to maintain appealing curriculums. Besides the choice programs, the White House bill would also allocate money to programs dealing with math and science awards and magnet schools. In order to pay for these initiatives, the fiscal year 1992 educational budget would seek to freeze chapter 2 school improvement loans, vocational education grants, and chapter 1 aid to localities; while, cutting impact aid by 21 percent, and money for libraries by 76 percent.

Spending alone is both inefficient and infeasible. However, the administration's proposal provides anything but an adequate amount of funding. The cuts and freezes proposed would be a detriment to those students who truly need support. What is needed to rebuild our faltering education system is not a splintering competition between schools, but a concerted, united effort to bring our Nation's students back to prominence among the students of the world. We can no longer allow our children to graduate from our schools ill-prepared and unable to handle the demands of the working world and basic daily living.

For this reason, I am proud to be a cosponsor of the homefront budget initiative. This legislation is endorsed by organizations such as the American Council on Education, the American Federation of Teachers, the American Association of School Administrators, the National PTA, the National School Boards Association, and many other organizations. Clearly, the Government of this country has a mandate from the education community to take substantive action in order to provide adequate funding for a faltering education system. It would be nothing short of foolish for this Congress to ignore the insightful perspective of those who work every day to better educate our children. Fortunately, on April 17, the House passed an amendment as part of the homefront budget initiative, which allocates an additional $400 million, so that American students are provided with the opportuntities which they deserve. What is at stake here is the welfare of the youth of this Republic, which is indeed the foundation upon which the future of this country will be built. Without well-educated citizens, who have had the opportunities to learn basic skills and benefit from a college education or vocational training, this country will continue to lose ground in its competition with the rising powers of the world.

JANET AND GEORGE M. JAFFIN: RECIPIENTS OF THE ANTI-DEFAMATION LEAGUE DISTINGUISHED PUBLIC SERVICE AWARD

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mrs. LOWEY of New York. Mr. Speaker, today, I would like to pay tribute to Janet and George M. Jaffin, the 1991 recipients of the Anti-Defamation League's Distinguished Public Service Award. The Jaffins have earned the admiration and respect of many whose lives they have touched.

The award is being given to Janet and George for "distinguished service and inspiring leadership in preserving liberty, counteracting bigotry, and advancing the cause of human rights, dignity, and equal opportunity." Those are not just hollow words. It takes a lifetime of service to truly deserve such a tribute, and the Jaffins are more than worthy of the honor. Their efforts to advance the noble goals of the ADL have been exemplary.

Our society cannot fulfill the goals and aspirations laid out in our constitution when intolerance is not challenged. When bigotry thrives and ignorance flourishes, the American dream is held hostage to hatred and our diversity is suffocated by prejudice. Fortunately, we are graced with the ADL, whose indefatigable efforts to promote understanding and uproot racism, anti-Semitism, and all forms of bigotry, have been invaluable. Without the efforts of the Anti-Defamation League—and people like the Jaffins who have given so much of themselves in support of those goals—our country would not be the beacon of justice which it strives to be.

There are many individuals who have taken leadership roles in the Westchester-Rockland chapter of ADL who deserve commendation. Robert L. Friedland, the chairman of the local

ADL board, and James L. Levy, the event chairman for this Sunday's tribute to Janet and George Jaffin, come to mind. Every person who helps the ADL to grow and continue in its efforts helps to make America stronger. For that, I'm sure that my colleagues all join me in offering congratulations to Janet and George M. Jaffin, public servants in every sense of the word.

RECOGNIZING ROCHE BIOMEDICAL LABORATORIES

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. ZIMMER. Mr. Speaker, it is appropriate that during the week of April 15, which is National Medical Laboratory Week, we recognize Roche Biomedical Laboratories [RBL] in Raritan, NJ. The New Jersey Public Health Association has awarded its President's Award to RBL for outstanding commitment to public health education and service.

RBL has served our community in many ways. Along with its parent company, Hoffman-LaRoche, RBL routinely provides programs on a variety of public health issues not only for its own employees but also for community groups, high schools, colleges, and nursing homes. The topics have included AIDS, Lyme disease, and, most recently, tuberculosis.

RBL's employees deserve much of the credit for the success of RBL's community outreach. Among the many community services RBL's 1,100 Raritan employees perform are teaching first aid and serving on State advisory boards.

I ask my colleagues to join me in recognizing RBL for outstanding service to the community and upon receiving the President's Award from the New Jersey Public Health Association. America needs more companies like Roche Biomedical Laboratories who are good citizens and good neighbors.

A TRIBUTE TO THE JEWISH VOCATIONAL SERVICE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. LEVIN of Michigan. Mr. Speaker, the Jewish Vocational Service began as an employment bureau at the Young Women's Hebrew Association back in 1926. It officially became JVS in 1941 when it helped advise and place in jobs European Jews who had escaped the Nazis. Its mission was to restore dignity and pride as well as livelihood to people, often with special needs, who wanted to work.

In the intervening 50 years, its mission has not changed but it has burgeoned in scope and in effect. It reaches out to and serves those in career transition, those who are unemployed, immigrants and refugees, the mentaly ill, the disabled, the disadvantaged, the elderly.

And its challenges are ever greater, as we weather a tough recession that means job losses, and as Government funding for social services shrinks.

For all of us, JVS is an effective and compassionate organization that makes a difference throughout Detroit. For those it serves, it is a virtual lifeline.

There is nothing more honorable than helping people achieve independence, success and accomplishment in the work world. And so I am honored to have this opportunity to pay tribute to Jewish Vocational Service on its 50th anniversary. Congratulations and many thanks for your good work.

TRIBUTE TO JOHN M. LYNCH ON HIS RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to pay tribute to a member of the Fifth Congressional District of Illinois, Mr. John M. Lynch. On May 3, 1991, Mr. Lynch will retire from the Chicago Police Department after many years of dedicated service, an accomplishment worthy of special recognition.

John Lynch, a native of Chicago, graduated from Leo High School and went on to attend Purdue University. In 1952, John enlisted in the U.S. Marine Corps and achieved the rank of sergeant before leaving the service in 1955. During his career with the Chicago Police Department, Lynch served as a mechanical assistant, stationary engineer, and is retiring as the assistant chief operating engineer. His dedicated service is commendable, and I want to pay special tribute to Mr. Lynch.

John and his wife, Joan Littleton Lynch, have been married for 39 years, an admirable commitment. They have 8 children: Kathy, Colleen, Karen, John, Linda, Joan, Marty, and Mary Ellen, as well as 16 grandchildren.

John Lynch's commitment to his community and family is impressive and deserving of special recognition and honor. I am sure that my colleagues will join me in expressing congratulations to John Lynch for his many years of selfless dedication, loyalty, professionalism, and priceless contributions to his community. I wish him well on his retirement and hope his life continues to be an adventure full of pleasant memories.

HONORING LARRY ANZALONE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. ACKERMAN. Mr. Speaker, I want to take this opportunity to pay tribute to an extraordinary hero. Larry Anzalone is a mail carrier in Queens County, NY, who also happens to be deaf and mute. Due to his quick thinking action, Larry was able to rescue an 82-year-old man who had suffered a stroke at his home.

One day, while Mr. Anzalone was delivering the mail, he came to David Knopf's door where he opened the screen door and found that the mail he delivered the previous day was left unclaimed. He became suspicious, knowing that Mr. Knopf was elderly and remained at home, and after pounding hard on the door with no response, he tried to look through the mail slot to see if he could see anything. He found that Mr. Knopf was lying on the floor and ran to a neighbor for assistance. The neighbor, Mrs. Ross, saw what was wrong, called 911 and the police arrived shortly with an ambulance. They found that they had arrived in time to save Mr. Knopf and he is now recovering in a hospital.

Because of Larry Anzalone's quick thinking, Mr. Knopf is now still alive. Had he not been so conscientious on his mail route, and realized that Mr. Knopf not picking up his mail was out of the ordinary, a tragedy might have occurred. Mr. Knopf could have lay there for days without discovery and he might not have survived. Larry is a stellar example of the good and caring people who work for the Federal Government. As a member of the Post Office and Civil Service Committee I have seen so many examples of the heroic work of our Federal employees. I am pleased that Larry's deeds were brought to my attention and I ask my colleagues in the House of Representatives to join me in honoring him.

WELCOME TO THE DALAI LAMA

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I am honored to be a Member of this Congress receiving Tenzin Gyatso, the 14th Dalai Lama. I, like many of my colleagues, wish it were possible for the Dalai Lama to address a joint session of Congress, as have other Nobel Peace laureates.

I respectfully urge the President of the United States to recognize the legitimate grievances of the Tibetan people, as has the United States Congress in legislation. The people of Tibet, and their exiled leaders, have endured oppression long enough.

Again, I welcome the Dalai Lama to Washington, DC. We in Congress are honored by his visit.

PRAISE FOR SPRINGFIELD/ROBERTSON COUNTY CHAMBER OF COMMERCE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. CLEMENT. Mr. Speaker, I want to take this opportunity to praise a community that united solidly to embrace our troops involved in Operation Desert Storm, and a local organization that coordinated and galvanized that effort with amazing success.

The 400 members of the Springfield/Robertson County (TN) Chamber of Commerce conceived the idea of a communitywide letter writing campaign to the troops in Saudi Arabia. In its earliest stages, this was planned as an effort that could involve everyone regardless of age or circumstances. Chamber executive director, Tim Lyles, spoke tirelessly before school and church groups. Local radio stations, newspapers, and chamber members also worked hard to spread the word.

From the first graders with three sentence letters, to State Representative Eugene Davidson, who underwrote the postage costs, the response was impressive and wholehearted. Bundle after bundle of letters was forwarded to our troops, with priority given to those military personnel not regularly receiving mail. Many of those who sent letters received replies, which formed an even deeper bond between the Robertson Countians and those overseas. The men and women in the gulf had gratefully received tangible evidence of a concerned and caring community, and those corresponding back in Tennessee joined countless other families across the Nation who now had a personal stake in the war.

On the occassion of their spring banquet on April 10, the Springfield/Robertson County Chamber of Commerce deserves the highest praise for its selfless efforts on behalf of the men and women of Desert Storm. They have taught us that a community spirit still exists in America that can inspire us to unite for the common good of community and Nation.

TENTH ANNIVERSARY OF AMERICA'S FIRST SHUTTLE LAUNCH

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 18, 1991

Mr. HALL of Texas. Mr. Speaker, over the past 30 years, the world had witnessed some of man's greatest accomplishments in exploring and using outer space. On Friday, April 12, we celebrated the 10th anniversary of the maiden flight of the space shuttle, the world's first reusable space craft.

The first flight of the space shuttle came 20 years to the day after Yuri Gagarin's historic mission which ushered in the era of manned space flight. Just as Gagarin's flight marked a turning point in space exploration, the initiation of the Shuttle Program brought us into the age in which we hoped to make space flight a routine event.

We now have a fleet of three shuttle orbiters with a fourth to be unveiled on April 25. The shuttle has had 39 successful missions and has placed into orbit nearly 41 percent of all the mass ever launched. The shuttle has proven itself time and time again demonstrating new capabilities on each mission. We have been able to retrieve and repair disabled satellites, launch sophisticated planetary missions, perform hands on scientific experiments in orbit, and open vast new windows on man's capabilities in space.

The shuttle is the most advanced flying machine devised by man and it will continue to be one of the fundamental building blocks of America's space program. I would also recall the leadership of my fellow Texan, Olin E. "Tiger" Teague who, as chairman of the Committee on Science and Technology, had the vision to see the shuttle through its difficult times in the congressional budget process.

I look to a bright future for America's space program and for the space shuttle. It is not only an engineering marvel, it is a vivid symbol of our technological competitiveness throughout the world. It is universally recognized and identified as mankind's reach into the future. I commend the thousands of men and women in NASA and industry who have worked to help us realize this dream.

SENATE—*Friday, April 19, 1991*

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 19, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY, APRIL 23, 1991, AT 9:30 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until the hour of 9:30 a.m. on Tuesday, April 23, 1991.

Thereupon, at 10 o'clock and 47 seconds a.m., the Senate recessed, under the order of Thursday, April 18, 1991, until Tuesday, April 23, 1991, at 9:30 a.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, April 22, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. KILDEE].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 22, 1991.

I hereby designate the Honorable DALE E. KILDEE to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As the rains nurture the soil and the Sun brings forth the blossoms of this new season, so may Your good word, O God, nurture our lives with grace and peace. Give us vision to see the beauty and splendor of love and life and all the great gifts that are Your blessing to us. As the flowers and fields are nourished in this season, so may our hearts and souls grow in a maturing of faith so our lives are filled with joy and good will and with deeds of kindness and acts of service. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida [Mr. GOSS] please come forward and lead the House in the Pledge of Allegiance.

Mr. GOSS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 253. An act to provide for the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals, to establish an office within the Department of State to implement the United States role with respect to the tribunal, and for other purposes, and

S.J. Res. 86. Joint resolution designating April 21 through April 27, 1991, and April 19 through April 25, 1992, as "National Organ and Tissue Donor Awareness Week."

The message also announced that, pursuant to Public Law 101-509, the Chair, on behalf of the Secretary of the Senate, announces his appointment of Dr. Ann Russell of Massachusetts, to the Advisory Committee on the Records of Congress.

The message also announced that, pursuant to sections 276d–276g, title 22, of the United States Code, as amended, the Chair on behalf of the Vice President, appoints Mr. KOHL, as chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 102d Congress.

The message also announced that, pursuant to Public Law 101-650, the Chair, on behalf of the President pro tempore, appoints Mr. HEFLIN, Mr. SPECTER, and Frank M. Turkheimer of Wisconsin, to the National Commission on Judicial Discipline and Removal.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 19, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign the office of Representative for the Second Congressional District of Arizona, effective May 4, 1991.

Sincerely,

MORRIS K. UDALL.

cc: Gov. Fife Symington.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 19, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate at 1:12 p.m. on Friday, April 19, 1991: That the Senate passed without amendment, H.J. Res. 218.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 18, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 3:21 p.m. on Thursday, April 18, 1991, and said to contain a message from the President whereby he transmits, in accordance with 42 U.S.C. 4341, the 21st annual report of the Council on Environmental Quality for 1990 to the Congress.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY FOR 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries.

(For message, see proceedings of the Senate of Thursday, April 18, 1991, at page S4731.)

THE BRADY BILL SHOULD BECOME THE LAW OF THE LAND

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it is my intention for this 1 minute to speak about the Brady bill, but I could not help but notice a moment ago the Clerk reading a letter of resignation from our dear friend, the gentleman from Arizona [Mr. UDALL]. He has been an outstanding Member of this body,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and his departure will certainly be a serious loss to this Chamber and to the country.

Mr. Speaker, this is to advise the Members of the House and the Nation that tomorrow the House Committee on the Judiciary will mark up the Brady bill, which is H.R. 7, a bill of which I am a proud original cosponsor. It is a bill which provides a uniform national 7-day waiting period before a transaction involving the purchase of a handgun can be completed. It is likely that the markup will be successful in the sense of reporting the bill to the floor favorably.

The Speaker, to his credit, has said that this bill will be voted on by the House before the end of this session. I would suggest to my colleagues that I realize how difficult this vote is. I voted for the Brady bill back in 1988. I would say that for those Members who have not fully and completely closed their minds to the possibility of voting for this bill that they keep that option open. I think it is a sensible piece of legislation.

Mr. Speaker, we in Louisville and Jefferson County have suffered mightily as a result of people misusing handguns, as well as the AK-47, the assault weapon. I would just ask my colleagues to think about this bill carefully and, hopefully, to vote for it.

Mr. Speaker, I do hope that this bill becomes the law of the land.

EARTH DAY SHOULD BE EVERY DAY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the Earth is 1 year older. Last year about this time we had a huge fanfare, public rallies and an enormous amount of energy focused on commemorating the 20th anniversary of Earth Day. This year things are much quieter. Most people are going about their business today just as they do on any other Monday. But every day should be Earth Day—not just today because we have made it so.

Mr. Speaker, much is being done around the country and the world to balance our quest for progress and development with the need to preserve our finite natural resources. People are learning to appreciate what a wonderful place the world is—and the fact that we have taken it for granted for too long. Walt Whitman tried to capture his view of the wonder of nature when he wrote: "I believe a leaf of grass is no less than the journey-work of stars," and "A mouse is miracle enough to stagger sextillions of infidels." On this year's Earth Day, let us all remember that each one of us has a part to play in making sure that our children's children and grandchildren experience that same sort of wonder.

WORLD WAS PREPARED FOR WAR BUT NOT FOR ITS CONSEQUENCES

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, an author once said that 100 years from now it will not really matter very much how big our house was or how much income we earned in a year. But the world might be a much different place because we were important in the life of a child.

Last week in a periodical there was a picture of a child, face caked with blood, a 3-year-old child staring at the world and asking for help. In the mountains of Iraq this young child and others like her demonstrate that the world was brilliantly prepared for war, but wholly unprepared for the consequences of war.

I want to give credit to President Bush today for last week mobilizing a much more significant effort to respond to this human suffering in the hills of Iraq. But we need to do much, much more. The coalition that was put together in the Persian Gulf must now be a coalition as determined to respond to this human suffering as it was to prosecute that war.

However, Mr. Speaker, it is not just in the mountains of Iraq. In Sudan today there are 300,000 people who will die if everything happens right; that is, even if everything works, we will still lose 300,000 people from starvation in Sudan, and, if things do not work, and likely they will not, 2 million people will probably die in the country of Sudan, and more in Ethiopia.

□ 1210

What we have in this world are countries that spend $900 billion on defense and weapons of war, when 3 percent of that would virtually eliminate world hunger, and would save people like the young girl in Sudan from dying.

The eye of the television camera is on the hills of Iraq because there is a political question there. When the camera shines its eye on the haunting face of a starving child, this country and the world cannot turn away and say we do not care. But the camera is not in Sudan, unfortunately, and millions are about to die unless we do care about people in the hills of Iraq, about people in Sudan, and about those who share this globe with us, who are the victims of human suffering. We must and can do much more to help.

TRADE NEGOTIATIONS MUST BE FAIR TO ALL CONCERNED

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, I have with me today a book just published that talks about foreign trade barriers and provides a summary of the trade barriers of countries around the world. This is a summary of what American producers face when they try to sell American goods in other markets around the world. It is a rather thick book that describes all of the trade barriers that we are confronted with.

About a year ago a woman left North Dakota to go to Canada. She took with her some grocery bags of cleaned wheat that they had cleaned at the county elevator, because she was going to grind it and bake some whole wheat bread.

She and her husband lived up in Alberta, Canada. When they got to the border between the United States and Canada, at the border stop they were asked, "What do you have in the back seat?"

She said, "We have a couple of bags of wheat that we are taking back so I can bake bread."

They said, "Well, do you have a license to take American wheat into Canada?"

She said, "No."

They said, "Well, then you are not going to be able to take it in." They forced her to dump that wheat on the ground on the American side.

Now, why do I tell you about dumping two grocery bags full of wheat? Because at the same time that was happening, from Canada 10 million bushels—not two grocery bags full—10 million bushels of durum wheat were flooding across the border, being shipped from Canada to the United States.

In other words, they could ship us 10 million bushels of durum wheat, that comes down and collapses our price, injures our market, takes money out of the pockets of American farmers, but we could not get two grocery bags full of wheat into Canada to bake a couple of loaves of bread.

Now, that follows the negotiation of a free trade agreement between this country and Canada, one I voted against. Why did I vote against it? Precisely because the free trade agreement is not fair.

We have got folks that negotiate these agreements—such as former Ambassador Clayton Yeutter, who was our chief negotiator—who have their agenda.

They say, well, I would like to negotiate this with you, other country, and the other country nods their head, yes. And they negotiate. And they have some chips around the table, and they start trading back and forth.

The result is, in the United States-Canada Free-Trade Agreement, an agreement that says they can move all kinds of wheat south, but we cannot move two grocery bags full north.

That is just one example of many that represent our concern about the extension of the fast track authority for the GATT negotiations and the Uruguay round, and also about the proposed Mexico-United States Free-Trade Agreement.

If I had some confidence that those who negotiate on behalf of this country are concerned about the economic long-term interests of this country, that they represent our strategic economic interests, then I would support the fast track authority to approve trade agreements.

Our negotiators completed their free-trade agreement with Canada; and I have just described it. Ten million bushels coming south, but you cannot get two grocery bags full going north.

Is that free trade? That is not the way they described it in my school system.

Now, they want to negotiate an agreement with Mexico. Frankly, I have no problem negotiating an agreement with Mexico. It just ought not to be on the fast track, where they negotiate the agreement, and they lay it here, and they say you have got 60 days to approve it, with no amendments. You have no opportunity, Congress, to review it and make changes and improvements and amendments. Fast track means we negotiate it, and you swallow it, and swallow it whole.

We are getting a little tired of seeing our negotiators say to the rest of the world that we do not have a plan in America. We do not have a set of policies in America that describe what it is we want for our country's long-term economic self-interest.

Every other country in the world negotiates as a team. The Japanese, the Germans, every other country decides what it is that is important to their country's long-term economic interests, and they negotiate that ferociously.

In effect, they have an industrial policy. With the Japanese, it is a managed-trade policy. With the Europeans, it is a mixed economic-mixed trade policy. But they do have a policy.

This country does not. Under the Reagan and Bush administrations, our policy is to say we do not care what happens. If the free market dictates it should happen, so be it. That is what our administrations have said America should be. That is the way America should be shaped.

Well, I think that is absolutely crazy. Are there not some central spheres of strategic economic interests that are critically important for the long term in this country? And if there are not some of those spheres of interest, are there not some negotiators willing to represent them and support them on our behalf?

Our negotiators in the Uruguay round are telling others around the world what we really want to do is get rid of the Farm Program. We want you, Germany, and you, Europe, and you, Italy, we want you to get rid of your Domestic Farm Program, and we will get rid of ours.

So they are saying we cannot get rid of domestic farm programs to support family farmers in the U.S. Congress, so we will get rid of it in our negotiations in Geneva. We will do it in the trade talks.

The same is true on food safety, health standards, working standards, and dozens of other things. Many of us are concerned that if we do not have a negotiated set of standards that represents what we perceive to be the best interests of this country, in the long term, then we ought not have the extension of fast track authority under the GATT talks. What we should expect is a team composed of business and government. We should not be adversaries, but should in fact be partners. What we should expect is that our team join in deciding what represents this country's economic self-interests, in international tough competition, and then go meet that competition with the best advantage we have, producing the best products at the best price.

We will have in the coming couple of weeks, Mr. Speaker, an intense debate about the free trade agreement with Mexico and about the extension of fast track for GATT. I hope all Members join me in asking the question, what is this country's plan? Because this country is off-track. This country is losing grip. This country is not surviving and succeeding as we must in the long term in competition with our allies.

Mr. Speaker, I hope that in this debate the country will instruct us on what this country's objectives ought to be, and then we will join hands, the private sector and public sector, and negotiate ferociously to achieve those objectives in the long term.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROWDER, for 5 minutes, on April 23.

Mr. ANDREWS of New Jersey, for 5 minutes each day, on April 23 and 24.

Mr. OWENS of Utah, for 60 minutes, on May 1.

Mr. MILLER of California, for 60 minutes, on May 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. COUGHLIN.
Mr. MACHTLEY in two instances.
Mr. VANDER JAGT.
Mr. JAMES.
Mr. ARCHER in two instances.
Mr. BLILEY.
Mr. RIDGE.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN in 10 instances.
Mr. ANDREWS of Maine.
Mr. ANNUNZIO in six instances.
Mr. SWETT.
Mr. BEILENSON.
Mr. LANTOS in two instances.
Ms. COLLINS of Illinois.
Mr. PEASE.
Mr. MAZZOLI in two instances.
Mr. ROE.
Mr. VISCLOSKY in four instances.
Mr. DELLUMS.

ADJOURNMENT

Mr. DORGAN of North Dakota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 23, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1119. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Health Care Quality Improvement Act of 1986 to authorize the national practitioner data bank to collect Social Security account numbers and to charge fees that cover its full costs of operation; to the Committee on Energy and Commerce.

1120. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Charles R. Bowers, of California, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Bolivia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1121. A letter from the Chairman, Federal Communications Commission, transmitting the annual report of activities under the Freedom of Information Act for the calendar year 1990, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1122. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting the annual report of activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1123. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a copy of the 1990 annual report of the Pennsylvania Avenue Development Corporation, pursuant to 40 U.S.C. 880(a); to the Committee on Interior and Insular Affairs.

1124. A letter from the Secretary of Agriculture, transmitting corrected documents to the text of the long-term timber sale contracts in Alaska required by the Tongass Timber Reform Act submitted February 26, 1991; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

1125. A letter from the Secretaries of Defense and Veterans Affairs, Departments of Defense and Veterans Affairs, transmitting a report on the implementation of the health resources sharing portion of the "Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act" for fiscal year 1990, pursuant to 38 U.S.C. 5011(f); jointly, to the Committees on Armed Services and Veterans' Affairs.

1126. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrances at licensed nuclear facilities for the fourth calendar quarter of 1990, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 427. A bill to disclaim any interests of the United States in certain lands on San Juan Island, WA, and for other purposes; with amendments (Rept. 102–34). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 749. A bill to authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument in the State of Georgia (Rept. 102–35). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 690. A bill to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes; with amendments (Rept. 102–36). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCURDY: Permanent Select Committee on Intelligence. H.R. 1455. A bill to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with amendments (Rept. 102–37). Referred to the Committee of the Whole House on the State of the Union.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 1236. A bill to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes; with an amendment (Rept. 102–38). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H.R. 172. A bill to assure the continuing airworthiness of aging aircraft, and for other purposes; with an amendment (Rept. 102–39). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ATKINS:

H.R. 1966. A bill relating to the tariff treatment of certain water resistant wool trousers; to the Committee on Ways and Means.

By Mr. BEILENSON (for himself, Mr. Gejdenson, Mr. Miller of California, Mr. Petri, Mr. Evans, and Mr. Spratt):

H.R. 1967. A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the motor vehicle bumper standard established by the Secretary of Transportation shall be restored to that in effect January 1, 1982; to the Committee on Energy and Commerce.

By Mr. BLILEY (for himself, Mr. Bereuter, Mr. Emerson, Mr. Fields, Mr. Hastert, Mr. Hyde, Mr. Mollohan, Mr. Rohrabacher, Mr. Schaefer, and Mr. Walsh):

H.R. 1968. A bill to amend the Public Health Service Act to establish a program of block grants to the States for the purpose of consolidating Federal programs with respect to maternal and child health; to the Committee on Energy and Commerce.

By Mr. BRYANT (for himself, Mr. Scheuer, and Mr. Kostmayer):

H.R. 1969. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974, the Federal Land Management and Policy Act of 1976, the National Wildlife Refuge System Administration Act of 1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity and to place restraints upon clearcutting and certain other cutting practices on the forests of the United States; jointly, to the Committees on Agriculture, Interior and Insular Affairs, Merchant Marine and Fisheries, and Armed Services.

By Mr. HOCHBRUECKNER:

H.R. 1970. A bill to authorize funding for environmental activities of the Department of Defense and to require additional information to be included in the Department's annual environmental report; to the Committee on Armed Services.

By Mr. HUGHES:

H.R. 1971. A bill to restore the tariff rate applicable to certain glass ceramic cookware prior to the effective date of the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mr. MACHTLEY:

H.R. 1972. A bill to amend title 38, United States Code, with respect to benefits for veterans who may have been exposed to ionizing radiation during military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MRAZEK:

H.R. 1973. A bill to suspend until January 1, 1995, the duty on certain plastic sheeting used as radiation shielding material; to the Committee on Ways and Means.

By Mr. PENNY:

H.R. 1974. A bill to amend the Internal Revenue Code of 1986 to provide a simplified method for computing the deductions allowable to home day care providers for the business use of their homes; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 1975. A bill to suspend until January 1, 1995, the duty on certain ceramic ferrules and sleeves; to the Committee on Ways and Means.

H.R. 1976. A bill to extend until January 1, 1996, the existing supension of duty on certain in-line roller skate boots; to the Committee on Ways and Means.

By Mr. RAVENEL:

H.R. 1977. A bill to suspend until January 1, 1996, the duty on pentachlorothiophenol; to the Committee on Ways and Means.

H.R. 1978. A bill to extend until January 1, 1996, the existing suspension of duty on paramine acid; to the Committee on Ways and Means.

H.R. 1979. A bill to suspend until January 1, 1996, the duty on dimethyl succinyl succinate; to the Committee on Ways and Means.

H.R. 1980. A bill to extend until January 1, 1996, the existing suspension of duty on anthraquinone; to the Committee on Ways and Means.

H.R. 1981. A bill to extend until January 1, 1996, the existing suspension of duty on certain chemicals; to the Committee on Ways and Means.

H.R. 1982. A bill to extend until January 1, 1996, the existing suspension of duty on trimethyl base; to the Committee on Ways and Means.

H.R. 1983. A bill to suspend until January 1, 1996, the duty on Resolin Red F3BS components I and II; to the Committee on Ways and Means.

H.R. 1984. A bill to provide permanent duty-free treatment for certain menthol feedstocks; to the Committee on Ways and Means.

By Mr. RIDGE:

H.R. 1985. A bill to suspend until January 1, 1995, the duty on certain chlorinated synthetic rubber; to the Committee on Ways and Means.

By Mr. VANDER JAGT (for himself and Mr. Matsui):

H.R. 1986. A bill to clarify the tax treatment on intermodal containers; to the Committee on Ways and Means.

By Mr. HERTEL (for himself, Mr. Abercrombie, Mr. Horton, Mr. Guarini, and Mr. Foglietta):

H. Con. Res. 133. Concurrent resolution expressing the sense of the Congress that the United Nations provide the Kurdish refugees with protection, that the Kurds are political refugees, not economic refugees, that the United States call for the immediate cessation of the ongoing genocide being committed against the Kurdish people, and that the United States continue to provide humanitarian aid to Kurdish refugees both inside and outside of Iraq; to the Committee on Foreign Affairs.

By Mr. McNULTY (for himself, Mr. Ackerman, Mr. Emerson, Mr. Feighan, Mr. Gilman, Mr. Manton, Mr. Engel, Mrs. Schroeder, Mr. Moody, Mr. Ford of Tennessee, Mr. Porter, Mr. Hall of Ohio, Mr. Green of New York, Mr. Ravenel, Mrs. Morella, Mr. Frank of Massachusetts, Mr. Armey, Mrs. Meyers of Kansas, Mr. Lehman of Florida, Mr. Scheuer, Mr.

LENT, Mr. LEVINE of California, Mr. BURTON of Indiana, Mr. OWENS of Utah, Mr. ABERCROMBIE, Mr. JEFFERSON, and Mr. PALLONE):

H. Res. 129. Resolution urging the President to call cn the President of Syria to permit the extradition of fugitive Nazi war criminal Alois Brunner; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 299: Mr. DELAY.

H.R. 426: Mr. SWIFT and Mr. SWETT.

H.R. 430: Mr. SCHULZE.

H.R. 506: Mr. NEAL of North Carolina.

H.R. 776: Mr. FLAKE and Mr. KLECZKA.

H.R. 780: Mr. MCDERMOTT.

H.R. 784: Mr. GEREN of Texas, Mr. JONES of North Carolina, Mr. TALLON, Mr. CRANE, Mrs. VUCANOVICH, and Mr. COBLE.

H.R. 964: Mr. ENGEL and Mr. BLAZ.

H.R. 1022: Mrs. LOWEY of New York, Mr. WHEAT, Mr. KOSTMAYER, and Ms. SLAUGHTER of New York.

H.R. 1126: Ms. NORTON, Mr. CAMPBELL of Colorado, and Mr. JEFFERSON.

H.R. 1130: Mr. GIBBONS, Mr. SWETT, Mr. MCNULTY, Mr. MCCLOSKEY, Mr. WHEAT, Mr. JONTZ, Mr. SANGMEISTER, Mr. DEFAZIO, Mr. TOWNS, and Mr. RANGEL.

H.R. 1156: Mr. SANGMEISTER and Mr. RITTER.

H.R. 1241: Mr. LIGHTFOOT, Mr. MOLLOHAN, Mrs. VUCANOVICH, Mr. CAMP, Mr. BRUCE, and Mr. GILLMOR.

H.R. 1242: Mr. VALENTINE and Mr. SANTORUM.

H.R. 1300: Mr. FRANK of Massachusetts.

H.R. 1304: Mr. LANCASTER, Mr. SERRANO, Mr. JOHNSTON of Florida, Mr. DWYER of New Jersey, Mr. ENGEL, Mr. VALENTINE, and Mr. DELAY.

H.R. 1305: Mr. TOWNS, Ms. KAPTUR, and Mr. KOLBE.

H.R. 1346: Mr. HOCHBRUECKNER, Mr. OBERSTAR, and Ms. OAKAR.

H.R. 1380: Mr. BERMAN, Mr. CRANE, Mr. GINGRICH, Mr. GUARINI, Mr. HERGER, Mr. KOSTMAYER, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. PENNY, Mr. ROBERTS, Mr. WILSON, Mr. FRANK of Massachusetts, Mr. HORTON, Mr. MCEWEN, and Mr. SANTORUM.

H.R. 1445: Mrs. BYRON.

H.R. 1456: Mr. TOWNS, Mr. DOOLITTLE, Mr. PORTER, Mr. MACHTLEY, Mr. ALEXANDER, Mr. MCEWEN, Mr. GUNDERSON, Mr. THOMAS of Wyoming, Mr. HANCOCK, Mr. BUNNING, Mr. GALLEGLY, Mr. PARKER, Mr. THOMAS of California, Mr. RAVENEL, Mrs. VUCANOVICH, Mr. JACOBS, Mr. COSTELLO, Mr. MCCRERY, Mr. WILSON, Mr. BAKER, and Mr. COUGHLIN.

H.R. 1468: Mr. STUMP.

H.R. 1472: Mr. HOAGLAND, Mr. GALLEGLY, Mr. MCEWEN, Mr. QUILLEN, Mr. BATEMAN, Mr. STUMP, Mr. WILSON, Mr. BLILEY, Mr. PALLONE, Mr. GORDON, and Mr. CALLAHAN.

H.R. 1503: Mr. WOLPE, Mr. GORDON, Mr. DELLUMS, Mr. FOGLIETTA, Mr. ESPY, Mr. ROE, Mr. RANGEL, Mr. HAYES of Illinois, Mr. FORD of Tennessee, and Mr. LEHMAN of Florida.

H.R. 1736: Mr. JONTZ, Mr. CAMP, Mr. MICHEL, and Mr. LIGHTFOOT.

H.R. 1753: Mr. SAXTON, Mr. STEARNS, Mr. WALSH, and Mr. JEFFERSON.

H.R. 1920: Mr. GILCHREST, Mr. TALLON, Mr. ORTIZ, Mr. WELDON, and Mr. HUGHES.

H.R. 1921: Mr. GILCHREST, Mr. TALLON, Mr. ORTIZ, Mr. WELDON, and HUGHES.

H.J. Res. 61: Mr. LIPINSKI.

H.J. Res. 107: Mr. SUNDQUIST, Mr. FORD of Tennessee, Mr. TANNER, Mr. FRANKS of Connecticut, and Mr. LEWIS of California.

H.J. Res. 177: Mr. FUSTER, Mr. CLEMENT, Mr. SMITH of Florida, Mr. MANTON, Mr. HORTON, Mr. ACKERMAN, and Mr. WOLF.

H.J. Res. 188: Mr. FAWELL, Mr. SKEEN, Mr. CLINGER, Mr. GUNDERSON, Mr. GILCHREST, Mr. MCCOLLUM, Mr. BILIRAKIS, Ms. MOLINARI, Mr. DYMALLY, Mr. PAYNE of Virginia, Mr. FLAKE, Mr. FORD of Tennessee, Mr. GRAY, and Mr. HEFLEY.

H.J. Res. 191: Mr. MANTON, Mr. THOMAS of Georgia, Mr. DOWNEY, Mr. MARTIN, Mr. MATSUI, Ms. NORTON, Mr. MCDERMOTT, Mr. CLEMENT, Mr. LIPINSKI, Mr. MCGRATH, Mr. MARTINEZ, and Mr. SCHUMER.

H.J. Res. 205: Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIPINKSI, Mr. LIVINGSTON, Mrs. LLOYD, Ms. LONG, Mrs. LOWEY of New York, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MANTON, Mr. MARKEY, Mr. MARTIN, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MORRISON, Mr. MURTHA, Mr. NATCHER, Ms. NORTON, Mr. NOWAK, Mr. ORTON, Mr. OWENS of Utah, Mr. PALLONE, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PRICE, Mr. PURSELL, Mr. QUILLEN, Mr. RANGEL, Mr. REGULA, Mr. RHODES, Mr. RICHARDSON, Mr. RINALDO, Mr. ROE, Mrs. ROUKEMA, Mr. ROWLAND, Mr. RUSSO, Mr. SERRANO, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. STALLINGS, Mr. STUDDS, Mr. SUNDQUIST, Mr. TANNER, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mrs. UNSOELD, Mr. WALSH, Mr. WEBER, Mr. WEISS, Mr. WILSON, Mr. WOLF, Mr. WYDEN, Mr. YATES, Mr. FROST, Mr. BENNETT, Mr. BEVILL, Mr. BRUCE, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CHANDLER, Mr. CLEMENT, Mr. COLEMAN of Texas, Mr. COOPER, Mr. COUGHLIN, Mr. DEFAZIO, Mr. DIXON, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. ENGEL, Mr. ESPY, Mr. FASCELL, Mr. FEIGHAN, Mr. FISH, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. FUSTER, Mr. GEJDENSON, Mr. GEKAS, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of New York, Mr. GUARINI, Mr. HAMILTON, Mr. HARRIS, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HOYER, Mr. JACOBS, Ms. KAPTUR, Mr. LEHMAN of Florida, and Mr. LENT.

H. Con. Res. 18: Mr. FALEOMAVAEGA, Mr. BROWN, and Mr. SWETT.

H. Con. Res. 81: Mrs. VUCANOVICH, Mr. MILLER of Ohio, Mr. GRANDY, Mr. KYL, Mr. WELDON, Mr. HASTERT, Mr. SPENCE, Mr. BILBRAY, Mr. MCGRATH, Mr. CAMPBELL of California, Mr. ROGERS, Mr. HORTON, Ms. MOLINARI, and Mr. WOLF.

H. Con. Res. 105: Mr. WILSON, Mr. GIBBONS, Mr. MILLER of Washington, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. ROE, and Mr. ENGEL.

H. Res. 115: Mr. VOLKMER, Mr. BONIOR, Mr. CARPER, Mr. WALSH, Mr. JEFFERSON, and Mr. JONTZ.

H. Res. 116: Mr. MOODY, Mr. LEVINE of California, Ms. OAKAR, Mr. BEILENSON, Mr. TRAFICANT, Mr. RIGGS, Mr. FUSTER, Mr. MILLER of California, Mr. AUCOIN, Mr. BONIOR, Mr. EDWARDS of California, Mrs. MORELLA, Ms. PELOSI, Mr. RANGEL, Mr. FOGLIETTA, Mrs. MINK, Ms. KAPTUR, Mr. BROWN, and Mr. LIPINSKI.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

59. By the SPEAKER: Petition of National Association of Attorneys General, Washington, DC, relative to a free market economy; to the Committee on Energy and Commerce.

60. Also, petition of National Association of Attorneys General, Washington, DC, relative to asbestos research; to the Committee on Energy and Commerce.

61. Also, petition of National Association of Attorneys General, relative to gaming within Indian country; to the Committee on Interior and Insular Affairs.

62. Also, petition of National Association of Attorneys General, Washington DC, relative to water resources; to the Committee on Public Works and Transportation.

EXTENSIONS OF REMARKS

REPRESENTATIVE WILLIAM NATCHER OF KENTUCKY—A NATIONAL TREASURE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. MAZZOLI. Mr. Speaker, we, of the Kentucky congressional delegation, are happy to share our friend and colleague and dean—the Honorable WILLIAM NATCHER—with the Nation. After all, a national treasure should not be hoarded. It should be shared.

And, BILL is a national treasure whom—by reason of an article which appeared in the Washington Post on April 17—the Kentucky delegation will now be happy to share with the Nation.

I am proud to be part of a delegation and part of an institution which includes this remarkable legislator and remarkable man.

Following is the Post article:

[From the Washington Post, Apr. 17, 1991]

CONGRESSMAN NATCHER, PRESENT ON ALL COUNTS—THE KENTUCKY OCTOGENARIAN'S VOTING VIGOR

(By Lois Romano)

In a world of excesses, he is a man of unheralded self-restraint. In a congressional atmosphere of frenetic fund-raising, surplus staff and haphazard attention to substance, he is a paradigm of order and control.

There is no one left on the Hill like him: "When I first got here 37 years ago, I was number 435 out of 435," says Congressman William Natcher, "I looked around the House floor and thought, 'None of you are ever going to die and none of you are ever going to retire.' Now, here I sit."

Where the gentleman from Kentucky sits is fourth from the top in the House of Representatives—in terms of both age and seniority. At 81, he is one of the most powerful members of Congress as evidenced by the $200 billion purse he controls as chairman of the labor, health and human services and education subcommittee of the House Appropriations Committee.

He is a throwback to a time when seniority meant something, when a campaign could be paid for with a Texaco credit card, and roll calls weren't parliamentary weapons used to keep members in Washington.

That this Democratic representative has, for nearly four decades, made a total of 16,883 votes and quorum calls, paid for every campaign out of his own pocket and rarely uses more than a third of the congressional allowance provided to hire staff, is no small feat. He is the lone member of Congress who can boast as much.

"When I talk to new members I say to them maybe it's better in the beginning to miss one vote that isn't so important," says the member who has missed not a one. "I say to them I don't advise you do this. When you've been here as long as I have and never missed a day or a vote, it's right around your neck."

He is a sweet and courtly man, who although revered by his congressional colleagues commands little attention off the Hill. "He fits the part of the congressman from the tip of his polished black shoes to the top of this white hair," says Vic Fazio (D-Calif.), a member of the Appropriations Committee.

"The ultimate Southern politician," adds Dennis Eckart (D-Ohio). "I assure you he knows every member's name."

"He's so identified with the institution and all that's good about it," says Mary Rose Oakar (D-Ohio), who became the first woman to sit on the gym committee that Natcher chairs.

The worst that is said about the man accounts to this: He is stubbornly practical about getting his massive appropriations bill—a prime target for wild-card funding amendments—through the Congress and past the White House. No horse trader, he. This singlemindedness, it is said, makes him rather inflexible when it comes to earmarking new or controversial monies, such as abortion funding. And predictably, he manifests his time-earned eccentricities.

Hearings start at 10 a.m. sharp, adjourn at noon and restart at 2 p.m. No exceptions. "And when you're interested in a particular project," advises one staffer, "you better not leave to go to the bathroom—he stops for no one. That old man will sit there during a mark-up in 100-degree weather in his three-piece navy suit till 8 o'clock at night without moving. And you better stay real close to him or you'll lose whatever it is you want."

He has saved about 16,000 pieces of mail sent to him over the years, and refuses to relinquish them to House storage rooms. They are packaged in brown paper and piled in a closet in his office, which he proudly shows off. "I have 200 letters from presidents," he says, as well as letters from "Tony Randall, Lynda Carter and Bob Hope. . . . I keep the originals." He also collects gavels, porcelain bells and replicas of White House china. His office looks like the Mount Vernon gift shop.

He has never cared to deal with the media, not during his campaigns, or his years as the controversial chairman of the District of Columbia appropriations subcommittee when he intermittently held up Metro funding, or through recent times when he has been sought out for friendly stories. He agreed to chat for this piece, but when the interview was abruptly interrupted by—what else—a roll call, Natcher refused to speak to the reporter again. "I believe we're finished," he said crisply when approached after a hearing.

Nonetheless, for an enlightening 15 minutes he shared his philosophy and thoughts about the job he loves. There is something so poignant, even sad, about how this man defines his life, his loves, his losses, his universe, through his perfect voting record.

He says he had not realized he was voting at 100 percent until 1958, five years into his tenure, when a clerk phoned him to inform him. "Ever since then, I made up my mind I'd see where I could take it," he says.

He takes no chances with his vote. He enters the electronic voting card he carries in his wallet not once, as required, but five or six times at different stations on the House floor. "Then I ask the floor clerk to check to make sure it took," he says. "I sat there one day and watched one of my colleagues vote—and we sat and waited for the light to go on [next to his name on the board] and it never did."

He says he has had "a thousand narrow escapes" but will only speak of one.

When his wife of 53 years passed away in January, he says, he simply accepted the fact that he would miss his first roll call vote. "I just said to myself, 'well, this is it,'" he says with resignation. "I just made up my mind to the fact. . . ."

There was the Monday he needed to fly his "beloved Virginia" to her final resting place in Kentucky. There was the day of viewing at the funeral parlor. And finally, there was the burial itself, scheduled for a Thursday that the House was in session. "I would have missed five votes that day," he recalls with precision.

But, he says, the days seemed to break his way and the services were delayed because the six grandchildren could not make it to Kentucky in time. "But I had some help," he says, pointing skyward. "I guess it was just meant for me not to miss a vote."

"People just don't realize how extraordinarily easy it is to miss a vote," says Rep. Tom McMillen (D-Md.), who has himself made the effort to maintain a perfect voting record since his 1986 election. "You can't undervalue his accomplishment. . . . It will never be duplicated. I've already told myself I am not going to go crazy when I miss my first vote."

There are other disciplines too. Natcher still swims aggressively in the House gym several times a week. Every day the House is in session, he keeps a journal, which he has locked away somewhere. Once a year he pulls the bound books out of their sanctuary and invites a photographer to memorialize the occasion. There are 52 volumes now. "I dictate and then have it typed on the finest bond I can find," he explains. "I put it down just like it happens every day. It takes some doing. You have to be right well organized."

And he writes religiously to each of his grandchildren weekly. While all receive identical letters, he is quick to note that no one receives a copy. "I started it when they were born—wrote to welcome them," he says. "And kept on going. Every week."

A staff of "five ladies"—his words—helps him with his obsessions. "I don't have any need for an administrative assistant, a press secretary or a legislative aide," he says flatly. "We get it all done. I don't need to pay any 18 people.

What he does get done with such a low overhead is impressive. As financial puppeteer for some of the most popular and sensitive social programs around—Job Corps, student aid, Social Security administration, biomedical research—he is on the minds of many special interests. Labor groups and universities parade before him, abortion advocates wince at his name, members beg him for pennies.

He listens to all, changes his mind for virtually none.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The job has enormous potential for power brokering. That he doesn't take a dime of campaign money, of course, greatly diminishes the input of lobbying groups who would so like to sway him. "They all come to see me and I hear them out nice," he says. "But this is the best system. My wife—she didn't like the way they did things up here, but she believed you could be in politics and do it right."

To a certain extent, Natcher has tried to preserve the purity of 1953, the year he came to Washington by virtue of a special election. To the amazement—and at times frustration—of his peers, he has never been influenced by the times. He believes he is reelected not because he is so powerful or so smart, but because he effectively does his "duty." He still runs his own reelection campaign, driving himself from event to event. He says his last campaign cost him a little more than $6,000.

The Washington Post files on him overflow with stories about his tight-fisted control of the D.C. appropriations subcommittee in the '60s and early '70s. He is legendary for his refusal to release millions in Metro funding—despite public pleas by President Nixon. To Natcher, it was cut and dried: If the local government was not upholding its end of the bargain to improve the highways, it didn't get the money. "It took the combined effort of the White House and the House leadership to get that money finally released," recalls Rep. Dave Obey (D-Wis.), then a junior member of the subcommittee. "If you decide to fight him, you'd better be prepared to pull out all the stops. He believes you can only have one quarterback at a time—and he's it on his committee."

In recent years, liberal House Democrats have been stymied by Natcher's refusal to loosen restrictions for federally funded abortions. (The bill's language for the past decade permits federal funding of abortions only if the mother's life is in jeopardy.) Over his reservations, the House slapped an amendment onto his bill two years ago that would have allowed abortion funding in times of rape or incest. President Bush vetoed the bill, and the House failed to override the veto.

Sources say Natcher remains adamant against introducing such funding into his bill again. But the abortion-rights Democrats still hope to persuade Natcher to give his blessing to an extended floor debate on the matter. "We want an up-or-down vote on this issue," says one such Democrat who did not want to be identified. "But to his practical mind, it's counterproductive to getting his bill passed. Those of his generation simply fail to acknowledge there might be some value in simply making a point."

On other issues of a contemporary nature, however, members say Natcher tries. "I've been badgering him on [funding for] breast cancer research," says Oakar, "and he's really evidenced a desire to learn about the issues."

Says one member of the Appropriations Committee: "You're not going to see him poring over the newest studies on this or that, but he does listen. I mean, he wasn't the last member of the Congress to realize the importance of AIDS research funding."

During the brief interview, Natcher alludes to the time when he might quit the good fight. He says the bells and china in his office would then go to his lone granddaughter. And the gavels and other masculine mementos would be given to the grandsons. He says that upon his retirement, he would also release his prized journals.

And the question is posed: Is he planning to cast his last vote any time soon?

"Oh no, no," he says, quite astonished by the question. "No plans. No plans at all."

And then, the bell tolls once again for Bill Natcher.

REDUCE, REUSE, RECYCLE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. VISCLOSKY. Mr. Speaker, today we mark Earth Day and I believe that there is no more fitting time to bring the actions of the fourth and fifth grade students of St. Stanislaus School in Michigan City, Indiana to the attention of my colleagues in the U.S. House of Representatives.

This group of outstanding young Americans was recently notified that their entry in a contest sponsored by UNICEF's World Children's Day Foundation was selected as the winner for the United States

Simply stated, the contest required that entrants examine an environmental issue in their community and try to address it. Recognizing the tremendous challenge that all communities face regarding landfill sites, the group decided to attack the increasing size of the LaPorte County landfill

With the theme "Reduce, Reuse, Recycle," a multifacteted program was initiated at the school. Every week, recyclables were collected and delivered to a recycling center. To get a first hand knowledge of the problem, the students undertook field trips to the landfill and recycling center and undertook related projects in the classroom. At the project's conclusion, an 8 minute video was produced that summarized the project.

While the students deserve a great deal of the credit, their teachers and parents should also be commended. In particular, Joseph Poplawski, Gail Saum, Andi Haas, Kathy Schroeder, Sandy Biela and Theresa Glowacki, were integral to the project's success. Finally, I am proud to note that yesterday, April 21, Sarah Mansfield, a fourth grader who was representing all the students involved in this project, gave a presentation to the General Assembly of the United Nations to explain the project.

Recently, there has been much clamor about the failure of the American education system. While much of the criticism is justified, we must also note its successes. I believe that the program undertaken by the fourth and fifth graders at St. Stanislaus is typical of the capabilities of our children if they are challenged in a creative manner. It is these young citizens who are going to have to live with the consequences of our actions today. The fourth and fifth graders at St. Stanislaus School deserve to be honored and recognized for a job well done.

COUNTRY OF ORIGIN MARKING REQUIREMENTS FOR SEMI-CONDUCTORS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. ARCHER. Mr. Speaker, on April 18, I introduced H.R. 1930, a bill which would remove the country of origin marking requirements for semiconductors and their containers classified in headings 8541 and 8542 of the Harmonized Tariff Schedule of the United States. The products provided for under these headings include diodes, transistors, integrated circuits, and microassemblies.

While the cost of marking semiconductors is not great when amortized over a production run, the cost is significant in absolute terms. In addition, most of these components are small and often difficult to legibly mark with the requisite producer identification and his numbers, grade, quality, electrical values, and other symbols, making it difficult to comply with the country of origin marking requirements.

Country of origin marking requirements are in part intended as a consumer protection measure. However, only a tiny fraction of semiconductors are sold at retail. Semiconductors are normally sold to customers who are unconcerned about semiconductor origin marking, since the customers are usually manufacturers who incorporate them into other products without reference to such marking. These customers are concerned about the semiconductor's quality, which is more a function of its producer than its origin.

Further, since the basis for determining country of origin for semiconductors differs between the United States and the European Communities for those semiconductors that are not wholly produced within one country, the United States marking requirement creates difficulties for those manufacturers trying to serve both markets. These producers may violate the laws of individual European Community countries when shipping semiconductors to the European Community that are marked according to U.S. standards since those countries do not require marking, but only that a product not be mislabeled.

For example, the producer may diffuse circuit patterns on a wafer in one country, mount and encapsulate the chips in a second country, and import the semiconductors to the United States for final testing. These products may then be sold to domestic manufacturers or foreign purchasers. In this case, the United States considers the semiconductor the origin of the second country, and under current law, it must be marked accordingly. The European Community on the other hand, considers the origin of the semiconductor to be the first country. In order not to violate European Community law, the producer would have to remove the U.S. required marking before export from the United States, which is a possible violation of U.S. law.

The elimination of the U.S. marking requirement is a simple way to solve this problem.

For all these reasons, country of origin requirements serve no useful purpose and simply adds to the cost of producing and selling semiconductors in the international market.

A TRIBUTE TO VARIAN FRY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. LANTOS. Mr. Speaker, when we think of the Holocaust, we remember the suffering, the pain, and the brutal crimes carried out by the Nazis and their collaborators. We often forget, however, that for every act of horror and evil that was perpetrated during the Nazi era, there was an act of heroism and kindness. Indeed, there are many heartening stories of good men and women and their brave defiance of Nazi transgressions against humanity. The life of Varian Fry is such a story.

Although Mr. Fry is no longer with us, his heroic fight against nazism will long be remembered. Responsible for saving the lives of more than a thousand refugees, this past week he was posthumously awarded the Eisenhower Liberation Medal during the U.S. Holocaust Memorial Council's Days of Remembrance 1991. The event took place in the rotunda of our National Capitol.

In August 1940, Varian Mackey Fry, then a 32-year-old editor for the Foreign Policy Association in New York, was sent to Marseilles by the Emergency Rescue Committee, a private relief agency dedicated to aiding those who resisted the Nazi takeover of France.

Fry's scheduled 3-week mission was to assist European artists, writers, scholars, and political thinkers whose religion, views, or careers made them vulnerable to Nazi persecution or arrest.

In the course of his work, Fry assisted in the emigration of some of the 20th century's great talents. His clients included artists Marc Chagall, Max Ernst, Jacques Lipchitz, and Andre Masson; writer Andre Breton and musician Wanda Landowska; political philosopher Hanna Arendt and the Nobel Laureate in medicine, physiologist Otto Meyerhof.

At the risk of losing his own life, Fry decided to stretch his life-saving mission from 3 weeks to 13 months. He was eventually expelled from France. Undaunted, he formed an underground escape organization operating under the cover of an American relief agency. He helped victims of Nazi crimes escape internment camps, hide from Vichy police, obtain forged papers, and secretly cross the Pyrenees into Spain and, eventually, Portugal where they could book passage to America or the Caribbean.

In reviewing a written account of his 13 months in Europe entitled, "Surrender on Demand," a writer for the New York Times Magazine wrote in 1945, "though it is probably not the thing for a book reviewer to say, Varian Fry is a good man. Through the people he has helped rescue—the doctors, the painters, the writers, the sculptors, the teachers—he has added to the sum total of the world's happiness, such as it is these days."

On April 12, 1967, in recognition of his bravery and dedication to democratic principles, Fry was awarded the Croix du Chevalier of the French Legion of Honor. Unfortunately, only 5 months later, he suffered a fatal heart attack without receiving appropriate acknowledgment of his exceptional deeds during the war here in his native land.

Mr. Speaker, I urge my colleagues to join me in paying tribute to this great American. To me, Varian Fry represents the highest heights of human potential. His heroism still speaks to us.

IN SUPPORT OF THE BRADY BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention an article on the necessity of gun control that appeared during the Easter recess in the New York Times on March 28, 1991.

Every year, hundreds of thousands of people die from misuse of handguns. In New York City alone last year, handguns were the weapon of choice in over 1,400 homicides.

I support legislation such as the Brady bill—we need gun control. The responsible regulation of handguns will help not only New Yorkers, but people throughout the country. The Brady bill may not halt all the types of crimes committed with handguns, but it is surely a move in the right direction.

I receive letters daily from people urging Congress to support gun control legislation because they believe—as I do—that there has been enough killing by handgun misuse. We want the senselessness to stop. Now.

In Memory of Those Shot In Civilian Wars

(By Sam Roberts)

Twenty-two men and women died during the 100-hour ground offensive in the Persian Gulf. No monuments will be erected to memoralize the casualties. No sense of sacrifice or loss has been seared on the public consciousness. No parades are planned.

The 22 were murdered in New York City.

During the same 100 hours, about 28 American troops, by one count, were killed in combat in the Persian Gulf war, apart from those injured in a missile attack on a barracks in Saudi Arabia.

Not all the city's homicide victims were pursuing as noble a mission as the troops were, though the casualties in both theaters were loosely united by a common goal: gun control.

At City Hall yesterday, residents of East New York, the Brooklyn neighborhood in which more people were killed in New York City last year than in any other, joined public officials in demanding a more relevant memorial to victims of violence: Congressional legislation requiring that prospective buyers wait one week, to permit background investigations, before buying a handgun.

Presiding at yesterday's pep rally was Mayor David N. Dinkins, who summoned up passion that he too frequently suppresses. He also demonstrated political maturation, by not announcing—as he had four times during a similar pitch last fall—the telephone number of House Speaker Thomas S. Foley, who supporters of gun restrictions pestered with hundreds of calls.

The unusual coalition of law-enforcement authorities and predominantly Democratic elected officials also honored James A. Brady, the wheelchair-bound former Presidential press secretary, who was wounded 10 years ago Saturday during the attempted assassination of Ronald Reagan (and who wearily wished yesterday that television would stop re-broadcasting the videotapes of the event. "I would like to see all of them destroyed, like Nixon should've done with the tapes.")

Until the assassination attempt, Mr. Brady's advocacy of handgun control was considerably more muted. "It wasn't as strident as it is now," he said yesterday. "It should've been."

Since then, Mr. Brady and his wife, Sarah, have lobbied aggressively for the waiting-period bill, which Representative Charles E. Schumer of Brooklyn said his subcommittee would consider next month.

Personal tragedies also transformed less prominent citizens into effective instruments for change. Roy Morris, an auto mechanic, and his wife, Vorenter, joined some of their neighbors to lobby yesterday for the Brady bill, as the legislation is called. Last summer their 18-year-old son, Roy Maurice, was shot dead on the streets of East New York while he was home from college.

Jean Reynolds attended because she is the crime-prevention officer for the Cypress Hills Local Development Corporation and was robbed at gunpoint just two weeks ago.

Macky Dancy, a 13-year-old, was on hand because, he said, "I see people with guns, I know people with guns, I know friends who were shot."

Twelve busloads of East New York residents, sporting caps that declared "7 Days Can Save a Life," lobbied for the Brady bill on Capitol Hill last week. They were recruited by Deputy Inspector Patrick J. Carroll, commander of the 75th Precinct where 109 homicides—89 of them committed with illegal guns—were reported last year. Five of the victims were bystanders under the age of 13.

Handguns wounded 15 officers in New York City last year and figured in 7,321 felonious assaults and 30,496 robberies. Handguns were also the weapon of choice in 1,476 homicides—about 70 percent of all those reported in 1990, compared with fewer than 20 percent of those recorded in 1960. In the 100 hours last month, gun victims in East New York included Clive Smith, a livery cabby; two men and a 15-year-old boy wounded by a 14-year-old.

New York boasts tough gun laws; most firearms used in crimes are imported. Officials have suggested amnesty, which yielded only 58 guns last year; reducing judges' discretion in sentencing illegal gun toters; prohibiting possession of assault weapons, and some controls over ammunition, as Senator Daniel Patrick Moynihan has advocated.

Many people argue that gun controls don't deter criminals. Yet experience seems to suggest otherwise. Arguably a waiting period, like the one in New Jersey and four other states, can be justified only if it keeps legitimate citizens from injuring themselves or prevents just a few crimes.

"Even stopping one gun would be a big step in the right direction," said the Rev. Elijah Pope of Messiah Baptish Chruch in East New York. "I think about what Mr. Brady is going through just because of one gun."

A SALUTE TO LOIS GRABOYS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Lois Graboys who is retiring as executive director of Volunteer Services for Animals. Twelve years ago Mrs. Graboys founded this organization to improve the quality of life for stray Animals. Volunteer Services for Animals has generated thousands of workers that have been instituting training and counseling for animal control officers, reuniting lost pets with their owners, finding homes for homeless animals, and battling cruelty and abuse against creatures of all types.

Lois Graboys, of Barrington, RI was so touched by the decrepit conditions of the Providence Dog Pound that she decided to take action. She went far beyond just volunteering her services to help clean cages, and comfort animals in pain. Mrs. Graboys founded an organization that has done more than any of its type in Rhode Island to improve the life of stray and neglected animals. It has been her unselfish behavior that has led to VSA's success and laid the foundation for an equally successful future.

Lois Graboys' actions have not only improved the lives of animals but have made Rhode Island a better place to live. It is with great pleasure that I salute Lois Graboys on her retirement as executive director of Volunteer Services for Animals. I wish her the best of luck on all of her future endeavors.

HONORING THE CO-OP CITY NATIONAL COUNCIL OF NEGRO WOMEN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. ENGEL. Mr. Speaker, today I wish to recognize the accomplishments of the Co-op City Section of the National Council of Negro Women, Inc., which is celebrating its 20th anniversary this week.

By nurturing the social, cultural, civic, economic and spiritual of its members, the National Council of Negro Women enriches our Nation and promotes the integration of all people. The Co-op City Section, led by president Maxine Sullivan, has been an active, positive force in the community. The council is committed to further advancing the progress its members have made, which in turn adds to the spirit and diversity of our community and our great Nation.

On behalf of the Bronx community, I congratulate the Co-op City Section of National Council of Negro Women for two decades of outstanding service and with its members many more years of success.

THE CLONING OF THE CYSTIC FIBROSIS GENE: AN AMERICAN BIOMEDICAL RESEARCH SUCCESS STORY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. GEKAS. Mr. Speaker, this is a continuation from the text of remarks I submitted for printing on April 17, 1991. The remarks that appear in today's RECORD were made by Dr. Francis S. Collins at the March 13, 1991, Congressional Biomedical Research Caucus briefing on cystic fibrosis. I will conclude this extension tomorrow with remarks from Dr. Richard Boucher.

FINDING THE BURNED OUT LIGHTBULB: THE IDENTIFICATION OF THE CYSTIC FIBROSIS GENE

(Remarks by Francis S. Collins, M.D., Ph.D.)

I would like to thank the Congressional Biomedical Research Caucus for the opportunity to speak. I applaud the efforts by this group to increase understanding and dialogue between the scientific and political communities. I would also like to take this opportunity to thank the members of the Congress for their consistent and enthusiastic support of biomedical research in this country, especially at times of budget constraint. I am quite confident that we would not be here today discussing the cloning of the cystic fibrosis gene were it not for that substantial investment at a great many levels.

I am a physician and a scientist at the University of Michigan. I spend about two-thirds of my time running a research laboratory which is studying human genetic disease, especially cystic fibrosis, neurofibromatosis, and Huntington disease. With the other third of my time I see patients with a wide variety of genetic conditions who come to my clinic. I am constantly challenged and frequently frustrated, by the ravages of genetic disease and the suffering it induces, not only for those who are affected but for their families. So often, as with cystic fibrosis, genetic disease is particularly cruel because it strikes children and young adults. It is also fair to say that none of us can be very confident of escaping this particular burden; it is estimated that we all carry 4 to 5 severe recessive genes but we are unaware of their presence. As we have gained an increased understanding of the genetic basis of common diseases, such as coronary artery disease, hypertension, diabetes, cancer, and even alcoholism, it is clear that genetic influences play a major role in the health of all of us. A major challenge of the coming decades is to unravel these complex genetic influences and to use this information to develop a more effective medical approach.

I was first introduced to cystic fibrosis as a clinical problem during my internship in Internal Medicine. At that time, in the middle 1970's, there was very little known about the basic defect, and survival was not as good as it is today, when the average person with CF survives into their late twenties. Knowing that I was headed for a career in genetics, I read as much as I could about the disorder, but concluded that at that time there were few options for gaining an increased understanding of the disease. I never realized that ten years later this would become a major research activity of my own.

In fact, my research training was somewhat unorthodox. I had obtained a Ph.D. in physical chemistry prior to going to medical school, and made that non-traditional shift because of the sense that I wanted to be involved in something with more direct human applications. After finishing my medicine residency I entered a fellowship in human genetics at Yale where I learned the basics of molecular biology, in a program ably directed by Leon Rosenberg who spoke to you so eloquently at your first meeting. Along the way I was supported at various intervals by training grant support funded by taxpayer dollars. As a graduate student I was funded by an NSF graduate fellowship, and as a post-doctoral fellow at Yale I received support from an NIH training grant. I could not have obtained scientific training without these programs, and these grants continue to be absolutely crucial for the support of a wide range of budding biomedical scientists.

I would now like to describe for you the strategy that was used to identify the cystic fibrosis gene, and to explain why this holds such promise for the identification of other disease genes. All of the basic hereditary information of living organisms is contained within DNA, which is the material that makes up the chromosomes inside each cell. We each inherit approximately half of our DNA from our father, and half from our mother. For a disease like cystic fibrosis, there are two copies of the gene, one inherited from each parent. If an individual has one normal copy and one defective copy, they are still entirely healthy. Such person is called a CF carrier. If the child of two carriers happens to inherit the abnormal gene from each parent, then that child will have cystic fibrosis.

DNA is not itself capable of carrying out functions inside the cell, but rather acts as a storehouse of information. The DNA is actually transcribed into another substance called RNA, and that RNA is then translated into protein. It is protein which performs most of the functions of the cell, and therefore mutations in the DNA sequence generally have their deleterious effects by leading to the production of an abnormal or absent protein which cannot carry out its job. For many diseases, the responsible gene has been identified (cloned) by first finding something wrong with the protein. For hemophilia A, for instance, a bleeding disorder inherited in a sex-linked fashion, the first stop in understanding was the identification of a defect in a clotting protein called Factor VIII. This protein was partially purified and some of its sequence was obtained. That allowed a deduction about the nature of the gene that encodes this protein, finally resulting in the cloning of the gene. Most disease genes that have been cloned up to his point have followed a similar strategy.

For cystic fibrosis, however, there was insufficient information about the protein to allow an approach based on this strategy. There was, to be sure, information that there was a problem in transport of chloride and water in cystic fibrosis cells, but it was not at all clear what the basis protein defect was that was responsible for that transport abnormality. Faced with this situation, most scientists as recently as ten years ago would have said that there was little or no chance of identifying the CF gene. The strategy that succeeded, and succeeded more rapidly than anyone could have predicted, was a new approach which I prefer to call "positional cloning", but which has also been called "reverse genetics". This strategy allows the cloning of disease genes without any information about their function, using only the fact that the disease is inherited in families.

This information is used to map the gene to a specific chromosome, and this mapping is further and further refined until the area where the disease gene must be located has been narrowed to a very small segment. Eventually the gene itself is then identified by sifting through this interval.

The reason this is so difficult is basically a matter of scale. The human genome is made up of 24 different chromosomes and encodes approximately 100,000 different genes, each of which has a separate function. DNA is measured in basis pairs, and the total human genome is 3 billion based pairs in length. In searching for the cystic fibrosis gene, it is necessary not only to find the right gene, but to identify a specific abnormality in that gene, which may be as subtle as a single base pair. For sickle cell anemia, for instance, all of the ravages of this terrible disorder can be traced to the alteration of a single base pair out of 3 billion, located in a gene that codes for hemoglobin.

Thus, searching for the cystic fibrosis gene with no functional information is a problem of great difficulty. A useful comparison is to consider this analogous to trying to identify a single burned out light bulb in a house somewhere in the United States without initially having any information about its geographic location. In this analogy, the house is the gene you're looking for, and the burned out light bulb is the abnormality in the gene that allows you to be certain that you found the right house. If you had to accomplish such a task, you would probably design some sort of searching strategy that allowed you to narrow down the proper location step by step, going from state, to county, to city, to city block, and eventually resorting to a house to house search.

The first step was to put the house in the right state, which in genetic terms was to place the gene on the correct chromosome. This was carried out by a process called linkage analysis. The principle is not new, but the advent of recombinant DNA technology has made it much more powerful over the last few years. Largely supported by the NIH, a large number of DNA "markers" (sometimes called RFLP's) have been mapped to specific chromosomes and are available for this purpose. What one does in such a linkage analysis is to collect a large number of families where the disease is occurring, and to analyze those families with this large panel of markers. Basically, one can look at several towns in each state as possible candidates for the approximate location for the gene. Even if a particular marker is not precisely on top of the gene, if it is in the right part of the right state, it will show a tendency to be inherited along with the disease in the families being analyzed. This strategy resulted in the successful mapping of the CF gene to chromosome 7 in 1985, which one can think of in our analogy as placing the gene in the state of Michigan, although the localization was quite fuzzy at that time. A great many additional markers from chromosome 7 were then quickly tested (analogous to checking out a lot of towns in the right part of Michigan). Two markers were found which were much closer to the CF gene than the original one. (Ironically, one of these was a cancer gene called met, whose cloning had been motivated by a desire to understand the mechanism of bone cancer. This is yet another example of how basic research in different areas can interact catalytically in unpredictable ways). These two markers allowed the placement of the CF gene in a somewhat more manageable interval, analogous to saying the gene was somewhere in Ann Arbor, Michigan.

This was still a very hard problem, however, because of the need to investigate many houses (genes) looking for a subtle abnormality. A new technique which considerably aided this search was a trick called chromosome jumping, developed in my laboratory in the middle 1980's. In fact, it was the development of this technique that brought me back to cystic fibrosis, almost ten years after initially puzzling over how the basic defect could possibly be approached. Chromosome jumping allows someone interested in a search of this sort to start at one edge of the town and leap into multiple city blocks with relatively little effort. The old way of searching (chromosome walking) required one to start at one edge of the town and methodically move from block to block until you got to the other end. If the house you were looking for happened to be at the far end of the town it would take you many years of fruitless searching until you got to the area of most interest. Jumping allowed this problem to be circumvented, and permitted the initiation of house to house searching at several locations simultaneously. In the context of this particular audience, I should perhaps point out that chromosome jumping as a concept was considered to be of high risk. The concept was developed while I was a postdoctoral fellow at Yale, but most of the work which led to progress in cystic fibrosis was carried out after I moved to the University of Michigan as a beginning Assistant Professor in 1984. In order to support this work, I submitted a grant application to the NIH in the spring of 1984, and was successful in obtaining funding. Had the NIH system not responded by supporting this high risk endeavor, or had the number of grants available been a bit lower so that I missed the cut off, I would have been forced to work on something more traditional. The effects on CF research are likely to have been significant.

The house to house search was still a labor intensive effort, and for this purpose my group linked up with researchers at the Hospital for Sick Children in Toronto, led by Drs. Lap Chee Tsui and Jack Riordan. This international collaboration was highly successful and productive, and we basically pooled our research groups in order to work towards this common goal. This kind of collaboration between scientists, where each group brings different expertise to a problem, is more common than most people realize. Perhaps at times the public has the idea that scientists are people with large egos who have trouble getting along with their peers. While as a group we are not completely immune to such behavior, I would certainly state that from my own experience the drive to gain new knowledge and accomplish a difficult goal supersedes personal considerations, and is one reason why American science has been so consistently successful.

After about a year and a half of the house to house search, we uncovered a house that seemed to have some of the right characteristics: it represented a gene which seemed to be of considerable importance in the lung, the pancreas, and sweat glands, all organs which are affected in patients with cystic fibrosis. However, the real proof that this was the right gene demanded the identification of the burned out light bulb, which in this case turned out to be a deletion of only three base pairs of DNA in the middle of the gene. This was a very subtle abnormality which would have been easy to miss. In fact, when we initially found this, we wondered whether it could actually be the cause of such a devastating disorder. However, after surveying a large number of DNA samples, it became clear that this abnormality was present in about 70% of cystic fibrosis chromosomes, and was never found on a normal chromosome, indicating that this mutation must in fact be the most common cause of the disease. Other cystic fibrosis chromosomes turn out to have other less common mutations in this very same gene.

Once we were sure we had the right gene, the question turned to what its function would be. From determining the sequence of the DNA, one can predict precisely the sequence of the protein, as these are related through the genetic code. When the protein sequence was worked out and compared to all other proteins that have been studied, a striking result was found: the protein product of this gene, which is called CFTR for cystic fibrosis transmembrane conductance regulator, had dramatic similarities to a large family of proteins occurring in organisms as diverse as bacteria, yeast, fruit flies, and man. All of these proteins are involved in transporting small molecules, either into the cell or out of the cell. The ability to discover this similarity, which is done by a computer search requiring only a few hours, is made possible by the long term support by the NIH of databases of DNA and protein sequence, which are taking on increasing importance as the amount of information grows. It is now often the case that, just as for CF, a new gene finds partial matches in this database that make profound predictions about the function of the gene and direct future steps in research.

This is then the story of the cloning of the cystic fibrosis gene. There are several immediate outcomes. Knowing the common mutation, it is now possible to screen individuals to find out whether or not they are carriers for the cystic fibrosis gene, which is the case for approximately 1 in 25 Caucasian individuals. There are some complexities, since not every carrier has the same burned out bulb, but screening for the common mutation successfully picks up 70 percent of carriers, and looking for three or four other common mutations raises this to 85 percent. About 70 percent of couples at risk for having a child with cystic fibrosis can now be detected prior to their beginning a pregnancy. While this is a complex issue, many individuals feel that it is appropriate to investigate the possibility of general population screening for cystic fibrosis, in order to give couples at risk that information and allow them to choose between various options about child bearing. Those options would include foregoing having children, adoption, artificial insemination, prenatal diagnosis, or proceeding with childbearing and accepting the one in four chance that the child will have CF. Much attention will need to be paid to the educational side of such a screening program, as there is no point in screening individuals if the information they are given is not clearly understood.

Even more exciting, however, is the possibility of using the cloned gene to develop new and better treatments, and perhaps even a cure. The first step in gene therapy for cystic fibrosis was in fact already accomplished last fall by three different groups who inserted the normal cystic fibrosis gene into CF cells growing in laboratory culture. The chloride transport defect in these CF cells was found to be corrected when the normal gene was inserted, indicating that this transfer is capable of correcting the disease. A major challenge of the future, towards which much research is now being directed, is to optimize this process in the airway of a living CF patient. The study of the gene and its protein product may also lead to better ideas about drug therapy for the disease, in that it may be possible to design a drug which will compensate for the defective protein, once we are able to obtain detailed information about its structure and function.

Basically, cloning the CF gene can be thought of as passing through a severe bottle-neck in scientific and medical progress. With the gene in hand, a vast array of experimental approaches are now possible. This has been reflected by an enormous increase in the number of investigators doing research on this disorder. It is clear that the cloning of the CF gene is only a start, and that the real challenge for the future is to understand its function and use this to develop therapies.

So what is the relevance of this story to the present and future condition of U.S. biomedical research? There are several lessons that can be deduced. First of all, the positional cloning strategy can be spectacularly successful, even in a situation like cystic fibrosis where no additional helpful clues exist to guide the search for the right house. The positional cloning strategy has in fact now been successful for a total of seven genes (including the muscular dystrophy gene), and several others will follow in the relatively near future. This is a genuine revolution in human genetics and medicine; it opens a new window into the ability to find and characterize genes responsible for disease which had previously been inaccessible.

A second more sobering lesson from CF is that this research is expensive. Various estimates have been made that indicate that the entire search for cystic fibrosis gene cost somewhere on the order of $50,000,000, with much of that having been supplied by the NIH and the Cystic Fibrosis Foundation. I have told you only a small part of the story. In most parts of this endeavor, we stood on the shoulders of a wide variety of other researchers, whose painstaking efforts over the last 20 or 30 years were essential for the success of the strategy.

The third lesson, and the most important one for this caucus, is the crucial role of consistent and vigorous support of basic biomedical research. In the CF story, advances often came from arenas where one could not have predicted them. The concept of linkage analysis, originally an obscure area of human genetics, has now emerged as a fundamental paradigm for the identification of disease genes. Painstaking studies of chloride channel behavior, first in normal cells, and only much later in CF cells, have played a crucial role. I have already alluded to the benefits that now derive from the availability of databases for comparison of DNA and protein sequences, and to my own gratitude in being supported for chromosome jumping research when few people would have predicted that it would benefit CF. This is not an atypical story. Much of the success of U.S. research can be traced to the wide range of projects being pursued. Too much targeting can be counterproductive.

A fourth lesson is the need for a better map of the human genome if this kind of activity is to continue, and especially if it is to be successfully applied to more difficult problems where the inheritance pattern is not so simple, such as hypertension, breast cancer, diabetes, alcoholism, Alzheimer's disease, and schizophrenia. If we had at the outset possessed a detailed map of all of the states with the location of all of the towns and all of the houses, it would have enormously facilitated our effort to find the CF gene and taken several years off of the process. For diseases where the inheritance is less simple, the ability to identify the right town will be more limited, and it may be necessary to search through many towns simultaneously in order to find the right house and light bulb. This kind of labor-intensive activity will really only be possible and affordable if more information is available about the basic map of the human genome. This is one of the principle reasons that I am an enthusiastic supporter of the human genome project. This project, which will efficiently obtain complete maps of all the human chromosomes over the next five years, and the entire sequence of the human genome at the end of fifteen years, has recently begun funding through the NIH and the Department of Energy, and will fill a crucial need which will allow the generalization of this positional cloning approach to a much larger list of human diseases. This ability to identify genetic predispositions will allow medicine to move from its current state of treating diseases that are already underway to a more preventive one in the next century. There are many ethical and legal dilemmas which this set of advances presents, but the human genome project has accepted this challenge as a major part of their agenda. For example, discussions about policy changes that may be necessary to protect individuals from genetic discrimination are already intensively underway. The genome project deserves the continuing enthusiasm of the Congress as it ramps up to full strength over the next few years.

The fifth and final lesson is the need for improvement in scientific education. This sort of research is complex, and requires scientists with an in-depth understanding of a wide variety of fields. I am deeply concerned that the number of college and medical school graduates choosing careers in biomedical research is decreasing. Fears about lack of funding, especially over the last year or two, have certainly contributed to this trend. It is also clear that few high school students are currently exposed to the excitement and intellectual elegance of modern scientific research. To my mind this needs to be a major agenda item if we are to maintain our preeminence in the United States as the leader in this field.

In conclusion, the cloning of the CF gene represents a landmark, but it is only the start of what most of us hope will be a series of advances in ending the ravages of this devastating disease. With the gene in hand, a much broader array of approaches are now possible. We all look forward to the time, hopefully in the next decade, when this disease can be cured once and for all.

AMERICA CELEBRATES 21ST EARTH DAY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. SWETT. Mr. Speaker, I rise before you today to join the many citizens of New Hampshire and the rest of the Nation in celebrating the 21st annual Earth Day.

One of my highest priorities as a Member of Congress is to help protect the many beautiful natural resources that we in New Hampshire hold dearly. I am eager to address the many threats to our environment, including acid rain, global warming, our over-reliance on fossil fuels and the staggering amount of solid waste we as a nation generate.

It is my hope that celebrations like Earth Day will heighten people's awareness about the many threats to the environment and the actions they can take to save our irreplaceable natural resources.

Mr. Speaker, it is important to act quickly and uniformly to ensure that the next generation and generations to come can enjoy this country's precious natural resources, in the same way that I enjoy hiking in New Hampshire's White Mountains, swimming in its many pristine lakes and camping in its miles of unblemished forestland.

We can begin to attack these problems at a local level by developing and sticking to conservation and recycling programs, which may be a little inconvenient in the short run, but will pay large dividends in the long run.

We as a nation simply generate far too much trash. If we don't slow the enormous production of solid waste which is clogging our landfills, we will be faced with the possibility of running out of landfill space.

In addition, citizens can make a difference at the local level by making sure their own vital wetland areas are protected from unrestrained or poorly planned development.

Mr. Speaker, following the theme of this year's Earth Day of individual environmental action, I would like to praise those people from New Hampshire who are already acting locally for the betterment of our planet.

In particular, I would like to pay tribute to my friend and constituents, Bruce Anderson, for his work as the National Director of Earth Day. He and I worked together for many years in the alternative energy field, and it is heartening to see him working nationally for a cause to which he is so deeply committed.

On a national level, I would like to urge my colleagues in the Congress to develop an aggressive national energy policy which helps to encourage the production of environmentally safe alternative energies, rather than continuing our reliance on fossil fuels and nuclear energy.

I was deeply disappointed with the President's national energy strategy which failed to address the need for development of new and safer energy resources. I had hoped he would use his leadership ability to make proposals that would go beyond our heavy dependance on fossil fuels and nuclear power, and that he would propose more innovative ways to deal our Nation's serious energy problems.

The development of alternative energies will not only help preserve our environmental resources, but will also lead us down the road to energy independence so we will no longer have to rely on people like Saddam Hussein for our energy needs.

Mr. Speaker, I ask my colleagues to join me in celebrating the 21st Earth Day and to work toward implementing the ideas that it raises.

TO HONOR THE NORTHWEST INDIANA HISPANIC COORDINATING COUNCIL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. VISCLOSKY. Mr. Speaker, it is my pleasure to pay tribute to the Northwest Indiana Hispanic Coordinating Council on the occasion of its Third Annual Recognition/Installation Banquet to be held on Saturday, April 20, 1991.

The Hispanic Coordinating Council serves as the conduit for 44 Hispanic organizations in a four county area to exchange views and preserve and enrich a shared cultural heritage. The Hispanic Coordinating Council sponsors an annual series of seminars on Hispanic issues each November, produces a quarterly newsletter, El Pregonero, with a mailing list of over 3,000, has taken up the cause of justice on behalf of a poor Mexican immigrant who was beaten in a racially motivated attack and, called all citizens to prayer when the war in the Persian Gulf was imminent.

The officers to be inducted include: Benjamin T. Luna, president; Tony Barreda, vice president; Ernie Hernandez, recorder; the Reverend Fernando de Cristobal, corresponding secretary; Roberta "Bobbi" Olah, administrative secretary, Juaquin Rodriguez, treasurer; and, Ernesto R. Lopez, assistant treasurer. Judge Pro Tem Itsia Rivera will administer the oath to the officers and will also serve as the mistress of ceremonies for this evening.

The following will be honored for their service to the northwest Indiana community: the Union Benefica Mexicana, as community organization; Paul Hernandez, for contributions to labor; Dr. Sandra Martinez, for contributions to education; Lou Martinez, for exemplary service; Tim Mejia, for contributions to health services; the William Maldonado family, as outstanding family; Andy Trevino, as outstanding student athlete of the year; and, Jason Casiano, for his achievement as three-time State track champion.

Also being recognized are the top Hispanic academic and athletic achievers from the area's high schools. The following will be acknowledged as the top athlete in their respective high schools: Steve Jimenez, Andrean High School; Desiderio Leyba, Bishop Noll Institute; Andy Trevino, Calumet High School; Abe Rivera, Clark High School; Robert Flores, East Chicago Central High School; Greg Ortiz, Emerson High School; Daryl Lopez, Griffith High School; Anthony Gil, Highland High School; Dan Barrasas, Hobart High School; Tony Morales, Isaac E. Elston High School; Chris Flores, Lake Central High School; Dan Mora, Lake Station High School; Anna Gonzalez, Lew Wallace High School; Victor Garcia, Merrillville High School; Alex Coriano III, Morton High School; Jeffrey E. Jorge, Munster High School; Jason Casiano, Portage High School; Frank Diaz, River Forest High School; Melinda Santiago, Michigan City Rogers High School; Felix Ortiz, West Side High School; Sergio del Real, Whiting High School; and, Julia Ramos, William Wirt High School.

Those being recognized as the top Academic Achiever include: Stephanie Roig, Andrean High School; Carlos Cruz, Bishop Noll Institute; Anna Toledo, Calumet High School; Frank Maldonado, Clark High School; Maria Chagolla, East Chicago Central High School; Raquel Olmo, Emerson High School; Denise Castillo, Griffith High School; Deanna Cabrera, Highland High School; Robert Ponce, Hobart High School; Evelyn Roman, Horace Mann High School; Camille Gonzalez, Isaac E. Elston High School; Adam Vela, Lake Central High School; Sylvia Ochoa, Lake Station High School; Arturo Rodriguez, Lew Wallace High School; Matthew DeLoera, Lowell High School; Sandra Castellanos, Merrillville High School; Louis Martinez, Morton High School; Urzula E. Urzua, Munster High School; Maria Pallick, Portage High School; Jose Ochoa, River Forest High School; Lisa Perez, Michigan City Rogers High School; Maria Pena, West Side High School; Sylvia Corpus, Whiting High School; Alejandrina Guerrore, William Wirt High School; and Sam Carrasco, Illinois University High School.

On behalf of the First Congressional District of Indiana, I wish to extend my personal accolades to those being honored, as the entire northwest Indiana community has truly benefited and is richer because of their dedicated efforts.

DUTY SUSPENSION FOR DIAMOND TOOL BLANKS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. ARCHER. Mr. Speaker, on April 18, I introduced H.R. 1929, a bill which would: First, extend the existing duty suspension for diamond tool and drill blanks; and second, correct a drafting error in the Technical and Miscellaneous Revenue Act of 1988 pertaining to such tool and drill blanks.

Section 160 of the Trade and Tariff Act of 1984 created a new, temporary provision in the appendix to the Tariff Schedules of the United States—item 910.00—suspending duty through December 31, 1987, on diamond tool and drill blanks. A major effect of that provision, which I had introduced, was to reduce drilling costs to the oil and gas industry.

In April of 1987, I introduced a bill, which would have extended the duty suspension beyond December 31, 1987—H.R. 2033, 100th Congress. While that bill did not pass before the end of 1987, eventually, on November 10, 1988, the Technical and Miscellaneous Revenue Act of 1988 was enacted which, in section 9004(a)(23), extended the duty suspension provided by item 910.00 until December 31, 1992. Section 1 of the bill which I have introduced today would continue the duty suspension for 3 additional years.

Section 3 of the bill would make a technical correction to the Technical and Miscellaneous Revenue Act of 1988. Specifically, because of an oversight in drafting, the effective date of the duty suspension in that legislation was the date of enactment, November 10, 1988, rather than January 1, 1988, which would have provided the intended result of affording continuity in duty-free treatment for diamond tool and drill blanks. As a consequence of the drafting error, duties never intended by Congress were paid on entries of diamond tool and drill blanks in 1988. Section 3 of my bill, which is faithful to the intent of the 1988 legislation, would remedy the oversight and permit the reliquidation of the affected entries with duty refunds.

A TRIBUTE TO JAN KARSKI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. LANTOS. Mr. Speaker, today I would like to pay tribute to a man of heroic stature. Jan Karski, well known for his courage in resisting the Nazi occupation in Poland, was last week awarded the Eisenhower Liberation Medal during the U.S. Holocaust Memorial Counsel's Day of Remembrance 1991. The ceremony took place in the rotunda of our National Capitol.

Jan Karski was a 25-year-old native of Lodz, Poland, when the Nazi war machine rolled into his country. Eventually he was captured and transported to a prison camp. After several months in captivity, Mr. Karski escaped and entered German-occupied Poland. This was the beginning of his heroic odyssey.

In Poland, he joined the anti-Nazi underground and was assigned very dangerous and sensitive missions that utilized his vast knowledge of languages. In one such mission, he was acting as a courier between the underground movement and the Polish Government-in-exile in France. In 1940, he was arrested by the Gestapo in Slovakia and subjected to ruthless punishment.

Realizing that he knew many of the underground's secrets, Karski feared he would buckle under the Nazi's violent coercive measures. As a diversionary tactic, he slit his wrists with a razor he had hidden into his shoe. While in the hospital he sought to contact the underground to communicate his desperate situation. Feigning imminent death, he was taken by nuns to a chapel for his last confession. As the priest was administering the rite, Karski whispered, "Father, there is this place, on this street, at this number; I am Witold" [his code name]. Two days later, he escaped with the help of the underground without compromising their secrets.

During the war, Karski's reputation as a freedom fighter grew. He met with allied leaders to share his experience of Nazi atrocities. Probably the most celebrated meeting was that with President Franklin Roosevelt in the White House in August 1943. Their exchange led, among other things, to the creation of the War Refugee Board.

With notoriety came increased risk. Finally, his prominent standing as an underground leader precluded his return to active duty in the resistance. In 1944, he began a public speaking tour of the United States and England and authored many articles about his experiences with the underground. He published a book entitled Story of a Secret State, which became a Book-of-the-Month Club selection.

After the war, Mr. Karski decided to remain in the United States and became a U.S. citizen in 1954. He is now professor emeritus of government at Georgetown University here in Washington, DC.

Professor Karski has dedicated his life to the remembrance of the Holocaust. He writes:

> The Lord assigned me a role to speak and write during the war, when—as it seemed to me—it might help. It did not.
>
> Furthermore, when the war came to its end, I learned that the governments, the leaders, the scholars, the writers did not know what had been happening to the Jews. They were taken by surprise. The murder of six million innocents was a secret.
>
> Then, I became a Jew like the family of my wife. All of them perished in the ghettos, in the concentration camps, in the gas chambers, so all murdered Jews became my family.
>
> But I am a Christian Jew. I am a practicing Catholic. Although I am not a heretic, still my faith tells me the second Original Sin has been committed by humanity: through commission, or omission, or self-imposed ignorance, or insensitivity, or self-interest, or hypocrisy, or heartless rationalization.
>
> This sin will haunt humanity to the end of time.
>
> It does haunt me, and I want it to be so.

Mr. Speaker, I had the good fortune to meet Mr. Karski at the U.S. Holocaust Memorial Council's Days of Remembrance 1991. To look into Mr. Karski's eyes is to look into the eyes of a hero. In them are etched a gallant past most worthy of this distinguished body's praise. I ask my colleagues to join me in paying tribute to him today.

OFFICER WILLIAM KARALIS REVIVES STRICKEN BABY GIRL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Police Officer William Karalis for going above and beyond the call of duty.

While on his regular patrol in Pawtucket, RI, Officer Karalis came across a frantic man clutching his baby girl, Crystal C. Santell. The baby had stopped breathing for 3 to 4 minutes. Without hesitation Officer Karalis administered CPR and revived the infant.

In only his first time in a life or death situation Officer Karalis acted immediately and decisively in coming to the aid of the baby girl. It is only for this reason that Crystal is still alive today. His actions are a tribute to the police force and the community of Pawtucket, RI.

It is with great pleasure that I take this opportunity to congratulate William Karalis on this courageous act. I extend my best wishes to him for a successful future in the police force. I request that the following article be printed in the CONGRESSIONAL RECORD.

[From the Pawtucket Journal-Bulletin, Apr. 12, 1991]

POLICE OFFICER REVIVES STRICKEN INFANT

(By W. Zachary Malinowski)

PAWTUCKET.—Police Officer William Karalis was patrolling downtown late Monday afternoon when a shirtless, shoeless man flagged him down in the pouring rain.

The man, later identified as Luis Ortega, was cradling a baby girl in his arms.

"He was frantic," Karalis said. "He said, 'I've got a baby and it hasn't been breathing for three or four minutes!'"

The baby's face was blue. There was no heartbeat or pulse.

For the first time, Karalis, 23, found himself with a life-or-death situation.

"I was very nervous when (the baby) was first handed to me," he said. "She didn't look too good."

Karalis, who had taken a refresher course in cardiopulmonary resuscitation four months ago, went to work.

He placed the baby in the back seat of his cruiser. Then he lifted her head ever so slightly and blew two quick bursts of oxygen into her lungs.

"The baby started crying." Karalis said: "I mean, really loud."

Rescue workers arrived minutes later and the 10-month-old infant, Crystal C. Santell, of 112 Rand St., Central Falls, was taken to Memorial Hospital. She was listed in good condition yesterday. It could not be determined exactly what was wrong with the baby.

"Excellent job by the kid," said Cmdr. Richard E. DeLyou, referring to Karalis. "He went right to work on the baby. It showed a lot of courage."

Police Chief John W. Tomlinson rewarded Karalis by giving him two days off with pay.

The events leading to Karalis's life-saving effort in Pawtucket started a mile away in Central Falls. Central Falls Lt. Joseph Costa said police received a call about 5 p.m. that a woman was screaming at Rand and Dexter Streets.

The woman was Linda Burgus, the baby's mother.

"That woman was hysterical," Costa said. "We couldn't get the story straight." Initially police said, they thought the infant had been abducted.

Police said that Ortega, the baby's stepfather, discovered that the baby had stopped breathing. He bolted from the family's second-floor apartment with the infant.

Ortega, who does not have a telephone or car, ran about 20 yards to Dexter Street and stopped a passing car. A young man picked them up and drove toward the hospital in Pawtucket.

Ortega and the driver, concerned that they were running out of time, stopped Karalis at Church Street and Park Place.

The driver, whom police have not been able to identify, drove away after the police officer helped Ortega and his stepdaughter.

Handling a baby was not foreign to Karalis, who joined the police force less than two years ago.

Yesterday, after he recounted how he saved the baby, Karalis doffed his police cap. Inside was a snapshot of Jessica, his 2-year-old daughter.

HONORING U.S. MARINE CORP CPL. MICHAEL CREANZA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. ENGEL. Mr. Speaker, it is my honor to extend the thanks and appreciation of the Bronx community and our entire Nation to U.S. Marine Corps Cpl. Michael Creanza, who recently returned home from service in the Persian Gulf.

I know that the Creanza family is proud of Michael's outstanding accomplishments, and his neighbors in the Bronx are glad to see him return home, especially after the dangerous tour of duty he served. During a mission to clear out enemy bunkers in Kuwait, Corporal Creanza and his colleagues fell victim to a hidden, booby-trapped grenade. One marine was killed in the explosion and Michael was riddled with shrapnel in his legs, arm, and chest.

Thanks to expert aid from medics and military hospital personnel. Corporal Creanza is well on the way to recovery. He has displayed tremendous courage and dedication to his country, as have thousands of his colleagues who served in the Persian Gulf. Our Nation is grateful to have men and women of such high quality in our Armed Forces, and the Morris Park community in the Bronx is especially proud to count Cpl. Michael Creanza as a soldier who has served his country with great distinction. We thank him and wish him good health and much success in the future.

THE CLONING OF THE CYSTIC FIBROSIS GENE: AN AMERICAN BIOMEDICAL RESEARCH SUCCESS STORY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. GEKAS. Mr. Speaker, this is the third and last extension of remarks that I will make regarding the March 13, 1991, Congressional Biomedical Research Caucus' briefing on cystic fibrosis. The text below is the text of Dr. Richard Boucher, professor and director, Cystic Fibrosis Research Center, University of North Carolina:

REMARKS BY RICHARD C. BOUCHER, JR., M.D.

I should like to thank the Congressional Caucus for inviting me to participate in this meeting. As it appears to be customary, perhaps I should give you some background about my position. I am a physician (M.D.) researcher who directs a Cystic Fibrosis Research Center at the University of North Carolina at Chapel Hill. This research center spans a wide spectrum of interests from very basic science research projects to clinical studies of novel drugs. The theme of the Center is heavily directed toward taking novel basic science observations and, as rapidly as is safe and accurate, translating them into new therapeutic treatment for cystic fibrosis patients. Directing this type of center is an enviable role for an investigator, like myself, who is fortunate enough to oscillate between patient care oriented medicine and basic science research. Being able to participate in both arenas is, I believe, a rather unique virtue of the system that has been developed in the United States university-based bio-medical research community. Judging from my many contacts with post-doctoral fellows from abroad, and visits to many research communities outside the United States, it appears that this is an enviable system. One hopes that it will persist.

As was discussed previously, cystic fibrosis is a complicated disease with multiple puzzling manifestations. The variety of symptoms reflects the fact that everybody is "genetically different" and now with the cloning of the CF gene, we recognize that the diversity of signs also reflects the different mutations of the CF gene that appear to yield different functional consequences. The diversity of the manifestations of this disease made it difficult to generate a unified concept of the pathophysiology of CF. Without such knowledge, rational development of efficient drug therapy is slow, expensive, and often disappointing. I should like to discuss with you how the cloning of the cystic fibrosis gene has changed our approach to thinking about treating this devastating disease and the challenges that will confront us in the future in this endeavor.

First, the cloning of the CF gene will allow insights into the normal function of the protein coded for by this gene in cells that are affected by CF, and how the mutations in this gene and, consequently abnormalities in the protein, lead to disease. Several techniques are utilized to gain these insights. First, the sequence of amino acids coded by the gene can be examined by computer assisted technologies to gain insights into the possible structure of the protein and its near relatives in the biological kingdom. Whereas these types of data are "soft", they do at a minimum direct future experimentation. Second, the gene can be isolated and placed in vehicles or "vectors" that allow the gene to be placed into a cell and "turned on" to produce multiple copies of the protein. The protein can then be studied at the functional, i.e., physiologic level, and biochemical levels. Armed with this knowledge, rational ways to (1) restore functions of the CF protein, and/or (2) bypass the defective protein become feasible and exciting.

The capability of generating by modern recombinant biotechnologic techniques large quantities of the CF protein opens up a second avenue for new therapy. Based on experience with replacement of the abnormal protein in other genetic diseases, e.g., hemophilia and hereditary emphysemas, it is rational to consider replacement of the defective protein by pharmaceutical administration. At least two types of research are underway to investigate the feasibility of this approach. First, the location of the protein in the cell must be identified. The CF proteins that are expressed in cell types developed as "protein-factories" under the control of modern expression vectors can be used to raise antibodies which then are used to mark the location of the CF protein in the cell. Next, techniques for making large quantities of the CF protein and packaging it in an effective delivery device are required. The hypothesis to be tested in cystic fibrosis is that the CF protein will be therapeutically effective delivered to the surfaces of the airways of the lung. Thus, we must and are conceiving of ways delivering the protein in aerosols or fine sprays to the human lung. This approach has the virtue of simplicity and probably little toxicity.

Finally, the availability of the CF gene raises the possibility of "gene therapy". In cystic fibrosis, it is known that the parents of cystic fibrosis patients typically are gene carriers. As indicated previously, a carrier has one normal cystic fibrosis gene and the mutated or abnormal cystic fibrosis gene. As best we can determine, the parents (carriers) of CF patients are perfectly normal functionally. Thus, the hypothesis underlying gene therapy in CF is that if we add to affected cells the normal CF gene, we shall convert CF cells to "heterozygote" cells that will function normally. The availability of the normal copy of the CF gene makes this type of therapy feasible and highly attractive. At present, a number of vectors are being tested that would efficiently deliver the CF gene to affected cells. The exciting possibility is that the lung may be particularly suitable for therapy by the genetic route. One can envision a variety of "vectors" being delivered to the lung by an aerosol for delivery of the curative normal CF gene.

I must add a note of caution. Despite the fact that CF basic science research has been proceeding at a speed that is both bewildering and gratifying, direct translation of this new knowledge to patient care has been painfully slow. In part, this slow pace reflects the normal time that it takes to develop therapies from basic science insights. But perhaps, most important, the delay reflects the difficulty of asking questions about the efficacy of new therapies in people with a chronic disease. Whereas the "bottom line" for basic research into disease pathogenesis is transference of knowledge to new therapies for patients, clinical research will likely always be rate limiting. This fact reflects at least three causes. First people are people, and not yeasts, and we cannot control all the variables that we would prefer in a most rigorous scientific fashion. Thus, to deal with all of the "noise" of complex organisms, we must study a large number of subjects. Size increases the complexity of any clinical research project. Second, the time duration of the clinical trial or "experiment" in chronic diseases is often agonizingly long. Whereas an experiment using recombinant DNA technologies in laboratories can be performed in a matter of weeks, it often takes years to test whether or not a drug is truly effective in slowing the progression of a chronic disease like cystic fibrosis. Third, the costs of clinical research are extraordinarily high. This fact reflects in part the large numbers of patients that are often involved. A corollary of the difficulty in performing clinical research is that it is more difficult to attract physicians to this form of investigation. The rewards in this type of research are very intermittent, and the failure of a single experiment or trial which lasts several years can effectively terminate a research career. The disadvantages of this form of research are directly reflected on the declining numbers of MDs that are attracted to this arena. This is clearly an area that must be addressed if we are to continue the efficient transfer of information from basic research to the patient.

One possible way to circumventing some of the delay in clinical research is to utilize animal models of diseases. In cystic fibrosis, there has been no animal model for this disease, and this deficiency has greatly slowed progress. Again, with the availability of the CF gene, generating useful animal models of this disease becomes possible. Specifically, it is now theoretically possible to generate mouse models of this disease. Such a model would greatly facilitate the screening of new compounds for efficacy in slowing the progression of this disease and would greatly assist us in evaluating the safety of novel, including genetic, therapeutic approaches. It is clear that a decision to make such a mouse has to be made with the balances of animal considerations and patient care considerations addressed. My perspective is that the generation of this model is morally defensible because it could save hundreds to thousands of lives of CF patients.

In summary, the cloning of the CF gene has been a marvelous achievement. However, it has posed a challenge to all of us in cystic fibrosis research communities to utilize this extraordinary discovery to further patient care. It is clear from the fact that the average age of the CF patient in 1991 is still 27 years of age, that efforts have to be redoubled to develop new therapies for treating this disease. It appears quite feasible that within the next three to five years pharmaceutical agents will be available to arrest the progression of lung disease in these patients. The hope is that these agents would be either satisfactory themselves, or will "hold the line" until gene therapy, which is potentially curative, becomes available in a safe form. These hopes require continued high levels of support for a combination of basic and clinical research efforts. Only the coordinated activities of both of these forms of research can lead to a timely eradication of the ills of this disease.

LEGISLATION TO TEMPORARILY SUSPEND THE DUTY ON CERTAIN CHLORINATED SYNTHETIC RUBBER

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. RIDGE. Mr. Speaker, today I am introducing legislation to temporarily suspend the duty on certain chlorinated synthetic rubber [CSR] entering the United States. As of February 15, 1989, the last domestic manufacturer of CSR, the Hercules Corp. of Wilmington, DE, discontinued all commercial production and sale of CSR. Presently, all domestic users who utilize CSR are now forced to purchase this product from foreign sources.

While some domestic chemical manufacturers have been able to develop substitute products for CSR, it is nonetheless the case that for certain manufacturing processes these substitutes are of inferior quality. For instance, a company in my district that depends heavily on CSR has found substitute products to be inferior and inadequate for its use where high viscosity grades of CSR are required.

Therefore, my legislation seeks to temporarily suspend the duty on CSR with viscosity grades ranging from 125 to 300. Where the domestic manufacture of CSR having completely ceased and substitute products have proved inferior for a given range of uses, it is clearly no longer necessary to keep in place duties that only raise the costs of production to our manufacturers trying to stay competitive in a world market.

A SPECIAL SALUTE TO THE 100TH ANNIVERSARY OF THE FIRST HUNGARIAN REFORMED CHURCH OF CLEVELAND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. STOKES. Mr. Speaker, it gives me great pleasure to join in the celebration of the 100th anniversary of the First Hungarian Reformed Church. The church, which is located at 10706 Buckeye Road in Cleveland, has the remarkable distinction of being the oldest Hungarian background congregation in the United States. On Saturday, May 4, the church will hold a special service to mark this golden anniversary. Rev. Frank A. Endrei serves as the pastor and Rev. William E. Nyerges as assistant pastor for the church.

Founded in 1891, the First Hungarian Reformed Church over the years has established itself as spiritual cornerstone for the residents of Cleveland. The church remains steadfast in its commitment to improving the quality of life for its congregation as well as the people of Cleveland.

Mr. Speaker, at this time I would like to share with my colleagues the historical highlights of the First Hungarian Reformed Church.

I hope my colleagues will join me in saluting the First Hungarian Reformed Church on its golden anniversary.

HISTORICAL HIGHLIGHTS: FIRST HUNGARIAN REFORMED CHURCH OF CLEVELAND, OH

1891–1991

1891—May 3: First Church. The first established Hungarian Reformed church in America was organized in the Trinity Reformed Church on the corner of Madison (the present East 79th Street) and Rawlings Avenues by Reverend Gustav Juranyi with about 60 members. Reverend Juranyi arrived from Hungary, sent by the Reformed Church of Hungary through mediation of the German-background Reformed church in the United States. He began the organizing work among the Hungarian Protestants of Cleveland.

1892—May 19: Reverend Juranyi secured the charter for the church.

1893—February 13: The congregation purchased property on East 79th to be the future location for the church building. Purchase price was $1,800.

1894—A wooden church building was constructed; the cornerstone was placed on September 23.

November 25: The dedication of the church building took place with great celebration. Reverend Juranyi resigned unexpectedly and returned to Hungary.

1894—The second pastor, Reverend Alexander Harsanyi, took over the administration of the congregation. In a short time, the debt left from the construction of the church was paid off. The first parsonage was built adjoining the church.

1899—The third pastor, Reverend Alexander Csutoros oversaw construction of the second building known as the "stone church" on East 79th Street. The beautiful stone church was dedicated on Memorial Day, 1904.

1905—The Ladies Sick Benefit Society was organized.

1911—Reverend Alex Csutoros resigned upon receiving a call to the pastorate of Siter, Hungary. Reverend Alexander Toth became the fourth pastor.

1914—The Lorantffy Society was organized.

The congregation of the First Church was split as the First Magyar Presbyterian Church was formed. Reverend Julius Kish from Pittsburgh's Western Theological Seminary became its first pastor serving until 1926. A wooden church was built on East 103rd and Buckeye, which the congregation used from 1915 to 1918.

1916—The Reformed Congregation celebrated its 25th Silver Anniversary with three-day nationwide festivities. The congregation bought a house on Buckeye and East 123rd Street since many members were moving "up on the hill" from the old 79th Street area.

1917—The Ladies Aid Society (Nóegylet) of the Presbyterian Congregation was organized.

1918—The Presbyterian Congregation built their brick church on East 126th and Buckeye to provide a convenient worship location for those who lived on "Upper Buckeye."

1922—Reverend Alexander Toth left congregation to assume a professorship at Franklin-Marshall College in Lancaster, PA.

1923—Reverend Dr. Joseph Herczegh became the fifth pastor of the Reformed Congregation. The congregation decided to purchase property in the upper Buckeye area, but struggling with debt, could not yet execute the plan.

1924—March 23: The Church and School Aid Society of the Reformed congregation was formed, the Templom Segélyzó.

1925—March: The Reformed congregation purchased one acre of land on the corner of East Boulevard and Buckeye Road for $28,000, which, with taxes amounted to $40,000.

1929—Dr. Joseph Herczegh left the congregation for one year to teach in the Theological Seminary at Papa, Hungary.

1932—Education center with the Bethlen Hall was built and dedicated by the First Hungarian Reformed Church under the leadership of Mr. Emery Kiraly, the teacher of the congregation and the chairman of the building committee. Reverend Herczegh personally undertook a campaign to walk door-to-door to collect for the construction of the church.

.1927—Reverend Bela Basho became the second pastor of the Presbyterian congregation.

1929—Reverend Stephen W. Csutoros became the third pastor of the Presbyterian congregation. He and the church helped many impoverished people during the Depression.

1940—Reverend Csutoros maintained an effective radio ministry until 1959, which was broadcast locally and in Europe.

1941—The 50th anniversary of the Reformed congregation was held.

1947—April 27: The Reverend Dr. Joseph Herczegh resigned and accepted a call to California.

June: Reverend Dr. Stephen Szabo became the pastor of the Reformed congregation.

1948—March: On the 100th anniversary of the Hungarian Fight for Freedom, the national convention of the Hungarian Reformed Federation of America was held in the buildings of the Reformed Church, followed in April by the Magyar Synod meeting.

April: Bethlen Kata Circle was organized for the young married women of the Reformed Church. The groundbreaking ceremony for the new church was held April 11.

June 20: Placement of cornerstone of the new cathederal-style church.

Summer: The Children's Choir was organized.

December 12: A banquet was held to celebrate the completion of the walls of the new church.

1949—January 1: The new Reformed Church constitution was formally adopted and took effect.

September 4: Four thousand people attended the dedication of the new church, the largest and most beautiful of all Hungarian churches of this time period.

1951—May 27: Dr. Stephen Szabo was elected by Magyar Synod to the presidency.

1957—The 8th anniversary of the new Reformed Church building was celebrated with the burning of the $120,000 mortgage paper. During the year, 250 refugees of the 1956 Hungarian Freedom Fight were sponsored and settled by the congregation. In 1956, Reverend Csutoros went to Austria to help many homeless refugees find their way to Cleveland. He and the Presbyterian congregation also did a great deal to help the new refugees get started in America.

1958—August 20: The Women's Guild of the First Hungarian Reformed Church was organized.

1959—The Reformed congregation reached the highest number of communicants (3,474) throughout the history of the congregation.

1963—May: Dr. Stephen Szabo was honored by the Magyar Synod and received the Right Reverend ecclesiastical title as lifetime honorary president. He was also entrusted with editorship of their publication, *The Reformátusok Lapja*.

1964—September 20: The dedication of the Bronze Plaques in the vestibule marked the 15th anniversary of the Reformed Church sanctuary. The Lorantffy Society celebrated its 50th Anniversary. The Reverend Anthony Carter was consecrated for his mission work in Japan.

1966—May 15: The 75th anniversary of the First Hungarian Reformed Church included the dedication of the new "Grand 100" church organ.

1969—September 14: The 20th anniversary of the Reformed Church building was commemorated with the dedication of a bronze plaque to Margaret Szabo in the vestibule. Reverend Csutoros retired and was elected Pastor Emeritus of the First Magyar Presbyterian Church.

1969—Reverend Frank A. Endrei became the fourth pastor of The Presbyterian church. Faith building weekend conferences were held at the church with guest speakers, some from Hungary. Weekly Bible Studies in English and Hungarian were established.

1971—September 19: "Ode to the Loyalty of First," written by the Rt. Reverend Dr. Stephen Szabo with music composed by Leslie Kondorssy was presented by the Chapel Choir and Festival Orchestra for the 80th anniversary of First Church.

1974—June 9: Templom Segelyzo of the Reformed congregation celebrated its 50th anniversary.

The First Magyar Presbyterian Church celebrated its 60th anniversary together with the 60th anniversary in the ministry of its first pastor, Rev. Julius Kish and the 50th anniversary in the ministry of its third pastor Reverend Stephen W. Csutoros.

1975—William E. Nyerges becomes student pastor at the Reformed Church while studying at Ashland Theological Seminary.

1977—May 22: Dr. Stephen Szabo's 30th anniversary in The Reformed Church and 50th of his ministry. The church was designated as a historic, cultural and architectural landmark by the Cleveland Landmarks Commission.

1981—October 18: The 90th anniversary of the organization of the First Hungarian Reformed Church was celebrated with great festivity and the dedication of new bronze plaques.

October 25: Ordination of Reverend William Nyerges. He serves as part time associate pastor 1981-1984.

1983—Dr. Stephen Szabo retired and was elected Pastor Emeritus. The Women's Guild of the Reformed congregation celebrated its 25th anniversary.

August 1: Stephen Nagy assumed duties as the seventh pastor of the First Hungarian Reformed Church. Attendance and donations increased. The Reformed congregation considered building a new church and formed a site committee.

1985—June: Stephan Nagy resigned. Land was purchased in Walton Hills for the new church.

1986—Reverend Stephen T. Szilagyi became the eighth pastor of the First Hungarian Reformed Church. Its constitution and by-laws were published.

1988—The First Hungarian Reformed Church organized a trip for 83 people to travel to Hungary to explore their heritage; the youth performed Hungarian dances.

Summer: After months of discussions, the Reformed and Presbyterian congregations voted to worship together.

September 11: The First Magyar Presbyterian Church congregation was formally welcomed into the First Hungarian Reformed Church to worship together, but to remain separate congregations.

December: Both congregations voted to unite and to have the two pastors serve together as co-pastors.

1989—March: The Presbyterian church on East 126th Street was sold.

April: Reverend Stephen T. Szilagyi left to become pastor of the United Church of Christ in Conneaut, Ohio.

June: The General Assembly of the Presbyterian Church, USA officially dismissed the First Magyar Presbyterian Church with its financial assets and parsonage into the Calvin Sunod of the United Church of Christ. The union of the two churches was finalized and Reverend Frank Endrei became the ninth pastor of the newly united congregation. After being apart since 1914, now, by God's grace we joined together again.

1990—May: Reverend William Nyerges became Assistant Pastor.

September 9: The groundbreaking ceremony for the new chapel and church hall was held.

December: Dr. Mihaly Tapolyai was ordained at our church to teach, preach counsel and do other mission work in Transylvania.

1991—Construction of our new chapel and church hall on Alexander Road in Walton Hills is anticiapted to take place during 1991. The reunited First Hungarian Reformed Church, now numbering 564 members, gives thanks to our great God as it celebrates the 100th anniversary of the congregation.

BUDGET RESOLUTION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. SCHEUER. Mr. Speaker, the budget resolution proposes a $350 million increase over the fiscal year 1991 level for the Head Start Program, which would permit the program to serve 72,000 more children, and increase the percentage of eligible children served from 32 to 36 percent. This increase is nearly four times more than the increase proposed by the administration. And I rise today to applaud the budget committee for its vigilance and foresight.

Access to early childhood education is a crucial prerequisite for ensuring equal educational opportunity in America. Head Start has proven to be vital to the education success of students by preparing them for learning by the time they enter first grade. Early childhood education must be made available to all American children.

Our educational system must teach our students not only reading, writing, arithmetic; it must also teach them how to think and how to learn, "higher order skills."

The statistics are dramatic:

Fifty-one percent of students who didn't attend Head Start became school dropouts compared to only 33 percent of those who did attend Head Start.

Fifty-one percent of non-Head Start kids were arrested at some time in their lives, compared to only 31 percent of kids who had the benefits of Head Start.

Thirty-two percent of the non-Head Start kids ended up on welfare, compared to only 18 percent of the Head Start kids.

Sixty-one percent of the non-Head Start kids were illiterate, while thirty-eight percent of the Head Start kids ended up illiterate.

Thirty-two percent of the non-Head Start kids, less than one-third, were ever able to get continuous, systematic employment. Fifty-one percent of the Head Start kids ended up being employed a decade and a half or two decades later.

Twenty-one percent of the non-Head Start kids went to college or vocational school. Thirty-eight percent of the Head Start kids a decade and a half later either went to college or to some kind of vocational school.

We don't need any more proof than what these statistics tell us about what a small investment in a child's future is able to achieve in terms of a spectacular record of success.

FAMILY DAY CARE PROVIDER TAX SIMPLIFICATION ACT

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. PENNY. Mr. Speaker, last year Congress overwhelmingly passed legislation that would strengthen the system of providing child care in our country. An integral part of that child care system is the family day care provider. Family day care, which is preferred by many parents, affords the option of a more individualized, home atmosphere by caregivers, many of whom are themselves parents. By our actions last Congress and in earlier years, we have attempted to encourage the family day care option.

In fact, in the Tax Reduction and Simplification Act of 1977, Congress set forward its intention that those who provide home day care for children, the elderly and the disabled be allowed a more lenient standard for recordkeeping, a view that was reinforced in the 1986 tax reform bill. As this standard has been interpreted, it has allowed home day care providers reasonable use of their homes in their businesses as opposed to proving an actual use or exclusive use standard such as required for home offices, for example. The reason for a more lenient standard was the view that home day care providers should spend their time in giving care, supervision, and attention to those entrusted to them, without being required to keep logs or other burdensome records of home space use.

However, in a technical service memorandum issued recently to a Minnesota day care provider, the Internal Revenue Service made clear that it interpreted section 280A(c)(4)(C) to be applied to each room of a family day care home on the basis of its actual business use. While the technical advice memorandum did not specifically state that day care providers would have to keep detailed logs of room use, it is logical to assume that such information would have to be supplied in case of audit. As you know, once IRS enforcement procedures are begun, the burden of proof is with the taxpayer. In this case, a day care provider who did not have detailed information would be placed at a distinct disadvantage.

I believe that there is a more equitable and easier way to determine use of space for home day care. As set forward in the bill I am introducing today, deductions will be allowed for areas of the home regularly used in the day care business at least one hour per day where the rooms are used for 80 percent of the days that the day care facility is open for business. Deductible areas are measured as a portion of the total square footage of the home. A home is considered used for business purposes when the children (or clients) being cared for are present, or when the day care provider is conducting business activities such as cleaning, cooking, activity preparation, or recordkeeping.

Under this bill, which is identical to S. 840 introduced by my colleague Senator DURENBERGER, utility expense accounting would also be simplified. Utility expenses, including electric, gas and fuel oil, and telephone expenses would be deductible in proportion to the numbers of hours out of the year that the home is used in the day care business.

As it stands, the technical advice memorandum has been applied only to a taxpayer in Minnesota. However, it is likely that this actual use standard will be consistently applied by the IRS nationwide. I think Congress once again needs to make our intent clear. We wish to encourage family day care providers to stay in business and not discourage them by burdensome recordkeeping. I urge my colleagues to review this legislation and join me in cosponsoring this reaffirmation of congressional intent.

CONGRATULATIONS TO THE ROOSEVELT PANTHERS, STATE BASKETBALL CHAMPS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. VISCLOSKY. Mr. Speaker, I rise today to salute the achievements of the Roosevelt High School basketball team. I do not have to remind my colleagues of the preeminent position basketball has in Indiana and the intensity that it is played and observed. The Roosevelt Panthers recently won their second State championship and they deserve to be honored and recognized. Indeed, the Indiana General Assembly and Gov. Evan Bayh proclaimed Tuesday, April 16, as Gary Roosevelt Panthers Day in the State of Indiana.

Roosevelt High School, located in Gary, IN, is known for many great things, not the least of which is its outstanding tradition of producing top-flight basketball players. These young men are widely known for their skill, competitiveness, and sportsmanship. I am one who believes that students learn a great deal from the experience of competing in sports at this level.

This year's Roosevelt Panthers team consists of: Michael Hudson, Jeffrey Graham, Antonio Lee, Glenin Robinson, Ryan Harding, Rickie Wedlow, Carlos Floyd, Darryl Woods, Justin Harris, Carlos Murray, Tyrone Hunter, Richard Berry, Jamie Smith, and manager Rodrick Ward.

Of course the team's success is not only due to the players. Without fine coaching, they would not have achieved the tournament victory. Head coach, Ron Heflin, and his staff of assistants—Ron Broome, Benny Dorsey, Glenn Miller, and Richard Johnson—should take great pride in the Panthers' efforts. Additionally, I would be remiss if I did not commend the parents and families of the players. Perhaps they play the most important role in molding these champions.

On behalf of all the residents of northwest Indiana, I commend each of these individuals for their outstanding achievements. They have done their families, school, and city proud.

THE BRONX MUSEUM OF THE ARTS 20TH ANNIVERSARY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. ENGEL. Mr. Speaker, 20 years after its founding, the Bronx Museum of the Arts stands as a tribute to the amazing diversity and richness of the visual arts. I rise today to offer my congratulations to everyone who has contributed to the success of the museum over the past two decades, and to also offer thanks to them on behalf of the Bronx community for the inspiration they have brought to so many people.

From its beginning days in the rotunda of the Bronx County Courthouse to its newly renovated and improved facilities, the Bronx Museum of the Arts has been a place to learn and appreciate art from many nations and traditions. The museum's permanent collection, for example, features the works of artists from Asia, Africa, and Latin America, as well as American artists who trace their ancestry to these areas.

The Bronx Museum's rich tradition extends to its cultural and community programs, which also celebrate ethnic diversity and creative innovation. With a special emphasis on children, the Bronx Museum sponsors workshops, group tours, and an extensive education program. The museum is an integral part of the community and a reflection of our Bronx neighborhoods, people, and traditions.

Under the direction of its executive director, Luis Cancel, the Bronx Museum has made its greatest strides in recent years. Even as the museum continues to expand its facilities and programs, plans are in the works for further growth. The entire Bronx community looks to Bronx Museum of the Arts to continue to enrich our lives, and we thank all those who have helped us.

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. RANGEL. Mr. Speaker, I am honored to call your attention to a happy anniversary. This month marks the 125th year of the noble work of the American Society for the Prevention of Cruelty to Animals.

The ASPCA was born in the 19th century, in a society that knew little kindness to animals. Blood sports like dogfighting and bearbaiting were popular. Sheep, calves, cows, and pigs were hauled to market in an agony of broken legs and gouged eyes. Horses were regularly lashed, beaten, and clubbed.

Into this brutal climate stepped Henry Bergh. A strong-willed and compassionate New Yorker, Henry Bergh resigned an important post in President Lincoln's Government to combat cruelty to animals. Lobbying his friends in New York State and city government, Henry Bergh eventually won a charter for the organization he would lead for 22 years—the American Society for the Prevention of Cruelty to Animals.

Since its founding on April 10, 1886, the ASPCA has led the struggle for humane treatment of animals. Only 9 days after its creation, the ASPCA sought and won passage of the Nation's first anticruelty law, prohibiting the neglect, injury, or killing of any animal in New York State.

Since then, the ASPCA has played an instrumental role in protecting animals in the United States and throughout the world. In the last decade alone, the ASPCA spent almost $100 million on direct care and advocacy programs for animals, sheltered over 1 million animals, and gave veterinary care to over 300,000 animals. Comprising over 350,000 members, the ASPCA actively educates millions of Americans from coast to coast about humane stewardship of animals.

Yet, sadly, Mr. Speaker, the work of the ASPCA is far from finished. As we in Congress well know, animals continue to suffer abuses at human hands. In response, the ASPCA and other American animal protection organizations have issued a series of resolutions on animal care for the next decade. I submit these joint resolutions for the careful consideration of the House.

New York City, I am proud to conclude, continues its original commitment to the humane care of animals. The national headquarters of the ASPCA, which features an adoption center, animal hospital, and animal center, is located in my congressional district, the 16th of New York. Mr. Speaker, I congratulate the ASPCA on 125 years of eminent work in animal rights and wish it further success in the next 125.

JOINT RESOLUTIONS FOR THE 1990S BY AMERICAN ANIMAL PROTECTION ORGANIZATIONS

INTRODUCTION

In order to establish the 1990s as a decade of rapid progress in diminishing the pain and suffering that billions of animals experience each year in laboratories, on farms, in the wild, as pets, in sports and entertainment, in exhibits and work situations, the undersigned humane organizations, representing millions of concerned American citizens have adopted the following Resolutions to promote and guide both individual and joint efforts on behalf of these animals who are so much in need of our immediate and compassionate care and protection.

NONVIOLENCE

Whereas the foundation of the animal protection movement is that it is wrong to harm others; and

Whereas threats and acts of violence against people and willful destruction and theft of property have been associated with the animal protection movement; therefore be it

Resolved that we oppose threats and acts of violence against people and willful destruction and theft of property.

Resolved that we shall energetically work to reduce, as rapidly as possible, the massive pain and suffering of billions of animals through non-violent means.

LABORATORY ANIMALS

Whereas millions of animals are confined and subjected to experimentation and testing in research, testing and educational facilities each year, and

Whereas current laws and regulations do not require or actively encourage corporations and institutions to reduce animal use, pain or suffering, nor develop and implement alternatives; and

Whereas many corporations and institutions continue to perform the classic Lethal Dose 50% test (LD50), the Draize test, and other needless and outdated tests which cause suffering and death to millions of laboratory animals; and

Whereas the United States Food & Drug Administration has stated that it does not require use of the classic LD50 test but has not stated which tests it would find acceptable in lieu of the classic LD50; and

Whereas the United States Department of Agriculture has arbitrarily excluded rats, mice, birds and farm animals used for research and testing purposes from the protection of the federal Animal Welfare Act despite the fact that rats and mice are estimated to comprise more than 90% of animals used in laboratories; and

Whereas a number of states exempt research and testing on animals from the protection of anti-cruelty statutes; and

Whereas the public, through taxation, pays for much of the research and testing involving animals, and therefore should have free access to information about the use of animals in laboratories; therefore, be it

Resolved that we shall initiate and support legislation, regulations, litigation and shareholder proposals that encourage corporations and institutions to promote and implement alternatives, thereby reducing animal use, pain and suffering. Some of the initiatives we support are to:

Ban the classic LD50 test.

Ban the Draize rabbit eye test in cosmetic and household product testing.

Eliminate, where applicable, provisions in state legislation which exempt animals used in research, testing and education from the protection of anti-cruelty statutes.

Support legislation and regulatory action to promote alternatives and to facilitate and encourage the sharing of data and alternative methods.

Support legislation and regulatory action which mandates that regulatory agencies specify which alternatives will be accepted by them to replace traditional animal tests.

Support legislation to require the United States Department of Agriculture (USDA) to enforce the federal Animal Welfare Act (the Act) so that rats, mice, birds, and farm animals used for research and testing purposes are included under the protection of the Act; increase efforts to urge the USDA itself to initiate these changes; or initiate litigation to ensure that the above-mentioned animals are no longer excluded from the Act.

Support legislation to prohibit elementary and secondary school students from performing experiments on animals which cause or could tend to cause pain, suffering or death.

Support students at all levels who object to experimenting on animals or dissecting animals to ensure that they be given an opportunity to choose alternate projects, approved by their teachers, without a grade reduction.

Support efforts to make institutional animal care and use procedures (protocols) and the minutes of institutional animal care and use committee meetings available to the public.

FARM ANIMALS

Whereas billions of farm animals are raised each year using intensive production systems; and

Whereas the conditions under which farm animals are raised frequently do not meet the animal's basic physical and behavioral needs; and

Whereas frequently the confinement systems used for raising farm animals necessitate the routine use of sub-therapeutic doses of antibiotics and other drugs; and

Whereas antibiotic and other drug residues in meat and dairy products raise public health concerns; and

Whereas Sweden and other western European countries have enacted laws and regulations to provide farm animals with an environment in which their natural behavior is considered, and in which husbandry practices are designed to safeguard animal health and well-being; and

Whereas there are no laws and regulations in the United States which specifically define standards for the raising of animals for food; therefore, be it

Resolved that we shall work together to secure enactment of legislation that requires the basic behavioral and physical needs of farm animals be met, so that America's farm animals are assured the following minimum standards: the freedom to be able to stand up, lie down, extend their limbs or spread their wings, and make other normal postural adjustments; an adequate supply of nutritious food; adequate veterinary care; and an environment that suits their physical and behavioral requirements.

Resolved that we shall work together to eliminate, where applicable, state legislation which exempts animals used for food from the protection of anti-cruelty statutes, as regards husbandry practices.

Resolved that to facilitate the establishment and passage of such legislative efforts, we shall encourage state and federal bodies to study alternative systems used in other countries as well as existing practices in the United States.

Resolved that we shall work cooperatively with consumer and environmental organizations and farm groups to accomplish our goals, so that legislation is compatible with current initiatives aimed at protecting farmers, consumers, farm animals, and the environment.

WILD ANIMALS

Whereas millions of wild animals are killed each year for their fur; and

Whereas these animals are either caught in cruel traps which maim their victims; or are kept for their entire lives in confinement with little consideration given to their basic behavioral and physical needs; or are otherwise hunted and killed; and

Whereas wild animals often are brutally killed by trappers for their fur, and animals raised for their fur are generally killed by methods that cause suffering; and

Whereas trapping, hunting and raising of animals for their fur are unjustifiable, cruel practices that in addition to causing pain, suffering and death to animals have also resulted in the depletion of some species; and

Whereas the killing of animals for their fur is unjustifiable, unnecessary and wrong and is against principles of respect and reverence for all life; and

Whereas millions of animals are maimed and killed for recreation by sport and trophy hunters each year; and

Whereas some hunters use particularly cruel hunting methods including, but not limited to, bow-hunting and engage in particularly cruel and unnecessary hunting activities, including, but not limited to, shooting tame animals, most notably birds, that are bred and raised solely to be released and shot; and

Whereas national wildlife refuges were established to preserve, protect and enhance wildlife yet many of these refuges allow sport hunting and/or trapping; and

Whereas as a result of hunting and other factors, many species have become threatened or endangered; and

Whereas the mass destruction of elephants for ivory may soon cause their ecological extinction; and

Whereas millions of wild birds and other wild animals suffer and die every year due to capture, transport, and confinement for the international pet trade; and

Whereas commercial and recreational trapping results in cruel and brutal destruction or injury to millions of pets and other nontarget animals each year; and

Whereas the world's tuna industry, in the course of fishing with purse seine nets, knowingly kills tens of thousand of dolphins annually; and

Whereas some commercial fishermen enagage in particularly cruel practices such as the use of drift nets which indiscriminately kill hundreds of thousands of dolphins, sea birds, turtles and other animals each year; therefore, be it

Resolved that we shall work together to educate the public about the cruelty involved with the trapping, raising and hunting of animals for their fur, and to urge the public not to purchase or wear fur.

Resolved that we shall work together in an effort to enact laws to ban particularly cruel practices associated with the capture and raising of animals for their fur such as, but not limited to the use of steel jaw leg- hold traps.

Resolved that we shall work together to secure the passage of laws to prohibit particlarly cruel hunting practices and activities.

Resolved that we shall work together to secure passage of a law to prohibit sport hunting and trapping on national wildlife refuges.

Resolved that we shall work together to require local and federal wildlife agencies to develop and promote programs to curb overpopulation, of wildlife through means which do not involve the killing of animals.

Resolved that we shall work together to ensure that species are appropriately designated as threatened or endangered and receive the protection afforded under federal laws and international treaties.

Resolved that we shall work together to secure a ban on the indiscriminate use of drift and purse seine nets.

Resolved that we shall work together to secure passage of legislation and regulations to end the slaughter of dolphins by the tuna industry; and to urge the public not to purchase tuna products derived from fishing practices that results in the death of dolphins.

COMPANION ANIMALS

Whereas millions of stray, homeless and unwanted dogs and cats are euthanized each year at animal shelters and pounds; and

Whereas countless dogs and cats that are abandoned, along with those animals that are lost or born on our streets, die from starvation, accidents, the elements or abuse; and

Whereas wild animals are often kept as pets despite the fact that few people have the knowledge or ability to provide humane care and a suitable environment to house these animals; and

Whereas millions of dogs are mass produced at "puppy mills" where they are often kept in unsanitary conditions and deprived of necessary care and then sent to pet stores where they also may receive inadequate care; and

Whereas public trust in shelters and pounds and the well-being of animals are threatened when the care and treatment of animals in shelters and pounds are substandard or when shelters and pounds transfer animals in their custody to research and other institutions for experimentation; therefore, be it

Resolved that we shall continue to develop and implement programs to educate the public about the serious dog and cat overpopulation problem and their responsibility to have their dogs and cats spayed or neutered.

Resolved that we shall continue to develop and implement programs to educate the public about responsible and humane care and treatment of their animals.

Resolved that we shall continue to develop and implement programs to discourage the public from keeping wild animals as pets.

Resolved that we shall work cooperatively to secure passage of laws to encourage and facilitate the spaying and neutering of dogs and cats, to establish humane standards for the care and disposition of animals at shelters, pounds and pet stores and to provide for greater fines for violating cruelty to animals and animal abandonment laws.

Resolved that we shall work cooperatively to secure the passage of laws to ban pound seizure—the practice of transferring animals from shelters and pounds to research and other institutions for experimentation.

Resolved that we shall endeavor to secure greater enforcement by the United States Department of Agriculture and local law enforcement agencies of those laws and regulations which provide for the humane care of dogs, cats and other animals which are bred, raised and kept for sale or other purposes.

EXHIBITION/WORK ANIMALS

Whereas millions of animals are used in circuses, zoos, carnivals, rodeos, races, films, videos and in other animal acts, exhibits and work, and

Whereas these animals often are made to perform in ways that are both dangerous and unnatural for their species, and

Whereas the behavioral and physical needs of these animals often are not adequately provided for, and

Whereas the training practices that animals are subjected to are often abusive, and

Whereas some animals are captured from their natural habitats for the sole purpose of putting them on public display; and

Whereas the confinement of animals in zoos, roadside zoos, and menageries results in indiscriminate breeding and production of large numbers of captive animals which are often subject to cruel and abusive treatment and disposal; therefore, be it

Resolved that we shall work together to secure the enactment of laws to prohibit abusive training practices, to prohibit practices that are dangerous to the animals, to prohibit the capture of animals in the wild to be used for exhibition or work purposes, to limit the breeding of captive, wild animals and to prohibit their cruel disposition and to require that the behavioral and physical needs of exhibition/work animals be considered.

Resolved that we shall work together to secure greater enforcement of laws and regulations which provide protection to animals used for exhibition/work purposes.

ANIMAL PROTECTION ORGANIZATIONS AND SIGNATORIES

The American Society for the Prevention of Cruelty to Animals, John F. Kullberg, Ed. D., President.

The Humane Society of the United States, John A. Hoyt, D.D., President.

The Massachusetts Society for the Prevention of Cruelty to Animals, Gus Thornton, D.V.M., President.

THE CONSOLIDATED MATERNAL AND CHILD HEALTH SERVICES ACT

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. BLILEY. Mr. Speaker, the publication of the National Commission to Prevent Infant Mortality's new findings 2 weeks ago shows us that the time for bold action is here. The good news is that the infant mortality rate in 1990 has dropped to 9.1 per 1,000. The Bad news is that nearly 40,000 babies born in our country this year will not survive to see their first birthday. Up to 25 percent of these deaths can be prevented with adequate prenatal care and proper nutrition. The cost of caring for a single low birthweight infant can reach hundreds of thousands of dollars. Adequate prenatal care can reduce this cost by a factor of 10.

The problem is that Congress has chosen to take a piecemeal approach to the incidence of infant mortality. We have chosen to increase funding for the maternal and child health block grant, the Special Supplemental Food Program for Women, Infants, and Children [WIC], and to expand Medicaid coverage for pregnant women and infants. Instead, we need to break down the walls of these many bureaucracies so that funds can be used for services and not administrations.

The solution I offer, the Consolidated Maternal and Child Health Services Act, is a creative approach to harness the combined power of the billions spent to improve the health care of mothers and children. This concept will eliminate barriers to comprehensive care by giving a woman immediate access to all services from a single provider. My legislation provides that:

The Federal Government would provide more than $7 billion to support the block grant by combining the resources of 10 existing programs, including WIC, parts of Medicaid, the maternal and child health block grant, and the Title X Program.

States would determine eligibility.

No State would receive less Federal support than it received and spent in the prior fiscal year. However, each State would be required to maintain its existing funding levels to qualify for Federal support.

Individuals would receive the full array of medical and nutritional services from a single provider. Participating providers must agree to deliver all services in an integrated setting.

Administrative savings would be passed on to the States.

Qualified providers would be determined by the States.

A statutory prohibition on the use of funds for abortions and counseling and referral to obtain an abortion, except to save the life of the mother, would be enacted.

I urge my colleagues' support of this worthy legislation. The time has come to act to save the lives of America's babies.

NORTHERN MONTGOMERY COUNTY DRUG AND ALCOHOL TASK FORCE SETS STANDARDS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. COUGHLIN. Mr. Speaker, I rise today to recognize the distinguished efforts of Pennsylvania's Northern Montgomery County Drug and Alcohol Task Force.

Since 1989, the goal of this task force has been to determine the community's perception of local drug and alcohol problems and to develop a plan which would foster a drug free climate for the Towamencin Community. Members of the task force include health care professionals, treatment specialists, school administrators, criminal justice professionals, and local businessmen.

Currently the task force is working on the Safe Homes Campaign. It calls upon parents to make a pledge that no one under 21 will be allowed to consume alcohol in their home; that no parties will be allowed in the home without an adult present; and that the use of illegal drugs is absolutely prohibited. Similar Safe Homes Campaigns in other communities have contributed to lower rates of drunk driving incidences in their communities. The Northern Montgomery Drug and Alcohol Task Force promotes clear sets of rules so children won't be confused by double standards.

I would also like to take the opportunity to extend a special recognition to Nancy Becker, president of the Northern Montgomery County Drug and Alcohol Task Force, for her sincere dedication to combating drug use in her community. It is people like Nancy Becker and the hundreds of volunteers that make the President's National Drug Control Initiatives a success.

THE TELEPHONE COMPANIES AND MANUFACTURING

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, the Senate Commerce Committee recently marked up legislation to lift the restrictions on the Bell operating companies and allow them to manufacture telecommunications equipment. At a hearing on this legislation, I testified before the Senate Subcommittee on Communications and voiced my concerns about the status of small and minority owned business in today's marketplace and in the future if the manufacturing restrictions are lifted.

For many years now, I have worked to see that minority- and women-owned small businesses are given an opportunity to participate in our national economy. As a member of the House Telecommunications and Finance Subcommittee and as chair of the Government Operations Subcommittee on Government Activities and Transportation, I used the combined jurisdictions of these panels to work diligently to help ensure equal access to contracts and capital for small disadvantaged businesses [SDB]. My interest in SDB access to business opportunities with the regional Bell operating companies is an outgrowth of my involvement in telecommunications and minority business issues.

My concerns regarding the lifting of the restrictions run along two lines: First, I am interested in preserving the supplier and subcontractor relationships that have developed between the Bell operating companies and small disadvantaged businesses should the restriction on manufacturing be lifted; and, second, I am vitally interested in forging additional relationships such as increased availability of venture capital and increased research and development funding for new and existing SDB's.

The divestiture of AT&T in the early 1980's created seven regional phone companies, the regional Bell operating companies, which, according to the divestiture agreement, are prohibited from manufacturing equipment. To supply the regional Bell operating companies with equipment and services, scores of minority suppliers have gone into business and prospered since the divestiture. These firms are dedicated to providing high-quality products and services at competitive prices, and can compete with any other company when they are allowed to do so on equal footing. Before the Senate Commerce Committee moved forward on the legislation, I urged the Senators to review the record of performance and the risks of these businesses, if any, should the Bell operating companies now be allowed to manufacture.

On the other hand, if the Bell operating companies are allowed to manufacture equipment, this privilege should come with the understanding that they will invest in small business ventures which may arise to meet new business opportunities. The Bell operating companies represent over half of the telecommunications assets in the country. If they are allowed to manufacture, it should be commensurate with provisions calling for investment in research, design, and development of products manufactured by SDB, the establishment of venture capital funds and the creation of joint ventures between the Bell operating companies and minority entrepreneurs.

As I noted earlier, S. 173 was favorably reported out of committee and will likely see floor action soon. It is my hope at that time appropriate amendments will be offered to both protect existing small minority- and women-owned businesses, and to encourage partnership and contractual agreements between these businesses and the Bell operating companies.

TRIBUTE FOR FRANK VAN TIL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to Frank Van Til whose achievements have and contributions have immeasurably benefited the entire northwest Indiana region.

On April 24, Mr. Van Til will receive the 1991 Citizen of the Year award from the Lake County Chapter of the American Red Cross at a reception in his honor. This award is presented to individuals who exemplify the spirit of voluntarism and selfless dedication to their community and fellow citizens.

Mr. Van Til, president of Van Til's supermarket and a partner in Strack, and Van Til, Ultra Foods and Cub Foods, has devoted countless time and energy to be active in numerous organizations. He has worked closely with the American Heart Association, the American Cancer Society, the City of Hammond's Education Foundation, and the Hammond Survive Alive House. He is also a member of the Hammond Chamber of Commerce and the board chairman of the Highland Christian School.

It is through each of these organizations that Mr. Van Til demonstrated his true dedication to people. It came as no surprise that when the communities of Highland and Black Oak were devastated by flooding in November 1990, Mr. Van Til took the lead in the relief effort. As chairman of the Flood Relief Committee, Mr. Van Til donated many hours of his own time organizing relief efforts, obtaining donations and managing volunteers. In addition, he provided money, food, and employees to assist flood victims.

It is with great pride that I rise today to bring to the attention of the Congress this outstanding citizen who contributes his time and energy unselfishly for the benefit of others.

REMARKS BY DR. BARRY BOSWORTH ON NATIONAL SAVINGS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. PEASE. Mr. Speaker, for the benefit of my colleagues, I offer the following comments by Dr. Barry Bosworth of The Brookings Institution on national savings. These comments were made at a conference on growth and equity presented by Citizens for Tax Justice last May. Dr. Bosworth debunks the idea that IRA's produce any measurable increase in national savings. I hope these comments help shed some light on the issue of how Congress can, and more importantly cannot, influence the national savings rate.

THE DEBATE OVER SAVINGS

(By Barry Bosworth)

Listening to the discussion this morning, I'm struck by how much these issues that we're talking about characterize the general principle of economics, which is that no two economists ever agreed on anything, nor did any one economist ever convince another economist of anything. With that in mind, I will offer some thoughts about the issue of national savings in the United States.

I want to cover three points. One is to look at what has happened to the U.S. savings rate. Two is to offer some hypotheses about why the changes have occurred. And then third is to turn to the questions of what might be done about it, what the policy responses might be.

The easiest place to begin is from the national income accounts measure of national savings in the United States. We should realize, first, that the United States has historically always been a country with an extremely low savings rate by international standards. I know a lot of people are always puzzled by that. They say if we save so little, how come we're so rich? And the United States is very rich compared to other countries. But in fact there's a fairly simple reason for that and that is that we have avoided having a war on our own shores now for over 100 years. Other countries save more than we do, accumulate wealth faster than we do, and then periodically destroy it in wars and start all over again.

Although we have had a very low rate of national savings in the United States by international standards, our net national savings rate was generally between 7 and 8 percent of national income throughout the post-World War II period. There was absolutely no tendency for it to increase or decline—up to 1980. Rather ironically, Ronald Reagan came into office asserting that that rate of national savings and investment was too low and that one of the critical requirements for the United States was to find a way to increase it. And at the President's behest, programs were enacted in the name of achieving this goal.

Peculiarly, the result of those measures is that the U.S. national savings rate which used to be so constant, although low, suddenly undertook a precipitious decline. Net savings fell from 7–8 percent of national income in prior decades to reach a low point, in 1987, of less than 2 percent of national income. This means that 98 percent of everything we produced as a nation was going into what was normally called consumption, either public or private. That was indeed a very low rate of savings. With the stock market crash of 1987, there has been some drawing back on consumption and some modest improvements in the savings rate. At present, the United States saves something close to 3 percent of its national income on a net basis. Using a corresponding measure, national savings in Europe are right around 10 percent and in Japan, savings are about 12 percent.

Thus, we've had a decline in the national savings rate—which now looks to be on a sustained basis—of about 4 percent of national income, from 7 percent down to 3 percent. Of that decline, about half of it—2 percentage points—can be attributed to the increased rate of "dissaving"--that is, borrowing—on the part of the federal government. And the other half can be attributed to the decline in the private savings rate.

We have heard a lot about the increase in federal government dissaving and the consequences of the budget deficit. Somewhat less attention has been directed today, however, to the issue of why is it that the private savings rate in the United States also has declined.

I think there are at least three explanations for the decline in the U.S. private savings rate. The most important one is to realize that Americans, more than any other industrial country I know of, save and do their saving in the form of pension programs. In fact, private pension plans are of overwhelming importance to the savings behavior of American households. Most of those plans are employer-provided plans where a contribution is made into a plan and the plan offers what's called a "defined-benefit payment" at time of retirement—a benefit that's largely independent of any individual worker's contribution, but instead is tied to the number of years he or she works for the company and the wage that he or she earns at the time of retirement.

Early in the 1970's, the federal government discovered that an awful lot of private pension programs weren't being funded; firms were not setting aside reserves to pay for their pension liabilities. In the Employee Retirement Income Security Act (ERISA), one of the requirements was that private pension funds had to increase their funding rates and bring them up closer to fully-funded levels. That meant that all during the last half of the 1970s, employer pension contributions were a very large part of private savings in the United States. These contributions helped hold the savings rate up in the last half of the 1970s, because there were so many companies whose plans had previously been underfunded.

But in the 1980s, we ran into a different phenomenon. Real market interest rates went up dramatically, and the effect was to reduce employer pension contributions. Let me explain:

In trying to evaluate whether or not a company is setting aside enough funds to cover its future pension liabilities, actuaries have to project forward in time what they expect those liabilities to be and what the cost will be of trying to meet them, and then discount those liabilities back to the present. And the "discount rate" that they use to try to figure out if enough money is being set aside is the interest rate that the pension plan has been earning on its investments.

So after a few years of high interest rates, actuaries used those interest rates to project forward liabilities and the earnings from the fund, in order to determine whether or not the fund is fully funded. A one percentage-point increase in interest rates used for this process will reduce the present value of future liabilities by about 15 percentage points. So with the magnitude of increases in market increase rates that we've had in the 1980s, what happened to all these pension funds that used to be underfunded is that all of a sudden the actuaries came back in with new calculations and said: "Things have changed. You're now overfunded."

One consequence of that was that a lot of private companies tried to cash out their pension funds. We have read a lot in the newspapers about how companies pay the workers what they owe them to date and take the surplus back into the company. But far more common was the phenomenon that employers simply cut back on or even totally stopped making contributions to their pension funds. Indeed, under the U.S. tax law, a company can't make a contribution to a pension fund if that pension fund is more than fully funded. So companies dramatically reduced their contribution rate into pension funds.

In the U.S. national income accounts data, the lower rate of accumulation of savings in the private pension funds accounts for more than half of that two percentage point decline in the private savings rate that I mentioned earlier.

The second major reason why the private savings rate declined in the 1980s is conceptually related to the pension issue—that is, it reflects the higher rate of return on savings, in particular, the stock market boom. There's a well-known historical pattern that when people experience large capital gains in the stock market and their wealth goes up, they tend to spend a somewhat larger proportion of their non-capital-gains income—than they did earlier. That's not surprising, of course. But capital gains—which are speculative profits rather than income from labor or capital—aren't counted in the National Income Accounts definition of national income, since they aren't a part of national output. While capital gains aren't real savings from a national point of view, people with capital gains felt richer (as they personally were) and they spent more. This capital gains effect pushed consumption up relative to people's incomes and cut the savings rate.

Although savings fell in the United States, the rate of savings has fallen more in almost every other industrial country. Thus, the decline in savings rates is not unique to the United States. It's common to all the industrial countries. And the major reason for this phenomenon—the third item on my list—is the reduction in the rate of growth of income of households that has occurred throughout the industrial world.

If you're trying to save for retirement, you're trying to accumulate some amount of wealth on the day you retire that's proportionate to your lifetime income. You might, for instance, want to save enough so that when you retire, your wealth will produce annual income equal to half of what you are earning right before your retirement date. But if you find that your income isn't growing very rapidly, then you don't have to increase your wealth as rapidly as if your income was growing faster.

So lower rates of income growth mean that people do not have to save at the same rate as a share of their income to accumulate what they perceive to be an adequate retirement income. Since in fact for the average American worker, there's been absolutely no growth in income in the 1980s, it's not surprising to find that the savings rate has been depressed.

All three of these factors have been important contributors to why the private savings rates declined in the United States in the 1980s. Of them, I think that the pension effect has probably about run its course, and there's no reason to expect any further declines in pension saving. On the other hand, we're not going to see the very high rate of inflow into the pension funds that we had in the late 1970s when they were underfunded. So there will be no recovery of savings in pension funds either. Perhaps the capital gains boom is over and there will be less of a push on consumption from increases in stock market values as we look ahead, but I'm a lousy forecaster of what might happen to the stock market.

On the third factor, I think there is very strong agreement after 15 years of productivity slowdown that unless something unforeseen happens, there's no reason for productivity growth to improve significantly, and we therefore can't expect significant gains in real income growth.

Therefore, there probably won't be a major turn around in the private savings rate. I expect it to stabilize in the range of about 3 to 4 percent of our national income. That means that absent change in the government's borrowing levels, the United States will continue to save too little to finance its own current levels of investment, even though those are below historical levels. And that means that for the indefinite future the United States will have to borrow abroad in order to try to finance the minimal amount of investment that is being made here at the present time.

That, I think, then leads to the final point I want to make: what could be done by government or other means to try to stimulate saving? Right away, I think that there stands out one very obvious, simple, straightforward measure to increase the national savings rate on which there's almost no controversy, except with a very, very small minority of economists. And that is, if you want to increase the national savings rate, cut the rate of government dissaving, that is, reduce the budget deficit. It really is no more complicated than that.

While cutting the deficit is by far the simplest and most reliable way to increase national savings, the tax increases or spending reductions that deficit reduction entails are obviously not so simple politically. That's why, for political reasons, it's always been popular to talk about measures to increase *private* savings—perhaps also because if you could increase the private savings rate, then the government would be able to borrow even more.

But the evidence—particularly from the 1980s—is overwhelming that there's not very much the government can do to induce people to change their savings behavior. I think most Americans save much like the defined-benefit pension plans I talked about earlier. If you offer me a higher rate of return on my savings, meaning I'm earning even more than I expected to earn on my past wealth, I'll save even less for the future than I did before. Most Americans are target savers in the sense that they are trying to accumulate a given amount of wealth by the time they retire. If I can earn a high rate of return, then I have to save less in order to meet that target.

There is only one study I know of in the United States that's able to find a positive effect of interest rates on savings. One outstanding characteristic of it is no one's ever been able to replicate it and there is no matching result that I know of.

In the 1980s, we had a very dramatic test of the whole notion of whether or not the government could effect private savings by increasing the rate of return. There was financial deregulation, which made market rates of interest available to a much wider range of savers than ever could get it before. Marginal tax rates were cut drastically, particularly on upper-income groups, and new tax incentives were provided for savers. And we went from negative real rates of interest throughout the last half of the 1970s to enormously positive real rates of return, the highest real rates of interest that the United States has had in peacetime in a long, long time.

According to their proponents' theory, those incentives should have operated in the direction of increasing saving in the 1980s. The surprise is that the private savings rate actually fell in the 1980s after being constant for decades.

Let's look in detail at the Individual Retirement Account issue. In 1981, Congress passed a law allowing anyone who wanted to put a deposit in an IRA on a tax-free basis. The amount of money going into IRAs got up as high as $40 billion annually in 1985. Now, that turns out to be between 1 and 1½ percent of national income. When we're only saving 3 percent of our national income, you'd think that there ought to be some effect in the aggregate data from that huge inflow of funds into IRAs. Yet, when you look at the national accounts, you can't see it.

Instead, most Americans who used IRAs apparently did what I did. I took $2,000 out of a savings account, moved it into an IRA and took a tax deduction. By about 1985-86, I had begun to run out of money in my savings account to use for that purpose, but I work up at Dupont Circle and there's a lot of banks up there. And I remember every April they had big signs out: "Come in and borrow $2,000; put it in your IRA, take a tax deduction and then in addition deduct the interest payments on the loan to the bank." The aggregate data overwhelmingly indicate that people simply substituted IRA savings for other forms of savings. Thus, taxes are very, very important in determining how you will allocate your savings, but not necessarily so important in determining the total amount of your savings.

While the macroeconomic data seem quite clear that IRAs had little or no favorable impact on savings, those who nonetheless would like to restore IRAs often point to some microeconomic research on the behavior of individual households that seems on its face to show some positive effect. That evidence at the microeconomic level tends to suggest that IRAs did induce people to save more than they did before. Most of the studies come up with about 60 to 70 cents in added private savings for every dollar that IRAs cost the federal government. Since the federal government borrowed the money to finance the IRA tax breaks, even these studies indicate that IRAs ended up reducing the national savings rate as a result. But even this modest positive influence on private savings is quite doubtful in my mind.

These microeconomic analyses look at households and try to see if people who have IRAs save more than people who don't have IRAs. The major problem with these microeconomic studies is quite basic: there are out there in the world people who are savers and dissavers. Indeed, if I wanted to try to identify savers in a survey, I would ask people one simple question: "Do you have an IRA?" That is probably the most effective way to simply identify people who have a predisposition towards savings.

So, looking at a cross-section of households, those sort of studies are potentially greatly biased in measuring the response. While it is extremely likely that savers will have IRAs, that doesn't mean that IRAs create savers. Thus, there is a confusion between correlation and causality. In the next year or so a new long-term survey of people's savings behavior will become available that may be able to resolve this thing.

In the meantime, the most obvious thing about IRAs was that after they became widely available in the early 1980s, household savings rates went down. But when IRAs were sharply restricted in 1986, what happened to the household savings rate? It turned around and started to go back up.

Now, of course, lots of other things happened at the same time. And I do not believe that IRAs have a *negative* effect on total household savings. But I think that it is becoming very difficult not to conclude that IRA savings was mainly a substitution—that people moved their money from a taxable savings account to a tax-exempt account. That's not increasing the total amount of savings.

Finally, if our objective is to increase national savings, then it's important that every dollar's worth of tax credit generate more than one dollar of private savings, not one for one. I don't think the objective is to increase private savings in the United States so that the government can borrow more. The objective is to increase the amount of national savings in the United States available to finance capital formation.

If we're going to look again at measures that might increase private saving, I would suggest that we look at pension funds. I think that too many pension funds are too easily classified as overfunded. It seems overly optimistic for actuaries to assume that just because interest rates have been high for a few years they will remain high for the next 40 or 50 years. Alternatively, we could make some tax law adjustments to allow company contributions to pension funds to continue even though a pension fund is technically overfunded. But that's difficult to deal with in a way that assures that companies can't use pension funds as a way to hide profits from year to year.

More important, the growth in pensions was an extremely important factor in stabilizing private savings in the United States in the period up to the early 1960s. However, since the mid-1960s, the proportion of American workers covered by pension funds has steadily declined.

We ought to be trying to focus more attention on why this decline in pension coverage is occurring. We ought to ask what can be done to encourage employers to offer more pension programs. I think the advantage to employer-provided pension funds is that they are far less likely to lead to simple substitution effects in savings behavior. Obviously, there will still be some substitution effect. If people have a private pension, they'll probably save less on their own. But the evidence seems to indicate that the discipline of employer-provided pension programs makes them a positive contribution to private savings. And pensions can likewise contribute to overall national savings unless, of course, the government provides incentives that cost more than any additional private savings that are generated.

RETURN TO STRONGER 5-MILE-PER-HOUR BUMPER STANDARD

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. BEILENSON. Mr. Speaker, today I am reintroducing legislation I have proposed during each of the last four Congresses to restore automobile bumper protection standards to the 5-miles-per-hour requirement which was in force when the Reagan administration took office.

Beginning in 1978, new cars were equipped with bumpers capable of withstanding any damage in accidents occurring at 5-miles-per-hour or less. That was done in accordance with the Motor Vehicle Information and Cost Savings Act of 1972 which requires the National Highway Traffic Safety Administration [NHTSA] to set a bumper standard that "seek(s) to obtain the maximum feasible reduction of cost to the public and to the consumer."

However, as part of the Reagan administration's effort to ease the so-called regulatory burden on the automobile industry, NHTSA reduced the standard to 2.5-miles-per-hour in 1982, claiming that weaker bumpers would be lighter, and would therefore cost less to install and replace, and would provide better fuel economy. This supposedly meant a consumer would save money over the life of a car, since the lower purchase and fuel costs should outweigh the occasionally higher cost of any accident. The administration promised at the time to provide bumper data to consumers, so that car buyers could make informed choices about the amount they wished to spend for extra bumper protection.

This experiment has been a total failure. None of the anticipated benefits of a weaker bumper standard has materialized. Crash tests conducted by the Insurance Institute for Highway Safety [IIHS] have shown year after year that bumper performance has little or nothing to do with bumper weight or car price. Lighter bumpers seem to perform just as well as heavier ones in accidents, and bumpers on inexpensive autos perform just as well or better than the bumpers on expensive autos. In fact, some of the heaviest and most expensive bumpers serve no energy-absorbing purpose at all. Adding insult to injury, NHTSA has virtually ignored its promise to make adequate crash safety and damage information available to consumers.

What has happened is that consumers are spending hundreds of millions of dollars in extra repair costs and higher insurance premiums because of the extra damage incurred in low-speed accidents. In IIHS's latest series of 5-miles-per-hour crash tests, all but 2 of the 23 1991 midsize four-door models tested sustained more than $1,000 in damage; some sustained more than $3,000 in damage. That a consumer would be faced with this amount of damage after an accident occurring at 5-miles-per-hour is both offensive and totally unnecessary.

There is no doubt that consumers overwhelmingly favor a stricter bumper standard—a recent research council survey found that 70 percent of respondents said cars should have bumpers that provide protection in crashes up to at least 5-miles-per-hour. Surely no one buying a new car would prefer the extra inconvenience and cost associated with damage sustained in low-speed accidents with weaker bumpers to the virtually negligible additional cost, if any, of stronger bumpers.

Both Consumers Union, which has petitioned NHTSA unsuccessfully to rescind the change, and the Center for Auto Safety strongly support Federal legislation requiring a return to the 5-mile-per-hour bumper standard. The insurance industry also strongly believes rolling back the bumper standard was an irresponsible move, and supports a stronger standard as a way of controlling auto insurance costs.

Mr. Speaker, the administration made a serious, costly mistake when it rolled back the bumper standard. It has cost consumers many millions of dollars—with no offsetting benefit at all. Some manufacturers have continued to supply the stronger bumpers voluntarily but car buyers, who cannot look at a bumper system and judge how it would perform, have no easy way of knowing whether cars have the stronger or weaker bumpers.

Reestablishing the 5-mile-per-hour bumper standard would be one of the wisest and easiest measures Congress could take this year to help alleviate the automobile insurance crisis that car owners are currently facing. We can save consumers millions of dollars by a proven regulation that worked well in actual practice only a few years ago. We cannot allow rhetoric about the burden of Government regulation and the advantages of free market economics to blind us to the reality of the unnecessary costs of minor automobile accidents. It is long past time to restore rationality to automobile bumper protection standards.

Mr. Speaker, I urge my colleagues to join me in supporting this simple, straightforward bill.

KERI PEEVLER, EIGHTH GRADER FROM RED HOOK, NY, SHOWS BOTH MATURITY AND SOCIAL AWARENESS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. SOLOMON. Mr. Speaker, it's always a pleasure to get a kind of sneak preview of some of our leaders of tomorrow.

I'd like to talk about one of them.

Her name is Keri Peevler and she is an eighth grader from Red Hook, NY. She's going to be in town this week along with 50 other young people representing every State of the Union and the District of Columbia. They'll be here to participate in the RespecTeen National Forum, which I consider one of the most outstanding programs this country offers.

The Forum is part of a nationwide initiative sponsored by the Lutheran Brotherhood called RespecTeen. As its name implies, it helps parents and teens respect both themselves and each other.

In this program, as many as 8,000 young people wrote letters to their representatives in Congress stating their views on a variety of subjects. A copy of each letter went to a panel of educators who chose a finalist from each congressional district. From those 435 finalists, 51 students were chosen to participate in the forum.

Keri wrote to me last December urging me to support legislation supporting preservation of the ozone layer. It will be my pleasure to enter her letter in today's RECORD. When you see it, I'm sure you'll agree that Keri is a credit to her family and her school.

RED HOOK, NY, *December 17, 1990.*

DEAR REPRESENTATIVE SOLOMON: I hope you will consider working with other Members of Congress to pass laws and restrictions against the use of chlorofluorocarbons. Chlorofluorocarbons (CFCs) are found in propellants in aerosol sprays and flow through the coils of refrigerators and air conditioners.

CFCs and "halons," which are used in fire extinguishers, are man-made chemicals that are believed to be a main cause of the depletion of the ozone layer, especially the large depletion over the Antarctic. High-altitude sampling showed relatively high concentrations of chlorine monoxide and dioxide, which are CFC decay products, in the atmosphere where ozone was depleted over the Antarctic.

I have read about a company called ICI that is trying to develop fluorocarbons that are ozone safe. I realize the use of refrigerators, air conditioners, and fire extinguishers can't be stopped, but if safe fluorocarbons are developed it could make the reversing of the process of the ozone depletion possible. I believe that the production of aerosol sprays should be stopped because these sprays are not necessary. Other containers can be used.

Please discuss some of the points I have made with the other Members of Congress. It is important that the ozone layer, the invisible shield that protects us all, is preserved.

Sincerely,

KERI PEEVLER.

IN RECOGNITION OF GOODWILL WEEK

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. MURTHA. Mr. Speaker, Goodwill Industries will celebrate National Goodwill Week, May 5–11, this year. I would like to take a moment to recognize the important work that Goodwill is doing all over our Nation.

The mission of Goodwill is to help handicapped and disadvantaged individuals to become self-sufficient. The vocational services which Goodwill provide helps these individuals to learn skills which make them more employable. Goodwill also provides placement assistance and is the world's largest private-sector employer of individuals with disabilities.

One of the most impressive facts about Goodwill is the corps of volunteers which really makes the organization work. Once a year, Goodwill Industries of the Conemaugh Valley takes time out to recognize the volunteers that do so much to continue the important work that Goodwill does. I'd like to take a moment to recognize the work these volunteers do, and thank them for their selfless efforts on behalf of the disadvantaged.

Goodwill Industries' theme is "our business works, so people can." The people of Goodwill Industries devote their efforts to helping disabled and disadvantaged individuals. Goodwill's work with these individuals benefits us all, and I hope that we will all take a moment during the Goodwill week to seek out a Goodwill volunteer to thank them for their work.

TIME FOR CHANGE IN AMERICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. DELLUMS. Mr. Speaker, the Outlook pages of Sunday's Washington Post carried an excellent op-ed concerning race relations, authored by David Broder.

Mr. Broder calls attention to a recent feature story that appeared in the British periodical the Economist. This article decried the continuing lack of progress in improving on the dire circumstances faced by many inner-city citizens, particularly black males, victimized by an economic system that denies opportunities for employment, and ignored by a society that increasingly disregards its obligation to address its historic legacy of institutionalized racism.

Indeed, the recent sabotage of a compromise on civil rights legislation underscores reluctance on the part of many to address racism in America. I am constantly astonished by the attitude of many of our leaders, comfortable in the security of their economic hegemony, who are ready to turn a blind eye toward suffering so readily apparent, eager to deny the effects of slavery, Jim Crow, and legally enforced segregation.

Some 23 years have passed since the release of the Kerner Commission report on civil disorders, which stated that "None of us can escape the consequences of the continuing economic and social decay of the central city * * * The convergence of these conditions in the racial ghetto and the resulting discontent and disruption threaten democratic values fundamental to our progress as a free society." What a shame it is that these observations are still as relevant in 1991 as they were in 1968.

I remind my colleagues of the words spoken by President Lyndon Johnson to the Nation in 1967:

> The only genuine, long-range solution for what has happened lies in an attack—mounted at every level—upon the conditions that breed despair and violence. All of us know what those conditions are: ignorance, discrimination, slums, poverty, disease, not enough jobs. We should attack these conditions—not because we are frightened by conflict, but because we are fired by conscience. We should attack them because there is simply no other way to achieve a decent and orderly society in America.

To those who view these issues solely as black or minority concerns, rather than as crucial matters deserving the attention of every citizen of the Republic, I commend the following article by Mr. Broder to your attention.

[From The Washington Post, Apr. 21, 1991]

(By David S. Broder)

BLUNT TALK ABOUT RACE

In the political precincts of this capital, the debate about civil rights is conducted in nice, polite terms. Lawyers argue about the meaning of words in the Supreme Court decisions restricting suits on discriminatory employment practices. Politicians debate the precise point at which legislation goes beyond affirmative action and verges into quotas.

Hardly anyone wants to deal with the underlying reality of race—and the way it splits this nation. Only occasionally does the blunt language of the real world intrude on the rarified and often phony world of Washington.

It happened this week in a briefing at the Brookings of Washington think tanks, on its newly published volume called "The Urban Underclass."

In the course of the briefing several people referred to one of the papers in the 490-page volume and hinted that it might be more straightforward than the rest.

The authors, Joleen Kirschenman and Kathryn M. Neckerman of the University of Chicago, wrote, "We were overwhelmed by the degree to which Chicago employers felt comfortable talking with us—in a situation where the temptation would be to conceal rather than reveal—in a negative manner about blacks." Scholars almost never admit to being "overwhelmed" by anything, so I called Kirschenman and asked what they meant. During 1988–89, they conducted face-to-face interviews with 185 Chicago-area employers about the way in which they picked people for jobs.

"I was shocked at the open way they talked about race," she said. "I would have thought at the end of the 1980s that the civil rights movement at least had changed the level of discourse. But we have a long way to go."

I know this to be true from voter interviews—including many last year in Chicago.

But reporters tend to self-censor the biased comments that show how strong are the racial stereotypes—and how high are the resulting barriers—in this society. The two scholars reported what they heard from a suburban drug store manager, among others:

"It's unfortunate, but in my business I think overall [black men] tend to be known to be dishonest," the store manager said. "I think that's too bad, but that's the image they have, . . . They're known to be lazy. . . . Whether they are or not, I don't know, but it's an image that is perceived."

He was asked, "How do you think that image was developed?"

"Go look in the jails," he said—and laughed.

Kirschenman and Neckerman say that the racial sterotypes become more virulent when the applicants' language, style of dress, schooling and place of residence place them in the lower class. Together, these factors form a classification system in the minds of these employers that puts inner-city blacks at the bottom of the list when it comes to hiring decisions. As they put it, "Our interviews in Chicago-area businesses show that employers view inner-city workers, especially black men, as unstable, uncooperative, dishonest and uneducated."

It's hardly a surprise, then, that unemployment rates are far, far higher among inner-city black males than any other population group. Kirschenman told me that she would exonerate most of the employers she interviewed of "racism." "They just happen to be on the front line of a problem the society has failed to address," she said.

Today, the prevailing view in the courts and in American society is that employers should not be asked to bend their hiring policies in order to provide work for such men. But if that is the nation's decision, then what is our response to the millions in the underclass, who live lives of complete desolation in the hearts of our cities?

The British weekly the Economist raised exactly that question, more forcibly than any U.S. publication has done this year, in an April cover story on "America's Wasted Blacks."

Speaking of blunt language, I cannot improve on the Economist's summary;

"Whites need to recognize that blacks cannot hope to prosper in any numbers while they are confined to ghettos of crime, poverty and lousy schools, and that it is society's duty to do something about it.

"That means the same law enforcement in inner cities that the rest of the country expects and receives. . . . It means gun control, which urban blacks want, but many whites illogically hate. It means treatment, not just punishment, for drug dealers. It means expensive policies from government and companies to lure better teachers and school managers into the cities, to build transport links to the suburbs where the jobs are, to train young people for jobs."

The Economist quotes Lyndon Johnson's 1965 words: "If we stand passively by while the center of each city becomes a hive of deprivation, crime and hopelessness . . . if we become two people, the suburban affluent and the urban poor, each filled with mistrust and fear for the other . . . then we shall effectively cripple each generation to come."

"A generation has passed," the Economist rightly says, "and the crippling goes on." Where is the national leader who will say it must stop?

THE TOWN MEETING INITIATIVE, A PROJECT OF THE MAINE PEACE ECONOMY PROJECT

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. ANDREWS of Maine. Mr. Speaker, today I would like to endorse an exciting and important grassroots campaign launched by some of my friends and constituents in Maine, the "Town Meeting Initiative."

This initiative recognizes—and promotes an idea that I share—that no longer can national security simply be measured in terms of the number of nuclear warheads in our arsenal or in the number of troops in uniform. The future security of this country depends on the strength of the American economy and the health and vitality of the American people.

The "Town Meeting Initiative" is introducing in town councils and meeting halls across the State of Maine and the country a resolution which endorses this basic truth. The Maine State Legislature is scheduled to take up and I hope to pass this resolution next week.

Over the past decade, Federal support for local and State governments has been decimated, forcing deep cuts in vital services and sharp increases in taxes on working families. At the same time, defense spending increased unrestrained. Our priorities must be reversed.

Mr. Speaker, I insert the resolution, which speaks for itself, in the RECORD and hope it is given serious consideration by all my colleagues and in town councils and State legislatures across the United States.

REINVEST IN HOMETOWN AMERICA

RESOLUTION

As Mainers concerned about the well-being of our communities, our state, our nation and our world, we call on our leaders in Washington to work and vote for new national budget priorities. Specifically, we urge Congress and the President to:

1. Recognize that the security of our country is dependent on the well-being of our economy, environment and people and to use the opportunity of dramatic improvements in relations between the East and West to reduce military spending proportionate to reduced military threat;

2. Redirect federal tax dollars saved toward such domestic programs as education, environmental protection, infrastructure, housing, health care, social services, transportation, and employment and job training, as well as deficit reduction.

3. Assist those industries, workers and communities most affected by military cutbacks to make the transition from military to civilian activities.

INTRODUCTION OF THE INTERMODAL CONTAINER TAX TREATMENT CLARIFICATION ACT OF 1991

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 22, 1991

Mr. VANDER JAGT. Mr. Speaker, today I am introducing, along with Mr. MATSUI, the Intermodal Container Tax Treatment Clarification Act of 1990, legislation to prevent a substantial retroactive change in the ability of U.S. companies to claim the investment tax credit and accelerated depreciation on the intermodal cargo containers which they lease to shipping companies and businesses. The legislation is specifically intended to overrule Revenue Ruling 90–9 with respect to containers placed in service by U.S. container lessors prior to January 1, 1990. It is virtually the same as legislation which I and Mr. MATSUI introduced in the last Congress as H.R. 5017, the Intermodal Container Tax Treatment Clarification Act of 1990. H.R. 5017 was referred by Chairman ROSTENKOWSKI to the Select Revenue Measures Subcommittee of the Committee on Ways and Means. Congressman CHARLES B. RANGEL, chairman of the subcommittee, received extensive public comment on the legislation supporting its enactment. H.R. 5017 was approved by the Committee on Ways and Means last fall, but unfortunately the adjournment of the Congress prevented final action on the legislation.

From its original enactment in 1962 until its general repeal in 1986, the investment tax credit generally was not allowed for property used predominantly outside of the United States. However, exceptions to this rule were provided for certain categories of assets used to transport people or property to and from this country. These exceptions sanction the predominant foreign use of transportation-related property as part of the credit's general purpose to improve our competitive position in the world economy. One of these exceptions applies to containers used in the transportation of property to and from the United States.

Before January of this year, there were no Treasury regulations or rulings interpreting the exception for containers, even though that provision had been in the law for more than 25 years. Consequently, container owners relied on a common sense reading of the statute and the apparent congressional intent for the container provision when determining how the credit applied to their containers. This interpretation also determined which containers qualified for accelerated depreciation. For more than 20 years, the audit practice of the Internal Revenue Service was to confirm the general availability of credits and deductions claimed by two groups of container owners, U.S. shipping companies and U.S. container leasing companies. For lessors, the container credit was by far the largest item on each tax return and could not have been simply overlooked by the audit agents. Over the years, the IRS also issued liberal interpretations of other transportation-related exceptions which further confirmed the lessors' general approach to the container exception.

Then, in 1984, IRS agents radically altered their audit practices with respect to container lessors and began disallowing the credit for containers because the lessors could not prove that each container touched the United States each year. In January 1990, this approach was formally published in Revenue Ruling 90–9, which requires all container owners to demonstrate on a container-by-container basis that a substantial portion of a particular container's activity during the taxable year is in the direct transportation of property to or from the United States. Substantial is not defined or described in the ruling, so taxpayers have no basis on which to argue that they have met the ruling's requirement. The ruling defines direct transportation as involving only those trips that begin and end in the United States; trips between foreign ports are not taken into account, even if the property inside the container may eventually come to the United States. Neither of these adjectives—substantial and direct—is used in the statute, and neither has any support in the legislative history. Yet, the ruling is to be applied retroactively.

Whatever the merits of the approach adopted by the revenue ruling, it represents a dramatic change from established practices. I believe it is fundamentally unfair for the IRS to retroactively interpret—and modify—the statutory container exception in this manner. First, while we could debate the intellectual niceties of whether the new position of the IRS represents a change in its position or, instead, the establishment of a position where none previously existed, such a debate could not obscure the fact that in the 20-year period following enactment of the credit, container lessors never had any indication that their records were inadequate to support their claiming the credit and deductions despite numerous audits. The IRS had opportunities to issue regulations or rulings on the container exception, but did not provide these or any other form of guidance. Indeed, an IRS project to provide guidance on the container exception that began in 1981 was closed a year later, after meetings with the container leasing industry, without any apparent change in existing practices.

Second, the IRS interpretation is inconsistent with judicial precedents which have liberally interpreted the investment tax credit provisions in general. I believe this interpretive approach of the courts, which is also reflected in IRS interpretations of other transportation-related exceptions which accompany the container provision, is consistent with congressional intent.

Third, as Treasury and the IRS apparently have recognized in this case, such a major change in interpretive policy is a tax policy decision that requires careful review by the IRS and Treasury, followed by publication in a national policy statement which permits appropriate public comment, such as through proposed regulations. Only through such a national pronouncement can all affected taxpayers be fairly put on notice that such a change has occurred. Any such major change of policy should be prospective only and should include complete relief under section 7805(b) of the Internal Revenue Code.

Fourth, any change in interpretive policy by the IRS with respect to the container exception should balance the IRS's strict, and possibly incorrect, reading of the statute against the need for a practical and reasonable resolution of the controversy. It is clear that Congress, in creating the container exception, did not contemplate that the IRS would interpret the provision in a manner which makes it practically impossible to utilize the benefits of the provision. The revenue ruling would require lessors to document retroactively the daily movements of individual containers. Providing such documents prospectively will be difficult enough, given that container lessors now typically manage fleets in excess of 200,000 containers that are used in carrying goods for lessees who are not under the control of the lessors. But retroactively providing such documents probably will be impossible. Lessors keep detailed records about their containers, but they cannot maintain records regarding container movements when they are not in control of the containers. Lessee documents, to the extent they have not already been disposed of, focus on shipments of cargo, not on the specific containers, and the cost of attempting to reconstruct the travel of a particular container probably would exceed the value of the credit. The willingness of lessees to provide such records to lessors, assuming the records exist, is a factor which lessors cannot reasonably be expected to influence retroactively.

The revenue ruling would apply to open taxable years, which generally include all of the 1980's for the leasing companies. That is a long period, but the lessors' exposure is even greater because the ruling also applies to containers placed in service in closed taxable years but which generated credit carryovers to open years. This extends the ruling's effect back as far as 1974.

If container lessors had had the benefit of a ruling or regulations 25 years ago, they could have taken the appropriate steps to qualify for the credit or to challenge the IRS interpretation in a timely manner. In any event, they could have set leasing rates and information requirements based on the costs of complying with the interpretation. But the retroactive imposition of a restrictive interpretation at this date is unreasonable and unjustified.

As an alternative to the substantive and recordkeeping requirements of the revenue ruling, a safe harbor has been provided in Revenue Procedure 90–10, published at the same time as the revenue ruling. It is interesting to read the portion of the revenue procedure which confirms that the revenue ruling's recordkeeping requirements are unfair, noting that a safe harbor is necessary because separate tracing of containers is too costly and difficult given the numbers of containers and the fact that lessees have physical control over the containers.

However, the safe harbor effectively allows little more than half of the credits at issue for prior years. This is not an adequate solution to the retroactive problem posed by the revenue ruling. Moreover, the practical effect of the IRS' proposed safe harbor is not only to require a predominant use test but to impose an exclusive use test for purposes of determining whether the credit is allowed in full. By way of example, I believe that the containers used by the affected taxpayers could achieve a 100-percent qualification for the investment tax credit under the theory of the proposed safe harbor only if every trip made by containers worldwide was either to or from the United States. Likewise, a majority of the credit would be allowable only if a majority of all container trips are to or from the United States. I believe that this is clearly inconsistent with the language and the intent of the statute.

Taxpayers have argued with the IRS for several years about this issue in an effort to achieve an administrative result which would fairly resolve the controversy. While that process was under way, there was hope that it would be successful. Unfortunately, the result was unsatisfactory. A legislative resolution is now essential to prevent the unfair retroactive impact of the IRS revenue ruling. I strongly urge my colleagues to support this legislation's prompt enactment.

A summary explanation of the bill follows:

SUMMARY EXPLANATION OF THE LEASED CARGO CONTAINER LEGISLATION

PRESENT LAW

Prior to its repeal by the Tax Reform Act of 1986, the regular investment tax credit generally was not available for property which was used predominantly outside the United States. An exception to the predominant foreign use rule was provided in former Code section 48(a)(2)(B)(v) for "any container of a United States person which is used in the transportation of property to and from the United States." (Similar transportation-related exceptions also were provided for aircraft, railroad rolling stock, vessels and motor vehicles.) Property of the type described in the container exception was, and continues under present law to be, eligible for accelerated depreciation. To better reflect the continued application of the container exception under the depreciation rules, the container exception (and the other transportation-related exceptions to the predominant foreign use rule) were moved to Code section 168(g)(4) by deadwood provisions of the Revenue Reconciliation Act of 1990.

For more than 25 years following the enactment of the investment tax credit in 1962, there were no regulations or rulings interpreting the container exception. Taxpayers and audit agents developed interpretations which governed the application of the container provision with minimal controversy. In January 1990, the Internal Revenue Service published the first formal interpretation of the container exception in Revenue Ruling 90–9, which allows the credit and accelerated depreciation deductions only if a taxpayer can document on a container-by-container basis that a substantial portion of a particular container's activity during the taxable year is in the direct transportation of property to or from the United States. The ruling states that "direct transportation" consists of the transportation of property by the container with the United States as the origin or terminus of the trip for the container and the property. The revenue ruling applies retroactively. As an alternative to both the revenue ruling's interpretation of the statutory exception and its recordkeeping requirements, the Service also published a "safe harbor" in Revenue Procedure 90–10, which allows a taxpayer to elect to treat specified percentages of its containers placed in service each year after 1973 as qualifying under the container provison.

REASONS FOR CHANGE

The revenue ruling imposes a highly restrictive interpretation of the container provision which is inconsistent with the legislative history of the provision and incorrectly interprets the statute. In addition, it represents a substantial change from more than 20 years of Service audit practice. Taxpayers reasonably relied on the simple statutory language and on the Service's liberal interpretations of other transportation-related provisions, coupled with prior audit practice, as confirmation of the general availability of the credit and accelerated depreciation deductions. Moreover, taxpayers never had any indication that their records were inadequate to support the credit. Therefore, retroactive application of the revenue ruling would be substantially unfair given the probable impossibility of developing the required records from prior years. After application of the recapture rules, the revenue procedure's alternative "safe harbor" allows just over 50 percent of claimed credits for prior years. This does not provide an adequate basis for an industry-wide settlement of this controversy.

To prevent a significant retroactive change in policy and the subsequent expense of protracted litigation, a statutory standard is necessary for application of the container provision in prior years.

EXPLANATION OF THE BILL

Overview

The bill provides a statutory standard for determining the eligibility of leased intermodal cargo containers for the investment tax credit and accelerated depreciation deductions. This standard will apply retroactively to leased containers placed in service before January 1, 1991, thereby overruling the Internal Revenue Service's interpretation in Revenue Ruling 90-9.

The bill describes a particular category of leased containers which qualifies for the credit and deductions under the container exception. (Containers that are treated under the bill as being described in the container exception also must satisfy any other applicable requirements for eligibility under the credit and depreciation rules.) The bill explicitly provides that it is not intended to create any inference regarding how the container exception applies to other categories of containers that are not described in the bill, such as containers owned by their users or containers placed in service after 1990. The container exception will continue to apply to those other categories of containers without regard to the bill.

Under the bill, an intermodal cargo container owned by a United States company and placed in service before January 1, 1991, generally qualifies for the credit and deductions if it is subject to a "qualifying lease" or is being repaired, maintained, moved or held for lease by the lessor or any lessee. The container must be engaged in one or more of these activities throughout the taxable year. (In the year a container is placed in service, these requirements are to be met only for the period following the placement in service date.) An intermodal cargo container, as described in Revenue Procedure 90-10, is "a reusable box of standardized dimensions and performance characteristics" constructed to certain standards and used to transport goods.

STATUTORY STANDARD

In general, a "qualifying lease" is any lease (including any sublease) to a "container user" that has "one or more trade routes that contact the United States." For this purpose, a "container user" is a company in the business of shipping or transporting other companies' cargo by containers (such as a steamship company) or a company that uses a container to ship or transport its own cargo (such as a manufacturer which packs goods for export or import in containers which it has leased and then ships those containers). Therefore, the lease or sublease to the actual user is to be taken into account. Intermediate leases to agents or leasing "pools" (which then sublease the containers to the users) are not considered. Similarly, "safe harbor lease" agreements under former Code section 168(f)(8) and financing arrangements with lenders are not taken into account.

A container user is considered to have "one or more trade routes that contact the United States" if at any time during the taxable year that company either uses a vessel that receives or delivers a container in the United States or uses a container to ship cargo to or from the United States. A company will be treated as having trade routes that contact the United States even though the company does not own a vessel but rather operates or charters a vessel or ships its cargo on another company's vessel. Proof of trade routes may be established by published schedules, U.S. dock records, records of vessel owners, and other public documents or private records.

A qualifying lease also includes any "short-term lease to a container user. This includes a lease (or sublease) for a stated period of time that does not exceed 50 percent of the depreciation "class life" of the container. It also includes any master lease agreement or other lease agreement (such as daily or "per diem" leases) that does not require the lessee or sublessee to use, hold or pay rent for a particular container for a specified period of time. (These containers can be returned to the lessor at any time and then leased to another lessee.) Options to renew are not taken into account in determining the stated term of a lease. This definition of a short-term lease or sublease denies the benefit of the bill to any container used under a long-term lease unless the container user has a U.S. trade route.

EFFECTIVE DATE

In general, the bill will apply the statutory standard to containers that were placed in service before January 1, 1991. Such containers must have been placed in service either in a taxable year for which the audit adjustment or refund period has not closed or in a closed taxable year from which an investment credit was carried forward to an open year. This is intended to assure that the statutory standard will govern all audit controversies concerning pre-1991 containers, in lieu of the revenue ruling. While the legislation is retroactive in effect, the proposal applies only for purposes of depreciation deductions and investment credits used in open years. Thus, for example, where the statute of limitations otherwise precludes a refund claim, the legislation cannot be used as a basis for making such claim. Similarly, the bill may not be used as the basis for a refund claim with respect to matters that are the subject of closing agreements entered into pursuant to Code section 7121.

The bill specifically permits taxpayers to revoke within 180 days after the date the bill is enacted any election made pursuant to Revenue Procedure 90-10. Under the revenue procedure, elections relating to certain containers placed in service in prior years generally had to be made by September 15, 1990, if the taxpayer wanted to avoid the lengthy and costly audit controversy and possible litigation over the restrictive interpretation of the container exception set forth in the revenue ruling. The bill recognizes that, while administrative convenience requires timely elections, an artificial deadline should not deprive taxpayers of the benefits of corrective legislation which could not be enacted prior to such deadline.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 23, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 24

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for certain defense programs.
SD-124
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD-342
Labor and Human Resources
Business meeting, to markup S. 5, to grant family and temporary medical leave to permanent employees under certain circumstances.
SD-430
9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.
SD-124
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192
Armed Services
Manpower and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on reserve and national guard programs.
SD-G50
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA space science programs, focusing on "Mission to

Planet Earth," an environmental monitoring program designed to formulate data on Earth's environmental systems through the use of spacecraft.

SR-253

Energy and Natural Resources

To continue markup of S. 341, to establish a national energy policy to reduce U.S. dependence on imported oil, and to consider other pending calendar business.

SD-366

Rules and Administration

Business meeting, to mark up S. 250, to establish national voter registration procedures for Federal elections.

SR-301

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for energy conservation programs of the Department of Energy.

SD-116

Banking, Housing, and Urban Affairs

Securities Subcommittee

To resume hearings on the role of capital markets in raising funds for State and local governments under financial stress.

SD-538

Finance

To hold hearings on the Enterprise for the Americas Initiative and its connection to the President's request for an extension of fast-track negotiating authority to enable the U.S. to pursue trade agreements with Latin American countries under the initiative.

SD-215

Foreign Relations

To hold hearings to examine the Strategic Defense Initiative program as it relates to the Anti-Ballistic Missile (ABM) Treaty.

SD-419

Judiciary

To hold hearings on the nominations of Henry M. Herlong, Jr., to be United States District Judge for the District of South Carolina, William Harold Albritton, III, to be United States District Judge for the Middle District of Alabama, Marilyn L. Huff, to be United States District Judge for the Southern District of California, and William Fremming Nielsen and Frederick L. Van Sickle, each to be a United States District Judge for the Eastern District of Washington.

SD-226

Labor and Human Resources

To hold hearings to examine the state of the national school system.

SD-430

2:00 p.m.

Armed Services

Readiness, Sustainability and Support Subcommittee

To hold open and closed hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on Army and Air Force ammunition programs.

SR-222

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Urban Mass Transportation Act, focusing on capital needs of transit systems and methods for improving the management and financing of major capital projects, and the operational needs of transit systems and the labor provisions.

SD-538

Commerce, Science, and Transportation

To hold hearings on the nominations of Jack Warren Lentfer, of Alaska, and John E. Reynolds III, of Florida, each to be a Member of the Marine Mammal Commission.

SR-253

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine the transformation of East European economies.

SD-419

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study to examine Arctic Oceans research.

SR-253

Select on Indian Affairs

To hold oversight hearings on new school construction, repair, and improvement on Bureau of Indian Affairs' school facilities.

SR-485

APRIL 25

9:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1992 for certain defense programs.

S-407, Capitol

Armed Services

Defense Industry and Technology Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, focusing on the National Critical Technologies report.

SR-232-A

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

Governmental Affairs

To hold hearings to examine the effectiveness of the management of asset-forfeiture programs at the Justice and Treasury Departments.

SD-342

Labor and Human Resources

To hold hearings on proposed legislation recognizing the 20th anniversary of the National Cancer Act.

SD-430

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Architect of the Capitol, and the Government Printing Office.

SD-124

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration, and the Research and Special Programs Administration, Department of Transportation.

SD-138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of National Drug Control Policy, and the Financial Crimes Enforcement Network, Department of the Treasury.

SD-116

Banking, Housing, and Urban Affairs

To resume hearings on S. 713, to reform the Federal deposit insurance system, to improve the supervision and regulation of Federally insured depository institutions, to reform the financial services industry as to the activities in which that industry may engage, to consolidate the regulatory structure for depository institutions, and to recapitalize the Bank Insurance Fund.

SD-538

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine the prospects for normalization of relations with Vietnam.

SD-419

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.

SD-628

12:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine policy implications of greenhouse warming.

SR-253

2:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Forest Service, Department of Agriculture.

S-128, Capitol

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To hold hearings to examine the Enterprise for the Americas Initiative.

SD-419

Labor and Human Resources

To hold oversight hearings to review the activities of the Office of Civil Rights, Department of Education.

SD-430

2:15 p.m.

Banking, Housing, and Urban Affairs

To continue hearings on S. 713, to reform the Federal deposit insurance system, to improve the supervision and regulation of Federally insured depository institutions, to reform the financial services industry as to the activities in which that industry may engage, to consolidate the regulatory structure for depository institutions, and to recapitalize the Bank Insurance Fund.

SD-538

3:00 p.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for the Department of Defense, and to review the five year future defense plan.
SR-222

4:30 p.m.
Foreign Relations
To hold hearings on the nomination of Henry E. Catto, of Texas, to be Director of the United States Information Agency.
SD-419

APRIL 26

9:45 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To resume hearings to examine and evaluate global warming on climate change and other environmental consequences of energy strategies.
SD-406

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.
SD-138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Bureau of Mines and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on S. 713, to reform the Federal deposit insurance system, to improve the supervision and regulation of Federally insured depository institutions, to reform the financial services industry as to the activities in which that industry may engage, to consolidate the regulatory structure for depository institutions, and to recapitalize the Bank Insurance Fund.
SD-538

Finance
Health for Families and the Uninsured Subcommittee
To hold hearings on the problems of homeless mentally ill people, and S. 62, to require all States through their Medicaid program to develop and implement mobile out-reach teams that would bring homeless mentally ill people to assessment and referral centers.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Older Americans Act, focusing on home and community based long-term care.
SD-430

MAY 7

10:00 a.m.
Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on habeas corpus reform.
SD-226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for foreign assistance, focusing on AID management issues and reform efforts.
SD-192

Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Lawrence B. Lindsey, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System.
SD-538

MAY 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.
SD-138

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 484, to establish conditions for the sale and delivery of water from the Central Valley Project, California.
SD-366

MAY 9

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for veterans education and reemployment rights.
SR-418

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine insurance company insolvency.
SR-253

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 395, to establish the Department of Energy's Fast Flux Test Facility (FFTF) in the State of Washington as a research and development center to be known as the Research Reactor User Complex.
SD-366

MAY 13

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 570, to implement a national energy strategy, focusing on subtitle B of Title V, provisions relating to nuclear waste management.
SD-366

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for fossil energy and clean coal technology programs.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade.
SD-138

MAY 15

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Smithsonian Institution and the National Gallery of Art.
SD-116

Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on the views of officials in the law enforcement field.
SD-226

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on pipeline safety.
SR-253

MAY 16

9:00 a.m.
Veterans' Affairs
To hold hearings on S. 775, to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans, H.R. 153, to repeal certain provisions of the Veterans Judicial Review Act relating to veterans benefits, and sections 111 through 113 of S. 127, relating to radiation compensation.
SR-418

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Minerals Management Service, Department of the Interior, and the Indian Health Service, Department of Health and Human Services.
SD-116

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation.
SD-138

Rules and Administration
Business meeting, to receive a report from the Architect of the Capitol on current projects, and to consider other pending administrative business.
SR-301

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 21

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on enforcement of antidumping and countervailing duties.
SD-342

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Energy.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.
SD-138

3:45 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.
SD-138

MAY 22

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on Department of Energy environmental restoration and waste management programs.
SR-222

MAY 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.
SD-138

JUNE 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 5

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of the Interior, and Members of Congress.
S-128, Capitol

JUNE 6

9:00 a.m.
Veterans' Affairs
Business meeting, to mark up pending legislation.
SR-418

JUNE 18

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

CANCELLATIONS

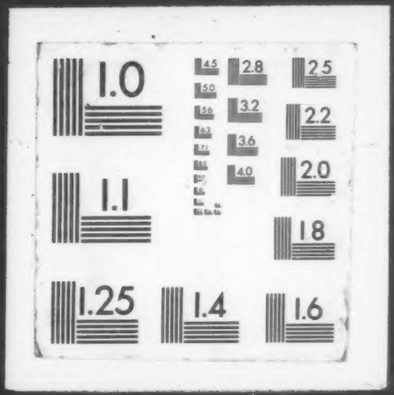
APRIL 24

2:00 p.m.
Environment and Public Works
To continue joint hearings with the Committee on Labor and Human Resources' Subcommittee on Labor to examine the environmental and economic implications of a free trade agreement with Mexico.
SD-430

Labor and Human Resources
Labor Subcommittee
To continue joint hearings with the Committee on Environment and Public Works to examine the environmental and economic implications of a free trade agreement with Mexico.
SD-430

MAY 7

1:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.
SD-138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